

Under the terms of Article 96, to which this decision refers, "establishments, foundations and other institutions with religious or charitable aims whose activities extend to the two parts of the plebiscite territory may continue to exercise such activities until separate institutions have been organised for each part of the territory" The Association of the Silesian Knights of Malta has remained the owner of the property in question and appears as such in the Land Register. This association is an institution with charitable aims whose activities extend to the two parts of the plebiscite territory and thus retains the right, under the terms of Article 96, to continue to exercise its activities in the Polish part of the plebiscite territory until separate institutions have been organised for that part of the territory The decision of the Rybnik Court shows that these institutions have not yet been organised. The right of this Association to exercise its activities in Polish territory thus exists at the present time in virtue of Article 96. The appointment of a trustee is calculated to prejudice the right thus belonging to the Association of the Silesian Knights of Malta and is hence incompatible with Article 96, paragraph 1, of the Convention of May 15th, 1922.

Geneva, October 6th, 1933.

(Signed) BASDEVANT.

(Signed) FERRARI DALLE SPADE.

(Signed) Dr. M. LAMPERT.

ANNEX 1493.

CONSTITUTION OF THE FREE CITY OF DANZIG.

C.636.1933.VII.

I. LETTER, DATED NOVEMBER 4TH, 1933, FROM THE HIGH COMMISSIONER OF THE LEAGUE OF NATIONS AT DANZIG TO THE SECRETARY-GENERAL OF THE LEAGUE.

[Translation.]

Danzig, November 4th, 1933.

With reference to the letter approved by the Council on June 10th, 1925, and subsequently sent to the High Commissioner with regard to the procedure to be followed concerning information reaching the High Commissioner relating to breaches of the Danzig Constitution,¹ I have the honour to request you to submit the following to the Council.

According to reports which appeared in the Danzig Press, the Vice-President of the Senate, M. Greiser, in a speech made to the Danzig police organisations on October 31st, 1933, spoke as follows (quoted from the *Danziger Neueste Nachrichten*) of November 1st, 1933.

" A police official who did not definitely accept the National-Socialist State would never hold a position under him. If the totalitarianism claimed by the National-Socialist Party were not achieved, he, too, would be unable to achieve his object. Firm action would have to be taken to make the new regime a reality There could no longer be any room in Danzig for parties or for members of the Socialist, Centre or German-National groups. He could promise that all parties would disappear. He would keep a firm grip on the police and make it an instrument of the National-Socialist State. On the other hand, the police were bound to take up their stand against all enemies of the National-Socialist State. Supporters of the Centre Party were no longer wanted in the Civil Service, since they were enemies of the State.

¹ Note by the Secretary-General.—The relevant passages of this letter addressed by the Secretary-General to the High Commissioner (*Official Journal*, July 1925, page 950) are the following:

they (the Council) think that, because of the position of the High Commissioner as representative of the League of Nations in Danzig, the citizens of the Free City could address petitions to him which he could deal with upon their merits as sources of information on the situation in Danzig. The Constitution of the Free City being placed under the guarantee of the League, it would seem natural that the High Commissioner, in cases where he learnt, through petitions or otherwise, that there was a danger of infraction of the stipulations of the Constitution, should bring such questions to the notice of the Council. I therefore beg to forward to you herewith the petition (which was addressed to the Council of the League of Nations), leaving it to you to decide whether such questions as that dealt with therein should be brought, or not, to the notice of the Council by you. Should you decide in the affirmative, in any particular case, this might be done either by a report by you for the information of the Council, or—should you in very serious cases so deem desirable—with a request that the Council should discuss the matter at one of its sessions.

"The police corps had such a National-Socialist training and was so imbued with National-Socialist convictions that it provided a guarantee for the National-Socialist State.

"Accordingly political professional organisations would, in future, find no place in the uniformed police. The humblest police official must realise that National Socialism was the only idea of the State which could subsist in future. Hence, the leaders of political factions had had their day. He was ready to agree, however, that purely economic organisations should be allowed to remain in existence."

