

N° 1991.

**HONGRIE
ET ROYAUME DES SERBES,
CROATES ET SLOVÈNES**

Convention concernant le règlement des questions relatives aux biens des départements, villes et villages divisés par la frontière fixée à la suite du Traité de Trianon, avec protocole de signature. Signés à Belgrade, le 22 février 1928.

**HUNGARY AND
KINGDOM OF THE SERBS,
CROATS AND SLOVENES**

Convention concerning the Settlement of Questions regarding the Property of Counties, Towns and Villages divided by the Frontier fixed in Pursuance of the Treaty of Trianon, with Protocol of Signature. Signed at Belgrade, February 22, 1928.

¹ TRADUCTION. — TRANSLATION.

No. 1991. — CONVENTION ² BETWEEN THE KINGDOM OF HUNGARY AND THE KINGDOM OF THE SERBS, CROATS AND SLOVENES CONCERNING THE SETTLEMENT OF QUESTIONS REGARDING THE PROPERTY OF COUNTIES, TOWNS AND VILLAGES DIVIDED BY THE FRONTIER FIXED IN PURSUANCE OF THE TREATY OF TRIANON. SIGNED AT BELGRADE, FEBRUARY 22, 1928.

French official text communicated by the Resident Minister, Head of the Hungarian Delegation accredited to the League of Nations. The registration of this Convention took place April 16, 1929.

HIS MOST SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY and HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES, being desirous of settling on the principles of Equity, questions concerning the property of former administrative units which have been divided up and of ensuring that the parts thereof should be given the material means of preserving their autonomous character in the respective territories, have resolved to conclude a Convention for this purpose and have appointed as their Plenipotentiaries :

HIS MOST SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY :

Baron Paul FORSTER, His Envoy Extraordinary and Minister Plenipotentiary at Belgrade ; and

M. Alfred DE NICKL, Counsellor of Legation, Director of the Economic Section at the Royal Hungarian Ministry of Foreign Affairs ; and

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

Dr. Voislav MARINKOVITCH, His Minister for Foreign Affairs,

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

Article I.

The provisions of the present Convention shall apply to the town of Subotitza, the counties (*comitats*) of Vas, Zala, Baranya, Bács-Bodrog and Csongrád, all of which are divided by the frontier fixed in pursuance of the Treaty of Trianon, and the villages (communes) situated in the territories of the said counties (*comitats*) and the villages situated in the territory of the county of Torontál, in so far as the said villages have also been divided by the above-mentioned frontier.

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 Budapest, October 20, 1928.

Article 2.

The provisions of the present Convention shall apply to all immovable and movable property belonging to partitioned administrative units (Article 1), to the rights and obligations, to the debts and claims of such administrative units, and to funds for the exclusive benefit of the interests properly so-called of the counties (*comitats*), towns and villages (*communes*), including the rights and obligations, the debts and claims of the said funds.

This Convention shall not, however, apply to foundations in general or to funds which are not for the exclusive benefit of the interests properly so-called of counties (*comitats*), towns and villages (*communes*), even where such funds are managed and administered by the administrative units referred to in Article 1. Similarly, the provisions of this Convention shall not apply to the assets of funds for minors and persons deprived of civil rights, to pensions funds and to archives and collections of deeds and records. Such questions, together with the question of the Funds for minors and persons deprived of civil rights in general shall be settled by special conventions.

For reasons of equity, Article 8 contains special provisions in regard to the Commune of Légrad, but unless otherwise expressly provided in the said Article 8, the provisions of the present Convention shall also apply to the property (assets and liabilities) of the said Commune of Légrad.

Article 3.

Questions relating to the property of partitioned administrative units shall be settled in accordance with the provisions of the following Articles.

Article 4.

IMMOVABLE PROPERTY.

All immovable property situated within the administrative boundaries of municipalities (counties and towns) and villages (*communes*) intersected by the new frontier (Article 1) shall, in their present condition, constitute the exclusive property of that Contracting Party in whose territory it is situated.

