

CERTIFICATE

Ref. doc # 2/8

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section,
Japanese Foreign Office, hereby certify that
the document hereto attached in Japanese consisting
of 24 pages⁵ and entitled "Treaty for the Extension
of the Commercial Relations between United
States and China, October 8, 1903."

is an exact and true copy of an official translation of the
Japanese Foreign Office.

Certified at Tokyo,

on this 17th day of January, 1946⁷.

K. Hayashi
Signature of Official

Witness : Nagaharu Odo

C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section,
Japanese Foreign Office, hereby certify that
the document hereto attached in English consisting
of 23 pages^s and entitled "Treaty for the Extension
of the Commercial Relations between United
States and China, October 8, 1903."

is an exact and true copy of an official document of the
Japanese Foreign Office.

Certified at Tokyo,

on this 17th day of January, 1946⁷.

K. Hayashi
Signature of Official

Witness : Nagaharu Odo

TREATY
~~TRADE~~ FOR THE EXTENSION OF THE
COMMERCIAL RELATIONS BETWEEN
UNITED STATES AND CHINA.

Signed at Shanghai, October 8, 1903.

Ratifications exchanged at Washington, January 13, 1904.

The United States of America and His Majesty the Emperor of China, being animated by an earnest desire to extend further the commercial relations between them and otherwise to promote the interests of the peoples of the two countries, in view of the provisions of the first paragraph of Article XI of the final Protocol signed at Peking on the seventh day of September, A. D. 1901, whereby the Chinese Government agreed to negotiate the amendments deemed necessary by the foreign Governments to the treaties of commerce and navigation and other subjects concerning commercial relations, with the object of facilitating them, have for that purpose named as their Plenipotentiaries: ---

The United States of America ----

EDWIN H. CONGER, Envoy Extraordinary and Minister
Plenipotentiary of the United States of America
to China ---

JOHN GOODNOW, Consul-General of the United States of America
at Shanghai ---

JOHN F. SEAMAN, a Citizen of the United States of America
resident at Shanghai ---

And His Majesty the Emperor of China ---

LU HAI-HUAN, President of the Board of Public Works ---

SHENG HSUAN-HUAI, Junior Guardian of the Heir Apparent.

Formerly Senior Vice-President of the Board of Public Works---

who, having met and duly exchanged their full powers which were found to be in proper form, have agreed upon the following amendments to existing treaties of commerce and navigation formerly concluded between the two countries, and upon the subjects hereinafter expressed connected with commercial relations, with the object of facilitating them.

Article 1.---Diplomatic representatives; rights and privileges.---In accordance with international usage, and as the diplomatic representative of China has the right to reside in the capital of the United States, and to enjoy there the same prerogatives, privileges and immunities as are enjoyed by the similar representative of the most favored nation, the diplomatic representative of the United States shall have the right to reside at the capital of His Majesty the Emperor of China. He shall be given audience of His Majesty the Emperor whenever necessary to present his letters of credence or any communication from the President of the United States. At all such times he shall be received in a place and in a manner befitting his high position, and on all such occasions the ceremonial observed toward him shall be that observed toward the representatives of Nations on a footing of equality, with no loss of prestige on the part of either.

The diplomatic representatives of the United States shall enjoy all the prerogatives, privileges and immunities accorded by international usage to such representatives, and shall in all respects be entitled to the treatment extended to similar representatives of the most favored nation.

English text authoritative.---The English text of all notes or dispatches from United States officials to Chinese officials, and the Chinese text of all from Chinese officials to United States officials shall be authoritative.

Article II.---Consular officers; rights and privileges.
---As China may appoint consular officers to reside in the United States and to enjoy there the same attributes, privileges and immunities as are enjoyed by consular officers of other nations, the United States may appoint, as its interests may require, consular officers to reside at the places in the Empire of China that are now or that may hereafter be opened to foreign residence and trade. They shall hold direct official intercourse and correspondence with the local officers of the Chinese Government within their consular districts, either personally or in writing as the case may require, on terms of equality and reciprocal respect. These officers shall be treated with due respect by all Chinese authorities, and they shall enjoy all the attributes, privileges and immunities, and exercise all the jurisdiction over their nationals which are or may hereafter be extended to similar officers of the nation the most favored in these respects. If the officers of either government are

disrespectfully treated or aggrieved in any way by authorities of the other, they shall have the right to make representation of the same to the superior officers of their own government who shall see that full inquiry and strict justice be had in the premises. And the said consular officers of either nation shall carefully avoid all acts of offense to the officers and people of the other nation.

On the arrival of a consul duly accredited at any place in China opened to foreign trade it shall be the duty of the Minister of the United States to inform the Board of Foreign Affairs, which shall, in accordance with international usage, forthwith cause the proper recognition of the said consul and grant him authority to act.

Article III.---American citizens in China; their rights.
---Citizens of the United States may frequent, reside and carry on trade, industries and manufactures, or pursue any lawful avocation, in all the ports or localities of China which are now open or may hereafter be opened to foreign residence and trade; and, within the suitable localities at those places which have been or may be set apart for the use and occupation of foreigners, they may rent or purchase houses, places of business and other buildings, and rent or lease in perpetuity land and build thereon. They shall generally enjoy as to their persons and property all such rights, privileges and immunities as are or may hereafter be granted to the subjects or citizens of the nation the most favored in these respects.

Article IV.---Likin and other transit dues to be totally abolished.---The Chinese Government, recognizing that the existing system of levying dues on goods in transit, and especially the system of taxation known as likin, impedes the free circulation of commodities to the general injury of trade, hereby undertakes to abandon the levy of likin and all other transit dues throughout the Empire and to abolish the offices, stations and barriers maintained for their collection and not to establish other offices for levying dues on goods in transit. It is clearly understood that, after the offices, stations and barriers for taxing goods in transit have been abolished, no attempt shall be made to reestablish them in any form or under any pretext whatsoever.

Surtax on tariff rates granted in compensation.---The Government of the United States, in return, consents to allow a surtax, in excess of the tariff rates for the time being in force, to be imposed on foreign goods imported by citizens of the United States and on Chinese produce destined for export abroad or coast-wise. It is clearly understood that in no case shall the surtax on foreign imports exceed one and one-half times the import duty leviable in terms of the final Protocol signed by China and the Powers on the seventh day of September, A. D. 1901; that the payment of the import duty and surtax shall secure for foreign imports, whether in the hands of Chinese or foreigners, in original packages or otherwise, complete

immunity from all other taxation, examination or delay; that the total amount of taxation, inclusive of the tariff export duty, leviable on native produce for export abroad shall, under no circumstances, exceed seven and one-half per centum ad valorem.

China's right to levy taxes.---Nothing in this article is intended to interfere with the inherent right of China to levy such other taxes as are not in conflict with its provisions.

Keeping these fundamental principles in view, the High Contracting Parties have agreed upon the following method of procedure.

Likin barriers to be abolished. Native customs offices to be retained in certain localities.---The Chinese Government undertakes that all offices, stations and barriers of whatsoever kind for collecting likin, duties, or such like dues on goods in transit, shall be permanently abolished on all roads, railways and waterways in the nineteen Provinces of China and the three Eastern Provinces. This provision does not apply to the native Customs offices at present in existence on the seaboard, at open ports where there are offices of the Imperial Maritime Customs and on the land frontiers of China embracing the nineteen Provinces and the three Eastern Provinces.

