

中
葡
友
好
通
商
條
約

中
華
民
國
在
南
京
簽
訂
十
七
年
十
九
月

白皮書第四十號(民國二十二年)

中
華
民
國
國
民
政
府
外
交
部
編
印

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中葡友好通商條約
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中葡友好通商條約 目錄

中葡友好通商條約

大中華民國因咸欲鞏固兩國間四百餘年來幸有之陸誼并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

大葡萄牙共和國大總統特派

大葡萄牙共和國特派駐華全權公使畢安祺

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所享受之待遇

此締約國在本國領土內不得有何藉口對於彼締約國人民及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定一通商航海條約

第四條 本條約用中葡英三國文字各繕二份如遇解釋不同之處應以英文爲準

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兩份簽字蓋印以昭信守

大中華民國十七年十二月十九日 在南京簽訂
西歷一九二八年十二月十九日

王正廷
畢安祺



附件一

王部長致葡畢使照會

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葡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葡國政府訂定中國對於在華葡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葡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

大葡萄牙共和國特命駐華全權公使畢

大中華民國十七年十二月十九日

王正廷 印

中葡友好通商條約

葡畢使復王部長照會

大葡萄牙共和國特命駐華全權公使畢

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葡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葡國政府訂定中國對於在華葡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葡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葡國政府完全同意相應照復

貴部長查照爲荷須至照會者

右 照 會

大中華民國外交部長王

西歷一九二八年十二月十九日

畢安祺 印

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

中葡友好通商條約

附件三

聲明書

本部長茲以中華民國國民政府名義聲明葡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葡國法律章程範圍之內在葡國領土之任何區域內享有居住營商及土地權故允許葡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

中葡友好通商條約

附件四

共同聲明書

茲議定在中國之葡國人民及在葡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 印

畢安祺 印

中葡友好通商條約

附件五（甲）

葡畢使致王部長照會

大葡萄牙國特命駐華全權公使畢

爲

照會事本公使對於中葡兩國本日簽訂之條約其第一條之解釋認爲包括左列原則

此締約國之出產品或製造品當其輸入於彼締約國之領土時或由其本國領土輸出至彼締約國之領土時所完納之關稅內地稅或任何稅捐不得異於或高於自他國輸入之該國同類出產品或製造品或向他國輸出之本國同類出產品或製造品所完納之關稅內地稅或任何稅捐相應照請

貴部長查照見復爲荷須至照會者

右 照 會

大中華民國外交部長王

西歷一九二八年十二月十九日

畢安祺 印

中葡友好通商條約

附件五（乙）

王部長復葡畢使照會

大中華民國外交部長王

爲

照復事准

貴公使本日照開本公使對於中葡兩國本日簽訂之條約其第一條之解釋認爲包括左列原則

此締約國之出產品或製造品當其輸入於彼締約國之領土時或由其本國領土輸出至彼締約國之領土時所完納之關稅內地稅或任何稅捐不得異於或高於自他國輸入之該國同類出產品或製造品或向他國輸出之本國同類出產品或製造品所完納之關稅內地稅或任何稅捐

請查照見復等由本部長對於

貴公使此項見解認爲並無錯誤相應照復

貴公使查照可也須至照會者

右 照 會

大葡萄牙國特命駐華全權公使畢

中葡友好通商條約

中葡友好通商條約

大中華民國十七年十二月十九日

王正廷

印

附件六（甲）

王部長致葡畢使照會

大中華民國外交部長王

爲

照會事關於本日簽訂之中葡條約及附件茲聲明在該條約及聲明書與換文內所用之領土字樣應包括兩締約國之屬地及殖民地而言相應照請

貴公使查照見復爲荷須至照會者

右 照 會

大葡萄牙共和國特命駐華全權公使畢

大中華民國十七年十二月十九日

王正廷 印

中葡友好通商條約

附件六（乙）

葡畢使復王部長照會

大葡萄牙共和國特命駐華全權公使畢

爲

照復事准

貴部長本日照會內開關於本日簽訂之中葡條約及附件茲聲明在該條約及聲明書與換文內所用之領土字樣應包括兩締約國之屬地及殖民地而言等由准此本公使對於

貴部長此項見解認爲並無錯誤相應照復

貴部長查照可也須至照會者

右 照 會

大中華民國外交部長王

西歷一九二八年十二月十九日

畢安祺 印

中葡友好通商條約

**PRELIMINARY TREATY OF AMITY AND COMMERCE
BETWEEN THE REPUBLIC OF CHINA AND THE
REPUBLIC OF PORTUGAL**

The Republic of China and the Republic of Portugal, being equally animated by the desire to strengthen the ties of friendship which have happily subsisted between the two countries for more than four hundred years 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 Excellency the President of the Republic of Portugal:

Mr. Joao Antonio de Bianchi, Grand Cross of the Order of Christ, Officer of the Order of S. Tiago de Espada and Grand Cross of Chia Ho, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Portugal 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 respect 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 two 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 merchandise, higher or other 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 two 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 Chinese, Portuguese, and English. In case of any difference of interpretation, 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 the ratification has been effected.

