

# ACQUISITION OF SITES FOR AMERICAN BATTLE MONUMENTS

*Agreement signed at Washington August 29, 1927*

*Entered into force August 29, 1927*

*Replaced by agreement of October 1, 1947*<sup>1</sup>

Treaty Series 757

This agreement made on August 29, 1927, by and between the Government of the United States of America, represented by John J. Pershing, General of the Armies, Chairman of the American Battle Monuments Commission, party of the first part, and the Government of the French Republic, represented by Mr. Anne-Marie Louis de Sartiges, that Government's Chargé d'Affaires ad interim at Washington, party of the second part, for the acquisition by the Government of the United States of lands intended as sites for monuments which the American Battle Monuments Commission is to erect in France, in accordance with and by the authority of the Act of Congress of the United States approved March 4, 1923,<sup>2</sup> entitled "An Act for the Creation of an American Battle Monuments Commission to Erect Suitable Memorials Commemorating the Services of the American Soldiers in Europe, and for Other Purposes", witnesses that

## ARTICLE I

The French Government will acquire the real estate of which the American Battle Monuments Commission whose office is at Paris, rue Molitor, 20, will have become proprietor by virtue of the authority for this purpose which it has received from the United States Government, in view of the erection of the American commemorative monuments above mentioned.

This acquisition by the French Government from the said Commission will be accomplished for the sole price of one franc for the totality of the real estate necessary for each monument.

## ARTICLE II

When the land necessary for the erection of the American memorials in question has not been acquired by the American Battle Monuments Commis-

<sup>1</sup> TIAS 1720, *post*, p. 1215.

<sup>2</sup> 42 Stat. 1509.

sion and if the United States Government expresses the wish, the French Government will proceed to acquire the said land if necessary and if such acquisition is possible; it being understood that in the case where certain organizations such as Communes or Departments do not consent to the transfer of their land, all necessary steps will be diligently pursued by the French Government in order to obtain the concession of the lots necessary to the end in view.

#### ARTICLE III

Before the French Government will undertake any procedure of acquisition or of concession of land necessary to the erection of any of the memorials in question, the authorization to erect such monument must have been given by decree in each separate case, in conformity with the procedure laid down by the Decree of November 18, 1922, and upon a request which will have been previously made by the Government of the United States.

#### ARTICLE IV

The negotiations provided for in Article 2, which are to be undertaken by the French Government with the owners or tenants of the lands above mentioned for the normal transfer of the said land will be pursued by a representative of the French Government (Ministry of War—appropriate Engineer District) accompanied by a representative of the Government of the United States. The normal agreements signed by the owners or tenants and bearing the written approval of the representative of the United States Government will plainly state that the formalities of acquisition and of payments will be undertaken by the French Government.

#### ARTICLE V

The French Government will grant without cost and in perpetuity to the Government of the United States the use and free disposal of the lands intended for the erection of the said monuments whether they belong at the present moment to the French Government or whether they have been acquired in conformity with the provisions of Articles 1 and 2 above mentioned. The land of which the French Government is able to obtain only a concession for a limited period will be conceded by it for the same period to the Government of the United States, but in this case, the representative appointed by the latter Government must have given his approval before the French Government definitely acquires the concession.

These measures, however, can never entail the prohibition of any undertakings of public works for which the public necessity will have been declared and of which the site might concern directly or not the land transferred. In this case a representative of the Government of the United States will be called upon to cooperate with the French Government in order to determine the best measures to be taken so far as the monuments are concerned.

## ARTICLE VI

In the case where the Government of the United States might later decide either not to carry out a project for the erection of a monument or to remove a monument once erected, such land as has been acquired for this purpose under the present agreement and which would then be released will be sold by the French Government and the net proceeds of such land will be paid by the French Government to that of the United States.

## ARTICLE VII

The land acquired in conformity with the provisions of this agreement will be exempted from all rates and taxes in conformity with Articles 105 and 106 of the Law of 3 Frimaire An VII and with the Decree of August 11, 1808.

By application of the provisions of Article 12 of the Finance Law of June 30, 1923, exemption will be granted from all taxes for stamps, registration, or mortgages, etc., for the various documents established and conveyances accomplished by the French Government having in view the acquisition or the concession of land necessary for the erection of the memorials in question.

## ARTICLE VIII

The French Government will settle all difficulties which may arise with adjoining owners or tenants; it will institute and pursue any suit or sustain any defense concerning the land acquired which may thereafter appear necessary. The cost resulting therefrom being repaid to it by the Government of the United States.

It is agreed, however, that payment of damages caused by the personnel appointed by the Government of the United States for the maintenance and guarding of the American memorials or by the material belonging to it will be undertaken by the representative appointed by that Government.

## ARTICLE IX

The Government of the United States will repay to the French Government the amounts which the latter will have paid, other than those provided for in paragraph 2 of Article 1, both for actual acquisitions or concessions (idemnities to owners or tenants of the land occupied) and for all other expenses occasioned by the said acquisitions or concessions.

## ARTICLE X

In no case will the debts of the Government of the United States towards the French Government on account of the purchase of land necessary for the American memorials be susceptible of cancellation against any debt whatever of the French Government towards the Government of the United States.

ARTICLE XI

Repayments to the French Government will be effected as soon as possible by checks, and will provide for a receipt in the following form:

“The French Government acknowledges to have received from the Government of the United States the sum of . . . . . for the purchase of the lands described hereafter, necessary for the erection of the American commemorative monument at . . . . . purchase accomplished in accordance with the agreement dated . . . . . of which a copy is attached hereto.

“Description of the property: . . . . .

ARTICLE XII

Payments for acquisitions made under the provisions of Article 1 above mentioned will be made by checks.

They will provide for receipts in the following form:

“The Government of the United States acknowledges that the American Battle Monuments Commission has received from the French Government the sum of one franc for the purchase of land described hereafter, necessary for the erection of the American commemorative monument at . . . . . this acquisition accomplished in accordance with the agreement dated . . . . . of which a copy is attached hereto.

“Description of the property: . . . . .

In witness whereof, the date, month and year, above mentioned, this agreement has been signed in four copies, each copy having the same value and effect as an original, by the Government of the United States represented by John J. Pershing, General of the Armies, Chairman of the American Battle Monuments Commission, and by the French Government represented by Mr. Anne-Marie Louis de Sartiges, that Government’s Chargé d’Affaires ad interim at Washington.

JOHN J. PERSHING  
SARTIGES