

N° 3797.

DANEMARK, FINLANDE,
ISLANDE,
NORVÈGE ET SUÈDE

Convention relative à l'héritage et à
la liquidation des successions, et
protocole final. Signés à Copenha-
gue, le 19 novembre 1934.

DENMARK, FINLAND,
ICELAND,
NORWAY AND SWEDEN

Convention regarding Inheritance and
the Settlement of the Devolution
of Property, and Final Protocol.
Signed at Copenhagen, November
19th, 1934.

TEXTE DANOIS. — DANISH TEXT.

N^o 3797. — KONVENTION ¹ MELLEM DANMARK, FINLAND, ISLAND, NORGE OG SVERIGE OM ARV OG DØDSBOSKIFTE. UNDERTEGNET I KØBENHAVN, DEN 19. NOVEMBER 1934.

Textes officiels danois, finnois, islandais, norvégien et suédois communiqués par le délégué permanent du Danemark près la Société des Nations. L'enregistrement de cette convention a eu lieu le 1^{er} janvier 1936.

HANS MAJESTÆT KONGEN AF DANMARK OG ISLAND, REPUBLIKEN FINLANDS PRÆSIDENT HANS MAJESTÆT NORGES KONGE og HANS MAJESTÆT KONGEN AF SVERIGE, hvilke er kommet overens om at afslutte en Konvention om Arv og Dødsboskifte, har udnævnt til deres befuldmægtigede :

HANS MAJESTÆT KONGEN AF DANMARK OG ISLAND :

FOR DANMARK :

Sin Udenrigsminister, Dr. phil. Peter Rohegune MUNCH ;

FOR ISLAND :

Overordentlig Gesandt og befuldmægtiget Minister, Hr. Sveinn Björnsson ;

REPUBLIKEN FINLANDS PRÆSIDENT :

Republikens overordentlige Gesandt og befuldmægtigede Minister i København, Dr. phil. Rolf Thesleff ;

HANS MAJESTÆT NORGES KONGE :

Sin overordentlige Gesandt og befuldmægtigede Minister i København, Hr. Hans Emil Huitfeldt ;

HANS MAJESTÆT KONGEN AF SVERIGE :

Sin Chargé d'Affaires a. i. i København, Hr. Knut Richard Thyberg ;

hvilke, behørigt befuldmægtigede, er kommet overens om følgende Artikler :

I. ARV OG USKIFTET BO.

Artikel 1.

Naar en Statsborger i en af de kontraherende Stater ved sin Død var bosat i en af de andre Stater, skal Retten til Arv ifølge Loven bestemmes efter Loven i den Stat, hvor han havde Bopæl.

¹ Ratifications déposées à Copenhague, le 14 juin 1935.
Entrée en vigueur le 1^{er} janvier 1936.

TEXTE FINNOIS. — FINNISH TEXT.

N^o 3797. — SUOMEN, ISLANNIN, NORJAN, RUOTSIN JA TANSKAN VÄLINEN PERINTÖÄ, TESTAMENTTIA JA PESÄNSELVITYSTÄ KOSKEVA SOPIMUS. ALLEKIRJOITETTU KÖÖPENHAMINASSA MARRASKUUN 19 PÄIVÄNÄ 1934.

Danish, Finnish, Icelandic, Norwegian and Swedish official texts communicated by the Permanent Delegate of Denmark accredited to the League of Nations. The registration of this Convention took place January 1st, 1936.

SUOMEN TASAVALLAN PRESIDENTTI, HÄNEN KUNINKAALLINEN MAJESTEETTINSA TANSKAN JA ISLANNIN KUNINGAS, HÄNEN KUNINKAALLINEN MAJESTEETTINSA NORJAN KUNINGAS JA HÄNEN KUNINKAALLINEN MAJESTEETTINSA RUOTSIN KUNINGAS, jotka ovat sopineet perintöä, testamenttia ja pesänselvitystä koskevan sopimuksen tekemisestä, ovat määränneet valtuutetuikseen :

SUOMEN TASAVALLAN PRESIDENTTI :

Tasavallan erikoislähettilään ja täysvaltaisen ministerin Kööpenhaminassa, fil. tri Rolf THESLEFFIN ;

