

## FREE CITY OF DANZIG

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### I.

#### PROLONGATION OF THE APPOINTMENT OF M. BENZIGER AS PRESIDENT OF THE DANZIG PORT AND WATERWAYS BOARD <sup>1</sup>

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C.238.1934.VII.

#### NOTE BY THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

Geneva, June 5th, 1934.

The Secretary-General has the honour to advise the Council that he has just been informed by the High Commissioner of the League of Nations at Danzig that the Polish and Danzig Governments have agreed, in accordance with paragraph 2 of Article 19 of the Treaty between Poland and the Free City of Danzig of November 9th, 1920, to extend the appointment of M. C. Benziger as President of the Danzig Port and Waterways Board, which expires on June 2nd, 1934, until October 1st, 1934. M. Benziger has consented to continue in office.

### II.

#### GENERAL REPORTS BY THE HIGH COMMISSIONER OF THE LEAGUE OF NATIONS AT DANZIG.

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C.386.1933.I.

#### I. LETTER, DATED JUNE 1ST, 1933, FROM THE HIGH COMMISSIONER OF THE LEAGUE OF NATIONS AT DANZIG TO THE SECRETARY-GENERAL, TRANSMITTING HIS ANNUAL GENERAL REPORT DATED JUNE 1ST, 1933.<sup>2</sup>

[*Translation.*]

Danzig, June 1st, 1933.

I have the honour to enclose, for the Council's information, my annual report<sup>3</sup> on the general situation at Danzig and on Polish-Danzig questions.

(*Signed*) Helmer ROSTING,  
*High Commissioner*

#### ANNUAL REPORT.

Danzig, June 1st, 1933.

The later months of 1932 were overcast by the death of my predecessor, Count Manfredi Gravina, League of Nations High Commissioner at Danzig since June 22nd, 1929, who succumbed to the consequences of a serious operation on September 19th, 1932. The loss of Count Gravina, who died at his post after devoting himself entirely to his heavy task for more than three years, was deeply felt by the whole population of the Free City who, without distinction of class or political party rendered a moving testimony of their gratitude and attachment to the representative of the League. Funeral ceremonies were organised by the Government of the Free City

<sup>1</sup> See *Official Journal*, July 1931, page 1137.

<sup>2</sup> For the High Commissioner's last general report, see document C.584.1932.I.

<sup>3</sup> For reasons of economy, the annexes to this report, which have been circulated in document C.386(a).1933.I, are not published.

and the representative of the Polish Republic, the Consuls resident at Danzig, the representatives of the Harbour Board, and some officials of the Free City also took part.

Before beginning my report, I should like to pay a tribute to the memory of Count Gravina.

### I. *General Situation at Danzig.*

Since my predecessor's last report, the situation at Danzig has developed in the direction of a general aggravation of economic and political conditions. In the first place, the increase in the number of unemployed, which had reached the figure of 40,726 in January is laying a heavy burden on the economic life of the Free City; secondly the atmosphere of uncertainty due to unsatisfactory economic conditions is reacting on domestic politics and on the relations between the Free City and Poland. Taken as a whole, I consider the year to have been one of the most difficult through which the Free City has passed since its creation.

I append to this report a report by the Government of the Free City on the economic and financial situation for the budget year 1932-33 (Annex 1),<sup>1</sup> and a report by the President of the Harbour Board on the activity of the Port of Danzig (Annex 2).

### II. *Internal Politics.*

Last summer, dissensions began to reveal themselves within the parties forming the Government majority in the Volkstag, more especially between the National-Socialist Party and the parties represented in the Senate. The National-Socialist Party was anxious that the Volkstag should be dissolved, hoping to increase its representation at the new elections. The Government parties were opposed to this. The National-Socialist Party put forward certain demands in the field of social policy in connection with unemployment grants and reductions of salaries and pensions. No negotiations were undertaken, however, and the National-Socialist Party intimated that it would withdraw its support from the Government parties, and, jointly with the Communist Party introduced a motion in the Volkstag on September 15th calling for a dissolution. They were unable, however, to secure a majority for this motion.

On November 30th, 1932, the motion introduced by the Communist Party calling for the repeal of the law on the full powers granted to the Senate on June 28th, 1932, passed its third reading in the Volkstag. The National-Socialist and Social-Democratic parties and the members for the Polish minority voted in favour. The Senate did not accept the vote of the Volkstag, but the latter confirmed its resolution at a fourth reading.

The Senate then decided (on January 20th, 1933) to submit the question to a popular vote, as is provided by the Constitution in such cases. On account of constitutional delays, the popular vote could not in any case have been taken before April 20th, 1933.

Meanwhile, negotiations had been opened between the National-Socialist Party and the Government parties with the object of arriving at an understanding that would enable the coalition to be reconstructed, the National-Socialist Party this time sharing in power. The negotiations continued for some time without any agreement's being reached as to the terms of an understanding, as the National-Socialist Party had made it a condition of its participation in the Government that it should have the Presidency of the Senate and the office of Senator for the Interior. These negotiations failed, and the National-Socialist Party went into opposition.

In the hope of stabilising the situation, the Government decided to introduce in the Volkstag a Bill to amend the Constitution and confer additional full powers on the Senate for a period of four years. The Government parties subsequently found that they could not reckon upon a majority for the Bill, and decided to withdraw it. At the sitting on April 13th, 1933, the Volkstag voted its own dissolution by forty-one votes to six; nineteen members did not vote.

The elections were fixed for May 28th.

Whenever an opportunity occurred, I did not fail to exert my influence in suitable quarters, so far as my position allowed me to do so, in the hope of mitigating as far as possible the dissensions that were revealed during the electoral campaign, which closed on May 28th.

On May 13th, the representatives of the Socialist trade unions of Danzig came and complained to me that, on the previous day a delegate of the National-Socialist Commissioner of the German Trade Union Association, having obtained a provisional order from the Danzig court of first instance, had relieved the higher officials of the Danzig Socialist trade unions of their functions, and taken possession, through a Court bailiff, of the premises and equipment belonging to the trade unions. The National-Socialist flag was hoisted on the trade-union building, which caused great agitation among the workers.

The trade-union representatives regarded these proceedings as a breach of the Constitution of Danzig, and appealed to the League of Nations to intervene. I at once communicated with the Government of the Free City and obtained an official statement of these events, which was brought to the Council's notice on May 16th, 1933 (see document C.292.1933.I).<sup>2</sup>

<sup>1</sup> For the annexes, see document C.386(a).1933.I.

<sup>2</sup> See *Official Journal*, June 1933, page 702.

Realising, moreover, that, in the circumstances in which it had arisen, the flag question might cause excitement which it was necessary to avoid, I communicated direct with the chief of the Danzig National-Socialist Party and suggested that, in the interests of public safety at Danzig, he should have the flag removed. He refused to admit that he was bound to do so, on the ground that the flag had been hoisted by a private person on a building of which he had legally though only provisionally obtained possession, but out of personal deference to the High Commissioner he immediately carried out my suggestion.

On May 15th, the representatives of the Danzig trade unions submitted to me a petition alleging that the delivery of the property of the trade unions to the representatives of the German National-Socialist Trade Union Association was a breach of the Constitution, making reference to the instructions conveyed to the High Commission by the letter approved by the Council on June 10th, 1925, on the subject of petitions, I requested the Secretary-General to bring the petition in question to the notice of the Council (see document C.331.1933.I).<sup>1</sup>

The Danzig trade unions appealed against the provisional decision of the court of first instance, dated May 12th, whereupon the court confirmed its decision by a judgment dated May 22nd. The trade unions then appealed against this judgment to the court of second instance (see document C.354.1933.I).<sup>2</sup>

On May 14th, the representatives of the National-Socialist Party at Danzig intimated to the High Commissioner that, should the National-Socialist Party at Danzig take over the Government of the Free City it was firmly determined to observe strictly the existing treaties and to respect Poland's rights as laid down therein, and would loyally observe the Constitution of the Free City guaranteed by the League of Nations (see document C.292.1933.I).

