

control of the Consuls, who should have, and be instructed to use, the power of checking their proceedings when they overstep the legal limits of their powers.

I have the honour to request that, if the inclosed, Précis is printed some copies may be sent to His Majesty's Legation.

I have, &c.
(Signed) ERNEST SATOW.

Inclosure.

Précis of Correspondence relating to the Shanghai Land Regulations.

1846.

Captain Balfour to Sir John Davis, No. 26, March 30, 1846.

States that the site set apart for the residence of our merchants is conveniently situated, and measures from 60 to 75 acres. He incloses Regulations for the land, drawn up by the Taotai in communication with him; they afford an opportunity for making all requisite arrangements for public cleanliness, police security, and good order of the location.

English translation (printed) of the Land Regulations of the 27th November, 1845, is to be found as an inclosure to Mr. Alcock's despatch No. 41 of the 25th May, 1852, to Dr. Bowring.

Preamble :

Boundaries and limits defined, except towards the west.

1. Mode of acquiring land.
2. Road along the river to be reserved.
3. Roads to be laid out.
4. Another road west of the river.
5. Regarding preservation of graves.
6. Dates of payment of rent, various.
7. Rent and deposit money.
8. Rent to be paid in future by the foreign renter.
9. Rent may not be increased.
10. Merchants may build houses.
11. Burial grounds for foreigners.
12. Merchants to build and repair bridges, keep the roads in order, light them, plant trees, make drains, and hire watchmen. The renters to agree together about contributing towards the expenses.
13. Local authorities and Consul to appoint a Committee of Chinese and English merchants to fix price of houses, ground rent.
14. People of other than British nationality desiring to rent land or houses must first make distinct application to the British Consul.
15. Chinese may not rent to each other, nor build houses to let to Chinese. Limit of 10 *mo* for a lot.
16. Renters may build a public market.
17. Houses for selling food or drink must be licensed by the Consul.
18. No inflammable buildings may be erected, or explosives stored. Roads may not be obstructed by building materials.
19. Annual returns to be made of houses built or rented, also subletting or transfers.
20. Roads and jetties to be constructed with contributions from land-renters. Wharfage dues may be imposed.
21. These Regulations must be observed by land-renters and occupiers not of British nationality.
22. Any amendments or doubtful questions must be decided by the authorities in communication.
23. Any breach of these Regulations to be tried by the Consul, who will punish the same in the same way as a breach of the Treaty and Regulations.

Sir Claude MacDonald, No. 31, December 17, 1898.

In reply to No. 67. Diplomatic Body, including himself, had approved the Regulations, but the approval of the Chinese Government was necessary by Regulation 28 before they could be put in force. The Tsungli Yamên had informed the doyen that they must await the report of the Nanking Viceroy before deciding. As the Taotai had agreed to the Regulations, he had probably obtained the sanction of the Viceroy to his so doing. The Taotai should inform the Yamên that he had sanctioned the new Regulations, and that would probably suffice. Asks for another printed copy of the new Regulations.

1899.

Shanghai, No. 33, March 2, 1899.

Incloses a letter from the Taotai to the Senior Consul of the 1st July, 1898, acknowledging receipt of the new Regulations and bye-laws, and stating that the Land Regulations of the Municipal Council which were now in existence had never been ratified by his superiors. He had, therefore, no authority to do anything in the matter of the new Regulations. Again, on the 1st September, he writes that having sent copy of the Land Regulations drawn up by the Municipal Council to the Viceroy Liu, the latter replied that he had never yet occupied himself with those Regulations, and deemed it undesirable to interfere with them now. It was a matter that should be arranged between the Municipal Council and the Consular Body, with the sole object of being advantageous to the people and merchants.

Mr. Brennan argued from the letter of the 1st July that the Taotai not admitting that the Land Regulations of 1869 have been sanctioned by him, *a fortiori* his sanction to these two additional Regulations could not be given. The Viceroy having replied that the matter did not concern him, it seemed impossible to obtain from the local Chinese authorities the consent required by Article 28. As the consent of the Chinese authorities had not been obtained to the Regulations of 1870, it was a matter of minor importance to obtain it to these two new ones. If the consent of foreign Representatives were obtained, this would impart to them the force of law as against foreigners. Incloses a printed copy as requested in No. 31 of the 17th December, 1898.

Mr. Bax-Ironside to Shanghai, No. 13, April 4, 1899.

In reply to No. 23 of the 2nd March, gives his provisional sanction to these two Regulations, as required by Article 9 of the Order in Council of 1881, and declares them urgent as provided by Article 11 of the same Order. The sanction of the foreign Representatives had been conveyed to the Senior Consul in a letter from the doyen of the 26th March.

Mr. Bax-Ironside to Foreign Office, No. 84, April 12, 1899.

Submits for approval copy of three additional Land Regulations for the general foreign Settlement at Shanghai. He has given his provisional sanction to them under Article 9 of the Order in Council of 1881, and has declared them urgent under Article 11 of the same Order.

Foreign Office to Mr. Bax-Ironside, No. 92, June 3, 1899.

Incloses a signed copy, and states that the Queen has been graciously pleased to approve them.

1854.

Mr. Alcock to Sir G. Bonham, No. 36, April 18, 1854.

Speaks of the large population of Chinese now in the Settlement, and daily increasing in numbers, in consequence of the invasion of the surrounding country by the Tai-ping rebels and capture of the walled city on the 7th September, 1853, by them.

The Land Regulations of 1854 are to be found in vol. xxiv, labelled "Shanghai," &c., in the Chinese Secretariat. They are, shortly, as follows:—

1. Boundaries and limits defined, and including both English and French districts.
2. Mode of acquiring land, by applying to the Consul of the renter's nationality.
3. Final settlement of the sale, and title-deed.
4. Deeds of sale or agreement to be in triplicate.
5. Land surrendered to public use.
6. Boundary-stones to be placed.
7. Chinese land tax.
8. Transfer of lots.
9. Extent of lots and uses to which they may be applied.
10. Roads and jetties; assessment on land and wharfage.
11. Cemeteries for foreigners; Chinese graves.
12. Sale of spirits or liquors; opening of public houses.
13. Breach of Regulations.
14. Provision for additional Regulations, interpretation, by whom to be decided.

The Consuls referred to in these Regulations are Consuls of Powers having Treaties with China.

Circular publishing the Regulations under instructions from their Plenipotentiaries and his Excellency Woo, the chief local authority representing the Chinese Government, who, having jointly and severally authorized the issue of a new Code of Municipal and Land Regulations, the undersigned annex a copy for general information.

Notice also given of a public meeting of the foreign community for the appointment of a new Committee, and generally for taking into consideration the present condition of the foreign Settlement in respect of the large Chinese population recently located within the limits, and the best means of providing for its future security, order, and cleanliness.

(Signed) R. ALCOCK, *Her Majesty's Britannic Consul.*
 ROBERT C. MURPHY, *Consul, United States, America.*
 B. EDAN, *His Imperial Majesty's Consul, ad interim.*

July 5, 1854.

Mr. Alcock to Sir John Bowring, No. 63, July 21, 1854.

Inclosing minutes of proceedings at a public meeting of foreign landholders held the 11th July, at which a municipality was created under the new Code of Regulations recently sanctioned by the Ministers of the three Treaty Powers. Article X of these Regulations gives the power of establishing internal police, the duty of protection from without properly falling on the Chinese Government. The new Land Regulations were put to the vote one by one, and passed unanimously, with an amendment to Article I reserving to the community the right to appeal to their respective Governments to have the clause withdrawn which exempted Government ground from municipal control. And it was also voted to communicate with the Consular authorities upon the expediency of including the Settlement on the north side of the Soochow Creek, *i.e.*, what was called the American Settlement, or Hongkew.

Sir John Bowring to Mr. Alcock, No. 43, July 22, 1854.

Acknowledging receipt, and adding the following extract from his own report to Her Majesty's Government:—

"I need not, I am sure, hesitate to express to Mr. Consul Alcock the sense entertain of the high value of his services on this and other occasions of urgency and difficulty. Nothing has been wanting on his part that local knowledge, laborious exertion, and zeal for the public service could supply."

Printed for the use of the Foreign Office. April 1906.

CONFIDENTIAL.

(8679.)

Précis of Correspondence relative to the Shanghai Land Regulations from the Year 1846 up to 1899.

[11954]

Sir E. Satow to Sir Edward Grey.—(Received April 7.)

(No. 75.)

Sir,

Peking, February 20, 1906.

I HAVE the honour to inclose herewith a précis of the correspondence, existing in the archives of His Majesty's Legation, relative to the Shanghai Land Regulations from the year 1846 up to 1899. From the latter date onwards no correspondence on the subject passed until the summer of last year, when certain events occurred to which I shall refer later on.

The time over which this correspondence ranges may conveniently be divided into three periods, viz., from 1846 to 1854, 1854 to 1869, and 1869 to the present time, which I propose to briefly review.

1846 to 1854.

The correspondence opens with a despatch from Her Majesty's Consul, Captain Balfour, to Sir J. F. Davis, inclosing Land Regulations drawn up by him, in communication with the Taotai, the previous year. These Regulations were approved by Sir J. F. Davis.

Captain Balfour arrived in Shanghai in 1843, and had at once entered into negotiations with the Chinese authorities for a location for British merchants.

The first question which arose was one of jurisdiction over an American citizen who had obtained some land in the British location. The American, who was appointed United States Acting Consul, gave way in the matter, and a site across the Soochow Creek, adjoining the British Settlement, was obtained for American merchants. Shortly afterwards Consul Alcock stated that it was impracticable to exclude foreigners from our area, and proposed that they should be admitted on signing the Land Regulations. This Sir J. Davis agreed to. In 1850 the American Consul protested against the grant by the Chinese authorities of any exclusive rights north or south of the Yang-king-pang Creek, *i.e.*, the British and French Settlements, the site for the latter having been obtained the previous year. Mr. Alcock stood out for our rights, and much correspondence followed.

In 1852 he addressed a despatch to Dr. Bowring, in which he said that, in the event of Her Majesty's Government agreeing to abandon our demand that no foreigner should obtain a site in the British location without the consent of the British Consul, he had drawn up a code of Land and Municipal Regulations, for which the concurrence of the foreign Ministers in China would be essential. The question was referred home, and in 1853 Sir G. Bonham informed Mr. Alcock that Her Majesty's Government had no objection to rescinding the old and to substituting the new Regulations, which should be revised by the Consuls of the Treaty Powers and afterwards submitted to the foreign Representatives. At that time there were only three Treaty Powers on the sea-coast of China, namely, Great Britain, France, and the United States. The Regulations were discussed by Mr. Alcock, the United States' Minister, and the French Consular Agent, acting under the instructions of the French Minister, M. de Bourboulon. These Regulations were signed by the British, French, and American Consuls, and sanctioned by their respective Ministers in 1854. It appears, however, that M. de Bourboulon had proposed to Sir J. Bowring that separate jurisdictions should be established in the respective portions of the foreign Settlement at Shanghai. This was the view of the

[463]

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Mr. Wade to Shanghai, No. 13, April 6, 1881.

Informs him that the Land Regulations were approved by Lord Clarendon, then Secretary of State for Foreign Affairs, in his despatch of the 27th January, 1870. No reply is given as to whether such Land Regulations have to be made a Regulation under the Order in Council.

Shanghai, No. 39, April 6, 1881.

Inclosing letter from Mr. R. Little, the Chairman of the Municipal Council, together with a copy of the opinion of Sir J. F. Stephen.

Mr. Little's letter states that they had a case in the Supreme Court relating to a piece of foreshore on the Soochow Creek, in which a Mr. H. A. Ince had sued the Chairman and four employes for trespass. Council had retained Mr. Drummond, Mr. Myburgh, and Mr. Dowdell, who are of opinion that their defence must be justification based on the Land Regulations, which cannot be proved in a Court of Law. The Council must therefore let judgment go by default, as a decision of the English Supreme Court that the Land Regulations were invalid would make it impossible to collect the revenue. The points on which the Land Regulations would fail to be established are—

1. That they have not been "made" by Her Majesty's Minister, as required by Article 85 of the Order in Council, 1865.

2. That "urgency" is not declared in Regulations or the preamble thereto, and that no proper approval of the Regulations by one of Her Majesty's Principal Secretaries of State has ever been given.

3. That the Regulations, or some of them, would probably be held to be *ultra vires* of the powers intended to be vested in Her Majesty's Minister in China by the Order in Council, 1865.

Incloses copy of Sir J. F. Stephen's opinion, and observes that first and second of these difficulties could be overcome by obtaining a clear and official approval by a Secretary of State, and suggest desirability of passing an Order in Council declaratory of the powers intended to be conferred by Article 85 of the Order in Council of 1865. The weakness of the position in regard to the third point is not so certain as it is in regard to the other two.

(A complete copy of the case laid before Mr. J. F. Stephen, with his opinion, is to be found in a volume of miscellaneous papers, labelled "Shanghai. Mixed Court. Woosung Bar," etc.)

24. The copy contained here gives only the opinion. A complete copy of the whole was forwarded to the Foreign Office in despatch No. 32 of the 22nd January, 1906. The case states: "That the assent of the Chinese authorities, although given to the former amended Code (that of 1854), has never been asked for or given to the Code of 1865 (1869)." An attempt was made to give validity to the Regulations of 1869, so far as British subjects are concerned, by the Order in Council of 1881. Article 5 and Articles 6 to 19 of the same contain further provisions as to the making of Regulations and their scope.

Sir Thomas Wade to Shanghai, No. 17, April 19, 1881.

The Regulations were sent home by Sir R. Alcock, and approved by the Secretary of State. Regrets that the writer overlooked the necessity of communicating this approval, and possibly the Regulations have never been published in the manner provided in Article 87 of the Order in Council of 1865, but this omission must be repaired immediately.

Shanghai, No. 45, May 10, 1881.

Mr. Myburgh, the Crown Advocate, thinks it would be advisable to obtain a more distinct and formal approval from the Secretary of State, in order to remove any doubts which may be raised.

Foreign Office, No. 175, October 10, 1867.

Inclosing No. 649 from Paris of the 1st October, transmitting M. de Moustier's note of the 3rd October (in which are copies of the French Consul-General to Winchester of the 18th December, 1866, and to the French Council of the 21st December, 1866), about the taxation of junks anchored before the French quarter. Says the complaint is founded on a mistake as to the facts. The Municipal Council had in no way intended to attribute to itself a right of jurisdiction over a portion of the river. The police, however, have been instructed to be very careful, especially in regard to junks employed by foreign ships.

Shanghai, No 85, December 13, 1867.

Article 16 of the French "Règlement." At a meeting of French, American, Prussian, Russian, and British Consuls a new draft was agreed to, subject to the approval of their respective Ministers.

1868.

To Shanghai, No 3, January 21, 1868.

Instructs him, in communication with the French Consul-General and his other colleagues, to carry out the programme sent by the French Minister, M. de Lallemand, of which a copy was sent to Shanghai under private cover in December.

