

N° 1982.

HONGRIE
ET ROYAUME DES SERBES,
CROATES ET SLOVÈNES

Convention concernant le règlement
des questions relatives aux caisses
de mineurs et interdits et de cer-
taines questions de tutelle et de
curatelle, avec protocole final.
Signés à Belgrade, le 22 février
1928.

HUNGARY AND
KINGDOM OF THE SERBS,
CROATS AND SLOVENES

Convention regarding the Settlement
of Questions relating to Funds of
Minors and Persons under Dis-
ability, and certain Questions
relating to Guardianship and
Curatorship, with Final Protocol.
Signed at Belgrade, February 22,
1928.

¹ TRADUCTION. — TRANSLATION.

No. 1982. — CONVENTION² BETWEEN THE KINGDOM OF HUNGARY AND THE KINGDOM OF THE SERBS, CROATS AND SLOVENES, REGARDING THE SETTLEMENT OF QUESTIONS RELATING TO FUNDS OF MINORS AND PERSONS UNDER DISABILITY, AND CERTAIN QUESTIONS RELATING TO GUARDIANSHIP AND CURATORSHIP. SIGNED AT BELGRADE, FEBRUARY 22, 1928.

French official text communicated by the Chargé d'Affaires a. i. of the Hungarian Delegation accredited to the League of Nations. The registration of this Convention took place March 28, 1929.

HIS MOST SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY, and HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES, being desirous of reaching an agreement on questions relating to funds of minors and persons under a disability, and certain questions relating to guardianship and curatorship, have resolved to conclude a Convention with this object, and have appointed as their Plenipotentiaries :

HIS MOST SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY :

Baron Paul FORSTER, His Envoy Extraordinary and Minister Plenipotentiary at Belgrade ;
and

M. Alfred DE NICKL, Counsellor of Legation, Director of the Economic Section at the Royal Hungarian Ministry of Foreign Affairs ;

HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES :

Dr. Voïslav MARINKOVITCH, His Minister for Foreign Affairs,

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

CHAPTER I.

PROVISIONS RELATING TO THE DELIVERY OF DEPOSITS OF MINORS AND PERSONS
UNDER A DISABILITY.

Article I.

The Contracting Parties undertake to deliver securities received on deposit for separate administration by their tutelar or other authorities and belonging to nationals of the other Party who are minors or persons under a disability or to persons who have attained their majority or whose disability has been removed.

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.

² The exchange of ratifications took place at Budapest, February 20, 1928.

Article 2.

The delivery of deposits as provided in Article 1 shall be effected in accordance with the following rules :

(a) For deposits administered by tutelar authorities whose area of jurisdiction has been divided by the frontier fixed in consequence of the Treaty of Trianon, delivery shall be made to the representative appointed, in accordance with Article 23, by the Contracting State of which the person concerned is a national.

(b) Deposits administered by other tutelar authorities or by other authorities shall be delivered to the competent tutelar authority. Deposits belonging to persons who have attained their majority, or whose disability has been removed may be delivered direct to the persons concerned, if they apply for delivery and if the deposit in question is being administered in the place in which they are domiciled.

Article 3.

Deposits administered by funds of minors and persons under a disability, if constituted before the signature of the present Convention, shall not be subject to property tax or to any other charge of any description.

Article 4.

The provisions of the present Chapter shall be applied to deposits under tutelar administration on July 26, 1921, and likewise to those which have been, or may be, received for administration after that date.

CHAPTER II.

PROVISIONS RELATING TO THE SETTLEMENT OF DEBTS DUE BY TUTELAR FUNDS TO MINORS
AND PERSONS UNDER A DISABILITY.*Article 5.*

Debts subsequent to January 15, 1919, due by tutelar funds to minors or persons under a disability, or to persons who have attained their majority or whose disability has been removed — irrespective of whether the area proper to such funds has or has not been divided by the frontier fixed in consequence of the Treaty of Trianon — shall be settled in conformity with the municipal law of the Contracting Party in whose territory the central office of the tutelar authority in question is situated, and subject to the conditions applicable to the settlement of like claims submitted by nationals of that Party. Such debts shall be met by the fund by which they are due.

Article 6.

Debts prior to January 15, 1919, due by tutelar funds to minors or persons under a disability, or to persons who have attained their majority, or whose disability has been removed — irrespective of whether the area proper to such funds has or has not been divided by the frontier fixed in consequence of the Treaty of Trianon — shall be taken over and settled by the Contracting State of which the person in question is a national.

