N° 308.

ALLEMAGNE ET POLOGNE ET VILLE LIBRE DE DANTZIG

Convention concernant la liberté du transit entre la Prusse Orientale et le reste de l'Allemagne, signée à Paris le 21 avril 1921.

GERMANY, AND POLAND AND FREE CITY OF DANTZIG

Convention concerning Freedom of Transit between East-Prussia and the rest of Germany, signed at Paris, April 21, 1921.
1 Traduction. — Translation.

No. 308. — Convention between Germany and Poland and The Free City of Danzig, Concerning Freedom of Transit between East Prussia and the Rest of Germany, Signed at Paris, April 21, 1921.

French official text communicated by the German Consul at Geneva. The registration of this Convention took place August 12, 1922.

Germany of the one part, and Poland and the Free City of Danzig, of the other part, being desirous of regulating freedom of transit as provided for in Article 89 of the Treaty signed at Versailles on June 28, 1919, and also in Article 33 of the Polish-Danzig Treaty, signed at Paris on November 9, 1920, and being further desirous of concluding the convention referred to in Article 98 of the Treaty of Versailles,

The following Plenipotentiaries:

M. Gerhard von MUTIUS, Minister Plenipotentiary on behalf of the German Reich, and

M. Casimir OLSZOWSKI, Director of Department at the Ministry for Foreign Affairs, on behalf of the Polish Republic which also represents the Free City of Danzig,

in virtue of Articles 2 and 6 of the aforementioned Treaty, signed on November 9, 1920, having communicated their full powers, found in good and due form, have agreed as follows:

CHAPTER I.

General Clauses.

Article 1.

Poland shall accord to Germany freedom of transit in respect of persons, goods, vessels, carriages, railway wagons, mails and telegraph and telephone services, in transit between East Prussia and the rest of Germany, over the territory (including territorial waters) ceded by Germany to Poland in virtue of the Treaty of Versailles.

Apart from the exceptions and restrictions referred to in the present Convention, freedom of transit shall extend to all ways of communication and all means and methods of transport by land or by water. Among other matters it shall extend to the postal, telegraph and telephone services.

1 Traduit par le Secrétariat de la Société des Nations.
2 Translated by the Secretariat of the League of Nations.
3 The exchange of ratifications took place at Paris, April 27, 1922.
4 Vol. VI, page 190 of this Series.
Should any unexpected occurrence impede communication over the territory ceded by Germany to Poland, the Polish Government shall provide for a temporary railway service over the territory of the old Kingdom of Poland established by the Congress of Vienna.

The Free City of Danzig shall grant to Germany, across Danzig territory, including the territorial waters of Danzig, freedom of transit as provided for in the first paragraph of the present article.

Germany shall grant Poland and the Free City of Danzig the same freedom of transit for communications between these latter, over German territory situated on the right bank of the Vistula, as is specified in Article 96 of the Treaty of Versailles.

In so far as the present Convention does not grant Germany any more extensive rights, Poland and the Free City of Danzig shall be bound, in virtue of the present Convention, to accord to all persons, goods, vessels, carriages, railway wagons, mail, telegraph and telephone services in transit across their territory, at least as favourable treatment as regards facilities, restrictions, and all other matters, as persons, goods, vessels, carriages, railway wagons, mail, telegraph and telephone services of Polish or Danzig nationality, origin, importation, ownership or point of departure and as those which enjoy more favourable treatment than the treatment accorded to Polish or Danzig nationals. Germany shall be bound to do the same in respect of transit of Polish or Danzig origin.

Article 2.

Goods in transit shall be exempt from all customs or other similar dues.

Article 3.

Subject to the special provisions of this Convention, no discrimination in the course of transit shall be exercised either in respect of the nationality of individuals, the origin of the goods, the nationality of the sender, or that of the recipient.

Article 4.

Traffic in transit shall be carried out either in the form of privileged transit or in the form of "ordinary transit".

Passengers in "privileged transit" shall be conveyed in trains or portions of trains reserved for this purpose. Passengers by these trains, as well as their luggage, shall be exempt from all passport and customs formalities, subject as regards passports to the special provisions contained in Chapter VIII.

Passengers making use of these trains shall not be entitled to deliver or receive any object whatsoever in the country through which they are passing, nor to alight from the train, subject, in the last-mentioned case, to the special provisions contained in Chapter VII.

Goods in "privileged transit" shall be conveyed in complete trains.

Traffic in "ordinary transit" shall be conveyed in trains other than "privileged trains".

As regards railway traffic, lines open to local traffic shall be set apart for ordinary traffic.

As regards passport and customs formalities, the ordinary transit traffic shall be subject only to the provisions contained in Chapters VII and VIII.

Article 5.

Traffic in transit shall be subject to the laws for the maintenance of order and public security, and to the Public Health Laws and regulations in force in the country of transit.

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None of the provisions of these laws, however, shall be used in contravention of the provisions of this Convention to stop the circulation of transit traffic. Traffic in transit may be subjected to interruption or delay only in case of need and of extreme urgency.

If one of the High Contracting Parties shall consider that any measures taken in a country of transit deprive it unjustly of advantages accorded to transit traffic by the Treaty of Versailles or by this Convention, it shall be entitled to submit the case to the decision of the Tribunal of Arbitration provided for in Article 11 of this Convention.

Article 6.

The authorities of the country of transit shall accord special protection to persons travelling in privileged transit. These persons and their luggage shall be allowed to pass through the country freely, except when such persons have committed a misdemeanour or a crime within the territory of the country of transit during their sojourn in such country.

Each Government shall take all steps necessary to assure that persons making use of privileged trains or portions of such trains, shall receive all assistance and protection in order that their personal and material rights shall not be subjected to any unlawful restriction, and in particular, that their activities in the field of politics or publicity shall not be made a pretext for any measures which may be harmful to such persons.

The most stringent regulations shall be issued by each Government, instructing its police and local authorities to take particular care to insure that the measures referred to in the preceding paragraph are carried out with the greatest precision and tact.

Any contravention of these regulations shall be immediately dealt with in order to ensure that there shall be no recurrence of such contravention in the future.

Article 7.

No decrease prohibiting import or export shall be applicable to the traffic in transit referred to in this Convention.

All goods for transport into the interior of the country enjoying the right of transit and in the country of transit, shall be treated as being in transit.

In the case of differences between the laws of the two countries, a special agreement shall be concluded between the Governments concerned.

Export, import, or transit certificates shall not be required in the case of these goods.

Goods transported in conformity with the provisions of this Convention cannot be subjected to official sequestration.

Article 8.

The High Contracting Parties shall undertake to maintain in a normal state of repair the ways of communication set apart for traffic in transit.

Such undertaking shall not give to either of the Parties the right to intervene in the internal administration of the other party.

Article 9.

In the event of war, the provisions of the present Convention shall not ipso facto be rendered invalid.

If by reason of a European war, one of the countries of transit considers it necessary to restrict traffic in transit, it shall be bound to inform the other Party through diplomatic channels and shall not be entitled to apply restrictions until 48 hours after such notification. Any party
considering itself injured by the above-mentioned restrictions shall be entitled to refer the matter to the Tribunal of Arbitration provided for in Article 11 of this Convention, which shall immediately institute an enquiry into the matter, and shall decide whether the restrictions on transit traffic are justified, and if so, to what extent.

If the Tribunal of Arbitration is unable to give a final decision before the expiration of the period of 48 hours mentioned above, it shall authorise, within 24 hours after receiving notice of the case, the adoption of provisional measures, without prejudice to its final decision (See Article 10).

Article 11.

As regards the various kinds of transit which arise out of Articles 89 and 98 of the Treaty of Versailles, but which are not regulated by the present Convention, as for instance the transit of pedestrians, cyclists, etc., the High Contracting Parties reserve the right to decide, by means of further conventions, the conditions which shall be laid down for these cases.

Article 12.

Each High Contracting Party shall be entitled to refer any disputes which may arise either as to the interpretation or the application of the present Convention, to the decision of a Permanent Tribunal of Arbitration, sitting in Danzig, which shall be set up within three months from the coming into force of this Convention.

The Tribunal shall decide all disputes on the basis of the provisions of this Convention, of the general principles of law, and of equity.

It shall be competent to decide the amount, if any, of compensation to be made to the injured party by the party found guilty of any infraction of the provisions of this Convention.

Article 13.

The Tribunal of Arbitration shall be composed of three judges, of whom the first shall be appointed by Germany, the second by Poland, and the third by the Free City of Danzig; and of a President to be appointed by the Governments in agreement.

The President shall be a national of a Power which remained neutral during the War of 1914-1918.

If the German and Polish Governments, the latter acting on its own behalf and also on behalf of the Free City of Danzig, are unable to agree as to the appointment of the President, they shall request His Majesty the King of Norway to make this appointment. If within a period of two weeks one of the two Governments shall have failed to comply with a request for the taking of this common action, of which notice has been given by the other Government, the latter may upon its own initiative address a request to His Majesty the King of Norway to appoint a President.

Each Government shall appoint one or more deputies for the judge it has nominated.

A deputy President shall be appointed by the same method as the President himself.

Article 13.

The appointment of the judges and their substitutes may be cancelled by the authorities who appointed them.

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Article 14.

