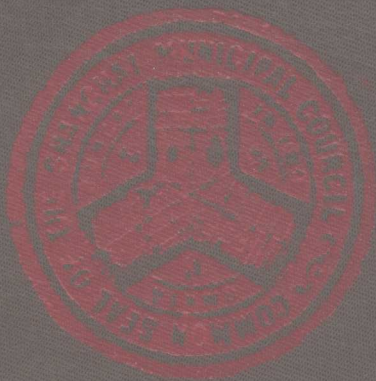


# 工部局董事会 会议录

第二十四册

上海市档案馆 编



上海古籍出版社

# 工部局董事会会议录

## 第二十四册

上海市档案馆 编

编审委员会主任 张 乾

编审委员会副主任 史梅定

执 行 主 审 马长林

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上海古籍出版社

# **THE MINUTES OF SHANGHAI MUNICIPAL COUNCIL**

**Volume XXIV**

**SHANGHAI MUNICIPAL ARCHIVES**

**Director of the Editorial and Examination Committee    Zhang Qian**

**Deputy Director of the Committee    Shi Meiding**

**Executive Finalizer    Ma Changlin**

**Shanghai Classics Publishing House**

At the meeting of the Council held on Wednesday, January 11, 1928,

at 4.30 p.m., there are:

Present:

Messrs. S. Feendenden	(Chairman)
A. D. Bell	(Vice-Chairman)
K. Fukushima	
T. Funatsu	
V. G. Lyman	
H. B. Roe	
T. H. R. Shaw	
The Commissioner General, and	
The Secretary.	

Absent:

Mr. W. R. B. McBain.

The Minutes of the last meeting are confirmed and signed.

The Council 1928/29 - Date of Election. - A draft letter to the Senior  
1187 Consul requesting that a date be fixed for the election of Councillors  
for the Municipal Year 1928 and suggesting that Thursday and Friday,  
March 1 and 2, would be generally convenient for this purpose, is approved.

Land Commission - Membership. - It is decided to invite Mr. G. Okada to  
1188 continue as the Council's nominee on the Land Commission for the forth-  
coming Municipal Year.

Constitution of Court of Consuls. - A letter from the Senior Consul notifying  
1189 the constitution of the Court of Consuls for 1928, is noted.

General Hospital - Consular Representatives on Board of Governors. - A  
1190 letter from the Senior Consul notifying the Consuls elected to serve on  
the Board of Governors of the General Hospital for 1928, is noted.

Taxation of Greyhound Racing. - In accordance with the minute of the last  
1191 meeting, a memorandum by the Commissioner-General outlining the system  
adopted for the taxation of greyhound race tracks by the French Municipal  
Authorities and giving particulars of the two Companies which have regis-  
tered with the British Consulate for operation within the Settlement, is  
submitted. With regard to the view unofficially expressed by the British  
Consul-General that if pari-mutuels or cash sweeps are conducted in con-  
nexion with greyhound racing the formation of a club will be necessary  
whereafter the manner in which the club conducts its business and what

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its membership consists of will be matters for the Council's control, the Chairman states that whilst the Council under the Land Regulations can frame Regulations for the control of clubs, the question as to the legality for conducting pari-mutuels and cash sweeps is governed by the laws of the country to which the promoters are subject. Upon his suggesting that for the time being the Council should confine its consideration to means whereby taxation may be imposed on these syndicates, the Commissioner-General points out that the basis of taxation will depend almost entirely on whether or not they are permitted to conduct pari-mutuels and cash sweeps.

Since the Council has never raised the question of the legality of the pari-mutuels and cash sweeps conducted by the Race Club and as these have been in operation for many years, the Chairman regards it as inadvisable to raise this question now in respect of the two Companies now in course of formation. The Commissioner-General suggests that possibly these Companies may incorporate as clubs of which the public are made members for one day only, by payment of gate money. He suggests that in the first instance he should approach the directors of each Company in order to find out what they have in mind in regard to pari-mutuels and cash sweeps, after which the question of taxation could be taken up. After discussion in the course of which it is realised that any basis of taxation arrived at in these cases may affect the position of the Shanghai Race Club in the matter of taxation, members endorse the Commissioner-General's proposal that he should take up this question with the directors of the two Companies and thereafter report to the Council.

