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**STUDY OF A TYPICAL CHINESE TOWN**

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# Study Of A Typical Chinese Town



What Survey Revealed In Ching Ho, North China,  
Which Was Taken As Example

Undertaken Under The Auspices Of The Department Of  
Sociology, Yenching University; And Reported

By Dr. Leonard S. Hsu

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## Study Of A Typical Chinese Town

### What Survey Revealed In Ching Ho, North China, Which Was Taken As Example

By Dr. Leonard S. Hsu

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(This is a summary of the findings of a sociological survey of the town of Ching Ho, a typical Chinese town three miles northeast of the campus of Yenching University undertaken under the auspices of the Sociology Department of that University. This summary was presented by Dr. Leonard S. Hsu before the Sociology Conference on Monday, September 30, in connection with the formal opening of the University.)

In the fall of 1928 the Department of Sociology & Social Work, Yenching University received a grant from the Laura Spelman Rockfellow Fund for teaching and research in sociology. We felt that, from the standpoint of sociology, a quantitative analysis of a particular locality over a definite period of time would have more permanent value than a general description such as is usually offered as an interpretation of Chinese social life. We set out to look for a suitable place for such a study. It was decided that this should be either a village or a town with a population of not more than 5,000. We put considerable emphasis on the normality of the locality, as to whether it was typically representative of Chinese life, or not. Naturally, it has been very difficult to decide what should be the test for normality, especially in districts around Peking where the presence of a large number of Manchus is an abnormal feature in comparison with other parts of the province. The systems of cropping, marketing, family organization, educational organization, and religious organization are all tests of considerable importance. Finally we decided on Ching Ho. In taking Ching Ho

as a typical village the only evident abnormal features were the lack of any strong family influence, and the presence of a large number of Mohammedans. In good weather Ching Ho is only one hour's walk from the University and this is an advantage in using it as a laboratory for our sociological study. We organized a committee in charge of the survey with the writer as chairman and Professor Cato Yang as secretary; and the committee appointed Professor Yang as field director of the survey. Miss Chang Kuang-lu, messrs. Yu Hsien-chung and Wan Shu-yung were our principle investigators. Unfortunately, Dr. Yang is

now in Nanking and is unable to present this report himself. This is only a brief summary of the survey, and its full report, a book of considerable size, will soon be published by the Department.

Ecological Conditions. We begin with the ecological conditions of Ching Ho. The town is situated about two miles from Teh Sheng Men, Peiping. It is in the same longitude as Peiping and only a slightly higher latitude. The land level is about twelve feet higher than Peiping which has a land level of 123.3 above sea level. The climate, hot in summer, cold in winter, northwest wind, and sandstorms, is exactly like that of Peiping, and typical of this part of the country. Rainfall is about twenty inches per annum, most of which is precipitated during the months of June and July. A small river—the Ching Ho (the River Clear)—flows through the town, from which Ching Ho derives its name. The soil is primarily a light sandy loam typical of the district. Soil fertility is normal and the land is suitable for the cultivation of the ordinary northern crops, such as corn, sorgham (kaoliang) wheat, beans, etc.

After leaving Peiping Ching Ho is the first halting place on the road to the northwest of China by the old government eighteen foot-wide highway which passes through the center of the town on its way to Kalgan and Mongolia. The importance of this highway has been greatly decreased since the building of the Peiping-Suiyuan

Railway. It was thought that this railway with a station at Ching Ho would be a valuable asset to the town, but unfortunately the station was built a mile from the town and most of the passengers and goods travel directly through to Peiping. This railway is further handicapped in rendering satisfactory service to the locality because of its inconvenient schedule. The main means of communication are rickshaws, donkeys, bicycles, and carts.

Ching Ho is the center for local politics, local communications and local trade. It is the headquarter of the fifth political district of Wan Ping Hsien (a county name) and also the headquarters of the ninth station of the first police district of North Suburb of Peiping. This is an example of how that one sociological area may cover two political areas. The southern part of Ching Ho, which belongs to the Metroptan Area, consists of only nine small villages with 510 families. The northern part which is under the county jurisdiction, controls thirty four villages of 5,000 families. The northern area also has a considerable number of political organizations, and is the political center of local self-government. The present survey covers only the town.

Ching Ho is both a collecting and distributing center for the district, and the area may be

divided into four widely different trading zones. The largest of these zones is that for the collection of grain. The grain here collected is mostly sent to Peiping and other large cities for milling and redistribution. The second zone comprises a distributing area for farm produce other than grain such as vegetables, fruit, peanuts, and sweet potatoes, mostly for local consumption. The third zone is for the distribution of daily necessities such as oil, salt, sauce, etc., and the fourth zone is for the distribution of such commodities as clothing, hardware, farm implements, etc.

The Ching River not only divides the district into political areas, but it also divides the town into different social regions. To the north is a typical rural area with large villages at long distances from each other and an area producing large crops of grain and other agricultural produce. To the south is a small suburban area with a dense population much influenced by Peiping, and

containing many cemeteries and Manchu camps.

Population. The total population of the town of Ching Ho is 2,437. There are 613 in the stores, 38 in public and semi-public organizations, and 1819 in families—a total of 2470, but 33 of these have been counted twice, one under the store population or in public service and the other under the family population, hence leaving a net total of 2,437. Of the 2,437, ninety-two people live outside of the town for the greater part of the year—79 males and 13 females. This points to the fact that the female members of the family are not so accustomed to going outside the town for work as the men. The size of Ching Ho is about one-tenth of a square mile, or to be exact, 0.089 square miles. Thus the density of the population in Ching Ho should be 27,000 persons per square mile.

The following table shows the sex composition of the Ching Ho family population.

	Total	Male	
In the family	1,694 or 100%	843 or 49.7%	851 or 50.3%
Outside town	92	79 or 85.9%	13 or 14.1%
In stores	24	24	0
In public services	9	9	0
	1,819	955 or 52.5%	864 or 47.5%

To use female population as basis of comparison, the sex composition of the total population living in families (1,819) is 111 males per 100 females. The population in stores is 613, of these 556 or 90.7% are males, 57 or 9.3% are females, 38 persons are in public services and they are all men. This large male population in stores and in public services raises the

male percentage in the total population of Ching Ho. So out of a population of 2470, 1519 or 62% are males and 921 or 38% are females. In other words, there are 168 males per

100 females.

Age groups	Total		Male		Female	
	No.	ps. & %	No.	ps. & %	No.	ps. & %
0-14	528	or 29.1%	304	or 31.8%	224	or 25.9%
15-49	954	or 52.4%	510	or 53.5%	444	or 51.5%
50-	335	or 18.5%	140	or 14.7%	195	or 22.6%
Total	1817	or 100%	954	or 100%	863	or 100%

(two are unknown)

In all three cases the middle group contains more than half of the population. The males have a much higher percentage for the youngest group, and a very low percentage in the oldest group, while in the female groups the differences are not so marked. This corresponds to the theory that there are more males born, but that females attain to a greater age on the

average. If we adopt Mr. Whipple's scale of measuring the progressiveness of population, we find that the population in Ching Ho is of stationary type.

Since women, children under 15, and men above 60 are not useful in stores, the age composition of the store population of Ching Ho presents the following picture:

Age groups	Total		Male		Female	
	No.	and %	No.	and %	No.	and %
0-14	53	or 8.7%	37	or 6.5%	16	or 2.9%
15-49	477	or 78.2%	446	or 80.5%	31	or 56.4%
50-	80	or 13.1%	72	or 13%	8	or 14.6%
	610	or 100%	555	or 100%	55	or 100%
Age unknown	3		1		2	

Regarding racial composition in Ching Ho as far as the field workers can find out, there are only 35 males and 30 females who belong to the Manchu stock, which makes a total of 65 persons or 2.7% of the whole population of Ching Ho. We suspect that some of the Manchus have possibly concealed their origin from the investigators as the

Manchus usually do not like people to know that they are Manchus. Regarding nativity, 88.4% of the family population (1,817) came from Wan Ping Hsien, 7.8% from Tientsin and other counties of Hopei and 3.8% from other provinces, particularly Shantung. Of the store population (613), 24.3% belong to the locality, 8.3 came

from Wan Ping Hsien, 61.4% from other districts in Hopei and 6.1% from outside provinces. The fact that local inhabitants constitute only 24.3% of the store population shows that the business of Ching Ho is practically controlled by outsiders.

*Family and marriage.* We find that the average number of members per family in Ching Ho (the size of the economic family) is 4.9, and the size of the biological family which includes only blood relations and those introduced into the family by marriage is 4.8. Of 371 families studied, 66 have three members, 57 have 4 members, another 57 have 5 members, 45 have six, and 44 have only two members.

There are two ways in which we may analyze the family organization; the vertical analysis by which we find how many lines of family members there are, such as married brothers and cousins; and the horizontal analysis by which we find how many generations, married and unmarried, are living in the same family unit. In the vertical analysis members who are descended from the family head or his parents are included in one line, while unmarried brothers and sisters are counted as half a line. In

our analysis we find that 81.5% of the families studied had only one line, that is there is no brother or sister either married or unmarried living with the family head. In the horizontal analysis we find that the most usual number of generations is 1.5 (40%), that is, husband and wife with unmarried children. 19.4% of the families contain two generations, 22.8% contain 2.5 generations, and 15.6% contain only one generation. Of 344 families from which we are able to get accurate data about family control, 215 families or 62.5% have men, mostly husbands, to manage the family affairs, and 129 families or 37.5% have women, mostly wives or mothers, to control the affairs of the household. So the conception that most Chinese families contain large number of generations and are almost exclusively controlled by the oldest of the male line (the patriarchal basis) does not hold in the case of Ching Ho.

In considering the marital status of Ching Ho population the age of 16 is used as a dividing line, although the age varies from 14 to 16 in different places according to customs and legislation. We find the marriageable population in the families as follows:

Marriageability Total: persons & %				
	Male: Persons & %	Female: Persons & %		
Marriageable over 16				
years 1,260	or 69.3%	630	or 66.0%	
630	or 63.0%			
Unmarriageable				
under 16 years	557	or 30.7%	233	or 27.0%
324	or 34.0%			
Total	1,817	or 100%	863	or 100%

Among the 1260 persons of men at marriage is 20.3 counted as marriageable 80.4 or while for girls it is 19.3. 64.3% have been married for In a comparison of ages the first time, but when we of husband and wife, of count those who have been 697 cases, in 61.4% the husband widowed, and those who have is older, 25.4% wife older and remarried we find that 1,003 13.2% husband and wife belong persons or 80.2% of the marri- the same age. The average ageable persons are or have years of seniority in the case of been married. Of the 1,003 husbands are 4.8 years and in married people 555 are females the case of wives are 2.4 years. and only 448 males. This is Stores. Ching Ho is well accounted for by the fact that known as a market town for the there are 134 widows as com- collection of grain and for the pared with only 40 widowers, a distribution of manufactured proportion of 3.35 to 1. Two goods. From our survey we reasons may be given for this, find that only the grain stores firstly, that on the whole collect farm products, and most women live longer than men, of the other stores simply and often outlive their hus- supply the town people and the bands; and secondly, that after farming population their vari- the death of a wife a great ous needs. 122 shops have been number of men remarry, while studied. There are 18 grain relatively few widows marry shops, or 14.7% of the total. again. In Ching Ho 20 persons The others which we find most remarried, 18 are men and only numerous are, in order, cotton 2 are women. We find also goods shops, scone (a kind of that among the unmarried there flat cake) shops general stores, are 175 males and only 73 small inns, barber shops, females, and this may be ac- restaurants, tea houses, drug counted for in two ways: either stores, mutton shops and iron- the men are marrying at a later ware stores. The size of the age than the women, or more shops in Ching Ho varies from males remain single. The mar- the store with a single owner- riage rate of the Ching Ho operator to the large store population in families (ex- employing eighteen people, but cluding the store population) is the average number of people the average number of people employed in one store is five. 39.4% of the stores have been opened within the last five years, 18% from 5 to 9 years, 12.3% from 10 to 19 years, 9.8% from 20 to 29 years, and on y 1.6% over 100 years. Out

of 122 stores, only 36 or 30% have any trade affiliation. Since Sep'tember 1928 the local Kuomintang Committee created a Trades' Union in place of the old Chamber of Commerce; but only 17 or 13.9% of these stores joined the new Union. Even now a good many support the old Chamber of Commerce and others are indifferent between the new and the old. 12 stores or 9.8% have trade connections with associations in Peiping.

Although Ching Ho is generally considered a poor rural town of only several hundred families, yet several stores command a capital of more than \$10,000 and over 23% have a capital of more than \$1,000. The following table shows the capitalization of these stores:

Amount of Capital in Mex. \$	No.	stores
Under 10	16	13.1%
10-100	30	24.6
100-199	16	13.1
200-299	14	11.5
300-499	8	6.6
500-999	10	8.2
1000-1999	11	9.0
2000-2999	5	4.1
3000-4999	5	4.1
5000-9999	3	2.5
over 10,000	4	3.3
Total	122	100.0

The total capital represents approximately \$130,545. A pawn shop, the largest of the stores, has a capital of \$12,000. The next are the grain stores with an average capital of \$3,900. These are closely followed by grocery stores, cotton goods stores, salt stores, drug

stores, tea-leaf stores and hardware stores, thirty-seven stores in all and having an average capital of \$3,224.30. These 37 stores have a total capital of \$119,300 or 91.4% of the total capital of all stores in Ching Ho, while the remaining 95 stores have only \$11,245 or 8.6% or \$132.3 per store.

We found that 77% of the stores are rented, 21.3% owned by the occupants, and in two cases (1.7%) the stores are half owned and half rented. The total value of these store premises is estimated at \$106,000. As to organization and management, 91.8% are run under the simple style of a single owner-proprietor; two stores are under the joint control of brothers; and only eight stores or 6.6% are carried on by partners. Not a single store is organized under the modern method of incorporation, and the lack of this form may be due to the small amount of capital required in the business in this rural town.

In our analysis of the positions of the store population and their years of service we include only 496 males above the age of 16 and 42 apprentices under the age of 16, making a total of 538. We have not taken females into our calculation because only one woman holds a regular position in a store, a keeper of a small inn. Of the 538 store workers in question, 27.4% are

clerks, 24.5% apprentices, 23.6% managers, 4.6% assistant managers, 4.6% accountants, and 4.3% outdoor workers. Regarding the years of service, 60.8% of these store workers have served for less than five years, and 39.2% for more than five years, which we should consider an indication of labor stability. Of the 538 workers only 57.4% receive any kind of monetary payment and the most general wage is round about Mex. \$3 per month in addition to board and lodging worth Mex. \$5.6 per month. This means that an average worker in Ching Ho receives the value of about Mex. \$9 per month or 30 cts. per day. The workers also share in the profits, but this is difficult to estimate as the profits vary considerably from year to year and store to store, and from a few dollars to as much as \$1,000 for the employed managers. The 229 non-salaried workers in the stores receive board and lodging and a share in the irregular profits; and they are the managers themselves, apprentices, clerks who are usually relatives of the managers. For the apprentices, the usual practice in stores is that for the first year there is no payment, in the second year a few cents will be given them for miscellaneous buyings, and in the third year the amount will be raised to \$1 to \$4 per year.

Wealth and Property. In the 371 families investigated we find that there are 139 families or 37.4% who do not possess any property at all, beyond their own personal belongings and a few pieces of furniture. The term "property" here means those effects which can be turned into money, such as land, houses or business investment. Of the 229 families which have some kind of private property or wealth, 25.1% have house only, 19% have both house and land, 6.2% have business investment, 4.8% have all three, 3.8% have land only, 2.4% have house and business, 1.1% have land and business and 0.3% have donkeys only. The average value of property for the 225 families where the value has been known to the field workers is \$654; and we find the distribution is fairly equal and that there are no extremely rich people in the town.

In Ching Ho, there are 183 families or 50.3% who own their own houses. Most of the houses are valued at \$100 to \$200. The average value for the 170 houses where the value is known is \$384. Most people who rent house are paying a rent of less than \$1.00 for the month. The average rent paid is 72 cts. per month or \$8.64 per year. Only 22.4% are paying a rent

exceeding \$1 a month. Turning our attention from the financial aspect of the housing problem to the physical aspect we find that the average number of rooms per family is 3.94. If we divide this average number of rooms by the average of persons per family we find the per capita number of rooms is only 0.8. Regarding agricultural land, 106 families own some amount of land and the average amount owned by each family is 29 mow. Only 30.7% of these families own more than 29 mow. The average value of the land owned by the various families is \$695; and the landowning group constitutes 79.5% of the farming families. The average size of land rented is only 9.6 mow. If we combine together the land held under all types of ownership, we get the land area of each farmstead, namely, 26 mow. But the great majority of the holdings, 64.8%, is less than 20 mow.

Economic organization. Four organizations have a good deal of influence over the economic life of the community. The first one is the *Ching Miao Hui* or the Association for the Protection of Green Crops. It is an organization purely for self protection. Its internal organization is very simple. There are five heads, (one serving as treasurer) who own large areas of land, and who are elected by the consensus of opinion of the larger land owners. Thus, although the tenants receive an equal amount of protection, they have no voice in the administrative side of their work, and the organization is really an association of land owners. The primary work of the *Ching Miao Hui* is the employment of special guards to protect green crops in the Spring and Autumn and the adjudication of offenders. Recently, the association is called on to answer requests for financial assistance from the soldiers and the district government. The expenditure of the association is met by apportioning the expenses among the farmers according to the acreage of land held by each, and in 1928 this assessment was 25 cts. for each mow of land.

The next important economic organization in Ching Ho is the Chamber of Commerce. The Chamber of Commerce in Ching Ho dates back only to 1919, and was the result of an incident in the town at the time. One of the store keepers in the town was arrested by the police on a slight pretext, and the merchants acted together and were able to effect the release of the man. After this incident the merchants felt that there was need for some organization through which they could act in case of necessity, and thus the Ching Ho Chamber of Commerce was formed. This infers that the chief purpose of the organization is to protect the traders from abuses from the

government, from soldiers, and from bandits and thieves. The Chamber deals with all requests for financial aid from the central and local authorities or from the resident soldiers. They almost entirely finance their local guard, and also give liberally in aid of the social welfare of the community. The association has no office of its own and no regular meetings. It is controlled by a president, a vice-president, and a council of fifteen store representatives. About 60 stores are regular members and pay dues, but the Chamber had also the right to levy definite contributions from other stores who are not members as it looks after the welfare and interests of the entire trading community.

After the Kuomintang troops gained the control of Peiping, a local Kuomintang committee was established in Ching Ho. The party (or Kuomintang) committee called a meeting of the merchants in which about sixty-seven stores were represented together with two local "party directors" and one delegate from the county party committee. At this meeting it was decided to form a Merchants' Union to replace the old Chamber of Commerce. The new union has three divisions-employers, employees, and peddlars. But the old Chamber of Commerce has pursued a course of passive resistance and its leaders have not joined the new union. This

lack of local co-operation is a handicap to the work of the new union. Furthermore, of the three divisions in the new union, the employers are still more influential than the employees and the peddlars, so that the new union is very little different from the old Chamber.

The fourth organization, the Farmers' Union, was also organized under the direction of the party authorities. It was to take the place of the *Ching Miao Hui*. But owing to local non-cooperation, although the party authorities have been able to establish a District Farmers' Union in Wan Ping Hsien whose jurisdiction covers a part of Ching Ho (and the District Farmers' Union have been able to get approximately 12% of the farmers of the district to join), no local farmers' union has even been created. Attempts have been made to establish such a local union, but the farmers could not be persuaded to participate in the organization. In several villages nearby Ching Ho, the new unions have simply taken the position of the local *Ching Miao Hui*, so that really the new unions are only the old *Hui* (which is nothing more than a landowners' association) with a new name and new management.

*Politics.* The political aspect of Ching Ho community life may be reported under four headings, namely, public safety, selfgovernment, local party

work, and public finance. The public safety of the town is looked after by a police force maintained by the government, and by the local guard, organized and financed by the people. The local guards are only appointed temporarily for about four months during the winter from about the end of September, when the government asks each village in the east region to send a certain number of guards to the central organization in Ching Ho. The size of the village determines the number of guards sent, and the town itself sent ten guards, making a total of twenty eight guards. There is no officer for direction and supervision, and all the guards are under the police head, and carry out the ordinary duties of a policeman. The police of both sides of the town are supported by local taxes, and if the latter is not sufficient, the balance is usually made up by the Chamber of Commerce. During the emergency month in 1928 when Chang Tso-lin was evacuating Peking, a body of volunteers, with one man from each family, was organized to help the police and guard in defence of the district against both soldiers and robbers.

In Ching Ho we have a district self-government and a village self-government. Although the word used is selfgovernment", the officers were

appointed by the government direct, the village head by the county government and the district heads by the governor of the Metropolitan Area. These two self-government associations, in fact, work together, having the same office and dealing with the same problems.

Before the advent of Kuomintang regime in Ching Ho, the Self-government associations and the Chamber of Commerce controlled the politics of Ching Ho. After the Kuomintang committee was organized in Ching Ho, these two self government associations discontinued, and the system of self-government has been re-modelled after the Shansi provincial pattern.

In Nov. 1928 the county Kuomintang committee appointed a board of directors of three men in Ching Ho, to organize the members of the party into a formal party organization. But there were only seven party members in the whole district, so they formed only a branch district organization. The first work that the directors assumed was the formation of a Merchants' Union, followed by the setting up of a Farmers' Union (district) and then a Women's Union. Though they succeeded for a while in getting a few people into the first two unions, they failed to get sufficient members for the Women's Union. In addition,

the party members formed a finance committee to control the public finance of the district. The committee audited the accounts of the old self government associations and found errors. As a consequence, the old accountant was arrested and was fined \$120.

Regarding public finance, there are three different sources of revenue, first from taxation levied by the district government on grain sales, sales of fruits and vegetables, and of live stock, and the toll on pack carts and animals; second, from taxation and contributions from the stores; and third, from the contributions from the Chamber of Commerce and the *Ching Miao Hui*. The total collected from the 10th month, 1927 to the 9th month of 1928 (Chinese calendar) amounted to \$6,221.67. Grain tax contributed to one-third of this. During these months mentioned, the expenditure amounted to \$6,272.00, leaving a small deficit which was made up by contribution from the Chamber of Commerce. The followings are the items of expenditure:

Self-government	M\$1,668.00
Police Station	M\$3,028.00
School	M\$412.00
Local guards	419.00
Resident soldiers	409.00
Miscellaneous	38.00
<b>Total</b>	<b>M\$6,272.00</b>

The system of collection is very decentralized. The collection of the various taxes are left to

different bureaus, although there is only one treasurer who takes charge of all the money and accounts.

**Education.** Some years ago Ching Ho was well provided with educational facilities, but at the time of the survey there is only one regular school (modern) open, and that is supported by public funds and controlled by the political authorities. There is also a Mohammedan school, but its influence does not extend beyond the Mohammedan community itself. However, during the course of our survey, a very interesting experiment is being made in Ching Ho by the party authorities. After taking over control of the political machinery and finances in Ching Ho, they made several inquiries and found that in most of the village schools the old type of teacher was still employed to teach the Confucian classics, and so they decided to open a school to train teachers to serve in the villages with courses in education, psychology, party principles, ethics, Chinese, arithmetic, and also special lectures on Sunday. There are 21 students, three of them are women. Their ages vary from 16 to 36 years. The course is to last three months, and there is only one regular teacher who in turn, is assisted by six special lecturers, all party members.

The history of the public

school has been continually influenced by the social changes in the town. During the half year of this survey, the school administration and teaching staff has changed four times. It is sufficient to say here, omitting the details, that the school has five grades of classes, with 126 students (105 boys and 21 girls) and that it costs about \$1,000 a year. We have made an inquiry of the occupation of the parents of the students and we find.

Occupations of parents	No. of pupils	% of pupils
Trade	51	41.0
Industry	30	23.8
Farming	21	16.6
Unemployed	8	6.4
Pedlars	6	4.8
Officials	4	3.2
Military service	4	3.2

Literacy	Total		Male		Female	
	No.	%	No.	%	No.	%
Cannot read	181	31.0	138	25.3	43	100
Can read	154	26.3	154	28.5	0	0
Can write	250	42.7	250	46.2	0	0
<b>Total</b>	<b>584</b>	<b>100.0</b>	<b>542</b>	<b>100.0</b>	<b>42</b>	<b>100</b>
Unknown	2		2			

Among the family population the percentage of literates is very low, there being only 30% over ten years of age who are able to read a newspaper. The

Literacy	Total		Male		Female	
	No.	%	No.	%	No.	%
Cannot read	999	69.7	324	44.7	675	96.0
Can read	429	30.3	401	55.3	28	4.0
<b>Total</b>	<b>1,428</b>	<b>100.0</b>	<b>725</b>	<b>100.0</b>	<b>703</b>	<b>100.0</b>

There are 194 children of school age, namely, 6 to 11 years of school age) and only 17 are of age. Of the 194, 88 or 45.4% are in schools. Of the 88, 71 are boys (62.3% of all boys of school age) although there is

Teaching	1	0.8
Physician	1	0.8
<b>Total</b>	<b>126</b>	<b>100%</b>

From a study of this table we may safely say that Ching Ho's educational need is more commercial than agricultural, although of course, an educational center should cater to the needs of all its neighbours. At present there are only seven pupils who come from outside the town, but if the school settles down we naturally expect that more farmers' sons and daughters will want to come into the town for their education.

Regarding literacy, the store population will naturally has a higher percentage of literates than the family population. The following table gives a summary of literacy of the store population over ten years of age:

following table shows the literacy of family civilian population (that is, excluding the officials and teachers):

69.7% of illiteracy, very little attention has been given to mass education. No lectures have been arranged, no mass education school has been opened, and there is no library. In our store study we found 89 out of 122 stores (73%) do not take any newspaper, 32 stores (26.2%) take one kind of newspaper, and only one store takes two kinds of newspaper. Only one store takes a regular daily, all the others take the one-cent small newspapers. Of the 122 stores, 112 stores do not possess any kind of reading books. So the question of social education is appalling.

Religion. Religion in China is in most cases a family affair, forced upon the members of the family by the family head. Of the 371 families studied, 323 families or 87.1% profess Buddhism, 42 families or 11.3% profess Mohammedanism, 3 families or 0.8% profess Christianity, one family or 0.3% profess Confucianism, and two families or 5% have no religious affiliation. In fact, those people who have no religious affiliation or little faith in religion usually call themselves Buddhists, or Confucianisms. They observe no special religious ceremonies nor do they study the special canon of the religion which they profess. Indeed, the only active religious sect we have found in Ching Ho is the Mohammedans. They have a

temple and it has been well kept. The officers in charge of the temple are the ahung or pastor and the butcher. The ahung is the leader of all religious ceremonies both inside the temple and in the families, and teaches the children the Mohammedan bible and the Turkish language. The Mohammedans eat mutton, and the butcher takes charge of all the killing for the members. In addition to these two regular officers there are three elders and a number of assistants who are all voluntary workers. The Mohammedans have a religious service every Friday afternoon which no women are permitted to attend; but there are certain public festivals to which women are admitted. The temple is not only the center for religious ceremonies, but also to a large extent the center of the social life of the Mohammedan community. The elders and the ahung also look after the material welfare of the members. Mutual help is much practiced among the members, and there is very little poverty. The moral standard of the Mohammedans is very high and strictly adhered to by the members. But this social unity of the Mohammedans is not of the best kind, which should be based on willingness and consciousness. It is a unity which is forced upon the younger generation by the elder, and is

responsible for the lack of progress and adjustment of the Mohammedans to the changes of social life.

