

The Council has received a note from the Danzig Senate, dated February 28th, 1925, which has been communicated to the Members of the Council. In this note the Senate criticises Colonel de Reynier's plan, both on legal and on practical grounds. From the legal point of view the Senate finds that Colonel de Reynier's plan is not in conformity with the High Commissioner's decision of June 6th, 1923. From the practical point of view the Senate fears that Colonel de Reynier's plan, which divides the Free City into three different police areas, is a serious menace to security. Colonel de Reynier's proposal to the effect that the Harbour Board Police officials should co-operate with the officials of the Danzig Police is regarded by the Senate as unworkable. The Senate requests the Council, before taking a decision, to obtain an opinion from police experts. Furthermore, the Senate submits a counter-proposal to the effect that only the Navigation Police shall be permanently transferred to the Harbour Board, and that the Security Police shall be transferred temporarily in cases of need.

I have examined the Senate's arguments, and I do not find that Colonel de Reynier's plan, which seeks a practical solution, is in contradiction with the High Commissioner's decision of June 6th, 1923. As regards the practical side of the question, I would remind the Danzig Senate that Colonel de Reynier's plan is only in the nature of a two years' experiment, and is a compromise between the Polish and Danzig points of view.

The Polish Government has also submitted observations with regard to Colonel de Reynier's report. It requests an immediate extension of the territory to be administered permanently by the Harbour Board Police. I have examined this proposal, and I have come to the conclusion that it aims rather at a final settlement of the whole question than the provisional and experimental arrangements with which we are at present concerned.

I venture to appeal to the good-will of both parties to put Colonel de Reynier's plan into practice at once. The reservations made in the Agreement of September 1st, 1923, which stipulate that at the end of the two years' period each party shall have the right to review its attitude towards the question of the Harbour Police, remain in force. The two years should be reckoned from the date on which Colonel de Reynier's plan begins to operate. In case of doubt, the Chairman of the Harbour Board will state what that date was.

I have the honour to propose the following resolution.

"The Council approves the conclusions contained in the Spanish representative's report.

"The High Commissioner's decision of November 10th, 1924, is replaced by the arrangement contained in Colonel de Reynier's proposal, which is approved by the Council"

C. 99. 1925. I.

Annex 750a.

FREE CITY OF DANZIG HARBOUR POLICE OF THE FREE CITY

Proposal submitted to the Council, at its request, by Colonel de Reynier President of the Danzig Harbour Board, approved by the Council on March 13th, 1925.

[Translation.]

At its meeting in Rome on December 12th, 1924¹ the Council of the League of Nations adopted the draft resolution submitted by its Rapporteur, M. Quiñones de León, regarding the establishment of a special police force to be placed at the disposal of the Danzig Harbour Board.

The Secretary-General of the League of Nations, in execution of the conclusions adopted, instructed the President of the Harbour Board to submit to the Council of the League of Nations "a detailed proposal for a practical solution of the problem" The report suggests, without, however, making it compulsory that the President of the Harbour Board should, in his statement of opinion, "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 Board is carried out in places accessible to the public"

The various existing police organisations at Danzig which come into consideration are

(a) The Navigation Police (*Schiffahrtspolizei*) who are engaged in regulating the movement of vessels, lighters, timber floating, etc.

(b) The Security Police (*Sicherheitspolizei*) who form the great majority of the police and provide for the traffic and security service throughout the territory of the Free City and some of whom use motor-boats for the performance of their duties.

(c) The Criminal Police (*Kriminalpolizei*) who are entrusted with certain duties requiring special knowledge.

(d) The Administrative Police (*Verwaltungspolizei*) who are engaged in work connected with the registration of the population, social questions, the poor, the fire service, the sanitary service, markets, schools, policing of the roads, etc.

The Harbour Board is specially concerned with the first two of these four categories of police.

¹ See *Official Journal*, February 1925, page 151.

PROPOSAL FOR REGULATING THE HARBOUR POLICE, BASED ON THE HIGH COMMISSIONER'S DECISION OF JUNE 6TH, 1923¹ AND BY THE SUGGESTIONS CONTAINED IN M. QUIÑONES DE LEÓN'S REPORT.

