

PEIPING MUNICIPALITY
AND
THE DIPLOMATIC
QUARTER

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*Right of
Prof. C. M. Beynon*

PREFACE

Peiping is noted for its past and for the landmarks of that past rather than for the signs which are generally accepted as indications of modernity and progress. It is with some of the dreary details of municipal institutions, however, that the chapters of the present small volume are concerned, and perhaps a warning should be issued to the unwary that what follows is not intended for those who are in search of an exposition concerning Peiping's charm as a city. Even with this warning in mind, the reader will, it is feared, find the going somewhat rough, for the paths of Chinese municipal practice are not always easily followed, nor do they always lead to a well defined destination.

In Peiping there is a curious combination of the machine age and of the older way of doing things, whether the contrast be that of automobiles, camels, donkeys, street cars and rickshaw coolies contributing to a certain confusion of traffic, or that of the ever changing details of a municipal machine which rumbles along with many of the trappings and some of the best modern devices of municipal administration while at the same time this same governmental organism contains unexplored and ancient recesses of outworn procedure. The main streets of Peiping are broad and straight, however, and the city is laid out on a grand scale. The situation is somewhat analogous in the case of the governmental structure; the main outlines reveal a substantial administrative organization, however defective or impracticable some of the structural details may be.

The debt which the present writer owes to others is appreciably larger than can be indicated in a few words of acknowledgment. In the collection of Chinese materials Mr. Wu Ch'un, of the Department of Political Science of Yenching University, has displayed unflinching industry, persistence, and tact in eliciting

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ing information from Chinese officials. He has collected and translated into English a large amount of documentary material from the archives of the various branches of the Municipal Government, and during a period of more than a year he has had frequent conversations with officials, both high and low, and has acted as interpreter for the present writer on numerous occasions. The book is in large measure the product of his labors as far as the material on the Chinese municipality is concerned. This is not to be understood, however, as lessening in any way the full responsibility of the present writer for errors of any description.

Mr. T'ien Hsing-chih, a graduate student in the Yenching Department of Political Science, has assisted materially in the preparation of Chinese materials, and Mr. M. Y. Chao, secretary of the Department, has worked hard and long on the preparation of the manuscript for the press.

To Miss Jessie Ashworth, secretary in the Dean's Office of the Yenching College of Public Affairs, the writer is deeply indebted for undertaking to help in seeing the book through the press and for attending to some technical details which could not be worked out prior to the writer's departure from Peiping.

The officials of the Municipal Government, particularly those in the Mayor's Office and the Bureau of Public Safety, have taken great pains to supply accurate information in response to numerous questions, both oral and written.

To my friend Dr. Shuhsi Hsü, Chairman of the Department of Political Science at Yenching, I am indebted for facilitating the work of investigation in many ways and for arranging to have the book published under the auspices of the Department.

For the chapter on the administration of the Diplomatic Quarter the writer is principally indebted to Mr. W. P. Thomas, the permanent secretary of the Administrative Commission, for assistance which has been indispensable. Thanks are also due to the officials of various Legations for their assistance and

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encouragement. Mr. Cornelius van H. Engert, First Secretary of the American Legation in Peiping, has been especially helpful.

The writer wishes once more to emphasize the fact that he is alone responsible for such errors as have occurred in the statements made in the pages which follow.

July, 1933

ROBERT M. DUNCAN

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CHAPTER I.

INTRODUCTORY

It is well known that the capital city in every country must face abnormal conditions in matters of municipal government and administration. The development of municipal institutions in Peking before 1928 may be said to justify the application of this generalization to the Chinese capital, but it should be observed that, in the case of Peking, municipal problems assumed a more fundamental character, particularly at the beginning of the present century.

The long isolation of China produced an especially strong impression in the realm of law and politics. At the turn of the century there were, to be sure, numerous channels through which Western civilization was making its influence felt throughout the land. Yet the presence of foreign business men, diplomats, and missionaries by no means guaranteed a rapid assimilation of Western ideas regarding public administration either in national or in municipal affairs. For many years city government and administration in Peking remained relatively immune to modern conceptions which are taken as a matter of course in the West.

An event which may be asserted to have had a significant effect upon the development of the present municipality is the Boxer uprising which occurred in the summer of 1900. The attack upon the legations and the consequent international expedition to Peking for the relief of the besieged foreigners culminated in the military occupation of large areas in North China pending the acceptance by the Chinese Government of the terms of settlement dictated by the aggrieved Powers. It was during the absence of the Chinese imperial family from Peking while foreign troops were in possession of the city that

some experimental steps were taken toward the establishment of municipal institutions.

For the greater part of the period of occupation the expeditionary forces of Germany, France, Italy, Great Britain, Japan, and the United States exercised police authority in Peking, the troops of each Power having a distinct section of the city under their control. The Japanese established a military police office, and certain local gentry and merchants cooperated with the Powers to the extent of organizing a People's Welfare Institution in August 1900, only a few weeks after the arrival of the foreign expeditionary forces. In September, 1901, the month which marked the signing of the Protocol between China and the Powers and the withdrawal of the forces of occupation, the People's Welfare Institution was reorganized under the name of the Welfare Police Bureau, which in July, 1902, was again reorganized under the name of the Chief Inner City Public Works and Patrolling Office, consisting of five departments, namely, those of Inspection, Secretarial Affairs, Adjudication, Accounting, and Statistics. Each department had a Head and a Vice-Head, together with one Chief Inspector and a number of committee members. Thus it will be seen that immediately after the siege of the legations in Peking certain beginnings were made, and that after the withdrawal of foreign troops and the restoration of Peking to Chinese control the early efforts on behalf of municipal institutions were not allowed to lapse into oblivion. Meanwhile, in 1901, the Chinese Government had sent a group of students to Japan for training in modern methods of police administration. Some of these returned to Peking in the fall of 1903 and were assigned to certain areas in the Inner City, where they established a number of district police offices. In June, 1905, there was established the Chief Outer City Public Works and Patrolling Office, similar in organization to the Inner City office instituted three years earlier.

In December, 1905, a further reorganization was effected, resulting in the Inner and Outer City Chief Police Offices. The Chief Office in the Inner City had five Branch Offices,

namely, Central, East, West, North, South. Each Branch Office had under its jurisdiction a number of Ch'ü (districts). Under the Central Branch Office there were six Ch'ü, the others having five each, making a total of twenty-six. In the Outer City there were four Branch Offices, namely, East, West, North, and South. Of these there were six Ch'ü apiece for the East and West, and four apiece for the North and South, making a total of twenty Ch'ü for the Outer City.

In 1906 the five Branch Offices of the Inner City Office were reduced to three, the Central Branch Office remaining while the East and North Branch Offices were combined into the Left Branch Office and the West and South Branch Offices into the Right Branch Office. At the same time in the Outer City Office the Branch Offices were reduced from four to two in number, the North and East becoming the Left Branch Office and the West and South becoming the Right Branch Office. In December, 1908, the twenty-six Ch'ü of the Inner City Office were reorganized to form thirteen, the Central Branch Office controlling three, the Left and Right Branch Offices five each. The twenty Ch'ü of the Outer City Chief Police Office were reduced to ten, the Left and Right Branch Offices each controlling five.

Early in 1909, the Branch Offices were abolished. In April of the same year 204 dispatching offices were established under the control of the Inner City Chief Police Office and 136 under the Outer City Chief Office. About three months later regulations governing the organization of the two chief police offices were drafted jointly by these offices and received the approval of the Imperial Civil Affairs Board. An outline of their organization is as follows:

General Affairs Office
First Department
Police Affairs
Confidential
Secretarial
Statistical

- Second Department
 - Accounting
 - Business
- Administration Office
- First Department
 - Guards
 - Order
 - Customs Reform
 - Matters relating to Foreign Affairs
- Second Department
 - Census
 - Communications
 - Construction
 - Business Enterprises
- Adjudication Office
 - First Department
 - Criminal Cases
 - Second Department
 - Police Offense Cases
 - Health Office
 - First Department
 - Cleaning
 - General Health
 - Disease Prevention
 - Second Department
 - Medical Affairs
 - Chemical Analysis
 - Opium Elimination

The advent of the republican regime in 1912 did not result in the immediate overturn of the system of police administration which had been evolved during the years following the Boxer troubles of 1900. Changes did occur, as formerly, but the existing organization was utilized, and the process of reorganization went on gradually and without radical or abrupt changes in the personnel and methods of the police force.

In February, 1913, by an order of the Ministry of the Interior of the Republic, the Inner and Outer City Chief Police Offices were amalgamated in the Peking Metropolitan Police Office. The following outline indicates the organization of this office in accordance with an order issued by the President of the Republic in March, 1914:

- Secretariat
- General Affairs Office
- First Department
 - Police Affairs
 - Secretarial Affairs
 - Statistics
- Second Department
 - Accounting
- Third Department
 - Business
- Administration Office
 - First Department
 - Order
 - Customs Reform
 - Second Department
 - Matters relating to Foreign Affairs
 - Communications
 - Census
 - Third Department
 - Guards
 - Business Enterprises
 - Construction
- Adjudication Office
 - First Department
 - Criminal Cases
 - Second Department
 - Intelligence
 - Third Department
 - Police Offense Cases

Health Office

First Department

Cleaning

Second Department

Inspection

General Health

Disease Prevention

Third Department

Medical Affairs

Chemical Analysis

Fire Prevention and Flood Control Office

First Department

Organization and Training

Rewards and Punishments

Second Department

Water Sources

Equipment

Supervision Office

Ch'i Offices

Inner City Ch'i Offices (10)

Outer City Ch'i Offices (10)

Unity of police administration in Peking was closely followed by the establishment, by an order of the Chinese President on April 25, 1914, of the Peking Municipal Institution. The Kung Hsün Tax Bureau, an elementary municipal organ which had been established by an Imperial ordinance in 1907, was brought under the control of the Peking Municipal Institution on July 1, 1914, when for the first time a clear distinction came to be made between national and local administrative expenses, although as a matter of fact revenues secured through the Kung Hsün Tax Bureau had been used for some time for road construction and police maintenance. On June 13, 1914, a Civil Engineering Office was established by an order of the Ministry of the Interior, but it was

not brought under the Peking Municipal Institution until April, 1917, when it became the Construction Bureau.

On December 28, 1917, regulations drawn up by the Ministry of the Interior were approved by the President of the Republic governing the organization of the Peking Municipal Institution. These regulations indicate the general nature of municipal administration in the capital of the Chinese Republic. Articles 1 and 2 make it clear that the authority is wholly national in character:

Article 1. The Ministry of the Interior shall for the time being direct the municipal administration of the entire capital.

Article 2. The Peking Municipal Institution is specially instituted to be in charge of the municipal administration of the entire capital. The Director will appoint the staff for the organization of the Institution.

Provision is made (Article 13) for a Resident Director who is designated (Article 19) by the Director (the Minister or Vice-Minister of the Interior) in consultation with the Chamber of Commerce of Peking and receives an appointment by selection from the President of the Republic. This official must have had actual administrative experience in Peking municipal affairs, and it is his function to act as the administrative head of the Municipal Institution, subject to the authority of the Ministry of the Interior. The appointing power remains in the hands of the Director (Article 20).

Four regular Bureaus and one special Bureau of Investigation to be temporarily established in case of necessity, together with certain subordinate organs, namely, an Engineering Tui and a Materials Supply Shop (Article 3), constitute the principal administrative divisions of the Peking Municipal Institution under the regulations of December 28, 1917. The First Bureau has a variety of functions, including financial matters, statistics, and the drafting, receipt, and dispatching of documents. The Second Bureau has supervision of matters relating to public relief and health, public property, certain

inspection and registration operations (Article 5) regarding the transfer of land and houses and the delimitation of municipal areas (Ch'ü). The Third and Fourth Bureaus have charge of the planning and direction of functions which have to do with public works, and a separate division of engineering also participates in these operations, while a Materials Supply Shop (Article 9) is responsible for the receipt, distribution, and repair of construction materials, tools, and machinery.

It is evident that the two decades which followed the Boxer troubles constituted a period of experimentation with regard to municipal institutions in the Chinese capital. During this time there were constant changes in administrative structure, yet no wholly radical fluctuations occurred. Police administration received special attention and gradually developed on a systematic basis. By 1925 the police system had become well established. In that year the policing of the four suburb areas was placed under the jurisdiction of the Peking police. The outline which follows gives an indication of the fact that by that time police administration had reached a point in its development which was to remain for some time as the standard, subject to minor variations with the advent in 1928 of the Peiping Municipality when the capital was removed to Nanking.

Organization of the Peking Metropolitan Police Office in 1925:

- Secretariat
- General Affairs Office
- First Department
 - Police Affairs
 - Secretarial
 - Statistics
- Second Department
 - Accounting
- Third Department
 - Business

- Administration Office
 - First Department
 - Customs Reform
 - Order
 - Second Department
 - Matters relating to Foreign Affairs
 - Communications
 - Census
 - Third Department
 - Guards
 - Business Enterprises
 - Construction
- Adjudication Office
 - First Department
 - Criminal Cases
 - Second Department
 - Investigation
 - Third Department
 - Police Offense Cases
- Health Office
 - First Department
 - Dikes
 - Roads
 - Second Department
 - General Health
 - Quarantine
 - Third Department
 - Medical Affairs
 - Chemical Analysis
- Property Office (in charge of property belonging to the Metropolitan Police)
 - Chief Fire Prevention Office
 - Chief Superintendence Office
 - Four Suburb Superintendence Offices

Chief Detection Office
Ch'ü Offices (24)
 Central Ch'ü (2)
 Inner Left Ch'ü (4)
 Inner Right Ch'ü (4)
 Outer Left Ch'ü (5)
 Outer Right Ch'ü (5)
 East Suburb Ch'ü
 Branch Ch'ü Offices (4)
 West Suburb Ch'ü
 Branch Ch'ü Offices (5)
 South Suburb Ch'ü
 Branch Ch'ü Offices (4)
 North Suburb Ch'ü
 Branch Ch'ü Offices (3)
Communications Tui
Gendarme Tui (6)
 Branch Tui (16)
Mounted Gendarme Tui
Suburb Gendarme Tui (2)
 Branch Tui (4)
 Detective Tui (2)
 Branch Tui (6)
Suburb Detective Tui (2)
 Branch Tui (4)
Fire Prevention Tui
 Branch Tui (6)
Police Band
First Police Training School
Second Police Training School
Police Recruits Training School
Women's Work Shop
Educational Institute
Inner City Hospital

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Outer City Hospital
Insane Asylum
Public Training Institute
Women's Relief Station
Prostitution Certificate Office
Health Inspection Office
City Markets (4)
Jail
Inner City Relief Station
Outer City Relief Station
Health Station

CHAPTER II

LEGAL BASIS AND GENERAL ORGANIZATION

Upon the removal of the national capital to Nanking in 1928, the problem of municipal government presented itself in an entirely new aspect in Peiping. Apart from the unique administrative situation created by the continued presence of the Diplomatic Quarter despite the fact that Peiping was no longer the national capital, the change in political status made possible a more normal municipal development. Municipal functions which had previously been parcelled out among various agencies of the national government, to be exercised in subordination to considerations of national politics, could now be treated according to the standards laid down by the organic law relating to municipalities. Under instructions from Nanking the first step in this direction was taken on June 28, 1928, when the old Peking Metropolis was superseded by the Peiping Special Municipality. The new régime was duly instituted in accordance with the provisions of the municipalities law promulgated by the national government on July 3, 1928. Practical difficulties remained to tax the capacities of those who were charged with the administration of the newly constituted municipality, but the importance of a sound legal basis should not be underestimated.

From July, 1928, to the end of 1930 Peiping was a special municipality except for a brief period of two months soon after the advent of Chang Hsueh-liang. In accordance with instructions issued by the Northeastern Headquarters, dated October 17, 1930, Peiping was temporarily designated as a provincial municipality under the control of the Hopei Provincial Government. In December of the same year, however, instructions were received from the Executive Yuan of the National Government at Nanking applying to Peiping the

revised organic law relating to municipalities which had been promulgated on May 20, 1930. These instructions were put into effect, and Peiping was accordingly withdrawn from the jurisdiction of the Hopei Provincial Government. At the present time it is the organic law of May 20, 1930, which affords the legal basis for the Peiping Municipality.

Inasmuch as it was under the terms of the municipalities law of 1928 that Peiping first became a fully organized municipality, it is perhaps worth while to point out certain features of that instrument. The emphasis upon national authority which this law embodied is illustrated in an interesting manner in Articles 1, 3, 7, 35, 36, and 38 which read:

Article 1. Special municipalities are under the jurisdiction of the National Government and are not responsible to the Provincial Governments.

Article 3. The following types of cities may with special permission of the National Government be established as Special Municipalities:

1. The Capital of the Chinese Republic.
2. Cities with a population of over one million inhabitants.
3. Cities with special circumstances.

Article 7. The Special Municipality shall have a Special Municipal Government discharging administrative functions in accordance with the Kuomintang principles and law and orders of the National Government.

Article 35. Ministries and Yuan of the National Government and the Reconstruction Committee may petition the National Government to check, to cancel, or to alter orders or actions of the Municipality that are in conflict with law or in excess of the powers allotted to it in their respective dealings with the Municipality.

Article 36. Ministries and Yuan of the National Government and the Reconstruction Committee may petition the National Government to correct such instances of negligence in the performance of duty as may be noted in the conduct of the Special Municipal Government.

Article 38. Controversies between the Special Municipalities and Provincial Governments shall be settled by the National Government.

Certain other provisions in the same law which likewise illustrate the desire of the legislators to emphasize as much as possible a tendency toward national rather than provincial supremacy will be mentioned in connection with the treatment of specific aspects of the general organization of the municipal government. First, however, it is interesting to compare the terms of Article 2 of the revised municipalities law of 1930 with those of Articles 1 and 3 of the 1928 law reproduced above, and Article 11 of the 1930 law with Article 7 quoted above. It may also be noted that in the 1930 law there are no corresponding provisions for Articles 35, 36, and 38 of the 1928 law. Articles 2 and 11 of the 1930 law read as follows:

Article 2. An inhabited area fulfilling one of the following conditions shall be made a municipality under the direct jurisdiction of the Executive Yuan:

1. The Capital of the Chinese Republic.
2. A population of over one million inhabitants.
3. Special political and economic circumstances.

An area, although fulfilling the conditions laid down in sections 2 or 3 enumerated above, shall be a municipality under the jurisdiction of the Provincial Government if the said area is located at the seat of the Provincial Government.

Article 17. The municipality shall have a municipal government to be established by law and to be in charge of municipal administration. The municipal government shall supervise subordinate municipal offices and self-government institutions.

The two articles quoted above from the organic law of 1930 relating to municipalities indicate the general nature of the legal basis of the present Peiping municipality. The first paragraph of Article 2 might create a misleading impression regarding the actual position of the municipality in relation to

national authority were it not for the clear language of Article 11 which makes it sufficiently evident that the municipal government is not to be regarded merely as a minor branch of a highly centralized national administrative system. On the contrary, it is manifestly the intention of the framers of this law to provide ample room for the development of municipalities, not outside the scope of national law to be sure, but endowed with adequate local powers and functions. It would seem that the alteration of certain provisions and the omission of others, as indicated by the portions quoted above from the organic law of July 3, 1928, and the revised law of May 20, 1930, would justify the statement that the present law is better adapted to local needs than was the organic law of municipalities of 1928.

While it is necessary to examine briefly the legal basis of the municipality, it is of course to be remembered that the provisions of the law relating to the actual organization of the municipal government afford a more realistic picture of the situation as it exists in practice. Nevertheless, it would be a serious mistake to suppose that the municipalities law, either in the matter of the legal basis of the municipality as a whole or in that of general organization of the municipal government, is a mere form without substance. The general organization of the Peiping municipal government conforms closely to the plan outlined in the organic law except in the matter of detailed provisions which contemplate the establishment of democratic self-government institutions on a somewhat ambitious scale. With regard to existing administrative machinery the law is followed quite faithfully.

A list of municipal functions is enumerated in Article 5 of the 1928 law and in Article 8 of the 1930 law. The two articles cover very much the same ground, with somewhat greater attention to detail in the one now in force. The list is as follows:

1. Census and registration
2. Poor relief
3. Food storage regulations

4. Advancement of agriculture, industry, and commerce
5. Labor administration
6. Regulation of forestry, reclamation, animal-breeding enterprises, etc.
7. Supervision over public utilities
8. Organization and direction of cooperative stores, etc.
9. Improvement of social customs
10. Education and culture
11. Public safety
12. Fire prevention
13. Public health
14. Establishment and regulation of hospitals, vegetable markets, slaughter-houses, and public recreation places
15. Budget and statement of revenue and expenditures
16. Control and management of public property
17. Control and management of public undertakings
18. Land administration
19. Construction and repair of public buildings, parks, athletic fields, and grave yards
20. Regulations of private construction within the municipality
21. Construction of roads, bridges, dikes, etc.
22. Control of waterways and harbors and navigation administration
23. Work entrusted by higher offices
24. Other work permitted by law

According to Article 14 of the 1930 law a municipality shall have four Bureaus, as follows: Bureau of Social Welfare in charge of the functions enumerated in sections 1 to 10 of the above list; Bureau of Public Safety, sections 11 to 14; Bureau of Finance, sections 15 to 18; Bureau of Public Works, sections 19 to 22. If necessary, according to Article

15, additional Bureaus may be established with the approval of the higher authorities, as follows:

1. Bureau of Education in charge of the functions mentioned in section 10
2. Bureau of Public Health, sections 13 and 14
3. Bureau of Land Administration, section 18
4. Bureau of Public Utilities, sections 7 and 17
5. Bureau of Harbor Affairs, section 22

At the present time the Peiping municipality has only the four required Bureaus specified in Article 14 of the organic law. In the summer of 1932 the Bureau of Finance was temporarily abolished and its functions were assigned to one of the departments of the Secretariat, but on the receipt of instructions from Nanking ordering that it should be reconstituted the proper steps were taken and the Bureau of Finance reappeared. The Bureau of Education was discontinued in July of the same year.

Under the municipalities law of 1928 seven Bureaus were required, and in case of special circumstances two others could be established, namely, those of Harbor Affairs and Public Utilities. When Peiping was first established as a special municipality on June 28, 1928, there was only one Bureau, that of Public Safety, which was organized to replace the extinct Peking Metropolis Police Office. Not many weeks afterward, however, seven additional Bureaus were organized, namely, those of Social Welfare, Finance, Public Works, Education, Public Health, Land Administration, and Public Utilities. Two months before the promulgation by the National Government of the revised organic law of municipalities, however, three Bureaus were abolished by the municipal order of March 20, 1930. These were the Land Bureau which was amalgamated with the Bureau of Finance, the Public Health Bureau which was amalgamated with the Bureau of Public Safety, and the Bureau of Public Utilities which was amalgamated with the Bureau of Public Works.

The four existing Bureaus — Social Welfare, Public Safety, Finance, and Public Works — are the most important administrative divisions of the Peiping municipal government, and in the detailed functioning of these Bureaus lies the story of the routine contact of the municipal government with the general public. But it is obvious that the administrative system would not work smoothly if the matter ended here without provision for a municipal executive. Moreover, in Chinese municipalities it frequently happens that political, and even in some cases quasi-diplomatic negotiations, become necessary in the conduct of city government, and very naturally in these circumstances provision must be made for a responsible executive head whose political background is satisfactory in terms of the general as well as the local situation.¹

At the head of the Peiping municipal government stands the Mayor. A comparison of the relevant provisions in the organic laws of 1928 and 1930 is interesting in the matter of emphasis upon national authority, although of course it is to be borne in mind that in the one case explicit mention of the appointing power of the National Government does not justify the assumption that the decision is made without reference to the political situation of the locality, while in the other case the omission of a like item certainly is not to be taken to mean that the appointment is in no sense the concern of Nanking. Nevertheless, the articles in question illustrate to an appreciable degree the tendency of the law now in force to embody a more conservative viewpoint on the part of Nanking in the matter of local political influence. The articles in question read in part as follows:

Article 9 of the 1928 law: The Special Municipality shall have a Mayor appointed by the National Government. He shall direct and supervise all subordinate officers. . . .

Article 13 of the 1930 law: The municipality shall have a Mayor. He shall direct and supervise all subordinate officers. . . .

Closely associated with the Mayor of Peiping are a number of executive officials whose functions are of primary im-

portance, notably, the Directors of the four Bureaus, the Secretary-General, and the Counsellors. According to the organic law each of these higher officials may have the same appointive rank as the Mayor or one rank lower as the case may be. In Peiping it happens that at present the rank of the Bureau Directors, the Secretary-General, and the Counsellors is the same in each case as that of the Mayor. Both in form and in substance these officials occupy pivotal positions in the municipal government.

The Municipal Administrative Council, composed of the Mayor, the Counsellors, and the Bureau Directors, meets once a week in the case of Peiping according to the present practice, and passes upon the following items:

1. Detailed regulations concerning administration of the secretariat, the bureaus, or the departments
2. Municipal ordinances
3. Budget and financial statement
4. Ways and means of financial adjustment and issuance of municipal bonds
5. Management of government property and business
6. Controversies relating to the duties and functions of different offices, bureaus, or departments
7. Matters submitted by the Mayor
8. Other important items

A separate article of the organic law of 1930 furnishes a specific basis for the second of the items enumerated above. It reads as follows:

Article 12. The municipality, within the limit of powers allotted to it, and not in conflict with law, may issue orders and municipal ordinances.

The same organic law contains a brief chapter which deals with municipal finance. This chapter contains only two articles, as follows:

Article 9. The following shall be the revenue of the municipality:

1. Land tax
 2. House tax
 3. Business tax
 4. Licence fees
 5. Tax on advertisements
 6. Income from public property
 7. Income from public business
 8. Other taxes specially permitted by law or by orders
- Revenue from 1 and 2 shall be determined in accordance with such changes as may be specified in the law.

Article 10. The municipality may according to law issue bonds for constructive purposes.^a

It is interesting to notice that in the 1928 organic law the chapter on municipal finance contains an article (*Article 32*) which does not have any counterpart in the present law, and another article (*Article 33*) which should be compared with *Article 10* which is reproduced above. *Articles 32* and *33* of the 1928 law read as follows:

Article 32. All new taxes to be levied by the Special Municipal Government other than those contained in the aforementioned article [which corresponds roughly with *Article 9* of the 1930 law, quoted above] shall require the approval of the National Government.