On May 22nd, I handed the President of the Senate an *aide-mémoire*, in which I drew the Government's attention to the fact that, should the provisions of the Danzig Constitution establishing the liberty of vote not be strictly and scrupulously observed, the result of the election ran the risk of being declared null and void. On the same day the President of the Senate made a statement assuring me that the Government had taken, and was resolved to take in the future, all steps to ensure complete liberty of voting by all the means at the State's disposal (see document C.341.1933.I).<sup>3</sup>

One of the features of the electoral campaign that has lately closed was the considerable decline in the number of political parties owing to the formation of groups.

Although the campaign was a very heated one, order and public safety were maintained, thanks to the energetic action of the Government and the discipline displayed, for the most part, by the political parties; polling day in particular, passed off in perfect calm.

The result of the elections may be seen in the following table:

Parties	1933		1930	
	Votes	Seats	Votes	Seats
National-Socialist Party	107,331	38	32,457	12
Social Democratic Party	37,882	13	49,965	19
Centre Party	31,336	10	30,230	11
Communist Party	14,566	5	20,194	7
Black-White-Red Coalition	13,596	4	25,938	3
House-property Owners' Party ( <i>Hausbesitzerpartei</i> )	976	—	6,638	3
Young German Party	1,698	—	6,708	3
Polish Party				
Czarnecki List	4,358	1	} 6,377	2
Dr. Moczynski's List	2,385	1		
Total. 215,341 votes as against 233,842 registered voters.				
Votes: Valid—214,128   invalid— 1,213.				
			Other parties in existence in 1930	
			National-Liberal Party	4,400   2
			German Liberal Party	3,254   1
			Employees' Party	4,685   2
			Railway Employees' Party	3,480   1
			Tenants' Party	1,312   —
			Fishermen's Party	898   —
			Total. 197,871 votes.	

<sup>1</sup> See *Official Journal*, June 1933, page 703.

<sup>2</sup> See *Official Journal*, June 1933, page 709.

<sup>3</sup> See *Official Journal*, June 1933, page 708.

On May 30th, the Senate, presided over by Dr. Ziehm, resigned, on account of the results of the elections. In pursuance of Article 31 of the Constitution. Dr. Ziehm will continue to despatch current business until the election of the new Senate.

### III. *Relations between Danzig and Poland.*

Generally speaking, it is impossible to deny that, in the course of the past year, relations between Poland and the Free City of Danzig have grown worse. This fact is shown by the number and importance of the disputes of all kinds submitted by both parties for decision by the organs of the League of Nations.

Danzig business circles have criticised certain Polish measures the effect of which was to place obstacles in the way of the entry of Danzig goods into Polish territory and more especially of the products connected with the passive finishing trade and the Danzig quotas. The Senate of the Free City is of opinion that such measures cannot be reconciled with the Council resolution of May 19th, 1932.

Last spring, the tension between Danzig and Poland entered an acute phase as the result of various incidents, the most important of which was the entry into Danzig harbour of the destroyer *Wicher* of the Polish Navy accompanying a British squadron which was paying a visit to Danzig. The arrival of a squadron of the German fleet, which remained in Danzig waters from June 24th to 27th, was also preceded by certain difficulties.

The tension was nevertheless considerably relaxed during August as a result of the signature, under the High Commissioner's auspices, of the Protocols of August 13th, 1932,<sup>1</sup> by the representatives of Poland and the Free City respectively. These agreements settled the question of the harbour facilities to be afforded to Polish war vessels in Danzig; they also embodied declarations by the representatives of the two parties relating to the discontinuance of economic propaganda directed against the undertakings and products of the other party.

The improvement in the situation consequent upon the signature of the agreements of August 13th was unfortunately of only short duration, the autumn brought new difficulties in the matter of trade and Customs tariffs.

During the month of November, a dispute arose between the parties as a result of the Polish Government's decision to introduce the zloty as legal tender on the Free City railways as from December 1st, 1932.

The Senate of the Free City requested the High Commissioner to treat the case as one of direct action, and, on November 4th, the High Commissioner referred the question to the Council. On November 26th, 1932, the negotiations, opened in Geneva under the auspices of the High Commissioner, resulted in the conclusion of an agreement dealing in the first place with the question referred to the Council by the High Commissioner, and, in the second place, with the question of the treatment in Danzig of Polish nationals and other persons of Polish origin or speech, the so-called "school expenditure" question and the sale of newspapers in the territory of the two parties (see document C.802.1932.I).-

In this case also, the improvement in the relations between the two parties which very naturally followed the conclusion of these agreements did not last long. The progress made in Danzig by the National-Socialist Party coupled with its progress in the Reich, caused serious apprehension in Poland. In Danzig, repeated complaints were made with regard to certain Polish measures which placed very serious obstacles in the way of trade between the Free City and Poland.

March 6th, which was the day following the German elections, marked the inception of a new dispute between Poland and Danzig in consequence of the reinforcement of the Polish guard detachment on the Westerplatte. As this dispute was submitted to the Council, I need not go into all its details in the present report.<sup>3</sup>

For some time past, and more especially during the period preceding the elections, the Polish diplomatic representative has frequently drawn the High Commissioner's attention to certain incidents which have occurred in the territory of the Free City in many cases at the instigation of members of the National-Socialist Party a circumstance which, in the Polish representative's opinion, proves that security conditions in Danzig are unsatisfactory. When asked by the High Commissioner for information with regard to these incidents, the Senate of the Free City on the other hand, has constantly maintained that the Polish complaints were for the most part unfounded and that, in any case, the incidents referred to were not such as to justify the assertion that security conditions in Danzig were less satisfactory than in neighbouring countries.

### IV *Harbour Board.*

In its request, dated August 20th, 1932, the Senate of the Free City asked the High Commissioner to modify the Harbour Board's decision of May 11th, 1932, with regard to the works to be carried out at the mouth of the Vistula. Following conversations in which I discussed the subject with both parties, they agreed to the suspension of the procedure relative to this question. In a letter dated May 5th, 1933, the Senate withdrew its request of August 20th, 1932.

### V *Visit of Foreign War Vessels to Danzig.*

An English naval detachment consisting of the destroyers *Campbell*, *Windsor Walpole*, *Vidette* and *Westminster* was at anchor in Danzig harbour from June 14th to 18th, 1932. This visit was followed by that of the German cruiser *Schlesien*, accompanied by torpedo boats T. 190 and G. 10, from June 24th to 27th.

<sup>1</sup> See *Official Journal*, January 1933, page 142.

<sup>2</sup> See *Official Journal*, December 1932 (Part II), page 2282.

<sup>3</sup> See *Official Journal*, April 1933 (Part II), pages 626 and 634.

VI. *Participation in and Accession to International Treaties and Agreements by the Free City, and Agreements concluded between Danzig and Poland from June 1st, 1932, to June 1st, 1933.*

A list of these agreements will be found in Annex 3.

VII. *Free City Railways.*

The question of school expenditure in respect of the children of railway employees, which had been referred to the High Commissioner for decision under the Senate's request of February 1st, 1932, was settled in the agreement concluded by Poland and Danzig at Geneva on November 26th, 1932.

The same agreement settled another railway question which had been submitted to the High Commissioner by the Senate on November 3rd, 1932—namely that of the currency for the payment of railway charges in Danzig.

Two further requests relating to the railways were submitted to me by the Senate of the Free City on January 14th and 19th, 1933, regarding the dismissal and retirement of certain employees and officials of Danzig nationality belonging to the operating staff of the Danzig railways.

The High Commissioner's good offices having been requested by the Senate in the question of the transfer of the management of the Danzig railways and in that of the established right of the Free City's delegate to information from the railway management, I have opened the necessary preliminary negotiations with the parties.

