

N° 997.

HONGRIE
ET ROYAUME DES SERBES,
CROATES ET SLOVÈNES

Accord relatif à l'échange mutuel
des documents d'ordre adminis-
tratif et des archives, signé à
Budapest, le 14 décembre 1924.

HUNGARY AND
KINGDOM OF THE SERBS,
CROATS AND SLOVENES

Agreement regarding the Reciprocal
Exchange of Administrative Docu-
ments and Archives, signed at
Budapest, December 14, 1924

TEXTE ALLEMAND. — GERMAN TEXT.

No. 997. — ÜBEREINKOMMEN¹ ZWISCHEN DEM KÖNIGREICHE UNGARN UND DEM KÖNIGREICHE DER SERBEN, KROATEN UND SLOVENEN, BETREFFEND DEN GEGENSEITIGEN AUSTAUSCH DES ADMINISTRATIVEN SCHRIFTENMATERIALS UND DER ARCHIVE, GEZEICHNET IN BUDAPEST, AM 14. DEZEMBER 1924.

Texte officiel allemand communiqué par le Représentant du Gouvernement Royal Hongrois auprès de la Société des Nations. L'enregistrement de cet Accord a eu lieu le 20 novembre 1925.

German official text communicated by the Representative of the Royal Hungarian Government accredited to the League of Nations. The registration of this Agreement took place November 20, 1925.

Artikel 1.

DAS KÖNIGREICH UNGARN verpflichtet sich im Sinne des Absatzes 1. des Artikels 77 des Staatsvertrages von Trianon dem Königreiche der Serben, Kroaten und Slovenen alles in den folgenden Artikeln bezeichnete Schriftenmaterial auszufolgen welches ausschliesslich zu den Zivil-, Militär-, Finanz-, Justiz- und anderen Verwaltungen des dem Königreiche der Serben, Kroaten und Slovenen abgetretenen Gebietes gehört und welches sich in den Archiven und Registraturen der kgl. ung. Zentralbehörden und der ihnen angegliederten administrativen Zentralstellen und administrativen Anstalten, sowie aller jener ungarischen staatlichen und autonomen-Provinzialbehörden befindet, deren Verwaltungstätigkeit sich auf das erwähnte abgetretene Gebiet erstreckt hat.

Artikel 2.

Das Königreich der Serben, Kroaten und Slovenen verpflichtet sich im Sinne des Artikels 178. des Staatsvertrages von Trianon an das Königreich Ungarn alles Schriftenmaterial auszufolgen, welches sich ausschliesslich und unmittelbar auf die Verwaltung und Geschichte des ung. Staatsgebietes bezieht und welches sich auf dem an das Königreich der Serben, Kroaten und Slovenen abgetretenen Gebiete befindet.

Artikel 3.

Unter dem Begriffe « Schriftenmaterial » sind zu verstehen :

Archiv- und Registraturakten (Exhibite, Referate, Konzepte, Äusserungen, Gutachten, Verhandlungsprotokolle, eventuell noch unerledigte oder nicht expedierte Stücke, samt allen dazu gehörigen Beilagen aller Art, ungeachtet ob sie geschrieben, gedruckt oder auf eine andere Weise vervielfältigt sind) ;

¹ L'échange des ratifications a eu lieu à Budapest, le 7 avril 1925.

¹ The exchange of ratifications took place at Budapest, April 7, 1925.

TRADUCTIONS — TRANSLATIONS

¹ TRANSLATION.

No. 997. — AGREEMENT BETWEEN HUNGARY AND THE KINGDOM OF THE SERBS, CROATS AND SLOVENES REGARDING THE RECIPROCAL EXCHANGE OF ADMINISTRATIVE DOCUMENTS AND ARCHIVES, SIGNED AT BUDAPEST, DECEMBER 14, 1924.

Article 1.

THE KINGDOM OF HUNGARY undertakes, in accordance with paragraph 1 of Article 77 of the Treaty of Trianon, to hand over to the Kingdom of the Serbs, Croats and Slovenes all the documents mentioned in the following articles which belong exclusively to the civil, military, financial, judicial and other administrations of the territory ceded to the Kingdom of the Serbs, Croats and Slovenes and which are contained in the archives and registries of the Royal Hungarian central authorities, the administrative offices and institutions attached to them and those Hungarian provincial administrations, both national and autonomous, whose sphere of activity extended to the above-mentioned ceded territory.

