

**GRANDE-BRETAGNE
ET IRLANDE DU NORD ET IRAK**

Convention concernant les actes de procédure en matière civile et commerciale, signée à Bagdad, le 25 juillet 1935, et échanges de notes relatifs à *a*) l'application à l'Ecosse de la convention susmentionnée, Bagdad, les 3 février et 4 mars 1937, et *b*) l'application à la Rhodésie du Sud de la convention susmentionnée, Bagdad, les 11 mai et 8 juin 1937.

**GREAT BRITAIN
AND NORTHERN IRELAND
AND IRAQ**

Convention regarding Legal Proceedings in Civil and Commercial Matters, signed at Bagdad, July 25th, 1935, and Exchanges of Notes regarding (*a*) the Extension to Scotland of the above-mentioned Convention, Bagdad, February 3rd and March 4th, 1937, and (*b*) the Extension to Southern Rhodesia of the above-mentioned Convention, Bagdad, May 11th and June 8th, 1937.

No. 4064. — CONVENTION¹ BETWEEN GREAT BRITAIN AND NORTHERN IRELAND AND IRAQ REGARDING LEGAL PROCEEDINGS IN CIVIL AND COMMERCIAL MATTERS. SIGNED AT BAGDAD, JULY 25TH, 1935.

English and Arabic official texts communicated by the Permanent Delegate of Iraq to the League of Nations and by His Majesty's Secretary of State for Foreign Affairs in Great Britain. The registration of this Convention took place February 22nd, 1937.

Textes officiels anglais et arabe communiqués par le délégué permanent de l'Irak près la Société des Nations et le secrétaire d'Etat aux Affaires étrangères de Sa Majesté en Grande-Bretagne. L'enregistrement de cette convention a eu lieu le 22 février 1937.

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, and HIS MAJESTY THE KING OF IRAQ ;

Being desirous to render mutual assistance in the conduct of legal proceedings 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 :

Sir Archibald John Kerr Clark KERR, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, his Ambassador Extraordinary and Plenipotentiary at Bagdad ; and

HIS MAJESTY THE KING OF IRAQ :

Nouri Pasha EL SAID, Minister for Foreign Affairs, Order of the Rafidain I Class Military ;

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

I. PRELIMINARY.

Article 1.

(a) Except where the contrary is expressly stated, this Convention applies only to civil and commercial matters, including non-contentious matters.

(b) In this Convention the words :

(1) " Territory of one (or the other) High Contracting Party " shall be interpreted :

(i) 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

¹ The exchange of ratifications took place at London, November 18th, 1936.

¹ L'échange des ratifications a eu lieu à Londres, le 18 novembre 1936.

and all territories in respect of which the Convention is in force by reason of extensions under Article 16 or accessions under Article 17 ; and

- (ii) In relation to His Majesty the King of Iraq as meaning Iraq.
- (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) " Subjects 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) " Subjects of one (or of the other) High Contracting Party " shall be deemed :
 - (i) In relation to His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, to mean all subjects of His Majesty wherever domiciled, and all persons under His protection ; and
 - (ii) In relation to His Majesty the King of Iraq, to mean all persons of Iraqi nationality.

II. SERVICE OF JUDICIAL AND EXTRA-JUDICIAL DOCUMENTS.

Article 2.

(a) In Part II of this Convention the expression " country of origin " means the country from which the documents to be served emanate, and the expression " country of execution " means the country in which service of documents is to be effected.

(b) When judicial or extra-judicial documents drawn up in the territory of one of the High Contracting Parties are required by a judicial authority situated therein to be served on persons in the territory of the other High Contracting Party, such documents may be served on the recipient, whatever his nationality, by any of the methods provided in Articles 3 and 4 in all cases where such method of service is recognised by the law of the country of origin.

Article 3.

(a) A request for service shall be addressed and sent by a Consular Officer acting for the country of origin to the competent authority of the country of execution, requesting such authority to cause the document in question to be served.

