

津野總一郎、吳淞築港計畫

G-0029

0213

附屬書類添付

通商局 監理課

大正十二年八月七日

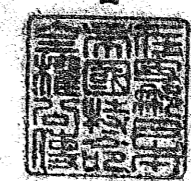
在 支 那

特命全權公使 芳澤謙吉

機密 文第 744 號 12. 8/21

通商局長 亞細亞局

Handwritten notes in Japanese, including names like 田康哉 and 内田康哉.



綴込名

東洋汽船會社社長淺野總一郎吳淞 築港計畫ニ關スル件

本使本邦出發前東洋汽船株式會社社長淺野總一郎氏ヨリ現在上海港ノ港灣設備ニテハ同社船始メ各國汽船會社ノ歐米航路大型船ハ何レモ吳淞沖掛ヲ爲シ荷積其他ニ付不便甚クナリニ付吳淞ニ於ケル現日

在北京日本公使館

(分類)

上海

(已號用紙)

本郵船會社所有地附近ニ長サ七百間ノ一大棧橋ヲ設ケテ一時ニ四五隻ノ大洋通汽船ノ停泊ヲ可能ナシメ鐵道引込線ニテ上海ト聯絡セシムルノ外防波ノ爲黃浦江口ニ現存ノ吳淞側防波堤突端ヨリ揚子江江口側ニ沿フテ長サ一七〇〇間面積三十三萬七千坪ノ堤立ヲ爲スノ計畫ヲ有スル趣ニテ本使ノ盡力ヲ得度旨内話有之候ニ付今般別紙寫ノ通り回答致候間委細右ニ就テ御了知ノ上何等御意見ヲ有之候ハ至急電報ヲ以テ御同訓相成度此致及報告候也

本信寫送付先 上海

Vertical text in the left column, mostly illegible due to fading.

在北京日本公使館

G-0029

0214



大正十二年八月七日

在 支 那

特命全權公使 芳澤謙吉

東洋汽船會社

社長 淺野總一郎 殿

拜啓時下炎暑ノ候益々御清適奉賀候借テ拙者東京出發前御内談有之候  
 吳淞築港計畫ノ件ハ邦家ノ爲ニ近頃至極面白キ御發案ト存リ當地着  
 任ト共ニ早速取調ヘ候處既ニ御承知ノ通り上海吳淞間ヲ流ルル黃浦江  
 ノ改修事業ニ付テハ一九〇一年團匪事變最終議定書ノ規定ニ依リ國際  
 事業トシテ之ヲ行フコトトナリ爾來一九〇五年一九一二年及一九一六  
 年等ノ國際取極ニ基キ黃浦江改修局ニ於テ之カ任ニ當リ今次御計畫ノ  
 實行ニ際シテ先以テ同局ノ許可ヲ必要トスル次第ナル處偶同局ニ於

在北京日本公使館

(已號用紙)

(已號用紙)

テハ一昨年中關係各國ノ港灣事業ニ關スル專門大家ヲ招聘シ(我國ヨ  
 リ廣井工學博士出席)上海港改良ニ關スル意見ヲ徵シタル處其報告  
 書中ニハ(一)上海ニ接續シテ長サ二千五百呎ノ商業用碼頭及船渠ヲ  
 築造スル外(二)吳淞ニ於テ今次御計畫ノ場所ト全然同一ノ場所ニ  
 長サ六百呎一半二百隻繫留ノ郵客用碼頭ヲ築造シ假令庫其他ノ附屬設  
 備ヲ爲スト共ニ鐵道引込線ニテ上海ニ聯絡スルノ計畫ヲ含ミ居リ該  
 計畫ニ付テハ客年中在上海各國商業會議所一致ノ贊成アリ(貴社上海  
 出張所ヨリ該計畫自體ニ對スル贊成意見提出有之タル點ニ有之候)  
 同如銀學團ノ議ヲ經テ當地外交團ニ進達シ來リ目下折角審議中ニシテ  
 不日支那政府トノ間ニ交渉ノ運ニ至ルヘキ情勢ニ有之候  
 就テハ今次ノ貴計畫ハ前記改修局計畫中ノ(二)郵客船碼頭ノ規模ヲ  
 一層擴大シ目下吳淞沖掛ヲ餘儀ナクシテ居リ各汽船會社ノ大洋通  
 大型客船ノ停泊ヲ目的トシテ之ヲ改修局ニ付テハ改修局ニ於テ果シ  
 テ自己ノ計畫ヲ棄テ貴計畫ヲ認可スルノ標底ニ出ツヘキ否キ固ヨリ  
 豫測致難キモ兎ニ角此際貴計畫具體案ヲ添付シ外務本省ニ御打合

在北京日本公使館

(已號用紙)

ノ上制規ニ依リ改修局港務部長宛認可申請書御提出相成ルコト必與ノ  
手續ト被存候ニ付取急ニ得貴意候 敬具  
追テ御參考ノ爲現行改修局規則(一九一二年制定)第七條別紙ノ通  
リ拔萃封入致置候條御一覽相成度尙前通ノ通リ本件ハ當方ニ於テ處  
理上緊急ヲ要スル事情有之候間本信御披見ノ上ハ午御手數折返シ電  
報ヲ以テ其旨御開示相煩度候

在北京日本公使館

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PROVISIONAL AGREEMENT  
FOR THE ADMINISTRATION OF THE WHANGPOO  
CONSERVANCY

JURISDICTION.

Art. 7. - The general jurisdiction of the Conservancy Board extends over the Whangpoo from the Yangtze to its tidal limit, that is to say within those limits, between the high water lines - no operation which may possibly effect the regimen of the river shall be undertaken without the Conservancy Board's consent, nor without such consent shall pontoons or hulks connected to the shore be established.

All applications for the Conservancy Board's consent for such works, etc., on the Whangpoo below the upper harbour limit shall be made to the Harbour Master and be replied to by him as heretofore.

The control of the River Police, of sanitary arrangements, of aids to navigation and of pilotage, remain as heretofore in the hands of the Maritime Customs.

G-0029

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寫

機密第一四九號

大正十二年八月廿日

在上海

總領事 矢田七太郎

在支那

特命全權公使 芳澤謙吉 殿

東洋汽船會社社長吳淞築港計畫ニ關スル件

本件ニ關シ本月七日附機密第八二號ヲ以テ内田大臣宛機密第七一四號信寫御送附相成敬承致候就テハ石ニ關シ御參考迄左記ノ點及報告候

一昨年開催セラレタル上海築港計畫ニ關スル國際技師會議ノ報告ニヨレハ現在ノ改修局ヲ擴張シ一層權限ノ大ナル港務局ヲ新設センコトヲ勸告

在上海日本總領事館

致居候處支那側ニテハ之ニ對抗スル意味ニテ前記計畫ト關係ナク昨年中上海港務局新設案ヲ新聞紙上ニ發表シ更ニ本年五六月頃支那政府ハ當地稅關長ニ對シ支那側計畫ヲ上海港務局カ新設セラルル迄從來改修局ニ屬セシ黃浦江沿岸ノ管理權ヲ吳淞港務局ニ附與スル旨ヲ通達致候（本年八月十日附公領第三〇一號拙信附屬物甲號附屬六參照）從テ吳淞港務局ニ於テハ中央政府ヨリ右管理權ヲ附與セラレタリト稱シ今回東洋汽船會社ノ購入セントスル地所（吳淞停車場附近日本郵船會社所有地ニ隣接ス）ニ對シテモ管理權ヲ主張シ之カ賣買ニハ異議ナキ旨述ヘ居ル趣ナルモ元來上記ノ如キ支那政府ノ處置ハ改修局執行章程ヲ無視シ居ルノミナラス該地所ハ國際技師會議勸告ノ大築港計畫ニ基ツク埠頭建設豫定地ニ該當シ居ルヲ以テ改修局トシテハ石地所ノ賣買ニハ反對ナルヘク現ニ本年

