

(d) It shall be incumbent upon the judicial authority to whom the "commission rogatoire" is addressed to give effect to it by the use of the same compulsory measures as in the execution of a commission emanating from the authorities of the State applied to.

(e) The consular authority of the State making the request will, if he so desires, be informed of the date and place where the proceedings will take place, in order that the interested party may be able to be present.

(f) The execution of the "commission rogatoire" can only be refused:

- (1) If the authenticity of the document is not established;
- (2) If in the State applied to the execution of the "commission rogatoire" does not fall within the functions of the judiciary;
- (3) If the State applied to considers it such as to affect its sovereignty or safety.

(g) In case the authority applied to is without jurisdiction, the "commission rogatoire" will be forwarded without any further request to the competent authority of the same State in accordance with the rules laid down by its law.

(h) In every instance where the "commission rogatoire" is not executed by the authority applied to, the latter will at once inform the consular authority of the State making the request, stating the grounds on which the execution of the commission has been refused, or the judicial authority to whom the commission has been forwarded.

(i) The authority which executes the "commission rogatoire" will apply, 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 that such procedure is not incompatible with the law of the State applied to.

#### ARTICLE 10.

No fees of any description shall be payable by one State to the other in respect of the execution of "commissions rogatoires."

Nevertheless, the State making the request repays to the State applied to 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 payable to any person whom the competent judicial authority may have deputed to act in cases where the municipal 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 for nationals of the State applied to.

#### ARTICLE 11.

(a) The evidence may also be taken, without the intervention of the authorities of the State in whose territory it is to be taken, by a diplomatic or consular agent of the State before whose Courts the evidence is to be used, or by some other person named by the said Courts.

(b) The agent appointed to take the evidence may request named individuals to appear as witnesses, to produce any document, and to take an oath, but he has no compulsory powers.

(c) Summonses to appear issued by the agent will be drawn up in one of the languages of the State where the evidence is to be taken, or accompanied by a translation into one of those languages, unless the recipient is a national of the State making the request. Every summons shall state expressly that there is no compulsion to appear.

(d) The evidence may be taken in accordance with the procedure laid down by the law of the State in which the evidence is to be used, and the parties will have the right to be represented by barristers or solicitors of that State.

#### ARTICLE 12.

The fact that an attempt to take evidence by the method laid down in Article 11 has failed owing to the refusal of any witnesses to appear, to give evidence, or to produce documents does not preclude an application being subsequently made in accordance with Article 9.

#### IV.—GENERAL PROVISIONS.

#### ARTICLE 13.

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

L

#### ARTICLE 14.

(a) The present Convention shall come into force three 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 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 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 21st day of June, 1922.

[L.S.]  
[L.S.]  
[L.S.]

BALFOUR.  
CH. LEURQUIN.  
V. KINON.

#### CROWN LANDS NOTICES.

*Lands in the Gisborne Land District for Sale or Selection.*

Department of Lands and Survey,  
Wellington, 4th April, 1934.

THE undermentioned lands will be offered for sale or selection on the date specified below.

#### FIRST SCHEDULE.

FOR SELECTION ON OPTIONAL TENURES.

SECTION 11, Block XIII, Waiawa Survey District, and Lots 1 and 3 of Section 1, Block I, Urutawa Survey District.  
Section 1, Block VIII, Urutawa Survey District.  
Section 4, Block XII, Moanni Survey District.

#### SECOND SCHEDULE.

FOR SELECTION ON RENEWABLE LEASE: TERM 66 YEARS.

SECTION 2, Block I, Waipiro Survey District.  
Section 3, Block I, Waipiro Survey District.  
Lot 1 of Section 4, Block VIII, Waioka Survey District.

#### THIRD SCHEDULE.

FOR SELECTION ON RENEWABLE LEASE: TERM 33 YEARS.

SECTION 6, Otoko Village. Block I, Waikohu Survey District.

#### FOURTH SCHEDULE.

FOR SELECTION ON OPTIONAL TENURES AND EDUCATION RESERVE LEASE.

SECTION 1, Block XII, and Section 1, Block XV, Waioka Survey District.  
Sections 3 and 5, Block XI, Waioka Survey District.

Applications will close at 4 o'clock p.m. on Wednesday, 9th May, 1934, at the District Lands and Survey Office, Gisborne.

Sale plans and further particulars may be obtained from the Commissioner of Crown Lands, Gisborne.

W. ROBERTSON,  
Under-Secretary for Lands.

(L. and S. 9/2962.)