

N° 1823.

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## AUTRICHE ET HONGRIE

Convention en vue d'adopter les projets d'accord (protocoles juridiques de frontières) rédigés par la Commission de délimitation austro-hongroise et protocole final. Signés à Vienne, le 11 mars 1927.

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## AUSTRIA AND HUNGARY

Convention with a view to Adopting the Draft Agreements (Legal Frontier Protocols) drawn up by the Austro-Hungarian Delimitation Commission, and Final Protocol. Signed at Vienna, March 11, 1927.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 1823. — CONVENTION<sup>2</sup> BETWEEN AUSTRIA AND HUNGARY, WITH A VIEW TO ADOPTING THE DRAFT AGREEMENTS (LEGAL FRONTIER PROTOCOLS) DRAWN UP BY THE AUSTRO-HUNGARIAN DELIMITATION COMMISSION. SIGNED AT VIENNA, MARCH 11, 1927.

*French official text communicated by the Chargé d'Affaires a. i. of the Royal Hungarian Delegation accredited to the League of Nations. The registration of this Convention took place August 16, 1928.*

With a view to the adoption of the draft agreements (Legal Protocols) which were drawn up by the Austro-Hungarian Frontier Delimitation Commission in accordance with the instructions of the Conference of Ambassadors to the Delimitation Commissions and with the decisions of the Council of the League of Nations relative thereto, and completed by the two Governments, and with a view to concluding a Convention for that purpose, THE KINGDOM OF HUNGARY and THE AUSTRIAN REPUBLIC have appointed as their Plenipotentiaries :

HIS SERENE HIGHNESS THE REGENT OF HUNGARY :

M. Rodolphe WODIANER DE MAGLÓD, Envoy Extraordinary and Minister Plenipotentiary ;

THE FEDERAL PRESIDENT OF THE AUSTRIAN REPUBLIC :

Mgr. Dr. Ignace SEIPEL, Federal Chancellor ;

Who, having communicated their full powers, found in good and due form, have agreed as follows :

*Article I.*

The Legal Protocols drawn up by the Delimitation Commission, namely :

*A.*

Legal Protocol concerning the hydraulic system in the frontier region ;  
 Legal Protocol concerning the working of the Brenneberg mines ;  
 Legal Protocol for the regulation of traffic in the Pinka Valley ;

*B.*

Legal Protocol No. 1 relating to the transport of forest products from the commune of Sopron, necessitating transit across the territory of the Austrian Commune of Loipersbach ;

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

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

<sup>2</sup> The exchange of ratifications took place at Budapest, March 26, 1928.

Legal Protocol No. 2 regulating access to the belvedere on Hill 883 (Geschrieben-Stein-Irottkö);

Legal Protocol No. 3 relating to the use of the footway adjoining the property of the Vicar of Szt.-Imre;

Legal Protocol No. 4 concerning the Hanság Canal bridge near Wallern;

Legal Protocol No. 5 concerning the protection and completion of the water-supply works for the town of Sopron;

Legal Protocol No. 6 concerning the protection and completion of the water-supply works for the towns of Szombathely and Rechnitz;

Legal Protocol No. 7 regulating the water-supply of the town of Köszege;

Legal Protocol No. 8 concerning the protection and preservation of frontier marks, stones and signs;

Legal Protocol No. 9 regulating the transit through Austrian territory of forest products from the Eszterházy domain (Commune of Rattersdorf);

Legal Protocol No. 10 concerning the upkeep and working of the Lutzmannsburg lock;

Legal Protocol No. 11 regulating traffic on common roads;

Legal Protocol No. 12 concerning the upkeep of roads, highways, bridges and various works connected with communications in the neighbourhood of the frontier, and in particular the upkeep of common roads;

Legal Protocol No. 13 concerning the regulation of traffic north of the Einser Canal,

Shall be annexed to the present Convention.

#### *Article II.*

The additional Legal Protocols drawn up by the two Governments, namely:

(1) Legal Protocol concerning the rights of the Commune and Parish of Rattersdorf to be supplied with wood and litter;

(2) Legal Protocol concerning the regulation of agricultural traffic between the Commune of Halbthurn and the "Oberes-Fuchsenfeld";

(3) Legal Protocol concerning the utilisation of the waters of the Kleine Leitha for the irrigation of the frontier territory near Márialiget;

(4) Legal Protocol concerning the "Zeiselhof";

(5) Legal Protocol concerning the transport of timber felled in the forests of the town of Köszege west of the Zeigerberg;

(6) Legal Protocol concerning the supplying of the inhabitants of Harka with mineral water from the commune of Deutschkreutz,

Shall be annexed to the present Convention.

#### *Article III.*

The High Contracting Parties approve all the legal protocols enumerated in Articles I and II of the present Convention and undertake to fulfil their respective obligations as laid down in those protocols. They further agree to take steps without delay to carry the present Convention into effect.

#### *Article IV.*

The legal protocols enumerated in Articles I and II shall be deemed to be an integral part of the present Convention, the ratification of which shall include that of all the said protocols.

The present Convention shall be ratified. The exchange of ratifications shall take place at Budapest.

The present Convention shall come into force on the date when the instruments of ratification are exchanged.

In faith whereof the Plenipotentiaries have signed the present Convention.

Done at Vienna in duplicate, March 11, 1927.

(L. S.) (Signed) WODIANER.

(L. S.) (Signed) Dr. Ignaz SEIPEL.

#### FINAL PROTOCOL.

At the time of signing the Convention between the Kingdom of Hungary and the Austrian Republic on the Legal Protocols regarding the frontier, the undersigned Plenipotentiaries have agreed to the following stipulations, which shall form an integral part of the Convention :

(1) If any other conventions in force between the two High Contracting Parties or hereafter concluded between them provide greater facilities than those contained in the provisions of the present Legal Protocols, such greater facilities shall also apply, for the whole period of validity of the more favourable conventions, to cases governed by the said legal protocols.

(2) The provision of Article IV, third paragraph, of the present Convention, relating to the entry into force thereof, shall not be applicable to the Legal Protocol concerning the hydraulic system in the frontier region, which Protocol, according to a special Agreement concluded on July 9, 1924, between the Hungarian and Austrian delegates on the Austro-Hungarian frontier Delimitation Commission, shall be deemed to have come into force on January 1, 1923.

(3) *Ad* the Legal Protocol for the regulation of traffic in the Pinka Valley : The withdrawal of facilities in the case of misuse of transit certificates (Article XI) shall apply only to persons accused and found guilty of such misuse.

(4) *Ad* Legal Protocol No. 11 : Should smuggling increase in the regions traversed by common roads, the two High Contracting Parties reserve the right to take jointly special remedial measures to deal with the situation.

(5) *Ad* Legal Protocol No. 13 : The reports mentioned in the second paragraph of Article I shall be forwarded to the officer in charge of the nearest station of the Royal Hungarian Gendarmerie on a form, a specimen of which is attached herewith.

Done at Vienna in duplicate, March 11, 1927.

(L. S.) (Signed) WODIANER.

(L. S.) (Signed) Dr. Ignaz SEIPEL.

in the regions adjoining the Austro-Hungarian frontier, or to carry out any work which might modify the existing hydraulic system in the territory of the other contracting State ; they undertake to preserve in good condition all hydraulic works contributing to the maintenance of the present hydraulic system.

This obligation shall in no way restrict the right of each State to carry out independently on its own territory purely local works which will not affect the territory of the other State.

With a view to protection against floods, the contracting Governments undertake to maintain in good condition works for the protection of threatened areas in the neighbouring State.

If, through the breaching of a dyke or through any other accidental circumstance, an adjacent area of the neighbouring State is threatened with flood, the competent authority of such State shall be warned by the speediest available means.

§ II. — No fresh work which would involve a change in the hydraulic system of the areas referred to in § I may be carried out without previous agreement between the two States.

§ III. — When works affecting the territory of both States are to be carried out, the said States undertake in principle to require their nationals to share the expenditure in proportion to the benefits accruing to them respectively from the said works.

It shall be clearly understood that a special agreement must be concluded in each individual case.

## PART 2.

### PROVISIONS CONCERNING THE " RAAB CONSERVANCY SYNDICATE ".

§ IV. — In accordance with the principle laid down in § I, no change affecting the dimensions or flow of the Hanság Canal may, save by previous agreement, be introduced in the present condition of that canal or in the hydraulic works connected therewith (locks, dams, etc.). In particular, with a view to the preservation of the present system of the Hanság Canal, the water-level shall be maintained at the level which it now reaches at the various periods of the year.

