

工部局董事会 会议录

第三册

上海市档案馆 编



上海古籍出版社

工部局董事会会议录

第三册

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

上海古籍出版社

THE MINUTES OF SHANGHAI MUNICIPAL COUNCIL

Volume III

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

工部局董事会会议录

THE MINUTES OF

SHANGHAI MUNICIPAL COUNCIL

(1867—1869)

(1894)

Council Room Shanghai
January 12th 1867

Sir,

I am directed by the Chairman to request your attendance at a Monthly Meeting of the Council which will be held on Monday the 14th Day of January, instant at Nine o'clock in the Forenoon in The Council Chamber, at the Public Office in ^{the} Honan Road,

To receive Communications from the Chairman and to adopt such Resolutions, Orders, and other proceedings with reference thereto, as the Council may deem advisable;

To receive a Report from

The Finance Rate and Appeal Committee
And to adopt such Resolutions, Orders, and other proceedings, as the Council may deem advisable

I am Sir

Your obedient Servant,
Wm Johnston
Secretary

— Municipal Council —

Council Room Shanghai
14 January 1867.

At a Monthly Meeting of the Council held at the Public Office No 12. Honan Road. Shanghai on Monday the fourteenth day of January 1867. pursuant to notice.

— Present —

Francis Bubbley Johnson Esq. Chairman
James Cock Coult Esq. Vice Chairman
Mr Councillor Probst
" " Hayes Junr
Alexander Johnston Secretary

194 The Secretary's Summons calling the Meeting was read

195 The Minutes of the last Meeting were read, confirmed and signed.

196 A report from the Finance, Rate, and Appeal Committee was received, read and ordered to be entered upon the Minutes

Report of the Finance, Rate, and Appeal Committee

The Finance, Rate, and Appeal Committee have the pleasure of presenting to you their report for the past three months

Receipts

Your Committee regret to notice that a falling off in the revenue continues, mainly in the items of Wharfage Dues, and Chinese House Tax.

There are certain points your Committee now lay before you for your consideration, and upon which they are anxious to obtain your decision as to their future course of action.

The most important point regarding which your Committee solicit your advice and assistance, is one upon which rests the successful carrying on of Municipal administration for the present year, or its derangement by the overthrow of the re-modelled financial scheme, which cost your Committee much time, labour and anxiety.

Your Committee upon taking office in April last, amongst other items composing the revenue, found one of £6,000 anticipated to be derived by the collection of Wharfage Dues from Chinese and Foreigners; the retiring Council assuming that the levy could take effect from the commencement of the Municipal Year - 1st April. This course was found utterly impracticable for three reasons.

1st The tariff was but partially framed.

2^d There was no efficient machinery at command to commence working and.

3rd A period of nearly two months elapsed before the community had the details presented to them clearly

In consequence a loss was entailed on the estimated receipts for two months. The next difficulty that was found to exist was the inability of your Council to levy a Wharfage Dues rate on Chinese goods passing through the Custom House in their own name. A compromise had to be effected with H. E. the Sartai he paying \$14,000 (fourteen thousand dollars) for the current year a commutation of such collection, a commutation which experience has proved to be wholly insufficient and your Committee saw at a glance, a loss of over \$16,000 (sixteen thousand) to the Municipality, by the Council being unable to enforce the collection direct from Chinese.

Your Committee's first duty after seeing the alarming decrease, in so important an item as Wharfage Dues (forming no less than one fourth of the entire revenue of the year) was to reframe the budget curtailing the expenditure as much as possible compatibly with the efficiency of the Municipal Service. Your Committee in their measures of retrenchment received cordial support from their colleagues of the Local and Works Committees.

The Collection of Wharfage Dues.

Has proceeded slowly, more from the difficulty usually attending the introduction of a new system, than from any disposition on the part of the rate payers to withhold prompt payment. One point attended with some difficulty, your Committee are anxious to place clearly before you, and to do this will necessitate a reference to the last Annual Municipal Report. The Land Renters sanctioned, the Consular body confirmed, and the Shanghai General Chamber of Commerce approved, as the basis of collection of this tax that Wharfage Dues "shall be levied on all goods as shown by the Custom House returns to have been imported by Foreigners and Chinese residents within the limits" of the English and American Settlements including "Opium and goods transhipped, but excluding re-exports"

which had paid once. The object of this tax is to embrace the whole trade, carried on by residents in the two settlements, that all goods may contribute once towards the Municipal C^ochequer.

