# NOTIFICATION EFFECTED BY AN

## EXCHANGE OF NOTES

(December 1 and 27, 1938)

EXTENDING TO CANADA AS FROM FEBRUARY 1, 1939

## THE CONVENTION BETWEEN by to you, in accords

## HIS MAJESTY

AND

# HIS MAJESTY THE KING OF YUGOSLAVIA

REGARDING

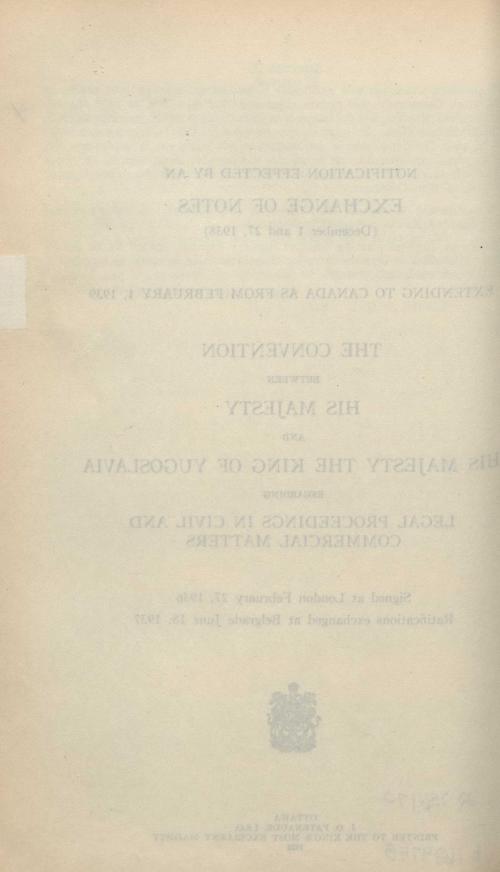
LEGAL PROCEEDINGS IN CIVIL AND COMMERCIAL MATTERS

Signed at London February 27, 1936 Ratifications exchanged at Belgrade June 18, 1937



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OTTAWA J. O. PATENAUDE, I.S.O. PRINTER TO THE KING'S MOST EXCELLENT MAJESTY 1939



EXCHANGE OF NOTES (DECEMBER 1 AND 27, 1938) REGARDING THE EXTENSION TO CANADA AS FROM FEBRUARY 1, 1939, OF THE CONVENTION OF FEBRUARY 27, 1936, BETWEEN HIS MAJESTY AND HIS MAJESTY THE KING OF YUGOSLAVIA **REGARDING LEGAL PROCEEDINGS IN CIVIL AND COMMERCIAL** MATTERS.

The British Minister at Belgrade to the Minister of Foreign Affairs of Yugoslavia

BRITISH LEGATION

No. 169 (65/21/38)

### BELGRADE, December 1, 1938.

MONSIEUR LE PRÉSIDENT,

At the instance of His Majesty's Government in Canada I have the honour to notify to you, in accordance with Article 18 (a) of the Convention regarding Legal Proceedings in Civil and Commercial Matters, which was signed in London De 27th February, 1936, the accession of His Majesty to that convention in respect of Canada.

<sup>2</sup>. The attached list indicates in each case the authority to whom requests for service or for the taking of evidence should be transmitted, and the language Which communications and translations are to be made.

 $^{3}$ . In accordance with Article 18 (a) of the Convention, the accession now <sup>aotified</sup> will come into force two months from the date of this note, that is to say on the 1st February next.

4. In requesting that Your Excellency will be so good as to acknowledge the receipt of this communication,

I avail myself, etc.,

# R. H. CAMPBELL

| Province or Territory | Authority and Address              | Language             |
|-----------------------|------------------------------------|----------------------|
| Ontario               | Attorney-General,<br>Toronto       | English              |
| Quebec                | Attorney-General,<br>Quebec        | English or<br>French |
| Nova Scotia           | Attorney-General,<br>Halifax       | English              |
| Prince Edward Island  | Attorney-General,<br>Charlottetown | English              |
| New Brunswick         | Attorney-General,<br>Fredericton   | English              |
| British Columbia      | Attorney-General,<br>Victoria      | English              |

|                        |   |         | The         |
|------------------------|---|---------|-------------|
| Manitoba               | Attorney-General,<br>Winnipeg                                   | English | *ne         |
| Saskatchewan           | Attorney-General,<br>Regina                                     |         | D.          |
| Alberta                | Attorney-General,<br>Edmonton                                   |         | P.N.        |
| North West Territories | Commissioner of the North West<br>Territories, Ottawa           | English | You         |
| Yukon Territory        | The Gold Commissioner<br>of The Yukon Territory,<br>Dawson City | English | 169/<br>Maj |

The British Minister at Belgrade to the Minister of Foreign Affairs of Yugoslavia

BEEL Indemond BRITISH LEGATION

No. 170 (65/22/38

BELGRADE, December 1, 1938.

