

TREATIES

Treaty and an accompanying exchange of notes between the United States of America and China respecting the relinquishment of extraterritorial rights in China and the regulation of related matters. Signed at Washington January 11, 1943; ratification advised by the Senate of the United States February 11, 1943; ratified by the President of the United States May 4, 1943; ratified by China February 4, 1943; ratifications exchanged at Washington May 20, 1943; proclaimed by the President of the United States May 24, 1943.

January 11, 1943

[T. S. 984]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a treaty between the United States of America and the Republic of China for the relinquishment of extraterritorial rights in China and the regulation of related matters, and an accompanying exchange of notes concerning matters related to extraterritorial rights in China, were concluded and signed by the duly authorized plenipotentiaries of the two countries at Washington on the eleventh day of January, one thousand nine hundred forty-three, the original of which treaty in the English and Chinese languages, the originals of the note signed in the English and Chinese languages by the plenipotentiary of the Republic of China, and a certified copy of the note in the English language signed, and a duplicate original thereof in the Chinese language sealed, by the plenipotentiary of the United States of America, are word for word as follows:

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHINA FOR THE RELINQUISHMENT OF EXTRATERRITORIAL RIGHTS IN CHINA AND THE REGULA- TION OF RELATED MATTERS

The United States of America and the Republic of China, desirous of emphasizing the friendly relations which have long prevailed between their two peoples and of manifesting their common desire as equal and sovereign States that the high principles in the regulation of human affairs to which they are committed shall be made broadly effective, have resolved to conclude a treaty for the purpose of adjusting certain matters in the relations of the two countries, and have appointed as their Plenipotentiaries:

The President of the United States of America,
Mr. Cordell Hull, Secretary of State of the United States of America,
and

The President of the National Government of the Republic of China,
Dr. Wei Tao-ming, Ambassador Extraordinary and Plenipotentiary
of the Republic of China to the United States of America;

Who, having communicated to each other their full powers found
to be in due form, have agreed upon the following articles:

ARTICLE I

Abrogation of prior
extraterritoriality pro-
visions.

Jurisdiction of
China over U. S. na-
tionals.

All those provisions of treaties or agreements in force between
the United States of America and the Republic of China which au-
thorize the Government of the United States of America or its rep-
resentatives to exercise jurisdiction over nationals of the United States
of America in the territory of the Republic of China are hereby abro-
gated. Nationals of the United States of America in such territory
shall be subject to the jurisdiction of the Government of the Republic
of China in accordance with the principles of international law and
practice.

ARTICLE II

Termination of Pro-
tocol of 1901.

The Government of the United States of America considers that
the Final Protocol concluded at Peking on September 7, 1901, between
the Chinese Government and other governments, including the Gov-
ernment of the United States of America, [¹] should be terminated
and agrees that the rights accorded to the Government of the United
States of America under that Protocol and under agreements supple-
mentary thereto shall cease.

Control of Diplo-
matic Quarter at Pei-
ping.

The Government of the United States of America will cooperate
with the Government of the Republic of China for the reaching of
any necessary agreements with other governments concerned for the
transfer to the Government of the Republic of China of the adminis-
tration 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 Diplo-
matic 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.

Right of U. S. to use
certain land in Diplo-
matic Quarter.

The Government of the Republic of China hereby accords to the
Government of the United States of America a continued right to
use for official purposes the land which has been allocated to the

¹ [Treaty Series 397.]

Government of the United States of America in the Diplomatic Quarter in Peiping, on parts of which are located buildings belonging to the Government of the United States of America.

ARTICLE III

The Government of the United States of America 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 the Government of the United States of America in relation to those Settlements shall cease.

International Settlements at Shanghai and Amoy.

The Government of the United States of America will cooperate with the Government of the Republic of China for the reaching of any necessary agreements with 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.

