

TREATIES

FIRST SESSION OF THE EIGHTY-FIRST CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Monday, January 3, 1949, and adjourned sine die on Wednesday, October 19, 1949

HARRY S. TRUMAN, President; ALBEN W. BARKLEY, Vice President; KENNETH MCKELLAR, President of the Senate *pro tempore*; SAM RAYBURN, Speaker of the House of Representatives.

Treaty and protocol between the United States of America and China respecting friendship, commerce, and navigation. Signed at Nanking November 4, 1946; ratification advised by the Senate of the United States of America June 2, 1948, with reservation and understandings; ratified by the President of the United States of America November 8, 1948; ratifications exchanged at Nanking November 30, 1948; proclaimed by the President of the United States of America January 12, 1949; entered into force November 30, 1948. And exchange of notes signed at Nanking November 29, 1948.

November 4, 1946
T. I. A. S. 1871

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a treaty of friendship, commerce, and navigation between the United States of America and the Republic of China, together with an accompanying protocol, was concluded and signed by their respective plenipotentiaries at Nanking on November 4, 1946, the originals of which treaty and protocol, being in the English and Chinese languages, are word for word as follows:

1299

TREATY
OF
FRIENDSHIP, COMMERCE AND NAVIGATION
BETWEEN
THE UNITED STATES OF AMERICA
AND
THE REPUBLIC OF CHINA

The United States of America and the Republic of China, desirous of strengthening the bond of peace and the ties of friendship which have happily long prevailed between the two countries by arrangements designed to promote friendly intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic and commercial aspirations of the peoples thereof, have resolved to conclude a Treaty of Friendship, Commerce and Navigation, and for that purpose have appointed as their Plenipotentiaries,

Plenipotentiaries.

The President of the United States of America :

Dr. J. Leighton Stuart, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of China, and

Mr. Robert Lacy Smyth, Special Commissioner and Consul General of the United States of America at Tientsin; and,

The President of the National Government of the Republic of China :

Dr. Wang Shih-chieh, Minister for Foreign Affairs of the Republic of China, and

Dr. Wang Hua-cheng, Director of the Treaty Department of the Ministry of Foreign Affairs of the Republic of China;

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

ARTICLE I

1. There shall be constant peace and firm and lasting friendship between the United States of America and the Republic of China.

Peace and friendship.

2. The Government of each High Contracting Party shall have the right to send to the Government of the other High Contracting Party duly accredited diplomatic representatives, who shall be received and, upon the basis of reciprocity, shall enjoy in the territories of such other High Contracting Party the rights, privileges, exemptions and immunities accorded under generally recognized principles of international law.

Diplomatic representatives.

ARTICLE II

1. The nationals of either High Contracting Party shall be permitted to enter the territories of the other High Contracting Party, and shall be permitted to reside, travel and carry on trade throughout the whole extent of such territories. In the enjoyment of the right to reside and travel, the nationals of either High Contracting Party shall be subject, within the territories of the other High Contracting Party, to the applicable laws and regulations, if any, which are or may hereafter be enforced by the duly constituted authorities, provided that they shall not be subject to unreasonable interference and that they shall not be required to apply for or carry any travel documents, other than (a) valid passports or (b) other documents of identification issued by the competent authorities of their respective countries.

Nationals.
Post, p. 1323.

2. The nationals of either High Contracting Party shall, throughout the whole extent of the territories of the other High Contracting Party, be permitted, without interference, to engage in and to carry on commercial, manufacturing, processing, scientific, educational, religious and philanthropic activities not forbidden by the laws and regulations enforced by the duly constituted authorities; to engage in every profession not reserved exclusively to nationals of the country; to acquire, hold, erect or lease, and occupy appropriate buildings, and to lease appropriate lands, for residential, commercial, manufacturing, processing, professional, scientific, educational, religious, philanthropic and mortuary purposes; to employ agents or employees of their choice regardless of nationality; to do anything incidental to or necessary for the enjoyment of any such rights and privileges; and to exercise all these rights and privileges upon the same terms as nationals of such other High Contracting Party in conformity with the applicable laws and regulations, if any, which are or may hereafter be enforced by the duly constituted authorities.

Post, p. 1323.

3. The nationals of either High Contracting Party shall not in any case, in the enjoyment of the rights and privileges provided by paragraphs 1 and 2 of this Article, receive treatment with respect to such rights and privileges less favorable than the treatment which is or may hereafter be accorded to the nationals of any third country.

4. Nothing in this Treaty shall be construed to affect existing statutes of either High Contracting Party in relation to immigration or the right of either High Contracting Party to enact statutes relating to immigration; provided, however, that nothing in this paragraph shall prevent the nationals of either High Contracting Party from entering, traveling and residing in the territories of the other High

Immigration.

Contracting Party in order to carry on trade between the United States of America and the Republic of China, or to engage in any commercial activity related thereto or connected therewith, upon terms as favorable as are or may hereafter be accorded to the nationals of any third country entering, traveling and residing in such territories in order to carry on trade between such other High Contracting Party and such third country or to engage in commercial activity related to or connected with such trade; and provided further that nothing in the provisions of Section 3 of the Immigration Act of the United States of America dated February 5, 1917, which delimit certain geographical zones for the purpose of restricting immigration, shall be construed as preventing admission into the United States of Chinese persons and persons of Chinese descent.

39 Stat. 875.
8 U. S. C. § 136.

ARTICLE III

"Corporations and associations".

1. As used in this Treaty the term "corporations and associations" shall mean corporations, companies, partnerships and other associations, whether or not with limited liability and whether or not for pecuniary profit, which have been or may hereafter be created or organized under the applicable laws and regulations enforced by the duly constituted authorities.

Legal rights.

2. Corporations and associations created or organized under the applicable laws and regulations enforced by the duly constituted authorities within the territories of either High Contracting Party shall be deemed to be corporations and associations of such High Contracting Party and shall have their juridical status recognized within the territories of the other High Contracting Party, whether or not they have a permanent establishment, branch or agency therein. Corporations and associations of either High Contracting Party shall have the right to establish their branch offices in the territories of the other High Contracting Party and to fulfill their functions therein after they have complied with requirements of admission not inconsistent with the provisions of the following paragraph, provided that the right to exercise such functions is accorded by this Treaty or the exercise of such functions is otherwise consistent with the laws and regulations of such other High Contracting Party.

Permissible activities.

3. The High Contracting Parties, adhering generally to the principle of national treatment with respect to the matters enumerated in this paragraph, agree that corporations and associations of either High Contracting Party shall be permitted, throughout the whole extent of the territories of the other High Contracting Party, in conformity with the applicable laws and regulations, if any, which are or may hereafter be enforced by the duly constituted authorities, to engage in and carry on commercial, manufacturing, processing, financial, scientific, educational, religious and philanthropic activities; to acquire, hold, erect or lease, and occupy appropriate buildings, and to lease appropriate lands, for commercial, manufacturing, processing, financial, scientific, educational, religious and philanthropic purposes; to employ agents or employees of their choice regardless of national-

ity; to do anything incidental to or necessary for the enjoyment of such rights and privileges; and to exercise all these rights and privileges, without interference, upon the same terms as corporations and associations of such other High Contracting Party unless otherwise provided by the laws of that High Contracting Party. The preceding sentence, and all other provisions of this Treaty according to corporations and associations of the Republic of China rights and privileges upon the same terms as corporations and associations of the United States of America, shall be construed as according such rights and privileges, in any state, territory or possession of the United States of America, upon the same terms as such rights and privileges are or may hereafter be accorded therein to corporations and associations created or organized in other states, territories or possessions of the United States of America.

4. Corporations and associations of either High Contracting Party shall not in any case, in the enjoyment of the rights and privileges provided by this Article, receive treatment with respect to such rights and privileges less favorable than the treatment which is or may hereafter be accorded to corporations and associations of any third country.

ARTICLE IV

1. The nationals, corporations and associations of either High Contracting Party shall enjoy, throughout the territories of the other High Contracting Party, rights and privileges with respect to organization of and participation in corporations and associations of such other High Contracting Party, including the enjoyment of rights with respect to promotion and incorporation, the purchase, ownership and sale of shares and, in the case of nationals, the holding of executive and official positions, in conformity with the applicable laws and regulations, if any, which are or may hereafter be enforced by the duly constituted authorities, upon the same terms as nationals, corporations and associations of any third country. Corporations and associations of either High Contracting Party, organized or participated in by nationals, corporations and associations of the other High Contracting Party pursuant to the rights and privileges enumerated in this paragraph shall be permitted to exercise the functions for which they are created or organized, in conformity with the applicable laws and regulations, if any, which are or may hereafter be enforced by the duly constituted authorities, upon the same terms as corporations and associations that are similarly organized or participated in by nationals, corporations and associations of any third country. With respect to the ownership of stock by nationals, corporations and associations of either High Contracting Party in corporations and associations of the other High Contracting Party engaged in mining on public lands of such other High Contracting Party, neither High Contracting Party shall be obligated by the provisions of this paragraph to accord rights and privileges greater than those which its nationals, corporations and associations receive from the other High Contracting Party.

Right to organize corporations, etc.

2. The nationals, corporations and associations of either High Contracting Party shall enjoy, throughout the territories of the other High Contracting Party, and in conformity with the applicable laws and regulations, if any, which are or may hereafter be enforced by the duly constituted authorities, the right to organize and participate in, including the right to control and manage, corporations and associations of such other High Contracting Party for engaging in commercial, manufacturing, processing, scientific, educational, religious and philanthropic activities; provided, however, that neither High Contracting Party shall be obligated to accord within its territories to the nationals, corporations and associations of the other High Contracting Party, treatment with respect to such organization and participation, including the right to control and manage, as favorable as that which is or may hereafter be accorded to its own nationals, corporations and associations.

3. Corporations and associations of either High Contracting Party organized and participated in, including those controlled and those managed, by nationals, corporations and associations of the other High Contracting Party pursuant to the rights and privileges enumerated in the preceding paragraph shall be permitted to engage in and carry on such commercial, manufacturing, processing, scientific, educational, religious and philanthropic activities within the territories of the High Contracting Party under the laws of which they are organized upon the same terms as corporations and associations of such High Contracting Party organized and participated in, including those controlled and those managed, by its own nationals, corporations and associations, in conformity with the applicable laws and regulations, if any, which are or may hereafter be enforced by the duly constituted authorities.

ARTICLE V

Should either High Contracting Party hereafter accord rights in respect of exploration for and exploitation of mineral resources in its territories to nationals, corporations or associations of any third country, such rights shall be accorded to nationals, corporations or associations of the other High Contracting Party, in conformity with the applicable laws and regulations, if any, which are or may hereafter be enforced by the duly constituted authorities.

ARTICLE VI

1. Throughout the whole extent of the territories of each High Contracting Party the nationals of the other High Contracting Party shall receive the most constant protection and security for their persons and property, and shall enjoy in this respect the full protection and security required by international law. To these ends, persons accused of crime shall be brought to trial promptly, and shall enjoy all the rights and privileges which are or may hereafter be accorded by the laws and regulations enforced by the duly constituted authorities; and nationals of either High Contracting Party, while within the custody

Exploration for and exploitation of mineral resources.
Post, p. 1323.

Protection of persons and property.

of the authorities of the other High Contracting Party, shall receive reasonable and humane treatment. In so far as the term "nationals" where used in this paragraph is applicable in relation to property it shall be construed to include corporations and associations.

"Nationals".

2. The property of nationals, corporations and associations of either High Contracting Party shall not be taken within the territories of the other High Contracting Party without due process of law and without the prompt payment of just and effective compensation. The recipient of such compensation shall, in conformity with such applicable laws and regulations as are not inconsistent with paragraph 3 of Article XIX of this Treaty, be permitted without interference to withdraw the compensation by obtaining foreign exchange, in the currency of the High Contracting Party of which such recipient is a national, corporation or association, upon the most favorable terms applicable to such currency at the time application therefor is filed, provided application is made within one year after receipt of the compensation to which it relates. The High Contracting Party allowing such withdrawal reserves the right, if it deems necessary, to allow such withdrawal in reasonable instalments over a period not to exceed three years.

Post, p. 1315.

3. The nationals, corporations and associations of either High Contracting Party shall throughout the territories of the other High Contracting Party receive protection and security with respect to the matters enumerated in paragraphs 1 and 2 of this Article, upon compliance with the laws and regulations, if any, which are or may hereafter be enforced by the duly constituted authorities, no less than the protection and security which is or may hereafter be accorded to the nationals, corporations and associations of such other High Contracting Party and no less than that which is or may hereafter be accorded to the nationals, corporations and associations of any third country.

Protection of nationals, corporations, etc.

4. The nationals, corporations and associations of either High Contracting Party shall enjoy freedom of access to the courts of justice and to administrative tribunals and agencies in the territories of the other High Contracting Party, in all degrees of jurisdiction established by law, both in pursuit and in defense of their rights; shall be at liberty to choose and employ lawyers, interpreters and representatives in the prosecution and defense of their rights before such courts, tribunals and agencies; and shall be permitted to exercise all these rights and privileges, in conformity with the applicable laws and regulations, if any, which are or may hereafter be enforced by the duly constituted authorities, on terms no less favorable than the terms which are or may hereafter be accorded to the nationals, corporations and associations of such other High Contracting Party and no less favorable than are or may hereafter be accorded to the nationals, corporations and associations of either High Contracting Party which do not have a permanent establishment, branch or agency within the territories of the other High Contracting Party shall be permitted to

Access to courts of justice.

exercise the rights and privileges accorded by the preceding sentence upon the filing, at any time prior to appearance before such courts, tribunals or agencies, of reasonable particulars required by the laws and regulations of such other High Contracting Party without any requirement of registration or domestication. In the case of any controversy susceptible of settlement by arbitration, which involves nationals, corporations or associations of both High Contracting Parties and is covered by a written agreement for arbitration, such agreement shall be accorded full faith and credit by the courts within the territories of each High Contracting Party, and the award or decision of the arbitrators shall be accorded full faith and credit by the courts within the territories of the High Contracting Party in which it was rendered, provided the arbitration proceedings were conducted in good faith and in conformity with the agreement for arbitration.

