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Cons. no. 25294-S

Affidavit of Thomas M. Cooley II

Dec. 5, 1946

(Nos. 25294-S, 25295-S,  
25296-S, 25297-S)

78/177  
C



SOUTHERN DIVISION OF THE  
UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF CALIFORNIA

TADAYASU ABO, et al., etc., )  
Complainants ) No. 25294-  
vs. ) Cons. No.  
TOM CLARK, etc., et al., ) 25294-  
Respondents )

MARY KANAME FURUYA, et al., )  
etc., Complainants ) No. 25295-S  
vs. ) Cons. No.  
TOM CLARK, etc., et al., ) 25294-S  
Respondents )

In the Matter of the )  
Application for A Writ ) No. 25296-S  
of Habeas Corpus by ) Cons. No.  
TADAYASU ABO, et al., ) 25294-S  
etc., Petitioners )

In the Matter of the )  
Application for A Writ ) No. 25297-S  
of Habeas Corpus by ) Cons. No.  
MARY KANAME FURUYA, ) 25294-S  
et al., etc., Petitioners )

Affidavit of Thomas M. Cooley, II



AFFIDAVIT

THOMAS M. COOLEY, II, being first duly sworn, deposes and says:

That he is Director of Alien Enemy Control in the Department of Justice and that in that capacity he has personal supervision and knowledge of the files of the Department relating to aliens of Japanese Nationality and to renunciation of citizenship.

That the attached affidavit by Thomas L. Blakemore, dated January 14, 1946, marked Exhibit A, was prepared at the request of the Department of Justice and is taken from its official files.

That the attached memorandum on the Nationality of American-Born Persons of Japanese Descent Under Japanese Law, marked Exhibit B, was prepared by Thomas L. Blakemore at the request of the Department of Justice and is taken from its official files.

That the attached Deposition of Thomas L. Blakemore and Exhibits, marked Exhibit C, were requested by the Department of Justice from the United States Attorney for the Southern District of California, and were sent to affiant in his official capacity through official channels pursuant to such request and are taken from the official files of the Department of Justice.

Affiant further says that, in his official capacity as above set forth, he has communicated through official channels to the War Department a request that that Department undertake to ascertain from the MacArthur headquarters in Tokyo whether the records of the Japanese Government or any subdivision thereof contain any information relating to the citizenship under Japanese Law of any of Petitioners ; that the War Department has acknowledged such requests and has twice indicated the necessity for further information as to each Petitioner for use in the requested search, and that the additional information thus requested has been promptly furnished by affiant.

*Mr. Wayne M. Collins :*

*December 5, 1946*

*This Affidavit is erroneously referred to in Respondent's Brief as Mr. Cooley's affidavit of December 8, 1946.*

*A. S. Newman*



That affiant has been informed and believes that the War Department now has and has forwarded to Japan all the information necessary to conduct the requested search with respect to each Petitioner and is proceeding to do so as rapidly as conditions permit.

Affiant further says that the attached copy of an order of removal issued in the case of Petitioner Hiroshi Watanabe, marked Exhibit D, is a true copy of the official order issued and signed by the Attorney General in the case of the said Hiroshi Watanabe, and that orders in the same form with the variations necessary to conform to the differing identity, age, etc. of other Petitioners have been issued with respect to all Petitioners now detained for removal pursuant to the Alien Enemy Act of 1798, and are contained in the official files of the Department of Justice under supervision of affiant in his said official capacity.

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Thomas M. Cooley, II

Subscribed and sworn to before me,  
at Washington, District of Columbia,  
this the \_\_\_\_\_ day of December, 1946.

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Exhibit A

AFFIDAVIT OF THOMAS L. BLAKEMORE

DISTRICT OF COLUMBIA, ss.

Thomas L. Blakemore, being first duly sworn, on oath deposes and says as follows:

My name is Thomas L. Blakemore. I now reside at Washington, D. C., and am awaiting assignment to Tokyo, Japan, with the Foreign Service of the Department of State in the capacity of legal assistant in the Office of the United States Political Adviser to the Supreme Commander of Allied Forces of the Pacific.

I was born at Sapulpa, Oklahoma in 1915. I am a graduate of the University of Oklahoma (B.A. 1936; L.L.B. 1938), and a member of the Bar of the State of Oklahoma. In 1938 through the sponsorship of the Institute of Current World Affairs, I began studies of a comparative legal nature, first at Trinity Hall College of Cambridge University, England during the academic year 1938-1939, and from the fall of 1939 until the fall of 1941 in Tokyo, Japan. At Tokyo I completed the standard two-year course of instruction in the Japanese language, given by the American Embassy for Army, Navy and State Department officials, and in 1941 enrolled as a special student in the Law Department of Tokyo Imperial University. I attended classes in Japanese in that Department from April until my departure in September 1941. Following my return to the United States in October 1941, and until entering the Foreign Service of the Department of State in January 1946, I was employed by the Office of Strategic Services, first in a civilian and later in a military capacity. During my years with this organization in the United States, India, and China I made continual and constant use of my knowledge of the Japanese language. During the final six months with the Office of Strategic Services, my principal work was the preparation of reports on phases of Japanese law related to the military government of Japan, as well as studies of other Japanese legal and constitutional problems.



As a result of the above-mentioned education and experience, I have acquired a proficiency in the use of Japanese, especially that type of Japanese used in legal materials. The attached translation of certain Japanese laws pertaining to Japanese nationality either were prepared by me originally, or have been reviewed and modified by me from previously published translations. To the best of my ability they represent a full and true translation of the laws involved, subject to such deletions as are immaterial and are specifically noted therein.

I make this affidavit at the request of the Department of Justice for use in certain pending and future proceedings relating to Japanese nationality.

s/ Thomas L. Blakemore

Subscribed and sworn to before me,  
at Washington, District of Columbia,  
this the 14th day of January 1946.

s/ Mary R. McLean  
Notary Public, District of Columbia

My Commission Expires Feb. 14, 1946.



Ex B

THE NATIONALITY OF AMERICAN-BORN PERSONS OF  
JAPANESE DESCENT UNDER JAPANESE LAW

A Memorandum Prepared for the  
Department of Justice by  
Thomas L. Blakemore

s/ Thomas L. Blakemore

14th January 1946



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A

Summary

Under Japanese Law as of 1941 (the latest year for which information is now available), the nationality status of American-born persons of Japanese descent (nisei) is as follows:

A. A nisei, born in the United States before 1 December 1924, whose father had Japanese nationality at the time of his or her birth, now has Japanese nationality<sup>1</sup> unless he or she

- (1) between 1 August 1916 and 1 December 1924, secured the permission of the Japanese Minister of Home Affairs for a renunciation of nationality,<sup>2</sup>
- (2) renounced Japanese nationality after 1 December 1924 in the manner specified by the Japanese Nationality Act and the Nationality Enforcement Regulations. This renunciation required (a) domicile in the United States (b) the possession of American citizenship, and (c) the submission to an Embassy, or Consulate of Japan, located in the United States of

1. A certified copy of the Family Register of the individual
2. A certificate of birth issued or authenticated by an American official

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<sup>1</sup>See Pages 3-4

<sup>2</sup>See Pages 17-18.



B

3. The consent in writing of a legal representative (if the party renouncing Japanese nationality was an incompetent or a minor over 15 years of age) or the family council (when the legal representative, referred to in the previous paragraph, was a stepfather, stepmother, or guardian).<sup>1</sup>

This renunciation might have been superseded by a later recovery of Japanese nationality, which would have required among other things a domicile in Japan.<sup>2</sup>

- (5) lost his or her Japanese nationality through a change in family relationship, such as acknowledgment by a non-Japanese as an illegitimate child.<sup>3</sup>

B. A nisei, born in the United States after 1 December 1924, whose father had Japanese nationality at the time of his or her birth, has no Japanese nationality,<sup>4</sup> unless

- (1) a reservation of nationality was made on his or her behalf (a) by one of his or her parents, (b) within two weeks of birth, and (c) through the submission of a notice through a Japanese Consulate or Embassy in the United States, accompanied by a report of birth.<sup>5</sup>

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<sup>1</sup>See Pages 18-21.

<sup>2</sup>See Pages 24-25.

<sup>3</sup>See Pages 21-22.

<sup>4</sup>See Pages 4-7.

<sup>5</sup>Idem.



C

However, a nisei on whose behalf such a reservation of nationality was made still may have lost Japanese nationality through a later

1. renunciation similar to that described in A (3) of Page 28<sup>1</sup>
2. change in family relationship such as is described in A (5) of the preceding page.

(2) He or she has subsequently acquired Japanese nationality through a change in family relationship, such as marriage to (if a female), adoption by, marriage-adoption by (if a male), or acknowledgment as an illegitimate child by, a Japanese.<sup>2</sup> A recording of such a change of relationship, upon the proper Family Register in Japan, is essential to an acquisition of nationality by this method.<sup>3</sup> Upon the dissolution of these family relationships, Japanese nationality is lost, providing the original foreign nationality is regained.<sup>4</sup>

C. A third generation American-born individual of Japanese descent whose father at the time of his or her birth did not have Japanese nationality, has no Japanese nationality, unless

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<sup>1</sup>See Pages 18-21

<sup>2</sup>See Pages 7-12

<sup>3</sup>See Page 9

<sup>4</sup>See Pages 21-22



D

- (1) it has been acquired through naturalization (which requires among other things, a domicile in Japan)<sup>1</sup>
- (2) he or she has subsequently acquired it through a change in family relationship such as described in B, (2) of the preceding page.

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<sup>1</sup>See Pages 12-15



## Part I

### Introduction

This memorandum is based on Japanese legal materials of mid 1941 and earlier. Relevant sources of a later date are not available in the United States at the present time, and therefore no more can be attempted here than a description of Japanese law as of 1941 and before. Nor does this memorandum consider Japanese law prior to the enactment of the initial Nationality Act in 1899. While it appears that many of the provisions of earlier Japanese law were incorporated in the 1899 Act, detailed statements of these provisions are also lacking. It is unlikely that Japanese law before 1899 would be material to any determination of the present nationality of American-born children of Japanese descent.

Any analysis of the nationality of American-born children of Japanese parentage, generally and herein described as Nisei,<sup>1</sup> is complicated by several revisions in the Japanese Nationality Act (Kokusekiho) since its initial enactment. These make essential to certain determinations of nationality, not only such matters as the date of birth, the place of birth, the subsequent domicile and acts of the individual concerned, and the steps taken on his behalf by relatives or guardians, but also the individual's status under American law. For that reason, it is necessary to approach the problem of Nisei nationality with separate considerations of the principles of Japanese law which pertain to acquisition, loss, and recovery of nationality during

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<sup>1</sup>Strictly speaking, the term "nisei", which in Japanese means "second generation", includes only offspring of Japanese emigrants. It does not include subsequent generations. However, the American usage of "nisei" has come to be that of "Americans of Japanese descent" regardless of generation. This is the connotation of "nisei", as the term is used in this memorandum. In the few situations wherein the legal positions of second and third generation Japanese-Americans differ, a numerical distinction is made specifically.



various periods since 1899.

In general, Japanese law follows the principles of Jus Sanguinis, although with certain qualifications in cases where another nationality is acquired by birth in a country applying the Jus Soli or through marriage, adoption or other changes in family relationship. Some of the more important qualifications were added by amendments to the original Nationality Act (1899) in 1916 and 1924, and were intended to answer American objections to the dual nationality of Nisei.

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<sup>1</sup>YAMADA, Saburo, Kokusai Shiho (Private International Law) 1952, Volume 1  
Pages 152-153.



## Part II

## The Acquisition of Japanese Nationality

## A. Acquisition of Japanese Nationality by Birth

## 1. Before 1 December 1924

Article 1, of the Nationality Act, states the fundamental principle of Japanese nationality law:<sup>1</sup>

"A child is regarded as Japanese if its father is at the time of its birth a Japanese \* \* \* "

*Inclusion*  
Under the terms of this article, any child born in the United States before 1 December 1924, whose father was a Japanese, automatically acquired Japanese nationality.<sup>2</sup> Unless such an individual has in some manner lost or divested himself of Japanese nationality (as through marriage, adoption, acknowledgment, renunciation or naturalization), he remains a subject of Japan under Japanese law. The changes made in the 1924 revision of the Nationality Act<sup>3</sup> (discussed in the following paragraph), did not apply retroactively to

<sup>1</sup>Statute (Moritsu) #66, enacted 15 March 1899, and in force from 1 April 1899. Amended by Statute #27 of 1916, and Statute #21 of 1924. To be found in Genko Horei Shuran (Laws and Ordinances currently in force), Pages 929-930, (annotated to 28 February 1940). For a translation see "Nationality Laws" by Flournoy and Hudson, Oxford Press 1929, Pages 362-366. A slightly changed translation has been prepared in connection with this memorandum.

The text of this article has been unchanged since enactment in 1899, although its effect has been modified by subsequent additions and revisions of other articles of the Nationality Act.

<sup>2</sup>The nationality of the mother is immaterial. YAMADA, (supra) Page 159.

<sup>3</sup>Statute #19, enacted on 22 July 1924, and made effective on 1st December 1924 by Imperial Ordinance (Chokurei) #261 of 1924. This revision is to be found on Pages 18-20 of the July 1924 issue of Nippon Horei Zensho (Complete Collection of Laws and Ordinances), and also in a special issue of Kampe (Official Gazette), of the same date.



persons born before 1 December 1924.

## 2. Acquisition after 1 December 1924

Technically, the changes of the 1924 Amendment to the Nationality Act pertain to loss rather than acquisition of nationality. In legal theory, Japanese nationality still is bestowed by birth, in accordance with Article 1<sup>2</sup>, but is made subject to a condition subsequent. Despite the phraseology of certain articles, the net effect of the 1924 amendment is to confer a lasting Japanese nationality only upon individuals on whose behalf certain measures are taken soon after birth. For that reason, the following portions of the

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<sup>1</sup>Paragraph 2 of Part 2 of Article 20 of the Nationality Act (added by the 1924 revision), through a description of the special procedure whereby a Nisei born before 1 December 1924 could renounce Japanese nationality, makes it clear that no retroactive loss of nationality for such an individual was intended. This obvious intention was admitted in an opinion of the Japanese Department of Justice (#739 Civil, dated 6th of September 1930, found in *Hosokai Zasshi*, Vol. 8, Part 10, Pages 157-158), which held that a Nisei born in the United States before 1 December 1924 remained a Japanese subject after that date, and that his name was to be recorded on his family's record upon his coming to Japan.

An examination of the comments of YAMADA, Saburo, in his article "*Kokuseki no Hidatsu ni Kansuru Shinkitei ni tsuite*" (Concerning the new provisions for the renunciation of nationality), found on Pages 629-642, Vol. 2, Part 7 of *Kokusaiho Gaiko Zasshi* (Magazine of International Law and Diplomacy) further supports this interpretation.

<sup>2</sup>See YAMADA, *supra*, Page 207. A question of the proper method of conferring Japanese nationality on a person whose nationality had been lost through failure of notice as prescribed by Paragraph 1, Part 2 of Article 20 of the Nationality Act, and by Article 2 of the Nationality Act Enforcement Regulations, was presented to the Ministry of Justice in 1930, in connection with the registration of such a person under the Family Registration Act. (See footnote on Page 7). In the opinion of the Chief of the Civil Affairs Bureau, the proper method was a recovery of nationality, rather than a naturalization. This clearly implies an initial possession, but subsequent loss, of Japanese nationality by American-born Nisei. Opinion #739, dated 6th September 1930. *Hosokai Zasshi*, Volume 8, Part 10, Pages 157-158.



1924 amendment are presented here in connection with acquisition, instead of in the later section dealing with loss.

Paragraph 1 of Part 2 of Article 20 of the Nationality Act (in effect from 1 December 1924)<sup>1</sup>, provides:

"A Japanese who, by reason of having been born in a foreign country designated by Imperial Ordinance, has acquired the nationality of that country, and who does not, as laid down by order, express his intention of retaining Japanese nationality, loses his Japanese nationality retroactively from birth."

Imperial Ordinance #262<sup>2</sup> of 1924 designates as countries to which Paragraph 1 of Part 2 of Article 20 is applicable, "the United States of America, Canada, Argentina, Brazil, Chile and Peru."

The Nationality Act Enforcement Regulations (Kokusekiho Shiko Kisoku)<sup>3</sup> which supplies the details for the operation of the Nationality Act provides:

"Article 2

"If a retention of nationality, in accordance with the provisions of Paragraph 1 of Part 2 of Article 20 of the Nationality Act, is desired, the person submitting a report of birth under the provisions of Paragraphs 1 or 2 of Article #72 of the Family Registration Act.

<sup>1</sup>Statute #19, enacted on 22 July 1924 and made effective on 1st December 1924 by Imperial Ordinance (Chokurei) #261 of 1924. This revision is to be found on Pages 18-20 of the July 1924 issue of Nippon Horei Zensho (Complete Collection of Laws and Ordinances), and also in a special issue of Kampo (Official Gazette), of the same date. A translation has been prepared in connection with this memorandum.

<sup>2</sup>Proclaimed 15 November 1924 and effective 1 December 1924. Found on Pages 201-202, Imperial Ordinance Section of the November 1924 issue of Nippon Horei Zensho; also in the 17 November 1924 issue of Kampo. A translation has been prepared in connection with this memorandum.

<sup>3</sup>Issued on 17th November 1924 as Home Affairs Ministry Ordinance #26, effective on 1 December 1924, and to be found on Pages 28-30, Home Affairs Ministry Ordinance Section, of the November 1924 issue of Nippon Horei Zensho. A translation has been prepared in connection with this memorandum.



must accompany the report of birth with a notice to this effect within the period provided by Article #69 of the Family Registration Act."<sup>1</sup>

Therefore, by virtue of the above provisions, the Japanese nationality which is given to every child of Japanese paternity, is lost retroactively by children born in the United States after 1 December 1934, unless retained

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<sup>1</sup>Family Registration Act (Kosekiho), to be found on Page 952, of Volume 14 of the Genko Horei Shuran provides:

"Article 69

"A report of birth must be made within 14 days \* \* \*

"Article 72

"The birth of a legitimate child must be reported by the father. If the father is unable to report the birth, or if the circumstances described in Paragraph 1, and the exception to Paragraph 2 of Article #734 of the Civil Code exist, the mother must make the report.

"The birth of an illegitimate child (of a concubine) (Shoshi) must be reported by the father. The birth of a bastard (shiseiji) must be reported by the mother."

(Article #734 of the Civil Code provides:

"If a father, before the birth of a child, leaves a household through reason of divorce or dissolution of adoption, the provisions of Paragraph 1 of the previous article (which states that a child becomes a member of the household of his father), shall apply retroactively to the time of conception.

"The provisions of the previous paragraph shall not apply at times when both the father and mother leave the household, except on those occasions when the mother shall be reinstated in the household before the birth of the child.")



through a properly filed notice or statement of intention. This notice or statement of intention must be filed by a parent at a Japanese embassy or consulate within two weeks of the child's birth, and must be supported by the proper documentary proof of birth.

#### B. Acquisition of Japanese Nationality by Methods Other Than Birth.

Article 5 of the Nationality Act governs the acquisition of Japanese nationality by methods other than birth. It provides:

"An alien acquires Japanese nationality in the following cases:

- (1) by becoming the wife of a Japanese
- (2) by becoming the ~~nyu~~<sup>1</sup> of a Japanese woman
- (3) by acknowledgment of his or her father or mother who is a Japanese
- (4) by adoption by a Japanese
- (5) by naturalization"

Articles 147-152 of the Family Registration Act<sup>2</sup> makes certain requirements concerning the recording of changes in nationality:

#### "Article 147

"At times when an alien acquires Japanese nationality through adoption or marriage, the former nationality of the individual must be stated in the report of adoption or marriage."

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<sup>1</sup>A man who marries the female head of a family and at the same time becomes a member thereof through adoption.

<sup>2</sup>Japan has a highly developed system of family and personal registration. Vital facts concerning individuals, and their family relationships are recorded in Family Registers (Koseki) which are kept by all municipal offices. Entries may be made either orally or in writing. For convenience, overseas Japanese may file reports via the Ambassador, Minister, or Consuls in the country of residence.

The statute establishing this system (Kosekiho) is sometimes translated as the Family Census Registration Act, or the Census Domicile Act.



"Article 148

"At times when an alien acquires Japanese nationality through acknowledgment, the former nationality of the individual must be stated in the report of acknowledgment.

"If the person making the acknowledgment is the father, the nationality of the mother must be stated."

"Article 149

"A report of naturalization must be made within ten days of the date of the permit.

"The report must include the following facts:

- (1) The former nationality of the person naturalized.
- (2) The names and nationalities of his or her father and mother.
- (3) The date of the permit.
- (4) When other persons acquire Japanese nationality along with the person naturalized, their names, dates of birth, and relationships to the person naturalized.

"When the wife and children of a naturalized person do not acquire Japanese nationality along with such naturalized person, the report must state the reason therefor."

