

WESTERN PACIFIC HIGH COMMISSION.

No. 9 of 1921



[L.S.]

C. H. RODWELL,

High Commissioner.

29th March, 1921.

KING'S REGULATION

FOR THE BETTER GIVING EFFECT TO THE
TREATY OF PEACE (BULGARIA) ORDER 1920
AND FOR THE APPOINTMENT OF AN ADMINIS-
TRATOR THEREUNDER.

Made by His Britannic Majesty's High Commissioner for
the Western Pacific under the provisions of the Pacific
Order in Council 1893.

In the name of His Majesty, GEORGE THE FIFTH, by the
Grace of God of the the United Kingdom of Great
Britain and Ireland and of the British Dominions
beyond the Seas King, Defender of the Faith,
Emperor of India.

[29th March, 1921.]

WHEREAS by Article 3 of an Order of His Majesty
in Council bearing date the 13th day of August 1920
for giving effect to certain provisions of the Treaty of Peace
with Bulgaria provision is made *inter alia* for the applica-
tion of the Order to the Colonies not possessing responsible
Government and to British Protectorates.

And whereas it is expedient that local legislation should
be passed for the purpose of the Order: Now therefore it
is hereby enacted as follows:—

1. This Regulation may be cited for all purposes as the
Treaty of Peace Order (Bulgaria) Regulation 1921.

SHORT TITLE.

2. It shall be lawful for the High Commissioner to appoint
an Administrator for the purposes of the said Order who
shall have the powers and duties therein assigned to the
Administrator.

APPOINTMENT OF
ADMINISTRATOR.

*Treaty of Peace Order (Bulgaria) Regulation 1921.*ORDER TO BE
READ MUTATIS
MUTANDIS.

3. The references and expressions in the Treaty of Peace (Bulgaria) Order 1920 and the Schedule thereto which are set out in the Schedule to this Regulation shall for the purposes of their local application where occasion requires be read and construed *mutatis mutandis*.

Published and exhibited in the Public Office of the High Commissioner for the Western Pacific this twenty-ninth day of March one thousand nine hundred and twenty-one.

By Command,

ROGER GREENE,

Secretary to His Britannic Majesty's High
Commissioner for the Western Pacific.

THE SCHEDULE.

THE TREATY OF PEACE (BULGARIA) ORDER IN COUNCIL,
1920.

At the Court at Buckingham Palace, the 13th day of August, 1920.

PRESENT,

The King's Most Excellent Majesty in Council.

WHEREAS at Neuilly-sur-Seine on the twenty-seventh day of November, nineteen hundred and nineteen, a Treaty of Peace (hereinafter referred to as "the Treaty") was signed on behalf of His Majesty:

And whereas by the Treaties of Peace (Austria and Bulgaria) Act, 1920, it was provided that His Majesty might make such appointments, establish such offices, make such Orders in Council and do such things as appeared to Him to be necessary for carrying out the Treaty, and for giving effect to any of the provisions of the Treaty, and that any Order in Council made under that Act might provide for the imposition by summary process or otherwise of penalties in respect of breaches of the provisions thereof:

And whereas the Treaty contained the provisions set out in the Schedule to this Order, and it is expedient that for giving effect thereto the provisions hereinafter contained should have effect:

And whereas by Treaty, grant, usage, sufferance or other lawful means His Majesty has power and jurisdiction in British Protectorates, and is pleased by virtue and in exercise of the powers vested in Him by the Foreign Jurisdiction Act, 1890, or otherwise to extend the provisions of this Order to such Protectorates:

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, as follows:—

1. The provisions of the Treaty set out in the Schedule to this Order shall have full force and effect as law, and for the purpose of carrying out those provisions the following provisions shall have effect:—

(i) All property, rights and interests within His Majesty's Dominions or Protectorates belonging to Bulgarian nationals at the date when the Treaty came into force (not being property, rights or interests acquired under any general licence issued by or on behalf of His Majesty), and the net proceeds of their sale, liquidation or other dealings therewith, are hereby charged—

(a) in the first place, with payment of the amounts due in respect of claims by British nationals (other than British nationals ordinarily resident in the self-governing Dominions, India and Egypt) with regard to their property, rights and interests (including companies and associations in which they are interested) in Bulgarian territory, or debts owing to them by Bulgarian nationals, and with payment of any compensation awarded by the Mixed Arbitral Tribunal, or by an arbitrator appointed by that Tribunal in pursuance of paragraph (e) of Article 177 of the Treaty, and with payment of claims growing out of acts committed by the Bulgarian Government or by any Bulgarian authorities since the eleventh and before the fifteenth day of October, nineteen hundred and fifteen; and

(b) secondly, with payment of the amounts due in respect of claims by British nationals (other than British nationals ordinarily resident in the self-governing Dominions, India and Egypt) with regard to their property, rights and interests in the territories of Germany, Austria, Hungary and Turkey, in so far as those claims are not otherwise satisfied:

Provided that any particular property, rights or interests so charged may at any time be released by the Administrator hereinafter mentioned, acting under the general direction of the Board of Trade, from the charge so created.

(ii) With a view to making effective and enforcing such charge as aforesaid—

(a) The Board of Trade may appoint an Administrator who shall have such powers and duties as are hereinafter provided;

(b) no person shall, without the consent of the Administrator, acting under the general direction of the Board of Trade, transfer, part with or otherwise deal in any property, right or interest subject to the charge, or pay any debt subject thereto, and if he does so he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such imprisonment and fine;

(c) every person owning or having the control or management of any property, right or interest or owing any debt, subject to the charge (including where the property, right or interest consists of shares, stocks or other securities issued by a company, municipal authority or other body, or any right or interest therein, such company, authority or body) shall, unless particulars thereof have already been furnished to the Custodian in accordance with the Trading with the Enemy Acts, 1914 to 1918, within one month from the date of the making of this Order by notice in writing communicate the fact to the Administrator and shall furnish the administrator with such particulars in relation thereto as the Administrator may require, and if any person fails to do so or furnishes any false information he shall on summary conviction be liable to a fine not exceeding one hundred pounds;

(d) where the property charged consists of inscribed or registered stock, shares or other securities, any company, municipal authority or other body by whom the securities were issued or are managed shall on application being made by the Administrator, notwithstanding any regulation or stipulation of the company or other body, and notwithstanding that the Administrator is not in possession of the certificate, scrip or other document or title relating to the shares, stock or securities to which the application relates, enter the Administrator in the books in which the securities are inscribed or registered as the proprietor of the securities subject to the charge, and the Administrator shall have power to sell or otherwise deal with the securities as proprietor of which he is so registered or inscribed;

(e) where the property, charged consists of property transferable on delivery, any person having the possession, control or management of the property shall, on being so required by the Administrator, deliver the property to him, and the Administrator shall have power to sell or otherwise deal with the property so delivered to him;

(f) the Board of Trade may by order vest in the Administrator any property, right or interest subject to the charge, or the right to transfer the same, and for that purpose subsections (1) to (4) of section four of the Trading with the Enemy (Amendment) Act, 1916, shall apply as if property, rights and interests subject to the charge were property belonging to an enemy or enemy subject, and as if for references to the Custodian therein there were substituted references to the Administrator;

(g) the Administrator shall have power to enforce the payment of any debt subject to the charge against the debtor, together with the interest prescribed by subsection (ix) of this article, and for that purpose shall have all such rights and powers as if he were the creditor, and if the debt has been admitted by the debtor, or the debt or the amount thereof has been found by arbitration or by the Mixed Arbitral Tribunal or by a court of law, the Administrator may certify the amount so admitted or found due, together with such interest as aforesaid, and on production to the proper officer of the Supreme Court of the part of His Majesty's Dominions or the Protectorate in which the debtor resides of such a certificate the certificate shall be registered by that officer, and shall from

the date of such registration be of the same force and effect and all proceedings may be taken thereon as if the certificate were a judgment obtained in that court for the recovery of a debt of the amount specified in the certificate and entered upon the date of such registration, and all reasonable costs and charges attendant upon the registration of such a certificate shall be recoverable in like manner as if they were part of such judgment.

