

白皮書第六十五號（三十二年十一月）

中英關於取消英國在華治外法權及其有關特權條約

（中華民國三十二年一月十一日簽字  
中華民國三十二年五月二十日互換批准書）

中華民國國民政府外交部編印

上海图书馆藏书



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# 中英關於取消英國在華治外法權及其有關特權條約

中華民國國民政府主席閣下  
大不列顛愛爾蘭及海外諸自治領君主兼印度皇帝陛下  
照以友好精神使兩國間之一般關係更爲明顯並藉以解決若干與在中國之管轄權有關事件起見訂立本約爲此各派全權代表如左

中華民國國民政府主席閣下特派

中華民國外交部長宋子文爲全權代表

大不列顛愛爾蘭及海外諸自治領君主兼印度皇帝陛下（此後簡稱英王陛下）爲

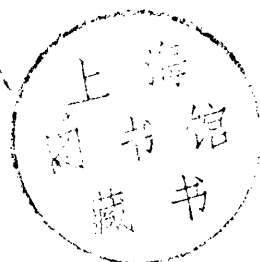
大不列顛北愛爾蘭聯合王國特派

英王陛下欽命駐中華民國全權大使薛穆爵士爲全權代表

印度特派

High Edward Richardson Esquire, an officer of the Indian Political Service 爲全權代表

各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

(一) 本約所適用之締約雙方領土在中華民國國民政府主席閣下方面為中華民國之一切領土在英王陛下方面為大不列顛及北愛爾蘭聯合王國印度一切殖民地海外領土英王陛下之保護國及在英王保護或宗主權下之一切領土以及聯合王國政府所執行委任統治之一切委任統治地本約以下各條所稱締約此方或彼方之領土即係指本約所適用之各該方領土

(二) 本約所稱「締約此方（或彼方）人民」字樣在中華民國方面為一切中華民國人民在英王陛下方面為本約所適用之領土內之一切不列顛臣民及受保護之人民

(三) 「締約此方（或彼方）公司」字樣在本約適用上應解釋為依照本約所適用之各該方領土之法律而組成之有限公司及其他公司合夥暨社團

## 第二條

現行中華民國國民政府主席閣下與英王陛下間之條約與協定凡授權英王陛下或其代表實行管轄在中華民國領土內英王陛下之人民或公司之一切條款茲將撤銷併廢英王陛下之人民及公司在中華民國領土內應依照國際公法之原則及國際慣例受中華民國政府之管轄

### 第三條

(一) 英王陛下認爲一九零一年九月七日中國政府與他國政府包括英王陛下聯合王國政府在北京簽訂之議定書應行取消並同意該議定書及其附件所給予英王陛下聯合王國政府之一切權利應予終止

(二) 英王陛下聯合王國政府願協助中華民國政府與其他有關政府成立必要之協定將北平使館界之行政與管理連同使館界之一切官有資產與官有義務移交於中華民國政府並相互了解中華民國政府於接收使館界行政與管理時應釐訂辦法担任並履行使館界之官有義務及債務並承認及保護該界內之一切合法權利

(三) 在北平使館界內已劃與英王陛下聯合王國政府之土地其上建有屬於英王陛下聯合王國政府之房屋中華民國政府允許英王陛下聯合王國政府爲公務上之目的有繼續使用之權

### 第四條

(一) 英王陛下認爲上海及廈門公共租界之行政與管理應歸還中華民國政府並同意凡屬於上述租界給予英王陛下之權利應予終止

(二) 英王陛下聯合王國政府願協助中華民國政府與其他有關政府成立必要之協定將上海及廈門公共租界之行政與

管理連同上述租界之一切官有資產與官有義務移交於中華民國政府並相互了解中華民國政府於接收上述租界行政與管理時應釐訂辦法擔任並履行上述租界之官有義務及債務並承認及保護該界內之一切合法權利

(三) 英王陛下同意將天津英租界(包括英方工部局所管全部區域)及廣州英租界之行政與管理歸還中華民國政府並同意凡關於上述兩租界給予英王陛下之權利應予終止

(四) 天津英租界(包括英方工部局所管全部區域)及廣州英租界之行政與管理連同其官有資產與官有義務應移交於中華民國政府並相互了解中華民國政府於接收該兩租界行政與管理時應釐訂辦法擔任並履行該兩租界之官有義務及債務並承認及保護該兩租界內之一切合法權利

## 第五條

(一) 爲免除英王陛下之人民及公司或英王陛下聯合王國政府在中華民國領土內現有關於不動產之權利發生任何問題尤爲免除各條約及協定之各條款因本約第二條規定廢止而可能發生之問題起見雙方同意上述現有之權利不得取銷作廢並不得以任何理由加以追究但依照法律手續提出證據證明此項權利係以詐欺或類似詐欺或其他不正當之手段所取得者不在此限隨時相互了解此項權利取得時所根據之原來手續如日後有任何變更之處該項權利不得因之作廢雙方並同意此項權

利之行徒應受中華民國關於徵收得稅徵用土地及有關國防各項法令之約束非經中華民國政府之明白許可並不得移轉於第三國政府或人民（包括公司）

（二）雙方並同意中華民國政府對於英王陛下之人民或公司或英王陛下聯合王國政府持有之不動產承租契或其他證據如欲另行換發新所有權狀時中國官廳當不徵收任何費用此項新所有權狀應充分保護上述租契或其他證據之持有人與其合法之繼承人及受讓人並不得減損其原來權益包括轉讓權在內