Licensing of Greyhounds. - An enquiry from the Secretary of the Greyhound Association of China Ltd., as to whether it is necessary to take out licences for these animals, is submitted. After brief discussion, it is decided that licences for these dogs should be taken out in the usual manner.

Japanese Residents' Petition. - Exclusive Policing by Japanese Branch. - With regard to the proposal that the policing of the Dixwell and Pootoo Road districts should be exclusively undertaken by the Japanese Branch, the Commissioner of Police for the reasons advanced recommends that a number of Chinese Police should be retained in these districts. In support of this recommendation, the Commissioner-General states that representations have been made to him on behalf of Chinese mill-owners in the Pootoo Road district, that the Chinese

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Police in this district should not be entirely withdrawn. Members concur <sup>in</sup> with the view of the Commissioner of Police as to the advisability of retaining a number of Chinese Police in these districts and the further recommendations contained in his report of December 22, regarding the policing of these districts by the Japanese Branch, are also endorsed.

Chinese Special Advisory Committee to consider Municipal Budget. - The

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nominations of seven Chinese to confer with the Council on the forthcoming Municipal Budget having been accepted, consideration is given as to the best means by which their collaboration may be secured. The Commissioner-General states that he has discussed this question with one of their representatives and has arranged for three of their number to attend at the Secretariat shortly in order that the method of preparing the Budget may be fully explained to them. They have been informed that if they desire they may attend the meetings of the various departmental Committees when the estimates are under consideration, also the meetings of the Finance Committee when the final estimates are submitted. One of the representatives suggested that an opportunity might be given them to become acquainted with the members of Council. Members approve this proposal and the Commissioner-General will accordingly arrange for a tiffin party to be held on Tuesday next either at the Shanghai Club or the Astor House Hotel. The Vice-Chairman's proposal is endorsed that an invitation be extended to these representatives to accompany members of the Works Committee and the Commissioner of Public Works on their periodical inspections of public works and undertakings.

Conduct of Cases by Prosecuting Solicitors. - (see schedule attached).

The Municipal Gazette for Friday, January 13, is submitted in proof and authorised for publication.

The meeting adjourns at 6.p.m.

*Stirling Szeen-tien*  
Chairman.

*Sh. Ruwan*

Secretary.

Schedule to the Minutes of the Meeting of Council of January 11, 1928.

Charges of Inefficiency against the Prosecuting Solicitor and his Assistant:-

A confidential memorandum by the Commissioner-General dealing with complaints which have been received from the Provisional Court Judges, the Consular Deputies and the Commissioner of Police as to the manner in which Police prosecutions are conducted in the Provisional Court by the Prosecuting Solicitor and his Assistant, together with a reply to such charges by Messrs. Maitland and Goldring have been circulated.

The Chairman states that whilst it is impossible to overlook the serious nature of these charges, the fact should not be lost sight of that with the exception of Mr. Burdett none of the Assessors have had any legal training or have any knowledge of the proper manner in which Police prosecutions should be conducted. For this reason certain of the statements made should be received with reserve. A proper investigation of the charges put forward presents some difficulty.

At the same time that the above complaints were received the Commissioner of Police also requested that a case involving the intimidation of Tramway employees should be placed in the hands of the Council's Legal Adviser, on the ground that at an earlier hearing the case had been grossly mishandled by the Prosecuting Solicitor. He thereupon interviewed Mr. Maitland and informed him that serious charges had been made against him and his Assistant as to the manner in which cases were handled by them in the Provisional Court and in order to give him an opportunity of proving whether these allegations were or were not well founded he instructed him to take this particular case personally, instead of adopting the proposal of the Commissioner of Police that it should be handed over to the Legal Adviser. He has since been notified that this case has been handled by Mr. Maitland to the entire satisfaction of the Police Department and the Consular Deputies. It would thus appear that Mr. Maitland can, if he so desires, conduct cases satisfactorily.

The charges put forward are serious reflections on the professional ability of both Mr. Maitland and Mr. Goldring and further may be regarded as detrimental to the interests of the community. He is not, however, prepared to accept the statements put forward as conclusive, although it is difficult to suggest any means by which a thorough investigation might be instituted for the purpose of ascertaining to what extent the Prosecuting Solicitor and his Assistant are culpable. It

would, therefore, appear to be desirable to devise some means by which the Council would be enabled to decide whether the charges put forward result from lack of ability or energy on their part or whether they are attributable to conditions over which they have no control.

