

N° 4217.

**ALLEMAGNE
ET TCHÉCOSLOVAQUIE**

Traité concernant les cours d'eau frontières dans le secteur saxon et le secteur bavarois de la frontière et un échange de territoires à la frontière, avec protocole final et cartes annexées. Signés à Bad Elster, le 27 septembre 1935.

**GERMANY
AND CZECHOSLOVAKIA**

Treaty concerning Frontier Waterways in the Saxon and Bavarian Sectors of the Frontier and an Exchange of Territories at the Frontier, with Final Protocol and Maps annexed thereto. Signed at Bad Elster, September 27th, 1935.

TEXTE ALLEMAND. — GERMAN TEXT.

N^o 4217. — VERTRAG¹ ZWISCHEN DEM DEUTSCHEN REICH UND DER TSCHECHOSLOWAKISCHEN REPUBLIK ÜBER GRENZWASSERLÄUFE AUF DER SÄCHSISCHEN UND DER BAYERISCHEN STRECKE DER GRENZE SOWIE ÜBER EINEN GEBIETSAUSTAUSCH AN DER GRENZE. GEZEICHNET IN BAD ELSTER, AM 27. SEPTEMBER 1935.

German and Czechoslovak official texts communicated by the Chargé d'Affaires a. i. of the Legation of the Czechoslovak Republic at Berne. The registration of this Treaty took place November 26th, 1937.

DER DEUTSCHE REICHSKANZLER
und

DER PRÄSIDENT DER TSCHECHOSLOWAKISCHEN REPUBLIK
sind übereingekommen, die sich auf Lage und Beweglichkeit der Grenze in Wasserläufen beziehenden Grundsätze des am 31. Januar 1930 unterzeichneten Vertrages² zwischen dem Deutschen Reich und der Tschechoslowakischen Republik über Grenzwasserläufe und Gebietsaustausch an der preussischen Strecke der deutsch-tschechoslowakischen Grenze auch auf die sächsische und die bayerische Strecke anzuwenden und ausserdem in Ergänzung des vorbezeichneten Vertrages einen weiteren Gebietsaustausch vorzunehmen.

Um eine vertragliche Regelung hierüber herbeizuführen, haben zu Bevollmächtigten ernannt :

DER DEUTSCHE REICHSKANZLER :

den Gesandten Herrn Dr. Paul ECKARDT ; und

DER PRÄSIDENT DER TSCHECHOSLOWAKISCHEN REPUBLIK :

den tschechoslowakischen Kommissar für Grenzangelegenheiten Herrn Ing. Dr. h. c.
Václav ROUBÍK.

Die Bevollmächtigten haben, nachdem sie ihre Vollmachten einander mitgeteilt und in guter und gehöriger Form befunden haben, Nachstehendes vereinbart :

¹ The exchange of ratifications took place at Prague, October 7th, 1937.

² Vol. CXLV, page 51, of this Series.

CARTES — MAPS

REPLACE
MAPS
AS

PAGE: 288A

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TRADUCTION — TRANSLATION

¹ TRANSLATION.

No. 4217. — TREATY BETWEEN THE GERMAN REICH AND THE CZECHOSLOVAK REPUBLIC CONCERNING FRONTIER WATERWAYS IN THE SAXON AND BAVARIAN SECTORS OF THE FRONTIER AND AN EXCHANGE OF TERRITORIES AT THE FRONTIER. SIGNED AT BAD ELSTER, SEPTEMBER 27TH, 1935.

THE CHANCELLOR OF THE GERMAN REICH
and

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC

have agreed to extend to the Saxon and Bavarian sectors of the frontier the provisions with regard to the position and movability of the frontier along waterways, contained in the Treaty concluded between the German Reich and the Czechoslovak Republic on January 31st, 1930, concerning frontier waterways and the exchange of territories in the Prussian sector of the German-Czechoslovak frontier; they have agreed, moreover, to supplement the said Treaty by a further exchange of territories.

Desirous of concluding a Treaty for this purpose, they have appointed as their Plenipotentiaries:

THE CHANCELLOR OF THE GERMAN REICH :

Dr. Paul ECKARDT, Minister Plenipotentiary; and

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

Dr. Václav ROUBÍK, Engineer, Czechoslovak Commissioner for Frontier Affairs;

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

A. PROVISIONS CONCERNING THE POSITION AND MOVABILITY OF THE FRONTIER ALONG WATERWAYS IN THE SAXON AND BAVARIAN SECTORS OF THE FRONTIER.

Article 1.

