

N° 1772.

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ALLEMAGNE, FRANCE  
ET COMMISSION  
DE GOUVERNEMENT DU  
TERRITOIRE DE LA SARRE

Protocole concernant les droits d'u-  
sage à la frontière franco-sarroise  
et protocole de signature. Signés  
à Sarrebruck, le 13 novembre 1926.

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GERMANY, FRANCE  
AND SAAR TERRITORY  
GOVERNING COMMISSION

Protocol regarding the Usufruct on  
the Franco-Saar Frontier, and Pro-  
tocol of Signature. Signed at Saar-  
bruck, November 13, 1926.

## TEXTE ALLEMAND. — GERMAN TEXT.

N<sup>o</sup> 1772. — PROTOKOLL<sup>1</sup> ÜBER DIE GEBRAUCHSRECHTE AN DER SAARLÄNDISCH-FRANZÖSISCHEN GRENZE, GEZEICHNET IN SAARBRÜCKEN, AM 13. NOVEMBER 1926.

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*French and German official texts communicated by the Minister for Foreign Affairs of the French Republic. The registration of this Protocol took place July 7, 1928.*

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## KAPITEL I.

## ALLGEMEINE BESTIMMUNGEN. — VERKEHR. — ZÖLLE.

## TITEL I.

## ALLGEMEINE BESTIMMUNGEN.

*Artikel 1.*

Die Bestimmungen des vorliegenden Protokolls gelten für die Dauer der gegenwärtigen Regierungsform des Saarbeckengebiets.

*Artikel 2.*

Die Freiheit des Personenverkehrs vom Saarbeckengebiet nach Frankreich und umgekehrt ist von den Beamten der Behörden, denen die Überwachung der Grenze obliegt, in vollem Masse zu achten, vorausgesetzt, dass die betreffenden Personen die allgemeinen Polizeivorschriften, die Verordnungen über Waren, die aus irgend einem Grunde verboten sind oder einer Kontrolle unterliegen, die Vorschriften der Gesundheitspolizei und die Bestimmungen über Ein- oder Auswanderung beachten.

Diese Bestimmungen sollen den Verkehr nicht unnötig behindern.

*Artikel 3.*

Den französischen Grenzgemeinden und ihren Einwohnern steht der freie Genuss der Güter, Sachrechte, Renten, Gemeinde-Kapitalien und-Vorrechte, Reservate und Gebrauchsrechte (Trift-, Weide-, Lese-, Holzgerechtigkeiten usw.), deren Besitz im Saargebiet ihnen verbleibt, zu.

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<sup>1</sup> Came into force June 1, 1928.

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

No. 1772. --- PROTOCOL, REGARDING THE USUFRUCT ON THE FRANCO-SAAR FRONTIER. SIGNED AT SAARBRUCK, NOVEMBER 13, 1926.

## CHAPTER I.

## GENERAL PROVISIONS. --- TRAFFIC. CUSTOMS.

## SECTION I.

## GENERAL PROVISIONS.

*Article 1.*

The provisions of the present Protocol shall remain in force for the term of the present political régime in the Territory of the Saar Basin.

*Article 2.*

The right of individuals to pass freely from the Territory of the Saar Basin into France and from France into the Saar Territory shall be fully respected by the officials of the administrations responsible for the supervision of the frontier, provided always that such persons observe the relevant police regulations and the regulations regarding goods which are prohibited for any reason or are controlled, public health, and emigration or immigration.

These provisions must not hamper traffic unnecessarily.

*Article 3.*

The French communes on the frontier and their inhabitants shall freely enjoy the property, rights *in rem*, revenues, capital and municipal privileges, easements and rights of user (right of common, rights of pasture, including summer pasture, gleaning, "*marsonnage*", etc.) which they retain in the Territory of the Saar Basin.

France shall give sympathetic consideration to the requests addressed to her by such Saar communes as possessed properties and rights situated in Lorraine, in order to retain for such communes, and particularly the communes of Berus, Ihn and Leidingen, at a minimum cost and pending the definitive settlement of the Saar régime, the benefits accruing from such property and rights as they were enjoyed by these communes previous to 1870, provided the latter can prove their title thereto.

<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.