No hindrance shall be placed in the way of the construction in Hungarian territory of any new canals which may be deemed necessary for the work of drainage and irrigation carried out in the new territory assigned to Austria. In such case, however, an agreement must be concluded between the two Governments.

The Hungarian Government shall also ensure the preservation and upkeep, in their present condition, of hydraulic works situated in its territory and used for the protection of Austrian territories formerly within the administrative area of the Raab Conservancy Syndicate.

The Austrian Government undertakes not to allow, without previous agreement with the Hungarian Government, the execution on the above-mentioned territories of hydraulic works which would change the hydraulic system existing in Hungarian territory.

§ V. — It is agreed that former members of the Raab Conservancy Syndicate, whose property is now in Austrian territory shall cease to be members of the Syndicate as from December 31, 1922 ; on and after January 1, 1923, therefore, they shall be liable only to fulfilment of the obligations devolving upon them under the present Treaty.

The Austrian Government agrees that the sums enumerated in the annexed table furnished by the Raab Conservancy Syndicate shall be chargeable to the new Austrian Syndicate. It undertakes to repay such sums, together with a sum equivalent to the shares in the land-tax refunds standing over until the end of the year 1922.

The Hungarian Government notes that Austria will appoint the above-mentioned members to form one or more Syndicates with a view to ensuring the maintenance of the present hydraulic system.

§ VI. — The Raab Conservancy Syndicate shall forward to the Austrian Government, on request, all documents concerning retiring members and territories assigned to Austria.

The Raab Conservancy Syndicate shall remain sole owner of all hydraulic works (including dykes for protection against floods, and accessories thereto) situated in Hungarian territory, and retiring members shall not be entitled to any compensation. Hydraulic works and material situated in Austrian territory shall become the property of the former members of the Raab Conservancy Syndicate who have been appointed to form one or more new Austrian syndicates.

The value of property belonging to the Syndicate, situated in Hungarian territory and not forming part of the hydraulic works or material, shall be jointly determined, and the portion accruing to the Austrian nationals concerned shall be credited to the new Austrian syndicates.

For this purpose a Joint Liquidation Commission shall be appointed by the two Governments when the present Convention has come into force. It shall consist of one or more Government commissioners and one or more members of the syndicates concerned. This Liquidation Commission shall in particular determine the exact nature of the material referred to above.

The Commission shall complete its work within six months. Its conclusions must be submitted for the approval of the respective Governments, which undertake to make known their decisions within a period of three months.

§ VII. — As the Raab Conservancy Syndicate possesses in Hungarian territory certain hydraulic works which are of importance to both countries, the Austrian Government shall require the new syndicates to contribute to the expense of maintaining such works in the proportion to which they severally concern the said syndicates.

In no case may the new syndicates be required to pay, as their share of the proposed cost of maintenance, a proportion greater than that between the contributions paid by the retiring members and the total contributions paid during the last financial year of the joint administration.

The bases on which the rate of contribution, the amount of assessment and the details of payment are to be calculated shall be laid down by the Commission to be set up in virtue of § VI.

§ VIII. — If any measure affects an area greater than that of a single syndicate, the syndicates having adjacent administrative areas shall co-operate by appointing representatives, who must be approved by their respective Governments, to study drafts, plans and reports and to carry out enquiries *in situ* in respect of such measures.

In order to avoid difficulties the representatives shall arrange to carry out enquiries *in situ*.

### PART 3.

#### FINAL PROVISIONS.

§ IX. — If a disagreement arises between the two contracting States on a question relating to the carrying out of the present Convention, the procedure to be adopted shall be that laid down in Articles 292 and 293 of the Treaty of Trianon.

§ X. — Five years after the date of its entry into force, the present Agreement may be revised at the request of either of the Contracting States.

If no request is presented six months before the expiry of this period, the agreement shall be deemed to be automatically renewed for a similar period, and so on thereafter.

(Signed) JOCARD,  
French Delegate, Chairman.

(Signed) NEUGEBAUER,  
Austrian Delegate.

(Signed) TRÄGER,  
Hungarian Delegate.

## ANNEX CONCERNING THE "QUESTION OF DEBTS AND INTEREST".

In accordance with the provisions of § 5 of the Convention between the Austrian Republic and the Kingdom of Hungary for the settlement of legal questions relating to the hydraulic system in the territorial area of the commune of Pamhagen, the question of debts as between the Raab Conservancy Company and the Austrian Syndicate was dealt with on July 27th at the meeting held by the Austrian and Hungarian members of the Delimitation Commission in the presence of P. BUCKEISEN, Aulic Councillor, and K. HOFENEDER, Oberbaurat, representatives of the Austrian Ministry of Commerce and Communications and of the Buildings Department of the territorial Government of Sauerbrunn, of the one part, and Alexander GILLYEN DE NAGYENYEDE, Sektionsrat, representative of the Hungarian Ministry of Agriculture and M. Lajos JAUSZ, representative of the Conservancy Company, of the other part.

The following decision was reached, subject to the approval of both Governments :

## AGREEMENT.

§ I. — Existing debts may be grouped in the following categories :

(1)	Arrears of contributions up to December 31, 1921 . . . .	438,387.45 H. c.
(2)	Arrears of contributions for the year 1922 . . . . .	4,780,770.— H. c.
(3)	Refund of taxes in respect of the Austrian part of the territory for the period 1/VII/1921 to 31/XII/1922 . .	144,712.31 H. c.
		<u>5,363,869.76 H. c.</u>
(4)	15.2 per cent, more or less, of a floating debt in respect of the whole of the territory belonging to the Company the amount of which on January 1, 1923, was : . . .	1,787,296.01 H. c.

§ II. — As regards the categories specified in § I under Nos. 1-3, the total amount in respect of these categories is 5,363,869.76 H. c., which Austria undertakes to pay immediately, plus interest at 6 per cent for the period January 1, 1923, August 31, 1923, (the date of maturity), amounting to 214,554.79 H. c.

The total sum, 5,578.425 H. c., will be paid in cash by Austria to the Raab Conservancy Company at Győr on August 31, 1923.

§ III. — As regards the quota mentioned in § I (4), it has not yet been possible to fix either the amount or the date of maturity or the rate of interest, because although the creditor — the Hungarian Mortgage and Credit Bank — has agreed to the liquidation of the debt, it cannot yet estimate the total sum due to it on June 30, 1924, the date fixed for repayment.

Austria accepts the obligation to repay the said quota. When the Raab Conservancy Company has paid off this debt, Austria will pay the said Company the sum required in order that the said quota may be, in relation to the total amount repaid, in the proportion of 271,741.86 to 1,787,926.01.

§ IV. — The present Agreement was approved at a meeting specially convened by the Delimitation Commission and was drawn up in triplicate and signed by the Chairman of the Delimitation Commission and by the persons mentioned at the head of the present Protocol.

(Signed) JOCARD,  
French Delegate, Chairman.

(Signed) NEUGEBAUER,  
Austrian Delegate.

(Signed) TRÄGER,  
Hungarian Delegate.

## LEGAL PROTOCOL

## CONCERNING THE WORKING OF THE BRENNBERG MINES.

(Supplement to the Commission's decision at the meeting held on December 12, 1922).

With a view to ensuring and maintaining unity in the administration of the Brennberg mines, the following Convention has been concluded between the Austrian Republic and the Kingdom of Hungary in accordance with the General Instructions issued on July 22, 1920, to the Delimitation Commissions, to the decision of the Conference of Ambassadors dated February 8, 1922, and to the guarantees conceded by the Austrian Government and recorded in the minutes of the meeting held by the Commission on December 12, 1922.

*Article I.*

Austria recognises that the " Barbara-Helena " mining works form an economic unit, and that wherever they lie within Austrian territory as now defined or as it may hereafter be defined, they must be placed under the supervision and management of the Hungarian Mines Administration.

The miners and mining employees, even if working in Austrian territory, shall be subject to the Hungarian laws for the protection of miners (laws relating to hours of work, wages, insurance, etc.).

It is understood that residence of miners and employees in Austria, and their treatment in an Austrian hospital, shall be deemed to be equivalent to residence in Hungary and treatment in a Hungarian hospital.

The Austrian Mines Administration merely reserves the right to visit the mine for the purpose of obtaining information and in order to examine the plans of the workings.

*Article II.*

In order to reinforce the mine safety police, Austria undertakes to establish and maintain a station of Austrian gendarmes in the area of Group 65 of the cadastral divisions in the commune of Ritzing, marked in red on the map.

This precautionary measure will further safeguard the mining works against acts of sabotage or ill-will.

The Austrian police shall, within the miners' quarters as well as at the works themselves, take such measures for the preservation of order as may be required by the Brennberg mines administration, provided that such measures are not outside the scope of the Hungarian mining laws or laws for the protection of workmen.