（三）雙方並同意中國官廳不得向英王陛下之人民或公司或英王陛下聯合王國政府要求繳納涉及本約發生效力以前有關土地移轉之任何費用

## 第六條

英王陛下對於中華民國人民在英王陛下各領土內早予以旅行居住及經商之權利中華民國政府同意對於英王陛下之人民在中華民國領土內予以相同之權利締約雙方在各該方之領土內盡力給予對方之人民及公司關於各項法律手續司法程序之處理及各種租稅之徵收與其有關事項不低於所給予本國人民與公司之待遇

## 第七條

締約此方之領事官經彼方給予執行職務證書後得在彼方領土內雙方所同意之口岸地方與城市駐紮彼方領土內之締約此方領事官在其領事區內應有與其本國人民及公司會晤通訊以及指示之權而締約此方之人民及公司在彼方領土之內亦隨時有與其本國領事官通訊之權遇有締約此方之任何人民在彼方領土內被地方官竊逮捕或拘留時該地方主管官應立即通知在該地領事區內之彼方領事官該領事官於其管轄範圍以內有權探視其任何被逮捕或在獄候審之本國人民締約此方之人民在彼方領土內被監禁者其與本國領事官之通信地方官應轉遞與其主管之領事官締約此方之領事官在彼方領土內應享有現代國際慣例所給予之權利特權與豁免

## 第八條

(一) 締約雙方經一方之請求或於現在抵抗共同敵國之戰事停止後至遲六個月內進行談判簽訂現代廣泛之友好通商航海設領條約此項條約將以近代國際程序與締約雙方近年來與他國政府所締結之近代條約中所表現之國際公法原則與國際慣例爲根據

(二) 前項廣泛條約未經訂立以前倘日後遇有涉及中華民國領土內英王陛下之人民或公司或英王陛下聯合王國政府



或印度政府權利之任何問題發生而不在本約及換文範圍內或不在締約雙方間現行而未經本約及換文廢止或與本約及換文不相抵觸之條約專約及協定之範圍內者應由締約雙方代表會商依照普通承認之國際公法原則及近代國際慣例解決之

## 第九條

本約應予批准批准書應於重慶迅速互換本約自互換批准書之日起發生效力

上開全權代表爰於本約簽字蓋印以昭信守

本約用中英文各繕兩份中文英文均有同等之效力

中華民國三十二年一月十一日即西歷一九四三年一月十一日訂於重慶

宋子文（簽名）

薛 穆（簽名）

黎吉生（簽名）



## 換文

### 甲 中國外交部長宋子文博士致薛穆爵士照會

中華民國國民政府主席閣下與大不列顛愛爾蘭及海外諸自治領君主兼印度皇帝陛下（代表大不列顛及北愛爾蘭聯合王國及印度）本日所簽訂之條約於其談判時曾討論若干問題雙方均已同意茲將關於各點所獲之諒解記錄於本照會之附件該項附件作為本日所簽訂條約內容之一部分並且該約生效之日即發生效力如荷

閣下以聯合王國政府之名義證實此等諒解本部長至深感幸

本部長順向

貴大使重表敬意

此致

英王陛下欽命駐中華民國全權大使薛穆爵士閣下

中華民國三十二年一月十一日

宋子文（簽名）

## 附件

(一)關於本約第二條及第八條第二項雙方了解

(甲)英王陛下放棄關於在中國通商口岸制度之一切現行條約權利中華民國國民政府主席與英王陛下相互同意締約一方之商船許其自由駛至締約彼方領土內對於海外商運業已或將來開放之口岸地方及領水並同意在該口岸地方及領水內給予此等船舶之待遇不得低於所給予各該本國船舶之待遇且應與所給予任何第三國船舶之待遇同樣優厚締約一方之「船舶」字樣指依照本約所適用該方領土內之法律登記者

(乙)英王陛下放棄關於上海及廈門公共租界特別法院一切現行條約權利

(丙)英王陛下放棄關於在中國領土內各口岸雇用外籍引水人之一切現行權利

(丁)英王陛下放棄關於其軍艦駛入中華民國領水之一切現行條約權利中華民國政府與聯合王國政府關於締約一方軍艦訪問彼方口岸應依照通常國際慣例相互給予優禮

(戊)英王陛下放棄要求任用英籍臣民為中國海關總稅務司之任何權利

(己)所有現在中華民國領土內設置之英王陛下一切法院既經依照本約第二條之規定予以停閉該項法院之命令宣告

判決及其他處分應認爲確定案件於必要時中國官廳應予以執行又當本約發生效力時凡在中國之英王陛下法院任何未結案件如原告或告訴人希望移交中華民國政府之主管法院時應即交由該法院從速進行處理並於可能範圍內適用英王陛下法庭所適用之法律