Wherever there are offices of the Imperial Maritime Customs, or wherever such may be hereafter placed, native Customs offices may also be established, as well as at any point either on the seaboard or land frontiers.

Surtax on duties on foreign imports.---The Government of the United States agrees that foreign goods on importation, in addition to the effective five per centum import duty as provided for in the Protocol of 1901, shall pay a special surtax of one and one-half times the amount of the said duty to compensate for the abolition of likin, of other transit dues besides likin, and of all other taxation on foreign goods, and in consideration of the other reforms provided for in this article.

Revision of foreign export tariff.---The Chinese Government may recast the foreign export tariff with specific duties, as far as practicable, on a scale not exceeding five per centum ad valorem; but existing export duties shall not be raised until at least six months' notice has been given. In cases where existing export duties are above five per centum, they shall be reduced to not more than that rate.

Surtax on exports; how levied.---An additional special surtax of one-half the export duty payable for the time being, in lieu of internal taxation of all kinds, may be levied at the place of original shipment or at the time of export on goods exported either to foreign countries or coastwise.

Certificate of origin.---Foreign goods which bear a similarity to native goods shall be furnished by the Customs officers, if required by the owner, with a protective certificate for each package, on the payment of import duty and surtax, to prevent the risk of any dispute in the interior.

Junk-borne goods.---Native goods brought by junks to open ports, if intended for local consumption, irrespective of the nationality of the owner of the goods, shall be reported at the native Customs offices only, to be dealt with according to the fiscal regulations of the Chinese Government.

Machine-made goods in China; treatment of.---Machine-made cotton yarn and cloth manufactured in China, whether by foreigners at the open ports or by Chinese anywhere in China, shall as regards taxation be on a footing of perfect equality. Such goods upon payment of the taxes thereon shall be granted a rebate of the import duty and of two-thirds of the import surtax paid on the cotton used in their manufacture, if it has been imported from abroad, and of all duties paid thereon if it be Chinese grown cotton. They shall also be free of export duty, coast-trade duty and export surtax. The same principle and procedure shall be applied to all other products of foreign type turned out by machinery in China.

Maritime Customs to oversee native customs affairs.---
A member or members of the Imperial Maritime Customs foreign staff shall be selected by the Governors-General and Governors of each of the various provinces of the Empire for their respective provinces, and appointed in consultation with the Inspector General of Imperial Maritime Customs, for duty in connection with native Customs affairs to have a general supervision of their working.

Complaints; how investigated. Responsibility for enforcement of provisions of treaty.---Cases where illegal action is complained of by citizens of the United States shall be promptly investigated by an officer of the Chinese Government of sufficiently high rank, in conjunction with an officer of the United States Government, and an officer of the Imperial Maritime Customs, each of sufficient standing; and, in the event of it being found by the investigating officers that the complaint is well founded and loss has been incurred, due compensation shall be paid through the Imperial Maritime Customs. The high provincial officials shall be held responsible that the officer guilty of the illegal action shall be severely punished and removed from his post. If the complaint is shown to be frivolous or malicious, the complainant shall be held responsible for the expenses of the investigation.

Edict to be published when article becomes operative. ---When the ratifications of this Treaty shall have been exchanged by the High Contracting Parties hereto, and the provisions of this Article shall have been accepted by the Powers having treaties with China, then a date shall be agreed upon when the provisions of this Article shall take effect and an Imperial Edict shall be published in due form on yellow paper and circulated throughout the Empire of China setting forth the abolition of all likin taxation, duties on goods in transit, offices, stations and barriers for collecting the same, and of all

descriptions of internal taxation on foreign goods, and the imposition of the surtax on the import of foreign goods and on the export of native goods, and the other fiscal changes and reforms provided for in this Article, all of which shall take effect from the said date. The Edict shall state that the provincial high officials are responsible that any official disregarding the letter or the spirit of its injunction shall be severely punished and removed from his post.

Article V.---Tariff on American imports. Most favored nation treatment.---The tariff duties to be paid by citizens of the United States on goods imported into China shall be as set forth in the schedule annexed hereto and made part of this Treaty, subject only to such amendments and changes as are authorized by Article IV of the present convention or as may hereafter be agreed upon by the High Contracting Parties hereto. It is expressly agreed, however, that citizens of the United States shall at no time pay other or higher duties than those paid by the citizens or subjects of the most favored nation.

Conversely, Chinese subjects shall not pay higher duties on their imports into the United States than those paid by the citizens or subjects of the most favored nation.

Article VI.---Bonded warehouses.---The Government of China agrees to the establishment by citizens of the United States of warehouses approved by the proper Chinese authorities as bonded warehouses at the several open Ports of China, for

storage, re-packing, or preparation for shipment of lawful goods, subject to such necessary regulations for the protection of the revenue of China, including a reasonable scale of fees according to commodities, distance from the custom house and hours of working, as shall be made from time to time by the proper officers of the Government of China.

ARTICLE VII.--Mining regulations to be revised and operations encouraged.--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, agrees, within one year from the signing of this Treaty, to initiate and conclude the revision of the existing mining regulations. To this end China will, with all expedition and earnestness, go into the whole question of mining rules; and, selecting from the rules of the United States and other countries regulations which seem applicable to the condition of China, will recast its 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, will offer no impediment to the attraction of foreign capital nor place foreign capitalists at a greater disadvantage than they would be under generally accepted foreign regulations; and will permit citizens of the United States to carry on in Chinese

territory mining operations and other necessary business relating thereto provided they comply with the new regulations and conditions which will be imposed by China on its subjects and foreigners alike, relating to the opening of mines, the renting of mineral land, and payment of royalty, and provided they apply for permits, the provisions of which in regard to necessary business relating to such operations shall be observed, The residence of citizens of the United States in connection with such mining operations shall be subject to such regulations as shall be agreed upon by and between the United States and China.

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

ARTICLE VIII.--Drawback certificates.--Drawback certificates for the return of duties shall be issued by the Imperial Maritime Customs to citizens of the United States within three weeks of the presentation to the Customs of the papers entitling the applicant to receive such drawback certificates, and they shall be receivable at their face value in payment of duties of all kinds (tonnage dues excepted) at the port of issue; or shall, in the case of drawbacks on foreign goods re-exported within three years from the date of importation, be redeemable by the Imperial Maritime Customs in full in ready money at the port of issue, at the option of the holders thereof. But if, in connection with any application for a drawback certificate, the Customs authori-

ties di

ties discover an attempt to defraud the revenue, the applicant shall be dealt with and punished in accordance with the stipulations provided in the Treaty of Tientsin, Article XXI, in the case of detected frauds on the revenue. In case the goods have been removed from Chinese territory, then the consul shall inflict on the guilty party a suitable fine to be paid to the Chinese Government.

ARTICLE IX.—Protection of trade-marks.—Whereas the United States undertakes to protect the citizens of any country in the exclusive use within the United States of any lawful trade-marks, provided that such country agrees by treaty or convention to give like protection to citizens of the United States:—

Therefore the Government of China, in order to secure such protection in the United States for its subjects, now agrees to fully protect any citizen, firm or corporation of the United States in the exclusive use in the Empire of China of any lawful trade-mark to the exclusive use of which in the United States they are entitled, or which they have adopted and used, or intend to adopt and use as soon as registered, for exclusive use within the Empire of China. To this end the Chinese Government agrees to issue by its proper authorities proclamations, having the force of law, forbidding all subjects of China from infringing on, imitating, colorably imitating, or knowingly passing off an imitation of trade-marks belonging to citizens of the

United States, which shall have been registered by the proper authorities of the United States at such offices as the Chinese Government will establish for such purpose, on payment of a reasonable fee, after due investigation by the Chinese authorities, and in compliance with reasonable regulations.

