

**GRANDE-BRETAGNE  
ET IRLANDE DU NORD, CANADA,  
COMMONWEALTH D'AUSTRALIE,  
NOUVELLE-ZÉLANDE ET FRANCE**

Convention concernant le transfert à l'État français de la propriété des emplacements des monuments britanniques commémoratifs de la guerre 1914-1918. Signée à Paris, le 28 décembre 1938.

*Textes officiels français et anglais communiqués par le secrétaire d'Etat aux Affaires étrangères de Sa Majesté en Grande-Bretagne. L'enregistrement a eu lieu le 7 juin 1939.*

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**GREAT BRITAIN  
AND NORTHERN IRELAND, CANADA,  
COMMONWEALTH OF AUSTRALIA,  
NEW ZEALAND AND FRANCE**

Convention concerning the Transfer to the French State of the Property in the Sites of British Monuments commemorative of the War 1914-1918. Signed at Paris, December 28th, 1938.

*French and English official texts communicated by His Majesty's Secretary of State for Foreign Affairs in Great Britain. The registration took place June 7th, 1939.*

No. 4585. — CONVENTION<sup>1</sup> BETWEEN GREAT BRITAIN AND NORTHERN IRELAND, CANADA, THE COMMONWEALTH OF AUSTRALIA, NEW ZEALAND AND FRANCE CONCERNING THE TRANSFER TO THE FRENCH STATE OF THE PROPERTY IN THE SITES OF BRITISH MONUMENTS COMMEMORATIVE OF THE WAR 1914-1918. SIGNED AT PARIS, DECEMBER 28TH, 1938.

THE GOVERNMENT OF THE FRENCH REPUBLIC, represented by M. l'Intendant Général Pierre VINCENSINI, Commander of the Legion of Honour, K.B.E., Chief of the Services de l'Etat Civil et des Sépultures Militaires at the Ministère des Anciens Combattants et Pensionnés, of the one part, and THE GOVERNMENTS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, CANADA, THE COMMONWEALTH OF AUSTRALIA AND NEW ZEALAND, represented by Major-General Sir Fabian Arthur Goulstone WARE, K.C.V.O., K.B.E., etc., Vice-Chairman of the Imperial War Graves Commission recognised by the Anglo-French Agreement<sup>2</sup> signed in Paris on the 26th November, 1918, of the other part ;

Being of opinion that it is expedient to provide for the transfer to the French State of the lands on which have been erected by the above-named Governments, Parties hereto of the other part, as also by the Government of Newfoundland, by military units or private individuals here represented by one or other of the said Governments, or on behalf of the said Governments, military units or individuals, military monuments commemorative of the War of 1914-1918 ; and

Recognising that it is necessary to define and provide for the rights and privileges which the said Governments, military units and individuals shall hereafter enjoy in respect of the said monuments ;

Have agreed as follows :

*Article I.*

The Government of the French Republic (Ministry of National Defence and War) acquires the immovable properties of which the Governments of the United Kingdom, Canada, the Commonwealth of Australia and New Zealand, as also the Government of Newfoundland, military units or private individuals have become the owners by virtue of anterior deeds of sale or gift, with a view to the erection of the commemorative monuments before mentioned.

Such transfer is made in consideration of the lump sum of one franc which shall be paid by the Representative of the Government of the French Republic to the Secretary-General of the Anglo-French Mixed Committee.

The immovable properties thus acquired by the French Government are the following :

Plot of land belonging to the Government of the United Kingdom of Great Britain and Northern Ireland appropriated to the purpose of the Monument to the 36th Division and situated at :

| Commune            | Department |
|--------------------|------------|
| Thiepval . . . . . | Somme.     |

Plots of land belonging to the Canadian Government appropriated to the purpose of the Monuments erected by the said Government and situated at :

| Commune                       | Department     |
|-------------------------------|----------------|
| Bourlon . . . . .             | Pas-de-Calais. |
| Dury . . . . .                | Pas-de-Calais. |
| Thélus (Bois-Carré) . . . . . | Pas-de-Calais. |
| Courcellette . . . . .        | Somme.         |
| Le Quesnel . . . . .          | Somme.         |

<sup>1</sup> Came into force December 28th, 1938.

<sup>2</sup> *British and Foreign State Papers*, Vol. III, page 254.

