

約專斷公美中

CONVENTION BETWEEN
CHINA AND THE
UNITED STATES.

互換條約文憑

光緒三十四年九月十四日即西歷一千九百八年十月八號在華盛頓訂立之中美公斷條約
現由署名下方之兩全權大臣晤會將

批准約文互換彼此

批准約本詳慎校閱均屬相符即於是日互換兩全權大臣特將此互換條約文憑署名蓋印以昭信
守

宣統元年閏二月十六日

在華盛頓互換

西歷一千九百九年四月六號

大清國欽差大臣 伍廷芳

大美國欽差大臣 P. C. KNOX

CONVENTION BETWEEN CHINA AND THE UNITED STATES.

中美公斷專約

大清國

大皇帝

大美國

大總理璽天德爲和息國際爭端起見曾於西歷一千八百九十九年七月二十九號在海牙立約約內第十

九款聲明日後再訂條款俾將兩國以爲可以調處

之事件悉付公斷茲特立一公斷條約爲此各簡全

權大臣如下

權大臣如下

大清國

大皇帝特簡

欽差出使美國

伍廷芳

大美國

大總理璽天德特簡

部大臣路特爲全權大臣

此將所奉全權文憑校閱均

His Majesty the Emperor of China and the President of the United States of America, taking into consideration the fact that the High Contracting Parties to the Convention for the pacific settlement of international disputes, concluded at the Hague on the 29th July, 1899, have reserved to themselves, by Article XIX of that Convention, the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment, have resolved to conclude an Arbitration Convention between the two countries, and for that purpose have named as their Plenipotentiaries, that is to say:

His Majesty the Emperor of China, WU TING-FANG, Envoy Extraordinary and Minister Plenipotentiary to the United States of America, Mexico, Peru, and Cuba; and

The President of the United States of America, Elihu Root, Secretary of State of the United States of America;

Who, after having communicated to each other their Full Powers, found to be in good and due form have agreed upon and concluded the following Article :—

ARTICLE I.

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence or the honor of the two Contracting States, and do not concern the interests of third Parties.

ARTICLE II.

In each individual case the High Contracting Parties before appealing to the Permanent Court of Arbitration shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and

屬妥善會同
議定條款開
列如左

第一款

兩立約國遇有爭端關於法律意義或條約解釋爲外交法不能議結者應付西歷一千八百九十九年七月二十九號公約設立之海牙常川公斷院判決惟須無碍彼此國脈所繫之利權或自主權或名譽又不干涉第三國利權者方可照辨

第二款

凡遇此種爭端於未付公斷院之先兩國應訂特約詳列所爭執事由公斷員之權限及公斷院之招集與分次理處之期限此種特約在美國一面應由

the Several stages of the procedure. It is understood that such special agreements will be made on the part of the United States by the President of the United States by and with the advice and consent of the Senate thereof.

ARTICLE III.

The present Convention shall remain in force for the period of five years from the date of the exchange of the ratifications.

ARTICLE IV.

The present Convention shall be ratified by the High Contracting Parties, and the ratifications thereof shall be exchanged at Washington as soon as possible.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed the present Convention, and have thereunto affixed their seals.

DONE at the City of Washington, in duplicate, this 14th day of the 9th month of the 34th year of KWANG HSÜ, corresponding to the 8th day of October, one thousand nine hundred and eight.

大總理璽天德得有
上議院協贊允
諾乃行訂立

第三款
本約施行期
限自互換之
日起以五年
爲期

第四款
本約應由兩國
批准後即在美國華盛頓從速互換本約立於美國
京城華盛頓約文共繕兩分由兩全權大臣署
名蓋印以昭信守
光緒三十四年九月十四日
西歷一千九百八年十月八號
大清國欽差大臣伍廷芳
大美國外部大臣 P. C. KNOX