ARTICLE X.—Protection of patents.—The United States Government allows subjects of China to patent their inventions in the United States and protects them in the use and ownership of such patents. The Government of China now agrees that it will establish a Patent Office. After this Office has been established and special laws with regard to inventions have been adopted it will thereupon, after the payment of the prescribed fees, issue certificates of protection, valid for a fixed term of years, to citizens of the United States on all their patents issued by the United States, in respect of articles the sale of which is lawful in China, which do not infringe on previous inventions of Chinese subjects, in the same manner as patents are to be issued to subjects of China.

ARTICLE XI.—Protection of copyright.—Whereas the Government of the United States undertakes to give the benefits of its copyright laws to the citizens of any foreign State which gives to the citizens of the United States the benefits of copyright on an equal basis with its own citizens:—

Therefore the Government of China, in order to secure such

benefits in the United States for its subjects, now agrees to give full protection, in the same way and manner and subject to the same conditions upon which it agrees to protect trademarks, to all citizens of the United States who are authors, designers or proprietors of any book, map, print or engraving especially prepared for the use and education of the Chinese people, or translation into Chinese of any book, in the exclusive right to print and sell such book, map, print, engraving or translation in the Empire of China during ten years from the date of registration. With the exception of the books, maps, etc., specified above, which may not be reprinted in the same form, no work shall be entitled to copyright privileges under this article. It is understood that Chinese subjects shall be at liberty to make, print and sell original translations into Chinese of any works written or of maps compiled by a citizen of the United States. This article shall not be held to protect against due process of law any citizen of the United States or Chinese subject who may be author, proprietor or seller of any publication calculated to injure the well-being of China.

ARTICLE XII.—Navigation of inland waters. —The Chinese Government having in 1898 opened the navigable inland waters of the Empire to commerce by all steam vessels, native or foreign, that may be specially registered for the purpose, for the conveyance of passengers and lawful merchandise,—citizens, firms and corporations of the United States may engage in such

commerce on equal terms with those granted to subjects of any foreign power.

In case either party hereto considers it advantageous at any time that the rules and regulations then in existence for such commerce be altered or amended, the Chinese Government agrees to consider amicably and to adopt such modifications thereof as are found necessary for trade and for the benefit of China.

Mukden and Antung opened to foreign trade. —The Chinese Government agrees that, upon the exchange of the ratifications of this Treaty, Mukden and Antung, both in the province of Sheng-king, 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 the United States and China after consultation together.

ARTICLE XIII. —Uniform national coinage. —China agrees to take the necessary steps to provide for a uniform national coinage which shall be legal tender in payment of all duties, taxes and other obligations throughout the Empire by the citizens of the United States as well as Chinese subjects. It is understood, however, that all Customs duties shall continue to be calculated and paid on the basis of the Haikuan Tael.

ARTICLE XLV. —Christianity; its teachers and followers not to be discriminated against. Rights and duties of missionaries. —The principles of the Christian religion, as professed by the Protestant and Roman Catholic Churches, are recognized as teaching men to do good and to do to others as they would have others do to them. Those who quietly profess and teach these doctrines shall not be harassed or persecuted on account of their faith. Any person, whether citizen of the United States or Chinese convert, who, according to these tenets, peaceably teaches and practices the principles of Christianity shall in no case be interfered with or molested therefor. No restrictions shall be placed on Chinese joining Christian churches. Converts and non-converts, being Chinese subjects, shall alike conform to the laws of China; and shall pay due respect to those in authority, living together in peace and amity; and the fact of being converts shall not protect them from the consequences of any offence they may have committed before or may commit after their admission into the church, or exempt them from paying legal taxes levied on Chinese subjects generally, except taxes levied and contributions for the support of religious customs and practices contrary to their faith. Missionaries shall not interfere with exercise by the native authorities of their jurisdiction over Chinese subjects; nor shall the native authorities make any distinction between converts and non-converts, but shall administer the

laws without partiality so that both classes can live together in peace.

Property; land purchased by missionary societies. — Missionary societies of the United States shall be permitted to rent and to lease in perpetuity, as the property of such societies, buildings or lands in all parts of the Empire for missionary purposes and after the title deeds have been found in order and duly stamped by the local authorities, to erect such suitable buildings as may be required for carrying on their good work.

ARTICLE XV. —Reform of judicial system. Extra-territoriality to terminate. —The Government of China having expressed a strong desire to reform its judicial system and to bring it into accord with that of Western nations, the United States agrees to give every assistance to such reform and will also be prepared to relinquish extra-territorial rights when satisfied that the state of the Chinese laws, the arrangements for their administration, and other considerations warrant it in so doing.

ARTICLE XVI. —Prohibition of importation of morphia. —The Government of the United States consents to the prohibition by the Government of China of the importation into China of morphia and of instruments for its injection, excepting morphia and instruments for its injection imported for medical purposes, on payment of tariff duty, and under regulations to be framed by China which shall effectually restrict the use of such

use of such import to the said purposes. This prohibition shall be uniformly applied to such importation from all countries. The Chinese Government undertakes to adopt at once measures to prevent the manufacture in China of morphia and of instruments for its injection.

ARTICLE XVII. — Treaties to remain in force except as here modified. — It is agreed between the High Contracting Parties hereto that all the provisions of the several treaties between the United States and China which were in force on the first day of January A. ^D. 1900, are continued in full force and effect except in so far as they are modified by the present Treaty or other treaties to which the United States is a party.

The present Treaty shall remain in force for a period of ten years beginning with the date of the exchange of ratifications and until a revision is effected as hereinafter provided.

Revision. — It is further agreed that either of the High Contracting Parties may demand that the tariff and the articles of this convention be revised at the end of ten years from the date of the exchange of the ratifications thereof. If no revision is demanded before the end of the first term of ten years then these articles in their present form shall remain in full force for a further term of ten years reckoned from the end of the first term, and so on for successive periods of ten years.

English text authoritative. — The English and Chinese

texts of the present Treaty and its three annexes 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 one.

This Treaty and its three annexes shall be ratified by the two High Contracting Parties in conformity with their respective constitutions, and the ratifications shall be exchanged in Washington not later than twelve months from the present date.

In testimony whereof, we, the undersigned, by virtue of our respective powers, have signed this Treaty in duplicate in the English and Chinese languages, have affixed our respective seals.

Done at Shanghai, this eighth day of October in the year of our Lord one thousand nine hundred and three, and in the twenty ninth year of Kuang Hsü eighth month and eighteenth day.

EDWIN H. CONGER. (SEAL.)

JOHN GOODNOW. (SEAL.)

JOHN F. SEAMAN. (SEAL.)

Signatures and seal of Chinese Plenipotentiaries.

(LÜ HAI-HUAN.)

(SHENG HSÜAN-HUAI.)

ANNEX 1.

As citizens of the United States are already forbidden by treaty to deal in or handle opium, no mention has been made in this Treaty of opium taxation.

As the trade in salt is a government monopoly in China, no mention has been made in this Treaty of salt taxation.

