

N° 2647.

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ALLEMAGNE ET POLOGNE

Accord relatif aux caisses d'épargne,  
avec protocole final. Signés à Ber-  
lin, le 14 décembre 1928.

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GERMANY AND POLAND

Agreement regarding Savings Banks,  
with Final Protocol. Signed at  
Berlin, December 14, 1928.

## TEXTE ALLEMAND. — GERMAN TEXT.

N<sup>o</sup> 2647. — DEUTSCH-POLNISCHES SPARKASSENABKOMMEN,  
GEZEICHNET IN BERLIN, DEN 14. DEZEMBER 1928.

*German and Polish official texts communicated by the Polish Delegate accredited to the League of Nations. The registration of this Agreement took place March 18, 1931.*

DAS DEUTSCHE REICH und DIE REPUBLIK POLEN sind übereingekommen, die Abwicklung der Rechtsverhältnisse der öffentlichen und der unter staatlicher Aufsicht stehenden Sparkassen, deren Geschäftsbezirk durch die Grenzziehung durchschnitten worden ist, in einem besonderen Abkommen (Sparkassen-Abkommen) zu regeln.

Zu diesem Zwecke haben zu Bevollmächtigten ernannt :

DER DEUTSCHE REICHSPRÄSIDENT :

Den Gesandten Dr. Paul ECKARDT,  
Den Ministerialrat im Reichsjustizministerium Leo QUASSOWSKI ;

DER PRÄSIDENT DER REPUBLIK POLEN :

Dr. Witold PRADZYŃSKI, Ordentlichen Rat des Rechtsrats und Mitglied der Kodifikationskommission der Republik Polen,

Die nach Vorlegung ihrer in guter und gehöriger Form befundenen Vollmachten folgende Bestimmungen vereinbart haben :

## I. ABSCHNITT.

## ALLGEMEINE BESTIMMUNGEN.

## I. RÄUMLICHER GELTUNGSBEREICH (DURCHSCHNITTENE SPARKASSEN).

*Artikel 1.*

1. Als öffentliche oder unter staatlicher Aufsicht stehende Sparkassen, deren Geschäftsbezirk durch die Grenzziehung durchschnitten worden ist (durchschnittene Sparkassen), gelten im Sinne der Bestimmungen dieses Abkommens folgende Sparkassen :

In Deutschland :

1. Stadtparkasse Beuthen O. S.,
2. Städtische Sparkasse Bomst,

<sup>1</sup> The exchange of ratifications took place at Warsaw, February 16, 1931.

<sup>1</sup> TRANSLATION.

No. 2647. — AGREEMENT BETWEEN GERMANY AND POLAND  
REGARDING SAVINGS BANKS. SIGNED AT BERLIN, DECEMBER  
14, 1928.

THE GERMAN REICH and THE POLISH REPUBLIC have resolved to regulate by a special agreement (Savings Banks Agreement) the rights and obligations of public savings banks and savings banks under State supervision whose area of operations has been intersected by the delimitation of the frontier.

The Heads of the two States have for this purpose appointed as Plenipotentiaries :

THE PRESIDENT OF THE GERMAN REICH :

Dr. Paul ECKARDT, Minister Plenipotentiary, and  
M. Leo QUASSOWSKI, Ministerial Counsellor at the Reich Ministry of Justice :

THE PRESIDENT OF THE POLISH REPUBLIC :

Dr. Witold PRĄDZYŃSKI, Ordinary Member of the Legal Council and Member of the Codification Commission of the Polish Republic ;

Who, having communicated their full powers, found in good and due form, have agreed on the following provisions :

## SECTION I.

## GENERAL PROVISIONS.

## I. INTERSECTED SAVINGS BANKS.

*Article I.*

1. The savings banks enumerated hereunder shall be regarded for the purpose of the present Agreement as public savings banks or savings banks under State supervision whose area of operations has been intersected by the delimitation of the frontier (intersected savings banks).

In Germany :

- (1) Municipal Savings Bank, Beuthen, Upper Silesia.
- (2) Municipal Savings Bank, Bomst.
- (3) Kreis Savings Bank, Bütow.
- (4) Municipal Savings Bank, Bütow.
- (5) Kreis Savings Bank, Filehne in Schönlanke.
- (6) Kreis Savings Bank, Fraustadt.
- (7) Kreis Savings Bank, Gross-Wartenberg.

