

N° 3948.

ALLEMAGNE ET DANEMARK

Echange de notes comportant un accord relatif à l'échange des archives. Berlin, le 15 décembre 1933.

GERMANY AND DENMARK

Exchange of Notes constituting an Agreement regarding the Exchange of Archives. Berlin, December 15th, 1933.

N^o 3948. — NOTENWECHSEL ZWISCHEN DER DEUTSCHEN UND DER DÄNISCHEN REGIERUNG BETREFFEND EINE VEREINBARUNG ÜBER DEN ARCHIVAUSTAUSCH. BERLIN, DEN 15. DEZEMBER 1933.

N^o 3948. — NOTEVEKSLING MELLEM DEN TYSKE OG DEN DANSKE REGERING ANGAAENDE EN UDVEKSLING AF ARKIVSAGER. BERLIN, DEN 15. DECEMBER 1933.

Textes officiels allemand et danois communiqués par le délégué permanent du Danemark près la Société des Nations. L'enregistrement de cet échange de notes a eu lieu le 29 juillet 1936.

German and Danish official texts communicated by the Permanent Delegate of Denmark to the League of Nations. The registration of this Exchange of Notes took place July 29th, 1936.

I.

TEXTE ALLEMAND. — GERMAN TEXT.

AUSWÄRTIGES AMT.
IV Nd 2363.

BERLIN, den 15. Dezember 1933.

HERR GESANDTER,

Namens der Deutschen Regierung beehre ich mich Ihnen zu bestätigen, dass auf Grund der Verhandlungen, die zwischen den von der Preussischen und Königlich Dänischen Regierung bestellten Kommissaren geführt worden sind, zwischen der Deutschen und Königlich Dänischen Regierung folgende Vereinbarung zustande gekommen ist :

TEXTE ALLEMAND. — GERMAN TEXT.

I.

Das Preussische Staatsarchiv in Kiel wird folgende Archivbestände an das Dänische Reichsarchiv abgeben :

1. Die Lokalakten für die im Jahre 1920 abgetretenen nordschleswigschen Gebietsteile. Diese Lokalakten werden, insoweit sie nach den für das Dänische Archivwesen geltenden Regeln in einem Landesarchiv aufzubewahren sind, im Landesarchiv zu Apenrade untergebracht werden.

2. Die Kopialbücher aus der Patent- und Reskripten-Registratur der früheren deutschen Kanzlei zu Kopenhagen für die Jahre 1730-1770.

3. Die Akten des schleswigschen Ministerialarchivs für die Jahre 1851-1864 mit Ausnahme — nach besonderer Vereinbarung — solcher Aktengruppen, die für

TEXTE DANOIS. — DANISH TEXT.

I.

Det preussiske Statsarkiv i Kiel afgiver følgende Arkivalier til det danske Rigsarkiv :

1) Lokalakterne for de i Aaret 1920 afstaaede nordslesvigske Omraader. Forsaa vidt disse Lokalakter ifølge de for det danske Arkivvæsen gældende Regler vil være at opbevare i et Landsarkiv, vil de blive opbevaret i Landsarkivet i Aabenraa.

2) Kopibøgerne fra Patent-og Reskriptregistraturen for det tidligere tyske Kancelli i København for Aarene 1730-1770.

3) Det slesvigske Ministeriums Arkivs Akter for Aarene 1851-1864 med Undtagelse — efter særlig Overenskomst — af saadanne Aktgrupper, som kan være af aktuel

¹ TRANSLATION.

No. 3948. — EXCHANGE OF NOTES BETWEEN THE GERMAN AND DANISH GOVERNMENTS CONSTITUTING AN AGREEMENT REGARDING THE EXCHANGE OF ARCHIVES. BERLIN, DECEMBER 15TH, 1933.

I.

MINISTRY
OF FOREIGN AFFAIRS.
IV. Nd. 2363.

BERLIN, December 15th, 1933.

YOUR EXCELLENCY,

On behalf of the German Government, I have the honour to inform you that, as a result of negotiations carried on between Commissioners appointed by the Prussian and Royal Danish Governments, the said Governments have arrived at the following Agreement :

I.

