

THE LEAGUE OF NATIONS

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SAAR BASIN

AND

FREE CITY OF DANZIG

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Information Section,  
League of Nations Secretariat,  
GENEVA.

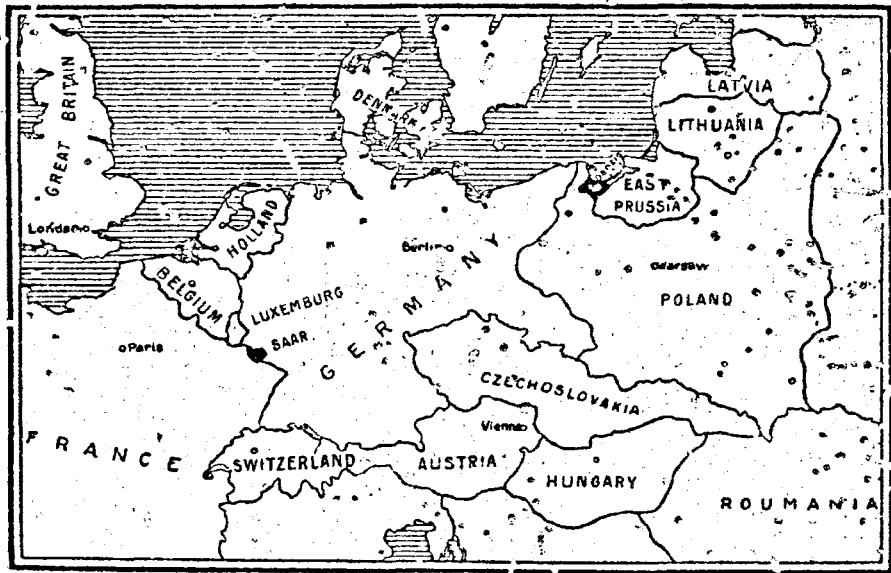
## NOTE

This pamphlet is one of a short series issued by the Information Section of the Secretariat of the League of Nations on various aspects of League work. It should not be regarded as an official statement engaging the responsibilities of the League; for official purposes, reference should be made to the documents and official proceedings of the League of Nations.

Other pamphlets in this series deal with the organisation and constitution of the League, the Permanent Court of International Justice, the financial reconstruction of Austria, political activities, financial and economic work, financial administration of the League and allocation of expenses, health, disarmament, mandates, transit, minorities, intellectual co-operation, and humanitarian activities.

March 1924

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# THE SAAR BASIN AND THE FREE CITY OF DANZIG

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## INTRODUCTION.

The Saar Basin, long noted for its wealth and industrial works, is unique as the only territory governed by the League of Nations. Situated on the frontier between France and Germany, Member and Non-Member of the League, and its future subject to the result of a plebiscite in 1935, this territory, whose population is almost entirely of German nationality but whose mines have been ceded by Germany to France, presents one of the most difficult tasks which the League has to carry out under the Treaty of Versailles. The League has an appearance of imposing upon the population a foreign government without any Parliamentary forms, and the government has to be carried on in continuous controversy which, not unnaturally arises in view of the pending plebiscite. This complicates the difficulties of the actual problems involved in the government of the territory.

As in the League-governed Territory of the Saar France possesses the coal-mines and other privileges, so in the League-protected but self-governing Free City of Danzig, where the German race also predominates, Poland possesses many rights, chiefly of an economic character, to ensure to her free access to the sea. The Free City, restored to some extent to its position in Hanseatic days, lives under a

Constitution guaranteed by the League, and has its port administered by an International Harbour Board. It has been the primary duty of the League and its High Commissioner in Danzig during the past three years to arbitrate such disputes as have arisen between Poland and Danzig on the application of the Treaties which lay down the general principles governing their relations.

Both the Danzig and the Saar arrangements, compromises between the theory of self-determination and certain national interests, were worked out at the Paris Peace Conference, and the only concern of the League has been to deal with the application of the texts.

## PART I.

### THE SAAR BASIN.

The Territory is a thickly-populated industrial district of almost 700 square miles, situated directly north of Lorraine. The district was formerly administered in part by Prussia and in part by Bavaria. Saarbruck, the largest city and the seat of the government of the territory, contains a population of approximately 117,000, or one-sixth of the inhabitants of the entire Basin. It is an important railway centre, and lies at the junction of the Saar and the Sulz rivers. In the direction of these two river valleys, north-west from Saarbruck, through and beyond Saarlouis, and north-east through Sulzbach to Neunkirchen, lie the mines and the great industrial works which form the wealth of the Basin. The coal-mines constitute by far the largest of the industries of the Territory. They are operated directly by the Mining Administration of the French State, and produced about 11 1/4 million tons of coal in 1922. They normally employ something over 70,000 of the local workmen, who are directed by French inspectors and engineers. Next in importance to the coal-mines are the iron and steel-works. There are thirty blastfurnaces, and the normal output of cast iron is 100,000 tons a month, and of steel about the same. These industries employ approximately 30,000 men under normal conditions. There are also important glass-works and factories for the production of earthenware and pottery.

*Treaty Provisions.* -- By the Treaty of Versailles, Germany ceded to France, chiefly as compensation for the destruction of the coal-mines in the north of France, the full and absolute possession of the coal-mines in the Saar Basin, and at the same

time shee renounced in favour of the League of Nations, in the capacity of trustee, the government of this area. It was further provided that on the result of a plebiscite to be held in 1935 the League of Nations should decide whether the Territory or certain portions of it should continue to be governed autonomously under the League, should be united with France, or should again be governed by Germany. These and other Saar provisions are set out in considerable detail in the special Saar Annex of the Treaty.

