

N° 1883.

ITALIE
ET ROYAUME DES SERBES,
CROATES ET SLOVÈNES

Convention d'établissement et consulaire, avec protocole final. Signés à Belgrade, le 21 août 1924, et échange de notes y relatif de la même date.

ITALY AND
KINGDOM OF THE SERBS,
CROATS AND SLOVENES

Convention concerning Conditions of Residence and Business, and Consular Matters, with Final Protocol. Signed at Belgrade, August 21, 1924, and Exchange of Notes relating thereto of the same Date.

¹ TRADUCTION. — TRANSLATION.No. 1883. — CONVENTION² BETWEEN THE KINGDOM OF ITALY AND THE KINGDOM OF THE SERBS, CROATS AND SLOVENES CONCERNING CONDITIONS OF RESIDENCE AND BUSINESS AND CONSULAR MATTERS. SIGNED AT BELGRADE, AUGUST 21, 1924.

French official text communicated by the Italian Minister for Foreign Affairs and the Permanent Delegate of the Kingdom of the Serbs, Croats and Slovenes accredited to the League of Nations. The registration of this Convention took place December 19, 1928.

HIS MAJESTY THE KING OF ITALY and HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES, being desirous of regulating the conditions of residence and business of their respective subjects on a footing of the fullest reciprocity, and at the same time of ensuring to the consular agents of the two States the immunities and privileges necessary for the discharge of their duties, have resolved to conclude a convention and have for this purpose appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF ITALY :

His Excellency General Alessandro BODRERO, Grand Cross of the Order of the Crown of Italy, Officer of the Order of Saints Maurice and Lazarus, Grand Cross of the Order of St. Sava and Commander of the White Eagle with Swords, Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of the Serbs, Croats, and Slovenes ;

M. Lodovico LUCIOLLI, Grand Cross of the Orders of Saints Maurice and Lazarus and of the Crown of Italy, Grand Cross of the Order of St. Sava, Counsellor of State ; and

HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES :

His Excellency Dr. Otokar RYBÁR, Grand Cross of the Crown of Italy, Envoy Extraordinary and Minister Plenipotentiary ;

M. Sava KOUKITCH, Grand Officer of the Order of St. Sava and Grand Officer of the Order of the Crown of Italy, former Director-General of Customs ;

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

Article I.

There shall be between the Kingdom of Italy and the Kingdom of the Serbs, Croats and Slovenes perpetual friendship and reciprocal freedom of establishment and commerce.

Italian subjects without distinction shall be received and treated in the Kingdom of the Serbs, Croats and Slovenes, both as regards their persons and their property, on the same footing and in the same manner as nationals of the country are or may in future be received and treated.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

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

² The exchange of ratifications took place at Rome, November 14, 1928.

Reciprocally, subjects of the Kingdom of the Serbs, Croats and Slovenes shall be received and treated in Italy, both as regards their persons and their property, on the same footing and in the same manner as nationals of the country are or may in future be received and treated.

Accordingly, subjects of each of the two High Contracting Parties and their families, provided they conform to the laws of the country, may freely enter, travel, reside and establish themselves in the territory of the other High Contracting Party, and as regards residence permits and permission to practise their trade or profession, shall be subject to no tax, charge, or condition other than those imposed upon nationals of the country. They may trade, both as wholesalers and retailers, engage in any profession or industry, lease and occupy the houses, stores, shops and establishments necessary to them, effect transports of goods and money and receive consignments both from within the country and from abroad, without being subject in respect of all or any of these transactions to any obligations or charges heavier or more burdensome than those which are or may be imposed upon the country's nationals, subject to observance of the police precautions fixed by the laws of the country in regard to subjects of the most favoured nation. They shall be on a footing of perfect equality one with another in all their purchases and in all their sales, and shall be free to establish and fix the price of all effects, goods and articles, imported or produced in the country, whether they sell them within the country or whether they intend them for export, provided they comply faithfully with the laws and regulations of the country. They shall enjoy the same freedom to transact their business themselves and to submit their own declarations to the Customs, or to employ for these purposes anyone they think fit, whether authorised representatives, factors, couriers, agents, consignees or interpreters, in the purchase or sale of their property, effects, or goods. They shall also be entitled to discharge all duties that may be entrusted to them by their compatriots or by foreigners or by nationals of the country, in the capacity of authorised representatives, factors, agents, consignees or interpreters.

In general, freedom to engage in a trade, industry or any other calling is ensured to the subjects of either of the High Contracting Parties in the territory of the other, within the limits laid down by the laws of the country, it being, however, understood that in this connection no distinction may be made by either of the States between the subjects of the other country and its own nationals by reason of their nationality, in cases when according to the laws of the country it is not absolutely necessary, for the exercise of the profession, to be a subject of that State.

As regards passports, the subjects of each of the High Contracting Parties shall enjoy in the territories of the other the same privileges, immunities, favours or conditions as are or may in future be enjoyed by subjects of the most favoured nation.

Finally, they shall not, by reason of their trade or industry, pay in the towns or places of the two States, whether established there or temporarily resident therein, duties, charges, or taxes of any kind whatever other or higher than those that may be levied upon nationals or upon subjects of the most favoured nation; and the privileges, immunities or any other favours in regard to trade and industry which are or may in future be enjoyed by the citizens of one of the two States shall be shared by those of the other State.

