

# 國民 文獻 分類



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卷

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民國時期文獻保護中心  
中國社會科學院近代史研究所

編



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外交部漢口第三特別區市政管理局章程



# 外交部漢口第三特別區市政管理局章程

## 第一章 總則

第一條 漢口第三特別區之轄境，爲本章程效力所及者，限於從前所稱英租界原有之區域包括淺水時江畔之淤洲。

第二條 漢口第三特別區設市政局，（參閱第二章）依本章程之規定以管理之。

第三條 凡本區內不動產之買賣承租事宜，須於成交後六十日內，由雙方當事人或其代表人來局聲請發給執照，以便營業。如係抵押，須由雙方當事人，或其代表人於抵押成立後三十日內，親自或委託代表來局聲請註冊立案。

第四條 有領事裁判權之外國人民欲在本區內承租房地者，須向其本管領事或總領事，取具保單，擔保由該領事或總領事對於承租人執行本章程及其施行細則所規定之各項事宜。

第五條 個人產權及含有個人產權性質之他項權利，概與以承認。故現有河街碼頭地位之執照，繼續有效。此後該項執照，仍將由市政機關照常發給。執照期滿後，持照人可請求繼續。以後河街碼頭地位，當首先給與英國及中國之商行。

## 第二章 市政局

第六條 市政局設局長一人，由外交部長選派，並呈准

國民政府。局長執行區內一切事務，並依第七條之規定爲董事會董事長。

第七條 本局組織董事會，設董事七人。除以局長爲董事長外，其餘六人，於常年大會時（參閱第三十條）投票選

出中國人三名，英國人三名充之。

凡被選舉人至少須有兩票權，（參閱第三十八條）方能充當董事。

第八條 本局設主任一員，兼承局長率同所有職員辦理全局事務。

第九條 本局設副主任一員，助同主任辦理全局事務。

第十條 本局視事務之繁簡，得設秘書，局員，事務員。兼承局長，並受主任之指揮監督，分別辦理指派之職務。

第十一條 本局設警察長一員，兼承局長，商承主任，督率巡官長警，管理本區內一切警察事務。

第十二條 本局主任由局長提交董事會，過半數通過後，呈報外交部任免之。

本局副主任警察長，工務科長及共同負責之會計員，由局長任免，惟須經董事會過半數通過。

其餘職員之任免由局長主持，其人數以適敷應用為限，不得過多過少。所有薪餉，無論如何，其總數不得超過常年大會之預算。

本局職員，無論等級，如無相當原因，不得停職減薪扣餉。

本局所有職員，應由局長呈報 國民政府外交部備案。

第十三條 本區內各項特稅，未經常年大會改定稅則以前，由市政局暫照現行章程徵收之。

除中國政府之地稅外，本區內之不動產不受本章程許可以外任何稅項之徵收。

第十四條 本局應於每年年終將本區內各地皮房屋估價一次，於十二月十四日以前，將所估之價，通告各地主及屋主

如有不滿意者，可於接到通告後一個月內向市政局長申訴，由局長設法切實解決。

第十五條 本局得根據規定之稅則，以行政處分，追償各項欠款罰款 此事一經裁決，即須認為終結。有領事裁判權之外國人拖欠稅銀罰款，得請該管領事勒追之

第十六條 本局管理區內一切財政，所有收入必須悉數交存董事會指定之銀行，所有開支以用於本區事宜為限。付款

概用支票，由主任繕具，局長簽字，兩董事副署，其中須有一英國人。

以前英市政機關按照納稅人授權行為所締結之各項債務，由本局承認償還之。

本局應將上年度決算表，先交二會計師（一華人，一英人，）會同清查，然後連同本年度預算表交本區納稅人常年大會核銷核准。

## 第三章 董事會

### 第十七條

董事會董事於開本年大會後即行就職，其任期至次年常年大會為止。

### 第十八條

凡按照本章程第四十二條曾在市政局登記之有選舉權者，每年二月份下半年，可由每二人於有被選資格人中，推選一人或數人，為候補董事。惟所推選人數至多不得超過中英國人各三名，推選人須在選舉票上親筆署名蓋章，連同候補當選人之志願服務書，併送市政局。所有候補當選人名，應自三月一日起在市政局懸示。俟常年大會時，在會場當眾朗誦。如候補當選人數適為中國人三名英國人三名。則此六名悉被當選為董事。若所舉人數超過六名，則大會當於所舉人中選出六名充當董事，此六董事中至少須有中國人三名，英國人三名。如候補董事人數不足中國人三名，或英國人三名，則已記名之候補人，認為已被納稅人選定，而其不足之數，則由局長得按第十九條辦法，在大會中有投票權者，選派補充之。如候補董事人數有逾中國人三名，或英國人三名，則以投票決定之。

