

N° 4595.

ALLEMAGNE ET SUISSE

Convention sur le déplacement de la frontière
entre le canton de Thurgovie et l'arrondis-
sment de la ville de Constance. Signée à
Berne, le 21 septembre 1938.

*Texte officiel allemand communiqué par le Conseil fédéral suisse. L'enregistrement
a eu lieu le 13 juin 1939.*

GERMANY AND SWITZERLAND

Convention regarding the Modification of the
Frontier Line between the Canton of
Thurgau and the District of the Town of
Constance. Signed at Berne, September
21st, 1938.

*German official text communicated by the Swiss Federal Council. The registration
took place June 13th, 1939.*

TEXTE ALLEMAND. — GERMAN TEXT.

¹ TRADUCTION. — TRANSLATION.

N^o 4595. — ABKOMMEN ² ZWISCHEN DEM DEUTSCHEN REICH UND DER SCHWEIZ ÜBER DIE VERLEGUNG DER GRENZE ZWISCHEN DEM KANTON THURGAU UND DEM STADTKREIS KONSTANZ. GEZEICHNET IN BERN, AM 21. SEPTEMBER 1938.

N^o 4595. — CONVENTION ² ENTRE LE REICH ALLEMAND ET LA SUISSE SUR LE DÉPLACEMENT DE LA FRONTIÈRE ENTRE LE CANTON DE THURGOVIE ET L'ARRONDISSEMENT DE LA VILLE DE CONSTANCE. SIGNÉE A BERNE, LE 21 SEPTEMBRE 1938.

DER SCHWEIZERISCHE BUNDES RAT und DER DEUTSCHE REICHSKANZLER, von dem Wunsche geleitet, die Grenze nach den Bedürfnissen der beiden Staaten zu ändern und im Zusammenhang damit einen Austausch gleich grosser Gebietsteile vorzunehmen, haben zum Abschluss eines Abkommens hierüber zu ihren Bevollmächtigten ernannt :

DER SCHWEIZERISCHE BUNDES RAT :

den Oberzollinspektor Herrn Samuel HÄUSERMANN ;

DER DEUTSCHE REICHSKANZLER :

den Vortragenden Legationsrat Herrn Dr. Conrad ROEDIGER.

Die Bevollmächtigten haben nach Prüfung ihrer in guter und gehöriger Form befundenen Vollmachten zur Abänderung der durch das Übereinkommen zwischen dem eidgenössischen Kanton Thurgau und dem Grossherzogtum Baden betreffend die Landesgrenze bei Konstanz vom 28. März 1831 und der durch die Übereinkunft zwischen der Schweiz und dem Deutschen Reich wegen Regulierung der Grenze bei Konstanz vom 24. Juni 1879 festgelegten Grenze nachstehendes vereinbart:

LE CONSEIL FÉDÉRAL SUISSE et LE CHANCELIER DU REICH ALLEMAND, animés du désir de modifier la frontière d'après les besoins des deux Etats et de procéder à cet effet à un échange de parcelles de territoire d'égale superficie, ont décidé de conclure une convention et désigné pour leurs plénipotentiaires, savoir :

LE CONSEIL FÉDÉRAL SUISSE :

M. Samuel HÄUSERMANN, inspecteur général des douanes ;

LE CHANCELIER DU REICH ALLEMAND :

M. Conrad ROEDIGER, conseiller de légation référendaire.

Les plénipotentiaires, après examen de leurs pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit au sujet de la modification de la frontière déterminée par la Convention entre le canton de Thurgovie et le grand-duché de Bade du 28 mars 1831 concernant la rectification des limites près de Constance, et par la Convention ³ entre la Suisse et l'Empire allemand du 24 juin 1879 concernant la régularisation de la frontière près de Constance.

¹ Translation of the Swiss Federal Government.

² The exchange of ratifications took place at Berlin, May 2nd, 1939.
Came into force June 13th, 1939.

¹ Traduction du Gouvernement fédéral suisse.

² L'échange des ratifications a eu lieu à Berlin, le 2 mai 1939.

Entrée en vigueur le 13 juin 1939.