The provisions of Article 1, paragraph 1, Article 2, paragraph 1, and Article 3 of the Treaty concluded between the German Reich and the Czechoslovak Republic on January 31st, 1930, concerning frontier waterways and the exchange of territories in the Prussian sector of the German-Czechoslovak frontier shall apply as regards the position and movability of the frontier along waterways in the Saxon and Bavarian sectors of the frontier, with the exception of the Elbe, the Schönerwalder Bach and the Eger.

Article 2.

(1) The Elbe frontier, which is a movable frontier, shall follow the median line of the channel of navigation used by traffic proceeding uninterruptedly downstream. The aforesaid channel of navigation shall consist, in accordance with the most recent surveys accepted by both Parties, of a strip 60 metres in width of the levelled river-bed.

¹ Translated by the Secretariat of the League of Nations, for information.

(2) The frontier fixed in accordance with paragraph (1) shall follow the gradual natural changes in the channel of navigation and such artificial changes as may be made by agreement between the competent authorities of the contracting States, in so far as these changes are acknowledged by the said authorities. In 1941 and every ten years thereafter, the position of the channel of navigation shall be examined, and the frontier shall if necessary be adjusted in accordance with the principles laid down in paragraph (1). In the event of a considerable change in the channel of navigation, a further delimitation of the frontier may be proposed within this period. Such proposal must be acted on within one year.

Article 3.

The frontier in the Schönwalder Bach and the Eger, which is an immovable frontier, shall follow the line fixed in the frontier survey begun in 1927.

B. EXCHANGE OF TERRITORIES.

Article 4.

With a view to obtaining a more practical frontier line, the Contracting Parties agree to the following exchange of territories :

Serial Number	Frontier Section	Description of Place	To be transferred						Annex No.	Remarks
			To the German Reich			To the Czechoslovak Republic				
			the areas indicated in the Annexes							
			by dots			by hatching				
ha	a	m ²	ha	a	m ²					
<i>(a) IN THE PRUSSIAN SECTOR OF THE FRONTIER.</i>										
1	VII	On the Elsnitz (total).	—	—	—	2	58	17	1	Transfer of frontier for the purpose of territorial equalisation
2	VIII	Land belonging to the Heinersdorf sawmills, Barzdorf (total)	2	58	17	—	—	—	2	Transfer of frontier to facilitate the work of the sawmills
<i>(b) IN THE SAXON SECTOR OF THE FRONTIER.</i>										
3	II	On the Erlichtbach (total)	—	—	II	—	—	53	I	Transfer of frontier to the middle of the regularised waterway
4		On the Ullersbach (total).	—	—	II	—	—	24		Transfer of frontier to the middle of the waterway

Serial Number	Frontier Section	Description of Place	To be transferred						Annex No.	Remarks
			To the German Reich			To the Czechoslovak Republic				
			the areas indicated in the Annexes							
			by dots			by hatching				
ha	a	m ²	ha	a	m ²					
5	III	On the Neisse (total) . .	2	48	02	1	22	37	2	Transfer of frontier to the middle of the regularised waterway
6	V	On the frontier ditch between frontier pillars $\frac{3}{1} - \frac{3}{4}$ (total)	—	—	29	—	—	15	3	Change from former water frontier to land frontier
7		On the Spree at Ebersbach (total)	—	6	92	—	5	39		Transfer of frontier to the middle of the waterway
8		At Ebersbach station (total)	—	71	13	—	16	16		Transfer of frontier to facilitate rail traffic
9	VI	On the Spree at Fugau (total)	1	03	57	—	52	25	4	Change from former water frontier to land frontier and transfer of frontier to the middle of the regularised waterway
10		On the Schebichbach (total)	—	—	—	—	—	10	5	Change from former water frontier to land frontier
11	VII	On the Frohnbach between frontier pillars $\frac{14}{50} - 15$ (total)	—	—	22	—	—	34		Transfer of frontier to the middle of the regularised waterway
12	VIII	On the Sebnitz (total) . .	—	—	41	—	8	47		Transfer of frontier to the middle of the regularised waterway
13		On the frontier stream between frontier pillars $\frac{16}{9} - \frac{16}{11}$ (total)	—	—	—	—	—	91	Transfer of frontier to the middle of the waterway	
14		On the Heidelbach (total)	—	—	44	—	—	—		
15		On the Weissbach (total).	—	—	57	—	1	18		