The Prussian State Archives at Kiel shall hand over to the Danish National Archives the following documents :

(1) Local records concerning those areas of North Schleswig which were ceded in the year 1920. In so far as Danish regulations concerning documents require their preservation in the provincial archives, these local records shall be kept in the provincial archives at Apenrade.

(2) Files (*Kopialbücher*) containing copies of documents for the years 1730 to 1770 from the Patent and Rescript Office of the former German Chancellery at Copenhagen.

(3) Records from the Ministerial archives of Schleswig for the years 1851 to 1864, with the exception, to be separately agreed upon, of such records as might prove of value at the present time in the settlement of legal disputes arising within the area which remains German. Journals, together with their indexes, appertaining to these archives, shall also be handed over. Files (*Brief (Kopial) Bücher*) containing copies of documents shall remain in the Prussian State Archives.

(4) Certain special records and documents to be separately agreed upon.

II.

The Danish National Archives shall hand over to the Prussian State Archives at Kiel :

(1) From the common archives, on the one hand records and documents dating from before the year 1460, with certain exceptions to be agreed upon, and on the

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

other certain records and documents from more recent times as specified by agreement.

(2) The archives of the Dukes of Schleswig-Holstein and Gottorp, in so far as these are not already at Kiel, and subject to certain exceptions to be agreed upon.

(3) Such documents, belonging to the Plön archives and the archives of the Schaumburg County of Pinneberg, the County of Rantzau and the Monastery of Reinfeld, as are still preserved at Copenhagen.

(4) From amongst the "Regnskaber" archives, all accounts dealing with Holstein and a part of those relating to Schleswig, together with material of a similar nature to be agreed upon.

(5) Certain special records and documents to be enumerated by agreement.

III.

Historical archives preserved in the present Department, the Lower Court (*Untergewicht*), the Provost's Office or other offices in Tondern, relating to that part of the former Prussian administrative area (*Landratsamt*) of Tondern, now known as South Tondern, which remains German, and such similar material relating to the present South Tondern as has been transferred to the Danish provincial archives at Apenrade, shall be handed over to the State Archives at Kiel. Germany, for her part, shall hand over such documents relating to the ceded area of North Schleswig as may have been removed to South Tondern. In so far as it proves necessary and practicable to divide up sets of documents, the division shall be made in accordance with the present national frontier.

IV.

Facilities to use documents preserved on the one hand in the National Archives at Copenhagen, the provincial archives at Viborg or the present provincial archives at Apenrade, and on the other in the State Archives at Kiel, shall be readily granted to nationals of the other State, and for this purpose :

(1) Danish nationals engaged on research work in the State Archives at Kiel shall be exempt from the payment of dues, provided that the documents are used for work of a purely scientific nature and that no dues are levied in Denmark ;

(2) Every assistance shall be given on both sides as regards the despatch of documents required for purely scientific purposes. In the case of purely scientific research work, the year 1864 shall be taken as the year up to which the keepers of the archives shall, unless there are special objections in individual cases, have power on their own initiative to grant permission for students of either nationality to use the documents ;

(3) Either Party, if requested for official purposes, and particularly with a view to the elucidation of legal matters, to supply the other, from amongst the records at its disposal in the above-named archives, with copies of single records and documents, shall do so free of charge, or shall lend the originals of the relevant documents, in so far as the national interest of the Party concerned is not affected by so doing.

V.

Upon the coming into force of this Agreement, no further legal claims to historical documents shall be allowed on either side. On the other hand, it is agreed that in the

event of documents being subsequently discovered which come within the terms of the present exchange, these shall be mutually handed over. Finally, neither Party shall proceed to destroy archives at present exchanged or previously handed over until the other has been duly informed, and thus given an opportunity to recover documents relinquished by it, and about to be destroyed.

This Agreement, of which the German and Danish texts are equally authentic, shall come into force immediately.

I avail myself, etc.

(Signed) FreiHerr VON NEURATH.

The Danish Minister,
Kammerherr Herluf Zahle,
Berlin.

II.

ROYAL DANISH LEGATION.

BERLIN, *December 15th*, 1933.