(b) The request for service shall be drawn up in the language of the country of execution and shall state the names and descriptions of the parties, the name, description and address of the recipient, and the nature of the document to be served, and shall enclose the document to be served in duplicate.

(c) The document to be served shall either be drawn up in the language of the country of execution, or be accompanied by a translation into such language. Such translation shall be certified as correct by a Consular Officer acting for the country of origin.

(d) Requests for service shall be addressed and sent :

In England to the Senior Master of the Supreme Court of Judicature.

In Iraq to the Ministry of Justice.

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

(e) Service shall be effected by the competent authority of the country of execution, who shall serve the document in the manner prescribed by the municipal law of such country for the service of similar documents, except that, if a wish for some special manner of service is expressed

in the request for service, such manner of service shall be followed in so far as it is not incompatible with the law of that country.

(f) The execution of a request for service, duly made in accordance with the preceding provisions of this Article, shall not be refused unless (1) the authenticity of the request for service is not established, or (2) the High Contracting Party in whose territory it is to be executed considers that his sovereignty or safety would be compromised thereby.

(g) In every instance where a request for service is not executed by the authority to whom it has been sent, the latter will at once inform the Consular Officer by whom the request was sent, stating the ground on which the execution of the request has been refused or the competent authority to whom it has been forwarded.

(b) The authority by whom the request for service is executed shall draw up a certificate proving the service or explaining the reason which has prevented such service, and setting forth the fact, the manner and the date of such service or attempted service, and shall send the said certificate to the Consular Officer by whom the request for service was sent. The certificate of service or of attempted service shall be placed on one of the duplicates or attached thereto.

Article 4.

(a) Service may be effected, without any intervention of the authorities of the country of execution by a Consular Officer acting for the country of origin, in any manner permissible by the law of the country of origin provided that no physical compulsion is used.

(b) All documents served by a Consular Officer shall, unless the recipient is a subject or citizen of the High Contracting Party from whose territory the document to be served emanates, either be drawn up in the language of the country of execution or be accompanied by a translation into such language, certified as correct as prescribed in Article 3 (c).

(c) The fact that an attempt to effect service in accordance with this Article has failed does not preclude a request being subsequently made in accordance with Article 3.

Article 5.

(a) In any case where documents have been served in accordance with the provisions of Article 3, the High Contracting Party, by whose Consular Officer the request for service was addressed, shall repay to the other High Contracting Party any charges and expenses which are payable under the law of the country of execution to the persons employed to effect service, and any charges and expenses incurred in effecting service in a special manner. These charges and expenses shall not exceed such as are usually allowed in the courts of that country.

(b) Repayment of these charges and expenses shall be claimed by the competent authority by whom the service has been effected from the Consular Officer by whom the request was addressed, when sending the certificate provided for in Article 3 (h).

(c) Except as provided above, no fees of any description shall be payable by one High Contracting Party to the other in respect of the service of any documents.

III. TAKING OF EVIDENCE ON COMMISSION.

Article 6.

In Part III of this Convention, the expressions :

(1) " Taking of Evidence " shall be deemed to include the taking of the statements of a plaintiff, defendant, expert or any other person on oath or otherwise ; the submission to a plaintiff, defendant, expert or any other person of any oath with regard to any legal proceedings ; and the production, identification and examination of documents, samples or other objects.

(2) "Witness" shall be deemed to include any person from whom any evidence, as defined above, is required to be taken.

(3) "Country of origin" shall be deemed to mean the country by whose judicial authority the evidence is required, and the "country of execution" the country in which the evidence is to be taken.

Article 7.

When a judicial authority in the territory of one of the High Contracting Parties requires that evidence should be taken in the territory of the other High Contracting Party, such evidence may be taken, whatever the nationality of the parties or witnesses may be, in any one of the ways prescribed in Article 8 or 9.

Article 8.

(a) The judicial authority of the country of origin may, in accordance with the provisions of the law of his country, address himself by means of a Letter of Request to the competent authority of the country of execution, requesting such authority to take the evidence.