In the hearing of every case, the Tribunal shall be composed of the President and the two judges appointed by the Governments concerned in the case.

In the hearing of cases in which doubt arises as to whether it is the Polish Government or the Government of Danzig that is concerned, vis-à-vis the German Government, and also in the hearing of cases in which all three Governments shall be concerned, the President shall decide which of the two Judges, Polish or Danzig, shall be called upon to sit with the German Judge.

Article 15.

Each Government may be represented at the Tribunal by an Agent. In this case all communications from the Tribunal to this Government must be addressed to the latter’s Agent.

Article 16.

In case of urgent necessity and if one of the Parties so request, the Tribunal may, after having duly served notice on the opposing Party, order provisional measures to be taken, without prejudice to its final judgment.

If, in the case referred to in the preceding paragraph, one of the Judges does not enter appearance upon the convening of the Tribunal by the President, the latter shall be authorised to issue orders on his sole authority for the taking of the necessary provisional measures.

Article 17.

If the settlement of a case pending before the Tribunal be delayed owing to the fact that one of the Judges is not present on the Tribunal and is not replaced by his deputy, the President shall, at the request of the other Judge convened, appoint a substitute for the defaulting Judge. The latter must, when possible, be of a nationality different from that of the other Judge.

This substitute shall have the same rights and the same duties as the regular Judge. He shall take part in the work of the Tribunal until the regular Judge or his deputy shall announce that he is ready to take his seat.

Article 18.

Each Government shall pay the salary of the Judge appointed by it, of his deputy and of every agent whom it may appoint to represent it at the Tribunal.

The salaries of the President and of his deputy shall be fixed by special agreement between the Governments, and the cost of these salaries and the general expenses of the Tribunal shall be borne as follows: 45 % by Germany, 45 % by Poland and 10 % by the Free City of Danzig.

Article 19.

The members of the Tribunal of Arbitration shall be entitled to circulate freely and shall enjoy free passes over the territories traversed by the traffic in transit.

Article 20.

In so far as the procedure of the Tribunal of Arbitration is not regulated by this Convention, it shall be decided by the Tribunal itself.

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Article 21.

The High Contracting Parties shall undertake to carry out faithfully the decisions and rulings of the Tribunal of Arbitration.

CHAPTER II.

RAILWAYS.

Article 22.

Poland recognises the obligation to forward by her own means, across the territory ceded by Germany to Poland, all traffic in transit by rail between East Prussia and the rest of Germany, passing over the Polish system.

The transit shall be effected over the line which constitutes the most direct communication between the dispatching station and the German station of destination.

Exceptions shall only be permitted with the consent of the railway administrations concerned.

Travellers are free to choose their route for themselves and their luggage. In addition, mails, express postal packets, express goods, perishable goods and cattle shall be despatched under the most favourable conditions of transport.

The Free City of Danzig accepts the same obligation towards Germany with regard to Danzig territory.

Germany accepts the same obligation with regard to railway traffic between Poland and the Free City of Danzig in the territory mentioned in Article 96 of the Treaty of Versailles.

Article 23.

Privileged traffic (See Article 4) shall be carried on the following lines:

(a) Lauenburg-Danzig-Tczew-Marienburg;
(b) Chojnice-Tczew-Marienburg;
(c) Schneidemühl-Bromberg-Thorn-Dt. Eylau;
(d) (Schwiebus) Zbaszyn-Posen-Thorn-Dt. Eylau;
(e) (Züllichau) Zbaszyn-Posen-Thorn-Dt. Eylau;
(f) Rawicz-Leszno-Posen-Thorn-Dt. Eylau;
(g) Fraustadt-Leszno-Posen-Thorn-Dt. Eylau;
(h) (Oels) -Krotoszyn-Gniesen-Thorn-Dt. Eylau;
(i) Garnsee-Marienburg-Danzig;
(k) Dt. Eylau-Marienburg-Danzig.

The High Contracting Parties reserve the right to submit the list of lines set apart for privileged transit to a revision every three years and to change it by mutual agreement if there be occasion.

Ordinary transit shall take place on all the railway lines open for local traffic and situated in the territory ceded by Germany to Poland, in Danzig territory, and in the German territory mentioned in Article 95 of the Treaty of Versailles.
Article 24.

Traffic in privileged transit shall be carried on the lines mentioned in Article 23 at the request of the country of despatch.

This traffic shall be organised according to the stipulations of the present chapter when the regular discussions of timetables take place.

Article 25.

The High Contracting Parties agree to maintain the railway lines employed for privileged transit in a normal state of repair and in accordance with the development of the traffic on these lines.

Article 26.

Each party shall have the right to alter, even during the period of three years mentioned in Article 23, one or more of the lines employed for privileged transit.

The following conditions shall be observed:

(a) The points of entry and exit of the line altered communicating with the railway system of the other Contracting Party shall remain the same;
(b) The length of the line altered shall not be greatly increased;
(c) The transit traffic capacity of the line altered shall not be reduced.

The conditions mentioned in the present article (under a, b and c) shall not be changed in any special case except by mutual agreement between the parties.

Article 27.

Poland undertakes to develop the capacity of her railways as soon as possible, so as to enable them to comply with the above obligations.

The Free City of Danzig accepts the same obligation with regard to Germany.

Germany undertakes the same obligation as regards Poland and the Free City of Danzig on the right bank of the Vistula.

Germany recognises that the present capacity of the Polish Railways as regards working stock is not sufficient for the needs of the German traffic in transit.

Germany therefore agrees to lend Poland for a period of five years, a number of locomotives which shall be fixed by mutual agreement between the two respective Railway Administrations for each period of validity of the time tables.

The arrangements shall be made on the following basis:

Poland shall furnish its own engines in order to guarantee a proportion of German transit at least equal to that which it is able to guarantee to Polish traffic throughout Polish territory.

Poland undertakes to carry out the whole of the traffic in transit under consideration with this assistance from Germany. After the period of five years has expired the question shall be considered whether Germany's assistance is still necessary, and if so, to what extent.

Article 28.

Passenger express and slow trains and express and slow goods trains, as well as portions of passenger trains brought into the country of transit, shall be forwarded by the railway Administrations of that country who shall ensure that their composition remains unchanged. Stops shall be limited as far as possible. Stops at frontier forwarding stations and at stations where the train
staffs are inter-exchanged — such stations being determined by traffic working agreements or conventions, — shall not exceed the period required by the train service. The receiving of the trains and coaches, as well as their handing over, must be effected as quickly as possible.

Article 29.

There shall be discussions at regular intervals to decide upon the number of trains to be despatched and their time tables.

Article 30.

Whenever the necessity arises for providing special transport in transit, such as: duplicated passenger trains, season trains of all kinds, leave trains, holiday trains and those running to the seaside, potato trains, trains carrying manure and generally optional unscheduled trains, the railway administrations concerned shall agree as to the measures to be taken.

Article 31.

The trains, train sets and wagons in transit shall be handed over at the stations where the train staffs are changed in accordance with the working and loading instructions which are in force in the country of transit.

Article 32.

Restaurant cars and sleeping cars shall be attached to the trains, or portions of trains, set apart for privileged transit.

Article 33.

The railway administrations shall agree on the method to be followed regarding the handing over and the receiving of carriages at the stations where the staffs are changed, having regard to both technical and traffic considerations. They shall do the same in regard to carriages which have become defective (overheating, etc.) on the lines of the country of transit. The railway administrations shall also regulate the train service on the sections between the frontier and the station where the staffs are exchanged.

Article 34.

The traffic in transit shall be forwarded by loop lines if interruptions or difficulties of service shall so require.

Article 35.

The High Contracting Parties undertake to assist each other in the case of accidents occurring on the lines near the frontier, or in cases when the locomotive breaks down, etc.
Article 36.

Paragraph 1.

The responsibility for railway accidents shall be determined by the laws, orders and regulations which are in force on the railways in the locality where the accident occurs, subject to the provisions laid down in Article 38 with regard to luggage, express parcels and goods.

Paragraph 2.

Each of the High Contracting Parties shall assume responsibility for its own employees, and for other persons which they may severally employ in the traffic in transit.

Paragraph 3.

If an accident occurring at the station where the staffs are changed, or on a section between such station and the frontier, causes the death or wounding of passengers or damage or loss of rolling material or of the goods carried, and if this accident has been caused through disregard of the working regulations or the signalling rules which are in force for the locality in question, the railway administration of which the employees have not observed such regulations shall be held responsible.

In cases where the employees of both railway administrations are guilty of disregard of the regulations, both administrations shall be held equally responsible, for the damage caused and the indemnity payable. This rule shall also apply to cases where it has not been possible to decide which employee is guilty.

Paragraph 4.

In cases where the accident is due to the bad condition of the station, line or engine, the railway administrations whose duty it is to maintain the station, line or engine in good condition, shall be held responsible. Poland shall be held responsible for the engines lent by Germany to Poland for continuous use, from the moment of their receipt by Poland until their return.

Paragraph 5.

Where the accident is due to a defect in a carriage, the administration which last received the carriage after having examined it technically shall be held responsible.

Paragraph 6.

In cases where the preliminary statements made by the administration responsible for the working of the railway appear to show that the other administration should be held equally responsible, the enquiry shall be prosecuted jointly by the Commissioners of both administrations for the purpose of definitely ascertaining the cause of the accident.