Plots of land belonging to the Australian Government appropriated to the purpose of the Monuments erected by the said Government and situated at :

| Commune                 | Department |
|-------------------------|------------|
| Fouilloy . . . . .      | Somme.     |
| Pozières . . . . .      | Somme.     |
| Sailly-le-Sec . . . . . | Somme.     |
| Pontruet . . . . .      | Aisne.     |

Plot of land belonging to the New Zealand Government appropriated to the purpose of the Monument erected by the said Government and situated at :

| Commune             | Department |
|---------------------|------------|
| Longueval . . . . . | Somme.     |

Plots of land belonging to the Newfoundland Government appropriated to the purpose of the Monuments erected by the said Government and situated at :

| Commune                   | Department     |
|---------------------------|----------------|
| Gueudecourt . . . . .     | Somme.         |
| Masnières . . . . .       | Nord.          |
| Monchy-le-Preux . . . . . | Pas-de-Calais. |

Plots of land belonging to the following military units or to individuals nominated by them and appropriated to the Monuments erected by the said units :

| Unit                               | Commune<br>Situatèd at :                           | Department     |
|------------------------------------|--|----------------|
| II Corps . . . . .                 | Le Cateau . . . . .                                | Nord.          |
| Royal Tank Corps . . . . .         | Contalmaison . . . . .                             | Somme.         |
| Guards Division . . . . .          | Ginchy . . . . .                                   | Somme.         |
| 9th (Scottish) Division . . . . .  | Athies-lès-Arras . . . . .                         | Pas-de-Calais. |
| 12th Division . . . . .            | Monchy-le-Preux . . . . .                          | Pas-de-Calais  |
| 12th Division . . . . .            | Epéhy . . . . .                                    | Somme.         |
| 18th Division . . . . .            | Bois des Trônes (or Bois d'Es-<br>trons) . . . . . | Somme.         |
| 20th Division . . . . .            | Guillemont . . . . .                               | Somme.         |
| 34th Division . . . . .            | Ovillers-La-Boisselle . . . . .                    | Somme.         |
| 34th Division . . . . .            | Boeschépe (Mont-Noir) . . . . .                    | Nord.          |
| 37th Division . . . . .            | Monchy-le-Preux . . . . .                          | Pas-de-Calais. |
| 42nd Division . . . . .            | Trescault . . . . .                                | Pas-de-Calais. |
| 46th Division . . . . .            | Vermelles . . . . .                                | Pas-de-Calais. |
| 47th Division . . . . .            | Longueval (Bois des Fourraults)                    | Somme.         |
| 55th Division . . . . .            | Givenchy-lès-La-Bassée . . . . .                   | Pas-de-Calais. |
| King's Royal Rifle Corps . . . . . | Pozières . . . . .                                 | Somme.         |
| Seaforth Highlanders . . . . .     | Fampoux . . . . .                                  | Pas-de-Calais. |

### Article 2.

The Government of the French Republic (Ministry of National Defence and War) may also acquire all or any of the immovable properties enumerated in the third paragraph of the present Article, of which the Governments mentioned in Article 1, military units or private individuals have become the owners under the conditions contemplated in that Article.

Such transfer shall follow automatically upon notification to be given by the Secretary-General of the Anglo-French Mixed Committee to the Representative of the French Government. It shall be effected in consideration of the sum of one franc for each immovable property, or group of immovable properties.

The immovable properties to which such transfer may be applied are the following :

Plot of land belonging to the Australian Government appropriated to the purpose of the Monument erected by the said Government and situated at :

| Commune   | Department |
|---|------------|
| Pozières (plot containing the site of the old windmill) . . . . . | Somme.     |

Plot of land belonging to the Government of Newfoundland appropriated to the Monument erected by the said Government and situated at :

| Commune   | Department |
|---|------------|
| Beaumont-Hamel (" Newfoundland Memorial Park ") . . . . . | Somme.     |

It is to be observed that the transfer comprises the whole " Newfoundland Memorial Park " containing, besides the Newfoundland Memorial and the Monuments to the 29th and 51st Divisions, three British War Cemeteries, that is to say :

" Y " Ravine British Cemetery.  
 Hunter's British Cemetery.  
 Hawthorn Ridge (No. 2) British Cemetery.

