

N° 246.

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**ALLEMAGNE ET POLOGNE**

Convention relative au transfert de  
la juridiction, signée à Posen le  
20 septembre 1920.

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**GERMANY AND POLAND**

Convention relating to the transfer of  
the judicial administration, signed  
at Posen, September 20, 1920.

<sup>1</sup> TRANSLATION.

No. 246. — GERMAN - POLISH CONVENTION RELATING TO THE TRANSFER OF THE JUDICIAL ADMINISTRATION, SIGNED AT POSEN ON SEPTEMBER 20, 1920.

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The GERMAN and POLISH GOVERNMENTS, desiring to facilitate, as far as possible, in the interest of the respective populations, the continuation of legal business affected by the cession of portions of territory to Poland, have decided to conclude an agreement on the matter and for this purpose have appointed as their plenipotentiaries :

The GERMAN GOVERNMENT :

Dr. Georg CRUSEN, Geheimer Oberjustizrat and Ministerialrat (Councillor in the Ministry of Justice); and

The POLISH GOVERNMENT :

Dr. Zygmunt SEYDA, Under-Secretary of State, and  
Dr. Witold PRADZINSKI, Head of Department.

The plenipotentiaries, having communicated their full powers, which were found in good and due form, agreed to the following provisions :—

*Article 1.*

CIVIL ACTIONS.

*Paragraph 1.*

The hearing of civil actions which, at the time of the transfer of judicial administration, were pending in an assize court district that, on the coming into force of the Treaty of Peace, passed either wholly or in part into the possession of Poland, and in which the final judgment had not yet been given at the time of the coming into force of the Treaty, shall, unless otherwise provided for in paragraphs 2-5, be continued before the court in which they are pending or, where such court no longer exists, before the German or Polish court of the same standing in the district in which the court, before which the case was originally brought, was situated.

*Paragraph 2.*

If the action was originally brought in a court which had exclusive jurisdiction over the case and if, had the action been brought at the time of the coming into force of the present Convention, a court of the same standing belonging to the other State would have had exclusive jurisdiction over the case, the action must be transferred to the latter court.

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

*Paragraph 3.*

(1) When a case does not come under the exclusive jurisdiction of a particular court, the following provisions shall apply :

(2) Upon application being made by both parties, the case shall be transferred to that court of the other State which is named in the application.

(3) Should there be a court of the same standing in the other State which would have been competent to deal with the case, if proceedings had been instituted at the time of the coming into force of this Convention, either party may request that the case be transferred to this court. Such request shall be complied with unless the court specified in paragraph 1 is also competent at that moment and the opposing party objects to the transfer. If there are several courts in the other State having jurisdiction, the party making the application shall have the right to choose the court, and, if both parties apply for a transfer, the defendant shall have this right.

*Paragraph 4.*

(1) If the German Empire or the Prussian State is one of the parties to a suit, the authorities of the Polish State shall become a party, in so far as Poland, in accordance with agreements between Germany and Poland now concluded, or to be concluded, takes the place of the Empire or Prussia in respect of the claim involved.

(2) If the German Empire or the Prussian State or the Polish State is the defendant, and if no court exists which has exclusive jurisdiction over the case, proceedings shall be transferred to the court in whose district the State on whose behalf the case is being continued has general jurisdiction. The provisions of paragraph 3, sub-paragraph 3, shall not apply.

*Paragraph 5.*

(1) The transfer of a case may be decided without oral proceedings. The parties shall be heard before the decision.

(2) In the cases provided for in Paragraph 3, the application (including a joint application made by several parties to the dispute) shall be made not later than the first law term during which the case is dealt with, after the coming into force of the present Convention. In appeal cases it may be made at any time before the close of the oral proceedings on which judgment is passed, in order to provide for the possibility of the suit being referred back to a court of first instance.

(3) No appeal may be made against the order for transfer. On the announcement or issue of this order, the case shall be regarded as pending before the court mentioned therein, and this order shall be binding on that court.