"Article 150

"A report of a loss of nationality must be made by the head of the family or the heir, within one month following the date when such fact became known.

"The report must include the following facts:

- (1) The name and family register of the person who has lost his or her nationality.
- (2) The reason and date for the loss of nationality.
- (3) If a new nationality is acquired, that nationality."

"Article 151

"A person losing his nationality, if a male over 17 years of age, must attach to his notice a written certificate of the completion of active service in the army or navy, or the lack of an obligation to serve. However, the above provision does not apply to a person who loses his nationality in accordance with the provisions of Parts 3 and 3 of Article 20 of the Nationality Act."

"Article 152

"A report of recovery of nationality must be made within ten days of the date of the permit.

"The report must include the following facts:



- (1) The reason for loss of Japanese nationality and the date.
- (2) The nationality possessed before the recovery of Japanese nationality.
- (3) The date of the permit.
- (4) When other persons acquire or recover Japanese nationality along with the person recovering Japanese nationality, their names, dates of birth, and relationships to the person recovering Japanese nationality.

"Paragraph 3 of Article 149 shall apply *mutatis mutandis* to the report mentioned in the previous paragraph."

Although not specifically provided by the Nationality Act, or by the Family Registration Act, a recording of the act of naturalization or the change in family relationship, in accordance with the provisions of the Family Registration Act cited above, seems to be essential to the acquisition of Japanese nationality by such means. The only Japanese authority whose consideration of this point is now available<sup>1</sup>, makes this assertion in connection with a discussion of marriage as a method of acquisition of nationality. This interpretation is in accord with constructions of other provisions of the Family Registration Act, which require a proper recording of a change in family status, as a prerequisite of its legal validity.

#### 1. Acquisition by Marriage.

Japanese authorities and official interpretations agree that the acquisition of Japanese nationality through marriage is automatic. It follows as a result of marriage, irrespective of the domicile of the couple or the desires of the wife.<sup>2</sup> However, a marriage such as could result in the acquisition of Japanese nationality requires (1) conformance with the marriage law of the country in which the marriage occurs, and (2) a recording of the marriage upon the proper family register in Japan.

Therefore, a wife whose husband possesses Japanese nationality, ac-

<sup>1</sup>SAKIMOTO, Tadao, "The Nationality of a Married Woman", Page 1607, Part 3, Volume 49 of *Hogaku Kyokai Zasshi*.

<sup>2</sup>Yanada, Saburo, *Kokusai Shiko*, Pages 164-165.



quires such nationality through marriage. Her premarital nationality status under Japanese law if she too, were a nisei, is immaterial. As long as the marriage continues in force, she is, by Japanese law, a subject of Japan.<sup>1</sup>

## 2. Acquisition by Acknowledgment

The acknowledgment by a Japanese father or mother of an illegitimate child who has another nationality, confers Japanese nationality on the child under Paragraph 3 of Article 5, quoted above. Certain limitations are imposed by Article 6.

"For an alien to acquire Japanese nationality by acknowledgment the following conditions must be fulfilled:

- (1) He or she must be a minor by the law of his or her country.
- (2) She must not be the wife of an alien.
- (3) The parent, whether father or mother, who has first made acknowledgment, must be a Japanese.
- (4) If the father and mother have made acknowledgment simultaneously, the father must be a Japanese."

The provisions of Articles 5 and 6 would conflict with the clear intention of Paragraph 1 of Part 2 of Article 20 to restrict the acquisition of Japanese nationality by nisei. Under a strict construction of the provisions of Articles 5 and 6, an illegitimate nisei, born in the United States and subsequently acknowledged, would acquire Japanese nationality automatically, and subject to no limitations, whereas a legitimate American-born nisei (Born after 1 December 1924) would acquire only a conditional nationality, whose preservation would require a subsequent filing of notice in the manner specified by law. While no comments of Japanese authorities concerning such a situation are to be found, it is unlikely that Japanese courts and officials

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<sup>1</sup> SANEGATA, Tadao (supra), Page 49.



would follow a construction of the Nationality Act which favored illegitimates in the acquisition of Japanese nationality. Therefore, in my opinion a notice of intention to reserve nationality, such as is required for legitimate American-born nisei under Part 1 of Article 20, would be needed by illegitimate nisei born in the United States.

It is difficult to predict the official solution of such a problem, but there are at least two possibilities. The period within which such notice must be given could be either (1) that prescribed for legitimates (which would limit acquisitions of Japanese nationality by American-born illegitimate nisei to those acknowledged within two weeks after birth) (2) or a similar two weeks' period following acknowledgment.

Illegitimate nisei, born in the United States before 1 December 1924, are not affected by the provisions of Paragraph 1 of Part 2 of Article 20 of the Nationality Act. They would acquire Japanese nationality, upon acknowledgment, whether this acknowledgment came before or after 1 December 1924.

### 3. Acquisition through Adoption and Adoption-Marriage (Nyufu Konin)

Adoption and the combination of adoption and marriage of males (a legal procedure peculiar to Japan), are both mentioned under Article 5, as methods of acquiring Japanese nationality. Both are also regulated by a 1898 statute entitled "Concerning the Marriage-adoption and Adoption of Foreigners".<sup>1</sup>

This statute provided:

#### "Article 1

"Japanese who adopt or marry-adopt foreigners must secure the permission of the Minister of Home Affairs.

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<sup>1</sup>Statute #21, enacted 11 July 1898, amending decree (fukoku) #103 of 1873. To be found at Pages 250-251 of Volume 14 of the Genko Horei Shuran.



"The permission referred to in the previous article cannot be granted unless the foreigners fulfill the following conditions:

- (1) Having had continuous residence or domicile for a year or more in Japan
- (2) Being of good character."

The procedure for securing permission was determined in an ordinance entitled "Concerning the Procedure for Submitting Applications for the Marriage-Adoption or Adoption of Foreigners."<sup>1</sup>

"Persons seeking to adopt or marry-adopt foreigners in accordance with the provisions of Statute #21 of 1878, must submit applications to the Minister of Home Affairs via the Governor of the prefecture of the permanent domicile or residence."

The above Statute and Ordinance make residence in Japan essential to a valid adoption or marriage-adoption of a foreigner. Likewise, an adoption or marriage-adoption must be recorded on the Family Register in Japan.<sup>2</sup> In my opinion a de facto adoption in the United States, which, although adequate under American law, fell short of the above-mentioned requirements of Japanese law, would not extend Japanese nationality to an adopted child.

#### 4. Acquisition by Naturalization.

As is indicated in Part III of this memorandum, a nisei who has lost Japanese nationality regains it, not through naturalization, but through a restoration proceedings. Japanese law relating to naturalization seems to be applicable only to aliens who never in their lives have had Japanese nationality. Certain third-generation Japanese-Americans might be of this description. Under the provisions of Article 1 of the Nationality Act, Japanese

<sup>1</sup> Home Affairs Ministry Ordinance #51, enacted 14 September 1899 and amended by Home Affairs Ministry Ordinance #27 of 1924. To be found at Page 251 of Volume 14 of Genko Horei Shuran.

<sup>2</sup> Family Registration Act #147.



nationality is conferred by birth only when the father is, at time of birth, a Japanese. A child, born in America to a nisei father who had lost his Japanese nationality (as was possible from 1 August 1916), would have no Japanese nationality whatsoever.

However, the provisions of the Nationality Act suggest that a naturalization proceedings, on behalf of such a child, is a possibility under Japanese law.

Naturalization is governed by the following provisions of the Nationality Act:

"Article 7

" An alien may become naturalized with the permission of the Minister of Home Affairs.

"The Minister of Home Affairs cannot permit naturalization, except in the case of persons fulfilling the following conditions:

- (1) Having had a domicile in Japan for five or more years consecutively.
- (2) Being of full twenty years of age or more, and having legal capacity by the law of his or her country.
- (3) Being of good character.
- (4) Having sufficient property, or ability, to secure an independent livelihood.
- (5) Having no nationality, or when he or she would lose his or her nationality, in consequence of the acquisition of Japanese nationality."

"Article 8

"The wife of an alien cannot become naturalized, except in conjunction with her husband."

"Article 9

"The aliens mentioned below, if they are actually in possession of a domicile in Japan, may become naturalized, although they may not have satisfied condition number 1 of Paragraph 2 of Article 7:



- (1) Those whose fathers or mothers were Japanese.
- (2) Those whose wives were Japanese.
- (3) Those born in Japan.
- (4) Those who have had places of residence in Japan for ten years or more, consecutively.

"The persons mentioned in numbers 1 to 3, inclusive, of the preceding paragraph, cannot become naturalized unless they have possessed places of residence in Japan for three years or more, consecutively; but if the father, or the mother, of a person mentioned in number 3 was born in Japan, this rule does not apply."

#### "Article 10

"In cases where the father, or the mother, of an alien is a Japanese, if the alien in question is in actual possession of a domicile in Japan, he or she may become naturalized, although he or she may not have satisfied the conditions mentioned in numbers 1, 2 and 4 of Paragraph 2 of Article 7."

The method of naturalization is specified in Article 1 of the Nationality Act Enforcement Regulations.

#### "Article 1

"A child is regarded as a Japanese if its father is at the time of its birth a Japanese. The same applies if the father who died before the child's birth was at the time of his death a Japanese."

Article 10 states the exception which appears to permit a greatly simplified naturalization of a third-generation Japanese-American child. In my opinion, this article makes possible the naturalization of such a child, while still a minor and without a long residence in Japan, providing the father or mother have regained Japanese nationality after the child's birth.

Within ten days of issuance of a certificate of naturalization, such naturalization must be entered on the Family Register.<sup>1</sup> In my opinion the

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<sup>1</sup>Article #149 Family Registration Act.



effect of this provision is similar to the requirement for registration of marriage--i.e. failure to place this fact on record would result in a failure of acquisition of nationality. (See the previous parts 1, 2 and 3 of this section);



## PART III

## LOSS OF JAPANESE NATIONALITY

## A. Loss of Nationality through Renunciation

## 1. From 1 April 1899 until 1 August 1916

During the period 1st April 1899 until 1 August 1916, although the loss of nationality through naturalization was possible under the nationality Act, a loss through renunciation was not.

The Nationality Act (in effect from 1899), provides:

## "Article 20

"A person who voluntarily acquires foreign nationality loses Japanese nationality."

## "Article 21

"If the wife and child of a person who loses Japanese nationality acquire the said person's new nationality, they lose Japanese nationality."

Until 1916 no provision existed for the loss of Japanese nationality as a result of an involuntary acquisition of foreign nationality. The tenor of later amendments and the remarks of authorities<sup>1</sup> made it clear that the term "voluntary acquisition", as used in Article 20, means "naturalization". A person born in the United States acquires American citizenship by reason of birth and cannot become a naturalized American. Therefore, during the period from 1 April 1899 until 1 August 1916, an American-born Nisei could divest himself of Japanese nationality only by naturalization and this was possible only in some country other than the United States.

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<sup>1</sup>YANADA, Supra, Page 203.



2. From 1 August 1916 to 1 December 1924

Statute #27 of 1916<sup>1</sup> amended the Nationality Act of 1899 by adding Part 2 of Article 20 which permitted a renunciation under certain conditions:

Part 2 of Article 20 (as of that period) provided:

"A Japanese who through birth in a foreign country has acquired the nationality of the country, may, if domiciled in that country, renounce Japanese nationality by securing the permission of the Minister of Home Affairs.

"The application for permission referred to in the previous paragraph shall be presented by the legal representative if the person who is renouncing Japanese nationality is less than fifteen years of age; if the person is a minor over fifteen years of age, or is an incompetent, the consent of his legal representative is required.

"If the application or the consent referred to in the previous paragraphs is to be given by the stepfather, stepmother, legitimate wife, or guardian, the consent of the family council is required.

"A person who renounces his or her nationality shall lose Japanese nationality."

The method of application for permission to renounce nationality was defined in Home Affairs Ministry Ordinance #8, 10th July 1916<sup>2</sup> as follows:

"Article 1:

"A person desiring to renounce nationality in accordance with the provisions of Part 2 of Article 20 of the Nationality Act, must submit to the Minister of Home Affairs, through a Japanese Ambassador, Minister or Consul resident in the country (of the person's domicile) a request which is accompanied by the following items:

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<sup>1</sup> Enacted 15 March 1916, and found on Pages 52 and 53 of Statutes Section of the March, 1916 issue of Nippon Horei Zensho; also in the 16 March 1916 issue of Kampe. A photostat and translation are attached. This article was put into effect on 1st August 1916 by Imperial Ordinance #181 of 8 July 1916, found at Pages 213-214 of Imperial Ordinance Section of the July, 1916 issue of Nippon Horei Zensho, and also in the 10 July 1916 issue of Kampe. A translation has been prepared in connection with this memorandum.

<sup>2</sup> In effect from 1 August 1916. To be found on Pages 201-202 of the Ministerial Ordinance Section of the July 1916 issue of Nippon Horei Zensho; probably found as well in the 10th July 1916 issue of Kampe.



- (1) A copy of his family register.
- (2) A certificate of his birth issued or authenticated by an official of the country of birth.
- (3) His address and length of residence on all occasions when he has been in Japan.
- (4) The year in which his father and mother acquired a domicile in the country of his birth.
- (5) The names and relationships of family members who are domiciled with him.
- (6) If he is a minor over fifteen years of age, or an incompetent, the written consent of his legal representative.
- (7) The written consent of his family council, in cases when such consent is required for a request or a consent to a request.
- (8) If he is a male over 17 years of age, documentary proof of the completion of active service in the army or navy, or the lack of an obligation to serve."

This amendment was designed to answer American objections to the dual nationality of nisei. The procedure provided proved inadequate, and the requirement of completion of military service as a prerequisite to renunciation was strongly criticized. Nevertheless, from 1 August 1916 until 1 December 1924, a nisei, born in the United States, (either before or after 1899), could have divested himself of Japanese nationality by complying with the above-mentioned provisions of Part 2 of Article 20 of the Nationality Act and Home Affairs Ministry Ordinance #8 of 1916.

### 3. From 1 December 1924

The last amendment of the Nationality Act (as determined from available sources), was Statute #19 of July 1924.<sup>1</sup> This amendment cancelled Part 2 of Article 20, which had been enacted in 1916, and substituted the following method of renunciation of nationality:

"Part 2 of Article 20

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<sup>1</sup> See Footnote 3, Page 3.



"A Japanese who, by reason of having been born in a foreign country designated by Imperial Ordinance, has acquired the nationality of that country, and who does not as laid down by order express his intention of retaining Japanese nationality, loses his Japanese nationality retroactively from his birth.

"Persons who have retained Japanese nationality in accordance with the provisions of the preceding paragraph, or Japanese subjects who, by reason of having been born in a designated foreign country before its designation in accordance with the provisions of the preceding paragraph, have acquired the nationality of that country, may when they are in possession of the nationality concerned and in possession of a domicile in that country, renounce Japanese nationality if they desire to do so.

"Persons who shall have renounced their nationality in accordance with the provisions of the preceding paragraph lose Japanese nationality."

The Nationality Act Enforcement Regulations, in specifying the mode of renunciation, contained the following provisions:

"Article 2:

"A person desiring to renounce his nationality in accordance with the provisions of Paragraph 2 of Part 2 of Article 20, of the Nationality Law, shall notify the Minister of Home Affairs through a Japanese ambassador, minister or consul in the country of domicile. The notification referred to in the previous paragraph shall be made by the legal representative of a person less than fifteen years of age or an incompetent, the consent of the legal representative is required.

"If the notice or consent referred to in previous paragraphs is to be given by a stepfather, stepmother, legitimate wife, or guardian, the consent of the family council is required."

"Article 4:

"The written notification mentioned in the preceding articles shall be accompanied by the following documents:

- a. A copy of the Family Register
- b. A birth certificate issued or authenticated by an official of the country of birth
- c. Consent in writing, in those cases where this is required by Paragraphs 2 and 3 of the preceding article."



"Supplemental provisions (unnumbered additions to the regulations):

"Requests for the permission of a renunciation of nationality made in accordance with the provision of Home Affairs Ministry Ordinance #8 of 1916 before the effective date of this ordinance, shall, in the case of Japanese who have acquired foreign nationality by reason of birth in a foreign country designated in Imperial Ordinance #262 of 1924, be regarded as notifications of renunciation of nationality made on the effective date of this ordinance."

By virtue of the above provisions, a nisei born in the United States before 1 December 1924, or a nisei born after this date and on whose behalf Japanese nationality has been reserved (as described above in Part B of II) may give "notice" of a renunciation of Japanese nationality. This "notice" is a unilateral act, which requires no permission or consent of any individual or unit in the Japanese government. In this respect, it is quite different from the "Application for permission" to renounce nationality which was required from 1 August 1916 until 1 December 1924. The essentials for a valid "notice" of renunciation by a nisei born in the United States are

- (1) Domicile in the United States
- (2) The possession of American Citizenship
- (3) Notification of the type described by the Nationality Act Enforcement Regulations.

Some misunderstanding has existed concerning the effect of Article 24 of the Nationality Act which states

"Notwithstanding the provisions of Article 19, Article 20 and the preceding three articles, a male of seventeen years of age or over does not lose Japanese nationality unless he has completed active service in the army or navy, or unless he is under no obligation to serve."

It is clear from the text of this article that the reference to "Article 20" designates only the initial part of the article, and not Parts 2 and 3 which were introduced by a subsequent amendment providing for renunciations.



This limiting interpretation is reinforced (1) by the absence of any requirement for proof of completion of military service in the Nationality Act Enforcement Regulations, (2) by the exception in Paragraph 1 of Article #151 of the Family Registration Act,<sup>1</sup> and (3) by the comments of Japanese authorities.<sup>2</sup> A discharge or exemption from military service is not a prerequisite for the renunciation of Japanese nationality under the terms of Parts 2 and 3 of Article 20.

B. Loss of Nationality through Failure of Notice of Intention to Retain.

(See Part A, 2, of Section II of this memorandum)

C. Loss of Japanese Nationality through a Change in Family Relationship.

Certain changes in family relationship could have resulted in loss of Japanese nationality at any time since 1899. The following article of the Nationality Act makes provision for such loss of nationality.

"Article 18

"A Japanese, who on becoming the wife of an alien has acquired her husband's nationality, loses Japanese nationality."

Article 19

"A person who has acquired Japanese nationality by marriage or by adoption, loses Japanese nationality by divorce or the dissolution of adoption, only when he or she thereby recovers his or her foreign nationality."

Article 21

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<sup>1</sup>See Page 3 for a translation of Article 151 of the Family Registration Act.

<sup>2</sup>YAMADA, Supra, Page 210.



"If the wife and child of a person who loses Japanese nationality acquire the said person's new nationality, they lose Japanese nationality."

"Article 22

"The provisions of the preceding article do not apply to the wife and child of a person who loses Japanese nationality by divorce, or by the dissolution of adoption. But cases in which the wife is not divorced when the dissolution of the husband's adoption takes place or in which the child leaves the family together with the father, do not come under this rule."

"Article 23

"If a child who is a Japanese acquires foreign nationality by acknowledgment, he or she loses Japanese nationality. But this rule does not apply to a person who has become the wife, the nyūfu, or the adopted child of a Japanese."

"Article 24

"Notwithstanding the provisions of Article 19, Article 20, and the preceding three articles, a male of seventeen years of age or upwards does not lose Japanese nationality unless he has completed active service in the army or navy, or unless he is under no obligation to serve."

Thus, Japanese nationality may be lost by a woman who marries a non-Japanese and thereby gains her husband's nationality, or by an illegitimate child who is acknowledged by a non-Japanese parent. These losses of nationality are subject to the exceptions of Articles 23 and 24, given above.

If under American law, the acquisition of American citizenship by orientals is not possible through marriage or a subsequent naturalization proceedings, the loss of Japanese nationality, does not result from a marriage of a Japanese woman to an American.

Although a proper recording is essential to the acquisition of Japanese nationality by means of acknowledgment, in my opinion this is not the case when an acknowledgment would result in a loss of Japanese nationality. Article 150 of the Family Registration Act<sup>1</sup> provides for a report of such act of

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<sup>1</sup> See Page 8.



acknowledgment by the head of the Japanese family to which the child belonged, but in my opinion a failure of registration of such a report would not prove fatal to the loss of nationality, if the acknowledgment were adequate in other respects.



## Part IV

## Recovery of Nationality

A nisei born in the United States, who has lost Japanese nationality through the provisions of Part 1 of Article 20, ~~as~~ by marriage or by renunciation, is permitted to reacquire Japanese nationality under certain circumstances and upon the fulfillment of certain conditions. The following provisions of the Nationality Act and the Nationality Act Enforcement Regulations are self-explanatory of the periods in which they apply:

## A. 1 April 1899 to 1 August 1916

"Article 25 of the Nationality Act of 1899 provided:

"A person who has lost Japanese nationality by marriage and who is domiciled in Japan after the dissolution of the marriage, may, with the permission of the Minister of Home Affairs, recover Japanese nationality."