Article 2.

Any commercial company incorporated in the territory of one of the High Contracting Parties or recognised by that Party as a national company, which shall have established a branch or representatives in the territory of the other Party, shall be subject in that territory to the provisions of the law there in force as regards the deposit, transcription, posting up or publication of extracts from company acts, articles of association, acts introducing amendments, and discussions relating to administrators, representatives and balance sheets.

Article 3.

Subjects of either High Contracting Party residing or established in the territory of the other, who wish to return to their country or who may be returned there by a judicial sentence or by

measures of the competent administrative authorities or in virtue of the laws on mendicancy or public morals, shall be received, both themselves and their families, at any time and in any circumstances, in the country of which they are subjects.

Article 4.

As there is no right of "aubaine" in Italy or in the Kingdom of the Serbs, Croats and Slovenes, the subjects of the two High Contracting Parties may take possession and dispose of an inheritance which falls to them under a law or will, in any territory of the other Party, on the same footing as nationals and without being subject to other or more burdensome conditions than are imposed upon such nationals. They shall have full and complete liberty to acquire and possess, by purchase, sale or gift, exchange, marriage settlement, testament, or by inheritance *ab intestato* or in any other way, all kinds of movable or immovable property which the laws of the country allow nationals to possess, and to dispose of such property in the same way as is allowed to such nationals. Their heirs and representatives may inherit and take possession of this property either themselves or through authorised representatives acting in their name and complying with the ordinary forms of the law, in the same manner as nationals.

In deciding upon rights of succession to immovable property, the local authorities shall apply the law of the State to which the deceased belonged.

In the absence of heirs or representatives the property shall be dealt with in the same way as would apply to the property of a national of the country in similar circumstances. In all these respects, subjects of the two High Contracting Parties shall not pay on the value of such property any tax, contribution or charge other or heavier than those imposed upon nationals. In all cases they shall be permitted to export their property, that is to say, Italians from the territory of the Kingdom of the Serbs, Croats and Slovenes, and Serbs, Croats and Slovenes from the Kingdom of Italy, freely and without being subject at the time of export to the payment of any duty as foreigners and without being liable to other or heavier duties than those imposed upon nationals.

Nevertheless, as regards the acquisition, possession and use of immovable property situated within a zone not exceeding 50 kilometres in breadth on either side of the frontier, such exceptions and restrictions shall apply as may be established by the laws of the contracting States in regard to foreigners in general, in the interests of the safety of the State, subject in every case to what is laid down in special agreements concerning property rights concluded between the High Contracting Parties. Further, the above exceptions and restrictions shall not apply to immovable property acquired by succession *ab intestato* or to such property acquired under a will by persons who may later inherit *ab intestato*.

Article 5.

In the event of requisition in either of the States the respective subjects shall not be treated in the other country less favourably in this respect than the nationals or subjects of any third Power.

Article 6.

The subjects of each of the two High Contracting Parties shall be exempt in the territory of the other from all military service on land, at sea or in the air forces, whether in the regular army or in the national militia. They shall also be exempt from the discharge of any compulsory duties, judicial, administrative or municipal, from all military requisitions or contributions and from forced loans and other charges which may be imposed for war requirements or as a result of other exceptional circumstances.

Nevertheless, those charges shall be excepted which are connected with the possession or lease of landed property and also military contributions and requisitions which nationals may be called upon to pay as owners, lessees or tenants of landed property.

Article 7.

In no circumstances shall the property of a subject of one of the two States be liable in the territory of the other State to the payment of any taxes, duties, contributions or charges other or higher than those which would be levied or demanded in respect of the same property if it belonged to a national of the country. It is further understood that the subjects of each of the Contracting Parties may not, as regards their movable or immovable property or their incomes, be liable in the territory of the other Party to any imposts, restrictions, charges or taxes other than those imposed upon nationals.

Article 8.

Any advantage which one of the two High Contracting Parties may have granted or may in the future grant in any way whatever to another Power as regards establishment and the exercise of industrial occupations, shall apply to the other Party in the same way, under the same conditions and at the same time.

Article 9.

The High Contracting Parties undertake, if requested by one or the other Government, to hand over to each other duly legalised copies of certificates of birth, marriage and death as well as documents of acknowledgment and legitimation of natural children and deeds of adoption with regard to subjects of the other Contracting Party, and to publish forthcoming marriages.

The said copies shall be made and communicated free of charge in the form customary in each country. They shall be communicated through the diplomatic channel or through the intermediary of consulates or consular agencies.

Article 10.

Each of the two High Contracting Parties shall be entitled to establish consular offices in the ports, towns and other places in the territory of the other Party, subject to the previous agreement of the State in which these offices are to be established, and to appoint there consuls-general, consuls, vice-consuls or consular agents. These consular officials may belong to the regular consular service or be honorary and, in the case of those not belonging to the service, may be selected from among citizens of the two countries or from among foreigners.

The two High Contracting Parties reserve the right to designate the places in which they do not deem it desirable to admit consular officials; it is understood that in this connection they will neither of them impose any restriction which would not apply to all other States.