Paragraph 7.

If the accident occurs on a through line or at a station situated on that line, and if the preliminary statements made by the administration responsible for the working of the railway, appear to show that the other administration might be held equally responsible, the station responsible under the Regulations for giving information shall inform both railway administrations of the accident.
Paragraph 8.

Subject to the right of bringing an action, the railway administration working the line shall be responsible to persons who have suffered injury through a railway accident. The exception set forth in Paragraph 1 regarding luggage, express parcels, and goods remains in force.

Paragraph 9.

Cases in which the railways disagree as to the responsibility for an accident shall be decided by the Arbitration Court, provided for in Article II. In the same way, disputes which may arise between the State railway administrations and those of railways not owned by the State, may be submitted on the request of either party for decision to the Tribunal of Arbitration. Administrations of railways not owned by the State can, however, only act in such case through the Government of their own country.

Paragraph 10.

Responsibility for damages to mails and postal parcels is regulated by the provisions of Chapter IV of the present Convention.

Article 37.

Each party undertakes to place at the disposal of the other party, for its exclusive use, special wires set apart for the telegraphic and telephonic service of the railways, in return for repayment of the expenditure incurred in the upkeep of such wires. The use of such wires shall also be reserved for the postal, customs and police offices, as well as for military railway offices for communications relating to the railway service.

Telegrams and telephone conversations connected with the service shall be exempt from all taxation.

Article 38.

Passengers, luggage, express parcels and goods sent by post or slow train, shall be forwarded directly.

The provisions regarding the tariffs laid down in Article 39 shall be applicable to the transport of passengers, luggage and express parcels.

The tariffs for postal packages are fixed in Chapter IV.

The transport of goods shall be subject to the provisions of the Berne International Convention of October 14, 1890, with regard to the transport of goods by rail, with the modifications and additions contained in the Supplementary Declaration of September 20, 1893, by the Supplementary Agreement of July 16, 1895, and by the Supplementary agreements of June 16, 1898, and of September 19, 1906, in so far as these provisions are not modified or supplemented by the present Convention and by the Rules for Application herewith attached. The transport of goods shall moreover be subject to the provisions concerning the tariffs set forth in Article 39.

1 British and Foreign State Papers, vol. 82, page 771.
3 British and Foreign State Papers, vol. 92, page 433.
Article 39.

Through tariffs shall be fixed for the traffic between East Prussia and the rest of Germany across the territory ceded by Germany to Poland and across the territory of the Free City of Danzig. These tariffs shall be called:

"Through tariffs for traffic between East Prussia and the rest of Germany across the territory ceded by Germany to Poland and across the territory of the Free City of Danzig."

In view of the introduction of this tariff, the railway administrations of the country of transit shall grant the German railway administrations rates for the railways situated on Polish and Danzig territory which shall not be higher than those of the local tariffs in force, including any general tariffs which may be fixed for the transport of coal from centres of production. The same shall be the case as regards the supplementary charges. The costs of despatch (station charges) shall not be reckoned.

Exceptional tariffs and special reductions in the cost of transport, which might be granted on a certain line of transit to a certain class of passengers, luggage, express parcels, or goods, shall also be granted to Germany for the same class of passengers, luggage, express parcels, or goods, on the same line and in the same direction.

Germany shall not be granted the exceptional tariffs accorded for the purpose of diminishing or obviating local public calamities.

In the same way, Germany shall not be granted reductions in the cost of transport of machinery, plant and building materials, either for the establishment of new industrial enterprises, or for the development of existing industrial enterprises, which reductions might be granted by virtue of the laws for the development of industry.

The administrations of the German railways shall themselves fix in German currency the prices of tickets, the amount of costs of transport and supplementary charges for the whole journey of the traffic in question.

For the traffic between Poland and the Free City of Danzig, across German territory situated on the right bank of the Vistula, and specified in Article 96 of the Treaty of Versailles, through-tariffs shall be fixed. These tariffs shall be called:

"Through-tariffs for the Polish-Danzig traffic across German territory situated on the right bank of the Vistula, and specified by Article 96 of the Treaty of Versailles."

In view of the introduction of this tariff, the German railway administrations shall grant the Polish railway administrations rates and supplementary charges in accordance with the principles laid down above for the through traffic between East Prussia and the rest of Germany, across the territory ceded by Germany to Poland, and across the territory of the Free City of Danzig.

The Polish railway administrations, whilst safeguarding the interests of the Free City of Danzig in an equitable manner, shall fix, either on their own initiative, or, if necessary in agreement with the Danzig Harbour and Waterways Board, the prices of tickets and the amount of transport charges, and supplementary costs for the whole journey of the traffic in question.

Article 40.

The cost of transport of dead locomotives of empty passenger stock, and new stock coming from the workshops, shall be fixed according to the tariff applicable to rolling stock running on its own wheels.

Article 41.

The contribution of German locomotives provided for in Article 27 shall consist partly of locomotives intended for continual service with express and slow trains, regular goods trains, and
optional goods trains, running the whole year, or at least during a period of the time-table; and partly of locomotives supplied for temporary service and intended for use in exceptional dep. cation of express trains and regular slow trains, and for season trains of all kinds (leave trains, holiday trains, seaside trains, potato trains trains carrying manure, etc.).

**Article 42.**

The following provisions shall be applied to the German auxiliary locomotives supplied for continuous service:

**Paragraph 1.**

The total number of locomotives needed shall be calculated on the basis of the average daily capacity of the locomotives and increased by two-thirds, to allow for repairs. Locomotives in exchange for the hired locomotives needing repairs shall not be supplied by Germany so long as the number of hired locomotives under repair in the German workshops, and sent to them for repairs does not exceed 40 per cent.

The average daily capacity of the locomotives is fixed as follows:

- Express and slow trains: 150 kilometres.
- Goods trains: 90 "

For special trains the number of locomotives needed shall be fixed at 50 per cent. of the number calculated according to the specifications given above. The type of locomotives to be supplied to the Polish railway administrations for contribution in locomotives shall be as follows:

- For express and slow trains type P. 8;
- For goods trains type G. 10 and G. 8;
- In case of need a limited number of type G. 7.

**Paragraph 2.**

The daily cost of hire to be paid by the administration of the Polish railways for the locomotives supplied shall be calculated according to the following formula:

\[
\frac{A + \frac{Ap}{L \times 100}}{365}
\]

Explanation of the formula:

- \( A \) = cost of purchase of a new locomotive;
- \( L \) = length of service of a locomotive fixed at a period of 30 years;
- \( p \) = interest at 6 %.

At the request of one of the High Contracting Parties the cost of purchase of the new locomotives shall be submitted for revision. The cost of hire shall be fixed afresh in accordance with the result of this revision.

**Paragraph 3.**

The provisions concerning the method of handing over and receiving the locomotives are laid down in the regulations dealing with executive measures. The same shall apply to the tools and locomotive accessories.
Paragraph 4.

When locomotives are handed over, the German railway administration shall furnish simultaneously spare parts for each series of 20 locomotives of one type, of which the kind and number are laid down in the regulations dealing with executive measures.

The necessary spare parts (sets of wheels, cylinders, axle boxes, etc.) shall be supplied by the German railway administration at the request of the Polish railway administration whenever these parts are required for repairs, so long as the latter have not been carried out in the German workshops. All spare parts shall be supplied at the prices charged to a third party by the German railway administration.

Paragraph 5.

Running repairs of minor importance, shall be carried out in the Polish workshops. On the other hand, the annual over-haul in accordance with the Polish regulations, as well as all more important repairs, shall as a rule be carried out in the German workshops.

The German railway workshops shall carry out the repairs of the locomotives hired by the Polish administration as rapidly as possible.

All repairs to locomotives hired by the Polish railway administration shall be at the cost of the latter. The cost of the repairs done in German workshops shall be calculated at the same prices as those charged to a third party.

Paragraph 6.

If the Polish Government, after the expiration of the period of five years does not require further help in form of German locomotives, or if a reduction in the number of locomotives is agreed upon during this period, the Polish railway administration shall have the right to arrange for the restitution of the locomotives; but every locomotive shall be delivered in the same condition of periodical repair as it was at the time of handing over, even if this stipulation cause a delay in restitution.

The delivery, inspection and taking possession of the locomotives to be restored shall be carried out in the same way as that employed in the handing over. In case of deterioration, caused by excessive use, such deterioration shall be made good in German workshops at the cost of the Polish railway administration, unless the latter prefers to carry out these repairs in its own workshops.

Paragraph 7.

Charges for the hire of engines and the cost of repairs of spare parts, etc., shall be made in German currency.

Article 43.

The following provisions shall be applied to German auxiliary engines supplied for occasional use:

Paragraph 1.

The total number of engines necessary for the above-mentioned trains, which only run periodically, and the number and types of auxiliary engines to be supplied by Germany, shall be fixed for each special case by mutual agreement between the railway administrations concerned.
Paragraph 2.

The rates for daily hire, which shall be reckoned according to the rules contained in Article 42, paragraph 2, shall only apply to these engines if they are returned within the first ten days. If they are kept for a longer period, the charges for daily hire shall be increased by 200 marks for each passenger engine and 180 marks for each goods engine; this increase shall be applicable from the day when possession of the engines is obtained.

Paragraph 3.