(4) The costs of the proceedings in the court where the case was begun shall be reckoned as part of the costs accruing in the court mentioned in the order for transfer. The provisions of paragraph 47, sub-paragraph 1, 3, of the German law on legal costs shall apply to the proceedings and decision regarding the transfer of the case.

*Paragraph 6.*

(1) If cases from the assize court districts referred to in paragraph 1 are pending in a court of appeal, superior district court, or the supreme court (*Reichsgericht*), the provisions of paragraphs 1-5 shall apply.

(2) Cases referred back shall be sent to the courts determined by the application of paragraphs 1-5. The provisions of the second sentence in paragraph 5, sub-paragraph (2), shall hold good as regards the necessary previous applications.

*Paragraph 7.*

(1) Should any judgment given before the coming into force of the present Convention, in a case of the kind mentioned in paragraph 1, be appealed against after the coming into force of this Convention, the proceedings and decision as to the legal remedy shall rest with the court in whose district the court appealed from is situated at the time of the coming into force of this Convention. The provisions of paragraphs 2-6 shall apply.

(2) The same provisions shall apply when, after the coming into force of this Convention, an appeal for the re-hearing of a case is made from a judgment given before this Convention comes into force.

*Paragraph 8.*

With regard to proceedings in respect of the transfer of an action to another court, or the lodging of an appeal, or the institution of proceedings for restitution or annulment, the parties may be fully represented by any barrister duly recognised in a Polish court situated in the ceded territory or in a German court.

*Paragraph 9.*

The provisions of paragraphs 1-8 shall apply as regards the settlement of complaints.

*Paragraph 10.*

Actions for debt falling under the provisions of paragraph 1 shall be continued before the court in which the order to pay is applied for. If opposition or objection is made, the provisions regarding pending cases shall apply. If the claim comes under the jurisdiction of the district courts or assize courts, the provisions of paragraphs 7 and 8 shall apply whenever the case becomes pending in the district court or assize court after the coming into force of the present Convention.

*Paragraph 11.*

(1) The provisions for pending cases shall also apply in all matters requiring public notice which come under the terms of paragraph 1. As regards appeals which have been entered after the coming into force of this Convention, the provisions of paragraphs 7 and 8 shall apply.

(2) In the case of an application for the declaration of the death of a person who, if still alive, would, at the time of the coming into force of this Convention, have been a German national, the proceedings shall be continued before the Berlin District Court (*Berlin-Mitte*) if the court in which the case is pending is situated in the ceded territory. If the afore-mentioned person would have been a Polish national, the case shall be continued before the District (*Kreis*) Court of Posen if the court in which the case is pending is situated in the German Empire.

(3) In the case of an application for a declaration of death, the Posen District (*Kreis*) Court and all other Polish courts shall be entitled to apply directly to the Central Registry Office for War Losses and War Graves (General Decree of the Prussian Ministry of Justice, dated February 23, 1920, *Preussisches Justizministerialblatt*, page 80) for the information referred to in paragraph 22 of the German Ordinance of August 9, 1917 (*Imperial Legal Gazette*, page 704).

(4) The Polish courts undertake to transmit the information required, in accordance with paragraph 4 of the General Ordinance of the Prussian Minister of Justice, dated August 20, 1917 (*Preussisches Justizministerialblatt*, page 291), directly to the Central Registry Office for War Losses and War Graves at the Imperial Ministry of the Interior.

*Paragraph 12.*

Bankruptcy proceedings, to which the conditions defined in paragraph 1 apply, shall be continued before the court in which they are pending, or, if such court no longer exists, before the Polish or German court in the district in which the court where the bankruptcy proceedings were first instituted is situated. If proceedings have been instituted after the coming into force of the present Convention, and if only one court is competent in the other State, the proceedings shall be handed over to this court.

*Paragraph 13.*

Measures of execution to which the conditions defined in paragraph 1 apply shall, so far as they affect immovable property, be continued by the court of the State in whose district the property is situated, and in all other cases by the court competent to order execution after the coming into force of the present Convention. In so far as the court which decides the case is competent to deal with disputes relating to execution, the provisions of paragraphs 7 and 8 shall apply.

