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No. 531

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AMERICAN CONSULATE  
GENERAL,  
Mukden, China, February 5, 1932.

LEGAL ADVISER  
MAR 9 1932  
DEPARTMENT OF STATE

SUBJECT: Fengtien Provincial Government. *(G)*

THE HONORABLE  
THE SECRETARY OF STATE,  
WASHINGTON.

*Copy in FE*  
Division of  
FAR EASTERN AFFAIRS  
MAR 1 - 1932  
Department of State

SIR:

*893.01-Manchuria*

I have the honor to enclose herewith a copy of my despatch No. 531, to the Legation at Peiping, China, dated February 3, 1932, on the above subject.

Respectfully yours,

*M. S. Myers*  
M. S. Myers  
American Consul General.

Enclosure:

Copy of despatch No. 531  
to the Legation, Peiping.

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HTW

F JR 893.01-MANCHURIA/16

MAR 11 1932

No. 531

AMERICAN CONSULATE GENERAL

Hakden, China.

February 3, 1932.

SUBJECT: Fengtien Provincial Government.

The Honorable

Nelson Trusler Johnson,

American Legation,

Peiping, China.

SIR:

Supplementing my despatch <sup>no card</sup> No. 527, dated January 28, 1932, under the above subject in which the outstanding features of the Fengtien Government were discussed, I have the honor to enclose herewith the following:

- (1) General principles governing the organization of the Fengtien Provincial Government (Enclosure No. 1);
- (2) Provincial regulations governing the organization of the office of Magistrate (Enclosure No. 2);
- (3) Regulations governing the election of Self-Government Commission (Enclosure No. 3).

The above principles and regulations, which were promulgated and transmitted to the magistrates under date of January 26, 1932, appeared in the local press on January 29th and 30th.

It will be noted that the Provincial Government will, at the outset at least, have few departments. The Secretariat, at the head of which is the Chief Secretary,

embraces

embraces the only three bureaux provided for, namely, Bureau of Finance, Education and Industry. The Chief Secretary is the ranking officer under the Governor and according to Article 5 he will have charge of matters relating to foreigners. There is no mention of police nor military affairs in the general principles governing the organizations of the Provincial Government.

The regulations governing the organization of the Magistrate's office provide for the election of the Self-Government Commission which is the executive body of the district. The Magistrate is its head and its principal member. Apparently he will be solely in charge of routine matters as in the past but important administrative affairs shall be decided by a majority of the Commission. Article 8 provides that the Self-Government Guiding Commission shall have access to the records, plans and documents of the Magistrate's office; that the administration and handling of the affairs of the Magistrate's office must be reported to this Commission from time to time and that the revenues and expenditures of the district shall be subject to inspection by this Commission. The remainder of the regulations is devoted to the organization of the Magistrate's office in which there shall be established a general affairs office and such of the following bureaux as may be needed: Police, Finance, Education, Agriculture and Commerce and Labor. The regulations governing the election of the Self-Government Commissioners (enclosure No. 3) provide that they shall be elected from a list of nominees of the

Self-Government

Self-Government Guiding Commission. This does not apply to the magistrate who is appointed by the Governor with the approval of the Self-Government Guiding Board.

From the above it can be readily seen that through the agency of the Self-Government Guiding Board which is to all intents and purposes a Japanese organ and its Japanese representative in the district who is the head of the Guiding Commission the Japanese are in a position to exercise as much control over the district governments as may be desired. As was pointed out in my despatch of January 28, 1932, the Provincial Government is effectively controlled by the Advisers' Department.