(庚)英王陛下放棄給予其船舶在中華民國領水內關於沿海貿易及內河航行之特權英王陛下之人民或公司用以經營此項事業之產業如業主願意出賣時中華民國政府準備以公平價格收購之中華民國政府放棄一八九四年三月一日在倫敦簽訂之專約第十二條所給予中國船舶在伊洛瓦底江關於航行之特權如締約一方在其任何領土內以沿海貿易或內河航行之權利給予任何第三國之船舶則此項權利亦應同樣給予締約彼方之船舶但以締約彼方准許締約此方之船舶在彼方領土內經營沿海貿易或內河航行爲條件沿海貿易與內河航行依照彼方有關法律之規定辦理不得要求彼方之本國待遇惟雙方同意締約一方之船舶在締約彼方之領土內關於沿海貿易及內河航行所享受之待遇應與任何第三國船舶之待遇同樣優厚惟須遵守上述但書之規定

(二)關於本約第五條第一節最末句中華民國政府茲聲明該條內所指有不動產權利之轉讓權所受之限制中國官廳當秉公辦理如中國政府對於所提出之轉讓拒絕同意而被拒絕轉讓之英王陛下之人民或公司請求收購時中國政府本公平

之精神及爲避免使英王陛下之利益關係人民或公司損失起見當以適當之代價收購該項權利

(三) 雙方了解通商口岸制度之廢止不得影響現有之財產權並了解締約一方之人民在締約彼方之領土全境得依照締約

彼方之法令所規定之條件享受取得並置有不動產之權利

(四) 雙方並同意凡本約及本照會未涉及之問題如有影響中華民國主權時應由中華民國政府與聯合王國政府之代表會商  
依照普通承認之國際公法原則及近代國際慣例解決之

## 乙 薛穆爵士復中國外交部長宋子文博士照會

頃准

貴部長本日照會內開

「中華民國國民政府主席閣下與不列顛愛爾蘭及海外諸自治領君主兼印度皇帝陛下（代表大不列顛及北愛爾蘭聯合王國及印度）本日所簽訂之條約於其談判時曾討論若干問題雙方均已同意茲將關於各點所獲之諒解記錄於本照會之附件該項附件作為本日所簽訂條約內容之一部分並自該約生效之日起發生效力如荷閣下以聯合王國政府之名義證實此等諒解亦部長至深感幸」

等由本大使茲特代表聯合王國政府證實

貴我雙方成立之諒解正如

貴部長照會之附件所記錄者該項附件作為本日所簽訂條約內容之一部分並自該約生效之日起發生效力

本大使願向

貴部長重表敬意

此致

中華民國外交部長宋閣下

西歷一九四三年一月十一日

一四

薛穆（簽名）



## 丙 中國外交部長宋子文博士致黎吉生先生照會

中華民國國民政府主席閣下與大不列顛愛爾蘭及海外諸自治領君主兼印度皇帝陛下（代表大不列顛及北愛爾蘭聯合王國及印度）本日所簽訂之條約於其談判時曾討論若干問題雙方均已同意茲將關於各點所簽之諒解記錄於本照會之附件該項附件作為本日所簽訂條約內容之一部分並自該約生效之日起發生效力如荷閣下以印度政府名義證實此等諒解本部長至深感幸

本部長順向

貴代表表示敬意

此致

印度駐中華民國專員公署黎吉生先生

中華民國三十二年一月十一日

宋子文（簽名）

## 附件

(一) 關於本約第二條及第八條第二項雙方了解

(甲) 英王兼印度皇帝陛下放棄關於在中國通商口岸制度之一切現行條約權利中華民國國民政府主席與英王兼印度皇帝陛下相同意締約一方之商船許其自由駛至締約彼方領土內對於海外商運業已或將來開放之口岸地方及領水並同意在該口岸地方及領水內給予此等船舶之待遇不得低於所給予各該本國船舶之待遇且應與所給予任何第三國船舶之待遇同樣優厚締約一方之「船舶」字樣指依照本約所適用該方領土內之法律登記者

(乙) 英王兼印度皇帝陛下放棄關於上海及廈門公共租界特別法院一切現行條約權利

(丙) 英王兼印度皇帝陛下放棄關於在中華民國領土內各口岸雇用外籍引水人之一切現行權利

(丁) 英王兼印度皇帝陛下放棄關於其軍艦駛入中華民國領水之一切現行條約權利中華民國政府與印度政府關於締約一方軍艦訪問彼方口岸應依照通常國際慣例相互給予優禮

(戊) 英王兼印度皇帝陛下放棄要求任用英籍臣民爲中國海關總稅務司之任何權利

(己) 所有現在中華民國領土內設置之英王兼印度皇帝陛下一切法院既經依照本約第二條之規定予以停閉該項法院

之命令宣告判決及其他處分應認爲確定案件於必要時中國官廳應予以執行又當本約發生效力時凡在中國之英王陛下法院任何未結案件如原告或告訴人希望移交中華民國政府之主管法院時應即交由該法院從速進行處理並於可能範圍內適用英王陛下法庭所適用之法律

(庚)英王兼印度皇帝陛下放棄給予其船舶在中華民國領水內關於沿海貿易或內河航行之特權英王陛下之人民或公司用以經營此項事業之產業如業主願意出賣時中華民國政府準備以公平價格收購之中華民國政府放棄一八九四年三月一日在倫敦簽訂之專約第十二條所給予中國船舶在伊洛瓦底江關於航行之特權如締約一方在其任何領土內以沿海貿易或內河航行之權利給予任何第三國之船舶則此項權利亦應同樣給予締約彼方之船舶但以締約彼方准許締約此方之船舶在彼方領土內經營沿海貿易或內河航行爲條件沿海貿易與內河航行依照彼方有關法律之規定辦理不得要求彼方之本國待遇惟雙方同意締約一方之船舶在締約彼方之領土內關於沿海貿易及內河航行所享受之待遇應與任何第三國船舶之待遇同樣優厚惟須遵守上述但書之規定