*Paragraph 14.*

The German and Polish law courts shall render each other all possible direct legal assistance in all matters arising out of paragraphs 1 to 13. With regard to suing *in forma pauperis*, to the giving of security for the costs of the action, and to payment into court, Germans shall be treated in Polish courts and Poles in German courts on the same footing as nationals of the country.

*Article 2.*

CRIMINAL CASES.

*Paragraph 1.*

All criminal cases which, at the time of the transfer of judicial administration, were pending in an assize court of a district that, on the coming into force of the Treaty of Peace, passed either wholly or in part into the possession of Poland, and in which no final judgment had been given at the time of the coming into force of this Convention, shall be continued before the court in which they are pending, or, if such court has ceased to exist, shall be taken over by the German or Polish court of the same standing in the district in which the court, before which the case was originally brought, was situated.

*Paragraph 2.*

(1) If criminal proceedings against a German who, at the time of the coming into force of the present Convention is domiciled or, failing such domicile, is habitually resident in the German Empire are to be taken over by a Polish court in accordance with the provisions of paragraph 1, such proceedings shall, on application by the accused, be transferred to a German court, provided the offence with which the accused is charged can be made the subject of criminal proceedings under German Law.

(2) If criminal proceedings against a Pole who, at the time of the coming into force of the present Convention, is domiciled in Poland, or, failing such domicile, is habitually resident in Poland, are to be continued before a German court under the provisions of paragraph 1, such proceedings shall, on application by the accused, be transferred to a Polish court, provided the offence with which the accused is charged can be made the subject of criminal proceedings under Polish law.

(3) If a prosecution is instituted against both Germans and Poles, the case shall be divided in accordance with the above conditions.

(4) The accused must make such application before the opening of the trial proceedings ; his attention should be drawn to this rule at the earliest possible moment. The Prussian or Polish judicial authorities shall decide upon the court to which the prosecution shall be transferred.

*Paragraph 3.*

(1) When any criminal proceedings from the assize court districts referred to in paragraph 1, as a result of an appeal for re-hearing, were pending before a Court of Appeal, Superior District Court (*Oberlandesgericht*) or Supreme Court (*Reichsgericht*), at the time of the transfer of the judicial administration, and had not been finally disposed of at the time of the coming into force of the present Convention, the provision contained in paragraph 1 shall apply. The same procedure shall be applied for the settlement of complaints.

(2) Criminal cases shall be referred back to the courts determined by the application of paragraphs 1 and 2. In cases coming under paragraph 2, the transfer of the cases must be applied for prior to the beginning of the first trial proceedings before the court to which the matter is referred back ; notice should at once be given by the Court of Appeal, so that cases may, if necessary, be referred back direct to the courts of the other State.

*Paragraph 4.*

(1) When, in the course of criminal proceedings of the nature referred to in paragraph 1, sentences which were pronounced before this Convention came into force are appealed against after that date, the matter shall be decided by whatever court is, after the coming into force of this Convention, the Superior Court of the tribunal whose sentence has been appealed against, or of the tribunal which has taken the place of the latter under the provisions of paragraph 1. The provisions of paragraph 2 are applicable in such cases.

(2) If, after the coming into force of this Convention, application should be made for the reopening of proceedings which were already before the court at the time of the transfer of the judicial administration, and in which final judgment shall have been pronounced before the coming into force of this Convention, the provisions of paragraphs 1 and 2 shall be applicable.

*Paragraph 5.*

If proceedings in the nature of an enquiry were pending at the time of the transfer of judicial administration in the assize court districts referred to in paragraph 1 and should these proceedings still be pending when this Convention comes into force, they shall, should it become evident that the case can only be finally dealt with by the courts of the other State, be transferred by the Public Prosecutor who is dealing with them to the Public Prosecutor of the other State. The same provisions shall apply in the case of preliminary judicial enquiries of the above kind as soon as it becomes apparent that the matter could only be dealt with finally by the courts of the other State, if the Public Prosecution had been instituted after the coming into force of this Convention.