在上海日本總領事館

五月中東洋汽船當地出張所ヨリ改修局技師長「ハイデンスナム」ニ問合セタルニ該地所ノ買賣及私人ノ埠頭建設計畫ニハ<sup>絶</sup>反對ニ反對ナル旨回答シタル趣ニ有之從テ縱令東洋汽船ヨリ右ニ關シ認可申請書ヲ提出スルモ改修局ヨリ認可ヲ受クルコト困難ナルヘシト被存候尤モ改修局ハ交渉員税關長及港務長ノ三人ヨリ組織セラレ孰レモ支那政府ノ官吏ナルヲ以テ中央政府ノ命令ヲ無視シテ行動スルコト困難ナルニ付右ニ關シテハ上海吳淞間江岸埋立並土地處分取消問題ト共ニ改修局ヨリ中央政府ニ報告シ本件矯正ニ關シ迅速ナル處置ヲ執ラシムルコトヲ要望シ居ル次第ニ候（前項拙信參照）勿論改修局ノ反對ヲ無視シ吳淞港務部ノ承認ヲ受ケ東洋汽船ニ於テ一時該土地ノ購入ヲナスコト或ハ可能ナランモ右ハ必ス同問題トナルヘク其場合列國側ハ暫行章程違反行爲ノ取消ヲ主張スヘキヲ

在上海日本總領事館

以テ斯カル事情ノ下ニ購入シタル土地ニ對スル權利ヲ我方ニ於テ十分擁護スルコト困難ナルヤニ思考セラレ從テ斯カル危險ヲ冒シ右ノ如キ投資ヲ爲スハ得策ナラスト推察致候尙又實際問題トシテ云フモ該地所ハ黃浦江口ニ位シ其附近ニ埠頭其他ノ施設ヲ爲ストキハ同江出入船舶ノ妨害トナリ且水流ニモ變化ヲ及ホスタ以テ其影響スル所頗ル廣ク從テ斯カル部分的計畫ハ上海築港計畫ノ全般ヨリ見テ之カ可否ヲ決定スヘク列國側ニ於テモ改修局ノ大築港計畫ヲ遂行セシムル爲メ改修局ノ認可ナキ限り私人ノ施設ヲ防止スルノ措置ニ出ツル外無カルヘシト被考候尙吳淞「クリーキ」下流砲臺ニ主ル間ノ沿岸地田ハ大部分（郵船所有地ヲ除ク）表面義品放款銀行（Credit Foncier d'Extreme-Orient）ノ所有トナリ其前面ノ沙洲ハ同銀行ニ於テ不審法ニ升科（Blangko）シ

在上海日本總領事館

タルモノニシテ此亦同銀行ノ名義トナリ居ル處右銀行ハ信託會社ニシテ  
内實張善一派ノ關係シ居ルモノト思考セラレ候而シテ張善一派ハ別ニ  
Sho Belgian s. s. Co. ナルモノヲ組織シ其所有地ノ一部ニ長  
サ七百間ノ一大棧橋ヲ設ケテ一時ニ四五隻ノ大洋通汽船ノ繋留ヲ可能ナ  
ラシメシノ計畫ヲ有シ居リ昨秋吳淞商埠局諮議某ハ船津總領事ヲ遊シ郵  
船會社ニ投資ノ一部引受方ヲ勸誘シ來リタルコト有之候趣ノ處彼等ハ單  
ニ右ノ計畫ヲ標榜シテ土地ノ權利ヲ獲得シ置キ適當ノ時期ニ賣却シテ金  
儲セントノ野心ヲ藏シ居ルモノノ如ク從テ斯カル計畫ヲ實現セントノ眞  
面目ナル考ヲ有スルモノニ非サルヘシト存セラレ候今同東洋汽船ノ購入  
セントスル土地モ亦彼等一派ノ所有地ニシテ其一部ヲ切賣セントスルハ  
彼等ノ計畫ヲ實行スル熱心ナキ一證ニ有之候

在上海日本總領事館

右及具報候 敬具  
本信寫送所先 外務大臣

在上海日本總領事館



G-0029

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分類 甲 要旨 直監 了		文書課長 文書課 長検印 大正三年九月拾壹日接 (丙 號用紙) 奉天經由 長春經由	
暗號 電報 大正三年 九月 拾壹日 午後 時 分 接電番號 (起草大正三年八月二〇日)		主 管 文 書 課 長 大正三年九月拾壹日接	
受信 在文 芳澤公使		發信 山東 大正	
件名 新制之案ニ付 第一五號		名 込 綴	
八月七日附格上密分七一四号貴信ニ付 帝國政府ニ於テ本件款量ノ提出ヲ阻 止スルニ理由ナシトシテ本館ニ於テ		外 務 省	
乙 號用紙 新制公共碼頭ノ築造案ニ付テハ列國 均ニノ賛成ニ來リ在シ海帝國船領事 長帝國商務會所及船務業者何レ モ同意ヲ表シ最近知交中ハ本會所 長等ハ概シテ本件反對意見ヲ述 出シ先ハ聊カ撞着ノ嫌ヲ受クニテ難			
外 務 省			

(乙 號用紙)

訂定之來大築港計劃案上海港相承、發  
達ノ為必要ナリトノ概ニ出シタルニ鑑ミ右計劃中ニ  
良好ニシテ適當ノ規模ヲ有スル碼頭ノ築造計劃  
ヲ急ハルニ尤ノ勢ナレバ必シク之ヲ承志スル所有テ  
改修局ノ一手ニ收メ私人ノ經營ヲ排斥  
スル理由トナラサルノミナラズ右件狀書  
提出ヲ帝國政府ニ於テ阻止スルハ何

外務省

(乙 號用紙)

等表面ノ理由ナリ右ノ右狀書提出ニ付テ  
ハ既ニ貴領使ニ於テ説明ハ書面ヲ以テ申  
送ラシムル所ナレバ右ノ右件狀書ハ  
既ニ既ニ右狀書提出  
力差支ナク申上テ宜キ候  
トハ他  
何事

外務省

G-0029

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(乙 號用紙)

向合考を了らる左ノ概旨ヲ以テ可知應斷  
 あり交<sup>外</sup>省<sup>甲</sup>不<sup>乙</sup>淺<sup>丙</sup>望<sup>丁</sup>ニ於テハ前件計劃ニ必要  
 ス一テ豫定資金五千一百萬圓ノ納進  
 米<sup>及</sup>埋立及碼頭等ノプランニ當テ自<sup>及</sup>目<sup>及</sup>何  
 當具體的準備アルニ於テハ非ルニ大築<sup>及</sup>港  
 計劃案ニ對シテ支那側與<sup>及</sup>御<sup>及</sup>ノ<sup>及</sup>本<sup>及</sup>幣<sup>及</sup>大<sup>及</sup>戲  
 烈ナル<sup>及</sup>短<sup>及</sup>、<sup>及</sup>依<sup>及</sup>合<sup>及</sup>何<sup>及</sup>交<sup>及</sup>流<sup>及</sup>ニ於テ修<sup>及</sup>正<sup>及</sup>決<sup>及</sup>裁<sup>及</sup>

外務省

(乙 號用紙)

一上支那政府ニ申入ル通トナルトモ慮<sup>及</sup>ニ<sup>及</sup>カ  
 實<sup>及</sup>力<sup>及</sup>ヲ<sup>及</sup>承<sup>及</sup>諾<sup>及</sup>セ<sup>及</sup>シ<sup>及</sup>テ<sup>及</sup>下<sup>及</sup>田<sup>及</sup>難<sup>及</sup>ナル<sup>及</sup>ニ<sup>及</sup>ト<sup>及</sup>ノ<sup>及</sup>見  
 出<sup>及</sup>ト<sup>及</sup>ニ<sup>及</sup>不<sup>及</sup>取<sup>及</sup>敢<sup>及</sup>支<sup>及</sup>那<sup>及</sup>政<sup>及</sup>府<sup>及</sup>ニ<sup>及</sup>對<sup>及</sup>シ<sup>及</sup>テ<sup>及</sup>希<sup>及</sup>望<sup>及</sup>ヲ<sup>及</sup>申  
 入<sup>及</sup>ル<sup>及</sup>事<sup>及</sup>及<sup>及</sup>留<sup>及</sup>留<sup>及</sup>ノ<sup>及</sup>如<sup>及</sup>何<sup>及</sup>ニ<sup>及</sup>依<sup>及</sup>リ<sup>及</sup>テ<sup>及</sup>條<sup>及</sup>々<sup>及</sup>ノ<sup>及</sup>實  
 行<sup>及</sup>計劃<sup>及</sup>ヲ<sup>及</sup>指<sup>及</sup>テ<sup>及</sup>行<sup>及</sup>ハ<sup>及</sup>ル<sup>及</sup>程<sup>及</sup>度<sup>及</sup>ノ<sup>及</sup>差<sup>及</sup>留<sup>及</sup>ヲ<sup>及</sup>有<sup>及</sup>ス<sup>及</sup>ル<sup>及</sup>也  
 一<sup>及</sup>如<sup>及</sup>キ<sup>及</sup>事<sup>及</sup>業<sup>及</sup>中<sup>及</sup>際<sup>及</sup>火<sup>及</sup>也  
 一<sup>及</sup>如<sup>及</sup>キ<sup>及</sup>事<sup>及</sup>業<sup>及</sup>中<sup>及</sup>際<sup>及</sup>火<sup>及</sup>也