(h) The court may on the application of the Administrator require any person known or suspected to have in his possession or under his control any property, right or interest subject to the charge, including any person known or suspected to owe a debt to a Bulgarian national or any person whom the court may consider capable of giving information with respect to the same, subject to payment or tender of reasonable expenses of his attendance, to attend as a witness and to give evidence or produce documents before the court or before such officer as the court may appoint for the purpose of examining into the matter, who shall have power to take evidence and administer oaths, and if any person fails without reasonable excuse to comply with any of the provisions of the order or wilfully gives false evidence he shall on summary conviction be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such imprisonment and fine.

For the purposes of this paragraph "the Court" means the High Court or a judge thereof or a county court or in Scotland the Court of Session or a sheriff court.

(i) if any person called upon to pay any money or to transfer or otherwise to deal with any property, rights or interests has reason to suspect that the same are subject to such charge as aforesaid he shall before paying, transferring or dealing with the same report the matter to the Administrator and shall comply with any directions that the Administrator may give with respect thereto.

(iii) There shall be paid to the Administrator such surplus proceeds of property, rights and interests charged under section 1 (xvi) of the Treaty of Peace Order, 1919, as may be allocated in accordance with Article 1 (xvi) (b) of that Order to the payment of amounts due in respect of claims by British nationals with regard to their property, rights and interests in Bulgarian territory.

(iv) The Administrator may, subject to the approval of the President of the Board of Trade, from time to time make, revoke or vary general rules and may prescribe forms for carrying into effect the provisions of this Order, and prescribe the time (not being less than six months after the coming into force of the Treaty) within which proof of debts and other claims in order to rank must be made and the manner of making and proving the same.

(v) The Administrator shall, as respects property vested in or transferred to him under this Order, have all the rights and powers conferred upon or exercisable as respects property vested in him, by a trustee in bankruptcy, whether with or without the permission of a committee of inspection or the leave of the court.

(vi) The Administrator shall apply the sums received by him in satisfaction of the claims, debts and compensation mentioned in sub-section (i) of this article, but no payment shall be made by the Administrator in respect of any such debt unless he is satisfied that such efforts as the Administrator thinks reasonable and proper in the circumstances of the case have been made without success to recover directly from the person liable to satisfy the debt.

(vii) The Administrator shall be assisted by such officers and servants as the Board of Trade, subject to the consent of the Treasury may determine, and there shall be paid to the Administrator and to such officers and servants such salaries or other remuneration as the Treasury may determine.

(viii) The Administrator shall retain out of the property, rights, interests or the proceeds thereof vested in or collected or received by him under this Order such sums as, subject to the consent of the Treasury, he may consider necessary to cover risks, expenses and commissions.

(ix) (a) Debts shall carry interest at the rate of five per centum per annum, but in cases where by law, custom or contract the creditor is entitled to the payment of interest at some other rate that rate shall be the rate of interest;

Provided that interest shall not be payable on sums of money due by way of dividends, interest or other periodical payments which themselves represent interest on capital.

(b) Interest shall commence to run from the date of the commencement of hostilities (or, if the debt became due at a later date during the war, from such later date), and shall, in the case of debts payable to the Administrator, continue to run until payment is made to him.

(x) The Administrator may sue and be sued by the name of the Administrator of Bulgarian property.

(xi) Every document purporting to be an order or other instrument issued by the Administrator or to be signed by him or by any other person authorised by him shall be received in evidence and shall be deemed to be such order or instrument without further proof unless the contrary is shown and in any proceeding by the Administrator to recover a debt or fine, a report purporting to be signed by the Administrator or any other person authorized by him shall be evidence of the facts therein stated.

(xii) A certificate signed by the Administrator that an order or other instrument purporting to be made or issued by him is so made or issued shall be conclusive evidence of the facts so certified.

(xiii) The Documentary Evidence Act, 1868, as amended by any subsequent enactment, shall apply to the Administrator in like manner as if he were mentioned in the first Column of the First Schedule to that Act, and as if the Administrator or any person authorized by him to act on his behalf were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any documents issued by or on behalf of the Administrator.

(xiv) All decisions of the Mixed Arbitral Tribunal constituted under Section VI of Part IX of the Treaty, if within the jurisdiction of that tribunal, shall be final and conclusive and binding on all courts.

(xv) The Administrator may undertake on behalf of a British national the presentation to and conduct before the Mixed Arbitral Tribunal of any claim, difference or dispute referable to the Tribunal under the provisions of Sections IV, V, and VII of Part IX of the Treaty, and may make regulations with the consent of the Treasury in respect of the fees to be charged in respect of such services.

(xvi) For the purpose of enforcing the attendance of witnesses before the Mixed Arbitral Tribunal, wherever sitting, whether within or without His Majesty's Dominions, and compelling the production before the tribunal of documents, a Secretary of State shall have power to issue orders which shall have the like effect as if the proceedings before the tribunal were an action in a court and the order were a formal process issued by that court in the due exercise of its jurisdiction, and shall be enforceable by that court accordingly, and disobedience to any such order shall be punishable as contempt of court.

(xvii) The time at which the period of prescription or limitation of right of action referred to in Article 183 of the Treaty shall begin again to run shall be at the expiration of six months after the coming into force of the Treaty, and the period to be allowed within which presentation of negotiable instruments for acceptance or payment and notice of non-acceptance or non-payment or protest may be made under Article 184 shall be ten months from the coming into force of the Treaty.

(xviii) Rules made during the war by any recognised Exchange or Commercial Association providing for the closure of contracts entered into before the war by an enemy and any action taken thereunder are hereby confirmed subject to the provisos contained in paragraph 4 (a) of the Annex to Section V of Part IX of the Treaty.

(xix) There shall be imposed on rights of industrial, literary or artistic property (with the exception of trade marks) acquired before or during the war, or which may be acquired hereafter, by or on behalf of Bulgarian nationals, such limitations, conditions or restrictions as the Board of Trade may prescribe for the purpose, in the manner, in the circumstances, and subject to the limitations contained in Article 190 of the Treaty and any transfer in whole or in part or other dealing with any rights so acquired as aforesaid effected since the first day of August, nineteen hundred and fourteen, shall if and so far as it is inconsistent with any limitations, conditions or restrictions so imposed be void and of no effect.

(xx) So far as may be necessary for the purpose of Article 191 of the Treaty, the Patents, Designs and Trade Marks (Temporary Rules) Act, 1914 (except paragraph (b) of Section 1 of the Patents, Designs and Trade Marks (Temporary Rules) (Amendment) Act, 1914,) shall in relation to Bulgarian nationals continue in force, and shall be deemed as from the date when the Treaty came into force to have

continued in force, as if references therein to subjects of a State at war with His Majesty included references to Bulgarian nationals.

(xxi) The duly qualified tribunal for the purposes of Article 193 of the Treaty shall be the Comptroller-General of Patents, Designs and Trade Marks.

2. For the purposes of the foregoing provisions of this Order:—

The expression "nationals" in relation to any State includes the Sovereign or former Sovereign and the subjects or citizens of that State and any company or corporation incorporated therein according to the law of that State and in the case of a Protectorate the natives thereof:

The Interpretation Act, 1889, applies for the interpretation of this Order in like manner as it applies for the interpretation of an Act of Parliament, and as if this Order were made an Act of Parliament.

3. This Order shall apply to the whole of His Majesty's Dominions and Protectorates, except India and Egypt and the self-governing Dominions, that is to say, the Dominion of Canada, the Commonwealth of Australia (which for this purpose shall be deemed to include Papua and Norfolk Island), the Union of South Africa, the Dominion of New Zealand and Newfoundland, but in its application to the parts of His Majesty's Dominions outside the United Kingdom and to British Protectorates shall be subject to such modifications as may be made by the legislatures of those parts or those Protectorates for adapting to the circumstances thereof the provisions of this Order.

4. This Order shall be deemed to have come into operation as from the date when the Treaty of Peace came into force, that is to say, the Ninth day of August, nineteen hundred and twenty.

