

DOMINION OF CANADA

TREATY SERIES, 1929

No. 5

EXCHANGE OF NOTES

(December 20, 1928)

relative to

THE RENUNCIATION OF THE RIGHTS OF
HIS MAJESTY'S GOVERNMENT
IN CANADA

to benefit

BY THE PROVISIONS OF EXISTING TREATIES
LIMITING THE RIGHT OF CHINA
TO SETTLE HER NATIONAL CUSTOMS TARIFFS
OR TO IMPOSE TONNAGE DUES



OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1930

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Exchange of Notes (December 20, 1928) Relative to the Renunciation of the Rights of His Majesty's Government in Canada to Benefit by the Provisions of Existing Treaties Limiting the Right of China to Settle Her National Customs Tariffs or to Impose Tonnage Dues as She May Think Fit.

His Majesty's Minister to China to the Chinese Minister for Foreign Affairs

NANKING, December 20, 1928.

SIR,—With reference to the treaty* concluded this day between His Britannic Majesty and the President of the National Government of the Republic of China, I have the honour to assure Your Excellency, on behalf of His Majesty's Governments in Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa and the Irish Free State, and the Government of India, that the rights of those Governments to benefit by those provisions of existing treaties which limit in any way the right of China to settle her customs tariff or to impose tonnage dues at such rates as she may think fit are renounced by His Majesty as from the entry into force of the treaty.

I have also the honour to assure Your Excellency that His Majesty similarly renounces His rights in respect of Newfoundland, Southern Rhodesia and all His non-self-governing Colonies and Protectorates.

I shall be glad to receive the assurance of the National Government of the Republic of China that goods produced or manufactured in any of the parts of His Majesty's territories mentioned above or in any of the territories under their administration or in any territory under His Majesty's suzerainty or in any territory in respect of which a mandate is exercised by His Majesty's Government in Great Britain, the Commonwealth of Australia, New Zealand or the Union of South Africa will be accorded most-favoured-nation treatment in China, so long as goods produced or manufactured in China receive in such territory treatment as favourable as that accorded to goods produced or manufactured in any other foreign country.

I shall also be glad to receive the assurance of the National Government of the Republic of China that articles produced or manufactured in China and exported to any of the territories mentioned above will receive most-favoured-nation treatment as regards export duties, internal taxation or transit dues, or matters connected therewith, so long as goods produced or manufactured in such territory and exported to China receive in corresponding matters treatment as favourable as that accorded to goods exported to any other foreign country.

I avail, &c.,

MILES W. LAMPSON.

* Canada is not a party to this treaty which, however, is printed below for information.

The Chinese Minister for Foreign Affairs to His Majesty's Minister to China

MINISTRY OF FOREIGN AFFAIRS,
NANKING, December 20, 1928.

EXCELLENCY,—I hereby take note of the renunciation by His Britannic Majesty of the rights of His Governments in Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa and the Irish Free State, and of the Government of India, as from the entry into force of the treaty concluded this day between His Britannic Majesty and the President of the National Government of the Republic of China to benefit by the provisions of existing treaties which limit in any way the right of China to settle her customs tariff or to impose tonnage dues at such rates as she may think fit. I also take note of the renunciation by His Majesty of His rights in respect of Newfoundland, Southern Rhodesia and all His non-self-governing Colonies and Protectorates.

I have the honour, on behalf of the National Government of the Republic of China, to assure you that goods produced or manufactured in any of the parts of His Majesty's territories mentioned above or in any of the territories under their administration or in any territory under His Majesty's suzerainty or in any territory in respect of which a mandate is exercised by His Majesty's Government in Great Britain, the Commonwealth of Australia, New Zealand or the Union of South Africa will receive most-favoured-nation treatment in China so long as goods produced or manufactured in China receive in such territory treatment as favourable as that accorded to goods produced or manufactured in any other foreign country.

I have also to assure you, on behalf of the National Government of the Republic of China, that articles produced or manufactured in China and exported to any of the territories mentioned above will receive most-favoured-nation treatment as regards export duties, internal taxation or transit dues, levied before export, or matters connected therewith, so long as goods produced or manufactured in such territory and exported to China receive in corresponding matters treatment as favourable as that accorded to goods exported to any other foreign country.

I avail, &c.,

CHENGTING T. WANG.