Austria also undertakes to compensate the mining company for any damage arising out of acts of sabotage occurring in the territory under the supervision of her gendarmerie.

*Article III.*

Austria shall permit the exportation tax-free of the material necessary for the above-mentioned mining works (particularly timber).

The Austrian Ministry of Finance reserves the right to take any measures which may be necessary to prevent the misuse of this concession.



*Article IV.*

Austria agrees to suspend the application of Decree No. 162 of March 21, 1922, regulating prospecting for coal and mining in the Burgenland in the part of the area of the communes of Ritzing, Lackendorf and Lackenbach, marked on the map with a blue line, for the whole period of the contract concluded between the Brennberg Coal-Mining Company and the Managing Board of the Eszterházy Domain, signed at Sopron on May 8, 1914, approved at Sopron on August 19, 1914, by the trustees and valid until the year 1963.

Austria thus guarantees to the said Company full possession of the rights acquired under that contract.

*Article V.*

The above-mentioned obligations have been officially accepted by the Austrian Republic in accordance with the Austrian Delegate's declaration made at the meeting held by the Delimitation Commission on December 12, 1922.

*Article VI.*

The two Contracting States reserve the right to settle any other questions of detail which may arise during the working of the mines.

*Article VII.*

The present Convention shall come into force ;

For the Austrian Republic,  
On approval by Parliament, ratification by the Federal President and publication in the Federal Legal Gazette (*Bundesgesetzblatt*) ;  
For the Kingdom of Hungary,  
After ratification by the Royal Government.

Seen and approved at the meeting held at Sopron, July 31, 1924.

(Signed) JOCARD,

*French Delegate, Chairman of the Commission.*

(Signed) NEUGEBAUER,  
*Austrian Delegate.*

(Signed) TRÄGER,  
*Hungarian Delegate.*

## LEGAL PROTOCOL.

FOR THE REGULATION OF TRAFFIC IN THE PINKA VALLEY, DRAWN UP IN CONFORMITY WITH THE DECISION OF THE COUNCIL OF THE LEAGUE OF NATIONS, DATED SEPTEMBER 19, 1922, BY THE COMMISSION IN CO-OPERATION WITH THE GOVERNMENTS CONCERNED.

(Supplement to the Commission's decisions at its meetings on November 15, 1922, and December 5, 1922).

*Article I.*

The Pinka Valley shall be open to transit traffic in the part of the territory comprising the following communes :

Deutsch-Bieling, Deutsch-Schützen, Eberau, Edlitz, Gaas, Hagensdorf, Heiligenbrunn, Höll, Kulm, Luising, Moschendorf, Oberbildein, Rechnitz, Schachendorf, Schandorf,

*Article VIII.*

All inhabitants of the frontier zone travelling in transit must hold frontier certificates in due order, drawn up in conformity with the Convention concerning minor frontier traffic. Teams of draught animals and the number of such animals must be noted, on admittance to the transit zone and on exit therefrom, on the passes issued to public officials under Article II (c).

*Article IX.*

The above stipulations on the subject of transit traffic shall apply to pedestrians, horsemen, carts and carriages, motor-cars and bicycles, but not to railway traffic.

*Article X.*

In cases to which the present Protocol does not apply, the general provisions relating to minor frontier traffic shall remain in force. Any wider facilities which may be granted by conventions on minor frontier traffic shall apply also to traffic in the Pinka Valley.

*Article XI.*

Any misuse of transit certificates shall involve the permanent withdrawal of the above facilities, seizure of the goods concerned and such penalty as may be prescribed under the laws in force.

*Article XII.*

The present Convention shall come into force on ratification by the Governments of the two contracting States.

Seen and approved at the meeting of July 2, 1924.

*(Signed)* JOCARD,

*French Delegate, Chairman of the Commission.*

*(Signed)* NEUGEBAUER,  
*Austrian Delegate.*

*(Signed)* TRÄGER,  
*Hungarian Delegate.*

*Article III.*

Each consignment must be notified fourteen days in advance to the Austrian Customs officials, who shall check the entry of the products into Austria by the said certificates. Goods may not be termed " goods in transit " until they have been so checked.

*Article IV.*

The cost of the certificates and other current expenses shall be borne by the carrier.

*Article V.*

All persons participating in the conveyance of goods in transit, must hold the certificates allowing free passage provided for in the Convention on Minor Frontier Traffic ; any teams of animals and draught animals employed must be noted on these certificates.

*Article VI.*

The present Convention shall come into force on ratification by the two Governments concerned.

Seen and approved at the meeting held at Sopron on March 6, 1923.

(Signed) JOCARD,  
*Chairman of the Commission.*

(Signed) NEUGEBAUER,  
*Austrian Commissioner.*

(Signed) TRÄGER,  
*Hungarian Commissioner.*

## LEGAL PROTOCOL No. 2

REGULATING ACCESS TO THE BELVEDERE ON HILL 883 (GESCHRIEBEN-STEIN-IROTTKÖ).

(Supplement to the Commission's decisions of June 14 and November 8, 1922, concerning the delimitation of the frontier.)

In virtue of the General Instructions issued to the Delimitation Commissions on July 22, 1920, and of the decision of the Conference of Ambassadors dated February 8, 1922, the following Convention has been concluded between the Austrian Republic and the Kingdom of Hungary :

*Article I.*

As the frontier between Austria and Hungary passes by Hill 883 — Geschrieben-Stein-Irottkő — the two States undertake to ensure to the population free access at all times and without formality, to the belvedere erected on the said hill.

Visitors shall not require to be provided with passports or certificates allowing free passage.

*Article II.*

As Hill 883 is also a trigonometrical point of the first class, geodesic operations of all kinds may be freely carried out by the surveying departments of both States, the two Governments undertaking to allow geodesic instruments and apparatus to be placed on the terrace of the belvedere by authorised Government surveyors.

Work of this kind may be undertaken without previous notice or authorisation.

*Article III.*

The present Convention shall come into force on ratification by the two Governments concerned.

Seen and approved at the meeting held on March 26, 1924.

(Signed) JOCARD,

*French Delegate, Chairman of the Commission.*

(Signed) NEUGEBAUER,  
*Austrian Delegate.*

(Signed) TRÄGER,  
*Hungarian Delegate.*

## LEGAL PROTOCOL No. 3

REGARDING THE USE OF THE FOOTWAY ADJOINING THE PROPERTY OF THE VICAR OF SZT.-IMRE.

(Supplement to the Commission's decisions of June 14, 1922, December 19, 1922, and October 10, 1923, concerning the delimitation of the frontier.)

The State frontier line cuts across the footway of the parish of Szt-Imre between the communes of Inzenhof and Rábafüzes.

With a view to the regulation of the use of this footway, the following Convention has been concluded between the Austrian Republic and the Kingdom of Hungary in virtue of the General Instructions issued to the Delimitation Commissions on July 22, 1920, and the decision of the Conference of Ambassadors dated February 8, 1922.

*Article I.*

Austria and Hungary undertake to guarantee the use of the footway situated between the boundary marks C. 92/1 and C. 92/2, near the house of the Vicar of Szt-Imre, and, while the said footway is in use, to allow persons having occasion to use it, and draught animals, free passage over the frontier without formalities.

*Article II.*

The present Convention shall come into force on ratification by the two Governments.

Seen and approved at the meeting held at Sopron on July 2, 1924.

(Signed) JOCARD,

*French Delegate, Chairman of the Commission.*

(Signed) NEUGEBAUER,  
*Austrian Delegate.*

(Signed) TRÄGER,  
*Hungarian Delegate.*

## LEGAL PROTOCOL No. 4

## CONCERNING THE HANSÁG CANAL BRIDGE NEAR WALLERN.

(Supplement to the Commission's decision of November 15, 1922, concerning the delimitation of the frontier.)

The Hanság canal bridge near the Loblensee in the commune of Wallern (district of Neusiedl) enables landowners of Wallern to reach their fields in Hungarian territory situated south of the canal (about 700 cadastral arpents).

In virtue of the General Instructions issued to the Delimitation Commissions on July 22, 1920, and of the decision of the Conference of Ambassadors dated February 8, 1922, the following agreement has been drawn up between the Austrian Republic and the Kingdom of Hungary in order to safeguard the interests of small landowners of the commune of Wallern.

*Article I.*

Hungary undertakes to ensure to the above-mentioned inhabitants of Wallern free access to the said bridge in order to enable them to carry out their agricultural work.

Access to the bridge shall be granted only between sunrise and sunset, i. e., between 4 a. m. and 10 p. m. during the period March 1-November 15, and between 6 a. m. and 6 p. m. from November 16 to the end of February.

