

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 軍用地
問題（プライス報告を含む）第三卷

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(3) 米軍布告關係

第一課 第五課長
主席事務官
南方連
20.5.14

總南連一才二一八号

昭和二十八年四月二十日

總理府南方連絡事務局 長

外務省アジア局長 殿

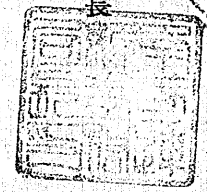
南西諸島における「土地収用法」と「土地

収用の補償金支払手続」の公布について

標記の件に関し、別紙のとおり那覇連絡事務所長より報告があつ

たので御参考までに送付する。

本件はつと昨日米理地住民の不安不協を降くため何らの措置をとり
小口官米大使館に口頭でも申し込ませる必要ありとと料より。(別紙参照)
不不、右とは別に理地と不不、琉球政府の公共の用に供するため私有地の収用を
行う「土地収用法」の存在による。



記帳了

20.5.14

總理府

別紙

那才二十四号

昭和二十八年四月十三日

那覇日本政府南方連絡事務所長

南方連絡事務局 長 殿

民政府布令「土地収用法」と「土地収用

の補償金支払手続」の発布の件

標記に関する民政府布令が夫々四月三日と四月十日付で発布さ
れたが本布令は、民政府の南西諸島の土地に対する今後の処理方
針となるべきものとして注意を払う必要があると思われるので御
参考までに別添英文書翰を送付する。

總理府

UNITED STATES CIVIL ADMINISTRATION OF THE RYUKYU ISLANDS
Office of The Deputy Governor
APO 719

3 April 1953

CA ORDINANCE
NUMBER 109

LAND ACQUISITION PROCEDURE

Whereas the United States has certain requirements concerning the use and possession of land in the Ryukyu Islands and whereas there are no provisions of Ryukyuan law whereby such requirement may be satisfied, it is deemed appropriate and necessary to establish procedures for the acquisition of and just compensation for such interests in land as the United States must have for the carrying out of its responsibility in the Ryukyu Islands. It is therefore ordained as follows:

1. Acquisition of estates or interests in land required for temporary or indefinite use shall be accomplished by the District Engineer, Okinawa Engineer District, on behalf of the using agency of the United States Forces with the specific approval of the Deputy Governor.

2. When it has been determined that an estate or other interest in any specific parcel or parcels of land or other real property shall be acquired, and that such acquisition cannot be agreeably accomplished by negotiations with owners concerned, the Deputy Governor, in the name of the United States, shall cause the following to be accomplished:

a. Personal, public and published Notice of Intent to be served upon the owner or owners of the land or real property concerned, identifying the property and stating the estate or interest to be taken and the authority therefor. Such notices shall further state the Value at which the property has been appraised and the amount deemed to be just compensation; that such owner or owners shall have thirty (30) days from the date of publication of the notice in which to accept or refuse the offer of the United States. In the event of refusal, the owner(s) may within the said thirty(30) days appeal in writing to the Deputy Governor. Failing such appeal within said time the estate or interest shall be deemed transferred to the United States for the amount stated; in the event of appeal, only the issue of just compensation will be determined and such appeal shall not stay the right of the United States to file a Declaration of Taking.

b. In the event transfer of the required estate or interest is accomplished by negotiation, the instrument of transfer shall be filed for registry in the District Land Registry Office having registry jurisdiction over the land or real property involved.

c. In the event that transfer of the required estate or interest is not effected by the owner or owners and thirty days has elapsed after

CA ORDINANCE NO. 109

3 April 1953

the publication of a Notice of Intent provided for in 2.a. above, the Deputy Governor shall forthwith cause a formal Declaration of Taking to be filed and registered in the District Land Registry Office having jurisdiction over the land or real property involved and the sum of money representing just compensation due, for the estate or interest taken, as determined by the District Engineer, Okinawa Engineer District, to be deposited in the Bank of the Ryukyu to the account of the owner or owners.

d. In the event that appeal is taken pursuant to notice and the provisions of paragraph 2.a. above, the Deputy Governor shall refer the same to the United States Land Acquisition Commission for the Ryukyu Islands, as established by paragraph 3. below, for hearing, finding and determination upon issues within the jurisdiction of that Commission. During the course of appeal, the landowner may withdraw up to 75% of the amount offered for his estate or interest.

e. Should it be deemed of urgent necessity by the CG, RYCOM, that the use and possession of land or other real property be taken by the United States after the publication of a Notice of Intent, but prior to the acquisition of the estate or interest required, the Deputy Governor shall issue an order directing the vacating of the premises.

3. THE UNITED STATES LAND ACQUISITION COMMISSION FOR THE RYUKYU ISLANDS is hereby established, composed of commissioners appointed by the Governor of the Ryukyu Islands. A majority of commissioners shall constitute a quorum for the transaction of the business of the commission. The commission shall keep such files and records as may be necessary for public and permanent record of its proceedings and actions and shall be provided with adequate facilities for performance of its functions.

4. The aforesaid Commission is hereby empowered to make a determination of property value and just compensation in all cases referred to it by the Deputy Governor of the Ryukyu Islands, or higher authority, and thereunto is further empowered to conduct hearings, take appropriate testimony and evidence, subpoena witnesses, books, records and documents, and otherwise perform as a quasi-judicial body and court of record for land and real property condemnation purposes.

5. When the Commission has made its findings and determination in any case, it shall document and transmit the same to the Deputy Governor who shall cause appropriate notice thereof to be transmitted to the owner or owners of the property involved and to DE, ONED who will adjust deposit with Bank of Ryukyus to the account of the owner or owners.

6. The special account deposit provided by paragraph 2.a. above, shall include compensation for loss of any crops, tombs, structures, and other improvements on the lands acquired.

CA ORDINANCE NO. 109

3 April 1953

7. The effective date of this Ordinance shall be 3 day of April 1953.

BY DIRECTION OF THE DEPUTY GOVERNOR:

DISTRIBUTION:
B & C

JAMES H. LEWIS
Brigadier General, U.S. Army
Civil Administrator

UNITED STATES CIVIL ADMINISTRATION OF THE RYUKYU ISLANDS
Office of The Deputy Governor
APO 719

CA ORDINANCE
NUMBER 110

10 April 1953

PROCEDURE FOR PAYMENT
OF COMPENSATION FOR LAND ACQUISITION

WHEREAS, the procedure for acquisition of estates or interests in land or real property in the Ryukyu Islands has been established by CA Ordinance No. 109, United States Civil Administration of the Ryukyu Islands, subject: "Land Acquisition Procedure," dated 3 April 1953, and

WHEREAS, detailed procedures for the payment of compensation to registered owners or real property concerned is required. It is therefore ordained as follows:

1. The Government of the Ryukyu Islands is designated as TRUSTEE for the purpose of receiving, holding, and paying to the registered owners of real property funds payable by the United States under said CA Ordinance No. 109.

2. Funds disbursed to the TRUSTEE shall be deposited by the TRUSTEE in the Bank of the Ryukyus in special accounts for payment to registered owners of property covered by each of said accounts. These accounts shall be entitled "GRI Trustee, Rental Account No. _____." Said accounts shall be numbered so as to correspond to the numbers assigned to Declaration of Taking filed in accordance with CA Ordinance No. 109.

3. The TRUSTEE shall make payment to registered owners of real property covered by each account in accordance with CA Ordinance No. 109 and schedule furnished the TRUSTEE concurrently with the funds for deposit. The TRUSTEE shall maintain adequate records of payments to include evidence of payment to each owner.

4. Funds deposit for one year, at the end of which time they may be shall be kept on deposit for one year, at the end of which time they may be withdrawn by order of the United States. In no event shall funds remain in the special accounts for longer than two years.

5. Registration of real property required for use by the United States Forces will be accomplished without payment of registration fees by the landowners or by the United States, but the administrative expenses in connection with registration will be borne by the United States.

6. The effective date of this Ordinance is 10 April 1953.

BY DIRECTION OF THE DEPUTY GOVERNOR:

DISTRIBUTION:
B & C

JAMES M. LEWIS
Brigadier General, U. S. Army
Civil Administrator

第五課長

主席事務官

南方班

28.4.24

262

井口

28.4.28

総南連一才二〇二号

昭和二十八年四月二十日

總理府南方連絡事務局長

外務省アジア局長 殿

南西諸島における軍による土地使用料の支払について

講和発効前、一九五〇年七月一日より一九五二年四月二十七日に至る間の軍による土地使用料の支払について別紙のとおり民政府布令が發布されたので御参考までに御知らせする。

米側が一九五〇年七月一日以降として形勢上つるは南西連絡事務局を通じて調査し、不致の由、南西連絡事務局の見解としては、各島の予算の都合でその以降の支払は可能であると認めらるるものと見られるものとの中より由である。



總理府

那才三〇六号

昭和二十八年三月二十五日

那覇日本政府南方連絡事務所長

南方連絡事務局長 殿

講和発効以前（自一九五〇年七月一日）の軍使用料支払について

標記の件に関し、三月二十三日付民政府布令才一〇五号が發布されたから別添の通り本布令の原文を送付する。尚、本件に関する三月二十五日の琉球新聞掲載の社説を御参考までに添付する。

總理府

五
十
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日
前
上
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登
行

UNITED STATES CIVIL ADMINISTRATION OF THE RYUKYU ISLANDS
Office of The Deputy Governor
APO 719

23 March 1953

CA ORDINANCE
NUMBER 105

AUTHORITY TO ACCOMPLISH EXECUTION OF LEASES AND RENTAL PAYMENT
ON PRIVATELY OWNED RYUKYUAN LANDS OCCUPIED BY THE UNITED STATES
OF AMERICA FOR THE PERIOD FROM 1 July 1950 THROUGH 27 APRIL 1952

1. WHEREAS, it has been agreed to pay certain rentals for lands occupied by the United States of America in the Ryukyu Islands during the period 1 July 1950 to 27 April 1952 inclusive, from which lands the owners were removed at the request of agencies of the United States;
2. WHEREAS, expeditious action is required to accomplish the disbursement of funds provided for rental payments to said landowners for the period 1 July 1950 to 27 April 1952 inclusive, but is not practicable for the United States to deal directly and individually with the great number of landowners involved, and
3. WHEREAS, the Office of the Chief Executive of the Government of the Ryukyu Islands is uniquely situated and qualified to accomplish the action required;
4. NOW, THEREFORE, the Chief Executive of the Government of the Ryukyu Islands, or such person or persons as he may designate to act for him, is hereby authorized, empowered and directed to perform the following functions and responsibilities:
 - a. Represent and act as agent for the individual owners of lands comprehended by this Ordinance, and as agent for such owners and each of them, execute and deliver lease agreements binding between such owners and the United States of America, covering the aforesaid occupancy of said owners' lands and payment of rental therefor during the period of 1 July 1950 to 27 April 1952 inclusive, and as more particularly itemized and specified by lot or parcel and rental sum allotted therefor in "property lists" which will be prepared and delivered by the United States to said Chief Executive.
 - b. In said leases save the United States of America harmless from any claims for rent with regard to the lands covered by such leases.
 - c. Received in trust and account for any and all funds received from the United States of America for the payment of rent on the lands and for the period covered by this Ordinance and disburse to the legal owner or owners of the lots or parcels of land specified in the aforementioned property lists, accordingly as each such owner is entitled, the rental sum allotted therefor in said property lists.

d. Return to the United States of America within a period of six months for date of receipt of aforesaid funds, all amounts received from the United States of America which apply to lot(s) or parcel(s) of land on which the Chief Executive has no authority to execute a lease, together with a statement and identification of the lot(s) or parcel(s) so affected.

e. Accomplish such necessary amendments or supplements to leases acquired hereunder as may be required to perfect such leases or otherwise accomplish the purposes thereof.

5. Any owner of land subject to the operation or coverage of this Ordinance may reject and nullify the authority of the Chief Executive to represent or bind him, as provided for in Paragraph 4 hereof, by filing due notice thereof with the Chief Executive or the Land Section of the Government of the Ryukyu Islands within thirty (30) days after the date of first publication of this Ordinance by the Chief Executive of the Government of the Ryukyu Islands.

6. The "property lists" referred to in Paragraph 4.a. above will be captioned "Private Property Rented 1 July 1950 - 27 April 1952 Inclusive, per CA Ordinance No. 105."

7. The effective date of this Ordinance is 23 day of March 1953.

BY DIRECTION OF THE DEPUTY GOVERNOR:

JAMES M. LEWIS
Brigadier General, U.S.
Army Civil Administrator

DISTRIBUTION
B & C

社説 軍使用地料の支払

軍使用地料支払いに關する軍布令百五号がルイス主席民政官から三月二十三日で交付された。

軍では五十年七月一日から五十二年四月二十七日（講和発効前日）までの軍用地使用料を支払うことになり一億四千四百万円を用意、六カ月以内に支払う、此の支払いは従来の軍用地契約によらず領収證だけで支払われる、講和発効以後の土地使用料の支払いについては使用料再査定決定後支払われる、今までに二十九年の契約をしてしまつた地主にも再査定をして損失を与えないようにすることである。

われわれは本欄で軍使用地の問題を採上げ、地主が何故、契約するのを好まないか、について論じたことがある。地代が余りに安すぎる市場価格の十分の一にも足りない涙金程度ではてんでおはなしにならないというのが正直な地主側並に一般世論であることを卒直に指摘しておいたのであつた。安いものにもホントに小額の地代では地主が契約をシブルのは無理もないと思うので、其の通り、契約の成績は非常に悪い結果となつて現らわれた。大部分の地主は契約をしようとの意欲がなく当局の宣伝をも冷たんに見送つて現在に至つてゐる状態であつた。われわれが高い安いという標準は現行の一般民衆の通り相場についての事であること勿論である。

総 理 府

契約するしないに拘らず現に軍用地として使用している事実には間違いないわけである。そもそも軍用地問題は琉球の国際法上の地位、対日平和条約の問題などの大きな諸問題が根本的に在ることを忘れてはならない。

対日平和条約の第十九条によると日本国は、戦争から生じ、又は戦争状態が存在したためにとられた行動から生じた連合国及びその国民に対する日本国及びその国民のすべての請求権を放棄し、且つ、この条約の効力発生前に日本国領域におけるすべての連合国の軍隊又は当局の存在職務遂行又は行動から生じたすべての請求権を放棄することを約してゐるのであるから五十二年四月二十八日講和発効日の前日までの軍用地料の請求権は条約第十九条のA項によつて放棄したことになつてゐるのである。従つて法律上の権利としての軍用地代の請求権はないものと言わねばならない。従つて「軍の恩恵によるもの」とも言えるであらう。その代り、講和発効後の五十二年四月二十八日以後は「占領解除」と言うのでなければ法理は一貫しないこと勿論であることも此の際、認識しなければならぬ。此の問題について五十二年四月三十日付で、リッジウエイ大將の命により副官ワイドン大佐の署名した琉球列島米国民政府に關する極東軍指令部の指令がある。此の指令の内容は五十年十二月五日付のスキヤップ指令と實質的には何ら變つていない。占領軍としての権利に基づいた指令である。此の指令が果して講和発効後にも依然として

効力があるものかどうかについては国際法上疑問があるとされ、日本に於ては政府側も議會側も、講和発効後に於ける琉球の地位は条約才三条によるものであつて占領の継続とは見ていない。

岡崎外相も五十二年十月二十八日の参院本會議で右派社会党の島清氏の質問に應え「南西諸島については平和条約才三条によつて米國が行政、司法、立法の権限を行使しているものであり、占領継続としてこれらの権限を行使しているのではない」と述べていることに注意すべきであらうともかく今回の軍の措置によつて軍用地の問題が一步前進したことは認めてよい。問題は除々に解決されるとして、其の解決の方法は「適正地代の早期支払い」でなければならぬのであり、適正地代とは琉球人の一般民間に於いて適用している取引相場でなければならぬこと当然であらう。恩恵に感謝し、当然の権利は堂々と請求するのが正し。

三月二十五日琉球新聞掲載

総 理 府

（以下は非常に小さい文字で印刷された、ほとんど読み取れない縦書きの文章である）

UNITED STATES CIVIL ADMINISTRATION OF THE RYUKYU ISLANDS
Office of The Deputy Governor
APO 719

23 March 1953

CA ORDINANCE
NUMBER 105

AUTHORITY TO ACCOMPLISH EXECUTION OF LEASES AND RENTAL
PAYMENT ON PRIVATELY OWNED RYUKYUAN LANDS OCCUPIED BY
THE UNITED STATES OF AMERICA FOR THE PERIOD FROM 1
July 1950 THROUGH 27 APRIL 1952.

1. WHEREAS, it has been agreed to pay certain rentals for lands occupied by the United States of America in the Ryukyu Islands during the period 1 July 1950 to 27 April 1952 inclusive, from which lands the owners were removed at the request of agencies of the United States;

2. WHEREAS, expeditious action is required to accomplish the disbursement of funds provided for rental payments to said landowners for the period 1 July 1950 to 27 April 1952 inclusive, but is not practicable for the United States to deal directly and individually with the great number of landowners involved, and

3. WHEREAS, the Office of the Chief Executive of the Government of the Ryukyu Islands is uniquely situated and qualified to accomplish the action required;

4. NOW, THEREFORE, the Chief Executive of the Government of the Ryukyu Islands, or such person or persons as he may designate to act for him, is hereby authorized, empowered and directed to perform the following functions and responsibilities:

a. Represent and act as agent for the individual owners of lands comprehended by this Ordinance, and as agent for such owners and each of them, execute and deliver lease agreements binding between such owners and the United States of America, covering the aforesaid occupancy of said owners' lands and payment of rental therefor during the period of 1 July 1950 to 27 April 1952 inclusive, and as more particularly itemized and specified by lot or parcel and rental sum allotted therefor in "property lists" which will be prepared and delivered by the United States to said Chief Executive.

b. In said leases save the United States of America harmless from any claims for rent with regard to the lands covered by such leases.

C.

- 2 -

c. Received in trust and account for any and all funds received from the United States of America for the payment of rent on the lands and for the period covered by this Ordinance and disburse to the legal owner or owners of the lots or parcels of land specified in the aforementioned property lists, accordingly as each such owner is entitled, the rental sum allotted therefor in said property lists.

d. Return to the United States of America within a period of six months for date of receipt of aforesaid funds, all amounts received from the United States of America which apply to lot(s) or parcel(s) of land on which the Chief Executive has no authority to execute a lease, together with a statement and identification of the lot(s) or parcel(s) so affected.

e. Accomplish such necessary amendments or supplements to leases acquired hereunder as may be required to perfect such leases or otherwise accomplish the purposes thereof.

5. Any owner of land subject to the operation or coverage of this Ordinance may reject and nullify the authority of the Chief Executive to represent or bind him, as provided for in Paragraph 4 hereof, by filing due notice thereof with the Chief Executive or the Land Section of the Government of the Ryukyu Islands within thirty(30) days after the date of first publication of this Ordinance by the Chief Executive of the Government of the Ryukyu Islands.

6. The "property lists" referred to in Paragraph 4.a. above will be captioned "Private Property Rented 1 July 1950 - 27 April 1952 Inclusive, per CA Ordinance No.105."

7. The effective date of this Ordinance is 23 day of March 1953.

BY DIRECTION OF THE DEPUTY GOVERNOR:

JAMES M. LEWIS
Brigadier General, U.S.
Army Civil Administrator

DISTRIBUTION
B & C

UNITED STATES CIVIL ADMINISTRATION OF THE RYUKYU ISLANDS
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1. Acquisition of estates or interests in land required for temporary or indefinite use shall be accomplished by the District Engineer, Okinawa Engineer District, on behalf of the using agency of the United States Forces with the specific approval of the Deputy Governor.

2. When it has been determined that an estate or other interest in any specific parcel or parcels of land or other real property shall be acquired, and that such acquisition cannot be agreeably accomplished by negotiations with owners concerned, the Deputy Governor, in the name of the United States, shall cause the following to be accomplished:

a. Personal, public and published Notice of Intent to be served upon the owner or owners of the land or real property concerned, identifying the property and stating the estate or interest to be taken and the authority therefor. Such notices shall further state the Value at which the property has been appraised and the amount deemed to be just compensation; that such owner or owners shall have thirty (30) days from the date of publication of the notice in which to accept or refuse the offer of the United States. In the event of refusal, the owner(s) may within the said thirty (30) days appeal in writing to the Deputy Governor. Failing such appeal within said time the estate or interest shall be deemed transferred to the United States for the amount stated; in the event of appeal, only the issue of just compensation will be determined and such appeal shall not stay the right of the United States to file a Declaration of Taking.

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c. In the event that transfer of the required estate or interest is not effected by the owner or owners and thirty days has elapsed after the publication of a Notice of Intent provided for in 2.a. above, the Deputy Governor shall forthwith cause a formal Declaration of Taking to be filed and registered in the District Land Registry Office having jurisdiction over the land or real property involved and the sum of money representing just compensation due, for the estate or interest taken, as determined by the District Engineer, Okinawa Engineer District, to be deposited in the Bank of the Ryukyu to the account of the owner or owners.

d. In the event that appeal is taken pursuant to notice and the provisions of paragraph 2.a. above, the Deputy Governor shall refer the same to the United States Land Acquisition Commission for the Ryukyu Islands, as established by paragraph 3. below, for hearing, finding and determination upon issues within the jurisdiction of that Commission. During the course of appeal, the landowner may withdraw up to 75% of the amount offered for his estate or interest.

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3. THE UNITED STATES LAND ACQUISITION COMMISSION FOR THE RYUKYU ISLANDS is hereby established, composed of commissioners appointed by the Governor of the Ryukyu Islands. A majority of commissioners shall constitute a quorum for the transaction of the business of the commission. The commission shall keep such files and records as may be necessary for public and permanent record of its proceedings and actions and shall be provided with adequate facilities for performance of its functions.

4. The aforesaid Commission is hereby empowered to make a determination of property value and just compensation in all cases referred to it by the Deputy Governor of the Ryukyu Islands, or higher authority, and thereunto is further empowered to conduct hearings, take appropriate testimony and evidence, subpoena witnesses, books, records and documents, and otherwise perform as a quasi-judicial body and court of record for land and real property condemnation purposes.

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6.

6. The special account deposit provided by paragraph 2.a. above, shall include compensation for loss of any crops, tombs, structures, and other improvements on the lands acquired.

7. The effective date of this Ordinance shall be 3 day of April 1953.

BY DIRECTION OF THE DEPUTY GOVERNOR:

JAMES H. LEWIS
Brigadier General, U.S.
Army Civil Administrator

DISTRIBUTION:
B & C

UNITED STATES CIVIL ADMINISTRATION OF THE RYUKYU ISLANDS
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OF COMPENSATION FOR LAND ACQUISITION

WHEREAS, the procedure for acquisition of estates or interests in land or real property in the Ryukyu Islands has been established by CA Ordinance No.109, United States Civil Administration of the Ryukyu Islands, subject: "Land Acquisition Procedure," dated 3 April 1953, and

WHEREAS, detailed procedures for the payment of compensation to registered owners or real property concerned is required. It is therefore ordained as follows:

1. The Government of the Ryukyu Islands is designated as TRUSTEE for the purpose of receiving, holding, and paying to the registered owners of real property funds payable by the United States under said CA Ordinance No.109.

2. Funds disbursed to the TRUSTEE shall be deposited by the TRUSTEE in the Bank of the Ryukyus in special accounts for payment to registered owners of property covered by each of said accounts. These accounts shall be entitled "GRI Trustee, Rental Account No.____." Said accounts shall be numbered so as to correspond to the numbers assigned to Declaration of Taking filed in accordance with CA Ordinance No.109.

3. The TRUSTEE shall make payment to registered owners of real property covered by each account in accordance with CA Ordinance No.109 and schedule furnished the TRUSTEE concurrently with the funds for deposit. The TRUSTEE shall maintain adequate records of payments to include evidence of payment to each owner.

4. Funds deposit for one year, at the end of which time they may be shall be kept on deposit for one year, at the end of which time they may be withdrawn by order of the United States. In no event shall funds remain in the special accounts for longer than two years.

5. Registration of real property required for use by the United States Forces will be accomplished without payment of registration fees by the landowners or by the United States, but the administrative

expenses

expenses in connection with registration will be borne by the United States.

