The Constitution of Japan (VII)
— A Historical Survey —

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CHAPTER X

THE CONSTITUTION ENACTMENT COUNCIL

Section I

Presentation of the Draft to the Throne

The *Teikoku Kempo Soan* was presented to the Throne by Hirobumi Ito in March of the twenty-first year, together with other drafts, such as those of the Imperial Household Law, of the Ordinance on the *Kizokuin*, and others. The presentation was accompanied by a report to the Throne, in which we read the following in rough translation:

"Your August Majesty’s subject, Hirobumi, has, in strict obedience to the Imperial command, together with other officials of the Court, exhausted himself days and nights in diligently attending to the important task assigned to him, ever awakened to the heavy responsibility of setting up plans for the coming constitutional government."

"With ever in sight, on one hand, Your Majesty’s command, based on the far-reaching ideals of government cherished by Your Majesty ever since Your Majesty’s gracious accession to the Imperial Throne, and, on the other hand, by conducting a most careful comparative study of the causes of merits and demerits of the results hitherto achieved in other countries, in view of the progress of the world and the development of the country, I have tried every possible means to achieve the just and correct result, i.e., The *Nippon Teikoku Kempo*
Soan, consisting of seventy-six articles in seven chapters, drafted by me, Your Majesty's subject, is hereby presented to Your Majesty's gracious inspection. I, Your Majesty's humble subject, respectfully beg to reflect that it is Your Majesty's august wishes to carry out this grand object by an unprecedented exertion of every effort, upon the august plan of Your Majesty, thus to respond to the precepts of the Imperial Ancestors, coeval with heaven and earth, and bequeath it to posterity as an achievement immutable for all ages. I respectfully beg to say that the Constitution will be a sacred code, immutable for all ages, only when it is enacted by Imperial sanction after Your Majesty's own corrections and improvements thereof. The draft, which Your Majesty's humble subject Hirobumi now begs to present to Your Majesty, is but a meager collection of materials for Your Majesty to select from upon Your Majesty's enlightened views; for the grand task of establishing a Constitution is what can be carried out by nothing other than Imperial decision, and is nothing of the sort permitting a subject to intrude himself into it. Your Majesty's subject, Hirobumi, further considered that accuracy and clearness should be made a point of in the language of the Constitution, so that no errors may be committed by future generations in construing it; and he has therefore endeavoured to combine brevity with comprehensiveness in all wording, using simple words and phrases, such as were considered to convey most exact meanings. Your Majesty's keen power of discernment must have discovered this already; and were he to enumerate detailed instances of this kind to Your Majesty, he fears he would be only troubling Your Majesty with a mass of minute notes. He has therefore selected only some important points from all those details, which he begs to present to Your Majesty, together with the Draft Constitution, classified and annotated on a historical, comparative, and legal basis.

"Besides the Draft Constitution, drafts have already been finished of other laws inseparably connected with the Constitution and requiring
simultaneous promulgation. They are the ordinance on the Organization of the House of Peers, the Law on Election, and the Law on Parliamentary Members, fair copies of which three will be made and be presented to Your Majesty within a short time."

The Draft for the Japanese Constitution

Chapter I The Tenno

Article I The Empire of Japan shall be reigned over and governed by a line of Tenno unbroken for ages eternal.

Article II The Imperial Throne shall be succeeded to by Imperial male descendants, according to the provisions of the Imperial House Law.

Article III The Tenno is sacred and inviolable.

Article IV The Tenno stands at the head of the Empire, and combines in Himself the rights of sovereignty, which He exercises, according to the provisions of the present Constitution.

Article V The Tenno exercises the legislative power with the consent of the Teikoku Gikai.

Article VI The Tenno gives sanction to laws, and orders them to be promulgated and executed.

Article VII The Tenno convokes the Teikoku Gikai, opens, closes, and prorogues it, and dissolves the House of Representatives.

Article VIII The Tenno, in consequence of the necessity to avert dangers to the State or public calamities, issues, when the Teikoku Gikai is not sitting, Imperial Ordinances in the place of law. Such Imperial Ordinances shall be laid before the Teikoku Gikai at its next session, and when the Gikai do not approve the said Ordinances, the Government shall lose their validity for the future.

Article IX The Tenno issues or causes to be issued such Ordinances as are necessary for the carrying out of the laws or for the maintenance of the public peace and order, and for the promotion of the welfare of the subjects. But no Ordinance shall alter laws.
Article X The Tenno determines the organization of the different branches of the administration, and appoints civil and military officer. Exceptions specially provided for in the present Constitution shall be in accordance with the respective provisions.

Article XI The Tenno determines the salaries of civil and military officers, and pensions and annuities.

Article XII The Tenno has the supreme command of the Army and Navy. The organization of the Army and Navy shall be determined by an Imperial Ordinance.

Article XIII The Tenno declares war, makes peace, and concludes treaties.

Article XIV The Tenno declares a state of siege. The conditions of a state of siege shall be determined by law.

Article XV The Tenno confers titles of nobility, orders, and other marks of honour.

Article XVI The Tenno orders amnesty, pardon, commutation of punishments, and rehabilitation.

Article XVII The institution of a Regency shall be in conformity with the provisions of the Imperial House Law.

The Regent shall exercise the sovereign power in His name.

Chapter II Rights and Duties of Subjects

Article XVIII The conditions for being a Japanese subject shall be determined by law.

Article XIX Japanese subjects may, according to qualifications determined in laws and ordinances, be appointed to civil or military or any other public offices equally.

Article XX Japanese subjects are amenable to service in the Army or Navy, according to the provisions of law.

Article XXI Japanese subjects are amenable to the duty of paying taxes according to the provisions of law.

Article XXII Japanese subjects shall have the liberty of abode and of
changing the same within the limits of law.

Article XXIII No Japanese subject shall be arrested, detained, tried, or punished, unless according to law.

Article XXIV No Japanese subject shall be barred from a Court of Law to which he has the right is access.

Article XXV Except in the cases provided for in the law, no house of a Japanese subject shall be entered or searched without his consent.

Article XXVI Except in the cases mentioned in the law, the secrecy of the letters of every Japanese subject shall be inviolable.

Article XXVII The right of property of every Japanese subject shall remain inviolable. Measures necessary for the public benefit shall be provided for by law.

Article XXVIII Japanese subjects shall, within limits not prejudicial to the public peace and order and not antagonistic to their duties as subjects, enjoy freedom of religious belief.

Article XXIX Japanese subjects shall, within the limits of law, enjoy the liberty of speech, writing, publication, public meetings, and associations.

Article XXX Japanese subjects may present petitions, by observing the proper form of respect, and in conformity with the rules specially provided for the same.

Article XXXI The provisions contained in the present Chapter shall not affect the exercise of the powers appertaining to the Tenno in times of war or in cases of a national emergency.

Article XXXII Each and every one of the provisions contained in the preceding Articles of the present Chapter, that are not in conflict with the laws or the rules and discipline of the Army and Navy, shall apply to the officers and men of the Army and of the Navy.

Chapter III The Teikoku Gikai

Artical XXXIII The Teikoku Gikai shall consist of two Houses, a House of Peers and a House of Representatives.

Article XXXIV The House of Peers shall be composed of the members of
the Imperial family, of the orders of nobility, and of such persons as have been nominated thereto by the Tenno. The qualifications for Members, their election and privileges, and other matters concerning them shall be determined by an Imperial Ordinance.

Article XXXV The House of Representatives shall be composed of Members elected by the people, according to the provisions of the Law of Election.

Article XXXVI No one can at one and the same time be a Member of both Houses.

Article XXXVII Every law requires the consent of the Teikoku Gikai.

Article XXXVIII The Teikoku Gikai shall vote upon projects of law submitted to it by the Government.

Article XXXIX Both Houses can make representations to the Government, as to laws to be legislated, or any of the existing laws to be revised or abolished. When, however, such representations are not accepted, they cannot be made a second time during the same session.

Article XL A bill, which has been rejected by one or the other of the two Houses, shall not be again brought in during the same session.

Article XLI The Teikoku Gikai shall be convoked every year.

Article XLII A session of the Teikoku Gikai shall not last for three months. In case of necessity, it may be prolonged by Imperial Order.

Article XLIII When urgent necessity arises, an extraordinary session may be convoked in addition to the ordinary one.

The duration of an extraordinary session shall be determined by Imperial Order.

Article XLIV The opening, closing, prolongation of a session, and the prorogation of the Teikoku Gikai shall be effected for both Houses simultaneously.

In case the House of Representatives has been ordered to dissolve, the House of Peers shall at the same time be prorogued.

Article XLV When the House Representatives has been ordered to dissolve, Members shall be caused by Imperial Order to be newly elected, and
the new House shall be convoked within five months from the day of dissolution.

Article XLVI No debate can be opened, and no vote can be taken in either of the two Houses, unless not less than one third of the whole number of the Members thereof is present.

Article XLVII Votes shall be taken in both Houses by absolute majority.
In the case of a tie vote, the President shall have the casting vote.

Article XLVIII Deliberations of both Houses shall be held in public.
They may, however, upon demand of the Government or by resolution of the House Concerned, be held in secret sitting.

Article XLIX Both Houses of the Teikoku Gikai may respectively present addresses to the Tenno.

Article L Both Houses may receive petitions presented by subjects. The regulations on receiving petitions shall be determined by law.

Article LI When necessity arises, both Houses may present inquiries to the Government in writing.

Article LII Both Houses may enact, besides what is provided for in the present Constitution and the Law of the Houses, rules necessary for the management of their internal affairs, and execute them with Imperial sanction.

