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Return by (28/07/2011)

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Extension of the French Concession: Memorandum
for French Ambassador

FOREIGN OFFICE,

11
Ind. February, 1914.

Rec Feb. 21 D.5.

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B.
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return.
✓ 87
2/26
Sir:-

I transmit to you, herewith, in reference to Mr. Alston's despatch No. 439 of the 11th. November, copy of a memorandum which I have received from the French Ambassador in London relative to a proposed extension of the French Concession at Shanghai.

I request that you will discuss the question with your French colleague with the view, if possible, of co-operating in the matter.

I am, with great truth and regard,

Sir,

Your most obedient,

humble servant,

(For the Secretary of State)

W. Pauley

Ch. Hayda
No. 47 5/4/18

Le Ministre de France a entretenu de la question de la région des routes extérieures son collègue britannique, qui lui a confié que, de son côté, il avait amorcé des pourparlers en vue de l'agrandissement du Foreign Settlement de Shanghai; les deux Ministres se sont promis réciproquement leurs bons offices pour la conduite de ces deux affaires. Monsieur Doumergue a approuvé cette manière d'agir; il espère qu'elle recevra également l'assentiment de Sir E. Grey.

Ambassade de France

à Londres,

ce 26 janvier, 1914.

Copie.



(4043)

Concession française de Shanghai
(région des routes extérieures).

Il existe à Shanghai un quartier, dit région des routes extérieures à la concession française; c'est un territoire dont les routes seules sont la propriété de la Municipalité française, et dont les immeubles, complètement encerclés par les routes, sont demeurés jusqu'ici placés sous l'autorité chinoise. Mais cette autorité ne s'exerce pas effectivement, puisque les dits immeubles ne peuvent communiquer avec le dehors et bénéficier des services publics que par l'intermédiaire de la Municipalité française.

Pareille situation a des conséquences regrettables et le Consul Général de France à Shanghai, comme le Ministre de France à Pékin, sont d'avis qu'il conviendrait d'annexer à la concession française la région des routes extérieures. Les autorités chinoises ne paraîtraient pas hostiles à ce projet, qui ne souleverait pas d'objections de la part de la Municipalité du Foreign Settlement de Shanghai.

Le

Settlement Extension: comments on Mr. Barton's memorandum with suggestions. - 31

D. 161

H.M. Consulate-General,

Shanghai.

13th March, 1914.

Rec. March 17

*In Mr. Barton's
report see p. 10
Shanghai 17/14
[Signature]*

No. 17.

Confidential. Sir,

In continuation of my confidential
¹⁵
despatch No. 16 of yesterday I have the honour
to submit my views on that part of Mr. Barton's
memorandum which suggests a solution of the
question of Settlement Extension.

With Mr. Barton's views as to the
localities to be included I am naturally in
accord since they are those advocated in my
despatch, No. 123, of 8th August 1912, to
which in a private letter was added the necessity
for including under municipal maintenance and
control, subject of course to existing rights
of access and passage, any waterway forming a

Settlement

Sir John Jordan G.C.I.E., K.C.B., K.C.M.G.

His Majesty's Minister


Peking

*Shanghai
48
14*



Settlement Boundary or bounded on both sides by the Settlement, in order to obviate the danger to health and good order of swarms of beggar-boats such as defile the Soochow Creek about the Markham Road bridge and some creeks in Hongkew.

Of the concessions to the Chinese set forth in the Memorandum the second ~~seems~~ appears to bristle with difficulties. Supposed analogies have been given me from Hongkong and Tientsin: but in the former case the Chinese admitted to a voice in the administration are, if I mistake not, all British subjects, and in any case live under a British administration; and in the latter the British Municipal Extension was not placed on the footing of a Concession or Settlement, the Chinese authorities retained a very wide extent of control over the natives resident in or visiting the locality, and the area was provided with a Council and Land Regulations



Regulations of its own. To follow the Tientsin precedent would not, I take for granted, be acceptable to the rate-payers of this Settlement, and the existence of three new and small municipalities would not tend to easy working.