5. This Order may be cited as the Treaty of Peace (Bulgaria) Order, 1920.

ALMERIC FITZROY.

SCHEDULE.

SECTION III.—DEBTS.

Article 176.

(4) (*d*) Debts shall be paid or credited in the currency of such one of the Allied and Associated Powers, their colonies or protectorates, or the British Dominions or India, as may be concerned. If the debts are payable in some other currency they shall be paid or credited in the currency of the country concerned, whether an Allied or Associated Power, Colony, Protectorate, British Dominion or India, at the pre-war rate of exchange.

For the purpose of this provision, the pre-war rate of exchange shall be defined as the average cable transfer rate prevailing in the Allied or Associated country concerned during the month immediately preceding the outbreak of war between the Power concerned and Bulgaria.

If a contract provides for a fixed rate of exchange governing the conversion of the currency in which the debt is stated into the currency of the Allied or Associated Power concerned, then the above provisions concerning the rate of exchange shall not apply.

In the case of the new States of Poland and Czecho-Slovakia, the currency in which and the rate of exchange at which debts shall be paid or credited shall be determined by the Reparation Commission provided for in Part VII. (Reparation), unless they shall have been previously settled by agreement between the States interested.

ANNEX.

22.

Subject to any special agreement to the contrary between the Governments concerned, debts shall carry interest in accordance with the following provisions:

Interest shall not be payable on sums of money due by way of dividend, interest, or other periodical payments which themselves represent interest on capital.

The rate of interest shall be 5 per cent. per annum except in cases where, by contract, law, or custom the creditor is entitled to payment of interest at a different rate. In such cases the rate to which he is entitled shall prevail.

Interest shall run from the date of commencement of hostilities (or, if the sum of money to be recovered fell due during the war, from the date at which it fell due) until the sum is credited to the Clearing Office of the creditor.

SECTION IV.—PROPERTY, RIGHTS AND INTERESTS.

Article 177.

The question of private property, rights and interests in an enemy country shall be settled according to the principles laid down in this Section and to the provisions of the Annex hereto.

(a) The exceptional war measures and measures of transfer (defined in paragraph 3 of the Annex hereto) taken by Bulgaria with respect to the property, rights and interests of nationals of Allied or Associated Powers, including companies and associations in which they are interested, when liquidation has not been completed, shall be immediately discontinued or stayed and the property, rights and interests concerned restored to their owners, who shall enjoy full rights therein in accordance with the provisions of Article 178. The Bulgarian Government will revoke all legislative or administrative provisions which it may have made during the war forbidding companies of Allied and Associated nationality or companies in which Allied or Associated nationals are interested to enjoy the benefit of concessions or contracts in Bulgaria.

(b) Subject to any contrary stipulations which may be provided for in the present Treaty, the Allied and Associated Powers reserve the right to retain and liquidate all property, rights and interests belonging at the date of the coming into force of the present Treaty to Bulgarian nationals, or companies controlled by them, within their territories, colonies, possessions and protectorates, including territories ceded to them by the present Treaty.

The liquidation shall be carried out in accordance with the laws of the Allied or Associated State concerned, and the Bulgarian owner shall not be able to dispose of such property, rights and interests nor to subject them to any charge without the consent of that State.

Bulgarian nationals who acquire *ipso facto* the nationality of an Allied or Associated Power in accordance with the provisions of the present Treaty will not be considered as Bulgarian nationals within the meaning of this paragraph.

(c) The price of the amount of compensation in respect of the exercise of the right referred to in paragraph (b) will be fixed in accordance with the methods of sale or valuation adopted by the laws of the country in which the property has been retained or liquidated.

(d) As between the Allied and Associated Powers or their nationals on the one hand, and Bulgaria or her nationals on the other hand, all the exceptional war measures or measures of transfer, put into operation by the Allied and Associated Powers, or acts done or to be done in execution of such measures as defined in paragraphs 1 and 3 of the Annex hereto, shall be considered as final and binding upon all persons except as regards the reservations laid down in the present Treaty. If, however, in the States referred to in paragraph (i) of this Article measures prejudicial to the property, rights and interests of Bulgarian nationals and not in accordance with the local law have been taken, the Bulgarian proprietor shall be entitled to compensation for the damage caused to him. This compensation shall be fixed by the Mixed Arbitral Tribunal provided for by Section VI. The same measures and all others affecting the property, rights and interests of nationals of the Allied and Associated Powers—notably, acts of requisition or seizure, wheresoever affected, by the civil or military authorities, the troops of the population of Bulgaria, or effected in Bulgaria by the civil or military authorities or the troops of the Powers allied with Bulgaria—are declared void, and the Bulgarian Government will take all measures necessary for the restoration of such property, rights and interests.

(e) The nationals of Allied and Associated Powers shall be entitled to compensation in respect of damage or injury inflicted upon their property rights or interests, including any company or association in which they are interested, in Bulgarian territory as it existed on September 20, 1915, by the application either of the exceptional war measures or measures of transfer mentioned in paragraphs 1 and 3 of the Annex hereto. The claims made in this respect by such nationals shall be investigated, and the total of the compensation shall be determined by the Mixed Arbitral Tribunal provided for in Section VI., or by an arbitrator appointed by that Tribunal. This compensation shall be borne by Bulgaria, and may be charged upon the property of Bulgarian nationals within the territory or under the control of the claimant's State. This property may be constituted as a pledge for enemy liabilities under the conditions fixed by paragraph 4 of the Annex hereto. The payment of this compensation may be made by the Allied or Associated State, and the amount will be debited to Bulgaria.

(f) Whenever a national of an Allied or Associated Power is entitled to property which has been subjected to a measure of transfer in Bulgarian territory and expresses a desire for its restitution, his claim for compensation in accordance with paragraph (e) shall be satisfied by the restitution of the said property if it still exists in specie.

In such case Bulgaria shall take all necessary steps to restore the evicted owner to the possession of his property, free from all encumbrances or burdens with which it may have been charged after the liquidation, and to indemnify all third parties injured by the restitution.

If the restitution provided for in this paragraph cannot be effected, private agreements arranged by the intermediation of the Powers concerned or the Clearing Offices provided for in the Annex to Section III, may be made, in order to secure that the national of the Allied or Associated Power may secure compensation for the injury referred to in paragraph (e) by the grant of advantages or equivalents which he agrees to accept in place of the property, rights or interests of which he was deprived.

Through restitution in accordance with this Article, the price or the amount of compensation fixed by the application of paragraph (e) will be reduced by the actual value of the property restored, account being taken of compensation in respect of loss of use or deterioration.

(g) The rights conferred by paragraph (f) are reserved to owners who are nationals of Allied or Associated Powers within whose territory legislative measures prescribing the general liquidation of enemy property, rights or interests were not applied before the signature of the Armistice.

(h) Except in cases where, by application of paragraph (f), restitutions in specie have been made, the net proceeds of sales of enemy property, rights or interests, wherever situated, carried out either by virtue of war legislation, or by application of this Article, and in general all cash assets of enemies, shall be dealt with as follows:—

(1) As regards Powers adopting Section III and the Annex thereto, the said proceeds and cash assets shall be credited to the Power of which the owner is a national, through the Clearing Office established thereunder; any credit balance in favour of Bulgaria resulting therefrom shall be dealt with as provided in Article 129, Part VII (Reparation), of the present Treaty.

(2) As regards Powers not adopting Section III and the Annex thereto the proceeds of the property, rights and interests, and the cash assets, of the nationals of Allied or Associated Powers held by Bulgaria shall be paid immediately to the person entitled thereto or to his Government; the proceeds of the property, rights and interests, and the cash assets, of Bulgarian nationals received by an Allied or Associated Power shall be subject to disposal by such Power in accordance with its laws and regulations, and may be applied in payment of the claims and debts defined by this Article or paragraph 4 of the Annex hereto. Any property, rights and interests or proceeds thereof or cash assets not used as above provided may be retained by the said Allied and Associated Power, and if retained the cash value thereof shall be dealt with as provided in Article 129, Part VII (Reparation), of the present Treaty.