外務省

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(分類)

電信課長



電信案

(丙號用紙)

暗號 發電大正十一年九月十一日 午前 時 分 送電番號 〇四一八 奉天經由  
長春經由

管主 魚 常長 了 任主 世

(起草大正十一年九月二日) 河和

受信 人名 芳河公使

發信 人名 夕部大臣

件名 淺野恒一郎吳秘策電  
針刺ニ関スル件

級 込 名

第 一三八 號

八月十日 檄 密 刀 一 四 号 貴 後 二 受 〇

淺野一秋奉提出名文 十 才 旨 申 留 于 並 于 〇

秀細公使ニ于 訓令 済

電信案

外務省

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文書課長  
文書課  
長  
印

大正十三年七月廿日接受

(甲號用紙)

文書課發送 大正十三年七月廿日發送済

淨書 (女子)

正校 (原稿)

(淨書)

主

主管  
通  
密  
第  
八  
二  
號

主任  
中

(起草大正十三年一月十九日)

附屬

日附

附屬

別紙

通

受信  
在  
上海  
矢田 總領事

發信  
人名  
伊集院 大進

件名  
東洋汽船會社社長湯理程一節  
吳淞築港計劃之關係件

綴  
込  
名

本件ニ関シ 署名ニ 在支方博公使ニ 対シ 伊集院 大進

号 署名ノ 友刻令 送致ス 追 敏ノ 震 火

災 為 疎 阻 ノ 年 餘 ニ 於 テ 伊 集 院 大 進 實 係 主 體 轉

分類  
非常  
収

公  
信  
案

外  
務  
省

乙號用紙

失也... 提出  
力邊... 提出  
号... 提出  
社... 提出  
右... 提出  
日... 提出  
中... 提出

外  
務  
省

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第 一 號 「寫」 東洋汽船上海出張所 東洋汽船株式會社

大正十二年十一月廿日

外務省通商局監理課

河 相 達 夫 殿

東洋汽船株式會社



拜啓愈々御清祥ノ段奉大賀候陳者

一 吳淞埋立築港ノ件

ニ關シ本月十四日附弊書ヲ以テ得貴意申候上海改修局港務部長宛テ  
申請書ハ茲許加封ノ同局長宛テ英文書面寫ノ通り其一部ヲ訂正仕候  
間右御舍ノ上可然御取計ヒ相煩度尙前記申請書翻譯文モ

(二枚目左ヨリ四行目)

原文 弊社自ラ：：：：云々  
訂正 弊社若クハ弊社々長淺野總一郎ノ經營並ニ管理ニ係カル  
埋立會社ノ手ニテ適當ナル：：：：云々

ト御修正被成下度願上候

先ハ乍御面倒右御依頼迄如斯ニ御座候

敬 具

G-0029

0230



HEAD OFFICE  
TOKYO

CABLE ADDRESS—"TOYOKISEN"

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## Toyo Kisen Kaisha

(ORIENTAL STEAMSHIP CO.)

IMPERIAL JAPANESE MAIL LINE

OPERATING

HONGKONG SAN FRANCISCO LINE  
AND SOUTH AMERICAN LINE

PER. S.S.

IF YOU REPLY PLEASE REFER TO NO.

TOKYO, November 20th, 1923

To the Harbour Master,  
Whangpoo Conservancy Board,  
Shanghai, China.

Gentleman,

With reference to my previous correspondence of  
the 13th inst., re. Improvement of Wocsung Harbour, I beg  
hereby to add several words to the 4th Line of the 2nd  
paragraph of the 2nd page, reading as below:-

"revetment, mooring equipment, etc.,  
by our hands, T.K.K. or Reclamation  
Companies controlled and managed by  
the writer."

and furthermore please cut off the succeeding three words  
of "as we schemed".

Kindly correct the wording as stated above and  
favour me to continue my negotiation with your good office  
for the future extention of Shanghai Harbour and Trade.

Yours very faithfully,

*S. Asano (signed)*

G-0029

0231

類 (小類)

機密  
第 258 號  
12.18

館事領總本日海上在

附屬書類添付

商監理課

機密第二四七號

綴込

大正十二年十二月八日

在上海

總領事 矢田 七太

在 上海  
總領事 矢田 七太

外務大臣 男爵伊集院彦吉 殿

大正十二年十二月八日  
公領機第一九三號 在文公使

宛公信寫送付

東洋汽船會社社長淺野總一郎吳淞築港計畫ニ關スル件

G-0029

0232



公領機第一九三號

大正十二年十二月廿八日

在上海

總領事 矢出 七 太 郎

在支那

特命全權公使 芳澤 謙 吉 殿

東洋汽船會社社長淺野總一郎吳淞築港計畫ニ關スル件

本計畫ニ關シ今般東洋汽船會社當地出張所ヨリ別紙寫ノ通り申出候ニ付御  
差支繼之限リ御回示相成候様致度此段申進候 敬具

追テ過日當地漢字新聞ハ吳淞地方ニ於テ日本人カ巨資ヲ惜マズ盛ニ土地  
ヲ買收シ居レリトノ報道ヲ掲ケ候處十二月五日ノ漢字新聞ハ該報道ニ關

在上海日本總領事館

シ青年救國團ナルモノ各團體ニ通函シテ右土地買收ニ對シ力爭方勸說セ  
ル趣掲載致候右ハ東洋汽船會社ノ計畫ト何等カノ關係アリヤ不明ニ候得  
共當館ニ於テハ其後ノ成行注意申ニ有之候

本信寫送附先 外務大臣

在上海日本總領事館

東洋汽船會社上海出張所

經理 金野秋藏

在上海

總領事 矢田七太郎 殿

拜啓向寒ノ候貴官愈々御健勝奉賀上候

陳者先般黃浦江改修局港務部長宛吳松埋立築港許可請(甲)ニ付御援助相仰度  
所存ヲ以テ弊社長淺野總一郎ヨリ大正十二年十一月十四日及十五日附書面  
ヲ以テ外務省通商局並ニ駐支特命全權公使芳澤閣下迄願書ヲ提出仕リ尙ホ  
其ノ詳細ニ就テハ本日口頭ヲ以テ御係官迄申述ヘ置キタル通りノ經過ニ御  
座候處御案内ノ如ク複雑極マル行政組合ノ土地柄トテ改修局ニ對シ當方ヨ  
リ直接交渉致候時ハ却テ豫期ノ目的ヲ阻害スル懸念有之候爲メ今ニ其儘ト

在上海日本總領事館

相成居候

然ルニ一万此大工事着手ニ就テハ船股ノ點ニ於テ相當ノ準備ヲ要シ候次第  
ニ付其ノ後ノ模様如何ニ相成候哉成ルヘク速ニ承知仕度希望ニ御座候間御  
多用中甚々恐縮ナカラ關係官廳ニ御聞合ノ上許可申請通過ノ儀何卒御配慮  
相煩度此段奉懇願候 敬具

大正十二年十二月八日

在上海日本總領事館

陸軍省に送る件  
(已読用紙)

東洋汽船株式会社

上海出張所

金野秋彦

東京本社

藤井眞澄殿

拜啓

「貴電御確メノ件

陳者本月廿九日東京御發電左ノ通り拜承仕候

This telegram is numbered and dated 06-29 Referring to your telegram

dated November 27th foreign department (Gaimusho) wrote Minister Peking

and Consul Shanghai 21st November Fujii.

