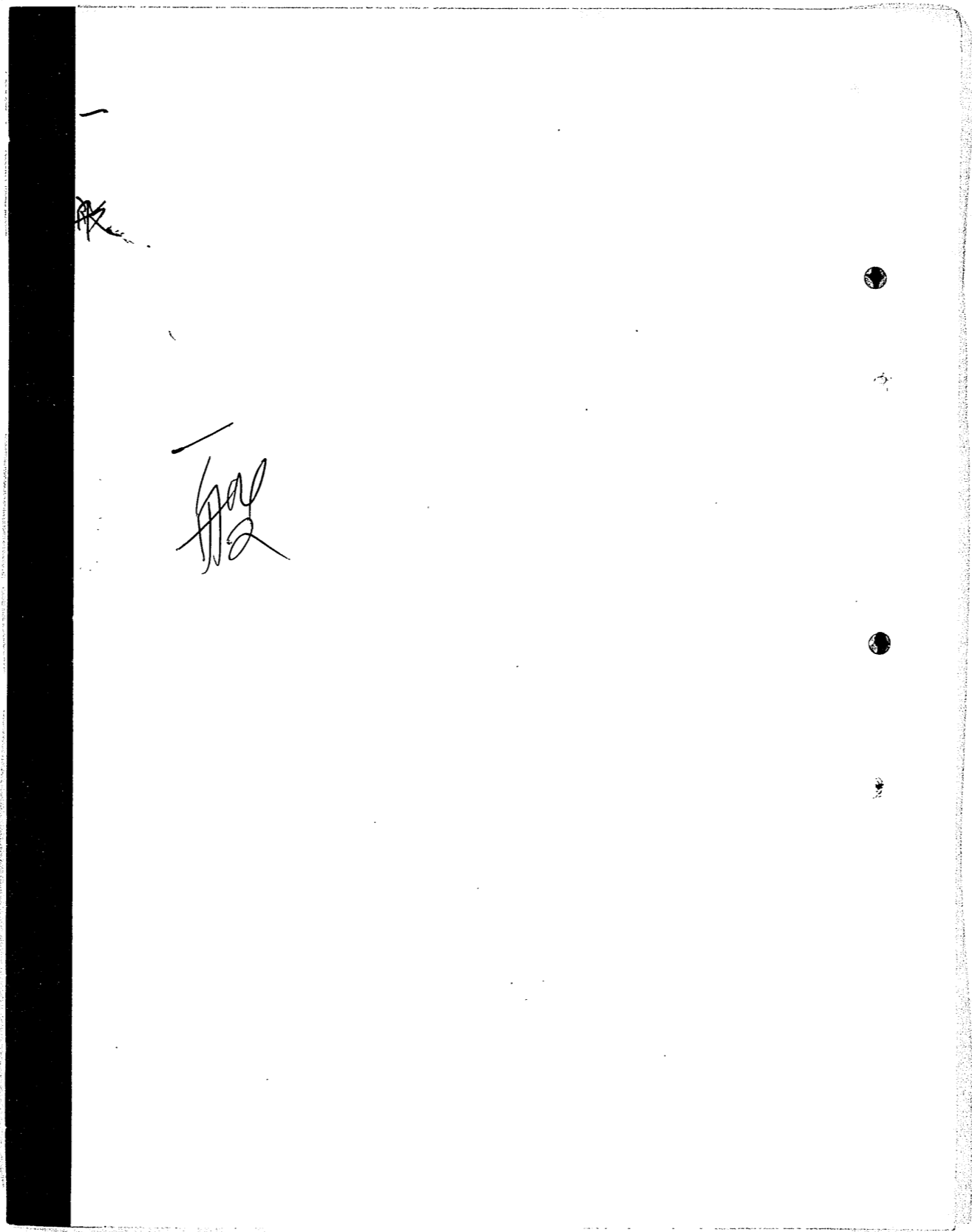


琉球大学学術リポジトリ

米国管理下の南西諸島状況雑件 沖縄関係 財産関係

メタデータ	言語: 出版者: 公開日: 2019-02-14 キーワード (Ja): キーワード (En): 作成者: - メールアドレス: 所属:
URL	http://hdl.handle.net/20.500.12000/43853





