

G-0068

0129

條約局

亞細亞局

機密第三三〇號

昭和五年三月八日

在 上 海

總領事 重 光

外務大臣男爵 幣 原 喜 重 郎 殿

上海市政府土地局ノ外人土地永租
規則改正ニ關スル件

當地ニ於ケル外人永租事務主管機關タル會社局カ交渉署撤廢ト共ニ廢止セ
テ上海市政府土地局カ本年一月ヨリ其ノ事務ヲ繼承シ來リタルコトハ當
時報告ノ次第アリタル處令般市土地局ニ於テハ從來ノ制度ヲ改正シ新規定
一般外人ノ土地永租ニ適用セントシ首席領事宛別添甲號回章

在上海日本總領事館

門類	項目	號
G	9	109

本信照合票挿入先

第一號印

昭和五年三月八日接受

土地

別紙添付



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0130

第	一	〇	九	號
第	一	〇	九	號
第	一	〇	九	號
第	一	〇	九	號
第	一	〇	九	號

612,5200

條約局

亞細亞局

機密第三三〇號

昭和五年三月八日

在 上 海

總領事 重 光

原 喜 重 郎 殿

葵



別紙添付

昭和五年三月八日接受

土地

上海市外租界土地局ノ外人土地永租規則改正ニ關スル件

當地ニ於ケル外人永租事務主管機關タル會丈局カ交渉署撤廢ト共ニ廢止セ
 テレ上海市政府土地局カ本年一月ヨリ其ノ事務ヲ繼承シ來リタルコトハ當
 時報告ノ次第アリタル處今般市土地局ニ於テハ從來ノ制度ヲ改正シ新規定
 ヲ實施シ將來一般外人ノ土地永租ニ適用セントシ首席領事宛別添付號同意

在上海日本總領事館

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ノ通り照會越アリタルカ右ハ當地ニ於ケル租界章程ニ基ク永年ニ渡ル土地
 永租ノ慣習的制度ヲ支那側ノ一方的意思ニ依リ改變セントスルモノニシテ
 英米日人等當地ニ於テ多數ノ永租土地ヲ所有スル在留外人ノ利害ニ重大ナ
 ル關係アルノミナラス現ニ問題トナリ居ル漢口、天津等支那各地ノ土地
 永租問題ニ影響スヘク近ク領事團會議ニ附議セラルヘキ筈ナルカ
 十二月往電第一四六〇號末段所報ノ如ク當地ニ於テハ特種ナル歴史的事情
 ニ依リ各國ノ利害關係殆ト相一致シ居ルニ付我方トシテモ他國ト協調ノ上
 支那側ニ對抗スル所存ナルカ之ニ拘ラス支那側ノ態度強硬ニシテ本件規
 則強行ノ場合ハ客年十月十五日附機密第一二三〇號拙信中ノ其他ノ支那側
 利權回收運動ニ對スルト同様外交團ニ移牒シテ之カ實行ヲ遷延スル等已ム
 ヲ得サルニ至ル迄出來得ル限リ *Passive Resistance*ノ態度ヲ採ル意向ナルニ付

在上海日本總領事館

右ニ御含ミ置相成度尙本件ニ關シ特ニ御本省側ニ何等御意見モアラハ
 御回示相煩度右稟請旁報告申進ス
 尙改正規定ニ於テ注意スヘキ諸點ヲ列記スレハ大体別紙乙號ノ通リ

本信寫送付先 北平 奉天 天津 青島 漢口 廣東 福州
 南京 廈門

在上海日本總領事館

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新外人土地永租規定中注意ヲ要スヘキ事項

一從來外人間ニ永租契約締結セラレシ際往々其儘放任シテ永年ノ間地券發給ヲ願出テサルモノアリシ爲今回ノ新規定ハ民國十九年以前土地永租契約ヲ締結セシ外人ハ四ヶ月以内ニ新地券ノ發給ヲ受クヘク期限經過後ハ充分ノ理由アリ所屬國總領事ノ證明アルニ非サレハ無効ト爲スコトトセリ

二從來地券發給後同一國人間ノ「トランスファ」ハ單ニ所屬國領事館ニ於テ名義變更發給ヲ爲シ支那側ニハ通知ヲ爲スノミニテ足リシカ別紙甲號附屬新永租契約見ルニ「永租人若シ其ノ永租セン土地ヲ他人ニ轉租セシムル場合ハ所有地券ヲ所屬國總領事ニ提出シ證明ヲ經タル後本局ニ登錄方並ニ新地券發給方函請スヘント記載シアリ今後「トランスファ」ノ場

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合國籍ノ同一ナルヤ否ヤニ論ナク一律ニ舊地券ヲ支那側ニ送付取消シ新地券ノ發給ヲ要スヘント爲スモノニシテ手数料ヲ再徵セラルルノミナラス租界章程第五條ニ違反スルモノナリ

三當初租稅ハ上海縣每畝ニ付一千五百文、寶山縣二千文ト定メラレ其ノ後上海二元寶山二兩ト改メラレ舊地券中ニハ依然「一年租」ノ文「ノ文句アリシカ新地券ニハ之ヲ削除シ明定スルトコロ無シ從ツテ支那側ノ新徵收額ハ現在ノトコロ不明ナリ

四地券添付ノ公測地圖ハ從來共同租界ニ在ル土地ニ付テハ工部局土地課ニ於テ作圖セラレシカ新規定ニ依レハ租界ノ内外ヲ問ハス市土地局ニ於テ作圖スルコト

五地券面記載字句ノ改變其他

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(イ) 新地券ハ交渉員ノ代リニ土地局長ニヨリ署名捺印セラル
 (ロ) 舊地券文面冒頭ニハ「接准某國領事館照會」トアリシヲ「准上海某國領事函」ト改ム
 (ハ) 新地券ニハ「條約ニ接照スル旨」明記セルコト
 (ニ) 永租土地所在地ニ關シ舊來上海港トアリシヲ「上海特別市」ト改メ
 (ホ) 永租土地所在地ノ記載方法カ從前ヨリ一層精密トナリシコト
 (ヘ) 地券名義ヲ「永租契」ト爲スコト
 (ト) 新地券ニハ單ニ支那文ノミ記載アリ譯文ハ各國領事館ニ於テ各自印刷セシムルコト
 (チ) 地券ニハ各國領事館番號ノ外市土地局ノ總番號ヲ附テ

在上海日本總領事館

(リ) 從前地券ハ triplicateニ發給セラレ上契ヲ所屬國領事館ニ保管シタリシカ新規則ニ依レハ正本ヲ土地局ニ保管スルコトトナリタリ

在上海日本總領事館

THE LAND BUREAU OF THE SPECIAL MUNICIPALITY OF SHANGHAI.

DEED OF PERPETUAL LEASE.

I, _____, hereby execute this Deed of Perpetual Lease.

Whereas, through the service of middlemen, I have voluntarily rented in perpetuity to _____ a foreign merchant, my _____ ^{property} estate which consists of a piece of taxable land, situated in the _____ t'wei, _____ hao, _____ ch'i and measuring _____ in area, for a total sum of _____ according to the current price as clearly and verbally agreed to by all of the parties concerned and whereas the above mentioned sum was paid in full on the date of execution of the deed as evidenced by a separate receipt, it is hereby agreed that, after the lease, the present proprietor of the land shall be at liberty to complete the transfer, to undertake to pay the tax, to collect rent or to build houses without the least interference on the part of the lessor (or vendor) of the property; that, if the property is found to have been mortgaged or sold already or to be of unknown origin and in case of any other encumbrance, the lessor (or vendor) himself shall effect a settlement; and that the renter shall pay yearly the Annual Ground Rent in lieu of land tax.

To these conditions, both parties agree without any statement to the contrary. Lest there be no evidence, this Deed of Perpetual Lease is executed.

The boundaries are as follows:

East by _____
West by _____
South by _____
North by _____

This Deed of Perpetual Lease is drawn up on this _____ day _____ month _____ year of the Republic of China
by _____

Middlemen _____

Tipao _____

Writer _____

Circulated March 3, 1930.

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B. REASONS.

1. (A) Tao chi is a vulgar designation for title deed of which there has been no prescribed name. It is now decided to call it "Deed of Perpetual Lease".
(B) Since title deeds are issued in the name of a Chinese public office, the forms of title deed should be prepared by the Chinese public office concerned.
(C) In order to avoid confusion and for the sake of accuracy, all Chinese characters and the date of issue should be inserted in every title deed by the Land Bureau.
2. (A) As a sort of official document in force at present, a title deed should conform to the documentary style now in use. This has rendered it necessary to change the form of title deed. Moreover, since the title deeds taken out by different powers are issued by one and the same controlling office, it follows that the forms and wordings of such deeds should be uniform. In view of the fact that the title deed forms printed by the various Consulate General differ from each other in respect to the Chinese wording and the color of the paper, it has become necessary for the Land Bureau to prescribe a settled form for the same of uniformity.
3. (A) Since title deeds are issued by a Chinese public office, it is necessary for the Chinese public office concerned to number them. It has been the practice for the different powers to assign numbers of their own to such deeds while the failure of the Chinese office that issues them to do any numbering has rendered it difficult to make investigations.
4. (A) Inasmuch as title deeds are made out in triplicate, the system followed in the transaction of business would be unsatisfactory in the real sense of the word unless a ruling is made for the issuance and filing of such papers. According to the usual practice, only a small Chinese character is written on the copy delivered to the renter and the copy kept on file. This is apt to be obliterated and there is absolutely no other mark of distinction. It is, therefore, decided to chop all of them.
5. (A) The plan is an appendix to the title deed. Since the title deed is issued by the Land Bureau, the plan which is to be attached to the deed should be prepared by the Land Bureau. The amount of labor involved is comparatively great but it is nevertheless impossible for the Land Bureau to shirk the heavy work or neglect its duty. It is necessary for the Municipal Council to draft the plan because the latter has actually surveyed the land in the Settlement, and is familiar with the topography. Moreover, it has much to do with the demarcation of road lines. It is only by observance of the new procedure that due regard may be maintained for both sides.

6. (A)

6. (A) Since the Deed of Lease (or Bill of Sale) is intended exclusively for use by foreigners in renting ground from Chinese citizens, it is a highly important document. For this reason, the Land Bureau has prescribed the form of Draft Deed of Lease.

(B) After execution of the Draft Deed of Lease, foreign renters frequently fail to apply to the Consulate General concerned for registration or for issuance of title deeds. While the property right of the renter is not established, both Chinese and foreign authorities have no way of making investigations. In case of trouble, any prolonged delay would render it more difficult to effect a settlement.

copy marked with (中) is filed in the Chinese office, that marked with (下) is kept at the Consulate General and the remaining copy bearing the character (下) is delivered to the owner. In some cases, the copy marked with (下) is filed at the Consulate General and that marked with (下) delivered to the owner. There is no fixed rule.

5. (A) After joint measurement of any lot in the Settlement for which a title deed is to be issued, the plan to be attached to the deed is heretofore prepared by the Municipal Council.
6. (A) The Deed of Lease is heretofore used as an evidence by foreigners renting ground from Chinese citizens. Although the form of such deed has been printed and published by the Magistrate of Shanghai, the number of foreign renters using government form is exceedingly small. The forms which they use are mostly printed and sold without authority by paper shops in the Settlement. Moreover, in the absence of any rule as to the time when a deed of lease should be given in exchange of a title deed after it is executed, a large number of deeds of lease that have not been used in application for title deeds are in existence and have given rise to numerous abuses.

C NEW PROCEDURES.

1. (A) The tao ch'i or title deed is to be called "Deed of Perpetual Lease" the form of which will be prescribed in Chinese and furnished by the Land Bureau which will fill in all of the Chinese characters.
(B) The date of issue is to be inserted by the Land Bureau at the time when the deed is stamped.
2. (A) Forms of title deed will be furnished by the Land Bureau and printed in the Chinese language. They will be sent to each Consulate General for translation and the translation thus prepared will be printed also in the deed form.
(B) The old deed forms heretofore used and kept in each Consulate General may be used pending issuance of the new printed forms by the Land Bureau. The Land Bureau will paste a slip of paper of the same color over the first line and change the wording of such old form in which the Chief of the Land Bureau is to sign after the date column.
3. (A) To each title deed, the Land Bureau will assign a general number irrespective of nationality but in order of precedence. In future, every title deed will bear two numbers one of which will be the general number assigned by the Land Bureau and the other will be the registered number of the Consulate General concerned. In the official correspondence between the Land Bureau and each

Consulate

Consulate General, both should refer to the general number and the consular register number.

4. (A) Every title deed will be issued in triplicate; one of the three copies will be the original and the remaining copies will be the duplicate. The original is to be delivered to the renter and the other two copies are to be called the first duplicate and the second duplicate. The first duplicate will be filed at the Land Bureau and the second duplicate at the Consulate General concerned. The original, the first duplicate and the second duplicate will all be chopped by way of distinction.
5. (A) One rough plan for every lot in the Settlement will be prepared each by the Land Bureau and the Municipal Council at the time of joint measurement. The rough plan prepared by the Municipal Council is to be forwarded to the Land Bureau for approval after which the Land Bureau will draw a similar plan on the prescribed form and send it to the Municipal Council for confirmation. Thereafter, it is to be returned to the Land Bureau which will then forward the plan thus ratified by both of them to the Consulate General for transmission to the renter to be approved.
(B) Unless and until approved by the Municipal Council, no plan will be sent to any Consulate General by the Land Bureau for transmission to the renter.
(B) The size of the plan attached to the title deed will be the same as that of the deed. The plan may be made twice or several times as large as the deed so that, when folded, it may correspond to the title deed in size and present a good appearance. A seal will be placed at the juncture of the deed and the plan so that it may appear partly on each of them.
6. (A) All deeds of lease (or bills of sale) made out before 1930 are to be replaced by title deed within 4 months after assumption of control by the Land Bureau of matters pertaining to lease of land by foreigners. If not, they shall be considered invalid unless sufficient reasons are given and endorsed by the Consul General concerned. From 1930, foreigners leasing land from Chinese citizens shall all take out the draft deed of perpetual lease furnished by the Land Bureau. Unless use is made of the Land Bureau's draft deed of perpetual lease, the transaction will be invalid. The draft deed of perpetual lease would be null and void unless it is given in exchange of a title deed within two months from the date of execution.
The Land Bureau will publish the above mode of procedure in Chinese and foreign press for the information of all.

Consular Register No. -----

LAND BUREAU OF THE SPECIAL MUNICIPALITY
OF SHANGHAI, REPUBLIC OF CHINA.

THE DEED OF PERPETUAL LEASE

ORIGINAL
FIRST DUPLICATE
SECOND DUPLICATE

No. _____

It is a matter of record that a communication has been received from the Consul General for _____ at Shanghai, stating that, in accordance with the treaty regulations, _____ has applied to rent in perpetuity from the proprietor _____ a plot of land, situated in the _____ T'u _____ Wei _____ hac, _____ Ch'u, within the _____ Section of the Special Municipality of Shanghai, measuring in area _____ mow _____ fen _____ li _____ hac, bounded on the East by _____, on the West by _____, on the North by _____; that the said Renter has paid to the said Proprietor a sum of _____; that he has completed all arrangements for the lease and that he has applied for a Deed of Perpetual Lease.

The above having been forwarded to this Bureau and the statements having been found to be true and correct, this Bureau hereby issues this Deed of Perpetual Lease.

Hereafter, if the said Renter transfers his interest in the land now rented to another party, he must present this Deed to the Consul General concerned for examination after which the latter shall request this Bureau in writing to approve and register the transfer and to issue a new Deed of Perpetual Lease as the law requires. In the event that the said Renter surreptitiously transfers his interest in the land now rented to another party without going through the formality hereinbefore described, or in case of his failure to pay the Ground Rent annually in advance in conformity with the established regulations, this Deed shall be declared null and void and the land now rented shall be confiscated by this Bureau for the municipality.

IN WITNESS WHEREOF, this Deed of Perpetual Lease is issued to the said Renter on this _____ day _____
~~issued to the said Renter on this~~
month _____ year of the Republic of China.

Chief of the Land Bureau (seal)

THE LAND BUREAU'S IMPROVED METHODS OF ISSUING TITLE DEEDS.

A. Matters in which changes are being made.

- (1) Forms of deeds to be furnished by the Land Bureau.
- (2) Change in the form of title deed. Rules for temporary use of the old forms.
- (3) Improvement of the method of numbering deeds.
- (4) Rule for the filing of the original and duplicate of title deeds.
- (5) Plans to be attached to title deeds are to be prepared by the Land Bureau.
- (6) Time limit for requesting issuance of Deeds of Perpetual Lease.

B. Old Procedure.

1. (A) Title deeds are heretofore prepared by each Consulate General and sent to the Chinese administrative office for stamping. In some instances, the Consulate General fills in for the Chinese office whatever should be inserted in the Chinese language.
(B) Strictly speaking, the date of a title deed is the date of its issuance. Formerly, some of the title deeds were ante-dated by the different Consulates General at the time when they were sent out. This accounts for the discrepancy between the dates of such title deeds and the dates of their issuance.
2. (A) After the birth of the Chinese Republic, no change was made in the form of title deed but use was continued of the documentary style of the Manchu regime. For this reason, the first line consists merely of the title and the surname of the principal officer of the public office by which the deed is issued and no signature appears after the date column.
3. (A) Title deeds are heretofore numbered by the different Consulates General. The Chinese authorities assign no additional numbers to such documents.
4. (A) No counterfoils are ever kept of title deeds which are made out in triplicate and marked with the characters (), (), () in the corner. The

copy

(CIRCULAR NO. 120-M-XI)

Subject: NEW CADASTRAL SYSTEM.

THE SENIOR CONSUL HAS THE HONOR TO CIRCULATE THE FOLLOWING
FOR THE INFORMATION OF HIS HONORABLE COLLEAGUES.

(From the Land Bureau of the Special Municipality of Shanghai
to the Senior Consul).

No. 2743

February 22, 1930.

Sir:

I have the honor to state that, after this Bureau took over the recent Bureau for Joint Measurement of Land Leased to Foreigners in Shanghai and Paoshan, we continued the issuance of title deeds without any innovation. In order that the system may be as accurate as possible and with a view to uniformity of procedures, we have not compiled an itemized list of those old methods which are no longer applicable and are transmitting, for your consideration, a printed statement of the contemplated changes. Since the statement embodied in title deed is entirely in accord with the established practice heretofore observed, I enclose twenty specimen copies of the deed of perpetual lease (formerly known as Tao Ch'i), twenty copies of the improved regulations for issuance of title deeds and twenty specimen copies of the draft lease in perpetuity. It is trusted that you will find them in order and transmit these enclosures to the various Consuls General at Shanghai.

(Signed) Chu Yen
Director of Land Bureau.

Enclosures:

- 20 copies of the deed of perpetual lease.
- 20 copies of the improved regulations for issuance of title deeds.
- 20 copies of the lease in perpetuity.

Edwin S. Cunningham, Esquire,
American Consul General,
Shanghai.

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昭和5 四四九二 附

上海 本省

三月廿六日後着

幣原外務大臣

重光總領事

第二二九號

三月八日附機密第三三〇號抽信ニ關シ

其ノ後日英米佛領事館土地委員ノ會合及領事團會議ニ於テ審議ノ結

果首席領事ヨリ特別市長ニ對シテ新規則ハ大体異議ナキモ

一特別市土地局カ地券ヲ發給スルコトニ付テハ先ツ支那政府ヨリ同

局ノ權限ニ付確認ヲ得ルヲ要スルコト

ニ冒頭抽信附屬乙號田ノ(附)上海特別市ノ名義ヲ用ルニ異議ナキモ土

地カ租界内ニ存在スル場合ハ租界ノ特殊地位ヲ明カニスル爲上海

電信寫

特別市共同(又ハ佛國)租界内ト記スルコト

一「トランスファア」ノ場合新地券ヲ發給スルコトハ土地章程ニ違

背スルヲ以テ承認シ難キコト

四新地券ニハ地租額ノ明示ナキ處地租額ハ領事團ト支那官憲ノ合意

アルニ非サレハ變更シ得サルモノナル事

五一九三〇年以前ノ永租契約ニ對シテハ地券發給ニ付期限ヲ設ケサ

ルコト及一九三〇年以後ノ永租契約ニ付テハ四ヶ月ハ短カキニ過

クルヲ以テ之ヲ延長スルコト必要ナル事

ヲ申入ルル事トナリ右特別市長宛回答案ハ首席領事ニ於テ起草ノ上

首席公使ニ送付シ公使團ノ承諾ヲ得ルコトトナリタルカ本廿六日首

席領事ヨリ本日右回答案ヲ首席公使宛送付シ廿八日迄何等回電ニ接セ

サル時ハ回答送送ノ手續ヲ取ルヘキ旨通知越セリ委細郵綴

北平ニ電シ南京ヘ暗送セリ

下に送外

領事團ヨリ
土地局ニ送シ
手紙封帖示
才西村の申入
(依郵部)

Handwritten signature and notes, including the characters '土地' (Land).

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0140

條約局

懸案

1215200

亞細亞局

第一課甲

昭和五年四月四日 接達

機密第四二九號

別紙添付

昭和五年三月二十六日

在上海

總領事 重光

奏

外務大臣男爵 幣原喜重郎 殿

上海市政府ノ外人土地永租規則改正ニ

關スル件

往電第二二九號ニ關シ本月八日附機密第三三〇號拙信所報支那側ノ
本件提案ニ對シテハ領事團ハ之カ對策トシテ先ツ各總領事館ノ土地
委員ヲシテ實際的方面ヨリ新規定ヲ研究セシメ其ノ報告ニ基キ領事

團トシテ上海市政府ニ何分ノ申入ヲナスコトトナリ本月十二日英米日
佛四ヶ國ノ土地委員ハ米國總領事館ニ會合シ豫メ首席領事ヨリ廻付シ
來レル「メモランダム」ニ付討議研究ノ結果別紙甲號ノ通り十項ヨリ
ナル Recommendation ヲ領事團ニ提出シ來リタルカ右ニ依レハ(一)地券發
給官廳ノ變更(但從來交渉員ニ依リ發給セラレシヲ上海市土地局ニ變更
セルコトニ對シテハ先ツ支那側ヨリ正式ニ同局ノ權限ニ付確認ヲ得ル
コトヲ條件トス)(二)公文様式ノ變更(地券面冒頭ニ照會トアリシヲ函
ト改メシコト)(三)條約ノ援用(新地券ニハ特ニ條約ニ按照スル旨明記
セルコト)(四)永租地域ノ限定(舊地券ニ上海港トアリシヲ上海特別市
ト改メシコト)(五)永租地所在地ノ記載方法ノ變更(舊地券ニ比シ一層
精密トナリシコト)及(六)公測地圖作製方法ノ變更(從前租界内永租土

B11

G-0068

0141

地ノ公測地圖ハ工部局ニ於テ作製セシヲ今後ハ租界ノ内外ヲ論セス支那側土地局ニ於テ作圖セントスルコト等ニハ別ニ異議無キモ(六)「トランスファ」ニ際スル新地券發給計畫即從前一度永租權獲得後同國人間ノ「トランスファ」ハ單ニ所屬國領事館ニ於テ名儀變更登記ヲナシ支那側ニハ通知ヲナスヲ以テ足リシヲ改メ今後「トランスファ」ニ際シテハ國籍ノ同一ナルヤ否ヤニ論無ク一律ニ支那側ニ於テ新地券ヲ發給スヘシトノ支那側規定ハ手續上非常ナル不便ヲ感スルノミナラス Land regulation 第五條ニ違反スルモノナルニ付領事團ヨリ抗議アリタク(七)地租ニ關シ新地券面ニハ何等記載ナキニ付土地局ニ對シ之ヲ指摘シ且領事團ト支那側官憲ノ同意ヲ俟ツニ非サレハ現行地租ヲ變更シ得サルモノナルコトヲ通告シ(八)領事團ヨリ土地

B11

局ニ對シ地券發給ニ關スル諸手数料ノ明示方照會ヲスルコト及(九)永租契約ノ有効期限ニ關シ一九三〇年以前ノ永租契約ハ四ヶ月以内ニ地券發給ヲ受ケサレハ無効トナス支那側新規定ハ其ノ期限餘リニ短カキニ失スルヤニ思量スル旨記載シアリ右ニ關シ十四日領事團會議開催前記(四)ノ永租地域ヲ上海特別市ト改メタルニ對シ若シ該土地カ租界内ニアル場合ハ租界ノ特種地位ヲ明ニスル爲上海特別市共同(又ハ佛蘭西)租界区内ト明記スルコト及(十)ノ永租契約有効期限ニ關シ一九三〇年前ノ永租契約ニ對シテハ地券發給期限ヲ設ケス一九三〇年以後ノ永租契約ニ付テハ四ヶ月ハ短カキニ失スルヲ以テ之ヲ延長スルコトノ必要ナル旨ヲ提議スルコト(本項ハ本月二十五日附機密第四二七號末段所報ノ通り浦東側ノ三

B11

井所有土地中ニ地保ノ署名拒絶其他ノ理由ニ依リ多數ノ地券未發給
土地アルヲ發見シタルニ付領事團會議ニ於テ我方ニ於テ列國ヲ動か
シ該期限ノ撤廢乃至延長方支那側ニ申入レ其ノ間ニ於テ三井側ヲシ
テ賣手支那人トノ間ニ商談ヲ進行セシメン爲我方ヨリ該提議ヲナシ
英米始メ其他之ニ同意シタルモノナリノ二項ヲ修正シタル以外
Land Officers ノ提案ヲ承認シ首席領事ニ於テ支那側回答案ヲ作製シ
タル後外交團ニ請訓シ若シ相當期間内ニ何等回訓無キトキハ其ノ儘
支那側ニ送付スルコトニ決定セリ其後首席領事ニ於テ回答案作成中
ナリシカ本二十七日同領事ヨリ別紙乙號回章ノ通り *Direct Reply* ヲ
首席公使ニ送付シ置ケル旨並ニ二十八日迄ニ何等回訓ニ接セサル場
合ハ此ノ儘支那側ニ申入ルヘキ旨通知越アリタリ

B11

右報告申進ス

本信寫送付先 北平 奉天 天津 青島 漢口 廣東

福州 厦門 南京

B11

sulate of the nationality of the new renter. This procedure is in accord with Article V of the Land Regulations for the International Settlement of Shanghai. Under the new procedure, however, all transfers between foreign renters, regardless of nationality, require the issuance of a new triplicate deed if the renter is to protect his title.

The Consular Body holds the view that this contemplated change would be a contravention of Land Regulation V, interpreted in conjunction with Land Regulation IV. For convenient reference these regulations are here reproduced.

"IV. Registration of Land and Charges thereon. All such conveyances or leases of land, so purchased as aforesaid, shall within one month from the time of the completion of the sale be registered in the office of the Consular Representative of the purchaser; and all charges by way of mortgage, whether of a legal or equitable character, shall also be registered in the like manner, and within one month of their execution.

"V. Transfer of Lots, When to be Registered. All transfers of land shall be made at the Consulate where the deeds are registered, and also be registered at that of the vendee or assignee, and notice of the same shall be lodged by the Consul with the Municipal Council."

