

to pay within the territories of the other Party any duties, internal charges or taxes upon their importations and exportations other or higher than those paid by nationals of the country or by nationals of any other country.

## ARTICLE II

The English and Chinese texts of the present Treaty have been carefully compared and verified; but, in the event of there being a difference of meaning between the two, the sense as expressed in the English text shall be held to prevail.

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 testimony whereof the respective Plenipotentiaries have signed the present Treaty in duplicate in the Chinese and English languages and have affixed thereto their seals.

Done at Shanghai this twelfth day of the eleventh month of the seventeenth year of the Republic of China, corresponding to the twelfth day of November, nineteen hundred and twenty-eight.

(Signed) Chengting T. Wang

(Signed) N. Aall

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

Signed on November 10, 1943;  
Ratifications exchanged on June 13, 1944;  
Entered into force on June 13, 1944.

His Excellency the President of the National Government of the Republic of China and His Majesty the King of Norway;

Being desirous of defining more clearly in a spirit of friendship the general relations between them, and for this purpose to settle certain matters relating to jurisdiction in China;

口之貨物徵收較高於或異於本國人民或任何他國人民所完納之關稅、內地稅、或任何稅項。

## 第二條

本約之華文及英文約本業經詳加校對證實，遇有解釋兩歧之處，應以英文為準。

本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。

為此，兩全權代表將本約用華文及英文各繕二份，簽字蓋印，以昭信守。

大中華民國十七年十一月十二日西曆一九二八年十一月十二日在上海簽訂。

王正廷 (印)

歐勒 (印)

## 中那為廢除在中國 治外法權及處理 有關事件條約

三十二年十一月十日簽訂  
三十三年六月十三日互換批准書  
三十三年六月十三日生效

中華民國國民政府主席閣下那威國君主陛下願以友好精神，使兩國間之一般關係更為明顯，並藉以解決若干與在中國之管轄權有關事件起見，訂立本約。為此，各派全權代表如左：

Have decided to conclude a treaty for this purpose and to that end have appointed as their Plenipotentiaries:

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

His Excellency Dr. Tse-Vung Soong, Minister for Foreign Affairs of the Republic of China;

His Majesty the King of Norway:

His Excellency Monsieur Alf Hassel, His Majesty's Ambassador Extraordinary and Plenipotentiary to the Republic of China;

Who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

#### ARTICLE I

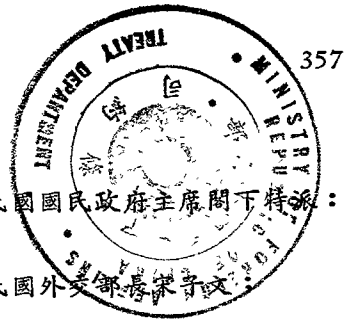
The expression "companies of the one (or of the other) High Contracting Party" shall for the purpose of the present Treaty be interpreted as meaning limited liability and other companies, partnerships and associations constituted under the law of that High Contracting Party.

#### ARTICLE II

All those provisions of treaties or agreements in force between His Excellency the President of the National Government of the Republic of China and His Majesty the King of Norway which authorise His Majesty the King of Norway or His representatives to exercise jurisdiction over Norwegian nationals or companies in the territory of the Republic of China are hereby abrogated. The nationals and companies of His Majesty the King of Norway shall be subject in the territory of the Republic of China to the jurisdiction of the Government of the Republic of China, in accordance with the principles of international law and practice.

#### ARTICLE III

(i) In order to obviate any questions as to existing rights in respect of or as to existing titles to real property in the territory of the Republic of China possessed by nationals and companies of His Majesty the King of Norway, or by the Norwegian Government, and in particular questions which might arise from the abrogation of the provisions of treaties and agreements provided for in Article 2 of the present Treaty, the High Contracting Parties agree that such existing rights or titles shall be indefeasible and shall not be questioned



中華民國國民政府主席閣下特派：

中華民國外交部長宋子文

那威國君主陛下特派：

那威國君主陛下欽命駐中華民國全權大使赫塞爾；

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

「締約此方（或彼方）公司」字樣，在本約適用上，應解釋為依照各該方之法律而組成之有限公司及其他公司合夥暨社團。

#### 第二條

中華民國國民政府主席閣下與那威國君主陛下間之現行條約或協定，凡授權那威國君主陛下或其代表實行管轄在中華民國領土內那威國人民或公司之一切條款，茲特撤銷作廢。那威國君主陛下之人民及公司在中華民國領土內，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。