ARTICLE VII

Buildings, protection.

The dwellings, warehouses, factories, shops, and other places of business, and all premises thereto appertaining, of the nationals, corporations and associations of either High Contracting Party, located in the territories of the other High Contracting Party, shall not be subject to unlawful entry or molestation. There shall not be made any visit to, or any search of, any such dwellings, buildings or premises, nor shall any books, papers or accounts therein be examined or inspected, except under conditions and in conformity with procedures no less favorable than the conditions and procedures prescribed for nationals, corporations and associations of such other High Contracting Party under laws and regulations enforced by the duly constituted authorities within the territories thereof. In no case shall the nationals, corporations or associations of either High Contracting Party in the territories of the other High Contracting Party be treated less favorably with respect to the foregoing matters than the nationals, corporations or associations of any third country. Any visit, search, examination or inspection which may be permissible under the exception stated in this Article shall be made with due regard for, and in such a way as to cause the least possible interference with, the occupants of such dwellings, buildings or premises or the ordinary conduct of any business or other enterprise.

ARTICLE VIII

Acquisition and disposition of real property, etc.
Post, p. 1323.

1. The nationals, corporations and associations of either High Contracting Party shall be permitted to acquire, hold and dispose of real and other immovable property throughout the territories of the other High Contracting Party subject to the conditions and requirements as prescribed by the laws and regulations of such other High Contracting Party, and, subject to the provisions of the succeeding sentence, the treatment accorded to such nationals, corporations and associations shall not be less favorable than that accorded to nationals, corporations and associations of any third country. In the case of

any state, territory or possession of the United States of America which does not now or does not hereafter permit the nationals, corporations and associations of the Republic of China to acquire, hold or dispose of real and other immovable property upon the same terms as nationals, corporations and associations of the United States of America, the provisions of the preceding sentence shall not apply. In that case, the Republic of China shall not be obligated to accord to nationals of the United States of America domiciled in, and to corporations and associations of the United States of America created or organized under the laws of, such state, territory or possession treatment more favorable than the treatment which is or may hereafter be accorded within such state, territory or possession to nationals, corporations and associations of the Republic of China.

2. If a national, corporation or association of either High Contracting Party, whether or not resident and whether or not engaged in business or other activities within the territories of the other High Contracting Party, is on account of alienage prevented by the applicable laws and regulations within such territories from succeeding as devisee, or as heir in the case of a national, to real or other immovable property situated therein, or to interests in such property, then such national, corporation or association shall be allowed a term of three years in which to sell such property or interest, this term to be reasonably prolonged if circumstances render it necessary. The transmission or receipt of such property shall be exempt from the payment of any estate, succession, probate or administrative taxes or charges other or higher than those now or hereafter imposed in like cases upon the nationals, corporations or associations of the High Contracting Party in whose territory the property is or the interests therein are situated. Moreover, such devisee or heir shall, in conformity with such applicable laws and regulations as are not inconsistent with paragraph 3 of Article XIX, be permitted without interference to withdraw the proceeds of the sale of such property, by obtaining foreign exchange, in the currency of the High Contracting Party of which the devisee is a national, corporation or association, or of which the heir is a national, during a period not in excess of three years after application therefor, upon the most favorable terms applicable to such currency at the time application for the withdrawal of such proceeds is filed, provided such application is made within one year after receipt of the proceeds of sale to which it relates.

3. Nothing in paragraphs 1 and 2 of this Article shall modify or supersede Article IV of the Treaty of January 11, 1943, 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 or the paragraph relating to that Article in the exchange of notes accompanying that Treaty.

4. The nationals of either High Contracting Party shall have full power to dispose of personal property of every kind anywhere within the territories of the other High Contracting Party, by testament, donation or otherwise and their heirs, legatees or donees, being persons

Term for sale of inherited, etc., property.

Post, p. 1315.

Status of designated prior provisions.
57 Stat. 769.

57 Stat. 790.

Rights of disposal and succession.

of whatever nationality or corporations or associations wherever created or organized, whether resident or non-resident and whether or not engaged in business within the territories of the High Contracting Party where such property is situated, shall succeed to such property, and shall be permitted to take possession thereof, either by themselves or by others acting for them, and to retain or dispose of it at their pleasure, exempt from any restrictions, taxes or charges other or higher than those to which the heirs, legatees or donees of nationals of such other High Contracting Party are or may hereafter be subject in like cases. The nationals, corporations and associations of either High Contracting Party shall be permitted to succeed, as heirs, legatees and donees, to personal property of every kind within the territories of the other High Contracting Party, left or given to them by nationals of such other High Contracting Party or by nationals of any third country, and shall be permitted to take possession thereof, either by themselves or by others acting for them, and to retain or dispose of it at their pleasure, exempt from any restrictions, taxes or charges other or higher than those to which the nationals, corporations and associations of such other High Contracting Party are or may hereafter be subject in like cases. Nothing in this paragraph shall be construed to affect the laws and regulations of either High Contracting Party prohibiting or restricting the direct or indirect ownership by aliens or foreign corporations and associations of the shares in, or instruments of indebtedness of, corporations and associations of such High Contracting Party carrying on particular types of activities.

5. The nationals, corporations and associations of either High Contracting Party shall, subject to the exception in paragraph 2 of Article X, receive treatment, in respect of all matters which relate to the acquisition, holding, leasing, possession or disposition of personal property, no less favorable than the treatment which is or may hereafter be received by nationals, corporations and associations of any third country.

ARTICLE IX

The nationals, corporations and associations of either High Contracting Party shall be accorded within the territory of the other High Contracting Party effective protection in the exclusive use of inventions, trademarks and trade names, upon compliance with the applicable laws and regulations, if any, respecting registration and other formalities which are or may hereafter be enforced by the duly constituted authorities; unauthorized manufacture, use or sale of such inventions, or imitation or falsification of such trademarks and trade names, shall be prohibited, and effective remedy therefor shall be provided by civil action. The nationals, corporations and associations of either High Contracting Party shall be accorded throughout the territory of the other High Contracting Party effective protection in the enjoyment of rights with respect to their literary and artistic works, upon compliance with the applicable laws and regulations, if any, respecting registration and other formalities which are or may

Inventions, trade-
marks, trade names,
etc.

Post, p. 1323.

hereafter be enforced by the duly constituted authorities; unauthorized reproduction, sale, diffusion or use of such literary and artistic works shall be prohibited, and effective remedy therefor shall be provided by civil action. In any case, the nationals, corporations and associations of either High Contracting Party shall enjoy, throughout the territories of the other High Contracting Party, all rights and privileges of whatever nature in regard to copyrights, patents, trademarks, trade names, and other literary, artistic and industrial property, upon compliance with the applicable laws and regulations, if any, respecting registration and other formalities which are or may hereafter be enforced by the duly constituted authorities, upon terms no less favorable than are or may hereafter be accorded to the nationals, corporations and associations of such other High Contracting Party, and, in regard to patents, trademarks, trade names and other industrial property, upon terms no less favorable than are or may hereafter be accorded to the nationals, corporations and associations of any third country.

ARTICLE X

1. The nationals of either High Contracting Party residing within the territories of the other High Contracting Party, and the nationals, corporations and associations of either High Contracting Party engaged in business or in scientific, educational, religious or philanthropic activities within the territories of the other High Contracting Party, shall not be subject to the payment of any internal taxes, fees or charges other or higher than those which are or may hereafter be imposed by laws and regulations enforced by the duly constituted authorities upon the nationals, corporations and associations of such other High Contracting Party. Moreover, in the case of corporations and associations specified in the preceding sentence, such taxes, fees or charges shall not be imposed upon or measured by any income, property, capital or other criterion of measurement in excess of that reasonably allocable or apportionable to the territories of such other High Contracting Party.

Taxes, fees, charges,
etc.

2. The nationals, corporations and associations of either High Contracting Party shall not be subject to the payment of any internal taxes, fees or charges imposed by laws and regulations enforced by the duly constituted authorities within the territories of the other High Contracting Party other or higher than those which are or may hereafter be imposed upon the nationals, residents, corporations and associations of any third country, except that the foregoing provisions of this paragraph shall not apply to any advantage in respect of internal taxes, fees or charges which is or may hereafter be granted to the nationals, residents, corporations or associations of any third country, either (a) pursuant to legislation extending the same advantage to all countries, or to the nationals, residents, corporations or associations thereof, on the basis of reciprocity, or (b) in a treaty or other agreement concluded with such third country for the avoidance of double taxation or the mutual protection of revenue.

ARTICLE XI

Treatment of commercial travelers.

Commercial travelers representing manufacturers, merchants and traders domiciled in the territories of either High Contracting Party shall, on their entry into and sojourn in the territories of the other High Contracting Party and on their departure therefrom, be accorded treatment no less favorable than the treatment which is or may hereafter be accorded to commercial travelers of any third country in respect of customs and other privileges and, subject to the exception in paragraph 2 of Article X, in respect of all taxes and charges of whatever denomination applicable to them or to their samples.

ARTICLE XII

Freedom of worship.

1. The nationals of either High Contracting Party shall, throughout the territories of the other High Contracting Party, be permitted to exercise liberty of conscience and freedom of worship and to establish schools for the education of their children, and they may, whether individually, collectively or in religious or educational corporations or associations, and without annoyance or molestation of any kind by reason of their religious belief or otherwise, conduct religious services and give religious or other instruction, either within their own houses or within any other appropriate buildings, provided that their religious and educational activities are not contrary to public morals and that their educational activities are conducted in conformity with the applicable laws and regulations, if any, which are or may hereafter be enforced by the duly constituted authorities.

2. The nationals of either High Contracting Party shall be permitted within the territories of the other High Contracting Party to bury their dead according to their religious customs in suitable and convenient places which are or may hereafter be established and maintained for the purpose, subject to the mortuary and sanitary laws and regulations, if any, which are or may hereafter be enforced by the duly constituted authorities.

3. Places of worship and cemeteries shall be held in respect and free from disturbance or profanation.

ARTICLE XIII

Civil liability for injuries or death.

With respect to that form of protection granted within the territories of either High Contracting Party by the applicable laws establishing civil liability for bodily injuries or for death, and giving to relatives or heirs or dependents of an injured person a right of action or a pecuniary compensation, such relatives or heirs or dependents of the injured person, himself a national of either High Contracting Party and injured within any of the territories of the other High Contracting Party, shall, regardless of their alienage or residence outside of the territory where the injury occurred, enjoy the same rights and privileges as are or may hereafter be granted under like conditions to nationals of such other High Contracting Party.

ARTICLE XIV

1. The nationals of each High Contracting Party shall be exempt from compulsory military or naval training or service under the jurisdiction of the other High Contracting Party, and shall also be exempt from all contributions in money or in kind imposed in lieu thereof.

Exemption from military service.

2. During any period of time when both of the High Contracting Parties are, through military or naval action in connection with which there is general compulsory military or naval service, (a) enforcing measures against the same third country or countries in pursuance of obligations for the maintenance of international peace and security, or (b) concurrently conducting hostilities against the same third country or countries, provisions of paragraph 1 of this Article shall not apply. However, in such an event the nationals of either High Contracting Party in the territory of the other High Contracting Party, who have not declared their intention to acquire the nationality of such other High Contracting Party, shall be exempt from military or naval service under the jurisdiction of such other High Contracting Party if within a reasonable time prior to their induction for such service they elect, in lieu of such service, to enter the military or naval service of the High Contracting Party of which they are nationals. In any such situation the High Contracting Parties will make the necessary arrangements for giving effect to the provisions of this paragraph.

3. Nothing in this Article shall be construed to affect the right of either High Contracting Party to debar from acquiring its citizenship any person who seeks and obtains exemption in accordance with the provisions of paragraph 1 or 2 of this Article.

ARTICLE XV

The High Contracting Parties reaffirm their adherence to a program of purposes and policies, open to participation by all other countries of like mind, designed to bring about an expansion of international trade on a broad basis, and directed to the elimination of all forms of discriminatory treatment and monopolistic restrictions in international commerce.

Post, pp. 1393, 1398.

ARTICLE XVI

1. In all matters relating to (a) customs duties and subsidiary charges of every kind imposed on imports or exports and the method of levying such duties and charges, (b) the rules, formalities, and charges imposed in connection with the clearing of articles through the customs, and (c) the taxation, sale, distribution or use within the country of imported articles and of articles intended for exportation, each High Contracting Party shall accord to articles the growth, produce or manufacture of the other High Contracting Party, from whatever place arriving, or to articles destined for exportation to the territories of such other High Contracting Party, by whatever route, treatment no less favorable than the treatment which is or may here-

Duties, etc., most-favored-nation treatment.

after be accorded to like articles the growth, produce or manufacture of, or destined for, any third country. If the Government of either High Contracting Party requires documentary proof of origin of imported articles, the requirements imposed therefor shall be reasonable and shall not be such as to constitute an unnecessary hindrance to indirect trade.

2. With respect to the matters referred to in paragraph 1 of this Article, the nationals, corporations and associations, vessels and cargoes of either High Contracting Party shall be accorded, within the territories of the other High Contracting Party, treatment no less favorable than is or may hereafter be accorded to the nationals, corporations and associations, vessels and cargoes of any third country. In all matters relating to (a) customs duties and subsidiary charges of every kind imposed on imports or exports and the method of levying such duties and charges, (b) the rules, formalities, and charges imposed in connection with the clearing of articles through the customs, and (c) taxation within the country of imported articles and of articles intended for exportation, the nationals, corporations and associations of either High Contracting Party shall be accorded, within the territories of the other High Contracting Party, treatment no less favorable than the treatment which is or may hereafter be accorded to the nationals, corporations and associations of such other High Contracting Party.