Article 2.

The Kingdom of the Serbs, Croats and Slovenes undertakes, in conformity with Article 178 of the Treaty of Trianon, to give up to the Kingdom of Hungary all documents referring exclusively and directly to the administration and history of Hungarian national territory which are contained in territory ceded to the Kingdom of the Serbs, Croats and Slovenes.

Article 3.

The term " documents " is to be understood to comprise the following :

Acts and deeds contained in archives and registries (exhibits, reports, drafts, declarations, opinions, minutes, papers relating to affairs still pending or not yet dispatched, together with all annexes thereto of every sort, whether written, printed or otherwise duplicated) ;

Registers (public and official books, such as land registers, trade registers, mining registers, railway books, etc., and tables of contents, indexes, registers of incoming and outgoing documents, lists, catalogues, accounts, cash references, statistical tables, etc.) ;

Plans (maps, drawings, schemes, surveys, negatives, sketches, plans in relief, studies, programmes, descriptions and any existing copies and originals on tracing paper) ;

Title-deeds and legal documents (documents of every kind such as foundation deeds, public or private contracts, deeds of concession, statutes, deeds of transfer, certificates, accounts and vouchers) ;

All these documents shall be handed over irrespective of the material with and upon which they have been drawn up.

¹ Translated by the Secretariat of the League of Nations.

Article 4.

Plans and other material relating to draft schemes, in so far as such documents were prepared by State offices having their seat on Hungarian territory and in so far as these documents relate to work which exclusively concerns territory ceded to the Kingdom of the Serbs, Croats and Slovenes and not begun before the end of October 1918, can be demanded on payment of their present-day value in each particular case. The Royal Hungarian Government accepts no responsibility for the execution of this work even in the case of the delivery of these plans and other material relating to draft schemes.

Article 5.

According to the provisions of Article 1 of the present Agreement, all documents are to be handed over dating between January 1, 1886, and October 30, 1918. As regards documents belonging to the administration of the former Croat-Slavonian territory, earlier documents shall in concrete cases and on request be handed over, dating back as far as the coming into force of the Hungarian-Croat Agreement of 1868.

In so far as documents referring exclusively to former Croat-Slavonian territory form independent sections in the registries of certain offices, the documents of these sections shall be handed over back to the year 1868. Documents of the former Royal Hungarian Ministry for Croatia-Slavonia and Dalmatia, in so far as they do not relate to joint or exclusively Hungarian questions, shall be handed over to the Government of the Kingdom of the Serbs, Croats and Slovenes.

In accordance with Article 2, all documents must be handed over which refer to the period between January 1, 1898, and October 30, 1918.

Earlier documents shall not as a rule be given up but may be lent for a period to be fixed in each particular case.

Article 6.

As regards applications for earlier original documents which have created legal relationships that still remain valid, an agreement shall be concluded in the case of each particular document.

If there are in the different archives any official sketches, duplicates, extracts or copies of originals that have to be handed over, such sketches, duplicates, extracts, and copies shall remain where they are.

Article 7.

Each of the Contracting Parties undertakes to hand over to the other ordinary or certified copies of those documents which also refer to the administration of the Party in possession of the document and which, therefore, cannot be given up without prejudicing that Party.

These copies shall be handed over at the cost of the applicant Party free of stamp and certification fees. Copies shall be certified by the authorities making them out.

Should it not appear expedient to make copies, the original documents shall be furnished but shall be returned after a period to be fixed in each particular case.

The provisions of this article may not be applied to those documents which exclusively concern the territory of Hungary as delimited in the Treaty of Trianon or those parts of the Kingdom of the Serbs, Croats and Slovenes which did not belong to the territory of the former Austro-Hungarian Monarchy.

Article 8.

The fact that documents which have to be given up in conformity with the preceding articles have been removed from the place in which they were originally kept or have been deposited in libraries, museums, etc., does not absolve the Parties from the obligation to deliver them up if such documents are within the territory of the delivering Party.

Article 9.

