

N° 352.

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**CHINE ET ÉTATS-UNIS  
DU MEXIQUE**

Exchange de notes comportant un accord au sujet de la modification provisoire du traité sino-mexicain conclu à Washington le 14 décembre 1899. Mexico, le 26 septembre 1921.

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**CHINA AND THE  
UNITED STATES OF MEXICO**

Exchange of Notes embodying an agreement for the provisional modification of the Sino-Mexican Treaty, concluded at Washington, December 14, 1899. Mexico, September 26, 1921.

No. 352. — EXCHANGE OF NOTES BETWEEN THE GOVERNMENTS OF CHINA AND THE UNITED STATES OF MEXICO, EMBODYING AN AGREEMENT FOR THE PROVISIONAL MODIFICATION OF THE SINO-MEXICAN TREATY<sup>1</sup>, CONCLUDED AT WASHINGTON, DECEMBER 14, 1899. MEXICO, SEPTEMBER 26, 1921.

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*Texte officiel anglais communiqué par le représentant de la Chine au Conseil de la Société des Nations. L'enregistrement de cet échange de notes a eu lieu le 13 novembre 1922.*

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MEXICO, September 26, 1921.

YOUR EXCELLENCY :

The object of the present communication is definitely to settle the different points which we have been discussing due to the denouncement made by my Government of the Treaty of Friendship, Commerce and Navigation signed in 1899 with the State represented by Your Excellency.

This Note therefore formally proposes to the Government of China the following *modus vivendi* regarding the immigration of labourers to the two respective countries, an agreement for the provisional modification of the Treaty between China and Mexico, signed at Washington on the 14th of December, 1899.

*Article 1.*

It is agreed between the Government of the Republic of China and the Government of the United States of Mexico that the term of the Treaty of Friendship, Commerce and Navigation, entered into between China and Mexico and signed at Washington on the 14th day of December 1899 shall be extended until a definitive and formal amendment of the said Treaty will be made by the two High Contracting Parties by the regular procedure as required by the Constitutions of the two countries. The expected amendment shall be made at the earliest possible date.

The two High Contracting Parties further express the wish that the expected definitive and formal amendment to the said Treaty will be based on the sense and spirit of the present Note.

*Article 2.*

So long as the Mexican Government prohibits the immigration of foreign labourers, each of the two High Contracting Parties prohibits her citizens of the labourer classes to enter the national territory of the other.

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<sup>1</sup> British and Foreign State Papers, Vol. 92, page 1057.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 352. — ÉCHANGE DE NOTES ENTRE LES GOUVERNEMENTS DE CHINE ET DES ÉTATS-UNIS DU MEXIQUE, COMPORTANT UN ACCORD AU SUJET DE LA MODIFICATION PROVISOIRE DU TRAITÉ SINO-MEXICAIN <sup>2</sup>, CONCLU A WASHINGTON LE 14 DÉCEMBRE 1899. MEXICO, LE 26 SEPTEMBRE 1921.

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*English official text communicated by the representative of China on the Council of the League of Nations. The registration of this exchange of Notes took place November 13, 1922.*

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MEXICO, le 26 septembre 1921.

EXCELLENCE,

La présente communication a pour objet de régler définitivement les différents points que nous avons eu à discuter, comme suite à la dénonciation par mon Gouvernement du Traité d'amitié, de commerce et de navigation conclu en 1899 avec le Gouvernement de Votre Excellence.

A cet effet, la présente Note propose officiellement au Gouvernement chinois le *modus vivendi* suivant, relatif à l'immigration des travailleurs dans les deux pays respectifs, et un accord relatif aux modifications provisoires à apporter au Traité conclu à Washington le 14 décembre 1899 entre la Chine et le Mexique.

*Article 1.*

Le Gouvernement de la République chinoise et le Gouvernement des Etats-Unis du Mexique conviennent de proroger la validité du Traité d'amitié, de commerce et de navigation conclu à Washington le 14 décembre 1899 entre la Chine et le Mexique, jusqu'à ce qu'un amendement définitif et officiel du dit Traité soit signé par les deux Hautes Parties contractantes, selon la procédure usuelle requise par la constitution des deux Etats. Cet amendement devra être conclu dans le plus bref délai possible.

