

Convention for the Settlement of Certain Conflicts of Laws in Connection with Bills of Exchange and Promissory Notes

THE PRESIDENT OF THE GERMAN REICH; THE FEDERAL PRESIDENT OF THE AUSTRIA REPUBLIC ; HIS MAJESTY THE KING OF THE BELGIANS ; THE PRESIDENT OF THE REPUBLIC OF THE UNITED STATES OF BRAZIL ; THE PRESIDENT OF THE REPUBLIC OF COLOMBIA ; HIS MAJESTY THE KING OF DENMARK ; THE PRESIDENT OF THE POLISH REPUBLIC, FOR THE FREE CITY OF DANZIG; THE PRESIDENT OF THE REPUBLIC OF ECUADOR ; HIS MAJESTY THE KING OF SPAIN ; THE PRESIDENT OF THE REPUBLIC OF FINLAND ; THE PRESIDENT OF THE FRENCH REPUBLIC ; THE PRESIDENT OF THE HELLENIC; HIS SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY; HIS MAJESTY THE KING OF ITALY; HIS MAJESTY THE EMPEROR OF JAPAN; HER ROYAL HIGHNESS THE GRAND-DUCHESS OF LUXEMBURG; HIS MAJESTY THE KING OF NORWAY; HER MAJESTY THE QUEEN OF THE NETHERLANDS ; THE PRESIDENT OF THE REPUBLIC OF PERU ; THE PRESIDENT OF THE POLISH REPUBLIC ; THE PRESIDENT OF THE PORTUGUESE REPUBLIC ; HIS MAJESTY THE KING OF SWEDEN ; THE SWISS FEDERAL COUNCIL; THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC; THE PRESIDENT OF THE TURKISH REPUBLIC; HIS MAJESTY THE KING OF YUGOSLAVIA,

Being desirous of adopting rules to settle certain conflicts of laws in connection with bills of exchange and promissory notes, have appointed as their Plenipotentiaries the following :

THE PRESIDENT OF THE GERMAN REICH :

M. Leo QUASSOWSKI, Ministerial Counsellor in the Reich Ministry of justice;

Dr. Erich ALBRECHT, Counsellor of Legation in the Reich Ministry for Foreign Affairs;

Dr. Fritz ULLMANN, judge at the Court of Berlin.

THE FEDERAL PRESIDENT OF THE AUSTRIAN REPUBLIC :

Dr. Guido STROBELE, Ministerial Counsellor in the Federal Ministry of justice.

His MAJESTY THE KING OF THE BELGIANS :

Viscount POULLET, Minister of State, Member of the House of Representatives;

M. J. DE LA VALLÉE POUSSIN, Secretary-General of the Ministry of Science and Arts.

THE PRESIDENT OF THE REPUBLIC OF THE UNITED STATES OF BRAZIL:

M. DEOCLECIO DE CAMPOS, Commercial Attaché at Rome, formerly Professor in the Faculty of Law of Para.

THE PRESIDENT OF THE REPUBLIC OF COLOMBIA :

M. A. José RESTREPO, Envoy Extraordinary and Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations.

HIS MAJESTY THE KING OF DENMARK :

M. Axel HELPER, Ministerial Counsellor in the Ministry of Commerce and Industry;

M. Valdemar EIGTVED, General Manager of the " Privatbanken ", Copenhagen.

THE PRESIDENT OF THE POLISH REPUBLIC, FOR THE FREE CITY OF DANZIG:

M. Józef SULKOWSKI, Professor at the University of Poznan, Member of the Polish Codification Commission.

THE PRESIDENT OF THE REPUBLIC OF ECUADOR :

Dr. Alejandro GASTELÚ, Vice-Consul at Geneva.

His MAJESTY THE KING OF SPAIN :

Dr. Juan GÓMEZ MONTEJO, Head of Section of the Corps of jurists in the Ministry of justice.

THE PRESIDENT OF THE REPUBLIC OF FINLAND :

M. Filip GRÖNVALL, Counsellor of State, Member of the Higher Administrative Court at Helsinki.

THE PRESIDENT OF THE FRENCH REPUBLIC :

M. L. J. PERCEROU, Professor in the Faculty of Law of Paris.

THE PRESIDENT OF THE HELLENIC REPUBLIC:

M. R. RAPHAËL, Permanent Delegate accredited to the League of Nations, Chargé d'Affaires at Berne.

HIS SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY :

M. Zoltán BARANYAI, Charge d'Affaires *a.i.* of the Hungarian Delegation accredited to the League of Nations.

HIS MAJESTY THE KING OF ITALY:

M. Amedeo GIANNINI, Counsellor of State, Minister Plenipotentiary.

HIS MAJESTY THE EMPEROR OF JAPAN :

M. Morie OHNO, Envoy Extraordinary and Minister Plenipotentiary accredited to the Federal President of the Austrian Republic ;

M. Tetsukichi SHIMADA, judge at the "Cour de Cassation " of Tokio.

HER ROYAL HIGHNESS THE GRAND-DUCHESS OF LUXEMBURG :

M. Ch. G. VERMAIRE, Consul at Geneva.

HIS MAJESTY THE KING OF NORWAY :

M. C. Stub HOLMBOE, Barrister-at-Law.

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

Dr. W. L. P. A. MOLENGRAAFF, Professor Emeritus of the University of Utrecht.