The finest building in the town is the Presbyterian Church situated in the center of the main street. The Presbyterians have been active in Ching Ho for some years, and in 1926 the new building was erected with the interest and the help of the local leaders. The church had made some contribution in the field of education; two primary schools, one for boys and one for girls, were opened. About 1925 a new pastor replaced the old one who had been so successful in gaining the confidence of the town-people. The new man was not so successful, and at the same time, the Presbyterians adopted a policy of self help for their rural churches. The people as a whole are very poor, and are not sufficiently interested to give the necessary help, so the church has closed down its services and schools.

There are altogether ten temples in the town and they all are inactive. Two of the largest temples are being utilized by the public school and the party organization. But the large number of temples and their rich ornament, now decaying, give us an idea of their power and prestige in the past history of Ching Ho.

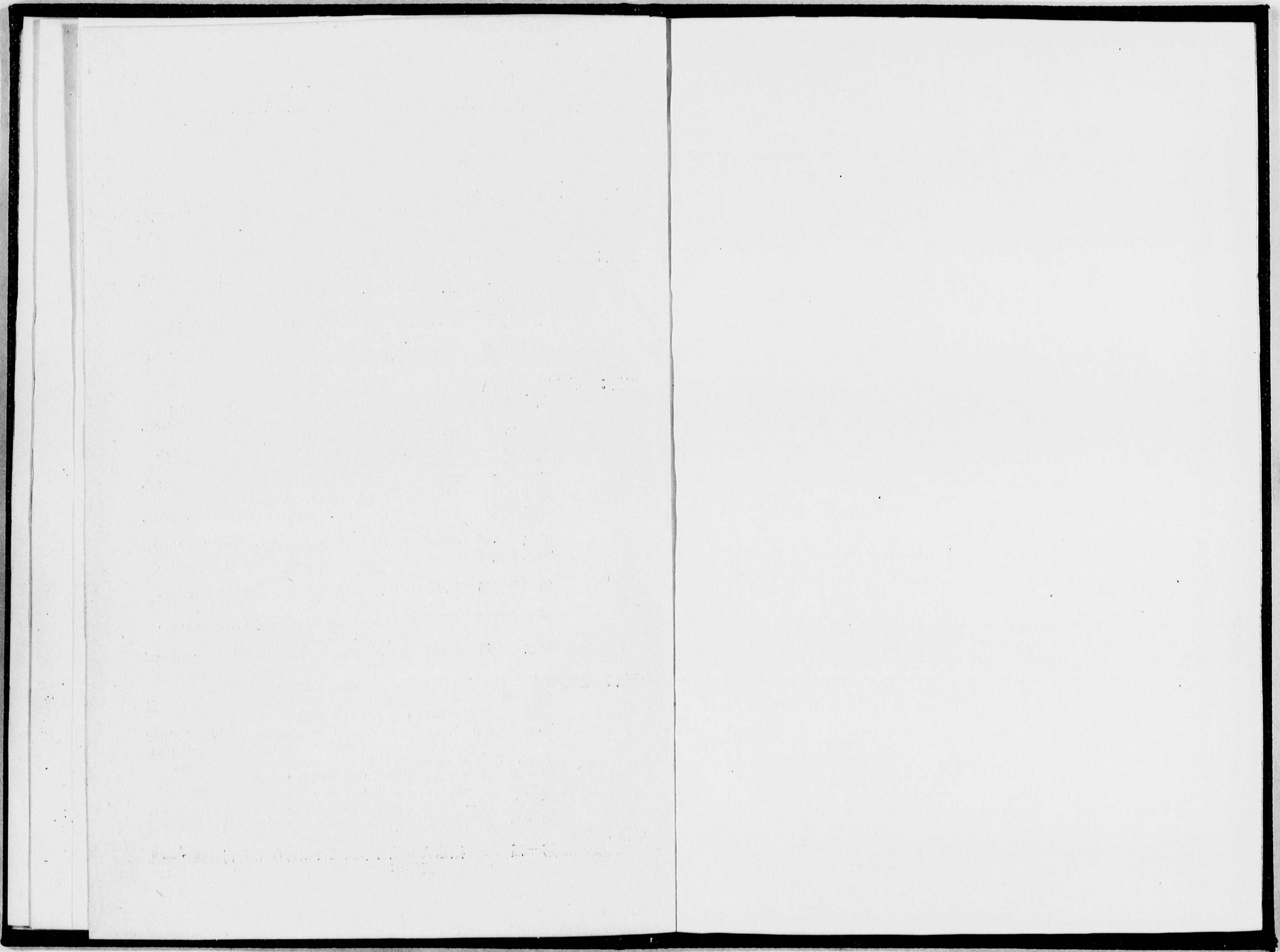
Conclusion. The above is but

a brief summary of our survey of Ching Ho. From this survey we have at least gained a fairly good picture of the community problems of Ching Ho. Now the question is: What can be done to improve the Ching Ho community life? It is not my function today to propose a program of social work in Ching Ho, but for the sake of discussion I may bring out what some of my colleagues have proposed as the possibilities of social reform in Ching Ho. In the first place, in view of high illiteracy and the presence of only low-grade newspapers adult education including mass education classes and a town library may be launched. Secondly, only 45.4% of the children of school age are in school. We may reopen the primary schools at the church with voluntary help if the town cannot support it. Moreover, as most of the children have left school at an early age, boy scouts, girl guides and voluntary classes in handicrafts may be started to stimulate general interest. Thirdly, we find in Ching Ho no health service outside the drug stores and no trained midwives. A health clinic may be opened with at least one afternoon a week for babies and mothers. Fourthly, cooperative marketing may be started to help the farmers. Also Ching Ho ought to be a

good center for agricultural work of the Christian church. fairs and demonstrations. The Old temples can be re-modelled; river may be used for irrigation and the co-operation of the to the fullest extent. Fifthly, Mohammendans may easily be the party committee may take sought to invigorate the social the initiative, in cooperation of and religious life of the people the local people, especially the in Ching Ho. Under the right Chamber of Commerce, to build kind of leadership and with roads and establish drainage. persistence of effort, it ought Then, there is in Ching Ho a not take long before Ching Ho a fine church building, but no could be re-modelled into a pastor, no regular services and model town in this part of the no Sunday school. Much can be done to re-strengthen the country.

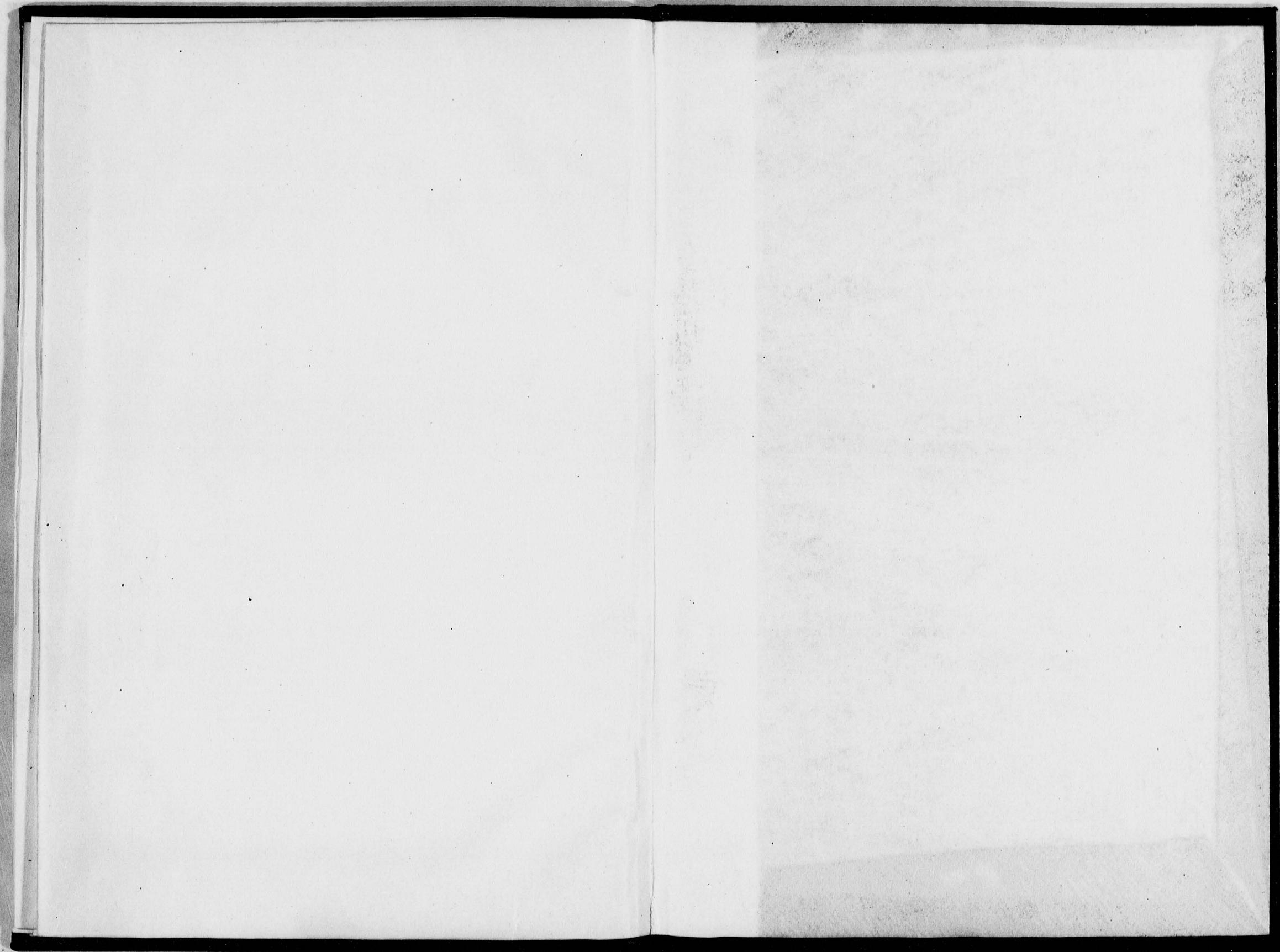
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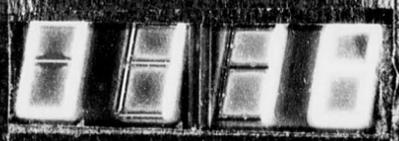
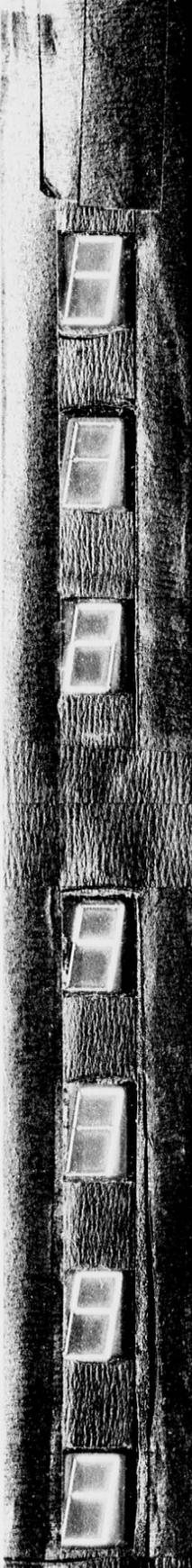
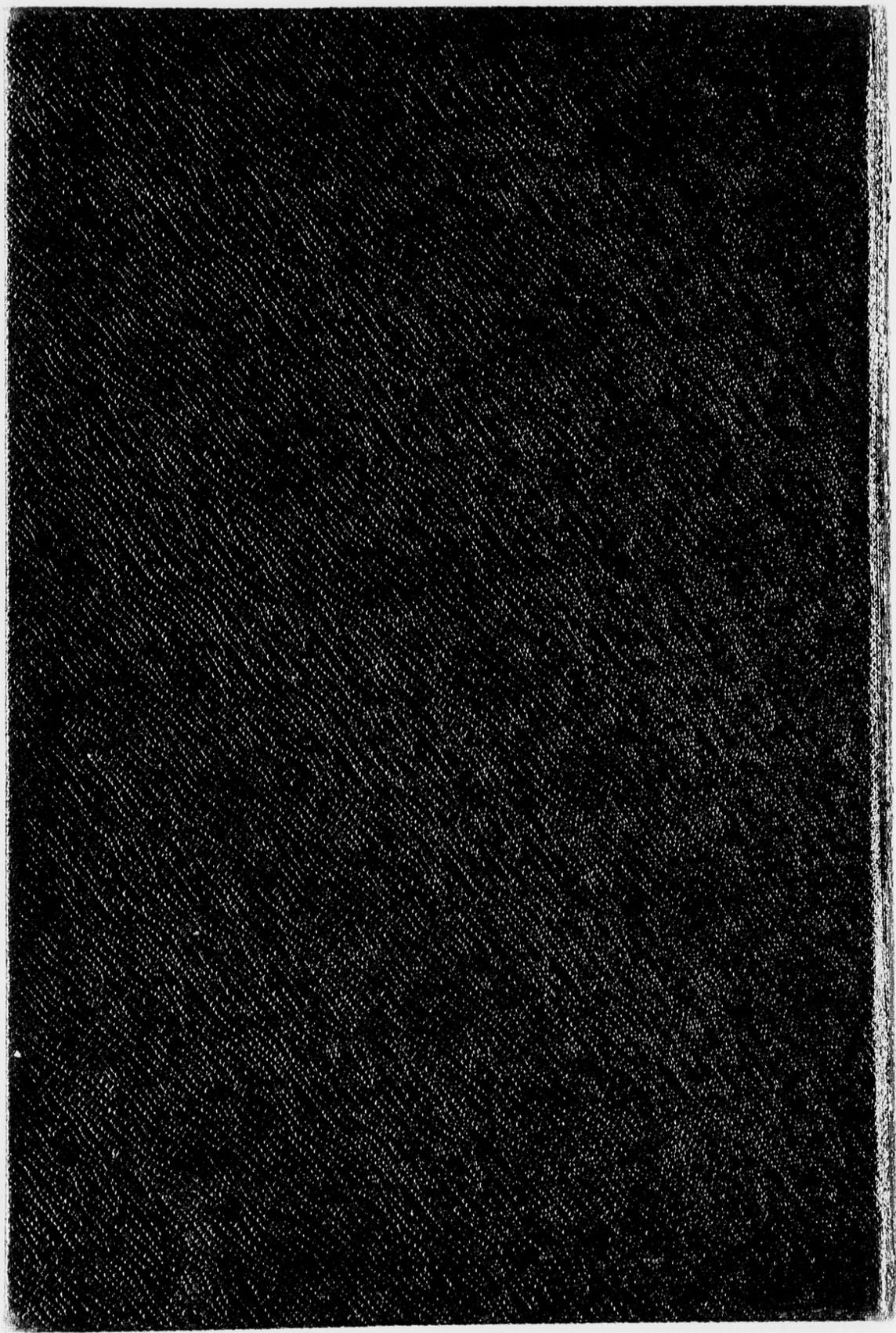
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**POVERTY AND POPULATION IN CHINA**

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**LEONARD S. HSU PH.D.**  
**(PROFESSOR OF SOCIOLOGY AND**  
**CHAIRMAN OF DEPARTMENT)**

**Department of Sociology & Social work**  
**Yenching University**



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# POVERTY AND POPULATION IN CHINA



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### Poverty and Population in China

In 1928 the writer published a paper entitled «The Problem of Poverty in China» in the *China Outlook*(1). In that paper, after examining a few factual studies on family income and the standard of living by Meng and Gamble, Dittmer, Chen Ta, Malone and Taylor, M. T. Tchou, Feng Rui, Burgess and Tung Shih-tsin, he reached the tentative conclusion that it would take at least from \$ 125 to \$ 150 Chinese currency a year to maintain the minimum subsistence standard of living for a family of five; and that perhaps half of the population in China lived under the «poverty line» (2). Judging by more recent studies published by the Statistical Bureau of the Legislative Yuan at Nanking, the Peking Institute of Social Research, the Committee for Social and Economic Research of Nankai University, the Department of Sociology of the Institute for Research in Social Sciences of the *Academic Sinica*, the Department of Sociology

(1) *China Outlook* (Peking), vol. I, n. 3 (February 1, 1928).

(2) DITTMER, C. G., in *The Quarterly Journal of Economics*, vol. XXXIII, No. 1; MENG, TIEN-PEI and GAMBLE, Sidney, in the *Special Supplement to the Chinese Social and Political Science Review*, July 1926; MALONE and TAYLOR, «The Study of Chinese Rural Economy» in the *China International Famine Relief Commission Publications*, Series B, No. 10; CHEN TA, in *The Tsing Hua Journal*, vol. III, No. 2 (Chinese); *Memorandum on the Need of a Public Health Organization*, presented to the British Boxer Indemnity Commission by the Association for the Advancement of Public Health in China, Peking, April 1926; GAMBLE, S. and BURGESS, J. S.; *Peking, A. Social Survey*; BURGESS, J. S., in the *Chinese Journal of Sociology*, vol. II, No. 4; DYANG, Y. S., «Scientific Disaster Relief» in *China International Famine Relief Publications*, Series B, No. 23; YU TINN-HUGH, in *The Chinese Social and Political Science Review*, Vol. VIII, No. 4; FENG RUI, «Social Survey of Fifty-seven Villages in Honan Island, Kuantung Province» in *Department of Education Series*, Southeastern University, Nanking (Chinese); TUNG SHIH-TSIN, in the *Eastern Miscellaneous*, vol. XXIII, No. 17 (Chinese).

and Social Work at Yenching University (1) this tentative conclusion seems to hold good still, although in view of the rising cost of living a family of five in a larger city can hardly live under \$ 175 to \$ 200 a year. The total size of the Chinese population has been variously estimated from 294,000,000 to 547,020,880; but, according to one of the latest reports in a government publication, *The Statistical Monthly* (Chinese), the total is about 445,000,000; and in his little book, *Population Problems in China* (Chinese), written in 1928, the writer has mentioned that 450,000,000 is about as a good guess as any (2). Of these 450,000,000 people in China, there are at least from 200,000,000 to 250,000,000 living under the « poverty line » (3).

Poverty may be a condition of overpopulation, or underpopulation, or maldistribution of population, or economic and social inarticulation in an otherwise fair-sized population. It may be due to several of these factors. Many Western writers declare that poverty in China is due to overpopulation (4). The purpose of the present paper is to discuss briefly how far this statement is true, or rather to

(1) Consult *The Statistical Monthly* (Chinese), published by the Statistical Bureau of the Legislative Yuan; *The Quarterly Journal of Social Sciences* (Chinese) and the various monographs and books in Chinese and English by the Peking Institute of Social Research; *The Weekly Statistical Service* of Nankai University and other publications by the Commission on Social and Economic Studies; the publications of the Institute for Research in Social Sciences of *Academic Sinica*; *The Sociological World* (an annual in Chinese) and other publications in Chinese and English by the Department of Sociology and Social Work of Yenching University.

(2) For more detailed discussion, see HSU, LEONARD S., *Population Problems in China* (Chinese), Chap. II. The estimate just referred is given by CHIEN, WARREN H., in *The Statistical Monthly* (Chinese), vol. II, No. 9 (September 1930).

(3) By « poverty » I mean the condition in which the income is insufficient to maintain the minimum physical efficiency of normal human beings. In calculating the minimum subsistence standard of living of a social group, the average of a normal family is often used as the basis. In China, a family of five individuals is often used as the basis of calculation. The amount of income required covers only bare physical essentials such as food, clothing, shelter, fuel and a little for miscellaneous. Needless to say, normal individuals ought to have a higher standard of living. I should mention also that the cost of living as well as the standard of living in South China and Central China, particularly along the sea coast and in the river valleys, are generally higher than those in North China and West China; and that the standard of living and the cost of living in the city are generally higher than in the country. Consult BUCK, J. L., *Chinese Farm Economy*; and MALONE and TAYLOR's monograph.

(4) SEE ROSS, E. A., *Standing Room Only*, and *The Changing Chinese*; BUCK, J. L., *Chinese Farm Economy*; MALLORY, W. H., *China, Land of Famine*; KULP II, D. H., *Country Life in South China*; MALONE and TAYLOR, *The Study of Chinese Rural Economy*; REMER, C. F., *Readings in Economics for China*; HOWARD, H. P., in *The Chinese Economic Journal*, vol. IV, n. 3.

ascertain how far each of those factors mentioned above contribute to the poverty problem in China (1). China has frequently been referred as one of the largest countries in the world, yet few realize the fact that China is accomodating nearly 25 % of the world's population in only about 7.6 % of world's habitable area (2). So comparatively speaking, China is far from being as well off as U. S. S. R., Great Britain, the United States, France, Brazil, or Italy. In spite of this fact, since China is politically weak, such territories as Outer Mongolia and Tibet are slipping away from her control (3). The Chinese are conscious of this unpleasant fact of territorial limitation for an ever expanding population, they are guarding zealously their present territories and they are asking the Powers to return to them some of the leased territories and concessions as a result of earlier unequal treaties (4). But the fact that China has about 25 % of world's population with only about 7.6 % of world's habitable area, does not mean overpopulation. In order to test overpopulation one must consider relatively the productivity of the soil, industrial achievements, the actual needs of life, the extent of land area and the quantity of population.

When one studies the density of the Chinese population, one finds that the general density is not high, but the cultivated density is very high in comparison with the cultivated density of other countries; and that the population in China is very unevenly distributed. According to an estimate published in 1929, the general

(1) Owing to the lack of space and time, the discussion here is necessarily brief and somewhat general. As China has neither a national census nor a national system of registration of births, deaths, and marriages, most of the figures quoted in the present paper must be regarded quite tentative. For most detailed discussion, particularly by Chinese writers, consult Dr. SUN YAT-SEN'S « Doctrine of Nationalism » in the *San Min Chu I*; CHIEN CHANG-HENG, *San Min Doctrine and Population Policies*; TUNG SHIH-TSIN, *Food and Population*; CHU HSIN-FAN, *Development of Chinese Capitalism*; HSU, LEONARD SHIH-HIEN, *Population Problems in China and Modern Population Problems and China*; Also articles in *The Statistical Monthly*, *Social Science Quarterly* (Peking Institute of Social Research), *Quarterly Journal in Social Science* (National University of Peking), *Sociological World* (Yenching University), and *Eastern Miscellaneous* (Commercial Press, Shanghai). (All in Chinese).

(2) SEE HSU, *Pop. Prob. in China* (Chinese), Ch. III.

(3) For the economic significance of this, consult BAIN, H. FOSTER, *Ores and Industry in the Far East*, and BAKER, O. E., in *The Problems of the Pacific, 1927*, ed. by J. B. Condliff.

(4) Consult SUN YAT-SEN'S « Doctrine of Nationalism » in the *San Min Chu I* and the *Manifesto of the First National Convention of the Chinese Kuomintang, 1924*.

density in China is only 101 (1). According to O. E. Baker's estimate the total of China's arable land (excluding Tibet) is about 700,000,000 acres or 1,093,750 square miles (2). According to the estimate of Dr. W. H. Wong director of China Geological Survey, only about one-fourth of our total area is cultivable, at most 1,000,000 square miles (3). If we take the larger figure of the two and accept 450,000,000 as the total of the Chinese population, we find that the density of cultivable area in China is 411.4 per square mile. To put in another way, it means 1.56 acres of cultivable land per capita.

Again according to O. E. Baker, only 180,000,000 acres out of 700,000,000 acres of cultivable land are cultivated. But this figure has been criticized by Chinese writers being too low. According to the estimate of D. K. Lieu and Chung-min Chen, the total area of farm land in China Proper, Sinkiang, Manchuria, Jehol, Chahar, and Suiyuan (roughly the whole of China excepting Outer Mongolia and Tibet) in 1917 and 1918 is 1,666,360,000 *mow* or 252,478,939 acres (4). But since 1918 there has been a considerable expansion of cultivation, particularly in Manchuria. For example, from 1919 to 1927 the cultivated area in the Three Eastern Provinces has increased from 17,788,100 acres to 30,744,100 acres (5).

Suppose we take 300,000,000 acres (or 468,750 square miles) as the most liberal allowance for China's total cultivated land, we find that the population density of cultivated area is proximately 960 per square mile; and that the cultivated land per capita is 0.667 acres. This cultivated density is very high in comparison with the cultivated density of other countries. For example, one Japanese writer, in a paper published in 1927, estimates the cultivated density of some of the important countries as follows (6):

(1) CHEN CHENG-MO, in *The Statistical Monthly* (Ch.), vol II, n. 6; ALSO CHEN, WARREN H., in *The Statis. Mon.* (Chinese), vol. II, n. 9.  
 (2) BAKER, O. E. *Op. cit.*  
 (3) WONG, W. H. *Ch'uei Chih Chi* (a Collection of Chinese Essays), pagg. 169-174.  
 (4) LIEU and CHEN, in *The Chinese Economic Journal*, vol. II, n. 3 (March 1928), pp. 181-213.  
 (5) Quoted by CHEN CHANG-HENG in *The Statistical Monthly*, vol II, n. 9, pag. 43.  
 (6) *Japan Year-Book*, 1927. These figures are undoubtedly only provisional, and in view of the more recent changes in census figures, there should be revisions. Still, China's cultivated density cannot be much lower than that of Belgium.

Japan . . . . .	2.482	per square mile
Belgium . . . . .	1.020	id.
Italy . . . . .	790	id.
England . . . . .	585	id.
Germany . . . . .	479	id.
France . . . . .	280	id.

Excepting France all the countries mentioned here are considered densely populated; but China's cultivated density is higher than all others excepting Japan and Belgium.

But we need not be alarmed by this high cultivated density. Out of 700,000,000 acres of cultivable land, we have about 400,000,000 more to be cultivated. Unless the rate of population increase is faster than or as fast as the rate of increase of cultivated area, the cultivated density will be reduced as the cultivated area extends (1). Moreover high cultivated density, does not necessarily mean poverty if the country is industrially proficient. According to a Japanese estimate, the national wealth of different countries and the wealth per capita in these countries are as follows (2):

	National Total	Wealth per capita
U. S. A. . . . .	762,356,000,000 Yen.	6,607 Yen.
Britain . . . . .	236,320,000,000 »	5,247 »
U. S. S. R. . . . .	104,102,000,000 »	756 »
France . . . . .	103,530,000,000 »	2,549 »
Germany. . . . .	71,685,000,000 »	1,441 »
Japan . . . . .	102,343,000,000 »	1,731 »
Italy . . . . .	44,738,000,000 »	1,117 »
China . . . . .	38,289,000,000 »	101 »

According to this table, the Chinese are the poorest of the lot. Although the cultivated density in Japan is one and half times higher than that of China, the average Japanese is sixteen times wealthier

(1) « Will the cultivated land increase faster than the population? » is a big question for China. Baker inclines to think negatively. SEE BAKER, *op. cit.*  
 (2) Estimate published by the Government statistical bureau of Japan on April 19, 1930. Quoted by *The Ching Pao* and *The Central Daily* at Nanking on April 23, 1930. Quoted also by Chen Chang-heng, *San Min Doctrine and Population Policies*, Ch. V.

than the average Chinese. The other nationals are from seven and half times wealthier than the Chinese in the case of the Russians to sixty-six times wealthier in the case of the Americans. Why? Because China is industrially backward. China is an agricultural country; and her industry is mainly in the handicraft stage. Her modern industry is still at its infancy, and out of 450,000,000 probably only 1,300,000 to 2,000,000 are working in factories. The greatest bulk of China's exports are agricultural products, raw material, extractive and semi-finished goods. For example, in 1926 the various items of exports amount to as follows:

Raw silk . . . . .	144,700,000	HK. Taels
Beans . . . . .	75,000,000	»
Bean cake . . . . .	70,000,000	»
Eggs and egg products . . . . .	38,100,000	»
Bean oil . . . . .	29,900,000	»
Raw cotton . . . . .	29,300,000	»
Coal . . . . .	26,100,000	»
Tea . . . . .	26,100,000	»
Millet . . . . .	23,400,000	HK. Taels
Silk piece-goods . . . . .	21,300,000	»
Skins . . . . .	19,500,000	»
Groundnuts . . . . .	18,500,000	»
Cigarettes . . . . .	15,400,000	»
Wood oil . . . . .	14,900,000	»

No other single item amounts to more 12,000,000 HK. Taels. Thus in foreign trade, China's handicraft products are of negligible importance. In 1926 hardly any of the items exceeds 4% of the total export. In manufacturing, textile industries employ the largest number of workers; and others follow in order: food and drink, chemical, metal, miscellaneous, and special industries. The export of manufacturing goods in 1924 amounts to 18,810,280 HK. Taels only, or 2.4% of the total export of that year (1). Such being the case, the foreign trade of China always has shown an excess of imports

(1) Consult LIEU, D. K. *China's Industries and Finance* (1927); ARNOLD, JULEAN, *China, A. Commercial and Industrial Handbook* (1926); HO, F. L., and FONG, H. D., *Extent and Effects of Industrialization in China, Publications, Nankai University Committee on Social and Economic Research* (1929); and the *China Year Book, 1929-1930*.

over exports since 1864 excepting in the five years from 1872 to 1876, even then the best balance of trade was only Tls. 10,000,000. In 1902 the amount of deficit went over Tls. 100,000,000; in 1914 it exceeded Tls. 200,000,000 and in 1921 it went up to Tls. 300,000,000 (1).