3. No prohibition or restriction of any kind shall be imposed by either High Contracting Party on the importation, sale, distribution or use of any article the growth, produce or manufacture of the other High Contracting Party, or on the exportation of any article destined for the territories of the other High Contracting Party, unless the importation, sale, distribution or use of the like article the growth, produce or manufacture of all third countries, or the exportation of the like article to all third countries, respectively, is similarly prohibited or restricted.

4. If the Government of either High Contracting Party imposes any quantitative regulation on the importation or exportation of any article, or on the sale, distribution or use of any imported article, it shall as a customary practice give public notice of the total quantity or value of such article permitted to be imported, exported, sold, distributed or used during a specified period, and of any change in such quantity or value. Furthermore, if either High Contracting Party allots a share of such total quantity or value to any third country, it shall allot to the other High Contracting Party, with respect to any article in which the latter has an important interest, unless it is mutually agreed to dispense with such an allotment, a share based upon the proportion of the total quantity or value supplied by, or in the case of exports a share based upon the proportion exported to, the territories of such other High Contracting Party during a representative period, account being taken in so far as practicable of any special factors which may have affected or may be affecting the trade in that article. The provisions of this paragraph relating to imported articles shall also apply

Publication of quantitative regulations on imports or exports.

in respect of limitations upon the quantity or value of any article permitted to be imported free of duty or tax, or at a specified rate of duty or tax.

ARTICLE XVII

1. Laws, regulations of administrative authorities and decisions of administrative or judicial authorities of each High Contracting Party pertaining to the classification of articles for customs purposes or to rates of duty shall be published promptly in such a manner as to enable traders to become acquainted with them. Such laws, regulations and decisions shall be applied uniformly at all ports of the respective High Contracting Parties except as is or may hereafter be otherwise specifically provided for in statutes of either High Contracting Party with respect to the importation of articles into its insular territories and possessions.

Publication of laws, regulations, etc.

2. No administrative ruling by the Government of either High Contracting Party effecting advances in rates of duties or charges applicable under an established and uniform practice to imports originating in the territories of the other High Contracting Party, or imposing any new requirement with respect to such importation, shall as a general rule be applied to articles the growth, produce or manufacture of the other High Contracting Party already en route at the time of publication thereof in accordance with paragraph 1; provided that, if either High Contracting Party customarily exempts from such new or increased obligations articles entered for consumption or withdrawn from warehouse for consumption during a period of thirty days after the date of such publication, such practice shall be considered full compliance with this paragraph. The provisions of this paragraph shall not apply to administrative orders imposing antidumping duties, or relating to regulations for the protection of human, animal or plant life or health, or relating to public safety, or giving effect to judicial decisions.

3. Each High Contracting Party shall provide some procedure, administrative, judicial or otherwise, under which the nationals, corporations and associations of the other High Contracting Party, and importers of articles the growth, produce or manufacture of such other High Contracting Party, shall be permitted to appeal against fines and penalties imposed upon them by the customs authorities, confiscations by such authorities and rulings of such authorities on questions of customs classification and of valuation of articles for customs purposes. Greater than nominal penalties shall not be imposed by either High Contracting Party in connection with any importation by the nationals, corporations or associations of the other High Contracting Party, or in connection with the importation of articles the growth, produce or manufacture of such other High Contracting Party, because of errors in documentation which are obviously clerical in origin or with regard to which good faith can be established.

Fines and penalties.

4. The Government of each High Contracting Party will accord sympathetic consideration to such representations as the Government

of the other High Contracting Party may make with respect to the operation or administration of import or export prohibitions or restrictions, quantitative regulations, customs regulations or formalities, or sanitary laws or regulations for the protection of human, animal or plant life or health.

ARTICLE XVIII

Internal taxation of imports.

1. Articles the growth, produce or manufacture of either High Contracting Party, imported into the territories of the other High Contracting Party, shall be accorded treatment with respect to all matters affecting internal taxation no less favorable than the treatment which is or may hereafter be accorded to like articles the growth, produce or manufacture of such other High Contracting Party.

Post, p. 1324.

2. Articles grown, produced or manufactured within the territories of either High Contracting Party in whole or in part by nationals, corporations and associations of the other High Contracting Party, or by corporations and associations organized or participated in by such nationals, corporations and associations, shall be accorded within such territories treatment with respect to all matters affecting internal taxation, or exportation from such territories, no less favorable than the treatment which is or may hereafter be accorded to like articles grown, produced or manufactured therein in whole or in part by nationals, corporations and associations of the High Contracting Party within the territories of which the articles are grown, produced or manufactured, or by corporations and associations organized or participated in by such nationals, corporations and associations. The articles specified in the preceding sentence shall not in any case receive treatment less favorable than the treatment which is or may hereafter be accorded to like articles grown, produced or manufactured in whole or in part by nationals, corporations and associations of any third country, or by corporations and associations organized or participated in by such nationals, corporations and associations.

ARTICLE XIX

International payments; financial transactions.

1. If the Government of either High Contracting Party establishes or maintains any form of control of the means of international payment or of international financial transactions, it shall accord fair and equitable treatment to the nationals, corporations and associations and commerce of the other High Contracting Party with respect to all aspects of such control.

2. The Government establishing or maintaining such control shall impose no prohibition, restriction or delay on the transfer of payment for any article the growth, produce or manufacture of the other High Contracting Party which is not imposed on the transfer of payment for the like article the growth, produce or manufacture of any third country. With respect to the rates of exchange and with respect to taxes or charges on exchange transactions, articles the growth, produce

or manufacture of the other High Contracting Party shall be accorded treatment no less favorable than the treatment which is or may hereafter be accorded to like articles the growth, produce or manufacture of any third country. The provisions of this paragraph shall also extend to the application of such control to payments necessary for or incidental to the importation of articles the growth, produce or manufacture of the other High Contracting Party. In general, any such control shall be administered so as not to influence to the disadvantage of the other High Contracting Party the competitive relationships between articles the growth, produce or manufacture of such other High Contracting Party and like articles the growth, produce or manufacture of any third country.

3. In all that relates to the transfer of profits, dividends, interest, payments for imported articles, and of other funds, to loans and to any other international financial transactions, either between the territories of the two High Contracting Parties or between the territories of the High Contracting Party the Government of which establishes or maintains the control referred to in paragraph 1 of this Article and the territories of any third country, the Government establishing or maintaining the control shall accord to the nationals, corporations and associations of the other High Contracting Party treatment no less favorable than the treatment which is or may hereafter be accorded to its own nationals, corporations and associations, and no less favorable than the treatment which is or may hereafter be accorded to the nationals, corporations and associations of any third country which make or receive like transfers and loans, and which are parties to like transactions, between the territories of the same two countries. Moreover, the Government establishing or maintaining such control shall accord to the nationals, corporations and associations of the other High Contracting Party, in all that relates to any such transfers, loans and other transactions between the territories of the two High Contracting Parties, treatment no less favorable than the treatment which is or may hereafter be accorded to the nationals, corporations and associations of any third country which make or receive like transfers and loans, and which are parties to like transactions, between the territories of the High Contracting Party the Government of which establishes or maintains the control and the territories of such third country. The treatment accorded by this paragraph shall apply to the rates of exchange and to any prohibition, restriction, delay, tax or other charge on the transfers, loans and other transactions covered by this paragraph; and such treatment shall apply whether the transfers, loans and other transactions take place directly or through an intermediary or intermediaries in a country or countries not parties to this Treaty. In general, any such control shall be administered so as not to influence to the disadvantage of the other High Contracting Party the competitive relationships between the nationals, corporations and associations of such other High Contracting Party and the nationals, corporations and associations of any third country.

Post, p. 1324.

ARTICLE XX

Monopolies; agencies.

1. If the Government of either High Contracting Party establishes or maintains a monopoly or public agency for the importation, exportation, purchase, sale, distribution or production of any article, or grants exclusive privileges to any agency to import, export, purchase, sell, distribute or produce any article, such monopoly or agency shall accord to the commerce of the other High Contracting Party fair and equitable treatment in respect of its purchases of articles the growth, produce or manufacture of foreign countries and its sales of articles destined for foreign countries. To this end the monopoly or agency shall, in making such purchases or sales of any article, be influenced solely by considerations, such as price, quality, marketability, transportation and terms of purchase or sale, which would ordinarily be taken into account by a private commercial enterprise interested solely in purchasing or selling such article on the most favorable terms. If the Government of either High Contracting Party establishes or maintains a monopoly or agency for the sale of any service or grants exclusive privileges to any agency to sell any service, such monopoly or agency shall accord fair and equitable treatment to the other High Contracting Party and to the nationals, corporations, associations and commerce thereof in respect of transactions involving such services as compared with the treatment which is or may hereafter be accorded to any third country and to the nationals, corporations, associations and commerce thereof.

Post, p. 1324.

2. The Government of each High Contracting Party, in the awarding of concessions and other contracts, and in the purchasing of supplies, shall accord fair and equitable treatment to the nationals, corporations and associations and to the commerce of the other High Contracting Party as compared with the treatment which is or may hereafter be accorded to the nationals, corporations and associations and to the commerce of any third country.

ARTICLE XXI

Freedom of commerce and navigation.

1. Between the territories of the High Contracting Parties there shall be freedom of commerce and navigation.

Nationality of vessels.

2. Vessels under the flag of either High Contracting Party, and carrying the papers required by its national law in proof of nationality, shall be deemed to be vessels of that High Contracting Party both within the ports, places and waters of the other High Contracting Party and on the high seas. As used in this Treaty, "vessels" shall be construed to include all vessels of either High Contracting Party whether privately owned or operated or publicly owned or operated. However, the provisions of this Treaty other than this paragraph and paragraph 5 of Article XXII shall not be construed to accord rights to vessels of war or fishing vessels of the other High Contracting Party; nor shall they be construed to extend to the nationals, corporations and associations, vessels and cargoes of, or to articles the growth,

"Vessels."

produce or manufacture of, such other High Contracting Party any special privileges restricted to national fisheries or to the products thereof.

3. The vessels of either High Contracting Party shall have liberty, equally with the vessels of any third country, to come with their cargoes to all ports, places and waters of the other High Contracting Party which are or may hereafter be open to foreign commerce and navigation.

ARTICLE XXII

1. The vessels and cargoes of either High Contracting Party shall, within the ports, places and waters of the other High Contracting Party, in all respects be accorded treatment no less favorable than the treatment accorded to the vessels and cargoes of such other High Contracting Party, irrespective of the port of departure or the port of destination of the vessel, and irrespective of the origin or the destination of the cargo.

Vessels and cargoes,
reciprocal treatment.

2. No duties of tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties or charges, of whatever kind or denomination, levied in the name or for the profit of the government, public functionaries, private individuals, corporations or establishments of any kind, shall be imposed in the ports, places and waters of either High Contracting Party upon the vessels of the other High Contracting Party, which shall not equally and under the same conditions be imposed upon national vessels.

3. No charges upon passengers, passenger fares or tickets, freight moneys paid or to be paid, bills of lading, contracts of insurance or re-insurance, no conditions relating to the employment of ship brokers, of whatever nationality, and no other charges or conditions of any kind, shall be imposed in a way tending to accord any advantage to vessels of either High Contracting Party as compared with the vessels of the other High Contracting Party.

4. Within the ports, places and waters of each High Contracting Party which are or may hereafter be open to foreign commerce and navigation, competent pilots shall be made available to take the vessels of the other High Contracting Party into and out of such ports, places and waters.

5. If a vessel of either High Contracting Party shall be forced by stress of weather or by reason of any other distress to take refuge in any of the ports, places or waters of the other High Contracting Party not open to foreign commerce and navigation, it shall receive friendly treatment and assistance and such supplies and materials for repair as may be necessary and available. This paragraph shall apply to vessels of war and fishing vessels, as well as to vessels as defined in paragraph 2 of Article XXI.

6. In no case shall the treatment accorded to the vessels and cargoes of either High Contracting Party with respect to the matters referred to in this Article be less favorable than the treatment which is or may hereafter be accorded to the vessels and cargoes of any third country.

ARTICLE XXIII

1. It shall be permissible, in the vessels of either High Contracting Party, to import into the territories of the other High Contracting Party, or to export therefrom, all articles which it is or may hereafter be permissible to import into such territories, or to export therefrom, in the vessels of such other High Contracting Party, without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in vessels of such other High Contracting Party.

Bounties, drawbacks, etc.

2. Bounties, drawbacks and other privileges of this nature of whatever kind or denomination which are or may hereafter be allowed, in the territories of either High Contracting Party, on articles imported or exported in national vessels shall also and in like manner be allowed on articles imported or exported in vessels of the other High Contracting Party.

ARTICLE XXIV

Discharge of portions of cargoes at open ports.

1. Vessels of either High Contracting Party shall be permitted to discharge portions of cargoes at any ports, places or waters of the other High Contracting Party which are or may hereafter be open to foreign commerce and navigation, and to proceed with the remaining portions of such cargoes to any other such ports, places or waters, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances, and they shall be permitted to load in like manner, in the same voyage outward, at the various ports, places and waters which are or may hereafter be open to foreign commerce and navigation. The vessels and cargoes of either High Contracting Party shall be accorded, with respect to the matters referred to in this paragraph, treatment in the ports, places and waters of the other High Contracting Party no less favorable than the treatment which is or may hereafter be accorded to the vessels and cargoes of any third country.

Loading.

Inland navigation; coasting trade.

2. Should either High Contracting Party 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 High Contracting Party. The coasting trade and inland navigation of each High Contracting Party 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 vessels of either High Contracting Party shall enjoy within the territory of the other High Contracting Party with respect to the coasting trade and inland navigation treatment as favorable as the treatment accorded to the vessels of any third country. Trade between either High Contracting Party and its insular territories or possessions shall be considered coasting trade within the meaning of this paragraph.