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## Monsieur le Président,

With reference to my note of to-day's date relative to the accession by H<sup>i</sup> Majesty in respect of the Dominion of Canada to the Civil Procedure Corvention signed in London on the 27th February, 1936, 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.

2. 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.

3. 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 (c) 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.

4. I have further the honour to express the hope that this proposal will be acceptable to the Yugoslav 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 have, etc.,

## R. H. CAMPBELL

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The Minister of Foreign Affairs of Yugoslavia to the British Minister at Belgrade (Translation)

MINISTRY OF FOREIGN AFFAIRS

P.N. 27345-Bri-72

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## BELGRADE, December 27, 1938.

# Your EXCELLENCY,

I have the honour to acknowledge the receipt of Your Excellency's note No. 169/65/21/38 dated December 1, 1938, regarding the accession of His Britannic Majesty in respect of the Dominion of Canada to the Convention relating to intual assistance in the conduct of legal proceedings in civil and commercial hatters which are being dealt with, or which it is anticipated may be dealt with, by their respective judicial authorities, concluded in London on February 27, 1936, as well as the receipt of a list of authorities to whom requests for service or the taking of evidence should be addressed with indication of language in which communications are to be made or into which they have to be translated.

The accession will come into force, in accordance with Art. 18 (a) of the Convention, on February 1, 1939.

I take, etc.

### DR. M. SPAHO m.p.

<sup>The</sup> Minister of Foreign Affairs of Yugoslavia to the British Minister at Belgrade (Translation)

### MINISTRY OF FOREIGN AFFAIRS

P.N. 27344-Bri-72

### BELGRADE, December 27, 1938.

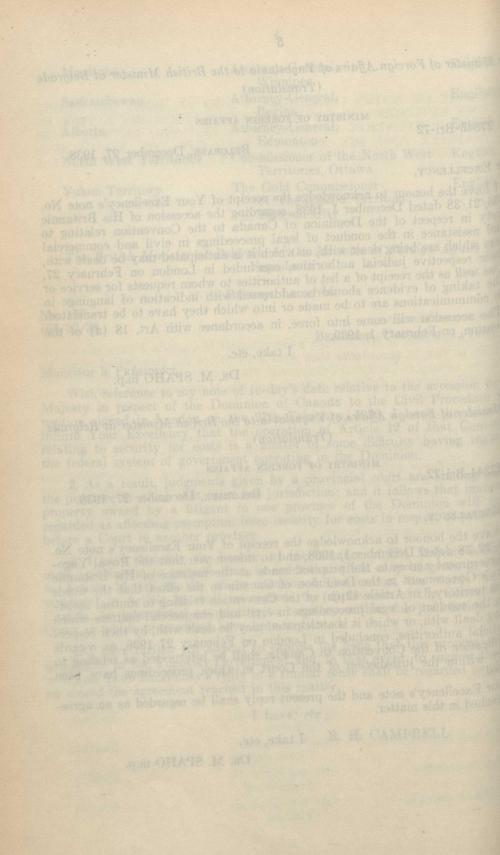
# Your Excellency,

I have the honour to acknowledge the receipt of Your Excellency's note No.  $10^{-1}$  have the honour to acknowledge the receipt of 10ar that the Royal Yugo- $10^{-65/22/38}$  dated December 1, 1938, and to inform you that the Royal Yugo- $M_{a_i}$  Government agrees to the proposal made at the instance of His Britannic Malesty's Government in the Dominion of Canada to the effect that the words in that territory," in Article 12 (b) of the Convention relating to mutual assistthe in the conduct of legal proceedings in civil and commercial matters which being dealt with, or which it is anticipated may be dealt with, by their respecthe judicial authorities, concluded in London on February 27 1936, as regards <sup>application</sup> of the Convention to Canada, shall be interpreted as relating to <sup>application</sup> of the Convention to Canada, shall be interpretedings have been <sup>britory</sup> within the jurisdiction of the Court in which proceedings have been Instituted.

Your Excellency's note and the present reply shall be regarded as an agree-<sup>nent</sup> reached in this matter.

I take, etc.

DR. M. SPAHO m.p.



### CONVENTION BETWEEN HIS MAJESTY IN RESPECT OF THE UNITED KINGDOM AND HIS MAJESTY THE KING OF YUGO-SLAVIA REGARDING LEGAL PROCEEDINGS IN CIVIL AND COMMERCIAL MATTERS, SIGNED AT LONDON, FEBRUARY 27, 1936.