The Commissioner-General states that the Judges of the Provisional Court have been particularly emphatic in their complaints and he suggests that the Council take no action at the present time other than to warn Messrs. Maitland and Goldring that such complaints have been received and that reports will be called for from the complainants in two months' time. The intervening period should be sufficient to show whether Mr. Maitland and his Assistant are capable of conducting cases to the satisfaction of the Court.

The Vice-Chairman suggests that the Chairman should personally inform Messrs. Maitland and Goldring that the Council is dissatisfied with the manner in which cases are conducted and should impress on them that unless marked improvement is shown the termination of their services will be considered.

After discussion the above two proposals are adopted.

With regard to the engagement of a new Legal Assistant the Vice-Chairman suggests that under present conditions it might be possible to obtain a suitable man locally, thus avoiding the necessity of obtaining a man from Home. The Chairman agrees that whilst there might be no difficulty in obtaining a suitable man in Shanghai, he is very doubtful whether one could be obtained for the salary proposed.

Another matter which has been brought to his attention is the suggested unsuitability of the Chinese Assistant who accompanies Mr. Maitland in Court; this in some degree may handicap Mr. Maitland in the successful conduct of prosecutions, and he undertakes to obtain Mr. Maitland's views as to this and if necessary to authorise him to obtain a more suitable employe for this duty.

At the meeting of the Council held on Wednesday, January 13, 1928, at 4.30 p.m.,

there are:

Present:

Messrs. S. Fessenden	(Chairman)
A. D. Bell	(Vice-Chairman)
K. Fukushima	
T. Funatsu	
V. G. Lyman	
W. R. B. McBain	
H. B. Roe	
T. H. R. Shaw	
The Commissioner-General, and	
The Secretary.	

The Minutes of the last meeting are confirmed and signed.

The Minutes of the meeting of the Traffic Committee of January 9, are submitted

3106 and confirmed. With regard to: Utilisation of the mud track within the Public Recreation Ground for parking purposes, the Vice-Chairman states that there would appear to be some misunderstanding on the part of the Police Department as to the attitude of the Race Club Stewards regarding the utilisation of the mud track for parking purposes. He has ascertained that whilst the Stewards have no objection to the occasional use of this track for the purpose, they take exception to arrangements being made without any prior reference to them. He, therefore, suggests that if in future the Police desire the use of the mud track for the parking of motor vehicles on occasions such as referred to in the Committee's minute and proper notice is given to the Stewards no difficulty will be encountered. The Secretary is directed to notify the Police as to this.

The Minutes of the meeting of the Works Committee of January 10, are submitted and confirmed.

The Minutes of the meeting of the Staff Committee of January 12, are submitted and confirmed.

Chinese Representation on Council. - Further reports by the Commissioner

3314 General wherein he puts forward alternative suggestions for the settlement of this question on a compromise basis are submitted. With regard to the first suggestion that if three Chinese representatives join the Council forthwith and their relations with the existing Council prove to be satisfactory the Council should undertake to recommend to the ratepayers

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at the forthcoming Annual Meeting an increase to five, the Chairman states that he is reluctant at the present time to advocate any increase in the number sanctioned. For the reason that the future political and military status of the Nationalist Government is obscure and since the demand for increased representation on the Council emanates primarily from political agitators, the Consular Committee supports his attitude. Up to the present, the Nationalist Authorities have failed to demonstrate their ability to achieve anything in the nature of constructive municipal work and for this reason he does not regard with favour the second suggestion put forward by the Commissioner-General that in addition to three Chinese members serving on the Council, the Council should agree to the appointment of an Advisory Committee consisting of five members each of whom should serve on the Council's Committees. At the same time if this would satisfy the Chinese community and assist towards the settlement of this question he would be prepared to withdraw his objections.

The Commissioner-General submits that the desire for increased participation by Chinese in the government of the Settlement has within the past year extended to the responsible and respectable classes of the Chinese Community and that unless some solution is reached in the near future, the Council will undoubtedly be confronted with further difficulties including probably a refusal by the Chinese to pay Municipal Rates. His proposals are therefore put forward solely with the object of enabling the administration to be conducted without the difficulties experienced last year. If the proposal that an Advisory Committee of five should be appointed were agreed to, he anticipates that its members would be selected from those of the newly formed Budget Committee who were entertained by the Council on Tuesday last, with the addition of Mr. Yu Ya-ching. It may also be presumed that three of those gentlemen would be nominated to serve as members of the Council.