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

- (8) Kreis Savings Bank, Guhrau.
- (9) Savings Bank of the Kreis of Hindenburg, Hindenburg Upper Silesia.
- (10) Kreis Savings Bank of the Lauenburg Kreis, Lauenburg, i.P.
- (11) Kreis Savings Bank, Marienwerder.
- (12) Kreis Savings Bank, Meseritz.
- (13) Kreis Savings Bank, Namslau.
- (14) Kreis Savings Bank of the Kreis of Osterode in Osterode, East Prussia.
- (15) Municipal Savings Bank, Ratibor.
- (16) Savings Bank of the Kreis of Rosenberg in Rosenberg, West Prussia.
- (17) Kreis Savings Bank, Schlochau.
- (18) Municipal Savings Bank, Tirschtiegel.
- (19) Municipal Savings Bank, Unruhstadt.

In Poland :

- (1) Savings Bank of the Kreis of Adelnau.
- (2) Savings Bank of the Kreis of Birnbaum.
- (3) Savings Bank of the Kreis of Czarnikau.
- (4) Municipal Savings Bank, Dirschau.
- (5) Municipal Savings Bank at Filehne.
- (6) Kreis Savings Bank, Graudenz.
- (7) Kreis Savings Bank, Karthaus.
- (8) Savings Bank of the Kreis of Kolmar, i.P.
- (9) Kreis Savings Bank, Konitz.
- (10) Savings Bank of the Kreis of Krotoschin.
- (11) Savings Bank of the Kreis of Lissa.
- (12) Kreis Savings Bank, Lublinitz.
- (13) Municipal Savings Bank, Mewe.
- (14) Kreis Savings Bank, Neustadt.
- (15) Savings Bank of the Kreis of Neutomischel.
- (16) Kreis Savings Bank, Rybnik.
- (17) Kreis Savings Bank, Tarnowitz.
- (18) Municipal Savings Bank at Usch.
- (19) Savings Bank of the Kreis of Bomst at Wollstein.

2. Savings banks not included in paragraph 1 shall be regarded as not being intersected by the tracing of the frontier.

2. RIGHTS AND OBLIGATIONS REGULATED BY THE AGREEMENT.

*Article 2.*

1. The provisions of this Agreement shall regulate only :

(1) Rights and obligations as between intersected savings banks and such persons as on the date of the coming into force of the Agreement shall have their domicile (seat) in the Contracting State other than that in which, on the date of the delimitation of the frontier, the seat of the intersected savings bank was situated (hereinafter referred to as "the other State").

(2) The rights of the intersected savings banks to land and movable property situated within the territory of the other State.

2. Notwithstanding the provisions of Article 29, the present Agreement shall only apply to the rights and obligations referred to in paragraph 1 if these were already in existence on the date of the delimitation of the frontier and are still in existence when this Agreement comes into force.

3. New rights and obligations originating in the name of the intersected savings banks after the date of the delimitation of the frontier shall not be governed by the present Agreement, but shall constitute rights or obligations only for those savings banks whose organs shall have created them.

*Article 3.*

The date of the delimitation of the frontier shall be understood to be :

- (1) June 16, 1922, in the case of those savings banks (in Germany) numbered 1, 9 and 15 and (in Poland) numbered 12, 16 and 17 in Article 1, paragraph 1.
- (2) January 10, 1920, in the case of all other intersected savings banks.

3. RELATIONS BETWEEN INTERSECTED SAVINGS BANKS AND THEIR GUARANTEE ASSOCIATIONS.

*Article 4.*

1. Wherever the term " rights and obligations " occurs in this Agreement, this shall be held to mean, in cases where savings banks do not possess a legal personality of their own, those rights and obligations attaching under the laws of the Contracting State to the property of their guarantee associations specially assigned to savings banks.

2. If the area of operations of the guarantee association of an intersected savings bank shall also have been intersected by the delimitation of the frontier, then for the purpose of regulating the rights and obligations of such savings bank, only that portion of the original guarantee association which belongs to the State wherein is situated the place at which, on the date of delimitation of the frontier, the intersected savings bank had its seat shall be regarded as the guarantee association of this savings bank for the purposes of this Agreement.

