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INTERNATIONAL PROSECUTION SECTION

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ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT

Title and Nature: The Military Service Laws and Enforcement Regulations

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PERSONS IMPLICATED: None

CRIMES TO WHICH DOCUMENT APPLICABLE: None

SUMMARY OF RELEVANT POINTS

3373-A - Military Service Law

(Promulgated by Law No. 47 - March 31, 1927)  
(Revised by Law No. 1 - March 8, 1939)

3373-B - Military Service Law Enforcement Regulations

(Imperial Ordinance No. 72<sup>5</sup>, March 24, 1939)  
(Official Gazette, March 25, 1939)

Analyst: James Hoyt

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MILITARY SERVICE LAW.

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IN SERVICE JOURNALS

From the "Military Year Book." - Translated by T. Chikushi.

Promulgated March 31, 1927 as Law No. 47 (the second year of Showa).  
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Part I. General.

Art. 1. All males of the Japanese nation must serve their country in the military services according to the provisions of this law.

Art. 2. The military service is of four classifications, viz: Ordinary Service (service with the colors including the first reserve), the Second Reserve, Supplementary Service and National Service.

The ordinary service law is divided into active and first reserve service; the supplementary service into the first and second supplementary service, and national service into the first and second national service.

Art. 3. The regulations for those who volunteer for service are promulgated by Imperial ordinance.

Art. 4. Men who have been in prison for more than six years are not eligible for service in the army.

Part II. Types of Service.

Art. 5. The active service term for those conscripted is two years for the Army and three years for the Navy.

Men on active service are required to spend that period of time in barracks of the units to which assigned.

Art. 6. The term of the first reserve is five years and four months in the Army and four years in the Navy. Men who have completed the active service belong to this classification.

Art. 7. The second reserve term of service requires ten years in the Army and five years in the Navy. Men who have completed the ordinary service (active and first reserve) belong to this class.

Art. 8. The first supplementary service term is twelve years and four months in the Army and one year in the Navy. From those who are called up for service and who are in excess of the allotment required are placed in this classification as determined by this law.

The second supplementary service term is 12 years and 4 months. Those who are called out for this active service and the first supplementary service or who completed the first supplementary service of the Navy belong to this classification. The latter, however, are required to serve but 11 years and four months.

Art. 9. The first national service includes those who have completed the 2nd reserve and the supplementary service. They must have had actual service and military instruction, however, before passing to this class.

To the second national service belong those who have registered but do not serve either in the ordinary, reserve, or supplementary or 1st national service. The ages for this classification are between 17 and 40.

Art. 10. The active service term for those who graduate from the normal schools before the age of 25 (except for those who fail to qualify for primary school teacher) is five months which is an exception to the application of Art. 5. These special classes are called the "short term service men."

At the completion of the active service, men of this classification automatically pass to the first national military service.

Art. 11. If men called to the colors have received the young men's training or training recognized to be of the same standard, their terms of service are shortened by a maximum of six months. The provisions of this article are carried out by Imperial order.

Art. 12. If men are assigned to arms or branches of the service where it is possible to complete training within one year and a half, their term of service may be shortened by Imperial order.

Art. 13. Omitted.

Art. 14. If soldiers on active service are included in one of the following, their term of service may be shortened:

- a. If a soldier is a man of excellent conduct and is proficient.
- b. If the strength of the unit to which attached becomes more than the authorized number.

Art. 15. Arts. 11 to 14 do not apply to short term service men.

Art. 16. When a man is discharged according to the provisions of Arts. 11 to 14, the time that the term is shortened by is counted as active service in the records.

Art. 17. The terms of service of the active and supplementary services are counted from the first of December of the year in which conscripted.

The active service of the short term service man is counted from the first of the month of actual entrance into barracks.

In time of war and emergency the date of the above provisions may be changed.

Art. 18. The services decided in Arts. 5 to 8, Art. 9 (first clause) and Art. 10 are limited to 40 years of age regardless of the period of time required to complete the separate classifications.

Art. 19. When the following applies, the term of service may be prolonged:

- a. In time of war or emergency.
- b. In time when overseas or defense maneuvers preparations are undertaken.
- c. When, during operations, the term of service expires en route in a vessel or in a foreign country.
- d. When important maneuvers or special army reviews are to take place.
- e. In time of great natural calamities or in unavoidable circumstances.

In any prolongation as authorized above, credit is given on the next period of active service to which called.

Art. 20. When a family is dependent for support upon a conscript who is about to enter the service, such a person may be exempted from active service provided the dependency actually exists.

Art. 21. When men of the active, reserve, or supplementary services cannot serve at the time of levy on account of illness, injuries or mental disorders, or when exempted temporarily under the provisions of Art. 20, they may have the time of induction into the service deferred. But those who, in the opinion of the examining authorities, will probably never be able to enter into the active by reason of any of the disabilities mentioned above may be exempted from service for all time. The type of classification (deferred) decided upon is promulgated by Imperial order.

Art. 22. If a soldier in active <sup>service</sup> is to be sentenced to prison ( for a term of less than six years) either before or after he completes his active service, such time of imprisonment or time while in escape is not counted to the days of his service,

Part III. Conscription.

Art. 23. If those who are under the census registration law become 20 years of age before December 1st (of the year previous to that in which registration is due) and November 1st of the following year, they must undergo the examination for military service, subject to exceptions and contrary provisions contained elsewhere, however.

The "year" within the meaning of the article above is called the "conscription year."

Art. 24. If there is in a family one who will reach the age of 20 between December 1st and 31st, the head of the family must report the matter to the mayor or headman of the city or village by the last of January of next year; if someone is to become 20 years between January 1st and 31st, the head of the family must also report this by the last of January of the same year. If the head of the family becomes 20, the procedure is the same.

This rule, however, does not apply to those who may be subject to the special exceptions and provisions elsewhere contained in this law.

Art. 25. In order to handle the youths of conscription age, "Conscription Handling Districts" are established which are divided into recruiting districts. The nature, scope, limits, etc. of these districts are decided by Imperial order.

Art. 26. Allotments or assignments of numbers of conscripts are given to these conscripting and recruiting districts. The numbers for any particular levy or district is estimated.

Art. 27. The allotments or assignments of numbers refer only to such men as are actually under the jurisdiction of a particular district.

Art. 28. If a particular district cannot meet the required allotment or assignment, another district must be levied upon.

Art. 29. The examination (not physical) undergone by conscripts is taken at the recruiting district of the conscript's registered domicile. But the conscript can undergo the physical examination in another district.

Art. 30. If the conscript did not take the examination at the time of becoming of conscript age, he must take it the following year.

Art. 31. Those who are to serve in the active or first supplementary service after receiving physical examination, even when they are to go to be included in another district's quota, are counted as a credit for their own district.

Art. 32. After conscripts are physically examined they are divided into four classes:

- a. Those who are fitted for active service.
- b. Those who are not fitted for active service but who pass to the national service.
- c. Those unfitted for the military service.
- d. Those whose cases are pending and the decisions of which are held in abeyance.

The standards or qualifications for the above classifications are decided by Imperial order.

Art. 33. a. From the physically fit the men are taken for the active service followed by the supplementary service (first) in order of physical fitness, those with slight defects being placed at the end of the levy. Such order and the allotted numbers per district are decided by Imperial order.

b. The branch of service is decided by the (technical) skill of the conscript or by the profession he pursued in civilian life.

c. Those not taken for the active or the first supplementary services are levied at the second supplementary service.

d. In deciding the order of physical condition as stated in a above, if a number is considered equal, the number is determined by lot in all branches.

e. Those, however, who are to be taken for the active service may volunteer for such service without regard to the casting of lots when their branch is decided.

Art. 34. Those who are not fitted for active service but for national service are not conscripted.

Art. 35. Those not fitted for the military service are exempted.

Art. 36. Those whose cases are pending decision as to their fitness for the service may have the conscription postponed and must take the examination every year until decision is arrived at.

Art. 37. If a conscript is suffering from some grave physical or mental defect recognized by the Imperial order covering exemption, he must be exempted upon production of papers or documents proving the facts.

Art. 38. Those who, while fitted for active service physically, have qualified under the provisions of Art. 10 for short time service are taken as the latter in spite of the general interpretation of Art. 32.

The regulations in Arts. 26 to 28 are not applied to short term service men.

Art. 39. Those who are to undergo the examination may forego same if included in the following:

- a. When called up for preliminary examination for trial on account of a crime committed.
- b. When in prison on account of a crime.
- c. When they are under suspension of sentence for crime committed.
- d. If released provisionally (from prison sentence).
- e. When they are taken to a reform school, house of correction or hospital under the provisions of the law affecting such cases.
- f. When permitted provisional release from such reform school or house of correction.
- g. The above also applies to those whose cases are pending in addition to those fitted for active service.

Those under f or g above must undergo their examinations the year following such provisional release or following when the release is made permanent.

Art. 40. If proof is offered that the conscript about to enter the service is the sole support of a family, entrance into the service may be postponed for two years. This applies, however, only to bona fide cases. Examination, however, must be undergone when such dependency ceases, or when it ceases within the two years postponement the following year.

If the dependency does not cease during the two years postponement, they must again undergo the examination the year following the expiration of the postponement. However, in the event of the continuency of the dependency, the conscript is not conscripted for the active or first supplementary service.

The term of postponement as mentioned in the first clause above is reckoned from December first of the year in which they take the examination.

Art. 41. For those who are attending middle school or a school recognized to be of the same standard, the date of conscription may be postponed if they are pursuing their course of study until they are 27 years of age.

Imperial order is promulgated in regard to the full definition of the above postponement.

Those short term service men who are permitted to postpone their entry into active service in accordance with this article, must take the examination when they have finished their course at school or the following year. But those who enter<sup>a</sup> school or university (higher than middle school) within six months of finishing their middle school course, the postponement permitted is assumed to be continued in force.

If men are unable to graduate up to the age of 27 they are forced to take the examination the following year.

Art. 42. For those residing abroad when they become of conscription age, such entry into the service may be postponed. Those who have their entry postponed, however, must take the examination when foreign residence ceases or the year following.

Art. 43. When those whose terms of service are postponed in accordance with Art. 42 above return to Japan temporarily on account of the death or serious illness of their parents, wives or children, or Government orders, the reasons for postponing entry into the service are recognized to be in force for the following year. This does not apply, however, when such visit is more than 90 days. When they do not enter the army after return and after being permitted to postpone such entry on account of foreign residence or they are included under the provisions of one of the six conditions of Art. 39, they may be permitted only to postpone entry for a period of thirty-one days or less.

When those who are to enter the active service cannot enter within the postponement allowed under this article, they must undergo the examination once more. But in the case of those mentioned in Art. 131 (omitted) they are permitted to enter the army at the next annual induction without taking the examination.

Arts. 44-45-46 Omitted.

Art. 47. When those who are to enter the service as active soldiers are taken ill or sustain injuries, in either case disqualifying them for active service for more than 31 days, they are ordered home and must take the examination once again except those who come under the rules of Art. 21.

Art. 48. When there are vacancies in the numbers called up for active service through various discharges, postponements, etc., they are filled from the first supplementary service men of one year's service or more and in the order of their conscription.

The provisions of Arts. 27-28 apply also in the case of vacancies as in Art. 48.

Art. 49. Men who are conscripted, if surplus and if more than two conscripts in this status at any one place and time, must have their conscription order determined by lots as set forth in Art. 33-e. This, however, does not apply to the following classes:

1. Those who are mentioned in the 3rd or 4th paragraph of Art. 41.
2. Those who are mentioned in the second clause (sentence) of Art. 42 of Art. 44.
3. Those who are included in the second clause of Art. 46 (omitted).
4. Those under Art. 47.
5. Those under the first clause of Art. 66.
6. Those included under Art. 67.
7. Those imprisoned for crime as set forth in Art. 74.
8. Those imprisoned for crime as explained in Art. 76.

Conditions 1-2 and 5-6 apply only to those who are past the conscription age.

The order of conscription of those mentioned above precedes those who are mentioned in pars. c and d of Art. 33.

Art. 50. Those who have been in prison for crime as defined in Arts. 74 or 76, postponements as determined by Arts. 40-42, 44 and 45 is not permitted.

Art. 51. When it is discovered that persons were omitted from the census registration and that these persons are of conscription age, they must take the examination the year they are discovered or the following one.

When those who have taken the examination become of age upon correction of their ages or date of birth listed in the census register, they must take the examination once more except the following:

- a. Those who are in active service or who have completed same.
- b. The supplementary service men who are in service or who completed same.
- c. Those exempted from the service under Art. 37.

Art. 52. If one who is exempt from service under the census registration law enters a family in which there is no question of dependency, they are exempt from service.

The same applies to Japanese who take steps to recover their nationality after they pass the conscription age.

Art. 53. According to the following articles 30-36-39.c-40, pars. 2 and 3, 41, pars. 3 and 4, 42, second clause, 44, 46, 2nd clause (article omitted), 47, 51, first paragraph, 66, first clause and 67, those who are to undergo examination under the provisions of these articles are finally, when they pass the age of 37, exempted from the service.

#### Part IV. Levy <sup>\*</sup> (Temporary).

Art. 54. The soldiers released from service before the expiration of service, first or second reserve, supplementary or national service, are called up for service, if need be, in time of emergency or war.

Art. 55. The classes defined above in Art. 54 are called up to fill any allotments which are to be made in case of shortage in time of need.

The soldiers of the first reserve who have served one year are next levied when shortages occur.

Art. 56. Soldiers in the 1st or 2nd reserve are levied in the order that they are called to the colors five times during the term of the first and second reserve service, or, in a fifteen year period, they will be called out once in every three years on an average.

The levy is called out annually (but does not affect all men of this class except as stated in the above paragraph), the term for the Army being 35 days and for the Navy 70 days.

Art. 57. The first supplementary service men are called for less than 20 day periods.

Art. 58. The supplementary service men are called to the colors for training in order to keep them fit for any emergency.

Art. 59. If those who commit some crime or are punished while with the colors, the number of days they lose by such imprisonment or absence from duty need not be made up. This rule also applies to those who report late without sufficient reasons therefor.

\* As stated elsewhere, these same rules apply to the annual training of reservists, also for those who are called up for the first time.

Art. 60. The soldiers who are released before the expiration of service, first reserve and the supplementary service men must respond to the annual call for reservists inspection.



Art. 61. If the soldiers of the above stated classes come within the provisions of any of the following they are exempted from annual training and inspection:

- a. Officials whose presence are highly necessary for the conduct of Government business.
- b. Mayors of cities, headmen of villages or towns ~~xxxxxx~~ or assistants, also town, city, or village treasurers or fiscal officers.
- c. Members of the Diet, the prefectural assemblies, and city or town assemblies when in session.
- d. Those staying or travelling abroad.
- e. Crews of ships plying on regular lines to and from foreign ports.

Art. 62. When by reason of illness or injuries a soldier is prevented from responding to the levy on the due date, he may postpone same up to ten days.

When unable to respond for service even after the ten days are up, such service men may change the date of training to some other convenient time, either the day or the year.

These same rules apply to those who are to report for reservists' inspections.

If it is decided that the man called up for training cannot possibly stand the rigorous training by reason of illness they may be exempted.

Art. 63. If there is proof offered that the soldier entering the service for training will cause distress to his family (i.e., if he is the sole support), he may be exempted, providing the case is a bona fide one.

#### Chapter V. Miscellaneous.

Art. 64. When the first supplementary men are called for active service and serve according to the regulations of Art. 48, the term of the first supplementary service performed previously is added to the term of active service.

Art. 65. If some men enter the army at a date later than the ordinary date of entrance in accordance with Art. 46 (omitted), they are held to have entered the army at the proper time in the calculation of the period of service.

This rule, however, does not apply to those who have committed some crime or whose failure to enter is due to insufficient reason or cause.

Art. 65 also applies to those who have had their entrance into the army postponed under the provisions of the first clause of Art. 62.

Art. 66. If those who have been enlisted at their own request and who are found to have been excluded from the military register on the grounds of failure to complete the full course of military service (on account of discharge for dependency, etc), they are obliged to again take the examination for conscription.