6. The effective date of this Ordinance is 10 April 1953.

BY DIRECTION OF THE DEPUTY GOVERNOR:

DISTRIBUTION:
B & C

JAMES M. LEWIS
Brigadier General, U.S.
Army Civil Administrator



アジア局長 課長

第五課長

南方班

総南連才一号

昭和二十九年二月一日

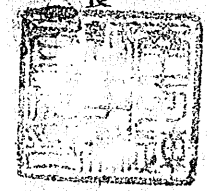
主席事務官

総理府南方連絡事務局 局長

外務省アジア局長 殿

南西諸島における軍用地の不動産使用に対する補償に関する軍布告の公布について

標記の件に関して別紙のとおり那羅日本政府南方連絡事務所長より報告があつたので御参考までにお知らせする。



29.2.4
216

手付
近面

研査
近面

総理府

了
29.2.-8

29.2.-8

29.2.-6
第一課

別紙

那才四八四号

昭和二十八年十二月十一日

那羅日本政府南方連絡事務所長 発

南方連絡事務局長 宛

軍用地区内の不動産使用に対する補償に関する布告才二十六号の公布について

標記に関する布告才二十六号が十二月五日付をもつて別添へとお
り公布された。

本布告は、消息通の見解によれば軍用地問題解決に予てより苦慮
している軍当局が、予算に計上された土地代の支払を何時までも遷
延する訳にはいかないのでこれによつて収用土地の契約を促進し地
代を速かに支払おうという狙いがあるといつては、之は軍用地

総 理 府

問題解決を促進させる法的措置だとして期待するものもあるが他方
住民の納得を得る政治的措置が講ぜられなければ根本的解決は困難
で余り期待してないものもあるようである。

本布告の内容の要旨は次の通りである。

一 アメリカは占領中はヘーグ陸戦法規により、講和後は平和条約才
三条によつて土地の占有使用権を有する。

二 アメリカの駐留は、琉球住民の福祉と防衛のためである（これは
従前の自由諸国を共産主義の侵略から護るために沖繩の基地をア
メリカ軍が確保する）云々に対して注目すべき表現である。

三 今回決定された地代は講和条約発効前のものに比して六〇%高
く
なっている。

四 地代を受取る、受取らないを個々の地主の自由意志による判断に
求めている。

右御参考までに報告する。

UNITED STATES CIVIL ADMINISTRATION OF THE RYUKYU ISLANDS
Office Of The Deputy Governor
APO 719

5 December 1953

CIVIL ADMINISTRATION PROCLAMATION NO. 26

COMPENSATION FOR USE OF REAL ESTATE WITHIN
MILITARY AREAS

TO THE PEOPLE OF THE RYUKYU ISLANDS:

WHEREAS, under the Rules of Land Warfare, and the provisions of Article 52, Section III, of the Regulations Respecting the Laws and Customs of War on Land, Hague Convention No. IV of 18 October 1907, the Armed Forces of the United States requisitioned and took possession of certain real estate needed by the Army of Occupation, and

WHEREAS, by virtue of the power of eminent domain conferred upon the United States by Article 3, Chapter II, of the Treaty of Peace with Japan, the Armed Forces of the United States, subsequent to 28 April 1952, occupied and used certain other real estate needed by the United States forces, and

WHEREAS, the Armed Forces of the United States have been in continuous possession of a certain portion of that real estate designated as "Military Area" from 1 July 1950 and subsequent dates prior to the date of this proclamation, and

WHEREAS, the records of land titles destroyed through war damage have now been restored and owners of land lying within the boundaries of the Military Areas have been appropriately notified of the requisition of their lands by the United States Armed Forces, and

WHEREAS, the United States is now completing payment for rent for the use and occupancy of all land encompassed by the boundaries of the Military Areas from 1 July 1950, or subsequent date of requisitioning, through 27 April 1952, and

WHEREAS, the welfare and defense of the Ryukyu Islands requires the continued use and occupancy by the Armed Forces of the United States of all the Military Areas for an indefinite period of time, and

WHEREAS, agents of the United States have attempted, by negotiation, to enter into written agreements whereby the United States should acquire the right of use and occupancy of the Military Areas in return for estimated due compensation to the landowners, without success, and

WHEREAS, an implied lease and obligation of the United States to pay rent was created the day and date subsequent to 1 July 1950 said lands were requisitioned, and a leasehold interest was thereby vested in the United States as of said date, and

WHEREAS, the continued use of private lands for public purposes without compensation is abhorrent to the Constitution of the United States and may create hardship among the people of the Ryukyu Islands,

GA PROCLAMATION NO. 26

NOW, THEREFORE, I, DAVID A. D. OGDEN, Major General, United States Army, Deputy Governor of the Ryukyu Islands, by virtue of the power and authority vested in me by competent authority, do hereby proclaim as follows:

ARTICLE I

The right of the United States of America to the use and occupancy of the Military Areas heretofore taken by the Armed Forces of the United States under implied lease is hereby confirmed, and the United States of America is hereby vested with the right to use and occupy such lands presently occupied by agencies of the United States as it shall duly register, as provided in Article II hereof, for a term of years which shall begin on 28 April 1952, or subsequent date of requisition prior to this date, and continue through 30 June 1954, subject, however, to existing easements for public purposes, PROVIDED THAT, unless and until the United States Government shall give sixty (60) days notice in writing of cancellation, the right to use and occupy the lands so registered shall remain in force thereafter from year to year.

ARTICLE II

The United States is hereby authorized to register, within the District Land Registry Offices having registry jurisdiction over the land or real property involved, Certificates of Confirmation and Rental Deposit covering subject lands, and such offices are hereby authorized to make such registrations. The said Certificate of Confirmation and Rental Deposit shall reflect the legal description of all lots of tracts involved and the estimated amount of rental money which has accrued and is due from date of requisition, the value of any improvements acquired, and a statement of the amount of rental which will accrue annually thereafter.

ARTICLE III

Forthwith after the filing of said Certificate of Confirmation and Rental Deposit, there shall be deposited by the United States with the Chief Executive of the Government of the Ryukyu Islands, or his duly authorized representative, a sum of money representing the estimated accrued rental and value of the improvements acquired, to be held in trust for the legal owners of said real estate or the benefit of persons entitled thereto. Any payments made by the Chief Executive, or his authorized representative, shall be upon certification of the Government of the Ryukyu Islands that the person(s) receiving such payment was determined, after appropriate title search and physical inspection of the property, to be the proper recipient(s) of the money paid. Unless and until the United States shall give notice of termination, payments of rental shall be made annually at the end of each fiscal year by deposits, as above, provided that adequate appropriations are available from year to year for the payment of rentals. No rentals upon any real estate shall accrue after the effective date of release.

ARTICLE IV

The full amount of money deposited for the benefit of persons entitled thereto may be withdrawn by them upon the execution of a stipulation providing

CA PROCLAMATION NO. 26

that the rental and improvement values registered in accordance with Article II, above, are satisfactory. In the event the said values are not considered satisfactory to the legal landowner, he may withdraw 75% of the amount deposited and within thirty (30) calendar days from the date of the filing of the Certificate of Confirmation and Rental Deposit appeal in writing to the Deputy Governor. Such appeals will be heard before the United States Land Acquisition Commission for the Ryukyu Islands established by Section (3) Civil Administration Ordinance 109, whose award, whether more or less than the estimated values registered under Article II, above, shall be binding and final, both as to the accrued rentals and the annual rental which shall accrue.

ARTICLE V

The Civil Administrator of the Ryukyu Islands shall promulgate such administrative rules and regulations as are needful for the purposes herein proclaimed.

ARTICLE VI

This Proclamation become effective on the 5th day of December 1953.

(Given under my hand this 5th day of December 1953.

BY DIRECTOR OF THE GOVERNOR:)

DAVID A. D. OGDEN
Major General, U. S. Army
Deputy Governor

DISTRIBUTION:
A, B, & C.

第一課長
第五課長

第一備左記局課へ配付済
備左局長
機三課長
TJTB局 29.11.2
第五課
TJTB局 29.11.1
378
TJTB局 29.11.6
第一課

総南連第七二八号

昭和二十九年十月二十八日

總理府南方連絡事務局 長

南方班

外務省アジア局長 殿

外国人の土地取得に関する布令について
標記の件に関し、那覇日本政府南方連絡事務所長より別紙写のと
おり報告があつたので、御参考までにお知らせする。

本件に関しては、平和条約との関係等について何れ御協議願う
考であるが、取りあえず、貴省においても御検討をお願いする。

本信送付先 外務省アジア局長

条約局長

總理府

記録了

那秘第一五号

昭和二十九年十月七日

那覇日本政府南方連絡事務所長

南方連絡事務局長 殿

外国人の土地取得に關する布令公布について
民政府は九月二十八日付を以て外国人の土地取得に關する布令（第一三九号、九月二十九日施行）を公布し、民政官の許可を条件に外国人の土地取得権を認めることとしたので各方面に衝撃を与へ重大な問題となつた。右は軍用地の収用等にも悪用せられる虞もあるので注意の要があるが其平和条約に対する關係等至急中央にて御研究の上当方心得等御回訓願いたい。

本布令の我が外国人土地法及同施行令に対する關係については本

総 理 府

官から一応民政府当局の意見を質した処、行政分離後は副長官が果知事の地位に立つこととなるとの解釈から本布令を以て事実上同勅令を排除したものであると答へ、且外国人の土地に対する投機を抑圧する意図から発せられた本布令が沖繩側から反対に誤解せられつつあるのは遺憾であると語つた。

琉球政府当局も本布令発出に付ては事前何等の連絡なく「寝耳に水」だとして「未だ正式の訳文も出来て居ないので公報も未発表」狼狽し乍ら軍の真意を捕探するに苦慮して居り、各政党も其領土權との関連から重大な関心を示して居るので、同布令要旨及当地の反響不取敢左の通り報告する。

記

一本布令の要旨

- 1、非琉球人は民政官の許可なくして琉球における土地に關する恒久的権利を取得することは出来ない。
- 2、民政官の許可書が当該登記所に送付された場合のみ登記所

- 3、権利取得の申請が、それが法律に基く上での利益をもち、また当該土地の利益に合致する場合に限り許可される。
- 4、一恒久的権利」とは土地所有権及地上権又は永小作権を云う。
- 5、この布令に基かき土地に關する恒久的権利の譲渡又は取得は、当初からこれを無効とする。但し、この布令の発効日以前効力を有した法律に基き、無条件に行われた土地に關する恒久的権利の譲渡又は取得はこの限りでない。
- 6、既存の法律でこの布令に抵触するものある場合は本布令による。但し本布令が外資導入に關する現行法律に影響を及ぼすものではない。

二 政黨の反響

總 理 府

立法院も軍當局の意見を明確にし得てゐないが、その反対氣勢は与野黨によつて程度の差があるが濃厚である。該政黨中最も態度明確なのは村大党であつて、同党は四日に中央委員会開催の結果、同布令は、一法的根拠に疑義がある。二この布令を出すに政府の真意が理解出来ない。三外人の土地所有権の取得が特殊経済にプラスになるとは考えられない。四この事實により米國が油類に對し恰も植民地政策を実施するかの如き疑惑を与え、政治的にも聲明を改訂とは考えられない。五断定に對策として一余りにも重要な問題であるため、早急に臨時議會を召集し、同布令の趣旨を明確にして貰ふと共に住民の意志を決定するため党所屬議員に上り臨時議會の招集を要求する。二それまでの期間に、同布令の實施保留について行政主席が責任を以て措置するよう要請することを決議した。尚、同党平良委員長は四日の中央委員会に於て次の通り語つたとのことである。一これは非公式に部内から入手した情報に上るものである。

一 村大党は本問題を如何なる問題よりも重視している。法的根拠について、疑義をもつてはいるが、この布令を実施された場合、何のような事態になるかを非常に心配している。第一この布令を公布したアメリカの真意が奈辺にあるか。そこが恐しいのである。軍当局は地球の経済に極めて有利に影響すると云つてはいるが、この布令の実施によつて次第に土地の所有権がアメリカに移り、終には、軍用地までを買収するとなれば、沖縄の土地の大半はアメリカが所有することになる。アメリカは、予々、沖縄の人達は土地を帯つて八重山に移住すれば莫大な利益を得ることになり、地球経済を有利に導くことになると云つて来たが、沖縄の土地問題は常に八重山への移住と絡ませている。一休、土地をアメリカに売つてしまえば、沖縄人は山入りをする以外に途はなく、全く植民地の原住民になり切らなければならない。首なる政治問題ではなく、子々孫々まで、殺さなければならぬ。民族の死活問題である。

総 理 府

村大党はこの際、重大決意をもつて沖縄住民と共に本布令の施行に絶対反対を表明し、如何なる困難をも排除して沖縄の土地を守り抜く決意を愈々堅くするものである。

三 本布令の公布を機に、昨年、米カトリック教会が真和志市三原区の土地を購入して登記所に既に登記済みの一事例があることが判明したが、本件は本布令公布以前に熟置（じやくち）されていることであるので、その経緯を琉球政府法務局に質したところ、一本件は外国人が土地を購買する根拠がないので頑強に拒否し続けたのであるが、軍長官の許可証を提示されたので、万止めを得ず認められた次第である。本件に對しての民政府の意向としては、外国人土地法施行令（大正一五十一ニ勅令三三四）第二条に換る「外国人外国人：。地方長官を経由して陸軍大臣及海軍大臣の許可を受く」の条文中の陸軍大臣及海軍大臣は現在の沖縄の場合は副長官に読み変へて出来る。又、個々の問題として許可したにすぎないとのことだつた。

沖繩新聞(昭三九、五)

各党対策に腐心

波乱よぶ布令百三十九号

九月二十九日公布された布令(三九号)外人の土地取得に關する布令)については、各方面から注目されているが、各政党でもこの布令に対して慎重に審議を進めている。なお立法院土地特別法では、それだけの政党の決定に^基いて審議を進めることになっており、きょう午後一時から委員会を開き、この布令に対する^{対策を}検討する。

民主党 四日ある二時半から党本部で全議員(大浜、砂川、安谷屋三議員欠)が出席して議員総会を開催、布令一三九号日琉運賃問題について協議を行った。布令一三九号については、問題が問題だけに流石な意見が述べられたが結論を出さず、きょう(五日)に民政府に照会することに決めた。

総 理 府

。新里幹事長談話 新聞紙上で発表されただけでは充分あからず、きょう(五日)に民政府に布令として公布しなければならなかった理由があつたか、どうかについて民政府の意向を聞いた上さらに検討したいと思ふ。

社大党 四日ひる五時から中央執行委員会を開き、布令一三九号について討議した結果、次の四項目をあげ党の態度を明らかにした。

- 一 法的根拠に疑義がある。
- 二 本布令を出す真意が理解出来ない。
- 三 外人土地所有権の取得が琉球経済にプラスになるとは考えられない。
- 四 この布令の^{如き}実施により米國が沖繩に対し植民地的政策を実施する^{如き}疑義が^{如き}与えるので政治的にも賢明なる政策とは考えられない。

なお同党ではその方法として次の二案をあげている。

一 余りにも重要な問題であるので、臨時議会を招集して本布令の主旨を明確にして貰ふと共に住民の意志を決定すべきであるという見地から党出身議員による臨時議会招集を要求する。

二 それまで本布令の実施保留について、主席は責任をもつて軍に折衝するよう中央執行委員会の決定に基き要請する。

人民党 三日午前九時から常任委員会を開催次つとおり決定した。

瀬長書記長談 領土権を与えられていない米国政府は、沖繩の土地賣売譲土の許可権はない。これは対日講和条約のオ三条後段が裏付けてあり、さうに米国自体がそれを裏付けている。即ち軍使用地問題についての布令布告

総 理 府

特に契約権、並びに布告二六号に表われているとおりである。

軍が使う土地さへも領土権がないため地主と契約を結ばねばどうにもならないことをハッキリと書かれている。法的根拠と具体的な米国の布告に書かれている事を綜合して見ても誰の目にも明らかなるように米国が土地賣売譲土権に関する許可権を握っていることは全く法を離れて常識でも考えられないことだ。従って党としてはどこまでも布令の廢止を全住民の先頭に立って斗い、土地と云う財産を守り日本の国土を防衛衛するために全力を注ぐことに決定した。

アジア局長 第一課長

第五課長

30.4.12 第五課

30.4.11 840

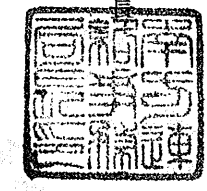
30.4.14 第一課

南方班

総南連第三六六号

昭和三十年四月八日

總理府南方連絡事務局



外務省アジア局長 殿

布令第一三九号「非琉球人による土地の恒久的権利規則」の
疑義について（関連昭二九一〇二八日付総南連第七二八号）
標記の件に關し、那邇日本政府南方連絡事務所長より別紙のとおり
報告があつたので御参考までにお知らせする。

總理府

30.4.14 記帳

第一課長

第五課長

南方班

寫

那第一七七号

昭和三十年三月十六日

那嶽日本政府南方連絡事務所長

南方連絡事務局長 殿

布令第一三九号「非琉球人による土地の恒久的権利規則」の疑義について

標記の件については、各方面にショックを与えたのみならず解釈上疑問の点が少くないので注目されていたところであるが、今回、非公的に琉政法務局より入手した別添書簡写によつて民政府の意向の大体が判明し得られるので御参考までに送付する。

總 府



法民第四八二号

一九五五年二月二日

法務局長

眞喜屋 実男

各登記所長 殿

布令第一三九号「非琉球人による土地の恒久的

権利取得規制」について（通達）

首題については、一九五四年九月二十八日に公布され同月二十九日から施行されているが、これが実施について琉球政府として聊か疑義の点があつたので、民政官に対して左記「向」のとおり照会したところ「答」のとおり回答がきていたので、事務処理上の参考と資としておらう。

記

向一 布令の理解に資するため次の点を含め布令の根本趣旨につき公式の御説明をお願いする。

(a) この布令を發布した直接の動機。

答一 (a) この布令は不動産の賃貸借を以てしては、大規模の投資を充分適当に保護することから出来なうと思われる場合に、琉球列島住民及び琉球経済の利益のために統制付きの外資導入を誘致し且つ許可することと本来の目的として發布されたものである。

向一 (b) この布令を發布しなければ著しく不都合である点。

答一 (b) 本件は關係ある日本の現行法規即ち外国人土地法（一九二六年法律第四十二号）の第四條及びその施行のための政令第四條及びその施行のための政令第三三四号（一九二六年）は、左記現状

に鑑みざるは時宜に適しないものと思われる。

④ 琉球列島における外国人の土地に関する権利取得を制限している前記外国人土地法第四條の規定は、旧日本帝国の国土防衛を目的として謳つてゐるが、この義務と責任は最早日本帝国ではなくして琉球列島の駐留してゐる米國軍隊に負わされてゐる。

米國軍隊はこのような法律の存続を必要としなない。

⑤ 政令によつて補足された外国人土地法は、日本政府陸軍省又は海軍省が申請を承諾すれば總則を除外例とすることを規定してゐるが、琉球列島内における日本政府の権限はすべて停止されてゐるので、(一九四五年米國海軍軍政府布告第一号)、前記の行政処置は、日本陸海軍省職員に代り、当然副長官が之を執行することからできさう。然しこれは適切な且つ現実の適つた解決であると思われなかつた。

⑥ 非琉球人の不動産に関する恒久的権利の取得を規制しなればならぬことは明白であるが、この規制は法律にも反映されてゐるとあり、原則的に軍面における寧ろ経済面において正当化されるものである。

⑦ 第六項は「この布令に抵触する従来法規は廃止する」と規定してゐるが

⑧ このことはこれまで効力を有してゐた「外国人土地法」「外国人土地法施行令」等外国人土地法と関係するすべての旧日本法令は、その効力を失うという意味であるか。

答ニ

⑨ 「今までの効力を有してゐた法律に代替する」と布令にあるのは、

該布令の特定の目的及主要件に抵触する法律の部分なりを意味する。外國人土地法は全的に廃止されてはいるが琉球に關する限り將來の事件に對する行政を制限することを以て外國人土地法の第四條及び該條の規定を補足した如何なる政令をも排除することを布令第三九号は意圖してゐる。

由二(四) 若し然りと解するならば、許可手續、登記手續等基準となる法規がなく、琉球政府と住民と對する説明上困難を感ずるので、布令施行のための諸手續規則を明示してゐるまい。

答二(四) 前記二(四)の回答に鑑み別段の回答を必要としなからう。

由二(四) 手續に關する規則の制定にあつては、土地所有權を取得するものの許可申請には、行政主席を経由するもの考慮されたい。

答二(四) 土地の買上許可申請についての貴政府の所見及び勸告を受入れることと望まざることではあるが、申請をせざるべからざる且つ簡便に処理したいというのが、副長官の希望である。この目的にかなつた手續を貴政府が提案し、そしてそれが受諾され得るものであれば、布令の執行に關する規則にこれを取り入れることかである。

由三 琉球列島において外資を投下せんとする者は、外資導入合同審議會に免許申請をしなければならぬことになつてゐるが(一九五二、一、二九指令第二〇号)

(四) 土地の購入は、理論的には投資と考へられるので非琉球人が琉球において土地を購入せんとするときはすべて外資導入委員會の審査に附されるべきだと解してゐる。

答(四) 法律によれば、外資導入合同審議會は、商業的の投資のみ

関係するよりあり一個人の目的若しくは慈善又は親善共済のための同経済における支出は學術的又は一種の非營利的性質を帯びた投資と考へられるが、このような支出も該審議会の所管にするのは適當ではなく又望ましくもない。

向四 第三項に非琉球人が琉球において土地の所有権を取得することができるのは、それが琉球経済の利益をならすものだけではないかと規定しているが

(a) その趣旨は理解し得るが、これが琉球経済にプラスするか又は投機的なものかについては、琉球政府並に住民側の見解を反映して決定されるよう配置されるべきであり、そのために必ずして外資導入委員会に附議して決定するようになっている。

答(2) 事實上の利益を目的とすると思われ土地に対する投資については、勿論該審議会の審議に附すべきであらう。

向五 第四項に非琉球人とは琉球人以外の個人又は琉球列島永住者以外の個人及び資本の半額以上若しくは議決権の過半数が非琉球人又は非琉球人兼法人に属すると規定しているが

(a) 琉球銀行の資本金の五％は米国民政府が保有する(一九五二、一三布令第四八号)ことになっているので、琉球銀行が琉球において土地の所有権を取得するには、米政府の許可が必要であると解してよいが。

答(3) 琉球銀行條例は琉銀の法的権限の一つとして土地の所有を擧げているが(布令第四八号改正一号第五條第二項(2))布令第一三九号は、それ以前に公布された如何なる権限にも影響するものでない。

問(四) 米国会衆国は公法人であるが、この布令は非琉球人に対する
当分の間、この布令は米国が国として琉球に土地を所有するた
めの制度を含むものと解してよいか。

答(四) 合衆国の土地収用については、諸布令によつて特別の規定が設
けられているが、これらの布令は布令第一三九号の規定によつては
少しも影響を及ぼさない。

問六、第五項は、この布令発効期日以前に効力を有する法規に基
いて無条件に行われた土地に対する恒久的権利の移転又は取
得については、この限りでない規定になっているが、

(四) 民法(第一七六條)によると、土地の所有権の移転は、当事
者の意思表示のみによつてその効力を生ずることとなっているが、
この布令発効以前に賣買契約とある非琉球人(日本人
であつてこの布令によつて非琉球人扱となつた)は、未だ登記をして
なくても所有権を取得してあるので、この布令発効後も民政官
の許可なくして登記が出来るかと解してよいか。

答(四) 貴見解は正しいが、この場合賣買契約が実際に布令発効
以前に完了したと見做して如何なる合理的疑問の余地もない程
に確たる証明が必要とされる。

問(四) 土地所有権証明書を有する(一九五二布告第八号)非琉球
人(日本人であつてこの布令によつて非琉球人扱となつた)は、その未
登記のものに關してこの布令発効後も民政官の許可なくして
登記が出来ると解してよいか。

答(四) 貴見解を是とする。
問七、布令第一項は、非琉球人は民政官の許可なくして琉球の

土地に対する恒久的権利を取得してはならないと規定されているが
(4) 琉球の土地を有してゐる者が歸化転籍等により非琉球人となつた場合にはその者はその都度所有する土地につき許可を受けなければならないか。

答(4) 以前琉球人であつたとき土地を所有してゐた琉球人は該土地の登記につき許可を得る必要はない。

(5) 相續に因り非琉球人がこの布令發布後琉球の土地を取得した場合は、その都度民政官の許可を受けなければならないか。

答(5) 相續に因つて土地を取得した非琉球人は布令第三九号の規定する許可申請をすべしである。併しこの場合何ら難かし
いことはないと思われぬ。

UNITED STATES CIVIL ADMINISTRATION OF THE RYUKYU ISLANDS
Office of The Deputy Governor
APO 719

CA ORDINANCE
NUMBER 139

28 September 1954

REGULATION OF ACQUISITION OF PERMANENT
LEGAL INTEREST IN LAND BY NON-RYUKYUANS

1. Non-Ryukyuan shall not acquire permanent legal interests in land in the Ryukyu Islands without approval of the Civil Administrator.
2. Land Registry Offices shall only register transfers of permanent legal interests to Non-Ryukyuan when a certificate of approval of the Civil Administrator is submitted to the appropriate Land Registry Office.
3. Applications for approval will be favorably considered only when the best interests of the Ryukyuan economy are thereby served and no lesser interest in the land concerned would serve the purpose. Under no circumstances will approval be granted for speculative purposes or for purposes inimicable to the military security of the Ryukyu Islands.
- 4.a. "Non-Ryukyuan" as referred to in this Ordinance shall include individuals who are other than Ryukyuan or who are other than Permanent Residents of the Ryukyu Islands (as provided in CA Directive No. 5 of 1954) and juridical (corporate) persons at least half the capital or a majority of the voting stock of which belongs to Non-Ryukyuan or Non-Ryukyuan juridical persons. The term "Non-Ryukyuan" shall also include any proxies, agents and attorneys-in-fact of Non-Ryukyuan.
- b. "Permanent legal interests" for the purposes of this Ordinance shall include ownership of land and superficies or emphyteusis rights in land.
5. Transfers of, or acquisitions of permanent legal interests in, land not in compliance with this Ordinance are null and void ab initio, provided that transfers of acquisition of permanent legal interests in land unconditionally executed in accordance with prevailing law in effect prior to the effective date of this Ordinance shall not be effected thereby.
6. Heretofore prevailing laws in conflict with this Ordinance are hereby superseded, provided that this Ordinance shall not be construed to affect existing laws and regulations concerning foreign investment.
7. The effective date of this Ordinance shall be the 29th day of September 1954.

BY DIRECTION OF THE DEPUTY GOVERNOR:

W. M. JOHNSON
Brigadier General, U.S. Army
Civil Administrator

DISTRIBUTION:
A, B & C

アジア局長 次 長 第一課長

総南連才五九三号

昭和三十一年七月二十四日

総理府南方連絡事務局 長

外務省アジア局長 殿

布令等改正の送付について
標記に關し左記のとおり御参考までに送付します。

記

一 布告三三号（布告二六号の全面改正）

二 布令一〇九号改正才三号

三 布令一一六号改正七号及び改正八号

四 指令才四号

五 指令才五号

六 布令才六六号改正八号

七 布令才一五五号

八 布令才八〇号改正四号

九 布令才一号改正二号

十 布令才一一三号改正一号

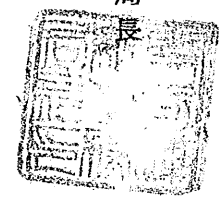
十一 布令才一五六号

十二 布令才三六号改正二号

十三 布令才一二五号改正二号

総理府

以上



アジア局
31.7.26
第一課

南
31.7.26
88

内閣府 登記簿 31.8.2

記帳了

31.8.3

COPY

規則ヲ々号
琉球ノ休日

U.S.C.A.R

CA DIRECTIVE
NUMBER 4

9 May 1956

SUBJECT: Ryukyuan Holidays

1. Reference Article 79 of CA Ordinance Number 116, dated 18 August 1953, as amended, Subject: "Labor Relations and Labor Standards Concerning Ryukyuan Employees."