The collection of Wharfrage Dues direct from the Chinese had, for the reasons above given, to be abandoned.

Now it is manifest, that the scope extended to the collection, of this tax as passed and approved by the respective authorities, empowers the Municipal Council to levy Wharfrage Dues on all goods shown by the Custom House Returns to have been imported by foreign residents located within the limits above prescribed. Yet certain foreign firms, in whose hands nearly the entire Yang-tze trade lies, fail to acknowledge their obligations to the Municipality, by passing the entire cargo of their vessels through their own names, and then striking out of the Wharfrage Dues accounts, and refusing payment of dues, on goods shipped, for and on behalf of Chinese, assigning as a reason, that the Council receives a certain commutation from the native authorities.

Nothing can be more adverse to facts, than that the contribution given by H. B. the Tartar to the Council of \$14,000, is meant to be in commutation of all Wharfrage Dues recoverable on native trade — such a payment has ever been most clearly understood to be a compensation to the Council, for the non-collection by them of Wharfrage Dues from Chinese passing produce through the Customs in their own names, and not as an indemnification for the entire trade of the port done by Chinese.

Your Committee request the sanction of the Council to their taking legal proceedings forthwith for the immediate settlements by firms of the Wharfrage Dues accounts as shown to be due as per Custom House Returns. In some instances persons are withholding payment of Wharfrage Dues on goods transhipped or landed on the French side, or at Portung, but appearing in the Customs Books in the names of foreign residents within the English and American Settlements; and against these your Committee ask to be empowered, give full effect to that paragraph of the annual report

running, "the object of this tax being to embrace the Whole trade carried on by residents in the two Settlements, "that all goods may contribute once towards the Municipal "exchequer," by enforcing payment of the sums now due

Expenditure

No increased expenditure has been incurred beyond that appearing in the amended budget, approved by you at the meeting of the Council on the 12th October last.

Outstanding Taxes

1865-1866

Your Committee have pleasure in stating that a further sum, under this head has been received, reducing the balance to a very small amount; the only items of importance now remaining unsettled are the taxes due from H. J. M's Custom House, and Mr E. M. Smith.

Loan of \$475,000

from the Comptoir

L'Escompte de Paris

Mr Councillor Hayes has had an interview with Mr Morel on the subject of some reduction in the rate of interest paid, but has learned that instructions from Paris forbade that gentleman making any abatement of the rate now charged.

Mr Morel stated that he would be obliged to call in the loan; since Mr Councillor Hayes' intervention, your Committee have received a letter under date of the 11th instance to the effect that in consequence of special instructions from the head office, Mr Morel would be compelled to withdraw the loan at the end of four months notice, agreeably with the terms of the existing bond; however in case the Council were in a position to reimburse at once the Comptoir L'Escompte de Paris one half of the sum now due he (Mr M.) would be glad, to grant time for repayment of balance.

The loan falls due on the 14th May 1867.

Assessments

Re-assessment of Chinese Houses.

The few remaining amendments requiring to be made at the date of your Committee's last report, having been completed, the Assessment Books have been closed, and the collection is now being proceeded with.

Foreign Houses. Applications have been received for further abatement in the Assessment rate on Foreign Houses, based upon the depreciation in house property, and in some few cases upon reduction in rents.

Land
Assessment

Certain persons purchasing land at recent sales at very low prices, assume that they are entitled to have the Land assessment rate reduced, to an amount similar to that paid for the land.

A misapprehension appears to exist largely with regard to assessment on house and land properties which your Committee are anxious to correct. It will be at once seen that neither your Committee nor the Council have the power to alter or mend assessments, for in 1862, an Assessment Committee consisting of Messrs Thomas Hantbury, B. Dallas, C. Thorne, W. H. Vaucher, and S. Rawson were appointed by, and at a meeting of Land Renters, held at H.B.M. Consulate on the 8th September, and after much trouble, an admirable standard assessment schedule was framed, sanctioned and confirmed by Land Renters in public meeting assembled on the 14th of April 1863.

The Council of 1865 were authorized by the Land Renters to revise the standard assessment. Much time and labor were bestowed on this work, and the rates for the past two years have been collected on this basis.

An adjustment of this matter is imperatively necessary until this is secured, it is quite impossible for your Committee to frame a budget for the ensuing Municipal Year, they therefore elect to place the matter in your hands recommending that a special meeting of Land Renters be held on an early date to nominate a General Assessment Committee, and with your advice decide the basis on which the re-assessment is to be conducted.