In accordance with these provisions, the Territory is governed by a Commission of five, appointed by the Council of the League of Nations, which acts by majority vote on questions concerning the Saar Basin. This Commission must include one citizen of France, one native inhabitant of the Saar Basin not a citizen of France, and three members belonging to three countries other than France or Germany. They are appointed for one year, but they may be re-appointed, and the Council in 1922, in the interests of the good administration of the Territory, adopted the policy of continuing the original members of the Commission in office for a period of five years, or until 1925, unless exceptional circumstances arose. At the same time, the Council made it clear that it did not in any way renounce the rights conferred upon it by the Treaty to revoke or not to renew the appointment of this or that member of the Commission.

The Council annually appoints the Chairman of the Commission, who is its executive, and this office has been held since 1920 by M. Rault, the French member. The Commission, which acts by majority vote, usually meets once a week. Each member not only takes part in the meetings of the Commission, where general questions of policy are discussed, but is also charged with the control of certain of the administrative departments of the Government.



The members of the Commission since its constitution (1), with the various administrative departments under their direction, are given below :

*French Member*

M. RAULT, 1920 . . . . . Interior, Foreign Affairs, Commerce, Industry, Labour.

*Member from the Saar Basin :*

Herr von BOCH, 1920 . . . . .	} Agriculture, Health, Public Relief and Social Insurance,
Dr. HECTOR, 1920-23 . . . . .	
Herr LAND, 1923-24 . . . . .	

*Other Members :*

M. LAMBERT (Belgian), 1920 . . . . .	} Public Works, Railways, Postal, Telephone and Telegraphic Service.
Count von MOLTKE-HUITFELDT (Dane), 1920-24 . . . . .	
Mr. R. D. WAUGH (Canadian), 1920-23 . . . . .	} Food Supply and Finance.
Mr. George W. STEPHENS (Canadian), 1923 . . . . .	

The Governing Commission possesses within the Territory of the Saar all the powers of government hitherto belonging to the German Empire, Prussia or Bavaria. France, however, as has already been pointed out, owns the coal-

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(1) In February 1924 Herr Land and Count von Moltke-Huitfeldt requested the Council not to reappoint them; and on March 15, 1924 the Council named Herr Kossmann (see page 17 of this pamphlet) as Saar Member of the Commission and Colonel Espinosa de los Monteros (Spanish) as Successor to Count von Moltke-Huitfeldt.

mines, and the Commission cannot, without consulting the French State, make any modification in the legal regime for the exploitation of the mines provided for in the Treaty, unless such modification results from a general regulation respecting labour adopted by the League of Nations. There are other Treaty provisions which indicate that the Commission does not possess the unlimited power of a sovereign. In the economic field, not only are the mines owned by France, but the Territory is subjected to the French Customs regime, although the Treaty contains special stipulations in favour of the export and import trade between the Saar Basin and Germany, particularly during the five years from 1920 to 1925. France also has the right to use French money in all transactions connected with the exploitation of the mines, and it is provided that no prohibition or restriction shall be imposed upon the circulation of French money in the Territory. In fact, as a result of the rapid depreciation of the German mark, the Governing Commission decided that after June 1, 1923, the French franc should be the only legal currency. These are some of the important rights in the economic field that have been given to France by the Treaty.

In many other respects, however, and particularly in connexion with the rights and customs of the inhabitants, the Treaty provides for the maintenance of the *status quo* under German rule at the time of the Armistice. Thus, the Treaty stipulations do not affect the nationality of the inhabitants, although no hindrance is to be placed in the way of those who wish to acquire a different nationality. The existing laws and regulations, the fiscal system and the civil and criminal courts are to be maintained, unless in certain cases the Governing Commission finds it necessary to make changes. Under the control of the Commission the inhabitants retain their local Assemblies, their religious liberties, their schools and their language.

These are the main restrictions and limitations upon the general power of the Commission to govern the Territory until the people themselves in 1935 indicate under what permanent regime they desire to live.

Although on the one hand the Treaty directly imposes certain limitations upon the authority of the Commission, on the other hand it specifically provides that it shall have certain powers, such as to administer and operate the railways, to render justice, to levy taxes, to ensure the protection abroad of the interests of the inhabitants, etc. Finally, it is given the power to decide all questions arising from the interpretation of the Treaty stipulations which concern the government of the Territory.

### THE WORK OF THE COMMISSION

It would be impossible in a pamphlet of this size to give a comprehensive review of all the administrative accomplishments of a Commission which has been charged with the government of a territory of 700,000 people over a period of four years. But it may be worth while to select certain of its achievements in different fields, by way of illustration.

*The Initial Period.* — The initial period was perhaps the most difficult, for the Commission not only had to carry on the ordinary work of government for the district, but it had to create and build up a new and autonomous administration for the Territory, which had previously been part Prussian and part Bavarian. The various communes and municipalities, however, continue to carry on their local affairs subject to the general supervision of the Commission. The officials established in the Territory have been generally retained by the Commission. They have not given up their status of German officials, although they have pledged fidelity to the new government. The task of the general

administrative organisation of the Territory has fallen particularly within M. Rault's jurisdiction.

