

representative, and in the justice and moderation of the Board's request, he had the greatest pleasure in accepting, on behalf of the Board, the proposal made by the Italian representative, provided of course the Secretary-General and M. de Vasconcellos were willing and able to meet the Board at its next session in the last week of June.

M. DE VASCONCELLOS pointed out that obviously the substance of the question could not be discussed in the Council, no member of the Council had stated his opinion hitherto, and there was no reason to regret it. An enquiry was needed and would be made. M. de Vasconcellos asked the Council, since it had signified its confidence in him, to leave his hands free as regarded the method by which he should carry out his enquiries, since otherwise the Rapporteur would not have an easy task in this matter, one of the aspects of which was rather delicate, but which could no doubt be settled easily.

The Council decided to adjourn the matter to its next ordinary session.

(The Council went into public session.)

3598. Free City of Danzig.

- A. Petition submitted by Dr. E. Moske and Dr. M. Wienke on behalf of all the Catholic Parish Priests of the Diocese of Danzig.
- B. Petition from the Centre Party, dated December 17th, 1934, with an Addendum, dated April 18th, 1935.
- C. Petition, dated April 13th, 1935, from the Editors of the "Danziger Volksstimme" concerning the Press Law of June 30th, 1933.
- D. Petition, dated April 8th, 1935, from the "Verein der Jüdischen Akademiker" and the "Vereinigung Selbständiger Jüdischer Danziger Gewerbetreibender und Handwerker in der Freien Stadt Danzig"

M. Greiser, President of the Senate of the Free City of Danzig, and Mr. Lester, High Commissioner of the League of Nations at Danzig, came to the Council table.

Mr. EDEN presented the following report:¹

"The High Commissioner of the League of Nations at Danzig has communicated to the Council a series of petitions emanating from different sections of the population of Danzig and raising questions which, according to the petitioners, involve infractions of the Constitution of the Free City. In communicating these petitions, the High Commissioner referred to the letter approved by the Council on June 10th, 1925 (*Official Journal*, July 1925, page 950), which dealt with the procedure to be followed in the event of information reaching the High Commissioner regarding any risk of violation of the Constitution of the Free City guaranteed by the League of Nations.

"The petitions in question are the following:

"1. *Petition of the Catholic Priests of the Diocese of Danzig*, dated August 30th, 1934, with the observations thereon of the Senate, dated November 15th, 1934 (document C.577.1934.VII, Annex 1551, I, Communication No 1, page 761).—My colleagues will recall that this petition maintains that the following legislation is not in conformity with the Constitution—viz., the Ordinance of April 4th, 1934, regarding the wearing of uniform, the Enabling Law of June 24th, 1933, the Ordinance of March 12th, 1934, concerning scholastic associations, and, lastly, the Decree of March 12th, 1934, enumerating the associations permitted. This petition figured on the agenda of the Council at its session of last January.² Its examination, however, was postponed to the present session of the Council at the suggestion of your Rapporteur pending the result of negotiations which were contemplated between the Senate and the Centre Party on the subject of the petition mentioned below. The Centre Party had presented this petition to the High Commissioner, and he had remarked that it raised several questions identical with some of those already raised in the petition from the Catholic priests. I should add that, in addition to the above-mentioned negotiations, the Senate also entered into negotiations with the Catholic priests but without positive results, as is shown in the letter from the Senate to the High Commissioner of May 13th, 1935 (document C.214.1935.VII, Annex 1551, I, Communication No 4, page 786).

"2. *Two petitions from the Centre Party of the Free City* dated respectively December 17th, 1934, and April 18th, 1935, with the observations of the Senate thereon dated May 7th and May 15th respectively (documents C.197.1935.VII and C.213.1935.VII, Annex 1551, II, Communications Nos 1 and 2, pages 788 and 817).—The first of these petitions protests against a series of legislative and administrative measures taken by the Senate of the Free City and against a certain number of incidents which occurred during the elections of November 1934 for the communal and district councils.

"The second petition deals with a series of incidents which are stated to have taken place during the elections for the Popular Assembly held on April 7th and during the preceding electoral campaign. As regards the negotiations of the Senate with the Centre Party, which were also without positive results, the President of the Senate has made a statement on the subject in his letter to the parliamentary group of the National-Socialist Party. This letter is quoted in the High Commissioner's report on the elections for the Popular Assembly (document C.205.1935.VII, Annex 1551, III, page 819).