3. National laws governing the liability of guarantee associations for the obligations of savings banks shall remain unaffected by the present Agreement. Those portions of the guarantee associations of intersected savings banks, however, which lie within the territory of the other State, shall be free from any liability for the obligations of intersected savings banks.

4. The provisions of paragraph 3 shall not apply to claims of the savings banks on their guarantee associations based on special legal transactions (Article 22).

4. LAW APPLICABLE.

*Article 5.*

1. Unless otherwise provided in subsequent Articles, the provisions of the Revalorisation Convention shall apply in the regulation of the rights and obligations referred to in Article 2.

2. By the provisions of the Revalorisation Convention shall be understood, for the purposes of the present Agreement :

(1) The provisions of the German Polish Revalorisation Convention of July 5, 1928.

(2) The provisions of the Final Protocol of July 5, 1928, agreed on at the signature of the German-Polish Revalorisation Convention.

## SECTION II.

## REGULATION OF LIABILITIES.

## I. GENERAL.

*Article 6.*

1. On the date of the coming into force of this Agreement, the obligations of intersected savings banks which, in accordance with Article 2, have to be regulated by the provisions of this Agreement shall be transferred without regard to the legal consequences resulting from the delimitation of the frontier, exclusively to the savings banks enumerated in paragraph 2 (successor savings banks). No special legal formality shall be required to render the transfer of these obligations legally binding.

2. The following shall be regarded as successor savings banks within the meaning of paragraph 1 :

In Germany :

- (1) For the Municipal Savings Bank, Beuthen, U. S. ;  
The Municipal Savings Bank, Beuthen, U. S. ;
- (2) For the Municipal Savings Bank, Bomst ;  
The Municipal Savings Bank, Bomst ;
- (3) For the Kreis Savings Bank, Bütow ;  
The Kreis Savings Bank, Bütow ;
- (4) For the Municipal Savings Bank, Bütow ;  
The Municipal Savings Bank, Bütow ;
- (5) For the Kreis Savings Bank Filehne in Schönlanke ;  
The Kreis Savings Bank of the Netzekreises in Schönlanke.
- (6) For the Kreis Savings Bank, Fraustadt ;  
The Kreis and Municipal Savings Bank, Fraustadt ;
- (7) For the Kreis Savings Bank, Gross Wartenberg ;  
The Kreis and Municipal Savings Bank, Gross Wartenberg ;
- (8) For the Kreis Savings Bank, Guhrau ;  
The Kreis Savings Bank, Guhrau ;
- (9) For the Savings Bank of the Kreis of Hindenburg in Hindenburg, U. S. ;  
The Municipal Savings and Deposit Bank in Hindenburg, U. S. ;
- (10) For the Kreis Savings Bank of the Lauenburg Kreis in Lauenburg, i. P. ;  
The Kreis Savings Bank of the Lauenburg Kreis, Lauenburg, i. P. ;
- (11) For the Kreis Savings Bank, Marienwerder ;  
The Kreis Savings Bank, Marienwerder ;
- (12) For the Kreis Savings Bank, Meseritz ;  
The Kreis Savings Bank, Meseritz ;
- (13) For the Kreis Savings Bank, Namslau ;  
The Kreis Savings Bank, Namslau ;
- (14) For the Savings Bank of the Kreis of Osterode in Osterode (East Prussia) ;  
The Savings Bank of the Kreis of Osterode in Osterode (East Prussia) ;
- (15) For the Municipal Savings Bank, Ratibor ;  
The Municipal Savings and Deposit Bank, Ratibor ;
- (16) For the Savings Bank of the Kreis of Rosenberg in Rosenberg (West Prussia) ;  
The Savings Bank of the Kreis of Rosenberg in Rosenberg (West Prussia) ;
- (17) For the Kreis Savings Bank, Schlochau ;  
The Kreis Savings Bank, Schlochau ;