It will be clear that, in demanding new title deeds should be obtained for a transfer of land between like nationals or in making it necessary to obtain new title deeds because of a transfer of land consequent on a mortgage, these Land Regulations would be contravened. Moreover, the proposed change would entail a great deal of extra expense. For these reasons, the Consular Body is unable to accept this particular mutation.

4. LAND TAX. It is noted that in the new forms no reference is made to the amount of land tax which in the old forms is stated to be 1,500 cash per mow. The Consular Body desire to remark, in this regard, that of course there can be no change in the amount of the land tax unless it is mutually agreed to by the Consular Body and the appropriate Chinese Authorities.

5. Fees.

5. Fees. You are requested to inform the Consular Body concerning what fees, precisely, are to be charged in connection with the new title deeds.

6. Bills of Sale. It is observed that the New Procedure (Article 6) provides that "all deeds of lease (or bills of sale) made out before 1930 are to be replaced by title deed within four months after assumption of control by the Land Bureau of matters pertaining to lease of land by foreigners. If not, they shall be considered invalid unless sufficient reasons are given and endorsed by the Consul General concerned." The Consular Body, however, holds the view that there should be no time limit established for replacing bills of sale, executed before 1930, with title deeds, also that a longer period than four months should be decreed for replacing bills of sale, executed this year and thereafter, with title deeds. You are urged, therefore, to eliminate this ruling.

The new procedure, with the exception of those changes specifically mentioned herein, appears to be generally acceptable to the Consular Body, but my colleagues and I wish to receive satisfactory assurances from you regarding the points which are objected to, or to which only a qualified acceptance can now be given, before committing the Consular Body to any obligation in the promises.

I have, etc.

Edwin S. Cunningham,
American Consul General
and Senior Consul.

References:

120-M-XI. 158-M-XI.

Circulated March 25, 1930.

(CIRCULAR NO. 183-M-XI)

SUBJECT: NEW CADASTRAL SYSTEM.

THE SENIOR CONSUL PRESENTS HIS COMPLIMENTS TO HIS HONORABLE COLLEAGUES AND HAS THE HONOR TO STATE THAT THE APPENDED REPLY TO THE DIRECTOR OF THE CHINESE LAND BUREAU HAS BEEN TRANSMITTED TO-DAY TO THE SENIOR MINISTER. IT WILL BE DESPATCHED TO THE ADDRESSEE FAILING THE RECEIPT OF ANY OBJECTION ON FRIDAY, MARCH 28, 1930.

(Draft of a proposed reply from the Senior Consul to the Director of the Chinese Land Bureau)

Dr. Tchou Yen,
Director of the Land Bureau of the
Special Municipality of Shanghai,
c/o The North Shanghai Temporary Office
of the Land Bureau, Special Municipality
of Shanghai,
Shanghai, China.

Sir:

I have the honor to acknowledge the receipt of your letter of February 22, 1930 addressed to the American Consul General, reading as follows:

"I have the honor to state that, after this Bureau took over the recent Bureau for the Joint Measurement of Land Leased to Foreigners in Shanghai and Paoshan, we continued the issuance of title deeds without any innovation. In order that the system may be as accurate as possible, and with a view to uniformity of procedures, we have now compiled an itemized list of those old methods which are no longer applicable and are transmitting, for your consideration, a printed statement of the contemplated changes. Since the statement embodied in title deed is entirely in accord with the established practice heretofore observed, I enclose twenty specimen copies of the deed of perpetual lease (formerly known as tao ch'i), twenty copies of the improved regulations for issuance of title deeds and twenty specimen copies of the draft lease in perpetuity. It is trusted that you will find them in order and transmit these enclosures to the various Consuls General at Shanghai".

Your communication and its accompaniments have been laid before the Consular Body for consideration and I am now desired by my colleagues to reply in the following terms.

It is observed that your proposed new procedure for the issuance of title deeds to foreign land renters will bring into practice a number of changes from the former system. Many of these innovations are not objected to, but there are a few concerning which I am desired to make the representations appearing hereunder.

1. Issuing

- 2 -

1. Issuing Officers. Instead of the Commissioner of Foreign Affairs, it is noted that the officer who will sign and seal the triplicate deeds will be the Director of the Land Bureau of the Special Municipality of Shanghai. In order to regularize the position, the Consular Body would be glad to receive, as an indispensable condition of its acceptance of this change, confirmation from the Chinese Government of the authority of this officer to function in the capacity named.

2. Designation of area in which land held by foreigners is situated. In the old deed forms it was stated that the land leased by a foreigner was located in the Treaty Port of Shanghai, whereas in the new deed forms it is stated that the land is situated in the Special Municipality of Shanghai. However, referring to the Deed of Perpetual Lease (final form), it is assumed that, in the blank space which occurs in the sentence reading "within the _____ Section of the Special Municipality of Shanghai", it is intended to insert the words "International Settlement" or "French Concession", as the circumstances require, in order that the special and distinct status of these areas may not be prejudiced.

3. Issuance of new deeds after transfer. It is noted that a very important and far reaching change has been made in the last part of the Chinese text of the deed, which lists what might be described as the conditions with which the renter must comply in order to protect his title. Formerly, whenever a transfer was made from one foreign renter to another of the same nationality, no new title deed was issued, the transfer being effected in the Consulate of the nationality of the parties and a notice thereof being sent to the Chinese Land Office. If the nationality of the new foreign renter was not the same as the old renter, the deed was cancelled in the Consulate where registered and sent to the Chinese authorities for the issuance of a new triplicate deed for the Consulate of the nationality of the new renter. This procedure is in accord with Article V of the Land Regulations for the

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0145

REPORT OF CONSULAR LAND OFFICERS CONCERNING
THE PROPOSALS OF THE LAND BUREAU OF THE SPECIAL
MUNICIPALITY OF SHANGHAI IN REGARD TO THE
PROCEDURE FOR THE ISSUANCE OF TITLE DEEDS TO
FOREIGN LAND RENTERS.

In compliance with a request of the Senior Consul, a meeting of the American, British, French, and Japanese consular land officers was held at the American Consulate General on March 12, 1930, to discuss the proposals set forth in the communication, dated February 22, 1930, from the Land Bureau of the Special Municipality of Shanghai to the Senior Consul.

The land officers discussed the observations made in the Senior Consul's Memorandum of February 27th and agreed upon the following recommendations to the Consular Body:

1. ISSUING OFFICER. This question is being taken up by the American Minister with the Chinese authorities at Nanking, and it seems advisable to await word as to the result of his efforts. The land officers agreed that there is no objection to the issuance of the title deeds by the Land Bureau, providing that due notification of his authority is received from the Chinese Government.
2. CHINESE TERM USED IN COMMUNICATIONS TO FOREIGN CONSULS. There is no objection to the use of the character "han", inasmuch as the phrase "chao hui" is obsolete.
3. REFERENCE TO TREATIES. There is no objection to the reference to the treaties.
4. DESIGNATION OF AREA IN WHICH LAND HELD BY FOREIGNERS IS SITUATED. There is no objection to the statement that the land is situated in the Special Municipality of Shanghai.
5. DESCRIPTION OF THE LOCATION OF THE LAND. There is no objection to the new description, which describes the location of the land more definitely.
6. ISSUANCE OF NEW DEEDS AFTER TRANSFER. Inasmuch as the new procedure (necessity of new deeds in the case of transfers of land between parties of the same nationality and already registered in a consulate) would be a great inconvenience, would prove of no advantage, and appears to be a violation of Article V of the Land Regulations, the land officers believe that an objection should be made to ~~the~~ this proposal.
7. LAND TAX. The land bureau should be informed that it is noted that no tax is specified and that of course no change can be made without agreement between the Consular Body and the Chinese authorities.
8. Plans. There is no objection to the new procedure as to the preparation of plans.
9. FEES. The land officers feel that the Consular Body should request the Land Bureau to furnish information as to the fees to be charged in connection with title deeds.
10. BILLS OF SALE. The land officers believe that the time limit of four months is too short.

電信寫



暗和五 四七四八 暗

上海 本省

三月卅一日後着

幣原外務大臣

第二四一號

往電第二二九號ニ關シ(上海土地局土券ニ關スル件)

回答ハ廿八日附ヲ以テ本三十二日發送セラレタル旨首席領事ヨリ通

告アリタリ

北平へ轉電シ、南京へ暗送セリ

47

土地

卅一



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傳為二

G12.5210

公信第四七五號

昭和五年三月三十一日

在上海

總領事 重光

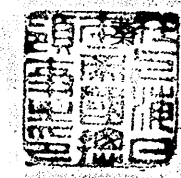
外務大臣男爵 幣原 喜重郎 殿

上海市政府ノ外人土地永租規則改正ニ關スル件

往電第二四一號ニ關シ首席領事回書^章第二〇一號（三月二十六日附機密
第四二九號往信附屬乙號支那側ニ對スル回答案ハ二十八日附ヲ以テ本
三十一日發送濟ナル旨ノ通告）御參考迄別紙ノ通り送付ス

本信寫送付先 北平 奉天 天津 青島 漢口 廣東 福州

南京 厦門



別紙添付

亞細亞

第一課甲

昭和五年四月拾日接

上海

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0148

(CIRCULAR NO. 201-VII-G)

SUBJECT: DISPOSITION OF DRAFT LETTERS.

THE SENIOR CONSUL HAS THE HONOR TO CIRCULATE THE FOLLOWING FOR THE INFORMATION OF HIS HONORABLE COLLEAGUES.

The following letter was despatched on the date noted in the form in which it was circulated.

CIRCULAR NUMBER: 183-M-XI.

SUBJECT: New Cadastral System.

TO WHOM: Director of the Chinese Land Bureau.

LETTER DATED: March 28, 1930.

DATE DESPATCHED: March 31, 1930.

Reference:

183-M-KI.

Circulated March 31, 1930.

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0149

條約局

612.52

重細亞局

機密第三九〇號

第一課甲

昭和五年四月二十四日

在支那日本公使館

公使館一等書記官 矢野

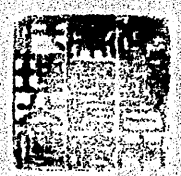
外務大臣男爵 幣原喜重郎 殿

昭和五年四月二十四日附在上海重光總領事宛機密第八號信寫送附

上海市政府ノ外人土地永租規則改正ニ關スル件

昭和五年五月壹日 接受
別紙添附

上海土地



G-0068

0150

機密第八號

昭和五年四月二十四日

別紙添附

在支那日本公使館

公使館一等書記官 矢野 眞

在 上 海

總領事 重 光 葵 殿

上海市政府ノ外人土地永租規則改正ニ關スル件

三月二十六日附公領機密第三〇五號貴信ニ關シ
首席公使ヨリ四月十日附回章第三三號ヲ以テ本件ニ關スル貴地首席
領事ヨリノ書翰寫附屬文書ト共ニ回覽ニ附シ來ルト共ニ四日以内ニ
異議ノ申出無キ時ハ各國同僚ニ於テ同首席領事ノ土地局長宛回答案
中ニ述ヘラレタル領事團ノ意見ニ贊成ナリト看做シ其旨首席領事宛

通告スヘキ旨附記シ來リタル處本官ハ貫電第一四七號ニ依リ當時貴
地首席領事ニ於テ既ニ本件支那側ニ申入済ノ次第ヲ承知シ居タルヲ
以テ右回章ニ對シテハ何等「コメント」ヲ附スルコト無ク其儘ト
ナシ置キタリ
右同回章寫添附報告申進ス

本信寫送附先

外務大臣 奉 天
代理公使 天 津
廣 東 福 州
青 島 厦 門
漢 口 南 京
(別紙省略)

IV. Registration of Land and Charges thereon: All such conveyances or leases of land, so purchased as aforesaid, shall within one month from the time of the completion of the sale be registered in the office of the Consular representative of the purchaser; and all charges by way of mortgage, whether of legal or equitable character, shall also be registered in the like manner, and within one month of their execution.

V. Transfer of Lots, When to be Registered. All transfers of land shall be made at the Consulate where the deeds are registered, and also be registered at that of the vendee or assignee, and notice of the same shall be lodged by the Consul with the Municipal Council."

It will be clear that, in demanding new title deeds should be obtained for a transfer of land between like nationals or in making it necessary to obtain new title deeds because of a transfer of land consequent on a mortgage, these Land Regulations would be contravened. Moreover, the proposed change would entail a great deal of extra expense. For these reasons, the Consular Body is unable to accept this particular mutation.

4. Land Tax. It is noted that in the new forms no reference is made to the amount of land tax which in the old forms is stated to be 1,500 cash per mow. The Consular Body desire to remark, in this regard, that of course there can be no change in the amount of the land tax unless it is mutually agreed to by the Consular Body and the appropriate Chinese authorities.

5. Fees. You are requested to inform the Consular Body concerning what fees, precisely, are to be charged in connection with the new title deeds.

6. Bills of Sale. It is observed that the New Procedure (Article 6) provides that "all deeds of lease (or bills of sale) made out before 1930 are to be replaced by title deed within four months after assumption of control by the Land Bureau of matters pertaining to lease of land by foreigners. If not, they shall be considered invalid unless sufficient reasons are given and endorsed by the Consul General concerned." The Consular Body, however, holds the view that there should be no time limit established for

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replacing bills of sale, executed before 1930, with title deeds, also that a longer period than four months should be decreed for replacing bills of sale, executed this year and thereafter, with title deeds. You are urged, therefore, to eliminate this ruling.

The new procedure, with the exception of those changes specifically mentioned herein, appears to be generally acceptable to the Consular Body, but my colleagues and I wish to receive satisfactory assurances from you regarding the points which are objected to, or to which only a qualified acceptance can now be given, before committing the Consular Body to any obligation in the premises.

I have, etc.

Edwin S. Cunningham,
American Consul General
and Senior Consul.

THE LAND BUREAU OF THE SPECIAL MUNICIPALITY OF SHANGHAI.

DEED OF PERPETUAL LEASE.

I, _____, hereby execute this Deed of Perpetual Lease.

Whereas, through the service of middlemen, I have voluntarily rented in perpetuity to _____ a foreign merchant, my _____ estate which consists of a piece of taxable land, situated in the _____ t'u and measuring _____ wei, _____ hao, _____ ch'iu _____ in area, for a total sum of _____ according to the current price as clearly and verbally agreed to by all of the parties concerned and whereas the above mentioned sum was paid in full on the date of execution of the deed as evidenced by a separate receipt, it is hereby agreed that, after the lease, the present proprietor of the land shall be at liberty to complete the transfer, to undertake to pay the tax, to collect rent or to build houses without the least interference on the part of the lessor (or vendor) of the property; that, if the property is found to have been mortgaged or sold already or to be of unknown origin and in case of any other encumbrance, the lessor (or vendor) himself shall effect a settlement; and that the renter shall pay yearly the Annual Ground Rent in lieu of land tax.

To these conditions, both parties agree without any statement to the contrary. Lest there be no evidence, this Deed of Perpetual Lease is executed.

The boundaries are as follows:

East by _____
West by _____
South by _____
North by _____

This Deed of Perpetual Lease is drawn up on this _____ day _____ month _____ year of the Republic of China

_____ Middlemen

_____ Tipao

_____ writer

Circulated March 3, 1930.

3. Designation of area in which land held by foreigners is situated. In the old deed forms it was stated that the land leased by a foreigner was located in the Treaty Port of Shanghai, whereas in the new deed forms it is stated that the land is situated in the Special Municipality of Shanghai. However, referring to the Deed of Perpetual Lease (final form), it is assumed that, in the blank space which occurs in the sentence reading "within the _____ Section of the Special Municipality of Shanghai", it is intended to insert the words "International Settlement" or "French Concession", as the circumstances require, in order that the special and distinct status of these areas may not be prejudiced.

3. Issuance of new deeds after transfer. It is noted that a very important and far reaching change has been made in the last part of the Chinese text of the deed, which lists what might be described as the conditions with which the renter must comply in order to protect his title. Formerly, whenever a transfer was made from one foreign renter to another of the same nationality, no new title deed was issued, the transfer being effected in the Consulate of the nationality of the parties and a notice thereof being sent to the Chinese Land Office. If the nationality of the new foreign renter was not the same as the old renter, the deed was cancelled in the Consulate where registered and sent to the Chinese authorities for the issuance of a new triplicate deed for the Consulate of the nationality of the new renter. This procedure is in accord with Article V of the Land Regulations for the International Settlement of Shanghai. Under the new procedure, however, all transfers between foreign renters, regardless of nationality, require the issuance of a new triplicate deed if the renter is to protect his title.

The Consular Body holds the view that this contemplated change would be a contravention of Land Regulation V, interpreted in conjunction with Land Regulation IV. For convenient reference these regulations are here reproduced.

(Enclosure No. 3)

(Draft of a proposed reply from the Senior Consul to the
Director of the Chinese Land Bureau)

Mr. Tchou Yen,
Director of the Land Bureau of the
Special Municipality of Shanghai,
c/o The North Shanghai Temporary Office
of the Land Bureau, Special Municipality
of Shanghai,
Shanghai, China.

Sir:

I have the honor to acknowledge the receipt of your
letter of February 22, 1930 addressed to the American Con-
sul General, reading as follows:

"I have the honor to state that, after this
Bureau took over the recent Bureau for the Joint
Measurement of Land Leased to Foreigners in Shang-
hai and Paoshan, we continued the issuance of title
deeds without any innovation. In order that the
system may be as accurate as possible, and with a
view to uniformity of procedures, we have now com-
piled an itemized list of those old methods which
are no longer applicable and are transmitting, for
your consideration, a printed statement of the con-
templated changes. Since the statement embodied
in title deed is entirely in accord with the estab-
lished practice heretofore observed, I enclose
twenty specimen copies of the deed of perpetual
lease (formerly known as tao ch'i); twenty copies
of the improved regulations for issuance of title
deeds and twenty specimen copies of the draft lease
in perpetuity. It is trusted that you will find
them in order and transmit these enclosures to the
various Consuls General at Shanghai."

Your communication and its accompaniments have been laid
before the Consular Body for consideration and I am now desired
by my colleagues to reply in the following terms.

It is observed that your proposed new procedure for the
issuance of title deeds to foreign land renters will bring
into practice a number of changes from the former system.
Many of these innovations are not objected to, but there
are a few concerning which I am desired to make the representa-
tions appearing hereunder.

1. Issuing Officer. Instead of the Commissioner of
Foreign Affairs, it is noted that the officer who will sign
and seal the triplicate deeds will be the Director of the
Land Bureau of the Special Municipality of Shanghai. In
order to regularize the position, the Consular Body would
be glad to receive, as an indispensable condition of its
acceptance of this change, confirmation from the Chinese
Government of the authority of this officer to function in
the capacity named.

2.

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L. REASONS.

1. (A) Tao ch'i is a vulgar designation for title deed of which there has been no prescribed name. It is now decided to call it "Deed of Perpetual Lease".
(B) Since title deeds are issued in the name of a Chinese public office, the forms of title deed should be prepared by the Chinese public office concerned.
(C) In order to avoid confusion and for the sake of accuracy, all Chinese characters and the date of issue should be inserted in every title deed by the Land Bureau.
2. (A) As a sort of official document in force at present, a title deed should conform to the documentary style now in use. This has rendered it necessary to change the form of title deed. Moreover, since the title deeds taken out by different powers are issued by one and the same controlling office, it follows that the forms and wordings of such deeds should be uniform. In view of the fact that the title deed forms printed by the various Consulates General differ from each other in respect to the Chinese wording and the color of the paper, it has become necessary for the Land Bureau to prescribe a settled form for the sake of uniformity.
3. (A) Since title deeds are issued by a Chinese public office, it is necessary for the Chinese public office concerned to number them. It has been the practice for the different powers to assign numbers of their own to such deeds while the failure of the Chinese office that issues them to do any numbering has rendered it difficult to make investigations.
4. (A) Inasmuch as title deeds are made out in triplicate, the system followed in the transaction of business would be unsatisfactory in the real sense of the word unless a ruling is made for the issuance and filing of such papers. According to the usual practice, only a small Chinese character is written on the copy delivered to the renter and the copy kept on file. This is apt to be obliterated and there is absolutely no other mark of distinction. It is, therefore, decided to chop all of them.
5. (A) The plan is an appendix to the title deed. Since the title deed is issued by the Land Bureau, the plan which is to be attached to the deed should be prepared by the Land Bureau. The amount of labor involved is comparatively great but it is nevertheless impossible for the Land Bureau to shirk the heavy work or neglect its duty. It is necessary for the Municipal Council to draft the plan because the latter has actually surveyed the land in the Settlement, and is familiar with the topography. Moreover, it has much to do with the demarcation of road lines. It is only by observance of the new procedure that due regard may be maintained for both sides.

G.(A)

6. (A) Since the Deed of Lease (or Bill of Sale) is intended exclusively for use by foreigners in renting ground from Chinese citizens, it is a highly important document. For this reason, the Land Bureau has prescribed the form of Draft Deed of Lease.
(B) After execution of the Draft Deed of Lease, foreign renters frequently fail to apply to the Consulate General concerned for registration or for issuance of title deeds. While the property right of the renter is not established, both Chinese and foreign authorities have no way of making investigations. In case of trouble, any prolonged delay would render it more difficult to effect a settlement.

copy marked with (中) is filed in the Chinese office, that marked with (上) is kept at the Consulate General and the remaining copy bearing the character (下) is delivered to the owner. In some cases, the copy marked with (下) is filed at the Consulate General and that marked with (上) delivered to the owner. There is no fixed rule.

- 5. (A) After joint measurement of any lot in the Settlement for which a title deed is to be issued, the plan to be attached to the deed is heretofore prepared by the Municipal Council.
- 6. (A) The Deed of Lease is heretofore used as an evidence by foreigners renting ground from Chinese citizens. Although the form of such deed has been printed and published by the Magistrate of Shanghai, the number of foreign renters using government form is exceedingly small. The forms which they use are mostly printed and sold without authority by paper shops in the Settlement. Moreover, in the absence of any rule as to the time when a deed of lease should be given in exchange of a title deed after it is executed, a large number of deeds of lease that have not been used in application for title deeds are in existence and have given rise to numerous abuses.

C. NEW PROCEDURES.

- 1. (A) The tao ch'i or title deed is to be called "Deed of Perpetual Lease" the form of which will be prescribed in Chinese and furnished by the Land Bureau which will fill in all of the Chinese characters.
- (B) The date of issue is to be inserted by the Land Bureau at the time when the deed is stamped.
- 2. (A) Forms of title deed will be furnished by the Land Bureau and printed in the Chinese language. They will be sent to each Consulate General for translation and the translation thus prepared will be printed also in the deed form.
- (B) The old deed forms heretofore used and kept in each Consulate General may be used pending issuance of the new printed forms by the Land Bureau. The Land Bureau will paste a slip of paper of the same color over the first line and change the wording of such old form in which the Chief of the Land Bureau is to sign after the date column.
- 3. (A) To each title deed, the Land Bureau will assign a general number irrespective of nationality but in order of precedence. In future, every title deed will bear two numbers one of which will be the general number assigned by the Land Bureau and the other will be the registered number of the Consulate General concerned. In the official correspondence between the Land Bureau and each

Consulate

Consulate General, both should refer to the general number and the consular register number.

- 4. (A) Every title deed will be issued in triplicate; one of the three copies will be the original and the remaining copies will be the duplicate. The original is to be delivered to the renter and the other two copies are to be called the first duplicate and the second duplicate. The first duplicate will be filed at the Land Bureau and the second duplicate at the Consulate General concerned. The original, the first duplicate and the second duplicate will all be chopped by way of distinction.
- 5. (A) One rough plan for every lot in the Settlement will be prepared each by the Land Bureau and the Municipal Council at the time of joint measurement. The rough plan prepared by the Municipal Council is to be forwarded to the Land Bureau for approval after which the Land Bureau will draw a similar plan on the prescribed form and send it to the Municipal Council for confirmation. Thereafter, it is to be returned to the Land Bureau which will then forward the plan thus ratified by both of them to the Consulate General for transmission to the renter to be approved.
- (B) Unless and until approved by the Municipal Council, no plan will be sent to any Consulate General by the Land Bureau for transmission to the renter.
- (C) The size of the plan attached to the title deed will be the same as that of the deed. The plan may be made twice or several times as large as the deed so that, when folded, it may correspond to the title deed in size and present a good appearance. A seal will be placed at the juncture of the deed and the plan so that it may appear partly on each of them.
- 6. (A) All deeds of lease (or bills of sale) made out before 1930 are to be replaced by title deed within 4 months after assumption of control by the Land Bureau of matters pertaining to lease of land by foreigners. If not, they shall be considered invalid unless sufficient reasons are given and endorsed by the Consul General concerned. From 1930, foreigners leasing land from Chinese citizens shall all take out the draft deed of perpetual lease furnished by the Land Bureau. Unless use is made of the Land Bureau's draft deed of perpetual lease, the transaction will be invalid. The draft deed of perpetual lease would be null and void unless it is given in exchange of a title deed within two months from the date of execution. The Land Bureau will publish the above mode of procedure in Chinese and foreign press for the information of all.

Consular Register No. _____

LAND BUREAU OF THE SPECIAL MUNICIPALITY OF SHANGHAI, REPUBLIC OF CHINA.

THE LEED OF PERPETUAL LEASE.

ORIGINAL
FIRST DUPLICATE
SECOND DUPLICATE

No. _____

It is a matter of record that a communication has been received from the Consul General for _____ at Shanghai, stating that, in accordance with the treaty regulations, _____ has applied to _____ rent in perpetuity from the proprietor _____ a plot of land, situated in the _____ Wei _____ Hao _____ CH'iu, within the _____ Section of the Special Municipality of Shanghai, measuring in area _____ mow _____ fen _____ li _____ hao, bounded on the East by _____ on the West by _____, on the South by _____, on the North by _____; that the said renter has paid to the said Proprietor a sum of _____; that he has completed all arrangements for the lease and that he has applied for a Deed of Perpetual Lease.

The above having been forwarded to this Bureau and the statements having been found to be true and correct, this Bureau hereby issues this Deed of Perpetual Lease.

Hereafter, if the said renter transfers his interest in the land now rented to another party, he must present this Deed to the Consul General concerned for examination after which the latter shall request this Bureau in writing to approve and register the transfer and to issue a new Deed of Perpetual Lease as the law requires. In the event that the said renter surreptitiously transfers his interest in the land now rented to another party without going through the formality hereinbefore described, or in case of his failure to pay the Ground Rent annually in advance in conformity with the established regulations, this Deed shall be declared null and void and the land now rented shall be confiscated by this Bureau for the Municipality.

IN WITNESS WHEREOF, this Deed of Perpetual Lease is issued to the said renter on this _____ day _____ month _____ year of the Republic of China.

Chief of the Land Bureau (seal)

THE LAND BUREAU'S IMPROVED METHODS OF ISSUING TITLE DEEDS.

A. Matters in which changes are being made.

- (1) Forms of deeds to be furnished by the Land Bureau.
- (2) Change in the form of title deed. Rules for temporary use of the old forms.
- (3) Improvement of the method of numbering deeds.
- (4) Rule for the filing of the original and duplicate of title deeds.
- (5) Plans to be attached to title deeds are to be prepared by the Land Bureau.
- (6) Time limit for requesting issuance of Deeds of Perpetual Lease.