His Majesty the King of Great Britain, Ireland and the British Dominions His Majesty the King of Great Britain, frequencies and the Ling of Yugoslavia by the Council of Regency,

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

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:

The Right Honourable Anthony Eden, M.C., M.P., His Majesty's Principal Secretary of State for Foreign Affairs; and

His Majesty the King of Yugoslavia by the Council of Regency:

M. Slavko Grouitch, Envoy Extraordinary and Minister Plenipotentiary in London: and

M. Milan Kugler, Judge of the Court of Cassation at Zagreb;

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

### I.—Preliminary.

### ARTICLE 1.

 $w_y t_0^{(a)}$  Except where the contrary is expressly stated, this Convention applies 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 (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 17 or accessions under Article 18; and (b) in relation to His Majesty the King of Yugoslavia, the Kingdom of Yugoslavia;
- (2) "persons" shall be deemed to mean individuals and artificial persons;
- (3) "artificial persons" shall be deemed to include partnerships, companies, societies and other corporations;

(4) "nationals of a High Contracting Party" shall be deemed to include artificial persons constituted or incorporated under the laws of the territory of such High Contracting Party;

(5) "nationals 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

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India, to mean all subjects of His Majesty wherever domiciled, and the King of Var. His protection is in the His Majest all persons under His protection; and (b) in relation to His Majest

## II.—Service of Judicial and Extra-Judicial Documents. AL VIO

(a) When judicial or extra-judicial documents drawn up in the territor, ted therein to be (a) When judicial or extra-judicial documents drawn up in the termination is ituated therein to be served on persona in the termination of the other the other the termination of the other the termination of the other the termination of the other the other termination of the other the other termination of the other termination. situated therein to be served on persons in the territory of the other his nationality, by such documents may be the territory of the other in the case. Contracting Party, such documents may be served on the territory of the ownated the served on persons in the territory of the ownated the served on the recipient. What a served on the recipient of origin. cases where such method of service is recognised by the law of the country (b) In Provided in Articles 3 and 4 (country) (b) In Provided in Articles 3 (country) (coun

(b) In Part II of this Convention the expression "country of and is as the country from which the document expression "country of and is ression "country of which the document expression and emanate, and is (6) In Part II of this Convention the expression "country of and the expression "country of execution" which the documents to be served emanate, and service of execution "country of execution" means to be served emanate. expression "country from which the documents to be served emanate, and do documents is to be effected. documents is to be effected.

(a) A request for service shall be addressed and sent by a Diplomatic onsular Officer acting for the country of events for the country of events o or Consular Officer acting for the country of origin to the competent autometer of the country of execution, requesting such authority to cause the document of the country of execution, requesting such authority to cause the document (b) The

(b) The request for service shall be drawn up in the language of the parties the descriptions of the door country of execution and shall state the names and descriptions of the dour ment to be served and address of the names and descriptions of the dour the name, description and address of the names and descriptions of the dour the name, description and shall state the names and descriptions of the doer ment to be served, and shall enclose the description, and the nature of the doer cate or accompanied h ment to be served, and shall state the names and descriptions of the depict cate or accompanied by a certified control of the depict of the de cate or accompanied by a certified copy.

(c) The document to be served shall either be drawn up in the language applicate. Such tree, or be accompanied by the country of execution, or be accompanied by a translation into such language of Consular Officer active station shall be continued by a translation into piplomatic of the pipelonation in duplicate. Such translation shall be certified as correct by a Diplomatic of (d) Received for the country of Consular Officer acting for the country of origin.

In England to the Senior Master of the Supreme Court of Judicature the authorite (d) Requests for service shall be addressed and sent:-

If the authority to whom a request for service has been sent is not control to refused in accordance with authority shall (control has been sent is not execute it, such authority shall (control has been sent is not execution). petent to execute it, such authority shall (except in cases where execution forward the request to the paragraph (f) shall (except in cases where own motion of his own motion). refused in accordance with paragraph (f) of this Article) of his own motion (e). Service to the competent authority that (f) of this Article) of the execution (f) of the forward the request to the competent authority for the forward the request to the competent authority for the forward the request to the competent authority for the forward the request to the competent authority for the forward the request to the competent authority for the forward the request to the competent authority for the forward the request to the competent authority forward the request for the competent authority forward the request for the competent authority forward the request to the competent authority forward the request for the competence of the compete forward the request to the competent authority shall (except in cases while of his own (e) Service shall be or (f) of this Article) of the country of execution (e) Service shall be or (e) the country of the

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

(f) The execution of a request for service, duly made in accordance with authenticity of the request for service, duly made in accordance the tracting Party in whose territory it is not established, or (2) the High or ereignty or safety would be tracting Party in whose territory it is to be executed considers that his solution (g) In over would be compromised to be executed considers that his the territory is the territory it is to be executed considers that his the territory it is to be executed considers that his the territory it is to be executed considers that his the territory it is to be executed considers that his territory

ereignty or safety would be compromised thereby. (g) In every instance where a request for service is not executed by the private ority to whom it has been sent, the letter is not executed by the Diplomatic authority to whom it has been sent, the latter will at once inform the Diplomatic

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Consular Officer by whom the request was sent, stating the ground on the station of the request has been refused or the competent authority to them it has been forwarded.