For the objectionable Article 16, to substitute the revised Article drawn up by the French Foreign Office and accepted by British Foreign Office. It will then only remain to provide for concerted action in the execution of writs and judgments on both sides of the Yang-king-pang.

Refers to Foreign Office No. 103 of the 14th June, 1867, which says: "It is unquestionably expedient that as complete agreement as possible should prevail among the authorities of the different Settlements on the Yang-tsze-kiang, and that, as far as practicable, reciprocal assistance should be given for the due execution of justice and for the general execution of the municipal Regulations of each quarter."

He and his colleagues prefer the wording of M. de Lallemand's draft, namely, "Devront être préalablement soit contresignés par le Consul-Général de France, soit présentés au Chef de la Police Municipale Française, &c."

Shanghai, No. 12 A, February 12, 1868.

Incloses a communication from the Chairman of the Municipal Council requesting information concerning revised Code of Land Regulations.

Shanghai, No. 16 A, February 13, 1868.

In reply to No. 3 of the 21st January from Peking. Reports that at a meeting called by the French Consul-General, at which were present the Prussian and Russian Consular Officers and the British Consul, a document in accordance with the instructions received from Peking was signed. It was afterwards signed by United States' Consul. Text inclosed in English and French.

To Shanghai, No. 10, March 7, 1868.

In reply to No. 12A of the 12th February, states that he has been informed that the Prussian Government have accepted the Regulations, but the decision of Her Majesty's Government has not yet reached the Legation, possibly pending reference to the United States and other Treaty Powers.

Mr. Alcock to Sir John Bowring, No. 71, August 24, 1854.

Reporting receipt from the Acting Taotai of an Edict recognizing the new Municipal Code, and also the obligation of the Town Council to call upon the naval forces of the three Treaty Powers for assistance in the event of danger from the intrusion of armed men, since some time must elapse before an efficient police force can be organized. Also a Proclamation to the Chinese inhabitants calling on them to obey the Municipal Regulations, and to pay the rates assessed upon their land and houses by a Committee of Chinese residents in co-operation with the Town Council.

Sir John Bowring to Mr. Alcock, No. 61, September 7, 1854.

Acknowledging receipt and expressing his satisfaction.

1855.

Sir John Bowring to Mr. Alcock, No. 1, January 1, 1855.

Containing the following extract of a despatch (No. 158 of the 25th October, 1854) from Lord Clarendon:—

“The comfort and safety of the European residents may also require an internal police and sanitary Regulations, which cannot be supplied by the Chinese Government, and the residents may have voluntary Associations for the purpose of supplying these wants; but I have to instruct you carefully to avoid pledging Her Majesty to the maintenance of the Regulations which may be laid down by the Associations, by becoming parties to them in the name of Her Majesty’s Government.”

His Lordship desires that a copy of the Regulations now in operation may be sent by Sir J. Bowring to the Foreign Office.

Sir John Bowring to Lord Clarendon, No. 19, January 9, 1855.

Incloses copy of a letter from M. de Bourboulon of the 16th December, 1854, in which the latter states, in reference to a previous letter of his of the 26th November, in which he had proposed to establish separate jurisdiction at Shanghai in the different portions of the foreign Settlement, that his signature to the Joint Regulations had been given after the receipt of the instructions from French Government that it would not renounce, at least absolutely, its rights over French Settlement, and intimates that he now withdraws his signature in consequence.

Mr. Alcock to Sir John Bowring, No. 17, January 23, 1855.

In reply to the latter’s No. 4 of the 5th January, 1855, communicating copies of correspondence between the Admiral, Sir James Stirling, and Sir John Bowring, in reference to late events at Shanghai. It appears that a wall of isolation (according to Admiral Stirling, in his letter of the 3rd January, 1855, to Sir John Bowring, this wall was to be built by the Imperialists “between the French Concession and the city walls, at a distance from the latter which I believe to be about 200 yards,”) was built on the French side of the Yang-king-pang Creek, and another partly constructed on the American side of the Settlement, the object being to cut off supplies from the Settlement to the city, which was being besieged by the Imperialists. The three naval Commanders had obtained a Proclamation from the insurgents neutralizing the English Settlement, and leaving the French Settlement exposed to attack. The French Consul protested, and an attempt was made to obtain a fresh Proclamation including it, but without success (this took place in the summer of 1854).

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Sir Thomas Wade to Foreign Office, No. 26, May 28, 1881.

Reports that, in the opinion of Sir J. F. Stephen, the terms of the Secretary of State's ratification of the Land Regulations would have to be very explicit. The Crown Advocate considers that Lord Clarendon's despatch No. 5 of the 27th January, 1870, is not sufficient, and advises that a distinct and formal approval be obtained. Incloses copy of the written opinion referred to.

Shanghai to Sir Thomas Wade, No. 46, May 16, 1881.

The purport of No. 17 of the 19th April has been communicated to the Municipal Council, together with a copy of Lord Clarendon's despatch referred to. Incloses a letter from the Council, from which it appears that their legal adviser holds the same view as the Crown Advocate.

Sir Thomas Wade to Shanghai, No. 23, May 29, 1881.

Reply to despatches Nos. 45 and 46 of the 10th and 16th May. Has written to the Foreign Office submitting the advisability of procuring a more formal approval of Land Regulations. Suggests obtaining from the Crown Advocate, and if possible from the Municipal Council, a precise form of words which they agree in thinking will satisfy the requirement, and that the Consul should forward a copy to the Under-Secretary of State.

Shanghai to Sir Thomas Wade, No. 50, June 17, 1881.

In reply to his No. 23, inclosing a form of words, which has been drawn up by the Council's legal adviser. Transmits also a copy of the Land Regulations, dated on the cover 1873, which should accompany the formal approval. States that Bye-law 34 was altered in 1872 or 1873, and approved by Sir R. Alcock.

(This bye-law is the same as that printed at p. 584 of Hertslet's "Treaties between Great Britain and China, &c.," 1869. The statement that it was approved by Sir R. Alcock cannot be correct, as in 1871 he was succeeded by Mr. Wade as Minister. The text of the original bye-law is to be found in the copy of the Land Regulations inclosed in this despatch.)

Shanghai to Sir Thomas Wade, No. 56, June 22, 1881.

Inclosing a letter from the Chairman to the Council for the Foreign Community of Shanghai, north of the Yang-king-pang, on the subject of the revision of the Land Regulations, and five pamphlets. Report of the Committee appointed to revise the Land Regulations, under Resolution passed at the special meeting of ratepayers held on the 12th November, 1879, together with draft of proposed Municipal Regulations, and Bye-laws 2, 3, 4, and 5, intitled:—Meeting of Ratepayers, 16th February, 1880; 23rd February, 1881; Ratepayers in Committee, 25th February, 2nd, 3rd, 4th, 7th, 10th, 11th, 18th, 19th, and 25th March, 1881; and special Meeting of Ratepayers, 30th March, 1881.

This letter states that the first important question before the Committee was that of boundaries. A very large Chinese population, amounting to considerably over 100,000 souls, had settled within municipal limits, while on the west of what was known as the English Settlement, a large extent of ground had been bought by foreigners' houses had been built, and gardens laid out, until about one-fourth of the total foreign population now lived outside the municipal limits. One of the chief features of the new Code was the extension of the franchise. Two or three cases had recently arisen, in which the legality of the Land Regulations had been called in question, and it had been boldly asserted that they had no legal status, that they merely continued to exist by the consent of the ratepayers interested, and that they could not survive a legal investigation. Requests the Minister to whom it is addressed to ask his Government when confirming these new Regulations and Bye-laws to do so in such a manner that

many years. It is useless to discuss them with French Consul-General, who is acting under orders from Paris, or with the French Chargé d'Affaires at Peking. Instructs him not to recognize the "Règlement." Undesirable to enter into any further correspondence, pending consideration of the question by Her Majesty's Government.

Copy of the above to Foreign Office in No. 128, July 20, 1866.

Thinks an understanding should be come to with French Government. No foreign Government can have a right to mark off a portion of Chinese territory so as to limit within its boundaries the extraterritorial rights secured by the Treaty to all other foreign Powers.

Foreign Office, No. 162, June 11, 1866.

Contains a long note from M. Drouyn de Lhuys of the 6th June, declining politely to consent to the amalgamation of the French "Concession" with the Anglo-American Settlement, and observing that it is necessary to maintain the Consular control in these matters, as otherwise the Municipal Council tries to become independent and to ignore the rights of the Chinese Government, "tendance qui s'est plus d'une fois manifestée parmi les résidents étrangers."

Shanghai, No. 62, July 20, 1866.

(Inclosure to Foreign Office in No. 46, the 22nd November.)

Forwards scheme for the revision of "Land Regulations." The draft purports to include the so-called "French Concession."

Land-renters' meeting of the 9th March. Letter received from the French Consul-General protesting against the pretension to include the French Concession. He proposes, however, himself to appoint a Committee to draw up a draft of Land Regulations for the French Concession, of which, when they have been adopted by a majority of electors, he will propose their adoption to his colleagues, subject to the approbation of their Governments.

Hanbury thought it a mistake that renters of land in the French Settlement had not been asked to join.

Hayes inquired whether the French did not claim to hold their Settlement by a different tenure from the other Treaty Powers.

The Chairman (Winchester) said he could not say what they claimed.

Inclosure 3 is a letter from the French Consul (Edan) of the 6th June, 1862, quoting a letter from Bourboulon, which states that his approbation of the Regulations of 1853, which he had given by signing them, and which made them applicable to the French Concession, had not been approved by the French Government, and the propositions which he made in consequence to his colleagues of the United States and England not having had any result, the *Land Regulations*, as far as the French were concerned, remained a dead letter.

Minutes of meetings of Treaty Consuls, of the 12th July, 1866, at which there was inserted a clause after section 2 of Regulations, making the rules inapplicable to the portion of the general Settlement therein described as long as the action of the French Government preclude the extension of them to it.

At second meeting, Brenier de Montmorand was present (16th July) and reserved his vote.

Foreign Office, No. 168, June 18, 1866.

Seems to refer to Shanghai Nos. 36 and 37, which had reached them direct from Consul Winchester. Her Majesty's Government will defer consideration till they have received Sir R. Alcock's report.

Minister for Foreign Affairs to French Chargé d'Affaires, June 18, 1866.

Copy in No. 50, of the 11th March, 1867, from Foreign Office.

Commission, consisting of Baron Gros, Mr. Herbert, M. Berthemy, Rear-Admiral Jamès, and M. d'Arlot, had considered the whole question, and had framed a draft

December 14, 1868.—Her Britannic Majesty's Government assent to the Regulations for the two Settlements north and south, when the French, Russian, and United States' Governments accepted them.

January 25, 1869.—North German Confederation approves of both, if assented to by United States and accepted by France "à titre de réciprocité."

May 5, 1869.—French Government adheres to the revised Code of Land Regulations.

But the foregoing has no bearing on the word "provisionally" in the Minute of the 24th September, 1869, and it would be interesting to know whether the Governments approved them definitely. The Minute only mentioned the revised Land Regulations, &c., prepared in March 1866, without alluding to the amendments introduced at the meeting of land-renters held on the 27th and 28th May. This omission is pointed out in *Shanghae*, No. 114 of the 11th October.

To Shanghae, No. 83, October 21, 1869.

Incloses a supplementary Memorandum rectifying this omission, and sanctioning provisionally the establishment of a Court, the Court of Foreign Consuls, at the beginning of each year by the whole body of foreign Consuls. Reference to the Minutes of a "Meeting of the Treaty Consuls" held on the 13th and 16th July, 1869, at *Shanghae*, which is bound up with No. 88 of the 7th August, from *Shanghae*. The original supplementary Memorandum, signed by the British, German, French, and Russian Representatives, was sent to *Shanghae* to be signed by the United States' Chargé d'Affaires, and returned from there in No. 117 of the 9th November, 1869.

To Foreign Office, No. 133, October 29, 1869.

Transmits copy of this supplementary Minute to Foreign Office.

1870.

Foreign Office, No. 5, January 27, 1870.

Has received No. 114 of the 23rd September, and No. 133 of the 29th October. Her Majesty's Government are now prepared to confirm the provisional sanction thus given.

To Foreign Office, No. 28, March 16, 1870.

United States' Chargé d'Affaires has informed him that the United States' Government hold their acquiescence in the Regulations of the French Concession at *Shanghae* to be temporary and provisional, and to be revoked whenever their interest may require it. This is based on a letter from the Chargé d'Affaires of the 12th March, stating that he has received instructions directing him to inform the Minister of France "that the acquiescence of the United States in the French Regulations is provisional and temporary, and that the right is reserved to revoke it hereafter whenever, in the judgment of the President, the interests of the United States require it."

that any charges for that purpose will take precedence of local improvements, which under the circumstances might be desirable. If the Chinese are taxed for the local purposes to the utmost, it only proves, as I said above, that the system is a bad one. If the assistance given to Shanghai entitles us to a voice in the matter of taxes, no distinction ought to be made between the people in the Settlement and those in the city. There ought to be no difference made in favour of the Settlement. In fact, the accumulation of Chinese there is a great misfortune, and would make neutrality impossible, should the Government wish to leave Shanghai to take its chance. It is a great source of danger and insecurity to our interests, and, by ignoring the jurisdiction of Chinese Government over the inhabitants, we release from any claim under the Treaty in case of incendiary fires, &c. This is a point not sufficiently borne in mind by the community.

(To be found at p. 933 of United States' Papers relating to Foreign Affairs of 1863, Part II. As no despatch of that date to Shanghai exists in the archives of the Peking Legation, it seems probable that the foregoing is an extract from a private letter, copy of which was furnished by Sir F. Bruce to the United States' Minister.)

Sir Frederick Bruce to Shanghai, No. 10, March 13, 1863.

Informing him that Her Majesty's Government entirely approve his despatch No. 63 of the 8th September, 1862, on the position of the so-called foreign Concessions at Chinese ports. The Consul is to be guided, when dealing with such questions, by the principles laid down by Sir F. Bruce in that despatch.

Sir Frederick Bruce to Shanghai, No. 33, May 25, 1863.

The United States' Minister has shown him a letter from Mr. Cunningham (an American citizen, apparently Chairman of the Council), stating the principles in accordance with which an effort is to be made to form a system for the better administration of the foreign quarters at Shanghai. These principles appear to the writer and to French Minister, M. Berthemy, to be sound. The writer is not authorized to consent to any scheme which does not respect the rights of China as a Sovereign State over her territories and subjects.

(The letter referred to is to be found at p. 933 of the volume above quoted from. The principles on which the Council propose to base their system are—

1. That whatever authority is established shall be derived directly from the Chinese Imperial Government, through the foreign Diplomatic Representatives.
2. That such authorization shall not extend beyond simple municipal matters, roads, police, and taxes for municipal objects.
3. That Chinese not actually in foreign employ shall be wholly under the control of the Chinese officers, just as much as in a Chinese city.
4. That each Consul shall have the Government and control of his own people as now, the municipal authorities simply arresting offenders against the public peace, handing them over and prosecuting them before their respective authorities, Chinese or other, as the case may be.
5. That there should be a Chinese element in the municipal system, to which reference should be made, and assent obtained to any measure affecting the Chinese residents, if the necessary concurrence could be obtained from all the foreign quarters being united under one municipal system.

