

中英合載

上海洋涇濱北首租界章程  
規例附

商務印書館發行

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# 上海洋涇濱北首租界章程之沿革

一八四二年八月二十九日即清道光二十二年七月二十四日，中英南京條約成立，開五處港口，許英人通商，上海卽五口之一也。該約第二條云：

自今以後，大皇帝恩給英國人民帶回所屬家眷，寄居沿海之廣州福州廈門寧波上海等五處港口，貿易通商無礙。英國君主派設領事管事等官，住居該五處城邑，專領商賈事宜，與各該地方官公文往來令英人按照下列開敘之例，清楚交納貨稅鈔餉等費。

“His Majesty the Emperor of China agrees, that British Subjects, with their families and establishments, shall be allowed to reside, for the purpose of carrying on their Mercantile pursuits, without molestation or restraint, at the Cities and Towns of Canton, Amoy, Foochow-fu, Ningpo and Shanghai, and Her Majesty the Queen of Great Britain, etc., will appoint Superintendents or Consular Offices,

to reside at each of the above named Cities or Towns, to be the medium of communication between the Chinese Authorities and the said Merchants, and to see the just Duties and other Dues of the Chinese Government as hereafter provided for, are duly discharged by His Britannic Majesty's Subjects."

觀上列條款，租界制度，並未明確樹立。即次年十月八日（即舊歷八月十五日）善後事宜清冊附黏和約，即所謂虎門條約者，對於租界，未嘗詳確規定。其第七款不過謂：

在萬年和約內言明允准英人攜眷赴廣州福州廈門寧波上海五港口居住，不相欺侮，不加拘制，但中華地方官必須與英國管事官各就地方民情，議定於何地方，用何房屋或基地，係准英人租賃，其租價必照五港口之現在所值高低為準，務求平允，華民不許勒索，英商不許強租，英國管事官每年以英人或建房屋若干間，或租屋若干所，通報地方官轉報立案，惟房屋之增減視乎商人之多寡，而商人之多寡視乎貿易之衰旺，難以預定額數。

"The Treaty of perpetual Peace and Friendship provides for British Subjects

and their Families residing at the Cities and Towns of Canton, Fuchow, Amoy, Ningpo and Shanghai without molestation or restraint. It is accordingly determined, that ground and houses; the rent or price of which is to be fairly and equitably arranged for, according to the rates prevailing among the people, without exaction on either side, shall be set apart by the local Officers, in communication with the Consul, and the number of houses built or rented, will be reported annually to the said local Officers by the Consul for the information of their respective Viceroys and Governors, but the number cannot be limited, seeing that it will be greater or less, according to the resort of Merchants."

此約後併入一八五八年一月二十六日(咸豐八年)中英續約,而中英續約第十二款亦不過設下列之大綱:

英國民人在各口並各地方,意欲租地蓋屋,設立棧房禮拜堂醫院墳墓,均按民價照給,公平定

議，不得互相勒措。

“British subjects, whether at the ports or other places, desiring to build or open houses, warehouses, Churches, hospitals or burial grounds, shall make their agreement for the land of buildings they require, at the rates prevailing among the people, equitably and without exaction on either side.”

所謂租界者，其條約上之根據僅如上述而已。條約所載，既不詳明，關於英人在五口租地事宜，自須訂定章程，俾得遵守。自虎門條約成立後，上海一處，即由上海道台與英領事從事議定，至一八四五年（道光二十五年）十一月二十九日始成立地皮章程（Land Regulations）二十三款，劃定英人租地界址，並規定街道房屋租捐各事宜。依此章程，凡西人在界內租地，須先呈明英國領事官，核定可否，以防誤會（第十四款），並規定違犯章程者由英國領事查實處罰（第二十三款），一切權力均賦予英國領事，未管子外人以自治制度之根據也。一八四六年始有美人來居界內營業，旋有某商人受駐華美使之命為代理領事，曾懸合衆國國旗於其寓所，英領干涉之，經長期交涉之後，於

一八四七年（道光二十七年）在章程之末，加訂一條，規定非英人不得懸其國旗於界內。是爲第二十四款。此第一次地皮章程之經過也。

一八四四年（道光二十四年）九月二十四日中法黃埔條約，予法人以通商五口之權。法國派駐上海之領事，根據該約，於一八四九年（道光二十九年）四月六日與上海道台訂立協約，劃定法國租界。一八四四年中美望廈條約亦許美人在五口通商。其第十七條云：

合衆國民人在五港口貿易，或久居或暫住，均准其租賃民房，或租地自行建樓，並設立醫館禮拜堂及殯葬之處，必須由中國地方官會同領事等官體察民情，擇定地基，聽合衆國人與內民公平議定租息，內民不得橫價措勒，遠人勿許強租硬占，務須各出情願，以昭公允，倘墳墓或被中國民人毀掘，中國地方官嚴拏照例治罪。

“Citizens of the U. S. residing and sojourning at any of the ports open to foreign commerce shall enjoy all proper accommodation in obtaining houses and places of business, or in hiring sites from the inhabitants on which to construct

houses and places of business, and also hospitals, churches and cemeteries. The local authorities of the two governments shall select in concert the sites for the foregoing objects, having due regard to the feelings of the people of the location thereof, and the parties interested will fix the rent by mutual agreement, the proprietors on the one hand not demanding an exorbitant price, nor the merchants on the other hand unreasonably insisting on particular spots, but each conducting with justice and moderation, and any desecration of said cemeteries by subjects of China shall be severely punished according to law."

上海美領事即根據此約與上海道臺嚴重交涉，劃定新界，為美人租住之區，惟其地點較舊界為不便，美領遂不得不加入一八四五年地皮章程，俾美人合居舊界，即美領署亦設於舊界之內焉。惟美人終以租地須先呈明英領為不便，一八五二年美領克林韓 (E. Cunningham) 致最後通牒於上海道臺，要求改定辦法，俾美人租地，無須經英領之許可，上海道臺迫不得已，而承認之。適當太



平之亂，中國官吏放棄職權，一八五四年七月五日英法美三國領事竟不徵上海道臺之同意，自行發布新章，由三國租界共同選舉董事，組織市政機關，統一三國租界之市政，所謂公局或工部局者是也。

先是租界之內，不許中國人民居住。太平之亂，中國人避難界內者極多。工部局成立，各國領事即提案請議定華人居住界內之可否，工部局認爲此係領事職權，非該局所能決定。英美法各領事遂與上海道臺訂立章程，許中國人在界內租地建屋，但須先得地方官及領事之認可。

一八五四年地皮章程雖爲英法美領事所共訂，法國駐華公使拒絕承認，法租界因是退出，自爲專管租界。而英美兩界則於一八六三年合併。一八六六年（同治五年）英美租界內納稅洋人會於領事團協贊之下，修訂地皮章程，增工部局董事之人數及權限，使工部局對於領事公堂負責。至一八六九年（同治八年）始經北京使團承認，其領事公堂細則至一八八二年（光緒八年）七月十日始經領事團承認。

一八八一年（光緒七年），地皮章程又加修改。一八八三年（光緒九年）始提出北京使團，請其承

認。至一八九八年（光緒二十四年）使團對於原案大加修改，而後承認之。蓋依原案，工部局殆完全脫離使團而獨立，修正案則仍以使團為公共租界最高監督機關（第二十八款），此外原案中過分之主張，經修改以趨緩和者，亦不一而足。本書所載上海洋涇濱北首租界章程三十款及附載之租地章程四十二款，即經過使團修正之一八九八年地皮章程及附律是也。惟當注意者，除第一次地皮章程係由上海道台與英領事雙方商訂外，一八五四年之章程係領事團自訂，一八六六年及一八八一年之修改，則由納稅洋人會為之，事前既未徵中國方面之意見，而事後中國政府及地方官亦無正式之承認。Kotenev 所著 *Shanghai* 一書，亦僅謂一八六六年之章程，曾由公使團作為既定之事實而通知中國政府，至關於一八八一年修訂一八九八年使團承認之章程，則據謂此次使團議決該章應與中國政府商酌，故有第二十八款之規定，惟依約認為有權承認該章程之南京總督使上海道台表示意旨，認為事關市政，非所關心，可由工部局與領事團處理云。

# 上海洋涇濱北首租界章程

## 第一款 定立地方界限

此係特指後開兩段地方而言

其一段係於

道光二十六年八月初五日

西曆一千八百四十六年九月十四日

上海前領事官巴英會同

議訂租界章程內所指之地方，該地界限，嗣於

道光二十八年十一月初二日即西曆一千八百四十八年

二十七年七月經上海前

英領事阿麟

復行推廣，詳細議定，繪圖列說，以憑遵守。

又一段係於

光緒十九年五月十三日即西曆一千八百九十三年六月二十六日

中國地方官與各國領事

官所派之員，會同商訂，上海吳淞江北首虹口地方之租界，今特開列於後：

其界線起首之處，係在蘇州河即吳淞江北岸，即二十七保及二十五保交界地方，立第一號界石，由此處朝北直線至西，穿虹濱，立第二號界石，再由此處朝東，從相連第二號界石之第二副號界石起，沿西穿虹濱南岸，至第三號界石，即在錫金公所之東南角，再由此處直線向東北至第四號界石。

再由此處直線向北，至第五號界石，即在相近界濱地方，再由此處沿向外之彎弓式線，至第五副號界石。再由此處向東直線至第六號界石，即在界濱南岸齊北河南路之西邊，再由此處向東穿過北河南路，沿寶山上海兩縣之界線，立第七號第八號第九號界石，其第九號界石係在美國領事署註冊第五百九十九號地之東北角，由第九號界石起向東直線至第十號界石，即在美國領事署註冊第五百六十一號地上，係在操槍路東盡之北邊相連吳淞路地方，再由此處從相連第十號界石之第十副號界石起直線向東北至第十一號界石，即在英國領事署註冊第一千八百八十五號地上，再由此處從相連第十一號界石之第十一副號界石起直線向東南，至第十二號界石，即在虹口港之東岸，再由此處直線向東至第十三號界石，再由相連第十三號界石之第十四號界石起直線向東南至第十五號界石，即在美國領事署註冊第六百十七號地上，再由第十五號界石相連

第十五副號界石起直線向東北至第十六號界石，即在周家舍村莊相近東盡之處，再由相連第十六號界石之第十七號界石起直線向東南，至第十八號十九號界石，其第十九號界石係在圓通寺前小濱之東岸，再由相連第十九號界石之第十九副號界石起直線向東南至第二十號界石，即在馬風濱之北岸，再由相連第二十號界石之第二十一號界石起直線向東南，至第二十二號界石，即在西薛家濱村莊之東北盡處，再由相連第二十二號之第二十三號界石起直線向南至第二十四號界石，即在相近英國領事署註冊第一千九百五十三號地之東北角，再由相連第二十四號界石之第二十五號界石起直線向東南，至第二十六號二十七號二十八號二十九號界石，其第二十九號界石係在相近英國領事署註冊第一千九百一十一號地之東北角，再由相連第二十九號界石之第三十號界石起直線向東南至第三十一號三十二號三十三號三十四號界石，其第三十

四號界石係在徐家宅村莊北首楊樹浦港之西岸，再由此處沿楊樹浦港至黃浦江，再由此處沿黃浦江至蘇州河口，再由此處沿蘇州河北岸至以上所言起首之處。

至第一段界限內有不歸公局管轄者，特開於後：○一江海北關，○一春申

君廟已廢 ○一英廷擬作公用之地，館即英公地 ○一凡與中國立有和約各國現或

在或將來或租賃或置買專作為國家公用之地；然英國領事公署地址並海關與以上所載置用之地，於衆所應完之項應付之捐，亦一體責成交納。

### 第二款 租地之法

凡在所定租界限內，有人欲向中國原業戶租用基地，置買房屋產業，必須遵照中國與各國所立約章條款辦理。

### 第三款 租地應辦事宜如何方為完善及立契之法

凡永遠租地之事，如查無關礙，方准愿承租者與中國原業戶商定價值等

事，稟明該管領事官，在署中呈出中國原業戶所寫永遠出租契據二紙，係屬一式，繪圖一紙，畫出地形，詳載四址。領事官即據以轉送上海道衙門，以備查考。查明所租之地事俱妥當無礙，即由道署加蓋印信，移還給執，該地價值即可照數付清。若所租基地內有墳墓厝柩等情，或遷葬或搬讓，必須臨時商辦，因中國例此等情節不寫入永租契據之內故也。

#### 第四款 租地須掛號入冊即典押亦須報明入冊

凡遵照以上例章置業立契，事竣之後，限一月內，由該租主持赴該管領事官衙門內報明入冊掛號，以後如有典押各情，亦須於一月內赴該管官署報明入冊備考。

#### 第五款 轉契亦須掛號

凡轉租基地，須在該契掛號之領事衙門內呈明，其得主亦須赴該管領事衙門呈請掛號，並由領事官通知公局。

### 第六款 讓出公用之地

凡在租界以內，已經執業租主各西人讓出作公用之地，如道路、溝渠、碼頭後仍

照前遵行，專作公用，不得另作別用；即將來置買新地內，如有漲灘，亦必憑

照此章讓作公用，以資執業。因須預籌推廣開築租界通行往來之路，由公

局於西曆每年新正查勘地圖，將應作新開馬路處所，公同會議擬定。係公租

界之內執業租主及有圖准議事之西人照章公同會議凡遇此後轉租之

事，基地內如有續漲灘地，及應作道路之地，必由承租者照章讓作公用，以

便執業。此章係議定業所共知自此項照章讓出及已作公用之地，除齊集

各執業租主有圖人等公同會議核定，允准將該地給回原主收回之外，不

能由原主自行任意收回，至此項已經議出作爲公用之地，尚有應完年租，

雖仍由原主照繳，但不能藉此希圖管業。除照上載各項外，如有佔用漲灘

馬路等地作爲公用情事，必先經該執業租主應允，方可施行，決不能以援



引此章爲詞，各執業租主會同圖議將地段劃歸公局管轄之後，公局即將擬在該地方作公用公路等處，出示通知，倘有早在該地方置有產業之有約各國商民等，因公局示內所云公用公路之處，有所辯論，限十四天內，投該管領事官，具呈稟明，或自己專函通知公局，以便設法調處，若照領事官意見未能妥協，即任聽公局將管轄該地方之責推辭，此事即作爲罷論。租界內執業租主有國事亦在內會議商定准其購買租界以外接連之地，相隔之地，或照兩下言明情願收受中國人或之地，以便編成街路及建造公花園爲大衆遊玩怡性適情之處，所有購買建造與常年修理等費，准由公局在第九款抽收捐項內隨時支付，但此等街路花園專作公用，與租界以內居住之人同沾利益，合行聲明。（註一）