B. Old Procedure.

- 1. (A) Title deeds are heretofore prepared by each Consulate General and sent to the Chinese administrative office for stamping. In some instances, the Consulate General fills in for the Chinese office whatever should be inserted in the Chinese language.
- (B) Strictly speaking, the date of a title deed is the date of its issuance. Formerly, some of the title deeds were ante-dated by the different Consulates General at the time when they were sent out. This accounts for the discrepancy between the dates of such title deeds and the dates of their issuance.
- 2. (A) After the birth of the Chinese Republic, no change was made in the form of title deed but use was continued of the documentary style of the Manchu regime. For this reason, the first line consists merely of the title and the surname of the principal officer of the public office by which the deed is issued and no signature appears after the date column.
- 3. (A) Title deeds are heretofore numbered by the different Consulates General. The Chinese authorities assign no additional numbers to such documents.
- 4. (A) No counterfoils are ever kept of title deeds which are made out in triplicate and marked with the characters (上), (中), (下) in the corner. The

COPY

(Enclosure No. 2)

(From the Land Bureau of the Special Municipality of Shanghai
to the Senior Consul).

No. 2743

February 22, 1930.

Sir:

I have the honor to state that, after this Bureau took over the recent Bureau for Joint Measurement of Land Leased to Foreigners in Shanghai and Paoshan, we continued the issuance of title deeds without any innovation. In order that the system may be as accurate as possible and with a view to uniformity of procedures, we have now compiled an itemized list of those old methods which are no longer applicable and are transmitting, for your consideration, a printed statement of the contemplated changes. Since the statement embodied in title deed is entirely in accord with the established practice heretofore observed, I enclose twenty specimen copies of the deed of perpetual lease (formerly known as Tao Ch'i), twenty copies of the improved regulations for issuance of title deeds and twenty specimen copies of the draft lease in perpetuity. It is trusted that you will find them in order and transmit these enclosures to the various Consuls General at Shanghai.

(signed) Chu Yen
Director of Land Bureau.

Enclosures:

- 20 copies of the deed of perpetual lease;
- 20 copies of the improved regulations for issuance of title deeds;
- 20 copies of the lease in perpetuity.

Edwin S. Cunningham, Esquire,
American Consul General,
Shanghai.

G-0068

0158

AMERICAN CONSULAR SERVICE

American Consulate General,
Shanghai, China, March 26, 1930/

Subject: New Cadastral System.

His Excellency J. Garrido Cisneros,
Minister for Spain and Acting Senior Minister,
Peiping, China.

Excellency:

1/ I have the honor to transmit herewith a copy of a letter dated February 22, 1930, from the Chinese Director of the Land Bureau at Shanghai, together with the accompaniments enumerated therein, comprising

(a) a set of regulations governing the issuance of title deeds;

(b) a specimen form of what is described as a draft lease in perpetuity; and

(c) a specimen form of a deed of perpetual lease.

2/ Translations in English of these papers are also transmitted.

These enclosures reveal the change which is contemplated by the Chinese authorities in the procedure of issuing title deeds, and my colleagues trust that Your Excellency will be in full accord with the considered views of

3/ the Consular Body which are embodied in the enclosed copy of a reply to the Director of the Land Bureau.

I have the honor to be, Excellency,

Your obedient servant,

(sd) Edwin S. Cunningham,
American Consul General
and Senior Consul.

Enclosures:

1/- Copy of a letter from the Director of the Land Bureau of the Special Municipality of Shanghai, dated February 22, 1930, with three enclosures.

2/- Translation of the above.

3/- Copy of a reply from the Senior Consul to the Director of the Land Bureau of the Special Municipality of Shanghai.

G-0068

0159

Peking, April 10, 1930.

CIRCULAR No. 33. (Individual)

Subject: NEW CADASTRAL SYSTEM,
SHANGHAI.

The Senior Minister has the honour to circulate here-
with among his Honourable Colleagues a letter dated March
26th 1930 with 3 enclosures from the Senior Consul at
Shanghai, on the subject of the change which is contemplat-
ed by the Chinese Authorities in the procedure of issuing
title deeds.

If Monsieur de Kauffmann does not hear to the contrary
within 4 days he will take it that the views of the Consular
Body which are embodied in the enclosed draft copy of a
reply from the Senior Consul to the Director of the Land
Bureau meet with the consent of his Honourable Colleagues,
and he will inform the Senior Consul at Shanghai accord-
ingly.

G-0068

0150

郵局

整理部局

第一課甲

機密第四二一號

昭和五年五月五日

在支那日本公使館

公使館一等書記官 矢野

昭和五年五月拾四日接受
別紙添附



外務大臣男爵 幣原喜重郎 殿

昭和五年五月五日附在上海重光總領事宛機密第九號信寫送附

上海市政府ノ外人土地永租規則改正ノ件

G-0068

0161

機密第九號

昭和五年五月五日

別紙添附

在支那日本公使館

公使館一等書記官 矢野 眞

在 上 海

總領事 重 光 葵 殿

上海市府ノ外人土地永租規則改正ノ件

四月二十四日附機密第八號往信ニ關シ
今般首席公使ヨリ同章第三七號ヲ以テ四月十九日附米國公使ノ書翰
寫(同章第三三號ニ對スル「オブザベーション」ニシテ同國公使館
ニ於ケル手違ニ依リ期日内ニ附記シ得サリシ旨前提シアリ)ヲ回覽
ニ附シ來ルト共ニ本件ハ主義ノ問題ヲ包含シ且最近構成セラレタル

委員會ニ於テ考究スヘキ豫定ナル外人所有地券再検査問題ニモ關聯
アルヲ以テ右地券委員會ニ於テ本件ヲ豫メ研究セシメタル上賈地首
席領事ニ對シ最終的ノ訓令ヲ發スルコトト致シ度キ處四日以内ニ異
議ノ申出無キ時ハ各國同僚ニ於テ右ニ同意セリト看做スヘキ旨申添
ヘ來レリ右ニ對シ本官ハ別ニ反對ノ理由モナカリシニ付何等ノ意見
ヲ附セス其ノ儘トナシ置ケリ
右何等御參考迄右回章寫添附報告ス

本信寫送附先 外務大臣 奉 天 天津

代理公使 青 島 漢 口 廣 東
福 州 南 京 厦 門 (別紙省略)

LEGATION OF THE
UNITED STATES OF AMERICA.
Peiping, April 19, 1930.

Sir and dear Colleague:

I have the honor to refer to Dean Circular No. 33 (Individual) of April 10, 1930, transmitting a letter dated March 26, 1930, with three enclosures from the Senior Consul at Shanghai on the subject of the change which is contemplated by the Chinese authorities in the procedure of issuing title deeds. I note that the Senior Minister stated that, unless he heard to the contrary within four days, he would take it that the views of the Consular Body which were embodied in the enclosed draft copy of a reply from the Senior Consul to the Director of the Land Bureau met with the approval of his colleagues, and would so inform the Senior Consul at Shanghai.

Due to an inadvertence in this Legation, the circular in question got mislaid and did not come to my attention until to-day. For this reason I had not had an opportunity to comment before this time upon the drafted copy of the reply of the Senior Consul. Although it is my understanding that a reply has already gone forward to the Senior Consul indicating the approval of the Diplomatic Body of this draft, I feel that I must not withhold from you certain views which I entertain on several of the points covered by the draft in question. I shall take up these points in the order in which they are numbered in the draft submitted by the Senior Consul.

It is my opinion that Paragraph 2 referring to "designation of area in which land held by foreigners is situated" should be omitted from the draft. I see no good purpose to be served by asking that the terms "International Settlement" or "French Concession" be inserted in the blank space describing the section of the Special Municipality of Shanghai where in the land may be located. The Senior Consul urges this "in order that the special and distinct status of these areas may not be prejudiced". It seems to me that no surer way of raising the question of the status of these areas could be found than by singling them out in this way among the various areas within the limits of the Special Municipality at Shanghai where foreigners may lease land.

It seems to me that the argument that if this change is allowed to go unchallenged "the Chinese authorities may say that the foreign authorities have admitted that the International Settlement and French Concession are an integral part of the Special Municipality of Shanghai" is not sufficient to justify the bringing up of this issue in a communication of this kind which is intended to cover a procedure for the issuance of title deeds. The old title deeds specified that the land was situated within the limits of the port of Shanghai, and apparently no one ever seemed to consider this to be an admission on the part of any one of the non-existence of either the International Settlement or the French Concession.

With

His Excellency
Mr. Henrik de Kauffmann,
Minister of Denmark and Senior Minister,
Peiping.

-2-

With reference to point 3 concerning the issuance of new deeds after transfer, I have read as carefully as I can those parts of the Shanghai Land Regulations relating to the registration of title deeds, and I find it difficult to accept either regulations 4 or 5 as a conclusive argument against the issuance of a new Chinese title deed every time a transfer of land is accomplished. The practice at Shanghai has been to recognize the necessity and the propriety of the issuance of a new title deed every time a transfer is made from a foreigner to a Chinese, or from a foreigner of one nationality to a foreigner of another nationality, in spite of regulations 4 or 5. It therefore seems to me that there is very little ground for arguing against the issuance of a new title deed when title passes from one foreigner to another of the same nationality. My information is that it has been the practice of the British and American Consulates, in Shanghai at least, to notify to the Chinese officers transfers between foreigners of British or American Nationality. After all, the prime source of good title to land in China outside of foreign leaseholds and concessions is the Chinese Land Office, and it seems to me that it is to the interest of every foreigner who desires to acquire title to land under the jurisdiction of China to obtain such title directly from the Chinese. Whatever practice other than this may have been permitted to exist through the sufferance of the Chinese authorities in the past, it seems to me that once the Chinese authorities have questioned the legality of such practice, it behooves the foreign possessor of title to conform to the new requirements.

I regret exceedingly the inadvertence which has delayed these comments of mine reaching you, but feel that I must communicate them to you at any cost.

I avail myself of this opportunity to extend to you, Sir and dear Colleague, the renewed assurance of my highest consideration.

(sa) Nelson Trusler Johnson.

Peking, April 23, 1930.

CIRCULAR No. 37 (Individual)

Subject:- NEW CADASTRAL SYSTEM,
SHANGHAI.

Referring to Circular No. 33 (Individual) of April the 10th the Senior Minister has the honour to circulate herewith among his Honourable Colleagues a letter dated April the 19th received from His Excellency the American Minister containing observations to the draft copy of the reply from the Senior Consul at Shanghai to the Director of the Land Bureau on the subject of the change contemplated by the Chinese authorities in the procedure of issuing title deeds.

As the present matter involves certain questions of principle and is somewhat connected with the question of the re-examination of title deeds and payment of Land transfer fees upon unstamped deeds (Circular No. 31 Individual) which question is to be dealt with by the committee of Experts appointed recently (vide Circular No. 36 Individual) it appears to Monsieur de Kauffmann that it might be advisable to ask the said committee to formulate their views on the question before final instructions are sent to the Senior Consul in Shanghai.

If Monsieur de Kauffmann does not hear to the contrary within 4 days he will take it for granted that this procedure meets with the approval of his Honourable Colleagues.

G-0068

0164

亞細亞局

第二課甲

土地(上海)

昭和五年五月拾六日接受

B11

機密第六三六號

昭和五年五月五日

別紙添付

在上海

總領事 重光

外務大臣男爵 幣原 喜重 郎 殿



條
高

上海市政府土地局ノ外人土地永租規則改正
ニ關スル件

本件ニ關シテハ曩ニ本年三月八日附機密第三三〇號及全月二十六日附
機密第四二九號公信ヲ以テ詳細及報告置キタル通り支那側提案ニ對ス
ル領事團ノ回答ハ三月三十一日首席領事ヨリ支那側ニ發送セラレタル

B11

カ(往電第二四一號參照)其ノ後支那側ハ四月一日附ヲ以テ各新聞紙
ニ外人ノ土地永租者ハ今後永租契約成立後二ヶ月以内ニ又一九三〇年
以前ノ既成契約ハ四月一日ヨリ四ヶ月以内即七月三十一日迄ニ地券發
給ヲ受クルヲ要シ期限經過後ハ該永租契約ハ一律ニ無効ト爲スヘキコ
トヲ一方的ニ佈告シ飽ク迄土地局ノ原案通り實施セムトスル氣配ヲ示
シ居タル處今般各國總領事館宛各別ニ同文ノ反駁文ヲ送付シ來リ「ト
ランスフア」後ノ地券書換並ニ永租契約ノ有効期限ニ關スル領事團ノ
主張ハ容認シ難キ旨回答越シタルヲ以テ右全文不取敢譯報ス御査閱相
成度

尙本件ハ曩ニ當地領事團カ支那側ニ回答發送後當時請訓中ナリシ北平
外交團ヨリ領事團ノ draft reply ニ對シ別ニ異議ナキ旨ノ回訓到着

シタル處其ノ後ニ於テ米國側ニ異議アリタル爲該回當ヲ取消ス旨電報
シ來リタルカ本件ハ目下外交團委員會ニ於テ考究中ノコトニテモアリ
當地領事團トシテハ外交團ニ移牒スルコトトナルヘシト思料セラレ

本信寫送付先 北平 南京 奉天 天津 青島 漢口 廣東

福州 厦門

G-0068

0165

(譯文)

上海特別市土地局公函字第三一四二號

拜啓。陳者、本局ニ於テハ曩ニ本年二月二十二日改良地券發給辦法、新定永遠出租契約用紙及新地券見本ヲ米國總領事ニ送付シ貴總領事ニ轉達致置キタル處、其ノ後三月二十八日米國總領事ヨリノ來函ニ接シタルニ付今般其ノ各條項ニ對シ遂條各總領事宛各別ニ回答スルコトト致シタルニ付右ニ御了承相成度シ。

(一)地券發給官。惟フニ地券ノ發給ハ從來江蘇交涉公署ニ於テ處理シ來リタルモ交渉署ノ撤廢後本局ニ於テ之ヲ引繼タルモノニ有之既ニ江蘇交涉署及上海特別市政府ヨリ共ニ昨年十二月三十一日附ヲ以テ在上海各國總領事宛通知濟ニシテ地券發給權カ本局ニ歸シタル以上本

B11

局長カ正副地券面ニ署名捺印スルハ當然ノ儀ニ有之來函中ニ支那政府ノ通知證明ヲ要ス云々トアルモ本局長ニ於テハ市政府ノ通知ハ即チ支那政府ノ證明ヲ轉達シタルモノニシテ何等手續上ノ缺點ナシト認ム

(二)外商永租土地所在地區ノ名稱。新地券面ニ「上海特別市、區」トアルハ永租地カ上海特別市内ノ現在區畫十七區假令ハ滬南閘北等ニ在ルコトヲ明記セルモノニシテ永租土地カ租界内ニ在ル場合ニハ勿論共同租界又ハ佛租界等ノ文字ヲ填入スルモノトス。

(三)「トランスファ」後ノ新地券發給。本局新定辦法ニ依レハ永租者カ永租セシ土地ヲ更ニ「トランスファ」セムトスル場合ニハ地券ノ書換ヲ必要トスル處其ノ理由左ノ如シ。

B11

(1) 地券ハ支那官憲カ永租者ノ爲ニ發給セル土地管理ノ證據ナルヲ以テ既ニ永租地ヲ他人ニ「トランスファ」セル以上直ニ地券ノ書換變更ヲ要スルハ當然ニシテ單ニ外支官憲カ各別ニ舊地券面ニ註記スルコトニ依ツテ自由ニ財産權ノ移轉ヲ證明スルコトヲ得ルノ道理ナク若シ之ヲ爲シ得ルトセハ正本及第二副本面ニハ支那官署ノ註記無キコトトナリ甚シク慎重ヲ缺クモノト云フヘク本局ニ於テ本國人ニ土地所有證書ヲ發給スル場合ニ於テモ亦全様處理シ居ル次第ナリ。若シ永租者カ地券ヲ抵當トシ金錢ヲ借り入レムトスル場合ニハ總領事館ヨリ正本並ニ第二副本ヲ本局ニ送付シ登記スルト同時ニ地券面ニモ此ノ旨記載シ金錢ヲ返還シ地券ヲ取り戻シタル際ハ此ノ旨地券面ニ註記シテ原永租權者ニ返還スルモノトス。

但シ本註記ハ地券ノ餘白ヲ以テ限ト爲シ餘白無キニ至レハ地券ノ變更ヲ要シ原地券上ニ貼リ紙等ヲ爲スコトハ不體裁ナルヲ以テ禁止スルモノトス。

(2) 租界土地章程第四條規定ノ「永租地ノ登記」トハ永租者カ所轄領事館ニ登記スルノ云ヒニシテ「抵當權設定ノ場合ニモ同様報告スヘシ」トアルハ永租土地ヲ抵當質入後抵當權設定者モ亦所轄領事館ニ報告スルヲ要ストノ云ヒニシテ全文ヲ仔細ニ點檢スルモ同一國籍人間ノ「トランスファ」ニ地券ノ書換變更ヲ必要トセサル旨ノ記載無シ。

(3) 土地章程第五條ノ「トランスファ」ノ項ニハ「土地ニ對スル權利移轉ノ登記ハ凡テ始メ賣買契約カ登記セラレタル領事館ニ於テス

ヘシ」ト明載シアヌル處本規定ニ依レハ凡テ「トランスファ」サ
レタル土地ハ報告ノ土地券ノ書換ヲ要スヘク「凡有」ノ二字ハ一
切ノ「トランスファ」ヲ指稱スルモノナルヲ以テ「トランスファ」
カ同一國籍人間ニ行ハルル場合ニモ本條規定ニヨリ「轉契」スル
ヲ要シ「轉契」トハ舊地券ヲ新地券ニ更新スルノ謂ヒニシテ舊地
券所有者カ其ノ所有地券ヲ新永租者ニ給與スルノ云ヒニ非サルナ
リ是即本局ニ於テ「トランスファ」後必ス地券ノ更新ヲ要スト主
張スル所以ナリ。尤モ若シ期限附抵當ニシテ毎年或ハ毎月抵當權
設定者カ利息ヲ取立ツルモノナル時ハ單ニ其ノ旨登記ノミヲ請求
スルコトヲ得。

之ヲ要スルニ本局ニ於テ規定セル前記辨法ハ租界章程ト何等抵觸ス

811

ル處無キヲ證スルニ足ルヘク只改良ノ誠意ヲ表示スル爲本規定ハ何
等費用増徴ノ意思無キコトヲ聲明スル次第ニ有之右ニ關シテハ第五
次費用徴收額ヲ見レハ自カラ諒解シ得ラルルコトト信ス。

811

(四) 地租。地租ハ元來制錢ヲ以テ標準トセシ處現在ニ於テハ承租者ハ制錢ヲ以テ地租ノ納入ヲ爲スコトヲ得ルヲ以テ本局ニ於テ徵收ノ際モ亦制錢一千五百文ト爲シ居ラサル次第ナリ、故ニ事實ニ符合セシムル爲此ノ實行不能ノ語ヲ削除シタルニ過キスシテ現在本局ニ於テ徵收スル年租額ハ既ニ雙方同意ヲ經タル額ニシテ將來變更ノ場合ニハ當然正式ニ商議シ雙方ノ同意ヲ經ヘキモノナルヤ勿論ナリ。

(五) 費用。地券關係費用徵收額左ノ如シ。
甲 測量費 見積價額ノ百分ノ三ヲ徵收ス
乙 升科費 市價ニ照シテ徵收ス
丙 補費 市價ノ百分ノ五十ヲ徵收ス

(丁) 地券書換費 每一枚ニ付十元
(戊) 加註費 每一枚ニ付四元
(己) 地券補給費 每一枚ニ付十元
(庚) 地券株消費 每一枚ニ付二十元
(六) 出租契（水租契約證書）。「出租契」ハ地券發給ノ證據ニシテ永租契約成立後ハ速ニ地券ノ發給ヲ受クヘク租界章程第四條ノ規定ニ依レハ承租者ハ契約後一ヶ月内ニ領事館ニ赴キ登記ヲ爲スコトトナリ居リ本局ニ於テ定メタル二ヶ月ノ期限ハ契約成立ノ日ヨリ起算スルモノニシテ極メテ寛大ナリト言フヘク毫モ更ニ延長ノ必要ヲ認メス。中華民國十九年以前成立ノ永租契約ハ本年八月一日ヨリ以後充分ノ理由アリ當該國總領事ノ證明アルニ非サレハ一

B11

B11

切無効ト爲スモ本辦法ハ既ニ永租權者ノ利益ヲモ完全ニ顧慮シタルモノニシテ該永租契約有効期限ノ制限ノ如キモ理由ナキモノニ就テノミ言フモノニシテ充分ノ理由アルモノハ何等制限ヲ加エサル次第ナリ此ノ點ニ關シ本局ニ於テハ舊永租契約ノ整理ハ頗ル重大ナリト認メ既ニ本年四月一日外支各新聞ニ布告ヲ登載シ置キタリ。

上述各項ハ米國總領事ノ來函所說ニ基キ本局ニ於テ考慮ノ後詳細回答旁々特ニ聲明ヲ爲ス次第ナルニ付右ニ御了承相成度此段照會得貴意候

敬具。

昭和五年四月二十三日

局長 朱 炎

日本駐滬總領事代理 三浦義秋殿

B11

G-0068

0171

本有

上海特別市土地局公函 第三二四二號

逕啟者敝局於本年二月二十二日曾將改良核發道契辦法並新定永遠租地草契及承租契式樣函請美國駐滬總領事轉致貴總領事查照在案旋於三月二十六日接准美國駐滬總領事函開各節茲經逐條答復相應分函

貴總領事查照

(一)核發道契之官員 查核發道契向歸江蘇交涉公署辦理經交涉公署裁撤後應歸敝局接管經江蘇交涉公署及

上海特別市政府於上年十二月三十一日函請各國駐滬總領事查照有案承租契既歸敝局核發承租契之正副本上自應歸敝局長簽字蓋印來函所謂極願得中國政府証實敝局長認為市政府之通知即屬轉達中國政府証實之意思並未缺少任何手續

在上海日本總領事館

(二)洋商租地坐落地區之名稱 查承租契內上海特別市區係叙

明承租地畝之坐落上海特別市內現分為十七區如滬南南北等是也承租地畝如在租界之內自應填明公共租界或法租界字樣

(三)轉租後核發新契 敝局新定辦法承租人所租之地於轉租之後均須轉換承租契其理由如下

(1)承租契係中國官廳給予承租人之營業證據其承租地畝既經轉租與他人承租契即應更換不能僅由中外官署各自加批證明產權之移轉即正本及第二副本上未經中國官署批註用印自太不鄭重敝局發給本國人之土地執業証滿如此辦理承租人以承租契暫時抵借銀錢應由總領事署將承租契正本及第二副本送由敝局註冊並於契上批明待贖回之後再行批歸原租主但此項批註以批滿本契空白地位為限批滿之後即須

換契不得於原契上添加紙張致欠整齊

(2) 洋注法章程第四款規定之「租地註冊」係指承租人領到永租契後向該管領事官署註冊而言如有典押並應報明係指典押承租地畝之後受典押人亦應向該管領事官署報明而言細核該款全文並與轉租與同一國籍之人可以更換契紙之規定

(3) 洋注法章程第五款之「轉契註冊」凡有轉租之地須在該地契註冊之領事官署報請轉契「呈照本款所載凡有轉租之地均應報請轉契」凡有「二字」即係統指一切轉租而言故轉租與同一國籍之人照本款之規定亦應轉契轉契之意思係指以舊契轉換新契而言並非以舊承租人所執之契交給與新承租人之謂也故本局主張

在上海日本總領事館

承租地畝於轉租之後必須更換新契惟如屬定期典押按年或按月由受典人收取利息者可以請本局註冊

總上所述可以證明敝局規定之上項辦法與洋注法章程毫無抵觸惟為表示改良之誠意起見特聲明此項辦法並不含有多收費用之意思請參看第五款收費數目當可諒解

(四) 地租 查年租數目本以制錢為標準現在租主既不能繳納制錢而所收之數目亦非折合制錢一千五百文之數為合於事實起見故將以不能實行之語向刪去敝局現在徵收年租仍照雙方已經同意之數目徵收將來如有變更自當正式商得雙方同意

(五)

繳費 永租契應繳付各費開列如下

甲) 丈費 照估價徵收百分之三 乙) 計科費 照市價徵收

丙) 補償 照市價百分之五十徵收 丁) 轉契費 每張十元

(戊) 加批費 每張四元 (乙) 補契費 每張十元 (庚) 退契費 每張二十元

(六) 出租契 查出租契係轉換承租契之證據既經繳立出租契自應得速轉換承租契照洋法章程第四款之規定承租人之應於立契後一個月內赴領事館註冊敝局所定兩個月期限係指出租契繳立之日起認為時間極寬無再予延長之必要至中華民國十九年以前成立之出租契在本年八月一日起非有充分理由經該管總領事證明者概作無效此項辦法對於租金之利益已完全顧到且舊出租契之限制祇在無理由之延長而對於有充分之理由者實在並未限制對於此項為清理舊出租契計敝局認為異常重要故已於本年四月一日刊登中外報紙公布矣

在上海日本總領事館

上列各條均就美國駐滬總領事聲明各節經敝局考慮後詳細答復特為聲明即希查照此致

日本國駐滬總領事 三浦禮秋

局長 朱炎

中華民國十九年四月廿三日

亞細亞局

第一課甲

昭和五年五月廿壹日接受

機密第六四五號

別紙添付

昭和五年五月八日

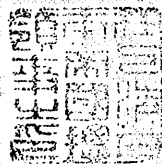
在上海

總領事 重光

葵

條約局

外務大臣男爵 幣原喜重郎 殿



上海市政府土地局ノ外人土地永租規則

改正ニ關スル件

本件支那側申出ニ對スル領事團回答ニ對シ米國公使ニ於テ異議アリシ次第ハ本月五日附機密第六三六號拙信報告ノ通りナル處右ニ關スル首席領事、首席公使間往復電報及書翰寫一括別添ノ通り送付スルニ付委曲右ニ

在上海日本總領事館

依リ御了承相成度シ

本信寫送付先 北平 奉天 天津 青島 漢口 廣東 福州

南京 厦門

在上海日本總領事館

G-0068

0175

(CIRCULAR NO. 289-M-XI)

SUBJECT: NEW C.D. STR. I. SYSTEM.

THE SENIOR CONSUL HAS THE HONOR TO CIRCULATE THE FOLLOWING
FOR THE INFORMATION OF HIS HONORABLE COLLEAGUES.

(From the Senior Consul to the Senior Minister).

May 7, 1930.

His Excellency Henrik de Kuffmann,
Minister for the Netherlands and Senior Minister,
Poiping, China.

Excellency:

I have the honor to refer to Your Excellency's
telegram of May 2nd, 4 p.m. requesting to be furnished with
the date of the Senior Consul's reply to the communication
from the Director of the Land Bureau concerning the intro-
duction of a new cadastre system. The date of this reply
is March 28, 1930, which information was telegraphed to you
to-day.

In order that the deccnal files may contain currently
the latest correspondence on this subject, there is enclosed
a copy of the Director's response (with English translation)
to the Senior Consul's letter mentioned. This answer,
which is addressed separately to each of the Heads of Con-
sulates, is now being examined by my colleagues and will
be discussed at the next Consular Body meeting on May 15,
1930.