(i) In the case of liquidations effected in new States which are signatories of the present Treaty as Allied and Associated Powers, or in States to which Bulgarian territory is transferred by the present Treaty, or in States which are not entitled to share in the reparation payments to be made by Bulgaria, the proceeds of liquidations effected by such States shall, subject to the rights of the Reparation Commission under the present Treaty, particularly under Article 121, Part VII (Reparation), of the present Treaty, be paid direct to the owner. If, on the application of that owner, the Mixed Arbitral Tribunal provided for by Section VI of this Part, or an arbitrator appointed by that Tribunal, is satisfied that the conditions of the sale or measures taken by the Government of the State in question outside its general legislation were unfairly prejudicial to the price obtained, the tribunal or arbitrator shall have discretion to award to the owner equitable compensation to be paid by that State.

(j) Bulgaria undertakes to compensate her nationals in respect of the sale or retention of their property, rights or interests in Allied or Associated States.

(k) The amount of all taxes and imposts upon capital levied or to be levied by Bulgaria on the property, rights and interests of the nationals of the Allied or Associated Powers from September 29, 1918, until three months from the coming into force of the present Treaty, or, in the case of property, rights and interests which have been subjected to exceptional measures of war, until restitution in accordance with present Treaty, shall be restored to the owners.

Article 178.

Bulgaria undertakes with regard to the property, rights and interests, including companies and associations in which they were interested, restored to nationals of Allied and Associated Powers in accordance with the provisions of Article 177.

a) to restore and maintain, except as expressly provided in the present Treaty, the property, rights and interests of the nationals of Allied or Associated Powers in the legal position obtaining in respect of the property, rights and interests of Bulgarian nationals under the laws in force before the war.

(b) Not to subject the property, rights or interests of the nationals of the Allied or Associated Powers to any measures in derogation of property rights which are not applied equally to the property, rights and interests of Bulgarian nationals, and to pay adequate compensation in the event of the application of these measures.

Article 179.

Diplomatic or consular claims made before the war by the Representatives or Agents of the Allied and Associated Powers with regard to the private property, rights or interests of nationals of those Powers shall, on the application of the Power concerned, be submitted to the Mixed Arbitral Tribunal provided for in Section VI.

ANNEX.

1.

In accordance with the provisions of Article 177, paragraph (d), the validity of vesting orders and of orders for the winding up of businesses or companies, and of other orders, directions, decisions or instructions of any court or any department of the Government of any of the Allied and Associated Powers made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights and interests is confirmed. The interests of all persons shall be regarded as having been effectively dealt with by any order, direction, decision or instruction dealing with property in which they may be interested, whether or not such interests are specifically mentioned in the order, direction, decision or instruction. No question shall be raised as to the regularity of a transfer of any property, rights or interests dealt with in pursuance of any such order, direction, decision or instruction. Every action taken with regard to any property, business or company, whether as regards its investigation, sequestration, compulsory administration, use, requisition, supervision, or winding up, the sale or management of property, rights or interests, the collection or discharge of debts, the payment of costs, charges or expenses, or any other matter whatsoever, in pursuance of orders, directions, decisions or instructions of any court or of any department of the Government of any of the Allied and Associated Powers, made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights or interests, is confirmed. Provided that the provisions of this paragraph shall not be held to prejudice the titles to property heretofore acquired in good faith and for value and in accordance with the laws of the country in which the property is situated by nationals of the Allied and Associated Powers.

2.

No claim or action shall be made or brought against any Allied or Associated Power or against any person acting on behalf of or under the direction of any legal authority or department of the Government of such a Power by Bulgaria or by any Bulgarian national wherever resident in respect of any act or omission with regard to his property, rights, or interests during the war or in preparation for the war. Similarly, no claim or action shall be made or brought against any person in respect of any act or omission under or in accordance with the exceptional war measures, laws or regulations of any Allied or Associated Power.

3.

In Article 177 and this Annex the expression "exceptional war measures" includes measures of all kinds, legislative, administrative, judicial or others, that have been taken or will be taken hereafter with regard to enemy property, and which have had or will have the effect of removing from the proprietors the power of disposition over their property, though without affecting the ownership, such as measures of supervision, of compulsory administration, and of sequestration; or measures which have had or will have as an object the seizure of, use of, or the interference with enemy assets, for whatsoever motive, under whatsoever form or in whatsoever place. Acts in the execution of these measures

include all detentions, instructions, orders or decrees of Government departments or courts applying these measures to enemy property, as well as acts performed by any person connected with the administration or the supervision of enemy property, such as the payment of debts, the collecting of credits, the payment of any costs, charges or expenses, or the collecting of fees.

Measures of transfer are those which have affected or will affect the ownership of enemy property by transferring it in whole or in part to a person other than the enemy owner, and without his consent, such as measures directing the sale, liquidation or devolution of ownership in enemy property, or the cancelling of titles or securities.

4.

All property, rights and interests of Bulgarian nationals within the territory of any Allied or Associated Power and the net proceeds of their sale, liquidation or other dealing therewith may be charged by that Allied or Associated Power in the first place with payment of amounts due in respect of claims by the nationals of that Allied or Associated Power with regard to their property, rights and interests, including companies and associations in which they are interested, in Bulgarian territory, or debts owing to them by Bulgarian nationals, and with payment of claims growing out of acts committed by the Bulgarian Government or by any Bulgarian authorities since October 11, 1915, and before that Allied or Associated Power entered into the war. The amount of such claims may be assessed by an arbitrator appointed by M. Gustave Ador, if he is willing, or if no such appointment is made by him, by an arbitrator appointed by the Mixed Arbitral Tribunal provided for in Section VI. They may be charged in the second place with payment of the amounts due in respect of claims by the nationals of such Allied or Associated Power with regard to their property, rights and interests in the territory of other enemy Powers, in so far as those claims are otherwise unsatisfied.

5.

Notwithstanding the provisions of Article 177, where immediately before the outbreak of war a company incorporated in an Allied or Associated State had rights in common with a company controlled by it and incorporated in Bulgaria to the use of trade-marks in third countries, or enjoyed the use in common with such company of unique means of reproduction of goods or articles for sale in third countries, the former company shall alone have the right to use these trade-marks in third countries to the exclusion of the Bulgarian company, and these unique means of reproduction shall be handed over to the former company, notwithstanding any action taken under Bulgarian war legislation with regard to the latter company or its business, industrial property or shares. Nevertheless, the former company, if requested, shall deliver to the latter company derivative copies permitting the continuation of reproduction of articles for use within Bulgarian territory.

6.

Up to the time when restitution is carried out in accordance with Article 177, Bulgaria is responsible for the conservation of property, rights and interests of the nationals of Allied or Associated Powers, including companies and associations in which they are interested, that have been subjected by her to exceptional war measures.

7.

Within one year from the coming into force of the present Treaty the Allied or Associated Powers will specify the property, rights and interests over which they intend to exercise the right provided in Article 177, paragraph (f).

8.

The restitution provided in Article 177 will be carried out by order of the Bulgarian Government or of the authorities which have been substituted for it. Detailed accounts of the action of administrators shall be furnished to the interested persons by the Bulgarian authorities upon request, which may be made at any time after the coming into force of the present Treaty.

9.

Until completion of the liquidation provided by Article 177, paragraph (b), the property, rights, and interests of Bulgarian nationals will continue to be subject to exceptional war measures that have been or will be taken with regard to them.

10.

Bulgaria will, within six months of the coming into force of the present Treaty, deliver to each Allied or Associated Power all securities, certi-

ificates, deeds or other documents of title held by its nationals and relating to property, rights or interests situated in the territory of that Allied or Associated Power, including any shares, stock, debentures, debenture stock or other obligations of any company incorporated in accordance with the laws of that Power.

Bulgaria will at any time on demand of any Allied or Associated Power furnish such information as may be required with regard to the property, rights and interests of Bulgarian nationals within the territory of such Allied or Associated Power, or with regard to any transactions concerning such property, rights or interests effected since September 1, 1915.

