

白皮書第九十號（三十七年一月）

中丹關於取消丹麥在華治外法權及處理有關問題條約

（中華民國三十五年五月二十日簽字  
中華民國三十五年五月二十日起暫行生效  
中華民國三十六年四月十四日互換批准書）

中華民國國民政府外交部編印

## 中華民國與丹麥王國關於取消丹麥在華治外法權及處理有關問題條約

中華民國爲補充一九二八年十二月十二日所締結之友好通商條約並加強兩國間素來之友好關係起見爰決定根據平等互惠

則締結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

中華民國國民政府外交部部長王世杰

丹麥王國國王陛下特派

丹麥王國特命全權專使高福曼

兩全權代表各將所奉全權證書互相校閱均屬妥善議訂條款如左

### 第一條

現行中華民國與丹麥王國間之條約或協定凡授權丹麥王國政府或其代表實行管轄在中華民國領土內丹麥人民之一切條款茲特撤銷作廢丹麥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

丹麥王國政府在北平使館界及在上海與廈門公共租界如有任何特權一概放棄

### 第三條

一、爲免除丹麥人民公司或社團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或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并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同時相互諒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此作廢雙方並同意此項權利之行使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任何第三國政府或人民（包括公司及社團）

二、雙方並同意中華民國政府對於丹麥人民公司或社團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

三、雙方並同意中國官廳不得向丹麥人民公司或社團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

四、本條第一款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

而丹方利益關係人希望中國政府收購該項權利時中國政府秉公平之精神及爲避免該利益關係之人民公司或社團之損失起見當以適當之代價收購之

#### 第四條

丹麥王國政府對於中華民國人民在丹麥領土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丹麥人民在中華民國領土內予以相同之權利

#### 第五條

此國人民在彼國領土內關於法院及其他官廳保護其身體與財產之一切事項應享受與彼國人民同樣之待遇

#### 第六條

兩國政府在各該國管轄所及之領土內給予對方國人民公司及社團關於租稅之徵收或其有關事項不低於所給予任何第三國人民公司及社團之待遇但兩國均不得要求對方國與第三國間依據避免複稅之協定而互相適用關於徵稅之優惠

#### 第七條

一、中華民國政府與丹麥王國政府同意彼此領事官經對方給予執行職務證書後得在對方國領土內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與其本國人民公司及社團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或監禁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

二、雙方並同意對方人民公司及社團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或監禁者其與領事官之通訊主管官廳應予轉遞

## 第八條

一、丹麥王國政府放棄關於在中國通商口岸制度之一切現行條約權利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外國海外商運已開放之沿海口岸對於丹麥海外商運仍繼續開放

二、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」字樣指依照該方之法律登記者

三、彼此了解締約雙方為國防計有權封閉任何口岸禁止其一切海外商運

## 第九條

一、丹麥王國政府放棄給予丹麥船舶在中華民國領水內關於沿海貿易及內河航行之特權任何用以經營此項事業之丹麥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

二、如任何一方於日後簽訂之協定中以任何關於沿海貿易或內河航行之優惠給予任何第三國之船舶則此項優惠應同樣給予彼方之船舶但中華民國不得要求丹麥給予斯坎的那維亞國家中任何一國或數國之特殊優惠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

## 第十條

通商口岸制度之廢止不得影響現有之財產權締約一方之人民在締約彼方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

## 第十一條

丹麥王國政府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

## 第十二條

依照本約第一條之規定丹麥在中國之法院既經停閉該項法院之命令宣告判決及其他處分應認為確定案件於必要時中國

官廳應予以執行又當本約發生效力時凡在中國之丹麥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丹麥法院所適用之法律

### 第十三條

一、締約雙方同意從速進行談判簽訂一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丹麥王國政府或人民公司或社團權利之任何問題發生而不在本約範圍內或不在中華民國政府與丹麥王國政府間現行而未經本約廢止或與本約不相牴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通常承認之國際公法原則及近代國際慣例解決之

