

900

# THE CONSTITUTION OF JAPAN.

## TRANSLATION.

### Constitution.

Last winter when the Imperial Government was reformed, three offices were created, and subsequently eight departments were formed amongst which the duties of government were divided. These arrangements, made during a time of civil commotion, were necessarily hurried and imperfect. The Constitution and the offices of government have therefore been remodelled with a view to ensure the fulfilment of the Imperial Oath.

This course is by no means the result of a mere desire of change, but is prompted by the necessity of establishing those laws and regulations which have hitherto remained undetermined. As, therefore, there is no departure in principle from what has been previously asserted, it is necessary that all officers of the government bear this in mind and rigidly observe the fundamental principles here laid down, performing their duties in perfect confidence, so that permanent security and comfort may be ensured to the people.

Dated June, 1868.

Signed, **DAIJOKAN.**

I.—In ascertaining the national wishes and establishing laws and regulations the Imperial Oath is adopted as a guide,

#### THE OATH IS AS FOLLOWS :

The practice of discussion and debate shall be universally adopted, and all measures shall be decided by public argument.

High and low shall be of one mind, and social order shall thereby be perfectly maintained. It is necessary that the civil and military powers be concentrated in a single whole, the rights of all classes be assured and the national mind be completely satisfied.

The uncivilized customs of former times shall be broken through, and the impartiality and justice displayed in the workings of nature be adopted as a basis of action. Intellect and learning shall be sought for throughout the world, in order to establish the foundations of the empire.

The faithful execution of these different articles of the Imperial Oath has been made the object of the constitution.

II.—All the power and authority in the empire centres in the *Daijokan*. By this means the difficulty of a divided government is obviated. The power and authority of the *Daijokan* is threefold, legislative, executive and judicial. Thus the balance of authority is preserved amongst the different branches of the government.

III.—The legislative branch cannot possess also executive functions, nor can the executive branch possess legislative functions. Only extraordinary inspections of the great cities and extraordinary foreign questions can be undertaken by the legislative branch.

IV.—The reason why appointment to

the highest rank of the offices is limited to Princes of the Blood, the nobles of the Court and territorial nobles, is because due affection should be shown to the relations of the Sovereign and due respect to great Ministers of the State. The creation of a class of Imperial officers (*Chō-shi*) out of retainers of territorial nobles and common people and raising these to offices of the second rank, is in order that honour may be given to wisdom.

V.—Every great city, every clan and every Imperial territory shall furnish *Kōshi* to be members of Council. The object of establishing the system of a deliberative body is that open discussion and the opinion of the majority may be secured.

VI.—The object of establishing a system of relative ranks is that each may be made to know the importance of the office he fills, and not bring it into contempt.

VII.—Princes of the Blood, nobles of the Court and territorial nobles shall be accompanied by six two-sworded men and three lacqueys, and persons of lower rank by two two-sworded men and one lacquey. This is in order to do away with the appearance of pomp and grandeur, and to prevent the existence of a barrier between classes.

VIII.—Officers shall not discuss the affairs of the government in their own houses with unofficial persons. If any persons desire interviews with them for the purpose of giving expression to their own opinions, they shall be sent to the office of that department and the matter shall be openly discussed.

IX.—All officers shall be changed after four years' service. They shall be appointed by a majority of votes given by ballot. When the first period for changing the officers of government arrives, half of the present staff shall be retained for an additional space of two years, in order that there be no interruption of the public business. Such as cannot be conveniently dismissed, because they have won general approval, must be retained for a further period of years.

X.—The object of establishing a system of tribute to be paid by the daimios and lower classes, the agricultural artizan and commercial classes, is that funds may be provided for defraying the expenses of government, that the military establishments may be kept up to an efficient standard, and the people be protected. Persons possessing rank and office shall contribute one thirtieth of their revenues or salaries.

XI.—The Government in each of the great towns, clans and Imperial territories must be conducted in accordance with the principles laid down in the Imperial Oath. The Municipal law of one place must not be held binding on all others. No rank may be bestowed, no money may be coined, no foreigners employed without special permission. No alliances may be entered into between neighbouring clans, nor between a clan and a foreign power. This is in order that there may be no conflict of greater and lesser authority, no confusion in the constitution.

The *Daijokan* is divided into seven departments.

### I.—THE DELIBERATIVE ASSEMBLY

Divided into an upper and a lower house; the *Gazette* office is subordinate to it.