The officials mentioned above shall present their credentials and shall be reciprocally admitted and recognised in the district fixed by the State to which they belong according to the rules and formalities established by the State in which they are to reside.

Subsequent changes in of the area of these districts shall be notified to the Ministry of Foreign Affairs of the State in which the said officials perform their duties.

In order freely to discharge their functions the heads of consular offices, including consular agents, must obtain the exequatur, which shall be issued free of charge. On presentation of such exequatur the competent authorities of the State in which they reside shall immediately take the necessary measures to enable them to discharge the duties entrusted to them and to give them the benefit of the exemptions, prerogatives, immunities, honours and privileges connected therewith.

Consuls-general and consuls, in so far as they are authorised by their Governments, may appoint vice-consuls or consular agents in the ports, towns and other places in their consular districts, subject to the previous agreement of the State in which they reside. These vice-consuls and consular agents shall be provided with authorisation in writing issued by the authority which appoints them and under whose orders they are to be placed.

If one of the High Contracting Parties deems it necessary to withdraw an exequatur already granted, it shall be required to communicate the reasons for such action to the other High Contracting Party.

The heads and all the officials of the consular office, unless they are subjects of the State in which they reside, shall be provided by the Ministry of Foreign Affairs of that State with a special identity card bearing the photograph and signature of the holder, establishing their official status and recommending them to the protection of the local authorities.

In the exercise of their duties and the accomplishment of their official missions and as regards the most suitable establishment of the offices and living accommodation of the head and staff, consular officials shall be sure of receiving the fullest measure of assistance from the State in which they reside.

Article 11.

The heads of consular offices, including consular agents, shall be entitled to place upon the buildings in which their offices are established the coat-of-arms of the country which appoints them with the relevant inscription.

They may fly the flag of the country which appoints them on the Consulate on days of public solemnities and on other customary occasions.

These heads may also fly the flag of the State appointing them upon vessels which they employ in the exercise of their functions.

It is understood that these external signs shall never be interpreted as constituting a right of asylum ; they shall serve above all to indicate the consular office to the respective nationals.

Article 12.

Should consuls-general, consuls, vice-consuls or consular agents be absent or die or be prevented for any reason from exercising their functions, assistant consular officials shall be permitted, in the order fixed by the State to which they belong, to discharge the duties of head of the consular office *ad interim*.

The local authorities, duly informed, shall be required to render them assistance and protection and shall accord them, during their interim conduct of business, the benefits of the exemptions, prerogatives, immunities, honours and privileges conferred by the present Convention upon the heads whom they replace.

Article 13.

The heads of consular offices and other consular officials, including honorary officials, shall not be subject to the jurisdiction of the State in which they reside when in the exercise of their duties.

Should a consular official carry on a trade or industry, he shall be required, as regards his trade or industry, to submit to the laws and customs binding in the same place upon nationals of the State to which he belongs, as regards their trade or industry.

Article 14.

Italian consular officials in the Kingdom of the Serbs, Croats and Slovenes and officials of the latter Kingdom in the Kingdom of Italy shall enjoy all exemptions, prerogatives, immunities,

honours and privileges that are or may in the future be enjoyed by consular officials of the same grade belonging to the most favoured nation.

It is, however, agreed that neither of the High Contracting Parties may claim the benefit of the most-favoured-nation clause and demand in favour of its consular officials more extensive exemptions, prerogatives, immunities, honours and privileges than those granted by itself to the consular officials of the other High Contracting Party.

Heads of consular offices belonging to the regular consular service, all officials *de carrière* attached to their offices and staff exclusively employed by the office or by the families of consular officials, unless they are subjects of the State in which they reside, are exempt from personal military charges.

The heads of consular offices and consular officials *de carrière* attached thereto as clerks are also exempt from material military charges, unless they are subjects of the State in which they reside.

Article 15.

Exemption from taxes and charges is regulated by special agreements.

The following may be imported without permission and free of Customs duty and of all other taxes imposed by the respective States on the importation of movable property :

- (a) The furniture of consular officials proceeding to the territory of the State in which they are going to reside ;
- (b) Office furniture and accessories forming part of the original installation ;
- (c) Articles required in the service of the consular office, in particular, coats-of-arms, flags, ensigns, stamps and official printed matter for the current work of the office. Office supplies constitute an exception.

Article 16.

Should preliminary penal proceedings be instituted or any other measure taken against the head of a consular office who is a subject of the State appointing him or against any other consular official *de carrière*, the Government of the State in whose territory the penal proceedings have been instituted or the said measure taken shall without delay inform the diplomatic representative of the State to which the consular official concerned belongs.

Article 17.

At the invitation of the judicial authorities consular officials shall be required to appear as witnesses in judicial cases. In the case of a consular official *de carrière* the judicial authorities shall enquire of him in writing whether he wishes to be heard at the Consulate or whether he is willing to appear in person at the seat of the judicial authority. The official's reply must be given in writing and without delay. If the examination is to be held at the Consulate, it must be so arranged that the deposition can be made within the period fixed by the judicial authorities.

The examination shall be held in accordance with the forms laid down by local legislation, and the *procès-verbal* shall also be drawn up according to these forms.

Before the Courts, consular officials may refuse a deposition on the grounds of professional secrecy. The same right is reserved to employees of the consular office provided they are subjects of the State to which the office belongs.