This huge deficit of foreign trade has far-reaching effect: It means the steady failure of old handicraft industries of China to resist the competition of modern industries of the West and Japan; and the general result is a throughgoing economic disorganization or industrial dislocation of the country. This economic breakdown breaks the old population equilibrium in China and makes her problem of poverty specially acute. How this is done may be explained by the examination of various population problems which China is facing.

The first population problem in China is the unequal distribution of the population. According to Chen Cheng-mo's estimate (1929), the density per square mile in Kiangsu is 800, in Chekiang 508, in Shantung 565, in Hupeh 450 on one hand; and the density in Singkiang is 3, in Ninghsia 6, in Mongolia 8, in Heilungkiang 11, in Chingai 14 and in Tibet 16 on the other (2). According to a more recent estimate (1930), the density per square mile in Kiangsu is 813, in Hopei 583, in Chekiang 554, in Anhui 389, yet in Chahar only 12, in Suiyuan only 18, and in Singkiang only 3 (3). Modern geographers are of the opinion that general density does not give adequate explanation to population problems and so they advocate new methods of analysis such as the study of population density in the so called «natural areas». G. B. Cressey divides China into fifteen natural areas. Using 1926 Postal estimate as the basis of calculation, he finds that the densities of these areas range from 5 in the case of Central Asiatic Steppes and Deserts to 897 in the Yangtse Plain. He reaches the conclusion that under the present circumstances and taking the different social and geographical factors into consideration there cannot be a much better distribution of population than that in actuality (4). If Mr. Cressey is right, the distribution of Chinese population becomes a serious problem only after the industrial disorganization of the country has taken place. The usual

(1) *China Yearbook 1929-1930*, p. 1024.

(2) *Statistical Monthly* (Ch.), vol. II, n. 6.

(3) Chen, WARREN H., in *Statistical Monthly* (Ch.), vol. II, n. 9.

(4) CRESSEY, G. B. in *The Annals of the American Academy of Political and Social Science*, November 1930.

distribution might have been suitable to an agricultural handicraft economy. When modern industrial economy takes place in China, there is a need for fresh distribution of her population. That is why the populace cries for a better distribution of population as a solution of China's problem of poverty.

Lack of adequate transportation and communication facilities is undoubtedly one of the big causes of regional concentration of population. The inadequacy of these facilities may be illustrated by the following contrasts (1):

In U. S. A. (in 1926)	In China (in the Same year)
250,000 miles of rail roads	Only 7,000 miles
22,000,000 automobiles	Only 22,000 automobiles
1,850,000 miles of telegraph wires	Only 84,000 miles
17,000,000 telephones	Only 100,000 telephones
500,000 miles of improved roads	Only 5,000 miles.
51,000 post offices	Only 11,800 post offices

Since these figures were laid down, no doubt there has been an increase in China in the mileage of railroads, improved roads and telegraph wires and in the number of automobiles, telephones and post offices. As the need for these facilities becomes more urgent, their increase will be hastened. Again this urgent need comes from the industrial change. Under the agricultural economy people live close to soil, and the village in which people begin to exchange goods and services is economically self-sufficient. That the supplies for an American breakfast, may come from thirty different countries is an affair far beyond anyone's dream. The most vital economic institution is the town market which is hardly over a day's walking distance. Industrialization changes or rather has to change the whole economic makeup. Modern industries demand national and international markets, hence there is the need for national and international systems of transportation and communication. Now China is told that the lack of transportation and communication facilities is fatal to her prosperity. J. E. Baker writes in 1925 that the rates for

(1) CHENG M. *The Influence of Communications Internal and External Upon Economic Future of China*; and ARNOLD, JULEAN, *Some Bigger Issues in China's Problems*.

carrying coolies vary according to season, location, and travelling condition from fifteen to thirty cents silver per ton-kilometer with the average close to twenty-five cents, while the average charge on the railways in China is less than one and half cents per ton-kilometer. He feels sure that the railway costs on well located and well managed lines are not more than one-fifteenth of cart costs and not more than one-twenty-fifth of portage costs. This high cost of cart and portage transportation, according to Baker, limits the distance of grain marketing and other trades. He calculates that the radiance of grain market cannot be farther than 111 kilometers or 225 *li*; and that if the market is farther than 111 kilometers, the entire value of the load would be paid out in carrier hire in thirteen days (1). This waste in transportation is considered one of the important causes of China's poverty (2).

Population immobility is another serious problem to modern China. The lack of adequate means of transportation and communication is certainly an important cause of population immobility. Some of our sampling population surveys show that in a number of communities only about 6% of the total population move out of the locality and about equivalent number move in (3). Population immobility is not a bad thing in itself. In the old economic order, that is, under the system of agricultural economy, there is no need for the population to move about much. The population gets practically all they need economically and socially from the farm, from the village market and from the town. Nationwide or even worldwide economic interdependence is a new phenomenon in the industrial civilization; and here thousands or hundreds of thousands of autonomous villages are gradually made into organic parts of one great economic system. Under the new system such factors as labour supply, raw materials, manufacturing, and shipping are no longer considered locally, but nationally and internationally. Such being the case, population immobility suddenly becomes a handicap in the way of industrial efficiency, hence a very great social problem.

(1) BAKER, J. E., in *China Weekly Review* (Shanghai), vol. XXXII (1925), pp. 44-48.

(2) Consult also ARNOLD, JULEAN, *Some Bigger Issues in China's Problems*.

(3) HSU, LEONARD S., «Some Aspects of the Chinese Population Problems», in *The Chinese Soc. and Pol. Sci. Review*, July 1930.

Population immobility means that the population sticks to the locality or to be more specific, to the soil. According to the 1914 Report of the Ministry of Agriculture and Commerce in Peking, there are 59,402,315 farm families in China. Supposing there are 5.2 persons per family, 308,892,000 would be the total of the rural population in China. Chen Chang-heng is of the opinion that by 1929 this number may have been increased to 358,000,000 (1). D. K. Lieu and Chen Chung-min declare in 1928 that in China there are 69,266,000 farm families with a population of 344,780,000 or 71% out of a total of 485,508,000 (2). More recently, Boris P. Targasheff estimates that the town population in China is at least 100,000,000 or 20% of the total (3). One of my students based upon the figures from the report of the China Continuation Committee, finds that 7.3% of the population live in towns of 25,000 to 50,000, 5.58% in towns of 50,000 to 100,000, and 3.9% in towns or cities over 100,000 (4). When the national census is not taken, it is very difficult to find out the proportion between the rural population and the urban population. In his *Population Problems in China*, the writer gives an estimate as follows (5):

Population in villages or country towns below 2,500	66 %
Population in town from 2,500 to 10,000	22 %
Population in cities of 10,000 to 50,000	6 %
Population in large cities over 50,000	6 %

At any rate the arbitrary way of fixing the ratio between urban and rural population according to numbers has been found unsatisfactory by modern students of population. A proposal has been made to use the means of livelihood (and density) as the basis of distinction, that is, the country population is one whose primary source of livelihood is farming, the city population is one whose primary sources of livelihood are other than farming such as industry and commerce;

(1) CHEN CHANG-HENG, in *The Statis. Mon.*, vol. II, n. 9.

(2) LIEU and CHEN, *op. cit.*

(3) TORGASHEFF, «Town Population in China», in *China Critic*, vol. III, n. 14.

(4) China Continuation Committee, *Christian Occupation of China*, (Shanghai, 1922). The figures are taken from an unpublished manuscript by Tsai Yung-chun.

(5) Chapter III.

and the village population is one whose primary source of livelihood is only partly from farming (1). While this new system is not put into practice, one may get a general impression of the economic status of the population by analyzing its occupational distribution. Some of our local studies in North China show that from 57.1% to 70.0% of the male population, 0.9% to 9.3% of the female population, and 31.4% to 63.3% of the total population (all above the age of 10) are engaged in gainful occupations; and that in a rural district as much as 83.0% of the population in gainful occupations are engaged in agriculture, without including those engaged in handicraft industries primarily serving the needs of farming (2). It is not exaggeration to say that 70% to 80% of the population in China are rural and that about the same percentage or more get their sources of livelihood from agriculture. In industrialized countries cities are centers of manufacturing and trading. In China most of the cities with a population of 10,000 or above are not so much centers of industrial productivity as places where wealthy landowners, retired officials, rich merchants and intellectual workers make their homes, yet their sources of livelihood are largely from the land. In that case, even a part of the population in town should be classified rural.

This is significant. This means that it takes 70% to 80% of the population in China to take care of the simple business of food production, leaving only 20% to 30% to handle commerce, industry, transportation, education, technical professions, politics and so forth. When one compares these figures with the situation in the United States where only about one-fourth of the population in gainful occupations are engaged in agriculture and three-fourths of the min other activities, one finds an explanation of the extreme poverty in China (3).

Concentration of population in agricultural pursuits inevitably leads to small farms and to the decentralization of capital. In the agricultural economy small farms may mean a fair distribution of wealth; and concentration of capital is not only unnecessary, but considered a social evil (4). But in the new social order decentrali-

(1) WILLCOX, W. F., in *Urban Community*, ed. by E. W. Burgess, pp. 115-121.

(2) HSU, in *The Chi. Soc. and Pol. Sci. Rev.* July, 1930.

(3) HSU, *Pop. Prob. in China*, Ch. VI.

(4) Mencius, for example condemns monopoly as a source of social inequality and social chaos.

zation of capital is fatal to industrial development. As land is one of the sources of capital, small farms are a social evil. As mentioned previously, the cultivated land per capita in China is not more than 0,667 acres. Studies of farm economy in China show surprisingly small holding of farm land, the usual local averages ranging from less than 2 acres to about 6 acres and the general average for China being about 3,6 acres (1). According to Buck's study, small holding is very unprofitable; and the larger is the size of farm, the greater is the profit. But under the present circumstances this condition is difficult to be improved. Small farming yields little capital for industrial expansion; and so the cities have little industrial undertaking to absorb surplus population from the farm. Under the old system, people can live simply; and once in a long time famine, war, diseases, and other calamities take of the surplus population. There is some sort of natural equilibrium. Although the people do not live in great wealth and in booms of prosperity, there is usually enough to live on happily, particularly from the standpoint of a simple living. Thus in old ethics, simple living is a virtue. But the coming of the industrial civilization disturbs the whole economic equilibrium. Modern methods of famine relief, modern ideas of national unity, modern technique of public health, modern methods of flood control, modern morals against infanticide, modern inspirations for a high standard of living all work against the old folkways and practices. What is more, handicraft industry gives way to modern industry; and agriculture becomes dependent to manufacturing and commerce. Now small farms must be gone for ever, and scientific agriculture is possible only on a collective scheme.

It is this disorganization of rural economy that has helped much to produce the recent phenomenon of national food deficit in China. In spite of the enormous number of people engaged in agricultural, Maritime Customs figures of China's foreign trade of cereals during the fourteen years between 1912 and 1925 inclusive show that the import of cereals always exceeds the export, excepting in 1919 and 1920 being affected by abnormal Post-War conditions; and that this excess ranges from 11,000,000 to 118,000,000 HK. Taels. (2)

(1) BUCK, J. L. *Chinese Farm Economy*; MALONE and TAYLOR, *Op. Cit.*; LIEU and CHEN, *Op. Cit.*; BAKER, O. E., *Op. Cit.*; LIEU, D. K., *The Economic Status of the Chinese Tenantry* (Chinese).

(2) LIU SHIH-KENG, in *The Rural Administration Monthly* (Chinese), vol. I, n. 5.

China is a rice producing country, yet in 1927, for example, the excess of imported rice over exported rice amounts to 106,775,907 HK. Tls. In that year the deficit from foreign trade of rice, wheat, and flours of cereals amounts to 133,041,454 HK. Tls (1). It is also bad rural economy that has helped to produce famines. It is true that famine is a periodic phenomenon in China and that famine is one of nature's way to strike of the surplus lives. One study shows that between the years of 108 B. C. and 1911 A. D. there are 1928 famines or one famine nearly every year in some one of the provinces (2). The North China famine in 1920-1921 affected five provinces and rendered nearly 20,000,000 out of a population of 49,000,000 destitute. (3).

Yet Mr. Chen Han-sheng of the *Academia Sinica* once told the writer that a study of the famines in China being undertaken by the Institute has failed to find high correlation between the density of population and the frequency of famines, nor the high correlation between the amount of poor land and the frequency of famines. His opinion is that famine is largely due to high rent, lack of transportation and communication, and the lack of capital. If this is true, there is a real fear that after the extensive disorganization of rural economy on account of industrialization and before China is able to establish a new economic equilibrium on an industrial basis, there will be a period in which famines will take place at greater frequency and on a larger scale. This is already happening!

Another consequence of this combined pressure from population and industrial disorganization is general low standard of living.

The Nankai University Committee on Social and Economic Research has recently made out a comparative table showing the results of twenty-eight cost of living studies undertaken during the years of 1915 and 1929 by various groups in China (4). This table shows that in most cases food occupies 55% to 75% of the total cost, clothing from 7% to 10%, rent from 5% to 10%, fuel and light from 7% to 10%, and miscellaneous from 5% to 15%. In other words the necessities of life such as food, clothing, rent and

(1) *China Yearbook, 1929-1930.*

(2) Quoted by MALLORY, W. H., *China, Land of Famines*, p. 1.

(3) *The North China Famine of 1920-1921 with Special Reference to the West Chihli Area* a report of the China International Famine Relief Committee, Peking, 1922.

(4) *Weekly Statistical Service* of Nankai University, March 10, 1930.

fuel occupy in most cases more than 85 % of the total cost of living. Conditions in rural families are much worse than in city families. Other studies show almost identical results; and they also indicate that in a great number of cases income is insufficient to meet expenditure. In the latter case, the family is obliged to borrow from friends, to pawn their possessions, to ask for help from relatives, to seek aid from charitable institutions, to force children and women to work for money-income, to beg on the streets or to go part hungry (1).

This low standard of living usually goes together with high birthrate, high death rate and high infant mortality. According to recent reports of births and deaths in several cities in China the usual death rates are about 25 per 1000 per year. Most of these cities have very high sex ratio, for example, according to a recent report the sex ratio at Shanghai is 135.0, at Tientsin 161.9, at Peiping 153.5, at Canton 141.6, at Hankow 155.1 and at Nanking 164.8 with the average of all these cities at 149.0. (2) Since sex ratio in cities is so high, their death rate may be slightly too low to represent the conditions in China as a whole (3). It is fair to say that the death rate in China is somewhere between 25 to 30 per 1000 per year; and that the average length of life in China is somewhere between 33 and 40. Since man's most productive period is between the ages of 35 and 50, this low average of life is an important cause of poverty in China. Of course, in an agricultural society, people usually marry young, start work early in life, and retire early in life, leaving the burden of work to their grown-up children. Thus in old China children are regarded as a form of old age insurance or a source of old age pension. Anyone approaches forty-five, he or she is usually considered an old man or old woman. In the industrialized China, this will not be possible. Higher standard of living and keen competition of economic life may help to delay the age of marriage. There will be more economic individualism; and children will cease to be a source of old age support. The productive age will be postponed later in life as in the case of the western people.

There are no detailed or intensive studies of birthrates and infant mortality rates in China, although several projects are in pro-

(1) SEE HSU, in the *China Outlook*, Vol. I, No. 3; also studies listed in *China Labour Yearbook*, Vol. I.

(2) CHEN, WERREN H., in *Statistical Monthly*, Vol. II, No. 9.

(3) Consult monthly reports on vital matters in the appendices of the *Statistical Monthly*.

gress such as those under the auspices of the University of Nanking and Yenching University. From the various fragmentary data we have, it is estimated that the birth rate in China is probably somewhere between 30 and 35 and that the rate of increase of the Chinese population is probably about 8 per 1000 per year (1). If this is the case, there is an addition of three to four million persons to the present population every year.

If China is industrially prosperous, a small addition of three to four millions each year would give no trouble. But China is suffering economic disorganization, the addition of every new million means more to share the limited amount of food, more poverty, more cheap labour, more unemployment, more famine, more wars, and an ever lower standard of living. Low standard of living usually go together with high birthrate; and high birthrate usually accompanies high deathrate. The relative high birthrate and high deathrate in China is a great biological waste and a cause of poverty.

In view of the foregoing discussion, it seems evident that poverty in China, as an acute national problem, is largely due to the disorganization of her agricultural and handicraft economy by the invasion of an industrial economy; and the difficulties thus incurred become especially great on account of the presense of a large, but inarticulate population. The tremendous population in China is a result of agricultural economy. As long as China could remain under the agricultural economy, a large growing population would be a sign of racial and social health, rather than a menace. Since China cannot maintain her old economic order and must adopt the industrial economy, all such factors as the regional concentration of population, lack of transportation and communication facilities, food immobility, population immobility, high percentage of agricultural population, small farm holding, decentralization of capital, high birthrate, high deathrate and low average length of life, hitherto matters of no importance, suddenly become matters of grave concern, because they stand in the way to the nation's program of industrialization. Many writers claim that China is suffering terribly from overpopulation, and that overpopulation is the one big cause of poverty in China. This is only partially true to the fact.

(1) SEE HSU, L. S., *Pop. Prob. in China*, Ch. IV.

In some parts of China there is overpopulation and in other parts there is underpopulation. The whole country is suffering from social and economic inarticulation, quite characteristic of a country transforming from agricultural economy to modern industrial economy. The result of this inarticulation is underproduction, that is, insufficient production to meet the changing and growing needs of the population. Dr. Sun Yat-sen is right when he says that China's poverty is due to underproduction of wealth rather than unequal distribution of wealth. The Western nations, according to Dr. Sun, suffers poverty because of unequal distribution of wealth, and so there is the extreme rich on one hand and the extreme poor on the other. In China, there is only the distinction between the extreme poor and the lesser poor. In view of these facts, Dr. Sun and his followers rightly urge economic development as the foremost step in national reconstruction in China (1).

What are the solutions for the problem of poverty in China? From the standpoint of resources and numbers, what is likely the optimum number of population in China? These questions will be discussed in a separate paper. It suffices to say here that China's greatest need to-day is a national economic planning somewhat like the five-year program of the U. S. S. R. She should have not only a program, but, of far greater importance, a faithful and efficient execution of the program (2). By means of scientific agriculture she

(1) Many people, it seems to me, have misunderstood Dr. Sun's opinion regarding population policy. Many believe that Dr. Sun urges a rapid increase of the Chinese population. As far as I know this is not the case. In his first lecture on the Doctrine of Nationalism, Dr. Sun points out how fast the population in a number of Western nations and in Japan have multiplied, and how slow has been the rate of increase of the Chinese population. He then points out the political and economic advantages of a large population over a small population. If the foreign populations keep on increasing at such and such rates and if the Chinese population continues to remain stationary, Dr. Sun declares, China would be put in a very disadvantageous position, militarily, politically and economically. In that lecture, Dr. Sun never urges rapid multiplication of Chinese population as a political policy for the sake of the nationalistic cause. As far as political advantages of population numbers are concerned, many technical writers on population hold the same opinion as Dr. Sun. For example, Carr-Saunders, in his little volume on *Population*, points out how England no longer fears the independence of Ireland because of her greater numbers in population. See Dr. SUN's "Doctrine of Nationalism" in *San Min Chu I*; CHEN CHANG-HENG, *San Min Doctrine and Population Policy* (Chinese); and HSU. L. S., *Sun Yat-sen, His Social and Political Ideals*.

(2) Consult Dr. SUN's, *International Development of China*. Recently the Nanking Government has set up a central economic council to do exactly the thing as suggested.

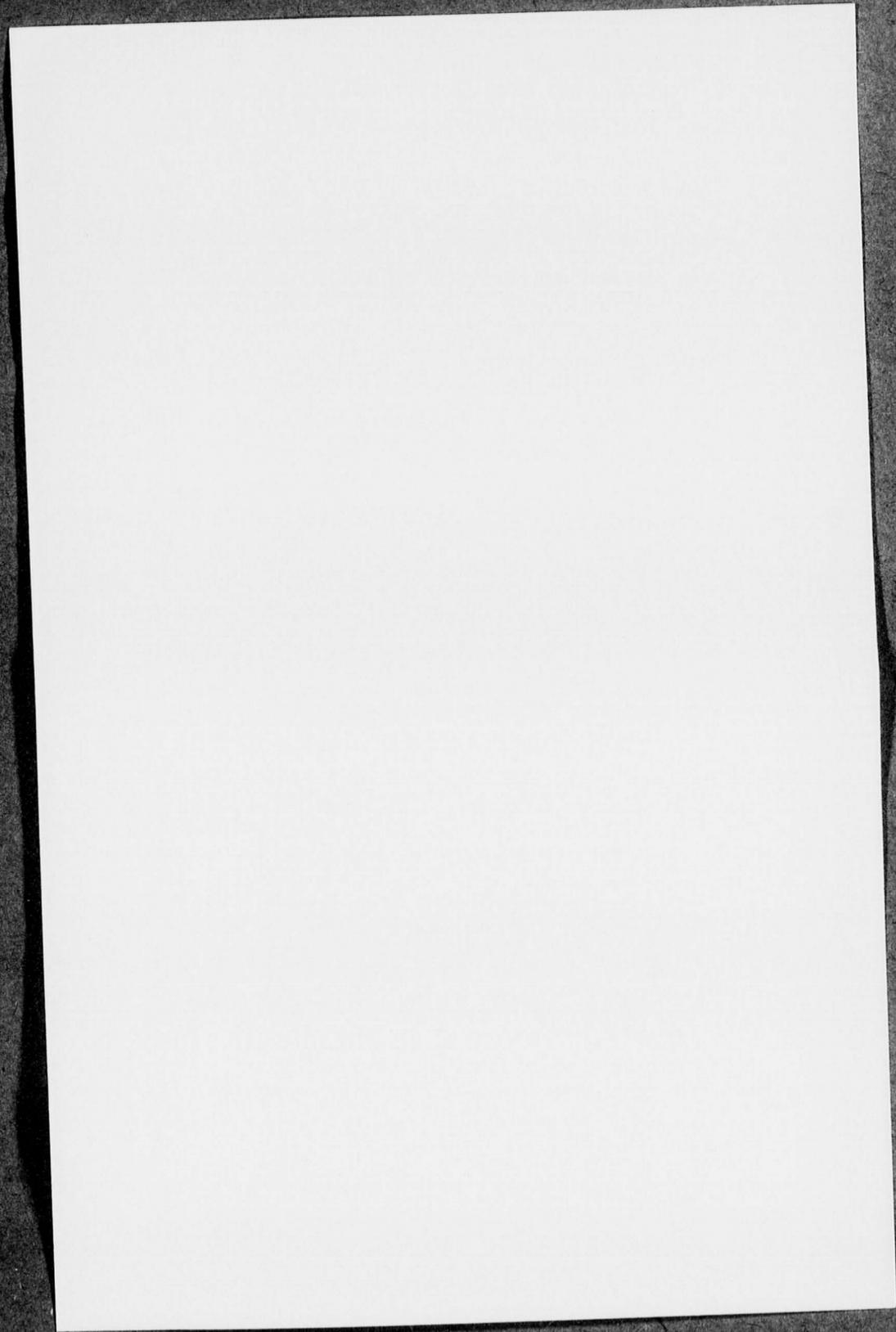
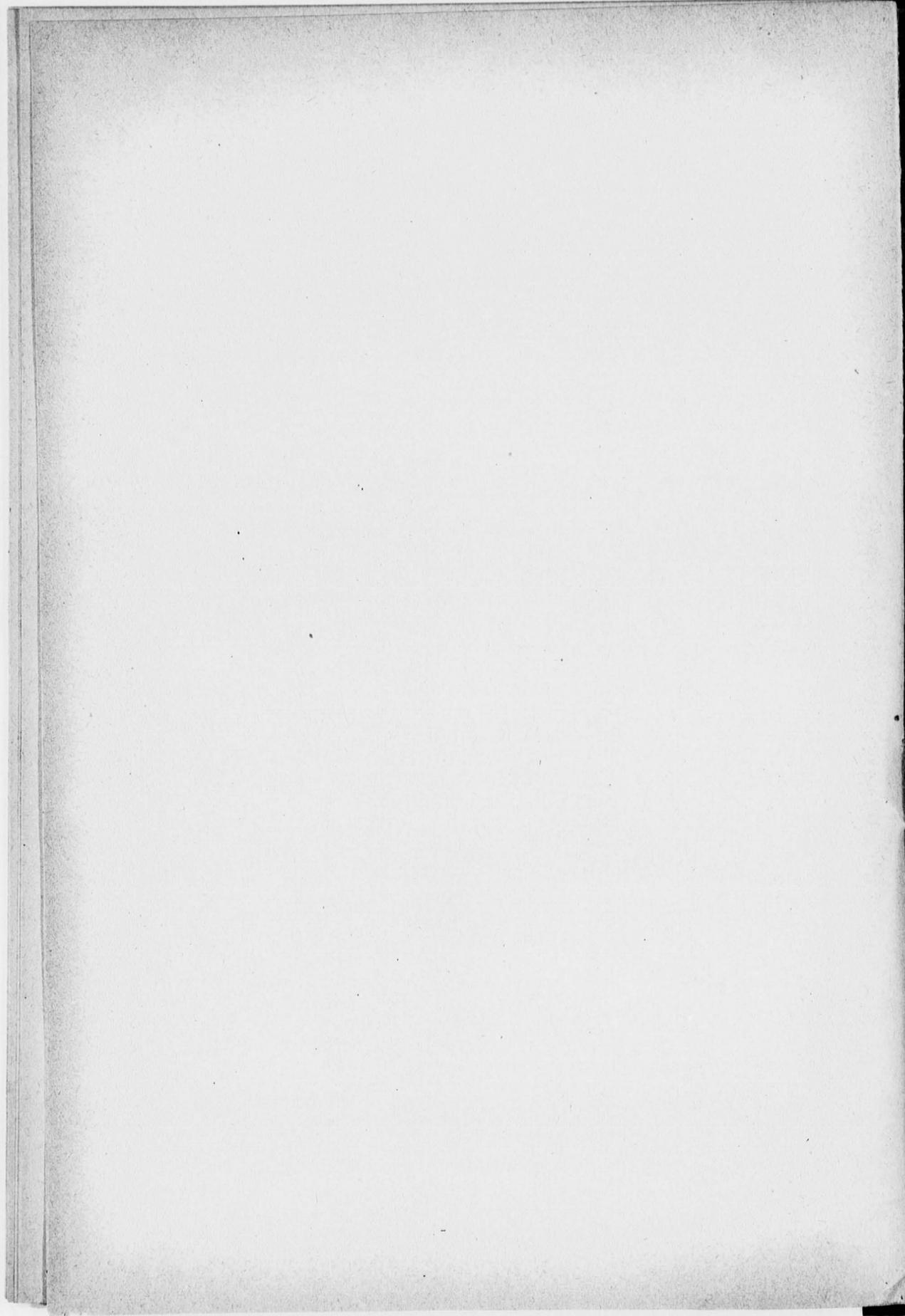
can increase the productivity of the present cultivated land and reclaim the waste arable land (1). Although her industrial resources are quite limited, she represents about the best hope of potential industrialization around the Pacific (2). Although colonization does not help solving any problem of overpopulation, it helps promoting social and economic articulation (3). Finally, modern industrial development means higher standard of living. With a program of social education and birth control, it ought not take long for the present millions in China to achieve a new population equilibrium relative to their new economic resources and new wants of life (4).

