NOTIFICATION EFFECTED BY AN

EXCHANGE OF NOTES

(October 9, 1935, January 1 and 3, 1936)

EXTENDING TO CANADA AS FROM FEBRUARY 1, 1936

THE CONVENTION

BETWEEN

HIS MAJESTY

AND

THE CHIEF OF STATE OF THE REPUBLIC OF ESTONIA

REGARDING

LEGAL PROCEEDINGS IN CIVIL AND COMMERCIAL MATTERS

Signed at London December 22, 1931
Ratifications exchanged at Tallinn August 18, 1932

IN FORCE FEBRUARY 1, 1936



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

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NOTIFICATION EFFECTED BY AN EXCHANGE OF NOTES (OCTOBER 9, 1935, LANUARY OF 1936), EXTENDING TO CANADA AS 9, 1935, JANUARY 1 AND 3, 1936) EXTENDING TO CANADA AS FROM FERNING TO ANADA AS 1936) EXTENDING TO CANADA AS FROM FEBRUARY 1 AND 3, 1936) EXTENDING TO CARREST HIS MAJESTY AND 1, 1936, THE CONVENTION BETWEEN HIS MAJESTY MAJESTY AND THE CHIEF OF STATE OF THE REPUBLIC OF ESTONIA AND THE CHIEF OF STATE OF THE REPUBLIC OF MAJESTONIA AND THE CHIEF OF STATE OF THE REPUBLIC OF T ESTONIA REGARDING LEGAL PROCEEDINGS IN CIVIL AND COMMERCIAL MATTERS SIGNED AT LONDON DECEMBER 22, 1931.

From the Secretary of State for External Affairs of Canada to the Secretary of State for Dominion Affairs

DEPARTMENT OF EXTERNAL AFFAIRS

No. 252 SIR.

OTTAWA, October 9, 1935.

I have the honour to refer to my despatch No. 126,* dated the 17th May, and to the Civil to refer to my despatch No. 126, and to the Civil to refer to my despatch No. 126, and to the Civil to refer to my despatch No. 126, and to the Civil to refer to my despatch No. 126, and to the Civil to refer to my despatch No. 126, and to the Civil to refer to my despatch No. 126, and to the Civil to refer to my despatch No. 126, and to the Civil to refer to my despatch No. 126, and to the Civil to refer to my despatch No. 126, and to the Civil to refer to my despatch No. 126, and to the Civil to refer to my despatch No. 126, and to the Civil to refer to my despatch No. 126, and to the Civil to refer to my despatch No. 126, and to the Civil to refer to my despatch No. 126, and to the Civil to refer to my despatch No. 126, and to the Civil to the Civi 1935, and to the Civil Procedure Conventions which have been concluded with been. Estonia, Denmark, Finland, Lithuania and the Netherlands, all of which have been signed and delivered to my despatch 100. been signed and duly ratified.

I have the honour to state that His Majesty's Government in Canada desire in accordance to state that His Majesty's Government in Canada desire that, in accordance with the stipulations therein contained, these Conventions shall be extended with the stipulations therein to the respective Governments. shall be extended to Canada by notification to the respective Governments. Such extension should it is defined as a fixed date and it is defined as a fixed date and it is defined as a fixed date. Such be extended to Canada by notification to the respective Government it is desirable that it is possible, come into force from a fixed date and it is desirable that it is possible, come into force from a fixed date and it is desirable that it is possible, come into force from a fixed date and force from a fixed day of January, 1936. If, it is desirable that that date should be the first day of January, 1936. If, however, the adout that date should be the first day of January, a however, the adoption of a fixed date is impracticable, the date of ratification would be satisfactory, a would be satisfactory; and, further, if the date suggested is not satisfactory, a later date, say the satisfactory; and, further, if the date suggested is not satisfactory.

later date, say the first day of February, 1936, should be adopted.