ARTICLE IV

In order to obviate any questions as to existing rights in respect of or as to existing titles to real property in territory of the Republic of China possessed by nationals (including corporations or associations), or by the Government, of the United States of America, particularly questions which might arise from the abrogation of the provisions of treaties or agreements as stipulated in Article I, it is agreed 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 other 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 official procedure through which it was acquired. It is also agreed that these rights or titles shall be subject to the laws and regulations of the Republic of China concerning taxation, national defense, and the right of eminent domain, and that no such rights or titles may be alienated to the government or nationals (including corporations or associations) of any third country without the express consent of the Government of the Republic of China.

Real property in China possessed by U. S. nationals or Government.
Post, p. 790.

It is also agreed 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 by the Government, of the United States of America, 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.

It is further agreed that nationals or the Government of the United States of America shall not be required or asked by the Chinese authorities to make any payments of fees in connection with land transfers for or with relation to any period prior to the effective date of this treaty.

ARTICLE V

Reciprocal rights of
nationals.

The Government of the United States of America having long accorded rights to nationals of the Republic of China within the territory of the United States of America to travel, reside and carry on trade throughout the whole extent of that territory, the Government of the Republic of China agrees to accord similar rights to nationals of the United States of America within the territory of the Republic of China. Each of the two Governments will endeavor to have accorded in territory under its jurisdiction to nationals of the other country, in regard to all legal proceedings, and to matters relating to the administration of justice, and to the levying of taxes or requirements in connection therewith, treatment not less favorable than that accorded to its own nationals.

ARTICLE VI

Consular officers.

The Government of the United States of America and the Government of the Republic of China mutually agree that the consular officers of each country, duly provided with exequaturs, shall be permitted to reside in such ports, places and cities as may be agreed upon. The consular officers of each country shall have the right to interview, to communicate with, and to advise nationals of their country within their consular districts; they shall be informed immediately whenever nationals of their country are under detention or arrest or in prison or are awaiting trial in their consular districts and they shall, upon notification to the appropriate authorities, be permitted to visit any such nationals; and, in general, the consular officers of each country shall be accorded the rights, privileges, and immunities enjoyed by consular officers under modern international usage.

It is likewise agreed that the nationals of each country, in the territory of the other country, shall have the right at all times to communicate with the consular officers of their country. Communications to their consular officers from nationals of each country who are under detention or arrest or in prison or are awaiting trial in the territory of the other country shall be forwarded to such consular officers by the local authorities.

ARTICLE VII

The Government of the United States of America and the Government of the Republic of China mutually agree that they will enter into negotiations for the conclusion of a comprehensive modern treaty of friendship, commerce, navigation and consular rights, upon the request of either Government or in any case within six months after the cessation of the hostilities in the war against the common enemies in which they are now engaged. The treaty to be thus negotiated will be based upon the principles of international law and practice as reflected in modern international procedures and in the modern treaties which the Government of the United States of America and the Government of the Republic of China respectively have in recent years concluded with other governments.

Proposed new treaty.

Pending the conclusion of a comprehensive treaty of the character referred to in the preceding paragraph, if any questions affecting the rights in territory of the Republic of China of nationals (including corporations or associations), or of the Government, of the United States of America should arise in future and if these questions are not covered by the present treaty, or by the provisions of existing treaties, conventions, or agreements between the Government of the United States of America and the Government of the Republic of China not abrogated by or inconsistent with this treaty, such questions shall be discussed by representatives of the two Governments and shall be decided in accordance with generally accepted principles of international law and with modern international practice.

Settlement of questions pending conclusion of new treaty.

ARTICLE VIII

The present treaty shall come into force on the day of the exchange of ratifications.

Entry into force.

The present treaty shall be ratified, and the ratifications shall be exchanged at Washington as soon as possible.