³ DE MARTENS, *Nouveau Recueil général de Traités*, deuxième série, tome IV, page 433.

TRADUCTION. — TRANSLATION.

No. 4595. — CONVENTION BETWEEN THE GERMAN REICH AND SWITZERLAND REGARDING THE MODIFICATION OF THE FRONTIER LINE BETWEEN THE CANTON OF THURGAU AND THE DISTRICT OF THE TOWN OF CONSTANCE. SIGNED AT BERNE, SEPTEMBER 21ST, 1938.

THE SWISS FEDERAL COUNCIL and THE CHANCELLOR OF THE GERMAN REICH, desirous of changing the frontier in accordance with the needs of the two States, and to proceed, for that purpose, to an exchange of plots of land of equal area, have decided to conclude a Convention and have appointed as their Plenipotentiaries :

THE SWISS FEDERAL COUNCIL :

M. Samuel HÄUSERMANN, Inspector General of Customs ;

THE CHANCELLOR OF THE GERMAN REICH :

Dr. Conrad ROEDIGER, Vortragender Legationsrat.

The Plenipotentiaries, after examining their full powers, found in good and due form, have agreed on the following provisions with regard to the change in the frontier as fixed by the Convention concerning the frontiers at Constance, concluded on March 28th, 1831, between the Canton of Thurgau and the Grand Duchy of Baden and by the Agreement concluded on June 24th, 1879, between Switzerland and the German Reich concerning the rectification of the frontier in the neighbourhood of Constance.

*Article 1.*¹

1. Switzerland cedes to the German Reich the parcels of land amounting to a total area of 27 ares 79 square metres, shown on the attached table (Annex 1), and marked in dotted lines on the annexed plans A-C (Annex 2).

2. The German Reich cedes to Switzerland the parcels of land of a total area of 27 ares 79 square metres shown on the attached table (Annex 1) and shown by hatching on the attached plans A-C (Annex 2).

3. The frontier in the bay of Constance, as fixed in Article 1 of the Convention concluded between Switzerland and the German Empire on June 24th, 1879, for the rectification of the frontier in the neighbourhood of Constance, shall be marked out as indicated in the attached map (Annex 3).

4. The table, the plans and the map mentioned in paragraphs 1 to 3 shall form an integral part of the present Convention.

Article 2.

1. Certified copies, or, wherever possible, the originals, of the land and survey registers concerning the land exchanged (Article 1) and all documents, writings and maps connected with them shall be handed over by the authorities who have hitherto kept the land or survey registers to the authorities of the other State. They shall be handed over direct by the central authorities concerned or by the services authorised thereto.

¹ The table showing the areas exchanged, the plans and the map which are mentioned in Article 1 as annexes are not published herewith.

2. The competent central authorities shall be, on the Swiss side, the Federal Department of Justice and Police at Berne, and, on the German side, the Reich Ministry of Justice and the Reich Ministry of the Interior at Berlin.

Article 3.

The contracting States shall ensure that the plots of land exchanged shall be handed over free of all encumbrances.

Article 4.

So far as the land register and survey register are concerned, the exchange of land shall be carried out without judicial costs or revenue charges or fees. The same shall apply to the action necessary to free the exchanged plots of encumbrances.

Article 5.

The courts of the State ceding the land shall continue to be competent to judge disputes concerning claims on an exchanged plot which are pending at the time of the coming into force of the present Convention. The general arrangements in force as between the two contracting States shall apply to the recognition and enforcement of judgments.

Article 6.

Half the expenditure entailed by changes in frontier pillars consequent upon the present Convention shall be chargeable to each of the contracting States.

Article 7.

The present Convention is drawn up in duplicate.

Article 8.

The present Convention shall be ratified. The instruments of ratification shall be exchanged in Berlin. The Convention shall come into force six weeks after such exchange.

In faith whereof the Plenipotentiaries have signed the present Convention and have thereto affixed their seals.

Done at Berne, the 21st day of September, 1938.

(L. S.) (Signed) HÄUSERMANN.

(L. S.) (Signed) Dr. Conrad ROEDIGER.