If the Court does not admit the grounds of professional secrecy adduced as a reason for refusing to reply as a witness, it shall inform its Government, which shall apply to the diplomatic representative of the State to which the consular official belongs with a view to settling the dispute through the diplomatic channel. The Court is not allowed to employ any measures of constraint.

The provisions in the preceding paragraph shall also apply to procedure before the administrative authorities.

Article 18.

The consular archives shall at all times be inviolable and the local authorities may not under any pretence search or seize any books, papers or other articles forming part thereof.

Official books, documents and articles shall always be kept separate from private correspondence and from books and papers relating to the trade or industry in which consular officials not belonging to the regular consular service may be engaged.

Official books, documents and articles may in no circumstances be handed over.

Official correspondence is inviolable and shall not be subject to censorship. The same applies to telegrams, wireless telegrams, phonograms and telephonic communications.

Heads of consular offices belonging to the regular consular service, if subjects of the State appointing them, are authorised to receive and send telegrams in cipher in their relations with their Governmental authorities, including their diplomatic missions.

In exceptional circumstances, however, the exercise of this right may be provisionally suspended if previous notice has been given.

Article 19.

Consular officials are entitled to protect the subjects of the State which appointed them and, within the limits of international law and custom and of their own competence, to defend all their rights and interests, and to further the development of economic relations between the two States. It is their duty to protect widows, minors and persons incapable of defending their own interests, if these are subjects of the State which appointed the officials.

It is also their duty to protect subjects of the State appointing them, who pass through their territory as emigrants or repatriated persons, and to safeguard such persons in the course of their journey, particularly in places where there are ports.

For this purpose, and in order as far as possible to avoid recourse to the diplomatic channel, they may apply to all Governmental authorities in their consular district, submitting to them any complaints by subjects of the State which appointed them and demanding the adoption of the necessary measures to satisfy these complaints in conformity with the provisions of treaties and conventions in force between the High Contracting Parties. If the consular official applies to the said authorities in writing, the latter shall reply by the same method.

Article 20.

Consular officials of each of the two High Contracting Parties, in so far as they shall be authorised by the laws of the State which appointed them, shall have the following rights :

(a) To receive in their offices, at the residence of the parties and on board vessels flying the flag of the State appointing them, all declarations that may have to be made by subjects of the State which the consular officials serve ;

(b) To draw up, legalise or receive into their keeping testamentary dispositions of subjects of the State appointing them and any other act of private law concerning these subjects ;

(c) To draw up, legalise or receive into their keeping contracts and agreements written and concluded between subjects of the State which the said officials serve, or between those subjects and subjects of the State in which they reside or between the latter only, in so far as all these acts relate to immovable property in the territory of the State which appointed the said officials or in so far as such acts may have juridical effects

in that territory. The declarations and attestations contained in the above-mentioned acts, and copies of them, provided that these acts have been drawn up in the form required by the laws of the State which appointed the consular officials and provided they comply with the formalities governing the question in the State in which the act is to have effect, and after they have been duly legalised by the consular official and have received the seal of the consular office, shall have the same force and the same value as if these acts had been executed before other competent law-officers or before a notary of the other High Contracting Party; should any doubt arise as to the authenticity or exactitude of a copy of a document registered with the chancellery of one of the consular offices, it shall be compared with the original if the person interested so requests, and such person may be present when this is done;

(d) To translate and legalise any kind of act or document emanating from authorities or officials of the State which appointed the consular officials or of the State in which they reside. The translations of acts and documents emanating from an authority of one of the two States shall have the same force and the same value in the other State as if they had been made by public officials or sworn interpreters of that State.

Article 21.

In the event of the death of a subject of one of the two High Contracting Parties in the territory of the other, the local authorities must immediately notify the consular representative in the district in which the death occurred. The consular representatives must for their part notify the local authorities when they are the first to be informed.

The local authorities must forward the death certificate to the consular representatives with the notification mentioned in the previous paragraph, if necessary with a copy of the *procès-verbal* of the death, legalised by the Court.

The *procès-verbal* shall be drawn up in conformity with the local regulations in force in the State in which the consular official exercises his functions. At the request of the competent consular representative the *procès-verbal* may also be drawn up in accordance with a special formula, if the local laws and regulations permit.

Whenever the local authorities of one of the High Contracting Parties ascertain in the course of proceedings within their competence that a subject of the other High Contracting Party is interested in a succession which has been opened in their territory, either as heir or legatee or as an heir for whom a proportion of the property is reserved by law, or as a donee *causa mortis* or for any other reason, they shall be required to inform the competent consular representative of the other High Contracting Party immediately.

If the persons referred to in the preceding paragraph are not present or if for any reason they are unable to represent their case in person, the head of the competent consular office or another official delegated by him shall be authorised to represent them before the local authorities until they have appointed other agents.

Article 22.

In the event of the death of a subject of one of the High Contracting Parties who possesses property in the territory of the other, the competent local authorities shall advise the consular representative of the State to which the deceased belonged, of the measures required to open the succession and to enable the authorities of that State to decide upon any dispute concerning movable property which may relate to the succession.

All questions relating to the inheritance of immovable property shall be decided by the authorities of the State in which that property is situated.

Article 23.