外務部奏請派駐美使臣會商立約摺光緒三十年十一月二十二日

奏爲美國願與中國訂立和衷調理之約請

旨飭派駐美使臣會商辦理恭摺仰祈

聖鑒事竊臣等准美國駐京使臣康格照稱接本國外部文開按照西歷一千八百九十九年在和蘭海牙弭兵會所立萬國和衷之規條第十九款所有允准畫押之國各留已權互相定調和之約已有數國按此立約尤以法英兩國所立之約爲要美國議院總以調和息兵爲保全仁術甚願歷久不渝目盼天下各國共獲此福美國總統行文議院若遇兩國有事不可擅啓兵端理應另籌善法了結須竭力鼓舞此等辦法又深信中國與美國同心合意故飭外部轉囑駐華使臣請詢中國政府願否與美國訂立一和衷調理之約與法英兩國所立之約相同該約法英文附送轉達如中國政府允准請飭駐美使臣與總統特派全權大臣會商立約簽押等因臣等查光緒二十五年各國在和蘭海牙城創立保和公會內有和解公斷條約經

欽派大臣與議畫押本年復經臣部繕呈約本奏請

批准在案該約第十九款內載畫押各國除現訂公約或專約言明應歸公斷外仍可於此等約章批准之前或批准之後遇有應歸公斷辦理事件另訂公約或專約統歸公斷以期推廣等語今美國使臣奉其總統之命請與中國另訂和衷調理之約即本此約推廣之意臣等復譯所送法英約文大致

謂凡有干涉律例或兩國條約意見不同且非公使所能議結者應請公會調處此等事須與兩國存亡榮辱及自主之權無關且與他國利害無涉方可照辦又凡遇一案先立專約將所爭論與調處者之權限及招集調處人員分次辦理之期限逐一詳叙又此約自滿押之日起以五年爲期各等因核其宗旨係兩國遇有交涉事件意見不同彼此難商結者特欲立此條約可以和平調處中美素稱敦睦美國使臣既有此請自可仿照辦理以期益篤邦交有裨大局相應請

旨飭派駐美使臣梁誠爲全權大臣與美國總統所派大臣會商立約伏候
命下卽由臣部分別轉行遵照所有請

旨飭派駐美使臣與美國會商立約緣由理合恭摺具陳伏乞

皇太后

皇上聖鑒謹

奏

光緒三十年十一月二十一日奉

硃批著梁誠會商辦理欽此

外務部奏中美公斷專約請派全權大臣畫押摺

光緒三十四年八月十六日

奏爲中美訂立公斷專約請

旨特授全權大臣畫押恭摺仰祈

聖鑒事竊按保和會和解國際紛爭條約第四十條載有締約各國可另訂專約遇有可交義務公斷之事歸諸公斷等語前於光緒三十年美國使臣康格曾奉其總統之命向我提議與英法一律訂立公斷專約經臣部於是年十一月二十一日奏明奉

硃批著梁誠會商辦理欽此轉行電知前駐美使臣梁誠欽遵旋據該大臣電稱美總統與議院意見不合英法約作廢因而罷議聲明將來再訂仍邀我國等語谷在案現在第二次保和會和解紛爭之約又已畫押各國多互訂公斷專約美國亦與英法日本等國訂約臣部正擬續申前議而駐美使臣伍廷芳來函亦以我國亟宜仿立此約爲言當即電致該大臣向美廷提議嗣准該大臣將所議約稿四款函送前來臣等查保和會約內公斷一節必須先與友邦另立公斷專約然後可收公約之益是該專約關繫和平大局實非淺鮮美國與我國睦誼素敦前旣首先邀我議訂此約茲卒克底於成將來如與他國訂立亦可援引辦理詳核約稿與各國約文無所出入按之我國情形亦無窒礙自可照訂謹將該約繕呈

御覽如蒙

中美公斷專約

俞允請

特授駐美使臣伍廷芳爲全權大臣將該約畫押伏候
命下臣部即轉行該大臣遵照所有中美公斷專約請
旨畫押緣由理合恭摺具陳伏乞

皇太后

皇上聖鑒謹

奏

光緒三十四年八月十六日奉

硃批依議欽此

出使美墨秘古國大臣伍廷芳奏中美公斷專約遵旨畫押情形摺

奏爲中美公斷專約遵

旨畫押恭摺具陳仰祈

聖鑒事竊查光緒二十五年間各國在海牙訂立公約約內第十九款聲明日後再訂條款遇有兩國交涉事件意見不同彼此不能議結者悉付公斷自公約既立各國先後互訂公斷專約光緒三十年駐京美使嘗奉其總統之命向外務部提議與英法一律訂約經外務部具奏奉