(二)關於本約第五條第一節最末句中華民國政府茲聲明該條內所指現有不動產權利之轉讓權所受之限制中國官廳當秉公辦理如中國政府對於所提出之轉讓拒絕同意而被拒絕轉讓之英王兼印度皇帝陛下之人民或公司請求收購時中國

政府本公平之精神及爲避免使英王陛下之利益關係人民或公司損失起見當以適當之代價收購該項權利

(三) 雙方了解通商口岸制度之廢止不得影響現有之財產權並了解締約一方之人民在締約彼方之領土全境得依照締約彼方之法令所規定之條件享受取得並置有不動產之權利

(四) 雙方並同意凡本約及本照會未涉及之問題如有影響中華民國主權時應由中華民國政府與印度政府之代表會商依照普通承認之國際公法原則及近代國際慣例解決之

丁 黎吉生先生復中國外交部長宋子文博士照會

頃准

貴部長本日照會內開

「中華民國國民政府主席閣下與大不列顛愛爾蘭及海外諸自治領君主兼印度皇帝陛下（代表大不列顛及北愛爾蘭聯合王國及印度）本日所簽訂之條約於其談判時曾討論若干問題雙方均已同意茲將關於各點所獲之諒解記錄於本照會之附件該項附件作爲本日所簽訂條約內容之一部分並自該約生效之日起發生效力如荷閣下以印度政府之名義證實此等諒解本部長至深感幸」

等由本代表茲特代表印度政府證實

貴我雙方成立之諒解正如

貴部長照會之附件所記錄者該項附件作爲本日所簽訂條約內容之一部分並自該約生效之日起發生效力

本代表順向

貴部長表示敬意

此致

中華民國外交部長宋閣下

西歷一九四三年一月十一日

黎吉生（簽名）

## 雙方同意之會議紀錄

中華民國三十一年一月十一日於重慶

關於本日簽訂之條約中國外交部長致英大使照會中附件第一節甲項彼此了解締約雙方爲國防計有權封閉任何口岸禁止其一切海外商運

關於本日簽訂之條約中國外交部長致英大使照會中附件第一節庚項英大使通知中國政府印度與緬甸或與錫蘭間之貿易一向認爲沿海貿易

宋子文（簽名）

薛穆（簽名）

**SINO-BRITISH TREATY FOR THE ABOLITION OF  
EXTRATERRITORIALITY AND RELATED  
RIGHTS IN CHINA**

His Excellency the President of the National Government of the Republic of China and His Majesty the King of Great Britain, Ireland and of the British Dominions beyond the Seas, Emperor of India:

Being desirous of defining more clearly in a spirit of friendship the general relations between them, and for this purpose to settle certain matters relating to jurisdiction in China;

Have decided to conclude a Treaty for this purpose and to that end have appointed as their Plenipotentiaries:

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

His Excellency, Doctor Tse Vung Soong, Minister for Foreign Affairs of the Republic of China;

His Majesty the King of Great Britain, Ireland and of the British Dominions beyond the Seas, Emperor of India (hereinafter referred to as His Majesty the King):

For the United Kingdom of Great Britain and Northern Ireland:

His Excellency, Sir Horace James Seymour, K.C.M.G., C.V.O., His Majesty's Ambassador Extraordinary and Plenipotentiary to the Republic of China;

For India:

Hugh Edward Richardson Esquire, an officer of the Indian Political Service;

Who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows:—



## Article 1.

(1) The territories of the High Contracting Parties to which the present Treaty applies are, on the part of His Excellency the President of the National Government of the Republic of China, all the territories of the Republic of China; and on the part of His Majesty the King, the United Kingdom of Great Britain and Northern Ireland, India, all colonies, overseas territories, protectorates of His Majesty, all territories under His protection or suzerainty and all mandated territories in respect of which the mandate is exercised by His Government in the United Kingdom. Any reference in subsequent articles of the present Treaty to the territories of one or the other High Contracting Party shall be deemed to relate to those territories of that High Contracting Party to which the present Treaty applies.

(2) In the present Treaty, the term "nationals of the one (or of the other) High Contracting Party" shall in relation to the Republic of China, mean all nationals of the Republic of China; and in relation to His Majesty the King all British subjects and all British protected persons belonging to the territories to which the present Treaty applies.

(3) The expression "companies of the one (or of the other) High Contracting Party" shall for the purpose of the present Treaty be interpreted as meaning limited liability and other companies, partnerships and associations constituted under the law of the territories of that High Contracting Party to which the present Treaty applies.

## Article 2.

All those provisions of treaties or agreements in force between His Excellency the President of the National Government of the Republic of China and His Majesty the King which authorise His Majesty or His representatives to exercise jurisdiction over nationals or companies of His Majesty in the territory of the Republic of China are hereby abrogated. The nationals and companies of His Majesty the King shall be subject in the territory of the Republic of China to the juria-

dition of the Government of the Republic of China, in accordance with the principles of international law and practice.