*Social Insurance Problem.* — Among the departments which have been under the charge of the member of the Commission from the Saar Territory itself, that of Social Insurance has given rise to most difficult and complicated problems. This was due to the fact that under the Treaty the inhabitants retain all their rights in respect of the German insurance system, and particularly to the precarious position of the German mark. Prolonged negotiations were carried on with the German Government, and many of the debatable points, were settled by a Protocol which was signed in Berlin between the Governing Commission and the German Government in 1921.

*Operation of the Railways.* — One of the most notable of the administrative achievements of the Commission has been that of the operation of the railways. When the Commission began to work, M. Lambert was informed both by French and German technical experts that it was practically impossible to operate satisfactorily and economically such a small railway system as is contained in the Saar Territory. But the Commission decided to go ahead independently, and under the Treaty it started by securing a park of rolling-stock, consisting of more than 300 locomotives, 700 passenger coaches, and 20,000 goods trucks. As was expected, the railroads did not make a profit, but a deficit of 10 million francs in 1921-1922 was reduced by 1922-1923 to 3 million. Moreover, although the Saar system consists of a dense network of lines, constituting, in fact, a vast shunting station, over which more than 400 passenger trains and 300 goods trains circulate daily, no serious accidents occurred even during the entire first year of operation.

*Education, Justice and Religion.* — In the field of education, church affairs and justice, a Supreme Civil and Criminal

Court has been established at Saarlouis. The Chief Justice is a Swiss and the members of the Court have been drawn from Belgium, Czechoslovakia, France, Holland, Luxemburg and Switzerland, as well as from the Saar itself. The local schools as provided in the Treaty, are maintained. Regular courses in the French language are offered in the primary schools, but pupils are not allowed to take them without the consent of their parents.

#### FINANCIAL AND ECONOMIC POSITION OF THE TERRITORY.

In these days, when a budget deficit has been the rule in Europe, the Saar Territory has been in a fortunate position. Despite the fact that the first budget had to be prepared in marks, the second and third in both marks and francs, and the fourth in francs alone, it was always possible, until the 100 days' strike of the miners in 1923, to meet both ordinary and extraordinary expenditure out of normal current revenue. The Saar Territory has no reparation payments to make and no military establishment to keep up. Its chief single source of revenue has been derived from the tax on coal. It is, therefore, perhaps not surprising that the *per capita* taxation falling directly or indirectly on the inhabitants (but not including communal taxes) was, at least during 1921-1922, lower than in neighbouring countries. The total budget for 1923-1924 amounted to a little over 150 million francs.

From information furnished in official reports by the Commission, it would appear that, despite the depreciation of the German mark, the existence of a dual currency in the territory for  $3\frac{1}{2}$  years, the 100 days' strike of the miners, which cost almost a milliard francs, and the unsettled conditions prevailing across the border in Germany, the Territory as a whole has generally lived under prosperous economic conditions. The coal production rose from 743,000 tons in February 1920 to 1,223,000 tons in October 1923 (or, over the pre-war average). During the same period, iron and steel

production doubled, exceeding at the latter date the pre-war figure of 200,000 tons a month. Except during the period affected by the strike in 1923, the number of unemployed has rarely exceeded 3,000, which is only a little over  $1\frac{1}{2}\%$  of the total working population of 180,000. The wages of miners have fluctuated considerably, rising from the equivalent of 5.60 francs per day for pitmen in February 1920, to over 26 francs in October 1920, falling to 16 in January 1923, and rising to 22 francs in August 1923.

The franc was introduced gradually from 1920 to 1923, and the lot of certain relatively small portions of the population was recognised at times to be most unfortunate. This was especially true of those who depended on pensions or other remuneration in German marks. This problem has continued to occupy the attention of the Governing Commission, which has not only conducted lengthy negotiations with the German Government in an attempt to improve matters, but has also come to the rescue by allocations from the budget of the Territory.

#### CONTACT WITH THE POPULATION.

*The Elected Advisory Council.* — The Treaty did not give to the people any power in the government; in fact, the Allies, in reply to the observations of the German Government on the conditions of peace, pointed out that the Commission would not be directly responsible to a Parliamentary Assembly or to the French Government, but to the League of Nations. The Commission was, however, required to secure the views of the elected representatives of the district before any change in the laws could be made, or any new tax imposed. Until 1922, the Commission consulted for this purpose the Municipal Councils and the District Councils. This method did not prove suitable, and in March 1922 an Advisory Council of thirty representatives elected by all the inhabitants of the Territory was established by the Commission. The right

to vote was granted on the basis of the broadest suffrage, but only native inhabitants of the Territory are eligible for election. At the same time, a small Technical Committee, appointed by the Commission from inhabitants of the Territory, was also created to advise the Commission at its request.

The first elections for the Advisory Council were held on June 25, 1922. Out of a total of 350,000 voters on the lists, 193,000 went to the polls. The Centre or Catholic Party secured 16 out of the 30 seats in the Council, the Majority Socialist Party 5, the Liberal People's Party 4, an economic group, the Union of Landowners and Agriculturists, 2, the Communist Party 2, and the German Democratic Party 1. As regards occupation, the Council included six secretaries of trades unions, four lawyers, three artisans, three farmers, as well as manufacturers, journalists, office employees, workman, and a clergyman, a school-teacher, a business man, a commercial agent, and an architect. The Governing Commission chose M. Kossman, one of its officials a former Deputy of the Reichstag and a member of the party in control of the Council, as Chairman of that body. It has held meetings regularly every three months since July 1922 and has recently been dissolved, as new elections took place in January 1924. The Communists then increased their representation from two to five; other changes were slight.