Article LIII No Member of either House shall be held responsible outside the House, concerned, for any opinion uttered or for any vote given in the House. When, however, a Member himself has given publicity to his opinions by public speech, print, writing, or any other similar means, he shall be amenable to the general law.

Article LIV No Member of either House shall be arrested during a session, unless with the consent of the House, except in cases of flagrant delicts, or of offences connected with internal commotion or with some foreign trouble.

Article LV The Ministers and Vice-Ministers of State and the Delegates of the Government may, at any time, take seats and speak in either House.
Chapter IV The Ministers of State and the Privy Councillors.

Article LVI The respective Ministers of State shall give their advice to the Tenno, and be responsible for it.

All laws, Imperial Ordinances, and Imperial Rescripts that relate to affairs of State require the countersignature of a Minister of State.

Article LVII The Privy Council shall deliberate upon important affairs of State, when it has been consulted by the Tenno.

Chapter V The Judicature

Article LVIII The Judicature shall be exercised according to the law in the name of the Tenno.

The organization of the Courts of Law shall be determined by law.

Article LIX The judges shall be appointed from among those who possess proper qualifications according to law.

No judge shall be deprived of his position, unless by way of criminal sentence or disciplinary punishment.

Rules for disciplinary punishment shall be determined by law.

Article LX Trials and judgments of a Court shall be conducted publicly. When, however, there exists any fear that such publicity may be prejudicial to peace and order, or to the maintenance of public morality, the public trial may be suspended in conformity with the provisions of law or by the decision of the Court of Law.

Article LXI No suit at law, which relates to rights alleged to have been infringed by the illegal measures of the administrative authorities, and which shall come within the competence of the Court of Administrative Litigation, shall be taken cognizance of by that Court of Law.

Chapter VI Finance

Article LXII The imposition of a new tax or the modification of the rates of any of the existing taxes shall be determined by law. The raising of national loans shall require the consent of the Teikoku Gikai.
Article LXIII The taxes levied at present shall, in so far as they are not remodelled by a new law, be collected according to the old system.

Article LXIV The expenditures and revenues of the State require the consent of the Teikoku Gikai by means of an annual Budget.

Any and all expenditures overpassing the appropriations set forth in the Budget shall subsequently require the approbation of the Teikoku Gikai.

Article LXV The Budget and bills relating to finance shall be laid first before the House of Representatives, and upon obtaining its approval, before the House of Peers.

The House of Peers shall deliberete on the Budget only as a whole, and cannot give revisions to it item by item.

Article LXVI The expenses of the Imperial House shall be defrayed every year out of the National Treasury on the present fixed amount for the same, and shall not require the consent thereto of the Teikoku Gikai, except in case an increase thereof is found necessary.

Article LXVII The already fixed expenditures based by the Constitution upon the powers appertaining to the Tenno, and such expenditures as may have arisen by the effect of law or by the decision of the Teikoku Gikai, that pertain to the legal obligations of the Government, shall be neither rejected nor reduced by the Teikoku Gikai without the concurrence of the Government, although they are to be set forth in the Budget.

Article LXVIII In order to meet special requirements of the State, the Government may ask for the consent of the Teikoku Gikai to a certain amount as a Continuing Expediture Fund, for a previously fixed number of years.

Article LXIX In order to meet special unavoidable deficiencies in the Budget, and to meet requirements unprovided for the same, a Reserve Fund shall be provided for in the Budget.

Article LXX When the Teikoku Gikai cannot be convoked, owing to the external or internal condition of the country, in case of urgent need
for the maintenance of public safety, the Government may, by means of an Imperial Ordinance, take necessary financial measures, raise national loans, or levy extraordinary new taxes.

Regarding the cases mentioned in the preceding clause, the details shall be reported to the Teikoku Gikai at its next session, and any of the measures as may require to take effect as a law for the future shall obtain the consent thereto of the Teikoku Gikai.

Article LXXI When the Teikoku Gikai has not voted on the Budget, or when a Budget has not been brought into actual existence, the Government shall carry out the Budget of the preceding year.

Article LXXII The final account of the expenditures and revenues of the State shall be verified and confirmed by the Board of Audit, and it shall be submitted by the Government to the Teikoku Gikai together with the report of verification of the said Board.

The organization and competency of the Board of Audit shall be determined by law.

Chapter VII Supplementary Rules

Article LXXIII When necessity arises in future for amendment of the provisions of the present Constitution, a project to that effect shall be submitted to the Teikoku Gikai by Imperial Order.

In the above case, neither House can open the debate, unless not less than two thirds of the whole number of Members are present, and no amendment can be passed, unless a majority of not less than two thirds of the Members present is obtained.

Article LXXIV No modification of the Imperial House Law shall be required to be submitted to the approval of the Teikoku Gikai.

Article LXXV No modification can be introduced into the Constitution, or into the Imperial House Law, during the time of a Regency.

Article LXXVI The legal enactments that are in force at the time of promulgation of the present Constitution, such as laws, regulations, Ordinances, or whatever else they may be called, shall have the
effect of law to be conformed to.

As has been said, the above draft was presented to Meiji Tenno, who as will be seen later on, Himself spent days and nights in careful perusal of it, Himself correcting and improving each and every provision, until at last He granted it to be promulgated; but of this, much has to be said later on.

Section II

The Privy Council Organized for Deliberation on the Final Draft

It so happened about this time that there was a general cry among the people for calling a special council for enactment of a Constitution. Behind this cry there was a general desire to make the people’s representatives cooperate with the government officials in the deliberations on the Draft Constitution. There were some even in government circles who supported this national cry. They insisted that the special council should be composed of men chosen among the civilian and government circles. Their real intention was, however, it must be noted, to take over the draft from Premier Ito, and to recast the whole as they pleased. In the Genroin, too, it may be recalled, a draft had already been in progress both during Ito’s tour abroad and while he was busy with deliberations on his draft. Now that Ito’s draft was presented to His Majesty, an attempt was made to address a petition to the Throne to have it forwarded to the Genroin. The petition was drawn up and signed by such men as Saburo Ozaki,¹ Yasu Miura², Rinsho Mitsukuri³, Junjiro Hosokawa, Tsune Ogyu⁴, Koyata Torio, Shigetoshi Okauchi⁵, Kadzumichi Harada⁶, Hiroyuki Kato, Masanao

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1 Saburo Ozaki (尾崎三郎)
2 Yasu Miura (三浦安)
3 Rinsho Mitsukuri (箕作幡祥)
4 Tsune Ogyu (大絵恒)
5 Shigetoshi Okauchi (岡内重俊)
6 Kadzumichi Harada (原田一道)
Makimura¹, Shindo Tsuda², and others.

Nor was Premier Ito unwary about the situation. He invited the drafters under him, and consulted how best to tide it over. Of the various opinions offered at their meeting, the following five points may be worth the reader’s attention.

(1) The first plan proposed was to make public the draft presented to the Throne after consulting the Cabinet; but there being no reason why the Cabinet under Ito should oppose the draft, there was fear smooth passage of it would be considered a trap of the government, and would naturally invite public blame.

(2) The second was the question whether or not the draft should be submitted to the deliberations of the Genroin. Considering, however, that it was all because the draft previously prepared by the Genroin had not proved quite satisfactory from the standpoint of our national polity that the new draft was made by Premier Ito and the other drafters, it was doubtful whether it would be readily approved by the Genroin. Even if the latter fortunately passed it, public blame would be heaped on the government all the same, since the Genroin was but part of the government, and deliberations by it would simply be tantamount to those by the Cabinet.

(3) Then was taken up discussion concerning the advisability of submitting the draft to a national council, by acceding to the demand of the Opposition. But all came to the conclusion that such would never do, as it would be like the process usually observed in democratic countries; and consequently the long-cherished fundamental principle of "a Constitution granted by His Majesty the Tenno" would be disregarded and lost for ever.

(4) One of those present proposed that the draft might advantageously be submitted to a special national council called by Imperial

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1 Masanao Makimura (槇村正直)
2 Shindo Tsuda (津田真道)
Order. But then much apprehension was entertained because various experiences had shown since the Giseisho in the early years of the Meiji era that the members of the council, whether elected by the prefectoral authorities, by government order, or nominated by the government, could not do much after all, since there was every reason to suppose that they would be without any knowledge of constitutional law, or without any experience of responsible service to the country in the past, being elected, as they surely would have been, simply on account of their birth or character.

(5) Last, but far from least, was the suggestion made by Premier Ito that a Privy Council be established after the English fashion, with councillors chosen from those who had rendered distinguished services to the country either in the field of learning or in military service, with a double object of assigning to it the task of enacting the Constitution on the one hand, and, on the other, of making it a permanent organ for solution of disputes that might arise over the Constitution.

Premier Ito’s suggestion met with general approval, and it was decided that a Privy Council be organized. Whereupon Ki Inoue and Miyoji Ito, two of the men concerned in the preparation of the draft, entrusted Kametaro Hayashida, Second Clerk in the Legislation Bureau, and Chuji Machida, Third Clerk in the same, with the investigation of the English Privy Council system. A rough plan was completed about April 20 in the same year, with such adaptations from the English system as were considered to suit this country. It may be noted in this connection that in thus organizing a Privy Council, the Premier had it also in view to make it act as a mediator between Government and Gikai, in case either of them should disagree with the other, ultimately driving the Cabinet to resign en bloc or the other to dissolve, since the supreme power rested with the Imperial family, and everything depended upon the decision of the Tenno. The rough plan was adopted on the whole, and now, in order to decide how to confirm and promulgate the draft Constitution, he called
a Cabinet meeting, when the following three proposals were discussed.