The Chairman states that he understands that Mr. C. T. Wang, one of the leading agitators for increased Chinese representation on the Council has now been eliminated from the local nationalist political party and has left Shanghai. He is also influenced, in his opinion, as to the inadvisability of the Council committing itself to advocating increased Chinese representation by a conference he recently had with M. Faggiar, regarding the attitude adopted by the French Municipal Authorities towards the question of the participation of Chinese in the

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administration of the French Concession. He then details the views expressed both by M. Maggiar and M. Meyrier on this question. Members realise, however, that the French Municipal Council functions in an advisory capacity only and that the French Consul-General is empowered at any time to dismiss any or all of its members. As, however, in the Settlement increased Chinese representation can be effected only with the approval of the ratepayers, members agree that it would be most inadvisable for the Council to put forward a recommendation for such increase unless it could be assured that the ratepayers would support such proposal.

In supporting the suggestion that an Advisory Committee should be appointed, the Vice-Chairman proposes that five Chinese should be invited forthwith to serve in that capacity and that they be appointed to sit on the more important Committees of the Council. By this means they would be educated in the administrative work of the Council and the Council would be in a position to form an opinion as to their desire to assist in the administration which would be valuable when later the question of increased representation had again to be brought before the ratepayers. A further advantage would be that whilst they would be given every opportunity of participating in the work of the various Committees their recommendations would always be subject to the Council's approval. He, therefore, supports the Commissioner-General's suggestion, namely, that the Chinese be invited to nominate three members to the Council forthwith and five additional members be invited to serve on the Council's various Committees, the hope being transmitted that the result of this proposal will enable the Council at a later date to again bring forward to the ratepayers the question of an increase in the number of Chinese members of Council, as desired.

Members take the view that since the above scheme can be brought into operation forthwith, whereas the possibility of the sanction of the ratepayers being obtained to an immediate increase of Chinese Councillors is very doubtful, the proposal should commend itself to the Chinese community.

After discussion and subject to the Council not binding itself to bringing the question of increased Chinese representation before the ratepayers at a specific time and to provision being made whereby the Council would be able to reject any undesirable increase,

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the proposal put forward by the Vice-Chairman, is adopted.

The Chairman undertakes in conjunction with the Commissioner General to draft a communication embodying the above offer and to circulate same to members for their approval.

Public Sale of Opium. - With reference to the minute of the meeting of December 23, a communication from the Committee of the Chinese General Chamber of Commerce stating that the question referred to them by the Council will be carefully considered and a reply forwarded in due course, is submitted.

The Chairman states that prior to the departure of the French Consul-General, he enquired as to the policy of the French Municipal Authorities on this question. M. Maggier stated that he understood that the Nationalist Authorities intended to instruct the Provisional Court to refuse to regard the smoking and sale of opium within the Settlement as an offence, he then outlined the views held by him regarding the licensing of the sale and smoking of opium within the French Concession, in the event of this attitude being adopted by the Nationalist Authorities and their licensing the sale and smoking thereof in adjacent Chinese territory. After a lengthy discussion in the course of which the Chairman pointed out the possible effect of the action contemplated by the French Authorities on foreign public opinion, M. Maggier was inclined to modify his views and finally he intimated that upon his return to Europe he would put forward the question to the League of Nations for their views.

Propaganda. - The Chairman reads a letter he has received from Mr. H. G. Shaw detailing for the Council's consideration a scheme for countering the hostile propaganda launched by a section of the British Press against the Council and the British interests in Shanghai. An outline of the scheme, which could be conducted by Mr. Watney of St. Stephen's Intelligence Bureau, is read, it being noted that the cost thereof would be £500 per annum. Since a certain section of the English Press has been particularly active in its hostile criticism of the Council the Chairman considers that the operation of the proposed scheme might have beneficial results. If, however, the Council agrees to finance the scheme, instructions should be given that it be conducted on international lines and not confined entirely to the promotion of British interests. Should it be possible to extend this scheme to other countries having considerable interests in the Settlement, he considers this would be advantageous to the foreign community.