If they are levied for active service after taking the prescribed examination in accordance with the above, the term of their active service is calculated according to Imperial order.

Art. 67. If those who have completed the "short term service" (Art. 10) before they become 28 years of age are included in one of the following, they must take the examination for conscription. When so included, the term of their former service is added to the term of active service that they must undergo.

But if inducted under the provisions of Art. 13 (omitted) the former stay in barracks is not counted.

- a. When they are deprived of, or fail to maintain, qualification for teacher in primary school.
- b. When they are not engaged as a teacher for six months after completing their term of short service.
- c. When they lose their qualification as primary school teachers during their term of service.

Art. 68. The government can order those included in Art. 67 to report on matters in regard to military service not included in this law.

69. The headman of a village or other responsible official must enter on the margin of every man's census register, the service that the man in question has rendered in the military services.

Art. 70. Under this law, if any conscript or man subject to conscription wants to make any request or forward any correspondence with reference to his status, if he is prevented by sickness or injury from doing so, the head of the family is authorized to act for him.

Art. 71. In this law, the regulations concerning the head of the family apply with equal force to those who are interested in the affairs of the family or unofficially act for the family, in the event that the head of the family is under age or incompetent.

However, this does not apply in the case where such minor or incompetent has a legal guardian.

Art. 72. In this law the regulations applicable to the mayor of a city or town (except Art. 61) are also applicable to the headman of a village or in a large city, to the officials of a district where the census register is handled.

Art. 73. In the schools mentioned in this law are included those school established for Japanese outside of Japan which are recognized by Imperial order.

Art. 74. If, in order to escape conscription, some flee the country or district, maim or injure themselves, feign illness, or in other ways deliberately conspire to avoid service, they are liable to penal servitude of not more than three years.

75. If those who are called to service are late without sufficient reason or cause, and who fail to report within ten days after the ordered date of entrance into the Army, they are liable to imprisonment for a period of six months, and if committed in time of war and fail to report in five days, they may be imprisoned for a period of one year.

This article also applies to those who are enlisted at our request.

Art. 76. Those who fail to take the prescribed examination for conscription without sufficient reason, are liable to a fine of not exceeding fifty yen.

Art. 77. Those who do not report the matters regulated by Art. 24 (report when a young man reaches the age of 20) are subject to a fine of not more than ¥50.

Art. 78. The above four articles apply to all those who violate the law including those who are residing outside of Japan.

#### Additional Rules.

This law is effective December 1, 1927.

Those who are actually in the service as First Reserves are included under the former law for the interpretation of their term of service. The second clause of Art. 55 is not applicable to these cases.

Under the provisions of this law, those who are actually in the supplementary service at the time of the enforcement date, must serve as first supplementary men.

In the case of those who are permitted to delay their induction into the service according to Art. 23 of the former law, the former law applies. But the order of their entry into the service is determined by Art. 49 herein.

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From "The Military Year Book, page 543."  
Imperial Order for the Enforcement of the Military Service Law.  
Imperial Order No. 330 - Nov. 30, 1927.  
Imperial Order No. 70 - 19 29.

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Chapter I. The Military Service of Volunteers.

Section 2. Soldier Applicants.

Art. 7. Young men from 17 to the conscription age - 20 years - who volunteer for service, are sometimes accepted for three years.

The qualifications of those mentioned above are the same as the ordinary active soldiers according to the regulations of the Military Service Law and this order.

Volunteers for the transport corps or hospital orderlies are not accepted unless duly qualified.

The age of enlistment stated above is inclusive to December 1 of the year in which enlistment is sought.

Art. 12. Superior class privates of military police and musicians must serve for the following terms:

a. Active service for superior class privates of the military police is for a period of four years; for musicians, the term of service is calculated from the first day of December in the year in which accepted and is for five years.

b. Reserve service - Seven years and four months, but this term includes the active service performed.

c. The second reserve service is 17 years and four months but this term includes the term of both active and first reserve services.

d. In time of war or emergency the date of reckoning stated in c. above can be changed.

e. The term of active service stated in a. above can be prolonged by the soldier's request.

f. When those who have served over two years as active superior class privates or military police or as musicians are found to be inefficient or not adapted to the service, their terms of service may be terminated.

Chapter II. Service.

Section 1. Ordinary Rules.

Art. 21. The active soldiers (except soldiers released from service before the expiration of their terms) are enlisted in the military register of the corps to which they belong.

The released soldiers, the first and second reserves, and the supplementary service men are enlisted in the military register of the regimental district of their native provinces.

The naval active service, <sup>and</sup> first and 2nd reserve men, are enlisted in the register of the naval section of their native provinces.

However, the naval register of the active service men can be changed by direction of the Minister of the Navy.

Art. 22. No written order is necessary in the case of men who finish one class of service and go into another; the action is automatic. The day after the completion of one class of service is the beginning of the date of service in the next class.

The above also applies to those who leave the army according to the second clause of Art. 9, of the Military Service Law, or to Art. 18 of the same law.

Section 2. Short Term Active Service men.

Art. 25. The short term service men are sometimes made to serve in the army or navy according to military necessity. Their preferences, however, as to types of service are considered.

Those who are under the first clause of Art. 10 of the Military Service Law are not required to serve in the Navy.

Art. 27. The short term service men who are inducted into the Army must be assigned to the Infantry. Similarly the men who enter the Navy must serve in some section pertaining to gunnery.

Art. 28. The short term active service men are appointed first class privates about two months after entering the service, superior class privates after four months, and corporals when the term of service expires; in the Navy they are appointed seamen, third class, about one and a half months after they enter the service, seamen second class after three months, and seamen firstclass after four months and a half of service. They are appointed petty officers, third class, at the expiration of their terms.

Those included under the second clause of Art. 10 are appointed first class privates about four months after they enter, superior class privates after six months service, and corporals when their terms expire. This provision is in conflict to the first part of Art. 28 above.

### Section 3. Shortening of the Term of Service.

Art. 31. The shortening of the term of service according to the regulations of Art. 11 of the Military Service Law is applicable to those who have passed the examination, the standards of which have been promulgated by the Ministers of War and Navy. The term of the infantry soldiers is shortened by six months (as a maximum) except for men of the tank corps units, and not more than 60 days for the men of the other branches (except those mentioned in Art. 33) of the Army and Navy.

This is not a physical examination but one given to the men to determine their military fitness.

These men, however, once in the service, cannot be discharged on account of unfitness for the service. The interpretation of the second clause of Art. 11 and its promulgation is carried out by the Ministers of War and Navy.

Art. 32. The shortening of the term of service in the Army is applicable to those who are included in one or more of the <sup>following</sup> classifications if the Minister of War considers that it is not incompatible with the good of the army. The term is shortened by forty days:

- a. Those who do not finish the young men's military training or training recognized to be of the same standard.
- b. Those who have completed the young man's training but who fail to pass the examination set forth in the first part of Art. 31.
- c. Those who are considered inapt or unfitted for the service.

Art. 33. The arms of the service whose terms are to be shortened according to Art. 10 (apparently a misprint as this article refers to short term service men) of the Military Training Law, are transport soldiers and men of the medical service; the term of service in the army is as follows:

- a. Transport: About two months.
- b. Soldier Nurses or artificers: One year and a half.
- c. Asst. soldier nurses: Three months.

Art. 36. The prolonging of the term of service and its termination according to the regulations of Art. 19 of the Military Service Law are decided temporarily by the Ministers of War and Navy, but the prolonging of the service and its termination (naval service) can be decided by the commander of a naval station when the enlisted man is on a voyage or serves abroad.

In time of war when it is impossible to wait for the order of the commander or the Minister, those to whom the first clause of Art. 11B are applicable (this article not included herein) can prolong the term of service of conscripts when necessary on his own responsibility. In this case where the commander acts under the provisions of this article he must report the action taken to the Minister of the Navy.

Art. 37. When the first or second reserve, supplementary and national service men are levied in time of war or emergency, if the term of their service expires, their terms are prolonged until the order of termination of the Minister of War or Navy is received.

Section 6. Calculation of the Term of Service.

Art. 40. In the case of soldiers who enter the service for two different periods of service, the last term commences from the first of the month in which they enter. The calculation of the term of service of those whose entrance into the service is according to the provisions of Art. 45, first clause (omitted) of the Military Service Law. It is the same as for those who enter the service the same year at the proper time.

Art. 41. The term of service of those who changed their service in accordance with Art. 21 of the Military Service Law and Art. 38 of this order is as follows:

a. The term of service of the first reserve for those who have been exempted from active service and placed in the first reserve is seven years and four months for the Army and seven years in the Navy. This includes the term of service up to the time they had changed.

b. The term of service of the supplementary reserve service of those who are exempted from active service and changed to the supplementary service is twelve years and four months, including the term they had served in the active service.

Art. 78. Those who reside temporarily in another conscription district can take the military examination at their residence if they so desire.

End.

G-2 Report.

Japan (Military)

Subject: Revised Service Regulations  
for Army Military Men.

(From the Official Gazette Extra of 30th Nov.1927)

Chapter I - Introduction.

Art. 1 - Officers, warrant officers and noncommissioned officers on active service are placed in the military registers of the units to which they belong. Officers and warrant officers are made to serve until the time at which they attain their age limits for active service, except when specially expressed to the contrary; and NCOs until the time at which they complete their periods of active service.

Art. 2 - Officers and warrant officers on the waiting list, on half pay or on the suspended list, and officers, warrant officers and NCOs in the 1st or 2nd reserve, are placed in the military register of the divisional districts where their respective places of legal residence lie. Officers and warrant officers are placed under the jurisdiction of the division commanders; and NCOs, under the jurisdiction of the regimental district commanders.

Art. 3 - The period of service for officers, warrant officers or NCOs can be extended in time of war or an emergency, or whenever needed. This, however, does not affect the termination of another kind of service.

The provisions laid down in Art. 36 of the Military Service Act Enforcement Regulations is applied with modifications to the case of an extension of a period of service under the provisions of the preceding paragraph.

Art. 4 - A period of service prescribed in the present regulations is calculated by the month except when specially expressed to the contrary; the last day of the final month being the end of the period.

Art. 5 - The provisions given in the present regulations concerning officers are applied to departmental officers except when specially expressed to the contrary.

Chapter II - Service for Officers and Warrant Officers.

Art. 6 - The service for officers and warrant officers is divided into active service, service in the 1st reserve and service ~~in~~ in the 2nd reserve. Transfer from one kind of service to another is conformable to the regulations for the Privileges and Obligations of Officers and to other provisions regarding the privileges and obligations of officers and warrant officers; in addition to what is laid down in the present regulations.

Art. 7 - The age limits for active service of officers and departmental officers are as follows:

Officers.

Generals	65
Lieut. Generals	62
Major Generals	58
Colonels	55
Lieut. Colonels	53

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Majors	50
Captains	45
Lieuts. & 2nd Lieuts.	45

Departmental Officers

Int.Lieut.Generals	
Surgeon Lieut.Generals	62
Vet.Lieut.Generals	

Int. Major-Generals	
Surgeon Maj-Generals	
Pharmacist Maj-Generals	60
Vet.Major-Generals	

Intendant Colonels	
Surgeon Colonels	56
Pharmacist Colonels	56
Veterinarian Colonels	

Int.Lieut-Colonels	
Surgeon Lieut-Cols.	54
Pharmacist Lt-Cols.	
Vet.Lieut.-Colonels	

Int. Majors	
Surgeon Majors	52
Pharmacist Majors	
Veterinarian Majors	

Intendant Captains	
Surgeon Captains	
Pharmacist Captains	
Nurse Captains	50
Veterinarian Captains	
Bandmaster Captains, Lieuts. & 2nd Lieuts.	

Int.Lts. & 2nd Lts.	
Surgeon Lts. & 2nd Lts.	
Pharmacist Lts. & 2nd Lts.	47
Nurse Lts. & 2nd Lieuts.	
Vet.Lieuts.& 2nd Lieuts.	

No age limit is fixed for Field-Marsals.

Art. 8 - The end of the period of service for an officer in the 1st reserve is March 31 of the year following that in which he attains his age limit.

The end of the period of service for such an officer in the 1st reserve as was a candidate for a cadre member is Mar. 31 of the year following that in which he attains his 45th year of age, irrespective of the above provision.

Art. 9 - The end of the period of service for an officer in the 2nd reserve is March 31 of the 6th year from the year in which he attains his age limit.

The end of the period of service in the 2nd reserve for one prescribed in the 2nd paragraph of the preceding article is March 31 of the 5th year counted from the year in which one completed the period of service in the 1st reserve.

Art. 10 - The age-limits for warrant officers are as follows:

- (1) Special sergeant majors of the Infantry, Cavalry, Artillery, Engineers, or Aerial or Transport Troops. 40
- (2) Other warrant officers 48

Art. 11 - If one mentioned under head 1 of the preceding article has attained one's age-limit and retired from active service, one is made to serve in the 1st reserve. If, however, the period of service in the 1st reserve is already up, one is made to serve in the 2nd reserve.

Art. 12 - The end of the period of service in the 1st reserve for one mentioned under head 1 of Art. 10 is March 31 of the 6th year counted from the year in which one attains one's age-limit; the end of the period of service in the 2nd reserve, March 31 of the 11th year counted from the year in which one attained the age-limit.

Art. 13 - The end of the period of service in the 1st reserve for one mentioned under head 2 of Art. 10 is March 31 of the year following that in which one attained one's age-limit; the end of the period of service in the 2nd reserve, March 31 of the 6th year counted from the year in which one attained the age-limit.

Art. 14 - If an officer on the waiting list, on half pay, or in the 1st or 2nd reserve wants to travel or reside abroad, he will report the purpose, name of the country, and length of time to the Minister of War. The same is the case when any of the items is changed. He is, however, not required to make the report if he travels or resides by official order.

~~two~~

If one mentioned in the preceding paragraph fails to make a report prescribed in the same paragraph or makes a false report, the Minister of War can call him back.

The provisions of the preceding two paragraphs are applied with modifications to warrant officers.

### Chapter III - Service for Noncommissioned Officers.

Art. 15 - The service for noncommissioned officers is divided into service with the colors, service in the 1st reserve, and service in the 2nd reserve. Excepting a case specially provided for in the present regulations, one is made to serve in the 1st reserve on completing the period of service with the colors; and in the 2nd reserve on completing the period of service in the 1st reserve.

Art. 16 - The periods of service with the colors for noncommissioned officers are as follows:

(1) Noncommissioned officers of the Military Police - 6 years including the duration of any previous service.

(2) Noncommissioned officers of the Infantry, Cavalry, Artillery, Engineers, or Aerial or Transport Troops (except master-artificers of the Artillery or Engineers), and noncommissioned officers of the Intendance or Medical Corps - 4 years, including the duration of any previous service. However, in the case of those who become NCOs under the provisions laid down in Art. 67 of the Army Personnel Supply Regulations, 3 years counted from December of the year of appointment.



(3) Master artificers of the Artillery or Engineers - 3 yrs counted from December of the year of appointment.

(4) NCOs of the Veterinary Corps - 5 years, including the duration of any previous service.

(5) NCOs of the Band Corps - 5 years counted from December of the year in which they were made assistant bandmen.

(6) Those NCOs in the first or second reserve who engaged in service with the colors, and those superior class privates released before the expiration of their period of service with the colors or serving in the 1st or 2nd reserve who were made NCOs with the colors - 2 years counted from December of the year in which they were re-engaged in service with the colors or were made NCOs with the colors; irrespective of the provisions laid down under any of the preceding heads.

Art. 17 - The age-limits for NCOs are as follows:

(1) Those NCOs of the Infantry, Cavalry, Artillery, Engineers, or Aerial or Transport Troops who are serving with troops; excepting master-artificers of the artillery or engineers - 40.

(2) Other NCOs, 45.

Art. 18 - A NCO can be permitted a number of times to re-engage in service with the colors on completing the periods of service with the colors successively until he has attained his age-limit.

Art. 19 - NCOs serving with troops (including those assigned to training units, students' units, pupils' units, practice units, and the students' branch and equitation branch of the Military Academy, this rule obtaining throughout the present ordinance), are made to live in barracks. The Minister of War can, however, make a limited number of them live outside barracks.