The said inhabitants of Wallern must hold the usual documents for crossing the frontier.

The right of the Hungarian authorities to exercise supervisory measures shall not be restricted by this privilege.

It is understood that where there are regulations of any nature governing frontier traffic and according wider facilities than the present agreement, such regulations shall have priority over the Agreement.

*Article II.*

The present Convention shall come into force on ratification by the two Governments.

Seen and approved at the meeting held at Sopron on July 2, 1924.

(Signed) JOCARD,

*French Delegate, Chairman of the Commission.*

(Signed) NEUGEBAUER,  
*Austrian Delegate.*

(Signed) TRÄGER,  
*Hungarian Delegate.*

## LEGAL PROTOCOL No. 5

CONCERNING THE PROTECTION AND COMPLETION OF THE WATER-SUPPLY WORKS  
FOR THE TOWN OF SOPRON.

(Supplement to the Commission's decision of February 23, 1922, concerning the delimitation of the frontier.)

With a view to protecting the water-supply works for the town of Sopron, and to guaranteeing the completion of such works, the following Convention has been concluded between the Austrian

Republic and the Kingdom of Hungary in virtue of the General Instructions issued to the Delimitation Commissions on July 22, 1920, and the decision of the Conference of Ambassadors dated February 8, 1922.

*Article I.*

The general provisions contained in the first part of the Convention on the hydraulic system in the frontier zone, concluded between the Austrian Republic and the Kingdom of Hungary under Article 292 of the Treaty of Trianon, shall be applied to the protection and completion of the water-supply works for the town of Sopron.

*Article II.*

The protective zone for the water-supply works for the town of Sopron shall be delimited as follows :

To the south and south-east, the line runs along the administrative boundaries of the town of Sopron and of the commune of Agfalva ; to the north-east, it follows the ridge of the " Dudleswald " ; thence a line curving westward towards the hills south of Baumgarten, crossing the Krippelberg north of Schattendorf ; thence by the hill near the farm of Loipersbach and as far as the Kammhügel at Rohrbach. From this point it follows the Grüssriegel and the forest of Rohrbach, curving eastward towards the Herrentisch, crossing the Viererriegel, Loosmais, Obertödel and Bremsberg, and reaching the ridge of the forest of Agfalva.

*Article III.*

As regards the part of the protective zone (Article II) situated in Austrian territory, the Government of that State shall apply to the commune of Sopron the Austrian laws in force on the subject of protective zones for water-supply works, in the same way as it would apply them to an Austrian commune.

In particular, the Austrian Government undertakes that the Sopron municipality shall, as an interested party, participate in any measures which may have to be taken in regard to works in the protective zone for the execution of which, under the Austrian laws in force, the approval of the authorities is indispensable.

The foregoing provision shall also apply to any changes which may be proposed by the parties concerned with regard to the water-supply installations already existing in the protective zone, and in particular to the " Schattendorf bach ".

*Article IV.*

Should the completion of the water-supply works in the town of Sopron necessitate certain constructions (wells, aqueducts, etc.) on Austrian soil, the Austrian Government shall grant to the municipality of the said town the same facilities as would be granted, under the Austrian laws in force, to an Austrian commune in respect of such hydraulic works.

The municipality of Sopron shall, if necessary, submit the plan to the competent Austrian authority, which shall take such steps as are prescribed by the laws regulating the hydraulic system.

The commune of Sopron may not proceed to carry out the said plan until the concession has been granted.

*Article V.*

The Austrian Government shall not debar the municipality of Sopron from carrying out and supervising, through its own employees previously notified to and approved by the Austrian Government, works for the construction, upkeep and working of its aqueducts.

The Austrian Government shall grant facilities for crossing the frontier to representatives of the municipality of Sopron and to any experts engaged by that municipality, whenever such persons are proceeding to Austria in order to participate in the work mentioned in Article IV.

*Article VI.*

The Royal Hungarian Government guarantees that the works shall be executed in conformity with the terms of the concession, and that any Austrian nationals whose interests are prejudicially affected by the construction or working of the aqueduct shall be fully compensated by the holders of the concession.

This undertaking shall also be embodied in the text of the Hungarian concession.

*Article VII.*

The present Convention shall come into force on ratification by the two Governments.

Seen and approved at the meeting held at Sopron on July 2, 1924.

(Signed) JOCARD,

*French Delegate, Chairman of the Commission.*

(Signed) NEUGEBAUER,  
*Austrian Delegate.*

(Signed) TRÄGER,  
*Hungarian Delegate.*

## LEGAL PROTOCOL No. 6

CONCERNING THE PROTECTION AND COMPLETION OF THE WATER-SUPPLY WORKS FOR THE TOWNS OF SZOMBATHELY AND RECHNITZ.

(Supplement to the Commission's decision of November 8, 1922, concerning the Delimitation of the Frontier.)

With a view to the safeguarding of the respective interests concerned, the following Convention has been concluded between the Austrian Republic and the Kingdom of Hungary, in virtue of the General Instructions issued to the Delimitation Commissions on July 22, 1920, and the decision of the Conference of Ambassadors dated February 8, 1922.

*Article I.*

The general provisions contained in the first part of the Convention on the Hydraulic System in the Frontier Zone, concluded between the Austrian Republic and the Kingdom of Hungary under Article 292 of the Treaty of Trianon, shall be applied to the question of the protection and completion of the water-supply works for the towns of Szombathely and Rechnitz.

*Article II.*

Subject to the condition laid down in Article III, the Austrian Government undertakes to allow spring-water and water from subterranean sources collected on the southern slope of the Geschrieben-Stein-Irottkő in the area of the Commune of Rechnitz to be brought in closed conduits to the commune of Szombathely.

The Austrian Government shall for this purpose grant the commune of Szombathely any benefits granted, under the Austrian laws in force, to Austrian communes.

The Austrian Government shall see that the protective zone around the springs is maintained.

This protective zone, which is situated in Austrian territory, shall be delimited as follows :

From Satzenriegel, Hill 523, about 2 km. north of Rechnitz, the boundary is marked by a line curving east-north-east, passing by Hill 527 and following the ridge northward as far Hutstein-Kalaposkő and Hill 604. Thence it turns north-east along the road on the ridge by Hills 651 and 691 as far as the ridge of the Geschrieben-Stein-Irottkő.

Thence, inclining westward, it follows the high ground by Hill 823, and thence by Hill 830 as far as the road on the ridge which turns southward between Hills 830 and 858 ; thence, following this road on the ridge by Hill 651, it reaches Budriegel and runs by Hill 553, about 500 m. west-south-west of Hill St. Donati to Hill 496. Thence it proceeds in a straight line as far as Satzenriegel, Hill 523.

*Article III.*

Should an aqueduct be constructed, the Hungarian Government shall require the commune of Szombathely to be responsible for ensuring that a maximum water-supply of 150 cubic metres per 24 hours is brought to Rechnitz for the use of that commune.

The commune of Rechnitz shall be responsible for distributing the water in its own area and for the installation of fountains.

*Article IV.*

The municipality of Szombathely shall if necessary submit a design for the aqueduct to the competent Austrian authority, which shall take the steps required by the laws governing the hydraulic system. The commune of Szombathely may only proceed to carry out the said design after the concession has been granted.

As regards the hydraulic system and the decision to be reached in that matter both the fixing of the protective zone and the water-supply of the commune of Rechnitz must be taken into account.

*Article V.*

The Austrian Government shall not debar the municipality of Szombathely from carrying out and supervising, through its own employees, such detailed investigations and surveys as may be necessary for preparing the said plan, and the work of building, maintaining and operating the aqueduct, if such work is undertaken. The names of such employees shall be previously notified to and approved by the Austrian Government.

*Article VI.*

The Royal Hungarian Government guarantees that the work shall be carried out in conformity with the terms of the concession and that any Austrian nationals whose interests are prejudicially



affected by the construction or working of the aqueduct shall be fully compensated by the holder of the concession.

This undertaking shall also be embodied in the text of the Hungarian concession.

*Article VII.*

The present Convention shall come into force on ratification by the two Governments.

Seen and approved at the meeting held at Sopron on July 2, 1924.

(Signed) JOCARD,

*French Delegate, Chairman of the Commission.*

(Signed) NEUGEBAUER,  
*Austrian Delegate.*

(Signed) TRÄGER,  
*Hungarian Delegate.*

LEGAL PROTOCOL No. 7

REGULATING THE WATER-SUPPLY OF THE TOWN OF KŐSZEG.

(Supplement to the Commission's decision of June 14, 1922, concerning the Delimitation of the Frontier.)