It is, however, understood, after full discussion and consideration, that the collection of inland dues on opium and salt and the means for the protection of the revenue therefrom and for preventing illicit traffic therein are left to be administered by the Chinese Government in such manner as shall in no wise interfere with the provisions of Article IV of this treaty regarding the unobstructed transit of other goods.

EDWIN H. CONGER. (SEAL.)

JOHN GOODNOW. (SEAL.)

JOHN F. SEAMAN. (SEAL.)

Signature and seal of Chinese Plenipotentiaries.

(LÜ HAI-HUAN.)

(SHENG HSÜAN-HUAI.)

ANNEX 11.

Article IV of the Treaty of Commerce between the United States and China of this date provides for the retention of the native Customs offices at the open ports. For the purpose of safeguarding the revenue of China at such places, it is

understood that the Chinese Government shall be entitled to establish and maintain such branch native Customs offices at each open port, within a reasonable distance of the main native Customs offices at the port as shall be deemed by the authorities of the Imperial Maritime Customs at that port necessary to collect the revenue from the trade into and out of such port. Such branches, as well as the main native Customs offices at each open port, shall be administered by the Imperial Maritime Customs as provided by the Protocol of 1901.

EDWIN H. CONGER. (SEAL.)

JOHN GOODNOW. (SEAL.)

~~JOHN~~
F. SEAMAN. (SEAL.)

Signatures and seal of Chinese Plenipotentiaries.

(LÜ HAI-HUAN.)

(SHENG HSÜAN-HUAI.)

ANNEX 111.

The schedule of tariff duties on imported goods annexed to this Treaty under Article V is hereby mutually declared to be the schedule agreed upon between the representatives of China and the United States and signed by John Goodnow for the United States and Their Excellencies LÜ Hai-huan and Sheng Hsüan-Huai for China at Shanghai on the sixth day of September A. D. 1902, according to the Protocol of the seventh day of September A. D. 1901.

EDWIN H. CONGER. (SEAL.)

JOHN GOODNOW. (SEAL.)

JOHN F. SEAMAN. (SEAL.)

Signature and seal of Chinese Plenipotentiaries.

(LÜ HAI-HUAN.)

(SHENG HSUAN-HUAI.)

Jap. Doc. No. 510

Subject. 亞米利加合衆國及支那國間通商關係擴張 =
關稅條約 1903. 10. 8 上海 = 於 于 調印
1904. 1. 13 華盛頓 = 於 于 批准交換

Defence Counsel. 大原 Phase

Manchuria

Certification. is attached to this.
will be lately completed.

Priority

I

(A) Copy only
(The official translation is attached to this.)

~~(B) Translate and copy.
(Translation for reference is not attached to this.)~~

Date

Jan. 14, 1947

Sign

J. D. C. I. Ohara

Note

(24)

亞米利加合衆國及支那國間通商關係擴張ニ關スル條約

千九百三年十月八日上海ニ於テ調印

千九百四年一月十三日華盛頓ニ於テ批准交換

亞米利加合衆國及支那國皇帝陛下ハ兩國間ノ通商關係ヲ更ニ擴張シ且又
支那國ノ政府ガ通商航海條約ニ對シル諸外國政府ノ必要ナリト思惟セル
修正ニ付キ及通商關係進歩ノ目的ヲ以テ其ノ他ノ通商關係諸事項ニ付商
議ヲ開クヲトシテ同意セラル一九〇一年九月七日北京ニ於テ調印ノ最終議
定書第十一條第一項ノ規定ニ順シ兩國民ノ利益ヲ増進セシムルニ必要
望ニ激シラレ之ガ爲メ左ノ全權委員ヲ任命セリ

亞米利加合衆國

北京駐 亞米利加合衆國特命全權公使

上海駐在 亞米利加合衆國總領事

上海在住 亞米利加合衆國人民

エドワード・エイチ、コロンブス・

ワゴン、ノードノイ

ワゴン、エラ、シーマン

支那國皇帝陛下

工部尚書

盛 宣 懷

太子少保前工部侍郎

右全權委員ハ其ノ全權委任狀ノ良好妥當ナルヲ認メ、且後兩國間既存ノ通商航海條約ノ修正ニ付及通商關係進歩ノ目的ヲ以テ下記ノ通商關係諸事項ニ付左ノ如ク協定セリ

第一條 外交代表者 其ノ權利及特權

國際慣行ニ從ヒ且支那國外交代表者ハ合衆國首都ニ駐劄シテ最取國ノ同種ノ代表者ノ享有スルト同一ノ特權及免除ヲ享有スルノ權利ヲ有スルカ故ニ合衆國代表者ハ支那國皇帝陛下ノ首都ニ駐劄スルノ權利ヲ有スル右合衆國外交代表者ハ必要ナル一切ノ場合ニ於テ皇帝陛下ノ謁見ヲ賜ヒテ信任狀又ハ合衆國大統領ヨリノ一切ノ通告ヲ揮呈スルヲ得ヘク右一切ノ場合ニ於テ其ノ高地位ニ相當スル場所及方法ヲ以テ接近セラル且其ノ儀式ハ雙方ノ威信ヲ何等毀損スルヲ得テトテ對等ノ地歩ニ於テ諸國代表者ニ對シ行ハルルモノトス

合衆國代表者ハ國際慣行ニ從テ外交代表者ニ許與セラルル一切ノ特權及
免除ヲ享有シ且一切ノ點ニ付最惠國ノ同種ノ代表者ニ與ヘラルル同一
ノ待遇ヲ受ケルモノトス

公文用語

合衆國官憲發支那國官憲宛ノ一切ノ公文及通信文ハ英吉利語ヲ以テ又支
那國官憲發合衆國官憲宛ノモノハ支那語ヲ以テ正文トス

第二條 領事官 其ノ權利及特權

支那國ハ合衆國ニ駐在シテ他國ノ領事官ノ享有スルト同一ノ權利、特權
及免除ヲ享有スル領事官ヲ任命スルヲ得ル力故ニ合衆國ハ其ノ利害
關係上必要ナル場合ニハ外國人ノ居住及外國貿易ニ現ニ關カレ又ハ將來
關カレベキ支那帝國内ノ地點ニ駐在スル領事官ヲ任命スルヲ得右合
衆國領事ハ必要ノ場合ニハ其ノ管轄區域内ノ支那國政府ノ地方官並ニ面
接シテ又ハ書面ヲ以テ對等及相互尊重ノ條件ノ下ニ直接公ニ交渉又ハ通
信ヲ爲シ得ルヲ得ヘク支那國一切ノ官憲ヨリ相當ノ尊敬ヲ以テ待遇セラ
レ且最惠國同種ノ官憲ニ對シ現ニ與ヘラレ又ハ將來與ヘラルベキ一切ノ