The handing over of these engines shall take place from one engine depot to the other, without the formalities provided for in Article 42, paragraph 3, but an acknowledgement of receipt shall be given to be signed by the German and Polish heads of the engine depots in question. The restitution of the engines shall take place in the same fashion. The railway administrations concerned shall agree as to special rules.

Paragraph 4.

Germany shall not supply any spare parts with these engines; but, if necessary, she shall supply them on demand at a later date.

Paragraph 5.

Current repairs of minor importance shall be executed in the Polish workshops at the cost of the Polish railway administration. If more important repairs are required for these engines, they shall be restored to the German railway administration, which shall supply other engines in working order. The cost of the repairs to these engines in German workshops shall be charged to the German railway administration, with the exception, however, of the cost of repairs due to deterioration caused by excessive use, when the deterioration has occurred in Polish service.

Paragraph 6.

The charges for hire and cost of repairs if any, shall be calculated in German currency.

CHAPTER III.

MILITARY TRANSIT.

Article 44.

The transit of German soldiers and of German military property shall be subject to the following regulations:

Paragraph 1.

For the purposes of the present Convention, all persons on active service belonging to the armed forces shall be considered as soldiers, whether they travel in uniform or in mufti.

Paragraph 2.

Persons travelling alone in German uniform shall use the trains or parts of the trains referred to in Article 4 and detailed for privileged transit or trains especially detailed for military transit and referred to below.

Such persons are forbidden to use any other trains.
Paragraph 3.

Soldiers travelling alone in trains or parts of trains detailed for privileged transit shall only carry their sidearms (swords and bayonets); they shall, however, leave these arms in the luggage-van while travelling outside German territory.

Paragraph 4.

In order to provide for the transit of men on leave, soldiers travelling alone on duty and troops and military property, one military train per week shall run in each direction. Soldiers in mufti shall be entitled to use these trains.

As a general rule, arms and ammunition may not be transported in these trains. Soldiers using these trains shall, however, be entitled to take with them in the train their side-arms and their rifles, pistols or revolvers with the regulation amount of portable ammunition.

The German authorities shall notify the Polish authorities of the departure of this train at least twenty-four hours before it starts.

Paragraph 5.

The side-arms, rifles, pistols and revolvers and their ammunition, when carried in the trains provided for in Section 4, shall, for the period of transit outside German territory be left in wagons specially detailed for this purpose. These wagons shall be given a special place in the train and shall be guarded by personnel belonging to the country of transit, not exceeding two men per wagon.

Carriages detailed for soldiers shall be grouped together and shall be accompanied by customs officials in conformity with Article 82.

Paragraph 6.

For the transit of military property in general, including arms and ammunition, the transport of which is prohibited under paragraph 4, one military goods train per week shall run in each direction. The departure of these trains shall be notified in conformity with paragraph 4, sub-paragraph 3.

Paragraph 7.

Military property which requires special supervision or attention may be accompanied in these trains by German soldiers to the number of not more than two per horse-box, and one per goods-wagon.

The customs authorities of the country of transit shall, in this case, be entitled to have these wagons examined by their officials, whose number shall not exceed two per ten wagons.

The German escort may take their side-arms with them in the train but shall leave them in the service wagon during the period of transit outside German territory.

Paragraph 8.

In order to provide for the transit of soldiers on leave in uniform or in mufti at Christmas and Easter, special trains for the exclusive use of soldiers on leave may run, in conformity with an arrangement to be previously made between the German and Polish railway authorities. The regulations of paragraph 3 concerning the transit of soldiers travelling alone shall also apply to these trains.

Paragraph 9.

For the maintenance of order in these trains, a German escort consisting at the most of one officer and ten soldiers shall accompany the trains provided for in paragraphs 4 and 8. This escort
shall only retain its side-arms and its pistols, with one complete charge, and one refill in the pouches.

Paragraph 10.

The military transport provided for in paragraphs 4, 6 and 8 shall be effected by wagons provided by Germany with Polish personnel and engines. The engines shall be delivered for this purpose in conformity with the rules laid down for civilian transit by the present Convention.

Paragraph 11.

The military trains provided for in paragraphs 4, 6 and 8 shall travel via Chojnice-Tczew-Marienburg.

In the event of interruption of traffic or other difficulties occurring on this line, the transport shall be effected by a route to be agreed upon by the railway authorities concerned.

Paragraph 12.

Each of the military goods trains provided for in paragraph 6 shall consist of at least 25 loaded wagons.

Should the number of travellers in the military trains provided for in paragraphs 4 and 8, be less than 400, Germany shall repay the cost of a number of third-class tickets equal to the difference between 400 and the number of travellers.

In applying the above sub-paragraph to the mixed trains referred to in paragraph 4 (for soldiers and military property), the load of a goods wagon shall be considered as equivalent to sixteen passengers.

In order to render it easier for Germany to run the trains provided for in paragraph 4, should the number of soldiers or the load of military property to be transported in these trains be lower than the figure indicated above, Germany may, in exceptional cases, add a certain number of wagons loaded with civilian goods in transit up to the number necessary to make full use of the traction power of the engine. In applying the minimum of 400 travellers provided for above, the load of each wagon of civilian goods shall also be considered as equivalent to sixteen passengers.

Article 45.

The measures for ensuring co-operation between the authorities concerned, and the special regulations for the transit of military trains are laid down in the Rules for Application.

Article 46.

In the event of railway, telegraphic and telephonic communications being interrupted, Germany may employ, with a view to maintaining connection between East Prussia and the remainder of Germany, individual motor-cars, each containing, in addition to the driver and his assistant, two persons in uniform carrying only their side-arms. These motor-cars will not be subject to any customs or passport formalities, but each shall be accompanied by an official of the country of transit.

German soldiers shall obey the instructions of these officials with a view to safeguarding the customs service and public order.

These cars shall use the roads specified in the present Convention for the circulation of motor-cars in transit.
Article 47.

The transport of Polish soldiers and military property through the German territory situated on the right bank of the Vistula shall be guaranteed strictly to Poland on the same conditions as those granted to Germany by the present Convention.

The clauses laid down above regarding German military transport shall similarly apply to Polish military transport.

The Deutsch Eylau-Marienburg line shall be used for transit.

Article 48.

The expenses of the escort and of the convying officials shall be borne by the senders in conformity with the regulations concerning the privileged transit traffic provided for in the present Convention.

Article 49.

In so far as the regulations contained in this Chapter and in the Executive Regulations do not provide to the contrary, the general rules laid down by the present Convention regarding civilian transit shall be applicable to military transit.

Military property transported by water shall be subject to the rules laid down in Chapters V and VII of the present Convention for the transport of civilian goods in transit.

CHAPTER IV.

POSTS TELEGRAPHS AND TELEPHONES.

Article 50.

Germany shall have the right, in accordance with the requirement of her postal traffic, to send mails and postal parcels of every kind in her own wagons (mail and parcel vans) on the railway lines appointed for privileged transit between East Prussia and the rest of Germany through the ceded territory. This right shall also extend to the territory of the Free City of Danzig.

The German postal administration shall be entitled to attach one German mail van escorted by German officials to each express or slow train. The mail vans and closed vans shall be conveyed by express goods trains and, failing such trains, by ordinary goods trains.

Article 51.

The Polish Postal Administration shall be entitled to use the through mail vans escorted by German postal officials on the Polish lines for the transport of its mails and postal parcels in so far as there is space available. The Postal Administration of the Free City of Danzig shall have the same right on the railway lines of the Free City.

The German Postal Administration however, shall not be bound to add mail vans to the trains, unless the interests of German traffic demand it.

Article 52.

A Polish postal official shall be entitled to travel in each mail van escorted by German postal officials, and, if necessary, shall deal with the Polish mails. This Polish official shall not be en-
titled to interfere in the internal affairs of the German postal service. The Polish postal official shall not be allowed to examine the German postal matter. He shall, however, be entitled, without interfering with the German postal service, to see that articles not included in the category of mails and postal parcels shall not be transported in the German mail vans. The German staff shall be allowed to take with them only the articles and food necessary for their private use during the journey across the territory of transit.

[The Polish postal official travelling in the German mail van shall see that the provisions of Article 54 are observed. In addition he shall represent the personnel of the German postal service before the Polish and Danzig authorities. He shall obtain a statement in writing from the German staff in regard to any irregularities observed by him, and shall confine himself to making a report to his superiors, refraining from any interference in the affairs of the German personnel.

The Free City of Danzig shall also be entitled to have the German mail vans escorted across the territory of Danzig by its own agents. The regulations laid down in the present Article in regard to the Polish escort shall apply also to the Danzig escort.

Article 53.

The Polish and Danzig railway administrations shall transport, in accordance with their general railway regulations, the mail vans and closed vans handed over by the German railway administration, and sealed by the German postal and Customs authorities.

Article 54.

The letter boxes of the German mail vans shall not be opened in Polish or Danish territory. Further, the German postal officials shall not communicate with the public in the territory of transit. They shall be forbidden to leave the mail vans or to receive or deliver any article during their stay in Polish or Danzig territory. The transfer of mails or postal parcels in the territory of transit shall be contingent upon an agreement between the local administrations concerned, and shall be made solely through the Polish or Danzig postal official travelling in the German mail vans.

Article 55.