Treaty between His Majesty and the President of the Chinese Republic Relating to the Chinese Customs Tariff, &c., with the Annexes thereto.

Nanking, December 20, 1928

[Ratifications exchanged at London, March 14, 1929]

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and
His Excellency the President of the National Government of the Republic of China,

Desiring to strengthen the good relations which happily exist between them and to facilitate and extend trade and commerce between their respective countries,

Have resolved to conclude a treaty for this purpose and have appointed as their plenipotentiaries:

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India:

For Great Britain and Northern Ireland,

Sir Miles Wedderburn Lampson, K.C.M.G., C.B., M.V.O., His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the Republic of China;

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

His Excellency Doctor Chengting T. Wang, Minister for Foreign Affairs of the National Government of the Republic of China;

who, having communicated their full powers, found in good and due form, have agreed as follows:—

ARTICLE 1

It is agreed that all provisions of the existing treaties between the High Contracting Parties which limit in any way the right of China to settle her national customs tariff in such way as she may think fit are hereby abrogated, and that the principle of complete national tariff autonomy shall apply.

ARTICLE 2

The nationals of either of the High Contracting Parties shall not be compelled under any pretext whatsoever to pay in China and the territories of His Britannic Majesty to which the present treaty applies respectively any duties, internal charges or taxes upon goods imported or exported by them other than or higher than those paid on goods of the same origin by Chinese and British nationals respectively, or by nationals of any other foreign country.

ARTICLE 3

His Britannic Majesty agrees to the abrogation of all provisions of the existing treaties between the High Contracting Parties which limit the right of China to impose tonnage dues at such rates as she may think fit.

In regard to tonnage dues and all matters connected therewith, British ships in China and Chinese ships in those territories of His Britannic Majesty to which the present treaty applies, shall receive treatment not less favourable than that accorded to the ships of any other foreign country.

ARTICLE 4

The present treaty shall be ratified and the ratifications shall be exchanged in London as soon as possible. It shall come into force on the date on which the two Parties shall have notified each other that ratification has been effected.*

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

In witness whereof the respective plenipotentiaries have signed the present treaty in duplicate, and have affixed thereunto their seals.

Done at Nanking, the twentieth day of December, nineteen hundred and twenty-eight, corresponding to the twentieth day of the twelfth month of the seventeenth year of the Republic of China.

(Seal)

MILES W. LAMPSON.

(Seal)

CHENGTING T. WANG.

*By a protocol dated the 1st February, 1929, the treaty came into force on that date.

Sir M. Lampson to Dr. Wang

NANKING, December 20, 1928.

SIR,—With reference to the treaty concluded this day between His Britannic Majesty and the President of the National Government of the Republic of China, I have the honour to request that Your Excellency will be good enough to confirm my understanding that:

1. Articles produced or manufactured in those territories of His Britannic Majesty to which the present treaty applies, and imported into China, and reciprocally articles produced or manufactured in China and imported into the said territories of His Britannic Majesty, from whatever place arriving, shall receive, as regards import duties, internal taxation, transit dues and all matters connected therewith, treatment not less favourable than that accorded to goods the produce or manufacture of any other foreign country.

2. Articles produced or manufactured in China and exported to those territories of His Britannic Majesty to which the present treaty applies, and reciprocally articles produced or manufactured in the said territories of His Britannic Majesty and exported to China, shall receive, as regards export duties, internal taxation and transit dues, levied before export, and all matters connected therewith, treatment not less favourable than that accorded to goods exported to any other foreign country.

I avail, &c.,

MILES W. LAMPSON.

Dr. Wang to Sir M. Lampson

MINISTRY OF FOREIGN AFFAIRS,
NANKING, December 20, 1928.

EXCELLENCY,—I have the honour to acknowledge the receipt of your Excellency's note of to-day's date, reading as follows:—

"With reference to the Treaty concluded this day between His Britannic Majesty and the President of the National Government of the Republic of China, I have the honour to request that Your Excellency will be good enough to confirm my understanding that:

"1. Articles produced or manufactured in those territories of His Britannic Majesty to which the present treaty applies, and imported into China, and reciprocally articles produced or manufactured in China and imported into the said territories of His Britannic Majesty, from whatever place arriving, shall receive, as regards import duties, internal taxation, transit dues and all matters connected therewith, treatment not less favourable than that accorded to goods the produce or manufacture of any other foreign country.