### 第十四條

凡本約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通常承認之國際公法之原則及近代國際慣例解決之

### 第十五條

本約用中文丹麥文及英文各繕兩份解釋遇有歧異時應以英文本爲準

## 第十六條

本約應從速批准自兩國政府彼此通知業已批准之日起發生效力批准書應隨後於南京互換  
兩全權代表爰於本約簽字蓋印以昭信守

中華民國三十五年五月二十日即公曆一九四六年五月二十日訂於南京

王世杰 (簽字)

高福曼 (簽字)



## 換 文 (甲)

(一) 丹麥專使高福曼致中國外交部部長王世杰照會

按本日丹麥王國與中華民國所簽訂關於取消丹麥在華治外法權及處理有關問題之條約第十六條規定本約應自兩國政府彼此通知業已批准之日起發生效力

但兩國政府均願本約條款立即生效同意在本約未批准前自本日起暫行生效

本專使茲特代表丹麥政府證實此項諒解如荷

閣下以中華民國之名義證實此項諒解至深感幸

本專使順向

貴部長重表敬意

此致

中華民國外交部部長王閣下

公曆一九四六年五月二十日於南京

高 福 曼 (簽 字)

(二) 中國外交部部長王世杰覆丹麥專使高福曼照會

頃准

貴專使本日照會內開

「按本日丹麥王國與中華民國所簽訂關於取消丹麥在華治外法權及處理有關問題之條約第十六條規定本約應自兩國政府彼此通知業已批准之日起發生效力但兩國政府均願本約條款立即生效同意在本約未批准前自本日起暫行生效本專使茲特代表丹麥政府證實此項諒解如荷閣下以中華民國之名義證實此項諒解至深感幸」

本部長茲特代表中華民國政府證實

貴我雙方成立之諒解即本日中華民國與丹麥王國所簽訂關於取消丹麥在華治外法權及處理有關問題之條約在未批准前自本日起暫行生效

本部長順向

貴專使重表敬意

此致

丹麥特命全權專使高福曼閣下

公曆一九四六年五月二十日於南京

王世杰 (簽字)

# 換 文 (乙)

(一) 中國外交部部長王世杰致丹麥專使高福曼照會

關於中華民國政府與丹麥王國政府本日所簽訂

丹麥政府放棄其在華治外法權及其有關特權之條約本部長茲特聲明雙方對於下列一點業已成立協議

雙方了解本約第五條關於在丹麥訴訟費用之擔保及訴訟救助問題應由兩國政府以特殊協定解決之在此項特殊協定未訂立時所有在丹麥對一般他國人民所適用關於訴訟費用之擔保及訴訟救助之規則與慣例對中華民國人民應亦適用

本部長應請

貴專使證實上述之了解爲荷

本部長順向

貴專使重表敬意

此致

丹麥王國特命全權專使高福曼閣下

公曆一九四六年五月二十日於南京

王 世 杰 (簽 字)

(二)丹麥專使高福曼覆中國外交部部長王世杰照會

關於丹麥王國政府與中華民國政府本日所簽訂丹麥政府放棄其在華治外法權及其有關特權之條約本專使頃准

貴部長本日照會內開

「關於中華民國政府與丹麥王國政府本日所簽訂丹麥政府放棄其在華治外法權及其有關特權之條約本部長茲特聲明雙方對於下列一點業已成立協議

雙方了解本約第五條關於在丹麥訴訟費用之擔保及訴訟救助問題應由兩國政府以特殊協定解決之在此項特殊協定未訂立時所有在丹麥對一般他國人民所適用關於訴訟費用之擔保及訴訟救助之規則與慣例對中華民國人民應亦適用本部長應請貴專使證實上述之了解爲荷」

