

N° 3869.

ROUMANIE
ET TCHÉCOSLOVAQUIE

Convention relative à la répartition
du patrimoine des caisses tuté-
laires et à la libération des dépôts
des pupilles et des personnes in-
terdites. Signée à Bucarest, le
5 décembre 1930.

ROUMANIA
AND CZECHOSLOVAKIA

Convention concerning Apportion-
ment of the Assets of Guardian-
ship Funds and Liberation of
Deposits of Wards and Persons
under Legal Disability. Signed at
Bucharest, December 5th, 1930.

¹ TRADUCTION. — TRANSLATION.

No. 3869. — CONVENTION ² BETWEEN THE KINGDOM OF ROUMANIA AND THE CZECHOSLOVAK REPUBLIC CONCERNING APPORTIONMENT OF THE ASSETS OF GUARDIANSHIP FUNDS AND LIBERATION OF DEPOSITS OF WARDS AND PERSONS UNDER LEGAL DISABILITY. SIGNED AT BUCHAREST, DECEMBER 5TH, 1930.

French official text communicated by the Roumanian Envoy Extraordinary and Minister Plenipotentiary to the League of Nations and by the Permanent Delegate of the Czechoslovak Republic to the League of Nations. The registration of this Convention took place April 6th, 1936.

HIS MAJESTY THE KING OF ROUMANIA
and

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC,

Desirous of effecting a settlement in the matter of the apportionment of the assets of Guardianship Funds of areas divided by the State frontier and the liberation of deposits of wards and persons under legal disability, have to that end resolved to conclude a Convention and have appointed as their respective Plenipotentiaries :

HIS MAJESTY THE KING OF ROUMANIA :

Monsieur Georges G. MIRONESCO, Prime Minister, Minister for Foreign Affairs ;

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

Dr. Bohumil VLASÁK, Minister Plenipotentiary ;

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

CHAPTER I.

APPORTIONMENT OF THE ASSETS OF GUARDIANSHIP FUNDS.

Article I.

The assets of the Guardianship Funds of the former counties (comitats) of Ugocea (Ugocea) and Máramaros (Maramureş), which have been allowed to accumulate, shall be apportioned between the two Contracting Parties on the basis of a distribution ratio. A schedule of the assets of the

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 Prague, February 26th, 1936. Came into force February 26th, 1936.

said Funds shall be drawn up to that end in Austro-Hungarian crowns as at June 30th, 1920. The term "assets" shall be deemed to mean all securities held by the said Funds, Government stocks or other stocks or shares, mortgage deeds, deposits, current account balances, cash and the like, including the legal reserves kept by the said Funds, but not including the securities to which Chapter II of the present Convention relates (individually held securities).

The interest accrued up to the date of liquidation shall be added to the said assets.

The claims on the two Guardianship Funds aforesaid of wards and persons under legal disability shall further be determined as at June 30th, 1920, and divided into two groups according to the nationality (Czechoslovak or Roumanian) of the ward or person under legal disability concerned. In the absence of evidence to the contrary, the nationality of the ward or person under legal disability concerned shall be deemed to be that of the latest domicile recorded in the main ledger of the Guardianship Fund concerned.

The schedules of the assets of the Guardianship Funds of the former counties (comitats) of Ugocsa (Ugocea) and Máramaros (Maramureş), and the schedule of the claims on the said Funds of wards and persons under legal disability, shall be drawn up by the competent authorities of the Contracting Party in whose territory the Fund in question is situate. The said schedules shall be checked by a Joint Commission of two members to be appointed one each by the Contracting Parties.

The Joint Commission shall meet at the seat (head office) of the said Funds within one month of the entry into force of the present Convention, and shall complete its labours not later than six months from its first meeting. Differences between the two members of the Commission, which cannot be settled through diplomatic channels, shall be submitted for decision to an arbitrator, to be appointed by the Governments concerned by common accord.

Article 2.

In the case of one of the Guardianship Funds to which the preceding Article relates having settled without reservation a money claim of a ward or person under legal disability, with the consent of the claimant, not later than June 30th, 1920, the said claim shall be deemed to be extinguished.

In the case of one of the two Contracting Parties having settled without reservation a claim on a Guardianship Fund of the kinds to which Article 1 relates, with the consent of the claimant, after June 30th, 1920, and such claim would not lie against it under the terms of the present Convention, the other Party shall be required to cede to it the proportion of the claim which is its due under the terms of Article 3 following.

Article 3.

The following shall be the method of apportionment :

(a) The claims shall first be reduced to the total resulting from judicial settlements or decisions prior to November 1st, 1930 ; and no apportionment shall be made until the total of the schedule of claims has been so reduced.