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Prior to recording decision it is decided that the communications received from Mr. Simms be circulated to members for their consideration.

Charges of Inefficiency against the Prosecuting Solicitor and his Assistant. -

3681 With reference to the minute of the last meeting, the Chairman reads a letter received from one of the American Consular Deputies supporting the views already recorded by other Consular Deputies and putting forward suggestions with the object of ensuring the more satisfactory conduct of cases dealt with by the Provisional Court. The Chairman states that in accordance with the decision reached at the last meeting he interviewed Messrs. Maitland and Goldring and explained to them that the Council was dissatisfied with the manner in which cases were conducted and impressed on them the need for a marked improvement. Mr. Maitland alluded to the heavy increase in the number of criminal cases which now have to be dealt with as also to the fact that under the existing system no line of demarcation exists between cases which must be handled in Court by a lawyer and other cases of a nature which could be successfully dealt with by a Police officer. He states that at present he is requested by any Police officer to conduct a case, frequently at the last moment with the result that in some instances it has been found that the case could have been satisfactorily conducted by the Police officer himself or that insufficient time was allowed him for its preparation. From further enquiries made of lawyers who have had considerable experience in the Mixed Court, the opinion expressed by him at the last meeting, that the inability of the Chinese Assistant who accompanies Mr. Maitland in Court to correctly translate the statements made by him have influenced the reports received from the Judges and Assessors, is strengthened. Mr. Maitland also stated that other work undertaken by himself and his Assistant in the Secretariat such as that connected with the collection of outstanding rates, etc., takes up a considerable amount of their time.

The Chairman accordingly suggests that it might be more satisfactory both for the Council and the Prosecuting Solicitors themselves if in future they are attached to the Police Department and their duties confined entirely to Police prosecutions. He has requested Mr. Maitland to draw up in conjunction with the Police Department a scheme whereunder only cases involving a serious or political issue would be dealt with by them. He adds that to effect any satisfactory re-organization certain

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details of a legal nature may require consideration and he suggests that these might be left to him for settlement.

After brief discussion, members unanimously agree that any necessary re-organization involving changes as above outlined be left to the discretion of the Chairman.

Membership. - Members are informed that owing to Mr. H. B. Roe's impending  
1113 departure from Shanghai, this is the last meeting of Council he will be able to attend. In accepting his resignation, with regret, the Chairman on behalf of members expresses appreciation of the valuable services rendered by Mr. Roe during his tenure of office and voices the hope that upon his return to Shanghai he may again serve as a Councillor. In thanking members for this expression of appreciation, Mr. Roe expresses his regret at relinquishing his seat on the Council.

The Municipal Gazette for Friday, January 20, is submitted in proof and authorised for publication.

The meeting adjourns at 6 p.m.

*Ch. Edwards*

Secretary.

*Stirling Gossenden*  
Chairman.

At the meeting of the Council held on Wednesday, February 1, 1928, at 4.30 p.m.,

there are:

Present:

Messrs. S. Fessenden	(Chairman)
A. D. Bell	(Vice-Chairman)
K. Fukushima	
T. Funatsu	
V. G. Lyman	
W. R. B. McBain	
J. J. Paterson	
T. H. R. Shaw	
The Commissioner-General, and	
The Secretary.	

Membership. - The Chairman welcomes Mr. J. J. Paterson upon his rejoining the  
1173 Council. Mr. Paterson expresses his willingness to serve on the Watch,  
Staff and Health Committees.

To fill the vacancy caused by the resignation of Mr. H. B. Roe  
it is decided to invite Mr. B. C. M. Johnston of the Hongkong & Shanghai  
Banking Corporation to accept a seat on the Council.

The Minutes of the last meeting are confirmed and signed. With regard to

2211 Appointment of Chinese Consultative Committee, the Chairman reports that  
in accordance with the decision recorded at the last meeting he transmitted  
to Mr. Yu Ya-ching the proposal as to the appointment of a Chinese  
Consultative Committee. Mr. Yu Ya-ching expressed his gratification and  
his hope of being able to secure the adoption of this proposal by the  
Chinese community. He undertook to lay this proposal before the  
representatives of the various Chinese organizations forthwith.

The Minutes of the meeting of the Electricity Committee of January 9, are  
submitted and, subject to the following exception, are confirmed.