"Article 26 of the same act provided:

"If a person who has lost Japanese nationality in accordance with the provisions of Article 20 and Article 21 is domiciled in Japan, he or she may, with the permission of the Minister of Home Affairs, recover Japanese nationality \*\*\*".

## B. 1 August 1916 to 1 December 1924

Statute #27 of 1916, in effect from 1 August 1916, while retaining Article 25, amended Article 26 to make possible recovery following a renunciation. The new text reads:

"If a person who has lost Japanese nationality in accordance with the provisions of Article 20, Part 2 of Article 20, and Article 21, is domiciled in Japan, he or she may, with the permission of the Minister of Home Affairs, recover Japanese nationality.

"When the person who has lost his Japanese nationality in accordance with the provisions of Part 2 of Article 20 is under 15 years of age, the request (for a restoration of nationality) specified in the previous paragraph must be presented by the father of the house to which he



belongs; if the father is unable to make the request, it must be presented by the mother; if the mother is unable, by the grandfather, if the grandfather is unable, by the grandmother."

D. From 1 December 1924

Statute #21 of 1924, in effect from 1 December 1924, also retained Article 25, and further enlarged the scope of Article 26 by permitting a recovery of Japanese nationality after other forms of loss.

#### "Article 26

"If a person who has lost Japanese nationality in accordance with the provisions of Article 20 to Article 21 inclusive is domiciled in Japan, he or she may, with the permission of the Minister of Home Affairs, recover Japanese nationality. But this rule does not apply to cases in which the persons mentioned in Article 16 have lost Japanese nationality."

In addition, Article 8 of the Nationality Act Enforcement Regulations, Effective 1 December 1924, made recovery proceedings similar to those for naturalization by providing:

"A person desiring the recovery of his nationality in accordance with the provisions of Article 25 or 26 of the Nationality Act, shall request the permission of the Minister<sup>1</sup> of Home Affairs in accordance with the provisions of Article 1.

"When a person under fifteen years of age has lost his nationality, in accordance with the provisions of Parts 2 and 3 of Article 20 of the Nationality Act, the request (for a recovery) must be presented by his father; if his father is unable to make the request, by his mother; if his mother is unable to make the presentation, by his grandfather; if his grandfather is unable to make the presentation, by his grandmother."

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<sup>1</sup>According to a Federal Communications Commission Monitoring Report of a Japanese broadcast of 19 June 1944, prefectural governors now may grant permissions for a recovery in nationality.



## Part V

## Proof of Acquisition, Loss or Restoration of Nationality

The Nationality Act provides:

"Article 12

"Naturalization must be announced in the Official Gazette (Kampo)."

"Part 2 of Article 27

The procedure relative to the renunciation and recovery of nationality shall be determined by ordinance."

"Article 7 of the Enforcement Regulations provides:

"The Minister of Home Affairs will announce the receipt of notifications of renunciation of nationality and the permission of renunciations of nationality."

The announcement of these notifications and permissions of renunciations is made in the Kampo and in the Nippon Horei Zensho in the form of "proclamations" (kokuji) of the Minister of Home Affairs. Virtually complete sets of Kampo and Nippon Horei Zensho are at the Library of Congress, Washington, D. C., at Harvard Law Library, Cambridge, Mass., at Northwestern University, Evanston, Illinois and probably at other places in the United States. Therefore it should be possible to check any allegations of renunciation of nationality if doubt exists as to the sufficiency of the proof submitted by individuals.

The Nationality Act (Part 2, Article 27) provides that the procedure for restoration of nationality would be determined by ordinance but no specific procedure for publication has yet been set out. In view of the language of Article 8 of the Nationality Act Enforcement Regulations, provisions for publication of naturalization probably would apply by analogy, and counterproof



of later restoration of Japanese nationality presumably could be made from notices in Kampe or Nippon Horei Zensho.

As was indicated in B of Part II on Pages 7-9, a recording of a naturalization or a change of family relationship is necessary for an acquisition of Japanese nationality by these means. Original family registers are kept at municipal offices in Japan. The most satisfactory method of proof of facts on record would be the submission of certified copies of pertinent portions of the proper family register, but in lieu of this any proof of the filing of a report of such change with a Japanese Consulate or Embassy in the United States should be presumptive of the actual entry in the proper register, since consular and diplomatic officials are charged with a duty of forwarding reports to the proper municipal office.



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Ex C

IN THE DISTRICT COURT OF THE UNITED STATES  
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
NORTHERN DIVISION

IN THE MATTER OF THE PETITION  
OF FUMIKO TAMURA FOR A WRIT OF  
HABEAS CORPUS

}  
No. 376 - Civil

DEPOSITION OF THOMAS L. BLAKEMORE  
Los Angeles, Calif.,  
January 21, 1946

Reported by:  
O. Edgar Abbott  
MIDDLETON & PICKERING  
Official Court Reporters  
320 Wilcox Building  
Los Angeles, Calif

Deposition of THOMAS L. BLAKEMORE, taken on behalf of the Respondent,  
at Room 657, United States Post Office and Courthouse Building, on Monday,  
January 21, 1946, at 10:00 o'clock a.m., before O. Edgar Abbott, a Notary  
Public within and for the County of Los Angeles and State of California,  
pursuant to stipulation between counsel for the Petitioner and counsel for  
the Respondent.

APPEARANCES OF COUNSEL:

A. L. Wirin, Esq., 257 South Spring Street, Los Angeles, California,  
appearing on behalf of the Petitioner.

CHARLES H. CARR, Esq., United States Attorney; by MILDRED L. KLUCKHOHN,  
Assistant United States Attorney, appearing on behalf of the Respondent.

THOMAS L. BLAKEMORE,  
called as a witness by and on behalf of the Respondent, having been first  
duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MISS KLUCKHOHN:

Q State your name, please.

A Thomas L. Blakemore.



Q Where do you live?

A I am traveling at the moment enroute to Tokio, coming from Washington.

Q What is your present occupation?

A I am in the Foreign Service Auxiliary, Department of State, and am going to my post in Tokio, in the capacity of legal assistant to the Political Adviser to General MacArthur.

Q Were you born in this country?

A Yes, in Sapulpa, Oklahoma.

Q Mr. Blakemore, will you state briefly in your own words your educational background?

A I am a graduate of the University of Oklahoma, A.B. in 1936 and LL.B. in 1938. After my graduation in 1938 from the School of Law, I became associated with an American institute that was interested in studies of comparative law. With that institute I attended Cambridge University in England, in 1938-39. And in the fall of 1939 I went to Tokio, Japan, where I completed the standard two-year language course given to American language officers; and attended classes during part of that time at Tokio Imperial University, in the law department. I returned to the United States in October, 1941.

Q Mr. Blakemore, do you speak Japanese?

A Yes, I speak Japanese.

Q And you read Japanese, of course?

A Yes.

Q You studied Japanese law in Japan, at Tokio University?

A Yes.

Q And they have a law department?

A Yes.

Q Did your study of law have any relation to Japanese nationality law?

A Not specifically. However, I was interested in family law, which is relevant to nationality matters.

Q Are you familiar with the legal terminology of the Japanese language?

A Yes, I am.

Q Mr. Blakemore, I understand that the Japanese language is so constructed that there are many types of Japanese language relative to different types of study. Did you specialize in any particular part of the Japanese language?



✓  
A Yes, sir, my field was legal. I might say I had originally planned on a much longer period of study in Japan than I finally secured. I planned on a period of, at least, three years in the Japanese Law School, but at such time I was in Japan my interest was centered around law and legal studies.

Q While you were in Japan and since that time, have you read legal materials, such as opinions of the Japanese Department of Justice and legal text writers in Japanese language?

A Yes.

Q Are you a member of a bar in the United States?

A I am a member of the bar of Oklahoma, admitted in 1938.

Q After you returned to the United States in 1941, have you had occasion to work with the Japanese language and legal materials?

A Yes, I joined the Co-ordinator of Information, just immediately after my return, and was with that office when the name was later changed to the Office of Strategic Services. I was with this organization to the end of 1945. I served first in a civilian capacity, later as an officer in the Army.

I was stationed in Washington part of the time and then in India and China. During this period I made frequent and at many times continual use of the Japanese language. During the last six months of my work with the Office of Strategic Services I concentrated on legal studies in connection with projected plans for military government. These studies were of Japanese law, I might add.

Q Did you make any study of Japanese legal and constitutional problems in your work?

A Yes, my work in the last six months has centered around criminal matters and constitutional matters.

Q What is your present employment, what would you be doing now?

A I am not too sure. I anticipate work in connection with constitutional and legal revision in Japan as well as law work in connection with the representation of American interests.

Q Have you engaged in any study of the Japanese Nationality Act?

A Yes, in the last month and a half I have done that.



- Q Does that include other Japanese laws relevant to Japanese nationality other than the Japanese Nationality Act itself?
- A Yes, my studies were of Japanese Nationality problems, which involved related parts of other laws.
- Q What other laws are relevant?
- A The Family Registration Act is one that is material in a good many cases.
- Q Did that study that you engaged in include research?
- A Yes, it included, first of all, the translation of the pertinent provisions of the Japanese Nationality Law, both the present Nationality Act and various amendments that have been made in the course of years.
- Q What source materials did you use for your study?
- A I used the resources of the Library of Congress and my own personal library.
- Q What is the extent of the source materials that the Library of Congress has in connection with Japanese law?
- A They have many thousand volumes and probably as good a collection, if not the best, as in the United States, on Japanese matters.
- Q You state there were available to you many sources of materials relative to the Japanese Nationality Law. Were they the original Japanese texts?
- A Yes, standard Japanese source of materials, that is, statutes, law reviews, official interpretations and decisions, and so forth.
- Q Do these include also opinions of the Japanese Department of Justice and other official organs of the Japanese Government?
- A Yes.
- Q How completely did you use the available materials in the Library of Congress?
- A I used everything I found there in considering this specific problem of the nationality of American-born individuals of Japanese descent.
- Q Then, your study included the Japanese law relative to the nationality of persons who were born of Japanese parentage outside of Japan?
- A Yes, I tried to look into this nationality question from all possible angles that would be material to a determination of the nationality of an individual born in the United States of Japanese parentage.
- Q Have you written any works on the subject of Japanese law?



A I have published nothing on it. I have an article that is in the process of preparation, which I think eventually will be published.

Q Have you had an opportunity, Mr. Blakemore, of checking any conclusions in regard to the Nationality Act with others that might be qualified to render opinions?

A I have talked with members of the Department of State, rather, of the Foreign Service, Department of State, who have worked on Japanese matters in Japan, and I have seen an opinion prepared by a professor of Imperial University at the end of 1945 on this matter.

Q Have you prepared any translations of the Japanese laws relating to nationality?

A Yes.

Q What do they include? Do they include statutes or opinions, or what is the nature?

A These translations are of statutes and ordinances. I might say parenthetically that the Japanese procedure with respect to legislation is for the statute enacted by the Diet to outline the provisions only in general terms. The details are supplied by ordinances which are issued in various forms. These ordinances may be issued as Imperial Ordinances or by ministries concerned with a particular subject matter.

In my translation I have translated both the statutes which were enacted by the Japanese Diet and ordinances which were issued by ministries or by the Japanese Government as supplements to the formal statutory material.

Q When were these translations made?

A Made in December, 1945.

Q Were they made in the Washington Library of Congress?

A Most of these translations are my own and one is an adaptation with slight revisions of my own of a Japanese law, appearing in Flournoy and Hudson.

Q However, the one translation you did not make yourself originally, you have checked it over?

A Checked and modified it; I have made certain corrections in it.



Q From what texts were these translations made?

A These were taken from compilations of Japanese statutes which are found in the Library of Congress.

MISS KLUCKHOHN: I will request that the photostatic copies, including six documents, be marked as Respondent's Exhibit 1, for identification.

Q BY MISS KLUCKHOHN: I ask you to look at Respondent's Exhibit 1, for identification, and I ask you if these are the Japanese texts from which you made the translations.

A Yes, they are.

MISS KLUCKHOHN: I request that there be marked as Respondent's Exhibit 2, for identification, 16 typewritten pages which purport to be translations of the texts set out in Respondent's Exhibit 1, for identification.

Q BY MISS KLUCKHOHN: Mr. Blakemore, I ask you to look at these purported translations marked Respondent's Exhibit 2, for identification, and state if they are the translations you made from the original Japanese texts in the Library of Congress.

A Yes.

Q Are these translations made by you the exact English translations of Japanese texts of Japanese law relative to nationality found in Respondent's Exhibit 1, for identification?

A Yes.

Q Now, Mr. Blakemore, will you tell us briefly something about the development of the Japanese Nationality Law?

A The initial Japanese Nationality Act was that of 1899, and it followed quite strictly the law of jus sanguinis. This Act was amended in 1916 to provide a method whereby nationality could be renounced by individuals who had been born in the United States. The Nationality Act was further amended in 1924 to simplify the method of renunciation. There may have been other miscellaneous changes made in these times, but for the purposes of consideration of the nationality of American-born individuals of Japanese



descent, those were the salient changes. To my knowledge, there has been no change since 1924. In fact, I was informed by cable from the Office of the Political Adviser, in Tokio, in November, that there had been no change of statutes since the war.

Q Was that November, 1945?

A Yes.

Q Mr. Blakemore, would you explain -- perhaps you have already done so -- the importance of the ordinances and what they supply so far as the nationality law is concerned?

A Yes, the purpose of the ordinances was to give flexibility to nationality law. For instance, the nationality law might provide that renunciation would be made in accordance with certain forms to be further prescribed by ordinances. Now the particular form of renunciation could be changed at a later date, by the government, without requiring a change of the statute.

Q Would you also explain the importance of the Nationality Act enforcement regulations?

A That is an ordinance. That is an ordinance that supplements the Nationality Act passed by the Diet.

Q Mr. Blakemore, will you state and explain what the Japanese law is relative to the nationality of a person born of a father possessing Japanese nationality at the time of birth in the United States, before December 1, 1924?

A An individual born in the United States before December 1, 1924, whose father had Japanese nationality at the time of his birth, his or her birth, now has Japanese nationality unless this nationality has been lost in one of three manners: First, unless between the 1st of August, 1916 and the 1st of December, 1924, the individual concerned secured the permission of the Japanese Minister of Home Affairs for a renunciation of nationality; and, second, unless the individual concerned renounced Japanese nationality after the 1st of December, 1924, in the manner specified by the Japanese Nationality Act and the Nationality Enforcement Regulations. This renunciation required a domicile in the United



States, the possession of American citizenship and the submission to an embassy or consulate of Japan located in the United States, the following items: (1) A certified copy of the family register of the individual, (2) a certificate of birth issued or authenticated by an American official, and (3) the consent in writing of a legal representative if the individual concerned was an incompetent or a minor over 16 years of age, or the consent of the family council when the legal representative was a stepfather, a step-mother, or a guardian.

Now, it is possible that this renunciation of Japanese nationality might have been superseded by a later recovery of Japanese nationality which recovery would have required, among other things, a domicile in Japan.

And the third proviso is that this individual has Japanese nationality unless he or she has lost his own or her Japanese nationality through a change in family relationship.

Q You say that the age is 16. I note in the translation, it is 15.

A 15 is correct.

Q Mr. Blakemore, was the acquisition of Japanese nationality of a person born in the United States of a Japanese father prior to December 1, 1924 automatic?

A Yes.

Q There has been an amendment, you stated, of December 1, 1924. Will you state when that became effective?

A That became effective December 1, 1924.

Q Is it retroactive, would it become retroactive to those persons born prior to December 1, 1924?

A It was insofar that the Act was concerned with individuals born prior to that time, but there was nothing in the Act that would affect the nationality of an individual born before the 1st of December, 1924. I would like to insert: That would automatically affect the nationality, although there were provisions in the 1924 amendment which concerned the nationality status of individuals born before the 1st of December, 1924. There was nothing in the later amendment which automatically served to divest such individuals of Japanese nationality.

Q Then the provisions of the 1924 amendment were not retroactive?



A Insofar as this is concerned, no; so far as a previously acquired nationality is concerned, no.

Q I will ask you to state and explain what the Japanese law is relative to the nationality of a person born of a father possessing Japanese nationality at the time of birth, in the United States, after December 1, 1924.

A An individual born in the United States after the 1st of December, 1924, whose father was a Japanese, that is to say, who had Japanese nationality at the time of his or her birth, has no Japanese nationality unless certain things have occurred. I will specify these circumstances:

First, unless a reservation of nationality was made on behalf of the individual concerned by (a) one of his or her parents; (b) within two weeks of birth and (c) through the submission of a notice to a Japanese consulate or embassy in the United States, which notice was accompanied by a report of birth.

There is still a further possibility in connection with this exception. An individual on whose behalf such a reservation of nationality had been made still might have lost his own or her Japanese nationality through a renunciation of the same sort that I described in answer to the previous question given me by Miss Kluckhohn.

I can go over it if you like.

MISS KLUCKHOHN: I do not think it is necessary.

THE WITNESS: I have given you the provisions of how Japanese nationality might be lost, through change in family relationship, and that sort of thing, previously discussed.

And here is my second exception, that is to say, that the individual has no Japanese nationality unless he or she has subsequently acquired it through a change in family relationship such as, if she were a female, marriage, or adoption, or an institution peculiar to Japan -- marriage, adoption, or an acknowledgement as an illegitimate child by Japanese. In the event of later dissolution of such family relationships as would have given this individual Japanese nationality, the Japanese nationality is lost.



Q BY MISS KLUCKHOHN: Mr. Blakemore, I show you Respondent's Exhibit 1, for identification, and ask you if this contains the Japanese text of the provisions of the Japanese law which you have referred to in your testimony?

A In my testimony I have cited specifically no statutes. I have merely given you a resume of the Japanese statutory law and the accepted interpretations.

Q I am asking you if the Japanese texts are the same ones you referred to.

A Yes, and such as ordinances, as the Nationality Act Enforcement Regulations, that is correct.

MISS KLUCKHOHN: I offer as Respondent's Exhibit 1, in evidence, the photostatic copy of Japanese texts of Japanese laws relating to nationality.

Q BY MISS KLUCKHOHN: Mr. Blakemore, I show you Respondent's Exhibit 2, for identification, and ask you if that contains the English translations or the English texts of those provisions of the Japanese law you have referred to in your testimony?

A Yes, those statutes and ordinances to which I have referred.

MISS KLUCKHOHN: I offer as Respondent's Exhibit No. 2, in evidence, the English translations of these various Japanese laws relating to nationality.

Q BY MISS KLUCKHOHN: Mr. Blakemore, I will now ask you the following hypothetical question: Assuming that a female was born in the United States on January 21, 1924, assuming that her father had Japanese nationality at the time of her birth, assuming that this female has never been in Japan, assuming that prior to December 1, 1924, she did not secure the permission of the Japanese Minister of Home Affairs for a Renunciation of Japanese Nationality, and further assuming that she did not renounce Japanese Nationality after December 1, 1924, through the submission of a Notification of Renunciation to an Embassy or Consulate of Japan located in the United States, accompanying such notification with a certified copy of her family register, a certificate of birth, and consent in writing of a legal representative if she was at that time a minor but over 15 years of age, and further assuming that such a Notification of Renunciation was not filed on her behalf by a legal representative if she was a minor under 15 years of age, and further assuming that she has never



acquired a non-Japanese nationality through marriage to a non-Japanese, what is her nationality status under Japanese law?

A In my opinion she now possesses Japanese nationality.

MISS KLUCKHOHN: That is all.

#### CROSS EXAMINATION

BY MR. WIRIN:

Q You, I take it, have never been admitted to practice law in Japan?

A I am not a Japanese national. You could not be admitted unless you were a Japanese national.

Q From the study of the subject of Japanese law which you have outlined as having been made by you, in your opinion, would that qualify you as an expert on Japanese law in Japan, would you be recognized as such expert?

MISS KLUCKHOHN: I object to that question on the ground that is for the court to decide what is necessary for this man to qualify as an expert, and calling for a conclusion of this witness. The witness is being asked to testify about one aspect of Japanese law, not Japanese law generally.

MR. WIRIN: As an expert, he has testified to many conclusions.

Q BY MR. WIRIN: In other words, to explain my question, would you be qualified by Japanese lawyers and Japanese judges as an expert on Japanese law, in your opinion?

MISS KLUCKHOHN: I object to that question, also the form of the question, particularly, and the substance of the question also. How does he know? How would the witness know whether Japanese lawyers in Japan would consider him an expert on any particular phase of the law? He is calling for a determination which the court should make. He is calling for a conclusion.

Q BY MR. WIRIN: Will you please answer the question any way you would like to?

A On the basis of practical experience in Japan, I would not be qualified. On the basis of my studies of this particular problem, in my opinion, I would be qualified to a very limited extent, on this matter of nationality law.



Q You make reference to an opinion by a professor from the Imperial University which you had examined. What was that opinion?

A It was exactly the same as mine.