Re-engagement of Your Committee feel assured that your Council with
Officers, and others learn with much satisfaction, that they have concluded an arrangement by which the very valuable services of Mr C. E. Penfold your Superintendent of Police have been secured to the Municipality for a further term of time.

years; Mr J. Mathias Lloyd your Accountant has shown marked zeal and ability in the discharge of his duties, and your Council have renewed his engagements for a period similar to that of Mr Penfold.

Messrs A Shipling and W Fowler whose energy efficiency and zeal have so frequently been brought to your notice by their Superintendent Mr Penfold, have had their agreements extended for a further term of three years. Mr George Rogers has satisfactorily performed the duty assigned him of Foreign Tax Collector, and a three years engagement has been concluded with him as "Collector and Overseer of Rates"

A slight increase of salary has in each instance been made, as new agreements have been entered upon.

Mr A S Adams Continues to discharge the duties of Manager of your Postal branch with zeal and promptness.

Mr G. Yung-king Resigns the post of Interpreter, which he has filled for nearly two years, with considerable ability and discretion, in him your Council lose an Officer well acquainted with the dialects of this province, and who has on more than one occasion, furnished you with very valuable information in local matters. Your Committee would recommend you to throw open this office, so soon to become vacant, to competition.

Compradore. Your Committee's predecessors arranged with the Municipal Compradore to pay him the sum of \$440 monthly, to provide such a number of staffs, messengers &c as might be required for the prompt collection of native taxes. In consideration of additional duties devolving upon him necessitating his keeping an increased staff, a small addition has been made to this amount. Your Committee leave to their successors, the considerations of entering into agreements and arranging the

terms thereof, with such employees of the Council as do not now hold permanent engagements

The Secretary will furnish the succeeding Council with a report upon the manner of the of the working of the respective Offices

} Members of the Finance
} Rate and Appeal.
} Committee

It was moved by Mr Councillor Coutts, and seconded by Mr Councillor Probst, and resolved.

- 197 That the Report of the Finance ^{Rate and Appeal} Committee be approved, and that the said Committee be authorized to proceed forthwith against all persons now indebted to the Municipal Council for the recovery of Wharfage Dues, and also for such other taxes as may be outstanding on this date

Signature of Mover

" " Secunder.

Certain matters in connection with the fire, which occurred on the 9th inst, and originated in a Tea-shop, at the corner of the Jung Keong and Quong-tze Roads were brought before the Council, and after some discussion

- 198 It was moved by Mr Councillor Coutts, seconded by Mr Councillor Probst and

Resolved unanimously,

That Mr Councillor A.A. Hayes Junr. be appointed "Municipal Fire Commissioner" and be authorized by the Council to effect such arrangements, as may appear to him the most conducive to the efficient working of the Fire Department.

Signature of mover

" " Secunder

Mr Councillor Hayes took occasion to refer to the assistance rendered at the fire by the Officers and men of the various vessels of War in port, and the Officers and men of the French Municipal Police Force; when
199 It was moved by Mr Councillor Hayes, seconded by Mr Councillor Probst and

Unanimously Resolved

That the Secretary be directed to communicate to the Commanding Officers of those Ships of War in harbour from which Officers and men were sent to the fire which occurred on the 9th inst, and to the Chairman of the French Municipal Council, the thanks of this Council for the able, prompt, and efficient services rendered in suppressing the fire

Signature of Mayor

" " Secretary

200 The Chairman said it afforded him much gratification to lay before this meeting a letter received from H.B. M. Consul. under date of the 8th inst, giving cover to a dispatch from Sir Rutherford Alcock H.C.B. Her Majesty's Minister in China, in which H.E. makes known the view entertained by the Foreign Representatives at Peking with respect to the revised code of Land regulations for this settlement, and the measures adopted by them to secure the assent of the Treaty Powers to the proposed amendments in the Municipal Constitution

He would therefore propose that the Municipal Council, acting on behalf of this community tender their thanks to G. F. Leonard Esq. Consul General for the United States. C. A. Winchester Esq. M.D. H.B. M. Consul. and to the Consulate Body, generally for their assistance and co-operation in obtaining approval of the Ministers at Peking and the recommendations to their respective Governments, to confirm and legalize the proposals, and also to H.E. Sir Rutherford Alcock H.C.B. for the interest he has taken in the success at Shanghai

and the cordial support he has extended in obtaining the assent of the other Treaty Ministers to a code securing a system of Municipal Administration adequate to the requirements of the place

Seconded by Mr Councillor Coutts and
Carried unanimously

Signature of Mover

" " Seconded

At B.M. Consulate
 Shanghai 8 Jan'y 1867.