¹ Document C.235.1935.VII.

² See *Official Journal*, February 1935, page 139.

" 3. *Petition of the Verein Jüdischer Akademiker' and of the 'Vereinigung selbständiger Jüdischer Danziger Gewerbetreibender*, dated April 8th, 1935, with the observations thereon of the Senate (documents C.193.1935.VII and C.219.1935.VII, Annex 1551, IV, Communications Nos 1 and 2, pages 830 and 839).—It deals with the situation of the Jewish population in Danzig and is completed by a supplementary petition, dated May 14th, 1935, from the 'Verein Jüdischer Akademiker' and the observations of the Senate thereon.

" 4. *Petition from the Editors of the Danziger Volksstimme, the organ of the Social-Democratic Party of Danzig*, dated April 13th, 1935, with the observations thereon of the Senate, dated May 8th, 1935 (document C.203.1935.VII, Annex 1551, V, Communications No 7, page 862).—It deals with the application of the Press Law at Danzig and with a number of suspensions and confiscations of which the paper in question has been the object.

" I should add that the High Commissioner has communicated to the Council, with reference to this petition, a decree which the Senate promulgated on May 9th, 1935, regarding publications of a political tenor (document C.212.1935.VII, Annex 1551, V, Communication No 2, page 872). In this connection, I have been informed by the President of the Danzig Senate that he has given instructions that this decree, which was temporarily imposed, should be withdrawn.

" An examination of these petitions will show that all, with the exception of the last-named, that from the *Danziger Volksstimme*, are alike in one respect in that they complain of the infringement by the Senate of Article 73 of the Danzig Constitution, of which the opening paragraphs read as follows:

" All nationals of the Free City shall be equal before the law. Exceptional laws shall be inadmissible.

" Men and women shall have the same civil rights and duties.

" There shall be no legal privileges or disqualifications due to birth, position or creed.'

" The petitioners strive to show that, in the widest spheres of the political and administrative life of the Free City this equality of treatment is violated in favour of the National-Socialist Party. According to the petitioners, although certain measures taken by the Government ostensibly apply equally to all the citizens of the Free City they are in fact interpreted exclusively with the object of protecting the organisations of the National-Socialist Party.

" The Senate, on the other hand (document C.193.1935.VII, page 35),¹ states that the criterion taken by it has always been and will continue to be just and equal treatment for all Danzig nationals. However, it appears (see page 36 of the same document)¹ that the Senate holds the view, in accordance with a principle adopted by the Danzig Supreme Court on January 18th, 1926, that the only cases (*Tatbestände*) to be treated by the law as equal are those which, in the view of all just and fair-minded men, it would be arbitrary to treat unequally, hence cases (*Tatbestände*) which require unequal treatment must not be given equal treatment.

" I need scarcely remind my colleagues that the Constitution of the Free City has been placed under the direct guarantee of the League of Nations, and it is for the Council to see that it is carried out.

" In view of the fundamental divergence of views in the interpretation of the Constitution which is revealed by the documents now before the Council, your Rapporteur has reached the conclusion that, in order to facilitate the Council's task, the best method of procedure would be to appoint a committee of jurists composed of three members whose duty would be to examine these petitions as well as the observations thereon of the Danzig Senate and to report to the Council whether this examination reveals the existence of violations of the Constitution either in the form of legislation, decrees or regulations or in the form of administrative acts or omissions.

" If my colleagues agree, I therefore propose to the Council to entrust to its Rapporteur the task of designating the members of this committee, it being understood that, before making any definite appointment, the Rapporteur will submit to his colleagues the names of the persons whom he has in view.

" The committee should meet as soon as possible and the Council will be placed in possession of its report on the occasion of its next ordinary session.

" I have the honour to propose to the Council the adoption of this report and of its conclusions."

Mr. Eden reminded his colleagues that the four items on the agenda dealt with a series of petitions from different sections of the population of the Free City of Danzig. He had hoped that the Council might be able to deal with these petitions at the present session, but on examination they had proved to raise legal questions of some complexity.

Mr. Eden had therefore ventured to suggest, in the report before the Council, that a small committee of jurists should be appointed to advise the Council on those questions. He had been encouraged to suggest the adoption of this course by the fact that he had received from the President of the Danzig Senate a satisfactory assurance in regard to the attitude of the Danzig Government. He understood that the President of the Senate would confirm that assurance to the Council at the present meeting. He therefore proposed that the Council should adopt his report and its conclusions.

