

N° 2642.

HONGRIE ET YOUGOSLAVIE

Accord concernant le règlement des questions relatives aux biens de l'ancien département de Torontál, avec protocole de signature. Signés à Zagreb, le 27 août 1930.

HUNGARY AND YUGOSLAVIA

Agreement concerning the Settlement of Questions regarding the Property of the former County of Torontál, with Protocol of Signature. Signed at Zagreb, August 27, 1930.

¹ TRADUCTION. — TRANSLATION.

No. 2642. — AGREEMENT² BETWEEN THE KINGDOM OF HUNGARY AND THE KINGDOM OF YUGOSLAVIA CONCERNING THE SETTLEMENT OF QUESTIONS REGARDING THE PROPERTY OF THE FORMER COUNTY OF TORONTÁL. SIGNED AT ZAGREB, AUGUST 27, 1930.

French official text communicated by the Resident Minister, Head of the Hungarian Delegation accredited to the League of Nations. The registration of this Agreement took place March 16, 1931.

As the Protocol of Signature to the Convention³ concluded at Belgrade on February 22, 1928, between the Kingdom of Hungary and the Kingdom of Yugoslavia concerning the settlement of questions regarding the property of counties, towns and villages divided by the frontier fixed in pursuance of the Treaty of Trianon, provided, in paragraph 1, for the settlement of questions concerning the property of counties, towns and villages divided between Hungary, Roumania and Yugoslavia by the frontiers of the said States,

The two contracting Parties have agreed to settle, in so far as they are concerned, questions concerning the property of the former county of Torontál and of the village of Rábé.

For this purpose the duly authorised representatives of THE GOVERNMENT OF THE KINGDOM OF HUNGARY and of the GOVERNMENT OF THE KINGDOM OF YUGOSLAVIA have agreed as follows :

Article 1.

The provisions of the present Agreement shall apply to all immovable and movable property of the former county of Torontál and of the village of Rábé in so far as the said property is situated in the territory of either Contracting Party, to the rights and obligations, to the debts and claims of these administrative units, and to funds for the exclusive benefit of the interests properly so-called of the aforesaid administrative units, including the rights and obligation and the debts and claims of the said funds.

The present Agreement shall not apply to foundations in general or to funds which are not for the benefit of the interests properly so-called of the respective administrative units even where such funds are managed and administered by the units in question. Similarly, the provisions of the present Agreement shall not apply to the assets of funds for minors and persons deprived of civil rights, nor to the pension fund.

Article 2.

The two Contracting Parties reciprocally waive all rights held by the portions of the administrative units to which the present Agreement applies over immovable property and

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 notes regarding the mutual communication of the approval of the Governments of the Contracting Parties took place January 13, 1931. The Agreement came into force on the same date.

³ Vol. LXXXVIII, page III, of this Series.

movable property, including personalty rights and claims embodied in documents, which belonged to the former administrative unit concerned and are now situated in the territory of the other Contracting Party or are at present held by that Party.

The portraits belonging to the former county of Torontál at present in the possession of the Yugoslav Contracting Party shall be handed over to the Hungarian Contracting Party.

Article 3.

The property of the funds belonging to the administrative units to which the present Agreement applies, intended for the interests strictly so-called of these units, shall in their present condition be considered as subject to the provisions of paragraph 1 of the preceding Article.

Article 4.

Debts contracted before October 31, 1918, shall be subject to allocation between the two Contracting Parties.

Debts secured by mortgage shall be taken over by that portion of the administrative unit in whose territory the mortgaged property is situated.

Should the mortgaged property be intersected by the frontier, or should several immovable properties have been taken as security (collective mortgage), some being situated in Hungarian territory and others in Yugoslav territory, the allocation shall be made on the basis of the quality of the soil (net profits entered in the land register and estimated value).

Debts not secured by mortgage entries shall be taken over by that portion of the respective administrative units in whose favour the investments for which the debt was contracted have been made. Should the amount of the debt have been invested in the territory of both parties, the debt shall be allocated in proportion to the amounts invested in such territories.

