

of the witnesses. They shall also either be accompanied by a list of interrogatories to be put to the witness or witnesses, or, as the case may be, by a description of the documents, samples or other objects to be produced and identified, and a translation thereof certified as correct in the manner heretofore provided or shall request the competent authority to allow such questions to be asked *vivâ voce* as the parties or their representatives shall desire to ask.

(c) The "Letters of Request" shall be transmitted:—

In England by an Austrian Diplomatic or Consular Officer to the Senior Master of the Supreme Court of Judicature.

In Austria by a British Consular Officer to the Federal Ministry of Justice.

In case the authority to whom "Letters of Request" are transmitted is not competent to execute them, he shall forward them without any further request to the competent authority of his own country.

(d) The competent authority to whom the "Letters of Request" are transmitted or forwarded shall give effect thereto and obtain the evidence required by the use of the same compulsory measures and the same procedure as are employed in the execution of a commission or order emanating from the authorities of his own country except that, if a wish that some special procedure should be followed is expressed in the "Letters of Request," such special procedure shall be followed in so far as it is not incompatible with the law of the country where the evidence is to be taken.

(e) The Diplomatic or Consular Officer, by whom the "Letters of Request" are transmitted, shall, if he so desires, be informed of the date and place where the proceedings will take place, in order that he may inform the interested party or parties, who shall be permitted to be present in person or to be represented if they so desire by any persons competent to appear before the courts of either of the countries concerned.

(f) The execution of the "Letters of Request" can only be refused—

(1) If the authenticity of the "Letters of Request" is not established;

(2) if in the country where the evidence is to be taken the execution of the "Letters of Request" in question does not fall within the functions of the judiciary;

(3) if the High Contracting Party in whose territory the evidence is to be taken considers that his sovereignty or safety would be compromised thereby.

(g) In every instance where the "Letters of Request" are not executed by the authority to whom they are addressed, the latter will at once inform the Diplomatic or Consular Officer by whom they were transmitted, stating the grounds on which the execution of the "Letters of Request" has been refused, or the judicial authority to whom they have been forwarded.

ARTICLE 8

(a) The evidence may also be taken, without any request to or intervention of the authorities of the country in which it is to be taken, by a person in that country directly appointed for the purpose by the court by whom the evidence is required. A Diplomatic or Consular Officer of the High Contracting Party whose court requires the evidence or any other suitable person may be so appointed.

(b) A person so appointed to take evidence may request the individuals named by the court appointing him to appear before him and give evidence, or to produce any document, sample or other object. He may take all kinds of evidence which are not contrary to the law of the country where the evidence is being taken and shall have power to administer an oath, but he shall have