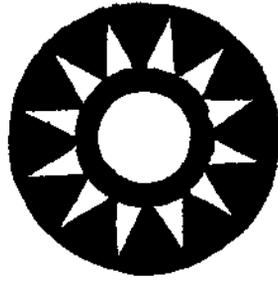


白皮書第九十四號（三十七年一月）



中葡關於取消葡萄牙在華領事裁判權及處理其他事項之換文

（中華民國三十六年四月一日互換
中華民國三十六年四月一日生效）

中華民國國民政府外交部編印

中葡關於取消葡萄牙在華領事裁判權及處理其他事項之換文

譯文

(一)葡萄牙駐華公使致中國外交部部長照會

茲謹代表葡萄牙共和國政府奉達

貴部長：葡萄牙政府願增進葡萄牙共和國與中華民國及兩國人民間之友好關係並爲此目的業經決定放棄其在華關於領事裁判權之權利及調整下開其他各事項爰建議訂立協定如左

一、兩國間之現行條約或協定凡授權葡萄牙政府或其代表在中華民國領土內對葡萄牙共和國國民或公司行使領事管轄權之一切條款茲特撤消作廢

葡萄牙共和國國民在中華民國領土內應遵守中華民國法律及受中華民國法院之管轄

二、關於北平使館界及上海廈門公共租界關於中國通商口岸制度與中國領土內各口岸外籍引水人之雇用以及關於葡萄牙共和國船舶在中華民國領水內之沿海貿易與內河航行葡萄牙共和國政府及其國民所享有一切權利概行放棄對於此等船舶應在相互原則下給予與對於任何業已同樣放棄上述權利之其他國家之船舶所規定之同等待遇

三、在中國之葡萄牙領事法庭前所發布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並應予以執

行凡在中國之葡萄牙共和國領事法庭現有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儘速進行處理之並儘可能適用葡萄牙共和國之法律

四、關於葡萄牙共和國政府國民或公司在中國之現有不動產權利雙方同意此項權利及其契據不得取消作廢此項權利及契據之葡萄牙所有人在中國所享受之待遇及所應遵守之規章並應與爲一九四三年一月十一日以後與中華民國政府訂有廢除治外法權條約之任何他國政府之國民或公司所規定者相同

上述建議如荷

貴部長以中華民國政府名義證實中華民國政府願予接受本照會與

貴部長覆照即認爲構成葡萄牙共和國與中華民國間之協定並自互換照會之日起開始生效

本公使順向

貴部長重表敬意

此致

中華民國外交部部長王世杰博士閣下

公曆一千九百四十七年四月一日於南京

鄂賽嘉 (簽字)

(二) 中國外交部部長覆葡萄牙駐華公使照會

頃准

貴公使本日照會內開：

「茲謹代表葡萄牙共和國政府奉達

貴部長：葡萄牙政府亟願增進葡萄牙共和國與中華民國及兩國人民間之友好關係並爲此目的業經決定放棄其在華關於領事裁判權之權利及調整下開其他各事項爰建議訂立協定如左：

一、兩國間之現行條約或協定凡授權葡萄牙政府或其代表在中華民國領土內對葡萄牙共和國國民或公司行使領事管轄權之一切條款茲特撤消作廢

葡萄牙共和國國民在中華民國領土內應遵守中華民國法律及受中華民國法院之管轄

二、關於北平使館界及上海廈門公共租界關於中國通商口岸制度與中國領土內各口岸外籍引水人之雇用以及關於葡萄牙共和國船舶在中華民國領水內之沿海貿易與內河航行葡萄牙共和國政府及其國民所享有一切權利概行放棄對於此等船舶應在相互原則下給予與對於任何業已同樣放棄上述權利之其他國家之船舶所規定之同等待遇

三、在中國之葡萄牙領事法庭前所發布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並應予

以執行凡在中國之葡萄牙共和國領事法庭現有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儘速進行處理之並儘可能適用葡萄牙共和國之法律