For the exercise of these rights the inhabitants of communes adjacent to the frontier shall hold a certificate issued by the local authority recording their right and shall comply with the sanitary regulations ; in respect of pasturage, the number and description of the animals shall be given in the certificate.

*Article 4.*

In respect of taxation, landed and other immovable property shall be subject to the regulations in force in the country in which it is situated. Dividing roads shall come within the competence of the country in which the owner resides. The rights of ownership of private individuals or of communes over these dividing roads shall not be affected.

*Article 5.*

Subject to the reservations stipulated in Article 2, the use of the roads and paths skirting the frontier or intersecting the windings of the frontier shall be authorised both for the purposes of agricultural work and to facilitate communication between the communes of one and the same country or with the nearest railway stations.

*Article 6.*

In view of the situation of certain railway stations and stopping-places in the neighbourhood of the frontier, persons living in the frontier district of one territory may come and go in the other territory for the purpose of using such stations and stopping-places, provided always that they observe the provisions of Article 2 and comply with the prescribed formalities.

These provisions shall apply in particular to the following stations and stopping-places :

A. Saar Territory :

The stations or stopping places of Ueberherrn, Gross-Resseln, GÜdingen, Kleinblittersdorf, Reinheim, Brenschelbach.

B. French territory :

The stations or stopping places of Waldwiese, Guerstling, Bouzonville, Carling, Bening, Cocheren, Forbach, Stiring-Wendel, Sarreguemines, Blies-Ebersing, Neunkirch.

*Article 7.*

No building, edifice, barrier or other construction impeding free passage may be erected at a distance of less than five metres from the frontier line.

When the frontier is formed by a path or water-course (with the exception of the Saar), this distance of five metres shall be reckoned from the nearest edge or bank.

Where the frontier is formed by the Saar, it shall be reckoned from the high-water limit before flooding, provided however that the prohibited area shall extend as far as the limit (land side) of the tow-path area, whenever this limit is more than five metres distant from the above line.

SECTION II.

TRAFFIC.

*Article 8.*

A frontier régime shall be instituted between the Territory of the Saar Basin and France. This régime shall apply to the territory of the communes or Gemeinden situated within an area of approximately ten kilometres on either side of the frontier.

*Article 9.*

A "frontier card", which shall take the place of a passport and safe-conduct, shall be instituted for French nationals or inhabitants of the Saar Territory residing in these areas. The holder of this card may cross the frontier in either direction and may move freely within the adjoining area, but only on the territory of the commune or communes included in this area and indicated on the card.

The holder of a "frontier card" shall produce it whenever called upon to do so.

*Article 10.*

The frontier cards shall be drawn up in identical form, but in different colours, by the competent Saar Territory and French authorities.

They shall have affixed to them a photograph of the holder with his description and full information regarding his civil status.

A specimen frontier card is annexed to the present document (See Annex).

*Article 11.*

In order to obtain a frontier card, a frontier inhabitant must satisfy the following conditions :

*a)* He must have been resident in the territory of one of the communes within the frontier areas for a continuous period of at least one year reckoned from the date of his application ;

*b)* He must be compelled by his occupation to make frequent visits to the adjoining frontier area.

In principle the privilege of this régime shall only be extended to persons owning or working land, officials, persons following a trade or profession or engaged in industry or commerce, and workmen or other wage-earners who can produce a certificate of employment.

In the case of the last-named, frontier cards may be issued to persons dwelling outside the area defined in Article 8.

*Article 12.*

The frontier card shall be issued according to the place of residence -- and subject to the regulations laid down in either country -- by the Sous-Préfets or Landräte or by the Mayors or Bürgermeister, without prejudice to control by the superior authorities if this is deemed to be necessary. The formalities shall be reduced to a minimum.

The Saar Territory and French authorities may require that cards issued by the authorities of the other country be submitted for endorsement.

The said authorities shall communicate with each other direct on this matter.

*Article 13.*

No frontier card shall be valid for a longer period than one year. The authority which has issued or endorsed the card may, further, withdraw it at any moment for reasons of public interest. Such authority shall, in the case of a foreign national, notify the competent authority of the adjacent area in the other country.