Mr. Burlingame replied on the 9th May to Mr. Cunningham, stating that he had consulted Sir F. Bruce, Colonel Ballurzeck, and M. Berthemy, the British, Russian, and French Ministers, and found they all assented to these principles, and that the last would unite in recommending such a system to the Chinese Government).

Shanghai, No. 81, June 16, 1863.

Taotai agreed with the British, French, and American Consuls that Chinese should pay 20 per cent. on rentals of premises occupied by them in the Settlement, half to go to the Municipal Council.

Approved No. 51 of the 3rd July.

Shanghai, No. 12, February 3, 1866. (Winchester.)

A diatribe against the French system of administering their Settlement. Case of the "Aerolite," and French municipality pursuing for taxes Chinese boats that were alongside. French Consul had defended right of taxing boats that anchor off French Settlement, and of pursuing them to enforce payment even to mid-stream.

Foreign Office, No. 57, February 15, 1866.

(In answer to No. 11 of the 21st November, 1865, relative to the *Mixed Court* at Shanghai and its better working.) Requests a report.

Shanghai, No. 26, March 28, 1866.

Reports Chairman of the Committee of land-renters objects to serving warrants for arrest of Chinese who had omitted to pay certain Imperial taxes.

(Inclosure 2 seems to show that the Taotai's moiety of the tax levied upon Chinese residents, which had been agreed to in 1863, had been abandoned more than a year ago.)

Contains also a Memorandum by Carroll that *li-kin* is a universal and recognized tax, which cannot be called an illegal exaction.

The Municipal Council objected to presence of a Consular constable at service of warrants. "It would be in opposition to the traditions of the municipality and in direct violation of the rights of the Municipal Council."

To Shanghai, No. 17, April 10, 1866.

In reply. Approves of all Winchester's views, and deplors the exaggerated opinion of their powers entertained by the Committee of Land-renters.

Shanghai, No. 28, March 31, 1866.

Reports that the Council claims for itself to be the ultimate judge whether warrants—whether fiscal, police, or criminal—are to be executed.

(In 1866 the "English and American Settlements" was the usual phrase.) See No. 29 from Shanghai.

To Foreign Office, No. 28, January 3, 1866.

That the time is propitious for trying to arrive at an understanding with France and United States for the fusion into one foreign "quartier" of the so-called Concessions.

Foreign Office, No. 111, April 10, 1866.

Inclosing No. 460 to Paris of the 10th April and No. 117 of the 5th April to Washington; inclosing Shanghai No. 599 of the 21st November, 1865, No. 632 of the 6th December, 1865, and from Peking No. 8 of the 3rd January, 1866 (No.). Her Majesty's Government consider it desirable to exchange ideas, with a view to more complete consolidation of the English and American Settlements. They are of opinion that this should also embrace the French Settlement. Ambassador is to propose this to M. Drouyn de Lhuys.

Foreign Office, No. 162, June 11, 1866.

Inclosing note from M. Drouyn de Lhuys of the 6th June, 1866, politely declining to amalgamate. Foreign Office also sent copy of this, and of reply through Fane,

Shanghai, No. 41, May 26, 1868.

Forwards the amended "Règlement d'Organisation" of the French quarter, as published under date of the 14th April. Revised Article 16 follows in the main the "projet" forwarded in his despatch No. 6, of the 13th February, but adheres to the form "ou tout au moins," instead of "soit contresignés . . . soit présentés."

To Shanghai, No. 40, July 22, 1868.

Incloses copy of No. 67 from Foreign Office of the 22nd April, 1867, which settles nothing. To avoid further loss of time, suggests that the several Consuls should again address their Governments and urge the necessity for a general acceptance. He incloses copy of his No. 46 to Foreign Office, of the 22nd November, 1866, from "My last despatch to Mr. Winchester" down to the end, which summarizes the whole question under 5 headings.

1. Adoption by all the Treaty Powers of a revised Code of Land Regulations for the foreign Settlements north of the Yang-king-pang Creek, and of a "Règlement" for that which, under the French direction, lies to the south.

2. Formal abandonment of all claim to a river jurisdiction and the organization under Chinese control and at their cost of an effective river police.

3. The introduction of a Chinese element into the Municipal Council.

4. The expense of policing the Settlement to be met either by the payment of a given sum on the part of the Chinese Government or by a levy of a wharfage due on all foreign trade passing through the customs not exceeding 1 per cent. *ad valorem*, to be divided equitably between the two municipalities.

5. Appointment of a Chinese District Magistrate with sole jurisdiction over the native population resident within the Settlements north of the Yang-king-pang Creek, to preside over the Mixed Court, and in all cases in which foreign interests are concerned with a foreign Assessor nominated by the Consuls.

These desiderata are to a great extent outside the Regulations themselves, Nos. 1 and 2 notably so. No. 3 has been partly provided for by the Regulations. Nos. 4 and 5 can only be arranged under instructions from the Treaty Powers to the foreign Representatives to enter into negotiations with the Chinese Government. Instructs him to give a copy of this despatch to the Chairman of the Municipal Council.

Foreign Office, No. 5, December 14, 1868.

In reply to his No. 193 of the 23rd July, Her Majesty's Government assents to the amended Regulations for the French Concession, which have been approved also by Prussian Consul-General *ad referendum*. United States and Prussia have not yet agreed to the Regulations for north bank of Yang-king-pang; until these two Governments approve, and Prussian Government accepts French Regulations, he should not take any steps to give to them obligatory force.

1869.

To Shanghai, No. 14, March 9, 1869.

Inclosing copy of a despatch from Foreign Office, conveying the assent of Her Majesty's Government to the amended Regulations for the French Concession, but indicating the necessity of a similar course being taken by Prussia, United States, and other Treaty Powers, as also the acceptance by the French Government of those for the north bank of the Yang-king-pang, before the former could be made obligatory on British subjects.

To Shanghai, No. 23, March 31, 1869.

Memorandum by the Prussian Embassy, respecting the Regulations for the foreign Settlements at Shanghai, received from Foreign Office. See No. 23 from Foreign

1853.

Sir George Bonham to Mr. Alcock, No. 25, March 28, 1853.

With reference to the correspondence of the previous year, and particularly to Mr. Alcock's No. 110 of the 29th October, 1852, inclosing copy of reply received from Lord John Russell, No. 4, of the 20th January, 1853. Her Majesty's Government have no objection to rescind the old Regulations and substitute new ones. Revision of the draft so as "to avoid inconvenient discussion hereafter as to the degree of control to be vested in the Consul and as to the manner in which it is to be exercised," is left to Mr. Alcock. When he has done that, he should consult the general Consular representatives, and endeavour to obtain their distinct approval in writing of the several clauses of the new Code, which he will transmit to the writer. He will then take the opinion of the Representatives of France, America, and Portugal, after which he will forward the whole to His Majesty's Government to whom he will suggest that they should obtain the confirmation of the Powers.

Mr. Alcock to Sir G. Bonham, No. 59, August 22, 1853.

Sends printed copies of a revised draft of Land Regulations and a plan. These have been discussed with the American Minister at Shanghai, and the French Minister, M. de Bourboulon, has conveyed his views to the French Consular Agent. Both of them will, he believes, be prepared to recommend the draft to their respective Governments for adoption. The boundaries of the French Concession have been inserted on the understanding that M. de Bourboulon would be disposed to recommend to his Government the amalgamation of the two districts under the same code.

The plan shows that the Soochow Creek was then called the Woosung River.

Letter from Consul for Hamburg, Mr. Hogg, of the 20th August, objecting to Article 1.

Letter from Portuguese Consul, M. Beale, of the 22nd August, suggesting a modification in Article 1.

Mr. Alcock to D. O. King, Prussian Vice-Consul, the 18th August, inclosing the draft Code, which is to be sanctioned by the Ministers of foreign Powers in China and confirmed by the Governments at home. The effect will be to convert the grant originally obtained by Captain Balfour into a grant for the use of all foreigners, and to place the whole under the joint control and supervision of the Consuls of foreign Powers and the Chinese local authorities, the renters having the management of the details and of all the funds, &c., connected with the roads, jetties, or other municipal purposes in their own hands.

Letter from M. Edan, French Consul, of the 19th August, acknowledging receipt of the draft Code which he will transmit at once to the French Minister at Macao; the draft contains several modifications suggested by the French Minister himself.

Letter from Mr. Ed. Cunningham, United States' Vice-Consul, the 20th August. With exception of the introduction of "land-renters" after "resident" in the last paragraph, which the Honourable Mr. Marshal thought to be of doubtful expediency, the latter approves of the scheme.

Sir G. Bonham to Mr. Alcock, No. 78, September 20, 1853.

Approves the draft, of which he has signed three copies, one to be filed in the Consulate, one to be given to Colonel Marshal, the third for M. de Bourboulon. In case they approve, they are to be asked to furnish signed copies for transmission to Her Majesty's Government.

Mr. Alcock to Sir G. Bonham, No. 79, October 29, 1853.

Colonel Marshal is going to Hong Kong, and hopes to discuss with Sir G. Bonham, though he sees nothing to change in the draft, unless it might be thought well to reconsider the two points suggested by the Portuguese and Hamburg Consuls.

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M. Edan's letter (original) dated the 31st August, 1855, but corrected in pencil to 1854, is annexed. It is in reply to a request from the Chairman of the Municipal Council for a list of persons possessing real property in the French quarter, with their size and value, for purposes of taxation. He refers to the steps taken in the previous July by the English, French, and American senior naval officers to obtain from the Chiefs inside the city a Proclamation prohibiting their adherents from transgressing the limits of the foreign community, and states that the Proclamation mentioned the district north of the Yang-king-pang alone. The writer had signed the reunion of the French Concession to the foreign Settlement. What had the French done to be thus left outside? He hopes to obtain the cancellation of the French Admiral's signature on this document. He has the names of forty British subjects who have applied for land in the French Concession, and he will profit by the presence of the French forces to put them in possession, for his instructions are to treat British subjects and Frenchmen on a footing of perfect equality.

Sir John Bowring to Mr. Alcock, No. 34, February 23, 1855.

Inclosing copy of Lord Clarendon's despatch of the 24th November on the subject of the municipal institutions of Shanghai, in reply to Sir J. Bowring's No. 134 of the 8th September, reporting the further steps taken by the foreign residents at Shanghai for the establishment in the foreign Settlement at that place of "municipal institutions."

Lord Clarendon says: "As it seems doubtful whether the letters of the Chinese authorities, inclosed in his despatch, do not imply that those authorities have acceded to those arrangements upon the understanding that it will be obligatory upon the persons appointed by those voluntary Associations to call upon the naval forces of the three Treaty Powers for assistance in the event of danger to the Settlement from the intrusion of armed men," he has to instruct Sir J. Bowring to make it distinctly known to the Chinese authorities, as well as to the foreign residents themselves, that these voluntary Associations at Shanghai must not be considered as in any way supported by the authority of Her Majesty's Government.

Mr. Alcock to Sir John Bowring, No. 49, April 7, 1855.

Acknowledging receipt of the foregoing, and reports that he has acted on the instructions therein contained. It appears that the numbers of the police were to be decreased, and that they could only be recognized by the Treaty Consuls after being sworn in as constables, and subject to Rules countersigned by the Consuls, or one of them on behalf of the rest.

1861.

Mr. T. T. Meadows to Mr. F. Bruce, No. 22, February 14, 1861.

Inclosing a letter from the Chairman of the Municipal Council (see Miscellaneous to Mr. Bruce of 1861). It contained a request that M. de Bourboulon should be moved to write to M. Edan, recommending him to agree to the proposed enactment of new Licensing Regulations for houses of entertainment in the English and American Settlements, and generally to give his support to any measures which may hereafter be regularly adopted for the better management of the American and English Settlements, the English and American Consuls, on their part, agreeing to give their support to any Regulations with reference to the French Concession which may require the authorization of the Chinese authorities.

As the majority of individuals who would be affected by the proposed enactment would be Chinese subjects, it is evident that the consent of their authorities is required before same can be enforced, and as this can only be legally obtained by the joint action of the Consuls of the three Treaty Powers, the Municipal Council of Shanghai respectfully solicit the early action and support of Her Majesty's Minister in endeavouring to obtain from M. de Bourboulon the required authorization to M. Edan,

Printed for the use of the Foreign Office. April 1906.

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Précis of Correspondence relative to the Shanghai Land Regulations from the Year 1846 up to 1899.

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Sir E. Satow to Sir Edward Grey.—(Received April 7.)

(No. 75.)

Sir,

Peking, February 20, 1906.

I HAVE the honour to inclose herewith a précis of the correspondence, existing in the archives of His Majesty's Legation, relative to the Shanghai Land Regulations from the year 1846 up to 1899. From the latter date onwards no correspondence on the subject passed until the summer of last year, when certain events occurred to which I shall refer later on.

The time over which this correspondence ranges may conveniently be divided into three periods, viz., from 1846 to 1854, 1854 to 1869, and 1869 to the present time, which I propose to briefly review.

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objection to rescinding the old and to substituting the new Regulations, which should be revised by the Consuls of the Treaty Powers and afterwards submitted to the foreign Representatives. At that time there were only three Treaty Powers on the sea-coast of China, namely, Great Britain, France, and the United States. The Regulations were discussed by Mr. Alcock, the United States' Minister, and the French Consular Agent, acting under the instructions of the French Minister, M. de Bourboulon. These Regulations were signed by the British, French, and American Consuls, and sanctioned by their respective Ministers in 1854. It appears, however, that M. de Bourboulon had proposed to Sir J. Bowring that separate jurisdictions should be established in the respective portions of the foreign Settlement at Shanghai. This was the view of the

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"Règlement d'organisation municipale." Commission decided that it was necessary to preserve administrative autonomy and not amalgamate, basing themselves on Article XXII of the Treaty of 1844 and X of 1858. Asserts that the Anglo-American Concession is indebted to the amount of over 1,000,000 fr., and the rates are three times as high as in the French Concession. Insinuates that the complicated system of election in the Anglo-American Concession seems to promote the election of English and Americans, and the result is a municipal body with an oligarchical constitution. The preponderance given to the authority of the Consul by the French "Règlement" is more in harmony with the principle of territorial sovereignty than the concentration of all the administrative power in the hands of the Anglo-American Consul (*sic*). He, in fact, is free to delegate to an elective body the powers which he holds from the Court of Peking in municipal matters; but if he dispossesses himself of them entirely he risks favouring amongst his countrymen that tendency to ignore the rights of the Chinese Government, which more than once has manifested itself among the foreign residents. He is instructed to at once put the "Règlement" in force.