The immovable property of the administrative units mentioned in Article 1 situated outside their administrative boundaries in the other State shall, with the debts and other charges to which it is subject, constitute the sole property of that Contracting Party in whose territory it is situated. The debts and other charges on such immovable property shall be governed by the ordinary law of the State in whose territory such property is situated.

Article 5.

MOVABLE PROPERTY AND CLAIMS.

Movable property, including rights to movable property and claims embodied in documents, shall, in their present condition, constitute the sole property of those portions of the partitioned administrative units in whose possession they are.

The claims of partitioned counties, towns and villages shall be allocated among the portions of partitioned administrative units in accordance with the area of their administrative territories.

The portions to which the claim, in accordance with the preceding paragraph, is allocated, shall be the sole creditor of the debtors, and shall be regarded in its relations with the latter as a Hungarian or Serb-Croat-Slovene national according as its territory is situated in Hungary or in the Serb-Croat-Slovene State. In the case of claims expressed in former Austrian or Hungarian crowns, the provisions of the Convention concerning the settlement of such claims shall apply so far as the conditions of the said Convention hold good. The portions of the partitioned administrative units

shall be considered, for the purpose of the present Convention, as satisfying the personal conditions (nationality and domicile) laid down in the Convention.

The delegates of the Contracting Parties composing the Commission provided for in Article 11 shall, within ninety days from the entry into force of the present Convention, select by common agreement the portraits which the Serb-Croat-Slovene portions of the Bács-Bodrog county shall hand over to the Hungarian portion within fifteen days.

Article 6.

FUNDS.

The property of funds belonging to the countries, towns and villages and intended for the interests strictly so-called of the municipalities (counties, towns) and communes, shall, in their present condition and inclusive of debts and claims, remain the property of that portion of the partitioned administrative units in whose possession they are.

Article 7.

DEBTS.

Debts contracted before October 31, 1918, shall be subject to allocation.

Debts secured by mortgage shall be taken over by that portion of the partitioned administrative unit in whose territory the mortgaged property is situated.

Should the mortgaged property be intersected by the frontier fixed in pursuance of the Treaty of Trianon, or should several immovable properties have been taken as security (collective mortgage) — some being situated in Hungarian territory and others in territory transferred to the Serb-Croat-Slovene State under the Treaty of Trianon — the debt shall be allocated between the parts of the immovable property or between the immovable properties situated in Hungarian territory and those situated in territory transferred to the Serb-Croat-Slovene State, respectively. The allocation shall be made on the basis of the quality of the soil (net profits entered in the land register and estimated value).

Debts not secured by mortgage entries shall be taken over by that portion of the partitioned administrative units in whose favour the investments for which the debt was contracted have been made. Should the amount of the debt have been invested in the territory of both portions, the debt shall be allocated in proportion to the amounts invested in such territories. If this proportion cannot be ascertained, allocation shall be made in proportion to the area of the administrative territories of the portions of the administrative unit.

The portion of the partitioned administrative units which, under the provisions of this Article, shall take over the whole debt or a part thereof, shall alone be responsible therefor, and shall be regarded in its relations with the creditors as a Hungarian or a Serb-Croat-Slovene national according as the territory belongs to Hungary or to the Serb-Croat-Slovene State. In the case of debts expressed in former Austrian or Hungarian crowns, the provisions of the Convention concerning the settlement of such claims shall apply so far as the conditions of the said Convention hold good. The portions of the partitioned administrative units shall be considered, for the purpose of the above Convention, as satisfying the personal conditions (nationality and domicile) laid down in the Convention.

Article 8.

SPECIAL PROVISIONS.