Article 33. The Special Municipality may in case of need raise municipal loans which must, however, be subject to the approval of the National Government.

It will readily be seen from the foregoing provisions regarding the ordinance-making power and municipal finance that the present Peiping municipality is endowed with extensive powers of local government, subject, of course, to the conditions stipulated in the organic law relating to municipalities. These and other important municipal powers will be treated in some

^a No bonds have ever been issued in the Peiping Municipality.

detail in subsequent chapters. In the matter of territorial subdivisions within the municipality, however, the organic law reserves for the national authorities the right to prescribe certain conditions and lays down certain general requirements. The relevant articles read in part as follows:

Article 4. Definition and alteration of areas within the existing municipality shall be determined as follows:

1. They shall be determined by the decision of the National Government through the request of the Executive Yuan if the Municipality is under the jurisdiction of the Executive Yuan. . . .

Article 5. The municipality, shall be divided into Ch'ü [ward or police district], Fang [precinct], Lü, and Lin.

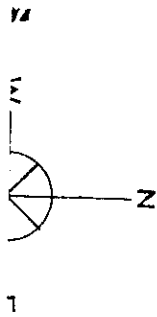
A Lin shall consist of five families, five Lin shall constitute a Lü, twenty Lü shall constitute a Fang, and ten Fang shall constitute a Ch'ü, unless otherwise specified. . . .

The territorial sub-divisions are especially important for police administration and they are also to be utilized on an extensive scale for purposes of local self-government. At the present time in Peiping there are fifteen Ch'ü serving as police districts, six in the Inner City, five in the Outer City, and four for the suburbs (each of the suburbs constituting a distinct Ch'ü). The actual territory covered by the municipality, particularly in the case of the four suburbs, is quite extensive, amounting to more than 700 square kilometers. In this respect, despite the added burdens imposed by the responsibility of the municipal government for the maintenance of order in the outlying districts, Peiping is more fortunate than many cities in Western countries in having undisputed jurisdiction over a relatively large area that extends well into the adjoining rural territory.

Enough has been said to indicate the general character of the legal basis of the Peiping municipality and the general organization and powers of the municipal government. It has been pointed out that with regard to the existing governmental

machinery the revised municipalities law of May 20, 1930, which is now in force, seems to embody a more realistic appreciation of the relation of the municipality to national authority than was the case with the earlier organic law of July 3, 1928.

A comparison of the present municipalities law as a whole with the earlier version reveals the fact that the 1930 law contains eleven chapters with a total of 145 articles, while the 1928 law had only seven chapters with a total of 39 articles. The space allotted to local self-government institutions on a democratic basis in the 1928 law amounted to one chapter of nine articles (and one article in another chapter). In the 1930 law the same subject occupies six chapters of 117 articles (and three articles in another chapter), thus constituting the largest element, in terms of space, in the entire law, amounting to eighty-three per cent of the total number of articles. The number of articles devoted to this subject in the 1928 law amounted, on the other hand, to only twenty-six per cent of the total. These figures are given here in connection with the statement that the present municipalities law conforms more closely to the actual situation only in so far as existing practice and existing organs are concerned. The extent to which the chapters on democratic local self-government are being utilized in connection with preparatory work will be treated in a later chapter. Suffice it to say at this point that a Municipal Assembly endowed with important powers of a quasi-legislative nature is contemplated in both the 1928 law and the revised law of 1930, and the present law also contemplates the establishment of detailed plans for democratic self-government within the various areas into which the municipality is divided (Ch'ü, Fang, Lü, Lin). Inasmuch, however, as these institutions have not yet been fully established, it would be inappropriate to discuss the details of the relevant provisions of the organic law in the present chapter.



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CHAPTER III

THE BUREAU OF PUBLIC SAFETY

Of the four bureaus of the Peiping municipal government the Bureau of Public Safety is by far the most important. This fact is indicated by the basic character of the functions performed, which include the policing of the city and the collection of certain taxes for police maintenance as well as fire prevention and control, and the improvement and protection of public health. Another significant factor is the cost of operation of the Public Safety Bureau, which bulks very large in proportion to that of the other Bureaus and agencies of the municipality. Nor do the figures on municipal expenditures tell the whole story. It is to be remembered that routine activities in the case of this Bureau extend to detailed territorial units (police districts and their subdivisions, etc.) to a degree that is not approached in any other Bureau, and involve at the same time a more continuous and intimate contact with the general public. Before 1928 the Metropolitan Police Office constituted practically the only fully organized municipal institution, while at the present time there are other important municipal functions performed by various bureaus and offices, but it is still true, although not in the same degree, that the Bureau of Public Safety, which has taken the place of the Metropolitan Police Office since the establishment of the Peiping Municipality, must be ranked as the foremost of Peiping's municipal Bureaus. The personnel of this Bureau is certainly the most efficiently trained and organized of any branch of the municipal government. At the same time it is by far the largest unit, the total number of officials and employees amounting to well over 10,000.

The general organization of the Bureau of Public Safety resembles to a certain extent that of the Metropolitan Police

Office of the earlier regime. In both cases extensive use is made of administrative offices or departments charged with the initiation and supervision of detailed activities which are actually put into operation in various police districts, special divisions of gendarme and detective corps, and numerous subordinate establishments of one kind or another, such as hospitals and health stations, a police training school, a reformatory, etc. Under the municipality, however, in contrast to the situation which obtained when Peking was the national capital, public safety functions are more effectively performed as a normal feature of municipal policy as a whole than was possible when the Metropolitan Police Office stood almost alone as an agency of municipal administration. The time has not yet come when municipal government in Chinese cities rests upon a basis of democratic self-government, and it would be ridiculous to claim a substantial degree of popular control for the public over existing administrative officials, but on the other hand, while it must be admitted that municipal administration is wholly in the hands of a special class of professional politicians, it is to be noted that there is an existing system with a very real hierarchy of officials. This system is admittedly the product of special circumstances which at the present time find no counterpart in Western cities, yet this is no reason for assuming that municipal functions in Chinese cities are wholly without a systematic basis of administrative organization. Considerations of this kind are particularly important in the case of functions as essential as those of public safety.

It is for reasons of the kind that have just been noted that it is worth while to pay attention to the dual position of the Director of the Bureau of Public Safety. As the chief of the most important Bureau he plays an exceedingly prominent part in the work of the municipal administrative council, where matters of general policy are determined. At the same time he has certain quasi-political functions which, like those of the Mayor, have frequently taken him away from the active super-

vision of his Bureau. His membership in the municipal administrative council and his quasi-political activities, while intimately related in both cases to the work of the Bureau, are nevertheless mainly concerned with general principles and policies which are to be distinguished from the routine direction of the Bureau. Like the Mayor he must of necessity leave much of the administrative supervision to certain subordinate officers.

As the administrative head of the Bureau, the Director presides at a weekly meeting which is attended by the heads of the five departments, the secretarial chief, the fifteen police district (Ch'ü) chiefs, the Tui (detective, gendarme, etc.) chiefs, and the heads of all subordinate establishments and agencies under the Bureau of Public Safety (reformatory, hospitals, police band, etc.). This Bureau Council meets every Friday morning at ten o'clock for the receipt of instructions from the Director or higher authorities and the formulation of administrative policy within the Bureau.

The formal administrative organization at the headquarters of the Bureau of Public Safety consists of a secretarial office immediately under the Bureau Director, four regular departments, and a political training department. Assisting the Bureau Director at headquarters, therefore, there are three secretaries, four regular department heads, and a considerable number of minor officials. Of the several administrative subdivisions the secretarial office is the most important in the matter of general direction of the affairs of the Bureau. It is only natural, of course, that the discretion of the secretarial chief in the conduct of the business of the Bureau depends in large part upon his personal relations with the Director. When these relations are close the secretarial chief is occasionally placed in a position which closely resembles that of an acting Director just as the Secretary-General of the municipal government becomes virtually an acting Mayor when the latter is preoccupied with non-administrative affairs. Particularly in the interpretation and application of municipal orders and regulations the secretaries who are associated with the Director of the Bureau of Public Safety perform discretionary functions of primary importance.

The first department of the Bureau of Public Safety has four divisions (ku), namely, secretarial, accounting, business, and fire prevention. The first of these is to be distinguished from the secretarial office of the Bureau in that its duties are less discretionary, and involve matters connected with the use of the Bureau seal, Bureau correspondence, promotion of staff, police statistics, and conferences within the Bureau. The functions of the accounting ku have to do with the details of the Bureau's expenditure and revenue, and in view of the amounts involved this is an exceedingly important administrative office. The business ku deals with various matters of routine property management, including the supervision of the store rooms for police uniforms, the repair shop, the printing press, and the garage. The most curious office in the first department, in view of its specialized nature, is the fire prevention ku. It is to be remembered, however, that in Peiping the art of fire prevention is much less highly developed and involves less technical equipment and training than is the case in Western cities. This division of the first department is responsible for directing the work of the fire prevention units throughout the municipality.

The second department of the Public Safety Bureau has at present five ku, those of order maintenance (including censorship functions), communications (traffic), investigation (relating to house tax), census, and health. For the most part the work of these ku is that of staff operations. The first four are primarily concerned with ordinary police functions while the fifth is highly specialized in nature.

The third department of the Bureau includes three related functions under three ku, those of criminal cases, detection, and police court (including detention functions). Like the first four ku of the second department, these belong to police administration.

The last of the regular departments of the Bureau, the fourth, has two ku, namely, superintendence, and organization and training. These ku are also concerned with police functions, primarily, of course, in connection with inspection, discipline, and police education.

The last staff administrative office of the Bureau of Public Safety is that of the Political Training Department, a specialized organization which has two ku, those of special affairs and of training. A people's school division is also attached to this department. The duties of this somewhat peculiar unit include both educational and publicity work as well as a certain amount of investigation of the activities of groups suspected of radical activities. An attempt is made to spread the doctrines of the dominant political party, particularly in connection with the municipal program for self-government preparatory work.

Certain facts have been enumerated which indicate the preponderant position of the Public Safety Bureau in the municipal government of Peiping and the general character of the administrative organization at Bureau headquarters, but it is manifestly necessary to go beyond these considerations in order to form a proper estimate of the organization and functions of the police force. While it is true that the Bureau of Public Safety is concerned mainly with police operations, there are within the Bureau certain highly specialized establishments, notably several hospitals and health stations, which are so clearly outside the realm of police activities that they can best be considered separately. On the other hand the responsibility for fire prevention and control, assigned in the West to a distinct unit in the municipal organization, in Peiping belongs to one division of the police force and must be treated simply as the principal function of an emergency police unit.

Under the political conditions existing in Peiping it frequently happens that formal rules and regulations, whether directed to governmental officials or to the general public, are honored more in the breach than in the observance. Of course this is by no means always true in Peiping, nor is it a condition unknown to municipal government in Western cities, but it would certainly be pointless to overlook the fact that in the Peiping municipality, and especially in the police system, problems of administration are not approached primarily from the standpoint of legal considerations. In view of this fact a study of the formal rules and regulations governing the

theoretical administrative structure of the Public Safety Bureau does not throw sufficient light upon the actual operation of the police system. While this is not at all equivalent to saying that a system of administration is lacking in the Peiping Bureau of Public Safety, it does, nevertheless, mean that care must be taken to view the work of the police as far as possible on the basis of the local unit in which the bulk of the routine police activities is actually carried on. This unit is the police district (Ch'ü), and it is upon this fundamental unit of the police system that attention will be centered.

Of the fifteen police districts in Peiping eleven belong to the city proper and four to the suburbs. The latter, because of their size, have a somewhat less centralized administrative system than the eleven other Ch'ü. There are also some minor variations in this respect among the four suburb Ch'ü, but in the eleven police districts of the city proper the administrative machinery is practically uniform. Local conditions, of course, vary considerably with regard to population, commercial interests, and political factors. Three districts, the Inner First, the Outer First, and the West Suburb, afford sufficient indication of the detailed organization and functions of the police force in its activities in local areas, except for the matter of special functions performed by the gendarme corps, the detective division, the fire prevention division, the bicycle squad, the special superintendence division, the police band, and the police training school, which will be taken up as soon as the situation in the police districts has been dealt with.

The problem of relations between district offices and Bureau headquarters, which is, very naturally, a highly important item in the general system of police administration, will be noted first in the course of reviewing police operations in the various Ch'ü, and again in connection with the special corps and divisions which have been mentioned. In this way it is hoped that undue emphasis upon the formal organization of Bureau headquarters may be avoided.

By far the most important police district in Peiping is the Inner First, for in addition to substantial commercial

interests, foreign as well as Chinese, there are also certain special political factors which impose upon the police authorities extraordinary responsibilities with regard to this area. The fact that of the foreigners in the Chinese municipality the largest proportion reside in the Inner First District affords some indication of the political background of police work in this area, for, although extraterritorial rights exempt many foreigners from the jurisdiction of Chinese courts, these exemptions do not relieve the Chinese authorities of the primary duty of police protection. The outstanding political factor which makes this police district rank first in importance, however, is the fact that it adjoins a considerable section of the northern border of the Diplomatic Quarter as well as the entire eastern border. As long as the Diplomatic Quarter remains as a separate area under foreign jurisdiction, and particularly while its fortified walls, beyond the glacis, retain their somewhat menacing aspect, the position of the Chinese police authorities in the immediate vicinity is by no means enviable. But what makes the Inner First Police District especially important in this connection at the present time is based on political considerations which have their explanation in the existing international situation.

For several hundred yards from the northeast corner of the Diplomatic Quarter along both the northern and eastern borders runs the "defense sector" forfeited by Austria-Hungary and assigned by the Allied Protocol Powers to the Japanese during the Great War. At a time when the tension in North China is very great with reference to the relations of China and Japan, the presence of Japanese legion guards on the Diplomatic Quarter's fortified wall and on the glacis, in plain view of the public, does not tend to produce a calming effect. Along the eastern border of the Diplomatic Quarter runs Hatamen Street, one of the main thoroughfares of the city, and the staging of "practice maneuvers" by Japanese legion guards on the adjacent glacis takes place within a few yards of this street, which is normally crowded with traffic. Only a light barbed wire fence separates the glacis from the street.

To the north of the fortified wall of the Diplomatic Quarter, right on the glacis, moreover, there runs a wide thoroughfare which has been policed by the Chinese authorities since 1904. When, as occasionally happens, the Japanese legation guards cross this street in the course of their "practice maneuvers," sometimes penetrating beyond the border of the Quarter into areas under purely Chinese police jurisdiction, it is obvious that serious developments might easily take place. Under these circumstances the utmost caution on the part of the authorities of the Inner First Police District, as well as considerable skill in handling an exceedingly delicate situation, is indispensable if extremely serious trouble is to be avoided.

Fortunately the daily relations between officials of the Inner First District and foreigners are not exclusively or even mainly concerned with unpleasant possibilities of the variety just mentioned. On the contrary, as a matter of fact, close collaboration is constantly required between the Inner First police and the police of the Diplomatic Quarter, and in practice there appears to be a considerable measure of success in efforts along these lines. Moreover, when the Inner First police deal directly with private foreign nationals who reside in the district, or with outsiders in matters of traffic regulation, for example, the presence at district headquarters of certain experienced Chinese officials goes far toward keeping the procedure on a mutually satisfactory basis. In this connection it is interesting to note certain facts regarding the personnel of district headquarters.

At the Inner First District headquarters there are several officials who have acquired considerable experience in handling a wide variety of problems in police administration. The necessity of maintaining order without having complete control over all persons who enter the district demands, with reference to foreigners enjoying diplomatic immunities or extraterritorial rights, a practical rather than a legalistic attitude on the part of the police authorities; nor does the attitude of the police towards the Chinese populace, either in the matter of regulating street traffic, or of suppressing crime, or of pre-

venting political incidents, have as much to do with the legal rights of individuals as with the attainment of the immediate practical object which confronts the police force, namely, the effective exercise of authority.

The responsibility for directing police administration in the Inner First District rests with the police Ch'ü (district) chief and six police Ch'ü assistants. Either the Ch'ü chief or an assistant is at all times on duty as the responsible administrative official of the police district. There are also two secretaries, one police student, and fifteen clerks at district headquarters. Thus the civilian staff of this police district numbers twenty-five men.

The police Ch'ü chief of the Inner First District has been with the Peiping police force since 1909, and he has been in charge of police administration in the same area since October 1928. Before receiving his appointment to the police force in 1911 he had spent several years studying police administration and law in Japan where he received an LL.B. degree. Of the police Ch'ü assistants, one joined the force in 1906, one in 1912, and one in 1914.

There are 440 policemen stationed in the Inner First District. Of this number 19 are police officers, 50 are sub-officers, and 371 are ordinary policemen. Under the supervision of the police Ch'ü chief and his assistants the routine duties of order maintenance, traffic regulation, house tax collection, census work, etc. are regularly performed by this body of men. As an indication of the general stability of this section of the police force it is interesting to note that 12 of the 19 police officers and 13 of the 50 sub-officers have had twenty-five or more years of service while 44 of the 371 ordinary policemen have been members of the force for ten or more years. It should also be noted in this connection that of the 371 ordinary policemen 41 belong to the first rank, 54 to the second rank, 79 to the third rank, and 197 to the recruits. Of the 44 ordinary policemen who have had ten or more years of service, 26 belong to the first rank, 13 to the second rank, and 5 to the third rank.

In addition to district headquarters, the Inner First Ch'ü has certain subordinate police stations. Nine police officers, twelve sub-officers, and ninety-one policemen are housed at district headquarters, five branch stations providing living quarters for the remainder. This system of keeping officers and men on the premises day and night, although it undoubtedly imposes severe restrictions according to Western standards, upon the freedom of individual policemen when they are not on active duty, obviously has certain advantages from the standpoint of police discipline. This consideration is particularly important when it is recalled that political conditions in China necessitate a semi-military system of police organization and discipline. The five branch police stations which have just been mentioned are used exclusively for living quarters and the storing of supplies. In the same police district there are twenty dispatching offices, or patrol stations, which constitute the smallest and in some respects the most essential operating units in the police system. It is through the agency of the dispatching office that the routine patrol work is supervised in detail. In charge of each dispatching office there is at all hours a sub-officer who is responsible directly to district headquarters. Included in the functions performed within the jurisdiction of the dispatching office is the collection of census information regarding births, deaths, marriages, arrival or removal of households, etc.

The Outer First Ch'ü adjoins the entire southern border of the Diplomatic Quarter, but an effective barrier between the two areas is provided by the high Tartar wall which separates the Inner and Outer sections of the city. This wall, which is under the control of foreign military authorities in the Diplomatic Quarter from the Hatamen Gate at the eastern end of the Quarter to the Chiennen Gate at the western end, is probably much less important from a strictly military point of view than it is with reference to its effectiveness in preventing the spread of foreign influences southward from the Diplomatic Quarter into the adjacent Chinese area. Parallel to the southern edge of the wall the tracks of the

Peiping-Shanhaikwan railroad, which run eastward from the station just outside the Chiennen Gate, form an additional barrier between the inhabited area of the Outer First Ch'ü and the Diplomatic Quarter.

The Outer First Ch'ü, despite its proximity to the Diplomatic Quarter, remains for the most part thoroughly Chinese in contrast to the Inner First district into which a good many Western interests, habits, and influences have penetrated or have been imported, as the case may be, from the Diplomatic Quarter. That the semi-foreign appearance which a considerable section of the Inner First Ch'ü has gradually acquired as a result of its proximity to the Diplomatic Quarter is not without an important bearing upon the conduct of police operations in the same district, particularly with reference to the treatment of political factors involving foreign interests, has already been noted. Similarly in the Outer First Ch'ü the heavy preponderance of purely Chinese interests vitally affects the character of police operations in that district.

The organization of the administrative staff in the Outer First Ch'ü, as well as the disposition which is made of the 457 police officers and policemen assigned to this district, with regard to the dispatching offices, branch stations, and district headquarters, the arrangements for patrolling, etc. closely resembles the plan that is followed in the Inner First District. The chief points of difference between the two have to do with the local character of the districts and the resulting variation in methods. One of the principal factors affecting police administration in the Outer First Ch'ü is the fact that it is one of the two most densely populated districts in the entire city. Moreover, it includes a considerable number of Chinese curio shops which normally do a thriving business whenever foreign tourists come to Peiping. The policing of this section is important both from the standpoint of protection against crime and also, significantly, from the standpoint of police revenues.^a

^a See table on house tax collection for January-December, 1931, facing p. 40.

Of the remaining nine police districts in the city proper, little needs to be said. Their organization and the nature of their police operations call for no special comment, for the same general plan is followed in these districts as that which governs police administration in the Inner First and the Outer First Ch'ü. Two districts, the Inner Second and the Inner Sixth, are located in the vicinity of the Diplomatic Quarter, although neither of them actually adjoins it. In neither the Inner Second nor the Inner Sixth Ch'ü, however, has the problem of police administration acquired as much of a special character by reason of the proximity of the Diplomatic Quarter as is the case with the Inner First. The Inner Sixth Ch'ü is one of the most interesting of the inner city districts, for the Forbidden City is located within its borders, as is the Metropolitan Library and Peking National University. The headquarters of the Municipal Government, except for the Bureau of Public Safety (which is located directly west of the Diplomatic Quarter, in the Inner First District), and the Peiping Political Readjustment Committee are other important institutions in the Inner Sixth.

Among the Outer city districts, conditions in the Outer Second are nearest to those in the Outer First, due to the density of population and the location within its limits of important Chinese commercial interests. This district, as a matter of fact, ranks first among all the fifteen Ch'ü in the important matter of house tax collections. The Outer Third, Fourth, and Fifth Ch'ü have no outstanding characteristics.

Of the fifteen police districts in the Peiping municipality the one which has the largest area, the largest number of policemen, and the most elaborate organization is the West Suburb Ch'ü. This district extends through several miles of flat farming country into the Western Hills, and within its limits are the Summer Palace and several famous temples as well as a considerable group of cottages and smaller temples which are privately occupied as summer homes. A fairly heavy stream of traffic on the roads which lead toward the hills is maintained at all seasons of the year by large numbers of

Chinese and foreigners of every class and description. The patrolling of these roads and the protection of a relatively large amount of property at a distance of ten to fifteen miles from the west gate of the city necessitates the maintenance of a substantial body of policemen in this area.

The maintenance of effective police administration in the section of the Western Hills which falls within the West Suburb Ch'ü is in large measure accounted for by its popularity as a summer resort. But there are also certain special considerations which should not be overlooked in this connection, for it happens that the immediate vicinity of the temple which for five years contained the coffin of Dr. Sun Yat-sen has a certain attraction for important personages in times of political crisis. It is not strange that the municipal authorities should take a good deal of care to guard the temples and other landmarks which contribute to the fame of the locality, nor is it unnatural that every effort should be made to insure as far as possible the safety of the persons who come and go. This remark applies not only to the prosperous and prominent Chinese who frequent the region in question, but also to all foreigners who put in an appearance. The political aspects of the protection of foreign lives and property are seldom allowed to escape an entirely disproportionate emphasis, even in the sphere of municipal government and administration. This is so in the West Suburb police district, as it is for somewhat different reasons in the Inner First Ch'ü.

Finally, apart from political and other special considerations, the West Suburb Ch'ü ranks high in importance in the matter of police administration by reason of the fact that it has the largest number of households and next to the largest population of all the police districts.

The exceptionally large area of the West Suburb Ch'ü necessitates an economical apportionment of policemen with reference to the special needs of various localities. The situation in the Western Hills section, and along the main highways which connect it with the city, has just been mentioned. There

are a number of good-sized villages which also require the stationing of groups of policemen, but it is especially in the section located just outside the west gate of the city that the concentration of a considerable number on patrol duty is required by reason of the dense population. However, this locality constitutes only a very small part of the West Suburb Ch'ü and there are large rural areas in it which, because of their relatively small population, require very little policing. Thus there is a considerable variety of local conditions in this district.

In contrast to the system of unified administrative control which obtains in each of the eleven police districts of the city proper where, with direct responsibility to Bureau headquarters, the Ch'ü Chief supervises operations from a central office which has a monopoly of local administrative authority over police officers and policemen assigned to the district, the West Suburb Ch'ü is subdivided into three Branch Ch'ü, each of these having an administrative office in charge of a Branch Ch'ü Chief who is assisted by a number of secretaries. The Chief of the West Suburb Ch'ü is, of course, responsible to Bureau headquarters for police administration throughout the district, but the existence of the three Branch Ch'ü relieves him of a large amount of work. There are also eight Branch Station Offices in the West Suburb, each of these having a simplified administrative jurisdiction over a specified area. These branch station offices are to be carefully distinguished from the branch police stations in the eleven districts of the city proper, for, unlike the latter, they are not used exclusively for living quarters and the storing of supplies. On the contrary they are centers of subordinate administrative authority, their relation to the Ch'ü headquarters and to the Branch Ch'ü offices being determined by the needs of the locality and the confidence of the Ch'ü chief in the official in charge. It must be noted, however, that in no case does the Branch Ch'ü Office, much less the Branch Station Office, deal directly with Bureau headquarters, all orders and instructions coming from Ch'ü headquarters. Particularly in an area as large as the West Suburb, however, it is useful to have these branch offices

for the handling of routine patrol work and for preliminary hearings in minor police offense cases.

In general the system of police administration in the North, South, and East Suburbs resembles that of the West Suburb Ch'ü. In the East Suburb, which has the largest population (123,041 in 1930) and next to the largest number of households (25,297 in 1930) of all the police districts, there is no Branch Ch'ü. The North Suburb has one Branch Ch'ü Office, located half a mile to the east of the Summer Palace close to the border of the West Suburb. This section of the North Suburb is somewhat more prosperous than other parts of the Ch'ü, and includes both Yenching and Tsing Hua Universities, as well as a portion of the main road which leads to the Western Hills. The South Suburb has two Branch Ch'ü. Each of these Suburbs has, as well as the usual dispatching offices, a number of Branch Station Offices of the same type as those in the West Suburb.