政務局長

政務局長

特別資料課長

條約局長

條約局長

法理課長

管理局長

沖繩大島における銀業権について

ニ六〇三三管理局總務課沖繩班

終戦時 沖繩大島における銀業権を有する者

の名簿等の提出について、本年三月に總司令部から資

料庁銀山局に対し口頭要求があったこと、増原清

氏は、原本が焼却された、新しく届出を受理し関係記録

と照合認定の上、銀業権所有者名簿を作成し

外務省

(印)

26.10.22

これを提出した。

増原清氏は、沖繩大島における銀業権の取扱に

つて別添のような旨向を行つたが、これを認めず非公式

の調査のありを認め、その後何等の確拠を得てい

ない旨届出がある。

今回沖繩大島に対し日本島使節団の派遣

の活動が上つたこと、増原清氏が、銀山局銀業権

外務省

長外ニ於テ停上旨カテ月十九日に書得ん末訪し、別派
のよりに現地ニおケル右鈔書取取扱状況調査の
依頼カある。

右と関連して、外務省が總司令新に對し、沖
繩大島におケル鈔書取取扱に關し、口頭お話し
係獲されたることゆう鈔書取取扱所有者に對する個
別的に口頭にお話しを確認し、取らるるに日付

外務省

一書置カある。

外務省

琉球列島米国民政府に関する指令

宛 琉球軍司令官

発 極東軍総司令部

日付 一九五二年四月三十日

(7) 琉球列島内にある日本政府の国有財産は、講和条約が締結される時迄若くは、別の方法により日米両国間の戦争状態が終結せられる時迄は、引続き日本政府の所有として在続する。現在米国は、国際法上の占領国である。占領国の権利の中には、前政府の国有財産等を無償で占領したり、使用したりする権利がある。それで民政副長官は、米国民政府が必要とする日本政府又は市町村以外の琉球人行政機関に所属していた公共財産を占有する。かかる財産は無償で使用される。民政副長官は、適当な

米国民政府の代行機関にこの種財産を割当て、占有せしめる講和条約の締結がなり、或は日米両国間の戦争状態が終決したら、右の条約文又は戦争状態終結の条約書により認められた範囲内で、民政副長官は、米国民政府の名において、この種財産の所有権を獲得するために適当な行動をとる。然る後に、民政副長官は、かかる財産を割当先の代行機関に譲渡して永久に所有させる。

(8) 民政副長官は、合衆国政府が永久的に必要とするその他の財産若しくは施設を、所有者が琉球人たると日本人たると又はその国籍の如何を問わず購入により又は収用して、その所有権を獲得する。この種財産は、できるだけ談合による購入によつて獲得するものとする。若し適当な条件で購入できない場合又は

所有者が商議することを拒んだ場合は、収用手段をとる。民政
副長官は、財産の評価、取得又は収用手段をとるに当つて、デ
イストリック、エンヂニアの業務を利用する。陸軍省、空軍省
又は海軍省若しくはその他の米国政府代行機関は、ガリオア資
金中から相当額の資金を減ずることを条件として、この種財産
を購入するため、特定の権限及び資金の割当が認可されな
つた場合は支出できる範囲内の見返資金を所要の土地の購入に
充当する。この限りにおいて資金を得ることは、現行法で認
められていることである。斯様に資金を使用することは、前記
2のDの(3)(4)に詳述する諸事項のために右資金を使用する
ことよりも優先権を与えるものであるが、しかしながら一九五
三年六月三十日迄の中央政府運営費の支出及び情報教育計画中

