

acts to be made abroad shall be carried out on the request of the officials of the Ministry of Justice, or of the Courts of Law, addressed to the competent authority of the foreign State. The transmission of such notice shall be made through the diplomatic service (*par la voie diplomatique*), if direct communication between the judicial officials of both States is not allowed by local legislation.

Art. 2. The notice will be delivered to its destination by the authority of the State on which the requisition is made. The requisition cannot be refused, unless the State on whose territory the notice should be made judges it of a kind which would injuriously affect its sovereignty or its safety.

Art. 3. To prove the service of notice will suffice, a receipt, dated and attested, or an attestation of the service by the authority on whom the requisition is made, certifying to the fact of service and to the date of the notice. The receipt or the attestation is to be transcribed on one of the duplicates of the legal document, of which notice is to be given, or may be annexed to the duplicate to be transmitted for that purpose.

Art. 4. The regulations of the preceding articles do not interfere with:

(1) The right to address directly through the post legal documents to persons concerned in the cause who are in a foreign country.

(2) The right of persons concerned to cause notice to be served by legal officials or other competent authority in the country to which it is sent.

(3) The right of every State to cause to be delivered through its diplomatic or consular agents notice to its subjects in a foreign country.

In each of the foregoing cases the right does not exist unless the laws of the States concerned or conventions concluded between such States permit its exercise.

#### *B. Rogatory Commissions.*

Art. 1. In civil or commercial causes the judicial authority of any State may, subject to the regulations of its law, apply by rogatory commission to the competent authority of any other State to obtain its carrying out either a step or preliminary investigation or any other judicial process.

Art. 2. The forwarding of rogatory commissions will take place through the diplomatic service if direct communication between the judicial authorities is not permitted by the law of both States. If the rogatory commission is not drawn up in the language of the State on which the requisition is made, it should, subject to any agreement to the contrary, be accompanied by a translation made in a language agreed upon between the two States concerned, and certified as such.

Art. 3. The judicial authority to which the rogatory commission is addressed is obliged to comply with its terms provided it is satisfied

(1) That the document is authentic. (2) That the execution of the rogatory commission is within the scope of its jurisdiction.

Furthermore, the execution may be refused if the State on which the