依ツテ右ノ次第ヲ野田領事マテ報告致置候間充分ニ注意ヲ與ヘ吳レ

外務省

(已読用紙)

候事ト存候

上海築港問題ハ今尙ホ懸案ト相成居リ最近又々北京ト領事團トノ交渉行ハレ居ル模様ニテ幾分活氣ヲ呈シ來リ候間御參考マテニ新聞切抜同封供貴覽候即チ新聞記事ニヨレハ日本側ノ修整通過ノ曉ニハ今ニモ工事ニ着手スルカ如ク相見え事實餘程具体化セルハ疑フノ餘地無之候

然ルニ吳淞一体ノ地主張審等ハ前申上候通り吳淞商埠局ナル官廳ヲ設立シ張審自身其ノ督辦トシテ交通部ノ任令ヲ受ケ斷乎トシテ改修局ノ Authority ナ非認(吳淞一体ニ限り)致居候間今後ノ事如何相成ル可キヤ誠ニ興味深キ繫争ト被存候  
此ノ現状ハ築港埋立受負事業ノ進捗ニモ密接ナル干係ヲ有スルモノ

外務省

G-0029

0235

(已號用紙)

ト認メラレ候ニ付御報告申上候  
右ニ付小生思付キ候點有之候間社長へ御進達ノ上一ト運動願ハレ間  
敷哉實ハ

露支交渉督辦王正廷氏渡日ノ件ニ御座候御案内カト存シ候得共同氏  
ハ露國トノ交渉面白カラス帝國外務省訪問ノ爲メ近々渡日滯日二週  
間位ノ由ニ付キ外務省ノ紹介ヲ得テ貴下御同伴社長御自身同氏ニ御  
面會ノ上吳淞商埠局ト黃浦河改修局トノ權限ヲ確メラレ之ニ對シ支  
那政府將來ノ方針等ヲ御聞取り置キ相成候ハ、實際ニ近キ情報ヲ獲  
得セラル可シト存候其理由ノ重ナル點ハ王氏元ト實業界ノ人ニシテ  
吳淞クリーキ所在ノ製紙場其他紡績工場ニモ大分投資致居ル趣キニ  
付キ吳淞問題ニ就テハ同氏個人トシテモ相當利害干係ヲ有スルカ爲

外務省

(已號用紙)

メニ御座候同氏ハ之マテ屢々外交總長ニ擬セラレタル事モアリ英語  
ハ殆ント自國語ト同様米國基督教學校出身ニシテ比較的正直ノ人物  
ト見受ケラレ年齒將ニ四十才位支那人一流ノ掛引ヲナササルト同時  
ニ周到ナル用意ノ足ラサルハ彼ノ缺點カト察セラレ候之レハ一昨年  
秋大東飯店ニ於テ一夕ノ宴會ニ同席ノ際小生ノ目ニ映セシ觀察ニ付  
御交渉ノ際ニ於ケル御心得マテニ申上候何レニシテモ支那政界當代  
新進ノ人物トシテ將來ヲ囑望セラレ候間果シテ御面會ノ機モアラハ  
御含置ノ上萬事宜敷御交渉可被下候  
尙ホ亦々王氏ト張謇氏トハ知合ノ間柄ニシテ從來往復セシ干係モア  
リ此點ハ出來得ル丈ケ御注意願度希望ニ御座候  
先ハ貴電御請旁取急キ如斯ニ御座候 早々敬具

外務省



(已 號 用 紙)

追テ此程中ヨリ張謇氏側ヨリ使者相見エ何ントカシテ○  
ヲ賣付ケ度様子ニ付キ一旦打切リタル問題ニ候モ北京  
形勢ノ判明致ササル場合故不離不即條件有利ナラハ取  
次ク可シト申置候 以上

大正十二年十二月一日

外 務 省

G-0029

0237

第 號

東洋汽船株式會社

(譯文)

上海港務部長殿

森野總一郎

拜啓埋立。淺橋築造等ニ關スル本月四日附貴書難有拜受セリ而シテ右御書面記載ノ改修局事務章程ニ就テハ充分閱諒ヲ遂ゲタルガ夫レニ依レバ埋立浚渫護岸等諸工事施行ノ許可ヲ改修局へ申請請シ得ル資格者ハ河岸地ノ地主ニ限ラレ從ツテ同局ハ此種ノ申請而已ヲ審議シ許否ヲ決定スル機關ナル様ニ考慮セラル然ラバ次ノ場合ニハ如何ニ取扱ハル、ヤ承り度シ

(一) 若シ前記河岸地ノ地主ガ或者ニ地先權 Right of Water Proutageヲ讓リ渡シタリトセバ改修局ハ其讓受人ヨリ申請書ヲ受理セラル、ヤ如何

(二) 借地人ヨリ申請書提出ノ場合ハ如何

(分類)

第 號

東洋汽船株式會社

而シテ拙者今回ノ計畫ハ果シテ同局ノ主義上許容セラル可キ性質ノ企ナルカ將又全然夫レト背馳セル目論見ナリヤ否ヤ確メ度ク兎ニモ角ニモ吳淞ノ如キ重要ニシテ有望ナル地域ヲバ此儘放置シ置クニ忍ビ難キハ改修局ニテモ既ニ聲明セル所ナレバ此際是非共同局側ガ此方面開發ノ事業ニ拙者ヲバ參加センメラル、様充分御盡力アランコト切ニ望ム所ナリトス

本件ニ關シテハ東洋汽船會社上海出張所長へ詳細訓令ヲ發シ貴官ト親シク面接ノ上御援助ヲ御願ヒス可シト指圖スル積ナリ右御含置ヲ讀フ

次ニ前記御書面ニ記載ノ貴書第八二六號ハ未ダ接手セザル旨ヲ茲ニ附記ス

終リニ臨ミ本件ニ對シ貴官ノ深甚ナル御考慮ト御助力トヲ與ヘラレシコトヲ希ヒ且ツ茲ニ予メ謝意ヲ表ス

大正十二年十二月廿四日

敬 具

Dec. 24, 1923.

Harbour Master,  
Shanghai.

Dear Sir:-

Your esteemed favour of the 4th inst. re reclamation work, construction of wharves, etc. is duly at hand, and I thank you for same.

The official functions of the Whangpoo Conservancy Board, which are explained in your letter acknowledged above, have had my perusal, and I understand therefrom that the organ of the Board is to decide their adoption or denial of various applications on the below-mentioned works, presented only by the owner of riparian properties, after due consideration thereof by the officials concerned.

Reclamation, Dredging, Shore-protecting, etc.etc.

In addition thereto, the undersigned is very desirous of knowing how the Board will manage the following cases.

1. Will the Board take up an application made by a person (or persons), if he is a transferee of the right of water frontage which belonged to the owner of the riparian property?

-2-

2. What consideration will be given by the Board, if a person (or persons) has rented a riparian property and applies to the Board for commencing various works described above?

Furthermore, you are cordially requested to enlighten me as to whether my present scheme is admissible by the Board from the standpoint of their General Principle or the same is absolutely the reverse thereto.

At any rate, it is to be regretted that the condition of Woosung Harbour shall be left, "status quo", while its locality is more than important and promising for the future trade of Central China as already declared by the Board.

Such being the case, it is my earnest desire that you will be good enough to get in touch with the Board for placing the writer to participate in their developing enterprise in the district in question.

Please note that the Shanghai Manager of the Toyo Kisen Kaisha will be fully instructed from this end and that he will approach your good office very soon to find out what you can do for the undersigned on this subject.

I wish to add that your favor No. 826, as referred to in your correspondence No. 835 has not yet reached to my hands.

Thanking you in advance for your kind consideration and assistance in this matter.

Yours faithfully,

S. Asano (signed)

G-0029

0239







一意見より多量報告し、その例意見の唯單に多量考へ、其  
 件たるたが、親の意見の多量考へ、其件たるたが、親の意見の多量考へ、其  
 之の際し、其の意見の多量考へ、其の意見の多量考へ、其  
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在支那日本公使館

一意見より多量報告し、その例意見の唯單に多量考へ、其  
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其本と傳ふに定付るに上ノ事也  
 軍運我意見書(西幕)ハ運送  
 閣下使了修止幕(甲幕)ハ運送  
 予々意見見たり幕者四幕  
 左幕ハ幕者四幕ハ運送  
 運送幕者四幕ハ運送  
 外幕用余派之幕者ハ運送  
 以制幕者我意見書ハ運送  
 心得運送幕者ハ運送  
 及幕者也

在支那日本公使館

G-0029

0243

Consular Sub-Committee's Report subject to "some modifications and additions as specified here below", then goes on to say in Paragraph II that "the Committee" think it advisable that the right of expropriating private land and harbour utilities should be exercised by the Conservancy Board under certain procedure along the line of the principle provided for in Article VII of the International Agreement of 1905, and in the matter of moorings "the Committee" again makes certain recommendation and suggestion to the Diplomatic Body. Contrary to the fact, all these recommendations on the two undecided points are made in the name of the Committee. This fact, together with the unconditional inclusion of the two corresponding provisions, which have by no means been adopted by the Committee, in the draft Note to the Wai Chiao Pu, would apparently render the statement in the penultimate paragraph that "unanimous agreement" was not possible on these two important points either contradictory to such statements in the preceding paragraphs or misleading in its relations to them. From these statements one might infer, I am afraid, the Committee as a body adopted these recommendations although their agreement was not unanimous.