Serial Number	Frontier Section	Description of Place	To be transferred						Annex No.	Remarks
			To the German Reich			To the Czechoslovak Republic				
			the areas indicated in the Annexes							
			by dots			by hatching				
ha	a	m ²	ha	a	m ²					
16	X	On the Eiland lane between frontier pillars $\frac{19}{11}$ — 20 (total)	—	—	79	—	I	89	6	Transfer of frontier to the middle of the lane
17		On the Eisenstrasse between frontier pillars $\frac{21}{20}$ — $\frac{22}{2}$ (total)	—	I	40	—	—	—		Transfer of frontier by reason of road repairs
18		On the Loschebach (total)	—	15	34	—	4	35		7
19	On the Bahra (total) . . .	—	—	—	—	I	01			
20	On the Mordgrundbach (total)	—	—	97	—	—	90			
21	On the frontier stream between frontier pillars $\frac{6}{21}$ — $\frac{6}{47}$ (total)	—	—	82	—	I	89			
22	On the Gottleuba (total).	—	74	34	—	29	10			
23	XI	On the Schönwalder Bach (total)	—	I	16	—	—	97	Transfer of frontier to the middle of the regularised waterway	
24		On the Schwarzbach (total)	—	6	05	—	9	16	Transfer of frontier to the middle of the waterway	
25	XII	On the Weisse Müglitz (total)	—	29	76	—	32	30	8	Transfer of frontier to the middle of the regularised waterway
26		On the Grosser Warmbach (total)	—	I	12	—	—	61		Transfer of frontier to the middle of the waterway
27		On the Wilde Weisseritz (total)	—	4	68	—	I	19		

Serial Number	Frontier Section	Description of Place	To be transferred						Annex No.	Remarks
			To the German Reich			To the Czechoslovak Republic				
			the areas indicated in the Annexes							
			by dots			by hatching				
ha	a	m ²	ha	a	m ²					
28	XII	At Moldau station (total) .	—	—	—	—	15	72	8	Transfer of frontier to round off station premises
29	XIII	On the Hirschbach (total)	—	—	4	—	6	15	9	Transfer of frontier to the middle of the waterway
30		On the Rauschenbach (total)	—	I	95	—	7	98		
31	XIV	On the Wernsbach (total)	—	II	09	—	4	39	10	
32		On the Schweinitz between frontier pillars $\frac{11}{12}$ — $\frac{15}{4}$ (total)	—	I4	55	—	4	65		
33	XV	On the Schweinitz near Deutschneudorf station (total)	—	9	53	—	6	97	11	Transfer of frontier to the middle of the regularised waterway
34		On the Flöha (total) . . .	—	I	94	—	3	69		Transfer of frontier to the middle of the waterway
35		On the Natzschung (total)	—	15	94	—	I	16		Transfer of frontier to the middle of the regularised waterway
36	XVI	On the frontier ditch between frontier pillars $\frac{6}{12}$ — $\frac{6}{14}$ (total)	—	—	91	—	—	—	12	Transfer of frontier to the middle of the waterway
37		On the Schwarze Pockau (total)	—	29	62	—	25	94		
38	XVII	On the Beilbach (total) .	—	—	14	—	—	70	13	
39	XVIII	On the Pöhlhla (total) . . .	I	09	29	—	88	11	14	Transfer of frontier to the middle of the regularised waterway
40	XX	On the Breitenbach, Jugelbach and Pechöfener Bach (total)	—	6	20	—	3	08	15	Transfer of frontier to the middle of the lane
41		On the frontier lane between frontier pillars $\frac{8}{18}$ — $\frac{9}{3}$ (total)	—	I4	87	—	I	27		