2. Holidays listed in para "a" of reference 1 will occur on the following dates during the year 1956:

- a. New Year - 1 and 2 January 1956;
- b. Vernal Equinox - 21 March 1956;
- c. Ryukyu Government Inauguration Day - 1 April 1956;
- d. Obon - 20 and 21 August 1956;
- e. Autumnal Equinox - 23 September 1956; and
- f. Christmas - 25 December 1956.

3. CA Directive Number 1, dated 14 January 1955, is hereby rescinded.

FOR THE DEPUTY GOVERNOR:

VONNA F. BURGER
Brigadier General, USA
Civil Administrator

DISTRIBUTION:

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U.S.C.A.R

CA ORDINANCE
NUMBER 116 (18 Aug 53)
CHANGE NO. 8

1 June 1956

LABOR RELATIONS AND LABOR STANDARDS
CONCERNING RYUKYUAN EMPLOYEES

労働条件改善
= 関係3件

CA Ordinance No. 116, "LABOR RELATIONS AND LABOR STANDARDS CONCERNING RYUKYUAN EMPLOYEES," dated 18 August 1953, as amended, is hereby further amended as follows:

1. Article 50 is amended to read:

"Article 50. LEAVE WITH PAY:

"a. Annual leave with pay:

"(1) All employers shall grant employees annual leave with pay, to be accrued at the rates specified below, provided the employee works not less than eighty per cent (80%) of all regularly scheduled work days during the calendar month. For the purpose of earning annual leave with pay regularly scheduled work days shall consist of eight (8) hours per day for five (5) days per week, unless a shorter tour of duty is established. Time worked in excess of eight (8) hours per day or five (5) days per week will not be considered toward the completion of the minimum hours per month.

"(2) An employee will not be entitled to credit or use of annual leave with pay until he has been employed currently by the employer for a continuous period of ninety (90) calendar days under one (1) or more appointments without a break in service of one (1) work day. Approved sick leave with pay or leave without pay during the ninety (90) day period will not be considered a break in service. At the end of the ninety (90) day period, annual leave with pay earned will be credited retroactively to the employee's account.

"(3) An employer shall not be required to grant an employee annual leave with pay, for reasons other than sickness, at such times as would hinder the employer's operation; however, the employer shall inform his employee of the dates for which the employee's annual leave with pay will be approved when the employee submits a request for such leave.

"(a) An employee with less than three (3) calendar years of service shall accrue annual leave with pay at the rate of eight (8) hours for each calendar month of service (twelve (12) days per year).

"(b) An employee with three (3) or more calendar years of service, but less than six (6) calendar years of service, shall accrue annual leave with pay at the rate of ten (10) hours for each calendar month of service (fifteen (15) days per year).

"(c) An employee with six (6) or more calendar years of service, but less than nine (9) calendar years of service, shall accrue annual leave with pay at the rate of twelve (12) hours for each calendar month of service (eighteen (18) days per year).

"(d) An employee with nine (9) or more calendar years of service shall accrue annual leave with pay at the rate of thirteen (13) hours and twenty (20) minutes for each calendar month of service (twenty (20) minutes for each calendar month of service (twenty (20) days per year).

"(5) In the application of the scale provided for in the preceding paragraph, adjustments may be made by employers utilizing other than monthly pay periods: Provided, that such adjustments do not result in a net reduction by more than four (4) hours annual leave with pay at any time and result in no net reduction in a three (3) years period.

"(6) An employer shall not be required to permit an employee to accumulate annual leave with pay in excess of two hundred forty (240) hours (thirty (30) working days).

"(7) When an employee is terminated, the employer shall make a lump sum leave payment (in no case shall the amount be required to exceed an amount equal to wages for two hundred forty (240) hours (thirty (30) working days)) to the employee, within thirty (30) days after termination, for the unused annual leave with pay accrued and accumulated to the employee's credit at the time of separation.

"(8) An employer shall not apply accrued or accumulated annual leave with pay to satisfy any part of the requirement of thirty (30) days notice under the provisions of Article 37.

"(9) An employer shall take into account all years of continuous service completed by an employee prior to the effective date of this Ordinance, as well as years of service following the effective date of this Ordinance, in determining the rate of accrual of annual leave with pay.

"(10) Actual accrual of hours of annual leave with pay shall begin on 17 January 1953: Provided, that accrual of hours of annual leave with pay at the rates prescribed by sub-paragraphs '(4) (a)' through '(4) (c)' of paragraph 'a' of this Article shall begin on 1 January 1956, and that accrual of hours of annual leave with pay at the rate prescribed by sub-paragraph '(4) (d)' of paragraph 'a' of this Article shall begin on 1 July 1956.

"b. Sick leave with pay:

"(1) All employers shall grant employees sick leave with pay to be accrued at the rate of eight (8) hours for each calendar month of service (twelve (12) days per year) beginning 1 July 1956.

"(2) Sick leave with pay will not be converted to any other type of leave nor transferred to any other person and will be cancelled upon separation of the employee, or a break in service of more than thirty (30) days.

"(3) An employer may require a reasonable proof of illness. A licensed physician's certificate stating the nature of the illness and the necessity for taking leave will be accepted."

2. Paragraph "d" is added to Article 58 to read:

"d. When incapacity for work by reason of pregnancy is established by proper medical statements and certificates, absence from duty may be charged to accumulated sick leave with pay."

3. The "Table of Contents" of GA Ordinance No. 116 is amended as follows:

"50. Leave with Pay (Combined Annual Leave and Sick Leave)" is amended to read:

"50. Leave with Pay."

4. The effective date of this Change is 1 July 1956.

FOR THE DEPUTY GOVERNOR:

DISTRIBUTION:
A

VONNA F. BURGER
Brigadier General, USA
Civil Administrator

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CA ORDINANCE
NUMBER 66
CHANGE NO. 8

12 June 1956

(教育に関する布令才66号の改正才8号)

CODE OF EDUCATION FOR THE RYUKYUS

1. Section 1 of Part III of CA Ordinance No. 66, 7 April 1953, is hereby amended to read as follows:

"1. The Board of Education shall consist of nine (9) members who shall be appointed by the Chief Executive subject to confirmation by the Legislature. Terms of office for all board members shall expire on the first day of July in the year of the termination of appointment. Members of the board shall be appointed to serve for a term of four years and thereafter until their respective successors are duly appointed and qualified. Vacancies on the Board shall be filled for the unexpired portion of the term of the predecessor as provided for original appointments."

2. No member of the Legislature who, prior to this date, may have previously served as an ex-officio member of the Board of Education pursuant to the original text of the said section, shall be held to have disqualified himself in any way as a member of the Legislature or to be subject to censure or discipline by or before that body or elsewhere for having so served previously.

3. This change shall be effective on 12 June 1956.

FOR THE DEPUTY GOVERNOR:

VONNA F. BURGER
Brigadier General, USA
Civil Administrator

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CA ORDINANCE
NUMBER 156

22 June 1956

TRAVELING EXPENSES, DAILY ALLOWANCES,
LODGING ALLOWANCES AND REMUNERATION FOR ATTORNEYS

1. The provisions of Act No. 42 of 1954 of the Government of The Ryukyu Islands shall apply mutatis mutandis to attorneys hereafter appointed by the court for a defendant pursuant to sub-paragraph "b" of Section 1.3.3. of Civil Administration Ordinance No. 144.

2. Applications for such payment and the processing thereof shall be administered in accordance with rules established or to be established by the Court of Appeals of the Ryukyus.

3. Upon certification by the Court of Appeals of the amount to be paid, the Government of the Ryukyu Islands will effect payment from the same source and in the same manner as payments made pursuant to Act No. 42, 1954, of the Government of The Ryukyu Islands, first cited above.

4. Civil Administration courts, upon appointment of such attorneys shall issue appropriate proof of such appointment to such court, official or other agency as may be designated in the rules of the Court of Appeals established pursuant to Section 2 above. Such Civil Administration courts will also furnish such information concerning the services rendered by such attorneys as may be required by the rules so established by the Court of Appeals of the Ryukyus.

The effective date of this Ordinance shall be 1 April 1956.

FOR THE DEPUTY GOVERNOR:

VONNA F. BURGER
Brigadier General, USA
Civil Administrator

DISTRIBUTION
A

U S C A R

GA ORDINANCE
NUMBER 113
CHANGE 1

6 June 1956

Establishment
of
RYUKYU WAREHOUSE CORPORATION

The Charter of the Ryukyu Warehouse Corporation established by GA Ordinance 113, dated 26 May 1953, is hereby changed as follows:

1. Paragraph 6, Article III of the Charter is amended to read as follows:

"6. To transmit to the Counterpart Fund, United States Civil Administration of the Ryukyu Islands, proceeds resulting from the sale of capital assets of said corporation after payment of all debts."

2. Article IX of the original Charter of the corporation is redesignated as Article X and a new Article IX is incorporated in the Charter of the Corporation as follows:

ARTICLE IX

Dissolution

This corporation shall not be dissolved until such time as the Civil Administrator so determines. When such determination is made, the corporation may be dissolved upon the following conditions:

a. Upon notice from the Chief Executive of the Government of the Ryukyu Islands, the Board of Directors shall take appropriate action to wind up the affairs of the corporation and to dissolve it in accordance with the requirements stated in such notice.

b. All property, real or personal, possessed by the corporation shall be sold or disposed of as the Chief Executive, GRI, with the approval of the Civil Administrator, shall specify for the benefit of the people of the Ryukyu Islands.

FOR THE DEPUTY GOVERNOR:

VONNA F. BURGER
Brigadier General, USA
Civil Administrator

DISTRIBUTION:
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U S C A R

GA ORDINANCE (4 May 1948)
NUMBER 1
CHANGE NO. 2

5 June 1956

Establishment of the Bank of the Ryukyus

1. Amended Charter and Amended By-Laws of the Bank of the Ryukyus, as attached to Ordinance Number 1 (Establishment of the Bank of the Ryukyus), dated 4 May 1948, as amended 4 May 1954, are hereby further amended as follows:

a. Article II, Section 5, (11), Amended Charter of the Bank of the Ryukyus is further amended as follows:

"Other Loans - Make secured loans or discount secured paper for agricultural manufacturing, industrial or commercial purposes not herein otherwise provided for; provided, however, that loans, discounts or advances made pursuant to authority granted in this Subsection shall have maturities and may be renewed at the discretion of the Board of Directors, not exceeding five (5) years from original date of loan, and such loans having maturities exceeding one (1) year shall be on installment repayment basis; provided, further, that any such loan, discount or advance shall not exceed seventy percent (70%) of the market value of the security supporting such loan, discount or advance when such security consists of stocks, bonds, warehouse receipts or other personal property, and sixty-five percent (65%) when they consist of real property. Said value shall be determined as of the date on which the loan, discount or advance is made."

b. Article V, Section 13., Amended Charter of the Bank of the Ryukyus is further amended as follows:

"Number And Election The number of Directors of the Bank shall be eight (8), who shall be elected at an annual meeting of stockholders, as herein provided for."

c. Article XII, Section 27., Amended Charter of the Bank of the Ryukyus is further amended as follows:

"Voluntary Reserves In event there is a surplus after provision has been made for the legal reserve and dividends as provided for in this Article, such surplus may be transferred to the surplus appropriation reserve account and/or the general purposes Contingency Reserve Account."

d. Article XII, Amended Charter of the Bank of the Ryukyus is further amended by the addition of the following section after Section 27 thereof:

"Section 28. Other Profits In event there is a surplus after provision had been made for the legal reserve, dividends, and Voluntary Reserves as provided for above, such surplus shall be transferred to the account of undivided profits."

e. Paragraph 28, Article XIII, Amended Charter of the Bank of the Ryukyus is redesignated paragraph 29.

f. Article II, Section 13., Amended By-Laws of the Bank of the Ryukyus is further amended as follows:

"Election of Directors - The Board of Directors shall be elected at an annual meeting of the stockholders and such board shall consist of eight (8) members who shall serve for three (3) years or until their successors shall have been duly elected and qualified. The election of directors shall be by ballot and the candidates, to the number to be elected, receiving the highest number of votes shall be declared elected. If, for any reason, the directors are not elected at an annual meeting of stockholders, a special meeting shall be called for the purpose not more than thirty (30) days after the day when the annual meeting should have been held. The term of office of directors elected at such a special meeting shall extend to the date of the annual meeting of stockholders in the third year following that in which they were elected and shall extend thereafter until their successors shall have been duly elected and qualified. Two inspectors of Election shall be appointed by the President to conduct the election of directors. These inspectors shall be sworn to faithful discharge of their duty and shall then take charge of the election. No person who is a candidate for this office of director shall act as an inspector of election."

g. Article III, Section 19., Amended By-Laws of the Bank of the Ryukyus is further amended as follows:

"Number And Authority - A board of eight (8) Directors shall be elected, who shall have entire charge of the property, interests, business, and transactions of the Bank, with full power and authority to manage the same except as otherwise provided in the charter."

2. The effective date of this Change shall be 1 May 1956,

FOR THE DEPUTY GOVERNOR:

DISTRIBUTION:

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VONNA F. BURGHER
Brigadier General,
Civil Administrator

U S C A R

GA ORDINANCE (10 June 52)
NUMBER 80
CHANGE NO. 4

5 June 1956

AMENDED CHARTER OF THE RYUKYU LIFE INSURANCE COMPANY, LTD.

1. Article 8, the Amended Charter of the Ryukyus Life Insurance Company, Ltd., as attached to GA Ordinance No. 80 (Establishment of Ryukyus Life Insurance Company, Ltd.), 10 June 1952, and amendments thereto, is hereby rescinded and the following substituted therefor:

"Article 8. The maximum liability, which the Company may assume for an individual risk shall be three hundred thousand yen (¥300,000)."

2. The effective date of this amendment is 8 May 1956.

FOR THE DEPUTY GOVERNOR:

DISTRIBUTION:

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VONNA F. BURGHER
Brigadier General, USA
Civil Administrator

U S C A R

CA ORDINANCE
NUMBER 155

22 May 1956

RESCISSION OF CA ORDINANCE NO. 154

Civil Administration Ordinance Number 154, dated 21 March 1956, "Registration of Transactions Affecting Lands Occupied by the United States," is hereby rescinded.

The effective date of this Ordinance is 22 May 1956.

FOR THE DEPUTY GOVERNOR:

VONNA F. BURGHER
Brigadier General, USA
Civil Administrator

DISTRIBUTE ON:
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U S C A R

CA ORDINANCE
NUMBER 125 (11 Feb 54)
CHANGE NUMBER 2

28 March 1956

CONTROL OF ENTRY AND EXIT OF INDIVIDUALS INTO AND FROM THE
RYUKYU ISLANDS

1. CA Ordinance Number 125, dated 11 February 1954, "Control of Entry and Exit of Individuals Into and From the Ryukyu Islands", Section VIII, is hereby amended as follows:

SECTION VIII

FEES

36. a. Fees for immigration services shall be assessed by the Government of the Ryukyu Islands in accordance with the following schedule:

- | | |
|--|----------|
| (1) Issuance of re-entry permit (single) | ¥ 200.00 |
| (2) Issuance of re-entry permit (multiple) | ¥1000.00 |
| (3) Issuance of residence certificate | ¥ 150.00 |
| (4) Re-issuance of residence certificate | ¥ 100.00 |
| (5) Renewal of residence certificate | ¥ 50.00 |
| (6) Revision of residence certificate | ¥ 50.00 |
| (7) Change of status to permanent resident | ¥ 250.00 |

b. Persons whose status in the Ryukyu Islands is classified "Official" and persons supported by the Government of the Ryukyu Islands in accordance with the Special Security Relief Act shall be extended immigration services gratis.

c. A ¥1000 surcharge is authorized in cases wherein action is not completed within the time limits as prescribed in this Ordinance. Such charge shall not be made without prior approval of the Director, Public Safety Department, or his authorized representative.

2. The effective date of this change shall be 2 April 1956.

FOR THE DEPUTY GOVERNOR:

VONNA F. BURGER
Brigadier General, USA
Civil Administrator

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U S C A R

CA ORDINANCE
NUMBER 36 (19 Jan 51)
CHANGE NUMBER 2

16 June 1956

NURSES' EXAMINING BOARD ORDINANCE

1. CA Ordinance Number 36, 19 January 1951, entitled as above is hereby amended by adding the following text to paragraph 7 of Article II thereof:

"Where a person has been licensed hereunder under more than one category, re-registration under any one category shall entitle the applicant to re-registration under her remaining categories without payment of additional fees."

2. The effective date of this Change shall be 15 June 1956.

FOR THE DEPUTY GOVERNOR

VONNA F. BURGER
Brigadier General, USA
Civil Administrator

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CA ORDINANCE
NUMBER 116 (18 Aug 53)
CHANGE NO. 7

9 May 1956

LABOR RELATIONS AND LABOR STANDARDS
CONCERNING RYUKYUAN EMPLOYEES

CA Ordinance No. 116, "LABOR RELATIONS AND LABOR STANDARDS CONCERNING RYUKYUAN EMPLOYEES," dated 18 August 1953, as amended, is hereby further amended as follows:

1. Article 37 is amended to read:

"Article 37. NOTICE OF TERMINATION OF EMPLOYMENT:

"a. All employers shall give the employee thirty (30) calendar days' notice in writing, or thirty (30) calendar days' wages in lieu of such notice of the employer's intention to release an employee. However, no notice is required when employment is discontinued by reason of an act of nature or other cause beyond the control of the employer, or when the employment is terminated for a reason for which the employee is responsible.

"b. Employers shall not be required to give such advance notice to employees, in general, with less than sixty (60) calendar days' continuous service; to employees engaged in construction work with less than one hundred twenty (120) calendar days' continuous service; nor, within the contract period, to employees hired under definite contract for a stated job requirement to be completed within a specific period of time described at the time of hire."

2. Article 43 is amended to read;

"Article 43. MINIMUM WAGE:

"Employers are required to pay not less than eleven yen (¥11) per hour for each hour worked in accordance with Article 49. The employer shall furnish the employee in writing and prior to assignment of work the rate of pay to be paid for work performed. The employer shall notify the employee thirty (30) calendar days in advance and in writing of any pay rate reduction. Employers using piece or commission rates of pay without a guarantee of eleven yen (¥11) per hour shall require the approval of a fair rate of pay from the Civil Administrator."

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3. Article 79 is amended to read:

"Article 79. HOLIDAYS:

"a. All employees may be excused on the following holidays, on dates announced annually by USCAR Directive, such absences to be charged to leave without pay unless the employee has sufficient accrued annual leave with pay accumulated to his credit:

- "(1) New Year - January 1st and 2nd;
- "(2) Vernal Equinox - ('Haru No Higan');
- "(3) Ryukyu Government - April 1st;
Inauguration Day
- "(4) Obon - July 15th and 16th of lunar
calendar year;
- "(5) Autumnal Equinox - ('Aki No Higan'); and
- "(6) Christmas - December 25th.

"b. All employees may be excused on the following United States legal holidays without charge to leave or loss of pay:

- "(1) 1st of January;
- "(2) 22nd of February;
- "(3) 30th of May;
- "(4) 4th of July;
- "(5) First Monday of September;
- "(6) 11th of November;
- "(7) Fourth Thursday of November; and
- "(8) 25th of December.

"c. Employees shall receive pay at straight-time rates for those days on which they are prevented from working because of the occurrence of a holiday listed in paragraph 'b', above, falling within the employee's regularly scheduled tour of duty. Work performed on any holiday listed in paragraph 'b', above, which falls within the basic work week will be compensated at regular straight-time rates. Whenever a holiday listed in the preceding paragraph coincides with a holiday listed in paragraph 'a', above, the provisions of this paragraph shall apply.

"d. To be eligible for holiday benefits provided in this Article, an employee must be in a pay status either on the work day preceding or following the day on which an excused absence may be granted."

4. The effective date of this Change is 9 May 1956.

FOR THE DEPUTY GOVERNOR:

VONNA F. BURGER
Brigadier General, USA
Civil Administrator

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CA DIRECTIVE
NUMBER 5

10 May 1956

SUBJECT: Registration and Entry of Documents showing
United States Interests in Ryukyuan Lands

TO: Chief Executive
Government of The Ryukyu Islands

Civil Administration Ordinance No. 154, Registration of Lands Occupied by the United States, dated 21 March 1956, will be rescinded upon receipt of your advice that the following instructions to your Government have been disseminated to the Central Land Office and all Land Registry Offices within the jurisdiction of your Government:

a. All Certificates of Confirmation, all Declarations of Taking, all leases between the United States of America as lessee and owners of lands within the jurisdiction of your Government, and any other instruments showing interests in such lands in favor of the United States of America filed with any of the Land Registry Offices described above, by the District Engineer, Okinawa Engineer District, or such other duly authorized United States official who may succeed him in this function, shall, without any further application or other act for that purpose, be entered, as of the date of original filing, upon the Tokibo of the Land Registry Office having jurisdiction over the lands described in such instruments. All recording, notification and entry procedures normally following such entry in the Tokibo shall be taken with reference to the instruments named without further application, or other act, upon the part of the United States Government, or its agent in the premises, including the Daicho in the Land Registry Office and elsewhere.

b. Article 81 of the Immovable Registration Law (Law No. 24, February 24, 1899, as amended) shall be strictly observed by all agencies of your Government concerned. Pursuant to coordination had with District Engineer, Okinawa Engineer District, all applications for the consent of the United States under that Article shall be submitted through your Government to the Civil Administration, which will forward the application to the District Engineer, Okinawa Engineer District. The consent of the District Engineer will come back through the same channels.

c. The District Engineer will also be given notice of all Tokibo entries or changes in Tokibo entries concerning lands in which the United States holds an interest. It will be sufficient if the Registry Office completes and forwards to the District Engineer the form it usually prepares for use of its Land Ledger (Daicho) Section after entry in the Tokibo. Such form shall be prepared concurrently with and forwarded on the same date as such notices are usually prepared for Daicho use. Such notices for the District Engineer shall be prepared and forwarded on the same date as such notices are usually prepared for Daicho use. Such notices for the District Engineer shall be prepared and forwarded for all changes in the Tokibo, including those made without formality to correct a Tokibo entry to conform to the Daicho, notwithstanding Articles 63 and 63-2 of the Immovable Registration Law.

FOR THE DEPUTY GOVERNOR:

VONNA F. BURGER
Brigadier General, USA
Civil Administrator

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CA ORDINANCE
NO. 109 (3 Apr 53)
CHANGE NO. 3

10 July 1956

LAND ACQUISITION PROCEDURE

Civil Administration Ordinance No. 109 of 3 April 1953 is hereby amended to read as follows:

1. Acquisition of estates or interests in land required for temporary or indefinite use shall be accomplished by the District Engineer, Okinawa Engineer District, on behalf of the using agency of the United States Forces with the specific approval of the Deputy Governor.

2. When it has been determined that an estate or other interest in any specific parcel or parcels of land or other real property shall be acquired, and that such acquisition cannot be agreeably accomplished by negotiations with owners concerned, the Deputy Governor, in the name of the United States, shall cause the following to be accomplished:

a. Personal, public and published Notice of Intent to be served upon the owner or owners of the land or real property concerned, identifying the property and stating the estate or interest to be taken and the authority therefor. Such notices shall further state the value at which the property has been appraised and the amount deemed to be just compensation; that such owner or owners shall have thirty (30) days from the date of publication of the notice in which to accept or refuse the offer of the United States. In the event of refusal, the owner may, within the said thirty (30) days, appeal in writing to the Deputy Governor. Failing such appeal within said time, the owner shall be presumed to have waived his right to appear as a party before the United States Land Acquisition Commission. In the event of appeal, only the issues of fair value and just compensation will be determined. Such appeal shall not stay the right of the United States to file a Declaration of Taking, as hereafter provided.

b. In the event transfer of the required estate or interest is accomplished by negotiation, the instrument of transfer shall be filed for registry in the District Land Registry Office having registry jurisdiction over the land or real property involved.

c. In the event that transfer of the required estate or interest is not effected by the owner or owners and thirty days has elapsed after the publication of a Notice of Intent provided for

in 2a above, the Deputy Governor shall forthwith cause a formal Declaration of Taking to be filed and registered in the District Land Registry Office having jurisdiction over the land or real property involved and the sum of money representing just compensation due, for the estate or interest taken, as determined by the District Engineer, Okinawa Engineer District, to be deposited in the Bank of The Ryukyus to the account of the owner or owners. The filing of a Declaration of Taking and deposit of compensation provided for above shall vest in the United States the estate or interest designated in the Notice of Intent and Declaration of Taking.

d. In the event that appeal is taken pursuant to notice and the provisions of paragraph 2a above, the Deputy Governor shall refer the same to the United States Land Acquisition Commission for the Ryukyu Islands, as established by paragraph 4 below, for hearing, finding and determination upon issues within the jurisdiction of that Commission. During the course of appeal, the landowner may withdraw up to 75% of the amount offered for his estate or interest.

e. The Deputy Governor may refer to the United States Land Acquisition Commission for hearing, finding, and final determination of property value and just compensation, all takings of lands under the exercise of Eminent Domain.

f. Should it be deemed of urgent necessity by the Commanding General, RYCOM, that the use and possession of land or other real property be taken by the United States after the publication of a Notice of Intent, but prior to the acquisition of the estate or interest required, the Deputy Governor shall issue an order directing the vacating of the premises.

3. In cases where leasehold estates have been acquired, the District Engineer may at the end of suitable terms of years, in order to maintain levels of just rental compensation, conduct new appraisals of the leased land and adjust the compensation for ensuing years accordingly by amendment of the Declarations of Taking concerned. If the filing and registration of an amendment revises, or in any manner alters, the amount of rental compensation to be paid for land acquired by the said Declaration of Taking, then the owner or owners of said land shall have thirty (30) days from the date of filing said amendment for registration within which to file a written appeal upon the revised amount, which appeal shall be subject to the same rules and limitations prescribed herein for appeal upon the filing of a Notice of Intent.

4. The United States Land Acquisition Commission for the Ryukyu Islands is hereby established, composed of commissioners appointed by authority of the Governor of the Ryukyu Islands. A majority of commissioners shall constitute a quorum for the transaction of the business of the Commission. The Commission shall adopt such rules of procedure and practice as it deems necessary to effect orderly and just administration, shall keep such files and records as may be necessary for public and permanent record of its proceedings and actions and shall be provided with adequate facilities

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for performance of its functions.