The transport of personnel (See Article 50) escorting German mail vans shall be free of charge.

Article 56.

The German travelling officials shall be provided with a certificate from the German travelling postal department drawn up in German and Polish and stating the number of officials authorised to travel on duty in each German mail van.

Article 57.

(a) Mails and parcels of every description coming from East Prussia and proceeding to a destination in the remaining part of Germany and vice versa;
(b) and mails and parcels coming from abroad proceeding to Germany (including East Prussia) and vice versa, shall be carried in the German post-office vans in transit through Polish and Danzig territory.
The transport in mail vans of mails (dépêches) in transit of every kind coming from abroad and with foreign destinations, shall be regulated by previous agreement between the German and Polish postal administrations.

**Article 58.**

In the event of a German mail van not being attached to a privileged train, the Polish or Danzig railway personnel may, subject to previous agreement between the local administrations, be entrusted with the transport, across Polish and Danzig territory, of the mail bags accompanied by a waybill.

**Article 59.**

For the transport across Polish territory of German wagons in transit (mail vans and vans) including the mails and postal parcels (see Article 57 (a) and (b),) the equipment of the mail vans and the equipment of the German escort, payment shall be made to the Polish Postal Administration in accordance with the rate per kilometre of the distance run by the mail vans or vans, as fixed in the executive regulations. This rate shall include the cost of escorting the German travelling mail vans and the insurance premium for the risks attaching to liabilities specified in Article 60.

In so far as the transport of German mail vans in transit is effected by the Railway Administration of the Free City of Danzig, the latter shall also receive payment per kilometre travelled, as provided for in the executive regulations.

**Article 60.**

The German Postal Administration shall be responsible for the mails and postal parcels carried in the German vans escorted by German postal employees, unless negligence can be proved against the Administration operating the railway concerned.

In case of a railway accident, the administration operating the line in question shall be responsible as regards the postal officials and the mail vans in the same measure as it is responsible for the passengers, goods and railway wagons.

The Polish or Danzig Railway Administrations shall be responsible to the German Postal Administration for the mails and postal parcels carried in the closed German vans in the same measures as they are responsible, according to their own regulations, to the Polish or Danzig Post Administrations.

If registered postal parcels or parcels of declared value are carried in mail vans or closed vans, the liability of the Polish or Danzig Railway Administrations in respect of these parcels shall not exceed their liability in respect of ordinary parcels sent by rail.

Poland and the Free City of Danzig shall not be obliged to pay compensation for the loss or theft of mail bags transported by the officials of the Polish or Danzig railways.

In case of transfer of German mails, necessitated by the uncoupling of an escorted German mail van, the Polish or Danzig Postal Administration shall be responsible for the German mails and postal parcels, if after the transfer, the staff of the Polish or Danzig postal service continues to effect the transport of the German mails. The Polish or Danzig Postal Administration shall in this case be obliged to assume responsibility for compensation in the same measure and in accordance with the same regulations as would be incumbent upon the German Postal Administration with regard to the senders.

**Article 61.**

If, in the course of transit, a German mail van becomes unfit for use, either as the result of overheating or for other reasons, the Polish or Danzig Administration (Postal or Railway
Administration) shall forthwith take measures to replace this van in the best interest of the postal service.

Article 62.

Telegraphic and telephonic communication in transit between East Prussia and the rest of Germany shall be effected by means of the appropriate direct lines.
The numbers of the lines detailed for this service are specified in the Rules for Application; the Postal and Telegraphic Administrations concerned may agree upon the exchange of certain lines for others.

As soon as Germany shall be in a position to provide for her needs by other lines, she shall give up the use of a corresponding number of the Polish and Danzig lines which have been placed at their disposal.

Article 63.

Telephonic and Telegraphic Communications in Transit include:

(a) Telegrams and telephonic communication between East Prussia and the remainder of Germany;
(b) Telegrams coming from abroad and destined for Germany (including East Prussia) and vice versa.

Article 64.

For the use of each telegraph line including the cost of its upkeep, Germany shall make a fixed payment to Poland calculated on the basis of 5,000 words per day, each word being calculated at one-fifth of the telegraph rate per word in force in Germany. As regards the telephone circuit (double wires) Germany shall make a similar payment as for a telegraph line. Payment shall be made quarterly in German currency.

This fixed payment shall include compensation for the use and upkeep of the wires in Polish territory, and, should the case arise, for the wires belonging to Poland or administered by her in Danzig territory.

As regards wires situated in the territory of the Free City of Danzig and belonging to the Danzig telegraph administration, Germany shall refund to the Free City of Danzig the actual cost of upkeep.

The payment to be made to the Free City of Danzig in Danzig currency shall cover both the use of the lines and their upkeep.

Article 65.

The provisions of Article 64 concerning the fixed payment for the use and upkeep of the telegraphic and telephonic lines used for transit between East Prussia and the rest of Germany shall be revised yearly at the request of Germany or of Poland.

The rates thus amended shall apply from the beginning of each financial year (April 1); the request for revision shall be submitted not later than three months before April 1.

Article 66.

The regulations of the present Chapter (IV) shall apply in the same way as in the case of the postal, telegraphic and telephonic communications between Poland and the Free City of Danzig across the German territory on the right bank of the Vistula, as specified in Article 96 of the Treaty of Versailles.
CHAPTER V.

NAVIGATION.

Article 67.

There shall be free transit between East Prussia and the rest of Germany by water on all waterways suitable for navigation or rafting in the territory ceded by Germany to Poland, in Danzig territory and in the territorial waters of Poland and Danzig. This applies to every kind of vessel, namely, to barges, rafts, tugs, convoys, steamers and vessels of every class and their cargo, but excludes warships.

Transit on the waterways shall only be open to barges, tugs, steamers and vessels of every class registered at a German, Polish or Danzig port. Poland and the Free City of Danzig may, however, at the request of Germany, allow the transit of vessels registered at other ports.

Transit shall be open to all rafts proceeding from East Prussia to the rest of Germany and vice versa.

Article 68.

No dues shall be collected on the voyage other than dues of a compensatory nature imposed solely with a view to meeting in an equitable manner the cost of maintaining the waterways and the access thereto in a navigable condition, or to improving them, or with a view to meeting expenditure incurred in the interests of navigation. The tariff shall be calculated on the basis of these costs and expenses, and shall be posted in the ports. The German Government shall be notified as soon as possible through diplomatic channels of every change made in this tariff before the change comes into force.

Article 69.

The certificates of the engineers, firemen and masters and the boiler certificates granted by the country enjoying the right of transit shall be recognised as valid by the authorities of the country of transit.

The public rights and personal obligations (particularly as regards direct dues and social insurance) of masters, crews and families of persons occupied in transit traffic, staying temporarily in the country of transit, shall be regulated during their stay in accordance with the laws of the country enjoying the right of transit.

If these persons should enter other employment during their stay in the country of transit, they shall be subject to the laws of the country of transit in regard to their other occupation.

Article 70

The vessels mentioned in Article 67 shall only touch places where a customs office or police station is established; a list of these places shall be communicated to the German Government within two months from the putting into force of the present Convention. Changes made in this list at a later date shall be communicated to the German Government as soon as possible. In urgent cases vessels may touch at other places; special customs and passport regulations will fix the procedure in such cases.
In order to comply with the regulations of the river police or for other important reasons, crews shall be allowed to construct or break up their rafts.

Towage on the banks suitable for this purpose may be carried out without giving special notice to the police. The police regulations concerning towage shall be observed.

Article 71.

The transhipment during the journey of goods in transit shall only be carried out in places appointed by the Polish or Danzig authorities. A list of these places shall be communicated to the German Government by the Polish Government not later than two months after the coming into force of the present Convention. Changes made in this list at a later date shall be communicated to the German Government as soon as possible. The transhipment mentioned above shall be subject to supervision by the customs, the cost of which shall be defrayed by the masters.

Article 72.

The procedure to be followed in urgent cases when the persons mentioned in Article 69 are forced to return to their domicile, is contained in the Rules for Application.

Article 73.

As long as the rationing of indispensable foodstuffs continues in force in Poland, Germany and the territory of the Free City of Danzig, German masters of vessels in transit through Poland, or the territory of the Free City of Danzig, and Polish and Danzig masters in transit through Germany, shall be treated in the same way as the masters of the country of transit as regards the method of allocation of food, the prices charged, and the quantity and quality of the food.

Article 74.

The question of the administration of the frontier section of the Netz-Notec River shall be decided by a subsequent arrangement to be concluded as soon as possible.

CHAPTER VI.

MOTOR CARS AND MOTOR CYCLES.

Article 75.

Motor cars and motor cycles in transit shall use such roads as may be appointed by the countries through which they pass. These roads will be chosen in accordance with traffic requirements.

The High Contracting Parties undertake to exchange, not later than two months after the ratification of the transit Convention, lists of roads appointed for such transit.

Any alterations which may in future be made in this list will be communicated to the other Contracting Parties as soon as possible.

Article 76.

The Custom-house of entry shall provide motor cars and motor cycles, when crossing the frontier, with special marks to be carried by them during transit. The chauffeur shall also receive
a transit certificate stating the road to be followed. Marks and certificates shall be given up at the Custom-house of egress.

Article 77.