(h) The authority by whom the request for service is executed shall furnish request for service is executed shall furnish authority by whom the request for service is executed shall furnish a prevented be authority by whom the request for service is executed shall furnish a service The authority by whom the request for service is executed shall further at service and not the service or explaining the reason which has prevented at service and the service or explaining the manner and the date of such service or the authority by whom the request for service on which has preventies a service, and setting forth the fact, the manner and the date of such service or attempted sorrie to the Diplomatic or the service of the service service proving the service or explaining the rate of such service and setting forth the fact, the manner and the date of such service or explaining the rate of the Diplomatic or the Diplomatic of service, and shall send the said certificate to the Diplomatic of the diplicate docuassuance of the provide of the said certificate to the Diplomate of the or of attern by whom the request for service was sent. The certificate docu-The or of attempted service shall be placed on one of the duplicate docuor of attempted service shall be placed thereto.

(a) Service may be effected, without any request to or intervention of the following methods:-

(a) Service may be effected, without any request to or intervencion (b) By a Di country of execution, by any of the following methods:— (c) By a Di country of execution, by any of the country of or By a Diplomatic or Consular Officer acting for the country of origin; (2) Through the post.

(b) All documents served in the manner provided in (1) of the preceding Braph shall unents served in the manner provided in (1) of the preceding Party (b) All documents served in the manner provided in (1) of the property again shall, unless the recipient is a national of the High Contracting Party in whose target unless the recipient is a national of the High contracting the second emanates, either be drawn up in staph shall, unless the recipient is a national of the High Contracting up in whose territory the document to be served emanates, either be drawn up in anguage of the served emanates accompanied by a translation whose territory the document to be served emanates, either be drawn up such language of the country of execution or to be accompanied by a translation such language of the country of execution or to be accompanied in Article 3 (c). anguage of the country of execution or to be accompanied by (c). such language, certified as correct as prescribed in Article 3 (c). The II and the country of execution or to be accompanied by (c).

(c) The High Contracting Parties agree that in principle it is also desired the provisions of paragraph (b) of this article should apply to documents in the mass of paragraph (b) of this article should apply the every the High Contracting Parties agree that in phond apply to document ref in the manner provided in (2) of this article should apply to document in the manner provided in (2) of paragraph (a) of this Article. Never-terms in the all of the should be apply to document in the manner provided in (2) of paragraph (a) of this Article. Never-terms in the should be apply to document in the should be apply to document in the manner provided in (2) of paragraph (a) of this Article. Never-The provisions of paragraph (b) of this article can of this Article. The manner provided in (2) of paragraph (a) of this Article. The making maintain the manner provided in (2) of paragraph (a) of this Article. The making maintain the manner provided in (2) of paragraph (a) of this Article. The making making the manner provided in (2) of paragraph (a) of this Article. The making making making the manner provided in (2) of paragraph (a) of this Article. The making making making the manner provided in (2) of paragraph (a) of this Article. and the manner provided in (2) of paragraph (a) and the absence of any legislation in their respective territories incompt obligatory in such cases, the High Contracting Parties do not accept <sup>any</sup> obligation in this respect.

(d) It is understood that the question of the validity of any service effected he use of a definition of the validity of any service effected and the service of the servic (d) It is understood that the question of the validity of any service entries in the use of any of the methods referred to in paragraph (a) of this Article article in the chain a must of the methods referred to in paragraph (b) of the respective courts of the respective The use of any of the methods referred to in paragraph (a) of this Article a nemain a matter for the free determination of the respective courts of the Contracting Parties in accordance with their laws.

### ARTICLE 5.

(a) In any case where documents have been served in accordance with the accordance with the accordance of Article 3, the High Contracting Party. by whose Diplomatic or and Contracting Party by whose Diplomatic or the Contracting Party and cases and expenses which are payable under the approximation of the country of the persons employed to effect service, and any approximation of the persons employed to effect service. (a) In any case where documents have been served in accordance with the of Contracting Party any charges and expenses which are payable under of the country of execution to the persons employed to effect service, and any and any of execution to the persons employed in a special manner. These floating service in a special manner. of the country of execution to the persons employed to effect service, and expenses and expenses incurred in effecting service in a special manner. These and expenses incurred in effecting service in a special manner. that country.