In order to effect the exchange, the delivering Party shall begin to select the documents in question as soon as the present Convention comes into force.

Within six months from this date, detailed lists of the documents, classified as far as possible, shall be submitted to the applicant Party with the request that the latter shall send authorised representatives to take delivery.

Deliveries shall be as far as possible continuous.

The documents shall be handed over directly by the Central Offices of the Party making delivery to the Central Offices of the applicant Party, except in so far as special provisions may be made in respect of particular classes of documents.

Delivery shall be made to the authorised representatives of the accepting Party within six months of application being made, without prejudice to the consideration of later claims.

The applicant Party shall have the right to submit lists of those documents which it more particularly requires, and these shall be handed over without delay.

Article 10.

The receiving Party shall at its convenience communicate to the other Party the names of the authorities deputed to take over the documents (archivists and other representatives of State administration and State services); they shall not exceed three at any given time for any one branch of administration, but their number may if necessary be increased with the assent of both Governments. The receiving Party shall provide them with official papers of legitimation, which must be endorsed by the Ministry for Foreign Affairs of the delivering Party. The representatives duly authorised in this manner shall be entitled to ensure that the material to be handed over is complete by inspecting the registers of incoming documents and indexes.

Documents relating to those archives which concern exclusively the administration of the delivering Party and documents belonging to confidential departments shall not be accessible to the said representatives.

Should the selection of documents be unsatisfactory the said representatives may request that the material to be handed over shall be completed.

In the event of differences of opinion, the matter under dispute shall be settled through the diplomatic channel if it is impossible to arrive at a friendly agreement.

Article 11.

The documents shall be delivered free of charge and without any change whatever being made in their contents or composition.

The recipient Party shall transport the documents thus delivered at its own expense. Delivery shall be free of any kind of duty or charge, and the delivering Party shall place no obstacles in the way of such delivery.

The cost of sending authorised persons to supervise and accept deliveries shall be borne by the State which sends them.

Article 12.

The authorised representatives of the Contracting Parties deputed to supervise and accept the delivery of documents to be handed over shall be required to observe the strictest official secrecy.

The results of the work of these representatives may not be published without the consent of both Contracting Parties until ten years after the coming into force of the present Agreement.

In publishing this work for scientific or other purposes these representatives shall be required to observe the existing service regulations and orders relating to the use that may be made of the archives and registers in question.

Article 13.

The Contracting Parties undertake to leave the documents referred to in Article 5 in their present condition until the final execution of the present Agreement, in order that the applicant Party may have the opportunity of safeguarding its interests in case it has been or may be decided to destroy any documents as being worthless.

If the applicant Party makes no protest against the proposed destruction within six months of being notified thereof, the destruction may be proceeded with.

Article 14.

Should the documents to be handed over in accordance with Article 1 or 2 also concern the administration of a third State, these documents shall remain in the keeping of the delivering Party until the States concerned have concluded an agreement with regard to their delivery and have notified the delivering Party thereof.

Article 15.

Annexes I to VII dealing with documents referring to the railways, the postal, telegraph and telephone services, roads and waterways, the cadastral offices, the hydrographical, hydrotechnical, agronomical and meteorological services and Army departments, together with documents relating to legal files, land registers, and registers of births, marriages and deaths, shall form an integral part of the present Agreement.

In so far as the above-mentioned Annexes contain no special provisions and in so far as the reciprocal exchange of the documents belonging to any branch of the administration is not regulated by an annex, the provisions of the present Agreement shall apply.

Done in duplicate at Budapest on December 14, 1924.

(Signed) WODIANER.

(Signed) POPOVITCH.

ANNEX I.

REGARDING RAILWAY DOCUMENTS.

Article I.