On the morning of November 3rd, I had an interview with the President of the Senate, during which I had an opportunity of talking to him of the above-mentioned speech in the light of the stipulations of Articles 93 and 85 of the Constitution.¹ The President of the Senate defined his views in a note which was handed to me later, and which reads as follows:

"There was no intention in this speech of disputing the validity of any article of the Danzig Constitution. The remark that there was no longer any room for parties in the new State was simply meant in the sense that parties, with the influence on the conduct of the affairs of the State which they exercised in the time of the parliamentary system, are now out of date.

"As regards the remarks on the members of the Centre Party in the police force, these were not reproduced in full. They should be taken in conjunction with the introductory sentence quoted.

"A police official who was not definitely in favour of the National-Socialist State would never hold a position under him.

"The Vice-President of the Senate takes the view that, in a territory like Danzig, it is particularly necessary to safeguard law and order by every possible means. It is therefore essential that especially close relations of trust should exist between the Government and the members of the police force. Only on such a basis of trust can a discipline be founded which affords a guarantee that the Government will at all times have at its disposal the force which it requires to assert its authority and safeguard law and order."

During the afternoon of the same day representatives of the organ of the Centre Party (Catholic), the *Danziger Landeszeitung*, and of the Socialist organ, the *Danziger Volkstimme*, submitted to me the attached petitions (Appendices I and II) which show that the *Landeszeitung* has been suspended for eight days and the *Volkstimme* for two months by decision of the Chief of Police, for having published reports of and articles on M. Greiser's speech, and also, in the case of the *Volkstimme*, for having published an article on a case before the Court of Assizes. The two suspensions are based on Article II, section 5, of the Ordinance concerning Measures for ensuring Public Order and Security issued by the Senate on June 30th, 1933, on the basis of the Law on Full Powers of June 26th, 1933, the text of which I communicated to the Council in my letter of June 26th, 1933 (see document C.419.1933.I). This ordinance stipulates in section 52 that periodicals may be prohibited if their contents endanger public order and security.² The petitioners claimed that the measure in question constituted a breach of Article 79 of the Constitution.³

I transmitted a copy of these petitions to the Senate, requesting it to inform me what attitude it intended to take up in the matter. The President of the Senate categorically informed me that there could be no question of cancelling the prohibition of the newspapers and that he would also be obliged to take steps against the petitioners by placing them under preventive detention (*Schutzhaft*). In reply to my observation that the right of petition was, in my opinion, recognised to Danzig nationals *inter alia* by the above-mentioned letter approved by the Council on June 10th, 1925, he replied that the security of the State necessitated this measure.

¹ "Article 93. — Officials are servants of the community and not of a party. They are entitled to freedom of political opinion and freedom of association. They shall not be subjected to any restriction in this respect."

"Article 85. — All nationals shall have the right to form unions or associations provided their objects are not in contravention of the penal laws. This shall also apply to religious unions and associations. Every union shall be at liberty to acquire legal personality in accordance with the provisions of the Civil Code. This right shall not be refused to any union on the ground that it has been formed with political, social or religious objects."

As regards the prohibition of the *Landeszeitung*, the Police Commissioner also quotes section 93 (b) of the Penal Code, which reads as follows:

"Any person who publicly spreads news which in itself is accurate or conveys it to political services or organisations shall be liable to imprisonment or fine if the manner in which it was spread or conveyed is such as to prejudice important interests of the State. In addition to imprisonment, deprivation of civil rights may also be ordered."

In accordance with the Order of June 30th, 1933:

"Periodicals may be prohibited if their contents are punishable in respect of any of the offences specified in sections 81-86, 93 (a)-93 (c), 106 (a), 110, 110 (a), 129 (a), 130 and 131 of the Penal Code."

³ "Article 79. — Every person shall have the right within the limits of the law to express his opinion by word, writing or in any other manner. He may not be obstructed in this right by any conditions of his work or appointment and no disadvantage of any kind may be imposed on him on account of his exercise of such right.