Q What is the name of it?

A His name is Takayanagi. His first name is Kenzo.

Q Where may the text of that opinion be available?

A I saw it here for the first time, in Miss Kluckhohn's file.

Q I have shown you prior to the beginning of these depositions a document published by the War Relocation Authority, a portion of which, the first part of which, deals with the matter of so-called dual citizenship in connection with Japan. You have read the portion of the document dealing with dual citizenship so far as Japanese are concerned, have you not?

A Yes.

Q Referring particularly to the first four pages of the document which deal with that problem, are the statements contained in that portion of the document pertaining to Japanese law and, including, in particular, Japanese nationality law, is that, in your opinion, substantially correct?

MISS KLUCKHOHN: I object to that question on the ground that the document is not in evidence and there is no way in which we can tell what the answer relates to.

MR. WIRIN: I will offer it. I will have it marked and offer it if he answers. Let's have it marked for identification now, Petitioner's Exhibit A.

THE WITNESS: I believe it is only the first three pages that are so captioned. I believe you referred to four.

Q BY MR. WIRIN: My question refers only to the first three pages of the document, Petitioner's Exhibit A, for identification, up to No. 2 on Page 3.

A I would like to observe, first of all, that only a small portion of the section indicated by Mr. Wirin actually pertains to Japanese law.

MR. WIRIN: At this point my question is limited to the portions I have indicated to you which deal with Japanese law and the facts concerning Japanese persons in connection with Japanese nationality law.



MISS KLUCKHOHN: I object to the question on the ground no proper foundation has been laid.

THE WITNESS: My answer would be, first of all, it is a fairly lay description -- lay meaning, not technical -- and pertains to only a portion of the problem of dual nationality. But it appears to me to be reasonably accurate. It is not the way I would have phrased it, and I would have said more.

Q BY MR. WIRIN: Is it reasonably accurate with respect to the matters with which it purports to deal, even though you say it is not as complete as it might be?

A Yes, I would say it is.

Q In the course of your studies of Japanese law and nationality law, have you made sufficient study of nationality law in general so that you are in a position to state whether or not countries other than Japan have heretofore made claims of dual citizenship?

A Yes, I am generally aware that there are nationality conflicts between countries following the jus sanguinis and the jus soli.

Q Such countries include Germany and Italy and most of the European countries, is that correct?

A I believe it is.

Q Mr. Blakemore, do you know whether or not persons born in countries other than the United States of parents living in countries other than the United States, which parents are nationals of the United States, are claimed by the United States to be nationals of the United States? I am referring to the children of such parents.

A My answer is I am not familiar with the ramifications of the American law with respect to American claims of nationality and the claims of the American Government, but that I believe that there are circumstances wherein American nationality is acquired by offspring of Americans which offspring are born overseas.

Q In any event, as an expert in this general field, you can testify, can't you, that the claim of dual nationality heretofore made by Japan is not



limited to Japan but is a claim which many nations in the world have heretofore made wherever those nations apply the law of jus sanguinis?

A First, I would like to disclaim any special knowledge of nationality law other than that of Japan. In general, I believe that the situation you describe is correct, that is, that there are frequent conflicts of nationality resulting from the application of different principles of nationality law.

Q When you say conflicts, you mean a situation where one nation claims that the children of parents living in another nation are citizens of that first nation and the second nation doubts it, and there is conflict about such a claim?

A Not doubting it so much as asserting claims of its own.

Q Which claims of its own are in conflict with and oppose the claims of the first nation which is seeking to assert a claim of dual nationality?

A I do not know that it is necessarily so, but think it simply is a case of claims being asserted by two countries.

Q And where such claims of the two countries are, therefore, in conflict with respect to the nature of the citizenship of the subject involved?

A I would think of it less as a conflict than a duplication of claims.

Q You yourself used the word "conflict".

A I will modify that. There can be cases where a conflict might result.

Q Are you familiar with the fact, if it is a fact, that the Italian Government to the present war has claimed that persons born of Italian parents in the United States, even though those children are American citizens, are subject to the conscription laws of the Italian Government?

A I have heard that.

Q That, of course, would be a clear case of conflict, wouldn't it? In other words, you know that the United States Government has never recognized the right of any other government to attempt to conscript persons born in the United States and hence are American citizens by birth?

A That I do not know.

Q You have already testified that in some instances the United States Government has claimed nationality over children born of American parents abroad.



MISS KLUCKHOHN: I object to that on the ground that Mr. Blakemore has disclaimed himself as an expert on anything other than the Japanese Nationality law.

Q BY MR. WIRIN: Will you answer the question, please?

A Yes, sir, to the best of my knowledge, that is true.

Q In other words, therefore, where a nation applies the law of jus soli or jus sanguinis, claims of nationality over children of parents born overseas are made by nations?

A I think that is frequently the case.

Q Do any of those documents which have been offered in evidence by the Respondent contain the text of the nationality law of Japan as of 1899 after that law was passed by the Diet?

A Yes.

Q Mr. Blakemore, you have already answered my general question with respect to the substantial correctness of the statements contained in the portions referred to of Petitioner's Exhibit A, for identification. I want to ask you a question or two about some particular portions. Is it true that the amendment in the Nationality Law of Japan in 1924 was very largely the result of activities by Americans of Japanese descent in the United States who attempted to secure a liberalization of the laws of Japan so that they could be and remain American citizens without the claims of Japan upon them as Japanese citizens? I refer particularly to the portions of this document which are on Page 2 and which seem to so recite.

A My answer is that frequently I have seen the assertion made. Of course, I have no knowledge of what went on in the minds of the legislators of Japan in 1924, but I have heard this amendment attributed also to the desire on the part of the Japanese Government, as well as Japanese in this country, to secure the amendment.

Q The amendment of 1924 makes the Japanese nationality law, so far as the claims of Japan upon the children of Japanese parents are concerned, more liberal than the law generally of Italy and a large number of European nations



insofar as their claims of nationality are against children born of their nationals in the United States?

MISS KLUCKHOHN: If he knows.

THE WITNESS: My answer is, insofar as my general information concerning German and Italian nationality laws is concerned, I should think that the Japanese law does permit a considerably greater freedom of individual choice than other countries which follow more strictly the concept of jus sanguinis.

Q BY MR. WIRIN: These other countries assert more broadly upon their nationals in the United States and children of such national their claim of nationality? In other words, their claim of dual citizenship.

A That is my general impression.

Q Are you familiar in a general way with a statement by Japan's Foreign Minister, Yosuke Matsuoka, as represented in the Japanese-American Review, for March 22, 1941, to persons of Japanese ancestry born in the United States as follows:

"Your place is with your country, the United States of America. If the time ever comes that you must serve her to the utmost against the country of your ancestry, your duty is plain. You are American, regardless of whether in your mind you are accepted as such and regardless of blood ties."

I show this to you.

A I have never seen this quotation before.

Q Do you know whether Yosuke Matsuoka was Japan's Foreign Minister in 1941 or have you any information or belief to the contrary?

A I was in Japan then and to the best of my recollection he was.

Q You have already testified you are not familiar with the statement which I have particularly called to your attention?

A Yes.

Q While you were in Japan, were statements similar in meaning to the one to which I have called your attention made by officials of Japan?

MISS KLUCKHOHN: I object to that as immaterial.

Q BY MR. WIRIN: Will you answer the question, please?

A I cannot recall any statement made by any particular official, any such statement made by any particular official. I have heard similar observations



made informally in Japan.

Q Mr. Blakemore, as I understand it, you are on the way to Japan now where, when you arrive there, you expect to be associated with our legal adviser to the Political Department of General MacArthur's government, is that correct?

A I am in the Foreign Service and attached to the Office of Political Adviser, which is a State Department unit up there serving General MacArthur.

Q Well, part of the duties of the State Department unit which you have referred to, include advising General MacArthur with respect to the administration of orders or legislation in Japan, am I correct?

A My duties or the duties of this office?

Q Yes.

A I think they may. I have no direct knowledge of what is being done there now.

Q What will your duties include, if you know?

A I do not know. All I know is I will serve as legal assistant, and it is a very broad field.

Q In the course of your testimony you referred to a communication, I believe, that had come from Japan, and I assume either from the State Department unit in Japan or from the American Government in Japan. Did you make such a reference?

A This cablegram was in answer to a request for information sent out through the Department of State, upon the instance of the Department of Justice.

Q I assume that, without your being closely familiar with the Government of Japan at this time, that in a general way, being in the State Department, you know in a general way, then, the present nature of the Government in Japan, is that correct?

A In a very general way.

Q Is there at the present time a Diet in Japan, normally or otherwise?

A I am not quite sure of the present status. The Diet convened a few weeks ago, and I do not know whether it is still in session. The present Diet is to resign and a general election is to be held.

Q Let me ask you this general question -- at the present time General MacArthur at his headquarters is the governing authority in Japan? That is correct, is it not?



MISS KLUCKHOHN: I object to that question on the ground it is immaterial.

MR. WIRIN: It is very material. He is an expert on Japanese Government.

MISS KLUCKHOHN: He is just an expert on Japanese Nationality law.

Q BY MR. WIRIN: Will you please answer that question as best you can?

A It is a nice problem in political science.

Q What is your opinion about it?

A My opinion as to who runs Japan?

Q What is the governing authority in Japan at this time?

A You could make arguments for, at least, three different governmental authorities -- The Far Eastern Advisory Commission, General MacArthur as Chief of Allied Forces, and the straight government of Japan, the straight Japanese Government. I do not know which one is boss there.

Q Don't you know and don't you agree at the present time that General MacArthur and his headquarters are the ultimate authority in Japan, governing authority in Japan?

MISS KLUCKHOHN: I object to that question as not material.

MR. WIRIN: I will withdraw that question.

Q BY MR. WIRIN: What, in your opinion as an expert in Japanese law, is the law-making body in Japan at this time?

MISS KLUCKHOHN: I object to that as immaterial and, further, the witness has testified as an expert in Japanese nationality law only.

Q BY MR. WIRIN: Will you answer the question, please?

MISS KLUCKHOHN: If you know.

THE WITNESS: So far as I know there have been no formal changes

Q BY MR. WIRIN: You mean so far as you know, the Diet of Japan and the Emperor of Japan have authority under the present law in Japan to issue any orders or pass any ordinances without consultation of or approval of General MacArthur?

MISS KLUCKHOHN: To that question I make the same objection.

Q BY MR. WIRIN: Is that your answer?

A In practice, I am sure they don't. You are asking me for the legal status, and I cannot answer you.



Q At the present time, in practice, the ultimate governing authority and the ultimate law-making authority in Japan is General MacArthur and his headquarters, is that correct?

MISS KLUCKHOHN: I object to that on the same grounds, not material.

Q BY MR. WIRIN: Will you answer the question, please?

A Again, my answer is I am not familiar with the interplay of forces in Japan now. I do not know to what extent there is a continued autonomy on the part of existing Japanese legislative units to enact legislation.

Q You mean you do not know that at the present time the Japanese Government as existing up to the time of the surrender of Japan has authority to function only insofar as its functioning is approved by General MacArthur or the Allied Powers?

MISS KLUCKHOHN: I make the same objection to that question.

Q BY MR. WIRIN: Will you answer the question?

A Perhaps I am thinking more in terms of the actual interplay of forces than the legal procedures.

Q What you mean is that before General MacArthur issues an order he may, if he desires, consult the Emperor or the Japanese Diet, is that what you mean?

A My impression is that General MacArthur issues instructions to existing organs of the Japanese Government and that these organs then comply with his requests.

Q These requests are in the nature of military orders?

A That I do not know.

Q You do know, don't you, that at the present time the Allied Powers at General MacArthur's headquarters, and General MacArthur, have not recognized as valid all of the statutes, ordinances, edicts, and rescripts of the Japanese Government made prior to Pearl Harbor and made prior to the surrender of Japan, don't you?

MISS KLUCKHOHN: I object to that as not material.

Q BY MR. WIRIN: Will you answer the question, please?

A My impression is General MacArthur's headquarters has given directives to the Japanese Government to abrogate, revise, and change and amend certain laws and ordinances which General MacArthur has stated to be objectionable.



Q And that in each instance there has been a complete compliance with General MacArthur's orders in those instances?

A There I have no information.

Q When you testified concerning the status of Japanese law and nationality, you were testifying as to the status of Japanese law prior to Pearl Harbor, weren't you?

MR. WIRIN: I will withdraw that question.

Q BY MR. WIRIN: When you testified as to the status of Japanese law affecting nationality, you were testifying as to the status of Japanese law based upon the status and ordinances of Japan prior to Pearl Harbor?

A I have seen no ordinances or laws of a later date.

Q When you say ordinance or law, you mean ordinances or laws enacted by the Japanese Diet and announced by the Japanese Emperor?

A Yes, sir, that is right, of a later date than Pearl Harbor.

Q You agree, don't you, that General MacArthur has legal authority to order the annulment of all the Japanese laws, including the Japanese law of nationality, as existing by virtue of Japan's status and ordinances prior to Pearl Harbor?

MISS KLUCKHOHN: I object to that as immaterial.

Q BY MR. WIRIN: Will you answer the question, please?

A Yes, sir, I think General MacArthur could issue such an order.

Q In other words, as an expert, you would testify that the state of Japanese law today is such that General MacArthur is the ultimate authority in the enactment of Japanese law?

MISS KLUCKHOHN: I object to that question on the same ground.

Q BY MR. WIRIN: Will you answer the question?

A My answer is General MacArthur might — put it this way — is probably empowered to make such a directive to the Japanese Government. I have no opinion as to whether the Japanese Government would in all cases completely comply with General MacArthur's directive.

Q Are you familiar with the terms of the surrender of Japan so that you could testify that the Japanese Government has agreed to accept all orders and directives of General MacArthur and his headquarters?



A No, I am not familiar with it to such an extent.

Q You would testify, wouldn't you, that the Japanese law at the present time upon any subject, including nationality, is, as a matter of law, in Japan, the orders of General MacArthur?

MISS KLUCKHOHN: I object to that question, it is not material what the other laws are. I think you ought to confine it to nationality laws.

Q BY MR. WIRIN: I will confine my question to that of nationality.

A My concept is that a valid law in Japan would require the same formalities it always has. A law might be enacted as the result of a directive of General MacArthur.

Q Don't you know that, under the terms of surrender of Japan, General MacArthur and the Allied Powers would have authority to depose the Emperor, to try him as a war criminal, and dissolve the Diet?

MISS KLUCKHOHN: I object to that as not material.

Q BY MR. WIRIN: Will you answer the question, please?

A My impression is that such powers are given to General MacArthur and/or the Far Eastern Advisory Commission.

Q And the Far Eastern Advisory Commission and/or through General MacArthur is the present law-making authority in Japan?

MISS KLUCKHOHN: I object to that on the ground it is immaterial.

Q BY MR. WIRIN: Will you answer the question, please?

A I will repeat what I said before. My impression is the formal law-making authority in Japan is the same now as it has been before, that the statutes are enacted by the Japanese Diet, the statutes are put into effect by Imperial ordinance.

Q Except only prior to Pearl Harbor there was no allied commission to order the enactment of statutes, and now there is, is that the only difference?

MISS KLUCKHOHN: I object to that as not material and, secondly, assuming something not in evidence.

Q BY MR. WIRIN: Will you answer that question, please?

A I do not know how far that enters into a technical analysis of the law-making procedure in Japan.



Q I do not know, either. You are an expert on Japanese law.

MISS KLUCKHOHN: If you do not know, say so.

MR. WIRIN: If you do know, say what it is.

THE WITNESS: I think I stated my position on this.

Q BY MR. WIRIN: Isn't your position that the present ultimate law-making authority in Japan is the Allied Commission and General MacArthur?

A Formally speaking, I should say through the Japanese Diet and the Japanese Diet. As to the pressures which are asserted on the Japanese Diet and Government by allied authorities in Japan, I have no comment.

Q Do you have any comment as to whether or not an order issued by General MacArthur is law in Japan at this time?

MISS KLUCKHOHN: I object to that question on the ground it is not material and outside the knowledge of the witness.

THE WITNESS: I thought I had cleared that up in my previous statement. I will repeat it again in very much the same words. In order for a law to be formally in force in Japan, so far as I can tell, an enactment of the Japanese Diet and an enabling ordinance of the Emperor is required.

Q BY MR. WIRIN: You mean that you have not known of any orders issued by General MacArthur which have the force of law in Japan without those orders having been formally followed or adopted by the Emperor or by the Diet?

MISS KLUCKHOHN: I object to that question on the same ground.

THE WITNESS: My impression is that General MacArthur's so-called orders have been in the form of directives to existing organs of the Japanese Government to do certain things.

Q BY MR. WIRIN: So far as you know, all of General MacArthur's directives have been followed?

MISS KLUCKHOHN: I object to that on the same ground, outside the knowledge of the witness.

MR. WIRIN: Will you answer that question, please?

THE WITNESS: I haven't any information on that.

Q BY MR. WIRIN: You referred in your testimony to a cablegram from the State Department. Do you have the cablegram here?



A No.

Q Do you know its exact or approximate text?

A I saw it once.

MR. WIRIN: The petitioner requests an opportunity to examine the original of, or a copy of, a cablegram referred to by the witness, dated October or November, 1945. The cablegram was from the State Department, in Japan, to the State Department, in Washington.

THE WITNESS: Formally it was from the Office of Political Adviser to the State Department, in Washington.

Q BY MR. WIRIN: The Office of the Political Adviser is in the State Department, in Japan?

A There is not any State Department in Japan. There are State Department representatives who happen to be working in the Office of Political Adviser.

MR. WIRIN: That is all.

#### REDIRECT EXAMINATION

BY MISS KLUCKHOHN:

Q So far as you know, Mr. Blakemore, the Nationality Law of Japan of 1899, together with its amendments, is the law at the present time in Japan, the original Nationality Act and the amendments?

A Yes, so far as I know, that is the law in Japan.

Q To your knowledge, has General MacArthur abrogated the law, in any way changed it, to your knowledge?

A I have no knowledge whatever concerning any directives of General MacArthur to the Japanese Government on nationality matters.

Q Do you know whether any directives have ever been made by General MacArthur to the Government of Japan relative to the Nationality Law?

A I have no information at all on that.

Q The last word that you have heard concerning the validity of the Japanese Nationality Law in Japan was that you spoke of, that you received in a cablegram from the State Department in Japan, or, rather, from the Office of Political Adviser, in November or December, 1945?

MR. WIRIN: I object to that as hearsay, and ask that the cablegram or a copy be offered for the record as the best evidence.



THE WITNESS: Yes.

MISS KLUCKHOHN: That is all.

#### RECROSS EXAMINATION

BY MR. WIRIN:

A Irrespective of the matter of directives by General MacArthur in connection with the Nationality Law of Japan, you do know, don't you, that upon many subjects there have been directives from General MacArthur to the Emperor and the Diet ordering the annulment of laws of Japan as those laws were as of December, 1941, don't you?

MISS KLUCKHOHN: I object to that as immaterial.

Q BY MR. WIRIN: Answer the question, please.

A Yes, I think the form of the directive has been one to the Government of Japan, rather than to the Emperor or the Diet. But it is my belief there have been many laws whose change or abrogation has been requested by General MacArthur.

MR. WIRIN: That is all.

MISS KLUCKHOHN: This may be offered in evidence at the time of the trial in the case of In the Matter of the Petition of Fumiko Tamura, et cetera, No. 376.

MISS WIRIN: Subject to all objections made at this hearing and any other objections except as to form.

MISS KLUCKHOHN: It is stipulated that all objections except as to form are reserved to the time of trial.

MR. WIRIN: Yes, that is so stipulated. And it is stipulated that this deposition may be signed before any Notary Public.

THE WITNESS: I wish to add that the opinions expressed in this testimony are my own and in no way reflect the views of the Department of State or the Office of Strategic Services.

STATE OF CALIFORNIA    }  
COUNTY OF LOS ANGELES } ss.

/s/ Thomas L. Blakenore  
WITNESS

Subscribed and sworn to before me, this  
22nd day of January, 1946.

/s/ O. Edgar Abbott

Notary Public in and for the County of  
Los Angeles and State of California



STATE OF CALIFORNIA        }  
COUNTY OF LOS ANGELES    } ss.

I, O. Edgar Abbott, a Notary Public in and for said Los Angeles County, do hereby certify that the witness in the foregoing deposition named was by me duly sworn to testify the truth, the whole truth and nothing but the truth; that said deposition was taken at the time and place heretofore mentioned in the annexed stipulation, to wit, at Room 657, United States Post Office and Courthouse Building, on Monday, the 21st day of January, 1946; that said deposition was written down in shorthand by me and thereafter transcribed into typewriting, and I hereby certify that the foregoing pages are a full, true and correct transcript of my said shorthand notes. I further certify that by stipulation and agreement of counsel, the said deposition may be signed by the witness before any Notary Public in and for Los Angeles County, State of California.