(b) The Letter of Request shall be drawn up in the language of the country of execution, or be accompanied by a translation into such language. Such translation shall be certified as correct by a Consular Officer acting for the country of origin. The Letter of Request shall state the nature of the proceedings for which the evidence is required, giving all necessary information in regard thereto, the names of the parties thereto, and the names, descriptions and addresses of the witnesses. Letters of request shall also either (1) be accompanied by a list of interrogatories to be put to the witness or witnesses, 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 as correct in the manner heretofore provided; or (2) shall request the competent authority to allow such questions to be asked *viva voce* as the parties or their representatives shall desire to ask.

(c) Letters of Request shall be transmitted:

In England by an Iraqi Consular Officer to the Senior Master of the Supreme Court of Judicature.

In Iraq by a British Consular Officer to the Ministry of Justice.

In case the authority to whom a Letter of Request is transmitted is not competent to execute it, such authority shall (except in cases where execution is refused in accordance with paragraph (f) of this Article) of his own motion forward the Letter of Request to the competent authority of the country of execution.

(d) The competent authority of the country of execution shall give effect to the Letter of Request and obtain the evidence required by the use of the same compulsory measures and the same procedure as are employed in the execution of a commission or order emanating from the authorities of his own country, except that if a wish that some special procedure should be followed is expressed in the Letter of Request, such special procedure shall be followed in so far as it is not incompatible with the law of the country of execution.

(e) The Consular Officer, by whom the Letter of Request is transmitted, shall, if he so desires, be informed of the date when and the place 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 barristers or solicitors or by any representatives who are competent to appear before 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 provisions of this Article can only be refused:

(1) If the authenticity of the Letter of Request is not established;

(2) If, in the country of execution, the execution of the Letter of Request in question does not fall within the functions of the judiciary;

(3) If the High Contracting Party in whose territory it is to be executed considers that his sovereignty or safety would be compromised thereby.

(g) In every instance where a Letter of Request is not executed by the authority to whom it is addressed, the latter will at once inform the Consular Officer by whom it was transmitted, stating the grounds on which the execution of the Letter of Request has been refused, or the competent authority to whom it has been forwarded.

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

Article 9.

(a) The evidence may also be taken, without the intervention of the authorities of the country of execution by a Consular Officer acting for the country of origin.

(b) The Consular Officer may request individuals named by the court of the country of origin to appear before him to give evidence. The attendance and giving of evidence before him shall be entirely voluntary and no measures of compulsion shall be employed.

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

(d) The evidence may be taken in accordance with the procedure recognised 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 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 8.

Article 11.

(a) Where evidence is taken in the manner provided in Article 8 the High Contracting Party, by whose judicial authority the Letter of Request was addressed, shall repay to the other High Contracting Party any 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 expenses shall be such as are usually allowed in similar cases in the courts of the country of execution.

(b) The repayment of these expenses shall be claimed by the competent authority by whom a 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 8 (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 AND SECURITY FOR COSTS.

Article 12.

The subjects of one High Contracting Party 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.

Article 13.

(1) The subjects of one High Contracting Party shall enjoy in the territory of the other High Contracting Party a perfect equality of treatment with subjects of the latter High Contracting Party as regards free legal assistances for poor persons.

(2) The provisions of this Article apply to criminal as well as to civil and commercial matters.

V. GENERAL PROVISIONS.

Article 14.

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

Article 15.

The present Convention, of which the English and Arabic 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 date on which either of the High Contracting Parties shall have given notice to terminate it.

Article 16.

(a) This Convention shall not apply *ipso facto* to Scotland or Northern Ireland, the Channel Islands or the Isle of Man, nor to any of the Colonies, overseas territories 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 15, by a notification given through His Ambassador in Iraq, 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 Article 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 16 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 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 15 or by virtue of any accession under this Article, by a notification given through the diplomatic channel, accede to the present Conven-

tion in respect of any other 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 His Majesty the King of Iraq has given notice of termination in respect of all territories to which the Convention applies. The provisions of Article 16 (*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 15 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 Arabic texts, and have affixed thereto their seals.