At first sight it may not appear that the compilation of census statistics should rank high on the list of police functions, and in all probability there is a considerable amount of wasted effort in this type of police activity; but the fact remains that census taking is regarded by the police authorities in Peiping as an exceedingly important part of their work. Over and above the matter of vital statistics, which it would be difficult if not impossible to secure through any other agency under existing conditions, the gathering of detailed information regarding the private affairs of all households by the police in the fifteen Ch'ü assures a degree of familiarity with local conditions which is extremely useful in connection with the prevention and suppression of crime as well as in other police operations.

The police district is the fundamental unit for census work. Under the direction of the Ch'ü chief one official at each Ch'ü headquarters office attends to census affairs as the census chief for the Ch'ü. This official is responsible for the preparation of census material and for its transmission to Bureau headquarters, largely on the basis of the reports made out by police

The payment of the house tax is ordinarily made to sub-officers of the dispatching offices of the Ch'ü by the tenants, although according to municipal regulations the burden of the tax is supposed to fall ultimately upon the owners of buildings. Dispatching offices turn over their collections to the Ch'ü office, which in turn deposits the money from day to day in a designated bank, forwarding a duplicate of the bank's receipt to Bureau headquarters. The responsibility for the handling of this money rests with the Tax Collector of the Ch'ü office. Each taxpayer receives a receipt, one copy being retained by the Ch'ü office and another being sent to Bureau headquarters.

At Bureau headquarters the Second Department handles all reports from the Ch'ü offices regarding the house tax. According to municipal regulations the Second Department is obliged to examine the records of the Ch'ü officials once a month in connection with the administration of the house tax. Provision is made for rewards and punishments of Ch'ü tax officials according to the success or failure in this work. The bulk of the work in the administration of the house tax falls upon the fifteen Ch'ü organizations rather than Bureau headquarters. The principal function of the latter is the checking of records submitted by the Ch'ü officials and the rating of the relative merits of the various Ch'ü organizations.

The table (on the opposite page) indicates in local currency the house tax collections in each of the fifteen police districts for the year 1931 (January to December). It will be noted that the Outer Second Ch'ü, although one of the smallest in area, returns the largest amount of revenue. This results from the fact that it is a densely populated business district, whereas the North Suburb Ch'ü which has the smallest population also returns the smallest amount of revenue.

Finally, it is interesting to note the following facts about the police districts of Peiping (only the Ch'ü organization and personnel being included, the figures for the special Tui being given separately) :

THE BUREAU OF PUBLIC SAFETY

POPULATION AND ADMINISTRATION PERSONNEL.

City	Area (square Kilometres) ^a	Population ^b	Administrative Staff ^c	Clerks ^d	Police Officers ^e	Police-men ^f
Inner First	7,317,531.00	102,756	10	15	69	371
Inner Second	6,099,268.50	97,261	11	14	70	388
Inner Third	6,127,145.0	101,447	10	23	60	341
Inner Fourth	5,169,742.50	99,281	9	12	62	332
Inner Fifth	5,583,454.50	71,313	8	13	61	323
Inner Sixth	6,930,339.00	51,824	9	13	61	388
Outer First	1,849,488.50	71,264	10	13	68	389
Outer Second	2,652,000.00	85,654	12	14	70	404
Outer Third	7,447,479.00	91,498	8	13	60	339
Outer Fourth	7,583,530.00	82,144	9	13	57	346
Outer Fifth	7,551,102.50	79,228	9	13	63	362
Suburb North	110,938,464.00	87,593	9	19	65	334
Suburb East	151,278,367.50	123,041	9	20	85	423
Suburb South	129,761,697.00	108,211	14	24	81	435
Suburb West	262,397,499.00	122,287	20	29	106	583
Total	718,687,027.50	1,375,462	157	248	1,038	5,758

^a According to Bureau of Public Safety records.

^b According to police census for the year July 1929 — June 1930.

^c As of July 1932; includes City chiefs, Branch City chiefs (three suburbs only), City assistants, secretaries, police students, a few miscellaneous officials.

^d As of July 1932.

^e As of July 1932; includes sub-officers as well as officers.

^f As of July 1932; includes recruits as well as first, second, third rank policemen.

Certain figures which show the position of some officials of the Ch'ü, as well as of police officers and sub-officers, indicate the fact that the police districts in Peiping are manned by an experienced personnel:

	Number	Range of Salary		Average Salary	Number of years of service in Peiping police force				
		25 or more	10-24		5-9	less than 5	6	7	8
Ch'ü Chiefs	15	\$112-152		\$131.60	0	4	5	6	6
Branch Ch'ü Chiefs	6	40-96		60.67	4	0	0	2	2
Ch'ü Assistants ...	70	24-57		43.09	18	16	17	19	19
Police Officers	293	17-47		25.25	159	68	42	24	24
Sub-Officers	745	12-22.50		14.63	198	330	186	31	

While the greater part of the Peiping police force is composed of police officers and policemen who are assigned specially to the various police districts, there are certain special units, such as the gendarme corps, the mounted gendarme corps, the bicycle squad, the detective division, the fire prevention division, the special superintendence division, the police training school, and the police band, which are not included in the regular police district organization. The special units constitute essential parts of the city's police system, and their organization and functions are matters of considerable importance.

Some of the special units of the police force have emergency functions which bring them into close contact with one another. These are the detective division, the fire prevention division, the bicycle squad, and the gendarme corps, including the mounted gendarmes. The officers and men assigned to these units number 2171; the civilian staff, composed of officials, secretaries, and clerks, numbers 89. The size of these bodies of emergency police ranges from 44 officers and men in the case of the bicycle squad (325 in the fire prevention division and 523 in the detective division) to 1279 in the gendarme units. The largest of these will be dealt with first, then the detectives and firemen, and finally the bicycle police.

The largest of the special police units, as has just been indicated, is the gendarme corps, composed of 1279 officers

and men and a civilian staff of 43, including the mounted gendarme unit, which has 139 officers and men. Apart from the mounted unit, there are four companies (Tui) of gendarmes, numbering 283 officers and men for the first, 312 for the second, 262 for the third, and 283 for the fourth company.

The four regular gendarme companies (exclusive of the mounted gendarmes who constitute a separate unit as far as internal organization and training are concerned, their operations being carried on chiefly in the suburbs) are employed in special and emergency patrol and order maintenance work in the city proper. They have nothing to do with such functions as census work and house tax collection and they are better armed and more thoroughly drilled in semi-military exercises than the ordinary police. Since 1914, when the gendarme corps (Paountui) was organized for the special protection of foreign lives and property in Peiping, this unit has served as an adjunct to the ordinary police. Its functions have become less and less strictly military, until at the present time the gendarme companies are primarily police units. It is to be remembered, however, that in the course of exercising their functions in times of political crisis or other emergency the gendarmes constitute a better guarantee for the preservation of peace and order than would purely military units. The morale of the four companies is excellent, and in this connection it is not too much to say that to General Muntze, the foreign adviser of the Paountui since their organization in 1914, belongs a large share of the credit. Since 1924 he has been the only foreigner connected with the gendarmes. Before that time there were three other foreign advisers.

The gendarme corps receive their orders from the Fourth Department of the Public Safety Bureau. Each gendarme company, however, has its own staff officials and headquarters office, and the staff officials at company headquarters are held strictly accountable to the higher authorities at Bureau headquarters for the activities of the officers and men placed in their charge. The headquarters of the First Tui is located in the Inner

First Ch'ü, the Second Tui headquarters in the Inner Third Ch'ü, the Third Tui headquarters in the Inner Sixth Ch'ü, and the Fourth Tui headquarters in the Outer Fifth Ch'ü.

At the head of the mounted gendarmes there is a Tui chief, receiving a monthly salary of \$128, assisted by a Tui sub-chief with a monthly salary of \$45. A secretary at \$24 per month and a clerk at \$16 per month complete the civilian staff for this unit. The civilian staff for each of the other four gendarme companies is larger, ranging from nine to eleven in number. At the head of each of these companies is a Tui chief, assisted in each case by a Tui sub-chief, and there are also two Branch Tui chiefs in each of these four companies, as well as a secretary and several clerks. Three of these Tui chiefs receive a monthly salary of \$128, the fourth receiving \$120. Three of the sub-chiefs receive \$56, the fourth, \$60. Four of the Branch Tui chiefs receive \$44, three \$48, and one \$40 per month. Of the secretaries, one receives \$40 per month, two \$24, and one \$20. Most of the clerks receive \$16 monthly, two receive \$18, and one clerk receives \$20.

Among the staff officials of the gendarme units the years of service vary considerably. For the mounted gendarme unit, the Tui sub-chief has had twenty-six years of service, the Tui chief, seven years; but in none of the other four gendarme units has either the Tui chief or the sub-chief had over four years of service, although in these same units five of the eight Branch Tui chiefs have had twenty-five or more years of service, the remaining three having received their appointments in 1930.

Of the 1279 uniformed men in the gendarme corps, including the mounted gendarmes, 24 are officers and 130 are sub-officers. It is interesting to note that 19 of the 24 officers have had ten or more years of service, 11 of these having been with the force for twenty-five or more years. Of the 130 sub-officers, 100 have had ten or more years of service, 24 of these having had twenty-five or more years of service. Among the remaining 1125 gendarmes, none of whom is an

officer or a sub-officer, 46 of the 138 men of the first rank have had ten or more years of service.

The monthly salaries of officers in the mounted gendarme unit range from \$21 to \$31, while in the four other gendarme companies most of the officers receive \$35 per month. For the sub-officers in the mounted gendarme unit the monthly salary ranges from \$14 to \$19, and in the other four companies three-fourths of the sub-officers receive \$14 per month (in some cases \$14.50), the remainder ranging from \$15 to \$17, except for one at \$23.

Of the 1125 gendarmes in the non-officer class, those of the first rank receive \$11 (in a few cases \$12), the second rank \$10, the third rank \$9, the recruits \$8 monthly, except in the case of the mounted gendarmes, who receive one dollar more in each rank, including recruits.

The detective division comprises a civilian staff at headquarters of 32, including 14 officials, and four Branch Tui of officers and men, 160 officers and men belonging to the first, 161 to the second, 104 to the third, and 98 to the fourth, making a total of 523 officers and men.

The headquarters of the detective service is located in the Outer Fifth Ch'ü, and there are eight sub-divisions (two for each Branch Tui), each having a small staff office of its own. At the headquarters of the detective division there are the Tui chief, who is the highest official in the detective service, and a Tui sub-chief. The former has been a member of the detective force since 1905, his monthly salary amounting to \$128. He is directly responsible to the Third Department of the Public Safety Bureau for all the operations of the detective service. The Tui sub-chief, appointed in 1932, receives \$64 per month. His duty is to assist the Tui chief at the Tui headquarters. Of the four Branch Tui chiefs, three have had ten or more years of service, two of these having been with the force for twenty-five or more years. Their salaries range from \$64 to \$96 per month, without reference to length of service. There are also eight minor officials, five of them having had ten

or more years of service, and of these five, two have been with the force for twenty-five or more years. The monthly salaries of these eight officials range from \$32 to \$54, determined, apparently, according to length of service. Of the three secretaries assigned to staff headquarters, one receives \$32 per month, the other two \$40. A majority of the clerks receive \$16 per month, the salary of the others ranging from \$17 to \$27.

The members of four Branch Tui of the detective service are housed partly at the staff headquarters buildings, partly at the Branch Tui offices. Two Tui, the First and the Second, are assigned to the Outer City and two, the Third and the Fourth, to the Inner City.

Sixteen of the 523 members of the four detective Tui (four to each Tui) are officers. Eight officers have been members of the force for ten or more years, seven of these belonging to the first and second Tui. Officers' salaries in the detective Tui range from \$35 to \$65, the average in the first Tui being \$57.50, in the second \$51, in the third \$45, and in the fourth \$38.88.

Of the 507 men of the non-officer class in the four Tui, sixty-four belong to the first rank, twenty of these having been with the force for ten or more years. Thirteen of the latter belong to the first Tui, six to the second, and one to the fourth Tui. The first rank detectives receive from \$18 to \$24 per month, only a few (nine) receiving \$20 or more. Most of the second rank men receive \$14 per month, most of the third rank men \$12, and most of the fourth rank men \$10.

The organization of the special unit which is responsible for fire prevention and control in Peiping is based on the same general plan as that which governs other emergency units in the police force. It is natural, therefore, that the staff officials as well as the officers and men of the fire fighting unit should be subject to a type of training and discipline which involves less emphasis upon the technical aspects of fire fighting than would be required in cities which have a greater industrial importance than Peiping. The lack of technical

training and of adequate fire-fighting equipment, if the matter is considered from the point of view of standards which are applied in Western cities, is not to be taken to indicate wholly unsatisfactory performance of its functions by this emergency police unit.

At the head of the fire prevention unit is a Tui chief, assisted by a Tui sub-chief. These officials are responsible to the First Department of the Bureau of Public Safety for the activities of the fire prevention Tui. The Tui chief, who was appointed in 1928, receives \$128 per month, the Tui sub-chief (appointed in 1930) \$60. There are also four Branch Tui chiefs, receiving from \$40 to \$57 per month (an average of \$45.25), two of these having joined the police force in 1903, one in 1907, and one in 1908. Three secretaries, receiving \$32, \$48, and \$54 per month, one physician at \$32 per month, one physical instructor at \$24 per month, and three clerks (two at \$18, one at \$16) complete the civilian staff of the fire prevention Tui.

Of the 325 officers and men of the fire prevention Tui, 17 are police officers (all of these having joined the force between 1902 and 1910), and 36 are sub-officers (34 of these having been with the force for at least ten years, 26 of them for twenty or more years). The police officers receive from \$17 to \$30.50 per month, the sub-officers from \$13 to \$20.

In the non-officer class (272 men) there are 32 policemen of the first rank, 19 of these having been with the force for at least ten years, 10 of them for twenty or more years. Seventeen of the 45 policemen of the second rank and 10 of the 63 third rank policemen have been with the force for ten or more years while 15 of the 64 fourth rank policemen have been with the force for five or more years. None of the 68 fifth rank policemen has been with the force for as long a period as five years. The first rank policemen receive from \$12 to \$14 (an average of \$12.66), the second rank policemen from \$11 to \$14 (an average of \$11.43), the third rank policemen from \$10 to \$11, the fourth rank \$9 to \$10, and the fifth rank policemen \$8 per month.

The bicycle Tui is stationed at Bureau headquarters, where it is at all times available for emergency duty. It has nothing to do with the large number of bicycle police who are distributed among the various police districts. Its size has been recently increased to 160 men, the figures which follow being based on the records for July, 1932.

The bicycle squad is the smallest and the most simply organized of the emergency units. There are two police officers, one having joined the police force in 1906, the other in 1921, the former receiving \$25 per month, the latter \$20. Of the six sub-officers, two have been with the force for ten or more years. Five of the sub-officers receive \$13 per month and one receives \$15.

The thirty-six policemen of the non-officer class in the bicycle squad receive from \$8 per month in the case of recruits (third rank policemen \$9, second rank policemen \$10) to \$11 in the case of first rank policemen. The three first rank policemen have been with the force for five or more years, one of them having been with the force for ten years.

The police training school normally has about 150 students. At present (June 1933) the number is slightly less, including 19 women, whose training, except for the omission of some of the most strenuous drill exercises is practically the same as that given to the men. This is the first class of women police in Peiping.

The school is open throughout the year, two classes (with about an equal number in each) being trained simultaneously, one for a six months' period, the other for three months. Recruits are sent to this school for preliminary training in the fundamentals of police work. After a period of active service with the regular police force a second term of training is given to those who have made good.

In the Police Training School of the Bureau of Public Safety there are a director at \$180 per month, an acting Tui chief at \$54, and three Branch Tui chiefs, one receiving \$63 and two \$45. There is also an acting Branch Tui chief at \$27. There are ten officers of instruction, one physician,

two secretaries, an accountant, and three clerks. Of the officers of instruction one receives \$45, four \$27, four \$22.50, and one \$20; the physician receives \$36 per month. One of the secretaries receives \$36, the other \$27; the accountant receives \$27; two clerks receive \$20, the third \$16. None of the staff officials or of the officers of instruction has been a member of the police force for as long as five years. Nine policemen are assigned to the Police Training School as janitors, guards, messengers, etc. One receives \$9 per month, the others \$8.

Like the bicycle Tui, the Special Superintendence Tui has recently been greatly increased in size, the figures which follow being based on the July 1932 records. In the case of this Tui, moreover, the increase in size has been accompanied by a change in functions. In addition to the earlier work of inspecting the operations of the police force, the Special Tui has become an unit equipped for riot suppression operations and other emergency functions of a similar nature. Several motor trucks have been added to the equipment of the Special Tui.

At the head of the Special Superintendence Tui there is a Tui chief with a monthly salary of \$38.40. There are two Branch Tui chiefs, each receiving \$24 per month, and one clerk at \$16 per month. The Tui chief and one of the Branch chiefs joined the force in 1931, the other Branch Tui chief in 1925.

There are seven police officers in the Special Superintendence Tui, two receiving \$25 per month, the others \$20. There are seven sub-officers, two receiving \$18, three \$15, and two \$13 per month. None of the police officers or sub-officers joined the force before December, 1930.

Of the 52 policemen, 26 recruits all receive \$8, the 9 third rank policemen \$9, the 9 second rank policemen \$10, and 6 of the 8 first rank policemen \$11, the other 2 receive \$11.50 and \$13. Only 2 policemen in the Special Superintendence Tui have been with the force for more than three years (both of them for less than ten years).

The police band plays both Chinese and Western music. Weddings and funerals in the families of officials as well as the arrival in Peiping of important men, or their departure from the city, are the principal occasions upon which this unit is used. It has a Tui chief at a monthly salary of \$56 and a clerk at \$20. The Tui chief has been with the police force since 1906. Besides this small staff there are 47 officers and men.

There are one police officer at \$33 per month in the police band and six sub-officers, two receiving \$17, two \$15, and two \$13 per month. The police officer and one sub-officer joined the force in 1907, and all the other sub-officers have been ten or more years with the force.

Eighteen of the nineteen policemen of the first, second, and third ranks have been with the police force for at least five years, as have three of the seven fourth rank policemen. None of the fourteen fifth rank policemen has been with the force for five years. The fifth rank policemen receive \$8, the fourth rank \$9, the third rank \$10, the second rank \$11, and two of the three first rank policemen receive \$12, the other \$13 per month.

There remain several groups of police officers and policemen, both at the headquarters of the Public Safety Bureau and in certain subordinate offices and establishments, which should be included in an account of the police force.

At Bureau headquarters there are 233 officers and men (31 police officers, 51 sub-officers, and 151 ordinary policemen). Eighty of these are errand and messenger police, 63 are assigned to the police court, 44 are stationed at the jail, 32 at the store rooms for police uniforms, 11 at the repair shop, and 3 at the guards' room.

Certain miscellaneous functions, including newspaper censorship, inspection at railway stations, etc. take 103 officers and men (7 police officers, 12 sub-officers, and 84 ordinary policemen). The animal inspection office, which is an important agency for the collection of fees, has 52 officers and men. Another revenue producing agency is the Prostitution Certificate

Office, which has one police officer, one sub-officer, and three policemen. The various health services, hospitals, etc. have 87 officers and men (16 police officers, 14 sub-officers, and 57 ordinary policemen).

The police force in Peiping (July 1932) is distributed as follows:

Chi'u offices	6796
Tui offices (gendarme, mounted gendarme, detective, fire prevention, bicycle, police band, special superintendence)	2284
Subordinate offices (police training school, animal inspection, etc., including prostitution certificate office)	158
Bureau headquarters	233
Health services, hospitals, etc.	87
Total	<u>9558</u>

In addition to the police officers and policemen enumerated above, there are certain other policemen assigned to special duties which are not indicated in the above classification. It is probable that the number does not exceed 200.

It is interesting to note the distribution of the revenues collected by the Bureau of Public Safety for the fiscal year 1931-1932. These were as follows:

House tax	\$1,389,872
Police allowance additional tax	153,636
Miscellaneous	<u>357,102</u>
Total	\$1,900,610

This figure does not include the income of the health establishments under the Bureau. This amounted to \$29,851 for the same period.

So much for the Peiping police force. In conclusion something should be said concerning certain subordinate establishments of the Public Safety Bureau. Most of these are primarily health institutions, such as the Contagious Diseases Hospital, the Inner City Hospital, the Outer City Hospital,

the West Suburb Health Station. Despite the fact that very little money is available for the support of these establishments, they perform medical and surgical services at nominal fees and with a considerable degree of efficiency, considering the limitations imposed by the scarcity of revenues. Another institution which is primarily a health center is the Prostitutes Inspection Office. In this case, however, the function is closely related to one of the chief concerns of the police force, both from the standpoint of public order and, significantly, of police revenues. In this same connection the Prostitutes Certificate Office is also important. Two other establishments should be briefly mentioned. The first is the Reformatory, with about 130 inmates, aged twelve to forty. Various kinds of handicraft work are done in this institution, including towel weaving, carpentry, shoe-making, etc. Finally, there is an Animal Inspection Office at Bureau headquarters, with a staff of fee collectors stationed at the various city gates, where incoming animals are stopped long enough to make the fee collection. In this case the health function is purely nominal.

CHAPTER IV

BUREAU OF FINANCE

The Bureau of Finance has the simplest administrative structure of the four existing Bureaus of the municipality. The secretarial office, as in the other Bureaus, handles the more important documentary work. There are two departments, the first in charge of matters which have to do with the business management of the Bureau, and the preparation of the municipal budget, the second department having charge of land administration, inspection, taxation functions, and municipal treasury functions. In addition to the departments there are five taxation offices and three offices for receiving title deeds for registration (the latter being located in the East, North, and West Suburbs respectively).

The personnel of the Bureau of Finance, including the director, the secretarial chiefs, the department heads, assistants, clerks, inspectors, etc., number 176. No official or employee of the Bureau has been in office for as long as five years, and most of them have had much shorter tenures.

Each of the four Bureaus of the Peiping municipal government participates in the collection of revenues, and the function of the Bureau of Finance can be indicated to the best advantage if the sources of revenue are enumerated according to the Bureaus which are responsible for their collection. Public Safety, Public Finance, Social Welfare, and Public Works rank in the order named with regard to the amounts raised, while in the matter of detailed municipal taxes the Bureau of Finance has the chief responsibility. The following list shows the division of labor among the four Bureaus in the matter of municipal revenues:

Bureau of Public Finance	
Land tax (including certain fees)	
Title deed and transfer tax	
Commission or licence tax	
Pawn shop tax	
Animal tax	
Slaughter tax	
Shop tax	
Carriage tax	
Prostitution tax (levied on prostitution quarters and on prostitutes)	
Theatre tax	
Welfare tax (limited to certain specified classes of business)	
Certificate fees	
Fines	
Income from land	
Bureau of Public Safety	
House tax	
Police allowance additional tax	
Miscellaneous	
Animal inspection tax	
Rentals	
Prostitution tax	
Theatre tax	
Wood-cutting permits	
Cigarette tax	
Fines	
Etc.	
Public health fees	
Bureau of Social Welfare	
Income from city markets	
Business tax	
Carriage certificates	
Motor car certificates	
Tramway tax	

Advertisement tax	
Sales of marriage contracts	
Deposit on licence numbers	
Bureau of Public Works	
Construction fees	
Road fees	
Factory registration fees	
River administration: rentals	
Public bus tax	
Miscellaneous	
Sales of public park tickets	
Subsidy for road construction	
Etc.	

The importance of the position occupied by the Bureau of Finance in the municipal revenue system is illustrated by the figures for amounts collected by the four Bureaus during the fiscal year July 1931 - June 1932. The fact that a large portion of the amount collected by the Public Safety Bureau is derived from a single source, the house tax, must be kept in mind if the tax functions of the Bureau of Finance are to be viewed in their proper perspective in this connection, for the sums collected by the latter Bureau are not concentrated in any one tax. The amounts for 1931-1932 are as follows (exclusive of public health revenues in the case of Public Safety and of Social Welfare subordinate establishments):

Public Safety	\$ 1,900,610
Public Finance	1,681,132
Social Welfare	83,997
Public Works	57,791

The taxes administered by the Bureau of Finance under the present municipality have not been suddenly introduced with the advent of the new local administrative system, but on the contrary they have been adapted from the earlier regime which obtained when the city was the capital of China. This fact is to be kept in mind when the variety of sources and of agencies for collection is noted, for the present situation, after all, repre-

sents a considerable concentration of taxation functions in this one Bureau.

Land tax. This tax is based on an amalgamation of the Ti Ting (service formerly rendered to the Imperial Court from the land) and the Tsao Liang (tax on grain, hence on land). The annual tax rate was decreed on a permanent basis by the Court in 1713, and has, in theory, remained in force without alteration. It is proportioned to the fertility of the land, at .04 tael per mow (roughly one-sixth acre) for first grade land, .02 tael per mow for second grade land, and .01 tael per mow for third grade land. In 1914 the payment in taels was replaced by payment in dollars at the fixed rate of \$2.30 per tael. This exchange rate is still in force despite its arbitrary character. There is an additional tax of .01 tael (at the above-mentioned exchange rate for each tax note which indicates the grade of the lot of land. When land is newly reclaimed a certificate fee at \$0.23 per mow is charged (a single payment being made), and at the same time a registration fee is paid which amounts to the equivalent of the regular tax. The regular land tax is paid on such land afterwards. When a lot of land is rented from the government (the government having acquired the land by purchase or confiscation), the tenant pays a rental in accordance with the land tax procedure except that one tael is reckoned at \$2.00 instead of \$2.30. The revenue derived from the land tax amounted to \$10,659 for 1931-1932.

Title deed and transfer tax. This tax applies to transfers in ownership of land or buildings, mortgages, leases, and construction or substantial alteration of buildings. The rate is seven per cent of the selling price for transfers in ownership, seven per cent of the amount of the lease for permanent leases, seven per cent of the labor and materials cost for constructions, four per cent for mortgages. In each case, with the exception of constructions, there is also a registration fee amounting to two per cent. An additional tax of one per cent (except in the case of mortgages, where the rate is one-half of one per cent) is levied for the self-government fund. For every deed form a fee of fifty cents is charged. Deeds for land and buildings

used by the government or by certain welfare institutions are exempted from the tax, but a two dollar fee for registration is charged. When a house used for a shop is transferred or mortgaged, a separate rate of two per cent is levied for the "shop assets." The amount yielded by the title deed and transfer tax for 1931-1932 was \$431,744.