In virtue of the General Instructions of July 22, 1920, and of the decision of the Conference of Ambassadors dated February 8, 1922, the following Convention has been concluded between the Austrian Republic and the Kingdom of Hungary with a view to settling the questions raised by the water-supply of the town of Kőszeg and by local interests.

*Article I.*

The general provisions set forth in the first part of the Convention concluded between the Governments of Austria and Hungary on the subject of the hydraulic system in the frontier zone (Convention concluded in virtue of Article 292 of the Treaty of Trianon) shall be similarly applied to the water-supply of the town of Kőszeg.

*Article II.*

The Austrian Government undertakes to allow the waters of the spring "Siebenbründl", which rises on the southern slope of the Geschrieben-Stein, to be brought through the territory of the commune of Rattersdorf to the commune of Kőszeg.

As regards this water conduit, the said Government shall grant to the commune of Kőszeg any benefits granted, under the Austrian laws in force, to Austrian communes.

The two contracting Governments shall jointly appoint experts to delimit a protective zone for the spring. It shall be the duty of the Austrian Government to maintain this protective zone wherever it lies within Austrian territory.

*Article III.*

Should an aqueduct be constructed, the Hungarian Government shall require the commune of Kőszeg to instal an intermittent fountain to supply the watering-place of the Rattersdorf pasture-land (Urbarialweide).

*Article IV.*

In these circumstances the commune of Kőszeg shall be required to submit the design for the aqueduct to the Austrian authority in charge of the hydraulic system and may not proceed with the work until the concession has been granted.

As regards the hydraulic system to be established by law and the decision to be reached on this subject the fixing of the protective zone and the water-supply of the Rattersdorf pasture-land (Urbarialweide) shall both be taken into account.

*Article V.*

The Commune of Kőszeg shall be at liberty to have the aqueduct constructed, maintained, carried out and operated by its own employees. The latter must however have been previously notified to and approved by the Austrian Government.

*Article VI.*

The Royal Hungarian Government guarantees that the works shall be carried out in conformity with the terms of the concession and that any Austrian nationals whose interests may be prejudicially affected by the construction or working of the aqueduct shall be fully compensated by the holder of the concession.

This undertaking shall also be embodied in the text of the Hungarian concession.

*Article VII.*

The present Convention shall come into force on ratification by the two Governments.

Seen and approved at the meeting held at Sopron, July, 1924.

(Signed) JOCARD,

*French Delegate, Chairman of the Commission.*

(Signed) NEUGEBAUER,  
*Austrian Delegate.*

(Signed) TRÄGER,  
*Hungarian Delegate.*

## LEGAL PROTOCOL No. 8

CONCERNING THE PROTECTION AND PRESERVATION OF FRONTIER MARKS, STONES AND SIGNS.

On this subject the following Convention has been concluded between the Austrian Republic and the Kingdom of Hungary in virtue of the General Instructions issued to the Delimitation Commissions on July 22, 1920, and the decision of the Conference of Ambassadors dated February 8, 1922.

*Article I.*

The two States undertake to protect boundary marks and signs and other objects used to delimit the frontier, and to see that the shape, position, direction and condition of the banks and beds of watercourses, where these constitute the frontier line, and of the roads, are maintained as far as possible in their present state.

*Article II.*

Should any boundary marks, signs, etc. be damaged, the two States shall adopt the following procedure :

*A)* Damage which does not affect the line of demarcation and can be made without recourse to the frontier survey papers shall be repaired by the State which first discovers it.

The said State shall inform the other contracting State of the date fixed for the repairs in order to enable it to participate in the work.

*B)* Any damage, arising from whatever cause, which can only be repaired with the aid of the frontier survey papers shall be repaired jointly by the two contracting States in the presence of the parties concerned. The two States shall if need be decide jointly whether the work is necessary.

*C)* Damaged boundary marks placed along a watercourse and not directly indicating the frontier line shall be repaired by the State in whose territory they are situated.

*D)* In the cases mentioned under *A)*, *B)* and *C)*, a protocol shall be drawn up in duplicate stating the measures taken, with an annex specifying the amount of the joint expenditure. This protocol shall be submitted for approval to both States.

*E)* With regard to the reimbursement of the cost of repairs involved by damage specified under *A)*, *B)* and *C)*, the following procedure shall be adopted :

*(a)* The costs of repairing damage caused by a national of one of the contracting States shall be borne by such State, subject to the right of action against the author of the damage.

*(b)* Should the author of the damage be a national of another State, the two contracting States shall each bear half the costs of repairs subject to the right of action against the author of the damage.

*(c)* Should the author of the damage remain unknown and undiscovered, or should the damage be caused by natural events (*force majeure*), the two States shall each bear half the cost of materials and labour.

Expenditure arising out of administrative action and proceedings shall be treated as coming under the internal administration of each of the two contracting States.

*Article III.*

The current cost of materials and labour arising out of the preservation of boundary marks and signs shall be treated as joint expenditure and borne in equal shares by the two contracting States.

*Article IV.*

The two States may similarly make use of trigonometrical signs and angles of polygons for surveying purposes.

*Article V.*

The boundary marks used in virtue of Articles II *A*), *B*) and *C*) for renewing damaged marks shall be paid for jointly and supplied :

- (1) In the case of sub-sections A II, IV, VI, B II, IV, VI and C II, IV, VI, including the sectional mark between sections A and B, by Austria ;
- (2) In the case of sub-sections A, I, III, V, B I, III, V, and C, I, III, V, including the sectional mark between sections B and C, by Hungary ;
- (3) In the case of boundary pillars erected at the common points of Kittsee and of Tauka-Toka, by the State appointed by joint agreement from among the three States concerned.

*Article VI.*

The present Convention shall come into force on ratification by the two Governments.

Seen and approved at the meeting held at Sopron on July 2, 1924.

(Signed) JOCARD,

*French Delegate, Chairman of the Commission.*

(Signed) NEUGEBAUER,  
*Austrian Delegate.*

(Signed) TRÄGER,  
*Hungarian Delegate.*

## LEGAL PROTOCOL No. 9

REGULATING THE TRANSIT THROUGH AUSTRIAN TERRITORY OF FOREST PRODUCTS FROM THE ESZTERHÁZY DOMAIN (COMMUNE OF RATTERSDORF).

(Supplement to the Commission's decision of December 5, 1922, concerning the delimitation of the frontier.)

With a view to ensuring the transit in question, the following Convention has been concluded between the Austrian Republic and the Kingdom of Hungary, in virtue of the General Instructions issued to the Delimitation Commissions on July 22, 1920, and the decision of the Conference of Ambassadors dated February 8, 1922.

*Article I.*

The managing Board of the estates of Prince Eszterházy shall forward each year to the Administration of the Ober-Pullendorf district a list of forest products (timber in cubic metres, bark, pine cones, resin, etc.) obtained from the woods belonging to Prince Eszterházy, situated in the former communal territory of Rattersdorf and intended for export to Kőszeg, *via* Liebing.

*Article II.*

The Austrian authority shall draw up from this list, if necessary after jointly checking the amount indicated at the place of felling, a transit certificate for the yield of the annual felling and of the by-product. This certificate shall entitle the Managing Board of the Eszterhazy estates

to convey the said products free of Customs duties to Kőszeg by the most direct route, across the commune of Liebing.

*Article III.*

Fourteen days notice of every consignment intended for conveyance must be given to the Austrian Customs officials, who are required to note the admittance of the consignment into Austria on the certificate. The goods may not be described goods in transit until such note has been made.

*Article IV.*

The cost of the certificates and other current expenses shall be borne by the carrier. The goods themselves so conveyed shall be exempt from Customs and all other duties on Austrian territory.

*Article V.*

All persons participating in the conveyance of goods in transit must hold the certificates allowing free passage as provided in the convention on minor frontier traffic. Any teams or draught animals employed must be indicated on these certificates.

*Article VI.*

The present Convention shall come into force on ratification by the two Governments concerned.

Seen and approved at the meeting held at Sopron on July 23, 1924.

(Signed) JOCARD,

*French Delegate, Chairman of the Commission.*

(Signed) NEUGEBAUER,  
*Austrian Delegate.*

(Signed) TRÄGER,  
*Hungarian Delegate.*

LEGAL PROTOCOL No. 10

CONCERNING THE UPKEEP AND WORKING OF THE LUTZMANNSBURG LOCK.

(Supplement to the Commission's decisions of June 14, 1922, and December 5, 1922, concerning the delimitation of the frontier.)