HÄNEN KUNINKAALLINEN MAJESTEETTINSA TANSKAN JA ISLANNIN KUNINGAS :

TANSKAN PUOLESTA :

Ulkoasiainministerinsä, fil. tri Peter Rohegune MUNCHIN ;

ISLANNIN PUOLESTA :

Erikoislähettilään ja täysvaltaisen ministerin, Herra Sveinn BJÖRNSSONIN ;

HÄNEN KUNINKAALLINEN MAJESTEETTINSA NORJAN KUNINGAS :

Erikoislähettiläänsä ja täysvaltaisen ministerinsä Kööpenhaminassa, Herra Hans Emil HUITFELDTIN ;

HÄNEN KUNINKAALLINEN MAJESTEETTINSA RUOTSIN KUNINGAS :

v. a. Asiainhoitajansa Kööpenhaminassa, Herra Knut Richard THYBERGIN ;

jotka siihen asianmukaisesti valtuutettuina ovat sopineet seuraavista määräyksistä :

I. PERINTÖ JA TESTAMENTTI. JAKAMATON PESÄ.

I artikla.

Jos sopimusvaltion kansalaisella kuollessaan oli kotipaikka toisessa sopimusvaltiossa, olkoon oikeudesta häneltä jääneeseen perintöön voimassa viimeksimainitun valtion laki. Milloin vainajalla

¹ Ratifications deposited in Copenhagen, June 14th, 1935.
Came into force January 1st, 1936.

6 artikla.

Sen, joka 1, 2 tai 3 artiklan mukaan vaatii kotimaan lakia sovellettavaksi, on tarvittaessa näytettävä, että soveltamisen edellytykset ovat olemassa, niin myös selvitettävä mainitun lain sisällys.

7 artikla.

Omaisuuuden osituksessa, jota tässä sopimuksessa tarkoitetaan, on, mikäli 2 artiklan 2 kappaleesta ei muuta johdu, noudatettava mitä helmikuun 6 päivänä 1931¹ tehdyn sopimuksen 3 ja 6 artiklassa on määrätty puolisoiden varallisuussuhteista.

8 artikla.

Testamentti, jonka on tehnyt henkilö, joka kuollessaan oli sopimusvaltion kansalainen ja jolla oli kotipaikka jossakin sopimusvaltiossa, on katsottava muodon puolesta päteväksi, jos sitä tehtäessä on menetelty sen sopimusvaltion lain mukaisesti, missä testamentti tehtiin tai testamentintekijällä testamentin tehdessään oli kotipaikka tai jonka kansalainen hän silloin oli. Testamentin peruuttaminen olkoon pätevä, jos siinä on menetelty sen sopimusvaltion lain mukaisesti, missä testamentintekijällä peruuttamisen toimittaessaan oli kotipaikka tai jonka kansalainen hän silloin oli.

9 artikla.

Kelpoisuus testamentin tekemiseen tai peruuttamiseen määräytyy sen sopimusvaltion lain mukaan, missä testamentintekijällä testamentin tehdessään tai peruuttaessaan oli kotipaikka. Jollei hänellä silloin yhtäjaksoisesti vähintään viiden edellisen vuoden aikana ole ollut kotipaikkaa siinä valtiossa, olkoon testamentti tai sen peruuttaminen pätevä myöskin siinä tapauksessa, että toimenpiteen edellytykset olivat olemassa hänen kotimaansa lain mukaan.

10 artikla.

Onko testamentti tai sen peruuttaminen pätemätön testamentintekijän mielentilan perusteella tai petoksen, erehdyksen, pakottamisen tai muun epäoikeutetun vaikuttamisen vuoksi, on ratkaistava sen sopimusvaltion lain mukaan, missä hänellä testamentin tehdessään tai peruuttaessaan oli kotipaikka.

11 artikla.

Jos sopimusvaltion kansalaisella kuollessaan oli kotipaikka Suomessa tai Ruotsissa, on testamentin valvonnan ja moittimisen suhteen sovellettava siellä voimassaolevaa lakia.

12 artikla.

Perinnönjättäjän tekemän perintösopimuksen tai kuoleman varalta antaman lahjan pätevyys arvosteltakoon, milloin perinnönjättäjä kuollessaan oli sopimusvaltion kansalainen, sen sopimusvaltion lain mukaan, missä hänellä oikeustoimen suorittaessaan oli kotipaikka.