### 第十九條

董事會任期定為一年，常年大會開會之後即行就職，董事中如有不願或不能就職或在任期辭職患病或身故者，局長可就在上次大會註冊之有選舉資格而仍在漢口居住者選充之。若董事缺額超過三名，或局長所選之人，未得其餘董事過半數之同意，或因上次大會註冊之有選舉資格而仍在漢口居住三分之一以上之人數提出抗議，局長得按照本章程第二十八條之規定，召集特別大會選舉補充董事。此種補充董事選出後應由



局長呈報 國民政府外交部備案。

第二十條 董事會每次開會，由局長兼董事長主席，局長如臨時因事不能到會，得派代表主席。

第二十一條 董事會每次開會，由主任兼水局長兼董事長，通函召集，函中並須敘明應議之事項，如由董事二人之提議，局長兼董事長亦可召集開會。

第二十二條 董事會每次開會，連同董事長在內，至少須有五人出席，方足法定人數。所議事件，以過半數取決，倘贊否人數相等，則由董事長決定之。

第二十三條 董事會應討論並議決關於管理本區之一切事項，所有議決案應由局長執行。如局長認為有礙中國主權中國習慣，或違反本章程各項規定，不能執行時，有權停止執行，並應立即將該項議決案件，送呈 國民政府外交部查核，並為最後之決定。惟外交部於未為最後決定之前，須給董事會以相當機會，陳述意見，并須將此種意見加以考慮。

第二十四條 董事會董事。應互推分任財政，警察，工程，衛生，公益，水料各項事宜，以便分担考察及研究改良方法之責任。

各董事於所分任之職務內，得請局長指派委員組織委員會或分委員會，協助進行。

第二十五條 董事會董事依據本章程行使職權，個人不擔負責任。

## 第四章 常年及特別大會

第二十六條 市政局局長應按照後列章程於每年三月召集常年大會，並於未開會前一星期，將大會應議事宜，通知各選舉人。

納稅人有權在常年大會條陳議案，但至少須於會期前三日用書面提出，親自署名，並請附議者親筆副署，

交由市政局主任查收。但署名及副署者均須爲有權投票之人，（即註冊選舉人）方爲有效。

### 第二十七條

常年大會有權討論及解決一切提議各案，惟至少須有三分之一註冊選舉人到會，方足法定人數。

### 第二十八條

特別大會，如局長認爲必要時，得隨時召集，但局長或因兩董事之請求，或因在下次大會註冊之選舉人而在漢口居住者三分之一以上人數之請求，亦可臨時召集。其開會日期及其議程，須於十四日以前，預先通知，開會之時，由局長或其代表主席。

### 第二十九條

特別大會須有在下次大會註冊之選舉人而仍在漢口居住者過半數以上到會，方足法定人數。如常年或特別大會因不足法定人數未能開會，局長應於一星期內再行召集第二次大會，該會列席人數，無論多寡，其會議應作爲有效。

### 第三十條

常年大會有權（一）討論及通過市政局上年度之帳目，（二）議決及更改各項捐稅，（三）允准以本區名義爲抵借之行爲，（四）設法及決定整頓區內市政及公共衛生及關於本區行政之他項事宜，（五）核准本年度收支預算，（六）並舉出董事會董事六人。

### 第三十一條

大會所議事件，除三十二條規定外，概以過半數取決，如贊否票數相等，則由主席決定之。

### 第三十二條

關於承買不動產，收支預算借債，擔保各議案，須經到會人數三分之二之同意，方能決定。

### 第三十三條

凡常年大會或特別大會議決之案應由市政局執行，其有關係中外條約者，如違背中國與友邦所定條約及妨礙中國法律習慣，並損害中國主權時，局長得暫緩執行並呈請 國民政府外交部爲最後之決定。