En outre, les deux Hautes Parties contractantes expriment le vœu que l'amendement définitif et officiel ici envisagé se conforme dans ses lignes générales au sens et à l'esprit de la présente note.

*Article 2.*

Tant que le Gouvernement mexicain interdira l'immigration de travailleurs étrangers, chacune des Hautes Parties contractantes interdira à ses ressortissants de la classe ouvrière de pénétrer sur le territoire national de l'autre Partie.

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<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

<sup>1</sup> Translated by the Secretariat of the League of Nations.

<sup>2</sup> De Martens, Nouveau Recueil Général de Traités, deuxième série, Vol. XXXIII, page 235.

*Article 3.*

Hereafter the emigration of Chinese labourers to Mexico can only be carried out with the approval of the Governments of China and Mexico and is subject to the necessary conditions to be decided upon by the two Governments.

*Article 4.*

Those individuals who might come to Mexico with the sole purpose of being employed in manual labour, and are provided without any amount of capital, but to depend upon the product of the energy of their arms for living are to be considered as labourers.

*Article 5.*

Those citizens of the High Contracting Parties who are not labourers or workmen are not included in the above restrictive dispositions, and they shall be governed according to the provisions of the existing Treaty between China and Mexico and the Laws applied to the nationals of the non-labourer classes of all other friendly nations.

However, for the sake of avoiding possible difficulties, it is agreed between the two Governments that the citizens of one of the High Contracting Parties who are to enter the national territory of the other High Contracting Party with the purpose of engaging themselves in commercial business and are provided with a capital amounting to five hundred pesos Mexican currency are not included in the above restrictive dispositions. Likewise, those who are to enter the national territory of one of the High Contracting Parties for the purpose of engaging themselves in any kind of work which may be called intellectual work, and travellers and students or apprentices who are provided with reliable financial support, are not included in the above restrictive dispositions.

*Article 6.*

The public officials of the High Contracting Parties, their families, suite and servants are not included in the restrictive dispositions.

*Article 7.*

Those citizens of one High Contracting Party, no matter they are labourers or non-labourers, who have already been admitted to the national territory of the other High Contracting Party but have been absent from the country of their admittance temporarily are not included in the above restrictive dispositions.

Those citizens of the respective High Contracting Parties who are entitled to the special privileges of the present Article and desire to make use of them should comply with the following conditions :

- (a) Before leaving the country of their admittance they should apply for passports from the legation of their own nationality in the country of their admittance, stating that they are to leave with the intention of returning to the country from which they are to depart. Each passport of such character shall bear the photograph of the applicant with the seal of the said legation impressed on it and it shall be visaed by the Ministry for Foreign Affairs of the country of their admittance.
- (b) This kind of passports shall be valid for a period of two years from the date on which they are visaed.

*Article 8.*

When the citizens of one of the High Contracting Parties who are other than labourers should desire to proceed to the territory of the other High Contracting Party from their native land or from a third country, they should provide themselves according to international usage with passports issued by the proper authorities of their native country or the foreign officials representing the interests of their native country at the port of embarkation or starting, and such passports shall be visaed by the Diplomatic or Consular Authorities of the country to which they are to go at the same locality. If there are no such consular or diplomatic functionaries at the particular locality, the passports may be visaed by the Diplomatic or Consular Authorities of the country to which they go at any port or city they may pass through *en route* to their object country.

*Article 9.*

All the citizens of one High Contracting Party who are permitted to enter the national territory of the other High Contracting Party shall be subject in every respect to the Immigration and Sanitary Laws in force, but they shall be treated in the same manner as the nationals of all the other friendly nations.

*Article 10.*

Citizens of one High Contracting Party attempting to enter the national territory of the other High Contracting Party in contravention of the present Agreement shall be denied admission.

*Article 11.*

The wives and minor children of the Chinese citizens who are residing in Mexico at present and that of those who may be admitted to Mexico hereafter are not included in the restrictive dispositions.