權限、特權及免除^ヲ享有シ及自國民^ニ對シ一切ノ裁判權^ヲ行使スルコト
得ルモノトス^ニ教^レカ一方國政府ノ官憲カ他方國政府ノ官憲ヨリ何等カ
ノ方法^ヲ以テ不遜ノ待遇又ハ虐待^ヲ蒙リタル場合ニハ該官^吏ハ其ノ旨^ヲ
自國政府ノ上級官憲^ニ申告スルノ權利^ヲ有スヘク該上級官憲ハ右^ニ付テ
充分ナル調査^ト殿正ナル批判^トヲ爲スモノトス^ニ上記ノ兩國領事ハ相互^ニ
相手國ノ官憲及人民^ニ對シ一切ノ凌辱的行爲^ヲ行フコトヲ避クモノトス^ニ
支那國ニ於テ外國貿易^ニ開カレタル何レカノ地點ニ正式^ニ信任派遣^セラ
レタル領事ノ到着シタル場合ニハ合衆國公使ハ其ノ旨外交部ニ通告スヘ
ク義務^ヲ負フベキ之^ニ因リ國際慣行上該領事^ハ直^ニ正式^ニ承認^セラレ且
其ノ職務執行上ノ權利^ヲ容認^セラルルモノトス

第三條 支那ニ於ケル合衆國人民 其ノ權利

合衆國人民ハ外國人ノ居住又ハ外國貿易^ニ現^ニ開カレ又ハ將來開カルヘ
ク支那國一切ノ港又ハ諸地方^ニ往來シ居住シ及商工業及製造業^ヲ營^ミ又
ハ其ノ他一切ノ適法ナル職業^ニ從事^スルコトヲ得ヘク且右諸地點^ニ於テ
外國人ノ使用及專用ノ爲^ニ既^ニ特設^セラル又ハ特設^セラルベキ適當ナル

地域内ニ於テ家居、事務所及其他ノ建物ノ賃借又ハ購買及土地ノ賃借又ハ永代借地ノ爲メト得ベク其ノ身體財產ニ關シテハ最惠國臣民又ハ人民ニ現ニ許與ヒラレ又ハ將來許與ヒラルベク一切ノ權利、特權及免除ノ一般ニ享有スルモノトス

第四條 釐金税及其ノ他ノ通過税ノ全廢

支那國政府ハ通過貨物ニ對シ課税スルノ現行制度殊ニ釐金トシテ知ラレルル課税制度ガ貨物ノ自由配布ヲ妨ガテ取引ノ一般の障礙ヲ招致スルモノト認メ釐金及其ノ他一切ノ通過税ヲ帝國全部ニ亘リテ廢止シ且右釐金ノ爲設置ヒラレタル事務所、税關及補助税關ヲ廢シ且通過貨物ニ對シ課税スル其ノ他ノ事務所ヲ建設セサルヲトシテ茲ニ約ニ通過貨物ニ課税スル事務所、税關及補助税關ノ廢止後ハ其ノ形式及口實ノ如何ヲ問ハズ右事務所、税關及補助税關ノ再設ヲ企テサルモノトス

補償トシテ許與ヒラレタル關税率附加税

合衆國政府ハ右ノ補償トシテ現行暫定關税率以外ニ附加税ヲ合衆國人民輸入ノ外國貨物ニ對シ及海外向又ハ沿岸向輸出支那貨物ニ對シテ賦課シ得ル

同意如何ナル場合ニ於テモ外國輸入品ニ對シテ附加税ハ西曆千九百一一年九月七日支那國及列國間調印ノ最終議定書所定ノ條件ニ從テ徵收スルベキ輸入税ノ一割半ヲ超過スルモノトシテ得サルベキ輸入税及附加税ノ支拂ハ支那人若ハ外國人ノ手元ニ所持スルモノ又原包裝ノ儘ナルモノ否トモ同ハ外國輸入貨物ニ對シテ他ノ一切ノ課税、檢閲若ハ延滞ヨリ全ク免除スルルモノナルモノトシテ確保シ海外輸出ノ内國生産品ニ對シテ賦課スルル出税ヲ含メ税ノ總額ハ如何ナル場合ニテモ從價七分五厘ヲ超過スルモノトシテ得サルモノトス

支那國ノ課税權

本條ハ本條ノ規定ニ抵觸セザル他ノ税ノ賦課ニシテ支那國固有權ニ何等干與スルモノナクシテ

右諸原則ヲ考慮シテ締約國ハ左ノ手續ヲ協定セリ

釐金制度ノ廢止 若干地方ニ於ケル内國税關ノ存置

支那國政府ハ釐金其ノ他通過貨物ニ課セラルル税ヲ徵收スル一切ノ事務所税關及補助税關ハ其ノ種類ノ如何ヲ問ハズ支那國十九省及東邊三省内ノ一切ノ道路、鐵道及水路ニ於テ之ヲ永久ニ廢止スル本規定ハ帝國海關所在ノ

開港場ノ海岸ニ屬十九省及東邊三省ヲ包含スル支那國陸上國境ニ現存スル
内國稅關其ノ之ヲ適用セシム

又内國稅關ハ帝國海關ノ現存シ又ハ將來設置セラルベキ一切ノ場所ニ於テ
均ニ海岸又ハ陸上國境ノ如何ナル地點ニ於テ之ヲ設置スルヲ得

外國輸入品ニ對スル課稅ノ附加稅

合衆國政府ハ外國貨物ハ其ノ輸入ニ際シ千九百一一年議定書所定ノ現實五
ノ輸入稅ニ加シルニ釐金、釐金以外ノ通過稅及外國貨物ニ對スル其他一切
ノ課稅ノ廢止ニ對スル補償トシ且本條所定ノ其ノ他ノ改正事項ヲ考慮シ
前記輸入稅額ノ一部半ノ特別附加稅ヲ支拂フベキトシ同意ス

外國輸出國稅率ノ改正

支那國政府ハ其ノ實施シ得ル限リ外國輸出國稅ノ從量稅ヲ從價百分ヲ超過
セシ限度ノ從價稅ニ改メルヲ得ルモ現行輸出稅ハ少クモ六月ノ豫知
ノ與ヘテ此ノ迄ハ之ヲ引上ガサルモノトシ現行輸出稅カ五分以上ノ場合ニ
ハ稅率ノ引下ハ五分迄トス

其ノ徵收方法

一切ノ種類ノ内國稅ノ代リニ支拂ハルヘキ暫行輸出稅出稅二分ノ一ノ特別
加稅ハ外國向又ハ沿岸地方向輸出貨物ニ對シ其ノ最初ノ船積地ニ於テ又ハ
輸出ノ時ニ於テ之ヲ課スルモノトス

原產地證明書

稅關官吏ハ内國產貨物ノ類似スル外國貨物ニ對シ所有者ノ請求下ル場合ニ
ハ輸入稅及附加稅支拂ノ上内地ニ於テ生ズルコトアルヘキ爭議ノ危險ヲ避
防スル爲各包裝ニ付保票證明書ヲ交付スルモノトス

戒克船積貨物

戒克船ニ依リテ開港場ニ運搬スラシムル内國產貨物ハ地方消費ニ供スル
ルモノナル場合ニハ該貨物所有者ノ國籍ノ如何ニ拘ラズ支那國政府ノ財政
規則ニ依リ處理スラル爲之ヲ内國稅關ニ報告スルモノトス

支那國內ノ機械製造品 其ノ待遇

支那國內ニ於テ製造セラルル機械製綿糸及織布ハ其ノ製造者ヨリ開港場ニ
於テ外國人ニ於テ又ハ支那國內ノ何レカノ地ニ在住スル支那人ニ於テ
問ハズ課稅ニ關シテハ完全ニ均等ナル地步ニ置カラルモノトス右貨物ハ其

