

(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.

*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 charges and 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 and expenses incurred by reason of a special procedure being requested and followed. These charges and expenses shall be such as are usually allowed in similar cases in the courts of the country of execution.

(b) The repayment of these charges and 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 the territory of the other High Contracting Party, shall not be compelled to give security for costs in any case where a subject or citizen of such other High Contracting Party would not be so compelled.

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.

*Article 14.*

The present Convention, of which the English and Polish 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 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 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 14, by a notification given through His Ambassador at Warsaw, extend the operation of the Convention to any of the above-mentioned territories.

(b) Such notification shall state the authorities in the territory concerned to whom requests for service under Article 3 or Letters of Request under Articles 7 or 8 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 extension shall 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 territories referred to in paragraph (a) of this Article, terminate such extension on giving six months' notice of termination through the diplomatic channel.

(d) The termination of the Convention under Article 14 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 (a) of this Article.

*Article 16.*

(a) The High Contracting Parties agree that the Government of the Republic of Poland, acting in virtue of Article 104 of the Treaty of Peace signed at Versailles on the 28th June, 1919, and of Articles 2 and 6 of the Convention concluded between Poland and Dantzig on the 9th November, 1920, may at any time while the present Convention is in force, under Article 14 or by virtue of any accession under Article 17, declare that the present Convention shall apply to the Free City of Dantzig, by a notification given through the diplomatic channel.

(b) Upon such notification being made, the provisions of the present Convention shall apply to the territory of the Free City of Dantzig and the citizens of the Free City.

(c) Either High Contracting Party may terminate the application of the Convention to Dantzig at any time after the expiry of three years from the date of the coming into force of the notification referred to in paragraph (a) of this Article, by giving six months' notice of termination through the diplomatic channel.

(d) The termination of the Convention under Article 14 shall, unless otherwise expressly agreed to by both High Contracting Parties, terminate it in respect of the Free City of Dantzig.

*Article 17.*

(a) 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 14 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 Polish Republic has given notice of termination in respect of all the territories of His Majesty to which the Convention applies. The provisions of Article 15 (b) shall be applicable to such notification. Any such accession shall take effect one month after the date of its notification.

(b) After the expiry of three years from the date of the coming into force of any accession under paragraph (a) 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 14 shall not affect its application to any such country.

(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 Polish texts, and have affixed thereto their seals.

Done in duplicate at Warsaw, the 26th August, 1931.

WILLIAM ERSKINE.

*Extension to New Zealand of Convention between the United Kingdom and Portugal respecting Legal Proceedings in Civil and Commercial Matters.*

Department of Justice,  
Wellington, 24th January, 1933.

IT is hereby notified for general information that the Convention between the United Kingdom and Portugal regarding Legal Proceedings in Civil and Commercial Matters, signed at London on the 9th day of July, 1931, and in respect of which ratifications were exchanged at Lisbon on the 13th day of April, 1932, has been extended to the Dominion of New Zealand pursuant to the provisions of Article 16 of the said Convention, as from the 28th day of October, 1932.