VIII. *Liquidation of the Estate belonging to a Danzig National, M. von Rützen-Kositzkau.*

The advisory opinion formulated by the Committee of Experts on January 12th, 1933, together with the dissenting opinions expressed by the experts appointed by the two parties, having been communicated to me by its Chairman, M. Paul Lachenal, on March 9th, 1933, I issued my decision on March 31st, 1933, with regard to the equitable compensation due to the Danzig national M. Klaus Günther von Rützen-Kositzkau in consequence of the liquidation of the Paskowo estate. Under the agreement concluded by Poland and Danzig on August 16th, 1928, this decision became immediately applicable (see document C.238.1933.I).

IX. *Customs.*

My efforts to arrive at a general solution of the questions submitted to the High Commissioner for decision in the Polish Government's requests of September 15th, 1931, and February 29th, 1932, and also in the request of the Senate of the Free City dated April 13th and 18th, 1932, having failed, I was led to take the following decisions:

(1) A decision, dated November 20th, 1932, with regard to certain Customs matters submitted to the High Commissioner under the Polish Government's request of September 15th, 1931

(2) A decision, dated November 20th, 1932, regarding the question of import quotas (Polish Government's request of February 29th, 1932)

(3) A decision, dated November 20th, 1932, regarding the question of nationalised quota goods (request of the Senate of the Free City dated April 13th and 18th, 1932).

The Polish Government and the Senate of the Free City appealed on December 17th and 30th, 1932, respectively against the two first decisions mentioned above, while, on December 30th, 1932, the Polish Government appealed against the third decision. Decisions 1<sup>1</sup> and 3<sup>2</sup> above were confirmed by the Council's resolutions of February 1st, 1933, and have therefore come into force.

As regards the other decision (No. 2),<sup>3</sup> the Council decided on the same date not to pronounce for the moment on the appeals made by the two Governments pending the examination of the question—which relates to charges to be introduced into the Warsaw Agreement—by the experts to be consulted by the High Commissioner with regard to the other requests submitted to him last year in connection with the modification of the Warsaw Agreement.

At the request of the parties, and in compliance with my decision of November 20th, 1932, with regard to the Polish request of September 15th, 1931, I duly appointed M. Nederbragt, on April 18th, 1933, as neutral expert to preside over the Commission provided for in the Warsaw Agreement, Annex II (Customs), § 13, clause 3.

As regards the question of export bounties (Danzig request, dated December 2nd, 1930), the High Commissioner's efforts to induce the parties to accept the compromise proposed by M. Häusermann, in his expert opinion dated March 18th, 1931, having failed, I requested the Secretary-General, on March 4th, 1933, to be good enough to take the necessary steps to enable me to obtain a legal opinion in the matter. M. Vallotton, Barrister-at-Law Doctor of Laws, of Lausanne, has agreed to undertake this task.

Two further requests relating to Customs matters were submitted to the High Commissioner by the Senate of the Free City on August 11th and 12th, 1932—the two questions involved were the Polish system of Customs facilities and the question of quota duties in Danzig as compared

<sup>1</sup> See *Official Journal*, February 1933, page 225.

<sup>2</sup> See *Official Journal*, February 1933, page 234.

<sup>3</sup> See *Official Journal*, February 1933, page 232.

with Polish Customs duties. In accordance with the rules of procedure drawn up by the Council on June 11th, 1925, in respect of differences between Danzig and Poland, M. Häusermann, Inspector-General of Swiss Customs, and M. Nederbragt, Director at the Netherlands Ministry for Foreign Affairs, were requested to give a technical and legal opinion on the questions raised in the two requests.

Other Customs questions were referred to me for decision in the Polish Government's request of March 9th, 1933, with regard to the question of the jurisdiction of the Free City courts in actions brought against Polish Customs inspectors in their official capacity and in the request of the Senate of the Free City dated April 24th, 1933, with regard to the question of the inclusion of Customs inspectors in the list of Polish diplomatic personnel.

#### X. *Amendments to the Warsaw Agreement.*

On February 9th, 1933, I asked for a legal and technical opinion on the questions which have recently been raised with regard to the revision of the Agreement concluded by Poland and Danzig at Warsaw on October 24th, 1921, and more especially in the following requests submitted to the High Commissioner:

- (a) Polish Government's request of March 1st, 1932, relative to Customs organisation,
- (b) Request of the Senate of the Free City dated June 28th, 1932, with regard to the Polish Postal Service;
- (c) Request of the Senate of the Free City dated June 28th, 1932, with regard to Customs questions, imports and exports;
- (d) Polish Government's request, dated October 22nd, 1932, regarding the acquisition and loss of Danzig nationality

For this purpose, M. Calmes, member of the Supreme Council of the Belgo-Luxemburg Economic Union, Mr. Carr, of the British Foreign Office, and M. Ivan Soubbotitch, Legal Adviser to the Yugoslav Ministry for Foreign Affairs, were asked to serve on the Committee entrusted with formulating the opinion requested by the High Commissioner. This Committee entered upon its duties in London on April 25th, 1933, the High Commissioner being present.

A further request with regard to the revision of the Warsaw Agreement was subsequently submitted to me by the Senate of the Free City on March 1st, 1933.

#### XI. *Use of the Port of Danzig.*

In a letter dated May 19th, 1932, referring to the Council's resolution of May 10th, 1932,<sup>1</sup> under which the question of the use of the Port of Danzig was referred to him for examination, the High Commissioner requested a technical and legal opinion in accordance with the rules of procedure drawn up by the Council on June 11th, 1925, on the question of whether the Polish Government was not in fact making full use of the Port of Danzig. The Committee of Experts presided over by M. Hostie, member of the Permanent Legal Committee of the Advisory and Technical Committee for Communications and Transit, gave its opinion on September 14th, 1932. This opinion was communicated to the parties on September 21st, 1932. The parties entered into negotiations under the High Commissioner's auspices in the hope that it would be possible to reach an agreement on the basis of the above-mentioned opinion.

#### XII. *Treatment of Polish Nationals and Other Persons of Polish Origin or Polish Speech.*

In the agreement concluded at Geneva on November 26th, 1932, the parties accepted the conclusions embodied in the opinion given by the Permanent Court of International Justice on February 4th, 1932.<sup>2</sup> In pursuance of § 1 of the above-mentioned agreement, the parties entered into direct negotiations under the High Commissioner's auspices with a view to reaching a final solution of the problem.

#### XIII. *Diplomatic Questions.*

I opened conversations with the parties, with a view to reaching agreement on certain questions referred to the High Commissioner either for a decision under Article 39 of the Paris Treaty or for mediation—namely:

- (a) Question of passports issued to Danzig nationals by Polish offices abroad (request of the Senate, dated April 7th, 1931)
- (b) Question of instruments of ratification drawn up by the President of the Polish Republic for treaties to which the Free City of Danzig is a contracting party
- (c) Question of *communiqués* issued by the Senate of the Free City concerning the *exequatur* to foreign consular agents resident at Danzig.

<sup>1</sup> See *Official Journal*, July 1932, page 1178.

<sup>2</sup> See *Official Journal*, March 1932, page 522.

#### XIV *Taxes and Duties.*

Two requests on the subject were submitted to me by the Polish Government on January 19th, 1933, concerning respectively the stamp duty imposed on the Polish-Transatlantic Shipping Company and the duty to be levied on the value of a building situated at Heeresanger, 11.