ノ賦課セラレタル税ヲ支拂トナル上ハ其ノ製造原料タル綿ガ外國ヨリ輸入
セラレタモノナル場合ニハ該綿ニ付支拂ハレタル輸入税及輸入附加税ノ三
分ノ二ヲ又支那國産綿ナル場合ニハ該綿ニ付支拂ハレタル一切ノ税ヲ割戻
サルベク輸出税、沿岸貿易税及輸出附加税モ亦之ヲ免除セラレベシ右ト同
様ナル原則及手續ハ支那國ニ於テ機械ニ依リ製造セラレタル其ノ他一切ノ
外國式生産品ニ適用セラレルモノトス

内國關稅事務ヲ管理スル海關

帝國海關外人幹部ノ一名又ハ數名ノ部員ハ支那帝國各轄省ノ督撫及知撫カ
各自管轄ノ省ノ爲ニ之ヲ選出シ帝國海關總稅務司ト協議ノ上内國關稅事務
ニ關スル事務取扱ノ一般的監督ヲ爲サシメルノ任務ニ就カシムベキモノト

告訴 其ノ審査方法 條約規定強行ニ對スル責任

合衆國人民ガ不法行爲ニ關シテ告訴シタル場合ハ右事件ハ支那國政府ノ一
名ノ相當高級官吏カ合衆國政府及帝國海關各一名ノ相當官吏ト共ニ速ニ之
ヲ審査シ且右審査官ガ當該告訴ノ理由故ニ損害ノ發生ヲ認メタル場合ニハ
帝國海關相當ノ賠償ヲ爲スモノトス上級地方官憲ハ該不法行爲ニ付テ責任

アル官吏ヲ嚴罰ニ處シ且之ヲ罷免スベキコトヲ付責^{ニ責}ヲ負フモノトモ告訴カ
連國海關相當ノ賠償ヲ爲スモノトモ上級地方官憲ハ該不法行爲ニ付テ責任
ナル官吏^ハ罰ニ處シ且之ヲ罷免スベキコトニ付責ヲ負フモノトモ告訴ガ
理由無キモノカ又ハ惡意ニ出デタルモノナルコト分明シタル場合ニハ告訴
人ハ審査費用ヲ負擔スベキモノトモ

本條實施ノ場合公布セラルベキ勅令

締約國ガ本條約批准^ニ交換ヲ行ハ且本條ノ規定ガ支那國ノ條約國ニ依リ承認
セラレタルトキニ本條ノ規定ガ實施セラルベキ日ヲ協定シ及一切ノ釐金稅
通貨貨物ニ對スル課稅、右諸稅ヲ徵收スル事務所、稅關及補助稅關、外國
貨物ニ對スル國內課稅ノ一切ノ種別、外國貨物輸入及內國產貨物輸出ニ對
スル附加稅ノ廢止^ハ本條所定ノ其ノ他ノ財政的變更及改正ヲ掲載セル勅令
ヲ適當ナル形式ヲ以テ官報ニ發表シ之ヲ支那帝國全土ニ播布スベキモノトモ
シテ右一切ノ事項ハ前記ノ日ヨリ實施セラルベキモノトモ
該勅令ニハ地方高級官吏ハ勅令ノ法文又ハ精神ヲ無視スル官吏ハ何人ト雖
モ之ヲ嚴罰ニ處シ且罷免スベキ責ヲ負フベキ旨ヲ記載スベシ

第五條 合衆國ノ輸入品ニ對スル關稅率 最惠國待遇

支那國ニ輸入セラルル貨物ニ對シ合衆國人民ノ支拂ヲハ關稅ハ本條約ニ附屬シテ本條約ノ一部ト成ル稅率表ニ掲載セラルルモノニシテ本條約第四條ノ許容ニルカ又將來締約國ノ協定ニル改正及變更ノ受ケルモノトス

尤モ合衆國人民ハ如何ナル時ニ於テモ最惠國人民又ハ臣民ノ支拂ヲモノ以外又ハ其レヨリ多額ノ稅ヲ支拂ハサルモノトモ右ニ對シ支那國臣民ハ如何ナル時ニ於テモ最惠國人民又ハ臣民ノ支拂ヲモノヨリ多額ノ稅ヲ其ノ合衆國ノ輸入品ニ對シ支拂ハサルモノトス

第六條 保稅倉庫

支那國政府ハ保稅倉庫トシテ支那國相當官憲ノ承認シタル倉庫ヲ合衆國人民ガ正當ナル貨物ノ庫入、再包裝又ハ船積準備ノ爲若干ノ支那國開港場ニ設置スルモノニ同意ス但シ支那國政府ノ相當官憲ガ支那國輸入保稅ノ爲屢及取扱時間^{次制定スル必}ニ要ナル取締規則ハ商品、稅關ヨリノ距離及取扱時間ニ準シ徵收セラルル相當料金表ヲ含ム一ニ從フヘキモノトス

第七條 採鐵規則ノ改正及採鐵事業ノ獎勵

支那國政府ハ其ノ鐵物資源ヲ開發スルハ國ノ爲利益ナルヲ及採鐵企業ノ投資ニ外國貯支那國資本ヲ誘引スルハ望マシヤトナルヲ認メ本條約調印後一年內ニ現行採鐵規則ノ改正ヲ發議シテ右改正ヲ約定スルヲ以テ同意ニ右ノ目的ノ爲支那國ハ出來得ル限り迅速ニ且熱心ニ採鐵規則問題全般ニ亙リテ審議シ及合衆國並其ノ他ノ諸國ノ規則中ヨリ支那國ニ適用トナルヘキ者ノ恩准トナルル規則ヲ採擇シ以テ支那國民ノ利益ヲ促進シ且何等支那國ノ主權ヲ侵害セサル一方ニ於テ外國資本ノ誘引ニ付決シテ障礙ヲ與ヘヌ又外國資本家ニ對シ該國資本力一般的ニ承認セラルル外國規則ノ適用ヲ受クヘキ場合ヨリモ一層大ナル不利益ヲ遭クシ且合衆國人民力改正新規則及支那國力自國臣民且外國人ニ對シ鐵山ノ採掘鐵城ノ管借並鐵山使用料ノ支拂ニ關シテ課スル條件並右外國資本家出特許ノ出願ヲ爲シ場合採鐵事業ニ關シテ必要ナル事務ニ付遵守スヘキ特許規定ニ從フヘキ條件トシテ支那國領土ニ於テ採鐵事業及其ノ他該事業關係ノ必要事務ヲ行フヘキ得ル様現行採鐵規則ヲ改正スル者ノトモ右

採礦事業ニ關係スル合衆國人民ノ居住ハ合衆國及支那國間ニ定セラルル規則ニ從テモノトスル

右ノ新規則公布後許與セラルル一切ノ採礦利權ハ該新規則ノ規定ニ從テモノトス

第八條 税金拂戻證書

税金拂戻ニ對スル拂戻證書ハ該證書下附申請許可證ヲ帝國海關ニ提出後三週間内ニ該海關ヨリ合衆國人民ニ對シ之ヲ發給ス且右證書ハ額面價格ヲ以テ發給港ニ於ケル一切ノ種類ノ税ハ噸税ヲ除ク一ノ支拂ノ用ニ供セラルヘク又ハ輸入ノ日ヨリ三年内ニ再輸出セラレタル外國貨物ニ對スル税金拂戻ノ場合ニハ該證書所持入ノ任意ニ依リ帝國海關ハ發給港ニ於テ其ノ額面價格ヲ現金ヲ以テ償還スルモノトス但シ拂戻證書申請ニ關シ海關官憲力歳入詐取ノ企圖ヲ發見スル場合ニハ申請者ハ天津條約第二十一條所定ノ歳入詐取ノ發覺ノ場合ニ關スル規定ニ從ヒテ之ヲ處罰スルモノトス貨物ガ支那國領土ヨリ搬去セラレタル場合ニハ事ハ支那國政府ニ支拂フヘキ相當罰金ヲ犯罪當事者ニ對シ課スルモノトス