ARTICLE XXV

There shall be freedom of transit through the territories of each High Contracting Party by the routes most convenient for international transit (a) for persons, whether or not they are nationals of the other High Contracting Party, together with their baggage, directly or indirectly coming from or going to the territories of such other High Contracting Party, (b) for persons who are nationals of the other High Contracting Party, together with their baggage, regardless of whether they are coming from or going to the territories of such other High Contracting Party, and (c) for articles directly or indirectly coming from or going to the territories of such other High Contracting Party. Such persons, baggage and articles in transit shall not be subject to any transit duty, to any unnecessary delays or restrictions, or to any discrimination in respect of charges, facilities or any other matter; and all charges and regulations prescribed in respect of such persons, baggage or articles shall be reasonable, having regard to the conditions of the traffic. Except as may hereafter be agreed by the High Contracting Parties with respect to non-stop flight by aircraft, the Government of either High Contracting Party may require that such baggage and articles be entered at the proper customhouse and that they be kept in customs custody whether or not under bond; but such baggage and articles shall be exempt from all customs duties or similar charges if such requirements for entry and retention in customs custody are complied with and if they are exported within one year and satisfactory evidence of such exportation is presented to the customs authorities. Such nationals, baggage, persons and articles shall be accorded treatment with respect to all charges, rules and formalities in connection with transit no less favorable than the treatment accorded to the nationals of any third country, together with their baggage, or to persons and articles coming from or going to the territories of any third country.

Freedom of transit.

ARTICLE XXVI

1. Nothing in this Treaty shall be construed to prevent the adoption or enforcement of measures:

- (a) relating to the importation or exportation of gold or silver;
- (b) relating to the traffic in arms, ammunition and implements of war, and, in exceptional circumstances, all other military supplies;
- (c) relating to the exportation of national treasures of historical, archaeological or artistic value;
- (d) necessary in pursuance of obligations for the maintenance of international peace and security, or for the protection of the essential interests of the country in time of national emergency; or
- (e) imposing exchange restrictions in conformity with the Articles of Agreement of the International Monetary Fund, signed

Gold or silver.
Post, p. 1324.
Arms, etc.

National treasures,
etc.

Exchange restric-
tions.

60 Stat. 1401.

December 27, 1945, so long as the High Contracting Party imposing the restrictions is a member of the Fund, provided that neither High Contracting Party shall utilize its privileges under section 3 of Article VI or section 2 of Article XIV of such Agreement in such a manner as to impair any of the provisions of this Treaty.

60 Stat. 1409, 1420.

Limitations on provisions.

2. Subject to the requirement that, under like circumstances and conditions, there shall be no arbitrary discrimination by either High Contracting Party against the other High Contracting Party or against the nationals, corporations, associations, vessels or commerce thereof, in favor of any third country or the nationals, corporations, associations, vessels or commerce thereof, the provisions of this Treaty shall not extend to prohibitions or restrictions:

- (a) imposed on moral or humanitarian grounds;
- (b) designed to protect human, animal, or plant life or health;
- (c) relating to prison-made goods; or
- (d) relating to the enforcement of police or revenue laws.

3. The provisions of this Treaty according treatment no less favorable than the treatment accorded to any third country shall not apply to:

- (a) advantages which are or may hereafter be accorded to adjacent countries in order to facilitate frontier traffic;
- (b) advantages accorded by virtue of a customs union of which either High Contracting Party may, after consultation with the Government of the other High Contracting Party, become a member so long as such advantages are not extended to any country which is not a member of such customs union; or
- (c) advantages accorded to third countries pursuant to a multilateral convention of general applicability, including a trade area of substantial size, having as its objective the liberalization and promotion of international trade or other international economic intercourse, and open to adoption by all the United Nations.

Post, pp. 1393, 1398.

Advantages granted by U. S. to its territories, etc., or to Cuba or the Philippines.
Post, p. 1324.

4. The stipulations of this Treaty do not extend to advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another, to the Republic of Cuba, or to the Republic of the Philippines. The provisions of this paragraph shall continue to apply in respect of any advantages which are or may hereafter be accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another, irrespective of any change which may take place in the political status of any of the territories or possessions of the United States of America.

Corporations engaged in political activities, etc.

5. The provisions of this Treaty shall not be construed to accord any rights or privileges to corporations and associations engaged in political activities or with respect to the organization of or par-

ticipation in such corporations and associations. Moreover, each High Contracting Party reserves the right to deny any of the rights and privileges accorded by this Treaty to any corporation or association created or organized under the laws and regulations of the other High Contracting Party which is directly or indirectly owned or controlled, through majority stock ownership or otherwise, by nationals, corporations or associations of any third country or countries.

ARTICLE XXVII

Subject to any limitation or exception provided in this Treaty or hereafter agreed upon between the Governments of the High Contracting Parties, the territories of the High Contracting Parties to which the provisions of this Treaty extend shall be understood to comprise all areas of land and water under the sovereignty or authority of either High Contracting Party, except the Panama Canal Zone.

Areas affected.
Post, p. 1384 *et seq.*

ARTICLE XXVIII

Any dispute between the Governments of the two High Contracting Parties as to the interpretation or the application of this Treaty, which the High Contracting Parties can not satisfactorily adjust by diplomacy, shall be submitted to the International Court of Justice unless the High Contracting Parties shall agree to settlement by some other pacific means.

Disputes.

ARTICLE XXIX

1. This Treaty shall, upon its entry into force, supersede provisions of the following treaties between the United States of America and the Republic of China in so far as such provisions have not previously been terminated:

Treaties superseded.

- | | |
|--|----------------|
| (a) Treaty of Peace, Amity and Commerce, signed at Wang Hea, July 3, 1844; | 8 Stat. 592. |
| (b) Treaty of Peace, Amity and Commerce, signed at Tientsin, June 18, 1858; | 12 Stat. 1023. |
| (c) Treaty Establishing Trade Regulations and Tariff, signed at Shanghai, November 8, 1858; | 12 Stat. 1069. |
| (d) Treaty of Trade, Consuls and Emigration, signed at Washington, July 28, 1868; | 16 Stat. 739. |
| (e) Immigration Treaty, signed at Peking, November 17, 1880; | 22 Stat. 826. |
| (f) Treaty as to Commercial Intercourse and Judicial Procedure, signed at Peking, November 17, 1880; | 22 Stat. 828. |
| (g) Treaty as to Commercial Relations, signed at Shanghai, October 8, 1903; | 33 Stat. 2208. |
| (h) Treaty Establishing Rates of Duty on Imports Into China, signed at Washington, October 20, 1920; | 42 Stat. 1955. |
| (i) Treaty Regulating Tariff Relations, signed at Peiping, July 25, 1928. | 45 Stat. 2742. |

2. Nothing in this Treaty shall be construed to limit or restrict in any way the rights, privileges and advantages accorded by the Treaty for the Relinquishment of Extraterritorial Rights in China and the Regulation of Related Matters and accompanying exchange of notes between the United States of America and the Republic of China signed at Washington on January 11, 1943.

57 Stat. 767.

ARTICLE XXX

Ratification.

1. This Treaty shall be ratified, and the ratifications thereof shall be exchanged at Nanking as soon as possible.

Entry into force; duration. Post, p. 1383

2. This Treaty shall enter into force on the day of the exchange of ratifications, [1] and shall continue in force for a period of five years from that day.

Termination.

3. Unless one year before the expiration of the aforesaid period of five years the Government of either High Contracting Party shall have given notice to the Government of the other High Contracting Party of intention to terminate this Treaty upon the expiration of the aforesaid period, the Treaty shall continue in force thereafter until one year from the date on which notice of intention to terminate it shall have been given by either High Contracting Party.

* * * * *

Signatures.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this Treaty and have affixed hereunto their seals.

Authentic languages.

DONE in duplicate, in the English and Chinese languages, both equally authentic, at Nanking, this fourth day of November, one thousand nine hundred forty-six, corresponding to the fourth day of the eleventh month of the thirty-fifth year of the Republic of China.

J. Houghton Stewart

[SEAL]

Robert S. Smyth

[SEAL]

[Handwritten signature]

Wang Shih-chieh

[SEAL]

[Handwritten signature]

Wang Tse-cheng

[SEAL]

¹ Entered into force Nov. 30, 1948.

PROTOCOL

At the moment of signing this day the Treaty of Friendship, Commerce and Navigation between the United States of America and the Republic of China, the undersigned Plenipotentiaries have agreed upon the present Protocol which shall have the same validity as if provisions were inserted in the text of the Treaty to which it refers:

1. The provisions of Article II, paragraph 1, shall not be deemed to affect the right of either High Contracting Party to enforce statutes prescribing reasonable requirements concerning the registration of aliens within its territories, it being understood that identity cards which are now or may hereafter be required by the duly constituted authorities of such High Contracting Party shall be valid throughout the entire extent of the territories of that High Contracting Party, and that treatment accorded to nationals of such other High Contracting Party with respect to such requirements shall not be less favorable than that accorded to nationals of any third country.

Ante, p. 1301.

2 (a). Without prejudice to rights given elsewhere in the Treaty, Article II, paragraph 2, refers only to rights and privileges to be enjoyed by nationals of either High Contracting Party as individuals, and shall not be construed to imply the right of such nationals to form corporations or associations on the same terms as nationals of the other High Contracting Party.

Ante, p. 1301.

(b) The words "not forbidden by the laws and regulations enforced by the duly constituted authorities", as used in Article II, paragraph 2, shall be construed to mean such prohibitory laws and regulations as are applicable alike to nationals of the country and to nationals of the other High Contracting Party.

3. Rights in respect of "exploration for and exploitation of" mineral resources as referred to in Article V shall be construed to mean the rights to conduct mining enterprises and operations, as distinct from the ownership by nationals, corporations or associations of one High Contracting Party of interests in corporations or associations of the other High Contracting Party which are or may be engaged in mining operations in the territory of such other High Contracting Party.

Ante, p. 1304.

4. The provisions of Article VIII, paragraph 1, shall not be construed to limit in any way rights or privileges accorded in other provisions of the Treaty with respect to real or other immovable property.

Ante, p. 1306.

5 (a). The word "unauthorized", as used in Article IX, shall be construed to mean unauthorized by the owner of the industrial, literary or artistic property in any given case.

Ante, p. 1308.

(b) The provision in the first sentence and in the second sentence of Article IX, that "effective remedy therefor shall be provided by

civil action" shall not be construed to preclude remedies by other than civil action if such remedies are provided for by laws and regulations which are or may hereafter be enforced by the duly constituted authorities.

Post, p. 1383.

(c) So long as the laws and regulations of either High Contracting Party do not accord to its own nationals, corporations and associations protection against translations, the provisions of the third sentence of Article IX shall not be construed to obligate that High Contracting Party to accord to nationals, corporations or associations of the other High Contracting Party protection against translations.

Ante, p. 1309.

6. Without prejudice to rights which are otherwise enjoyed or may hereafter be enjoyed, the word "grown" as used in Article XVIII, paragraph 2, shall not be construed to confer any right upon nationals, corporations or associations of either High Contracting Party to engage in agriculture within the territories of the other High Contracting Party.

Ante, p. 1314.

7. The words "international financial transactions", as used in Article XIX, paragraph 3, shall be construed to include importation or exportation of paper money and governmental securities, it being understood that each High Contracting Party retains the right to adopt or enforce measures relating to such importation or exportation, provided the measures do not discriminate against nationals, corporations and associations of the other High Contracting Party in a manner contrary to the provisions of that paragraph.

Ante, p. 1315.

8. The concluding sentence of paragraph 1 of Article XX shall not be construed to apply to postal services.

Ante, p. 1316.

9. The words "gold or silver", as used in Article XXVI, paragraph 1, shall be construed to include bullion and coin.

Ante, p. 1319.

10. Advantages which are or may hereafter be accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another or to the Republic of Cuba or to the Republic of the Philippines as stipulated in Article XXVI, paragraph 4, whenever extended to any other country, shall similarly be extended to the Republic of China.

Ante, p. 1320.



John Langstaff



Wang Shih-shih



Kang Hua-cheng

條塊及硬幣在內。

十. 第二十六條第四款所規定之美利堅合眾國及其領地或屬地或巴拿馬運河區間現在或將來所相互給予, 或美利堅合眾國及其領地或屬地或巴拿馬運河區對古巴共和國或菲律賓賓共和國所給予之優惠, 無論何時, 如給予任何他國, 應同樣給予中華民國。

J. Leighton Stuart [1]

Robert Lacy Smyth [2]

王 [3]

世杰

王 [4]
長成

¹ J. Leighton Stuart.

² Robert Lacy Smyth.

³ Wang Shih-chieh.

⁴ Wang Hua-cheng.

