

The Operation of Taiwan's Land Tenure System During the Japanese Colonial Period

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Abstract

The operation of Taiwan's land tenure system during the Japanese colonial period depended on contracts, customs, a guarantee system, and an arbitration system. Contracts and customs regulated the relationship of landlords and tenants, while the guarantee and arbitration systems were for making contracts or obligations executed. These four factors have different natures, and thus can perform different functions. Before the mid-1920s, when land tenure disputes were not frequently seen, these four factors operated in the following ways. First, customs played the main role in regulation. Second, most of the tenants and landlords constructed their relationship through oral contracts. Third, when tenants failed to pay rents, most landlords in central and northern Taiwan used key-money as a guarantee of rents. Finally, small disputes were cleared up by the services of temporary rural committees, very big disputes were resolved by civil procedures, and other disputes were settled by the mediation services offered by local governments. From the late 1920s on as disputes became widespread, written contracts, key-money, and guarantors played more important roles. Moreover, the arbitration service provided by the land tenure improvement parties became a very important new force in this era. The main conclusion is that the ability of Taiwanese to associate each force of the land tenure system with different ways in different conditions made the system operate smoothly.