At the time of the inauguration of the Advisory Council, both the Governing Commission and the Council of the League expressed their hope that this step would lead to the establishment of continuous and whole-hearted collaboration with the elected representatives of the people. Although there have frequently been differences of opinion between the Commission and the Advisory Council, the former has been able to accept many of the suggestions made by the latter, notably in the autumn of 1923 in the case of the complete revision of the fiscal legislation which resulted from the introduction of the franc.

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At the time of the inauguration of the Advisory Council, both the Governing Commission and the Council of the League expressed their hope that this step would lead to the establishment of continuous and whole-hearted collaboration with the elected representatives of the people. Although there have frequently been differences of opinion between the Commission and the Advisory Council, the former has been able to accept many of the suggestions made by the latter, notably in the autumn of 1923 in the case of the complete revision of the fiscal legislation, which resulted from the introduction of the franc.

## THE TRUSTEESHIP OF THE LEAGUE.

The Governing Commission has been entrusted by the Treaty with powers which exceed those of an ordinary constitutional Government. It is not answerable to the population, but it is responsible to the League of Nations, which has accepted the trusteeship for the government of the Territory. The power of the Council to appoint and recall the members of the Commission has been noted. The Council has also given certain instructions to the Commission with reference to the execution of its work, and the Commission sends in official quarterly reports which are circulated to the Members of the Council and to the Members of the League, and are printed in the *Official Journal* of the League, where they are at the disposal of the general public. The Commission also sends in special reports on matters of particular interest, such as the establishment of the Advisory Council, and it has on occasion requested action by the League, as in the case of difficulties with Germany concerning railway communication with the Saar Territory. The inhabitants of the district have the right to send in petitions to the Council of the League through the Governing Commission. A considerable number have been received, including several from the more important political groups. They have criticised the Commission, especially for its economic and political policy, alleging preponderating French influence in the government of the Territory. The petitions are ordinarily circulated to the Members of the League as well as to the Council.

As the result of a suggestion in one of these petitions that something should be done to safeguard information essential for drawing up lists of voters for the plebiscite, the Council appointed a provisional Records Commissioner, of Swiss nationality, who has just recently completed the work of tabulating and safeguarding the various documents in question.

*Consideration of German Complaints.* — The Council has discussed a considerable number of complaints made by the German Government with reference to conditions in the Saar Territory, or to action taken by the Governing Commission. One of these concerned the presence of French troops in the Saar Territory, the development of the local gendarmerie, and other points in the same connection. The Treaty states that only a local gendarmerie for the maintenance of order may be established, but it also stipulates that it will be the duty of the Governing Commission to provide in all cases for the protection of persons and property in the Saar Basin. The German Government maintained that the presence of French troops was contrary to the Treaty and incompatible with the character of the Territory as a plebiscite area. The Governing Commission has advanced legal and practical reasons which, in its opinion, have made it indispensable that the troops placed at its disposal free of charge should be maintained in the Territory. The Council, at the time of the first appointment of the Commission, provided for the retention of the French troops as a temporary measure; and has on several occasions reaffirmed its view that it does not contemplate the maintenance of a foreign garrison as a permanent feature of the organisation of the Territory, and that the foreign troops should be dispensed with as soon as the development of the local gendarmerie permitted. In March 1924, the Council took note of the programme of the Commission to increase the gendarmerie from 355 to 555 during the financial year 1924-1925, and Expressed the hope that if the financial position of the Territory permitted the number might be increased Even more rapidly during the year.

*The Council and the Exceptional Decrees of the Commission.* — As the result of certain exceptional Decrees with reference to the maintenance of order and the suppression of picketing, adopted by the Commission during the first half of 1923, and of the criticism with which these Decrees were

received in various quarters outside as well as within the Territory, the Council, at the request of the British Government, held an enquiry at its session in July 1923 into the general administration of the Territory, although, before the enquiry actually took place, the provisional Decree of March 7, 1923, which had been most subjected to criticism, had been withdrawn and an amnesty had been proclaimed for all persons convicted under its terms. All five members of the Commission were requested to come to Geneva, and, in answer to questions by Lord Robert Cecil, M. Rault went at great length into many of the problems raised, such as :

- The distribution of the duties of the Commission and its methods of work;

- The relations of the Governing Commission with the French Government;

- The Advisory Council and the Technical Committee of the Saar;

- The French troops and the local gendarmerie;

- The exceptional Decrees of the Governing Commission;

- The franc as sole legal currency in the Territory.

Other members of the Commission were also heard on certain points, and as a result of the enquiry, which is covered very fully in the *Official Journal* of the League, the Council unanimously adopted the following resolution :

“The Council of the League of Nations has had before it a proposal by the British Government for an enquiry into the situation in the Territory of the Saar Basin, and more especially into the recent events which have resulted in the taking of exceptional measures by the Governing Commission of the Territory.



"The Council has desired on this occasion to strengthen the ties which should exist between the League of Nations and its representatives in the Saar by entering into personal contact with all the members of the Commission.

"The Council has, with the members of the Commission, considered the foundation of the government in the Saar Basin, as established by the Treaty of Versailles.