(1) Whether the draft should be forwarded to the Genroin, there to be voted on.

(2) Whether it should be voted on at a joint council of the members of the Genroin and the representatives elected one each from the prefectures throughout the Country.

(3) Whether it should be deliberated on at a Privy Council to be composed of the members of the Imperial family, the Cabinet ministers, and men of experience, and those who had done distinguished services both in Government and civilian circles.

After careful deliberation, the third proposition was unanimously agreed on. Consequently a report was made to the Throne, soliciting for Imperial approval. Soon after an Imperial Rescript, dated April 28, ordered a Privy Council to be organized. The Imperial Rescript reads:

"In view of the necessity to refer the affairs of State to well-selected men of experience and veteran statesmen for deliberation, and thus to seek assistance from their resourceful abilities, We hereby order a Privy Council to be organized, so that it may become Our highest advisory organ. We give sanction to its organization and rules for its business, and cause them to be promulgated."

The Organization of the Privy Council
(Imperial Ordinance No. 22)

Chapter I Organization

Article I The Privy Council shall be the organ for the Tenno to consult personally about important affairs of State.

Article II The Privy Council shall be composed of one President, one Vice-President, not less than twelve Councillors, one Chief Secretary, and several Secretaries.

Article III The President, Vice-President, and Councillors of the Privy Council shall be of the Shinnin rank, Chief Secretary thereof, of the
Chokunin rank, and Secretaries, of the Sonin rank.

Article IV No one who has not attained his fortieth year can be appointed President, Vice-President, or Councillor.

Article V The President may additionally make one of the Secretaries a Private Secretary.

Chapter II Functions

Article VI The Privy Council shall sit in sessions about the following matters, and submit the results to Imperial decision.

1. Disputes over the interpretation of any and all provisions of the Constitution and the laws auxiliary thereto, and over questions on the Budget and finance.

2. Drafts for amendments to be introduced into the Constitution or into the laws auxiliary thereto.

3. Important Imperial Ordinances.

4. Drafts for new laws and amendments to be introduced into existing laws, projects of abolition of existing laws and projects of foreign treaties and the administrative system.

5. Besides those mentioned under the above heads, those of an important nature concerning administration or finance, when they are specially referred to the Council by Imperial Order, and those requiring special deliberations by the Council in consequence of a legal order.

Article VII Imperial Ordinances, as mentioned in Clause 3 of the above article, shall bear the confirmation that they have passed through due deliberations at the Privy Council.

Article VIII The Privy Council, which is the highest advisory organ of the Tenno concerning administration and legislation, shall not interfere in the actual carrying out of administrative policy.

Chapter III Sessions and Business Procedure

Article IX A session of the Privy Council Cannot be opened unless not
less than ten Councillors are present.

Article X A session of the Privy Council shall be presided over by the President, and when the President is prevented by unforeseen circumstances, the Vice-President shall take his place. When the President and Vice-President are both prevented by unforeseen circumstances, the deliberations shall be presided over by Councillors in order of seats.

Article XI The respective Ministers of State possess the status of Privy Councillor in virtue of their authority, and have the right of taking their seats and of voting. The respective Ministers can also appoint representatives of the Government to attend the sessions, and make them speak and offer explanations. However, these representatives cannot join in a vote.

Article XII Matters under deliberation at a session of the Privy Council shall be decided on by a majority. However in the case of a tie vote, any one who presides over the session shall have the casting vote.

Article XIII The President supervises all business of the Privy Council, and signs any and all documents issued by the same. The Vice-President assists the President in the execution of his duties.

Article XIV The Chief Secretary takes charge of all regular business of the Privy Council, countersigns all documents issued by the same, examines matters to be brought up at a session of the same and prepares reports thereon, and assumes the duty of offering explanations by taking a seat at each session. However he does not join in a vote.

The Secretaries take notes of the proceedings of each session, assist the Chief Secretary in the execution of his duties, and when the Chief Secretary is prevented by unforeseen circumstances, act in his place.

The records of the proceedings referred to in the above clause shall contain the full names of those present, matters submitted to deliberations, questions and replies, and the summaries of matters voted on.

Article XV Except in special cases, no session can be opened, unless reports on the examination of matters submitted to deliberations have
been distributed among those present, together with documents necessary for the session. The orders of the day and the reports above referred to shall be made known to the respective Ministers beforehand.

Following the promulgation of the organization of the Privy Council, Hirobumi Ito, Premier, was, on April 30, personally appointed by His Majesty to the Presidency of the Privy Council, and was, by His special grace, admitted to the Cabinet as Minister Without portfolio. Then to the post of Councillor were appointed the following twelve men:

Kyonin Oki, President of the Genroin.
Higashikuze, Vice-President of the Genroin.
Munenori Terajima¹, Sumiyoshi Kawamura, Kotei Fukuoka², Takayuki Sasaki, Taneomi Soejima, Tsunetami Sano, and Yajiro Shinagawa all Councillors.
Tomozane Yoshii, Vice-Minister of the Imperial Household.
Awa Katsu and Toshikama Kawano.

Further, the Ministers of State were also each granted the position of Councillor in virtue of their authority.

On the heels of the above appointments, on May 10, Munenori Terajima, Councillor, was personally appointed by His Majesty to the Vice-Presidency, followed by further appointment to the Councillorship of Hisamoto Hijikata, Minister of the Imperial Household; Kiyonari Yoshida, Member of the Genroin. Then, on the 18th, an Imperial order was delivered to the respective Princes of the Blood over age and Naidaijin Sanjo to take their seats at the sessions of the Privy Council.

As to the business authorities of the Council, Ki Inoue, Chief of the Legislation Bureau, was additionally appointed Chief Secretary, Miyoji Ito and Kentaro Kaneko, Secretary and Private Secretary to the President respectively, and Michitaro Tsuda, former Secretary to the Premier, Secretary, the official announcements thereof being issued on April 30.

¹ Munenori Terajima (寺島宗則)
² Kotei Fukuoka (福岡孝弟)
Very soon after, two more appointments were reported of Naosaburo Hanabusa and Bokushin Maki, each to the post of Secretary.

It may be added that to the Premiership vacated by Ito's transference was appointed Kiyotaka Kuroda, Minister of Agriculture and Commerce, succeeded to by Buyo Enomoto, Minister of Communications, additionally, although this post was soon afterward filled by Kaoru Inoue, ex-Minister for Foreign Affairs.

Section III

Inauguration of the Privy Council

and

Deliberations on the Imperial House Law

The inauguration ceremony of the Privy Council was held at the Detached Palace, Akasaka, Tokyo, on May 8, at 10 a.m., when His Majesty honoured the occasion with His presence, and granted a gracious Imperial message. On His Majesty's return to the Palace, President Ito, after receiving in audience all those present, addressed formal greetings to them all, and called them into conference about business matters of immediate necessity. Among others, he emphasized the importance of preventing leakage of secrets, and made known to those present the Imperial wish to honour the Council with His presence at as many sessions as possible. Then, for the following ten days the Council adjourned, to let the Councillors and others read the draft carefully. It is noteworthy in this connection that in order to guard against leakage of secrets it was strictly prohibited to take the copies of the draft out of the council-chamber, it having been arranged that they should be read in the presence of Secretaries Ito and Kaneko, as occasion required, between the hours 8 a.m. and 8 p.m.

This arrangement was made on the suggestion of Secretary Kaneko. It may be mentioned that when at first he was ordered by President Ito to make inquiries into the precedent in other countries as to the
manner of handling the copies of the draft, he had the Italian, French, and other legations send inquiries to their respective home governments for information; but nothing certain could be learned from these sources. Then he asked Boissonade, the French jurist, Rössler, to whom reference has been made before, and Paternostro, the Italian, but their answers were all vague and indefinite.

Then Kaneko himself set about investigations, as the result of which he came across the fact that while deliberations were continuing on the Federal constitution of the United States, the doors of the Council-chamber were, on Jefferson's suggestion, all locked, so that neither the secretaries nor even office boys might go in and out at will, and the copies of the draft were to be left in charge when every one of those present retired. It was after this precedent that the copies of the draft Constitution were guarded against being taken out of the council-chamber. They were all kept in a trunk provided in the chamber. Now came the first session of the Council for enacting the Constitution. It was called on May 25. The banquet-hall for distinguished personages in the Akasaka detached palace was allotted for the council-house, the large hall upstairs being set apart for the council-chamber, the next room for the waiting-room, and two rooms downstairs for the President's secretariat and the secretaries' office, respectively. In the council-chamber, the seats were arranged in a horseshoe-shaped carve, with the Imperial box at the opening, the Princes of the Blood, Naidaijin Sanjo, the Premier, and the other Ministers of State being seated to the right in order, and the President, the Chief Secretary, the Secretaries, the Vice-President, and the Councillors taking their seats to the left, so that the lowest-seated Minister of State and the lowest-seated Councillor sat side by side, facing the Imperial Throne. Those present on the day were as follows, being numbered from 1 to 30.

Princes of the Blood—Prince Taruhito, Prince Akihito, Prince Korehito.

Ministers of State—Naidaijin Sanjo, Premier Kuroda, Home Minister
Yamagata, Foreign Minister Okuma, Navy Minister Saigo, Justice Minister Yamada, Finance Minister Matsukata, Army Minister Oyama, Education Minister Mori, Communications (Agriculture and Commerce) Minister Enomoto.


The Council first took up the draft for the Imperial House Law, and up to June 15, altogether eight sessions were called, inclusive of the first session, on May 25. Each session was honoured with the presence of His Majesty, and the deliberation on the draft was finished at the last session, without calling forth much revision, Ki Inoue, the original drafter, taking upon himself the responsibility of explanation.