Foreign nationals found outside the territory of the commune or communes in which they are authorised to move about may be expelled on that ground alone, without prejudice to any other and heavier penalties which may be imposed.

*Article 14.*

The authorities issuing the frontier cards are responsible for their renewal. The renewal shall be effected by means of an entry on the back of the card.

## SECTION III.

## CUSTOMS.

*Article 15.*

As no Customs law has been enforced on the Franco-Saar frontier since January 10, 1925, persons crossing this frontier need only comply with the fiscal regulations in either country in respect of prohibited articles (monopoly products) and of articles liable to inland taxes, subject to the provisions of the agreements which may be entered into between the Governing Commission of the Saar Territory and the Government of the French Republic regarding such prohibited articles and inland taxes.

In the event of the establishment of a Customs barrier between the Territory of the Saar Basin and France, the Governing Commission and the Government of the French Republic undertake to prepare and to conclude forthwith an additional Protocol to the present one dealing specially with frontier traffic and the régime applicable to estates adjacent to the frontier.

## CHAPTER II.

## ADMINISTRATIVE PROVISIONS.

(Railways, roads, bridges, ferries, water-courses, fishing, etc.)

*Article 16.**Railways.*

The officials of the French railway system concerned who are responsible for the maintenance and working of the portions of the system entering the Saar Territory and terminating at Merzig, Dillingen, Voelklingen and Bous may circulate freely on, and in the neighbourhood of, these lines and in towns and villages served by these lines, subject to compliance with the police regulations in force in the Saar Territory.

A special agreement shall be concluded between the two Governments concerned in order to determine the system of control and police organisation to be enforced on the portions of these lines situated in the Saar Territory.

*Article 17.**Roads.*

A. — Non-dividing roads :

(a) Roads situated entirely in one of the two territories and skirting the frontier shall be maintained by the Government in whose territory they are situated ;

(b) Roads which cross the frontier shall be maintained by each Government, as far as the frontier, in a manner to be decided, if necessary, between the two parties concerned.

B. -- Common dividing roads :

In principle, the cost of maintaining common dividing roads shall be shared equally by the administrations concerned.

In the absence of special existing agreements, the Governing Commission of the Saar Territory and the Government of the French Republic undertake themselves to maintain these roads, or to cause them to be maintained by the local authorities or private individuals responsible for this duty, to the extent required by traffic.

For this purpose, the governmental or local administrations concerned shall agree either to share between them the sections of dividing roads or to allocate the maintenance of a section to a single administration, subject to repayment by the neighbouring administration of half the cost at the end of the financial period.

Dividing roads shall remain confined within the limits of the common dividing areas defined in the delimitation documents.

*Article 18.*

*Bridges.*

The Governing Commission of the Saar Territory and the Government of the French Republic undertake themselves to maintain the bridges situated on the frontier line or to cause them to be maintained by the local authorities responsible for this duty and, in principle, according to existing regulations and the extent required by the exigences of traffic and considerations of safety.

For this purpose the governmental or local administrations shall agree either to allocate the entire maintenance of such and such a bridge to a single administration, subject to repayment by the neighbouring administration of half the expense at the end of the financial period, or to provide for the maintenance by each of the half of the bridge for which it is responsible.

In respect of major repairs or reconstruction, the administration responsible for the maintenance shall, before work is begun, obtain the consent of the neighbouring administration.

Reference is here made to the fact that the bridge situated on the Route Nationale No. 74 crossing the Blies between Frauenberg and Habkirchen belongs entirely to France, including its abutment on the right bank. In consequence, the French administrations concerned cannot be prevented from undertaking any necessary repairs or reconstruction.

*Article 19.*

*Ferries.*

The Convention of June 19, 1831, concerning ferries on the Saar and Blies shall remain in force.

The ferries shall be leased on behalf of France and of the Saar Territory and the sum obtained therefor equally divided between the two countries.

Contracts shall be entered into for a period of three consecutive years, alternately in France, at Sarreguemines, and in the Saar Territory at Saarbruck.

The first contract was entered into in 1922 at Sarreguemines.

Nevertheless, the ferry across the Blies at Bliesschweyen which was created by private enterprise and has been in existence since 1789, shall remain the property of this commune, which shall continue to conclude its contracts as in the past.