*Paragraph 6.*

In case a criminal prosecution coming under the terms of this Convention cannot be proceeded with by the authorities of the State which is competent to undertake it in accordance with these provisions, owing to the fact that the accused is residing in the other State and is a national of that State, the latter State shall be bound, on application by the former, to undertake the prosecution, provided that the act alleged can also be the subject of criminal proceedings under the laws of the State to which application is made. The authorities who are to prosecute or the court which is to try the case shall be determined by the Prussian or Polish Department of Justice, as the case may be.

*Paragraph 7.*

As regards sentences pronounced in the assize court districts referred to in paragraph 1 and due to be executed at the time of the transfer of judicial administration, and sentences in cases coming under paragraph 3, sub-paragraph (1), which become due to be executed after the transfer as a result of the rejection of appeals, the execution of such sentences shall be commenced or completed by the executive officers of the court whose judgment has to be carried out, or, if that court has ceased to exist, shall be taken over by the executive officers of that Polish or German court in whose district the court whose judgment is to be carried out was situated.

*Paragraph 8.*

(1) A person under sentence against whom criminal proceedings were actually in progress at the date of the transfer of the judicial administration, and who comes under the provisions laid down in paragraph 2, sub-paragraph (1) or (2), regarding the transfer of criminal prosecutions, may demand that the execution of the sentence be transferred to the executive authorities of the State of which he is a national, provided that the punishment consists of detention and has at least six weeks to run at the date on which application is made, and that the act in respect of which the sentence has been pronounced is also an offence under the criminal code of the State called on to take over the execution of the sentence.

(2) Application for the transfer of execution must be made before the sentence has begun to run, or, if it has already begun, within two weeks after the person under sentence has been informed of his right to make such an application; in either case, information regarding this right shall be given as soon as possible.

(3) As regards persons under sentence, of the category referred to in sub-paragraph (1), the State which is competent under paragraph 7 to execute the sentence may also demand the transfer of the execution, provided that the sentence is one of detention and has at least six months to run at the time the application is made, and providing the offence is one which fulfils the conditions laid down in sub-paragraph (1). In such cases, application for the transfer must be made within two months of the coming into force of this Convention.

(4) The Prussian or Polish Department of Justice, as the case may be, shall decide who are the proper authorities to take over the execution of the sentence.

*Paragraph 9.*

Combined sentences, the component portions of which have been awarded partly by courts in the ceded territory and partly by courts remaining in the German Empire, shall be executed by the State which, having regard to the total amount of the separate sentences awarded by its own courts, is responsible for the largest share in the combined sentence, or, if both States are responsible for an equal share, by the State which shall first begin, or has already begun, to carry out the sentence. The principles laid down in paragraph 8 apply in such cases.

*Paragraph 10.*

(1) If a sentence, coming under the terms of this Convention, cannot be carried out by the State which is competent to execute it because the person sentenced is residing in the other State and is a national of that State, or because his property, in the case of a person sentenced to a fine, is situated in the other State, the latter State shall, on the application of the former, take over the execution of the sentence, provided that the act which has given rise to the sentence is an offence under its own laws. The Polish or Prussian judicial administration, as the case may be, shall decide who are the proper authorities to carry out the sentence.

(2) Fines shall remain the property of the State which has recovered them.

*Paragraph 11.*

(1) The right of pardon shall, in all cases, be transferred, together with the right of executing a sentence, to the State taking over the latter duty.

(2) In no circumstances shall the cost of executing a sentence be refunded.

(3) In connection with the handing over of accused or convicted persons, the party handing over the prisoners shall bear all the expenses down to the moment of surrender, including the costs of the return journey of the officials making the surrender, and the party taking over the prisoners shall be responsible for the costs of the journey of the officials taking custody of the prisoners and of the further transportation, subsequent to their transfer, of the prisoners who have been surrendered.

*Paragraph 12.*

(1) The German and Polish Public Prosecutors and courts shall render legal assistance to each other in all matters arising out of this Convention.