Shanghai, No. 65, July 27, 1866.

Winchester has received copy from Foreign Office direct, and he sends his remarks. M. Drouyn de Lhuys' despatch has not modified his opinion as to the possible dangers connected with the continued separate administration of the French quarter. He admits the tendency of the Council to emancipate itself from the obligations common to all foreigners having Treaties with China, and to arrogate rights of action independent of the Treaty Governments.

Despatches about establishment of a Court of Consuls, Nos. 66 and 71 of the 1st and 20th August, the latter of which contains a Memorandum by Sir E. Hornby, lamenting that we had missed the opportunity of keeping for ourselves the same kind of control the French had in their Settlement. Marginal note by Sir R. Alcock points out the impossibility of doing this from the moment the Americans invaded the Balfour Concession, it not being *bonâ fide* the property of British Government.

Foreign Office, No. 42, August 30, 1866.

As to taxation of Chinese subjects in the Settlement, they are amenable to the authority and jurisdiction of the Chinese Government.

Shanghai, No. 77, September 1, 1866.

Incloses notification from the Acting Prussian Consul-General, declaring that the new French "Règlement" is not binding on subjects of Prussia or the Zollverein.

Separate, October 20, 1866.

Containing a letter from French Consul-General, in which he says: "Le Règlement Français avait sa raison d'être du moment que le Gouvernement Chinois avait, en vertu du Traité de 1844, proclamé que l'emplacement où est située la Concession Française était spécialement destiné à l'établissement des Français à Shanghai et qu'aucun étranger ne pourrait venir s'y établir sans auparavant s'entendre avec le Consul de France."

Also contains a proposal of Seward and Winchester to replace obnoxious Article 16 of the "Règlement."

Peking to Foreign Office, No. 25, October 13, 1866.

Acknowledging No. 111 of the 10th April and No. 162 of the 11th June. All idea of fusion having been definitely negatived by French Government, it would be a waste of time to discuss any further the relative advantages and disadvantages of such a measure. Remarks that M. Drouyn de Lhuys has distinctly disclaimed, on the part

position in China as are evidently contemplated by some of the residents at Shanghai. I am convinced that Her Majesty's Government would wish to see the limits of the so-called Concession reduced so as to exclude the Chinese rather than extended so as to embrace a greater number of them. Our interests in China are trade and pacific relations with the authorities, and I know no more fertile source of misunderstanding than the collection of Chinese within our own limits. This is not a question that affects Shanghai alone; it affects our relations with the whole Chinese Empire, and, considering the effect of our example, it is of the utmost importance that no step should be taken which cannot be defended upon sound international principle.

I request you to reconsider the Land Regulations with reference to the principles laid down in this despatch.

Mr. Medhurst to Mr. Bruce, No. 148, August 14, 1862.

Chinese authorities wish to tax Chinese resident within limits, the jurisdiction over which they have long ago practically conceded. It seems hardly fair that the very Power to which they have fled for protection should be called upon to aid in imposing taxes on them. The Taotai finally said that if there was any objection to his exercising a jurisdiction within the limits, it would suit him just as well if we collected the tax, and, having defrayed out of it our military expenses, handed the balance over to him to be put to the general account.

Applies for instructions.

Mr. Bruce to Lord Russell, No. 121, September 8, 1862.

Inclosing copy of his despatch to Mr. Medhurst of the same date, and inquires whether the views therein expressed are considered by his Lordship to be correct. Till he receives his Lordship's reply he will suspend any further action.

Mr. Bruce to Mr. Medhurst, No. 70, November 5, 1862.

In reply to the foregoing. There is nothing in the Treaties which justifies us in interfering in such a question. So long as the same taxes are imposed on those resident in the so-called Concession as on inhabitants of the city and suburbs, there is no reason for objecting.

Lord Russell to Mr. Bruce, No. 186, November 25, 1862.

Her Majesty's Government entirely approve the despatch to Mr. Medhurst, of which a copy was therein inclosed, on the position of the so-called foreign Concessions at Chinese ports. Mr. Medhurst was so informed, and was directed to be guided by the principles laid down in the despatch referred to.

1863.

Sir Frederick Bruce to Mr. Medhurst, January 22, 1863.

I wish you to understand that by Treaty we have no right to interfere between the Chinese people and their authorities; that the words "sanctity of the British Concession" have no meaning; and that we have no power to compel the Chinese, who live within the so-termed Concession, to pay any tax for local purposes, except through and with the consent of their own authorities. I am inclined to think that the whole system at Shanghai is a mistake; that the police arrangements of the Chinese within the lines would be more efficiently and more economically done through themselves than it is done by Europeans; and that our management is both extravagant and oppressive. I beg you also to remember that what is done in a military point of view is for the defence of the Settlement, and that Her Majesty's Government has a right to expect

Mr. Alcock to Sir John Davis, No. 30, April 13, 1847.

Public meeting of land-renters held to carry out works in accordance with Land Regulations was a success.

Mr. Alcock to Sir John Davis, No. 35, April 22, 1847.

Inclosing an additional Regulation, No. 24, against hoisting a national flag within the limits appointed for the British to rent land. Reports that it is impracticable to exclude foreigners any longer. Suggests that all respectable foreigners should be admitted to become permanent residents on signing the Land Regulations.

Sir John Davis to Mr. Alcock, No. 46, May 5, 1847.

Expresses his satisfaction at the adoption of this Regulation, but makes no reference to the rest of the despatch.

1848.

Mr. Alcock to Sir John Davis, No. 1, January 11, 1848.

Incloses form of title-deed (printed), and explains the tenure.

Mr. Alcock to Mr. Bonham, No. 49, May 19, 1848.

Incloses copy of a form of registration.

Mr. Alcock to Mr. Bonham, No. 93, September 11, 1848.

Forwards a new plan of the Settlement. A considerable portion is still thickly inhabited by Chinese, whom it would cost 100,000 dollars to eject. Boundaries, however, to the west have not yet been fixed.

Mr. Alcock to Mr. Bonham, No. 100, September 17, 1848.

Inquiries how assessment to rates under Land Regulations can be enforced.

Replied to in No. 81, October 9, 1848.

Is not prepared to recommend an attempt to register mortgages, as it cannot be enforced legally.

Mr. Bonham to Mr. Alcock, No. 83, October 20, 1848.

Incloses Attorney-General's opinion that the land-renters are bound to Her Majesty's Government and to each other by the signature of the Land Regulations. If the matter cannot be settled amicably, it should be referred to the Home authorities, and Mr. Bonham adds a request that, in that case the draft of an Ordinance to meet the emergency may be furnished to him.

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Mr. Medhurst, in acknowledging the receipt of these documents, acquaints the Municipal Council that the plan proposed by the Defence Committee is one that the renters cannot legitimately adopt, seeing that the territory belongs to the Emperor of China, who merely accords to the foreign Powers that have entered into Treaties with himself an extraterritorial jurisdiction over their own citizens resident at this port, but retains for himself all authority over his own territory and subjects.

The proposed modifications were approved by Mr. Medhurst, M. Heard, the Russian Consul, and M. Edan, the French Consul, *ad referendum*. Mr. G. F. Seward, the American Consul, proposed one amendment, but approved the rest.

Mr. Medhurst's covering despatch is merely explanatory, and he ends by asking for Mr. Bruce's views and wishes on the subject of the above correspondence with the Defence Committee, as a public meeting of land-renters is to be held in September.

Mr. Bruce to Mr. Medhurst, No. 63, September 8, 1862.

In reply to the foregoing, says:—

"This British Concession at Shanghai was neither a transfer nor a lease of the land in question to the British Crown. It was simply an agreement, that British subjects should be allowed to acquire land for their personal accommodation within a certain space, in order that they might have the advantage of living together.

"The land so acquired remains Chinese territory. It is subject to the land tax, and if the jurisdiction of the Chinese Government over it is denied, it is denied because in China it was deemed essential for the security of British trade that the persons and establishments of the trader should be secured from molestation.

But the character of the Concession has been entirely altered by the acts of the foreigners themselves. Instead of being a foreign Settlement, it has become a Chinese city, in which a few foreigners reside amidst a large Chinese population. The security and comfort which were supposed to be derived from isolating the foreign community have been sacrificed, and land has been acquired, not for the legitimate purpose of accommodating foreigners, but in order to build on it Chinese houses, which are tenanted by Chinese at high rents, attracted by the protection our bayonets afford, and by immunity from their natural authorities.

This system it is proposed to extend as far as it may suit the interest or convenience of parties on the spot, and it appears that the Chinese population so collected is to be extraterritorialized as well as the land they occupy. The Chinese Governor is to be deprived of all power of dealing with them, they are to be taxed for municipal purposes, and his interference is to be limited to judging and punishing them in cases which the foreign head of the nation, to which the owner of the property occupied belongs, permits to be brought before his Tribunal. The consummation of this system is to be the erection of Shanghai into a free port, with a mixed Consular and municipal government under the joint protectorate of the Treaty Powers.

It is my duty to remind you that the Chinese Government has never formally abandoned its rights over its own subjects, nor has Her Majesty's Government ever claimed or expressed any desire to exercise a protectorate over them. The only case in which, consistently with the principles laid down for the guidance of Her Majesty's Authorities in this country, the Consul has a right to interfere, is where the Chinese is in the employ of a British firm, and where there is reason for believing that the arrest of the Chinese servant is an outrage through him on his employer. But it is the interests of the British subject, and not the Chinaman, which are protected.

I do not understand what interest Her Majesty's Government has in lending itself to a system which is unjustifiable in principle and which would be attended with endless embarrassment and responsibility, and which the Chinese Government would never submit to willingly. Great Britain has no interest except in providing a secure place for British trading establishments, and, whenever inconvenience may arise from the conversion of the Settlement into a Chinese town, I do not think that Her Majesty's Government will be induced to seek a remedy for them by extending its jurisdiction over a large section of the Chinese population. Because we protect Shanghai from falling a prey to a horde of brigands, it does not follow that we are prepared to interfere with the natural relation of the Chinese to their own Government.

I must impress upon you most strongly the importance of not lending yourself to any proposal which will lead, however indirectly, to such serious alterations in our

Office of the 27th January, 1869. States that the Chancellor of the North German Confederation has approved the French "Règlement," which has already been published as provisionally obligatory for North German subjects.

He has also authorized the North German Representatives to approve the "Regulations" as soon as they are assented to by the United States and accepted by France in that sense that, with respect to the two Settlements, reciprocity takes place.

Shanghai, No. 46, May 4, 1869.

Inclosing protest of the Council to the adoption of the Land Regulations being made dependent on the assent of the Powers to the French "Règlement," no further consent of the French Government is required, the latter having already engaged to support the present system (?) "which support will be sufficient for practical purposes, their interests being very limited in this Settlement. The Council beg to remind you that there is no principle of reciprocity in the case." They suggest that the Consular Representatives of the three Powers (? which are meant) hold further Conference with a view to determine some common ground upon which the Regulations may be finally established. Also a letter from Seward, United States' Consul-General, stating that the United States' Government has not yet assented to the French "Règlement," and there is reason to believe that it will not assent. Its assent to the general Regulations will undoubtedly be granted. United States will be restrained from agreeing to the French "Règlement," which is not conceived in a spirit of reciprocity.

Shanghai, No. 48, May 10, 1869.

Inclosing judgment of Sir E. Hornby for defendant in the case of "Municipal Council v. Gibb, Livingston and Co.," to recover wharfage dues. The judgment was based on the fact that the dues were sought to be levied on goods exported, when as Article 10 of the Regulations of 1854 authorized their being levied on goods landed.

Shanghai, No. 66, June 26, 1869.

Inclosing Minutes of land-renters' meeting of the English and American Settlements of the 27th and 28th May, and copy of revised Land Regulations showing the emendations made at those meetings.

(These seem to be the Land Regulations as finally approved.)

Shanghai, No. 88, August 7, 1869.

Forwarding copies of the amended Land Regulations, as remodified in the meetings of the 27th and 28th May, and a Minute agreed to by the Consuls. The several foreign Governments must agree to them before they can be put in force. The French withhold their consent, as long as the United States refuse to accept the French "Règlement." The prospect of any amicable concession by the French is not being rendered any the more probable by the indiscreet efforts of certain individuals in the community, who are agitating for the amalgamation of the two Settlements north and south of the Yang-king-pang. Incloses copy of an anonymous pamphlet, and of a Memorial signed by all the leading British, German, and American firms, recommending that the Land Regulations should be passed without waiting for French assent.

To Shanghai, No. 70, August 25, 1869.

In reply to Nos. 66 and 88, states it does not appear to him that the obstruction lies with the French Government, who are quite willing to accept them "à titre de réciprocité," but with the Government of the United States, who refuse to accept the French "Règlement." Under these circumstances, he does not see what further steps can be taken at present.

Shanghai, No. 120, December 24, 1864.

In 1844 a site to the north of the city was set apart, by agreement with Consul Balfour, for British subjects and other foreigners, if necessary, to buy out the native occupants. Title deeds provided that the land thus purchased could not be transferred to Chinese, nor houses built on it for their occupation. Disregarded as soon as political troubles arose, which drove Chinese into these limits. Subsequently similar negotiations concluded by French and American Consuls. Sites were not conceded to the respective Governments. Up to 1854 the three sites were considered as one Settlement under the control of the three Consuls (then the only Consuls of Treaty Powers). In 1854 the city was captured by the rebels, on which occasion it appears the British authorities declined to extend their protection to the French site, and the French authorities gave this as their reason for declining to be longer bound by the general Regulations, which had previously received the sanction of the Ministers (?) of the three Powers. From that time the Settlement has been separated into two distinct divisions: the general Settlement containing the two quarters that continue to be sometimes termed the British and American Concession, but which are united in respect to all municipal arrangements, and throughout which all foreigners have equal rights; and, secondly, the quarter called the French Concession, which has its own municipal and police system, and over which, I understand, the French Consul assumes certain powers of direction and control to which the Municipal Council in the general Settlement are not subject. The precise position of the French Consul and the Council said to be under him is not generally intelligible, and has never, as far as I am aware, been defined by competent authority. The French claim that every foreigner owning land within the so-called French Concession shall obtain his title from, and register his land at, the French Consulate, under conditions as to the observance of the Consul's or municipal rules which are not imposed in the general Settlement. Mr. Burlingame, the United States' Minister, in a published despatch to the United States' Consul-General, of the 15th June, 1864, maintains that there are no "Concessions properly so-called," and the United States' Consul-General is taking steps to have all the land owned by United States' citizens within the quarter known as the French Concession registered at his own Consulate.

1865.

Shanghai, No. 105, October 24, 1865.

Reporting the summary dismissal by the French Consul of the Municipal Council of the French Concession, and reference of the whole question to Paris. (This despatch is the first from Dr. Winchester after he took over charge there, and exhibits strong feeling against the French; he evidently had not studied the previous history of the question. To judge from the composition of the Committee appointed at a meeting of land-renters on the French Concession, minutes of which are inclosed in this despatch, W. H. Dent, Edward Whittall, Thomas Hanbury, and Geo. Tyson (English), the views of the British subjects interested were not hostile to the French Consul).