第九條 商標ノ保護

合衆國政府ハ何レノ國ト雖モ正當ナル商標ノ專用ニ付條約ニ依リ合衆國人
民ノ保護スルコトニ同意スル場合ニハ合衆國內ニ於テ該國ノ人民ニ對シ同
様ノ保護ヲ與フコトヲ約スル力故ニ

茲ニ支那國政府ハ其ノ臣民ニ對スル合衆國內ニ於ケル右ノ保護ヲ確保スル
爲一切ノ正當ナル商標ニシテ合衆國ノ人民、商館若ハ會社カ合衆國內ニ於
テ其ノ專用ノ權利ヲ有スルカ又ハ支那帝國內ニ於ケル專用ノ爲採用シ且使
用シタル力若ハ登録後直ニ採用且使用セムトシタルモノノ支那帝國內ニ於
ケル專用ニ付合衆國ノ一切ノ人民、商館若ハ會社ヲ充分保護スルコトニ同
意ス右ノ目的ノ爲支那國政府ハ合衆國人民ノ商標ニシテ合衆國相當官憲カ
支那國政府ノ設置スヘキ登録事務所ニ於テ支那國官憲ノ相當審査ノ後相當
料金ヲ支拂ト且相當取締規則ニ從ヒテ登録シタルモノノ支那國一切ノ臣民
ニ依ル侵害、模造、色彩ノ模倣又ハ模造詐欺ヲ禁止スル法律的效力ヲ有
ル布令ヲ其ノ相當官憲ヲシテ發布セシムルコトニ同意ス

第十條 專賣特許ノ保護

合衆國政府ハ支那國臣民力合衆國ニ於テ其ノ發明ノ專賣特許登録ヲ爲ス
ト許與シ且右專賣特許ノ使用及所有ニ付支那國臣民ヲ保護ス茲ニ支那國
政府ハ自國ニ特許局ヲ設置スルヲトシ同意ス右特許局ヲ設置スルニ且發明
ニ關スル特別法例採用有クモ爾後ハ特許局ハ支那國ニ於テ適法ニ販賣セ
ラレ且支那國臣民ノ先ニ爲シタル發明ヲ侵害セサル商品ニ付合衆國力合衆
國人民ニ發給シタル一切ノ專賣特許證ニ對シ一定ノ年限有效ナル保護證明
書ヲ支那國臣民ニ發給スラルル特許證ト同様ノ様式ヲ以テ規定料金徴收ノ
上ニ發給スルモノトス

第十一條 著作權保護

合衆國政府ハ内國人民ト均等ノ地歩ニ於テ著作權ニ關スル利益ヲ合衆國人
民ニ與フル一切ノ他國ノ人民ニ對シ自國ノ著作權法ノ利益ヲ與フルトス
約スル力故ニ
茲ニ支那國政府ハ自國臣民ニ對シ合衆國ニ於ケル右ノ保護ヲ確保スル爲支
那國人民ノ使用及教育用トシテ特ニ作成セラレタル書籍、地圖、印刷物若
ハ印畫又ハ一切ノ書籍ヲ支那語ニ翻譯シタル物ノ著者、圖案家若シテ有者

ル一切ノ合衆國人民ニ對シテ同様ノ方法及様式ノ下ニ及支那國政府カ商標保護ニ同意スルニ付基キタル所ト同様ノ條件ニ從テ登錄ノ日ヨリ十年間支那帝國内ニ於テ右ノ書籍、地圖、印刷物若ハ印畫又ハ翻譯物ヲ印刷シ及販賣スルノ獨占權ニ付充分ナル保護ヲ與ルヲトモ同意ス前記ノ書籍地圖等ニシテ同一ノ形式ヲ以テ再販スルヲ得サルモノハ之ヲ除キ如何ナル著作物ト雖本條ノ下ニ於テハ著作權ノ特權ヲ與ヘラレサルモノトモ支那國臣民ハ合衆國人民ノ書キタル書籍又ハ其ノ編輯シタル地圖ノ支那語譯ノ原文ヲ作成、印刷及販賣スルノ自由ヲ有スルモノトモ一ニ本條ハ支那國ノ安寧ヲ阻害スヘキ一切ノ出版物ノ著者、所有者又ハ販賣者タル合衆國人民又ハ支那國臣民ヲ正當ナル法律上ノ訴訟ニ對シ保護セラルモノトモ

第十二條 内地水路ノ航行

支那國政府ハ千八百九十八年帝國ノ内地航行可能水路ヲ旅客及正當貨物ノ運輸ノ目的ノ爲特ニ登錄セラルヘキ内國又ハ外國ノ一切ノ汽船ニ依ル通商ニ開キタルトモ合衆國人民、商館及會社ハ一切ノ外國ノ臣民ニ對シテ許與セラレタルモノト均等ノ條件ニ於テ右ノ通商ニ從事スルヲ得

レカ一方ノ締約國カ如何ナル時ニ於テモ右通商ニ關スル當時現行ノ法規
ヲ變更シ又ハ修正スルヲ有利ナリト思准スル場合ニハ支那國政府ハ支
那國ノ通商及利益ノ爲必要ナリト思准セラルル右改正ヲ友好ノ精神ヲ以テ
考慮シ且採用スルヲ同意ス

外國貿易ニ對スル奉天及安東縣ノ開市

支那國政府ハ本條約批准交換後盛京省內ノ奉天及安東縣ヲ國際的居住及貿
易ノ場所トシテ開放スルヲ同意ス國際的使用及專用ノ爲ニ特設セラレ
ル右地域
ヘテ適當ナル地域ノ選定及外國人ノ居住並通商ノ爲特設セラレル右地域
ニ關スル諸規則ハ合衆國及支那國政府協議シテ之ヲ定ムルモノトス

第十三條 內國貨幣制統一

支那國ハ帝國全土ニ於テ合衆國人民並支那國臣民カ一切ノ税金及其他ノ
債務支拂ニ付法定貨幣ニ統一セラルル內國貨幣制度ヲ設ケル爲ニ
必要ナル措置ヲ執ルヲ同意ス尤モ一切ノ關稅ハ從來通り海關兩ニ基
テ計算セラレ且支拂ハルモノトス

