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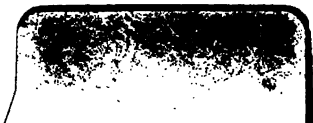
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CONTENTS.

BOOK I.

GENERAL PROVISIONS.

Chapter I.—Of the Application of the Criminal Code in General	1
Chapter II.—Of Penalties	5
Chapter III.—Of the Calculations of Terms	10
Chapter IV.—Of the Suspension of the Execution of Penalties	11
Chapter V.—Provisional Liberation . .	12
Chapter VI.—Of Prescription	14
Chapter VII.—Non-Constituency of Offences, and Legal Excuses . .	15
Chapter VIII.—Of Infractions not Consummated	18
Chapter IX.—Of Concurrent Offences.	18
Chapter X.—Of the Repetition of Offences	22
Chapter XI.—Of Co-Operation of Several Persons in the Same Offence	23
Chapter XII.—Of Extenuating Circumstances	25
Chapter XIII.—Of the Aggravation and Commutation of Penalties.	25

BOOK II.

OFFENCES.

Chapter I.—Of Offences against the Imperial House	28
Chapter II.—Of Offences against the Internal Safety of the State ...	29
Chapter III.—Of Offences against the External Safety of the State...	31
Chapter IV.—Of Offences against Na- tional Intercourse	33
Chapter V.—Of Interference with the Exercise of Public Functions...	35
Chapter VI.—Of Escape of Prisoners..	36
Chapter VII.—Of the Concealment of Offenders and the Suppression and Destruction of Proofs of Guilt	38
Chapter VIII.—Of Unlawful Assembly (Riots and Disturbances)	39
Chapter IX.—Of Arson and Accidental Conflagration	40
Chapter X.—Of Offences Relating to Inundations and Water-Utility	44
Chapter XI.—Of the Destruction of and Damage to Means of Com- munication.....	46
Chapter XII.—Of the Violation of Domicile, Burglary and House- breaking	48
Chapter XIII.—Of the Betrayal and Revelation of Secrets	49
Chapter XIV.—Of Offences Relating to Opium.....	50

Chapter XV.—Of Offences Relative to Drinking Water	52
Chapter XVI.—Of Offences Relative to Counterfeiting Money.....	53
Chapter XVII.—Of the Forgery of In- struments	55
Chapter XVIII.—Of the Forgery of Valuable Securities	60
Chapter XIX.—Of the Forgery of Seals	61
Chapter XX.—Of Perjury.....	63
Chapter XXI.—Of False Accusation..	64
Chapter XXII.—Of Indecency and Bigamy	64
Chapter XXIII.—Of Gambling and Lotteries	67
Chapter XXIV.—Of Offences Relating to Places of Religious Worship and Cemeteries	68
Chapter XXV.—Of Offences Committed by Public Servants in the Exer- cise of their Functions.....	70
Chapter XXVI.—Homicide	72
Chapter XXVII.—Wounding and (Grievous) Bodily Harm	74
Chapter XXVIII.—Of Involuntary (Accidental) Homicide, Blows, or Wounds	75
Chapter XXIX.—Of Abortion	76
Chapter XXX.—Of Abandoning Child- ren, the Aged, or Sick	78
Chapter XXXI.—Of Illegal Arrest and False Imprisonment.....	79
Chapter XXXII.—Of Threats	80

• Chapter XXXIII.—Of Abduction, Kidnapping, and Alluring	81
• Chapter XXXIV.—Of Libel and Indictable Slander	83
• Chapter XXXV.—Of Offences against Credit and Business	84
• Chapter XXXVI.—Of Robbery and Theft	85
• Chapter XXXVII.—Of Fraud and Intimidation	87
• Chapter XXXVIII.—Of Embezzlement and Misappropriation	89
• Chapter XXXIX.—Of Offences relating to Objects stolen or embezzled	90
• Chapter XL.—Of Injuries to and Concealment of Property	91



CRIMINAL CODE OF JAPAN.



BOOK I. GENERAL PROVISIONS.

CHAPTER I. OF THE APPLICATION OF THE CRIMINAL CODE IN GENERAL.

1.

This law is applicable to persons who have committed offences within the Empire, irrespective of who the perpetrator may be.

The law is also applicable to persons who have committed offences on board Japanese ships outside the Empire.

2.

This law is applicable, irrespective of who the perpetrator may be, to persons who have committed the following offences outside the Empire:—

1. Offences specified in Articles 73 to 76;
2. Offences specified in Articles 77 to 79;
3. Offences specified in Articles 81 to 89;

4. Offences specified in Article 148, and attempted (but not consummated) infractions of the said Article;
5. Offences specified in Articles 154, 155, 157, and 158;
6. Offences specified in Articles 162 and 163;
7. Offences specified in Articles 164 to 166, and attempted (but not consummated) infractions of Par. 2 of Article 164, Par. 2 of Article 165, and Par. 2 of Article 166.

3.

This law is applicable to Japanese Subjects who have committed the following offences outside the Empire:—

1. Offences specified in Article 108, and Par. 1 of Article 109, and offences which are to be decided in accordance with the rules of Article 108 and Par. 1 of Article 109, and attempted (but not consummated) committal of these offences;
2. Offences specified in Article 119;
3. Offences specified in Articles 159 to 161;
4. Offences specified in Article 167, and attempted (but not consummated) infractions of Par. 2 of the same Article;
5. Offences specified in Articles 176 to 179, Article 181, and Article 184;
6. Offences specified in Articles 199 and

- 200, and attempted (but not consummated) infractions of Article 201;
7. Offences specified in Articles 204 and 205;
 8. Offences specified in Articles 214 to 216;
 9. Offences specified in Article 218, and the offence of causing death or wounds by reason of committing the offences of the same Article;
 10. Offences specified in Articles 220 and 221;
 11. Offences specified in Articles 224 to 228;
 12. Offences specified in Article 230;
 13. Offences specified in Articles 235 and 236, Articles 238 to 241, and Article 243;
 14. Offences specified in Articles 246 to 250;
 15. Offences specified in Article 253;
 16. Offences specified in Par. 2 of Article 256.

This law also applies to foreigners who have committed offences mentioned in the preceding paragraph against Japanese Subjects outside the Empire.

4.

This law is applicable to members of the Imperial Public Services who have committed the following offences outside the Empire:—

1. Offences specified in Article 101, and

attempted (but not consummated) committal of these offences;

2. Offences specified in Article 156;
3. Offences specified in Article 193, Par. 2 of Article 195, and Article 197; and the offence of causing death or wounds by reason of committing the offences specified in Par. 2 of Article 195.

5.

Even though the case may have been adjudicated upon in a foreign country and a final and conclusive judgment rendered in respect to same, this shall be no bar to the institution of entirely new proceedings and the infliction of punishment for the same act (in Japan). If, however, the offender has already undergone the punishment to which he was sentenced in a foreign country, or any portion thereof, the Court may either reduce the penalty or remit the execution thereof.

6.

If subsequent to the committal of an offence the punishment should be altered by (a new) law, the milder penalty (of the two laws) shall be applicable to such offence.

7.

The expression "Members of the public services" in this law includes Government officials, public officials, members of conferences or deliberative assemblies and deputies, members of committees and other

persons holding office who are engaged in public affairs in accordance with laws and ordinances.

The expression "Public Offices" means places where members of the public services perform their functions.

8.

The general provisions of this law are also applicable to the penalties determined by other laws, except such laws contain special provisions.

CHAPTER II.

OF PENALTIES.

9.

The principal penalties are death, penal servitude, imprisonment, fine, detention and police fine, while confiscation is an accessory penalty.

10.

The degree of gravity of the principal penalties is in such order as mentioned in the preceding Article, with the exception that perpetual imprisonment is more serious than limited penal servitude, and that limited imprisonment is more serious than limited penal servitude when the maximum of the former penalty is longer than twice that of the latter penalty.

With regard to the same class of penalties, the one which in its maximum is of either a longer term or a greater amount shall be considered as more serious. If the maximum terms or amounts of the two cases are the same, the one which is of either a longer term or a greater amount in its minimum shall be considered as more serious.

With regard to two or more than two death penalties, or with regard to penalties of the same class whose maximum and minimum terms or amounts are the same, the degree of gravity shall be determined according to the circumstances of the infractions.

11.

The penalty of death shall be executed by hanging in the interior of a gaol.

A person who has been sentenced to death shall be detained in a gaol until he shall be executed.

12.

Penal servitude is either perpetual or limited; limited penal servitude shall extend over a period of not less than one month and not exceeding fifteen years.

Persons condemned to penal servitude shall be detained in a gaol and subjected to forced labour determined by the regulations.

13.

Imprisonment is either perpetual or limited; limited imprisonment shall extend

over a period of not less than one month and not exceeding fifteen years.

Persons condemned to imprisonment shall be detained in a gaol.

14.

In case of limited penal servitude or imprisonment being increased (in severity) the term may be extended up to twenty years, and in case of their being decreased both penal servitude and imprisonment may be lowered to a term of less than one month.

15.

Fines (*bakkin*) shall be twenty yen or upwards, but in case of their being reduced the amount may be lowered to a sum less than twenty yen.

16.

Detention shall extend over a period of not less than one day and less than thirty days and the person detained shall be confined in a house of detention.

17.

Police fines (*kwaryo*) shall be ten sen and upwards, but shall be less than twenty yen.

18.

Person who are unable to pay their fines in full shall be detained in a labour establishment (*rō-eki-jo*) for a period of not less than one day and not exceeding one year.

Persons who are unable to pay their police fines in full shall be detained in a

labour establishment for a period of not less than one day and not exceeding thirty days.

Even in cases where several police fines have been inflicted together, the term of detention shall not exceed sixty days.

The Court when pronouncing sentence inflicting either a fine or police fine shall, at the same time, fix the alternative term of detention should payment of such fine or police fine not be made in full.