## 第五章 選舉

### 第三十四條

凡中國人民及與中國有約國家之外人暨會社，團體，公司，爲本區地段業主，或永租人，或居戶，每年完納各種捐銀（地捐及房租）在二十五兩以上者，均有選舉權。

第三十五條 凡未成年之人得由監護人，或保佐人代表到會選舉。

第三十六條 凡會社，團體，公司，得委託全權代表與會，惟委託書須經市政局審查核准。

第三十七條 當開大會時，選舉人如不在漢口，或因病不能到會，得用委託書委託全權代表到會選舉。但須遵照大會章程辦理，且此項代表姓名，至少須於會期前三日呈送本局審查核准。

第三十八條 參與大會選舉人所得票權如下

凡本區註冊之地段業主，或永租人，照投票前之地房估價計算，每年繳納地房捐銀在二十五兩以上者，有投一票之權，在一百五十兩以上者，有投兩票之權，以後每足七十五兩，有增加一票之權，但每人至多得過十二票權。

凡非地段業主或永租人，倘在選舉註冊以前，在本區居住至少已滿一年而能按照上節所述地段業主或永租人納稅價目繳納房租者，得享同等之票權。

第三十九條 凡數人同居，每年照上述定章完納房租，祇許一人註冊選舉，惟須呈驗同居許可之憑證。

第四十條 無論何人，至多不得過十二票惟第三十七條之規定，不在此限。

下列人等不得註冊為列席大會之選舉人

(一) 凡在正式機關服務者。

(二) 凡在市政警察署服務者。

(三) 凡經法律上認為瘋，狂，聾，啞，或按其各本國法律，認為無選舉權者。

第四十一條 下列人等喪失其列席常年大會投票選舉之權。

(一) 凡被人以刑事案件在法庭告訴，該項案件如果證實，得由法庭剝奪其公權全部或一部者。

(二) 凡刑事犯判決處罰在執行中者，該項人等處罰執行期滿後三年以內，仍不得有選舉權。

(三) 凡拖欠本市政局捐稅未清償者。

(四) 凡被宣告破產後尚未清償其債務者。

#### 第四十二條

市政局每年十二月十五日以前，須登本埠中英報紙三天，通告凡本區有選舉權而願照本章程第三十八條之規定向局登記者，應於十二月三十一日以前在市政局領取志願書，填寫送交市政局主任查收，由局加以審查，如不合格，當用書面申敘理由，通知本人，

本區地段業主以及永租人，如果選舉資格與本章程完全符合者，市政局當將其姓名列入選舉冊，無須另填志願書。

凡在大會有選舉權者。當由市政局於每年一月十五日以前開列名單，及其選舉票權數目，在門口懸示，並分送各選舉人。

#### 第四十三條

選舉人對於名單如有異議，可於二月一日以前用書面申訴於市政局局長，由局長考慮查明，於二月十五日以前，為最後之決定，並同時由市政局通知該選舉人。

#### 第四十四條

選舉名單更正之後，不得再有增加，凡在開大會以前喪失選舉權者，不得參與該會。

### 第六章 細則

#### 第四十五條

市政局對於管轄各項事務範圍之內，為達到本章程之目的起見，有權規定各項細則，按照本章程第四十六條頒布實行，倘有違背者，得由本區警察事務處，或請各該管領事加以相當之處分。

前英工部局管理規則，除第二十五，第四十八，第四十九，第五十二，第五十四，及第六十六各條外，繼續有效，直至該項規則經按照本章程修改後為止。

#### 第四十六條

凡市政局所擬各項細則，須提交大會通過，由市政局局長呈請 國民政府外交部核准施行。

第四十七條 市政局爲施行建築細則起見，凡有呈請建築修繕者，應令將其圖樣呈核，市政局如認爲違背本章程及建築細則，得將其已成或未成之建築物勒令遷移改造或拆毀之。

第四十八條 本局公用文字以中英文爲準。

## 第七章 附則

第四十九條 本章程如有未盡事宜，得由常年大會出席人數三分之二提議修正，呈請國民政府外交部核准。

第五十條 本章程自本局成立之日施行。

when they have been passed in accordance with Article 46, through its own police Court or Consular Court, according to the nationality and status of the defaulter.