In accordance with the provisions of Article I of this Agreement, the Kingdom of Hungary undertakes to hand over to the Kingdom of the Serbs, Croats and Slovenes the documents specified below belonging to the railway administration, in so far as they refer to the present territory of the Kingdom of the Serbs, Croats and Slovenes :

- (1) The concession deeds of all the lines, and all documents referring to the granting of concessions.
- (2) All technical plans employed in connection with the administration or control of works of construction.
- (3) Corrected plans of stations.
- (4) Plans of workshops and of other buildings and installations not included in the technical plans referred to under (2).
- (5) A complete collection of regulations (sub-structures, superstructures and water-stations) for each of the railways in Categories I, II and III.
- (6) Plans of engines and waggons and their component parts which have to be handed over.
- (7) Technical studies and documents of lines under consideration but not yet constructed, in conformity with Article 4 of the present Agreement.
- (8) Minutes of the administration, operation of the lines and supervision of work on all lines.
- (9) Files and documents relating to particular lines, if asked for.
- (10) Plans, files and documents of industrial railways and lines in so far as these are not already in the possession of the Kingdom of the Serbs, Croats and Slovenes.
- (11) The personal files relating to those employees, whether still employed or pensioned, who are in the service of, or draw their pensions from, the Kingdom of the Serbs, Croats and Slovenes.
- (12) The above-mentioned material is to be handed over to the Kingdom of the Serbs, Croats and Slovenes as regards those lines which, throughout their whole length, were assigned to that Kingdom.
As regards lines divided by the frontier, those plans, papers and documents which can be divided shall be handed over reciprocally in the original, and those which are indivisible in the form of certified copies in accordance with the provisions of Article 7 of the present Agreement.
- (13) In particular, papers, files and documents which are necessary for the settlement of accounts and which refer to orders received or constructions carried out prior to the conclusion of peace, shall, at the request of either Party, be handed over, even when the articles ordered or the constructions are within the territory of the Party to whom the request is addressed.

Article 2.

The Kingdom of the Serbs, Croats and Slovenes undertakes to hand over to the Kingdom of Hungary in accordance with Article 2 of the present Agreement the whole of the material referred to in Article 1 of the present Annex.

Article 3.

The exchange of the material in question shall be effected directly through persons specially authorised by both Parties.

In order to facilitate the exchange, detailed lists shall be prepared by both Parties with regard to the material claimed.

For the rest, the provisions of Articles 9 to 14 of the present Agreement shall apply.

ANNEX II.

RELATING TO DOCUMENTS OF THE POSTAL, TELEGRAPH AND TELEPHONE SERVICES.

Article 1.

In accordance with Article 1 of the present Agreement, the Kingdom of Hungary undertakes to hand over to the Kingdom of the Serbs, Croats and Slovenes the following documents belonging to the postal, telegraph and telephone services, in so far as they refer to the present territory of the Kingdom of the Serbs, Croats and Slovenes :

(1) The personal files of those officials, whether still employed or pensioned, who are in the service of, or draw their pensions from, the Kingdom of the Serbs, Croats and Slovenes.

(2) Inventories of postal, telegraphic and telephonic material unfit for use, land registers and staff registers, and also documents, papers and accounts referring to postal questions, notes and similar documents.

Article 2.

The Kingdom of the Serbs, Croats and Slovenes undertakes, in accordance with Article 2 of the present Agreement, to hand over to the Kingdom of Hungary the whole of the material referred to in Article 1 of the present Annex.

Article 3.

The files, plans, drafts and documents which refer to a telegraph or telephone line divided by the national frontiers (as delimited in the Treaty of Trianon), or to an installation or construction situated on the frontier, shall, as regards divisible plans, papers and documents, be handed over by both sides in the original, and, as regards indivisible documents, in the form of certified copies in accordance with Article 7 of the present Agreement. ■

Article 4.

The exchange of the material in question shall be effected directly through persons specially authorised by both Parties. In order to facilitate the exchange, detailed lists shall be prepared by both sides regarding the material claimed. For the rest, the provisions of Articles 9 to 14 of the present Agreement shall apply.

ANNEX III.

DOCUMENTS RELATING TO ROADS AND WATERWAYS.

Article 1.

In accordance with the provisions of Article 1 of the present Agreement, the Kingdom of Hungary undertakes to hand over to the Kingdom of the Serbs, Croats and Slovenes all administrative files, plans, drafts and documents which are in the possession of the Kingdom of Hungary and which refer exclusively to roads and waterways which throughout their length are in the present territory of the Kingdom of the Serbs, Croats and Slovenes.

Article 2.

The Kingdom of the Serbs, Croats and Slovenes undertakes, according to Article 2 of the present Agreement, to hand over to the Kingdom of Hungary the whole of the material referred to in Article 1 of the present Annex.

