

## Annex 722.

C. 819. 1924. I.

FREE CITY OF DANZIG POLISH-DANZIG AGREEMENT ARRIVED AT ON  
DECEMBER 9TH, 1924, CONCERNING THE QUESTION OF THE HOLM FERRY

1. In connection with the High Commissioner's decision of November 5th, 1924, regarding the Holm Ferry, the Senate of the Free City has asked the following question

“ What is to be the attitude of the Harbour Board when one of the two States does not comply with the economic or financial demands addressed to it by a decision of the Harbour Board on the ground of the general treaties in force or special agreements made between the Harbour Board and the State in question ?”

2. The answer to this question is that there is no procedure foreseen in the treaties whereby the Harbour Board can proceed of itself to any further action than formulating its request to the Government concerned, but in practice there is a means of taking the matter further, namely by the application of Article 39 of the Treaty of November 9th, 1920. If a decision exist of the Harbour Board to request the fulfilment of a certain obligation based on the treaties in force or on any special agreement of the Harbour Board with one or both of the Governments, and if that decision has not been referred to the High Commissioner under Article 39 but is nevertheless not fulfilled, it is open to the party upon which the obligation does not lie or which has fulfilled its share of the obligation, if any, or is ready to do so, to call upon the other party to carry out its obligation or its share of the obligation.

If the one Government is met by a refusal from the other, a difference has arisen between the two Governments under Article 39 and the procedure foreseen therein can be employed.

3. The Danzig and Polish Governments agree to the ruling laid down in the foregoing paragraph, and in the case of the Holm Ferry the Polish Government has declared that the ferry will be provided in the shortest possible time. The question of the ownership of the ferry is reserved and will be settled by a decision of the High Commissioner.

4. The High Commissioner's decision of November 5th, 1924, is replaced by this agreement, which was suggested to the two parties by him.

(Signed) Heinrich SAHM.

(Signed) Henryk STRASBURGER.

Rome, December 9th, 1924.

## Annex 723.

C. 820 (1). 1924. I.

FREE CITY OF DANZIG TRANSFER OF CERTAIN PROPERTY OF THE FORMER  
PRUSSIAN VISTULA ADMINISTRATION.

*Report by M. Quiñones de León, approved by the Council on December 12th, 1924.*

The Polish Government requested the High Commissioner of the League of Nations at Danzig to decide that the Danzig Harbour Board should restore to the Polish Vistula Administration the share of the plant allotted to it in accordance with the decision taken on March 9th, 1922, by the Commission for the Repartition of German Public Property in Danzig. The High Commissioner gave his decision on November 9th, 1924, and both the Polish Government and the Free City of Danzig appealed against it to the Council of the League of Nations. The text of both the decision and the appeals were recently communicated to the Members of the Council and need not be summarised here.

In the reasons given by the High Commissioner for this decision, reference is made to Article 20, paragraph 3, of the Polish-Danzig Treaty of November 9th, 1920, which provides for the conclusion of an agreement between the Polish Government and the Harbour Board regarding the co-ordination of the administration of the Danzig and the Polish Vistula. During the negotiations in connection with the situation brought about by the High Commissioner's decision, which have been held at Rome under his auspices and at which the President of the Harbour Board was present, the Polish delegate, while adhering to the views expressed in his appeal, stated that his Government was prepared to enter at once into negotiations with the Harbour Board in pursuance of Article 20, paragraph 3, of the above Treaty in so far as this might help to bring about a practical solution of the question of the Vistula Administration's property

In my view, the Council might take note of this statement and request the President of the Harbour Board to inform the High Commissioner of the result of these negotiations as soon as possible.

I should add that the representative of Danzig, during these negotiations, has insisted on the fact that it is desirable that the stipulation in paragraph 3 of Article 20 should be carried out as soon as possible in its entirety and not only in relation to the particular question under discussion.

In the meantime, the juridical problems raised by the High Commissioner's decision could be examined by myself with the aid of some of our experts. The Director of the Legal Section of the Secretariat and the Legal Adviser to the Spanish delegation will, I feel sure, give me their assistance.

The Council would then, at its next session, possess detailed information on the actual conditions and the legal position.

I should add that the Chairman of the Harbour Board, in reply to questions put to him during the negotiations at Rome, suggested the desirability of determining (1) what plant, required by Poland for the administration of the Vistula in Polish territory could be transferred to Poland without it being necessary for the Harbour Board to replace it (2) what plant, required by Poland for the administration of the Vistula in Polish territory could not be handed over to Poland without replacing it by fresh purchases by the Harbour Board, (3) what would be the approximate sum required for the replacements mentioned in (2). I think that these points should be made clear in the negotiations between the Polish Government and the Harbour Board.

*Resolution.*

“ The Council approves the conclusions of the present report. ”

Annex 724.

C. 824 (1). 1924. I.

FREE CITY OF DANZIG HARBOUR POLICE OF THE FREE CITY

*Report by M. Quiñones de León, approved by the Council on December 12th, 1924.*

The Council has before it an appeal from the Free City of Danzig against a decision of the High Commissioner, dated November 10th, 1924. This decision deals with the execution of a previous decision of the High Commissioner regarding the establishment of a special police force to be placed at the disposal of the Danzig Harbour Board. All the documents relating to this question have been submitted to the Council, and I need not, therefore, give a summary of them. After a very careful consideration of the question, I have come to the conclusion that it would be desirable that the Council should ask the President of the Harbour Board — who, after four years of office, should be in a position to appreciate all the aspects of the problem — to submit to it, in time for the Council to take a decision at its next session, a detailed proposal for a practical solution of the problem. Although I do not venture personally to enter into the questions of detail, which would require a technical knowledge which I do not possess, I would suggest that the President of the Harbour Board, in his statement of opinion, should take into account, among other things, the respective requirements of the harbour police, the police for the establishments where the jurisdiction of the Harbour Board is clearly delimited, and the police of other localities where the jurisdiction of the Harbour Board extends over ground where the work of the port is carried out in places accessible to the public. The Council will remember that the High Commissioner's decision regarding the establishment of the Harbour Board police was accepted by both parties as a temporary measure for a period of two years. This provisional regime will not in any way prejudice a solution of the general question, which may be considered at a later date.

*Resolution.*

“ The Council approves the present report and requests the Secretary-General to take the necessary measures for the execution of the conclusions contained therein. ”