



The Free City of Danzig's Legal and Political Status, Past and Present.

The Free City of Danzig was created on the 15th of November 1920, according to Article 102 of the Treaty of Versailles. It is a Sovereign and Independent City and State, and also an Independent Member of the Community of Nations. The Free City in Peace and in War is under the protection of the League of Nations. No Foreign Power is permitted to maintain Troops within the Free City of Danzig, Her Constitution is guaranteed by the League of Nations.

**The Creation
of the Free
City.**

The Constitution of the Free City, which was proclaimed in its final form, on the 12th of July 1922, provides as Legislative Bodies; — the Senate and the Volkstag, through whose unanimous decisions Laws are made.

**The
Constitution.**

The Volkstag is the Parliament of the Free City, and it consists of 120 Members, who are elected by the whole population over 20 years of age, in general, equal, direct and secret voting, on the principle of proportion, for a period of 4 years.

**The
Parliament.**

The Senate consists of 22 Members elected from the Volkstag. The President and 7 of these are Chief Senators and they form the Ministry and are elected for a

The Senate.

period of 4 years. The Vice-President and the remaining Members are also Senators in a secondary capacity, and they are elected for indefinite periods. The Senate does not only work in co-operation with the Volkstag in the passing of Laws, but it is at the same time, the Supreme Authority and the Government of the Free City. It directs the Policy of the State and is responsible to the Volkstag for the same. The members of the Senate acting in a secondary capacity must enjoy the confidence of the Volkstag, and are responsible to that Body for the conduct of their Offices. In case such a Member should lose the confidence by an expressed resolution of the House, he must resign his Office. A Senator who has offended against the Constitution or its Laws may be proceeded against for the same, at the instigation of the House itself. The Supreme Court of the City must try such cases.

The Senate is a collegiate Authority, its decisions are arrived at by a majority vote. For the execution of current affairs Departments are formed by the Senate, each separate department being under a Senator. The Senate is also a Municipal Authority for the Municipality of Danzig, which is an independent Community with its own Property within the Free State. As an Authority which decides in Municipal affairs of the Free City of Danzig, the Constitution has provided, that the Members shall be elected from the members of the Volkstag, and Citizens: — a Citizens Corporation

**Relation to
the Polish
Republic.**

The Polish Republic has no Sovereign Rights in the Free City. The City's relations towards her neighbouring State are governed

by International Law. The relations between the two States are determined according to Art: 104 of the Versailles Treaty, and by several other Treaties and Agreements, especially by the so-called Convention of Paris, on the 9 th of November 1920, and by the Warsaw Agreement on the 24 th of October 1921.

Danzig has been compelled by the same Treaty of Versailles, to allow Poland to undertake the conduct of her Foreign Affairs which must be conducted according to certain fixed principles. Danzig is to be permitted to have one of her own delegates at such Polish Consulates, wherein the City has especial interests.

**Foreign
affairs.**

Danzig and Poland have also formed a Common Customs and Economic Union, Danzig having pledged herself under certain conditions to accept in these matters, the Polish Law as her own. The Administration of the Customs within the territory of the Free City shall be performed by Danzig Authorities.

**Customs and
Economic
Sphere.**

The Management of the Railways, in-as-far-as they do not serve purely local requirements, has also been undertaken by Poland. The Management is conducted by a special Polish State's Railway Administration in Danzig, to which a Danzig delegate is given, to represent the City's requirements.

Railways.

Poland is bound in its administration of this Railway, to employ in the first place only Danzig Officials, in case there should not be enough Danzigers at hand, then Polish officials may be employed. The Official language on the Lines in the territory of the Free City shall be German, also it shall be used by all Authorities in the Free City.

Harbour. The Administration of the Harbour and Waterways in the Free City, was also provided for in the aforesaid Treaties and Agreements. It is separated from the general State Departments and handed over to a special Council, which however possesses no State Authority, but is merely a Board of Administration, and an Economic Institution.

The Harbour Board consists of an equal number of Danzig and Polish Members, whose President is a Swiss Subject.

Representatives of Foreign States. The Polish Government has a Diplomatic Representative in Danzig to mediate between his Country and the Free City.

Most of the Foreign States are represented in Danzig either by Consuls or General Consuls.

All disputes which may arise between Danzig and the Polish Republic owing to their neighbourly relationship, or to the innumerable Economic connections, shall be decided by the High Commissioner of the League of Nations, whose official Residence is in Danzig, at the appeal of either party. On the other hand, both parties have the right of appeal against the decisions of the latter, to the Council of the League of Nations in Geneva, the League's decisions are for both parts final and binding.

The Past.

The answer and the covering Note of the Allied and Associated Powers to the German Counter Proposals to the Treaty of Versailles of the 6th of June 1919, decided that Danzig should again be placed in a similar position, to that which she enjoyed when she was united to Poland, and rejoiced in a generous local independence for centuries.

Do these decisions actually represent the facts? What were Danzig's connections to Poland during the period 1454—1793?

By Danzig's severance from the Teutonic Order, against her own will, the City entered into a personal union with the Kings of Poland, who became King and Protector of the City.