If this proportion cannot be ascertained, the allocation shall be made in proportion to the area of the administrative territories of the portions of the administrative unit and on the basis of the proportion existing between the direct taxes collected in 1913 in the territories of the portions of the administrative unit in question. The portion of the administrative unit which under the provisions of this Article shall take over the whole debt or a part thereof shall alone be responsible therefor, and shall be regarded in its relations with the creditors as a Hungarian or a Yugoslav national according as the territory belongs to Hungary or to Yugoslavia.

In the case of debts expressed in former Austrian or Hungarian crowns, the provisions of the Convention concerning the settlement of such claims concluded at Belgrade on February 22, 1928, shall apply as far as the conditions of the said Convention hold good. The portions of the respective administrative units shall be considered, for the purpose of the above-mentioned Convention, as satisfying the personal conditions (nationality and domicile) laid down in that Convention.

Article 5.

The rights and obligations of the administrative units dealt with in the present Agreement which relate to the property and debts covered by the present Agreement and which exist in regard to third parties or in regard to the portions of the said units situated in the territory of the Kingdom of Roumania shall be transferred only to the portion of the administrative unit to which, under this Agreement, property falls or which takes over the debts.

Article 6.

The Contracting Parties declare that the partitioned portions of the administrative units covered by the present Agreement and situated within their territory will not prefer any claims whatever against each other except those provided for in the present Agreement.

Article 7.

The provisions of the present Agreement shall be executed by the special Commission appointed under Article 11 of the Convention concluded at Belgrade, February 22, 1928, between the Kingdom of Hungary and the Kingdom of Yugoslavia concerning the settlement of questions regarding the property of counties, towns and villages divided by the frontier fixed in pursuance of the Treaty of Trianon, and in the manner prescribed by the said Article.

Article 8.

Each of the Contracting Parties shall bear any costs and expenses incurred by it in executing the present Agreement. The costs and expenses arising from the duties of the Arbitrator for the Commission referred to in Article 7 shall be borne by the Contracting Parties in equal shares.

Article 9.

The present Agreement shall be considered as an agreement coming under Article 2 of Agreement No. I concerning agreements between Hungary and the creditor Powers signed at Paris, April 28, 1930.

Article 10.

The present Agreement shall be submitted to the Governments of the two Contracting Parties for their approval and the approval shall be recorded by an exchange of notes. It shall enter into force on the day upon which the exchange of notes shall take place.

Done in duplicate at Zagreb, August 27, 1930.

Valdemar DE ALTH.

Dr. Louis BAKOTICH.

PROTOCOL OF SIGNATURE.

On proceeding to sign the Agreement of this day's date concerning the settlement of questions regarding the property of the former County of Torontál, the Contracting Parties have agreed as follows :

(1) As regards the execution of Article 4 of the aforesaid Agreement, the two Contracting Parties agree upon the following provisions :

(a) The debt of the commune of Rábé, arising out of an investement in favour of the part of that commune remaining in Hungarian territory, shall be wholly taken over by the Hungarian Contracting Party ;

(b) The Hungarian Contracting Party shall, with due regard to the provisions of Article 4, paragraph 5, of the Agreement, take over 20% of the debts mentioned in the said paragraph. The Contracting Parties agree to consider as such debts, debts contracted by the former County of Torontál on account of the Country communications Fund (*utalaph*).

(2) The reciprocal renunciation made in Article 2 of the aforesaid Agreement shall not cover securities contained in the deposits of the former County of Torontál and belonging to nationals of either Contracting Party, provided that such securities are within the territories of the two Parties. These securities shall be handed over to the persons entitled thereto in the manner prescribed by the Convention between the Kingdom of Hungary and the Kingdom of Yugoslavia concerning the abolition of restrictions relative to the export of deposits, concluded at Belgrade on February 22, 1928.

(3) The Hungarian Contracting Party declares that it renounces in favour of the Yugoslav Contracting Party all right to the securities contained in the deposits of the former County of Torontál at present outside the territory of the two Contracting Parties. Nevertheless, the Yugoslav Contracting Party shall, upon entering into possession of the said deposits, hand over to the Hungarian Contracting Party the securities belonging to physical or juristic persons who are Hungarian nationals.

The present Protocol shall be approved at the same time and by the same procedure as the Agreement to which it refers. It shall enter into force on the same day and shall have the same force as the said Agreement.

Done in duplicate at Zagreb, August 27, 1930.

Valdemar DE ALTH.

Dr. Louis BAKOTICH.