(1) Consult BAKER, *Op. Cit.*; KING, F. H., *Farmers of Forty Centuries*; TUNG SHIH-TSIN, *Population and Food* (Chinese); LIN, D. Y., *The Economic Aspect of Chinese Agriculture* (Ch.); PAN TS'U-CHI, *China's Land Policies* (Ch.).

(2) BAIN, A. F., *Ores and Industry in the Far East*; VINACKE, H. M., *Problems of Industrial Development in China*; TAYLOR, J. B., *Farm and Factory in China*; GRESSEY, G. B., *Geography of China*; WONG, W. H., *Mines in China* (Ch.) and *Outlines of Chinese Geology* (Ch.); CHU HSIN-FAN, *Development of Chinese Capitalism* (Ch.); CHEN MIN-CH'UN, *The Industrial Problem in China's Economic Reconstruction* (Ch.).

(3) Under the present circumstances, Chinese migration to the frontiers can hardly exceed 2,000,000 a year; yet the annual increase in China, as mentioned above, is between three and four millions. Moreover, a large part of the migrants return home during the fall or winter.

(4) The value of a great many social and political movements in China such as the renaissance movement, the mass education movement, the womens movement, etc., is to change the mores of the people in order to fit them better for the new economic order; and to make them equipped with the necessary understanding and technical skill for the transition. The birth control movement has started in China and is developing very smoothly.



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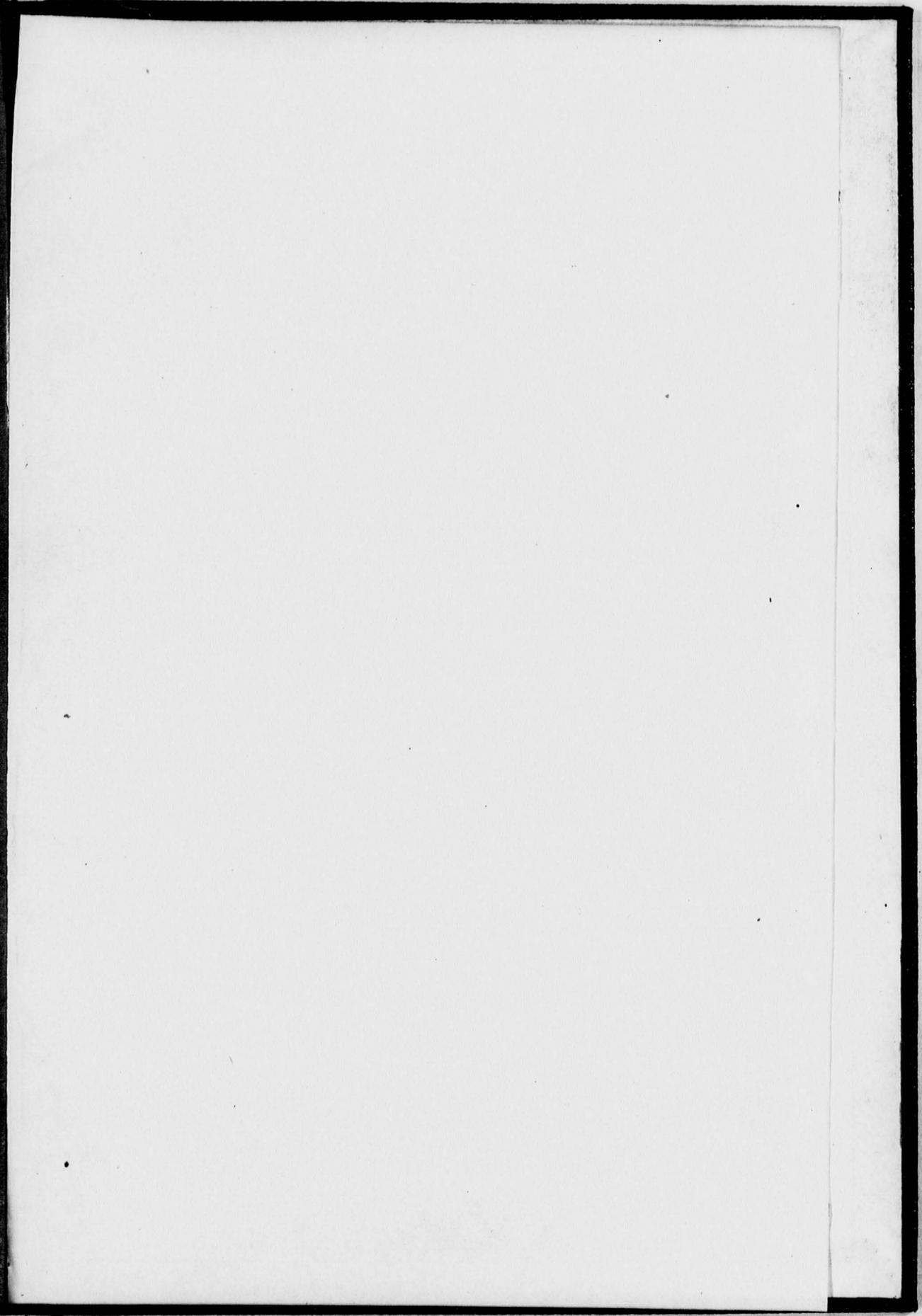
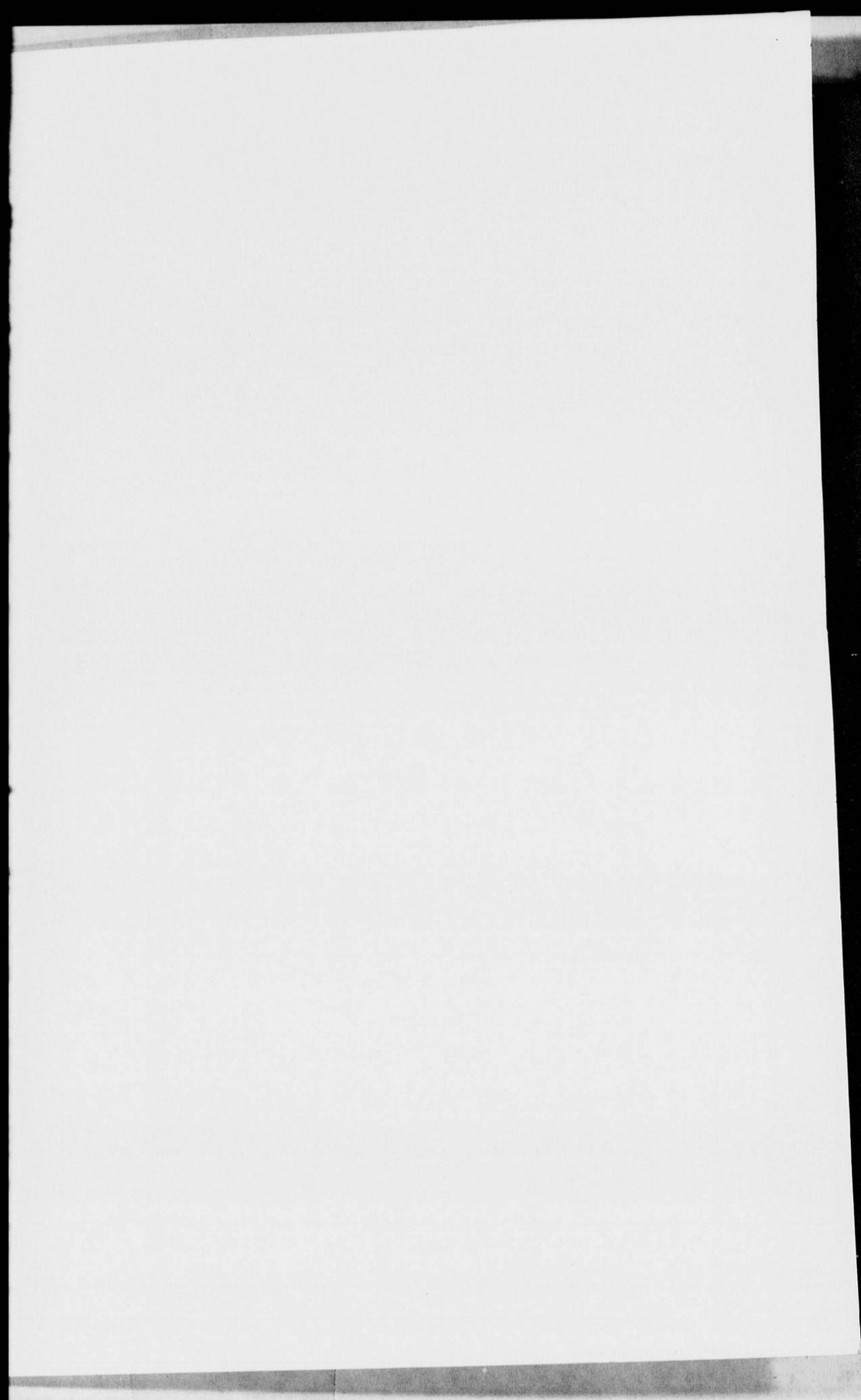
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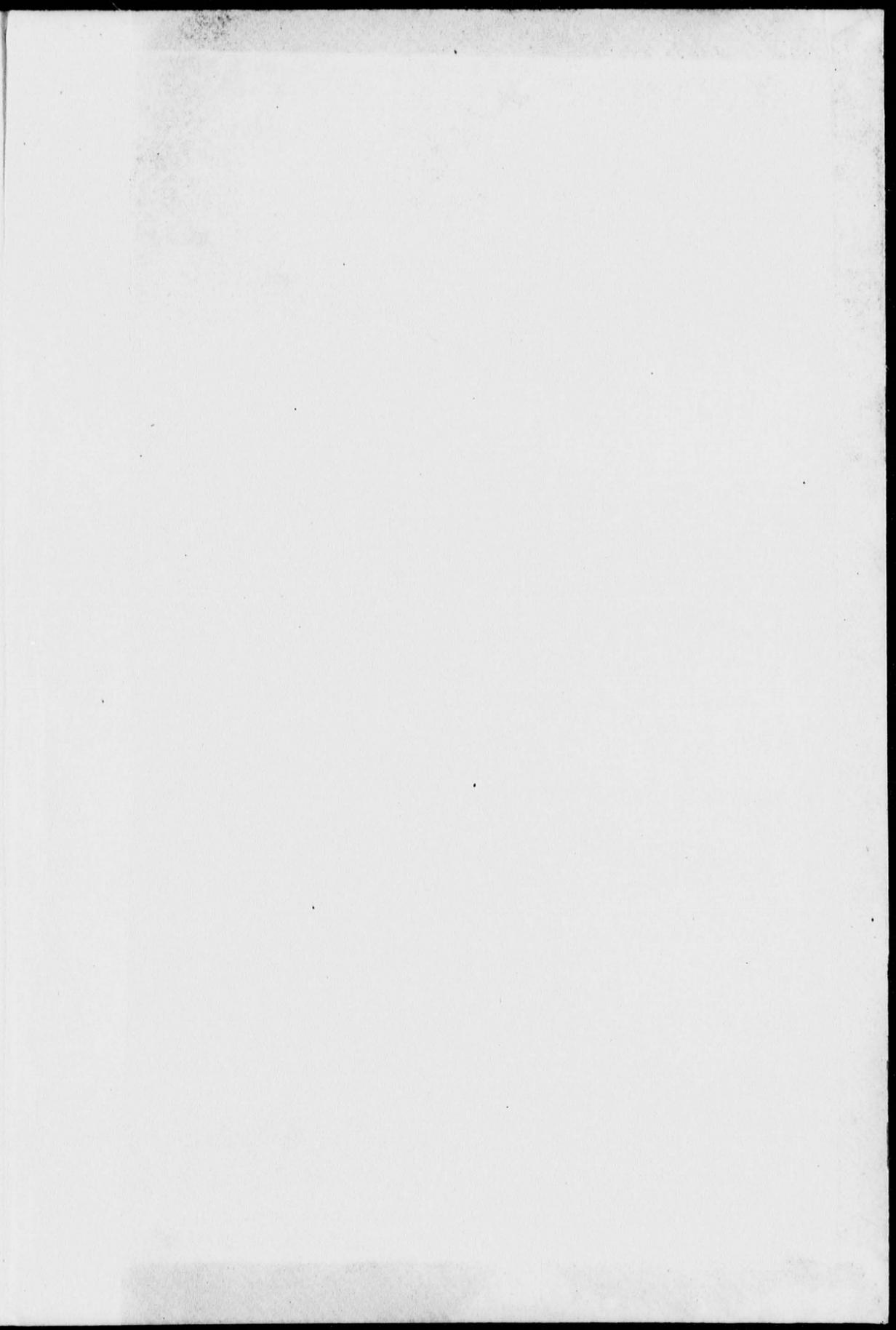
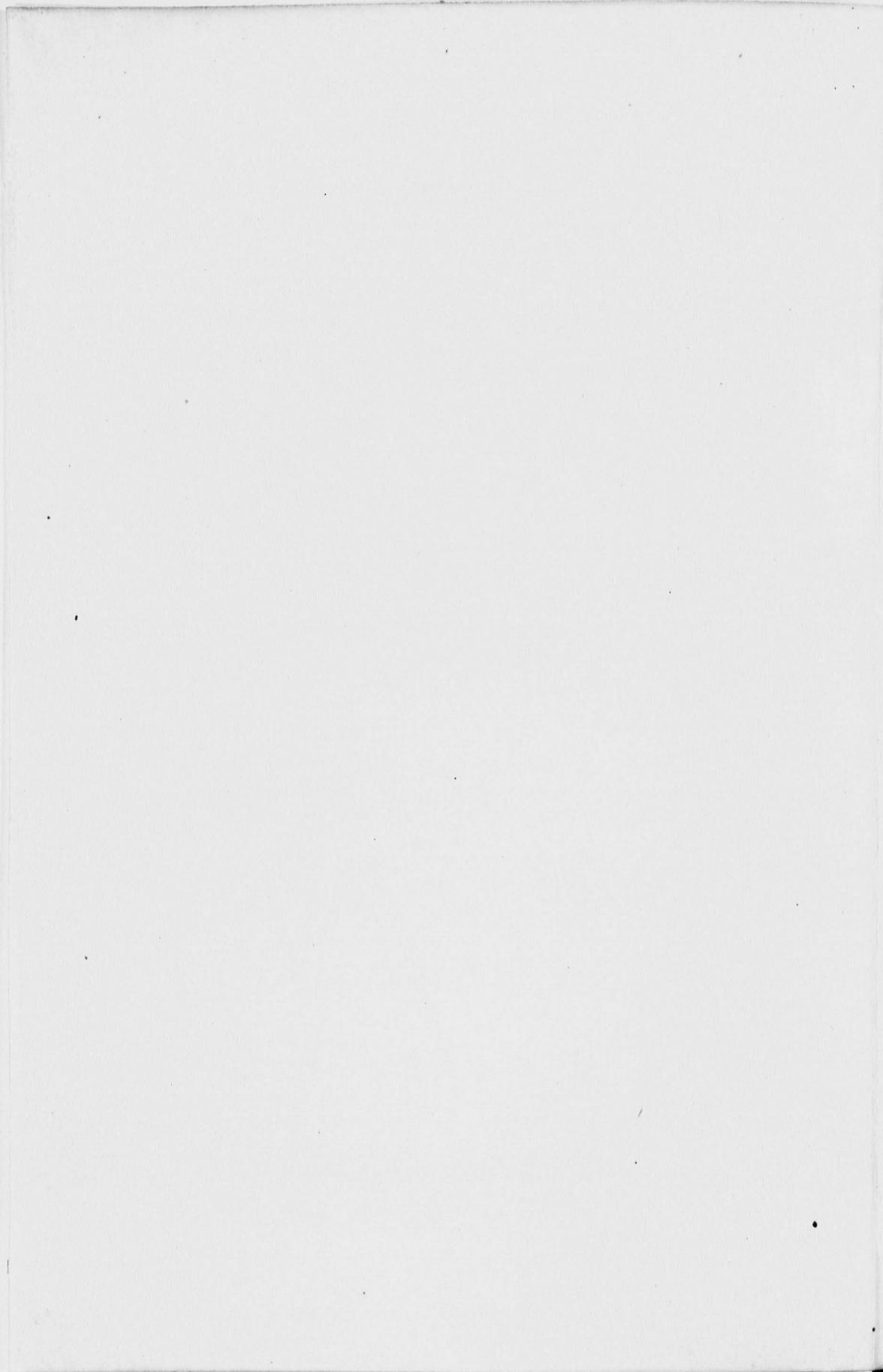
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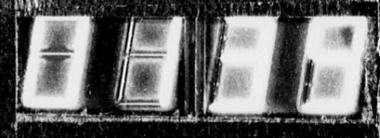
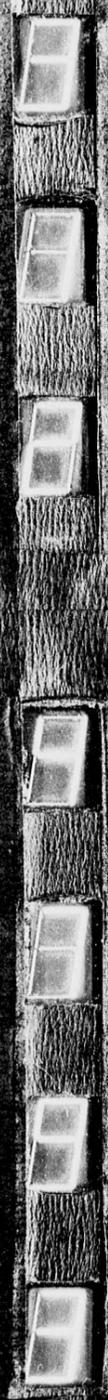
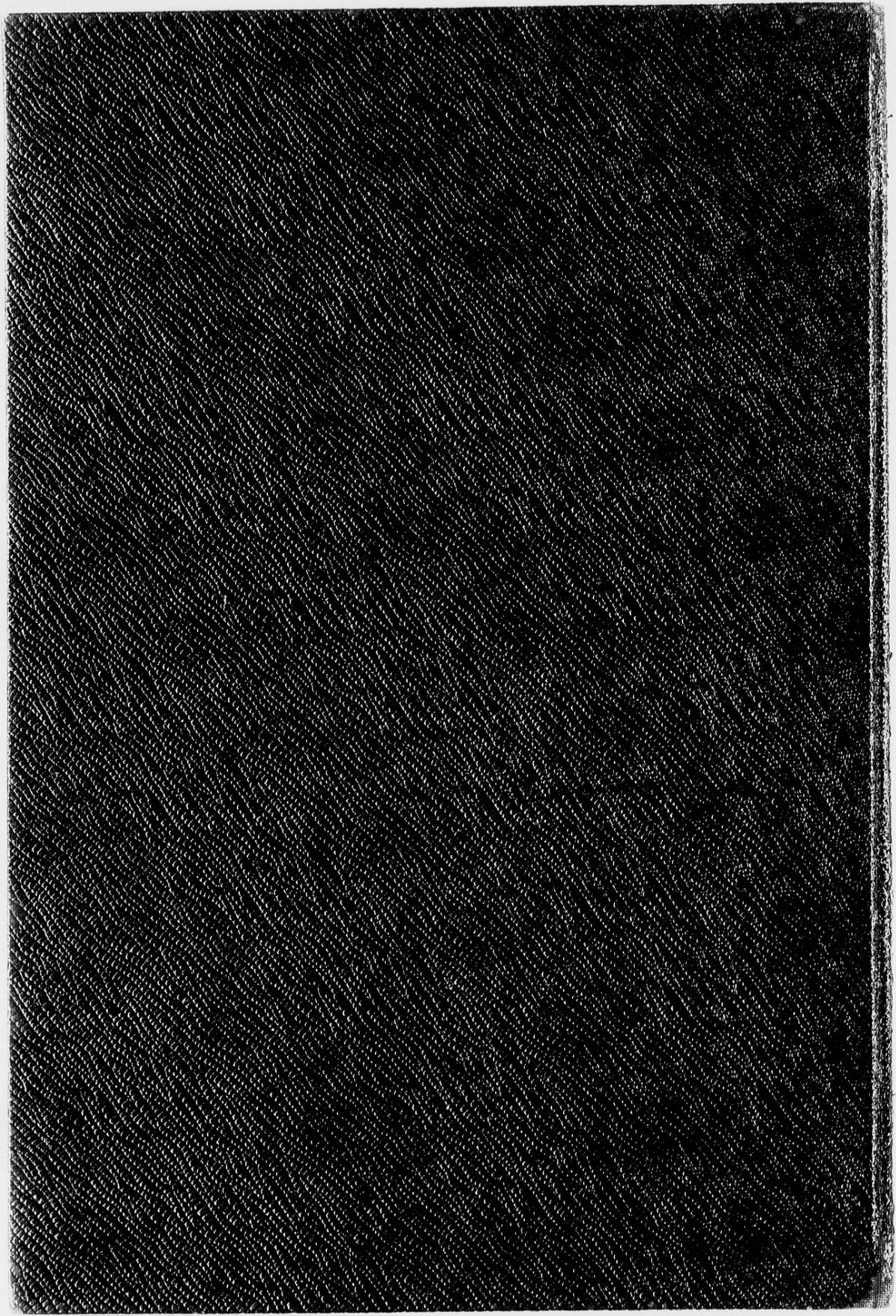
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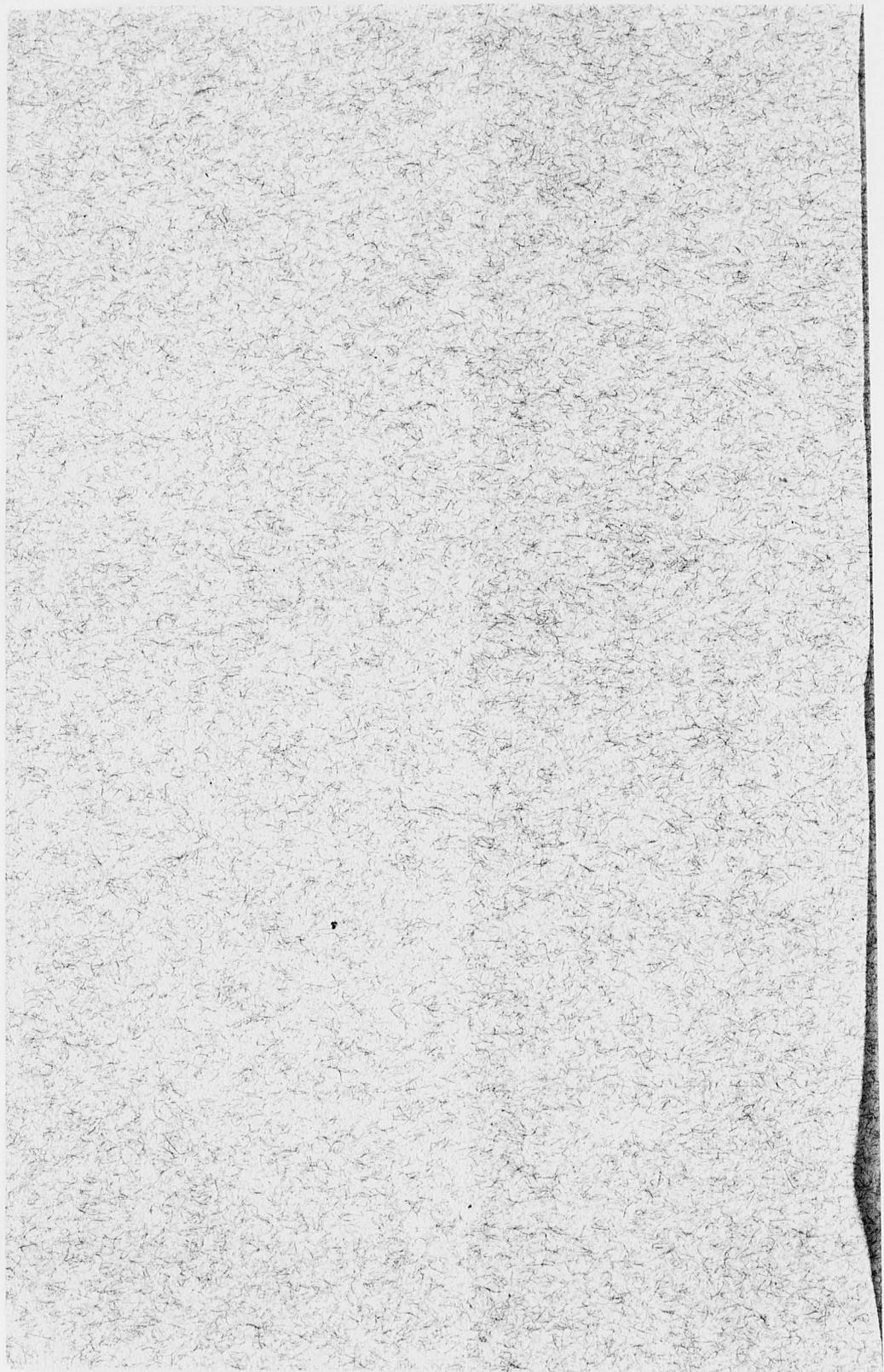
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## Chinese Sources in General Sociology

By Prof. Leonard S. Hsu (許仕廉), Ph.D., LL. B.

At the present time there is no text book in sociology specially prepared for the use of Chinese colleges. We have been using American textbooks, but the latter are far from being satisfactory. In fact, we are looking for the creation of a Chinese sociology text. Until such a text appears, Chinese sources in general sociology will remain as a perplexing problem to the teachers of sociology. There are, however, a great many Chinese books dealing with special phases of Sociology that can be profitably adopted in the classroom. The purpose of this paper is to describe a scheme in which these Chinese books may be used in an introductory course in sociology.

The author cannot overestimate the importance of using Chinese materials in the introductory course. As a rule, our freshmen and sophomore students do not have sufficient English to read an American text intelligently. It is no exaggeration to say that over one-half of the class read an American text, not as a treatise in sociology, but as a book in English literature and composition, especially when the text has profound English, as in the case of Hayes' "Introduction to the Study of Sociology"

and Park and Burgess' "Introduction to the Science of Sociology."

To be sure, by reading one or more of the recognized books in sociology published abroad, Chinese students get acquainted with technical terms and theories in sociology. The contention is only partially valid. Theories should be formulated from a wide study of specific facts and actual social conditions. That there is a wide difference between Chinese conditions and American conditions no one will doubt. American writers explain their theories with American illustrations which our students can never appreciate to the extent that they appreciate Chinese illustrations, illustrations personal to them. In fact, when an American text is used, the instructor often has to spend a large portion of the teaching hour in explaining the illustrations given in the text rather than in discussing sociological principles.

What is more important is the question of teaching morale. A conscientious teacher will know by looking at the facial expression of his students that the latter listen half-heartedly to his explanations of American theories and illustrations, and that their hearts are delighted as soon as he gives a Chinese illustration or quotes a passage from a Chinese scholar. There is a strange feeling of dissatisfaction in the classroom. How much sociology do the students get from an American text-book? Would it be more profitable for the students if Chinese books were used? If there is no Chinese text-book, would it be more profitable for the students to take some subject other than sociology? One teacher speaking of his own experience, said that students got more sociology in a course of human geography than in a regular introductory course of sociology.

The prevailing system of teaching sociology is, therefore, uneconomical, unscientific and unnatural. We,

sociology teachers, should use Chinese materials as far as possible. We have also an equally important duty of collecting Chinese sociological data and getting acquainted with the existing sociological literature.