While I think the two sets of proposal on these undecided points should be reported to the Dean on equal footing and without prejudice against each other, inasmuch as neither of them has been adopted by the Committee as a whole, the Report as it now stands, would appear extremely one sided in favour of

the opinion of the three members of the Committee. I should only desire, as a member of the Committee, that the report on such an important question should be explicit both in form and wording to represent the exact position of the Committee as a whole vis-a-vis the question, rather than placing one set of opinion in the form of the Committee's recommendations and the other in a subsidiary position, thus making a vital discrimination between the two, neither of which has been adopted by the Committee as a whole.

I understand the difficulty that you and our American and British Colleagues would feel in making alterations to the report once signed, but as you are aware this Legation had not been shown with the draft of the report in its final form and consequently had no opportunity of knowing what definite form and wording it would assume until the original text itself already bearing the signatures of all the other three members of the Committee was forwarded to me for my own.

In the circumstance, if you and our American and British Colleagues still find it difficult to see the way to make any alterations to the text of the Report, the only alternative left for me would perhaps be to sign it with some explanatory remark in the above sense, but I am afraid that it would give the report a very poor appearance as a public document.

Again apologizing that I cause you much trouble in the matter.

Believe me, My dear Colleague,  
Yours very sincerely,  
(sgd.) K. Yoshizawa.

September 17th, 1923.

My dear Colleague,

In acknowledging the receipt of your letter of the 14th. instant re the Shanghai Harbour Extension Scheme Committee's Report, I beg to say the following to supplement the statement in my previous communication, as I am afraid that its brief reference to the two undecided in question did not fully explain the difficulty, with which I was confronted, both in my capacity as one of the constituent members of the Committee and at the same time as representing the view of this Legation, in signing the Report in its present form.

As I already mentioned in my previous letter and trust you no doubt agreed, there were, as a matter of fact, no decisions reached by the Committee, either by unanimous or even by conditional agreement, in respect to the questions of moorings and expropriation of private property. Consequently, there should have been <sup>no</sup> such thing as the recommendation of the Committee as a whole concerning these two undecided points, if I am not mistaken to understand in that way. As you are aware, however, the Report, as it now stands, makes in its introductory paragraph the positive statement that "the Committee" can now recommend for approval of the Diplomatic Body the Shanghai

Consular

His Excellency

Monsieur W. J. Oudendijk,

Minister for the Netherlands,

Peking.

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Z  
Légation des Pays-Bas.

Peking September 14th 1923.

My dear Colleague,

On receipt of your letter of the 8th instant I consulted my American and British Colleagues who are both disinclined to make any alteration in the draft which they have already signed and which they wish should be submitted to the Diplomatic Body as soon as possible.

They do not think - and I agree - that there should be any misunderstanding in regard to the position of the Japanese member of the Committee because in the penultimate paragraph of the draft report to the Diplomatic Body it is clearly stated that on two important points vis expropriation of property and private moorings the Committee could not arrive at a unanimous decision and that a minority report would therefore be attached.

As regards the draft note to the Wai Chiao Pu this could not of course be sent in without the unanimous approval

-2-

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of the Diplomatic Body.

Under these circumstances I hope you will be able to see your way to draw up a minority report or memorandum regarding the points on which you are not in agreement with the views of the majority of the Committee, which I will attach to the report which is to be sent to the Dean.

Believe me, my dear Colleague,

Yours very sincerely,  
(SD.) W. J. Oudendijk.

His Excellency  
Monsieur K. Yoshisawa,  
H. I. J. M.'S Minister,  
P E K I N G.

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Suggested Alterations of Form and Wording.

Report to the Dean

- a) To the end of the first paragraph on page 1 add the following:

"except, however, the two important points, to wit, the question of expropriation of private properties belonging to foreigners not under Chinese jurisdiction or those situated within the Foreign Settlements at Shanghai and the question of moorings in the Whangpoo River, on both of which the Committee having failed to arrive at decisions, two sets of proposal - one recommended by the Netherlands, American and British members and the other by the Japanese member of the Committee - are attached hereto for the consideration of the Diplomatic Body at its subsequent meeting."

- b) The paragraphs dealing with the expropriation of private property and the question of moorings to be dropped and placed in a separate form; the paragraph at the end of the report commencing with the words "One two points etc." will be then unnecessary.

Tentative Draft Note to Wai Chiao Fu

To drop out the two corresponding paragraphs on pages 3 and 4 ("Scope of Works" - c and "Authority and Powers" - 3 -2-b) and leave them blank with such explanatory remarks as "Here insert a provision for moorings (or method of acquiring private property) as may be finally agreed upon by the Diplomatic Body" or the like.

Suggested Form

Separate recommendations to be prepared by the Netherlands, American and British members on the one hand and the Japanese Member on the other concerning the said two undecided points and attached to the report.



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Peking, September 8th., 1923.

My dear Colleague,

With reference to the question of the Shanghai harbour extension scheme, I have to thank you very much for your heavy task in preparing the lengthy report to be submitted to the Dean by our Committee, which you were good enough to send to me for my signature, and also to suggest that I add thereto this Legation's proposal in respect to the two undecided points, viz., the method to be applied by the Conservancy Board for the acquisition of its necessary property and the question of moorings in the Whangpoo River. I understand that the Committee having failed to arrive at any decisions on these points, for which unanimous agreement was necessary, it has been agreed upon that the two sets of proposal - one recommended by the Netherlands, American and British members and the other by the Japanese member of the Committee - on these undecided points should be submitted to the Dean, besides the general report covering all other points adopted by the Committee.

However, on perusal of the text of the report and the tentative draft Note to the Wai Chiao Pu, I am impressed that these documents, as they now stand, are liable to a mis-interpretation as if majority votes already definitely ruled  
over

His Excellency  
Monsieur W. J. Oudendijk,  
Minister for the Netherlands,  
Peking.

-2-

over these two points, while, as you and our Colleagues in the Committee will no doubt agree, such is not the case at all. In the present form, this Legation's proposal, if added, will be of little avail without any legal significance, except as the expression of an opinion erroneously misrepresented as having been voted down.

In the circumstances, I exceedingly regret that I feel compelled to ask you and our American and British Colleague whether it would not agreeable to make some suitable alterations in the report and the tentative draft note to the Wai Chiao Pu, so that the general report and the draft note cover only those points on which agreement of the Committee was possible, leaving the two undecided points to be separately dealt with under such headings as, for instance, "Recommendation of the Netherlands, American and British Members of the Committee concerning the Questions of Moorings and of the Acquisition of Private Property by the Conservancy Board" Recommendation of the Japanese Member of the Committee, . . . . . " of the like. I beg to send back, therefore, the report without as yet affixing my signature and also to submit some suggested modifications regarding its form and wording in the above sense.

Again expressing my sincere regret in causing you much trouble in the matter.

Believe me, my dear Colleague,  
Yours very sincerely,  
(sgd.) K. Yoshizawa.

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reasonable rates for services rendered;

g) to receive and consider applications for permits for private works, and to supervise the execution of such works as may be authorized;

h) to prepare in advance a budget dealing with both capital and revenue for the forthcoming year; and

i) to publish a report annually of all operations of the Board together with full statements of receipts and expenditures.

CONSULTATIVE BOARD

11. (1) The Whangpoo Conservancy Consultative Board, to be known shortly as the Consultative Board, shall consist of:

a) Five members appointed as follows: The several Ministers at Peking of the five nations enjoying extraterritorial rights, having the largest tonnage entering and clearing at Shanghai, shall each determine at his discretion the means by which one member of his nationality shall be selected, and the Consuls General at Shanghai concerned shall notify the Conservancy Board of the selection made and of any subsequent changes.

b) One member appointed by the Chinese Chamber of Commerce at Shanghai.

The Secretary will serve both Boards.