YOUR EXCELLENCY,

On behalf of the Royal Danish Government I have the honour to inform you that, as a result of negotiations carried on between Commissioners appointed by the Royal Danish and Prussian Governments, the said Governments have arrived at the following Agreement :

I.

The Prussian State Archives at Kiel shall hand over to the Danish National Archives the following documents :

(1) Local records concerning those areas of North Schleswig which were ceded in the year 1920. In so far as Danish regulations concerning documents require their preservation in the provincial archives, these local records shall be kept in the provincial archives at Apenrade.

(2) Files (*Kopialbücher*) containing copies of documents for the years 1730 to 1770 from the Patent and Rescript Office of the former German Chancellory at Copenhagen.

(3) Records from the Ministerial archives of Schleswig for the years 1851 to 1864, with the exception, to be separately agreed upon, of such records as might prove of value at the present time in the settlement of legal disputes arising within the area which remains German. Journals, together with their indexes, appertaining to these archives shall also be handed over. Files (*Brief (Kopial) Bücher*) containing copies of documents shall remain in the Prussian State Archives.

(4) Certain special records and documents to be separately agreed upon.

II.

The Danish National Archives shall hand over to the Prussian State Archives at Kiel :

(1) From the common archives, on the one hand records and documents dating from before the year 1460, with certain exceptions to be agreed upon, and on the

other certain records and documents from more recent times as specified by agreement.

(2) The archives of the Dukes of Schleswig-Holstein and Gottorp, in so far as these are not already at Kiel, and subject to certain exceptions to be agreed upon.

(3) Such documents, belonging to the Plön archives and the archives of the Schaumburg County of Pinneberg, the County of Rantzau and the Monastery of Reinfeld, as are still preserved at Copenhagen.

(4) From amongst the "Regnskaber" archives, all accounts dealing with Holstein and a part of those relating to Schleswig, together with material of a similar nature to be agreed upon.

(5) Certain special records and documents to be enumerated by agreement.

III.

Historical archives preserved in the present Department, the Lower Court (*Untergerecht*), the Provost's Office or other offices in Tondern, relating to that part of the former Prussian administrative area (*Landratsamt*) of Tondern, now known as South Tondern, which remains German, and such similar material relating to the present South Tondern as has been transferred to the Danish provincial archives at Apenrade, shall be handed over to the State Archives at Kiel. Germany, for her part, shall hand over such documents relating to the ceded area of North Schleswig as may have been removed to South Tondern. In so far as it proves necessary and practicable to divide up sets of documents, the division shall be made in accordance with the present national frontier.

IV.

Facilities to use documents preserved on the one hand in the National Archives at Copenhagen, the provincial archives at Viborg or the present provincial archives at Apenrade, and on the other in the State Archives at Kiel, shall be readily granted to nationals of the other State, and for this purpose :

(1) Danish nationals engaged on research work in the State Archives at Kiel shall be exempt from the payment of dues, provided that the documents are used for work of a purely scientific nature and that no dues are levied in Denmark ;

(2) Every assistance shall be given on both sides as regards the despatch of documents required for purely scientific purposes. In the case of purely scientific research work, the year 1864 shall be taken as the year up to which the keepers of the archives shall, unless there are special objections in individual cases, have power on their own initiative to grant permission for students of either nationality to use the documents ;

(3) Either Party, if requested for official purposes, and particularly with a view to the elucidation of legal matters, to supply the other, from amongst the records at its disposal in the above-named archives, with copies of single records and documents, shall do so free of charge, or shall lend the originals of the relevant documents, in so far as the national interest of the Party concerned is not affected by so doing.

V.

Upon the coming into force of this Agreement, no further legal claims to historical documents shall be allowed on either side. On the other hand, it is agreed that in the

event of documents being subsequently discovered which come within the terms of the present exchange, these shall be mutually handed over. Finally, neither Party shall proceed to destroy archives at present exchanged or previously handed over until the other has been duly informed, and thus given an opportunity to recover documents relinquished by it, and about to be destroyed.

This Agreement, of which the Danish and German texts are equally authentic, shall come into force immediately.

I avail myself, etc.

(Signed) Herluf ZAHLE.

His Excellency Baron von Neurath,
Reich Minister for Foreign Affairs.