

proof, established through due process of law, that such rights or titles have been acquired by fraud or by fraudulent or dishonest practices, it being understood that no right or title shall be rendered invalid by virtue of any subsequent change in the official procedure through which it was acquired. It is agreed that the exercise of these rights or titles shall be subject to the laws and regulations of the Republic of China concerning taxation, national defence and the right of eminent domain and that no such rights or titles may be alienated to the Government or nationals (including companies) of any third country without the express consent of the Government of the Republic of China. And it is further agreed that the restriction on the right of alienation of existing rights and titles to real property referred to in this Article will be applied by the Chinese authorities in an equitable manner and that if, and when, the Government of the Republic of China declines to give assent to a proposed transfer, the Government of the Republic of China will, in a spirit of justice and with a view to precluding loss on the part of the nationals or companies whose interests are affected, undertake, if so requested by the nationals or companies to whom permission to alienate has been refused, to take over the rights and titles in question and to pay adequate compensation therefor.

(2) Should the Government of the Republic of China desire to replace by new and appropriate deeds existing documentary evidence relating to real property held by Canadian nationals or companies, the new deeds shall fully protect the prior rights and interests of the Canadian nationals or companies, and their legal heirs, successors or assigns.

(3) Canadian nationals or companies shall not be required by the Chinese authorities to make any payments of fees in connection with land transfers for or with relation to any period prior to the day of coming into force of the present Treaty.

#### ARTICLE V

The Government of Canada having long accorded rights to nationals of the Republic of China within the territory of Canada to travel, reside and carry on trade throughout the whole extent of that territory, the Government of the Republic of China agrees to accord similar rights to Canadian nationals within the territory of the Republic of China. Each of the two Governments will endeavour to accord in territory under its jurisdiction to nationals and companies of the other country in regard to all legal proceedings and in matters relating to the administration of justice, and to the levying of taxes or requirements in connection therewith, treatment not less favourable than that accorded to its own nationals and companies.

#### ARTICLE VI

The consular officers of one High Contracting Party, duly provided with exequaturs, shall be permitted to reside in such ports, places and cities of the other High Contracting Party as may be agreed upon. The consular officers of each of the High Contracting Parties shall have the right to interview, to communicate with, and to advise nationals or companies of their country within their consular districts; they shall be informed immediately whenever nationals of their country are under detention or arrest or in prison or are awaiting trial in their consular districts and they shall, upon notification to the appropriate authorities, be permitted to visit any such nationals; and, in general, the consular officers of each of the High Contracting Parties in the territory of the other shall be accorded the rights, privileges and immunities enjoyed by consular officers under modern international usage.