Section IV

The First Session for the Enactment of the Constitution

The draft Constitution was taken up on June 18. Honourd with the presence of His Majesty, the session was called at 10:40 a.m. President Ito opened the session with a few words of greeting, and then proceeded to clarify the reason for undertaking to establish a Constitution. He said:

“No country in the East furnishes evidence of constitutional government having ever been in force at any period of its history. Japan may be said to be the first to adopt this form of government, and so it cannot be predicted with any amount of certainty whether it will prove profitable for the State or not. However, we abolished feudalism and opened intercourse with other countries already twenty years ago, which fact convinces us of the necessity of adopting constitutional government in order to administer the affairs of State successfully.
Since there is no alternative, and yet the future results of this form of government are unknowable, it is most important to exercise prudence and caution at the outset of its adoption, so as to work out the ideals of constitutionalism."

By these words the speaker meant that there was no other means whereby to ensure national prosperity. He continued:

"In Europe the concept of constitutionalism germinated in the remote past, but here in this country it is quite a new thing. Before enacting a Constitution, therefore, it is necessary to make clear the axis by which it is to stand. If superficial popular opinion is accepted without this axis, the administration in all its branches will lose unity and control, leading the State to ultimate ruin. Europe has a constitutional history extending over more than a thousand years, and the people are thoroughly trained. Not only that, religion has established itself as the axis about which the people's minds are centred. In this country, however, not only have the people no experience of constitutional government, but neither Buddhism nor Shintoism is yet strong enough to do anything at all for the unification of the people's minds. The only axis we can think of is the Imperial family. It is for this reason that, in this draft, fundamental emphasis has been laid on respect for the Imperial family."

By these words the President wanted to call attention to the uniqueness as well as the originality of the forthcoming Constitution; and then, shifting his ground, he said:

"I have always considered it unreasonable to narrow the scope of the Sovereign's authority. From this viewpoint the present draft aims at making the Sovereign's authority the axis never to be challenged, by rejecting the principle of partition of sovereignty underlying the joint rule by sovereign and subjects prevalent in European countries."

The speaker thus meant to uphold the supreme authority of the Tenno, based upon the principle of the responsibility of the Ministers of State.
Neither the theory of the people’s rights nor that of joint rule by sove-
reign and subjects was allowed to find its way in any way into the 
structure of the draft, the speaker emphasized. Then, after reeling the 
audience stage by stage how the draft was completed, he read the address 
he had presented to the Throne together with the draft, and continued:

“The present draft cannot be said to be perfect, as it is a mere col-
lection of general principles. His Majesty has graciously read it, 
and has, out of deep concern over the gravity of the matter, caused 
the Privy Council to be organized in order Himself to consult it. Such 
being the case, it is highly desirable that serious consideration be 
exhausted on it for the future of the State as well as for the Imperial 
family, irrespective of the motive behind the framing of the present 
draft, so as to establish a firm axis.”

At the first reading of the draft, which followed the President’s speech, 
Chief Secretary Ki Inoue read it clause by clause, waiting each time 
for questions, until he came to Article XXVIII. Then clause-by-clause 
reading was dropped, the rest being left for deliberation en bloc. Most of 
the questions were simply such as concerned the definitions of words 
used, no argument being set forth touching constitutional law, and the 
session came to an end at a quarter past twelve o’clock.

The second reading was held on the afternoon of June 18, between 
1. 20 and 3. 30, when Article I—V were taken up, Article II being left 
undecided, and Article V unfinished. The second reading was continued 
on the 20 th, 22 nd, 27 th, 29 th, July 2 nd, 4 th, 6 th, and 9 th, and, on the 
morning of the 13 th, the undecided Articles II and V were passed, which 
ended the second reading. Then, on the afternoon of the same day was 
finished the third reading, thus ending the First Session of the Council 
for the Enactment of the Constitution.
Section V

Assiduity of Meiji Tenno

Article I

The *Kempo Chukai* and the *Kempo Sansho*

As has been said, the *Nippon Kempo Soan* underwent most careful deliberations at the Privy Council. In the council-chamber were distributed among those present hectograph copies of Notes on the Draft Constitution (*Kempo Chukai*) and References for the Draft Constitution (*Kempo Sansho*), together with copies of the original draft comprising seventy-six provisions submitted to the Council by His Majesty. These notes and references proved of immense value to those present, revealing to them, as they really did, the actual intentions of the drafters underlying those provisions made up in the form they assumed. Consequently we have reason to suppose that there was little need for drastic revisions to be introduced into the draft.

The Notes and the References were both thin paper-covered copies, of foreign paper, the size of Japanese *Minogami* paper, and were, as may be supposed, intended for obviating unnecessary arguments and otherwise possible doubts and questions. Looking over the Notes, we read the following concerning Chapter I, Article III:

**An Extract from the Notes**

(Translated)

Article III The Tenno is sacred and inviolable

Reverently we consider that the Tenno is the most exalted and the most august, that He is sacred and inviolable, and stands above His subjects and others of the human kind. Therefore He is beyond
the fetters of law, and so the Ministers of State shoulder all responsibilities in His place. Such is the fundamental principle of the Constitution; for the Sovereign must, as a matter of fact, command all laws, while laws have not the power to violate Him.

(N. B.) During deliberations on the constitution in Belgium, a member proposed an amendment to be introduced into the original, to the effect that the person of the sovereign is inviolable. He held the view that want of virtue or iniquity in the sovereign could not justify adjudgement of loss of rights to him.

The constitutions of European countries all contain a provision embodying the view held by this member; but in the case of our Constitution, we do not desire that the above provision should be established from like considerations. The virtue of sacredness in the Tenno is understood to mean not only inviolability of His person, but aloofness of his acts being beyond all manner of criticisms.

An Extract from the References
(Translated)

Article III The Tenno is sacred and inviolable.

The Nihon Shoki says in the Records of the Mythological Times: In the beginning there was the heaven, and then there was the earth. After that there was born the sacred.

_Ditto_, in the Records of the Kotoku Era, Section 'Second Year': In the beginning this heaven and earth bore all creation. Of all creation man was the lord, and the sacred became the lord of all men. (From an Imperial Rescript).

_Ditto_, in the Records of the Kotoku Era, Section 'Third Year': In the beginning the Heavenly Goddess wished that Her Son should govern the land, and bequeathed it to Him. Hence, from the beginning of heaven and earth this has been the country governed by the Sovereign. Since the Imperial Ancestor began his rule, the country
has lasted exactly as it was in the beginning, without any change whatsoever to break its entity. (From an Imperial Rescript).

The *Mannyo Shu*, Vol. III:

Oh, the *Okimi*¹:

Great is He

Who makes His abode

On yon thunder

Over the clouds:

(A poem by Kakinomoto Hitomaro²)

References to Foreign Constitutions:

Sweden: Article III The dignity of the King is sacred and shall be revered. His conduct is above all criticism.

France (1840): Article XIII The person of the King is inviolable and sacred. The Regent of the King is responsible.

Belgium: Article LXIII The person of the King is inviolable. The Regent of the King is responsible.

Prussia: Article XLIII The Person of the King is inviolable.

Austria: Section IV, Article I The Emperor is sacred and inviolable.

Spain: Article XLVI (Wanting)

Portugal: Article LXXII (Wanting)

Italy: Article IV The person of the King is sacred and inviolable.

Holland: Article LII The King is inviolable. The Regent is responsible.

Denmark: Article XII The King is not responsible. The person of the King is sacred and inviolable. The Regent is responsible for the affairs of State.

For some provisions, references to Western writers were furnished in the following fashion:

"As to the English principle, it may suffice to quote from the work of Blackston (Vol. I, Chap. VII, p. 236, Notes)."

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¹ *Okimi* (皇). *O*, great; *kimi*, lard. A literary name for Emperor.

² Kakinomoto Hitomaro (柿本人麻). An old Enpanese poet.
"Gneist's work on the English Constitution (Vol. I) says about the petition system in England, '……'
"International Law by Grotius (Vol. I, Chap. I, Sect. 6) says, '……'

Article II
Meiji Tenno, Himself a Scholar

It fills us with awe and reverence to reflect that the Imperial Constitution, on which was expended such an immense amount of time and labour, as may be seen from all that has been said in the foregoing pages or this work, is in the truest sense of the word one that was granted by His Majesty. We say so, not merely because it was drafted by the Imperial Order of October 12, the fourteenth year (1881) of Meiji, in obedience to the Imperial Rescript of the ninth year (1876), nor because, when the draft was completed, it was submitted to deliberations at the Imperial council, but because there is still another fact which dignifies it as an Imperial grant.

Originally, His Majesty had studied constitutional law already before the completion of the draft, and Himself expressed His august opinions about it after a careful perusal of it. Nor did He accept the draft readily, even after it had been considerably revised at the First Session of the Privy Council, He submitted it to the Cabinet for further revision, and then He called a second, and even a third session of the Council, so as to leave no stone unturned, to ensure perfection as the final goal. This impresses upon us that the Japanese Constitution is virtually an Imperial grant, nay it is truly an Imperial grant——nothing short of an Imperial grant.