#### 第三條

(一)為免除那威國君主陛下之人民及公司或那威國政府在中華民國領土內現有關於不動產之權利發生任何問題，尤為免除各條約及協定之各條款因本約第二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銷作廢，並不得以任何理由加以追究。但依照

upon any ground except upon proof, established through due process of law, of fraud or of fraudulent or 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 original procedure through which it was acquired. It is also agreed that the exercise of these rights or titles shall be subject to the laws and regulations of the Republic of China concerning taxation, national defence and the right of eminent domain; and that no such rights or titles may be alienated to the government or nationals (including companies) of any third country without the express consent of the Government of the Republic of China.

(ii) The High Contracting Parties also agree 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 companies of His Majesty the King of Norway or by the Norwegian Government, 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.

(iii) The High Contracting Parties agree further that nationals or companies of His Majesty the King of Norway or the Norwegian Government 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 IV

His Majesty the King of Norway having long accorded rights to nationals of the Republic of China within the territory of Norway to travel, reside and carry on commerce throughout the whole extent of that territory, the Government of the Republic of China agree to accord similar rights to nationals of His Majesty the King of Norway within the territory of the Republic of China. Each High Contracting Party will endeavour to accord in his territory to nationals and companies of the other High Contracting Party in regard to all legal proceedings and in matters relating to the administration of justice, the levying of taxes and requirements in connection therewith treatment not less favourable than that accorded to his own nationals and companies.

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。同時相互了解，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，該項權利不得因之作廢。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，並不得移轉於第三國政府或人民(包括公司)。

(二)雙方並同意：中華民國政府對於那威國君主陛下之人民或公司或那威國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：中國官廳不得向那威國君主陛下之人民或公司或那威國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。

#### 第四條

那威國君主陛下對於中華民國人民在那威國領土內早予以旅行居住及經商之權利，中華民國政府同意對於那威國君主陛下之人民在中華民國領土內予以相同之權利。締約雙方在各該方之領土內盡力給予對方之人民及公司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予本國人民與公司之待遇。

## ARTICLE V

## 第五條

The consular officers of one High Contracting Party, duly provided with exequaturs, shall be permitted to reside in such ports, places and cities of the territory of the other High Contracting Party as may be agreed upon. The consular officers of one High Contracting Party shall have the right within their districts in the territory of the other High Contracting Party to interview, communicate with and to advise the nationals and companies of the former High Contracting Party, and the nationals and companies of one High Contracting Party within the territory of the other High Contracting Party shall have the right at all times to communicate with the consular officers of the former High Contracting Party. The consular officers of one High Contracting Party in the territory of the other shall be informed immediately by the appropriate local authorities when any of their nationals are arrested or detained in their consular districts by the local authorities. They shall have the right to visit within the limits of their districts any of their nationals who are under arrest or awaiting trial in prison. Communications from the nationals of one High Contracting Party in prison in the territory of the other High Contracting Party addressed to the consular officers of the former High Contracting Party will be forwarded to the appropriate consular officer by the local authorities. Consular officers of one High Contracting Party shall be accorded in the territory of the other High Contracting Party the rights, privileges and immunities enjoyed by consular officers under modern international usage.

締約此方之領事官經彼方給予執行職務證書後，得在彼方領土內雙方所同意之口岸地方與城市駐紮。彼方領土內之締約此方領事官在其領事區內，應有與其本國人民及公司會晤通訊以及指示之權；而締約此方之人民及公司在彼方領土內亦隨時有與其本國領事官通訊之權。遇有締約此方之任何人民在彼方領土內被地方官廳逮捕或拘留時，該地方主管官廳應立即通知在該地領事區內之彼方領事官。該領事官於其管轄範圍以內，有權探視其任何被逮捕或在獄候審之本國人民。締約此方之人民在彼方領土內被監禁者，其與本國領事官之通信，地方官廳應轉遞與其主管之領事官。締約此方之領事官在彼方領土內，應享有現代國際慣例所給予之權利特權與豁免。

## ARTICLE VI

## 第六條

(i) The High Contracting Parties will enter into negotiations for the conclusion of a comprehensive modern treaty or treaties of friendship, commerce, navigation and consular rights upon the request of either of them or in any case within six months after the cessation of the present hostilities. The treaty or treaties to be thus negotiated will be based upon the principles of international law and practice as reflected in modern international procedure and in the modern treaties which each of the High Contracting Parties have respectively concluded with other Powers in recent years.

