

N° 1758.

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ALLEMAGNE  
ET TCHÉCOSLOVAQUIE

Traité relatif à la construction et à l'exploitation d'une ligne de chemin de fer traversant le Schweinitztal et Protocole Final. Signés à Prague, le 25 mars 1927.

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GERMANY  
AND CZECHOSLOVAKIA

Treaty concerning the Construction and Working of a Railway Line through the Schweinitztal and Final Protocol. Signed at Prague, March 25, 1927.

TEXTE TCHÉCOSLOVAQUE. — CZECHOSLOVAK TEXT.

N<sup>o</sup> 1758. — SMLOUVA <sup>1</sup> MEZI ŘÍŠÍ NĚMECKOU A ČESKOSLOVENSKOU  
REPUBLICOU O STAVBĚ A PROVOZU DRÁHY SVÍDNICKÝM  
ÚDOLÍM, PODEPSANÁ V PRAZE DNE 25. BŘEZNA 1927.

*German and Czechoslovak official texts communicated by the German Consul-General at Geneva and by the Permanent Delegate of the Czechoslovak Republic accredited to the League of Nations. The registration of this Treaty took place June 28, 1928.*

ŘÍŠE NĚMECKÁ a ČESKOSLOVENSKÁ REPUBLIKA rozhodly se, poněvadž státní smlouva, sjednaná 13. ledna 1916 mezi dřívějším královstvím Saským a dřívějším císařstvím Rakouským a uveřejněná ve Sbírce zákonů a nařízení pro království Saské z roku 1916 (strana 189 a násl.) a v říšském zákoníku pro království a země v říšské radě zastoupené v č. 26 z roku 1917 o stavbě dráhy svídnickým údolím, pozbyla platnosti, upravití tuto věc smlouvou.

Pro to jmenovali plnomocníky :

PRESIDENT ŘÍŠE NĚMECKÉ :

pana Dra Waltera KOCHA, mimořádného vyslance a zplnomocněného ministra,

PRESIDENT ČESKOSLOVENSKÉ REPUBLIKY :

pana Dra Kamila KROFTU, mimořádného vyslance a zplnomocněného ministra,

kteří, sdělivše si vzájemně své plné moci, shledané v dobré a náležité formě, dohodli se na těchto ustanoveních :

*Článek 1.*

1. Saská vláda vystavěla v letech 1917 až 1924 železnici o plném rozchodu z Kupferhammeru-Grünthalu svídnickým údolím do Deutschneudorfu. Vysoké smluvní strany souhlasí s vedením trati této dráhy, která státní hranici třikrát přetíná, a to v obci Brandově u říčky Blšnice u staré cihelny, v téže obci u továrny Jindřicha Bleye a v obci Hoře Sváté Kateřiny.

2. Československá republika udělí koncesi Společnosti německé říšské dráhy nebo jejímu právnímu nástupci ohledně částí trati ležících na československém území. Budou-li tyto části tratí přeloženy na území Německé říše nebo bude-li provoz trvale zastaven, jest tuto koncesi pokládati za zaniklou (uplynulou).

<sup>1</sup> The exchange of ratifications took place at Prague, March 8, 1928.

<sup>1</sup> TRANSLATION.

## No. 1758. — TREATY BETWEEN THE GERMAN REICH AND THE CZECHOSLOVAK REPUBLIC CONCERNING THE CONSTRUCTION AND WORKING OF A RAILWAY LINE THROUGH THE SCHWEINITZTAL. SIGNED AT PRAGUE, MARCH 25, 1927.

Whereas a Treaty concerning the construction of a railway through the Schweinitztal was concluded on January 13, 1916, between the former Kingdom of Saxony and the former Austrian Empire, and was published in the *Gesetz- und Verordnungsblatt* of the Kingdom of Saxony for the year 1916 (pp. 189 et seq.), and in the *Reichsgesetzblatt für die im Reichsrate vertretenen Königreiche und Länder*, No. 26 of 1917, and whereas the said Treaty has ceased to have effect, THE GERMAN REICH and THE CZECHOSLOVAK REPUBLIC have now decided to settle this question by means of a Treaty and for this purpose have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE GERMAN REICH :

Dr. Walter KOCH, Envoy Extraordinary and Minister Plenipotentiary ;

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

Dr. Kamil KROFTA, Envoy Extraordinary and Minister Plenipotentiary ;

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

*Article 1.*

1. Between the years 1917 and 1924, the Saxon Government constructed a standard gauge railway running from Kupferhammer-Grünthal through the Schweinitztal to Deutschneudorf. The High Contracting Parties approve of the tracing of this line which crosses the national frontier three times, namely, in the Brandau Communal lands on the Flocha, near the old tile works, again in the same lands near the factory of Heinrich Bley, and in the Communal lands of Katharinaberg.

