

No. 1085

**FRANCE
and
MONACO**

**Treaty transferring to France the townships of Menton and of
Roquebrune (with annex). Signed at Paris on 2 February
1861**

Authentic text: French.

Filed and recorded at the request of France on 29 April 1994.

**FRANCE
et
MONACO**

**Traité portant cession à la France les communes de Menton et
de Roquebrune (avec annexe). Signé à Paris le 2 février
1861**

Texte authentique : français.

Classé et inscrit au répertoire à la demande de la France le 29 avril 1994.

[TRANSLATION — TRADUCTION]

TREATY¹

The negotiations which had been undertaken between His Majesty the King of Sardinia and His Serene Highness the Prince of Monaco, by the good offices of the Government of His Majesty the Emperor of the French and with the assent of the other Powers, with a view to correcting the abnormal situation in which the townships of Menton and Roquebrune had been since 1848, having been rendered null and void by the reunification of the county of Nice with France;

His Majesty the Emperor of the French and His Serene Highness the Prince of Monaco, desiring to end a state of affairs which is as irregular as it is contrary to the interests of the populations concerned, have decided to conclude a treaty to that effect, and have appointed as their plenipotentiaries:

His Majesty the Emperor of the French: Mr. Prosper Faugère, Deputy Director of Political Affairs of the Department of Foreign Affairs, Officer of the Imperial Order of the Legion of Honour, decorated by the Order of San Marino, Commander of the Orders of Saint Gregory the Great, the Lion of Zoehringen of Baden, Dannebrog, Saint Olaf of Sweden, Saints Maurice and Lazarus of Sardinia and Niehan Iftikhar of Turkey, Grand Officer of the Order of the Lion and of the Sun of Persia, etc., etc., etc.,

His Serene Highness the Prince of Monaco: Count Serge-Henri d'Avigdor, Grand Cross of the Equestrian Order of San Marino, Officer of the Imperial Order of the Legion of Honour, Grand Officer of the Order of the Saviour of Greece and the Order of the Lion and of the Sun of Persia, Commander of the Order of Francis I of the Two Sicilies, the Order of Saint Louis of Parma and the Order of Saint Charles of Monaco, Officer of the Royal Order of Saints Maurice and Lazarus of Sardinia, decorated with the medal of merit of San Marino, etc., etc., etc.,

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

Article 1

His Serene Highness the Prince of Monaco relinquishes forever, on behalf of himself and his successors, to His Majesty the Emperor of the French, all of his direct and indirect rights to the townships of Menton and Roquebrune, whatsoever the origin or nature of those rights, with the exception of the reservation mentioned in article 3 below.

The line of demarcation between the territory of the French Empire and that of the Principality of Monaco shall be drawn, as soon as possible, by a Joint Commission, pursuant to the preceding provision.

¹ Came into force on 11 February 1861 by the exchange of the instruments of ratification, which took place at Paris, in accordance with article 9.

Article 2

The rights referred to in the preceding article are relinquished to His Majesty the Emperor of the French in exchange for the sum of 4 million, which shall be paid in cash to His Serene Highness the Prince of Monaco within 15 days after the exchange of the instruments of ratification of this Treaty.

Article 3

The private property belonging to His Serene Highness the Prince of Monaco in the townships of Menton and Roquebrune, of which the Prince was dispossessed in 1848 and which shall be designated by His Serene Highness, shall not be included in the relinquishment mentioned in article 1 above.

A Joint Commission shall be responsible for considering and indicating the measures that should be taken to ensure that the Prince enjoys the benefits of this reservation, without prejudice to the claims of third parties. It is understood that the competence of this Commission shall in no way preclude that of the courts, should it become necessary to resort to the latter.

Article 4

His Majesty the Emperor of the French undertakes to grant discharge or retirement pensions to former officials or employees in the service of the Prince of Monaco in the townships of Menton and Roquebrune, who shall be designated by His Serene Highness, up to a total annual sum of 4,000 francs. These pensions shall cease upon the death of the recipients.

Article 5

His Majesty the Emperor of the French undertakes to maintain in good condition, at his expense, and to widen and straighten at points to be agreed upon between the respective administrations, in the section of it that crosses the territory of Roquebrune, the existing road which begins at the road between Nice and Genoa, known as “La Corniche”, and ends at the city of Monaco.

The Prince of Monaco undertakes to permit the construction and operation, in the territory of the Principality, of the part of the railway to be built from Nice to Genoa that crosses that territory, once an agreement is reached between the respective administrations concerning the details of execution; the Prince shall not be obliged to provide any grant or guaranteed interest. For his part, His Majesty the Emperor of the French undertakes to build, in the near future, a road suitable for vehicular traffic between Nice and Monaco along the coast; it is understood that each of the two Governments shall bear the costs of the section of this road that crosses its territory.

Article 6

A customs union shall be created between the French Empire and the Principality of Monaco.

The conditions of this union shall be settled by means of a special act, which shall also address the sale of powder and tobacco, the postal and telegraphic services and, in general, the relations of neighbourship between the two countries.

Article 7

Subjects of His Serene Highness the Prince of Monaco who were born in Menton or Roquebrune or who are currently residing in those townships and who intend to retain the nationality of Monaco shall, for one year from the exchange of the instruments of ratification of this Treaty, have the option of transferring their residence to the Principality and establishing themselves there, on condition that they so inform the competent authority; in such case, they shall retain their former nationality.

They shall be free to keep their immovable property situated in the territory of Menton and Roquebrune.

Article 8

Inhabitants of these two townships who are currently in the service of the Prince of Monaco may continue as such without losing their status as French subjects, on the sole condition that they inform the Consular Agent of His Imperial Majesty in Monaco of their intention in this regard within three months following the ratification of this Treaty.

Article 9

This Treaty shall be ratified, and the instruments of ratification shall be exchanged at Paris, within 10 days.

IN WITNESS WHEREOF, the respective plenipotentiaries have signed this Treaty and have affixed hereto the seal of their coats of arms.

DONE in duplicate at Paris on 2 February 1861.

PROSPER FAUGÈRE

SERGE-HENRI D'AVIGDOR

SECRET ARTICLES

Article 1

His Serene Highness the Prince of Monaco promises His Majesty the Emperor of the French, on behalf of himself and his successors, not to cede the Principality, in whole or in part, to any Power other than France.

Article 2

Considering that the communications exchanged between the Sardinian authorities and the Governor-General of the Principality of Monaco, and the withdrawal of the Sardinian garrison, indicate that the Government of King Victor-Emmanuel has abandoned the protectorate which it exercised over the Principality, His Serene Highness declares that he has also renounced the said protectorate on behalf of himself and his successors.

His Serene Highness the Prince of Monaco further pledges, on behalf of himself and his successors, not to seek or accept the protectorate of any Power other than France.

Article 3

His Majesty the Emperor of the French and His Serene Highness the Prince of Monaco consider that the preceding provisions form an essential complement to the Treaty signed by their respective plenipotentiaries on today's date; therefore, the said provisions shall have the same force and validity as if they had been inserted into the said Treaty.

They shall also be ratified and the instruments of ratification shall be exchanged at Paris within 10 days.

Paris, 2 February 1861.

PROSPER FAUGÈRE

SERGE-HENRI D'AVIGDOR