## Article 20.

## Water-Courses.

(a) *Works.* — On all portions of the frontier where the territories of France and of the Saar Basin are separated by rivers or streams, more especially along the Bist, the Rosselle, the Saar, the Blies and the Schwalb, no building or construction whatsoever shall be undertaken, nor any water drawn off, without the common consent of the two riparian countries.

(b) *Maintenance of rivers.* — The maintenance of the Bist and the Rosselle shall be effected, and the cost thereof divided between the groups in the two countries severally concerned, in accordance with the Decree of the Statthalter of Alsace-Lorraine of October 17, 1904. The extent of the area concerned, in the frontier portion, and the executive measures shall, if necessary, be decided by agreement between the competent authorities of the two riparian countries.

In respect of the frontier section of the Blies, the Governing Commission of the Saar Territory and the Government of the French Republic undertake, immediately on publication of the present Protocol, to confer forthwith on the matter and to constitute, within a period not exceeding two years, a mixed syndicate, or a syndicate in each country for maintaining the water-course and allocating the costs between the riparian owners.

Near the Uhrigsmühle mill, where the frontier passes from the median line of the Blies to the right bank of this water-course, future agreements shall provide for the most westerly arm of the river below the weir and skirting the frontier to be kept permanently open.

The maintenance of the Schwalb shall be effected and the cost divided between the groups severally concerned in the two riparian countries in conformity with the Decree of the Statthalter of Alsace-Lorraine of July 12, 1904. The extent of the area concerned, in the frontier portion, and the executive measures shall, if necessary, be decided by agreement between the competent authorities of the two riparian countries.

The portion of the River Saar, forming the frontier shall be maintained jointly as in the past.

In conformity with the international *procès-verbal* of the Conference concluded at Saarbruck on November 1, 1861, between France and Prussia, and applicable in so far as it is not contrary to the provisions of the Treaty of Peace of Versailles, the French navigation service is responsible for the planning and execution of works.

The share of the Saar Territory shall be one half of the amount spent by the French service, and shall be repaid either yearly or by means of a renewable lump sum, provided the two countries so agree.

The payment of the share of the costs resulting from major repairs or new undertakings shall be decided beforehand by special agreement for each item.

(c) *Various provisions.* — Existing agreements for ensuring protection against floods and the utilisation of land within areas liable to floods shall continue in force. If necessary, the supervision, maintenance and use of frontier streams and rivers shall be regulated by agreements between the Governing Commission of the Saar Territory and the Government of the French Republic; these agreements shall be directed to the following points in particular:

- Guarantees against any modification in the water intakes;
- Provisions relating to the use, maintenance and supervision of frontier waters;
- New hydraulic works and modifications of existing works;
- Regulation of commercial or pleasure navigation traffic, raft traffic, fishing, ferries, every kind of dredging, navigation rights;
- New water intakes;
- Establishment of ferries.

(d) *Navigation.* — On water-courses the median line of which forms the frontier, communes and riparian owners shall not be hindered under any pretext from using boats and skiffs for fishing, for the working or maintenance of mills or for any other hydraulic work.

Boats or skiffs shall not be used for other purposes without the previous permission of the competent administrative authorities of the two riparian countries.



The revenues from concessions resulting from such permission shall be equally divided between the two riparian countries.

(e) *The canalised Saar.* — The canalised Saar and the derivations thereof situated in French territory may be used for navigation by both countries, whatever the position of the navigable channel in relation to the frontier.

The provisions of the agreement between France and Prussia of April 4, 1861, establishing the international Saar coalfields canal shall apply in so far as they are not inconsistent with the provisions of the Treaty of Peace of Versailles.

*Article 21.*

*Fishing.*

The Saar fisheries from Gùdingen as far as the half-way point of Sarreguemines shall belong to the Saar Territory and the remaining half to France.

The Blies fisheries from the Uhrigsmùhle mill to a point half-way to its confluence with the Saar shall belong to the Saar Territory and the remaining half to France.

Marks known as "fishing boundary marks" have been placed on either side of the rivers at the points of division; these marks are indicated on the frontier plans and shall be maintained by the contiguous countries under the same conditions as the State boundary marks.