四、關於葡萄牙共和國政府國民或公司在中國之現有不動產權利雙方同意此項權利及其契據不得取消作廢此項權利及契據之葡萄牙所有人在中國所享受之待遇及所應遵守之規章並應與爲一九四三年一月十一日以後與中華民國政府訂有廢除治外法權條約之任何他國政府之國民或公司所規定者相同

上述建議如荷

貴部長以中華民國政府名義證實中華民國政府願予接受本照會與

貴部長覆照即認爲構成葡萄牙共和國與中華民國間之協定並自互換照會之日起開始生效」

等由本部長茲奉命代表中華民國政府接受

貴公使來照所紀錄之建議本照會及

貴公使來照即認爲構成中華民國與葡萄牙共和國間之協定並自互換照會之日起開始生效

本部長願向

貴公使重表敬意

此致

葡萄牙共和國駐中華民國特命全權公使鄂養嘉博士閣下

公曆一千九百四十七年四月一日於南京

王世杰 (簽字)

EXCHANGE OF NOTES BETWEEN CHINA AND
PORTUGAL FOR THE RELINQUISHMENT BY
PORTUGAL OF ITS RIGHTS RELATING TO
THE CONSULAR JURISDICTION IN
CHINA AND THE ADJUSTMENT
OF CERTAIN OTHER MATTERS

I. NOTE FROM H. E. DR. J. B. FERREIRA DA
FONSECA, MINISTER OF PORTUGAL TO H. E.
DR. WANG SHIH-CHIEH, MINISTER FOR
FOREIGN AFFAIRS.

Legation of Portugal
Nanking, 1st April, 1947

Sir,

I have the honour on behalf of the Government of the Republic of Portugal, to inform Your Excellency that the Portuguese Government, being desirous of strengthening the friendly relations existing between the Republic of Portugal and the Republic of China as well as between their respective peoples, and having resolved for this purpose to relinquish its rights relating to the consular jurisdiction in China and to adjust certain other matters hereinafter referred to, proposes to conclude an agreement reading as follows:

1. All those provisions of treaties or agreements in force between both countries which authorize the Government of Portugal or its representatives to exercise consular jurisdiction over nationals or companies of the Republic of Portugal in the territory of the Republic of China are hereby abrogated.

The nationals of the Republic of Portugal shall be subject in the territory of the Republic of China to the laws and the jurisdiction of the law courts of the Republic of China.

2. All the rights of the Government of the Republic of Portugal and of its nationals in regard to the Diplomatic Quarter in Peiping and the International Settlements at Shanghai and Amoy, in regard to the system of treaty ports in China and the employment of foreign pilots

in the ports of the territory of China, and in regard to the coasting trade and inland navigation which have been accorded to vessels of the Republic of Portugal in the waters of the Republic of China are hereby relinquished. To these vessels shall be accorded, under reciprocity, the same treatment stipulated for the vessels of any other country which has similarly relinquished the aforesaid rights.

3. The orders, decrees, decisions and judgements and other acts issued hitherto by the Portuguese consular courts in China shall be considered as "res judicata", and shall, when necessary, be enforced by the Chinese authorities. Any cases pending presently before the consular courts of the Republic of Portugal in China 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 to dispose of them as expeditiously as possible and in so doing shall so far as practicable apply the laws of the Republic of Portugal.

4. Concerning the existing rights in respect of real property in China held by the Government or by the nationals or companies of the Republic of Portugal, it is agreed that such rights and titles in relation thereto shall be indefeasible and that Portuguese owners of such rights and titles shall enjoy in China the same treatment and be subject to the same regulations as are stipulated for the Government or for the nationals or companies of any other country which has concluded with the Republic of China a treaty for the abolition of extraterritorial rights since January 11, 1943.