There has never been any National Legal Relations between the City and the Polish Republic. Neither Polish Laws nor the Statutes of the Polish Parliament, had any legal validity in the Free City. The Rights of the King were also very restricted in the City, being honorary rather than constitutional; for example: — he might choose annually a Governor as his representative, but he could only choose him from one of eight names of the Council submitted to him by themselves, that privilege was exactly defined, and of little importance, and although the Polish Kings never tired of endeavouring to extend their Rights at the cost of the Citizens, often using the inner-political situation of the City, in that they encouraged the covetous demands of the Masses, against the City

Personal Alliance with the Kings of Poland.

No National or Constitutional Relations to the Polish State.

The King's Rights in Danzig very slight.

Council, unjustly assuming these rights. Nevertheless, the Council and the majority of the inhabitants, stoutly, persistently and unyieldingly fought against these presumptions and held on to the ancient privileges of the City, which the King of Poland had to grant the City in 1454—1457, in return for large sums of money and Military provisions which the Poles desperately needed. And the City has known how to defend her Rights whenever necessary, even at the point of the sword, as she did in 1577, against the King of Poland. These rights sufficed, however, to give the Free City absolute independence, so that Poland's privileges were infinitesimally small in former times.

**Rights of Poles
in Danzig.**

No purely Polish Trade in Danzig for the Poles.

Poles only acquire property in Danzig as Citizens. Only Citizens with City's Consent.

Rights and Privileges of Danzig: —

1) Foreign Affairs.

Again Poland was unable to transact purely Polish business in the Free City, they could only trade with the citizens, selling to them and purchasing from them, for no foreigner — and the Poles were considered as foreigners in Danzig — were allowed to trade directly with foreigners, this privilege being reserved to the Citizens themselves. A Pole could only acquire property in the City by becoming a citizen, but he could only become a citizen with the approval of the City expressed through her constitutional channels: — the City Council, the Law Courts and by the will of the people, (the Corporations), otherwise he could only remain in the City as a guest.

Danzig conducted her own Foreign Affairs independently. As a Member of the Hanseatic League, the famous League of Cities, she not only waged War, but concluded Peace, also Commercial and Neutrality Treaties with other States, according to Constitutional Law, e. g. on the

18 th of February 1630,
30 th of March

a Treaty of Neutrality with Sweden in her War with Poland, and on

11 th of October 1706,
9th of November 1707,

a Commercial Treaty with England.

Accordingly the Free City maintained at most of the European Courts her own Ambassadors, and these had their own Residents, Ambassadors, Consuls, etc., in the Free City, who received their exequatur from the Council itself.

The King of Poland and his Ministers corresponded with the Free City either in German or in Latin, but never in Polish, and Danzig insisted that this custom should remain unchanged, therefore the official language in Danzig was always German.

The City enjoyed absolute control over her Harbour, she alone could determine all questions relating to the harbour according to its own requirements based upon the right granted to her on 15 th of May 1457 and confirmed by the „Tractatus Portorii“, the Peace Treaty concluded between Danzig and King Stephan Bathory, on the 26 th of February 1585, including the „Segelation“: — the right to open or to close the Port whenever she wished, to all shipping.

Therefore under no circumstance did Danzig allow or tolerate the presence of a Polish Fleet in her harbour, even if such a fleet existed.

Danzig did not belong to the Polish Customs' territory, the City collected her own Customs, on all Imports or Exports which passed through her harbour, the same being counted in the „Pfahl Kammer“.

2) And Representatives.

3) Exequatur to Foreign Representatives.

4) Official Language in correspondence with Poland.

5) Rights over the Harbour.

6) No Polish Fleet tolerated in the Harbour.

7) Danzig not a part of Polish Customs sphere Collected her own Customs.

The profits were at first entirely kept by the City, from 1570—1585, one half went to the City the other going to the Kings of Poland, this being effected by Bishop Karnkowski who represented that if the City would agree to pay a part of them to the King as an assured income, he would be reconciled to the City; on the other hand, the King pledged himself and his successors for ever, not to put any new taxes on Danzig Goods on the Vistula or in Poland, even as King Casimir had promised, in the already referred to privilege on the 14th of May 1457.

8) Poland must not alter Course of Vistula.

Further Poland was forbidden to make any alterations in the course of the River Vistula, or to neglect it, so that the Free City's shipping might be hindered thereby.

9) Further Danzig Rights: Finance, Coinage, Legislature, the Army and Fleet, and Fortifications.

To these Danzig Privileges must be added the following: — the City enjoyed her own Finances and Coinage, her own Legislation, the sole right to maintain Troops or Warships within the City, to erect Fortifications and to maintain them. From which it is clear, that the Free City enjoyed a quite different freedom and independence in former centuries, than she does to-day; and that Poland has received by the Treaty of Versailles and other Agreements connected therewith, quite other comprehensive rights, to those which it enjoyed in the past. Accordingly, the similarity to the former conditions in which Danzig should be placed by the Versailles Treaty, is very poor and slight.

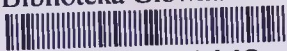
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