Motor cars and motor cycles shall be subject to the same tolls as are levied on traffic in the interior of the country of transit.

CHAPTER VII.

CUSTOMS.

Railway Traffic.

Article 78.

The Customs and Railway Administrations of the High Contracting Parties undertake to aid one another in all questions relating to transit by supplying information and by making investigations upon the request of the other Party. The correspondence dealing with such matters shall be conducted direct between the competent administrations.

Article 79.

Traffic in transit shall be subject to customs examination by the country of transit. Customs examination shall take place immediately upon the arrival of all trains scheduled in the railway time-tables. The High Contracting Parties undertake to recognise each other's customs seals.

Article 80.

Traffic in transit shall be subject to the general customs regulations in force in each country, provided that such regulations are consistent with the provisions of the present Convention.

Article 81.

Passengers in transit and their luggage shall be exempt from all customs duties or other similar duties, with the exception of sums expended by the railway administrations. Expresses and slow trains on the privileged transit service, and parts of trains used for this service, must be exclusively composed of corridor coaches.

Articles 82.

Customs officials of the country of transit shall escort the trains or parts of trains mentioned in Article 81. The escort expenses of these officials shall be paid by the country forwarding the train, in accordance with the provisions of the executive regulations contained in this article.

In general, officials of the Polish customs shall escort trains when passing through Polish territory, and officials of the Danzig customs shall escort trains when passing through Danzig territory.
Article 83.

Goods in wagons in transit, including post office wagons, shall pass through foreign territory free from all customs duties or other similar duties, with the exception of sums expended by the railway administrations.

Article 84.

As far as possible, wagons conveying goods shall be placed under customs seal. No other customs formalities need be complied with.

Article 85.

Loading or unloading of wagons, and the completion of loads in the country of transit are forbidden. The railway administrations, however, will be authorised to effect any transhipments they may judge necessary.

Water Traffic.

Article 86.

Goods and all vessels mentioned in Article 67 in transit on waterways which are navigable by vessels or rafts, and on the territorial waters belonging to Poland or to the Free City of Danzig shall be exempted from all customs duties or other similar duties.

Passengers will be forbidden to embark or disembark and goods may not be loaded during the voyage.

Vessels which have been examined in the country of egress in accordance with customs formalities applicable to transit without transhipment, must not tranship or lighten their cargoes or tranship them to other means of transport, except in cases of necessity or for reasons making the continuance of the journey impossible (state of the waterways, ice, opening of dams). Vessels which are obliged to tranship cargoes to other vessels or to other means of transport during the voyage on the above-mentioned waterways, shall not be subject to the provisions of the present Chapter, but shall remain subject to the general customs regulations.

Article 87.

The cargo of vessels which is not transhipped in transit may either be placed under customs seals or escorted by customs officials, as the master may desire.

If particular cases arise in which it is impossible to put customs seals upon the cargo, and if the master does not wish to accept a customs escort, he must guarantee payment of the total customs and monopoly duties.

Article 88.

Goods subject to customs duties in the country of transit shall always be dealt with in accordance with the provisions of the preceding article.

The same provisions apply to goods which, though free from customs duties, are forbidden by the country of transit to be imported or exported. If, in such cases, the guarantee system be selected, the frontier customs office shall fix the sum to be paid as a guarantee, subject to the
reservation that the total of such guarantee shall not exceed 30 per cent. of the commercial value of the goods.

Goods subject to certain State monopoly rights in the country of transit will only be carried if placed under customs seals and after payment of a guarantee.

The guarantee on articles which constitute a monopoly and are subject to customs duties shall consist of the total sum of customs duties and monopoly duties added together. The guarantee of articles which constitute a monopoly, but which are free from customs duties shall be equivalent to the total of monopoly duties alone.

**Article 89.**

The cost of the customs escort shall be borne by the master.

**Article 90.**

One of two systems, at the discretion of the master, shall be applicable, on the entry of a vessel into the country of transit, to the master, his family, the crew and the passengers who are making a through voyage on the vessel, and to the luggage of these persons: either these persons and the articles which they carry with them shall be examined by the customs control, or the vessel shall be accompanied by a customs escort.

**Articles 91.**

Both upon entry into, and departure from, the country of transit, customs and passport formalities shall be carried out, both as regards place and time, in a manner which shall ensure the loss of time entailed being as limited as possible.

**Article 92.**

The following provisions shall apply to that portion of the Netze-Notec forming the boundary line between Poland and Germany:

The goods and vessels mentioned in Article 67, passengers travelling in transit and their luggage, shall be exempt from all customs formalities, provided that the vessel makes the passage without touching at either of the two banks.

Except in cases of vis major, passengers shall only disembark or embark, and goods shall only be loaded or unloaded, on the bank belonging to the State in the territory of which the vessel was loaded and the voyage begun.

The local customs administrations of both States reserve to themselves the right to regulate the communications of the crew with the opposite bank.

Vessels in transit shall be forbidden to hold any communication with other vessels.

*Motor-Car and Motor-Cycle Traffic.*

**Article 93.**

Motor-cars and motor-cycles in transit, and the goods conveyed by them, shall pass through the country of transit free of all customs duties, or other similar duties.
Article 94.

Motor-cars and motor-cycles and their loads shall be subject to the customs formalities of the country of transit and to the payments of a guarantee.

Article 95.

The guarantee shall be composed of the total of customs duties, of indirect taxes, and of monopoly duties, if any such be imposed.

The guarantee on articles forming a monopoly but exempt from customs duties shall be equivalent to the total of monopoly duties alone. The frontier customs office shall fix the total guarantee to be paid on goods which are exempt from customs duties, but which are forbidden, by the country of transit to be imported or exported, subject to the reservation that the total guarantee shall not exceed 30 per cent. of the commercial value of the goods.

Article 96.

If the automobile associations undertake, by arrangement with the governments, to pay a security in respect of customs duties, the High Contracting Parties shall not require a security to be paid in respect of motor cars themselves, but shall be satisfied with a guarantee given by the automobile association in question.

CHAPTER VIII.

Passports.

Article 97.

Passengers using trains or parts of trains on the privileged transit service shall not require either passports or identification papers of any kind.

Article 98.

In case of war in Europe, or if a state of siege be proclaimed in the country of transit in accordance with the law of that country, or, generally, if any exceptional circumstances arise in the territory of the country of transit, the latter shall have the right to take the following provisional measures:

(a) To require that nationals of the State enjoying the right of transit, who use trains or parts of trains on the privileged transit service, carry identification papers drawn up in accordance with the provisions of Article 99 but not visaed by the country of transit;

(b) to require passengers who are nationals of other States and who use trains or parts of trains on the privileged transit service to comply with the general regulations for passports in force in the country of transit.

The Government of the country of transit shall give notice to the other Contracting Parties through the usual diplomatic channels, before putting into effect the above-mentioned measures. These measures shall not, however, be put into effect until ten days after such notice. Should either
party consider that no justification for the application of the measures in question exists, it shall have the right to submit the matter in dispute to the Tribunal of Arbitration provided for by Article 11 of the present Convention.

If the Tribunal of Arbitration be unable to make a final award within the above-mentioned period of ten days, it shall be entitled, not later than 48 hours after notification of the dispute has been received, to lay down provisional regulations without prejudice to the terms of the final award (see Article 16).

Examination of the papers mentioned above in paragraphs (a) and (b) will be effected on the journey.

The measures provided for by this Article will be cancelled and the provisions of Article 97 shall again come into force, as soon as the state of war has ceased, or the state of siege or exceptional circumstances have come to an end.

In no case, not even in case of war, shall passengers using trains or parts of trains on the privileged transit service be subject to any other passport formalities than those provided for by this article.

**Article 99.**

Passengers in ordinary transit shall be required to have identification papers showing their Christian and surnames, their domicile and nationality. Identification papers shall also show:

(a) the holder's signature; or, if the latter be illiterate, the identification papers shall show his mark certified correct by the Office of Issue;

(b) the holder's photograph, which shall be stamped by this office, so that about half of the stamp is visible on the photograph;

(c) the signature and stamp of the Office of Issue.

**Article 100.**

The identification papers provided for by Article 99 must bear a transit visa issued by the competent Consulates (Passport Offices) of the country of transit.

A visa will be available:

(a) either for one journey only;

(b) or for one journey and one return journey to be effected within one month or any longer period, as may be specified by the country of transit;

or (c) for any number of journeys and return journeys within one month;

or (d) for any number of journeys and return journeys within three months.

Visas will be delivered either on the personal or on the written request of passengers, as a general rule not later than five days after the request is submitted.

Fees shall not exceed:

5 German marks, or the equivalent for a visa mentioned in paragraph (a);

8 German marks, or the equivalent for a visa mentioned in paragraph (b);

15 German marks, or the equivalent for a visa mentioned in paragraph (c);

25 German marks, or the equivalent for a visa mentioned in paragraph (d).

**Article 101.**

The High Contracting Parties shall, within one year after the coming into force of the present Convention, enter into negotiations with a view to giving wider facilities to passengers in ordinary transit.
Article 102.

The papers mentioned in Chapter X (Railways, Posts, Telegraphs and Telephones, Customs) shall be regarded as replacing passports and identification papers in the case of railway, customs and postal officials travelling on duty.

The rules for personal papers to be carried by soldiers passing through the country of transit are laid down in Chapter X (Rules for Application contained in Article 44).

