

The *chengjia* (承佃), *guotou* (過投) and *dingshou* (頂首)
custom in the Chongming gazetteers (崇明縣志)

—a case study on the development of the dual
property system in the Jiangnan region—

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Chongming district is located in the middle of the Yangtze river and is famous among social and legal historians for its reclamation system called the *mai-jia-chengjia* (買佃承佃). According to the Qianlong edition of the gazetteer, the tenant who reclamims land is bestowed with *chengjia* rights by the landowner who holds *mai-jia* rights, and *chengjia* is also transferable by the tenant. Therefore this system has been counted as an example of the dual property system during the Ch'ing period. But recently Kusano Yasushi (草野靖) has asserted that this system was already in existance in the Yuan dynasty but was replaced by the *guotou* system by the beginning of Ch'ing dynasty, and thereafter the tenant did not reclaim land but only had a rent deposit (押租) relation with the landowner. This paper examines this new theory and tries to resolve some theoretical problems of the formation of the dual property system through an intensive investigation of the four editions of the Chongming gazetteers.

The first two sections discuss the nature and meaning of *chengjia* and *guotou* in the gazetteers. It is elucidated that *mai-jia-chengjia* system is not in itself a dual property system, rather *chengjia* means the right of rent discount, and *guotou* is the price of the cultivation right under the rent collecting system called *yizufa* (議租法). These two customs existed simultaneously

at the beginning of the Ch'ing, and never replaced each other.

In the next three sections, the history of *chengjia*, *guotou* and *dingshou* custom are discussed. The third section examines the legal conditions of the tenant who hold *chengjia* and *guotou* in the first half of Ch'ing period through the review of Kangxi and Qianlong gazetteers. It is elucidated that *chengjia* and *guotou* custom developed simultaneously and the dual property system was first established in this period. In the fourth section, the land customs in the Chongming district before Ch'ing period and the formation of *mai-jia-chengjia* system are discussed briefly. The fifth section discusses the conditions of the tenant after the collapse of the *mai-jia-chengjia* system, which began during the Qianlong period according to Guangxu and Mingguo gazetteers. It is argued that the *dingshou* custom was introduced as the rent deposit system at this time, and the *guotou* custom also developed in this period. These two customs formed the core of the dual property system in the Republican period.