

N° 1639.

**POLOGNE
ET TCHÉCOSLOVAQUIE**

Accord concernant la répartition des
actes déposés jusqu'à ce jour
auprès des autorités autrichiennes.
Signé à Varsovie, le 8 février 1927.

**POLAND
AND CZECHOSLOVAKIA**

Agreement regarding the Disposal
of Acts deposited up to the
present Date with the Austrian
Authorities. Signed at Warsaw,
February 8, 1927.

TEXTE POLONAIS. — POLISH TEXT.

N^o 1639 — UKŁAD¹ POMIĘDZY REPUBLIKĄ CZEKOSŁOWACKĄ RZECZĄ-
POSPOLITĄ POLSKĄ W PRZEDMIOCIE AKT PRZECHOWYWANYCH
DOTĄD PRZEZ URZĘDY AUSTRJACKIE, PODPISANY W WARSZAWIE
DNIA 8. LUTEGO 1927.

Polish and Czechoslovak official texts communicated by the Chargé d'affaires a. i. of the Czechoslovak Republic at Berne and the Polish Delegate accredited to the League of Nations. The registration of this Agreement took place February 13, 1928.

Artykuł 1.

RZĄD REPUBLIKI CZEKOSŁOWACKIEJ I RZĄD RZECZYPOSPOLITEJ POLSKIEJ zgodziły się, aby Rząd Czeskosłowacki samodzielnie zażądał i przejął od Rządu Republiki Austrjackiej, w imieniu własnym i Rządu Polskiego materiał aktowy, przechowywany dotąd w registraturach i archiwach władz austrjackich, o ile dotyczy spraw, które podpadają obecnie pod zwierzchnictwo Republiki Czeskosłowackiej i Rzeczypospolitej Polskiej na całym obszarze byłego Księstwa Cieszyńskiego, czy to z tytułu zwierzchnictwa terytorjalnego, czy też osobowego, a to według postanowień Umowy pomiędzy Republiką Czeskosłowacką a Republiką Austrjacką, zawartej w Pradze w dniu 18 maja 1920 r.

Samo przez się, rozumie się, iż Rząd Republiki Czeskosłowackiej zażąda i przejmie akta w sprawach podpadających pod zwierzchnictwo polskie i w sprawach wspólnych tylko w tych archiwach i registraturach, w których akta dotyczące spraw byłego Księstwa Cieszyńskiego podpadające pod zwierzchnictwo czeskosłowackie, nie zostały już przedtem przejęte przez Republikę Czeskosłowacką w wykonywaniu Umowy pomiędzy Republiką Czeskosłowacką a Republiką Austrjacką z dnia 18 maja 1920 r.

Na żądanie władz Rzeczypospolitej Polskiej, zawierające możliwie ściśle wymienienie danego aktu, Rząd Czeskosłowacki zażąda i przejmie od władz austrjackich poszczególne akta w sprawach podpadających pod zwierzchnictwo polskie i w sprawach wspólnych, również i w tych archiwach i registraturach, w których akta dotyczące spraw byłego Księstwa Cieszyńskiego, podpadających pod zwierzchnictwo czeskosłowackie, zostały już przedtem przez Rząd Republiki Czeskosłowackiej przejęte.

Artykuł 2.

Cały materiał aktowy przejęty przez Rząd Czeskosłowacki według postanowień części I A, ustęp 3 a), b), c), Umowy pomiędzy Republiką Czeskosłowacką a Republiką Austrjacką z dnia 18 maja 1920 r. zostanie podzielony między obie Umawiające się Strony według zasad ustalonych w art. 23 punkt a) i b), zdanie pierwsze, i w art. 24, punkt a), ustęp 1—3 i punkt b) i d) Umowy² pomiędzy Republiką Czeskosłowacką a Rzeczpospolitą Polską w sprawach prawnych i finansowych z dnia 23 kwietnia 1925 r.

¹ The exchange of ratifications took place at Prague, January 7, 1928.

² Vol. XLVIII, page 287, of this Series.

¹ TRANSLATION.

No. 1639. — AGREEMENT BETWEEN THE CZECHOSLOVAK REPUBLIC AND THE POLISH REPUBLIC REGARDING THE DISPOSAL OF ACTS DEPOSITED UP TO THE PRESENT DATE WITH THE AUSTRIAN AUTHORITIES. SIGNED AT WARSAW, FEBRUARY 8, 1927.

Article 1.

THE GOVERNMENT ON THE CZECHOSLOVAK REPUBLIC and THE GOVERNMENT OF THE POLISH REPUBLIC have agreed that the Czechoslovak Government shall address an independent request to the Government of the Austrian Republic, asking, on its own behalf and on behalf of the Polish Government, for the delivery of the documents still retained in the record offices and archives of the Austrian administrative services so far as they concern affairs which, occurring within the territory of the former Principality of Teschen, fall at the present date under either the territorial or the personal sovereignty of the Czechoslovak Republic or the Polish Republic, in conformity with the provisions of the Treaty concluded at Prague on May 18th, 1920, between the Czechoslovak Republic and the Austrian Republic.

It is agreed that the Government of the Czechoslovak Republic shall request the return and shall take delivery of documents relating to matters falling under Polish sovereignty or of interest to both States, exclusively from those archives and record offices from which the documents concerning the affairs of the former Principality of Teschen falling under Czechoslovak sovereignty have not already been taken over by the Czechoslovak Republic, in virtue of the Treaty concluded on May 18th, 1920, between the Czechoslovak Republic and the Austrian Republic.