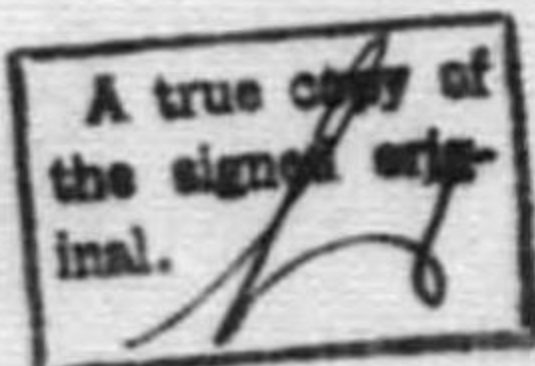
Respectfully yours,

M. S. Myers.  
American Consul General.

Enclosures: No. 1. General principles governing the organization of the Fengtien Provincial Government.  
No. 2. Provincial regulations governing the organization of the office of Magistrate.  
No. 3. Regulations governing the election of Self-Government Commission.

Original and one copy to Legation.  
Five copies to Department.  
Copy to Embassy, Tokyo.

MSM:MHP  
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Enclosure No. 1, to despatch No. 531, of H. S. Myers, American Consul General, Mukden, China, to the Legation, Peiping, dated February 3, 1932, on the subject "Fengtien Provincial Government."

GENERAL PRINCIPLES GOVERNING THE ORGANIZATION OF THE FENGTIEN PROVINCIAL GOVERNMENT.

(Translated from Chinese Press of January 29 and 30, 1932)

1. The Fengtien Provincial Government is organized in accordance with the wishes of the people of the whole province of Fengtien.
2. The functions of the provincial government shall be as follows:-
  1. It shall control the whole province and issue instructions for the province.
  2. It shall enact regulations for the province.
  3. It shall define or alter the administrative boundaries of the districts and towns.
  4. It shall manage the government property of the province and other enterprises.
  5. It shall appoint or dismiss and promote or punish the officers of the government.
  6. It shall supervise local self-government.
  7. It shall supervise administrative and judicial matters.
3. There shall be one governor (省長) in the government who shall have charge of the governmental affairs of the whole province and direct and supervise the officers under him.
4. There shall be a secretariat (秘書處) in the provincial government with the following bureaux:
  1. Bureau of Finance: (財政廳)
  2. Bureau of Education: (教育廳)
  3. Bureau of Industry: (實業廳)

When it is necessary, other experts may be engaged and offices may be established to take charge of special affairs.

7. Matters concerning the granting and issuance of loan bonds for the cities and towns.
8. Matters concerning the supervision of the finance of the towns and cities.
9. Any other affairs concerning financial matters.

C. Bureau of Education:

1. Matters concerning instruction in the government schools of all grades.
2. Matters concerning the compilation and approval of the text books for schools of all grades.
3. Matters concerning the selection of instructors for the schools.
4. Matters concerning system of education.
5. Matters concerning libraries and museums.
6. Matters concerning the supervision of education in the various districts.
7. Other matters concerning education.

D. Bureau of Industry:

1. Matters concerning the development of manufacturing, commerce, agriculture, lumbering, fishery, mining, and their promotion and protection.
2. Matters concerning factories.
3. Matters relating to exhibitions and the investigation of commercial articles.
4. Matters concerning government industrial enterprises.
5. Matters concerning all kinds of registration.
6. Matters concerning the inspection of scales and measurements and their enforcement.
7. Matters concerning monopoly sales.
8. Matters concerning the prevention of cattle diseases and the inspection of cattle for exportation.
9. Matters concerning electric light and electric power.
10. Matters concerning the supervision of industrial affairs in cities and towns.
11. Matters concerning river conservancy, water way facilities, their plans and supervision.

7. When carrying out important matters which have been decided by the self-government commission, a report shall be submitted to the provincial government. When the government considers that they conflict with other regulations or laws and are inappropriate, changes shall be made at the required time.

8. The self-government guiding commission shall have access to the records, plans and other documents of the magistrate's office.

The administration and handling of the affairs of the magistrate's office must be reported from time to time to the self-government guiding commission.

Receipts and expenditures of the district shall be subject to inspection from time to time by the self-government guiding commission.

9. In the Magistrate's office there shall be established a general affairs office and the following bureaux:-

1. Police Bureau;
2. Bureau of Finance;
3. Bureau of Education;
4. Bureau of Agriculture
5. Bureau of Commerce and Labor.