"There shall be no censorship. Regulations for the conduct of cinematographs may, however, be made in derogation from this law. Legislative measures shall be adopted to combat obscene or indecent literature and to protect young persons at public representations and performances."

I attach copy of two notes which the Senate has subsequently sent me with regard to the above-mentioned petitions (Appendices III and IV).

In these circumstances, I feel it my duty to request you to lay this matter before the Council of the League of Nations as guarantor of the Constitution of the Free City

(Signed) Helmer ROSTING,
High Commissioner

Appendix I.

[Translation from the German.]

To the High Commissioner of the League of Nations,
Danzig.

November 3rd, 1933.

We beg to inform you that the *Danziger Landeszeitung* has been prohibited by order of the Danzig Chief of Police (No. IIb.247/33 Press) for the period November 3rd to 11th inclusive. Copy of the prohibition is attached (Appendix Ia).

The occasion of the prohibition, as appears from the wording of the Order, was the article "Is the Centre Party an Enemy of the State?" in No. 255, of November 2nd, 1933. The article is attached (Appendix Ib).

In our opinion, the prohibition conflicts with Article 79 of the Danzig Constitution, under which all have the right to express their opinion within the limits of the law by word or in writing or in any other manner. We do not consider that the legal limits have been exceeded.

Westpreussischer Verlag A.G.
Verlag des *Danziger Landeszeitung*

(Signed) KILIAN,
Director

(Signed) Dr. TEIPEL,
Chief Editor

Appendix Ia.

[Translation from the German.]

Office of the Chief of Police.
No. IIb. 247/33 Press.

To be delivered against receipt.

To the Management of the *Danziger Landeszeitung*, for Dr Teipel, Danzig.

Danzig, November 3rd, 1933.

The *Danziger Landeszeitung* of November 2nd, 1933, contains utterances in the article "Is the Centre Party an Enemy of the State?" which constitute a breach of section 93b of the Criminal Code and endanger public safety and order.

In virtue of Article II, section 5, of the Legal Ordinance concerning Measures for ensuring Public Safety and Order of June 30th, 1933, I accordingly prohibit the printing and circulation of the *Danziger Landeszeitung*, with immediate effect, until November 11th, 1933, inclusive.

[Signature.]

Appendix Ib.

[Translation from the German.]

[From the *Danziger Landeszeitung*, of November 2nd, 1933.]

IS THE CENTRE PARTY AN ENEMY OF THE STATE ?

Herr Greiser the Vice-President of the Senate, will tolerate no Officials belonging to the Centre Party.

In a speech delivered on Tuesday evening to the Police Administration Professional Union of the Danzig Association of Officials on the organisation of the Danzig Police, Herr Greiser,

Vice-President of the Senate, emphasised the special duties which devolved upon the police force in consequence of the fact that Danzig was a harbour town of a distinctively international character. The speaker then referred to the totalitarian claims of the German National-Socialist Labour Party and, as reported by the *Danziger Neueste Nachrichten*, went on to draw the following conclusions:

A police official who did not definitely accept the National-Socialist State would never hold a position under him. If the totalitarianism claimed by the National-Socialist Party were not achieved, he too would be unable to achieve his object. Firm action would have to be taken to make the new regime a reality. There could no longer be any room in Danzig for parties or for members of the Socialist, Centre or German-National groups. (Loud and continuous applause.) He could promise them that the parties would disappear. He would keep a firm grip on the police and make it an instrument of the National-Socialist State. (Loud applause.) For that purpose, he needed no parliamentary guarantee; the fact of having the people behind him was much better than parliamentary support. National Socialism was sometimes reproached with pursuing a policy that was too lively and high-spirited and one that exposed Danzig to certain risks. But that assertion was disproved by the able foreign policy of Dr. Rauschning. The police could rest assured that the National-Socialist Government would never desert those whose duty it was to protect the State. (Applause.) On the other hand, the police were bound to take up their stand against all enemies of the National-Socialist State. Supporters of the Centre Party were no longer wanted in the Civil Service, since they were enemies of the State. (Loud applause.)