- (18) For the Municipal Savings Bank, Tirschtiegel ;  
The Municipal Savings Bank, Tirschtiegel ;
- (19) For the Municipal Savings Bank, Unruhstadt ;  
The Municipal Savings Bank, Unruhstadt.
- In Poland :
- (1) For the Savings Bank of the Kreis of Adelnau :  
Komunalna Kasa Oszczędności powiatu odolanowskiego w Odolanowie ;
- (2) For the Savings Bank of the Kreis of Birnbaum :  
Komunalna Kasa Oszczędności powiatu miedzichodzkiego w Miedzichodzie ;
- (3) For the Savings Bank of the Kreis of Czarnikau :  
Komunalna Kasa Oszczędności powiatu czarnkowskiego w Czarnkowie ;
- (4) For the Municipal Savings Bank, Dirschau :  
Komunalna Kasa Oszczędności miasta Tczewa w Tczewie ;
- (5) For the Municipal Savings Bank at Filehne :  
Komunalna Kasa Oszczędności miasta Wielenia w Wieleniu ;
- (6) For the Kreis Savings Bank, Graudenz :  
Komunalna Kasa Oszczędności powiatu grudziadzkiego w Grudziadzu ;
- (7) For the Kreis Savings Bank, Karthaus :  
Komunalna Kasa Oszczędności powiatu kartuskiego w Kartuzach ;
- (8) For the Savings Bank of the Kreis of Kolmar, i. P. :  
Komunalna Kasa Oszczędności powiatu chodzieskiego w Chodzieży ;
- (9) For the Kreis Savings Bank, Konitz :  
Komunalna Kasa Oszczędności powiatu chojnickiego w Chojnicach ;
- (10) For the Savings Bank of the Kreis of Krotoschin :  
Komunalna Kasa Oszczędności powiatu krotoszyńskiego w Krotoszynie ;
- (11) For the Savings Bank of the Kreis of Lissa :  
Komunalna Kasa Oszczędności powiatu leszczyńskiego w Lesznie ;
- (12) For the Kreis Savings Bank in Lublinitz :  
Powiatowa Kasa Oszczędności w Lublińcu ;
- (13) For the Municipal Savings Bank in Mewe :  
Komunalna Kasa Oszczędności miasta Gniew w Gniewie ;
- (14) For the Kreis Savings Bank in Neustadt :  
Komunalna Kasa Oszczędności powiatu morskiego w Wejherowie ;
- (15) For the Savings Bank of Neutomischel :  
Komunalna Kasa Oszczędności powiatu nowotomyskiego w Nowym-Tomyślu ;
- (16) For the Kreis Savings Bank in Rybnik :  
Powiatowa Kasa Oszczędności w Rybniku ;
- (17) For the Kreis Savings Bank in Tarnowitz :  
Powiatowa Kasa Oszczędności w Tarnowskich Górach ;
- (18) For the Municipal Savings Bank, Usch :  
Komunalna Kasa Oszczędności miasta Ujścia w Ujściu ;
- (19) For the Savings Bank of the Kreis of Bomst at Wollstein :  
Komunalna Kasa Oszczędności powiatu wolsztyńskiego w Wolsztynie.

## 2. SPECIAL PROVISIONS FOR THE REGULATION OF SAVINGS BANK DEPOSITS.

### Article 7.

Successor savings banks must pay out savings deposits, when they are due, to the person presenting the savings bank-book unless

1. There is an entry in the savings bank-book stating explicitly that the deposit is blocked ;

2. It is evident that the person presenting the savings bank-book is not entitled to the deposits.

*Article 8.*

If the holder of the bank-book so requests, the successor savings banks shall, on production of the savings bank-book, transfer to a savings bank of the other State any deposits that are due.

*Article 9.*

1. Should certain Polish successor savings banks be unable, owing to insufficient documentary evidence regarding the savings bank accounts, to fix the revalorisation rate for the deposits, the competent Government commissioner for these savings banks may, by issuing a public notice, call upon the holders of deposits to present their claims within a reasonable period. This notice shall be communicated to the German Government immediately.

2. Should the holder of the savings bank deposit fail to give notice of his claim before the expiry of the prescribed period, he may not demand payment of the revalorisation amount from the savings bank concerned until the expiration of two years from the date on which the remaining savings bank deposits fall due.

*Article 10.*

1. The revalorisation amounts of the savings bank deposits which are to be revalorised in accordance with the Polish provisions shall fall due on the date on which the rate of revalorisation is fixed by the competent Government commissioner.

2. Should it prove impossible, in the case of certain savings banks, to fix this rate of revalorisation within six months of the coming into force of the present Agreement, the Government commissioner shall fix a provisional rate at which successor savings banks shall make provisional payments to depositors on demand.