解釋為締約此方對締約彼方之國民法人或團體須給予禁止繙譯之保護。

六.除現在另行享受或將來享受之權利,不得加以妨礙外,第十八條第二款所用「種植」字樣,不得解釋為給予締約此方之國民法人或團體在締約彼方領土內從事農業之任何權利。

七.第十九條第三款所用「國際金融交易」字樣,應解釋為包括紙幣及政府證券之輸入或輸出。締約雙方了解,締約雙方保留採取或施行關於此項輸入或輸出之措施之權利,但此項措施對締約彼方之國民法人及團體,不得有所歧視,以致違背該款之規定。

八.第二十二條第一款末句,不得解釋為適用於郵政。

九.第二十六條第一款所用「金銀」字樣,應解釋為包括金銀

四. 第八條第一款之規定, 不得解釋為以任何方式, 對於本約其他規定中關於地產或其他不動產所給予之權利或優例, 有所限制。

五. (甲) 第九條所用「未經許可」字樣, 應解釋為指在任何特定情形下, 未經工業品、文學或藝術作品之所有人所許可者。

(乙) 第九條第一句及第二句中「以民事訴訟予以有效救濟」之規定, 不得解釋為排除依法組成之官廳現在或將來所施行之法律規章所規定之民事訴訟以外之救濟。

(丙) 締約此方之法律規章, 對其國民法人或團體, 如不給予禁止繙譯之保護時, 則第九條第三句之規定, 不得

第二欸僅指締約雙方之國民，以其個人身份所享受之權利及優例，並不得解釋為包括該項國民與締約彼方之國民在同樣條件之下組織法人或團體之權利。

(乙) 第二條第二欸所用之「依法組成之官廳所施行之法律規章所不禁止」字樣，應解釋為指對本國國民與締約彼方國民一律適用之該項禁止性之法律規章而言。

三、第五條所稱鑛業資源之探勘及開發之權利，應解釋為經營鑛業業務及工作之權利，與締約此方之國民、法人或團體，在現在或將來在締約彼方領土內，從事鑛業工作之該締約彼方之法人或團體中之利益所有權有別。

議定書

下開全權代表，於本日簽訂美利堅合眾國與中華民國間友好通商航海條約時，特議定本議定書，本議定書各項規定之效力，應視為與其已列入該約文時相等。

一、第二條第一款之規定，應認為並不影響締約任何一方施行對其領土內之外國人登記事項，加以合理規定之法規之權利。締約雙方了解，締約此方依法組成之官廳現在或將來所規定之身份證，應在締約該方領土全境內有效。關於此項身份證之規定，其所給予締約彼方國民之待遇，不得低於其所給予任何第三國國民之待遇。

二、(甲)除本約中另行給予之權利，不得加以妨礙外，第二條

期限屆滿後應繼續有效至締約任何一方通知廢止本約之意旨之日後一年為止。

為此，雙方全權代表爰於本約簽字蓋印，以昭信守。
本約用英文及中文各繕两份，英文本及中文本，同一作準。

公曆一千九百四十六年十一月四日
中華民國三十五年十一月四日
訂於南京。

^[1] *J. Leighton Stuart*

^[2] *Robert Lacy Smyth*

^[3] 王世杰

^[4] 王化政

[SEAL]

[SEAL]

[SEAL]

[SEAL]

¹ J. Leighton Stuart.
² Robert Lacy Smyth.
³ Wang Shih-chieh.
⁴ Wang Hua-cheng.

十七年七月二十五日在北平簽訂之整理中美兩國
關稅關係之條約。

二. 本約中任何規定, 不得解釋為對於一千九百四十三年一月十一日美利堅合眾國與中華民國在華盛頓所簽訂關於取消美國在華治外法權及處理有關問題條約及所附換文所給予之權利、優例及優惠, 加以任何限制。

第三十條

一. 本約應予批准, 批准書應在南京儘速互換。
二. 本約自互換批准書之日起發生效力, 並自該日起在五年期限內, 繼續有效。

三. 除在上述五年期限屆滿前一年, 締約此方之政府, 以期限屆滿廢止本約之意旨, 通知締約彼方之政府外, 本約於上述

- (丁) 公曆一千八百六十八年七月二十八日, 即同治七年六月初九日, 在華盛頓簽訂之中美續增條約;
- (戊) 公曆一千八百八十年十一月十七日, 即光緒六年十月十五日, 在北京簽訂之中美續修條約;
- (己) 公曆一千八百八十年十一月十七日, 即光緒六年十月十五日, 在北京簽訂之中美續約附款;
- (庚) 公曆一千九百零三年十月八日, 即光緒二十九年八月十八日, 在上海簽訂之續議通商行船條約;
- (辛) 公曆一千九百二十年十月二十日, 即中華民國九年十月二十日, 在華盛頓簽訂之修改通商進口稅則補約, 及
- (壬) 公曆一千九百二十八年七月二十五日, 即中華民國

締約雙方政府間，關於本約解釋或適用之任何爭議，凡締約雙方不能以外交方式圓滿解決者，應提交國際法院，但締約雙方同意另以其他和平方法解決者，不在此限。

第二十九條

一、本約一經生效，應即替代美利堅合眾國與中華民國間下列條約中尚未廢止之各條款：

- (甲) 公曆一千八百四十四年七月三日，即道光二十四年五月十八日在望廈簽訂之中美五口貿易章程；
- (乙) 公曆一千八百五十八年六月十八日，即咸豐八年五月初八日在天津簽訂之中美和好條約；
- (丙) 公曆一千八百五十八年十一月八日，即咸豐八年十月初三日在上海簽訂之中美貿易章程稅則；

五、本約之規定，不得解釋為對於從事政治活動之法人及團體，或關於此項法人及團體之組織或參加，給予任何權利或優例。又締約此方保留權利，得拒絕以本約所給予之權利及優例，給予依照締約彼方法律規章所設立或組織而以多數股份所有權或以其他方式直接或間接為任何第三國或數國之國民、法人或團體所有或所管理之任何法人或團體。

第二十七條

除本約所規定或締約雙方政府將來所同意之任何限制或例外以外，本約之規定所適用之締約雙方領土，應了解為包括在締約雙方主權或權力下之一切水陸區域，惟巴拿馬運河區不在其內。

第二十八條

稅同盟之任何國家者，或

(丙) 依照普通適用並得由所有聯合國家參加之多邊公約，對第三國所給予之優惠，而此項公約包括範圍廣大之貿易區域，其目的在求國際貿易或其他國際經濟往來之流暢及增進者。

四. 本約各條款，於美利堅合眾國及其領地或屬地或巴拿馬運河區間現在或將來所相互給予，或美利堅合眾國及其領地或屬地或巴拿馬運河區對古巴共和國或菲律賓賓共和國所給予之優惠，概不適用。不論美利堅合眾國之任何領地或屬地之政治地位，發生任何變更，本款之規定，關於美利堅合眾國與其領地或屬地或巴拿馬運河區間現在或將來所相互給予之任何優惠，仍應繼續適用。

三國或其國民、法人、團體、船舶或商務外，本約之規定，對於下列禁令或限制，概不適用：

(甲) 基於道德或人道立場而規定者；

(乙) 為謀保護人類或動植物之生命或健康者；

(丙) 關於監犯所製貨物者，或

(丁) 關於警察法律或稅收法律之施行者。

三、本約之規定，凡給予不低於對任何第三國所給予之待遇者，對於下列情形，概不適用：

(甲) 為便利邊境往來及貿易現在或將來所給予毗鄰國家之優惠；

(乙) 締約此方經與締約彼方政府磋商後加入關稅同盟，因而獲得之優惠，而此項優惠並不給予未加入該關

(丙) 關於具有歷史、考古或藝術價值之國家寶物之輸出者；

(丁) 為履行維持國際和平及安全之義務，或於國家緊急時期為保護本國主要利益所必需者；或

(戊) 依照一千九百四十五年十二月二十七日所簽訂之國際貨幣基金協定之條款，對於匯兌加以限制，而加以此項限制之締約一方，係已加入此項基金者，但締約任何一方，不得利用其依照此項協定第六條第三款或第十四條第二款所享之優例，致使本約任何規定蒙受妨害。

二、除在同樣情形及條件之下，締約此方對於締約彼方或其國民、法人、團體、船舶或商務，不得任意歧視，而偏惠於任何第

行李及物品，如經依照手續登記，並留交稅關保管，且在一年內運送出口，並曾向稅關呈驗滿意之出口證據者，應豁免一切關稅或類似費用。關於過境之一切費用、規則及手續，對於此等國民、行李、人及物品所給予之待遇，不得低於對任何第三國國民及其行李所給予之待遇，或對來自或前往任何第三國領土之人及物品所給予之待遇。

第二十六條

一、本約中任何規定，不得解釋為阻止下列措施之採用或施行：

- (甲) 關於金銀之輸入或輸出者；
- (乙) 關於兵器、彈藥、軍械，及在特殊情形下其他一切軍需品之貿易者；

第二十五條

締約此方對於(甲)直接或間接來自或前往締約彼方領土之人及其行李,不論其是否為該締約彼方之國民,(乙)締約彼方之國民及其行李不論其是否來自或前往該締約彼方之領土,丙)直接或間接來自或前往該締約彼方領土之物品,概應給予經由國際交通最便捷之途徑,通過締約此方領土之自由。此等過境之人,行李及物品,不得課以任何過境稅,或予以任何不必要之遲延或限制,或關於費用,便利,或任何其他事項之任何歧視。對此等人,行李或物品所訂之一切費用及規章,應顧及交通情形,使其合理。除締約雙方將來關於航空器之不着陸飛行另有約定外,締約此方之政府,得要求將此項行李及物品,在適當之稅關登記,並交由稅關保管,而不論是否繳納保證金,但此項

此項船舶出港時，並應許其在現在或將來對外國商務及航業開放之口岸地方及領水內，同樣裝貨。關於本款所指事項，締約此方之船舶及載貨，在締約彼方之口岸地方及領水內，應給予不低於現在或將來所給予任何第三國船舶及載貨之待遇。

二、倘締約此方，以內河航行或沿海貿易之權利，給予任何第三國之船舶時，則此項權利，亦應同樣給予締約彼方之船舶。締約任何一方之沿海貿易及內河航行，不在國民待遇之列，而應由該締約一方有關沿海貿易及內河航行之法律規定之。締約雙方同意，締約此方之船舶，在締約彼方領土內，關於沿海貿易及內河航行所享受之待遇，應與對任何第三國船舶所給予之待遇，同樣優厚。締約任何一方與其所屬島嶼或領地間之貿易，應視為本款所指之沿海貿易。

入該締約此方之領土或自該領土輸出，無須繳納異於或高於此項物品由該締約此方之船舶輸入或輸出時所應繳納之任何稅款或費用。

二. 在締約此方領土內，現在或將來對於由本國船舶輸入或輸出之物品所給予之獎勵金、退稅以及其他任何種類或名目之其他優例，亦應同樣給予由締約彼方船舶輸入或輸出之物品。

第二十四條

一. 締約此方之船舶，應許其在締約彼方現在或將來對外國商務及航業開放之任何口岸、地方或領水內，起卸一部載貨，再將餘貨運往上述之任何其他口岸、地方及領水，無須繳納異於或高於本國船舶在同樣情形之下所應繳納之噸稅或港稅，

進出上述口岸地方及領水。

五. 倘締約此方之船舶, 由於氣候惡劣, 或因任何其他危難, 被砲避入締約彼方對外國商務或航業不開放之任何口岸地方或領水時, 此項船舶, 應獲得友好之待遇及協助, 以及必需與現有之供應品及修理器材, 本款於軍艦及漁船以及第二十一條第二款所規定之船舶, 亦通用之。

六. 關於本條所指各事項, 凡給予締約任何一方之船舶及載貨之待遇, 無論如何, 不得低於現在或將來所給予任何第三國船舶及載貨之待遇。

第二十三條

一. 凡現在或將來得由締約此方之船舶輸入締約此方之領土或自該領土輸出之一切物品, 概得由締約彼方之船舶輸

二. 在締約此方之口岸地方及領水內，凡以政府、官員、私人、法人或任何種類之組織之名義，或為其利益而徵收之噸稅、港稅、引水費、燈塔稅、檢疫費或任何種類或名目之其他類似或相當之稅款或費用，除在同樣情形之下，向本國船舶同樣徵收者外，概不得向締約彼方之船舶徵收之。

三. 對於旅客、旅費或船票已付或未付之運費、提單、保險或再保險之契約等之徵費，對於有關僱用不論任何國籍之航業經紀人之條件，以及對於任何種類之其他費用或條件所訂之辦法，不得使締約此方之船舶，較諸締約彼方之船舶，享有任何優惠。

四. 締約此方，在現在或將來對外國商務及航業開放之口岸地方及領水內，應備有合格之引水人，引導締約彼方之船舶。

條第五款外，不得解釋為以權利給予締約彼方之軍艦或漁船，亦不得解釋為以本國漁業或其產品所專有之任何特殊優例，給予締約彼方之國民、法人及團體、船舶及載貨，或給予締約彼方之種植物、出產物或製造品。

三、締約此方之船舶，應與任何第三國之船舶，同樣享有裝載貨物前往締約彼方現在或將來對外國商務及航業開放之切口岸、地方及領水之自由。

第二十二條

一、締約此方之船舶及載貨，在締約彼方之口岸、地方及領水內，不論船舶之出發口岸或目的口岸為何，亦不論載貨之產地或目的地為何，在各方面，概應給予不低於該締約彼方所給予其船舶及載貨之待遇。

一、對締約彼方及其國民、法人、團體及商務，給予公允之待遇。

二、締約此方之政府，於授予特許權及其他契約權利，及購買供應品時，應比照現在或將來所給予任何第三國及其國民、法人、團體及商務之待遇，對締約彼方及其國民、法人、團體及商務，給予公允之待遇。

第二十一條

一、締約雙方領土間，應有通商航海之自由。

二、凡船舶懸掛締約此方之旗幟，並備有其本國法律所規定之國籍證明文件者，在締約彼方之口岸、地方及領水內，以及在公海上，概應認為締約此方之船舶。本約中所稱船舶，應解釋為包括締約任何一方之一切船舶在內，不論其為私有或私營者，抑為公有或公營者。但本約中各項規定，除本款及第二十二