Shanghai, No. 10, November 29, 1865.

Reporting a meeting of the Consular Corps, at which United States' Consul-General communicated an instruction from Rev. S. W. Williams, United States' Chargé d'Affaires, to the effect that he was not authorized to levy taxes by legal execution under the Land Regulations as they exist. French Consul-General said his Government would certainly legalize no taxation which the United States' Government would officially refuse to enforce.

1866.

To Shanghai, No. 1, January 3, 1866.

In reply. Says the Governments of France and Washington must be moved on the subject. He expresses himself in favour of the amalgamation of all the foreign quarters under one local Municipal Administration.

1852.

Mr. Alcock to Dr. Bowring, No. 41, May 25, 1852.

Inclosed a circular by the Acting American Vice-Consul, asserting an independent right of location within the British limits in contravention of the Land Regulations, also Mr. Alcock's protest against the acts of the United States' Vice-Consul, a letter of remonstrance to the Taotai, a Memorandum embracing all the principal facts bearing on the assignment of a separate location, the promulgation of the Land Regulations, and the subsequent acts of the Americans in connection therewith, a protest of the United States' Consul in 1849, and correspondence between the British, American, and Chinese authorities.

The despatch asserts the right of Great Britain to obtain such an exclusive concession, and supports the assertion by weighty arguments.

Circular of the United States' Vice-Consul Ed. Cunningham, the 16th March, 1852, informing his countrymen that any purchase of land within Shanghai or its neighbourhood, effected according to the terms of the Treaty, can be settled with the Chinese officers through his Consulate without the intervention of any other foreign authority. This right had been acted upon by Mr. Consul Griswold, and fully acknowledged by the Taotai in a recent correspondence with the latter.

Mr. Alcock to Mr. Cunningham, March 23, 1852.

On this circular, protesting simply against his acts and any prejudice to the rights and privileges of British subjects which may result therefrom.

Mr. Alcock to the Taotai, April 15, 1852.

In reply to the latter's letter of the 13th April that the United States' Acting Vice-Consul had stated that two of his countrymen desired to rent land, and referring him to the correspondence of December 1849 regarding the procedure to be followed in regard to Mr. Griswold's lot, and protesting against any departure from the established regulations and custom.

Note on the tenure of land by foreigners within the limits of ground originally set apart for British subjects at Shanghai. It discusses—

1. The competence of the local authorities, Chinese and British, to make and receive such assignments of location with the said conditions of tenure annexed, and consequent legality of their acts.

2. The necessity, expediency, and utility of such an arrangement.

3. The possibility of substituting any other system, with adequate security to British life and property, and to our Treaty rights and interests at the port.

Quotes Article VII of the Supplementary Treaty of the 22nd July, 1843. Mr. Consul Balfour arrived at Shanghai early in November of that year, and immediately entered into arrangements with the Chinese local authorities for procuring a location, and a site was set apart in the terms of clause 7. In June 1844 the first ground within the limits assigned was occupied by Messrs. Dent, Beale and Co. The Municipal Regulations, having been agreed upon by the Consul and Taotai, were promulgated by the latter in August 1846. Article 14 provides for application being first made to the British Consul on behalf of the individuals belonging to other nations, and Article 22 stipulates that they must obey the Regulations in the same manner as the English people obey them. Title-deeds bore the seals of the Chinese and English authorities, and each renter had to attach his signature in full to a copy of the Regulations kept at the Consulate, in token of willingness to be bound by them. This procedure was observed up to 1849, when a large location was assigned to the French. In 1851 Captain Roundy, an American citizen, occupied a piece of land, without any previous reference to His Majesty's Consul by either the Chinese or American authorities. A correspondence ensued. Under menaces from Mr. Cunningham, the Taotai finally granted a title-deed for the lot in question, and on the following day he issued the Circular already referred to.

admission by Her Majesty's Government of any right on the part of the French authorities to interfere with regular warrants issued by competent authorities of the British Government, or any admission of territorial right in France to the French Settlement in Shanghai.

Foreign Office, No. 92, May 27, 1867.

His No. 32 of the 12th March (No.), and Winchester's No. 5 of the 25th March, relative to French notification regarding Chinese junks in the Hwangpoo River has been sent to Paris, and Lord Cowley has spoken to M. de Moustier about the question.

Foreign Office, No. 93, May 27, 1867.

Incloses a despatch from Berlin, reporting that Lord A. Loftus had communicated to the Prussian Government the views of Her Majesty's Government on the French "Règlement."

Shanghai, No. 45, June 10, 1867.

The French Consul objects to allow warrants against Chinese to be executed within the limits of the "Concession," unless previously confirmed by him.

Foreign Office, No. 103, June 14, 1867.

In reply to his despatch of the 13th October, 1866, incloses reply of M. de Moustier of the 23rd May to despatch of Her Majesty's Government (No. 156 to Paris of the 22nd April, 1867, No.), which admits the necessity of amending Article 16 of the French "Règlement" in accordance with the observations of Sir E. Hornby. The French Consul-General will be instructed accordingly to consult with the Consular and Judicial authorities of the Anglo-American "Establishment." The French note speaks also of the "quartier Anglo-Américain," and of the French "Concession."

Foreign Office, No. 106, June 17, 1867.

Reply from Paris of the 11th June, about Hwangpoo, stating that the French Consul-General has been called upon for a report, and instructed to modify those points on which the observations of Her Majesty's Government should appear to him well founded.

Foreign Office, No. 128, August 5, 1867.

Inclosing Paris No. 394 of the 29th July, transmitting M. de Moustier's note of the 27th July, in reply to Lord Cowley's of the 16th June, stating that he has given instructions to the French Minister at Peking in regard to the "Règlement."

French Minister, September 20, 1867.

Writes that he has received from Paris No. 103 of the 14th June to Peking, also M. de Moustier's note of the 23rd May (see No.), and explains his instructions, proposing that the Consuls should agree together about the modification of Article 16 of the "Règlement."

To French Minister, September 23, 1867.

In reply to the last, states that he has already given instructions to Winchester in the same sense.

Shanghai, No. 83, June 24, 1863.

Incloses a letter from Land-renters' Committee, which says, among other things, that the new Code of Land Regulations should include all quarters occupied by foreigners, English, French, and American, *or as many as will assent to be included.*

Shanghai, No. 116, October 2, 1863.

French Consul Mauboussin objected to 20 per cent. being levied in French Settlement, and proposed 16 per cent., half to go to the Chinese authorities and half to the French Municipal Council. Taotai writes to say that the same rate is agreed to by him for the "British Settlement."

Approved by No. 78 of the 16th November, 1863, to Shanghai.

Shanghai, December 5, 1863.

Forwarding Minutes of a meeting of the 30th November of land-renters, at which incorporation of the American Settlement was agreed to.

The inclosure shows that resolutions in favour were passed at public meetings of the 31st March, 1862, and the 4th April, 1863.

Approved by No. 91 of the 31st December, 1863.

1864.

To Shanghai, No. 26, April 22, 1864.

Rough sketch, brought to Peking by Mr. Seward, for the better government of the "united foreign quarter" at Shanghai. Her Majesty's Government has neither the right nor the disposition to arrogate any jurisdiction over Chinese subjects, though, as a matter of expediency and courtesy, notice of arrests may be fairly claimed where they are to be executed on Chinese in foreign employ or living among foreigners. But as the Chinese are not thereby relieved from their natural allegiance, the Chinese authorities are entitled to arrest political as well as ordinary criminals.

(This rough sketch is not bound up in the correspondence.)

Shanghai, No. 113, November 17, 1864.

On claim of Municipal Council for taxes on Consular site. Quotes Article 1 of Municipal Regulations of May 1854, signed by the "Ministers" (must be a mistake for "Consuls") of Great Britain, France, and United States. Levied at the rate fixed in 1854 up to 1862. (At this date there were four Consuls-General entitled to take chair at land-renters' meetings, before the British Consul.)

Shanghai, No. 91, September 22, 1864.

French police forcibly entered the premises of Rev. Gamble, a British subject, in the French Concession, and took away three Chinese, who were tried and fined.

Sir H. Parkes, writing to French Consul, the 15th September, maintains that, in any case coming under the notice of the French police in which a Chinese in the employ of a British subject is accused, the matter should be placed in his hands, to be dealt with by him in concert with the Chinese authorities.

September 18.

M. Godeaux replies that the "Chef de la Police a commis dans les circonstances dont il s'agit une erreur fâcheuse, et j'ai donné les ordres nécessaires pour qu'elle ne se reproduise pas à l'avenir."

Mr. Alcock to Mr. Bonham, No. 101, November 27, 1849.

Incloses circular about a military guard and ten men, and eight watchmen to be stationed north of the Yang-king-pang to patrol, as a safeguard against thieves. (Evidently no watch or foreign police had as yet been instituted, and foreigners kept their own private watchmen.)

Mr. Bonham to Mr. Alcock, No. 104, December 7, 1849.

Approves.

1850.

Mr. Alcock to Mr. Bonham, No. 10, January 30, 1850.

On correspondence and verbal communications between the Taotai, United States' Consul and the writer respecting forms to be observed by United States' citizens desiring to acquire land within the British limits. Sometime back (*i.e.*, in 1849), the French Consul obtained a similar grant south of the Yang-king-pang. The United States' Consul, Mr. Griswold, thereupon protested against the grant of any exclusive rights or privileges north or south of the creek, and sent a copy to the Taotai and to the French Consul, but not to the writer. Mr. Alcock stood out for the necessity of any applicant for land within our limits, giving a written undertaking to respect and abide by the Land Regulations; he might apply through his own Consul or through the Chinese local authorities, provided it was understood that this in no way vitiated the power of the British Consul to give or withhold his consent. This was agreed to and acted on recently, when Mr. Griswold himself was the applicant.

Mr. Bonham to Mr. Alcock, No. 15, February 7, 1850.

Informing him that Lord Palmerston, to whom a copy of Mr. Alcock's No. 51 had been transmitted, saw no sufficient reason to alter the opinion communicated to Mr. Alcock in No. 46.

Mr. Bonham to Mr. Alcock, No. 19, February 13, 1850.

In reply to No. 10 of the 30th January, sees no objection to the course pursued, provided that the necessary agreement to abide by the Land Regulations in the same manner as British subjects is entered into.

1851.

Mr. Alcock to Sir G. Bonham, No. 57, June 30, 1851.

Submits two questions—(1.) Are the owners of private jetties exempt from payment of wharfage on goods landed on such jetties? (2.) Can a person not being a landowner represent an absent landowner by power of attorney at a public meeting of landowners? Whether such a person can be the proxy of several absent landowners. Some own many lots, and if this were admitted, it might lead to the multiplication of faggot-voters.

Sir G. Bonham to Mr. Alcock, No. 69, July 26, 1851.

Transmits opinion of the Attorney-General in reply (this document is not bound up with the despatch, and the Shanghai archives were burnt in 1870, so that it cannot be obtained from there. (*Qy.*) Whether such documents are preserved in the office of the Attorney-General at Hong Kong.

Inclosed a right of location also Mr. Alcock remonstrance to on the assignme and the subsequ United States' Chinese authori

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Mr. Alcock to Mr. Bonham, No. 121, November 27, 1848.

West boundary of the British Settlement marked out by stones. Plan inclosed, and agreement between the Taotai and Consul laying down the boundary of the ground to be rented to British merchants for building and residence. It is also spoken of as "the ground set apart for British subjects to rent and build upon according to Treaty."

Replied to in No. 100, December 13, 1848.

Approving on the whole, but not of the restriction placed on Chinese in regard to building new houses within the limits.

1849.

Mr. Alcock to Mr. Bonham, No. 6, January 25, 1849.

Acknowledges receipt of No. 100. Has no intention of applying rule against rebuilding in a harsh manner.

Mr. Alcock to Mr. Bonham, No. 31, April 11, 1849.

Public meeting held about erection of new jetties and repair of roads. Asks whether Consular Court has jurisdiction to enforce payment of rates and wharfage dues on goods for these purposes.

Mr. Bonham to Mr. Alcock, No. 35, May 3, 1849.

In reply to No. 31, incloses Attorney-General's opinion. It is that the public meeting could not authorize any impost whatever, but if the land-renters could be induced to sign an agreement they could be sued on that. But if contributions cannot be raised amicably, the willing renters could sue the unwilling under the Land Regulations, it being for the American Consul to hear proceedings against his own countrymen.

Land Regulations do not authorize levy of wharfage dues.

Mr. Alcock to Mr. Bonham, No. 45, May 22, 1849.

Incloses copy of Regulation 20, which provides for wharfage dues as well as land assessments for maintaining roads and jetties. Refers to opinion of Attorney-General inclosed in No. 83 of the 10th October, 1848, as to mode of enforcing Land Regulations. Does this apply to the collection of wharfage dues?

Mr. Bonham to Mr. Alcock, No. 46, May 30, 1849.

Receipt of reply from Lord Palmerston, to whom the Agreement for the settlement of the limits on the west had been forwarded. His Lordship is of opinion that the Agreement should be strictly executed, in order to avoid imputations of caprice and personal motives. Mr. Bonham sees the difficulty of acting in conformity with these instructions, and intends to refer the question for reconsideration. Would be glad of any observations in addition to those contained in Mr. Alcock's No. 6.

Mr. Alcock to Mr. Bonham, No. 51, June 25, 1849.

Defends the use of discretionary powers, because the Chinese authorities expect moderation will be exercised, and have signed the Agreement on that understanding. To enforce strictly is a practical impossibility, no Chinese official would venture on it.

submitted by them to their respective Governments. The Chinese Government can then be requested to sanction the arrangements which the foreign Governments may support.

Shanghai to Sir Thomas Wade, No. 77, August 10, 1881.

Inclosing a Memorandum by Mr. Carles on property held by Chinese within the British and American Settlements. The greater part of the Settlement is covered by Chinese shops and dwellings, and their number is daily increasing. About one-fifth of the whole area has been purchased by Chinese, one-half of which has been bought in their own names, and removed from the Consulate register. The first sale to a Chinese was in 1867, when a lot was sold to the Taotai for erection of the Mixed Court. This was used as a precedent for other transfers to Chinese, which certainly seem irregular. By the Regulations of 1845, Chinese were forbidden to rent (houses) to each other, or to build houses in the Settlement for the purpose of renting to Chinese merchants, and foreign merchants were not allowed to build houses for renting to or for the use of Chinese. These Rules have been allowed to lapse, but have never been rescinded. The present title-deed provides that the foreign renter may not make over the whole or a part of his land to Chinese without obtaining an official Act of Authorization under the seals of both the Chinese and Consular authorities. Pending the receipt of instructions, he proposes to withhold his consent to the absolute transfer of land to Chinese within the locality known as the British Settlement.