(一) 締約雙方經一方之請求或於現在之戰事停止後至遲六個月內，進行談判簽訂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為根據。

(ii) Pending the conclusion of the comprehensive treaty or treaties referred to in the preceding paragraph, if any questions affecting the rights in the territory of the Republic of China of the nationals or companies of His Majesty the King of Norway, or of the Norwegian Government, should arise in future and if these questions are not covered by the present Treaty and Exchange

(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那威國君主陛下之人民或公司或那威國政府權利之任何問題發生，而不在本約及換文範圍內，或不在

of Notes or by the provisions of the existing treaties, conventions and agreements between the High Contracting Parties which are not abrogated by or inconsistent with the present Treaty and Exchange of Notes, such questions shall be discussed by representatives of the High Contracting Parties and shall be decided in accordance with the generally accepted principles of international law and with modern international practice.

#### ARTICLE VII

The present Treaty shall be ratified and the instruments of ratification shall be exchanged at Chungking as soon as possible. The Treaty shall come into force on the day of the exchange of ratifications.

In witness whereof, the above mentioned Plenipotentiaries have signed the present Treaty and affixed thereto their seals.

Done at Chungking this Tenth day of the Eleventh month of the Thirty-second year of the Republic of China, corresponding to the Tenth day of November, 1943, in Chinese, Norwegian, and English, each in duplicate, the English text being authentic.

(Signed) Tse-Vung Soong

(Signed) Alf Hassel

#### EXCHANGE OF NOTES

(I) Note from the Chinese Minister for Foreign Affairs to the Norwegian Ambassador

Ministry of Foreign Affairs,  
Chungking,  
November 10, 1943.

Sir,

During the negotiations for the Treaty signed to-day between His Excellency the President of the National Government of the Republic of China and His Majesty the King of Norway, a number of questions have been discussed upon which agreement has been reached. The understandings reached with regard to these points are recorded in the annex to the present Note, which annex shall be considered as an integral part of the Treaty signed to-day and shall be considered as effective upon the date of the entrance into force of that Treaty. I should be glad if Your Excellency would confirm these understandings on behalf of the Royal Norwegian Government.

締約雙方間現行而未經本約及換文廢止或與本約及換文不相抵觸之條約專約及協定之範圍內者，應由締約雙方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。

#### 第七條

本約應予批准，批准書應於重慶迅速互換。本約自互換批准書之日起發生效力。

上開全權代表爰於本約簽字蓋印，以昭信守。

本約用中、那、英文各繕兩份，以英文本為準。

中華民國三十二年十一月十日即西曆一千九百四十三年十一月十日訂於重慶。

宋子文（簽字）

赫塞爾（簽字）

#### 換文

(甲) 中國外交部長致  
那威國大使照會

中華民國國民政府主席閣下與那威國君主陛下本日所簽訂之條約，於其談判時，曾討論若干問題，雙方均已同意。茲將關於各點所獲之諒解，記錄於本照會之附件。該項附件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。如荷

閣下以那威王國政府之名義證實此等諒解，本部長至深感幸。

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

(Signed) Tse-Vung Soong

His Excellency  
M. Alf Hassel,  
Norwegian Ambassador  
at Chungking.

#### ANNEX

1. With reference to Article II and Article VI (ii) of the Treaty, it is understood that:

(a) His Majesty the King of Norway relinquishes all existing treaty rights relating to the system of treaty ports in China. His Excellency the President of the National Government of the Republic of China and His Majesty the King of Norway mutually agree that the merchant vessels of one High Contracting Party shall be permitted freely to come to ports, places and waters in the territory of the other High Contracting Party which are or may be opened to overseas merchant shipping and that the treatment accorded to such vessels in such ports, places and waters shall be no less favourable than that accorded to national vessels and shall be as favourable as that accorded to vessels of any third country. The term "vessels" of a High Contracting Party means all vessels registered under the law of that High Contracting Party.