(2) The primary functions of the Consultative

Board will be to watch conservancy proceedings and the construction, operation and administration of public harbour works and utilities on behalf of the commercial interests of Shanghai and to make such representations to the Conservancy Board as they think proper.

To this end the Consultative Board shall be supplied with full information concerning all projected works, concerning progress of current works and concerning finance. It will also be consulted in regard to the appointment of the Engineer-in-Charge.

(3) In the event of the Consultative Board considering that its representations are insufficiently attended to and that the commercial interests of the port are thereby threatened, it will refer the matter to a Consular Committee consisting of the Consuls-General of the nations referred to in paragraph (1) of this Article. If the Consular Committee is unable to arrange matters to their satisfaction with the Conservancy Board, they will refer the question at issue to their respective Ministers for diplomatic settlement.

JURISDICTION.

8. (1) The general jurisdiction of the Board shall extend:

a) in the Whangpoo, from its junction with the Yangtze to the tidal limit and laterally between the high water lines of ordinary spring tides. High-water of ordinary spring tides is defined as twelve and one half feet above Woosung datum. Within these limits no operation which in the opinion of the Board may affect the regimen or navigability of the river shall be undertaken without the Board's consent, nor without such consent shall wharves, jetties, pontoons, hulks, etc., be established:

b) in the approaches, from Saddle Islands to Plover Point ( the 121st meridian of Greenwich), in so far as concerns the work of hydrographic survey and the improvement and maintenance of the approach channel:

c) over such areas as may be acquired for harbour purposes.

(2) The Harbour shall consist of the Whangpoo River, from a line drawn square to the river from the upper side of the entrance of the Yang Shih Chiao Creek above Lunghua, down to the mouth of the river, including all public wharves and areas devoted to public purposes and provided by the Board, and also of the Woosung Anchorage in the Yangtze River.

SHENGKO LANDS

9. ( Identical with Supplementary article 12 of the existing Provisional Agreement. Sub-Section 9 to the above Article shall be amplified as follows:)

In the case of Chinese deeds purporting to include an area outside the high water line as it existed in 1906, the shengko area shall be reduced by such title deed area in cases where the title deed was issued prior to 1906. This deduction shall not, however, apply to any area under the general jurisdiction of any Government or Provincial department over such foreshores prior to 1906.

DUTIES.

10 It shall be the duty of the Board:

a) to provide a navigable channel in the outer approaches and in the Whangpoo, of width and depth sufficient for the needs of the Port;

b) to provide, increase, and maintain harbour accommodation, utilities and improvements, as may be needed;

c) to operate and administer all utilities and facilities provided;

d) to formulate from time to time projects with estimates of costs for works to be undertaken;

e) to maintain the existing and future works and improvements in effective condition;

f) to cooperate at their discretion in the improvement of private harbour facilities, charging

b) they shall receive all taxes, dues, grants and revenue from other sources, as specified in articles 5 and 9;

c) they shall disburse the funds required for their administration and executive work at their discretion taking all customary measures for the safeguarding of their funds, including the requirement of security by disbursing officials;

d) proper accounts shall be kept and audited at the end of every quarter, to be reported to the Consular Representatives at Shanghai of the Treaty Powers concerned.

e) with the approval of the Consular and Diplomatic Representatives of the Treaty Powers concerned the Board may issue long termed public bonds, in which case the Board shall inaugurate a sinking fund to redeem these bonds in a period not exceeding 30 years in the case of works and 60 years in the case of lands.

REVENUE.

5. The Board shall be empowered to cause to be levied a Conservancy Tax of not exceeding seven per cent of the gross Customs duties and in the case of duty free goods not more than three and a half thousandth ad valorem subject to a further increase as circumstances may require; on the understanding, however, that any and every increase above the present rate of three per cent of the Customs duties shall require the approval

of the Consular and Diplomatic representatives of the Treaty Powers concerned.

The immediate requirements of the Board from the time that the execution of the technical schemes, mentioned in article 1, has been definitely approved of by the Chinese Government and the Diplomatic Body, shall be met by a first increase of the Conservancy Tax up to five per cent on application to the said Consular and Diplomatic Representatives by the Conservancy Board.

This tax shall be collected by the Commissioner of Customs and shall periodically, on fixed dates be paid to the Conservancy Board's account.

The Board shall frame from time to time a scale of charges for the use of facilities provided, and for services rendered with the approval of the Consular Representatives of the Treaty Powers concerned.

CONTRACTS.

6. For all contracts in connection with the works and, under such regulations as the Board may determine, for the purchase of material or machinery, for the leasing of public utilities and for the disposal of old plant and stores &c. public tenders shall be invited and the tender offering the most advantageous conditions shall be accepted.

STAFF.

7. The Board shall, at their discretion, appoint, control and discharge the staff.

chosen by the consular authority of the owner concerned; (ii) a person chosen by the Board; and (iii) a person chosen by the Senior Consul. Should the Senior Consul happen to be the Consul of the owner concerned, then the third person shall be chosen by the Consul next in seniority to the Senior Consul. The Consul of the owner concerned shall guarantee the execution of the arbitration decision. In fixing the price the Commission shall be guided by rules of procedure drawn up for this purpose by agreement between the Consular Representatives at Shanghai of the Treaty Powers concerned and the local Chinese Authorities subsequent to the promulgation of the new Conservancy Agreement. If the land or the utilities are the property of Chinese or of foreigners having no extraterritorial rights the Board can fix the price and the Taoyin will guarantee the execution of the decision.

Owners whose lands or utilities are acquired in this manner will be assured of such facilities as it is within the power of the Board and the Chinese authorities to grant to acquire suitable sites elsewhere. (X)

(X) (Japanese Member's Proposal )

b) to acquire land or harbour utilities that may be necessary for the execution of the technical scheme mentioned in Article 1, such private property, whether owned by Chinese or foreigners to be acquired with the

consent of individual owners concerned, provided, however, that the Board reserves to itself the right of expropriation of such private property as may be situated outside the Foreign Settlements and owned by persons under Chinese jurisdiction.

c) to construct all public harbour works and provide other public harbour facilities as needed.

d) to operate and administer public harbour work and utilities so provided. The Board shall undertake watch and ward within the limits of all areas so occupied and used;

e) in cooperation with the Maritime Customs to frame Harbour Regulations, not affecting the proper authority of the Customs; all these regulations to be enforced as heretofore by the Maritime Customs. The control of River Police, of sanitary arrangements, of aids to navigation and of pilotage, remain as heretofore in the hands of the maritime Customs; and

f) to receive and expend funds for the above purposes and to borrow money for the same.

FINANCE.

4. The Board shall have entire charge of the finance connected with conservancy and harbour matters. In this connection:

a) they shall receive and take charge of all the funds, properties, assets and obligations of the Whangpoo Conservancy Board as constituted at present;

Engineers under the following conditons:

i) that existing foreshore areas and conservancy land be utilized as far as possible for harbour purposes and such adjacent land be acquired as may be necessary to the imporvement;

ii) that the wharf and godown improvements shall be made to stand on their own financial basis without resorting to revenue derived from taxation, that is the public wharves should be built and operated as commercial utilities, supplementing rather than competing with private enterprise.

c) that the existing moorings continue for the time being privately owned but that all new moorings shall be public. However, it being evident that as the port of Shanghai develops it would be in the public interest that all moorings should be placed under public control the Conservancy Board may exercise as circumstances permit the right of expropriation in this regard provided for in the Final Protocol of 1901 and the International Agreement of 1905, provided that the extension of public facilities is such that all private moorings can be taken over simultaneously \*)

(\*) (Japanese Member's Proposal )

c) that public moorings shall be provided for in connection with, and in the same manner as, public wharves and other harbour utilities covered by the afore-

mentioned technical scheme and that private moorings shall continue to be allowed as heretofore.

CONSTITUTION.

2. The Whangpoo Conservancy Board of Administration, to be known shortly as the Conservancy Board, shall consist of the Commissioner for Foreign Affairs at Shanghai, the Taoyin of Shanghai, the Shanghai Commissioner of Customs and the Harbour Master .

They shall hold office as long as they fill the positions by virtue of which they sit on the Board.

AUTHORITY AND POWERS.

3. ( 1 ) The authority with which the Conservancy Board is invested is delegated to it by the Chinese Government; consequently the Board is in no way subordinate to the Provincial Authorities, The several members of the Board have, as such, equal authority, and the opinion of the majority is to be determinative. The chairman shall have a casting vote.

