

FREE CITY OF DANZIG.

C.215.1936.VII.

LETTER, DATED MAY 5TH, 1936, FROM THE HIGH COMMISSIONER OF THE LEAGUE OF NATIONS IN DANZIG TO THE SECRETARY-GENERAL REGARDING THE MEASURES ADOPTED BY THE SENATE OF THE FREE CITY IN CONSEQUENCE OF THE COUNCIL'S RESOLUTIONS OF JANUARY 24TH, 1936.

Danzig, May 5th, 1936.

I have the honour to refer to the report adopted by the Council at its ninetyeth session on January 24th of this year,¹ concerning the observance of the Constitution by the Government of the Free City of Danzig, and to enclose herewith a copy of a letter addressed to me by the Senate, dated February 21st, enclosing copies of Decrees made by the Senate on February 20th, 1936, and published on February 26th.

The Decrees are as follows:

- (1) A Decree amending the Decree-Law of June 30th, 1933, concerning publications, and establishing by paragraph 6 a Press Court for the purpose of hearing appeals against decisions by the administrative authorities;
- (2) A Decree abrogating the Law of October 10th, 1933, concerning the protection of the good name of the national associations;
- (3) A Decree amending the Decree-Law of April 4th, 1934, regarding the wearing of uniforms;
- (4) A Decree amending two Decrees of August 29th, 1935, concerning the provisions of the Penal Code and the Penal Code Procedure, which were the subject of an advisory opinion by the International Court at The Hague.

I also attach a further letter from the Senate, dated April 29th, 1936, concerning the cases of Luck and Schmode, and several of the other complainants who claimed to be in a similar situation.

The fulfilment of the first paragraph of the Council's resolution in which it "called upon the Senate to take in general all measures which are required in order to govern in conformity with the spirit of the Constitution" covers an extremely wide field, and it will be recalled that the Council left to the High Commissioner the task of aiding and advising the Government in the execution of the measures referred to in its resolution.

The continuance and development of the spirit of co-operation between the Government and the High Commissioner will, no doubt, enable me to report, at an appropriate time, a much more satisfactory general situation than that considered by the Council in January last.

I shall be glad if you will be good enough to submit these documents for the information of the Council.

(Signed) Sean LESTER,
High Commissioner

[Translation from the German.]

Danzig, February 21st, 1936.

To Mr Sean Lester

High Commissioner of the League of Nations,
Danzig.

Sir,

I have the honour to send you three copies of each of the Decree-Laws which the Senate adopted on February 20th last in accordance with the recommendations of the Council of the League of Nations; these will be published in the next few days—namely:

- (1) Decree-Law amending the Decree-Law of June 30th, 1933 (*Legal Gazette*, page 287), concerning measures for the maintenance of public order and security;
- (2) Decree-Law abrogating the Law of October 10th, 1933 (*Legal Gazette*, page 502), concerning the protection of the good name of the national associations;

¹ See *Official Journal*, February 1936, page 121.

(3) Decree-Law amending the Decree-Law of April 4th, 1934 (*Legal Gazette*, page 221), regarding the wearing of uniforms, modified by the Decree-Law of November 30th, 1935 (*Legal Gazette*, page 1121)

(4) Decree amending the Decree of August 29th, 1935 (*Legal Gazette*, page 903), modifying certain conditions of the Penal Code, and Decree of August 29th, 1935 (*Legal Gazette*, page 907), modifying certain rules of penal procedure and of the law on judicial organisation abrogating the general instructions of August 29th, 1935 (*Legal Gazette*, page 912) concerning notification in penal matters.

Furthermore, the Senate has taken the following decisions in the case of Luck and Schmode:

Schmode will receive a further indemnity of 300 gulden and Luck a further indemnity of 500 gulden.

These indemnities will be paid in addition to the sums already received by Schmode and Luck since their dismissal in respect of unemployment relief amounting to 1,751.24 and 3,352.94 gulden respectively

In addition, Luck and Schmode will be given employment in the docks.

Petitioners who are in a position similar to that of Luck and Schmode will also be indemnified according to their needs.

I should like to add the following remarks with regard to the new Decrees:

Ad 1. — The only important provision of this Decree is § 6 regarding the establishment of the Press Court. Apart from this, it contains no new material provisions, but only drafting amendments which this opportunity has been taken of introducing.