If Your Excellency would confirm on behalf of the Government of the Republic of China its acceptance of the above-mentioned proposals, the present Note and Your Excellency's Note in reply shall be deemed to constitute an agreement between the Republic of Portugal and the Republic of China which shall come into force from the date of the exchange of the present Notes.

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

(Signed) J. B. Ferreira da FONSECA

His Excellency
Dr. Wang Shih-Chieh
Minister for Foreign Affairs
Nanking

II. NOTE FROM H. E. DR. WANG SHIH-CHIEH,
MINISTER FOR FOREIGN AFFAIRS TO H. E.
DR. J. B. FERREIRA DA FONSECA, MINISTER
OF PORTUGAL.

Ministry of Foreign Affairs,
Nanking, 1st April, 1947

Sir,

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

"I have the honour on behalf of the Government of the Republic of Portugal, to inform Your Excellency that the Portuguese Government, being desirous of strengthening the friendly relations existing between the Republic of Portugal and the Republic of China as well as between their respective peoples, and having resolved for this purpose to relinquish its rights relating to the consular jurisdiction in China and to adjust certain other matters hereinafter referred to, proposes to conclude an agreement reading as follows:

1. All those provisions of treaties or agreements in force between both countries which authorize the Government of Portugal or its representatives to exercise consular jurisdiction over nationals or companies of the Republic of Portugal in the territory of the Republic of China are hereby abrogated.

The nationals of the Republic of Portugal shall be subject in the territory of the Republic of China to the laws and the jurisdiction of the law courts of the Republic of China.

2. All the rights of the Government of the Republic of Portugal and of its nationals in regard to the Diplomatic Quarter in Peiping and the International Settlements at Shanghai and Amoy, in regard to the system of treaty ports in China and the employment of foreign pilots in the ports of the territory of China, and in regard to the coasting trade

and inland navigation which have been accorded to vessels of the Republic of Portugal in the waters of the Republic of China are hereby relinquished. To these vessels shall be accorded, under reciprocity, the same treatment stipulated for the vessels of any other country which has similarly relinquished the aforesaid rights.

3. The orders, decrees, decisions and judgements and other acts issued hitherto by the Portuguese consular courts in China shall be considered as "res judicata", and shall, when necessary, be enforced by the Chinese authorities. Any cases pending presently before the consular courts of the Republic of Portugal in China 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 to dispose of them as expeditiously as possible and in so doing shall so far as practicable apply the laws of the Republic of Portugal.

4. Concerning the existing rights in respect of real property in China held by the Government or by the nationals or companies of the Republic of Portugal, it is agreed that such rights and titles in relation thereto shall be indefeasible and that Portuguese owners of such rights and titles shall enjoy in China the same treatment and be subject to the same regulations as are stipulated for the Government or for the nationals or companies of any other country which has concluded with the Republic of China a treaty for the abolition of extraterritorial rights since January 11, 1943.

If Your Excellency would confirm on behalf of the Government of the Republic of China its acceptance of the above-mentioned proposals, the present Note and Your Excellency's Note in reply shall be deemed to constitute an agreement between the Republic of Portugal and the Republic of China which shall come into force from the date of the exchange of the present Notes."

I have the honour to inform Your Excellency that I am authorized to confirm, on behalf of the Government of the Republic of China, its acceptance of the proposals as recorded in Your Excellency's Note. The present Note and Your Excellency's Note under reply shall be deemed to constitute an agreement between the Republic of China and the Republic of Portugal which shall come into force from the date of the exchange of the present Notes.

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

(Signed) WANG Shih-Chieh

His Excellency

Dr. J. B. Ferreira da Fonseca
Minister of Portugal to China
Nanking

**EXCHANGE OF NOTES
BETWEEN CHINA AND PORTUGAL
FOR
THE RELINQUISHMENT BY
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TO THE CONSULAR JURISDICTION
IN CHINA AND THE ADJUSTMENT
OF CERTAIN OTHER MATTERS**