In the case of debts to be taken over and settled by one of the Contracting Parties in virtue of the foregoing paragraph, the other Party and its tutelar authorities shall be released from all liability of any kind whatsoever.

For the purpose of ascertaining the debts to be settled by the Contracting Parties under paragraphs 1 and 2 of the present Article, debts due to minors or persons under a disability or to persons who have attained their majority or whose disability has been removed, shall be assessed in the currency and at the relevant amount entered on December 31, 1918, in the ledger of the fund concerned.

Claims allowed under the foregoing provisions shall bear interest at 4 % per annum, payable to the persons concerned, for the period from January 1, 1919, to the date on which the execution of the present Convention shall be completed.

Article 7.

As cover for the debts and interest due and payable, under Article 6, by the Serb-Croat-Slovene Government, the Hungarian Government shall place at the latter's disposal the securities enumerated hereunder, together with the interest on such securities :

(1) Debts prior to January 15, 1919, due to Hungarian nationals by the divided funds of the country of Bács-Bodrog and the town of Subotitza, assessed at the rate of one dinar to four former crowns.

(2) The following debts due to the divided funds of the countries of Vas, Zala, Baranya and Csongrád :

(a) Mortgage debts recoverable from Serb-Croat-Slovene nationals ;

(b) Debts arising out of savings deposits and current account deposits recoverable from financial institutions whose central offices are situated in the territories transferred to the Kingdom of the Serbs, Croats and Slovenes.

(3) 15 % of the capital sum represented on December 31, 1918, by debts arising out of deposits and recoverable from financial institutions whose central offices are situated in Hungarian territory, including the interest at the rate of 4 % per annum due on that percentage of capital.

The debtor financial institution shall refund the aforesaid 15 % of the deposit and the interest on that 15 % to the representative of the Hungarian Government appointed in conformity with Article 23, reimbursement being effected at the rate of one dinar to four former crowns, as laid down in the provisions of the Convention concerning the settlement of debts and claims.

4. Mortgage bonds to the nominal value of 1,100,000 former crowns, including the existing unpaid coupons, such mortgage bonds to be deducted proportionately from the various issues belonging to the funds mentioned in paragraph 2 of the present Article. For the purposes of the application of Section II of the Convention concerning the settlement of debts and claims, the said mortgage bonds shall be assimilated to those which have been Serb-Croat-Slovene property uninterruptedly since January 15, 1919, inclusive.

Should the above-mentioned securities and the interest thereon, both assessed in former crowns — the mortgage bonds in conformity with the provisions of the Convention concerning the settlement of debts and claims — exceed the debts and interest also assessed in former crowns (Article 6), for the settlement of which the Serb-Croat-Slovene Government is responsible, the latter shall refund the excess amount to the Hungarian Government at the rate of one dinar to four former crowns.

Article 8.

As cover for the debts and interest to be taken over for settlement by the Hungarian Government. the Serb-Croat-Slovene Government shall place at the latter's disposal the following securities together with the interest thereon :

(1) The following debts due to the divided funds of the country of Bács-Bodrog and the town of Subotitza :

(a) Mortgage debts recoverable from Hungarian nationals :

(b) Debts arising out of savings deposits and current account deposits and recoverable from financial institutions whose central offices are situated in Hungarian territory.

(2) Hungarian public debt bonds issued during the war, including the coupons, belonging to the funds mentioned in paragraph 1 of this Article.

(3) Debts prior to January 15, 1919, due to Hungarian nationals by funds whose whole area has been transferred to the Serb-Croat-Slovene State, if the said Hungarian nationals are domiciled, according to the records of the tutelar authority, in Hungarian territory. Such debts shall be assessed at the rate of one dinar to four former crowns.

Article 9.

The debtor shall refund — in conformity with the provisions of the Convention concerning the settlement of debts and claims — at the rate of one dinar to four former crowns : 15 % of the debts mentioned in sub-paragraphs (a) and (b) of paragraph 1 of Article 8, and 15 % of the mortgage debts due by Hungarian nationals to the divided funds of the countries of Vas, Zala, Baranya and Csongrád.

It is understood that the amount to be refunded shall not exceed 15 % of the capital sum — plus interest at 4 % per annum — represented by the debt on December 31, 1918.

Payment shall be effected : by debtors of the funds of Vas, Zala, Baranya and Csongrád to the Hungarian funds in the said countries, and by debtors of the funds of the country of Bács-Bodrog and the town of Subotitza to the Hungarian fund of the country of Bács-Bodrog.

Article 10.

The execution of the provisions of the present Convention shall be deemed to constitute a final settlement of the debts and claims outstanding between nationals of one of the Contracting Parties and the funds placed under the authority of the other State.