### Article 3.

(1) His Majesty the King considers that the Final Protocol concluded at Peking on September 7th, 1901, between the Chinese Government and other Governments, including His Majesty's Government in the United Kingdom, should be terminated, and agrees that the rights accorded to His Majesty's Government in the United Kingdom under that Protocol and under the agreements supplementary thereto shall cease.

(2) His Majesty's Government in the United Kingdom will co-operate with the Government of the Republic of China for the reaching of any necessary agreements with the other Governments concerned for the transfer to the Government of the Republic of China of the administration and control of the diplomatic quarter at Peiping, including the official assets and the official obligations of the diplomatic quarter, it being mutually understood that the Government of the Republic of China, in taking over administration and control of the diplomatic quarter, will make provision for the assumption and discharge of the official obligations and liabilities of the diplomatic quarter and for the recognition and protection of all legitimate rights therein.

(3) The Government of the Republic of China shall accord to His Majesty's Government in the United Kingdom a continued right to use for official purposes the land which has been allocated to His Majesty's Government in the United Kingdom in the diplomatic quarter in Peiping, on parts of which are located buildings belonging to His Majesty's Government in the United Kingdom.

### Article 4.

(1) His Majesty the King considers that the International Settlements at Shanghai and Amoy should revert to the administration and control of the Government of the

**Republic of China and agrees that the rights accorded to His Majesty in relation to those Settlements shall cease.**

**(2) His Majesty's Government in the United Kingdom will co-operate with the Government of the Republic of China for the reaching of any necessary agreements with the other Governments concerned for the transfer to the Government of the Republic of China of the administration and control of the International Settlements at Shanghai and Amoy, including the official assets and the official obligations of those Settlements, it being mutually understood that the Government of the Republic of China, in taking over administration and control of those Settlements, will make provision for the assumption and discharge of the official obligations and liabilities of those Settlements and for the recognition and protection of all legitimate rights therein.**

**(3) His Majesty the King agrees that the British Concession (including the whole British municipal area) at Tientsin and the British Concession at Canton shall revert to the administration and control of the Government of the Republic of China and that the rights accorded to His Majesty in relation to those Concessions shall cease.**

**(4) The administration and control of the British Concession (including the whole British municipal area) at Tientsin and the British Concession at Canton, including their official assets and official obligations shall be transferred to the Government of the Republic of China, it being mutually understood that the Government of the Republic of China in taking over administration and control of those Concessions will make provision for the assumption and discharge of the official obligations and liabilities of those Concessions and for the recognition and protection of all legitimate rights therein.**

#### **Article 5.**

**(1) In order to obviate any questions as to existing rights in respect of or as to existing titles to real property in the territory of the Republic of China possessed by nationals and companies of His Majesty the King, or by His Majesty's**

Government in the United Kingdom, and in particular questions which might arise from the abrogation of the provisions of treaties and agreements provided for in Article 2 of the present Treaty, the High Contracting Parties agree that such existing rights or titles shall be indefeasible and shall not be questioned upon any ground except upon proof, established through due process of law, of fraud or of fraudulent or dishonest practices in the acquisition of such rights or titles, it being understood that no right or title shall be rendered invalid by virtue of any subsequent change in the original procedure through which it was acquired. It is also agreed that the exercise of these rights or titles shall be subject to the laws and regulations of the Republic of China concerning taxation, national defence and the right of eminent domain; and that no such rights or titles may be alienated to the government or nationals (including companies) of any third country without the express consent of the Government of the Republic of China.

(2) The High Contracting Parties also agree that if it should be the desire of the Government of the Republic of China to replace by new deeds of ownership existing leases in perpetuity or other documentary evidence relating to real property held by nationals or companies of His Majesty the King or by His Majesty's Government in the United Kingdom, the replacement shall be made by the Chinese authorities without charges of any sort and the new deeds of ownership shall fully protect the holders of such leases or other documentary evidence, and their legal heirs and assigns without diminution of their prior rights and interests, including the right of alienation.

(3) The High Contracting Parties agree further that nationals or companies of His Majesty the King or His Majesty's Government in the United Kingdom shall not be required or asked by the Chinese authorities to make any payments of fees in connexion with land transfers for or with relation to any period prior to the effective date of this Treaty.

#### Article 6.

His Majesty the King having long accorded rights to nationals of the Republic of China within each of the territories of His Majesty to travel, reside and carry on commerce throughout the whole extent of that territory, the Government of the Republic of China agrees to accord similar rights to nationals of His Majesty within the territory of the Republic of China. Each High Contracting Party will endeavour to accord in his territories to nationals and companies of the other High Contracting Party in regard to all legal proceedings and in matters relating to the administration of justice and the levying of taxes and requirements in connexion therewith treatment not less favourable than that accorded to his own nationals and companies.

#### Article 7.

The consular officers of one High Contracting Party, duly provided with exequaturs, shall be permitted to reside in such ports, places and cities of the territories of the other High Contracting Party as may be agreed upon. The consular officers of one High Contracting Party shall have the right within their districts in the territories of the other High Contracting Party to interview, communicate with and to advise the nationals and companies of the former High Contracting Party, and the nationals and companies of one High Contracting Party within the territories of the other High Contracting Party shall have the right at all times to communicate with the consular officers of the former High Contracting Party. The consular officers of one High Contracting Party in the territories of the other shall be informed immediately by the appropriate local authorities when any of their nationals are arrested or detained in their consular districts by the local authorities. They shall have the right to visit within the limits of their districts any of their nationals who are under arrest or awaiting trial in prison. Communications from the nationals of one High Contracting Party in prison in the territories of the other High Contracting Party addressed to the consular officers of the former High

Contracting Party will be forwarded to the appropriate consular officer by the local authorities. Consular officers of one High Contracting Party shall be accorded in the territories of the other High Contracting Party the rights, privileges and immunities enjoyed by consular officers under modern international usage.