I have the honor to be, Excellency,

Your obedient servant,

(sd) Edwin S. Cunningham,
American Consul General
and Senior Consul.

References:
120-M-XI, 158-M-XI, 183-M-XI, 197-M-XI, 241-M-XI,
255-M-XI, 268-M-XI, 273-M-XI.

Circulated May 8, 1930.

G-0068

0176

(CIRCULAR NO. 273-E-XI)

SUBJECT: NEW C.D. SERIAL SYSTEM.
THE SENIOR CONSUL HAS THE HONOR TO CIRCULATE THE FOLLOWING
FOR THE INFORMATION OF HIS HONORABLE COLLEAGUES.

(From the Senior Minister to the Senior Consul)

April 21, 1930.

Dear Mr. Cunningham,

Re Shanghai Title Deeds.

Your letter of March 26th was circulated to my colleagues in the usual way, and not getting any reply to my circular (copy of which you will find enclosed), I understood that your draft reply not with the approval of all concerned, and sent you my letter of the 14th. I find now however that the American Minister suggests certain alterations and I therefore had to send you today the following telegram:

"To Senior Consul

Shanghai

Please consider letter 14th instant Decent 8 re

Shanghai title deeds cancelled. Kruffmann"

I hope however no inconvenience has been caused.

Yours sincerely,
(sd) Henrik Kruffmann.

Peking, April 10, 1930.

CIRCULAR NO. 33. (Individual)

Subject: NEW C.D. SERIAL SYSTEM,
SHANGHAI.

The Senior Minister has the honour to circulate herewith among his Honourable Colleagues a letter dated March 26th 1930 with 3 enclosures from the Senior Consul at Shanghai, on the subject of the change which is contemplated by the Chinese Authorities in the procedure of issuing title deeds.

If Monsieur de Kruffmann does not hear to the contrary within 4 days he will take it that the views of the Consular Body which are embodied in the enclosed draft copy of a reply from the Senior Consul to the Director of the Land Bureau meet with the consent of his Honourable colleagues, and he will inform the Senior Consul at Shanghai accordingly.

References: 180-M-XI, 158-M-XI, 183-M-XI, -197-M-XI, 241-M-XI,
255-M-XI, 256-M-XI, 268-M-XI.
Circulated May 1, 1930.

URGENT

(CIRCULAR NO. 268-M-XI)

SUBJECT: NEW C.I.D. STYL. SYSTEM.

THE SENIOR CONSUL PRESENTS HIS COMPLIMENTS TO HIS HONORABLE COLLEAGUES, AND WITH REFERENCE TO THE DISCUSSION ON THIS SUBJECT AT THE CONSUL'S BODY MEETING OF MARCH 14, 1930 (SEE CIRCULAR NO. 159-G-IV SECTION 3) AND ALSO WITH REFERENCE TO CIRCULAR NO. 255-M-XI, HAS THE HONOR TO PROPOSE THAT THE FOLLOWING TELEGRAM SHOULD BE DESPATCHED. FILLING THE RECEIPT OF ANY OBJECTION, IT WILL BE TRANSMITTED TO-MORROW AFTERNOON (30th).

Following for Senior Minister from Senior Consul

"Referring to telegram April 21 cancelling Senior Minister's letter to Senior Consul of April 14th regret letter is drafted was delivered to the Director of the Land Bureau and I have already received a reply. I have informed the United States Minister verbally of this and he has asked me to say that under the circumstances he reserves for future use documents now on file with the Senior Minister"

References:

120-M-XI, 158-M-XI, 183-M-XI, 197-M-XI, 241-M-XI, 255-M-XI.
Circulated April 29, 1930.

G-0068

0178

(CIRCULAR NO. 255-M-XI)

SUBJECT: NEW C.D.A. SYSTEM.

THE SENIOR CONSUL HAS THE HONOR TO CIRCULATE THE FOLLOWING
FOR THE INFORMATION OF HIS HONORABLE COLLEAGUES.

(From the Senior Minister to the Senior Consul).

Decree No. 8.

Peking, April 14, 1930.

Sir,

By your letter dated March 26th on the subject of the change contemplated by the Chinese authorities in the procedure of issuing title deeds you forwarded to His Excellency Monsieur Garrido Gisors, Minister for Spain and Acting Senior Minister, a copy of a letter with enclosures dated February 22 from the Chinese Director of the Land Bureau at Shanghai together with translations in English of those papers.

At the same time you enclosed a draft copy of a reply to the Director of the Land Bureau embodying the considered views of the Consular Body which views you trusted would meet with the consent of the Heads of the Missions.

Having laid this matter before my Honourable Colleagues I have the honour to inform you that the contents of the reply meet with the full approval of the interested Chiefs of Missions.

I have the honour to be,

Sir,

Your obedient servant,

(sd) Henrik de Kauffmann
Minister for Denmark
and Senior Minister.

Edwin S. Cunningham, Esquire,
American Consul General and Senior Consul,
S H A N G H A I.

(Following is a telegram from the Senior Minister to the Senior Consul);

256-M-XI.

April 21, 2 p.m. Following for Senior Consul from Senior Minister Beginning of quotation Please consider letter 14th instant decant eight re Shanghai title deeds canceled End of quotation

References: 120-M-XI, 158-M-XI, 183-M-XI, 197-M-XI, 241-M-XI.
Birculated April 24, 1930.

G-0068

0179



上海市政府土地局ノ外人土地永租規則改正問題

一 上海ニ於ケル外人土地事務ノ移管

上海ニ於ケル外人關係土地事務ハ從來上實會^大局ニ於テ之ヲ主管シ居リタル處昭和四年十二月末ヲ以テ各省交渉署撤廢ト共ニ會^大局モ廢止セラレ其事務ハ上海特別市政府土地局ニ於テ繼承處理スルコトトナレリ

二 外人土地永租規則改正ト其要點

然ル處市土地局ニ於テハ從來ノ制度ヲ改正シ新規定ヲ實施シ將來一般外人ノ土地永租ニ適用セントシ二月二十二日附ヲ以テ首席領事宛照會ノ次第アリタリ

新規定中注意ヲ要スヘキ事項ヲ從來ノ制度若クハ慣行ト對比スレ

外 務 省

4.12

昭五.五.二六記

土地(上海)

ハ左ノ如シ

從來ノ制度若クハ慣行

一 外支人間ニ提結セラレタル永租一 民國十九年(一九三〇)以前ニ契約ニシテ往々其儘放任シ永年ノ間地券發給ヲ願出テサルモノアリ

新規定

一 民國十九年(一九三〇)以前ニ永租契約ヲ締結セル外人ハ四ヶ月以内ニ新地券ノ發給ヲ受クヘシ
期限經過後ハ充分理由アリ所屬國總領事ノ證明アルニ非レハ無効トス

二 地券發給後同一國人間ノ「トランスファ」ハ單ニ所屬國領事

「トランスファ」ノ場合國籍ノ同一ナルヤ否ヤヲ問ハス一律

外 務 省

4.12

G-0068

0180

<p>館ニ名義變更ノ手續ヲ爲シ支那側ヘハ通知ヲ爲スノミニテ足レ</p> <p>リ</p> <p>租稅ハ每畝ニ付上海縣一千五百文寶山縣二千文ト定メラレ其後上海縣二元寶山縣二兩ト定メラレ舊地券中ニハ依然「年租、文」ノ文句アリ</p> <p>地券添付ノ公測地圖ハ共同租界内土地ニ就テハ工部局土地課ノ作圖ニ係ル</p>	<p>ニ舊地券ヲ支那側ニ送付取消シ</p> <p>新地券ノ發給ヲ請フヲ要ス</p>
<p>租稅ハ每畝ニ付上海縣一千五百文寶山縣二千文ト定メラレ其後上海縣二元寶山縣二兩ト定メラレ舊地券中ニハ依然「年租、文」ノ文句アリ</p> <p>地券添付ノ公測地圖ハ共同租界内土地ニ就テハ工部局土地課ノ作圖ニ係ル</p>	<p>テ支那側ノ新徵稅額現在ノ處不明ナリ</p> <p>租界ノ内外ヲ問ハス市土地局ニ於テ作圖ス</p>

外務省

4.12.ナ

地券面記載字句ノ改變其他

(イ) 新地券ハ交渉員ノ代リニ土地局長署名捺印ス

(ロ) 舊地券面冒頭ニハ「接准某國領事照會」トアリシヲ「准上海某國總領事函」ト改ム

(ハ) 新地券ニハ「條約ニ接照スル旨」明記セルコト

(ニ) 永租土地所在地ニ關シ從來「上海港」トアリシヲ「上海特別市」ト改ム

(ホ) 永租土地所在地ノ記載方法カ從前ヨリモ一層精密トナリシコト

(亦詳述ナ)

外務省

4.5

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三、領事團ノ抗議

領事團ハ對策トシテ先ツ各總領事館ノ土地委員ヲシテ實際的方面ヨリ新規定ヲ研究セシメ其報告ニ基キ領事團トシテ上海市政府ニ何分ノ申入ヲナスコトトナリ三月十二日日英米佛四ヶ國ノ土地委員會合シ豫メ首席領事ヨリ廻付シ來レル「メモランダム」ニ付討議研究ノ結果本誌十項ノ成ル「レコメンデーション」ヲ領事團ニ提出シ來レル處領事團ニ於テハ三月十四日會議ヲ開キ右「レコメンデーション」ニ一部修正ヲ加ヘタル上特別市長ニ對シテ新規則ハ大体異議ナキモ

1、地券發給官廳ノ變更ニ關シ

(從來ノ交渉員ノ代リニ土地局長地券ニ署名捺印ス)

外務省

4.12 ナ

右ニハ異議無キモ先ツ支那官憲ヨリ土地局ノ權限ニ付確認ヲ得ルコトヲ條件トスルコト

2、永租地域ノ限定

(舊地券ニ上海港トアリシヲ上海特別市ト改メシコト)

上海特別市ノ名義ヲ用フルハ差支無キモ土地力租界内ニ存在スル場合ハ租界ノ特殊地位ヲ明カニスル爲上海特別市共同租界又ハ佛國租界区内ト明記スルコト

3、「トランスファー」ニ際シ新地券發給ノ計畫

(従前ハ一度永租權獲得後同國人間ノ轉租ハ單ニ所屬國領事館ニ於テ名義變更登記ヲ爲シ支那側ニハ通知ヲ爲スヲ以テ足リシヲ改メ今後轉租ニ際シテ國籍ノ同一如何ヲ問ハス一律ニ舊地券

4.12 ナ

外務省

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ヲ支那側ニ送付取消シ新地券ヲ發給スヘシト爲スコト)
右規定ハ手續上不便多ク何等ノ便益無キノミナラス土地章程第
五條ニ違反セルニ付承認シ難キコト

4、地租

(舊券面ニハ地租額ノ明記アリシモ新券面ニハ之ヲ削除シ何等
明定無キコト)

新地券ニハ地租ノ明示無キ處現行地租額ハ領事團ト支那官憲ト
ノ同意アルニ非レハ變更シ得サルコト

5、手数料

地券發給ニ關スル諸手数料ヲ明示アリタキコト

6、永租契約ノ有効期限

外 務 省

(從來永租契約締結セラルルモ往々放任シテ永年ノ間地券發給
ヲ願出テサルモノアリシヲ新規定ハ一九三〇年以前ニ於テ永租
契約ヲ締結セシ外人ニシテ四ヶ月以内ニ新地券ノ發給ヲ受ケサ
ルモノハ無効トス)

(甲) 一九三〇年以前ノ契約ニ關シテハ地券發給期限ヲ設ケサ
ルコト

(乙) 一九三〇年以後ノ契約ニ付テハ四ヶ月ハ短キニ過クルヲ
以テ之ヲ延長スルコトヲ要スルコト

ノ六項ヲ申入ルルコトトナリ首席領事ニ於テ市土地局長ニ宛テタ
ル抗議書案ヲ起草シタル後外交團ニ請訓シ若シ三月二十八日迄ニ
何等回訓無キ場合ニハ其儘支那側ニ申入ルルコトトナリタル處外

外 務 省

交團ヨリハ何等ノ申越無カリシヲ以テ首席領事ハ右抗議書ヲ三月
廿八日附ニテ三月三十一日市土地局長宛發送セリ

外務省

4.12 ナ

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四 支那側ノ反駁的 回答

支那側ニ於テハ前記三月二十八日附首席領事書翰ニ對シ四月二十三日附ヲ以テ各國總領事館宛各別ニ同文ノ反駁文ヲ送付シ來リ「トランスフアー」ノ地券書換ハ土地章程ト何等抵觸スルモノト認メラレス右並ニ永租契約ノ有効期限ニ關スル領事團ノ主張ハ容認シ難キ旨反駁文ヲ送付越セリ

尙(イ)地券發給官廳ニ關シテハ市土地局カ交渉署ノ事務ヲ引繼タル旨在上海各國總領事ニ通知濟ニシテ支那政府ノ確認云々ト謂ハルルモ市政府ノ通知ハ支那政府ノ通知ヲ轉達シタルモノニシテ手續上缺點無シト認ムル旨(ロ)土地カ租界内ニ在ル場合ハ勿論何租界ト記入スヘキ旨(ハ)地租ハ現在徵收額變更ノ場合ハ當然

外務省

4.12 ナ

正式商議ヲ要スルモノナル旨申越シ(ニ)諸費用モ夫々明示越セリ)

右支那側反駁文ハ目下各國總領事ニ於テ研究中ニテ來ル五月十三日ノ領事團會議ニ於テ討議ノ筈ナリ

一方支那側ハ四月一日附ヲ以テ各新聞紙ニ外人ノ土地永租者ハ今後永租契約成立後二ヶ月以内ニ又一九三〇年以前ノ既成契約ハ四月一日ヨリ四ヶ月以内ニ地券ノ發給ヲ受クルヲ要シ期限經過後ハ該契約ハ無効トナスヘキコトヲ一方的ニ佈告シ飽迄土地局原案通實施セントスルノ氣配ヲ示シタリ

外務省

4.12 ナ

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五 首席領事ノ抗議書ニ對スル米國公使ノ異議

前記三月二十八日附ヲ以テ發送サレタル首席領事ノ市土地局長ニ
對テ^切ル抗議書案ニ對シテ當時北^平外交團ニ請訓セル次第ハ既記セ
ル處首席公使ハ右案ヲ各國公使ニ回覽ニ付シタルモ何等ノ異議ニ
接セサリシヲ以テ其旨上海首席領事ヘ回訓セル處(四月十四日附
支那側ヘ抗議書發送^後ナリ)米國公使ハ其後ニ至リ米國公使館内
ニ於ケル手違ノ爲自分ハ前記上海首席領事ノ抗議書案ヲ見サリシ
次第ニシテ右抗議書ハ上海首席領事ヨリ市土地局長ニ對シ既ニ發
送濟ノコトトハ存スルモ本抗議書ノ内容ニ付自分ノ異議アル點ヲ
述ヘ度シトテ

(イ) 租界ノ特殊地位ヲ明カニスル爲上海特別市共同租界佛租界

(赤神紙)ナ

外務省

4.5

等明記スルハ無益不必要ト考フ從來ノ地券ニハ上海港トアリシ
モ之ヲ以テ租界ノ不存在ヲ認メタルモノナリト考ヘタルモノハ
誰モナカルヘシ

(ロ) 「トランスファ」ノ場合ノ新地券發給カ租界章程第四條
及第五條ニ反スルモノナリト斷シ難シ上海ニ於ケル慣行ニ依レ
ハ外支人間及國籍ヲ異ニスル外人間ノ「トランスファ」ニ際
シテハ前記第四條及第五條ノ規定ニ拘ラス新地券發給ノ必要且
正當ナルコトヲ認メラレ居ルヲ以テ同國人間ノ「トランスファ」
「」ニ際スル新地券發給ニ對シテノミ反駁スヘキ餘地抄シ
支那ニ於ケル外國租界以外ノ土地ニ對スル權源ハ畢竟土地局ニ
屬スルヲ以テ支那法權ノ下ニ土地ヲ獲得セントスル外人ハコレ

(赤神紙)ナ

外務省

4.6

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(亦神機)ナ

ヲ直接支那側ヨリ得ルコトカ其利益ナリト考フ過去ニ於テ右以
外ノ慣行カ支那官憲ノ黙認ニヨリ存在セリトモ一旦斯ノ如キ慣
行ノ適法ナリヤ否ヤカ支那官憲ニ依リ問題トセラルルニ至レル
上ハ土地所有者ハ新規定ニ從フコトヲ至當ナリト考フ

ル旨ノ「オプザベーション」ヲ首席公使宛送付越シタリ外交團ト
シテハ本件ハ主義ノ問題ヲ包含シ且最近外交團ニ依リ構成セラレ
タル特別委員會ニ於テ考究ノ豫定ナル外人所有地券再検査問題ニ
モ幾分ノ關係アルヲ以テ右特別委員會ニ於テ本件モ豫メ研究セシ
メタル上上海領事團ニ對シ最終的訓令ヲ發スルコトニ決シタリ上
海領事團ニ對シテハ右ノ次第ニ鑑ミ四月二十一日首席公使ハ電信
ヲ以テ首席領事ノ市土地局長ニ宛タル抗議書案ニ對スル外交團ノ

外務省

(亦神機)ナ

承諾回訓ヲ取消ス旨通報シタリ(尤右抗議書ハ既記ノ通夙ニ發送
セラレ又之ニ對スル支那側ノ反駁文モ既ニ各總領事ニ於テ接受セ
ル後ノコトナリ)

外務省

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(赤線部)

(参考)

上海共同租界土地章程抜萃

第四條 土地ノ登記

前掲ノ土地讓渡契約又ハ貸借契約ハ凡テ賣買ノ完了後一箇月以内ニ於テ買手ノ屬スル領事館ニ登記スヘシ抵當權ニ基ク保管ノ場合ニ於テモ法律ニヨルモノト合意ニヨルモノトヲ問ハス其實行後一箇月以内ニ同様ノ方法ニテ登記スヘシ

第五條 土地權利ノ移轉

土地ニ對スル權利移轉ノ登記ハ凡テ始メ賣買契約カ登記セラレタル領事館ニ於テスヘシ同時ニ買主又ハ讓受人ノ屬スル領事館ニモ登記スヘシ該領事ハ工部局ニ之カ通知書ヲ提出スルヲ要ス

外務省

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亞細亞局

機密第五〇一號

第一課

Handwritten signature

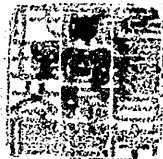
上海

昭和五年六月 貳日接受
別紙添附

昭和五年五月二十七日

在支那日本公使館

公使館一等書記官 矢野



外務大臣男爵 幣原喜重郎 殿

昭和五年五月二十七日附在上海重光總領事宛機密第一四號信寫送附

上海市政府ノ外人土地承租規則改正ノ件

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機密第一四號

昭和五年五月二十七日

別紙添附

在支那日本公使館

公使館一等書記官 矢野 眞

在 上 海

總領事 重 光 葵 殿

上海市政府ノ外人土地水租規則改正ノ件

五月五日附機密第九號拙信ニ關シ
今般首席公使ヨリ回章第四四號ヲ以テ米國公使「オブザベーション」
ハ義ニ回章第三七號ヲ以テ回覽ニ附シ置キタル處其後上海首席領事
ヨリノ報告ニ依レハ支那側ニ對スル領事團回答ハ首席公使ノ了解ト
異リ既ニ三月二十八日附ヲ以テ原案通り發送濟ナル趣ナル旨報告シ
來レリ右何等御參考迄同回章寫添附報告申進ス

本信寫送附先

外務大臣

奉 天

天 津

青 島

代理公使

漢 口

福 州

廣 東

南 京

厦 門

(別紙省略)

Peking, May 12, 1930.

CIRCULAR No. 44. (Individual)

Subject:- NEW CADASTRAL SYSTEM,
SHANGHAI.

By Circular No. 33 (Individual) of April 10th the Senior Minister circulated among his Honourable Colleagues a letter dated March 26th 1930 with 3 enclosures from the Senior Consul at Shanghai, on the subject of the change which is contemplated by the Chinese Authorities in the procedure of issuing title deeds.

By Circular No. 37 of April 22nd ^{he}reverted to this matter in connection with certain observations made by His Excellency the American Minister.

It was Monsieur de Kauffmann's understanding that the despatch of the reply from the Senior Consul to the Director of the Land Bureau in Shanghai would await instructions from Peking, but he has now been informed that this was not the case and that the reply as drafted was despatched already on March 28th.

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第一課

土地(上海)
昭和五年六月拾日接受

機密第五三二號

別紙添附

昭和五年六月五日

在支那日本公使館

公使館一等書記官 矢野

眞

外務大臣男爵 幣原喜重郎 殿

昭和五年六月五日附在上海重光總領事宛機密第一六號信寫送附

上海市政府ノ外人土地永租規則改正ノ件

在支那日本公使館

機密第一六號

別紙添附

昭和五年六月五日

在支那日本公使館

公使館一等書記官 矢野

眞

在上海

總領事 重光 葵 殿

上海市政府ノ外人土地永租規則改正ノ件

五月五日附外務大臣宛機密第六三六號貴信ニ關シ

今般首席公使ヨリ同章第四九號ヲ以テ本件ニ關スル上海首席領事ヨ

リノ書翰寫回覽ニ附シ來レルニ付何等御參考迄右同章寫茲ニ送附ス

本信寫送附先 外務大臣 漢口

臨時代理公使

在支那日本公使館

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ment. When the deed is redeemed, a further endorsement for its return to the original renter will be made. These endorsements are limited, however, to the blank space in the same deed. When no more space is available for endorsements, another deed must be issued. No additional sheets of paper can be attached to the original deed for the presence thereof may cause the title document to appear in a bad shape.

(b) "Registration of rented ground" (租地註冊) as provided for in Article 4 of the Yangkingpang Regulations refers to its registration in the office of the Consular authorities concerned after the renter has obtained a deed of perpetual lease. The same article further provides that "any mortgage conveyance that may be made shall also be reported" (如有典押並應報明). This means that, after the rented property is mortgaged, the mortgagee should also make a report to the office of the Consular authorities concerned. The text of the whole article has been scrutinized but it is not found to contain any provision to the effect that no new deed is required in case the property is transferred by the renter to a person of the same nationality.

(c) Article 5 of the Yangkingpang Regulations, which deals with "registration of transfers of deeds" (轉契註冊), clearly states that "in all cases where the rented ground is transferred, a notice shall be given to the Consulate where the deed is registered and an application shall be made for a transfer of the deed" (凡有轉契之地須在該地註冊領事官署報明). In accordance with the exact wording of this article, it appears that in every case of transfer a notice must be given and an application made for a transfer of the deed. The word "all" (凡有) refers to transfers in general and, consequently, where a lot is transferred by the renter to a person of the same nationality, the deed should also be transferred according to the provision of Article 5. "Transfer of deed" means the replacing of the old deed with a new one and does not mean the delivery of the old renter's deed to the new renter. It is for this reason that this Bureau insists on issuance of a new deed in place of the old one after the transfer of the rented property. Where the property is mortgaged for a stipulated period during which the mortgage is to receive annual or monthly interest, however, an application for registration (only) may be made.

請轉契

In short, the foregoing serves to prove that the rule laid down by this Bureau as above referred to is not at all in conflict with the Yangkingpang Regulations. In order to manifest my sincerity in the introduction of reforms, I wish to bring particularly to your attention the fact that this rule does not imply the idea of collecting a larger revenue. You are referred to the tariff of fees in item 5 which will naturally clarify the situation.

4. Ground rent. Ground rent was originally collected on cash basis. Since renters are now unable to pay ground rent in cash nor are payments calculated at the rate of 1,500 cash (to one tael(?)), the phrase indicating a course of action which is no longer practicable has been eliminated so that the requirement may correspond with fact. At the present time, ground rent is still collected by this Bureau at the rate to which both parts have agreed. In case of any change in future, mutual consent must be secured through official negotiations.

5. Payment of fees. The following is a tariff of fees payable in connection with deeds of perpetual lease:

- (a) Measurement fee, 3% of the assessed value;
- (b) Shengko charge which is collected on the basis of market price;
- (c) Amount required to make up the difference between declared value and actual cost, 50% of market price;

(d) Incorporation

- (d) Incorporation fee, \$10.00 each;
- (e) Endorsement fee, \$4.00 each;
- (f) Fee for issuance of duplicate or replacing copies, \$10.00 each; and
- (g) Fee for withdrawal of applications, \$20.00 each.

6. Deed of lease (Bill of Sale). A deed of lease (or bill of sale) is an evidence to be produced in exchange of a deed of perpetual lease. Once a deed of lease (or bill of sale) is executed, it should be given as soon as possible in exchange of a deed of perpetual lease. According to the provisions of Article 4 of the Yangkingpang Regulations, the renter should apply to his Consulate for registration within a month after the execution of the deed of lease. The two-month limit, as prescribed by this Bureau, commences from the date of execution of the deed of lease. It is considered to be an extremely liberal limit and no further extension would be necessary. The deeds of lease executed prior to 1930 shall all be considered invalid unless sufficient reasons are given and endorsed by the Consul General concerned after August 1st of the present year. This rule maintains a regard for the renter's interests in all respects. Moreover, the restriction imposed on old deeds of lease is confined to cases which have been unjustifiably delayed. As a matter of fact, no restriction has been imposed in respect to cases in which sufficient reasons are in existence. With a view to disposal of old deed of lease, this Bureau attaches an extraordinary amount of importance to this point and has, therefore, given due publicity thereto by inserting a notice in Chinese and foreign newspapers on April 1st of the present year.

The above is transmitted as detailed statement in reply to your representations which this Bureau has taken into consideration. A letter (in this sense) having been addressed to each of the Consuls General at Shanghai, I have to request that you take note accordingly.

(Signed) Tchou Yen,
Director of Land Bureau.

Edwin S. Cunningham, Esquire,
American Consul General,
Shanghai.

SUBJECT: NEW CADASTRAL SYSTEM.

(The following is the translation of a letter from the Director of the Land Bureau of the Special Municipality of Shanghai to the American Consul General, Shanghai)

Subject: Statement of reasons for the reforms introduced in connection with the method of issuing title deeds and the request for transmittal thereof to the various Consuls General at Shanghai.

No. 3141.

April 23, 1930.

Sir:

I have the honor to acknowledge the receipt of your letter of March 28th in which you made certain representations in regard to the reforms introduced by this Bureau in connection with the method of issuing title deeds. The points enunciated in your letter are answered seriatim as follows:

1. The officer by whom title deeds are issued. The matter of issuing title deeds was formerly in the hands of the Bureau of Foreign Affairs for Kiangsu and, after the latter's abolition, it was placed of necessity under control of this Bureau. It is a matter of record that under date of December 31, 1929, both the Bureau of Foreign Affairs for Kiangsu and the Special Municipality of Shanghai notified in writing the various Consuls General at Shanghai of the transfer of control. Since deeds of perpetual lease are issued by this Bureau, the original and duplicate thereof must necessarily be signed and sealed by me in the capacity of director. Your letter states that a confirmation by the Chinese government is highly desired but I take the Municipality's notice to mean a transmittal of the Chinese government's confirmation without lack of any formality.