Saman lain nojalla ratkaistaan, onko perillisen perinnönjättäjältä tämän eläessä saamaa omaisuutta pidettävä ennakkoperintönä.

¹ Vol. CXXVI, page 121, of this Series.

24 artikla.

Jos 19 artiklassa tarkoitettu kuolinpesä on julkisen jakokäsittelyn alaisena Islannissa, Norjassa tai Tanskassa, on saamisten etuoikeuksien osalta vastaavasti sovellettava marraskuun 7 päivänä 1932¹ tehdyn, konkurssia koskevan sopimuksen 7 artiklan määräyksiä.

25 artikla.

Mitä sopimusvaltion laissa on säädetty kiinteistökirjaan tai oikeuden pöytäkirjaan merkitsemisen tarpeellisuudesta jotta sopimuksen tai muun oikeustoimen tahi ulosmittauksen perusteella saavutettu oikeus olisi voimassa kuolinpesää kohtaan, ei ole sovellettava muussa sopimusvaltiossa kuolinhetkellä olevaan omaisuuteen.

26 artikla.

Sovellettaessa tämän sopimuksen määräyksiä, joissa edellytetään, että omaisuus on jossakin sopimusvaltiossa, katsotaan juoksevaan velkakirjaan tai muuhun saamistodisteeseen, jonka esittäminen on saamisen velkomisoikeuden edellytyksenä, perustuvan saamisen olevan siellä, missä asiakirja on, mutta muun saamisen siinä valtiossa, jonka lain mukaan pesänselvitys on toimitettava.

Rekisteröidyn aluksen tai ilma-aluksen on katsottava olevan siinä valtiossa, missä sen ktipaikka on.

IV. YLEISIÄ MÄÄRÄYKSIÄ.

27 artikla.

Jos sopimusvaltion tuomioistuin on päättänyt, että perinnönjako-oikeuden, pesänselvittäjän tai testamentintoimeenpanijan on otettava 19 artiklassa tarkoitettu kuolinpesä hoitoonsa, että pesän selvitys ja jako on tapahtuva osakasten toimesta tahi että pesänjako toimitetaan pesänjakajan myötävaikutuksella, olkoon päätös voimassa muissakin sopimusvaltioissa.

Mitä tässä on sanottu, olkoon voimassa myöskin tuomioistuimen päätöksestä, joka koskee eloonjääneen puolison oikeutta elää jakamattomassa pesässä.

28 artikla.

Maaliskuun 16 päivänä 1932² tehdyn sopimuksen määräyksiä tuomioiden ja sovintojen tunnustamisesta ja täytäntöönpanosta sovelletaan myöskin tuomioon tai sovintoon, joka koskee perintöön tai testamenttiin perustuvaa oikeutta, eloonjääneen puolison oikeutta tai vastuuta vainajan velasta, milloin vainaja oli sopimusvaltion kansalainen ja hänellä oli kotipaikka jossakin sopimusvaltiossa.

Sanotun sopimuksen 3 artiklassa ja 6 artiklan 3 kohdassa annettuja erikoismääräyksiä saapuville tulematta jääneeseen vastaaajan kohdistuvasta tuomiosta sovelletaan vain silloin, kun tuomio koskee eloonjääneen puolison, perillisen tai testamentinsaajan vastuuta vainajan velasta.

29 artikla.

Tätä sopimusta ei sovelleta, milloin perinnönjättäjä on kuollut ennen sopimuksen voimaantuloa, eikä myöskään silloin, kun eloonjäänyt puoliso on elänyt jakamattomassa pesässä ja ensiksikuollut puoliso on kuollut ennen sanottua ajankohtaa.

30 artikla.

Tämä sopimus on ratifioitava ja ratifioimiskirjat talletettava Tanskan ulkoasiainministeriön arkistoon niin pian kuin tämä voi tapahtua.

¹ Vol. CLV, page 115, of this Series.

² Vol. CXXXIX, page 165, of this Series.

¹ TRANSLATION.