It is recalled that, immediately after the presentation of a memorial to the Throne on the advocacy of establishing a Minsen Giin, in January of the seventh year (1876) of Meiji, His Majesty dispatched Tomozane Yoshii, a Court official, to Europe on a mission of inspecting political conditions, granting him a large sum of money out of His private purse.
Yoshij returned, laden with abundant observations on the actual conditions of constitutional government in different countries; and when he was received in audience by His Majesty to make his report, he presented Him with a book by Todd, *Parliamentary Government in England*. He also reported to His Majesty that the English constitution, and for that matter parliamentary government in England, could not be fully understood without a knowledge of English history, inasmuch as throughout the political history of England the spirit of the English constitution was revealed in lavish profusion. His Majesty listened to him with an absorbing interest, and was quick enough to conclude that both the future Constitution of Japan and her parliamentary government should be drafted and enforced precisely along the line of her national polity and history. It was no doubt for this reason that when, on September 6, the ninth year (1876) of Meiji, He ordered Prince Arisugawa Taruhito, President of the Genroin, to set about drafting a Constitution, He personally gave Todd's work to the prince for him to use it for reference.

Reference has been made to the Imperial Rescript of October 12, the fourteenth year (1881) of Meiji. In this Rescript, His Majesty, as has been said before, made known His august wish to enact a Constitution and open a *Kokkai* at a no distant date. Reference has also been made to His dispatch of Hirobumi Ito and many other government and Court officials to Europe and America for the study of constitutional law and investigations on the conditions of constitutional government. We have also referred to the creation and abolition of various official organs for investigations on the drafting of a Constitution, each succeeding another, and finally to the circumstances attending the actual drafting of the Constitution, which led to the establishment of the Privy Council. We have reason to suppose, as everybody else may, that His Majesty was fully equipped with a knowledge of constitutional law and other related subjects, not only through His own study, but also through all those reports made by newly-returned officials, as well as through various Imperial inquiries, out of the august desire to delve into the subject from all angles, so as to attain the goal of perfection
as the Head of the Empire. His Majesty was a full-fledged constitutional jurist.

His Majesty called the Privy Council into a second session on January 16, in the twenty-second year (1889) of Meiji, followed by a third on January 29. The three sessions of the Council called for all together over forty-nine sittings during the eight months, from May of the first year to January of the next year. All those sittings were honoured with the presence of His Majesty except on one occasion, i.e., January 29, when He was prevented by unforeseen circumstances. Further, it is with awe and reverence to learn that He never left His seat during the sittings, which proves the unremitting assiduity with which He in person supervised the important task of establishing the Constitution. One of the drafters of the Constitution, the late Kentaro Kaneko, only recently told the writer about the scene of the sittings of the Council in the following terms:

“Every time those present had taken their seats, His Majesty used to enter by opening the sliding-door behind the gilded-screen set up behind the Throne, when the President called the meeting to order. During the time deliberations were going on, from beginning to end, His Majesty never relaxed His attention to the arguments set forth by the respective Ministers of State and Councillors, and seemed never to miss even a single word uttered. The seat was an arm-chair, in which His Majesty was always seen seated firm and upright, never leaning back or otherwise changing His posture.”

It is said that all those who had the honour of taking part in the Council were deeply impressed with His Majesty’s earnest attitude regarding the weighty task of determining an immutable code once and for ever. According to the late Count Kaneko,

“The Council-Chamber in the Akasaka Detached Palace faced the west, with a verandah running along it; and so, in the summer months of June and July, the heat in this room was almost unbearable, especially in the afternoon, as the setting sun shone in with utmost intensity. Even then His Majesty maintained a rigid composure all the
same. One day, in particular, the scorching sun began to cast its
dazzling rays nearer and nearer up to His knees. Overwhelmed with
awe at this sight, Premier Kuroda himself went and closed the door,
thus shutting out the merciless rays.

"In January of the twenty-second year (1889), His Majesty moved
into the newly-built Imperial Palace from the Akasaka Palace, and,
in consequence, the Council-Chamber was changed to what is now
the office of the Bureau of Peers and Court Honours, of the Imperial
Household Department. This Chamber, again, had one disadvantage.
Having no window on the south, the cold was intense in midwinter,
there being no sunshine throughout the day. A single stove on the
north side, which, however, gave out but little warmth, and a few
charcoal-braziers, brought in as the only expedient, afforded hardly
any comfort to those present. The Councillors and others were often
heard to whisper among themselves about the bitter cold, while His
Majesty, on the contrary, remained serene and composed as usual, never
complaining of the cold, but listening with the keenest attention."

Such was His Majesty's sincerity of attitude that it put all those
present to shame, and filled them with reverence. On November 12, in
the twenty-first year (1888) of Meiji, when the Law on Finance was
being taken up for deliberation, it so happened that, according to the late
Count Kaneko,

"while a Councillor was speaking in real earnest on a topic at issue,
Chamberlain Hinonishi came hurrying into the Council-Chamber, and
whispered something to President Ito, who instantly hurried up to
His Majesty, and reported to Him in a low voice. His Majesty spoke
a few words to Ito, apparently giving him an order, but the latter
bowed himself off in the usual manner, and the business was continued.
As to what had passed between His Majesty and Ito, no one present
could guess. When the session came to a convenient end, President
Ito again went up to His Majesty, and made a report to Him; where-
upon His Majesty rose from His seat and retired. What by the
incident witnessed a short time before, and what by the sudden retirement of His Majesty, those who were present could not but feel some uneasiness in their minds, when President Ito addressed them in a solemn tone saying:

"The fact is, Chamberlain Hinonishi came to me a while ago, as you all witnessed, and asked me to report to His Majesty the death of an Imperial son, Prince Akinomiya Michihito. So I immediately did as asked, and begged Him to retire at once, leaving off the question at issue. His Majesty, however, would not retire, saying that the business need not be interrupted, but that it should be continued until the provision under deliberation be voted on. The business was continued by Imperial order; and it was only after we had finished the provision that He ordered our meeting closed and retired."

At these words of the President, all present were deeply impressed and remained silent for some time, their heads hanging low with heartfelt awe at the thoughtfulness of His Majesty."

The above account strongly impresses on us the whole-hearted devotion with which His Majesty applied Himself to the mighty task of establishing the Grand Code, whereby the great precepts and achievements left by the Imperial Ancestors were to be transmitted to Imperial descendants. The fact that His Majesty deferred a private affair because of the Council business, evidently in consequence of His gracious decision not to leave half-way, and that, in spite of so heart-rending a report as the death of an Imperial son, will leave a lasting impression on the whole nation, as an episode of the most solemn nature in the constitutional history of Japan.

Such was His whole-hearted devotion to the Council on the Constitution that, according to another account of the late Count Kaneko,

"His Majesty was seen to read the draft with the most scrupulous care imaginable; and whenever the day's business was over, it was usual with Him to give His copy of the draft to the Chamberlain, with orders that it be returned with all the revisions, such as corrections, omissions, and additions voted on, minutely written in cinnaber
ink, His Majesty was never tired of studying these revisions, carefully comparing them with the original, in an attitude of rigid scrutiny; and whenever He came across any points, whether doubtful, or strange, or unaccountable, He summoned President Ito before the next session, and asked him questions about those points, never leaving off until He was perfectly satisfied."

His Majesty's attitude towards any kind of study was strictly critical, and certain questions put by Him were often beyond the ability of those who had the honour of being asked. Such was the zeal shown by His Majesty, that the Ministers of State and Councillors showed equal zeal for their duty by attending session after session without interruption, even though some light indisposition might sometimes have otherwise induced them to be excused. Minister of the Imperial Household Hijikata is said to have remarked in this connection that

"All those who took part in the Council were heart and soul in the deliberations, heated discussions often lasting for several hours. Perhaps there never was, before or after, a like council of so many Ministers of State and other dignitaries held in the presence of His Majesty, when such warm discussions were carried on in such an unreserved manner."

Further, according to Minister Hijikata,

"It was not seldom that a week or two after a prolonged discussion, His Majesty remarked, during an audience, that such and such a provision on such and such an occasion was indeed a sage opinion, or that So-and-so's view was very good in purport, but that He was sorry about the lack of eloquence on the part of the speaker, etc. His Majesty had such a retentive memory that all His criticisms were quite to the point, recalling even such trifles as had passed out of our memory."

Attributing the characteristics of the Constitution to the progressive Imperial wishes, from the fact that it has embodied in it lofty ideals, neither too conservative nor too liberalistic, the President of the Council,
Ito, is said to have remarked in the following strain:

"During the sessions of the Council, His Majeety had to listen to both conservative and liberalistic opinions, and naturally He had to consider them from a fair and impartial standpoint. Although there was a strong undercurrent of conservatism dominating the Council, yet His Majesty's august wishes had a democratic leaning, which accounts for the enactment of a Constitution, such as we have to-day."

And no wonder, for, as has been said, His Majesty was Himself a student of law, especially constitutional law. Besides, what has been set forth to endorse His Majesty's knowledge of the subject, it is worth further attention that, by graciously accepting Premier Ito's advice, He had sent abroad Count Kototada Fujinami in the summer of the eighteenth year (1885) of meiji, and had made him study law under Stein, through introduction by Ito. Count Fujinami returned after about a year, in November of the twenty-first year (1888), laden with abundant observations he had gathered in Europe. This Count Fujinami gave a series of lectures on law before His Majesty, when His Majesty was at leisure, or after dinner, and always with Her Majesty the Empress sitting beside. We have ample reason to suppose that what His Majesty had thus learned from Count Fujinami's lectures served Him in good stead in giving Imperial decisions at the sessions of the Privy Council. In this connection, the following words, attributed to the late Count Kaneko, may be equally worth the reader's attention:

"Although the Meiji Constitution is generally said to be one that was granted by His Majesty, some people have often lent themselves to the doubt whether that was the case in fact, His Majesty having put His Imperial sign in testimony of formal sanction. Nothing is farther from the truth. Such doubt comes only from those who do not know real facts. Our Constitution was in the truest sense of the word one that was granted by His Majesty."