Done in duplicate at Bagdad the twenty-fifth day of July of 1935.

(*L. S.*) Noury SAID.

(*L. S.*) Archibald Clark KERR.

(Senior Master of the Supreme Court of Judicature)
وفي العراق الى وزارة العدلية بواسطة موظف قنصلي بريطاني .

اذا كانت السلطة المرسل اليها كتاب الطلب لهم من اختصاصها تنفيذة فعلى هذه السلطة (الا في الاحوال التي يرفض فيها التنفيذ بموجب الفقرة (و) من هذه المادة) ان تقدم من تلقاؤها نفسها كتاب الطلب الى السلطة المختصة في المملكة المنفذة .

د - على السلطة المختصة في المملكة المنفذة ان تعمل وفق ما جاء في كتاب الطلب وتحصل على البيانات المطلوبة وذلك بانخاذ عيّن التدابير الاجبارية وحين الاصول المطبقة في تنفيذ استنابة او امر صادر من سلطات المملكة المائدة اليها على ان اذا طلب في كتاب الطلب تطبيق اصول خاصة فنطبق هذه الاصول الخاصة اذا لم تكن مخالفة لقانون المملكة المنفذة .

هـ - يخبر الموظف القنصلي الذي ارسل كتاب الطلب اذا اراد ذلك بالتاريخ والمحل الذي تجرى فيه المعاملة لكي يقيم بدوره باخبار ذوي الشأن الذين يسمح لهم بالحضور شخصيا او بحضور من يمثلهم من محامين ووكلاء دعاوى وغيرهم من الممثلين الذين لهم حق الحضور في محاكم المملكة المصدرة او المملكة المنفذة .

و - لا يجوز رفض تنفيذ كتاب طلب جاء وفقا للاحكام السالفة في هذه المادة الا :

ا - اذا لم تكن صحة كتاب الطلب المذكور ثابتة .

¹ TRADUCTION. — TRANSLATION.

N^o 4064. — CONVENTION ENTRE LA GRANDE-BRETAGNE ET L'IRLANDE DU NORD ET L'IRAK CONCERNANT LES ACTES DE PROCÉDURE EN MATIÈRE CIVILE ET COMMERCIALE. SIGNÉE A BAGDAD, LE 25 JUILLET 1935.

SA MAJESTÉ LE ROI DE GRANDE-BRETAGNE, D'IRLANDE ET DES DOMINIONS BRITANNIQUES AU DELÀ DES MERS, EMPEREUR DES INDES, et SA MAJESTÉ LE ROI D'IRAK ;

Désireux de se prêter une assistance mutuelle dans l'accomplissement des actes de procédure relatifs aux affaires civiles ou commerciales dont sont saisies ou pourraient être saisies leurs autorités judiciaires respectives ;

Ont résolu de conclure une convention à cet effet et ont désigné pour leurs plénipotentiaires :

SA MAJESTÉ LE ROI DE GRANDE-BRETAGNE, D'IRLANDE ET DES DOMINIONS BRITANNIQUES AU DELÀ DES MERS, EMPEREUR DES INDES :

POUR LA GRANDE-BRETAGNE ET L'IRLANDE DU NORD :

Sir Archibald John Kerr Clark KERR, commandeur de l'Ordre de Saint-Michel et de Saint-George, son ambassadeur extraordinaire et plénipotentiaire à Bagdad ; et

SA MAJESTÉ LE ROI D'IRAK :

Nouri Pasha EL SAID, ministre des Affaires étrangères, Ordre du Rafidain, première classe militaire ;

Lesquels, après s'être communiqué leurs pleins pouvoirs reconnus en bonne et due forme, sont convenus de ce qui suit :

I. DISPOSITIONS PRÉLIMINAIRES.

Article premier.

a) Sauf disposition contraire expresse, la présente convention ne s'applique qu'aux affaires civiles et commerciales, y compris les affaires non contentieuses.