The existing British Municipal Bye-laws, with exception of Nos. 25, 48, 49, 52, 54, and 66, will be enforced by the Bureau until such time as they are amended under these Regulations.

**Article 46.**—Bye-laws proposed by the Bureau to be issued shall be put before the Annual General Meeting. Bye-laws adopted by the Annual General Meeting shall be presented by the Director of the Bureau to the Ministry of Foreign Affairs of the Nationalist Government for confirmation.

**Article 47.**—To ensure the observance of Bye-laws connected with building the Bureau may demand for inspection plans from persons desirous of constructing new buildings or altering, reconstructing or fundamentally repairing existing structures, and further may order the removal, alteration or demolition of any building begun or completed in contravention of such Regulations and/or Bye-laws.

**Article 48.**—The official languages of the Bureau shall be Chinese and English.

## **CHAPTER VII. — AMENDMENT AND CONFIRMATION**

**Article 49.**—If any amendment to these Regulations is found to be necessary, it may be made at the Annual General Meeting by a two-thirds majority subject to the confirmation of the Ministry of Foreign Affairs of the Nationalist Governments.

**Article 50.**—These Regulations shall be effective from the inauguration of the Bureau

- (c) Persons legally recognised as insane, mad or deaf and dumb or disqualified by the law of their own countries from voting.

**Article 41.**—The following persons are deprived of the right to participate at the Annual General Meeting :—

- (a) Persons charged with or on trial for crimes involving deprivation or limitation of civil rights.
- (b) Persons who are undergoing punishment for crimes. Such persons are further deprived of the right to participate at the Meeting for three years after the term of punishment has elapsed.
- (c) Persons who are in arrears in the payment of taxes to the Bureau.
- (d) Undischarged bankrupts.

**Article 42.**—On or before the 15th day of December in every year the Bureau shall cause to be inserted in at least three issues of one or more daily newspapers published in Hankow and printed in Chinese and English a notice to persons who wish to register as voters under Article 38, to make application in writing before the 31st day of December to the Secretary of the Bureau for registration upon a form to be provided by the Bureau. The Bureau shall consider the evidence adduced by such persons, and may register or refuse to register, according to whether in its opinion the necessary conditions in accordance with these Regulations, have or have not been complied with. In the latter case the Bureau shall inform the applicant of its refusal and of its reason therefor.

Lotholders of the District, who have satisfied all the conditions of these Regulations, shall automatically and without application be included by the Bureau in the list of voters.

A list of persons entitled to vote at the Annual General Meeting with the number of their votes shall be drawn up by the Bureau before the 15th day of January in every year and shall be published at the entrance of the Bureau as well as sent round to the persons whose names are included in the list of voters.

**Article 43.**—Any objection to such a list of voters by persons having a right to vote at the Annual General Meeting shall be presented in writing before the 1st day of February to the Director of the Bureau, who shall consider the objection, hear all necessary evidence and render his decision not later than the 15th day of February; this decision shall be considered final, and when rendered shall be communicated by the Bureau to the person or persons concerned.

**Article 44.**—After the list has been revised, no additions shall be made to it. Persons who lose their right to vote before the day of the Annual General Meeting, shall not participate in the Meeting.

## **CHAPTER VI.—BYE-LAWS**

**Article 45.**—The Bureau shall have power to make Bye-laws on matters which come within its scope and for the purpose of assisting the attainment of the objects for which these Regulations are made, and shall have power to enforce such Bye-laws,

final decision.

## CHAPTER V.—THE ELECTION

**Article 34.**—The right of voting at the Annual General Meeting is granted to all Chinese and Foreigners belonging to friendly states having conventions with China, as well as institutions, associations and companies being lotholders or householders in the District and paying to the Bureau sundry taxes (land and house taxes) to the amount of not less than Tls. 25.00 per annum.

**Article 35.**—Minors and persons under guardianship or curatorship shall vote through their guardians or curators at the Annual General Meeting.

**Article 36.**—Societies, Associations and Companies entitled to vote at the Annual General Meeting, participate in it through their representatives, whose power of attorney must be shown to the satisfaction of the Bureau.