#### XV *Question of Procedure in the Matter of Direct Action.*

A difference of opinion having arisen between the parties in connection with the discussion of the question of the introduction of the zloty as a means of payment on the Free City railways, the Council, by its resolution of November 28th, 1932,<sup>1</sup> appointed a Committee of Three of its Members to examine the question of direct action with a view to setting up a more satisfactory procedure. The High Commissioner, in his letter of January 11th, 1933, forwarded to the Members of the Committee of Three statements which the parties had submitted to him on January 10th. At the meeting on February 1st,<sup>2</sup> the Committee of Three submitted a report on the question to the Council. With a view to enabling the parties and the Council to make a detailed study of that report, the question was adjourned to one of the next sessions of the Council, in the hope that it may then be possible to reach an agreement which will permit of the necessary improvements in procedure being made.

#### XVI. *Works on the Westerplatte.*

On April 19th, 1933, I received from the Senate of the Free City a request asking me to give a decision with a view to the removal of certain defensive works which had been carried out on the Westerplatte on the occasion of the increase in effectives of the Polish guard in March last. The Polish Government informed me that those works had already been almost completely removed. On visiting the Westerplatte on May 16th, 1933, I found that not only had the defensive works referred to in the Senate's request of April 19th, 1933, been removed, but that other works not mentioned in that application had also disappeared.

On May 17th, 1933, I informed the parties that, in the circumstances, I regarded the matter which formed the subject of the Senate's request of April 19th, 1933, as settled.

#### XVII. *Dispute between the Senate and the Danziger Werft.*

In a request dated January 30th, 1930, the International Shipbuilding and Engineering Co., Ltd., Danzig, applied to the League of Nations High Commissioner with a view to obtaining an arbitral decision under Article 22 of the lease concluded between that company on the one hand and the Governments of Poland and of the Free City on the other concerning a dispute which had arisen between the said company and the Senate of the Free City of Danzig with regard to the reconstruction of a pontoon bridge connecting the island of Holm with the mainland.

Acting in virtue of the provisions of Article 22 of the above-mentioned lease, which provides that all disputes that may arise concerning that lease shall be submitted for arbitration to the League of Nations High Commissioner at Danzig, or to the person or persons appointed by him, I requested M. Harald Koch, Danish Consul-General at Danzig, to be good enough to undertake, in the present case, the duties laid down in Article 22.

M. Koch expressed his willingness to undertake this task and gave his arbitral award on May 27th, 1933.

#### XVIII.

It will be seen from the above that, since my assumption of office on October 15th, 1932, ten disputes referred to the High Commissioner have been settled. A number of other matters have been arranged through the mediation of the High Commissioner without its being necessary to employ the formal procedure.

At the present date, twenty-seven questions are before the High Commissioner for decision under Article 39 of the Paris Treaty: seven of those questions are being examined by expert committees; negotiations instituted between the parties under the High Commissioner's auspices concerning disputes of greater importance have been attended by regrettable delay due, on the one hand, to the tension in Danzig-Polish relations following on the Westerplatte incident and, on the other, to the elections in Danzig. Those negotiations will be resumed directly after the constitution of the new Senate.

(Signed) Helmer ROSTING,  
High Commissioner

<sup>1</sup> See *Official Journal*, December 1932 (Part II), page 1960.

<sup>2</sup> See *Official Journal*, February 1933, page 236.

C.33.1934.VII.

2. LETTER, DATED JANUARY 6TH, 1934, FROM THE HIGH COMMISSIONER OF THE LEAGUE OF NATIONS AT DANZIG TO THE SECRETARY-GENERAL, TRANSMITTING HIS GENERAL REPORT DATED JANUARY 6TH, 1934.<sup>1</sup>

[*Translation.*]

Danzig, January 6th, 1934.

I have the honour to send you herewith a general report for the period June 1st to December 31st, 1933, and shall be glad if you will communicate it to the Council.

(*Signed*) Helmer ROSTING,  
High Commissioner

## GENERAL REPORT.

[*Translation.*]

Danzig, January 6th, 1934.

Many events have taken place since my annual report to the Council dated June 1st, 1933,<sup>1</sup> both in respect of internal policy and Danzig-Polish relations. Although I have duly informed the Council of the most important events as they have occurred, I think it may be useful, before relinquishing my post, to submit a last general report forming a survey of the period June 1st to December 31st, 1933.

At the elections held on May 28th, the National-Socialist Party obtained an absolute majority in the Popular Assembly—thirty-eight out of seventy-two seats.—The Volkstag met for the first time on June 20th, and elected the Government, in accordance with Article 25 of the Constitution. The new Senate was composed as follows:

*Salaried Senators*

Dr. Rauschnig, *President of the Senate*  
M. Greiser, *Vice-President of the Senate*  
M. Boek;  
M. Huth,  
Dr. Hoppenrath,  
M. Hohnfeld.

*Unsalariesd Senators*

Dr. Wiercinski-Keiser  
Dr. Hoepner  
Dr. Kluck;  
The Right Reverend Sawatzki,  
M. Bertling.

The Centre Party had helped to form a Coalition Government with the National-Socialist Party in the person of two Senators, M. Wiercinski-Keiser and M. Sawatzki. Certain differences having later arisen between the parties in power, M. Wiercinski resigned as Senator of the Centre Party on September 20th, he was re-elected Senator by the National-Socialist Party. The Centre Party then decided to leave the Coalition. It did so on September 22nd, following on the resignation of M. Sawatzki. From that date, the Government was solely National Socialist. The place vacated by Senator Sawatzki of the Centre was accorded to M. Batzer, a member of the National-Socialist Party. The German National Party which, with the support of the Centre, had formed the previous Government, decided on September 5th to dissolve. On the same date, the Senate appealed to the former adherents of this party to co-operate in the Senate's programme of work.

So far back as May 14th, the representatives of the National-Socialist Party at Danzig had assured the High Commissioner that their party if it were returned to power, intended to respect existing treaties scrupulously to safeguard Poland's rights under these treaties and loyally to abide by the Constitution of the Free City as guaranteed by the League of Nations. This statement was duly reported to the Council.<sup>3</sup>

<sup>1</sup> For the High Commissioner's last general report, see document C.386.1933.I (see page 988).

<sup>2</sup> See document C.418.1933.I.

<sup>3</sup> See document C.292.1933.I (*Official Journal*, June 1933, page 702).

On June 23rd, 1933, the President of the new Senate explained the Government's programme to the Volkstag. I think it may be useful to quote a few passages from this speech.<sup>1</sup>

The new Senate is in favour of a policy of peace, respect for contracts, obedience to laws and treaties and the absolute maintenance of the constitutional rights of all citizens, and it also remains true to the Constitution, which is placed under the protection of the League of Nations and provides a guarantee of peace.

It further desires to respect all foreign national elements. In particular, the National-Socialist movement, as represented in the new Senate, in recognising the absolute right of national self-determination, adopts this principle, which alone offers a guarantee for a new and just order of things among the nations.

As a result of this principle, the Senate is desirous of endeavouring, as regards the relations of Danzig with Poland, to clear up all outstanding questions by direct negotiations and to give to those relations that character which is essential under existing commercial conditions if the present serious troubles are not to lead to definite alienation."

### *Polish-Danzig Relations.*

On July 3rd—a few days after assuming office—the President and the Vice-President of the Senate of the Free City paid an official visit to Warsaw.<sup>2</sup> The only other occasion on which the Senate had paid an official visit to the Polish Government was in 1921, when the Polish-Danzig Agreement of October 24th, 1921, was signed.

This visit, which aroused great and widespread interest, has been of exceptional value in helping to create a better atmosphere favourable to the reopening of the negotiations which had been begun between the two parties under the auspices of the High Commissioner, but had been interrupted during the period of the elections.

The parties have, in fact, decided to enter into negotiations covering a very wide field, for the purpose of reaching a friendly settlement of questions outstanding between them. A programme was drawn up by common consent including, in all, six groups of questions, each group to be dealt with by a Mixed Commission. The following questions have been examined by the Commissions: treatment of Polish nationals in Danzig and other persons of Polish origin or speech, utilisation of the port of Danzig by Poland, passports issued abroad to Danzig nationals by Polish diplomatic or consular authorities; the drafting of instruments of ratification for treaties concluded by Poland to which Danzig is a contracting party: taxes and rates; questions connected with the Harbour Board.