*Article 12.*

The Chinese agricultural colonists shall not be considered as immigrant labourers. The regulations governing the colonisation of such agricultural colonists shall be decided upon by the mutual agreement of the two Governments on the same basis as it may be concluded between Mexico and the most-favoured nations.

*Article 13.*

The present Agreement shall be written in English.

*Article 14.*

All the above Articles shall take effect on and from the day on which the Notes, embodying the present Agreement, shall be exchanged between the Secretary of Foreign Relations of the United States of Mexico and the Minister of the Republic of China accredited to Mexico.

I hope that the Government of the Republic of China will approve the foregoing clauses, and that the same cordial spirit directing these negotiations, for the definitive amendments of the Treaty to be made according to the international methods and to the Constitutions of China and Mexico.

To this respect, the Government of Mexico is pleased to previously declare to the Government of the Republic of China that my Government is willing to express on one of the amendments of the above-mentioned Treaty the renouncement that will be made by Mexico to the consular jurisdiction in China.

Finally, the Mexican Government declares to the Chinese Government that the other amendments under project for the Treaty of the 14th of December, 1899, do not modify it deeply, and only purpose to put it up to day regarding the progress on navigation, etc.

Please accept, Your Excellency, the renewed assurances of my distinguished consideration.

(Signed) A. J. PANI-RUBRICA.

To His Excellency OUANG KI-TSENG,  
Extraordinary Envoy and Plenipotentiary  
Minister of the Republic of China.

MEXICO, September 26, 1921.

YOUR EXCELLENCY,

I have the honour to answer Your Excellency's Note of to-day's date expressing to me a proposal made by the illustrious Government of the United States of Mexico to my Government for an Agreement regarding the immigration of labourers of the respective High Contracting Parties as a provisional modification to the existing Treaty between the Republic of China and the United States of Mexico, signed at Washington on the 14th of December, 1899, with the understanding that the term of the said Treaty shall be extended until a definitive and formal amendment to the said Treaty will be concluded by the two High Contracting Parties.

Being authorised by my Government, I have the honour to declare to the Government of the United States of Mexico, through Your Excellency, that the Government of the Republic of China accepts the *modus vivendi* contained in the following Articles.

An Agreement for the Provisional Modification on the Treaty between China and Mexico, signed at Washington on the 14th of December, 1899.

(Follows the text of the 14 articles of the Agreement, see page 202.)

Excellency, having taken note of the promise made by the Government of the United States of Mexico to the Government of the Republic of China in the Note of Your Excellency under reply that it (the Mexican Government) will comprise, in the expected definitive and formal amendment to the said Treaty, the definitive renunciation of the Mexican Government for the Mexican consular jurisdiction in China, my Government expresses the same wishes as they are expressed by the Government of Your Excellency regarding the formal amendment of the said Treaty, and hopes that it will be made at the earliest possible date and in the same cordial spirit which has inspired the negotiations of this provisional Agreement.

My Government has also taken note that the other amendments contemplated by the Government of the United States of Mexico to the Treaty shall not modify it in its essential parts, since the declared intention of the Mexican Government is only to make it agreeable to the modern progress of navigation and its kindred subjects.

In connection with the projected negotiation for the definitive and formal amendment to the said Treaty, my Government reserves the right and privileges to propose any further amendments that may be found necessary besides those which have already been agreed upon by the

two Governments, and any such proposals shall be given the amicable and cordial consideration as well as for those which are being contemplated by the Mexican Government in regard to navigation and cognate subjects.

It is understood that Your Excellency's Note of to-day's date embodying the present Agreement and my present Note in reply to the same constitute the Exchange of Notes necessary for the enforcement of the provisional Agreement for the extension of the term of the Chinese-Mexican Treaty of 1899 and on the immigration of labourers of the respective countries and I hope that all the measures herein agreed will be enforced in due and proper manner by the authorities of the two High Contracting Parties who may be concerned.

Please accept, Your Excellency, the renewed assurance of my highest consideration.

(Signed) OUANG KI-TSENG.

*Envoy Extraordinary  
and Minister Plenipotentiary  
of the Republic of China.*

To His Excellency  
Don Alberto J. PARI,  
Secretary of State for Foreign Relations.