The foregoing remarks of Herr Greiser are an admission that the National-Socialist Party's totalitarian claim to power in Danzig is not yet an accomplished fact, but is for the moment only a claim and not a reality. He draws inferences, however, from this claim as if it were already an accomplished fact and had been recognised also by the Danzig population as the result of the last elections. We have here a flaw in his reasoning to which, on constitutional grounds, we must call attention. It is regrettable that the development of events in Germany still leads people to institute false comparisons. In Germany, the National-Socialist totalitarian claim was duly legalised by the Reichstag in the Enabling Law of March 24th. There, the Hitler Cabinet received the right from the Reichstag to make the most sweeping amendments in the Constitution, and Adolf Hitler has always attached the greatest importance to basing the National-Socialist claims to totalitarianism on the letter of the law.

The position in Danzig is different for various reasons, one being the international character of the Free City. On this last point, Herr Greiser, as mentioned above, lays particular emphasis when referring to the special duties of the police. This special international character of Danzig has had effects on the structure of party politics which cannot be disregarded merely because they are not desired, nor can they be disposed of by disparaging references. Full power is not yet in the hands of the National Socialists and, in view of the actual conditions, cannot be secured by them without a violation or alteration of the existing regulations. In addition, it is even very doubtful whether such a change would be in the interest of the Germans in Danzig. That being so, it is neither politically wise nor likely to promote peace among Germans when conclusions are drawn from this "defect" (in the eyes of National Socialists) which must deeply offend very large numbers of Danzig Germans. As regards the Centre Party in particular, the services it has rendered to Danzig are so incontestable that they cannot be dismissed by an insulting public speech. It is, however, in keeping with this honourable tradition that the Centre Party—even to-day when it has no share in the Government—should wish the National Socialists every success in what they are doing for the German idea, and should unreservedly approve their efforts at a time when the continued existence of the Centre Party is publicly described as "hostility to the State" and when its supporters are being systematically turned out of public appointments. We are, however, convinced that if the National Socialists will only consider German interests in Danzig calmly and impartially they will speedily realise the advantages of the loyal co-operation of an independent Centre Party in achieving the common aim.

Appendix II.

[Translation from the German.]

To the High Commissioner of the League of Nations,
Danzig.

Danzig, November 3rd, 1933.

By order of the Chief of Police, the *Danziger Volksstimme* has been suspended for two months (Appendix IIa).

We attach the articles to which exception was taken (Appendix IIb).

Since these articles do not exceed the limits of a free expression of opinion guaranteed by law and the Constitution, the prohibition is contrary to Article 79 of the Danzig Constitution.

We would beg your Excellency to ensure that the freedom of the Press guaranteed by the Constitution is restored.

(Signed) Fritz WEBER,
(Signed) Anton FOOKEN,

*Publishers and Editors of the
Danziger Volksstimme
for the Social-Democratic Party*

Appendix IIa.

[Translation from the German.]

Office of the Chief of Police.
Reg. No. III b 246/33 Press.

To be delivered against receipt.

To the Management of the Danziger Volksstimme, for M. Franz Adomeit, Editor

Danzig, November 3rd, 1933.

In the articles: "The Fatal Shot at Guteherberge" ¹ and "Dissolution of Police Professional Unions," which appear in its issue of November 2nd, 1933, the *Danziger Volksstimme* presents matter and statements calculated to imperil law and order.

Under Article II, section 5, of the Legal Ordinance concerning Measures for ensuring Public Safety and Order, dated June 30th, 1933, I prohibit the printing, production and circulation of the *Danziger Volksstimme*, with immediate effect, for a period of two months.

(Signed) FROBÖSS.

Appendix IIb.

[Translated from the German.]

[From the *Danziger Volksstimme*, No. 257 of November 2nd, 1933.]

DISSOLUTION OF POLICE PROFESSIONAL UNIONS.

Sensational Statements of Senators Supporters of the Centre Party are Mischief-Makers ?