Commission or license tax. The name of this tax is somewhat misleading. It has been levied, apparently, since the days which preceded the establishment of the Tsing dynasty, and applies to goats, sheep, pigs, lime, wheat and other grains, sesame, cotton, oil, and paper. Originally middlemen, or commission agents, set the standard of measurements and prices in the city. This practice became legalized, and the tax offices of the municipality finally superseded the commission agents in most cases. The present rates are as follows:

10 cents per head for sheep or goats	
12 " " " pigs	
16 " " " ton " lime	
24 " " " " wheat and other grains	
10 " " " " sesame	
30 " " " " oil per 100 catties	
80 " " " " cotton per 100 catties	
5 per cent of value " paper	

The amount yielded for the year 1931-1932 was \$160,559. *Pawn shop tax.* This tax was first levied in 1662 at the rate of five taels annually for each pawn shop. In 1728 the rate was increased, and in 1896 it was further raised to 50 taels, which lasted until March, 1914, when the rate was doubled. One hundred dollars per year is the present rate. In 1931-1932 this tax yielded \$11,250.

Animal tax. This tax was instituted at the beginning of the nineteenth century. It applies to mules, horses, donkeys, camels, cows, sheep, goats, and pigs. It is levied once for all of these animals when they are brought into the city proper.

The rates are:

20 to 40 cents per head for horses	8	"	"	"	mules
	6	"	"	"	donkeys
	15	"	"	"	camels
	40	"	"	"	cows
	4	"	"	"	sheep and goats
	2 1/2	"	"	"	pigs

The amount yielded by the animal tax for 1931-1932 was \$20,717.

Slaughter tax. This was instituted at the end of the Tsing dynasty. It applies only to cows, pigs, and goats which are to be used for food. It is interesting to note that the regulations provide that only such cows as are useless for tilling the fields are to be slaughtered. The rate for cows is three dollars per head, while for pigs and goats the rates are four and three cents respectively. The tax is theoretically intended to be an inspection fee, but as a matter of fact the inspection has been entirely subordinated to revenue considerations. The tax on the small intestines of pigs and goats, and on bones was instituted on November 1, 1929, as a part of the slaughter tax. The rate is forty cents per hundred catties on goat intestines, and twenty cents per hundred catties on pig intestines. The tax on bones is collected by licensed agents who pay altogether \$150 per month to the Bureau of Finance. The total amount for the slaughter tax for 1931-1932 was \$224,393.

Shop tax. This tax was first levied in April, 1907 by the Kung Hsün Tax Bureau, and from 1914 to the establishment of the Peiping Special Municipality (1928) by the tax offices of the Peking Municipal Institution. The tax rate is based

on the amount of capital of the business, as indicated in the following table:

Frequency of payment	Class	Amount of tax	Capital of the Business January 1927 to March 6, 1929	After March 6, 1929
Monthly	Special, Class A	\$ 200.00	\$ 200,000.00	\$ 200,000.00
"	" B	150.00	100,000.00	100,000.00
"	" C	100.00	50,000.00	50,000.00
"	" first grade	80.00	20,000.00	20,000.00
"	" second	60.00	12,000.00	15,000.00
"	" third	40.00	6,000.00	8,000.00
"	First Class	20.00	4,000.00	5,000.00
"	Second	15.00	3,000.00	3,500.00
"	Third	10.00	2,500.00	2,000.00
"	Fourth	8.00	1,600.00	1,500.00
"	Fifth	6.00	1,200.00	1,000.00
"	Sixth	4.00	800.00	700.00
"	Seventh	2.00	400.00	350.00
"	Eighth	1.00	200.00	150.00
"	Ninth	.50	100.00	80.00
Quarterly	Yuan Class	1.00 below	\$ 100.00 below	\$ 80.00
"	Heng	.80	"	60.00
"	Li	.60	"	40.00
"	Chen	.40	"	30.00

An additional \$10 per month is levied per \$10,000 in capital above \$200,000. The shop tax yielded for 1931-1932 amounted to \$362,425.

Carriage tax. This tax was first levied in January 1908, jointly by the Kung Hsün Tax Bureau and the Metropolitan Police Office. Automobiles are taxed \$8 per month or \$22 per quarter, motor cycles \$2 per month, horse drawn vehicles from 20 cents to \$2 per month, according to the nature of the carriage, wagon, cart, etc. (the rate being as low as \$2 per year in certain cases), wheelbarrows from \$2 per year to 30 cents per month, bicycles \$2 per year, and public rickshaws 15 cents per month (\$1 per month for private rickshaws). In 1931-1932 the carriage tax yielded \$207,071.

Tax on prostitution establishments and on prostitutes. This tax was first levied in 1905 by the Metropolitan Health

Bureau. In 1908 it was taken over by the Kung Hsun Tax Bureau, and several years later by the Peking Municipal Institution, finally coming under the Bureau of Finance of the Peiping Municipality, although the police assist in collecting this tax. The owners of prostitution establishments are taxed \$32, \$16, \$8, or \$4 per month according to the classification now in force. Prostitutes are taxed \$4, \$3, \$1, or \$.50 per month at the present rate. The amount collected for 1931-1932 was \$90,106.

Tax on theatre tickets. The following table indicates the manner in which this tax is assessed:

Class	Price of tickets, etc.	Tax for each performance
Special	First Class Above \$1.50 per ticket	\$12.00
"	Second " " 1.20 " "	10.00
"	Third " " .80 " "	8.00
Ordinary	First " Below .80 " " (above 1500 seats)	6.00
"	Second " " .80 " " (" 1000 ")	4.00
"	Third " Less than 1000 seats	2.00
"	Fourth " Temporary tent	1.00
"	Fifth " " "	.50

The amount derived from this source in 1931-32 was \$36,378.

Welfare tax. This tax, which is apparently a special business tax, was introduced in 1927 under the Peking Municipal Institution. It is levied on certain public utility enterprises and on foreign concerns that do not pay the shop tax, the rate being, in the case of the latter, from one to five dollars per month. The Peiping-Mukden Railway Administration Office, the Post Office, and the Peiping Chinese Electric Light and Power Company are assessed \$150 per month, the Telephone Administration \$30, the Peiping-Hankow Railway Administration Office \$70, and the Peiping Water Works Company \$50. For the year 1931-1932 the welfare tax yielded \$10,380.

Tax certificate fees and fines. The total amount of fees and fines collected by the Bureau of Finance in 1931-1932 amounted, respectively, to \$8616 and \$6112.

Income from land. This source of revenue includes the following items:

1. Land registration fee (for transfers, mortgages)
2. Sale of public land
3. Rentals from public land
4. Rentals from public buildings
5. Rentals from rice fields formerly owned by the Imperial Court
6. Confiscated property
7. Certificate fees (paid by applicants for use of public property)

In 1931-1932 the amount received from land income was \$100,222.

A comparison of the monthly revenues collected by the Bureau of Finance with the amounts derived from the various taxes and other incomes according to the nature of the source gives the following figures for the year 1931-1932:

Month	Amount	Sources	Amount
July	\$ 122,704.00	Land tax	\$ 10,659.00
August	115,906.00	Title deed and transfer tax ...	431,744.00
September	131,219.00	Commission or licence tax	160,559.00
October	143,716.00	Pawn shop tax	11,250.00
November	143,654.00	Animal tax	20,717.00
December	147,672.00	Slaughter tax	224,393.00
January	172,668.00	Shop tax	362,425.00
February	112,021.00	Carriage tax	207,071.00
March	143,540.00	Prostitution tax	90,106.00
April	134,424.00	Theatre ticket tax	36,378.00
May	153,545.00	Welfare tax	10,380.00
June	155,068.00	Certificate fees	8,616.00
		Fines	6,112.00
		Income from public land	100,222.00
Total	\$1,681,132.00	Total	\$1,681,132.00

It is interesting to observe the amounts expended by the Municipal Bureaus and the Secretariat during the fiscal years 1929-1930, 1930-1931, and 1931-1932, as well as the extraordinary expenditures of the municipality. The following

table indicates the situation in this respect, on the basis of the detailed records of the Bureau of Finance:

MUNICIPAL EXPENDITURES - ORDINARY

Classification	1929-1930	1930-1931	1931-1932
Secretariat:			
Salaries and Allowances ..	\$ 131,731.668	\$ 127,366.565	\$ 144,670.480
Office Expenses, etc.	47,838.875	44,112.060	46,579.930
Equipment and Repairs ..	9,080.460	6,569.660	5,902.000
Wireless Station	5,661.595	1,731.000	—
Publicity	2,018.100	1,730.950	1,265.000
Travel	—	434.980	2,159.810
Miscellaneous	1,480.000	3,270.440	—
Total	\$ 197,810.698	\$ 185,715.655	\$ 200,757.220
Bureau of Public Safety:			
Bureau Headquarters			
Salaries and Allowances	224,675.755	234,073.522	226,905.480
Office Expenses, etc.	36,388.479	43,907.665	76,704.670
Miscellaneous and Re- pairs	34,207.389	38,044.001	—
Equipment and Repairs ..	—	—	170,411.560
Special	—	—	35,015.350
City Offices, Tri Offices			
Salaries and Allowances	1,374,179.795	1,367,697.208	1,225,721.290
Miscellaneous	91,195.610	90,467.521	77,401.410
Pensions and Rewards ..	4,897.200	3,877.907	—
Equipment and Repairs ..	—	—	5,364.200
Special	—	—	9,050.740
Bureau sub-offices			
Salaries and Allowances	17,817.999	18,029.416	—
Office Expenses, etc.	3,350.000	1,800.000	—
Political Training Dept.			
Salaries and Allowances	16,068.733	15,112.301	—
Office Expenses, etc.	1,404.848	366.805	—
Publicity and Special ..	4,276.530	4,047.304	—
Animal Inspection Office			
Salaries and Allowances	—	—	17,821.360
Office Expenses, etc.	—	—	3,687.810
Equipment and Repairs ..	—	—	344.050

Health Administration ^a			
Health Department ...	5,428.720	21,735.757	20,246.940
Health Institutions	49,709.663	212,595.586	193,147.110
Total	\$ 1,863,600.721	\$ 2,052,324.993	\$ 2,059,821.970
Bureau of Public Health: ^b			
Salaries and Allowances ..	16,798.919	—	—
Office Expenses, etc.	2,868.835	—	—
Total	\$ 19,662.754	—	—
Bureau of Public Works:			
Salaries and Allowances .	\$ 179,224.492	\$ 216,064.234	\$ 187,156.690
Office Expenses, etc.	19,699.822	23,340.125	10,689.740
Road Construction and Re- pairs	166,720.753	198,922.091	133,810.250
Miscellaneous	7,580.705	—	7,110.160
Total	\$ 373,153.772	\$ 438,326.459	\$ 388,766.840
Bureau of Public Utilities: ^c			
Salaries and Allowances .	21,574.000	—	—
Office Expenses, etc.	5,982.991	—	—
Total	\$ 33,880.275	—	—
Bureau of Finance:			
Salaries and Allowances	76,312.468	118,032.018	167,034.620
Office Expenses, etc.	29,501.677	39,395.295	50,036.200
Total	\$ 105,814.145	\$ 157,977.313	\$ 217,070.820
Land Administration Bureau: ^d			
Salaries and Allowances ..	23,890.470	—	—
Office Expenses, etc.	6,707.189	—	—
Total	\$ 30,597.659	—	—

^a For April, May, June 1930.

^b July 1929—March 1930 (does not include subordinate health establishments for this period.)

^c For the period July 1929—March 1930.

^d For the period July 1929—March 1930.

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Bureau of Social Welfare:

Salaries and Allowances ..	45,534.165	50,111.638	64,345.370
Office Expenses, etc.	10,957.397	13,989.635	24,103.930

Total \$ 56,491.562 \$ 64,101.273 \$ 88,449.300

Subordinate Establishments of

Bureau of Social Welfare: . \$ 84,162.204 \$ 111,125.980 \$ 110,885.050

Bureau of Education: ^a

Salaries and Allowances ..	33,853.008	35,629.570	40,738.540
Office Expenses, etc.	9,386.686	9,731.800	9,212.910

Total \$ 42,739.694 \$ 45,361.370 \$ 49,951.450

MUNICIPAL EXPENDITURES - EXTRAORDINARY

1929-1930	1930-1931	1931-1932
\$ 493,140.117	\$ 409,028.958	\$ 405,304.373

^a Abolished July 1932.

CHAPTER V

BUREAU OF PUBLIC WORKS

According to the organic law of municipalities, the Bureau of Public Works ranks fourth in importance, the first three being, in the order assigned to them in the law, Social Welfare, Public Safety, and Public Finance. In Peiping, however, the four existing Bureaus follow a different order as far as their actual operations, in contrast to the formal scheme laid down in the organic law, are concerned, namely, Public Safety, Public Works, Public Finance, and Social Welfare.

The administrative organization of the Bureau of Public Works includes provision for a secretarial office, which assists the director and handles the more important documents and correspondence, and four departments. The departments have the following functions:

First Department

1. Receipt, dispatch, and custody of ordinary documents
 2. Custody of the Bureau seal and supervision of staff work
 3. Accounting and business
 4. Purchase of materials for construction work and assigning of work
 5. Statistics
 6. Care of water ways
 7. Maintenance of suburb roads, collection of suburb road tax, and issuance of certificates
 8. Matters not assigned to other departments
- Second Department
1. Planning of construction operations
 2. Planning of house boundary lines

3. Survey and design
4. Planning for protection of public roads (against traffic abuses, etc.)
5. Caretaking of relics
6. Planning of trees bordering on roads and of public gardens

Third Department

1. Execution of a construction, repair, and upkeep operations
2. Regulation of tree planting
3. Removal of debris caused by collapse of buildings, walls, etc.
4. Maintenance and repair of steam rollers and carts
5. Maintenance of street lamps
6. Receiving, distributing, inspecting, etc. of construction materials

Fourth Department

1. Inspection of public and private construction operations
2. Inspection of house boundary lines
3. Regulation and inspection of advertisements
4. Inspection of water pipes, electric poles and wires, and gasoline pumps
5. Inspection of work done by communications sections
6. Inspection of construction works intended for health purposes
7. Scrutiny of designs for public or private construction, and issuance of certificates
8. Registration for civil engineers and construction companies
9. Regulation of construction operations capable of endangering life

The main function of the Public Works Bureau is that of street maintenance. Asphalt paving has been introduced on an increasingly large scale in recent years, especially in the

Inner First and Inner Sixth Ch'ü. Asphalt has the decided advantage of reducing very materially the dust nuisance which persists on streets which have been paved with crushed stone. Abutting property owners have made substantial contributions to street paving costs, paying as much as two-thirds in some cases. The tramway company pays for crushed stone paving between the car tracks. The main equipment of the Public Works Bureau for street construction consists of thirteen steam rollers. Fairly large labor gangs are maintained for road building. One of the important functions of the Bureau is the care of the city drainage system, which was introduced under the Ming dynasty, only a few relatively minor alterations and additions having been made under the present regime. The length of underground drains in Peiping (in the city proper) is well over 200,000 meters. The distribution is as follows:

Inner First Ch'ü	39,740 meters
Second "	27,537 "
Third "	38,258 "
Fourth "	28,985 "
Fifth "	20,412 "
Sixth "	7,119 "
Outer First	10,789 "
Second	12,307 "
Third	3,755 "
Fourth	10,658 "
Fifth	10,600 "
Total	210,160 meters

In addition to the actual construction and repair of public roads, bridges, drains, etc., this Bureau is charged with the supervision of all private building operations. This function ranks next to street maintenance in importance.

The personnel of this Bureau, exclusive of additional labor for street maintenance not listed as regular workmen more or less permanently employed, number 953 distributed as follows:

Bureau headquarters staff	102
1 Bureau director	
1 Secretary	
4 Department heads	
10 Division heads	
2 Branch office heads	
9 Departmental assistants	
75 Technical men, employees, clerks, etc.	
Drainage division (T'ui)	107
Repair shop	78
Suburbs road division (Ku)	29
Construction inspectors	15
Surveying division (T'ui)	21
Materials supply shop (Ku)	20
Waterways (sluiceways, etc.) division	41
Construction guards (T'ui)	25
Guards at bureau headquarters	11
Construction division (T'ui) staff	15
Construction gangs (T'ui, Pan)	489
Total	953

Of these 953 men, only seven receive \$100 or more per month, namely, the Bureau director (\$315), two department heads (\$200 apiece), one secretary (\$144), and three division heads (one at \$112, two at \$104). The average for the 102 members of the staff at Bureau headquarters is \$51.84, including the figures of \$100 or more per month. Nine men in this group receive less than \$30 per month.

The following table indicates the average amount per man received during one month in each of the twelve groups enumerated above, together with a classification of the years of service of all the personnel of the Bureau and its subordinate units, including the period which preceded the establishment

of the municipality where the nature of the work is virtually the same:

Name of unit.	Average amount received per man, per month.	Years of service				20 or more
		0-4	5-9	10-19		
Bureau headquarters	\$51.84	85	9	8	0	
Drainage division	7.28	71	19	12	5	
Repair shop	14.62	37	41	0	0	
Suburbs road division	14.62	29	0	0	0	
Construction inspectors ..	23.27	15	0	0	0	
Surveying division	10.53	6	4	11	0	
Materials supply shop	14.58	3	6	11	0	
Waterways division	9.17	19	7	15	0	
Construction guards	11.75	15	10	0	0	
Headquarters guards	11.71	7	4	0	0	
Construction div. staff	30.47	11	1	3	0	
Construction gangs	9.39	256	187	45	1	
Totals		554	288	105	6	

The conditions governing all private building operations in the municipality are laid down in a set of detailed regulations which it is the duty of the Public Works Bureau to enforce. It is specifically provided that the Bureau of Public Safety, particularly through the police Chi'u offices, is to render any necessary assistance in dealing with violations or threatened violations of these regulations. The main responsibility for applying the regulations rests with the Public Works Bureau, however, for the rules affect the technical details of construction operations. Alterations and repairs, as well as new construction, are subject to detailed official supervision and investigation.

House boundary lines are fixed by municipal ordinance, the area between these lines being reserved for public roads. All constructions except monuments, gasoline pumps, and advertisement boards are supposed to be removed from all public road areas.

Contractors and builders are required by the regulations to obtain certificates from the Public Works Bureau. Contractors must obtain additional approval from the Social Welfare Bureau. Fees are collected for the certificates issued by the Public Works Bureau to contractors and builders.

The owner, or in certain cases the tenant (for instance when the tenant pays the "shop asset tax" he may himself report on repairs), must obtain construction permits. Fees are charged for these permits by the Public Works Bureau. The amounts vary according to the size and nature or purpose of the building. For one-story private (non-business) houses one per cent of the estimated value of the building is stipulated. For buildings of two or more stories, or those used for business purposes, one and one-half per cent is charged for the construction permit. Certain semi-public buildings (public inns, temples, etc.) are allowed a lower rate, namely, one-half of one per cent. Government offices, libraries, schools, park buildings, museums, buildings on athletic fields, etc. are exempted from fee payments, but in all these cases reports are due to the Public Works Bureau. For construction work not otherwise covered by regulations, one per cent is charged for work estimated above \$300, one dollar for work from \$100 to \$300, and fifty cents for work estimated at \$20 to \$100. Repair work (unless below \$20) is subject to a fee of one per cent for the permit.

Applicants for construction permits are required to submit detailed plans and estimates. These plans are to include an indication of the materials to be used, the exact location and dimensions of the building and the names of the builders and contractors. The regulations stipulate that for work estimated at \$500 to \$2500 the signature of either the contractor or the builder is required. For all construction in excess of \$2500 the signatures of both the contractor and the builder are to be affixed to the plan submitted to the Public Works Bureau. Construction permits are to be cancelled when work is not started within six months, unless renewal of the permit is obtained.

Fines are provided for in the regulations with reference to failure on the part of the owner or the contractor to report projects or to obtain permits. Failure to follow the plans and estimates approved by the Bureau, or to respect the house boundary lines, may likewise result in the imposition of a fine.

Finally a word should be said about the revenues of the Bureau. In 1931-1932 these amounted to \$57,791. Construction fees yielded about one-third of this sum, or \$18,728. The Bureau levies a public bus tax and a tax for road upkeep in the suburbs, and this constitutes the largest revenue item, amounting to \$31,213 of the total given above. Certain sums, amounting to \$6,215 for 1931-1932, are collected for river administration. Miscellaneous receipts amounted to \$1,635.

of these officials or employees has been in office for more than five years, and by far the largest number have held office for a much shorter period.

The formal organization of the Social Welfare Bureau calls for four departments. The distribution of functions according to the rules now in force is as follows:

First Department

1. Drafting, receiving, and keeping of ordinary documents
2. Custody of the Bureau seal and keeping of personnel records
3. Accounting and business management
4. Budgets and financial statements of subordinate establishments
5. Registration of temple heads and settlement of temple disputes¹
6. School repairs

Second Department

1. Matters connected with the preservation, regulation, supervision, and improvement of agriculture, mining, industry, and commerce
2. Inspection and planning for the improvement of commodities
3. Issuance of certificates to various firms, etc., and supervision of opening and suspension of these concerns²
4. Investigation and supervision of currencies
5. Improvement and supervision of markets
6. Investigation of controversies in mining industries
7. Tax inspection in mining industry
8. Conciliation and arbitration of labor controversies³
9. Investigation and supervision of professional bodies
10. Improvement of labor conditions
11. Supervision of public utilities

Third Department

1. Improvement of social customs

BUREAU OF SOCIAL WELFARE

CHAPTER VI

According to the organic law of municipalities the Bureau of Social Welfare ranks first in importance and is responsible for the following municipal functions:

1. Census and registration
2. Poor relief
3. Food storage regulations
4. Advancement of agriculture, industry, and commerce
5. Labor administration
6. Regulation of forestry, reclamation, animal breeding enterprises, etc.
7. Supervision over public utilities
8. Organization and direction of coöperative stores, etc.
9. Improvement of social customs
10. Education and cultural enterprises

In practice, however, the Peiping Bureau of Social Welfare is the least important of the four existing bureaus. Census functions are in the hands of the Bureau of Public Safety, and of the remaining items on the list enumerated in the organic law, poor relief and education are administered largely by subordinate establishments which have less direct relations to Bureau headquarters than is the case with the municipal functions performed under the other three Bureaus. The registration of businesses and marriages is one of the chief concerns of the Bureau, despite the fact that the formal law and the administrative structure of the Bureau designate a comprehensive scheme of social improvement.

The personnel at Bureau headquarters consists of a director, a chief secretary and two ordinary secretaries, four department heads, and about seventy-five assistants, clerks, etc. None

2. Planning for improvement and investigation of matters connected with social welfare and charity
 3. Direction and supervision of charitable bodies
 4. Supervision and regulation of charitable organizations and establishments under the Bureau of Social Welfare
 5. Extraordinary relief
 6. Registration of fortune tellers, old style (non-professional) Chinese drama performers
 7. Statistics
 8. Management of school equipment
- Fourth Department
1. Planning and regulation of education, including labor and mass education
 2. Registration, direction, and improvement of primary and middle schools
 3. Matters referred to the Bureau by the Ministry of Education
 4. Advocacy of citizens' health improvement
 5. Scrutiny of moving pictures, and other pictures and publications
 6. Other matters connected with education and culture
- In addition to the four departments of the Bureau, there is a secretarial office which pays special attention to the more important documents.

The functions assigned to the four departments of this Bureau would, if actually put into operation, make it the equal of the other Bureaus, but there is not enough money available to enable it to function in the manner contemplated in the plan of organization, even if the requisite technical skill were obtainable. The First Department has work which corresponds to its formal organization, but in the other three are many purely nominal items and some which receive very little attention. Under the Second Department item number three (business certificates and supervision of opening and suspension of business establishments) is the only one which is not

merely a nominal function. The most important item under the Third Department is number four (supervision and regulation of charitable organizations and establishments under the Bureau). These subordinate establishments, as a matter of fact, are the most important concern of the whole Bureau, despite the scarcity of funds for their support. The second item under the Fourth Department (registration, direction, etc., of primary and middle schools) is one of the more important functions of the Bureau.

The revenues collected by the Bureau of Social Welfare, which amounted to \$83,997 for the year 1931-1932, are derived from the following sources (distributed as follows):

City markets	\$ 41,372
Advertisement tax	12,846
Marriage contracts	7,889
Company tax	7,366
Car and carriage licences	7,032
Deposit on licence numbers	5,967
Permits for chauffers	1,525
Total	\$ 83,997

While the greater part of the formal organization of the Bureau of Social Welfare is purely nominal, with the result that this Bureau performs only a very few municipal functions through its headquarters offices, there are certain subordinate establishments which exercise welfare functions on a practical basis. The Bureau acts as a supervising body and secures from the municipal treasury the money which these establishments spend, at the same time exercising less detailed supervision over these institutions than is the case, for example, in the Bureau of Public Safety in the relations between headquarters and the police units.

The following welfare institutions are classed as subordinate establishments of the Bureau of Social Welfare:

- First Handicraft Factory
- Second Handicraft Factory
- First Relief Station

- Second Relief Station
- Women's Relief Station
- Infants' Care Station
- Beggars' Relief Station
- Insane Asylum

The First Handicraft Factory was established in 1907 under the Police Office for receiving prisoners whose offenses were not of a serious nature. At present the only kind of work done in this establishment is in the printing trade, and the 150 inmates are boys from ten to twenty-five years of age who are themselves destitute or whose families are unable to support them. They are enabled to learn the printing trade in a three-year course. The Municipal Journal and the Social Welfare Journal are printed here. The boys work eight hours a day for six days a week.

