

(b) for the purposes of the present convention the words—

(1) "Taking of evidence" shall be deemed to include the taking of the statements of a Plaintiff or Defendant, on oath or otherwise, the submission to a Plaintiff, Defendant, expert or any other person of any oath with regard to any legal proceedings and the production, identification and examination of documents, samples or other objects;

(2) "Witness" includes any person (whether Plaintiff, Defendant, expert or other person) from whom any evidence as defined above is required to be taken.

ARTICLE 7

(a) The judicial authority by whom the evidence is required may, in accordance with the provisions of his law, address himself by means of "Letters of Request" to the competent authority of the country where the evidence is to be taken, requesting such authority to take the evidence.

(b) The "Letter of Request" shall be drawn up in the language of the country where the evidence is to be taken, or be accompanied by a translation in such language. Such translation shall be certified as correct by a Consular Officer of the High Contracting Party from whose judicial authority the request emanates. The "Letters of Request" shall state the nature of the proceedings for which the evidence is required, giving all necessary information in regard thereto, the names and descriptions of the parties thereto, and the names, descriptions and addresses 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, identified or examined, 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 a Portuguese Consular Officer to the Senior Master of the Supreme Court of Judicature;

In Portugal by a British Consular Officer to the President of the Court of Appeal in the district in which the evidence is to be taken.

In case the authority to whom "Letters of Request" are transmitted is not competent to execute them, the "Letters of Request" shall be forwarded 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 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.

(f) The execution of "Letters of Request" which comply with the preceding provisions of this Article can only be refused—

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