### 第七款 立分界石碑

凡租地四至，必經中國官員督率辦理，將編成號數，用英文

字合寫，刊刻明白確實，預訂日期，屆時由該管領事官派人，傳同執業租主，亭耆地保，原業戶等偕往，查與道路界限，均無違礙，方准將分界石碑豎立，以免將來因此爭論，致啓訟端。

#### 第八款 限期完納年租

凡中國業戶租與西人之地，尚存有應完年租，限於每年十二月十五日預將明年地租全行照完，倘有遲延及抗欠等情，即由上海道函致該管領事官向執業之西人追繳。

#### 第九款 抽收馬路核頭房地以及各項之捐

租界地方必當預籌治理，以資妥善，○一，設立辦事公局，○一，興造租界以內各項應辦工程及常年修理之事，○一，租界全境應行妥當整治潔淨，設立路燈，儲水灑地，以免塵污，開通溝渠，○一，設立巡查街道巡捕，○一，籌備公局所需公用基地房屋，或租或買事宜，○一，籌措公局應行延請僱用之

辦公上下各項人役，月支公費；因舉辦以上所開各事，需用銀兩，或應行借支，或另行措辦，有約各國領事官或其中已有大半位數於西歷每年之二月初旬，擇定日期，必於兩禮拜之前宣示於衆按照後開章程，選舉辦事公局之董事，各國領事官又於二月內宣示限二十一天，齊集衆人，會同籌議舉辦上開各項事宜之經費銀兩，並准此會內齊集之人，執業租主有國者離境將抽收捐款及發給執照等事，按後開規例議定施行，凡議行之事或大衆全允或各條辦理亦准將地基價值房屋租金，自行估算，以憑收捐，但地捐須與房捐相準，地捐照所估時值地價抽取，房捐照所估每年應收租金抽取，總之地捐如係抽一兩，則房捐所抽不得過二十兩，餘俱仿此類推，並准抽收貨捐租界內之人，將貨物過海關或在碼頭上起卸貨物下船轉運，均可抽捐，捐數多少，照貨之價值而定，但貨價每一百兩，捐不得逾一錢，又准其隨時酌量情形，抽取各項之捐，以備舉辦上項各事宜需用經費。

第十款 會同選舉公局董事

凡辦事公局之董事，應由各執業租主及有關議事人照第九款會議，按後開章程，選舉董事，員數多不得過九位，少不得逾五人，以便將照章捐項抽收及已收捐款，存候照例支用，並章程內一切應辦之事，均宜切實遵行，以資妥善，故該董事選充之後，即當給以全權辦理捐款收支等事，倘有不遵章付捐者，即由局董投該管官署控追，並將欠捐人房地扣留作抵，或抄取貨物器具拍賣抵償，以重捐項。

第十一款 公局董事酌定規例

照章將公局董事選舉妥當之後，凡已經批准附入章程以後規例內一切權柄勢力，並規例內議歸局董應辦之事，應得之物，均全給與公局值年之董事，及將來接辦之後任，該局董有隨時另行酌定規例之權，以便章程各項，更增完善，並可將酌定規例，增改停止，但不能與章程相背，須俟批准宣

示以後，方可施行，局董照章酌定之例，除專指局內及所用上下人等事件，必奉有約各國領事官駐京欽差或其中已有大半位數批准，及特請衆位執業租主齊集會議應允，方可照辦，凡特請衆租主會議日期，須先期十天宣示，並將因何事會議之處聲明。

### 第十二款 查閱帳目

公局因一切收進付出帳目，應行請人查閱，俟奉各執業租主公同議允准，故於請人查閱之後，即將清賬刊呈衆覽，所有執業租主核准公局賬目一事，係於各領事官照章所請年會即第九款之每年公會之時舉行。

### 第十三款 控追欠捐

倘有人不肯付捐，即照此章所抽之各項捐款及不肯遵繳罰款，即後附之罰例內即由公局所委之經理人投該管官署控追，俟奉准後，按律施行，以便將欠捐追回，若欠捐人係屬貨主無從查尋，或係在該管官員所轄地界以外，或係查無

領事管束之人，則公局俟奉地方官批准後，即將該貨有不應完各期之貨扣留備抵，或另行設法將欠捐追回，若查係房地業主，即酌取產業若干，以足抵欠捐之數爲止。

#### 第十四款 追繳規例內罰款

凡違背後附規例內應罰各款，或不付執照費，公局均可投該管官署呈控，該管官員查明屬實，即飭犯例之人遵繳，或付出現款並飭將訟費付出，公局控追犯例人罰款所費之項或云堂費也均由該員量行辦理，至按此章之在現已定規例內一切罰款等項，均登記簿上，以資充裕而便照章支用。

#### 第十五款 特會議事

凡遇酌啓公會議事之時，即可由有約各國領事官或一位或房地執業租主，例得有圖議事者必滿二十人寫立允單方可舉行隨時訂期，邀請赴會，以便共同商議與租界內大眾相關之事，所訂之日期十天此特會之例也。特會議事之時，租

界各執業租主統計人數，如到場者極少，須有三分之一，凡房屋地執業租主例得議事有

圖者或自己到場或離境出門而到場之人如已有大半書允，則所議定之

事未經到場之有圖議事人悉當照行，當赴會議事時，如有領事在場，即以

在任較久之領事官為會中首領，如無領事官在場，則於例得有圖議事諸

位之中公推一人，須允行人數在大半以上為此次議事會首，凡照此章在公會議定允

行之事，倘係章程內未經提及與大眾攸關者，會首必將此事報明各領事

官等，俟其酌定批准之後，方可施行。但事既經議定，限十天後方將領事官

批示宣出，倘有人以為與其自己已有礙，可於此十天限內呈請領事官核辦，

若已滿兩月，已經領事官將批准示諭宣出，眾人必當遵行。

## 第十六款 墳墓

租界以內應行專擇合宜地方，為西人建造墳墓之需，至西人所租地基內，如有中國原業戶墳墓，非與商允，不得擅行遷去，所有未遷之墳墓，亦准原

業主隨時前往查視，屆期祭掃，總之租界以內，不准再行於地基上埋棺厝柩。

### 第十七款 違背租界章程

凡違背租界章程者，經人或地方官員報知該管領事傳案查實，即行議罰，或由領事

自辦或係均可其例有二，罰錢之數不得過三百元，監押之期不得逾六個月，

倘應另行發落，亦可酌辦。若查係無領事管束之人，有違章情事，公局稟由領事官一位或一位函致中國地方官商辦，以冀保全此章程之權力，而將犯例者罰懲。

### 第十八款 保舉公局董事

凡例得議事有圖之各西人兩位，可保舉一照章合式之人，此章見後充作公局

董事，一位作正保，一位作副保，繕立保單，簽名為據，並取具該人願充董事

之字據，於擇定會選董事之期七日以前，必送交公局經理人或所委專辦此事之人



接收，即於收單限滿之次日，將所保之人名登記清冊宣示懸榜於大眾共見之處，並列入西字新聞紙內，倘屆期而保充董事之人名數已過於九位，則值年董事即派兩人專司其事，在擇定會選董事處所，接收各執業租主之關單，公局所派之兩人，執有房地執業租主例得議事入公會發關者姓名清冊，於各有關人親到場者，按冊給以一單，單上係被舉待補俾在單內董事之各位姓名聽其將情願具保之人名，用筆圈出，勿逾額定九員之數，簽字為據，即將此單封送置於公局特為此事而設之箱內，從擇定選舉董事之日起，至次日截止，係接連兩天第一天早十點鐘起至午後三點鐘止立由公局另行特派兩人開箱查看，將單內關保最多之九位檢出，此九位即可定為值年董事，倘保充員數恰在額限內，九員以下或五位以上即毋庸如此，此指給單簽字圈名置箱等事而言逕於接收保單限滿之次日宣示於眾，懸榜登報，已足定值年局董之位矣，若所保員數較少，不足五位，四人以下亦於收單限滿之次日，由值年董事將冊載有關人名

刊入日報，至選舉之日，特啓一會，由赴會到場之有鬪人，或發鬪或另用別法酌添董事，以符額限，有極少五人須此數人即定其爲值年公局董事。

### 第十九款 公局赴會議事

凡在租界居住之西人，執有產業，或自己出名，或做經理洋行之東家出名，須將名下應付各捐項付清准在選舉董事及各公會議事之時發鬪，並特聲明此等發

鬪議事之人，必所執產業地價計五百兩以上，每年所付房地捐項，照公局估算計十兩以上，各執照費不在此內或係賃住房屋，照公局估每年租金計在五百兩以上，而付捐者，屆會議事件時，惟持有此等離境出門因病未到者之特書託辦字據人，方准代其鬪議。其堪充董事者，必名下所付房地各捐，照公局估算每年計五十兩以上，各執照費不在此內或係賃住房屋，照公局估每年租金計數一千二百兩而付捐者，方爲堪充董事合例之人。凡照章應行有鬪之人，每一洋行中所發不能過一鬪，凡例應有鬪者，均名列清冊存於公局，由

局內辦事人於西曆每年十二月初一日起從速查核，將應行增減之數，照  
公局酌定宣示於衆。

### 第二十款 選補公局董事員缺

公局值年董事遇有一二位缺出，其數不過三員，即由現任值年董事公同  
會議，照從衆以補其缺，倘空缺多至三員以上，則選舉所缺董事補任之事，  
必全照第十八款辦理。

### 第二十一款 公局董事任事限期

公局任事將滿之董事，其賬日照第九第十二款經人查閱，在年會核准報  
銷之後，即行交卸，新董事上任接管，直到自己經手收付賬目經人查閱會  
同核准報銷之後，即交與後任接辦，所有新董事接任後，於第一次會議，即  
公同選舉二位爲會首，一正一副，以一年爲期。凡會議之時，兩位會首倘不  
在場，即由各董事臨時自推一人權代其任。

第二十二款 董事會議

董事會議之時，倘有事須公商者，或允或否，兩邊鬪數，各得其半，則儘有會

首鬪之一旁是從。

會議之時各一會首則當此際另有一邊即可發兩鬪數各半將會首之另鬪隨意添入則此一邊即較多

一鬪矣故從之 凡赴會議事，極少須在三人以上，方可定議施行。

第二十三款 局董分任各專責成

公局董事應辦事件內，酌有交與分局辦理更覺妥善者，隨時在董事內分

派設局幾處，委辦何事，全歸公局任便調度，分局辦事不得出公局分所當

為之外，分局會議人數，極少亦由公局酌定。

第二十四款 委派辦事上下人等

公局因照此章程辦事，應行委派僱用之上下人等計若干名，均歸公局核

定所需月支工費，由公款支付，並可酌定規例，以便管束此等人，或任用或

辭退，悉聽公局主裁，除特會公同議准之員缺薪費外，其餘人額缺不得逾

三年。

### 第二十五款 開呈公款賬冊

公局酌將公款照所開應行支付之賬，以備與大眾有益有用而支付者，不得逾年會核准或特會核准所開支付之數，每年現任董事將滿之時，必將一年中經手收進付出各項款目開載清冊，呈候衆覽，此清冊於年會定期之前十天宣示。

### 第二十六款 公局董事等人被控其責任不歸於本人

凡公局董事等項人及遵奉公局指示之董事經理人勘工人巡捕頭與另行僱用之上下人等所辦事件，寫立合同，實係遵章照辦，如因此有被控向索之事，其責任決不歸於經手之本人。至公局應用之款，核准之項，無論由何人經手支付，指董事經理人勘工人巡捕頭等項而言均在公局照章抽收捐款銀兩內支用。

### 第二十七款 控告公局

公局可以做原告控人，亦可以被他人控告，均由公局之總經理人出名具呈，或用上海西人公局出名具呈，尋常之人與人結訟所有經官訊斷究追等事應享之權利，公局亦一體享受，毫無區別。公局若係被告，所受被告責任，亦與尋常之人不殊。惟將應受之責任專歸於公局之產業，不與經手之各董事及經理人等相干。凡控告公局及其經理人等者，即在西國領事公堂投呈控告。係於西曆每年首有約各國領事會同公議推出幾位名曰領事公堂以領專審此等控案

