

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

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 a easterly direction to the mouth of the Ku-ka-pang.

2.—Upon the East :—The Whangpoo River from the mouth of the Ku-ka-pang to the mouth of the Yang-king-pang.

3.—Upon the South :—The Yang-king-pang 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, 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 well 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.

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.

Mode of acquiring Land.

III.

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 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.

Final settlement
and Title Deeds.

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.

Transfer of Lots,
when to be
Registered.

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

VI.

Land surrender-
ed to public use.

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, 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 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.

VIA.

Land for Public
Roads.

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:—

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 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 over-ruled 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 land owners 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 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.

VII.

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

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.

VIC.

Construction 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 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 Commissioners who shall be entitled to take into consideration the degree of 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 appellants 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 and expenses 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.

VIII.

The annual rent on all lands leased by foreigners reserved to the Chinese Government, shall be payable in advance on the 15th day of the 12th 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 building 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 purposes mentioned in the Bye-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.

Roads and Jetties, Assessment on Land and Houses. Rates, Dues and Taxes.

Consuls to fix days for election of Council.

Calling Meeting of Ratepayers.

X.

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 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.

Land Renters and others to appoint Committee or Council.

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 Bye-laws now sanctioned and annexed to

Committee or Council have power to make Bye-laws.

these Regulations, and all the rights and property which by such Bye-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 Bye-laws for the better enabling them to carry out the object of these Regulations, and to repeal, alter, or amend any such Bye-laws, provided such other Bye-laws be not repugnant to the provisions of these Regulations, and be duly confirmed and published; and provided also that no Bye-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.

XII.

Auditing
Accounts.

And whereas it is also expedient that due provision should be made for the auditing of the 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 leviable under the Bye-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.

XIV.

Recovery of
penalties under
Bye-laws.

Be it also further ordered that any penalty or forfeiture or fees on licences provided for in the Bye-laws framed under the authority of these Regulations, and imposed in pursuance of such Bye-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 Bye-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.

XV.

Consuls may at
any time call
Meeting of Land
Renters and
others.

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 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.

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.

Cemeteries for
Foreigners,
Chinese Graves.

XVII.

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 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.

Breach of
Regulations.

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 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.

XIX.

Election of Council and qualifications of voters at Public Meetings.

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.

A list of persons duly qualified to vote according to the Regulations to which these Bye-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.

Vacancies.

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 by the vote of the majority of the Council, providing 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 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.

The Council may from time to time appoint out of their own body such Committees. 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.

XXIV.

The Council may from time to time appoint such officers and servants Officers. 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 Funds. 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 hereinbefore 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 *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. Persons acting in execution of these Regulations not to be personally liable.

XXVII.

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. Council how to be sued.

XXVIII.

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

XXIX.

Land Renters
and Ratepayers
to mean
"Electors."

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.

XXX.

Buildings.

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 waterclosets, earthclosets, 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 Bye-law 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.

BYE-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 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.

Power to enlarge
and alter sewers
and drains.

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.