2. Designation of the area in which land leased to foreigners is located. The terms "section" and "the Special Municipality of Shanghai" as contained in the form of deed of perpetual lease are meant to indicate that the land held under perpetual lease is situated in the Special Municipality of Shanghai which is now divided into 17 sections such as Nantao, Chapei et cetera. If the land held under perpetual lease is in a settlement, the expression "International Settlement" or "French Concession" must necessarily be inserted.

3. Issuance of a new deed after transfer. This Bureau has recently laid down a rule under which it is necessary to obtain a new deed of perpetual lease in place of the old one after the transfer of the renter's land. The reasons are as follows:

4a) A deed of perpetual lease is an evidence of title given by the Chinese authorities to the renter. When the land rented to him has been transferred to another party, the deed of perpetual lease should be replaced by a new deed instead of being merely endorsed by each of the officers of the Chinese and foreign authorities concerned by way of certifying to the transfer of property rights. Even the absence of the Chinese authorities' endorsement and seal on the original and the second duplicate of the deed would naturally indicate the want of thoroughness. Certificates of land ownership issued by this Bureau to Chinese citizens are dealt with in the same manner. If any renter temporarily mortgages his deed of perpetual lease as a security for loan, it is necessary for his Consulate General to transmit the original and the second duplicate thereof to this Bureau so that the latter may effect a registration and make an endorse-

ment.

* See last paragraph

AMERICAN CONSULAR SERVICE

American Consulate General,
Shanghai, China, May 7, 1930.

Subject: New Cadastral System.

His Excellency Henrik de Kauffmann,
Minister for Denmark and Senior Minister,
Peiping, China.

Excellency:

I have the honor to refer to Your Excellency's telegram of May 2nd, 4 p.m. requesting to be furnished with the date of the Senior Consul's reply to the communication from the Director of the Land Bureau concerning the introduction of a new cadastral system. The date of this reply is March 28, 1930, which information was telegraphed to you to-day.

In order that the decanal files may contain currently the latest correspondence on this subject, there is enclosed 1/ a copy of the Director's response (with English translation thereof) to the Senior Consul's letter mentioned. This answer, which is addressed separately to each of the Heads of Consulates, is now being examined by my colleagues and will be discussed at the next Consular Body meeting on May 13, 1930.

I have the honor to be, Excellency,

Your obedient servant,

(sd) Edwin S. Cunningham,
American Consul General
and Senior Consul.

Enclosure:

1/- Copy of letter from Director
of Land Bureau, dated April
23, 1930, with English translation.

G-0068

0195

Peking, May 23, 1930.

CIRCULAR No. 49.

Subject:- NEW CADASTRAL SYSTEM.

The Senior Minister has the honour to circulate here-
with among his Honourable Colleagues a letter with one
enclosure received from the Senior Consul at Shanghai on
the subject of the introduction of a new cadastral system
at Shanghai.

G-0068

0195

機密第八六六號

昭和五年六月二十四日

在上海

總領事 重光

外務大臣男爵 幣原 喜重 郎 殿

上海市政府土地局ノ外人土地永租規則

改正ニ關スル件

本件ニ關シテハ既ニ本年三月八日附機密第三三〇號全月二十六日附機密第四二九號五月五日附機密第六三六號及全月八日附機密第六四五號公信等ヲ以テ屢次及報告置キタル處其ノ後領事團側ニ於テハ支那側反駁文(



別紙添付

昭和五年七月八日

在上海日本總領事館

條約局

西

機密第六三六號參照)ニ對)シ各館 Land Officer ヲシテ實際的見地ヨ

リ之ヲ研究セシメ其ノ結果ヲ領事團ニ Recommendation セシムルコトトナリ居

タルカ英、米、日、佛各館ノ Land Officer ハ五月二十七日米國領事館

ニ會合シ前記支那側反駁文ニ對シ遂條研究シタル結果別紙首席領事發回

章三四七號ノ如キ Recommendation ヲ領事團ニ提出シ來リタルニ付全領事ハ

目下之ニ對シ工部局側ノ意見ヲ徵シ居リ其ノ回答ヲ俟ツテ領事團會議開

催ノ管ナルカ前記 Land Officer ノ Recommendation ハ大要左ノ通りナ

ルカ中(三)ノ同國籍外國人間「トランスファー」ノ場合支那側ノ加印ヲ求メ

十弗ノ加印料ヲ支拂フコトトシ支那側トノ間ニ妥協ヲ計ルコトハ止ムヲ

得サルヘキトヤニ存セラル

右不取敢報告申進ス若シ何等御意見アラハ御回示相煩ハシ度シ

在上海日本總領事館

G-0068

0197

記（機密第六三六號公信参照）

- (一) 地券發給官。支那側トノ間ニ了) 解濟ナレハ問題ナシ
- (二) 外商永租土地所在地區ノ名稱。全樣了解濟
- (三) 「トランスファ」後ノ新地券發給。本項ニ關シテハ同國籍人間ノ「トランスファ」ニ對シ新地券ヲ發給スルコトハ徒ラニ不必要ノ日子ヲ要スルノミニテ其ノ必要ナキヤニ思考スラレル處此ノ場合舊地券ヲ土地局ニ送付シ名儀變更ノ記載ヲ爲サシムルコトハ差支無カルヘク之ニ對シ適當ノ費用（假令ハ銀十元）ヲ徴セラルルコトハ已ムヲ得サルヘク如斯スル時ハ支那側カ希望スル如ク支那側ニ於テモ地券權利者ノ移轉ヲ知悉スルコトヲ得ルト全時ニ無用ノ日子ヲ費スコトヲ省クコトヲ得ヘシ。

在上海日本總領事館

尙本件ニ關スル支那側反駁文ハ專ラ租界章程支那文ヲ根據ト爲シ居ル處右支那文ハ正文ニ非スシテ單ニ英文釋文ニ過キス多少杜ノ點アリ土地局側ノ曲解ハ之ニ基クモノニ非スヤト思料セラルルニ付キ此ノ點支那側ニ注意アリタキコト。

(四) 地租。本項ハ了解濟。

(五) 諸手数料。本項ニ關シテハ疑問ノ點多キニ付左ノ諸點ニ關シ支那側ニ詳細ナル説明ヲ求メラレ度キコト。

(イ) 測量費徵收ノ基礎タル評價表ノ豫メ通知方。

(ロ) 測量費ヲ明示シ且ツ其ノ基礎タル市價表ノ豫メ通知方。

(ハ) 申請價格ト實際價格トノ差即チ「補償」ノ決定方法ニ關シ詳細ナル説明ヲ要求スルコト。

在上海日本總領事館

尙領事團ニ於テハ測量費ハ單ニ支那 單ヨリ外國地券ニ變更スル場
合ニ徵收セラレ一外國地券ヨリ更ニ他國ノ外國地券ニ變更スル場合
ニハ之ヲ徵收セサルモノナリト諒解シ居ル旨土地局ニ通知シ此ノ點
ニ關シ土地局長ノ Confirmation ヲ取付ケ置カレ度キコト。

(六) 外國地券ヲ保持スルコトカ永租權擁護上必要ナリトスル支那側主張ハ
原則トシテ之ヲ認ムルモ其ノ期限ヲ八月一日ト限レルコトハ短カキニ
失スルヲ以テ本年十二月三十一日迄之ヲ延長方提議セラレ度キコト。

(七) 尙英國 Land Officers ヨリハ前記六項以外領事團代表ト支那側委員ト
カ會見シ支那側ノ實際意向ヲ確カムル必要アルヘク右會議ニ依リ新
續ヲ決定スル迄現行制度ノ變更ニ同意ヲ與ヘサルコトトセラレ度旨
Comment シ來レリ

在上海日本總領事館

本信寫送付先 北平 奉天 天津 青島 漢口 廣東 福州 南京
厦門

在上海日本總領事館

further information on the following points:

(a) Measurement fee - a definition of "assessed value" should be given.

(b) Shengko Charge - The amount of the shengko charge should be stated, and a definition of "market price" should be given.

(c) More precise information concerning the question of the amount required to make up the difference between declared value and actual cost should be given.

The land officers believe that the Consular Body should state that it is their understanding that measurement fees will be charged only in case of a transfer of land covered only by native documents and for which no consular title deed has previously been obtained, and will not apply in transfers of land for which a consular title deed has already been issued. The Director should be requested to confirm this understanding.

6. The land officers agree with the principle that the possession of title deeds is essential to the protection of the owners of property, but feel that the time limit, August 1, 1930, is too brief, and that the limit should be extended to December 31, 1930.

Signed with no comments by Mr. R. Tulasne, French consular ~~land~~ land officer, Mr. T. Nakada, Japanese consular land officer, and Mr. R. L. Smyth, American consular land officer. Mr. J. G. Hill, British consular land officer, placed the following comments on the report:

"I think we should specify instances of flagrant mistranslation, such as in 3 of Section 3 of the Director's letter, where he says that the intention to transfer shall be notified to the Consulate concerned is totally different from the official English text, which says that 'all transfers of land shall be made at the Consulate'. There is another instance in the succeeding paragraph in which it is said that transfer of deed means replacing the old deed with a new one; a further evasion of the text is to be found in 2 of the same section when, because the regulations do not specifically say that no new deed is required in case of a transfer between persons of the same nationality, therefore it is implied that ~~xxx~~ a new deed is required.

The question of fees in Section 5 is one requiring very meticulous definition, and it is most important that we should be able to see how much faith to put in the assertion that the charges will not be higher (end of Section 3).

In any case, it appears doubtful that any satisfactory agreement can be reached by correspondence without some meetings between representatives of the Consular Body and the Chinese, so that the real desires of the Chinese may be ascertained as it is unlikely that they merely wish to alter procedure. If new deeds are to be issued, this will mean new fees, and they can insist on payment by withholding the new deed until they are paid. We need first to arrange new procedure and receive definite information as to schedule of fees for transfers and mortgages etc., before abandoning present system.

What is to happen in cases where foreign owners cannot now receive deeds for land, say, at Jessfield? (See Senior Consul's circular 323-M-XI of May 20, 1930)"

Circulated June 6, 1930.

IN CIRCULATING THE FOREGOING REPORT OF THE CONSULAR LAND OFFICERS, THE SENIOR CONSUL DESIRES TO SUGGEST THAT, IF THE VARIOUS CONSULATES-GENERAL CANNOT ARRIVE AT A COMMON POLICY IN RELATION TO THIS MATTER, EACH SHOULD ACT INDEPENDENTLY ON IT. THAT IS THE COURSE HE, AS AMERICAN CONSUL GENERAL, WOULD PURPOSE, IN THAT EVENT, FOLLOWING, SUBMIT TO THE APPROVAL OF THE AMERICAN MINISTER.

(CIRCULAR NO. 347-M-XI)

SUBJECT: NEW CADASTRAL SYSTEM.

THE SENIOR CONSUL HAS THE HONOR TO CIRCULATE THE FOLLOWING FOR THE INFORMATION OF HIS HONORABLE COLLEAGUES.

REPORT OF CONSULAR LAND OFFICERS CONCERNING THE DESPATCH DATED APRIL 23, 1930, FROM THE DIRECTOR OF THE LAND BUREAU OF THE SPECIAL MUNICIPALITY OF SHANGHAI TO THE VARIOUS CONSULAR OFFICERS IN SHANGHAI.

In compliance with a request from the Consular Body, a meeting of the American, British, French, and Japanese consular land officers was held at the American Consulate General on May 27, 1930, to discuss the despatch, dated April 23, 1930, addressed by the Director of the Land Bureau of the Special Municipality of Shanghai to the various consular officers in Shanghai.

It was agreed to make the following recommendations to the Consular Body: (Numbers refer to numbers in the Director's despatch)

1. Officer by whom title deeds are issued. This matter has already been satisfactorily settled.
2. Designation of area. This has also been settled.
3. Issuance of new deeds after transfers of land between persons of the same nationality. The issuance of new deeds after transfers of land between persons of the same nationality will entail considerable and unnecessary delay. The land officers feel, however, that the deeds in such cases can be set to the Land Bureau, in order that it may place its seal on the notation of transfer, for which a reasonable fee, say \$10, may be charged. It is felt that this will meet the desire of the Land Bureau for an evidence of title from the Chinese authorities and at the same time will obviate the long delay which would be necessary if new deeds were to be issued.
The land officers are of the opinion that, in connection with the remarks of the Director, based on the Chinese text of Articles 4 and 5 of the Land Regulations, the Director's attention should be called to the fact that the Chinese text is merely a translation of the English text, which alone is authoritative. The Director might be informed that the Chinese text is somewhat inaccurate and that this has no doubt caused a misunderstanding on his part.
4. Ground Rent. This has been satisfactorily settled.
5. Payment of fees. The land officers are in doubt as to the exact meaning of several terms and feel that the Director of the Land Bureau should be requested to furnish

further

G-0068

0201

亞細亞局
機密第一〇八一號

昭和五年八月五日

在上海

總領事 重光



外務大臣男爵 幣原 喜重郎 殿

條約局

上海市政府ノ外人土地永租規則改正ニ
關スル件

六月二十四日附機密第八六六號拙信ニ關シ本件支那側新制度ニ對
スル工部局ノ意見書ハ七月二十五日附首席領事宛別紙ノ通り提出
セラレタルカ之ヲ要スルニ工部局側ニ於テハ新制度ハ土地章程ノ
根本原則ニ背反スルノミナラス手續ノ詳細ナル點ニ於テモ明白ニ

懸案

土地章程第四條及第五條ニ違反スルモノナルヲ以テ「フイータム」
ノ報告書發表迄新制度實施ニ反對セラレタシトナスモノナリ
尙手數料ノ點ニ付當館員カ市政府係員ヨリ聽取セル所ハ左記ノ通
リニシテ工部局意見書中支那側說明ト符合セサル點注意スヘシ

記

土地局ノ徵收セムトスル新規手數料

(A) 丈費 (測量費) 評價額ノ百分ノ三ヲ徵收ス

測量費ハ外國人カ支那人ヨリ方單 (支那人地券) 地ヲ永租シ
「タイトル、デード」ニ變スル際土地局員カ賣買當事者工部局員
等ト立會ノ上該永租地ノ地積ヲ實測シ其ノ手數料トシテ徵收ス
ルモノナルカ一旦外人カ永租シタル土地ヲ更ニ他ノ外國人ニ
トランスファ「セムトスル場合即チ Title Deed 及び Title Deed

別紙添付

昭和五年八月九日

、ニ移轉スル場合ニハ之ヲ徵收セス而シテ測量費徵收ノ基礎タル評價ハ其ノ土地ニ對スル工部局ノ評價ヲ其ノ儘採用スル筈ニシテ今回徵收率ヲ百分ノ六ヨリ百分ノ三ニ引下ケタルハ従前ノ低クキ評價ヲ改メ實際市價ニ近キ工部局ノ評價ヲ採用シタルニ依ルモノニシテ即チ土地ノ評價値段ヲ引上ケ徵收率ヲ引下ケタルニ外ナラス

(B) 升科費(公有土地拂下ケ料金)市價ニ依リ徵收ス。

外國人カ溝渠、小濱等官有土地ヲ永租セムトスル場合ハ之カ實測ヲナシ畝數ニ應シテ市價ト同額ノ手数料ヲ徵收セムトスルモノニシテ従前升科費ハ十數年前ニ制定セラレシ評價額ニ依リ市價ニ比シ甚シク低廉ナリシヲ今回市價ニ引上ケムトスルモノニシテ右ニ依ル外國人ノ負擔ハ甚シク増加スヘシ

(C) 補費(民國以後財政部カ發給セシ「部照」土地ヲ永租セムトス

ル場合其ノ「部照」表面ニ記載セラレタル價格ノ不足ヲ補フ目的ヲ以テ外人永租者ヨリ徵收セムトスルモノ)市價ノ百分ノ五十ヲ徵收ス

元來支那人地券ニハ古クヨリ私有地タル方單(田單)ノ外ニ民國ニ至リ財政部カ官有地ヲ一般人民ニ拂下ケタル「部照」ナルモノアリ「部照」表面ニハ當時ノ拂下値段ハ一畝當リ若干ト明記シアルモ右價格ハ現在市價ニ比シ遙ニ低廉ナルカ故ニ外國人カ如斯土地ヲ永租セムトスル場合ニハ之カ補充ノ意味ニ於テ市價ノ百分ノ五十ヲ土地局ニ納付スヘシトナスモノナリ

(D) 轉契費 (Title Deed) ヨリ Title Deed 二 Transfer する場合ニ徵收ス)一回拾元

從來ハ單ニ異國籍人間ノ「トランスファ」ノ際ニ限り新地券ヲ發給シ之ヲ徵シタリシカ今後ハ同國籍人間ノ場合ニモ一々新地

券ヲ發給シ本件手数料ヲ徵收セムトスルモノナリ。

(E) 加批費（地券面ニ註記ヲ爲ス場合徵收ス）一回四元

從來本件手数料ハ外國人カ永租土地ノ一部分ヲ他ニ讓渡シタル際右一部讓渡ニ依リ生シタル地積ノ變動ヲ原地券面ニ註記ヲ求ムル際徵收シタルモノナルカ今般土地局ニ於テハ前記一部讓渡ノ際ハ勿論該永租土地上ニ抵當權ノ設定解除等ノ行ハレタル場合ニモ註記ヲ必要トシ從テ本件手数料ノ納付ヲ要スト主張シ居ルモノナリ但シ從來永租土地上ニナサレタル抵當權ノ設定解除等ハ單ニ各國領事館備付ノ土地臺帳面ニノミ記録セラレドモ、
Registered
面ニハ何等記載セサルヲ例トナシ居ルカ故ニ各館ニ於テ正直ニ之カ通知ヲ爲ササル限り支那側ニ於テハ如斯權利ノ得喪カ行ハレタルコトヲ知ルニ由ナク註記ノ途ナキ次第ナリ

(F) 滯契費（地券紛失ノ際又ハ舊地券面ニ度々註記ヲナシ餘白ナキ

ニ至リシ場合新地券ヲ發給シ其ノ際徵收スル手数料）拾元

(G) 退契費（新地券發給申請ヲ支那側ニ提出シ置キ其ノ後何等カノ事情ニ依リ之カ取消方願出アリタル際徵收ス）一回二拾元

本信寫送付先 北平 奉天 天津 福州 漢口 廣東 南京

厦門

以上

information, is, however, desirable in accordance with the suggestions made in (5) of this report.

The time given is, however, too short. I suggest that one year from some date yet to be agreed upon as a possible minimum. The statement that

"The draft deed of perpetual lease would be null and void unless it is given in exchange of a title deed within two months from the date of execution."

seems in the light of Dr. Tchou Yen's explanation dated April 23, to mean that unless an application for a Perpetual Deed of Lease shall be made to the Consul within two months of the purchase of land under Bill of Sale, then such Bill of Sale shall be void.

- (11) Dr. Tchou Yen in his letter to the Senior Consul dated April 23 in reply to a question states "I wish to bring particularly to your attention the fact that this rule does not imply the idea of collecting a larger fee".

The fees are stated as follows:-

(a) "Measurement fee 3% of the assessed value".
By the value may either be meant the value written in the "Bill of Sale" or the value which was previously declared by the owner for other purposes.

(b) "Shengko charge which is collected on the basis of market prices".

This seems the existing basis. It has, however, not been in force many years and is not always a just charge.

(c) "Amount required to make up the difference between declared value and actual cost - 50% of market price.

This is a very high fee and is doubtless meant to stop the practice of under valuation for the purpose of (a) and of understating prices in the original "Bill of Sale". It may on the other hand be a capital levy on the increased value.

(d) "Incorporation Fee \$10 each".

This may be a fee for amalgamation of lots but as it is customary to remeasure lots when amalgamated, some assurance is required that no remeasurement will (a) is required, nor fee as under (c) which I have stated above may be a capital levy of 50% of the increased value since the previous measurement and as such should, I suggest, be rigorously opposed.

(e) "Endorsement fee \$4."

(f) "Fee for issuance of duplicate or replacing copies, \$10 each".

(g) "Fee

(g) "Fee for withdrawal of applications \$20 each."

There are many points not clear in the document submitted, but none is so revolutionary as Clause (c) of the scale of fees if it is meant to be an increment of value tax on foreign deeds, which it will only be possible to levy by the issue of new deeds upon transfer as desired by Dr. Tchou Yen.

This requirement seems definitely opposed to Land Regulation V, either when read by itself or in conjunction with Land Regulation IV, and Dr. Tchou Yen's interpretation given in Clause 2 (c) of his letter of April 23 seems to me neither ingenious nor correct.

I suggest that if Clause V required the issue of a new deed it would have been stated in other words than those actually used and would render unnecessary the words "... and also to be registered at that of the vendee or assignee...." If this alteration in procedure is agreed to, a great blow will be struck at the simple and straightforward system which now obtains.

(7) The proposed "Deed of Perpetual Lease" also states

"In the event that the said renter surreptitiously transfers his interest in the Land now rented to another party without going through the formality hereinbefore described, or in case of his failure to pay the Ground Rent annually in advance in accordance with the established regulations, this deed shall be declared null and void and the land now rented shall be confiscated by this Bureau for the Municipality."

The first part of the above paragraph may be an attempt to invalidate a Title which is held under a "deed of trust", and if allowed would, I think, cause nothing less than a panic in many quarters, and might seriously dislocate for a time the fiscal systems of the Foreign Settlement and French Concession. While the practice of allowing land to be held under "deed of trust" without registration at the Consulate of the registered holder is open to question, any reform in this direction should, I think, be brought into effect by the various Consulates concerned in the first place. In any case confiscation or a threat of confiscation for non-compliance with such a rule is altogether too drastic a course for the needs of the case.

(8) With regard to confiscation for non-payment of land tax, this is a legal fiction carried on from the existing form of deed, but it is something quite new to find a municipality with rights of eminent domain over another municipality.

(9) The Consul-General has called attention to the fact that the Ground Rent is not stated and I suggest that the latter part of the deed should be changed to something on the following lines:-

'Or in the case of his failure to pay the ground rent of Tls. ----- per mow or such other sum as may from time to time be agreed between the Minister (or Consul-General) for ---- and the Chinese Government, the Chinese Government shall have the right to expropriate the said land Land Tax shall be paid annually in advance upon demand.'

I

I think that in no case should "confiscation" by the Municipality be agreed to.

(10) I have the following observations to make on the statement of "New Procedures" enclosed with Dr. Tchou Yen's letter to the Senior Consul dated February 22:

1. (B) It is of great importance that the date of application for deed should be inserted as at present, in the past, months and even years have elapsed between the application and issue of a deed and it is not unusual in the meantime for an owner, having good reason to believe in the validity of all documents submitted, to have exercised all the rights of title and possession.

Furthermore, in ascertaining whether land scheduled for road purposes is subject to surrender under Land Regulations VI, the date of application for the deed is taken as the date upon which the Land is rented. Were this not so a great deal of injustice would have resulted.

2. (a) Translations of the Chinese will presumably be in the language of the Consulate concerned and it is advisable that the translations also should be agreed to by the Chinese Authorities if such is possible.

(B) 'Overprinting' the existing form would seem better than pasting a slip of paper over the first line.

3. (A) While it is doubtless advisable that the Chinese Land Office should properly number all deeds, no change should be made in respect to numbers already assigned by the various Consulates.

4. (A) (B) & (C) I see little objection to the procedure proposed as no plans will be submitted to the Consulates without joint approval. The existing system by which all plans of lots in the Settlement are prepared in the Municipal Cadastral Offices dates only from 1912, but nevertheless it has been greatly appreciated as it brought in a system of careful and accurate plans and computations of areas such as had not existed before.

5. (A) I am not quite clear as to the exact meaning of this clause, but it appears to be a recognition of the fact that many foreigners own land on perpetual deeds of lease only, in parts of Shanghai where hitherto Consular registered deeds have been unobtainable. This clause may thus make it possible to do so. Further

information

July 4, 1930.

Proposed New Cadastral System
Letter from Senior Consul, dated 28/5/30.
Ref. 4985.

- (1) In considering the measures put forward by the Director of the Land Bureau of the Special Municipality of Shanghai, I think it is of considerable importance that the proposals should be carefully examined from the aspect of interference with the existing status of the Settlement as, in part, an underlying motive.
- (2) In this connection I would call attention to the question put in the Senior Consul's letter to Dr. Tchou Yen of March 28, Clause 2, as to the district in which the lot of land is situated, and to Dr. Tchou Yen's reply of April 23, into which I read an implication almost amounting to a definite statement, that the Foreign Settlement is one of the sections of the "Special Municipality of Shanghai". Although it may be said now that this is only for the purpose of land registration, it may have for roaching effect.
- (3) Quite apart from the result that the measures proposed would themselves have upon the holding of land by foreigners and upon the business of real estate generally, their acceptance as a whole at this juncture may seriously prejudice the Council's position in any negotiations which may take place in the future in respect of the Council's administration or future status.
- (4) To labour my point - if the Settlement and Concession are no longer to be regarded as an onclave but districts of the Shanghai Special Municipality, what limit is there to control by the Special Municipality over all matters not specifically covered by the Land Regulations?
- (5) With regard to the New "Cadastral System", I suggest that as Consular registered title deeds are not obtainable in the whole of the area covered by the Special Municipality of Shanghai, the Consular Body should ask for a plan showing the 17 districts into which the Municipality is divided for the purpose of land registration, with a statement as to the districts in which "perpetual deeds of lease" to foreigners may be issued and if the districts indicated are merely the "Foreign Settlement and the French Concession", consideration should be given to the future status of the numerous Consular registered lots already outside those areas.
- (6) The proposed "Deed of Perpetual Lease" states that if the renter "transfers his interest in the land now rented, to another party, he must present this deed to the Consul-General concerned for examination, after which the latter shall request this Bureau in writing to approve and register the transfer and to issue a new deed of perpetual lease as the law requires".

This

G-0068

0207

(CIRCULAR NO. 433-M-XI)

SUBJECT: NEW CADASTRAL SYSTEM.

THE SENIOR CONSUL HAS THE HONOR TO CIRCULATE THE FOLLOWING
FOR THE INFORMATION OF HIS HONORABLE COLLEAGUES.

(From the Chairman of the Shanghai Municipal Council to the
Senior Consul.)

Ref. No. 4985.

COUNCIL CHAMBER

Administration Building.

Shanghai, July 25, 1930.

Sir,

After careful examination of the proposed change of procedure in the mode of registration of land rented by foreigners I have the honour in accordance with your request in your letter of May 28 to submit a few notes and criticisms. In doing so I must emphasise the fact that the proposed changes as outlined and the projected new Cadastral system are so fraught with ambiguities and uncertainties that comments such as are submitted herewith cannot be regarded in any way as a detailed criticism and that the utmost caution and investigation are essential in order to prevent unexpected interpretations and inferences to the prejudice of foreign land renters in the future.

The suggestion that for the purpose of the designation of the area in which foreign rented land is situated the Foreign Settlement should be regarded as a section of the Special Municipality of Greater Shanghai is not only contrary to the Rules and Regulations of the Special Municipality as published (Vol.1 p.13) but involves momentous matters of principle. The assumption of authority to issue deeds by an officer of the Special Municipality of

Shanghai

- 2 -

Shanghai without confirmation of his authority to do so from the Chinese Government, and the manifest intention that the Special Municipality should have a right of eminent domain over to the extent of confiscation over the Foreign Settlement are sufficient indications of the attitude of mind behind the proposed new system.

