

NOTIFICATION EFFECTED BY AN

EXCHANGE OF NOTES

(May 1 and 7, 1937)

EXTENDING TO CANADA AS FROM JUNE 1st, 1937

THE SUPPLEMENTARY CONVENTION

BETWEEN

HIS MAJESTY

AND

THE CZECHOSLOVAK REPUBLIC

RELATIVE TO

LEGAL PROCEEDINGS IN CIVIL AND
COMMERCIAL MATTERS



Signed at Prague February 15, 1935



OTTAWA

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

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

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CONVENTION BETWEEN HIS MAJESTY IN RESPECT OF THE UNITED KINGDOM AND THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC
NOTIFICATION EFFECTED BY AN EXCHANGE OF NOTES (MAY 1 AND 7, 1937) EXTENDING TO CANADA AS FROM JUNE 1, 1937, THE SUPPLEMENTARY CONVENTION BETWEEN HIS MAJESTY AND THE CZECHOSLOVAK REPUBLIC RELATIVE TO LEGAL PROCEEDINGS IN CIVIL AND COMMERCIAL MATTERS SIGNED AT PRAGUE FEBRUARY 15, 1935.

From the British Minister at Prague to the Minister for Foreign Affairs of Czechoslovakia.

BRITISH LEGATION

PRAGUE, May 1, 1937.

No. 37

(136/2/37)

YOUR EXCELLENCY,

At the instance of His Majesty's Government in Canada I have the honour to notify to Your Excellency, in accordance with Article 9 of the Supplementary Convention regarding legal proceedings in civil and commercial matters, which was signed at Prague on the 15th February, 1935, the accession of His Majesty to that convention in respect of Canada.

2. In accordance with Article 9 of the Convention, the accession now notified will come into force one month from the date of this note, that is to say, on the 1st June next.

3. 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 of my highest consideration.

B. C. NEWTON

From the Minister for Foreign Affairs of Czechoslovakia to the British Minister at Prague.

(Translation)

PRAGUE, May 7, 1937.

No. 59.532/11-5/37.

MONSIEUR LE MINISTRE,

I have the honour to acknowledge letter No. 37/136/2/37 dated May 1, 1937, by which Your Excellency has kindly notified me of the accession of His Britannic Majesty on behalf of Canada to the Supplementary Convention relative to Civil Procedure signed at Prague, February 15, 1935.

I have noted that the accession thus notified will become effective on June 1, 1937.

I avail myself, etc.,

For the Minister
FIERLINGER

CONVENTION BETWEEN HIS MAJESTY IN RESPECT OF THE UNITED KINGDOM AND THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC SUPPLEMENTARY TO THE CONVENTION OF NOVEMBER 11, 1924, TO FACILITATE THE CONDUCT OF LEGAL PROCEEDINGS.

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

The President of the Czechoslovak Republic, being desirous of supplementing the Convention concluded between them for the purpose of facilitating the conduct of legal proceedings which was signed at London on the 11th November, 1924;

Have resolved to conclude a Convention for this purpose and have appointed 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:

Sir Joseph Addison, K.C.M.G., His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Prague, and

The President of the Czechoslovak Republic:

Dr. Kamil Krofta, Envoy Extraordinary and Minister Plenipotentiary, and

Dr. Antonin Koukal, Counsellor in the Ministry of Justice,

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

I. Preliminary

ARTICLE I

In this Convention the words:

(1) "Territory of one (or of the other) High Contracting Party" shall be interpreted:

(a) in relation to His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, as meaning England and Wales and all territories in respect of which the Convention is in force by reason of extensions under article 8 or accessions under article 9; and

(b) in relation to the Czechoslovak Republic, Czechoslovakia.

(2) "Subjects (or citizens) of one (or of the other) High Contracting Party" shall be deemed:

(a) in relation to His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, to mean all subjects of His Majesty wherever domiciled, and all persons under his protection;

(b) in relation to the Czechoslovak Republic to mean all Czechoslovak citizens; and

(c) in relation to both High Contracting Parties shall be deemed to include partnerships, companies, societies and other corporations constituted or incorporated under the laws of the territory of that High Contracting Party.

II. Specific Provisions

ARTICLE 2

Legal Protection and Access to the Courts of Justice

The subjects (or citizens) of one High Contracting Party shall enjoy in the territory of the other the same rights in respect of the legal protection of persons or property and shall have free access to the courts of justice for the prosecution or defence of their rights under the same conditions (including the taxes and fees payable) as subjects (or citizens) of the latter High Contracting Party.

ARTICLE 3

Security for Costs

The subjects (or citizens) of one High Contracting Party resident in the territory of the other shall not be obliged to give security for costs or court fees in any case where the subjects (or citizens) of the latter High Contracting Party would not be so obliged in similar circumstances.

ARTICLE 4

Free Legal Assistance

(1) The subjects (or citizens) of one High Contracting Party shall in the territory of the other enjoy free legal assistance in the same manner as subjects (or citizens) of the latter High Contracting Party, provided they comply with the requirements of the law of the territory where application for free legal assistance is made.

(2) This article applies to criminal as well as to civil and commercial matters.

ARTICLE 5

Imprisonment for Debt

The subjects (or citizens) of one High Contracting Party shall not in the territory of the other High Contracting Party be liable to imprisonment as a means of execution for debt or as a conservatory measure in any case where the subjects (or citizens) of the latter would not be so liable.

III. General Provisions

ARTICLE 6

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

ARTICLE 7

The present Convention, of which the English and Czechoslovak texts are equally authentic, shall be subject to ratification.

Ratifications shall be exchanged in London. The Convention shall come into force one month after the date on which ratifications are exchanged and shall remain in force for three years after the date of its coming into force. If neither of the High Contracting Parties shall have given notice through the diplomatic channel to the other not less than six months before the expiration of the said period of three years of his intention to terminate the Convention, it shall remain in force 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 8

(1) This Convention shall not apply *ipso facto* to Scotland or Northern Ireland, the Channel Islands or the Isle of Man, nor to any of the Colonies, Overseas Territories or Protectorates of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor 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 Kingdom, but His Majesty may at any time, while this Convention is in force under article 7 by a notification given through his representative at Prague, extend the operation of the Convention to any of the above-mentioned territories.

(2) The date of the coming into force of any such extension shall be one month from the date of such notification.

(3) 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 territories referred to in paragraph (1) of this article terminate such extension on giving six months' notice of termination through the diplomatic channel.

(4) The termination of the Convention under article 7 shall, unless otherwise expressly agreed to by both High Contracting Parties, *ipso facto* terminate it in respect of any territories to which it has been extended under paragraph (1) of this article.

ARTICLE 9

(1) The High Contracting Parties agree that His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India may at any time, while the present Convention is in force, either under article 7 or by virtue 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 accession should be effected, provided that no notification of accession may be given at any time when the President of the Czechoslovak Republic has given notice of termination in respect of all the territories of His Majesty to which the Convention applies. Any such accession shall take effect one month after the date of its notification.

(2) After the expiry of three years from the date of the coming into force of any accession under paragraph (1) of this article, either of the High Contracting Parties may, by giving six months' notice of termination through the diplomatic channel, terminate the application of the Convention to any country in respect of which a notification of accession has been given. The termination of the Convention under article 7 shall not affect its application to any such country.

(3) Any notification of accession under paragraph (1) 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 (2) 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 duplicate in English and Czechoslovak texts, and have affixed thereto their seals.

Done in duplicate at Prague, the 15th day of February, 1935.

(L.S.) JOSEPH ADDISON
(L.S.) Dr. K. KROFTA
(L.S.) DR. A. KOUKAL