Article 3.

The files, plans, drafts and documents which refer to a road or waterway divided by the frontier (as delimited in the Treaty of Trianon), or to an installation or construction situated on the frontier, shall, as regards divisible plans, papers and documents, be handed over by both Parties in the original, and, as regards indivisible documents, in the form of certified copies in accordance with Article 7 of the present Agreement.

Article 4.

The exchange of the material in question shall be effected directly through persons specially authorised by both Parties.

In order to facilitate the exchange, detailed lists shall be prepared by both sides regarding the material claimed. For the rest, the provisions of Articles 9-14 of the present Agreement shall apply.

ANNEX IV.

REGARDING LAND REGISTRY.

§ 1.

The Contracting Parties reciprocally undertake to hand over the land registry documents specified below in so far as they refer to the present territory of the Kingdom of Hungary and to territory ceded by Hungary to the Kingdom of the Serbs, Croats and Slovenes in accordance with the Treaty of Trianon and so far as these documents are in the possession of the Contracting Parties :

- (a) The files of the respective cadastral authorities and offices :
- (b) Trigonometrical records, irrespective of their date.
- (c) Studies relating to surveying, land registry and the supervision of land registry, maps, designs and sketches, studies for purposes of land taxation and fresh surveying, irrespective of when these documents were prepared.

The survey and land registry reports of communes divided by the frontier shall, as far as is physically possible, be divided (maps in sections, registers, etc. in sheets) not later than six months after the Hungarian and Serb-Croat-Slovene Frontier Delimitation Commission has started operations, and shall be handed over in the original.

Documents which it is not possible to divide shall be handed over in the original to that Contracting Party which owns the greater part of the area with which the document is concerned.

That Contracting Party which is in possession of the original undertakes to prepare and hand over copies at the request and cost of the other Contracting Party within six months of receiving such request.

§ 2.

Reproducing material (tracing paper) used for the preparation of cadastral maps and referring to territory ceded by the Kingdom of Hungary to the Kingdom of the Serbs, Croats and Slovenes, shall be handed over by the Hungarian Government at the request and cost of the Serb-Croat-Slovene Government.

§ 3.

With regard to the exchange of the documents or material referred to in §§ 1 and 2, the provisions of Articles 9, 10 and 11 of the present Convention shall apply.

ANNEX V

REGARDING HYDROGRAPHICAL, HYDROTECHNICAL, AGRONOMICAL AND METEOROLOGICAL DOCUMENTS.

Article 1.

In accordance with the provisions of Article 1 of the present Agreement, the Kingdom of Hungary undertakes to hand over to the Kingdom of the Serbs, Croats and Slovenes the documents specified below in so far as they refer to the present territory of the Kingdom of the Serbs, Croats and Slovenes :

- (1) Documents of water companies of every kind ;
- (2) Plans and drafts for the regulation of the Theiss ;
- (3) Plans and drafts for the regulation of the Danube ;
- (4) Studies, drafts and plans for the embankment and broadening of the Danube bends ;
- (5) Documents of the Agronomical and River Engineering Offices at Baja and Budapest ;
- (6) Documents relating to rivers and streams ;
- (7) Documents relating to the regulations of other rivers and to canals ;
- (8) Documents of the Meteorological Institute at Budapest ;
- (9) Kilometric and special maps ;
- (10) Official publications, books and maps in several copies ;

(11) The personal files of those employees, whether still employed or pensioned, who are in the service of or, draw their pensions from, the Kingdom of the Serbs, Croats and Slovenes ;

(12) In general, all files and documents on these questions which refer to the territory of the Kingdom of the Serbs, Croats and Slovenes, in so far as they are necessary to that Kingdom and their delivery is asked for.

Article 2.