b) Dans la présente convention :

r^o Le terme « territoire d'une (ou de l'autre) Haute Partie contractante » sera interprété :

i) Pour ce qui est de Sa Majesté le Roi de Grande-Bretagne, d'Irlande et des Dominions britanniques au delà des mers, Empereur des Indes, comme signifiant l'Angleterre et le Pays de Galles, ainsi que tous les territoires dans lesquels la convention est en vigueur en raison des extensions prévues à l'article 16 ou des adhésions prévues à l'article 17 ; et

ii) Pour ce qui est de Sa Majesté le Roi d'Irak comme signifiant l'Irak.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

EXCHANGE OF NOTES

REGARDING THE EXTENSION TO SCOTLAND OF THE CONVENTION OF JULY 25TH, 1935, BETWEEN GREAT BRITAIN AND NORTHERN IRELAND AND IRAQ REGARDING LEGAL PROCEEDINGS IN CIVIL AND COMMERCIAL MATTERS. BAGDAD, FEBRUARY 3RD AND MARCH 4TH, 1937.

Communicated by His Majesty's Secretary of State for Foreign Affairs in Great Britain, June 2nd, 1937.

I.

BRITISH EMBASSY.

No. 47.

BAGDAD, *February 3rd, 1937.*

YOUR EXCELLENCY,

On instructions from His Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to notify to Your Excellency, in accordance with Article 16 (a) of the Convention regarding legal proceedings in civil and commercial matters, which was signed at Bagdad on the 25th July, 1935, the extension of that Convention to Scotland.

2. The authority in Scotland to whom requests for service or for the taking of evidence should be transmitted is the Crown Agent, Edinburgh, and the language to be used in communications and translations is English.

3. The terms "plaintiff", "defendant" and "barrister" should in respect of documents for service in Scotland, or of letters of request for evidence to be taken in Scotland, be translated as "pursuer", "defender" and "advocate" respectively.

4. In accordance with Article 16 (b) of the Convention, the extension now notified will come into force one month from the date of this note, that is to say, on the 3rd March next.

¹ Translated by the Secretariat of the League of Nations, for information.

ÉCHANGE DE NOTES

RELATIF A L'APPLICATION A L'ECOSSE DE LA CONVENTION DU 25 JUILLET 1935 ENTRE LA GRANDE-BRETAGNE ET L'IRLANDE DU NORD ET L'IRAK CONCERNANT LES ACTES DE PROCÉDURE EN MATIÈRE CIVILE ET COMMERCIALE. BAGDAD, LES 3 FÉVRIER ET 4 MARS 1937.

Communiqué par le Secrétaire d'Etat aux Affaires étrangères de Sa Majesté en Grande-Bretagne, le 2 juin 1937.

I.

¹ TRADUCTION. — TRANSLATION.

AMBASSADE
DE GRANDE-BRETAGNE.

N° 47.

BAGDAD, *le 3 février 1937.*

MONSIEUR LE MINISTRE,

J'ai l'honneur, d'ordre du principal secrétaire d'Etat de Sa Majesté aux Affaires étrangères, de notifier à Votre Excellence, conformément à l'article 16 a) de la Convention concernant les actes de procédure en matière civile et commerciale, qui a été signée à Bagdad le 25 juillet 1935, l'extension des effets de cette convention à l'Ecosse.

2. L'autorité à laquelle devront être adressées en Ecosse les demandes de signification et les commissions rogatoires est le « Crown Agent » à Edimbourg, et la langue dans laquelle devront être faites les communications et traductions est l'anglais.

3. Les termes « plaintiff », « defendant » et « barrister » devront, lorsqu'il s'agit d'actes de procédure à signifier en Ecosse ou de commissions rogatoires à exécuter en Ecosse, se traduire par « pursuer », « defender » et « advocate » respectivement.