Detention may not, unless with the consent of the condemned, be enforced within thirty days in respect to fines and within ten days in respect to police fine from the time at which judgment has become final and conclusive.

When persons who have been sentenced to a fine or police fine have paid a portion of the same, they shall be detained for the term specified in the judgment in lieu of fine or police fine, less such number of days as may correspond to the amount of money already paid, calculated in the proportion between the entire fine or police fine and the full period of (alternative) detention.

If during detention the fine or police fine be paid, the payment shall be applied to the remaining number of days in the proportion specified in the foregoing paragraph.

A sum of money less than the amount

corresponding to one day's detention may not be paid.

19.

The following articles may be confiscated:—

1. Objects which have constituted the criminal act;
2. Objects which have contributed to the criminal act, or which it was attempted to furnish for use in committing the offence;
3. Objects originating from, or acquired by means of, a criminal act.

Articles may be confiscated only if they do not belong to persons other than the offenders.

20.

In connection with an offence punishable only by detention or police fine, confiscation may not be enforced unless in virtue of a special provision of the law; but this does not apply to the confiscation of objects mentioned in No. 1 of Par. 1 of the preceding Article.

21.

Either the whole or a portion of the number of days of detention pending trial may be reckoned in the principal penalty.

CHAPTER III.

OF THE CALCULATION OF TERMS.

22.

In determining periods of time, when such periods consist of months or years, they are to be calculated in accordance with the almanac.

23.

The duration of penalties is reckoned from the day on which judgment becomes irrevocable.

The days during which the accused has not been imprisoned, even after the judgment has become irrevocable, are not to be reckoned (for him) in the duration of the penalty.

24.

The day on which the penalty has begun to be executed is reckoned as an entire day, whatever the number of the hours may have been. The same is applicable to the first day of the term of prescription.

Liberation is effected on the day following the last day of the duration of a penalty.

CHAPTER IV.

OF THE SUSPENSION OF THE EXECUTION
OF PENALTIES.

25.

When the following persons have been sentenced to less than two years' penal servitude or imprisonment, the execution of their sentences may, according to the circumstances of their respective cases, be suspended during a period of time of not less than one year and not exceeding five years from the day on which judgment has become irrevocable:—

1. Persons who have never been previously condemned to imprisonment or graver penalties;
2. Persons who, while they have been punished by imprisonment or graver penalties, have not been again condemned to imprisonment or graver penalties during seven years from the day on which the execution of the former penalty was either completed or remitted.

26.

Sentences suspending execution of penalties shall be cancelled in the following cases:—

1. In case a further offence has been committed within the term of suspension, and the offender has been sen-

- tenced to imprisonment or graver penalty;
2. In case the offender has been sentenced to imprisonment or graver penalty relative to a certain other offence committed prior to the sentence suspending execution of penalty;
 3. In case (with the exception of persons mentioned in No. 2 of the preceding Article) it is discovered that the offender has been sentenced to imprisonment or a graver penalty relative to some other offence committed prior to the sentence suspending the execution of the penalty.

27.

When the term of suspension of executing the penalty has fully elapsed without the sentence being cancelled, the judgment inflicting the penalty will become null and void.

CHAPTER V.

PROVISIONAL LIBERATION.

28.

In the case of persons who have been sentenced to penal servitude or imprisonment, should they show signs of reformation (have an appearance of amendment), a ticket-of-leave may be granted to them

by an administrative measure after the lapse of one-third of the whole term of a limited penalty or of 10 years of a perpetual penalty.

29.

Release on ticket-of-leave may be cancelled in the following cases:—

1. When persons, during the term of their liberation on a ticket-of-leave, have committed a further offence and have been sentenced to a fine or graver penalty;
2. When the condemned has been sentenced to a fine or graver penalty in regard to another offence committed prior to his being released on ticket-of-leave;
3. When persons who have been sentenced to a fine or graver penalty on account of other offences committed prior to their temporary liberation on ticket-of-leave are to undergo the execution of such penalty;
4. In case of any infringement of the regulations relating to the control of persons liberated on ticket-of-leave.

In case a release on ticket-of-leave has been cancelled, the number of days during which the condemned has been out of prison on such ticket-of-leave shall not be reckoned (for his benefit) in calculating the terms of the penalty.

30.

Persons who have been sentenced to detention, may, at any time, according to the circumstances of the case, be granted provisional liberation by an administrative measure.

The same rule applies to the case of persons under detention in consequence of their inability to pay fines or police fines in full.

CHAPTER VI.

PREScription.

31.

Persons who have been sentenced to a penalty may have the execution of such sentence remitted by virtue of prescription.

32.

Prescription is acquired by condemned persons who have evaded the execution of their penalties during the following respective terms calculated from the time at which judgment has become irrevocable:—

1. 30 years for a capital penalty;
2. 20 years for perpetual penal servitude or perpetual imprisonment;
3. 15 years for limited penal servitude or limited imprisonment of upwards of 10 years: 10 years for limited penal servitude or limited imprisonment of

upwards of 3 years: 5 years for limited penal servitude, or limited imprisonment of less than 3 years;

4. 3 years for fines;
5. 1 year for detention, police fine, or confiscation.

33.

Prescription does not run within the term during which the execution of penalty has been suspended or stayed in accordance with Laws and Ordinances.

34.

Prescription is interrupted by the arrest of the condemned for the purpose of enforcing the execution of the penalty.

With regard to fine, police fine, or confiscation, prescription is interrupted by an act executory of the penalty.

CHAPTER VII.

NON-CONSTITUENCY OF OFFENCES, AND LEGAL EXCUSES.

35.

Acts performed in accordance with the Laws and Ordinances, or in carrying on one's lawful and proper business, are not punishable.

36.

Acts performed under the stress of unavoidable necessity, in order to protect the

rights of one's self or those of others against imminent and improper attack and injury, are not punishable.

If the act has exceeded the limits of defence, the penalty may be either lowered or entirely remitted according to the circumstances of the case.

37.

With regard to acts performed under the stress of unavoidable necessity, for the purpose of saving from immediate danger the life, person, liberty, or property of oneself or another, if the injury occasioned by the said acts is not graver in degree than that which it was endeavoured to avoid, such acts are not punishable; and if the degree of injury caused is greater, the penalty may be either lowered or remitted according to the circumstances of the case.

The provisions of the preceding paragraph are not applicable to persons who have special duties (obligations) appertaining to their calling.

38.

There is exemption from penalty when the accused has not had the intention of committing an infraction, save in cases determined by special provisions of the law.

Persons who at the time of committing offences were unaware of the gravity thereof cannot be sentenced to the heaviest penalty.

Ignorance of the law cannot be invoked

to establish absence of design (intention), but the penalty may be lowered according to the circumstances of the case.

39.

Acts committed owing to insanity shall not be punished.

With regard to acts committed by weak-minded persons the penalty is to be reduced.

40.

Acts of deaf mutes shall either not be punished, or the punishment shall be lowered.

41.

The acts of infants under the age of fourteen years shall not be punishable.

42.

The penalty may be lowered when the offender has denounced himself to the authorities prior to their obtaining official cognizance of the act.

The same is applicable if the offender denounces himself to the injured party in cases where the complaint of the injured party should be awaited before official action is taken.

CHAPTER VIII.

OF INFRACTIONS NOT CONSUMMATED.

43.

When the execution of an offence has been actually commenced, but has not been consummated, the penalty may be lowered. In case the execution of the offence has been abandoned by the person's own will, the penalty will be either reduced or remitted.

44.

Cases where infractions not consummated are punishable are specified in the respective Articles dealing with each particular offence.

CHAPTER IX.

OF CONCURRENT OFFENCES.

45.

Several infractions in respect to which irrevocable judgment has not yet been rendered, shall be deemed concurrent offences.

Should irrevocable judgment have been rendered with regard to one infraction, then only that particular infraction, and the offence(s) committed prior to such irrevocable judgment having been rendered, shall be considered as concurrent offences.

46.

If among concurrent offences one is punishable by death, the penalties for the other offences (with the exception of confiscation) shall not be imposed.

If one of the offences is punishable by perpetual penal servitude, or perpetual imprisonment, the penalties for the other offences (with the exception of fine, police fine, or confiscation) shall not be imposed.

47.

When there are upwards of two concurrent offences punishable by limited penal servitude or imprisonment, the maximum term shall be that of the penalty for the most serious of the offences increased by one-half. The maximum term shall not exceed the total accumulative term of all the various and several inflictible penalties added together.

48.

Fines and other penalties shall be concurrently imposed, except in the case provided for in the first paragraph of Article 46.

When two or more than two fines are imposed, the total amount of such fines shall be less than the total of all the fines imposable for each offence.

49.

Even though there be no confiscation attached to the gravest of the concurrent offences, should confiscation be an accessory

penalty to any of the other offences it may be inflicted additionally.

Should there be two or more than two concurrent instances of confiscation, such confiscation shall be imposed concurrently.

50.

When among concurrent crimes one (or more) has been adjudicated upon, and the other not yet tried, the offence not yet adjudicated upon shall be further tried and decided.

51.

When two or more than two judgments have been rendered with reference to concurrent offences, the penalties shall be concurrently imposed and executed. But, when the death penalty should be executed, other penalties (with the exception of confiscation) shall not be enforced. When one of the offences is punishable by perpetual penal servitude or imprisonment, other penalties (with the exception of fine, police fine, and confiscation) shall not be enforced. With regard to the enforcement of the penalties of limited penal servitude or imprisonment, the longer term imposable in respect to the most serious crimes may not be augmented by more than half such longer term.

52.

When a person has been dealt with in respect to concurrent offences and been pardoned with regard to one of them by reason of an amnesty, the penalty shall be

pecially determined with reference to the other offence (or offences) not included in such amnesty.

53.

Detention or police fine shall be imposed concurrently with other penalties, except in such cases as are provided for in Article 46.