According to the requirements of the district, the two bureaux of agriculture, and commerce and labor may combine to form a bureau of industry. Where their duties may be light, the establishment of bureaux may be postponed and their duties shall be carried on the general affairs section.

10. The functions of the sections and bureaux of the magistrate's office are as follows:-

A. General Affairs section:

1. Matters concerning the drafting of documents;
2. Matters concerning conferences;
3. Matters concerning the keeping, receiving and despatching of documents;
4. Matters concerning accounts and miscellaneous affairs;
5. Matters concerning the using and keeping of the official seals;
6. Matters which have not been placed under other bureaux.

B.



5. The functions of the secretariat and the various bureaux shall be as follows:

A. The Secretariat:

1. Matters concerning conferences and of confidential nature;
2. Matters relating to personnel records;
3. Matters relative to the supervision and investigation of local self-government;
4. Matters concerning the supervision of and plans for peace preservation;
5. Matters concerning foreigners;
6. Matters concerning the Mongolian banners;
7. Matters concerning administration law suits;
8. Records concerning the officials of the provincial government and their work.
9. Matters concerning the compilation of statistics and the promulgation of notices;
10. Matters relating to the drafting, despatching, receiving, and keeping of all documents;
11. Matters concerning accounts and miscellaneous affairs;
12. Matters concerning the keeping and using of the official seal;
13. Matters that have not been placed under any of the other bureaux.

B. Bureau of Finance:

1. Matters concerning taxes in the province;
2. Matters concerning the budget and estimates of the various bureaux and of the provincial government.
3. Matters concerning the receipts and expenditures of the Provincial treasury.
4. Matters concerning banks and currency.
5. Matters concerning the government property of the province.
6. Matters concerning the introduction of new taxes in towns and cities and alterations thereof.

Enclosure No. 2, to despatch No. <sup>531</sup> of M. S. Myers,  
American Consul General, Mukden, China to the  
Legation, Peiping, dated February 3, 1932 on the  
subject "Fengtien Provincial Government".

PROVISIONAL REGULATIONS GOVERNING THE ORGANIZATION  
OF THE OFFICE OF MAGISTRATE

(Translated from Chinese Press of January 29 and 30, 1932)

1. The office of magistrate of the districts of Fengtien is established in conformity with the provisions of article 7 of the regulations governing the organization of the provincial government.

2. The functions of the office of magistrate shall be as follows:

1. To enact regulations for the district;
2. To determine or change the administrative areas of the sub-districts;
3. To manage the public property of the district, and its enterprises;
4. To appoint or to dismiss, to promote or to punish officers of the district.
5. To administer other administrative affairs of the district.

3. There shall be one magistrate in the magistrate's office who under the direction of the provincial government shall administer the affairs of the district and direct and supervise the staff under him.

4. For the purpose of carrying out self-government in the district, a self-government commission shall be formed in the office of magistrate with the magistrate as chairman. A number of commissioners shall be elected for the district self-government commission. The regulations governing the election shall be drawn up separately.

The list of the commissioners as elected shall be reported to the provincial government for record.

5. Important administrative affairs of the district shall be decided by a majority of the self-government commission. Should the number of votes for and against be the same, the chairman shall have the deciding vote.

6. In conformity with the decision of the self-government commission and with established regulations, the magistrate's office shall issue instructions for the district.

12. Matters concerning other industrial matters.

6. There shall be one chief secretary in the secretariat. Under the direction of the governor he shall manage the affairs of the department. There shall be one chief for each of the bureaux who shall supervise the work of his staff and the offices under him.

In the secretariat there shall be between four and six secretaries and there may be from two to four secretaries in each of the bureaux. The number of officers in the sections shall be determined according to the amount of work to be handled.

