

Treaty of Limits between Portugal and Spain, signed at Lisbon, 29 September 1864

THE text of this Treaty and the annexed Regulations is taken from Olivart, *Coleccion de los Tratados etc.*, vol. IV, p. 133, and the English translation from *British and Foreign State Papers*, vol. LXII, P. 94I.

[text omitted]

line will leave it to cross the Reyerta de Arronches, of which it ' will divide the land so that the third part shall remain in Portugal, and it shall continue by the boundary which separates the first Reyerta de Onguella from Spain, up to the mill of Rosiña on the river Gébora. Thence it will proceed by the Alto de la Dehesiña and by the existing landmarks up to the mark of the Garrota, and passing by the boundary which separates the Second or Lower Reyerta de Onguella from Portugal, it shall go on till it touches the first mark of the boundary of Badajoz.

The disputed land comprised in the Reyertas, and which is used in common by the Spanish village of Albuquerque and the Portuguese villages of Arronches and Ongueña, shall be divided by equal parts between the two States in this manner: the Second or Lower Reyerta de Onguella shall belong entirely to Spain. The First or Upper Reyerta de Onguella shall belong entirely to Portugal. The Reyerta de Arronches shall be divided, Portugal taking the third part of the land contiguous to the First Reyerta de Onguella, and Spain the remaining two-thirds.

XXIII. From the first mark of Badajoz the frontier shall follow the existing demarcation, cutting the Gébora in its course, and proceeding till it reaches the river Caya, the principal stream of which it shall follow till it enters the river Guadiana, between the province of Badajoz and the Portuguese district of Portalegre.

At the entrance of the Caya into the Guadiana the international frontier terminates, the delimitation of which has been the purpose of the present Treaty.

XXIV. For the precise settlement of the international line of division in a manner that shall leave no room for doubt, the principal points of the said line having been mentioned in the

preceding Articles, both Contracting Parties agree that the actual demarcation thereof shall take place as soon as possible, by proceeding to set up the necessary landmarks, and to draw up a geometrical description of them. To carry out these operations both Governments will appoint competent Commissioners, who shall be assisted in their work of demarcation by delegates from the respective Spanish and Portuguese municipalities interested in each part of the frontier.

In order that the landmarks may be duly and equitably fixed at the points of the divisional line not mentioned in this Treaty, the proceedings of the mixed Boundary Commission shall be consulted in case of divergence.

The record of the demarcation and the geometrical description drawn up in duplicate, and duly attested, shall be adjoined to the present Treaty, and the provisions thereof shall have the same force and vigour as if they had been literally inserted herein,

XXV. For the purpose of assuring the permanence of the boundary stones or landmarks which define the international line, it is agreed that the adjacent municipalities of both kingdoms shall be at liberty to adopt at the part which concerns them, and in concurrence with the competent authorities, such measures as they consider necessary for the preservation of the marks set up, the replacement of those destroyed, and the punishment of the offenders. With this object in view, the line shall be examined every year by municipal delegates from the bordering towns in presence of the Spanish Alcaldes and the Portuguese Administrators of Council. A record of this examination shall be drawn up, and a copy thereof shall be sent to the superior administrative authorities, so that the latter may be fully aware of the state of the frontier, and proceed thereon as circumstances may require.

XXVI. The villages of both countries which from time past have enjoyed the right of carrying away herbage conjointly from the island of Canosa in the Minho, shall still enjoy that advantage in common as hitherto and in conformity with their municipal regulations.

Considering the injuries suffered by various towns situated on the borders of some adjacent rivers, especially on those of the Minho, as well as the obstructions created in the navigation in consequence of works constructed on the banks of the said rivers, and the alteration effected thereby in the course of their waters, and with the view of correcting those abuses and regulating the exercise of legitimate rights, both Contracting Parties agree that after the necessary surveys special regulations shall be adopted, which, taking due account of the damages done in times

past, shall lay down and establish rules for the future construction of Works of any kind on the banks of the frontier rivers and particularly on those of the Minho and its islands.

XXVII. The 3 promiscuous villages called Souteliño, Cambedo, me and Lamadarcos, having passed entirely under the dominion and sovereignty of Portugal in virtue of Articles X and XI, and the 3 villages of the Cotomixto, called Santa Maria de Rubias, Santiago, and Meaus, remaining in turn under the dominion and sovereignty of Spain in virtue of Article VII, both parties agree that the inhabitants of the promiscuous villages who are really Spanish subjects, as well as the inhabitants of the villages of Cotomixto who are really Portuguese subjects, may preserve their nationality if it should suit them to do so. For this purpose they shall respectively declare their decision before the local authorities within the space of a year reckoned from the day when the present Treaty is put in force.

XXVIII. Seeing that the international line follows in various parts the course of the waters and the direction of the roads, and touches at some springs, it is agreed that the waters, roads, and springs in such cases shall be jointly used by the people of both kingdoms. The bridges constructed over the rivers which form the frontier shall belong by moieties to the two States, reserving the proper indemnification to be settled between the two Governments for the expenses incurred in the construction of the said bridges.

XXIX. In order to prevent as far as possible the damages that might be incurred by the frontier villages in consequence of the seizure of cattle, and to maintain good understanding between those villages, it is agreed

1. That if cattle enter the territory of the other nation for undue grazing the only punishment shall be by fine.

2. That for the security of the fines and the expenses incurred only one head of cattle shall be retained out of every 10 seized.

3. That no seizures shall be considered legal unless effected by the village watchmen, or by the public force, and that the cattle seized must always be delivered to the authorities within whose jurisdictional district they have been found.

In order to act upon the bases established, both Governments will jointly adopt the measures which they may deem necessary.

XXX. All Conventions, awards, and any other existing agreements relative to the demarcation of the frontier from the discharge of the Minho into the sea to that of the Caya into the Guadiana,

are hereby declared null in fact and in law, in so far as they are at variance with the stipulations in the Articles of the present Treaty, from the day on which they come into force.

XXXI. The present Treaty shall be ratified as soon as possible by Her Majesty the Queen of the Spains and His Majesty the King of Portugal, and the ratifications shall be exchanged at Lisbon a month afterwards.

In faith whereof the respective undersigned Plenipotentiaries have signed the present Treaty in duplicate, and have sealed it with the seal of their arms at Lisbon, on the 29th of September, 1864.

(L.S.) THE MARQUIS DE RIBERA.

(L.S.) FACUNDO GONI.

(L.S.) DUKE OF LOULE.

(L.S.) JACINTO DA SILVA MENGO.