Even in the case of a NCO with the colors who is not serving with troops, the Minister of War can make him live in barracks, if required.

Art. 20 - A NCO with the colors may be exempted from service with the colors by his own desires if there occurs a cause that renders it impossible for none but him to support his family.

Art. 21 - One is exempted from service with the colors if incapacitated in the course of one's service with the colors by illness or other bodily or mental abnormality for service with the colors; or exempted from service with the colors, in the 1st and 2nd reserve; or exempted from military service, if incapacitated for military service.

Art. 22 - A NCO with the colors who has served four years or more including the period of any previous service can be regarded as a time-expired man.

Art. 23 - If the length of time prescribed in Art. 24 has not expired when a NCO leaves the service with the colors, he is made to serve in the 1st reserve; if the length of time prescribed in Art. 25 has not expired, he is done so to serve in the 2nd reserve.

Art. 24 - The end of the period of service in the 1st reserve for NCOs is March 31 of the 9th year counted from the year of appointment.

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The end of the period ~~in~~ of service in the 1st reserve for one mentioned in Art. 80, paragraph 1, head 4, of the Army Personnel Supply Regulations, is March 31 of the year following that in which one attains one's 35th year of age, irrespective of the provisions laid down in the preceding article.

Art. 25 - The end of the period of service for NCOs is March 31 of the 11th year counted from the year in which the period of service in the 1st reserve prescribed in the 1st paragraph of the preceding article is up.

The end of the period of service in the 2nd reserve for one mentioned in Art. 80, paragraph 1, head 4, of the Army Personnel Supply Regulations, is March 31 of the year following that in which one attains one's 48th year of age, irrespective of the provisions laid down in the preceding paragraph.

Art. 26 - A NCO in the 1st or 2nd reserve is exempted from military service if incapacitated perpetually for service by illness or other bodily or mental abnormality while at home.

A NCO in the 1st reserve is exempted from service in the 1st and the 2nd reserve if incapacitated for service in the 1st and the 2nd reserve by illness or other bodily or mental abnormality when under levy, serving as an element of a unit, or under treatment in a garrison hospital; or exempted from military service, in incapacitated perpetually for service. The same is the case with exempting a NCO in the 2nd reserve from service in the 2nd reserve or from military service.

Art. 27 - If a NCO is under 40 on the day on which his service expires, he is made to serve in the 1st national army until the day of attainment to his 40th year of age.

Art. 28 - If a NCO is over 40 but under 45 on the day on which his service expires, he is exempted from service the following day.

Art. 29 - If a NCO attains his 45th year of age while in service, he is exempted from service on March 31 of the year of attainment to his 45th year of age, irrespectively of his period of service.

Art. 30 - A NCO with the colors who is exempted from service with the colors and in the 1st and 2nd reserve under the provisions of Art. 21, or a NCO in the 1st reserve who is exempted from service in the 1st and 2nd reserve under the provisions of Art. 26, or a NCO in the 2nd reserve who is exempted from service in the 2nd reserve under the provisions of Art. 26, is made, if under 40, to serve in the 1st national army until the day of attainment of his 40th year of age.

Art. 31 - One who was formerly a NCO and is placed in the national army by volunteering, is regarded as one serving in the national army during the period in question.

#### Chapter IV - Levies.

Art. 32 - Officers, warrant officers and NCOs in the 1st or 2nd reserve are levied as required in time of war or an emergency. In ordinary times, they are levied for training duty.

NCOs in the 1st or 2nd reserve can be subjected to roll call inspection once every year.

Art. 33 -  
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Art. 33 - The provisions laid down in Arts. 56, 59 and 61 to 63 of the Military Service Act and in Chapter IV and Art. 143 of the Military Service Act Enforcement Regulations are applied with modification to the levy of officers, except in the case prescribed in the second paragraph and of warrant and noncommissioned officers, or to the roll call inspection of NCOs.

Notice of the levy of a general officer is given direct by the division commander.

#### Chapter V - Miscellaneous.

Art. 34 - No letter of instruction is employed in the case where an officer or warrant officer in the 1st reserve completes the period of service in the 1st and enters into service in the 2nd reserve; where an officer or warrant officer in the 2nd reserve completes the period in the 2nd reserve and is placed on the retired list; where a NCO in the 1st reserve completes the period in the 1st of service in the 1st and enters into service in the 2nd reserve; or where a NCO in the 2nd reserve completes the period of service in the 2nd reserve and enters into service in the 1st national army.

Art. 35 - If a NCO comes under any of the following heads, he is regarded as having been removed from his post as such; no letter of instruction being employed:

- (1) When he completes the period of service in the 1st national army.
- (2) When he is exempted from military service.
- (3) When he is over 40 and exempted from service.

Art. 36 - A NCO placed on the military register as an army cadet or a navy student or cadet is removed from his status and service as a NCO on the day on which he is placed so.

Art. 37 - If a NCO placed on the military register as an army cadet or a navy student or cadet is removed from his post as a student or cadet, he is restored, on the day of removal, to the status of a NCO from which he was removed under the provisions of the preceding article, except in the case where he is to be made a private under the provisions of Art. 39. If, however, the grade held by him as an army cadet or a navy student or cadet is superior to his former grade, he is placed in a grade corresponding to that held by him as a student or cadet.

One mentioned in the preceding paragraph is regarded as having been put out of service with the colors on the day of removal from one's post as a student or cadet; and is governed by the provisions of Art. 23.

The provisions of Arts. 21 and 26 are applied with modification to one mentioned in the 1st paragraph.

Art. 38 - A NCO sentenced to an imprisonment without hard labor or a heavier punishment is deprived of his office.

The above provision is not applied to one sentenced to an imprisonment of less than one year under the Army Penal Code or the Navy Penal Code.

Art. 39 - A NCO coming under any of the following heads is made a 1st class private of the arm or department in question; if, however, there is no grade of 1st class private in the arm or depart-

ment in question, he being made a 1st class private in the original arm or department; if there is no such grade in the original arm or department, then a 1st class private of the infantry.

(1) He who is deprived of his office under the provisions laid down in the 1st paragraph of the preceding article.

(2) He is who is deprived of his office under the Army Disciplinary Punishment Regulations.

(3) He who was placed on the military register as an army cadet or a navy student or cadet, but is removed from his post as such on account of having breached military discipline or often violated rules or been so bad in conduct as to give no promise of correcting himself.

Art. 40 - The service for one who is appointed NCO from private without volunteering is conformable to what is laid down in the Military Service Act and the Military Service Act Enforcement Regulations.

If the above mentioned one re-engages in service with the colors by volunteering, then one is regarded as having originally been appointed NCO by volunteering.

Art. 41 - The period of service in the 1st reserve or in the 2nd reserve for one who is appointed NCO from a candidate for a cadre member is counted from the 1st of the month of entry into barrack life, irrespective of the provisions of Arts. 24 and 25. In the case of service in the 1st reserve, the period extends to the day on which 7 years and four months are up; in the case of service in the 2nd reserve, to the day on which 17 years and four months are up.

If one mentioned above is made an officer in time of war or an emergency, one is made to serve in accordance with the provisions laid down in the 2nd paragraph of Art. 8 and of Art. 9.

#### Supplementary Provisions.

The present ordinance takes effect on December 1, 1928.

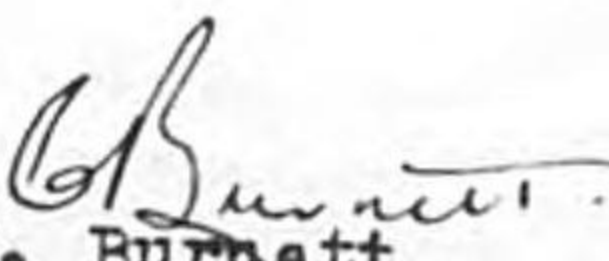
Imperial Ordinance 442 of 1921 is hereby rescinded.

The old provisions are still to be conformed to in regard to the period of service in the 1st and in the 2nd reserve for those who completed their service with the colors as one year volunteers or as one year service men with the colors before the enforcement of the present ordinance.

#### (Reference)

Imperial Ordinance 442 of 1921 (November 17) referred to the Special Supply, Service, and so forth of the NCO to be put on duty in regard to aviation.

(The End)

  
C. Burnett  
Lieut. Colonel, Cavalry,  
Military Attache.

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MILITARY SERVICE LAW ENFORCEMENT REGULATIONS

(Imperial Ordinance No. 75, March 24, 1939)  
(Official Gazette, March 25, 1939)

CHAPTER I - MATTERS RELATIVE TO THE MILITARY  
SERVICE VOLUNTEERS.

Section 1. Officers and Officer Candidates.

Article 1. Matters concerning the service of officers and naval cadets of various branches of the service are to be disposed of as specifically determined, unless prescribed in this chapter.

Article 2. The students of various schools of the army, who are to be appointed to commissioned grade (except those coming under Article 115, paragraph 1 of the Army Replacement Regulations, candidates for reserve officers, and candidates for reserve officers of Air Service), as well as those who are enlisted as students and cadets at naval schools, are to be considered as being in the active service.

Article 3. Regarding their position in military service, candidates for reserve officers of Air Service, are to be considered as in the active service during their training period specified in the Army Replacement Regulations, and as in service in the first reserve during the period between the completion of their training period and their appointment to commissioned grade.

Those coming under Article 115, par. 1 of the Army Replacement Regulations are to be considered in active service.

Article 4. The provisions of Article 21, par. 1, of the Military Service Law, and the provisions in these regulations resulting from the Article of the Military Service Law mentioned above are applicable, with necessary modifications, to the position in the service of officer candidates.

Article 5. Officers or officer candidates, who volunteered for enlistment before reaching military age, are not liable to conscription examination while so enrolled.

Those coming under the provision of the preceding paragraph, when they have been in the army or navy for two years or longer, including the period of active service, period of attachment to regiments, period of training on board a naval vessel, and period of training levy, are regarded as no longer available for conscription when the total length of various periods specified above reached two years.

Article 6. Those coming under Article 115, par. 1 of the Army Replacement Regulations, and reserve officer candidates (except Koshu - or Class "A" candidates) are to be designated for service with the colors by enlistment on the active list.

In time of war or an incident, those coming under the provision of Article 2 may be designated for service with the colors and placed on the active list. This also applies to the Koshu, or class "A" candidates for reserve officers, and candidates for reserve officers of Air Service.

Section 2. Volunteers and Applicants for Volunteer Service.

Article 7. Men for active service may be selected from among men between 17 years and military age, who volunteer for a two year period of service in the army, or a three year period of service in the navy.

The qualifications required of those who, in accordance with the provision of the preceding paragraph, may be selected for active service, are the same as the qualifications required of those who, in accordance with the provisions of the Military Service Law and the Military Service Law Enforcement Regulations, may be conscripted for active service.

The age specified in paragraph 1 is that which is reached on the 1st day of December of the year of the filing of the applications for active service.

Article 8. The acceptance of volunteers for active service, as specified in paragraph 1 of the preceding Article, is to be decided upon, in the case of volunteers for service in the army, by the regimental district commanders concerned, and, in the case of volunteers for service in the navy, by the chief of the Personal Affairs Department. The acceptance of the volunteers for active service in the navy however, is subject to the previous approval of the Minister of Navy.

Volunteers who, in accordance with the provision of the first paragraph of the preceding Article, have been accepted for active service in the Army, are to be considered as part of the quota to be conscripted from the regimental district concerned.

Article 9. Relative to their military service, those who have been accepted for military service in accordance with the provision of the first paragraph of Article 7, are to be considered in the same way as those who have been conscripted for active service in accordance with the provisions of the Military Service Law.

Article 10. Relative to their service, those who have been accepted for active service in the navy, in accordance with the Naval Volunteers Regulations, are to be treated in accordance with the regulations stated just above.

Where there are no clear provisions in these regulations, volunteers who have been enrolled are to be treated according to special decisions in their cases.

Article 11. The superior privates of the Military Band Corps or Military Police, are required to serve in active service, and in the first and second reserve.

When those specified in the preceding paragraph have finished their service in the second reserve before reaching 40 years of age, they are transferred to service in the first National Army.

Article 12. The periods spent in the different portions of the service are fixed as follows for the superior privates of the Military Band Corps or Military Police:

Active service is fixed at 4 years for superior privates of Military Police, taking into account the length of service prior to their appointments, while the length of active service for superior privates of the Military Band Corps is fixed at 5 years, computed from December 1 of the year in which they are appointed.

The period of service in the first reserve is fixed at 7 years and 4 months taking into account the length of their service on the active list.

Their service in the second reserve comes to an end in 17 years and 4 months, taking into account the length<sup>of</sup> their service on the active list and in the first reserve.

In time of war or incident, or in case of other necessity, the date specified in the first sentence of the preceding paragraph, from which the length of their service is to be computed, may be altered to meet the needs of the situation.

The length of active service as specified in the first paragraph may be extended in accordance with the desires of the persons concerned.



Those who have been in active service for over two years as superior privates of Military Police or of Military Band Corps, may be dismissed from active service if their records are not good.

Article 13. The superior privates of Military Police and Military Band Corps will, as a rule, live outside barracks.

Article 14. When privates (including those who have been accepted for service with the colors, or for service in the conscript reserve) have been enrolled as students of various army schools, or as students or cadets at various naval schools, their position and service as privates is terminated on the day on which they are admitted into such schools as students or cadets.

Article 15. When those coming under the provision of the preceding Article have been dismissed from such schools which they have been attending as students or cadets, they resume their position and obligation as privates and are required to resume their active service in accordance with the provisions of Articles 4 to 9 of the Military Service Law, or of Articles 9 to 12 of the Military Service Law Enforcement Regulations, except in cases in which the persons in question are to be transferred to different branches of the service in accordance with the provisions of Article 21 of the Military Service Law Enforcement Regulations, or in case where they are to be dismissed from military service.

The provisions of the preceding paragraph are applicable to those who have been enrolled in accordance with the provisions of the Army or Navy Officers Service Regulations.

The periods of service enumerated in Article 136 are taken into account in connection with the calculation of the length of service of those who resume a former status as specified in the two preceding paragraphs.

Article 16. In cases where seamen who have been conscripted or taken into service in accordance with the Military Service Law, or by virtue of the provision of Article 7, par. 1 of the Military Service Law Enforcement Regulations, are enrolled in accordance with the provisions of the Naval Volunteers Regulations, the seamen in question are to be treated thereafter, not as ordinary seamen, but as naval volunteers as specified in the Naval Volunteers Regulations.

Article 17. When privates of the army have applied to be candidates for Reserve Officers, NCOs or for Superior Privates of Military Police, the period of their active service or levy may be extended by a period not to exceed two years, provided the applicants in question are considered as likely to be successful.

Article 18. The provisions of Articles 12, 16, 18-22, 54-56, 59-63, and 65 par. 2 of the Military Service Law, as well as certain of the articles of these regulations which have been enacted with reference to the text and spirit of the above-mentioned articles of the Military Service Law, are applicable, with necessary modifications, to various cases concerning the service and levy of superior privates of Military Police and Military Band Corps, as well as for such men who, as specified in Article 15 of the present regulations, have resumed the grade of privates or have been enrolled as privates.

The provisions of Article 24 are applicable, with necessary modifications, to the privates mentioned in the preceding paragraph. In case there is no vacancy for such privates in the branch of the service in question the Minister of War will decide on the branch of service to which they are temporarily to be attached.

Article 19. Those who have been enrolled in the National Army by volunteering for military service after having passed the age of forty are considered as being in the First National Army for the period of such service.

Article 20. The provisions of Articles 2, 4, 5 and 6 par. 2, are applicable with necessary modifications to the students at various schools of the Army who have been enrolled as eligible for conscription.

## CHAPTER II - MILITARY SERVICE

### Section 1. General Rules.

Article 21. Privates in service with the colors (except those on a furlough pending their discharge from active service) are enrolled in the units to which they belong.

Soldiers on furlough, soldiers in service in the first and second reserve, and those in service in the conscript reserve, are enrolled in the regimental district where they have their permanent residences. Such soldiers are placed under the control of the regimental district commander concerned. However, the branches of service for those not coming under the census registration law are decided upon by the Minister of War.

