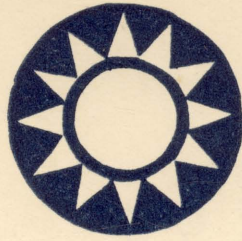


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二十
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月

白皮書第四十一號(民國二十二年)

中華民國國民政府外交部編印

中西友好通商條約目錄

中西友好通商條約

附件一

附件二

附件三

附件四

中西友好通商條約 目錄

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中西友好通商條約 目錄

中西友好通商條約

大中華民國國民政府因咸欲鞏固兩國間幸有之睦誼並增進及固結彼此商業關係起見爲此決定先訂一友好通商條約特派全權代表如左

大中華民國國民政府主席特派

大中華民國國民政府外交部長王正廷

大西班牙君主國大君主特派

大西班牙君主國欽命駐華全權公使嘎利德

兩全權代表各將所奉全權證書互相校閱均屬妥善議定條款如左

第一條 兩締約國約定關於關稅及其關係事項完全以各本國國內法規規定之

兩締約國又約定對於關稅及其關係事項此締約國在彼締約國領土內應享受之待遇不得次於任何他國享受之待遇此締約國在本國領土內不得有何藉口對於彼締約國人民貨物之進口或出口徵收較高或異於本國人民或任何他國人民所完納之關稅內地稅或任何稅款

第二條 此締約國人民在彼締約國領土內應受彼締約國法律及法院之管轄但爲行使及防衛其權利應有向法院陳訴

中西友好通商條約

二

之自由及便利

第三條 兩締約國決定於最短期內根據完全平等互尊主權及兩國商業上無歧視之各原則議訂一通商航海條約

第四條 本條約用中西英三國文字各繕二份如遇意思不同之處以英文爲準

第五條 本條約應於最短期內批准自兩國政府互相通知批准之日起本約發生效力

爲此兩全權代表將本約簽字蓋印以昭信守

大中華民國十七年十二月二十七日 在南京簽訂
西歷一九二八年十二月二十七日

王正廷
噶利德 印

附件一

換文

大中華民國外交部長王

爲

照會事本部長茲以中華民國國民政府名義聲明中西兩國本日簽訂之條約其第二條於民國十九年一月一日起發生效力在是日前中國政府與西國政府訂定中國對於西國人民行使法權之詳細辦法如該項辦法屆時尙未訂定則中國與簽訂華盛頓條約國議定取消領事裁判權之後定一日期自該日期始西國人民受中國法律及法院之管轄但該日期應於各該國一律適用

上述華盛頓條約國係指一九二一年至一九二二年華盛頓會議時直接參與討論太平洋及遠東問題之各國（中國除外）相應照請

貴公使查照爲荷須至照會者

右 照 會

大西班牙君主國欽命駐華全權公使噶利德

大中華民國十七年十二月二十七日

王正廷 閱

中西友好通商條約

三

中西友好通商條約

大西班牙君主國欽命駐華全權公使賤利德

爲

照復事接准

貴部長本日照會內開本部長茲以中華民國國民政府名義聲明中西兩國本日簽訂之條約其第二條於民國十九年一月一日起發生效力在是日前中國政府與西國政府訂定中國對於西國人民行使法權之詳細辦法屆時尙未訂定則中國與簽訂華盛頓條約國議定取消領事裁判權之後定一日期自該日期始西國人民受中國法律及法院之管轄但該日期應於各該國一律適用上述華盛頓條約國係指一九二一年至一九二二年華盛頓會議時直接參與討論太平洋及遠東問題之各國（中國除外）等由本公使對於上開各節聲明西國政府完全同意相應照復

貴部長查照爲荷須至照會者

右

會

大中華民國外交部長王

西歷一九二八年十二月二十七日

賤利德 印

中西友好通商條約

附件二

聲明書

本部長茲聲明中華民國國民政府於民國十九年一月一日或是日以前除現已施行之法典及法律外頒布民法商法

王正廷 印

中西友好通商條約

七

中西友好通商條約

附件三

聲明書

本部長茲以中華民國國民政府名義聲明西國人民在中國停止享受領事裁判權及其他特權並兩國之關係達於完全平等地位之後中國政府鑒於中國人民於西國法律章程範圍之內在西國領土之任何區域內享有居住營商及土地權故允許西國人民在中國享有同樣權利但仍得以法律及章程限制之

王正廷 印

中西友好通商條約

附件四

共同聲明書

茲議定在中國領土內之西國人民及在西國領土內之中國人民嗣後應依照各所在國政府頒布之法律章程完納各種稅款及徵收但該項稅款及徵收不得較高或異於他國人民所完納者

王正廷 閱

嘎利德 閱

中西友好通商條約

**PRELIMINARY TREATY OF AMITY AND COMMERCE
BETWEEN THE REPUBLIC OF CHINA AND THE
KINGDOM OF SPAIN**

The Republic of China and the Kingdom of Spain, being equally animated by the desire to strengthen the ties of friendship which happily subsist between the two countries and to promote and consolidate their commercial relations, have resolved to conclude a Preliminary Treaty of Amity and Commerce, and have, for this purpose, named as their Plenipotentiaries, that is to say:—

His Excellency the President of the National Government of the Republic of China:

Dr. Chengting T. Wang, Minister for Foreign Affairs of the National Government of the Republic of China;

His Majesty the King of Spain:

Don Justo Garrido Y Cisneros, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Spain to China;

who, having met and communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:

Article I.