の最重要部門に要する経費を円予算から支払うことに関しては
この限りではない。

(9) 民政副長官は、米国政府が臨時に必要とする財産又は前記二
の1の(5)により購入をなす迄の財産については、これを強制的
に徴発したり又は借用したりすることができる。使用者たる米
国政府代行機関は、一九五一年七月一日以降かかる借用地又は
建物に対しては割当資金をもつて使用料を支払う必要がある。

(10) 民政副長官は、米国政府が必要としない日本の国有財産の所
有権を得る。民政副長官はかかる日本所有財産の一部を琉球人
が行政上の目的で使用する場合、これを無償で琉
球人行政機関に払下げる事ができる。民政副長官は、合衆国
政府がこの種財産の譲渡について法的根拠を確保したらこの種

財産の所有権を琉球人政府又はその代行機関に譲る。残余の財産は、使用料を徴し優先的に琉球人に貸与する。右の使用料は、特別会計に繰入れ、民政長官の指示する行政上の目的を有する経費に充てる。借地人による土地の永久的改善を奨励する見地から、民政副長官は規定を設け、借地の所有権を譲渡すべく米国民政府が法的権限を確保できた場合、貸借契約成立の際決定された価格及び条件で借地人が随意に該借地を購入できるようにすべきである。

(11) 在日本の日本人又は日本人法人団体にして、琉球列島にありしかも米国民政府が必要としない財産、所有している者は、引續きかかる財産を管理してもよい。但し、これは琉球経済の便益のために適当に利用すべきである。琉球列島経済のため使用す

る必要のある財産の所有者が若し、その使用について同意しなかつた場合は、民政副長官は、民法廷で収用手続きを発動させこれを収用する。しかして所有権が確保されるとき、その財産は、適当な購入希望者に売却する。

(12) 民政副長官は、琉球列島内にある日本人所有の不動産中米国民政府が必要としないものについては、右の所有者に対し極力これを琉球列島の住民に売るようすすめる。

現行指令の条文中に本指令に抵触するところがあれば、本指令のとおり改正したものと見做す。

現在迄に、琉球列島軍政府の発した布告、布令、指令又は一般命令等における「琉球列島軍政府」の名称は、これを「琉球列島米国民政府」と改める。民政副長官はこれを確認する。

右リッチウエイ大將の命に依り

軍務局長、軍務大佐

C. C. B. ワードン

◎米國海軍々政府布告第七号(一九四五年一)

財産の管理

米國軍占領下の南西諸島及びその近海住民に告ぐ。

本官米國太平洋艦隊並びに太平洋区域司令長官兼米國軍占領下の南西諸島及びその近海軍政府総長海軍元帥シー・ダブリュー・ニミッツは左の如く布告す。

第一条 用語の解説

「財産」なる用語は有形又は無形の総ての種類及び財産上の権利、所有権又は権益を含む。

「遺棄財産」なる用語は、その財産の権利、所有権又は権益を有する者によりて遺棄したるものと決定されたる総ての財産を含む。

「國有財産」なる用語は、米國以外の國家がその権利、所有権又は

權益を有する總ての財産又は米國以外の國家によつて所有、支配、管理されたる總ての財産或いは、会社、商会、組合、協会及び団体の財産にして且つ、その本来の支配権を行使したものと及び財産管理官によつて国有財産と決定されたる總ての財産を含む。

「國際公法の下に賠償無くして略取し得る私有財産」なる用語は、國際公法の下に賠償無くして略取し得る總ての私有財産及び財産管理官が國際公法の下に賠償無くして略取し得る私有財産と決定したる總ての私有財産を含む。