(b) Repayment of these charges and expenses shall be claimed by the com-(b) Repayment of these charges and expenses shall be claimed by the transformation of these charges and expenses shall be claimed by the transformation of these charges and expenses shall be claimed by the transformation of these charges and expenses shall be claimed by the transformation of these charges and expenses shall be claimed by the transformation of transforma authority by whom the service has been effected from the Diponian the miner Officer by whom the request was addressed, when sending to him the  $f_{\text{figure}}$  of the provided for in Article 3 (h).

(c) Except as provided above, no fees of any description shall be payable High  $(a_{1}, b_{2})$  the High  $(a_{2}, b_{3})$  and  $(a_{2},$ the High Contracting Party to the other in respect of the service of any concerts.

# III.—Taking of Evidence APTICLE 6

### ARTICLE 6

<sup>(a)</sup> When a judicial authority in the territory of one of the territory of parties requires that evidence should be taken in the territory of

the other High Contracting Party, such evidence may be taken, whatever the in Article 7 or 8 nationality of the parties or witnesses may be, in any one of the ways prescribed (b) In Prescribed

- "Taking of evidence" shall be deemed to include the taking of say or otherwise a plaintiff defend statements of a plaintiff, defendant, expert or any other person or say or otherwise; the submission to a plaintiff, defendant, expert or any other person of any other with recent defendant, expert or any other person of any oath with recent defendant, level proceedings and the other person of any oath with regard to any legal proceedings and the other objects production, identification and examination of documents, samples of "Witness" of (2) "Witness" shall be deemed to include any person from whom any evidence, as defined above is received to have any person from whom any person fr
- (3) "Country of origin" shall be deemed to mean the country by wheeled to mean the country of execution. judicial authority the evidence is required, and " country of execution.

(a) The judicial authority of the country of origin may, in accordance with request to the accord to the country of origin to be means of a Letter means of the provisions of the law of his country, address himself by means of a Letter such authority to tele authority of the country of origin may, in accordance himself such authority to tele authority of the country address himself by means of a letter of Request to the law of his country, address himself by means of a useful authority to take the evidence. such authority to take the evidence.

(b) The Letter of Request shall be drawn up in the language of the country of such shall be accompanied by a travel up in the language of the country of the of execution, or be accompanied by a translation into such language of the other acting for the country of origin. The total a Diplomatic or Consular nature of the country of origin. acting for the country of origin. The Letter of Request shall state information in recently which the outdown of Request shall state in pane. of the proceedings for which the evidence is required, giving all necessarily descriptions and add information in regard thereto, the names of the parties thereto, and the names of the parties thereto, and the (1) accompanied by a list of interrogatories to be witnesses. They shall also either or or other accompanied by a list of interrogatories to be put to the witness or witness objects to be produced by a description of the parties thereto, and the samples or witness objects to be produced by a description of the samples of the s 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 authority to allow such as correct in the manner heretofore provided; or (2) shall request the comptete representatives shall do questions to be called in (2) shall request the parties of the formation of the shall request the comptete of the called in the parties of th authority to allow such questions to be asked vivâ voce as the parties or their (c). Let

In England by a Yugoslav Diplomatic or Consular Officer to the Sepier ter of the Supreme Court of Judiceture or Consular Officer to the Sepier In Yugoslavia in (c) Letters of Request shall be transmitted-

In Yugoslavia by a British Consular Officer to the Ministry of Justice ase the authority to whom any officer to the Ministry of justice at to execute Master of the Supreme Court of Judicature. In case the authority to whom any Letter of Request is transmitted is not seed in accordance competent to execute it, such authority shall (except in cases where execution forward the Letter of margraph. (f) is own of his own refused in accordance with paragraph (f) of this Article) of his own motion forward the Letter of Request to the control of the country of forward the Letter of Request to the competent authority of the country of the country

(d) The competent authority of the country of execution shall give effective same bulsory measures and obtain the ovidence of execution shall give and the same of to the Letter of Request and obtain the country of execution shall give entry of a commission or and the same providence required by the use of the execution shall give entry of a commission or and the same providence required by the use of execution. compulsory measures and obtain the country of execution shall the same of a commission or order emanating from the as are employed in the country except that if a wish that of a commission or order emanating from the authorities of his own country except that if a wish that some special provide the authorities of his own expression in the Letter of Recountry and the special provide the authorities of his own expression except that if a wish that some special procedure as are employed in the countries in the Letter of Request, such special procedure should be followed is expressed is not incompatible with the special procedure to the followed in <math>so far as it. in the Letter of Request, such special procedure should be followed in so far so in compatible with the law of the country shall be followed in so far so incompatible with the law of the country shall be followed in so far so incompatible with the law of the country shall be followed in so far so incompatible with the law of the country shall be followed in so far so incompatible with the law of the country shall be followed in so far so incompatible with the law of the country shall be followed in so far so incompatible with the law of the country shall be followed in so far so incompatible with the law of the country shall be followed in so far so incompatible with the law of the country shall be followed in so far so incompatible with the law of the country shall be followed in so far so incompatible with the law of the country shall be followed in so far so incompatible with the law of the country shall be followed in so far so incompatible with the law of the country shall be followed in so far so incompatible with the law of the country shall be followed in so far so incompatible with the law of the country shall be followed in so far so incompatible with the law of the country shall be followed in so far so incompatible with the law of the country shall be followed in so far so incompatible with the law of the country shall be followed in so far so incompatible with the law of the country shall be followed in so incompatible with the law of the country shall be followed in so incompatible with the law of the country shall be followed in so incompatible with the law of the country shall be followed in so incompatible with the law of the country shall be followed in so incompatible with the law of the country shall be followed in so incompatible with the law of the country shall be followed in so incompatible with the law of the country shall be followed with the law of the country shall be followed with the law of the country shall be followed with the law of the country shall be followed with the law of

