

# TAKING OF TESTIMONY BY CONSULAR OFFICERS

*Exchange of notes verbale at Belgrade October 17 and 24, 1938*  
*Entered into force October 24, 1938*

Department of State files

*The American Legation to the Ministry for Foreign Affairs*

LEGATION OF THE UNITED STATES  
OF AMERICA

## NOTE VERBALE

No. 224

The Minister of the United States of America presents his compliments to His Excellency the President of the Council and Minister for Foreign Affairs and, with reference to the Royal Ministry's note verbale P. No. 17.078 of August 18, 1938, has the honor to bring to the attention of the Royal Ministry of Foreign Affairs that the Legation has now received from the Department of State at Washington a communication with regard to the matter of the taking of testimony by American consular officers in Yugoslavia, and by Yugoslav consular officials in the United States of America.

It will be recalled that the Royal Ministry suggested that this matter might be settled on a basis of reciprocity by an exchange of notes between this Legation and the Royal Ministry, to the effect that both the Government of the United States and the Government of Yugoslavia will permit consular officials of the other country to take the testimony of the persons concerned or of the witnesses, regardless of their nationality and without the necessity of making any special request to the authorities of the Government of the country in which such testimony is taken.

Mr. Lane has now been instructed by his Government to inform the Royal Yugoslav Government that the Government of the United States does not object to a foreign consular officer stationed in the United States taking the depositions of nationals of any country, provided they appear voluntarily before the consular officer, and, accordingly, Yugoslav consular officers in the United States of America would enjoy the faculty of taking evidence of persons residing in the United States of America, whatever the nationality

of the parties concerned or of the witnesses may be, provided voluntary appearance is made, and without any special request to or the intervention of the authorities of the United States Government. It is hoped that the Royal Ministry will transmit to the Legation a declaration in the same sense so that this matter may be considered as definitively settled.

Mr. Lane avails himself of this occasion to renew to His Excellency, Dr. Milan M. Stojadinovic, the assurances of his highest consideration.

BELGRADE, *October 17, 1938*

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*The Ministry for Foreign Affairs to the American Legation*

[TRANSLATION]

KINGDOM OF YUGOSLAVIA  
MINISTRY FOR FOREIGN AFFAIRS  
P.No. 23.928 Am-83

NOTE VERBALE

With reference to the Note verbale of the Legation of the United States of America, No. 224, dated October 17, 1938, in which the Legation was good enough to bring to the attention of the Royal Ministry of Foreign Affairs that the American Government had no objections to Yugoslav consular officers stationed in the United States taking testimony of persons residing in the United States, regardless of the nationality of the parties concerned or of the witnesses, provided voluntary appearance is made, and without any special authorization from the authorities of the Government of the United States. The Royal Ministry of Foreign Affairs has the honor to inform the Legation that the Royal Government of Yugoslavia has no objections to the taking of testimony by consular officers of the United States of America stationed in Yugoslavia of persons residing in Yugoslavia, regardless of the nationality of the parties concerned or of the witnesses, provided voluntary appearance is made before the officers referred to above, and without any special authorization from the authorities of the Government of the Kingdom of Yugoslavia.

The Royal Ministry takes this opportunity to renew to the Legation of the United States of America the assurances of its high consideration.

BELGRADE, *October 24, 1938*

[FOREIGN OFFICE SEAL]

TO THE  
LEGATION OF THE UNITED STATES OF AMERICA,  
*Belgrade.*