The inclosed Memorandum shows that 57 sales, involving 433 *mow*, had taken place between 1867 and the first half of 1881. It had become more marked since 1877. But Chinese had already before that date become virtual proprietors of large portions of the Settlements, the general method being for foreigners to lend their names to Chinese for the registration of such land in the Consulate. Land was rapidly rising in price, and although at present 8 per cent. was the yield, it had a tendency to fall to the 5 per cent. prevalent at Hong Kong. The purchasers were generally high Chinese officials. The result had been that assessments had risen from 5,443,148 taels in 1876 to 6,118,265 taels in 1880 for the British Settlement, and from 1,493,432 taels in 1876 to 1,945,325 taels in 1880 for the American Settlement, or 12 per cent. in the former and 28 per cent. in the latter.

Shanghai to Sir Thomas Wade, No. 81, August 23, 1881.

With reference to No. 77, requests instructions as to the issue of the Act of Authorization to owners of land registered in the Consulate for building houses for the occupation of the Chinese. If the Act of Authorization confers upon the present and all future owners of the land an irrevocable right to erect Chinese houses, he thinks it highly expedient that a limitation should be introduced, with a view to the interests of foreign residents in Shanghai at a distant date. He would be disposed to refuse sanction to Chinese houses being built on the bund. In all other parts he would give his consent, but with a limitation to twenty-five years. Incloses a printed "Official Act of Authorization," dated 187-, of which but few have been issued.

Shanghai to Sir Thomas Wade, No. 86, September 28, 1881.

Renews the request for instructions contained in his No. 77 of the 10th August.

Shanghai to Sir Thomas Wade, No. 93, November 16, 1881.

Inclosing a Memorandum by Mr. Carles on the tenure of land in the foreign Settlement.

The Settlement was originally set aside for the sole occupation of foreigners. The Chinese were displaced gradually, but before 1854 began to return. The Taotai pointed out the difficulty there would be in evicting them a second time, and asked for the Consul's aid in preventing their re-entry. As the leasing of houses to Chinese was very profitable, nothing was done. Much of the land was held by foreigners in trust for Chinese. In 1862 some property, probably held in this way, passed openly into Chinese hands. Probably the whole, or virtually the whole, of the

Shanghai, No. 100, August 27, 1869.

Adverting to No. 88, incloses copy of a letter from the Chairman of the Municipal Council covering copy of the Memorial already alluded to. He points out that the Council and the memorialists do not advocate the amalgamation of the two Settlements, but simply desire that the Regulations should be put into force without waiting for the assent of the French. Medhurst does not agree with them that the Regulations could be very well worked without French assistance, and that even if there were Frenchmen who would not willingly bear their share of the public burden, the loss would be very slight. The whole system would be liable to collapse at the will of any Frenchman who chose to dispute his obligations to it.

Also copy of a letter from Seward to the United States' Chargé d'Affaires, supporting the view of the Council and the memorialists that it is unnecessary to wait for French consent. He says the Memorial was drawn up in pursuance of an understanding with the British and United States' Ministers, arrived at when he was in Peking in May.

To Shanghai, No. 76, September 25, 1869.

In reply to Nos. 88 and 100, informs him that a mutual understanding has been arrived at by the Representatives of the Treaty Powers now in Peking, to sanction in the terms of the inclosed Minute, *provisionally*, the amended Land Regulations for the Settlement north of the Yang-king-pang, and the French "Règlement" for that on the south. Though provisional in form, we may fairly hope that it will be permanent in operation. A notification under the Consul's hand and seal (Article 85 of the Order in Council of 1865) will suffice to make them binding on British subjects, until they are disapproved. As to the formation of a Court for the trial of actions against the Council, further information is requested. Forwards copy of original Minute (the original is bound up with the draft of this despatch) which will be found in print at p. 560 of Hertslet's "China Treaties."

To Foreign Office, No. 114, September 25, 1869.

Transmits copy of the Minutes, also copies of Nos. 88 and 100 from Shanghai, to Shanghai, of the 25th September; from Dr. S. W. Williams, of the 17th September; and to the same, of the 23rd September. Reports that all difficulties have now been overcome by the *provisional* sanction of both Codes by all the Representatives of foreign Powers at present in China. The arrangement was adopted *provisionally*. The United States' Chargé d'Affaires has been induced to assent, contrary to the strongly expressed wishes of the United States' Consul-General and of many of his countrymen. Hopes the United States will confirm the sanction now given *provisionally*.

NOTE.

February 13, 1868.—The Netherland Consul is authorized to support them as long as they are not contrary to the Treaty with China or the laws of the Netherlands.

March 3, 1868.—The Swedish Consul-General has reason to believe that the Regulations will be approved by the Minister for Foreign Affairs.

August 12, 1868.—United States' Consul-General has information that formal approval has been granted.

August 27, 1868.—Prussian Consul and (2nd September) Spanish Consul forwarded the Regulations to their Ministers for approval.

September 24, 1868.—Russian Government assents to alterations in the old Regulations, subject to the assent of Great Britain and the United States.

Settlement would be bought by Chinese. It was almost certain that their demand for representation on the Council would become stronger. There was possible difficulty in the future of Chinese refusing to pay the municipal taxes. Mr. Carles did not find that the Chinese had agreed to enforce them. The Land Regulations which provided for the collection of taxes from foreigners of every nationality, whether belonging to a Treaty Power or not—and in the latter case payment is to be enforced by the Chinese authorities—contained no mention of taxation of Chinese.

Foreign Office to Sir Thomas Wade, No. 99, November 11, 1881.

With reference to his despatch No. 26 of the 28th May, and Shanghai despatch No. 50 of the 17th June. An Order in Council had been passed which disposed of the question raised, and of other difficulties which had arisen in relation to Regulations issued under the Order in Council of 1865.

1882.

Sir Thomas Wade to Shanghai, No. 6, April 20, 1882.

Sends copies of the Land Regulations for Shanghai (1881), as amended by the foreign Representatives at Peking. The Consul was instructed to consult the Crown Advocate and ask whether there were any legal objections to their former wording. Asks for the reason of the alterations, marked in the draft, of the Regulations at present in force. Inclosures were not to be published or communicated to the Municipal Council.

Shanghai to Sir Thomas Wade, No. 30, August 10, 1882.

In reply to his No. 6 of the 20th April, incloses an exhaustive Memorandum on the draft Regulations. (It extends over twenty-eight pages of closely-written foolscap. As far as has been ascertained, the subject of recasting the Regulations as a whole was now dropped.)

1898.

Shanghai to Sir Claude MacDonald, No. 49, August 14, 1898.

Inclosing copies of two bye-laws made under Article 11 of the Land Regulations, 1869. These had been approved by the land-renters and by the Treaty Power Consuls. They now required, before coming into force, the approval of a majority of Ministers of foreign Powers. These two bye-laws were, in fact, amendments of Bye-laws 8 and 34 of those annexed to the Regulations of 1869.

Sir Claude MacDonald to Shanghai, No. 22, August 26, 1898.

Approving the said amended bye-laws. Each of the foreign Ministers would reply direct to his Consul in this matter. (It appears that they were authorized in a despatch from the doyen of the Diplomatic Body to the Municipal Council, dated the 10th September, 1898.)

Shanghai to Sir Claude MacDonald, No. 67, November 25, 1898.

Inclosing additional Land Regulations 6A, 6B, and 30, which had been passed by the ratepayers and the Consular Body, and had been submitted to the doyen of the Corps Diplomatique for the approval of the foreign Representatives. Requests that in sanctioning them as required by Article 9 of the Order in Council, 1881, he would declare them urgent, as provided for by Article 11 of the same.

French Government, who declined to renounce their rights over the French location, and M. de Bourboulon in consequence withdrew his signature to the 1854 Regulations, which thus became a dead letter as far as French subjects were concerned.

1854 to 1869.

In 1854 trouble arose in Shanghai owing to the hostilities between the Taiping rebels, who occupied the native city, and the Imperial troops. A Proclamation was obtained from the former, neutralizing the British Settlement, but the French was left exposed to attack. The French Consul protested, and asked why he should be treated in this way, seeing, moreover, that there were many British subjects in the French Settlement who were placed on terms of perfect equality with his compatriots. This incident led to the abandonment of the attempt to form the three Settlements into one, which the three Consuls had been endeavouring to effect.

Correspondence passed in 1855 between Lord Clarendon and Sir J. Bowring, who was instructed not to sanction or become party to any Regulations respecting police and sanitation which might be drawn up by voluntary Associations in Shanghai in such a manner as to pledge Her Majesty's Government to maintain them.

In 1861 the first steps were taken towards amending the Land Regulations of 1854, when Consul Meadows forwarded to Mr. F. Bruce a Resolution from the Municipal Council, begging that the authorization of Her Majesty's Government be obtained to make the Land Regulations enforceable against all British subjects. The Code established by the British, French, and United States' Consuls was intended to be binding on all foreigners. Similar applications were addressed by all the Consular Representatives at Shanghai (they then numbered sixteen, including the British, many of them having no Treaty status) to their respective Governments, requesting that the Code might be legalized and be made binding on the persons under their jurisdictions. Mr. Meadows said that any union with the French was at an end, but that the United States' Consul would want the Code extended to the American Settlement. In spite of the prohibition to the contrary, thousands of Chinese had crowded into the Settlement, and he proposed that they should be represented on the Municipal Council. In 1862 Lord Russell replied that Her Majesty's Government had sanctioned the Code, and that it was enforceable on all British subjects. At this time Mr. Meadows reported that the French area was separate and was under a new municipal body. Nevertheless, the French Consul continued to have a say in our Land Regulations, for he approved, *ad referendum*, certain modifications introduced into them which had been assented to by the British, Russian, and United States' Consuls.

In the course of correspondence on these alterations, the Shanghai Defence Committee made a proposal that that port should be made into a free city under the protection of the Powers. Mr. Bruce, in reply, wrote a long and interesting despatch—No. 63 of the 8th September, 1862, to Shanghai—in which he defined the exact position of the foreign merchants at Shanghai. He pointed out that the land in the Settlements is Chinese, and that though that Government had no jurisdiction over foreigners, they had never abandoned it over their own nationals. He deprecated the admission of Chinese into the Settlement, which had been allowed by the foreigners in order to obtain the high rents paid them for house accommodation. In the following year Sir F. Bruce, in another despatch on the same subject, stated that the whole system at Shanghai was a mistake and that the Chinese authorities could look after their people there far more efficiently and economically than the foreigners were able to do.

In 1864 disputes arose on account of the action of the French and United States' authorities respecting the registration of land in the different Settlements.

In a despatch dated the 3rd January, 1866, Her Majesty's Minister told the Foreign Office that he considered the moment propitious for trying to come to an understanding with the French and American Governments for the fusion into one quarter of all the Settlements. The French Government, however, on being sounded, refused to amalgamate.

Schemes for a revision of the Land Regulations were again brought forward, and at the same time a Commission appointed by the French Government drafted a "Règlement d'Organisation Municipale," which was put into force at once in the French quarter. Her Majesty's Minister in reporting home on the subject, drew attention to the fact that though the French might refuse admittance into their area to foreigners—where there were already many—they had no jurisdiction over them. We had had similar rights in our Settlement, but had abandoned them in consequence

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1867.

No. 32, March 12, 1867.

Transmits Regulations lately issued by the French Municipal Council. Urges that Her Majesty's Government should approach French Government, as local action would be fruitless. Has instructed Winchester to send home French text.

Foreign Office, No. 110, December 24, 1866.

Sends a report from Sir F. Bruce of a conversation which he had had with Mr. Seward regarding the Shanghai Land Regulations, and that Seward agreed that, as the French "Règlement" had been prepared in Paris, it would be better to moot the subject with the French Government than with the French authorities in China.

Shanghai, No. 11, March 12, 1867.

Instructing him to send French text to Foreign Office, and inclosing copy of No. 32.

Foreign Office, No. 67, April 22, 1867.

Stating that, as the Municipal Regulations inclosed in his despatch No. 46 of the 22nd November, 1866, relate to the peace, order, and good government of British subjects in China, they can be made binding upon them under Article 85 of the Order in Council.

Foreign Office, No. 68, April 22, 1867.

Sends, with reference to his No. 25 of the 13th October, 1866, copy of a despatch to Paris explaining the views they entertain of the new French "Règlement," and the modification they desire to introduce.

The inclosure No. 156 of the 2nd April refers to note of M. Drouyn de Lhuys (inclosed in No. 162 of the 11th June to Peking, 1866; see above No.), and states that Her Majesty's Government will not offer any objection to their enforcement, except as regards Article 16. Agrees with Sir Ed. Hornby that a fusion would be now impracticable, and that if the French Regulations, with one exception, are acted upon in accordance with the views expressed in the letter of M. Drouyn de Lhuys, neither foreigners who may have established themselves within the French limits nor their authorities residing without those limits will have any cause to complain of them.

States that certain territory on the north and south of the Yang-king-pang and Sochow Creeks were permitted by the Emperor of China to be rented by Europeans for the purposes of commercial establishment, the Emperor retaining as lord of the soil the *dominium eminens*.

Two-thirds of the French "occupation or site" were inhabited by English and other non-French.

"It was quite competent to French to adopt this system of separate municipal government under the control of their Consul as far as the French subjects were concerned, but it was not competent to the French Government to assume or exercise thereby any personal jurisdiction over the subjects of other States resident or commorant on the French occupation or site."

M. Drouyn de Lhuys has distinctly disclaimed any such intention on the part of the French Government, which, however, claims the right of keeping order within their limits, and maintaining (*sic*) that the Chinese Government has assigned exclusively to them as sole lessees the land inclosed in those limits and all authority over it.

Incloses copy of Inclosure No. 8 in Sir R. Alcock's No. 25 of the 13th October, 1866, and states that if Article 16 of the "Règlement" were altered in accordance with the spirit of this paper, no further objection need be made to it. But Her Majesty's Government will be prepared to accept the arrangement proposed by the French Government on the distinct understanding that its acceptance does not involve an

of France, any claim to consider the so-called Concession as French territory. But they may still maintain the right of refusing to let or sublet to other foreigners within the limits assigned to them. Anyhow, they have no right to jurisdiction over foreign subjects. More than half of the land-renters in the French quarter are British subjects, who hold their land in effect from the Chinese Emperor. In the English Settlement the Chinese had given the British Consul right to admit or exclude any subjects of foreign Powers. But this was upset by United States' Consul and citizens. In 1854 the French Government, through Bourboulon the Minister and Edan the Consul, agreed with British and United States' Consuls to "Land Regulations" for north and south of Yang-king-pang. Subsequently repudiated by the French Government, but not communicated to us until 1862, and only made publicly known in 1866. Case of "Aerolite," see above, No. . . . The only thing that can usefully be done now is to get Article 16 of the French "Règlement" altered. In fact, the Consuls have practically agreed thereon, and all that is necessary is the approval or confirmation of the Home Governments. But acceptance of the French "Règlement," as thus amended, should be made conditional upon acceptance by the French Representative of a Code of Municipal Regulations for the other side of the Yang-king-pang.