In the case referred to in the preceding Article, if an heir or a residuary legatee to whom the succession falls asks to be placed in possession of the deceased's property by the local authorities, the latter may fix a suitable time-limit within which claims to this succession must be submitted.

The local authorities shall notify the above request and the fixing of a time-limit to the competent consular office, so that the latter may, if necessary, take the requisite steps through the newspapers to find the other heirs and residuary legatees and to ascertain whether they agree to being placed in possession of the deceased's property by the local authorities in question. If they do not agree, the request shall be refused.

When within the above-mentioned time-limit no other person with a claim to the succession opposes the request, either because there is no known heir or because the known persons to whom the succession falls do not come forward as heirs or because it has been impossible to serve notice on them, the agreement shall be presumed to have been given, unless objection is raised by the head of the competent consular office under Article 24, paragraph 2 (a).

Article 24.

The consular officials of the High Contracting Party of which the deceased was a subject, shall cooperate with the local authorities and, if necessary, with the Courts in conformity with their respective powers and in the measure stipulated by the present Convention, in all proceedings the purpose of which is to avoid loss or damage to the property in question or to ensure the rights of heirs, legatees, creditors and other interested persons in so far as they are subjects of the State in which the inheritance is situated, and to ensure the payment of public charges upon the succession.

The consular officials of the deceased's country shall have the right :

(a) To safeguard the interests of subjects of the State to which they belong in cases when these subjects have not appointed a representative ;

(b) To take part in person or through a delegate in affixing the seals on the movable property comprised in the succession ; on this occasion the consular representative may also affix his seals to the succession ; he may also affix his seals after previous notice to the local authorities, when the latter have not done so ; the seals must only be removed in the presence of the consular representative or his delegate ; if, however, notice has been given 48 hours before the expiry of the prescribed period by the local authorities to the consular representative so that he may be present at the removal of the seals, and if no response has been made to the notification, the local authorities may remove not only the seals they have themselves affixed, but also the seals of the consular representative ;

(c) To be represented at and to cooperate in drawing up the inventory of the property comprising the succession and to countersign the *procès-verbal* relating thereto ;

(d) To propose the sale of any movable property comprised in the succession which might deteriorate or which it may be difficult to keep, more especially crops and articles which could at the moment be sold under especially favourable conditions, and to be present at such sale ;

(e) To cooperate in the safe-keeping of securities, jewellery and effects belonging to the estate of the deceased and of the credits realised as well as of the proceeds of any sales ; to cooperate in the appointment, if required, of a safe and trustworthy person to administer the succession ; and especially to cooperate in the payment of debts by agreement between the parties interested in the estate and the creditors.

All the measures referred to in paragraphs (b), (c), (d) and (e) of the present Article shall be taken by the competent local authorities, in conformity with the laws of the State in which the consular representative exercises his functions.

These measures may only be taken after previous notice has been given to the said consular representative.

If the consular representative referred to in the preceding paragraph is not present in the place where the said movable property is situated, the local authorities may affix the seals and take the measures mentioned in paragraphs (*d*) and (*e*) without previous notice to the consular representative. They must, however, inform him of measures taken in his absence.

At the request of the consular representative the above-mentioned measures may also be taken in accordance with a special procedure and may be modified or cancelled whenever the local laws and regulations permit, and in so far as this can be done without detriment to subjects of the State in which the property comprising the estate is situated.

Article 25.

Movable property making up the estate, including securities belonging thereto (documents, bonds, cash, objects of value) deposited either in a bank or in some similar establishment or with a private person, shall be handed over to the heirs and residuary legatees at their request provided they are duly qualified according to the laws of the State of which the deceased was a subject or at the request and in accordance with the orders of the consular office or other Governmental authority in the same State.

Before handing over the said property to the heirs or legatees, the authorities in the place where such property is situated may take all necessary measures to guarantee the succession or other rights of nationals and of the State Treasury and of other persons residing in the territory of the State to which these authorities belong. These measures, however, shall only be permitted when the persons concerned have requested the competent judicial authorities to take them and when they are in the form laid down for nationals by the existing laws.

Article 26.

The property and securities referred to in the preceding Article shall be handed over to the consular officials of the State to which the deceased belonged on a simple request from the competent consular office. In handing over movable property forming part of the estate, the instructions given by the consular representatives within the limits of local laws and of the present Convention shall be complied with.

The consular office shall not hand over the estate or the proceeds thereof to the rightful heirs or their representatives until a fortnight has elapsed from the expiry of the time-limit mentioned in Article 23, and in no case until one month after the date of death.

It shall, however, be entitled to advance direct out of the estate of the deceased the expenses for his last illness and burial corresponding to his social position and financial circumstances, servants' wages, rents, judicial, consular and other similar costs and sums which it may consider necessary for the maintenance of the deceased's family in a manner conforming to their social position and financial circumstances.

The consular office shall have the right to summon persons having claims on the estate, through the local newspapers and, if necessary, through newspapers in the deceased's country, in order that they may submit their claims, duly supported, within the period fixed by the law of the country in which the office is situated.

In the case of creditors with claims on the estate of a person who has left a will or who has died intestate, these claims must be paid within a fortnight of the closing of the inventory, if there are funds for this purpose, and, if not, as soon as the necessary funds may have been realised by whatever method is found most convenient or within a period agreed upon between the consul and the majority of the parties concerned.