「財産管理官」なる用語は、当該諸島軍政府長又はその政府長により財産管理官として任命されたる他の士官を含む。

第二条 財産管理官に委任する財産

本布告の有効期日から軍政府下の区域内における左の財産管理

官に委任す。

(イ) 總ての遺棄財産

(ロ) 總ての国有財産

(ハ) 國際公法の下に賠償無くして略取したる總ての私有財産

第三条 財産管理官に委任されたる財産に関する報告の責任

總ての者は本布告第二条によりて財産管理官に任されたる財産の存在及び位置を明記したる証明書を直ちに同管理官に報告すべし。

第四条 財産管理官に委任されたる財産の維持及び引渡に関する責任

第一項 本布告に所屬する財産の権利、所有権及び權益を有する

總ての者はその財産の引渡命令に接するまでかかる権利、所有

権及び権益の所持を継続し本布告に所属する財産の保管支配及び執行の権利を有する総ての者はその財産の保管、支配及び執行の権利の行使を継続すべし。

かかる者はかかる財産を維持し又はそれに必要な手段を講じかかる財産の記録を保持し財産管理官の要求に応じてその財産の選任管理及び執行に関する定期の報告書を提出すべし。

第二項 いかなる者も本布告に所属する財産の権利、所有権及び権益を有し又は保管、支配及び執行権を有する者は財産管理官の認承なしにかかる財産の評価、使用及び収入に対し有形的に影響するいかなる行動をとること又は取らるることを能わざるべし。

第三項 本布告に所属する財産の保管、所有及び支配権を有する

総ての者は財産管理官によつて要求されたる場合はこれを同管理官に引き渡すべし。

第五条 権能の委託

財産管理官はその権能の一部又は全部を該島指揮官の幕僚民事課士官に委託することを得。かかる士官の行動は財産管理官と見做さるべし。

第六条 命令発布の権能

財産管理官は本布告の執行及び運用に関し必要な総ての命令規則及び規程を発布することを得。又前記条項の一般性に影響せざる範囲において財産管理官の負いたる手数料、費用及び経費の回収又は財産管理官が本布告の下になしたる事務又は履行したる奉仕に対して要求されるべき代價の回収に関する規程を作成する

ことを得。

第七条 軍政府の保護

軍政府及びその官憲は本布告によつて支配さるべき財産の所有者に対し又はこれに関係あるいかなる者に対しても或いはかかる財産から生ずるいかなる損失又は損害に対しても或いはかかる財産の所有者又はその他の者がかかる財産の支配権獲得の理由によつて生じたる直接又は間接のいかなる官憲も軍政府及び米國政府に対する責任より免かることを能わず。

第八条 削除（一九四五^九、六、二八、軍政府特別布告第三十二号）

第九条 有効期日

本布告は占領地域内における各島又はその一部において發布されたる日から有効とす。

米國太平洋艦隊及び太平洋区域司令長官

兼南西諸島及びその近海軍政府総長

海軍元帥

ニ

シ

ツ

琉球民政府宛 極東軍司令部指令

GENERAL HEADQUARTERS
FAR EAST COMMAND
APO 500

AG 091.1 (5 Dec 50) RCA

5 December 1950

SUBJECT: Directive for United States Civil Administration of
the Ryukyu Islands

TO: Commanding General
Ryukyus Command
APO 331

1. As a result of the terms of surrender of the Empire of Japan, and the principles of international law governing the rights and duties of the occupying powers, the Government of the United States is responsible for the civil administration of the Ryukyu Islands, south of latitude 30 degrees north. It is the policy of the United States to conduct the civil administration of the islands so as to foster the economic and social well being of the civil population, subject to the necessity for military security. This directive is issued without prejudice to the rights and duties of the United States as an occupying power until such time as the ultimate international status of the islands is determined. Responsibility, objectives, civil administration and supplementary instructions to the Deputy Governor are announced as follows:

a. Responsibility.

