

N° 1538.

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**HONGRIE  
ET TCHÉCOSLOVAQUIE**

Arrangement concernant la remise des  
actes administratifs. Signé à Buda-  
pest, le 3 juin 1927.

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**HUNGARY  
AND CZECHOSLOVAKIA**

Agreement regarding the reciprocal  
Exchange of Administrative Docu-  
ments. Signed at Budapest, June 3,  
1927.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 1538. — AGREEMENT<sup>2</sup> BETWEEN THE CZECHOSLOVAK REPUBLIC AND THE KINGDOM OF HUNGARY REGARDING THE RECIPROCAL EXCHANGE OF ADMINISTRATIVE DOCUMENTS. SIGNED AT BUDAPEST, JUNE 3, 1927.

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*French official text communicated by the Permanent Delegate of the Czechoslovak Republic accredited to the League of Nations and the Chargé d'Affaires a. i. of the Hungarian Delegation accredited to the League of Nations. The registration of this Agreement took place September 28, 1927.*

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THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC and HIS SERENE HIGHNESS THE REGENT OF HUNGARY, being desirous of meeting the administrative needs of Czechoslovakia and of Hungary,

Have resolved to conclude an agreement for this purpose, and have appointed as their respective Plenipotentiaries :

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

M. Václav PALLIER, Envoy Extraordinary and Minister Plenipotentiary of the Czechoslovak Republic at Budapest ;

HIS SERENE HIGHNESS THE REGENT OF HUNGARY :

M. Eugène BERCZELLY DE BERCZEL, Chamberlain, Under-Secretary of State, Head of the Section of International Law in the Royal Hungarian Ministry of Justice ;

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

*Article I.*

The Kingdom of Hungary undertakes to hand over to the Czechoslovak Republic all the documents mentioned in the following Articles which belong exclusively to the civil, military, financial, judicial or other administrations of the territory ceded to the Czechoslovak Republic and which are contained in the archives and registries of all the Royal Hungarian central authorities, the central administrative offices and administrative institutions attached thereto, and those provincial administrations, both national and autonomous, whose sphere of activity extended to the above-mentioned ceded territory.

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<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

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

<sup>2</sup> The exchange of ratifications took place at Prague, September 1, 1927.

*Article 2.*

The Czechoslovak Republic undertakes to give up to the Kingdom of Hungary all documents referring exclusively and directly to the administration of Hungarian national territory which are now in the territory ceded to the Czechoslovak Republic.

*Article 3.*

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

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

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

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

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

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

*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 to be carried out exclusively in territory ceded to the Czechoslovak Republic, and not begun before the end of October 1918, can be demanded on payment of their present value. Even in the case of the delivery of the plans and material in question, the Royal Hungarian Government accepts no responsibility for the execution of this work.

*Article 5.*

According to the provisions of Article 1, all documents dating between January 1, 1886, and October 30, 1918, are to be handed over.

Earlier documents dating between 1868 and 1885 shall be handed over in special cases if requested. In accordance with Article 2, all documents must be handed over which refer to the period between January 1, 1888, and October 30, 1918.

Earlier documents shall not as a rule be given up, but shall 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 High Contracting Parties undertakes to hand over to the other ordinary or certified copies of documents which also refer to the administration of the Party in possession of the documents and which therefore cannot be given up without prejudicing that Party.

These copies shall be handed over on request 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 by the delivering Party to the other Party on the request of the latter, but shall be returned after a period to be fixed in each particular case.

The provisions of this Article shall not apply to documents which exclusively concern the administration of the territory of Hungary as delimited in the Treaty of Trianon.

*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 of 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 Agreement comes into force.

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

The documents shall be handed over directly by the central authorities of the Party making delivery to the central authorities of the applicant Party, except 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 accepting Party may 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 (expert archivists, or 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 suitably increased with the assent of both Governments. These authorities shall be provided with official papers of legitimation, which must be endorsed by the Ministry of Foreign Affairs of the delivering Party. The representatives duly authorised in this manner shall be entitled to satisfy themselves 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 authorities.

Should certain documents be found to be missing, the said authorities 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. Exportation shall be free of any kind of export duty or charge, and the delivering Party shall place no obstacles in the way of such exportation.