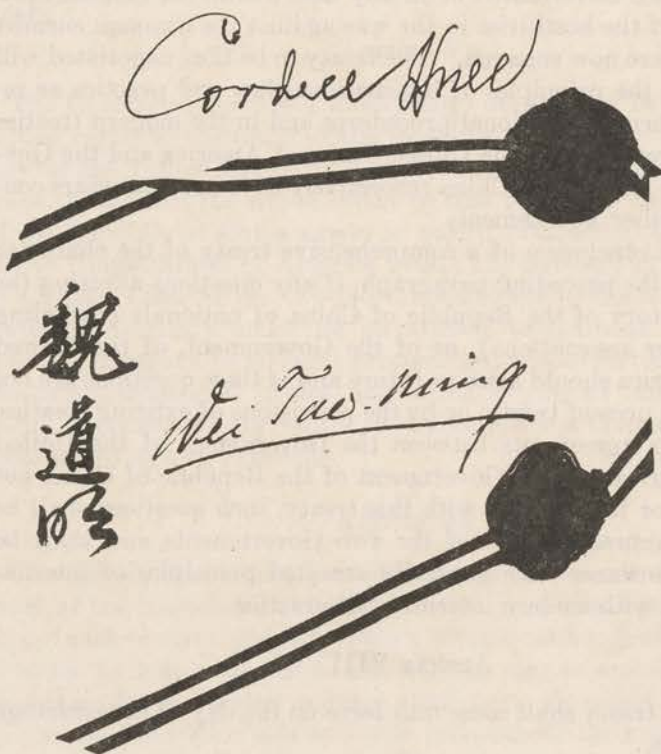
Signed and sealed in the English and Chinese languages, both equally authentic, in duplicate, at Washington, this eleventh day of January, one thousand nine hundred forty-three, corresponding to the eleventh day of the first month of the thirty-second year of the Republic of China.

本約於一九四三年一月十一日即中華民國三十二年一月十一日在華盛頓簽字蓋印。英文及中文各兩份。英文、中文有同等之效力。

Cordell Hull

魏道明

Wei Tao-ming



領條約。此項條約將以近代國際程序與美利堅合衆國政府及中華民國政府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為根據。

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美利堅合衆國人民（包括公司及社團）或政府權利之任何問題發生而不在本約範圍內，或不在美利堅合衆國政府與中華民國政府間現行而未經本約廢止，或與本約不相抵觸之條約專約及協定之範圍內者，應由兩國政府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。

第八條

本約自互換批准書之日起發生效力。

本約應予批准，批准書應於華盛頓迅速互換。

與其本國人民會晤通訊以及指示之權。倘其本國人民在其領事區內被拘留逮捕監禁或聽候審判時，應立即通知該領事官。該領事官於通知主管官廳後，得探視此等人民。總之，兩國之領事官應享有現代國際慣例所給予之權利特權與豁免。

雙方並同意對方人民在此國領土內者，有隨時與其領事官通訊之權。對方人民在此國之領土內被拘留逮捕監禁或聽候審判者，其與領事官之通訊，地方官廳應予轉遞。

第七條 美利堅合眾國政府與中華民國政府相互同意，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，簽訂一現代廣泛之友好通商航海設

雙方並同意中國官廳不得向美利堅合衆國人民或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。

第五條 美利堅合衆國政府對於中華民國人民在美利堅合衆國全境內早已予以旅行居住及經商之權利。中華民國政府同意對於美利堅合衆國人民在中華民國領土內予以相同之權利。兩國政府在各該國管轄所及之領土內盡力給予對方國人民關於各項法律手續司法事件之處理及各種租稅之徵收與其有關事項不低於所給本國人民之待遇。

第六條 美利堅合衆國政府與中華民國政府相互同意彼此領事官經對方給予執行職務證書後得在對方國雙方同意之口岸地方與城市駐紮。兩國之領事官在其領事區內應有

他不正當之手段所取得者不在此限。同時相互了解此項權利取得時所根據之官廳手續，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應受中華民國關於徵收捐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（包括公司及社團）。

雙方並同意中華民國政府對於美利堅合衆國人民或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障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。

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定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。

第四條 為免除美利堅合眾國人民(包括公司及社團)或政府中華民國領土內現有關於不動產之權利發生任何問題尤為免除各條約及協定之各條款因本約第一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消作廢並不得以任何理由加以追究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

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定辦法擔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。

在北平使館界內已劃與美利堅合眾國政府之土地其上建有屬於美利堅合眾國政府之房屋中華民國政府允許美利堅合眾國政府為公務上之目的有繼續使用之權。

第三條 美利堅合眾國政府認為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關於上述租界給予美利堅合眾國政府之權利應予終止。

