### CANADA

## TREATY SERIES, 1944 No. 11

## TREATY

BETWEEN

### CANADA

AND

## THE REPUBLIC OF CHINA

CONCERNING THE

RELINQUISHMENT OF EXTRATERRITORIAL RIGHTS AND THE REGULATION OF RELATED MATTERS

(With Exchange of Notes)

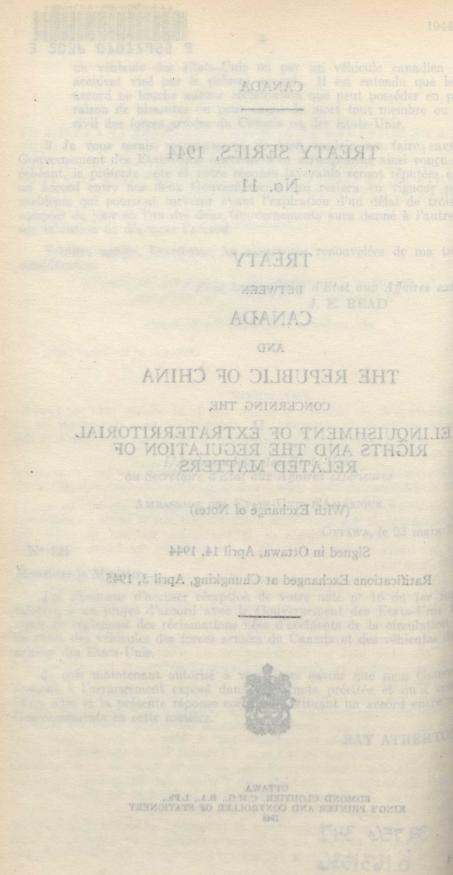
Signed in Ottawa, April 14, 1944 Ratifications Exchanged at Chungking, April 3, 1945



EDMOND CLOUTIER, C.M.G., B.A., L.Ph., KING'S PRINTER AND CONTROLLER OF STATIONERY 32,756,347

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1944. No. 11

## proof, established, through due process of law, that such rights or ities have TREATY BETWEEN CANADA AND THE REPUBLIC OF CHINA CON-CERNING THE RELINQUISHMENT OF EXTRATERRITORIAL RIGHTS AND THE REGULATION OF RELATED MATTERS\* (WITH EXCHANGE OF NOTES). Signed in Ottawa, on April 14, 1944

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

Desiring to promote a spirit of friendship in the general relations between Canada and China, and for this purpose to adjust certain matters in the relations

of the two countries; Have decided to conclude a Treaty for this purpose, and to that end

have decided to conclude a Treaty for this purpose, and to that have appointed as their Plenipotentiaries;

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

The Right Honourable W. L. Mackenzie King, Prime Minister, President of the Privy Council and Secretary of State for External Affairs of Canada, and His D

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

His Excellency Dr. Liu Shih Shun, Ambassador Extraordinary and Plenipotentiary of the Republic of China to Canada;

Who, having communicated to each other their full powers, found in good due formunicated to each other their full powers, found in good and due form, have agreed on the following Articles:

### ARTICLE I

In the present Treaty the expression "companies" shall be interpreted as meaning limited liability and other companies, partnerships and associations constituted under the laws of Canada or of the Republic of China as the case may be. may be.

ARTICLE II ARTICLE II All provisions of treaties or agreements in force between Canada and China, authorize All provisions of treaties or agreements in force between Canada and Canada and China which authorize any British or Canadian authority to exercise jurisdiction in nationals and companies or companies are hereby abrogated. Canadian Government of the Direction of the subject in China to the jurisdiction of the principles of Government of the Republic of China, in accordance with the principles of international law and practice.