The two High Contracting Parties agree that the customs tariff and all matters related thereto shall be regulated exclusively by their respective national legislations.

It is further agreed that each of the High Contracting Parties shall enjoy in the territories of the other, with regard to customs and all related matters, treatment in no way less favourable than the treatment accorded to any other country.

The nationals of each of the High Contracting Parties shall not be compelled, under any pretext

whatever, to pay within the territories of the other Party any duties, internal charges or taxes upon the importation or exportation of goods, other or higher than those paid by the nationals of the country or by the nationals of any other country.

Article II.

The nationals of each of the High Contracting Parties shall be subject, in the territories of the other Party, to the laws and jurisdiction of the law courts of that Party, to which they shall have free and easy access for the enforcement and defence of their rights.

Article III.

The two High Contracting Parties have decided to enter as soon as possible into negotiations for the purpose of concluding a Treaty of Commerce and Navigation based on the principles of absolute equality and non-discrimination in their commercial relations and mutual respect for sovereignty.

Article IV.

The present Treaty has been drawn up in two copies in the Chinese, Spanish and English languages. In the event of there being any difference of meaning, the English text shall be held to prevail.

Article V.

The present Treaty shall be ratified as soon as possible and shall come into force on the day on which the two Governments shall have notified each other that ratification has been effected.

In faith whereof the respective Plenipotentiaries have signed the present Treaty and have affixed thereto their seals.

Done at Nanking this twenty-seventh day of the twelfth month of the seventeenth year of the Republic of China, corresponding to the twenty-seventh day of December, nineteen hundred and twenty-eight.

 (Signed) CHENGTING T. WANG.

 (Signed) GARRIDO Y CISNEROS.

ANNEX I

MINISTRY OF FOREIGN AFFAIRS

Nanking, December 27, 1928.

Monsieur le Ministre,

In the name of the National Government of the Republic of China, I have the honour to state that Article II of the Treaty signed this day between China and Spain shall be understood to begin to be operative on January 1st, 1930. Before such date the Chinese Government will make detailed arrangements with the Spanish Government for the assumption by China of jurisdiction over Spanish subjects. Failing such arrangements on the said date, Spanish subjects shall be amenable to Chinese laws and jurisdiction from a date to be fixed by China, after having come to an agreement for the abolition of extraterritoriality with all the Powers signatory of the Washington Treaties, it being understood that such a date shall be applicable to all such powers.

By "Powers signatory of the Washington Treaties" shall be meant those Powers, other than China, which directly participated in the discussion of Pacific and Far Eastern Questions in the Conference on the Limitation of Armament held in Washington in 1921-22.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

(Signed) CHENGTING T. WANG.

His Excellency

DON JUSTO GARRIDO Y CISNEROS,

Spanish Minister to China,

Nanking.

Nanking, December 27, 1928.

Monsieur le Ministre,

I have the honour to acknowledge the receipt of Your Excellency's Note of to-day's date which reads as follows:

“In the name of the National Government of the Republic of China, I have the honour to state that Article II of the Treaty signed this day between China and Spain shall be understood to begin to be operative on January 1st, 1930. Before such date the Chinese Government will make detailed arrangements with the Spanish Government for the assumption by China of jurisdiction over Spanish subjects. Failing such arrangements on the said date, Spanish subjects shall be amenable to Chinese laws and jurisdiction from a date to be fixed by China, after having come to an agreement for the abolition of extraterritoriality with all the Powers signatory of the Washington Treaties, it being understood that such a date shall be applicable to all such Powers.

“By ‘Powers signatory of the Washington Treaties’ shall be meant those Powers, other than China, which directly participated in the discussion of Pacific and Far Eastern Questions in the Conference on the Limitation of Armament held in Washington in 1921-22.”

I have the honour to state that the Spanish Government is in full agreement with the above statements.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

(Signed) GARRIDO Y CISNEROS.

His Excellency

Dr. CHENGTING T. WANG,
Minister for Foreign Affairs,
Nanking.

ANNEX II

DECLARATION

I have the honour to declare that on or before January 1st, 1930, the Civil Code and the Commercial Code, in addition to other codes and laws now in force, will be duly promulgated by the National Government of the Republic of China.

(Signed) CHIENGTING T. WANG.

ANNEX III

DECLARATION

In the name of the National Government of the Republic of China, I have the honour to declare that, when Spanish subjects cease to enjoy the privileges of consular jurisdiction and other special privileges, and when the relations between the two countries are on a footing of perfect equality, the Chinese Government, in view of the fact that Chinese citizens, subject to the limitations prescribed in Spanish laws and regulations, enjoy the right to live and trade and to acquire property in any part of Spanish territories, will grant the same rights to Spanish subjects in China, subject to the limitations to be prescribed in its laws and regulations.

(Signed) CHENGTING T. WANG.

ANNEX IV

JOINT DECLARATION

It is understood that Spanish subjects in Chinese territories and Chinese citizens in Spanish territories shall hereafter pay such taxes or imposts as may be prescribed in the laws and regulations duly promulgated by the Chinese and the Spanish Government respectively, provided that such taxes or imposts are not other or higher than those paid by the nationals of any other country.

(Signed) CHIENGTING T. WANG.

(Signed) GARRIDO Y CISNEROS.

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