### 第二十八款 增改章程

此項章程，將來如有更改增添，或所載語言所給權柄等項有可疑惑之處，即由各領事官與中國地方官會同商擬，必俟各國欽差及中國國家批准，方可定規。

### 第二十九款 解明稱謂

此章程以上所稱執業租主出捐人等字樣。均照第十九款指有圖例得議

事人而言，然或字樣雖同而按之義意各別者，仍就本字所稱爲斷云。

### 第三十款 建築物（註二）

公局得隨時訂立規則，釐定新建築物之牆壁基礎房頂烟囪，以期堅實而防火災，並爲衛生之設備，釐定建築物周圍應留之空間，以保空氣之自由流通，並釐定建築物通風之設備，建築物之出水以及有關建築物之水窖、土坑、廁所、灰櫥、水槽，並對於人不宜住之建築物全部或一部，永久或暫行封閉之，及禁止其居住。公局爲使該項章程一律遵守起見，更得訂立規條，釐定注意事項，並使從事建築者提出建築之計畫圖樣，以及公局如何查核，公局對於違背此項章程或任何規例而着手或已經建築者，得禁止或變改或拆毀之。此項章程須提出於地產委員徵求意見，但地產委員不得否決，並須於公布後經過六個月始生效力。

（註一）第六款有追加條款三款茲據英文本補譯於下：

第六款 甲 馬路基地

執業租主應有較現有者更大之權，俾取得土地以建築新路，延長並加寬舊路，擴張公共營造及衛生設備已占之地基，如此辦法，實為便利，茲約定執業租主，於第六款所賦與者外，應更有下列各權，並應依下列方法行使之：

凡公用所需之地，由執業西人在第六款公示通知已謂築路計畫覽之前取得或仍在中國業主之手者，該執業人於公示通知後三個月內，有權具呈陳述異議，並親到或委人代理到場提出證據於公局之前，證明該項道路之修築，或延長加寬，或公共營造及衛生建築擴充基地，不宜從事之原因，公局應聽其陳述，予以裁定。

公示通知三個月後，或有前項異議而經核駁，且執業西人或中國業主不願讓作公用者，公局得於公示通知日起四個月後，至一年以內，將各



該事件咨送依後列條款指派之地產委員，地產委員聽明當事人等陳述並傳訊證人之後，應就公用所需基地及其上所有建築物，並對於該基地及其建築物之租借權（如需償價者）決定應給之償價，定價之時，應斟酌所餘產業價格之增損而為之。依地產委員裁決所定條件而讓出基地之事，雖第六款定有限制如有必要，應由管轄業主或占有主之法庭執行之。地產委員應由三人組織之，依下列方法指派：其一人由公局於每年一月十五日以前指派；其一人由租界註冊業主出捐（納稅）在每年十兩以上者，於選舉局董之日，在公局內發關（投票）舉出之。有權出關之業主二人，得於選舉日一星期前向公局指出候選人姓名，屆選舉日，公局應將候選舉人姓名在局內揭曉。如所指名者只有一人，應即以該員為委員，無須發關。此外委員一人，應由有關議事人會（納稅人會）以決議選出之，有關業主二人得於會議前一星期向公局指出候選人姓名，公

局應將候選人姓名與會議議程同時公告之。如並無依法指名之人，應在會議席上提議附議選舉之。

委員三人均應於有鬪人年會之次日就職，並於次屆年會後離職，但有懸案應待其處理完成者，不在此限。

凡公局有俸人員不得被選為地產委員。

在一年中，如有缺出，應由原指派該出缺委員者指派或選舉補充之，——如有必要，得召集有關人臨時會。

委員之裁決應於事件咨送後一個月內，或經全體或過半數委員認為應行延展之期間內為之。

地產委員公費應由公款內支出，委員薪給或由公局按其服務所需時間酌定，或預定之。

國有鐵路局或此外該管官員或團體，欲強制收買所需租界內基地以築鐵路者，該局該人員或該團體應向公局提出路線計畫，表示所需基地，並表示公共道路處置方法，或架橋越過，或平行通過之，且應提出別項文件，使公局得知公共權利受有何種影響，如公局批明對於此項計畫已經認可，該局該人員或該團體即可按照公局徵收基地以充公用之同一方法同一條件取得基地。但所付償價，應於地產委員按照公平市價所定者外加給百分之二十五，如所餘產業因分割或他法而生損害，以及業主因此喪失營業，支出拆費，或其他類似之原因而生損害者，並應按照法庭所定賠償之數給付之。

#### 第六款 丙 建築新路

公局欲得基地，建築新路（稱新路者舊路之擴張在內）並認為公益上宜在此項基地上依照本章程建築新路者，在着手之先，至少應在上

海發行英字日報上登載通告一次，述其所擬辦法，如有當衝或毗連新路基地之執業西人，並應予以同樣之通知。又應準備該項新路之計畫圖樣，及剷平鋪築，安置鐵器，開通水溝，建築暗渠及完成此項道路所需費用之概算。此項計畫，圖樣，概算，應存置於公局測量處內以備衆覽。當衝或毗連該路之基地，如有執業西人，於通知後三個月內，有權具呈陳述異議，並親自或委托代理人到場提出證據於公局之前，證明此項新路不應建築之原因，公局應聽其陳述，予以裁定。

三個月期間經過後，或有此項異議而已經核駁，公局得於通知日起四個月以後至一年以內進行剷平，鋪築，安置鐵器，開通水溝，建築暗渠及完成此項新路之工程。此項工程所需費用三分之二以內，應由當衝或毗連新路之基地在發布通知時及以後之執業西人支出之，——但新路每一旁之全體執業西人所出者，不得超過工程全費三分之一以上，

其支出之成數，由公局定之。但若此項執業西人對於公局所定其個人所應支出之部分，有不服者，於分擔數目公告後三個月內，有權陳訴於地產委員，地產委員應斟酌因修築新路所增漲之利益，並將陳訴基地啣入馬路之多少，與鄰近地基比照觀之，且應斟酌此項基地之特殊形狀，及此外一切情形，而裁決此項陳訴，並應依其所認為公平者，承認或減少公局所定之分擔數目。（以關於陳訴人及陳訴基地者為限）

公局修路所出費用，依本章程有應由執業西人就其房產，負償還全部或一部之責者，該項費用應向該房產現在之執業西人徵還之，在該項費用徵還以前，該項費用應為房產之負擔。凡向執業西人徵還該項費用時，應以公局所發單據為該執業西人應付數目之最後證據。如該件咨送地產委員，則以地產委員所發單據為最後證據。

（註二）第三十款係據英文本譯補

## 上海洋涇濱北首西國租界田地章程

第一條管理溝渠 凡照以上章程所定租界之內一切公用之溝，或係<sub>圖陰</sub>溝，或在街道<sub>上</sub>下面，以及需用工程物料，無論係在此章頒行之時，已成之溝及將來擬造之溝，造溝經費是否出自公局或出自他人等情，均專歸公局一體管理。

第二條造溝之權 公局隨時查勘應行築造街衢下面之<sub>分總</sub>溝道，或挖水池，或立水閘，或淘修深通，或安設機器等工程，以便將租界內各處<sub>積水</sub>污穢<sub>穢</sub>妥實疏泄，倘有將溝應接通別條街道者，不拘是何街道，均可穿過，務須小心酌度，庶不致損及產業。若果與人家私產有礙，即自行照數賠償，應賠多少之數，請公正人斷理，或由受損之人照章控追。凡因完全上載各工程，勘有必得穿通人家已經圈進之地或另項之地，皆屬可行，但須由公局酌定一合

宜日期，將此事欲造各地溝工程事預先知照地主，損及地主或租主產業，照例償銀。公局可將溝逐段通接直到各河內，以暢出水，或將溝中污穢各物，妥爲設法運出，就便堆積，售與種田人，或另行銷用，但不得礙及地方，與取人憎惡。

第三條推廣溝渠 凡歸公局管轄一切大小之溝，隨時可往勘辦增大修改及用半全圈式各做法，倘查有無用應廢之溝，便可拆去，或竟行填塞，但此做法總不得礙及地方，取人憎惡。

第四條擅通公溝 凡人私造之溝，未經奉有公局准據擅行接通於公局管轄之一切地溝者，即應致罰，不得過一百元。而此溝應行重造等處，悉聽公局所指示之做法而行，需用工料費用，仍由本人私造溝之人照付，不付即照控追償銀例行。

第五條造屋於溝面必有公局准據 凡欲造房開溝，其基地之下，如有公局

管轄之大小各溝，必奉有公局所給准據，方可在溝面上造房砌溝。如有在此租界章程已經批准頒行之後，犯此例者，即由公局將犯例人所造之房溝拆去，其拆去工費，仍向該犯例造作之人索取，不付即照控追償款之章辦理。

第六條各溝做蓋 租界內一切大小之溝，無論公私，均要做蓋及各項妥善之法，勿使穢惡氣味四散溢出，所做溝蓋，應由公局做或由地主自做。

第七條支應造溝工費 公局造溝通溝常年修溝等項工費，均由第九款章程所抽捐項內開支。

第八條造屋必須築溝照局示而行 凡有人在租界內蓋造房屋或舊屋翻新，必須先築泄去污水之溝，一條溝或數條溝並報知公局，由勘工人即打標將應用何法築造，需用何項料物，溝身之大小寬窄，與地面相距之深淺，以及高低平側之勢，逐一聲明，以便將屋下積水妥為宣泄之處，呈報公局，飭知該業



戶<sup>即</sup>人遵辦。若業主已將蓋房屋及翻造之事報知公局，而勘工人不即據呈轉報，過十四天定限，准由該業戶任便開工，一如無此通知公局之定例者。凡新造翻造各屋所砌泄水之溝，若於該屋基地週圍一百尺<sup>英</sup>以內，有公局砌造及合理而用之溝，應如何接通之處，全聽公局指示。倘該屋基地百尺內並無公用各溝，則將所砌之溝即接至一有蓋之陰井內，或至別處不在屋基下面，其距各屋遠近，均照公局指示，須適中合宜之處。倘造屋翻新砌溝之人，不遵此例，每罰鍰不得過二百五十元。凡租界內房屋，無論係在此例頒行以前所造以後，所造若無地溝及通至公溝之溝不足與該屋及附近地方宣泄污水，如房屋四週一百尺<sup>英</sup>內，有公局所造與合理可用之溝，一經公局勘工人呈報，公局即行函示該業戶租主，酌定限期，令其速砌地溝<sup>一條或一條溝</sup>以資宣泄，所有需用料物，如何做法，及其大小深淺寬窄平側等處，均照勘工人原呈而辦。接受局示，延置不理，即由公局酌量訂期，將

此項工程，自行砌作。該業戶租主如不付出所用工費，即照章向索按控追償銀例行。<sup>(註)</sup>

第九條 勘視馬路 租界內凡馬路及一切公用之路，均由公局勘工人查視，所有經理道路責任及常年勘路人責任權柄，悉專歸公局承認。

第十條 開通道路 凡此章頒行以前已有之公路及將開出之公路所有經營修理等事，均歸公局承認，至鋪砌當中大路，兩邊小路，所用一切磚石料物，以及因修路而用之房屋器具等項，亦悉歸公局經營。

第十一條 修工塞道 公局當興工造作之時，如造溝溝修溝拆溝鋪路等工程所有該處坐落地方街道，可以暫時阻塞，不准往來行走，惟兩邊附近居人步行出入，概不攔阻。

第十二條 私修街道 公局管轄之街道，其中間兩旁已經鋪砌之磚石等項料物，如有擅自取去及私行改動者，除由公局允許及執有准據外，即行照

罰，以二十五元爲限，至所改動移易之料物，每一方尺罰不得逾一元。

第十三條煤氣管水管歸公局更動 凡遇公局照章辦事時，酌將租界道路內煤氣燈自來水等管佈置安設，應高應低，或另行修理改動處，斟酌情形隨時函知該公司，即各管主人令其從速就便遵辦，但所示做法不得與其產業常有損礙；如不通暢煤氣阻所需修改工費及賠補損傷產業等項銀兩，悉由公局在照章抽收捐款內支付。倘該公司等奉到公局函飭，抗不遵行，或無故延遲，不將各管子照指示做法者，即由公局自行酌辦，但不能因此損其產業，致令水阻氣塞。需用工費，仍向該公司等索取，不付即照控追償款例行。

第十四條房屋須有水落 凡有人住屋係向外迎街者，若未造水落，一名經公局查出，專函知照，限令十四天內，按屋之寬窄做成水落，或接至鄰舍之水落，或與附柱之直管子相承，務使瓦面簷前之雨水，不致淋及行人，濺地

濡溼爲要，並須時常修理。倘逾限不遵，卽行罰鍰，每天不得逾十元。

第十五條街上堆積材料特置照燈

凡人在街上堆積各項材料造屋材料等項或

於街心挖坑者，無論是否係照公局指示而行，必由該人自行出資，於適中合宜之處，妥設一燈，從日落燃點至天明爲止，並打一竹笆，以資圍護，均俟工竣撤去。物料搬完坑已填平如不遵照設燈打笆者，每事以罰念五元爲限，罰鍰以後仍不照辦者，計日議罰，每一日不得過十元。

第十六條堆料挖坑久延之罰

凡租界街道內此等造屋材料各項料物，或

所挖深坑，除在需用期內耽延尙合情理之外，如有無故遲延，任意堆挖，不肯搬開填平者，每事以罰念五元爲限。既罰之後，仍未遵辦，卽計日罰鍰，不得過十元。所有呈出堆料挖坑，實係尙在需用限內憑據之責任，歸於該本人。

第十七條修整房屋

凡房屋坑洞及迎街等處，因失於修理，並不編籬圍護，

致與大眾行人有危險妨礙者，公局可自行修整編籬圍護，其工費由原業主照付，不付則公局照控追償款例行。

第十八條潔淨租界地方 公局將租界內所有公路及兩邊行人往來走道，隨時打掃灰塵垃圾收拾乾淨，一齊挑去，並將租界一切房屋內之灰塵垃圾等物，酌與人家方便合宜之時刻，掃清挑去，至廁所陰井等處，隨時前往倒空，妥為滌洗乾淨。