5. The aforesaid Commission is hereby empowered to make a determination of property value and just compensation in all cases referred to it by the Deputy Governor of the Ryukyu Islands whether or not an appeal has been made pursuant to paragraph 2a of this Ordinance or other established procedures for land acquisition. The Commission is further empowered to conduct hearings, take appropriate testimony and evidence, subpoena witnesses, books, records and documents, and otherwise perform as a quasi-judicial body and court of record for land and real property condemnation purposes. The Commission's findings and determination in any case shall be final and binding with regard to the compensation for the period covered by the appraisal taken under review by the Commission.

6. When the Commission has made its findings and determination in any case, it shall document and transmit the same to the Deputy Governor who shall cause appropriate notice thereof to be transmitted to the owner or owners of the property involved and to the District Engineer, Okinawa Engineer District, who will adjust deposit with the Bank of The Ryukyus to the account of the owner or owners.

7. The special account deposit provided by paragraph 2c above, shall include compensation for loss of any crops, toms, structures, and/or other improvements on the lands acquired.

8. Whenever the District Engineer, Okinawa Engineer District, deems it necessary or expedient to enter upon municipal or privately owned lands for the purpose of investigation or survey preliminary to the contemplated acquisition of an estate or interest in land by the United States Forces, in the absence of voluntary authority therefor given by the owner or occupant in possession of said lands, he may apply to the Civil Administrator for authority and permission thereunto, which, if granted, shall be issued in writing by the Civil Administrator and be operative to permit of the lawful entry, investigation and/or survey without payment of compensation for the right thereof.

9. When the land involved has been made the subject of a Notice of Intent given pursuant to paragraph 2a above, or has been reduced to possession by the United States or agencies thereof, no application or permission hereunder shall be deemed necessary or required.

10. The application to the Civil Administrator shall show the reason therefor and provide a description of the project or projects involved and the general location, type and estimated area of lands involved and appropriate maps shall be furnished.

11. A duplicate copy of any authority granted and issued hereunder shall be transmitted to the Shi, Cho or Son Mayor concerned, within his jurisdiction relative to the contents of such authority, and

in case of more than one occupant, a general notice to all occupants, posted in the Mayor's office and elsewhere as is customary for public notices in the locality, shall be sufficient to effect the lawful entry, investigation and/or survey as of the days and dates therein specified, after the expiration of five days from the delivery of the authority to the Mayor's office.

12. Where a lot containing a dwelling is to be entered, the occupant of such dwelling, if any, shall be personally served by the Mayor or his representative, in advance of such entry, with the notice provided for in paragraph 11 above, but in no event will investigation or survey personnel enter or be in the lot containing the dwelling after sunset or before sunrise without first obtaining express permission of the occupant thereof.

13. When it is reasonably necessary, in the course of and investigation or survey to remove an obstacle, this may be accomplished upon three days prior notice of such removal by the District Engineer or his representative to the owner thereof, or the Mayor of the city, town or village concerned.

Changes 1 and 2 are hereby rescinded.

The effective date of this Change shall be 3 April 1953.

FOR THE DEPUTY GOVERNOR:

VONNA F. BURGER
Brigadier General, USA
Civil Administrator

DISTRIBUTION:
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10 July 1956

CIVIL ADMINISTRATION PROCLAMATION NO. 33

Amending

CIVIL ADMINISTRATION PROCLAMATION NO. 26

COMPENSATION FOR USE OF REAL ESTATE
WITHIN MILITARY AREAS

Civil Administration Proclamation No. 26 of 5 December 1953 is hereby amended to read as follows:

ARTICLE I

The right of the United States of America to the use and occupancy of the Military Areas heretofore taken by the Armed Forces of the United States under implied lease is hereby confirmed, and the United States of America is hereby vested with the right to use and occupy such lands presently occupied by agencies of the United States as it shall duly register, as provided in Article II hereof, for a term of years which shall begin on 28 April 1952, or subsequent date of requisition prior to this date, and continue through 30 June 1954, subject, however, to existing easements for public purposes, provided that, unless and until the United States Government shall give sixty (60) days notice in writing of cancellation, the right to use and occupy the lands so registered shall remain in force thereafter from year to year.

ARTICLE II

The United States is hereby authorized to register, within the District Land Registry Offices having registry jurisdiction over the land or real property involved, Certificates of Confirmation and Rental Deposit covering subject lands, and such offices are hereby authorized to make such registrations. The said Certificate of Confirmation and Rental Deposit shall reflect the legal description of all lots or tracts involved and the estimated amount of rental money which has accrued and is due from date of requisition, the value of any improvements acquired, and a statement of the amount of rental which will accrue annually thereafter. The United States may, at the end of suitable terms of years, conduct new appraisals and, by registering amendments of the Certificates of Confirmation, establish new rental compensation thereafter.

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ARTICLE III

Forthwith after the filing of said Certificate of Confirmation and Rental Deposit, there shall be deposited by the United States with the Chief Executive of the Government of the Ryukyu Islands, or his duly authorized representative, a sum of money representing the estimated accrued rental and value of the improvements acquired, to be held in trust for the legal owners of said real estate or the benefit of persons entitled thereto. Any payments made by the Chief Executive, or his authorized representative, shall be upon certification of the Government of The Ryukyu Islands that the person(s) receiving such payment was determined, after appropriate title search and physical inspection of the property, to be the proper recipient(s) of the money paid. Unless and until the United States shall give notice of termination, payments of rental shall be made annually at the end of each fiscal year by deposits, as above, provided that adequate appropriations are available from year to year for the payment of rentals. No rentals upon any real estate shall accrue after the effective date of release.

ARTICLE IV

The full amount of money deposited for the benefit of persons entitled thereto may be withdrawn by them upon the execution of a stipulation providing that the rental and improvement values registered in accordance with Article II, above, are satisfactory. In the event the said values are not considered satisfactory to the legal landowner, he may withdraw 75% of the amount deposited and within thirty (30) calendar days from the date of the filing of the Certificate of Confirmation and Rental Deposit appeal in writing to the Deputy Governor. If after the filing of a Certificate of Confirmation an amendment is subsequently registered which revises or in any manner alters the amount of rental compensation to be paid for land acquired by said Certificate of Confirmation, then the owner or owners of said land shall have thirty (30) days from the date of filing said amendment for registration in which to file a written appeal upon the revised amount, which appeal shall be subject to the same rules and limitations prescribed herein for appeal upon the filing of a Certificate of Confirmation. Such appeals will be heard before the United States Land Acquisition Commission for the Ryukyu Islands established by Section 4, Civil Administration Ordinance 109, whose award, whether more or less than the estimated values, shall be binding and final with regard to the compensation for the period covered by the appraisal taken under review by the Commission.

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ARTICLE V

The Civil Administrator of the Ryukyu Islands shall promulgate such administrative rules and regulations as are needful for the purposes herein proclaimed.

ARTICLE VI

This Proclamation shall become effective on 5 December 1953.

J. E. MOORE
Lieutenant General, United States Army
Deputy Governor

DISTRIBUTION:

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CA ORDINANCE
NO. 109 (3 Apr 53)
CHANGE NO. 3

10 July 1956

LAND ACQUISITION PROCEDURE

Civil Administration Ordinance No. 109 of 3 April 1953
is hereby amended to read as follows:

1. Acquisition of estates or interests in land required for temporary or indefinite use shall be accomplished by the District Engineer, Okinawa Engineer District, on behalf of the using agency of the United States Forces with the specific approval of the Deputy Governor.

2. When it has been determined that an estate or other interest in any specific parcel or parcels of land or other real property shall be acquired, and that such acquisition cannot be agreeably accomplished by negotiations with owners concerned, the Deputy Governor, in the name of the United States, shall cause the following to be accomplished:

a. Personal, public and published Notice of Intent to be served upon the owner or owners of the land or real property concerned, identifying the property and stating the estate or interest to be taken and the authority therefor. Such notices shall further state the value at which the property has been appraised and the amount deemed to be just compensation; that such owner or owners shall have thirty (30) days from the date of publication of the notice in which to accept or refuse the offer of the United States. In the event of refusal, the owner may, within the said thirty (30) days, appeal in writing to the Deputy Governor. Failing such appeal within said time, the owner shall be presumed to have waived his right to appear as a party before the United States Land Acquisition Commission. In the event of appeal, only the issued of fair value and just compensation will be determined. Such appeal shall not stay the right of the United States to file a Declaration of Taking, as hereafter provided.

b. In the event transfer of the required estate or interest is accomplished by negotiation, the instrument of transfer shall be filed for registry in the District Land Registry Office having registry jurisdiction over the land or real property involved.

c. In the event that transfer of the required estate or interest is not effected by the owner or owners and thirty days has elapsed after the publication of a Notice of Intent provided for in 2a above, the Deputy Governor shall forthwith cause a formal Declaration of Taking to be filed and registered in the District Land Registry Office having jurisdiction over the land or real property involved and the sum of money representing just compensation due, for the estate or interest taken, as determined by the District Engineer, Okinawa Engineer District, to be deposited in the Bank of The Ryukyus to the account of the owner or owners. The filing of a Declaration of Taking and deposit of compensation provided for above shall vest in the United States the estate or interest designated in the Notice of Intent and Declaration of Taking.

d. In the event that appeal is taken pursuant to notice and the provisions of paragraph 2a above, the Deputy Governor shall refer the same to the United States Land Acquisition Commission for the Ryukyu Islands, as established by paragraph 4 below, for hearing, finding and determination upon issues within the jurisdiction of that Commission. During the course of appeal, the landowner may withdraw up to 75% of the amount offered for his estate or interest.

e. The Deputy Governor may refer to the United States Land Acquisition Commission for hearing, finding, and final determination of property value and just compensation, all takings of lands under the exercise of Eminent Domain.

f. Should it be deemed of urgent necessity by the Commanding General, RYCOM, that the use and possession of land or other real property be taken by the United States after the publication of a Notice of Intent, but prior to the acquisition of the estate or interest required, the Deputy Governor shall issue an order directing the vacating of the premises.

3. In cases where leasehold estates have been acquired, the District Engineer may at the end of suitable terms, of years, in order to maintain levels of just rental compensation, conduct new appraisals of the leased land and adjust the compensation for ensuing years accordingly by amendment of the Declarations of Taking concerned. If the filing and registration of an amendment revises, or in any manner alters, the amount of rental compensation to be paid for land acquired by the said Declaration of Taking, then the owner or owners of said land shall have thirty (30) days from the date of filing said amendment for registration within which to file a written appeal upon the revised amount, which appeal shall be subject to the same rules and limitations prescribed herein for appeal upon the filing of a Notice of Intent.

4. The United States Land Acquisition Commission for the Ryukyu Islands is hereby established, composed of commissioners appointed by authority of the Governor of the Ryukyu Islands. A majority of commissioners shall constitute a quorum for the transaction of the business of the Commission. The Commission shall adopt such rules of procedure and practice as it deems necessary to effect orderly and just administration, shall keep such files and records as may be necessary for public and permanent record of its proceedings and actions and shall be provided with adequate facilities for performance of its functions.

5. The aforesaid Commission is hereby empowered to make a determination of property value and just compensation in all cases referred to it by the Deputy Governor of the Ryukyu Islands whether or not an appeal has been made pursuant to paragraph 2a of this Ordinance or other established procedures for land acquisition. The Commission is further empowered to conduct hearings, take appropriate testimony and evidence, subpoena witnesses, books, records and documents, and otherwise perform as a quasi-judicial body and court of record for land and real property condemnation purposes. The Commission's findings and determination in any case shall be final and binding with regard to the compensation for the period covered by the appraisal taken under review by the Commission.

6. When the Commission has made its findings and determination in any case, it shall document and transmit the same to the Deputy Governor who shall cause appropriate notice thereof to be transmitted to the owner or owners of the property involved and to the District Engineer, Okinawa Engineer District, who will adjust deposit with the Bank of The Ryukyus to the account of the owner or owners.

7. The special account deposit provided by paragraph 2c above, shall include compensation for loss of any crops, tombs, structures, and/or other improvements on the lands acquired.

8. Whenever the District Engineer, Okinawa Engineer District, deems it necessary or expedient to enter upon municipal or privately owned lands for the purpose of investigation or survey preliminary to the contemplated acquisition of an estate or interest in land by the United States Forces, in the absence of voluntary authority therefor given by the owner or occupant in possession of said lands, he may apply to the Civil Administrator for authority and permission thereunto, which, if granted, shall be issued in writing by the Civil Administrator and be operative to permit of the lawful entry, investigation and/or survey without payment of compensation for the right thereof.

9. When the land involved has been made the subject of a Notice of Intent given pursuant to paragraph 2a above, or has been reduced to possession by the United States or agencies thereof, no application or permission hereunder shall be deemed necessary or required.

10. The application to the Civil Administrator shall show the reason therefor and provide a description of the project or projects involved and the general location, type and estimated area of lands involved and appropriate maps shall be furnished.

11. A duplicate copy of any authority granted and issued hereunder shall be transmitted to the Shi, Cho or Son Mayor concerned, within his jurisdiction relative to the contents of such authority, and in case of more than one occupant, a general notice to all occupants, posted in the Mayor's office and elsewhere as is customary for public notices in the locality, shall be sufficient to effect the lawful entry, investigation and / or survey as of the days and dates therein specified, after the expiration of five days from the delivery of the authority to the Mayor's office.

12. Where a lot containing a dwelling is to be entered, the occupant of such dwelling, if any, shall be personally served by the Mayor or his representative, in advance of such entry, with the notice provided for in paragraph 11 above, but in no event will investigation or survey personnel enter or be in the lot containing the dwelling after sunset or before sunrise without first obtaining express permission of the occupant thereof.

13. When it is reasonably necessary, in the course of and investigation or survey to remove an obstacle, this may be accomplished upon three days prior notice of such removal by the District Engineer or his representative to the owner thereof, or the Mayor of the city, town or village concerned.

Changes 1 and 2 are hereby rescinded.

The effective date of this Change shall be 3 April 1953.

FOR THE DEPUTY GOVERNOR:

VONNA F. BURGER
Brigadier General, USA
Civil Administrator

DISTRIBUTION:

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10 July 1956

CIVIL ADMINISTRATION PROCLAMATION NO. 33

Amending

CIVIL ADMINISTRATION PROCLAMATION NO. 26

COMPENSATION FOR USE OF REAL ESTATE
WITHIN MILITARY AREAS

Civil Administration Proclamation No. 26 of 5 December 1953 is hereby amended to read as follows:

ARTICLE I

The right of the United States of America to the use and occupancy of the Military Areas heretofore taken by the Armed Forces of the United States under implied lease is hereby confirmed, and the United States of America is hereby vested with the right to use and occupy such lands presently occupied by agencies of the United States as it shall duly register, as provided in Article II hereof, for a term of years which shall begin on 28 April 1952, or subsequent date of requisition prior to this date, and continue through 30 June 1954, subject, however, to existing easements for public purposes, provided that, unless and until the United States Government shall give sixty (60) days notice in writing of cancellation, the right to use and occupy the lands so registered shall remain in force thereafter from year to year.

ARTICLE II

The United States is hereby authorized to register, within the District Land Registry Offices having registry jurisdiction over the land or real property involved, Certificates of Confirmation and Rental Deposit covering subject lands, and such offices are hereby authorized to make such registrations. The said Certificate of Confirmation and Rental Deposit shall reflect the legal description of all lots or tracts involved and the estimated amount of rental money which has accrued and is due from date of requisition, the value of any improvements acquired, and a statement of the amount of rental which will accrue annually thereafter. The United States may, at the end of suitable terms of years, conduct new appraisals and, by

registering

- 1 -

registering amendments of the Certificates of Confirmation, establish new rental compensation thereafter.

ARTICLE III

Forthwith after the filing of said Certificate of Confirmation and Rental Deposit, there shall be deposited by the United States with the Chief Executive of the Government of the Ryukyu Islands, on his duly authorized representative, a sum of money representing the estimated accrued rental and value of the improvements acquired, to be held in trust for the legal owners of said real estate or the benefit of persons entitled thereto. Any payments made by the Chief Executive, or his authorized representative, shall be upon certification of the Government of The Ryukyu Islands that the person(s) receiving such payment was determined, after appropriate title search and physical inspection of the property, to be the proper recipient(s) of the money paid. Unless and until the United States shall give notice of termination, payments of rental shall be made annually at the end of each fiscal year by deposits, as above, provided that adequate appropriations are available from year to year for the payment of rentals. No rentals upon any real estate shall accrue after the effective date of release.

ARTICLE IV

The full amount of money deposited for the benefit of persons entitled thereto may be withdrawn by them upon the execution of a stipulation providing that the rental and improvement values registered in accordance with Article II, above, are satisfactory. In the event the said values are not considered satisfactory to the legal landowner, he may withdraw 75% of the amount deposited and within thirty (30) calendar days from the date of the filing of the Certificate of Confirmation and Rental Deposit appeal in writing to the Deputy Governor, If after the filing of a Certificate of Confirmation an amendment is subsequently registered which revised or in any manner alters the amount of rental compensation to be paid for land acquired by said Certificate of Confirmation, then the owner or owners of said land shall have thirty (30) days from the date of filing said amendment for registration in which to file a written appeal upon the limitations prescribed herein for appeal upon the filing of a Certificate of Confirmation. Such appeals will be heard before the United States Land Acquisition Commission for the Ryukyu Islands established by Section 4, Civil Administration Ordinance 109, whose award, whether more or less than the estimated values, shall be binding and final with regard to the compensation for the period covered by the appraisal taken under review by the Commission.

* revised amount, ⁻²⁻ which appeal shall be subject to the same rules and

ARTICLE V

The Civil Administrator of the Ryukyu Islands shall promulgate such administrative rules and regulations as are needful for the purposes herein proclaimed.

ARTICLE VI

This Proclamation shall become effective on 5 December 1953.

J. E. MOORE
Lieutenant General, United States
Army Deputy Governor

DISTRIBUTION:



アジア局長

審議官

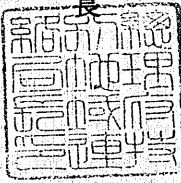
北東アジア課長

総特連第九五号

昭和三十四年二月七日

外務省アジア局長 殿

総理府特別地域連絡局長



弁務官布令第十八号、同布令第十九号の送付について
昭和三十四年一月二十三日付那第六六号をもつて那覇日本球政南方連絡事務所長から、別添のとおり、一九五九年一月十三日付高等弁務官布令第十八号（暫定賃借権の取得）及び一九五九年一月二十一日付同布令第十九号（琉球列島米国土地裁判所の設置）の英文テキスト写の送付があつたので、お送りする。

総理府

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34.2.10
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記帳

回覧番号
並北 0504

COPY

UNITED STATES CIVIL ADMINISTRATION OF THE
RYUKYU ISLANDS
Office of the Commissioner
APO 331

HICOM ORDINANCE
NUMBER 20

12 February 1959

ACQUISITION OF LEASEHOLD INTEREST

1. Interests in lands in the Ryukyu Islands, acquired for the use of the United States, whether acquired by negotiation or condemnation, shall consist of the following:

a. Indefinite Leasehold: An estate extending to full, exclusive use, possession and enjoyment above, below, and upon the surface of the land and/or properties thereon as required for an indefinite or unspecified period of time, that is, for so long as the use may be desired by the United States without any time limitation whatsoever, for which rental payments are made at specified intervals. The United States shall have the right to terminate the estate at any time by giving the Chief Executive, Government of the Ryukyu Islands (hereinafter called the GRI), notice in writing of such termination at least sixty (60) days prior to the effective date of said termination and by filing such notice of termination in the appropriate District Land Registry Office(s) and the appropriate Shi, Cho, or Son Office(s) whose responsibility it shall be to cause prompt notice of such termination to be publicly posted in a prominent place. Said notice of termination shall state that upon the Landowners written notice to the GRI of his requirement for restoration at least thirty (30) days prior to the effective date of termination, the United States will enter into negotiation with the GRI, and the landowners, his agent or successor in interest, to determine what is required to be done to restore the leased premises or to determine the amount of damages, if any, to be paid in lieu thereof. Any and all properties placed on the leased premises by the United States or acquired from the lessor may be removed or disposed of by the United States. Following restoration, if any, or the payment of damages in lieu thereof, the United States shall be deemed to have renounced its ownership in any properties then remaining on the leased premises. If the immediate requirement of the United States and the best interests of the Ryukyuan economy permit, certain privileges of temporary use of the leased premises may be granted to the owner or others under the conditions specified by the United States, provided that the United States shall retain free discretion to revoke such

privileges at any time. No law ordinance shall be construed to diminish or adversely affect the leasehold estate above described.

b. Five Year Leasehold: An estate identical with the indefinite leasehold and conditions described in the preceding paragraph, except that its duration is for the definite term of 5 years, subject to the right of the United States to terminate as set forth above.

2. Acquisitions:

a. Under normal circumstances estates in lands and/or title to properties thereon will be acquired for the use of the United States by the GRI through negotiation procedures. Condemnation by the United States will be utilized only after an unsuccessful attempt by the GRI to negotiate with the owners concerned to acquire the desired estate. However, in cases of exceptional circumstances where necessity requires an order that right of entry or possession be delivered immediately and time does not permit, a prior attempt at negotiation shall not be a prerequisite to such order.

b. To initiate acquisition of the desired lands and/or properties for the use of the United States, the District Engineer, United States Army Engineer District, Okinawa (hereinafter called USAEDO), with the approval of the High Commissioner, shall cause a Notice of Requirement to acquire property to be delivered to the Chief Executive, GRI, and to be filed in the District Land Registry Office (s) and Shi, Cho, or Son Office(s) having jurisdiction over the land and/or properties involved. Such Notice of Requirement shall state specifically the estate to be acquired and shall contain a description or delineation of the perimeter boundary on map attached thereto. A Notice of Requirement shall be publicly posted in a prominent place in any by the respective Shi, Cho, or Son Office(s), and it shall be the responsibility of said office(s) to cause prompt notification to be given to all registered owners and to persons known to be interested parties.

c. The GRI is authorized to negotiate to obtain basic leases for land and/or acquire properties thereon as listed in the Notice of Requirement for the sole purpose of subleasing or transferring the interest acquired therein to the United States.

d. The District Engineer, USAEDO, upon receipt of authorization from the High Commissioner, may file a Declaration of Taking with the appropriate District Land Registry Office(s) and Shi, Cho, or Son Office(s) having jurisdiction over the lands and/or properties thereon not then acquired by negotiation and shall deliver a copy of this Declaration of Taking to the Chief Executive, GRI, in any of the following cases:

Not less than sixty (60) nor more than one hundred twenty (120) days after the filing of the Notice of Requirement, or

Upon the advice from the GRI that negotiation for the voluntary acquisition of the estate to be acquired has failed; or

In exceptional circumstances, upon express authorization of the High Commissioner.

e. The Declaration of Taking shall specify the estate acquired, shall individually identify each tract or portion of tract of land and/or properties thereon, shall state the sum of money estimated by the United States to be just compensation for the estate taken and shall describe the manner in which said compensation is to be paid. Upon the filing of the Declaration of Taking, the estate specified therein shall thereupon become absolutely vested in the United States, its agencies or instrumentalities as stated in said Declaration of Taking. Immediately after the filing of the Declaration of Taking, the District Engineer, USAEDO, shall to be deposited with the GRI the sum of money specified in said Declaration of Taking as just compensation to be held IN TRUST for the persons entitled thereto. After a basic leasehold interest is executed between the GRI and the landowner, and a Master Lease subsequently executed between the GRI and the United States, or a Declaration of Taking is filed for lands and/or properties thereon in which the United States already holds an estate, then the estate specified in the Master Lease or Declaration of Taking shall supersede any estate previously held by the United States effective on and after the date specified in the Master Lease or Declaration of Taking, except that where properties were previously purchased by the United States no further acquisition action in regard to such properties will be necessary either in the leases or the Declaration of Taking.

All lands and/or properties thereon acquired in the name of the United States through the filing of a Declaration of Taking shall be considered, as of the acquisition date specified in the Declaration of Taking, as if a part of the lands and/or properties in the Master Lease between the GRI and the United States for the area, list or installation concerned.

f. The Declaration of Taking shall be publicly posted in a prominent place in and by the respective Shi, Cho, or Son Office(s), and it shall be the responsibility of said office(s) to cause prompt notification to be given to all registered owners and to persons known to be interested parties.

g. Upon the filing of a Declaration of Taking, any person claiming a real right or lease in or any lands and/or properties thereon who is dissatisfied with the amount shown therein as the compensation to be paid him, shall have sixty (60) days from the date of filing of said Declaration of Taking in which to petition for review of the determination of just compensation. Such petitions must be in writing and shall be filed with The United States Land Tribunal for the Ryukyu Islands. If no petition is filed within said sixty (60) days, the amount shown in the Declaration of Taking shall be deemed to be just compensation and all persons claiming real rights or leases for which no petitions were submitted within the specified time shall be barred from any further review upon the issue of just compensation. Pending review and final determination of just compensation the petitioner shall be entitled to withdraw 75% of the amount deposited for him on the filing of the Declaration of Taking provided he qualifies for disbursement and provided further, if said petitioner withdraws more than 75% of the amount deposited IN TRUST for him, the withdrawal shall automatically waive and be considered a dismissal of any petition then or thereafter filed by said person to review the issue of just compensation.

h. Having once acquired lands and/or properties thereon by the filing of a Declaration of Taking in the manner specified, the United States may subsequently acquire any properties within or upon said lands not listed in the original or amended Declaration of Taking by the filing of an Amendment to the Declaration of Taking and forthwith depositing its estimate of just compensation, in the same manner and with the same remedies of petition and provisions for withdrawal as pertain to the original Declaration of Taking.

i. Should the High Commissioner determine that exceptional circumstances exist and that use and possession of certain lands and/or properties thereon be taken immediately, he may issue an Order of Immediate Possession at any time after the filing of a Notice of Requirement and before filing of a Declaration of Taking. Copies of such order shall be filed and posted in the same manner as a Notice of Requirement. Any resulting damages may be compensated for application to The United States Land Tribunal for the Ryukyu Islands or under appropriate United States Forces claims procedures, depending upon the circumstances. Where premises which are the subject of an Order of Immediate Possession are later included in a declaration of Taking and/or negotiated basic and Master Leases, the date of taking or acquisition shall be not later than the date specified in the Order of Immediate Possession.

j. The words "and/or properties thereon" as used herein shall be construed as including buildings, tombs, structures and all other types of appurtenances and fixtures attached to or located upon land.

k. Landowners may return in full, prior to the execution of a basic lease with the GRI, the payments for Determinable Estate interests in and previously voluntarily accepted by them and receive annual rental on and after 1 July 1958 at the rates specified in leases to be executed with the GRI.

l. For those landowners who do not return the payments for Determinable Estate interests in land in full which were previously voluntarily accepted by them, prior to the execution of a basic lease with the GRI, those payments will be considered prepaid rentals for a stated period, beginning on 1 July 1958, at the rates specified in leases to be executed with the GRI without any provisions for re-appraisal for the stated period.

m. Those landowners who do not execute a basic lease with the GRI, may return the payments for Determinable Estate interests in land, which were previously voluntarily accepted by them, in full, prior to the filing of a Declaration of Taking. Effective with the date of such filing, their right to return the payments for Determinable Estate interests in land is terminated and the payments shall be considered as prepaid rentals at the rates specified in the Declaration of Taking for a stated period beginning on 1 July 1958, without any provisions for re-appraisal for the stated period.