The seamen in active service and those in service in the first and second reserve, are enrolled in the naval station in the area in which they have their permanent residences. In cases of those in active service however, the Minister of Navy may change their place of enrollment in case of necessity.

Article 22. Those who, in accordance with the provisions of Articles 6-8 and Article 9 par. 1 of the Military Service Law,

have completed one class of service and are to start on the next class of service, are regarded as having entered upon the new class of service following the completion of the previous class of service. In such cases no written notice of change of class of service is given.

The provision of the preceding paragraph, with necessary modifications, are applicable to those taking up, or leaving, service in accordance with the provision of Article 9, par. 2 of the Military Service Law, as well as to those leaving service in accordance with the provision of Article 18 of that law.

Article 23. When conscripts have been enlisted they acquire, in the case of soldiers, the grade of 2nd class private of respective branches, or, in the case of seamen, the grade of 4th class seaman, on the day of their enlistment. In such case no papers of appointment are issued. The promotion of those soldiers and seamen after their enlistment, except where there are special regulations, is to be conducted in accordance with decisions by the Ministers of State concerned.

The provisions of the preceding paragraph are applicable to those in service in the conscript reserve who are called out for training.

Article 24. Superior privates coming under one of the following cases are reduced to the grade of first class privates of their present branches of service. Where their present branch of the service does not include the grade of first class private in their original branches of service:

Those who have been sentenced to a heavier penalty than imprisonment, except those who have been sentenced to imprisonment not exceeding one year, in accordance with the military or naval penal code.

Those who have been reduced in grade in accordance with the Army Punishment Regulations.

Those who have been dismissed from various Army schools and have resumed the grade of private in accordance with the provision of Article 15, for infractions of military discipline, repeated violation of rules and regulations, or because they are of bad character and incorrigible.

Section 2. Short Service Conscripts.

Articles 25 - 30. Abolished.

Section 3. Reduction of Service Period.

Article 31. Abolished.

Article 32. The reduction in length of service specified in Article 12 of the Military Service Law is allowed only when the Ministers of State concerned consider that it can be given without detriment to the service. The period of reduction is generally fixed at 40 days for the Army and for the Army and for the Navy at 1 year and 40 days in cases of seamen in active service who, being graduates from normal schools, are qualified for primary school teachers.

Article 33. Abolished.

Article 34. Those whose length of service is to be reduced in accordance with the provision of Article 14 of the Military Service Law, are to be decided upon by the Minister of State concerned.

Matters concerning individual progress in training as specified in Article 14, par. 2 of the Military Service Law, and the recognition of qualification in training as specified

in the same paragraph, are to be decided upon by the Ministers of War and Education respectively.

Article 35. In time of war or incident, the reduction of service period as specified in Article 14 of the Military Service Law, or in Article 32 of the Military Service Law Enforcement Regulations may not be made, but if made for special reason, then in reduced form. In this case, the provision of Article 36 is applicable with necessary modifications.

Section 4. Extension of Service.

Article 36. The extension of service as specified in Article 19 of the Military Service Law, and the stoppage of such extension, are to be decided upon by the Minister of State concerned. The extension of service of seamen on voyage or during foreign service may be decided upon by the commander of the naval station concerned.

In cases of urgent necessity, where there is no time to be lost in awaiting orders from the appropriate Minister of State or commander of naval station, the persons mentioned in Article 118, par. 1 may, on their own responsibility, execute the extension of the service period. In any of these cases, the responsible party is required to make full report concerning the case in question to the appropriate Minister of State.

Article 37. Those in service in the second reserve, those in service in the conscript reserve, or those in the National Army, who are called to the colors in time of war or incident on the day when the periods of their service are completed are to remain in service until they receive orders from the Minister of State concerned formally relieving them of their service with the colors.

Section 5. Special Changes of, or Discharge from  
Service.

Article 38. Those who are transferred to different classes of service are to be treated as follows:

Those in service with the colors for more than three months, when found to be unsuitable for active service, are to be placed in service in the first reserve. If they have been in service with the colors for a period short of three months when they are found to be unsuitable for active service, they are to be placed, in the case of soldiers, in service in the first conscript reserve or, in the case of seamen, in service in the second conscript reserve. Those who, in accordance with the provision of Article 20 of the Military Service Law, have been exempted from active service are transferred to the second conscript reserve.

Those in active service who are found to be unsuitable for such service, for service in the first or second conscript reserve, or for service in the conscript reserve, are transferred to the First National Army.

Reservists who are unsuitable for service either in the first or in the second reserve; or those in service in the second reserve or in the conscript reserve, who are unsuitable for such service, are transferred to the First National Army.

Changes of class of service, as specified in various sentences of the preceding paragraph, of the soldiers at home on furlough, those in the first and second reserve lists, and those in service in the conscript reserve, are conducted only

when they are called to the colors on a training levy, when they are enlisted with troops, or when they are in an army or navy hospital.

The discharge from active service, transfer to different classes of service, or exemption from service, of soldiers in accordance with the provisions of Articles 20 and 21 of the Military Service Law and of the two preceding paragraphs, are to be conducted, in the case of those enlisted with troops, by regimental commanders concerned, or by regimental commanders or their equivalent. In other cases, the above steps will be taken by the appropriate regimental district commanders. Similarly, the discharge from active service, transfer to different classes of service, or exemption from service of seamen are to be conducted by the commanders of the naval stations concerned.

Article 39. The provisions of Article 96 of these regulations, with necessary modifications, are applicable to all cases relative to the exemption of persons in question from active service in accordance with the provision of Article 20 of the Military Service Law.

#### Section 6. Calculation of the Service Period.

Article 40. In the case of units in which conscripts are enlisted twice a year, the service period of those who are enlisted in the second draft is computed from the day of their enlistment.

Relative to the calculation of service period, those whose enlistment was postponed in accordance with the provision of Article 21 of the Military Service Law, are handled in the same manner as others who were enlisted in the same year.



Article 41. Those who have been transferred to other classes of service in accordance with the provisions of Article 21 of the Military Service Law and Article 38 of the Military Service Law Enforcement Regulations, are to continue their service as follows :

Those who have been transferred from active list to service in the first reserve are required, in the case of soldiers, to serve 7 years and 4 months, and in the case of seamen, 8 years, taking into account the periods they had remained in active service.

Those who have been transferred from active service to service in the conscript reserve are required to remain in service for 17 years 4 months, taking into account the service periods they have already finished.

### CHAPTER III - CONSCRIPTION

#### Section 1. General Rules.

Article 42. The provisions in the present chapter relative to cities or mayors, except where they are specifically mentioned are applicable to masters of wards in the cities of Tokyo, Kyoto, Osaka, Nagoya and Kobe, while the provisions concerning towns or villages as well as masters thereof, are applicable to any administrative district comparable to a town or a village, and to any official occupying a post similar to that of a town or village master.

Article 43. On an island, where the provisions in the present chapter are not applicable, the division commander concerned may take the appropriate steps in consultation with the local governor.

Section 2. Conscription District.

Article 44. A conscription district consists of a divisional district or a regimental district, the area included in such conscription district being determined by the table of the army administration districts.

For the sake of convenience in the execution of the duties of conscription, a sub-conscription district may be redivided into examination districts. The location and area of a sub-conscription district or an examination district, are determined by the Minister of War.

Article 45. The men required for the infantry are conscripted by each regiment from regimental district portion of a divisional district allotted to the regiment in question. The men required for other branches are conscripted at large from the divisional district concerned. In case of necessity, they may be conscripted from a regimental district belonging to another divisional district, or from all parts of another divisional district.

In consideration of the location or branch of the service of the unit in question, the required number of men may be conscripted from one or more than one divisional district or from various divisional districts.

The men required by the navy are conscripted from the various divisional districts.

Section 3. Conscription Officers.

Article 46. Conscription officers include those in general supervision over conscription, divisional district conscription officers, regimental district conscription officers and joint conscription officers of regimental districts.

Article 47. The positions of supervising conscription officers are filled by the Minister of War and the Minister of Home Affairs. They maintain control over all matters relative to conscription on a national scale.

Article 48. Divisional district conscription officers are appointed for each prefecture in a divisional district. Divisional district conscription officers include the Divisional Commander, who is appointed Chief Conscription Officer for each prefecture, and the prefectural Governor. They have supervision over the official duties relative to the conscription in the prefecture.

Article 49. Regimental district conscription officers are appointed for each prefecture in a regimental district and include the regimental district commander, senior or junior secretaries who are responsible for the military affairs in the prefecture in question (hereafter "military affairs officials") or the local government concerned, mayor or mayors, ward masters and sub-prefectural governor or governors. The regimental district commander is always appointed chief of the conscription officers in each prefecture in the regimental district. Those regimental district conscription officers under the command of the regimental district commander are charged with the execution of all duties relative to conscription. The regimental district conscription officers in Karafuto, the regimental district conscription officers in one or two or more cities located in a sub-conscription district; and the regimental district conscription officers specified in 4 below are not expected to take part in the official business relative to the decision upon the order of conscription.

Regimental district conscription officers consist of:

The regimental district commander and military affairs officials in the case of a place not under the jurisdiction of a sub-prefecture or when the place in question is located outside a city.

The regimental district commander and the governor of the sub-prefecture concerned where the district in question is under his jurisdiction.

The regimental district commander and the mayor of the city in question, where the district in question is in a city (except a city specified in Article 42).

The regimental district commander and the ward master concerned where the district in question is a ward of a city as specified in Article 42.

Article 50. Joint conscription officers for regimental districts are appointed to the cities specified in Article 42 (where a city is divided into two, or more than two, regimental districts, the wards belonging to each regimental district will have joint conscription officers respectively), to a sub-conscription district where there are more than two cities, and to Saghalien. In the cities stated in Article 42, the joint conscription officers comprise the regimental district commander or commanders, mayor and ward masters; in a sub-conscription district, where there are more than two cities, the joint conscription officers comprise the regimental district commander and the mayors in question; while the joint conscription officers in Saghalien comprise the regimental district commander, sub-prefectural governors or mayors appointed by the Chief of the Saghalien Office. The joint conscription officers stated above, under the command of the respective regimental district commanders, are expected to

execute the official duties concerning the making of decisions upon the order of conscription.

Article 51. When any of the conscription officers mentioned in the two preceding chapters are unable to attend to their official duties due to unavoidable reason, they are to be replaced temporarily by appropriate persons as follows:

A regimental district commander is to be replaced by a field or company officer nominated by the division commander concerned from among the officers under the command of the regimental district commander in question.

Military affairs officials are to be replaced by officials nominated by the prefectural governor concerned from among the men under the control of the military affairs officials concerned.

A sub-prefectural governor, mayor of a city, or a master of a ward will be replaced by the official who is temporarily filling his post.

Article 52. Divisional district conscription medical officers, regimental district conscription medical officers, and regimental district conscription assistant medical officers are appointed each year for the period during which their official duties relative to conscription are to be performed.

Divisional district conscription medical officers, being attached to the division commanders concerned, are responsible for the official duties relative to the physical examination of conscripts in their respective divisional districts.

Regimental district conscription medical officers, being attached to the regimental district commanders concerned, are responsible for the official duties concerning the physical examination of conscripts in their respective regimental districts.

Regimental district conscription assistant medical officers are expected to assist the regimental district conscription medical officers in executing their respective official duties.

Article 52. The post of a divisional district conscription medical officers is filled by the chief of the medical corps of the division in question.

The post of a regimental district conscription medical officer is filled by a major or captain of the medical corps.

The post of the assistant conscription medical officer of a regimental district is filled by a company officer of the medical corps.

In case of special necessity, the division commander concerned may appoint two assistant conscription medical officers to a regimental district.

In accordance with the provision of the two preceding paragraphs, a captain of the medical corps may be appointed assistant conscription medical officer, only when the conscription medical officer of the regimental district in question, whom he is required to assist, is a major of the medical corps, or a captain senior to him in grade.

Article 54. Under unusual conditions arising out of war or incident, the post of the conscription medical officer of a regimental district may be filled by a colonel, a lieutenant-colonel, or a first or second lieutenant of the medical corps, while that of the assistant conscription medical officer of a regimental district may be filled by any Japanese citizen who is a licensed physician.

Article 55. No assistant conscription medical officer may be appointed to a regimental district on an island where there are few young men of the conscription age.

Article 56. When it is difficult for a division commander, or for the chief of the medical department of the division, on account of his being at a distant place on duty, to fill the post of the divisional conscription officer or that of the conscription medical officer for the divisional district, the post in question may be filled by another officer specially appointed by the Minister of War.

Article 57. When it is difficult for a regimental district to complete the conscription examination in the time specified by the Minister of War by reason of the numbers of men to be examined, the division commander concerned may order field officers of units of various branches of service under his command temporarily to act for the regimental district commander who is acting in the capacity of a regimental district commander, as already stated is limited to the sub-conscription districts or the examination districts to which they are appointed.

Those who act for a regimental district commander in accordance with the provision of the preceding paragraph are required to abide by the instructions of the regimental district commander in matters relative to the execution of the duties he is performing.

In order to facilitate the execution of business relative to conscription as stated in the first paragraph of this article, a required number of conscription medical officers and assistant conscription medical officers are appointed in addition to the regular force of the conscription medical officers.

Article 58. A conscription office includes a number of clerks who are in charge of general affairs of the office. The clerks are selected from among the NCOs, civilians of the

lowest rank, officials and employees of the prefectural office and cities (cities and wards in the case of such cities as are specified in Article 42).

The head of the local government concerned, in case of necessity, may order town and village masters under his jurisdiction to select sufficient number of the officials or employees of the town and village offices under his jurisdiction to act as helpers to the clerks specified in the first paragraph.

#### Section 4. Distribution of Quotas.

Article 59. In order to obtain the required annual quota of men for active service as well as for service in the first conscript reserve, the Minister of State concerned under Imperial sanction, will allot such quotas to various divisional districts.

Article 60. The quota allotted to a divisional district is to be re-allotted by the division commander concerned to the regimental districts under his jurisdiction. The regimental district commanders in question are to re-allot the quotas to the regimental districts concerned, and the regimental district commanders in question are to re-allot the quotas to different conscription districts under their respective jurisdictions.

#### Section 5. Conscription Examination.

Article 61. A regimental district conscription office is opened each year in each sub-conscription district in order to carry out the official business relative to conscription (except the official business concerning the making of



decisions upon the order of conscription). In the case of a sub-conscription district, in which there are several examination districts, a conscription office, as stated above, is open in each examination district.

For the purpose of carrying out the official business connected with the decisions as to the order of conscription a regimental district conscription adjustment office is opened each year in a district (except the cities specified in Article 42), a sub-conscription district comprising more than two cities, and Saghalien. Similarly, a regimental district joint conscription adjustment office is open every year in a city, (specified in Article 42), in a sub-conscription district comprising more than two cities, and in Saghalien.

Article 62. A regimental district conscription office is to be organized by the mayor (or by the ward master concerned in the case of a city specified in Article 42), the governor of the sub-prefecture in question in the case of a district under his jurisdiction, or the head of the local government in the case of a district other than stated above. In case of necessity however, the local governor in question may order a conscription office to be organized by the town or village master concerned.

A regimental district conscription adjustment office is to be organized by the local governor concerned.

A regimental district joint conscription adjustment office is to be organized by the mayor in the case of a city specified in Article 42, or by a mayor who has organized the regimental district joint conscription adjustment office in the case of a sub-conscription district involving more than two cities, or by the Governor of the Karafuto Office in the case of Karafuto.

Article 63. Division commanders and local governors concerned are required to take necessary measures in connection with the control of conscription offices in the districts under their jurisdiction.

The police officers and gendarmes who have been ordered to a conscription office are required to assist the regimental district conscription officers or the regimental district joint conscription officers in maintaining order in the conscription office.

Article 64. Irrespective of the provisions of Article 61, a conscription office may be opened at any time for the purpose of re-invoking measures previously cancelled or to invoke such new measures as may be necessary.