第十九條公局可代人打掃 如有人因此章將房屋前面行人往來走路處所打掃乾淨之責任，向公局商酌，並訂明時日，公局即可代其照章打掃，以資潔淨。

第二十條失修房屋 凡租界內房屋牆壁，如有失修傾側倒塌，致與行路及鄰近居人等有違礙情形，一經公局勘工人即打標人勘明，即函知該管領事，由領事官飭知該業主或現住租戶將此等房屋牆壁迅行拆卸翻造修理，酌

定期限，照勘工人所指妥爲繕治。如不遵飭辦理，或該業主及租戶無從尋覓，卽由公局立將此等房屋牆壁拆修翻造，或全辦或酌辦，隨時核定，所需工費，仍由該業主租戶照繳。

第二十一條追繳工費 倘在租界以內尋見第二十條內載該業主租戶，卽由公局向其索取工費，如有抗欠遲延等情，該管領事官接收公局函呈後，繕給諭單，准照將產業作抵之例理償。

第二十二條業主不見工費如何追償 倘在租界以內第二十條內載該原業主租戶無從尋覓，或所置產業不敷抵償，公局卽刊印告白黏貼於該房地基之上人所觸目之處，並列入新聞紙內，以便告知該業主租戶云，限念八天後將此等房地拍賣，所得價銀抵還已支工費，或將房料酌量售去若干，計足抵所用之工費而止，所有拍賣各項價銀補足工費，如有餘下之銀，存候原主具領，倘拍賣之後仍不足抵，其控追欠項找數之權，與控追欠項前數之

權仍屬無異。

第二十三條伸出街道各項 凡各式房屋，有門前天窗沿街洋臺各式天篷

臺階石坡門窗百葉窗牆壁闌干籬笆或各項招牌，或橫或直或木或鐵或欄街懸空伸出等項招

牌沿街售物置攤，或高攤或低攤等項，伸出街外，攔阻街道，與行人致有一切違礙

不便之處，均可由公局飭令全行搬開，酌加修拆，該房屋租戶等人奉到飭知單據，限十四天遵辦，如延不遵辦，每事以罰十元爲限，並由公局自行拆修搬開，所需工費，仍可向索，倘不付出，即照控追賠補之例而行。所有攔阻街道各事，若由房東所爲，租戶可將已付之各項工費，在房主每月租金之內扣還清楚，合行聲明。

第二十四條攔塞街道 凡有人將各項貨物蓋房材料屯積公路之上，致將

行人走道攔阻者，每二十四點鐘以罰十元爲限。至次日由公局函知原主，

貨物主材料主管 倘查無下落，即可自行將各項貨料搬去扣留，俟繳回所

用工費之後，給還原主具領。如不照繳工費，公局可按控追賠項之例辦理。公局所扣各項貨料，俟酌定合理限期已滿，亦可售去抵補應得工費罰款，如有餘賸銀兩，存候給還。所蓋房屋如查與公路有礙，需用欄杆板壁木架等項，以便妥加圍護，而免妨及衆人者，如該屋主有抗延不做等情，即由公局代做，所需工費開賬向其索取。

第二十五條打掃街道 凡租地租房之人，應將房屋前面行人走路之處，遵照公局指示，隨時打掃乾淨，其四面之溝及陰井等泄水處所，亦須淘治通暢，並將垃圾灰塵等項污穢掃除乾淨，如不遵辦，以罰五元爲限，凡房屋租戶名下應行承受責任，如有零間分租情事，不與分租之戶相干，仍向原出租之戶是問。

第二十六條挑除垃圾污穢 公局酌定一與人家方便合宜時刻，專爲挑倒廁所便桶穢水污物而設，決不能稍有逾越。公局將所定時刻出示通知以



後，倘租界內有挑倒污穢之人，出於限定時刻之外者，又無論何時有人將所用運物各式車輛桶具等項，並不設蓋，或有蓋不足適用，致臭氣四散污穢傾溢者，又有人於挑倒之時任意傾潑者，又有無心傾潑而不肯洗清掃淨者，計每事所罰極多不得過十元。倘真正犯例之人無從尋覓，即向管車輛桶具之人是問。

第二十七條挑除坑穢 凡房地業主租戶均不准在地坑等項處所將污糞穢水及令人厭惡之物堆積，經公局給示以後，逾四十八點鐘尚不挑倒乾淨，或將陰井坑廁內污水任其滿溢漫泛，致附近居人憎惡，以及收養豬豚等事，每事以罰十元為限。被罰後仍不迅速悔改，計日照罰，以二元為限。並由公局將此等污穢坑廁陰井等項，自行挑治潔淨，以免大眾憎嫌。因做此等工程及承僱夫役，按照合理時刻進人家住屋，趁便工作者，所需費用，仍向犯例之人索取，不付則照控追賠款之例而行。此項銀兩公局先向租戶

索償，倘無從尋覓，可向地主追討。

第二十八條不許久堆污穢各物 除在田場外，不准將馬牛豬各棚糞穢等

物在公局所不准之地方堆積，以七天為限，若數逾一噸之多，則以兩天為限，公局給函飭知以後，必於二十四點鐘內搬去，倘不搬去，即行充公，由局管業，自行或飭令承搬去售賣，售價歸公支應，或將搬開工費仍向該房地業主索取，不付則照控追賠款例行。

第二十九條查視地方污穢 二十九款三十款三十一款內如有醫 租界內

堆積污水糞穢等物經人 一係住租界內公局請延查視地方保人身體平

或外科各一人或專函報知，云與人精神身體有礙，公局經理人即通知該物

業主或住該處之人，限令二十四點鐘內全行搬開，如不遵辦，即行充公，由公局管業，飭承僱工役搬開售去，售價歸公，至搬開工費，仍向物主等索取，不付即照控追賠款例行。

第三十條查視房屋污穢 醫士等函知公局云租界內房屋全間或有污穢不潔情事，致與租戶及鄰近之人精神身體大有險礙，或云將此屋修整粉飾，方免臭氣四達，瘟疫叢生，又云有陰溝坑廁失修，與附近之人身體精神有妨，公局即函致該物主，云將此房屋等項在酌定時刻內照所指做法迅辦，有抗延者每日以罰十元為限，並由公局自行僱役將房屋粉飾淘井通溝挑倒坑廁等事辦竣，所需工費，照控追賠款例行。

第三十一條禁止取人憎惡等事 凡租界內有人開設鎔鍊五金製造蠟燭肥阜等廠，宰殺燒煮各牲骨肉作坊，豬圈廁所水坑牛馬糞堆及一切製作售賣等場，經醫生等查視，有與眾人精神身體妨礙危險等情，函告公局，公局即投該管官署呈請飭禁，該管官查實，即傳知該物主等停止，或查有更改防備最好之法而未經仿用者，由該管官酌給限期令其遵照，如不遵者即行罰辦。

第三十二條 阻止打掃街道工役之罰 凡所租房地在租界以內，經公局僱定工役專司打掃，如有人不肯遵照，向其任意攔阻者，每次所罰不得過二十五元。

第三十三條 危險貨物 租界以內如有人建造茅棚竹屋及積草堆柴易引火災房屋，又堆積犯禁貨物與人性命有害者，如火藥、硫磺、硝磺之類，又應行限止。蘆積堆放數目不能逾額之煤油、火酒、石腦油及各種易燃易轟之煤氣、藥水等物，均不准行。倘有犯者，第一次以罰二百五十元為限，第二次以下不得過五百元，並可將該貨物充公支用。如有將以上各貨運進租界以內者，須報明公局，由經理人指示堆放處所，庶免災傷，不遵則罰以二百五十元為限，倘再延不遵辦，計日而罰，以一百元為限，均由公局投該管官署控追。

第三十四條 執照費 租界以內，如有人開設衆所游玩之處，如唱曲所、戲館，

馬戲場，各打毬場，彈琴所，酒店，令人沈醉之藥，食肉各鋪，宰牛所，馬房等，或出賣各酒，令人醉藥肉食等物，出租船車馬車各具，在公局碼頭裝貨卸貨，自證出租之船，各等生項意，均捐取公局所給執照，方可開設，此項執照倘係給與西國人，須由領事官畫押，公局可任便定立執照條例，向捐執照人索取各式保單，亦有時酌量情形，無須執照保單者，所有各執照捐銀之數，按年會議定而行，倘犯此例，每一次所罰不得過一百元。

第三十五條不准嚷鬧 凡租界以內，如有人施放大小洋鎗，或無故任意大聲嚷鬧，乘馬驅車到處疾馳，或在街上溜馬，及不合情理惹人厭惡等事，每事議罰不得過十元。

第三十六條車上點燈 無論何項車具，均於日落後一點鐘起至天明前一點鐘止，在車上燃點明燈，不點燈之罰極多不得過五元。

第三十七條不准身帶利器 租界以內，無論何人不得身帶利器行走，大小洋鎗

刀小札刀棍上有鐵  
皮包者皆作凶器論  
除各領事官公局特行允准及水陸員弁團練兵穿號  
衣之兵丁公出外，如犯此者，罰以十元爲限，或押一禮拜，或作苦工或攜槍  
打獵者不在此例。

第三十八條巡捉犯例人 凡公局僱用及臨事時喚令幫助之人，租界以內  
如巡見犯例人不知其名姓而拘捉者，無庸執持信票，即憑此例而行，迅速  
至該管官署。

第三十九條違犯官示 凡以上所言與人有損有礙可憎可惡諸事，倘不照  
官示而行，遵限停止更改者。即於限滿之後，計日行罰，不得過二十五元。凡  
犯例人之罰查係僱工。即向其主人行罰。

第四十條規例 凡事照常例係取人厭惡致被控告有責任者，不能援引此  
例，以爲所行合例而冀推卸。

第四十一條罰款追繳之法 此條例內罰款充公等項，如未指明如何追繳

之處。可在該管官署控追。該管官查實，即飭犯例人照付並酌令繳出堂費及公局控告之費。

第四十二條頒給條例 此條例刊印後，如有例應議事人向索，即由公局經理人照給。不取分文，並取一本，懸於公局門首及大眾共見之處。

(註)第八款以下追加一款，茲譯補如下：

第八條 甲建築 公局所定規例，凡築造工程需提出計畫及圖說者，公局應於計畫圖說呈交勘工人後十四日內批示可否，並於批駁時向欲做該工程之人說明批駁之理由。

凡公局拆毀違例工程所需費用，公局得向做造此項工程或使人做造此項工程之人追索，均照罰款之例執行。

章程第三十款所稱新建築物，凡將房屋從第一層樓下拆毀而再行建造，將木架建築物拆至第一層樓而再行建造，改從不住人之建築為住

房，改住房一幢爲數幢，以及增高房屋之牆壁，均包括在內。

公局根據章程第三十款得訂立規例，對於違犯該款者規定罰銀之數，但每一違犯，不得過二十五元，繼續違犯者，計日處罰，不得過十元。

公局對於依例提出計畫圖說者，得定其應繳之規費。



LAND REGULATIONS AND BYE-LAWS  
FOR  
THE FOREIGN SETTLEMENT OF SHANGHAI,  
NORTH OF YANGKINGPANG

Anglo-Chinese Edition

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the part of any person, which is or would be deemed to be a nuisance at common law, from prosecution or action in respect thereof, according to the forms of proceeding at common law, nor from the consequences upon being convicted thereof.

## XLI

**Penalties to be summarily recovered**

Every penalty or forfeiture imposed by these By-laws made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceedings before the proper Consular representative, and it shall be lawful for such Consular representative, upon conviction, to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction, as such Consular representative shall think fit.

## XLII

**Publication of By-laws**

These By-laws shall be printed, and the Secretary of the Council shall deliver a printed copy thereof, to every Ratepayer applying for the same, without charge and a copy thereof shall be hung up in the front, or in some conspicuous part of the principal office of the Council.

offensive or defensive weapons, ammunition or explosives, without a licence or permit first obtained from the Municipal Council.

Any person offending against or infringing any provision of this By-law shall be liable to a fine not exceeding three hundred dollars or to imprisonment for a period not exceeding three months, and in every case the firearms, offensive or defensive arms, ammunition or explosives so carried or conveyed may be forfeited to the use of the Council or to any such other penalty as shall be prescribed by the law to which such person is amenable.

### XXXVIII

**Transient offenders**

It shall be lawful for any officer or agent of the Council and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of these By-laws, and whose name and residence shall be unknown to such officer or agent, and convey him, with all convenient despatch, before his proper Consul without any warrant or other authority than these By-laws.

### XXXIX

**Penalty for disobedience of orders of Consuls**

If any such nuisance, or the cause of any such injurious effects as aforesaid, be not discontinued or remedied within such time as shall be ordered by the said Consul, the person by or on whose behalf the business causing such nuisance is carried on, shall be liable to a penalty or fine not exceeding twenty-five dollars for every day during which such nuisance shall be continued or unremedied after the expiration of such time as aforesaid.

### XL

**By-laws**

Nothing in these By laws contained shall be construed to render lawful any act or omission on

be liable to a fine not exceeding three hundred dollars or to imprisonment for a period not exceeding three months, or to both fine and imprisonment to the above extent or to any such other penalty as shall be prescribed by the law to which such person is amenable.

### XXXVI

Any person who shall wilfully disobey any reasonable regulation which shall have been authorized by the Municipal Council for the governance, control, direction or facilitation of traffic within such limits or on any Municipal road or alleyway outside such limits, shall be liable to a penalty or fine not exceeding twenty-five dollars; and any person in charge of any vehicle or animal who shall drive or move such vehicle or drive or ride such animal recklessly or negligently or at a speed or in a manner dangerous to the public, and any person who shall causelessly create any noise or disturbance, or wilfully cause any obstruction to traffic, or commit any act which may legitimately come within the meaning of the term nuisance, shall be liable to a penalty or fine not exceeding one hundred dollars or in default of payment to imprisonment for a period not exceeding one month or to any such other penalty as shall be prescribed by the law to which such person is amenable.

