

but that their suppression will require some time for its accomplishment, pending which it may be expected that they will commit sporadic outrages upon lives and property.

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THE JAPANESE LAW OF NATIONALITY

The Japanese law of nationality was amended during the last session of the Imperial Diet, and as amended received the Imperial sanction and was promulgated as Law No. 27 on March 15, 1916. Its recent origin would alone justify comment; its importance requires it. The most important changes will therefore be mentioned and the reasons for them stated.

Article 18 of the previous law provided that a Japanese woman lost her Japanese nationality when she married a foreigner. This was thought to be unsatisfactory, because if she married a foreigner who, for one reason or another, had lost his nationality, the woman herself would be in the unfortunate position of her husband. Article 18, as amended, reads: "When a Japanese by becoming the wife of a foreigner has acquired the husband's nationality, then such Japanese loses Japanese nationality."

Article 20 of the previous law reads: "A person who has acquired foreign nationality by his own choice loses Japanese nationality." But this article is to be read in connection with Article 24, which provided that a Japanese subject of 17 or more years of age could not divest himself of Japanese nationality unless he had performed his military service or was exempt therefrom. This article is retained in the revised law, but again Articles 17 and 24 thereof are to be construed by a new provision called Article 20-bis, which reads as follows:

In case a Japanese subject who has acquired foreign nationality by reason of his or her birth in a foreign country has domicile in that country, he or she may be expatriated with the permission of the Minister of State for Home Affairs.

The application for the permission referred to in the preceding paragraph shall be made by the legal representative in case the person to be expatriated is younger than fifteen years of age. If the person in question is a minor above fifteen years of age or a person adjudged incompetent, the application can only be made with the consent of his or her legal representative or guardian.

A step-father, a step-mother, a legal mother or a guardian may not make the application or give the consent prescribed in the preceding paragraph without the consent of the family council.

A person who has been expatriated loses Japanese nationality.

And in connection with Article 20-bis the following paragraph, added to Article 26, is to be considered:

In case the person who has lost Japanese nationality in accordance with the provision of Article 20-bis is younger than fifteen years of age, the application for the permission prescribed in the preceding paragraph shall be made by the father who is the member of the family to which such person belonged at the time of his expatriation. Should the father be unable to do so, the application shall be made by the mother; if the mother is unable to do so, then by the grandfather; and if the grandfather is unable to do so, then by the grandmother.

The following explanation of the reason for the amendments, which have been briefly stated, and their effect, is taken from articles by Mr. T. Miyaoka, formerly Counselor of the Japanese Embassy in the United States and a distinguished publicist and lawyer of Tokyo, contributed to the *Japanese Times* of March 9, 1916, and the *Japan Advertiser* of Tokyo for March 17, 1916:

Under the conscription laws of the Empire a boy of seventeen is already a soldier in the Japanese army although his time of service under "colors" does not commence until he is twenty. A male Japanese from the age of seventeen is a part of the army until he completes his fortieth year. If he is an officer in the army, he is either in the active service, in the first reserve, the second reserve, or the national army called the landsturm. If he is neither a commissioned officer nor a warrant officer, then he is a plain soldier in the landsturm, in the active service, in the reserve (*i. e.*, the first reserve) or in what the Germans call the landwehr. A boy is not called upon to serve under "colors," that is to say, he is not required to receive military training in regimental barracks until he is twenty, but from seventeen to twenty he is already a soldier in the landsturm.

The Japanese law of nationality as it stands to-day and as it will stand when the amendatory law goes into operation, rests upon the principle that a Japanese soldier may not cease to be one by expatriating himself. This principle remains unchanged, but Article 20-bis provides that a Japanese boy who has acquired a foreign nationality by reason of his birth in the territories of such country, provided he has domicile in that country, may divest himself of the Japanese nationality if his father or other parental authority takes the necessary step for him before he is fifteen; or if he has attained the age of fifteen he may take the same step with the consent of his father or other parental authority until he attains the age of seventeen.

In short the object of the amendatory law is to permit the expatriation of Japanese boys born in Hawaii or in any of the States of the American Union before he is fifteen or at latest before he is seventeen.

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