(2) Nevertheless, nationals of one State shall not be handed over to the other State for prosecution or punishment, nor shall witnesses and experts, nationals of one State, be compelled to appear before the authorities of the other State.

*Paragraph 13.*

(1) Penal records compiled in the assize court districts referred to in paragraph 1 shall be kept until further notice by the registration authorities hitherto responsible for them, or, should these registration authorities have been suppressed, the compilation of such records shall be taken over by the German or Polish registration authorities in the district in which the previous registration authority had its official seat.

(2) Information contained in the registers shall be given to the judicial and other public authorities of both States, on their application, free of cost.

(3) Penal records which one State has no further interest in preserving in its registers shall be gradually extracted in pursuance of a further Agreement to be concluded between the judicial Administrations of the German Empire and Poland, and shall be placed at the disposal of the other State.

*Article 3.*

VOLUNTARY JURISDICTION.

*Paragraph 1.*

The provisions of paragraphs 2-8 hold good in regard to matters concerning voluntary jurisdiction in the assize court districts which passed, on the coming into force of the Treaty of Peace, either wholly or in part into the possession of Poland.

*Paragraph 2.*

(1) As regards proceedings of a voluntary nature which have not yet been concluded, final judgment will be given by the court before which the proceedings are pending, or, if such court has ceased to exist, by the German or Polish court of the same competence in whose district the seat of that court is situated.

(2) Nevertheless, the Court shall transfer the suit to a court of the same competence in the other State in cases in which the latter would be the competent court if the proceedings had not been instituted before the date of the coming into force of this Convention. If both a German and



a Polish Court would be competent to try the case at that date, the suit shall only be transferred if the person on whose nationality the competence of the court depends should belong, at that date, to the other State, or if one of the parties to the suit should demand the transfer and all the other parties should agree thereto. The provisions of Article 1, paragraph 5, sub-paragraphs (1), (3), (4), are applicable in such cases.

*Paragraph 3.*

(1) Land registration offices which possess land registers containing entries regarding land situated in the territory of the other State shall hand over the said land registers to the competent land registration offices of the other State. The date on which a register is handed over shall be publicly announced.

(2) Official acts which have been undertaken by a land registration office coming under the provisions of sub-paragraph (1), before the coming into force of this Convention, cannot be challenged on the ground that the office in question had no jurisdiction in the locality.

(3) If only a portion of a volume of a land register is to be handed over to the land registration office of the other State, or if a sheet of a land register does not refer exclusively to land situated in the territory of one of the two States, the procedure to be adopted is determined by the provisions in the Annex.

*Paragraph 4.*

(1) Court records shall continue to be kept by the court which has hitherto compiled them or, if such court has ceased to exist, by the German or Polish court in whose district this court was situated.

(2) When, however, at the time of the coming into force of this Convention, the conditions are such that a court of the other State would be competent to compile the records, certified extracts from the records shall be handed over to the court in question. It shall be a matter for agreement between the Prussian and Polish Departments of Justice whether in certain special cases, in lieu of the above procedure, the records themselves may be handed over, certified extracts being retained by the Court which has hitherto compiled them.

(3) The date of transfer shall be publicly announced.

(4) The provisions of paragraph 3, sub-paragraph (2), are applicable in such cases.

*Paragraph 5.*

Wills and deeds of settlement shall remain in the possession of the court which has taken them into official custody, or, if such court has ceased to exist, by the German or Polish court in whose district the court was situated. Nevertheless, until December 31, 1921, German testators or grantors may demand the transfer of the above documents to a German court and Polish testators or grantors may demand the transfer to a Polish court,

*Paragraph 6.*

(1) Judicial documents shall remain in the custody of the court which has possession of them, or, where such court has ceased to exist, of the German or Polish court in whose district that court was situated.

(2) The same applies in the case of notarial documents in the custody of the courts (original documents, registers, etc.). If, however, the former office of the notary is situated in the territory of the other State, the papers shall be handed over to that court of the other State in whose district the former office of the notary was situated.