The following scheme includes a brief outline of the general introductory course in sociology. Inasmuch as the length, nature, and content of the course vary in different colleges, the scheme may be adapted to the conditions of individual cases.

*First*, divide the course into several parts, and provide a regular text for each part. The instructor may use his own discretion in proportioning the time for the different parts.

(1) Introduction: Nature of the Science, its scope, its relation to other sciences, nature of society, etc., etc.

Texts:—

1. 劉廷陵: 社會論(百科小叢書).
2. 趙作雄譯: Ellwood 社會學及現代社會問題.

References:—

1. 陶孟和: 社會與教育.
2. 梁仲策譯: Wallas 社會心理的分析.
3. 嚴復譯: Spencer 羣學肆言.
4. 歐陽鈞: 社會學.
5. 伏廬記: Russell 講社會結構學.
6. 瞿世英譯: Bogardus 社會學概論.
7. 管聚仁及朱源文: 社會學大綱.
8. 王平陵: 社會學大綱.
9. 常乃惠: 社會學要旨.
10. 覃壽公譯: 遠藤陸吉著, 近世社會學.
11. 張其均: 新學制社會學概論.
12. 陳安仁: 社會觀.

(2) Human Nature and Psychological Significance of Society.

## Texts:—

1. 舒新城譯: Thordike 個性論.
2. 郭任遠: 人類的行爲.

## References:—

1. 吳旭初譯: Le Bon 羣衆心理.
  2. 劉延陵譯: Mac Dougall 社會心理學緒論.
  3. 金本基譯: Ellwood 社會心理學.
  4. 陸志韋: 社會心理學新論.
  5. 馮承鈞譯: Le Bon 意見及信仰.
  6. 藏玉淦譯: Watson 行爲主義的心理學.
  7. 江恒源: 中國先哲人性論.
  8. 陳大齊: 心理學大綱.
  9. 鍾建閔譯: Wallas 政治中之人性.
  10. 馮承鈞譯: Le Bon 政治心理.
  11. 杜師業譯: Le Bon 革命心理.
  12. 教育雜誌叢書: 社會教育與個性教育.
  13. 陳震異譯: Loria 社會之經濟基礎.
  14. 南庶熙譯: 日本福來友吉 心理與生命.
- (3) Social Origin and Social Evolution.

## Texts:—

1. 陳映璜: 人類學.
3. 陶孟和等譯: F. Muller-Lyer 社會進化史.

## References:—

1. 嚴復譯: Huxley 天演論.
2. 張東蓀譯: Bergson 創化論.
3. 薩端: 社會進化論.
4. 何柄松譯: Robinson 新史學.
5. 湯鶴逸譯: 克魯泡特全著中國社會文化.
6. 張亮采: 中國風俗史.
7. 留庵著: 中國雕板源流考.
8. 陳石孚譯: Seligman 經濟史觀.
9. 過耀根 戰爭與進化.
10. 董時譯: Beard 經濟的政治基礎.

11. 過耀根: 人類進化之研究.
  12. 顧壽白: 人類學大意.
  13. 王誨初: 進化淺說.
  14. 張修爵譯: Herter 生物學的人生觀.
  15. 莫吳德鍾: 人祖問題.
  16. 陳安仁: 人類進化觀.
  17. 馬君武: 物種原始.
  18. 陳兼善: 進化論淺說.
  19. 劉文典譯: 丘淺次郎著進化與人生.
  20. 張之純: 中國文字源流.
  21. 胡懷琛: 中國民間研究.
  22. 張資平: 人類進化論.
  33. 李小峯: 人與自然.
- (4) Social Population.

## Texts:—

1. 張君俊: 東方民族改造論.
2. 陳長蘅: 中國人口論.

## References:—

1. 武培幹譯: Cox 人口問題.
2. 陳迪光譯: Pohle 都市居住問題.
3. 李積新: 遺傳學.
4. 周建人譯: Doncaster 遺傳論.
5. 陳壽凡: 人種改良學.
6. 陳長蘅: 社會論與善種學.
7. 徐傳霖: 生育節制論.
8. 姚伯麟: 人種改善學.
9. 東方文庫: 進化學與善種學.
10. 張季良: 遺傳與環境.
11. 王新命譯: H. Ellis 優生問題.
12. 劉雄: 遺傳與優生.
13. 李達譯: 日本安部磯雄著產兒限制論.
14. 陸世益: 兵工問題.
15. 阮湘: 殖民.

## 16. 潘光思: 中國之優生問題.

(5) Social Problems: A general study of existing social problems.

## Texts:—

1. 陶孟和: 社會問題
2. 東方文庫: 社會政策.

## References:—

1. 熊得山: 社會問題.
2. 東方文庫: 中國改造問題.
3. 趙廷爲譯: Ellwood 社會問題.
4. 向菊潭: 社會問題
5. 盟西譯: 日本高島素之著 社會問題詳解.
6. 甘浩澤: 日本小川郎太郎著 社會問題與財政
7. 黃尊三釋: 社會問題.
8. 周佛海: 社會問題概論.
9. 趙作雄: 社會問題總覽.
10. 趙文銳譯: 維素著中國之問題.
11. 王偉: 交通史.
12. 中國秘密社會史.
13. 劉文海: 近世大國家主義.
14. 東方文庫: 社會政策.
15. 東方文庫: 中國社會文化.
16. 張嘉森: 國內戰事六講.

## (6) Family.

## Texts:—

1. 沈鈞儒: 家庭新論.
2. 東方文庫: 家庭與婚姻.

## References:—

1. 嚴恩椿: 家庭進化論.
2. 易家鉞: 家庭問題.
3. 陳願遠: 古代婚姻史.
4. 劉鳴九譯: Gellette 家庭與社會.

5. 張佩芬: 婦女問題.
6. 李達譯: 日本界利彥述 女性中心說.
7. 凌冰: 兒童學概論.
8. 易家鉞: 羅敦偉 中國家庭問題.
9. 朱慶瀾: 家庭新教育.
10. 王理堂: 模範夫妻.
11. 高爾松: 婦女與家庭
12. 陳鶴琴: 家庭教育.
13. 東方文庫: 婦女運動.

## (7) Property and Labour.

## Texts:—

1. 李希賢: 財產進化論.
2. 馬君武: 工業政策.

## References:—

1. 何海鳴: 中國工兵政策
2. 馬凌甫譯: 日本關一著工業政策.
3. 樓桐孫譯: Gide 協作.
4. 胡善恒譯: Cole 勞工之世界.
5. 郎醒石譯: Tolstoy 土地與勞工.
6. 孫錫麒: 合作主義
7. 王效文編: 消費合作綱要.
8. 李季譯: Laidler 社會主義之思潮及運動.
9. 張東蓀譯: Cole 社會論.
10. 沈澤民譯: Tylor 基爾持的國家.
11. 陳家瓚譯: 日本金井延著 社會經濟學.
12. 馮飛: 勞働問題概論 (北京又新日報社)
13. 陳其田: 近世工業史觀.
14. 潘公展: 遺產之廢除.
15. 孫綽章: 社會主義史
16. 東方文庫: 社會政策.
17. 東方文庫: 合作制度.
18. 東方文庫: 馬克斯主義與唯物史觀.
19. 東方文庫: 社會主義神體.

20. 程振基譯: Russell 政治思想.
21. 梅生: 社會主義淺說.
- (8) Community and the State.

## Texts:—

1. 陶孟和譯: Snedden 公民教育.
2. 范用餘譯: Lowell 公共意見與平民政治.

## References:—

1. 劉世長: 縣自治法要義.
2. 羅家倫譯: Reinsch 平民政治的基本原理.
3. 楊中明: 公民學課程大綱.
4. 梅祖芬譯: Bryce 現代民治政體.
5. 陳茹玄: 聯邦政治.
6. 劉文島: 政黨政治論.
7. 吳獻書譯: 柏拉圖之理想國.
8. 曾友豪: 中華民國政府大綱.
9. 董修甲: 市政新論.
10. 陳壽凡: 國民性之訓練.
11. 東方文庫: 新村市.
12. 王道: 中國地方制度之沿革.
13. 蔣紹封: 都市計劃法制要論.
14. 童振海: 都市計劃關係法規.
15. 楊名遂: 都市問題之研究.
- (9) Rural Problems.

## Texts:—

1. 凌道揚: 中國農業之經濟觀.
2. 顧復: 農村社會學.

## References:—

1. 顧復: 農村教育.
2. 鄒秉文: 中國農業教育問題.
3. 易榮膺: 道路計劃書.
4. 劉友惠: 道路.
5. 徐文定: 農政全書.

6. 劉文嘉: 農業政策.
7. 張援: 大中華農業史.
8. 東方文庫: 新村市.
9. 馮銳: 平民教育運動的農業改進(平民總會).
10. 馮銳: 試驗改進村遍計劃(平教總會).
- (10) Poverty and Crime.

## Texts:—

1. 黃尊三: 救濟制度綱要.
2. 王新之: 監獄學.

## References:—

1. 楊山木: 救貧叢談.
2. 東方文庫: 農荒防禦策.
5. 馬君武: 收入及卹貧政策.
4. 止止譯: 貧乏論(泰東書局).
5. 劉麟生譯: Lombroso 犯罪學.
6. 北京監獄紀實.
7. 北京改良監獄報告.
8. 法權討論會: 考查司法記.

## (11) Social Education.

## Texts:—

1. 馬宗榮: 社會教育概說.
2. 顧倬: 學潮研究.

## References:—

1. 鄭宗海譯: Miller 人生教育.
2. 陶孟和: 社會與教育.
3. 鄭夢訓譯: Emerson 教育理想發達史.
4. 顧旭侯等: 平民教育實施法.
5. 王駿聲: 晚近教育學說概論.
6. 朱元善: 職業教育真義.
7. 吳敬恒: 二百兆平民大問題.
8. 范壽康: 個性教育.
9. 周維城: 特殊教育.

10. 朱元善: 實用主義問題.
11. 熊翥高: 家庭教育與學校.
12. 余家菊: 李璜 國家主義的教育.
13. 陳啟天: 應用教育社會學.
14. 常道直: 社會教育.
15. 常道直譯 Dewey 平民主義與教育.
16. 鄒恩潤: 職業教育研究.
17. 朱兆萃: 教育心理學.

(12) Religion and Morality.

Texts:—

1. 蔡元培: 倫理學原理.
2. 梁漱溟: 東西文化及其哲學.

References:—

1. 嚴既澄: 比較宗教學.
2. 蔡元培: 中國倫理學史.
3. 胡適: 中國哲學史大綱卷上.
4. 陳楚譯: Cook 宗教基礎.
5. 嚴復: 天演論.
6. 蔣拙誠: 道德教育論.
7. 杜愛倫女士: 教會與近世工業.
8. 謝頌羔: 宗教教育概論.
9. 胡貽穀: Fosdick 信仰的意義.
10. 胡貽穀: Fosdick 服務的意義.
11. 曾約農: Hodgins 基督教的社會改造.
12. 周宏業等: 新道德論.
13. 胡貽穀: 基督教與中國文化.
14. 簡又文: 宗教與科學.
15. 簡又文: 新宗教觀.
16. 簡又文: 宗教與人生.

(13) Social Work and Social Survey.

Texts:—

無相當教科書可讀 下列第六, 第七, 第八, 第三, 第四, 均可用作必要參考書.

References:—

1. 俞子夷: 測驗統計法概要.
2. 朱斌魁: 統計與測驗名詞.
3. 平教總會: 平民教育實施的試驗.
4. 劉湛恩: 公民教育運動計劃.
5. 劉扶雅: 青年會原理.
6. 張鏡予: 社會調查, 沈家行實況.
7. 包立德, 朱積權: 北京地毯業調查.
8. 華洋義賑會: 農村信用合作社經營的方法 及其他同類刊物.
9. 劉湛恩: 公民研究團辦法.
10. 劉湛恩: 公民宣講隊辦法.
11. 劉湛恩: 公民教育圖表.

(14) Social Theory.

Texts:—

1. 許德珩譯: Durkheim 社會學方法論.
2. 鄒敬芳譯: Mackenzie 社會哲學原論.

References:—

1. 易家鉞: 社會學史要.
2. 張東蓀: 哲學與科學.
3. 周谷城: 生活系統.
4. 馮友蘭: 一種人生觀.
5. 陳震異譯: Loria 社會之經濟基礎.
6. 伏廬記: Russell 社會結構學.
7. 嚴復譯: Jenks 社會通論.
8. 陳石孚譯: Seigman 經濟史觀.
9. 邵振青: 各國社會思潮.
10. 胡鈞: 社會政策.
11. 嚴復譯: Mill 羣己權界論.
12. 梁啟超: 先秦政治思想史.
13. 高一涵: 歐洲政治思想史.
14. 何海鳴: 中國社會政策.

15. 杜亞泉: 處世哲學.
16. 胡適: 中國哲學史大綱卷上.
17. 唐敬呆: 近代思想剖解.
18. 孫文: 建國方略.
29. 郁嶷: 中國法制史.
20. 何炳松譯: Robinson 新史學.
21. 郭夢良輯: 人生觀的論戰.
22. 杜威: 五大演講.
23. 黃昌穀: 科學概論.
24. 楊明齋: 評中西文化觀.

The Chinese references listed above are by no means exhaustive. New books of sociological value appear every month; and some, after careful consideration, may profitably be used.

Secondly, provide a few copies of one of the following American texts in your college library as the "constant reference" book for students:

- (1) Dealey: Sociology, its Development and Applications.
- (2) Beach: Introduction to Sociology and Social Problems.
- (3) Blackmar and Gillett: Outlines of Sociology (Revised).
- (4) Albion W. Small: Origin of Sociology.
- (5) Bogardus: Introduction to Sociology.
- (6) Case: Outlines of Introductory Sociology.
- (7) Ross: Principles of Sociology.
- (8) Hayes: Introduction to the Study of Sociology.
- (9) Park and Burgess: Introduction to the Science of Sociology.
- (10) Fairchild: The Elements of Social Science.

Thirdly, reserve the following books in English as general references:

- (1) Gamble: Peking, A Social Survey.
- (2) Warner: Descriptive Sociology—Chinese Civilization.
- (3) M. T. Z. Tyau: China Awakened.
- (4) Chen: The Economic Principles of Confucius and His School.
- (5) Tsu: Chinese Philanthropy.
- (6) Shirokogoroff: Social Organization of the Manchus.
- (7) Smith: Chinese Characteristics.
- (8) Leong and Tao: Village and Town Life in China.
- (9) Chen Ta: Chinese Migrations.
- (10) Russell: The Problem of China.
- (11) B. K. Barkar: Chinese Religion through Hindu Eyes.
- (12) Porter: China's Challenge to Christianity.
- (13) Fung: A Comparative Study of Life Ideals.
- (14) Shirokogoroff: Process of Physical Growth Among the Chinese. Vol. I (Chekiang and Kiangsu)

Lastly, let the students be acquainted with the following magazines:

- The Survey.*  
*The American Journal of Sociology.*  
*The Journal of Social Forces.*  
*The Journal of Applied Sociology.*  
*The Chinese Journal of Sociology.*  
*The Chinese Social and Political Science Review.*  
 社會科學季刊  
 東方雜誌

In conclusion, the author wishes to remind the reader that the purpose of this outline is not to give a bibliography in general sociology, but to show the possibilities of using Chinese materials in our introductory course. It may be said also that we have the very important duty of collecting sociological data; and that the sources of such data may be in government reports, reports of social work institutions, reports of social surveys and researches, the special supplement sheets of the leading papers in Peking, Nanking and Shanghai, college and university publications and individual writings.



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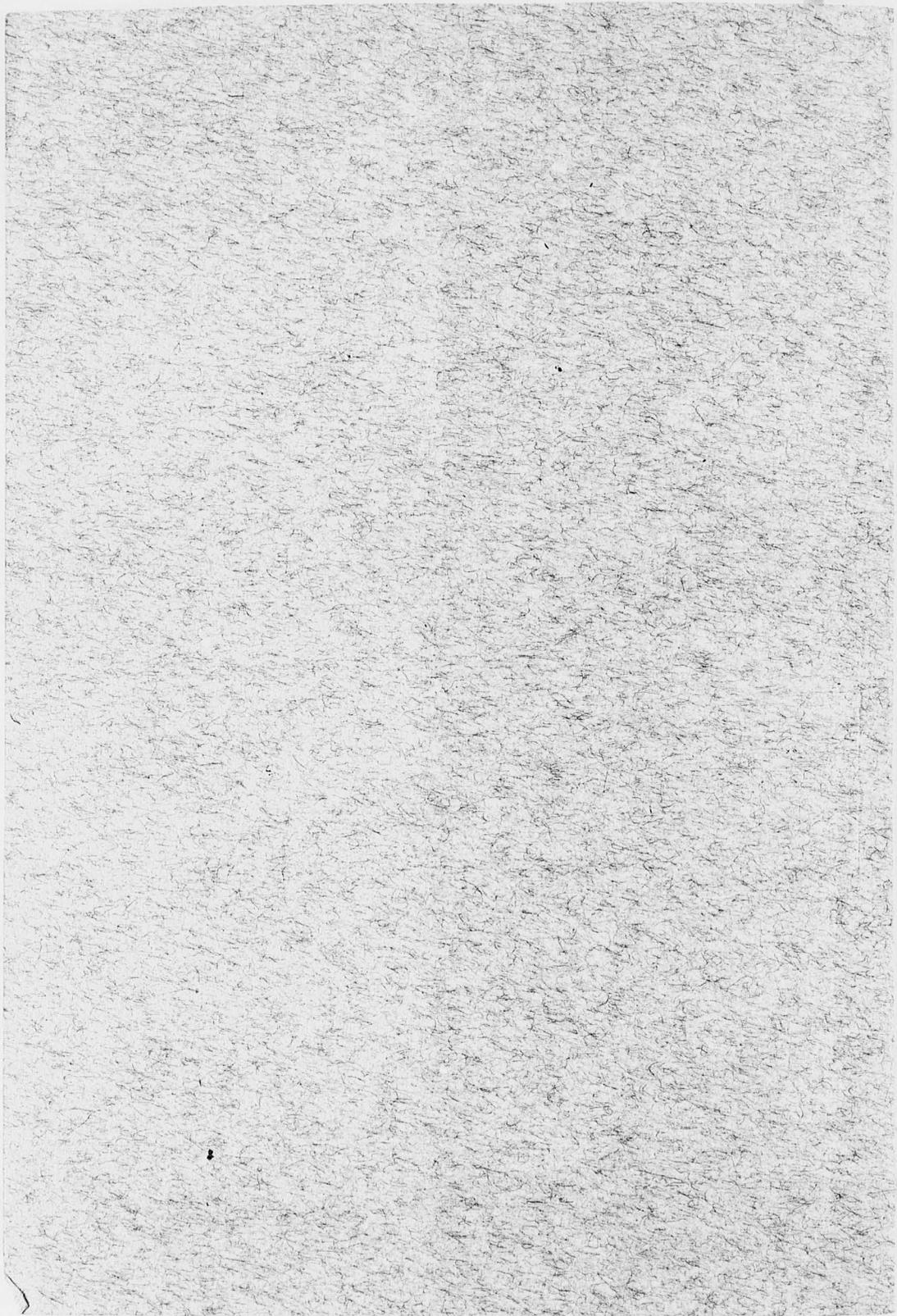
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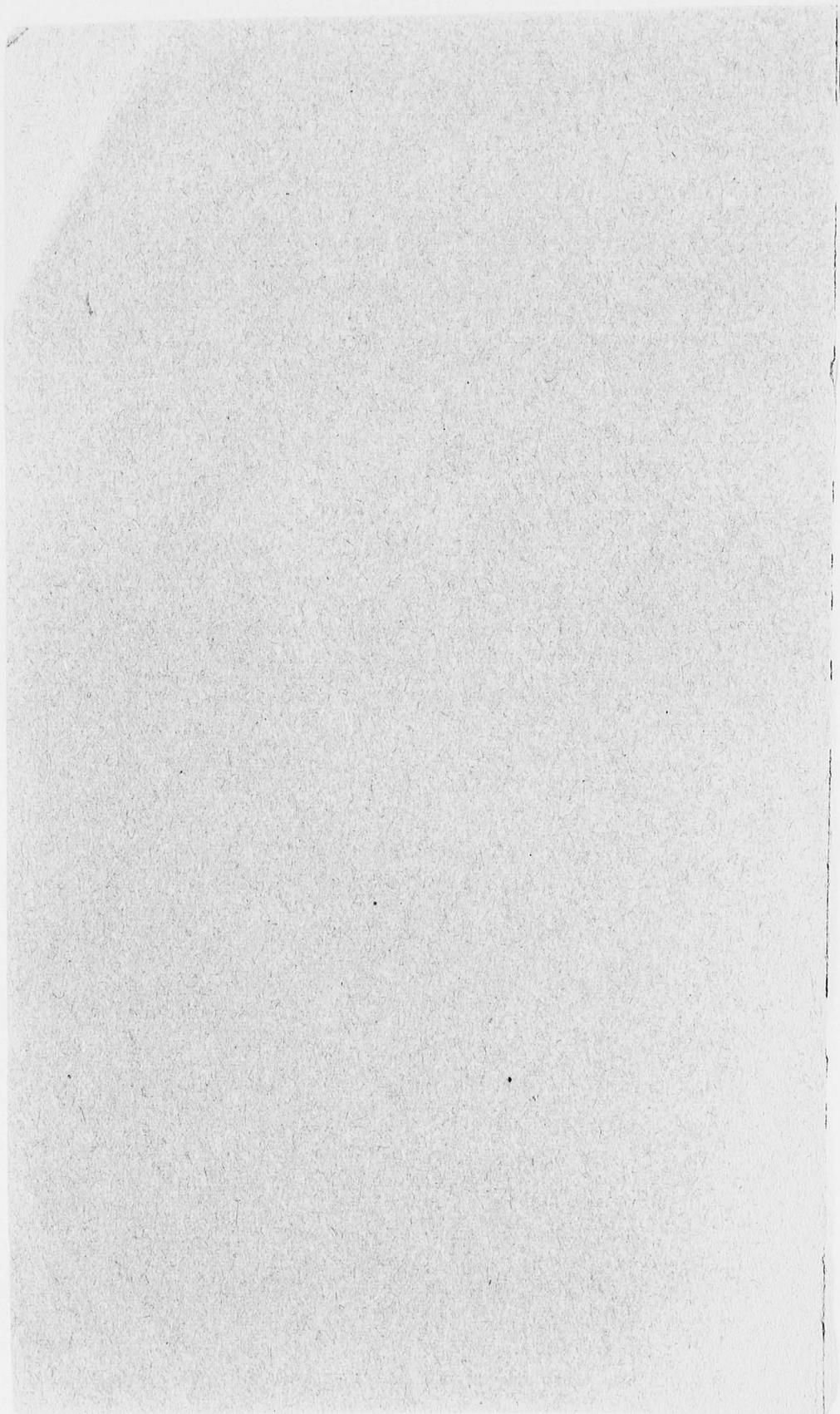
SHUHSI HSÜ, PH. D.

*Professor of Political Science and  
Dean of the College of Public Affairs  
Yenching University*

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JAPAN'S FIFTY-FOUR CASES

BY

SHUHSI HSÜ, PH. D.

*Professor of Political Science and  
Dean of the College of Public Affairs  
Yenching University*

著 希 淑 徐

Peiping, 1932

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2  
4  
7  
9  
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## JAPAN'S FIFTY-FOUR CASES

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The following pages contain an examination of the fifty-four cases given out by the Japanese as pending against China. The author does not pretend to achieve the disinterestedness of an inhabitant of Mars in undertaking the task: he would be equally inhuman, if he could be equally detached. But every effort has been made to get the basic facts which are essential to a thorough consideration of the larger issues of treaty law. In this effort he is deeply indebted to the cooperation of a number of friends from Manchuria including several professors of the Northeastern University and ex-directors of railways or government departments.

An examination reveals that in most of the cases the Japanese are unable to make a *prima facie* case against China, and in fact only succeed in showing how Japanese aggression is at work in a normal time, and what the Japanese can contribute toward their national aggrandisement as individuals. Perhaps the only cases that may merit attention are those that arise from the difference in attitude between the two countries with regard to the status of the treaties concluded under the Twenty-one Demands and of the loans and loan agreements generally known after their promoter, the notorious Nishihara. But cases of this kind are suitable for submission to international adjudication, and could have been so disposed of in view of China's known readiness to have recourse to that method of

settlement. One cannot understand why the Japanese chose the course of September 18th.

In the present examination use is made of both the Chinese translation of the list of cases that appeared in the *Chen Pao* of Peiping between October 31st and November 2nd and the list given out in English by the Japanese Consulate-General in Shanghai as published on the *Shanghai Evening Post and Mercury* of November 3rd. Of the two the Peiping version is, however, taken as standard, for although the Shanghai consulate shows better judgment in leaving out a few of the glaringly trivial, the Chinese translation is evidently more faithful to the original, being comparatively free from obvious errors.

#### GROUP I.—CASES RELATING TO RAILWAYS<sup>a</sup>

No. 1. *Alleged violation of an understanding in the construction of the Tahushan-Tungliao and Peishanchengtze-Hsian Railways.*<sup>b</sup>

The understanding referred to is one recorded in the minutes of the Peking Conference of 1905.<sup>c</sup> It reads as follows:

The Government of China, for the purpose of protecting the interest of the Chinese Eastern Railway [*i.e.*, the section of

<sup>a</sup> The grouping is the author's.

<sup>b</sup> The numbering is based upon the Peking version.

<sup>c</sup> The minutes have been kept secret by the Chinese Government at the request of the Japanese until now in spite of the fact that portions of them were revealed to third parties by the Japanese under the title of "secret protocols" shortly after the Conference was over. The Japanese statement that secrecy was maintained "in deference to the desire of the Chinese government" which appears in MacMur. ray, Vol. I, Page 554, is contrary to the fact.

the Chinese Eastern Railway south of Changchun then under consideration] consent that prior to the recovery of the said railway they will not construct in its neighborhood parallel trunk line, and branch line that is prejudicial to its interest.<sup>a</sup>

In this understanding the Chinese Plenipotentiaries consent on behalf of the Chinese government that the latter will not construct in the "neighborhood" of the South Manchuria Railway "parallel trunk line, and branch line that is prejudicial to its interest." The question seems to be whether such a line as the Tahushan-Tungliao Railway is in the "neighborhood" of the South Manchuria Railway, and, if it is, whether it is a "parallel trunk line," or "branch line that is prejudicial to its interest." What then is the meaning of the term "neighborhood?"

The minutes of the Peking Conference do not record the discussion on the understanding and, so far as those documents are concerned, we are left in the dark as to the meaning of the term "neighborhood." But if we turn to the correspondence between China and Japan over the Hsinmin-Faku project, when the understanding was first invoked, enough light will be shed on the question. One of the notes is of special importance. It is addressed by the Chinese Foreign Office to the Japanese Legation at Peking. It denied strongly that the projected railway was one contemplated by the understanding for, it pointed out, its distance from the South Manchuria Railway was not less than usually regarded as proper in Europe and America. It then went on to say:

<sup>a</sup> The translation is the author's.