*Article 11.*

Demands and declarations by depositors in accordance with Articles 7 to 10 need not be drawn up in any particular form, and may be made either in German or Polish.

SECTION III.

REGULATION OF ASSETS.

I. GENERAL PROVISIONS.

*Article 12.*

The proceeds resulting from the rights of intersected savings banks which are to be regulated in accordance with Article 2 by the provisions of this Agreement, shall be credited to successor savings banks in conformity with the following provisions.



Article 13.

1. On the coming into force of this Agreement, the rights of intersected savings banks which have to be regulated shall be transferred *ipso facto* to a trustee office to be designated by the Government of the Contracting State within whose territory either the land or movable property to which the said rights relate is situated, or the debtors against whom the said rights lie have their domicile (seat). Neither the delivery of the mortgage deeds or land charges deeds, nor the registration of the transfer nor any other legal proceeding, shall be required for the transfer to be valid at law.

2. The trustee offices mentioned in paragraph 1 shall, without prejudice to the provisions of Article 26, paragraph 2, pay over to the successor savings banks the proceeds resulting from the rights of the intersected savings banks which have been transferred to them.

2. SPECIAL PROVISIONS FOR THE REGULATION OF CERTAIN ASSETS.

Article 14.

Should the rights referred to in Article 13 which are transferred to the trustee offices include any mortgages redeemable by regular instalments, the revalorisation amount of such mortgages shall be governed by the provisions of Articles 15 to 19.

Article 15.

1. In the case of mortgages on Polish landed property, there shall be deducted from the amount remaining unpaid at the date of the delimitation of the frontier :

1. The amortisation payments provided for under the sinking fund scheme, if the payments effected before April 28, 1924, are the equivalent of the nominal amount of the amortisation payments owing. This shall be taken to be the case where the nominal value of the amounts paid in Polish marks is not less than the payments owing (*viz.* interest and amortisation). If the payments have been credited to the debtor in German marks with the successor savings bank designated in Article 6, the amount so credited shall be converted into Polish marks at the last quotation of the German mark before the day of the receipt of the payment at the saving bank. The quotation shall be taken from the table furnished to the German Government by the Polish Government in accordance with Article 37, paragraph 2 (b) of the Revalorisation Convention. If the nominal value of the payments made, calculated as above, is less than the partial payment owing, the payments effected shall go in the first instance towards interest, and the balance towards the amortisation payment ;

2. Amounts paid before April 28, 1924, and assigned by the express declaration of the debtor to extraordinary redemption of debt, at their nominal value as calculated in accordance with the provisions of No. 1.

2. To the balance of the mortgage calculated in accordance with paragraph 1 shall be added interest for the period from the date of the delimitation of the frontier down to June 30, 1924, unless such interest is to be regarded as amortised under the provisions of paragraph 1; No. 1. The amount so calculated shall be converted into zloty on the basis of the scale contained in Article 2 of the Polish Decree of May 14, 1924, and 15% of this total shall be the amount of revalorisation.

*Article 16.*

1. The mortgages referred to in Article 15, paragraph 1, shall be redeemed as follows :

1. Within three months after demand, all revalorisation amounts of not more than 100 zloty, together with the amounts left over after rounding off to 100 zloty or a multiple thereof ;

2. Within one year, all revalorisation amounts of more than 100 zloty and not more than 500 zloty ;

3. Within two years, in two equal instalments, all revalorisation amounts of more than 500 zloty and not more than 1,000 zloty.

2. Revalorisation amounts of more than 1,000 zloty, rounded off in accordance with paragraph 1, No. (1) shall be paid off in half-yearly instalments as from July 1, 1924, at 2½% per annum, with the addition of the interest saved.

3. Interest shall not be charged on the amounts left over after rounding off, as provided in paragraph 1, No. (1).

4. All payments made in zloty after April 27, 1924, shall be credited at their nominal value towards the payments falling due after June 30, 1924, the balance going towards the revalorisation amount. Where sums have been paid into the savings bank in Rentenmarks or Reichsmarks, the amount paid in shall be converted into zloty at the last quotation of the Rentenmark or Reichsmark before the date of the receipt of payment by the savings bank, and shall be credited in accordance with the provisions of the first sentence of this paragraph. The rate shall be taken from the table furnished to the German Government by the Polish Government in accordance with Article 38, paragraph 5, of the Revalorisation Convention.