Rose the authorities and the suggested is not a fixed date is improved the satisfactory; and, further, if the date suggested is not a suggested in suggested is not a suggested in suggested in suggested in suggested in suggested is not a suggested in sugges The authorities to whom judicial and extra-judicial Acts and Commissions atoires are to whom judicial and extra-judicial is to be taken in any Rogatoires are to be transmitted will be, where action is to be taken in any Province in Canal be transmitted will be, where action is to be taken in the Yukon province are to be transmitted will be, where action is to be taken in the North West Territories, the Canada, the Attorney-General of such province; in the North West Territories, the Canada, the Attorney-General of such province; and in the Yukon Territories, the Canada, the Attorney-General of such province; and in the Yukon Territories, the Canada, the Attorney-General of such provinces; and in the Yukon Territories, the Canada, the Attorney-General of such provinces; and in the Yukon Territories, the Canada, the Attorney-General of such provinces; and in the Yukon Territories, the Canada, the Attorney-General of such provinces; and in the Yukon Territories, the Canada, the Attorney-General of such provinces; and in the Yukon Territories, the Canada, the Attorney-General of such provinces; and in the Yukon Territories, the Canada, the Attorney-General of such provinces; and in the Yukon Territories, the Canada, the Attorney-General of such provinces; and in the Yukon Territories, the Canada, the Attorney-General of such provinces; and in the Yukon Territories, the Canada, the Attorney-General of such provinces; and in the Yukon Territories, the Canada, the Attorney-General of such provinces; and the Attorney-General of such provin Territories, the Commissioner of the North West Territories; and in the Yukon Commissioner of the North West Territories; the Commissioner of the North West Territory. The language in which commissioner of the North West Territory. Territories, the Commissioner of the North West Territories; and in the communications, the Gold Commissioner of that territory. The language in which English eatings to be made, will be communications to such authorities, and translations, are to be made either in English, except in the Day of the North West Territory. The language in the English, except in the Day of the North West Territory. The language in the English except in the Commissioner of the North West Territory. The language in the English except in the Commissioner of the North West Territory. The language in the English except in the Commissioner of the North West Territory. The language in the English except in the Commissioner of the North West Territory. The language in the English except in the Commissioner of the North West Territory. English, except in the Province of Quebec, where they may be made either in should or in Franchise Province of Quebec, where they may be made either in should or in Franchise Province of Regulation and English, except in the Province of Quebec, where they may be made entresshould contain full. In order to insure due execution, Commissions Rogatoires

should contain full and complete interrogatories.

I have a list of the a I have included a tabulated list of the authorities, together with their resses, in my decrease a tabulated list of the authorities, together with their

addresses, in my despatch No. 251 of even date, herewith. I shall be obliged, therefore, if steps will be taken to make the necessary notifications to the interested Governments.

I have the honour to be,

Your most obedient, humble servant,

O. D. SKELTON

for the Secretary of State for External Affairs. *See Nos. 11-19 1935 Treaty Series.

⁴⁰⁹⁸³⁻¹³

Province or Territory	Authority and Address	Language
Ontario Quebec Nova Scotia Prince Edward Island New Brunswick British Columbia Manitoba Saskatchewan Alberta North West Territories Yukon Territory	Attorney-General, Quebec Attorney-General, Quebec Attorney-General, Halifax Attorney-General, Charlottetown Attorney-General, Fredericton Attorney-General, Victoria Attorney-General, Winnipeg Attorney-General, Regina Attorney-General, Edmonton Commissioner of the North West Territories, Ottawa The Gold Commissioner of the Yukon Territory, Dawson City	English English or French English English English English English English English English English
A. October 9, 1985.		

I have the honour to state that His Majesty's Government in Canada desire lat, in accordance with the stipulations therein contained, these Conventions

which, except in the Province of Quebre, where they may be made either in which or in Franch. In order to instite due execution, Commissions Royatoires

I shall be obliged, therefore, it steps will be taken to make the necessary

idresses, in my despatch No. 25t of oven date, herewith.

From the British Charge d'Affaires a.i. at Tallinn to the Minister for Foreign Affairs of Estonia

BRITISH LEGATION

No. 1

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TALLINN, January 1, 1936.

Your Excellency,

At the instance of His Majesty's Government in Canada I have the honour of the instance of His Majesty's Government in Canada I have the honour and the Article 16 (a) of the convention to notify to Your Excellency, in accordance with Article 16 (a) of the convention at I legal regarding legal respectively. regarding legal proceedings in civil and commercial matters, which was signed to the convention on the convention on the convention of the convention of the convention of the convention on the convention of the at London on the 22nd December, 1931, the accession of His Majesty to that

convention in respect of the Dominion of Canada.

The attention is respect of the Dominion of Canada. The attached list indicates in respect of each province or territory in Canada authority to me the attached list indicates in respect of each province or territory in Canada.

under Article 7 whom requests for service under Article 3 or Letters of Request and Article 7 whom requests for service under Article 7 or Chapter in which communications under Article 7 should be transmitted. The language in which communications who translations and translations are to be made is English except in the province of Quebec where they may be a to be made is English except in the province of Quebec where they may be a to be made in English except in the province of Quebec where they may be a to be made in English except in the province of Quebec where they may be a to be made in English except in the province of Quebec where they may be a to be made in English except in the province of Quebec where they may be a to be made in English except in the province of Quebec where they may be a to be made in English except in the province of Quebec where they may be a to be made in English except in the province of Quebec where they may be a to be made in English except in the province of Quebec where they may be a to be made in English except in the province of Quebec where they may be a to be made in English except in the province of Quebec where they may be a to be made in English except in the province of Quebec where they may be a to be made in English except in the province of Quebec where they may be a to be made in English except in the province of Quebec where they may be a to be made in English except in the province of Quebec where they may be a to be a t

where they may be made in French or English.

In 16 (a) of the In accordance with Article 16 (a) of the convention, the accession now hed will come in the latest that is to say, notified will come into force one month from the date of this note, that is to say, on the 1st February be made in French or English. on the 1st February next.