Article 65. The term for the opening of a conscription office, the place where it is to be open, and other necessary matters concerning the opening of the office, in accordance with decisions by the Minister of War, are to be decided upon by the regimental district commander concerned after consultation with the governor of the sub-prefecture or city in question or with the mayor or ward masters in the case of a city specified in Article 42.

Article 66. The mayors of cities, and masters of towns and villages, are required to make a complete investigation of the young men who are to take the conscription examination in the current year and, in accordance with decisions of the Minister of War, must send them notifications of their conscription examination.

Those who have received the notifications of their conscription examination must present themselves at the conscription office designated in the notification.

Article 67. The physical examination of the conscripts is to be conducted at the physical examination office prepared in each regimental district conscription office.

Article 68. The standard of physique specified in Article 32, paragraph 2, of the Military Service Law, and the grades of physique stated in Article 33, par. 1 of the same law are as follows:

Those for active service must be taller than 1.50 meters and possessed of a strong physique.

Those whose physical condition renders them fit for active service are divided into Class "A" and Class "B".

Class "B" is divided into Class "B-1", Class "B-2" and Class "B-3". *Men for Class "A" must be not less than 1.52 meters in height. \**

The following men are fit for service in the National Army but not for active service:

Those who are taller than 1.50 meters, but are physically inferior to those coming under Class "B" and those who are between 1.45 and 1.50 meters in height, and do not come under the two following sub-heads. Those young men are classed as Class "C".

Those who are less than 1.45 meters in height or are suffering from a physical or mental disorder of the types listed below or other equivalent disorder. Such men are classed as Class "D".

General deformity.

Excessive fragility of bones and muscles.

Ulcers of malignant nature.

Incurable mental diseases, or serious trouble of the nervous system.

Chronic indigestion.

\* see m/a Sokyo # 10033

Leprosy.

Blindness.

Deafness.

Muteness.

Cleft palate and hare lip.

Wry neck, curvature of the spine and deformity of the pelvis which interfere with bodily movements.

Chronic diseases of viscera, the chest, or abdomen, which interfere with digestion.

Proctocele, anal fistula, and serious deformity of the anus.

Chronic diseases, deformity, partial lack or functional disorder of the genito urinary organs.

Serious chronic diseases of the bones and periosteum or of the joints and complications of such diseases.

Partial lack of or serious shortness of limbs or unusual curvature thereof.

Lack of, stiffness, deformity, or adherence of fingers and toes, causing a high degree of functional disorder.

Flat or club feet.

Diseases of the same degree as those mentioned above or other mental or physical diseases than stated above which are specified by the Minister of War.

Men suffering from disease at the time of their conscription examination, or who have been suffering from illness up to the time of their conscription examination, or who for other reasons cannot be placed

in either Class "A" or Class "B" but who can probably be accepted for service the following year when they take another conscription examination. Such men are classed as Class "E".

The details of the standard by which the men are classified on the basis of physical and mental condition into Classes "B-1", "B-2", "B-3", "C" and "D" are to be determined by the Minister of War.

Article 69. The following conditions constitute reason for exemption from military service in accordance with the provision of Article 37 of the Military Service Law:

Total deformity.

Cases of incurable insanity.

Leprosy.

Blindness of both eyes to the extent of being unable to discern, from a distance of one foot, a mark 0.1 ft. on the eye chart.

Total deafness.

Muteness.

Loss of one of the limbs above any joint.

Article 70. A regimental district commander, besides maintaining supervision over the official matters relative to the physical examination of the conscripts, is responsible for the selection of suitable branches of service for the accepted conscripts.

Article 71. A regimental district conscription medical officer is required to decide upon the physical grades of the conscripts.

Article 72. A military affairs officer, chief of a sub-prefecture, or mayor of a city, is required to make necessary investigations of the personal affairs of the men who are to take their conscription examination.

Article 73. A town or village master is required to be present at a conscription office and answer what questions may be asked of him by the conscription officers.

Article 74. Rules as follows are to be observed in connection with the enlistment of conscripts for active service or for service in the first conscript reserve, in accordance with the provisions of Article 33, pars. 1 and 2 of the Military Service Law:

Men suitable for active service are to be enlisted in the order of their physical grades as follows:  
Class "A", Class "B-1", Class "B-2", and Class "B-3".

Men of the same physical grade are to be selected as accepted candidates beginning with the tallest ones for service with the colors and for service in the first conscript reserve respectively, until the quotas allotted are filled. In case the number of men taller than 1.60 meters, and of the same physical grades, is larger than the number of men required for service with the colors, or for service in the conscript reserve, they are all appointed as accepted-conscripts.

In the case of the accepted-conscripts, the order of their enlistment for various branches of the service specified in Article 75 is to be decided as set forth in the two preceding paragraphs. Those, however, who have been appointed as accepted conscripts for active service in accordance with the provisions of the last sentence of the preceding paragraph, and those who have been appointed as accepted-conscripts for service in the first conscript reserve are to be enlisted, when taller than 1.60 meters, in the order of their physical grades, and by drawing, respectively for different branches of service specified in Article 75.

Except the cases specified in the three preceding paragraphs, the order of enlistment is to be determined by the Minister of War.

Article 75. The branches of service into which the conscripts are to be classified at the conscription examination are, in the case of the army, infantry, tank troops, mechanics, cavalry, field artillery, anti-aircraft artillery, balloonists, engineers, railway troops, telegraphists, air service, transport, and sanitary troops; and in the case of the navy, ordinary seamen, air service men, engineers, carpenters, hospital orderlies and accountants.

Graduates of normal schools who are qualified as primary school teachers shall, in the case of the navy, be enlisted as seamen.

The distribution of conscripts to various branches of service mentioned above is to be made only in the cases of those who are to be enlisted for service with the colors, or for service in the conscript reserve.

Those who have taken the second conscription examination in accordance with the provisions of Article 46, par. 2, or Article 47, par. 1, of the Military Service Law are to be assigned to the branches of service to which they were assigned at the time of their first conscription examination, except where it is determined otherwise by the Minister of War.

Article 76. When the work of the regimental district conscription offices has been completed, the order in which accepted men are to be conscripted will be determined in the various conscription districts by the regimental district conscription adjustment offices or the regimental district joint conscription offices concerned. Decision will be made by the appropriate regimental district conscription officers

or the regimental district joint conscription officers. The drawing to determine who shall be enlisted shall be done by a number of selected conscripts who will draw lots on behalf of all men concerned.

A number of the divisional district conscription officers and regimental district conscription officers may be ordered to attend the conference at the regimental district joint conscription office at which the order of conscription is to be determined.

In case where the head of a sub-prefecture, in the capacity of a conscription officer, cannot be present at the conscription adjustment office in question, the prefectural governor may order a military affairs officer, or any other official under his command, to represent a sub-prefectural governor who is acting in the capacity of a conscription officer.

Article 77. Regimental district conscription officers, or regimental district joint conscription officers will order the mayors, or town or village masters concerned to select some persons who took their conscription examinations in the same year, to draw lots on behalf of the young men in their cities, towns or villages. The number of those persons is not fixed.

The local governor may order the mayors or town or village masters, to be present at the conscription adjustment offices.

Article 78. Those who are temporarily residing in a sub-conscription district away from their native place, may elect to take their conscription examination in the place of temporary residence.

As specifically determined, the Navy Minister is authorized to have the conscription examination of sailors



who so elect conducted at places other than their temporary or permanent residences.

The provisions of Articles 80 and 81 and Article 143 par. 1 of these regulations are applicable to the physical examinations of the conscripts conducted at places outside any sub-conscription district.

Article 79. In the case of men who failed to take their physical examination prior to the closing of the regimental district conscription office at the place of permanent residence, the authorities may conduct their physical examination at a regimental district conscription office open in another sub-conscription district.

In case there appear men who must take their physical examination before the commencement of the conscription examination period or between the closing of the regimental district conscription offices in a divisional district concerned and the making of the final decision as to the order of conscription, the authorities concerned may conduct the physical examination in accordance with decisions made as to such cases by the Minister of War.

Article 80. Japanese residents in Chosen, Taiwan, Kwantung Province, Manchoukuo, China, Hongkong, Amoy, Maritime Province or in places near those districts, when due for conscription examination, may take their conscription examination, as prescribed by the Minister of War, at the local Japanese garrison, the local administrative office of the Japanese Government, or the Japanese consulate in the neighborhood of their places of residence.

Article 81. The physical examination specified in the preceding article, irrespective of the provisions of Chapter 3, par. 3, is to be conducted by an examination committee consisting of a field-officer or captain of a combatant branch of service

who is appointed conscription examination officer, a medical officer of company grade or a major in case of necessity and a number of NCOs or of civilians of the lowest rank.

Matters relative to the appointment of the examination officer, medical officer and assistants mentioned in the preceding paragraph are to be determined by the Minister of War.

Article 82. Postponement of conscription, exemption from conscription, and exemption from military service, except where it is specifically determined in the present regulations, are to be determined by the regimental district conscription officer in charge of the sub-conscription districts in which the men concerned have their permanent residences.

Article 83. The appointment of conscripts to active service or to service in the first conscript reserve, is to be determined by the regimental district commander in charge of the sub-conscription district in which the conscripts concerned have their permanent residences, and in accordance with the quotas allotted according to the provision of Article 60.

Article 84. Appointment of conscripts to active service or to service in the conscript reserve, or exemption of conscripts from conscription or military service, are final decisions in the cases they cover.

Article 85. Notification of the fact of the selection of conscripts for active service in the conscript reserve, or the fact of their exemption from military service or postponement of their exemption from military service or postponement of their conscription, will be furnished to the men concerned in writing.

Notification of the fact of the exemption of conscripts from conscription is to be transmitted to the conscripts in question by convenient means.

Section 6. Enlistment of Conscripts in Active Service.

Article 86. The enlistment of conscripts for service with the colors is to be carried out in accordance with decisions of the Minister of War.

Article 87. The postponement of enlistment in accordance with the provision of Articles 45 and 46 of the Military Service Law is to be decided by the regimental district commander concerned in accordance with policies determined by the Minister of War.

Article 88. The sending home of conscripts in accordance with the provisions of Article 47 of the Military Service Law is to be carried out, as determined by the Minister of War, by the regimental commander or a unit commander equal to or higher in rank than a regimental commander in the case of the army; by the Chief of the Personnel Affairs Section in the case of the Navy.

Article 89. Abolished.

Article 90. In case of accepted conscripts found unfit for service in the standing army or the conscript reserve by reason of physical or mental disorders discovered at the physical examination held at the time of enlistment, the regimental district commander concerned is required to exempt them from conscription. If some of them are found to be entirely unfit for military service they are to be finally and completely exempted. When volunteers, as specified in Article 7, fall under one of the cases mentioned above, the Minister of War may handle their cases in accordance with the provision of regulations to be specifically enacted in their cases.

Section 7. Filling of Vacancies in the Ranks.

Article 91. Abolished.

Article 92. When vacancies take place in the ranks, they will be filled in a manner to be determined by the Minister of War.

Article 93. Abolished.

Article 94. Abolished.

Article 95. Abolished.

Article 96. The postponement of conscription in accordance with the provision of Article 40, par. 1, of the Military Service Law is not carried out when the persons concerned are covered by the Military Air Law.

Article 97. In case the persons in question, or their families, are not satisfied with the decisions given by the regimental district conscription officers in connection with the postponement of conscription as specified in Article 40 of the Military Service Law, they may file a petition with the divisional district conscription officers against the conscription of the persons concerned. If they are not satisfied with the decision made in such cases by the divisional conscription officers in answer to their petition, they may bring the cases to the attention of the Director of Conscription. The presentation of such a petition, however, does not interfere with the carrying out of the conscription of the persons pending final decision by the Director of Conscription.

The petition must be filed with the proper officer within twenty days of the day when the conscription of the person in question was decided upon, or when he received a decision against his first petition.

Article 98. The petition specified in the preceding article is to be filed with the proper person through the conscription officers who acted in, or gave a decision in the case in question.

On receipt of the petition mentioned in the preceding paragraph, the conscription officers concerned are to forward it to the next higher conscription authorities, together with written statements of their own opinion in the case.

Article 99. The postponement of enlistment of conscripts due to unexpected events which have taken place after a decision has been given concerning their enlistment with the colors and before the dates set for such enlistment, is to be made by the regimental district commander concerned.

Article 100. Those attending the following schools are entitled to deferred conscription in accordance with their wishes:

Middle schools, Normal Schools, Vocational Schools (Vocational schools that admit children who have finished the course of an ordinary Primary School and have a period of training not shorter than 5 years are referred to), Higher Schools, Preparatory course of regular Universities, Colleges, Higher Normal Schools, various departments of regular Universities, temporary Training Schools for teachers, Training Schools for Youths' School teachers, except the post-graduate course and the special course.

The schools under the control of various departmental ministers other than the Minister of Household Affairs and the Minister of Education, as well as various schools under the direct management of the Governor General of Chosen, Governor General of Taiwan, the Japanese Ambassador to Manchoukuo, and the Governor of Karafuto, which are of the same grade as the various schools mentioned in the preceding paragraph, except the post-graduate course or the special courses thereof.

Various schools not mentioned in par. 2, or the special course of the schools mentioned in par. 2, which

are recognized by the Minister of War and by the Minister of Education to be worthy of deferred conscription.

Article 101. Those attending various schools stated in par. 1 of the preceding article are entitled to deferred conscription as follows:

Kinds of Schools	Periods of Postponement	
	Youths Born between: Jan. 2 and Apr. 1	Youths Born between Apr. 2 and Jan. 1
Middle Schools, Junior Course of Higher Schools, Vocational Schools	(Until they reach) 21 years	(Until they reach) 21 years
Normal Schools, Senior Course of Higher Schools, Preparatory Course of Regular Universities, Temporary Training Schools for Teachers, Schools for Training Youths' School Teachers	22 years	23 years
Schools for the Training of Vocational School Teachers, Post-graduate Course of Higher Schools, Colleges with a 3 or 4 year Course, Higher Normal Schools (except the Post-Graduate Schools)	23 years	24 years
Colleges with a Course Longer than 5 Years, Post-Graduate Course of Higher Normal Schools	24 years	25 years
Medical Department of Regular Universities	25 years	26 years

Article 102. The following cases are not entitled to deferred conscription as specified in par. 1 of Article 42 of the Military Service Law:

Those living in Kwantung Province or Manchoukuo.

Those who, as a result of the conscription examination, are to be enlisted for service with the colors.

Those who are residing in various districts enumerated in Article 103, par. 1, but who have had such residence for less than one year at the time when they are required to apply for postponement of their conscription.

Those who, returning from different places mentioned in various paragraphs of Article 103, are residing temporarily in Kwantung Province or Manchoukuo, except, however, those who, due to reasons specified in Article 43, par. 1 of the Military Service Law, are residing in Kwantung Province or Manchoukuo for a period not exceeding 90 days, and those who, in accordance with the provision of Article 43, par. 2 of the Military Service Law, return from abroad once a year at the most, and stay for periods not exceeding those mentioned in different paragraphs of Article 103 and taking into account the total length of their stay in Japan proper, Manchoukuo and Kwantung Province.

Article 103. The periods of stay in Japan Proper, authorized in accordance with the provision of Article 43, par. 2 of the Military Service Law are as follows:

Japanese residents in Hopei Province, Anhui Province, Fukien Province, Shantung Province, Kiangsu Province, Chekiang Province, Kwantung Province, Kwangsi Province, Hongkong, Amoy or the Maritime Province .....40 days

Japanese residents in Saghalien, Siberia to the east of Lake Baikal (except the Maritime Province, Inner Mongolia, Shansi Province, Honan Province, Hapei Province, Hunan Province or Kiangsi Province .....60 days

Japanese residents in other places abroad than stated above: .....90 days

Section 9. Short Service Conscripts.

- Article 104. Abolished.
- Article 105. Abolished.
- Article 106. Abolished.
- Article 107. Abolished.
- Article 108. Abolished.

Section 10. Extraordinary Cases Relative to the  
Conscription in Karafuto (Saghalien).

Article 109. Official business connected with conscription in Karafuto, will be conducted by the Minister of Overseas Affairs and the Minister of War who will act in the capacity of directors of conscription.