The negotiations conducted under the auspices of the High Commissioner led on August 5th to the conclusion of a number of agreements.<sup>3</sup> The points covered include the dispute concerning the utilisation of the port of Danzig by Poland, the treatment of Polish minorities at Danzig, and certain diplomatic questions.

The first of these points was settled by an Arrangement based on the guaranteeing by Poland of a minimum volume of trade through the port of Danzig and the equal participation of this port with the port of Gdynia in the sea-borne trade, taking into account the value as well as the quantity of the goods. With regard to the second point, an agreement was also initialled on August 5th. This agreement lays down the details of the status of the Polish minority in Danzig. By an exchange of letters between the Polish Government and the High Commissioner on the one hand and the Senate of the Free City and the High Commissioner on the other, the three so-called "diplomatic" questions outstanding (concerning instruments of ratification, Danzig passports and the granting of *exequatur*s to consuls resident in Danzig) were also disposed of.<sup>4</sup> On September 18th, 1933,<sup>5</sup> I informed the Secretary-General that, on the same day a Protocol had been signed at Warsaw embodying the results of the negotiations conducted between the parties in execution of the provisions of the Agreement of August 5th concerning the question of the utilisation of the port of Danzig. On the same date, an Agreement was signed at Danzig concerning the treatment of Polish nationals and other persons of Polish origin or speech in the territory of Danzig, the text of which had been initialled on August 5th.

On August 8th, the Volkstag was convened to hear the statement of the President of the Senate regarding the agreements concluded with Poland. He first referred to the National-Socialist Party's desire for peace and its intention to respect the treaties concluded with Poland—sentiments which it had expressed both before and after its accession to power. Its aim was to achieve a friendly settlement of the many outstanding differences between the two countries, and thus lay the requisite foundation for lasting collaboration. The President then drew attention to the importance of the agreements concluded. He expressed his appreciation of the High Commissioner's good offices in the conclusion of these agreements and ended his general declaration by noting that two alternatives, and two only were open to the Free City: either it must reach a lasting agreement with Poland by which it could live and be independent—the policy pursued under the agreements

<sup>1</sup> See document C.418.1933.I.

<sup>2</sup> See document C.437.1933.I.

<sup>3</sup> See document C.460.1933.I (*Official Journal*, October 1933 (Part I), page 1156).

<sup>4</sup> See document C.468.1933.I (*Official Journal*, October 1933 (Part I), page 1161).

<sup>5</sup> See document C.529.1933.I (*Official Journal*, November 1933 (Part I), pages 1330 and 1541).

of August 5th—or, if that policy failed, the Statute of the Free City must be revised on lines which would take account of its indubitably German character. The Governmental declaration having been put to the vote, all the deputies, except the Communists, voted in favour.

On September 22nd, some days after the signature of the agreements with Poland, the Polish Government returned the Senate's visit to Warsaw on July 3rd. The presence at Danzig of the President of the Council of Ministers, M. Iedrzejewicz, and the Minister of Commerce, M. Zarzycki, aroused great public interest.<sup>1</sup>

The atmosphere of mutual comprehension created by the exchange of visits and the conclusion of important agreements made it possible to settle in a friendly manner an incident, deplorable in itself, which in other circumstances might have produced incalculable results: on September 5th, a Polish national, the director of a coal-exporting company was assaulted and injured by some National Socialists because he had not given the salute when certain Hitlerite groups were parading through the main street of Danzig. The guilty parties were brought to justice and a very considerable sum was adjudged to the victim by way of compensation.

The improvement in Polish-Danzig relations was emphasised by the visit of the Danzig Scouts to the Polish Scouts' camp at Zakopane and of Polish scouts to Danzig, and by a tour of a group of Danzig journalists in Poland and of a visit of Polish journalists to Danzig. Finally in the autumn, a football match took place in Danzig between a Warsaw team and the Danzig team for a prize offered by the Polish diplomatic representative at Danzig.

At its meeting on September 28th, the Council was informed of the conclusion of the above-mentioned agreements and heard a speech by the President of the Senate, in which Dr. Rauschnig explained the main lines of the policy which Danzig intended to pursue in its relations with Poland.

On December 11th, President Rauschnig again visited Warsaw in order to maintain the direct contact established with the Polish authorities. He was received by Marshal Pilsudski and the Ministers for Foreign Affairs and Commerce.

### *Internal Policy.*

In a speech in the Volkstag on June 23rd, the President of the Senate announced that the Senate, continuing the policy of the previous Government in this respect, would submit to Parliament for approval a Bill to invest the Government with full powers. This Bill was presented to the Volkstag next day and was approved that same day by fifty votes to nineteen.

This law known as the "Ermächtigungsgesetz zur Behebung der Not von Volk und Staat" the text of which I communicated to the Council on June 26th,<sup>2</sup> came into force on that date. It replaced the Law on Full Powers, of September 1st, 1931, in the form this law had assumed on June 30th, 1932, and will remain in force until June 30th, 1937 at the latest. It can, however, be abrogated before that date by vote of Parliament or by decision of the Government.

The Law on Full Powers enables the Government, within the general framework of the Constitution, to promulgate decrees having force of law in the various spheres of the administration.

Under this law a large number of measures have been adopted by the Government. At my request, the Senate of the Free City was good enough to send me a report explaining the actions of the Government in the various spheres of the administration. This report is appended as Annex I to the present document.

I think I should perhaps mention some of the measures adopted by the Senate in view of their relationship with the Constitution of the Free City which is placed under the guarantee of the League of Nations.

On June 30th, 1933, in virtue of the Law on Full Powers, the Senate promulgated a decree known as "Rechtsverordnung betreffend Massnahmen zur Erhöhung der öffentlichen Sicherheit und Ordnung" which came into force on July 5th. Article I of this decree regulates the right of association, Article II modifies the Law of June 30th, 1931, concerning the maintenance of public order: it consists of two sections, one of which deals with printed matter (*Druckschriften*) while the other amends in certain respects the provisions of the German Penal Code in force in Danzig. Article III partly modifies the Prussian Law of February 12th, 1850, on the protection of the person.

It may perhaps be as well to give all the clauses of Article III concerning preventive custody (*Schutzhaft*) which has created some difficulties in practice and which, on several occasions, has necessitated action on my part.

"Article III, § 6, paragraph 2, of the Prussian Law on the Safeguarding of Individual Liberty of February 12th, 1850, is amended as follows:

"Persons taken into preventive custody by the police may not be thus detained for more than three months, unless they were placed in custody as being a social danger owing to mental alienation. In communes having a State police administration, the decision concerning such custody shall lie with the Police President and, in other communes, with the *Landrat*. Persons thus kept in custody may appeal to the Senate. The decision of the Senate shall be final."

<sup>1</sup> See document C.543.1933.I.

<sup>2</sup> See *Official Journal*, November 1933 (Part I), page 1330.

<sup>3</sup> See document C.419.1933.I.

The article of the Prussian Law of February 12th, 1850, as amended, is thus worded.

“The authorities, officials and police agents referred to in § 3 are empowered to take persons into preventive custody when the individual safety of these persons or the maintenance of public morals, safety and order urgently so require. Persons taken into preventive custody must, however, be released not later than the following day or, alternatively the necessary steps must be taken within this period to hand over these persons to the competent authorities.”