With a view to regulating the upkeep and working of the Lutzmannsburg lock and to affording satisfaction and security to the present users thereof and to persons concerned in general, the Austrian Republic and the Kingdom of Hungary, taking into account the General Instructions of July 22, 1920, and the decision dated February 8, 1922, of the Conference of Ambassadors, have concluded the following Convention :

*Article I.*

The general provisions contained in the first part of the Convention concluded between the Governments of Austria and Hungary in virtue of Article 292 of the Treaty of Trianon with a

view to regulating the hydraulic system in the frontier region of the two countries shall be applicable *mutatis mutandis* to questions connected with the upkeep and working of the hydraulic works (dam and lock) at Lutzmannsburg.

#### Article II.

The Austrian Government recognises the validity of the concession concerning the Lutzmannsburg lock and all accessory works, granted on November 22, 1913, under No. 19,412 by the "Vice-Ban" of the Sopron Comitatus to the riparian parties concerned in the use of the Lutzmannsburg Canal at Bük.

It is understood that any alteration or extension of this concession as described in the preceding paragraph shall be subject to previous agreement between the Austrian and Hungarian Governments.

After the ratification of this Convention, the parties concerned who are mentioned by name in § 8 of the said concession and future users of the canal, if any, shall form a syndicate constituted in accordance with Article XXIII, Part IV, of the Hungarian Law of 1885.

#### Article III.

No fresh rights connected with the use of the waters of the canal may be acquired or granted, nor may existing rights be modified except with the consent of the Syndicate. The procedure to be followed in such cases shall be governed exclusively by the laws and ordinances of the State where such rights are to be exercised or in whose territory the existing situation is to be modified.

Should fresh rights to the use of the waters be acquired or existing rights be extended along the Rabnitz-Répece on the territory of either of the States, the Governments territorially concerned (competent) shall require the holders of such rights using the syndical hydraulic works enumerated in the above concession to contribute to the cost of establishment and upkeep of the said works, as provided in the last paragraph of Article 8 of the Concession.

#### Article IV.

The cost of maintenance of works belonging to the Syndicate shall be borne exclusively by the Syndicate itself. The expenditure shall in every case be fixed by the general assembly of the Syndicate and approved by the authorities of both Contracting Parties.

This expenditure shall be divided proportionately according to the ratio which at present results from the terms of the concession mentioned in Article II, or which may in future result therefrom through the admittance of new members of the Syndicate or from any modification of the interests of the previous members. The two Governments shall require such members of syndicates as are their nationals to pay the contributions due respectively from each.

Dissolution spontaneously effected under Article 138 of the above-mentioned Law, dissolution by order of the Ministry of Agriculture in conformity with § 140 of the same law, and the resignation of a member of the Syndicate, must be jointly approved by the Austrian and Hungarian Governments.

#### Article V.

The Syndicate shall appoint special organs to supervise the syndical works and the execution of works of upkeep. The names of the officials appointed for this purpose shall first be communicated to the Austrian Government, which shall allow them free access to all works belonging to the Syndicate.

The Austrian Government shall grant the same liberty, under the same conditions, to the persons responsible for supervising the Syndicate and to the officials appointed by the Hungarian Government to take over control should the Syndicate fail to fulfil its statutory obligations.

The Austrian Government reserves the right to request the recall of the above officials if there are sufficient grounds for such request, and the Hungarian Government undertakes in such cases to see that the request is duly observed.

*Article VI.*

Hydraulic works carried out by the Syndicate under the concession mentioned in Article II shall be the property of the Syndicate, which in this capacity shall alone be entitled to have carried out any works connected therewith (such as the planting and cutting of trees or bushes, the extraction of gravel, etc), with due regard to existing laws and ordinances.

*Article VII.*

The Syndicate shall pay the supervisors whom it appoints, and shall be fully entitled to dismiss them at any time. Should a supervisor be paid wholly or partly in kind, the two Governments undertake to authorise the transport of the goods in question as far as the supervisor's residence, subject to due observance of the special Customs provisions in force in the frontier zone.

*Article VIII.*

The Syndicate's supervisor shall be responsible for the working of the lock, in accordance with the regulations in force. These regulations must be approved by the competent authorities of both countries.

*Article IX.*

Among other duties the supervisor of the lock shall be responsible for the maintenance (supervision) and reading of the hydrometer on the bridge on the Klein-Lutzmannsburg road. The Austrian Government guarantees that the supervisor shall be able to transmit hydrometrical observations to the Sub-Prefecture at Csepreg, if necessary by telegraph, and undertakes to inform the said Sub-Prefecture or the permanent supervisor of the Syndicate of any rises in the water-level on the upper reaches of the River Rabnitz or the River Stöob, the most convenient method — telegraph or telephone — being used according to circumstances.

*Article X.*

With a view to safeguarding the interests concerned, the competent technical authorities of both countries shall instruct their officials to inspect from time to time hydraulic works belonging to the Syndicate. The said officials must be reciprocally approved by both Governments and must always carry out their tour of inspection jointly and at a date fixed in advance.

*Article XI.*

The present Convention shall come into force on ratification by the two Governments.

Seen and approved at the meeting held at Sopron on July 23, 1924.

*(Signed)* JOCARD,

*French Delegate, Chairman of the Commission.*

*(Signed)* NEUGEBAUER,  
*Austrian Delegate.*

*(Signed)* TRÄGER,  
*Hungarian Delegate.*

## LEGAL PROTOCOL No. 11

## REGULATING TRAFFIC ON COMMON ROADS.

In accordance with the General Instructions issued to the Delimitation Commissions on July 22, 1920, and the decision of the Conference of Ambassadors dated February 8, 1922, the following Convention has been concluded between the Austrian Republic and the Kingdom of Hungary in connection with traffic on common roads.

*Article I.*

Common roads and highways, i. e., those whose axis coincides with the State frontier, may be utilised over their whole width, for communication between two points in the same State, by the nationals of such State, without a passport and without the certificate prescribed for minor frontier traffic.

Goods conveyed on State roads and highways between two points in the same State shall be deemed to be in the territory of that State.

*Article II.*

The personnel of the gendarmerie, the police (*sûreté publique*) and the Customs Administration shall, in the exercise of their duty, be entitled to pass with full equipment over the whole breadth of the above roads and highways.

When not on duty, such persons shall be entitled to carry the regulation arms (sword, sabre, bayonet). Special conventions shall be concluded to lay down in what circumstances the personnel on service may carry out their duties on the half of the road belonging to the other State (Convention on the Right of Pursuit.)

*Article III.*

With the exception of the cases mentioned in Article IV, common highways and roads may not be used by troops of either army or by any other armed force or military organisation.

Uniformed members of the above organisations may use the highways and roads in question only if not bearing arms.

*Article IV.*

The provisions of Article III shall not apply to the parts of the two common roads indicated hereunder :

(1) Between boundary marks C 96/1 and C 96/14 of the Güssing-Heiligenkreuz road, a distance of about 1,450 metres.

(2) Between main boundary marks C 55 and C 56 of the Pinkaminszent-Nagykölked road, a distance of about 1,310 metres.

It is understood that the road mentioned in (1) shall be exclusively reserved for troops of the Austrian army, and that the road mentioned in (2) shall be used exclusively for troops of the Hungarian army.

This agreement shall also apply to uniformed members of both armies.



*Article V.*

The present Convention shall come into force on ratification by the two Governments concerned.

Seen and approved at the meeting held at Sopron on July 23, 1924.

(Signed) JOCARD,

*French Delegate, Chairman of the Commission.*

(Signed) NEUGEBAUER,  
*Austrian Delegate.*

(Signed) TRÄGER,  
*Hungarian Delegate.*

## LEGAL PROTOCOL No. 12

CONCERNING THE UPKEEP OF ROADS, HIGHWAYS, BRIDGES, AND VARIOUS WORKS CONNECTED WITH COMMUNICATIONS IN THE NEIGHBOURHOOD OF THE FRONTIER, AND IN PARTICULAR THE UPKEEP OF COMMON ROADS.

In accordance with the General Instructions issued on July 22, 1920, to the Delimitation Commissions, and the decision of the Conference of Ambassadors dated February 8, 1922, the following Convention has been concluded between the Austrian Republic and the Kingdom of Hungary.

*Article I.*

Roads and highways crossing the frontier, and accessory works connected therewith, shall be maintained in each State by the parties responsible therefor.