Your Excellency refers to the minutes of the Sino-Japanese Conference, and declares that the Chinese government has disregarded her engagement and taken action prejudicial to the interest of the South Manchurian Railway. Probably your Excellency is not aware of the fact that at the time the plenipotentiaries of China and Japan discussed the matter the plenipotentiaries of China maintained that the word "parallel" was too comprehensive and that it was necessary to give distance in miles, stating definitely that within so many miles no parallel line could be constructed. The Japanese plenipotentiaries, however, thought that if the number of miles were fixed, it might create the impression in other countries that there was an intention to restrict Chinese railway enterprise. The Chinese plenipotentiaries then asked that the number of miles between the parallel lines be fixed in accordance with the practice of Europe and America. The Japanese plenipotentiaries said the practice was not uniform and that no statement was necessary. And they added a declaration that Japan would do nothing to prevent China from any steps she might take in the future for the development of Manchuria. The declaration was made in all sincerity and with consideration for the interests of a friendly nation. This is what we both ought to observe.<sup>a</sup>

At this point the Chinese note passed on to point out at great length that, quite contrary to Japanese apprehension, the line when opened would tend to increase the traffic of the South Manchuria Railway, since commerce served by such a line would naturally take the route to Dairen, as Tientsin and Yingkow were ice-bound ports.

<sup>a</sup> Translation made by the author in *China and Her Political Entity*, Page 295. Original text may be found in *Tung san sheng cheng lüeh*, Administrative Records of the Three Eastern Provinces, Vol. XI, Page 46, left front.

Another note of equal importance is addressed by the Japanese Legation to the Chinese Foreign Office. It reads:

Precedents of special concession made by the Chinese government may be found in the agreement of 1898 between the Russo-Chinese Bank and Chinese officials concerning the Chengting-Taiyuan Railway and the agreement of the same year between the Peking Syndicate and Shansi officials prohibiting the construction of competing lines within one hundred *li* on both sides of the Chengting-Taiyuan Railway. The idea is that one hundred *li* is a competing area in which no construction of other lines should be permitted. It is evident that the Chinese government cannot constantly cite the practice of Europe and America as the basis of argument.<sup>a</sup>

Several points stand out clearly in the foregoing documents: First, in spite of Chinese efforts, no definition was reached in the Peking Conference because the Japanese preferred to give a general assurance instead. Second, when it came to the application in a specific case, the Japanese found the general assurance too much in their way and voluntarily cited some definite precedent. Third, the precedent thus cited gave 100 *li*, *i.e.*, 30 miles on both sides of the railway as the area. The first and second points of course only throw light on the question at issue; but the third actually supplies us with the meaning that we have sought.

According, then, to the Japanese the "neighborhood" in the understanding means 30 miles on either side of the main line of the South Manchuria Railway. And this interpretation ought to be fair enough to them whatever it may be to the Chinese. This is so especially in view of the assurance they

<sup>a</sup> From copy of an unpublished document in the author's possession.

gave in the Peking Conference; and of their engagement to the same effect made in Article IV of the Portsmouth Treaty over which the Peking Conference was held. It may also be added that the Japanese seem to have acted upon this interpretation until they come to the Tahushan-Tungliao case. When the Chinchow-Aigun project was mooted, Japan did raise objection, but not on the basis that the line was in the "neighborhood" of the South Manchuria Railway. When the Mukden-Hailung line was built, she did not even raise objection.

By the foregoing examination of the case it is evident that the Japanese claim that in constructing the Tahushan-Tungliao Railway China violates an understanding, is entirely groundless. By rail, Tahushan is  $85\frac{1}{4}$  miles from Mukden, and Tungliao, 126 miles from Ssuping kai. In the former case the distance is more than twice and a half 100 *li*; in the latter case, more than four times. Even if China should officially accept the Japanese interpretation of the term "neighborhood," that railway would not be within it.

As to the Peishanchengtze-Hsian Railway, the case can be more easily disposed of. Even if for the sake of argument we should grant that the line is in the "neighborhood" of the South Manchuria Railway, the Japanese position would be just as untenable. The line is built for the transportation of coal from Hsian and by its nature does not come into competition with the South Manchuria Railway. It is a "branch line that is" not "prejudicial to its interest."

No. 2. *Alleged disregard of the agreement concerning the extension of the Peking-Mukden Railway.*

In the Japanese complaint the particular provision in the agreement referred to is specified as Article VI, which translated from the Chinese original, reads as follows:

Trains of the Peking-Mukden Railway arriving at Mukden which make connections with the South Manchuria Railway (for instance, through express trains) shall pass through the Mukden Station of the South Manchuria Railway to the City Wall Station *via* the connecting line. Trains leaving the City Wall Station which make connections with the South Manchuria Railway shall also pass through the Mukden Station of the South Manchuria Railway *via* the connecting line. This does not apply to special trains, freight trains and trains which do not need to make connections with the South Manchuria Railway.<sup>a</sup>

The authorities of the Peking-Mukden Railway suspect that the complaint is directed against the through express trains which have been operated recently between Peiping and Kirin, as these, unlike those that run between Peiping and Mukden, are not routed to pass through the Mukden Station of the South Manchuria Railway. The question is then: can the Japanese position be justified on the basis claimed by them?

The trains that are to pass through the Japanese station are given in the article specified by the Japanese as trains arriving at Mukden or leaving it which "make connections with the South Manchuria Railway (for instance, through express trains)." As to which are the trains

<sup>a</sup> It will be interesting to compare the current translation in MacMurray (Vol. I, Page 795) with this translation, especially the clause within brackets and the last sentence of the article. For the Chinese text see *Yo chang lui yao*, Collection of the More Important Treaties, Vol. I, Page 204.

that "make connections with the South Manchuria Railway," nothing express is said. The phrase, "for instance, through express trains," which appears within brackets after the quoted sentence is no clearer itself, and therefore throws no additional light on the question. It will be necessary to go beyond the specified article itself to find out its meaning.

Two sections in the agreement are pertinent. One is Article II which reads:

The Chinese government agrees to order the Peking-Mukden Railway Administration to build a direct connecting line between the City Wall Station of the Peking-Mukden Railway and the Mukden Station of the South Manchuria Railway to facilitate transportation.<sup>a</sup>

The other pertinent section is the preamble which states that the agreement, which, by the way, is dated September 2, 1911, is negotiated in pursuance of Article V of the agreement of September 4, 1909 in which a number of questions relating to mines and railways in Manchuria are settled. The article of the agreement of 1909 reads:

The Government of Japan declares that it has no objection to the extension of the Peking-Mukden Railway to the city wall of Mukden. Practical measures for such extension shall be adjusted and determined by the local Japanese and Chinese authorities and technical experts.<sup>b</sup>

From the foregoing examination it becomes clear that the statement in Article VI of the 1911 agreement regarding the trains that "make connections with the South Manchuria Rail-

<sup>a</sup> For Chinese text and current English translation see last citation.

<sup>b</sup> MacMurray, Vol. I, page 791.

way (for instance, through express trains)" is simply a reference to what in general would naturally follow as a result of the building of a direct connecting line between the Chinese city wall station and the Japanese station, and not an embodiment of an engagement on the part of China to bind herself to the particular course of action which the Japanese desire. The "local \* \* \* Chinese authorities and technical experts" that negotiated the 1911 agreement could only adjust and determine "practical measures" incidental to the extension of the Peking-Mukden Railway to the city wall of Mukden. Within their power they did agree to the building of a direct connecting line between the Chinese and Japanese stations "to facilitate transportation." They further agreed to run such trains as make connections with the South Manchuria Railway through the Japanese station first. But they could not, without exceeding their power, have agreed to run all through express trains in the same manner. It is, of course, possible for negotiators to exceed their power honestly or even intentionally; but the text in this case does not indicate that probability.

It may also be pointed out that even if the Japanese interpretation be granted as correct, the claim they make still cannot be sustained. As the agreement of 1911 was concluded with reference to the Peking-Mukden Railway long before the lines east of Mukden were even projected, it could refer only to trains running between Peiping and Mukden, and not to trains running between Peiping and Kirin.

No. 3. *Disregard of an agreement in the construction of the Kirin-Hailung Railway.*

The agreement referred to was concluded between the Anfu government and the Industrial Bank of Japan on September 28, 1918.<sup>a</sup> It purported to be preliminary in nature, entered into "with the object of concluding a loan contract for the purpose of building four railways in Manchuria, including one "between Kirin and Kaiyuan by way of Hailung." In reality it was a means through which the notorious Japanese agent Nishihara supplied one of his loans, in this case 20,000,000 yen, for the war chest of the Anfu Party which was then carrying on military campaigns against the people.

In spite of the provision in Article VIII of the agreement that "a formal loan contract shall be concluded within four months after the conclusion of the present preliminary agreement," no such step has ever been taken. The Anfu government which lasted well beyond the stipulated period was naturally not enthusiastic about the matter. As to the governments that followed, they were even less ready to see the consummation of the process, for they had the additional consideration that the people were absolutely opposed even to the recognition of the agreement itself.

Nothing, therefore, was done for a number of years. In the meantime the need for the development of the country east of the South Manchuria Railway as well as for a direct connecting line between Mukden and Kirin became daily more evident, and yet it would be impossible to build the railway on the basis of the preliminary agreement in view not only of popular disapproval, but also of the dead weight of 20,000,000 yen. In the end in June, 1927, eight years and five months after the

<sup>a</sup> For current English text see MacMurray, Vol. II, Page 1448.

extinction of the four-month period allowed for the conclusion of a formal agreement, the government of the Three Eastern Provinces decided to build the railway with funds provided by the people and the government themselves. The work was completed in two years.

From the nature of the case it is evident that the Japanese complaint has no justifiable ground. In supplying a loan to the Anfu Party for civil war purposes the Industrial Bank of Japan knew that it was taking sides in an internal struggle and therefore ought to be ready for certain consequences. It would be a very friendly gesture on the part of the Chinese people, if they should allow their government to return the money advanced. But so far as the Industrial Bank is concerned, it has neither a legal, nor a moral, right to expect such a generous act, still less to estop China from building with her own money one of the railways mentioned in the agreement.

No. 4: *Disregard of an alleged agreement to construct the Changchun-Talai and Tunghua-Hueining Railways.*

According to the Japanese the agreement referred to was one entered into between the Ministry of Communications and the South Manchuria Railway on June 25, 1927, one of the last days of the Peking regime under the late Marshal Chang Tso-lin.

Inquiry at the various government offices that might possibly be concerned has revealed that the Chinese government is not in possession of a copy of the alleged document and in fact has, at least officially, no knowledge of the existence of such an agreement.

Some of those who were connected with the Peking government of the time, however, said that some sort of an agreement concerning the two railways under discussion was known to have been signed by a member of the Ministry of Communications with an agent of the South Manchuria Railway. But, they continued, the member of the Ministry, so far as they knew, was not the Minister himself, but a bureau head, and the date of signature was not June 25th as alleged by the Japanese, but June 23rd. The reason the Japanese have alleged the 25th instead of the 23rd is, they think, because the bureau head received an order to take charge of the affairs of the Ministry on the 24th on account of the absence of the Minister.

It is evident from the foregoing account that perhaps there is some such an agreement as alleged, but that the legal character of this document is of a doubtful standing. Even if the non-official description of the irregularities be ignored, the fact that the document was signed by a minor officer at the last stage in a civil war, when the opposed party had expressly declared to the world that it would not recognize any international agreement entered into by the other party, would be enough to render the document null and void. It is, therefore, difficult to see what legitimate complaint the Japanese can make in the case.

No. 5. *Alleged restriction on the rights of the adviser to the Taonan-Anganchi Railway.*

This railway was constructed by the South Manchuria Railway on behalf of the Mukden government on funds advanced by the Japanese railway. Article V of the contract providing for the matter reads:

The Director of the railway shall appoint an adviser nominated by B [*i. e.*, the South Manchuria Railway Company] to serve on the railway, the contract of engagement to be drawn up by the Director.

The power of the said adviser shall be regulated separately.

By an exchange of notes on the same day the contract for the construction of the railway was signed, the power of the Japanese adviser is thus regulated:

The adviser shall be in charge of all receipts and disbursements on behalf the railway. He shall sign all bills jointly with the Director, and may within the needs of his function select not more than two Japanese employees as his assistants.

The notes further provides that the adviser will act as the representative of the South Manchuria Railway Company in its relations with the railway.<sup>a</sup>

According to the railway authorities, at the time the first adviser was appointed the South Manchuria Railway Company submitted a request for two assistants for the adviser, one to be in charge of traffic and the other, construction. The railway administration declined to give consideration on account of the fact that the functions thus suggested for the assistants went beyond the original understanding. In the end the South Manchuria Railway Company did not insist upon the request. The railway authorities are at a loss to understand why the rights of the adviser are thus restricted.

As to signing the bills jointly with the Director, the railway authorities declare that no attempt has been made to

<sup>a</sup> Copy of this agreement, which is dated September 3, 1924, and accompanying notes are in author's possession.

restrict this. They produce examples of bill blanks in which reservation for the signature of the adviser is clearly indicated as one of the evidences against the charge.

No. 6. *Alleged failure to appoint a Japanese chief accountant for the Kirin-Tunghua Railway.*

For the construction of the said railway a contract<sup>a</sup> was entered into between the Chinese government and the South Manchuria Railway in 1925. By the terms of this contract the latter was not only to undertake the construction on behalf of the former, but was to advance the necessary expenses. Furthermore, the Chinese Director of the Railway was to appoint a Japanese chief engineer during the period of construction, and a Japanese chief accountant, when the whole railway is in operation until the fund advanced is repaid, in both cases with power to countersign the bills of receipt and disbursement.

In 1928 the work was completed, but on account of its poor quality the Chinese government has not even now taken over the railway in a formal way, although through the Director of the railway it has been in actual control ever since the work began. In consequence of the situation the Japanese chief accountant has never been appointed, but on the other hand, neither has the Japanese chief engineer been discharged.

It seems, therefore, that if the Japanese have any complaint at all, it should be made on the account of the refusal to take over the railway formally rather than of the failure to appoint a chief accountant. This is so especially when the object of the appointment, which is evidently the protection of Japanese

<sup>a</sup> Copy of text in author's possession.

interest in the funds advanced, is fully served by the continuation of the chief engineer in service.

No. 7. *Disregard of protest against the establishment of connection between the Tahushan-Tungliao and Ssupingkai-Taonan Railways at Tungliao.*

The Japanese protest must have been made on the ground that the Tahushan-Tungliao Railway was under protest. If so, this case falls down with the other (No. 1) which has been shown above to be based upon no substantial ground.

As a matter of fact, even if their protest against the construction of the Tahushan-Tungliao Railway had been sound, the Japanese could still have acquiesced at its connection with the Ssupingkai-Taonan Railway, if not for other reason, for the benefit to be derived by the Ssupingkai-Taonan Railway, which is already insolvent on account of faults for which they are chiefly responsible. But evidently they are more interested in frustrating Chinese railway enterprise than in coöperating with it.

No. 8. *Alleged repudiation of the Through Traffic Agreement between the South Manchuria and Ssupingkai-Taonan Railways.*

The agreement referred to, according to the Commission on Communications in Manchuria, has never been repudiated. In making the complaint the Japanese evidently have in mind the rejection by the said commission of the proposal to extend the terms of the agreement to cover the Korean Railways submitted by the South Manchuria Railway in 1928. But this, it is clear, is different from what has been alleged.

One can readily see that if the proposal were accepted, the Antung-Mukden line of the South Manchuria Railway would profit by it. But what, then, have the Japanese to offer as a compensation for the loss which the Tahushan-Tungliao Railway will sustain? The consideration of Japanese interest alone has undoubtedly been responsible for many of the troubles in Manchuria.

No. 9. *Objection to the statement of construction accounts of the Kirin-Tunghua and Taonan-Anganchi Railways.*

The Kirin-Tunghua Railway was built by the South Manchuria Railway on behalf of the Chinese government under a contract dated October 24, 1925, but on account of the poor quality of the work it has not been formally taken over by the latter since its completion in 1928. According to the report of an expert committee appointed by the Chinese government, on the civil engineering side, where abuse could most easily creep in, the account of 13,477,300 *yen* represented an amount of work worth, in their estimate, only about 7,970,000 *yen*, a difference of 5,507,300 *yen*. It is perhaps because of the stock-taking method employed by the expert committee in evaluating the quality of the work that the case has taken on the appearance of a wrangling over accounts.

The Taonan-Anganchi Railway case is one actually involving the statement of construction accounts. This railway was also built by the South Manchuria Railway on behalf of the Chinese government under a contract dated September 3, 1924. In 1927, when the work was completed, the South Manchuria Railway presented a statement of account, including an item known as Incidental Expenses, amounting to 2,075,961

*yen*, in addition to the original estimate. This the Railway authorities naturally considered as extraneous and has therefore not been settled so far.

GROUP II.—CASES RELATING TO THE SOUTH MANCHURIA RAILWAY

No. 10. *Failure to protect the South Manchuria Railway.*

As evidences of China's failure to give protection to the South Manchuria Railway the Japanese have listed the following instances of damages done to it:

<i>Nature</i>	1929	1930
Obstruction to operation	87	84
Robbery during the operation of trains	114	75
Robbery of railway equipment	17	75
Robbery of telegraph wires	13	13

The most obvious answer in this case seems to be that the Japanese should immediately withdraw their troops and police and let China resume her right of protection. This is necessary, if not for other reason, simply because these troops and police have been maintained along the railway with no legitimate basis, either contractual or customary.

No. 11. *Alleged violation of an agreement in the collection of half lumber tax from Chinese merchants from some of whom the Railway purchases material for sleepers.*

The collection of the tax referred to began in February 1, 1927. The complaint against it is made on the basis of Article VIII of the Additional Agreement to the Peking Treaty of 1905 which reads:

The Imperial Chinese Government engage that all materials required for the railways in South Manchuria shall be exempt from all duties, taxes and *likin*.<sup>a</sup>

According to the Chinese authorities the exemption provided for in the foregoing article refers to "duties, taxes and *likin*" levied upon the goods only, and not upon persons who happen to be engaged in the transactions to which the Japanese charge refers.

The Chinese stand in the present case is not an unreasonable one. Since it is a matter of the interpretation of a provision in an agreement, Japan could have suggested a reference to some form of international adjudication.

No. 12. *Alleged violation of an agreement in the imposition of restriction upon the purchase of sleepers.*

It is stated by the Japanese that in the year 1928 when the South Manchuria Railway's purchase of sleepers reached several million pieces, the Chinese authorities refused to issue permits for tax exemption beyond a certain limit, and that it took a whole year's negotiation before they waived the objection. The Japanese complaint is made on the basis of Article VII of the contract of 1896 between the Chinese government and the Russo-Chinese Bank for the construction and operation of the Chinese Eastern Railway by which the main line of the South Manchuria Railway is governed. That article reads:

All goods and materials for the construction, operation and repair of the line, will be exempt from any tax or customs duty and from any internal tax or duty.

<sup>a</sup> Unless otherwise stated treaty text in the remainder of this paper is given from MacMurray's collection.

It is scarcely necessary to point out that the article referred to only exempts from tax and duty "all goods and materials for the construction, operation and repair of the line," not any amount of goods and material the South Manchuria Railway may purchase, and that therefore the Chinese authorities were fully within their rights in desiring to be assured that the sleepers were actually required for the "construction, operation and repair" of the South Manchuria Railway before issuing permits for tax exemption. The Japanese complaint is evidently not properly grounded.

No. 13. *Alleged obstruction to the quarrying of stone for railway purposes.*

A number of instances are given by the Japanese which need not be repeated here. According to the Chinese authorities there has not been such obstruction as alleged, and if the Japanese experience difficulty, it is because they do not confine themselves to the rights acquired under treaty. Article VI of the contract of 1896 bearing upon the question states:

The lands in the vicinity of the line necessary for procuring sand, stone, lime, etc., will be turned over to the Company freely, if these lands are the property of the State; if they belong to individuals, they will be turned over to the Company either upon a single payment or upon an annual rental to the proprietors, at current price.

In practically all cases the lands involved belong to individuals, but the Japanese seem to remember only that "they will be turned over" and forget that this is conditional "either upon a single payment or upon an annual rental to the proprietors, at current price." If the Japanese do not want to

respect the rights of the Chinese people themselves by paying for what they may take, they must not expect the Chinese government to act in the same manner by compelling the people to comply with Japanese wishes.

No. 14. *Alleged obstruction to the exploitation of mines along the Antung-Mukden line.*

According to Article IV of the agreement of September 4, 1909 as well as the memorandum referred to in that article the "coal, iron, tin and lead mines situated near" the Antung-Mukden line are open to joint Sino-Japanese exploitation. The Japanese now complain that in three cases the Chinese authorities have invoked regulations governing mining to obstruct the application of this provision, which regulations, they declare, are contrary to the provisions of Article IX of the Sino-British commercial treaty of 1902 to which Japan is entitled by the provision of most-favored-nation treatment her own commercial treaty with China.

The article of the Sino-British commercial treaty reads:

The Chinese Government, recognizing that it is advantageous for the country to develop its mineral resources, and that it is desirable to attract foreign as well as Chinese capital to embark in mining enterprises, agree within one year from the signing of this Treaty to initiate and conclude the revision of the existing Mining Regulations. China will, with all expedition and earnestness, go into the whole question of Mining Rules and, selecting from the Rules of Great Britain, India, and other countries, regulations which seem applicable to the condition of China, she will recast her present Mining Rules in such a way as, while promoting the interests of Chinese subjects and not injuring in any way the sovereign rights of China,

shall offer no impediment to the attraction of foreign capital or place foreign capitalists at a greater disadvantage that they would be under generally accepted foreign Regulations.

Any mining concession granted after the publication of these new Rules shall be subject to their provisions.

Since the conclusion of the British treaty China has recast her mining regulations more than once and her object has remained the same as stated in the treaty. The latest of her efforts was promulgated on May 26, 1930, a reference to which will be enough to refute the Japanese charge. If the mining regulations run counter to no treaty provisions, their application in the cases cited, though it may not work to favor the Japanese, cannot be considered as a means of obstruction.

It may be added that according to the authorities at Mukden two of the three cases cited concern mines found respectively 120 and 180 *li* from the nearest point of the Antung-Mukden line, and could not have been considered as being "situated near" that railway.

No. 15. *Repudiation of certain purchases of land for the Fushun Mines.*

The purchases referred to were made in 1924, but so far the Chinese authorities have refused to recognize them on the ground that, as the land involved is outside the boundaries of the mines agreed to by China, these purchases would virtually amount to an extension of the mining area. The Chinese authorities have evidently acted within the rights of China.

No. 16. *Alleged obstruction to the purchase of land by the Railway.*

It is stated by the Japanese that beginning with 1929 the Chinese authorities have practised such obstruction, and that there are no less than fifty-nine cases pending as a consequence. The Chinese, on the other hand, strongly denied the charge. They suspect that the Japanese have in mind cases in which the latter do not have a right. Article VI of the contract of 1896 in which the right to purchase land is provided, says:

The lands actually necessary for the construction, operation and protection of the line, as also the lands in the vicinity of the line necessary for procuring sand, stone, lime, etc., will be turned over to the Company freely, if these lands are the property of the state; if they belong to individuals, they will be turned over to the Company either upon a single payment or upon an annual rental to the proprietors, at current prices.

From the foregoing provision it is clear that the right to purchase land is limited to "lands actually necessary for the construction, operation and protection of the line, as also the lands in the vicinity of the line necessary for procuring sand, stone, lime, etc." If the Chinese should refuse to let the Japanese go beyond the limits, they could not very well be accused of obstruction. The situation which has been created by past Japanese encroachment in this respect is already serious enough. The land that has been acquired for settlement purposes alone amounts to forty square miles and one quarter. If the Chinese authorities should not begin to put a stop to the process, before long South Manchuria would become virtually an extended "railway zone."

GROUP III.—CASES RELATING TO MINING

No. 17. *Alleged obstruction to the construction of a railway by the Kungchangling Mines.*

Article XI of the contract entered into on December 23, 1918 by the local Chinese authorities with the Japanese consul-general at Mukden for the joint operation of the Kungchangling Mines reads:

For the transportation of the product of the mines the Company plans to build a railway from the place the mines are located to connect with the main line or a branch line of the South Manchuria Railway, details to be regulated by mutual consultation.<sup>a</sup>

The railway contemplated by the contract is therefore one for the "transportation of the product of the mines" only. The company, however, applied last year for permission to construct one which was designed to serve all purposes of an ordinary railway. The Chinese authorities naturally considered this as an attempt to extend the South Manchuria Railway system and declined to grant the permission. Such an act cannot be designated as "obstruction."

No. 18. *Alleged revocation of permit to purchase clay at Fuchow.*

It is stated by the Japanese that the permit granted by the Chinese authorities to a collateral company of the the South Manchuria Railway for the purchase of clay at Fuchow was revoked without proper legal procedure. According to the

<sup>a</sup> *Chung jih tiao yao lui tsuan*, Collection of Sino-Japanese Treaties, Page 233.

Chinese authorities nothing of the kind has taken place. What has happened is the cancellation of the permit to a certain Chinese for the mining of clay at Fuchow who secretly entered into an agreement with the Japanese company for the sale of clay with provisions that ran counter to mining regulations. The act of the Chinese authorities may be inconvenient to the Japanese company for the time, but is evidently quite different from what is complained of in the case.

No. 19. *Alleged confiscation of permit for the mining of certain magnesite and felspar ores.*

In this case as in the last the Japanese seem to have confused the issues. They have charged that the Chinese authorities not only confiscated the permit issued to a certain Chinese for the mining of certain magnesite and felspar ores, but also compelled the same party to pay a tax for the right lost to them. According to the Chinese authorities the two cases are quite distinct one from the other. The party that was compelled to pay a tax was not the same party that held a permit for the mining of magnesite and felspar ores. Whereas the latter was a Chinese individual, the former was a Sino-Japanese company which happened to have the same Chinese as a member. Furthermore, whereas the Chinese was interested in magnesite and felspar ores, the Sino-Japanese company of which he was a member was a concern for iron-mining.

As to the question of the permit, it is evidently not one of confiscation as alleged. According to the mining regulations<sup>a</sup>

<sup>a</sup> See Article XLI of those published on May 26, 1930. A copy of these may be found in *Li fa chuan kan*, Special Issue of Legislations, Volume III, Page 162.

a period of two years is allowed for delay in the exploitation of a mine after the permit is issued. But in the case under discussion the party had held the permit for more than ten years without taking any steps for its operation. The Chinese authorities are, therefore, quite justified in cancelling the grant by the recall of the permit.

It is scarcely necessary to add that as the party concerned is a Chinese, the Japanese could have dispensed with the case in listing their complaints.

No. 20. *Alleged oppression of the coal mining enterprise at Hsian.*

The charge that the Chinese authorities at Hsian oppressed the Sino-Japanese enterprise there by sending police to the mines to interfere with local patronage of the product has been categorically denied. It is stated that what has actually taken place is the refusal of the magistrate of the *hsien* to compel the inhabitants to sell their lands to the enterprise for the purpose of providing exits for the product to reach the local market.

If the enterprise should make itself so obnoxious to the inhabitants as to prevent them from coöperation, it should either wind itself up or change its policy instead of expecting the magistrate to help it to attain its object by the application of what it could best avoid, force. The latter procedure is certainly inexpedient for the magistrate to follow and harmful to the cause of the enterprise, not to mention that the party does not have the right to call upon the magistrate to adopt it,

nor has the magistrate any duty to comply with the request, if made.

No. 21. *Alleged cancellation of lead mining rights at Fengcheng.*

According to the local authorities a Chinese who had entered into a partnership with a Japanese was granted the right to mine copper ores at Fengcheng *hsien*. Later he was found to be mining lead instead, and his right was therefore cancelled. His Japanese partner, however, refused to give up the lead mines and protested against the cancellation of the right.

There is no call for a discussion on the question whether it was wise for the local authorities to cancel the mining right in general instead of prohibiting the mining of the ore that was not originally contemplated. So far as lead is concerned, it seems that since no right had ever been granted for it, none could have existed there to be cancelled.

No. 22. *Forcible recovery of a stratite mine at Tashihchiao.*

This is a case in which a Japanese worked some stratite mine under the names of some Chinese without even taking the trouble to make these Chinese apply for a permit from the authorities. The recovery of the mine by the latter against which the Japanese make the complaint is evidently what their countryman should expect.