It is laid down that the settlement to be adopted shall be applied for a trial period of two years from the date of its coming into operation.

1. The police staff required by the Harbour Board for police duties in the port shall be supplied by the Senate of the Free City of Danzig. The commander of this force shall be informed that he is in all circumstances subordinate to the Harbour Board in the execution of his duties. The Harbour Board shall conduct all its relations regarding police matters both with the Senate and the Danzig Director of Police through the intermediary of a single and identical person of Polish nationality whom it shall choose, and who shall wear civilian clothes.

2. This police force shall be supplied, trained and equipped by the Free City of Danzig. With regard to its internal administration and discipline, it shall remain a part of the police of the Free City of Danzig. It shall be put in possession of all information communicated to the Danzig Police which may be of use to it.

3. At the written request of the Harbour Board, the Senate of the Free City of Danzig undertakes to give force of law to all regulations or bye-laws considered necessary by the Harbour Board, in so far as these regulations and bye-laws are not contrary to the Danzig laws.

4. All judicial procedure resulting from a breach of any provision of the laws, regulations or bye-laws shall be under the jurisdiction of the Courts of the Free City.

5. The Senate of the Free City undertakes to appoint any employees of the Harbour Board whom the latter considers suitable to be auxiliary police officials (*Hilfspolizeibeamten*).

6. The Navigation Police (*Schiffahrtspolizei*), who at present work under the orders of the Chief Pilot (*Lotse*) and of the Harbour Inspector (*Hafeninspektor*), are transferred to the orders of the Harbour Board.

(The Chief Pilot and the Harbour Inspector, together with their staff—amounting to 47 men—are already officials of the Harbour Board.)

7. The staff at present entrusted with water police service, together with the motor-boats for carrying out their work, shall be detached from the Security Police (*Sicherheitspolizei*) and transferred to the orders of the Harbour Board (about ten men and three or four boats). This force shall keep in close touch with the land police stationed near its area. The water belongs entirely to the Harbour Board Police area.

8. The staff necessary for the police service of the Free Port (*Freibeizirk*) shall be detached from the Security Police and be transferred to the orders of the Harbour Board.

(A force of about forty men is sufficient to provide for the service of this area, which is entirely enclosed and is only accessible to the public on production of a special authorisation.)

The Free Port is entirely within the police area of the Harbour Board. In case of necessity further ground in the Harbour may in future be brought under the system at present in force for the Free Port alone.

It is understood that the results of experience in the police area at present taken over by the Harbour Board are to be awaited before proceeding to any extension of it.

(9) In order to carry out special temporary duties, the Senate of the Free City of Danzig shall place at the disposal of the Harbour Board, at the latter's request, a police contingent which may attain the strength of a company (*Hundertschaft*).

(10) The uniform worn by the Harbour Board Police shall be the same as that of the Free City Police, but with the addition of a special mark, such as a red-and-white-striped armband.

(11) The Harbour Board shall have the right to dismiss from the police staff under its orders any officer, non-commissioned officer or man of whom it disapproves, without being obliged to state the reason for his dismissal. Vacancies in the staff shall be filled by the Senate of the Free City without any other steps being taken.

(12) In cases of pursuit of offenders, the area of the Harbour Police shall be limited only by the performance of its duty.

In such cases the Free City Police may also pursue offenders both on the water and in the Free Port. They shall as soon as possible inform the Harbour Board Police of the facts. The police forces subject to the Senate of the Free City and to the Harbour Board shall assist and support each other on the first request.

(13) In special cases, where the Harbour Board needs to be supported by a reinforcement or additional body of police from the Senate, as provided for in Article 9 above, the force thus placed upon first request at its disposal shall be transferred to the orders of the senior Commanding Officer, who shall receive his instructions from the person appointed by the Harbour Board, as provided for at the end of Article 1. The Harbour Board Police shall support the Senate Police on a request being made by the latter to the Harbour Board, and in this case the police sent by the Harbour Board shall be transferred temporarily to the orders of the Danzig Commander of Police.