4. Conformément à l'article 16 b) de la convention, l'extension notifiée ci-dessus entrera en vigueur un mois après la date de la présente note, c'est-à-dire le 3 mars prochain.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

5. In requesting that Your Excellency will be so good as to acknowledge the receipt of this communication, I avail myself of this opportunity to express to Your Excellency the assurance of my highest consideration.

Archibald Clark KERR.

His Excellency
Saiyid Najî al Asil,
Minister for Foreign Affairs,
Bagdad.

5. En priant Votre Excellence de bien vouloir accuser réception de la présente communication, je saisis cette occasion, etc.

Archibald Clark KERR.

Son Excellence,
Saiyid Najî al Asil,
Ministre des Affaires étrangères,
Bagdad.

II.

TEXTE ARABE. — ARABIC TEXT.

الرقم ٢٢٥٦/١٩٥/٦
بغداد في ٤ آذار ١٩٣٧

الحكومة العراقية
وزارة الخارجية
مديرية الامور الغريبة

يا صاحب الفخامة

أتشرف بأن اشركم بأستلام كتاب فخامتكم المرقم ٤٧ والمؤرخ في ٣ شهاط ١٩٣٧ حول الاتفاقية المختصة بالمرافعات الحقوقية والذي تعلمون فيه عملاً بالمادة ١٦ (أ) من الاتفاقية المذكورة عن شمولها الى اسكتلندة .

٢ — وان السلطة المختصة في اسكتلندة التي يجب ان ترسل اليها طلبات التبليغ او طلبات استماع البينة هي وكلاء التاج في مدينة ادنبرغ كما ان اللغة الواجب استعمالها في المراسلات والترجمات هي اللغة الانكليزية .

II.

¹ TRADUCTION.

GOUVERNEMENT DE L'IRAQ.

MINISTÈRE
DES AFFAIRES ÉTRANGÈRES.DIRECTION
DES AFFAIRES D'OCCIDENT.

N° 2256/195/9.

BAGDAD, le 4 mars 1937.

MONSIEUR L'AMBASSADEUR,

J'ai l'honneur d'accuser réception de la lettre de Votre Excellence, N° 47 du 7 février 1937, concernant la Convention relative aux actes de procédure en matière civile, par laquelle vous m'informez qu'en vertu de son article 16 *a*), ladite convention est étendue à l'Ecosse ;

2. Que l'autorité en Ecosse à laquelle doivent être adressées les demandes de signification et les commissions rogatoires est le « Crown Agent » à Edimbourg, l'anglais étant la langue dans laquelle devront être rédigées les communications et les traductions ;

3. Que les termes « plaintiff », « defendant » et « barrister » devront, lorsqu'il s'agit d'actes de procédure à signifier en Ecosse ou de commissions rogatoires à exécuter en Ecosse, se traduire par « pursuer », « defender » et « advocate » respectivement ;

4. Que, conformément à l'article 16 *b*) de la convention susmentionnée, l'extension notifiée par la lettre de Votre Excellence entrera en vigueur un mois après la date de ladite lettre, c'est-à-dire le 3 mars 1937.

Je saisis cette occasion, etc.

NAJI AL ASIL.

Son Excellence

Sir Archibald John Kerr Clark Kerr,
K.C.M.G.,Ambassadeur extraordinaire
et plénipotentiaire
de Sa Majesté britannique
à Bagdad.¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

II.

¹ TRANSLATION.

GOVERNMENT OF IRAQ.

MINISTRY OF FOREIGN AFFAIRS.

DEPARTMENT
OF WESTERN AFFAIRS.

No. 2256/195/9.

BAGDAD, March 4th, 1937.

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of Your Excellency's letter No. 47 dated February 7th, 1937, relating to the Convention regarding legal proceedings in civil matters, in which you notify me that, in accordance with Article 16 (*a*) thereof, the operation of that Convention is extended to Scotland ;

2. That the authority in Scotland to whom requests for service or for the taking of evidence should be transmitted is the Crown Agent, Edinburgh, and that the language to be used in communications and translations is English ;

3. That the terms " plaintiff ", " defendant " and " barrister " should in respect of documents for service in Scotland, or of letters of request for evidence to be taken in Scotland, be translated as " pursuer ", " defender " and " advocate " respectively.