It is interesting that this case is left out from the list given out by the Shanghai Japanese consulate-general.

No. 23. *Forcible recovery of the lime mines at Penhsihu*

This case is similar to the last. The Japanese involved in it entered into a contract with some Chinese for the mining of

lime from their land without making the latter apply for a permit from the authorities. The Japanese evidently have no complaint to make, when the Chinese land owners were punished for the violation of the mining regulations and the Japanese themselves deprived of the mines.

No. 24. *Alleged oppression of the Penhsihu Coal and Iron Mining Company.*

As stated by the Japanese this is a case in which the Chinese refused to renew the lease of a reservoir used by the mining company after its expiration on November 1, 1927. In view of the fact that a lessor has no obligation to renew a lease unless specially provided for, it is difficult to see why in exercising his right he can be accused of oppression.

The Japanese seem to think that once they come into contact with something in Manchuria they thereby acquire a claim to it. If they wish to renew the lease, the only way is to make adjustment in compensation for the rise in value through changed circumstances, not by some false charge as that which has been alleged. We are told that in spite of the Chinese refusal to renew the lease on the terms of the Japanese, the latter have not given up the reservoir. If it is a case of oppression, it is the Chinese, rather than the Japanese, who are the victims.

No. 25. *Alleged prohibition of the transportation and consumption of Fushun coal.*

It is alleged by the Japanese that from about 1929 onward Chinese authorities placed restrictions upon the transportation of Fushun coal by the Mukden-Hailung Railway, and that

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during 1930 the head of the Department of Agriculture and Mining of the Liaoning province issued orders with the permission of the Northeastern Administrative Commission to institutions under his control to prohibit the use of foreign coal.

The Chinese authorities have denied both charges as entirely unfounded. In their opinion, if the Fushun coal ceases to be in general use along the Mukden-Hailung Railway or by Chinese government institutions, it is partly because the coal mines at Hsian are being exploited, and partly because the Fushun coal itself which is sold in gold *yen* has risen in price through the fall of silver. They fail to understand why the Japanese must always lay all the blame for any adverse situation they may have to face upon the Chinese.

GROUP IV.—CASES RELATING TO TAXATION

No. 26. *Alleged discrimination against Japanese nationals by means of a match monopoly and of preferential treatment to goods of Chinese origin in the matter of railway rates.*

It is stated by the Japanese that the match monopoly established by the Northeastern Provinces is in violation of Article XV of the Sino-American treaty of 1844 to which Japan is entitled through the provision of most-favored-nation treatment in her own treaty with China, and that preferential treatment given to goods of Chinese origin in the matter of railway rates is in violation of Article V of the Nine-Power treaty of Washington.

Article XV of the Sino-American treaty reads:

The former limitation of the trade of Foreign nations to certain persons appointed at Canton by the Government, and

commonly called hong merchants, having been abolished, citizens of the United States engaged in the purchase or sale of goods of import or export are admitted to trade with any and all subjects of China without distinction; they shall not be subject to any new limitations nor impeded in their business by monopolies or other injurious restrictions.<sup>a</sup>

The monopoly spoken of in the foregoing article refers to the "limitations of the trade of Foreign nations to certain persons appointed at Canton [or anywhere for the matter] by the Government, and commonly called hong merchants [or by any other name]." It is a term used in opposition to free trade and has nothing to do with a fiscal measure as the one under discussion. It is evidently too far-fetched to quote the article as a basis of complaint.

As to the question of railway rates, Article V of the Washington treaty reads:

China agrees that, throughout the whole of the railways in China, she will not exercise or permit unfair discrimination of any kind. In particular there shall be no discrimination whatever, direct or indirect, in respect of charges, or of facilities on the ground of the nationality of passengers or the countries from which or to which they are proceeding, or the origin or ownership of goods or the country from which or to which they are consigned, or the nationality or ownership of the ship or other means of conveying such passengers or goods before or after their transport on the Chinese Railways.

The Contracting Powers, other than China, assume a corresponding obligation in respect of any of the aforesaid railways over which they or their nationals are in a position to

<sup>a</sup> Customs' Collection, Vol. I, Page 478.

exercise any control in virtue of any concession, special agreement or otherwise.<sup>a</sup>

In the foregoing article China agrees that, throughout the whole of the railways in China, there shall be no discrimination in respect of charges or of facilities. The question is whether this engagement applies to relations between the Chinese government and all that have recourse to the use of the railways in China, Chinese and foreign alike. The said article as a resolution was adopted in the fifth plenary session of the Washington Conference. At that session the spokesman of the Chinese delegation made the following statement:

I wish, however, to say one or two words in addition to the Declaration that the Chinese Delegation made at the Committee meeting with reference to the question of the open door, and also add a word with reference to the question of Chinese railroads.

China took note of but did not vote on the first Article of the Resolutions on the open door adopted by the Committee on January 18, 1922, defining and declaring acceptance by the Powers of the principle of open door, since the purpose of that Article of the Resolution was to fix the policies of the Powers in their dealings with China or with each other with reference to China. It was not the purpose of that Article to interfere with the appropriate relations between the Chinese Government and its nationals, as was expressly indicated by the Chairman in reply to a question by Sir Auckland Geddes. However, as indicated by the second of the ten Principles or Declarations which the Chinese Delegation had the honor to submit to this Conference on November 16, 1921, the Govern-

<sup>a</sup> *Diplomatic Documents: Washington Conference, 1921-1922* (published by the Waichiaopu), Page 235.

ment of China is glad to give assurance that in the future, as has been constantly done in the past, it will make no discriminations in trade or industry between the Powers having treaty relations with China, or between their respective citizens or subjects, because of their nationality.<sup>a</sup>

From the foregoing statement it is seen that it was the understanding at the Conference that the provision in Article V would not interfere with "the appropriate relations between the Chinese government and its nationals;" and that it was only an assurance to the effect that "in the future, as has been constantly done in the past, it [the Chinese government] will make no discriminations in trade or industry between the Powers having treaty relations with China, or between their respective citizens or subjects, because of their nationality." It is therefore difficult to see how it has anything to do with the question the Japanese have raised.

It may be added that, whatever may be Japan's claim in the case, she could have easily dispensed with it as a complaint against China for the simple reason that according to the new regulations of the Ministry of Railways which had become effective since the month of August, 1931 no difference is made between goods of domestic or foreign origin in the application of the rates.

No. 27. *Alleged illegality in the imposition of a business tax in the walled city of Mukden.*

It is contended by the Japanese that the walled city of Mukden is a part of the "Mukden" opened under Article X of

<sup>a</sup> *Ibid.*, Page 20.

the Sino-Japanese treaty of commerce of 1903, and therefore the Chinese authorities have no right to impose a business tax there. To this the Chinese authorities have not been able to agree. Article X of the Sino-Japanese treaty as far as it relates to the question under discussion reads:

The Chinese Government agree that, upon the exchange of the Ratifications of this Treaty, Mukden and Tatungkow, both in the province of Shengking, will be opened by China itself as places of international residence and trade. The selection of suitable localities to be set apart for international use and occupation and the regulations for these places set apart for foreign residence and trade shall be agreed upon by the Governments of Japan and China after consultation together.

From the text of the treaty providing for the opening of Mukden it is evident that international trade and residence are confined to "suitable localities" set apart by mutual agreement of the contracting parties. Shortly after the treaty was signed the section of the town situated between the suburb of the walled city and the South Manchuria Railway area, known since as the "international settlement," was thus selected. If the Japanese should choose to live in the walled city instead, they live there only at the sufferance of the Chinese government, and if they resent the idea of paying a business tax like the rest of the inhabitants, the only alternative is to move to the section specially set aside for them, rather than to interfere with China in the exercise of one of her sovereign rights.

This case is another of those left out from the list given out at Shanghai.

No. 28. *Alleged existence of double taxation at Dairen as a result of the abolition of the system of drawback by the Chinese Maritime Customs in re-exportation.*

It was the practice of China in the past to grant drawback to goods re-exported from a Chinese port to another Chinese port or to a foreign port, the latter of which included a port temporarily not within her jurisdiction, for instance, Dairen. In doing so she was not bound by any treaty stipulation, but was merely in exercise of her voluntary will. On March 1, 1931, however, she abolished the system in favor of issuing exemption certificates, having found the former system too much attended by abuses. In view of the fact that exemption certificates would be of use only in Chinese ports, all foreign ports including Dairen come to be adversely affected by the act.

One finds it rather difficult to see how the Japanese could have a complaint in the present case. China is not obliged to continue the old system of drawback, nor to maintain the favor flowing out of it. This is particularly so when her own interest is at stake.

At first the Chinese government went on the assumption that the change of the system meant the abolition of the privilege enjoyed by foreign ports in the matter, and on this basis decided not to issue exemption certificate for goods re-exported to Dairen for further transportation to the interior overland, thus producing another point of difference between Japan and China. This point, however, was later (September 11, 1931) satisfactorily settled by an exchange of notes between the Japanese minister to China and the Chinese Ministry of Finance.

No. 29. *Alleged illegality in the increase of export duty on Fushun coal.*

From June 1, 1931 the Chinese Maritime Customs collected a duty of 3.4 mace silver on every ton of coal exported by the Fushun mines. The Japanese protested on the ground that the act violated the Detailed Regulations of May 12, 1911 concerning the Fushun and Yentai mines which, they said, were declared to be "effective for sixty years" and subject to extension at the end of the period, if the mines were not exhausted. No. 2 of the regulations reads:

The Company agrees to pay to the Chinese maritime customs for the coal of the two mines exported from a point of maritime navigation an export tax which shall be computed at one-tenth of a Haikwan tael per ton, that is to say, at the rate of one mace silver.

The Chinese Ministry of Finance has denied the charge. According to them No. 2 of the regulations merely explained the agreement of September 4, 1909, Article III of which has the following provision:

The Chinese Government agrees that in the matter of the exportation of coals produced in the said mines, the lowest tariff of export duty for coals of any other mines shall be applied.

They point out that the rate of one mace silver was merely the lowest tariff of export duty for coals at that time.

The stand taken by the Ministry of Foreign Affairs appears to be quite correct. The regulations of 1911 was drawn up in accordance with the following provision which formed part of Article III of the agreement of 1909:

The extent of the said coal mines, as well as all detailed regulations, shall be separately arranged by commissioners specially appointed for that purpose.

It is clear from the agreement providing for the lowest tariff of export duty that the functions of the commissioners to be appointed were only to define the extent of the coal mines as well as to draw up detail regulations and had nothing to do with the fixing of a permanent rate of duty. It must be remembered that the latter would mean a restriction upon the sovereign right of a state. If this had been contemplated, it should have been expressly stated in the agreement itself.

No. 30. *Alleged illegality in the imposition of business and consumption taxes upon the Chinese residents of the South Manchuria Railway area.*

According to the statement of the Japanese these taxes are being collected by the Chinese authorities outside the railway area after they were prevented by the Japanese from exercising the right within it.

The Japanese charge of illegality is based upon their claim that Japan by treaty has the exclusive right of administration in the area, including the political. It will, therefore, be necessary to examine this claim.

As far as we know, the Japanese claim is based upon Article VI of the contract for the construction and operation of the Chinese Eastern Railway entered into between the Chinese government and the Russo-Chinese Bank in 1896. This article reads:

The lands actually necessary for the construction, operation and protection of the line, as also the lands in the vicinity of the line necessary for procuring sand, stone, lime, etc., will be turned over to the Company freely, if these lands are the property of the State; if they belong to individuals, they will be turned over to the Company either upon a single payment or upon an annual rental to the proprietors, at current prices. The lands belonging to the Company will be exempt from all land taxes (*impôt foncier*).

The Company will have the absolute and exclusive right of administration of its lands. (*La Société aura le droit absolu et exclusif de l'administration de ses terrains.*)

The Company will have the right to construct on these lands buildings of all sorts, and likewise to construct and operate the telegraph necessary for the needs of the line.

The income of the Company, all its receipts and the charges for the transportation of passengers and merchandise, telegraphs, etc., will likewise be exempt from any tax or duty. Exception is made, however, as to mines, for which there will be a special arrangement.

The foregoing is a translation from the French text, found in treaty collections. It may be compared with one from the Chinese, which reads as follows:

The land actually needed by the said company for the construction, operation and protection of the railway, as also the land in the vicinity of the line necessary for procuring sand, stone, lime, etc., if this land is state property, will be turned over by the Chinese Government free of charge; and if it is private property, will be either paid for at one time or rented from the proprietors annually, both at current price. The said company shall itself provide funds

for these purposes. The land belonging to the said company will all be exempt from land tax and will be managed exclusively by the said company which will be permitted to construct thereon buildings and works of various kinds as well as to set up telegraphs, under its own operation, for the exclusive use of the railway. Except in regard to mines for which arrangement will be separately made, the income of the said company, such as the charges for transportation of passengers and merchandise and the receipts from telegrams, will all be exempt from tax or duty.

It is obvious from the text of the article, French or Chinese, that the claim cannot be substantiated. In the French text the "right of administration" spoken of can only refer to such business administration as may be necessary to the "construction, exploitation and protection" of the railway, as no other objects are mentioned. In the Chinese text this point is even clearer. There, indeed, it is only "management" rather than "administration" that is spoken of. As a matter of fact in neither text are settlements ever contemplated. The lands on which the Company is to exercise an "absolute and exclusive right of administration," or "management," read the texts, are "the lands necessary for the construction, operation and protection of the line, as also the lands in the vicinity of the line necessary for procuring sand, stone, lime, etc." for construction purposes, the lands on which "the Company will have the right to construct \* \* \* buildings of all sorts, and likewise to construct and operate the telegraph necessary for the needs of the line," or on which the Company "will be permitted to construct \* \* \* buildings and works of various kinds as well as to set up telegraphs, under its own operation, for the exclusive use of the railway."

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This view, it may be added, is not China's alone, but also that of such a third party as the United States. Writing to the Tzarist government on November 6, 1909 at the time the Russians attempted to organize a settlement at Harbin on the basis of the interpretation since then adopted by Japan, the American Secretary of State says:

The administration by the railway company of its leased lands provided for in Article VI of the contract can refer only to such business administration as may be necessary to the "construction, exploitation and protection" of the railway, these being the objects expressly mentioned in the article for which these lands were granted by China.

This was, without doubt, the understanding of China as evidenced by the Chinese translation of Article VI and by the protest of the Chinese Government against the attempts by the railway company to administer the municipal Government at Harbin.

Adverting to the French text of the contract, it is to be observed that the land which is the subject of the provisions of Article VI thereof is precisely:

"Les terrains réellement nécessaires pour la construction, exploitation et protection de la ligne, ainsi que les terrains aux environs de la ligne, nécessaires pour se procurer des sables, pierres, chaux, etc."

The second paragraph of Article VI reads:

"La Société sure le droit absolu et exclusif de l'administration de ses terrains."

As to the meaning of the word "administration," it seems very worthy of remark that in English the word "administra-

tion" is quite commonly used of all sorts of business administration, while the same word in French and the equivalent word in the Chinese version of the contract are still more commonly used of business and non-governmental administration. Indeed, the French word "administration" is so very commonly used of business management that its absolute meaning in a given case would be wholly determined by the context.

A reading of the whole contract deprives the second paragraph of Article VI of all semblance of referring to a political administration.<sup>a</sup>

From the foregoing it is evident that the Japanese claim to exclusive right of administration in the area, including the political, is unfounded. It is therefore surprising to see that the Japanese not only prevented Chinese authorities from exercising the right of taxation in the area, but have also complained against their exercising it at all with reference to it. As in many other cases the question seems to form a basis of complaint by China against Japan rather than the reverse.

GROUP V.—CASES RELATING TO INDUSTRY

No. 31. *Alleged pressure upon the North Manchuria Electric Company of Harbin.*

In the Japanese complaint it is stated as follows:

In order to bring pressure to bear upon the North Manchuria Electric Co., which was established in Harbin in 1918, the Harbin municipality made the supply of electricity a concession and established a semi-official company to which was given the concession in disregard of the already acquired privilege of the Japanese company. In May, 1930, the Chinese authorities turned the Harbin Electric Co. into an official

<sup>a</sup> *United States Foreign Relations, 1910, Page 219.*

enterprise, and are since bringing all possible pressure upon the North Manchuria Electric Co., alleging the same company to be an infringement of the monopoly.

According to the Chinese authorities the statement gives only a part of the truth. The North Manchuria Electric Company began its operation at Harbin by the purchase of a small Russian electric plant, and at the time both the company and the Japanese consulate of the port were notified that the Russian plant did not possess a concession and therefore had none to transfer; that the municipality reserved to itself the right to operate any public utilities; and that if the new Japanese company should desire to proceed with its plan, it should be prepared to wind up its business, should in the future the municipality wish to establish a power house itself for the supply of electricity or to lease the right out to concessionaries. In 1919 the municipal council of Harbin finally decided to exercise its right in the matter. When call was sent out for tenders, three parties, including the North Manchuria Electric Company, responded. On May 15th in the following year the terms of the bidders were announced, and the most favorable, which did not happen to be from the Japanese concern, was declared. On the 25th of the same month the council awarded the concession to the party so declared and called upon the Japanese concern and all other existing electric plants to wind up their business. The Japanese concern, however, has not complied with the order so far, and now the Japanese authorities have even listed the case as a complaint.

It may be noted that a similar case concerning the South Manchuria Electric Company of Antung is found in the list

given out by the Japanese Consulate-General at Shanghai. It is stated as follows :

The South Manchuria Electric Co. has been supplying Chinese citizens with electric light for over twenty years upon an understanding reached between them and the Chinese authorities. In March, 1930, the Municipality of Antung established an electric lighting company for the purpose of competing with the Japanese company.

According to the Chinese authorities the Japanese company has never registered with the Chinese government, nor reached any understanding with any authorities as claimed. They further stated that in establishing an electric lighting company the municipality of Antung merely discharged a perfectly normal function; and that instead of the municipality's bringing pressure upon the South Manchuria Electric Company to compel it to close down, the Japanese had done their worst to interfere with the progress of the work of the Chinese plant by the employment of police force.

No. 32. *Alleged illegality in the deal of a tender for railway material.*

It is stated in the Japanese complaint as follows :

In a public tender for ten locomotives in August 1929 the Shen-Hai Railway [Mukden-Hailung Railway] awarded the contract to the Scoda Company in spite of the fact that the lowest offer was made for the same specified material by the South Manchuria Railway Co. and the second lowest by the Mitsubishi Company.

Even as stated by themselves the Japanese have evidently no cause of complaint. An invitation to submit tenders is an

<sup>a</sup> As stated in the Shanghai version.

invitation to make offers. Unless it is accompanied by the promise to accept the lowest bid, it does not bind the party that issues it to that course.

According to the authorities of the Mukden-Hailung Railway, when the tenders came in, it was found that although those made by the two Japanese concerns were the lowest, the locomotives they could offer did not fit in so well with the rest in use on the line, which were generally of European make. In consequence they decided to purchase the same from the Scoda Company. But, they added, in order to avoid misunderstanding the South Manchuria Railway Company was given the contract for a large order of ordinary passenger cars, for which no tender was called. It seems that with such consideration on the part of the authorities of the Mukden-Hailung Railway the Japanese should have no cause of complaint even from the moral standpoint, still less from the legal.

In the version given in the *Chen Pao* the act of the Chinese authorities in not awarding the contract to one of the two Japanese concerns was ascribed to the "growing anti-Japanese sentiment." It is evident that the charge is entirely off the point.

No. 33. *Interference with tree felling in the province of Kirin.*

The complaint of the Japanese is that by prohibiting the felling of trees along the Kirin-Tunghua Railway in 1930 the Chinese authorities gave "a blow" to the said railway which, the Japanese declare, is built with a Japanese loan, and to the Japanese "exporters of wood." The Chinese authorities are unable to understand the cause of the complaint inasmuch

as the forests and cutters involved are respectively Chinese private property and individuals. They deny that the prohibition in any way affects the interests of the Kirin-Tunghua Railway, which, they add, is also Chinese property. As to the so-called Japanese "exporters of wood," they are no other than rowdies who have instigated local wood cutters to the felling of other people's trees in order that they may make a profit by exporting the wood. It is difficult to understand why the Japanese should insist upon protecting such illegitimate interests.

No. 34. *Alleged failure to perform a forestry agreement.*

The agreement referred to relates to the reorganization of the Chamien Company which is engaged in forestry in Hsinanling, Heilungkiang. It was entered into in a provisional way in 1925 between the provincial government and the South Manchuria Railway. As stated by the local authorities it provides that a new company is to be organized simultaneously with the winding up of the old, with a capital, one half of which to be contributed by the Chinese in the form of the forestry valued at \$2,000,000, and the other half by the Japanese in the form of the camps already erected and cash up to a total value of \$2,000,000. According to these authorities, on account of the fact that during the period of winding up the business the Japanese are naturally free to carry on timbering, the latter have used all means to delay the organization of the new company. They express surprise to find that the Japanese have now attempted to lay the blame upon the Chinese instead.

GROUP VI.—CASES RELATING TO TREATIES

No. 35. *Non-performance of the loan agreement of August 2, 1918 and repudiation of the loan itself.*

The loan agreement was concluded between the Anfu government and the Exchange Bank of China in association with the Japanese Banking Syndicate. The sum involved was 30,000,000 *yen*. The party that arranged it was the notorious Nishihara. The loan was declared to be for "the development of gold mining and forestry in the two provinces of Heilungkiang and Kirin," but in reality made to enable the Anfu Party to carry on its war against the people. For this reason neither the Anfu government itself, nor the succeeding administrations were anxious to carry out the alleged purpose.

This loan, like all the rest of the said Japanese agent's creations, was repudiated by the opposition government at Canton at that time, and has been accorded the same treatment by the Chinese people ever since. In obedience to the popular will the National Government at Nanking has not paid interest on it since its establishment.

From the nature of the case it is evident that the Japanese claims are not well founded. As has been stated in connection with Case 3, in supplying a loan for civil war purposes the Japanese bankers knew that they were taking sides in an internal struggle and therefore ought to be ready for certain consequences. If the Chinese people should allow their government to return the loan, it would be a very friendly gesture on their part; but the Japanese bankers have no right, either legal or

moral, to expect such a generous act, still less to insist upon the carrying out of the alleged purpose of the loan.

No. 36. *Repudiation of the advance under the preliminary loan agreement of June 18, 1918.*

This advance, amounting to 10,000,000 *yen*, formed another piece of the work of the notorious Nishihara. The preliminary loan agreement referred to was concluded between the Anfu government and three Japanese banks, ostensibly for a loan to build the Kirin-Hueining Railway, but in reality to enable the Anfu Party to replenish its war chest for campaigns against the people.

According to the terms of the agreement the Anfu government was supposed "with promptness to outline the amount of funds required for the construction of the railway and other items of necessary expenditure" when a formal loan agreement on the basis of the preliminary was to be drawn up. Nothing substantial, however, was done either during the administration of the Anfuites or under the regimes that followed.

The Kirin-Hueining Railway has been one of the lines the Japanese would like to see built. But with a dead weight of 10,000,000 *yen* saddled upon it, the realization of the wish became remote. So when in 1923 they attempted to persuade the authorities of Manchuria to build the western half of the line, *i. e.*, the Kirin-Tunghua Railway, they offered to treat it independent of the funds advanced.

Like the other Nishihara loans it was repudiated by the opposition government at Canton at the time, and since the es-

establishment of the National Government at Nanking no interest has been paid on it.

Although in the present case it is only the advance made under the preliminary loan agreement that is at issue, the observations made in connection with the last case (No. 35) are applicable.

In their complaint against the repudiation of the advance the Japanese incidentally charge that the Chinese have attempted to avoid constructing the Kirin-Hueining Railway. Whether the Japanese have any legal or moral right to make the charge on the basis of the preliminary loan agreement of June 18, 1918 need not be discussed again in view of what has been said in connection with Cases 3 and 35. Suffice it just to say that China has never acted as charged. It must be remembered that the Kirin-Hueining Railway covers the only route which gives access to the Tumen region which is under the process of absorption by Japan by means of Korean immigrants. The Chinese are as a matter of fact just as anxious to see the completion of the railway as the Japanese, though for a different reason. Shortly after the preliminary loan agreement was concluded a conference was held to discuss the formal agreement, but the Japanese themselves called it off, when they found that they could not secure certain privileges not contemplated by the preliminary agreement. In 1923 when they approached the Chinese concerning the construction of the Kirin-Tunghua section, the latter fell in with them readily. In the last several years, if the Chinese had not taken up their proposal to complete the line, it was simply because

not even the account of the construction of the Kirin-Tunghua section was settled, as indicated in Case 9 above.

No. 37. *Alleged evasion of contracts regarding the purchase of rails for the Kirin-Tunghua Railway.*

It is stated by the Japanese that—

China refused to sign a formal contract for about Yen 900,000 [which the South Manchuria Railway Company advanced as purchase money for rails in accordance with an agreement with the Ki-tung [Kirin-Tunghua] Railway Administration.

According to the Chinese authorities the charge is entirely unfounded. The facts, they say, are as follows: In 1928 the Japanese Traffic Manager of the Kirin-Changchun Railway urged that the sixty-pound rails of the railway be replaced by the eighty-pound. Arrangement was then made with the South Manchuria Railway for the purchase of the needed material, with the fund which was estimated at about 900,000 *yen*, to be advanced by the Japanese company at an interest of 9% per annum. The rails on arrival were unfortunately found to be different from what was specified, being mainly used rails, and the Chinese Director of the Railway naturally refused to accept them. The representative of the South Manchuria Railway on the Administration, however, went ahead independently to use the rails as planned. He also sold the replaced material to the Kirin-Tunghua Railway. The question is not one of evasion of contract; nor has it anything to do with the Kirin-Tunghua Railway.

<sup>a</sup> In accordance with the Shanghai version.

The Kirin-Changchun Railway has an administration that needs explanation. As a result of one of the Twenty-one Demands the Chinese government of the Yuan regime was made to agree in Article VII of the treaty of 1915 "speedily to make a fundamental revision of the Kirin-Changchun Loan Agreement." On this basis the Anfuites were induced in 1917 to accept a loan from the South Manchuria Railway Company and in return to "commission" it "to direct the affairs of the Railway" during the term of the loan. The latter arrangement was to be carried out by the Company's selecting three Japanese as chiefs of the departments of general affairs, traffic and accounting of the Railway, with one of them to act as the Company's representative. It was, however, stated in the loan agreement that the Chinese government was to appoint a director to "exercise supervisory powers over all the affairs of the Railway;" and that "the orders for all receipts and disbursements of the Railway must be signed in conjunction with" him "before they can be valid;" and that "when the machinery and supplies for the upkeep and traffic requirements of the Railway \*\*\* are purchased, no matter whether they are Chinese or foreign, a statement thereof must be drawn up and first submitted for" his "inspection."

From the three accounts given above the facts of the case seem to be somewhat as follows: The South Manchuria Railway Company which is commissioned to direct the affairs of the Kirin-Changchun Railway takes advantage of its position to force some used rails upon the latter. The Chinese government which retains the vetoing power in the administration refuses to accept them. The Japanese government then complains

that the Chinese have evaded their obligation under a contract!

No. 38. *Alleged refusal by the Peking-Mukden Railway to recognize the purchases made of Fushun coal.*

It is stated in this case that the Peking-Mukden Railway owes the South Manchuria Railway 634,000 yen on account of Fushun coal supplied and only agrees to pay in monthly instalment of 20,000 yen after the latter urges settlement.

This case appears to us to be one of ordinary business transaction and as stated is also a matter that has already been settled. In their attempt to make out a case against China as a justification for their recent conduct in Manchuria the Japanese have certainly left no stone unturned. The case is left out from the list given out in Shanghai.