7. Under the government there shall be established the office of magistrate and of mayor. The regulations governing these offices shall be drawn up separately.
8. The names of the various offices directly under the Provincial Government shall be fixed by instruction; the same will apply to those which were formerly not directly under the government.
9. The government may cancel or suspend any order issued by the offices under it which is considered as illegal.
10. Any controversy arising in the various bureaux or offices under the government over their functions shall be settled by the governor.
11. In the event of important matters arising in the government, the governor may call an administrative conference. The regulations concerning this conference shall be drawn up separately.
12. The government may issue instructions to the bureaux in matters which are under their respective control.
13. The regulations concerning the organization of the secretariat and the various bureaux shall be drawn up by the government.
14. These principles shall come into effect from the date of promulgation.

**B. Police Bureau:**

1. Matters concerning the distribution of the staff in the police area;
2. Matters concerning the taking of a census;
3. Matters concerning precautionary measures for the preservation of peace;
4. Matters concerning the institution of sanitation;
5. Matters relating to cooperation with the judiciary;
6. Matters concerning fines for breach of police regulations;
7. Other matters concerning police affairs.

**C. Bureau of Finance:**

1. Matters concerning the budget and estimates of the district;
2. Matters concerning taxes and the tax collections in the district;
3. Matters concerning the deed tax on the transfer or mortgage of land and buildings and other notarial affairs;
4. Matters concerning the registration of land and hill land property;
5. Other matters concerning finance.

**D. Bureau of Education:-**

1. Matters concerning the instruction in schools of all grades below the middle school;
2. Matters concerning social education;
3. Matters concerning the control of libraries and museums;
4. Matters concerning the preservation of ancient relics and of natural objects.

5. Other matters concerning education.

**E. Bureau of Agriculture:-**

1. Matters concerning improvement of land, colonization, and the opening up of waste land;
2. Matters concerning agricultural associations and other associations;
3. Matters concerning the protection of and restrictions on the transportation of lumber;
4. Matters concerning the registration of grains at public granaries;
5. Matters concerning water facilities and river embankments;
6. Other matters concerning agricultural affairs.

**F. Bureau of Commerce and Labor:-**

1. Matters concerning the protection and encouragement of commerce and industry of the district;
2. Matters concerning the merchants organizations and labor unions;
3. Matters concerning markets;
4. Other matters concerning commerce and labor.

11. There shall be a chief in the general affairs section of the magistrate's office and a chief in each of the bureaux. Under the direction of the magistrate they shall manage their respective offices and bureaux.

The chief of the police bureau shall be appointed or dismissed by the Provincial Government.

The chiefs of the bureaux may also concurrently be self-government commissioners of the district.

12. For the handling of the work there shall be a number of clerks according to the requirements of the several offices.

13. The self-government commission of the district shall draw up the regulations governing the sections and bureaux of the magistrate's office.

14. These regulations shall come into effect from the date of promulgation.

to despatch No. 531, of W. S. Myers,  
General, Mukden, China, to the  
Mag. dated February 3, 1932 on the  
"Self-Government".

REGULATIONS GOVERNING THE ELECTION OF THE SELF-GOVERN-  
MENT COMMISSIONERS

(Translated from Chinese Press of January 29 and 30, 1932)

1. These regulations are enacted in accordance with article 4 of the regulations governing the organization of the office of magistrate of Fengtien.
2. The self-government commissioners of the district shall provisionally be elected from a number of members nominated by the self-government guiding commission.
3. With the sanction of the self-government guiding commission, the number of commissioners shall be decided by the magistrate according to the requirements of the district.
4. The tenure of office of the self-government commissioners shall be decided separately.
5. These regulations shall come into effect from the date of promulgation.

CHARGE OUT SLIP

DATE 1947 .

EVIDENTIARY DOC. NO. 2915

TRIAL BRIEF \_\_\_\_\_

EXHIBIT NO. \_\_\_\_\_

BACKGROUND DOC. NO. \_\_\_\_\_

FILE NO. \_\_\_\_\_

PRESS TRANS \_\_\_\_\_

U.S.S.B.S. \_\_\_\_\_

DEFENSE DOC. NO. \_\_\_\_\_

Signature \_\_\_\_\_

Room # \_\_\_\_\_