### XXXVII

No person, except naval or military officers of any Treaty Power, Diplomatic and Consular Officers, Officers of the Council duly authorized, and members of the Volunteer Corps when in uniform or on duty, shall under any pretext carry or convey within such limits any firearms other than those used solely for sporting purposes, other

Ratepayers. And any person offending against or infringing any provision of this By-law shall be liable for every offence to a fine not exceeding one hundred dollars and a further fine for every twenty-four hours' continuance of such offending or infringing not exceeding twenty-five dollars or to any such other penalty as shall be prescribed by the law to which such person is amenable.

## XXXV

**Dangerous  
materials**

No person shall keep, store, sell or manufacture any firearms other than those used solely for sporting, volunteer or police purposes, or any dangerous or inflammable materials namely those which on account of fire or explosion may endanger life or property, such as gunpowder and similar nitrate mixtures, dynamite, blasting gelatine, celluloid, carbonite, nitrocotton, smokeless powder, cordite, picric acid and similar nitro-compounds, chlorate mixtures, fulminates, fuses or ballistics of any description used in association with explosives, ammunition, fireworks, benzine, and other very volatile or inflammable coal tar products, petrol, gasoline and other very volatile or inflammable petroleum products, acetylene, calcium carbide, yellow phosphorus, saltpetre, sulphur or any material containing any of these as an ingredient so as to form a dangerous material, or other dangerous or inflammable materials to a greater quantity than may from time to time be set out in a Municipal Notification; or carry on any dangerous or hazardous trade within such limits without a licence first obtained therefor from the Municipal Council and in the case of a foreigner countersigned by his consular authority.

And person offending against or infringing any provision of this By-law or any condition appearing in any such licence as aforesaid shall

such order he shall be liable to a penalty or fine not exceeding ten dollars every day's neglect thereof, and in such case the Council may cause such house or any part thereof, to be whitewashed, cleansed and purified, or the condition of such drain, privy or cesspool to be amended, and may recover the expense thereof from such occupier or owner in the same manner as damages.

## XXXI

If any candle-house, melting-house, melting-place or soap-house, or any slaughterhouse, or any building or place for boiling offal or blood, or for boiling or crushing bones, or any pig-stye, necessary house, dunghill, manure heap, or any manufactory, building, or place of business within such limits be at any time certified to the Council by the Inspector of Nuisances, or Officer of Health, or if for the time being there be no Inspector of Nuisances or Officer of Health, by any two Surgeons or Physicians, or one Surgeon and one Physician, to be a nuisance or injurious to the health of the inhabitants, the Council shall direct complaint to be made before the Consul of the nation of the person by or on whose behalf the work complained of is carried on, and such Consul shall enquire into such complaint, and may, by an order in writing under his hand, order such person to discontinue or remedy the nuisance within such time as to him shall appear expedient. Provided always that if it appear to such Consul that in carrying on any business complained of, the best means then known to be available for mitigating the nuisance, or the injurious effects of such business, have not been adopted, he may suspend his final determination, upon condition that the person so complained against shall undertake to adopt within a reasonable time such means as the said Council shall

Council may  
order  
nuisances  
to be abated

removed, as being injurious to the health of the inhabitants, the Secretary of the Council shall forthwith give notice to the owner or reputed owners of such dung, soil or filth, or to the occupier of the land where the same are, to remove the same within twenty-four hours after such notice; and, in case of failure to comply with such notice, the said dung, soil or filth, shall thereupon become vested in the Council, and they, or any person with whom they have at that time contracted for the removal of all such refuse, may sell and dispose of the same, and the money thence arising shall be applied towards the purposes of the Council, and they may recover the expense of such removal from such occupier or owner in the same manner as damages.

### XXX

If at any time the Officer of Health, or if for the time being there be no Officer of Health, any two Surgeons, or Physicians, or one Surgeon and one Physician, residing within such limits, certify under his or their hands to the Council that any house or building within such limits is in such a filthy or unwholesome condition that the health of the inmates or of the neighbours is thereby affected, or that the whitewashing, cleansing or purifying of any house or building, or any part thereof, would tend to prevent or check infectious or contagious disease therein, or that any drain, privy or cesspool is in such a defective state that the health of the neighbours is thereby affected or endangered, the Council shall order the occupier of such house or part thereof, to white-wash, cleanse and purify the same, and the owner of such drain, privy or cesspool to amend the condition thereof, in such manner and within such time as the Council deem reasonable; and if such occupier or owner do not comply with

Houses to be  
white-  
washed and  
purified

upon any building or land within such limits at all reasonable times, and do all necessary acts for any of the purposes aforesaid; and the expenses incurred thereby shall be paid by the person committing such offence,—or occupying the building or land, whence such annoyance proceeds, and if there be no occupier, by the owner of such building or land, — and shall be recoverable as damages.

### XXVIII

If the dung or soil of any stable, cow-house or pig-stye, or other collection of refuse matter, elsewhere than in any farmyard, be at any time allowed to accumulate within such limits for more than seven days, or for more than two days after a quantity exceeding one ton has been collected in any place not allowed by the Council, such dung, soil or refuse, if not removed within twenty-four hours after notice from any officer of the Council for that purpose, shall become the property of the Council, and they, or any person with whom they have at the time any subsisting contract for the removal of refuse, may sell and dispose of the same, and the money thence arising shall be applied towards the purposes of the Council, or they may recover the expense of such removal from the occupier of the building or land as damage.

**Accumulation of refuse**

### XXIX

If at any time the Officer of Health or if for the time being there be no Officer of Health, any two Surgeons or Physicians, or one Surgeon and one Physician residing within such limits, certify under his or their hands to the Council that any accumulation of dung, soil or other noxious or offensive matter, within such limits, ought to be

**Certificate of the Officer of Health**



Council or not, use for any such purpose any utensil or pail or any cart or carriage not having a covering proper for preventing the escape of the contents of such cart, or of the stench thereof, or who wilfully slops or spills any such offensive matter in the removal thereof, or who does not carefully sweep and clean every place in which any such offensive matter has been placed, or unavoidably slopped or spilled, shall be liable to a penalty or fine not exceeding ten dollars, and in default of the apprehension of the actual offender the driver or person having the care of the cart or carriage employed for any such purpose shall be deemed to be the offender.

## XXVII

### Stagnant pools

No person shall suffer any offensive waste or stagnant water to remain in any cellar or other place within any house belonging to or occupied by him or within or upon any waste land belonging to or in his occupation within such limits, so as to be a nuisance and every person who shall suffer any such water to remain for forty-eight hours after receiving notice of not less than forty-eight hours from the Council to remove the same, and every person who allows the contents of any privy or cesspool to overflow or soak therefrom, to the annoyance of the occupiers of any adjoining property, or who keeps any pig or pigs within any dwelling-house, within such limits, so as to be a nuisance, shall for every such offence be liable to a penalty or fine not exceeding ten dollars, and to a further penalty or fine not exceeding two dollars, for every day during which such nuisance continues; and the Council may drain and cleanse out any stagnant pools, ditches or ponds of water within such limits, being a nuisance, and abate any such nuisance as aforesaid, and for that purpose may enter, by their officers and workmen, into and

of such removal as damages; and the Council may after the lapse of a reasonable time sell the same, holding the balance (if any), after payment of penalties, expenses, and costs, to the use of the person entitled to the same. And it shall be competent to the Council to charge for hoardings or scaffoldings which it may be found necessary for the safety of the public to place round buildings in course of erection; interfering with the public highway, should the owners or others refuse or neglect to provide the same.

## XXV

All occupiers of land and houses shall cause the foot pavements in front of their houses to be swept and cleansed whenever occasion shall require, after the receipt of notice served upon them, and they shall also cause to be swept and cleansed all gutters, surface drains in the front, side or rear of their premises, and remove all accumulations of soil, ashes, or rubbish; and every such occupier making default herein shall for every offence be liable to a penalty or fine not exceeding five dollars, and for the purpose aforesaid when any house shall be let in apartments the person letting the same shall be deemed the occupier.

Cleansing  
streets

## XXVI

The Council may, from time to time, fix the hours within which only it shall be lawful to empty privies or remove offensive matter within such limits, and when the Council have fixed such hours, and given public notice thereof, every person who within such limits empties or begins to empty any privy, or removes along any thoroughfare within such limits any offensive matter, at any time, except within the hours so fixed, and also every person who at any time, whether such hours have been fixed by the

Conveyance  
of offensive  
matter

**be removed  
on notice**

porch, verandah, shed, projecting window, step, cellar, cellar-door, or window, sign, sign-post, sign-iron, show-board, window-shutter, wall, gate, or fence, or any other obstruction or projection erected or placed against or in front of any house or building within such limits, and which is an obstruction to the safe and convenient passage along any street; and such occupier shall, within fourteen days after the service of such notice upon him, remove such obstruction or alter the same in such manner as shall have been directed by the Council, and in default thereof shall be liable to a penalty or fine not exceeding ten dollars, and the Council in such case may remove such obstruction or projection, and the expense of such removal shall be paid by the occupier so making default, and shall be recoverable as damages. Provided always, that in the case in which such obstructions or projections were made or put up by the owner, the occupier shall be entitled to deduct the expense of removing the same from the rent payable by him to the owner of the house or building.

#### XXIV

**Obstruction  
of streets**

Every person who shall obstruct the public roads or footpaths, with any kind of goods or building materials, shall be liable to a penalty or fine not exceeding ten dollars for every twenty-four hours of continued obstruction, and after the first twenty-four hours notice shall be given by the Council to the owner of the same, or the person using, employing or having, control over the same, or in the absence of any such person, or inability on the part of the Council to discover such owners and persons, then it shall be lawful for the Council to remove and retain the same until the expense of such removal shall have been repaid, and the Council may recover the expense

## XXI

If such owner or owners can be found within the said limits, and if on demand of the expenses aforesaid, he neglect or refuse to pay the same, then such expenses may be levied by distress, and the Consul, on the application of the Council, may issue his warrant accordingly.

Expenses of removal of ruinous buildings

## XXII

If such owner cannot be found within such limits, or sufficient distress of his goods and chattels within such limits cannot be made, the Council after giving twenty-eight days' notice of their intention to do so, by posting or written notice in a conspicuous place on such building or on the land whereon such building stood, and by giving notice in the local newspapers under the head of "Municipal Notification," may take such building or land, sell the same by public auction, and from and out of the proceeds of such sale may reimburse themselves for the outlay incurred, or the Council may sell the materials thereof, or so much of the same as shall be pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such house or building; and the Council shall restore any overplus arising from such sale to the owner of such house or building, on demand; nevertheless, the Council, although they sell such materials for the purpose aforesaid shall have the same remedies for compelling the payment of so much of the said expense as may remain due after the application of the proceeds of such sale as are hereinbefore given to them, for compelling the payment of the whole of the said expenses.

When owners of ruinous buildings cannot be found

## XXIII

The Council may give notice to the occupier of any house or building to remove or alter any

Projections of houses to

and times, and shall cause the privies and cess-pools within the said town or district to be from time to time emptied and cleansed in a sufficient and proper manner.

### XIX

Council  
may  
compound  
for sweeping  
footways

The Council may compound, for such time as they think fit, with any person liable to sweep or clean any footway under the provision of these Regulations, for sweeping and cleaning the same in the manner directed by these Regulations.

### XX

Ruinous  
buildings

If any building or wall be deemed by the Surveyor of the Council to be in a ruinous state, and dangerous to passengers or to the occupiers of the neighbourhood, such Surveyor shall immediately make complaint thereof to the Consul of the nation of the person or persons to whom the building belongs, and it shall be lawful for such Consul to order the owner, or in his default the occupier (if any), of such building, wall or other thing, to take down, rebuild, repair or otherwise secure to the satisfaction of such Surveyor within a time to be fixed by such Consul, and in case the same be not taken down, repaired, rebuilt or otherwise secured within the time so limited, or if no owner or occupier can be found on whom to serve such order, the Council shall with all convenient speed cause all or so much of such building, wall or other thing, as shall be in a ruinous condition and dangerous as aforesaid, to be taken down, repaired, rebuilt or otherwise secured, in such manner as shall be requisite, and all the expenses of putting up every such fence, and of taking down, repairing, rebuilding or securing such building, wall or other thing shall be paid by the owner or owners thereof.

## XVI

In no case shall any such building materials or other things or such hole be allowed to remain for an unnecessary time, under a penalty or fine not exceeding twenty-five dollars, to be paid for every such offence by the person who causes such materials or other things to be laid, or such hole to be made, and a further penalty or fine not exceeding ten dollars for every day during which such offence is continued after the conviction of such offence, and in any such case the proof that the time has not exceeded the necessary time shall be upon the person so causing such materials or other things to be laid, or causing such hole to be made.

**Penalty for continuing deposits of building materials or excavations an unreasonable time**

## XVII

If any building, or hole or other place near any street be, for want of sufficient repair, protection or inclosure, dangerous to the passengers along such street, the Council shall cause the same to be repaired, protected or inclosed, so as to prevent danger therefrom, and the expenses of such repair, protection or inclosure shall be repaid to the Council by the owner of the premises so repaired, protected or inclosed, and shall be recoverable from him as damages.