The Second Handicraft Factory was established in January, 1922, and was at first known as the Beggars Receiving Station. In June, 1922, it was changed to the Poor People's Training Institution, which remained its status until October, 1928. It was under the Police Office from 1922 to 1928. In 1922 there were 980 inmates; in 1923, thirty less; in 1924, 900; in 1925, 850; and 800 from 1926 to October 1928, when the number was reduced to 500. In 1930 the number of inmates was further reduced to 270, and remained at that figure until the present year. There are now 220 boys from thirteen to twenty years of age working in this institution. They work seven and a half hours a day for six days a week. There are nine kinds of work, as follows: weaving of belts, tailoring, shoe making, stocking making, weaving of cloth, towel making, making wooden articles (toys, implements, etc.), bamboo manufacture (chairs, tables, etc.), and music (a Chinese orchestra). The boys are thus enabled to learn how to work and are kept off the streets. They have two hours a day of classes in elementary subjects. When they reach the age of twenty they are allowed to leave the institution either at their own request or at that of their relatives. Meanwhile they are housed and fed, and in return they contribute their labor.

The First Relief Station was established in 1903 as the Educational and Welfare Bureau. In 1913 it was changed to the Reformatory Institution, under the Police Office, and in 1928 came under the management of the Bureau of Social Welfare. There are five divisions in this institution at present, as follows:

Receiving Division	50 inmates
Working "	60 "
Labor "	60 "
Old Age "	20 "
Reformatory "	20 "
Total	210

This institution receives those who are not sent to the other relief stations. In the first division listed above the work includes towel weaving, and the making of rope and of shoes. Those in the Labor Division are assigned to road construction and repair for the Bureau of Public Works. Included among the inmates of the First Relief Station there are about sixty boys from twelve to fifteen years of age. They have two hours of classes a day in elementary subjects.

The Second Relief Station was established in 1928 under the Bureau of Social Welfare. Unlike the First Relief Station, it has no reformatory functions and no handicraft or common labor functions. There are at present about 150 boys, all below fifteen years of age, in this institution. They receive an elementary schooling in practical subjects.

The Women's Relief Station was established towards the end of the Tsing dynasty under the patronage of the Empress Dowager. Later it was changed to the Women's Handicraft Factory. In 1928 it was transferred from the Police Office to the Bureau of Social Welfare and reorganized as the Women's Relief Station. In April of this year (1933) the Women's Handicraft Factory, a separate establishment, was amalgamated with the Women's Relief Station. The number of inmates varies from 100 to 300 (at present there are 250), and there are five groups of divisions, as follows:

1. Old Age Division
2. Working Division
3. Children's Division
4. Ex-prostitutes' Division
5. Temporary (pending further classification) Division

The second group, which includes about one hundred women, is engaged in embroidery, sewing (making clothes), knitting of woollen articles, and learning the manicure trade. The children's division receives four hours schooling per day in elementary subjects. Upon reaching the age of fourteen they are transferred to the working division. The ex-prostitutes are given four hours' training per day in household management for six months.

The Infants' Care Station, which receives two-thirds of its support from private sources and one-third from the Bureau of Social Welfare, was established in 1918. For a time it was under the Police Office. There are 130 children in this institution at present. Upon reaching the age of four they are sent to another institution for their education. There are thirty student nurses and two graduate nurses in charge.

The Beggars' Quarter provides lodging and food for about four hundred people. A small amount of work is done (making shoes, etc.) by some of the inmates. There are about eighty who are treated as reformatory cases in theory, although very little is done for them. The largest group is composed of those who by reason of old age or of deformity are unable to find other means of subsistence. Both men and women are fed and housed at this place.

The Insane Asylum is perhaps the least organized of the subordinate establishments of the Bureau of Social Welfare. There are over two hundred inmates, and the main object seems to be simply to keep these people off the streets. Various stages of insanity are represented among the inmates.

The Bureau of Public Works, which absorbed the Bureau of Public Utilities in March 1930 (the supervision of public utilities falling to the Bureau of Social Welfare beginning in May 1931) is still concerned with all construction operations,

installations, etc. undertaken by the Peking Electric Tramway Company, Ltd., but the formal administrative structure of the municipality provides that in the interest of the general public every utility company shall be supervised by the Social Welfare Bureau. This provision, however, is purely nominal, except in so far as the Bureau conducts conciliation procedure in labor or other disputes affecting the tramway concern.

The Peking Electric Tramway Company which has charge of the street car service in Peiping is a semi-private concern. This company was constituted by a contract (May 7, 1921) between the Chinese Government (represented by the Director General of Public Works in Peking) and the Industrial Bank of China (registered at Paris as a Société Anonyme Française). The contract expressly provides that the Company is to be governed by Chinese law.

The Company has a capital of \$4,000,000. One half of this amount, under the terms of the contract of May 7, 1921, was subscribed by the Chinese Government, and one half by the public. The Government's share was based entirely on the 5% Industrial Gold Loan of 1914, to be held on deposit at the Industrial Bank of China.⁴

The Company is managed by an Administrative Council of eleven members, six named by the Government (i. e. at present by the Nanking authorities) and five elected by the private shareholders. The President of the Council is chosen by the Council members from their own number; his election is ratified by the Government (i. e. by Nanking). One of the six Council members named by the Government must be the foreign Director of the Industrial Bank of China at Peiping.

The Company has three departments or services, namely, technical, commercial, and accounting. The technical service is placed under the direction of a Chief, who must be French, with a Chinese assistant. It is stipulated in the contract that the Chief must be a graduate of an engineering school and must have had at least five years experience in tramway work. The Chief and the assistant are appointed by the President of the Administrative Council (in the case of the Chief, on the

nomination of the Industrial Bank). All the personnel of the Company who are assigned to the technical service, Chinese as well as foreign, must take orders from the Chief. This personnel must be Chinese as far as possible. Preference is to be given to persons of French nationality when foreigners are needed.

The commercial service is placed under the direction of a Chinese Chief with a French assistant, the appointment of these officials being in the hands of the President of the Administrative Council. The same provisions apply to the personnel as is the case in the technical service.

The accounting service has two Chiefs, one Chinese and the other French, who must have had at least five years of experience at the time of their appointment. The French Chief's appointment must have the approval of the Industrial Bank. Both accounting Chiefs receive their appointments from the President of the Administrative Council. All checks or payments of whatever kind must be signed jointly by the two accounting Chiefs and by the President of the Administrative Council, or, in his absence, by his deputy.

The President of the Administrative Council may, for cause, dismiss the Chief of the technical service or the French accounting Chief. The successor must in either case be French, and must be approved by the Industrial Bank.

The Government and the Industrial Bank, by the terms of the contract, must not interfere in the direction of the Company's affairs, subject to the reservations imposed by the stipulations of the contract. The Government assumes responsibility in the contract for such portions of the capital or receipts, profits, etc. as may be deposited with the Government's consent in banks other than the Industrial Bank. One half of all capital, receipts, and profits must be deposited with the Industrial Bank. The Company's statutes may be modified by the shareholders and the Government without any right of interference on the part of the Industrial Bank when the 5% Industrial Gold Loan of 1914 has been paid up in full (principal and

interest). The Government may not sell any of its shares until such payments have been completed.

The Industrial Bank of China has been succeeded by the Franco-Chinese Bank of Industry and Commerce as the Bank which is mainly interested in the tramway company. In 1925 a loan of \$1,500,000 was contracted for the tramway concern, half the sum being raised by the Chinese Government, half from private sources. Several Chinese banks participated in the transaction. The old contract, however, is still in force.

The Peiping Chinese Electric Light and Power Company, Ltd., was established in 1906, and has a capital of \$6,000,000. The China Salt Industry Bank holds most of the shares of this concern, which is entirely in Chinese hands. The chief engineer is a Chinese returned student from France.

The main streets are lighted for the municipality by this company, and the number of private consumers is large, amounting to more than 20,000 households and business establishments in the case of electric light. There are over 300 consumers of electric power (apart from lighting purposes). According to the report submitted by the company the total receipts for the fiscal year 1929-1930 amounted to \$2,013,512.08 and the expenditures \$2,182,645.45.

The municipal authorities, as far as can be ascertained, exercise little or no control over the company. The Bureau of Public Works is concerned mainly with such operations as involve construction plans, while the Bureau of Social Welfare receives an annual report on the business status of the company.

The Peiping Water Works Company, Ltd., was established in 1908 and has a capital of \$5,000,000. The China Salt Industry Bank and the Bank of Hopei hold most of the shares, which are all in Chinese hands. There are no foreign engineers or employees. The consumers number about 10,000 households. In the fiscal year 1929-1930 the total receipts, according to the company's report, were \$355,010.12 and the expenditures \$347,091.48.

CHAPTER VII

SELF-GOVERNMENT

It is in the sphere of self-government institutions that the Peiping municipality presents some of the most incongruous combinations and arrangements that can be devised by ambitious political planners. Out of 145 articles in the organic law of municipalities, no less than 120 are devoted to a detailed account of a series of local institutions and offices which do not have the slightest chance of functioning in the manner prescribed by the authors of the law. This does not mean, however, that the plan, impracticable as it certainly is, should be ignored, for as a matter of fact certain steps have actually been taken with the object of putting the machinery of self-government into motion, despite the unsuitable character of the institutions contemplated in the paper scheme.

In view of the fact that some preliminary arrangements have already been made for the establishment of a number of self-government organs in Peiping, including a more or less popular election of various officials, perhaps it will not be amiss to indicate the main features of the legal basis provided for in the organic law in order to define the nature and scope of the theoretical side of the picture, for without this the actual proceedings would be unintelligible. The movement on behalf of self-government institutions in Peiping requires the artificial stimulation provided by an elaborate scheme in the hands of professional officials and party politicians if it is to survive at all, even in the decidedly attenuated and mechanical form which the virtual monopoly of actual power enjoyed by these elements imparts to the whole experiment. First, then, it will be appropriate to note the theoretical legal basis, for this is the repository of as much of the spirit of self-government in Peiping as is discernible to the observer, and afterwards some-

thing can perhaps be noted regarding the actual situation, which reflects, somewhat haltingly, the less impracticable features of the law.

According to the organic law of May 20, 1930, every municipality is to have a Municipal Assembly, composed of popularly elected members with three-year terms (one-third to be elected every year and membership to be honorary). This organ is to be empowered to pass finally upon municipal ordinances, budgets, financial statements, and bond issues, as well as to deal with other matters relating to the welfare of the municipality. Regular sessions are to be held twice a year, with extraordinary sessions at the joint request of one-fifth of the members or at the summons of the president. A president and a vice-president are to be elected for a term of one year by the Assembly, eligibility for a second year being stipulated. These officers are to be chosen from the membership of the Assembly. The Municipal Assembly is to be established in a given municipality when the Ch'ü Chiefs are elected by popular vote.

Reference has been made in an earlier chapter to the provision in the organic law (Article 5) for the establishment of various local sub-divisions in the municipality (Ch'ü, Fang, Lü, Lin). It is with the machinery of self-government intended for these sub-divisions that the greater part of the organic law is concerned, although, as has been noted, the task of operating this machinery under existing conditions is an impossible one.

For each Ch'ü (ward), four distinct organs of local self-government are pictured in the organic law. These are the Ch'ü Convention, the Administrative Office, the Representative Assembly, and the Control Committee.

The Ch'ü Convention "is instituted to enable citizens within the municipality to exercise the right by ballot of election, recall, initiative, and referendum." The voters are expected to assemble at least once a year in the several precincts (Fang) into which the Ch'ü is divided for the exercise of their electoral function. Members of the Municipal Assembly, the

Ch'ü Chief, and the members of the Ch'ü Representative Assembly are to be elected by the Ch'ü Convention.

Each Ch'ü is to have an Administrative Office, with a Chief, an official whose position is supposed to be honorary, except for certain expense allowances. The Chief is to be elected by the Ch'ü Convention for a term of one year, and is eligible for a second term. Until popular election is established as the actual method of choice, however, the Chief receives his appointment from the Ministry of the Interior, on the nomination of the Mayor. Assistants may be employed by the municipal authorities for the performance of administrative duties at Ch'ü headquarters, and all work performed by the Ch'ü Administrative Office is to be reported every month to the headquarters of the municipal government. Prior to the inauguration of popular elections, one of the most important duties of the Ch'ü Chief is the establishment of precinct (Fang) Administrative Offices within the Ch'ü.

The organic law of municipalities also provides that each ward (Ch'ü) in the city shall have a Representative Assembly, composed of two members from each precinct, as soon as the choice of the Ch'ü Chief is determined by popular election. Meetings are to be held four times a year, in addition to special meetings summoned by the chairman or at the joint request of one-third of the representatives. The Ch'ü Chief, the members of the Control Committee, and precinct Chiefs within the Ch'ü are to be asked to attend meetings of this Assembly.

Upon the adjournment of Ch'ü Assembly meetings, the duty of watching over the conduct of the Ch'ü Chief and his assistants devolves upon a Control Committee of two members, elected every year at the first session of the Representative Assembly. Whenever financial irregularities, or failure to carry out decisions of the Ch'ü Convention or Ch'ü Representative Assembly, or other neglect of duty on the part of the Ch'ü Administrative Office is observed by the members of the Control Committee, a meeting of the Representative Assembly is to be called, in order that proper remedial measures may be taken.

It is evident that all this self-government machinery in each ward would constitute an exceedingly heavy load for the community even if the inhabitants of Peiping were prepared by tradition and education to shoulder the responsibility. But the organic law of municipalities provides a still more detailed scheme for the precinct organization, as well as a number of additional functions for the sub-divisions of the precinct, namely, the Lü and Lin groups.

The precinct (Fang) organization, like that of the ward, is based on the expectation that the interest in local self-government will prove sufficiently vigorous to support a Convention, an Administrative Office, and a Control Committee, no provision being made, however, for a Fang Representative Assembly. At least two sessions of the Convention are to be held every year, supplemented by extraordinary sessions for urgent business. Each precinct is to have a Conciliation Committee, elected by the Convention (the Fang Chief being ineligible), charged with the responsibility of supplementing the work of the Fang Administrative Office in settling local disputes and thus relieving the higher authorities, both administrative and judicial, of unnecessary detail. The Fang Administrative Office is expected to establish primary schools and citizenship training courses, and to supervise the registration of citizens. The last named function involves the rendering of a detailed report to the higher municipal authorities and the administering of the following oath:

I, (name of citizen-to-be), hereby solemnly declare myself with full sincerity to be a new man, to be an independent citizen, to support whole-heartedly the Republic of China, to help realize the Three Principles of the People, to subscribe to the Constitution based on the five principles, in order that a sound government may be established, the prosperity of the people be ensured, the nation be given a solid foundation, and universal peace be achieved in the world.

Date

Signature

The precinct Control Committee, with a membership of three to five and an equal number of alternates, is supposed to occupy much the same position in the Fang as the Ch'ü Control Committee does in the organization prescribed for the ward. Meetings are to be held at least once a month, and special meetings at the summons of the chairman. Membership is honorary, as is the case with the Ch'ü Control Committee, and the term is one year.

One of the leading functions prescribed in the organic law for the Fang Chief is the maintenance on a proper basis of the groups known as Lü and Lin. Article 120 lays down the following requirements:

Each year one month before the expiration of the term of office of the Lü and Lin Chiefs, if the Lü has increased to more than thirty-five families or decreased to less than fifteen families, or if the Lin has increased to more than seven or decreased to less than three families since the first placement of the Lü and Lin, the Fang Chief shall reorganize the Lü and Lin.

Reorganization of Lü and Lin shall be reported by the Fang Administrative Office to the Ch'ü Administrative Office which in turn submits it to the headquarters of the Municipal Government for filing.

Both the Lü and the Lin are in every case to have their own Residents' Assembly, majority attendance being required for a quorum and a majority vote for passing resolutions. No distinction is to be made on the basis of sex. Each Lü elects its own Chief, as is also the case in each Lin (according to the organic law). It is the duty of the Fang Chief to summon the first meeting of the Lü Residents' Assembly as well as such later meetings as the Lü Chief may not be in a position to summon. Likewise the supervision of the election of the Lü Chief and the determination of the date of the election falls to the Fang Chief. The Lü Chief is to report in detail regarding his work to the Residents' Assembly and also to the Fang Administrative Office. The Lü Chief, subject to the instructions of the Fang Chief, is responsible for similar duties regarding the Lin organization. Lü and Lin Chiefs are to hold office for one year and are eligible for a second term.

The organic law specifically provides that the Chief of the Ch'ü, Fang, Lü, or Lin may be recalled by the body of voters which elected him. Provision for the application of the recall procedure is likewise made with reference to membership in the Ch'ü Representative Assembly, the Ch'ü and Fang Control Committees, and the Fang Conciliation Committee. Violation of law or neglect of duty is to give rise to the exercise of the recall.

So much for the imposing structure of self-government contemplated in the organic law of municipalities. The general outline of the machinery that is legally required is sufficient to indicate the ambitious character of the scheme.

A preliminary step toward the establishment of a self-government organization in Peiping was taken in December 1928, when a Preparatory Self-Government Office was constituted by the Municipal Government. This office was placed in charge of a Director, assisted by two Vice-Directors. During February, March, and April, 1929, an intensive publicity campaign was conducted throughout the city in an effort to instill in the inhabitants an understanding of the bearing of the Three Principles of the People on self-government. In March the Preparatory Office organized a Self-Government Discussion Society, composed of about one hundred inhabitants (party members, officials, teachers, business men, farmers, etc.). During 1929 the subordinate self-government units below the ward (Ch'ü) were instituted on a preliminary basis, and in March, 1930, the Self-Government Office gave place to a Self-Government Committee, which was later (September) enlarged to include the Ch'ü Chiefs.

Publicity efforts were continued throughout 1931, and in May, 1932, orders were received from Nanking, stipulating that the preliminary work should be completed within three months, and that the Municipal Assembly should be elected within a further limit of two months. Finally, in the early part of March, 1933, further orders from Nanking called for the election of Ch'ü and Fang Chiefs, to be followed by Municipal Assembly elections.

During the second half of March, 1933, elections were held in the fifteen wards of Peiping for the choice of Ch'ü and Fang Chiefs. It is interesting to note that seven of the Ch'ü chiefs have been in political life for some time, three are in education, two in the army, one is in business, and the occupation of two is uncertain.

During the last week of March and the first part of April elections were held in the fifteen Ch'ü for members of the Municipal Assembly, thirty-seven assemblymen being chosen. Thirteen of these have been in political life, five in business, four are farmers, three are in education, three are lawyers, one is a physician, one a journalist, one a railway administrative official, and the occupation of six is uncertain. The first, second, fourth, and twelfth to fifteenth Ch'ü elected three assemblymen each, while the third and the fifth to eleventh Ch'ü elected two each.

The number of Fang in the wards varies, as is indicated by the following figures:

<i>Ward number</i>	<i>Number of Fang</i>
1st	40
2nd	41
3rd	33
4th	30
5th	21
6th	15
7th	30
8th	44
9th	19
10th	22
11th	22
12th	49
13th	24
14th	39
15th	32

CHAPTER VIII

DIPLOMATIC QUARTER—LEGAL BASIS

An account of municipal government in Peiping which failed to touch upon the administrative situation in the Diplomatic Quarter would manifestly be incomplete. However, while the administrative arrangements in this area are both interesting and unique in themselves, they may be viewed to better advantage if the legal basis upon which the Quarter rests is first indicated. At the same time some of the general conditions under which the task of administration was first assumed may also be briefly mentioned.

The basic legal instrument which furnishes the Diplomatic Quarter with its charter is the Final Protocol of September 7, 1901.¹ On that date Prince Ch'ing and Li Hung-chang, the Chinese plenipotentiaries, came to the Spanish Legation and signed twelve copies of this important international agreement in the presence of the diplomatic corps (comprising the ministers of Germany, Austria-Hungary, Belgium, Spain, France, Great Britain, Italy, Japan, Holland, Russia and the plenipotentiary of the United States).² The representatives of the Powers then affixed their signatures to these documents, and the Diplomatic Quarter thereupon came into being as a special area legally exempt from Chinese control.³ The Final Protocol, together with its nineteen annexes, embodies the results of about fourteen months of negotiations regarding the indemnity claims and political demands made by the interested Powers upon the Chinese Government in consequence of the losses sustained by foreigners during the Boxer disturbances.⁴ The siege of the legations in Peking, lasting from June 20th to August 14th, 1900, was raised at the eleventh hour by the arrival of the foreign expeditionary forces, but the military occupation of the Chinese capital, as well as of a large part of

the province of Chihli, continued for more than a year and was brought to an end (except for certain specified points along the Peking-Shanhai-kwan line and the Diplomatic Quarter) only when the terms of settlement agreed upon by the Powers had been formally incorporated in the Final Protocol.⁵

Article VII of the Final Protocol deals exclusively with the Diplomatic Quarter:

The Chinese Government has agreed that the quarter occupied by the legations shall be considered as one specially reserved for their use and placed under their exclusive control [speciallement réservé a leur usage et placé sous leur police exclusive] ⁶, in which Chinese shall not have the right to reside and which may be made defensible.

The limits of this quarter, have been fixed as follows on the annexed plan (Annex No. 14):⁷

On the west, the line 1, 2, 3, 4, 5.

On the north, the line 5, 6, 7, 8, 9, 10.

On the east, Ketteler street (10, 11, 12).

Drawn along the exterior base of the Tartar wall and following the line of the bastions, on the south the line 12, 1.

In the protocol annexed to the letter of the 16th of January, 1901, China recognized the right of each Power to maintain a permanent guard in the said quarter for the defense of its legation.

The other parts of the Final Protocol which affect the position of the Diplomatic Quarter either directly or indirectly are Articles VIII, IX, XI⁸ (paragraph one) and paragraphs three and four of Article XII⁹. These read as follows:

Article VIII. The Chinese Government has consented to raze the forts of Taku and those which might impede free communication between Peking and the sea; steps have been taken for carrying this out.

Article IX. The Chinese Government has conceded the right to the Powers in the Protocol annexed to the letter of the 16th of January, 1901, to occupy certain points, to be determined by an agreement among them, for the maintenance of open communication between the capital and the sea. The points occupied by the powers are:

Huang-tsun, Lang-fang, Yang-tsun, Tientsin, Chun-hiang Ch'eng, Tang-ku, Lu-fai, Tang-shan, Lan-chou, Chang-li, Chi'n-wang-tao, Shan-hai-kwan.

Article XI, paragraph 1. The Chinese Government has agreed to negotiate the amendments deemed necessary by the foreign gov-

ernments to the treaties of commerce and navigation and the other subjects concerning commercial relations, with the object of facilitating them.

Article XII. . . . Finally, it is expressly understood that as regards the declarations specified above and the annexed documents originating with the foreign Plenipotentiaries, the French text only is authoritative.

The Chinese Government having thus complied to the satisfaction of the Powers with the conditions laid down in the above-mentioned note of December 22nd, 1900, the Powers have agreed to accede to the wish of China to terminate the situation created by the disorders of the summer of 1900. In consequence thereof the foreign Plenipotentiaries are authorized to declare in the names of their Governments that with the exception of the legation guards mentioned in Article VII, the international troops will completely evacuate the city of Peking on the 17th September, 1901, and, with the exception of the localities mentioned in Article IX, will withdraw from the province of Chihli on the 22nd of September. . . .

In view of the fact that one of the principal objects of the negotiators of the Final Protocol was to adopt adequate measures for preventing any recurrence of the predicament in which the legations at Peking were placed during the siege of June 20 — August 14, 1900, little need be said regarding the provisions dealing with "open communication" between the sea and Peking (Article VIII) or the capital (Article IX) in so far as the present international situation is concerned. Nevertheless the bearing of these provisions upon the position of the Diplomatic Quarter is sufficiently important to warrant the observation that the maintenance of the Quarter as a special area exempt from Chinese control involves considerations of international policy which cannot be stated wholly in terms of local problems of municipal administration in Peiping; yet it must be emphasized that Article VII of the Final Protocol does not stand alone as a sufficient explanation for the maintenance in the Quarter of municipal services distinct from those of the Chinese municipality of Peiping.

The only point that needs to be made regarding the portion of Article XII quoted above, as far as the Diplomatic Quarter is concerned, has to do with the English version of a

phrase in Article VII. The French text, which reads "sous leur police exclusive" is sometimes rendered "under their exclusive control" in English.¹⁰ This is not objectionable if the word "control" is understood to convey an idea which falls short of absolute authority in the sense of sovereignty. In English the term "exclusive police" is somewhat clumsy; on the other hand it is misleading to adopt the term "exclusive control" unless a reasonably restricted interpretation is placed upon the word "control." The fact that the French text only is expressly declared to be authoritative makes the issue regarding the proper English version of "police exclusive" more or less academic, but even in academic discussions serious misunderstanding as to the legal character of the Diplomatic Quarter may arise if the exact wording of the French text is disregarded. After all the area in question is Chinese territory despite the fact that it is set apart as a quarter specially reserved for the use of the legations and has certain elementary municipal services of its own.¹¹

The brief stipulations of Article VII require some further comment. In the first place it must not be assumed that the determination of the area to be included in the Diplomatic Quarter, or of the exact character of the Quarter, was effected without debate. The negotiations regarding the limits of the Quarter extended over a considerable period, and were frequently accompanied by the discussion of various aspects of the legal and political position of the Quarter.

It was not until October 26th that the ministers of the several powers met formally at Peking to begin the discussion of the terms of settlement to be presented to the Chinese plenipotentiaries.¹² Meanwhile, in September, the American minister had emphasized the necessity of negotiations among the interested powers, preferably at Washington, or at least at some more suitable and convenient place than Peking.¹³ As early as October 4th a memorandum on the basis of negotiations, specifying the following points, among others, had been handed to the American Secretary of State by the French Charge d'Affaires at Washington:¹⁴

DIPLOMATIC QUARTER—LEGAL BASIS

Fourth. The organization in Peking of a permanent guard for the legations;

Fifth. The dismantling of the forts at Taku;

Sixth. The military occupation of two or three points on the road from Tientsin to Peking, which road will thus always be open to the legations to pass to the sea or to the forces which may go from the sea to the capital.

If presented collectively by the representatives of the powers and backed up by the presence of the international troops, it seems to the Government of the Republic impossible that these conditions, so legitimate in themselves, should not speedily be accepted by the Chinese Government. . . .