No. 3797. — CONVENTION BETWEEN DENMARK, FINLAND, ICELAND, NORWAY AND SWEDEN REGARDING INHERITANCE AND THE SETTLEMENT OF THE DEVOLUTION OF PROPERTY. SIGNED AT COPENHAGEN, NOVEMBER 19TH, 1934.

HIS MAJESTY THE KING OF DENMARK AND ICELAND, THE PRESIDENT OF THE REPUBLIC OF FINLAND, HIS MAJESTY THE KING OF NORWAY and HIS MAJESTY THE KING OF SWEDEN, having agreed to conclude a Convention regarding inheritance and the settlement of the devolution of property, have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF DENMARK AND ICELAND :

FOR DENMARK :

Monsieur Peter Rochegune MUNCH, Minister for Foreign Affairs ;

FOR ICELAND :

Monsieur Sveinn BJÖRNSSON, Envoy Extraordinary and Minister Plenipotentiary ;

THE PRESIDENT OF THE REPUBLIC OF FINLAND :

Monsieur Rolf THESLEFF, Envoy Extraordinary and Minister Plenipotentiary of the Republic at Copenhagen ;

HIS MAJESTY THE KING OF NORWAY :

Monsieur Hans Emil HUITFELDT, Norwegian Envoy Extraordinary and Minister Plenipotentiary at Copenhagen ;

HIS MAJESTY THE KING OF SWEDEN :

Monsieur Knut Richard THYBERG, Swedish Chargé d'Affaires *ad interim* at Copenhagen ;

Who, being duly authorised for the purpose, have agreed on the following Articles :

I. INHERITANCE AND JOINT OWNERSHIP.

Article I.

If a national of one of the contracting States was, at the time of his death, domiciled in another contracting State, the right of inheritance shall be determined by the laws of the State in which he had his domicile. Nevertheless, should the deceased, at the time of his death, not have been domiciled for five years in that State, the laws of the State of which he was a national shall apply if an heir or a legatee whose rights are based on those laws so requests. This request shall not be admissible if, according to the laws of the country of which the deceased was a national, the estate passes to the State.

¹ Translated by the Secretariat of the League of Nations, for information.

Any request for the application of the law of the country of which the deceased was a national must be made within a period of six months after the death. Nevertheless, if the settlement of the devolution has not been completed at the expiration of the said period, such request may be submitted at any time prior to the completion of the settlement. When the latter has been completed, no such request by any of the persons entitled to share in the estate shall be admitted.

The provisions of the present Article in respect of the right of inheritance shall apply also to the surviving spouse's right under the law to remain in joint ownership when the deceased has not left any heirs in the direct line and to the right to a maintenance allowance chargeable to the estate if, according to the law of the State of which the deceased was a national, an heir has this right, in addition to the right to a share in the inheritance.

Article 2.

If the deceased was domiciled in a State according to the law of which the surviving spouse has the right to remain in joint ownership with heirs in the direct line, that law shall apply even if the deceased was a national of another contracting State. Nevertheless, should the deceased at the time of his death not have been domiciled for five years in the former State, the partition of the estate may be applied for either immediately or subsequently, by any heir in the direct line if, according to the law of the State of which the deceased was a national, such heir enjoys that right. The heir will not possess this right if the surviving spouse was, at the time of the marriage, a national of the State in which the deceased was domiciled.

When the application referred to in the preceding paragraph has been made and the estate of a Swedish national has to be partitioned, the surviving spouse may, at the time of the partition, appropriate certain property to a value not exceeding the amount determined by Swedish law.

Article 3.

If the deceased was domiciled in a State the law of which does not confer on the surviving spouse the right to remain in joint ownership with heirs in the direct line, such spouse may nevertheless remain in joint ownership if, according to the law of the State of which the deceased was a national, that spouse is entitled to do so, provided that the deceased had not, at the time of his death, been domiciled for five years in the former State. Any action which, in accordance with the law of the State of which the deceased was a national, has to be taken by the " Estates Court " or by any other authority, shall in that case be taken by the ordinary courts of first instance in the State in which the deceased was domiciled. If the surviving spouse is also domiciled in that State, and if the law of the State of which the deceased was a national stipulates the control of the administration of the estate, such control shall be exercised by a person (" god man ") whom the court shall appoint for that purpose. If an inventory of the assets and liabilities of the estate has been registered in the court, the provisions which, under the law of the country of which the deceased was a national, relate to the drawing up of the inventory shall not apply.