is not incompatible with the law of the country of execution. (e) The Diplomatic or Consular Officer, by whom the Letter of Requestion. is transmitted, shall, if he so desires, be informed of the date when and interested 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 representatives who are competent to appear before the country of execution. the courts either of the country of origin or of the country of execution.

(f) The execution of a Letter of Request which complies with the preceding (1) The execution of a Letter of Requestions of this Article can only be refused—

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- If the authenticity of the Letter of Request is not established;
  If is authenticity of the Letter of Request is not established;
- (3) If the High Contracting Party in whose territory it is to be executed considered by the compromised thereby. considers that his sovereignty or safety would be compromised thereby.

(9) In every instance where a Letter of Request is not executed by the ority to make inform the Diplomatic <sup>(9)</sup> In every instance where a Letter of Request is not executed or Consular a Consular Officer by whom it is addressed, the latter will at once inform the Diplomities on which the execution of the Letter of Request has been refused, or the competent authority to whom it was transmitted. execution of the Letter of Request.

(h) When a Letter of Request has been executed, the competent authority (h) When a Letter of Request has been executed, the competent attravel (h) When a Letter of Request has been executed, the competent attravel (h) when it was transmitted or forwarded shall send to the Diplomatic or Consular by up to the processary documents establishing its Officer by whom it was transmitted or forwarded shall send to the Diplomatic of its establishing its execution execution.

## ARTICLE 8.

(a) The evidence may also be taken, without any request to or the inter-<sup>(a)</sup> The evidence may also be taken, without any request to or the disconstruction of the authorities of the country of execution by a Diplomatic or the country of origin appointed for Consular Officer in that country acting for the country of origin appointed for his purpose by the court in that country.

(b) An officer so appointed to take evidence may request the individuals (b) An officer so appointed to take evidence may request the hard devidence. He may take ourt appointing him to appear before him and to give evidence. the may take all kinds of evidence which are not contrary to the law of the builtry of execution. The attendance and giving of compulsion shall be the shall be entirely voluntary and no measures of compulsion shall be employed.

(c) Requests to appear issued by such officer shall, unless the recipient is a ational of the High Contracting Party for whose judicial authority the evidence is require the language of the country of execution or be the one is required, be drawn up in the language. secompanied by a translation into such language.

(d) The evidence may be taken in accordance with the procedure recognised by  $\binom{d}{d}$  The evidence may be taken in accordance with the procedule recognition by the law of the country of origin, and the parties will have the right to be present in  $\binom{d}{d}$  of the country of origin, and the parties will have the right to be the country of origin, and the parties will have the right to be present in  $\binom{d}{d}$  or  $\binom{d}{d}$  by any representatives who are competent in  $\binom{d}{d}$  or  $\binom{d}{d}$  by any representatives who are competent in  $\binom{d}{d}$  by any representative in  $\binom{d}{d}$  by any represent best in person or to be represented by any representatives who are compe-tent to append or to be represented by any representatives who are compethen in person or to be represented by any representatives who are on the country of origin or of the country of pear before the courts either of the country of origin or of the tountry of execution.

## ARTICLE 9.

where 8 has failed owing to the refusal of any witness to appear or accordance with Articles not preclude a request being subsequently made in accordance with Article 7.

### ARTICLE 10.

(a) Where evidence is taken in the manner provided in Article 7 the High Contracting Party, by whose judicial authority the Letter of Request was addressed, shall repay to the other High Contracting Party any expenses acutred by the theories of the latter in the execution of the request. a respect the competent authority of the latter in the execution of the request a respect of any charges and expenses payable to witnesses, experts, interprerespect of any charges and expenses payable to witnesses, experts, who have or translators, the costs of obtaining the attendance of witnesses who have

not appeared voluntarily, and the charges and expenses payable to law incompare the law in the second secon whom such authority may have deputed to act, in cases where and expenses are charges whom such authority may have deputed to act, in cases where the law the such as and expenses shall be such as are usually allowed in similar cases in the cases in the country of execution expenses shall be such as are usually allowed in similar cases in the country of execution.