"The system of government in the Saar was established under the Treaty in order to assure the rights and well-being of the population and to guarantee to France complete freedom in working the French State Mines, upon which the prosperity of the country depends.

"In virtue of the instructions given to the Governing Commission at the date of its constitution, February 13th, 1920, the Commission is responsible to the League of Nations for the execution of its duties in accordance with the stipulations of the Treaty of Versailles. The Commission, the executive of which is the Chairman, is, in all cases, collectively responsible for the execution of those duties which it assigns to its individual members in order to promote easy and rapid dealing with the problems of government.

"The Council has decided that it is unnecessary to discuss the Provisional Decree of March 7th last, as the Decree has been withdrawn. In regard to the other exceptional measures which the Commission deemed it necessary to take subsequently, the Council leaves it to the discretion of the Commission to decide upon the moment when it is advisable to return to the normal course of law. The Council has learnt with satisfaction of the amnesty measures recently decreed by the Governing Commission.

"The Council appreciates the economic considerations which have led the Commission to introduce the franc as the sole legal currency in the Saar.

"With regard to the question of the maintenance of order, the Council has on various occasions stated that it is desirable that the support of a foreign garrison should be withdrawn, as soon as the development of the local gendarmerie permits. By its resolution of April 23rd, 1923, the Council took note of the measures already taken by the Commission towards this end, and requested the Governing Commission to submit its programme for increasing the strength of the local gendarmerie before adopting the budget for the fiscal year 1924-1925.

"The Council expresses again its great appreciation of the administrative work achieved by the Governing Commission during three and a-half years in particularly difficult circumstances, and assures the Commission of its whole-hearted support in the accomplishment of the task entrusted to it."

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## PART II.

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### THE FREE CITY OF DANZIG.

The Free City of Danzig, wedged in between East Prussia and the Polish Corridor, has an enviable Commercial position at the mouth of the Vistula river, which forms the natural port of Danzig and the chief outlet to the sea for Polish trade. The area of the Free City is about the same as the Saar-Territory—700 square miles—and it has a population of something over 350,000. The city itself is renowned for its picturesque old

gabled buildings, the commercial houses of a bygone Europe, and it still continues to thrive on the trade, largely of Polish origin, which has made it one of the chief ports of the Baltic. It also possesses large naval construction yards and other industrial establishments. The City itself has a population of 200,000, and possesses good communications with suburban towns. Such as Zoppot, one of the well-known watering places on the Baltic.

The shipping activity of the port, as measured by net ship tonnage, has increased to a marked degree during 1921, 1922, and 1923 as compared with 1912. The total net registered tonnage of sea-going vessels entering and leaving Danzig in 1923 was over 3,400,000 or approximately 75 % higher than the 1912 figure of 1,963,000. One-quarter of the 1922 tonnage represented ships flying the German flag, another quarter the Danzig flag, one-eighth the British, and the remainder the flags of over 15 other countries, including in particular Norway, Danzig, Japan, Sweden, Belgium, Holland and France. Although the average of the total sea-borne trade for the years 1921-1922 amounted only to slightly over 1,100,000 tons or about half of the average total for the period 1911-1913, imports have steadily decreased from 1,700,000 tons in 1920 to 466,000 in 1922, and exports have increased from 138,000 tons in 1920 to 504,000 in 1922. More than half of the exports in 1922 consisted of timber. Among the imports, farm products came first, fuel second, products of agricultural industries third, herring fourth. Of the 1,254,000 tons of goods transported out of Danzig by rail in 1921, more than half were destined for Poland, more than one-third for points within the Free City of Danzig itself, as well as smaller quantities for Germany and other countries. Approximately the same proportion holds good for articles received by rail in Danzig during the same period.

*The Treaty Settlement* — The problem of Danzig proved one of the most difficult territorial questions which confronted

the Allies at the Peace Conference. The City and its surrounding territory was admittedly German in population, and yet it was felt that the Republic of Poland should have some free outlet to the sea if it were to be given a proper opportunity for development. Many advocated the widening of the Polish Corridor to include the lower reaches of the Vistula and the natural port of Danzig at its mouth. Others urged against this the fact of its German population and the historic position of Danzig as a Free City during the days of the Hanseatic League.

The main lines of the settlement, as finally included in the Treaty of Versailles and in the supplementary Polish-Danzig Treaty of November 9, 1920, may be summarised as follows :

(a) Danzig to be constituted a Free City under the protection of the League of Nations.

(b) The Constitution of the Free City to be drawn up by the people in agreement with a High Commissioner appointed by the League, and to be placed under the League's guarantee.

(c) A Harbour Board, composed equally of Polish and Danzig members, with a neutral President, to be created to operate the port, and to assure to Poland, which was always to have the right to export and import goods of any kind not prohibited by Polish law, the free use and service of its facilities.

(d) Poland to have control of the main through-railway lines and the right to establish in the port a post, telegraph and telephone service, communicating directly with Poland on the one side and foreign countries on the other.

(e) Danzig to be included within the Polish Customs frontier, but its Customs service to form a separate administrative unit.

(f) Poland to undertake the conduct of the foreign relations of the Free City.

(g) Danzig to apply in her territory provisions similar to those contained in the minorities treaties, in particular as regards discrimination against Poles.

(h) A High Commissioner to be appointed by the League of Nations to reside in Danzig, with power to settle Polish and Danzig disputes in the first instance, both parties retaining the right of appeal to the Council of the League.