11.

The expression "cash assets" includes all deposits or funds established before or after the existence of a state of war, as well as all assets coming from deposits, revenues or profits collected by administrators, sequestrators or others from funds placed on deposit or otherwise, but does not include sums belonging to the Allied or Associated Powers or to their component States, Provinces or Municipalities.

12.

All investments wheresoever effected with the cash assets of nationals of the High Contracting Parties, including companies and associations in which such nationals were interested, by persons responsible for the administration of enemy properties or having control over such administration, or by order of such persons or of any authority whatsoever, shall be annulled. These cash assets shall be accounted for irrespective of any such investment.

13.

Within one month from the coming into force of the present Treaty, or on demand at any time, Bulgaria will deliver to the Allied and Associated Powers all accounts, vouchers, records, documents and information of any kind which may be within Bulgarian territory, and which concerns the property, rights and interests of the nationals of those Powers, including companies and associations in which they are interested, that have been subjected to an exceptional war measure, or to a measure of transfer either in Bulgarian territory or in territory occupied by Bulgaria or her allies.

The controllers, supervisors, managers, administrators, sequestrators, liquidators and receivers shall be personally responsible under guarantee of the Bulgarian Government for the immediate delivery in full of these accounts and documents, and for their accuracy.

14.

The provisions of Article 177 and this Annex relating to property rights and interests in an enemy country, and the proceeds of the liquidation thereof, apply to debts, credits and accounts, Section III. regulating only the method of payment.

In the settlement of matters provided for in Article 177 between Bulgaria and the Allied or Associated States, their colonies or protectorates, or any one of the British Dominions or India, in respect of any of which a declaration shall not have been made that they adopt Section III, and between their respective nationals, the provisions of Section III respecting the currency in which payment is to be made and the rate of exchange and of interest shall apply unless the Government of the Allied or Associated Power concerned shall, within six months of the coming into force of the present Treaty, notify Bulgaria that one or more of the said provisions are not to be applied.

15.

The provisions of Article 177 and this Annex apply to industrial, literary and artistic property which has been or will be dealt with in the liquidation of property, rights, interests, companies or businesses under war legislation by the Allied or Associated Powers, or in accordance with the stipulations of Article 177, paragraph (b).

SECTION V.—CONTRACTS, PRESCRIPTIONS, JUDGMENTS.

Article 180.

(a) Any contract concluded between enemies shall be regarded as having been dissolved as from the time when any two of the parties became enemies, except in respect of any debt or other pecuniary obligation arising out of any act done or money paid thereunder, and subject to the exceptions and special rules with regard to particular contracts or classes of contracts contained herein or in the Annex hereto.

Treaty of Peace Order (Bulgaria) Regulation 1921.

(b) Any contract of which the execution shall be required in the general interest, within six months from the date of the coming into force of the present Treaty, by the Government of the Allied or Associated Power of which one of the parties is a national, shall be excepted from dissolution under this Article.

When the execution of the contract thus kept alive would, owing to the alteration of trade conditions, cause one of the parties substantial prejudice, the Mixed Arbitral Tribunal provided for by Section VI shall be empowered to grant to the prejudiced party equitable compensation.

(c) Having regard to the provisions of the constitution and law of the United States of America, of Brazil, and of Japan, neither the present Article, nor Article 183, nor the Annex hereto shall apply to contracts made between nationals of these States and Bulgarian nationals; nor shall Article 189 apply to the United States of America or its nationals.

(d) The present Article and the Annex hereto shall not apply to contracts the parties to which become enemies by reason of one of them being an inhabitant of territory of which the sovereignty has been transferred, if such party shall acquire under the present Treaty the nationality of an Allied or Associated Power, nor shall they apply to contracts between nationals of the Allied and Associated Powers between whom trading has been prohibited by reason of one of the parties being in Allied or Associated territory in the occupation of the enemy.

(e) Nothing in the present Article or the Annex hereto shall be deemed to invalidate a transaction lawfully carried out in accordance with a contract between enemies if it has been carried out with the authority of one of the belligerent Powers.

Article 181.

Transfers of territory under the present Treaty shall not prejudice the private rights referred to in the Treaties of Constantinople, 1913, of Athens, 1913, and of Sтамбул, 1914.

Transfers of territory by or to Bulgaria under the present Treaty shall similarly and to the same extent ensure the protection of these private rights.

In case of disagreement as to the application of this Article the difference shall be submitted to an arbitrator appointed by the Council of the League of Nations.

Article 182.

Concessions, guarantees of receipts, and rights of exploitation in Bulgarian territory as fixed by the present Treaty in which nationals of the Allied and Associated Powers, or companies or associations controlled by such nationals are interested may in case either of abnormal conditions of working or of dispossession resulting from conditions or measures of war be extended on the application of the interested party, which must be presented within three months from the coming into force of the present Treaty, for a period to be determined by the Mixed Arbitral Tribunal, which shall take account of the period of dispossession or of abnormal conditions of working.

All arrangements approved or agreements come to before the entry of Bulgaria into the war between the Bulgarian authorities and companies or associations controlled by Allied financial groups are confirmed. Nevertheless, periods of time, prices and conditions therein laid down may be revised having regard to the new economic conditions. In case of disagreement the decision shall rest with the Mixed Arbitral Tribunal.

Article 183.

(a) All periods of prescription, or limitation of right of action, whether they began to run before or after the outbreak of war, shall be treated in the territory of the High Contracting Parties, so far as regards relations between enemies, as having been suspended for the duration of the war. They shall begin to run again at earliest three months after the coming into force of the present Treaty. This provision shall apply to the period prescribed for the presentation of interest or dividend coupons or for the presentation for repayment of securities drawn for repayment or repayable on any other ground.

(b) Where, on account of failure to perform any act or comply with any formality during the war, measures of execution have been taken in Bulgarian territory to the prejudice of a national or an Allied or Associated Power, the claim of such national shall, if the matter does not fall within the competence of the Courts of an Allied or Associated Power be heard by the Mixed Arbitral Tribunal provided for by Section VI.

(c) Upon the application of any interested person who is a national of an Allied or Associated Power, the Mixed Arbitral Tribunal shall order the restoration of the rights which have been prejudiced by the measures

of execution referred to in paragraph (b), wherever, having regard to the particular circumstances of the case, such restoration is equitable and possible.

If such restoration is inequitable or impossible the Mixed Arbitral Tribunal may grant compensation to the prejudiced party to be paid by the Bulgarian Government.

(d) Where a contract between enemies has been dissolved by reason either of failure on the part of either party to carry out its provisions or of the exercise of a right stipulated in the contract itself the party prejudiced may apply to the Mixed Arbitral Tribunal for relief. The Tribunal will have the powers provided for in paragraph (c).

(e) The provisions of the preceding paragraphs of this Article shall apply to the nationals of Allied and Associated Powers who have been prejudiced by reason of measures referred to above taken by Bulgaria in invaded or occupied territory, if they have not been otherwise compensated.

(f) Bulgaria shall compensate any third party who may be prejudiced by any restitution or restoration ordered by the Mixed Arbitral Tribunal under the provisions of the preceding paragraphs of this Article.

(g) As regards negotiable instruments, the period of three months provided under paragraph (a) shall commence as from the date on which any exceptional regulations applied in the territories of the interested Power with regard to negotiable instruments shall have definitely ceased to have force.

Article 184.

As between enemies no negotiable instrument made before the war shall be deemed to have become invalid by reason only of failure within the required time to present the instrument for acceptance or payment or to give notice of non-acceptance or non-payment to drawers or indorsers or to protest the instrument nor by reason of failure to complete any formality during the war.

Where the period within which a negotiable instrument should have been presented for acceptance or for payment, or within which notice of non-acceptance or non-payment should have been given to the drawer or indorser, or within which the instrument should have been protested, has elapsed during the war, and the party who should have presented or protested the instrument or have given notice of non-acceptance or non-payment has failed to do so during the war, a period of not less than three months from the coming into force of the present Treaty shall be allowed within which presentation, notice of non-acceptance or non-payment or protest may be made.