硃批著梁誠會商辦理欽此旋因總統與議院意見不合英法約作廢因而罷議本年二月間臣抵美接任後探悉美與英法俄日本等國均已訂有專約查此約關係和平大局實非淺鮮當經商承外務部特向美廷續中前議旋由總統諭飭迅即與臣訂定再三晤商所訂條款與各國專約大致相仿當將約稿譯就漢文錄送外務部查核茲於光緒三十四年八月十六日承准外務部電開中美公斷專約事本部本日具奏請

特授駐美使臣伍廷芳爲全權大臣將該約畫押一摺奉

硃批依議欽此希即欽遵辦理等因臣即日欽遵照會美外部時值外部大臣暑假未歸迨九月初旬該大臣迴回華盛頓都城彼此訂定約稿繕就漢文英文各二分公同校對無譌訂期九月十四日畫押屆時臣率同參贊通譯官親赴外部互將約本畫押蓋印訖即日電達外務部代爲

奏明在案竊維中美兩國陸誼素敦邦交日篤決無待局外調停之事惟排難解紛有備無患既訂斯約尤足以隱弭爭端消融意見將來與各國一律仿立均可視此以爲權輿實於中外大局不無裨益謹將約本漢文英文各二分照例咨送外務部請

旨批行所有微臣迭准外務部函電與美國訂定公斷專約遵

旨畫押情形理合恭摺馳陳伏乞

皇太后

皇上聖鑒訓示謹

奏

光緒三十四年十二月初八日奉

旨知道了欽此

外務部奏中美公斷專約請旨批准摺宣統元年正月二十日

奏爲中美公斷專約請

旨批准恭摺仰祈

聖鑒事竊按保和會和解國際紛爭條約內載有約各國可另訂專約遇事歸諸公斷等語前於光緒三十年美國向我提議訂立公斷專約旋因美議院意見不合罷議上年美與英法日本等國已訂此項專約臣部電致駐美使臣伍廷芳向美廷續申前議當議訂條約四款業經繕呈奏請特授伍廷芳爲全權大臣將該約畫押於光緒三十四年八月十六日奉

硃批依議欽此電達該大臣欽遵辦理嗣經該大臣將畫押情形奏明由臣部代遞於上年十二月初八日奉

旨知道了欽此各在案查此項專約內載應由兩國批准後在華盛頓從速互換前准伍廷芳將漢洋文約本咨送前來自應奏請

批准以資信守而符公例伏候

命下卽由臣部按照向章將約本請用

御寶作爲

批准寄交駐美使臣互換所有中美公斷專約請

中美公斷專約

旨批准緣由理合恭摺具陳伏乞

皇上聖鑒謹

奏

宣統元年正月二十日奉

旨依議欽此

出使美墨秘古國大臣伍廷芳奏中美公斷專約互換約本日期摺
宣統元年閏二月十七日
奏爲遵

旨與美國訂立公斷專約謹將互換約本日期恭摺具陳仰祈

聖鑒事竊臣於宣統元年閏二月初八日承准外務部咨開宣統元年正月二十日本部具奏中美公斷專約請

旨批准一摺同日奉

旨依議欽此當將約本送由軍機處請用

御寶錄

旨抄奏并專約一本咨寄到洋臣當卽照會美外部訂期互換旋准美外部大臣諾士照復訂於閏二月十六日互換是日已刻臣率同二等參贊官吳壽全二等通譯官關應麟恭齋約本至美外部交美外部大臣諾士敬謹閱看美外部大臣亦將美總統簽押約本交臣閱看並照章另書互換文憑臣與美外部大臣各簽押訖除將美總統批准互換約本咨送外務部外所有中美公斷專約互換日期恭摺具陳伏乞

皇上聖鑒訓示謹

奏