- (1) This responsibility will be executed pursuant to this directive and other instructions from the United States Government. The government of this area by the United States will be termed "United States Civil Administration of the Ryukyu Island."
- (2) This responsibility has been delegated to the Commander-in-Chief, Far East who has been appointed Governor of the Ryukyu Islands, and who in turn has appointed the Commanding General, Ryukyu Command, Deputy Governor. Certain authority of the Governor is delegated to the Deputy Governor except as hereinafter specified. The Deputy Governor will observe the policies outlined in this directive and implement the same in accordance with the following instructions:

b.

- 2 -

b. Objectives.

- (1) The United States Civil Administration will, subject to the requirements of military security, further:
 - (a) The establishment of a standard of living in the Ryukyu Islands comparable to that existing prior to the war to the extent that GARIOA funds are available. However, improvement in the standard of living above that existing prior to the war will be accomplished through the efforts of the Ryukyans themselves, without the assistance of United States appropriated funds. To the extent that health standards are now at levels above the prewar standards and such continued level is necessary for the health of United States personnel stationed in the Ryukyus, a higher level in this respect is authorized with available GARIOA funds for necessary imported materials.
 - (b) The establishment of a sound government financial structure, including a budget and taxation system designed to permit the placing of the government on a self-supporting basis by the end of fiscal year 1952. This does not preclude a request for a GARIOA appropriation to make up any deficit in the external balance.
 - (c) Self-government through legislative, executive and judicial organs established in accordance with democratic principles, subject to the final authority of the Governor.
 - (d) Cultural and educational development with due regard to the existing culture of the inhabitants.

c. Civil Administration.

- (1) Provision will be made for the establishment under democratic processes by the inhabitants of the Ryukyus of the following governmental structure, which shall be subject to general supervision of the United States Civil Administration:

(a)

- (a) Responsible government at the municipal level.
 - (b) Responsible government at the provincial level.
 - (c) At the earliest practicable date provision will be made for the establishment of a central government. Pending the establishment of a central government a Ryukyuan Advisory Council may be established to make recommendations on questions referred to it by the United States Civil Administration.
- (2) Courts established in accordance with paragraphs 1b(1) and 1c(1), above, will include civil and criminal courts and appellate tribunals with clear delineation of their jurisdiction and procedures. The jurisdiction of these courts will include the adjudication of controversies involving title to real estate and will further include condemnation proceedings. Subject to such regulations as may be prescribed by the Deputy Governor such courts will have civil jurisdiction over all persons in the Ryukyu Islands, and will have criminal jurisdiction over other than nationals of the United Nations. Such criminal jurisdiction may be extended only upon the approval and at the discretion of the Governor to include all persons, other than members of the occupation forces, persons serving with the occupation forces, and their dependents.
- (3) The Deputy Governor will establish a court of last resort having authority to review decisions of the aforementioned courts, and will prescribe necessary codes of procedure. Nomines for this court will be recommended by the Deputy Governor but will be appointed by and serve at the pleasure of the Governor. The Governor will retain the authority in his discretion to review, approve, remand, suspend, commute, remit or otherwise to modify or set aside any decision, judgment or sentence of such court established. The Governor will retain the power of pardon. Due consideration will be given to recommendations of the Deputy Governor.

- (4) The Ryukyuan people will be guaranteed, as far as is consistent with the military occupation, the basic liberties of democratic countries, including freedom of speech, assembly, petition, religion and the press; and security from unreasonable searches, seizures and deprivation of life, liberty or property without due process of law.
- (5) The Deputy Governor may, if necessary, in the accomplishment of his mission:
- (a) Veto, or prohibit or suspend the operation of, any laws, ordinances or regulations enacted by any of the above government;
 - (b) Order the promulgation by any of the above governments of any law, ordinances or regulations he may deem advisable;
 - (c) Resume, in whole or in part, the exercise of full authority in the Ryukyus if instructions by him are not carried out, or if he considers such action essential to security.

The Deputy Governor will exercise the above powers with the greatest restraint.

d. Supplementary instructions to the Deputy Governor.