Ad 3. — The Decree concerning the protection of the good name of the national associations having been abrogated as a whole (see Decree mentioned in (2)), it was necessary, as I explained to you verbally to introduce a provision penalising the unauthorised wearing of uniform. This provision, however, applies to all, and not only to the associations supporting the Government.

I should be glad if you would inform the Council of the League of Nations of the measures which I have taken.

(Signed) GREISER.

[Translation from the German.]

DECREE-LAW OF FEBRUARY 20TH, 1936, AMENDING THE DECREE-LAW OF JUNE 30TH, 1933, REGARDING MEASURES FOR THE MAINTENANCE OF PUBLIC SECURITY AND ORDER (*Legal Gazette*, page 287).

In accordance with § 1, Sections 9 and 32, and § 2 of the Law of June 24th, 1933, to relieve the Distress of the People and State (*Legal Gazette*, page 273) the following is decreed with force of law

Article I.

Article II, § 1 of the Decree-Law of June 30th, 1933, regarding measures for the maintenance of public security and order (*Legal Gazette*, page 287) as amended by the Decrees of September 6th, 1933 (*Legal Gazette*, page 421), of February 28th, 1934 (*Legal Gazette*, page 67), and November 30th, 1935 (*Legal Gazette*, page 1121), shall read as follows:

Printed Matter

§ 1.

The provisions of the Press Law of May 7th, 1874 (*Reich Legal Gazette*, page 65), regarding the seizure of printed matter without a judicial order (§ 23 *et seq.* of that Law) shall apply to the punishable offences specified in §§ 81-86, 93 (a)-(c), 106 (a), 110, 110 (a), 129 (a), 130 and 131 of the Penal Code, provided always that it shall be open to the Public Prosecutor's Office to lodge an immediate appeal, with suspensive effect, against a decision of the court annulling a provisional seizure.

§ 2.

1. Should the Senate so request, the responsible editor and publisher of a periodical shall be required to insert in that periodical, free of charge and without addition or omission, official replies to reports published in that periodical, and also official notices.

2. The insertion of such matter shall take place without delay and, in the case of daily papers, in the first number not yet completed for the press to appear after receipt of the aforesaid notice or reply. No comment upon such notice or reply shall be made in the same number.

3. Rules governing the printing of compulsory matter shall be issued by the Senate.

§ 3.

Periodicals the contents of which are liable to endanger public security or order may be seized and confiscated by the police.

The competent authorities in this respect shall be the *Kreis* police authorities.

§ 4.

1. Periodicals may be prohibited.

(1) If their contents are such as to constitute one of the punishable offences specified in §§ 81-86, 93 (a)-(c), 106 (a), 110, 110 (a), 129 (a), 130 and 131 of the Penal Code;

(2) If their contents endanger public security or order

(3) If they contain a call or incitement to a general strike or a strike in any undertaking of vital importance;

(4) If in their columns organs, institutions, authorities or principal officers of the State are insulted or maliciously held up to contempt. Officials who are deemed to be principal officials shall be determined by the Senate and announced in the *Official Gazette*;

(5) If in their columns a religious society as defined by public law, its institutions, practices or objects of religious veneration are insulted or maliciously held up to contempt;

(6) If in its columns leading statesmen of other States are insulted or maliciously held up to contempt in a manner which may cause prejudice to the Free City's relations with the States concerned.

(7) If they infringe the provisions of § 2 or of the rules issued for the application of that clause.

2. Any prohibition under paragraph 1 shall also apply to local editions of the newspaper issued by the same publishers and to any ostensibly new periodical which in effect is to be regarded as identical with or a substitute for that already prohibited.

3. The duration of the prohibition shall not exceed six months in the case of daily newspapers and one year in all other cases.

4. The authorities competent in the matter of prohibitions shall be the *Kreis* political authorities of the place of publication, and, in the case of periodicals published abroad, the Danzig Chief of Police. Prohibitions shall apply to the whole of the territory of the State.

§ 5.

Any periodical which, with the connivance of the publisher, is supplied to the subscribers of a prohibited periodical as a substitute therefor, with a view to evading the effects of prohibition, may itself be prohibited for the period laid down in § 4, paragraph 3. The authorities competent for this purpose shall be those having issued the original prohibition order.

§ 6.