Plot of land forming the site of the Monument to the men of Hull, Yorkshire, England, situated at :

| Commune                      | Department     |
|------------------------------|----------------|
| Oppy (Bois d'Oppy) . . . . . | Pas-de-Calais. |

Plots of land forming the sites of Monuments erected by the following military units :

| Unit  | Commune                                   | Department     |
|---|---|----------------|
|   | Situated at :                             |                |
| 18th Division . . . . .                         | Thiepval and Authuille . . . . .          | Somme.         |
| 19th Division . . . . .                         | Sarcy (Montagne de Bligny) . . . . .      | Marne.         |
| 46th Division . . . . .                         | Bellenglise . . . . .                     | Aisne.         |
| 62nd Division . . . . .                         | Havrincourt . . . . .                     | Pas-de-Calais. |
| 63rd Division . . . . .                         | Beaucourt-sur-Ancre . . . . .             | Somme.         |
| Argyll and Sutherland High-landers . . . . .    | Beaumont-Hamel . . . . .                  | Somme.         |
| Devonshire Regiment . . . . .                   | La Ville-aux-Bois-lès-Pontavert . . . . . | Aisne.         |
| The Loyal (North Lancashire) Regiment . . . . . | Vendresse-et-Troyon . . . . .             | Aisne.         |

#### Article 3.

The conveyance (" remise ") to the French State of the immovable properties referred to in the preceding Articles shall be evidenced, in the case of each group of immovable properties, by a *procès-verbal* bearing the signatures of the Secretary-General of the Anglo-French Mixed Committee of the said Commission and of the official authorised in that behalf by the Ministry of National Defence and War of the French Republic.

#### Article 4.

Prior to the signature of each *procès-verbal* evidencing conveyance, authority for the erection of a monument upon the land, the subject of the conveyance, must in each case have been given by decree, in conformity with the procedure established by the Décret of the 18th November, 1922, and upon the prior application of the Secretary-General of the said Mixed Committee.

#### Article 5.

The Government of the French Republic declares that it grants free of charge and in perpetuity :

(a) To each of the Governments of the United Kingdom of Great Britain and Northern Ireland, Canada, the Commonwealth of Australia and New Zealand, as also to

the Government of Newfoundland, as regards the immovable property or properties previously acquired in its name or on its behalf ; and

(b) To the said Imperial War Graves Commission, as representative of the military units or individuals concerned, as regards the immovable properties previously acquired by the said military units or individuals respectively ;

the use and enjoyment of the immovable properties, the subject of this Convention, it being understood that in either case the said immovable properties shall remain exclusively appropriated to the purpose of the commemorative monuments at present erected on them, the supervision and maintenance of which it will be for the said Commission to assure.

The foregoing grant shall not, however, result in preventing the execution of public works in respect of which a declaration of " utilité publique " shall have been made and the undertaking (" emprise ") of which affects directly or otherwise the lands granted ; in which event, the said Commission shall be invited to consult with the French Government in order to determine the measures that it may be necessary to take.

#### Article 6.

The immovable properties, of which the use and enjoyment are granted by virtue of the provisions of Article 5, shall be exempt from " contribution foncière " in conformity with the provisions of Article 185 (2) of the " Code Général des Impôts Directs ".

Pursuant to the provisions of Articles 572, 586 and 796 of the " Code de l'Enregistrement " and of Article 338 of the " Code du Timbre " the various documents or deeds executed by or on behalf of the Imperial War Graves Commission and having for their exclusive object the maintenance of the commemorative monuments erected on the immovable properties granted, shall be exempt from all " droits de timbre ", " droits d'enregistrement " and " droits d'hypothèque ".

#### Article 7.

In all that concerns the execution of the present Convention and adjustments of detail (" règlements de détail ") to which it may give rise, the said Governments of the United Kingdom, Canada, the Commonwealth of Australia and New Zealand, as also the Government of Newfoundland, shall be represented in their relations with (" auprès de ") the Government of the French Republic and its authorities by the said Commission acting by the said Anglo-French Committee in conformity with Article 6 of the Anglo-French Agreement of the 26th November, 1918.

In witness whereof, the undersigned, duly authorised in that behalf, have signed the present Convention in the English and French languages, both versions having equal validity.

Done at Paris, in duplicate, the 28th December, 1938.

For the Government of the United Kingdom of Great Britain and Northern Ireland :

(L. S.) Fabian WARE.

For the Government of the French Republic :

(L. S.) VINCENSINI.

For the Government of Canada :

Fabian WARE.

For the Government of the Commonwealth of Australia :

Fabian WARE.

For the Government of New Zealand :

Fabian WARE.