Serial Number	Frontier Section	Description of Place	To be transferred						Annex No.	Remarks
			To the German Reich			To the Czechoslovak Republic				
			the areas indicated in the Annexes							
			by dots			by hatching				
ha	a	m ²	ha	a	m ²					
42	XXI	In the Rautenkrantz State forestry area (total) . .	—	—	—	96	46	08	16	Transfer of frontier for the purpose of territorial equalisation rendered necessary by the exchange of territories
43		On the Zwota (total) . . .	1	49	29	—	17	13	17	Transfer of frontier to the middle of the regularised waterway
44	XXII	On the frontier lane between frontier pillars $\frac{1}{17}$ — $\frac{1}{27}$ (total)	—	2	05	—	8	51	18	Transfer of frontier to the middle of the lane
45	XXIII	On the Hennebach (total)	—	3	14	—	4	22		Transfer of frontier to the middle of the regularised waterway
46		Near the Geipel factory, Plesná (total)	—	—	—	—	98	45		Transfer of frontier to facilitate the work of the factory
47		On the Scheidebach (total)	—	—	41	—	4	56		Transfer of frontier to the middle of the regularised waterway
48	XXIV	On the Röthenbach (total)	—	3	57	—	—	8	19	Transfer of frontier to the middle of the regularised waterway
49		Semi-enclave of Niederreuth (total)	92	99	13	—	—	—	20	Transfer of frontier to the middle of the frontier stream to simplify the line
50	XXV	On the Lazarbach (total) .	—	1	61	—	4	77	21	Transfer of the frontier to the middle of the regularised waterway
51		On the Wolfsbach (total) .	—	7	42	—	6	10		
52		On the Furthbächel (total)	—	—	62	—	—	36		
(c) IN THE BAVARIAN SECTOR OF THE FRONTIER.										
53	I	On the Regnitz (total) . .	—	4	76	—	3	41	1	Transfer of frontier to the middle of the waterway

Serial Number	Frontier Section	Description of Place	To be transferred						Annex No.	Remarks	
			To the German Reich			To the Czechoslovak Republic					
			the areas indicated in the Annexes								
			by dots			by hatching					
ha	a	m ²	ha	a	m ²						
54	I	On the Höllbach (total) .	—	2	37	—	1	40	1	Transfer of frontier to the middle of the regularised waterway	
55	II	On the Röderbächel (total)	—	5	81	—	2	94	2	Transfer of frontier to the middle of the waterway	
56		On the Röslau (total) . .	—	12	44	—	6	69			
57	III	On the Buchbrunnenbach (total)	—	—	60	—	—	—	3	Transfer of frontier to the middle of the waterway	
58		On the Hundsbach (total)	—	—	98	—	—	70			
59		On the Stäbnitzbach (total)	—	11	06	—	—	—			Transfer of frontier to the middle of the railway crossing
60		On the Wondreb (total) .	—	41	63	—	41	63			Alignment of the frontier
61	IV	On the Reichenbach (total)	—	3	67	—	—	—	4	Transfer of frontier to the middle of the waterway	
62	V	On the Zottbach (total) .	—	—	48	—	3	14			
63		On the Fressbächel (total)	—	4	23	—	4	46	Transfer of frontier to the middle of the regularised waterway		
64		On the Rehlingbach (total)	—	94	96	—	76	29	5—6	Transfer of frontier to the middle of the waterway	
65	VI	On the Netschbach (total)	—	25	73	—	36	89	7	Transfer of frontier to the middle of the regularised waterway	
66		On the Schönsee-Pleš main road (total)	—	—	1	—	5	58			Transfer of frontier by reason of road repairs

Serial Number	Frontier Section	Description of Place	To be transferred						Annex No.	Remarks
			To the German Reich			To the Czechoslovak Republic				
			the areas indicated in the Annexes							
			by dots			by hatching				
ha	a	m ²	ha	a	m ²					
67	VII	On the Schwarzach (total)	—	8	14	—	13	25	8	Transfer of frontier to the middle of the regularised waterway
68		On the Biberbach (total).	—	1	90	—	1	98		
69	VIII	South of the Waldmünchen-Haselbach main road (total)	—	75	48	—	—	—	9	Transfer of the frontier for the purpose of territorial equalisation rendered necessary by the exchange of territories
70		On the Einsiedelbach (total)	—	—	63	—	1	74		
71		On the Schneiderbach (total)	—	—	70	—	—	70		
72	IX	On the Pichelbach (total).	—	2	23	—	3	04	10	Transfer of frontier to the middle of the waterway
73		On the Angelbach (total).	—	—	—	—	—	90		
74	XII	On the Wolfaubach (total)	—	8	04	—	1	65	11	
75		On the Harlandbach (total)	—	—	—	—	7	65		
76		On the Köchlauerbach (total)	—	—	—	—	13	96	12	
77		On the Kalte Moldau (total)	—	—	—	—	64	44		
78		On the Ruthenbächel (total)	—	—	—	—	13	18		
79		On the Lichtwasser (total)	—	1	08	—	—	—	14	
80	On the Merchenseuchbach (total)	—	—	—	—	1	31			
		Grand Total . . .	108	16	63	108	16	63		

Article 5.

Articles 5 to 9 of the Treaty concluded on January 31st, 1930, between the German Reich and the Czechoslovak Republic concerning frontier waterways and the exchange of territories in the Prussian sector of the German-Czechoslovak frontier shall apply, on the understanding, however, that the land tenure registers and cadastral surveys referred to in the second sentence of Article 6, paragraph 1, of the said Treaty shall be handed over to each other direct by the central authorities concerned or by the services designated as competent for this purpose.