M. GREISER, President of the Senate of the Free City of Danzig, said that, should the Council, in the light of the opinion of the Committee of Jurists, reach the conclusion that the Constitution had been infringed on certain points, the Senate of the Free City of Danzig would modify its opinion on the basis of the Council's interpretation and would take appropriate measures.

The conclusions of the report were adopted.

M. Greiser and Mr. Lester withdrew.

¹ See page 850.

Mr. EDEN asked the Council, following upon the adoption of his report, to adopt the following resolution.

“ The Council decides to charge the expenses of the Committee of Jurists appointed to examine the petitions from various sections of the population of the Free City of Danzig up to the amount of 4,500 Swiss francs to Item 3 (a) of the budget for 1935, ‘ Unforeseen Expenditure subject to Special Vote of the Council. Political Expenditure ”

The resolution was adopted.

3599. Request by the Yugoslav Government under Article 11, Paragraph 2, of the Covenant of the League of Nations.

M. de Velics, representative of Hungary M. Antonade, representative of Roumania, and M. Fotitch, representative of Yugoslavia, came to the Council table.

Mr. EDEN felt sure that the Council would wish him, in the first place, once more to express its sympathy with the Yugoslav people for the tragic event of Marseilles.

Mr. Eden then made the following declaration.

In a statement to the Council on January 18th, 1935,¹ I asked that members of the Council who might have observations to make upon the communication from the Hungarian Government dated January 12th² should be good enough to send their observations to me in writing as early as convenient, so that I might then make such proposals as might seem appropriate.

In response to this invitation, I received communications from the Yugoslav, Czechoslovak and Roumanian Governments which have just been circulated to my colleagues on the Council. (Annex 1552, page 873). I have also received a communication on a point of detail from the French Government, which I have brought to the knowledge of the Hungarian Government.

In the light of these communications, I might have been justified in calling for supplementary information from the Hungarian Government on certain points having a bearing upon the execution of the resolution of December 10th, 1934,³ which has continued to be the basis of the Council's action in this matter and which retains its full import. In view, however, of the goodwill which, I am happy to say animates the Yugoslav Government, and of the desire which I feel sure it shares with all the members of the Council to consider that the examination of this question before the Council is closed, I do not propose to carry the matter any further.

I am confident that I can rely upon the goodwill of the Hungarian Government and the spirit of conciliation of the Yugoslav Government to make it now possible for the question before us to be thus disposed of.

I take this opportunity to express on behalf of His Majesty's Government in the United Kingdom, and, I am confident, of all my colleagues on the Council, the earnest hope that this settlement of the question will contribute to promote good relations between the two countries and thereby assist in the development of international concord in that part of Europe.

M. DE VELICS, representative of Hungary — The Hungarian Government, conscious of its international responsibilities and guided by the Council resolution of December 10th, 1934, will continue to take all measures against acts of terrorism and will see that a particularly careful watch is kept over Yugoslav *émigrés*, within the general system for the supervision of foreigners.

With reference to this latter point, I should like to remind the Council that, as a consequence of the Marseilles incident and in view of the results of the enquiry carried out by the Hungarian Government at the Council's request, my Government has already strengthened the provisions relating to the supervision of foreigners and the issue of passports.

I also desire to express, on my Government's behalf, my sincere thanks to Mr. Eden, whose efforts have now led to the close of the examination of the question by the Council, for the zeal with which he has discharged his arduous task.

M. FOTITCH, representative of Yugoslavia. — On behalf of the Royal Yugoslav Government, I wish very sincerely to thank the Rapporteur for again expressing the Council's sympathy with the Yugoslav people in the loss it has sustained by the death of its great King. The death of the knightly King, Alexander I, has meant an irreparable loss for the Yugoslav nation as a whole, and nothing can make up for it.

I should also like to thank the Rapporteur for all the care he has taken in watching over the execution of the resolution of December 10th, 1934, and for the perfect courtesy and impartiality with which he has discharged the delicate task entrusted to him by the Council.

During the discussion of this question, my Government has already given ample proof of its conciliatory spirit and goodwill, and will not fail to respond to-day to the appeal made to it by the Rapporteur. Consequently, although it considers that the Hungarian Government's enquiry in

¹ See *Official Journal*, February 1935, page 145.

² See *Official Journal*, February 1935, page 277.

³ See *Official Journal*, December 1934 (Part II), page 1759.