*Article II.*

The upkeep of common roads, that is, roads whose axis coincides with the State frontier, shall be regulated as follows :

(1) The sections of the following roads :

Extreme Boundaries	Direction	Approximate Length
A 2-3	Kittsee-Horvátjárfalu . . . . .	612 m.
A 28-29	Nickelsdorf-Hegyeshalom . . . . .	1800 m.
A 46/2-47	Halbturn-Mosonszentjános . . . . .	710 m.
A 55-56	Andau-Pusztasomorja . . . . .	220 m.
B 49-50	Deutschkreuz-Nagyczenk . . . . .	930 m.
C 18-19	Schandorf-Kisnarda . . . . .	890 m.
C 36-36/1	Deutschschützen-Pornóapáti . . . . .	70 m.
C 61-62	Heiligenbrunn-Pinkamindszent . . . . .	340 m.
C 101-101/1	Heiligenkreuz-Szentgotthárd. . . . .	54 m.
C 117-117/1	Neumarkt a. d. Raab-Alsószölnök . . . . .	40 m.

and the accessory works connected therewith shall be jointly maintained in good condition by the nationals of the respective States responsible. For this purpose each section

shall be divided transversely into two parts of equal length, the whole width of the road in each part to be maintained and the cost of maintenance to be defrayed by the State in whose territory the part ends.

The limits of the sections to be so maintained shall be jointly marked on the ground by the competent departments of bridges and highways (*Bauämter = államépítészti hivatal*).

(2) The Güssing-Heiligenkreuz section of road between boundary-marks C 96/1 and C 96/14, a distance of 1450 metres, shall be maintained in its entirety by the Austrian parties reponsible therefor.

(3) The Deutsch-Schützen-Pornóapáti section of road between boundary-marks C 33 and C 33/2, a distance of 310 metres, and the Pinkamindszent-Nagykölköd section of road between boundary-marks C 55 and C 56, shall be maintained in their entirety by the Hungarian parties responsible therefor.

Responsibility for upkeep, within the meaning of this Article, shall cover not only the ordinary work of upkeep but also exceptional work of reconstruction.

The use of pasture and fruit-trees along common roads shall be regulated by a special convention between the departments of bridges and highways (*Bauämter = államépítészte hivatal*) concerned.

#### Article III.

Any other common communications, common roads, paths, etc. which coincide with the State frontier shall be maintained, with their accessory constructions, in the same degree as they have hitherto been maintained, by the communes or by other persons responsible. Such persons shall come to an agreement as to upkeep, apportionment of expenditure and responsibility for the safety of traffic.

#### Article IV.

The two States mutually undertake to allow authorised employees of the Roads and Communications Administration to use common roads without being obliged to hold the customary papers (passport or frontier certificate).

#### Article V.

The present obligations incumbent upon private persons in connection with the upkeep of roads, highways and accessory constructions shall remain in force.

#### Article VI.

No new bridges of any kind may be built over frontier waterways without the consent of the Governments of both contracting States.

No fresh tolls or other taxes relating to the use of the said bridges may be introduced except on the basis of a Convention to be concluded between the two contracting States.

Any tariff introduced shall as far as possible be uniform.

The existing arrangements of this nature shall remain in force.

#### Article VII.

Road-metal may be taken, as before, from the quarries of the two frontier zones. The two contracting States shall grant each other the widest facilities as regards the transport in these zones of the road-metal and other material necessary for the upkeep of the roads.

*Article VIII.*

The two contracting States undertake to see that the persons responsible for maintaining means of communication (highways, roads etc.), carry out their work in conformity with Articles I, II and III of this Convention.

*Article IX.*

The various agreements concluded between the two States on other frontier questions and governed by special legal protocols shall in no way be modified by the present Convention.

*Article X.*

The present Convention shall come into force on ratification by the two Governments concerned.

Seen and approved at the meeting held at Sopron on July 31, 1924.

(Signed) JOCARD,

*French Delegate, Chairman of the Commission.*

(Signed) NEUGEBAUER,  
*Austrian Delegate.*

(Signed) TRÄGER,  
*Hungarian Delegate.*

## LEGAL PROTOCOL No. 13

## CONCERNING THE REGULATION OF TRAFFIC NORTH OF THE EINSER CANAL.

(Supplement to the Commission's decision of November 15, 1922, concerning the delimitation of the frontier.)

With a view to the regulation of traffic along the Einser Canal the following Convention has been concluded between the Austrian Republic and the Kingdom of Hungary in conformity with the General Instructions issued to the Delimitation Commissions on July 22, 1920, and the decision of the Conference of Ambassadors dated February 8, 1922.

*Article I.*

The road along the dyke north of the Hanság Canal between chief boundary-marks A 60 and A 70 (a distance of about 2 ½ kilometres) and the top of the dyke north of the said canal between main boundary-marks A 62 and A 71 may be used as a footway at any time by members of the Austrian police force or Customs Administration in the exercise of their duties.

The said officials shall also be entitled to take on these roads any action within their powers provided that in each case they forward a report by the most direct method to the competent Hungarian authorities in conformity with the provisions of the separate agreement relating to the right of pursuit.

*Article II.*

Inhabitants of Pamhagen cultivating fields north of the canal shall be entitled to use the road along the dyke north of the Hanság canal between main boundary-marks A 69 and A 70 (a distance of about 2 ½ kilometres), either on foot or in farm vehicles.

The said inhabitants must, however, hold a frontier certificate in due order.

The commune of Pamhagen shall further be responsible for the upkeep, at its own cost, of the road in question.

*Article III.*

Hungary recognises the rights set forth in Articles I and II, and will inform the local authorities and, in particular, their frontier services of the said rights, giving them instructions necessary to prevent any hindrance to the traffic, referred to in this Legal Protocol.

*Article IV.*

The present Convention shall come into force on ratification by the Governments.

Seen and approved at the meeting held at Sopron on July 31, 1924.

(Signed) JOCARD,

*French Delegate, Chairman of the Commission.*

(Signed) NEUGEBAUER,  
*Austrian Delegate.*

(Signed) TRÄGER,  
*Hungarian Delegate.*

## LEGAL PROTOCOL

## CONCERNING THE RIGHTS OF THE COMMUNE AND PARISH OF RATTERSDORF TO BE SUPPLIED WITH WOOD AND LITTER.

The right of the commune and Parish of Rattersdorf to be supplied with wood from forests belonging to Prince Eszterházy situated in the area of the former commune of Rötfalva consists in the free delivery by the competent forest administration of building timber obtained from the frontier forests and required for the preservation of the communal bridge of Rattersdorf. The cost of production in the forest itself, the cost of transport as far as the cart-road and the cost of conveyance shall, however, be borne by the commune of Rattersdorf. The said right shall also comprise the yearly supply, free of charge, to the Parish of Rattersdorf in consideration of its regular custom, of 43 cubic metres of beech faggots; the right of furnishing the schoolmaster, in return for payment, with 24 cubic metres of fire-wood as a supply in kind, the said right being stipulated in the scheme for the development of the district of Rötfalva on behalf of the Commune of Rattersdorf; the right of supplying for payment the firewood required by the inhabitants of the commune; and, finally, the right to supply the commune of Rattersdorf yearly with litter, the said right being exercised over an area of 40 cadastral *arpents* in the forests belonging to Prince Eszterházy situated in the territory of the former commune of Rötfalva.

The trustees of Prince Eszterházy's estates having recognised these rights of the commune of Rattersdorf to be supplied with wood, the following convention between Hungary and Austria has been concluded, due regard being had to the new frontier, in conformity with the General Instructions issued to the Delimitation Commissions on July 22, 1920, and the decision of the Conference of Ambassadors dated February 8, 1922.

*Article I.*

Hungary undertakes to authorise the export of the quantities of wood and litter required in view of the above-mentioned rights to the supply of wood and litter, free of restriction of time or place with regard to the route followed.

*Article II.*

Hungary notes that the trustees of Prince Eszterházy's estates shall be required to pay the temporary Customs duties on the export of the quantities of wood and litter in question.

Done at Vienna in duplicate on March 11, 1927.

(L. S.) (Signed) WODIANER.

(L. S.) (Signed) Dr Ignaz SEIPEL.

## LEGAL PROTOCOL

CONCERNING THE REGULATIONS OF AGRICULTURAL TRAFFIC BETWEEN THE COMMUNE OF HALBTHURN AND THE " OBERES FUCHSENFELD ".

With a view to the safeguarding of the interests of farmers in the commune of Halbthurn, and in order to ensure the free passage of agricultural traffic between this commune and the estate known as the " Oberes Fuchsenfeld ",

The following agreement has been reached, in conformity with the General Instructions issued to the Delimitation Commissions on July 22, 1920, and the decision of the Conference of Ambassadors dated February 8, 1922 :

*Article I.*

(1) In view of the fact that access to the " Oberes Fuchsenfeld " on Austrian territory is in certain circumstances impracticable, Hungary shall grant to farmers domiciled at Halbthurn and owning or renting agricultural land at the " Oberes Fuchsenfeld ", and to their employees, the right to use freely and without hindrance the section of the Halbthurn-Szolnok road, situated in Hungarian territory, between main boundary marks A 39 and A 42.