Not only does the system violate the fundamental principles of the Land Regulations but many of its detailed proposals constitute clear violations of Land Regulations IV and V.

The Council is concerned not only as a holder of a considerable amount of land, but is vitally affected by the probable results of the adoption of such changes upon the administration and status of the Settlement. The Council feels that the pursuit of negotiations with the Chinese authorities at the very time when Judge Feetham is engaged upon his investigations not only prejudice his work but may stultify to a very material extent the result of his inquiries.

I have therefore the honour to request that a representative or representatives of the Council may have the opportunity to discuss the matter with the Consular Body before any formal rejoinder is made to the Director of the Land Bureau and to urge the advisability of resisting the adoption of the new procedure until Judge Feetham's report has been issued.

In the meantime I have to thank you for the copies of the correspondence and the opportunity you have afforded the Council of commenting on the proposed changes.

I have the honour to be,
Sir,
Your obedient servant,
(sd) E. B. Macnaghten,
Chairman.

E. S. Cunningham, Esq.,
American Consul General and Senior Consul.

G-0068

0208



三月廿八日附首席領事發特別市長宛申入文要領(全六項)

上記ニ對スル四月廿三日附特別市長發首席領事宛反駁文要領

上記支那側反駁文研究ノ爲五月廿七日土地委員會ノ結果領事團ニ提出セル「レ」メンデーション」要領

(目下工部局側ノ意見ヲ取付中ニテ其上ニテ領事團會議開催對支那側回答案審議ノ答)

上海外人土地永租規則改正問題ニ關スル外支間交渉推移對照表

亞細亞局長

亞細亞總課

由

六月七日記

地券發給官廳ノ變更(新地券ハ交渉員ノ代リニ土地局長署名ス)

異議ナシ但先ツ支那政府ヨリ土地局ノ權限ニ付確認ヲ得ルコトヲ條件トス

土地事務ハ交渉公署撤廢後支那側ト了解濟ハ一九二九年十二月廿一日附ヲ以テ特別市政府ヨリ各國總領事宛通知濟ニシテ市政府ノ通知ハ即チ支那政府テ手續上ヲ轉達セルモノニシテ

永租土地所在地區ノ記載方法(舊地券ニ上海港トアリシヲ改メ新地券ハ上海特別市何々區ト記ス)

上海特別市ノ名義ヲ用右ハ永租地カ特別市内ノ現了解濟フルハ差支無キモ當該在十七區劃例ヘハ滬南關北永租地カ租界内ニ在ルモ場合ハ租界ノ特殊地位ノニシテ永租地カ租界内ニヲ明カニスル爲上海特別市租界等ノ文字ヲ填入スル別市共同租界又ハ佛國佛租界等ノ文字ヲ填入スル租界区内ト明記スルコトス

「ト」新地券發給(從前ハ一旦永租權獲得後同國籍人間ノ轉租ハ所屬領事館ニ於テ名義變更登記シ支那側ニハ通知メ爲スヲ以テ足リシヲ改メ

今後轉租ニ際シテハ國籍
ノ同一如何ヲ問ハス一律
ニ舊地券ヲ支那側ニ送付
取消シ新地券ノ發給ヲ申
請スルヲ要ス

右規定ハ手續上不便多
ク便益無キノミナラス
共同租界土地章程第五
條ニ違反セルニ付承認
シ難シ

同國籍人間ノ轉租ニ際シ新
地券ノ發給ヲ爲スハ徒ラニ
不要ノ日子ヲ費スルモ此
テ益無キヤニ思考スルニ
場合舊地券ヲ土地局ニ送付
シ名義變更ノ記載ヲ爲サシ
ムルハ差支無カレハ之ニ
對シ適當ノ費用(例ハ十
元)ヲ徵セラルハ不巳得
ヘシ如斯ク時ハ支那側ニ
於テ希望ノ如ク地券權利者
ノ變更ヲ知悉スルコトヲ
ルト同時ニ無用ノ日子ヲ
スコトヲ省クヲ得ヘシ
尙支那側ハ租界章程支那
ヲ根據トシ反駁シ居ル處正

G-0068

0210

租地(舊租券面ニハ年租何々文)
 地租額ノ明記アリシモ
 新券面ニハ何等明定無シ

地租ハ元來制錢(文)ヲ以テ
 標準トセル處現在ニ於テ
 テ制錢ヲ以テ地租ヲ納入ス
 ハ制錢ノ事實ニテ現在地
 ルコトタル迄ニ付此語
 ヲ除キテ徵收シ居ル年租額
 局ニ於テ同方合ルモ
 ハ既ニ雙方ノ租額
 ノニシテ將來變更ノ場合ニ
 ハ當然式ニ商議シ双方ノ
 同意ヲ經ヘキモノナルコト
 勿論ナリ

文ハ英文ニシテ支那文ハ譯
 文ニ過キテ少杜撰ノ點ア
 リ土地局側ノ曲解ハ之ニ基
 クニ支那側ニ注意ノコト付
 此點支那側ニ注意ノコト付

主克船領可い存字協(主)先
 義書啓ノ十元位ノ書印ヲ
 掛(主)ハ已ウ傳サレ(主)トノ
 音也
 天津新報云三社(主)土地小
 租額規則ニ依リ(主)田圃租額
 人等ノ租額ハ(主)義書替手
 統(主)結ハ(主)而(主)主(主)合(主)大(主)其(主)
 手印押(主)字(主)傳(主)也

註。其後支那側ハ四月一日
 附ヲ以テ各新聞紙ニ一方の
 佈告ヲ發シ新契ハ成立後二
 ケ月内ニ又一九三〇年以前
 ノ舊契ハ四月一日ヨリ向四
 ケ月内ニ地券發給ヲ受クル
 ヲ要シ期限經過後ハ一律ニ
 無効ナル旨掲載セリ)

英國土地委員ヨリハ前記六
 項以外領事團代表ト支那側
 委員ト會見シ支那側ノ實際
 意向ヲ確ムル要アルヘク右
 會議ニ依リ新手續決定迄ハ
 現行制度ノ變更ニ同意ヲ與
 ヘサルコトトシテ來レリ
 「コメン」トシテ來レリ

G-0068

0214

亞細亞局
機密第一三五二號

第一課

昭和五年十月七日

在上海

總領事 重光

外務大臣男爵 幣原 喜重郎 殿

條約局

上海市政府ノ外人土地永租規則改正ニ關スル件

六月二十四日附機密第八六六號及八月五日附機密第一〇八一號掛
信ニ關シ

本件ニ關シ十月三日領事團委員會開催ノ結果大体土地委員ノ「レコ
ンメーション」ニ從ヒ首席領事ヨリ土地局長宛委細別紙回章ニ
依リ御承知相成ルヘキ通リ

昭和五年拾月廿壹日接受
別紙添付

土地局
上海



G-0068

0215

一、同國籍人間ノ「トランスファ」ノ場合新地券ヲ發給スルコトヲ止メ其代リニ「トランスファ」登記ノ爲支册土地局ニ地券ヲ送付（加印料トシテ十弗納付）スルコトニ對シテハ土地局ニ於テモ異議ナキ由ナルカ此點ハ文書ニテ保證スルコト

二、從來ノ地券面支册文ニハ冒頭「中華民國」ナル文字ト同シ高サニ各國總領事館名ヲ記載スルコト、ナリ居リシニ新地券面ニハ各國總領事館名記載ノ場所ヲ一段低クセルハ不當ナルヲ以テ之ヲ訂正スルコト（英國總領事ノ發議ニ基クモノ）

三、諸手数料ヲ明確ニシ且今后手数料ヲ變更セントスル場合ハ土地局ニ於テ豫メ各國領事ノ同意ヲ得ルコト

四、土地局ニ於テ地券ヲ發給スヘキ區域ハ上海市全部ナリト了解スル處若シ然ラサル場合ハ地券發給區域ヲ明示セル地圖ヲ提示ス

ルニト

五、本規則ハ來年一月一日ヨリ實施スルコト

六、本規則ニ關シ外支双方ノ同意アル迄ハ舊手續ニ依ルコト

ヲ十月七日附申入レタリ

本信寫送付先 北平 奉天 天津 青島 漢口
福州 廣東 南京 厦門

(CIRCULAR 523-M-XI)

SUBJECT: NEW CADASTRAL SYSTEM.

THE SENIOR CONSUL PRESENTS HIS COMPLIMENTS TO HIS HONORABLE COLLEAGUES AND HAS THE HONORABLE TO CIRCULATE THE FOLLOWING DRAFT OF A PROPOSED REPLY TO THE LAND COMMISSIONER'S LETTER ON THE NEW CADASTRAL REGULATIONS. THIS DRAFT MAY BE CONSIDERED AT A SPECIAL MEETING WHICH IT IS HOPED TO CONVEENE IN THE NEXT WEEK OR SO.

(Draft Reply to Land Commissioner's Letter on New Cadastral Regulations.)

Sir,
I have the honor to acknowledge the receipt of your letter of the 23rd. April last, informing me of the proposals for a new cadastral system in Shanghai and explaining the reasons for the changes in the present procedure, and to state that the contents thereof have been carefully examined.

After consultation with my colleagues, arrangements were made for the officers in charge of the respective Consular Land Offices to visit you and discuss the various points contained in the proposals. From the reports made by these officers, I understand that you are prepared to waive the issue of new deeds in cases of transfers between foreigners of the same nationality. Instead of a letter being sent to you by the Consulate concerned informing you of the execution of such transfers, you wish that the deeds should be transmitted to you for your endorsement to be placed thereon. For this transaction I understand that a fee not exceeding \$10.00 is to be charged. If this be correct, I shall be glad if you will furnish me with written confirmation and upon such being forthcoming, my Colleagues and I will be prepared to agree to your request that the titled deeds of land so transferred be sent to you for registration of the transfer.

With regard to the form of the Deed of Perpetual Lease sent to me for inspection, I have the honor to point out that the space left for inserting the nationality of the respective Consulates should be arranged in such manner that the characters for the nationality concerned can be placed on a level with those at the beginning referring to the Chinese Government. I enclose herewith a marked specimen of both the new and the old form of deed which will make clear to you what is meant. If the necessary alteration is made, the new form of deed will be used by the Consulates concerned in lieu of the present form.

With regard to fees, I have the honor to inform you that my Colleagues and I are anxious that these should be very clearly stated so as to avoid any future misunderstandings, and it is suggested that they should be laid down in a schedule to be attached to the new regulations showing the exact sums (where there are fixed amounts) and maxima and minima where there is a sliding scale. It is essential

that

-2-

that persons conducting transactions in land should know exactly what expenditure they may be called upon to face and under what circumstances individual items are charged. For example, it is by no means clear what is meant by the words "amount required to make up the difference est." (收徵價百分之五十(附補兩)) in Section 5C of your proposed regulations. It is therefore requested that a full explanation of this item be given showing whether it applies only to shengko land and under what circumstances this fee of 50% of the market price is to be levied. It is also desired that an assurance be given that these various fees will not be subsequently increased without prior consultation with my colleagues and myself. It would be most useful if concrete examples could be given showing what fees would have to be paid by foreign nationals making transfers or other transactions in land under various conditions.

I shall be interested to learn whether titled deeds for foreign-owned land will now be issued for the whole area of the Chinese municipality of Shanghai. Should this not be the intention of your Office, my Colleagues and I would welcome the transmission of a plan showing for which districts title-deeds will be granted.

In your proposed regulations a time limit is laid down (1st August) which is too short, and has indeed already expired. My Colleagues and I would suggest that it be extended to December 31st. of the present year.

In addition to forwarding you the above reply, I have the honor to request that no change be made in the present procedure regarding land transactions until a common accord has been reached.

I have est.

Senior Consul.

G-0068

0217

255

機密第一五〇八號

昭和五年十一月六日

在 上海

總領事 重 光

外務大臣男爵 幣 原 喜 重 郎 殿

上海市府ノ外人土地永租規則改正ニ
關スル件

十月七日附拙信機密第一三五二號領事團申入ニ對シ今般市政府土地
局長ヨリ十月二十日附ヲ以テ首席領事宛別紙回章ノ通り

(一)全國人間ノ「トランスファ」ノ場合ニハ支那側土地局ニ舊地券ヲ

別紙添付

亞細亞局

第一課

昭和五年十一月六日發受



送付シ手数料四元ヲ支拂ヒ裏書、登記ヲ爲スヲ以テ足リ別ニ新地券
ノ發給ヲナスヲ要セサルコト

(二)新地券面支那文中「中華民國」ナル文字ヲ一段上ケ各國總領事館
名ヲ同一高サニ記載セサリシ點ニ關シテハ既ニ印刷セル新地券ノ
使用ヲ終ラハ同一高サニ印刷シ換ヘスコトヲ約スヘク

(三)永租權ニ關スル諸手数料ハ別表ノ通ナルコト

(四)外國人ノ土地永租ハ租界内ニ限ラルヘキモノト思料セラルルモ
此ノ點ニ關シテハ目下調査中ナルヲ以テ別ニ何分ノ通知ヲナスコ
ト

(五)正當ノ理由アリ地券ニ書換ヲ遲延セル舊永遠出租契 (Bill of
Sale) 其ノ理由ヲ具シ本年十二月三十一日迄ニ支那側ニ提出シ

B11

G-0068

0218

地券發給ヲ求ムルコト

ト致度旨回答シ來リタルカ領事團ハ之ニ對シ先ツ各總領事館ノLand Officers ヲシテ支那側回答ヲ研究セシメ其ノ「リコンメンデイション」ヲ徵シ本件ヲ本月十八日ノ領事團會議ノ議案ニ上提シ何分ノ決定ヲ爲ス筈ナルカ前記(四)ノ外人ノ土地永租ヲ租界内ニ限ルヘキコト及(三)ノ諸手数料中(手数料表(二)ノB)「トランスファ」ノ際モ再ヒ測量費ヲ徵收セムトスルコト等ニ對シテハ直ニ此ノ儘承認シ難キモノト認メラル

右不取敢報告申進ス

本信寫送付先 北平 奉天 天津 青島 漢口 福州 廣東

南京 厦門

BII

G-0068

0219

SCHEDULES OF FEES FOR TRANSFERS OF DEEDS OF PERPETUAL LEASE.

(1) TRANSFER OF FANGTANS FOR DEEDS OF PERPETUAL LEASE.

- (a) Fees for Transfer Deeds: \$10.00 each.
- (b) Fees for Measurement: 3% of the estimated value.

(If the land is situated within the Settlement its value must be estimated by the International Municipal Council or the French Municipal Council, but the Land Bureau will estimate the value of lands outside the Settlement.)

- (c) Amount Required to Make up the Difference: 50% of the market price should be collected. (If tax not paid on a fangtan, Yin-yu (order of magistrate) or Pu-chao (order of Ministry), half shengko should be collected.)

(2) TRANSFER OF OLD TITLE DEEDS FOR NEW DEEDS.

- (a) Fees for Transfer Deeds: \$10.00 each.
- (b) Fees for Measurement: .2% of the estimated value should be collected. But the amount must neither be less than \$10.00 nor more than \$100.00.

(3) SHENGKO.

- (a) When the actual land area is more than the title deed area, shengko fee should be levied on the excess land at the estimated price.
- (b) Public creeks and public land shengko, shengko fee should be collected according to the market price.

- (4) Fee for Endorsement: \$4.00 each.

- (5) Fee for Extra-Copy of Title Deeds: \$10.00 each.

- (6) Fee for Extra-Copy of Plans: \$5.00 each.

- (7) Fee for Returned Deeds: \$20.00 each.

- (8) Fee for Re-measurement: .2% of the estimated, which must not be less than \$10.00 nor more than \$100.00.

References:

L20-M-XI, 158-M-XI, 185-M-XI, 197-M-XI, 241-M-XI, 255-M-XI,
256-M-XI, 268-M-XI, 273-M-XI, 289-M-XI, 323-M-XI, 333-M-XI,
394-G-V, 433-M-XI, 523-M-XI, 541-M-XI, 579-G-VII.

Circulated October 25, 1930.

Bureau is based on the document forms now in use by our Government. In the body of the form some characters begin a new line. This indicates a form of honor, for example: "Such and such Consulate General at Shanghai". The old forms putting the characters above the level, as the British title deeds enclosed with your letter, were only used in Imperial days and have long since been out of practice.

As to the first and the last lines of the Deeds of Perpetual Lease newly prescribed, which are respectively the heading and the date of issuance, they have no connection with the body of the document itself. When these deeds were sent for printing, we placed the characters of these two lines in large type and had them elevated a little in order that the form may look nice.

However to avoid misunderstanding I am prepared to arrange the small characters of the various lines on the same level with the larger characters when we print another supply after the deed forms which have already been printed are used up.

3. FIXED AMOUNT OF FEES FOR DEEDS OF PERPETUAL LEASE.

As to the amount of fees which should be collected in connection with an application for a deed of perpetual lease by foreigners, we have printed a schedule, 30 copies of which are enclosed. It will be made known to you by letter in advance in case of subsequent increases or decreases of the fees.

4. DISTRICTS IN WHICH TRANSFERS OF TITLE DEEDS MAY BE GRANTED.

Districts in which transfer title deeds may be granted should be limited to the Settlement boundaries. Notwithstanding some foreigners, in practice, lease land outside the Settlement. Such practice is not authorized by any written law. We are now considering whether or not foreigners have the right to lease land outside the Settlement. As soon as a decision has been arrived at, a further communication will be addressed to you. Pending a decision all cases in which foreigners lease lands outside of the Settlement will be maintained as of the old procedure, providing this Bureau is satisfied through investigation that the land is actually owned and used by the foreigners concerned.

5. TIME LIMIT FOR OLD BILL OF SALE TO BE EXCHANGED FOR DEEDS OF PERPETUAL LEASE.

It is laid down by this Bureau that bills of sale executed before December 31, 1929 should be sent before July 31, 1930, to this Bureau to be exchanged for deed or Perpetual Lease. It is a matter of record that this has been announced in the vernacular and foreign press of April 1st. However we have recognized that there are some special cases; therefore in my last letter it was stated that this Bureau is prepared to attend to special cases sent in after August 1st, (the day of expiration) provided valid reasons are given and verified by the Consuls concerned. But with ordinary old bills of sale there is no need for an extension.

In

In all cases where there exist special circumstances the views expressed in your letter referred to will be complied with, - that is - the renters should be instructed to send in before December 31, 1930, through the Consul General concerned to this Bureau for consideration and action all old bills of sale executed before December 31, 1929, together with a statement of valid reasons verified in a letter by the Consul General.

With the foregoing detailed elucidations and replies, it is believed that there will not be any further doubt concerning the points which you have raised and enquired about.

I am returning herewith the two forms of deeds enclosed with your letter and am transmitting 30 copies of a schedule of fees for your information.

I have the honour to be, Sir
Your obedient servant,

(sd) Tchou Yen,
Director of Land Bureau.

J. Van Haute, Esquire,
Consul General for Belgium,
and Senior Consul,
Shanghai.

(CIRCULAR NO. 587-11-XI)

SUBJECT: NEW CADASTRAL SYSTEM.

THE SENIOR CONSUL PRESENTS HIS COMPLIMENTS TO HIS HONORABLE COLLEAGUES AND HAS THE HONOR TO CIRCULATE THE FOLLOWING FOR THEIR INFORMATION.

(From the Director of Land Bureau to the Senior Consul.)

TRANSLATION.

October 20, 1930.

Sir:

I have the honor to acknowledge the receipt of your letter of October 6, 1930, commenting on the Improved Rules Concerning the Issuance of Title Deeds proposed by this Bureau. In the letter you enquire about the rules for endorsing transfers between foreigners of the same nationality and ask for a plan showing for which districts title deeds will be granted. You requested a written reply from me. Now I am forwarding you this reply on the following different points:

1. RULES FOR ENDORSING TRANSFERS OF TITLE DEEDS BETWEEN FOREIGNERS OF THE SAME NATIONALITY.

Various ways have been followed in the past for transfers between foreigners of the same nationality of the property rights of the land leased by them: some owners sent the old title deed to be exchanged for new one; some sent the old deed to the Consulates to be endorsed and from the Consulates to this Bureau to be endorsed; and some sent the deeds only to the Consulates to be endorsed, at the same time informing this Bureau by letter of the execution of the transfer.

With a view to having a uniform system and to assuring the property right of the renters this Bureau has prescribed certain rules for transfers of title deeds between foreigners of the same nationality whereby the new renter should send the deed through the medium of the Consulates concerned to this Bureau to be exchanged for a new title deed. This seems primarily to be the proper mode of procedure. However as the various Consulates considered this way to be too slow and time-wasting, they requested that this rule be altered. I wish to accept this suggestion so I promised to alter this rule.

In case of transfers of title deeds between foreigners of the same nationality the new renters are allowed to send the deeds to the Consulates concerned for transmission to this Bureau to be endorsed and registered, with a fee for endorsement of 4.00.

There will be no inconvenience to the renter and this Bureau will have a record for future reference.

2. FORM OF DEEDS OF PERPETUAL LEASE.

The new form of deed of perpetual lease prepared by this

Bureau

G-0068

0222

亞細亞局
機密第一五八二號

昭和五年十一月二十日

在 上 海

總領事 村 井 倉



外務大臣男爵 幣 原 喜 重 郎 殿

上海市政府ノ外人土地永租規則改正ニ關スル件

本件ニ關シ市政府土地局長朱炎ヨリ回答ノ次第八十一月六日附往信
機密第一五〇八號ヲ以テ報告ノ通りナル處十一月十三日、英、米
佛 Land Officers (當館ヨリ中田書記生出席)ノ會合ニ於テ朱局長回
答ヲ審議セリ

第一項 同國籍外國人間ノ「トランプアー」及

第二項 土地局制定ノ新地券ノ形式ニ付テハ異議ナク

第三項 手数料ノ變更ニ付テハ豫メ領事團ノ同意ヲ求メシムル
様土地局ニ交渉スルコトトナリ

第四項 「地券」發給地域ヲ原則トシテ租界内ニ限定セムトスル
コトニ付テハ中國ヨリ右ニ付テハ條約上 Treaty Ports 在ルニ
拘ラス之ヲ租界内ニ極限セムトスレハ不當ナリト述ヘタルニ
對シ英、米、佛「ランド、オフィサーズ」ハ主義トシテ中國
側主張ニ贊成シ能ハサルモ假令本件ヲ中國側ニ持出スモ双方
ノ言分ヲ繰返スノミニテ何等纏ル所ナカルヘント述ヘ

第五項 Bill of Sale ヲ「地券」ニ代フヘキ時期ニ付テハ異議
ナク

附表ノ諸手数料ニ付テハ補費等ニ付今一應支那側ノ説明ヲ聽

昭和五年十一月廿七日抄
別紙添付

取スルコトトナリ又舊地券ヲ新地券ニ變更スル場合ノ測量費
ニ付テハ英、米、佛側ニ於テ「リーズナブル」ナリトテ問題
ニセス我方トシテモ取扱件數少ク(二ヶ月約四五件)且百弗ヲ
限度トシ居ルニ付差シタル影響ナキノミナラス之ヲ納付セサ
レハ土地局ニ於テ新地券ヲ發給セサルヘキヲ以テ之ヲ承認ス
ルノ外ナカルヘント認メ中田ヲシテ英、米、佛同様土地局ニ
異議ナキ旨ノ意向ヲ表示セシメ置ケリ

越テ十一月十五日右四國「ランド・オフィサー」同道土地局長朱炎
ヲ往訪シ(朱ハ佛語ヲ話ス關係上佛「ランドオフィサー」主トシテ
交渉ノ任ニ當レリ)補費等ノ説明ヲ求ムルト共ニ手数料ヲ變更セン
トスル場合ハ豫メ領事團ノ同意ヲ得ルコトトシ度キ旨申込レタル處
率ヨリ手数料ニ付詳細説明アリタル上同國籍外國人間ノ「トランス

ファー」ノ場合ノ手續モ遅クトモ十日以内ニ完了スル様取計フヘク
又手数料變更ニ付テハ事實上豫メ領事團ノ同意ヲ得ルコトトスヘシ
ト答ヘ外國側ノ要求ヲ容レタリ(右會談録別紙ノ通り)

本件ハ十一月十八日ノ領事團會議(井口領事出席)ニ上程セラレ先
ツ主席領事ハ市政府側ヨリ同領事ニ對シ土地局新地券ヲ十二月一日
ヨリ使用シ度キ旨申出アリタル旨披露スルト共ニ最近土地局ニ於テ
白耳義人等ニ對シテ新規則ニ依ラサレハ地券發給ヲ肯セサル事例ア
リ本件ハ至急何等妥決ノ要アル旨附言シ次ニ佛總領事ハ地券發給區
域ヲ租界内ニ限ラントスル點ハ佛蘭西「ミツシヨン」ニ關スル限リ
同意シ得スト述ヘ

井口ヨリ右ニ付テハ中國各地ニ於テ日華間ニ屢論争ヲ繰返セルコ
トアリ若シ今後中國側ニ於テ租界内ニ限り外人ニ地券發給ヲ許可

スヘントノ一方的決定ニ達スルトスルモ到底之ニ同意シ得スト述
米國總領事ハ自分一個トシテハ本件新規則ハ大体「リーズナブル
ト認メ居リ同意差支ナキ意向ナルカ爲念一應米國公使ニ請訓スル
要アリト述ヘ意見ヲ留保シタルニ對シ

英國總領事ハ問題ハ本規則ニ依ルニアラサレハ今後地券ノ發給ヲ
受ケ得サルコトニ在リ本件ハ本年二月以來土地局トノ間ニ交渉シ
來レルモノニシテ土地局トシテモ斯克迄折レ來レル以上大体此邊
ニテ見切ヲ付ケ實際的結末ニ導クコト可然地券發給區域ノ點ニ付
テハ英國側トシテモ無論土地局主張ニ同意シ得サル次第ナルカ去
レハ逆之以上支那側ヲ追求スルモ到底意見ノ一致ヲ見ルコト能ハ
サルヘキヤニ認メラル就テハ此際各國側トシテ土地局ノ新地券ヲ

來ル十二月一日ヨリ使用スルコトトシ但シ土地局長來翰ニ對シテ
ハ何等回答セス以テ本件新規則ニ對シ non-Committalノ態度ヲ持シ
若シ後日手数料其他ノ點ニ付不都合アル場合改メテ領事團トシテ
又ハ各國領事ヨリ土地局ニ抗議スルコトトシテハ如何ト提議シ
右ニ關シ首席領事ヨリ各國領事ノ意向ヲ質シタルニ米國總領事ヲ
除キ他國領事皆之ニ贊成シ井口ニ於テモ土地局トシテ地券發給區
域ニ關シ最後ノ決定ヲ見ル迄ハ租界外土地ニ付從來通りノ取扱ト
スヘキ旨言明シ居ル次第ニテモアリ差當リ別段實害ナキニ付英國
總領事提案ニ贊成シ置キタル趣ナリ
尙同會議後英國總領事ハ井口ニ對シ英國公使ハ曩ニ問題トナレル
同國籍外國人間ノ「トランスファア」ニ關シ元來地券ヲ發給スル
制限ハ中國側ニ在ルヲ以テ假令同國籍外國人間ノ「トランスファ

「」ニ付テモ新地券ヲ發給セムトスル中國側主張ノ方理論上正當ナルヘシトノ意見ヲ有シ居レル旨内話セル由
專恃右ノ如ク當館トシテハ十二月一日ヨリ新地券ヲ使用スル筈ナルカ之ヲ土地局ニ送附スル場合我方ノ立場ヲ明ニスヘク爲念新地券使用ハ必スシモ新規則ノ承認ヲ意味スルモノニ非サル旨口頭ヲ以テ申送ル意向ナルカ本件ニ關シ本省側ニ於テ何等御異見アラハ可成早日ニ御回示相成様致度シ

本信寫送付先 北平 奉天 天津 青島 漢口
福州 廣東 南京 厦門

(a) Pas d'objection pour les frais d'actes de transferts fixés à 10.-

(b) En ce qui concerne les "Fees for measurement" fixés à 3% de la valeur d'estimation de la propriété, les "Consular Land Officers" se déclarent d'accord sur le pourcentage fixé. Ils signalent toutefois à l'attention de M. Tchou Yen l'impropriété manifeste des termes "fees for measurement" alors que les frais en question, qui semblent devoir viser que de simples opérations de mesurage, peuvent parfois atteindre plusieurs milliers de taels.