Article 4.

When, in accordance with Danish law, a decision has been taken to appoint a curator for a widow who desires to remain in joint ownership, effect shall be given to such decision only if, at the time of the husband's death, the widow was domiciled in Denmark. Should she subsequently take up residence in another contracting State, the curatorship shall terminate.

Article 5.

The provisions of Articles 2, 3 and 4 relating to the right to remain in joint ownership with heirs in the direct line shall apply, *mutatis mutandis*, to the right to remain in joint ownership with an adoptive child or with the heirs in the direct line of such child.

Article 6.

Any person who, in accordance with Articles 1, 2 or 3, requests the application of the law of the country of which the deceased was a national shall, if called upon to do so, furnish proof that the above-mentioned conditions are all fulfilled and provide information as to the provisions of the said law.

Article 7.

The partition of the estate of a married couple on the death of either or both of the spouses shall, in the absence of any provisions to the contrary in virtue of Article 2, paragraph 2, be effected in conformity with the rules laid down in Articles 3 and 6 of the Convention of February 6th, 1931, on the settlement of the property of married persons.

Article 8.

The last will and testament left by a person who, at the time of his or her death, was a national of one of the contracting States and was domiciled in that State shall be recognised as valid so far as its form is concerned if it was drawn up in accordance with the laws of the State in which it was made, or in accordance with the laws of the State in which the testator was domiciled or of which he was a national when he made the will. The revocation of a will shall be recognised as valid, provided that the testator has complied with the law of the contracting State in which he was domiciled or of which he was a national at the time of the revocation.

Article 9.

The question of the age and capacity required for the making or revocation of a will shall be settled by the law of the contracting State in which the testator was domiciled at the time when the will was made or revoked. If the testator had not at that time been domiciled in that State for five years, the will or the revocation shall nevertheless be valid, provided that the conditions laid down in the law of the country of which he was a national have been fulfilled.

Article 10.

The question of the invalidity of a will or the invalidity of the revocation of a will on the grounds of the mental condition of the testator or of fraud, mistake, constraint or other undue influence shall be settled by the law of the contracting State in which the testator was domiciled at the time when the will was made or revoked.

Article 11.

The provisions of the Finnish law or of the Swedish law according to which the will must, after the testator's death, be deposited in the court within a certain period shall apply also to the wills of nationals of other contracting States if, at the time of death, they were domiciled in Finland or in Sweden. This shall apply also in respect of the provisions of the Finnish law or of the Swedish law according to which any heir who proposes to contest the validity of a will must institute proceedings for that purpose within a certain period after the time at which the will was brought to his knowledge.

Article 12.

The question of the binding effect, so far as the deceased is concerned, of gifts *mortis causa*, of testamentary dispositions and of waivers shall, if the deceased was, at the time of his death, a national of one of the contracting States, be settled by the law of the contracting State in which he was domiciled at the time of the act in question.

The same shall apply in regard to the question whether any property which an heir received from the deceased during the latter's lifetime is to be regarded as a settlement of portion by anticipation.

Article 13.

The special rules which, in any one of the contracting States, apply to the rights of heirs in respect of immovable property and the appurtenances thereto and to the testator's right to dispose of such property by will in favour of certain heirs shall apply to property situated in the State in question.

The right to make, in respect of immovable property, testamentary dispositions creating a trust or other dispositions in favour of unborn children shall also be determined by the law of the State in which the property in question is situated. The present Convention shall not apply to the right to make such dispositions in respect of property other than immovable property.

Article 14.

If a national of one of the contracting States leaves an adoptive child and if the authorisation to adopt such child granted in one of the contracting States has reserved to the adoptor the right to dispose of his estate notwithstanding the adoption, this reservation shall be valid also in the other contracting States.

Article 15.

The question of the forfeiture of the right to take up an inheritance or a legacy and also the right to disinherit shall, if the deceased was a national of one of the contracting States, be settled by the law of the contracting State in which he was domiciled at the time of his death.

Article 16.

The forfeiture through lapse of time of the right to take up an inheritance or a legacy left by a national of one of the contracting States shall be determined by the law of the State in which the deceased was domiciled at the time of his death.