Article III of the Decree of June 30th, 1933, replaces the provisions in the Ordinance of June 30th, 1931 (amending § 6 of the above-mentioned Prussian Law), which was communicated to the Council in the High Commissioner's report of August 15th, 1931.<sup>1</sup> These provisions are worded as follows:

“I. Paragraph 2 of § 6 of the Prussian Law on the Safeguarding of Individual Liberty of February 12th, 1850 (Collection of Prussian Laws, page 45), is amended as follows:

“Persons taken into preventive custody by the police may not be thus detained for more than three weeks or be detained again in the same manner within three months. In communes having a State police administration, the decision concerning such custody shall lie with the Police President and, in other communes, with the *Landrat*. Persons thus kept in custody may appeal to the Senate.”

In every case where, after careful consideration, I felt that a measure adopted by the Government might, either in form or practice, be deemed likely to infringe the provisions of the Constitution placed under the guarantee of the League of Nations, I entered into communication with the Senate in order that my action should be in harmony with the instructions issued to the High Commissioner for cases of this kind.

On several occasions, for instance, I expressed to the President of the Senate my anxiety as to whether the Decree of June 30th, 1933, concerning preventive custody was in practice compatible with the spirit of the Constitution.

During the summer, this measure was applied on an increasing scale and the situation grew worse. At its meeting on August 23rd, the Volkstag voted, at the request of the Government, by thirty-one votes to twenty-nine, the abrogation of the parliamentary immunity of the Social-Democrat Deputy Brill in order that he might be placed in preventive custody. Moreover, the newspaper *Der Vorposten*, the organ of the Danzig National-Socialist Party published extremely violent articles with threats to lynch opposition politicians.

In view of these facts, I entered into communication with the President of the Senate and drew his attention to the possible consequences, particularly as part of the population was becoming rather alarmed.

The President of the Senate was good enough to give careful attention to the cases I had quoted as grounds for my action. He assured me, on September 8th, that the Government had decided to replace the provisions of the Decree of June 30th, 1933, concerning preventive custody by the text of June 30th, 1931, communicated to the Council in the High Commissioner's special report of August 15th, 1931.<sup>1</sup>

The duration of preventive custody was thus reduced from three months to three weeks, and the right of appeal to the administrative tribunal was again allowed. On the other hand, the clause in the Decree of June 30th, 1933, by which terms of preventive custody could, in theory follow one another indefinitely was maintained in the new text.

Speeches delivered on various occasions by certain senators, in which the return of Danzig to Germany was advocated, and the Senate's decision to fly flags at half-mast on public buildings on the anniversary of the signature of the Treaty of Versailles, led me to remind the Government of the Council's decision of May 22nd, 1931, in which the Council “expressed its disapproval of all demonstrations or acts directed against the Statute of the Free City from whatever quarter they may come” Following on my representations, the Government reversed its decision.

The activity at Danzig of M. Forster, Reichstag Deputy and Head of the National-Socialist Party for the Danzig District, led me, when the National-Socialist Party came into power, to ask the President of the Senate what were the relations between the Government and M. Forster. The President of the Senate replied that M. Forster was simply the leader of the National-Socialist movement and that he had no influence on the conduct of the Government.<sup>2</sup> Certain speeches delivered by M. Forster in which, as they were reported by the Press, he had either identified himself with the Government or had implied that he exercised some control over its actions, obliged me to draw the attention of the President of the Senate to this point. The President of the Senate declared that the newspaper reports of these speeches were not correct.

On November 4th, I felt obliged to ask the Secretary-General to be good enough to bring to the notice of the Council a matter which had originated in a speech delivered on October 31st

<sup>1</sup> See document C.502.1931.I.

<sup>2</sup> See document C.408.1933.I.

by the Vice-President of the Senate, in the presence of the Danzig police organisations.<sup>1</sup> According to Press accounts, the Vice-President of the Senate had made a statement regarding the freedom of State officials to hold political opinions and form associations. I drew the attention of the President of the Senate to this point in connection with certain apposite clauses of the Danzig Constitution. Petitions alleging the violation of constitutional provisions concerning freedom of thought were submitted to me by the representatives of the *Danziger Landeszeitung* and the *Danziger Volksstimme*, which had been suspended for publishing accounts of the speech in question. As this matter will be examined by the Council at its next session in January I feel it unnecessary to go into any details in the present report.

Subsequently on December 5th, I thought it my duty to inform the Council<sup>2</sup> of further representations by the High Commissioner to the President of the Senate regarding a speech delivered on November 21st by the Vice-President of the Senate at a meeting of law officials. The following passages of this speech as reported in the *Danziger Neueste Nachrichten*. "The crux of the present struggle is whether the independence of the judiciary shall be maintained or abolished.

In the National-Socialist totalitarian State, objective law should give way to the subjective law of the National-Socialist State. " were, in particular, of a nature to cause anxiety regarding the provisions of the Danzig Constitution in the matter of the independence of the judiciary. The President of the Senate assured me that the Government was firmly determined that the independence of the judiciary should not be in any way affected, and sent me a memorandum containing a rectification of the account of the speech of the Vice-President of the Senate published in the *Danziger Neueste Nachrichten*.

In virtue of a Decree of July 29th, 1933, promulgated by the Senate under the Law on Full Powers of June 24th, 1933, the municipal administration may until new rules of communal administrative law have been established, be handed over to State Commissioners. In application of this Decree, commissioners were appointed for the town of Zoppot and for a number of other communes. In view of this, I asked the President of the Senate to be good enough to inform me of the Senate's views regarding the relationship of the Decree of June 29th, 1933, and of the measures adopted thereunder, to Article 68 of the Danzig Constitution concerning the communes' powers of administrative self-government.<sup>4</sup>

Having received information from various sources regarding a re-organisation of the Danzig police, its effectives, and the militarisation of the force, I asked the President of the Senate on November 3rd, referring to the report approved by the Council on May 22nd, 1931,<sup>5</sup> regarding the powers and duties of the High Commissioner as representative of the League of Nations, to be good enough to supply me with official information concerning the re-organisation of the police, in order that I might transmit this information to the Council. On November 8th, the President of the Senate, without, however, endorsing my opinion concerning the report approved by the Council on May 22nd, 1931, forwarded to me the desired information.<sup>6</sup>

On November 4th, 1933, the "Allgemeiner Arbeiter-Verband der Freien Stadt Danzig" founded on May 17th, 1933, was dissolved by order of the Police President. The latter was of opinion that the "Allgemeiner Arbeiter-Verband" since it only admitted workmen as members in conformity with the principle of class warfare, was contrary to the Government's policy of co-ordinating all the elements of production. The "Allgemeiner Arbeiter-Verband" appealed to the Administrative Tribunal against the decision of the Police President, asserting that this decision was contrary to Article 113 of the Constitution, which guarantees freedom of association for the purpose of safeguarding and promoting the interests of labour.

The case is still under consideration by the tribunal.

#### *Position of Disputes submitted to the High Commissioner*

The list given in Annex II shows that, when I assumed office on October 15th, 1932, twenty-five disputes were before the High Commissioner for his decision. Fifteen additional questions have subsequently been submitted to the High Commissioner.

Of these forty questions, twenty-two have been settled either by agreement, by mediation or by decision of the High Commissioner. A group of questions relating to the revision of the Warsaw Agreement and certain Customs questions are at present before committees of experts. In a certain number of cases, the parties requested the High Commissioner to suspend the procedure in progress with a view to direct negotiations.

As regards Danzig-Polish relations, the spirit shown by the conclusion of the agreements last summer leads us to hope that, in future, the parties will endeavour to settle their disputes by direct agreement so that a decrease in the number of disputes brought before the League's organisations may be anticipated.

(Signed) Helmer ROSTING.  
High Commissioner

<sup>1</sup> See document C.636.1933.VII (*Official Journal*, February 1934 (Part I), page 214).

See *Official Journal*, February 1934 (Part I), page 137.

See document C.695.1933.VII.

<sup>4</sup> See document C.11.1934.VII (*Official Journal*, March 1934, page 292).

See *Official Journal*, July 1931, page 1133.

See document C.651.1933.I (*Official Journal*, January 1934, page 31).