M. Tchou Yen répond qu'en réalité ce droit de 3% s'applique bien au transfert, ~~à~~ mais que c'est le désir d'éviter de créer des appellations nouvelles qui lui a fait conserver l'ancienne expression.

Les "Consular Land Officers" et M. Tchou Yen se mettent alors d'accord pour appeler la taxe en question "droit d'enregistrement et frais de mesurage".

(c) M. Tchou Yen déclare que ce paragraphe vise principalement les nouveaux terrains sur le fleuve, c'est-à-dire les terres d'alluvions. Il existe, dit-il, en dehors du Bureau des Terrains, d'autres bureaux qui s'occupent de ces nouveaux terrains et c'est dans ces bureaux que l'intéressé devra se rendre pour obtenir le shengko qui lui permettra de faire consacrer par le Bureau des Terrains, après paiement de 50% de la valeur d'estimation du terrain, ses droits de propriété sur celui-ci.

M. Tchou Yen précise que tout propriétaire d'un terrain non enregistré dans le registre des Taxes doit payer 50% de la valeur de ce terrain pour obtenir son enregistrement. Un terrain non enregistré ne peut être vendu. Un étranger voulant se rendre acquéreur d'un terrain doit donc, avant d'acheter, exiger les rebus des taxes. C'est à l'acheteur à veiller à ses intérêts.

2. Transfer of old title deeds for new deeds.

En ce qui concerne les "Fees for measurement" (2/00 avec minimum de 10.- et maximum de 100.-), les "Consular Land Officers" ont demandé qu'ils soient perçus non pas en se référant à un pourcentage sur la valeur du terrain, mais suivant une échelle comprise entre 10.- et 100.-, d'après le nombre de mou.

M. Tchou Yen estime plus logique sa manière de voir. Il déclare, d'autre part, que sous la rubrique "transfer of old title deeds for new deeds" rentre précisément dans la catégorie des titres transférés entre étrangers de nationalité différente pour lesquels le Bureau des Terrains ne perçoit directement aucun droit. Ce droit de transfert non directement perçu est alors compris dans les "fees of measurement", dès lors improprement désignés.

Les "Consular Land Officers" demandent par ailleurs.

si un

un droit partiel ne pourrait pas être appliqué au cas où une légère modification survenait dans une grande propriété nécessitant le mesurage d'une petite parcelle.

M. Tchou Yen déclare que, dans ce cas, le remesurage général s'impose (frais d'ailleurs minimaux de 10.- à 100.-)

En ce qui concerne la question de la notification au Corps Consulaire de l'augmentation ou de la diminution éventuelle des taxes, M. Tchou Yen, interrogé par le "Land Officer" du Consulat Général de France, déclare que, pratiquement, le Bureau des Terrains avant toute notification se mettra d'accord avec le Corps Consulaire.

IV. DISTRICTS IN WHICH TRANSFERS OF TITLE DEEDS MAY BE GRANTED.

Cette question, que les autorités chinoises elles-mêmes n'ont pas encore complètement élucidée, n'a pas été discutée.

V. TIME LIMIT FOR OLD BILL OF SALE TO BE EXCHANGED

Aucune objection.

Définition est toutefois demandée à M. Tchou Yen du "bill of sale", qui répond que c'est un contrat de vent non enregistré dans un consulat.

De nouvelles listes des taxes portant modification des appellations concernant les "fees for measurement" seront adressées par le Directeur du Bureau des Terrains de la Municipalité du Greater Shanghai au Doyen du Corps Consulaire./.

Changhai, le 15 Novembre 1930.

AGENT (CIRCULAR NO. 636-M-XI)

Subject: NEW CADASTRAL SYSTEM.

THE SENIOR CONSUL PRESENTS HIS COMPLIMENTS TO HIS HONORABLE COLLEAGUES AND HAS THE HONOR TO CIRCULATE THE FOLLOWING FOR THEIR INFORMATION.

COMPTE-RENDU DE L'ETREVUE DES
"CONSULAR LAND OFFICERS" AVEC LE DIRECTEUR DU BUREAU
DES TERRAINS DE LA MUNICIPALITE DU GREATER SHANGHAI.

Les "Land Officers" des Consulate Generaux des Etats-Unis d'Amérique, de Grande Bretagne, de France et du Japon se sont réunis, le 15 Novembre 1930, à la Direction du Bureau des Terrains de la Municipalité chinoise pour faire préciser par M. Tchou Yen, Directeur du Bureau, certains points de la lettre adressée par lui au Corps Consulaire à la date du 20 Octobre 1930.

I. RULES FOR ENDORSING TRANSFERS OF TITLE DEEDS
BETWEEN FOREIGNERS OF THE SAME NATIONALITY.

Aucune objection n'a été formulée sur ce point par les "Land Officers" qui ont simplement demandé à M. Tchou Yen de leur donner l'assurance que les formalités d'endossement et d'enregistrement seront effectuées dans le plus bref délai possible.

M. Tchou Yen répond que le délai n'excédera pas dix jours.

En ce qui concerne les transferts entre étrangers de nationalité différente, M. Tchou Yen, à la demande des "Land Officers" déclare qu'il n'y a rien de changé à la pratique habituellement suivie. Les droits perçus seront ceux qui figurent au 2 de la liste des taxes annexée à sa lettre du 20 Octobre c'est-à-dire 2/00, le minimum étant de 10.- et le maximum de 100.-

II. FORM OF DEEDS OF PERPETUAL LEASE.

Aucune objection fondamentale n'est formulée sur ce second point par les "Land Officers".

M. Hill, "Land Officer" britannique, déclare seulement qu'en haut de la 3^{ème} colonne du texte chinois de la nouvelle formule les caractères Shanghai () ont été remplacés par ses soins par les caractères () Angleterre, les caractères "Shanghai" venant après. Simple interversion que M. Tchou Yen se contente de critiquer au point de vue correction du style.

III. FIXED AMOUNT OF FEES FOR DEEDS OF PERPETUAL LEASE.

I. Transfer of fangtans for deeds of perpetual lease
(a) Pas

G-0068

0228

亞細亞局

第一課

昭和五年三月拾日 換

機密第一六五九號

別紙添付

昭和五年十一月二十八日

在上海

總領事 村井倉松

外務大臣男爵 幣原喜重郎 殿

上海市府ノ外人土地永租規則改正ニ關スル件

十一月六日附機密第一五〇八號往信ニ關シ上海市府土地局長ヨリ十一月十八日附ヲ以テ首席領事宛別紙回章第~~五~~六三九號ノ通り十一月十三日會見ノ際ニ於ケル領事團側「ランドオフィサース」ノ提議

BJI

ニ基キ彙ニ送付セシ手数料徴收規定表（機密第一五〇八號添付回章参照）ニ別表ノ通り僅少ノ修正ヲ加ヘタルコト並ニ從テ彙ニ送付セシ料金徴收表ハ之ヲ廢止スヘキ旨通知越アリタリ
右報告ス

本信寫送付先 代理公使 北平 奉天 天津 青島 漢口

福州 廣東 南京 厦門

G-0068

0229

(COPY IN TRANSLATION)

SCHEDULE OF FEES FOR TRANSFERS OF DEEDS OF PERPETUAL LEASE.

- (1) TRANSFER OF FANGTANS FOR DEEDS OF PERPETUAL LEASE.
- (a) Charges for Registration and Cost of Measurement: 3% of the estimated value. (If the land is situated within the Settlement its value must be estimated by the International Municipal Council or French Municipal Council but the Land Bureau will estimate the value of lands outside the Settlement.)
- (b) Fees for Title Deed Forms: \$10.00 for each Set.
- (c) Amount Required to Make up the difference: 50% of the market price should be collected. (If tax not paid on a fangtan, Yin-yu (order of Magistrate) or Pu-chao (Order of Ministry), half shengko should be collected.)
- (2) TRANSFER OF OLD TITLE DEEDS FOR NEW DEEDS.
- (a) Charges for Registration and Cost of Measurement: 2/00 of the estimated value should be collected. But the amount must be neither less than \$10.00 nor more than \$100.00.
- (b) Fees for Title Deeds Forms: \$10.00 for each Set.
- (3) SHENGKO.
- (a) When the actual land area is more than the title deed area, shengko fee should be levied on the excess land at the estimated price.
- (b) Public creeks and public land shengko, shengko fee should be collected according to the market price.
- (4) FEE FOR ENDORSEMENT: \$4.00 for each Lot.
- (5) FEE FOR EXTRA-COPY OF TITLE DEEDS: \$10.00 each.
- (6) FEE FOR EXTRA-COPY OF PLANS: \$5.00 each.

(7) FEE

- (7) FEE FOR WITHDRAWN DEEDS: \$20.00 for each Lot.

(In case when measurement has already taken place at the request of the renter ~~to~~ to transfer title deeds but afterwards the renter asks to withdraw the original fangtan or title documents and does not want to transfer, a fee of \$20.00 for the withdrawal of title deeds should be collected.

- (8) FEE FOR RE-MEASUREMENT: 2/00 of the estimated price, which must not be less than \$10.00 nor more than \$100.00.

Reference 578-M-XI.

Circulated November 20, 1930, with Schedule in Chinese.

(CIRCULAR NO. 639-M-XII)

SUBJECT: NEW CADASTRAL SYSTEM.

THE SENIOR CONSUL PRESENTS HIS COMPLIMENTS TO HIS HONORABLE COLLEAGUES AND HAS THE HONOR TO CIRCULATE THE FOLLOWING FOR THEIR INFORMATION.

(A letter in Translation from the Director of the Land Bureau to the Senior Consul.)

Date November 18, 1930.

Sir:

I have the honor to refer to my letter (of October 20) enclosing copies of "Schedule of Fees for Transfers of Deeds of Perpetual Lease" with the request that you transmit the same to the various Consuls General for their information.

On November 15, of this year the Consuls for Great Britain, United States, France and Japan came to this Bureau to discuss the "Rules Governing the Issuance of Deeds of Perpetual Lease". They suggested certain slight revisions in the terminology of the fees to be collected. The various suggested revisions having been agreed upon by me and duly made, I am now sending you herewith 30 copies of the schedule.

Your good offices are solicited to distribute these copies among your honorable colleagues and at the same time to convey to them the information that the schedule previously sent should be declared null and void.

I have the honor to be, Sir,
Your obedient servant,
(sd) Tchou Yen,
Director of Land Bureau,

J. Van Haute, Esquire,
Consul General for Belgium,
and Senior Consul,
Shanghai.

Enclosures: 30 copies of Revised Schedule of fees.

G-0068

0231

昭和六年一月七日

昭和六年一月七日

在上海

總領事 村井 會



外務大臣男爵 幣原 喜重郎 殿

新永租契「フォーム」送付ニ關スル件

客年十一月二十一日附機密第一五八二號拙信末段ニ關シ其後十二月二日
附ヲ以テ市土地局ヨリ當館宛新永租契ハ明年(即チ本年)一月一日ヨリ
使用スルコトト致スヘキニ付彙ニ送付シ置キタル(客年三月八日附機密
第三三〇號拙信参照)永租契「フォーム」ニ日本文譯文印刷填入ノ上至
急送還アリ度趣申越シタルニ付當館ニ於テハ之カ譯文印刷手配中ナリシ

今般別添見本ノ通り印刷出來上リタルニ付土地局宛送付シ置ケリ
尙米國總領事ハ客年末米國公使ヨリ中國側新規則ヲ默認シ一月一日ヨリ
新地券ヲ使用シ差支ナキ旨ノ回訓ニ接シタル趣ナリ
右所舊地券「フォーム」各一部宛添付ノ上報告申進ス

本信寫送付先 代理公使 北平 奉天 天津 青島 漢口

福州 廣東 南京 厦門

新地券
ホー
レ

中華民國上海市土地局永租契 正 第

本 號

案准

總領事

函開據

呈請按照條約在上海市

區永

圖 圩

號

坵業戶

土地一段計

畝

分

釐

毫

租 東至

西至

南至

北至

共付租價

銀 屬實准予發給永租契嗣後該承租人對於所租地畝如有轉租與他人情事務須將此契呈送該管總領事核明後函請本局核准註冊轉換永租契方為合法若未經上開手續將承租之地私自轉租與他人及不遵照定章每年預繳年租銀兩即將此契通告作廢所租土地由本局收歸市有合行填寫永租契發給該承租人收執為憑

中華民國 年 月 日 給

局長

領館註冊號碼

G-0068

0233

地 券

第 號

昭和 年 月 日在上海日本總領事館登記

(譯 文)

中華民國上海土地局永租契 正 第

本 號

在上海日本帝國總領事
 上海市 區 圖 町 號 坵ニ於テ面積 畝 分 釐 毫
 (東ハ 南至リ西ハ 南至リ南ハ 南至リ北ハ 南至リ)
 ノ土地ヲ所有者 ヨリ永租シ合計銀 ヲ支拂ヒ既ニ凡テノ
 手續ヲ完了シタルニ付永租契ヲ發給アリタキ旨願出テタル趣申越シタ
 ルヲ以テ本局ニ於テ審査セル處事實相違ナキニ付茲ニ永租契ヲ發給ス
 爾今該永租權者ニ於テ該永租土地ヲ他人ニ轉租スル場合ニハ先ツ本永
 租契ヲ所轄總領事ニ提出審査ヲ受ケ同總領事ヨリ本局ニ登錄ノ上永租
 契書換方申出ツルヲ要ス若シ前記手續ヲ經ス擅ニ他人ニ轉租スルカ又
 ハ毎年地租ヲ前納セサルトキハ本永租契ハ無効トシ永租土地ハ本局ニ
 於テ沒收ノ上市有ニ歸セシム
 茲ニ永租契ヲ作成シ永租權者ニ發給シテ證據トス

民國 年 月 日發給

局長

中華民國上海市土地局永租契

第一副本號

案准

上海

總領事

函開據

呈請按照條約在上海市

區永

租

圖 圩

號

坵業戶

土地一段計

畝

分 釐 毫

東至

西至

南至

北至

共付租價

銀

一切承租手續均已辦妥請發給永租契前來等因核轉到局准此經本局查明

屬實准予發給永租契嗣後該承租人對於所租地畝如有轉租與他人情事務須將此契呈送該管總領事核明後函請本局核准註冊轉換永租契方為合法若未經上開手續將承租之地私自轉租與他人及不遵照定章每年預繳年租銀兩即將此契通告作廢所租土地由本局收歸市有合行填寫永租契發給該承租人收執為憑

中華民國 年 月 日給

局長

領館註冊號碼

地 券

第 號

昭和 年 月 日在上海日本總領事館登記

(譯 文)

中華民國上海土地局永租契

第 第 一 副 本 號

在上海日本帝國總領事 署 區 圖 埠 號 坵 於 面積 畝 分 釐 毫
 (東ハ 南至西ハ 南至南ハ 南至北ハ 南至ル)
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 於テ沒收ノ上市有ニ歸セシム
 茲ニ永租契ヲ作成シ永租權者ニ發給シテ證據トス

民國 年 月 日發給

局長

中華民國上海市土地局永租契

第 二 號
第 二 副 本

案准 上海 總領事 函開據 呈請按照條約在上海市 區永
租 圖 圩 號 坵業戶 土地一段計 畝 分 釐 毫
東至 西至 南至 北至 共付租價
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管總領事核明後函請本局核准註冊轉換永租契方為合法若未經上開手續將承租之地私自
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合行填寫永租契發給該承租人收執為憑

中華民國 年 月 日 給

局長

領館註冊號碼

G-0068

0237

地 券

第 號

昭和 年 月 日在上海日本總領事館登記

(譯 文)

中華民國上海土地局永租契

第 號
第 二 副 本

在上海日本帝國總領事 署 內 區 圖 號 號 址 於 面 積 畝 分 釐 毫
 上海市 區 圖 號 號 址 於 面 積 畝 分 釐 毫
 (東ハ 南至西ハ 南至南ハ 南至北ハ 南至ル)
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 茲ニ永租契ヲ作成シ永租權者ニ發給シテ證據トス

民國 年 月 日發給

局長

土地券ホーロム (三枚一組)

第 號 地 券

昭和 年 月 日 在上海日本總領事館登記

位置 畝 分 釐 毫也
境界 東 西 南 北

中華民國
在上海大日本帝國總領事

リ前記ノ地區ノ永借權ノ
也ノ割合ヲ以テ總計
ノ出願アリタル旨照會ニ接シタルヲ以テ
ヲ發給ス但永借人其相續人又ハ承繼人ニ於テ永借地ノ權利々益ヲ他人ニ移轉スル場合ニ所轄領事館ノ認可ヲ受ケス該領事館
ヲ經由シテ右移轉ヲ本交渉使ニ通知セス又ハ適法ノ登記ヲナサ、ルトキ又督促ヲ受クルモ年額每畝
扱銀行ニ前納セサルトキハ本地券ハ効力ヲ失ヒ本永借地並其上ニ存在スル家屋建物ハ本主權者ノ有ニ歸屬ス

昭和 年 月 日

SHANGHAI

(TRANSLATION)

TITLE DEED.

..... hereby gives this Deed for the Renting of Land.

I have received a communication from His IMPERIAL JAPANESE MAJESTY'S Consul-General stating, that.....

(herein described and called the Renter) he..... applied to Rent in perpetuity from the Proprietor

a Lot of Land, situated at the Port of Shanghai, measuring in area.....

..... mow,..... fun,..... le..... haou, bounded

North by.....

South by.....

East by.....

West by.....

The Renter state that..... ha paid to the said Proprietor a sum of.....

being at the rate of..... per mow; and also that..... will pay the Annual Low Rent of cash per mow Yearly in advance to the Government Banker.

This coming before me, the Commissioner, I do hereby arrange and agree that the said Proprietor shall Rent the said quantity of Land to the said Renter upon the following conditions:—

That if the said Renter, his or their Successors or Assigns, shall hereafter make over his or their interest in the Ground now rented to another party, without reporting the same to his or their Consul for his assent and concurrence, and through him to the Commissioner for the time being, and for the due registration of the Transaction in their respective Records; or if the said Renter neglect to pay Yearly in advance the said Low Rent of cash per mow, after being ordered to do so then, and in each of these several cases, this Deed shall become null and void, and the proprietorship of the said Land, Houses, and Tenements, shall revert to the Lord of the Soil.

A necessary Deed for the Renting of Land.

..... year L. S. moon day

..... 19.....

LOT No.

REGISTRATION COMPLETED AT
H.I.J.M. CONSULATE GENERAL, SHANGHAI.
this..... day of..... 19.....

600/5/12

Vice-Consul,

G-0068

0240

中華民國

給出租地契事照得接准
大日本總領事官

南

北

畝

分

釐

毫

東

正

每

畝

計

價

正

其

年

租

每

倫

將

該

該商並後代管業之人將來以其地轉租不稟明本國總領事官允許批准移使登籍及每年不
將每畝年租
須至契者

中華民國

年

月

日

給地契第

號

爲

亞細亞局
機密第二二二二號

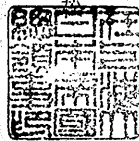
第一課

昭和六年三月四日 接受
別紙添付

昭和六年二月二十四日

在上海

總領事 村井 倉



外務大臣男爵 幣原 喜重郎 殿

新永租契「フォーム」訂正印刷ニ關スル件

本年一月七日附機密第一二二號往信ニ關シ其後英國側ハ土地局ノ印刷セル新地券漢文欄第一行目ノ中華民國ナル文字カ各國領事名ヨリ一段高ク印刷セラレ居ルハ（前額往信添付地券參照）不都合ナリトテ之カ訂正印刷方中國側ニ申入ルヘント主張シ日、米、佛領事館ニ對

シ該主張ノ支持方申越タル處當館トシテハ右ハ單ニ「中華民國上海市土地局永租契」ナル題目ヲ體裁上他ヨリモ稍高ク印刷シタルノミニシテ殊更區別ヲ附シタルモノトハ認メラレス各國領事名ハ普通漢文ノ書式通り行ヲ改メ次行ノ始ヨリ記載セラレ居リ（漢文ニ於テハ相手ヲ尊稱スル場合ハ行ヲ改ムルモノナリ）別ニ問題トナスニ足ラスト思料シタルモ米、佛共英國ノ主張ニ贊成シタルニ付我方ニテモ之ニ同意シ領事團トシテ市土地局ニ地券ノ訂正印刷方ヲ申入レタル次第ナルカ土地局モ之ヲ容レ新地券漢文欄ヲ訂正シ各行トモ同一高サニ印刷スルコトトナリタル處今般土地局ヨリ訂正地券見本送付越アリタルニ付右一部御參考迄ニ送付ス

本信寫送付先 代理公使 北平 天津 青島 漢口 福州
廣東 南京 厦門（訂正地券見本ハ各館へハ別信ヲ以テ送付濟ナルニ付省略ス）

領館註冊號碼

新

中華民國上海市土地局永租契

第 正

號 本

案准 日本駐上海總領事 函開據 呈請按照條約在上海市 區永
 租 圖 圩 號 坵業戶 土地一段計 畝 分 釐 毫
 東至 西至 南至 北至 共付租價
 銀 一切承租手續均已辦妥請發給永租契前來等因核轉到局准此經本局查明
 屬實准予發給永租契嗣後該承租入對於所租地畝如有轉租與他人情事務須將此契呈送該
 管總領事核明後函請本局核准註冊轉換永租契方為合法若未經上開手續將承租之地私自
 轉租與他人及不遵照定章每年預繳年租銀兩即將此契通告作廢所租土地由本局收歸市有
 合行填寫永租契發給該承租入收執為憑

中華民國 年 月 日 給

局長

樣張

G-0068

0243

領館註冊號碼

中華民國上海市土地局永租契

第 一 號
第 一 副 本

案准

日本駐上海總領事

函開據

呈請按照條約在上海市

區永

租

圖

號

坵業戶

土地一段計

畝分

共付租價

東至

西至

南至

北至

銀

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中華民國 年 月 日 給

局長

樣張

領館註冊號碼

中華民國上海市土地局永租契

第 第 二 副 本 號

案准

日本駐上海總領事

函開據

呈請按照條約在上海市

區永

租

圖 圩

號

坵業戶

土地一段計

畝 分

共付租價

東至

西至

南至

北至

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屬實准予發給永租契嗣後該承租人對於所租地畝如有轉租與他人情事務須將此契呈送該

管總領事核明後函請本局核准註冊轉換永租契方為合法若未經上開手續將承租之地私自

轉租與他人及不遵照定章每年預繳年租銀兩即將此契通告作廢所租土地由本局收歸市有

合行填寫永租契發給該承租人收執為憑

中華民國 年 月 日 給

局長

樣張

G-0068

0247

地 券

第 號

昭和 年 月 日在上海日本總領事館登記

(譯 文)

中華民國上海市土地局永租契

第 第 二 副 本 號

在上海日本帝國總領事

ヨリ日本國人

今般條約ニ依照シ

上海市 區 圖 圩

號 坵ニ於テ面積

畝 分 釐 毫

(東ハ 二至リ西ハ

二至リ南ハ

二至リ北ハ

二至ル)

ノ土地ヲ所有者

ヨリ永租シ合計銀

ヲ支拂ヒ既ニ凡テノ

手續ヲ完了シタルニ付永租契ヲ發給アリタキ旨願出テタル趣申越シタ

ルヲ以テ本局ニ於テ審査セル處事實相違ナキニ付茲ニ永租契ヲ發給ス

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ハ毎年度租ヲ前納セサルトキハ本永租契ハ無効トシ永租土地ハ本局ニ

於テ沒收ノ上市有ニ歸セシム

茲ニ永租契ヲ作成シ永租權者ニ發給シテ證據トス

民國 年 月 日發給

局長

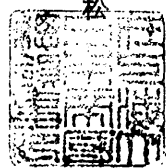
亞細亞
機密第三五二號

昭和六年三月十八日

昭和六年參月廿七日接受

在 土 海

總領事 村 井 倉 松



外務大臣男爵 幣 原 喜 重 郎 殿

新地券使用後ノ諸狀況ニ關スル件

本年一月七日附拙信機密第一二號ニ關シ領事團側ニ於テ新地券ノ使
用ヲ默認後(一)土地局ハ目下手續進行中ナル一九三一年以前ノ舊地券
ヲ全部各領事館宛送還シ來リ從前ヨリ手續中ノモノト雖モ爾今一切
新地券ヲ發給スヘキ旨申越アリタル處右ハ曩ニ徵收セシ手数料ヲ新

制度ニ依リ再徵セムトスル中國側ノ常套手段ナレハ之カ再納拒否方
中國側ニ申入ルヘキコト(二)新制度ニ依レハ「トランスファ」ハ其ノ
都度之ヲ土地局ニ通知シ地券面ニ註記ヲ求ムルコトトナリタルカ土
地局ニ於テハ工部局ニ道路用トシテ Surrender スル場合モ Transfer
ノ一種ナレハ新地券ヲ全局ニ送付シ註記ヲ求メタル上所定ノ料金ヲ
支拂フヘキ旨申越タル處之ニ對スル對策如何(三)新制度ニ依レハ土地
測量終了後租界内ノ土地ナル場合ハ工部局ニ於テ Draft Plan ヲ作成
シ之ニ基キ市土地局カ Official Plan ヲ作成シ工部局ノ承認ヲ經タル
後各領事館ヲ通シテ永租者ニ送付シ來リ其ノ承認ヲ得テ始メテ地券
ノ發給ヲ見ル段取トナルカ工部局カ右變更ヲ肯セス土地局作成ノ
Official Plan ニ對シ署名ヲ拒否シ居ル爲地圖承認ノ手續完結セス之