I further certify that I am not attorney for or relative of either party, or clerk or stenographer of either party or of their respective counsel, or otherwise interested in the event of this suit.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal of office this 22nd day of January, 1946.

/s/ O. Edgar Abbott

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Notary Public in and for the County  
of Los Angeles, State of California.



#376  
Respt's Ex 2 for ident.  
(15 Sheets of paper)  
O. E. A. 1-21-46

(Pages 241-245 of the Horitsu Section  
of the March 1899 Issue of the  
Nippon Horei Zensho)

We hereby sanction the Nationality Act which has been approved by the  
Imperial Diet, and order the same to be promulgated.

Imperial Signature and Seal

15 March 1899

Prince YAMAGATA, Aritomo  
Prime Minister

Prince SAIGO, Tsurumichi  
Minister of Home Affairs

Statute #66  
(Official Gazette, 16 March)

#### The Nationality Act

Article 1. A child is regarded as a Japanese if its father is at the  
time of its birth a Japanese. The same applies if the father who died  
before the child's birth was at the time of his death a Japanese.

Article 2. If the father loses his nationality, either by divorce or  
by dissolution of adoption, before the child's birth, the provisions of the  
preceding article apply retroactively from the commencement of conception.

The provisions of the preceding paragraph do not apply in cases where  
both the father and the mother have left the family, except when the mother  
in such cases returns to the family before the child's birth.

Article 3. In cases where the father cannot be ascertained, or has  
no nationality, if the mother is a Japanese the child is regarded as a  
Japanese.

Article 4. If neither the father nor the mother of a child born in  
Japan can be ascertained, or if they have no nationality, the child is  
regarded as a Japanese.

Article 5. An alien acquires Japanese nationality in the following  
cases:

- (1) By becoming the wife of a Japanese.
- (2) By becoming the nyufu<sup>1</sup> of a Japanese woman.
- (3) By acknowledgment by his or her father or mother who is a Japanese.
- (4) By adoption by a Japanese.
- (5) By becoming naturalized.

Article 6. For an alien to acquire Japanese nationality by acknowledgment  
the following conditions must be fulfilled:

- (1) He or she must be a minor by the law of his or her country.
- (2) She must not be the wife of an alien.
- (3) The parent, whether father or mother, who has first made acknowledg-  
ment, must be a Japanese.
- (4) If the father and mother have made acknowledgment simultaneously,  
the father must be a Japanese.

<sup>1</sup>/ A man who marries the female head of a family and at the same time becomes  
a member thereof through adoption. (Translator's note)



Article 7. An alien may become naturalized with the permission of the Minister of Home Affairs.

The Minister of Home Affairs cannot permit naturalizations, except in the case of persons fulfilling the following conditions:

- (1) Having had a domicile in Japan for five or more years consecutively.
- (2) Being of full twenty years of age or more, and having legal capacity by the law of his or her country.
- (3) Being of good character.
- (4) Having sufficient property, or ability, to secure an independent livelihood.
- (5) Having no nationality, or when he or she would lose his or her nationality in consequence of the acquisition of Japanese nationality.

Article 8. The wife of an alien cannot become naturalized, except in conjunction with her husband.

Article 9. The aliens mentioned below, if they are actually in possession of a domicile in Japan, may become naturalized, although they may not have satisfied condition number 1 of paragraph 2 of Article 7:

- (1) Those whose fathers or mothers were Japanese.
- (2) Those whose wives were Japanese.
- (3) Those born in Japan.
- (4) Those who have had places of residence in Japan for ten years or more, consecutively.

The persons mentioned in numbers 1 to 3, inclusive, of the preceding paragraph, cannot become naturalized unless they have possessed places of residence in Japan for three years or more, consecutively; but if the father, or the mother, of a person mentioned in number 3 was born in Japan, this rule does not apply.

Article 10. In cases where the father, or the mother, of an alien is a Japanese, if the alien in question is in actual possession of a domicile in Japan, he or she may become naturalized, although he or she may not have satisfied the conditions mentioned in numbers 1, 2 and 4 of paragraph 2 of Article 7.

Article 11. Notwithstanding the provisions of paragraph 2 of Article 7, the Minister of Home Affairs may, subject to the imperial sanction, permit the naturalization of an alien who has rendered specially meritorious services to Japan.

Article 12. Naturalization must be announced in the "Official Gazette".

Naturalization cannot be set up against a third party who has acted in good faith, until after such notification has taken place.

Article 13. The wife of a person who acquires Japanese nationality acquires Japanese nationality in conjunction with her husband.

The provisions of the preceding paragraph do not apply when the law of the wife's country contains provisions which are contrary thereto.

Article 14. If the wife of a person who has acquired Japanese nationality has not acquired Japanese nationality in accordance with the provisions of the preceding article, she may become naturalized although she may not have fulfilled the conditions of paragraph 2 of Article 7.



Article 15. The child of a person who acquires Japanese nationality acquires Japanese nationality in conjunction with its father or its mother, if it is a minor according to the law of its own country.

The provisions of the preceding paragraph do not apply when the law of the child's country contains provisions which are contrary thereto.

Article 16. A naturalized person, a person who, being the child of a naturalized person, has acquired Japanese nationality, or a person who had been adopted by, or has become the nyufu of a Japanese, does not possess the following rights:

- (1) The right to become a Minister of State.
- (2) The right to become the President or the Vice President or a member of the Privy Council.
- (3) The right to become an official of chokunin rank in the Imperial Household.
- (4) The right to become an Envoy Extraordinary and Minister Plenipotentiary.
- (5) The right to become a General Officer in the army or an Officer of flag rank in the navy.
- (6) The right to become President of the Supreme Court, President of the Board of Audit, or President of the Court of Administrative Jurisdiction.
- (7) The right to become a member of the Imperial Diet.

Article 17. The restrictions laid down in the preceding article may in the case of a person who has become naturalized in accordance with the provisions of Article 11, after five years have elapsed from the date of his acquiring Japanese nationality, and in the case of other persons after ten years have elapsed, be removed by the Minister of Home Affairs, subject to the imperial sanction.

Article 18. A Japanese woman who marries an alien, loses Japanese nationality.

Article 19. A person who has acquired Japanese nationality by marriage, or by adoption, loses Japanese nationality by divorce or the dissolution of adoption only when he or she thereby recovers his or her foreign nationality.

Article 20. A person who voluntarily acquires foreign nationality loses Japanese nationality.

Article 21. If the wife and child of a person who loses Japanese nationality acquire the said person's new nationality, they lose Japanese nationality.

Article 22. The provisions of the preceding article do not apply to the wife and child of a person who loses Japanese nationality by divorce, or by the dissolution of adoption. But cases in which the wife is not divorced when the dissolution of the husband's adoption takes place, or in which the child leaves the family together with the father, do not come under this rule.

Article 23. If a child who is a Japanese acquires foreign nationality by acknowledgment, he or she loses Japanese nationality. But this rule does not apply to a person who has become the wife, the nyufu, or the adopted child of a Japanese.

Article 24. Notwithstanding the provisions of the preceding five articles, a male of full seventeen years of age or over does not lose Japanese nationality, unless he has completed active service in the army or navy, or unless he is under no obligation to serve.



A person who actually occupies an official post, civil or military, does not lose Japanese nationality notwithstanding the provisions of the preceding eight articles until after he or she has lost such official post.

Article 25. If a person who has lost Japanese nationality in accordance with the provisions of Article 20 or Article 21 is domiciled in Japan after the dissolution of the marriage, may, with the permission of the Minister of Home Affairs, recover Japanese nationality.

Article 26. If a person who has lost Japanese nationality in accordance with the provisions of Article 20 to Article 21 inclusive is domiciled in Japan, he or she may, with the permission of the Minister of Home Affairs, recover Japanese nationality. But this rule does not apply to cases in which the persons mentioned in Article 18 have lost Japanese nationality.

Article 27. The provisions of Articles 13 to 15 inclusive apply mutatis mutandis to cases coming under the preceding two articles.

#### Supplement

Article 28. This act becomes effective from 1 April 1899.



(Pages 52-53 of the Horitsu  
Section of the March 1916  
Issue of Nippon Horei Zensho)

We hereby sanction the Statute revising the Nationality Act which was  
approved by the Imperial Diet, and ~~the~~ order the same to be promulgated.

(Imperial signature and Seal)

15 March 1916

Count OKUMA, Shigenobu  
Prime Minister

Doctor of Laws, ICHIKI, Kichikuro  
Minister of Home Affairs

Statute #27  
(Official Gazette, 16 March)

The Nationality Act is revised as follows:

Article 18. A Japanese, who on becoming the wife of an alien has  
acquired her husband's nationality, loses Japanese nationality.

Article 20, Part 2. A Japanese who through birth in a foreign  
country has acquired the nationality of the country, may, if domiciled  
in that country, renounce Japanese nationality by securing the permission  
of the Minister of Home Affairs.

The application for permission referred to in the previous paragraph  
shall be presented by the legal representative if the person who is  
renouncing Japanese nationality is less than fifteen years of age; if  
the person is a minor over fifteen years of age, or is an incompetent,  
the consent of his legal representative is required.

If the application or the consent referred to in the previous  
paragraphs is to be given by the stepfather, stepmother, legitimate wife,  
or guardian, the consent of the family council is required.

A person who renounces his or her nationality shall lose Japanese  
nationality.

In Article 24,

"The preceding 5 articles" is revised to "The preceding 6 articles"  
and "The preceding 6 articles" is revised to "The preceding 7 articles".

In Article 26,

"Part 2 of Article 20" is inserted after "Article 20".

The following clause is added:

When the person who has lost his Japanese nationality  
in accordance with the provisions of Part 2 of Article 20  
is under 15 years of age, the request (for a restoration  
of nationality) specified in the previous paragraph must  
be presented by the father of the house to which he belongs;  
if the father is unable to make the request, it must be  
presented by the mother; if the mother is unable, by the  
grandfather; if the grandfather is unable, by the grandmother.

Supplemental Provision

The effective date of this law will be determined by Imperial Ordinance.



(Pages 213-214 of the Chokurei  
Section of the July 1916  
Issue of Nippon Kosei Zensho)

We hereby sanction the designation of the effective date of Statute #27  
of 1916 Revising the Nationality Act, and order the same to be promulgated.

Imperial Seal and Signature

8 July 1916

Count OKUMA, Shigenobu  
Prime Minister

Dr. of Laws, ICHIKI, Kitokuro  
Minister of Home Affairs

Imperial Ordinance #181  
(Official Gazette, 10th July)

Statute #27 of 1916 shall become effective on and from the 1st  
August 1916.



(Pages 201-202 of the  
Shorei Section of the  
July 1916 Issue of  
Nippon Horei Zensho)

Matters concerning the Renunciation of Nationality are determined as follows:

10 July 1916

Dr. of Laws, ICHIKI, Kitchuro  
Minister of Home Affairs

Baron ISHII, Kikujiro  
Minister of Foreign Affairs

#### Matters Concerning the Renunciation of Nationality

Article 1. A person desiring to renounce nationality in accordance with the provisions of Part 2 of Article 20 of the Nationality Act, must submit to the Minister of Home Affairs, through a Japanese Ambassador, Minister or Consul resident in his country, a request which is accompanied by the following items:

- (1) A copy of his family register.
- (2) A certificate of his birth issued or authenticated by an official of the country of birth.
- (3) His address and length of residence on all occasions when he has been in Japan.
- (4) The year in which his father and mother acquired a domicile in the country of his birth.
- (5) The names and relationships of family members who are domiciled with him.
- (6) If he is a minor over fifteen years of age, or an incompetent, the written consent of his legal representative.
- (7) The written consent of his family council, in cases when such consent is required for a request or a consent to a request.
- (8) If he is a male over 17 years of age, documentary proof of the completion of active service in the army or navy, or the lack of an obligation to serve.

Article 2. Permission for the renunciation of nationality becomes effective thirty days after the day following the date shown on the written permit.

Article 3. The Minister of Home Affairs shall announce permissions for the renunciation of nationality.

#### Supplemental Provisions

This ordinance shall become effective on 1st August 1916.



(Pages 18-20 of the Horitsu Section  
of the July 1924 Issue of Nippon  
Horei Zensho)

We hereby sanction the Statute, revising the Nationality Act, which was  
approved by the Imperial Diet, and order the same to be promulgated.

Imperial Seal and Signature  
(Signature of Regent)

22 July 1924

Viscount, KATO, Takaaki  
Prime Minister

WAKATSUKI, Reijiro  
Minister of Home Affairs

Statute #19  
(Official Gazette Extra Edition)

The Nationality Act is revised as follows:

Article 20, Part 2. A Japanese who, by reason of having been born in  
a foreign country designated by Imperial Ordinance, has acquired the  
nationality of that country, and who does not as laid down by order express  
his intention of retaining Japanese nationality, loses his Japanese  
nationality retroactively from his birth.

Persons who have retained Japanese nationality in accordance with the  
provisions of the preceding paragraph, or Japanese subjects who, by reason  
of having been born in a designated foreign country before its designation  
in accordance with the provisions of the preceding paragraph, have acquired  
the nationality of that country, may, when they are in possession of the  
nationality of the country concerned and in possession of a domicile in  
that country, renounce Japanese nationality if they desire to do so.

Persons who shall have renounced their nationality in accordance with  
the provisions of the preceding paragraph lose Japanese nationality.

Article 20, Part 3. Japanese subjects who, by reason of having been  
born in a foreign country other than the foreign countries indicated in  
paragraph 1 of the preceding article, have acquired the nationality of that  
country, may, when they possess a domicile in that country, effect renun-  
ciation of Japanese nationality by obtaining the sanction of the Minister  
of Home Affairs.

The provisions of paragraph 3 of the preceding article shall apply,  
*mutatis mutandis*, to persons who shall have renounced nationality in  
accordance with the provisions of the preceding paragraph.

In Article 24,

"The preceding six articles" is revised to "Article 19, Article 20,  
and the preceding three articles", and "the preceding seven articles"  
is revised to "the preceding eight articles."

In Article 26,

"Article 20, Article 20, Part 2, and Article 21" is revised to  
"Article 20 to 21 inclusive", and the second paragraph of the article  
is cancelled.

Article 27, Part 2. The procedure relative to the renunciation and  
recovery of nationality shall be determined by ordinance.

Supplemental Provision

The effective date of this law will be determined by Imperial Ordinance.



(Pages 201-202 of Chokurei  
Section of November 1924  
Issue of Nippon Kerei Zensho)

We hereby sanction the designation of foreign countries, in accordance with the provisions of Paragraph One of Part 2 of Article 20 of the Nationality Act, and order the same to be promulgated.

(Imperial Signature and Seal)  
by the Regent

15 November 1924

Viscount, KATO, Takeaki  
Prime Minister

WAKATSUKI, Reijiro  
Minister of Home Affairs

Imperial Ordinance #262  
(Official Gazette 17 November)

The following foreign countries are designated, in accordance with the provisions of Paragraph 1, Part 2 of Article 20 of the Nationality Act:

1. The United States of America
2. Argentina
3. Brazil
4. Canada
5. Chile
6. Peru

This ordinance shall become effective on and from the 1st December 1924.



(Pages 28-30 of the Sherei  
Section of the November  
1934 Issue of Nippon Kerei  
Zensho)

MINISTRY OF HOME AFFAIRS ORDINANCE #26

The Nationality Act Enforcement Regulations are determined as follows:

17 November 1924

Wakatsuki, Reijiro  
Minister of Home Affairs

Shidehara, Kijuro  
Minister of Foreign Affairs

Nationality Act Enforcement Regulations

1. A person desiring to become naturalized in accordance with the provisions of Paragraph 1, Article 7 of the Nationality Act, may request the permission of the Minister of Home Affairs through the prefectural government having jurisdiction over his domicile. Such request must be accompanied with documentary proof of the fulfillment of the conditions of naturalization.

2. If a retention of nationality, in accordance with the provisions of Paragraph 1 of Part 2 of Article 20 of the Nationality Act, is desired, the person submitting a report of birth under the provisions of Paragraphs 1 or 2 of the Family Registration Act must accompany the report of birth with a notice to this effect within the period provided by Article #69 of the Family Registration Act.

If because of Acts of God or other unavoidable reasons it is impossible to file a notice of retention of nationality within the period indicated in the preceding paragraph a (like) period shall be calculated from the time when the filing of a notice became possible. In the case of a person born at sea, the notification mentioned in paragraph 1, may be made by attaching a written notice to the certified copy of the ship's log which is transmitted by the captain in accordance with the provisions of Paragraphs 2 and 3 of Article 75 of the Family Registration Act.

3. A person desiring to renounce his nationality in accordance with the provisions of Paragraph 2, of Part 2 of Article 20, of the Nationality Act, shall notify the Minister of Home Affairs through a Japanese ambassador, minister or consul in the country of domicile.

The notification referred to in the previous paragraph shall be made by the legal representative of a person less than fifteen years of age who renounces his nationality. In the case of a minor over fifteen years of age or an incompetent, the consent of the legal representative is required.

4. The written notification mentioned in the preceding articles shall be accompanied by the following documents
  - a. A certified copy of the Family Register
  - b. A birth certificate issued or authenticated by an official of the country of birth
  - c. Consent in writing, in those cases where this is required by Paragraphs 2 and 3 of the preceding article.



5. A person desiring to renounce his nationality in accordance with the provisions of Paragraph 1 of Part 3 of Article 20 of the Nationality Act, shall request the permission of the Minister of Home Affairs in accordance with the provisions of Articles 3 and 4.
6. The approval of a renunciation of nationality shall become effective thirty days after the day following the date of the certificate of approval.
7. The Minister of Home Affairs will announce the receipt of notifications of renunciation of nationality and the (granting of) permission of renunciations of nationality.
8. A person desiring to recover his nationality in accordance with the provisions of Articles 25 or 26 of the Nationality Act, shall request the permission of the Minister of Home Affairs in accordance with the provisions of Article 1.

When a person under fifteen years of age has lost his nationality, in accordance with the provisions of Parts 2 and 3 of Article 20 of the Nationality Act, the request (for a recovery) must be presented by his father; if his father is unable, by his mother; if his mother is unable, by his grandfather; if his grandfather is unable, by his grandmother.

#### Supplemental Provisions

This Ordinance shall become effective on 1 December 1924.

Home Affairs Ministry Ordinance #8 of 1916 is hereby revoked.

Requests for the permission of a renunciation of nationality made in accordance with the provision of Home Affairs Ministry Ordinance #8 of 1916 before the effective date of this ordinance, shall, in the case of Japanese who have acquired foreign nationality by reason of birth in a foreign country designated in Imperial Ordinance #262 of 1924, be regarded as notifications of renunciation of nationality made on the effective date of this ordinance.



THE NATIONALITY ACT

Statute No. 66, of 16 March 1899  
Revised by Statute No. 27, of 1916 and by Statute No. 19, of 1924

We hereby sanction the Nationality Act which was approved by the Imperial Diet, and order the same to be promulgated.

(Signed -- Prime Minister  
Countersigned -- Minister of Home Affairs)

The Nationality Act

Article 1. A child is regarded as a Japanese if its father is at the time of its birth a Japanese. The same applies if the father who died before the child's birth was at the time of his death a Japanese.

Article 2. If the father loses his nationality, either by divorce or by dissolution of adoption, before the child's birth, the provisions of the preceding article apply retroactively from the commencement of conception.

The provisions of the preceding paragraph do not apply in cases where both the father and the mother have left the family, except when the mother in such cases returns to the family before the child's birth.

Article 3. In cases where the father cannot be ascertained, or has no nationality, if the mother is a Japanese the child is regarded as a Japanese.

Article 4. If neither the father nor the mother of a child born in Japan can be ascertained, or if they have no nationality, the child is regarded as a Japanese.

Article 5. An alien acquires Japanese nationality in the following cases:

- (1) By becoming the wife of a Japanese.
- (2) By becoming the nyufu<sup>1</sup> of a Japanese woman.
- (3) By acknowledgment by his or her father or mother who is a Japanese.
- (4) By adoption by a Japanese.
- (5) By becoming naturalized.

Article 6. For an alien to acquire Japanese nationality by acknowledgment the following conditions must be fulfilled:

- (1) He or she must be a minor by the law of his or her country.
- (2) She must not be the wife of an alien.
- (3) The parent, whether father or mother, who has first made acknowledgment, must be a Japanese.
- (4) If the father and mother have made acknowledgement simultaneously, the father must be a Japanese.

Article 7. An alien may become naturalized with the permission of the Minister of Home Affairs.

<sup>1</sup>/ A man who marries the female head of a family and at the same time becomes a member thereof through adoption. (Translator's note)



The Minister of Home Affairs cannot permit naturalization, except in the case of persons fulfilling the following conditions:

- (1) Having had a domicile in Japan for five or more years consecutively.
- (2) Being of full twenty years of age or more, and having legal capacity by the law of his or her country.
- (3) Being of good character.
- (4) Having sufficient property, or ability, to secure an independent livelihood.
- (5) Having no nationality, or when he or she would lose his or her nationality in consequence of the acquisition of Japanese nationality.

