WHANGPOO CONSERVANCY

Article (no. 12) supplementing agreement of April 9, 1912, proposed by the Chinese Government, approved by the Diplomatic Body at Peking October 19, 1915
Entered into force October 19, 1915
Terminated as between the United States and China May 20, 1943, by treaty of January 11, 1943

Department of State files; enclosure to letter of October 23, 1915, from U.S. Minister at Peking

1. Saleable crown or shengko lands on the Whangpoo River subject to this agreement include all foreshore, accreted or reclaimable land—not required for Conservancy or Harbour purposes—situated between the Whangpoo Highwater Lines at Ordinary Spring Tide from the Kiangnan Arsenal to the outer ends of the Conservancy’s training works at Woosung. Title deeds to all such saleable crown or shengko lands shall be issued by the Civil Administrator of Shanghai under the following conditions:

2. On application by the owner of a riparian lot to acquire foreshore or accretion thereto, the original title-deed being filed in the usual manner, the Joint Measurement Office shall first satisfy itself of the validity of the claim to the foreshore or area to be shengkoed.

3. The Joint Measurement Office will then arrange with the Conservancy Board (to whom a copy of the official plan of the original lot shall be supplied) and the owner and, in the case of foreign owners, with the Consulate concerned, for a joint measurement to be made, at which the river-front boundary of the original lot shall be defined. The Conservancy Engineer will then proceed to survey the area to be shengkoed and draft a plan of the whole lot, on which shall be clearly shown the area to be shengkoed and its position in relation to the Board’s triangulation net and existing boundaries. This will be sent to the Joint Measurement Office to be transmitted to the owner

1 For text, see ante, p. 879.
2 The 11 powers whose diplomatic representatives at Peking constituted the Diplomatic Body were: Austria-Hungary, Belgium, France, Germany, Italy, Japan, the Netherlands, Russia, Spain, the United Kingdom, and the United States.
3 TS 984, post.
for acceptance. When the owner has accepted the plan, the Conservancy Board will assess the shengko price due.

4. In calculating the shengko-price per mow, the Board, while taking as a basis the price of the land in the vicinity, shall consider the total cost of filling in and bunding and all other conditions involved.

5. The shengko amount so assessed shall be communicated by the Board to the owner, in the case of a foreign owner through his Consul. The owner shall make payment direct to the Board who will give an official receipt. On presentation of this receipt the proper Chinese Authority shall issue the title-deed with the shengkoed area endorsed thereon without further delay. No receipt shall be valid for shengko for lands which are subject to this agreement except that of the Board.

6. Should the owner of the foreshore lot consider the shengko price as assessed by the Board excessive, he has the right of appeal as provided in Article VIII of the Conservancy Agreement of 1905.\(^4\)

7. Owners who have only paid the nominal rate of Taels 250 per mow, recently levied conditionally by the Board, shall make good to the Board the difference between that sum and the shengko amount assessed in the above manner; on the other hand if the shengko rate is assessed at less than Taels 250 per mow, the Board shall refund any excess paid by the owner.

8. In drafting the plans of foreshore lots the Conservancy Board shall proceed as follows:

The Whangpoo River Highwater Line at Ordinary Spring Tides at the time being (12.5 feet above the Woosung Conservancy Datum) being taken as a base, the points at which the lateral boundaries of the original lot intersect this Highwater Line shall be determined. Then two lines drawn from these points to meet the final Normal Line perpendicularly shall be taken as the lateral boundaries of the shengko area while the boundary on the river side shall be the Normal Line for the time being.

When owing to this extension out to the Normal Line land formerly belonging to an old lot which has been eroded by the action of the river, or otherwise, is recovered, the lateral boundaries of such recovered land shall be the boundaries defined in the foregoing paragraph notwithstanding that they may not coincide with the boundaries of the original land eroded.

The definition of boundaries above prescribed is made subject to the provision that such boundaries shall not conflict with the boundaries of reclaimed land, adjacent to the lot which is being dealt with, for which shengko shall have been paid and title deeds issued previously to the enactment of this regulation.

\(^4\) Agreement signed at Peking Sept. 27, 1905 (TS 448), ante, p. 446.
9. The calculation of the area upon which shengko price is to be paid to the Conservancy Board shall be made in the following manner:

As a general rule the shengko-area shall be taken as being the area enclosed between the Highwater Line at Ordinary Spring Tides and the Normal Line for the time being, as allotted to each riparian owner according to the procedure prescribed in paragraph 8.

But in cases where erosion has taken place since 1906 the area on which shengko shall be payable shall be reduced by an amount equal to the high water free area eroded since 1906 and cases where a foreign Consular title deed shows an area extending beyond the present high water line the area otherwise liable to shengko shall be reduced by such title deed area.

In cases where the river front boundary of the original lot does not extend riverwards as far as the 1906 Highwater Line, the shengko price due on the area between that boundary and the Highwater Line shall be paid to the proper Chinese Authority.

The English and Chinese texts of this Supplementary Article have been carefully compared, but in the event of there being any difference of meaning between them the sense as expressed in the English text shall be held to be the correct sense.