The Senate has now dissolved the National-Socialist Professional Unions of the Danzig Police. It has further decreed that no professional union may be founded in the State Constabulary. Former members of the police and gendarmerie, and the uniformed officials of the District Constabulary are recommended by the Senate to found associations of "comrades." Only National Socialists or officials sympathising with National Socialism can be admitted to these associations, which will be affiliated to the Danzig Union of Officials. The professional unions of the Criminal and Administrative Police will continue to exist. A constabulary sub-section will be created for the Police Professional Union in the Union of Officials. The "Marksmen" and "Senior Marksmen" of the constabulary (these terms have not usually been employed in the police force) will be exempted from paying a subscription to the Union of Officials. From the explanations given by the Senate in this connection, it appears further that police officials may not in future wear swastika armbands or carry banners.

All these new arrangements were announced the day before yesterday by Senators Greiser and Hohnfeldt at a meeting of police officials. In addition, Herr Greiser, the Vice-President of the Senate, made some other observations which should be given the closest attention. He said, *inter alia*.

The fact that police officials were clearly recognisable as representatives of the National-Socialist idea makes it incumbent upon them to think politically. As Senator for the Interior, he would surrender the totalitarian claim. A police official who was not definitely in favour of the National-Socialist State would never hold a position under him. Firm action would have to be taken to make the new regime a reality. Thus, there would be no room for the Socialist, Centre or German-National groups. He could promise them that the claim to total control would become a reality. He would keep such a firm grip on the police as to make it an instrument of the National-Socialist State. For that purpose, he needed no parliamentary guarantee; the fact of having the people behind him was much better than parliamentary support.

¹ This article is kept in the archives of the Secretariat at the disposal of the members of the Council.

Herr Greiser then attacked the Centre Party vigorously. It was insolence on the part of the Centre, so he said, to write to the President of the Senate and to publish the letter immediately in the *Landeszeitung*. The most Christian Centre Party had formerly acted quite differently. It had squeezed everyone out who did not please it. Supporters of the Centre Party were not wanted in the Civil Service, as they were enemies of the State.

A similar tendency was discernible in Senator Hohnfeldt's statements also. He said that every police official must think on National-Socialist lines. A police official in the National-Socialist State should not only act according to regulations; he must also retain his national sentiment.

Senator Hohnfeldt, it is true, then added the explanation. "Officials are permitted to be members of the Association of Catholic Officials now that Count Bishop O'Rourke has given the assurance that no political activities will be pursued by this association."

It may be mentioned in this connection that, in this last sentence, Senator Hohnfeldt merely stated an obvious fact. As is well known, the Danzig Constitution guarantees freedom of political thought and freedom of association to every citizen of the State, and, in particular, to officials.

Appendix III.

[Translation from the German.]

To M. Helmer Rosting,
High Commissioner of the League of Nations,
Danzig.

Danzig, November 4th, 1933.

With reference to your letter 7/14/B, dated November 3rd, 1933, regarding the petition of the *Danziger Landeszeitung*, I have the honour in the first place, without wishing in any way to prejudice the Senate's attitude to petitions of this kind, to draw your attention to the fact that the Order complained of was not a final Order issued by the Senate, but an Order issued by the Chief of Police, against which those concerned are entitled to appeal to the Senate. Such an appeal was not received by the Senate until to-day. I beg to enclose the Senate's reply thereto.

(Signed) Dr. RAUSCHNING.

Appendix IIIa.

[Translation from the German.]

Senate,
Department of the Interior, A.III.

Danzig, November 4th, 1933.

DECISION OF THE SENATE.

The appeal of the Westpreussischer Verlag A.G., Danzig, against the Order of the Chief of Police, dated November 3rd, 1933, is dismissed.

Reasons.

By an Order dated November 3rd, 1933, the Danzig Chief of Police prohibited the printing and circulation of the *Danziger Landeszeitung*, with immediate effect, until November 11th, 1933.