If the respective consuls refuse payment of any or all of the claims on the grounds that the assets of the estate are insufficient to meet them, the creditors shall be entitled, if they think this useful in their interests, to request from the competent authorities the right to constitute

themselves into an association. Once this request is granted in accordance with the laws of each of the two countries, the consular officials must immediately hand over to the judicial authorities, or to the assignees in bankruptcy, as the case may be, all documents, effects and securities belonging to the estate of the person having a will, or dying intestate, the said officials being responsible for representing absent heirs, minors and persons without capacity.

If subjects of the State in which the consular office is situated or subjects of a third Power have to assert claims to an estate administered by a consular official, and if difficulties arise by reason of disputes concerning these claims, consuls-general, consuls, vice-consuls and consular agents shall in no case have the right to settle these difficulties, which must be submitted to the local judicial authorities. The said consular officials shall then act as representatives of the estate, that is to say, while retaining the administration and the rights of winding up the estate as well as the right of sale in accordance with the above-mentioned forms, they shall watch over the interests of the heirs and shall be entitled to appoint lawyers, whose duty it shall be to defend these rights before the judicial authorities. It is understood that they shall hand over to these authorities all papers and documents required to clear up the question submitted to them.

Should the judicial authorities have pronounced a judgment and should this judgment have become executory, the consuls-general, consuls and vice-consuls or consular agents shall be required to execute it unless they have filed a special claim, and they shall then proceed as of full right with the winding up of the estate, if this has been stayed by order of the judicial authorities pending the settlement of the dispute.

Article 27.

The consuls-general, consuls and vice-consuls or consular agents of the two States shall alone be competent in regard to acts of inventory and other steps taken to safeguard property or articles of any kind left by seamen and travellers of their country either during the voyage or in the port of arrival.

Article 28.

Consuls-general, consuls, vice-consuls and consular agents shall have the right to arrange, if necessary, for the guardianship or curatorship of subjects of the State to which the consular officials belong, in accordance with the laws of that State.

The local authorities shall be required to notify the nearest consular office of the other High Contracting Party without delay, whenever it is necessary to provide for the appointment of a guardian or curator in the interests of a subject of the State to which this consular office belongs.

The protection of persons under guardianship or curatorship and the protection of their property and interests are in the hands of the consular office for as long as the Courts or competent authorities of the State to which these persons belong have taken no other measures. In particular, the question of appointing provisional guardians and curators or of relieving them of their duties cannot be decided by the local authorities without the consent of the consular office. Further, important measures concerning the said persons or their property and interests shall require the consent of the head of the competent consular office or of his delegate.

Article 29.

Consular officials shall have the right to receive payment of contributions, pensions or allowances granted to the persons entitled in accordance with the laws of the State to which they belong and more particularly in execution of the laws on social insurance.

Article 30.

The consular officials of each of the two High Contracting Parties shall have the right to give assistance of every kind to vessels flying the flag of the State which appointed them and stopping in the ports of their consular district.

Consuls-general, consuls, vice-consuls and consular agents may go on board the above-mentioned vessels themselves or may send delegates in their place or, as soon as those ships have received pratique, may question the captain and the crew and also ask for information from passengers and all persons on board, may examine the ship's papers, receive declarations regarding ship's voyages, their destination, and the events of the passage, draw up manifests and reports of damage and facilitate the departure of vessels and may assist crews before the Courts and the local administrative authorities, serving them as interpreters and intermediaries in matters with which they have to deal or in regard to any applications they may have to make.

Except in so far as concerns ordinary Customs services and the granting of pratique by the health and port authorities, it is agreed that public administrative officials and Customs officers and agents may in no circumstances carry out any searches or inspections on board merchant vessels or pleasure craft, unless they are accompanied by a consular official of the State to which these vessels belong. In this case they must give due warning to the consular representative in order that he may be present at the said operations. Similarly, they must always warn him in due time of all declarations which captains or crews may have to make before the Courts and local administrative authorities so that he may be present and thus prevent any mistake or misinterpretation which might prejudice the administration of justice.

Intervention by the local judicial authorities, and in particular arrests on board merchant vessels and pleasure craft flying the flag of the other High Contracting Party and anchored in territorial or inland waters, may be carried out without delay provided that the consular official of the State to which these vessels belong has been informed.

The invitation which shall in the above-mentioned cases be sent to consular officials shall specify the place and exact time and, if the consular officials fail to attend in person or to send a representative, the case shall be dealt with in their absence with the assistance of the port authorities. The above-mentioned searches may also be carried out with the assistance of the port authorities in ports where there is no consular official of the country to which the vessels belong. The competent local authorities, however, shall be required subsequently to inform consular officials without delay of any search or other official intervention of the kind referred to in the preceding paragraphs which has been carried out in their absence. They shall also do this when the consul or official is not resident in the port.

Article 31.

In all matters concerning the policing of ports, the loading and unloading of vessels and the safety of goods, property and effects, the laws, decrees and regulations of the State in which the vessel is situated shall be observed.

Consuls-general, consuls and vice-consuls or consular agents are solely responsible for the maintenance of internal order on board merchant ships flying the flag of the State to which the consular officials belong.