Two or more than two instances of detention or police fine shall be imposed concurrently.

54.

In case an individual act is one involving several offences, or an act which is a means of committing an offence or a result of such offence constitutes another offence, the most serious of the inflictible penalties shall be imposed.

The provisions of the second paragraph of Article 49 are applicable in the cases contemplated in the preceding paragraph.

55.

In cases where several successive acts all constitute the same offence, such consecutive acts shall be dealt with as forming one offence.

CHAPTER X.

OF THE REPETITION OF OFFENCES.

56.

When a person is sentenced to penal servitude and within five years from the day on which the execution of the penalty ceased, or was remitted, he again commits another offence punishable by limited penal servitude, such offence shall be considered as a "repeated offence" (*sai-han*).

The same is applicable in cases where a person who has been sentenced to death owing to his committal of an offence similar in nature to one which is punishable by penal servitude, and within the term specified in the preceding paragraph, calculated from the day on which the execution of the penalty was remitted, or (in case the penalty was lowered on account of commutation) the execution of penal servitude was either completed or remitted, he again commits another offence punishable by limited penal servitude.

When a person has been sentenced with regard to concurrent offences among which there is an infraction punishable by penal servitude, he shall be deemed as condemned to penal servitude with reference to the application of the provisions *re* "repeated offences," even though such infraction may not constitute the most serious one of the concurrent offences.

57.

The penalty for "repeated offences" shall not exceed double the maximum term of penal servitude specified in respect to each such particular penalty.

58.

When, after a judgment has become irrevocable, it is discovered that the person is one who has committed a "repeated offence," the penalty to be augmented shall be determined in accordance with the provisions of the preceding Article.

The provisions of the preceding Article are not applicable to a person who has been discovered after having either undergone execution of penal servitude or having had the punishment remitted.

59.

The provisions *re* "repeated offences" are likewise applicable even in the case of persons who have committed infractions three times or more.

CHAPTER XI.

OF CO-OPERATION OF SEVERAL PERSONS IN THE SAME OFFENCE.

60.

When two or more persons have united in the actual commission of an offence they shall all be regarded as principals.

61.

Persons who have instigated others and actually caused the commission of an offence shall be treated as principals.

The same is applicable in the case of persons who have instigated other instigators.

62.

Persons who have assisted principal offenders shall be regarded as accomplices.

Persons who have instigated accomplices shall be treated as accomplices.

63.

As regards the punishment of accomplices, the penalties imposable upon principals shall be inflicted in a mitigated form.

64.

In case of an offence punishable only by detention or police fine, neither instigators nor accomplices are punishable except by virtue of a special provision of the law.

65.

When persons who have been participators in an act which constitutes an offence by reason of the social status of the principal offender, they shall be regarded as joint offenders, even though their relative social positions may not be identical.

When the severity of a penalty is specially determined according to the social status or rank of the offender, the ordinary penalty shall be inflicted on the person not possessing such social status or rank.

CHAPTER XII.

OF EXTENUATING CIRCUMSTANCES.

66.

When extenuating circumstances exist in favour of an offender, they may be considered, and the penalty reduced accordingly.

67.

Even in cases where the law determines the lowering or raising of penalties, extenuating circumstances may still be taken into consideration and the penalty further reduced.

CHAPTER XIII.

OF THE AGGRAVATION AND COMMUTATION OF PENALTIES.

68.

When there exists one or more legal causes for mitigating penalties, the following rules shall govern:—

1. When the punishment of death is to be mitigated it shall be commuted to penal servitude or imprisonment, either perpetual or for a period of not less than ten years;
2. When the punishment or perpetual penal servitude or imprisonment is to

be mitigated, it shall be commuted either to limited penal servitude or imprisonment for a period of not less than seven years;

3. When either limited penal servitude or limited imprisonment is to be mitigated, one-half of the term of the penalty shall be reduced;
4. When the punishment of fine is to be mitigated, one-half of the amount of the fine shall be reduced;
5. When detention is to be mitigated, one half of the maximum term of the detention shall be reduced;
6. When police fine is to be mitigated, one-half of the maximum amount of the fine shall be reduced.

69.

In the case of mitigating penalties according to the law, if there are two or more than two descriptions of penalties, the suitable penalty to be inflicted shall be first determined upon, and it shall then be lowered.

70.

In reducing the punishment of penal servitude, imprisonment or detention, if there remain any fraction of a day, such remainder shall be cut off.

In mitigating the punishment of fine or police fine, if there remain any fraction of one sen, the same rule shall be applied.

71.

When penalties should be mitigated in consideration of extenuating circumstances they shall be lowered in accordance with the precedents mentioned in Article 68 and the preceding Article.

72.

When there exist simultaneously causes in aggravation and extenuation of the penalty, these causes are to be considered in the following order:—

1. Aggravation of penalty on account of the repetition of the offence;
 2. Legal mitigation;
 3. Aggravation of penalty on account of concurrence of offences;
 4. Extenuating circumstances.
-

BOOK II.
OFFENCES.

CHAPTER I.
OF OFFENCES AGAINST THE
IMPERIAL HOUSE.

73.

Execution or contrivance of acts of violence against the person of the Emperor, the Emperor's Grandmother, the Empress Dowager, the Empress, the Crown Prince, or the heir presumptive shall be punished with death.

74.

Acts of an insulting and disrespectful nature committed against the Emperor, the Emperor's Grandmother, the Empress Dowager, the Empress, the Crown Prince, or the heir presumptive shall be punished with penal servitude for a period of not less than three months and not exceeding five years.

The same law applies in the case of insulting and disrespectful acts committed against the Imperial shrines or Imperial Mausolea.

75.

Execution of acts of violence against the persons of the members of the Imperial

family shall be punished with death; attempts to commit such acts shall be punished with perpetual penal servitude.

76.

Acts of an insulting and disrespectful nature committed against members of the Imperial family shall be punished with penal servitude for a period of not less than two months and not exceeding four years.

CHAPTER II.

OF OFFENCES AGAINST THE INTERNAL SAFETY OF THE STATE.

77.

Persons who have committed seditious acts of violence with the object of seizing the territories of the state, or subverting the government and laws of the Empire, shall be considered guilty of perpetrating offences against the internal safety of the state and be punished according to the following distinctions:—

1. With death or perpetual imprisonment, those who have been the ringleaders;
2. With perpetual imprisonment, or imprisonment for not less than three years, those who have participated in the conspiracy or held a command in

the insurrectionary body. Persons who have been engaged in the sedition in various other official capacities shall be punished with imprisonment for a period of not less than one year and not exceeding ten years:

3. With imprisonment for a period not exceeding three years, persons who have been mere participators in the outbreak in the capacity of ordinary followers.

In the case of offences specified in the preceding paragraph (with the exception of those mentioned in No. 3) infractions not consummated are also punishable.

78.

Persons who have conspired to raise an insurrection or made preparations to commit violent and seditious acts, shall be punished with imprisonment for a period of not less than one year and not exceeding ten years.

79.

Persons who have aided and assisted the commission of offences mentioned in the preceding two articles by furnishing arms and munitions of war, monies, and provisions, or by any other acts whatsoever, shall be punished with imprisonment for a period not exceeding seven years.

80.

Persons who, although having committed offences mentioned in the two preceding

Articles, have voluntarily denounced themselves to the authorities before the outbreak of the insurrectionary movement shall be exempted from punishment.

CHAPTER III.

OF OFFENCES AGAINST THE EXTERNAL SAFETY OF THE STATE.

81.

Persons who have conspired with any foreign power and caused the said power to commence hostilities against the Empire, or who have joined alien enemies in fighting against the Empire, shall be punished with death.

82.

Persons who have delivered to the enemy any castle, fortress, camp, body of troops, vessels of war or other ships, or grounds and buildings devoted to military purposes, shall be punished with death.

Persons who have delivered to the enemy arms and munitions of war, or otherwise supplied objects used for military purposes, shall be punished with death or perpetual penal servitude.

83.

Persons who for the purpose of aiding the enemy, have damaged or rendered unfit for use, any castle, fortress, camp, ves-

seizure of war, ships, arms, munitions of war, steam-cars, electric-cars, railroads, telegraph lines, or any other places or things devoted to military purposes, shall be punished with death or perpetual penal servitude.

84.

Persons who have delivered to the enemy arms and munitions of war not devoted to the military purposes of the Empire, or any other objects which can be directly employed in naval or military operations, shall be punished with perpetual penal servitude, or penal servitude for a period of not less than three years:

85.

Persons who have acted as spies for the enemy, or aided the spies of the enemy, shall be punished with death or perpetual penal servitude, or penal servitude for a period of not less than five years.

The same law is applicable to persons who have divulged military secrets to the enemy.

86.

Persons who have by the use of methods other than those mentioned in the preceding five articles, aided the enemy in military matters or injured the military interests of the Empire shall be punished with limited penal servitude for a period of not less than two years.

87.

The offences mentioned in the foregoing

six Articles are punishable even when not consummated.

88.

Persons who have made preparations or intrigued with the intention of committing the offences mentioned in Articles 81 to 86 shall be punished with penal servitude for a period of not less than one year and not exceeding ten years.

89.

The provisions of this chapter are also applicable to acts committed against an ally of the Empire in time of war.

CHAPTER IV.

OF OFFENCES AGAINST NATIONAL INTERCOURSE.

90.

Persons who have committed acts of violence or made threats against the Sovereign or President of a Foreign Power sojourning in the Empire, shall be punished with penal servitude for a period of not less than one year and not exceeding ten years.

Persons who have committed acts of insult against the Sovereign or President of a Foreign Power sojourning in the Empire are punishable with penal servitude for a period not exceeding three years, but the prosecution shall only take place on

the complaint of the Foreign Government concerned.

91.

Persons who have committed acts of violence or made threats against diplomatic Ministers *of a Foreign Power accredited to the Japanese Empire shall be punished with penal servitude for a period not exceeding three years.