The expenses of the representatives sent to supervise and accept deliveries shall be borne by the recipient Party.

*Article 12.*

The authorised representatives of the Contracting Parties deputed to supervise and accept 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 the results of this work for scientific or publicity purposes, the said representatives shall be required to observe the existing regulations relating to the service and use of the archives and registries 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.

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 Articles 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 VIII, dealing with documents referring to the railways, the postal, telegraph and telephone services, roads and waterways, the cadastral offices, the hydrographical, hydro-technical, irrigation and meteorological services, and army authorities, 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.

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

*Article 16.*

The present Agreement shall be ratified and the ratifications exchanged at Prague as soon as possible.

It shall come into force on the day when the exchange of ratifications takes place between the two Governments.

In faith whereof the respective Plenipotentiaries have affixed their signatures and seals.

Done in duplicate at Budapest, June 3, 1927.

(L. S.) (*Signed*) Václav PALLIER.

(L. S.) (*Signed*) BERCZELLY Jenő.

## ANNEX I

## REGARDING RAILWAY DOCUMENTS.

*Article 1.*

In accordance with the provisions of Article 1 of this Agreement, the Kingdom of Hungary undertakes to hand over to the Czechoslovak Republic the documents specified below belonging to the railway administration, so far as they refer to the present territory of the Czechoslovak Republic :

- (1) The concession deeds of all the lines and all documents referring to the concessions ;
- (2) All technical plans employed in connection with the administration or the control and inspection of buildings ;
- (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) Complete collections of standardised plans of all kinds of railway constructions (sub-structures, superstructures, buildings and water-stations) ;
- (6) Plans of engines and waggons which have to be handed over and of their component parts.
- (7) Technical plans 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 and inspection of work on all lines ;
- (9) Files and documents relating to particular branch lines, if asked for ;
- (10) Plans, files and documents of industrial railways and lines, so far as these are not already in the possession of the Czechoslovak Republic ;
- (11) Personal files relating to those employees, whether still employed or pensioned, who are in the service of or draw their pensions from the Czechoslovak Republic.

(12) The above-mentioned material is to be handed over to the Czechoslovak Republic as regards those lines which throughout their whole length were assigned to that Republic.

As regards lines which are divided into two, those plans, files 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 liquidation and which refer to orders given or constructions carried out prior to the conclusion of peace shall be handed over on request, even when the articles ordered or the constructions are within the territory of the Party to whom the request is addressed.

*Article 2.*

In accordance with the provisions of Article 2 of the present Agreement, the Czechoslovak Republic undertakes to hand over to the Kingdom of Hungary the whole of the material defined in Article 1 of this 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, a detailed list shall be prepared by both Parties with regard to the material claimed.

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

ANNEX II

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

*Article 1.*

In accordance with the provisions of Article 1 of the present Agreement, the Kingdom of Hungary undertakes to hand over to the Czechoslovak Republic the following documents belonging to the postal, telegraph and telephone administration, so far as they refer to the territory of the Czechoslovak Republic:

(1) Personal service documents and all files concerning those officials, whether still employed or pensioned, who are in the service of, or draw their pensions from, the Czechoslovak Republic;

(2) Inventories of postal, telegraphic and telephonic material unfit for use, ledgers and registers (*Stammbücher, törzslapok*) and also documents, papers, accounts, notes and similar material relating thereto.

*Article 2.*

The Czechoslovak Republic undertakes, in accordance with Article 2 of the present Agreement, to hand over to the Kingdom of Hungary the whole of the material defined in Article 1 of this Annex.

*Article 3.*

Files, plans, drafts and documents referring to telegraph or telephone lines divided by the national frontier as delimited in the Treaty of Trianon or to installations or constructions situated on the frontier shall, if divisible, be handed over by both sides in the original or, if indivisible, in the form of certified copies, in accordance with Article 7 of this 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 of the material claimed shall be prepared by both sides. For the rest, the provisions of Articles 9-14 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 Czechoslovak Republic all administrative files, plans, drafts and documents in the possession of the Kingdom of Hungary and referring exclusively to roads and waterways which throughout their length are in the present territory of the Czechoslovak Republic.

*Article 2.*

The Czechoslovak Republic undertakes, in accordance with Article 2 of the present Agreement, to hand over to the Kingdom of Hungary the whole of the material defined in Article 1 of this Annex.