*The Danzig Constitution and Government.* — While the Polish and Danzig representatives were meeting in Paris to frame the Treaty of November 9, 1920, a Constituent Assembly of 120 members elected by the population of the territory of the Free City was drafting a Constitution for the new State. This Constitution, which was not approved by the League's High Commissioner until May 1922, when certain amendments requested by the Council of the League had been introduced; provided for a Popular Assembly of 120 members elected for four years, and a Senate of 22 members divided into two groups. The eight principal senators, who are elected for four years, act also as heads of administrative departments. The other fourteen members do not have such administrative duties and go out of office on an adverse vote in the Popular Assembly.

Legislative measures must receive the approval of the Popular Assembly and of the Senate, although in the case of a deadlock the Senate must either yield to the Popular Assembly or appeal to the decision of the people by a referendum.

The Senate includes the heads of administrative departments and forms the Government. The President of the Senate has no independent powers as an executive, although

he possesses certain authority in consultation with one of his colleagues to act when the Senate is not in session. The President at the present time is Dr. Heinrich Sahrn, a trained German official who came to Danzig after the Armistice.

The Constitution is divided into two parts, the first being entitled: Organisation of the State, and the second: Fundamental Rights and Duties. This second part deals particularly with the rights and duties of individuals, public servants, religion and religious associations, education and schools, and economic problems. In many respects it follows very closely the text of the new German Constitution.

Several amendments were made in the Constitution as the result of resolutions adopted by the Council of the League of Nations. Perhaps the most important of these was that which expressly provided that the Free City should not, without the previous consent of the League, serve as a military or naval base, erect fortifications, or authorise the manufacture of war material on its territory.

The Constituent Assembly which framed the Constitution became the first Popular Assembly, and elections for the second took place in November 1923. The so-called "bourgeois" parties secured considerably more than half of the 120 seats in both Assemblies, the parties representing "labour" obtaining about 40 on both occasions, and the Polish party 7 in 1920 and 5 in 1923. This new Popular Assembly includes 33 officials, 21 representatives of trades unions, 17 representatives of industry and commerce, and 11 workers.

*The Establishment of the Free City.* — The Free City was officially created by a declaration of the Principal Allied Powers under the Versailles Peace Treaty and came into existence on November 15, 1920. On the same date, the Polish-Danzig Treaty came into force and the League of Nations assumed its responsibilities vis-à-vis the Free City.

During the first two years after the establishment of the Free City, General Sir Richard Haking, an Englishman, held the post of High Commissioner of the League of Nations in Danzig. He had been in command of the Allied troops stationed in Danzig after the Armistice, so that he was well acquainted with local conditions. As he was the first permanent High Commissioner of the League, the initial burden of this office fell largely upon him. He left at the beginning of 1923 to take over the command of the British forces in Egypt, and was succeeded by Mr. M. S. MacDonnell, an Irishman, who had been Governor of the Western Province of Egypt, for a number of years. The expenses of the post are shared equally by the Danzig and the Polish Governments.

The Council of the League adopted a full report on the whole situation on November 17th, 1920. This report contained an analysis of the Polish-Danzig Treaty, stipulated that certain changes should be made in the Danzig Constitution and considered the question of the protection of the Free City against attack. It concluded with a resolution setting forth the general position of the League in relation to the Free City, which thus became, in the terms of the report, a Community in the international organisation of Europe protected against all undue interference on the part of any country, and possessing its own regular existence.

*The Defence of Danzig Territory.* — Although this problem was considered by the Council at the time when it undertook the protection of the Free City, it was not until June 22, 1921, that a comprehensive resolution was adopted on the subject. This recognised the special fitness of the Polish Government to ensure, if circumstances required it, the defence of Danzig by land, as well as the maintenance of order in the territory of the Free City, in the event of the local police forces proving insufficient. It provided, however,

that the High Commissioner would, if the occasion arose, normally request instructions from the Council of the League before taking any action. Nevertheless, in case of urgency he was authorised to ask directly for Polish assistance, the Polish troops to be withdrawn when he considered they were no longer required. It was also stated that the Council might arrange for the collaboration with Poland of one or more of the other Members of the League.

The question of a port d'attache for Polish war-vessels in Danzig was also taken up, and arrangements have since been made to harbour Polish war-vessels in the port of Danzig, where they are provided with the necessary berths by the Harbour Board.

During 1921, the Council as well as the High Commissioner also dealt with the question of the manufacture, storage, and traffic in war material within the Free City. The Council decided to prohibit all such activities unless undertaken by special permission.

The problem of providing for the transit and the temporary storage in Danzig of war material and explosives en route for Poland has been dealt with for three years by the Harbour Board, the High Commissioner, the Danzig and Polish Governments, and the Council of the League. No satisfactory solution has yet been worked out for providing Poland with a depot for this purpose, and at the same time for insuring safety to the inhabitants and the commercial life of the port, but the matter is still under consideration and the Council recently provided that an expert committee of enquiry should further examine the problem (1).

*Polish-Danzig Relations, 1921-1923.* — As stated in the Report to the 1923 Assembly on the work of the Council:

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(1) In March 1924 the Council approved the report of the Committee which recommended that the Westerplatte peninsula should be placed at the disposal of Poland for this purpose.