Even supposing the three areas were combined into one municipality, whose members were largely identical with those of the present Council, and supposing all the thorny questions of ~~apportionment~~ apportionment of public services and burdens could be adjusted, the the inevitable consequence must be to place Chinese residing in the Extensions on a different footing from those resident in the Settlement; and these latter would naturally agitate for the removal of such an anomaly. To oppose their demands would not be easy; and to grant them would impair the status of this as a Foreign Settlement.

Chinese representation having been


openly

openly talked of for some time, it may, I suppose, be taken for granted that some sort of representation must form part of the price of Extension; and, as Chinese representation for the Extension only appears certain to lead to complication, one comes face to face with the question of Chinese representation for the whole Settlement.

Mr Yang Ch'eng in conversation recently declared that this was only a matter of face and that a selected Chinese advisory committee would serve the purpose: and without an alteration of the existing Land Regulations, XVIII, XIX and XXIX it is plain that none but foreigners can be either members of Council or voters at public meetings of landrenters and ratepayers.

The appointment of such advisers as Mr Yang talked of found no favour with the ratepayers on a previous occasion; but it may be that

now



now they would agree to this change as essential for the extension of the Settlement required not only for sanitary and police reasons but also in order to assure a revenue to meet the cost of extra-Settlement roads, lighting and policing.

Such an advisory Committee might either be elected by Chinese residents on a substantial franchise qualification with the sanction of the Chinese Government as an essential to each member's sitting thereon, or else might be composed of members nominated by certain native authorities and public bodies. The difficulty would arise in defining the scope of its authority and duties.

If the Committee were to be consulted on all measures affecting the Chinese resident population, there would be grave danger of its becoming a permanent source of opposition to reforms considered healthful in Western eyes. If it were to be consulted only at the discretion of the Council, the sop to Chinese susceptibilities would prove of

little



little value. If its functions were, as they well might be, confined to making representations as a Committee to the Council and to submitting reports on questions demitted to them by the Council, there would still be the risk arising from the practical certainty that the Committee's representations and reports would find their way into the native press.

It is perhaps unnecessary to add that, as the members of such a committee would at all times be exposed to the pressure of agitators and vested interests and to other corrupt interests, membership might not commend itself to the best of our Chinese fellow-residents.

To sum up, Chinese representation is now probably an inevitable condition of Settlement Extension, an advisory committee with simply the joint right of representation and the special duty of report appears the best form of such representation, but, in view of local circumstances,

such



such a committee is likely to prove rather a hindrance than a help to the administration of the Settlement.

On Mr Barton's other proposals I have no comment. There remains the question of increased precautionary measures against the harbouring of political refugees.

In this regard I submit that a firm distinction must be maintained between residents and visitors to the Settlement.

When a responsible high Chinese authority, such as a Tutu, in writing to the Senior Consul, charges with serious crime - political or otherwise - a Chinese who has only recently come into the Settlement from another place in China, it is my opinion that the visitor should be brought before the Mixed Court, the charge told him, and he be warned that if after forty-eight hours he is found to be still within the limits, he will be

extradited



extradited without further proceedings.


In the case where an outside Chinese authority lays a criminal charge against a native resident here for at least six months previously, it should be essential to establish a real prima facie case before either handing him over if the crime is not political or deporting him by sea, if it is.

Acts of rebellion or sedition within the Settlement would best be met by agreement that Chinese residents may be tried and punished at the Mixed Court for the offences defined in Articles & 71-1-(a) and 75 of our 1904 Order in Council, expulsion being substituted for deportation.

The O.C. only applies to British subjects or British protected persons.

Native residents who have paid rates and taxes should, I submit, be assured of immunity from prosecutions designed to fleece them or to terrorise them; and no countenance should be

given



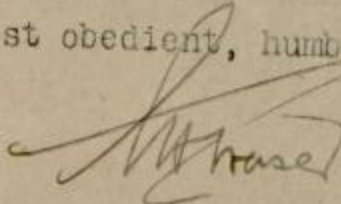
given to attempts to apply the Chinese law against unregistered societies such as came before the Mixed Court very recently.

It would be a pity if the Chinese Government were given cause to think this Settlement aspired to become a city of refuge for its enemies; but on the other hand residence in the Settlement should be a guarantee against some of the unpleasant experiences incident too often to residence in the interior.