*Paragraph 7.*

Written statements, certified copies and extracts from court and notarial documents, including title deeds and extracts from testamentary dispositions, can be claimed, in accordance with the law hitherto in force, by the authorities or the notary who have custody of the original documents. The same applies to the exhibition of certificates of all kinds.

*Paragraph 8.*

(1) Courts shall afford each other direct legal assistance to the greatest possible extent in order to facilitate the transfer. The above applies especially to the issue of certified copies from land registers, registers, title and settlement deeds.

(2) As regards cases which are transferred, Germans shall be treated on the same footing as natives by Polish courts and Poles by German courts, in regard to questions of suing *in forma pauperis* and payment into court (*Vorschusspflicht*).

*Paragraph 9.*

(1) If an estate in trust is situated entirely in one of the two States, the trust shall be subject to the laws of that State.

(2) If the property in trust is situated partly in one and partly in the other State, the Prussian and the Polish Administrations shall by agreement decide on such modifications as shall become necessary in regard to State control over the trust in consequence of the transfer of the judicial administration. Accordingly, trusts which cover other kinds of property in addition to real estate shall, in respect of the value and destination of the separate component parts, be subjected as a general rule to the laws of the State in whose district the real estate appertaining to the trust is situated. Should no arrangement be made within two years of the coming into force of the present Convention, the respective Governments, provided the period is not extended as a result of an agreement, shall retain all their rights.

(3) No modifications shall be made in the provisions of the Treaty of Peace. The question of the restitution of property at present in Germany shall not be affected.

*Article 4.*

FINAL PROVISIONS.

*Paragraph 1.*

(1) Court documents shall be handed over to the judicial authority which has to continue the case in question in accordance with the above provisions for transfer.

(2) Documents in the nature of records shall remain in the possession of the judicial authority in whose custody they were at the time of the coming into force of this Convention, or, if such authority has been suppressed, in the custody of the German or Polish authority in whose district the official seat of that judicial authority was situated. Should it occur that proceedings to which the documents relate have to be reopened and dealt with by an authority of the other State, in accordance with the above provisions for the transfer of cases, the documents shall be handed over to the authority concerned.

*Paragraph 2.*

(1) Should it occur, under the provisions of this Convention, that proceedings which have been commenced are transferred to a court of the other State, the latter State shall collect the whole

of the outstanding costs of the proceedings ; the State which transfers the case shall not be entitled to a refund of the costs incurred up to the time of the transfer.

(2) Similarly, the costs of affording legal assistance, as provided in this Convention, shall not be refunded.

*Paragraph 3.*

The date of the transfer of the judicial administration shall, for the purposes of the present Convention, be reckoned to be January 1, 1920, and, when territories allotted to Poland under the Treaty of Peace have been occupied by Poland after January 1, 1920, the day of the execution of the protocol of transfer.

*Paragraph 4.*

If a person who has had to make a declaration on the other side of the frontier line within a given time has been unable, through no fault of his own, to do so within the time specified, he shall, upon application, be placed in the same position as though the period had not elapsed. In this case, the period within which application is to be made shall not expire until at least one month after the coming into force of the present Convention.

*Paragraph 5.*

If jurisdiction in a matter to be transferred to a German authority in accordance with the present Convention rests, not with Prussia but with another State forming part of the German Empire, the judicial administration of that State shall take the place of the Prussian judicial administration.

*Paragraph 6.*

It shall remain open to the Prussian judicial administration, acting on behalf of the Empire, and to the Polish judicial administration, to conclude a further agreement as regards the details connected with the transfer and, in particular, with regard to questions concerning deposits, for the purpose of carrying out the present Convention.

*Article 5.*

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Berlin as early as possible.

(2) The Convention shall come into force at the end of the calendar month after the exchange of the instruments of ratification.

(3) In witness whereof the plenipotentiaries have signed this Convention, and have thereto affixed their seals.

(4) Done in duplicate at Posen on September 20, 1920.

(Signed) DR. CRUSEN.

(Signed) DR. ZYGMUNT SEYDA.

(Signed) DR. PRADZYNSKI.