Article 185.

Judgments given by the Courts of an Allied or Associated Power in all cases which under the present Treaty they are competent to decide shall be recognised in Bulgaria as final, and shall be enforced without it being necessary to have them declared executory.

If a judgment or measure of execution in respect of any dispute which may have arisen has been given during the war by a Bulgarian judicial authority against a national of an Allied or Associated Power or a company or association in which one of such nationals was interested, in a case in which either such national or such company or association was not able to make their defence, the Allied or Associated national who has suffered prejudice thereby shall be entitled to recover compensation, to be fixed by the Mixed Arbitral Tribunal provided for in Section VI.

At the instance of the national of the Allied or Associated Power the compensation above mentioned may, upon order to that effect of the Mixed Arbitral Tribunal, be effected where it is possible by replacing the parties in the situation which they occupied before the judgment was given by the Bulgarian Court.

The above compensation may likewise be obtained before the Mixed Arbitral Tribunal by the nationals of Allied or Associated Powers who have suffered prejudice by judicial measures taken in invaded or occupied territories, if they have not been otherwise compensated.

Article 186.

Any company incorporated in accordance with some law other than that of Bulgaria owning property, rights or interests in Bulgaria, which is now or shall hereafter be controlled by nationals of the Allied and Associated Powers, shall have the right, within five years from the coming into force of the present Treaty, to transfer its property, rights and interests to another company incorporated in accordance with

Bulgarian law or the law of one of the Allied and Associated Powers whose nationals control it; and the company to which the property is transferred shall continue to enjoy the same rights and privileges which the other company enjoyed under the laws of Bulgaria and the terms of the present Treaty. This company shall not be subjected to any special tax on account of this transfer.

Article 187.

For the purpose of Sections III, IV, V and VII, the expression "during the war" means for each Allied or Associated Power the period between the commencement of the state of war between that Power and Bulgaria and the coming into force of the present Treaty.

ANNEX.

I.—*General Provisions.*

1.

Within the meaning of Articles 180, 183 and 184 the parties to a contract shall be regarded as enemies when trading between them shall have been prohibited by or otherwise became unlawful under laws, orders or regulations to which one of those parties was subject. They shall be deemed to have become enemies from the date when such trading was prohibited or otherwise became unlawful.

2.

The following classes of contracts are excepted from dissolution by Article 180, and, without prejudice to the rights contained in Article 177 (b) of Section IV, remain in force subject to the application of domestic laws, orders or regulations made during the war by the Allied and Associated Powers and subject to the terms of the contracts:

(a) Contracts having for their object the transfer of estates or of real or personal property where the property therein had passed or the object had been delivered before the parties became enemies;

(b) Leases and agreements for leases of land and houses;

(c) Contracts of mortgage, pledge or lien;

(d) Concessions concerning mines, quarries or deposits;

(e) Contracts between individuals or companies and States, provinces, municipalities, or other similar juridical persons charged with administrative functions, and concessions granted by States, provinces, municipalities or other similar juridical persons charged with administrative functions, including contracts and concessions concluded or accorded by the Turkish Government in the territories ceded by the Turkish Empire to Bulgaria before the coming into force of the present Treaty.

3.

If the provisions of a contract are in part dissolved under Article 180, the remaining provisions of that contract shall, subject to the same application of domestic law as is provided for in paragraph 2, continue in force if they are severable, but where they are not severable the contract shall be deemed to have been dissolved in its entirety.

II.—*Provisions relating to certain classes of Contracts.**Stock Exchange and Commercial Exchange Contracts.*

4.

(a) Rules made during the war by any recognised Exchange or Commercial Association providing for the closure of contracts entered into before the war by an enemy are confirmed by the High Contracting Parties, as also any action taken thereunder, provided:

(1) That the contract was expressed to be made subject to the rules of the Exchange or Association in question;

(2) That the rules applied to all persons concerned;

(3) That the conditions attaching to the closure were fair and reasonable.

(b) The preceding paragraph shall not apply to rules made during the occupation by Exchanges or Commercial Associations in the districts occupied by the enemy.

Security.

5.

The sale of a security held for an unpaid debt owing by an enemy shall be deemed to have been valid irrespective of notice to the owner if the creditor acted in good faith and with reasonable care and prudence, and no claim by the debtor on the ground of such sale shall be admitted.

This stipulation shall not apply to any sale of securities effected by an enemy during the occupation in regions invaded or occupied by the enemy.

Negotiable Instruments.

6.

As regards Powers which adopt Section III and the Annex thereto the pecuniary obligations existing between enemies and resulting from the issue of negotiable instruments shall be adjusted in conformity with the said Annex by the instrumentality of the Clearing Offices, which shall assume the rights of the holder as regards the various remedies open to him.

7.

If a person has either before or during the war become liable upon a negotiable instrument in accordance with any undertaking given to him by a person who has subsequently become an enemy, the latter shall remain liable to indemnify the former in respect of his liability notwithstanding the outbreak of war.

III.—*Contracts of Insurance.*

8.

Contracts of insurance entered into by any persons with another person who subsequently became an enemy will be dealt with in accordance with the following paragraphs.

Fire Insurance.

9

Contracts for the insurance of property against fire entered into by a person interested in such property with another person who subsequently became an enemy shall not be deemed to have been dissolved by the outbreak of war, or by the fact of the person becoming an enemy or on account of the failure during the war and for a period of three months thereafter to perform his obligations under the contract, but they shall be dissolved at the date when the annual premium becomes payable for the first time after the expiration of a period of three months after the coming into force of the present Treaty.

A settlement shall be effected of unpaid premiums which become due during the war, or of claims for losses which occurred during the war.

10.

Where by administrative or legislative action an insurance against fire effected before the war has been transferred during the war from the original to another insurer, the transfer will be recognised and the liability of the original insurer will be deemed to have ceased as from the date of the transfer. The original insurer will, however, be entitled to receive on demand full information as to the terms of the transfer, and if it should appear that these terms were not equitable they shall be amended so far as may be necessary to render them equitable.

Furthermore, the insured shall, subject to the concurrence of the original insurer, be entitled to retransfer the contract to the original insurer as from the date of the demand.

Life Insurance.

11.

Contracts of life insurance entered into between an insurer and a person who subsequently became an enemy shall not be deemed to have been dissolved by the outbreak of war or by the fact of the person becoming an enemy.

12.

Any sum which during the war became due upon a contract deemed not to have been dissolved under paragraph 11 shall be recoverable after the war with the addition of interest at five per cent. per annum from the date of its becoming due up to the day of payment.

Where the contract has lapsed during the war owing to non-payment of premiums, or has become void from breach of the conditions of the contract, the assured or his representatives or the persons entitled shall have the right at any time within twelve months of the coming into force of the present Treaty to claim from the insurer the surrender value of the policy at the date of its lapse or avoidance.

Where the contract has lapsed during the war owing to non-payment of premiums the payment of which has been prevented by the enforcement of measures of war, the assured or his representative or the persons entitled shall have the right to restore the contract on payment of the premiums with interest at five per cent. per annum within three months from the coming into force of the present Treaty.

13.

Where contracts of life insurance have been entered into by a local branch of an insurance company established in a country which subsequently became an enemy country, the contract shall, in the absence of any stipulation to the contrary in the contract itself, be governed by the local law, but the insurer shall be entitled to demand from the insured or his representatives the refund of sums paid on claims made or enforced under measures taken during the war, if the making or enforcement of such claims was not in accordance with the terms of the contract itself or was not consistent with the laws or treaties existing at the time when it was entered into.

14.

In any case where by the law applicable to the contract the insurer remains bound by the contract notwithstanding the non-payment of premiums until notice is given to the insured of the termination of the contract, he shall be entitled where the giving of such notice was prevented by the war to recover the unpaid premiums with interest at five per cent. per annum from the insured.

15.

Insurance contracts shall be considered as contracts of life assurance for the purpose of paragraphs 11 to 14 when they depend on the probabilities of human life combined with the rate of interest for the calculation of the reciprocal engagements between the two parties.