The Government of the Kingdom of Hungary undertakes to recognise the title of the Commune of Légrád — entered in the land registers — to a section of forest 350 acres in extent, the Szentháromság (Holy Trinity), situated in the immediate vicinity of the said commune and detached from

the forest. The said section of forest shall be handed over to the Commune of Légrád within ninety days from the entry into force of the present Convention. The section of forest thus remaining the property of the commune shall continue to be subject to the Hungarian regulations concerning forestry undertakings and the Hungarian Government shall without delay draw up a plan of exploitation giving the Commune of Légrád the right to fell timber at least once a year. Neither the Serb-Croat-Slovene State nor the Commune of Légrád may be called upon to bear the cost of the entries in the land registers required by the provisions of this Article, nor the cost of the plan of exploitation.

Article 9.

The rights and obligations of the municipalities and communes enumerated in Article 1 which exist in regard to third parties and relate to the property and debts covered by the present Convention shall be transferred only to the portion of the partitioned administrative unit (the Contracting Party, in the cases referred to in Article 4) to which — under this Convention — the property falls or which takes over the debts.

The domestic law of each of the Contracting Parties shall govern the legal relations resulting — for the portions situated in their respective territories — from the execution of the present Convention, more especially the management, administration and exploitation of the property referred to in Article 4, and the conditions under which such property shall be allocated, in whole or in part, among the said portions of the partitioned administrative units.

Article 10.

The Contracting Parties declare that the partitioned portions of the municipalities and communes enumerated in Article 1 will not prefer any claims whatever against each other except those provided for in the present Convention.

Article 11.

In order to ensure the execution of the present Convention and to settle any disputes which may arise in the course of execution, a special Commission shall be appointed within thirty days from the coming into force of this Convention. The Commission shall consist of two delegates appointed by the Ministers of the Interior of the two Contracting Parties. The Commission for the execution of the present Convention may further include, should the necessity arise, a delegate from each portion of the partitioned municipality or commune concerned. The Commission entrusted with the execution of Article 8 shall consist of two members only, namely, the delegates of the two Contracting Parties.

The decisions of the Commission shall be unanimous. Disputes regarding which the Commission is unable to arrive at a unanimous decision shall be submitted to an arbitrator for decision as soon as the Commission has completed its work. The arbitrator shall be chosen by common agreement between the members appointed by the Contracting Parties; he shall be a national of a country other than that of the Contracting Parties.

Unanimous decisions of the Commission and the decisions of the arbitrator shall be final and binding on the Contracting Parties, the portions of the partitioned administrative units, and to third parties concerned. The Contracting Parties shall take steps to ensure that such decisions are executed.

The decisions of the Commission and of the arbitrator shall, if they relate to the rights of third parties, be communicated by the Commission to such parties. This communication shall be made by registered letter within fifteen days from the date on which the decision is taken. Failure to make such communication shall not affect the validity of the decisions given.

Article 12.

Each of the Contracting Parties shall bear any costs and expenses incurred by it in executing the present Convention. The costs and expenses arising from the duties of the arbitrator for the Commission referred to in Article 11 shall be borne by the Contracting Parties in equal shares.

Article 13.

The present Convention shall be ratified and the ratifications shall be exchanged at Budapest as soon as possible. It shall come into force fifteen days after the exchange of ratifications.

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

Done at Belgrade, in two original copies, on February the twenty-second, one thousand nine hundred and twenty-eight.

(L. S.) (*Signed*) FORSTER.

(L. S.) (*Signed*) NICKL.

(L. S.) (*Signed*) DR. V. MARINKOVITCH.

PROTOCOL OF SIGNATURE.

In proceeding to sign the Convention of this day's date concerning the settlement of questions regarding the property of counties, towns and villages divided by the frontier fixed in pursuance of the Treaty of Trianon, the Contracting Parties have agreed as follows :

(1) A special Convention shall be concluded for the settlement of questions regarding the property of the counties, towns and villages divided, as between Hungary, the Serb-Croat-Slovene State and Roumania, by the frontier fixed in pursuance of the Treaty of Trianon and for the settlement of questions regarding the community constituted by the property of the 14th Szerb-Banat frontier regiment (a volt 14 számú szerbbánáti határőrezredből alakult vagyonszég). The Contracting Parties shall act in agreement for the purpose of initiating negotiations.