カ爲本年一月以來各領事館トモ租界内ニ於ケル新地券ハ一件モ發給セラレサル状態ナルカ之カ對策如何等ノ問題ニ關シ日、英、米、佛ノLand Officer及本月十七日會合協議セル結果(一)ニ關シテハ最近土地局側ニ於テ讓歩シ一九三一年以前ヨリ手續進行中ノモノハ新地券ハ使用スルモ別ニ料金ヲ再徴セサルコトヲ聲明セルニ付問題トセサルコト(二)ニ關シテハ工部局側ノ反對強硬ナルカ土地局モ容易ニ讓歩セサルヘキニ付各國領事館ノLand Officerトシテハ事務ノ簡捷ヲ期スル爲單ニ各館土地登記簿ノ當該番號欄ニ工部局ニ對スルSurrenderノ行ハレタルコトヲ記載スルノミニ止メ置キ地券面ニハ之ヲ註記セス市土地局ヘモ何等通知ヲナサス以テ問題ノ發生ヲ防止スルコト(三)ニ關シテハ目下工部局對土地局ニ於テ折角折衝中ノ由ナレハ今暫ク

形勢ヲ見テ何分ノ措置ヲトルコト等ヲ申合セ此ノ旨夫々各總領事ニ報告スル處アリタリ
右御參考迄ニ報告ス

本信寫送付先 代理公使 北平 奉天 天津 漢口 青島 福州
廣東 南京 厦門

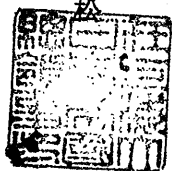
原紙
機密第六七三號

昭和六年五月二十六日

在 上海

總領事 村 井 倉 松

外務大臣男爵 幣 原 喜 重 郎 殿



上海市府ノ土地永租規定改正ニ關スル件

1
上海市府ノ土地永租規定改正ハ既報ノ通り昨年末當地領事團ノ默認スル處トナリ新制度ニ依ル地券發給ハ既ニ本年一月ヨリ實施ヲ見居ル次第ナルカ右ニ關シ最近當地外人土地會社等ノ間ニ反對ノ聲起リ來リタルカ共同租界當局モ純理論ヨリ本件改正ニ反對シ領事團カ

2
新制度實施ヲ默認スルニ至リタル態度ニ關シ相當不滿ヲ抱キ居ルモノ如ク首席領事宛再三本件經過ニ關スル説明ヲ求メ來リタルヲ以テ領事團ニ於テハ四月一日領事團會議ヲ開催シ該席上工部局代表ノ本件ニ關スル意見ノ發表ヲ求メタリ全代表ハ別添回章第一二五號附屬「ミニユーツ」ノ如ク領事團ニ於テ種々不都合ノ點アル本件改正ニ承認ヲ與ヘタルヲ遺憾トスル旨ノ意見ヲ表示シタルニ付領事團ニ於テハ本件改正ニ正式承認ヲ與ヘタルモノニ非ス將來必要ト認ムル場合領事團トシテ何時ニテモ之ニ對シ抗議ヲ提出シ得ル状態ニアルモノナルコトヲ回答スルト共ニ從來ノ領事團對土地局間ノ往復文寫ヲ工部局ニ送付シ置キタル處工部局ヨリハ更ニ折返シ右ニテハ事情尙判然セサルヲ以テ詳細ナル交渉經過ノ追報方並ニ「ファイタム」ノ

報告書第二卷カ出版セララル迄土地局トノ間ノ本件繼續交渉ヲ中止セラレ度旨要求シ來リタルヲ以テ（別添同章一六九號參照）領事團ハ之ニ對シ全一七〇號ノ如ク本件土地制度改正ハ領事團トシテ正式承認ヲ與ヘタルモノニ非サルコトヲ重ネテ説明スルト共ニ幾ニ四月一日ノ領事團會議席上工部局代表ノ發表セル意見ニ對シ逐一説明反駁ヲ加ヘ置キタリ工部局領事團間ノ見解ノ差異左ノ通り

一、地券發給官

A、工部局（以下單ニAト記載ス）ハ本改正ニ依リ上海市政府土地局カ其ノ權限ニ於テ地券ヲ發給スルニ至リタルハ上海市政府ノ租界ニ對スル支配權ヲ認ムルコトトナリ政治的影響重大ナリトテ土地局ノ地券發給權ヲ否認セムトス

3

B、領事團（以下單ニBト稱ス）ニ於テハ國民政府外交部長カ外交團中ノ某公使（英國）ニ對シ上海市土地局ノ地券發給權ヲ「コンファーム」シタルコトモアリ旁全局ノ權限ヲ承認スルモ支~~差~~ヘナシトノ意見ナリ

二、地券名稱

A、從前地券並ニ永租契約書ノ名稱ニハ判然タル區別アリシ處本改正ニ於テ地券並ニ永租契約書ハ等シク永租契（*Leases or Perpetual Lease*）ト稱セラレ區別ナキニ付此ノ點修正ノ要アリ

B、本改正ニ依リ地券ハ永租契ト稱セララルモ永租契約書ハ永遠租地草契又ハ永租草契ト稱セラレ判然タル區別アリ問題トナ

4

スニ足ラス

三、永租地所在地

A、永租土地カ共同租界又ハ佛租界内ニ在ル場合ハ此ノ旨明記方主張スルヲ要ス

B、此ノ結ニ關シテハ義ニ土地局長ニ於テモ之カ明記方聲明シ居タルニ付領事團ニ於テモ飽ク迄此ノ點ハ主張スル積リナリ

四、「トランスファア」

A、外人間「トランスファア」ニ際シ土地局カ地券ヲ發給セムトスルハ不都合ナルニ付該國側提案ヲ拒絕スヘク又「モーゲージ」ハ「トランスファア」ニ非サル旨中國側ニ通告スヘシ

B、土地局カ全國籍外人間ノ「トランスファア」ニ際シ單ニ登録

5

ノ爲地券ヲ全局ニ送付スルノミニテ足ル旨讓歩シタルコトニテ満足ナリト思料ス尙「モーゲージ」ニ關シテハ中國側ハ始メヨリ「トランスファア」ナリト主張シ居ラサルニ付今更該問題ヲ持出スコトハ拙策ナリ

五、手数料

A、土地事務ニ關スル新諸手数料ノ詳細ヲ承知シ度シ

B、土地局長ハ明細ナル手数料表ヲ送付越シタルニ付今後該手数料ノ支拂ニ關シ問題惹起スヘシトハ思料セラレス

六、公測地圖

A、土地局ハ工部局ニ於テ作成送付セル租界内土地ニ對スル下圖ヲ工部局ニ返却シ來ラサル處斯クテハ土地局カ右ニ基キ作成

6

スル管ノ公測地圖カ果シテ原圖ト符合シ居ルヤ否ヤヲ知ル能
ハス不都合ナリ

B、土地局長ハ全局ニ於テ作成セル公測地圖ハ工部局ニ送付シ承
認ヲ經タル後關係領事館ヲ通シテ水租者ニ返還スルコトヲ聲
明シ居ルニ付若シ土地局側ニ於テ之ヲ履行セサルニ於テハ工
部局ヨリ土地局ニ注意ヲ喚起スレハ可ナルヘク最近土地局ハ
共同租界内ノ土地ニ對シテハ工部局ノ「サイン」ナキ地圖ヲ
各領事館ニ送付シ來ル處佛租界内土地ニ對スル地圖ニハ佛工
部局ノ「サイン」アルニ付工部局トシテハ佛工部局ト此ノ點
ニ關シ協議スルコト可ナルヘシ

7

セ繼續交渉中止

A、「フイータータム」ノ報告書第二卷カ出版セラルル迄領事團トシ
テ土地局トノ間ニ土地制度改正ニ關スル繼續商議ヲ見合セラ
レ度シ

B、一九三〇年十一月十七日以後土地局トノ間ニ土地制度改正ニ
關シ正式商議ヲナシタルコトナク近キ將來ニ於テモ本件商議
ヲ進メムトシ居ラス

右關係回章添付ノ上報告ス

本信寫送付先 北平 奉天 天津 青島 漢口 福州 廣東
南京 廈門

8

ment was mortgaged it would be seen how important a matter this was and what plenary power were being given to the Chinese Land Office. The French Consul General had recognized this pitfall and in his translation had excluded mortgages from the meaning of the term. The Council agreed that the Chinese characters were the same in both the old and the new form but since the Chinese Land Office was now attempting to give such a wide interpretation to these characters, (and one which was never contemplated originally) the Council thought it imperative that the Land Office be told what these characters did and did not embrace. The whole credit system of the Settlement was at stake. The ~~whole~~ Council wished to remind the Consular Body that the decision to notify the Chinese Authorities of transfers of land between foreigners was in connection with a matter of law and order in the Settlement (e.g. to trace the ownership of gambling resorts) and was not to be construed as a necessary obligation. The Council was naturally alarmed over possible interpretations by the Chinese Authorities of the procedure and regulations of this new cadastral system as it had experience of the wide and unwarranted interpretation they had given to such instruments as the Mixed Court Rendition Agreement.

The Council understood that some members of the Consular Body were ready to accept its suggested solution concerning land surrendered for public purposes which was that the surrendered portion would be registered at the Consulate concerned but would not be recorded in the title deed. However the Council would like to urge upon the Consular Body most strongly the great importance of informing the Chinese Land Office that mortgages of all kind must not be regarded as transfers calling for new title deeds.

The Council's representatives also remarked that the Chinese Land Office had not been returning plans (which the Council had prepared) with some indication that such plans had been adopted and

and were the official plans. This was important, as otherwise if any change was made in the plan the Council would have no knowledge of it. The Council would like the Consular Body to ask the Chinese Land Office to make a practice of returning these plans.

The Council's representations also raised a number of queries regarding the fees for land transactions, intimating that these fees ought to be very precisely stated. They were informed that as a result of conversations between the Consular Band Officers and the Director General of the Chinese Land Office many points, including terms concerning fees, had been elucidated. The Council would be furnished with copies of memoranda recording these conversations.

The Senior Consul thanked the Council's spokesmen for their representations on the Council's behalf.

that any sudden and drastic change in the system of registration such as would tend to jeopardize or undermine that security ought to be opposed very strongly, both by the Council and land owners generally.

The Council had received a copy of certain correspondence which had passed between the Senior Consul and the Director General of the Chinese Land Bureau, (Senior Consul's letter of March 28, and Director's reply of April 23, 1930) and the Chinese demands as revealed therein had caused the Council to have many misgivings.

But Briefly, Mr. Jones made the following points.

(a) Issuing Officer. Formerly title deeds were issued by the Commissioner of Foreign Affairs and the Intendent of Circuit in the name of the Chinese Government as 'lord of the Soil'. In the new system the Director of the Chinese Land Office issues deeds in his name, not as the agent or instrument of the Government, but virtually as the 'lord of the soil' himself, thus in effect giving the Shanghai Chinese Municipality direct control over the Settlement in a vital matter, including the right of confiscation of land therein. In the Council's submission the political implications of this change are tremendous.

(b) Deeds of Perpetual Lease.

The Council say that formerly there was a differentiation between the so-called 'white deed' or bill of sale and the title deed proper, whereas in the new system both are termed 'Deeds of Perpetual Lease'. To avoid confusion, the Council thinks that a different designation should be applied to each.

(c) Designation of Area in which the Land is located.

The Council wishes to draw attention to the fact that in certain new forms of deed which it has seen, the land (in the International Settlement) is described as being within the 'Municipality of Great Shanghai,' whereas the Senior Consul in his

his letter of March 28, 1931, to the Director of the Chinese Land Bureau, had made a point of insisting that the area should be described as the 'International Settlement' or the 'French Concession' as the case may be. The Council feels it important that these designations should be insisted upon.

(d) Transfers and Surreptitious Transfers.

These terms occur in the English translations of the new forms of lease, and in the submission of the Council have very dangerous connotations. The Council, contends that when the characters (過戶) were originally used (now translated 'transfer') they were designed to cover transfers of land from Chinese to foreigners, to be held thereafter in perpetuity by foreigners, and that it was never the intention to include transfers of land between foreigners whether or not of like nationality. That was a matter which was left entirely to the Consulates concerned. These characters were thus intended to have this very limited definition. Under the new system the Chinese Land Office was giving a very wide interpretation of the term "transfers" and was making it include surrenders of land for public purposes and all species of mortgages. They would regard these mortgages as transfers and would insist that new title deeds for such transfers be issued. If a transfer of a title deed (and collateral deed) was executed, the Chinese Land Office could in the interval before a new title deed was issued (and it might be an interval of years) take the position that the property belonged neither to the mortgager nor the mortgagee, and of course nobody would lend money under these circumstances. If on the other hand a deed of mortgage was executed, without the title deed, the Chinese Land Office could claim it was a "surreptitious transfer" and confiscate the property. Moreover, the Chinese Land Office was demanding that the transfers be sent to them for "approval", and would give the new title deed the date of issuance instead of the date in which the application was made. When it was remembered that most land in the Settle-

MINUTES OF
A SPECIAL MEETING OF THE CONSULAR BODY HELD AT THE RESIDENCE
OF THE BELGIAN CONSUL GENERAL ON APRIL 1ST, TO GIVE THE SHANG-
HAI MUNICIPAL COUNCIL AN OPPORTUNITY OF EXPRESSING ITS VIEWS
ON THE NEW CADASTRAL SYSTEM.

Present.

Consul General for Belgium & S.C.	-J. Van Haute, Esquire,
Consul General for the Netherlands	-F. E. H. Gorenman, Esquire,
Consul General for France	-E. Koechlin, Esquire,
Consul General for Great Britain	-J. F. Brenan, Esquire, C.M.G.,
Consul-General for U. S. A.	-Douglas Jenkins, Esquire,
Consul General for Japan	-K. Murai, Esquire,
Acting Consul General for Switzerland	-A. Daeniker, Esquire,
Acting Consul General for Denmark	-A. Mrch, Esquire,
Consul for Germany	-R. C. W. Behrend, Esquire.
Acting Consul General for Portugal	-J. H. Botelho, Esquire,
Council's Representatives: J. R. Jones, Esquire,	Deputy Secretary,
	C. Harpur, Esquire,
	Commissioner of Public Works.

The Senior Consul welcomed the Council's representatives and invited them to state their views.

Mr. Jones said that owing to a session of the Council that afternoon, Mr. Fessenden, the Director General, had been unable to attend the meeting, but he (Mr. Jones) would endeavour with the assistance of Mr. Harpur, to present the Council's opinion on various aspects of the new cadastral system.

The Council was the holder of a considerable amount of land both inside and outside Settlement limits including land held in trusteeship for the community and land surrendered for public purposes and its holdings might be involved under the new registration scheme. The procedure governing the acquisition and holding of land by foreigners in the Settlement was laid down in the Land Regulations, particularly regulations 2,3,4,5, while regulations VI, VA, VB, and VC, dealt with land surrendered for public purposes. Under these regulations a system of land registration had been established at the various Consulates which had prevailed for over fifty years and on which security of ~~the~~ land tenure had been built up so
that

Forms of Deeds of Perpetual Lease: The spokesmen for the Council submitted that as both the initial and final forms of lease were known as "deeds of perpetual lease" (永租契), some differentiation in nomenclature should be made in order to avoid confusion. It will appear, however, from the correspondence which has been sent to you that from the first of this year the old form of Bill of Sale will be discarded and a new form, described in Chinese (永遠租地契) is to be used. A distinction from the Chinese characters can thus be made between the two forms. The Director of the Land Bureau has explained that the first form (永遠租地契) is a Bill of Sale and the final form (永租契) is the title deed proper, which is registered at the Consulate concerned.

Designation of Area in which Land is Located: You will observe from your copy of Mr. Tchou Yen's letter of April 23, 1930 that the following statement occurs under this caption: "If the land held under perpetual lease is in a settlement, the expression 'International Settlement' or 'French Concession' must necessarily be inserted."

The Land Office Director thus concedes these designations and my interested colleagues have signified their intention of insisting that the terms be used on all deeds for land in the two Settlements, as a means of preserving the special character of this terrain.

Transfers: My interested colleagues are satisfied that the Chinese Land Office is within its rights in demanding that new title deeds be issued for transfers of land between Chinese and foreigners and between foreigners of different nationality. You are aware, of course, that the Director of this office has ~~conceded~~ conceded that when the transfer is between foreigners of like nationality, it will be sufficient to send the title deed to his office for endorsement. So far the Chinese Land Office has not stated that it regards mortgages of land as transfers, neither has it made any demand with regard to such mortgages. Under the circumstances I am sure you will agree that it would be impolitic to raise the question of mortgages.

Fees: The Director seems to have furnished a fairly well defined tariff of fees and no difficulty in practice appears to have developed so far in connection with such payments.

Plans. With regard to the complaint of the Council's spokesmen that plans which had been prepared by the Council and forwarded to the Chinese Land Office had not been returned to the Council, thus precluding the Council from knowing whether or not these plans in their original form had been adopted, you will recall that in my predecessor's letter to you of January 8, 1931, the Director of the Land Bureau is quoted as saying that these plans would be returned to the Council for confirmation, after which the plans ratified by both the Council and the Land Office would be sent to the Consulate concerned for transmission to the renter to be approved. In that letter the Senior Consul expressed the opinion that in your reply to the letter from the Director of

of the Land Bureau which you mentioned) you might wish to emphasize this feature of mutual approval. If therefore these plans are not being returned to the Council it would seem proper for the Council to remind the Director of his agreement that this would be done. In this connection it may be interesting to you to know that some plans for land in the International Settlement, unstamped by the Shanghai Municipal Council, have been sent to certain consulates along with other plans for land in the French Concession which have been stamped by the French Municipal Council. It would appear advisable therefore for your Cadastral Office to consult the Cadastral Office of the French Council with a view to arriving at some explanation of the apparent difference in treatment.

With reference to your suggestion that the Consular Body should not proceed any further in its negotiations with the Chinese Land Office until the second volume of Mr. Justice Feetham's report is published, I am desirous to say that (with the exception of one interview by a Land Officer concerning a matter of ~~eight~~ in the Deed form) no negotiations have taken place between these parties since November 17th last and none are contemplated in the visible future.

Surrender of Land for Public Purposes: A number of the interested Consulates are in favor of the Council's suggested solution of this question as expressed in the letter of the Director General of Council of March 17, 1931, --- indeed these consulates are already carrying that suggestion into practice. Other consulates, however, are anxious to give the matter further study before coming to a definite decision.

My interested colleagues have not been unmindful of the great importance to the Council and the community generally of a change in Settlement land registration and procedure and therefore have given the new system put forward by the Chinese Authorities a meticulous and itemized scrutiny, aided, inter alia, by the Council's enunciation of its views as expressed in the enclosure to your letter of July 25, 1930. They are, employing the new procedures but so far have not discovered anything in the operation serving to justify the Council's obvious apprehensions over the change in system.

I have the honor to be, etc.,

Senior Consul.

References: 125-M-XI, 157-M-XI, 169-M-XI, 170-M-XI.
Circulated: May 15, 1931.

(CIRCULAR NO. 170A-M-XI).

SUBJECT: NEW CADASTRAL SYSTEM.

THE SENIOR CONSUL PRESENTS HIS COMPLIMENTS TO HIS HONOURABLE COLLEAGUES AND WITH REFERENCE TO CIRCULAR NO. 170-M-XI AND TO DISCUSSION ON THIS SUBJECT AT THE CONSULAR BODY MEETING ON MAY 19, 1931, HAS THE HONOUR TO CIRCULATE THE FOLLOWING REVISED DRAFT LETTER TO THE SHANGHAI MUNICIPAL COUNCIL. FAILING THE RECEIPT OF ANY OBJECTION BY MONDAY, 25TH, MAY, A LETTER OF THIS WORDING WILL BE DESPATCHED.

(An amended draft letter from the Senior Consul to the Chairman of the Shanghai Municipal Council.)

Sir,

I have the honour to refer to your letters of April 30, and May 9, 1931, concerning the new cadastral system recently introduced by the Chinese Authorities, from which it is observed that the Council is uneasy and anxious over what is termed as the "results up to the present of the negotiations now in progress between the Consular Body and the Chinese Authorities" on the subject mentioned. You also state that it would be of the "greatest interest, to the Council to receive, if possible, more accurate and detailed information as to exactly what, if anything, has actually been agreed upon between the Consular Body and the Chinese Authorities than it is possible to glean from the correspondence and memoranda.

The new cadastral system, as qualified, modified and elucidated in the manner disclosed in the copies of letters and memoranda accompanying ~~my~~ letters of May 23, 1930, and April 11, 1931, has been tacitly accepted by my interested colleagues (as you were informed in the last named communication), although formal recognition has thus far been withheld so as to reserve liberty of action should anything unforeseen or undesirable eventuate. An attempt will be made in this letter to give an answer to the representations of the Council's spokesmen at the Special Meeting of the Consular Body on April 1, 1931, and with this supplement, the Council will be in possession of all the information on the subject which the Consular Body, as an entity, can, to its knowledge, impart.

I am confident however, that the Consular Body will be willing if possible to furnish information on other pertinent points which may have escaped its notice if the Council has any such to bring forward.

I have the following remarks to make concerning the points raised by the Council's spokesmen at the Meeting referred to:

Issuing Officer: The Minister of Foreign Affairs has written to at least one of the Ministers of the Foreign Powers concerned, confirming the authority of the Director of the Shanghai Land Bureau to issue title deeds to land in this area. Therefore his authority in this regard may be considered as valid and binding.

Forms

G-0068

0259

(CIRCULAR NO. 169-M-XI.)

SUBJECT: NEW CADASTRAL SYSTEM.

THE SENIOR CONSUL PRESENTS HIS COMPLIMENTS TO HIS HONOURABLE COLLEAGUES AND HAS THE HONOR TO CIRCULATE THE FOLLOWING FOR THEIR INFORMATION.

(From the Chairman of the Shanghai Municipal Council to the Senior Consul.)

May 9, 1931.

Sir,

I have the honour to refer to the correspondence exchanged between the Consular Body and the Council upon the general subject of the New Cadastral system and particularly with regard to a statement in your letter to me of April 11, 1931, which reads in part as follows: "but in the meantime I am given by my interested colleagues to understand that they are tacitly accepting the new cadastral system on the general basis revealed in the attached correspondence and memorandum. No formal acceptance of it has been made, however, and they are thus reserving liberty of action in case anything unforeseen or undesirable eventuates."

In the opinion of my colleagues too great stress can hardly be placed upon the importance of this matter to the community at large and the great vested interests which have been developed in the Settlement.

There appears to be a great deal of uncertainty and uneasiness in the public mind as to the results up to the present of the negotiations now in progress between the Consular Body and the Chinese authorities and as to what extent any radical departure from the old system of land registration may be contemplated or considered as unavoidable because of force of circumstances.

My colleagues have therefore requested me to intimate to the Consular Body that it would be of the greatest interest to the Council to receive, if possible, more accurate and detailed information as to exactly what, if anything, has actually been agreed upon between the Consular Body and the Chinese Authorities than it is possible to glean from the correspondence and memoranda.

At the same time I am requested by my colleagues to urge upon the Consular Body the importance, in their opinion, of not proceeding further with the negotiations regarding land registration until the second volume of Mr. Justice Feetham's Report is published.

I have the honour to be,
Sir,
Your obedient servant,
Sd: E. B. Macnaghten,
Chairman.

E. S. Cunningham, Esq.,
American Consul General
and Senior Consul.

References: 125-M-XI, 157-M-XI.
Circulated: May 15, 1931.

G-0068

0260

(CONSULAR NO. 125-M-XI)

SUBJECT: NEW CADASTRAL SYSTEM.

THE SENIOR CONSUL PRESENTS HIS COMPLIMENTS TO HIS HONOURABLE COLLEAGUES AND HAS THE HONOR TO CIRCULATE THE FOLLOWING LETTER FOR THEIR CONSIDERATION AND APPROVAL. FALLING THE RECEIPT OF ANY OBJECTION BY SATURDAY, APRIL 11TH, A LETTER OF THIS WORDING, TOGETHER WITH THE ACCOMPANIMENTS MENTIONED WILL BE DESPATCHED.

(A draft letter from the Senior Consul to the Chairman of the Shanghai Municipal Council.)

Sir,

I have the honor to refer to the representations made at the Consular Body meeting on April 1st by the Council's spokesmen who were commissioned to express the Council's views on the new cadastral system introduced recently by the Chinese Authorities. These representations are summarized in the minutes of the meeting, a draft copy of which is transmitted herewith for your information.

As a means of elucidating to some extent several of the points raised by the Council's spokesmen (notably on the question of fees) and also of indicating the course of negotiations between the Consular Body and the Chinese Land Office, I am enclosing:

- (A) a copy of a letter dated October 6, 1930, from the Senior Consul to the Director of Land Bureau.
- (b) a copy of his reply of October 20, 1930, with accompaniment.
- (c) a copy of a letter dated November 18, 1930, from the Director with accompaniment.
- (d) translation of stenographic notes made in French of a meeting on November 15, 1930, between the Consular Land Officers and the Director of the Land Bureau.

The question of the surrender of ~~ALL~~ land for public purposes which forms the subject of your communications to the Senior Consul of February 26 and March 17, 1931, as well as the representations made by the Council's spokesmen at the meeting of April 1st, will be given careful consideration at an early meeting of the Consular Body, but in the meantime I am given by my interested Colleagues to understand that they are tacitly accepting the new cadastral system on the general basis revealed in the attached correspondence and memorandum. No formal acceptance of it has been made, however, and they are thus reserving liberty of action in case anything unforeseen or undesirable eventuates.

I hope to communicate further information on this subject in the course of the next two weeks.

I have the honour to be, etc.,

Senior Consul.

Circulated April 8, 1931.

G-0068

0261

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外務省

機密第八一五號

昭和六年六月二十六日

在 上 海

總領事 村 井 倉

松

外務大臣男爵 幣 原 喜 重 郎 殿



昭和六年六月二十六日附廈門領事宛公領機第五六九號信寫送付

新永租規則ニ關スル件

昭和六年七月七日 接受
BIJ

別紙添付

Handwritten signature/initials

G-0068

0262



公領機令第五六九號

昭和六年六月二十六日

在上海

總領事 村井倉松

在廈門
領事 寺嶋廣文殿

新永租規則ニ關スル件

本件ニ關シ六月十七日附公領機密第一〇八號貴信ヲ以テ御來照ノ次第
了承當地新永租規則ニ依ル永租權者ノ支拂フヘキ諸手数料ハ別表ノ通
リニ有之右ノ内地券發給費即チ契紙費十元（貴地ノ所謂契稅）ハ今回

BII

ノ改正ニヨリ新ニ徵收セラルルコトナリタルモノナルカ其ノ理由ハ
從來地券「フォーム」ハ各國領事館カ之ヲ作製シ置キ永租權者ノ申請
ヲ俟ム關係書類ト共ニ一括中國側ニ送付シ其ノ承認會印ヲ求メタルモ
ノナルヲ今回地券「フォーム」ハ中國側ニ於テ備ヘ置キ各國領事館ヨ
リノ請求ニ基キ調査ノ上所定料金ヲ徵收シ之ヲ當該領事館ニ送付シ來
リ領事館ニ於テ加印登錄ヲナシ永租權者ニ交付スルコトニ改正セラレ
タルヲ以テ中國側ハ地券用紙代トシテ新ニ銀十元ヲ徵收スルコトナ
リタルモノニシテ右變更ノ當然ノ結果トシテ中國側ノ會印拒否等ノ問
題發生セサル議ニ付右ニ御了承相成度此段回答ス

本信寫送付先 外務大臣 代理公使

BII

轉立永租契應繳各費清單

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每張銀十元

(六) 補圖費
每張銀五元

(七) 退契費
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(八) 復丈費
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