No. 82, October 20, 1866.

Contains a letter from the Municipal Council, suggesting that the powers of issuing warrants for the arrest of Chinese in the Settlement should rest solely with the Mixed Court; that all warrants issued from it should be served through the municipal police, the latter being accompanied, if desired, by a native official. They declare that they have no desire to arrogate to themselves judicial functions. (On this Sir R. Alcock notes in the margin, "This is something gained, at all events, in the past year.") They would not object to Chinese representatives sitting at the Council Board. They propose organization of a river police as part of the present municipal system. (Sir R. Alcock observes in a note, "This is what the French have done, and what we object to.")

To Peking, No. 97, December 18.

Reports interference of French Municipal Police with a cargo boat lying alongside of a British vessel opposite to the French Settlement. In an inclosure from Winchester to Brenier de Montmorand there is recognition of the jurisdiction of the Chinese Government over the stream.

To Foreign Office, No. 25, October 13, 1866.

(See above in greater detail.)

Drew attention to the pretensions of the French Consul-General and Municipal Council to exercise taxing jurisdiction in the river opposite to the French Concession.

To Foreign Office, No. 46, November 22, 1866.

Sends Shanghai, No. 62 of the 20th July, proposed revised Land Regulations. Minutes of land-renters' meeting and newspaper extracts, besides copies of correspondence, such as Shanghai, No. 82 of the 20th October. Provided French Government give up claim to jurisdiction over the river and agree to modification of Article 16 suggested by Sir E. Hornby, the two systems may be put in operation side by side with mutual consent, and without any conflict of jurisdiction. Proposes that a foreigner in Chinese service should sit on the Council, with a suspending vote when any measure affecting Chinese subjects was brought up. *Mixed Court* he proposes should have an assessor nominated by the Consuls collectively as their delegate.

Mr. Alcock to Mr. Bonham, No. 121, November 27, 1848.

West boundary of the British Settlement marked out by stones. Plan inclosed, and agreement between the Taotai and Consul laying down the boundary of the ground to be rented to British merchants for building and residence. It is also spoken of as "the ground set apart for British subjects to rent and build upon according to Treaty."

Replied to in No. 100, December 13, 1848.

Approving on the whole, but not of the restriction placed on Chinese in regard to building new houses within the limits.

1849.

Mr. Alcock to Mr. Bonham, No. 6, January 25, 1849.

Acknowledges receipt of No. 100. Has no intention of applying rule against rebuilding in a harsh manner.

Mr. Alcock to Mr. Bonham, No. 31, April 11, 1849.

Public meeting held about erection of new jetties and repair of roads. Asks whether Consular Court has jurisdiction to enforce payment of rates and wharfage dues on goods for these purposes.

Mr. Bonham to Mr. Alcock, No. 35, May 3, 1849.

In reply to No. 31, incloses Attorney-General's opinion. It is that the public meeting could not authorize any impost whatever, but if the land-renters could be induced to sign an agreement they could be sued on that. But if contributions cannot be raised amicably, the willing renters could sue the unwilling under the Land Regulations, it being for the American Consul to hear proceedings against his own countrymen.

Land Regulations do not authorize levy of wharfage dues.

Mr. Alcock to Mr. Bonham, No. 45, May 22, 1849.

Incloses copy of Regulation 20, which provides for wharfage dues as well as land assessments for maintaining roads and jetties. Refers to opinion of Attorney-General inclosed in No. 83 of the 10th October, 1848, as to mode of enforcing Land Regulations. Does this apply to the collection of wharfage dues?

Mr. Bonham to Mr. Alcock, No. 46, May 30, 1849.

Receipt of reply from Lord Palmerston, to whom the Agreement for the settlement of the limits on the west had been forwarded. His Lordship is of opinion that the Agreement should be strictly executed, in order to avoid imputations of caprice and personal motives. Mr. Bonham sees the difficulty of acting in conformity with these instructions, and intends to refer the question for reconsideration. Would be glad of any observations in addition to those contained in Mr. Alcock's No. 6.

Mr. Alcock to Mr. Bonham, No. 51, June 25, 1849.

Defends the use of discretionary powers, because the Chinese authorities expect moderation will be exercised, and have signed the Agreement on that understanding. To enforce strictly is a practical impossibility, no Chinese official would venture on it.

Sir John Davis, No. 22, April 29, 1846.

Approves Land Regulations.

Shanghai to Hong Kong, April 28, 1846.

Incloses a plan of the ground, and transmits in English and Chinese the Regulations drawn up in communication with the Taotai, which have been prepared so as to secure the general arrangements, the details being left to be carried out by the mercantile community.

Shanghai, No. 83, September 5, 1846.

Reports settlement of claims on land rented to foreigners within the site. Formation of a registry of deeds.

Sir John Davis to Mr. Alcock, No. 65, September 21, 1846.

Approves the arrangements reported.

1847.

Mr. Alcock to Sir John Davis, No. 13, February 27, 1847.

Question of jurisdiction over American citizen Wolcot, who in 1845 obtained a site "within our boundaries," and then, being appointed Acting Consul, hoisted the United States' flag, and refused to lower it at the demand of the Taotai, who had been moved to make this demand by the British Consul. Wolcot, however, wrote a letter, dated the 10th August, 1846, placing his lot under the Regulations existing, and hereafter to be made, in relation to the ground set apart for the residence of British subjects, as fully as others in like circumstances British subjects. A site on the opposite side of the Soochow Creek had been selected as a location for American subjects, and Wolcot verbally undertook to remove his flag there when his house should be completed. (Evidently Mr. Alcock regarded the British location in the light of what is now called a "Concession," and held that rights of jurisdiction over all foreign residents were conveyed with the grant. He quotes a Treaty of 1265 between the Emperor Michael Palæologus and the Venetians by way of illustration.) There are only three American firms within our boundaries at present, but others are expected. Hence the importance of a rule being laid down.

Incloses Memorandum of conversation held by the Vice-Consul and Mr. Alcock on the question of jurisdiction with Mr. Wolcot, on the eve of the latter's departure.

Memorandum of the 22nd June, 1846, submitted to Commodore Biddle, United States' Navy. This states that, in November 1843, the site was set apart for the residence of British subjects by a Proclamation of the Taotai. Details of how Mr. Wolcot was generously allowed to acquire a piece of land in the very centre of the British location.

Letter from Captain Balfour to Commodore Biddle on the same subject, 24th June, 1846.

Reply from Commodore Biddle of the 1st July, 1846, expressing the opinion that Mr. Wolcot is bound to conform to the Land Regulations.

Letter from Mr. Wolcot of the 10th August, 1846, agreeing that his lot shall come under the Land Regulations.

Sir John Davis to Mr. Alcock, No. 19, March 15, 1847.

Recommends that hereafter no foreigner shall be admitted to our location without entering into a written Agreement to conform to all the obligations and conditions imposed on British subjects in the same location. Criminal jurisdiction cannot be claimed either over foreigners or Chinese. Entertains doubts as to exclusive jurisdiction over the river (claimed in the despatch under reply).

1872.

Shanghai, No. 61, September 11, 1872.

To Mr. Wade, submitting a copy of a new bye-law to be substituted for Bye-law 34, and a form of license to be issued under it.

1873.

Mr. Wade to Shanghai, No. 18, June 3, 1873.

In reply to the foregoing, instructing the Consul to consult Sir E. Hornby as to the legality of the bye-law, and, if he sees no objection to it, the Consul is authorized to inform the Council for the foreign community that the Minister approves it.

(The text is that of Bye-law 34, as given at p. 585 of Hertslet's "Treaties between Great Britain and China, &c." The original text is to be found in the pamphlet inclosed in Shanghai despatch No. 50 of the 17th June, 1881 to Sir Thomas Wade, from which it appears that the new bye-law was promulgated by the Municipal Council on the 21st November, 1874.)

1875.

Shanghai to Mr. Wade, No. 55, June 18, 1875.

Inclosing amendments to the Land Regulations, proposed at a meeting of land-renters. In Article 19 the insertion of the words "Provided always that the proxies of ratepayers only who are absent from the Consular district of Shanghai, or are prevented by illness from attending, shall be admitted to vote at such meetings." In Article 9 the words, "January or February" substituted for "April or May; in Article 19 "December" is substituted for "March." A motion was also carried to the effect that the annual meeting should henceforth be held in January or February, and the municipal year be deemed to commence on the first day of January and ended on the 31st December, anything in the Regulations to the contrary notwithstanding.

Sir Thomas Wade to Shanghai, No. 41, July 26, 1875.

Replies that the Consular district has never been so defined as to enable effect to be surely given to the provision introduced by the amendment. However, he will approve the amendment. The proposed change in the municipal year calls for no remark.

(In 1873 a Committee of land-renters had been formed for revision of the Land Regulations, and their labours seemed to have resulted in these amendments.)

1881.

Shanghai, No. 36, March 25, 1881.

Suit respecting ownership of foreshore pending between a Mr. Cory and the Municipal Council. Consul is informed that the legal advisers of the Council cannot rest their case upon the Land Regulations, inasmuch as these are considered to be invalid, so far as regards British subjects, in consequence of their never having been ratified by the Secretary of State.

Assumes that requirements of paragraph 85 of the Order in Council of 1865 should be carried out in the case of Land Regulations as well as other Regulations.

direct to Her Majesty's Consul at Shanghai. Her Majesty's Government informed the French Government that they would send their reply to Peking to be reported on, and that British Agents in China would be instructed to act with the utmost cordiality and good-will with French Agents.

To Shanghai, No. 44, July 16, 1866.

Discussing the proposal to obtain a Charter for Shanghai from the Emperor of China.

Shanghai, No. 36, April 19, 1866.

At a meeting of land-renters held the 18th April, a Resolution was proposed—

“That in consequence of the alarming increase in the illegal exactions made on residents in the foreign Settlement by the Chinese authorities, the incoming Council be empowered to prevent the execution of warrants against Chinese through any medium other than the municipal police, and, in case of need, to suspend arrest pending investigation into the nature of such exactions.”

Winchester, who was in the chair, protested, as did Seward; but as the land-renters insisted, they left the meeting, and the chair was taken by Keswick, who was the Danish Consul, and also a Chairman of the Municipal Council.

A weighty Memorandum on the real cause of the agitation, which was the fall of rents in the foreign Settlement; the only way to enhance them was to induce foreign Governments to declare that Chinese residents should be free from all taxation other than municipal.

Also a Memorandum on the origin of the rule that no Chinese warrant should be executed in the foreign Settlement unless authenticated by the seal and signature of the Consul, and the municipal police were authorized to prevent the execution of any warrants not so authenticated.

Also opinion of Sir Edmund Hornby.

Shanghai, No. 37, April 21, 1866.

Inclosing a notification with extract from Sir Edmund Hornby's letter of opinion.

To Foreign Office, No. 80, May 10, 1866.

Forwarding correspondence regarding a conflict of authority between Municipal Council and Consul (enclosing Nos. 36 and 37 from Shanghai).

Shanghai, No. 60, July 11, 1866.

Forwards copy of “Règlement d'organisation Municipale de Shanghai,” *i.e.*, of the French Settlement. Containing an Article (16) declaring that no foreigner could be arrested in the Concession on a warrant issued by a foreign Judge or Court without the authorization of the French Consul-General or the assent of the Agents under his orders, protest of Winchester and Seward addressed to French Consul; his refusal to delay publication and declaration that all France intended was to preserve the rights conceded by Treaty, and especially by Article XXII of the Treaty of 1844; somewhat intemperate remarks of Winchester as to French attempts to set up a Colonial Government and commence the disintegration of the Chinese Empire, and interference with extraterritorial rights of Great Britain and United States.

Reply in No. 42, July 19, 1866. (Copy to Foreign Office.)

Approves joint letter to the French Consul. But it does not appear that any change is effected even by Article 16 in what has been the established practice for

of the action of the Americans. He recommended that the "Règlement" should be accepted by Her Majesty's Government—after certain alterations had been introduced—on condition that the French Government accepted the amended code of Municipal Regulations—of which copy was inclosed—for the British and American Settlements. Her Majesty's Government approved the amended code of 1866.

After much correspondence, the requisite alterations were made in the "Règlement," which was signed by the British, Prussian, Russian, and French Consuls. Both the British and Prussian Governments in 1868 accepted the "Règlement" on the conditions that the United States' Government did so also, and that the French Government agreed to the Land Regulations of the British-American Settlement.

The next year further amendments in the Land Regulations were made, and duly approved, and at last an understanding was arrived at among the foreign Representatives at Peking, viz., the British, American, French, Russian, and German to sanction *provisionally* the amended Land Regulations and the "Règlement." It would be interesting to know whether their Governments have ever approved them definitely, as was done by Her Majesty's Government in 1870.

1869 to 1905.

It was not until 1881 that any matter of great interest arose in connection with the Land Regulations. The Municipal Council were involved in a law suit, various points in which were submitted for legal opinion, the result of which was that the validity of the Regulations was called in question. Sir J. F. Stephen's opinion, furnished to the Council in 1875, was submitted to the Foreign Office, and Sir Thomas Wade at the same time urged that a more formal approval of the Code should be given by Her Majesty's Government. All that was necessary, as far as British subjects are concerned, was effected by the Order in Council of 1881, which in that respect secures the validity of the Regulations; but the assent of the Chinese Government to them has never been asked for nor given, as was done in the case of the 1854 Regulations.

The same year new Municipal Regulations in regard to the boundaries of the Settlement were submitted to the foreign Representatives at Peking, in connection with which Mr. Consul Hughes sent an interesting Memorandum, drawn up by Vice-Consul Charles, to Sir Thomas Wade on the relations between foreigners and the Chinese in the Settlement. He showed that, while the Land Regulations of 1869 were binding on British subjects, it was necessary to appeal to those of 1854 in regard to engagements entered into by the Chinese authorities towards the foreigners as a body.

In 1898 certain amendments in the Land Regulations were submitted to the Ministers in Peking, when Sir C. MacDonald pointed out that the assent of the Chinese Government to them was necessary. The Amendments were submitted by the Tsung-li Yamèn to the Viceroy of Nanking, who instructed the Taotai at Shanghai to inform the Consular Body that he had never occupied himself with the Regulations, and did not wish to do so. It was a matter to be arranged between the Municipal Council and the Consuls with the object of "being advantageous to the people and the merchants." The extension of the boundaries of the International and French Settlements respectively in the same year did not involve any modification of the Land Regulations under which they are administered.

Throughout this correspondence there appears a disposition on the part of the foreign residents at Shanghai to regard themselves as an autonomous body, independent of all control, a view often encouraged by the Consuls, and invariably rejected by the Ministers. As the latter are known to be hostile to such pretensions, there has been a tendency to keep them in the dark as much as possible in regard to the acts of the Municipal Council in excess of the powers conferred on them by the Land Regulations.