(2) The Hungarian Government shall transmit to the Serb-Croat-Slovene Government a certified copy of the Protocols relating to the removal of the securities of the Temes and Torontál counties.

(3) The Hungarian portion shall hand over to the Serb-Croat-Slovene portion 320 cubic metres of wood and shall pay to the latter the sum of 4,000 pengós within fifteen days from the entry into force of the Convention.

(4) Article 7 relating to the allocation and settlement of debts shall be carried out in accordance with the following rules :

A. The debts of the Vas and Baranaya countries arising out of redeemable loans shall be extinguished, these debts having been discharged by the Hungarian portions of the said counties. The Hungarian portions shall not take any action against or make any other claim on the Serb-Croat-Slovene portions by reason of the payment made by them.

B. The Contracting Parties have noted that the Csongrád and Bács-Bordrog counties have no debts arising out of redeemable loans.

C. The debts of the county of Zala arising out of redeemable loans shall be allocated in proportion to the area of the administrative territories of the divided

portions. In this manner, 84 % of the said debts shall be assumed by the Hungarian portion and 16 % by the Serb-Croat-Slovene portion. The Hungarian portion shall, however, be responsible for the settlement of the share due by the Serb-Croat-Slovene portion.

D. The debts of the town of Subotitzá arising out of redeemable loans shall be allocated on the basis of the following proportionate figures :

(a) Loans secured by mortgage :

Hungarian Commercial Bank, Pest (*Pesti Magyar Kereskedelmi Bank*). Loan of Kr. 1,425,000, 1903. — Hungarian share 35 %, Serb-Croat-Slovene share 65 %.

Hungarian Land Bank (*Magyar Földhitelintézet*). Loan of Kr. 1,920,600, converted in 1911. — Serb-Croat-Slovene share 100 %.

Hungarian Land Bank (*Magyar Földhitelintézet*). Loan of Kr. 6,000,000, 1912 — Hungarian share 50 %, Serb-Croat-Slovene share 50 %.

Hungarian Land Bank (*Magyar Földhitelintézet*). Loan of 7,000,000, 1917 — Hungarian share 45 %, Serb-Croat-Slovene 55 %.

(b) Loans not secured by mortgage but used for investments :

Land Bank Society of the Kingdom of Hungary (*Magyar Jelzáloghitelbank*). Loan of Kr. 1,100,000, 1891 — Hungarian share 65 %, Serb-Croat-Slovene share 35 %.

Land Bank Society of the Kingdom of Hungary (*Magyar Jelzáloghitelbank*). Loan of Kr. 2,200,000, 1898 — Hungarian share 60 %, Serb-Croat-Slovene share 40 %.

Hungarian Commercial Bank, Pest (*Pesti Magyar Kereskedelmi Bank*). Loan of Kr. 600,000, 1891 — Hungarian share 70 %, Serb-Croat-Slovene share 30 %.

The Hungarian portion shall take over the settlement of the share of the following loans due in virtue of the above, by the Serb-Croat-Slovene portion :

Loan of Kr. 1,920,600 contracted in 1911 with the Hungarian Land Bank (*Magyar Földhitelintézet*),

Loan of Kr. 1,100,000 contracted in 1891 with the Land Bank Society of the Kingdom of Hungary (*Magyar Jelzáloghitelbank*),

Loan of Kr. 2,200,000 of 1898 contracted with the Land Bank Society of the Kingdom of Hungary (*Magyar Jelzáloghitelbank*),

Loan of Kr. 600,000 contracted in 1891 with the Hungarian Commercial Bank, Pest (*Pesti Magyar Kereskedelmi Bank*).

The present Protocol shall be ratified at the same time as the Convention of this day's date and shall have the same force as the said Convention.

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

Done, at Belgrade, in two original copies, on February the twenty-second, one thousand nine hundred and twenty-eight.

(L. S.) (*Signed*) FORSTE.

(L. S.) (*Signed*) NICKL.

(L. S.) (*Signed*) DR. V. MARINKOVITCH