美利堅合眾國政府願協助中華民國政府與其他有關政

第一條 現行美利堅合衆國與中華民國間之條約與協定
凡授權美利堅合衆國政府或其代表實行管轄在中華民國領土內美利堅合衆國人民之一切條款茲特撤銷作廢。
美利堅合衆國人民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。

第二條 美利堅合衆國政府認為一九零一年九月七日中華民國政府與他國政府包括美利堅合衆國政府在北京簽定之議定書應行取消並同意該議定書及其附件所給予美利堅合衆國政府之一切權利應予終止。

美利堅合衆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

美中關於取消美國在華治外法權及處理有關問題條約

美利堅合眾國 中華民國 為欲重視兩國人民間素來之友好關係並以平

等與主權國家之資格表示共同志願使彼此所承認規定人類關係之高尚原則得以發揚光大決定訂立條約以謀調整兩國間有關事項各派全權代表如左：

美利堅合眾國大總統特派

外交部部長赫爾

中華民國國民政府主席特派

駐美利堅合眾國特命全權大使魏道明；

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：

[EXCHANGE OF NOTES]

[*Note in the English and Chinese Languages From the Chinese Ambassador at Washington to the Secretary of State*]

CHINESE EMBASSY
WASHINGTON

JANUARY 11, 1943

EXCELLENCY:

Under instruction of my Government, I have the honor to state that in connection with the treaty signed today by the Government of the Republic of China and the Government of the United States of America, in which the Government of the United States of America relinquishes its extraterritorial and related special rights in China, it is the understanding of the Government of the Republic of China that the rights of the Government of the United States of America and of its nationals in regard to the systems of treaty ports and of special courts in the International Settlements at Shanghai and Amoy and in regard to the employment of foreign pilots in the ports of the territory of China are also relinquished. In the light of the abolition of treaty ports as such, it is understood that all coastal ports in the territory of the Republic of China which are normally open to American overseas merchant shipping will remain open to such shipping after the coming into effect of the present treaty and the accompanying exchange of notes.

It is mutually agreed that the merchant vessels of each country shall be permitted freely to come to the ports, places, and waters of the other country which are or may be open to overseas merchant shipping, and that the treatment accorded to such vessels in such ports, places, and waters shall be no less favorable than that accorded to national vessels and shall be as favorable as that accorded to the vessels of any third country.

It is mutually understood that the Government of the United States of America relinquishes the special rights which vessels of the United States of America have been accorded with regard to the coasting trade and inland navigation in the waters of the Republic of China and that the Government of the Republic of China is prepared to take over any American properties that may have been engaged for those purposes and to pay adequate compensation therefor. Should either country accord the rights of inland navigation or coasting trade to vessels of any third country such rights would similarly be accorded to the vessels of the other country. The coasting trade and inland navigation of each country are excepted from the requirement of national treatment and are to be regulated according to the laws of each country in relation thereto. It is agreed, however, that vessels of either

country shall enjoy within the territory of the other country with respect to the coasting trade and inland navigation treatment as favorable as that accorded to the vessels of any third country.

It is mutually understood that the Government of the United States of America relinquishes the special rights which naval vessels of the United States of America have been accorded in the waters of the Republic of China and that the Government of the Republic of China and the Government of the United States of America shall extend to each other the mutual courtesy of visits by their warships in accordance with international usage and comity.

It is mutually understood that questions which are not covered by the present treaty and exchange of notes and which may affect the sovereignty of the Republic of China shall be discussed by representatives of the two Governments and shall be decided in accordance with generally accepted principles of international law and with modern international practice.

With reference to Article IV of the treaty, the Government of the Republic of China hereby declares that the restriction on the right of alienation of existing rights or 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 declines to give 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 American nationals whose interests are affected, undertake, if the American party in interest so desires, to take over the right or title in question and to pay adequate compensation therefor.