Persons who have committed acts of an insulting nature against diplomatic Ministers* of a Foreign Power accredited to the Japanese Empire shall be punished with penal servitude for a period not exceeding two years, but the prosecution shall only take place on the complaint of the injured party.

92.

Persons who have damaged, soiled or removed the national flag or other national emblem of any Foreign Power with the object of insulting such Foreign Power shall be punished either with penal servitude for a period not exceeding two years or a fine not exceeding two hundred yen; the prosecution, however, shall only take place on the complaint of the Foreign Government concerned.

* The term "*shiwetsu*" includes every class of diplomatic representatives of foreign Governments, whether their mission be general and permanent or special and temporary.

93.

Persons who have made preparations or intrigued with the object of waging private war against a Foreign Power shall be punished with imprisonment for a period of not less than three months and not exceeding five years, but in case of their voluntarily denouncing themselves to the authorities the penalty will be remitted.

94.

Persons who have violated decrees relating to neutrality when foreign nations are at war shall be punished with imprisonment for a period not exceeding three years or a fine not exceeding one thousand yen.

CHAPTER V.

OF INTERFERENCE WITH THE EXERCISE OF PUBLIC FUNCTIONS.

95.

Persons who have committed acts of violence against, or intimidated members of, the public services in the performance of their duties, shall be punished with penal servitude or imprisonment for a period not exceeding three years.

The same shall be applied to persons who have committed acts of violence against, or intimidated members of, the

public services with the object of causing them to take, or refrain from taking, some official action or to resign their official posts.

96

Persons who have rendered seals, or marks indicative of attachment, affixed by members of the public services, null and void by damaging such seals or marks, or by any other means, shall be punished with penal servitude for a period not exceeding two years or with the imposition of a fine not exceeding three hundred yen.

CHAPTER VI.

OF THE ESCAPE OF PRISONERS.

97.

Every prisoner, whether convicted or unconvicted, who shall have escaped, shall be punished with penal servitude for a period not exceeding one year.

98.

If persons who are detained or imprisoned either subsequent to or awaiting trial or who have been served with a warrant of production, shall have escaped by means of damaging or breaking the place of detention, the prison, or the furniture and fittings thereof, or by acts of violence, or intimidation by menace of injury, or if upwards of two prisoners

secretly working in concert have escaped, the offender or offenders shall be punished with penal servitude for a period of not less than three months and not exceeding five years.

99.

Every individual who shall have unlawfully taken away prisoners detained or imprisoned in accordance with laws and ordinances shall be punished with penal servitude for a period of not less than three months and not exceeding seven years.

100.

Persons who shall have supplied tools to a prisoner detained or imprisoned in accordance with laws and ordinances, with the object of enabling him to escape, or in any other way assisted his escape, shall be punished with penal servitude for a period not exceeding three years.

Persons who shall have committed acts of violence or intimidation, with the same object as mentioned in the preceding paragraph shall be punished with penal servitude for a period of not less than three months and not exceeding five years.

101.

Gaolers and guards who have allowed prisoners detained or imprisoned in accordance with laws and ordinances to escape, shall be punished with penal servitude for a period of not less than one year and not exceeding ten years.

102.

The offences mentioned in this chapter are punishable even when not consummated.

CHAPTER VII.

OF THE CONCEALMENT OF OFFENDERS AND THE SUPPRESSION AND DESTRUCTION OF PROOFS OF GUILT.

103.

Persons who have harboured or concealed, or have assisted the flight of an escaped prisoner, or an offender who has committed an act rendering himself liable to be criminally punished by a penalty graver than fine, shall be punished with penal servitude for a period not exceeding two years or a fine not exceeding two hundred yen.

104.

Persons who have suppressed, destroyed, forged, or fraudently altered evidence relating to a case in which another party is a defendant in a criminal trial, or persons who have employed any forged or fraudulently altered evidence, shall be punished with penal servitude for a period not exceeding two years or a fine not exceeding two hundred yen.

105.

No offences mentioned in this chapter are punishable when they are committed

by relatives of an accused person or an escaped prisoner for the benefit of such accused person or escaped prisoner.

CHAPTER VIII.

OF UNLAWFUL ASSEMBLY (RIOTS AND
DISTURBANCES).

106.

Persons who have assembled together in large numbers, and have acted in a violent and turbulent manner or been guilty of intimidation, shall be considered guilty of riotous assembly and shall be dealt with in accordance with the following distinctions:—

1. Ringleaders shall be punished with penal servitude or imprisonment for a period of more than one year and not exceeding ten years.
2. Persons who have led or directed others and forwarded the aforesaid acts shall be punished with penal servitude or imprisonment for a period of more than six months and not exceeding seven years.
3. Those who have simply participated as followers in these acts shall be punished with a fine not exceeding fifty yen.

107.

Persons who have assembled together in large numbers, with the intention of violence and intimidation, and who have still refused to disperse although ordered to do so three or more times by a competent public officer, shall be punished, if ring-leaders, with penal servitude or imprisonment for a period not exceeding three years, and others with a fine not exceeding fifty yen.

CHAPTER IX.

OF ARSON AND ACCIDENTAL CONFLAGRATION.

108.

Whosoever shall have fired buildings actually used as dwelling houses, or buildings, steam-cars, electric-cars, vessels of war or other ships, or mines actually containing persons, shall be punished with death, perpetual penal servitude, or penal servitude for a period of not less than five years.

109.

Whosoever shall have fired buildings not actually used as dwelling houses, or vessels of war or other ships, or mines not actually containing persons, shall be punished with limited penal servitude for a period of not less than two years.

In case the objects mentioned in the preceding paragraph be the offender's own property, he shall be punished with penal servitude for a period of not less than six months and not exceeding seven years; but if no public and common danger is caused no punishment shall be inflicted.

110.

Persons who shall have set fire to and destroyed objects other than those mentioned in the preceding two articles and consequently have caused a danger of a common (public) peril to arise therefrom, shall be punished with penal servitude for a period of not less than one year and not exceeding ten years.

In case the objects mentioned in the preceding paragraph are the properties of the incendiary himself, the offender shall be punished with penal servitude not exceeding one year or a fine not exceeding one hundred yen.

111.

In the commission of offences mentioned in Par. 2 of Article 109 or Par. 2 of the preceding Article, should the fire have spread to and burned any of the objects mentioned in Article 108, or Par. 1 of Article 109, the offender shall be punished with penal servitude for a period of not less than three months and not exceeding ten years.

In the commission of offences mentioned

in Par. 2 of the preceding Article, should the fire have spread to and burned any of the objects mentioned in Par. 1 of the preceding Article, the offender shall be punished with penal servitude for a period not exceeding three years.

112.

The offences mentioned in Articles 108 and 109 shall be punished even if not actually consummated.

113.

Persons who have made preparations with the intention of committing offences mentioned in Article 108 or Paragraph 1 of Article 109 shall be punished with penal servitude for a period not exceeding two years. The penalty shall, however, be remitted, according to the circumstances of the case.

114.

Persons who have, at the time of a fire, hidden, damaged, or destroyed apparatus used in extinguishing fires, or by any other means obstructed the stamping out of a conflagration, shall be punished with penal servitude for a period of more than one year and not exceeding ten years.

115.

When a person has fired any of the objects specified in Par. 1 of Article 109 and in Par. 1 of Article 110, and such objects happen to be under attachment, burdened with a right *in rem*, leased, or insured, he

shall be punished just as if he had set fire to and burned another person's property, even although they may actually be the property of the offender himself.

116.

Persons who have by fault or negligence accidentally burnt any of the objects mentioned in Art. 108, or any of the objects mentioned in Article 109 belonging to others shall be punished with a fine not exceeding three hundred yen.

The same also applies to persons who have by fault or negligence, accidentally burnt any of the objects mentioned in Art 109 or Art. 110 belonging to themselves, and have thus caused the danger of a common peril.

117.

Persons who have caused an explosion of gunpowder, steam-boilers, or of any other explosive things or substances and thereby damaged or destroyed any of the objects mentioned in Art. 108 or those belonging to others mentioned in Art. 109, shall be punished as guilty of arson; and the same shall also apply to persons who have damaged or destroyed the objects mentioned in Arts. 109 and 110 belonging to themselves and have thus caused the danger of a common peril.

When the acts of the preceding paragraph have arisen in consequence of mistake or

blunder. the rules relating to fires caused by fault or negligence apply.

118.

Persons who have caused gas, electricity or steam to leak or flow out, or who have cut them off, and thereby caused danger to life, person or property, shall be sentenced to penal servitude for a period not exceeding three years, or be punished with a fine not exceeding one hundred yen.

Persons who have caused gas, electricity, or steam to leak or flow out, or who have cut them off, and thereby either killed or wounded any person, shall be punished by the graver penalty to be imposed upon comparison with the crime of killing or wounding.

CHAPTER X.

OF OFFENCES RELATIVE TO INUNDATIONS AND WATER-UTILITY.

119.

Whosoever shall have caused an inundation and thus caused damage to buildings actually inhabited and used as dwelling houses, or to buildings, steam-cars, electric-cars, or mines actually containing persons, shall be punished with death or perpetual penal servitude or penal servitude for a period of not less than three years.

120.

Whosoever shall have caused an inundation, damaged any objects other than those mentioned in the preceding Article, and thus caused a public danger, shall be punished with penal servitude for a period exceeding one year and not exceeding ten years.

In case where the damaged objects are the offender's own property, he shall be punished with the same penalty mentioned in the preceding paragraph only when the objects are under attachment, burdened with a right *in rem*, hypothecated, borrowed or insured.

121.

Persons who have concealed, broken or destroyed, any objects used to dam out water in time of flood, or by any other means obstructed the damming out of the waters, shall be punished with penal servitude for a period of not less than one year and not exceeding ten years.

122.