Article 110. In matters relating to conscription in Karafuto, the words "local governor" refer to the Governor of the Karafuto Office, while the words "Province or Prefecture" refer to Karafuto unless otherwise specified in these regulations.

Article 111. Japanese residents in the Maritime Province or in Karafuto, whose conscription is not postponed, may take their physical examination at a regimental district in Karafuto or at such places as are mentioned in Article 80.

CHAPTER IV - SUMMONS AND YEARLY  
INSPECTION MUSTER OF RESERVISTS.

Article 112. Except in cases in which it is specified otherwise in these regulations, the summoning and yearly inspection muster of army reservists are to be conducted by the division



commander in charge of the districts in which the reservists in question have their permanent domiciles.

Unless it is specified otherwise in these regulations, the summoning and yearly inspection of naval reservists are to be conducted by the commander of the naval station in charge of the districts in which the reservists in question have their permanent domiciles.

Article 113. Each reservist concerned shall receive a written order relative to his call to the colors or his yearly inspection muster. In case of special necessity he may be notified of the fact by other means in accordance with the decisions of the Minister of War.

Article 114. The summoning of reservists in accordance with the provision of Article 54 of the Military Service Law is executed by mobilization orders ("Doinrei" in the case of the Army or by "Juinrei" in the case of the Navy). In case of necessity the summoning of reservists may be executed without issuing mobilization orders.

The demobilization of reservists who have been called out as stated in the preceding paragraph is executed by demobilization orders ("Fujuinrei" in the case of the Army, or by "Kaiinrei" in the case of the Navy). In case of special necessity, the demobilization of those reservists may be executed without demobilization orders.

Article 115. The allotment to various districts of quotas of the Army reservists to be called out in accordance with the provision of Article 54 of the Military Service Law and other preparations of importance, are to be carried out by the division commander concerned in cases which involve the entire divisional district, or by a regimental district commander in cases which involve a regimental district.

quotas of reservists summoned in accordance with the provision of the preceding paragraph except the cases specified in the 4th paragraph of this Article, are to be decided upon by the regimental district commander concerned and in accordance with the provisions of the preceding paragraph.

quotas of naval reservists to be summoned in accordance with the provision of Article 54 of the Military Service Law are to be decided upon by the Chief of the Naval Personnel Department in accordance with the notifications from the commander of the Naval station concerned.

The summoning of those in service in the National Army is to be carried out in the following manner:

The division commander will make the allotment of quotas and give necessary information to the regimental district commanders concerned. The latter will allot quotas, in accordance with instructions by division commanders, among the cities, towns, and villages in the respective regimental districts. The mayors, and town or village masters concerned will determine those to be called out in accordance with the decisions of the Minister of War.

Article 116. Those who are charged with duties in connection with the summoning of reservists in accordance with the provision of Article 54 of the Military Service Law, are required, according to the present regulations and decisions by the Minister of War to keep their records in such order that there will be no confusion in the summoning of reservists.

Article 117. The summoning of reservists and soldiers on furlough as stated in Article 55 of the Military Service Law, is to be conducted by a division commander or the commander of a naval station concerned, either by the order of the Minister of State concerned, or subject to his previous approval.

Article 118. In case of urgent necessity, where there is no time to be lost awaiting instructions from the usual sources, those mentioned in the following paragraphs may undertake at their own discretion the summoning of reservists and soldiers at home on furlough. In such cases the responsible person is required to report to the Minister of War concerning the measures that have been taken.

1. Army:

Army commanders; division commanders; brigade commanders; garrison commanders; regimental commanders (involving commanders of independent units), unit, fortress, or detachment commanders have the same or higher authority than those mentioned above.

2. Navy:

Fleet or squadron commanders; commanders of naval stations; commanders of auxiliary naval stations; commanders appointed by special orders; and commanders of detached squadrons.

The first two naval officials mentioned above in connection with the summoning of reservists, have the same authority as division commanders or commanders of naval stations.

Article 119. In connection with the summoning of reservists according to the provision of Articles 56 and 58 of the Military Service Law, the division commander or the commander of the naval station concerned are required to decide upon the date for their summoning, the number of men required, and the period of their call to the colors, in accordance with the decision of the Minister of War.

The provision of Article 115, with necessary modifications is applicable to all cases of summoning of reservists as stated in the preceding paragraph.

Article 120. The summoning of reservists according to the provision of Article 57 is conducted by the army only. The date for their summoning, the number of men required, the units to which they are to be assigned, and the duration of the summons, are to be decided upon by the division commander concerned based on the decisions of the Minister of War.

The quotas of men to be summoned according to the provision of Article 57 of the Military Service Law and based on the instructions from the Minister of War, are to be allotted by the division commander concerned, to the regimental district commanders who, in consideration of the total number of those in service in the conscript reserve, are to distribute such quotas among the sub-conscription districts under their jurisdiction and summon them in the order of their conscription. Those, however, specified by the Minister of War, or those who have already notified the authorities of their wishes to comply with the summons stated in Article 57, par. 1 of the Military Service Law, may be summoned irrespective of their order of conscription.

The provisions of Article 115 of these regulations, with necessary modifications, are applicable to all cases of summons stated in the two preceding paragraphs.

Men in service in the conscript reserve who have finished the course at a Youths' School, or a course at another school which is recognized to be of the same grade as or of a higher grade than that of a Youths' School (except such youths as are specified in the last sentence of the second preceding paragraph), are not called out according to the provision of Article 57. In case, however, the number of men in service in the conscript reserve, who are without such qualifications as are stated above, is smaller than the number of men to be

conscripted from a regimental district in question, the privileges which are granted to men who possess such qualifications will be withdrawn.

Article 121. Those summoned according to the provision of Articles 56, 57 and 58 are to be enlisted in the army units located in the divisional district where they have their permanent domiciles. In case of special necessity, however, they may be enlisted in the units in other divisional district. In such cases, the division commander in charge of the other divisional district is required to take care of the official matters relative to their summoning.

Article 122. The annual inspection muster of reservists is conducted in the divisional district, or in the naval district in which they have their permanent domiciles. In case of special necessity, however, it may be conducted in other divisional districts, or in the district under the jurisdiction of other naval stations. In this case, the division commander or the commander of the naval station in charge of the district mentioned above, is charged with all official duties relative to the yearly inspection muster in question.

Article 123. The Minister of State concerned, when he sees no necessity, may omit the yearly inspection of reservists.

Article 124. A division commander or the commander of a naval station may omit a yearly inspection muster of reservists in an out of the way place, where few attendants are expected, or where there are good reasons for its omission.

Article 125. A division commander in accordance with the decisions of the Minister of War is required to decide upon the date for and the number of reservists to attend the yearly inspection in each regimental district under his jurisdiction. He will communicate the matter to the regimental district commander concerned, while appointing field or company

officers under his jurisdiction as inspectors. In case of necessity, a division commander may appoint field or company officers outside his command as inspectors of the reservist muster subject to the previous consent of the unit commander to whom they belong.

A naval station commander is required to set the date for, and the number of reservists to attend inspection musters and to appoint naval officers of combatant branches under his command as inspectors.

Article 126. The date and place for and the number of reservists to attend the inspection muster in the case of soldiers, are decided upon by each regimental district commander, while in the case of seamen, they are decided upon by the Chief of the Naval personnel department, subject to the approval of the division commander or the commander of a navigation station concerned.

Article 127. In connection with the exemption of those mentioned in Article 61, par. 1 of the Military Service Law from the annual course of training and the yearly inspection muster of reservists, the government offices to which such men belong are required to obtain the previous approval of the Prime Minister by reporting concerning the places where they have their temporary domiciles, classes or/and branches of service, the date of their conscription, the date of their incorporation into service in the first or second reserve, their official grades or ranks, as well as the reasons for exemption from the yearly inspection muster or the annual course of training.

Those travelling in Manchoukuo, or those residing in that country, are not exempted from the annual course of training or the yearly inspection muster. This is also the case with those travelling or residing in Kwantung Province.

Article 128. A division commander or the commander of a naval station, is required to have the administrative offices in the divisional district concerned regularly or specially inspected by a general officer, a field officer or a company officer under his command in order to see to it that the official duties relative to the summoning of reservists are smoothly carried out. In the case of seamen, naval officers of combatant branches are to be detailed for the inspection of such administrative offices.

The Prefectural Governor, the Provost Marshal General and the local Provost Marshal are required to inspect the operation of the summoning of reservists in the areas under their respective jurisdiction, or appoint officials or officers under their command for such inspections.

Article 129. A prefectural governor, on receipt of a notification of mobilization, is required to notify all the government or public offices under his jurisdiction concerning the mobilization in view, and to work in cooperation with those offices in matters pertaining thereto.

Article 130. The chief of a police district or the governor of a sub-prefecture who is charged with duties relative to the summoning of reservists, is required to have in readiness all orders for muster of reservists for annual course of training, or for yearly inspection, as they are received from the regimental district commander concerned, or from the Chief of the Naval Personnel Department, so that he may forward those orders to the town or village masters whenever the summoning of reservists, or their yearly inspection muster are to be carried out.

The provision of the preceding article is applicable to the mayor of a city.

Article 131. The mayor of a city, and the master of a town or a village are required to keep themselves well informed as to the places of residence of reservists in order that there be no difficulty in delivering the written orders for muster.

Article 132. The regulations enacted by the division commander or by the commander of a naval station in connection with matters concerning the muster of reservists, are to be observed by the local or Prefectural Governor, the Provost Marshal, and by the officials under the orders of the Local Governor or the Provost Marshal concerned.

When a local Governor has been requested by a division commander or by the commander of a naval station for cooperation in making preparations for muster of reservists, or in executing such muster according to the provision of Article 54 of the Military Service Law, he will comply with the request and take measures to facilitate its execution.

Article 133. The provisions of the present chapter relating to the duties of a local governor are applicable to the Superintendent of the Metropolitan Police, as well as to the Governor of Karafuto.

The provisions of Article 42 of these regulations is applicable to the official duties relative to the muster of reservists.

Article 134. The Minister of War is authorized to enact special regulations in connection with the muster of reservists to be conducted in Chosen, Taiwan, Kwantung Province, or in Manchoukuo.

Article 135. Matters not specified in the present regulations in connection with the muster and yearly inspection muster of reservists are to be decided upon by the Minister of War.



CHAPTER V - MISCELLANEOUS REGULATIONS.

Article 136. Those who have not been in service at least two years, taking into account the periods of service specified in the following paragraphs, unless exempted from military service, are required to take another conscription examination in accordance with the provision of Article 66, par. 1 of the Military Service Law:

The period of their service with the colors.

The period of their service with troops or on board naval vessels to which they are attached as students of some schools of the army or navy.

The period of their service with troops or on board naval vessels, during training periods.

Article 137. When those specified in the preceding article have been taken into service for the second time, the period of service they had already finished is taken into account in connection with the calculation of their service period.

Article 138. The Minister of War is required to consult with the Minister of Education and the Japanese Ambassador to Manchoukuo in connection with the extension of the privilege specified in Article 73 of the Military Service Law to schools in Kwantung Province and in Manchoukuo. In connection with the extension of such privilege to Japanese schools located outside Japan Proper, Kwantung Province, and Manchoukuo, the Minister of War is required to consult the Minister of Education and the Minister for Foreign Affairs.

Article 140. In the event that it became necessary for any persons to take another conscription examination under the provisions of the Military Service Law, unless otherwise specified in these regulations, all previous examinations or other steps taken in connection with the military service of

the persons concerned are cancelled at the time of the appearance of the need for a second examination.

Article 141. The Director of Conscription or a divisional district conscription officer shall order any measure taken by a conscription officer under their command to be cancelled, or replaced whenever such measure is found to be mistaken. In such cases a divisional conscription officer is required to obtain the previous approval of the Director of Conscription relative to the order for such change.

When a regimental district conscription officer, having discovered the fact that a measure he had taken was mistaken, wants to cancel it, or replace it by another measure, he must obtain the approval of the director of conscription except in such cases as are specifically decided upon by the Minister of War.

In any case where a measure taken by a regimental district commander must be cancelled or replaced by another measure, he must obtain, in the same manner as stated in the two preceding paragraphs, a previous approval of the Minister of War.

Article 142. Persons concerned are not authorized to appeal to the Court of Administrative Litigation against a conscription decision made by a conscription officer or by a regimental district commander.

Article 143. In connection with the conscription physical examination specified in Article 80 of these regulations, the service of soldiers, or summoning of reservists, the Minister of War may engage the services of the Provincial Governors, Prefectural Governors, Mayors of cities, the Governors of islands, and chiefs of police districts, in the case of Chosen; the services of Prefectural Governors, Sub-prefectural Governors, Mayors of cities, and chiefs of police stations, in the case of

Taiwan; the services of the Governor of Kwantung Province, in the case of Kwantung Province; the services of the Japanese Ambassador and the officials of the Japanese Embassy who are in charge of the military affairs concerning the Japanese residents in the case of Manchoukuo; and the services of the Japanese consulates in various oversea places other than stated above in order that they may execute part of the conscription duties in the districts under their respective jurisdiction.

In order to aid in the duties connected with the postponement of conscription for the Japanese residents abroad, the Minister of War may engage the services of the chiefs of police districts, in the case of Kwantung Province; the services of the sub-prefectural governors in the case of the South Sea islands; or the services of the Japanese Consulates, in the case of various oversea places other than stated above.

The regulations concerning the military affairs officials belonging to the Japanese Embassy in Manchoukuo are to be enacted by the Minister of War in accordance with the result of a conference between the Japanese Minister and the Commander of the Kwantung Army.

In the case of a town or a village, whose area is extended over the districts under the jurisdiction of more than two police districts, the business relative to the summoning of the reservists living in such a town or village is to be conducted by the police district having jurisdiction over the place where the town or village is situated.

When changes have been introduced in the district under the jurisdiction of a police district, or in the boundary line between two villages, towns or cities, or when a city, town or a village has been abolished or brought into existence, the official duties in such a district relative to the conscription

of reservists are to be conducted provisionally by the chief of a police district or by the mayor of a city, town, or village, who is specially appointed for such duties by the division commander or by the commander of a naval station concerned.

Article 144. Various expenses of a conscription office, the travelling expenses for certain conscripts and for those who are to draw lots on behalf of other conscripts, as well as for the conscripts who are to be enlisted in service with the colors, are to be disbursed by the government. Travelling expenses incurred by those who volunteer for active service in accordance with the provision of Article 7 are to be paid by the persons concerned.

Travelling expenses for persons who are to take the conscription examination, or persons who are to be enlisted in the army, who by reason of physical or mental disorders cannot travel by themselves and must be accompanied by guardians, will be borne by the government.

When, at their own choice, persons and their guardians make trips to conscription districts other than those in which they reside for the purpose of taking conscription examinations, the travelling expenses for such persons and their guardians are not met by the government, except such expenses as are incurred for travel after their entry into the conscription districts where they are to take their examination and which are clearly specified by the Home Minister.

Article 145. When the conscription business is finished, a regimental district commander must report to the division commander above him concerning all developments in conscription matters in the regimental district, while the division commander is required to transmit the report to the Minister of War, who will communicate to the Throne a complete report of the conscription situation in the nation.

Additional rules - Imperial Ordinance No. 75, March 25, 1939.

The present regulations are to take effect on the date of promulgation except:

Articles 41, 49, 50, 61, 62, 74, 76, 77, 79, 82, 83, and 120/2, which are to take effect on and after March 31, 1939, and Chapter 2, paragraph 2, Articles 32, 38, 81, 100, 101, 102, Chapter 3, paragraph 9, and Article 138, which are to go into effect on and after December 1, 1939.

Those who, by virtue of the provision of paragraph 2 of the Additional rules of the Imperial Ordinance No. 74, 1939, have been promoted to the grade of private of the Army Service Corps or of the Sanitary Corps, are to be treated in the same way as special service privates of the Army Service Corps, or as auxiliary hospital orderlies, as specified in the regulations prior to the issue of the Imperial Ordinance No. 74.

Those coming under the provision of paragraph 3 of the addition rules of the law No. 1, 1939, are to be treated in the same way as prior to the issue of the law in question.