It is mutually understood that the orders, decrees, judgments, decisions and other acts of the United States Court for China and of the Consular Courts of the United States of America in China shall be considered as *res judicata* and shall, when necessary, be enforced by the Chinese authorities. It is further understood that any cases pending before the United States Court for China and the Consular Courts of the United States of America in China at the time of the coming into effect of this treaty shall, if the plaintiff or petitioner so desires, be remitted to the appropriate courts of the Government of the Republic of China which shall proceed as expeditiously as possible with their disposition and in so doing shall in so far as practicable apply the laws of the United States of America.

It is understood that these agreements and understandings if confirmed by Your Excellency's Government shall be considered as forming 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 shall be much obliged if Your Excellency will confirm the foregoing.

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

WEI TAO-MING

HONORABLE CORDELL HULL
Secretary of State

約生效之日起，發生效力。

本代表應請

貴代表證實上述之了解為荷。

本代表順向

貴代表重表敬意。此致

美利堅合眾國外交部部長赫爾

魏道明

中華民國三十二年一月十一日即一九四三年一月十一日

中華民國駐美大使館

第六頁(全)

國之領事法庭之命令宣告判決決定及其他處分，應認為確定案件，於必要時，中國官廳應予以執行。雙方並了解當本約效力發生時，凡美利堅合眾國在中國之法院及美利堅合眾國在中國之領事法庭之任何未結案件，如原告或告訴人希望移交於中華民國政府之主管法院時，該法院應從速進行處理之，並於可能範圍內適用美國法律。

雙方了解此種同意與諒解，如荷

貴國政府證實，即作為本日所簽訂條約內容之一部分，並自該

中華民國駐美大使館

第五頁

主權時，應由兩國政府代表會商，依照普通承認之國際公法原則及近代國際慣例解決之。

關於本約之第四條，中華民國政府茲聲明該條內所指關於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。如中國政府對於可提出之轉讓拒絕同意，而美方利益關係人希望中國政府收購該項權利時，中國政府本公平之精神及為避免該利益關係人之損失起見，當以適當之代價收購之。

雙方了解美利堅合眾國在中國之法院及美利堅合眾國在中

中華民國駐美大使館

第四頁

彼方船舶以同樣之權利。締約國任何一方在他方之沿海貿易及內河航行，依照他方有關法律之規定辦理，不得要求他方之本國待遇。惟雙方同意一方之船舶在他方境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。

雙方了解美利堅合眾國政府放棄給予其軍艦在中華民國領水內之特權，並相互了解中華民國政府與美利堅合眾國政府對於彼此軍艦之訪問，應依照國際慣例及儀式，相互給予優禮。雙方了解凡本約及換文未涉及之問題，如有影響中華民國

中華民國駐美大使館

第三頁

雙方同意此國之商船，許其自由駛至彼國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。

雙方了解美利堅合眾國政府放棄給予美利堅合眾國船舶在中華民國領水內關於沿海貿易及內河航行之特權。中華民國政府準備以公平價格收購美方現時用以經營此項事業之一切產業，如任何一方以內河航行或沿海貿易權給予第三國船舶時，則應給予

中華民國駐美大使館

第二頁

本代表奉本國政府之命，茲特聲明：關於中華民國政府與美利堅合眾國政府本日簽訂美利堅合眾國政府放棄在中國治外法權及其有關特權之條約，中華民國政府認為關於通商口岸及上海廈門公共租界特區法院之制度，以及中國領土內各口岸外籍引水人之雇用，美利堅合眾國政府及人民所享有各權利一併放棄。鑒於此項通商口岸制度之廢止，彼此了解中華民國領土內，凡平時對美國海外商運已開放之沿海口岸，於本約及所附換文發生效力後，對於此項商運，仍繼續開放。

中華民國駐美大使館

第一頁

[*Note in the English and Chinese Languages From the Secretary of State to the Chinese Ambassador at Washington*]

DEPARTMENT OF STATE

WASHINGTON

January 11, 1943

EXCELLENCY:

In connection with the treaty signed today between the Government of the United States of America and the Government of the Republic of China in which the Government of the United States of America relinquishes its extraterritorial and related special rights in China, I have the honor to acknowledge the receipt of your note of today's date reading as follows:

"Excellency:

Under instruction of my Government, I have the honor to state that in connection with the treaty signed today by the Government of the Republic of China and the Government of the United States of America, in which the Government of the United States of America relinquishes its extraterritorial and related special rights in China, it is the understanding of the Government of the Republic of China that the rights of the Government of the United States of America and of its nationals in regard to the systems of treaty ports and of special courts in the International Settlements at Shanghai and Amoy and in regard to the employment of foreign pilots in the ports of the territory of China are also relinquished. In the light of the abolition of treaty ports as such, it is understood that all coastal ports in the territory of the Republic of China which are normally open to American overseas merchant shipping will remain open to such shipping after the coming into effect of the present treaty and the accompanying exchange of notes.

Treaty ports; special courts; foreign pilots in Chinese ports.

It is mutually agreed that the merchant vessels of each country shall be permitted freely to come to the ports, places, and waters of the other country which are or may be open to overseas merchant shipping, and that the treatment accorded to such vessels in such ports, places, and waters shall be no less favorable than that accorded to national vessels and shall be as favorable as that accorded to the vessels of any third country.

Merchant vessels.

It is mutually understood that the Government of the United States of America relinquishes the special rights which vessels of the United States of America have been accorded with regard to the coasting trade and inland navigation in the waters of the Republic of China and that the Government of the Republic of China is prepared to take over any American properties that may have been engaged for those purposes and to pay adequate com-

Coasting trade and inland navigation.

pensation therefor. Should either country accord the rights of inland navigation or coasting trade to vessels of any third country such rights would similarly be accorded to the vessels of the other country. The coasting trade and inland navigation of each country are excepted from the requirement of national treatment and are to be regulated according to the laws of each country in relation thereto. It is agreed, however, that vessels of either country shall enjoy within the territory of the other country with respect to the coasting trade and inland navigation treatment as favorable as that accorded to the vessels of any third country.

Naval vessels.

It is mutually understood that the Government of the United States of America relinquishes the special rights which naval vessels of the United States of America have been accorded in the waters of the Republic of China and that the Government of the Republic of China and the Government of the United States of America shall extend to each other the mutual courtesy of visits by their warships in accordance with international usage and comity.

Questions for future discussion.

It is mutually understood that questions which are not covered by the present treaty and exchange of notes and which may affect the sovereignty of the Republic of China shall be discussed by representatives of the two Governments and shall be decided in accordance with generally accepted principles of international law and with modern international practice.

Real property in China possessed by U. S. nationals or Government.
Ante, p. 769.

With reference to Article IV of the treaty, the Government of the Republic of China hereby declares that the restriction on the right of alienation of existing rights or 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 declines to give 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 American nationals whose interests are affected, undertake, if the American party in interest so desires, to take over the right or title in question and to pay adequate compensation therefor.

U. S. Court for China, and Consular Courts.

It is mutually understood that the orders, decrees, judgments, decisions and other acts of the United States Court for China and of the Consular Courts of the United States of America in China shall be considered as *res judicata* and shall, when necessary, be enforced by the Chinese authorities. It is further understood that any cases pending before the United States Court for China and the Consular Courts of the United States of America in China at the time of the coming into effect of this treaty shall, if the plaintiff or petitioner so desires, be remitted to the appropriate courts of the Government of the Republic of China which shall proceed as expeditiously as possible with their

disposition and in so doing shall in so far as practicable apply the laws of the United States of America.

It is understood that these agreements and understandings if confirmed by Your Excellency's Government shall be considered as forming 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.

Agreements, etc.,
considered as integral
part of treaty.

Effective date.

I shall be much obliged if Your Excellency will confirm the foregoing.

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

I have the honor to confirm that the agreements and understandings which have been reached in connection with the treaty signed today by the Government of the United States of America and the Government of the Republic of China are as set forth in the above note from Your Excellency.

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

CORDELL HULL

His Excellency

Dr. WEI TAO-MING,
Ambassador of China.

I certify the foregoing to be a true copy of the original note.

CORDELL HULL
Secretary of State.