In his reply, on October 10th, the Secretary of State remarked that the President reserved the expression of an opinion regarding the dismantling of the Taku forts, pending the receipt of further information on the situation in China; as to the other two points, the United States Government could not make any permanent engagement without legislative authorization, although for the present emergency an adequate legation guard had been stationed in Peking.¹⁵ While the President was unable to commit the United States to a permanent participation in such occupation, he favored obtaining from the Chinese Government the assurance of the right of the Powers to guard their legations and to have the means of unrestricted access to them. On October 16th the American minister at Peking reported the receipt of a general preliminary convention from Prince Ch'ing and Earl Li Hung-chang, together with a request for the opening of negotiations.¹⁶ In addition to the somewhat vague general principles outlined in the Chinese plan, Mr. Conger suggested to the Department of State that among other things provision should be made for a defensible legation settlement, as well as for legation and railroad guards, and that the Chinese capital should be made a treaty port.¹⁷ Replying on October 19th, Secretary Hay approved Mr. Conger's suggestion for placing Peking on the footing of a treaty port.¹⁸ Thus certain fundamental points affecting the character of the Diplomatic Quarter were under discussion by the time the ministers held

their first formal meeting regarding terms of settlement on October 26th.

It was not until December 22nd that the final text of the joint note of the eleven powers could be signed.¹⁹ Among the "irrevocable conditions" laid down by the powers, the following were included:²⁰

7. Right for each power to maintain a permanent guard for its legation and to put the legation quarter in a defensible condition. Chinese shall not have the right to reside in the quarter.

8. The Taku and other forts, which might impede free communication between Peking and the sea, shall be razed.

9. Right of military occupation of certain points, to be determined by an understanding between the powers, for keeping open communication between the capital and the sea.

The American proposal for placing Peking on the footing of a treaty port had been discussed by the ministers at Peking, but in order to obtain agreement on the preliminary demands a decision on this matter had to be postponed for the time being.²¹

On December 24th at the Spanish legation the first formal meeting of the foreign representatives with Prince Ch'ing, one of the Chinese plenipotentiaries, was the occasion for the delivery of the joint note to Prince Ch'ing and of the full powers of the Chinese plenipotentiaries to each of the foreign ministers.²² It appeared, however, that the representatives of the Powers were unanimously of the opinion that the Chinese answer to the joint note did not constitute an absolute acceptance of the demands.²³ Accordingly the ministers of the Powers prepared a protocol formally embodying the demands of the joint note of December 22nd and forwarded it to the Chinese plenipotentiaries on January 7th. This protocol, duly signed and sealed, was sent by the Chinese plenipotentiaries to each of the foreign ministers on January 16th, together with a copy of the decree accepting the demands, bearing the imperial seal.²⁴ The details concerning the exact character of the Diplomatic Quarter and the limits of this special area were, however, still to be determined.

On December 29th Secretary Hay instructed the American minister at Peking to press hard for conditions of settlement which would lead to the establishment of increased intercourse with China, specifying at the same time that Peking should be placed on the footing of a treaty port, with international concessions, of which the legation compound capable of defense would form a part.²⁵ On February 16, 1901, Minister Conger, in a dispatch to Secretary Hay made the following observation upon the report of the mixed military commission to which the diplomatic corps had submitted the question of a defensible area:²⁶

While I think the entire area is larger than necessary or advisable, yet I do not deem it best to quarrel with my colleagues upon that score. But I shall, unless otherwise instructed, oppose adopting or beginning work on any system of defense at present. You will observe that the plan as prepared practically provides for a veritable fortress right in the midst of this great city, and directly adjoining the Palace walls. . . .

It seems to me the surest and most reasonable way to protect all foreigners is to require the most stringent treaty guarantees for the future and insist upon their being carried out rigidly everywhere. If the Empire is to be preserved with a government at all worth having diplomatic relations with, then it must be a government strong enough to protect the representatives of friendly powers in its capital from mob violence. If it can not do this, or if it is necessary for the foreign powers to defend their representatives against attacks of the Chinese Government itself, then it is not worth holding relations with.

On February 26th Mr. Rockhill, who had just been instructed to take charge of the interests of the United States in the pending negotiations, in a dispatch to Secretary Hay, made the following comment on the decision made that day by the ministers in conference regarding the boundaries of the area deemed necessary for the diplomatic quarter, their demands being based on the report of the mixed military commission:²⁷

I informed my colleagues that I only agreed to demanding the present diplomatic quarter on the understanding that later on they would agree to consider the proposition of my Government asking for China to make in Peking an international concession and put the city on the footing of a treaty port.

On March 2nd Mr. Rockhill made some further comments to Secretary Hay on the same subject:²⁸

I submitted to-day to my colleagues that the political side of this question, as well as of all the questions connected with military measures to be taken in this province, was infinitely the most important, and they must all agree with me that the carrying out of the elaborate plan provided for by the report was of very doubtful expediency, if we propose to try and establish cordial relations with the Chinese Government. We had, by the terms of the Joint Note, acquired the right to make the diplomatic quarter defensible, and to hold with military forces the lines of communication with the sea, but we should, I thought, confine ourselves to letting the Chinese know that we will only exercise these rights so far as conditions may require, and that the extent of our defensive measures, both in Peking and along the lines of communication, must always depend on the spirit which may animate the Chinese Government and people. . . .

The consensus of opinion of the conference was that only such works of defense should be undertaken as were unobtrusive: . . . The two quotations which have just been made as well as that from Minister Conger's dispatch of February 16th, show conclusively that the two American representatives were less concerned about purely military arrangements for protecting the foreign envoys in Peking than they were with the development of stability in political conditions, not, to be sure, without adequate means to that end, in the form of international settlements or concessions, for American policy, in opposing the partition of China, did not go to the extreme of condemning the treaty port idea. The main object of American policy regarding China then as now, was to prevent the establishment of exclusive spheres of interest, whether through the agency of cessions, leases, concessions, or discriminatory treaty provisions, on behalf of individual powers or their nationals.

On March 22nd the diplomatic corps discussed the matter of police regulations for the Diplomatic Quarter. On this question Mr. Rockhill again took the opportunity to emphasize the attitude of the United States regarding the character of the proposed Quarter. Commenting upon the impracticability of certain regulations for the organization of an international police, he wrote as follows to Secretary Hay:²⁹

I stated to my colleagues that if they would agree to call the section of the city which the Chinese Government had been asked to cede to the powers an international settlement and organize in it some form of municipal government I would agree to any proposition they might submit, otherwise that I must decline to agree to any arrangements such as they contemplated by the regulations under discussion. . . .

Despite the insistence of the American representatives upon the desirability of making Peking a treaty port and of establishing an international settlement along with the Diplomatic Quarter, nothing came of the proposal. Mr. Rockhill mentioned the subject somewhat hopefully to the Secretary of State again late in May, on the basis of commercial compensations, but this did not prove to be an effective method of approach, and nothing came of it in the Final Protocol of September 7, 1901.³⁰

Negotiations regarding the limits of the Diplomatic Quarter, even apart from the American proposals embodying general commercial policy, did not proceed independently of political considerations. The mixed military commission's report on the defense of the proposed Diplomatic Quarter, signed on February 9th, provided the basis for the demands of the diplomatic corps regarding the boundaries of the area deemed necessary for the Quarter. This decision was reached by the diplomatic representatives on February 26th, and on March 1st the Dean of the Diplomatic Corps so notified the Chinese plenipotentiaries, in answer to their memorandum of January 16th, which had urged that the limits of the Quarter should be clearly indicated.³¹ It was not until late in July, however, that negotiations on this matter came to an end, after certain compromises had been made both by the foreign envoys and by the Chinese representatives.³² The main point of contention related to the western boundary, where it had been proposed to include in the Diplomatic Quarter several sites of important Chinese Government offices, notably the Bureau of the Imperial Household and the Ministries of the Interior, of Finance, and of Rites. On the north the loss of

the Imperial ancestral temple (Tang-tzu) was a heavy blow to the Chinese, but in return they were allowed to retain the four important sites on the western side, mentioned above. Replying to the notification of the Dean of the Diplomatic Corps of March 1st, which had informed the Chinese plenipotentiaries that public buildings located within the limits stipulated in the plan determined upon by the diplomatic corps should be transferred elsewhere, Prince Ch'ing and Li Hung-chang commented as follows:³⁸

Ever since Peking was made the capital the various public offices have been established inside the Cheng Yang gate (the Chien Men), on the right and left of the Imperial city. They are in immediate proximity to and form a circle around the same.

Not only does the fact of their being adjacent (to the palace) facilitate the dispatch of public business; it is a question intimately affecting the prestige and the dignity of the state. This arrangement has remained without change throughout the Yuan and Ming dynasties, a period of now more than five hundred years. The magnitude of the building operations and the number of public servants, high and low, have also to be considered, and were a transfer insisted upon there would be no other site available. Moreover, the Tang Tzu and these various public offices and buildings are comparatively far away from the legations. Regarded from a legation point of view, their exclusion from the legation quarter would have harmful results, whereas their inclusion therein would deprive the capital city of all that goes to constitute a capital. The action proposed involves consequences of no trifling import to the dignity of the state and the hope of the people.

The strong protests of Prince Ch'ing and Li Hung-chang against the decision of the diplomatic corps to require the removal of certain important Chinese public buildings from the area designated to be set aside for the Diplomatic Quarter led in due course to the appointment of the Austro-Hungarian, French, and Italian Ministers as a commission of the diplomatic corps to confer with the Chinese plenipotentiaries. On the 22nd of April the questions raised in this connection by the Chinese plenipotentiaries in their memorandum of March 2nd were discussed by the three ministers and the two Chinese plenipotentiaries, and on May 11th the decision of the Emperor

to transfer the Imperial ancestral temple (Tang Tzu) entirely outside the Diplomatic Quarter was communicated to the Dean of the Diplomatic Corps by Prince Ch'ing and Li Hung-chang.³⁴ In addition to recommending the modification in the western boundary of the proposed Quarter necessary to the retention by the Chinese of the four highly important public buildings near the imperial palace, the Austro-Hungarian, French, and Italian Ministers made at the same time a slight concession to the Chinese viewpoint regarding the policing of an important street located on the northern glacis, in return for the abandonment by Prince Ch'ing of his very strong opposition to the tearing down of a part of the Bureau of Mongol Affairs in order to clear the northern glacis.³⁵ Prince Ch'ing asked, however, that the prohibition of all buildings or the depositing of building materials on the glacis should extend to foreigners as well as natives. This prohibition was actually adopted by the Protocol Powers in 1904, subject to the condition that exceptions could be made upon the unanimous recommendation of the diplomatic corps.³⁶

A somewhat different problem arose in consequence of the stipulation in Article VII of the Joint Note of December 22, 1900, that "Chinese shall not have the right to reside in this quarter." When the diplomatic corps called upon the Chinese Government to indemnify all the Chinese property owners whose expulsion from the Diplomatic Quarter had been decided upon in accordance with the above-quoted provision of Article VII, the Chinese plenipotentiaries took a contrary view, relying partly upon considerations of equity, to the effect that he who uses a piece of ground should pay for it, and partly upon the ground that "according to international law, war is an act between two nations, in which the populations are not concerned; that the victorious government has a right to seize public property, but not the right of seizing private property; that, nevertheless, the victorious country can occupy for its use private property, but naturally on the condition to pay the value of it to the former owner."³⁷ This was a month before the conference between the Chinese plenipotentiaries and the

Ministers of Austria-Hungary, France, and Italy regarding the disposition to be made of the various important public buildings located on the area marked out by the foreign envoys for the Diplomatic Quarter, and the Chinese plenipotentiaries indicated in their communication of March 23rd that they would be in a position to agree to pay for the indemnification of private property owners (Chinese) who would be expelled from the Quarter (despite their objections in principle to such payment) if the diplomatic corps would come to an early understanding regarding the restitution of the site of the Imperial ancestral temple (Tang Tzu) and the sites of other important public buildings.

On March 30th the reply of the Dean of the Diplomatic Corps raised serious objections to the ground advanced by the Chinese plenipotentiaries. His remarks read in part as follows:³⁸

It is not, as you seem to believe, by right of conquest that the foreign ministers have seized private property situated within the limits of the quarter to be ceded under the terms of Article VII of the Joint Note accepted by His Majesty the Emperor of China. It is because the annexation of these properties is indispensable for the future defense of the diplomatic quarter, and because they were used as a refuge by the regulars and Boxers who attacked the legations for two months.

While willing to seek with you a compromise on this point [disposition of public buildings within limits of proposed quarter,] my colleagues call your attention to the fact that a state of war does not exist and has never existed during last year between China and the governments whose plenipotentiaries they are.

Thus the discussion of the provision that "Chinese shall not have the right to reside in this quarter" led to the statement of certain fundamental considerations regarding the legal basis of the Quarter. The special nature of the area in question is further emphasized by Mr. Rockhill in a communication to the Secretary of State, dated June 13:³⁹

As the question now stands, the Chinese Government has agreed to cede the right of occupancy of all the ground owned by it or its subjects within the limits indicated to the powers collectively, to form a defensible diplomatic quarter, undertaking, furthermore,

to compensate its subjects whom it may have to expropriate for that purpose. . . .

Unless the Chinese Government makes a complete cession or lease in perpetuity to the powers of this quarter of the city, the latter, it seems to me, can not put it to any use but that specified—legations and the purpose of their defense. Should any of them at any time decide not to occupy the whole of the section of the quarter set aside by mutual arrangement between the powers for its use, the property must revert to the other powers for their use, the title always remaining in the Chinese Government. . . .

Replying on August 3rd, the Acting Secretary of State took a similar view as to the limited character of the rights of the Powers individually and collectively:⁴⁰

And it is advisable that the Chinese Government make a formal instrument of cession of rights of perpetual occupancy, in accordance with the tenor of the arrangement between its representatives and the envoys. The form of this instrument should be carefully guarded, to avoid hampering limitations and restrictions upon the disposition and uses of any of the property ceded. If the property is ceded for legation purposes purely it may raise a serious question as to the right of reversion to the Chinese Government, or of well grounded interference by it with any attempt to make any disposition of the property foreign to the object of the cession.

Despite the plainly expressed desire of the United States to salvage at least some tangible commitment from the ruins of the treaty port idea, nothing more specific than the bare statement contained in Article VII of the Final Protocol of September 7th was obtainable. No "complete cession or lease in perpetuity to the powers of this quarter of the city," nor any "formal instrument of cession of rights of perpetual occupancy" was secured. This is not to say that the terms of Article VII stop short of granting "rights of occupancy" to the Powers collectively in so far as a "defensible diplomatic quarter" is concerned; the point is, however, that whatever exceeds these rather narrow limits rests not upon the substantial legal basis of an international agreement, but depends instead upon mutual accommodation and coöperation, not simply among the foreign Powers signatory to the Final Protocol of September 7, 1901, but also upon Chinese participation in a "régime of tolerance."⁴¹

There remains one formal international agreement, the Protocol of June 13, 1904, which lays down certain fundamental principles regarding the internal arrangements of the Diplomatic Quarter.⁴² This Protocol in no way alters the legal position of the Quarter as far as China is concerned; it simply establishes mutual obligations among the eleven foreign Powers signatory to the Final Protocol of September 7, 1901 and indicates certain private vested property rights as well as the property rights of the individual legations and the Chinese Maritime Customs. The principal obligations accepted by the signatories of the Protocol of June 13, 1904, may be noted as follows:⁴³

First, regarding the *glacis*⁴⁴—(1) it is the common property of the Diplomatic Quarter, except for three specified plots of land privately vested before June 20, 1900; (2) no construction, permanent or temporary, with the exception of those already existing, is to be made upon any part whatever of the *glacis* without the unanimous consent of the Representatives of the Powers signatory of the Final Protocol of September 7, 1901, nor shall any encroachment be made on the *glacis* by the legations, the Imperial Customs, or private individuals or associations; (3) the *glacis* being recognized as common property, each legation is provisionally charged with the control of that part of which it has at present assumed the defense, and the Commandants of the guards shall be invited to consult together on all matters relating to its military organization.

Second, regarding roads, sidewalks, conduits, bridges, drains, trees and constructions of whatever nature—(1) these belong to the Diplomatic Quarter as common property; (2) no encroachments shall be made upon them by the legations, the Imperial Customs, or private individuals or associations; (3) no compensation is due from the community for these or other public works already executed at the expense of certain legations for reconstruction purposes.

Third, regarding the administration of the Quarter—(1) the Representatives of the Powers signatory to the Final Protocol of September 7, 1901, agree to proceed forthwith to the drawing up of a plan of general regulations for police and street maintenance, and to submit this to their respective Governments for approval; (2) the Representatives of the Protocol Powers likewise shall take such measures as they deem advisable to obtain the necessary authority to enforce the above-mentioned regulations upon their nationals, and to oblige them to pay the taxes designed to insure police and street maintenance.

CHAPTER IX

DIPLOMATIC QUARTER—ADMINISTRATION

The somewhat rudimentary municipal system which is in operation in the Diplomatic Quarter in Peiping presents a curious picture of informal administrative practice against a complex background of political authority. Here is a relatively small foreign community, a considerable number of its members enjoying the privileges accorded under customary international law to the personnel of diplomatic establishments.¹ Nor do the privileges and immunities of Peiping's diplomatic circle end with the matter of general international practice, but are further extended by the special conditions under which the Diplomatic Quarter exists, for it is the presence of these officials together with the political interests which they represent, which furnishes the occasion for the maintenance of the Diplomatic Quarter as a special area not subject to the administrative control of the Chinese municipality. In the same area is to be found a fairly substantial group, in proportion to the Legation compounds, of foreign business concerns with a personnel which is in part foreign and in part Chinese. Most of these private foreign nationals enjoy extraterritorial rights, but the presence of a minority of foreigners who are not exempt from the jurisdiction of Chinese courts adds one more element of variety to the legal position of the community. The situation is still further complicated by reason of the fact that most of the private foreign nationals who have business connections in the Diplomatic Quarter reside in the Chinese municipality.² All this may be taken to illustrate the fact that the administrative situation involves imponderable elements which in spite of their elusiveness cannot safely be disregarded. Thus the application and enforcement of simple

police and revenue regulations involve questions of jurisdiction which belie the seeming condition of extreme simplicity in administrative arrangements.

Unless the special character of the legal foundation upon which the administrative machinery of the Diplomatic Quarter rests, then, is taken into consideration, it is highly probable that a view of this machinery will afford a false impression. Informal administrative arrangements are not to be accepted as conclusive evidence of a fundamental condition of simplicity in the actual application of the legal rules which govern the régime in question. What obtains in the Diplomatic Quarter is a municipal system which depends for its successful functioning not only upon the proper handling of somewhat informal administrative machinery, but to an even greater extent upon the coöperation of the Representatives of the Protocol Powers in matters of general policy in so far as municipal administration in the Quarter is concerned. Equally indispensable for the satisfactory operation of this municipal system is the willingness of individual governments to provide their diplomatic or consular representatives with adequate powers for the effective control of their nationals in accordance with the regulations of the Quarter.³

The task of supervising certain elementary functions of municipal administration in the Diplomatic Quarter is entrusted by the Representatives of the Protocol Powers to an Administrative Commission composed of five members.⁴ The acts of this commission are subject to the control and approval of the Heads of Missions representing the Protocol Powers.⁵ This arrangement affords a relatively unified system which has been in operation since the first of January, 1914. Prior to that date there had been three distinct sections in the Diplomatic Quarter, the western, the British, and the eastern, each having its own set of administrative rules and regulations, with the very natural result of friction, confusion, and unnecessary duplication of directing organs. Following only seven months after the adoption of a single unit of administration for the whole Quarter, however, the outbreak of the European War

presented a difficult and embarrassing situation with regard to the operation of the newly established municipal system. Finally in August, 1917, China declared war upon the Central Powers, whereupon Austria-Hungary and Germany forfeited their position as Protocol Powers and the municipal system in the Diplomatic Quarter once more stood upon a footing which could be reconciled with the necessities of practical administration. Not until 1919, however, did the Administrative Commission receive formal notification from the Doyen of the Protocol Powers of the decision of all of the governments concerned to authorize the enforcement of all of the administrative rules and regulations of the Quarter upon their nationals.

At the present time several Powers whose legations are located within the Quarter are without representation among the Heads of Missions of the Protocol Powers.⁶ Germany is the most prominent of these, her diplomatic representative being consulted informally whenever necessary. Denmark and Portugal have diplomatic establishments located in the Quarter, although they are not Protocol Powers, and their representatives are consulted informally on matters affecting their interests. The case of the Soviet Embassy is somewhat more difficult, indications having been given in the press that the Russian Ambassador will reside in Nanking or Shanghai. But even if the Russians were to surrender their compound in the Diplomatic Quarter, control over the site would naturally revert to the Protocol Powers rather than to the Chinese authorities.⁷

The Administrative Commission of the Diplomatic Quarter consists of three representatives of the Legations of the Protocol Powers and two representatives of the residents of the Quarter. The former are designated by the Heads of Missions of the Protocol Powers and the latter are elected by secret ballot under a system which provides for the apportionment of voting power according to the amount of taxes contributed. The members of the Commission hold office for one year and are reeligible.⁸

Three members of the Commission are sufficient for a quorum.⁹ Decisions are taken by majority vote, and the Pre-

sident of the Commission, who must be one of the representatives of Legations, possesses a casting vote.¹⁰ In case, however, the elected representatives consider a measure adopted by a majority of the Commission to be contrary to the interests of their constituency, they may appeal the matter to the decision of the Heads of Missions of the Protocol Powers. An appeal of this kind has the effect of a suspensive veto.¹¹ It is stipulated in the official regulations of the Diplomatic Quarter that in general the decisions of the Commission are to have executive force only on condition that they are accepted by the Heads of Missions of the Protocol Powers.¹² In this connection it is interesting to notice that the regulations also stipulate that the minutes of each meeting of the Commission are to be submitted to the Powers' Representatives.¹³ The power of close supervision thus made available to the Heads of the Missions of the Protocol Powers is in practice, however, kept in reserve, and the Administrative Commission does not encounter an excess of criticism from the body to which it is responsible.

In addition to a president, the Commission designates a treasurer and persons charged with the supervision of highways and police. The treasurer and the superintendents need not be members of the Commission, although they are entitled to sit with the Commission in a consultative capacity.¹⁴ The Commission also maintains a permanent secretary's office in charge of a special official appointed by the Commission.¹⁵ It is customary for a member of the Commission who is a business man, usually a banker, to be the honorary treasurer, although the treasurer's books are actually kept by the permanent secretary. The present secretary, it may be noted, has served continuously since January 1, 1914, the date of the inauguration of a single administration for the entire Diplomatic Quarter, and the smooth functioning of the several municipal services maintained in the Quarter is in large part due to the administrative ability of this official.¹⁶

The power of recruiting employees and of appointing agents for police service and street maintenance belongs to the Commission.¹⁷ It is to be exercised within the limits set by

the budget. Within these limits the Commission has full power to engage and to discharge the personnel of the administrative services, subject, of course, to the advice of the Heads of Missions of the Protocol Powers.

The practical work of municipal administration in the Diplomatic Quarter falls under the following main heads: financial administration, police administration, street maintenance, and certain miscellaneous services which in some cases may be discussed to the best advantage under the above-named heads and in other cases separately.¹⁸

The financial administration of the Diplomatic Quarter may be described first. The regulations of the Quarter expressly provide for a budget which shall be submitted to the Representatives of the Protocol Powers.¹⁹ Estimated receipts and expenditures for the ensuing year are to be indicated, but the regulations do not specify what form the budget shall take. The relatively small sums involved in the administrative routine of the Diplomatic Quarter do not make a highly itemized budget either necessary or desirable, and accordingly a lump sum budget is employed. In view of the complex nature of the legal basis on which the administration of the Quarter rests it would be impracticable to adopt a formal appropriation ordinance, for it is obvious that the municipal character of the administrative problems of the Diplomatic Quarter is non-existent with reference to a concept of fully organized government. Problems of municipal administration arise in a practical rather than in an abstract form. The necessary element of control which is provided in the average municipality through the medium of an enactment into law, at least of a subordinate variety, of an appropriation ordinance is supplied in the case of the Diplomatic Quarter by the responsibility of the Administrative Commission to the Representatives of the Protocol Powers. It is perhaps worth while to mention in this connection that the Heads of Missions of the Protocol Powers act by unanimous agreement, hence the provision that decisions of the Administrative Commission are to be submitted to the perusal of the Diplomatic Representatives for

their approval involves the possibility of a veto by any one Power. Under these circumstances, and in view of the suspensive veto which is available to the representatives on the Commission of the residents of the Quarter, it is to be noted that the absence of ordinary municipal procedure in the matter of appropriations does not denote a lack of control over the actions of a temporary majority of the Administrative Commission. The finances of the Quarter are handled satisfactorily in the course of the Administrative Commission's routine business, subject always to the control of the Heads of Missions of the Protocol Powers.

The principal sources of revenue in the Diplomatic Quarter are as follows:²⁰

1. A land tax of one cent per square meter on unbuild areas.
2. A land tax of nine cents per square meter on built areas.
3. A graduated licence tax on all businesses.
4. A transfer tax of six per cent on immovable property.
5. A rental tax of five per cent per year.

When the administration of the Diplomatic Quarter was unified in 1914, the only taxes levied were those on land, paid by the legations and by private owners on the same basis, and one on businesses, ranging from twenty-five to five hundred dollars per year. It was not until 1921 that the transfer tax was added, but during the ten year period following its institution it yielded substantial amounts only three times, in 1921, 18.54 per cent of the total income of the Quarter, 3.98 per cent in 1924, and 2.54 per cent in 1927.