Persons who by fault or negligence have accidentally caused flooding and injured any of the objects specified in Articles 119 or 120, and thus caused a public danger, shall be punished with a fine not exceeding three hundred yen.

123.

Whosoever shall have destroyed sluices or broken embankments of a river or

stream, or otherwise done anything to injure water-utility, or done anything calculated to cause an inundation, shall be punished with penal servitude or imprisonment for a period not exceeding two years or a fine not exceeding two hundred yen.

CHAPTER XI.

OF THE DESTRUCTION OF AND DAMAGE
TO MEANS OF COMMUNICATION.

124.

Those who shall have destroyed or damaged a public road, water-way, or bridges, or obstructed the traffic thereon, shall be punished with penal servitude for a period not exceeding two years or a fine not exceeding two hundred yen.

If in the cases foreseen in the preceding Article death or wounds have resulted, comparison shall be made with the offences of "wounding and (grievous) bodily harm" and the heavier punishment shall be inflicted upon the offender.

125.

They shall be punished with limited penal servitude for a period not less than two years who have, by damaging the track or the signals of a railway, or, by any other means whatsoever, exposed steam or electric cars to danger during transit over the lines.

The penalty imposed shall also be applicable to those who have exposed ships to danger by destroying or damaging light-houses or buoys, or by any other means.

126.

Persons who have upset or damaged steam or electric cars actually containing persons shall be punished with penal servitude for life or for a period of not less than three years.

The penalty for causing a ship to founder, or doing damage to a ship, actually containing persons, is the same.

Persons who have committed offences mentioned in the preceding two Articles, and thereby caused death, shall be punished with the capital penalty or perpetual penal servitude.

127.

The punishment of persons who have committed the offences mentioned in Article 125, and thereby overturned or injured any steam or electric cars, or wrecked or destroyed vessels, shall be the same as that specified in the preceding Article.

128.

Even when the offences mentioned in Paragraph 1 of Article 124, Article 125, and Paragraphs 1 and 2 of Article 126 are not actually consummated, the attempt to commit them shall be punished.

129.

When as the result of negligence danger has been caused to the passage of trains, electric cars, and ships; or when trains or electric cars have been overturned or damaged, or when ships have foundered or or been damaged, the offender shall be punished by the infliction of a fine not exceeding five hundred yen.

When persons who have committed the offences mentioned in the preceding paragraph are engaged in the business concerned, they shall be punished with imprisonment for a period not exceeding three years or by the imposition of a fine not exceeding one thousand yen.

CHAPTER XII.

OF THE VIOLATION OF DOMICILE, BURGLARY AND HOUSE-BREAKING.

130.

Whosoever, without cause, shall have invaded an inhabited or guarded house, building, ship of war, or other ship, or not retired when requested so to do, shall be punished with penal servitude for a period not exceeding three years or a fine not exceeding fifty yen.

131.

Persons who have, without due cause,

invaded the Imperial dwelling or gardens attached thereto, Imperial detached palaces or a temporary Imperial sojourning place, shall be punished with penal servitude for a period of not less than three months and not exceeding five years.

The same holds good with regard to persons who shall have invaded an Imperial Shrine or Sepulchre.

132.

The offences mentioned in this chapter are punishable even if not actually consummated.

CHAPTER XIII.

OF THE BETRAYAL AND REVELATION OF SECRETS.

133.

Whosoever shall have, without due cause, opened any personal letters which are sealed, shall be punished with penal servitude for a period not exceeding one year or a fine not exceeding two hundred yen.

134.

In case doctors, apothecaries, druggists, midwives, barristers, advocates, and public notaries, or those who have been formerly engaged in these occupations, being possessors of secrets entrusted to them or coming to their knowledge by reason of their posi-

tion or profession, have, without due cause, disclosed the same, they shall be punished either with penal servitude for a period not exceeding six months, or a fine not exceeding one hundred yen.

The same punishment shall be imposed on persons who were or are engaged in religious occupations when they have, without due cause, disclosed any secrets coming to their knowledge on account of being entrusted to them in connection with their professional work.

135.

The prosecution for offences mentioned in this chapter shall only take place on the complaint of the injured party.

CHAPTER XIV.

OF OFFENCES RELATING TO OPIUM.

136.

Whosoever shall have imported, manufactured, or sold opium or have held opium with the object of selling same, shall be punished with penal servitude for a period of not less than six months and not exceeding seven years.

137.

Whosoever shall have imported, manufactured or sold instruments or apparatus suitable for the smoking of opium, or have held same with the object of selling them,

shall be punishable with penal servitude for a period of not less than three months and not exceeding five years.

138.

Customs officials who shall have imported or permitted the import of opium, or of instruments or apparatus suitable for the smoking of opium, shall be punished with penal servitude for a period of not less than one year and not exceeding ten years.

139.

Every individual who shall have smoked opium shall be punished with penal servitude for a period not exceeding three years.

Persons who have provided rooms for opium smoking with a view to profit shall be punished with penal servitude for a period of not less than six months and not exceeding seven years.

140.

Every person who shall be found to be a possessor or depository of opium, or of instruments suitable for its smoking, shall be punished with penal servitude for a period not exceeding one year.

141.

Offences mentioned in this chapter are punishable even if they are not actually consummated.

CHAPTER XV.

OF OFFENCES RELATIVE TO DRINKING
WATER.

142.

Whosoever shall have polluted drinkable waters, in such a manner as to render the use of them impossible, shall be punished with penal servitude for a period not exceeding six months or a fine not exceeding fifty yen.

143.

Whosoever shall have polluted drinkable water supplied to the public by means of waterworks, or polluted the source of such water supply in a manner to render its use impossible, shall be punished with penal servitude for a period of not less than six months and not exceeding seven years.

144.

Whosoever shall have poisoned drinkable waters, or polluted them with other substances injurious to health, shall be punished with penal servitude for a period not exceeding three years.

145.

Persons who shall have committed any of the offences mentioned in the preceding three Articles, and thereby caused death or wounds, shall be punished with the graver penalty upon comparison with the offences of "Wounding and (grievous) bodily harm."

146.

Whosoever shall have poisoned or polluted drinkable waters supplied to the public by means of waterworks, or poisoned or polluted the source of such waters with substances injurious to health, shall be punished with limited penal servitude for a period of not less than two years: if death has resulted from the aforesaid poisoning or pollution, the offender shall be punished with either death, perpetual penal servitude, or penal servitude for a period of not less than five years.

147.

Whosoever shall have damaged or obstructed water-mains, pipes or aqueducts, by means of which supplies of drinking water are furnished to the public, shall be punished with penal servitude for a period of not less than one year and not exceeding ten years.

CHAPTER XVI.

OF OFFENCES RELATIVE TO COUNTERFEITING MONEY.

148.

Whosoever shall have counterfeited or altered current coins or paper money of the realm, or bank-notes, with intent to utter the same, shall be punished with perpetual penal servitude or with perpetual

penal servitude for a period of not less than three years.

The same also applies to whosoever shall have uttered counterfeit or altered coins, paper money, or bank-notes, or delivered them to persons with intent to utter, or imported the same.

149.

Whosoever, with intent to utter the same, shall have counterfeited or altered foreign coins, paper money, or bank-notes circulating in Japan, shall be punished with limited penal servitude for a period of not less than two years.

The same shall be applied to persons who have uttered any foreign counterfeited or altered coins, paper money or bank-notes, or delivered them to persons with intent to utter, or imported the same.

150.

Whosoever shall have received with intent to utter, counterfeited or altered coins, paper monies, or bank notes shall be punished with penal servitude for a period not exceeding three years.

151.

The attempt to commit the offences mentioned in the three foregoing Articles is punishable under the heading of "infractions not consummated."

152.

Whosoever shall have received coins, paper-monies, or bank notes and knowingly uttered the same, or delivered them

to persons with the intent to utter, after obtaining knowledge of the fact that they were counterfeited or altered, shall be fined in a sum not exceeding treble the nominal value of the monies so uttered, or subjected to a police fine; but the amount shall in no case be less than one yen.

153.

Persons who shall have prepared and provided tools, instruments, or materials, for the purpose of counterfeiting or altering coins, paper-monies, or bank-notes, shall be punished with penal servitude for a period of not less than three months and not exceeding five years.

CHAPTER XVII.

OF THE FORGERY OF INSTRUMENTS.

154.

Whosoever shall have, with intent to utter same, fraudulently used a counterfeit of the Imperial Privy Seal, a counterfeit of the Great Seal of the Empire, or a counterfeit of the Imperial Sign Manual, or shall have improperly used the Privy Seal, Great Seal, or Sign Manual, and forged Imperial or other documents, shall be punished either with perpetual penal servitude, or with penal servitude for a period of not less than three years.

Whosoever shall have fraudulently altered an Imperial or other document to which is attached the Imperial Privy Seal, the Great Seal of the Empire, or the Imperial Sign Manual, shall be punished in the same manner (as provided in the foregoing paragraph).

155.

Whosoever shall have, with intent to utter same, used the seals or signatures of the offices or members of the public services, and thereby forged instruments, maps, or drawings which are to be made by offices or members of the public service, or used a counterfeit of the seals or signatures of such offices or members of the public services, and thereby forged instruments, maps, or drawings which are to be made by offices or members of the public services, shall be punished with penal servitude for a period of not less than one year and not exceeding ten years.

The same penalty shall be imposed upon whosoever shall have fraudulently altered instruments, maps or drawings to which are attached the seals or signatures of offices or of members of the public services.

Apart from the cases contemplated in the foregoing two paragraphs, whosoever shall have forged instruments, maps, or drawings which should be drawn up by offices or members of the public services, or shall have fraudulently altered instruments, maps or drawings which have been

drawn up by offices or members of the public services, shall be punished either with penal servitude for a period not exceeding three years or a fine not exceeding three hundred yen.

156.