5. Payments in arrear for the period July 1, 1924, to the first day of the calendar half-year following the day of the calendar half-year following the day the present Agreement comes into force shall be paid off in successive payments of the same amount as the current payments to be collected in addition to the latter and concurrently therewith. This provision shall apply only if the aggregate amount of the payments in arrears exceeds 500 zloty.

6. No contribution may be exacted in respect of administrative expenses.

7. The place of payment shall be the seat of the Polish Trustee Office.

*Article 17.*

1. In the case of mortgages on German real estate, there shall be deducted, at their nominal value, from the unrepaid amount outstanding at the date of the delimitation of the frontier, the amortisation instalments regularly paid up to June 14, 1922, together with payments made, according to the express declaration of the debtor, as extraordinary repayments. For the purpose of this calculation, the Polish mark shall be regarded as equal to the German mark.

2. The gold mark value of the balance of the mortgage thus calculated shall be determined on the basis of the provisions of Articles 2 and 3 of the German Revalorisation Law.

3. 25% of the gold mark value of mortgages shall be taken as the revalorisation base-value.

4. Where regular instalments, amortisation payments or payments expressly designated by the debtor as extraordinary repayments have been made in German or Polish marks, after June 14, 1922, they shall be credited towards the revalorisation base-value, at their gold mark value at the date of their receipt by the savings bank designated in Article 6 as the successor saving bank, which gold mark value shall be calculated in accordance with the Annex to Article 2

of the German Revalorisation Law ; regular payments received after December 31, 1922, shall not be taken into account for such purpose. Where such payments have been made in Rentenmarks or Reichsmarks not later than July 14, 1925, their nominal value shall be taken to be their gold mark value.

5. Where regular instalments or payments expressly designated by the debtor as extraordinary repayments have been made on or before July 14, 1925, in other currencies, nothing in the above provisions shall preclude such payments from being treated as deliveries in kind within the meaning of the German revalorisation regulations.

6. The balance of the revalorisation base-value, as calculated in accordance with paragraphs 3 to 5, shall constitute the revalorisation amount, and shall carry interest as from January 1, 1925, in accordance with the provisions of Article 28, paragraph 1, sentence (2), of the German Revalorisation Law.

#### Article 18.

1. The mortgages specified in Article 17, paragraph 1, shall be redeemed as follows :

(1) Within three months after demand, all revalorisation amounts of not more than 100 gold marks, together with the amounts left over after rounding off to 100 gold marks, or a multiple thereof ;

(2) Within one year, all revalorisation amounts of more than 100 gold marks and not more than 250 gold marks ;

(3) Within two years, in two equal instalments, all revalorisation amounts of more than 250 gold marks and not more than 500 gold marks.

2. Revalorisation amounts of more than 500 gold marks rounded off in accordance with paragraph 1, No. (1), shall be paid off in half-yearly instalments as from January 1, 1928, at 2½% per annum with the addition of the interest saved.

3. Interest for the period from January 1, 1925, shall not be reckoned on balances of revalorisation amounts left over after rounding off as described in paragraph 1, No. (1).

4. Payments made after July 14, 1925, shall, if necessary, be converted into Reichsmarks and the nominal value in Reichsmarks shall be credited in the first instance towards the interest due for the period January 1, 1925, to December 31, 1927, and thereafter towards the payments falling due after January 1, 1928, and the balance towards the revalorisation amount.

5. Arrears of interest for the period January 1, 1925 to December 31, 1927, and amortisation payments in arrear for the period January 1, 1928, to the first day of the calendar half-year following the day the present Convention comes into force, shall be paid off in successive payments of the same amount as the current amortisation payment, to be collected in addition to the latter and concurrently therewith. This provision shall apply only if the aggregate amount of the amortisation payments in arrear exceeds 250 gold marks.

6. No contribution may be exacted in respect of administrative expenses.

7. The place of payment shall be the seat of the German Trustee Office.

#### Article 19.

Debtors under mortgages redeemable according to a scheme of repayment shall be entitled at any time to redeem the revalorisation amount in advance, in whole or in part. In the event of such redemption in advance, interest shall be payable down to the day of redemption.

*Article 20.*

The provisions of Articles 15 to 19 shall apply *mutatis mutandis* to personal claims of the intersected savings banks secured on mortgages of the kind referred to in Article 14, in so far as such claims are governed, in accordance with the provisions of the Revalorisation Convention, by the revalorisation legislation of the Contracting State in whose territory the encumbered property is situated.