A. The upper House consists of—

1st. *Gijō*.—Princes of the blood, nobles of the Court and territorial nobles are eligible to this office. The two chief Ministers of State (*Hoshō*) must be *Gijō*. The functions of the *Gijō* embrace the establishment of the constitution, the enactment of laws, the decision of questions of policy, the selection of men to fill the offices of the three higher ranks, the supreme judicial power, the conclusion of treaties, and the power of making peace and war.

2nd. *Sanyō*.—Nobles of the Court, territorial nobles and their councillors (*Karō*) two-sworded men and ordinary persons are eligible to this office. The functions of the *Sanyō* are the same as those of the *Gijō*.

3rd. Four Secretaries.

High officers (*daimios' Karō*) two sworded men and ordinary persons are eligible to this office. The duties of the secretaries are to draught documents, to draw up memoranda on subjects indicated to them and to edit the *Gazette*.

4th. Clerks.

B. The Lower House.

1st. Two presidents of debate, who must be *Benji*.

2nd. Ordinary Members or *Kōshi*. The subjects which the members discuss under the orders of the upper house are as follows:

Revenue laws—Posting Regulations—Coinage—Weights and Measures—New Conventions and Treaties with Foreign Powers—Regulation of internal and foreign commerce—Colonization—Declaration of War and conclusion of Treaties of Peace—Apprehension of Criminals by Land or Water—Enlistment of Soldiers and Commissariat—Military estimates—Erection of fortifications, arsenals and military store-houses in daimios' territories—Disputes between different clans.

The above department exercises the legislative power.

### II.—OFFICE OF THE LORDS PRESIDENT OF THE COUNCIL.

1st.—Two chief Ministers of State (*Hoshō*) who must also be *Gijō*.

Their duties are to advise the sovereign, to report to him the subjects of debate in the assembly and to receive his decisions thereon, to exercise supreme control over internal affairs and to direct the administration of the Imperial Household.

2nd Ten *Benji*.

Nobles of the Court, territorial nobles and their councillors, two sworded men and ordinary persons are eligible to this office. The *Gombenji* are also appointed from these classes.

Their duties are to carry out the orders of the chief Ministers of State in all matters, domestic as well as foreign, and to keep the chief ministers acquainted with matters relating to the administration of the Imperial Household.

3rd *Gombenji* [*Gon*, Engl. word *vice*.]

Their duties are the same as those of the *Benji*. In the same way the duties of the *Gon-kan kuanji*, the *Gon-han-shi-ji* and the *Gon-han-fu-ji* (mentioned in subsequent sections) are identical with those of the *Han-kuan-ji*, *Han-shi-ji* and *Han-fu-ji*.

4th Six Secretaries.

Their duties are to draught Imperial decrees, reports to the Emperor and all other documents, and to take cognizance of the style of documents.



5th Clerks.

The above department exercises the (supreme) executive authority.

### III.—DEPARTMENT OF THE SHINTŌ RELIGION.

1st. One *Chikuanji* (minister).

Princes of the blood, nobles of the Court and territorial nobles are eligible to this office. All other *Chikuanji* are chosen from the same classes.

The minister for the *Shintō* religion possesses supreme control in matters relating to the worship of the Gods, and over the different classes of the priesthood.

2nd. One *Fuku-chi-kuan-ji* (vice minister). Nobles of the Court, territorial nobles and their councillors, two-sworded men and ordinary persons are eligible to this office. The same is the case with the *Fukuchikuanji* of other departments. The duties of all *fukuchikuanji* are identical with those of the *Chikuanji* of their respective departments.

3rd Two *Hankuanji*. Nobles of the Court, territorial nobles and their councillors, two-sworded men and ordinary persons are eligible to this office. The *hankuanji* of other departments are chosen from the same classes. Their duties are to keep the *chikuanji* acquainted with the business of their respective departments.

4th *Gonhankuanji*. Nobles of the Court, territorial nobles and their councillors, two-sworded men and ordinary persons may be appointed to this office. The *gonhankuanji* of the other departments are chosen from the same classes.

5th and 6th, Writers and copyists.

### IV.—THE FINANCE DEPARTMENT.

This department has the control of seven offices, namely the offices of accounts, estimates, posts, building and repairs, duties and excise, currency and municipal matters.

1st.—One *Chikuanji*.