Matters came to a crisis in July 1905, when the Council and the Consular Body agreed together to send Chinese female prisoners to the municipal prison—the occurrences which followed in December 1905 have been fully reported—but agreeably to the policy pursued in the past the Diplomatic Body were left in ignorance of what was going on until the disturbance took place in the Mixed Court on the 8th December, 1905.

I venture to think that the conclusion to be drawn from the history of the Land Regulations of Shanghai is that it is dangerous to allow the creation of such independent municipal bodies on the soil of China, unless they are placed under the

Mr. Alcock to the Taotai, May 4, 1852.

Repeats his protest, and states that he has referred the matter to Her Majesty's Plenipotentiary.

Replied to by Dr. Bowring in No. 34, June 25, 1852.

Counsels him to avoid jealousy and ill-will; he thinks the points at issue had better be left to the consideration of the two Governments, and will not suffer by a little delay.

Mr. Alcock to Dr. Bowring, No. 78, July 30, 1852.

In reply to No. 34 from the latter. Contests the views stated therein, and defends his own.

Dr. Bowring to Mr. Alcock, No. 74, August 26, 1852.

Before addressing His Majesty's Government he requests answers to the following questions:—

1. Does he contend that no land shall be obtainable within what are called the British limits by foreigners without the previous consent of the British Consul?
2. Does he maintain that this monopoly of authority extends over all the unclaimed land?
3. If these extreme rights are not insisted on, what modifications would he recommend?
4. Supposing Her Majesty's Government should be disposed to allow the claims of any foreign Consul to apply for land, what arrangements would he propose for avoidance of controversy, the security of common rights, for police, and generally for the protection of property and comfort of residents?

Mr. Alcock to Dr. Bowring, No. 110, October 29, 1852.

Replies as to 1. There is no doubt that such was the ground originally taken by Captain Balfour, that these rights were embodied in Land Regulations which were sanctioned by Her Majesty's Plenipotentiary and transmitted to Her Majesty's Government, by whom they were laid before Parliament and printed. To 2 and 3 he replies that there is no alternative between upholding them in their integrity or abandoning them at once and altogether.

Supposing Her Majesty's Government, under his Excellency's advice, to be prepared to adopt the latter course, he has drawn up the enclosed Code of Land and Municipal Regulations, for which the concurrence of the several foreign Ministers in China will be essential. The original rules are no longer adapted to present circumstances, and some have been obsolete from beginning.

These Land Regulations are to apply only to the British location as delimited in 1848.

Dr. Bowring to Mr. Alcock, No. 103, November 10, 1852.

In reply to the latter's No. 110, will send copies home to Lord Malmesbury, and concurring in the observations in that despatch.

who has intimated that he does not consider himself justified in either acting upon or waiving his right to joint action with other Consuls of Treaty Powers in matters not relating to the French Concession.

(Signed) W. HOWARD, *Chairman.*

He refers to Minutes of the public meeting which led to his letter being written, which were published in the "North China Herald" of the 16th February.

Mr. Medhurst to Mr. Bruce No. 92, June 26, 1861.

Incloses copy of a letter from the Municipal Council and Minutes of a meeting of land-renters. The object of the letter is to obtain from Her Majesty's Government such authorization of the Shanghai Land Regulations as will enable them to be enforced against British subjects. The Code was established by the British, French, and American Consuls with the intention that it should be binding on *all foreigners* without distinction, and was not made for the peace and good government of Her Majesty's subjects as prescribed by Article 3 of "The Order in Council of the 13th June, 1853."

The Municipal Council have addressed similar applications to all the foreign Powers having Consular Representatives at Shanghai. In the case of France consent may probably be made conditional on our conceding the independence of the portion of the Settlement lying to the south of the Yang-king-pang, which is usually known as the "French limits." He says the French *for reasons of their own* have decided to consider at an end the union that formerly existed, and to maintain the entire independence of their assignment. They have established rules for good order and security without reference to the other Consuls, and have extended their limits to take in what was formerly occupied by the most busy portion of the Chinese suburbs. The French Consul claims that all land rented by British subjects shall be registered in his office, and all subsequent transfers from one British subject to another. He concludes that the French are not likely to confirm the Code of Land Regulations, but to propose to separate their interests from all participation in its privileges and obligations. In that case, provided care be taken to protect British subjects holding property on that side of the creek, the secession will perhaps be an advantage rather than otherwise to the other portion of the Settlement. The United States' Consul will probably seek to have the application of the Code extended to the north side of the Soochow Creek, this would be an advantage to the residents interested, and would enable order to be kept among the dangerous and lawless characters who live there.

Thousands of respectable Chinese, driven from their own homes by the rebels, have crowded into the limits. Land-owners (not exclusively Europeans, as would appear from previous Reports) have run up whole streets of houses fitted for native use, in spite of the prohibition in the Regulations (that the Chinese were to build no new houses), and the west of the Settlement is now fast merging into a Chinese city. Ere long it will prove too much for the administrative powers of a Council whose members can only spare a portion of their time from business pursuits. The governing power must be endowed with authority from the Emperor in order to provide for the supervision and restraint of the numerous Chinese population. He proposes election of a fourth member, salaried by the Emperor, to be permanent Chairman, with a staff of salaried foreign officials, among whom might be distributed the Finance, Land, Petty Native Court, Police, and Harbour Master Departments. He states that the Chinese houses may be estimated at a value of 2,250,000 taels, or 750,000*l.*, and the European houses at 3,697,200 taels, or 1,232,400*l.*

There were Consuls for America, France, Russia, Denmark, Hamburg, Lübeck and Bremen, the Netherlands, Oldenburg, Portugal, Prussia, Sardinia, Spain, Sweden and Norway. To each of these was communicated copy of the resolution passed at the meeting of the 6th June, with a request to obtain from their respective Governments a special authorization of the existing Code. The resolution was worded as follows:—

"That considering the increasing population of this Settlement, and that doubts have been cast upon the power of the Consuls to enforce the provisions of the Land Regulations as accepted by the community at a general meeting held on the 11th July, 1854, this meeting conceives it to be most essential to the interests of all land-renters concerned that the Consuls of the Treaty Powers, as well as those residents here

there shall be hereafter no question of their legality, that they have the force of law over every one of the Minister's nationals who voluntarily places himself within their authority. A similar letter was addressed to each of the Diplomatic Representatives at Peking, and one was addressed to Prince Kung through Sir Thomas Wade, who declined to forward it for the reason given in his despatch No. 36 of the 31st July (abstracted below).

The Preamble recites that certain Regulations for the good order and government of persons holding land or residing or coming within the limits set apart by the Chinese authorities for the residence of foreigners at the port of Shanghai north of the Yang-ping-pang Creek have heretofore and from time to time been settled and agreed upon by the Representatives of all or some of the Powers having Treaties with China, in concert with the chief local authority representing the Chinese Government at Shanghai. And whereas it is expedient that the said Regulations now existing should be revised, and that further and better provisions should be made for the good order and government of the persons aforesaid. Now it is hereby agreed, declared, and ordered between and by the undersigned Representatives of the Powers having Treaties with China, and by his Excellency the undersigned the Representative of the Chinese Government, each such Representative agreeing, declaring, and ordering, in respect only of those persons who are or hereafter shall be subject to the authority of his Government, that the following Regulations and the Bye-laws annexed thereto shall, &c.

Sir Thomas Wade to Shanghai, No. 32, June 29, 1881.

In reply to No. 56. Before taking any further steps, he proposes to consider the new scheme now before him with his colleagues the Representatives of the foreign Powers.

Shanghai to Sir Thomas Wade, No. 89, August 1, 1881.

Transmits a Memorandum to Mr. Carles on the proposed revised Municipal Regulations.

Under the Regulations of 1854, certain powers of self-government were conceded by the Taotai to the foreign community, whose representatives, for want of a better name, were styled the Municipal Council. The chief of these powers were self-taxation and police. The Regulations of 1854 provided that in case of any alteration in them being desirable, the consent of the Chinese authorities must be obtained. (Clause 14.—*Provisional Clause*. Hereafter should any correction be requisite in these Regulations, or should it be necessary to determine on further rules, or should doubts arise as to the construction of, or powers conferred thereby, the same must be consulted and settled by the foreign Consuls and Intendant of Circuit in communication together, who shall equitably decide thereon, and submit the same for confirmation to the Representatives of their respective countries in China and to the Chinese Imperial Commissioner managing the affairs at the Five Ports.) In spite of this provision, their consent has apparently not been obtained to the Regulations of 1866 (*i.e.*, 1869), though new provisions were introduced. At present, therefore, while the Land Regulations of 1866 (*i.e.*, 1869) are binding upon British subjects, it is necessary to appeal to the Regulations of 1854 for the engagements entered into by the Chinese authorities towards foreigners as a body. The new Regulations would confer such powers that the Council would be responsible only to the municipal body, and their action would be independent of control of their own or of the native authorities.

Sir Thomas Wade to Shanghai, No. 36, July 31, 1881.

With reference to his despatch No. 32. Has since received, through Herr Focke, the German Consul-General, a duplicate of the Chairman's letter, and its inclosures, addressed to Prince Kung. Requests Mr. Hughes to inform the Chairman that Sir T. Wade would hardly feel quite at liberty to forward a letter of this kind to the Prince under any circumstances. There is much in the language of the letter which would appear to a high Chinese official as unduly asserting rights over Chinese territory and Chinese inhabitants. The simplest course, it appears to him, will be to have the new Regulations to be duly considered by the foreign Legations, and

without Treaty rights, should lose no time in obtaining from their respective Governments such a special authorization of the Code as shall establish its legality beyond question, and so enable each Consul to enforce its provisions on every person under his jurisdiction."

Copy of this was forwarded to Foreign Office, from Peking, in No. 165 of the 18th November, 1861, in which the history of the Settlement is summarized from the beginning. Mr. Bruce relates how the French Minister, after having approved of the Regulations of 1854, afterwards withdrew his assent; nor does he find that Her Majesty's Government ever gave its consent to investing the action of the Committee of Land-renters (Municipal Council) with any legal validity. It merely acquiesced in its action as a voluntary association. The Committee now wish to have the Regulations made binding, so as to admit of their being enforced by the respective Consuls. He is of opinion that it would be advisable to invest the Land Regulations with the sanction required to give them legal validity.

1862.

Lord Russell to Mr. Bruce, No. 34, February 26, 1862.

Has consulted the Law Officers on the question of recognizing the Land Regulations, and that Her Majesty's Government are prepared to sanction and recognize them. All that will be necessary is that the Consuls should adopt the "Code of Land Regulations," and publish them as "Rules and Regulations" under the Order in Council of 1853, with any modifications which may be found necessary in form, but without altering the substance. He should also enact and add to the Regulations penalties for the breach of them, which penalties may thereupon be enforced against British subjects by the Consular jurisdiction.

Mr. Bruce to Mr. Medhurst, No. 29, May 1, 1862.

Her Majesty's Government has decided on recognizing the Land Regulations, and an extract is inclosed, showing how this is to be done. It will be well to obtain the assent of the other Consuls, and particularly of the Prussian and American, to the Code.

Mr. Medhurst to Mr. Bruce, No. 128, June 9, 1862.

In reply to the foregoing. He will at once set about preparing the Regulations for publication, but would prefer to submit the result for sanction, as certain modifications are necessary. The limits need new definition. An important portion of the Settlement is situated without the limits, and a part of the area defined has already been separated, and placed under a new municipal body (the French). Mode of acquiring land will have to be differently arranged. He will take an early opportunity of consulting the French, American, and Russian Consuls on these alterations.

Mr. Medhurst to Mr. Bruce, No. 144, July 31, 1862.

Submitting a Memorandum of the modifications in the Land Regulations considered expedient by the Treaty Consuls before they are published under authority for general adoption.

Inclosed are print of a letter from the Defence Committee, dated the 20th June, 1862, a reply from the Municipal Council of the 25th June, 1862, and a letter from Mr. Medhurst to the Council of the 15th July, 1862, also proposed modifications and additions to be made supplementary to the Land Regulations of Shanghai.

The Defence Committee state that the plan of a free city, under the protection of the four Great Powers, but exercising its own government through its own chosen officers, elected under a system of suffrage, that shall give the controlling power to the

Argument follows on: (1) On the American side great stress was laid on the words in Article VIII of the Supplemental Treaty of the 22nd July, 1843 (the 8th October is the correct date), that the Emperor of China had been pleased to grant at the four new ports "the privileges of resorting for purposes of trade" to all foreign countries, whose subjects and citizens had hitherto traded at Canton, *on the same terms as the English*; it is further agreed that should the Emperor hereafter, from any cause whatever, be pleased to grant additional privileges or immunities to any of the subjects or citizens of such foreign countries, the same privileges and immunities will be extended to and enjoyed by British subjects. The location chosen in 1849 by the French had previously been offered to the Americans. What the American Consul claims for his countrymen is a share in the privilege of renting land within the limits without conforming to the conditions by which British subjects are bound.

The United States' Consul Griswold to Taotai, April 11, 1849.—Regarding location for French citizens and people of other nations on their applying to and obtaining the consent of the French Consul. Protests against this grant and all other similar grants that may heretofore have been, or hereafter may be, made. He claims right of citizens of the United States to obtain, through himself without reference to any other foreign Representative whatever, such unoccupied land as they may require, whether the same comes within the limits set apart for the residence of the French and English nations or not. On the 14th July, 1846, the land now granted to the French was offered to the then Acting United States' Consul.

The United States' Consul Griswold to Taotai, May 2, 1849.—Protesting against the Taotai's refusal to register and seal certain deeds, on the ground that the land is situated within the French grant, though one of them was executed prior to the grant to the French, but within the city walls. His protest of the 11th April is upheld by Mr. Davis, the United States' Commissioner.

Mr. Alcock to Taotai, December 14, 1849.—(See Mr. Alcock to Mr. Bonham, the 30th January, 1850.)

Mr. Alcock to the Taotai, April 2, 1852.

Inquiring whether deeds for certain land had been issued to Mr. Griswold and Captain Roundy (abstract only).

Taotai to Mr. Alcock, April 22, 1852.

In reply, declining to interfere, but if Mr. Alcock and Mr. Cunningham cannot come to an agreement, he will refer the matter to the Imperial Commissioner in order that he may communicate with the Plenipotentiaries of both countries, and he incloses copies of his correspondence with the United States' Acting Vice-Consul.

Taotai to Mr. Alcock, April 13, 1852.

Inquiring whether certain buildings within the British limits may be given up to be bought by Messrs. Russell and Co. (abstract only).

Mr. Alcock to the Taotai, April 22, 1852.

Refuses to give an answer until the two lots obtained by Mr. Griswold and the two lots by Captain Roundy are settled according to existing Regulations and established custom by the production of guarantees, and the issue of title deeds with the (British) Consular seal.

Taotai to Mr. Alcock, May 3, 1852.

In reply, informs him that Mr. Cunningham refuses to comply, and has referred the matter to the United States' Commissioner.

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