The Westpreussischer Verlag A.G. appealed to the Senate of the Free City of Danzig against this prohibition on November 4th, 1933. The appeal is admissible under Article II, section I, paragraph 6, of the Legal Ordinance of June 30th, 1933 (*Legal Gazette*, pages 287 *et seq.*), but it is not justified.

The *Danziger Landeszeitung*, in its issue of November 2nd, 1933, reproduces an extract from a speech made by the Vice-President of the Senate on October 31st, 1933, to a meeting of Danzig police officials. The mode of presentation of this article, headed "Is the Centre Party an Enemy of the State?" as well as the comments with which the newspaper accompanied the reproduction of the speech, are obviously intended to awaken mistrust of the Danzig Government's conduct of affairs in the widest circles of the public. An attempt is made to create the impression that the Government, in order to carry into effect the National-Socialist claim to totalitarianism, is proceeding, in the absence of constitutional means, to terrorise the officials who might hold contrary opinions. Doubts are also expressed as to whether the Government's aims are compatible with Danzig's German character and interests.

The efforts of the *Danziger Landeszeitung* to undermine the respect in which the Danzig Government is held by means of criticisms going far beyond the bounds of impartiality and taking the form both of concealed and open attacks, and, in this way to create difficulties for the Government both in internal and external politics, go back to the date of the formation of the present Government. In this connection, special mention should be made of the publication a few days ago (issue of October 26th, 1933) of a letter from the Centre Party to the President, Dr. Rauschnig, in which complaints are made from the party standpoint of the Centre against alleged abuses in policy as regards personnel. The article "Is the Centre Party an Enemy of the State?" to which exception is taken, constitutes the last link in a long chain of biased and bitter attacks.

Such attacks, based on purely party grounds, are calculated, by once more stirring up differences which had been settled, to endanger to a material extent the public security and order which the Government is doing all in its power to safeguard. They are further likely to endanger the interests of the State by artificially creating difficulties in foreign policy. The *Landeszeitung* is well aware of this. Hence, as stated in the Police Order appealed against, the publication in question constitutes, not only a danger to public order and security but an offence under section 93(b) of the Criminal Code.

It is inadmissible that the Senate's work in the sphere of internal and external politics, which enjoys the confidence of the overwhelming majority of the population, should be disturbed by an undisciplined party Press working against the interests of the State.

The suspension of the *Danziger Landeszeitung*, for the period stated, is accordingly justified under Article II, section I, paragraph 5, Nos. 1 and 2, of the Legal Ordinance of June 30th, 1933.

Danzig, November 4th, 1933.

For the Senate of the Free City of Danzig.

(Signed) Dr. RAUSCHNING.

(Signed) VON WNUCK.

Appendix IV

[Translation from the German.]

To M. Helmer Rosting,
High Commissioner of the League of Nations,
Danzig.

Danzig, November 4th, 1933.

With reference to your letter 7/14/B, dated November 3rd, 1933, regarding the petition of the *Danziger Volksstimme*, I have the honour in the first place, without wishing in any way to prejudice the Senate's attitude to petitions of this kind, to draw your attention to the fact that the Order complained of was not a final Order issued by the Senate, but an Order issued by the Chief of Police, against which those concerned are entitled to appeal to the Senate. Such an appeal was not received by the Senate until to-day. I beg to enclose the Senate's reply thereto.

(Signed) Dr. RAUSCHNING.

Appendix IVa.

[Translation from the German.]

The Senate,
Department of the Interior, A.III.

Danzig, November 4th, 1933.

DECISION OF THE SENATE.

The appeal of the responsible editor of the *Danziger Volksstimme*, Franz Adomeit, against the order of the Danzig Chief of Police, dated November 3rd, 1933, is dismissed.

Reasons.

By Order dated November 3rd, 1933, the Danzig Chief of Police prohibited the printing and circulation of the *Danziger Volksstimme*, with immediate effect, for a period of two months.

The responsible editor of the *Danziger Volksstimme* appealed to the Senate of the Free City on November 4th, 1933, against this prohibition. The appeal is admissible under Article II, section I, paragraph 6, of the Legal Ordinance of June 30th, 1933 (*Legal Gazette*, pages 287 *et seq.*), but it is unjustified.