C. FINAL PROVISIONS.

Article 6.

The present Treaty has been drawn up in duplicate in the German and Czechoslovak languages. Both texts are equally authentic.

Article 7.

The present Treaty, together with the Final Protocol, shall be ratified. The instruments of ratification shall be exchanged at Prague. The Treaty shall enter into force on the fifteenth day after the exchange of the instruments of ratification.

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

Done at Bad Elster, this 27th day of September, 1935.

(L. S.) Dr. P. ECKARDT.

(L. S.) Dr. V. ROUBÍK, *Engineer.*

FINAL PROTOCOL.

On signing the Treaty concluded between the German Reich and the Czechoslovak Republic concerning waterways on the Saxon and Bavarian sectors of the frontier and an exchange of territories at the frontier, the two Plenipotentiaries further declared that they were agreed on the following points :

Ad Article 4.(a) *Prussian Sector of the Frontier.*

(1) The lane passing through the Heinersdorf sawmills from (*d*) to (*a*) (Annex No. 2) shall be closed. The continuation of this lane from (*a*) to the road leading to Heinersdorf station at (*f*) may be used for traffic across Czechoslovak territory for the purposes of the sawmills and by persons proceeding to the said sawmills, in accordance with the regulations for frontier roads and paths laid down in Articles 7 and 9 of the Treaty concluded on February 3rd, 1927, between the German Reich and the Czechoslovak Republic regulating frontier relations on the national frontiers described in Article 83 of the Treaty of Versailles of June 28th, 1919.

(2) The lane from (*d*) to (*b*) via (*c*), the whole of which remains in Czechoslovak territory, together with its continuation to the frontier at (*f*), may be used by the inhabitants of the commune of Heinersdorf for the cultivation of their land and also, in the event of large deliveries of timber, by vehicles transporting the said timber to the sawmills, from and to the German Customs office

at Heinersdorf, in accordance with the regulations for frontier roads and paths laid down in the Treaty of February 3rd, 1927.

(3) The contracting States shall grant all the facilities provided in their legislations for the maintenance of the roads marked 1 and 2, for which the Heinersdorf sawmills shall be responsible.

(b) *Saxon Sector of the Frontier.*

(1) The Czechoslovak Government shall place no obstacles, in the form of export prohibitions, in the way of the export of the products obtained by the Saxon forestry department from its property situated in Czechoslovak territory and belonging to the Rautenkranz forestry area (Article 4, Serial No. 42). The formalities for the granting of such permits as may be necessary for the export of these products shall be simplified and expedited. The above-mentioned facilities shall similarly be extended to the export of products from the property belonging to Czechoslovak inhabitants in the section transferred to the German Reich in the territory of the Czechoslovak commune of Niederreuth (Article 4, Serial No. 49).

(2) The Contracting Parties undertake to allow the persons previously authorised to hunt over their lands, in the territories exchanged in the Rautenkranz forestry area and the commune of Niederreuth (Article 4, Serial Nos. 42 and 49), to continue to enjoy this right, provided that such hunting takes place on a single holding of not less than 75 hectares and that the configuration of the soil is suitable.

BAD ELSTER, *September 27th, 1935.*

Dr. P. ECKARDT.

Dr. V. ROUBÍK, *Engineer.*

ANNEXED MAPS
(inserted after page 287).

Explanatory Note by the Secretariat of the League of Nations.

The annexed maps have been reduced, for technical reasons, to the scale 4 : 3 of the original. The following translation is furnished by the Secretariat to facilitate a reading of the maps :

Blatt	=	Folio	List	=	Folio
Preussen	=	Prussia	Prusko	=	Prussia
Sachsen	=	Saxony	Sasko	=	Saxony
Bayern	=	Bavaria	Bavorsko	=	Bavaria

Anlage zum Verträge vom 27. September 1935 } = Annex to the Treaty of September 27th, 1935.
Příloha smlouvy ze dne 27. září 1935 }

D = Germany.	} = District.	ČS = Czechoslovakia.
Kreis		Okres = District.
Amtshauptmannschaft		Obec = Commune.
Bezirksamt		Hraniční úsek = Frontier Sector.
Gemeinde = Commune.		
Grenzabschnitt = Frontier Sector.		
Staatsforstrevier	} = Forestry Area.	
Forstbezirk		