I have the honour to be,

Sir,

Your most obedient, humble servant,



Consul General.

Shanghai Settlement Extension

Sgt
Basis of informal ^{suggested} ^{preliminary} agreement
Shanghai Settlement Extension
discussed unofficially with
Mr. Yang

(1) The Chinese govt to agree to
the inclusion in the Shanghai
International Settlement under the
provisions of the existing Land
Regulations of the following three
areas :-

(a) Chapei, or the area enclosed
between the Shanghai Nanking Railway
on the North, the International
Settlement on the East and the
Soochow Creek on the South and West

(b) Paoshan, or the area enclosed
between the Shanghai-Nanking Railway
on the West, the Saw Gin Creek
on the East and the Settlement
on the South.

(c) Jessfield, or the area enclosed
between the Soochow Creek on the North,
the Settlement on the East, the Siccawei
Road on the South and the Fah Weh
Creek

Reason for asking for (a) The area
is largely foreign owned & its sanitary
conditions are a very serious menace
to the health of the Settlement)

Reason for asking for (b) The area
is very largely developed by foreigners
(public houses, public park, rifle range,
clubs, swimming baths etc)

Reason for asking for (c) - The area
is largely foreign owned & residential
(with a certain heavy mile of roads
owned by the municipality)

as respects (a) (b) & (c) general
boundary is fairly clearly defined boundaries
by railways, creeks etc.]

23

creek on the West or in the event
of the loop line connecting the
Shanghai-Nanking and the Shanghai
-Hangchow Railways being
constructed in the neighbourhood
of Jesfield Village, such line to
form the Western boundary of the
area in question.

(2) Subject to existing rights of
access and passage, the Soochow
and Saw Gin Creeks, where these
waterways either form the boundary
of the extended Settlement or are
included on both sides within the
Settlement, are to be maintained
and controlled by the Municipality.

(3) A Chinese Advisory Committee
^{consisting} composed of one member for each
new area added to the Settlement
and of three or four members for
the existing Settlement will be formed
where

It seems
might arise
price to be
for these
basis for a
in agreed upon

Yes.

whose functions will be confined to making representation as a committee to the Municipal Council on matters affecting the resident Chinese population and to submitting reports on all questions referred to them by the Council.

The members of this Advisory Chinese Committee will be nominated by the Chinese Chamber of Commerce and approved by the Commissioner for Foreign Affairs.

(4) The Municipality will ~~pay for~~ ^{pay for} all public works and buildings in the new areas including the Gas Water and Electric Light Works. They will also defray the cost of transferring the police within the said areas and undertake that applications for employment received from the members of the existing police forces in the said areas will receive due consideration.

It seems to me that some difficulty might arise in regard to the purchase price to be paid by the Municipal Council for these properties, unless some basis for a reasonable R.M. valuation is agreed upon.

Yes. but details can be left to Shanghai negotiations.
W

5. All property situated within
The

the new areas and now in Chinese
registered ownership will be exempted
from any increase in the existing
rates and taxes for a period of two
years.

(6) (Stipulation as to the surrender
of proceedings to be taken against
political & criminal refugees in the
Settlements)

Slau
wae
of h

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7

Settlement Extension: reports steps taken and position.

*The shall be put in a
any individual position if after
take the lead in obtaining an extension without
the settlement the refugees withheld their consent
in the form of coupons or because they do
of the conditions. This despatch
Sir, forebodes and a counter proposal.
The balance is showing up the counter proposal.*

H.M. Consulate General,
Shanghai,

June 2, 1914.

rec^d June 5th 1914.

D. 37.

*R.M.
JMS*

Your telegram No. 36 reached me on the night of 28 May and next morning I consulted Mr Pearce, the chairman of the Municipal Council, who was strongly of opinion that to transfer negotiations to Shanghai without a previous general settlement of the terms on which Settlement Extension was to be given would result in serious delay, since the local Chinese newspapers and the local noisy agitators would raise the cry of sovereign rights being tampered with and all those with quasi-official positions in the former Chapei municipality and any claim to be "gentry" would feel

John Jordan, G.C., I.E., K.C.B., K.C.M.G.,
His Majesty's Minister,
Peking.