本專使茲特證實關於丹麥王國政府與中華民國政府本日所簽訂之條約業已成立之協議正如

貴部長上述來照所稱者

本專使順向

貴部長重表敬意

此致

中華民國外交部部長王寵惠閣下

公曆一九四六年五月二十日於南京

高福曼

（簽字）

TREATY BETWEEN THE REPUBLIC OF CHINA  
AND THE KINGDOM OF DENMARK  
FOR THE RELINQUISHMENT OF  
EXTRATERRITORIAL RIGHTS IN CHINA  
AND THE REGULATION OF RELATED MATTERS

The Republic of China and the Kingdom of Denmark being desirous of completing the Preliminary Treaty for Amity and Commerce of December 12th, 1928, and of strengthening the ties of friendship which happily subsist between the two countries have resolved to conclude a Treaty, based on the principles of equality and reciprocity, and have for this purpose named as their Plenipotentiaries:

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

Docteur Wang Shih-chieh, Minister for Foreign Affairs of the National Government of the Republic of China;

His Majesty the King of Denmark:

Monsieur Henrik de Kauffmann, Envoy Extraordinary and Plenipotentiary of the Kingdom of Denmark:

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

ARTICLE I

All those provisions of treaties or agreements in force between the Republic of China and the Kingdom of Denmark which authorize the Government of the Kingdom of Denmark or its representatives to exercise jurisdiction over nationals of Denmark in the territory of the Republic of China are hereby abrogated. Nationals of Denmark 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

The Government of the Kingdom of Denmark

relinquish their special rights if any in the diplomatic quarter in Peiping and the International Settlements at Shanghai and Amoy.

### ARTICLE III

1. In order to obviate any questions as to existing rights in respect of real property in the territory of the Republic of China possessed by Danish nationals, companies or associations, particularly questions which might arise from the abrogation of the provisions of treaties or agreements as stipulated in Article I of the present Treaty, it is agreed that such existing rights 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, it being understood that no right 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 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 may be alienated to the Government or nationals (including companies and associations) of any third country without the express consent of the Government of the Republic of China.

2. 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 Danish nationals, companies or associations, 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. It is further agreed that Danish nationals,

companies or associations 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.

4. The restriction on the right of alienation of existing rights to real property referred to in paragraph 1 of this article will be applied by the Chinese authorities in an equitable manner, and 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 Danish nationals, companies or associations whose interests are affected, undertake, if the Danish party in interest so desires, to take over the right in question and to pay adequate compensation therefor.

#### ARTICLE IV

The Government of the Kingdom of Denmark having long accorded rights to nationals of the Republic of China within the territory of Denmark to travel, reside and carry on trade throughout that territory, the Government of the Republic of China agree to accord similar rights to nationals of Denmark within the territory of the Republic of China.

#### ARTICLE V

The nationals of each country shall within the territory of the other country, in all questions regarding protection by the courts of justice and other authorities for their persons and property, enjoy the same treatment as the nationals of that country.

#### ARTICLE VI

Each of the two Governments will accord in territory under its jurisdiction to nationals, companies and associations of the other country in regard to the levying of taxes or requirements in connection therewith treatment not less favorable than that accorded to the nationals, companies and associations of any



third country. Neither country shall however be entitled to claim such favors in regard to taxation as are mutually applied between the other country and a third country by virtue of an agreement for the avoidance of double taxation.

## ARTICLE VII

1. The Government of the Republic of China and the Government of the Kingdom of Denmark agree that the consular officers of each country, duly provided with exequaturs, shall be permitted to reside in such ports, places and cities of the territory of the other country as may be agreed upon. The consular officers of each country shall have the right to interview, to communicate with, and to advise nationals, companies and associations 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 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.

2. It is likewise agreed that the nationals, companies and associations 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 in the territory of the other country shall be forwarded to such consular officers by the competent authorities.

## ARTICLE VIII

1. The Government of the Kingdom of Denmark relinquish all existing treaty rights relating to the system of treaty ports in China. 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