II. DEBTS OF THE ESTATE.

Article 17.

The responsibility of heirs for debts left by a national of one of the contracting States or for the execution of a legacy or a testamentary disposition shall be determined by the law of the contracting State in which the deceased was domiciled at the time of his death. This shall apply also in regard to responsibility for the discharge of liabilities for maintenance contracted by the deceased in respect of an illegitimate child or of the mother of such child.

Article 18.

The summoning of a meeting of creditors of the estate after which meeting no further claims will be recognised against the estate of a national of one of the contracting States shall be of no effect in respect of known debts if the creditor is domiciled in another contracting State and has not in due time received a special communication notifying him of the summoning of the meeting and of its effects or has not by some other means had knowledge thereof.

III. PROCEDURE FOR SETTLEMENT OF DEVOLUTION.

Article 19.

The settlement of the devolution of an estate and its partition between the heirs of the deceased and the surviving spouse shall, if the deceased was a national of one of the contracting States and was domiciled therein, be effected in conformity with the law of the State in which he was domiciled at the time of his death and shall be carried out by the courts of that State if under its law the partition must be carried out by the courts.

If the surviving spouse is a national of one of the contracting States and has remained in joint ownership and if it is necessary to proceed to the partition of the estate, the procedure followed shall be in conformity with the law of the contracting State in which such spouse is domiciled or was domiciled at the time of death and the courts of that State shall assist therein to the extent prescribed by law.

The settlement of the devolution of the estate shall extend also to property situated in the other contracting States.

Article 20.

The surviving spouse's right to appropriate, at the time of the partition of the estate, certain property, whether in consideration of compensation or not, shall be determined in accordance with the law which, in virtue of Article 19, is applicable to the settlement. This shall apply also in respect of the said spouse's right, at the time of the partition of the estate, to have the handing over of part of an inheritance postponed subject to the heir's right being secured, as a first charge, on the property in question. This right shall not, however, apply to property situated in another contracting State except in so far as the rules in force in that State so provide.

Article 21.

Any disputes which may arise concerning the right to take up an inheritance or a legacy left by a national of one of the contracting States who was domiciled in that State or concerning the rights of the surviving spouse or concerning claims against the estate but not against the heirs or the surviving spouse personally, shall come within the jurisdiction of the courts of the State the law of which applies to the settlement in virtue of Article 19.

Nevertheless, if the Parties agree thereto, the dispute may be settled by the courts of another contracting State, unless the devolution of the estate is in course of settlement by the competent court, an executor, or liquidator or an expert appointed by the court or the dispute relates to the partition of the estate the devolution of which is in course of settlement. The validity of a will made by a person who was domiciled in Finland or Sweden may not be the subject of proceedings in the other States for the purpose of having the will set aside. This shall apply also to proceedings with the object of securing a declaration of invalidity in respect of the partition of the estate of a person who was domiciled in Finland.

Article 22.

If property forming part of the estate is situated in a contracting State other than the State the law of which applies to the settlement, the courts of the State in which such property is situated shall, if they are so requested, proceed to register the property and take the necessary steps for its provisional conservation and for the sale of such property as cannot with advantage be conserved. The authorities of this latter State shall, moreover, if they are so requested, assist in the settlement in so far as their assistance is provided for by the law of that State.

A request for such assistance may be addressed direct to the competent authority. If necessary, the costs may be required to be paid in advance. Documents drawn up in Finnish or Icelandic shall be accompanied by a certified true translation into Danish, Norwegian or Swedish.

If the death occurred in a State other than that in which the deceased was domiciled, measures for the conservation of the property left by him shall, even in the absence of a request to that effect, be taken in accordance with the rules in force in that State.

Article 23.

If an estate to which Article 19 refers is the subject of public procedure for the settlement of the devolution in Denmark, Iceland or Norway, the legal provisions restricting the right of creditors to take compulsory execution against the estate shall apply also to property situated in a State other than that in which the settlement is being effected. Nevertheless, this rule shall not apply to the right to collect taxes and other public charges due in the State in which the property in question is situated, or to the right of a creditor to recover a claim against property on which such claims is secured or on which he has a possessory lien.

Article 24.