**Dangerous places to be repaired or inclosed**

## XVIII

The Council shall cause all the streets, together with the foot pavements, from time to time to be properly swept and cleansed, and all dust and filth of every sort found thereon to be collected and removed, and shall cause all the dust, ashes and rubbish to be carried away from the houses and tenements of the inhabitants of the town and district within such limits, at convenient hours

**Cleansing streets**

Council for that purpose, put up and keep in good condition a shoot or trough of the whole length of such house or building, and shall connect the same either with a similar shoot on the adjoining house, or with a pipe or trunk to be fixed to the front or side of such building from the roof to the ground to carry the water from the roof thereof in such manner that the water from such house or any portico or projection therefrom, shall not fall upon the persons passing along the street, or flow over the footpath, and in default of compliance with any such order within the period aforesaid, such occupier shall be liable to a penalty or fine not exceeding ten dollars for every day that he shall so make default.

## XV

**Penalty for  
not lighting  
deposits of  
building  
materials or  
excavations**

When any building materials or other things are laid, or any hole made in any of the streets, whether the same be done by order of the Council or not, the person or persons causing such materials or other things to be so laid, or such hole to be made, shall at his own expense cause a sufficient light to be fixed in a proper place upon or near the same, and continue such light every night from sunset to sunrise, while such materials or hole remain; and such person shall at his own expense cause such materials or other things and such hole to be sufficiently fenced and inclosed until such materials or other things are removed, or the hole filled up or otherwise made secure; and every such person who fails so to light, fence or inclose such materials or other things or such hole shall for every such offence be liable to a penalty or fine not exceeding twenty-five dollars, and a further penalty or fine not exceeding ten dollars for every day, while such default is continued.

## XIII

For the purposes of these Regulations, if the Council deem it necessary to raise, sink or otherwise alter the situation of any water pipe or gas pipe laid in any of the streets, they may from time to time, by notice in writing, require the person or persons to whom any such pipes or works belong, to cause forthwith, as soon as conveniently may be, any such pipes or works to be raised, sunk or otherwise altered in position, in such manner as the Council direct; provided that such alteration be not such as permanently to injure such works, or to prevent the water or gas from flowing as freely and conveniently as before; and the expenses attending such raising, sinking or altering, and compensation for every damage done thereby, shall be paid by the Council out of the rates and taxes levied under these Regulations.

**Council  
may alter  
situation of  
gas or  
water pipes**

If the person or persons to whom any such pipes or works belong do not proceed forthwith, or as soon as conveniently may be after the receipt of such notice, to cause the same to be raised, sunk or altered, in such manner as the Council require, the Council may themselves—but then at the costs and charges of the person or persons to whom the pipes or works belong, such costs and charges to be recoverable in the same way as the penalties enacted under these By-laws—cause such pipes or works to be raised, sunk or altered, as they think fit; provided that such works be not permanently injured thereby, or the water or gas prevented from flowing as freely and conveniently as before.

## XIV

The occupier of every house or building in, adjoining or near to any street, shall within fourteen days next after service of an order of the

**Waterspouts  
to be affixed  
to houses or  
buildings**



## IX

**Consul to be surveyors of highways**      The Council, and none other, shall be Surveyors of all highways within the aforesaid limits, and within those limits shall have all such powers and authorities, and be subject to all such liabilities, as any Surveyors of highways are usually invested with.

## X

**Management of streets and the repairs thereof to vest in Council**      The management of all the public streets, and the laying out and repairing thereof on passing of these Regulations, or which thereafter may become public highways, and the pavements and other materials, as well in the footways as carriageways of such public streets, and all buildings, materials, implements, and other things provided for the purposes of the said highways, shall belong to the Council.

## XI

**Council may stop up any street pending construction of a sewer**      The Council may stop any street, and prevent all persons from passing along and using the same for a reasonable time, during the construction, alteration, repair or demolition of any sewer or drain in or under such street; so long as they do not interfere with the ingress or egress of persons on foot to or from their dwellings or tenements.

## XII

**Penalty on making unauthorized alteration in streets**      Every person who wilfully displaces, takes up or makes any alteration in the pavement, flags or other materials of any street under the management of the Council, without their consent in writing, or without other lawful authority, shall be liable to a penalty or fine not exceeding twenty-five dollars and also a further sum not exceeding one dollar for every square foot of the pavement, flags or other materials of the street so displaced, taken up or altered.

## VIII a

When a notice, plan or description of any work **Buildings** is required by any Rule made by the Council to be laid before the Council, the Council shall, within fourteen days after the same has been delivered or sent to their Surveyor, signify in writing their approval or disapproval with reasons expressed generally for any disapproval of the intended work to the person proposing to execute the same.

Where the Council incur expenses in or about the removal of any work executed contrary to any Rule, the Council may recover the amount of such expenses either from the person executing the works removed or from the person causing the works to be executed at their discretion, in the same manner as they may recover penalties under the existing By-laws.

For the purposes of Regulation XXX the re-erecting of any building pulled down below the first floor, or of any frame building of which only the framework is left down to the first floor, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only, or the increase in height of the walls of a building, shall be considered the erection of a new building.

The Council may in making any Rule under Regulation XXX prescribe the fine with which the contravention thereof shall be punishable, but so that such fine shall not exceed for any one offence the sum of twenty-five dollars or in the case of a continuing offence the sum of ten dollars for every day during which such offence is continued.

The Council may also fix the fees to be charged to the persons who submit plans and specifications under the provisions of the Rules.

Council may, if they think fit, do the works mentioned or referred to therein and the expenses incurred by them in so doing if not forthwith paid by the owner or occupier shall be defrayed by the Municipal Council and such expenses shall be recoverable from the owner of the building as damages.

Fourteen clear days before it is intended to commence the erection of any new building or the rebuilding of any old building a block plan of the land showing the buildings to be erected thereon shall be submitted to the Municipal Council for their approval. On such plan there shall be clearly marked :

- a* The intended height of the land compared with the centre of the nearest public road.
- b*. The position and dimensions of all drains and sewers already constructed or intended to be constructed in connection with such buildings.
- c* The position and dimensions of all intended fire-walls.
- d* The height above the roadway and the width of all intended projections into or over any public road.

Within fourteen days after the said plan shall have been submitted to the Municipal Council the latter shall signify to the person submitting such plan their approval or disapproval with reasons expressed generally for any disapproval of the same, and no building operations shall be commenced until the Municipal Council have signified their approval of the said plan, it being understood that in the event of the Council failing to express either approval or disapproval with reasons as above within the above-named period all parties shall be at liberty to proceed as if no such approval were required.

No new building shall be erected nor shall any old building be rebuilt without such drain or drains constructed of such dimensions and materials and at such level and with such fall as may appear to the Municipal Council to be necessary and sufficient for the proper and effectual drainage of such building and its appurtenances, and if a public sewer or a sewer which the Municipal Council are entitled to use be within one hundred feet of any part of the site of such building, the drain or drains so to be constructed shall lead to and communicate with such sewer in such manner as the Municipal Council may direct, or if no such sewer be within that distance, then the last-mentioned drain or drains may at the option of the person building, communicate with and be emptied into the nearest of such sewers or into such covered cesspool or other place as the Municipal Council may direct; and whoever shall erect any new building or rebuild any old building or construct any drain contrary to this By-law shall be liable for every such offence to a fine not exceeding two hundred and fifty dollars, and if at any time the Municipal Council shall discover that any building whether built before or after the passing of this By-law is without such a drain or drains as is or are sufficient for the proper and effectual drainage of the same and its appurtenances and if a sewer of the Municipal Council or a sewer which they are entitled to use be within one hundred feet of any part of such building, they may cause notice in writing to be given to the owner or occupier of such building requiring him within such reasonable time as shall be specified therein to construct and lay down in connection with such building one or more drain or drains communicating with such sewer of such materials and dimensions at such level and with such falls as shall appear to be necessary and if such notice be not complied with the Municipal

same, and the expenses incurred thereby shall be paid by the person erecting such building, and shall be recoverable as damages

## VI

**Sewers and drains to be provided with traps**

All sewers and drains within the limits of these Regulations, whether public or private, shall be provided by the Council, or other persons to whom they severally belong, with proper traps or other coverings or means of ventilation, so as to prevent stench.

## VII

**Expense of maintaining and cleansing sewers and drains**

The expense of maintaining and cleansing all sewers, not hereinbefore provided for, shall be defrayed out of the rates and taxes to be levied under Article IX of these Regulations

## VIII

**Drainage**

No new building shall be erected nor shall any old building be rebuilt until arrangements shall have been made and approved whereby the land forming or to form the site thereof shall be raised to such a height having regard to the centre of the nearest public road as the Municipal Council may require and all alleyways leading to or adjoining such buildings shall be raised and drained by the person building to the satisfaction of the Municipal Council, and whoever shall commence to erect any new building or to rebuild any old building and who shall fail to comply with the provisions of this By-law shall be liable for every such offence to a fine not exceeding two hundred and fifty dollars, and it shall be lawful for the Municipal Council to stop any such building or rebuilding until the provisions of this By-law have been complied with.

river, or they may cause the refuse from such sewers to be conveyed by a proper channel to the most convenient site for collection and sale for agricultural or other purposes, as may be deemed most expedient, but so that the same shall in no case become a nuisance.

### III

The Council may from time to time as they see fit, enlarge, alter, arch over and otherwise improve all or any of the sewers vested in them; and if any of such sewers at any time appear to them to have become useless, the Council, if they think fit to do so, may demolish and discontinue such sewers, provided that it be so done as not to create a nuisance.

**Power to enlarge and alter sewers and drains**

### IV

Every person, not being employed for that purpose by the Council, who shall make any drain into any of the sewers or drains so vested in the Council, shall forfeit to the Council a sum not exceeding one hundred dollars; and the Council may cause such branch drain to be re-made, as they think fit, and all the expenses incurred thereby shall be paid by the person making such branch drain, and shall be recoverable by the Council as damages.

**Penalty for making any drain flow into a public sewer**

### V

No sewer or drain shall be made, or any building be erected over any sewer belonging to the Council without the consent of the Council, first obtained in writing; and if after the passing of these Regulations any sewer or drain be made, or any building be erected contrary to the provisions herein contained, the Council may demolish the

**No person to build over any public sewer**

BY LAWS ANNEXED TO THE LAND REGULATIONS  
FOR THE FOREIGN SETTLEMENT OF  
SHANGHAI

## I

**Control and  
management  
of sewers  
and drains**

The entire control and management of all public sewers and drains within the limits of these Regulations, and all sewers and drains in and under the streets, with all the works and materials thereunto belonging, whether made at the time these Regulations become valid or at any time thereafter, and whether made at the cost of the Council or otherwise, shall vest in and belong to the Council.

## II

**Power to  
make sewers  
and drains**

The Council shall from time to time cause to be made under the streets such main and other sewers as shall be necessary for the effectual draining of the town or district within such limits, and also all such reservoirs, sluices, engines, and other works as shall be necessary for cleaning such sewers, and if needful they may carry such sewers through and across all or any of the streets, doing as little damage as may be, and making compensation, to be determined by arbitration, or recoverable in the manner provided by these Regulations, for any damage done; and if for completing any of the aforesaid works it be found necessary to carry them into or through any inclosed or other lands, the Council may, after reasonable notice, carry the same into or through such lands accordingly, making compensation as aforesaid to the owners and occupiers thereof, and they may also cause such sewers to communicate with and empty themselves into the

Authorities, subject to confirmation by the Foreign Representatives and Supreme Chinese Government at Peking.

### XXIX

That the words "Renters of Land and Ratepayers," wherever they occur in the foregoing Regulations shall, where not otherwise indicated by the connection in which they occur, be taken to mean Electors entitled to vote according to the terms of Article XIX.

Land  
renters and  
ratepayers  
to mean  
"electors"

### XXX

The Council may from time to time make Rules with respect to the structure of walls, foundations, roofs and chimneys of new buildings for securing stability and the prevention of fires, and for purposes of health, with respect to the sufficiency of the space about buildings to secure a free circulation of air, and with respect to the ventilation of buildings, with respect to the drainage of buildings, to water-closets, earth-closets, privies, ashpits and cesspools in connection with buildings, and to the temporary or permanent closing of buildings or parts of buildings unfit for human habitation, and to prohibition of their use for habitation. And they may further provide for the observance of such Rules by enacting therein provisions as to notices, as to the deposit of plans and sections by persons intending to construct buildings, and as to inspection by the Council; and the Council may remove, alter or pull down any work begun or done in contravention of such Rules or of any By-laws of the Council. Provided always that no such Rules shall come into operation until they have been submitted to the Land Commissioners for their opinion, though they shall not be subject to their veto, and until six months after publication.

Buildings



*bona fide* for the purpose of executing these Regulations, subject them, or any of them, personally to any action, liability, claim or demand whatsoever; and any expense properly and with due authority incurred by the Council, Members, Secretary, Surveyor, Superintendent of Police, or other officer or person acting as last aforesaid, shall be borne and repaid out of the rates levied under the authority of these Regulations.

## XXVII

**Council how  
to be sued**

And be it further ordered that the executive Committee or Council may sue and be sued in the name of their Secretary for the time being or in their corporate capacity or character as "Council for the Foreign community of Shanghai," and such Committee, Council or Secretary shall have all the rights and privileges which private complainants have, to recover and enforce judgments obtained by them, and shall also incur the obligations which private defendants have in proceedings at law or suits in equity commenced against them, provided that the individual members of the Council or their Secretary shall not be personally responsible, but only the property of the Council, and all proceedings against the said Council or their Secretary shall be commenced and prosecuted before a "Court of Foreign Consuls," which shall be established at the beginning of each year by the whole body of Treaty Consuls.