Here I must most strongly assert, with the late Count Kaneko, that the Meiji Constitution was a real grant by Meiji Tenno, especially considering
His Majesty's wishes which first motivated the drafting of it, and also the circumstances that attended its enactment. Nor should I omit mentioning that we owe the Constitution solely to His Majesty's magnanimity, which characterizes it as a harmonious ensemble of conservative and liberalistic ideas.
CHAPTER XI

PROMULGATION OF THE MEIJI CONSTITUTION

Deliberations on the draft Constitution came to a finish on January 31 in the 22nd year of Meiji (1889), and, on February 11 the long-expected event—the promulgation of the Constitution—became an accomplished fact. It coincided with the 2550th anniversary of the founding of the Empire. The day had been specially chosen by Meiji Tenno ten years before, and His Majesty had constantly urged Councillor Ito for the successful realization of His long-cherished desire on that particular day. Snow had been falling from early in the morning, and, by the time the ceremony of worship of the spirits of Imperial Ancestors began, the whole metropolis had turned silver, making the people feel the felicity of the event.

The ceremony of worshiping the Imperial spirits was first held at the Imperial Sanctuary in the Imperial palace, beginning at eight o'clock and attended by His Majesty and officials of Shinnin, Chokunnin, and Sonin ranks, princes and marquises, holders of the First Order of Merit, and provincial governors, not to speak of the drafters of the constitution. His Majesty was attended on by the Lord Keeper of the Privy Seal, the Minister of the Imperial Household, the Grand Chamnerlain, and the Masters of Ceremonies, followed by the Imperial Princes and the Ministers of State. His Majesty first offered sacred branches of sakaki to the spirits of the Imperial Ancestors, and read the following Imperial Speech. Then all present made profound obeisance before the sanctuary and the ceremony came to an end.

Imperial Speech on the Promulgation of the Constitution: Whereas We make it the joy and glory of Our heart to behold the prosperity of Our country, and the welfare of Our subjects, We do hereby, in virtue of the supreme power We inherit from Our Imperial Ancestors,

1 It is the so-called "Constitution of the Empire of Japan."
promulgate the present immutable law, for the sake of Our present subjects and their descendants.

The Imperial Founder of Our House and Our other Imperial Ancestors, by the help and support of the forefathers of Our subjects, laid the foundation of Our Empire upon a basis, which is to last forever. At this brilliant achievement embellishes the annals of Our country, is due to the glorious virtues of Our Sacred Imperial Ancestors, and to the loyalty and bravery of Our subjects, their love of their country and their public spirit. Considering that Our subjects are the descendants of the loyal and good subjects of Our Imperial Ancestors, We doubt not but that Our subjects will be guided by Our views, and will sympathize with all Our endeavours, and that harmoniously cooperating together, they will share with Us Our hope of making manifest the glory of Our country, both at home and abroad, and of securing forever the stability of the work bequeathed to Us by Our Imperial Ancestors.¹

The worship of the Imperial spirits being over, the Grand Ceremony of the Promulgation of the Constitution was to take place. All had assembled in the Main Hall and waited for the felicitous occasion for a considerable length of time, when Hirobumi Ito came up to Count Kaneko, who was among those assembled, and told him hurriedly in a whisper that he had left the fair copy of the Draft in the study of his official residence. It appears that with all his sagacity and alertness he made such a blunder solely because of overstrain. There was no time to lose. Out goes Count Kaneko, gets into Ito's carriage, and soon comes back with the copy to the waiting-room of the Ministers of State. The worst was not over. Suddenly one of the Masters of Ceremony came in and told Ito that the Minister of Education, who, being late, had been sent for, was in a critical condition, having been stabbed by an assassin. All those

present were astounded, but Ito retained his composure. He told the reporter that Mori might participate in the ceremony where he was.

The ceremony was attended by officers of the Army and Navy, Government officials and other dignitaries of all ranks, headed by Prime Minister Kuroda. They included the Ministers of State, the President of the Privy Council, Privy Councillors, Officials of Shinnin, Chokunin, and Sonin ranks, princes, marquises, and representatives of counts, viscounts, and barons, holders of the First Order of Merit, Chiefs of Army Divisions, Commanders of Naval Stations, the President of the Court of Cassation, provincial governors, Court officials of high rank, and Army and Naval officers. When these had entered the Ceremony Hall and taken their respective seats, there followed such foreign envoys as had been specially invited. There were also Presidents of Prefectural Assemblies, who stood in rows along the corridor, having been granted to witness the scene by special Imperial favour.

At 10:00 a.m. ten sharp, their Majesties the Emperor and Empress entered the Hall, when the military band struck up the National Anthem, Kimigayo. Court footmen, Masters of Ceremonies, the Grand Master of ceremonies, the Grand Chamberlain, Lieutenant-General Konoe, and others were seen standing close by Their Majesties, with Chamberlains and Shinno (far-removed Imperial princes) also in attendance. His Majesty stood on His Throne, bearing His sword, Her Majesty taking her seat on the right.

The ceremony opens. Lord Keeper of the Privy Seal Sanjo proceeds up to His Majesty, makes a profound obeisance, and reverently hands His Majesty the written Imperial Rescript on the promulgation of the Constitution for His Majesty to read. His Majesty reads it aloud. The following is a translation of it.

"With heartfelt satisfaction for the prosperity of the State and the happiness of Our subjects, and by the sovereign authority that We have inherited from Our Imperial Ancestors, We hereby promulgate this immutable Grand Code to Our present and future subjects."
"Know ye, Our subjects, that Our Imperial and Other Ancestors have, by the support and cooperation of the ancestors of Our subjects, built up Our Empire to last to all eternity. This is due to the virtue of Our sacred Ancestors, and is fully attested to by the glorious history of Our Empire, by virtue of the loyalty and bravery of Our subjects, their love of the country, and their spirit of sacrifice for the sake of their land. We reflect that Our subjects are the descendants of their loyal and brave ancestors, and in consideration of this fact, we do not doubt that in conformity with Our wishes they will encourage Us in Our prosecution of the affairs of state, that they will cooperate with Us, and thus make the glory of Our Empire felt all over the world, by a common desire to solidify forever the work bequeathed by Our Ancestors, and by sharing with Us the efforts involved therein."

The Imperial Rescript having been read, Hirobumi Ito, President of the Privy Council, solemnly proceeded up to His Majesty, and presented to Him the Imperial Household Law and the Constitution. Then Prime Minister Kuroda stepped up to His Majesty, and received the Imperial Rescript and the Imperial Household Law, both of which the Chief Secretary of the Cabinet held reverently, himself drawing up to His Majesty and reading the reply to the Imperial Rescript. At this moment boomed out a salute of a hundred and one guns outside the Imperial Palace, evoking spontaneous "Banzai" everywhere. Meanwhile His Majesty, together with Her Majesty, retired, followed by all those attending.
CHAPTER XII

CONCLUSION

Rome was not built in a day. Neither was the Imperial Diet made in a day. It may be said that a Diet-like system had existed in various forms in old Japan. It was in the declining days of the Shogunate government that the Japanese people gradually came to know of the parliamentary system in European countries, either through books or by contact with Europeans. This knowledge, combined with the custom of holding meetings among the retainers of feudatories, became more and more diffused among the people, when the Imperial Court, the Shogunate government, and the feudatories all awakened to the necessity of reforming the old institution, in order to adopt a government based on public opinion. This was nothing other than the result of the far reaching influence of European encroachment on the Orient. By slow degrees, what had hitherto been mere knowledge, came to be put in practice by the court, the Shogunate government, and feudatories.

Of all the European parliamentary systems advocated in various quarters, there were two, among others, one by the Shogunate government’s interfeudatory council, and a similar one by the Court. These two proposed systems were combined into one by the Court at the time of the Restoration of Meiji, through the instrumentality of the advocacy by the Tosa clan of a compromise between the Court and the military classes. This was none other than advocacy of government upon public opinion. The compromise laid out systematically was the Five Imperial Oaths of the first Year (1868) of Meiji, and what was called the Seitaisho. From that time on the Court successively adopted a bi-cameral system with the creation of the Kami-no-Gijdokoro (Upper House) and the Shimo-no-Gijdokoro (Lower House), of the two Houses of the Giseikan (Board of Deliberation), and of the Jokyoku Kaigi (Upper Council) and the Kogisho (Hall of Public Deliberation). In the provinces, feudatory
councils and people's assemblies were seen everywhere in succession. After the abolition of feudal clans and the creation of prefectures, there appeared in the capital the Sain (Left House), which was virtually the House of Representatives, although there still remained in the provinces various people's assemblies. These assemblies were replaced by the gubernatorial conference, called by the central government. This conference was an outcome of the advocacy for the establishment of a People's House. Next came what is now known as the prefectural assembly. The Sain, of which reference has been made above, became the Genroin in the eighth year (1875) of Meiji, directing legislation. With the opening of the Imperial Diet (Teikoku Gikai) in the twenty-third year (1890) of Meiji, the Genroin was abolished and was replaced by the Kizokuin (House of Peers) and the Shugiin (House of Representatives). This change was, needless to say, brought about by the Imperial Rescript issued in the eighth year (1875) of Meiji, and that issued in the fourteenth year (1881), respectively, on the establishment of constitutional government and of the Kokkai.