*Article 21.*

1. As regards the redemption of public loans, intersected savings banks shall be regarded, from the coming into force of the present Agreement, as corporations of public law standing intersected by the delimitation of the frontier, whose capital assets have been subject to a division (paragraph 3 of the Final Protocol of the Revalorisation Convention).

2. Mark loans constituting "old property" within the meaning of the German Loan Redemption Law, which appertain to the intersected savings banks and have been transferred to the German Trustee Office in accordance with Article 13, shall be considered as having been acquired by the latter before July 1, 1920.

*Article 22.*

1. Claims of intersected savings banks on their guarantee associations based on special legal transactions, in so far as such claims are not secured by mortgage, shall, irrespective of the legal consequences entailed by the delimitation of the frontier, constitute a charge only on the association to which that part of the guarantee association belongs in which the successor savings bank has its seat.

2. Where such claims of intersected savings banks against their guarantee associations are secured by mortgage, the association within whose area the encumbered property is situated shall be held to be the debtor.

3. SPECIAL PROVISIONS RELATING TO LIQUIDATION PROCEDURE.

*Article 23.*

1. The Governments of the Contracting States shall designate, as trustee offices (Article 13), credit institutions of public law standing placed under their supervision. They shall be designated at the time of the exchange of the instruments of ratification.

2. Trustee offices shall be under obligation to exercise all requisite care in the conduct of their business.

*Article 24.*

1. The revalorisation of the several rights of the intersected savings banks, and all subsidiary payments, shall be calculated by the successor savings banks and the results of the calculation shall be notified to the trustee office concerned. This office shall notify the debtor of the revalorisation amounts and collect them.

2. The amounts calculated by the successor savings banks shall be subject to verification and confirmation by the commissioner to be appointed by the Government of the other State for the trustee office. If confirmation is withheld, the trustee office shall be free to enforce the claim direct against the debtor.

3. If the revalorisation amount has to be entered in the land register, the request of the trustee office shall be regarded as sufficient for such entry, provided the amount has been confirmed by the commissioner.

*Article 25.*

1. A separate account shall be kept by the trustee office, for each successor savings bank, of the amounts received. Successor savings banks for whose account they are received shall be entitled to have the books of the trustee office inspected by the agent of the savings bank association to which they belong.

2. The amounts received for account of successor savings banks in any one calendar month shall be transferred to the latter by the trustee office on or before the tenth day of the calendar month following, together with a statement of account.

3. The trustee offices shall be entitled to deduct 2 % from the amounts for transfer, together with such costs as they may have incurred in connection with litigation or collection for account of the successor savings banks, at the same time forwarding a statement of account and documentary material.

*Article 26.*

1. The Trustee offices must obtain the assent of the successor savings banks :

- (1) For relinquishment of claims ;
- (2) For composition of claims ;
- (3) For postponement of matured claims beyond a period of six months in all ;
- (4) For litigation ;
- (5) For the sale of German drawing rights and loan liquidation debt, or redemption loans, or Polish conversion bonds (paragraph 3 of the Final Protocol of the Revalorisation Convention).

2. Should permission to sell loan stock of the kind referred to in paragraph 1, No. (5), be withheld, the trustee office shall hand over the stock itself to the successor savings bank.

*Article 27.*

Trustee offices shall only be entitled to take steps to enforce the rights and obligations transferred to them within the territory of the State in which they have their seat. Where rights and obligations can be enforced in another State, the trustee offices shall be under obligation to hand over the full powers, deeds and other documentary material necessary for the enforcement of the said rights to the successor savings banks for which they are acting in a fiduciary capacity.

*Article 28.*

The two trustee offices shall be entitled to arrange by mutual agreement for setting off against each other the rights transferred, in whole or in part. In the event of such arrangement, the rights transferred to the German successor banks, and the rights transferred to the Polish Trustee Office shall pass to the Polish successor banks, to the extent of the amounts set off.

## SECTION IV.

## FINAL PROVISIONS.

*Article 29.*

1. Arrangements relating to rights of intersected savings banks made in accordance with the provisions of national laws before the coming into force of this Agreement shall be regarded as having been made by competent services.