## XXVIII

**Amendment  
of regula-  
tions here-  
after**

Hereafter should any corrections be requisite in these Regulations, or should it be necessary to determine on further rules, or should doubts arise as to the construction of, or powers conferred thereby, the same must be consulted upon and settled by the Foreign Consuls and Local Chinese

## XXIV

The Council may from time to time appoint **Officers** such officers and servants as they think necessary for carrying out these Regulations, and fix the salaries, wages and allowances of such officers and servants, and may pay the same out of the Municipal Funds and make Rules and Regulations for the government of such officers and servants, and may discontinue or remove any of them from time to time as they shall think fit. Provided always, that no officers shall be appointed for any longer period than three years, unless the said appointment, together with the salary appertaining thereto, be sanctioned by a public meeting of the electors duly convened.

## XXV

The Council shall administer the Municipal **Funds** for the public use and benefit, at their discretion, with due regard to the Budget passed, provided they do not exceed the sum voted at the Annual Meeting, or any Special Meeting called to vote expenses, and a statement shall be drawn up by them at the end of each year for which the Council has been elected, showing the nature and amount of the receipts and disbursements of the Municipal Funds for that year, and the said statement shall be published for general information, at least ten days previous to the Annual Meeting herein before mentioned.

## XXVI

No matter or thing done, or contract entered into, by the Council, nor any matter or thing done by any member thereof, or by the Secretary, Surveyor, Superintendent of Police, or other officer or person whomsoever, acting under the direction of the Council, shall, if the matter or thing were done, or the contract entered into **Persons acting in execution of these Regulations not to be personally liable**

vacancies by the vote of the majority of the Council, provided such vacancies do not exceed three in number.

Should the vacancies exceed three, an election of the whole number of new Members who have not been originally elected shall be called in the manner previously provided for by Article XVIII.

## XXI

### Tenure of office

The Council shall enter upon their office as soon as the accounts of the retiring Committee shall have been audited and passed at the Annual Meeting mentioned in Articles IX and XII, and shall remain in office until their own accounts have been duly audited and accepted, and their successors assume direction. At their first meeting the new Council shall elect a Chairman and a Vice-Chairman, who shall hold office for one year. In their temporary absence, the members present at any meeting of the Council shall elect their Chairman for such meeting.

## XXII

### Questions and quorum

On all questions in which the members of the Council present are equally divided in opinion, the Chairman shall have a second or casting vote. Three members of the Council shall constitute a quorum for the despatch of business.

## XXIII

### Committees

The Council may from time to time appoint out of their own body such and so many Committees, consisting of such number of persons as they shall think fit, for all or any of the purposes wherein they are empowered to act which in the discretion of the Council would be better regulated and managed by means of such Committees; and may fix the quorum of such Committees.

## XIX

Every foreigner, either individually or as a member of a firm, residing in the Settlement, having paid all taxes due, and being an owner of land of not less than five hundred taels in value, whose annual payment of assessment on land or houses or both, exclusive of all payments in respect of licences, shall amount to the sum of ten taels and upwards, or who shall be a householder paying on an assessed rental of not less than five hundred taels per annum and upwards, shall be entitled to vote in the election of the said Members of the Council and at the public meetings. Provided always that the proxies of Ratepayers only who are absent from the Consular District of Shanghai, or are prevented by illness from attending shall be admitted to vote at such meetings. And no one shall be qualified to be a Member of the said Council unless he shall pay an annual assessment, exclusive of licences, of fifty taels, or shall be a householder paying on an assessed rental of one thousand two hundred taels per annum. Provided always that this clause shall not entitle any firm to more than one vote.

**Election of Council and qualifications of voters at public meetings**

A list of persons duly qualified to vote according to the Regulations to which these By-laws are appended shall be kept at the office of the Council, and such list shall be revised and corrected by the Secretary of the Council on the first day of December in each year, or so soon after as may be convenient, and published for the information of the public in such manner as the Council for the time being shall think proper.

## XX

In case of a vacancy or vacancies occurring during their tenure of office, the existing Council shall have the power to fill up such vacancy or

**Vacancies**

voting lists the names of any number of persons, not exceeding nine, for whom he intends to vote, and shall deposit the list signed by himself with his own name so marked, in a closed box provided for the purpose of receiving such list.

The poll shall remain open for two consecutive days, from 10 A.M. to 3 P.M., at which hour on the second day the poll shall be closed. Immediately upon the close of the poll two scrutineers appointed by the Council shall without delay proceed to open the box or boxes, examine the voting lists, and declare the names of the nine Ratepayers who have the greatest number of votes, and who shall thereupon be considered duly elected as the Council for the ensuing Municipal year.

Should the number of names proposed for election be exactly nine, or less than nine and more than four, it shall not be necessary to have a poll; but, on the day after the expiration of the time appointed for sending in nominations, the existing Council shall advertise and make known the names of the nine or lesser number of Ratepayers proposed, and they shall be considered to be duly elected as the Council for the ensuing Municipal year.

Should the number of names proposed for election be less than five, then on the day after the expiration of the time appointed for sending in nominations, the existing Council shall advertise and make known the names of the Ratepayers, to be held on the day appointed for the election, at which meeting the Ratepayers present shall proceed to elect, either by ballot or otherwise, as they may then decide, as many more Ratepayers as may be requisite to make the number before proposed up to five at the least, and such five or more Ratepayers shall be considered duly elected as the Council for the ensuing Municipal year.

any Foreigner, who has no Consular authority at Shanghai, commit a breach of the said Regulations, then and in such case the Chinese chief authority may be appealed to by the Council, through one or more of the Foreign Consuls, to uphold the Regulations in their integrity, and punish the party so infringing them.

### XVIII

It shall be competent to any two persons, being Foreigners entitled to vote, to nominate any duly qualified person for election as a Member of the Council, and all such nominations shall be sent in, in writing, with the signature of the proposer and seconder, as also the written assent to serve of the candidates proposed, at least seven days before the day appointed for the election, to the Secretary or other officer appointed by the existing Council to receive such nomination.

**Nomination  
and voting  
for Council**

On the day after the expiration of the time allowed for sending in such nominations, as aforesaid, the existing Council shall cause a list of the Ratepayers proposed for election to be advertised in the public journals, and shall likewise cause such list to be exhibited thenceforward, until the day of election, in the Council Room and other public places.

On the day appointed for the election, should the number of Ratepayers proposed for election as Councillors exceed nine, two officers appointed by the existing Council for the purpose shall attend at the place appointed for the election, to receive the votes of the Ratepayers. These officers shall be provided with a list of all the Ratepayers duly qualified to vote, and shall give to each such Ratepayer as may be present and may require it, a voting card or paper containing a list of the Ratepayers proposed for election. The voter shall then mark on such

Municipal nature, not already enumerated, and affecting the general interests, such decision shall first be reported by the Chairman to the Consuls, for their concurrence and approval, and unless such approval be given, such Resolution shall not be valid and binding. Provided always that a term of ten days shall elapse between the date of the Resolution, and the signification of approval by the Consuls, during which time any person considering himself prejudiced in property or interests by the Resolution, may represent his case to the Consuls for their consideration. After the expiration of the term of two months the Consular approval, if signified, shall be considered binding.

## XVI

**Cemeteries  
for foreign-  
ers, Chinese  
graves**

Within the said limits, lands may be set apart for Foreign Cemeteries. In no case shall the graves of Chinese on land rented by foreigners be removed, without the express sanction of the families to whom they belong, who also, so long as they remain unmoved, must be allowed every facility to visit and sweep them at the established period, but no coffins of Chinese must hereafter be placed within the said limits, or be left above ground.

## XVII

**Breach of  
regulations**

Hereafter, should information of a breach of these Regulations be lodged with any Foreign Consul, or should the local authorities address him thereon, he may in every case within his jurisdiction summon or cause to be summoned the offender before him and, if convicted, punish him or cause him to be punished summarily, either by a fine not exceeding three hundred dollars, or by imprisonment not exceeding six months, or in such other manner as may seem just. Should

## XIV

Be it also further ordered that any penalty or forfeiture or fees on licences provided for in the By-laws framed under the authority of these Regulations, and imposed in pursuance of such By-laws, may be recovered by summary proceedings before the proper Consular or other authority, and it shall be lawful for such authority, upon conviction, to adjudge the offender to pay the penalty or incur the forfeiture as well as the costs attending the conviction, as such authority may think fit. All fines and penalties levied under these Regulations and the By-laws framed and to be framed under them, shall be carried to the credit of the Committee in diminution of the general expenditure authorized by the provisions of these Regulations.

**Recovery  
of penalties  
under  
By-laws**

## XV

Be it further ordered that it shall be competent for the Foreign Consuls, collectively or singly, when it may appear to them needful, or for the electors, provided not less than twenty-five agree in writing so to do, to call a public meeting at any time, giving ten days' notice of the same, setting forth the business upon which it is convened, for the consideration of any matter or thing connected with the Municipality. And all Resolutions passed by a majority at any such public meeting, including proxies for absent owners of land, on all such matters as aforesaid, shall be valid and binding upon the whole of the said electors, if not less than one-third of the electors are present or represented. At such meeting the Senior Consul present shall take the chair, and in the absence of a Consul, then such elector as the majority of voters present may nominate. In all cases in which electors in public meeting assembled, as herein provided, decide upon any matter of a

**Consuls may  
at any time  
call meeting  
of land  
renters  
and others**



accounts of the said Committee, and for the obtaining the approval and sanction of them by the Ratepayers in public meeting duly assembled. Be it ordered that the result of the said audit shall be made known, and the said sanction and approval shall be made at the Annual Public Meeting convened by the Consuls as hereinbefore mentioned.

### XIII

**Suing defaulters**

And it is further ordered that it shall be lawful for the said Committee or their Secretary, to sue all defaulters in the payment of all assessments, rates, taxes and dues whatsoever, levied under these Regulations, and of all fines and penalties leviabie under the By-laws annexed to them, in the Consular or the Courts under whose jurisdiction such defaulters may be, and to obtain payment of the same by such means as shall be authorized by the Courts in which such defaulters are sued. Provided that in case the Committee or Council shall be unable to discover the owner of goods in respect of which assessments, rates, dues or taxes are in arrear or unpaid, or whose said owner shall be beyond the jurisdiction of the Consular or judicial authorities, or where any one or more of the said defaulters or owners, shippers or consignees of goods refusing to pay, have no Consular representatives at Shanghai, the said Committee shall, with the consent of the Local Authorities, be at liberty to detain and sell such portion of the goods, or use such other means as, with the consent of the Local Authorities, may be necessary to obtain such payment of such assessments, rates, taxes, dues, fines and penalties or in respect of land or house assessment, to distrain on the land or houses to such extent as may be required to satisfy such assessment or dues.

and taxes, and recover the same from all defaulters in the Courts under whose jurisdiction such defaulters may be, and shall also have power to enter and distrain on lands and tenements, and to seize and sell goods in respect of which rates, dues and taxes are in arrear or unpaid.

## XI

When in pursuance of these Regulations the above-mentioned Committee or Council shall have been duly elected, all the power, authority and control conferred by the By-laws now sanctioned and annexed to these Regulations, and all the rights and property which by such By-laws are declared to belong to any Committee or Council elected as aforesaid, shall vest in and absolutely belong to such Committee or Council, and to their successors in office, and such successors as are duly elected; and such Committee shall have power and authority from time to time to make other By-laws for the better enabling them to carry out the object of these Regulations, and to repeal, alter or amend any such By-laws, provided such other By-laws be not repugnant to the provisions of these Regulations, and be duly confirmed and published; and provided also that no by-laws made by the Committee under the authority of these Regulations, except such as relate solely to their Council or their officers or servants, shall come into operation until passed and approved by the Consuls and Ministers of Foreign Powers having treaties, or a majority of them, and the Ratepayers in Special Meeting assembled; of which meeting, and the object of it, ten days' notice shall be given.

Committee  
or council  
have power  
to make  
by-laws

## XII

And whereas it is also expedient that due provision should be made for the auditing of the

Auditing  
accounts

purposes mentioned in the By-laws, and to declare an assessment in the form of a rate to be made on the said land or buildings; provided always that the proportion between the tax on land and on houses or buildings, shall not exceed one-twentieth of one per cent. on the gross value of land to one per cent. on the annual rental of houses; and it shall also be competent to the said meeting, or a majority thereof as aforesaid, to impose other rates and taxes in the form of dues on all goods passed through the Chinese Custom House by any person or persons resident within the said limits, or landed, shipped, or transhipped at any place within the said limits; provided the said rates or taxes levied in the form of dues shall in no case exceed the amount of one-tenth of one per cent. on the value of the goods so passed, landed, shipped or transhipped, and in such other forms as may appear requisite and necessary for the purposes aforesaid.

## X

**Land  
renters and  
others to  
appoint  
Committee  
or Council**

And whereas it is expedient that the said Land Renters, and others entitled to vote, on the terms hereinafter mentioned, in public meeting duly assembled, under and in accordance with the provisions of the preceding article, should appoint in the mode hereinafter provided an Executive Committee or Council, to consist of not more than nine nor less than five persons, for the purpose of levying the rates, dues and taxes hereinbefore mentioned, and applying the funds realized from the same for the purposes aforesaid, and for carrying out the Regulations now made. Be it further ordered that such Committee, when appointed, shall have full power and authority to levy and apply such rates, dues and taxes for the purposes aforesaid, and shall have power and authority to sue for all arrears of such rates, dues

## VIII

The annual rent on all lands leased by foreigners reserved to the Chinese Government shall be payable in advance on the fifteenth day of the twelfth moon of each year. And all rent in arrear and unpaid on the day shall be recoverable in a summary manner, on the complaint of the Intendant of Circuit in the Court of the Consular representative of the defaulting renter.