¹ See *Official Journal*, October 1923, pages 1228-1229.

(14) The administrations of the Free City of Danzig shall punish persons committing offences in the area subject to the Harbour Board Police, due consideration being given to the Danzig laws and the wishes of the Harbour Board (*Strafmass*). The same applies to persons infringing regulations or bye-laws issued by the Senate at the request of the Harbour Board.

(15) The questions regarding sanitary and quarantine police, and, if the case arises, emigration police, are subject to a separate arrangement.

(16) The pay of the police force transferred to the permanent or temporary orders of the Harbour Board shall be borne by the latter. The terms of employment for this force shall be the same as apply to the Free City Police Force.

In addition, the Harbour Board shall come to an agreement with the Senate of the Free City as to the refund of expenses incurred due from the latter in respect of the services mentioned in Article 2 above.

C.124.1925.I.

Annex 751.

FREE CITY OF DANZIG TRANSFORMATION OF PUBLIC CORPORATIONS
THE CASE OF "DIE DANZIG"

Report by M. Quiñones de León, and Resolution adopted by the Council on March 13th, 1925.

I. Among the questions submitted to the Council during its session at Rome, which it decided to defer for consideration at its present session, is the examination of the decision given by the High Commissioner of the League of Nations at Danzig on November 15th, 1924, with regard to the transformation of public corporations — the case of "Die Danzig"

The High Commissioner declared in his decision that the claim of the Polish Government regarding the ex-Prussian public corporation, the "Westpreussische Feuersozietät" now known as "Die Danzig" did not form a subject with which he was competent to deal, since the transformation of the "Westpreussische Feuersozietät" into the "Aktiengesellschaft Die Danzig" took place during the administration by the Allies of the Territory which is now known as the Free City of Danzig, with the consent and the authorisation of the Allies' High Commissioner.

Poland lodged its appeal, with the request that the Council should declare that the High Commissioner of the League of Nations was competent to give a decision on the substance of this question.

II. In order to examine the question of the High Commissioner's competence, it is necessary first of all, to study the actual terms of the claims submitted to him by Poland.

On October 12th, 1922, the Polish Government requested the High Commissioner to recognise the following claims:

(1) That the Free City should proceed to an account of the property of these Corporations,

(2) That until such time as the account had been made, this property should be administered by the organs of the Free City or by organs subject to the authorities of the Free City without prejudice thereby to the property itself

(3) That all alterations that had been made in the legal status of this property should be recognised as null and void, and that the Free City should be required to restore its original status;

(4) That the Free City is responsible for losses arising through the liquidation of this property which losses were sustained by the population of that part of the former province of West Prussia which was ceded to Poland.

III. It was agreed between the High Commissioner and the Polish Government that the decision should, for the time being, only cover the case of the "Westpreussische Feuersozietät" The "Westpreussische Feuersozietät" had been a public corporation in Prussia since 1785 and possessed property in the province of West Prussia. In conformity with German law this corporation was subject to State control. After the armistice and the ratification of the Treaty of Versailles, the High Commissioner of the Allied and Associated Powers, having taken over the administration of the Territory of Danzig in their name, thereby became the government authority exercising the right of control. This was recognised in a letter, dated April 7th, 1920, written by the High Commissioner, Sir Reginald Tower, to the "Westpreussische Feuersozietät" That letter shows that the High Commissioner had entrusted the transaction of current affairs relating to the exercise of control to the Council of State, which had just then been created at Danzig.

In virtue of the above powers, this Council of State, by a Decree dated May 27th, 1920, authorised the transformation of the public corporation, the "Westpreussische Feuersozietät" into a limited company which was then called "Die Danzig" The assets of the old corporation were taken over by the new company It may be added that the property representing these assets was only partly in Danzig territory Some of it was in the part of West Prussia that had become Polish and some in territory which has remained Prussian.

IV The Polish case is that the decree of the Danzig Council of State authorising the transformation into a limited company and also the relevant decisions of the Corporative Diet and of the full assembly of the limited company were contrary to law and prejudicial to the parties concerned. The Free City ought to accept responsibility for the consequences of these illegal