2. The services that have made the arrangements shall be obliged to pay to the competent trustee office for account of the successor savings bank the amount which would be due to trustee office if the arrangement had not been made.

3. The provisions of paragraph 2 shall not apply to arrangements made by the savings banks designated in Article 6 as the successor savings bank of the intersected savings bank concerned.

4. Should any mortgages and land charges have been repaid before the exchange of the instruments of ratification to the savings banks designated in Article 6 as the successor savings banks, cancellation certificates shall be granted by the successor savings banks for the period of three months after the date of the coming into force of present Agreement, and, thereafter by the trustee office to which the rights of the intersected savings bank shall have been transferred.

*Article 30.*

1. Successor savings banks and trustee offices are empowered to deal direct with successor savings banks and the trustee office of the other Contracting State.

2. Should successor savings banks or trustee offices not possess books, deeds or other documents relating to rights and obligations transferred to them under the provisions of this Agreement, these documents shall be surrendered to them by the savings banks or other authorities in possession of them. Should third party rights prevent such surrender, the savings bank or authorities in possession of the said documents shall furnish copies of the documents to the competent successor savings banks or trustee office, at the same time informing them that third party rights, and if necessary what rights, prevent the surrender of the originals.

*Article 31.*

This Agreement, together with the Final Protocol, shall be ratified as soon as possible and the instruments of ratification exchanged at Warsaw. The Agreement shall come into force one month after the date of exchange of the instruments of ratification.

In faith whereof the Plenipotentiaries have signed this Agreement, done in duplicate originals in German and in Polish, and have thereto affixed their seals.

BERLIN, *December 14, 1928.*

*(Signed)* Dr. Paul ECKARDT.

*(Signed)* Leo QUASSOWSKI.

*(Signed)* Dr. Witold PRĄDZYŃSKI.

## FINAL PROTOCOL.

On signing the German-Polish Savings Banks Agreement, the Plenipotentiaries of the two Contracting States agreed on the following :

## 1.

The Governments of the two Contracting States shall lend each other their good offices for the execution of the Agreement.

## 2.

1. The Governments of the Contracting States are agreed that the rights and obligations of savings banks which are not regarded as intersected by the delimitation of the frontier (Article 1, paragraph 2), in so far as such rights and obligations may require settlement between the Governments, shall be regulated by the provisions of the Revalorisation Convention.

2. In the same way, rights and obligations which have originated on behalf of intersected savings banks since the date of the delimitation of the frontier (Article 2, paragraph 3) shall be regulated by the Revalorisation Convention.

## 3.

The Polish Government declares that the notification of creditors' claims, mentioned in Article 9, shall only apply to the Kreis savings banks of Graudenz, Konitz, Neustadt, i. W., and Wollstein, and the municipal savings bank of Neustadt, i. W., where necessary.

## 4.

The Polish Government declares its willingness to use its influence with the competent Polish services to ensure that the rate of revalorisation of savings deposits in Polish successor savings banks (Article 10) may be fixed, wherever possible, within six months of the coming into force of this Agreement.

## 5.

The provisions of this Final Protocol shall come into force at the same time as the Savings Banks Agreement.

BERLIN, *December 14*, 1928.

Dr. Paul ECKARDT.  
Leo QUASSOWSKI.

Dr. Witold PRĄDZYŃSKI.

## PROCÈS-VERBAL OF THE FINAL SESSION.

In concluding the negotiations on the German-Polish Savings Banks Agreement, the Plenipotentiaries of the two Contracting States have registered the agreement of their Governments on the following points :

(1) The Governments of the Contracting States shall take steps to ensure even before the Savings Banks Agreement comes into force, that the documents which successor savings banks may require for the determination of the rights possessed by them and the fulfilment of the obligations incumbent on them under this Agreement, shall be furnished to them on request as soon as possible.

(2) Furthermore, the Governments of the Contracting States shall abstain, pending the coming into force of the Savings Banks Agreement, from any action calculated to place obstacles or difficulties in the way of the future application of the Agreement.

(3) The Governments of the Contracting States shall cease to be bound by the obligations referred to in paragraphs 1 and 2 on or before January 1, 1930.

BERLIN, *December 14, 1928.*

Dr. Paul ECKARDT.  
Leo QUASSOWSKI.

Dr. Witold PRĄDZYŃSKI.