

No. 220

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**CHINA  
and  
PORTUGAL**

**Exchange of Notes for the relinquishment by Portugal of its rights relating to the consular jurisdiction in China and the adjustment of certain other matters. Nanking, 1 April 1947**

*English official text communicated by the Director of the Office of the Permanent Chinese Delegation to the United Nations. The registration took place on 5 April 1948.*

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**CHINE  
et  
PORTUGAL**

**Echange de notes concernant la renonciation par le Portugal à ses droits de juridiction consulaire en Chine ainsi que le règlement de certaines autres questions. Nankin, 1er avril 1947**

*Texte officiel anglais communiqué par le Directeur du bureau de la délégation permanente chinoise auprès de l'Organisation des Nations Unies. L'enregistrement a eu lieu le 5 avril 1948.*

No. 220. EXCHANGE OF NOTES<sup>1</sup> BETWEEN CHINA AND PORTUGAL FOR THE RELINQUISHMENT BY PORTUGAL OF ITS RIGHTS RELATING TO THE CONSULAR JURISDICTION IN CHINA AND THE ADJUSTMENT OF CERTAIN OTHER MATTERS. NANKING, 1 APRIL 1947

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*H. E. Dr. J. B. Ferreira da Fonseca, Minister of Portugal, to H. E. Dr. Wang Shih-chieh, Minister for Foreign Affairs*

LEGAÇÃO DE PORTUGAL

Nanking, 1st April, 1947

Sir,

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

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

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

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

<sup>1</sup> Came into force on 1 April 1947, by the exchange of the said notes.

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

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

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

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

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

(Signed) J. B. FERREIRA DA FONSECA

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

## II

*H. E. Dr. Wang Shih-chieh, Minister for Foreign Affairs, to H. E. J. B. Ferreira da Fonseca, Minister of Portugal*

## MINISTRY OF FOREIGN AFFAIRS

Nanking, 1st April, 1947

Sir,

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

[*See note I*]

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

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

(*Signed*) WANG SHIH-CHIEH

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

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