For the portion of the Blies in which the Saar bank serves as frontier the existing provisions shall remain in force.

*Article 22.*

*Forests.*

Forest officials, in uniform or in civilian dress, visiting woods in the neighbourhood of the frontier in connection with their employment and producing evidence of identity, may move about freely in the territory of the other country provided they comply with the Customs and police regulations.

French nationals and inhabitants of the Saar Territory dwelling in communes contiguous to the frontier may not be prevented from participating in the public sales of wood obtained from the State or communal forests in the other country situated at a distance of less than ten kilometres from the frontier.

CHAPTER III.

SPECIAL PROVISIONS.

*Article 23.*

The inhabitants of houses situated in the cadastral plots 103/39 and 89/39 of the Gersweiler Gemeinde shall be accorded free passage in order to reach the village of Schöneck and to return to these houses.

*Article 24.*

The Burbach Steel-Works possessing a narrow-gauge railway which unites their Saar works to a slag-mill situated in France and is intersected by the frontier, may use this railway for purposes within their works.

*Article 25.*

(a) The town of Saarbrück is authorised to maintain, as in the past, the military graves situated on the Spichererberg.

(b) In the event of the town of Saarbrück deciding to complete a former project for the construction of a tramway line between the said town and Forbach along the Metz road, no hindrance shall be offered to the said enterprise.

*Article 26.*

The inhabitants of the communes of Loutzwiller, Ormerswiller (France) and Brenschelbach (Saar) shall retain the free use of the Loutzwiller mill-bridge which they have helped to construct. In the case of repairs or of building work the expenses shall be shared in the proportion of one-half for the commune of Loutzwiller, one-quarter for the commune of Ormerswiller and one-quarter for the Gemeinde of Brenschelbach.

In faith whereof the undersigned Plenipotentiaries :

*For the Government Commission of the Saar Territory :*

M. Jean MORIZE, Member of the Governing Commission ;  
Dr. Max OBÉ, Director ;

*For the German Government :*

Maximilian Friedrich Freiherr VON MIRBACH, Landrat ;

*For the French Government :*

Colonel Richard RIEDER ;

Having communicated their full powers, found in good and due form, have signed the present Protocol and affixed their seals thereto.

Done in triplicate at Saarbruck, November 13, 1926.

ANNEX.

Page 2.

SPECIMEN OF FRONTIER CARD.

The frontier card consists of a double sheet, 12 × 18 cms., pink for France and green for the Saar Territory.

It contains the following particulars :

Page 1.

FRONTIER CARD

*For use between France and the Saar Territory.*

This card authorises the holder to cross the frontier and to move about in the frontier zone in the territory of the following communes:

Communes : .....

*Remarks.* — This card is strictly non-transferable and is valid for a period of one year from the date of issue. It may be renewed for the same period if endorsed, prior to its expiry, by the authorities which issued it. If not renewed, it must be returned to the authority which issued it.

It entitles the holder to move about only on the territory of the communes stated above.

Any infringement of these provisions shall lead to withdrawal of the card, without prejudice to other penalties.

No. OF CARD.

Surname : .....

Christian names : .....

Place of birth : .....

Department : .....

Date of birth : .....

Trade or profession : .....

Domicile : .....

Address : .....

Nationality : .....

For the purpose of

.....  
 .....

The present card is

\_\_\_\_\_

Issued	Visa of authority in country of destination.
by us, .....	
Mayor, Bürgermeister	Visa
or Sous-Préfet.	

by us .....

Seal .....

Dated .....

\_\_\_\_\_

Visa of superior authority.

Page 3.

Page 4.

DESCRIPTION.

	Age : .....	Renewal endorsements :	
	Height : .....		
Photograph essential 4 cm. × 4 cm.	Hair : .....	Endorsement	Endorsement
	Eyebrows : .....		
	Forehead : .....	Endorsement	Endorsement
Any distinctive marks :	Nose : .....	Endorsement	Endorsement
.....	Mouth : .....		
.....	Chin : .....	Endorsement	Endorsement
.....	Complexion : .....		
Signature of holder :	Beard : .....	Endorsement	Endorsement

PROTOCOL OF SIGNATURE.

(See page 184 of this Volume.)