4. That in accordance with Article 16 (*b*) of the said Convention, the extension notified in Your Excellency's letter will come into force one month from the date of that letter, that is to say, on March 3rd, 1937.

I have the honour to be, etc.

NAJI AL ASIL.

His Excellency

Sir Archibald John Kerr Clerk Kerr,
K.C.M.G.,His Britannic Majesty's
Ambassador Extraordinary
and Plenipotentiary,
Bagdad.¹ Translated by the Secretariat of the League of Nations, for information.

EXCHANGE OF NOTES

REGARDING THE EXTENSION TO SOUTHERN RHODESIA OF THE CONVENTION OF JULY 25TH, 1935, BETWEEN GREAT BRITAIN AND NORTHERN IRELAND AND IRAQ REGARDING LEGAL PROCEEDINGS IN CIVIL AND COMMERCIAL MATTERS. BAGDAD, MAY 11TH AND JUNE 8TH, 1937.

Communicated by His Majesty's Secretary of State for Foreign Affairs in Great Britain, August 2nd, 1937.

I.

BRITISH EMBASSY.

No. 228.

BAGDAD, *May 11th, 1937.*

YOUR EXCELLENCY,

On instructions from His Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to notify to Your Excellency, in accordance with Article 16 (a) of the Convention regarding legal proceedings in civil and commercial matters, which was signed at Bagdad on the 25th July, 1935, the extension of the operation of that Convention to Southern Rhodesia.

2. The authority in Southern Rhodesia to whom requests for service or for the taking of evidence should be transmitted is the Registrar of the High Court of Southern Rhodesia, Salisbury, Southern Rhodesia, and the language to be used in communications and translations is English.

3. In accordance with Article 16 (b) of the Convention, the extension now notified will come into force one month from the date of this note, that is to say, on the 11th June next.

ÉCHANGE DE NOTES

RELATIF A L'APPLICATION A LA RHODÉSIE DU SUD DE LA CONVENTION DU 25 JUILLET 1935 ENTRE LA GRANDE-BRETAGNE ET L'IRLANDE DU NORD ET L'IRAK CONCERNANT LES ACTES DE PROCÉDURE EN MATIÈRE CIVILE ET COMMERCIALE. BAGDAD, LES 11 MAI ET 8 JUIN 1937.

Communiqué par le Secrétaire d'Etat aux Affaires étrangères de Sa Majesté en Grande-Bretagne, le 2 août 1937.

I.

¹ TRADUCTION. — TRANSLATION.

AMBASSADE
DE GRANDE-BRETAGNE.

N^o 228.

BAGDAD, *le 11 mai 1937.*

MONSIEUR LE MINISTRE,

J'ai l'honneur, d'ordre du principal secrétaire d'Etat de Sa Majesté aux Affaires étrangères, de notifier à Votre Excellence, conformément à l'article 16 a) de la Convention concernant les actes de procédure en matière civile et commerciale, qui a été signée à Bagdad le 25 juillet 1935, l'extension de l'application de cette convention à la Rhodésie du Sud.

2. L'autorité de la Rhodésie du Sud à laquelle devront être adressées les demandes de signification ou les commissions rogatoires est le greffier de la Cour suprême de la Rhodésie du Sud, Salisbury, Rhodésie du Sud, et la langue dans laquelle les communications et traductions devront être rédigées est l'anglais.

3. Conformément à l'article 16 b) de la convention, l'extension notifiée par la présente entrera en vigueur un mois après la date de la présente note, c'est-à-dire le 11 juin prochain.

¹ Translated by the Secretariat of the League of Nations, for information.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

4. In requesting that you will be so good as to acknowledge the receipt of this communication, I avail myself of this opportunity to express to Your Excellency the assurance of my highest consideration.

Archibald Clark KERR.