Engagement of Chief Assistant Engineer. - With regard to the difficulties  
referred to by Mr. Aldridge in filling this position at the salary offered,  
members are reluctant to authorise increased pay at the rate of Tls. 1500  
per mensem as recommended on the ground that such rate will inevitably  
entail the re-adjustment of pay drawn by other senior officials in the  
Department. Doubt is also expressed as to whether the senior officials  
of the Department give sufficient consideration to the qualifications of  
existing members of the Staff when vacancies for senior posts arise. In

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this connexion, members endorse the Chairman's view that since the Council must necessarily be guided in these matters by the recommendations put forward by the Electricity Committee who in turn must rely on the advice of the senior officials it might be advantageous if the membership of the Committee comprised a qualified electrical engineer. Members also record the view that it might be possible to obtain locally a suitable candidate for the vacancy. Prior to endorsing the Committee's recommendations in this matter it is directed that the above observations be transmitted to them for their careful consideration.

Introduction of Corporal Punishment. - In a report submitted, the Commissioner 3076 of Police advocates that in view of the recent increase of kidnapping and armed robberies within the Settlement the strongest possible representations be made for the inclusion of corporal punishment in the sentences imposed by the Provisional Court. It is recalled that similar representations made in the past have been unsuccessful but in view of the new Bandit law recently enacted by the Chinese Authorities for dealing with crimes of violence it is unanimously decided that this matter be again taken up with the Consular Body.

Public Sale of Opium. - With reference to the minute of the last meeting, the 3637 Chairman reports that Capt. Fibri, Chief of Police of the French Concession recently called upon him, apparently at the suggestion of M. Naggiar, and informed him very frankly as to the policy adopted by the French Concession Authorities regarding the sale of opium. Having regard to the recent announcement made by the Nationalist Government considerable discussion takes place as to the advisability or otherwise of adopting the policy followed by the French Concession Authorities and also as to the desirability of an expression of opinion of certain representative bodies being obtained prior to reaching decision in this matter. The Chairman requests members to consider most carefully the whole question in the light of the information disclosed at this meeting with a view to a further discussion at a later date.

Lester Trust - Appointment of Trustee. - A letter from Messrs. Platt & Co., 3631 requesting the Council to appoint a new trustee to replace Mr. R. N. Macleod who has recently resigned, is submitted. It is unanimously decided to request Mr. R. E. S. Gregson to fill this vacancy.

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Japanese Residents' Petition - Educational Subsidy. - The application of 4733/ the Japanese Amalgamated Association of Street Unions for a subsidy from the Council towards the cost of maintaining the Japanese national schools in Shanghai with comment by the Commissioner-General and a memorandum by the Educational Assistant have been circulated. Mr. Fukushima states that this application is put forward by the Japanese Association for the study of the Shanghai Municipal administration but the Japanese Residents' Corporation does not support this petition being put forward at the present time.

The Chairman alludes to the policy consistently adhered to by the Council in the past and the difficult position in which it might be placed if departure therefrom were made in respect of one particular nationality. It is not unlikely that with the advent of Chinese Councillors the whole policy regarding the provision of educational facilities may have to be revised which may entail a heavy expenditure from the public funds. Upon Messrs. Fukushima and Funatsu agreeing that it would be impolitic at the present time to consider any change in the existing policy it is decided that further consideration of the above application be deferred until the whole question of education is reconsidered.

Mr. Funatsu submits a memorandum dealing with the educational work undertaken by the local Japanese residents viz-a-viz that provided by the Council and this will be circulated to members.

4733/ Japanese Assistant Commissioner of Police. - Following the Council's decision to appoint a Japanese Assistant Commissioner of Police, Mr. Fukushima states that in accordance with the Council's request he has, in collaboration with the Commissioner of Police, endeavoured to obtain a suitable candidate for this post. After consultation with the Japanese Consul-General, the latter communicated with his Home Government. It has been suggested by the Japanese Residents' Corporation that Mr. Tajima who was formerly a Vice-Consul in Shanghai and who is now in Nanking could suitably fill this appointment. In addition to his knowledge of local conditions he possesses an excellent knowledge of the English language which qualifications should assist towards the necessary co-operation between the officer appointed and his fellow police officials. He has discussed with the Commissioner of Police Mr. Tajima's qualifications for this appointment and Capt. Barrett has expressed his desire to