Every member of the public services who, relative to his function, shall have, with intent to utter same, fabricated fraudulent documents, maps or drawings, or fraudulently altered documents, maps or drawings, shall be punished in accordance with the provisions of the two preceding articles, cognizance being taken as to whether the seals and signatures exist or otherwise.

157.

Whosoever shall have made a false statement to a public official, and caused untrue entries to be made in the original (*gempon*) of a Notarial Deed relative to rights and obligations shall be punished with penal servitude for a period not exceeding two years, or a fine not exceeding one hundred yen.

Whosoever shall have made false statements to public officials, and caused untrue entries to be made in diplomas, licenses and permits, or in passports, shall be punished with penal servitude for a period not exceeding six months, or a fine not exceeding fifty yen.

Attempts to commit the offences mentioned in the preceding two paragraphs are

punishable under the heading of "Infractions not consummated."

158.

Whosoever shall have uttered documents, maps or drawings mentioned in the four preceding Articles shall be punished in the same manner as he who has forged or altered such documents, maps or drawings, or fabricated fraudulent documents, maps or drawings, or caused untrue entries to be made.

Attempts to commit the offences mentioned in the preceding paragraph are punishable under the heading of "Infractions not consummated."

159.

Whosoever shall have, with intent to utter the same, used the seal or signature of another person and fabricated documents, maps or drawings relative to rights and obligations or to certificates of facts; or shall have used a counterfeited seal or a forged signature of another person and forged documents, maps or drawings relative to rights and obligations or to certificates of facts, shall be punished with penal servitude for a period of not less than three months and not exceeding five years.

The same penalty shall be imposed upon whosoever shall have altered documents, maps or drawings relative to rights and obligations or to certificates of facts, to

which is attached the seal or signature of another person.

Whosoever shall have forged or altered any documents, maps or drawings relative to rights and obligations or certificates of facts not included in the two preceding paragraphs shall be punished with penal servitude for a period not exceeding one year or a fine not exceeding one hundred yen.

160.

A doctor who shall have made false statements in medical certificates of examination and inspection, or certificates of death which are to be handed in to offices of the public services shall be punished with imprisonment for a period not exceeding three years, or a fine not exceeding five hundred yen.

161.

Whosoever shall have uttered documents, maps or drawings mentioned in the preceding two articles shall be punished in the same manner as he]who has forged or fraudulently altered same, or caused false or fraudulent entries to be made in the same.

Attempts to commit the offences mentioned in the preceding paragraph are punishable under the heading of "Infractions not consummated."

CHAPTER XVIII.

OF THE FORGERY OF VALUABLE
SECURITIES.

162.

Whosoever shall have, with intent to utter the same, forged or fraudulently altered public bonds, Government bonds, Share certificates of Companies or any other instruments of valuable securities, shall be punished with penal servitude for a period of not less than three months and not exceeding ten years.

Persons who have, with intent to utter the same, made false or fraudulent entries in any instruments of valuable securities, shall be punished with the same penalty.

163.

Whosoever shall have uttered any forged or fraudulently altered instruments of valuable securities, or any other instruments of valuable securities in which false or fraudulent entries have been made, or shall have delivered them to persons or imported them with intent to utter, shall be punished with penal servitude for a period of not less than three months and not exceeding ten years.

Attempts to commit the offences mentioned in the preceding paragraph are punishable under the heading of "Infractions not consummated."

CHAPTER XIX.

OF THE FORGERY OF SEALS.

164.

Whosoever shall have, with intent to use the same, fraudulently counterfeited the Imperial Privy Seal, the Great Seal of the Empire, or the Imperial Sign Manual, shall be punished with limited penal servitude for a period of not less than two years.

Whosoever shall have improperly used the Imperial Privy Seal, the Great Seal of the Empire, or the Imperial Sign Manual, or used a counterfeit of the Imperial Privy Seal, the Great Seal of the Empire, or the Imperial Sign Manual, shall be punished in the same manner (as provided in the foregoing paragraph).

165.

Whosoever shall have, with intent to use the same, fraudulently counterfeited the seals or signatures of offices or members of the public services, shall be punished with penal servitude for a period of not less than three months and not exceeding five years.

The same penalty shall be imposed upon whosoever shall have made improper use of the seals or signatures of the offices or members of the public services, or used a counterfeit of the seals or signatures of the offices or members of the public services.

166.

Whosoever shall have, with intent to use the same, fraudulently counterfeited the official mark of an office of the public services, shall be punished with penal servitude for a period not exceeding three years.

The same penalty shall be imposed upon whosoever shall have made improper use of the mark of an office of the public services, or used a counterfeit of the mark of an office of the public services.

167.

Whosoever shall have, with intent to use the same, fraudulently counterfeited the seal or signature of another person, shall be punished with penal servitude for a period not exceeding three years.

The same penalty shall be imposed upon whosoever shall have made improper use of the seal or signature of another person, or used a counterfeit of the seal or signature of another person.

168.

Attempts to commit the offences mentioned in Par. 2 of Art. 164, Par. 2 of Art. 165, Par. 2 of Art. 166, and Par. 2 of the preceding Article, are punishable under the heading of "Infractions not consummated."

CHAPTER XX.

OF PERJURY.

169.

Whosoever shall have made a false statement after having affirmed as a witness in accordance with the provisions of the Law, shall be punished with penal servitude for a period of not less than three months and not exceeding ten years.

170.

The punishments provided in the foregoing article may be reduced or remitted if the offender shall have retracted his false declaration prior to final and conclusive judgment being rendered or a disciplinary punishment being inflicted (as the case may be) in the case which his evidence affects.

171.

The provisions of the two preceding Articles apply to experts or interpreters who shall have given false evidence, or made a false interpretation after having made affirmation.

CHAPTER XXI.

OF FALSE ACCUSATION.

172.

Whosoever shall have made a false complaint or statement with the intention of procuring the criminal or disciplinary punishment of an innocent person, shall be punished in accordance with the provisions of Article 169.

173.

Although a person may have committed the offence mentioned in the foregoing Article, if he voluntarily denounces himself and retracts his false accusation before the judgment becomes irrevocable, or the disciplinary punishment is given (as the case may be) in the case in which his false statement has been made, the punishment may be reduced or remitted.

CHAPTER XXII.

ON INDECENCY, ADULTERY AND BIGAMY.

174.

Whosoever shall have publicly committed an indecent act shall be punished by the imposition of a police fine.

175.

Whosoever shall have published and

distributed indecent (obscene) books, writings, pictures or other objects, or publicly exhibited or sold, or held same with the object of selling them, shall be punished with a fine not exceeding five hundred yen, or a police fine.

176.

Whosoever shall have committed an indecent act with violence or threats against a person of either sex whose age exceeds thirteen years, shall be punished with penal servitude for a period of not less than six months and not exceeding seven years. The same penalty shall be imposed upon whosoever shall have committed an indecent act against a child of either sex of less than thirteen years of age.

177.

Whosoever shall have obtained carnal knowledge of a woman or a girl whose age exceeds thirteen years by means of violence or threats, shall be adjudged guilty of rape and punished with limited penal servitude for a period of not less than two years. Carnal intercourse with a female child of less than thirteen years of age shall be punished in the same manner.

178.

Whosoever taking advantage of loss of reason or of incapacity to make resistance, or by causing such loss of reason or incapacity to make resistance, shall have

committed an indecent act or rape shall be punished in accordance with the provisions of the preceding two Articles.

179.

Attempts to commit the offences mentioned in the three preceding Articles are punishable under the heading of "Infractions not consummated."

180.

As regards the offences mentioned in the preceding four Articles the prosecution shall only take place on the complaint of the injured person.

181.

Whosoever shall have occasioned death or wounds owing to the committal of offences mentioned in Articles 176 to 179, shall be punished with perpetual penal servitude or for upwards of three years.

182.

Whosoever shall have, for the purpose of gain, urged and encouraged a virtuous woman or girl to commit fornication shall be punished with penal servitude for a period not exceeding three years or with a fine not exceeding five hundred yen.

183.

A married woman guilty of adultery, as well as her co-actor in the crime, shall be punished with penal servitude for a period not exceeding two years.

The prosecution for the offence mentioned in the preceding paragraph shall only take

place on the complaint of the husband, but the complaint shall be of no effect if he has previously encouraged the aforesaid adultery.

184.

Whosoever, being lawfully married, shall have contracted another marriage shall be punished with penal servitude for a period not exceeding two years. The same penalty shall be imposed upon the other party to the marriage.

CHAPTER XXIII.

OF GAMBLING AND LOTTERIES.

185.

Whosoever shall have played, bet, or wagered, a valuable thing as a stake, with regard to a matter depending upon chance or contingency, shall be punished with an ordinary fine not exceeding one thousand yen, or police fine. This provision does not, however, apply to a case where a mere article of momentary amusement or pleasure is wagered.

186.

Whosoever shall have made a regular practice of wagering or gaming shall be punished with penal servitude for a period not exceeding three years.

Whosoever shall have, for the sake of profit, opened a gaming house, or shall have formed an association of gamblers for the same purpose, shall be punished with penal servitude for a period of not less than three months and not exceeding five years.

187.

Whosoever shall have sold lottery tickets shall be punished with penal servitude for a period not exceeding two years, or with a fine not exceeding three thousand yen.

Whosoever shall have acted as a medium or agent in selling lottery tickets shall be punished with penal servitude for a period not exceeding one year, or with a fine not exceeding two thousand yen.

In addition to the two preceding paragraphs, whosoever shall have given or received lottery tickets shall be punished with a fine not exceeding three hundred yen, or a police fine.

CHAPTER XXIV.

OF OFFENCES RELATING TO PLACES OF RELIGIOUS WORSHIP AND CEMETERIES.

188.

Every person who shall have openly committed an insulting act against a shrine, temple, cemetery, or any place of religious

worship, shall be punished with penal servitude or imprisonment for a period not exceeding six months, or with a fine not exceeding fifty yen.