\* \* \* \*

*Changes - January 1941*

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MAR 19 1941  
OFFICE CHIEF OF STAFF  
MIL., INTEL. DIV.  
2023-745  
f.w. 36  
WAR DEPARTMENT *div*

Article 2. Par. 1

Change

Military service is divided into service in the Standing Army, service in the Conscript Reserve, and service in the National Army.

Article 6

Change

The term of service in the First Reserve is fixed at 15 years and 4 months with the army, and at 12 years with the navy. Those who have finished their period of active service are assigned to service in the First Reserve.

Article 7

Cancelled

Article 9

Change

Those who have finished their term of service with the colors and in the First Reserve, and those who have undergone training in the army prior to the completion of their term of service in the Conscript Reserve, are to serve in the First National Army. Males between 17 and 40 years of age under the Japanese census registration law, who are not in service with the Standing Army, the Conscript Reserve, or the First National Army, are to serve in the Second National Army.

Article 18

Change

The forms of service specified in Articles 5, 6, and 8, and in Article 9, Par. 1, are discontinued when the men concerned reach 40 years of age, regardless of actual length of time spent with the colors.

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Article 21. Par. 1

Change

When soldiers in the active service, the First Reserve, or the Conscript Reserve, have become unfit for such service by reason of mental or physical disorder, or when relieved from active service through the operation of Article 20, they are transferred to other classes of service. Those who have become entirely incapable of service for such reasons, are relieved from further military responsibility.

Article 53

Change

Those who take their conscription examination in accordance with the provisions of Articles 30 and 36, Article 39 par. 3, Article 40 par. 2-3, Article 41 par. 2-3, Article 42 par. 2, Article 44, Article 36 par. 2, Article 47, Article 51 par. 1, or Article 66 par. 1, are exempted from conscription examination when they have passed the age of 37. The age here stated is that of a conscript as computed from the date in Article 17 par. 1.

In connection with the conscription of those who live in Chosen, Taiwan, or in any place outside of Japanese territory, exceptions may be established to all cases stated in Articles 26, 27, and 29 by virtue of an Imperial Ordinance.

Article 54

Change

Soldiers invalided from the service, those in the First Reserve, those in the service in the Conscript Reserve, or those in the National Army, are to be called out in time of war or incident in accordance with the needs of the situation.

Article 56

Change

Men in the First Reserve may be summoned up to five times for the purpose of undergoing necessary training.

The summoning of reservists specified in the preceding paragraph is fixed at once a year, the length of one call not exceeding 35 days in the case of soldiers and 70 days in the case of seamen.

The length of one call specified in the preceding paragraph, in case of necessity, may be prolonged by not to exceed 50 days. In such cases, the number of calls made will be reduced by one each.

Article 57 Par. 1

Change

Those in service in the Conscript Reserve may be summoned for a period of not to exceed 180 days for the purpose of training.

Article 60

Change

Soldiers on furlough pending their discharge from active service, soldiers in the First Reserve, and those in service in the Conscript Reserve, may be called out for an annual inspection muster.

Article 61

Change

Soldiers on furlough pending their discharge from the active service, soldiers in service in the First Reserve, and those in service in the Conscript Reserve who come under one of the following headings, may be exempted from annual training or annual inspection muster:



Additional Regulations

This law shall take effect on and after April 1, 1941, except for Article 53, par. 2, which is to be enforced on and after November 1, 1941.

Those who, at the time this law goes into effect, are in service in the Second Reserve, shall be assigned to service in the First Reserve.

In the case of those who are assigned to service in the First Reserve in accordance with the provisions of the preceding paragraph, the period they have already served in the Second Reserve will be taken into account in computing their further service in the First Reserve.

IPS D # 3373-A

MILITARY SERVICE LAW

(Promulgated by Law No. 47, March 31, 1927)  
(Revised by Law No. 1, March 8, 1939)

CHAPTER 1.

General Provisions

Article 1. All male Japanese subjects, as prescribed by the present law, shall serve in the army or navy.

Article 2. Military service is divided into service with the standing army, service in the second reserve, service in the conscript reserve and service in the National Army.

Service with the standing army is divided into service with the colors and service in the first reserve; service in the conscript reserve consists of service in the first conscript reserve and service in the second conscript reserve; and service in the National Army comprises service in the first National Army and service in the second National Army.

Article 3. Service for the volunteers is determined as prescribed by Imperial Ordinance.

Article 4. Those who have been sentenced to a heavier penalty than 6 years' imprisonment, with or without labor, forfeit their right to serve in the army or navy.

## CHAPTER 2.

### Military Service

Article 5. The term of active service is fixed at 2 years with the army and 3 years with the navy, and those who have been conscripted for active service will serve with the army or the navy for such periods.

Article 6. The term of service in the first reserve is fixed at 5 years and 4 months with the army, and at 5 years with the navy. Those who have finished their term of active service pass into the first reserve.

Article 7. The term of service in the second reserve is fixed at 10 years with the army, and at 7 years with the navy. Those who have finished their term of service with the colors and service in the first reserve pass into the second reserve.

Article 8. The term of service in the first conscript reserve is fixed at 17 years and 4 months with the army and at 1 year with the navy. A required number of men who are fit for active service but who have not been conscripted for such service, are placed in the first conscript reserve as super-numeraries for the active service for the year in question.

The term of service in the second conscript reserve is fixed at 17 years and 4 months. Those who are suitable for active service, but have not been selected either for active service or for service in the first conscript reserve and those who have finished their term of service in the first conscript reserve with the navy, are to serve in the second conscript reserve. The term of service in the second conscript reserve in the navy is fixed at "16 years and 4 months" for those who have finished their term of service in the first conscript reserve.

Article 9. Those who have finished their term of service in the second reserve, and those who have undergone training in the army prior to completion of their term of service in the conscript reserve are to serve in the First National Army. Males between 17 and 40 years of age under the Japanese census registration law, who are not in service with the standing army, second reserve, conscript reserve or First National Army are to serve in the Second National Army.

Article 10. Abolished.

Article 11. Abolished.

Article 12. The term of service with the colors for those on the active list, as specified by Imperial Ordinance, may be reduced by 60 days at the maximum for Normal School graduates qualified as Primary School teachers who are on active service in the army (or by 1 year and 60 days for those on active service in the navy), provided such curtailment of their service with the colors may be carried out without affecting the military requirements in view.

Article 13. The term of service with the colors for such privates on the active list as belong to a branch in which training may be completed within 1 year and 6 months may be curtailed by Imperial Ordinance irrespective of the provision of the preceding article.

Article 14. The term of service with the colors may be reduced where privates on the active list come, while in the army, under one of the following cases:

When the privates who have finished the course of a Youths' School show themselves to be of good moral conduct and have made excellent records in their studies and duties.

When some of such privates have become supernumeraries. Moral and educational standards mentioned

in par. 1, and means of determining same, will be provided by Imperial Ordinance.

Article 15. Abolished.

Article 16. When the term of service with the colors is to be reduced by the application of Articles 12 - 14, the reduction is to be effected through delayed enlistment or a furlough home for the men concerned.

Article 17. The terms of service with the colors and in the conscript reserve are to be computed from December 1 of the year in which conscription takes place.

In war time, or in case of special necessity, the date from which the term of service is to be computed may be altered according to the situation.

Article 18. The forms of service specified in Articles 5 - 8, and Article 9 par. 1 are discontinued when the men concerned reach 40 years of age, regardless of the actual length of time spent with the colors.

Article 19. In any of the following cases the term of service may be prolonged according to necessity:

In time of war or incident.

In case of special necessity due to preparations for sending troops to a war front, or on account of protection and garrisoning.

When they are on voyage.

When important maneuvers or a special review is to be held.

When extension of service is inevitable due to natural disasters or other affairs beyond human control.

The period of service extended in accordance with the provision of the preceding paragraph is taken into consideration as part of the succeeding period of service.

In case of special necessity, enlistment may be delayed by a period not to exceed three months in addition to the postponement of enlistment specified in Article 16. In this case service with the colors may be correspondingly extended.

The period of service extended in accordance with the provision of the preceding paragraph is subtracted from the following period of service.

Article 20. A soldier may be discharged when his family (the head of the family and those living under the same roof with him only) have found it impossible to earn a livelihood without the labor of the soldier concerned. This privilege is withheld in case of false representation of such distress in a family.

Article 21. When soldiers in the active service, the first and second reserve, or the conscript reserve, have become unfit for such service by reason of mental or physical disorder, or when relieved from active service through the operation of Article 20, they are transferred to other classes of service. Those who have become entirely incapable of service for such reasons, are relieved from further military responsibility.

The class of service and the calculation of the length of service for those who, in accordance with the provision of the preceding article, are to be transferred from one class of service to another, are to be determined by Imperial Ordinance.

Article 22. Time spent in prison as a result of sentence for desertion from active service, or sentences amounting to 6 years penal servitude served by men in active service for crimes committed either before or after their entry into the service are not calculated as part of the active service period.

CHAPTER 3.

Conscription

Article 23. Those who, according to the census registration law, reach twenty years of age between December 1 of the previous year and November 30 of a given year, unless prescribed otherwise, are required to take the conscription examination.

The age specified in the preceding paragraph is called the military age.

Article 24. When a male member of a family reaches 20 years of age between December 1 and 31 of any year, the head of the family must report the fact to the mayor, or the town or village master of the place of permanent domicile by the end of November of that year; but, when such member of a family reaches military age between January 1 and November 30 of any year, the head of the family must report the fact to the mayor or the town or village master stated above by the end of November of the previous year. The head of a family must, except when otherwise specified, follow the above procedure in his own case.

Article 25. Conscription districts are established in order to carry out necessary conscription measures.

A conscription district is divided into sub-conscription districts. The class and area of a conscription district are determined by Imperial Ordinance.

Article 26. Requirements as to the number of men for service with the colors and for service in the first conscript reserve, are apportioned first to conscription districts, and then to sub-conscription districts.

The apportionment of the number of men required from conscription and sub-conscription districts as stated in the preceding paragraph, is to be carried out in accordance with the number of men who have their permanent domiciles in those districts, and who are to take their conscription examination therein.

Article 27. The quotas of men allotted to various sub-conscription districts in accordance with the provision of the preceding article, are to be filled by men permanently domiciled in those districts.

Article 28. In case it is impossible to obtain the required number of men from a conscription, or a sub-conscription district, the unfilled portion of the quota may be allocated to another conscription or sub-conscription district.

Article 29. Conscription examinations will be held in a sub-conscription district where the men concerned have their permanent residences. The physical examination, however, may be held at a place other than the permanent residence.

Article 30. In case of failure to take the conscription examination in the required year, the examination will be taken the following year.

Article 31. A man who, as a result of a conscription physical examination, has been selected for active service, or for service in the first conscription reserve, is considered as belonging to the sub-conscription district in which the examination was taken regardless of change of residence to another such district.

Article 32. Those who have taken a conscription physical examination are classified as follows:

Those fit for service with the colors.

Those fit for service in the national army, but unfit for service with the colors.



Those unfit for service.

Those whose fitness is doubtful.

The above standard of classification is determined by Imperial Ordinance.

Article 33. Those found suitable for service with the colors as prescribed by Imperial Ordinance, are enlisted in accordance with the requirements of the allocations to each sub-conscription district, beginning with those suitable for service with the colors, followed by those for service in the 1st conscript reserve. The selection of accepted conscripts is made in accordance with their physical excellence.

In deciding upon the order of enlistment of the men of equal physical condition, the authorities concerned, in case of special necessity, may resort to drawing, as prescribed by Imperial Ordinance.

The branches of service for those who are enlisted under the provision of paragraph 1 are determined according to the number of men allocated to each sub-conscription district, physique, attainments, and professions of the men concerned.

Those fit for service with the colors, when not enlisted with service with the colors or in the first conscript reserve, are placed in the second conscript reserve.

The conscripts who are accepted for service with the colors, when the branches of service for them are decided upon, may be enlisted for actual service, in accordance with their preferences, irrespective of the order of enlistment specified in paragraphs 1 and 2.

Article 34. Those who are suitable for service in the National Army, but unfit for service with the colors, are not enlisted.

Article 35. Those unfit for any service are dropped from all lists of men available for service.

Article 36. Enlistment is postponed for those whose suitability for service is doubtful. Such cases are required to appear for the conscription examination every year until their suitability, or unsuitability, for service is finally decided upon.

Article 37. When those who are required to appear for the conscription examination are suffering from diseases unfitting them for service, or when they are insane, or physically deformed, parents or guardians are required to submit documentary evidence to this effect in order that they may be exempted from service without appearing for their conscription examination.

Article 38. Abolished.

Article 39. Conscription examination of the men concerned may be postponed in the following cases:

When under public hearing or preliminary investigation in connection with a criminal case for which the punishment includes penalties in addition to imprisonment.

When in custody following a crime.

When under a stay of execution.

When on parole.

When in a reformatory, or a house of correction in accordance with the Juvenile Law.

When temporarily out of a reformatory in accordance with the rules thereof.

The provisions of the preceding paragraph are applicable, with necessary modifications, to those found suitable for service with the colors, but whose order of enlistment has not been decided upon.

Those whose enlistment has been postponed in accordance with the provisions of the two preceding paragraphs, are to

appear for their conscription examination in the year in which the reason for the postponement becomes ineffective, or in the following year.

Article 40. When evidence is produced to show that a family is threatened with want due to the enlistment of its important member (the head of the family or any other member living under the same roof), his enlistment may be postponed for two years. If the evidence is not founded on fact, however, postponement of enlistment is not allowed.

If the reason necessitating the postponement of enlistment disappears before the expiration of such postponement, the conscription examination will be held during the year in which such reason becomes ineffective, or in the following year.

If the reason necessitating the postponement of enlistment does not become ineffective until after the expiration of the postponement, he must appear for his conscription examination in the year following the expiration of the postponement. In this case, he is not liable to service with the colors, or in the first conscript reserve.

The period of the postponement of conscription specified in paragraph 1 is to be computed from December 1 of the year of appearance for the conscription examination.

Article 41. Those who are to appear for conscription examination, if attending schools specified by Imperial Ordinance, may be exempted from such examination until they reach 26 years of age at the maximum.

When the reason for postponement of their conscription examination has terminated, conscription examination will be taken in the year such reason becomes ineffective, or in the following year. When a change of schools is made within six months of graduation, the reason for postponement of conscription examination is regarded as still in force.

Those who are still attending school upon the expiration of the postponement of their conscription examination as specified in paragraph 1, are liable to such an examination in the year when the postponement has expired.

In war time, or in time of incident, the enlistment of the foregoing student classes may not be postponed, as specified by Imperial Ordinance.

Article 42. Those who have been residing abroad since, or prior to, reaching military age (except as specified by Imperial Ordinance) may apply for postponement of conscription.

Those whose conscription has been postponed in accordance with the provision of the preceding paragraph are to appear for conscription examination in the year in which the reason for postponement is terminated, or in the following year.

Article 43. If those whose conscription is postponed in accordance with the provision of Article 42, paragraph 1, temporarily return home due to the death or serious illness of direct descendants, relatives, wives, children, or by the order of the government offices to which they belong, the reason for the postponement of their conscription is not regarded as being ended, unless their stay at home exceeds 90 days.

Besides the cases mentioned in paragraph 1 of the preceding article, those residing abroad may return to Japan temporarily, as specified in Imperial Ordinance, once a year, and for a period of time not exceeding 90 days, depending upon the distance between Japan and their residence abroad, without forfeiting their privilege to deferred conscription.

When those coming under the provisions of the two preceding paragraphs, due to diseases or other unavoidable conditions arising during their stay in Japan, are unable to

leave for their residences abroad in the time specified in the preceding two paragraphs, they may apply for extension of their stay in this country, without forfeiting their privilege to deferred conscription.

Article 44. The provisions of the two preceding articles, with necessary modifications, are applicable to the Japanese nationals belonging to the crews of Japanese vessels plying between foreign ports.

Article 45. In case a family, due to simultaneous enlistment of more than two members (those living under the same roof, including the head of the family) is exposed to immediate want, the enlistment of one of them may be postponed until the other finishes his service with the colors.