In requesting that Your Excellency will be so good as to acknowledge the

receipt of this communication, I avail myself of this opportunity to renew to Your Excellency the assurance highest are the communication, of my highest consideration.

W. H. GALLIENNE H.B.M. Charge d'Affaires a.i.

From the Minister for Foreign Affairs of Estonia to the British Charge d'Affaires a.i. at Tallinn

MINISTERE DES AFFAIRES ETRANGERES

SIR,

TALLINN, January 3, 1936.

Referring to your communications of the 1st January, 1936, No. 1 and 2* (55/1/2) on the subject of the accession of His Majesty in respect of the common of Canada accession of His Majesty in respect of the Accession of His Maj Dominion of the subject of the accession of His Majesty in respect to and commercial matter to the convention regarding legal proceedings in civil and informercial matter to the convention regarding legal proceedings. commercial matters, signed at London on the 22nd December, 1931, I beg to list in you that I list is you tha inform you that I have communicated to the interested Estonian authorities the list indicating in Particle list indicating in respect of each province or territory in Canada the authority to whom requests for each province or territory in Request under Article to whom requests for service under article 3 or Letters of Request under Article being full and service under article 3 or Letters of Request with language 7 containing full and complete interrogatories should be transmitted, the language being English in the being English, in the province Quebec—French or English.

I have not failed to inform the Estonian authorities of the fact that this

accession will come into force on the 1st February next. I avail myself of this opportunity to renew the assurance of my high consideration.

> R. MÖLLERSON Director of the Political Department

From the British Charge d'Affaires a.i. at Pallinn to the

Biorisia Indontos

Attorney Coneral, Victoria
Attorney Coneral, Winning
Attorney Coneral, Winning
December of Park Coneral Winning

the instance of His Majesty's Government in Canada I have the thenour to the Moure Excellence, in accordance with Article 16 (a) of the convention is legal proceedings in civil and commercial matters which was signed to main the 22nd December 1931, the accession of His Majesty to that the procession of the Majesty to that

on in respect of the Dominton of Cambra, attached list indicates in respect of each province or territory in Canada nority to whom requests for service under Article 3 or Letters of Request ricele 7 should be transmitted. The language in which communications are to be made is English except in the province of Quebec north of the communications are to be made in English except in the province of Quebec north of the communications.

accordance with Article 16 (a) of the convention, the accession now will come into force one month from the date of this note, that is to say,

st bebruary next. requesting that Your Excellency will be so good as to admosdedge the

of this communication, vail myself of this opportunity to renew to Your Excellency the assurance

ail myself of this opportunity to renew to tour paceuring on a significant in the same of the same of

W. H. GALLHENNE H.B.M. Charge d'Affaires ai

> From the Minister for Foreign Affairs of Estenia to the British Charge d'Affaires a.i. at Tallinn

> > MINISTERE DES AFFAIRES ETRANGERES

PARLINN, January 3, 1936.

eferring to your communications of the 1st January, 1936. No. 1 and 2* (2) on the subject of the accession of His Majesty in respect of the non of Canada to the convention regarding legal proceedings in civil and storal matters, signed at London on the 22nd December, 1931, I beg to a you that I have communicated to the interested Estonian authorities the discount in respect of each province or territory in Canada the authority on requests for service under article 3 or Letters of Request under Article on requests for service under article 3 or Letters of Request under Article of the interregatories should be transmitted, the language of the language of the control of the language of the langua

English, in the province toucher the first or language. The fact that this have not failed to inform the Estonian authorities of the fact that this long will come into force on the lat February next

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eration.

R. MÜLLERSON
Director of the Political Department

S not neithed.

Convention between His Majesty, in respect of the United Kingdom, and the Chief Chie the Chief of State of the Republic of Estonia regarding Legal Proceedings in Civil and Commercial Matters

His Majesty the King of Great Britain, Ireland and the British Dominions of the Seas E. Chief of State of the Republic of beyond the Seas, Emperor of India, and the Chief of State of the Republic of

Being desirous to render mutual assistance in the conduct of legal proceedings cipe and common render mutual assistance in the conduct of legal proceedings to the conduct of legal proceedings and common render mutual assistance in the conduct of legal proceedings and common render mutual assistance in the conduct of legal proceedings. in civil and commercial matters which are being dealt with or which it is anticipated may be dealt matters which are being dealt authorities; anticipated may be dealt with by their respective judicial authorities;

Have resolved to conclude a Convention for this purpose, and have appointed heir Plenipotentia. as their Plenipotentiaries:

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

For Great Britain and Northern Ireland: The Right Honourable Sir John Allsebrook Simon, G.C.S.I., K.C.V.O., O.R.F. O.B.E., K.C., M.P., His Principal Secretary of State for Foreign Affairs;

And the Chief of State of the Republic of Estonia:

Doctor Oskar Kallas, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Estonia in London;

Who, having communicated their full powers, found in good and due form, agreed as follows: have agreed as follows:-

I.—Preliminary

(a) This Convention applies only to civil and commercial matters, including non-contentious matters.