### ARTICLE III

The Government of Canada will co-operate, to the extent that any Canadian rest may be in the Canada will co-operate, to the Republic of China in interest may be involved, with the Government of the Republic of China in negotiations and negotiations and arrangements for the abandonment by foreign Governments and of special privileges held by them in Peiping, Shanghai, Amoy, Tientsin and Canton, and will Canton, and will raise no objection to any measures which may be directed to the abolition of such special privileges. mbediately whenever nationals ARTICLE IV

(1) Article II of the present Treaty shall not affect existing rights in respect of, or existing titles to, real property in China held by Canadian nationals or companies. So is the present to the property of the pr or companies. Such existing rights and titles shall be indefeasible except upon \*Ratifications exchanged at Chungking, April 3, 1945.

proof, established through due process of law, that such rights or titles have proof, established through due process of law, that bath lights of titles have been acquired by fraud or by fraudulent or dishonest practices, it being under been acquired by fraud or by fraudulent or dishonest practices, it being under been acquired by fraud or by fraudulent or distributed protoco, it being under stood that no right or title shall be rendered invalid by virtue of any subsequent are through which it was acquired. It is again stood that no right or title shall be rendered invalid by induce of any subsequent change in the official procedure through which it was acquired. It is agreed change in the official procedure titles shall be subject to the laws and regul change in the official procedure through which is under the laws and regulation in the official procedure through which is subject to the laws and regulation that the exercise of these rights or titles shall be subject to the laws and regulation that the exercise of these rights or titles may be and the exercise of these rights of the concerning taxation, national defence and the exercise of the concerning taxation is the concerning taxation of the concerning taxation is the concerning taxation. change in the olicitat provides or titles shall be subject to the laws and regula. that the exercise of these rights or titles shall be subject to the laws and regula. tions 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 the right of eminent domain and that no such rights of any third country without the Republic of China (including companies) of any third country without tions of the Republic of and that no such rights of these may be alienated the right of eminent domain and that no such rights of any third country without the Government or nationals (including companies) of any third country without the Government of the Government of the Republic of China. And it right of eminent domain als (including companies) of any and country without the Government or nationals (including companies) of alienation of China. And it the express consent of the Government of the right of alienation of existing right the Government of the Government of the tright of alienation of existing rights the express consent of the restriction on the right of alienation of existing rights further agreed that the restriction in this Article will be applied by of the express consent of restriction on the right of antifaction of existing rights further agreed that the restriction on the right and this Article will be applied by the and titles to real property referred to in this Article and when, the Gover further agreed that the referred to in this Article will be applied by the 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 Govern-Chinese authorities of China declines to give assent to a proposed transfand titles to real proper equitable manner and that it, and when, the Govern-Chinese authorities in an equitable manner and that it, and when, the Govern-ment of the Republic of China declines to give assent to a proposed transfer ment of the Republic of China will, in a spirit of justice and will Chinese authorities in of China declines to give in a spirit of justice and with ment of the Republic of China will, in a spirit of justice and with the Government of the Republic of the nationals or companies whose interment of the Republic of China will, in a spirit of justice and with the Government of the Republic of the nationals or companies whose interests a view to precluding loss on the part of the nationals or companies to whose to take over the rights and to who the Government of loss on the part of the nationals or companies whose interests a view to precluding loss on the part of the nationals or companies to whom are affected, undertake, if so requested by the take over the rights and titles in the second sec a view to precluding idea if so requested by the flattonals of companies to whom are affected, undertake, if so requested by the take over the rights and titles in permission to alienate has been refused, to take over the rights and titles in permission to pay adequate compensation therefor.

question and to pay adequate compensation therefor. (2) Should the Government of the Republic of China desire to replace by

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

and their legal heirs, successors or assigns. their legal heirs, successors of another shall not be required by the Chinese (3) Canadian nationals or companies in connection with land transfer (3) canadian nationals of fees in connection with land transfer

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

The Government of Canada having long accorded rights to nationals of the The Government of Canada having long total to travel, reside and carry of Republic of China within the territory of that territory, the Government 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 Republic of China agrees to accord similar interview of the two Governments within the Republic of China. Each of the two Governments within trade throughout agrees to accord similar lights to Canadian nationals within Republic of China agrees to accord similar lights 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 com-endeavour to accord in territory in regard to all legal proceedings and in matuthe territory accord in territory under its integration of interonals and com-endeavour to accord in territory in regard to all legal proceedings and in matters panies of the other country in regard to the levying of taxes or require to the administration of justice, and to the levying of taxes or require endeavour to acter country in regard to an toget proceedings and in matters panies of the other country in justice, and to the levying of taxes or require relating to the administration of justice, and to less favourable than that account panies of the administration of justice, and to the organis of taxes or require, relating to the administration of justice, and to the organistic of taxes or require, ments in connection therewith, treatment not less favourable than that accorded ments in connectionals and companies.

to its own nationals and companies.