(b) His Majesty the King of Norway relinquishes all existing rights with regard to the employment of foreign pilots in the ports of the territory of the Republic of China.

(c) His Majesty the King of Norway relinquishes all existing treaty rights relating to the entry of His naval vessels into the waters of the Republic of China; and the Government of the Republic of China and the Norwegian Government shall extend to each other in connection with the visits of warships of one High Contracting Party to the ports of the other High Contracting Party mutual courtesy in accordance with ordinary international usage.

(d) The courts of His Majesty the King of Norway which have hitherto been sitting in the territory of the Republic of China having been closed down in accordance with Article II of the Treaty signed this day, the orders, decrees, judgments and other acts of any of the Norwegian courts in China shall be considered as *res judicata* and shall when necessary

本部長順向  
貴大使重表敬意。

此致

那威國君主陛下欽命駐中華民國全  
權大使赫塞爾閣下：

中華民國三十二年十一月十日

宋子文（簽字）

#### 附 件

(一)關於本約第二條及第六條  
第二項，雙方了解：

(甲)那威國君主陛下放棄關於  
在中國通商口岸制度之一切現行條  
約權利。中華民國國民政府主席與  
那威國君主陛下相互同意：締約一  
方之商船許其自由駛至締約彼方領  
土內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。締約一方之  
「船舶」字樣，指依照各該方之法  
律登記者。

(乙)那威國君主陛下放棄關於  
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。

(丙)那威國君主陛下放棄關於  
其軍艦駛入中華民國領水之一切現  
行條約權利。中華民國政府與那威  
國政府關於締約一方軍艦訪問彼方  
口岸應依照通常國際慣例相互給予  
優禮。

(丁)所有現在中華民國領土內  
設置之那威國君主陛下一切法院，  
既經依照本約第二條之規定予以停  
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

be enforced by the Chinese authorities; further, any cases pending before any of the Norwegian courts in China at the time of the coming into effect of the 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 to dispose of them as expeditiously as possible and in so doing shall, so far as practicable, apply the law which the Norwegian court would have applied.

(e) His Majesty the King of Norway relinquishes the special rights which His vessels have been accorded with regard to coasting trade and inland navigation in the waters of the Republic of China, and the Government of the Republic of China are prepared to take over any properties of Norwegian nationals or companies which have been used for the purposes of these trades and which the owners may wish to dispose of and to pay adequate compensation therefor. Should one High Contracting Party accord in his territory the right of coasting trade or inland navigation to vessels of any third country, such rights would similarly be accorded to the vessels of the other High Contracting Party provided that the latter High Contracting Party permits vessels of the former High Contracting Party to engage in the coasting trade or inland navigation of his territory. Coasting trade and inland navigation are excepted from the requirement of national treatment and are to be regulated according to the laws of each High Contracting Party in relation thereto. It is agreed, however, that the vessels of either High Contracting Party shall enjoy within the territory of the other High Contracting Party with respect to coasting trade and inland navigation treatment as favourable as that accorded to the vessels of any third country subject to the above mentioned proviso.

(f) His Majesty the King of Norway relinquishes His special rights, if any, in the diplomatic quarter at Peiping and the International Settlements at Shanghai and Amoy.

2. With reference to the last sentence of Article III (i) of the Treaty, the Government of the Republic of China declare that the restriction on the right of alienation of existing rights and 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 decline to 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 the nationals or companies of His Majesty the King of Norway whose interests are affected, undertake, if so requested by the Norwegian national or company to whom permission to alienate

約發生效力時，凡在中國之那威國法院任何未結案件，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，適用那威國法庭所適用之法律。