3. Persons claiming to or substantial interference with real rights or leases in or upon lands and/or properties thereon which have not been the subject of formal acquisition by negotiation or by condemnation under paragraph 2 above, but for which compensation is due, either under commonly accepted principles of due process in the law of eminent domain or under United States Forces claims procedures, may institute action for redress by filing their petitions with The United States Land Tribunal for the Ryukyu Islands.

4. Interests in land and/or properties acquired by the United States through a negotiated Master Lease with the GRI shall be presumed to have been originally vested in the owners of record who shall have transferred by a negotiated basic lease to the GRI an interest identical to that transferred by the GRI to the United States.

5. Only and for the sole purposes of ascertaining the proper persons to whom just compensation is due, for lands and/or properties acquired by a Declaration of Taking the following system is effective immediately to validate real rights or leases in or upon lands and/or properties thereon, for which the United States has incurred an obligation to make just compensation.

a. Lands currently under United States control:

(1) Where on the effective date of this Ordinance a person is duly registered in the appropriate Registry Book as the holder of a real right or lease in or upon lands and/or properties thereon, then such person shall be conclusively presumed to be the legal and proper holder as to all the world of such real right or lease, unless within ninety (90) days hence from the effective date of this Ordinance, any other person makes claim to the same real right or lease by notifying the appropriate District Land Registry Office that he has instituted in the Circuit Court a suit contesting the registration. If such a suit terminates in favor of the defendant, the plaintiff's notification of institution of suit shall be considered of no effect, thereby leaving uncontested the registration occasioning the suit. If such a suit terminates in favor of the plaintiff, then following application of said person, the appropriate District Land Registry Office shall forthwith, upon presentation of the decree of the court, permit him to register the real right or lease in his own name, from which date a new period of ninety (90) days shall commence with respect to the new registration.

(2) Where on the effective date of this ordinance, a person is duly registered as holding ownership of the land and/or properties thereon, and another person claims a lesser real right or a lease in or upon the same land and/or properties, then such latter person may protect his lesser real right or lease by causing, within ninety (90) days from the effective date of this Ordinance, a registration thereof in the appropriate Registry Book, in which case his lesser real right or lease ninety (90) days thereafter becomes validated unless contested in the manner provided in subparagraph 5a(1), above. However, nothing herein shall be construed to prejudice any registered real right or lease which was not adversely affected by the suit.

(3) Where on the effective date of this Ordinance, no person is duly registered in the appropriate Registry Book as holding ownership of the land and/or properties thereon, and a person is desirous of effecting registration of a real right or lease in or upon the land and/or properties thereon, then such may effect a registration, in which case his real right or lease ninety (90) days thereafter becomes validated unless contested in the manner provided above.

b. Lands to be acquired by the United States:

In all such cases the validation system shall be identical to that provided in subparagraph 5a(1), except in the place of the effective date of this Ordinance, shall be the date the United States files in the Appropriate District Land Registry Office(s) a Notice of Requirement, as descr in paragraph 2b above.

6. Notwithstanding the above provisions, all real rights and leases heretofore validated under previously authorized United States land acquisition provisions shall remain validated without further action or proceedings.

7. In accordance with the procedures established under paragraphs 5 and 6 above, the following rules shall pertain to disbursement of just compensation owing by the United States as a result of negotiation or condemnation, and it is hereby decreed that upon proper payment in pursuance of the following rules, the United States shall be relieved of any and all liability resulting from an allegedly erroneous distribution:

a. Any person holding a current and substantial real right or lease in or upon lands and/or properties thereon, acquired by the United States, shall be entitled to

share pro rata in the distribution of just compensation; provided such person has established his real right or lease either through the validation system of paragraphs 5 or 6 above, or through successful prosecution of litigation in the courts finally and as to all the world quieting said real right or lease.

b. Pending the validation or judicial quieting of any real right or lease, the United States shall, at the time a Declaration of Taking is filed pursuant to paragraph 2 above, deposit with the GRI funds equal to its appraisal of just compensation for the estate acquired. Said funds shall be kept in special accounts in the Bank of the Ryukyus IN TRUST for the benefit of any persons ultimately validating or judicially quieting their real right or lease. Upon appropriate certification from the District Engineer, USAEDO, the TRUSTEE shall release the funds to said persons; provided, nothing in the foregoing subparagraph shall be interpreted to increase or incur any liability of the United States to make any further payments following release of full payment to a person who validated or judicially quieted his ownership prior to registration of any real right or lease in or upon the same lands and/or properties.

c. The funds kept in special accounts as recited in subparagraph 7b hereof may be disbursed during a period of five (5) years from the date such funds were deposited with the TRUSTEE thereof, except as hereinafter provided. The only exceptions to this provision are:

(1) Any funds held by the TRUSTEE pending determination on petitions to The United States Land Tribunal may be disbursed by the TRUSTEE during a five (5) year period beginning with the date of the filing in the appropriate District Land Registry Office(s) by the United States of an amendment in compliance with a determination of The United States Land Tribunal or final decision on any appeal therefrom, to the document upon which the petition was based. In the event the determination of the Tribunal or decision thereon is of such nature as not to require an amendment to the document on which the petition to the Tribunal was based, then the beginning of the five (5) year period in which the disbursement by the TRUSTEE may be made will be the date of the determination of the Tribunal or final decision on any appeal therefrom, the dates of which the TRUSTEE will be formally advised by the United States.

(2) Funds held by the TRUSTEE pending finding final judgment on a suit in a GRI Circuit Court as set out in subparagraph 5a(1) and 5b herof may be disbursed by the TRUSTEE during a five (5) year period after a final decree in said suit has been entered of record in that Court.

d. Upon expiration of the appropriate five (5) year periods as herein described, all funds held by the TRUSTEE shall be returned to the United States on demand. Any party in interest entitled to said funds may submit a claim therefor to the United States.

e. The authorization for disbursement of funds deposited for such properties on land under Declarations of Taking, shall be within the complete discretion of the District Engineer, USAEDO, who shall be empowered to authorize any such disbursement or payment thereunder wherever he is satisfied that proper safeguards have been made for the protection of the United States, regardless of whether or not the person receiving such payment has "validated" his real right or lease in said properties under the procedure of paragraph 5 or 6 above.

8. In regard to registration of acquisition documents and/or real rights or leases the following provisions shall apply:

a. For the purposes of this Ordinance, the effective date of registration of any real right or lease shall be the date when the official entry approving the registration is made in the appropriate Registry Book.

b. Registration of title to privately owned lands and/or properties required for use by the United States will be accomplished without payment to any governmental agency of fees and taxes by the landowners or by the United States.

c. All documents authorized by the preceding paragraphs to be filed in the appropriate District Land Registry Office(s) shall be registered by such office(s).

d. Registration of basic and Master Leases in the appropriate District Land Registry Office(s) will be accomplished by such office(s) and, upon registration of the master lease, the entry in the Registry Book recording the United States interest may be removed.

9. The following limitations of time shall apply to petitions and appeals filed with and determinations of The United States Land Tribunal for the Ryukyu Island:

a. Petitions for review of just compensation upon a Declaration of Taking filed with the appropriate District Land Registry Office(s): Sixty (60) days from the date of said filing.

b. Petitions or applications for determination of any other matter cognizable by the Tribunal: One (1) year from the date the matter complained of occurs.

c. Appeals to the Secretary of Defense, United States of America, or his designees: Thirty (30) days from the date the determination of the Tribunal becomes effective.

d. Where extraordinary circumstances of equity compel, the High Commissioner may, at his sole discretion, waive any procedural defect or barrier to jurisdiction of the Tribunal, or appellate review therefrom.

10. For lands and/or properties acquired under a Declaration of Taking, the GRI is designated as TRUSTEE for the purpose of receiving, disbursing and accounting for funds deposited by the United States to be held IN TRUST for payment to the persons ultimately qualifying for payment under the provisions of this Ordinance. All such funds received and disbursed by the TRUSTEE must be accounted for and the undisbursed balances are subject to the withdrawal and recovery provisions of this Ordinance. Records of said account maintained by the TRUSTEE shall be open to inspection at all reasonable times by representatives designated by the District Engineer, USAEDO.

11. The Chief Executive of the GRI is hereby authorized, empowered and directed, in the name of the GRI, to perform all acts and functions required as said TRUSTEE, and is authorized and empowered to enter into and execute, in the name of the GRI, any Service Contracts, or modifications required thereto, with the United States of America to provide such services of the GRI as may be determined necessary to implement the procedures specified herein. The Chief Executive may designate a competent official, or officials, who be responsible to, and have authority to act for the Chief Executive of the GRI in all matters pertaining to the performance of such services, to devote his or their full time and attention toward their accomplishment.

12. Recissions:

a. CA Ordinance No. 91. "Authority to Contract," I November 1952.

b. CA Ordinance No. 170, "United States Land Acquisition Program," 18 June 1957.

c. CA Ordinance No. 110, "Procedure for Payment of Compensation for Land Acquisition," 10 April 1953, as amended, provided however:

(1) That the provisions governing funds deposited and the procedure for payment contained in said Ordinance shall remain in force and effect.

d. CA Ordinance No. 164, "United States Land Acquisition Program," 23 February 1957, as amended, except paragraphs 2b, 3d and 5c, provided however:

(1) That all estates, interests and rights, other than Determinable Estate interests, acquired pursuant to and by virtue of said Ordinance shall remain in force and effect until otherwise relinquished or otherwise determined.

(2) That funds deposited for the acquisition properties on land pursuant to and by virtue of said Ordinance shall remain governed by the provisions contained therein.

(3) That funds deposited for a leasehold interest in land acquired pursuant to and by virtue of said Ordinance shall remain governed by the provisions contained therein.

e. CA Ordinance No. 168, "Trustee for Depository Accounts," 31 May 1957.

f. CA Directive No. 3, "Service of Notice of Intent," 14 April 1953.

g. Rescission of the foregoing ordinances and directive shall not serve to divest any rights vested or affirmed pursuant to any of them; nor to affect the validity for any purpose of any action lawfully taken or effected thereunder, nor to repromulgate any enactment rescinded by any of them; nor to rescind any presently valid ordinance or directive based in whole or in part on any ordinance or directive herein rescinded.

13. The effective date of this Ordinance shall be 26 January 1959.

FOR THE HIGH COMMISSIONER:

DISTRIBUTION:
A to F

VONNA F. BURGER
Brigadier General, USA
Civil Administrator

アジア局長 7
審議官 7
北東アジア課長 7

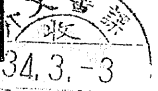
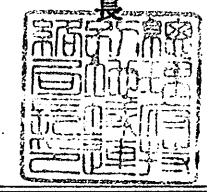
總特連第一八四号

昭和三十四年三月二日

總理府特別地域連絡局長

外務省アジア局長 殿

弁務官布令第二十号英文テキスト写の送付について
那覇日本政府南方連絡事務所長より、一九五九年二月十二日付
高等弁務官布令第二十号（賃借権の取得）の英文テキスト写の送
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臺北 0139

總理府

COPY

UNITED STATES CIVIL ADMINISTRATION OF THE RYUKYU ISLANDS
Office of the High Commissioner
APO 331

HICOM ORDINANCE
NUMBER 19

21 January 1959

ESTABLISHMENT OF THE UNITED STATES
LAND TRIBUNAL FOR THE RYUKYU ISLANDS

1. There is hereby established THE UNITED STATES LAND TRIBUNAL FOR THE RYUKYU ISLANDS, whose final determinations as hereinafter provided shall, following notification to the claimants, be reflected where appropriate in an increase or validation or decrease of payments or deposits made or to be made to the account of the claimants; shall stand as precedent until overruled by later determinations; and shall be binding and conclusive unless and until overruled by higher authority.

2. THE UNITED STATES LAND TRIBUNAL FOR THE RYUKYU ISLANDS hereby succeeds to the duties, jurisdiction, determinations and current docket of The United States Land Acquisition Commission for The Ryukyu Islands and the USCAR Land Court, which is hereby abolished. Functioning as a quasi-judicial body, it shall here and determine all matters concerning land and real property condemnation in the Ryukyu Islands by any agency of the United States Government and for these purpose may hear questions involving interpretations and implementations of this Ordinance and other laws and Ordinances pertaining to United States land acquisition, the meaning and extent of any estate in land acquired by the United States and procedural conformity with condemnation procedures. THE UNITED STATES LAND TRIBUNAL FOR THE RYUKYU ISLANDS may determine factual and legal issues pertaining to the compensability and extent of just compensation for property taken or damages claimed, either under declarations of taking or under commonly accepted principles of due process in the law of eminent domain; provided, that in any case within the last-named category which is more properly for settlement under United States Forces claims procedures, the case shall be determined under said claims procedures, and provided further, that nothing herein shall be construed as authority for THE UNITED STATES LAND TRIBUNAL FOR THE RYUKYU ISLANDS to inquire into the wisdom of the governmental use to which any condemned land has been or will be devoted.

3. THE UNITED STATES LAND TRIBUNAL FOR THE RYUKYU ISLANDS shall be located in the Ryukyu Islands; it shall consist of three members, who shall be appointed for two years with provision for extension or removal by the Secretary of Defense, United States of America, and a majority of whom shall constitute a quorum for the public hearing of matters duly and timely filed with the Clerk of the Tribunal by a petitioner.

HICOM ORDINANCE NO. 19

21 January 1959

4. THE UNITED STATES LAND TRIBUNAL FOR THE RYUKYU ISLANDS is further empowered to conduct hearings, take appropriate testimony and evidence, subpoena witnesses, books, records and documents, and otherwise perform as a quasi-judicial body. THE UNITED STATES LAND TRIBUNAL FOR THE RYUKYU ISLANDS shall adopt such rules of procedure and practice as it deems necessary to effect orderly and just administration, shall cause such rules to be made available to all interested persons, and shall keep such files and records as may be necessary for public and permanent record of its proceedings and actions and shall be provided with adequate facilities for performance of its functions.

5. The Secretary of Defense, United States of America, or his designee, shall adjudicate all appeals based upon questions of law, except that allegations of partiality, impropriety or arbitrariness of the proceedings in or decisions of THE UNITED STATES LAND TRIBUNAL FOR THE RYUKYU ISLANDS, will be adjudicated on the merits only upon the exercise of full and free discretion by the Secretary of Defense, United States of America, or his designee; provided, such questions are properly raised for review by any party in THE UNITED STATES LAND TRIBUNAL FOR THE RYUKYU ISLANDS or by certification from a majority of members in the Tribunal; provided further, that in no event shall such appeals constitute or be conducted as de novo review of the factual findings of THE UNITED STATES LAND TRIBUNAL FOR THE RYUKYU ISLANDS, and that if there is discovered an irregularity meriting reconsideration of a case, the case shall be returned to THE UNITED STATES LAND TRIBUNAL FOR THE RYUKYU ISLANDS for rehearing. Appeals shall be raised and conducted under proper rules of procedure, which rules shall be made available to all interested persons; in such rules it shall be provided that appeals will ordinarily be limited to consideration of the record of THE UNITED STATES LAND TRIBUNAL FOR THE RYUKYU ISLANDS and briefs submitted thereon, but that in the exercise of discretion in selected cases an appeal can be set down for oral argument.

6. Paragraphs 8a and 8b of CA Ordinance No. 164, "United States Land Acquisition Program," dated 23 February 1957, are hereby superseded; provided, however, that all interests and rights acquired Pursuant to, or by virtue of said Paragraphs 8a and 8b of said CA Ordinance No. 164 and all appeals and petitions filed with The United States Land Acquisition Commission for The Ryukyu Islands or the USCAR Land Court and still pending before the USCAR Land Court, shall remain fully effective until otherwise relinquished or determined.

HICOM ORDINANCE NO. 19

21 January 1959

7. The effective date of this Ordinance shall be 21 January 1959.
BY DIRECTION OF THE SECRETARY OF DEFENSE:

DONALD P. BOOTH
Lieutenant General, United States Army
High Commissioner of The Ryukyu Islands

DISTRIBUTION:
A to F

COPY

UNITED STATES CIVIL ADMINISTRATION OF THE RYUKYU ISLANDS
Office of the High Commissioner
APO 331

HICOM ORDINANCE
NUMBER 18

13 Jan 1959

ACQUISITION OF INTERIM LEASEHOLD INTERESTS

WHEREAS, the United States has certain requirements for the use and possession of lands in the Ryukyu Islands in which Determinable Estates have heretofore been acquired by the United States under and by virtue of the provisions of CA Ordinance Number 164, dated 23 February 1957; and

WHEREAS, it is desirable, and mutual agreement has been reached at the Joint Land Conferences which were held between United States and Ryukyuan representatives from 11 August 1958 thru 26 November 1958 to abolish such Determinable Estate interests in lands taken as aforesaid, and to either reinstate the leasehold interests previously acquired by the United States in such lands or, with respect to lands in which no leasehold interest had previously been held by the United States, to convert such Determinable Estates to leasehold estates as defined in paragraph 2b of said CA Ordinance Number 164; and

WHEREAS, certain services will be required to implement the procedures specified herein, for which services the Government of the Ryukyu Islands is uniquely qualified;

NOW, THEREFORE, it is hereby Ordained as follows:

1. All Determinable Estates in lands in the Ryukyu Islands heretofore acquired or taken by the United States of America either by voluntary conveyance or by condemnation under and by virtue of the provisions of paragraph 3c, CA Ordinance Number 164, dated 23 February 1957, are hereby relinquished and renounced, effective on and after the date of acquisition, either by negotiation or by Declaration of Taking of each and every such Determinable Estate, it being intended hereby to re-vest all owners of interests in lands in which any Determinable Estate was taken with the full and complete ownership of such interests, as if no Determinable Estate had been acquired, subject, however, to any and all liens, incumbrances and other interests lawfully existing on the date of such acquisition which have not since been discharged, and subject, further, to the provisions of this and other applicable Ordinances. Registration of this relinquishment shall not be required, each Land Registry Office being hereby enjoined to consider this Ordinance as a conveyance of the Determinable Estate from the United States to the then registered owner as of the date of such acquisition. Nothing contained herein shall be construed to transfer to the owner of the land the ownership of any properties acquired or placed thereon by the United States or to require the repayment to the United States of any funds received for or on account of any Determinable Estate, or the payment of any accrued interest thereon, or of any accrued interest on funds made available for

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13 Jan 1959

payment for any Determinable Estate and not accepted, provided, however, that funds received in payment for Determinable Estates may be considered in whole or in part, to be prepaid rent under any future leasehold interest in said land acquired by the United States.

2. All leasehold estates in lands in the Ryukyu Islands heretofore acquired by the United States of America, which were terminated by its acquisition of Determinable Estates therein, are hereby reinstated as of the date of the acquisition of the Determinable Estate and continued in force and effect through 30 June 1960, or until completion of successor leases, whichever is earlier, it being intended hereby that prior United States leasehold interests continue in effect as though such Determinable Estates had not been acquired.

3. In those cases where landowners had petitioned or appealed to the USCAR Land Court or its predecessor, in accordance with the then prescribed procedures, for review of the determination of just rental compensation for the period of time immediately prior to the acquisition of a Determinable Estate, and such petitions or appeals have not been disposed of, such petitions or appeals shall be considered to have been amended, and review of just rental compensation may be had, without further pleadings, for the rental period subsequent to that appealed from and up to and including 30 June 1958.

4. Lands in the Ryukyu Islands in which a Determinable Estate has been acquired and in which the United States held no leasehold interest immediately prior to the acquisition of a Determinable Estate therein, shall be considered subject to a leasehold estate, as defined in paragraph 2b, GA Ordinance Number 164, as of the date of acquisition of the Determinable Estate up to and including 30 June 1960, or until the effective date of a successor lease, whichever date is the earlier.

5. Owners of lands in which the United States acquired a leasehold interest pursuant to paragraph 2 or paragraph 4 hereof, other than those referred to in Section 3 hereof, shall have the right to petition for review of the determination of just compensation to the USCAR Land Court or its successor under the terms and conditions set forth in paragraph 3d, GA Ordinance Number 164, provided that the time limitation for filing the petition for review shall be 60 days from the date of filing of the Certificate of Affirmation instead of the Declaration of Taking as therein provided.

6. The United States shall register, within the appropriate District Land Registry Offices, Certificates of Affirmation of Leasehold Interest in those lands heretofore subject to the Determinable Estates and referred

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to in the preceding paragraphs hereof, and such offices are hereby authorized to make such registrations. Registration of real property required for use by the United States will be accomplished without payment to any governmental agency of fees and taxes by the landowners or by the United States. Each Certificate of Affirmation of Leasehold Interest shall list the legal description of all lots or tracts involved and the amount of rental which has accrued for each said lot or tract from the date of acquisition of the Determinable Estate through 30 June 1958. Rentals from 1 July 1958 shall be paid at the rates specified in leases to be executed with the Government of the Ryukyu Islands.

7. Forthwith after the filing of the Certificate of Affirmation of Leasehold Interest, the District Engineer, U. S. Army Engineer District, Okinawa, shall cause to be deposited with the Chief Executive of the Government of the Ryukyu Islands the sum of money specified in said Certificate of Affirmation of Leasehold Interest as rental through 30 June 1958, to be held IN TRUST for the persons entitled thereto.

8. The Government of the Ryukyu Islands is designated as TRUSTEE for the purpose of receiving, disbursing and accounting for funds deposited by the United States of America to be held IN TRUST for payment to the persons ultimately qualifying for payment under the provisions of this Ordinance. All such funds received and disbursed by the TRUSTEE must be accounted for and the undisbursed balances are subject to the withdrawal and recovery provisions of subparagraph 5c of GA Ordinance Number 164, dated 23 February 1957, as amended. Records of said account maintained by the TRUSTEE shall be open to inspection at all reasonable times by representatives designated by the District Engineer, U. S. Army Engineer District, Okinawa.

9. The Chief Executive of the Government of the Ryukyu Islands is hereby authorized, empowered and directed, in the name of the Government of the Ryukyu Islands, to perform all acts and functions required as said TRUSTEE, and is authorized and empowered to enter into and execute, in the name of the Government of the Ryukyu Islands, any Service Contracts, or modifications required thereto, with the United States of America to provide such services of the Government of the Ryukyu Islands as may be determined necessary to implement the procedures specified herein. The Chief Executive may designate a competent official, or officials, who shall be responsible to, and have authority to act for, the Chief Executive of the Government of the Ryukyu Islands in all matters pertaining to the performance of such services, to devote his or their full time and attention toward their accomplishment.

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10. Paragraph 2a, of CA Ordinance Number 164, "United States Land Acquisition Program," dated 23 February 1957, is hereby rescinded. All funds remaining on deposit with the Bank of the Ryukyus as compensation for Determinable Estate interests in land shall be immediately withdrawn by and returned to the United States, acting through the District Engineer, U. S. Army Engineer District.