## ARTICLE VI

The consular officers of one High Contracting Party, duly provided with The consular officers of one High Contracting to by early provided with exequatures, shall be permitted to reside in such ports, places and cities of the exequatures, shall be permitted to reside in such parts and the second provided with the consular officers of the second parts are shall have the right to interact officers of the exequaturs, shall be permitted to reside in some providence and cities of the other High Contracting Party as may be agreed upon. The consular officers exequatures, short-acting Party as may be all have the right to interview, to other High Contracting Parties shall have the right to interview, to of each of the High Contracting nationals or companies of their country with other High the High Contracting Parties shall have a shall be inferview, to of each of the High Contracting Parties or companies of their country within communicate with, and to advise nationals or companies of their country within communicate with, and to advise nationals or companies of their country within communicate with, and to advise nationals or companies of their country within the communicate with the shall be informed immediately whenever nationals of the country within the shall be informed immediately whenever nationals of the country within the shall be informed immediately whenever nationals of the country within the shall be informed immediately whenever nationals of the country within the shall be informed immediately whenever nationals of the country within the shall be informed immediately whenever nationals of the country within the shall be informed immediately whenever nationals of the country within the shall be informed immediately whenever nationals of the country within the shall be informed immediately whenever nationals of the country within the shall be informed immediately whenever nationals of the country within the shall be informed immediately whenever nationals of the country within the shall be informed immediately whenever nationals of the country within the shall be informed immediately whenever nationals of the country within the shall be informed immediately whenever nationals of the country within the shall be informed immediately whenever nationals of the country within the shall be informed immediately whenever nationals are shall be informed immediately when the shall be informed immediately when the shall be informed immediately when the shall be are shall be ar of each of the with, and to advise nationals of compensational country within communicate with, and to advise nationals of commediately whenever nationals their consular districts; they shall be informed immediately whenever nationals their consular districts; they detention or arrest or in prison or are await communicate districts; they shall be informed in prison or are awaitionals their consular districts; they shall be informed in prison or are awaiting of their country are under detention or arrest or in prison or are awaiting of their country are under districts and they shall, upon notification to the approximately are upon the prison of the approximately and they shall be upon the prison of the approximately and they shall be upon the prison of the approximately and they shall be upon the prison of of their country are under detention of artest of an original of are awaiting of their consular districts and they shall, upon notification to the appro-trial in their consular districts and they shall, upon nationals; and, in general of their consular districts and they shart, up nationals; and, in general priate authorities, be permitted to visit any such nationals; and, in general priate authorities, of each of the High Contracting Parties in the territ priate authorities, be permitted to visit any starting Parties in the territory the consular officers of each of the High Contracting Parties in the territory the consular officers of each of the rights, privileges and immunities enjoy priate authorities, of each of the rights, privileges and immunities enjoyed of the other shall be accorded the rights, privileges and immunities enjoyed by consular officers under modern international usage.

It is likewise agreed that the nationals or companies of each of the High Contracting Parties in the territory of the other shall have the right at all times to communicate with the consular officers of their country. Communications to their country of the High Contracting Parties their consular officers from nationals of each of the High Contracting Parties who are under detention or arrest or in prison or are awaiting trial in the territor under detention or arrest or in prison or are awaiting trial in the territory of the other High Contracting Party shall be forwarded to such consular officers by the local authorities.

## ARTICLE VII

infinition of the Chinese Ambrashing and an China

(1) The High Contracting Parties agree that they will enter into negotiations for the conclusion of a comprehensive modern treaty or treaties of friend-ship conclusion of a comprehensive modern treaty or treaties of either of ship, commerce, navigation and consular rights upon the request of either of them on interest of the hostilities in them or in any case within six months after the cessation of the hostilities in the way the war against the common enemies in which they are both now engaged. The treaty or treaties to be thus negotiated will be based upon the principles of international procedure of international law and practice as reflected in modern international procedure and in the modern treaties which each of the Governments has concluded with other D other Powers in recent years.