**Article 37.**—Persons having a right to vote at the Annual General Meeting, who are absent from Hankow, or are prevented by illness from attending, are permitted to vote at the Meeting by proxy through duly authorised delegates who must satisfy the conditions required for the personal voting at the Annual General Meeting. Such proxies must be deposited with and approved by the Bureau not less than three days before the meeting.

**Article 38.**—Persons participating in the Annual General Meeting shall be entitled to votes, as hereinafter provided :—

Registered lotholders of the District shall be entitled to one vote in respect of Tls. 25.00 paid in land and house taxes under the assesment for the time being in force, in the calendar year immediately preceding the time of voting ; and every person having so paid Tls. 150.00 shall be entitled to two votes, and every person having so paid more than Tls. 150.00 shall be entitled to one additional vote for every full sum of Tls. 75.00 so paid, up to a maximum of twelve votes in all.

Persons who are not lotholders of the District but occupiers of houses in the District, registered as hereinafter provided, shall be entitled to votes in respect of house-tax paid on the same scale as Lotholders as provided in the paragraph immediately preceding, always provided that every such person must have resided in the District for at least one calendar year previous to the time of voting. Provided further that in the case of joint occupier of a house, paying taxes as herein provided, only one such occupier shall be entitled to vote, and, when applying for registration as a voter, as hereinafter provided, he must at the same time provide satisfactory proof in writing of the concurrency of his co-occupiers that he should be so registered as voter on their joint behalf.

**Article 39.**—No person can have more than twelve votes in all except as provided in article 37.

**Article 40.**—The following persons cannot be registered as voters at the Annual General Meeting.

- (a) Persons in the regular Administration Service.
- (b) Persons in the Municipal Police Service,



## CHAPTER IV.—ANNUAL GENERAL AND EXTRAORDINARY MEETINGS

**Article 26.**—An Annual General Meeting shall be called by the Director of the Bureau during March of every year for the purpose hereinafter provided. One week's notice is to be sent to electors, stating the business before the Meeting.

Rate-payers shall have the right to introduce resolutions at the Annual General Meeting provided such resolutions are deposited in writing with the Secretary of the Bureau, at least three days before the date fixed for such meeting, duly signed by the Proposer and a Seconder, both of whom must be voters as hereinafter provided.

**Article 27.**—The Meeting shall be competent to discuss and settle the proposed questions if one-third at least of the total number of voters registered on the day of this Meeting shall be present.

**Article 28.**—Extraordinary Meetings may be called by the Director whenever it may appear to him to be needful, also at the request of two members of the Council or of voters representing at least one-third of the voters registered at the last Annual General Meeting and present in Hankow. Not less than 14 days notice of the meeting and its purposes shall be given. At such meetings the Director or his representative shall take the chair.

**Article 29.**—An Extraordinary Meeting shall be valid provided not less than one-half of the whole number of the voters registered at the last Annual General Meeting and present in Hankow, are represented at the meeting. If the Annual General or Extraordinary Meeting cannot be held owing to an insufficient number of voters being present, the Director shall call in a week's time a second meeting which shall be considered valid whatever be the number of voters present.

**Article 30.**—The Annual General Meeting is competent to transact the following business:—Consider and pass the accounts for the preceding year, levy and alter rates, dues and taxes, authorise the pledging of the credit of the municipality, consider and decide matters concerning the public works and sanitation of the District and such other matters as affect the proper and efficient administration of the area, consider and adopt the budget for the current year, and elect six members of the Council.

**Article 31.**—All resolutions of the Annual General or Extraordinary Meeting, except resolutions named hereunder (Article 32) shall pass by simple majority of votes, in case of equality of votes the Chairman shall have a casting vote.

**Article 32.**—Resolutions concerning acquisition or expropriation of immovables, budget, loans, mortgages, securities or guarantees to be given by the Municipality, shall require a majority of two-thirds of the voters present at the Meeting.

**Article 33.**—Resolutions passed by the Annual Meeting or Extraordinary Meeting shall be carried out by the Bureau. If any resolution involving Treaty Rights is found to be repugnant to the letter or spirit of the Treaties China has made with Foreign Powers or the laws or customs of China, or derogatory to China's sovereignty or dignity as a sovereign state, the Director of the Bureau may suspend the execution of the same and immediately report to the Minister of Foreign Affairs of the National Government for