Dining-car employees must be provided with the identification papers mentioned in Article 99, but will not require a visa from the country of transit. The same provision shall apply to attendants, not officials, of goods (cattle, vehicles, etc.). Such persons shall personally produce their identification papers at the frontier offices on entering and leaving, in order that a note to the effect that the frontier has been crossed may be made therein.

Article 103.

The masters and crews of ships mentioned in Article 67 must be provided with passports issued by their own country bearing the visa of the country of transit. The same provision shall apply to the families of masters and of crews whose permanent habitation is on board the ships in question.

The transit visa shall be delivered by the competent Consulates or passport offices at the personal or written request of the persons mentioned in the present article. The visa shall be available during the entire navigation season of the year in which it is delivered.

Article 104.

In 1921 a fee of 5 German marks, or an equivalent sum in Polish money, shall be charged for each visa for transit by waterway.

In the years following, the fee shall be fixed by agreement between the Contracting Parties not later than September 30, in each year. If the fee be not fixed as above, the fee fixed for the preceding year shall remain in force for the following year.

Article 105.

Persons passing through the country of transit in motor-cars or motor cycles must be provided with the passports of their countries, bearing a visa which will be given by the Consulates or passport offices of the country of transit.

The provisions specified in Article 46 shall be the only provisions regulating military transit in motor cars.

Article 106.

If the provisions of the present chapter should necessitate a visa from the Free City of Danzig, the visa shall be delivered *ante actum* with the Polish visa by the Polish Consulates, but the fee fixed for a Polish visa shall not be increased thereby.

Article 107.

The visas given and the notes made by the country of transit in accordance with the provisions of the present chapter shall contain only such remarks as are strictly necessary.
CHAPTER IX.

SUPPLEMENTARY CLAUSES.

Article 108.

The German and Polish Governments undertake, if occasion arise, to conclude a supplementary transit Convention based on the provisions of the present Convention and laying down new routes to be used in privileged transit within a period of one month after the delimitation of the frontier line provided for in paragraph 6 of the annex to Article 88 of the Treaty of Versailles.

Article 109.

Regulations for military transport are laid down in Chapter III. If it should become necessary to transport troops in larger numbers than those provided for in Chapter III, the German Government and the Polish Government undertake to reconsider the question as soon as possible. The rights of the Inter-Allied Military Commission of Control shall not be affected by the provisions of the present Convention.

Article 110.

The provisions of the present Convention in no way prejudice any decisions which may be taken by the Delimitation Commission with regard to the German and Polish frontier lines.

If the Delimitation Commission should modify the present boundary line, the provisions of the present Convention shall become applicable.

Article 111.

In case of a serious coal shortage, Germany and Poland shall come to an agreement for the purpose of aiding Poland to maintain traffic in transit.

Article 112.

The provisions of the present Convention shall in no way prejudice the transfer of property previously belonging to the old German Empire, including railways situated in the territory of the Free City of Danzig, to be effected in accordance with Article 107 of the Treaty of Versailles and with Articles 20, 21, 25 and 29 of the Polish-Danzig Convention of November 9, 1920.

Nevertheless, the Polish Government and the Free City of Danzig shall remain responsible for executing all obligations entered into in respect of Germany under the present Convention, and shall enjoy all the rights derived therefrom with regard to the railways and other property assigned to them.
CHAPTER X.

RULES FOR THE APPLICATION OF THE CONVENTION AS REGARDS THE ARTICLES REFERRED TO BELOW.

Railways.

To Article 23.

In case of need, goods-trains may be despatched via Bydgoszcz-Unislaw-Kowalewo, and passenger trains via Inowrocław-Tczew-Marienburg.

A night shift shall be arranged, if necessary, to expedite priority as regards through-trains, if requested by the despatching country.

To Article 28.

Through-trains shall retain their original composition during their passage through the country of transit except when any of the stock may have to be withdrawn from circulation in accordance with the general working of the railway.

With a view to reducing the stops at stations where staff is changed, guards, sleeping-car conductors, female attendants and dining-car attendants of the despatching railway, carrying on their duties in passenger trains or parts of passenger trains destined for privileged transit may remain in the train during its passage across the country of transit.

Each of these employees shall be provided by his office with a stamped certificate stating his official post in the transit traffic.

These certificates shall serve the purpose of identity papers and shall be drawn up in German and Polish. The dining-car attendants shall be provided with the identity papers provided for in Article 99 without visa (Article 102).

An engine attendant from the despatching country may travel with a dead engine in the country of transit, and must have a certificate of identity issued by his office.

The brake of the dead engine shall be worked in the country of transit by a railway employee of that country.

The staff of these services shall be under the Customs supervision of the country of transit. They shall be subject to the provisions of Article 4 as to the behaviour required from passengers while crossing the country of transit in privileged trains. The Customs employees, luggage-guards and brakesmen of the country of transit who are on the trains shall see that the provisions in question are observed by the staff of these services.

To Article 29.

The privileged train or part of it may be cancelled for the next time-table period if in the current one less than 60% of the seating accommodation in the cars for privileged transit shall have been occupied in the country of transit only.

The cars shall only be occupied by passengers to an extent which will not interfere with Customs supervision.

The number of trains fixed during discussions regarding the time-table may be increased, if desired, by the despatching country, even during the current time-table period, by mutual agreement between the administrations concerned.
If the number of unscheduled goods-trains follow one another at extremely short intervals, the railway administrations concerned shall consider whether such trains should not be replaced by regular ones, even during the current time-table period.

Should the number of daily through carriages on a line not open to the privileged transit be sufficient to require the frequent making-up of complete trains, the administration concerned should agree to regulate the circulation thereof.

The employment of German engines shall be fixed according as regular or unscheduled goods trains shall be decided upon, or the trucks are forwarded in special trains as and when required (See Articles 30 and 41).

To Article 30.

The employment of engines for exceptional traffic shall be made in accordance with Article 43.

To Article 31.

The administrations concerned shall agree upon the number of trucks to be included in set trains, and wagon-sets for each time-table period.

The number of axles has been fixed as follows:

For fast trains at 28-40
For slow trains at 36-52
For fast goods trains at 60
For other goods trains at 100

These numbers may be increased by agreement between the administrations concerned.

To Article 32.

Only passengers using privileged trains or parts of trains, shall be entitled to enter and use the dining-cars and sleeping-cars.

To Article 34.

Should it be necessary to despatch trains by a loop-line, the railway administrations concerned shall agree as quickly as possible to the steps to be taken, after having previously settled upon the simplest procedure for meeting the case.

As soon as possible the times of loop-line trains shall be arranged beforehand for each period of validity of the time-table.

To Article 35.

The method of sending mutual aid shall be settled by arrangements made by the operating section.

The break-down train shall be accompanied by a railway inspector of the country where the accident occurred.

This inspector shall be responsible for the strict observance of the railway operating regulations of his country between the frontier and the place of the accident.

The train break-down gang shall, therefore, obey the orders given by this inspector as regards operating.

General instructions shall be given by the inspector at the place of the accident; the foreman of the break-down train shall be responsible for carrying out the actual first-aid work.
To Article 36.

The railway administrations shall assume the same liability in regard to the railway, dining-car and sleeping-car staff on duty in the train meeting with the accident, as they have in regard to passengers.

To Article 37.

(1) Poland or the Free City of Danzig shall place at the disposal of Germany:

between Marienburg and Schneidemühl via Tczew-Chojnice:

- telegraph wires Nos. 108, 143, 712 and telephone circuit No. 640, which shall be connected with another circuit;

between Dt. Eylau and Schneidemühl via Torun-Bydgoszcz:

- telegraph wires Nos. 141 and 713 and a telephone circuit with its sections interconnected;

between Marienburg and Lauenburg via Danzig:

- telegraph wires No. 2, 229 to be connected at Danzig; that section of wire No. 229 connecting Danzig with Königsberg; telephone circuits Nos. 612/619 also to be interconnected at Danzig;

between Dt. Eylau and Berlin via Torun-Posen-Zbaszyn:

- telegraph wire No. 707.

(2) Germany shall place at the disposal of Poland or of the Free City of Danzig:

between Garnsee and Tczew via Marienburg:

- telegraph wire No. 227;

between Dt. Eylau and Tczew via Marienburg:

- telegraph wire No. 3 and telephone circuit No. 618.

In addition, on each of the lines mentioned under (2) a free space shall be left at the disposal of Poland or the Free City of Danzig, on the existing poles sufficient for the installation of a telegraph wire and a double-wire telephone circuit.

(3) The system of the above-mentioned communications may, if necessary, be modified by the administrations concerned.

Should it be impossible to obtain normal telephonic communication on the Marienburg-Schneidemühl line via Tczew-Chojnice, Poland shall, at Germany’s expense and in accordance with a preliminary arrangement to be made with her, lay a new double-wire line between Tczew and Marienburg by cutting the existing wires and arranging them differently.

If necessary, the Contracting Parties shall place at each other’s disposal the space necessary for installing fresh wires and circuits, in so far as space may be available, on the poles of the railway systems existing on their territory. No charge shall be made for this space.

Each Party shall lay the wires and circuits in its territory at the expense of the Party benefiting by the installation.