(b) In this Convention the words— (1) "Territory of one (or of the other) High Contracting Party" shall be interpreted. interpreted as meaning at any time any of the territories of such High Contracting B. Contracting Party to which the Convention at that time applies.

"Persons"

(2) "Persons" shall be deemed to mean individuals and artificial persons.

(3) "Artificial Party to which the Convention at that time approaches are persons.

(4) "Persons" shall be deemed to mean individuals and artificial persons. (3) "Artificial persons" shall be deemed to mean individuals and artificial persons societies societies.

societies and other corporations. (4) "Subjects or citizens of a High Contracting Party" shall be deemed to include to include artificial persons constituted or incorporated under the laws

of the territory of such High Contracting Party. (5) "Subject of one (or of the other) High Contracting Party " shall be deemed in one (or of the other) High Contracting Party " shall be deemed, in relation to His Majesty the King of Great Britain, Ireland and the Britain to His Majesty the King of India, to mean and the British Dominions beyond the Seas, Emperor of India, to mean all subjects and subjects to the seas, Emperor of India, to mean all subjects to the seas of the seasons and subjects to the seasons and seasons to the seasons and seasons to the seasons and seasons to the seasons to th all subjects of His Majesty wherever domiciled and all persons under His protection.

II.—Service of Judicial and Extra-Judicial Documents

ARTICLE 2

(a) When judicial or extra-judicial documents drawn up in the territory of one of the High Contracting Parties are required by a judicial authority situated therein to be served on persons in the territory of the other High Contracting Party, such documents may be served on the recipient, whatever his nationality, by any of the methods provided in articles 3 and 4 in all cases where such method of service is recognized by the law of the country of origin.

(b) In Part II of this Convention the expression "country of origin" means the country from which the documents to be served emanate, and the expression "country of execution" means the country in which service of documents is to

ARTICLE 3

(a) A request for service shall be addressed and sent by a Consular Officer acting for the country of origin to the competent authority of the country of execution, requesting such authority to cause the document in question to be

(b) The request for service shall be drawn up in the language of the country of execution and shall state the names and descriptions of the parties, the name, description and address of the recipient, and the nature of the document to be served, and shall enclose the document to be served in duplicate.

(c) The document to be served shall either be drawn up in the language of the country of execution, or be accompanied by a translation into such language. Such translation shall be certified as correct by a Consular Officer acting for the

(d) Requests for service shall be addressed and sent:—

In England to the Senior Master of the Supreme Court of Judicature. In Estonia to the Ministry of Justice and of the Interior.

If the authority to whom a request for service has been sent is not competent to execute it, such authority shall (except in cases where execution is refused in accordance with paragraph (f) of this article) of his own motion forward the request to the competent authority of the country of execution.

(e) Service shall be effected by the competent authority of the country of execution, who shall serve the document in the manner prescribed by the municipal law of such country for the service of similar documents, except that, if a wish for some special manner of service is expressed in the request for service, such manner of service shall be followed in so far as it is not incompatible with

(f) The execution of a request for service, duly made in accordance with the preceding provisions of this article, shall not be refused unless (1) the authenticity of the request for service is not established, or (2) the High Contracting Party in whose territory it is to be executed considers that his sovereignty or safety would be compromised thereby.

(g) In every instance where a request for service is not executed by the authority to whom it has been sent, the latter will at once inform the Consular Officer by whom the request was sent, stating the ground on which the execution of the request has been refused or the competent authority to whom it has been

(h) The authority by whom the request for service is executed shall furnish a certificate proving the service or explaining the reason which has prevented such service, and setting forth the fact, the manner and the date of such service

or attempted service, and shall send the said certificate to the Consular Officer by whom the received and shall send the said certificate of service or of by whom the request for service was sent. The certificate of service or of attempted service of service was sent. The duplicates or attached thereto. attempted service shall be placed on one of the duplicates or attached thereto.

(a) Service may be effected, without any request to or intervention of the orities of the following methods: authorities of the country of execution, by any of the following methods:—

(1) D. the country of execution, by any of the following methods:—

(1) By a Consular Officer acting for the country of origin;
(2) By a Consular Officer acting for the country of origin; (2) By an agent appointed for the purpose either by the judicial authority of the country of whose application the of the country of origin or by the party on whose application the

document was issued;

(3) Through the post; or (4) By any other method of service which is not illegal, under the law existing other method of service which is not illegal, under the law existing at the time of service, in the country of execution.