Shanghai
130
14

楊觀察陳策部復

外交部特派江蘇交涉員楊小川君於去
 入京前將兼任上海觀察使對於粵務保
 護租界華商事業管轄區域防軍警察諸
 要政羅列呈請大總統核辦茲由大總統
 發交內務部逐條核議後已令楊君查照
 辦理刻將令文掣記於下 查該條陳內
 關於華界租界交涉之補救一條內開官
 調查自治民治權限制分責任其自治權
 經費並應體察預算就地妥為籌備制限
 開支務求實際考核成績分別去留等語
 查現在自治機關雖經停辦而地方行政
 仍須進行况華洋交界易啟紛爭而外人
 覬覦尤為可慮應由該觀察使切實舉辦
 並將辦理情形呈報本部以憑考核又關
 於提倡保護租界內華商事業一條內開
 由觀察使出而坦認濟以實力等語查提
 倡實業聯絡商情本行政官之職務而於
 外交上尤為必要之圖商情渙散即外交
 失其後盾誠有如該條陳內所云者應由
 該觀察使實行坦認保護庶折衝掎收
 效於無形又關於管轄區域一條內開上
 海觀察使是否應照各道地方行政官廳
 組織令第二條以蘇松太為管轄區域抑
 照命令定名即以上海為指定範圍等語
 查上海道區域前由貴院呈請指定上海
 松江南離崑山寶山各縣本部詳加考核
 仍以規復前清末年蘇松太道轄縣為當
 擬改以舊蘇松太管轄範圍為上海道區
 域業經呈請大總統鑒核該條陳所稱應
 毋庸核議又關於防軍警察一條內開觀
 察使負地方之責任即有保衛秩序查緝
 奸宄專責則於防軍警察應有調動節制
 之權等語查地方警察當然受該管行政
 長官指揮曾於上年三月二十二日經國
 務院及本部通電各省在案自應遵照通
 電辦理以專責成其他如會審公堂之補
 救如商埠裁判之領事觀審如提倡保護
 商業如調動節制防軍涉及各部範圍者
 業由本部函知主管各部分別核議云云

(日九廿月四年寅甲歷陰) (報聞新) (六拜禮) (日三念月五年三國民華中) (張三第)

Translation

*86. My id
Take it
with me
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into it*

John Jo
His Ma
P

board for the whole Settlement and preferred to await the agitation for that end which I anticipated. The composition of the board adopted was, they considered, more representative than that originally suggested and they pointed out, as I had to admit, that even in Chapel there are scarcely any, if any, resident representative men.

My own view, in which Mr. White-Cooper concurs, is that the rate-payers are likely to resent the wide interpretation which it is proposed to put on the resolution of March 1909, and that, as soon as the cost of extension can be estimated, the step should be confirmed at a ~~meeting~~ meeting of rate-payers.

That such a meeting would be as inadvisable at present as to consult the Consular Body is, I think, beyond doubt, for to publish the fact of the negotiations would lead to the agitation above ~~referred~~ referred to. The proceedings of the Consular Body have so often been divulged to the local press that

feel bound to rain protests on Mr Yang Ch'eng,
the Tutu and Admiral Tseng.

Mr Pearce was shown Mr Barton's Memorandum
on the subject and my despatch, No.17, and noted
down the heads of a preliminary agreement, the
effect of which was included in my telegram ~~No.37~~
No.37.

At noon on the 10th May a meeting of the
Council was held, from which only Mr Figge was
absent, and a revised statement of headings drawn
up, which I reported in my telegram, No.38,
and now enclose.

The Council, whose members were warned
to keep the matter confidential, decided that,
in view of the resolution of the General Meeting
of 1909 in favour of Extension, no special
ratepayer's meeting need be held provided the
Chinese advisory board was limited to the new
areas. They doubted whether a large majority
would support the introduction of an advisory
board



I prefer to incur the ill-feeling which will be caused by the question being settled over my colleagues' heads by the nation and the Council of which they are so jealous, to the desired extension being seriously jeopardised by premature disclosure. But the party in the Consular Body which claims equal rights for every member will assuredly protest against the action of the representatives of the majority of the residents. Happily such protest will certainly stimulate the British majority of the rate-payers to support the Council, even though some consider extension to be chiefly in the interest of ~~the~~ a ruling clique.