1. The action taken by the *Kreis* police authorities or the Danzig Chief of Police in pursuance of §§ 3, 4 and 5 shall be subject to appeal within one week after notification or publication. The appeal shall lie with the authorities by whom the contested decision was taken. It shall not have suspensive effect.

2. Should the appeal not be allowed, the final decision shall lie with the Press Court.

3. The Press Court shall consist of the President of the Chamber for Administrative Affairs of the District Court, who shall preside, and of two honorary assessors appointed by the Senate for a period of three years; one of the said assessors shall hold ordinary judicial office and the other shall be qualified for such office or for high administrative functions.

4. The decision shall be taken in accordance with the procedure laid down in the provisions governing the Chamber for Administrative Affairs.

5. The decision shall be taken within two weeks after the lodging of the appeal.

§ 7.

Publications printed abroad which serve the purpose of political propaganda and are not issued periodically shall only be imported into the territory of the Free City of Danzig with the permission of the authority to be designed by the Senate. Should such permission be refused, an appeal to the Senate may be lodged within a period of seven days. Such appeal shall not have suspensive effect. The decision of the Senate shall be final.

§ 8.

Any person publishing, issuing, printing or circulating a periodical publication prohibited under §§ 4 or 5 shall be liable to a sentence of not less than three months' imprisonment, to which a fine may be added.

§ 9.

Any person who infringes the provisions of §§ 2 or 7 shall be liable to a term of imprisonment not exceeding three months, or to a fine not exceeding 500 gulden.

§ 10.

1. Any person who wilfully or through negligence prints, circulates or stocks with a view to circulation any publications of a political nature on which the particulars regarding the printer, issuer, author, publisher or responsible editor required under §§ 6 and 7 of the Reich Press Law of May 7th, 1874, do not appear or are inaccurate, incomplete or illegible, in such a way as to conceal the origin of the said publication, shall be liable—unless, under other provisions, the offence is punishable by a severer penalty—to a sentence not exceeding three months' imprisonment and to a fine not exceeding 500 gulden, or to one or other of these penalties. The penalty shall be a term of imprisonment not exceeding one year if the publication constitutes:

(a) An offence against § 8 of the present Decree; or

(b) An invitation or incitement constituting a punishable offence under §§ 110, 110 (a), 111 or 324 (a) of the Penal Code.

2. Articles used or intended to be used for the commission of any punishable offence under the present provisions shall be confiscated, whether they belong to the offender or not. Confiscation shall be ordered irrespective of any other penalty should proceedings against a particular person prove impossible.

§ 10 (a).

Matter intended for circulation, reproduced by a process other than printing, shall nevertheless be regarded as printed matter within the meaning of the present Decree.

Article II.

The present Decree shall come into force on the date of its publication.

Danzig, February 20th, 1936.

The Senate of the Free City of Danzig:

(Signed) GREISER.

(Signed) HUTH.

(Signed) Dr. WIERCINSKI-KEISER.

DECREE-LAW OF FEBRUARY 20TH, 1936, ABROGATING THE DECREE-LAW FOR THE PROTECTION OF THE GOOD NAME OF THE NATIONAL ASSOCIATIONS, OF OCTOBER 10TH, 1933 (*Legal Gazette*, page 502).

In accordance with §1, Sections 9 and 28, and § 2 of the Law of June 24th, 1933, to relieve the Distress of the People and State (*Legal Gazette*, page 273), the following is decreed with force of law:

Article I.

The Decree-Law of October 10th, 1933, for the Protection of the Good Name of the National Associations (*Legal Gazette*, page 502), as amended by the Decrees of March 6th, 1934 (*Legal Gazette*, page 132), February 28th, 1934 (*Legal Gazette*, page 67), and November 30th, 1935 (*Legal Gazette*, page 1121), is hereby abrogated.

Article II.

The present Decree-Law shall come into force on the date of its publication.

Danzig, February 20th, 1936.

The Senate of the Free City of Danzig:

(Signed) GREISER.

(Signed) HUTH.

(Signed) Dr. WIERCINSKI-KEISER.

DECREE-LAW OF FEBRUARY 20TH, 1936, AMENDING THE DECREE-LAW OF APRIL 4TH, 1934, REGARDING THE WEARING OF UNIFORMS (*Legal Gazette*, page 221), AS AMENDED BY THE DECREE-LAW OF NOVEMBER 30TH, 1935 (*Legal Gazette*, page 1121).