#### Article 8.

(1) The High Contracting Parties will enter into negotiations for the conclusion of a comprehensive modern treaty or treaties of friendship, commerce, navigation and consular rights upon the request of either of them or in any case within six months after the cessation of the hostilities in the war against the common enemies in which they are both now engaged. The treaty or treaties to be thus negotiated will be based upon the principles of international law and practice as reflected in modern international procedure and in the modern treaties which each of the High Contracting Parties have respectively concluded with other Powers in recent years.

(2) Pending the conclusion of the comprehensive treaty or treaties referred to in the preceding paragraph, if any questions affecting the rights in the territory of the Republic of China of the nationals or companies of His Majesty the King, or of His Majesty's Government in the United Kingdom or of the Government of India, should arise in future and if these questions are not covered by the present Treaty and Exchange of Notes or by the provisions of existing treaties, conventions and agreements between the High Contracting Parties which are not abrogated by or inconsistent with the present Treaty and Exchange of Notes, such questions shall be discussed by representatives of the High Contracting Parties and shall be decided in accordance with the generally accepted principles of international law and with modern international practice.

Article 9.

The present Treaty shall be ratified and the instruments of ratification shall be exchanged at Chungking as soon as possible. The Treaty shall come into force on the day of the exchange of ratifications.

In witness whereof the above mentioned Plenipotentiaries have signed the present Treaty and affixed thereto their seals.

Done at Chungking this Eleventh day of the First month of the Thirty Second year of the Republic of China corresponding to the Eleventh day of January, 1943, in duplicate in Chinese and English, both texts being equally authentic.

(Signed) Tse Vung Soong

(Signed) H. J. Seymour

(Signed) H. E. Richardson

## EXCHANGE OF NOTES

A. Note from Dr. Tse Vung Soong, Chinese Minister for Foreign Affairs to Sir Horace James Seymour.

Chungking, January 11th, 1943.

Sir,

During the negotiations for the Treaty signed today between His Excellency the President of the National Government of the Republic of China and His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, for the United Kingdom of Great Britain and Northern Ireland and India, a number of questions have been discussed upon which agreement has been reached. The understandings reached with regard to these points are recorded in the annex to the present Note, which annex shall be considered as an integral part of the Treaty signed today and shall be considered as effective upon the date of the entrance into force of that Treaty. I should be glad if Your Excellency would confirm these understandings on behalf of His Majesty's Government in the United Kingdom.

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

(Signed) Tse Vung Soong

His Excellency

Sir Horace James Seymour, K.C.M.G., C.V.O.,

His Majesty's Ambassador,

CHUNGKING.



## A N N E X

1. With reference to Article 2 and Article 8 (2) of the Treaty, it is understood that:

(a) His Majesty the King relinquishes all existing treaty rights relating to the system of Treaty Ports in China. His Excellency the President of the National Government of the Republic of China and His Majesty the King mutually agree that the merchant vessels of the one High Contracting Party shall be permitted freely to come to ports, places and waters in the territories of the other High Contracting Party which are or may be opened to overseas merchant shipping and that the treatment accorded to such vessels in such ports, places and waters shall be no less favourable than that accorded to national vessels and shall be as favourable as that accorded to vessels of any third country. The term "vessels" of a High Contracting Party means all vessels registered under the law of any of the territories of that High Contracting Party to which the Treaty signed this day applies.

(b) His Majesty the King relinquishes all existing treaty rights relating to the special courts in the International Settlements at Shanghai and Amoy.

(c) His Majesty the King relinquishes all existing rights with regard to the employment of foreign pilots in the ports of the territories of the Republic of China.

(d) His Majesty the King relinquishes all existing treaty rights relating to the entry of His naval vessels into the waters of the Republic of China; and the Government of the Republic of China and His Majesty's Government in the United Kingdom shall extend to each other in connexion with the visits of the warships of the one High Contracting Party to the ports of the other High Contracting Party mutual courtesy in accordance with ordinary international usage.

(e) His Majesty the King relinquishes any right to claim

the appointment of a British subject as Inspector-General of the Chinese Customs.

(f) All the courts of His Majesty the King which have hitherto been sitting in the territories of the Republic of China having been closed down in accordance with Article 2 of the Treaty signed this day, the orders, decrees, judgments and other acts of any of His Majesty's courts in China shall be considered as *res judicata* and shall when necessary be enforced by the Chinese authorities; further, any cases pending before any of His Majesty's courts in China at the time of the coming into effect of the Treaty shall if the plaintiff or the petitioner so desires be remitted to the appropriate courts of the Government of the Republic of China which shall proceed to dispose of them as expeditiously as possible and in so doing shall so far as practicable apply the law which the court of His Majesty would have applied.