(b) The repayment of these expenses shall be claimed by the Diploted are only the provide the setablisher by represented from the Diploted are stablisher by represented from the provide the setablisher by represented from (6) The repayment of these expenses shall be claimed by the Diplometer or Consular Officer by whom it was transmitted alone conding to him the deor Consular Officer by whom it was transmitted when sending to him the opposite of the piplements establishing its execution as provided to write 7 (h). (c) Except as above provided no fees of any description shall be particular to the taking of taking o

(c) Except as above provided no fees of any description shall be pointed to the taking of t

# IV.—Provisions relating to Equality of Treatment in Judicial Mathematical

(a) The nationals of one High Contracting Party shall enjoy in the property, and shall have rights in respect of the local protection protection of the local protection of th (a) The nationals of one High Contracting Party shall enjoy in the pro-and property, and shall have free access to the or the legal protection of mer-tion or defence of their minimum free access to the or the legal protection the pro-fees payable. and property, and shall have free access to the courts of justice for the taxe fees payable), as nationals under the same difference of the right in the same difference of the right in the same difference of the same difference of the right is under the same difference of the same difference difference of the same difference dif tion or defence of their rights under the same conditions (including the free free spayable), as nationals of the latter With Contracting Party shall environ a protection the free same conditions (including the free same conditions (including the free same conditions (including party)) and the same conditions (including party). (b) This Article applies to criminal as well as to civil and compared

matters.

### ARTICLE 12.

(a) The nationals of one High Contracting Party resident in a territor, other, where the proceedings are breaching Party resident in a led to proceedings are breaching party resident in a competition of the competition of (a) The nationals of one High Contracting Party resident in a led to the other, where the proceedings are brought, shall not be compelled to the other Contracting Party would not be so compelled in similar circumstances.

(b) The nationals of one High Contracting Party, resident outside objects the other, where the proceedings and party, resident outside objects and the object of the objec (b) The nationals of one High Contracting Party, resident outside bills give security for costs or court fees in any case where they posses in the is sufficient to cover these costs and fees. () It is understood that the interpretation of the expressions in the arms of the respective of the re

property" and "property not readily transferable" is a matter within the parties of the respective countracting Parties sive competence of the respective courts of the High Contracting

(a) The nationals of one High Contracting Party shall enjoy in the internationals of the latter High Contracting Party a postfort equality of transformer and the latter High contracting Party a postfort equality of the latter High contracting Party a postfort equality of the latter High contracting Party a postfort equality of the latter High contracting Party a postfort equality of the latter High contracting Party and the latter High contractin (a) The nationals of one High Contracting Party shall enjoy in the analysis of the latter High Contracting Party a perfect equality of galaxies (b) The provisions of the contracting Party as regards free legal and free commercial provisions of the second (b) The provisions of this Article apply to criminal as well as to civil and the apply to artificial matters.

commercial matters, but do not apply to artificial persons.

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# ARTICLE 14.

## under this Article, by a Imprisonment for Debt.

(a) The nationals of one High Contracting Party shall not in the terri-<sup>(a)</sup> The nationals of one High Contracting Party shall not in the dealers of the other High Contracting Party be liable to imprisonment as a means where the the execution of the other High Contracting Party be liable to imprison any case where the the nationals of one High Contracting Party be liable to imprisonment as a method execution for debt or as a conservatory measure in any case where the stionals of the other High Contracting Party would not be so liable.

(b) The provisions of this Article do not apply to artificial persons.

# V.—General Provisions.

# ARTICLE 15.

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

### ARTICLE 16.

The present Convention, of which the English and Yugoslav texts are schanged in Belgrade. The Convention shall come into force two months by the data of the High The present Convention, of which the English and Yugoslav texts are the date on which ratifications are exchanged and shall remain in force the three the date on which ratifications are exchanged and shall remain in the date of the date on which ratifications are exchanged and shall remain the date of for the date on which ratifications are exchanged and shall remain in fore for three years after the date of its coming into force. If neither of the High ontracting Parties shall have given notice through the diplomatic channel of the other not less than six months before the expiration of the said period in three years of his interview to terminate the Convention, it shall remain the other not less than six months before the expiration of the said period three years of his intention to terminate the Convention, it shall remain force until the expiration of six months from the day on which either of High Contact the the provide the baye given notice to terminate it. the High Contracting Parties shall have given notice to terminate it.