As to the enactment of the Constitution, it was backed by a long history, too. Aside from Prince Shotoku's Seventeen Article Constitution, the Five Imperial Oaths and the Seitaisho referred to above, are worth the reader's attention, as the first step toward the establishment of the Constitution. During the time ranging between the third (1870) and fourth year (1871) of Meiji, Kido and Okubo, of whom, mention has often been made became prominent as advocates of the establishment of the Constitution, having specialized in European and American constitutional law. Following the Imperial Rescript of the eighth year (1875) on the projected establishment of constitutional government, the Genroin drafted the Constitution, which was to have been granted by His Majesty, but He, on the other hand, had commanded Yoshii, a Count official, to investigate the actual condition of constitutional government in Europe. This man was in possession of various European treatises on constitutional law, prizing them immensely as valuable reference materials. Among the people, too,
many patriotic souls, with their knowledge of law, vied for supremacy in drafting all sorts of what they considered ideal as the fundamental law of the State. The reason why the draft Constitution of the Genroin was not granted by His Majesty may be attributed to the fact that it had a colouring of too much democratism, rendering it incompatible with the then national polity of Japan, although Minister of the Right Iwakura had revised it several times.

It may be recalled that when Hirobumi Ito was commanded by His Majesty to draft the Constitution, it had already been firmly decided upon that the Constitution to be enacted should be one granted by the Tenno, that it should be based on the principle of direct Imperial rule through the medium of the Cabinet, and that the Tenno should exercise supreme military command as well as command of the police and finances, taking the Prussian constitution as the only example. It was for this reason that Ito went abroad in the fifteenth year (1882) of Meiji to investigate the constitutional law of that country, not excluding those of other advanced countries, such as Austria, France, Italy, Belgium, and England, for the determination of the merits and demerits of the polities in these latter-countries. We have reason to suppose that when Ito started on his mission, he had constantly in view the Imperial command of the ninth year (1876), that "the constitutions of countries abroad be extensively investigated, all the while firmly adhering to our national Polity."

After his return from abroad, it is recalled, Ito engaged in the creation of the official organization of the Cabinet and the Law on Peers. At the same time he exerted himself in drafting the Constitution with Ki Inoue, Miyoji Ito, and Kentaro Kaneko as his secretaries. In March, the twenty-first year (1886) of Meiji, the draft was almost completed, but all through the three months of April, May, and June, he and his assistant secretaries engaged actively in correcting and revising it. Then from June 18 to July 13 and the following year he called meetings of deliberation in the hall of the Privy Council, honoured by the presence of His Majesty. Nor was this all. Using every spare moment, he corrected the draft most carefully,
and after the last meeting held on February 5 in the twenty-second year (1889), he finally presented it to His Majesty. His Majesty, on His part, was never once absent from these meetings. He was most scrupulous in reading the draft, the corrections and revisions, and wherever doubt presented itself, He asked questions until every doubt had vanished. The Constitution of Japan, therefore, may be said to be truly one that was granted by His Majesty Himself, not only with regard to its enactment, but even with regard to the manner in which the work proceeded.

As to the spirit underlying it, it was considered to be in perfect conformity with the august wishes of His Majesty and the national polity. By a careful study of other constitutions, it was drafted so as to "solidify" the foundation of the Imperial Throne "forever". It was believed to embody in the highest degree the glory of Japan's national polity and of the history of the country. In other words, the Japanese Constitution, which had long since existed unwritten, became the written fundamental law of Japan for the first time in history.

Many years have elapsed since then and many events have confronted Japan through all those years. Through all those years Japan has extended her activities on the arena of the world's competition on the basis of the constitution, self-content with what she considered the ever-increasing dignity of the state among nations, until at last she has been compelled to replace it with a new one, due to her surrender to the allied powers as the result of her acceptance of the Potsdam declaration and to the Subsequent adoption of democratic principles as the basis of future government. The present constitution, known as the Nipponkoku Kenpo (the Constitution of Japan), will in future be the guiding principle of the nation in building up a new Japan. It will indeed mark the opening of a new epoch in the history of the country.

We have thus far confined ourselves to the faithful statement of facts about the enactment of the Meiji constitution. In presenting those facts we have been quite faithful and impartial inasmuch as the present book is a history, pure and simple.
Appendix

THE CONSTITUTION OF THE
EMPIRE OF JAPAN
(MEJI KEMPO)

PREAMBLE

Having, by virtue of the glories of Our Ancestors, ascended the Throne of lineal succession unbroken for ages eternal; desiring to promote the welfare of, and to give development to the moral and intellectual faculties of Our beloved subjects, the very same that have been favoured with the benevolent care and affectionate vigilance of Our Ancestors; and hoping to maintain the prosperity of the State, in concert with Our people and with their support, We hereby promulgate, in pursuance of Our Imperial Rescript of the 12th day of the 10th month of the 14th year of Meiji, a fundamental law of State, to exhibit the principles by which We are to be guided in Our conduct, and to point out to what Our descendants and Our subjects and their descendants are forever to conform.

The rights of sovereignty of the State, We have inherited from Our Ancestors, and We shall bequeath them to Our descendants. Neither We nor they shall in future fail to wield them, in accordance with the provisions of the Constitution hereby granted.

We now declare to respect and protect the security of the rights and of the property of Our people, and to secure to them the complete enjoyment of the same, within the extent of the provisions of the present Constitution and of the law.

The Teikoku Gikai shall first be convoked for the 23rd year of Meiji, and the time of its opening shall be the date when the present Constitution goes into force.

When, in the future, it may become necessary to amend any of the provisions of the present Constitution, We or Our successors shall assume the initiative rights, and submit a project for the same to the Teikoku
Gikai. The Teikoku Gikai shall pass its vote upon it, according to the conditions imposed by the present Constitution, and no otherwise shall Our descendants or Our subject be permitted to attempt any alteration thereof.

Our Ministers of State, on Our behalf, shall be held responsible for the carrying out of the present Constitution, and Our present and future subjects shall forever assume the duty of allegiance to the present Constitution.

(His Imperial Majesty's Sign-Manual.)

(Privy Seal.)

The 11th day of the 2nd month of the 22nd year of Meiji.

(Countersigned) Count Kuroda Kiyotaka,

Minister President of State.

Count Ito Hirobumi,

President of the Privy Council.

Count Okuma Shigenobu,

Minister of State for Foreign Affairs.

Count Saigo Tsukumichi,

Minister of State for the Navy.

Count Inoue Kaoru,

Minister of State for Agriculture and Commerce.

Count Yamada Akiyoshi,

Minister of State for Justice.

Count Matsugata Masayoshi,

Minister of State for Finance and Minister of State for Home Affairs.

Count Oyama Iwao,

Minister of State for War.

Viscount Mori Arinori,

Minister of State for Education.

Viscount Enomoto Takeaki,

Minister of State for Communications.
CHAPTER I
THE TENNO

ARTICLE I

The Empire of Japan shall be reigned over and governed by a line of Tenno unbroken for ages eternal.

ARTICLE II

The Imperial Throne shall be succeeded to by Imperial male descendants, according to the provisions of the Imperial House Law.

ARTICLE III

The Tenno is sacred and inviolable.

ARTICLE IV

The Tenno stands at the head of the Empire, combining in Himself the rights of sovereignty and exercises them, according to the provisions of the present Constitution.

ARTICLE V

The Tenno exercises the legislative power with the consent of the Teikoku Gikai.

ARTICLE VI

The Tenno gives sanction to laws, and orders them to be promulgated and executed.

ARTICLE VII

The Tenno convokes the Teikoku Gikai, opens, closes and prorogues it, and dissolves the House of Representatives.

ARTICLE VIII

The Tenno, in consequence of an urgent necessity to maintain public safety or to avert public calamities, issues, when the Teikoku Gikai is not sitting, Imperial Ordinances in the place of law.

Such Imperial Ordinances are to be laid before the Teikoku Gikai at its next session, and when the Gikai does not approve the said Ordinances, the Government shall declare them to be invalid for the future.

ARTICLE IX
The Tenno issues or causes to be issued, the Ordinances necessary for the carrying out of the laws or for the maintenance of the public peace and order and for the promotion of the welfare of the subjects. But no Ordinance shall in any way alter any of the existing laws.

ARTICLE X

The Tenno determines the organization of the different branches of the administration and the salaries of all civil and military officers, and appoints and dismisses the same. Exceptions especially provided for in the present Constitution or in other laws, shall be in accordance with the respective provisions (bearing thereon).

ARTICLE XI

The Tenno has the supreme command of the Army and Navy.

ARTICLE XII

The Tenno determines the organization and peace standing of the Army and Navy.

ARTICLE XIII

The Tenno declares war, makes peace, and concludes treaties.

ARTICLE XIV

The Tenno declares a state of siege.
The conditions and effects of a state of siege shall be determined by law.

ARTICLE XV

The Tenno confers titles of nobility, rank, orders and other marks of honor.

ARTICLE XVI

The Tenno orders amnesty, pardon, commutation of punishments and rehabilitation.

ARTICLE XVII

A Regency shall be instituted in conformity with the provisions of the Imperial House Law.
The Regent shall exercise the powers appertaining to the Tenno in His name.
CHAPTER II

RIGHTS AND DUTIES OF SUBJECTS

ARTICLE XVIII
The conditions necessary for being a Japanese subject shall be determined by law.

ARTICLE XIX
Japanese subjects may, according to qualifications determined in laws or ordinances, be appointed to civil or military or any other public offices equally.

ARTICLE XX
Japanese subjects are amenable to service in the Army or Navy, according to the provisions of law.

ARTICLE XXI
Japanese subjects are amenable to the duty of paying taxes, according to the provisions of law.

ARTICLE XXII
Japanese subjects shall have the liberty of abode and of changing the same within the limits of law.

ARTICLE XXIII
No Japanese subject shall be arrested, detained, tried, or punished, unless according to law.

