

Enclosures.

SIR,—

Foreign Office, 12th April, 1911.

I am directed by Secretary Sir E. Grey to state, for the information of Mr. Secretary Harcourt, that, in consequence of difficulties which have been raised by the French and Spanish Governments with regard to the service on persons residing abroad of notices of writs in civil and commercial cases emanating from the tribunals of this country, he has been in communication with the Senior Master of the Supreme Court of Judicature, with a view of ascertaining whether steps could be taken to remedy the alleged lack of reciprocity in this country in such cases. It had previously been explained to the Governments mentioned that such notices, emanating from French and Spanish tribunals, could be served in this country by any private agent, but this explanation was deemed by them not altogether satisfactory, in view of the fact that both French and Spanish procedure provide for the service of similar documents through official channels.

I am now to transmit a printed copy of Rules of the Supreme Court (England) which have been recently made to provide for the case of letters of request from foreign tribunals in civil and commercial cases pending before them in which service on any person in England of any process or citation in such matters is desired.

In forwarding these rules for Mr. Harcourt's information, Sir E. Grey expresses his hope that, if possible, some similar course of action may be adopted to meet the case of the service of such citations in His Majesty's dominions, colonies, &c.

I am, &c.,

W. LANGLEY.

The Under-Secretary of State, Colonial Office.

[Extract from the *London Gazette* of Tuesday, 28th March, 1911.]

LETTER OF REQUEST: RULES OF THE SUPREME COURT, MARCH, 1911.

Lord Chancellor's Office, 27th March, 1911.

RULES OF THE SUPREME COURT, MARCH, 1911.

THE following rules are published pursuant to the Rules Publication Act, 1893 :—

Order XI, Rule 9.

1. Where in any civil or commercial matter pending before a Court or tribunal of a foreign country a letter of request from such Court or tribunal for service on any person in England of any process or citation in such matter is transmitted to the Supreme Court by His Majesty's Secretary of State for Foreign Affairs, with an intimation that it is desirable that effect should be given to the same, the following procedure shall be adopted :—

(1.) The letter of request for service shall be accompanied by a translation thereof in the English language, and by two copies of the process or citation to be served, and two copies thereof in the English language.

(2.) Service of the process or citation shall be effected by the process-server whom the Lord Chancellor may appoint from time to time for the purpose, or his authorized agent.

(3.) Such service shall be effected by delivering to and leaving with the person to be served one copy of the process to be served and one copy of the translation thereof, in accordance with the rules and practice of the English Supreme Court regulating service of process.

(4.) After service has been effected the process-server shall return to the Senior Master of the Supreme Court one copy of the process, together with the evidence of service by affidavit of the person effecting the service, verified by notarial certificate, and particulars of charges for the cost of effecting such service.

(5.) The particulars of charges for the cost of effecting service shall be submitted to a Taxing Master of the Supreme Court, who shall certify the correctness of the charges, or such other amount as shall be properly payable for the cost of effecting service. A copy of such charges and certificate shall be forwarded to His Majesty's Treasury.

(6.) The Senior Master shall transmit to His Majesty's Secretary of State for Foreign Affairs the letter of request for service received from the foreign country, together with the evidence of service, with a certificate appended thereto duly sealed with the seal of the Supreme Court for use out of the jurisdiction. Such certificate shall be in the form in the schedule to these rules, which may be cited as Form No. 74A, Appendix K, of the Rules of the Supreme Court.

Order XI, Rule 10.

2. Upon the application of the Treasury Solicitor with the consent of His Majesty's Treasury, the Court or a Judge may make all such orders for substituted service or otherwise as may be necessary to give effect to these rules.

3. These rules may be cited as the Rules of the Supreme Court, March, 1911, and each rule may be cited by the heading thereof with reference to the Rules of the Supreme Court, 1883.

4. These rules shall come into operation forthwith as provisional rules pursuant to section 2 of the Rules Publication Act, 1893 (56 and 57 Viet., c. 76).

SCHEDULE.

Certificate of Service of Foreign Process.

I, _____, Master of the Supreme Court of Judicature in England, hereby certify that the documents annexed hereto are as follows :—

(1.) The original letter of request for service of process received from the Court or tribunal at _____ in the _____ of _____ in the matter of _____ versus _____ ; and