Neither the Contracting Parties nor the persons subject to their tutelar authority may make against the divided funds (countries of Vas, Zala, Baranya, Csongrád, country of Bács-Bodrog and town of Subotitza) any demand in respect of claims (or other assets) which do not come within the categories of debts and securities mentioned in Articles 7 and 8.

CHAPTER III.

PROVISIONS RELATING TO GUARDIANSHIP AND CURATORSHIP.

Article 11.

No person, whether a minor or a person of full age, — subject to the exception named in Article 16 — shall be placed under guardianship or laid under a disability except by the tutelar authority of the Contracting Party of which such person is a national. The guardianship or curatorship shall be established in conformity with the laws of that Party.

Article 12.

The guardianship (disability) shall begin and terminate in every case at the moment and for the reasons determined by the law of the State of which the minor or person of full age is a national.

Article 13.

The guardianship and curatorship shall extend — except in the case mentioned in Article 16 — to all the movable and immovable property of the minors or persons of full age which is situated in the territory of either of the Contracting Parties. This rule shall not apply to immovable property which, under the law of the territory wherein it is situated, comes under special property regulations, and for which a special curator of estate has been appointed by the tutelar authority competent according to the site of the property.

Article 14.

Should it become necessary to place under curatorship or to lay under a disability a minor or a person of full age who is a national of the other Party, the Party in whose territory such person resides shall — as soon as it has cognisance of the fact — inform the diplomatic representative of the other Party. It shall at the same time notify the latter of any applications submitted to the competent authorities with a view to the institution of the guardianship or the imposition of the disability, and likewise of any provisional measures already taken.

Article 15.

The authorities of the Contracting Party in whose territory the minor or person of full age, being a national of the other Party, resides, may, pending the institution of the curatorship or the imposition of the disability by the competent authority of the other Party, and likewise in urgent cases, take whatever measures are necessary in the interest of the said person.

Article 16.

Where a minor or a person of full age has his permanent domicile in the territory of the other Party, the competent tutelar authorities may, on request, transfer the jurisdiction in or the administration of certain matters relating to curatorship or disability, including the administration of the property or part thereof, to the tutelar authority of the other Party in whose area of jurisdiction the minor or person of full age has his permanent domicile or in which his movable or immovable property is situated.

In such cases the said authorities shall apply the provisions of their municipal law, but shall not have the right to pronounce on questions of civil status.

Decisions given by the tutelar authorities in virtue of transferred jurisdiction, which have acquired the force of *res judicata*, shall be recognised in the territory of the other Party without any formality.

CHAPTER IV.

VARIOUS PROVISIONS.

Article 17.

The Contracting Parties undertake to deliver to one another, on terms of reciprocity, all securities in the custody of their authorities and belonging to funds of minors and persons under a disability when the whole of the area proper to such funds is situated in the territory of the other Party.

Article 18.

The Contracting Parties shall recognise as valid in law all acts — including the delivery of cash and other valuables — performed by the tutelar authorities of one of the Contracting Parties in connection with the affairs of persons subject to the tutelar authority of the other Party before the entry into force of the present Convention in virtue of the laws in force at the time when they were performed.

Article 19.

As regards public debt bonds issued before and during the War, and to be handed over under the terms of the present Convention, the provisions of Article V of the Convention concerning the release of deposits shall be duly applied irrespective of whether the other conditions for release and delivery laid down in that Convention still obtain.

Article 20.

The provisions of the present Convention shall not apply to tutelar funds whose proper area has been allocated in consequence of the Treaty of Trianon to three States. The tutelar fund of the County of Vas shall, however, be made an exception to this rule. All questions connected with such funds shall be governed by a special Convention to be concluded between the States concerned.

The Contracting Parties shall take joint steps to ensure that negotiations shall be begun as soon as possible.

Pending the conclusion of the Convention mentioned in paragraph 1, the Contracting Parties shall accord to the cash debts and other valuables due by such funds to minors and persons under a disability, being nationals of the other Contracting Party, the treatment accorded to the debts and valuables due to their own nationals.

Article 21.

The Contracting Parties undertake to deliver on terms of reciprocity documents in their territory relating to questions of guardianship and necessary for the administration of the affairs of minors and persons under a disability who are within the jurisdiction of the tutelar authorities of the other Party, so far as this obligation is not already provided for under the Convention concerning the delivery of administrative documents.

Should the delivery of the documents mentioned in the foregoing paragraph be prejudicial to the interests of the Party in whose possession they are, that Party shall give access to their contents free of charge, in conformity with paragraph 2 of Article 77 of the Treaty of Trianon.