THE PRESIDENT OF THE REPUBLIC OF PERU :

M. José Maria BARRETO, Head of the Permanent Office of Peru accredited to the League of Nations.

THE PRESIDENT OF THE POLISH REPUBLIC :

M. józef SULKOWSKI, Professor at the University of Poznan, Member of the Polish Codification Commission.

THE PRESIDENT OF THE PORTUGUESE REPUBLIC :

Dr. José CAEIRO DA MATTA, Rector of the University of Lisbon, Professor in the Faculty of Law, Director of the Bank of Portugal.

HIS MAJESTY THE KING OF SWEDEN :

Baron E. MARKS VON WORTEMBERG, President of the Stockholm Court of Appeal, former Minister for Foreign Affairs;

M. Birger EKEBERG, President of the Civil Legislation Commission, former Minister of justice, former Member of the Supreme Court.

THE SWISS FEDERAL COUNCIL :

Dr. Max VISCHER, Barrister-at-Law and Notary, First Secretary of the Swiss Bankers' Association.

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

Dr. Karel HERMANN OTAVSKÝ, Professor at the University of Prague, President of the Codification Commission for Commercial Law in the Ministry of justice.

THE PRESIDENT OF THE TURKISH REPUBLIC :

MEHMED MUNIR Bey, Envoy Extraordinary and Minister Plenipotentiary accredited to the Swiss Federal Council.

HIS MAJESTY THE KING OF YUGOSLAVIA :

M. Ilija CHOUMENKOVITCH, Permanent Delegate accredited to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary, accredited to the Swiss Federal Council.

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

Article 1

The High Contracting Parties mutually undertake to apply, for the settlement of the conflicts of law hereinafter mentioned, in connection with bills of exchange and promissory notes, the rules set out in the following articles.

Article 2

The capacity of a person to bind himself by a bill of exchange or promissory note shall be determined by his national law. If this national law provides that the law of another country is competent in the matter, this latter law shall be applied.

A person who lacks capacity, according to the law specified in the preceding paragraph, is nevertheless bound, if his signature has been given in any territory in which according to the law in force there, he would have the requisite capacity.

Each of the High Contracting Parties may refuse to recognise the validity of a contract by means of a bill of exchange or promissory note entered into by one of its nationals which would not be deemed valid in the territory of the other High Contracting Parties otherwise than by means of the application of the preceding paragraph of the present article.

Article 3

The form of any contract arising out of a bill of exchange or promissory note is regulated by the laws of the territory in which the contract has been signed.

If, however, the obligations entered into by means of a bill of exchange or promissory note are not valid according to the provisions of the preceding paragraph, but are in conformity with the laws of the territory in which a subsequent contract has been entered into, the circumstance that the previous contracts are irregular in form does not invalidate the subsequent contract.

Each of the High Contracting Parties may prescribe that contracts by means of a bill of exchange and promissory note entered into abroad by one of its nationals shall be valid in respect of another of its nationals in its territory, provided that they are in the form laid down by the national law.

Article 4

The effects of the obligations of the acceptor of a bill of exchange or maker of a promissory note are determined by the law of the place in which these instruments are payable.

The effects of the signatures of the other parties liable on a bill of exchange or promissory note are determined by the law of the country in which is situated the place where the signatures were affixed.

Article 5

The limits of time for the exercise of rights of recourse shall be determined for all signatories by the law of the place where the instrument was created.

Article 6

The question whether there has been an assignment to the holder of the debt which has given rise to the issue of the instrument is determined by the law of the place where the instrument was issued.

Article 7

The question whether acceptance may be restricted to part of the sum or whether the holder is bound to accept partial payment is governed by the law of the country in which the bill of exchange is payable.

The same rule governs the payment of promissory notes.

Article 8

The form of and the limits of time for protest, as well as the form of the other measures necessary for the exercise or preservation of rights concerning bills of exchange or promissory notes, are regulated by the laws of the country in which the protest must be drawn up or the measures in question taken.

Article 9

The measures to be taken in case of the loss or theft of a bill of exchange or promissory note are determined by the law of the country in which the bill of exchange or promissory note is payable.

Article 10

Each of the High Contracting Parties reserves to itself the right not to apply the principles of private international law contained in the present Convention so far as concerns :

- (1) An obligation undertaken outside the territory of one of the High Contracting Parties ;
- (2) Any law which may be applicable in accordance with these principles and which is not a law in force in the territory of any High Contracting Party.

Article 11

In the territory of each of the High Contracting Parties the provisions of the present Convention shall not apply to bills of exchange or promissory notes already issued at the time of the coming into force of the present Convention.