ARTICLE XXIV
No Japanese subject shall be deprived of his right of being tried by the judges determined by law.

ARTICLE XXV
Except in the cases provided for in the law, the house of no Japanese subject shall be entered or searched without his consent.

ARTICLE XXVI
Except in the cases mentioned in the law, the secrecy of the letters of every Japanese subject shall remain inviolate.

ARTICLE XXVII
The right of property of every Japanese subject shall remain inviolate. Disposal of property necessary for public benefit shall be provided for by law.

ARTICLE XXVIII

Japanese subjects shall, within limits not prejudicial to peace and order, and not antagonistic to their duties as subjects, enjoy freedom of religious belief.

ARTICLE XXIX

Japanese subjects shall, within limits of law, enjoy the liberty of speech, writing, publication, public meetings and associations.

ARTICLE XXX

Japanese subjects may present petitions, by observing the proper forms of respect, and by complying with the rules specially provided for the same.

ARTICLE XXXI

The provisions contained in the present Chapter shall not affect the exercise of the powers appertaining to the Tenno, in times of war or in cases of a national emergency.

ARTICLE XXXII

Each and every one of the provisions contained in the present Chapter, that are not in conflict with the laws or the rules and discipline of the Army and Navy, shall apply to the officers and men of the Army and of the Navy.

CHAPTER III

THE TEIKOKU GIKAI

ARTICLE XXXIII

The Teikoku Gikai shall consist of two Houses, a House of Peers and a House of Representatives.

ARTICLE XXXIV

The House of Peers shall, in accordance with the Ordinance concerning the House of Peers, be composed of the members of the Imperial Family, of the orders of the nobility, and of those persons, who have been
nominated thereto by the Tenno.

ARTICLE XXXV

The House of Representatives shall be composed of Members elected by the people, according to the provisions of the Law of Election.

ARTICLE XXXVI

No one can at one and the same time be a Member of both Houses.

ARTICLE XXXVII

Every law requires the consent of the Teikoku Gikai.

ARTICLE XXXVIII

Both Houses shall vote upon projects of law submitted to it by the Government, and may respectively initiate projects of law.

ARTICLE XXXIX

A Bill, which has been rejected by either the one or the other of the two Houses, shall not be again brought in during the same session.

ARTICLE XL

Both Houses can make representations to the Government, as to laws or upon any other subject. When, however, such representations are not accepted, they cannot be made a second time during the same session.

ARTICLE XLI

The Teikoku Gikai shall be convoked every year.

ARTICLE XLII

A session of the Teikoku Gikai shall last during three months. In case of necessity, the duration of a session may be prolonged by Imperial Order.

ARTICLE XLIII

When urgent necessity arises, an extraordinary session may be convoked, in addition to the ordinary one.

The duration of an extraordinary session shall be determined by Imperial Order.

ARTICLE XLIV

The opening, closing, prolongation of session and the prorogation of the Teikoku Gikai, shall be effected simultaneously for both Houses.

In case the House of Representatives has been ordered to dissolve,
the House of Peers shall at the same time be prorogued.

ARTICLE XLV

When the House of Representatives has been ordered to dissolve, Members shall be caused by Imperial Order to be newly elected, and the new House shall be convoked within five months from the day of dissolution.

ARTICLE XLVI

No debate can be opened and no vote can be taken in either House of the Teikoku Gikai, unless not less than one third of the whole number of Members thereof are present.

ARTICLE XLVII

Votes shall be taken in both Houses by absolute majority. In the case of a tie vote, the President shall have the casting vote.

ARTICLE XLVIII

The deliberations of both Houses shall be held in public. The deliberations may, however, upon demand of the Government or by resolution of the House, be held in secret sitting.

ARTICLE XLIX

Both Houses of the Teikoku Gikai may respectively present addresses to the Tenno.

ARTICLE L

Both Houses may receive petitions presented by subjects.

ARTICLE LI

Both Houses may enact, besides what is provided for in the present Constitution and in the Law of the Houses, rules necessary for the management of their internal affairs.

ARTICLE LII

No Members of either House shall be held responsible outside the respective House, for any opinion uttered or for any vote given in the House. When, however, a Member himself has given publicity to his opinions by public speech, by documents in print or in writing, or by any other similar means, he shall, in the matter, be amenable to the general law.
ARTICLE LIII

The Members of both Houses shall, during the session, be free from arrest, unless with the consent of the Houses, except in cases of flagrant delicts, or of offences connected with a state of internal commotion or with a foreign trouble.

ARTICLE LIV

The Ministers of State and the Delegates of the Government may, at any time, take seats and speak in either House.

CHAPTER IV
THE MINISTERS OF STATE AND
THE PRIVY COUNCIL

ARTICLE LV

The respective Ministers of State shall give their advice to the Tenno, and be responsible for it.

All Laws, Imperial Ordinances and Imperial Rescripts of whatever kind, that relate to the affairs of the State, require the countersignature of a Minister of State.

ARTICLE LVI

The Privy Councillors shall, in accordance with the provisions for the organization of the Privy Council, deliberate upon important matters of State, when they have been consulted by the Tenno.

CHAPTER V

THE JUDICATURE

ARTICLE LVII

The Judicature shall be exercised by the Courts of Law according to law, in the name of the Tenno.

The organization of the Courts of Law shall be determined by law.

ARTICLE LVIII

The judges shall be appointed from among those, who possess proper
qualifications according to law.

No judge shall be deprived of his position, unless by way of criminal sentence or disciplinary punishment.

Rules for disciplinary punishment shall be determined by law.

ARTICLE LIX

Trials and judgements of a Court shall be conducted publicly. When, however, there exists any fear, that such publicity may be prejudicial to peace and order, or to the maintenance of public morality, the public trial may be suspended by provision of law or by the decision of the Court of law.

ARTICLE LX

All matters, that fall within the competency of a special Court, shall be specially provided for by law.

ARTICLE LXI

No suit at law, which relates to rights alleged to have been infringed by the illegal measures of the administrative authorities, and which shall come within the competency of the Court of Administrative Litigation specilly established by law, shall be taken cognizance of by a Court of Law.

CHAPTER VI

FINANCE

ARTICLE LXII

The imposition of a new tax or the modification of the rates (of an existing one) shall be deetermined by law.

However, all such administrative fees or other revenue having the nature of compensation shall not fall within the category of the above clause.

The raising of national loans and the contracting of other liabilities to the charge of the National Treasury, except those that are provided for in the Budget, shall require the consent of the Teikoku Gikai.

ARTICLE LXIII

The taxes levied at present shall, in so far as they are not remodelled
by a new law, be collected according to the old system.

ARTICLE LXIV

The expenditure and revenue of the State require the consent of the Teikoku Gikai by means of an annual Budget.

Any and all expenditures overpassing the appropriations set forth in the Titles and Paragraphs of the Budget, or that are not provided for in the Budget, shall subsequently require the approbation of the Teikoku Gikai.

ARTICLE LXV

The Budget shall be first laid before the House of Representatives.

ARTICLE LXVI

Expenditures of the Imperial House shall be defrayed every year out of the National Treasury, according to the present fixed amount for the same, and shall not require the consent thereto of the Teikoku Gikai, except in case an increase thereof is found necessary.

ARTICLE LXVII

Those already fixed expenditures based by the Constitution upon the powers appertaining to the Tenno, and such expenditures as may have arisen by the effect of law, or that appertain to the legal obligations of the Government, shall be neither rejected nor reduced by the Teikoku Gikai, without the concurrence of the Government.

ARTICLE LXVIII

In order to meet special requirements, the Government may ask the consent of the Teikoku Gikai to a certain amount as a Continuing Expenditure Fund, for a previously fixed number of years.

ARTICLE LXIX

In order to supply deficiencies, which are unavoidable, in the Budget, and to meet requirements unprovided for in the same, a Reserve Fund shall be provided for in the Budget.

ARTICLE LXX

When the Teikoku Gikai cannot be convoked, owing to the external or internal condition of the country, in case of urgent need for the maintenance of public safety, the Government may take all necessary
financial measures, by means of an Imperial Ordinance.

In the case mentioned in the preceding clause, the matter shall be submitted to the Teikoku Gikai at its next session, and its approbation shall be obtained thereto.

ARTICLE LXXI

When the Teikoku Gikai has not voted on the Budget, or when the Budget has not been brought into actual existence, the Government shall carry out the Budget of the preceding year.

ARTICLE LXXII

The final account of the expenditures and revenue of the State shall be verified and confirmed by the Board of Audit, and it shall be submitted by the Government to the Teikoku Gikai, together with the report of verification of the said Board.

The organization and competency of the Board of Audit shall be determined by law separately.

CHAPTER VII
SUPPLEMENTARY RULES

ARTICLE LXXIII

When it has become necessary in future to amend the provisions of the present Constitution, a project to that effect shall be submitted to the Teikoku Gikai by Imperial Order.

In the above case, neither House can open the debate, unless not less than two thirds of the whole number of Members are present, and no amendment can be passed, unless a majority of not less than two-thirds of the Members present is obtained.

ARTICLE LXXIV

No modification of the Imperial House Law shall be required to be submitted to the deliberation of the Teikoku Gikai.

No provision of the present Constitution can be modified by the Imperial House Law.

ARTICLE LXXV
No modification can be introduced into the Constitution, or into the Imperial House Law, during the time of a Regency.

ARTICLE LXXVI

Existing legal enactments, such as laws, regulations, Ordinances, or by whatever names they may be called, shall, so far as they do not conflict with the present Constitution, continue in force.

All existing contracts or orders, that entail obligations upon the Government, and that are connected with expenditure, shall come within the scope of ARTICLE LXVII.