

セイロン

司法共助ニ關スル交換公文

昭和十五年 三月 九日 東京で
二二日
昭和二十七年 一〇月 一四日 復活の通告
昭和二十七年 二月 一三日 告示(外務省告示第七六号)
昭和二十八年 一月 一四日 復活

英國大使ヨリ外務大臣宛來翰

(仮訳)

書簡をもつて啓上いたします。皇帝陛下の外務大臣からの訓令に基き、本使は、日本国及びセイロンの裁判所が民事及び刑事の事件に関する書類の送達及び証拠調について相互主義に基く相互援助をそれぞれ国の法令で定める範囲内で与え合うことを定める取極を日本帝国政府との間に締結したいという希望をセイロン政府が表明したことを閣下に通報する光栄を有します。

CEYLON

EXCHANGE OF NOTES CONCERNING RECIPROCAL JUDICIAL ASSISTANCE.

Dated at Tokyo, March 9 and 22, 1940
Notification of revival given, October 14, 1952
Revival published, December 13, 1952
Revived, January 14, 1953

TOKYO, March 9th, 1940.

Your Excellency,

I have the honour to inform Your Excellency, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, that the Government of Ceylon have expressed the desire to enter into an arrangement with the Imperial Japanese Government whereby the Courts of Justice in Japan and Ceylon should, within the limits prescribed by the laws of either country, render mutual assistance on a reciprocal basis in the transmission of

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2 セイロン政府は、前記の取極において、証拠調要請書その他の司法嘱託書の執行のため要する費用は嘱託を行う裁判所の属する国の政府が弁償すべきであることを規定することが適當であると考へます。

3 セイロン政府は、更に、証拠調要請書及びその關係書類は外交機關を経由して送達するものとし、また、これらには嘱託を受ける裁判所の属する国の公用語による訳文を添付すべきものと了解すべきことを提案いたします。

4 本使は、日本帝國政府が前記の取極に同意であるならば、セイロン政府は直ちにそれを発効させたい意向であることを閣下に通報する光榮を有します。

本使は、以上を申し進めるに際し、ここに重ねて閣下に向つて敬意を表します。

千九百四十年三月九日東京において

documents and in the taking of evidence relating to civil and criminal cases.

2. The Government of Ceylon consider it appropriate that the proposed arrangement shall provide that any costs incurred in the execution of Letters of Request or Other Judicial Commissions shall be refunded by the Government of the country to which the Court issuing such Commissions belongs.

3. The Government of Ceylon would further propose that it shall be understood that Letters of Request and documents connected with them shall be transmitted through the diplomatic channel, and that they shall be accompanied by translations in the official language of the country wherein the Court to which they are addressed is situated.

4. I have the honour to inform Your Excellency that, should such an arrangement be agreeable to the Imperial Japanese Government, the Government of Ceylon would be pleased to bring it into force forthwith.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

R・L・クレイギー(署名)

日本帝国外務大臣 有田八郎閣下

外務大臣ヨリ英國大使宛往翰

以書翰啓上致候陳者本月九日附貴翰ヲ以テ英國政府ニ於テハ帝國裁判所ト錫蘭裁判所トノ間ニ民事及刑事ノ事件ニ關スル書類ノ送達及證據調ニ付相互條件ニ依リ且夫々ノ國內法ノ規定ノ範圍内ニ於テ司法共助ヲ開始致シ度旨竝ニ右司法共助ニ於テハ司法上ノ囑託ノ施行ノ爲メ要シタル費用ハ斯ル囑託ヲ爲シタル裁判所ノ屬スル國ノ政府ニ依リ辨償セラルヘク又囑託書及其關係書類ハ外交機關ヲ經由シ又囑託ヲ受ケタル裁判所ノ屬スル國ノ國語ノ翻譯文ヲ添附スヘキ旨提議越ノ次第閱悉致候

His Excellency

Mr. Hachiro Arita,

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

(Signed) R. L. CRAIGIE.

(Translation)

March 22nd, 1940.

Your Excellency,

I have the honour to acknowledge the receipt of Your Excellency's note of the 9th March informing me of the desire of the British Government to enter into an arrangement whereby the Courts of Justice in Japan and Ceylon should, within the limits prescribed by the laws of either country, render mutual assistance on a reciprocal basis in the transmission of documents and in the taking of evidence relating to civil and criminal cases. The British Government further propose that any costs incurred in the execution of Judicial Commissions in rendering reciprocal judicial assistance shall be refunded by the Government of the country to which the Court issuing such commissions

帝國政府ニ於テハ英國政府ノ右提議ヲ受諾スルト共ニ
本日ヨリ帝國裁判所ト錫蘭ニ於ケル裁判所トノ間ニ民
事及刑事ノ事件ニ關スル書類ノ送達及證據調ニ付相互
條件ニ依リ帝國國內法ノ規定ノ範圍内ニ於テ司法共助
ヲ開始スルコトニ決定致候條左様御承知相成度候

右回報旁本大臣ハ茲ニ重ネテ閣下ニ向テ敬意ヲ表シ候
敬具

昭和十五年三月二十二日

外務大臣 有田八郎(署名)

大不列顛國特命全權大使

「ゼ・ライト・オノラブル・

サー・ロバート・クレイギー」閣下

belongs, that Letters of Request and documents connected with them shall be transmitted through the diplomatic channel and that they shall be accompanied by translations in the language of the country wherein the Court to which they are addressed is situated.

I have the honour to inform Your Excellency that the Imperial Government agree to the above proposals of the British Government and have decided, as from to-day, to commence mutual indical assistance between the Courts of Justice in Japan and Ceylon, on a basis of reciprocity and within the limits prescribed by the laws of Japan, in the transmission of documents and in the taking of evidence relating to civil and criminal cases.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

(Signed) Hachiro ARITA

Minister for Foreign Affairs.

His Excellency

The Right Honourable

Sir Robert Craigie, K.C.M.G., C.B.,

etc., etc., etc.,