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

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

 (Signed) CHENGTING T. WANG.

 (Signed) JOAO ANTONIO DE BIANCHI.

ANNEX I

MINISTRY OF FOREIGN AFFAIRS

Nanking, December 19, 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 Portugal shall be understood to begin to be operative on January 1st, 1930. Before such date the Chinese Government will make detailed arrangements with the Portuguese Government for the assumption by China of jurisdiction over Portuguese citizens in Chinese territory. Failing such arrangements on the said date, Portuguese citizens 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

Mr. JOAO ANTONIO DE BIANCHI,
Portuguese Minister to China,
Nanking.

Nanking, December 19, 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 Portugal shall be understood to begin to be operative on January 1st, 1930. Before such date the Chinese Government will make detailed arrangements with the Portuguese Government for the assumption by China of jurisdiction over Portuguese citizens in Chinese territory. Failing such arrangements on the said date, Portuguese citizens 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 Portuguese 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) JOAO ANTONIO DE BIANCHI.

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) CHENGTING 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 Portuguese citizens 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 Portuguese laws and regulations, enjoy the right to live and trade and to acquire property in any part of the Portuguese territory, will grant the same rights to Portuguese citizens 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 Portuguese citizens in Chinese territories and Chinese citizens in Portuguese territories shall hereafter pay such taxes or imposts as may be prescribed in the laws and regulations duly promulgated by the Chinese and the Portuguese Government respectively, provided that such taxes or imposts are not other or higher than those paid by the nationals of any other country.

(Signed) CHENGTING T. WANG.

(Signed) JOAO ANTONIO DE BIANCHI.

ANNEX V

Nanking, December 19, 1928.

Monsieur le Ministre,

With reference to Article I of the Treaty signed between us this day, I have the honour to request Your Excellency to confirm my understanding that the said Article shall be interpreted to include the following principle:—

Articles produced or manufactured in the territory of either of the High Contracting Parties shall not be subject, on their importation into the territory of the other Party or on their exportation from its own territory to the territory of the other Party, to any duties, internal charges or taxes other or higher than those paid, respectively, on like articles produced or manufactured in and imported from any other country, or on like articles produced or manufactured in the country and exported to any other country.

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

(Signed) JOAO ANTONIO DE BIANCHI.

His Excellency

Dr. CHENGTING T. WANG,

Minister for Foreign Affairs,

Nanking,

MINISTRY OF FOREIGN AFFAIRS

Nanking, December 19, 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:

“With reference to Article I of the Treaty signed between us this day, I have the honour to request Your Excellency to confirm my understanding that the said Article shall be interpreted to include the following principle:—

“Articles produced or manufactured in the territory of either of the High Contracting Parties shall not be subject, on their importation into the territory of the other Party or on their exportation from its own territory to the territory of the other Party, to any duties, internal charges or taxes other or higher than those paid, respectively, on like articles produced or manufactured in and imported from any other country, or on like articles produced or manufactured in the country and exported to any other country.”

I have the honour to confirm the correctness of the above.

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

(Signed) CHENGTING T. WANG.

His Excellency

Mr. JOAO ANTONIO DE BIANCHI,
Portuguese Minister to China,
Nanking.

ANNEX VI A

MINISTRY OF FOREIGN AFFAIRS

Nanking, December 19, 1928.

Monsieur le Ministre,

Referring to the Treaty signed between us this day and the Annexes thereto, I have the honour to state that it is my understanding that the word "territory" or "territories" used in the said Treaty as well as in the Declarations and Notes exchanged, include the possessions and colonies of each of the High Contracting Parties.

I shall be happy if Your Excellency will confirm the correctness of the above.

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

(Signed) CHENGTING T. WANG.

His Excellency

Mr. JOAO ANTONIO DE BIANCHI,
Portuguese Minister to China,
Nanking.

ANNEX VI B

Nanking, December 19, 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:

“Referring to the Treaty signed between us this day and the Annexes thereto, I have the honour to state that it is my understanding that the word ‘territory’ or ‘territories’ used in the said Treaty as well as in the Declarations and Notes exchanged, includes the possessions and colonies of each of the High Contracting Parties.”

I have the honour to confirm the correctness of the above.

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

(Signed) JOAO ANTONIO DE BIANCHI.

His Excellency

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

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