一. 締約此方之政府, 如對任何物品之輸入、輸出、購買、銷售、分配或出產, 設立或維持獨占事業或公營機關, 或對任何機關授以輸入、輸出、購買、銷售、分配或出產任何物品之專有特權時, 此項獨占事業或機關, 關於外國種植物、出產物或製造品之購買, 或輸往外國物品之銷售, 對締約彼方之商務, 應給予公允之待遇。為達此目的, 該獨占事業或機關, 於購買或銷售任何物品時, 應完全取決於私營商務企業專為以最有利之條件買賣此項物品而通常計慮之事項, 例如價格、品質、銷路、運輸及買賣條件等是。締約此方之政府, 如對任何服務之出售, 設立或維持獨占事業或機關, 或對任何機關授以出售任何服務之專有特權時, 此項獨占事業或機關, 關於涉及此項服務之交易, 應比照現在或將來所給予任何第三國及其國民、法人、團體及商務之待

法人及團體，應給予不低於對所為或所受其政府設立或維持管制之締約此方領土與任何第三國領土間之同樣匯兌及借款，而係該兩領土間之同樣交易之一方之該第三國國民、法人及團體現在或將來所給予之待遇。本款所給予之待遇，應適用於匯率及對本款所述之匯兌、借款及其他交易所適用之任何禁止、限制、遲延、稅款或其他費用。此項匯兌、借款及其他交易，不論係直接成交者，或係經由非本約締約國之一國或數國內之一居間人或數居間人而成交者，上述待遇，概應適用。總之，任何此種管制之實施，不得影響締約彼方之國民、法人及團體與任何第三國之國民、法人及團體之競爭關係，致使該締約彼方蒙受不利。

第二十條

出產物或製造品與任何第三國之同樣種植物、出產物或製造品之競爭關係，致使該締約彼方蒙受不利。

三、締約雙方領土間，或本條第一款所指其政府設立或維持管制之締約此方領土與任何第三國之領土間，關於利潤、紅利、利息、因輸入品而為之支付及其他款項之匯兌，以及借款及其他任何國際金融交易之一切事項，設立或維持管制之該國政府，對締約彼方之國民、法人及團體，應給予不低於現在或將來所給予本國國民、法人及團體之待遇，且不低於對所為或所受同樣兩國領土間之同樣匯兌及借款，而係該兩領土間同樣交易之一方之任何第三國國民、法人及團體現在或將來所給予之待遇。又設立或維持此種管制之政府，關於締約雙方領土間上述匯兌、借款及其他交易之一切事項，對締約彼方之國民、

一. 締約此方之政府，如對國際支付方法或國際金融交易，設立或維持任何方式之管制時，則在此種管制之各方面，對締約彼方之國民、法人及團體與商務，應給予公允之待遇。

二. 設立或維持此種管制之締約此方政府，對於為締約彼方之任何種植物、出產物或製造品而支付之匯款，不得適用對於為任何第三國之同樣種植物、出產物或製造品而支付之匯款所未適用之禁止、限制或遲延。關於匯率及關於匯兌交易之稅款或費用，締約彼方之種植物、出產物或製造品，應給予不低於現在或將來對任何第三國之同樣種植物、出產物或製造品所給予之待遇。本款之規定，對於為輸入締約彼方之種植物、出產物或製造品所必需或偶需之支付所適用之此種管制，亦適用之。總之，任何此種管制之實施，不得影響締約彼方之種植物、

所給予締約彼方之同樣種植物。出產物或製造品之待遇。

二、在締約此方領土內，全部或一部由締約彼方之國民、法人及團體，或由此等國民、法人及團體所組織或參加之法人及團體所種植，出產或製造之物品，關於內地稅或自該領土輸出之一切事項，應在該領土內，給予不低於現在或將來對於在該領土內，全部或一部由締約此方之國民、法人及團體，或由此等國民、法人及團體所組織或參加之法人及團體所種植，出產或製造之同樣物品所給予之待遇。前句所規定之物品，無論如何，不得給予低於現在或將來對於全部或一部由任何第三國之國民、法人及團體，或由此等國民、法人及團體所組織或參加之法人及團體所種植，出產或製造之同樣物品所給予之待遇。

第十九條

為之沒收行為，及對稅關關於關稅之物品分類及估價等問題所為之決定，提出申訴。關於締約彼方之國民、法人或團體所為之任何輸入，或關於該締約彼方之種植物、出產物或製造品之輸入，如有文件上之錯誤，而此項錯誤，顯係由於筆誤，或能證明其善意者，則締約此方不得科以高於名義上之懲罰。

四、締約此方之政府，對於締約彼方之政府所提出有關輸入或輸出之禁止或限制、數量管制、關稅規章或手續，或為保護人類或動植物之生命或健康之衛生法律或規章之實施或執行之意見，應予以同情之考慮。

第十八條

一、締約此方之種植物、出產物或製造品，於輸入締約彼方領土時，凡有關內地稅之一切事項，應給予不低於現在或將來

法，適用於來自締約彼方領土之輸入品之關稅稅率或費用率，予以提高者，或對此項輸入加以任何新規定者，對於依照第一款之規定，公布此項決定時業已在途之締約彼方之種植物，出產物或製造品，通常概不適用，但締約此方，如對於在上述公布之日後三十日內，為消費而輸入或為消費而自貨棧提出之物品，照例豁免此項新設或增加之負擔時，則此項辦法，應認為與本款之規定，完全相符。本款之規定，對於行政命令之徵課反傾銷關稅者，或有關保護人類或動植物之生命或健康之規章者，或有關公安者，或實施法院之判決者，概不適用。

三、締約此方，應規定行政、司法或其他程序，許締約彼方之國民、法人及團體，以及該締約彼方之種植物、出產物或製造品之進口商，依此程序，對稅關所科彼等之罰款及懲罰，對稅關所

方，並在可能範圍內，對於過去或現在足以影響此項物品貿易之任何特殊因素，應予顧及。本款關於輸入品之規定，對於准許免納關稅或稅款，或依特定稅率繳納關稅或稅款之任何物品之數量或價值所加之限制，亦適用之。

第十七條

一、關於關稅之物品分類或關稅稅率，締約雙方之法律，其行政官廳之規章，及其行政或司法官廳之決定，應以便於商人週知之方法，迅予公佈。此項法律規章及決定，應在各該締約一方之所有港口，一律適用，但締約任何一方，現在或將來在法規中對於輸入其島嶼領地及屬地之物品另有特殊規定時，不在此限。

二、締約此方政府行政上之決定，凡將依既定及劃一之辦

植物、出產物或製造品之輸入、銷售、分配或使用，或對輸往一切第三國之同樣物品之輸出，亦同樣加以禁止或限制者，不在此限。

四、締約任何一方之政府，如對任何物品之輸入或輸出，或對任何輸入品之銷售、分配或使用，加以任何數量上之管制時，應將在一特定時期內，准許該項物品輸入、輸出、銷售、分配或使用之總量或總值，以及此項總量或總值之任何變更，照例子以公告。又締約此方如將此項總量或總值配額之一份，配給任何第三國時，則對締約彼方有重大利益之任何物品，除經相互同意無須配給外，應根據一代表時期內，由締約彼方領土所供給之總量或總值之比例，如係輸出品時，根據一代表時期內，輸往該締約彼方領土內之總量或總值之比例，以一份配給締約彼

二、關於本條第一款所指各事項，締約此方之國民、法人及團體、船舶及載貨，在締約彼方領土內，應給予不低於現在或將來所給予任何第三國國民、法人及團體、船舶及載貨之待遇。關於一切事項之涉及（甲）對輸入品或輸出品所徵關稅及各種附加費用及其徵收方法者，（乙）於經由稅關提取物品時所適用之規則、手續及費用者，（丙）輸入品及擬予輸出之物品，在本國境內之徵稅者，締約此方之國民、法人及團體，在締約彼方領土內，應給予不低於現在或將來所給予該締約彼方之國民、法人及團體之待遇。

三、締約此方對締約彼方之任何種植物、出產物或製造品之輸入、銷售、分配或使用，或對輸往締約彼方領土之任何物品之輸出，不得加以任何禁止或限制，但對一切第三國之同樣種

之意。

第十六條

一、關於一切事項之涉及(甲)對輸入品或輸出品所徵關稅及各種附加費用及其徵收方法者,(乙)經由稅關提取物品時所適用之規則、手續及費用者,(丙)輸入品及擬予輸出之物品,在本國境內之徵稅、銷售、分配或使用者,締約此方對無論經何路線,其之締約彼方之種植物、出產物或製造品,或對無論經何路線,其目的在輸往締約彼方領土之物品,應給予不低於現在或將來所給予任何第三國之同樣種植物、出產物或製造品,或目的在輸往任何第三國之同樣物品之待遇。倘締約任何一方政府,對輸入品要求產地證明文件時,此項要求,必須合理,對於間接貿易,亦不得構成不必要之阻礙。

聲明願取得該締約彼方國籍者，如在被徵服役以前之相當時間內，自願參加其本國之陸軍或海軍服役，以代替該締約彼方管轄權下之陸軍或海軍服役時，則後項服役，應予免除。遇有任何上述情況，締約雙方應訂必要之辦法，使本款之規定發生效力。

三、本條中任何規定，不得解釋為影響締約任何一方，根據本條第一款或第二款之規定，而企求並取得豁免之任何人，拒絕其取得公民資格之權利。

第十五條

締約雙方，對於得由志願相同之所有其他國家參加之方案，而其宗旨及政策，係求在廣大基礎上擴充國際貿易，並求消滅國際商務上一切歧視待遇及獨占性之限制者，重申其贊同

承人或被扶養人，不因其係屬外國籍，或其居所係在傷害發生之領土以外，概應享有現在或將來在同樣情形之下所給予該締約彼方國民之同樣權利及優例。

第十四條

一. 締約此方之國民，應免受在締約彼方管轄權下之陸海軍強迫訓練或服役，並應免除為代替訓練或服役所徵收之一切金錢或實物捐輸。

二. 締約雙方在任何時期內，因(甲)對同一第三國或數國施行為履行維持國際和平及安全之義務之措施時，或(乙)對同一第三國或數國同時採取敵對行為，而施行與陸軍或海軍行動有關之普遍陸海軍強迫服役時，本條第一款之規定，概不適用。但遇有此種情形，締約此方之國民，在締約彼方領土內，凡未經

得違反公共道德，其教育事業，並須依照依法組成之官廳現在或將來所施行之有關法律規章（倘有此項法律規章時）辦理之。

二、締約此方之國民，應許其在締約彼方領土內，依照依法組成之官廳現在或將來所施行關於喪葬及衛生之法律規章（倘有此項法律規章時），在現在或將來為埋葬而設立與維持之適宜便利地點，按其宗教習慣，埋葬其死者。

三、禮拜場所及墓地，應予尊重，不得干擾或褻瀆。

第十三條

在締約雙方領土內，凡有關法律，確立傷害或死亡之民事責任，並給予受害人之親屬或繼承人或被扶養人以控訴權或金錢補償時，關於此項法律所予之保護方式，如受害人係屬締約此方之國民，而在締約彼方任何領土內受傷者，其親屬或繼

第十一條

凡代表在締約此方領土內有住所之製造商、普通商及貿易商之旅行商，於其進入、暫住及離去締約彼方之領土時，關於關稅及其他優例，並除第十條第二款另有規定外，對於彼等或其貨物樣品所課之任何名目之一切稅款及費用，概應給予不低於對任何第三國旅行商現在或將來所給予之待遇。

第十二條

一、締約此方之國民，在締約彼方全部領土內，應許其行使信仰及禮拜之自由，並設立學校以教育其子女，並得在自己住宅或任何其他適當建築物內，單獨、集體或於宗教或教育法人及團體中，舉行宗教儀式及傳教或傳授其他知識，不因宗教信仰或其他原因，而受任何妨害或侵擾，但其宗教及教育事業不

團體而言，上述稅款、規費及費用，不得超過按照任何收入、財產、資金或其他計算標準所能合理分配或攤算於該締約彼方領土之數額，予以徵收或計算。

二、締約此方之國民、法人及團體，不得課以異於或高於在締約彼方領土內依法組成之官廳所施行之法律規章現在或將來對任何第三國之國民、居民、法人及團體所課之任何內地稅、規費或費用。但本款上述規定，不適用於對任何第三國之國民、居民、法人或團體現在或將來所給予關於內地稅、規費或費用之優惠。此項優惠係(甲)依照本相互之原則，以同樣優惠給予一切國家或其國民、居民、法人或團體之立法所給予者，或(乙)由於避免重複徵稅或為互保稅收，而與第三國所訂之條約或其他協定所給予者。

於現在或將來所給予締約彼方之國民、法人及團體之條件下，應享有關於版權、專利權、商標、商號及其他文學、藝術作品及工業品所有權之任何性質之一切權利及優例，並在不低於現在或將來所給予任何第三國之國民、法人及團體之條件下，應享有關於專利權、商標、商號及其他工業品所有權之任何性質之一切權利及優例。

第十條

一、締約此方之國民，在締約彼方領土內居住，及締約此方之國民、法人及團體，在締約彼方領土內，從事商業或從事科學、教育、宗教或慈善事業，概不得課以異於或高於依法組成之官廳所施行之法律規章。現在或將來對締約彼方之國民、法人及團體所課之任何內地稅、規費或費用，又就前句所指之法人及

商標及商號之專用權，依照依法組成之官廳現在或將來所施行關於登記及其他手續之有關法律規章，倘有此項法律規章時，應予以有效之保護；上項發明未經許可之製造、使用或銷售，及上項商標及商號之仿造或假冒，應予禁止，並以民事訴訟，予以有效救濟。締約此方之國民、法人及團體，在締約彼方全部領土內，其文學及藝術作品權利之享有，依照依法組成之官廳現在或將來所施行關於登記及其他手續之有關法律規章，倘有此項法律規章時，應予以有效之保護；上項文學及藝術作品未經許可之翻印、銷售、散佈或使用，應予禁止，並以民事訴訟，予以有效救濟。無論如何，締約此方之國民、法人及團體，在締約彼方全部領土內，依照依法組成之官廳現在或將來所施行關於登記及其他手續之有關法律規章，倘有此項法律規章時，在不低