*Article 3.*

Files, plans, drafts and documents which refer to roads or waterways divided by the national frontier as delimited by the Treaty of Trianon or to installations or constructions situated on the frontier shall, if divisible, be handed over by both Parties in the original, or, if indivisible, 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 of the material claimed shall be prepared by both sides. For the rest, the provisions of Articles 9-14 of the present Agreement shall apply.

## ANNEX IV.

## REGARDING LAND REGISTRY.

*Article 1.*

The Contracting Parties reciprocally undertake to hand over the land registry documents specified below so far as they refer to the present territory of the Kingdom of Hungary or to the territory ceded by the Kingdom of Hungary to the Czechoslovak Republic 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, maps, plans and sketches relating to surveying, land registry and the supervision of land registry, together with studies for purposes of land taxation and fresh surveying, irrespective of when these documents were prepared.

Trigonometrical, surveying and land registry records of communes (territories) divided by the national frontier shall, as far as is physically possible, be divided (maps in sections, registers, etc., in sheets) and handed over in the original not later than six months after the receipt of the reports of the Hungarian and Czechoslovak Frontier Delimitation Commission.



Documents which it is not physically possible to divide shall be handed over in the original to that Contracting Party which needs them most.

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

*Article 2.*

Reproducing material (tracing paper) used for the preparation of cadastral maps and referring to territory ceded by the Kingdom of Hungary to the Czechoslovak Republic shall be handed over by the Hungarian Government at the request and cost of the Czechoslovak Republic.

*Article 3.*

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

ANNEX V

REGARDING HYDROGRAPHICAL, HYDROTECHNICAL, IRRIGATION 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 Czechoslovak Republic the documents specified below so far as they refer to the present territory of the Czechoslovak Republic :

- (1) Documents of embankment companies of every kind.
- (2) Plans and drafts for the regulation of the Theiss and its tributaries.
- (3) Plans and drafts for the regulation of the Danube and its tributaries.
- (4) Studies, drafts and plans for the embankment and drainage of the Danube bends.
- (5) Documents of irrigation and river engineering offices.
- (6) Documents relating to rivers and streams with all documents, plans and papers annexed in conformity with Decree No. 66,654/1885 of the Royal Hungarian Ministry.
- (7) Documents relating to the regulation of other rivers and canals.
- (8) Documents of the Meteorological Institute at Budapest.
- (9) Kilometric lists and detail 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 Czechoslovak Republic.
- (12) In general, all files and documents on these questions which refer to the territory of the Czechoslovak Republic, so far as they are necessary to that Republic and their delivery is requested.

*Article 2.*

In accordance with Article 2 of the present Agreement, the Czechoslovak Republic undertakes to hand over to the Kingdom of Hungary all documents in its possession which refer exclusively

and directly to the legal and technical administration of the waters in the present Hungarian territory :

- (1) Documents of embankment companies of every kind.
- (2) Plans and drafts for the regulation of the Theiss and its tributaries.
- (3) Plans and drafts for the regulation of the Danube and its tributaries.
- (4) Studies, drafts and plans for the embankment and drainage of the Danube bends.
  
- (5) Documents of irrigation and river engineering offices.
- (6) Documents relating to rivers and streams with all documents, plans and papers annexed in conformity with Decree No. 66,654/1885 of the Royal Hungarian Ministry.
- (7) Documents relating to the regulation of other rivers and canals.
- (8) Kilometeric lists and detail maps.
- (9) Official publications, books and maps in several copies.
- (10) 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.
- (11) In general, all files and documents on these questions which refer to the territory of the Kingdom of Hungary, so far as they are necessary to that Kingdom and their delivery is requested.

#### 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 and material reasons it is necessary to postpone the date.

In the case of embankment companies whose works are divided by the national frontier, the original documents 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 embankment companies may also conclude special agreements with one another within their own sphere of action as to the retention of original documents, submitting these agreements for the approval of their respective Governments.

As regards State works, those plans, papers and documents 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 of the material claimed shall be drawn up by both sides. For the rest, the provisions of Articles 9 to 14 of this Agreement shall apply.