(戊)那威國君主陛下放棄給予其船舶在中華民國領水內關於沿海貿易及內河航行之特權。那威國人民或公司用以經營此項事業之產業，如業主願意出賣時，中華民國政府準備以公平價格收購之。如締約一方在其領土內以沿海貿易或內河航行之權利給予任何第三國之船舶，則此項權利亦應同樣給予締約彼方之船舶，但以締約彼方准許締約此方之船舶在彼方領土內經營沿海貿易或內河航行為條件。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。惟雙方同意締約一方之船舶在締約彼方之領土內，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，惟須遵守上述但書之規定。

(己)那威國君主陛下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。

(二)關於本約第三條第一節最末句，中華民國政府茲聲明：該條內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被拒絕轉讓之那威國人民或公司請求收購時，中國政府本公平之精神及為避免使那威國君主陛下之利益關係人民或公司損失起見，當以適當之代價，收購該項權利。

has been refused, to take over the rights and titles in question and pay adequate compensation therefor.

3. It is understood that the abolition of the system of treaty ports will not affect existing property rights and that the nationals of each High Contracting Party will enjoy the right to acquire and hold real property throughout the territory of the other High Contracting Party in accordance with the conditions and requirements prescribed in the laws and regulations of that High Contracting Party.

4. It is further agreed that questions which may affect the sovereignty of the Republic of China and which are not covered by the present Treaty or by the preceding provisions of the present Note shall be discussed by representatives of the Government of the Republic of China and the Norwegian Government and decided in accordance with the generally accepted principles of international law and modern international practice.

(II) Note from the Norwegian Ambassador to the Chinese Minister for Foreign Affairs

Royal Norwegian Embassy,  
Chungking,  
November 10, 1943.

Sir,

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

"During the negotiations for the Treaty signed to-day between His Excellency the President of the National Government of the Republic of China and His Majesty the King of Norway, a number of questions have been discussed upon which agreement has been reached. The understandings reached with regard to these points are recorded in the annex to the present Note, which annex shall be considered as an integral part of the Treaty signed to-day and shall be considered as effective upon the date of the entrance into force of that Treaty. I should be glad if Your Excellency would confirm these understandings on behalf of the Royal Norwegian Government."

I have the honour on behalf of the Norwegian Government to confirm the understandings reached between us as recorded in the annex to Your Excellency's Note, which annex shall be considered as an integral part of the Treaty signed to-day and shall be considered as effective upon the date of the

(三)雙方了解：通商口岸制度之廢止，不得影響現有之財產權；並了解，締約一方之人民在締約彼方之領土全境，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。

(四)雙方並同意：凡本約及本照會未涉及之問題，如有影響中華民國主權時，應由中華民國政府與那威國政府之代表會商，依照普通承認之國際公法原則及近代國際慣例解決之。

(乙)那威國大使復中國  
外交部長照會

頃准

貴部長本日照會內開：

「中華民國國民政府主席閣下與那威國君主陛下本日所簽訂之條約，於其談判時曾討論若干問題，雙方均已同意。茲將關於各點所獲之諒解，記錄於本照會之附件，該項附件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效力。如荷閣下以那威王國政府之名義證實此等諒解，本部長至深感幸。」

等由；本大使茲特代表那威國政府證實  
貴我雙方成立之諒解正如  
貴部長照會之附件所記錄者，該項  
附件作為本日所簽訂條約內容之一



entrance into force of that Treaty.

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

(Signed) Alf Hassel

His Excellency  
Dr. Tse-Vung Soong,  
Minister for Foreign Affairs  
of the Republic of China,  
Chungking.

AGREED MINUTE

With reference to paragraph 1 (a) of the annex to the Note from the Chinese Minister for Foreign Affairs to the Norwegian Ambassador in connection with the Treaty signed to-day, it is understood that both High Contracting Parties reserve the right to close any port to all overseas merchant shipping for reasons of national security.

(Signed) Tse-Vung Soong

(Signed) Alf Hassel

Chungking,  
November 10, 1943.

部分，並自該約生效之日起發生效力。

本大使順向  
貴部長重表敬意。

此致

中華民國外交部長定閱下：

西曆一九四三年十一月十日。

赫塞爾 (簽字)

雙方同意之會議紀錄

中華民國三十二年  
十一月十日於重慶

關於本日簽訂之條約，中國外交部長致那威國大使照會中附件第一節甲項，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。

宋子文 (簽字)

赫塞爾 (簽字)

