

N° 393.

PARAGUAY ET URUGUAY

Convention destinée à simplifier et à faciliter la procédure en matière de commissions rogatoires, signée à Assomption le 28 février 1915.

PARAGUAY AND URUGUAY

Convention for the purpose of simplifying and facilitating procedure by way of Letters Rogatory, signed at Asuncion, February 28, 1915.

TEXTE ESPAGNOL. — SPANISH TEXT.

No. 393. — CONVENIO¹ ENTRE LA REPÚBLICA DEL PARAGUAY Y LA REPÚBLICA ORIENTAL DEL URUGUAY, SOBRE TRAMITACIÓN DE EXHORTOS, FIRMADO EN LA ASUNCIÓN, EL 28 DE FEBRERO DE 1915.

Texte officiel espagnol communiqué par le Ministre des Affaires étrangères de l'Uruguay. L'enregistrement de cette Convention a eu lieu le 19 mars 1923.

Spanish official text communicated by the Minister for Foreign Affairs of Uruguay. The registration of this Convention took place on March 19, 1923.

Su Excelencia el señor Presidente de la REPÚBLICA ORIENTAL DEL URUGUAY y Su Excelencia el señor Presidente de la REPÚBLICA DEL PARAGUAY,

Deseando establecer disposiciones complementarias del Tratado de Derecho Procesal, — ajustado en el Congreso Sudamericano de Derecho Internacional Privado de Montevideo el 11 de Enero de 1889, — para simplificar y facilitar la tramitación de exhortos, cartas rogatorias y demás documentos de esta naturaleza procedentes de uno y otro país,

Han determinado celebrar un Convenio al efecto, y han nombrado sus Plenipotenciarios, a saber :

SU EXCELENCIA EL SEÑOR PRESIDENTE DE LA REPÚBLICA ORIENTAL DEL URUGUAY :

al señor don Alfredo SILVA Y ANTUÑA, Su Enviado Extraordinario y Ministro Plenipotenciario ante Su Excelencia el señor Presidente de la República del Paraguay, y

SU EXCELENCIA EL SEÑOR PRESIDENTE DE LA REPÚBLICA DEL PARAGUAY :

al señor don Manuel GONDRA, Su Ministro Secretario de Estado en el Departamento de Relaciones Exteriores,

Quienes, después de comunicados sus Plenos Poderes, que fueron hallados en buena y debida forma, han acordado lo que sigue :

Artículo 1.

Las comisiones rogatorias en materia civil, comercial o criminal, dirigidas por los Tribunales de la República Oriental del Uruguay a los de la República del Paraguay, o por los de la República

¹ L'échange des ratifications a eu lieu à Assomption le 4 octobre 1922.

¹ The exchange of ratifications took place at Asuncion, October 4, 1922.

¹ TRANSLATION.

No. 393. — CONVENTION BETWEEN THE REPUBLIC OF PARAGUAY AND THE REPUBLIC OF URUGUAY FOR THE PURPOSE OF SIMPLIFYING AND FACILITATING PROCEDURE BY WAY OF LETTERS ROGATORY, SIGNED AT ASUNCION ON FERRUARY 28, 1915.

His Excellency the President of the ORIENTAL REPUBLIC OF URUGUAY and His Excellency the President of the REPUBLIC OF PARAGUAY, being desirous of establishing supplementary provisions to the Treaty on Civil Procedure — concluded at the South-American Congress on International Private Law at Montevideo, on January 11, 1889 — with a view to simplifying and facilitating the procedure in respect of letters rogatory, judicial Commissions, and other documents of the same nature as between one country and the other,

Have decided to conclude a Convention to that effect, and have appointed as their Plenipotentiaries :

HIS EXCELLENCY THE PRESIDENT OF THE ORIENTAL REPUBLIC OF URUGUAY :

Sr. Don Alfredo SILVA Y ANTUÑA, His Envoy Extraordinary and Minister Plenipotentiary to His Excellency the President of the Republic of Paraguay, and

HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF PARAGUAY :

Sr. Don Manuel GONDRA, His Secretary of State for the Department of Foreign Affairs,

Who, after communicating their full powers, found in good and due form, have agreed upon the following :

Article 1.

Letters rogatory in civil, commercial and criminal matters addressed by the courts of the Republic of Uruguay to those of the Republic of Paraguay, or by the courts of the Republic of Paraguay to those of the Republic of Uruguay, shall be exempt from consular authentication if they are transmitted through diplomatic agents or, failing these, through Consuls.

Article 2.

The expenses incurred in the course of the *execution* of Letters rogatory in civil or commercial matters shall be borne by the interested party.

In criminal matters repayment of expenses shall only be granted when the case is brought by a private person.

In all cases, at the close of the proceedings the amount of the expenses incurred shall be determined, and if the interested party is not represented, or if the proceedings were brought by the authorities, payment shall be effected at the first settlement of legal expenses in the court concerned.

¹ Translated by the Secretariat of the League of Nations.

Article 3.

If experts valuers, depositaries, etc., are appointed in connection with any matters, their fees shall be estimated and definitely fixed by the superior authorities of the country applied to, at the same time as the report of the proceedings is forwarded, and payment shall be effected in the form laid down in the final clause of Article 2.

Article 4.

The duration of this Convention shall be indefinite, but it may be denounced by either of the High Contracting Parties subject to one year's previous notice being given.

Article 5.

The present Convention shall be ratified and the exchange of ratifications shall take place at Asuncion as soon as possible.

In faith whereof the Plenipotentiaries have signed and sealed it in duplicate in the city of Asuncion, this twenty eighth Day of February, 1915.

(L. S.) ALFREDO SILVA Y ANTUÑA.

(L. S.) M. GONDRA.
