

(h) In every instance in which the "commission rogatoire" is not executed by the authority applied to, the latter at once informs the authority making the request, stating the grounds on which the execution of the "commission rogatoire" has been refused, and in the event of the authority being without jurisdiction, the authority to whom the commission has been forwarded.

(i) The judicial authority proceeding to the execution of a "commission rogatoire" applies, so far as the procedure to be followed is concerned, the law of its own country.

Nevertheless, an application by the authority making the request that some special procedure may be followed shall be acceded to, provided such procedure be not contrary to the law of the State applied to.

(j) No State fees of any nature shall be levied in respect of the execution of the "commission rogatoire."

Nevertheless, the State making the request repays to the State applied to the charges and expenses payable to witnesses or experts, the costs of obtaining the attendance of witnesses who have not appeared voluntarily, and finally, the charges payable to any person whom the competent judicial authority may have deputed to act in cases where the local law permits this to be done.

The repayment of these expenses is claimed by the authority applied to from the authority making the request when transmitting to it the documents establishing the execution of the "commission rogatoire." These charges are calculated in accordance with the tariff in force in the State applied to.

(k) Any difficulties which may arise in respect of the transmission of the "commission rogatoire" are settled through the diplomatic channel.

#### ARTICLE 7.

(a) The evidence may also be taken without the intervention of the local authority by the consular authority of the country before whose courts the evidence is to be used.

(b) The consular authority may invite the attendance of witnesses and the production of documents and administer an oath, but without exercising any compulsory powers.

(c) The consular authority takes the evidence in accordance with the laws of his own country. The parties have the right to be present or to be represented by any person who is competent to act before the tribunals of the consul's State.

#### ARTICLE 8.

(a) If the law of the country applied to authorises such procedure, the competent court of the State applied to may be requested to appoint a person to take the evidence. Such person may be a consular authority of the State making the request or any other person proposed by that State.

(b) In this case the court applied to takes the necessary steps to secure the attendance of witnesses and the production of documents, making use, if necessary, of its compulsory powers.

(c) The person thus nominated has the same power to administer an oath as a judge, and persons giving false evidence before him are liable in the courts of the State applied to to the penalties provided by the law of that State for perjury.

(d) The evidence is taken in accordance with the law of the country in which it is to be used, and the parties have the right to be present in person or represented by any persons who are competent to act before the courts of that State.

#### ARTICLE 9.

The fact that an attempt to take evidence under the procedure laid down in Article 7 has failed owing to a refusal of a witness to appear, give evidence, or produce documents does not prevent an application being subsequently made to take the evidence in accordance with Article 8.

#### Final Provisions.

(a) The present Convention shall come into force two months after the date on which ratifications are exchanged and shall remain in force for three years after its coming into force. In case neither of the High Contracting Parties shall have given notice to the other six months before the expiration of the said period of its 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 such notice.

(b) This Convention shall not apply to any of the Dominions, Colonies, Possessions, or Protectorates of the two High Contracting Parties, but either High Contracting Party may at any time extend, by a simple notification, this Convention to any such Dominion, Colony, Possession, or Protectorate.

Such notification shall state the date on which the Convention shall come into force, the authorities to whom judicial and extra-judicial acts and "commissions rogatoires" are

to be transmitted, and the language in which communications and translations are to be made.

Each of the High Contracting Parties may, at any time after the expiry of three years from the coming into force of the extension of this Convention to any of its Dominions, Colonies, Possessions, or Protectorates, terminate such extension on giving six months' previous notice.

(c) This Convention shall also not apply to Scotland or Ireland; but His Britannic Majesty shall have the right to extend the Convention to Scotland or Ireland on the conditions set forth in the preceding paragraph in respect of Dominions, Colonies, Possessions, or Protectorates.

In witness whereof the Undersigned have signed the present Convention and have affixed thereto their seals.

Done in duplicate at London the 2nd day of February, 1922.

[L.S.] CURZON OF KEDLESTON.

[L.S.] SAINT-AULAIRE.

#### Regulations as to Drainage and Plumbing under the Health Act, 1920, applied to certain Areas.—(H. 2/76.)

Department of Health,  
Wellington, 30th January, 1928.

WHEREAS by an Order in Council made on the 3rd day of September, 1923, and gazetted on the 6th day of the same month, regulations (to be cited as "The Drainage and Plumbing Regulations") were made under the Health Act, 1920, prescribing the conditions to be observed in the construction of approved drains, septic tanks, sanitary conveniences, and sanitary appliances:

And whereas by the said regulations it was provided that the same were suspended as provided in the said Act:

And whereas by section 133 of the said Act it is enacted that the operation of any such regulations may, if so provided therein, be wholly suspended until they are applied by the Minister by notice in the *Gazette* to any part of New Zealand:

Now, therefore, I, James Alexander Young, Minister of Health, in exercise of the power and authority given by the said regulations and by section 133 of the said Act, do hereby apply the said regulations to the

Borough of Upper Hutt,  
Borough of Brunner,  
Borough of Hokitika,  
Borough of Kaiapoi,  
Borough of Kumara,  
Borough of Rangiora,  
Borough of Runanga,  
Borough of Te Kuiti,  
Havelock North Town District,  
Otorohanga Town District,  
Waiuku Town District,  
Amberley Town District,  
Cobden Town District,  
Tinwald Town District, and the  
County of Levels;

and do hereby declare that this notice shall take effect on the 1st day of March, 1928.

J. A. YOUNG, Minister of Health.

#### Plant declared to be a Noxious Weed in the Kairanga County.— Notice No. Ag. 2707.

Department of Agriculture,  
Wellington, 28th January, 1928.

THE following special order, passed by the Kairanga County Council at a special meeting on the 13th day of December, 1927, and confirmed at an ordinary meeting on the 17th day of January, 1928, is published in accordance with the provisions of the Noxious Weeds Act.

O. HAWKEN, Minister of Agriculture.

#### SPECIAL ORDER.

In pursuance and exercise of the powers vested in it in that behalf by the Counties Act, 1920, and its amendments, and the Noxious Weeds Act, 1908, and its amendments, and in pursuance of every other power in that behalf it enabling, the Kairanga County Council hereby, by way of special order, resolves that gorse be declared a noxious weed within its jurisdiction, and that it is the intention of the Council to confirm such resolution at an ordinary monthly meeting of the Council to be held at the County Office, Palmerston North, on Tuesday, the 17th day of January, 1928, at 10 o'clock a.m.