If an estate to which Article 19 refers is the subject of public procedure for the settlement of the devolution in Denmark, Iceland or Norway, Article 7 of the Convention of November 7th, 1933, regarding bankruptcy shall, *mutatis mutandis*, apply to the settlement of the question of priority of claims.

Article 25.

The legal provisions of any one of the contracting States according to which registration in the land register or in the registry of the court is a condition of the validity, in regard to an estate of rights acquired by a legal act or by the execution of a judgment, shall not apply to property which, at the time of the death, is situated in other contracting States.

Article 26.

If the application of the foregoing provisions is dependent on the place in which the property is situated, any claims which were possessed by the deceased shall be regarded as existing in the State the law of which applies to the settlement in virtue of Article 19. Nevertheless, if a claim was the subject of an acknowledgment of debt or any other evidence of indebtedness the presentation of which is necessary in any proceedings instituted for the purpose of recovering the debt, the latter shall be regarded as existing in the State in which such evidence exists.

Registered ships and aircraft shall be deemed to be situated in the State in which they are registered.

IV. GENERAL PROVISIONS.

Article 27.

If, in one of the contracting States, a court has decided that the devolution of an estate to which Article 19 refers must be settled by the " Estates Court ", an executor or a liquidator, or that an expert is to assist in its partition or that the partition is to be left to those sharing in the estate, this decision shall be binding in the other contracting States also.

The same shall apply as regards decisions which give the surviving spouse the right to remain in joint ownership.

Article 28.

The provisions regarding the recognition and enforcement of judgments and compromises in the Convention of March 16th, 1932, shall apply also to judgments and compromises relating to the right to take up an inheritance or a legacy and also to the rights of the surviving spouse and to the responsibility for debts left by the deceased if the latter was a national of one of the contracting States and was domiciled in one of those States.

The special provisions of Articles 3 and 6, paragraph (3), of the said Convention regarding judgments by default shall apply only if the judgment relates to the responsibility of the surviving spouse or of the various heirs in respect of debts left by the deceased.

Article 29.

The present Convention shall not apply if the deceased died before the date of its entry into force or if the surviving spouse has remained in joint ownership and the spouse whose death first occurred died before that date.

Article 30.

The Convention shall be ratified and the instruments of ratification shall be deposited at the Danish Ministry of Foreign Affairs as soon as possible.

The Convention shall come into force between the ratifying States on January 1st or on July 1st following the expiration of a period of three months after at least three of the contracting States have deposited their instruments of ratification. As regards States depositing their ratifications at a later date, the Convention shall come into force on January 1st or on July 1st following the expiration of a period of three months after the deposit of the instrument of ratification.

Any of the contracting States may denounce the Convention to any of the other States at one year's notice terminating on any January 1st or July 1st.

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

Done at Copenhagen, in one copy in each of the following languages : Danish, Finnish, Icelandic, Norwegian and Swedish, there being two texts in Swedish, one for Finland and one for Sweden, this 19th day of November, 1934.

(L. S.) (Signed) P. MUNCH. (L. S.) (Signed) ROLF THESLEFF. (L. S.) (Signed) SVEINN BJÖRNSSON.
(L. S.) (Signed) EMIL HUITFELDT. (L. S.) (Signed) K. R. THYBERG.

FINAL PROTOCOL.

Following on the signature this day of the Convention between Denmark, Finland, Iceland, Norway and Sweden regarding inheritance and the settlement of the devolution of property, the Plenipotentiaries of the contracting States have made the following declaration :

The contracting States agree that any request for information concerning the provisions of the laws in force in any one of the contracting States must proceed from the Ministry of Justice or Ministry of Foreign Affairs of the country concerned and must be addressed to the Ministry of Justice, if the information requested relates to the Danish, Finnish, Icelandic or Norwegian laws, and to the Legal Section of the Department of Foreign Affairs if such information relates to Swedish laws. This information shall always be given in so far as there exist any express legal provisions on the subject and shall in other cases be furnished in so far as circumstances permit.

COPENHAGEN, November 19th, 1934.

(L. S.) (Signed) P. MUNCH. (L. S.) (Signed) ROLF THESLEFF. (L. S.) (Signed) SVEINN BJÖRNSSON.
(L. S.) (Signed) EMIL HUITFELDT. (L. S.) (Signed) K. R. THYBERG.