( 2 ) The Board shall be empowered:

a) to deal with and improve the navigation and harbour facilities of the Port and its approaches;

b) to acquire land necessary for harbour purposes and also to acquire private harbour utilities by agreement or failing that by expropriation. In the case of expropriation, should the land or the utilities be the property of foreigners enjoying extraterritorial rights, the price shall be fixed by a commission composed of (i) a person



Conference of Consulting Engineers of six different nationalities to investigate the conditions of the Shanghai Harbour and to consider a scheme to overcome all the deficiencies under which Shanghai now labours both with regard to harbour accommodation and the condition of the Whangpoo River and its approaches. The Senior Consul adds that the Report which this Committee of Consulting Engineers drew up has been duly considered by all the foreign Chambers of Commerce in Shanghai and by the Consular Body.

The Diplomatic Body have gone carefully into this Report and into the various opinions as expressed by the foreign Chambers of Commerce and the Consular Body in Shanghai, and they have come to the conclusion that it would be highly advisable if the Chinese Government would give their support to the scheme of the Consulting Engineers as set forth in their Report and to that effect come to a new arrangement with the Treaty Powers concerned.

Considering the constant and steady growth of Shanghai and the fact that the trade in the Pacific will in the future be carried in vessels of greater draft than those at present in use, the Diplomatic Body think it their duty to strongly urge upon the Chinese Government the immediate adoption of the proposed measures - subject to a few alterations - which will secure for Shanghai the continuation of its present position as the great commer -

cial centre of China. The enormous interests vested there, both foreign and Chinese, demand such a policy.

As a basis on which the Provisional Agreement for the administration of the Whangpoo Conservancy of 1912- 1916 could be revised in order to make the execution of a Shanghai harbour extension scheme possible, the Diplomatic Body hereby presents the principles which they would be willing to submit to their respective Governments for approval.

SCOPE OF WORKS.

1. The technical schemes recommended by the Committee of Consulting Engineers in their Report will be executed by the present Whangpoo Conservancy Board with the understanding

a) that the wharf mentioned in paragraph 12-b of the Engineers Report be provided at such time as it may be ascertained that the class of vessels for which it is intended will make use of it and that it will then be determined whether there will be one or two such wharves.

b) that with regard to the berthing mentioned in paragraph 12-c of the Engineers Report authority be secured to build a wharf, godown and railway terminal on the left bank of the Whangpoo, limited to the section between " The Point " and Hsin Kai Chiang Creek as indicated by the purple shading on the key plan of the Whangpoo accompanying the report of the Committee of Consulting

WHANGPOO CONSERVANCY BOARD.

DRAFT OF A NOTE TO THE WAI CHIAO PU.

Note: This draft is approved by the American, British and Netherlands Members of the Committee and by the Japanese Member except in regard to the paragraphs marked with an asterisk referring to notes of the alternative wording suggested by the Japanese Members

The Whangpoo Conservancy Board owes its creation to article XI( b ) of the Final Protocol of 1901. As China subsequently expressed her willingness to take the whole of the expenditure for the Whangpoo works to her charge, the stipulations of the Final Protocol relating to the Whangpoo were in 1905 temporarily suspended and a new arrangement was arrived at. However, when in 1912 the Chinese Government was no longer in a position to provide the entire funds required so that an appeal had to be made to the foreign trade of Shanghai in order to secure the requisite additional revenue, a new scheme was approved of in 1912 and 1916 by the Ministers of the Treaty Powers at Peking and the Chinese Government, which scheme came in the place of the arrangement of 1905. This scheme was of a provisional nature and the stipulations of the Final Protocol mentioned above were not abolished but remained suspended.

The Diplomatic Body have now received a communication from the Senior Consul at Shanghai to the effect that the Whangpoo conservancy Board convened in 1921 a

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the whole distance of the Whangpoo River and believes it better to leave matters as they are in practice at present.

On the other hand the American, British and Netherlands Members of the Committee, while recommending that the existing moorings continue for the time being to be privately owned and that all new moorings shall be public, feel it their duty to point out that the right of expropriation was given to the Conservancy Board by the Final Protocol of 1901 and the International Agreement of 1905 and has never been withdrawn. They think it advisable, therefore, that the Diplomatic Body should place on record the opinion that as the port of Shanghai develops it would be in the public interest that all moorings should be placed under public control and recommend that the Conservancy Board should exercise this right or circumstances permit, always provided that the extension of public facilities is such that all private moorings can be taken over simultaneously.

Should the Diplomatic Body arrive at a unanimous decision with regard to the above suggested modifications and additions, then it remains to decide upon the way in which these views should be submitted to the Chinese Government.

It is now a known fact that the Chinese Government consider the Whangpoo Conservancy Board as having come to the end of its functions, so that the

Handwritten notes in Chinese characters on the left margin of page 7.

Handwritten notes in Chinese characters at the bottom right of page 7.

Government are now free to replace it by whatever Bureau they like. In fact such a course has already been embarked upon. A Shanghai Woosung Harbour Bureau has been created which endangers the work of the Conservancy Board. At the same time the Chinese Government seems to entirely ignore, up to the present, the Report of the Consulting Engineers.

Under these circumstances the Diplomatic Body might draw the Chinese Government's attention to this Report, urge the adoption generally of the scheme propounded therein, declare their readiness to give the necessary assistance and cooperation for the realisation of that scheme.

For this purpose the Provisional Agreement of 1912 concerning the Whangpoo Conservancy would have to be revised.

The proposal for such a revision could be embodied in a letter to the Wai Chiao Pu for which a tentative draft is submitted herewith.

This draft is approved by the American, British and Netherlands Members of the Committee and by the Japanese Member except in regard to the paragraphs marked with an asterisk referring to notes of alternative wording suggested by the Japanese Members

We avail ourselves of this opportunity, Monsieur le Doyen, to renew to Your Excellency the assurance of our highest consideration.

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Whangpoo Agreement of 1905, and that even the application of this right was limited only to the area outside the Foreign Settlements and, moreover, has never been exercised in practice, since it has been the object of the conservancy work to rather narrow the width of the River and by dredging it deepen the water, with the result that, instead of expropriating land, it became in 1916 necessary to make a new detailed provision as to the disposal of reclaimed or "shenko" land which was then added as Article XII to the Provisional Agreement of 1912. The Japanese Member is of opinion that should the Chinese Government so choose, it would, however, of course be possible that the Board, which is after all a Chinese Government organ, should reserve to itself the right to exercise, if necessary, the power of expropriation to such private property over which the Chinese authorities can exercise exclusive jurisdiction, viz, those situated outside the Foreign Settlements and owned by persons under Chinese jurisdiction.

III. ( Paragraph 7 of the Consular Report )

The Committee is unanimous in its opinion that the words: "and the national authorities of the persons paying the same" should be omitted from the recommendation of the Consular Sub-Committee. The meaning of these words is too vague. It is evident that all persons under Chinese jurisdiction are bound to pay the Conservancy Tax as

decided upon by the Board within the limits agreed to by the Chinese Government, and that the approval by the Consular and Diplomatic representatives of the Treaty Powers concerned of the increase of the existing Conservancy Tax - within the limits agreed to by the Treaty Powers concerned - is merely meant as an additional safeguard that each increase asked for by the Board, be in accordance with strict necessity.

As to the limit of the Conservancy Tax, the Committee recommend that it should for the present be fixed at seven per cent of the gross Customs Duty and in the case of Duty Free Goods not more than three and a half thousandth ad valorem, subject, however, to increase should circumstances require.