"2. Articles produced or manufactured in China and exported to those territories of His Britannic Majesty to which the present treaty applies, and reciprocally articles produced or manufactured in the said territories of His Britannic Majesty and exported to China, shall receive, as regards export duties, internal taxation and transit dues, levied before export, and all matters connected therewith, treatment not less favourable than that accorded to goods exported to any other foreign country.

I hereby confirm that your understanding is correct.

I avail, &c.,

CHENGTING T. WANG.

Sir M. Lampson to Dr. Wang

NANKING, December 20, 1928.

SIR,—With reference to the treaty concluded this day between His Britannic Majesty and the President of the National Government of the Republic of China, I have the honour to state that it is my understanding that the *ad valorem* rates of duty or the specific rates based thereon in the National Customs Tariff to be adopted by the National Government are the same as the rates which were discussed and provisionally agreed upon at the Tariff Conference of 1926, and that these are the maximum rates to be levied on British goods: furthermore, that these will remain the maximum rates on such goods for the period of at least one year from the date of enforcement of the tariff: and that two months' notice will be given of the coming into force of the said tariff.

I shall be glad if Your Excellency will be good enough to confirm the correctness of the above.

In view of the doubt and anxiety that may arise amongst my nationals in regard to the effect which the new tariff may have on their trade if the various levies other than customs duties now being collected remain in force after the coming into operation of the national tariff rates, I would remind Your Excellency of the proclamation issued by the National Government of the Republic of China at Nanking on the 20th July, 1927, announcing their intention to take as soon as possible the necessary steps effectively to abolish *li-kin*, native customs dues, coast-trade duties and all other taxes on imported goods whether levied in transit or on arrival at destination, and I should welcome some assurance on behalf of the National Government that it is their intention that goods having once paid import duty to the Maritime Customs in accordance with the rates imposed in the new or any subsequent national tariff will be freed as soon as possible from any levies of the nature specified in the above-mentioned proclamation.

I avail, &c.,

MILES W. LAMPSON.

Dr. Wang to Sir M. Lampson

MINISTRY OF FOREIGN AFFAIRS,
NANKING, December 20, 1928.

EXCELLENCY,—With reference to Your Excellency's note of to-day's date, I have the honour to confirm the correctness of your understanding that the *ad valorem* rates of duty or the specific rates based thereon in the national customs tariff to be adopted by the National Government are the same as the rates which were discussed and provisionally agreed upon at the Tariff Conference in 1926 and that these are the maximum rates to be levied on British goods: furthermore, that these will remain the maximum rates on such goods for a period of at least one year from the date of enforcement of the tariff: and that two months' notice will be given of the coming into force of the said tariff.

Furthermore, I am glad to be able to confirm, on behalf of the National Government, the terms of their proclamation of the 20th July, 1927, and to give you the assurance which you request that it is their intention that goods having once paid import duty to the Maritime Customs in accordance with the rates imposed in the new or any subsequent national tariff will be freed as soon as possible from any levies of the nature specified in the above-mentioned proclamation.

I avail, &c.,

CHENGTING T. WANG.



Dr. Wang to Sir M. Lampson

MINISTRY OF FOREIGN AFFAIRS,
NANKING, December 20, 1928.

EXCELLENCY,—With reference to the Treaty signed this day, I hereby declare on behalf of the National Government of the Republic of China that it is their intention to apply the new customs tariff uniformly on all land and sea frontiers of China and that, as from the date of the coming into force of the new tariff, the preferential rates at present levied on goods imported or exported by land frontier will accordingly be abolished.

I avail, &c.,

CHENGTING T. WANG.

Sir M. Lampson to Dr. Wang

NANKING, December 20, 1928.

SIR,—I have the honour to acknowledge receipt of the note of to-day's date in which Your Excellency declares on behalf of the National Government of the Republic of China that it is their intention to apply the new customs tariff uniformly on all land and sea frontiers of China and that, as from the date of the coming into force of the new tariff, the preferential rates at present levied on goods imported or exported by land frontier will accordingly be abolished.

I have taken due note of this declaration, with which His Majesty's Government in Great Britain are in full agreement.

I avail, &c.,

MILES M. LAMPSON.