(b) All documents served in the manner provided in (1) of the preceding graph shall make the time of service, in the country of the High Contractparagraph shall, unless the recipient is a subject or citizen of the High Contract-drawn from when the recipient is a subject or citizen of the High Contract-drawn from when the recipient is a subject or citizen of the High Contract-drawn from when the recipient is a subject or citizen of the High Contract-drawn from when the recipient is a subject or citizen of the High Contract-drawn from when the recipient is a subject or citizen of the High Contract-drawn from which is a subject or citizen of the High Contract-drawn from the recipient is a subject or citizen of the High Contract-drawn from the recipient is a subject or citizen of the High Contract-drawn from the recipient is a subject or citizen of the High Contract-drawn from the recipient is a subject or citizen of the High Contract-drawn from the recipient is a subject or citizen of the High Contract-drawn from the recipient is a subject or citizen of the High Contract-drawn from the recipient is a subject or citizen of the High Contract-drawn from the recipient is a subject or citizen of the High Contract-drawn from the recipient is a subject or citizen of the recipient is a subject or citizen or ci ing Party from whose territory the document to be served emanates, either be transly up in the last territory the document to be served emanates, either be transly up in the last tran drawn up in the language of the country of execution or be accompanied by a translation into such a such as prescribed in article 3 (c).

translation into such language of the country of execution or be accompanied 3 (c).

that (c) The High C anguage, certified as correct as prescribed in article 3 decimable (c) The High Contracting Parties agree that in principle it is also desirable provision. that the High Contracting Parties agree that in principle it is also documents served in the provisions of paragraph (b) of this article should apply to documents article in the man of paragraph (b) and (4) of paragraph in respective served in the provisions of paragraph (b) of this article should apply to document article in the manner provided in (2), (3) and (4) of paragraph (a) of this article. Nevertheless, in the absence of any legislation in their respective Particles making the cases, the High Contracting territories Nevertheless, in the absence of any legislation in their respectively. Nevertheless, in the absence of any legislation in their respectively making translations obligatory in such cases, the High Contracting

Parties do not accept any obligation in this respect.

(d) It is accept any obligation of the va (d) It is understood that the question of the validity of any service effected he use of any service of the use of t by the use of any of the methods referred to in paragraph (a) of this article High Chain a matter of the methods referred to get the respective courts of the will remain a matter for the free determination of the respective courts of the Contracting D. High Contracting Parties in accordance with their laws.

(a) In any case where documents have been served in accordance with the sisions of article 2 where documents have been served in accordance with the sisions of article 2. provisions of article 3, the High Contracting Party, by whose Consular Officer Party, by the other High Contracting the request for service was addressed, shall repay to the other High Contracting of executions of the country any charges and Party any charges and expenses which are payable under the law of the country expension to the of execution to the persons employed to effect service, and any charges and expenses incurred in the persons employed to effect service, and any charges and expenses incurred in the persons employed to effect service, and any charges and expenses incurred in the persons employed to effect service, and any charges and expenses incurred in the persons employed to effect service, and any charges and expenses incurred in the persons employed to effect service, and any charges and expenses incurred in the persons employed to effect service. expenses incurred in effecting service in a special manner. These charges and country shall not expenses incurred in effecting service in a special manner. These charges of that country.

(h) the persons employed to effect service, These charges of that country along the country of the the c

(b) Repayment of these charges and expenses shall be claimed by the charges and expenses shall be claimed by the consular authority to these charges and expenses shall be claimed by the consular authority to the consular autho competent authority by whom the service has been effected from the Consular provided whom the Officer by whom the service has been effected from the certificate provided for in artisl equest was addressed, when sending to him the payable provided for in article 3 (h).

(c) Except as provided above, no fees of any description shall be payable the High Contraction of the service of any by one High Contracting Party to the other in respect of the service of any

III.—Taking of Evidence

(a) When a judicial authority in the territory of one of the High Conting Parties required authority in the territory of the tracting Parties requires that evidence should be taken in the territory of the national light Contraction that evidence should be taken, whatever the national light Contraction of the High Contract other High Contracting Party, such evidence may be taken, whatever the nationality of the parties Party, such evidence may one of the ways prescribed nationality of the parties or witnesses may be, in any one of the ways prescribed in articles 7, 8 or 9.

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rnis ente rvice (b) In part III of this Convention, the expressions—

(1) "Taking of evidence" shall be deemed to include the taking of the statements of a plaintiff, defendant, expert or any other person 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 of

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(2) "Witness" shall be deemed to include any person from whom any

evidence, as defined above, is required to be taken.

(3) "Country of origin" shall be deemed to mean the country by whose," judicial authority the evidence is required, and "country of execution," the country in which the evidence is to be taken.

ARTICLE 7

(a) The judicial authority of the country of origin may, in accordance with the provisions of the law of his country, address himself by means of a Letter of Request to the competent authority of the country of execution, requesting such

(b) The Letter of Request shall be drawn up in the language of the country of execution, or be accompanied by a translation into such language. Such translation shall be certified as correct by a Consular Officer acting for the country of origin. The Letter of Request shall state the nature of the proceedings for which the evidence is required, giving all necessary information in regard thereto, the names of the parties thereto, and the names, descriptions and addresses of the witnesses. They shall also either (1) 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 (2) shall request the competent authority to allow such questions to be asked viva voce as the parties or their representatives shall desire

(c) Letters of Request shall be transmitted—

In England by an Estonian Consular Officer to the Senior Master of the Supreme Court of Judicature.