- (1) Pending the establishment of a Ryukyuan Central Government the Deputy Governor will initiate immediately the review and codification of existing in effect in the Ryukyus, both of the Japanese and of the military government. He will also provide for the amendment, revision or rescission of such legislation in conflict with the objectives of this directive.
- (2) Pending the establishment of a Ryukyuan Central Government the Deputy Governor will give priority to the completion of registration and or determination of land titles, including the establishment of judicial machinery essential for the settlement of disputes in connection therewith.

- (3) The Deputy Governor will develop and initiate a long-range economic plan subject to the approval of the Governor. This plan will provide for maximum participation by the Ryukyans, with the initial objective of achieving Ryukyuan self-support at that level specified in subparagraph 1b(1) (a) of this directive. It should include:
- (a) Participation by the Ryukyans in all suitable forms of agriculture, fishing, industry and commerce under a system of free, competitive enterprise.
 - (b) Sound policies for the utilization and conservation of Ryukyuan natural resources, including land reclamation and improvement.
 - (c) A program for developing on a long-range basis those Ryukyuan industries which can be sources of exports or reduce import requirements.
 - (d) Reasonable compensation by United States forces, and other United States Government agencies stationed on the islands for the contribution to their support by Ryukyuan labor and other economic resources, including real estate.
 - (e) Development of foreign trade, initially on a government basis but with the aim of restoring private trade as early as is feasible.
 - (f) Measures designed to stabilize the financial structure of the economy, e.g., an adequate and equitable system of taxation to support necessary Ryukyuan governmental activities without recourse to deficit financing; a sound banking and currency system and the establishment, subject to the approval of the Governor, of a single rate of exchange appropriate for all foreign transactions with the ultimate objective of free convertibility.

- (g) The establishment of a separate counterpart fund in which all funds obtained from the sale of GARIOA supplies will be deposited. Control of this fund shall be exercised by the Deputy Governor subject to the approval of the Governor and such regulations as he may from time to time prescribe. Subject to the availability of United States appropriated funds for the purchase of land needed permanently by the United States Government as provided in paragraph 1d(8) below, this fund shall be used for the following purposes:

1. Pending the establishment of an adequate tax system, minimum necessary funds may be expended for the operation of the central government, but in no event will such use of these funds be made
2. Local currency expenses of the United States information and Educational Program.
3. To promote economic rehabilitation, including the extension of long-term loans to agriculture and private enterprises which will increase domestic production and promote economic self-support.
4. Payment of rental for private property used by the United States prior to 1 July 1950. Such payments will be made at the times and in the amounts determined by the Deputy Governor.

It is not expected that any obligation will be placed on the people of the Ryukyu Islands to repay to the United States funds used for the prevention of disease and unrest, for government of the area, and economic recovery (i.e., expenditures from GARIOA appropriations).

- (4) The Deputy Governor will permit travel and communication to and from the Ryukyus subject to requirements of military security and availability of facilities and in accordance with policies

and

and procedures established by the Commander-in-Chief, Far East. He will encourage emigration.

- (5) The Deputy Governor will encourage the establishment of the following:
 - (a) Facilities for education, with particular emphasis on personnel and physical equipment.
 - (b) Facilities for wide dissemination of public information.
 - (c) A program to develop intelligent participation in responsibilities of democratic citizenship.
- (6) The Deputy Governor will have prepared and will transmit through the Commander-in-Chief, Far East, and in accordance with present directives, to the Department of the Army, from time to time as requested, estimates, with complete justification, of appropriations from United States funds for the United States Civil Administration of the Ryukyu Islands and for relief and economic rehabilitation in the Ryukyu Islands. He will be responsible for the expenditure under approved procedures of funds made available for such purposes.
- (7) Title to Japanese Government-owned real property in the Ryukyu Islands is expected to remain in Japan until the coming into effect of a treaty of peace or until the state of war between the United States and Japan is otherwise terminated. At present the United States is an occupying power under international law. The rights of such power include the right to reduce to possession and to utilize, without paying compensation therefor, the public property of the former government or governments of the occupied territory other than that of municipalities. Accordingly, the Deputy Governor will reduce to possession such public property belonging to the Japanese Government or to Ryukyuan governmental instrument-