(g) His Majesty the King relinquishes the special rights which His vessels have been accorded with regard to coasting trade and inland navigation in the waters of the Republic of China, and the Government of the Republic of China are prepared to take over any properties of His Majesty's nationals or companies which have been used for the purposes of these trades and which the owners may wish to dispose of and to pay adequate compensation therefor. The Government of the Republic of China relinquish the special rights which have been accorded to Chinese vessels in respect of navigation on the river Irrawaddy under Article 12 of the Convention signed in London on March 1st, 1894. Should one High Contracting Party accord in any of his territories the right of coasting trade or inland navigation to the vessels of any third country, such rights would similarly be accorded to the vessels of the other High Contracting party provided that the latter High Contracting Party permits the vessels of the former High Contracting Party to engage in the coasting trade or inland navigation of his territories. Coasting trade and inland navigation are excepted from the requirement of national treatment and are to be regulated according to the laws of each High Contracting Party in

relation thereto. It is agreed, however, that the vessels of either High Contracting Party shall enjoy within the territories of the other High Contracting Party with regard to coasting trade and inland navigation treatment as favourable as that accorded to the vessels of any third country subject to the above mentioned proviso.

2. With reference to the last sentence of Article 5 (1) of the Treaty, the Government of the Republic of China declare that the restriction on the right of alienation of existing rights and titles to real property referred to in that Article will be applied by the Chinese authorities in an equitable manner and that, if and when the Chinese Government decline to assent to a proposed transfer, the Chinese Government will, in a spirit of justice and with a view to precluding loss on the part of the nationals or companies of His Majesty the King whose interests are affected, undertake, if so requested by the national or company of His Majesty to whom permission to alienate has been refused, to take over the rights and titles in question and pay adequate compensation therefor.

3. It is understood that the abolition of the system of the Treaty Ports will not affect existing property rights and that the nationals of each High Contracting Party will enjoy the right to acquire and hold real property throughout the territories of the other High Contracting Party in accordance with the conditions and requirements prescribed in the laws and regulations of that High Contracting Party.

4. It is further agreed that questions which may affect the sovereignty of the Republic of China and which are not covered by the present Treaty or by the preceding provisions of the present Note shall be discussed by the Representatives of the Government of the Republic of China and His Majesty's Government in the United Kingdom and decided in accordance with the generally accepted principles of international law and modern international practice.

E. Note from Sir Horace James Seymour to Dr. Tse Vung Soong, Chinese Minister for Foreign Affairs.

Chungking, January 11th, 1943.

Sir,

I have the honour to acknowledge receipt of Your Excellency's Note of today's date reading as follows:

"During the negotiations for the Treaty signed today between His Excellency the President of the National Government of the Republic of China and His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, for the United Kingdom of Great Britain and Northern Ireland and India, a number of questions have been discussed upon which agreement has been reached. The understandings reached with regard to these points are recorded in the annex to the present Note, which annex shall be considered as an integral part of the Treaty signed today and shall be considered as effective upon the date of the entrance into force of that Treaty. I should be glad if Your Excellency would confirm these understandings on behalf of His Majesty's Government in the United Kingdom."

I have the honour on behalf of His Majesty's Government in the United Kingdom to confirm the understandings reached between us as recorded in the annex to Your Excellency's Note, which annex shall be considered as an integral part of the Treaty signed today and shall be considered as effective upon the date of the entrance into force of that Treaty.

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

(Signed) H. J. Seymour

His Excellency

Dr. Tse Vung Soong,  
Minister for Foreign Affairs  
of the Republic of China,  
C H U N G K I N G.

C. Note from Dr. Tse Vung Soong, Chinese Minister for Foreign Affairs to Mr. Hugh Edward Richardson.

Chungking, January 11th, 1943.

Sir,

During the negotiations for the Treaty signed today between His Excellency the President of the National Government of the Republic of China and His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, for the United Kingdom of Great Britain and Northern Ireland and India, a number of questions have been discussed upon which agreement has been reached. The understandings reached with regard to these points are recorded in the annex to the present Note, which annex shall be considered as an integral part of the Treaty signed today and shall be considered as effective upon the date of the entrance into force of that Treaty. I should be glad if you would confirm these understandings on behalf of the Government of India.

I avail myself of this opportunity to offer to you the assurance of my high consideration.

(Signed) Tse Vung Soong

Hugh Edward Richardson Esquire,

Indian Agency General,

C H U N G K I N G.

## A N N E X

1. With reference to Article 2 and Article 8 (2) of the Treaty, it is understood that:

(a) His Majesty the King Emperor relinquishes all existing treaty rights relating to the system of Treaty Ports in China. His Excellency the President of the National Government of the Republic of China and His Majesty the King Emperor mutually agree that the merchant vessels of the one High Contracting Party shall be permitted freely to come to ports, places and waters in the territories of the other High Contracting Party which are or may be opened to overseas merchant shipping and that the treatment accorded to such vessels in such ports, places and waters shall be no less favourable than that accorded to national vessels and shall be as favourable as that accorded to vessels of any third country. The term "vessels" of a High Contracting Party means all vessels registered under the law of any of the territories of that High Contracting Party to which the Treaty signed this day applies.

(b) His Majesty the King Emperor relinquishes all existing treaty rights relating to the special courts in the International Settlements at Shanghai and Amoy.

(c) His Majesty the King Emperor relinquishes all existing rights with regard to the employment of foreign pilots in the ports of the territories of the Republic of China.