In Estonia by a British Consular Officer to the Ministry of Justice and

In case the authority to whom any Letter of Request is transmitted is not competent to execute it, such authority shall (except in cases where execution is refused in accordance with paragraph (f) of this article) of his own motion forward the Letter of Request to the competent authority of the country of

(d) The competent authority of the country of execution shall give effect to the Letter of Request 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 Letter of Request, such special procedure shall be followed in so far as it is not incompatible with the law of the country of execution.

(e) The Consular Officer, by whom the Letter of Request is transmitted, shall, if he so desires, be informed of the date when and the 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 barristers or solicitors or by any representatives who are competent to appear before the courts either of the country of origin or of

11 (f) The execution of a Letter of Request which complies with the preceding provisions of this article can only be refused—

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(1) If the authenticity of the Letter of Request is not established.
(2) If in (1) (2) If the authenticity of the Letter of Request is not established.

(a) If in the country of execution, the execution of the Letter of Request in questions of the judiciary.

in question does not fall within the functions of the judiciary. If the Iri (3) If question does not fall within the functions of the judiciary.

Considered the High Contracting Party in whose territory it is to be executed the compromised thereby. considers that his sovereignty or safety would be compromised thereby.

(g) In every instance where a Letter of Request is not executed by the authority to whom it is addressed, the latter will at once inform the Consular of the by whom it is addressed, the latter will at once inform the execution of the by whom it Officer by whom it is addressed, the latter will at once inform the execution of the Letter of D. was transmitted, stating the grounds on which the execution it was transmitted, stating the grounds on which the execution is a latter of D. of the Letter of Request has been refused, or the competent authority to whom it has been forwarded.

(h) When a Letter of Request has been executed, the competent authority hom it was a letter of request has been executed, the consular Officer by to whom it was transmitted or forwarded shall send to the Consular Officer by whom it was transmitted or forwarded shall send to the Consular Officer by whom it was transmitted or forwarded shall send to the Consular was transmitted the necessary documents establishing its execution.

ARTICLE 8 (a) The judicial authority of the country of origin may, in the Letter of dest addressed authority of the country of execution, request Request addressed to the competent authority of the country of origin may, in the Letters such authority to the competent authority of the country of execution, request the lauthority to the competent authority of the country of execution, request authority to the competent authority to the competent authority to the country of the country of the country of execution, request authority to the country of the country of execution, request authority to the country of the country of execution, request authority to the country of the country of execution, request authority to the country of the country of execution, request authority to the country of the country of execution, request authority of the country of execution, request authority of the country of execution. such authority to appoint to take the evidence a person specially designated in the Letter of Romannian to take the evidence a person specially designated in the Letter of Romannian authority to appoint to take the evidence a person specially designated in the Letter of Romannian authority of the country of execution, required in the Letter of Romannian authority of the country of execution, required in the Letter of Romannian authority of the country of execution, required in the Letter of Romannian authority of the country of execution, required in the Letter of Romannian authority of the country of execution, required in the Letter of Romannian authority of the country of execution, required in the Letter of Romannian authority of the country of execution, required in the Letter of Romannian authority of the country of execution authority of the country of execution, required in the Letter of Romannian authority of the country of execution authority of the country of execution authority of the country of execution and required in the Letter of Romannian authority of the country of execution authority o the Letter of Request.

A Consular Officer acting for the country of origin, or any other suitable person, may be so designated.

(b) Where this procedure is adopted, the provisions of paragraphs (b), (c), (g) and (h) of article 7 shall apply, but the following paragraphs shall be

substituted for paragraphs (d) and (e) of that article. (c) The competent authority of the country of execution shall give effect and shall shall evidence, unless thereto and shall appoint the person designated to take the evidence, unless such person shall appoint the person designated to take the evidence, unless shall be appoint the person designated to take the evidence, unless shall be appoint the person designated to take the evidence, unless shall be appoint the person designated to take the evidence, unless shall be appoint the person designated to take the evidence, unless such person shall be appointed to take the evidence, unless such person shall be appointed to take the evidence of t such person shall appoint the person designated to take the evidence, such person shall appoint the person designated to take the evidence, such authority shall make use of the unwilling so to act. In addition, if necessary, such authority shall make use of the country of the country of take the evidence, and the person shall be unwilling so to act. In addition, if necessary, such authority shall make use of the country of the country of take the evidence, and the person designated to take the evidence that the shall make use of such compulsory powers as it possesses under its own law to secure the attendary to act. In addition, if necessary, such attendary to secure the attendary powers as it possesses under its own law to secure the attendary powers as it possesses before the person the attendary powers as it possesses before the person the attendary powers as it possesses before the person the attendary powers as it possesses before the person the attendary powers as it possesses before the person that the pe secure the attendance of and the giving of evidence by the witnesses before the person so appointed. person so appointed.