Marine Insurance.

16.

Contracts of marine insurance, including time policies and voyage policies, entered into between an insurer and a person who subsequently became an enemy, shall be deemed to have been dissolved on his becoming an enemy, except in cases where the risk undertaken in the contract had attached before he became an enemy.

Where the risk had not attached, money paid by way of premium or otherwise shall be recoverable from the insurer.

Where the risk had attached effect shall be given to the contract notwithstanding the party becoming an enemy, and sums due under the contract either by way of premiums or in respect of losses shall be recoverable after the coming into force of the present Treaty.

In the event of any agreement being come to for the payment of interest on sums due before the war to or by the nationals of States which have been at war and recovered after the war, such interest shall in the case of losses recoverable under contracts of marine insurance run from the expiration of a period of one year from the date of the loss.

17.

No contract of marine insurance with an insured person who subsequently became an enemy shall be deemed to cover losses due to belligerent action by the Power of which the insurer was a national or by the allies or associates of such Power.

18.

Where it is shown that a person who had before the war entered into a contract of marine insurance with an insurer who subsequently became an enemy entered after the outbreak of war into a new contract covering the same risk with an insurer who was not an enemy, the new contract shall be deemed to be substituted for the original contract as from the date when it was entered into, and the premiums payable shall be adjusted on the basis of the original insurer having remained liable on the contract only up till the time when the new contract was entered into.

Other Insurances.

19.

Contracts of insurance entered into before the war between an insurer and a person who subsequently became an enemy, other than contracts dealt with in paragraphs 9 to 18, shall be treated in all respects on the same footing as contracts of fire insurance between the same persons would be dealt with under the said paragraphs

Re-insurance.

20.

All treaties of re-insurance with a person who became an enemy shall be regarded as having been abrogated by the person becoming an

enemy, but without prejudice in the case of life or marine risks which had attached before the war to the right to recover payment after the war for sums due in respect of such risks.

Nevertheless if, owing to invasion, it has been impossible for the re-insured to find another re-insurer, the treaty shall remain in force until three months after the coming into force of the present Treaty.

Where a re-insurance treaty becomes void under this paragraph, there shall be an adjustment of accounts between the parties in respect both of premiums paid and payable and of liabilities for losses in respect of life or marine risks which had attached before the war. In the case of risks other than those mentioned in paragraphs 11 to 18 the adjustment of accounts shall be made as at the date of the parties becoming enemies without regard to claims for losses which may have occurred since that date.

21.

The provisions of the preceding paragraph will extend equally to re-insurances existing at the date of the parties becoming enemies of particular risks undertaken by the insurer in a contract of insurance against any risks other than life or marine risks.

22.

Re-insurance of life risks effected by particular contracts and not under any general treaty remain in force.

23.

In case of a re-insurance effected before the war of a contract of marine insurance, the cession of a risk which had been ceded to the re-insurer shall, if it had attached before the outbreak of war, remain valid and effect be given to the contract notwithstanding the outbreak of war; sums due under the contract or re-insurance in respect either of premiums or of losses shall be recoverable after the war.

24.

The provisions of paragraphs 17 and 18 and the last part of paragraph 16 shall apply to contracts for the re-insurance of marine risks.

SECTION VI.—MIXED ARBITRAL TRIBUNAL.

Article 188.

(a) Within three months from the coming into force of the present Treaty a Mixed Arbitral Tribunal shall be established between each of the Allied and Associated Powers on the one hand and Bulgaria on the other hand. Each such Tribunal shall consist of three members. Each of the Governments concerned shall appoint one of these members. The President shall be chosen by agreement between the two Governments concerned.

In case of failure to reach agreement, the President of the Tribunal and two other persons, either of whom may in case of need take his place, shall be chosen by the Council of the League of Nations, or, until this is set up, by M. Gustave Ador if he is willing. These persons shall be nationals of Powers that have remained neutral during the war.

If, in case there is a vacancy, a Government does not proceed within a period of one month to appoint as provided above a member of the Tribunal, such member shall be chosen by the other Government from the two persons mentioned above other than the President.

The decision of the majority of the members of the Tribunal shall be the decision of the Tribunal.

(b) The Mixed Arbitral Tribunals established pursuant to paragraph (a) shall decide all questions within their competence under Sections III, IV, V, VII, and VIII.

In addition, all questions, whatsoever their nature, relating to contracts concluded before the coming into force of the present Treaty between nationals of the Allied and Associated Powers and Bulgaria nationals shall be decided by the Mixed Arbitral Tribunal, always excepting questions which, under the laws of the Allied, Associated or Neutral Powers are within the jurisdiction of the National Courts of those Powers. Such questions shall be decided by the National Courts in question, to the exclusion of the Mixed Arbitral Tribunal. The party who is a national of an Allied or Associated Power may nevertheless bring the case before the Mixed Arbitral Tribunal if this is not prohibited by the laws of his country.

(c) If the number of cases justifies it, additional members shall be appointed and each Mixed Arbitral Tribunal shall sit in division. Each of these divisions will be constituted as above.

(d) Each Mixed Arbitral Tribunal will settle its own procedure, except in so far as it is provided in the following Annex, and is empowered to award the sums to be paid by the loser in respect of the costs and expenses of the proceedings.

(e) Each Government will pay the remuneration of the Member of the Mixed Arbitral Tribunal appointed by it and of any agent whom it may appoint to represent it before the Tribunal. The remuneration of the President will be determined by special agreement between the Governments concerned; and this remuneration and the joint expenses of each Tribunal will be paid by the two Governments in equal moieties.

(f) The High Contracting Parties agree that their courts and authorities shall render to the Mixed Arbitral Tribunals direct all the assistance in their power, particularly as regards transmitting notices and collecting evidence.

(g) The High Contracting Parties agree to regard the decisions of the Mixed Arbitral Tribunal as final and conclusive, and to render them binding upon their nationals.

ANNEX.

1.

Should one of the members of the Tribunal either die, retire, or be unable for any reason whatever to discharge his functions, the same procedure will be followed for filling the vacancy as was followed for appointing him.

2.

The Tribunal may adopt such rules of procedure as shall be in accordance with justice and equity and decide the order and time at which each party must conclude its arguments, and may arrange all formalities required for dealing with the evidence.

3.

The agent and counsel of the parties on each side are authorised to present orally and in writing to the Tribunal arguments in support or in defence of each case.

4.

The Tribunal shall keep record of the questions and cases submitted and the proceedings thereon, with the dates of such proceedings.

5.

Each of the Powers concerned may appoint a secretary. These secretaries shall act together as joint secretaries of the Tribunal and shall be subject to its direction. The Tribunal may appoint and employ any other necessary officer or officers to assist in the performance of its duties.

6.

The Tribunal shall decide all questions and matters submitted upon such evidence and information as may be furnished by the parties concerned.

7.

Bulgaria agrees to give the Tribunal all facilities and information required by it for carrying out its investigations.

8.

The language in which the proceedings shall be conducted shall, unless otherwise agreed, be English, French, or Italian, as may be determined by the Allied or Associated Power concerned.

9.

The place and time for the meetings of each Tribunal shall be determined by the President of the Tribunal.

Article 189.

Whenever a competent court has given or gives a decision in a case covered by Sections III, IV, V, VII or VIII, and such decision is inconsistent with the provisions of such Sections, the party who is prejudiced by the decision shall be entitled to obtain redress, which shall be fixed by the Mixed Arbitral Tribunal. At the request of the national of an Allied or Associated Power, the redress may, whenever possible, be effected by the Mixed Arbitral Tribunal directing the replacement of the parties in the position occupied by them before the judgment was given by the Bulgarian court.

SECTION VII.—INDUSTRIAL PROPERTY.

Article 190.