"The main task of the League, as far as Danzig questions are concerned, since the laying down of the foundation for the status of the Free City, has consisted in the working-out of a great many questions of detail, on subjects either not specially foreseen in the acts constituting the Free City or deferred by these acts for further discussion and settlement. Formally, most of the Danzig questions before the Council have had the character of disputes between Poland and the Free City, but it should be understood that the great number of such disputes is due to a practical desire to obtain a closer definition of many of the Treaty stipulations. In other words, the settlement of a great many of the Danzig-Polish differences is of a constructive character, aiming at the laying down of the foundation of stable conditions in the future."

The two Governments have been able to work out an understanding directly between themselves on most of the points left unsettled in 1920. Many of them were dealt with in the Agreement of October 24, 1921, which contains 244 articles on many different questions, including naturalisation in Danzig, extradition of criminals, postal arrangements, regulations for ships, stock exchange transactions, Customs, fisheries, export and import trade and food supply for Danzig. Such differences, however, as could not be arranged directly between the two parties have been referred, in accordance with the treaties, to the High Commissioner of the League, who has sometimes been able to adjust them informally, but who has, in a number of cases, rendered formal decisions.

A list of decisions given in 1921 will indicate the wide range of subjects with which the High Commissioner has to deal, as well as the delicate legal problems and technical considerations which he has to consider in arriving at a just solution :

1. The right of Poland to retain a transport guard in the port of Danzig.
2. The right of a Danzig bank to pre-empt the property of a Polish citizen, under a Danzig law.

3. The right of Poland, Danzig, or the Danzig Harbour Board to own, control, administer and operate the railways on the territory of the Free City.

4. The right of Poland to demand a visa on the passports of foreigners entering the Free City.

5. The right of Poland or the Danzig Harbour Board to control and administer the Vistula river within the territory of the Free City.

6. The meaning of the term "domicile" and "ordinarily resident" in Articles 105 and 106 of the Treaty of Versailles.

7. The legal position of Polish Government property, officials and ships in Danzig.

8. The power of the Danzig authorities to expel Polish nationals from the Free City.

9. The extent of Poland's right to conduct the foreign relations of the Free City.

10. The right of Danzig to maintain direct judicial relations with Germany.

After a decision has been given, either party has the right to appeal to the Council of the League, which has the power to decide these matters, and appeals have in fact been made against a great majority of the decisions. It frequently happens that the appeals have ultimately been withdrawn as a result of negotiations, either directly between the two parties through the good offices of the High Commissioner or under the auspices of the member of the Council rapporteur for the question.

In this connection, the case of the Danzig railways may be taken as an illustration. The terms of the Treaty of Versailles and the Polish-Danzig Treaty of November 9, 1920, were by no means clear as to how the railways were to be disposed of, although they envisaged the possibility of their

being owned and operated separately by three different administrations: that of Poland, of Danzig, and of the Harbour Board. The High Commissioner divided the ownership of the standard-gauge lines between Poland and the Harbour Board and left the narrow-gauge lines and the tramways with the Free City. At the same time, he stipulated that the railways belonging to the Harbour Board should be administered by the Polish Railway Administration under certain very definite regulations as to their operation—these concerned language, currency, taxation, jurisdiction, police, social insurance, etc., and in general limited the freedom of the Polish administration, so that the habits and customs of the Danzig population and the general authority of the Danzig Government would not be interfered with. His ruling on this question was given in two separate decisions, against the first of which the Danzig Government felt obliged to appeal to the Council. The two parties came together in Geneva in September 1921, and, after a series of conferences in the Secretariat, under the auspices of the High Commissioner, an agreement was reached on the points of difference and the Danzig appeal was withdrawn.

General Haking pointed out, at the end of the Council session in August 1922, that solutions were often worked out in this way, despite the unconciliatory character of the notes frequently forwarded to the Council. The two parties eventually found themselves generally not very far apart, and he suggested that, in order to save time and the trouble involved in constant appeals, they should endeavour to reach an agreement between themselves before laying the matter before the Council.

Much progress was made as a result of this recommendation, but as it appeared that certain questions of principle had not yet been sufficiently defined, the Council took up the general problem of Polish-Danzig relations at its session in July 1923. After explaining that it was firmly resolved

to enforce respect for Polish rights in regard to the Free City, and at the same time to maintain intact the Statute of the Free City, the Council recommended that all outstanding questions should be promptly submitted to the High Commissioner for settlement in accordance with the procedure specified in the Treaties. Danzig and Poland accordingly sent in their disputes, which then numbered over twenty-five, and by negotiations in Danzig and in Geneva they were all settled, at any rate provisionally, by September 1st, 1923, by agreement.

Some of them have come up again before the League Council during the last few months and new problems have been referred to the High Commissioner for a decision. The points of difficulty have not all disappeared, but the number of important questions under dispute is constantly decreasing.

*Finances of the Free City.* — As a result of the rapid depreciation of the German mark, which remained the currency of the Free City after its establishment, it was found difficult to secure the necessary working capital required for the financial operations of the Government. On account of the large sums claimed by the Principal Allied Powers under the Peace settlement, it seemed impossible to negotiate a loan for the purpose of securing the necessary funds. The question was therefore referred to the League Council, which requested the Financial Committee of the League to study the problem, and after investigations covering a period of two years a definite plan to reform the currency of the Free City and put it on a solid basis was worked out by the Danzig Government, which followed the suggestions of the Financial Committee of the League and made a special agreement with Poland on the subject.