The Kingdom of the Serbs, Croats and Slovenes undertakes, in accordance with Article 2 of the present Agreement, to hand over to the Kingdom of Hungary all documents which refer exclusively and directly to the legal and technical administration of the waters in the present Hungarian territory and which are in the possession of the Kingdom of the Serbs, Croats and Slovenes :

- (1) Documents of water companies of every kind ;
- (2) Plans and drafts for the regulation of the Theiss ;
- (3) Plans and drafts for the regulation of the Danube ;
- (4) Studies, drafts and plans for the embankment and broadening of the Danube bends ;
- (5) Documents relating to rivers and streams ;
- (6) Documents relating to the regulation of other rivers ;
- (7) Kilometric and special maps ;
- (8) Official publications, books and maps in several copies ;
- (9) The personal files of those employees, whether still employed or pensioned, who are in the service of, or draw their pensions from, the Kingdom of Hungary ;

(10) In general, all files and documents on these questions which refer to the territory of the Kingdom of Hungary, in so far as they are necessary to that Kingdom and their delivery is asked for.

Article 3.

The date as from which the documents claimed must be handed over shall be determined by the provisions of Article 5 of the present Agreement. A special agreement shall be concluded in cases where for administrative reasons it is necessary to postpone the date.

In the case of water companies whose works are divided by the frontier, the original document shall as a rule remain in the hands of that Party to which the greater part of the area in question belongs, but the less-interested Party shall at its own request and cost receive a certified copy of the original.

These companies may conclude special agreements with one another as to the retention of the original document, submitting these agreements for the approval of their Governments.

As regards State buildings, those plans, documents and papers which can be divided shall reciprocally be handed over in the original ; those which cannot be divided, in the form of certified copies in accordance with the provisions of Article 7 of the present Agreement.

Article 4.

The exchange of the material in question shall be effected directly by persons specially authorised by both Parties. In order to facilitate the exchange, detailed lists shall be prepared by both Parties with regard to the material claimed. For the rest, the provisions of Articles 9 to 14 of the present Agreement shall apply.

ANNEX VI

REGARDING MILITARY DOCUMENTS.

Article 1.

In accordance with Article 1 of the present Agreement, the Kingdom of Hungary undertakes to hand over to the Kingdom of the Serbs, Croats and Slovenes the military documents referred to below in so far as they relate to the present territory or to the nationals of the latter State :

- (1) Records or personal files of officers and non-commissioned officers in the active army and the reserve.
- (2) Officers' and men's personal records and confidential conduct sheets and documents referring to decisions by higher authorities, together with the annexes referring to officers and non-commissioned officers.
- (3) Records of courts-martial in the field and behind the lines dating back to the time of the Great War.
- (4) Documents of former depot units transferred to other depots within the present-day territory of the Kingdom of the Serbs, Croats and Slovenes.
- (5) All plans, documents and other notes referring to all kinds of military construction.
- (6) The plans of the monitors *Bodrog, Boszna, Ens* and *Körös*.

Article 2.

The Kingdom of the Serbs, Croats and Slovenes undertakes to hand over to the Kingdom of Hungary in accordance with Article 2 of the present Agreement the material referred to in Article 1, Nos. 1-5, of this Annex.

Article 3.

With regard to other military documents, the same provisions apply as to the documents of other Government departments.

Article 4.

The Contracting Parties undertake, in accordance with Article 156 of the Treaty of Trianon to hand over to one another the lists and information prescribed in Nos. 1 and 2 of that article.

Article 5.

The exchange of the material in question shall be effected directly by persons specially authorised by the two Parties.

In order to facilitate the exchange, detailed lists shall be prepared by both Parties with regard to the material claimed.

For the rest, the provisions of Articles 9-14 of the present Convention shall apply.

ANNEX VII

REGARDING THE EXCHANGE OF LEGAL FILES AND LAND REGISTERS.

I.

LEGAL FILES.

Article 1.

Files of civil cases, whether before courts of the first or of a higher instance, which at the time of the coming into force of the present Agreement are not yet finally concluded, shall, if in conformity with the legal regulations common to both Parties a specific court is competent to deal with them, be handed over without further formalities to that court of the same instance in the country of the other Contracting Party which would have been competent if the action in question had been begun on the above-mentioned date.

The surrender of the files may be refused in civil cases exclusively subject to national jurisdiction (for example, questions relating to the status of nationals of the country).

Article 2.