The question of preventing the Settlement from being an asylum for disaffected Chinese the Council held to be political and outside their sphere. I am assured, however, that the bulk of the residents would not object to such undesirable immigrants as revolutionists being handed over with scant formality to the Chinese authorities

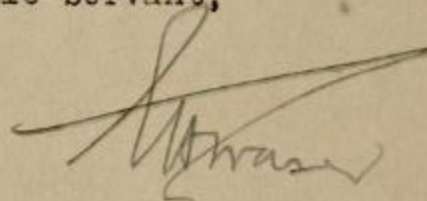
nations, and not merely made so by Presidential
Mandate. In return I venture to suggest that
no Chinese Government detective be allowed to
reside in or frequent the Settlement without
reporting himself through the Mixed Court to the
Captain Superintendent of the Shanghai Municipal
Police.

I have the honour to be,

Sir,

Your most obedient,

humble servant,



Consul-General.



COPY.

Settlement Extension.Headings.

for a preliminary agreement to be signed in Peking as a basis for subsequent development locally in detail.

1. New boundaries to be: -

- (a) The Shanghai-Nanking Railway from the Soochow Creek to the Sawjinkiang, the whole of the railway line and existing yards to be outside the boundary.
- (b) The Sawjinkiang from the Shanghai-Nanking Railway to the present boundary, the Creek to be considered within the Settlement and ~~subject~~ subject to Municipal Police control.
- (c) The Fahwa Creek from the Soochow Creek to Siccawei, this boundary to be regarded as provisional and to be replaced hereafter by ~~x~~ the projected railway connecting the Shanghai-Nanking and Shanghai-Hangchow lines.

2. The Soochow Creek to be under Municipal Police control as far as it lies ~~between~~ within or forms the boundary of the Settlement, the Council being responsible for its conservancy and undertaking to maintain free passage-way for Chinese launches and other craft, and the Chinese Government reserving the right to transport



transport soldiers to and from Soochow, after due notice to the Council.

- 3. A Chinese Advisory Board to be established comprising two nominees of the Ningpo Guild, two nominees of the Canton Guild, and one nominee of the local Chinese Authority (Commissioner of Foreign Affairs). Nomination to be subject to the veto of the Consular Body. The duties of this Advisory Board to be to advise, upon the request of the Council, on all matters affecting the interests of the Chinese residents in the new districts, and to make representations with regard thereto. Individual members of the Board not to act independently.
- 4. Chinese houses in the new districts which are situated on land unregistered (in Consulates) to be exempt from Municipal Rates for a period of two years, or for such further time as they may remain without Municipal advantages, such as roads, light, water, sanitation, etc.
- 5. The whole of the village Yinghsiangkong to be excluded from the Settlement.
- 6. The Canton Cemetery to be exempt from taxation so long as it remains dedicated to its present use.
- 7. The Council to reimburse the Chinese Authorities for the cost of the Police Stations and other public buildings,



buildings , waterworks, Electric Light Station and plant, etc., the price being agreed upon, or if ~~XXXXXX~~ necessary arbitrated by a board consisting of representatives of both parties with a Commissioner of Chinese Customs as umpire.

- 8. The Council to take into its service the present employes, police, etc., of the Chapei bureau, or, in the alternative, to defray the cost of their transfer to their homes.

Approved by the Council, May 30th 1914.

(Signed) E.C. Pearce,

Chairman.

d by Chinese
emption on

Settlement Extension: remarks on additional conditions proposed
by Chinese Government.
No. 74. *H.H.*
*M. Yung-tcheng agreed
to reserve condition (1) instead
condition (2) for discussion at Shanghai.
He has been thinking outside terms
has framed of his own words adopted into draft agreement.
I hope to
condition (3) discuss in foreign carriers & difficulty of
enforcement etc. and condition (4) I have added words
regarding right of consular to refuse passage of*
Confidential. H. M. Consulate General,
Shanghai, 11th June, 1914. 104

U.S.