(2) Pending the conclusion of the comprehensive treaty or treaties referred to in the preceding paragraph, if any questions affecting the rights in the ter-ritory of the Daragraph, if any questions affecting the rights in the territory of the Republic of China of the Canadian Government or of Canadian nationale nationals or companies should arise in future and if these questions are not covered by the provisions. covered by the present Treaty and annexed exchange of notes or by the provisions of the existing the present Treaty and annexed exchange of hetween the Governments of the existing treaties, conventions and agreements between the Governments of Canada of Canada and the Republic of China which are not abrogated by or incon-sistent with in the Republic of China which are not abrogated by or inconsistent with the present Treaty and annexed exchange of notes, such questions shall be directly and shall be shall be discussed by representatives of the two Governments and shall be decided in the presentatives of the two decided principles of international decided in accordance with the generally accepted principles of international law and with law and with modern international practice.

### ARTICLE VIII

The High Contracting Parties agree that questions which may affect the reignty of the traction of the present sovereignty of the Republic of China and which are not covered by the present Treaty and a republic of China and which are not covered by representatives Treaty and annexed exchange of notes shall be discussed by representatives of the High Grade exchange of notes shall be discussed by representatives of the High Contracting Parties and decided in accordance with generally accepted principle of the provider international practice. accepted principles of international law and modern international practice.

### ARTICLE IX

The present Treaty shall be ratified and the instruments of ratification be exchanged under the present Treaty shall shall be exchanged at Chungking as soon as possible. The present Treaty shall come into force of ratifications. come into force and be effective on the day of the exchange of ratifications.

In witness whereof the above-mentioned Plenipotentiaries have signed the

present Treaty and affixed thereto their seals. Done at Ottawa this fifteenth day of April, 1944, corresponding to the fifteenth day of the fourth month of the thirty-third year of the Republic of China, in duplicate fourth month of the thirty-third year of the Republic. of China, in duplicate in English and Chinese, both texts being equally authentic. Inquished by His Major

(Seal) W. L. MACKENZIE KING (Seal) W. L. MACHERN (Seal) LIU SHIH SHUN

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## well the likewise agreed that the nati XIVIA companies of each of the High Conanother Parties in the territory of EXCHANGE OF NOTES BETWEEN CANADA AND THE REPUBLIC of a latt million of CHINA and are stored the other High Contracting Party shall be forwarded to such consular

# The Chinese Ambassador in Canada to the Secretary of State for External Affairs EMBASSY OF THE REPUBLIC OF CHINA OTTAWA, April 14, 1944.

Sir, OTTAWA, April 14, 1944. ir, In connection with the Treaty signed today between His Excellency the In connection with the Treaty signed today between His Excellency the In connection with the Treaty signed today be of China and His Majesty President of the National Government of the British Dominions beyond the Sety President of the National Government of the Republic Dominions beyond the Seas the King of Great Britain, Ireland and the British Dominions beyond the Seas the King of Great Britain, Ireland and the honour to state that it is the under Emperor of India, for Canada, I have the honour to state that it is the under Emperor of India, for Canada, I have the honour to state that it is the under-Emperor of India, for Canada, I have the Republic of China that all rights standing of the National Government of the Republic of China that all rights and privileges relinquished by His Majesty the King, for the United Kingdom and privileges relinquished by His Majesty the King, as provided in the Tree and privileges relinquished by His Malesty into the growided in the Treaty of Great Britain and Northern Ireland and India, as provided in the Treaty of Great Britain and Northern Ireland and India, between the Republic of Chips and privileges tenand Northern Ireland and India, as provided in the Treaty of Great Britain and Northern Ireland and India, as provided in the Treaty and exchange of notes of January 11, 1943, between the Republic of China on the one hand and the United Kingdom of Great Britain and Northern Ireland and India on the other, have been similarly relinquished by His Majesty the and India on the other, have been similarly relinquished by your Government, shall King for Canada. This understanding, if confirmed by your Government, shall king for Canada as forming an integral part of the Treaty signed today and shall King for Canada. This understanding, it contrined by your dovernment, shall be considered as forming an integral part of the Treaty signed today and shall be considered to be effective upon the date of the entry into force of that Treaty be considered to be effective upon the date of the above understanding on behalf be considered to be effective upon the date of the entry into force of that Treaty I should be glad if you would confirm the above understanding on behalf of the Government of Canada.