加以占有，並任便保留或處分之，不受任何限制，並免繳異於或高於該締約彼方之國民、法人及團體，在同樣情形之下，現在或將來所應繳之任何稅款或費用。締約任何一方之法律規章，凡對於其經營特種事業之法人及團體之股票或債券，禁止或限制外國人或外國法人及團體直接或間接享有所有權者，本款中任何規定，不得解釋為對於該項法律規章有所影響。

五、締約雙方之國民、法人及團體，除第十條第二款另有規定外，關於動產之取得、保有、租賃、占有或處分之一切事項，應享受不低於任何第三國國民、法人及團體現在或將來所享受之待遇。

第九條

締約此方之國民、法人及團體，在締約彼方領土內，其發明

或該約所附換文內有闕該條之規定。

四. 締約此方之國民，應有以遺囑、贈與或其他方法處分其在締約彼方領土內任何地點之一切動產之全權，其繼承人、受遺贈人或受贈人，不論係何國籍之人，或在何地創設或組織之法人或團體，亦不論其在此項財產所在之締約一方領土內是否為居民，或是否從事商業，應得承受此項財產，並應許其由本人或其代理人加以占有，並任便保留或處分之，不受任何限制，並免繳異於或高於該締約彼方國民之繼承人、受遺贈人或受贈人，在同樣情形之下，現在或將來所應繳之任何稅款或費用。締約此方之國民、法人及團體，應許其以繼承人、受遺贈人及受贈人之身份，承受締約彼方國民或任何第三國國民所遺或所贈在締約彼方領土內之一切動產，並許其由本人或其代理人

在同樣情形下現在或將來對於財產或其利益所在之締約一方之國民、法人或團體所課之任何產業、繼承、遺囑公證或遺產管理之稅款或費用。又此等受遺贈人或繼承人，應依照與第十條第三款不相抵觸之有關法律規章，許其不受干涉，於申請外匯後不超過三年期限內，以該受遺贈人（不論其為國民、法人或團體）或繼承人（如為國民時）所屬締約一方之貨幣，按照提出申請提取此項價款時對此種貨幣所適用之最優厚之條件，獲得外匯，以提取因出售此項財產而得之價款，但此項申請，須於收受該項出售所得價款後一年內為之。

三、本條第一及第二兩款中任何規定，不得變更或替代一千九百四十三年一月十一日美利堅合眾國與中華民國所簽訂關於取消美國在華治外法權及處理有關問題條約第四條

他不動產時，則前句之規定，概不適用。遇有此種情形，中華民國對於在該州領地或屬地內有住所之美利堅合眾國國民，或依該州領地或屬地之法律所創設或組織之美利堅合眾國法人及團體，無須給予優於該州領地或屬地內現在或將來所給予中華民國之國民、法人及團體之待遇。

二、締約此方之國民、法人及團體，在締約彼方領土內，不論其是否為居民，亦不論其是否從事商業或其他事業，倘因外國籍關係，依照該領土內之有關法律規章，不能以受遺贈人或繼承人（如為國民時）之身份，承受該領土內之地產或其他不動產，或此項財產之利益時，則此等國民、法人或團體，應許其於三年期限內，出售此項財產或其利益，此項期限，如情勢上有必要時，應予以合理延長。此項財產之移轉或收受，應免繳異於或高於

項，無論如何，應享受不低於任何第三國之國民、法人或團體之待遇。凡本條之例外規定所許可之任何察看、搜查或查閱，對於此項住宅、建築物或房地之占用人，或任何業務或其他事業之通常進行，應予以適當顧及，並儘可能使受最低限度之干涉。

第八條

一、締約此方之國民、法人及團體，在締約彼方全部領土內，應許其依照締約彼方法律規章所規定之條件及手續，取得、保有與處分地產及其他不動產，除依照後句之規定外，此等國民、法人及團體所享受之待遇，不得低於任何第三國國民、法人及團體所享受之待遇。倘美利堅合眾國任何州、領地或屬地，現在或將來不許中華民國之國民、法人及團體，與美利堅合眾國之國民、法人及團體，在同樣條件之下，取得、保有或處分地產及其

並訂有書面之公斷約定者，締約雙方領土內之法院，對此項約定，應予以完全之信任。公斷人在締約一方領土內所為之裁決或決定，該領土內之法院，應予以完全之信任，但公斷之進行，須本諸善意，並須合乎公斷約定。

第七條

締約此方之國民、法人及團體，在締約彼方領土內之住宅、貨棧、工廠、商店及其他業務場所，以及一切附屬房地，概不得非法進入或侵擾。除遵照不遜於締約彼方領土內依法組成之官廳所施行之法律規章為該締約彼方之國民、法人及團體所規定之條件及程序外，任何此項住宅、建築物或房地，概不得進入察看或搜查，其中所有之任何書冊、文件或賬簿，亦不得查閱。締約此方之國民、法人或團體，在締約彼方領土內，關於上述各事

法院、行政法院及行政機關陳訴之自由；在此項法院、行政法院及行政機關內，於行使或防衛其權利時，應有選僱律師、繙譯員及代表人之自由，並應許其依照依法組成之官廳現在或將來所施行之有關法律規章（倘有此項法律規章時），在不低於現在或將來所給予締約彼方之國民、法人及團體，且不低於現在或將來所給予任何第三國之國民、法人及團體之條件下，行使上述一切權利及優例。又締約此方之法人及團體，在締約彼方領土內，如無常設機構、分事務所或代理處者，於向此項法院、行政法院及行政機關有所陳訴以前之任何時間，填報該締約彼方之法律規章所規定之合理事項後，應許其行使前句所給予之權利及優例，而不需登記或入籍之任何手續。遇有適於公斷解決之任何爭執，而此項爭執涉及締約雙方之國民、法人或團體，

之條件，獲得外匯，以提取償金，但此項申請，須於受領該項償金後一年內為之。允許依此提取償金之締約一方，保留權利，於認為必要時，允許於不超過三年期限內，對此項償金為合理之分期提取。

三. 締約此方之國民、法人及團體，在締約彼方全部領土內，關於本條第一及第二兩款所列舉之事項，在依照依法組成之官廳現在或將來所施行之法律規章（倘有此項法律規章時）之條件下，應享受不低於現在或將來所給予締約彼方之國民、法人及團體之保護及安全，且不低於現在或將來所給予任何第三國之國民、法人及團體之保護及安全。

四. 締約此方之國民、法人及團體，不論為行使或防衛其權利，應享有在締約彼方領土內向依法設立之各級有管轄權之

一、締約此方之國民，在締約彼方領土全境內，關於其身體及財產，應享受最經常之保護及安全。關於此點，並應享受國際法所規定之充分保護及安全。為達此目的，凡被控犯罪之人，應迅付審判，並應享受依法組成之官廳所施行之法律規章現在或將來所給予之一切權利及優例。締約此方之國民，被締約彼方官廳看管時，應享受合理及人道之待遇。本款中所用「國民」字樣，凡涉及財產時，應解釋為包括法人及團體在內。

二、締約此方國民、法人及團體之財產，在締約彼方領土內，非經合法手續，並迅付公平有效之償金，不得徵取。此項償金之受領人，不論其為國民、法人或團體，應依照與本約第十九條第三款不相牴觸之有關法律規章，許其不受干涉，以其所屬之締約彼方之貨幣，按照提出申請時對此種貨幣所通用之最優厚

體，依照前款所列舉之權利及優例所組織與參加者，包括其所管理與經理者，應許其與締約該方本國國民、法人及團體所組織與參加者，包括其所管理與經理者，在同樣條件之下，依照依法組成之官廳現在或將來所施行之有關法律規章，倘有此項法律規章時，在遵照其法律而組織之締約一方領土內，從事並經營該項商務、製造、加工、科學、教育、宗教及慈善事業。

第五條

倘締約此方將來以關於其領土內鑛產資源之探勘及開發之權利，給予任何第三國之國民、法人或團體時，則此項權利，亦應依照依法組成之官廳現在或將來所施行之有關法律規章，倘有此項法律規章時，給予締約彼方之國民、法人或團體。

第六條

經營礦業之該締約彼方之法人及團體中之股票所有權，根據本款之規定，締約此方無須給予優於其國民、法人及團體自締約彼方所獲得之權利及優例。

二、締約此方之國民、法人及團體，在締約彼方全部領土內，依照依法組成之官廳現在或將來所施行之法律規章，倘有此項法律規章時，應享有組織與參加該締約彼方法人及團體之權利（包括管理與經理之權利），以從事於商務、製造、加工、科學、教育、宗教及慈善事業，但締約彼方，關於此項組織及參加（包括管理與經理之權利），在其領土內給予締約此方之國民、法人及團體之待遇，無須與現在或將來所給予其本國國民、法人及團體之待遇同樣優厚。

三、締約此方之法人及團體，經締約彼方之國民、法人及團

一。締約此方之國民、法人及團體，在締約彼方全部領土內，應與任何第三國之國民、法人及團體，在同樣條件之下，依照依法組成之官廳現在或將來所施行之有關法律規章，倘有此項法律規章時，享受關於組織及參加該締約彼方之法人及團體之權利及優例，包括關於發起及設立之權利、購買所有與出售股票之權利，如為國民時，並包括關於充任執行性及業務性職位之權利。締約此方之法人及團體，經締約彼方之國民、法人及團體，依照本款所列舉之權利及優例所組織或參加者，應許其與任何第三國之國民、法人及團體所同樣組織或參加者，在同樣條件之下，依照依法組成之官廳現在或將來所施行之有關法律規章，倘有此項法律規章時，執行其所以創設或組織之業務。關於締約此方之國民、法人及團體，在締約彼方公有土地上

干涉，行使上述一切權利及優例，其待遇除締約彼方法律另有規定外，應與該締約彼方法人及團體之待遇相同。前句及本約其他一切條款，凡給予中華民國之法人及團體以與美利堅合眾國之法人及團體在同樣條件下之權利及優例者，概應解釋為在美利堅合眾國任何州、領地或屬地內所給予之該項權利及優例，一如該州、領地或屬地對於在美利堅合眾國其他州、領地或屬地所創設或組織之法人及團體現在或將來在同樣條件之下所給予之該項權利及優例。

四、締約雙方之法人及團體，於享受本條所規定之權利及優例時，其所享受之待遇，無論如何，不得低於現在或將來所給予任何第三國之法人及團體之待遇。

第四條

法人及團體，於履行與後款規定不相抵觸之認許條件後，應有在締約彼方領土內，設立分事務所，並執行其任務之權利，但行使此項任務之權利，須為本約所給予，或此項任務之行使，須與該締約彼方之法律規章相合。

三、締約雙方關於本款所列舉之事項，既通常遵守國民待遇之原則，同意締約此方之法人及團體，在締約彼方領土全境內，應許其依照依法組成之官廳現在或將來所施行之有關法律規章，倘有此項法律規章時，從事或經營商務、製造、加工、金融、科學、教育、宗教及慈善事業，為商務、製造、加工、金融、科學、教育、宗教及慈善之目的，而取得保有、建造或租賃及占用適當之房屋，並租賃適當之土地，選用代理人或員工，而不問其國籍，從事為享受任何此項權利及優例所偶需或必需之任何事項，並不受

關之商務事業所享受之待遇，同樣優厚。且一千九百一十七年二月五日為限制入境移民而劃定若干地帶之美國入境移民律第三節之各項規定，亦不得解釋為阻止中國人及中國人之後裔進入美國。

第三條

一、本約中所用「法人及團體」字樣，係指依照依法組成之官廳所施行之有關法律規章業已，或將來創設或組織之有限責任或無限責任，及營利或非營利之法人、公司、合夥及其他團體。

二、在締約此方之領土內，依照依法組成之官廳所施行之有關法律規章所創設或組織之法人及團體，應認為締約該方之法人及團體，且無論在締約彼方領土內，有無常設機構、分事務所或代理處，概應在該領土內，承認其法律地位。締約此方之

之官廳現在或將來所施行之有關法律規章倘有此項法律規章時，行使上述一切權利及優例。

三、締約雙方之國民，於享受本條第一及第二兩款所規定之權利及優例時，其所享受之待遇，無論如何，不得低於現在或將來所給予任何第三國國民之待遇。

四、本約中任何規定，不得解釋為影響締約任何一方有關入境移民之現行法規，或締約任何一方制訂有關入境移民法規之權利，但本款之規定，不得阻止締約此方之國民進入旅行與居住於締約彼方之領土，以經營美利堅合眾國與中華民國間之貿易，或從事於任何有關之商務事業，其所享受之待遇，應與現在或將來任何第三國國民進入旅行與居住於該領土，以經營該締約彼方與該第三國間之貿易，或從事於與該貿易有

廳現在或將來所施行之有關法律規章(倘有此項法律規章時)但不得受不合理之干涉,並除其本國主管官廳所發給之(甲)有效護照或(乙)其他身份證明文件外,應無須申請或攜帶任何旅行文件。

二. 締約此方之國民,在締約彼方領土全境內,應許其不受干涉,從事並經營依法組成之官廳所施行之法律規章所不禁止之商務、製造、加工、科學、教育、宗教及慈善事業,從事於非專為所在國國民所保留之各種職業,為居住、商務、製造、加工、職業、科學、教育、宗教、慈善及喪葬之目的,而取得、保有、建造或租賃及占用適當之房屋,並租賃適當之土地,選用代理人或員工,而不問其國籍,從事為享受任何此項權利及優例所偶需或必需之任何事項,並與該締約彼方國民,在同樣條件之下,依照依法組成

雙方全權代表，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

一、美利堅合眾國與中華民國間，應常保和好，永敦睦誼。

二、締約此方之政府，應有派遣正式外交代表至締約彼方之政府之權利。此等外交代表，應受接待，並應在該締約彼方領土內，本相互之原則，享受通常承認之國際法原則所給予之權利、優例及豁免。

第二條

一、締約此方之國民，應許其進入締約彼方之領土，並許其在該領土全境內，居住、旅行及經商。於享受居住及旅行之權利時，締約此方之國民，在締約彼方領土內，應遵照依法組成之官

美利堅合眾國
中華民國 友好通商航海條約

美利堅合眾國為欲藉適應兩國人民精神、文化、經濟及商務願望之條款所規定，足以增進彼此領土間友好往還之辦法，以加強兩國間悠久幸存之和好聯繫及友誼結合，爰決定訂立友好通商航海條約，為此各派全權代表如左：

美利堅合眾國大總統特派：

美利堅合眾國駐中華民國特命全權大使司徒雷登博士；

美利堅合眾國簽約全權代表駐天津總領事施麥斯先生；

中華民國國民政府主席特派：

中華民國外交部部長王世杰博士；

中華民國外交部條約司司長王化成博士；

AND WHEREAS the Senate of the United States of America, by their resolution of June 2, 1948, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said treaty and protocol, subject to the following reservation and understandings, namely:

Advice and consent of Senate, with reservation and understandings.