Sir,

D.49
Per June 14

In confirmation of my telegram, No. 42, 43.

*the terms of
the draft agreement
are in the
interest of the
settlers but I fear
that will affect
the settlement
and more to
the right.
the draft agreement
at stage of my
discussion with young
ministers letter to
Shanghai of June 16.
R.H.
the translation of
the agreement in
English will be
satisfactory.*

of last night, I have the honour to submit
my observations on the four conditions which
it is desired by the Chinese Government to
insert in the agreement for Settlement Ex-
tension.

Land in the Settlement and the proposed
new areas is to a large extent registered at
foreign consulates in the names of foreigners
under a form of title-deed which secures per-
petual lesseeship so long as the fixed rent
of 1500 cash per mou is duly paid to the
Chinese authorities. In these cases the


John Jordan, G.C.I.E., K.C.B., K.C.M.G.,

CROWN

His Majesty's Minister,

Peking.

Shanghai
143
14



105

Crown Advocate supports my opinion that the agreement of perpetual lease can never legally be varied by altering the amount of rent or by imposing a separate land-tax without the consent of each individual lessee.

In the Settlement and the new areas there is also land held under ordinary Chinese deed or fang-tan, such land being locally described as "unregistered" - ~~the~~ word used in the fourth heading in the enclosure to my despatch, No.66, of 2nd instant. This unregistered land has always been exempt from the municipal land-tax; but this exemption does not extend to the buildings thereon, which pay the municipal house tax.

The Land Regulations authorise only land and house taxes and dues on goods, on lines defined in Article 1X, apart from licence charges under the Byelaws.

If the first of the proposed conditions refers only to "unregistered" land,
the

the matter does not concern the Settlement;

and the only result of its insertion would be to drive all such land on to consular registers under the local practice of bare trusts in land. The words "Chinese residing in the Settlement" should in any case be replaced by some such term as "Land in the Settlement not registered as foreign owned".

The second condition, so far as it refers to land in the new areas, would but carry on the exemption from municipal land tax of unregistered land, but the words "houses occupied by Chinese subjects" are so general that they would exempt from municipal house tax the houses on registered as well as unregistered land provided they were occupied by Chinese, who often occupy houses of foreign style in the present Settlement.

It

It may be that the words "Municipal Rates" are intended to cover the house-tax levied by the Municipality. If so, the condition is unnecessary since Article IX gives no power to levy any other taxes or rates on land or houses nor to impose a poll-tax.

The question raised in the third condition was discussed in 1912, when it was laid down by His Majesty's Legation that British subjects could not be compelled to pay any fees or rates levied under regulations which had not been ~~approved~~ approved by His Majesty's Government. The point would not seem to belong to a Settlement agreement, as it refers to conditions outside the Settlement and roads other than municipal. Payment of any fees demanded by any municipality or local authority can of course be enforced only under the law and in the courts of the person upon whom the demand is made.

Bodies of Chinese troops and Chinese marriages and funerals do pass freely through ~~the~~

the

the Settlement upon due notice given to the Police, either direct or through the Senior Consul, except when regard for the public weal necessitates objection in particular instances. As the fourth condition is worded it would seem to deprive the Settlement authorities of all voice in regard to such passage. I venture to suggest that the condition might run: -"The free passage through the Settlement of Chinese bodies of troops as of Chinese marriages and funerals shall never be prohibited or interfered with by the municipal police or other Settlement authorities except with the written authorisation of the Consular Body communicated simultaneously to the Municipal Council and the Commissioner for Foreign Affairs, provided always that at least twenty-four hours notice shall in every case be given to the Captain-Superintendent of Municipal Police of the intended passage of a body of Chinese

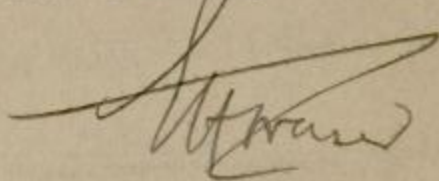
Chinese troops through the Settlement and such a
notice shall state the direct route such body
will take."

I have the honour to be,

Sir,

Your most obedient,

humble servant,



Consul-General