If no one court is exclusively competent, and if paragraph 2 of Article 1 does not provide to the contrary, the following provisions shall apply :

- (a) At the joint request of both parties or all the parties concerned, the case shall be handed over without further hearing to the court of the other Contracting Party specified in the application, if such court is also competent.
- (b) If a court of the same instance in the country of the other Contracting Party would have been competent if the proceedings had been begun after the entry into force of the present Convention, either Party may apply for the case to be handed over to such court. The request shall not be granted if at that time a court in the country of the Contracting Party otherwise liable to hand over the case was also competent, and if the other party in the case opposes the transfer.

Article 3.

If there is no agreement regarding the application, the parties shall be heard before the decision is given. The costs of these proceedings shall be regarded as a part of the costs attaching to the case in question.

The application may be made in writing or orally either to the court up to that time dealing with the case or to that court which in accordance with the present Agreement is competent to take over the case. The court of the other Contracting Party which is dealing with the case must be immediately informed of such application.

In pending cases the application must be made not later than at the first hearing of the case subsequent to the coming into force of the present Agreement, but in other cases within three months of the publication of that Agreement.

There shall be no appeal against the decision ordering the transfer.

Article 4.

The transfer of legal files may be refused, in matters relating to succession and in bankruptcy proceedings, if there is within the country estate or assets in bankruptcy with regard to which the national court has to give a decision.

Article 5.

The files of criminal cases, whether of the first or of a higher instance, on which at the time of the coming into force of the present Agreement judgment has not yet finally been given, shall be handed over by both Parties without further formalities :

(1) if the accused is a national of the recipient State and is resident in the territory of that State ;

(2) if the accused is a national of the recipient State, if he is resident in the territory of a third State and if the offence was committed outside the present territory of the State which has to make the delivery :

(3) if the accused is a national of neither of the Contracting Parties, and is resident in the territory of a third State, but if the offence was committed on the present territory of the recipient State. In this case, however, the delivery of the files cannot be demanded if the accused is resident in his own country.

These provisions shall also apply when the judgment has been given but has not yet been executed.

In all those cases in which, according to the existing regulations in the matter, extradition cannot be ordered, the handing-over of the files may be refused.

The question of appeal is determined by the provisions of the last paragraph of Article 3.

Article 6.

The files of civil and criminal cases upon which final judgment has been given at the time of the coming into force of the present Agreement shall in each particular case be handed over at the request of the other Contracting Party in accordance with Articles 1-5.

Article 7.

If files which, according to Articles 1-6, must be handed over to the other Contracting Party refer to questions in which the national authorities (courts) are alone competent, certified copies of these files shall be sent to the recipient State at its request and expense.

Article 8.

The handing-over of files shall be effected directly between the Ministry of Justice of the applicant Party and the Ministry of Justice of the Party from which the files are claimed.

Difficulties arising with regard to the exchange of files shall be settled through the diplomatic channel.

II.

LAND REGISTERS.

Article 9.

Land registration documents (reports and sketches) in the possession of the courts (or administrative authorities) of one of the Contracting Parties which refer to landed property situated entirely in the territory of the other Contracting Party must be handed over to that Contracting Party in the original.

If a land registration document (report) refers to land situated in the territory of both Contracting Parties or in the territory of the Contracting Party whose court (or administrative authority) has possession of the document (report) in question, certified copies shall be handed over to the other Contracting Party at the cost of that Party.

Should land registration documents (reports) due to be handed over in the original be lost through the fault of some authority in the country of the Contracting Party responsible for handing the documents over, the cost of replacing them shall be borne by that Contracting Party.

Copies (or sketches) shall be made on the paper customarily used for that purpose in order that registration may continue in the usual manner.

Article 10.

In addition to land registration documents (reports), all unclassified papers referring to entries in the registration documents (reports) shall be handed over. If these papers refer to land situated in the territory of the Contracting Party responsible for handing over the documents, such Party shall have the right to hand over certified copies, instead of the originals, prepared at the cost of the other Contracting Party.

Article 11.

The provisions contained in the foregoing Articles (9 and 10) shall apply *mutatis mutandis* to the land registers of the railways and canals kept by the central land registration office at Budapest, and also to the mining registers and to all documents referring to the registers just mentioned. If there are difficulties in the way of separating some register which has to be handed over in the original from other registers, the provisions of the second paragraph of Article 9 shall apply.