Subject to the stipulations of the present Treaty, rights of industrial, literary and artistic property, as such property is defined by the International Conventions of Paris and of Berne, mentioned in Article 166, shall be re-established or restored, as from the coming into force of the present Treaty, in the territories of the High Contracting Parties, in favour of the persons entitled to the benefit of them at the moment when the state of war commenced, or their legal representatives. Equally, rights which, except for the war, would have been acquired during the war in consequence of an application made for the protection of industrial property, or the publication of a literary or artistic work, shall be recognised and established in favour of those persons who would have been entitled thereto, from the coming into force of the present Treaty.

Nevertheless, all acts done by virtue of the special measures taken during the war under legislative, executive or administrative authority of any Allied or Associated Power in regard to the rights of Bulgarian nationals in industrial, literary or artistic property shall remain in force and shall continue to maintain their full effect.

No claim shall be made or action brought by Bulgaria or Bulgarian nationals in respect of the use during the war by the Government of any Allied or Associated Power, or by any persons acting on behalf or with the assent of such Government, of any rights in industrial, literary or artistic property, nor in respect of the sale, offering for sale, or use of any products, articles or apparatus whatsoever to which such rights applied.

Unless the legislation of any one of the Allied or Associated Powers in force at the moment of the signature of the present Treaty otherwise directs, sums due or paid in virtue of any act or operation resulting from the execution of the special measures mentioned in the second paragraph of this Article shall be dealt with in the same way as other sums due to Bulgarian nationals are directed to be dealt with by the present Treaty; and sums produced by any special measures taken by the Bulgarian Government in respect of rights in industrial, literary or artistic property belonging to the nationals of the Allied or Associated Powers shall be considered and treated in the same way as other debts due from Bulgarian nationals.

Each of the Allied and Associated Powers reserves to itself the right to impose such limitations, conditions or restrictions on rights of industrial, literary or artistic property (with the exception of trade-marks) acquired before or during the war, or which may be subsequently acquired in accordance with its legislation, by Bulgarian nationals, whether by granting licences, or by the working, or by preserving control over their exploitation, or in any other way, as may be considered necessary for national defence, or in the public interest, or for assuring the fair treatment by Bulgaria of the rights of industrial, literary and artistic property held in Bulgarian territory by its nationals, or for securing the due fulfilment of all the obligations undertaken by Bulgaria in the present Treaty. As regards rights of industrial, literary and artistic property acquired after the coming into force of the present Treaty, the right so reserved by the Allied and Associated Powers shall only be exercised in cases where these limitations, conditions or restrictions may be considered necessary for national defence or in the public interest.

In the event of the application of the provisions of the preceding paragraph by any Allied or Associated Power, there shall be paid reasonable indemnities or royalties, which shall be dealt with in the same way as other sums due to Bulgarian nationals are directed to be dealt with by the present Treaty.

Each of the Allied or Associated Powers reserves the right to treat as void and of no effect any transfer in whole or in part of or other dealing with rights of or in respect of industrial, literary or artistic property effected after August 1, 1914, or in the future, which would have the result of defeating the objects of the provisions of this Article.

The provisions of this Article shall not apply to rights in industrial, literary or artistic property which have been dealt with in the liquidation of businesses or companies under war legislation by the Allied or Associated Powers, or which may be so dealt with by virtue of Article 177, paragraph (b).

Article 191.

A minimum of one year after the coming into force of the present Treaty shall be accorded to the nationals of the High Contracting Parties without extension fees or other penalty, in order to enable such persons to accomplish any act, fulfil any formality, pay any fees, and generally satisfy any obligation prescribed by the laws or regulations of the respective States relating to the obtaining, preserving or opposing rights to, or in respect of, industrial property either acquired before August 1, 1914 or which, except for the war, might have been acquired since that date as a result of an application made before the war or during its continuance; but nothing in this Article shall give any right to reopen interference proceedings in the United States of America where a final hearing has taken place.

All rights in, or in respect of, such property which may have lapsed by reason of any failure to accomplish any act, fulfil any formality, or make any payment, shall revive, but subject in the case of patents and designs to the imposition of such conditions as each Allied or Associated Power may deem reasonably necessary for the protection of persons who have manufactured or made use of the subject matter of such property while the rights have lapsed. Further, where rights to patents or designs belonging to Bulgarian nationals are revived under this Article, they shall be subject in respect of the grant of licences to the same provisions as would have been applicable to them during the war, as well as to all the provisions of the present Treaty.

The period from August 1, 1914, until the coming into force of the present Treaty, shall be excluded in considering the time within which a patent should be worked or a trade-mark or design used, and it is further agreed that no patent, registered trade-mark or design, in force on August 1, 1914, shall be subject to revocation or cancellation by reason only of the failure to work such patent or use such trade-mark or design for two years after the coming into force of the present Treaty.

Article 192.

No action shall be brought and no claim made by persons residing or carrying on business within the territories of Bulgaria on the one part and of the Allied or Associated Powers on the other, or persons who are nationals of such Powers respectively, or by anyone deriving title during the war from such persons, by reason of any action which has taken place within the territory of the other party between the date of the existence of a state of war and that of the coming into force of the present Treaty, which might constitute an infringement of the rights of industrial property or rights of literary and artistic property, either existing at any time during the war or revived under the provisions of Article 191.

Equally no action for infringement of industrial, literary or artistic property rights by such persons shall at any time be permissible in respect of the sale or offering for sale for a period of one year after the signature of the present Treaty in the territories of the Allied or Associated Powers on the one hand or Bulgaria on the other, of products or articles manufactured, or of literary or artistic works published, during the period between the existence of a state of war and the signature of the present Treaty, or against those who have acquired and continue to use them. It is understood, nevertheless, that this provision shall not apply when the possessor of the rights was domiciled or had an industrial or commercial establishment in the districts occupied by Bulgaria during the war.

This Article shall not apply as between the United States of America on the one hand and Bulgaria on the other.

Article 193.

Licences in respect of industrial, literary, or artistic property concluded before the war between nationals of the Allied or Associated Powers or persons residing in their territory or carrying on business therein, on the one part, and Bulgarian nationals, on the other part, shall be considered as cancelled as from the date of the existence of a state of war between Bulgaria and the Allied or Associated Power. But, in any case, the former beneficiary of a contract of this kind shall have the right, within a period of six months after the coming into force of the present Treaty, to demand from the proprietor of the rights the grant of a new licence, the conditions of which, in default of agreement between the parties, shall be fixed by the duly qualified tribunal in the country under whose legislation the rights had been acquired, except in the case of licences held in respect of rights acquired under Bulgarian law. In such cases the conditions shall be fixed by the Mixed Arbitral Tribunal

referred to in Section VI. of this Part. The tribunal may, if necessary, fix also the amount which it may deem just should be paid by reason of the use of the rights during the war.

No licence in respect of industrial, literary or artistic property granted under the special war legislation of any Allied or Associated Power shall be affected by the continued existence of any licence entered into before the war, but shall remain valid and of full effect, and a licence so granted to the former beneficiary of a full licence entered into before the war shall be considered as substituted for such licence.

Where sums have been paid during the war by virtue of a licence or agreement concluded before the war in respect of rights of industrial property or for the reproduction or the representation of literary, dramatic or artistic works, these sums shall be dealt with in the same manner as other debts or credits of Bulgarian nationals, as provided by the present Treaty.

This Article shall not apply as between the United States of America on the one hand and Bulgaria on the other.

Article 194.

The inhabitants of territories transferred under the present Treaty shall, notwithstanding this transfer and the change of nationality consequent thereon, continue to enjoy in Bulgaria all the rights in industrial literary and artistic property to which they were entitled under Bulgarian legislation at the time of the transfer.

Rights of industrial, literary and artistic property which are in force in the territories transferred under the present Treaty at the moment of their transfer from Bulgaria, or which will be re-established or restored in accordance with the provisions of Article 190, shall be recognised by the State to which the said territory is transferred, and shall remain in force in that territory for the same period of time given them under the Bulgarian law.

Article 195.

A special convention shall determine all questions relative to the records, registers and copies in connection with the protection of industrial, literary or artistic property, and fix their eventual transmission or communication by the Bulgarian Offices to the Offices of the States to which Bulgarian territory is transferred.

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