Article 8. The wife of an alien cannot become naturalized, except in conjunction with her husband.

Article 9. The aliens mentioned below, if they are actually in possession of a domicile in Japan, may become naturalized, although they may not have satisfied condition number 1 of paragraph 2 of Article 7:

- (1) Those whose fathers or mothers were Japanese.
- (2) Those whose wives were Japanese.
- (3) Those born in Japan.
- (4) Those who have had places of residence in Japan for ten years or more, consecutively.

The persons mentioned in numbers 1 to 3, inclusive, of the preceding paragraph, cannot become naturalized unless they have possessed places of residence in Japan for three years or more, consecutively; but if the father, or the mother, of a person mentioned in number 3 was born in Japan, this rule does not apply.

Article 10. In cases where the father, or the mother, of an alien is a Japanese, if the alien in question is in actual possession of a domicile in Japan, he or she may become naturalized, although he or she may not have satisfied the conditions mentioned in numbers 1, 2 and 4 of paragraph 2 of Article 7.

Article 11. Notwithstanding the provisions of paragraph 2 of Article 7, the Minister of Home Affairs may, subject to the imperial sanction, permit the naturalization of an alien who has rendered specially meritorious services to Japan.

Article 12. Naturalization must be announced in the "Official Gazette".

Naturalization cannot be set up against a third party who has acted in good faith, until after such notification has taken place.

Article 13. The wife of a person who acquires Japanese nationality acquires Japanese nationality in conjunction with her husband.

The provisions of the preceding paragraph do not apply when the law of the wife's country contains provisions which are contrary thereto.

Article 14. If the wife of a person who has acquired Japanese nationality has not acquired Japanese nationality in accordance with the provisions of the preceding article, she may become naturalized although she may not have fulfilled the conditions of paragraph 2 of Article 7.

Article 15. The child of a person who acquires Japanese nationality acquires Japanese nationality in conjunction with its father or its mother, if it is a minor according to the law of its own country.

The provisions of the preceding paragraph do not apply when the law of the child's country contains provisions which are contrary thereto.



Article 16. A naturalized person, a person who, being the child of a naturalized person, has acquired Japanese nationality, or a person who has been adopted by, or has become the nyūfu of a Japanese, does not possess the following rights:

- (1) The right to become a Minister of State.
- (2) The right to become the President or the Vice President or a member of the Privy Council.
- (3) The right to become an official of chokumin rank in the Imperial Household.
- (4) The right to become an Envoy Extraordinary and Minister Plenipotentiary.
- (5) The right to become a General Officer in the army or an Officer of flag rank in the navy.
- (6) The right to become President of the Supreme Court, President of the Board of Audit, or President of the Court of Administrative Jurisdiction.
- (7) The right to become a member of the Imperial Diet.

Article 17. The restrictions laid down in the preceding article may in the case of a person who has become naturalized in accordance with the provisions of Article 11, after five years have elapsed from the date of his acquiring Japanese nationality, and in the case of other persons after ten years have elapsed, be removed by the Minister of Home Affairs, subject to the imperial sanction.

Article 18. A Japanese who, on becoming the wife of an alien, has acquired her husband's nationality, loses Japanese nationality.

Article 19. A person who has acquired Japanese nationality by marriage, or by adoption, loses Japanese nationality by divorce or the dissolution of adoption only when he or she thereby recovers his or her foreign nationality.

Article 20. A person who voluntarily acquires foreign nationality loses Japanese nationality.

Section 2 of Article 20. A Japanese who, by reason of having been born in a foreign country designated by Imperial Ordinance, has acquired the nationality of that country, and who does not as laid down by order express his intention of retaining Japanese nationality, loses his Japanese nationality retroactively from his birth.

Persons who have retained Japanese nationality in accordance with the provisions of the preceding paragraph, or Japanese subjects who, by reason of having been born in a designated foreign country before its designation in accordance with the provisions of the preceding paragraph, have acquired the nationality of that country, may, when they are in possession of the nationality of the country concerned and in possession of a domicile in that country, renounce Japanese nationality if they desire to do so.

Persons who shall have renounced their nationality in accordance with the provisions of the preceding paragraph lose Japanese nationality.

Section 3 of Article 20. Japanese subjects who, by reason of having been born in a foreign country other than the foreign countries indicated in paragraph 1 of the preceding article, have acquired the nationality of that country, may, when they possess a domicile in that country, effect renunciation of Japanese nationality by obtaining the sanction of the Minister of Home Affairs.

The provisions of paragraph 3 of the preceding article shall apply, mutatis mutandis, to persons who shall have renounced nationality in accordance with the provisions of the preceding paragraph.



Article 21. If the wife and child of a person who loses Japanese nationality acquire the said person's new nationality, they lose Japanese nationality.

Article 22. The provisions of the preceding article do not apply to the wife and child of a person who loses Japanese nationality by divorce, or by the dissolution of adoption. But cases in which the wife is not divorced when the dissolution of the husband's adoption takes place, or in which the child leaves the family together with the father, do not come under this rule.

Article 23. If a child who is a Japanese acquires foreign nationality by acknowledgement, he or she loses Japanese nationality. But this rule does not apply to a person who has become the wife, the nyufu, or the adopted child of a Japanese.

Article 24. Notwithstanding the provisions of Article 19, Article 20, and the preceding three articles, a male of full seventeen years of age or over does not lose Japanese nationality, unless he has completed active service in the army or navy, or unless he is under no obligation to serve.

A person who actually occupies an official post, civil or military, does not lose Japanese nationality notwithstanding the provisions of the preceding eight articles until after he or she has lost such official post.

Article 25. A person who has lost Japanese nationality by marriage and who is domiciled in Japan after the dissolution of the marriage, may, with the permission of the Minister of Home Affairs, ~~recover~~ Japanese nationality.

Article 26. If a person who has lost Japanese nationality in accordance with the provisions of Article 20 to Article 21 inclusive is domiciled in Japan, he or she may, with the permission of the Minister of Home Affairs, recover Japanese nationality. But this rule does not apply to cases in which the persons mentioned in Article 16 have lost Japanese nationality.

Article 27. The provisions of Articles 13 to 15 inclusive apply mutatis mutandis to cases coming under the preceding two articles.

Section 2 of Article 27. The procedure relative to the renunciation and recovery of nationality shall be determined by ordinance.

#### Supplement

Article 28. This act becomes effective from 1 April 1899.

#### Supplement

(Statute #19 of 1924)

The effective date of this act shall be determined by Imperial Ordinance.

(Translator's note: Further provisions make this act applicable to Taiwan and Karafuto.)





P. W. H.  
Σ. G. B.  
A. W. H.

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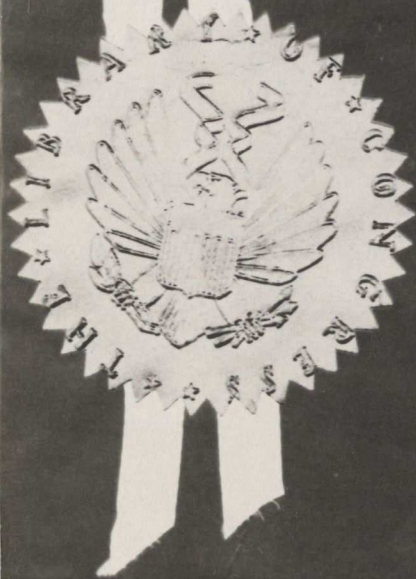
WASHINGTON

I hereby certify that I am the Acting Secretary of the Library of Congress, and that there is now in the collections of the Library a copy of a printed publication entitled, "Hôrei zensho [Complete record of laws and ordinances] Dai jûichi-gô [No. 11] Taishô 13th year [1924] Naikaku insatsu-kyoku [Cabinet Printing Office]" [of the Japanese Government].

I further certify that the attached negative photostat prints are true and correct copies of the outside of the front cover and of pages 201-202 of the Chokurei [Imperial Ordinance] Section and of pages 28-30 of the Shôrei [Departmental Ordinances] Section of said copy.

In testimony whereof I  
hereunto subscribe my name  
and cause the seal of the  
Library of Congress to be  
affixed this 28<sup>th</sup> day of  
December, 1945.

*Mary A. Schubert*  
Acting Secretary of the  
Library of Congress





大正十三年

法令全書

第拾壹號

內閣印刷局



朕大正十年勅令第十三號史蹟名勝天然紀念物調査會等ノ職員ノ旅費支給ノ件中改正ノ件ヲ裁可シ茲ニ之ヲ公布セシム

御名 御璽

攝政名

大正十三年十一月十五日

内閣總理大臣 子爵 加藤 高明  
内務大臣 若槻禮次郎  
大藏大臣 濱口 雄幸

勅令第二百六十號(官報十一月十七日)

大正十年勅令第十三號中左ノ通改正ス

第一條中「特別都市計畫委員會」ノ下ニ「特別都市計畫法ニ依ル補償審査會」ヲ、會長委員及臨時委員、ノ下ニ「都市計畫中央委員會及特別都市計畫委員會ノ委員代理並」ヲ加ヘ「社會事業調査會」、「臨時治水調査會」及「並道路會議」議長議員及臨時議員ヲ削ル

第二條中「委員及臨時委員」ヲ「委員臨時委

大正十三年十一月 勅令 第二百六十號 第二百六十一號 第二百六十二號

員及委員代理、土地區劃整理委員會委員ニ改ム

附則

本令ハ公布ノ日ヨリ之ヲ施行ス

(參照)

大正十年一月三十日勅令第十三號抄錄

第一條 史蹟名勝天然紀念物調査會、神社調査會、都市計畫中央委員會、特別都市計畫委員會、社會事業調査會、勞働保險調査會、港灣調査會、臨時治水調査會、中央衛生會、日本藥局方調査會、保健衛生調査會、古社寺保存會及臨時大都市制度調査會ノ會長委員及臨時委員、都市計畫地方委員會ノ會長並道路會議ノ議長議員及臨時議員其ノ資格ヲ以テ旅行スルトキハ在職官吏ニハ其ノ本官相當ノ旅費ヲ、其ノ他ノ者ニハ別表第一號ニ依ル旅費ヲ支給ス但シ會長ニシテ在職官吏ニ非サル者ニハ内國旅費規則ニ依ル勅任官ノ旅費ヲ支給ス

第二條 都市計畫地方委員會ノ委員及臨時委員並防疫計議員其ノ資格ヲ以テ旅行スルトキハ在職官吏ニハ其ノ本官相當ノ旅費ヲ、其ノ他ノ者ニハ別表第二號ニ依ル旅費ヲ支給ス

御名 御璽

攝政名

大正十三年十一月十五日

内閣總理大臣 子爵 加藤 高明  
内務大臣 若槻禮次郎

勅令第二百六十一號(官報十一月十七日)  
大正十三年法律第十九號ハ大正十三年十二月一日ヨリ之ヲ施行ス

朕國籍法第二十條ノ二第一項ノ規定ニ依リ外國ヲ指定スルノ件ヲ裁可シ茲ニ之ヲ公布セシム

御名 御璽

攝政名

大正十三年十一月十五日

内閣總理大臣 子爵 加藤 高明  
内務大臣 若槻禮次郎

勅令第二百六十二號(官報十一月十七日)  
國籍法第二十條ノ二第一項ノ規定ニ依リ外國ヲ指定スルコト左ノ如シ



- 一 亞米利加合衆國 二 亞爾熱丁國  
三 伯刺西爾國 四 加拿大  
五 智利國 六 秘魯國

附則

本令ハ大正十三年十二月一日ヨリ之ヲ施行ス

(參照)

明治三十二年三月十六日法律第六十六號國籍法抄録

第二十條ノ二第一項

勅令ヲ以テ指定スル外國ニ於テ生マレタルニ因リテ其國ノ國籍ヲ取得シタル日本人ハ命令ノ定ムル所ニ依リ日本ノ國籍ヲ留保スルノ意思ヲ表示スルニ非サレハ其出生ノ時ニ適リテ日本ノ國籍ヲ失フ

朕大正十三年法律第二十號戶籍法中改正法律施行期日ノ件ヲ裁可シ茲ニ之ヲ公布セシム

御名 御璽

攝政名

大正十三年十一月十五日  
內閣總理大臣 子爵 加藤 高明  
司法大臣 横田千之助

勅令第二百六十三號(官報十一月十七日)  
大正十三年法律第二十號ハ大正十三年十二月一日ヨリ之ヲ施行ス

朕文部部内臨時職員設置制中改正ノ件ヲ裁可シ茲ニ之ヲ公布セシム

御名 御璽

攝政名

大正十三年十一月十九日  
內閣總理大臣 子爵 加藤 高明  
文部大臣 岡田 良平

勅令第二百六十四號(官報十一月二十日)  
文部部内臨時職員設置制中左ノ通改正ス  
第二條中「技師 專任二十三人」ヲ「技師 專任十九人」ニ改ム  
第三條 震災復舊ニ關スル事務ニ從事セシムル爲文部省ニ左ノ職員ヲ増置ス

文部事務官 專任二人  
技師 專任五人  
局 專任二十人  
技手 專任十四人

附則  
本令ハ公布ノ日ヨリ之ヲ施行ス  
朕關東州所得稅令中改正ノ件ヲ裁可シ茲ニ之ヲ公布セシム

御名 御璽

攝政名

大正十三年十一月二十日

內閣總理大臣 子爵 加藤 高明

勅令第二百六十五號(官報十一月二十一日)  
關東州所得稅令中左ノ通改正ス  
第四條第二項中「國債ノ利子及貯蓄債券法ニ依リ發行シタル貯蓄債券ノ利子」ヲ「國債、貯蓄債券法ニ依リ發行シタル貯蓄債券又ハ復興貯蓄債券法ニ依リ發行シタル復興貯蓄債券ノ利子」ニ改ム  
第十五條ノ二 外國法人ニハ外國ノ船籍ヲ有スル船舶ノ所得ニ付所得稅ヲ免除ス但シ其ノ船籍國カ日本船舶ノ所得ニ付同様ノ免稅ヲ爲ササル場合ニ於テハ此ノ限ニ在ラス

附則  
本令ハ公布ノ日ヨリ之ヲ施行ス



第四條 各受益者ノ負擔金額ハ左記各號ニ依リ之ヲ定ム

- 一 各路線及廣場ヲ土地ノ狀況ニ依リ適當ニ區分シ其ノ區分ニ依リ第二條ノ區劃ヲ一箇又ハ數箇ノ負擔區トシ該當區分內ノ工事費ニ付其ノ區ノ負擔額ヲ定ム但シ橋梁費ニ付テハ別ニ負擔區ヲ定ムルコトヲ得
- 二 前號ノ負擔區ヲ利益ヲ受クル厚薄ニ依リ一箇又ハ數箇ノ地帶トシ各地帶ニ前號ノ負擔額ヲ一定ノ率ニ依リ配分ス
- 三 各路線若ハ廣場ニ接スル地帶內ニ在リテハ其ノ地帶ニ配分セラレタル負擔額ノ三分ノ一ヲ土地ノ其ノ路線若ハ廣場ニ接スル部分ノ長ニ比例シ其ノ三分ノ二ヲ土地ノ面積ニ比例シ其ノ他ノ地帶內ニ在リテハ其ノ地帶ニ配分セラレタル負擔額ヲ土地ノ面積ニ比例シテ各受益者ニ配分ス

前項第一號ノ負擔區、第二號ノ地帶及率ハ市長之ヲ告示ス  
第五條 同一ノ土地ニシテ重複シテ道路若ハ廣場ノ新設又ハ擴張ノ費用ヲ負擔スヘキ關係ニ該當スルモノニ付テハ其ノ負擔ノ一部ヲ免除スルコトヲ得

第六條 河川、溝渠、並行道路其ノ他土地ノ狀況ニ依リ必要アリト認ムルトキハ內務大臣ハ前四條ノ規定ニ拘ラス別ニ負擔區劃及負擔金額ヲ定ムルコトヲ得

第七條 負擔金ハ工事費豫算額ヲ以テ其ノ負擔區ノ工事著手ノ日ノ現在ニ依リ受益者ヨリ之ヲ納付セシム但シ工事著手後二年ヲ超エサル期間ニ於テ之ヲ分納セシムルコトヲ得

前項ノ負擔金カ工事費精算額ニ依リ算出シタル各受益者ノ負擔金額ニ比シ超過スルトキハ之ヲ還付シ不足スルトキハ之ヲ追徴ス但シ市長ニ於テ大差ナシト認ムルトキハ此ノ限ニ在ラス

第八條 道路若ハ廣場ノ新設擴張ニ要スル費用又ハ土地ヲ寄附シタル者ニ對シテハ其ノ寄附額ノ範圍內ニ於テ本令ニ依リ負擔ヲ減免スルコトヲ得市長カ適當ト認メタル工法ニ依リ工事ヲ施行シテ之ヲ寄附シタル者ニ對シテ亦同シ

第九條 本令施行ニ關シ必要ナル事項ハ市長之ヲ定ム

附則

大正八年八月名古屋市告示第六十四號ノ工事ニ付テハ本令施行ノ日ヲ以テ工事著手ノ日ト看做ス

本令ハ公布ノ日ヨリ之ヲ施行ス

●內務省令第二十六號

國籍法施行規則左ノ通定ム

大正十三年十一月十七日

內務大臣 若槻禮次郎

外務大臣 男爵 幣原喜重郎

國籍法施行規則

第一條 國籍法第七條第一項ノ規定ニ依リ歸化ヲ爲サムトスル者ハ歸化ニ必要ナル條件ヲ具備スルコトヲ證スヘキ書類ヲ添ヘ其ノ住所地方官廳ヲ經テ內務大臣ニ其ノ許可ノ申請ヲ爲スヘシ  
第二條 國籍法第二十條ノ第二項ノ規定ニ依リ國籍ヲ留保セントスルトキハ戶籍法第七十二條第一項又ハ第二項ノ規定ニ依リ出生ノ届出ヲ爲ス者戶籍法第六十九條ノ期間內ニ出生ノ届出ニ添ヘ其ノ旨ヲ届出ツヘシ



天災又ハ避クヘカラサル事由ニ因リ前項ノ期間内ニ國籍ノ留保ノ届出ヲ爲ス能ハサル場合ニ於テハ其ノ期間ハ届出ヲ爲スコトヲ得ルニ至リタル時ヨリ之ヲ起算ス

航海中ニ出生シタル者ニ關シテハ第一項ノ届出ハ戶籍法第七十五條第三項又ハ第三項ノ規定ニ依リ船長ノ發送スル航海目誌ノ原本ニ其ノ届書ヲ添付スルコトニ依リ之ヲ爲スコトヲ得

第三條 國籍法第二十條ノ二第二項ノ規定ニ依リ國籍ノ離脱ヲ爲サントスル者ハ其ノ國ニ駐在スル日本ノ大使公使又ハ領事ヲ經テ内務大臣ニ届出ツヘシ

前項ノ届出ハ國籍ノ離脱ヲ爲ス者カ十五年未滿ナルトキハ法定代理人ヨリ之ヲ爲シ十五年以上ノ未成年者又ハ禁治產者ナルトキハ法定代理人ノ同意ヲ得テ之ヲ爲スコトヲ要ス

繼父、繼母、嫡母又ハ後見人カ前項ノ届出又ハ届出ノ同意ヲ爲スニハ親族會ノ同意ヲ得ルコトヲ要ス

第四條 前條ノ届書ニハ左ノ書類ヲ添付スヘシ

一 戶籍謄本

二 出生シタル國ノ當該官憲ノ發給シ若ハ證明アル出生證書

三 前條第二項又ハ第三項ニ規定スル同意ヲ要スルモノニアリテハ其同意書

第五條 國籍法第二十條ノ三第一項ノ規定ニ依リ國籍ノ離脱ヲ爲サントスル者ハ第三條及前條ノ規定ニ準シ内務大臣ニ其ノ許可ノ申請ヲ爲スヘシ

第六條 國籍ノ離脱ノ許可ハ許可書ノ日附ノ翌日ヨリ起算シ三十日ヲ經過シタル時ニ於テ其ノ效力ヲ生ス

第七條 内務大臣ハ國籍ノ離脱ノ届出ヲ受理シタルトキ又ハ國籍ノ離脱ヲ許可シタルトキハ之ヲ告示ス

第八條 國籍法第二十五條又ハ同法第二十六條ノ規定ニ依リ國籍ノ回復ヲ爲サントスル者ハ第一條ノ規定ニ準シ内務大臣ニ其ノ許可ノ申請ヲ爲スヘシ

前項ニ規定スル許可ノ申請ハ國籍法第二十條ノ二又ハ同法第二十條ノ三ノ規定ニ依リ國籍ヲ失ヒタル者カ十五年未滿ナルトキハ父、父之ヲ爲スコト能ハサルトキハ母、母之ヲ爲スコト能ハサルトキハ祖父、祖父之ヲ爲スコト能ハサルトキハ祖