11. The effective date of this Ordinance shall be 13 January 1959.

FOR THE HIGH COMMISSIONER:

VONNA F. BURGER
Brigadier General USA
Civil Administrator

DISTRIBUTION:

A,B,C,D,E,F

寫

那第一六九号

昭和三十四年二月十九日

那覇日本政府南方連絡事務所長

總理府特別地域連絡局長 殿

弁務官布令第二十号英文テキスト写の
送付について

一九五九年二月十二日付高等弁務官布令第二十号（賃借権の取得）
の英文テキスト写を別添三部送付するから、その中一部を外務省へ
他の一部を法務省へ転送ありたい。

總理府

アジア局長

次

長

第一課長

総南連第一七二号

昭和三十二年三月五日

南方連絡事務局長

外務省アジア局長 殿

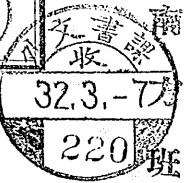
米国民政府布令第一六四号送付について

米国民政府は二月二十三日付軍用土地に関する布令を別添写のと
おり公布した旨、那覇日本政府南方連絡事務所長から報告があつた
ので、御参考までにお知らせする。

添付書類

二月二十七日付 那第一五六号 写 一

總理府



回覧番号	ア- 291
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記帳了

軍用地の新布令公布

沖縄土地問題に対する米の方針として去る一月四日琉球列島民政長官E.I.レムニツツアー大將は声明を発表、概要を明らかにしたか、二十三日モーター副長官はレムニツツアー声明を法的に裏付ける新布令百六十四号「米國土地收用計画」を公布同日発効とした。
同布令では従来土地賃貸料の審査に當つて来た「米國民政府土地收用委員会」が「民政府土地裁判所」に代り、國防長官任命による三人の裁判官が訴訟審理賠償請求などの事件を審理することになつて
いる。
また同布令では銀行への供託は地主の名においてなされ、短期間使用土地に対しては借地保有の賃貸料を支払い、無期限使用の土地に対しては一括払い実施まで賃貸料継続支払いが行われる。
次は布令全文。

總 理 府

米國土地收用計画

米國は琉球列島に於ける土地の使用と占有を必要とし、
公正なる手続きと、その計画が明瞭に理解され、かつある事柄に
對して最終的なものとなることを米國土地收用に含まれた双方の保
護が必要であるので、ここに次のように布令する。

- 一、琉球列島に於ける米土地收用計画は、今後次の方法によるものとする。
- 二、琉球に於ける法律にあるあらゆる土地の不動産のほかにさらに、他の法規、慣習にも拘わらず、米國は次の土地不動産を收用し、かつ適当な土地登記所に登録するものとす。

a 終結不動産権 (Determined Estate) 土地所有権は地主に保有されたまま收用された不動産でこれは米國がもはや該土地の必要を認めず、その終結を地主に通告するまで続くものとする。
こういう不動産権は当該土地の表面だけでなく上また地下も含みそ

の持続期間中はこれを完全に、また独占的に使用、所有権を享受するものとする。もし米国が直ちにこれを必要とするか、もしくは地球経済に利益をもたらすことがわかれば、地主による土地の臨時的使用は認められることかある。ただしこの認可期間中米国は物件の維持に如何なる義務も負わないものとする。

また米国は必要ある場合は如何なる時でもこの特権を撤回する任意決定権を有するものとす。米国は土地にいかなる物件をも設置する権利を獲得し、この物件の所有権は米国にあるものとする。また米国はその任意決定権により、地上物件放棄の日以後公表日数以内にこれを処理することができず、権利を放棄しないかぎり、該物件の移動、譲渡の権利を有するものとする。

土地収用の際の補償規定により、収用土地及び或は物件の全価格に相当する補償の一括払いに際しては、この収用終結期限の日に如何なる土地又は財産に對しても米国はこれを復元する義務は有しないものとする。この期間中は該土地又は財産に對する税は、これから利益を受けている土地所有者に課されないものとする。

総 理 府

b 賃貸借権 (Leasehold) 五年を越えない特定の期間における土地の上空、地下および地上並びに地上物件の完全な独占的使用、占有および享有を含む権利で、その使用料は特定の期間に支払われる。米国がその賃借土地に設備した物件または賃借人から取得した物件はすべて米国により除去又は譲渡されることかできる。

米国は賃借人に少くとも九十日の予告をすることによりいつでもこの権利設定の契約を解除できる権利を有する。賃借人が解約期日の少くとも六十日以前に復元要求の予告をすれば、米国は賃借土地を本質的に賃借当初と同じ状態に復元することを要し、又はその自由裁量により損害補償を支払うことをもつてこれにかえなければならぬ。かかる復元又は補償支払いが完了すれば米国は当該土地に残存するいかなる物件の所有権をも放棄したものとみなす。

米國が差当つて必要とせず、また琉球經濟の最上の利益に差支えなければ、すでに貸貸借された土地の一時使用の特権を貸貸人その他の者に許容することができる。ただしかゝる一時使用許可の期間中は米國は当該土地の状態を維持する義務を有することなくしかも当該許可書に規定してあれば、その自由裁量によりいつでもこの特権を取消することができる。

○地役権 (Easement) 米國が一括払いをした土地及びあるいは物件に対する権利で米國をして他の土地を、いかなる特定のあるいは限られた目的のためにも使用させ、また規定されたあらゆる特定の行為を許し、または所有者をしてその土地や物件に対する行為を制限させることを許す権利である。この権利は米國かその必要を認めなくなり、文書により九十日以前に通告するに至るまで継続されるものとする。米國によつて土地家屋に設置されたあらゆる物件財産は上記解約の発効日以前に米國より撤去又は移讓される。従つてこれ

総 理 府

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に對する支払いが一括払いの一部としてなされた場合、米國は該土地又は物件を復元するいかなる義務からもなされ、また米國は解約の日以來残存物件に對する所有権を放棄したものと見なされる。もしかゝる支払いがなされない場合、解約通告には特に、解約発効の少くとも六十日以前に文書をもつて復元の必要のあることを記述し米國は物件の地役権設定が行使された當時の状態に復元するか、或は記載してある損害を自由裁量により補償せねばならない。

復元又は損害を賠償した後米國は該物件に對する所有権を放棄したものとみなされる。

三、琉球列島におけるこゝにいう土地財産の不動産権は普通の場合交渉行為を許可された米國の代行機關により交渉手続を通じて米國に取得される。土地の強制収用は米國が必要とする土地の所有者と交渉に失敗したときだけ宣告されるものとする。しかし米國が土地への入域もしくはその占有命令が必要であり、し

かも時が許さぬ緊急の場合には交渉予告は必ずしもかゝる宣告に必要なものではない。この土地収用政策を履行するために左のような手続きかとられる。

- A 米国陸軍工兵隊地区のディストリクト。エンジニアは副長官にある土地および、または物件の取得権を申請する。申請書には
 - 一、取得されるべき不動産とそれに対しとるべき支払方法の明細。
 - 二、取得されるべき不動産のある全地域を明示し、その境界線は図面で示して申請書で一見取得地域が分るよう明示すること。
 - 三、もしかゝる物件の取得が意図されているときは、地上物件の種類、数をできるだけ正確に記述しなければならぬ。
 - D 上記方法により副長官から権限を付与された場合、ディストリクト。エンジニアは財産収用告知書をすべての土地登記所ならびにかゝる土地物件隣件係市町村に提出する。
- かゝる告知書は収用されるべき土地を特に記述し、告知書に添付され

総 理 府

た地図に接収予定地の境界を明示した記述書を含み、副長官権限による告知書であることを明示すること。この告知書はさらに、米国は記載された土地に対して交渉する意思がありかつもつと努力することを記述するか、または該不動産に対する交渉がすでに成功裏に済んだことを記述する。告知書は関係各市町村の目立つ場所に掲示され、また当該事務所では、登記されたすべての人または関係人として知られるすべての者に対し逋達させる責任がある。

告知書を出して三十日以上九十日以内にD Eでは、交渉により取得されたものでない土地、物件隣件土地登記所に収用宣告書を提出する。ただし如何なる収用宣告書も、当該土地、物件のあらゆるものが明示され、評価され、かつ宣告書に記述してあることを述べ、さらにこれに関する情報は関係土地登記所で得られることを述べた記述書をあらかじめ副長官に提出してその同意を得た上でなければ提出できない。

総 理 府

この収用宣告は取得すべき土地を明記、各筆ごとまたはその部分と、Dににより該土地の適正補償とみなされる米国の見積額を記載さらに左記四および五項記載の確実な支払い方法に従つて支払われるべき上記補償方法を明らかにせねばならない。

収用宣告に引き続きDでは直ちに同宣告書に適正補償額として記載してある金額を、権利を有する者の名義において琉球銀行に預託するものとする。収用宣言書提出によつてこの指定された土地の権利は全く米國に付与される。ただしその後適当な時期にこの物件が放棄されることあり得る。もし米國が不動産取得権を有している土地物件に収用宣言書が発せられた場合は、指定不動産権は、何らかかにか手続きを取ることなく収用宣言発効日からそのまゝ、前の米國不動産権にとつて代るものとする。

D 収用宣告後如何なる人といえどもそれに記載してある土地に対し不動産権又は賃貸権を有する者に記載の補償額に不満のものは収用

宣告後六十日以内に適正補償額再審の訴訟をすることかできる。この訴訟は文書をもつて民政府土地裁判所に第八項の規定通り提訴する。上記期限内に提訴がなされない場合は収用宣言書記載の金額は適正補償とみなされ、不動産権又は賃貸権をその土地又は物件に有する人で上記期限内に訴訟をしなかつたものは適正補償問題に対しは以後の再審から除かれる。訴訟審理継続中又は最終的決定が下記の第八項記載の方法でなされるまで、訴訟者は、収用宣言書に本人名義で預託された金額の全部は一部を引出すことができる。ただしその人は左記第五項Aにより支払をまたさらに、該訴訟者が本人名義の供託金の七十五%以上を引出したら、この預金引出しは自然的に、当該人によつて不動産権又は賃貸権で供託された額に對するその後の陳情権を放棄したものとす。

指定された方法により収用宣言書を出して土地、物件の使用したる米國は續いて原収用宣言書の改正を出すことによつて原宣言書又は

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その改正書に示されていない当該土地内の如何なる物件をも取得し
さらに原宣告書に關し訴訟改正および預託金引出規定と同じ方法で
もつて適正補償見積額を供託する。

且米國によつて直ちに、ある土地、物件の役用、占有があると同長
官によつてその緊急必要性が思料された場合は副長官は取用宣告に
先立つ取用告知を通告してのちいつまでも物件の除去又は測量の
ための入域命令を出すことができる。この命令書の写しは告知書と
同様の方法により提出、貼出されるべきである。これによつて起る
損害は状況に応じて民政府土地裁判所に適當な申請書を出すか又は
米國損害賠償手続法により賠償される。除去命令の中に含まれて後
に取用宣告書に記載されている物件の除去すべき日は除去命令書の
指定日とする。

四、適正補償が誰に支払われるべきであるかその適当な人を確認す
るといふ目的のみのため、米國が適正補償をなすべき義務を有する

総 理 府

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不動産または賃貸権を確認するため直ちに左記の方法かとられる。

a 現在米國の管理下にある土地

1 本布令発効の日、ある人か土地または物件の不動産権または賃
貸権の保有者として土地台帳に公正に登録されている場合、このよ
うな人(内)は、本布令発効日(一九五七年二月二十三日)から九十日以
内(でなければ)、このような不動産権または賃貸権の法的正当な保持
者として確認される。他の者は、特(定)土地登記所に、本人が土地登記
の訴訟を巡回裁判所に提起したことを通知して不動産権、賃貸権を
主張するものとする。もしかゝる訴訟が被告の敗訴に終わった場合原
告の提訴通知は何ら効力を有さず、登記訴訟をしなかつたのと同じ
になる。もしこの訴訟が被告の勝訴に終わった場合、当該人の申請に
続き、特(定)土地登記所に裁判所判決文の提出により本人の名義におい
て不動産権または賃貸権を登録させ、その新登録日付から新しく九
十日の期間が始まるものとする。

新登録日付

2 本布令の発効日に、ある人が土地または財産に対する所有権を保持しているとき、正当に登録され、また他の者が同土地、財産に対する賃貸人の不動産権または賃貸権を主張する場合、後者は、本布令が効力を有する日から九十日以内に、^時関係土地登記所に登記して彼の賃貸人の不動産権または賃貸権を保護することができる。この場合、九十日以後の彼の賃貸人の不動産権または賃貸権は^{四項aに}規定してある方法によつて訴訟を提起されない限り有効となる。ただしこれは訴訟によつて勝訴になつたところのいかなる登録不動産権または賃貸権をも毀損するものとは解釈されない。

b 米國により収用される土地

このあらゆる場合において確認方法は四 a 項規定と同じものとする。ただし本布令が効力を有する日が前記 3 に記述の通り^{米國が}関係土地登記所に告知書を連達した日である場合は例外である。

c 本項による確認の利益を得るために今後所有権登録をする^{米國が}

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生じた費用は本人が権利を有する適正補償額の中に包含されるものとする。ただし米國は前記第三条の規定により、登記されるべき土地財産における権利を取得するものとし、さらに左記費用は次の規定をこえてはならない。

登記代 登記代は適用されるべき法規に従つて決定される。

登記公証費 (書籍作成その他を含む) 土地一筆につき百四十円

市町村手数料 (徴収の必要ある場合) 一筆六十円

五、^{第四項に}規定された手続きに^{米國が}折衝契約又は収用に^{米國が}よつて米國が負担すべき適正補償の支払いに^{米國が}関する規則は次のとおりとする。この規則に基づき適正を支払いかなされた後に於いて米國は資金配分の^{米國が}際によりつて生じたものと申立てられるすべてのいかなる責務からも免かれるものとする。

A 米國が獲得した土地をいし地上物件に対する権利又は賃貸権を^{米國が}限^{米國が}実にかつ事実上保有しうる者はすべて、米國が適正補償として支払

う資金の配分を一定の割合で受ける権利を有する。ただしこの不動産権又は賃貸権は、第四項の確認手続又は裁判手続による勝訴の判定により認められていなければならぬ。

B 不動産権又は賃貸借権に関する確認手続又は裁判所による判定が確立するまでは米國は第三項に規定する收用宣告書の登記の時又はそれ以後に当該財産の適正補償とし、この評価額又は第八項により最終的に確定された額に等しい資金を琉球銀行に供託しなければならぬ。当該資金は不動産権又は賃貸借権が最終的に確認され又は裁判所手続により確定される者のために特別会計信託金として保管され、琉球列島米國陸軍工兵地区の工兵隊長の認可があつて始めてこれらの者に交付される。ただし前号の規定は、当該土地ないし地上物件に対する財産権又は賃貸権の登記前において、その所有権が確認され、又は裁判手続により確定された者に対し全支払額が交付されて後に米國が更に支払をなす責任を生ぜしめるものと解してはならぬ。

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〇 第五項 B に基き供託された物件又は借地権の価格に相当する資金は供託の日から二ヶ年後に米國が引出し、永久に米國に帰属するものとする。ただし二ヶ年が経過した場合において、不動産権又は賃貸権の確認のための第四項に規定する登記の記録が現に存する場合に於て、提起されかつ確認された不動産権又は賃貸権の価格に相当する資金は右の取扱ひを受けぬ。

六、この布令において、不動産権又は賃貸権の登記の発効期日は登記台帳に登記を承認する意味の記載が正式になされる日とする。ただし第五項〇の場合を除く。この場合において不動産権又は賃貸権の登記の発効期日は当該登記所が申請書を受付した日とする。そして如何なる場合においても、当該登記所において同期日の正式記載をせしめるのは登記を申請する者の責任とする。

七、第三項の折衝契約又は取用による正式取得の対象となつてはい

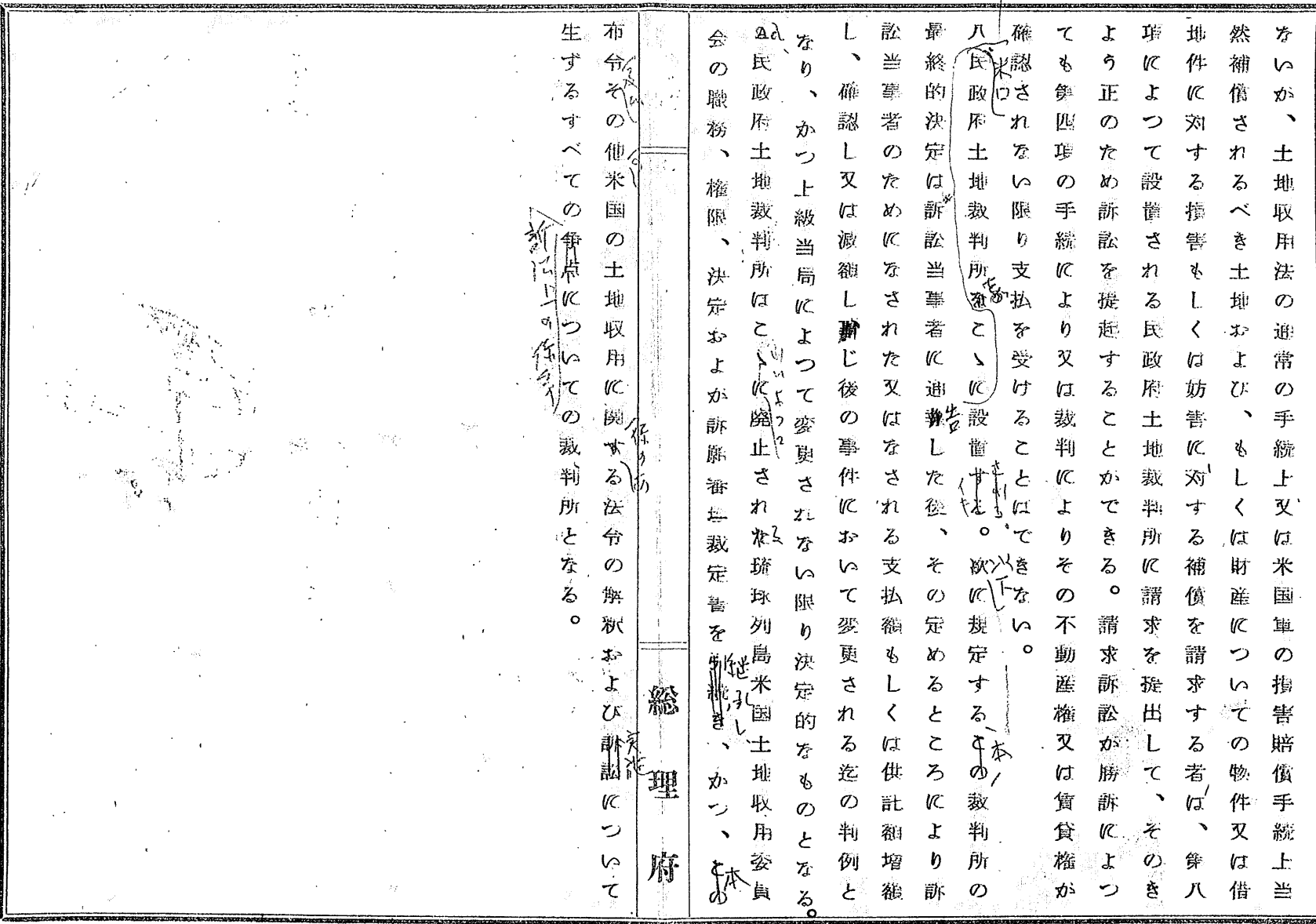
をい、土地取用法の通常の手続上又は米國軍の損害賠償手續上当然補償されるべき土地および、もしくは財産についての物件又は借地件に對する損害もしくは妨害に對する補償を請求する者は、第八條によつて設置される民政府土地裁判所に請求を提出して、そのきよう正のため訴訟を提起することができる。請求訴訟が勝訴によつても第四條の手續により又は裁判によりその不動産権又は賃貸権が確認されない限り支払を受けることはできない。

民政府土地裁判所をここに設置する。次に規定するこの裁判所の最終的決定は訴訟当事者に遡した後、その定めるところにより訴訟当事者のためになされた又はなされる支払額もしくは供託額増額し、確認し又は減額し、撤消後の事件において変更される迄の判例となり、かつ上級当局によつて変更されない限り決定的なものとなる。

民政府土地裁判所はここに停止され、琉球列島米國土地取用委員会の職務、権限、決定および訴訟審判裁定書を執行し、かつ、この

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布令その他米國の土地取用に関する法令の解釈および訴訟について生ずるすべての争点についての裁判所となる。



軍用地の新布令

即ち、米国の収用する土地の財産権の意義および範囲に関する紛争配分のためのこの布令に基く不動産権または賃貸権の確認、確認手続の遵守、収用宣告又は収用法による通常の手続きに基く損害賠償請求の妥当性および適正補償の範囲に関する事実上の、および法的問題等であるが、これに限るものではない。最後の事項で、米国防軍損害賠償請求手続によつて解決することが適当である事件については同手続により処理するものとする。

ただし収用宣告を受けた土地が使用される政府の目的の是非を調査する権限を裁判所に与えるものではない。

1、裁判所は琉球列島にこれを置く。裁判所は三名の判事で構成し、判事の任期は二年とする。ただし米国の国防長官がこれを延長し、または解任することができる訴訟者が裁判所事務局に提起された事

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件について公判を開くための定足数は過半数とする。

2、裁判所は審理を行い、適当な口供書、証拠、口頭証書、帳簿記録および書類を徴し、その他司法機関および記録裁判所としての職務を行う権限を有する。

裁判所は秩序ある公正な運営を行うに必要な運営規則を定め、関係者にこれを周知徹底し、公表を必要とする保存書類および記録並びに永久保存の審理記録を保持し、その職務執行上必要な便宜を与えられる。

B、米国防長官またはその指名する者は法の疑義に関するすべての訴訟を裁定する。但し土地裁判所の審理又は決定を不公平、不適正又は専断とする申立については米国防長官又はその指名する者の完全自由な裁定権の行使により、実力で裁定するものとする。

但しこの疑義は土地裁判所における訴訟当事者か、土地裁判所の判事の過半数の認定により正式に提起されるものとする。この訴訟は

土地裁判所の事実裁定の再審査をいみするものではない。もし事件を再考慮しなければならぬほどの不法があつた場合は事件を土地裁判所に差戻し再審査せしめる。訴訟は適当な運営規則に基き提起し処理される。この運営規則はすべての関係者に周知せしめる。運営規則には訴訟は通常、土地裁判所記録及び訴訟要領書の審査に限られ、特別な事件について自由裁定権を行使する場合には、訴訟を口頭審理に付することができる旨を規定しなければならぬ。

1、この布令に基き提起される訴訟についての制限は次のとおりである。

1、米国防軍工兵隊が登記所に提出した収用宣言書にもとづく適正補償について民政府土地裁判所の審査を請求する訴訟はそれが提出されてから六十日間。

2、A号に規定する事項以外について民政府土地裁判所の審理を請求する訴訟は、訴訟の事由の生じた日またはこの布令の施行日（二

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つの内いずれか最近の日をとる）から一カ年。

3、米国防長官またはその指名する者に対する訴訟は土地裁判所の判決が効力を発してから三十日間。

D、公平な立場上必要な場合は、民政長官は自由裁量により手続上の欠陥または土地裁判所の権限に対する障害を除去し、土地裁判所からの上告を取消することができる。

九、この布令の規定は、この問題について適用される米国の資金または米国の代行官に関する米国の法令を修正し、またこれを抵触すると解してはならない。

十、一九五三年四月三日付民政府布令第九号「土地収用令」は廃止する。ただし同布令に基き取消されたすべての権利は別に撤回又は変更されない限り有効とし、布令第九号により権利を取得した土地にある工作物は、同布令に基き収用宣言書及び供託金を変更することによつてその取得権を持続するものとする。一九五三年十二

月五日付民政府布告第二十六号は訴願手続を除き、この布令によつて廃止されない。

十一、この布令は一九五七年二月二十三日から施行する。

副長官に代り

副民政官 ロデリック・M・ギリース

総
理
府

昭和三十三年三月九日

琉球列島米国民政府布令第一六四号(仮訳)

(一九五七年三月二十三日)

米國による土地収用計画

米國は琉球列島において土地の使用及び占有を必要とするので、また、公正な手続及び米國による土地収用の関係者全部の保護のために、明瞭に理解され、かつ、或種の問題を最終的に決定する収用計画を規定することが必要なので、
ここに左のとおり布令する。

一、今後琉球列島における米国の土地収用計画は、以下の細目を規定するところに従つて実施しなければならぬ。

Certain

二、米國は、琉球の法律に規定されてゐる他のあらゆる不動産権に加え、かつ、成文法及び慣習法の他のいかなる規定にもかかわらず、左の土地不動産権を取得し、管轄土地登記所に登録することができる。

a. 有限不動産権 (*Detachable Estate*)

この不動産権においては、所有権及び権原 (*Title*) は関係地主に保有され、この不動産権は、米國が当該土地を最早必要としなことを決定し、関係土地所有者による放棄を通告するまで継続する。この不動産権は、その継続期間中関係土地の上空、地下及び地上における完全かつ排他的な使用、占有及び享有を含む。米國は、米國と差当つこの支障がなく、かつ、琉球経済の利益を害しない場合は、土地所有者またはその他の者に対し、一時的な使用を許容することができる。但し、右許容期間中米國は、当該土地の状態を維持する責任がないものとし、かつ、許容書に規定された場合は、何

時でも自由裁量によつて右の特権を取消す権利を留保する。米國は、地上財産の所有権を取得し、かつ地上に財産を設置することができ、かかる財産の所有権は、米國が引続き保有するものとする。さらに米國は、この不動産権の放棄の日以後一定の日数内に米國がかかる財産の処分を怠つたことにより、その所有権を放棄した場合を除き、自由裁量によつてかかる財産を撤去し、または譲渡することができる。

米國は、収用土地及び(または)財産の金額に相当する補償を収用時に一括し、すなはち、当該土地及び(または)財産を不動産権終了の期日に特定の状態で回復し、または調整する義務を負わぬ。当該土地及び(または)地上財産の所有者、若しくはそれらから利益を得ている者に対しては、その期間中当該土地または地上財産のために納税義務を生じない。

b. 賃借権 (*Leasehold*)

五年を超えない特定期間中関係土地の上空、地下及び地上をうごかす地上財産の完全かつ排他的使用、占有及び享有を含む不動産権で、特定期間毎に賃借料を支払ふもの

をいう。米國は、米國が賃借した土地の上に設置された財産または賃借者から取得した財産の全部または一部を撤去しまたは譲渡することからできる。米國は、賃借者に対し、終止発効期日のつくとも九十日以前に終止通告をなすことにより、何時でもこの不動産権を終止する権利を有するものとする。米國による右終止通告には、終止発効期日のつくとも六十日以前に書面による賃借人の原状回復要求通告があつた場合、米國は賃借財産を賃借権開始のときに存在したのと実質的に等しい状態に回復するかまたは、その撰択により、かかる回復に代る損害賠償請求額を支払ふ義務を負う旨を明記しなげればならない。原状回復または損害賠償支払後は、米國は、当該土地上に残存するいかなる財産に対しても所有権を放棄したものとみなされる。米國は、米國に差當つての支障がなく、かつ琉球経済の利益を害しない場合は、賃借人またはその他の者に対し、賃借地の一時的使用の特権を許容することからできる。但し、右許容期間中米國は、当該土地の状態を維持する責任を負ふものとし、かつ、許容書の規程した場合は、何時でも自由裁量によつて右特権を取消す権利を回復する。

C. 地役権 (Easement)

土地及び(または)地上財産に対する不動産権で、一括払いにより米國が特定の、または限定された目的のために他人の土地を使用し、当該土地において特定行為をなし、当該土地における及び(または)地上財産に対する所有者自身が行ふを制限する権利を取得するものをいう。この不動産権は、米國が当該土地を最早必要としなことを決定し、終止発効期日のつくとも九十日以前に書面による終止通告をなすまで継続する。米國は、米國が当該土地の上に設置した財産の全部または一部を、終止発効期日以前に撤去し、または譲渡することからできる。かかる地上財産に対する支払が一括補償の一部としてなされた場合は、米國は、当該土地及び(または)地上財産を特定の状態に回復するいかなる義務をも免れ、かつ、終止発効期日に当該土地の上に残存している財産に対する所有権を放棄したものとみなされる。かかる支払がなされなかつた場合は、終止通告には、終止発効期日のつくとも六十日以前に書面による土地所有者の原状回復要求通告があつた場合は、米國は、当該土地を地役権開始のとき存在したのと実質的に同一の状態に回復するか、または、その撰択により、かかる回