“The Government of the United States of America does not accept Section 5 (c) of the Protocol relating to protection against translations of literary and artistic works, and with the understanding that United States interests in this respect will be interpreted in accordance with the provisions of the Treaty as to Commercial Relations signed at Shanghai, October 8, 1903, until further negotiations and agreement concerning translations are forthcoming. The United States stands ready to enter into immediate negotiations with China for further improvement in copyright relationships with particular emphasis upon the desire of the United States to afford protection of translations. The Senate is of the opinion that the protection of the author or literary and artistic property in the exclusive right to translate or authorize the translation of his works is of importance as a matter of justice to the author and is of equal importance as a means for assuring a true translation and faithful presentation for peoples who must receive it in a language other than the original. Under present day conditions, such protection is essential to promote effective diffusion of literary and artistic works and to encourage responsible industries engaged in the production of such works within a country.

Ante, p. 1324.

33 Stat. 2208.

“The Senate further understands that the Treaty does not obligate either party to extend most-favored-nation treatment with respect to copyright.”

AND WHEREAS the texts of the aforesaid reservation and understandings were communicated by the Government of the United States of America to the Government of the Republic of China and thereafter the Government of the Republic of China gave notice of its acceptance of the aforesaid reservation and understandings;

China's acceptance of reservation and understandings.

AND WHEREAS the said treaty and protocol were ratified by the President of the United States of America on November 8, 1948, in pursuance of the aforesaid advice and consent of the Senate and subject to the aforesaid reservation and understandings, and were duly ratified also on the part of the Republic of China;

Ratification.

AND WHEREAS the respective instruments of ratification of the said treaty and protocol were duly exchanged at Nanking on November 30, 1948, and a protocol of exchange of instruments of ratification was signed on that date by the respective plenipotentiaries of the United States of America and the Republic of China recording the acceptance by the Government of the Republic of China of the aforesaid reservation and understandings;

Exchange of ratifications.

AND WHEREAS it is provided in Article XXX of the said treaty that the treaty shall enter into force on the day of the exchange of ratifications;

Ante, p. 1322.

Proclamation.

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the said treaty and accompanying protocol, to the end that the same and every article and clause thereof, subject to the reservation and understandings hereinbefore recited, may be observed and fulfilled with good faith by the United States of America and by the citizens of the United States of America and all other 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 at the city of Washington this twelfth day of January in the year of our Lord one thousand nine hundred forty-nine and [SEAL] of the Independence of the United States of America the one hundred seventy-third.

HARRY S TRUMAN

By the President:

ROBERT A LOVETT

Acting Secretary of State

Note in the English and Chinese Languages from the American Ambassador to the Chinese Minister for Foreign Affairs

AMERICAN EMBASSY,
Nanking, November 29, 1948

No. 935

EXCELLENCY:

I have the honor to refer to Article XXVII of the Treaty of Friendship, Commerce and Navigation between the United States of America and the Republic of China signed at Nanking on November 4, 1946 and to the recent conversations between representatives of our two Governments regarding the applicability of the provisions of the aforesaid Treaty to the Trust Territory of the Pacific Islands.

Ante, p. 1321.

In view of the special relationship established with respect to the Trust Territory of the Pacific Islands by the Trusteeship Agreement approved by the Security Council of the United Nations on April 2, 1947, [1] the Government of the United States of America proposes that: (1) the Treaty of Friendship, Commerce and Navigation between the United States of America and the Republic of China, signed at Nanking on November 4, 1946, shall not apply to the Trust Territory of the Pacific Islands except to the extent that the President of the United States of America shall by proclamation extend the provisions of the Treaty to such Trust Territory; (2) the provisions of the Treaty according treatment no less favorable than the treatment accorded to any third country shall not apply to advantages now accorded or which may hereafter be accorded by the United States of America or its territories and possessions, irrespective of any change in their political status, to the Trust Territory of the Pacific Islands.

Ante, p. 1299.

¹ U. N. doc. S/318.

If the foregoing proposals are acceptable to the Government of the Republic of China, the Government of the United States of America will consider this note and your reply as placing on record the understanding of the two Governments in this matter, with effect from the date of entry into force of the aforesaid Treaty.

Please accept, Excellency, the renewed assurances of my highest consideration.

J. LEIGHTON STUART

His Excellency

Dr. WANG SHIH-CHIEH,

Minister for Foreign Affairs,

Ministry of Foreign Affairs,

Nanking.

照 會

第九三五號

逕啓者：本大使茲願提及一九四六年十一月四日在南京簽訂之美利堅合衆國與中華民國間友好通商航海條約第二十七條及

貴我兩國政府代表最近所舉行有關上述條約規定對於太平洋島嶼託管區適用問題之談判。

茲鑒於聯合國安全理事會於一九四七年四月二日核定之託管協定所規定有關太平洋島嶼託管區之特殊關係，美利堅合衆國政府爰建議：(一)一九四六年十一月四日在南京簽訂之美利堅合衆國與中華民國間友好通商航海條約，除經美利堅合衆國總統以公告將該條約之規定適用於太平洋島嶼託管區者外，對於該區應不適用；(二)該條約之規定，凡給予不低於對任何第三國所給予之待遇者，

應不適用於美利堅合衆國取其領地及屬地（不論此項領地及屬地之政治地位有何變更）現在或將來所給予太平洋島嶼託管區之優惠。

上開建議，如荷

中華民國政府予以接受，則美利堅合衆國政府將視本照會及

貴部長之覆照爲將兩國政府關於此事之瞭解，業予記錄在案，自上批條約生效日起卽行有效。

相應照達，卽請

查照爲荷。

本大使順同

貴部長重表崇高之敬意。

此致

中華民國外交部部長王世杰博士閣下

司徒雷登

公曆一九四八年十一月二十九日於南京

Note in the Chinese and English Languages from the Chinese Minister for Foreign Affairs to the American Ambassador

照會
遞覆者：接准

外(台)傳二

27(33)

貴大使本日照會，列載美利堅合衆國政府關於中華民國與美利堅合衆國於一九四六年十一月四日在南京簽訂之友好通商航海條約對太平洋島嶼託管區適用問題之建議如下：(一)一九四六年十一月四日在南京簽訂之美利堅合衆國與中華民國間友好通商航海條約，除經美利堅合衆國總統以公告將該條約之規定，適用於太平洋島嶼託管區者外，對於該區應不適用；(二)該條約之規定，凡給予不低於對任何第三國所給予之待遇者，應

不適用於美利堅合衆國或其領地及屬地（不論此項領地及屬地之政治地位有何變更）現在或將來所給予太平洋島嶼託管區之優惠。

查中華民國政府對上開建議，可予接受，並即視

貴大使之來照及本照會爲將兩國政府關於此舉之諒解，業予記錄在案，自上述條約生效日起，即行有效。

相應照覆，即請

查照爲荷。

本部長 顧炳

實大使重表崇尚之敬感。

此致

美利堅合眾國駐中華民國特命全權大使司徒雷登閣下。

中華民國



十一月二十九日於南京



外交部

*The Ministry of Foreign Affairs
Republic of China*

NANKING, November 29, 1948

EXCELLENCY :

I have the honor to acknowledge the receipt of your note of today's date which contains the following proposals on the part of the Government of the United States of America with respect to the applicability to the Trust Territory of the Pacific Islands of the Treaty of Friendship, Commerce and Navigation between the Republic of China and the United States of America signed at Nanking on November 4, 1946: (1) the Treaty of Friendship, Commerce and Navigation between the United States of America and the Republic of China, signed at Nanking on November 4, 1946, shall not apply to the Trust Territory of the Pacific Islands except to the extent that the President of the United States of America shall by proclamation extend the provisions of the Treaty to such Trust Territory; (2) the provisions of the Treaty according treatment no less favorable than the treatment accorded to any third country shall not apply to advantages now accorded or which may hereafter be accorded by the United States of America or its territories and possessions, irrespective of any change in their political status, to the Trust Territory of the Pacific Islands.

I have the honor to inform you that the Government of the Republic of China accepts the foregoing proposals and considers your note together with this reply as placing on record the understanding of our two Governments in this matter, with effect from the date of entry into force of the aforesaid Treaty.

Please accept, Excellency, the renewed assurances of my highest consideration.



His Excellency

Dr. J. LEIGHTON STUART,

*Ambassador Extraordinary and Plenipotentiary
of the United States of America
to the Republic of China,
Nanking.*

Note in the English and Chinese Languages from the American Ambassador to the Chinese Minister for Foreign Affairs

AMERICAN EMBASSY,
Nanking, November 29, 1948

No. 936

EXCELLENCY:

I have the honor to refer to Article XV and paragraph 3 (c) of Article XXVI of the Treaty of Friendship, Commerce and Navigation between the United States of America and the Republic of China signed at Nanking on November 4, 1946, and to state that it is the understanding of the Government of the United States of America that the provisions of the aforesaid Treaty do not preclude action by either of the parties thereto which is required or specifically permitted by the General Agreement on Tariffs and Trade or by Chapter IV of the Havana Charter for an International Trade Organization, [1] during such time as the party applying such measures is a contracting party to the General Agreement or is a member of the International Trade Organization.

Ante, p. 1311.

Ante, p. 1320.

61 Stat., Pts. 5 and 6.

I should be glad if your Excellency would confirm this understanding on behalf of the Government of the Republic of China.

Please accept, Excellency, the renewed assurances of my highest consideration.

J. LEIGHTON STUART

His Excellency

Dr. WANG SHIH-CHIEH,

Minister for Foreign Affairs,

Ministry of Foreign Affairs,

Nanking.

¹ Department of State publication 3117.

照會

第九三六號

逕啓者：本大使茲願提及一九四六年十一月四日在南京簽訂之美利堅合衆國與中華民國間友好通商航海條約第十五條及第二十六條第三款(丙)並聲述：依美利堅合衆國政府之了解，上述條約之規定，並不阻止任何一方於其係關稅暨貿易總協定之締約國或係國際貿易組織之會員國時，採取其爲該總協定或爲國際貿易組織夏灣拿憲章第四章所規定應行採取或指明准予採取之措施。

此項了解，如荷

貴部長代表

中華民國政府惠予證實，本大使至深感幸。

相應照達，即請

查照爲荷。

本大使頌同

貴部長重表崇高之敬意。

此致

中華民國外交部部長王世杰博士閣下

司徒雷登

公曆一九四八年十一月二十九日於南京

*Note in the Chinese and English Languages from the Chinese Minister
for Foreign Affairs to the American Ambassador*

照會

送教者，

貴大使本日關於一九四六年十一月四日在南京簽訂之中華民國與美利堅
合衆國間友好通商航海條約第十五條及第二十六條第三款(丙)之來照，本
部長業經函悉。茲證實依中華民國政府之了解，上述條約之規定，並不
阻止任何一方於其條約稅關貿易協定之締約國或係國際貿易組織之會
員國時，採取其爲該國協定或爲國際貿易組織及海峽羣島章程第四章所規定
應行採取或指明准予採取之措施。

外(訂)條二

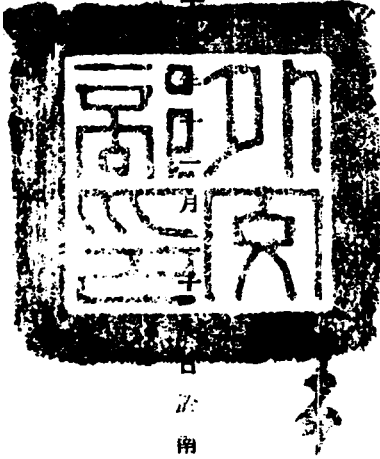
相應照覆，即請

查照為荷。

此致

美利堅合眾國駐中華民國特命全權大使司徒雷登閣下。

中華民國三十



日於南京



外交部

*The Ministry of Foreign Affairs
Republic of China*

NANKING, November 29, 1948

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of today's date with respect to Article XV and paragraph 3 (c) of Article XXVI of the Treaty of Friendship, Commerce and Navigation between the Republic of China and the United States of America signed at Nanking on November 4, 1946, and to confirm that it is the understanding of the Government of the Republic of China that the provisions of the aforesaid Treaty do not preclude action by either of the parties thereto which is required or specifically permitted by the General Agreement on Tariffs and Trade or by Chapter IV of the Havana Charter for an International Trade Organization, [1] during such time as the party applying such measures is a contracting party to the General Agreement or is a member of the International Trade Organization.

Please accept, Excellency, the renewed assurances of my highest consideration.



His Excellency

Dr. J. LEIGHTON STUART,

*Ambassador Extraordinary and Plenipotentiary
of the United States of America
to the Republic of China,
Nanking.*

¹ Department of State publication 3117.

Acte, pp. 1311, 1320.

61 Stat., Pts. 5 and 6.