母ヨリ之ヲ爲スコトヲ要ス

附則

本令ハ大正十三年十二月一日ヨリ之ヲ施行ス

大正五年内務省令第八號ハ之ヲ廢止ス

大正十三年勅令第二百六十二號ニ依リ指定セラレタル外國ニ於テ出生シタルニ因リテ其ノ國ノ國籍ヲ取得シタル日本人ニ關シ本令施行前大正五年内務省令第八號ノ規定ニ依リテ爲シタル國籍ノ離脱ノ許可ノ申請ハ本令施行ノ日ニ於テ本令ニ依リテ爲シタル國籍ノ離脱ノ届出ト看做ス

(參照)

明治三十二年三月十六日法律第六十六號國籍法抄錄

第七條第一項

外國人ハ内務大臣ノ許可ヲ得テ歸化スルコトヲ得

第二十條ノ二 勅令ヲ以テ指定スル外國ニ於テ生マレタルニ因リテ其國ノ國籍ヲ取得シタル日本人ハ命令ノ定ムル所ニ依リ日本ノ國籍ヲ留保スルノ意思ヲ表示スルニ非サレハ其出生ノ時ニ適リテ日本ノ國籍ヲ失フ

前項ノ規定ニ依リ日本ノ國籍ヲ留保シタル者又ハ前項ノ規定ニ依ル指定前其指定セラレタル外國ニ於テ生マレタルニ因リテ其國



ノ國籍ヲ取得シタル日本人當該外國ノ國籍ヲ有シ且其國ニ住所ヲ有スルトキハ其志望ニ依リ日本ノ國籍ノ離脱ヲ爲スコトヲ得前項ノ規定ニ依リ國籍ノ離脱ヲ爲シタル者ハ日本ノ國籍ヲ失フ

第二十條ノ三 前條第一項ノ外國以外ノ外國ニ於テ生マレタルニ因リテ其國ノ國籍ヲ取得シタル日本人ハ其國ニ住所ヲ有スルトキハ内務大臣ノ許可ヲ得テ日本ノ國籍ノ離脱ヲ爲スコトヲ得

前條第三項ノ規定ハ前項ノ規定ニ依リ國籍ノ離脱ヲ爲シタル者ニ之ヲ準用ス

第二十五條 婚姻ニ因リテ日本ノ國籍ヲ失ヒタル者ハ婚姻解消ノ後日本ニ住所ヲ有スルトキハ内務大臣ノ許可ヲ得テ日本ノ國籍ヲ回復スルコトヲ得

第二十六條 第二十條乃至第二十一條ノ規定ニ依リテ日本ノ國籍ヲ失ヒタル者カ日本ニ住所ヲ有スルトキハ内務大臣ノ許可ヲ得テ日本ノ國籍ヲ回復スルコトヲ得但第十六條ニ掲ケタル者カ日本ノ國籍ヲ失ヒタル場合ハ此限ニ在ラス

大正十三年三月三十日法律第二十六號戸籍法抄錄第六十九條 出生ノ届出ハ十四日以内ニ之ヲ爲スコトヲ要ス

届書ニハ左ノ事項ヲ記載スルコトヲ要ス  
一 子ノ氏名及ヒ男女ノ別  
二 子カ私生子又ハ庶子ナルトキハ其旨

三 出生ノ年月日時及ヒ場所  
四 父母ノ氏名本籍及ヒ職業  
五 子ノ入ルヘキ家ノ戸主ノ氏名及ヒ本籍

六 子カ一家ヲ創立スルトキハ其旨及創立ノ原因並ニ場所  
七 日本ノ國籍ヲ有セサル者ノ子ナルトキハ其旨

第七十二條第一項及第二項

嫡出子出生ノ届出ハ父之ヲ爲シ父カ届出ヲ爲スコト能ハサル場合又ハ民法第七百三十四條第一項第二項但書ノ場合ニ於テハ母之ヲ爲スコトヲ要ス

庶子出生ノ届出ハ父之ヲ爲シ私生子出生ノ届出ハ母之ヲ爲スコトヲ要ス

第七十五條 航海中ニ出生アリタルトキハ艦長又ハ船長ハ二十四時以内ニ第六十九條第二項ニ掲ケタル事項ヲ航海日誌ニ記載シテ署名捺印スルコトヲ要ス

前項ノ手續ヲ爲シタル後艦船カ日本ノ港ニ著シタルトキハ艦長又ハ船長ハ運送ナク出生ニ關スル航海日誌ノ謄本ヲ其地ノ市町村長ニ發送スルコトヲ要ス

艦船カ外國ノ港ニ著シタルトキハ艦長又ハ船長ハ運送ナク出生ニ關スル航海日誌ノ謄本ヲ其國ニ駐在スル日本ノ大使公使又ハ領事ニ發送シ大使公使又ハ領事ハ一箇月以内ニ之ヲ外務大臣ニ發送シ外務大臣ハ十日以内ニ

之ヲ本籍地ノ市町村長ニ發送スルコトヲ要ス

大正十三年七月内務省令第八號ハ國籍ノ離脱ニ關スル件ナリ

●内務省令第二十七號

明治三十二年九月内務省令第五十一號中左ノ通改正ス

大正十三年十一月十七日

内務大臣 若槻禮次郎

第二項ヲ削ル

附則

本令ハ大正十三年十二月一日ヨリ之ヲ施行ス

(參照)

明治三十二年九月十四日内務省令第五十一號外國養子又ハ入夫ト爲サントスル者及歸化ヲ抄爲シ又ハ國籍ヲ回復セントスル者出願方錄

第二項

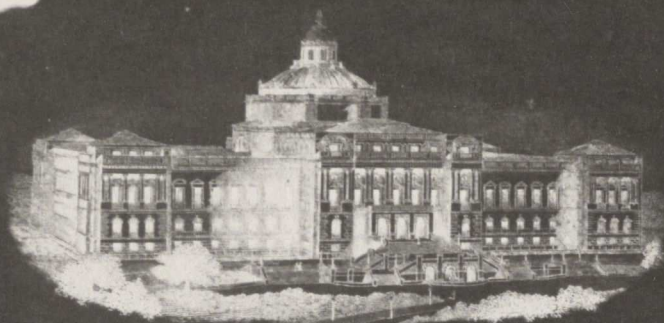
本年法律第六十六號ニ依リ歸化ヲ爲シ又ハ國籍ヲ回復セントスル者ハ其ノ住所ノ地方廳ヲ經由シテ内務大臣ニ願出ツヘシ

●内務省令第二十八號

大正十三年十一月二十七日 内務大臣 若槻禮次郎

任待遇神宮職員給規則中左ノ通改正ス  
大正十三年十一月二十七日 内務大臣 若槻禮次郎





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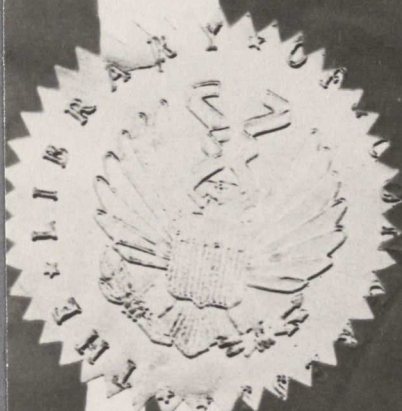
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(6 documents)  
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I hereby certify that I am the Acting Secretary of the Library of Congress, and that there is now in the collections of the Library a copy of a printed publication entitled, "Genkô hôrei shûran [Classified collection of laws and ordinances in force] Naikaku kambô kiroku-ka hensan [Compiled by the Division of documents of the Cabinet Secretariat] Teikoku chihô gyôsei-gaku kai [Imperial Academy of Local Administration]" [of Japan].

I further certify that the attached negative photostat prints are true and correct copies of the outside of the front cover and of pages 927-929 of the Hômu [Judicial Affairs] Section of Dai roku-kan [vol. 6], Shôwa jûsan-nen [1938] of said copy.

In testimony whereof I  
hereunto subscribe my name  
and cause the seal of the  
Library of Congress to be  
affixed this 28<sup>th</sup> day of  
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Mary A. Schubert  
Acting Secretary of the  
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內閣官房記錄課編纂

現行法令輯覽

第六卷

帝國地方行政學會



第九款 國籍及戶籍

明治三十二年三月十六日  
法律第六十六號

改正 大正五年第二十七號、三年第一九號  
陸帝國議會ノ協賛ヲ經タル國籍法ヲ裁可シ茲ニ之ヲ公布セシム  
(總理、內務大臣副署)

國籍法

- 第一條 子ハ出生ノ時其父カ日本人ナルトキハ之ヲ日本人トス其出生前ニ死亡シタル父カ死亡ノ時日本人ナリシトキ亦同シ
- 第二條 父カ子ノ出生前ニ離婚又ハ離縁ニ因リテ日本ノ國籍ヲ失ヒタルトキハ前條ノ規定ハ離婚ノ始ニ遡リテ之ヲ適用ス
- 前項ノ規定ハ父母カ共ニ其家ヲ去リタル場合ニハ之ヲ適用セス但母カ子ノ出生前ニ復籍ヲ爲シタルトキハ此限ニ在ラス
- 第三條 父カ知レサル場合又ハ國籍ヲ有セサル場合ニ於テ母カ日本人ナルトキハ其子ハ之ヲ日本人トス
- 第四條 日本ニ於テ生マレタル子ノ父母カ共ニ知レサルトキ又ハ國籍ヲ有セサルトキハ其子ハ之ヲ日本人トス
- 第五條 外國人ハ左ノ場合ニ於テ日本ノ國籍ヲ取得ス
  - 一 日本人ノ妻ト爲リタルトキ
  - 二 日本人ノ入夫ト爲リタルトキ
  - 三 日本人タル父又ハ母ニ依リテ認知セラレタルトキ
  - 四 日本人ノ養子ト爲リタルトキ
  - 五 歸化ヲ爲シタルトキ
- 第六條 外國人カ認知ニ因リテ日本ノ國籍ヲ取得スルニハ左ノ條件ヲ具備スルコトヲ要ス
  - 一 本國法ニ依リテ未成年者タルコト

第十四輯 法務 第二章 民事 第九款 國籍及戶籍

(二八)

第七條 外國人ハ左ノ條件ヲ具備スル者ニ非サレハ其歸化ヲ許可スルコトヲ得

- 一 引續キ五年以上日本ニ住所ヲ有スルコト
- 二 滿二十年以上ニシテ本國法ニ依リ能力ヲ有スルコト
- 三 品行端正ナルコト
- 四 獨立ノ生計ヲ營ムニ足ルヘキ資産又ハ技能アルコト
- 五 國籍ヲ有セス又ハ日本ノ國籍ノ取得ニ因リテ其國籍ヲ失フヘキコト
- 第八條 外國人ノ妻ハ其夫ト共ニスルニ非サレハ歸化ヲ爲スコトヲ得ス
- 第九條 左ニ掲ケタル外國人カ現ニ日本ニ住所ヲ有スルトキハ第七條第二項第一號ノ條件ヲ具備セサルトキト雖モ歸化ヲ爲スコトヲ得
  - 一 父又ハ母ノ日本人タリシ者
  - 二 妻ノ日本人タリシ者
  - 三 日本ニ於テ生マレタル者
  - 四 引續キ十年以上日本ニ居所ヲ有スル者
- 前項第一號乃至第三號ニ掲ケタル者ハ引續キ三年以上日本ニ居所ヲ有スルニ非サレハ歸化ヲ爲スコトヲ得ス但第三號ニ掲ケタル者ノ父又ハ母カ日本ニ於テ生マレタル者ナルトキハ此限ニ在ラス
- 第十條 外國人ノ父又ハ母カ日本人ナル場合ニ於テ其外國人カ現ニ日本ニ住所ヲ有スルトキハ第七條第二項第一號、第二號及ヒ第四號ノ條件ヲ具備セサルトキト雖モ歸化ヲ爲スコトヲ得



第十四編 法務 第二章 民事 第九款 國籍及戶籍

第十一條 日本ニ特別ノ功勞アル外國人ハ第七條第二項ノ規定ニ拘ハラス  
內務大臣勅裁ヲ經テ其歸化ヲ許可スルコトヲ得

第十二條 歸化ハ之ヲ官報ニ告示スルコトヲ要ス  
歸化ハ其告示アリタル後ニ非サレハ之ヲ以テ善意ノ第三者ニ對抗スルコ  
トヲ得ス

第十三條 日本ノ國籍ヲ取得スル者ノ妻ハ夫ト共ニ日本ノ國籍ヲ取得ス  
前項ノ規定ハ妻ノ本國法ニ反對ノ規定アルトキハ之ヲ適用セス

第十四條 日本ノ國籍ヲ取得セタル者ノ妻カ前條ノ規定ニ依リテ日本ノ國  
籍ヲ取得セザリシトキハ第七條第二項ニ掲ケタル條件ヲ具備セザルトキ  
ト雖モ歸化ヲ爲スコトヲ得

第十五條 日本ノ國籍ヲ取得スル者ノ子カ其本國法ニ依リテ未成年者ナル  
トキハ父又ハ母ト共ニ日本ノ國籍ヲ取得ス

第十六條 歸化人ノ子ニシテ日本ノ國籍ヲ取得シタル者及ヒ日本  
人ノ養子又ハ入夫ト爲リタル者ハ左ニ掲ケタル權利ヲ有セス

一 國務大臣ト爲ルコト  
二 樞密院ノ議長、副議長又ハ顧問官ト爲ルコト  
三 宮内勅任官ト爲ルコト  
四 特命全權公使ト爲ルコト  
五 陸海軍ノ將官ト爲ルコト  
六 大審院長、會計検査院長又ハ行政裁判所長官ト爲ルコト  
七 帝國議會ノ議員ト爲ルコト

第十七條 前條ニ定メタル制限ハ第十一條ノ規定ニ依リテ歸化ヲ許可シタ  
ル者ニ付テハ國籍取得ノ時ヨリ五年ノ後其他ノ者ニ付テハ十年ノ後內務  
大臣勅裁ヲ經テ之ヲ解除スルコトヲ得

第十八條 日本人カ外國人ノ妻ト爲リ夫ノ國籍ヲ取得シタルトキハ日本ノ  
國籍ヲ失フ

第十九條 婚姻又ハ養子縁組ニ因リテ日本ノ國籍ヲ取得シタル者ハ離婚又  
ハ離縁ノ場合ニ於テ其外國ノ國籍ヲ有スヘキトキニ限り日本ノ國籍ヲ失  
フ

第二十條 自己ノ志望ニ依リテ外國ノ國籍ヲ取得シタル者ハ日本ノ國籍ヲ  
失フ

第二十一條 勅令ヲ以テ指定スル外國ニ於テ生マレタルニ因リテ其國ノ  
國籍ヲ取得シタル日本人ハ命令ノ定ムル所ニ依リテ日本ノ國籍ヲ留保スル  
ノ意思ヲ表示スルニ非サレハ其出生ノ時ニ遇リテ日本ノ國籍ヲ失フ

前項ノ規定ニ依リテ日本ノ國籍ヲ留保シタル者又ハ前項ノ規定ニ依リテ指定  
前其指定セラレタル外國ニ於テ生マレタルニ因リテ其國ノ國籍ヲ取得シ  
タル日本人當該外國ノ國籍ヲ有シ且其國ニ住所ヲ有スルトキハ其志望ニ  
依リ日本ノ國籍ノ離脱ヲ爲スコトヲ得

前項ノ規定ニ依リテ日本ノ國籍ヲ離脱シタル者ハ日本ノ國籍ヲ失フ

第二十二條 前條第一項ノ外國以外ノ外國ニ於テ生マレタルニ因リテ其  
國ノ國籍ヲ取得シタル日本人カ其國ニ住所ヲ有スルトキハ內務大臣ノ許  
可ヲ得テ日本ノ國籍ノ離脱ヲ爲スコトヲ得

前條第三項ノ規定ハ前項ノ規定ニ依リテ國籍ノ離脱ヲ爲シタル者ニ之ヲ準  
用ス

第二十三條 日本ノ國籍ヲ失ヒタル者ノ妻及ヒ子カ其者ノ國籍ヲ取得シタ  
ルトキハ日本ノ國籍ヲ失フ

第二十四條 前條ノ規定ハ離婚又ハ離縁ニ因リテ日本ノ國籍ヲ失ヒタル者  
ノ妻及ヒ子ニハ之ヲ適用セス但妻カ夫ノ離縁ノ場合ニ於テ離婚ヲ爲サス  
又ハ子カ父ニ隨ヒテ其家ヲ去リタルトキハ此限ニ在ラス

(二二)



第二十三條 日本人タル子カ認知ニ因リテ外國ノ國籍ヲ取得シタルトキハ日本ノ國籍ヲ失フ但日本人ノ妻、入夫又ハ養子ト爲リタル者ハ此限ニ在ラス

第二十四條 滿十七年以上ノ男子ハ第十九條、第二十條及前三條ノ規定ニ拘ハラス既ニ陸海軍ノ現役ニ服シタルトキ又ハ之ニ服スル義務ナキトキニ非サレハ日本ノ國籍ヲ失ハス

現ニ文武ノ官職ヲ帶フル者ハ前八條ノ規定ニ拘ハラス其官職ヲ失ヒタル後ニ非サレハ日本ノ國籍ヲ失ハス

第二十五條 婚姻ニ因リテ日本ノ國籍ヲ失ヒタル者カ婚姻解消ノ後日本ニ住所ヲ有スルトキハ内務大臣ノ許可ヲ得テ日本ノ國籍ヲ回復スルコトヲ得

第二十六條 第二十條乃至第二十一條ノ規定ニ依リテ日本ノ國籍ヲ失ヒタル者カ日本ニ住所ヲ有スルトキハ内務大臣ノ許可ヲ得テ日本ノ國籍ヲ回復スルコトヲ得但第十六條ニ掲ケタル者カ日本ノ國籍ヲ失ヒタル場合ハ此限ニ在ラス

第二十七條 第十三條乃至第十五條ノ規定ハ前二條ノ場合ニ之ヲ準用ス

附則

第二十八條 本法ハ明治三十二年四月一日ヨリ之ヲ施行ス

附則

本法施行ノ期日ハ勅令ヲ以テ之ヲ定ム

(大正十三年勅令第二百六十一號ヲ以テ大正十三年十二月一日ヨリ施行)

明治三十二年六月二十一日  
勅令第二百八十九號

朕明治三十二年法律第四十號、同年法律第五十三號、國籍法、外國艦船乗

第十四輯 法務 第二章 民事 第九款 國籍及戶籍

二八

組員ノ逮捕留置ニ關スル援助法及明治三十二年法律第九十四號ヲ臺灣ニ施行スルノ件ヲ裁可シ茲ニ之ヲ公布セシム(總理、內務、大臣副署)

左ニ掲ケル法律ハ之ヲ臺灣ニ施行ス

三 明治三十二年法律第六十六號國籍法(外略)

大正十三年四月十八日  
勅令第八十八號

朕國籍法外四件ヲ樺太ニ施行スルノ件ヲ裁可シ茲ニ之ヲ公布セシム(總理、司法、大臣副署)

左ニ掲ケル法律ハ大正十三年八月一日ヨリ樺太ニ之ヲ施行ス

國籍法(外略)

●國籍法施行規則

大正十三年十一月十七日  
內務省令第二十六號

國籍法施行規則左ノ通定ム(外務、大臣副署)

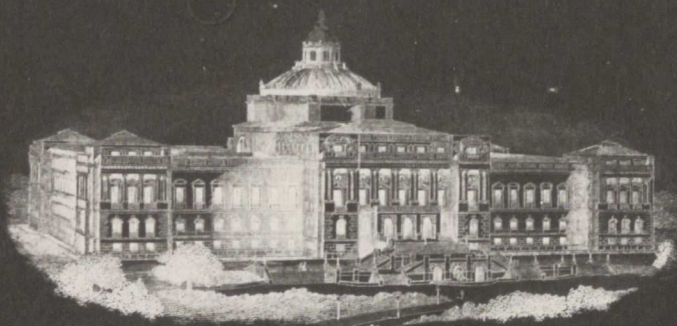
國籍法施行規則

第一條 國籍法第七條第一項ノ規定ニ依リ歸化ヲ爲サムトスル者ハ歸化ニ必要ナル條件ヲ具備スルコトヲ證スヘキ書類ヲ添ヘ其ノ住所地ヲ管轄スル地方廳ヲ經テ內務大臣ニ其ノ許可ノ申請ヲ爲スヘシ

第二條 國籍法第二十條ノ二第一項ノ規定ニ依リ國籍ヲ留保セントスルトキハ戶籍法第七十二條第一項又ハ第二項ノ規定ニ依リ出生ノ届出ヲ爲ス者戶籍法第六十九條ノ期間內ニ出生ノ届出ニ添ヘ其ノ旨ヲ届出ツヘシ天災又ハ避クヘカラサル事由ニ因リ前項ノ期間內ニ國籍ノ留保ノ届出ヲ爲ス能ハサル場合ニ於テハ其ノ期間ハ届出ヲ爲スコトヲ得ルニ至リタル時ヨリ之ヲ起算ス

航海中ニ出生シタル者ニ關シテハ第一項ノ届出ハ戶籍法第七十五條第二項又ハ第三項ノ規定ニ依リ船長ノ發送スル航海日誌ノ謄本ニ其ノ届書ヲ





P. W. H.  
E. G. B.  
A. W. N.

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I hereby certify that I am the Acting Secretary of the Library of Congress, and that there is now in the collections of the Library of Congress a copy of a printed publication entitled, "Hôrei zensho [Complete record of laws and regulations] Dai shichigô [No. 7] Taishô 5th year [1916] Insatsu-kyoku [Printing Office]" [of the Cabinet of the Japanese Government].