The penalty shall be penal servitude or imprisonment for a period not exceeding one year, or a fine not exceeding one hundred yen if the offender has disturbed or interfered with the preaching, religious exercises, or a funeral.

189.

Whosoever shall have been found guilty of violation of interment shall be punished with penal servitude for a period not exceeding two years.

190. .

Whosoever shall have mutilated, damaged, abandoned, or taken possession of the body, bones, or hair, of a deceased person, or any articles deposited in a coffin, shall be punished with penal servitude for a period not exceeding three years.

191.

Persons who shall have committed the offences mentioned in Art. 189, and thereby mutilated, damaged, abandoned, or taken possession of, the body, bones, or hair of a deceased person, or any articles deposited in a coffin, shall be punished with penal servitude for a period of not less than three months and not exceeding five years.

192.

Whosoever shall have interred the body of a person who has died an unnatural death without obtaining official inspection shall be punished with a fine not exceeding fifty yen, or a police fine.

CHAPTER XXV.

OF OFFENCES COMMITTED BY PUBLIC
SERVANTS IN THE EXERCISE OF
THEIR FUNCTIONS.

193.

Every member of the public services who, acting in this capacity, shall have abused his power and shall have caused a person to commit an act for which he is not responsible, or shall have unduly hindered him from exercising his right, shall be punished with penal servitude or imprisonment for a period not exceeding six months.

194.

Every magistrate, prosecuting official, or officer of police, or person acting in such capacity, or person acting as assistant to such official, who, acting in his official capacity, shall have abused his power and (illegally) arrested, taken into custody, or detained an individual shall be punished with penal servitude or with imprisonment for a period of not less than six months and not exceeding seven years.

195.

Every magistrate, prosecuting official, or officer of police, or person acting in such capacity, or person acting as assistant to such official, who shall have used towards a criminally accused person or other person violence or bad treatment shall be punished with penal servitude or with imprisonment for a period not exceeding three years.

In case a person acting as gaoler or guard over prisoners detained in accordance with laws and ordinances, shall have used towards such prisoners violence or bad treatment he shall be dealt with in the same manner.

196.

If, on account of the offences mentioned in the two preceding paragraphs, there has resulted death or wounds, the penalties for "wounding and (grievous) bodily harm" shall be compared with (those provided above), and the more severe penalty shall be inflicted.

197.

Every member of the public services or arbitrator who shall have received or demanded bribes, or entered into an agreement to receive the same in connection with his official capacity and duties, shall be punished with penal servitude for a period not exceeding three years. Persons who have, in consequence, committed dishonest

and improper acts, or not acted properly and befittingly, shall be punished with penal servitude for a period of not less than one year and not exceeding ten years.

Under the circumstances foreseen in the preceding paragraph the bribe received shall be confiscated; but should it be impossible to confiscate the whole or a portion of the amount of the bribe, the amount of such shortage shall be imposed upon the offender additionally.

198.

Whosoever shall have given, offered, or agreed to give a bribe to any member of the public services or to an arbitrator shall be punished with penal servitude for a period not exceeding three years, or a fine not exceeding three hundred yen.

Persons who have committed the offences mentioned in the preceding paragraph, but have voluntarily confessed prior to official cognizance being taken thereof, may either have their penalties reduced or remitted.

CHAPTER XXVI.

HOMICIDE.

199.

Whosoever shall have killed another shall be sentenced to death, perpetual penal

servitude, or penal servitude for a period of not less than three years.

200.

Whosoever shall have killed his (or her) own or his wife's (or her) husband's direct ancestor (as the case may be), shall be punished with death or perpetual penal servitude.

201.

Persons who have made preparations to commit the offences mentioned in the two preceding Articles shall be punished with penal servitude for a period not exceeding two years; but according to circumstances the penalty may be remitted.

202.

He who shall have instigated and assisted a person to commit suicide, or shall have killed him at his solicitation or by his consent shall be punished with penal servitude or imprisonment for a period of not less than six months and not exceeding seven years.

203.

Attempts to commit the offences mentioned in Articles 199 and 200, and in the preceding Article, shall be punished as " Infractions not consummated."

CHAPTER XXVII.

WOUNDING AND (GRIEVOUS) BODILY
HARM.

204.

Whosoever shall have wounded and injured or inflicted any (grievous) bodily harm upon any other person, shall be punished with penal servitude for a period not exceeding ten years or with a fine not exceeding five hundred yen, or with a police fine.

205.

Whosoever shall have caused the death of a person by means of wounding or inflicting any grievous harm shall be punished with limited penal servitude for a period of not less than two years.

When the offence has been committed against his or her own or his wife's or her husband's ancestors (as the case may be), the punishment shall be penal servitude for life or for upwards of three years.

206.

In the event of any of the offences mentioned in the two preceding Articles being committed, any person present who shall have aided or abetted the perpetrator (even although he personally may not have been guilty of inflicting injuries) shall be punished with penal servitude for a period not exceed-

ing one year, or a fine not exceeding fifty yen, or a police fine.

207.

If the violence has been committed by two or more persons, and it is not possible to find out the gravity of the wound or bodily harm committed by each of the offenders, or which of the perpetrators has inflicted such wound or bodily harm, they shall be dealt with according to the provisions relating to the "co-operation of several persons in the same offence," even though no conspiracy existed between them.

208.

Persons who have been guilty of assault (violent conduct), without going to the length of actual wounding or inflicting bodily harm, shall be punished with penal servitude for a period not exceeding one year or an ordinary fine not exceeding fifty yen, or detention, or a police fine.

The prosecution for the offence mentioned in the preceding paragraph shall only take place on the complaint of the injured party.

CHAPTER XXVIII.

OF INVOLUNTARY (ACCIDENTAL) HOMICIDE, BLOWS, OR WOUNDS.

209.

Whosoever, by accident, shall have caused wounding or bodily harm, shall be

punished with a fine not exceeding five-hundred yen, or a police fine.

The prosecution for the offence mentioned in the preceding paragraph shall only take place on the complaint of the injured party.

210.

Whosoever, by accident, shall have (involuntarily) committed homicide shall be punished with a fine not exceeding one thousand yen.

211.

Whosoever, by reason of a dereliction of duty and failure to take necessary precautions in connection with his specific functions, shall have (involuntarily) committed homicide or caused wounds and bodily injury, shall be punished with imprisonment for a period not exceeding three years, or with a fine not exceeding one thousand yen.

CHAPTER XXIX.

OF ABORTION.

212.

Every *enceinte* woman who shall have procured abortion by the administration of drugs or by the aid of any other means shall be punished with penal servitude for a period not exceeding one year.

213.

Whosoever shall have procured abortion for a woman at the request or upon the consent of the said woman, shall be punished with penal servitude for a period not exceeding two years, and whosoever thereby has caused death or injury to the woman shall be punished with penal servitude for a period of not less than three months and not exceeding five years.

214.

Any doctor, midwife, apothecary, chemist, or druggist who shall have procured abortion for a woman either at her request or with her consent shall be punished with penal servitude for a period of not less than three months and not exceeding five years; and should death or injury have thereby been caused to the woman, the penalty shall be penal servitude for a period of not less than six months and not exceeding seven years.

215.

Whosoever shall have procured abortion for a woman neither at her request nor with her consent shall be punished with penal servitude for a period of not less than six months and not exceeding seven years.

Attempts to commit the offence mentioned in the preceding paragraph are punishable under the heading of "Infractions not consummated."

216.

When a person has committed the offence mentioned in the preceding article, and thereby caused death or injury to a woman, the provisions relating to the offences of wounding and grievous bodily harm shall be compared, and the case decided by awarding the most severe of the possible punishments.

CHAPTER XXX.

OF ABANDONING CHILDREN, THE AGED,
OR SICK.

217.

Whosoever shall have abandoned or deserted a child, aged person, a cripple, or a person who requires assistance owing to sickness, shall be punished with penal servitude for a period not exceeding one year.

218.

Whosoever, being charged with the responsibility of protecting an old person, a child, a cripple, or a sick person, abandons or deserts his charges, or fails to afford them the protection necessary to the preservation of their lives, shall be punished with penal servitude for a period not less than three months and not exceeding five years.

When the offence has been committed against his or her own or his wife's or her

husband's direct ancestors (as the case may be), the punishment shall be penal servitude for not less than six months and not exceeding seven years.

219.

Persons who have been guilty of the offence mentioned in the two preceding Articles, and thereby caused death or bodily injury to individuals, shall be punished by comparing the provisions of this Chapter with those applicable to wounding and grievous bodily harm and inflicting the most severe of the possible penalties.

CHAPTER XXXI.

OF ILLEGAL ARREST AND FALSE IMPRISONMENT.

220.

Every individual who shall have illegally arrested or imprisoned a person shall be punished with penal servitude for a period of not less than three months and not exceeding five years.

Should the same offence have been committed against one's own or one's wife's or husband's direct ancestors (as the case may be) the penalty shall be penal servitude for a period of not less than six months and not exceeding seven years.

221.

If by reason of the committal of the offences mentioned in the preceding Article death or injury shall have been occasioned, the penalties for wounding and grievous bodily harm shall be compared with those provided herein and the case decided in accordance with the most severe of the provisions.

CHAPTER XXXII.

OF THREATS.

222.

Whosoever shall be found guilty of having used threats to do injury to life, person, liberty, reputation or property shall be punished with penal servitude for a period not exceeding one year, or a fine not exceeding one hundred yen.

Threats are also punishable in like manner when injury is threatened to the life, person, liberty, reputation, or property of the relations of the person who has been threatened.

223.

Whosoever shall have committed violent conduct, or have made threats of injury to the life, person, liberty, reputation or property of an individual, and by means of

such violence or threats shall have caused a person to do an act which he had no obligation to do, or hindered him from doing an act which he had a lawful right to perform, shall be punished with penal servitude for a period not exceeding three years.