(b) Mortgage deeds and deposits with financial institutions (deposit receipts, current account balances and the like) shall be assigned to the State within whose territory is situate the premises or seat of the financial establishment concerned or, in the case of concurrent mortgages, the State of the principal mortgagee.

(c) Cash claims of the Guardianship Funds on public revenue offices of any kind shall be assigned to that one of the two Contracting Parties within whose territory is situate the seat of the said revenue office.

(d) Stocks and shares, other than Government stocks, shall be assigned to that one of the two Contracting Parties within whose territory the stocks or shares in question were issued. War loan bonds shall be deemed to be without value for purposes of the apportionment.

Any balance remaining of the assets of the two Guardianship Funds to which Article 1 relates shall be paid to the representative of the claimant State in the national currency of the latter at the rates of exchange provided in the special Convention between the Contracting Parties concerning claims and debts in former Austro-Hungarian crowns.

Article 4.

The two Contracting Parties undertake to meet the claims of such wards and persons under legal disability as are their nationals out of the assets to which the above provisions relate, in accordance with Article 1.

Article 5.

The assets of the Guardianship Fund of the former county (comitat) of Szatmár (Satu-Mare) shall not be apportioned between the two Contracting Parties; but the Roumanian State undertakes notwithstanding in relation to the said Guardianship Fund to liberate all deposits and assets of such wards and persons under legal disability as are Czechoslovak subjects in accordance with the provisions of the present Convention.

CHAPTER II.

LIBERATION OF DEPOSITS AND ASSETS OF WARDS AND PERSONS UNDER LEGAL DISABILITY.

Article 6.

The two Contracting Parties undertake to transfer to one another automatically, within three months of the date of entry into force of the present Convention, all securities deposited or administered within their territories, and in particular all securities administered or held therein by the legal representatives of wards or persons under legal disability, where such securities are the legal property of :

(a) A Guardianship Fund of the other Contracting Party, or of

(b) Wards or persons under legal disability, reputed to be Czechoslovak or Roumanian nationals, as the case may be, under the terms of Article 1 of the present Convention.

Deposits administered in the name of a Guardianship Fund of the other Contracting Party, or in the name of a ward or person under legal disability who is a national of the other Contracting Party, shall be presumed to be the property of the said Guardianship Fund or, as the case may be, of the said ward or person under legal disability, in the absence of evidence to the contrary.

Where such securities (individually administered securities) were deposited in cash before June 30th, 1920, payment shall be made for the amount to the State claimant in its national currency at the rate of exchange provided in the special Convention between the Contracting Parties concerning claims and debts in former Austro-Hungarian crowns.

Article 7.

No due or fee shall be payable in respect of the administration or holding of the securities to which the present Convention relates.

CHAPTER III.

GENERAL PROVISIONS.

Article 8.

The transfer of the securities liberated under the terms of the present Convention shall be made to the representative to be appointed for the purpose by each of the two Contracting Parties.

Article 9.

The provisions of the present Convention with regard to wards and persons under legal disability shall apply equally to persons who, having come of age or acquired legal capacity, still have their property administered as on the date of the entry into force of the present Convention by a Guardianship Fund or other authority of the other Contracting Party.

Article 10.

Save in so far as otherwise provided in the present Convention, it is understood that the Convention between Roumania and Czechoslovakia concerning the liberation of deposits shall be applicable.

Article 11.

If after the execution of the present Convention there should be securities which should have been liberated under the provisions of the present Convention, but have continued notwithstanding to be administered within the territory of one of the Contracting Parties, they shall be handed over to the other Contracting Party, at the latter's demand made through diplomatic channels, in conformity with the principles on which the present Convention is based.

Article 12.

The present Convention shall further be applicable by analogy to deposits and cash which have been transferred from what is now Roumanian or Czechoslovak territory to Hungary, as also to deposits and cash which, having been administered in Hungary, have since been transferred by Hungary to one or other of the Contracting Parties.

Article 13.

The same shall apply to payments into court of all kinds and exhibits, deposited in cash before June 30th, 1920, which have been found on taking over by the Roumanian or Czechoslovak authorities.

CHAPTER IV.

FINAL PROVISIONS.

Article 14.

The present Convention shall be ratified.

The ratifications shall be exchanged at Prague as soon as possible.

The present Convention shall come into force on the date of the exchange of ratifications.

Done at Bucharest, this 5th day of December, 1930, in two copies, one for each of the two Contracting Parties.

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

(L. S.) (*Signed*) G. G. MIRONESCO.

(L. S.) (*Signed*) Dr. Bohumil VLASÁK.