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In testimony whereof I  
hereunto subscribe my name  
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Mary A. Schuyler  
Acting Secretary of the  
Library of Congress





大正五年

法令全書

第七號

印刷局



大五年七月八日

勅令第百八十一號 (官報 七月十日)

大正五年法律第二十七號ハ大正五年八月一日ヨリ之ヲ施行ス

内閣總理大臣 伯爵大隈重信  
内務大臣 法學博士 一木喜徳郎

朕在外指定學校職員退隱料及遺族扶助料法中領事官ノ管掌ニ屬スル事項ニ關スル件ヲ裁可シ茲ニ之ヲ公布セシム

御名 御璽

大正五年七月十三日

勅令第百八十二號 (官報 七月十四日)

在外指定學校職員退隱料及遺族扶助料法中領事官ノ管掌ニ屬スル事項ハ青島地方ニ於ケル占領地ニ在リテハ青島守備軍司令官之ヲ行フ

附 則

本令ハ公布ノ日ヨリ之ヲ施行ス



第十一條中「二十二」ヲ「二十七」ニ、「六十四」ヲ「七十一」ニ、「七百三十六」ヲ「八百九」ニ、「六百十四」ヲ「六百九十三」ニ、「三百六十四」ヲ「三百八十三」ニ改ム  
第十二條中「五十一」ヲ「六十」ニ、「十六」ヲ「十七」ニ、「千二百九十七」ヲ「千三百十九」ニ、「百六十」ヲ「百七十四」ニ、「二千六百六」ヲ「二千六百五十六」ニ改ム

附則

本令ハ公布ノ日ヨリ之ヲ施行ス

〔參照〕

勅令第二百十號地方遞信官署官制（大正二年六月十三日）抄錄

第一條 地方遞信官署ハ遞信大臣ノ管理ニ屬シ郵便、小包郵便、郵便爲替、郵便貯金、電信及電話ニ關スル事務並電氣事業及

船舶海員ノ監督ニ關スル事務ヲ掌ル

第三條 遞信局ハ其ノ管轄區域内ニ於ケル郵便、小包郵便、郵便爲替、郵便貯金、電信及電話ノ管理ニ關スル事務並電氣事業及

船舶海員ノ監督ニ關スル事務ヲ掌ル

第四條 郵便局ハ郵便、小包郵便、郵便爲替及郵便貯金ノ現業事務ヲ、電信局ハ電信ノ現業事務ヲ、電話局ハ電話ノ現業事務ヲ

掌ル

第十條 遞信大臣ハ必要ナル各地ニ郵便、小包郵便、郵便爲替、郵便貯金、電信又ハ電話ノ取扱所ヲ設ケルコトヲ得

第十一條中「二十二」ハ專任副事務官、六十四ハ專任技師、七百三十六ハ專任書記、六百十四ハ專任技手、三百六十四ハ

專任書記補、第十二條中「五十一」ハ通信事務官補、十六ハ專任通信技師、千二百九十七ハ專任通信書記、百六十ハ專任通

信技手、二千六百六ハ專任通信書記補ノ定員ナリ

朕大正五年法律第二十七號國籍法中改正法律施行期日ノ件ヲ裁可シ茲ニ之ヲ公布セシム

御名 御璽



○外務省令第三號

郵便法第五十五條ノ三ノ規定ニ依ル官沒ハ帝國領事官カ裁判權ヲ行使スルコトヲ得ル地域ニ於テハ其ノ郵便官署ノ取扱中ニ係ルモノヲ除キ帝國領事官ヨリ命令書ヲ交付シテ之ヲ爲スヘシ

附則

本令ハ大正五年八月一日ヨリ之ヲ施行ス

大正五年七月二十四日

外務大臣 子爵石井菊次郎

○内務省令第八號

國籍ノ離脱ニ關スル件左ノ通定ム

大正五年七月十日

内務大臣 博士 一木喜徳郎  
外務大臣 男爵石井菊次郎

國籍ノ離脱ニ關スル件

第一條

國籍法第二十條ノ二ノ規定ニ依リ國籍ノ離脱ヲ爲サントスル者ハ左ノ事項ヲ具シ其ノ國ニ駐在スル日本ノ大使公使又ハ領事ヲ經テ内務大臣ニ願出ツヘシ

一 戸籍謄本

二 出生シタル國ノ當該官憲ノ發給シ若ハ證明アル出生證書

三 出生以來日本ニ來リタルコトアラハ其ノ度數並ニ毎回ノ滞在期間

四 父母カ本人ノ出生シタル國ニ居住ヲ初メタル年

五 本人ト共ニ居住スル親族ノ氏名及ヒ其ノ續柄

六 本人カ滿十五年以上ノ未成年者若ハ禁治產者ナルトキハ法定代理人ノ同意書

七 申請若ハ同意ニ關シ親族會ノ同意ヲ要スルモノニ在リテハ親族會ノ同意書

大正五年七月 省令 外務省第三號 内務省第八號



八 本人カ滿十七年以上ノ男子ナルトキハ陸海軍ノ現役ニ服シタルコト又ハ之ニ服スル義務ナ

キコトヲ證スヘキ文書

第二條 國籍ノ離脱ノ許可ハ許可書ノ日附ノ翌日ヨリ起算シ三十日ヲ經過シタル時ニ於テ其ノ效  
力ヲ生ス

第三條 國籍ノ離脱ヲ許可シタルトキハ内務大臣之ヲ告示ス

附則

本令ハ大正五年八月一日ヨリ之ヲ施行ス

○内務省令第九號

郵便法第五十五條ノ三ノ官沒ハ警察署長若ハ警察分署長ニ於テ命令書ヲ交付シテ之ヲ爲ス

附則

本令ハ大正五年八月一日ヨリ之ヲ施行ス

大正五年七月二十七日

内務大臣 法學博士一木喜徳郎

○大藏省令第十七號

大正四年大藏省令第三十四號一時賜金公債規程中左ノ通改正ス

大正五年七月十二日

大藏大臣 武富時敏

第二條中「大正四年」ヲ「發行ノ年」ニ改ム

〔參照〕

大藏省令第三十四號一時賜金公債規則(大正四年十一月六日)抄録

第二條 本公債ノ元金ハ大正四年ヨリ五箇年据置キ其ノ翌年ヨリ向五十箇年以内ニ之ヲ償還ス



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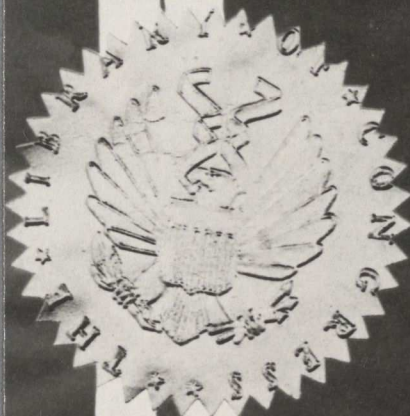
WASHINGTON

I hereby certify that I am the Acting Secretary of the Library of Congress, and that there is now in the collections of the Library a copy of a printed publication entitled, "Hôrei zensho [Complete record of laws and ordinances] Dai shichigô [No. 7] Taishô 13th year [1924] Insatsu-kyoku [Printing Office]" [of the Cabinet of the Japanese Government].

I further certify that the attached negative photostat prints are true and correct copies of the outside of the front cover and of pages 18-20 of the Hôritsu [Statute] Section of said copy.

In testimony whereof I  
hereunto subscribe my name  
and cause the seal of the  
Library of Congress to be  
affixed this 28<sup>th</sup> day of  
December, 1945.

*Mary A. Schuber*  
Acting Secretary of the  
Library of Congress





合ニ於テハ調停條項ヲ爭議ノ目的タル土地ノ所在地ノ市役所又ハ町村役場ノ掲示場ニ掲示スルコトヲ要ス

第四十二條 調停委員會必要アリト認ムルトキハ調停ノ經過ヲ公表スルコトヲ得

第四十三條 調停事件終了シタルトキハ裁判所ハ其ノ結果ヲ爭議ノ目的タル土地ノ所在地ノ市町村長及郡長ニ通知スルコトヲ要ス

第四十四條 當事者又ハ利害關係人ハ手数料ヲ納付シテ記録ノ閲覧若ハ謄寫又ハ其ノ正本、謄本、抄本若ハ事件ニ關スル説明書ノ付與ヲ裁判所書記ニ求ムルコトヲ得但シ當事者カ事件ノ繁屬中記録ノ閲覧又ハ謄寫ヲ爲ス場合ニ於テハ手数料ヲ納付スルコトヲ要セス

第四十五條 調停委員及第十一條又ハ第三十四條ノ規定ニ依リ勸解ヲ爲シタル者ニハ旅費、日當及止宿料ヲ給ス

第四十六條 第四十四條ノ手数料並前條ノ旅費、日當及止宿料ノ額ハ勅令ヲ以テ之ヲ定ム

第四十七條 本法中郡トアルハ北海道ニ於テハ北海道廳支廳管轄區域、郡長トアルハ北海道ニ於テハ北海道廳支廳長、島司ヲ置キタル島嶼ニ於テハ島司トス

本法中町村、町村長又ハ町村役場トアルハ町村制ヲ施行セサル地ニ於テハ町村、町村長又ハ町村役場ニ準スルモノトス

第四十八條 第三十四條ノ規定ニ依ル呼出ヲ受ケタル者正當ノ事由ナクシテ出頭セサルトキハ調停事件ノ繁屬スル裁判所ハ調停委員會ノ意見ヲ聽キ五拾圓以下ノ過料ニ處スルコトヲ得

非訟事件手續法第二百七條及第二百八條ノ規定ハ前項ノ過料ニ付之ヲ準用ス

第四十九條 調停委員又ハ調停委員タリシ者故ナク評議ノ顧末又ハ調停主任、調停委員ノ意見若ハ其ノ多少ノ數ヲ漏泄シタルトキハ千圓以下ノ罰金ニ處ス

附則

本法施行ノ期日ハ勅令ヲ以テ之ヲ定ム  
本法ハ勅令ヲ以テ指定スル地區ニ之ヲ施行セス

朕帝國議會ノ協贊ヲ經タル國籍法中改正法律ヲ裁可シ茲ニ之ヲ公布セシム

御名 御璽

攝政名

大正十三年七月二十二日

內閣總理大臣 子爵 加藤 高明  
內務大臣 若槻禮次郎



大正十三年

法令全書

第七號

印刷局



法律第十九號(官報號外)

國籍法中左ノ通改正ス

第二十條ノ二 勅令ヲ以テ指定スル外國ニ於テ生マレタル

ニ因リテ其國ノ國籍ヲ取得シタル日本人ハ命令ノ定ムル所ニ依リ日本ノ國籍ヲ留保スルノ意思ヲ表示スルニ非サ

レハ其出生ノ時ニ遡リテ日本ノ國籍ヲ失フ

前項ノ規定ニ依リ日本ノ國籍ヲ留保シタル者又ハ前項ノ

規定ニ依リ指定前其指定セラレタル外國ニ於テ生マレタ

ルニ因リテ其國ノ國籍ヲ取得シタル日本人當該外國ノ國

籍ヲ有シ且其國ニ住所ヲ有スルトキハ其志望ニ依リ日本

ノ國籍ノ離脱ヲ爲スコトヲ得

前項ノ規定ニ依リ國籍ノ離脱ヲ爲シタル者ハ日本ノ國籍

ヲ失フ

第二十條ノ三 前條第一項ノ外國以外ノ外國ニ於テ生マレ

タルニ因リテ其國ノ國籍ヲ取得シタル日本人ハ其國ニ住

所ヲ有スルトキハ内務大臣ノ許可ヲ得テ日本ノ國籍ノ離

脱ヲ爲スコトヲ得

前條第三項ノ規定ハ前項ノ規定ニ依リ國籍ノ離脱ヲ爲シ

タル者ニ之ヲ準用ス

第二十四條中「前六條」ヲ「第十九條、第二十條及前三條」ニ、

「前七條」ヲ「前八條」ニ改ム

第二十六條中「第二十條、第二十條ノ二又ハ第二十一條」ヲ

「第二十條乃至第二十一條」ニ改メ同條第二項ヲ削ル

第二十七條ノ二 國籍ノ離脱及回復ニ關スル手續ハ命令ヲ

以テ之ヲ定ム

附則

本法施行ノ期日ハ勅令ヲ以テ之ヲ定ム

(參照)

明治三十二年三月十六日法律第六十六號國籍法抄錄

第二十條ノ二 外國ニ於テ生マレタルニ因リテ其國ノ國籍ヲ取

得シタル日本人ハ其國ニ住所ヲ有スルトキハ内務大臣ノ許可

ヲ得テ日本ノ國籍ノ離脱ヲ爲スコトヲ得

前項ノ許可ノ申請ハ國籍ノ離脱ヲ爲ス者カ十五年未滿ナルト

キハ法定代理人ヨリ之ヲ爲シ滿十五年以上ノ未成年者又ハ禁

治產者ナルトキハ法定代理人ノ同意ヲ得テ之ヲ爲スコトヲ要

ス

繼父、繼母又ハ後見人カ前項ノ申請又ハ同意ヲ爲スニハ

親族會ノ同意ヲ得ルコトヲ要ス

國籍ノ離脱ヲ爲シタル者ハ日本ノ國籍ヲ失フ

第二十四條 滿十七年以上ノ男子ハ前六條ノ規定ニ拘ハラヌ既

ニ陸海軍ノ現役ニ服シタルトキ又ハ之ニ服スル義務ナキトキ

ニ非サレハ日本ノ國籍ヲ失ハス

現ニ文武ノ官職ヲ帶フル者ハ前七條ノ規定ニ拘ハラヌ其官職

ヲ失ヒタル後ニ非サレハ日本ノ國籍ヲ失ハス

第二十六條 第二十條、第二十條ノ二又ハ第二十一條ノ規定ニ

依リテ日本ノ國籍ヲ失ヒタル者カ日本ニ住所ヲ有スルトキハ

内務大臣ノ許可ヲ得テ日本ノ國籍ヲ回復スルコトヲ得但第十

六條ニ掲ケタル者カ日本ノ國籍ヲ失ヒタル場合ハ此限ニ在ラ



前項ノ許可ノ申請ハ第二十二條ノ三ノ規定ニ依リテ日本ノ國籍ヲ失ヒタル者カ十五年未滿ナルトキハ日本ノ國籍ノ離脱ノ際其者ノ屬セシ家ニ在ル父、父之ヲ爲スコト能ハサルトキハ母、母之ヲ爲スコト能ハサルトキハ祖父、祖父之ヲ爲スコト能ハサルトキハ祖母ヨリ之ヲ爲スコトヲ要ス

朕帝國議會ノ協贊ヲ經タル戶籍法中改正法律ヲ裁可シ茲ニ之ヲ公布セシム

御名 御璽

攝政名

大正十三年七月二十二日

内閣總理大臣 子爵 加藤 高明  
司法大臣 横田千之助

法律第二十號(官報號外)

戶籍法中左ノ通改正ス

第五百十一條第一項ニ左ノ但書ヲ加フ

但シ國籍法第二十條ノ二又ハ第二十條ノ三ノ規定ニ依ル

國籍喪失者ニ付テハ此限ニ在ラス

附則

本法施行ノ期日ハ勅令ヲ以テ之ヲ定ム

(參照)

大正十三年 七月二十日 法律第二十號 戶籍法抄錄

第五百十一條第一項

國籍喪失者カ滿十七年以上ノ男子ナルトキハ其者カ陸海軍ノ現役ニ服シタルコト又ハ之ニ服スル義務ナキコトヲ證スヘキ書面ヲ屆ニ添附スルコトヲ要ス

朕帝國議會ノ協贊ヲ經タル朝鮮銀行法中改正法律ヲ裁可シ茲ニ之ヲ公布セシム

御名 御璽

攝政名

大正十三年七月二十二日

内閣總理大臣 子爵 加藤 高明  
大藏大臣 濱口 雄幸

法律第二十一號(官報號外)

朝鮮銀行法中左ノ通改正ス

第二條、第九條、第十條、第十七條、第十八條、第二十條乃至

第二十二條、第二十五條及第二十九條乃至第三十三條中

「朝鮮總督」ヲ「大藏大臣」ニ改ム

第三十四條中「朝鮮總督」ヲ「政府」ニ改ム

第三十七條ノ二 本法中大藏大臣ノ職務ニ屬スル事項ハ勅

令ノ定ムル所ニ依リ朝鮮總督ヲシテ之ヲ行ハシムルコト

ヲ得



附則

本法施行ノ期日ハ勅令ヲ以テ之ヲ定ム

(參照)

明治四十四年三月二十法律第四十八號朝鮮銀行法抄錄  
第三十四條 朝鮮總督ハ特ニ朝鮮銀行監理官ヲ置キ朝鮮銀行ノ業務ヲ監視セシム

朕帝國議會ノ協賛ヲ經タル鑛業法中改正法律ヲ裁可シ茲ニ之ヲ公布セシム

御名 御璽

攝政名

大正十三年七月二十二日

內閣總理大臣 子爵 加藤 高明  
農商務大臣 高橋 是清  
內務大臣 若槻禮次郎

法律第二十二號(官報號外)

鑛業法中左ノ通改正ス

第八十條 鑛業權者ハ命令ノ定ムル所ニ依リ鑛夫カ業務上負傷シ、疾病ニ罹リ又ハ死亡シタル場合ニ於テ本人又ハ其ノ遺族若ハ本人ノ死亡當時其ノ收入ニ依リ生計ヲ維持シタル者ヲ扶助スヘシ

附則

本法施行ノ期日ハ勅令ヲ以テ之ヲ定ム

(參照)

明治三十八年三月八法律第四十五號鑛業法抄錄  
第八十條 鑛夫自己ノ重大ナル過失ニ因ラスシテ業務上負傷シ疾病ニ罹リ又ハ死亡シタルトキハ鑛業權者ハ命令ノ定ムル所ニ從ヒ鑛夫又ハ其ノ遺族ヲ扶助スヘシ

朕帝國議會ノ協賛ヲ經タル大正九年法律第五十六號中改正法律ヲ裁可シ茲ニ之ヲ公布セシム

御名 御璽

攝政名

大正十三年七月二十二日

內閣總理大臣 子爵 加藤 高明  
內務大臣 若槻禮次郎  
鐵道大臣 仙石 貢  
大藏大臣 濱口 雄幸

法律第二十三號(官報號外)

大正九年法律第五十六號中左ノ通改正ス

「五年」ヲ「十年」ニ改ム

附則

本法ハ公布ノ日ヨリ之ヲ施行ス但シ從前ノ規定ニ依リ補助



"EXHIBIT D"

In the Matter of

**HIROSHI WATANABE**

Alien Enemy

D.J. File No.  
146-54-1879

b. 1:13:23

O R D E R

WHEREAS, **HIROSHI WATANABE** has appeared before a duly appointed hearing officer and has made a formal written renunciation of his United States citizenship pursuant to Section 401(1) of the Nationality Act of 1940, as amended, and whereas the said renunciation of nationality has been approved by the Attorney General as not contrary to the interests of national defense; and

WHEREAS, the above-named renunciant is deemed to be a native, citizen, subject or denizen of Japan and has as such heretofore been interned by order of the Attorney General pursuant to the Alien Enemy Act of 1798; and

WHEREAS, the said alien enemy has been afforded an opportunity for a full hearing before a repatriation hearing officer on the issue of his removal from the United States pursuant to the provisions of the Alien Enemy Act of 1798 and of Presidential Proclamation 2655 (10 Fed. Reg. 8947); and

WHEREAS, upon consideration of all the evidence relating to this matter the above-named renunciant is deemed by the Attorney General to be an alien enemy dangerous to the public peace and safety of the United States because he has adhered to the government of Japan or to the principles of government thereof;

NOW, THEREFORE,

IT IS ORDERED that the said alien enemy depart from the United States within thirty days after service of this order upon him; and

IT IS FURTHER ORDERED that, in the event the said alien enemy fails or neglects to depart from the United States within the said thirty days, the Commissioner of Immigration and Naturalization shall provide for the alien's removal to Japan.

/s/ Tom C. Clark

ATTORNEY GENERAL

Dated, Washington, D.C.  
April 1, 1946