### ARTICLE 17.

ARTICLE 17. ARTICLE 17. ARTICLE 17. Northern Werseast territories the Channel Islands and the Isle of Man, nor to any of the Colonies, Welden territories territories the King of Great Britain, refrecase territories or Protectorates of His Majesty the King of India, nor to any of India, nor to any of the Channel Islands and the Isle of Man, nor to any of Great Britain, reland the refrecase territories or Protectorates of His Majesty the King of India, nor to any of India, nor to any of the respect to the refrecase territories in respect heland and the British Dominions beyond the Seas, Emperor of India, nor to any territories in respect and and the British Dominions beyond the Seas, Emperor of India, respect territories under His suzerainty, nor to any Mandated territories in respect which the the suder His suzerainty has the His Government in the United Kingdom, of territories under His suzerainty, nor to any Mandated territories in respect Which the mandate is exercised by His Government in the United Kingdom, Atticle Majesty may at any time, while this Convention is in force under the net 16 by a state of the net of the Atticle 16 by a notification given through His Minister at Belgrade, extend the operation of the Convention to any of the above-mentioned territories.

(b) Such notification shall state the authorities in the territory concerned (b) Such notification shall state the authorities in the territory content of (b) Such notification shall state the authorities of Request under Article (a) are requests for service under Article 3 or Letters of Request under Article (a) and (b) such the language in which communications and the language in which communications such whom requests for service under Article 3 or Letters of Request under Article are to be transmitted, and the language in which communications and translations are to be made. The date of the coming into force of any such ension shall be the prove the from the date of such notification. satisfield of the coming into a state of the coming into a state of the coming into a state of such notification.

<sup>(c)</sup> Either of the High Contracting Parties may, at any time after the (c) Either of the High Contracting Parties may, at any time arter this convention to the the High Contracting into force of an extension of this Article, the there is a from the coming into in paragraph (a) of this Article, the termination through of three years from the coming into force of an extension (a) of this Article, eminate such the territories referred to in paragraph (a) of this Article, the distance such the territories referred to in paragraph (a) of territories referred to in paragraph (a) of territories referred to unvention to any of the territories referred to in paragraph (a) of this through the diplomatic extension on giving six months' notice of termination through the diplomatic channel.

 $M_{ise}^{(d)}$  The termination of the Convention under Article 16 shall, unless other-terminate expressly agreed to by both High Contracting Parties, *ipso facto* paragraph (a) of the terminate it in respect of any territories to which it has been extended under <sup>min</sup>ate it in respect of and <sup>paragraph</sup> (a) of this Article.

## ARTICLE 18.

ARTICLE 18. Great Britain, Ireland and the British Dominions beyond the Seas, Emperor

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of India, may at any time, while the present Convention is in force, either under Article 16 or by virtue of any accession Convention is in force, point under Article 16 or by virtue of any accession under this Article, by a not fication given through the diplomatic channel, accede to the present Conver-tion in respect of any other Member of the British C tion in respect of any other Member of the British Commonwealth of National whose Government may desire that such according to provide whose Government may desire that such accession should be effected, provide that no notification of accession may be accession should be effected, provide that no notification of accession may be accessed as a statement of the second statement of that no notification of accession may be given at any time when His Maje the King of Yugoslavia has given notice of termination in respect of all the territories of His Majesty to which the Convert territories of His Majesty to which the Convention applies. The provisions Article 17 (b) shall be applicable to such patification applies. Article 17 (b) shall be applicable to such notification. Any such accession shall take effect two months after the data of it.

(b) After the expiry of three years from the date of the coming fire force of any accession under paragraph (a) of this Article, either of the fire Contracting Parties may, by giving six months' notice of termination through the diplomatic channel, terminate the application of the Grant to the the diplomatic channel, terminate the application of the Convention to the country in respect of which a notification of accession has been given. termination of the Convention under Article 16 shall not affect its application

(c) Any notification of accession under paragraph (a) of this Article matrix de any dependency or mandated territory and a second territory of the second territory of territo include any dependency or mandated territory administered by the Government of the country in respect of which such notice of the country in respect of which such notice of the country in the country in the such notice of the country in the country in the country in the country is the country in the country in the country in the country in the country is the country in the country is the country in the country in the country in the country in the country is the country in the country in the country in the country in the country is the country in the country in the country in the country in the country is the country in the country in the country in the country in the country is the country in the country in the country in the country in the country is the country in the country is the country in the count of the country in respect of which such notification of accession is given; it any notice of termination in respect of any such country under paragraph shall apply to any dependency or more larger such country under paragraph shall apply to any dependency or mandated territory which was included in the

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

Done in duplicate at London, the 27th day of February, 1936.

| (L.S.) ANTHONY INC<br>(L.S.) SLAVKO Y. GROUIT <sup>CD</sup><br>(L.S.) MILAN KUGLER | (L.S.) ANTHONY I | DEN    |
|--|------------------|--------|
| (L.S.) MILAN KUGLER  | (L.S.) SLAVKO Y. | GROUIT |
|  | (L.S.) MILAN KUC | LER    |
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