The cause of the prohibition by the Chief of Police is to be found in the articles contained in the issue of November 2nd, 1933, under the headings "The Fatal Shot in Guteherberge" and "Dissolution of Police Professional Unions"

The article "The Fatal Shot in Guteherberge" does not contain an unbiased report of the case, and the article "Dissolution of Police Professional Unions" does not contain a purely objective report of the meeting of police officials held on October 31st, 1933, or of the speeches made there. The account of the facts is tendentiously distorted by the use of various forms of printing (spaced letters and heavy type), as also in the second case by the interpolation of comments by the writer.

Both publications are calculated by their set-out and contents to arouse mistrust against the Danzig Government in wide circles of the public and to intensify political antagonisms. They not only involve danger to public peace and order, but also, to a considerable extent, the political standing of the Free City. That this injury to the interests of the State is the consistent policy of the paper, whose attitude of hostility to State and people has frequently given rise to action by the police, cannot be questioned. The prohibition of the Chief of Police is accordingly well founded, not only under Article II, section I, paragraph 5, sub-paragraph No. 2 of the Legal Ordinance of June 30th, 1933, but also under sub-paragraph No. 1 of this regulation, since the facts constitute an offence under section 93(b) of the Criminal Code.

In consideration of the fact that the discrediting of the present administration of the State is the main object of the *Danziger Volksstimme*, and that no change in its attitude of hostility to the State is to be anticipated, the period of prohibition is justified.

Danzig, November 4th, 1933.

For the Senate of the Free City of Danzig:

(Signed) Dr. RAUSCHNING.

(Signed) VON WNUCK.

2. LETTER, DATED NOVEMBER 6TH, 1933, FROM THE HIGH COMMISSIONER OF THE LEAGUE OF NATIONS AT DANZIG TO THE SECRETARY-GENERAL OF THE LEAGUE.

[Translation.]

Danzig, November 6th, 1933.

With reference to my letter of November 4th, No. 0465/30/8, I have the honour to enclose, and to request you to convey to the Council, the text of the decision taken by the Chief of Police with regard to the taking into preventive custody of M. Teipel and M. Kilian, signatories of the petition submitted to me by the *Landeszeitung*. A similar decision was taken in regard to M. Fooken, signatory of the petition submitted by the *Volksstimme*; the second signatory of that petition, M. Weber, who, as a member of the Volkstag, enjoys parliamentary immunity has not been taken into preventive custody.

(Signed) Helmer ROSTING,
High Commissioner

Appendix.

[Translation from the German.]

Office of the Chief of Police.

Danzig, November 4th, 1933.

Dr. Teipel (Kilian), editor-in-chief, is to be taken into preventive custody for a period of three weeks.

By order of the undersigned Chief of Police, dated November 3rd, 1933, the printing and circulation of the *Danziger Landeszeitung* were forbidden until November 11th, 1933. Immediately after notification of this prohibition, Dr. Teipel (Kilian), in a petition to the High Commissioner of the League of Nations, asserted that the prohibition was contrary to the provisions of the Constitution of Danzig. It is plain from the wording of his letter that he is endeavouring to prevail upon the High Commissioner to make representations to the Danzig Government on the ground that the Constitution has been infringed.

At the time of the petition, the remedy provided by law against the prohibition had not been employed. there existed no decision by the Senate, as the authority designated by law to hear complaints, but merely an administrative act by a subordinate authority the Chief of Police.

Dr. Teipel (Kilian), like every citizen of Danzig, has the right to address petitions to the League of Nations High Commissioner. The safety of the State is endangered, however, when a Danzig citizen, before any decision has been given by the Senate, accuses the Government of infringing the Constitution, and endeavours to bring about measures for the restoration of constitutional rights. As there is reason to apprehend that this activity which endangers the State, will continue, the order to take Dr. Teipel into preventive custody is necessary.

(Signed) FROBÖSS.