本代表應請貴代表證實上述之了解，為荷。

本代表順向 貴代表重表敬意。

本代表茲特證實關於美利堅合眾國政府與中華民國政府本日簽訂之條約，業已成立之同意與諒解，正如

貴代表上述來照所稱者，本代表順向

貴代表重表敬意。此致

中華民國駐美利堅合眾國特命全權大使魏

一九四三年一月十一日

赫爾



[Seal of the
Secretary
of State]

第六頁

國之領事法庭之命令，宣告判決，決定及其他處分，應認為確定案件。於必要時，中國官廳應予以執行。雙方並了解當本約效力發生時，凡美利堅合眾國在中國之法院及美利堅合眾國在中國之領事法庭之任何未結案件，如原告或告訴人希望移交於中華民國政府之主管法院時，該法院應從速進行處理之，並於可能範圍內適用美國法律。

雙方了解此種同意與諒解，如荷貴國政府證實，即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。

公法原則及近代國際慣例解決之。

第五頁

關於本約之第四條，中華民國政府茲聲明該條內所指關於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，而美方利益關係人希望中國政府收購該項權利時，中國政府本公平之精神及為避免該利益關係人之損失起見，當以適當之代價收購之。

雙方了解美利堅合眾國在中國之法院及美利堅合眾國在中

第四頁

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。

雙方了解美利堅合眾國政府放棄給予其軍艦在中華民國領水內之特權，並互相了解中華民國政府與美利堅合眾國政府對於彼此軍艦之訪問，應依照國際慣例及儀式，相互給予優禮。

雙方了解凡本約及換文未涉及之問題，如有影響中華民國主權時，應由兩國政府代表會商，依照普通承認之國際

待遇，且應與所給予任何第三國船舶之待遇同樣優厚。

第三頁

雙方了解美利堅合眾國政府放棄給予美利堅合眾國船舶在中華民國領水內關於沿海貿易及內河航行之特權。中華民國政府準備以公平價格收購美方現時用以經營此項事業之一切產業，如任何一方以內河航行或沿海貿易權給予第三國船舶時，則應給予彼方船舶以同樣之權利。締約國任何一方在他方之沿海貿易及內河航行，依照他方有關法律之規定辦理，不得要求他方之本國待遇，惟雙方同意一方之船舶在他方境內

第二頁

領土內各口岸外籍引水人之雇用，美利堅合衆國政府及人民所享有之權利一併放棄。鑒於此項通商口岸制度之廢止，彼此了解中華民國領土內，凡平時對美國海外商運已開放之沿海口岸，於本約及所附換文發生效力後，對於此項商運，仍繼續開放。

雙方同意此國之商船，許其自由駛至彼國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

DEPARTMENT OF STATE
WASHINGTON

關於美利堅合眾國政府與中華民國政府本日簽訂美利堅合眾國政府放棄其在中國之治外法權及其有關特權之條約，本代表接准

貴代表本日之照會內開：

本代表奉本國政府之命茲特聲明：關於中華民國政府與美利堅合眾國政府本日簽訂美利堅合眾國政府放棄在中國治外法權及其有關特權之條約，中華民國政府認為關於通商口岸及上海、廈門、公共租界、特區、法院之制度，以及中國

AND WHEREAS it is provided in Article VIII of the said treaty that the treaty shall be ratified and shall come into force on the day of the exchange of ratifications, and it is provided in the said exchange of notes that the agreements and understandings contained therein shall be considered as forming an integral part of the said treaty and shall be considered as effective upon the date of the entrance into force of that treaty;

Ante, p. 771.

AND WHEREAS the said treaty and the said exchange of notes have been duly ratified on the part of the Government of the United States of America and the Government of the Republic of China, and the ratifications of the two Governments were exchanged at Washington on the twentieth day of May, one thousand nine hundred forty-three;

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said treaty and the said exchange of notes to be made public to the end that the same and every article, clause and part thereof may be observed and fulfilled with good faith by the United States of America and all persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE in Washington this twenty-fourth day of May in the year of our Lord one thousand nine hundred forty-three, and of [SEAL] the Independence of the United States of America the one hundred sixty-seventh.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

Secretary of State