On receipt of a request from the administrative services of the Polish Republic, which shall include, where possible, a precise list of the documents claimed, the Czechoslovak Government shall request the return and take delivery from the Austrian administrative services of special documents referring to affairs falling under Polish sovereignty or of interest to the two States, even from those archives and record offices from which the Government of the Czechoslovak Republic has already received documents relating to the affairs of the former Principality of Teschen falling under Czechoslovak sovereignty.

Article 2.

All documents taken over by the Czechoslovak Government under the provisions of Chapter I A, 3 *a*), *b*) and *c*), of the Treaty of May 18th, 1920, between the Czechoslovak Republic and the Austrian Republic, shall be divided between the two Contracting Parties in accordance with the principles established in Article 23 *a*) and *b*), first sentence, and in Article 24 *a*), paragraphs 1 to 3 and *b*) and *d*), of the Legal and Financial Convention concluded on April 23rd, 1925, between the Czechoslovak Republic and the Polish Republic.

¹ Translated by the Secretariat of the League of Nations.

Article 3.

Both Contracting Parties declare that the provisions of Articles 1 and 2 of the present Agreement shall not in any way prejudice the right of the Polish Republic to claim documents from the Government of the Austrian Republic in accordance with the principles established in the Treaty of Peace of St. Germain-en-Laye.

Article 4.

The Polish Commissioner-General or the persons authorised thereto by the Polish Government, as the case may be, shall defend the Polish interests referred to in the present Agreement when the organs of the Czechoslovak Government at Vienna assume possession of the documents referred to in Articles 1 and 2.

Article 5.

The Polish Commissioner-General or the persons authorised thereto by the Polish Government, as the case may be, shall receive previous information as to the nature and number of the documents which are to be taken over by the organs of the Czechoslovak Government.

Article 6.

The Polish Commissioner-General or the persons authorised thereto by the Polish Government, as the case may be, shall be present at the handing over of the said documents by the Austrian administrative services to the Czechoslovak organs. Delivery may not be effected in the absence of the Polish representatives.

Article 7.

The organs of the Czechoslovak Government shall inform the Polish Commissioner-General or the persons authorised thereto by the Polish Government, as the case may be, of the time and place at which any delivery of documents is to be effected, and shall send them a copy of the list of documents asked for.

Article 8.

The Czechoslovak Government undertakes to give the Polish Commissioner-General or the persons authorised thereto by the Polish Government, as the case may be, not later than three months after it receives the said documents from the Austrian administrative services a list of documents due to the Polish Republic in virtue of the provisions of Article 2 of the present Agreement.

Article 9.

Within six months from the date of the receipt of the aforementioned list, the Polish Commissioner-General or the persons authorised thereto by the Polish Government, as the case may be, shall be entitled to check the said list with the documents taken over by the Czechoslovak organs, and verify whether the proposed division is in conformity with the principles accepted under Article 2 of the present Agreement.

For this purpose the Czechoslovak Government agrees to allow the Polish Commissioner-General or the persons authorised thereto by the Polish Government, as the case may be, access to all documents taken over at any time from the Austrian Government.

The division of documents, and their reception by the Polish Commissioner-General or the persons authorised thereto by the Polish Government, as the case may be, shall take place at Vienna, at a place to be appointed by the Czechoslovak Government.

Article 10.

The two Contracting Parties reserve to themselves the right to make use of documents of interest to both States and taken over by the Czechoslovak Government under the provisions of Article 2 of the present Agreement, subject to the observance of the principles accepted in Article 24 (*b*) of the Legal and Financial Convention concluded on April 23rd, 1925, between the Czechoslovak Republic and the Polish Republic.

Article 11.

The attribution of the documents thus taken over to the Czechoslovak administrative services or their deposit in the Czechoslovak archives may only be undertaken after the expiration of the period fixed under Article 9 of the present Agreement, and provided that no objection is raised on the part of Poland in respect of any of the said documents.

Article 12.

The Czechoslovak Government shall be responsible for the export of the documents which constitute the subject of the present Agreement.

The cost of transporting the documents allotted to Poland shall be refunded to the Czechoslovak Government by the Polish Government.

The transport of the said documents through Czechoslovak territory to Polish territory shall be effected under the provisions of Article 27 (*b*) of the Legal and Financial Convention concluded on April 23rd, 1925, between the Czechoslovak Republic and the Polish Republic.

Article 13.

Disputes regarding the application of the present Agreement shall be settled by the Commissioners-General of the two Contracting Parties.

If no agreement can be reached by this method, action shall be taken in conformity with the provisions of Chapter IX of the Legal and Financial Convention concluded on April 23rd, 1925, between the Czechoslovak Republic and the Polish Republic.

Article 14.

The present Agreement shall come into force on the thirtieth day after the exchange of the instruments of ratification, which shall take place at Prague.

Done at Warsaw on February 8th, 1927, in two originals of like import, each in the Czechoslovak and Polish languages, both texts being authentic.

(*L. S.*) Dr. Jan OPOČENSKÝ.

(*L. S.*) Dr. Eugeniusz BARWIŃSKI.