(d) His Majesty the King Emperor relinquishes all existing treaty rights relating to the entry of His naval vessels into the waters of the Republic of China; and the Government of the Republic of China and the Government of India shall extend to each other in connexion with the visits of the warships of the one High Contracting Party to the ports of the other High Contracting Party mutual courtesy in accordance with ordinary international usage.

(e) His Majesty the King Emperor relinquishes any right to claim the appointment of a British subject as Inspector-General of the Chinese Customs.

(f) All the courts of His Majesty the King Emperor which have hitherto been sitting in the territories of the Republic of China having been closed down in accordance with Article 2 of the Treaty signed this day, the orders, decrees, judgments and other acts of any of His Majesty's courts in China shall be considered as *res judicata* and shall when necessary be enforced by the Chinese authorities; further, any cases pending before any of His Majesty's courts in China at the time of the coming into effect of the Treaty shall if the plaintiff or the petitioner so desires be remitted to the appropriate courts of the Government of the Republic of China which shall proceed to dispose of them as expeditiously as possible and in so doing shall so far as practicable apply the law which the court of His Majesty would have applied.

(g) His Majesty the King Emperor relinquishes the special rights which His vessels have been accorded with regard to coasting trade and inland navigation in the waters of the Republic of China, and the Government of the Republic of China are prepared to take over any properties of His Majesty's nationals or companies which have been used for the purposes of these trades and which the owners may wish to dispose of and to pay adequate compensation therefor. The Government of the Republic of China relinquish the special rights which have been accorded to Chinese vessels in respect of navigation on the river Irrawaddy under Article 12 of the Convention signed in London on March 1st, 1894. Should one High Contracting Party accord in any of his territories the right of coasting trade or inland navigation to the vessels of any third country, such rights would similarly be accorded to the vessels of the other High Contracting Party provided that the latter High Contracting Party permits the vessels of the former High Contracting Party to engage in the coasting trade or inland navigation of his territories. Coasting trade and inland navigation are excepted from the requirement of national treatment and are to be regulated according to the laws of each High Contracting Party in relation thereto. It is agreed, however, that the vessels of

either High Contracting Party shall enjoy within the territories of the other High Contracting Party with regard to coasting trade and inland navigation treatment as favourable as that accorded to the vessels of any third country subject to the above mentioned proviso.

2. With reference to the last sentence of Article 5 (1) of the Treaty, the Government of the Republic of China declare that the restriction on the right of alienation of existing rights and titles to real property referred to in that Article will be applied by the Chinese authorities in an equitable manner and that, if and when the Chinese Government decline to assent to a proposed transfer, the Chinese Government will, in a spirit of justice and with a view to precluding loss on the part of the nationals or companies of His Majesty the King Emperor whose interests are affected, undertake, if so requested by the national or company of His Majesty to whom permission to alienate has been refused, to take over the rights and titles in question and pay adequate compensation therefor.

3. It is understood that the abolition of the system of the Treaty Ports will not affect existing property rights and that the nationals of each High Contracting Party will enjoy the right to acquire and hold real property throughout the territories of the other High Contracting Party in accordance with the conditions and requirements prescribed in the laws and regulations of that High Contracting Party.

4. It is further agreed that questions which may affect the sovereignty of the Republic of China and which are not covered by the present Treaty or by the preceding provisions of the present Note shall be discussed by the Representatives of the Government of the Republic of China and the Government of India and decided in accordance with the generally accepted principles of international law and modern international practice.



D. Note from Mr. Hugh Edward Richardson to Dr. Tse Vung Soong, Chinese Minister for Foreign Affairs.

Chungking, January 11th, 1943.

Sir,

I have the honour to acknowledge receipt of Your Excellency's Note of today's date reading as follows:

"During the negotiations for the Treaty signed today between His Excellency the President of the National Government of the Republic of China and His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, for the United Kingdom of Great Britain and Northern Ireland and India, a number of questions have been discussed upon which agreement has been reached. The understandings reached with regard to these points are recorded in the annex to the present Note, which annex shall be considered as an integral part of the Treaty signed today and shall be considered as effective upon the date of the entrance into force of that Treaty. I should be glad if you would confirm these understandings on behalf of the Government of India."

I have the honour on behalf of the Government of India to confirm the understandings reached between us as recorded in the annex to Your Excellency's Note, which annex shall be considered as an integral part of the Treaty signed today and shall be considered as effective upon the date of the entrance into force of that Treaty.

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

(Signed) H. E. Richardson

His Excellency

Dr. Tse Vung Soong,  
Minister for Foreign Affairs  
of the Republic of China,  
C H U N G K I N G .

AGREED MINUTE

With reference to paragraph 1 (a) of the Annex to the Note from the Chinese Minister for Foreign Affairs to His Majesty's Ambassador in connexion with the Treaty signed today, it is understood that both High Contracting Parties reserve the right to close any port to all overseas merchant shipping for reasons of national security.

With reference to paragraph 1 (g) of the Annex to the Note from the Chinese Minister for Foreign Affairs to His Majesty's Ambassador in connexion with the Treaty signed today, His Majesty's Ambassador informed the Chinese Government that trade between India on the one hand and Burma or Ceylon on the other has always been regarded as coasting trade.

(Signed) Tse Vung Soong

(Signed) H. J. Seymour

CHUNGKING,

January 11th, 1943.

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