No. 39. *Alleged forcible construction of a railway across a Japanese farm at Mukden.*

In 1915 a Japanese by the name Sakakibura leased a tract of land at Mukden as a farm, agreeing to pay a rental of \$600 annually on every February 1st, irrespective of the condition of the crop. This Japanese, however, failed to live up to his obligations after entering into occupation and paid no more than \$500 in a period of ten years. In consequence his right was expressly cancelled by the Chinese authorities in 1925.

Shortly afterwards a Chinese railway was projected across this tract of land from the Huangkutun Station of the Peking-Mukden Railway to the airdrome at Mukden. When this took place the Japanese Consulate-General presented a demand for compensation. The Japanese claim was naturally not admitted,

and on June 27, 1929 Sakakibura, stated the Japanese, "was compelled to remove the railway" with, we may add, the help of Japanese armed forces!

No. 40. *Alleged pressure upon the Japanese residents in the walled city of Mukden.*

The issue involved in this case is the same as in Case 27 and need not be discussed again. It may be observed in passing that in the last thirty years at least China has not been strict in excluding foreign nationals from towns not opened to international trade and residence; and that if in Manchuria a different policy is to a certain extent followed, it is simply because the presence of Japanese nationals means also the presence of Japanese police force.

No. 41. *Alleged pressure upon Japanese residents in the walled city of Sanhsing.*

This case is similar to the last so far as the principle is concerned. As to facts, according to the local authorities, the Japanese statement needs supplementation. Practically all of the Japanese residents in the walled city of Sanhsing, they say, are engaged in prostitution, and for that reason alone they have forfeited their right to remain there.

No. 42. *Alleged pressure upon the Japanese telephone in the walled city of Mukden.*

About two years ago arrangement was made between the Chinese and Japanese authorities to change the pole into the cable system for the Japanese telephone in the walled city on account of the replanning of the town. When the Japanese

came to carry out the arrangement, they, however, took advantage of the change to extend their system. This, of course, was objected to by the Chinese, and hence the Japanese complaint. The Japanese justified their action on the ground that Japan had reserved her right to operate telephone under Article II of the convention of October 12, 1908, when she restored the telegraph lines in Manchuria to China. The Chinese on the other hand pointed out that Japan also undertook in the same article not to extend the then existing system. The said article reads:

Japan undertakes immediately to hand over to China, against the payment of 50,000 Yen, all Japanese telegraph lines in Manchuria outside the railway territory. Japan is prepared to enter into negotiation with China with a view to coming to a certain arrangement concerning the Japanese telephone service in Manchuria outside the railway territory. Pending the conclusion of such an arrangement, Japan undertakes neither to extend her present telephone system in Manchuria without having first obtained the consent of the Chinese Government, nor to use her telephone lines for the transmission of telegrams in competition with the Chinese telegraph lines.

The Japanese evidently have no cause of complaint in this case.

#### GROUP VII.—CASES RELATING TO THE KOREANS

No. 43. — *Disregard of treaty in the prohibition against selling and leasing land in the interior to Koreans.*

The Japanese complaint is directed against the regulations issued by the provincial authorities of Liaoning and Kirin in the last couple of years for the punishment of Chinese nationals

who were to dispose of land to foreigners by the circumvention of the law. Five cases of actual application of the regulations were given in the case of Liaoning. The treaty referred to is the one relating to South Manchuria and Eastern Inner Mongolia concluded in 1915 under the Twenty-one Demands. The relevant parts of that document read:

Article II. — Japanese subjects in South Manchuria may, by negotiation, lease land necessary for erecting suitable buildings for trade and manufacture or for prosecuting agricultural enterprises.

Article III. — Japanese subjects shall be free to reside and travel in South Manchuria and to engage in business and manufacture of any kind whatsoever.

Article IV. In the event of Japanese and Chinese desiring jointly to undertake agricultural enterprises and industries incidental thereto, the Chinese Government may give its permission.

Article V.—The Japanese subjects referred to in the preceding three articles, besides being required to register with the local authorities passports which they must procure under the existing regulations, shall also submit to the police laws and ordinances and taxation of China.

Civil and criminal cases in which the defendants are Japanese shall be tried and adjudicated by the Japanese Consul; those in which the defendants are Chinese shall be tried and adjudicated by Chinese Authorities. In either case an officer may be deputed to the court to attend the proceedings. But mixed civil cases between Chinese and Japanese relating to land shall be tried and adjudicated by delegates of both nations conjointly in accordance with Chinese law and local usage.

When, in future, the judicial system in the said region is completely reformed, all civil and criminal cases concerning Japanese subjects shall be tried and adjudicated entirely by Chinese law courts.

The question in the present case is whether China is privileged to disregard the provisions just cited. The treaties of which these provisions form a part were concluded, as already stated, under the Twenty-one Demands. They were extorted from the *de facto* Yuan Shih-k'ai government, not because there was provocation on the part of China or existing controversy to satisfy, but simply because China was on the eve of a civil war and the Powers were engaged in a death and life struggle. On account of these circumstances China has questioned the equity and justice of these treaties and therefore their fundamental validity.

At both the Versailles and Washington Conferences, the first opportunities offered, China sought to have these treaties reconsidered and cancelled, but in both occasions Japan refused to entertain the Chinese proposal. China then took the matter up with Japan direct in 1923, but in this occasion her attempt was no more successful.

In view of the fact that China not only has important considerations of equity and justice on her side, but has also exhausted all means to secure reconsideration, she is quite justified in refusing to apply these treaties. But as a matter of fact, so far as the provisions under consideration in the present case are concerned, China has the right to suspend their operation, irrespective of her attitude concerning their validity.

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As clearly stated in those provisions, the Japanese subjects are free to reside, travel and lease land only in South Manchuria and are further to submit to the police laws and ordinances of China. But Japan has never been willing to be so confined. She has claimed to exercise police jurisdiction over these subjects and to interpret the term South Manchuria to cover such districts as are clearly within what she herself describes as Eastern Inner Mongolia. In view of the right to enjoy consular jurisdiction granted in the provisions to Japanese subjects, these pretensions would result in Japan's dividing jurisdiction with China over practically one half of Manchuria. What else could the latter do, if she were not to adopt some such measure as the suspension of the operation of the provisions?

The Japanese charge against China in this case, so far as it concerns the Tumen region, is based upon the agreement of September 4, 1909 relating to the Tumen boundary. According to the Japanese the Koreans in that region have the right to lease or own land under the 1909 agreement independent of the 1915 treaty. They evidently have in mind the following provision in Article V:

The Government of China engages that land and buildings owned by Korean subjects in the mixed residence district to the north of the River Tumen shall be protected equally with the properties of Chinese subjects.

The Japanese seem, however, to have forgotten that the agreement of 1909 is concerned with Koreans already in residence on the north bank of the Tumen within certain limits shown on a map annexed to the agreement, and not with Ko-

reans who may come afterwards or/and settle outside the prescribed limits.

No. 44. *Alleged oppression<sup>a</sup> of Koreans.*

Three cases are given for the alleged oppression, of which the most important is the recent Wanpaoshan case. The Japanese statement reads:

In July 1931 the authorities of the Kirin Province, in order to drive out the Korean farmers of Wanpaoshan, illegally interfered with tenantry, and the Koreans were finally forced out which led to the so-called Wanpaoshan incident.

This case is too fresh in our mind to need a full review. Suffice it to say that the Japanese statement rather distorts the facts. Official interference in the case was not for the purpose of driving out the Korean farmers, for it had not been the policy of the Kirin government to enforce the regulations against Korean immigration in districts adjacent to the South Manchuria Railway. If the local authorities took cognizance of the case, it was because their attention was called to the dispute that had arisen between the Koreans and local inhabitants. The Japanese charge that these authorities "illegally interfered with tenancy" is not any better founded. When the matter was looked into, it was found that the Koreans had started farming in an irregular way. Not only the Chinese who re-leased the farm to them did not register his original lease with the government, but the Koreans themselves also failed, when they took it over, to comply with the same regulations. Worse still, when these Koreans started to bring water from

<sup>a</sup> As stated in the Shanghai list.

the nearby river into the farm for irrigation purposes, they dug wide ditches across the neighbors' farm and dammed the river in such a way as to block public communication. In view of these irregularities, is it fair to say that the Chinese authorities "illegally interfered with tenancy"?

As to the statement that the Koreans were finally forced out supplementation is also necessary. The Koreans concerned undoubtedly deserve the fate of being forced out, but so far as facts go, they were not actually forced out, and this is due to none other than Japanese intervention by armed force. They have spoken of Chinese oppression of Koreans! It seems more appropriate to speak of Japanese oppression of Chinese.

No. 45. *Alleged disregard of treaty rights in the arrest and conviction of Koreans.*

The Japanese state that recently the Chinese authorities in Manchuria "in disregard of treaty rights arrested and imprisoned Koreans promiscuously," alleging that they have discovered 60 such persons in the Mukden penitentiary, 40 in Tunghua, 230 in Kirin and 40 in Harbin since the beginning of the present military occupation.

Persons who are connected with the Manchurian government have denied the charge. According to them, if these Koreans were in penitentiaries as alleged, they are most likely naturalized Chinese citizens, who, as Japan maintains the principles of indelible allegiance with regard to Koreans, are naturally Japanese subjects from the Japanese standpoint.

No. 46. *Alleged non-recognition of the right of Japanese subjects to consular jurisdiction in decision rendered by the Kirin provincial court.*

None of the persons of whom we have enquired is able to understand this charge. They state categorically that as far as they know what is said is not the attitude of the Kirin provincial court in the matter. Some add that it is quite possible that at the time the National Government declared the termination of consular jurisdiction to become effective on January 1, 1930, the said court might have for a time made the ruling; but that if it had ever done so, the practice had never been continued.

It may be noted that this case does not appear in the Shanghai list.

No. 47. *Alleged disregard of the agreement relating to the Tumen boundary.*

Three charges are made in this case. The first is that the Chinese government refuses to recognize that the Koreans have the right to own land. This point has been incidentally dealt with in Case 43. The agreement does not pretend to provide for new immigrants. In fact not even immigration is contemplated. It is meant only to regulate questions relating to Koreans already found in the Tumen region. If reference is made to land owned by Koreans, it merely touches a point of fact and cannot be interpreted to have conferred a right to own land upon future Koreans whose arrival is strictly not permissible.

The second charge is that the Chinese government has restricted the freedom of the Koreans in the matter of exporting cereals. The Japanese seem to have forgotten that the Chinese Government has the right to do what they have complained of. Article V of the agreement so far as it deals with the question says:

In respect to cereals produced in the mixed residence district, Korean subjects shall be permitted to export them out of the said district, except in time of scarcity, in which case such exportation may be prohibited.

The Japanese remark that the act of the Chinese government causes great loss to the Koreans of the Tumen region in view of the fact that cereals are twice as expensive in parts of Korea. They seem to care only for the profit that a few exporters may make.

The third charge is that the Chinese government is not in the habit of notifying the Japanese consular officers in cases relating to Koreans. Again they seem to have forgotten something. The section of Article IV that deals with the question reads:

All cases, civil or criminal, relating to Korean subjects shall be heard and decided by the Chinese authorities in accordance with the laws of China, and in a just and equitable manner. A Japanese consular officer or an official duly authorized by him shall be allowed freely to attend the court, and in the hearing of important cases concerning the lives of persons, previous notice is to be given to the Japanese consular officers.

So it is "in the hearing of important cases concerning the lives of persons" that "previous notice is to be given to the

Japanese consular officers." According to the local authorities the Chinese government has never failed in fulfilling China's obligation in this respect.

Like the last, the present case is not found among the list issued at Shanghai.

#### GROUP VIII.—OTHER CASES

##### Nos. 48-50. *Alleged anti-Japanese sentiment.*

In these three cases the Japanese complain respectively of Chinese school text-books, the Northeastern Cultural Society and the Liaoning People's Foreign Relations Association as anti-Japanese. In the first the Japanese speak of the insertion of anti-Japanese material. This as far as we can ascertain is nothing but the actual history of Sino-Japanese relations of recent years.

In the case against the Northeastern Cultural Society the Japanese merely cite an instance of inaccuracy in report. This report concerns an accident in the Fushun Mines, which according to the Society involved 3,000 lives but according to the Japanese involved none. The Society is undoubtedly too credulous in believing rumors as facts even in view of the frequency of loss of lives in the Fushun Mines. But if an instance of inaccuracy in report could be taken as evidence in a charge of an official nature as in this case, what would Japan have to say about the various sorts of rumors Japanese news agencies and newspapers in China have from time to time circulated?

The Japanese charge against the Liaoning People's Foreign Relations Association is not even supported with concrete evidence, and hence needs no comment.

No. 51. *Alleged oppression of the Sheng-king-shih-pao.*

The Sheng-king-shih-pao is a Japanese daily published in the Chinese language in Mukden. The Japanese allege that in several occasions the Chinese authorities undertook to obstruct Chinese patronage by, for instance, the persecution of Chinese sales agents.

We have not been able to verify the allegation. But perhaps it is immaterial. This Japanese daily is known to be in the habit of spreading wild rumors in time of crisis, e.g., mutiny and the death of some important personages, evidently with a purpose, and yet at the same time it places itself, through the abuse of the consular jurisdiction in China practiced by the Japanese, beyond the control of the Chinese authorities. If the latter were not to resort to the methods complained of, in what way could they check its evil influence as well as to bring it to its sense of responsibility?

No. 52. *Alleged discrimination with regard to travel in certain parts of Manchuria.*

It is alleged by the Japanese that in the last ten years it has been the policy of the Chinese authorities to prevent the Japanese from travelling in the district west of Taonan and in northern Kirin, and recently also in Hulutao. They, however, do not stop to question China's right to have the policy, but proceed to complain of discrimination and state as evidence

that *allonge* warning the holders not to go to the above-mentioned places are attached to the *hu-chao* (passport) issued to the Japanese.

The Chinese authorities in Manchuria deny that there is discrimination in the matter. They say that requests to travellers on the point are as a rule communicated to all foreign consulates. If special *allonge* is sometimes attached to *hu-chao* issued to the Japanese, it is simply because the latter seem to be more forgetful of the warnings of their consuls than other peoples.

No. 53. *Alleged obstructions at a Japanese farm at Tungliao.*

The Japanese complain that the local authorities by driving the workers away have prevented the farm from building a dyke. But even from the facts supplied by the Japanese alone, it seems that in doing as complained of the local authorities have acted within the limits of their power. Tungliao is in what the Japanese themselves describe as Eastern Inner Mongolia. Even under the treaty of 1915 concluded under the Twenty-one Demands the Japanese could only have joint agricultural enterprise with the Chinese in that region and not by themselves alone.

No. 54. *Alleged murder of Captain Nakamura and party by Chinese soldiery.*

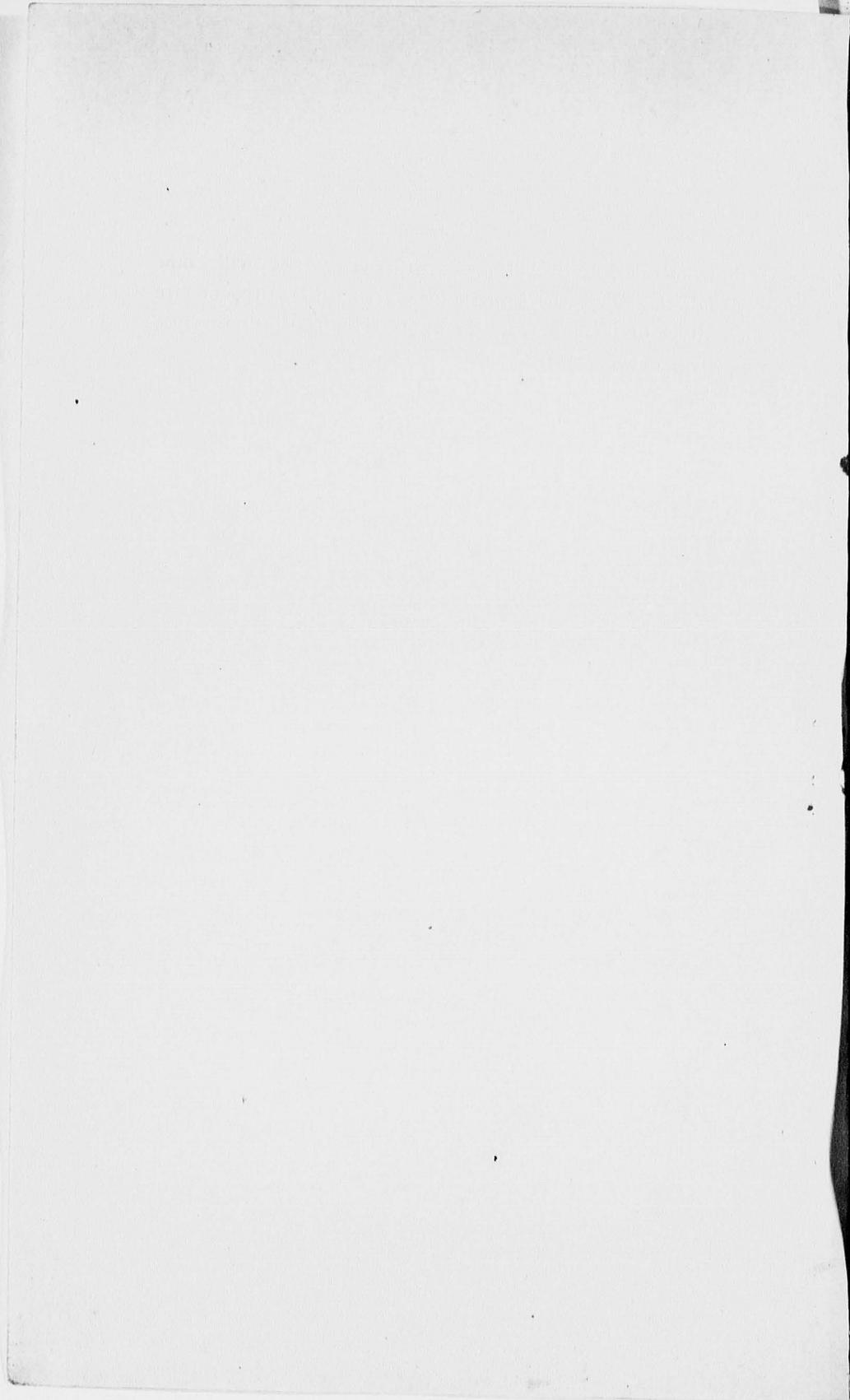
It is alleged by the Japanese that Nakamura and party who travelled through the Hsingan Reclamation district in July, 1931, were arrested by the Third Regiment of the Re-

clamation Army on the 26th of the same month and later murdered.

This is perhaps one of the very few charges to which no definite answer can be given, as the present military occupation has interrupted all efforts on the part of China to clear up the point. Enquiry at Harbin where Nakamura is known to have secured his *hu-chao* (passport) reveals that Nakamura applied for the paper as an ordinary civilian and for travel in Manchuria in general. According to the officer in charge of the *Hu-chao* Bureau the Chinese authorities did not have any knowledge of Nakamura's real intention. In fact in this case, as in other cases, it was assumed that the applicant had been warned of the risks attending such a trip as he secretly undertook later, since all consulates at Harbin, including the Japanese, were kept informed of the condition of the district concerned. From the same source it is learned that after the missing of Nakamura, it was discovered that before he proceeded to Harbin this Japanese adventurer had been turned down by the *Hu-chao* Bureau at Mukden, when he applied for the paper as a Japanese military and with the express purpose of visiting the Hsingan district.

The Nakamura Case is certainly a fitting conclusion to the list from the Japanese standpoint, because it is the one through which they eventually succeeded in rousing public sentiment in support of their lawless military adventure. But it appears to us also to be a very proper ending, because it illustrates best Japan's conduct in Manchuria. At every turn in their relations with the Chinese, either the people or the government, the Japanese must insist upon going beyond the limits.

If they succeed, well and good: otherwise, they will come back and allege that the Chinese are acting illegally, or are obstructive, or incompetent, or oppressive, or discriminative, or evasive, or what not!



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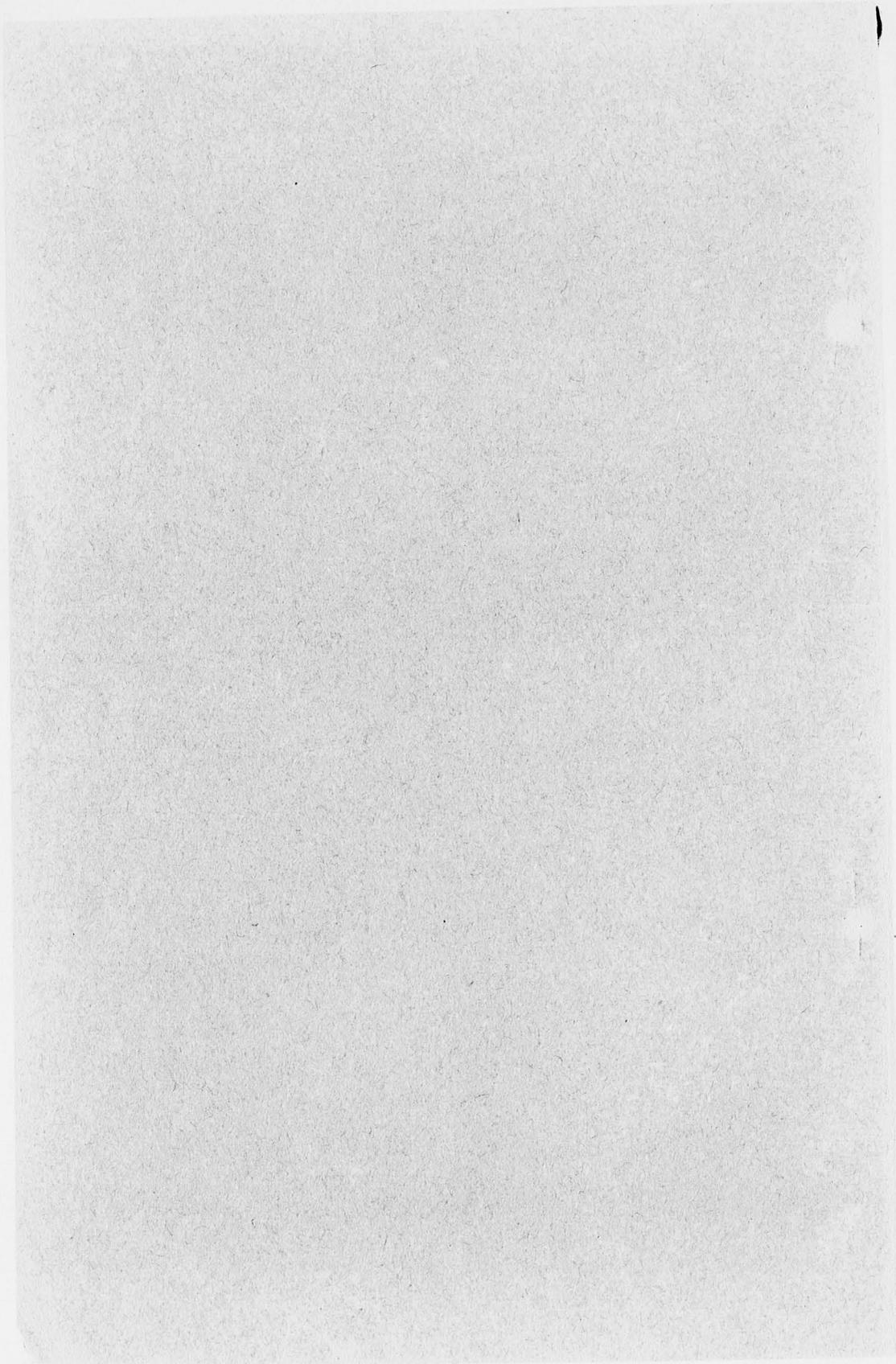
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## Music at Yenching in Peiping

By  
Hsi Yung-san

Those who visit Yenching are invariably impressed by the beautiful scenery with its lake, pagoda and those gorgeous University buildings which combine the florid Eastern architectural style with the practicality of the Western scientific mind. Toward the society at large, Yenching will always be remembered by its high scholastic standard as well as the important services rendered by its graduates. One who has spent four years of college training in Yenching, recalls the friendly and congenial atmosphere between the faculty and students. However precious these characteristics may be, the picture of Yenching will forever remain incomplete if the section on Music be left unmentioned. Before the Pacific War, which broke out on Dec. 8, 1941, Yenching had greatly contributed to the introduction of music in China. The occupation of the campus by the Japanese rudely stopped its activities.

Never can I forget the very last lecture that I delivered before a group of attentive music students on the 8th December 1941. It was a little over nine in the morning. The students informed me that there were a number of Japanese soldiers inside our Western gate. "So far as we have received no order to discontinue this class, we will go on as usual," I replied. I continued my discussion on the rise of Harmony and its further development. The subject was too fascinating for any divergence. No one even thought that that was to be the very last class. Right after our class we were asked to assemble at the women's gymnasium. Soon a Japanese officer appeared and muttered something that I did not understand. It was translated into Chinese as follows: "From this moment on Yenching is to be under the full control of the Japanese gendarmerie. No person is allowed to enter any of the public buildings to take anything from there. Go all to your own lodgings and wait for further orders. Violators shall be severely punished." News came to us as we wandered listlessly in our living quarters that some people were arrested and questioned. Four years have elapsed when I once again stand before the student body and talk on musical subjects. During these four long years, our beloved Yenching campus has become a place of forbidden land. It has turned into a Japanese military hospital.

Words are insufficient to describe my elated state of mind that Yenching once again was given back to its rightful owners. On a beautiful October afternoon in 1945, I found myself rushing eagerly into the University buildings to discover for myself what there was left of the Music Department. Alas! Some of our most precious belongings, on which we had spent so much money and effort, were all lost! We tried our best to trace their whereabouts, but so far we have not been very successful. Maybe they are gone for good. A few old pianos, phonograph records, books and few other insignificant things are all what is left for us.

The important place that music has to play in our religious services, in our national reconstruction and the enriching of our individual lives is too plain to need further arguments. Our work is pressing, but difficult. The Yenching Choral Society is soon organized, but most of our chorus books are lost and we have no notes. Never mind, we can mimeograph just as well. A few students are commissioned to do this work. Many students have not been taught adequately in music reading. So we start up a sight-reading class to catch up with the others. The enthusiasm goes high and we decided to have two rehearsals weekly. Soon we find ourselves rewarded by our hard labour.

We gave two performances in the University. At present we are planning to organize a combined Choral Society with the students of other universities in the city. For those who intend to be music majors, the Harmony class is given as usual. For the benefit of the community, Victrola concerts, Music Appreciation lectures and concerts are arranged. The attendance of these musical occasions is great and the enthusiasm runs high.

Looking beyond our own circle toward the nation at large, we shall discover that the duty imposed on our Department is great. The demand for music during these years has been constantly increasing. And it far exceeds what the nation at the present stage can supply. Especially in North China, apart from the Normal University whose purpose is to train high-school music teachers, Yenching is the only institution of higher learning that admits students concentrating on music. Here we give our students as thorough a musical training as the famous institutions of the West. But we give them something more than this. They should not forget that they are Chinese and it is for the future of the Chinese nation that they are working. For this cause a number of additional courses are given. We do not wish our graduates to be pseudo-westerners but, no matter how well-versed they are in things Chinese, they should not be ignorant of what the great Western musicians did for the world. Equipped with the musical technique and training of the West, let us express our Eastern heritage which our ancestors have done to develop music. The harmonious blending of these two cultures, as it is symbolized in our campus buildings, will some day result in a glorious epoch of the Chinese musical art. Let us grasp this rare opportunity which time affords us. May Yenching University be remembered by the music historian of the 21st century as an Institution chiefly instrumental in bringing about the Renaissance of Chinese Musical Art during the 20th century.

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