Government of Canada. I avail myself of this opportunity to renew to you, Sir, the assurances of LIU SHIH SHUN

my highest consideration.

II The Secretary of State for External Affairs The Secretary of State for External Affairs The Secretary of Successador in Canada to the Chinese Ambassador in Canada

### DEPARTMENT OF EXTERNAL AFFAIRS ARTICLEIX

## OTTAWA, April 14, 1944.

Excellency, to state the off bar believe of links yies T descent of 1944 Excellency, I have the honour to acknowledge the receipt of your Excellency's note of

today's date reading as follows:today's date reading as follows. "In connection with the Treaty signed today between His Excellency "In connection with the Ifeaty signat of the Republic of China and the President of the National Government of the British Domi and

the President of the National Government and and the British Dominions His Majesty the King of Great Britain, Ireland and the British Dominions His Majesty the King of Great Britain, for Canada, I have the honour to state beyond the Seas, Emperor of India, for Canada, I have the honour to state beyond the Seas, Emperor of India, to control Government of the Republic of that it is the understanding of the National Government by His Majesty the Dio of

that it is the understanding of the trainquished by His Majesty the King China that all rights and privileges relinquished by His Majesty the King China that all rights and privileges reining and Northern Ireland and India, as of for the United Kingdom of Great Britain and Northern Ireland and India, as for the United Kingdom of Great Britan and so January 11, 1943, between provided in the Treaty and exchange of notes of January 11, 1943, between the Republic of China on the one hand and the United Kingdom of Great Britain and Northern Ireland and India on the other, have been similarly relinquished by His Majesty the King for Canada. The understanding, if confirmed by your Government, shall be considered as forming an integral part of the Treaty signed today and shall be considered to be effective upon the date of the entry into force of that Treaty. I should be glad if you would confirm the above understanding on behalf of the Government of Canada.

"I avail myself of this opportunity to renew to you, Sir, the assurance of my highest consideration.

### LIU SHIH SHUN."

I have the honour on behalf of the Government of Canada to confirm the I have the honour on behalf of the Government of Canada to contract and understanding of the National Government of the Republic of China that all rights and privileges relinquished by His Majesty the King, for the United Kingdom of Great Britain and Northern Ireland and India, as provided in the Treater of January 11, 1943, between the Republic the Treaty and exchange of notes of January 11, 1943, between the Republic of China and Northern of China on the one hand and the United Kingdom of Great Britain and Northern Ireland Ireland and India on the other, have been similarly relinquished by His Majesty the King for Canada.

This understanding shall be considered as forming an integral part of the Treaty signed today and shall be considered to be effective upon the date of the entry into force of that Treaty.

Accept, Excellency, the renewed assurances of my highest consideration.

### W. L. MACKENZIE KING



Republic of China on the one hand and the United Kingdom of Great ain and Northern Ireland and Todia on the other, have been similarly equished by His Majesty the King for Canada. The understanding, if arned here our Covernment, shell be considered as forming an integral of the Treaty signed today and shall be considered to be effective upon date of the entry into force of that Treaty. I should be glad if you Id confirm the above understanding on behalf of the Government of

"I avail myselfoot this appointuable to sense to you, Sir, the assurance of

At grove awared at the Government of Canada to confirm the ave the bonour on behalf of the Government of the Republic of China that all ne of George Britain and Northern Ireland and India, as provided in aty and exchange of notes of January 11, 1943, between the Republic bouchs are need and the United Kingdom of Great Britain and Northern topic, Excellency the whowed essurances of my highest consideration. is value being viewer out to the low L. MACKENZIE KING

Chepamparant of Extension Apparas