

CHINESE COURTS IN THE INTERNATIONAL SETTLEMENT AT SHANGHAI

Exchange of notes signed at Nanking February 8, 1933, extending agreement of February 17, 1930; exchange of notes signed at Nanking February 11 and 12, 1933, regarding delay in civil proceedings; unilateral declaration signed at Nanking February 8, 1933, renewing declaration of February 17, 1930; regarding guaranteed rights

Entered into force February 8, 1933; effective April 1, 1933

Terminated May 20, 1943, as between the United States and China by treaty of January 11, 1943¹

48 Stat. 1772; Executive Agreement Series 45

EXTENSION OF AGREEMENT

The Foreign Signatories to the Chinese Minister for Foreign Affairs

NANKING, 8th February, 1933.

SIR,

Article 10 of the Agreement signed at Nanking on February 17, 1930,² between the representative of the Chinese Government on the one hand and the representatives of the Brazilian, American, French, United Kingdom, Norwegian and Netherlands Governments on the other hand relating to the Chinese courts in the International Settlement at Shanghai provides as follows: -

“The present Agreement and the attached Notes shall enter into effect on April 1st, 1930, and shall continue in force for a period of three years from that date, provided that they may be extended for an additional period upon mutual consent of the parties thereto.”

It is now proposed, as arranged between us, that the said Agreement and attached Notes shall be extended for a period of three years from April 1st, 1933; that either of the parties thereto may notify the other, six months before the expiration of the period, of their desire to denounce them; and that in case both parties fail to do so in time, the Agreement and attached Notes

¹ TS 984, *post*, CHINA.

² EAS 37, *ante*, vol. 2, p. 1040.

shall continue in force thereafter, until they are denounced by either of the parties thereto, of which denunciation six months prior notice shall be given to the other party.

We have the honour on behalf of our respective Governments to agree to the proposed arrangements set forth above for the extension of the said Agreement and attached Notes and to request Your Excellency's confirmation thereof.

We avail ourselves of this opportunity to renew to Your Excellency the assurance of our highest consideration.

WILLYS R. PECK
Counsellor of Legation
on behalf of the American Minister

PHILIPPE BAUDET
in the name of the French Minister

E. M. B. INGRAM
on behalf of His Majesty's Minister

N. AALL
Norwegian Chargé d'Affaires a.i.

THORBECKE
Netherlands Minister

AF. LOPES DE ALMEIDA
in the name of the Brazilian Minister

HIS EXCELLENCY
DOCTOR LO WEN-KAN,
Minister for Foreign Affairs,
Nanking.

The Chinese Minister for Foreign Affairs to the American Minister

WAICHIAOPU
Nanking, February 8, 1933.

No. 577

EXCELLENCY:

I have the honor to acknowledge receipt of your Note of to-day's date which reads as follows:

“Article 10 of the Agreement signed at Nanking on February 17th, 1930, between the representative of the Chinese Government on the one hand and the representatives of the Brazilian, American, French, United Kingdom, Norwegian and Netherlands Governments on the other hand relating to the Chinese courts in the International Settlement at Shanghai provides as follows:

“The present Agreement and the attached Notes shall enter into effect on April 1st, 1930, and shall continue in force for a period of three years from that date, provided that they may be extended for an additional period upon mutual consent of the parties thereto.”

“It is now proposed, as arranged between us, that the said Agreement and attached Notes shall be extended for a period of three years from April 1st, 1933, that either of the parties thereto may notify the other, six months before the expiration of the period, of their desire to denounce them; and that, in case both parties fail to do so in time, the Agreement and attached

Notes shall continue in force thereafter until they are denounced by either of the parties thereto, of which denunciation six months prior notice shall be given to the other party.

“We have the honor on behalf of our respective Governments to agree to the proposed arrangements set forth above for the extension of the said Agreement and attached Notes and to request Your Excellency’s confirmation thereof.”

In reply I have the honor to confirm that the Chinese Government agrees to the proposed arrangements as set forth above.

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

LO WEN-KAN.

HIS EXCELLENCY

MR. NELSON T. JOHNSON,
*American Minister to China,
American Legation,
Peiping.*

NOTES REGARDING DELAY IN CIVIL PROCEEDINGS

The Foreign Signatories to the Chinese Minister for Foreign Affairs

NANKING, 11th February, 1933.

SIR,

With reference to our recent conversations we understand that measures are now under contemplation by the Chinese authorities for checking undue delay in civil proceedings, with special reference to matters of appeal and execution of judgment, and that such measures, when adopted, will apply also to the Courts functioning in the International Settlement at Shanghai. We should be grateful for Your Excellency’s confirmation of the above understanding.

We avail ourselves of this opportunity to renew to Your Excellency the assurance of our highest consideration.

WILLYS R. PECK
*Counsellor of Legation
on behalf of the American Minister*

PHILIPPE BAUDET
in the name of the French Minister

E. M. B. INGRAM
on behalf of His Majesty’s Minister

N. AALL
Norwegian Chargé d’Affaires a.i.

THORBECKE
Netherlands Minister

AF. LOPES DE ALMEIDA
in the name of the Brazilian Minister

HIS EXCELLENCY

DR. LO WEN-KAN,
*Minister for Foreign Affairs,
Nanking*

The Chinese Minister for Foreign Affairs to the American Minister

WAICHIAOPU
Nanking, February 12, 1933.

EXCELLENCY:

I have the honor to acknowledge the receipt of your Note of yesterday's date which reads as follows:

“With reference to our recent conversations we understand that measures are now under contemplation by the Chinese authorities for checking undue delay in civil proceedings, with special reference to matters of appeal and execution of judgment and that such measures, when adopted, will apply also to the Courts functioning in the International Settlement at Shanghai. We should be grateful for Your Excellency's confirmation of the above understanding.”

In reply I have the honor to confirm that the above understanding is correct.

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

LO WEN-KAN

HIS EXCELLENCY

MR. NELSON T. JOHNSON,
*American Minister to China,
American Legation,
Peiping.*

RENEWAL OF UNILATERAL DECLARATION REGARDING
GUARANTEED RIGHTS

*Declaration of the Foreign Signatories to the Chinese Minister
for Foreign Affairs*

NANKING, 8th February, 1933.

SIR,

With reference to the Notes which we have exchanged to-day relating to the extension of the Agreement concerning the Shanghai Courts, we have the honour to renew the declaration made in our Note of February 17th, 1930, as follows:

“We desire to point out that such Agreement cannot in any way affect or invalidate rights guaranteed to the Powers concerned and to their nationals under existing Treaties between such Powers and China and we accordingly reserve our full rights in this regard. We further reserve the right to object to the enforcement in the International Settlement of any future Chinese laws

that affect or in any way invalidate the Land Regulations or Byelaws of the International Settlement or that may be considered prejudicial to the maintenance of peace and order within this area.”

We avail ourselves of this opportunity to renew to Your Excellency the assurance of our highest consideration.

WILLYS R. PECK
*Counsellor of Legation
on behalf of the American Minister*

PHILIPPE BAUDÉT
in the name of the French Minister

E. M. B. INGRAM
on behalf of His Majesty's Minister

N. AALL
Norwegian Chargé d'Affaires a.i.

THORBECKE
Netherlands Minister

AF. LOPES DE ALMEIDA
in the name of the Brazilian Minister

HIS EXCELLENCY

DR. LO WEN-KAN,
*Minister for Foreign Affairs,
Nanking.*