The provision of Article 17, par. 2, with necessary modifications, is applicable to those whose enlistment has been postponed in accordance with the provision of the preceding paragraph.

Article 46. When those fit for service with the colors, due to diseases or other inevitable reasons, are unable to enter the army on the dates for their enlistment, or where they come under one of the cases enumerated in Article 39, their enlistment may be postponed by a period not to exceed 31 days.

When those fit for service with the colors are unable to join the army on the expiration of the postponement specified in the preceding paragraph, they are liable to another conscription examination, unless they belong to such branches of service as are specified in Article 13, in which case they are liable to enlistment, without another conscription examination, with the next group of men becoming available for enlistment.

Article 47. When those found fit for service with the colors at the time of conscription examination, but are found to be

unfit for service by reason of disease or mental disorder not readily curable within 31 days on the occasion of their physical examination at enlistment, they are returned to their homes. Such cases will be given another conscription examination unless they are found to fall under the provisions of Article 21.

The provisions of Article 46, par. 2, with necessary modifications, are applicable to those who are returned to their homes in accordance with the provision of the preceding paragraph.

Article 48. When vacancies have occurred among men in service with the colors, they are to be filled from among those in the first year of service in the first conscript reserve, in accordance with their order of conscription.

The provisions of Article 27 and Article 28, with necessary revisions, are applicable to the cases relative to the filling of vacancies as specified in the preceding paragraph.

Article 49. When those falling under one of the following cases have been accepted as conscripts, they are to be conscripted after those specified in Article 33, par. 5, but before all others:

Those specified in Article 46, par. 2.

Those specified in Article 47.

Those who, having committed a crime specified in Article 74, were sentenced to a penalty.

Those who, having committed a crime specified in Article 76, were sentenced to a penalty.

Article 50. Those who, having been sentenced for a crime specified in Article 74 or Article 76, forfeit their claim to deferred conscription as specified in Articles 40 - 42 and Articles 44 and 45.

Article 51. When men of military age are found to be without record of domicile due to clerical or other errors in census registration, they will take their conscription examination, in the year when such a mistake is discovered, or in the following year. Those who have not taken their conscription examination due to mis-registration in the census register are also to be treated in the same way as stated above.

Those who have already taken their conscription examination, and are then found to be of, or less than military age as a result of the correction of their birth days, will be re-examined unless they come under one of the following cases:

Those who are in service with the colors, or have already finished their service with the colors when the mistake is discovered.

Those who, being in service with the conscript reserve, are called out to the colors for the purpose of training, or have already finished such a training when the mistake is discovered.

Those who have been disqualified for military service in accordance with the provision of Article 37.

Article 52. Japanese nationals not coming under the census registration law, who have been adopted into the families who are under the control of this law after reaching military age are exempted from military service.

The provision of the preceding paragraph, with necessary modification, is applicable to those who, after reaching military age, have acquired or been restored to Japanese citizenship.

Article 53. Those who are to take their conscription examination in accordance with the provisions of Articles 30 and 36, Article 39 par. 3, Article 40 par. 2-3, Article 41 par. 2-3, Article 42 par. 2, Article 44, Article 46 par. 2, Article 47,

Article 51 par. 1 or Article 66 par. 1, are exempted from conscription examination when they have passed the age of 37.

The age stated in the preceding paragraph is that of a conscript as computed from the date stated in Article 17 par. 1.

#### CHAPTER 4.

##### Summons

Article 54. Soldiers invalided from the service, those in service in the first or second reserve, those in service in the conscript reserve, or those in service in the National Army, are to be called out in time of war or incident in accordance with the needs of the situation.

Article 55. Soldiers on furlough pending their discharge from active service may be called out in order to fill vacancies among the men with the colors, or in case of necessity other than stated above.

Men in the first reserve may be called out when the required number of men has not been obtained after calling all the men on furlough in order to meet the needs of the situation or for other reasons.

Article 56. Men in the first and second reserve may be summoned up to five times for the purpose of undergoing necessary training.

The summoning of reservists specified in the preceding paragraph is fixed at once a year, the length of one call not exceeding 35 days in the case of soldiers, and 70 days in the case of seamen.

The length of one call specified in the preceding paragraph, in case of special necessity, may be prolonged but not to exceed 50 days. In such cases, the number of calls made during the period of first reserve service and during the



period of second reserve service will be reduced by one each.

Article 57. Those in service in the conscript reserve may be summoned for a period not to exceed 120 days for the purpose of training.

Those who have finished the course at a Youths' School or a course of the same grade as, or of a higher grade than that of a Youths' School at any other institution, are exempted from such summons as are stated above as prescribed by Imperial Ordinance.

The determining of the standard of training as stated in the preceding paragraph is to be done, with necessary modifications, in accordance with the provision of Article 41, par. 2.

Article 58. Those in service in the conscript reserve who have undergone necessary training with troops may be called out for an annual course of training.

The provision of Article 56 is applicable to the summons specified in the preceding paragraph.

Article 59. When those who have been called out for an annual course of training fail to finish that course by reason of crimes they have committed, or without other good reason, the number of days or drills they have failed to attend are not considered as a completed part of the training period concerned.

The above is applicable, with required modifications, to the cases of those who have been called out for such training and who fail, without good reason, to join the colors at the specified time.

The provision of the preceding paragraph, with necessary modifications, is applicable to all persons summoned for training other than stated above.

Article 60. Soldiers on furlough pending their discharge from active service, soldiers in service in the first reserve, soldiers in service in the second reserve, and those in service in the conscript reserve, may be called out for an annual inspection muster.

Article 61. Soldiers on furlough pending their discharge from active service, soldiers in service in the first reserve, soldiers in service in the second reserve, and those in service in the conscript reserve who come under one of the following headings may be exempted from annual training or an annual inspection muster:

Government officials, or quasi-officials in the government service who are not easily replaced.

Mayors of cities or masters of towns or villages, assistant-mayors, assistant town or village masters, treasurers of cities, towns or villages, and those in important posts of municipal offices or other public offices.

Members of the Imperial Diet; prefectural assemblies; municipal, town or village assemblies and similar assemblies when the Diet and those assemblies are in session.

Those who are residing or making trips abroad.

Members of the crews of Japanese vessels plying between foreign ports.

Article 62. The summons of reservists may be postponed by not to exceed 10 days in case of serious illness, or in case they are prevented from doing so by circumstances over which they have no control.

When those enumerated in Article 39, par. 1, are summoned and are unable to join the colors by the date specified, or those whose summons have been postponed in accordance with provisions of the preceding paragraph and are unable to join

the colors by the date of expiration of the postponement, the date or year of their summons will be altered according to circumstances.

The provisions of the two preceding paragraphs, with necessary modifications, are applicable to those who have been ordered to attend their annual inspection muster.

When those who have been called out are found, as a result of physical examination conducted prior to their enlistment, to be incapable of service on account of their diseases or physical or mental disorder, the date or year for their enlistment will be postponed unless they are exempted from service.

Article 63. When convincing proof is produced of the fact that a family (including the head of the family and other members thereof who live under the same roof) is exposed to distress due to the enlistment of an important member, he will be discharged from the army. When, however, the evidence produced is not founded on facts, he will not be discharged.

## CHAPTER 5.

### Miscellaneous Rules

Article 64. When those who had been appointed to service in the first conscript reserve have been called to service with the colors in accordance with provisions of Article 48 in order to fill the vacancies among the men in active service, the time already served in the first conscript reserve is calculated as part of his service with the colors.

Article 65. For those who entered the army later than the time originally specified in accordance with the provision

of Article 46; and those who, in accordance with the provision of Article 48, par. 1, were enlisted later than the time originally specified to fill the vacancies among the men in active service, the period of service with the colors will be calculated as in the case of those who were enlisted at the specified time. This, however, does not apply to those who were enlisted later than the time originally specified because of crimes they had committed, or without other good reason.

The provision of the first paragraph, with necessary modifications, is applicable to those whose summons had been postponed in accordance with the provision of Article 62, par. 1, in case they entered the army before the expiration of the postponement.

Article 66. When those who had been enrolled by application, are discharged prior to completion of the service period specified by Imperial Ordinance, they are liable to a conscription examination.

When they are enlisted as a result of the conscription examination stated above, the period of their active service is to be calculated as prescribed by Imperial Ordinance.

Article 67. Abolished.

Article 68. Reports of various matters relative to military service other than specified in the present law are to be made as prescribed by ordinance.

Article 69. The mayor of a city, or a master of a town or a village, as prescribed by ordinance, is required to indicate on the margin of the census register of each man having permanent domicile in his city, town, or village, an abbreviation indicating the branch of service to which he belongs, except for those who belong to the second National Army.

The provision of Article 3 of the Census Registration Law, with necessary modifications, is applicable to the official duties specified in the preceding paragraph.

Article 70. In case the information required to be furnished by persons concerned relative to matters connected with this law cannot be furnished by them, the information will be furnished by heads of families.

Article 71. The provisions of the present law concerning the heads of the families are applicable to their legal representatives when they are under age or declared incompetent, or to those who are in charge of the family affairs in case the heads of the families or their legal representative are not yet established.

Article 72. In cities where masters of wards are charged with duties relative to census registration, the provisions of this law concerning the duties of mayors are applicable.

The provisions of this law concerning the duties of town or village masters are applicable to those who are in posts similar to those of town or village masters.

Article 73. The "schools" specified in the present law involve schools abroad that are specified by Imperial Ordinance.

Article 74. Those who, with an intention to evade military service, abscond, or conceal or injure themselves, feign illness, or resort to fraudulent means are liable to a penalty up to 3 years.

Article 75. Those who are to be enlisted for service with the colors, without good reason fail to join the army in ten days after the date for their enlistment, are liable to an imprisonment up to 6 months. In time of war, five days' delay will subject him to imprisonment up to one year.

The provisions of the preceding paragraph, with necessary modifications are applicable to those who volunteer for service in the army.

Article 76. Those who without good reason, fail to take their conscription examination, are liable to a fine up to ¥100.

Article 77. Those who fail to furnish the reports specified in the provision of Article 24 are liable to a fine up to ¥50.

Article 78. The provisions of the preceding five articles are applicable to whoever may be guilty of the crimes specified in those articles.

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#### Additional Regulations

This law will go into effect on and after March 31, 1939, with the exception of the revised provisions of Articles 10, 12, 15, 17, 18, 38, 41, 45 and 67, and part of the revised provision of Article 53, relative to Articles 17, 41 and 61, which are to be enforced on and after December 1, 1939.

Those who, on March 31, 1939, are actually serving in the army due to extension of their service in accordance with the provision of Article 19, will, in spite of revised provision of Article 8, be considered under this law prior to amendment as far as their period of service is concerned.

Those who, on December 1, 1939, are actually attending a middle school, or a school which in accordance with the provision of Article 41 prior to the present revision is

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regarded to be of the same grade as or of a higher grade than a middle school, are to be treated as heretofore relative to the postponement of their conscription irrespective of the revised provision of article 41, as long as they are attending their present school.

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MILITARY SERVICE LAW

(Promulgated by Law No. 47, March 31, 1927)  
(Revised by Law No. 1, March 8, 1939)

CHAPTER 1.

General Provisions

Article 1. All male Japanese subjects, as prescribed by the present law, shall serve in the army or navy.

Article 2. Military service is divided into service with the standing army, service in the second reserve, service in the conscript reserve and service in the National Army.

• Service with the standing army is divided into service with the colors and service in the first reserve; service in the conscript reserve consists of service in the first conscript reserve and service in the second conscript reserve; and service in the National Army comprises service in the first National Army and service in the second National Army.

• Article 3. Service for the volunteers is determined as prescribed by Imperial Ordinance.

Article 4. Those who have been sentenced to a heavier penalty than 6 years' imprisonment, with or without labor, forfeit their right to serve in the army or navy.



## CHAPTER 2.

### Military Service

Article 5. The term of active service is fixed at 2 years with the army and 3 years with the navy, and those who have been conscripted for active service will serve with the army or the navy for such periods.

Article 6. The term of service in the first reserve is fixed at 5 years and 4 months with the army, and at 5 years with the navy. Those who have finished their term of active service pass into the first reserve.

Article 7. The term of service in the second reserve is fixed at 10 years with the army, and at 7 years with the navy. Those who have finished their term of service with the colors and service in the first reserve pass into the second reserve.

Article 8. The term of service in the first conscript reserve is fixed at 17 years and 4 months with the army and at 1 year with the navy. A required number of men who are fit for active service but who have not been conscripted for such service, are placed in the first conscript reserve as super-numeraries for the active service for the year in question.

The term of service in the second conscript reserve is fixed at 17 years and 4 months. Those who are suitable for active service, but have not been selected either for active service or for service in the first conscript reserve and those who have finished their term of service in the first conscript reserve with the navy, are to serve in the second conscript reserve. The term of service in the second conscript reserve in the navy is fixed at "16 years and 4 months" for those who have finished their term of service in the first conscript reserve.

Article 9. Those who have finished their term of service in the second reserve, and those who have undergone training in the army prior to completion of their term of service in the conscript reserve are to serve in the First National Army. Males between 17 and 40 years of age under the Japanese census registration law, who are not in service with the standing army, second reserve, conscript reserve or First National Army are to serve in the Second National Army.

Article 10. Abolished.

Article 11. Abolished.

Article 12. The term of service with the colors for those on the active list, as specified by Imperial Ordinance, may be reduced by 60 days at the maximum for Normal School graduates qualified as Primary School teachers who are on active service in the army (or by 1 year and 60 days for those on active service in the navy), provided such curtailment of their service with the colors may be carried out without affecting the military requirements in view.

Article 13. The term of service with the colors for such privates on the active list as belong to a branch in which training may be completed within 1 year and 6 months may be curtailed by Imperial Ordinance irrespective of the provision of the preceding article.

Article 14. The term of service with the colors may be reduced where privates on the active list come, while in the army, under one of the following cases:

When the privates who have finished the course of a Youths' School show themselves to be of good moral conduct and have made excellent records in their studies and duties.

When some of such privates have become supernumeraries. Moral and educational standards mentioned

in par. 1, and means of determining same, will be provided by Imperial Ordinance.

Article 15. Abolished.

Article 16. When the term of service with the colors is to be reduced by the application of Articles 12 - 14, the reduction is to be effected through delayed enlistment or a furlough home for the men concerned.

Article 17. The terms of service with the colors and in the conscript reserve are to be computed from December 1 of the year in which conscription takes place.

In war time, or in case of special necessity, the date from which the term of service is to be computed may be altered according to the situation.

Article 18. The forms of service specified in Articles 5 - 8, and Article 9 par. 1 are discontinued when the men concerned reach 40 years of age, regardless of the actual length of time spent with the colors.

Article 19. In any of the following cases the term of service may be prolonged according to necessity:

In time of war or incident.

In case of special necessity due to preparations for sending troops to a war front, or on account of protection and garrisoning.

When they are on voyage.

When important maneuvers or a special review is to be held.

When extension of service is inevitable due to natural disasters or other affairs beyond human control.

The period of service extended in accordance with the provision of the preceding paragraph is taken into consideration as part of the succeeding period of service.

In case of special necessity, enlistment may be delayed by a period not to exceed three months in addition to the postponement of enlistment specified in Article 16. In this case service with the colors may be correspondingly extended.

The period of service extended in accordance with the provision of the preceding paragraph is subtracted from the following period of service.

Article 20. A soldier may be discharged when his family (the head of the family and those living under the same roof with him only) have found it impossible to earn a livelihood without the labor of the soldier concerned. This privilege is withheld in case of false representation of such distress in a family.

Article 21. When soldiers in the active service, the first and second reserve, or the conscript reserve, have become unfit for such service by reason of mental or physical disorder, or when relieved from active service through the operation of Article 20, they are transferred to other classes of service. Those who have become entirely incapable of service for such reasons, are relieved from further military responsibility.

The class of service and the calculation of the length of service for those who, in accordance with the provision of the preceding article, are to be transferred from one class of service to another, are to be determined by Imperial Ordinance.

Article 22. Time spent in prison as a result of sentence for desertion from active service, or sentences amounting to 6 years penal servitude served by men in active service for crimes committed either before or after their entry into the service are not calculated as part of the active service period.