(d) The person thus appointed shall have power to administer an oath, any person civil the liable in the courts of and any person thus appointed shall have power to administer and the country of every of every false evidence before him shall be liable in the country of every of every of every false evidence before him shall be law of that country the country of execution to the penalties provided by the law of that country

(e) The evidence shall be taken in accordance with the law of the country of of origin, provided such method is not contrary to the law of the country of execution, and the such method is not contrary to the present in person or to be represent in person or to be rea execution, and the parties shall have the right to be present in person or to be represented by her parties shall have the right to be present who are competent represented by barristers or solicitors or by any other persons who are competent to appear before the to appear before the courts of either the country of origin or of execution.

ARTICLE 9 (a) The evidence may also be taken, without any request to, or the interion of, the auditory and a person in that country vention of, the evidence may also be taken, without any request to, of the country directly appointed for the country of execution by a person in that country of country of origin. A directly appointed for the purpose by the court of the country of existing any other suitable individual Consular Officer acting for the country of origin or any other suitable individual may be so appointed.

(b) A appointed.

ed by the country of original and to give evidence.

ed by the country of original and to give evidence. named by the person so appointed to take evidence may request the law of the may take all the appointing him to appear before him and to give evidence.

The attendance may request the law of the court appointing him to appear before him and to give evidence. He may take all kinds of evidence which are not contrary to the law of the country of execution country take all kinds of evidence which are not contrary to the attendance and giving of execution, and shall have power to administer an oath. The attendance and giving of execution, and shall have power to administer an oath. ance and giving of evidence before any such person shall be entirely voluntary and no measures of evidence before any such person shall be entirely voluntary and no measures of compulsion shall be employed.

(c) Requests to appear issued by such person shall, unless the recipient is a subject or citizen of the High Contracting Party for whose judicial authority the evidence is required, be drawn up in the language of the country of execution

or be accompanied by a translation into such language.

(d) The evidence may be taken in accordance with the procedure recognized by the law of the country of origin, and the parties will have the right to be present in person or to be represented by barristers or solicitors of that country or by any representatives who are competent to appear before the courts either of the country of origin or of the country of execution.

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ARTICLE 10

The fact that an attempt to take evidence by the method laid down in article 9 has failed owing to the refusal of any witness to appear or to give evidence does not preclude a request being subsequently made in accordance with article 7 or 8

ARTICLE 11

(a) Where evidence is taken in the manner provided in article 7 or 8, the High Contracting Party, by whose judicial authority the Letter of Request was addressed, shall repay to the other High Contracting Party any expenses incurred by the competent authority of the latter in the execution of the request in respect of any charges and expenses payable to witnesses, experts, interpreters or translators, the costs of obtaining the attendance of witnesses who have not appeared voluntarily, and the charges and expenses payable to any person whom such authority may have deputed to act, in cases where the law of the country of execution permits this to be done, and any charges or expenses incurred by reason of a special procedure being requested and followed. These expenses shall be such as are usually allowed in similar cases in the courts of the country of execution.

(b) The repayment of these expenses shall be claimed by the competent authority by whom the Letter of Request has been executed from the Consular Officer by whom it was transmitted when sending to him the documents establishing its execution as provided in article 7 (h).

(c) Except as above provided, no fees of any description shall be payable by one High Contracting Party to the other in respect of the taking of evidence.

IV .- Judicial Assistance for Poor Persons, Imprisonment for Debt and Security for Costs

ARTICLE 12

The subjects or citizens of one High Contracting Party shall enjoy in the territory of the other High Contracting Party a perfect equality of treatment with subjects or citizens of that High Contracting Party as regards free judicial assistance for poor persons and imprisonment for debt; and, provided that they are resident in such territory, shall not be compelled to give security for costs in any case where a subject or citizen of such other High Contracting Party would

V.—General Provisions

ARTICLE 13

Any difficulties which may arise in connection with the operation of this Convention shall be settled through the diplomatic channel.

(c) Any notification of secess 14 santagent (a) of this suices of any dependence of the santagent The present Convention shall be subject to ratification. Ratifications shall be exchanged in Tallinn. The Convention shall come into force one month after the date on Tallinn. the date on which ratifications are exchanged, and shall remain in force for three years. three years after the date of its coming into force. If neither of the High Contracting Ports of the date of its coming into force and diplomatic channel to Contracting Parties shall have given notice through the diplomatic channel to the other not less shall have given notice through the said period of the other not less than six months before the expiration of the said period of three years of less than six months before the expiration it shall remain in force three years of his intention to terminate the Convention, it shall remain in force until the expiration to terminate the Convention, it shall remain in force until the expiration to terminate the Convention, it shall remain in force until the expiration of the High until the expiration of six months from the day on which either of the High Contracting Parties shall have given notice to terminate it.