The tax on rents went into effect on the first of January, 1927, and has proved to be a steady source of income as the following figures indicate:

Year	Per cent of the total income of the Quarter.
1927	12.71
1928	14.42
1929	14.32
1930	12.59
1931	13.41
1932	13.72

Of all the sources of income in the Diplomatic Quarter, the land tax yields the largest amounts. The following table gives the percentage of total income for this tax during the last thirteen years (combining the figures for subscriptions from legations and contributions from non-legation properties for both built and unbuild areas):

Year	Per cent of the total income of the Quarter.
1920	57.54
1921	45.10
1922	52.57
1923	48.37
1924	46.63
1925	48.74
1926	46.93
1927	39.38
1928	40.97
1929	41.57
1930	42.22
1931	42.42
1932	42.16

Next in importance to the land tax, in terms of revenue, is the business licence tax. The percentage figures for the graduated business licences and for the rickshaw licences during the years 1920-1932 are given separately in the following table:

Year	Per cent of the total income of the Quarter Business licences.	Rickshaw licences.
1920	27.85	6.05
1921	23.02	5.50
1922	26.35	6.92
1923	28.24	6.26
1924	28.01	6.14
1925	30.87	6.04
1926	32.41	5.80
1927	26.91	4.53
1928	28.37	4.18

1929	26.24	4.63
1930	27.59	5.50
1931	25.22	6.41
1932	25.67	7.17

The administration of the several forms of taxation has offered no serious problem except in the case of the business licence tax, where it has proved somewhat difficult to find an equitable basis of apportionment. In 1929, as a result of recommendations submitted by a sub-committee appointed to study the question, the Administrative Commission adopted a plan establishing eight definite categories, with business licences fixed at \$500, \$400, \$300, \$200, \$150, \$100, \$50, and \$25 per annum, according to the nature of the business and the size of the premises which it occupies. The decision of the Administrative Commission is final, unless, of course, the representatives of the residents of the Quarter on the Commission should exercise the suspensive veto by an appeal to the Heads of Missions of the Protocol Powers. Such an appeal, as a matter of fact, has never been entertained.

Prior to the adoption of the present scheme for the administration of the business licence tax there had existed not only a certain amount of dissatisfaction with the actual operation of the tax but also a feeling that the tax might very easily be subjected to serious abuse. Under the system of categories now in force and the existing procedure for the determination of the proper category for each business, however, the situation may be regarded as satisfactory.

Mention has already been made of the fact that the municipal system of the Diplomatic Quarter is somewhat rudimentary because of the special character of the legal basis provided by the cooperative position of the Protocol Powers in this area. The functions for which the Administrative Commission is responsible to the Heads of Missions of the Protocol Powers are distinctly limited in scope, and this condition is reflected in the use that is made of the revenue of the Quarter. Only the most elementary municipal services are maintained, and

even these are administered with as small a staff as possible on the payroll. There are no expenses for municipal courts nor for salaries of members of a legislative council, while the duties which would fall to a mayor in a fully organized municipality are divided between the President of the Administrative Commission and the Permanent Secretary. The latter official may be compared to a city manager, and it may be said that economical and efficient administration depends very largely upon the loyalty and tact of the Permanent Secretary.

The municipal services for which the revenues of the Diplomatic Quarter were used during the years 1920 to 1932 are indicated in the following table, together with the percentage of the total expenditure per year for each service:

Year	Police maintenance	Street maintenance	Street lighting	Administration	Public Health	Loan Service	Miscellaneous
1920	23.89	55.54	10.09	10.41	—	—	.07
1921	34.24	30.04	15.22	19.81	—	—	.69
1922	29.90	47.85	8.61	8.67	3.25	—	1.72
1923	24.17	47.02	10.94	12.36	4.25	—	1.26
1924	23.50	36.96	10.50	10.70	4.37	13.86	.11
1925	19.78	32.52	9.11	10.12	3.17	24.99	.31
1926	27.17	37.27	11.22	12.35	3.98	7.90	.11
1927	24.70	35.68	9.96	12.62	3.43	10.25	3.36
1928	27.99	34.95	10.91	12.04	8.36	5.75	—
1929	28.59	36.59	12.00	13.51	9.24	—	.07
1930	29.19	36.45	11.41	14.13	8.82	—	—
1931	31.96	29.96	11.87	17.04	9.17	—	—
1932	31.80	33.14	11.72	14.83	9.01	—	—

Police administration in the Diplomatic Quarter may be considered from two very different points of view. From the standpoint of organization and general functions the situation is very simple; from the standpoint of the actual performance of police functions with regard to the sum total of jurisdiction over individuals, on the other hand, the situation in the Diplomatic Quarter is unique and far from simple. These two aspects of police administration can well be treated in the order named above.

The Administrative Commission employs nearly seventy Chinese policemen, including watchmen for the several banks. These men are under the supervision of the Permanent Secretary of the Administrative Commission, assisted by a subordinate official who devotes full time to the duties of inspector of police. There is also an adviser on police matters who sits with the Commission in a consultative capacity although he is not a member of that body.

The duties of the police force employed by the Administrative Commission are elementary. The policemen are occupied for the most part in the direction of traffic, which is fairly heavy in the Quarter.²¹ The official regulations, in addition to traffic rules, contain a number of provisions which affect the position of Chinese in the Quarter, particularly with regard to public health, public order, and public safety.²² Rules governing the interruption of traffic for the purpose of street maintenance and the use of the streets for unauthorized purposes are likewise specified in some detail. Sanitary regulations are also directed to the residents of the Quarter. The police are charged with the duty of enforcing the Commission's rules regarding the licensing of dogs, and whenever the Commission requires the muzzling of dogs the police are authorized to seize those not muzzled and to prescribe the proper type of muzzle.²³ The police have the power of arrest in cases which involve crime, or disregard of the official regulations, or other disturbance to the peace and good order of the Diplomatic Quarter. They are not furnished with fire-arms of any kind. In times of serious public disturbance the adoption of general measures for the protection of life and property in the Quarter devolves upon the military forces, and indirectly, of course, upon the Chinese authorities outside the Quarter in so far as conditions in the Chinese municipality affect the entire community. The police of the Diplomatic Quarter, in other words, have an important task, and it must be performed with due regard for the susceptibilities of a considerable number of privileged individuals, but at the same time these policemen do not have

as heavy a responsibility with regard to the prevention of serious crimes or public disorders as is the case with an ordinary municipal police force. This is by no means equivalent to asserting that the task of police administration in the Diplomatic Quarter is an unimportant function. Its proper functioning requires, as a matter of fact, constant attention and the generous use of tact and common sense on the part of the chief administrator, the Permanent Secretary of the Administrative Commission.

In addition to the functions which have been mentioned, the work of fire protection is a police duty in the Quarter. The fire fighting apparatus is necessarily limited to the most elementary hose and ladder equipment. A number of fire hydrants have been placed in the Quarter by the Peiping Water Works Company, and it is interesting to note that the American legation guards have a well-equipped fire-fighting service and that they are furnished with keys and connections for all hydrants in the Quarter. The Italian Legation Guards have a motor fire apparatus.

The performance of police functions is vitally affected by the existence of diplomatic and military establishments in the Quarter and the consequent enjoyment of certain privileges and immunities by the personnel of these establishments. As has been indicated, however, it is just this factor that increases the responsibility of the chief administrator for informal and conciliatory arrangements when cases do arise under circumstances which involve diplomatic or military personnel. But it is also to be remembered that the Administrative Commission does not possess judicial power at all, whether the offenders happen to be private nationals of the various powers, or diplomatic or military personnel, or Chinese, or stateless persons. This is obviously a situation in which the political factors are more prominent than the purely legal, for even in the case of private individuals, whether foreign or Chinese, the actual enforcement of the official regulations of the Quarter, or of criminal law in more important matters, there is no uniform standard available.²⁴

The problem of the relation between diplomatic personnel and the enforcement of the local law is world-wide. In the Diplomatic Quarter of Peiping, however, the situation is peculiar by reason of the fact that the Quarter, apart from the areas actually occupied by the legations and their subsidiary establishments, is administered by an international commission exercising a limited authority which is delegated to it not by a single state but by the diplomatic representatives of the Protocol Powers on the basis of voluntary cooperation. Under these circumstances the local regulations, and of these traffic rules are among the most important, are applied in the first instance by police officers who must depend for ultimate enforcement upon the action of the legation immediately concerned. In case diplomatic immunity should be pleaded the question of jurisdiction presents under international practice a political rather than a judicial aspect, but whereas normally the parties in such questions would be two governments, in the Diplomatic Quarter of Peiping the Administrative Commission constitutes the local unit which is interested in traffic rules, yet there is no single government which shares this interest in a strictly legal sense. In cases of this kind which involve no damage to the person or property of nationals of other Powers, the question is simply that of the principle of law enforcement with reference to the Administrative Commission's official regulations, and each legation may be expected to cooperate in reminding staff members as forcibly as may be necessary of the importance of paying attention to the policemen who direct traffic. But in case of a traffic accident involving, on the one hand, for example, willful negligence of a person entitled to diplomatic immunity, and on the other hand serious damage to the person or property of a national of another Power, the Administrative Commission would be helpless if the insistence on diplomatic immunity were to be made the basis of a "denial of justice" by the Power concerned. Fortunately, in practice there has not been serious interference with police administration on the ground of diplomatic immunity in this area. Nevertheless it is evident that the

situation in the Diplomatic Quarter requires a careful appreciation by the responsible authorities of a complex legal background in cases which require the application of local regulations to the personnel of diplomatic establishments.

In the case of private foreign nationals there is no difficulty in terms of special pleading on the ground of immunity from local jurisdiction under general international practice. But as long as the extraterritoriality provisions of treaties between China and the Powers remain in force it rests with the good will of these Powers to complete the process of law enforcement which is instituted with regard to their nationals by the police authorities of the Diplomatic Quarter. Despite the fact that the Administrative Commission possesses no jurisdiction to exercise judicial authority, however, there is reasonable satisfaction with the system as it works in practice. The legations, to be sure, do not all exercise the same degree of control over their nationals, and in the absence of uniform practice in this respect the problem of enforcement sometimes presents embarrassing administrative issues. Fortunately, however, it is only in a few cases that the Administrative Commission has found itself confronted with a situation in which there is no remedy for disregard of the regulations by privileged private nationals. In the case of Powers whose nationals do not enjoy extraterritorial rights, the recommendations or influence of the legation concerned normally suffices in view of the natural reluctance of persons thus situated to submit to trial and punishment at the hands of the Chinese authorities as an alternative to accepting the informal advice of their own legations.

In the case of Chinese offenders much depends upon the nature of the offense. Petty infractions of traffic or other police regulations of the Quarter are ordinarily handled directly by the police of the Quarter, under the direction, if necessary, of the permanent secretary of the Commission. Inasmuch as such offenders may be turned over to the police of the Chinese municipality, it is usually sufficient for the police authorities of the Quarter to take measures which do not involve formal police court procedure. In case of serious crime, however,

Chinese offenders have to be turned over to the Peiping municipal authorities for appropriate action. In this regard it is significant that cordial relations are maintained between the police of the Peiping municipality and the administrative authorities of the Diplomatic Quarter, with the result that crime committed by Chinese in the Quarter is severely punished by the Chinese police. At times the coöperation of the Chinese municipal police is extended to the detection as well as the punishment of criminals whose activities have been carried on within the Quarter. Likewise in connection with the exercise of the power of arrest the police authorities of the Chinese municipality and of the Diplomatic Quarter coöperate whenever necessary, and it is of no avail for the criminal to flee from one area to the other in order to escape pursuit, for he will simply be handed over unceremoniously. No formal extradition proceedings are employed. This practice, of course, is entirely distinct from that which obtains in the event of political circumstances which give rise to the assertion of the so-called right of asylum.

Street maintenance is a branch of municipal administration which ordinarily involves a considerable variety of serious problems, both technical and political. In the first place, while the fundamental importance of well planned and well built streets has received wide recognition, the determination of the most suitable type of paving, for example, depends not only upon the nature of the traffic and to a certain extent upon climatic and topographical conditions, but also upon the capacity of the community at large, and even more particularly of abutting property owners, to pay for the construction and upkeep.²⁵ The nature of the existing political régime is, moreover, a basic consideration, for there are few if any municipal services which offer as rich a field to the spoils politician as those which have to do with street maintenance.²⁶

In present day China, where the spoils system by no means fails to receive due consideration in the higher circles of officialdom, the problems involved in street maintenance, as in

many other branches of municipal administration, do not assume quite the same form that they do in Western cities, in either the technical or the political aspect. Occasionally it happens that American cities have exceedingly poor streets simply because the voters consistently refuse to allow bond issues when they are well aware that to give their approval would accomplish nothing better than to further the enrichment of the professional politicians and the interests which have ways and means of extracting special favors from the political ring. In China, however, poor streets are perfectly normal; good streets are the exception. There are no voters who could insist upon poor streets in order to forestall official extravagance and graft, and once in a while the professional politician takes it into his head to introduce modern improvements. When phenomena of this nature occur, as they have to some extent in Peiping, the municipal expenditures involved are not at all comparable to those which have been incurred in American cities, and the undertaking proceeds upon a relatively modest basis as far as costs are concerned.

Strangely enough it is precisely in street maintenance that the Diplomatic Quarter occupies a particularly favorable position with reference to the general problem of municipal administration in Peiping.²⁷ The political factors which in Western cities have all too frequently interfered with economy and efficiency in this important municipal service do not operate at all in the Diplomatic Quarter; on the other hand, the streets of the Diplomatic Quarter illustrate the fact that Western methods in construction and upkeep, when divorced from unsound political considerations, have advantages which cannot be gainsaid. Moreover this is a field in which Chinese officials can follow suit without undue strain to their own political system. In financial administration, for example, no matter how efficiently the Administrative Commission of the Diplomatic Quarter may perform its duties, little or no impression is likely to be made upon the officials of the Chinese municipality for there exists no practicable basis for comparison or adoption. In street maintenance, on the other hand, the records are put

down in terms which it is impossible to disregard, and the nearer the condition of the streets of the Chinese Municipality approximates that of the Diplomatic Quarter, the more it can be said that in this respect the existence of the Quarter has benefited the whole community in one of the most important aspects of municipal administration.

The excessive amount of dust in Peiping makes the problem of street maintenance even more important than it otherwise would be. In contrast to the relatively small amount of asphalt paving that has been done in the Chinese municipality, in proportion to the total street area (although a good deal has been done recently), the situation in the Diplomatic Quarter is excellent, for the streets of the Quarter, totalling about nine miles in length, are nearly all well paved.²⁸ The Quarter can also claim almost the only paved sidewalks in Peiping.²⁹ Architecturally the Diplomatic Quarter is a place of strange contrasts, but at least it can be said that its streets are in far better condition in practically any kind of weather than is the case in other parts of the city.³⁰

The costs involved in street construction and upkeep have not been high in the Diplomatic Quarter, thanks to the absence of spoils politics and the presence of a competent Clerk of Works.³¹ In 1917, three years after the administrative unification of the Quarter and the consequent improvement of the revenue system, final payment was made on the loan contracted in 1907 by the Eastern Legation Quarter for street construction, and two years later a similar loan, contracted in 1911 for the Western Legation Quarter, was fully repaid. Since that time the pay-as-you-go policy has been in operation, except for the covering of the open sewer known as the Jade Canal, for which a special loan was contracted in 1924 and repaid in five annual installments, ending in 1928.³²

The methods of construction employed for the streets of the Diplomatic Quarter have been thorough as well as economical. The traffic is confined for the most part to rickshaws and automobiles, and this does not produce the heaviest pos-

sible wear and tear, nor does the climate impose special difficulties. There are no hills, and almost no ice appears as a menace to traffic. During the rainy season the drainage system must be carefully watched, but in this connection there has been very little difficulty.³³

The foundation for the streets in the Quarter consists of macadam to a depth of fourteen inches. The surfacing material consists of an asphalt concrete mixture which is two inches thick. This combination of a solid foundation, adequate drains, and a thick coating of asphalt insures durability and a smooth surface.

The Diplomatic Quarter is provided with street lighting under the terms of an annual arrangement between the Administrative Commission and the Peking Electric Company, a concern located in the Quarter. Besides supplying light for three traffic signal stations and 130 street lamps, this company serves all the legations except the French, all the foreign Banks, the Peking Club, several hotels, including two located just outside the Quarter, and a number of other concerns both inside the Quarter and in the immediate vicinity. The Peking Electric Company is registered as a British concern, but the majority of its shares, which were originally owned by Germans, have been in Chinese hands since China's entrance into the war in 1917. Two of the directors are British, and the managing agents are a British firm.

The Peking Electric Company does not enjoy a monopoly in the Diplomatic Quarter, the Peiping Chinese Electric Light and Power Company, Ltd. having a number of consumers in the Quarter. It is the latter company which serves the Chinese municipality, except for a very small number of concerns which are located within a short distance of the Quarter and prefer to patronize the Peking Electric Company.

The water supply of the Diplomatic Quarter comes in part from the Peiping Water Works and in part from private wells. The fire hydrants have been installed by the Water-Works Company, and half the regular rate is charged for water used in fire fighting.

The city telephone service extends to the Diplomatic Quarter at the same rates as are charged in the Chinese municipality. The legations, of course, have independent means of communication in addition to the regular telephone service.

There is a branch office of the Chinese Post Office located in the Diplomatic Quarter although the main Post Office is just outside the western boundary of the Quarter.

Public health functions in the Diplomatic Quarter do not involve a large outlay. Since 1922, due in part to the needs which became evident during a severe smallpox epidemic in 1921, there has been a Medical Officer of Health in charge of health inspection in the Quarter. Health notices are sent out yearly, and special precautions are taken in times when epidemics are prevalent in the city. From 1928 to 1932 inclusive, payments have been made to the Peiping Union Medical College, which is located just beyond the Diplomatic Quarter, for the accommodation of infectious cases. In the future no more payments are to be made on this account.

NOTES

CHAPTER I

INTRODUCTORY

1 On September 27, 1900, Mr. Conger, the American Minister at Peking, made the following comment in a dispatch to Secretary of State Hay (*U.S. Foreign Relations*, Appendix 1901, affairs in China, p. 36): "Better order is being established in the city, and particularly in the portions under the jurisdiction of the Americans and Japanese; the Chinese are returning to their homes, opening their shops, etc., but each army is acting independently and controlling in its own way the section over which it has charge."

On October 12th, Sir Claude MacDonald, British Minister at Peking, reported in part as follows to the Marquess of Salisbury (*British Papers, China No. 5, 1901, p. 125*): "Shortly after the occupation of Peking it was decided by the Generals to divide the city into sections to be policed by the forces of different nationalities. It is intended that the German troops shall take over the control of the quarter at first occupied by the Russians, who suddenly, as your Lordship is aware, announced the intention of altogether withdrawing, which they have since carried out." Again reporting to Lord Salisbury, on October 23rd, Sir Claude gave some interesting details regarding conditions in Peking (*ibid.*, p. 133): "A few days after the relief force arrived in Peking it was found necessary to divide the city into districts for police purposes. Two young officers [Captains in the India Cavalry] were appointed Police Commissioners in the Chinese and Tartar cities respectively. As such they came under my special cognizance. The

duties allotted to them required for their proper fulfillment, intelligence, energy, and tact. It gives me great pleasure to state that the said duties were carried out to my entire satisfaction; the clean and orderly appearance of the streets, such as I have never seen in Peking before, the respectful, yet contented, appearance of the respectable inhabitants of the quarter policed by these officers, together with the absence of crime, bears excellent testimony to the good work they have done."

On April 8, 1901, Mr. Rockhill, American plenipotentiary at Peking, wrote in part as follows to Secretary Hay (*U.S. Foreign Relations*, Appendix 1901, p. 125): "The most important question [still to be dealt with] is naturally the evacuation by the foreign troops of Peking and other sections of this province and the reestablishment of the regular Chinese authority. It has, however, been agreed to by all the powers that the evacuation can not be commenced or any alterations made in the present mode of governing this province until, not only the total amount of the indemnity to be asked of China has been ascertained, but the securities for the payment of the same have been given and accepted by the powers. . . . It seems hardly probable that the total amount of the indemnity to be asked of China can be ascertained before the first of June. In the meanwhile the occupation is costing China enormous sums of money."

A memorandum sent by Sir E. Satow, then British Minister at Peking, to his colleagues of the Diplomatic Corps on April 4th, reads in part as follows (*ibid.*, p. 126): "The first concession which the Chinese will be desirous of obtaining is the evacuation of the capital. With regard to Peking, it is to be observed that at present it is divided between the American, British, French, German, Italian, and Japanese forces, and that in each quarter there is a police commissioner invested with extensive powers. Over all there seems to be a general council composed of military officers, but no formal information has been received regarding its constitution and functions. Before the city can be handed over to the Chinese authorities it will be necessary to assure ourselves

that they are prepared to preserve order and undertake the administration of justice and police. The same remark applies to Paoingfu, Tungchow, and such rural portions of the provinces as are evacuated by the allied troops. It is desirable that the Chinese civil administration at Peking and elsewhere should be restored before the evacuation takes place, so that [sic] opportunity may be afforded for the Chinese authorities to give full proof of their capability to carry on the local governments, failing which the withdrawal of the allied forces would have to be postponed."

On June 1, 1901, Mr. Rockhill reported to Secretary Hay that he had not yet been informed of the method to be followed in transferring the control of Peking to the Chinese authorities (*ibid.*, p. 186). Three weeks later Mr. Rockhill reported the intention expressed by the Chinese of bringing some 3,000 troops to Peking to take over the policing of the city and the reply of the Diplomatic Corps to the effect that, until further orders, no Chinese troops could be allowed to advance toward Peking. The concluding paragraph of the dispatch reads as follows (*ibid.*, pp. 247-247): "At the present time the actual work of policing the city is in the hands of the Chinese authorities, subject to the control of the various military commanders, and it would seem that this was the better method of managing this work until the complete evacuation of the capital by the foreign soldiery."

On June 19th, Sir E. Satow telegraphed to Lord Landsdowne in part as follows: (*British Papers, China No. 1, 1902*, p. 144): "The police and civil administration of the quarters of the city occupied by the Germans, French, British, Japanese, and Italians, have either been, or will be immediately, handed over by the respective Commanding Officers, to be carried on by the Chinese civil authorities, over whom, pending the final evacuation of the city, the foreign military officers will exercise a general control. . . . It is the unanimous opinion of the Commanding Officers that the final evacuation should be effected before any Chinese troops enter Peking." The

"final evacuation of the city" refers to parts of the city other than the Diplomatic Quarter.

On July 4th, Sir E. Satow reported to Lord Lansdowne in part as follows (*ibid.*, p. 234): "As a preliminary step to the evacuation of Peking it is essential that the Civil Administration and policing of the city and environs, which since last August have been managed by the military authorities of the Powers, should be transferred gradually to the Chinese officials specially appointed by the Chinese Government to undertake those duties. Arrangements with this object in view were set on foot some months ago in the section under British authority, and on the 24th June Lt.-Gen. Sir Alfred Gaselee met the principal Chinese officials concerned at his headquarters and agreed to hand over the municipal and police functions on the 1st July. . . . As your Lordship will observe, two British Commissioners, officers of Sir A. Gaselee's staff, will continue to exercise a general control and support with three British pickets the authority of the Chinese officials, until the departure of the British troops." These pickets were to be employed only in cases involving disturbances caused by foreigners.

CHAPTER II

LEGAL BASIS AND GENERAL ORGANIZATION

<i>Magors</i>	<i>Tenure of office.</i>	<i>Political Affiliations*</i>
Ho Cheng-chun	June 1928	Chiang Kai-shek
Ho Chi-kung	July 1928—June 1929	Feng Yu-hsiang
Chang Yin-wu	June 1929—Sept. 1930	Yen Hsi-san
Wang T'ao	Oct. 1930—March 1931	Chang Hsueh-liang
Hu Jo-yü	April—June 1931	Chang Hsueh-liang
Chou Ta-wen	July 1931—June 1933	Chang Hsueh-liang
Yuan Liang	June 1933	Chiang Kai-shek

* Shiftings of political affiliation are not infrequent with these men as with all politicians.

CHAPTER III

BUREAU OF PUBLIC SAFETY

1. In 1931 this amounted to \$1,348,827.306. See table facing p. 40.
2. Police allowances constitute the monthly pay of police officers and policemen.
3. Party offices, government offices, military quarters, Hui Kuan (public inns), temples, churches, schools, legations are specified.
4. Houses which have been vacated by tenants, and shops which have reported the suspension of business, may be exempted from the house tax. This exemption does not apply in the case of houses that are not ordinarily used for renting purposes, nor does it apply to those for which no 'to let' notice is put up. Exemptions are occasionally granted to the owner when he is unable to pay the tax.
5. The Tax Collector devotes full time to tax functions.
6. Verandas of tile and lime houses are assessed at the rate of one room rate for space of 3.
7. Houses of inferior quality (those for which mud, grass, etc. is used) are assessed smaller amounts, but they are classified with buildings having lime roofs.
8. No charge is made for this certificate, but if it is lost through the fault of the taxpayer a fee of one dollar is charged for a new one.

CHAPTER VI

BUREAU OF SOCIAL WELFARE

1. The registration of the heads of temples belonged to the Bureau of Public Safety until February, 1930, when it became one of the functions of the Social Welfare Bureau. Since March, 1933, a fee of four dollars has been charged by the latter Bureau for a registration certificate. Up to the end of May four hundred certificates had been issued.
2. Less than twenty companies are affected by this tax. For unlimited companies the rates are from \$15 for companies with a capital of \$5000 to \$225 for those with one million dollars capital (with an increase of \$75 per million thereafter). For limited companies the rates are from \$15 for \$5000 capital to \$225 for half a million dollars capital (with an increase of \$150 per million thereafter).
3. There are a few cases of conciliation every year. A conciliation committee, consisting of one representative of the Mayor's Office, two members of the Bureau of Social Welfare, and two representatives each for both parties to the dispute, handles matters of this kind, under the direction of the Social Welfare Bureau. As yet there have been no instances of the use of the arbitration procedure designated in the formal plan of the Bureau.
4. See MacMurray, *Treaties and Agreements with and concerning China*, 1894-1919, II, p. 1055 ff., especially Articles 4, 7, 14, 16, 17. Also Annex 1, *ibid.*, pp. 1064-1065 and Annex 2, pp. 1065-1066.
At present the tramway line in Peiping covers about 45 kilometers of tracks.