Finally, with regard to the question of the existing moorings in the Whangpoo River the Japanese member of the Committee is of opinion that public moorings should also be provided for in connection with, and possibly in the same manner as, the public wharves and other harbour utilities covered by the technical scheme under examination, so as to meet the shipping requirements of the port, and at the same time private moorings should, like any other private harbour utilities, continue to be allowed as heretofore. He does not think it advisable or necessary under the present harbour extension scheme to exclude entirely any possibility of allowing further private moorings, no matter whatever necessity there may be in future, along

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principle should be followed as laid down in Article VIII of the Whangpoo Agreement of 1905, which was arrived at, at the time, after careful and protracted deliberation. Accordingly the Board would have the power to acquire land necessary for harbour purposes and also to acquire private harbour utilities by agreement or failing that by expropriation. In the case of expropriation should the land or the utilities be the property of foreigners enjoying extraterritorial rights the price will be fixed by a commission composed of ( i ) a person chosen by the consular authority of the owner concerned; ( ii ) a person chosen by the Board; and ( iii ) a person chosen by the Senior Consul. Should the Senior Consul happen to be the Consul of the owner concerned, then the third person will be chosen by the Consul next in seniority to the Senior Consul. The Consul of the owner concerned shall guarantee the execution of the arbitration decision. In fixing the price the above mentioned Commission shall be guided by rules of procedure to be specially drawn up for this purpose by agreement between the Consular Representatives at Shanghai of the Treaty Powers concerned and the local Chinese Authorities subsequent to the promulgation of the new Conservancy Agreement. If the land or the utilities are the property of Chinese or of foreigners having no extraterritorial rights the Board can fix the price and the Taoyin shall guarantee the execution of

the decision. Owners whose lands or utilities are acquired in this manner will be assured of such facilities as it is within the power of the Board and the Chinese authorities to grant to acquire suitable sites elsewhere.

The Japanese member of the Committee, however, does not share this opinion, but holds the view that in view of the fact that vast private interests of many years' standing, especially those along the water front of the Whangpoo River, are bound to be affected, if such general power of expropriation as proposed in paragraph 23-2b of the Consulting Engineer's Report is given to the Conservancy Board, which derives its authority directly from the Chinese Government, as well as some technical difficulties in delegating to it the power to expropriate any private property either situated in the areas, or owned by persons, not under Chinese jurisdiction, that is, those situated in the Foreign Settlements or held by foreigners enjoying extraterritorial rights, any land or harbour utilities that may be necessary for the execution of the technical scheme under consideration should be acquired with the consent of individual owners or by mutual agreement of the parties concerned. The Japanese member notes in this connection that the power to expropriate riparian land for the specific purpose of ameliorating the flow of the River was given to the Conservancy Board by Article VIII of the



TO THE DEAN OF  
THE  
DIPLOMATIC BODY.

Peking

1923.

Monsieur le Doyen,

The Committee appointed by the Diplomatic Body to study the "Report by the Committee of Consulting Engineers, Shanghai Harbour Investigation 1921", together with ( a ) the Report thereon drawn up by the Sub-Committee of the Consular Body in Shanghai, (b) the letter addressed to Your Excellency by His Excellency the Japanese Minister of 14th February 1923, and ( c ) the letter addressed to Your Excellency by His Excellency the American Minister dated June 5th 1923, have the honour to inform Your Excellency that having completed their task, they can recommend for approval by the Diplomatic Body the Shanghai Consular Sub-Committee's Report subject to some modifications and additions as specified here below in so far as unanimity could be reached in the Committee, leaving it to the Diplomatic Body as a whole to decide upon two points on which this Committee could not arrive at a unanimous expression of opinion, to wit the question of expropriation of private property and the question of moorings.

1. ( Paragraph 5 of the Consular Report ) The existing Whangpoo Conservancy Board owes its creation to article XI ( b ) of the Final Protocol of 1901 and

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for that reason cannot be abolished or its functions restricted without the consent of the Powers concerned; nor is the moment opportune to alter its name. However, to give to this Board the necessary power to deal with questions within the jurisdiction of local authorities it is essential that the highest local territorial official be also a member of the Board. Therefore the Taoyin of Shanghai should be added to the Board, which would then consist of four officials in the service of the Chinese Government, of whom two would be Chinese and two of foreign nationality; to wit the Commissioner for Foreign Affairs, the Taoyin, the Commissioner of Customs and the Harbour Master, who shall all hold office so long as they fill the posts by virtue of which they sit on the Board.

The existing Whangpoo Conservancy Consultative Board should continue its functions, its existence having proved satisfactory and useful in the past. It should as heretofore consist of ( a ) Five members appointed by the several Ministers at Peking of the five nations enjoying extraterritorial rights having the largest tonnage entering and clearing at Shanghai; and ( b ) one member appointed by the Chinese Chamber of Commerce.

11. ( Paragraph 6 of the Consular Report )  
The American, British and Netherlands members of the Committee think it advisable that for the acquisition by the Board of land of private harbour utilities the

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第904號  
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(分類)

通商  
局長

商監理課

八七五

大正十二年十月三十日

在支那

特命全權公使芳澤謙吉



外務大臣官房伊集院彦吉殿

上海據報華港計劃之因及件

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在支那日本公使館

Handwritten Japanese text, likely a memorandum or report, detailing diplomatic matters and international relations. The text is written in vertical columns from right to left.

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在支那日本公使館

八月五日

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附屬書類添付 副監理課

機密第八二九號

大正十二年十月廿一日

在 支 那

特命全權公使 芳澤謙吉

送込名

別紙添付

機密 受第 819 號 12.11.19

外務大臣男爵 伊集院 彦 吉 殿

上海築港問題ニ關スル件

上海築港問題ニ關シ首席公使ハ本月廿六日附回章ヲ以テ本件委員會ニ當リテ同覽ニ付シタル上委員會ニ於テ一致ヲ見サリテ私有土地收用ニ浮標ノ兩問題ニ關シ次同ノ外交團會議ニ於テ評議シタル旨ヲ通達越タル處右ニ對シ佛國公使ハ「本件委員會案ハ一河川ノ改修ヲ目的

在北京日本公使館

(分類) 亞角 總務課長 秘書長

(已用紙)

トシテ成立セシ機關ノ權限ヲ擴張シテ近代の大商港ノ築造並ニ行政ニ當リシメントスルモノニシテ予ハ必シモ此一般論ニ基キテ反對ヲ困執セントハセサルモ右ノ如キ機關ハ將來上海ニ於ケル佛國租界ヲ其ノ管轄區域ニ編入セントスルノ虞ナキニ非ハテ以テ予ハ工程局ト佛租界官憲トノ間ニ一切不動産ノ獲得並ニ租界内ニ於ケル工程局ノ工事ニ關シ完全ナル了解ノ成立ヲ條件トシテ本件計畫ニ贊成ヲ表スルヲ得又他面在支佛國人ノ土地收用ノ問題ハ極メテ「デリケ」ト「ナ」ナルモノアリ予ノ見ル所ヲ以テスレハ佛國法カ豫想セス又關係當事者カ承認セサル仲裁委員會ノ決定ニ基キテ佛國人所有ノ土地ヲ強制的ニ讓渡セシムルハ佛國領事ノ權限外ニ屬ス彼ノ一九〇五年九月廿七日ノ議定書第八條ニ於テハ外國租界ハ除外セラレアルニ拘ラス本件委員會ノ多數意見ニ基キ草案中右ノ如キ除外ヲ見サルハ不當ト云フヘク從ツテ予ハ土地收用ニ關シテハ日本委員會案ニ左袒セントス」トノ意見ヲ記入致居候右報告申進候也

在北京日本公使館

本信寫送付先 上海、同商務官

G-0029

0264

OBSERVATIONS ON CIRCULAR NO. 264.

Le projet parfaitement bien présenté du comité étend les pouvoirs d'un organe créé pour l'amélioration d'une rivière à la construction et à l'administration d'un grand port moderne. Je n'insiste pas sur cette critique d'ordre général. Mais l'organisme du Port du Changhaï peut être amené, dans l'avenir, à englober dans son terrain d'action le territoire de la concession française et j'accepterai le projet ci-joint seulement sous réserve de la réalisation d'une entente du conservancy Board et des autorités de la concession française de Changhaï préalablement à toute acquisition d'immeubles et à tous travaux par le conservancy Board sur le territoire de la dite concession.

D'autre part, la question d'expropriation d'immeubles appartenant à des français en Chine est très délicate. À mon avis, un consul de France ne dispose pas du droit d'obliger un de ses ressortissants à céder un immeuble lui appartenant sur décision d'une commission arbitrale dont la juridiction n'a été ni prévue ni par la loi française, ni acceptée formellement par le propriétaire de l'immeuble à exproprier. Je remarque que l'article VIII de la convention du 27 septembre 1905 exceptait de la procédure qu'il fixait les terrains situés dans les concessions étrangères et que cette restriction ne se retrouve pas dans le texte proposé par la majorité du comité ( p. 1. ) je me rallierai donc au texte du Délégué japonais concernant l'expropriation./.

ce 25 octobre 1923.

(s) A. de Fleuriau.

G-0029

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