Disputes of every kind between the master, the officers and seamen of vessels, and particularly disputes relating to pay and the execution of contracts entered into between them, shall be settled by the above-mentioned consular officials in so far as they are competent therefore by the laws of the State to which they belong. If they are not so competent, the said officials shall always have the right to settle disputes by conciliation.

In the absence of a decision or compromise in accordance with the preceding paragraph, such disputes shall be referred to the competent authorities of the State whose flag the vessel in question is flying.

The local authorities may only intervene when disorders on board ship are of a nature to disturb public tranquillity and order on land or in the port or when nationals of the country or persons not forming part of the crew are involved.

In all other cases the above-mentioned authorities shall confine themselves to lending all support to the consular representatives, if asked to do so by the latter.

Article 32.

Consuls-general, consuls and vice-consuls, or consular agents may cause to be arrested and sent back to their ships seamen or any other persons who belong in whatever capacity to the crew of ships of their nation, who have deserted.

For this purpose they must apply in writing to the competent local authorities and prove by producing either the registers of the vessel or the muster-roll of the crew or by a certified copy thereof, that the persons claimed really belonged to the crew. On the receipt of such a duly authenticated request, the said consular officials shall be given every help and assistance in searching for and arresting such deserters with a view to returning them to their vessel.

If, however, the deserter has committed an offence on shore, the local authorities may defer his extradition until the Court has given judgment and the said judgment has been fully and completely carried out.

The High Contracting Parties agree that seamen and other members of the crew who are subjects of the country in which they have deserted shall be excepted from the provisions of the present Article.

Article 33.

Whenever no provisions to the contrary have been agreed upon by shipowners, freighters, or underwriters, questions relating to damage suffered by ships of the two countries, whether they enter the respective ports voluntarily or for some unavoidable reason, shall be settled by the consuls-generals, consuls, vice-consuls, or consular agents of the country whose flag the vessel flies, unless nationals of the country or subjects of a third Power are interested in such damage ; in this case and in the absence of a friendly agreement between all the parties concerned, the damage shall be settled by the competent authorities.

Article 34.

When a vessel flying the flag of one of the High Contracting Parties is wrecked or runs aground on the coast or in the territories of the other High Contracting Party, the local authorities shall notify the consul-general, consul, vice-consul, or consular agent of the district or, failing such, the consul-general, consul, vice-consul or consular agent nearest to the place of the accident.

All operations connected with the salvage of Serb-Croat-Slovene ships which have been wrecked or have run aground on the coasts or in the territories of the Kingdom of Italy, shall be carried out under the direction of consuls-general, consuls, vice-consuls and consular agents of the Kingdom of the Serbs, Croats and Slovenes ; similarly, all operations connected with the salvage of Italian ships which have been wrecked or have run aground on the coasts or in the territories of the Kingdom of the Serbs, Croats and Slovenes shall be carried out under the direction of consuls-general, consuls, vice-consuls or consular agents of Italy.

The local authorities of the two States shall only intervene to assist the consular representatives to keep order, to safeguard the interests of salvors not belonging to the crew, to ensure the execution of the regulations with regard to the import and export of the salvaged goods, and to safeguard the general interests of shipping.

In the absence and until the arrival of the consular representative or the person delegated by him for this purpose, the local authorities shall take all necessary steps for the protection of persons and the preservation of effects salvaged from the wreck, and shall contribute as far as possible towards the most indispensable and urgent salvage operations.

No charges of any kind shall be made in respect of the intervention of the local authorities in these different cases, except those necessitated by the salvage operations and the preservation of the salvaged effects, and those to which national vessels would be liable in similar circumstances.

In case of doubt as to the nationality of ships which have been wrecked or have run aground, the measures mentioned in the present Article shall be taken by the competent authorities.

The two High Contracting Parties agree further that salvaged goods and effects shall not be liable to any Customs duties unless they are intended for consumption within the country.

Article 35.

Consular officials shall issue and visa passports and other official documents in conformity with the regulations of the State which appointed them.

Article 36.

Consular officials are authorised to draw up all acts relating to military service, the keeping of the muster-rolls and the inspection of the health of conscripts belonging to the State they represent.

Article 37.

The present Convention shall be ratified and the ratifications shall be exchanged at Belgrade as soon as possible.

It shall enter into force on the exchange of ratifications, and shall remain in force for five years from that date.

Should neither of the two High Contracting Parties notify its intention of denouncing its effects six months before the end of the said period, it shall remain in force until the expiry of six months from the date on which one or other of the High Contracting Parties denounces it.

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

Done in duplicate at Belgrade, August 21, 1924.

(L. S.) (Signed) BODRERO.

(L. S.) (Signed) DR RYBÁR.

(L. S.) (Signed) L. LUCIOLLI.

(L. S.) (Signed) S. R. KOUKITCH.

FINAL PROTOCOL.

At the moment of signing the Convention concerning conditions of residence and business and consular matters concluded this day between the Kingdom of Italy and the Kingdom of the Serbs, Croats and Slovenes, the undersigned Plenipotentiaries have made the following reservations and declarations, which shall form an integral part of the said Convention :

I.