2. As regards the sections of the line situated in its territory, the Czechoslovak Republic allots the concession to the German Reich Railway Company or its legal successors. In case these sections of the line should be transferred to German territory, or if they should permanently cease to be operated, the aforesaid concession shall be deemed to have lapsed.

*Article 2.*

1. The traffic office which the German Reich Railway Company has installed on the railway in Czechoslovak territory in the Brandau Communal lands, shall only be used for passenger traffic.

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

2. The German Reich Railway Company shall place the necessary office accommodation in the above-mentioned traffic office, free of charge, at the disposal of the Czechoslovak financial and passport services, and shall also, should it prove necessary, allot them the requisite dwelling accommodation in Brandau at average prices. Arrangements for this purpose, including detailed instructions for the conduct of work, shall be concluded with the Czechoslovak finance and passport administrations before the traffic office in question is opened for public use.

Article 3.

The Government of the Czechoslovak Republic recognises that the Schweinitztal railway, referred to in Article 1, is a work of public utility within the meaning of paragraph 1 of the Law of February 18, 1878, concerning expropriation (*Reichsgesetzblatt*, No. 30).

Article 4.

1. As regards the sections of the line situated in the territory of the Czechoslovak Republic, nothing in this Treaty shall, unless otherwise expressly stipulated, in any way restrict the complete sovereignty of the territorial Government, including the powers of the judicial and police authorities, and, speaking generally, the binding effect of laws, ordinances and regulations in force in the said territory.

2. As regards the right to fix tariffs and impose taxes these sections of the line shall be assimilated to other sections of the German Reich Railway Company situated in Czechoslovak territory. So long therefore as this question has not been regulated by any fresh agreement between the two countries, the arrangements and regulations made in regard to similar sections of line shall be applicable, *mutatis mutandis*, to these sections.

Article 5.

1. As regards the sections of line situated in Czechoslovak territory, the railway police duties shall be performed by officials of the German Reich Railway Company, acting under the supervision of the competent Czechoslovak authorities, and in conformity with the regulations and rules in force in Czechoslovak territory.

2. The arrangements for working the line, in particular the signalling arrangements, shall be operated, even on the sections of the Schweinitztal railway situated in Czechoslovak territory, in conformity with the regulations in force from time to time in the German Reich.

Article 6.

German nationals employed by the German Reich Railway Company to operate the sections of line situated in Czechoslovak territory, shall be assimilated, both as regards their nationality and their legal rights, to personnel employed to operate other lines of the German Reich Railway Company situated in the territories of the Czechoslovak Republic.

Article 7.

1. The present Treaty is done in duplicate in the German and Czechoslovak languages. Both texts are authentic.

2. The present Treaty shall be ratified by both Parties ; the instruments of ratification shall be exchanged as soon as possible at Prague, and the Treaty shall come into force on the same day.

After the Treaty has been ratified, the two authentic texts shall be published by the respective States in their official collections of laws.

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

Done at Prague March 25, 1927.

(*L. S.*) Dr. Walter KOCH.

(*L. S.*) Dr. K. KROFTA.

#### FINAL PROTOCOL.

When concluding the above Treaty, the two Contracting Parties agreed on the following provision which shall constitute an integral part of the Treaty.

Until such time as the agreements regarding the conduct of work referred to in paragraph 2 of Article 2, have been concluded, the trains shall run through Brandau without stopping.

Done in two original copies in the German and Czechoslovak languages.  
Prague, March 25, 1927.

(*L. S.*) Dr. Walter KOCH.

(*L. S.*) Dr. K. KROFTA.