No $\frac{2}{4}$

Sir

I am instructed by Sir R. Alcock, K.C.B. Her Majesty's Minister in China to make you acquainted with the contents of the enclosed despatch, which sums up his views on the proposed amendments in the Municipal Constitution of this settlement, and states the measures adopted by the Foreign Representatives at Peking to secure the assent of the Treaty Powers to the contemplated changes.

I think the Council may now congratulate itself that the pains and labour, which from so many quarters have been devoted to the revision of the Land Regulations, have a fair prospect of bearing fruit, and resulting in securing a system of Municipal Administration, adequate to the wants of the Community.

I am

Sir

Your obedient Servant

(sd) Charles A. Winchester

James C. Coutts Esq
 Vice Chairman
 Municipal Council

P. J. O

Copy of A.E. Sir Rutherford Alcock's Letter

PEKING, Nov. 15th, 1866.

SIR,

I HAVE received your Despatches Nos. 62 and 82 of the 20th July and 20th October, the first transmitting the revised code of Land Regulations so long under discussion, and the second enclosing copy of a communication from the Chairman of the Committee of Land Renters in reply to my Despatch No. 44 of the 16th July last inviting an expression of opinion as to the views it embodied.

To your Despatches together with their enclosures I have given the careful consideration which the importance of the subjects discussed, the object to be attained, and the pains and labour bestowed by the Council in their reply well entitle them. And before proceeding to the examination of the principal points brought forward in the several documents I may state generally that, with one exception, which I will specify more particularly hereafter, I concur in the views so well and temperately advocated by the Chairman in his reply to you of the 17th October. I trust therefore the time is now approaching when the main object of the Council—the adoption of a practical scheme of Municipal Government for one of the largest and most important cosmopolitan settlements in the East—may be secured.

It may not be possible to give it all the symmetry and completeness of like institutions in the Western Hemisphere. But that it should be effective for all Municipal objects is more essential than theoretic perfection in its constitution. Considered in the abstract and apart from all the circumstances of the case, any Municipal scheme for the government of a mixed population in Chinese territory, not emanating from and controlled by the Chinese executive, must be considered irregular, and not without danger as a precedent to the injury of the Government of the country. But such matters are not to be judged theoretically, and in this, common sense tells us that what is wanted is not to establish an abstract principle, but to provide substantially against constantly recurring danger and difficulties of a plain and tangible nature. And the fundamental principle of any effective scheme of Municipal Government for a settlement within the Chinese dominions with a mixed population of Foreigners and natives is so plain and indisputable, and rests upon so broad a basis of treaty rights and international law, that we may hope a close adherence to it will solve all difficulties.

By the extraterritorial clause in the several treaties with Western Powers, no subjects of these in Chinese territories are justiciable or amenable to any jurisdiction but that of their own authorities. So in like manner no Foreign Power can claim jurisdiction or authority over Chinese subjects unless such power be expressly delegated by the Emperor of China.

It follows necessarily from these principles that no Municipal Regulations or Government can be operative upon the subjects of the different nationalities, which have not the authority and sanction of law given by the state to which they severally owe allegiance. And when as at Shanghai Chinese and Foreigners of many nationalities are mixed together and dwell within the same limits, it is essential that the consent of all be obtained to make such regulations generally obligatory or binding.

To obtain this consent by which a delegated power within certain limits may be given to an Executive Council or Committee, is therefore the first step towards any practical scheme of Municipal Government.

That this delegation should give the right to tax, and the power by legal process before competent authority to enforce payment on all residents, without exception and whatever their nationality, is the second.

Whatever else may be required or held desirable, is matter of administrative detail rather than of principle, and of subordinate importance.