By this reform, a new unit of currency called the "gulden", which is equal to one-twenty-fifth of the pound sterling, or

approximately one gold franc, was introduced into the Free City in the autumn of 1923. This currency has become the only legal currency of the territory as from January 1, 1924. A private bank of issue has been founded by a consortium in which Polish banks participate, and it is provided that the currency reform is not in any way to affect the provisions in the Treaties which concern the eventual unification of the monetary systems of Poland and Danzig.

### CONCLUSION.

Such is the broad outline of the first four years' work of the League of Nations on the two main problems which have involved direct and continuous administrative responsibility for the purposes of which the League has maintained commissioners permanently resident on the spot. One of the prominent features of such administration is that the League's nominees represent, and are responsible to, the League as a whole. They turn to it for direction, for political support, or for technical advice, and the complete central organisation is at their disposal. It is in these respects that the new system differs from the character of international administrative bodies set up in pre-war days. International administration under the League is associated with the development and prestige of the whole organisation within the limits of the League's defined responsibilities. The technical committees of the League are ready to assist on technical problems, the Council is regularly available to deal with political difficulties confronting its commissioners, and the main reports and proceedings are circulated to all States Members of the League. The Council reports annually to the Assembly on these and other questions with which it has dealt during the year, and these subjects are open to Assembly discussion.

as most of the documents and discussions are published, public opinion is also kept informed in all countries.

There are many other regions in which League administrators are at work for varying periods and in various capacities. In some cases the conditions have been laid down beforehand in the Peace Treaties, and in others they have been drawn up by the League itself; but Danzig and the Saar are the chief examples of international administration under the League, the regime in both instances having been provided for in the Treaty of Versailles.

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## SAAR BASIN

### Publications issued separately by the League of Nations.

(i. e. in addition to the Minutes of Council Meetings  
and other documents contained in the Official Journal)

(in English and French)

- a) Extract from the Treaty of Versailles concerning the Saar Basin. 4/- \$ 0.25  
b) Periodical Reports by the Saar Basin Governing Commission dealing with political, economic and administrative questions concerning the Saar Basin, issued quarterly.

The most recent of these reports, which are also published in the Official Journal are as follows :

- 1) 15th periodical report, covering period from June 16th, 1923 to September 30th, 1923 . . . . . 5d. \$ 0.05
  - 2) 16th periodical report covering period October 1st to December 31st, 1923. . . . . 3d. \$ 0.05
- c) General reports by the Secretary General to the Council concerning Saar questions, issued two or three times a year. They contain a brief summary of the action taken by the Council and of the information available to that body concerning problems with regard to the Saar Territory, together with a reference to relevant documents. The most recent of these reports, which are also published in the Official Journal, are as follows :
- 1) General report for the period February to October 1923. . . . . 4d. \$ 0.10
  - 2) General report for the period October 1923 to March 1924.
- d) Third and final Report of the Provisional Plebiscite Records Commission, of October 31st, 1923 (Extract No. 24 from the Official Journal).

### Publications issued by and to be obtained from the Saar Basin Governing Commission, Saarbrück.

(in German only)

- a) Official Bulletin (*Amtsblatt*) of the Commission (issued since 1920).
- b) Report of the Statistical Office of the Saar, Vol. I, 1923, containing preliminary Census Returns.
- c) Collection of 27 of the more important decisions rendered by the Supreme Court of the Saar, published February 10th, 1923.
- d) Annual report for 1920 and 1921 of the Mining Authorities and Trade Councils.
- e) Report by the Keeper of the Historical documents in the Saar.

## FREE CITY OF DANZIG

Publications issued separately by the League of Nations

(i. e. in addition to the Minutes of Council Meetings

and other documents contained in the Official Journal)

(in English and French)

- a) Report by Viscount Ishii and resolution adopted by the Council, November 17th, 1920, outlining the position of the League of Nations vis-à-vis the Free City (Doc. No. 20/4/265/2). . . . . 4d. \$ 0.10
- b) Treaty of November 9th, 1920, between Poland and Danzig (Doc. No. 20/1/305/2). . . . . 1/- \$ 0.25
- c) Constitution of the Free City (in German, with English and French translations) in *Official Journals*, Special Supplement No. 7. . . . . 3/6 \$ 0.75
- d) General reports by the Secretary General to the Council concerning Danzig questions, issued two or three times a year. They contain a brief summary of the action taken by the Council and of the information available to that body concerning problems with regard to the Free City. In particular, they contain special record of all decisions of the High Commissioner and a reference to all detailed documents. The most recent of these reports, which are also published in the *Official Journal*, are as follows:
  - 1) General report for the period February-October 1923. 4d. \$ 0.10
  - 2) General report for the period October 1923-March 1924.

### Publications issued by and to be obtained from the Government of the Free City of Danzig, Danzig.

- a) Official Law Bulletin and Journal (*Gesetzblatt, Staatsanzeiger*) of the Free City (in German).
- b) The records of the meetings of the Volkstag (in German).
- c) Danzig-Polish agreement of October 24th, 1921 (in German and Polish).
- d) Decisions of the High Commissioner of the League of Nations in Danzig for 1921, 1922, 1923 (in English and German).

### Publications issued by and to be obtained from the Danzig Harbour Board, Danzig.

- a) *Official Journal* of the Harbour Board (in German and Polish).
- b) The Harbour of Danzig (in German only, for the present).



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