4. En priant Votre Excellence de bien vouloir accuser réception de la présente communication, je saisis cette occasion, etc.

Archibald Clark KERR.

His Excellency
Saiyid Naji al Asil,
Minister for Foreign Affairs,
Bagdad.

Son Excellence
Saiyid Naji al Asil
Ministre des Affaires étrangères,
Bagdad.

II.

TEXTE ARABE. — ARABIC TEXT.

الرقم ٦٢٣٧/١٩٥/٩
بغداد في ٨ حزيران ١٩٣٧

الحكومة العراقية
وزارة الخارجية
مديرية الامور الغربية

يا صاحب الفخامة :

أتشرف بأن اشعركم بأستلامي كتاب فخامتكم المرقم ٢٢٨ والمؤرخ في ١١ أيار ١٩٣٧ حول الاتفاقية المختصة بالمرافعات المدنية والسدى تعلموني فيه عملا بالمادة ١٦ (أ) من الاتفاقية المذكورة عن شمولها الى روديسيا الجنوبية .

٢ — وان السلطة المختصة في روديسيا الجنوبية التي يجب ان ترسل اليها طلبات التبليغ او طلبات استماع البيئة هي مسجل المحكمة العليا

II.

¹ TRADUCTION.

GOUVERNEMENT DE L'IRAK.
 MINISTÈRE
 DES AFFAIRES ÉTRANGÈRES.
 DIRECTION
 DES AFFAIRES D'OCCIDENT.
 N° 7237/195/9.

BAGDAD, le 8 juin 1937.

MONSIEUR L'AMBASSADEUR,

J'ai l'honneur d'accuser réception de la lettre N° 228 de Votre Excellence, datée du 11 mai 1937, concernant la Convention relative aux actes de procédure en matière civile et par laquelle vous me faites savoir que, conformément à son article 16 *a*), ladite convention est étendue à la Rhodésie du Sud ;

2. Que l'autorité en Rhodésie du Sud à laquelle doivent être adressées les demandes de signification ou les commissions rogatoires est le greffier de la Cour suprême de la Rhodésie du Sud, Salisbury (Rhodésie du Sud) et que l'anglais est la langue dans laquelle les communications et traductions devront être rédigées ;

3. Que, conformément à l'article 16 *b*) de ladite convention, l'extension notifiée par la lettre de Votre Excellence entrera en vigueur un mois après la date de ladite lettre, c'est-à-dire le 11 juin 1937.

Je saisis cette occasion, etc.

NAJI AL ASIL.

Son Excellence
 Sir Archibald John Kerr Clark Kerr,
 K.C.M.G.,
 Ambassadeur extraordinaire
 et plénipotentiaire
 de Sa Majesté britannique
 à Bagdad.

II.

¹ TRANSLATION.

GOVERNMENT OF IRAQ.
 MINISTRY
 OF FOREIGN AFFAIRS.
 DEPARTMENT
 OF WESTERN AFFAIRS.
 No. 7237/195/9.

BAGDAD, June 8th, 1937.

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of Your Excellency's letter No. 228 dated May 11th, 1937, relating to the Convention regarding legal proceedings in civil matters, in which you notify me that, in accordance with Article 16 (*a*) thereof, the operation of that Convention is extended to Southern Rhodesia ;

2. That the authority in Southern Rhodesia to whom requests for service or for the taking of evidence should be transmitted is the Registrar of the High Court of Southern Rhodesia, Salisbury, Southern Rhodesia, and that the language to be used in communications and transactions is English ;

3. That in accordance with Article 16 (*b*) of the said Convention, the extension notified in Your Excellency's letter will come into force one month from the date of that letter, that is to say, on June 11th, 1937.

I have the honour to be, etc.

NAJI AL ASIL.

His Excellency
 Sir Archibald John Kerr Clark Kerr,
 K.C.M.G.,
 His Britannic Majesty's
 Ambassador Extraordinary
 and Plenipotentiary,
 Bagdad.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.