alities

alities other than municipalities as may be required by the United States Government, such property to be utilized without the payment of compensation. He will allocate the possession of such property to appropriate agencies of the United States. Upon the coming into force of a treaty of peace or upon the termination of the state of war between the United States and Japan, the Governor will take action to the extent authorized by treaty or the instrument terminating the state of war to secure the title to such property in the name of the United States Government. Thereupon the Deputy Governor will release the permanent possession thereof to the agencies to which such property has been allocated.

- (8) The Deputy Governor will secure title to any additional real estate or facilities required permanently by the United States Government by purchase from the owners, either Ryukyuan, Japanese or other nationality, or through condemnation. This property will be acquired through negotiated purchase if possible. If it cannot be purchased at reasonable terms or if the owners refuse to negotiate, condemnation proceedings will be instituted. The Deputy Governor will make use of the services of the District Engineer in connection with appraisals, acquisition of real property and initiation of condemnation proceedings. The Department of the Army, the Air Force, or the Navy or other interested United States agencies will request a specific authorization and appropriation to effect purchase of such property, subject to an equivalent reduction in GARIOA funds. If the appropriation is not granted counterpart funds to the extent available will be used for the purchase of such land as is required -- this acquisition being already authorized under existing law. Such use will have priority over all other uses specified in subparagraph 1d (3) (8) above, except for the operation of the central government during fiscal year 1951-1952 and the payment of the yen cost of the most essential portions of the Information and Education Program.

(9)

- (9) The Deputy Governor may requisition or rent such property as is required temporarily by the United States Government, or pending the purchase of property per paragraph 1d(8) above. Using United States agencies will be required to pay rent for such property from appropriate funds on and after 1 July 1950.
- (10) The Deputy Governor will take possession of all Japanese Government-owned real estate not required by the United States Government. He may release to Ryukyuan governmental instrumentalities without compensation such part of this property as is required for governmental use. Should the United States secure legal authority to convey such title to the Ryukyuan Government or its instrumentalities, the remainder will be rented, primarily to Ryukyans, with the rental being placed in a special account and used for such governmental purposes as the Governor may direct. For the purpose of encouraging the tenants to effect permanent improvements, it will be proper for the Deputy Governor to provide in any such lease that should the United States secure legal authority to convey the title of lands leased, the lessee will have the option to purchase at a price determined when the lease is executed and upon the conditions to be set out therein.
- (11) Japanese individuals or corporations resident in Japan who own property in the Ryukyu Islands not needed by the United States Government may continue to control such property provided it is reasonably utilized to the benefit of the Ryukyuan economy. Where such owners decline to permit property necessary in the Ryukyuan economy to be so used, the Deputy Governor will cause condemnation proceedings to be instituted by the native courts, and when title is secured the property will be offered for sale to acceptable purchasers.

(12)

- (12) The Deputy Governor will encourage the owners of Japanese privately owned real property in the Ryukyus to sell that property which is not needed by the United States Government to natives of the Ryukyu Islands.
2. Any provisions of present directives conflicting with the foregoing are to be regarded as modified accordingly.
3. All proclamations, ordinances and directives heretofore issued by the Ryukyus Military Government and General Orders of Military Government will be modified to conform to the title "United States Civil Administration of the Ryukyu Islands" and will be authenticated by the Deputy Governor.

BY COMMAND OF GENERAL MacARTHUR:

Copies furnished:
All Staff Sections
SCAP and FEC

/s/ K. B. Bush
/t/ K. B. BUSH
Brigadier General, USA
Adjutant General

Reproduced - Hq RYCOM, APO 331, 14 Dec 50

(Init.) H.R.H.