### ANNEX VI

#### REGARDING MILITARY DOCUMENTS.

#### Article 1.

The Kingdom of Hungary undertakes to hand over to the Czechoslovak Republic the military documents specified below, so far as they are now in the present territory of the Kingdom of Hungary, and refer to the territory of the Czechoslovak Republic or to nationals of the latter State :

- (1) Records of all kinds (*Grundbuchs-[Vormerks-] Blätter*).

(2) Personal files with annexes (particulars as to qualifications [*Qualifikationslisten*], conduct sheets [*Konduitelisten*], documents referring to decisions by higher authorities [*Superarbitrierungsakten*], medical histories [*Krankengeschichten*], etc.).

(3) Records of courts-martial in the field and behind the lines dating from the time of the Great War, viz., from July 28, 1914, to November 3, 1918.

(4) Military documents of depot units which were transferred during the war from the district where they were recruited in the territory of the Czechoslovak Republic to the territory of the Kingdom of Hungary, that is to say territorially displaced.

(5) All plans, documents and other notes referring to military buildings.

(6) Extracts from military records, also recruiting documents (conscript and enrolment lists) or extracts therefrom.

#### *Article 2.*

The Czechoslovak Republic undertakes to hand over to the Kingdom of Hungary all the documents specified in Article 1, § 1-6, which are now in the territory of the Czechoslovak Republic and which refer to the territory of the Kingdom of Hungary or to nationals of the latter State.

#### *Article 3.*

As regards all other military documents, the provisions of Articles 3 to 14 of the present Agreement shall apply.

#### *Article 4.*

Each Contracting Party undertakes to hand over to the other Contracting Party registers and papers and any data establishing the identity of persons who died in the Great War and who were buried within their present territories, if the commune — of origin or, if this is unknown, the birth-place — of such persons is within the present territory of the other Party. Further, each Contracting Party undertakes to furnish the other Contracting Party with full information concerning the number and site of the graves of all the dead who were buried unidentified.

#### *Article 5.*

The exchange of military documents shall be effected according to the provisions of Articles 9 to 14 of this Agreement.

In order to facilitate the exchange, detailed lists shall be added by both sides to the material to be exchanged.

### ANNEX VII

#### REGARDING THE EXCHANGE OF LEGAL FILES AND LAND REGISTERS.

##### I.

#### LEGAL FILES.

##### *Article 1.*

Files of civil cases of all kinds, whether before courts of the first or of a higher instance (including files in the possession of notaries public) 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 formality 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 legal files may be refused in civil cases exclusively subject to national jurisdiction (for example, questions relating to the civil 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 of all the parties concerned, the case shall be handed over without hearing to the court of the other Contracting Party specified in the application of the parties, 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 Agreement, 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 responsible for handing over the case was also competent and if the other party in the case opposes the transfer.

#### Article 3.

In the absence of an agreement regarding the application, the parties to the dispute shall be heard before the decision is given. The costs of these proceedings shall be regarded as part of the costs attaching to the case.

The application may be made in writing or verbally 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 informed immediately 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 all other cases, within three months of the publication of the 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 or bankruptcy if there are 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 entry into force of the present Agreement, judgment has not yet finally been given, shall be handed over without further formalities :

(1) If the accused is a national of the recipient State and is resident in the territory of the 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 a judgment with force of law has been given but has not yet been executed.

In all other 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 to 5.

#### *Article 7.*

If files which, according to Articles 1 to 6, must be handed over to the other Contracting Party, refer to questions in which 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 direct between the Ministry of Justice of the applicant Party and the Ministry of Justice of the Party from whom 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 (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 the land registration document (report) refers to immovable property situated in the territory of both Contracting Parties or in the territory of the other Contracting Party and of a third State, the Contracting Party on whose territory a court (authority) has possession of the land registration document (report) in question must deliver certified copies 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 (sketches) shall be made on the paper customarily used for that purpose in order that registration may continue in the usual manner.

#### *Article 10.*

All accessory papers referring to entries in land registers (land registration documents) shall be handed over at the same time as the latter.

