

*The British Chargé d'Affaires at Budapest to the Royal Hungarian
Minister for Foreign Affairs*

BRITISH LEGATION

No. 23
(18/8/39)

BUDAPEST, March 1, 1939.

MONSIEUR LE MINISTRE,

With reference to my note of today's date relative to the accession by His Majesty in respect of the Dominion of Canada to the Civil Procedure Convention signed in Budapest on September 25, 1935, I have the honour to inform Your Excellency that the operation of Article 12 of that Convention relating to security for costs is a matter of some difficulty having regard to the federal system of government operating in the Dominion.

As a result, judgments given by a provincial court are binding only in the province in which that Court has jurisdiction; and it follows that immovable property owned by a litigant in one province of the Dominion will not be regarded as affording exemption from security for costs in respect of proceedings before a Court in another province.

I have therefore the honour, at the instance of His Majesty's Government in Canada, to propose that, in order that effect may be given in Canada to Article 12(b) of the above-mentioned Convention, the words "in that territory" in Article 12 shall, as regards the application of the Convention to Canada, be interpreted as relating to territory within the jurisdiction of the Court in which proceedings have been instituted.

I have further the honour to express the hope that this proposal will be acceptable to the Hungarian Government and, in that event, to suggest that this note and Your Excellency's reply in a similar sense shall be regarded as placing on record the agreement reached in this matter.

I avail myself, etc.,

A. GASCOIGNE

*The Royal Hungarian Minister for Foreign Affairs to the British
Chargé d'Affaires at Budapest
(Translation)*

ROYAL HUNGARIAN MINISTRY OF FOREIGN AFFAIRS

76/res.-5
1939

BUDAPEST, March 23, 1939.

MONSIEUR LE CHARGÉ D'AFFAIRES,

I have the honour to acknowledge receipt of the Note No. 22 (18/7/39) and its enclosure which you addressed to me on March 1.

The text of the note is as follows:

(Text of the note)

The text of the enclosure is as follows:

(Text of the enclosure)

Please accept, etc.

By order of the Minister

DANILOVICS
Head of Department of Ministry