CHAPTER VIII

DIPLOMATIC QUARTER — LEGAL BASIS

1. *Foreign Relations of the United States*, Appendix, 1901 (Senate Document No. 67, Fifty-seventh Congress, first session), pp. 312-318 (English translation), pp. 306-312 (French text), pp. 319-339 English translation of Annexes to the Final Protocol).
MacMurray, *Treaties and Agreements with and concerning China*, 1894-1919, I, pp. 278-284 (English translation), pp. 285-308 (English translation of Annexes).
Malloy, *Treaties . . . between the U. S. and other Powers*, 1776-1909, II, pp. 2006-2012 (English translation).
2. M. de Cologan, the Spanish Minister, was *dogen* of the diplomatic corps, hence the meeting at the Spanish Legation. This was the third formal meeting of the diplomatic corps and the Chinese plenipotentiaries. The first took place when the Joint Note of December 22, 1900, was presented to Prince Ching at the Spanish Legation on December 24, 1900.
3. Peking had been under military occupation since August 14, 1900, but the signing of the Final Protocol on September 7, 1901, marked the formal beginning of the position of the newly established Diplomatic Quarter as an area legally distinct from the remainder of Peking with regard to the "rights of occupancy" of the powers collectively. Thirteen of the nineteen annexes are copies of Imperial Edicts which had been issued in support of various points determined in the final settlement. The remaining six annexes include necessary memoranda, regulations, tables, etc., including a detailed plan of the Diplomatic Quarter (Annex 14).
5. Although June 20th is the official date for the beginning of the siege of the legations, serious attacks on the legations began before that date. As early as June 4th the American Minister, Mr. Conger, had cabled to the Secretary of State about the possibility of being besieged in Peking, with telegraphs and railways cut (*U. S. Foreign Relations*, 1900, p. 141). One week later (*ibid.*, p. 145) he made the following comment in a dispatch to Secretary Hay: "The probability, of which I telegraphed on the 4th, is now a fact. We are besieged in Peking, entirely cut from outside communications, and our deliverance depends on the concerted action of the naval squadrons at Taku in coming to our relief." On June 18th, when still another week had passed, Mr. Conger reported: "We are still prisoners anxiously awaiting relief." (*ibid.*, p. 151).
Eight of the eleven Protocol Powers, namely Germany, Austria-Hungary, the United States, France, Great Britain, Italy, Japan, and Russia participated in the military occupation of Peking. Mr. Conger reported on August 29th (*ibid.*, p. 199) that the forces of occupation then numbered 30,000. While regarding joint military occupation as absolutely essential to successful negotiations (*ibid.*, p. 200), the American Minister believed that one-third the number of the force then in occupation would suffice (this was in mid-September).
6. The words included in brackets, from the French text, are inserted here by the present writer because the English translation gives a slightly different emphasis.
7. See map, facing p. 88.
8. Article X, paragraph 1, of the Supplementary Treaty of commerce and navigation of October 8, 1903, between Japan and China, negotiated in pursuance of Article XI of the Final Protocol of September 7, 1901, reads as follows (MacMurray, *Treaties and Agreements with and concerning China*, 1894-1911, I, p. 414):

Article X. — Peking to be opened to international residence and trade. — The High Contracting Parties hereto agree that, in case of and after the complete withdrawal of the foreign troops stationed in the province of Chihhi and of the Legation guards, a place of international residence and trade in Peking will be forthwith opened by China itself. The detailed regulations relating thereto shall be settled in due time after consultation.

Annex 6 (*ibid.*, pp. 420-421), reads in part as follows:—According to the provision of Article X of this Treaty regarding the establishment in Peking of a place of international residence and trade, it is agreed that in case of and after the complete withdrawal of the foreign troops, now guarding the Legations and Communications, a place in Peking outside the Inner City, convenient to both parties and free from objections, shall be selected and set apart as a place where merchants of all nationalities may reside and carry on trade. Within the limits of this place merchants of all nationalities shall be at liberty to lease land, build houses and warehouses, and establish places of business; but as to the leasing of houses and land belonging to Chinese private individuals, there must be willingness on the part of the owners and the terms thereof must be equitably arranged without any force or compulsion. All roads and bridges in this place will be under the jurisdiction and control of China. Foreigners residing in this place are to observe the Municipal and Police Regulations on the same footing as Chinese residents, and they are not to be entitled to establish a Municipality and Police of their own within its limits except with the consent of the Chinese authorities. When such place of international residence and trade shall have been opened and its limits properly defined, the foreigners who have been

residing scattered both within and without the city walls, shall all be required to remove their residence thereto and they shall not be allowed to remain in separate places and thereby cause inconvenience in the necessary supervision by the Chinese authorities. The value of the land and buildings held by such foreigners shall be agreed upon equitably and due compensation therefor shall be paid. The period for such removal shall be determined in due time, and those who do not remove before the expiry of this period shall not be entitled to compensation. . . .

With the above should be compared Article III of the treaty of the same date between China and the United States, in accordance with Article XI of the Final Protocol of September 7, 1901 (*ibid.*, pp. 424-425):

Article III. American citizens in China; their rights. — Citizens of the United States may frequent, reside and carry on trade, industries and manufactures, or pursue any lawful avocation, in all the ports or localities of China which are now open or may hereafter be opened to foreign residence and trade; and, within the suitable localities at those places which have been or may be set apart for the use and occupation of foreigners, they may rent or purchase houses, places of business and other buildings, and rent or lease in perpetuity land and build thereon. They shall generally enjoy as to their persons and property all such rights, privileges, and immunities as are or may hereafter be granted to the subjects or citizens of the nation the most favored in this respect.

9. *Op. cit.*, note 1, above.

10. See, for example, MacMurray, *op. cit.*, note 1. Compare, however, the English translation of the preamble to the Protocol of June 13, 1904, *ibid.*, p. 315, where "exclusive police" and "usage" are employed with reference specifically to Article VII of the Final Protocol of September 7, 1901.

11. See pp. 103-120.
12. *U. S. For Rel.*, Appendix, 1901, p. 43. One week earlier on October 19th (*ibid.*, p. 40), Mr. Conger had reported to Secretary Hay regarding the outlook in Peking: "It will be useless for the foreign representatives to meet with the Chinese plenipotentiaries for discussion until the powers have more fully agreed among themselves. I still think it best, as I have already written you, and which I understand is in accordance with the view of the Department, that a convention, the most preliminary possible, should be made, . . . to be followed by due appointment of plenipotentiaries, who shall make, as nearly as can be done, a general final settlement, leaving as little as possible for separate negotiations between the separate powers. However, a purpose seems now to be indicated by most of the representatives here to let the very first negotiations include and settle as much as possible, and let separate negotiations with the various powers settle the rest." The tendency which the American Minister thus believed he discerned was, from the point of view of American policy towards the Far East, an extremely serious matter. In this connection it is interesting to compare the following comment by Mr. Rockhill, who on February 23, 1901, was promoted to the position of plenipotentiary of the United States: ". . . the United States [have] been able to exercise a moderating influence in the councils of the powers, while still maintaining the concert which, clumsy as it undoubtedly is, is still, so long as it exists, a tolerable guarantee of the maintenance of Chinese integrity and of equal trade privileges for all the world." (Mr. Rockhill to Mr. Hay, May 25, 1901, *ibid.*, p. 175).
13. *Ibid.*, p. 33 (Mr. Conger to Mr. Hay, September 10, 1900), p. 34 (September 13).
14. *Ibid.*, p. 27.
15. *Ibid.*, p. 28.
16. *Ibid.*, p. 344. In this document the following points are stated: China's admission of liability to pay indemnity for losses sustained, together with promise that the high offense against an important principle of international law involved in laying siege to legations shall not occur again; each Power to designate how matters relating to future trade and international relations should be dealt with; a general convention to be made by China with the combined Powers to cover general principles which apply alike to all, to be followed by separate treaties arranging special affairs of each Power; Powers to withdraw their troops upon reaching an understanding regarding indemnity items; each Power to declare an armistice upon opening of peace negotiations since foreign troops sent to China for no other purpose than to protect ministers.
17. It is interesting to note (*ibid.*, p. 40) that the foreign envoys were invited by Prince Ching and Li Hung-chang to *visit them* for the discussion of terms of settlement. In this connection (*ibid.*, p. 45, Mr. Conger to Mr. Hay, November 2) the following is significant: "We shall continue to strive to agree upon all essential points before presenting any to the Chinese plenipotentiaries." See also note 19, below.
17. *Ibid.*, p. 345. See below, note 21.
18. *Ibid.*, p. 345. In addition to giving his specific approval of the treaty port suggestion, Secretary Hay emphasized the point that during the negotiations no opportunity to safeguard the principle of impartial trade, to which he regarded all the powers as pledged, should be lost (p. 346).
19. *Ibid.*, pp. 58, 355. On November 26th (*ibid.*, p. 49), Mr. Conger had commented, in a dispatch to Mr. Hay, upon the advantage of sending a joint note ("this is so plainly a world-wide question"), although he was "aware that ordinarily our Government is not in favor of joint action with European powers," thus emphasizing once more the

distinction between the "Pacific" and "Atlantic" policies of the United States.

20. *Ibid.*, p. 59. Two other provisions should also be noted, in view of subsequent developments (see pp. 92-93) :

"11. The Chinese Government will undertake to negotiate the amendments to the treaties of commerce and navigation considered useful to the powers, and upon other subjects connected with commercial relations, with the object of facilitating them.

"12. . . . Until the Chinese Government have complied with the above to the satisfaction of the powers, the undersigned can hold out no expectation that the occupation of Peking and the province of Chihhi by the general forces can be brought to a conclusion."

21. *Ibid.*, p. 48 (Mr. Conger to Mr. Hay, November 20th), p. 349 (Mr. Hay to Mr. Conger, November 16th).

22. *Ibid.*, pp. 60, 356. Li Hung-chang was unable to be present. Compare note 16, above.

23. *Ibid.*, p. 63.

24. *Ibid.*, p. 64.

25. *Ibid.*, p. 356.

26. *Ibid.*, pp. 82-83. See also *British Papers, China No. 6*, 1900, pp. 45-46) : In a dispatch to the Marquess of Lansdowne dated December 13, 1900, Sir F. Satow, the British Minister at Peking, had expressed rather forcibly this dissatisfaction with the size of the area for the Diplomatic Quarter proposed by a majority of the Commission of First Secretaries of Legations (the British, United States, Russian, and Japanese Secretaries having proposed a smaller area) and approved by the Diplomatic Body on November 24th. The British Minister regarded the area contemplated by the majority of the Secretaries' Commission as altogether too large. This viewpoint he had already expressed to his colleagues at Peking in a frankly worded Memorandum dated December 10th. (*ibid.*, pp.

46-47). On February 18, 1901, he telegraphed in part as follows to Lord Lansdowne (*ibid.*, p. 75) : "With reference to my despatch of December 13th, in my opinion protection against assaults from a mob should be all that the defensive works should be required to afford. His Majesty's Government would possibly not desire to maintain the Legation in Peking if attacks by Chinese regular forces were to be anticipated." Replying on February 19th, Lord Lansdowne said (*ibid.*, p. 79) : "I concur in the view expressed in your telegram of the 18th February respecting the proposed defences for the Legations. It would be ridiculous to have a great fortress in the midst of the city requiring a garrison of several thousand troops. What is required is a rallying point which can be held, pending the arrival of assistance, against a mob or a Coup de main."

27. *U. S. For. Rel.*, Appendix, 1901, pp. 93-94.

28. *Ibid.*, p. 96.

29. *Ibid.*, p. 113.

30. *Ibid.*, p. 173 (May 22, 1901).

31. *Ibid.*, pp. 93, 233-234.

32. *Ibid.*, pp. 294-296 (Rockhill to Hay, August 8, 1901).

33. *Ibid.*, p. 234.

34. *Ibid.*, pp. 235, 236.

35. See below, note 44.

36. See p. 102.

37. *U. S. For. Rel.*, Appendix, 1901, p. 239 (the Chinese plenipotentiaries to the Doyen of the Diplomatic Corps, March 23, 1901).

38. *Ibid.*, p. 240.

39. *Ibid.*, pp. 232, 233.

40. *Ibid.*, p. 242.

41. See above, note 8.

42. MacMurray, *op. cit.* I, pp. 315-316 (English translation). The present writer has used the French copy printed with the Regulations of the Diplomatic Quarter.

43. The three-fold classification here adopted does not follow the order employed in the Protocol. The language does not correspond to the English translation given in MacMurray, *op. cit.*, on all points. It is intended, however, to reproduce as far as possible the meaning of the French text. The parcels of private land enumerated in MacMurray, *op. cit.*, do not include one that is mentioned in the version used by the present writer. Only so much of the Protocol as bears upon the subject under discussion is dealt with in the summary of obligations. Finally, it may be noted that under the second group, regarding "encroachments" (2), only the first four items are specified.

44. In the report (signed February 9, 1901) of the mixed military commission on the defense of the proposed Diplomatic Quarter the following recommendation was made (*U. S. For. Rel.*, Appendix, 1901, p. 84): "It is essential that there should be a clear zone or glacis round the defenses on the west, north, and east sides, and the commission considers that the minimum width of this space should be 150 yards (about 140 meters), but where possible it is desirable that this width should be increased. . . . It should be very clearly laid down that all buildings on these glacis or open spaces are to be removed, and no new buildings should on any account be permitted; nor should materials, except for military purposes, be stacked or placed on these glacis."

The Austro-Hungarian, German, Italian, and French Ministers at Peking were particularly interested in this plan for a glacis (Sir E. Satow to the Marquess of Lansdowne, February 26, 1901, *British Papers, China* No. 6, 1901, pp. 89-90).

On May 13, 1901, Mr. Rockhill reported to Secretary of State Hay in part as follows: "On the 11th instant the diplomatic corps held another meeting for the consideration of . . . and the so-called diplomatic quarter of this city. In connection with the latter subject, the French minister asked that a categorical answer should be given by all present, whether they accepted or not the creation of a glacis around the diplomatic quarter, which had been strongly advocated by the military commission in its report. . . . The British minister and I said that we were in the impossibility of agreeing to it; that the whole subject had been referred to our Governments. Pending the receipt of instructions, each legation could do, within the ground which it occupied, whatever it pleased. The French and German ministers are particularly interested in the question, as on part of the ground which they wish to convert into a glacis American citizens. . . . hold property which they now want to improve. I was asked if I could not prevent them taking any steps in this direction until the question of the glacis had been finally settled. This I declined to do, stating that I could in no way restrict the rights of American property owners in China." (*U. S. For. Rel.*, Appendix, 1901, p. 160).

The project for a glacis was finally adopted in a somewhat modified form. Particularly on the western end of the Diplomatic Quarter, and on the western portion of the northern glacis, there has been less attention paid to the original recommendation of the mixed commission (of February 9, 1901), although strictly speaking the principle of the glacis was adopted for all except the south side of the Quarter, along the Tartar Wall. The compromise reached in the negotiations between the Chinese plenipotentiaries and the commission composed of the Austro-Hungarian, French, and Italian Ministers (see above p. 99) regarding the western border of the Quarter and certain matters affecting the northern glacis were incorporated in the final settlement in 1901 and it is in the Pro-

toed of June 13, 1904, that the problem of the glacis as a whole received final disposition by all the foreign signatories to the 1901 settlement.

The succession of Japan to the defense of the section allotted to the legation guards of Austria-Hungary in no way modifies the applicability of the "common property" rule laid down in the Protocol of June 13, 1904, except in so far as the number of Protocol Powers has been reduced (see p. 107). In view of events in the Far East since the Mukden incident of September 18, 1931, and particularly in view of the situation in Peiping during the crisis of May, 1933, when the section of the glacis assigned to the defense of the Japanese legation guards was singled out for special attention on the part of Japanese airplanes, it is obvious that the glacis problem may involve more than strict considerations of the defense of the Diplomatic Quarter require.

CHAPTER IX

DIPLOMATIC QUARTER — ADMINISTRATION

1. In a number of treaties to which China is a party provision has been made for special treatment in regard to diplomatic privileges, in addition to those conferred by the Final Protocol of September 7, 1901.

Sometimes these special provisions confer the right to "most-favored-nation" treatment, and in other instances particular items are stipulated. See *American Journal of International Law*, Vol. 26, No. 2, Section 2—Official Documents (April, 1932), pp. 29-31. "The most favored nation clause as applied to diplomatic agents refers one, in general, to the standard of treatment required by customary international law. However, the treaty of 1903 between the United States and China recognizes the fact that the privileges and immunities of diplomats under a most favored nation clause may be in excess of those demanded by international law. The following provision from this treaty seems to indicate that the standard of the law of nations is merely the minimum standard: 'The diplomatic representatives of the United States shall enjoy all the prerogatives, privileges and immunities accorded by international usage to such representatives, and shall in all respects be entitled to the treatment extended to similar representatives of the most favored nation. . . .' This is brought out still more clearly in the Swedish treaty of 1908 with China: 'The Diplomatic Representatives thus accredited shall enjoy all the prerogatives, privileges, and immunities accorded by international usage to such Representatives, and they shall also in all respects be entitled to the treatment extended to similar Representatives of the

- most favored nation." The above quotation (*ibid.*, p. 31) is especially interesting in view of the fact that the United States is one of the Protocol Powers in the Diplomatic Quarter of Peiping, while Sweden is not. Perhaps enough has been said to indicate that the problem is not entirely a simple one, even with reference to "most-favored-nation" provisions, to say nothing of those which embody particular items.
2. See above, pp. 28-32.
 3. See below, pp. 111-116.
 4. *Règlement pour le Quartier Diplomatique à Pékin*, Art I, Art. II, Art. XIX is important in this connection: "Au cas où le Corps Diplomatique croirait opportun de modifier en tout ou en partie le présent règlement, il se réserve le droit d'y substituer une organisation différente."
 5. *Règlement*, Art. VIII, XI, XII.
 6. Therefore, although their nationals pay the taxes imposed within the Quarter and their legations pay contributions to the Administrative Commission, they do not participate, through their diplomatic representatives, in the administration of the Quarter, in so far as the formal régime established under Article VII of the Final Protocol of September 7, 1901 is concerned.
 7. The Soviet authorities continue to pay taxes to the Administrative Commission.
 8. *Règlement*, Art. II-VI.
 9. *Ibid.*, Art. X.
 10. *Ibid.*, Art. VII, XI.
 11. *Ibid.*, Art. XII.
 12. *Ibid.*, Art. XIII.
 13. *Ibid.*, Art. XI.
 14. *Ibid.*, Art. VII.
 15. *Ibid.*, Art. XIV: "Un secrétariat permanent sera créé dans un local déterminé qui assurera la tenue des archives, la mise en état permanent du cadastre, la rentrée des taxes

- et l'expédition de la correspondance courante. Un fonctionnaire spécial sera chargé de diriger ce service."
16. The actual duties of the Permanent Secretary are much more extensive than is indicated in Art. XIV of the Règlement. This is particularly important in connection with police matters, which frequently involve consultation with the officials of the Inner First Ch'ü of the Chinese municipality. Mr. W. P. Thomas, a British national who has been in China for nearly twenty-five years, is exceptionally well qualified as the chief administrator. He speaks and reads Chinese, as well as several European languages.
 17. *Règlement*, Art. XV.
 18. *Ibid.*, Art. XII reads in part as follows: "La Commission Administrative délibère sur les objets suivants:—
 1. Budget des recettes et des dépenses du Quartier Diplomatique;
 2. Etablissement des taxes;
 3. Mode de recouvrement;
 4. Demande en décharge ou réduction d'impôts;
 5. Travaux d'assainissement ou de viabilité;
 6. Eclairage;
 7. Distribution des eaux;
 8. Règlements de police, d'administration, de voirie et de salubrité;
 9. Administration et service des emprunts antérieurs;
 10. Suggestions au Corps Diplomatique pour la modification du Règlement du Quartier;
 11. Toute autre question concernant l'administration ou la police du Quartier."
 19. *Règlement*, Art. VIII.
 20. *Règlement*, Art. XIII. It should also be noted that the Chinese municipality makes an annual contribution for street maintenance in the Diplomatic Quarter.

Another source of income is the licence of one dollar per month on rickshaws which are stationed in the Quarter (Annexe II, Règlement pour les Rikshas, Art. 1).

21. *Règlement du Quartier Diplomatique*, Annexe I (Règlement de Police et de Voirie), especially Art. 6, paragraphs 4 and 12:

"Tout conducteur d'un véhicule, quel qu'il soit, qui, invité par la police à modérer son allure, n'obtempérera pas, sera arrêté et amené devant l'officier chargé de la police du Quartier Diplomatique.

"En cas de contravention, pour tous véhicules, le propriétaire sera responsable du paiement de l'amende qui pourra être infligée par l'autorité compétente." See below, note 24.

22. *Ibid.*, Art. 2-5:

Art. 2. Sont et demeurent prohibés dans le Quartier Diplomatique: les maisons de jeu, les fumeries d'opium, les maisons publiques et les débits de boissons autres que les cantines situées à l'intérieur des casernes. La fermeture immédiate d'établissements de ce genre sera prononcée, le cas échéant, par la Commission Administrative, sans que les tenanciers puissent jamais avoir droit à une indemnité d'aucun genre.

Les autorités compétentes devront assurer l'exécution des décisions de la Commission.

Art. 3. La mendicité est interdite dans le Quartier Diplomatique. Tout rassemblement, tout exhibition de jongleurs, d'acrobates et autres forains sont interdits sur la voie publique. Les marchands ambulants ne pourront exercer leur métier sur la voie publique sans avoir obtenu au préalable une autorisation spéciale.

Art. 4. Il est interdit aux Chinois de passer sur la partie de la muraille réservée, par la Protocol, pour la défense des Légations. Les soldats chinois, même non porteurs de leurs armes, ne pourront traverser le Quartier diplomatique que si les autorités chinoises en ont préalablement

obtenu l'autorisation de la Commission Administrative. Exception est seulement faite à cette règle, (1) pour les quelques personnes de la suite des fonctionnaires chinois qui se rendraient en visite officielle dans l'une des habitations du Quartier Diplomatique, (2) pour les soldats escortant des convois de numéraire aux banques, (3) pour les escortes militaires se rendant aux Légations pour les audiences.

Il est interdit aux Chinois, quel que soit leur emploi, commerce ou profession, de circuler avec des armes ou des munitions dans le Quartier Diplomatique.

Art. 5. La circulation des voitures chinoises et des rikshas non caoutchoutés est interdite dans les limites du Quartier Diplomatique, à moins qu'ils ne se rendent à une habitation du Quartier.

Il est interdit aux fardiers de pénétrer dans le Quartier Diplomatique, sauf lorsque les charges qu'ils amènent sont destinées à son entretien ou aux maisons qui y sont installées.

Ibid., Annexe II (Règlement pour les Rikshas), especially Articles 2-5:

Art. 2. Aucun riksha ne pourra être mis en service sans avoir au préalable été inspecté par la police ou toute autre personne spécialement désignée à cet effet. Les rikshas devront être solidement construits, propres et en bon état: ils devront être munis d'un tablier et d'une capote imperméables.

Art. 3. Entre le coucher et le lever du soleil, les rikshas devront être munis d'une lampe allumée, fixée au véhicule ou portée par le coolie.

Art. 4. Les coolies-rikshas, qui ne pourront être ni des hommes âgés ni des enfants, devront être sains et vigoureux; une amende pourra être infligée à ceux dont la tenue laisserait à désirer.

Art. 5. La maraude est interdite. Les rikshas libres doivent stationner à des endroits déterminés par la police.

Les coolies ne doivent pas se précipiter au devant des clients.

23. *Ibid.*, Annexe III (Règlements en cas d'épidémie sur les animaux), section 3.

24. *Règlement*, Annexe I, Art. 13: "Toute acte de résistance envers les agents chargés de veiller à l'exécution du présent règlement sera déferé aux autorités civiles ou militaires de la nationalité du délinquant."

/// ← 25. See above, p. 143, for percentage of total yearly expenditure in the Diplomatic Quarter on street maintenance.

26. The story of American municipalities, for example, is full of instances of the corrupt practices to which paving contractors and public utility operators have resorted in order to influence city councils to award them special privileges from which they can derive enormous profits with no reference whatever to the real interests of the community. It has frequently happened that the politicians themselves have resorted to huge bond issues, supposedly intended solely for street construction, only to line their own pockets with the entire proceeds. Under these circumstances the American city street may be regarded as a municipal institution with a highly significant but not altogether respectable history, and not the least interesting and instructive aspects of this history are the financial operations under which the physical street is sometimes buried several layers deep. Viewed from this standpoint the city street loses some of its seemingly humble characteristics and assumes a decidedly sinister appearance.

27. The Diplomatic Quarter is usually viewed primarily from the standpoint of political considerations which bear directly upon international relations. This is not the chief consideration in the present connection. On the contrary, it is with the municipal problem that the point here made is concerned, and not with international politics.

28. The only unpaved streets in the Quarter are those which are reserved for heavy carting traffic, totalling about two miles.

29. Morrison Street (Wang Fu Ching Ta Chieh), located in the Inner First Police District, immediately to the North of the Diplomatic Quarter, has wide and well paved sidewalks. This street is becoming more and more important as a business center.

30. From the point of view of city planning, apart from the technical aspects of modern municipal administration, an excellent case can be made out for old Peking, particularly in connection with the arrangement of the Forbidden City. The Diplomatic Quarter, on the other hand, is hopelessly cosmopolitan from the point of view of architectural arrangements. With regard to modern municipal services, however, the contrast works decidedly to the advantage of the Diplomatic Quarter.

31. See note 1 above. Mr. Thiele, the clerk of works, has been connected with the Diplomatic Quarter ever since 1907, when he began his service in the Eastern Legation Quarter, except for a period of four and a half years after August 1917. Since 1914, of course, his connection has been with the unified administration of the Quarter. It is under his supervision that all the work of street construction and maintenance in the Quarter is carried out.

32. The section in front of the Wagons-Lits Hotel was covered in the autumn of 1921 at the expense of the hotel. This work was designed and carried out by Mr. A. Thiele. The remaining portion of the Canal was covered between September 1924 and the following December. This work was entirely planned and carried out by Mr. A. Thiele. At present the space over the Canal is an attractive promenade.

33. It is interesting to note that the drains in most of the streets of the Diplomatic Quarter were constructed many years ago (during the Ming dynasty) by the Chinese authorities. They have been cleaned out and repaired by the present authorities in the Quarter.