This shall apply particularly to the following papers and documents: petitions, annexes, reports, awards, judgments, sentences, vouchers notifying the seizure, forced sale or sequestration of registered immovable property, files, documents, plans indicating the sites of immovable property, papers relating to the composition, correction, alteration or transfer of land registers, plans indicating future sites with

land maps, registers of parcels of land, lists of names in alphabetical order, land maps, files relating to the handling of land registers including collections of documents, registers of incoming and outgoing documents, lists of archives and of distinguishing marks of archives, books containing requests for copies of land registration documents, statements of files assigned to rapporteurs, lists of files in the possession of rapporteurs, statements of time-limits fixed.

If these papers and documents refer to immovable property situated in the territory of the Contracting Party responsible for handing over the above-mentioned papers and documents, such Party shall have the right to hand over instead of the originals certified copies prepared at the cost of the other Contracting Party.

*Article 11.*

The provisions contained in the foregoing Articles (9-10) shall apply in the same way to the land registers of the railways and canals kept up to date by the Central Land Registration Office at Budapest, and also to the mining registers and all documents referring to the land registers just mentioned. If there are difficulties in the way of separating some register which is to be handed over in the original from other registers, the provisions of paragraph 2 of Article 9 shall apply.

With regard to the handing-over of plans belonging to the Central Land Registration Office, the term "immovable property" shall be understood to mean the communes taken separately and 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 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 are at present kept.

The persons authorised to accept delivery shall have the right to inspect records of incoming and outgoing documents and indices 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 of the delivering State unless it can be settled forthwith.

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

*Article 13.*

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

*Article 14.*

The foregoing provisions shall not affect the question of the position and validity of entries made prior to the surrender of the land registers.

They shall likewise not affect the question of the valorisation of mortgage debts entered in favour of nationals of the other Contracting Party or the question of joint and several mortgages or of a possible division of existing liabilities.

## III.

## MATTERS RELATING TO LAND DIVISION AND AMALGAMATION ("COMMASSATION").

*Article 15.*

All documents and technical studies which refer to questions of land division and amalgamation (*commassation*) either already settled or still pending, together with cadastral documents upon which such division or amalgamation is based, which are in the custody of the courts (authorities) of one Contracting Party, 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 (authority) is in possession of the material in question shall, on request, hand over certified copies prepared at the expense of the other Contracting Party.

## IV.

MATTERS RELATING TO GUARDIANSHIP (INTERDICTION).  
THE SURRENDER OF DOCUMENTS RELATING TO THE AFFAIRS OF ORPHANS.*Article 16.*

The handing-over of documents concerning matters relating to guardianship — interdiction — (documents, orphan registers, lists, etc.) shall be effected on the basis of the principles contained in the provisions of Parts I and II of the present Annex regarding documents of the civil courts, with the difference, however, that the guardians shall be substituted for the courts and that the Ministry of Justice and its organs, on the Czechoslovak side, and the Ministry of the Interior and its organs, on the Hungarian side, shall act as intermediary.

## V.

## FINAL PROVISIONS.

*Article 17.*

Should the question of the assignment of the whole of the documents in question not be settled in all points by the present Annex, the two Contracting Parties shall subsequently come to an agreement between themselves.

## ANNEX VIII.

## REGARDING REGISTERS OF BIRTHS, MARRIAGES AND DEATHS.

*Article 1.*

Original registers of births, marriages and deaths and duplicates of these documents shall remain in the possession of that Contracting Party 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 that State which exercises sovereignty over the seat of the Register Office, while the duplicates kept in the departmental archives shall be deposited with the other State.

*Article 2.*

Should the originals of birth, marriage and death registers have been removed from the Register Office in question or the duplicates from the departmental archives, the Party in whose possession they are must give them up in conformity with Article 1.

*Article 3.*

Should the original 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 terms of the foregoing Articles, 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 duly certified copies of the documents in its possession.

*Article 4.*

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

*Article 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 departments divided by the Treaty of Trianon.

*Article 6.*

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

The Contracting Party in whose possession the documents are shall collect them and deliver them to the other Party, together with detailed lists, within six months of the coming into force of the present Agreement. All subsequent claims by the recipient Party shall be settled by the other Party within three months of such claim being received.

The execution of these measures for the exchange of documents shall be effected direct by the Ministries of the Interior of both Contracting Parties.

In the event of difficulties which cannot be settled by the two Ministries, the matter shall be settled through the diplomatic channel.

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