In accordance with § 1, Section 9, and § 2 to the Law to relieve the Distress of the People and State of June 24th, 1933 (*Legal Gazette*, page 273), the following is decreed with force of law:

Article I.

The Decree-Law regarding the Wearing of Uniforms of April 4th, 1934 (*Legal Gazette*, page 221), as amended by the Decree-Law of November 30th, 1935 (*Legal Gazette*, page 1121), shall be amended as follows:

§ 1.

The wearing of uniforms indicating membership of an association or union elsewhere than on private premises is permissible only by authorisation of the Danzig Chief of Police.

For the purposes of the present provisions, uniforms shall also include uniform equipment and headgear.

Authorisation may be made subject to certain conditions or charges. It shall only be refused if its granting would have the effect of endangering public security and order.

Should authorisation be refused, the association or union concerned shall be entitled to appeal to the Senate within a period of two weeks after the notification of the decision.

§ 2.

Authorisation as provided for in § 1 shall not be required for the wearing of clothing customarily worn by athletic societies or students' clubs.

§ 3.

Offences against § 1 of the present Decree shall be punishable by a maximum of three months' imprisonment or a maximum fine of 1,000 gulden.

§ 4.

Any person who has in his possession or wears the uniform or any article of equipment or badge of an association or union possessing the authorisation for the wearing of uniforms (§ 1), without being a member of the said association or union, shall be liable to a fine or to a term of imprisonment.

Article II.

The present Decree-Law shall come into force on the date of its publication.

Danzig, February 20th, 1936.

The Senate of the Free City of Danzig:

(Signed) GREISER.

(Signed) HUTH.

(Signed) DR. WIERCINSKI-KEISER.

DECREE OF FEBRUARY 20TH, 1936, AMENDING THE DECREE OF AUGUST 29TH, 1935, TO AMEND CERTAIN PROVISIONS OF THE PENAL CODE (*Legal Gazette*, page 903) AND THE DECREE OF AUGUST 29TH, 1935, TO AMEND PROVISIONS OF THE PENAL PROCEDURE AND OF THE LAW ON THE CONSTITUTION OF THE COURTS OF LAW (*Legal Gazette*, page 907) AND ABROGATING THE GENERAL INSTRUCTIONS OF AUGUST 29TH, 1935, REGARDING NOTIFICATIONS IN PENAL MATTERS (*Legal Gazette*, page 912).

In accordance with § 1, Sections 9 and 28, and § 2 of the Law of June 24th, 1933, to relieve the Distress of the People and State (*Legal Gazette*, page 273), the following is decreed with force of law:

Article I.

1. Article I of the Decree of August 29th, 1935, to amend Certain Provisions of the Penal Code (*Legal Gazette*, page 903), is hereby abrogated.

2. §§ 2 and 2 (a) of the Penal Code shall be worded as follows, in accordance with their former text:

" § 2.

" An act shall only be punishable if such punishment was prescribed by law before the said act was committed.

" Should the law in force at the time of the performance of the act not be the same as that in force when judgment is passed the less severe of the two laws shall apply

" § 2'(a).

" Measures of security and improvement shall be decided according to the law in force at the time of the decision."

Article II.

Article I, Section 1, of the Decree of August 29th, 1935, to amend Provisions of the Penal Procedure and of the Law on the Constitution of the Courts of Law (*Legal Gazette*, page 907) is hereby abrogated.

Article III.

The General Instructions of August 29th, 1935, regarding notification in penal matters (*Legal Gazette*, page 912) are hereby abrogated.

Article IV

The present Decree shall come into force on the date of its publication.

Danzig, February 20th, 1936.

The Senate of the Free City of Danzig

(Signed) GREISER.

(Signed) HUTH.

(Signed) Dr. WIERCINSKI-KEISER.

[*Translation from the German.*]

To Mr Sean Lester

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

Danzig, April 29th, 1936.

Sir,

I have the honour to inform you that about ten days ago the workman Luck was engaged at the Schichau wharves, and the employee Schmode was engaged as from May 2nd at the Amada A. G. Both have received posts similar to those previously held by them.

Four other persons who are in a similar position to Luck and Schmode will shortly receive an indemnity—namely Uszpelkat, Gröning, Krüger and Eiserloch.

(Signed) GREISER.