復代る損害賠償を去れし義務を負う旨を明記しなされるはならない。原状回復または損害支払後は、米國は当該土地の上に残存するいかなる財産に対しても所有権を放棄したものとみなされる。

三、米國は、通常の狀態の下においては、交渉の任務を遂行することを認可せられた。米國の代理機關による交渉手続を通じて土地及び地上財産に關する権利を取得するものとする。強制収用は、米國が希望する不動産の取得について、予め關係所有者と交渉を行ない、それが成功しなかつたときのみ行われなければならない。但し、急入収または右有権を直ちに米國に引渡す旨の命令を發することが必要な緊急の場合には、事前の交渉は右命令の必要條件とならない。土地収用のため右の方針を実施するに當つては、左の手續に従ふなければならない。

- 一、米國陸軍工兵地区の工兵隊長は、民政副長官に対し、土地及び（または）地上財産の収用認可を申請しなされるはならない。
- 二、右申請書には、
 - (1) 取得するべき不動産及びそれに対する補償支払の方法を明記しなされるはならない。
 - (2) 収用するべき土地の総面積を明記し、収用予定地の周界を示すに充分な地図を申請書に添付し、その地図に収用するべき土地の境界を明示しなされるはならない。

(3) 地上財産の取得が考慮されている場合は、かかる財産の数量及び種類を能う限り、正確に記載しなければならない。

6. 米國陸軍工兵地区の工兵隊長は、前記の方法によつて民政副長官の認可を得た後、関係土地及び(または)財産を管轄する市役所または町、村役場に対して、財産収用告知書 (Notice of Intent to Acquire Property) を提出しなされるべきでない。右告知書には、取得するべき不動産を明示し、収用予定地の周界を記述するが、または収用予定地の周界を明示した地図を添付し、かつ、告知書提出の根拠となる民政副長官の認可を記載しなされるべきでない。更に右告知書には、米國は、告知書記載の不動産を取得するため、交渉を快諾し、かつ交渉に努力する用意があること、または、当該不動産を取得するための交渉が既に成立していることを記載しなされるべきでない。告知書は、関係市役所または町、村役場の目につき易い場所に公示しなされるべきでない。また、市役所、または町、村役場は、その責任において、利害関係者として登録されているか、または既知の者全部に対して直ちに通告しなされるべきでない。

。 財産収用告知書の提出後、三十日以上九十日以内、米國陸軍工兵地区の工兵隊長は、当該土地及び(または)地上財産を管轄する地方土地登記所に対し、収用宣言 (Declaration of Taking) を提出することができる。但し、先づ、個々の土地及び(または)地上財産のすべてが、右収用宣言書において區別され、評価され、かつ記載されていること及びこの種の資料は管轄土地登記所から提供された趣旨の記述書を提出して民政副長官の承認を得た後でなければ、収用宣言書を提出してはならない。

右収用宣言書には、取得される不動産を明記し、土地の各筆または筆の部分及び(または)地上財産を區別し、米國が米國陸軍工兵地区の工兵隊長を代行者として強制収用される当該不動産の正当な補償であると評価する金額を明記し、更に、第四項及び第五項に規定する確認及び支払方式に従つてなされる右補償支払の方法を明かにしなされるべきでない。米國陸軍工兵地区の工兵隊長は、収用宣言提出後直ちに、右収用宣言書の正当な補償として記載した金額を、受益権者ら名義において琉球銀行に供託しなされるべきでない。収用宣言提出後は、右宣言書の記載された不動産は、絶対

的に米國に帰属する。但し、關係土地の之退きつたりの適當期間の猶余を与えなければならぬ。米國が既に不動産権を保有している土地及び(または)地上財産に対して収用宣言書が提出された場合は、いかなる追加手続を必要することなく、収用宣言書記載の日をもつて、収用宣言書に記載された不動産権が米國が既に保有している不動産権に取って代るものとする。

4. 収用宣言の提出後、右宣言書に記載された土地の一部に対して、物件または貸賃権を主張する者は、右物件または貸賃権の代償として支払われる宣言書記載の補償額に不足がある者は、右宣言書提出の日から、六十日以内に正当な補償の決定の再審査を請願することができる。右請願は書面をもつてなされ、かつ、沖八項によつて設けられる琉球列島米國民政務土地裁判所に提出しなされるべきでない。右期間中に請願が提出されない場合は、収用宣言書によつて預託した額が正当な補償とみなされ、宣言書記載の土地または財産に対して、物件または貸賃権を主張し、そのための所定の期間中に請願を提出しなかつた関係者に対しては、正当な補償の向額についてその後い

かなる再審査も認められない。請願者は、沖八項に記載された方法によつて裁判中及び最終決定がなされるまでは、収用宣言書により自己の名義で預託された金額の全部または一部を引出す権利を有するものとする。但し、請願者は沖五項に基き、支払をうける資格を有しなすべからず、更に、請願者が自己の名義で供託された金額の百分の七十五以上を引出した場合は、前記物件または貸賃権の代償として預託される額に關し、その時またはその時以後請願者が提起するいかなる請願も右引出しによつて自動的に放棄されるものとする。

5. 米國は、収用宣言書の提出によつて、所定の方法で土地及び(または)地上財産を収用した後において、最初収用宣言書の修正を加えることにより、かつ、最初の収用宣言書が定むるのと同様の請願救済方法及び預金引出しの規定を付し、最初の収用宣言書が定むるのと同様の方法により、直ちに、正当な補償の評價額を預託することにより、当該土地の地中または地上にある財産で、最初の収用宣言書またはその修正に記載されていなくとも取得することができる。

4. 琉球列島民政副長官が、土地及び（または）地上財産が米國による即時使用及び占有が緊急に必要であると考へるときは、前記の一切の反対趣旨の規定にかかわらず、民政副長官は、収用告知書提出後収用宣言書提出前何時でも当該土地の之退き、または予備測量のため之入り命令を命ずることが出来る。右命令の写しは、収用告知書と同様の方法で提出し、かつ、掲示しなくてはならない。右命令により生ずる損害は、各場合の事情により、琉球列島米國政府土地裁判所に対する所定の申請により、または、所定の米國軍事請求手続によつて補償される。之退命令の對象となつた土地は、後に収用宣言に含まれた場合は、収用の日をもつて之退命令記載の日とする。

四 適正補償を受けるべき正当な人を確認することを唯一の目的として、米國が適正補償を支払ふ義務を有する土地および地上物件に対する権利又は賃借権を確認する目的には次の方式が効果的である。

a. 現在米國の管理下にある土地

(1) 本布令発行の日、土地および地上物件に対する権利又は賃借権の保有者として正式に土地台帳に記載されている者があれば、本布令発効日（一九五七年二月二十三日）から九十日以内の他者が巡回裁判所に登記してつて訴訟を提起したと前管登記所に通告することによつて、同一の権利又は賃借権を主張しない限り、当該権利については前者をもつて、その法的且つ適當な所有者であると確認せられる。かかる訴訟が被告の勝訴に終つた場合は原告の訴訟提起通知は無効とみなされ、この訴訟を提起せしめた登記は係争の余地なきものとなる。もし、この訴訟が原告の勝訴に終つた場合は、当該原告の申請に基き、所管登記所は裁判所の判決文の撰出に基いて直ちに原告に対し、その権利又は賃借権を自己の名義で登記することを許可し、その期日から新登記に關する九十日の期間を新規に起算する。

(3) 本布令発効日の、土地および地上物件の所有権者として正式に登記している者があり、しかも他者が当該土地および地上物件について比較的小さい財産権又は債権を主張している場合、後者は、自分のその諸権利を本布令発効日から九十日以内に所管と登記所に登記することによって保護することができ、

この場合の権利は、前記四(1)項の規定された方法で抗争されない限り、九十日後に有効となる。但し、この規定は訴訟によってなんらの影響を受けなかった。登記済みの財産権又は賃借権を害すものと解しなくてはならない。

(3) 本布令発効日において土地および地上物件の所有権者として正式に登記している者がなく、又、当該土地および地上物件に対する権利又は賃借権の登記を希望する者がある場合に、この項の規定に従って登記することとなる。この場合、その権利は前記の方法によって抗争されない限り登記後九十日以後に効力を発する。

米園によって収用される土地
この場合においては、確認手続は前四項(a)で規定されるものと同一である。但し、本布令発効とある箇所は、米園が前記三項の規定する収用告知書を所管登記所

に提出する期日を以て代える。

C. 本項による確認に従うため、または、その利益を受けるために所有権を登記する者によって生じた費用は、その者が受けるべき適正補償の中に含まれる。但し、米園は前記三項により、登記物件たる土地及び地上物件に対する権利を取得するものとして、さらに左記の費用は次の規定を超えてはならない。

登記手数料—登記手数料は適用されるべき法規に従って決定される。
公証手数料(書類の作成並びに役務に対する手数料)—一筆当り二四。円。
市町村手数料(徴収)必要ある場合—一筆当り六十円。

五. 上記前四項の規定された手続の基き、折衝契約または収用の結果として米園が負担すべき適正補償の支払に關しては次の規則による。この規則の基き適正な支払がなされた後は、米園は資金配分の向違ひによつて生じたものと申し立てられるすべからず、いかなる債務からも免れるものとする。

a. 米園によつて獲得された土地および地上物件に対する権利又は賃借権を現実にかつ

事實上保有する者はすべて、米國による適正補償の配分に対し、定割合を受けける権利を有する。

但し、この不動産権又は貸賃借権は、前記ホ四項の確認手續、または最終的にかつ如何なる点に於ても当該権利を確立する裁判所の勝訴の判決により認められなければならない。

六、不動産権または貸賃借権に關する確認または裁判手續による確立があるまでは、米國は前記ホ三項に於る收用宣告書の提出時、または、それ以後に、当該財産に対する適正補償としての評価額または、ホ八項により最終的に確定された額に等しい資金を琉銀に供託しなければならない。当該資金は不動産権または貸賃借権を最終的に確認し、または裁判手續により確定する者のために、特別会計委託金として保管され、琉球列島工兵隊長の適當な証明書をもつてのみ、このうちの者に貸与される。但し前号の規定は、当該土地乃至地上物件に対する財産権または貸賃借権の登記前においてその所有権が確認され、または裁判手續により確定された者に対し、全額を支拂わねば、米國が更に支拂をなす責任を生ぜしめるものと解してはならない。

七、ホ五項の基き、供託された財産権または貸賃借権の価格に相当する資金は、供託の日から二ヶ年経過後に米國が引き出し、永久に米國に帰属するものとする。但し、二ヶ年を経過した場合においては、不動産権または貸賃借権の確認のためのホ四項による登記が現に記録されている場合には要求され、且つ、確認された不動産権または貸賃借権の価格に相当する資金は、右の取扱いを受けない。

六、この布令の目的上、不動産権または貸賃借権の登記の発効期日は登記台帳の登記を承認する記載が正式になされる日とする。

但し、前記ホ五項の場合を除く、この場合における登記の発効期日は当該登記所が申請書を受理した日とする。そして如何なる場合においても当該登記所によつて該期日の正式記載をなされるのは、登記を申請する者の責任とする。

七、ホ三項の折衝契約または収用による正式取得の物件とはなっていないが、土地収用法における手續の一般に認められた原則または米國軍の損害補償手續によつて當然補償さ

此るべき土地及び若しくは地上物件についての権利または賃貸権に対する損害もしくは
実質的妨害に対する補償を請求するものは、下記第八項によつて設置される 琉球府土地
裁判所に請求を提出して、その救済のための訴訟を提起することができる。請求訴訟が
勝訴になつても、第四項の手續による正当な確認または裁判手續により、その権利が確
定される場合のみ支拂を受ける資格を有する。

八、琉球府政府土地裁判所をここに設置する。次に規定するこの裁判所の最終的決定は、
訴訟当事者に通告された後、その定めるところにより、訴訟当事者のためになされ、ま
たは、なされるべき支払額もしくは供託額の増額、確認、または減額に反映され、尔後
の事件によつて変更されるまでの判例となるものであり、且つ、上級機關によつて変更
されない限り拘束的かつ確定的のものとなる。

九、琉球府政府土地裁判所はここに廢止される 琉球列島米國土地収用委員会が職務、管
轄、決定および審理中の訴訟記録を継承し、かつ、この布令および米國の土地収用の
關するその他の法令の解釈および施行から生ずるすべての訴訟上の論争問題について

の裁判所となる。すなわち、米國により収用される土地の財産権の意義及び範圍に關
する紛争、この布令に基く分類目的からする不動産権または賃貸借の確認、収用手続
の遵守、及び収用宣言あるいは、土地収用法において通常採られる適正手續の
諸原則にまついて請求された損害に対する補償適格性及び適正補償の範圍に關する
事実問題と法律問題等であるが、しかし、右のみに限定されるものではない。ただし、
本項の事項の範圍に屬する事件であつて米國軍請求手續によつて解決することがより
適當であるものについては、同手續により処理するものとし、また、いかなる収用土
地もそれが政府使用に向けられてゐることの發当性についてはこれを調査する権限が
土地裁判所に与えられてゐるものと解してはならない。

(1) 土地裁判所は、琉球列島にかかれ、三名の判事で構成される。判事の任期は二年
とする。ただし、米國の國防長官はその任期を延長しまたは、これを解任すること
ができる。訴願者によつて土地裁判所事務局に適宜提訴された事件について公判を
開くための定尺数は過半数とする。

(2) 土地裁判所は、審理を行い、適當な口述書、証拠、口頭証言、帳簿、記録および

文書を徴し、その他司法機關及び記録裁判所としての職務を行う権限を有する。土地裁判所は秩序ある公正な処理を行うために必要と思われし手続及び異議規則を定め、利害関係者にこれを周知徹底し、公表を必要とする。ファイル及び記録を十分に永久保存の審理記録を保持し、また、その職務執行上、必要を便宜を与えらるる。米國々防長官またはその指名する者は法の疑義に關するすべての訴願を裁定する。ただし、土地裁判所の審理または決定を不公平、不適正または矛盾とする申し立てについては、米國々防長官またはその指名する者が完全自由な裁量によつてのみ理非曲直にもとつて裁決されるものとする。ただし、かかる疑義は土地裁判所における訴訟当事者または土地裁判所の判事の過半数の認定により正式に提起されるものとし、また、かかる訴願はいかなる場合も土地裁判所の事戻上の裁決の新規の再審査を意味するものではない。もし事件を再考慮しなればならぬほどの不法があつた場合には事件を土地裁判所に差し戻し再審理せしめる。訴願は適正な訴訟手続規則に基き提起され、処理されねばならない。この訴訟手続規則はすべての関係者に周知せしめらる。かかる手続規則においては訴願は通常土地裁判所記録及び訴訟要領書の審査に

- 限られ、特定の事件について自由裁定権を行使する場合には、訴願を口頭審理に付するものとすることができる旨を規定しなればならない。
- c. 提訴される審理される請願及び訴願についての時限は次のとおりである。
- (1) 米國陸軍工兵隊が土地登記所に提出した収用宣言書に基き適正補償について米國民政府土地裁判所の審査を請求する請願は、その提出の日から六十日以内。
 - (2) 前記の項に規定する事項以外のものについて米國民政府土地裁判所の審査を請求する請願は、訴訟の事由の生じた日、またはこの布令の効力発生の日（二つの内いざらちが最近の日をとり）から一カ年。
 - (3) 米國々防長官またはその指名する者に対する訴願は、土地裁判所の判決が効力を發した日から三十日以内。
 - d. 特に公平の立場上、止むをえざる場合、琉球列島米國民政長官は、その自由裁量によつて手続上の欠陥または土地裁判所の権限に対する障害を除去し、土地裁判所からの上告を取消すことができる。

九、この布令のいかなる規定も、この向題について適用される米国の資金又は米国の取務を代行する公務員に關する米国の法令を修正し又はこれを抵觸すると解し又はならない。

十、一九五三年四月三日の米政府布令百九号「土地収用令」は、これを廢止する。ただし同布令に従い、また、それによつて獲得されたすべての財産権、利益及び権利は別々放棄され又は他の決定が行われな限り有効とし、また、布令百九号により権利及び利益を取得した土地にある工作物は、同布令に基き、収用宣言書の改正及び右宣言に規定されてゐる資金の供託によつて、その取得権を持續するものとする。

一九五三年十二月五日の米政府布令百二十六号（改正済のもの）は、新領手續を除き、この布令の諸規定によつては廢止されな。

十一、この布令は、一九五七年二月二十三日から効力を發生する。

米國民政副長官の代り
副民政官 コデリック・M・ギリトス

UNITED STATES CIVIL ADMINISTRATION OF THE RYUKYU ISLANDS
Office of the Deputy Governor
APO 331

CA ORDINANCE
NUMBER 164

23 February 1957

UNITED STATES LAND ACQUISITION PROGRAM

WHEREAS, the United States has certain requirements concerning the use and possession of the lands in the Ryukyu Islands and whereas it is necessary in the interests of due process and protection of all parties involved in the acquisition of lands by the United States to provide a program which will be clearly understood, and which will bring certain matters to a state of finalization.

IT IS THEREFORE ORDAINED:

1. The United States land acquisition program in the Ryukyu Islands shall henceforth be conducted as hereinafter detailed.

2. In addition to any other estates in land contained in Ryukyuan law, and notwithstanding any other provisions of law and custom, the United States may acquire and register in the appropriate Land Registry Office, the following estates in land:

a. Determinable Estate: An estate wherein title and ownership remains vested in the landowner from whom it was acquired, and which shall continue until such time as the United States determines it has no further need of the land and has notified the landowner concerned of its relinquishment. This estate shall extend to full, exclusive use, possession and enjoyment above, below, and upon the surface of the land concerned for its duration. If the immediate requirement of the United States and the best interest of the Ryukyuan economy permit, certain outgrants of temporary use may be granted to the landowner or others; provided, that for the duration of such outgrants the United States shall have no obligation to maintain the condition of the premises;

and

- 2 -

and the United States shall retain free discretion to revoke the privileges at any time, if the instrument of outgrant so provides. The United States will acquire ownership of and may place any properties on the land, the ownership of which properties shall continue vested in the United States; and at its free discretion the United States may remove or transfer said properties, unless the United States renounces its ownership therein by failure to dispose of them within a stated number of days after the date of relinquishment of the said estate. By virtue of its payment at the time of acquisition, of lump sum compensation equivalent to the full value of the land and/or properties acquired, no obligation devolves on the United States to restore or adjust the land and/or properties to any particular condition on the date of termination. During its term, no tax liability on account of the land and/or the properties thereon shall accrue against the owner or persons deriving their interests therefrom.

b. Leasehold: An estate extending to full, exclusive use, possession and enjoyment above, below, and upon the surface of the land and/or properties thereon for any specified period of time not exceeding five (5) years, for which rental payments are made at specified intervals. Any and all properties placed on the leased premises by the United States or acquired from the lessor may be removed or transferred by the United States. The United States shall have the right to terminate the estate at any time by giving the lessor notice of such termination at least ninety (90) days prior to the effective date of said termination. Said notice of termination by the United States shall specifically state that upon the lessor's written notice of his requirement for restoration at least sixty (60) days prior to the effective date of termination, the United States shall be required to restore the leased premises to substantially the same conditions existed on commencement of the leasehold estate, or at its option to pay damages in lieu thereof. Following restoration or the payment of damages the United States shall be deemed to have renounced its ownership in any properties yet remaining thereon. If the immediate requirement of the United States and the best interest of the Ryukyuan economy permit, certain privileges of temporary use of the lease premises may be granted to the lessor or others, provided, that for the duration of such outgrants the United States shall have no obligation to maintain the condition of the premises; and the United

States.

States shall retain free discretion to revoke the privileges at any time, if the instrument of outgrant so provides.

c. Easement: An estate in land and/or properties thereon paid for in lump sum which shall afford the right to the United States to use the land of another for any specified or limited purpose, to do any specified act thereupon or to restrict acts of the owner upon his own land and/or properties thereon. Said estate shall continue until such time as the United States determines it has no further need of the land and has given written notice of its termination at least ninety (90) days prior to the effective date of said termination. Any and all properties placed on the premises by the United States may be removed or transferred by the United States prior to the effective date of termination. Where payment therefor is made as part of the lump sum compensation, the United States shall be relieved from any obligation to restore the land and/or properties thereon to any particular condition, and the United States shall be deemed to have renounced its ownership in the properties remaining thereon on the effective date of termination. If no such payment is made, the notice of termination shall specifically state that upon the landowner's written notice of his requirement for restoration at least sixty (60) days prior to the effective date of termination, the United States shall be required to restore the premises to substantially the same condition as existed on commencement of the easement, or at its option to pay damages in lieu thereof. Following restoration or payment of damages the United States shall be deemed to have renounced its ownership in any properties yet remaining thereon.

3. Under normal circumstances estates in lands and/or properties thereon in the Ryukyu Islands will be acquired by the United States through negotiation procedures by its agency authorized to perform such functions. Condemnation shall be utilized only after an unsuccessful attempt has been made by the United States to negotiate with the owners concerned to acquire the desired estate. However, in urgent cases where necessity requires an order that right of entry or possession be delivered immediately to the United States and time does not permit, a prior attempt at negotiation shall not be a prerequisite to such order. In implementation of this policy for land acquisition, the following procedure shall be followed:

a.

a. The District Engineer, U.S. Army Engineer District, shall make application to the Deputy Governor for authority to acquire certain lands and/or properties thereon, which application:

(1) Must state specifically what estate is to be acquired and the manner in which compensation therefor is intended to be paid.

(2) Must describe the total area of the land to be acquired, the boundaries of which shall be delineated on a map to be inclosed with the application sufficient to show the perimeter boundary of the proposed acquisition.

(3) Must state as accurately as possible the number and type of properties upon the lands, if acquisition of such properties is contemplated.

b. Upon obtaining the authority of the Deputy Governor in the manner specified above, the District Engineer, U.S. Army Engineer District, shall cause a Notice of Intent to Acquire Property to be filed in all District Land Registry Offices and Shi, Cho, or Son Offices having jurisdiction over the land and/or properties involved. Such Notices shall state specifically the estate to be acquired, shall contain a description or delineation of the perimeter boundary of the proposed acquisition on a map attached to the Notice, and shall state the authority from the Deputy Governor by which the Notice is filed. Such Notices shall further state that the United States holds itself willing and shall expend efforts to negotiate for the estate therein described, or that successful negotiations for said estate have already been concluded. Notices are to be publicly posted in a prominent place in the respective Shi, Cho, or Son Office involved, and it shall be their responsibility of said Offices to cause prompt notice to any and all persons registered or known to be concerned as interested parties.

c. Not less than thirty (30) nor more than ninety (90) days after the filing of the Notice of Intent the District Engineer, U.S. Army Engineer District, may cause the filing of a Declaration of Taking with the appropriate District Land Registry Office having

jurisdiction

jurisdiction over the lands and/or properties thereon, not then acquired by negotiation; provided, that no Declaration of Taking shall be filed without first obtaining the consent of the Deputy Governor upon presentation of statements to the effect that all the individual lands and/or properties thereon, have been identified and appraised and described in said Declaration of Taking, and that the information has been made available at the appropriate Land Registry Office. Such Declaration of Taking shall specify the estate which is acquired; shall individually identify each tract, or portion of a tract of land and/or properties thereon; shall state the sum of money estimated by the United States, acting through the District Engineer, U.S. Army District Engineer, to be just compensation for the estate condemned; and shall further disclose the manner in which said compensation is to be paid in accordance with the validation and disbursement system provided in paragraphs 4 and 5 below. Forthwith after the filing of the Declaration of Taking, the District Engineer, U.S. Army Engineer District, shall cause to be deposited in the Bank of the Ryukyus the sum of money specified in said Declaration of Taking as just compensation to be held IN TRUST for the persons entitled thereto. Upon the filing of the Declaration of Taking, the estate specified therein shall become absolutely vested in the United States; provided, however, that a reasonable time thereafter shall be allowed for the vacation of the premises. If a Declaration of Taking is filed upon lands and/or properties thereon in which the United States already holds an estate, then the estate specified in the Declaration of Taking shall supersede the estate previously held by the United States effective the date specified in the Declaration of Taking, without the necessity of any additional procedure.

d. Upon the filing of the Declaration of Taking, any person claiming a real right or lease in or upon parcels of land listed therein who is dissatisfied with the amount shown therein as the compensation to be paid for his real right or lease, shall have sixty (60) days from the date of filing of said Declaration of Taking in which to petition for review of the determination of just compensation. Such petitions must be in writing and shall be filed in the USCAR Land Court, as established in paragraph 8 below. If no petition is filed within said time, the amount

deposited

deposited with the Declaration of Taking shall be deemed to be just compensation and the parties claiming real rights or leases in or upon the lands or properties thereon for which no petitions were submitted within the specified time shall be barred from any further review upon the issue of just compensation. Pending the litigation and until final determination is rendered in the manner described in paragraph 8, below, the petitioner shall be entitled to withdraw any part or all of the amount deposited to his account on the filing of the Declaration of Taking; provided, he qualifies for disbursement under subparagraph 5a, below, and provided further, if said petitioner withdraws more than seventy-five percent (75%) of the amount deposited in trust for him, the withdrawal shall automatically waive any petition then or thereafter instituted by said person covering the amount deposited for such real right or lease.

e. Having once acquired lands and/or properties thereon by the filing of a Declaration of Taking in the manner specified, the United States may subsequently acquire any properties within or upon said lands not shown in the original or amended Declaration of Taking by the filing of an Amendment to the original Declaration of Taking and forthwith depositing its estimate of just compensation, in the same manner and with the same remedies of petition and provisions for withdrawal as pertain to original Declarations of Taking.

f. Should it be deemed of urgent necessity by the Deputy Governor, Ryukyu Islands, that use and possession of certain lands and/or properties thereon be taken immediately by the United States, the Deputy Governor may order a vacation of the premises or a preliminary survey entry at any time after the filing of Notice of Intent but prior to the filing of Declaration of Taking, anything aforesaid to the contrary notwithstanding. Copies of such order shall be filed and posted in the same manner as the Notice of Intent. Damages ensuing therefrom may be compensated for following proper application to the USCAR Land Court or under appropriate United States Forces Claims procedures, depending upon the circumstances. Where the premises which are the subject of an order of vacation are later included in a Declaration of Taking, the date of taking shall be the date specified on the order of vacation.