The books and registers of minors and persons under a disability may, as a general rule, be retained by the Contracting Party in whose possession they are at the time of the signing of the present Convention.

This notwithstanding, the Contracting Parties shall deliver to one another on terms of reciprocity, without charge, and within three months of the entry into force of the present Convention, certified true extracts from the accounts in the ledger which relate to the property of persons within the jurisdiction of the tutelar authority of the other Party.

The tutelar authorities shall exchange applications for the delivery of documents and extracts from ledger accounts, mentioned in the present Article, and the replies to such applications, through the Ministries of the Interior of the respective States.

Article 22.

For the purposes of the application of the provisions contained in Chapters I and II of the present Convention, the nationality (citizenship) of minors and persons under a disability, of persons who have attained their majority and of persons whose disability has been removed, and likewise of debtors of the tutelar funds, shall be deemed to be that shown by the last entry of domicile in the ledger of the appropriate tutelar fund or in the records of the tutelar authority.

Persons whose domicile, according to the ledger of the tutelar fund or according to the accords, is situated in the territory of a third State, shall be assimilated to persons whose domicile is in the place where the office of the tutelar fund is situated.

As against the presumed nationality, members of the Commission constituted in virtue of Article 23 shall have the right to prove nationality under Articles 61-64 of the Treaty of Trianon.

Article 23.

The provisions of Chapters I and II of the present Convention shall be executed by a Commission composed of two members, one of these members and his deputy being appointed by the Hungarian Government, and the second, with his deputy, by the Serb-Croat-Slovene Government. The appointment of the members shall take place within four weeks of the entry into force of the present Convention.

The Commission shall enter upon its duties immediately.

The Contracting Parties undertake to place all particulars at the Commission's disposal, and to give it such assistance as may be necessary for the execution of the Convention.

The members of the Commission shall be authorised to receive all valuables due to their State or to nationals of their State in virtue of the provisions of Chapters I and II, with the exception of the cash debts mentioned in Article 5.

Decisions of the Commission shall be taken unanimously.

Should the Commission be unable to reach a unanimous decision, the dispute shall be settled by an arbitrator, who shall be a national of a third State.

The Contracting Parties shall recognise unanimous decisions of the Commission, and likewise decisions of the arbitrator as binding, and shall undertake to put them into effect.

The provisions of the present Convention shall be without prejudice to the rights of nationals of the Contracting Parties under Articles 249 and 250 of the Treaty of Trianon.

CHAPTER V.

FINAL PROVISIONS.

Article 24.

The present Convention shall be ratified, and the instruments of ratification shall be exchanged at Budapest as soon as possible.

Article 25.

The present Convention shall come into force fifteen days after the exchange of the instruments of ratification, and shall remain in force for ten years as from that date.

If, six months before the expiry of the Convention, neither of the Contracting Parties has notified its desire to terminate it, the Convention shall remain in force for a further period of ten years.

Denunciation shall not affect the provisions of Articles 6-9 or the arrangements based thereon.

In faith whereof the Plenipotentiaries have signed the present Convention and have affixed their seals thereto.

Done at Belgrade in duplicate on February the twenty-second, one thousand nine hundred and twenty-eight.

(L. S.) (Signed) FORSTER.

(L. S.) (Signed) NICKL.

(L. S.) (Signed) DR V. MARINKOVITCH.

FINAL PROTOCOL.

When about to sign the Convention concerning the property of minors and persons under a disability and the question of guardianship and curatorship, the Plenipotentiaries of the Contracting Parties have made the following declarations :

(1) Each of the Contracting Parties will give fair and sympathetic consideration to further applications that may be submitted, before the entry into force of the Convention, for the delivery of the deposits administered by the funds of minors and persons under a disability situated in the territory of one of the Contracting Parties and for the settlement of cash debts due by guardianship Funds after January 15, 1919.

(2) After examining the information obtained from the Hungarian guardianship Funds, the Contracting Parties have noted that the debts due to Serb-Croat-Slovene nationals by guardianship Funds whose whole area is still in Hungary do not exceed a capital sum equivalent to 60,000 former crowns.

In witness whereof the Plenipotentiaries of the Contracting Parties have signed the present Protocol and have affixed their seals thereto.

Done at Belgrade, in duplicate, February the twenty-second, one thousand nine hundred and twenty-eight.

(L. S.) (Signed) FORSTER.

(L. S.) (Signed) NICKL.

(L. S.) (Signed) Dr. V. MARINKOVITCH.