Article 12

The present Convention, the French and English texts of which shall be equally authentic, shall bear this day's date.

It may be signed thereafter until September 6, 1930, on behalf of any Member of the League of Nations or non-Member State.

Article 13

The present Convention shall be ratified. The instruments of ratification shall be deposited before September 1, 1932, with the Secretary-General of the League of Nations, who shall forthwith notify receipt thereof to all the Members of the League of Nations and to the non-Member States parties to the present Convention.

Article 14

As from September 6, 1930, any Member of the League of Nations and any non-Member State may accede thereto.

Such accession shall be effected by a notification to the Secretary-General of the League of Nations, such notification to be deposited in the archives of the Secretariat.

The Secretary-General shall notify such deposit forthwith to all States which have signed or acceded to the present Convention.

Article 15

The present Convention shall not come into force until it has been ratified or acceded to on behalf of seven Members of the League of Nations or non-Member States, which shall include three of the Members of the League permanently represented on the Council.

The date of entry into force shall be the ninetieth day following the receipt by the Secretary-General of the League of Nations of the seventh ratification or accession, in accordance with the first paragraph of the present article.

The Secretary-General of the League of Nations, when making the notifications provided for in Articles 13 and 14, shall state in particular that the ratifications or accessions referred to in the first paragraph of the present article have been received.

Article 16

Every ratification or accession effected after the entry into force of the Convention in accordance with Article 15 shall take effect on the ninetieth day following the date of receipt thereof by the Secretary-General of the League of Nations.

Article 17

The present Convention may not be denounced before the expiry of two years from the date on which it has entered into force in respect of that Member of the League or non-Member State ; such denunciation shall take effect as from the ninetieth day following the receipt by the Secretary-General of the notification addressed to him.

Every denunciation shall be immediately communicated by the Secretary-General of the League of Nations to all the other High Contracting Parties.

Each denunciation shall take effect only as regards the High Contracting Party on whose behalf it has been made.

Article 18

Every Member of the League of Nations and every non-Member State in respect of which the present Convention is in force may forward to the Secretary-General of the League of Nations, after the expiry of the fourth year following the entry into force of the Convention, a request for the revision of some or all of the provisions of that Convention.

If such request after being communicated to the other Members of the League of Nations or non-Member States between whom the Convention is at that time in force, is supported within one year by at least six of them, the Council of the League of Nations shall decide whether a Conference shall be convened for the purpose.

Article 19

Any High Contracting Party may, at the time of signature, ratification or accession, declare that, in accepting the present Convention, he does not assume any obligations in respect of all or any of his colonies, protectorates or territories under suzerainty or mandate ; and the present Convention shall not apply to any territories named in such declaration.

Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that he desires that the Convention shall apply to all or any of his territories which have been made the subject of a declaration under the preceding paragraph and the Convention shall apply to all the territories named in such notice ninety days after its receipt by the Secretary-General of the League of Nations.

Any High Contracting Party may at any time declare that he desires that the present Convention shall cease to apply to all or any of his colonies, protectorates or territories under suzerainty or mandate and the Convention shall cease to apply to the territories named in such declaration one year after its receipt by the Secretary-General of the League of Nations.

Article 20

The present Convention shall be registered by the Secretary-General of the League of Nations as soon as it comes into force. It shall then be published as soon as possible in the League of Nations Treaty Series.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Convention. Done at Geneva, the seventh day of June, one thousand nine hundred and thirty, in a single copy, which shall be deposited in the archives of the Secretariat of the League of Nations, and of which authenticated copies shall be delivered to all Members of the League of Nations and non-Member States represented at the Conference.

Protocol to the Convention

At the time of signing the Convention of this day's date for the settlement of certain conflicts of law in connection with bills of exchange and promissory notes, the undersigned, duly authorised, have agreed upon the following provisions :

A. The Members of the League of Nations and the non-Member States who may not have been able to deposit their ratifications of the said Convention before September 1st, 1932, undertake to forward within fifteen days from that date a communication to the Secretary-General of the League of Nations informing him of their situation as regards ratification.

B. If on November 1st, 1932, the conditions laid down in Article 15, paragraph 1, for the entry into force of the Convention are not fulfilled, the Secretary-General of the League of Nations shall convene a meeting of the Members of the League and the non-Member States which have signed the Convention or acceded to it.

The purpose of this meeting shall be to examine the situation and any measures to be taken to remedy it.

C. The High Contracting Parties shall communicate to each other, immediately upon their coming into force, the legislative measures taken by them in execution of the Convention in their respective territories.

In faith whereof the Plenipotentiaries have signed the present Protocol.

Done at Geneva, the seventh day of June, one thousand nine hundred and thirty, in a single copy, which shall be deposited in the archives of the Secretariat of the League of Nations, and of which authenticated copies shall be delivered to all Members of the League of Nations and non-Member States represented at the Conference.