In order to avoid any inexact interpretation of the Convention concerning conditions of residence and business and consular matters, it is understood that this Convention shall not affect any provisions of the Treaty of Rapallo¹, of the General Agreements² signed at Rome on October 23, 1922, or of the Fiume Agreement³ signed at Rome on January 27, 1924, which remain confirmed even as regards the rights and privileges which they grant to each of the High Contracting Parties.

II.

It is understood that in all cases in which the exercise of a trade or profession by a subject of one of the High Contracting Parties is permitted in the territory of the other in virtue of the general provisions of the Convention concerning conditions of residence and business and consular matters, such subject must be duly qualified in accordance with the regulations for nationals in force in the said territory, independently of his status as a subject of the State in question.

III.

The Governments of the two High Contracting Parties shall settle by a special agreement to be concluded as soon as possible, the question concerning the exceptions to be reciprocally adopted on the basis of agreements and conventions at present in force between the two High Contracting Parties, as regards the application of the last paragraph of Article 4 of the Convention concerning conditions of residence and business and consular matters to subjects of one of the two States residing in the territories of the other.

Pending the conclusion of this agreement the legal situation existing in virtue of the said agreements and conventions and of the laws of the country shall in no way be affected in so far as these laws are not in contradiction to the said agreements and conventions.

IV.

When the Convention concerning conditions of residence and business and consular matters speaks of ships, it shall be understood to mean any vessel which, according to the laws of the State whose flag it flies, is permitted to navigate outside the territorial waters of that State, and to proceed abroad.

Consular competence, however, shall further extend even to small vessels and boats authorised for coastal traffic only which stress of weather or other reasons of *force majeure* have compelled to take refuge on the coasts of the other High Contracting Party.

¹ Vol. XVIII, page 387, of this Series.

² Vol. XVIII, pages 405, 413, 441 and 461, of this Series.

³ Vol. XXIV, page 31, of this Series.

V.

The provisions of the said Convention shall not affect the provisions of navigation acts governing international rivers or provisions which have been or may be taken for the enforcement of these acts.

It is further understood that in all matters relating to navigation, the consular officials of each of the High Contracting Parties shall exercise as of right all the powers which are or may in future be enjoyed by the consular officials of any third State.

VI.

The two High Contracting Parties reserve the right to settle by means of special conventions questions relating to emigration and the protection of workers.

The present Protocol, which shall be considered as approved and sanctioned by the High Contracting Parties through the mere exchange of the ratifications of the Convention to which it refers, and without further special ratification, has been drawn up in duplicate at Belgrade on August 21, 1924.

(Signed) BODRERO.

(Signed) Dr. RYBÁR.

(Signed) L. LUCIOLLI.

(Signed) S. R. KOUKITCH.

EXCHANGE OF NOTES.

I.

THE MINISTER FOR FOREIGN AFFAIRS TO THE ITALIAN MINISTER AT BELGRADE.

BELGRADE, August 21, 1924.

MONSIEUR LE MINISTRE,

I have the honour to inform you that the Government of the Kingdom of the Serbs, Croats and Slovenes, in execution of the provisions contained in II of the Protocol annexed to the Convention on general agreements signed at Rome on October 23, 1922, recognises the right of lawyers under the conditions set forth in the first paragraph of Article 49 of that Convention, to continue to exercise their profession in person in the territory of the Kingdom of the Serbs, Croats and Slovenes, provided they comply with all the regulations in force applying to lawyers who are subjects of that Kingdom.

They shall, however take an oath by which they merely undertake to observe the laws of the country and to discharge their professional duties, and to accept the jurisdiction of the authorities of the Kingdom, to the exclusion of any other authorities, in all questions relating to their profession.

The right to plead in criminal cases shall only be granted to lawyers who at their request are authorised to do so by the Ministry of Justice of the Kingdom of the Serbs, Croats and Slovenes.

The relevant law will be submitted to Parliament without delay.

I am, etc.

(Signed) Dr. V. MARINKOVIC.

II.

THE ITALIAN MINISTER AT BELGRADE TO THE MINISTER FOR FOREIGN AFFAIRS.

BELGRADE, *August 21, 1924.*

YOUR EXCELLENCY,

In a note of this day's date Your Excellency informed me that the Government of the Kingdom of the Serbs, Croats and Slovenes, in execution of the provisions contained in II of the Protocol annexed to the Convention on general agreements signed at Rome on October 23, 1922, recognises the right of lawyers under the conditions set forth in the first paragraph of Article 49 of that Convention, to exercise their profession in person in the territory of the Kingdom of the Serbs, Croats and Slovenes, provided they comply with all the regulations in force applying to lawyers who are subjects of that Kingdom.

Your Excellency at the same time declared that the said lawyers would nevertheless take an oath by which they merely undertake to observe the laws of the country and to discharge their professional duties and to accept the jurisdiction of the authorities of the Kingdom, to the exclusion of all other authorities, in all matters relating to their profession.

According to Your Excellency's declarations it is further understood that the right to plead in criminal cases shall only be granted to lawyers who at their request are authorised to do so by the Ministry of Justice of the Kingdom of the Serbs, Croats and Slovenes.

The relevant law will be submitted to Parliament without delay.

In taking note of these declarations I have the honour to inform Your Excellency that the Royal Italian Government is in agreement.

I am, etc.

(Signed) *BODRERO.*