第十四條

基督教 其ノ牧師並信徒ノ無差別待遇宣教師
ノ權利義務

新教及羅馬舊教の教會ノ説ク基督教ノ教理ハ人ニ善ヲ爲シ且他人ヲシテ我
ニ爲サシトハト欲ムルトマロト他人ニ爲マロトヲ教マルモノト之ヲ認メ右
ノ教ユルモノト之ヲ認メ右ノ教理ヲ靜穩ニ説教スル者ハ其ノ信仰ノ故ヲ以
テ困惑又ハ迫害セラレサルモノト又右ノ教義ニ從ヒ基督教ノ教理ヲ平穩ニ
教テ且行フ者ハ合衆國人民タルト支那人ノ改宗者タルトヲ問ハズ如何ナル
場合ニ於テモ之カ爲妨害セラレ又ハ窘迫セラレサルモノト又基督教會ニ加
入セル支那人ニ對シテハ何等ノ制限ヲ課セサルモノト又支那國臣民タル者
ハ改宗者及非改宗者一様ニ支那國法律ニ從ヒ及其ノ共ニ平穩且親善ノ裡ニ
生活スル監督者ニ對シテ相當ノ尊敬ヲ拂ヒ及改宗者タルノ事實ハ該改宗者
シテ其ノ教會加入前犯シタルカ若ハ加入後犯スヘキ一切ノ加害行爲ノ結果
ヨリ免レシムル様保護シ又ハ其ノ信仰ト異ル宗教的慣習及行事ノ維持ノ爲
課セラルル税及寄附命ハ之ヲ除キ一般的ニ支那國臣民ニ對シテ課セラルル
法定ノ税ノ支拂ヲ免除セシムルモノニ非ズ宣教師ハ支那國臣民ニ對スル内
國官憲ノ管轄權行使ニ干涉セサルヘク又内國官憲ハ改宗者及非改宗者間ニ
何等ノ差別ヲ設ケヌシテ両者カ協同ニ平和ナル生活ヲ營ミ得ル様公平ニ法
律ヲ執行スヘキモノトス

財產 傳道會社ノ購入シタル土地

合衆國傳道會社ハ該會社ノ財產トシテ傳道的目的ノ爲帝國内ノ一切ノ地方ニ於テ建物又ハ土地ノ賃借及永久借地ヲ爲シ且無原證書カ地方官憲ニ依リ正當ト認メラレテ正式ニ檢印セラレタル後其ノ事業ノ實行ノ爲必要ナルヘキ適當ノ建物ノ建設ヲ爲スヲ得

第十五條 司法制度ノ改革 治外法權ノ撤廢

支那國政府ハ其ノ司法制度ヲ改革シ以テ泰西諸國ノ司法制度ト一致セシムントスルノ要望ヲ表明シタルトモ合衆國ハ右ノ改革ニ一切ノ援助ヲ與フトモ同意シ且又支那國法制狀態、其ノ執行組織及其ノ他ノ事項カ治外法權ノ撤廢ヲ現實ニ充分保障スル場合ニハ右^治治外法權ヲ撤廢スルノ覺悟アルモノトス

第十六條 「モルセオ」輸入禁止

合衆國政府ハ支那國政府カ「モルセオ」及其ノ注射器ノ支那國ヘノ輸入ヲ禁止スルヲトモ同意ス但シ警察ノ目的ノ爲關稅ヲ支拂ヒ且輸入ヲ右ノ目的ノ限度ニ有效ニ制限スヘキ支那國政定ノ取締規則ニ從ヒテ輸入セラルル

モノトナリ及共ノ注射器ハ之ヲ除クモノトモ右ノ禁止ハ一切ノ國ヨリノ該
輸入ニ一様ニ適用ヒラルモノトモ支那國政府ハ支那國政府ハ支那國ヨリ於テ
ル一モノトナリ及其ノ注射器ノ製造ヲ禁遏スルハ措置ヲ直ニ採用スルモノト
モ約ス

第十七條 本條約所定ノ修正事項以外諸條約ノ效力存續

締約國ハ合衆國及支那國間ノ諸條約ノ一切ノ條項ニシテ西曆千九百年一月
一日ニ於テ有效ナリシモノハ本條約又ハ合衆國カ一方ノ當事者ナル其ノ他
ノ諸條約ニ依リ修正ヒラルル限度ヲ除キ完全ニ其ノ効力ヲ存續スルモノト
ス、本條約ハ批准交換ノ日ヨリ起算シテ十年間及以下所定ノ通り修正ノ行
ハルル迄ハ其ノ効力ヲ存續スルモノトス

修正

且又一方ノ締約國ハ本條約所定ノ關稅率及雜項ハ本條約批准交換ノ日ヨリ
起算シテ十年ノ終ニ於テ修正ヒラルルハ其ノ要求スルモノトモ得ルモノトス
第一期ノ十年ノ終了前ニ修正ノ要求ナキ場合ニハ右條約ハ本條約所定ノ形
式ノ體第一期終了ノ日ヨリ起算シテ更ニ十年間及以下同様ニ遂次十年間完
全ニ効力ヲ存續スルモノトス

公文用語

本條約及其ノ三個ノ附屬書ノ英吉利語及支那語ノ原文ハ 重ナル比較ヲ經ルモ其ノ間何等カ意義ノ相違アル場合ニハ英吉利文ノ意義ヲ以テ正當ナルモノトス

本條約及其ノ三個ノ附屬書ハ締約國ニ依リ各自國ノ憲法ニ從テ批准セラルベク且批准^{交換本條}約日附ヨリ十二月以内ニ華盛頓ニ於テ之ヲ行フモノトス

右證據トシテ下各國各自ノ全權ニ依リ英吉利語及支那語ノ本條約二通ニ署名調印ス

西曆千九百三年十月十日 光緒二十九年八月十八日 上海ニ於テ作成ス

- エドウィン、エイチ、コンデラー 印
- ジョン、グロッドノー 印
- ジョン、エフ、シーマン 印
- 呂海寰 印
- 盛宣懷 印

(以下省略) 關稅率表

第一附屬書

合衆國人民ハ既ニ條約ニ依リ阿片ノ取引若ハ取扱ヲ禁止セラレタカ故ニ本條約ニ於テハ阿片ニ對スル課税ニ付何等言及セズ

塩ノ取引ハ支那國ニ於ケル政府專賣ナルカ故ニ本條約ニ於テハ塩ニ對スル課税ニ付何等言及セズ

尤モ充分ナル討議及考究ノ結果阿片及塩ニ對スル内國税ノ徵收並右内國税收入ヲ保護シ及右貨物ノ不正取引ヲ豫防スルニ手段ハ他國貨物ノ無害通過ニ關スル本條約第四條ノ規定ニ何等抵觸セサルヘキ方法ニ依リ支那國政府專賣之ヲ監理スルモノナリト認メラレタリ

エドウィン、エイダ、マシヤ、

ジョン、グールド、

ジョン、エフ、シーマン

呂海

盛宣懷

印

印

印

印

印

第二附屬書

本日附ノ合衆國及支那國間ノ通商條約第四條ハ開港場ニ於ケル内國稅關存
置ノ件ヲ規定ス右開港場ニ於ケル支那國ノ收入ヲ保護スル爲ニ支那國政府
ハ各開港場ニ於テ當該港所在ノ主ナル内國稅關ヨリ相當ノ距離以内ニ帝國
海關官憲カ當該港ノ輸出入貿易ヨリ生スル收入ヲ徵收スル爲必要ト認ムル
派出内國稅關ヲ設置且維持スルノ權利ヲ有スルモノトス各開港場ニ於ケル
右派出内國稅關及主ナル内國稅關ハ千九百一一年ノ議定書ニ規定セラレタル
帝國海關之ヲ管轄スルモノトス

エドウィン、エイチ、コンヂヤイ 印

ジョーン、グロッドノー 印

ジョン、エフ、シーマン 印

呂海 裝 印

盛直 懷 印

第三附屬書

本條約第五條ニ規定セラレタル本條約附屬ノ輸入貨物關稅率表ハ西曆千九