(2) Farm-carts and cattle may, where necessary for the cultivation of land at the " Oberes Fuchsenfeld ", be driven over the said section of the road.

(3) The same provision shall apply to ploughs and other farming implements, both for sowing and for harvesting.

(4) Before this section of the road may be used, there shall be required, in addition to the usual frontier certificate, confirmation from the commune of Halbthurn of the fact that the persons concerned are domiciled in that commune and cultivate land at the " Oberes Fuchsenfeld ", whether as owners or tenants or as employees thereof.

(5) In the case of cattle, certificates shall be issued by the commune, giving the name and address of the owner, the number, kind and sex of the animals, and certifying that the said animals belong to a farmer at Halbthurn cultivating land at the " Oberes Fuchsenfeld ".

*Article II.*

The Royal Hungarian Government recognises the rights conceded in Article I and will see that farmers holding the papers mentioned in Article I (4) are enabled, within the meaning of Article I, to come and go freely and without hindrance on the said road at the season when they are required to do so for agricultural purposes.

Done at Vienna in duplicate on March 11, 1927.

(L. S.) (Signed) WODIANER.

(L. S.) (Signed) Dr. Ignaz SEIPEL.

## LEGAL PROTOCOL

## CONCERNING THE UTILISATION OF THE WATERS OF THE KLEINE LEITHA FOR THE IRRIGATION OF THE FRONTIER TERRITORY NEAR MARIALIGET.

In accordance with the General Instructions issued on July 22, 1920, to the Delimitation Commissions and the decision of the Conference of Ambassadors dated February 8, 1922, the following agreement has been drawn up between the Kingdom of Hungary and the Austrian Republic :

*Article I.*

The Austrian Government recognises the validity of the concession entered in the Water Survey Registers of the Comitatus of Moson under No. IV/22 concerning the lock and communicating canal. These form part of the Magyaróvár estate situated on the boundary of the commune of Deutsch Jahrndorf.

The object of this concession, which has been submitted for verification under No. 7095/188 in conformity with the water-supply laws, is to bring the waters of the Kleine Leitha to the Wiesgreben Rétárok in order to irrigate the frontier territory near Marialiget.

*Article II.*

In so far as the quantity of water to be supplied is not fixed by the concession mentioned in Article I, second paragraph, it shall be determined, at the request of any authorised party, by the competent Austrian authority on the basis of the procedure prescribed. The Austrian Government undertakes that a decision in the matter shall be arrived at as speedily as possible.

*Article III.*

The Austrian Government guarantees that the communicating canal shall not be used to divert the flood waters of the Kleine Leitha into the Wiesgreben Retarok.

Done at Vienna in duplicate on March 11, 1927.

(L. S.) (Signed) WODIANER.

(L. S.) (Signed) Dr. Ignaz SEIPEL.

## LEGAL PROTOCOL

## CONCERNING THE "ZEISELHOF".

The frontier between Hungary and Austria divides the "Zeiselhof" estate belonging to Prince Lónyay between main boundary marks 11 and 15 in such a way that all the buildings required for the exploitation of the property, such as stables, warehouses, the alcohol distillery, mill, etc., comprising 950 cadastral *arpents* are situated in Austria, while 614 cadastral *arpents* without any buildings of economic value remain in Hungary.

With a view to maintaining unity in the exploitation of the said property, the following agreement has been concluded in virtue of the General Instructions issued to the Delimitation Commission on July 22, 1920, and the decision of the Conference of Ambassadors dated February 8, 1922:

*Article I.*

All harvest produce from the portion of the "Zeiselhof" property situated in Hungarian territory may be conveyed to the portion situated in Austrian territory free of import dues, at any point of the frontier which divides the said property. Employees and workers engaged in the exploitation of the "Zeiselhof" must hold frontier certificates issued to them yearly for a period of one year by the administrative authority, on the basis of municipal certificates confirming the fact of their employment on the "Zeiselhof" estate. Such certificates may only be issued at the request of the "Zeiselhof" administration.

Further, the traffic arising out of the exploitation of the "Zeiselhof", as regulated at present by the Convention on frontier traffic, shall not be hindered in any way.

*Article II.*

An annual quota of 400 cubic metres of firewood required for the "Zeiselhof" estate is supplied from the forest forming part of the said estate in Hungarian territory. It may, after having been declared to the Customs authorities, likewise be conveyed free of tax to the "Zeiselhof" estate.

This privilege shall be granted both to the owner of the "Zeiselhof" and to his tenant, but the latter shall only benefit thereby if, under the terms of his contract, he is entitled or is under an obligation to obtain this wood from forests belonging to the "Zeiselhof" estate situated in Hungarian territory.

*Article III.*

In order to ensure the working of the alcohol distillery of the "Zeiselhof" estate, it is understood that, without prejudice to the arrangement provided for in Article I, the amount of raw material (turnips, maize, potatoes, barley) grown on the Hungarian portion of the property and required for the manufacture of the annual supply of alcohol fixed by law may in all cases be conveyed to the "Zeiselhof" estate free of Customs or any other duties.

*Article IV.*

Should an agreement concerning minor frontier traffic subsequently be concluded according wider facilities than those stipulated in the present Protocol, such facilities shall be applicable to the exploitation of the "Zeiselhof".

Done at Vienna in duplicate, March 11, 1927.

(L. S.) (Signed) WODIANER.

(L. S.) (Signed) Dr. Ignaz SEIPEL.

## LEGAL PROTOCOL

CONCERNING THE TRANSPORT OF TIMBER FELLED IN THE FORESTS OF THE TOWN OF KŐSZEG WEST OF THE ZEIGERBERG.

In view of the that forest products, from the forests of the royal free town of Kőszeg west of the Zeigerberg (1200 cadastral *arpents*) can only be conveyed into Hungary through the territory of the Austrian communes of Hammern or Rattersdorf, the following arrangements have been made, in accordance with the General Instructions issued to the Delimitation Commissions on July 22, 1920, and the decision of the Conference of Ambassadors dated February 8, 1922, between the Kingdom of Hungary and the Austrian Republic, with a view to facilitating such transport :

*Article I.*

The municipality of the royal free town of Kőszeg shall forward each year to the administration of the Oberpullendorf district a list of the forest products (timber in cubic metres, bark, pine-cones, resin, etc.) which are obtained from the part of the forests belonging to the town of Kőszeg situated west of the Zeigerberg and are intended for export into Hungary via Liebing.

*Article II.*

The Austrian authority shall draw up from this list and, if need be, after joint verification of the amount in question at the place where the wood was felled, a transit certificate corresponding to the amount of the annual felling and the by-products. The certificate shall entitle the municipality of the royal free town of Kőszeg to re-transport the products into Hungary free of Customs dues, by road or rail, through the communes of Rattersdorf, Liebing and Hammer.

*Article III.*

Fourteen days' notice of each consignment intended for conveyance must be given to the Austrian Customs authorities, who shall note on the certificate the fact of admittance into Austria. Goods may not be termed goods in transit unless such entry has been made on the certificate.

*Article IV.*

The cost of the certificates and other current expenses shall be borne by the carrier. Vehicles used for transport shall likewise circulate in Austrian territory free of Customs and other dues.

*Article V.*

Any persons participating in the conveyance of goods in transit must hold the certificates allowing free passage prescribed in the convention on minor frontier traffic ; any teams of animals or draught animals employed must be noted on the certificates.

Done at Vienna in duplicate, March 11, 1927.

(L. S.) (*Signed*) WODIANER.

(L. S.) (*Signed*) Dr. Ignaz SEIPEL.



## LEGAL PROTOCOL

CONCERNING THE SUPPLYING OF THE INHABITANTS OF HARKA WITH MINERAL WATER  
FROM THE COMMUNE OF DEUTSCHKREUTZ.

In accordance with the General Instructions issued to the Delimitation Commissions on July 22, 1920, and the decision of the Conference of Ambassadors dated February 8, 1922, the following agreement has been concluded between the Kingdom of Hungary and the Austrian Republic :

The Governments of both States undertake to authorise, free of any tax, the transport from Deutschkreutz to Harka of such amount of mineral water as the inhabitants of Harka are entitled to claim on the basis of existing contracts or agreements between them and the commune of Deutschkreutz or the exploiters of the spring.

Done at Vienna in duplicate, March 11, 1927.

(L. S.) (Signed) WODIANER.

(L. S.) (Signed) Dr. Ignaz SEIPEL.