ARTICLE 15

(a) This Convention shall not apply ipso facto to Scotland or Northern Ireland, nor to any of the Colonies or Protectorates of His Majesty the King of Great Built any of the Colonies or Protectorates beyond the Seas, Emperor of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India of India, nor to any territories under his suzerainty, nor to any mandated territories in respect of which the mandate is exercised by His Government in the United Kingspect of which the mandate is exercised by His Convention the United Kingdom, but His Majesty may at any time, while this Convention is in force with the Majesty may at any time, while this Minister in is in force under article 14, by a notification given through His Minister in Estonia, extend 11, by a notification given through His above-mentioned Estonia, extend the operation of the Convention to any of the above-mentioned

(b) Such notification shall state the authorities in the territory concerned to request a few requests for the state of th whom requests for service under article 3 or Letters of Request under article 7 are to be translations are to be transmitted, and the language in which communications and translations are to be made. are to be transmitted, and the language in which communications and transmitted be made. The date of the coming into force of any such extension shall be one month.

be one month from the date of such notification. (c) Either of the High Contracting Parties may, at any time after the expiry of three years from the coming into force of an extension of this Convention to any of the terminate such any of the territories referred to in paragraph (a) of this article, terminate such extension on critical territories referred to in paragraph (b) of this article, terminate such extension on critical territories referred to in paragraph (c) of this article, terminate such extension on critical territories referred to in paragraph (a) of this article, terminate such extension on critical territories referred to in paragraph (a) of this article, terminate such extension on contract the complex contract to extension on giving six months' notice of termination through the diplomatic

(d) The termination of the Convention under article 14 shall, unless other-expressly among facto terminate wise expressly agreed to by both High Contracting Parties, ipso facto terminate it in respect it in respect of any territories to which it has been extended under paragraph (a) of this cost in the contracting Parties, ipso factors (a) of this cost is a second of the cost in the c (a) of this article.

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ARTICLE 16

(a) The High Contracting Parties agree that His Majesty the King of the Britain Land the Seas Emperor of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, may of Ireland and the British Dominions beyond the Seas, either under India, may at any time, while the present Convention is in force, either under article 14 or by an interest of the present Convention is a notification given article 14 or by virtue of any accession under this article, by a notification given through the distribution of any accession under this article, by a notification given through the diplomatic channel, accede to the present Convention in respect of any Member of the British Commonwealth of Nations whose Government may desire that such desire that such accession should be effected, provided that no notification of accession many accession should be effected, provided that no notification of accession many accession should be effected, provided that no notification of accession many accession should be effected, provided that no notification of accession many accession should be effected, provided that no notification of accession should be effected, provided that no notification of accession many accession should be effected. accession may be given at any time when the Estonian Government has given notice of termined given at any time when the Estonian Government has given at any time when the Estonian Government has given notice of termined given at any time when the Estonian Government has given notice of termined given at any time when the Estonian Government has given notice of termined given at any time when the Estonian Government has given notice of termined given at any time when the Estonian Government has given notice of termined given at any time when the Estonian Government has given notice of termined given at any time when the Estonian Government has given notice of termined given at any time when the Estonian Government has given notice of termined given given at any time when the Estonian Government has given notice of termined given notice of termination in respect of all the territories of His Majesty to which the Convention in respect of all the territories of his hall be applicable to the Convention applies. The provisions of article 15 (b) shall be applicable to such notification applies. The provisions of article 15 (c) applies to the convention applies to the provisions of article 15 (d) applicable to the convention applies. such notification. date of its notification. Any such accession shall take effect one month after the

(b) After the expiry of three years from the date of the coming into force by accession. of any accession under paragraph (a) of this article, either of the High Contracting Parties may be accession through the ing Parties may, by giving six months' notice of termination through the diplomatic character by giving six months' notice of termination to any country diplomatic channel, terminate the application of the Convention to any country in respect of which in respect of which a notification of accession has been given. The termination of the Convention to any such of the Convention under article 14 shall not affect its application to any such

(c) Any notification of accession under paragraph (a) of this article may include any dependency or mandated territory administered by the Government of the country in respect of which such notification of accession is given; and any notice of termination in respect of any such country under paragraph (b) shall apply to any dependency or mandated territory which was included in the notification of accession in respect of that country.

In witness whereof the undersigned have signed the present Convention in English, and have affixed thereto their seals.

the so be made. The date of the comming into stores of any such extension shall the one months date of such northead on , a such sore, about a northead on the one would be one to some the one of the one will be one to some the one of the one -tal Either of the Alich Contracting Painter man, at any limonitor the explay I three years from the coming into force of an extension of this Convention to

Done in duplicate at London, the 22nd day of December, 1931.

(L.S.) JOHN SIMON

(L.S.) OSKAR KALLAS CALLAN MANCO (.C.I.)

(Street British Lighand and the British Demonions beyond the year Handows of Lindia, nor to any territories under his severalary, nor to any territories under his severalary, nor to any territories