With regard to the handing-over of sketches of the central land registers, the term "land" must be understood to mean the various communes intersected by the railway lines and canals.

The provisions of paragraphs 3 and 4 of Article 9 shall apply *mutatis mutandis*.

Article 12.

The selection and delivery of the land registers and documents to be handed over in accordance with the foregoing provisions shall be effected within six months at most, and any copies to be supplied shall be prepared and handed over within twelve months at most of the coming into force of the present Agreement.

A detailed list of the land registers, documents and copies to be handed over, shall be prepared in duplicate, one copy of such list to be retained by the authority preparing the list, the other to be handed over to the authority appointed to accept delivery.

The land registers, documents and copies to be handed over shall be delivered to the persons authorised for this purpose by the Ministry of Justice of the recipient State, at the place where the land registers and documents have hitherto been kept.

The persons authorised to accept delivery shall have the right to inspect land registration lists, records of outgoing documents and indexes in order to ascertain that the documents handed over are complete. If a dispute arises with regard to the handing over of the documents, it shall be submitted to the Ministry of Justice in the delivering State, unless it can be settled directly between the Parties.

The cost of handing over and transporting the documents delivered shall be borne by the recipient State.

Article 13.

If land registration documents (reports), papers or copies are not handed over within the time-limits provided in paragraph 1 of Article 12, the Court (or administrative authority) responsible for delivery shall, if requested, take the necessary measures to examine such request immediately and, if necessary, at once to comply with it.

III.

MATTERS RELATING TO THE DIVISION AND AMALGAMATION OF PARCELS OF LAND.

Article 14.

All documents and technical studies which refer to questions of land division and amalgamation, either already settled or still pending, and which are in the custody of the courts (or administrative authorities) of the Contracting Parties, and also cadastral documents upon which such division or amalgamation is based and which refer exclusively to immovable property situated in the territory of the other Contracting Party, shall be handed over to that Party in the original.

If the documents and technical studies mentioned in the foregoing paragraph refer to immovable property situated in the territory of both Contracting Parties, that Contracting Party whose court (or administrative authority) is in possession of the material in question shall, on request, hand over certified copies to the other Contracting Party.

ANNEX VIII

REGARDING REGISTERS OF BIRTHS, MARRIAGES AND DEATHS.

§ 1.

Original registers of births, marriages and deaths and duplicates of these documents shall remain in the possession of that Contracting State in whose territory the registration area to which they refer has been incorporated throughout its whole extent in virtue of the Treaty of Trianon.

Should the registration area be intersected by the frontier as delimited by the Treaty of Trianon, the originals of birth, marriage and death registers shall be kept by the State which exercises sovereignty over the seat of the central office headquarters of the registration area, while the duplicates kept by the municipal archives shall be deposited with the other State.

§ 2.

Should the originals have been removed from the central office of the registration area in question or the duplicates from the municipal archives, the State responsible for their safe-keeping must take measures for their restitution in conformity with § 1.

§ 3.

Should the originals or copies belonging to a registration area which is intersected by the frontier as delimited by the Treaty of Trianon be lost or destroyed, that State which, in accordance

with the foregoing paragraph, is in possession of the original or the copy shall be required at the request of the other State to hand over free of charge and without delay a duly certified copy of the document in its possession.

§ 4.

The foregoing provisions shall also apply to documents referring to subsequent entries and corrections in the registers of births, marriages and deaths.

§ 5.

The above provisions shall also apply to the reciprocal handing-over of copies of certificates of births, marriages and deaths kept by the churches of the various denominations, dating from 1868 to 1895, and kept in the archives of municipalities divided by the Treaty of Trianon.

§ 6.

The exchange of registers of births, marriages and deaths and of the documents relating thereto shall be effected as follows :

The Party responsible for their safe keeping shall collect the documents due to be delivered to the other Party and shall hand them over to that Party, together with detailed lists, within six months of the coming into force of the present Agreement. All subsequent demands by the recipient Party shall be satisfied by the other Party within three months of such demand being received.

The Ministries of the Interior of the two Contracting Parties shall enter into direct relations in order to ensure the execution of this measure.

In the event of differences of opinion which cannot be settled by the two Ministries, the matter under dispute shall be settled through the diplomatic channel.