[Translation from the German.]

### Annex I.

## REPORT OF THE SENATE OF THE FREE CITY OF DANZIG ON THE PRINCIPAL LEGISLATIVE AND ADMINISTRATIVE MEASURES ADOPTED SINCE ITS ENTRY INTO OFFICE IN JUNE 1933.

December 1933.

The elections of May 28th, 1933, which gave an absolute majority to the National-Socialist movement in Danzig, were held at a time of extreme tension in internal political affairs.

The first duty of the Government formed as a result of these elections was therefore to strengthen the authority of the State and to bring about internal pacification. Only by doing so could it hope to take up with any prospect of success the constructive work it contemplated at home or to attain its principal objective in matters of foreign policy—agreement with the Polish Republic.

The Law to Alleviate Public Distress and deal with the State Crisis (of June 24th, 1933) provided the Government with a legal basis for the necessary measures of internal policy. By this law the Government was, *inter alia*, empowered to issue, in accordance with the Danzig Constitution, decrees having the force of law on the following subjects: measures to strengthen public security and order, fresh regulations regarding the Press Law and the amendment of the Law regarding Associations.

The Decree regarding measures to strengthen public security and order (June 30th, 1933) embodied the most urgent measures necessary to ensure public safety. It contained important provisions regarding open-air meetings, the prohibition of the presence of armed persons at meetings, and the powers conferred upon the police authorities to dissolve societies or meetings or to keep them under observation. It further contained, in regard to Press publications, new or supplementary provisions found necessary to enable energetic action to be taken against publications dangerous for the State and for the people. Lastly the Decree defined a series of new offences with a view to strengthening the protection of the interests of the State and consequently of the population as a whole against the harmful activities of individuals. Thus penalties were enacted for libel of the State or Government, the dissemination of incorrect news harmful to State interests, sabotage of legal or administration measures, acts of sabotage against undertakings of vital importance and acts of provocation on the part of political agitators.

The original additions made by the Decree to the Law of February 12th, 1850, for the protection of the liberty of the individual; whereby the maximum period of police detention (preventive custody) was fixed at three months, were modified by a Decree of September 6th, 1933, reducing the maximum period of preventive custody to three weeks, experience having shown that it was safe to allow a relaxation of the provisions relating to preventive custody.

As regards measures to ensure public tranquillity and order, stricter provisions were enacted regarding the carrying of arms and the issue of permits to carry arms.

The above-mentioned legislative measures helped greatly to bring about general pacification. Public disorders have considerably decreased as compared with the period prior to the Volkstag elections. There is a strong State authority which can impose its will on elements of public disorder.

In connection with these measures, a re-organisation of the police was carried out, a measure on which the High Commissioner has already sent in a special report.

In the *legal field*, the Government in all its measures has endeavoured to express the notion and conception of law held by the new National-Socialist State, in so far as is permissible under the Constitution of the Free City which remains inviolable.

Criminal procedure has been revised, primarily with a view to ensuring the rapid administration of justice, because, in the Government's opinion, a penalty cannot be considered effective unless the judgment and the execution of the sentence immediately follow the act for which sentence is passed.

Civil procedure has been reformed with a view primarily to ensuring the better and more rapid conduct of proceedings. The direction of the case is now placed in the hands of the courts and the procedure is no longer left to the arbitrary whims of parties. Further in view of the solemn character of an oath, the taking of oaths has been restricted as far as possible. In the field of civil procedure, a noteworthy innovation has been made by a decree restricting the functions of consulting legal agents. A barrister must be the trusted agent of the people, and accordingly he is now allowed to appear before arbitral tribunals, from which he was formerly debarred.

The constitution of the courts has also been modified in various respects through the introduction of new measures regarding assessors, lay judges and juries.

In the field of *intellectual culture* (science, art and popular education) too, important legislative and administrative work has been done. Particular interest attaches to the negotiations with the Polish Republic regarding the rights of the Polish minority in school matters, the outcome of which was the Danzig-Polish Minorities Treaty of August 5th, 1933. As part of the Government's general programme for the provision of employment, serious defects in the conditions of school buildings have been remedied.

In connection with the *campaign against unemployment*, it may be said in general that, besides the normal work, special measures have been taken enabling a large number of unemployed to find work and earn their living. The number of such persons on August 1st, 1933, was already some 2,000 and by December 1st, 1933, had increased to more than 6,300. Among the larger works undertaken, particular mention should be made of road construction, the road metal required was obtainable from moraine deposits in the territory of the Free City itself. This alone provided work for from 300 to 500 unemployed.

Large sums were also expended for the repair of houses and dwellings which were becoming ruinous. Small dwellings are being built and suburban settlements organised by the unemployed themselves.

In the field of *public assistance*, an important new measure consists in the reintroduction of compulsory labour, even for persons in receipt of public assistance.

As regards *unemployment relief* it was decreed at the beginning of winter that, in the case of seasonal unemployment, relief would not be granted until after a longer waiting period, the length of which depends on the duration of work in the summer.

As regards organisation, it should be observed, in connection with public assistance, that a number of offices and commissions have been provided with new personnel in application of the principle of appointment by the State instead of election by public organisations.

In order to deal with all questions relating to *public health* and *demographic policy* the new Government has set up a new administrative department under the direction of a specially qualified senator. Among the most noteworthy legislative work done by this department, mention should be made of the following:

A decree-law for the protection of public health has been passed to abolish or limit the abuses arising in the field of medicine from what is called freedom of treatment. This decree contains provisions compelling all persons professionally employed in the care of the sick to be registered and restricts to authorised doctors the treatment of certain serious diseases, such as cancer, diseases of women and children, venereal disease and tuberculosis. It strictly limits public advertisements concerning articles, treatments and remedies, or prohibits them altogether.

Another decree promotes marriages by granting State loans to facilitate marriage. These loans, which do not bear interest, are granted only to healthy betrothed or married persons who undergo a strict medical examination by doctors and specialists. Provision is made for the permanent remission of part of these loans on the birth of children, in order to encourage parents to have children. These loans, being granted in the form, not of ready money but of vouchers for furniture or household articles, also help to restore economic life.

Lastly mention should be made in this connection of a decree to prevent the birth of children infected with hereditary disease. The object of the measure is to prevent the increase of elements of the population having hereditary defects. It enables the procreation of children to be prevented by sterilisation (and not by the removal of the generative glands), particularly among the feeble-minded and insane and among dipsomaniacs. Decisions are taken by special lower and appeal "hereditary health" courts, in co-operation with doctors who have specialised in the study of these questions. The legal provisions contain a large number of precautionary measures for the prevention of abuses.

The Government has also been very active in the *economic field*. The retrograde tendency which has been observed for some years at Danzig has been checked by the new Government, which has even succeeded in bringing about an improvement. The number of unemployed registered in the territory of the Free City affords clear evidence of this. The figures are as follows:

	Unemployed
End of December 1930	24,429
End of December 1931	32,956
End of December 1932	39,042
Beginning of 1933.	40,726
End of November 1933	25,286

The measures previously mentioned as having been taken by the Government to provide employment have thus already had such an effect on the labour market that the "labour battle" of 1933 may be said to have ended in complete victory.

The negotiations conducted by the Danzig Government with a view to an agreement with the Government of the Polish Republic have unfortunately had no more than political effects as yet and have eased the situation only in this field. Unfortunately they have not yet promoted the development of economic relations between the two countries, though hopes of such success are entertained. An agreement of this kind is absolutely necessary for Danzig if the Government's efforts to remedy unemployment are not to be frustrated. The population of Danzig has done all in its power to support the Government's measures. A decree regarding the collection of gifts for the development of national work has had particularly successful results. The population has shown its desire to take part in the campaign against economic distress and in the movement to provide work. A response to this appeal for voluntary sacrifices has been received from all sections of the population of Danzig, and it has thus been possible, thanks to the funds collected, to ease very considerably the situation of the labour market.