## ANNEX

TO ARTICLE 3, PARAGRAPH 3, SUB-PARAGRAPH 3, OF THE GERMAN-POLISH CONVENTION REGARDING THE TRANSFER OF THE JUDICIAL ADMINISTRATION.

*Paragraph 1.*

In so far as land registers in a land registration office deal with real estate situated in the territory of the other State, the following provisions shall apply:—

*Paragraph 2.*

If all the sheets of a volume of a land register refer to real estate situated in the territory of the other State, the volume shall not be closed, but shall be held in readiness for transfer to the other State. It shall be decided by agreement between the two judicial administrations when the transfer is to be carried out.

Where an entire area covered by a land register is situated in the territory of the other State, the title-deeds and specially preserved documents (Standing Regulations for the registries of district courts, paragraph 46), together with the land register, and also survey papers relating to the registry area and the list of owners (Standing Regulations, paragraph 45, sub-paragraph (6), paragraph 47) shall be held in readiness to be handed over with the volume of the land register. The same provisions shall apply in the case of estates having no land registry sheets corresponding to the papers relating to them.

Title-deeds shall be examined to ascertain whether they include registration certificates, powers or other documents relating to real property situated in the territory of the State handing over the documents. If so, certified copies of the documents referring to such real property shall be made.

*Paragraph 3.*

Should separate sheets of a register apply to real property situated in the territory of the other State, such sheets shall be detached and put together in a "Transfer Volume" to be provided with a plain cover, and shall be supplied with new serial numbers.

Sheets relating to different land registration areas may also be included in one and the same Transfer Volume. If the number of the sheets renders such a course necessary, several transfer volumes will be prepared, the sheets of which will be numbered consecutively.

If the removal of the sheets appears likely to damage the land registration volume too seriously, or if, for other reasons, it appears inadvisable to detach the sheets, because only a few leaves are to be removed or the entries on a sheet are, for lack of space, continued in other parts of the same or another volume, the leaves which it was proposed to detach may be cancelled. The particulars contained thereon shall be transcribed on new sheets of the Transfer Volume.

The provisions of paragraph 2 shall apply to the Transfer Volume.

If, in view of the fact that by far the larger number of sheets relate to real property situated in the territory of the other State, it appears more convenient to hand over the entire volume, the sheets relating to real property situated in the territory of the State handing over the volume shall be cancelled. Their contents shall thereupon be transferred to a new sheet of a volume which is to remain in possession of the land registration office. The transfer of volumes of the land register which have been removed can, in such cases, be demanded by the Polish administration of justice.

*Paragraph 4.*

If a sheet of a land register contains entries relating to several estates, some of which are situated in the territory of the State transferring the documents, and the others in the territory of the other State, particulars relating to the latter estates shall forthwith be copied on a new sheet of the Transfer Volume.

If only a portion of an estate is situated in the territory of the other State, particulars regarding such portion shall forthwith be copied on a new sheet of the Transfer Volume. Entries may be copied even where, in respect of the portion of the estate situated in the State transferring the documents, there exists only a certified extract from the tax rolls and a map certified by the registration officials.

In cases coming under sub-paragraphs 1 and 2, when the entries in the second and third columns are transferred, it is to be made clear, both on the old and the new sheets, that the particulars refer to a single estate. The copy shall be brought to the notice of all persons whose names appear on the land register and on whose behalf an entry was made. The right to receive such notice may be renounced. New title-deeds shall be drawn up for the new sheet. The existing title-deeds shall remain in the possession of the land registration office. In such cases the provisions of paragraph 2, sub-paragraph 3, shall apply.

If, in view of the fact that the entries relate for the most part to estates or portions of estates situated in the territory of the other State, it appears more advantageous to transfer the entire sheet, particulars of the estates or portions of estates in the territory of the State handing over the sheet shall be copied on a new sheet of a volume to be retained at the land registration office. The provisions of sub-paragraph 2, sentence 2, and sub-paragraph (3), shall apply in such cases.

(Signed) DR. CRUSEN.

(Signed) DR. ZYGMUNT SEYDA.

(Signed) DR. PRADZYNSKI.