**Chinese government land tax, when payable**

## IX

It being expedient and necessary for the better order and good government of the Settlement that some provision should be made for the appointment of an executive Committee or Council, and for the construction of public works, and keeping the same in repair; and for cleaning, lighting, watering and draining the Settlement generally; establishing a watch or Police force therein; purchasing and renting lands, houses and buildings for Municipal purposes; paying the persons necessarily employed in any Municipal office or capacity, and for raising money when necessary by way of loan or otherwise for any of the purposes aforesaid, the Foreign Treaty Consuls, or a majority of them; shall, during the month of February or March in each year, and so early in the same as possible, fix the day for the election of the Executive Committee or Council, in manner hereinafter provided, giving fourteen days' notice of the same, and shall also during the said months give notice of a public meeting to be held within twenty-one days of such notice, to devise ways and means of raising the requisite funds for these purposes; and it shall be competent to such meeting duly assembled, or a majority thereof, including proxies for absent owners of land, to impose and levy rates and issue licences for the

**Roads and jetties, assessment on land and houses. Rates, dues and taxes**

**Consuls to fix days for election of Council**

**Calling meeting of ratepayers**

benefit accruing by reason of such new road to and the depth of frontage of the land in respect of which such appeal is made as compared with adjoining lands and also the irregular or peculiar shape of such land and all other circumstances of the case, and shall determine such appeal and (as regards the appellant and the lands in respect of which the appeal is made) affirm or reduce the apportionment settled by the Council as they shall consider just.

When the Council have incurred expenses for the repayment whereof or any part whereof any foreign renter is made liable under this regulation in respect of any premises, such expenses may be recovered from any person who is the foreign renter of such premises for the time being, and until recovery of such expenses, the same shall be a charge on such premises, and in all cases where it may be necessary to recover such share of such costs from any foreign renter, the certificate of the Council for the time being, or if the matter is referred to the Land Commissioners for the time being, the certificate of such Land Commissioners shall be conclusive evidence as to the amount payable by such foreign renter.

## VII

### Boundary stones to be placed

When land is rented, stones having the number of the lot distinctly cut thereon, in English and Chinese, must be placed to define the boundaries thereof, under the supervision of the Consul applying for the land, and of the Chinese local authorities. A time will be named for the boundary stones to be fixed, in the presence of an officer deputed by the Consul, of the Tapaou of the district, and of the Chinese proprietors and the renter, in such manner that they may not interfere with the lines of road, or the boundaries; or in any other way give cause for litigation and dispute hereafter.

prepared plans and sections of such new road and a detailed estimate of the cost of levelling, paving, metalling, sewerage, culverting and completing such new road and such plans, sections and estimates shall be deposited for public inspection in the office of the Surveyor of the Council. And the foreign renters (if any) of the lands immediately fronting, joining or abutting on such new road shall for the period of three calendar months after the giving of such notice have the right to protest in writing and in person or by proxy to appear and bring evidence before the Council to show cause why such proposed new road should not be made and the Council shall hear and decide such matter.

After the said period of three calendar months shall have elapsed and in case such protest (if any) shall have been over-ruled, the Council may, after four and within twelve calendar months from the giving of such notice as aforesaid, proceed to level, pave, metal, sewer, culvert and complete such new road and not more than two-thirds of the total cost and expenses properly incurred by them in so doing shall be paid by those persons who shall at the time of the giving of such notice be and those who shall afterwards become foreign renters of land immediately fronting, joining, or abutting on such new road—but so that the aggregate number of such foreign renters on either side of such new road respectively shall not pay more than one-third of such total cost and expenses in such proportion as the Council may determine. Provided that any such foreign renter dissatisfied (as regards the amount payable by him) with the apportionment as settled by the Council shall, during a period of three calendar months from the date of the first publication of such apportionment, have a right of appeal therefrom to the Land Commissioner who shall be entitled to take into consideration the degree of

purchase in the Settlement for the purpose of constructing a railway the said Administration, person or corporation shall deliver to the Municipal Council a plan of the line showing the land required and showing the manner in which Public Roads are to be dealt with, and whether they are to be crossed by bridges or on the level, and giving such other information as will enable the Council to see how public rights will be affected, and if the Municipal Council signify their approval of the scheme, the said Administration, person or corporation shall be entitled to acquire the land in the same manner and subject to the same conditions as those under which the Municipal Council acquire land for public purposes. Provided that the compensation awarded shall be the fair market value of the property acquired to be ascertained by the Land Commissioners with an addition of twenty-five per cent. for compulsory sale, and such further sums as the Court may determine to be the amount of damage (if any) caused to the remainder of the property by severance or otherwise and the amount of the damage (if any) sustained by the owner or occupier for loss of business, expenses of removal or other like causes.

## VI c

Construc-  
tion of new  
roads

When the Council shall have acquired any land for the purpose of making new roads (which expression shall include extensions of any existing roads) and shall consider it expedient in the public interest to make up any new road under this regulation over such land they shall before proceeding to do so insert at least once in a daily newspaper published in Shanghai in the English language a notice of their intention so to do and give a similar notice to the foreign renters (if any) of the land fronting, joining, or abutting on such proposed new road. And shall forthwith cause to be

only one name be suggested, then that person shall be the Commissioner without a poll. The third Commissioner shall be elected by resolution of a Meeting of Ratepayers. Any two Ratepayers qualified to vote being entitled to nominate candidates for the position by sending in the names to the Council one week before any Meeting of Ratepayers; and the Council shall cause the names of all such candidates to be published with the notices of motions for the Meeting. Should no name be duly sent in any qualified candidate may be proposed, seconded and elected at the Meeting.

All three Commissioners shall go into office on the day after the Annual Meeting of Ratepayers and go out of office on the day after the next Annual Meeting, except as to matters then pending before them which they shall have power to complete.

No one who is a salaried official of the Council shall be eligible as a Commissioner.

Vacancies occurring during the year shall be filled by appointment or election by the party who appointed the Commissioner whose place shall have become vacant — a Special Meeting of Ratepayers being called if necessary.

The Commissioners shall make their award within a month from the time they are applied to or within such time as they or a majority of them may extend it to.

The expenses of the Land Commissioners shall be defrayed out of the Public Funds, the fees of the Commissioners being either regulated by the Municipal Council in accordance with the time engaged on the duties, or fixed beforehand.

## VI b

In the event of the Imperial Railway Administration or any other duly authorized person or corporation desiring to acquire land by compulsory Railways



sanitary buildings or works should not be made or undertaken, and the Council shall hear and decide the matter.

After the said period of three months from such publication and in case such protest be overruled and in case such foreign renters or native owners as the case may be are unwilling to surrender to such public uses the land so required, then the Municipal Council may, after the expiry of four months and within one year from the publication of notice of such plan, apply to the Land Commissioners, to be appointed as hereinafter mentioned, and the said Land Commissioners shall, after hearing the parties, and calling for evidence, determine the compensation (if any) to be paid or given for the land so required and for the buildings (if any) thereon and in respect of any tenancy of the said land and buildings respectively, taking into account the increase or decrease in value of the remainder of the property, and surrender of the land (notwithstanding the restrictive words contained in Regulation VI) on the terms of the award and finding of the Land Commissioners, shall, in case of need, be enforced by the Court or Courts having jurisdiction over the owners and occupiers of the land.

The Land Commissioners shall be three in number and shall be appointed: one by the Council not later than the 15th January in each year; and one by the registered owners of land in the Settlement who pay taxes of Tls. 10 per annum or upwards, and who shall vote by ballot at the Council Office on the same days as those appointed for the election of Members of Council. Any two landowners qualified to vote being entitled to nominate candidates for the position by sending the names to the Council one week before the election takes place, and the Council shall cause the names of all such nominees to be exhibited in the Office on the day of the poll. If

or being out of the Settlement, or to accept land from foreign or native owners upon terms to be mutually agreed upon between the Council and such foreign or native owners, for the purpose of converting the same into roads or public gardens and places of recreation and amusement, and it shall be lawful for the Council from time to time to apply such portion of the funds raised under Article IX of these Regulations, for the purchase, creation and maintenance of such roads, gardens, etc., as may be necessary and expedient. Provided always that such roads and gardens shall be dedicated to the public use, and for the health, amusement and recreation of all persons residing within the Settlement.

#### VI a

It being expedient that the Ratepayers should have fuller power than they at present possess for acquiring land for new roads, extension and widening of existing roads, extension of lands already occupied by public works and for purposes of sanitation, it is hereby agreed that they shall have the following powers in addition to, and not in substitution for, those possessed by them under Regulation VI, and the powers shall be exercised in the manner following :

**Land for  
public roads**

In case the land required for such public purposes shall have been acquired by foreign renters before the publication of notice that the plan referred to in that Regulation is open to inspection or shall remain in the hands of the native owners the proprietors shall for three months after the publication of such notice have the right to protest in writing and, in person or by proxy, to appear and to bring evidence before the Municipal Council to show cause why such proposed roads, extension and widening of roads or extension of the public works or establishment of

and determine what new lines of road are necessary ; and all land subsequently rented shall only be rented on the terms of the Renter surrendering to the public use the beach ground aforesaid, if any, and the land required for such roads ; and in no case shall land so surrendered, or which shall now be dedicated to the use of the public, be resumed, except with the consent of the proper majority of Land Renters and others who may be entitled to vote as aforesaid in the public meeting assembled, nor shall any act of ownership be exercised over the same by the Renters thereof, notwithstanding any payment by them to the Chinese Government of any ground rent. Provided always, that no act of appropriation or dedication for public uses of the said beach ground, or of ground for roads, other than those already defined, shall, contrary to the will of the Renters thereof, in any case, be sanctioned or held lawful under these Regulations. On the admission by vote of public meeting of any tracts of land into the limits of the Municipal authority, the Municipal Council shall give notice of all roads and public properties which they intend to set aside in the general interest ; and should any citizen or subject of a treaty power, who may previously have acquired land within such tracts, object to any part of the reservation thus notified, he must, within fourteen days after the issue of the notice, warn his own Consul or the Municipal Council of his objection, in order that steps may be taken to adjust the claim. Provided always, that in the event of a failure to effect such adjustment on terms which may appear reasonable to the Consul, the Council shall have the option of declining to accept jurisdiction over the proposed annexation, which consequently cannot take place. It shall also be lawful for the Land Renters, and others who may be entitled to vote as hereinafter mentioned, in public meeting assembled, to purchase land leading

coffins on the land rented, their removal must be a matter of separate agreement, it being contrary to the custom of the Chinese to include them in the agreement or deed of sale.

#### IV

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.

Registration  
of land and  
charges  
thereon

#### V

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.

Transfer of  
lots; when  
to be  
registered

#### VI

It is understood and agreed that land heretofore surrendered by the various foreign renters to public use, such as roads and the beach grounds of the rivers within the aforesaid limits, shall remain henceforth dedicated to the same uses; and as new lots are acquired, such parts thereof as are beach ground shall be held under and subject to similar uses; and due provision shall be made for the extension of the lines of roads at present laid down as means of communication in the Settlement. To this end the Council appointed by the Land Renters and others entitled to vote on the terms and in the manner hereinafter mentioned within the boundaries referred to, will, at the beginning of each year, examine the map,

Land sur-  
rendered to  
public use

and of the Shanghai District Magistrate, together with the Chairman of the Municipal Council for the year 1899.

Within the boundaries defined and above referred to under the first head are certain sites, namely, the New Custom House and the Temple of Rewards, together with the land set apart for the use of H. B. M.'s Government, known as the British Consulate site, which are exempted from Municipal control, as any land hereafter to be settled or acquired by other Governments having treaties with China for Government purposes only; but the British and Foreign Consulate sites, the Custom House and any lands acquired as above, shall bear their share of the public burdens and Municipal taxes.

## II

Mode of  
acquiring  
land

Any person desiring to rent land or purchase houses from the Chinese proprietors, within the said limits, shall do so in accordance with the provisions laid down in the Treaties of Foreign Powers with China.

## III

Final  
settlement  
and title  
deeds

It having been ascertained that no impediment exists to the renting of the land, the parties interested may settle with the Chinese proprietors the price and conditions of sale, and they will then report the transactions to their Consular Representative, and lodge with him the Chinese proprietor's agreement or deed of sale, in duplicate, accompanied by a plan clearly marking the boundaries. The said Consular Representative shall then transmit the same to the Intendant of Circuit, for examination. If the sale be regular, the deeds will be returned to the Consul, sealed by the Intendant of Circuit, and the Purchase Money can then be paid. If there are graves or

**LAND REGULATIONS AND BY-LAWS FOR THE  
FOREIGN SETTLEMENT OF SHANGHAI**

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**LAND REGULATIONS**

**I**

The boundaries of the land to which these Regulations apply, are :

**Boundaries  
and limits  
defined**

1. Upon the North : The Soochow Creek from the Hsiao Sha Ferry to a point about seventy yards west of the entrance thereto of the Defence Creek, thence in a northerly direction to the Shanghai-Paoshan boundary, thence following this boundary to the point where it meets the Hongkew Creek and thence in an easterly direction to the mouth of the Kukapang.

2. Upon the East: The Whangpoo River from the mouth of the Kukapang to the mouth of the Yangkingpang.

3. Upon the South : The Yangkingpang from its mouth to the entrance thereto of the Defence Creek, thence in a westerly direction following the line of the northern branch of the great Western Road, and thereafter along the Road to the Temple of Agriculture in the rear of the Bubbling Well Village.

4. Upon the West: From the Temple of Agriculture in a northerly direction to the Hsiao Sha Ferry on the Soochow Creek.

And they are more particularly defined by boundary stones fixed in position and by plans prepared and signed under the direction of the special deputies of H. E. Liu, Viceroy at Nanking,

**LAND REGULATIONS**  
**AND**  
**BY-LAWS**  
**FOR**  
**THE FOREIGN SETTLEMENT OF SHANGHAI**  
**NORTH OF YANGKINGPANG**

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