The same applies to threats against the life, person, liberty, reputation or property of a person's relations, by means of which he is caused to do an act which he is under no obligation to do, or hindered from doing an act which he has a lawful right to perform.

Attempts to commit the offences mentioned in the two preceding paragraphs are punishable under the heading of "Infractions not consummated."

CHAPTER XXXIII.

OF ABDUCTION, KIDNAPPING, AND ALLURING.

224.

Whosoever shall have allured or taken away any minor shall be punished with penal servitude for a period of not less than three months and not exceeding five years.

225.

Should a person be allured or kidnapped for the purpose of gain or for an indecent

purpose, or with the object of marriage, the penalty shall be penal servitude for a period of not less than one year and not exceeding ten years.

226.

Whosoever shall have, for the purpose of transporting him or her out of the Empire, allured or kidnapped a person shall be punished with limited penal servitude for a period of not less than two years.

The same penalty shall be inflicted upon whosoever shall have, with intent to carry him or her out of the Empire, sold a person or transported to a foreign country a person who has been sold or kidnapped.

227.

Whosoever shall have, with the intent to aid a person who has committed the offences mentioned in the preceding three Articles, received a person who has been kidnapped or sold, and concealed him or caused him to be hidden, shall be punished with penal servitude for a period of not less than three months and not exceeding five years.

Whosoever shall have, for the purpose of profit or an indecent purpose, received a person who has been kidnapped or sold, shall be punished with penal servitude for a period of not less than six months and not exceeding seven years.

228.

Attempts to commit the offences mentioned in this chapter are punishable

under the heading of "Infractions not consummated."

229.

When the offences contemplated in this chapter have not been committed for the purpose of profiting thereby; except in the cases of the offences provided for in Article 226, the offences of Paragraph 1 of Article 227 committed with the intent to aid the perpetrator of the offences of Article 226, and infractions not consummated of these offences, prosecution shall only take place on the complaint of the injured party; and if the person kidnapped or sold has actually contracted a marriage with the offender, he or she cannot lodge a valid complaint until after the marriage has been annulled or cancelled by the irrevocable judgment of a Court of Law.

CHAPTER XXXIV.

OF LIBEL AND INDICTABLE SLANDER.

230.

Whosoever shall have injured the reputation of a person by publicly revealing facts shall, irrespective of the fact as to whether the statement is true or false, be punished with penal servitude or imprisonment for a period not exceeding one year, or a fine not exceeding five hundred yen.

A person who has injured the reputation of the dead is not punishable, except when such injury has arisen in consequence of a false accusation.

231.

Whosoever shall have publicly insulted and reviled a person shall be punished with detention or police fine, even although he may not have revealed facts.

232.

The prosecution of offences mentioned in this chapter shall only take place on the complaint of the injured party.

CHAPTER XXXV.

OF OFFENCES AGAINST CREDIT AND BUSINESS.

233.

Whosoever shall have disseminated false reports and by means of such false reports and fraudulent stratagems damaged a person's credit or obstructed his business or profession, shall be punished with penal servitude for a period not exceeding three years or a fine not exceeding one thousand yen.

234.

Whosoever shall have obstructed the business or profession of a person by intimidation shall be dealt with in accordance with the preceding Article.

CHAPTER XXXVI.
OF ROBBERY AND THEFT.

235.

Whosoever shall have stolen the property of another shall be adjudged guilty of larceny and punished with penal servitude for a period not exceeding ten years.

236.

Whosoever shall have forcibly taken away the personal property of any individual by means of acts of violence or by the aid of threats shall be adjudged guilty of robbery and punished with limited penal servitude for a period of not less than five years.

Persons who have unlawfully acquired pecuniary advantages by the means mentioned in the preceding paragraph, or have caused third parties to do so, shall be punished in the same manner.

237.

Whosoever shall have made preparations with the intent to commit robbery shall be punished with penal servitude for a period not exceeding two years.

238.

A thief who shall have, after acquiring valuable effects, unexpectedly committed acts of violence or threatening for the purpose of preventing their recovery, escaping arrest, or destroying evidence, shall be adjudged guilty of robbery.

239.

Whosoever shall have committed larceny by the aid of a suspension of will (caused by the use of a narcotic, or by any other means) shall be considered as guilty of robbery.

240.

Should the robber have wounded any person he shall be punished with perpetual penal servitude, or with penal servitude for a period of not less than seven years; and if there has been homicide the penalty shall be death or perpetual penal servitude.

241.

If the rape of a woman has been committed on the occasion of a robbery, the penalty shall be perpetual penal servitude, or penal servitude for a period of not less than seven years; and should death have been occasioned thereby, the penalty shall be death or perpetual penal servitude.

242.

Even though the property may be that of the offender himself, if it is in the possession of another person, or if it be under the guard of another person in accordance with orders issued by the officers of public services, in connection with the offences of this Chapter, it shall be deemed the property of another person.

243.

Attempts to commit the offences specified

in Articles 235, 236, and 238 to 241 are punishable under the heading of "Infractions not consummated."

244.

Offences mentioned in Articles 235, and attempts to commit the same, shall be free from punishment when they have been committed among direct blood relations or among married persons or among relations residing together, or among members of a family; and in the case of other relations or members of a family no action shall be taken unless a complaint is lodged by the injured party.

The example of the preceding paragraph is not applicable to co-actors who have no relation with the injured party or are not members of the household.

245.

In connection with the offences of this Chapter electricity shall be deemed to be "property."

CHAPTER XXXVII.

FRAUD AND INTIMIDATION.

246.

Whosoever shall have deceived a person, and thereby obtained property under false pretences, shall be punished with penal servitude not exceeding ten years.

Whosoever shall have unlawfully acquired any material advantages by the means specified in the preceding paragraph, or have caused third parties to do so, shall be punished in the same manner.

247.

Whosoever shall have caused loss or damage to another person, on whose behalf the former is managing the business of the latter, or shall have committed any acts contrary to his duties with the intent to obtain profit for his own or any third parties, causing accordingly to his principal any material loss or damage, shall be punished with penal servitude for a period not exceeding five years or a fine not exceeding one thousand yen.

248.

Whosoever shall have taken advantage of the inexperience of a minor or the weakness of mind of another person, and caused to be delivered any property, or shall have unlawfully acquired any material advantages, or have caused third parties to do so, shall be punished with penal servitude for a period not exceeding ten years.

249.

Whosoever shall have terrorized a person, and thus caused delivery of property, shall be punished with penal servitude for a period not exceeding ten years.

The same shall be applied to those who shall have unlawfully acquired or caused others to acquire material advantages by

the means specified in the preceding paragraph.

250.

Attempts to commit the offences specified in this Chapter are punishable under the heading of "Infractions not consummated."

251.

The provisions of Articles 242, 244, and 245 are applicable, *mutatis mutandis*, to the offences of this Chapter.

CHAPTER XXXVIII.

EMBEZZLEMENT AND MISAPPROPRIATION.

252.

Whosoever shall have unlawfully appropriated articles or objects which he holds on behalf of another person shall be punished with penal servitude for a period not exceeding five years.

Even though the property may actually appertain to the offender himself, should he take or apply it to his own use after being ordered by the offices of the public services to hold the objects in trust, the same penalty is applicable.

253.

Whosoever shall have unlawfully taken or applied to his own use articles or objects which shall have been entrusted to him in the course of his business or professional

duties shall be punished with penal servitude for a period of not less than one year and not exceeding ten years.

254.

Whosoever shall have obtained possession of lost articles, floating objects (as from a shipwreck), or other articles belonging to another of which possession has been lost, and shall have appropriated the same, shall be punished either with penal servitude for a period not exceeding one year, or a fine not exceeding one hundred yen, or a police fine.

255.

The provisions of Article 244 are applicable, *mutatis mutandis*, to offences mentioned in this Chapter.

CHAPTER XXXIX.

OF OFFENCES RELATING TO OBJECTS STOLEN OR EMBEZZLED.

256.

Whosoever shall have received and accepted objects obtained by means of offences committed shall be punished with penal servitude for a period not exceeding three years.

Any person who shall have been found guilty of transmitting, depositing, or otherwise disposing of stolen goods, or of acting:

as a depository of the same, shall be punished with penal servitude for a period not exceeding ten years, or a fine not exceeding one thousand yen.

257.

Offences mentioned in the preceding Article shall be free from punishment when they shall have been committed among direct blood relations, their husbands or wives, relations residing together, or members of a family, or their husbands or wives.

The example mentioned in the foregoing paragraph is not applicable to any co-actors not being relations or members of the household.

CHAPTER XI.

INJURIES TO, AND CONCEALMENT OF, PROPERTY.

258.

Whosoever shall have destroyed documents belonging to an office of the public services shall be punished with penal servitude for a period not less than three months and not exceeding seven years.

259.

Whosoever shall have destroyed documents relative to rights and obligations belonging to another shall be punished with penal servitude for a period not exceeding five years.

260.

Whosoever shall have unlawfully destroyed or injured buildings, boats or ships belonging to another shall be punished with penal servitude for a period not exceeding five years; if there has resulted death or bodily injuries, the penalties for "wounding and (grievous) bodily harm" shall be applied each time that they are more severe than the preceding.

261.

If any objects other than those mentioned in the three preceding Articles are destroyed or injured, the penalty shall be penal servitude for a period not exceeding three years or a fine not exceeding five hundred yen, or a police fine.

262.

Even when the property destroyed or injured actually belongs to the offender, if it be under attachment, or burdened by a right *in rem*, or if it be rented, the provisions of the three preceding Articles are applicable.

263.

Whosoever shall have hidden or concealed private letters belonging to another shall be punished with penal servitude or imprisonment for a period not exceeding six months, or a fine not exceeding fifty yen, or a police fine.

264.

The prosecution of the offences contemplated in Articles 259 and 261, and in the preceding Article, shall only take place on the complaint of the injured party.





明治四十年四月十七日印刷

明治四十年四月二十日發行

翻譯兼

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