*Agriculture* has also received special attention, decrees have been passed regarding the settlement of agricultural debts and the reduction of rates of interest. This latter decree has also been of benefit to urban house property and to inland navigation. In this field, too, the population of Danzig has shown itself ready to make considerable sacrifices in the public interest. The measures taken by the Government have helped to restore the general agricultural situation. Nothing of the kind has yet been done with such success in any country in the world.

As regards the *financial situation* of the Free City it should be observed that, at the time when the State budget for 1933-34 was drawn up, every effort was made to take the increasing seriousness of the economic situation into account: revenue was estimated on as conservative a basis as possible and expenditure was reduced to the lowest possible level. Yet the accounts for the current financial year unfortunately very soon began to show that various estimates of revenue were not being realised, particularly in the Administrative Department of Justice, in the Postal and Telegraph Administration, where the effects of the competitive measures taken by the Polish Post Office continue to make themselves felt, in the fiscal administration and, above all, in regard to Customs, consumption duties and stamp duties.

The present Government was faced with this situation when it took office in May. Naturally it was unable to arrest the retrograde tendency of revenue until the purchasing power of the population had been increased. The Government considered that it should abandon the economic principle previously adopted, whereby as far as possible, no fresh capital was sunk in order to alleviate State budget expenditure, experience having shown that, under that system, unemployment expenditure constantly increased and revenue constantly decreased. The Government therefore considered that its most important task was to bring back a large part of the Danzig unemployed into the machinery of production as quickly and on as wide a scale as possible.

With this object the Government was obliged, since the ordinary budget provided no funds for such purposes, to try to obtain resources elsewhere. It did so by establishing the State Bank, which grants extensive medium-term credits for road construction, public improvements, bridge-building, etc. Large sums have also been obtained for housing improvements in the city.

#### Annex II.

[*Translation.*]

#### POSITION OF DISPUTES SUBMITTED TO THE HIGH COMMISSIONER

(October 15th, 1932, to January 6th, 1934).

Complainant	Date	Subject	Observations
1. Poland	December 16th, 1929	Accommodation for railway employees.	Procedure suspended at the Polish Government's request.
2. Danzig	May 9th, 1930	Utilisation of the Port of Danzig.	Settled by agreement of August 5th, 1933.
3. Poland	July 5th, 1930	Kindergarten at Gross-Trampken.	Withdrawn by letter from the Polish Government dated July 12th, 1933, as a result of the High Commissioner's mediation.
4. Danzig	August 27th, 1930	Repair of railway material.	Procedure suspended at Danzig's request.
5. Danzig	September 16th, 1930	Postal service at Danzig ( <i>Grunelime</i> ).	
6. Poland	September 30th, 1930	Treatment of Polish nationals and other persons of Polish origin or speech at Danzig.	Settled by agreement of August 5th, 1933.
7. Poland	October 23rd, 1930	Flanders case.	
8. Danzig	October 31st, 1930	Attendance at school of the children of Danzig personnel employed by the railways.	Withdrawn by letter from the Senate dated December 30th, 1933.
9. Danzig	December 2nd, 1930	Allocation of Customs receipts.	Procedure suspended at Poland's request with a view to negotiations.

Complainant	Date	Subject	Observations
10. Danzig	April 7th, 1931	Danzig passports.	Settled by agreement of August 5th, 1933.
11. Danzig	November 10th, 1926	Instruments of ratification.	Settled by agreement of August 5th, 1933.
12. Poland		Exequatur to consuls at Danzig.	Settled by agreement of August 5th, 1933.
13. Danzig	August 28th, 1931.	Rützen-Kositzkau.	Decision of the High Commissioner of March 31st, 1933.
14. Poland	September 15th, 1931	Passive finishing trade.	Decision of November 20th, 1932. Council resolution of February 1st, 1933.
15. Danzig	December 30th, 1931	Application to the Polish Railway Administration of the Danzig Law concerning the establishment of workmen's committees.	Decision of the High Commissioner dated January 6th, 1934.
16. Danzig	December 30th, 1931	Reimbursement of school fees in respect of the children of railwaymen.	Agreement of December 26th, 1932.
17. Poland	February 29th, 1932	Revision of the Warsaw Agreement. Restrictions on the import and export of goods.	Decision of November 20th, 1932. Council resolution of February 1st, 1933, referred to the experts.
18. Poland	March 1st, 1932	Revision of the Warsaw Agreement. Customs organisation in the territory of the Free City	Submitted to the experts for examination.
19. Danzig	April 13th, 1932	Quota goods imported into the Free City	Decision of November 20th, 1932. Council resolution of February 1st, 1933.
20. Danzig	April 26th, 1932	Railway surcharges.	Procedure suspended at the request of the Senate with a view to negotiations.
21. Danzig	June 28th, 1932	Revision of the Warsaw Agreement. Customs (amendment of Parts VI and VII of the Warsaw Agreement).	Submitted to the experts for examination.
22. Danzig	June 28th, 1932	Revision of the Warsaw Agreement. Polish Postal Service (amendment of Part III of the Warsaw Agreement).	Submitted to the experts for examination.
23. Danzig	August 11th, 1932	Polish system of Customs facilities ( <i>Staffelzölle</i> ).	Submitted to the experts for examination.
24. Danzig	August 12th, 1932	Duty on Danzig quotas as compared with the Polish Customs duties.	Submitted to the experts for examination.
25. Danzig	August 20th, 1932	Decision of the Harbour Board concerning the work at Schiewenhorst.	Withdrawn by letter from the Senate dated May 5th, 1933, as a result of the High Commissioner's mediation.
26. Poland	October 22nd, 1932	Revision of the Warsaw Agreement. Acquisition and loss of Danzig nationality	Submitted to the experts for examination.
27. Danzig	November 3rd, 1932	Introduction of the zloty on the railways of the Free City	Settled by agreement of November 26th, 1932.
28. Danzig	January 14th, 1933	Dismissal of certain Danzig railway employees.	Procedure suspended at the request of the Senate with a view to negotiations.

Complainant	Date	Subject	Observations
29. Danzig	January 18th, 1933	Pensioning off of nine Danzig railway officials.	Procedure suspended at the request of the Senate with a view to negotiations.
30. Poland	January 19th, 1933	Stamp duty levied on the Polish Transatlantic Co.	Settled by agreement of January 5th, 1934.
31. Poland	January 19th, 1933	Tax on premises situated at Heeresanger, 11.	Settled by agreement of January 5th, 1934.
32. Danzig	March 1st, 1933	Revision of the Warsaw Agreement. Amendment of parts IV and V of the Warsaw Agreement.	Submitted to the experts for examination.
33. Danzig	March 6th, 1933	Request for mediation. Right of the Free City's delegate to the Railway Directorate to obtain information.	Under consideration.
34. Danzig	March 6th, 1933	Increase of the Polish Guard at the Westerplatte.	Council resolution of March 14th, 1933.
35. Poland	March 7th, 1933	Harbour police.	Council resolution of March 14th, 1933.
36. Poland	March 9th, 1933	Exemption of Polish Customs inspectors from Danzig jurisdiction.	Decision of the High Commissioner dated January 5th, 1934.
37. Danzig	April 19th, 1933	Protective works at the Westerplatte.	Settled by the High Commissioner's mediation May 17th, 1933.
38. Danzig	April 24th, 1933	Inclusion of Polish Customs inspectors in the diplomatic list.	High Commissioner's decision January 5th, 1934.
39. Poland	June 16th, 1933	Conduct of the Free City's foreign affairs by Poland.	
40. Poland	November 15th, 1933	Interpretation of the Polish-Danzig Agreement of October 22nd, 1921, concerning the High Commissioner's decisions of August 15th and September 5th, 1921.	Documents relating to procedure are being exchanged.