The *Chikuanji* possesses supreme control over matters relating to land and houses, land taxes, public labour, estimates, public treasure, presents to the *Mikado*, salaries and wages, public store-houses, building and repairs, transport, posts, artisans, duties and excise.

2nd.—One *Fukuchikuanji*.

3rd.—Two *Hankuanji*.

4th.—*Gonhankuanji*.

5th and 6th.—Writers and copyists.

### V.—THE WAR DEPARTMENT.

Two sub-departments and four offices are attached to this department, namely

the naval sub-department, the army sub-department, the engineering, army transport, military arms and cavalry offices.

1st.—One *Chikuanji*.

The *Chikuanji* possesses supreme control in matters relating to the Army and Navy, the militia levies, defensive and offensive operations.

2nd.—One *Fukuchikuanji*.

3rd.—Four *Hankuanji*.

4th.—*Gonhankuanji*.

5th and 6th.—Writers and Copyists.

### VI.—THE FOREIGN DEPARTMENT.

1st.—One *Chikuanji*.

The *Chikuanji* exercises supreme control in matters relating to diplomatic intercourse with foreign nations, the superintendence of trade and colonization.

2nd.—One *Fukuchikuanji*.

3rd.—Six *Hankuanji*.

4th.—*Gonhankuanji*.

5th and 6th.—Writers and copyists.

The above four departments exercise the executive authority.

### VII.—THE JUDICIAL DEPARTMENT.

Three offices are attached to this department, namely, the Censorate, Courts of Justice and Police.

1st.—One *Chikuanji*.

The *Chikuanji* exercises supreme control in matters relating to the execution and observance of the laws, over the censorate, impeachments, arrests and trials.

2nd.—One *Fukuchikuanji*.

3rd.—Four *Hankuanji*.

4th.—*Gonhankuanji*.

5th and 6th.—Writers and copyists.

The above department exercises the judicial authority.

### LOCAL ADMINISTRATION.

Local administration is of three kinds.

A.—Great cities.

1st.—One *Chifuji* (Governor.)

The duties of the *Chifuji* are to facilitate the means of livelihood of the people, to develop the productions of the district, to promote education, to collect land taxes, to assess public labour, to adjudge rewards and punishments, and to command the local militia.

2nd.—Two *Hanfuji*.

B.—Clans or daimios' territories.

C.—Imperial territories.

1st.—*Chikenji* (Collector of Revenue.)

The duties of the *Chikenji* are to facilitate the means of livelihood of the people, to develop the productions of the district, to promote education, to collect the land

taxes, to assess public labour, to adjudge rewards and punishments, and to command the rural militia.

2nd.—*Hankenji*.

### RANKS AND PRECEDENCE.

1st.—Officers of the first rank.

*Hoshō* (Chief Minister of State)

*Gijō* (Princes of the Blood and nobles, members of the upper house of the Legislative Assembly.)

*Chikuanji* (Heads of Departments, naval and military commanders of the first class.

2nd.—Offices of the second rank.

*Sanyō* (members of the upper House of the Legislative Assembly not being Princes of the Blood). *Fukuchikuanji* (vice Ministers). *Chifuji* (Governors of cities). Naval and military commanders of the second class.

3rd Offices of the third rank.

*Gichō* (Presidents of the Lower House of Assembly)

*Benji*.

*Hankuanji*.

*Hanfuji*.

*Chikenji* of the first class. Naval and military commanders of the third class.

The above three classes are styled High Officers of state (*dai-jin*) in communications with foreign powers.

4th—Offices of the 4th rank.

*Gombenji*

*Gonhankuanji*.

*Gonhanfuji*.

*Chikenji* of the second class.

5th.—Offices of the fifth rank.

Secretaries

*Chishiji* (chiefs of subdepartments.)

*Chikenji* of the 3rd class.

*Hankenji* of the first class.

6th.—Offices of the sixth rank.

*Hankenji* of the 2nd class.

Interpreters of the 1st class.

7th.—Offices of the seventh rank.

Writers, *Hankenji* of the third class, *Hanshiji*, Interpreters of the 2nd class.

8th.—Offices of the 8th rank.

Clerks, Time keepers, Copyists, Interpreters of the third class.

9th.—Offices of the 9th rank.

Student Interpreters, Messengers.

The Laws will be separately printed.

These rules and regulations must be faithfully observed by all officials. Should any alteration become desirable it shall be decided upon after being submitted to a General Council.