4. Only and for the sole purposes of ascertaining the proper persons to whom just compensation is due, the following system is effective immediately to validate real rights or leases in or upon lands and/or properties thereon, for which the United States has incurred an obligation to make just compensation.

a. Lands currently under United States control:

(1) Where on the effective date of this Ordinance a person is duly registered in the Land Registry Book as the holder of a real right or lease in or upon lands and/or properties thereon, then such person shall be conclusively presumed to be the legal and proper holder as to all the world of such real right or lease, unless within ninety (90) days hence from the effective date of this Ordinance (23 February 1957), any other person makes claim to the same real right or lease by notifying the appropriate Land Registry Office that he has instituted in the Circuit Court a suit contesting the registration. If such a suit terminates in favor of the defendant, the plaintiff's notification of institution of suit shall be considered of no effect, thereby leaving uncontested the registration occasioning the suit. If such a suit terminates in favor of the plaintiff, then following application of said person, the appropriate Land Registry Office shall forthwith, upon presentation of the decree of the Court, permit him to register the real right or lease in his own name, from which date a new period of ninety (90) days shall commence with respect to the new registration.

(2) Where on the effective date of this Ordinance, a person is duly registered as holding ownership of the land and/or properties thereon, and another person claims a lesser real right or a lease in or upon the same land and/or properties, then such latter person may protect his lesser real right or lease by causing, within ninety (90) days from the effective date of this Ordinance, a registration thereof in the appropriate Land Registry Book, in which case his lesser real right or lease ninety (90) days thereafter becomes validated unless contested in the manner provided in subparagraph 4a(1), above. However, nothing herein shall be construed to prejudice any registered real right or lease which was not adversely affected by the suit.

(3)

(3) Where on the effective date of this Ordinance, no person is duly registered in the appropriate Land Registry Book as holding ownership of the land and/or properties thereon, and a person is desirous of effecting registration of a real right or lease in or upon the land and/or properties thereon, then such person may, subject to the provisions of subparagraph 5c, effect a registration, in which case his real right or lease ninety (90) days thereafter becomes validated unless contested in the manner provided above.

b. Lands to be acquired by the United States:

In all such cases the validation system shall be identical to that provided in subparagraph 4a, except that in the place of the effective date of this Ordinance, shall be the date the United States files in the appropriate Land Registry Office a Notice of Intent, as described in paragraph 3, above.

c. Any expenses incurred by persons hereinafter registering ownership in order to comply with or gain the advantage of validation under this paragraph shall be included as part of the just compensation to which such persons are entitled, provided, the United States acquires, pursuant to paragraph 3, above, an estate in the lands and/or properties which are the subject of the registration; and, provided, further, that expenses for the following items shall not exceed:

Registration Fee:	The amount of registration fees shall be determined in accordance with the provisions of applicable laws and regulations.
Notary (Including fees for preparation of documents and for services):	¥140.00 per parcel of land.
Seal, Mayor Fee: (where applicable)	¥60.00 per parcel of land.

5.

5. In accordance with the system established under paragraph 4, above, the following rules shall pertain to disbursement of just compensation owing by the United States as a result of negotiation or condemnation, and it is hereby decreed that upon proper payment in pursuance of the following rules, the United States shall be relieved of any and all liability resulting from an allegedly erroneous distribution.

a. Any person holding a current and substantial real right or lease in or upon lands and/or properties thereon, acquired by the United States, shall be entitled to share pro-rata in the distribution by the United States of funds of just compensation; provided such person has established his real right or lease either through the validation system or paragraph 4, above, or through successful prosecution of litigation in the courts finally and as to all the world quieting said real right or lease.

b. Pending the validation or judicial quieting of any real right or lease, the United States shall, at the time a Declaration of Taking is filed pursuant to paragraph 3, above, and thereafter maintain on deposit in the Bank of the Ryukyus, funds equal to its appraisal of or the amount finally ascertained under paragraph 8, below, to be just compensation for the estate acquired. Said funds shall be kept in special accounts IN TRUST for the benefit of any persons ultimately validating or judicially quieting his real right or lease, who shall then be released the funds only upon appropriate certification from the District Engineer, U.S. Army Engineer District, Ryukyu Islands; provided, nothing in the foregoing subparagraph shall be interpreted to increase or incur any liability of the United States to make any further payments following release of full payment to a person who validated or judicially quieted his ownership prior to registration of any real right or lease in or upon the same lands and/or properties.

c. Funds representing the value of any real right or lease on account under subparagraph 5b, above, shall be withdrawn by, and forever recovered to, the United States at the expiration of two years from the date of deposit; provided that, if at such time of expiration of two years there is currently recorded a registration under paragraph 4 for purposes of

validation

validation of a real right or lease, funds representing the value of the real right or lease so claimed and subsequently sustained shall not be affected by the foregoing.

6. For purposes of this Ordinance, the effective date of registration of any real right or lease shall be the date when the official entry approving the registration is made in the Land Registry Book, except for purposes of subparagraph 5c, above, in which event the effective date of registration of any real right or lease shall be the date the application is received by the appropriate Land Registry Office; and in all cases it shall be the responsibility of the person applying for registration to cause an official notation of said date to be made by the appropriate Land Registry Office.

7. Persons claiming damage to or substantial interference with real rights or leases in or upon lands and/or properties thereon which have not been the subject of formal acquisition by negotiation or condemnation under paragraph 3, above, but for which compensation is due either under commonly accepted principles of due process in the law of eminent domain, or under United States Forces claims procedures, may institute action for redress by filing their claims in or through the USCAR Land Court established under paragraph 8, below. Notwithstanding successful prosecutions of such claims, persons damaged shall be entitled to payment only upon proper validation pursuant to the system prescribed in paragraph 4, above, or judicial quieting of their real rights or leases.

8. There is hereby established the USCAR LAND COURT, whose final determinations as hereinafter provided shall, following notification to the litigants, be reflected where appropriate in an increase, or validate on or decrease of payments or deposits made or to be made to the account of the litigants, shall stand as precedent until overruled by later cases, and shall be binding and conclusive unless and until overruled by higher authority.

a. The USCAR LAND COURT hereby succeeds to the duties, jurisdiction, decisions, and current docket of the United States Land Acquisition Commission for the Ryukyu Islands, which is hereby abolished, and further shall be the Court for all matters of litigious controversy arising from interpretations and implementations of this Ordinance and other laws pertaining to United

States

States land acquisition, including but not limited to disputes based upon the meaning and extent of any estate in land acquired by the United States; the validation under this Ordinance of any real right or lease for purposes of distribution; procedural conformity with condemnation procedures; and the factual and legal issues pertaining to the compensability and extent of just compensation for damages claimed, either under Declarations of Taking or under commonly accepted principles of due process in the law of eminent domain; provided, that in any case within the last-named category which is more properly for settlement under United States Forces claims procedures, the case shall be determined under said claims procedures, and provided further, that nothing herein shall be construed as authority for the Court to inquire into the wisdom of the governmental use to which any condemned land has been devoted.

(1) The Court shall be located in the Ryukyu Islands; it shall consist of three judges, who shall be appointed for two years with provision for extension or removal by the Secretary of Defense, United States of America, and a majority of whom shall constitute a quorum for the public hearing of matters duly and timely filed with the Clerk of Court by a petitioner.

(2) The Court is further empowered to conduct hearings, take appropriate testimony and evidence, subpoena witnesses, books, records and documents, and otherwise perform as a judicial body and court of record. The Court shall adopt such rules of procedure and practice as it deems necessary to effect orderly and just administration, shall cause such rules to be made available to all interested persons, and shall keep such files and records as may be necessary for public and permanent record of its proceedings and actions and shall be provided with adequate facilities for performance of its functions.

b. The Secretary of Defense, United States of America, or his designee, shall adjudicate all appeals based upon questions of law, except that allegations of partiality, impropriety or arbitrariness of the proceedings in or decisions of the Land Court, will be adjudicated on the merits only upon the exercise of full and free discretion by the Secretary of Defense, United States of America, or his designee; provided, such questions are properly raised for review by either litigant in the Land Court or by certification from a majority of judges in the Land Court; provided further, that in no event shall such appeals

constitute

constitute or be conducted as de novo review of the factual findings of the Land Court, and that if there is discovered an irregularity meriting reconsideration of a case, the case shall be returned to the Land Court for rehearing. Appeals shall be raised and conducted under proper rules of procedure, which rules shall be made available to all interested persons; in such rules it shall be provided that appeals will ordinarily be limited to consideration of the record of the Land Court and briefs submitted thereon, but that in the exercise of discretion in selected cases an appeal can be set down for oral argument.

c. The following limitations of time shall apply to petitions and appeals filed and litigable hereunder:

(1) Petitions for review by USCAR Land Court of just compensation upon a Declaration of Taking filed by the U.S. Army Engineer District with the appropriate Land Registry Office sixty (60) days from the date of said filing.

(2) Petitions for hearing by USCAR Land Court of any other matter contained in subparagraph a., above: one year from the date the cause of action accrues or from the effective date of this Ordinance, whichever ever is the later.

(3) Appeals to the Secretary of Defense, United States of America, or his designee: thirty (30) days from the date the decision of the Land Court becomes effective.

d. Where extraordinary circumstances of equity compel, the Governor may, at his sole discretion, waive any procedural defect or barrier to jurisdiction of the Land Court, or appellate review therefrom.

9. Nothing in this Ordinance shall be construed to modify or conflict with any United States statutes relating to United States funds or officials acting for the United States when such statutes are otherwise applicable.

10. CA Ordinance No. 109, "Land Acquisition Procedure", dated 3 April 1953, is hereby superseded, provided, however, that all estates, interests and rights acquired pursuant to, and by virtue

of.

of, said Ordinance remain in force and effect until otherwise relinquished or otherwise determined; and further provided that any improvements on lands in which an estate or interest has been taken by virtue of CA Ordinance 109 may continue to be acquired by amendment of existing Declarations of Taking thereunder and deposit of funds as heretofore provided. CA Proclamation No. 26, dated 5 December 1953, as amended, except for appeals procedure, is not superseded by the provisions of this Ordinance.

11. The effective date of this Ordinance shall be 23 February 1957.

FOR THE DEPUTY GOVERNOR:

RODERICK M. GILLIES
Acting Civil Administrator

DISTRIBUTION:

A

総南連第三五三号

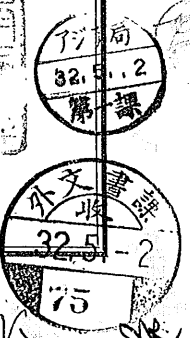
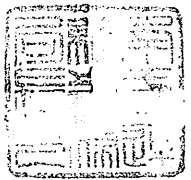
昭和三十二年四月三十日

總理府南方連絡事務局長

外務省アジア局長 殿

布令第一六四号改廢陳情書送付について
沖繩軍用土地連合会においては、さる四月九日臨時總會を開催し、
布令第一六四号の改廢陳情を行うことを決定し、別添のとおり琉球政
府主席、立法院議長に陳情したと、那覇日本政府南方連絡事務所長か
ら報告があつたので御参考までに送付する。

アジア局長 参事官 第一課長



回覧番号 了-567

總理府

記帳了

陳情書

布令第一六四號の公布と共に軍用土地所有者の殆んどは一括払強制施行の強権と命令の発動であると非常に心配し不安の念を抱いて居ります。

一括払に対し土地を守る会総連合も全会一致でその阻止に萬全を期すことになって居りわれわれ土地所有者の不安除去に一層の努力を払ふ旨伺つて居ります。

琉球政府並びに立法院に於かれましても一括払阻止方に萬全を期しわれわれ軍用土地所有者の唯一の財産を強権によつて奪はれることなす將來にわたリ安心して生活が出来ますよう又沖縄の將來に誤りなからしめたいよう是非とも一括払を阻止して戴くようお願ひ致しその根源となつて居る布令第一六四號の改廢方を強かに推進して戴くよう陳情致します。

一九五七年四月 日

布令第一六四號改廢要請理由書

一 布令第一六四號第三條の項限定付保有权の項
地役権を一括払によつて取得するとなつてい
るが限定付保有权は無期限地上権で
土地の使用占有利用する完全な且つ排他的な
権利を取得しその場合地価に相当する土地の
全価格に等しい補償を支払ふことにより合
衆國はその終了の際にこれ等の土地を復元
する義務を負はざむとある。これは所有
権の取得と何等異なることではない。合衆國が限定
付保有权を取得した土地使用中に於いて石、砂
等を採取したため海水侵入により海面と同一
になつた場合土地は滅失せられ土地台帳及び
図面等をも抹消し所有権もなくなつてしまふが何
等の補償もなされぬ。布令の内容谷からも判然
とするのであり斯様に所有権と異なることのない
のは同一性質のものであり所有権と同等の効力が
あると思はれる。(参照 東大加藤(郡)教授(沖繩タイムス
受知大学入江啓七郎(琉球新報))
又用語の変更がされても実質的内容が同一であ
れば其の効力は変更されたることにはならぬ。

「米国は一坪でも琉球の土地に対し所有権或は永代借地権を取得しなばことに決定しました」と明確に住民に約束したことに違背するものであり、レムニツア声明の方針にも根本的に違背してゐる。C項も又同様である。

(二) 布告第三十六号、布告第三十三號に於いて第一条の規定に基き既に登記された土地の占有及び使用に対する権利は以後年々引続き効力を有し、第二条に於いて以後年々生ずる賃借額を明示し適當な期間を定めて新規に評価を行い、補償額を更新することになつてゐる。(布告第三十三號改正) その方法に土地所有者は地料の適正、不適正の件以外何等の不満も示さざりし米国もこの布告に基き土地使用占有の権利を米国が使用継続する間取得し完全使用してゐるから改めて布令第一六四號のA項C項の権利を米国側が取得する必要は生じざりしその理由もなかりた。従つて既に法の効力を生じ何等の支障も生ずる事なく施行し、又住民も現行法に従い凡ゆる手続を完了して既に登録まですませたのである。

斯様な布告第二十六號改訂布告第三十三號の法の効力を曖昧にするような布令の公布は法の体系から言つても納得が出来ない。

(三) 第二條の項に基き処理された場合

その期間中土地又は物件に關する納税の義務は所有者又は受益者には生じないとあり困窮しつある市町村財政を更に困窮せしめ軍用地の多い市町村に於いてはその行財政運営を不能ならしめ自治を危懼に瀕せしめる恐れがある。

一方固定資産税法の解釈からすれば空文化された所有権や土地台帳によつて財産のある者の認定をされなければならぬ。

これは所有権の上には各種の制限物件が設定せられその使用収益の態容を異にする事があつてもその代償が得られた以上当然固定資産に伴う固定資産税は予想せられるべきである。

然るに財産所有者及び受益者に対し課税出来ない矛盾を生じ尚一層の混乱を招く要因となる。地上物件の登記については日本及び沖繩の現行法規にもない、それを墓、石垣、井戸、之木、竹等の物件を土地と切り離して登記する事は從來定着物として取扱つて来た觀念からも考へらるべき

いことでありその登記法も現存しない特に年々生長し一定でない立木、竹等の登記については「妥当か」とうか疑いをほさむものである。

地上物件の支払については従來の通り登記なしで支払つても何等問題が起り得ない。
又現在近総ての登記費用は全部弁償によつて負担せられていた(布令第二〇号第五條)にかかわらず規定した金額を超過した場合は土地所有者並に物件所有者の負担となり強制された場合当然的に所有者は登記を拒否する現象からして「妥当な方法とは言えない」。

(五) 布令第一六四號は「支払によるA項、B項の権利取得を規定して第三條によつて関係地主と協議してそれが成しえない場合のみ強制される」とあるが殆どどの土地所有者が一括払拒否の強固な態度をもつてゐる事實を熟知しながら「C項の布令」交付をみたことは当初から最も拙劣なる「B項」の強制収用に訴えて取得することを示しているに過ぎない。

(六) 現在の沖繩の土地図面は極端に正確を缺いてゐる。終戦直後の不備な器材と訓練されてない

素人測量によるもので誤差と図面に減れた土地
が相当にある。斯かる土地に対しては巡回裁判所も
確認手続を受理しない。

このため現状のまま布令第一六四號が施行さ
れた場合この人達の財産を永久に喪失せし
めることになり、非常に危険である地籍調
査当時未帰還等による未申告と図面減れ
且つ軍用地内の原形喪失等が禍いしてその
確認も相当に困難を伴うものである。

琉球政府もこのことを確認し早急に土地の
再調査の必要に迫られている。

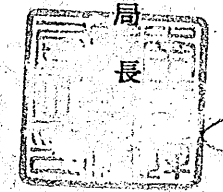
斯かる現状に於いて布令第一六四號の施行は
住民財産を無償のままに喪失せしめるおそ
れがあるので現状に即したものは言えない。

アジア局長 } 参事官 } 第一課長

総南連第五五一号

昭和三十一年七月十七日

南方連絡事務局長



外務省アジア局長

殿

布令第一七一号 送付に付

標記の件について、那覇日本政府南方連絡事務所長から別添写のと
おし報告があつたので、御参考までにお知らせする。

本信添付物

布令第一七一号 英和表



記帳了

回覧番号 了 962

琉球列島米国民政府布令第百七十一号

一九五七年六月二十五日

土地の調査又は測量のための

立入権限について

米合衆国土地収用令に基き収用される土地、特に生産的
土地の収用をできただけ避けるため土地の調査又は測
量を実施すべく随時当該土地に立入る必要があると思わ
れるので、ここに次のとおり布令する。

一、琉球列島米国陸軍工兵地区工兵隊長は、合衆国軍
隊が収用予定地の権利取得に先立ち、調査又は測量の
ため当該土地に立入る必要又は急用があると認められた
場合において、当該土地の所有者又は占有者の承諾が
得られない時はいつでも当該土地立入りの権限及び許可を
首席民政官に申請することができる。それが認可になれば
首席民政官により書面を以て交付され、これは無償で立入
り、調査又は測量する権限を認める許可証としての法的
効力を有する。それがよつて発生する損害に対しては、それ
以外の事情により、然るべく米政府土地裁判所に訴願
を提起することにより又は適當な合衆国軍隊損害賠償
手續の下に補償を受けることが出来る。

二、この布令は一九五七年六月二十五日から施行する。

民政副長官に代り

首席民政官

米兵陸軍准将

ウオシナ、月、バーシャー

UNITED STATES CIVIL ADMINISTRATION OF THE RYUKYU ISLANDS
Office of the Deputy Governor
APO 331

CA ORDINANCE
NUMBER 171

25 June 1957

AUTHORITY TO ENTER UPON LANDS FOR INVESTIGATION AND/OR SURVEY PURPOSES

WHEREAS, in pursuance of the United States Land Acquisition Program, it is deemed necessary at times to enter upon lands for the purpose of conducting an investigation and/or survey with a view to eliminating from acquisition all possible land, especially land of a productive nature,

NOW, THEREFORE, it is hereby ordained as follows:

1. Whenever the District Engineer, United States Army Engineer District, Ryukyu Islands, deems it necessary or expedient to enter upon lands for the purpose of investigation or survey preliminary to the contemplated acquisition of an estate or interest in land by the United States Forces, in the absence of voluntary authority therefor given by the owner or occupant in possession of said lands, he may apply to the Civil Administrator for authority and permission thereunto, which, if granted, shall be issued in writing by the Civil Administrator and be operative to permit the lawful entry, investigation and/or survey without payment of compensation for the right thereof. Damages ensuing therefrom may be compensated for following proper application to the USCAR Land Court or under appropriate United States Forces Claims procedures, depending upon the circumstances.

2. The effective date of this ordinance is 25 June 1957.

FOR THE DEPUTY GOVERNOR:

VONNA F. BURGER
Brigadier General, USA
Civil Administrator

DISTRIBUTION
"A"

アジア局長 参事官 北東課長

第三一四号

昭和三十三年九月十五日

那覇日本政府南方連絡事務所長

外務省 ^{北東} アジア局長 殿

布令第百十号および第百二十号の一部改正について

一九五三年四月十日付民政府布令第百十号「土地収用の補償金支払手続」および一九五三年十二月九日付民政府布令第百二十号「軍用地内における不動産の使用に対する補償」は、夫々一九五八年九月三日付を以てその一部が改正公布され、前者はその最初の公布の日一九五三年四月十日に、後者もその最初の日一九五三年十二月九日に遡つて実施されることになつた。前者の改正点は、従来その第四条において、「管財人が特別勘

総 理 府

定に預入したもので未支払金は一年間預金するものとし、一年を超えた場合は米國政府の命により回収することができる。二年を超えて特別勘定に預入することがあつてはならないとあつたのを、
「第四条 a 管財人が特別勘定に預入した資金は、以下に定める場合を除いて、その資金の預入の日から數えて五年以内に支払われればよい。この規定の例外は次のとおりである。
(1) 米民政府土地裁判所へ提出した請願書について判決があるまで管財人が保管する資金はいづれも、米國政府が、同請願書の基本となつた文書を同土地裁判所の判決、またはその判決に対する訴願の最終決定に従つて修正し適正な土地登記所に提出した日から五年以内に、管財人が支払えばよい。裁判所の判決、または最終決定が、裁判所へ提出した請願書の基本となつた文書を修正するやうな性質のものでない場合には、管財人が五年以内に行うべき

33.9.27

33.9.27

回覧番号 並北

記帳了

支払いの初日は、裁判所の判決の日、またはその判決に対する訴願の最終決定の日であり、管財人はそれらの判決日について公式に米国政府から通告を受けるであろう。

(2) 一九五七年二月二十三日付米政府布令第一六四号第四条の定めに従つて琉球政府巡回裁判所に提訴された所有権確認の訴について最終判決があるまで管財人が保管する資金は、当該訴訟の最終決定が同裁判所内に記録された後、五年以内に管財人によつて支払われればよい。

b 上記五年の適正な期間が満了すれば、管財人が保管する資金はすべて、要求によつて米国政府へ回収されなければならない。同資金に付与された権利のどの部分についても、米国政府に対してその請求を申出ることができ「(仮訳)、と修正したものであり(別添英文テキスト(一)参照)、後者の改正点は従来の同布令第四条の後に、前者の布令の修正条項第四条a

総 理 府

項およびb項と全く同文の条項を同布令第五条および第六条として挿入修正したものである(別添英文テキスト(二)参照)。

なお、これら布令第百十号および第百二十号の改正については当地新聞紙によつても報道されなかつた模様であるので、念のため申添える。

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UNITED STATES CIVIL ADMINISTRATION OF THE RYUKYU ISLANDS
Office of the High Commissioner
APO 331

CA ORDINANCE
NO. 110 (10 April 1953)
CHANGE NO. 2

3 Sep 1958

PROCEDURE FOR PAYMENT OF COMPENSATION FOR LAND ACQUISITION

1. Paragraph 4 of CA Ordinance No. 110 dated 10 April 1953 entitled "Procedure for Payment of Compensation for Land Acquisition" is hereby amended to read as follows:

"4. a. Funds deposited in special accounts by the Trustee may be disbursed during a period of five (5) years from the date such funds were deposited with the Trustee thereof, except as hereinafter provided. The only exceptions to this provision are:

(1) Any funds held by the Trustee pending decrees on Petitions to the USCAR Land Court may be disbursed by the Trustee during a five (5) year period beginning with the date of the filing in the appropriate Land Registry Office by the United States of an amendment in compliance with a decree of the Land Court or final decision on any appeal therefrom, to the document upon which the Petition was based. In the event the decree of the Court or final decision thereon is of such nature as not to require an amendment to the document on which the petition to the Court was based then the beginning of the five (5) year period in which the disbursement by the Trustee may be made will be the date of the decree of the Court or final decision on any appeal therefrom, the dates of which the Trustee will be formally advised by the United States.

(2) Funds held by the Trustee pending final judgment on a suit in a GRI Circuit Court for the validation of title as provided for in paragraph 4 of CA Ordinance No. 164 dated 23 February 1957 may be disbursed by the Trustee during a five (5) year period after a final decree in said suit has been entered of record in that Court.

b. Upon the expiration of the appropriate five (5) year periods as herein described, all funds held by the Trustee shall be returned to the United States on demand. Any party in interest entitled to said funds may submit a claim therefor to the United States."

2. The effective date of this change is 10 April 1953.

FOR THE HIGH COMMISSIONER:

VONNA F. BURGER
Brigadier General, USA
Civil Administrator

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Office of the High Commissioner
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CA Ordinance
No. 120 (9 December 1953)
CHANGE NO. 1

3 Sept. 1958

COMPENSATION FOR USE OF REAL ESTATE WITHIN MILITARY AREAS

1. CA Ordinance No. 120 dated 9 December 1953 entitled "Compensation for Use of Real Estate Within Military Areas" is hereby amended by the addition thereto of the following paragraphs immediately after paragraph 4 thereof:

"5. Funds received by the Trustee may be disbursed during a period of five (5) years from the date such funds were deposited with the Trustee thereof, except as hereinafter provided. The only exceptions to this provision are:

(1) Any funds held by the Trustee pending decrees on Petitions to the USCAR Land Court may be disbursed by the Trustee during five (5) year period beginning with the date of the filing in the appropriate Land Registry Office by the United States of an amendment in compliance with a decree of the Land Court or final decision on any appeal therefrom, to the document upon which the Petition was based. In the event the decree of the Court or final decision thereon is of such nature as not to require an amendment to the document on which the petition to the Court was based then the beginning of the five (5) year period in which the disbursement by the Trustee may be made will be the date of the decree of the Court or final decision on any appeal therefrom, the dates of which the Trustee will be formally advised by the United States.

(2) Funds held by the Trustee pending final judgment on a suit in a GRI Circuit Court for the validation of title as provided for in paragraph 4 of CA Ordinance No. 164 dated 23 February 1957 may be disbursed by the Trustee during a five (5) year period after a final decree in said suit has been entered of record in that Court.

6. Upon the expiration of the appropriate five (5) year periods as herein described, all funds held by the Trustee shall be returned to the United States on demand. Any party in interest entitled to said funds may submit a claim therefor to the United States."

2. The effective date of this change is 9 December 1953.

FOR THE HIGH COMMISSIONER:

VONNA F. BURGER
Brigadier General, USA
Civil Administrator

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