Hitherto there has been a vital defect in the want of this common consent among Western powers, and hence the inability complained of by successive municipal administrations to give effect to the votes of the Land Renters, and the most necessary measures for the peace, order and sanitary state of the settlements on the banks of the Hwangpo. This state of affairs has been indefinitely prolonged by the hopes entertained of establishing one administration, as contemplated in the Regulations of 1853, for the whole of the Foreign settlements. The decision of the French government recently promulgated against any fusion of the quarter lying South of the Yang-king-pang, and which has practically been exclusively under a French régime for a long period, removes one great cause of embarrassment and delay, in so far as the municipal scheme for all North of that boundary is concerned. Two different and independent municipal administrations may very well exist side by side for different settlements in good harmony and without conflict of

jurisdictions, if the first principles already adverted to be carefully adhered to. And the several governments may in their discretion accept different systems of municipal administration for their respective subjects on opposite sides of the Yang-king-pang without prejudice to these, or to their own territorial rights of jurisdiction as defined by treaties and the Law of Nations.

In agreeing to differ, so far as mere forms or modes of attaining the same object are in question, a perfect accord not otherwise attainable may be secured. M. Brenier de Montmorand, the French Consul General, indicates this conclusion, I think in his memorandum attached to the minute of a meeting of the Consular Corps at Shanghai on the 12th July, where he reserved his vote generally on the Land Regulations until his colleagues could intimate their concurrence in those established by his government for the settlement on the other side of the Yang-king-pang. A reciprocal interchange of consent to two codes applying to different settlements or quarters by the Western Powers, with the concurrence of the Government of the Emperor of China as territorial sovereign, offers a ready means of terminating all further discussion or delay, except in so far as well founded exception may be urged against any particular wording or provision of the said Regulations.

I propose therefore at once to transmit the present revised code of Land Regulations to Her Majesty's Chief Secretary of State for Foreign Affairs, in concert with my colleagues, the representatives of the United States of America, Prussia, and Russia, who will adopt a similar course, with a recommendation of approval and the interchange between the several Treaty Powers of such formal acceptance as shall render them, with the concurrence of the Emperor of China, binding and obligatory on all over whom they severally have jurisdiction.

The question of such interchange in regard to the French *Règlements* recently published, has already been referred in like manner in accord with M. de Bellonet, the *Chargé d'Affaires* of H.I.M. the Emperor of the French.

In reference therefore to the first and most essential step towards their final adoption, nothing further remains to be done either at Shanghai or here. The consent of the Chinese Government cannot be officially asked while their acceptance by the Treaty Powers is in suspense; but I see no reason to anticipate any serious difficulty in that quarter.

As regards the expediency of any effort to obtain a Charter of incorporation, I agree with the Chairman that, provided the required powers to levy taxes and give effect to the Land regulations generally be obtained, it matters little whether this be done by the formal sanction of the several Treaty Powers

giving them the force of laws, or by an instrument with a more high-sounding title. And under the circumstances it may be well to proceed with the formal sanction of the Land Regulations as a basis, without raising any further question tending to prolong discussion.

Before concluding, it is fit that I should advert to the various suggestions offered in regard to certain secondary, and in some sense complimentary, measures which the Committee of Land Renters consider more or less essential to the satisfactory working of their scheme of Municipal Government under the revised code of Regulations.

These may be summed up under four heads.

1st.—The appointment of a Chinese Magistrate to preside over the Mixed Court, with sole jurisdiction over the native population in the settlement.

2nd.—The establishment of an effective River Police at the cost of the Chinese, and the extension of Municipal Jurisdiction over the stream.

3rd.—A substitute for the tax hitherto levied as "Wharfage dues," to be provided either by the payment of a contribution from the Imperial Customs at Shanghai, equivalent to one-tenth of one per cent. on the value of all goods which pass the Foreign Department in the Customs at the Port, or to be levied in addition to the present Maritime dues, if sanctioned by the Treaty Powers.

4th.—The admission of a Chinese element into the Municipal Council.

In reference to the first of these suggestions, I am happy to state that preliminary negotiations with the Government here have already prepared the way for its adoption. The expediency of such an appointment has been fully recognized, and it only remains to arrange the best means of meeting the additional expense, and certain administrative details in regulating his relation to the Taotai as his superordinate.

The second proposition involves greater difficulty both in principle and practice. The Council desire an extension of Jurisdiction beyond the low water line over the river. This is precisely what the French appear to have claimed with manifest confusion and conflict of jurisdiction. It has already formed the subject of complaint and remonstrance as fraught with injury to the common interest. If a Foreign Municipal jurisdiction within the settlements over all the residents, meets with serious obstacles from the diversity of nationalities, and the many anomalies inseparable from its exercise in such a community, the extension of a similar rule over a Chinese inland water and a great river course with its constantly changing occupants and traffic, would obviously be attended with still greater difficulties and be open