Telegraphic and telephonic apparatus at present connected with the wires and circuits mentioned under 1 and 2 in the country of transit must be disconnected from such wires and circuits.

The railway administrations concerned shall agree on the erection of stations, destined to supervise the regular working of the telegraphs and telephones.

(4) Each Contracting Party shall be responsible for the maintenance of the telegraph and telephone wires in its territory.
Germany shall pay to Poland the cost of maintenance of the wires and circuits in Polish or Danzig territory which have been placed at Germany's disposal. Poland shall pay to Germany the cost of maintenance of the wires and circuits placed at the disposal of Poland or of the Free City of Danzig. The cost of maintenance per kilometre of wire is fixed at 1,600 Polish marks per annum. This sum includes all the expenses of maintenance, relaying or renewal of the lines in question as well as interest on capital invested in these lines.

The rate of the cost of maintenance mentioned above may be modified at the request of either of the Contracting Parties.

If the Free City of Danzig has any sums to its credit or debit in respect of the cost of maintenance in question, the collection or payment of such sums shall be effected by Poland. If necessary a special arrangement shall be made between Poland and the Free City of Danzig for settling these accounts.

(5) In case the interruption of a telegraph wire or telephone circuit be not repaired within seven days after it has been notified, a deduction shall be made from the sum due for maintenance, of 1/365th of the cost fixed in No. 4, for each day of interruption after the eighth day.

To Article 38.

(1) The settlement of claims concerning the refunding of the price of tickets and of the cost of forwarding luggage and express parcels shall be undertaken by the railway which has received payment.

The settlement of indemnities for total or partial loss, damage or delay in delivery of luggage or of express parcels shall be undertaken by the despatching railway or the railway of destination, whichever of the two shall have received the claim.

(2) The transfer of luggage and of express parcels to the railway of the country of transit and the transfer of luggage and of express parcels by such railway to the connecting line shall be settled in accordance with the provisions of Nos. 6-8.

(3) As regards the responsibility to the claimant for total or partial loss, damage or delay in the delivery of luggage or of express parcels, the by-laws of the despatching railway shall hold good.

Action by the railways between themselves, in regard to the responsibility, shall be taken in accordance with the following rules:

The railway which has been the cause of the damage shall assume responsibility for it.

In case it cannot be ascertained which railway has been the cause of the damage, the indemnity paid to the claimant shall be divided between the railways which have shared in the transport or which should have done so, taking into account the proportion of distance travelled, on the railways which have shared in the transport or which should have done so.

(4) With regard to goods traffic, the following modifications shall be made to the provisions of the International Convention of Berne of October 14, 1890, for the transport of goods by railway, modified and completed by the additional Declaration of September 20, 1893, by the additional Agreement of July 16, 1895, by the supplementary agreements of June 16, 1898, and September 19, 1906. (This Convention, with its Agreements and Supplements shall be designated in these Rules for Application by the letter C. I.)

Article 3 of the C. I.: Articles liable to spontaneous combustion or to explosion, inflammable liquids, as well as poisons, caustic and putrefying materials, shall be admitted for transport in transit, even if not mentioned in Annex I of the Regulations for the application of the International Convention of Berne, nor admitted for transport under the provisions of the latter Convention.

The transport in transit of these articles shall be subject to the following conditions:

(a) Those articles only which the railways of the country of transit are allowed to carry shall be despatched.
(b) The regulations in force in the country of transit shall be applied to them.
(c) Articles intended only for the civilian requirements of the territory of the Contracting Parties, shall be admitted.
(d) Consignments must be accompanied by a declaration by the competent authority of the consignee State, confirming the designation mentioned under letter (c). This declaration shall be handed in at the despatching station of the railway of the country of transit.
(e) The despatch of the above-named articles, which do not conform to the conditions (a) and (b) shall be the subject of a special arrangement.
(f) The transport of munitions and military explosives by military trains shall take place in accordance with Article 44 of the rules for application.

Article 6 of the C. I. (a) Instead of an international way-bill, that of the despatching railway shall be used. For the traffic from Danzig to Poland, a way-bill drawn up in German and Polish shall be used.

Beneath the word "way-bill", the existing Convention must be mentioned.
(b) The consignor shall not be entitled to stipulate the route to be followed for transport through the country of transit, nor shall he be entitled to name the frontier station where the customs formalities shall be carried out.

Any stipulation contrary to this provision shall be considered null and void.

Article 7. Paragraph 3 of the Rules for Application of the C. I. — The supplementary charge shall be calculated according to the regulations of the despatching railway. 

Article 8. Paragraph 5 of the C. I. — Duplicates of way-bills shall be drawn up and delivered in accordance with the regulations of the despatching railway.

Article 12. Paragraph 5. Paragraph 2 of the Rules for Application of the C. I. — Instead of these provisions the regulations of the despatching railway shall apply.

Article 14. Paragraph 6 of the Rules for Application of the C. I. Paragraph 1. — The time allowed for delivery shall be calculated as follows:

(a) The time allowed for delivery and transport by the despatching and receiving railways shall be fixed in accordance with the regulations of the despatching railway.
(b) The time allowed for transport by the railways of the country of transit shall be calculated according to the stipulations of the C. I.

The whole length of time allowed for transport therefore shall be calculated as follows:

In the first place, the time allowed for transport for the tariff distance between the despatching station and the station of destination shall be ascertained from the regulations of the despatching railway.

On this basis, the time allotted to the forwarding and receiving railway systems, shall be calculated in proportion to the distances in kilometres. This interval of time shall be reckoned as the time allotted for transport on the systems of the despatching and receiving lines.

In accordance with the stipulations of the C. I., the time allotted for transport for the tariff distance between the despatching station and the station of destination shall then be calculated. On the basis of this length of time, that allotted to the railway systems of the country of transit shall be calculated in proportion to the distances in kilometres.

This length of time shall be reckoned as that allowed for transport on the railway system of the country of transit.

The times allowed for transit arrived at in this way for the despatching railway, the railway of destination and the railway of transit, shall be added together.

The result of this calculation shall be the total time allowed for transport.

As regards transport from the territory of the Free City of Danzig to Poland, the time allowed for transport and despatch by the despatching railway, shall be that fixed by the Polish railway administrations on their own decision, or, in case of need, in agreement with the Council of the Danzig Harbour and Waterways Board, which decision shall secure equitable consideration of the interests of the Free City of Danzig.
Paragraph 3. No. 2. The supplementary times to be fixed for the transit lines, must not exceed the supplementary times allowed in the same circumstances on the same lines for all international communications in which these lines of transit participate.

Owing to the shortage of engines, the supplementary times allowed in Poland for international transit shall not be applied to transit between Eastern Prussia and the remainder of Germany across the territory of Danzig and the territory ceded by Germany to Poland, as long as Germany furnishes engines to Poland.

Any disputes that may arise in fixing and applying the supplementary times shall be submitted to the Tribunal of Arbitration provided for in Article 11 of the present Convention.

In applying the special supplementary times for passing through frontier stations, the ingoing and outgoing stations of the transit line shall be reckoned as one station.

Any change in the supplementary times shall be notified to the other Contracting Party fifteen days beforehand.

Until further notice, the following supplementary times shall be fixed for the transit lines of the two Contracting Parties:

(a) For passenger trains:
   When the length of the transit line does not exceed:
   200 kilometres 1 day.
   When it exceeds:
   200 kilometres 2 days.

(b) For goods trains:
   When the length of the transit line does not exceed:
   200 kilometres 2 days.
   When it exceeds:
   200 kilometres 3 days.

Article 15 of the C. I. — The railways of the country of transit shall not be called upon to carry out any instructions which may be given by the consignor of goods after the latter have been dispatched.

The duplicate of the waybill shall be produced according to the regulations of the dispatching railway.

Article 18 of the C. I., the last sentence under (3) shall be replaced by the following:

"Whenever goods are forwarded to destination by a different route, no additional charges shall be levied unless these charges could be imposed in similar cases in internal traffic, by the dispatching railway."

Article 38. — Paragraph 9 of the Rules for Application of the C. I. — The rates specified in paragraphs 2 and 3 shall be calculated in accordance with the by-laws of the dispatching railways.

(5) Passenger luggage, express parcels, goods and postal traffic shall be allowed to cross the country of transit without any railway charge whatever for operating railways within the customs precincts or any similar charges, with the exception of expenses incurred by the railways.

(6) On the transfer of goods to the railway of the country of transit, the dispatching railway must deliver an account, the contents of which shall be drawn up by the railway administration concerned (waybill, feuille de route).

Delivery of goods by the dispatching railway to the railway of the country of transit, and delivery of goods by the railway of the country of transit to the connecting railway, shall be made by means of a delivery order.
The fact that the transit has taken place, shall be proved by affixing a date stamp to the forwarding documents at the frontier station.

This formality does not apply to luggage tickets.

(7) For the passenger services cardboard tickets or special blank tickets shall be used; for the luggage service, special books of luggage tickets.

Tickets, express parcels tickets and waybills shall be drawn up, and filled in, in the language of the dispatching country only.

Forms shall be prepared in German and Polish for the waybills, luggage tickets, delivery orders and other documents which may be drawn up at transmission stations. Entries made by hand shall be in the language of the country of the dispatching railway. The official names in the country of transit shall be used for the railway stations in that country. The railway administrations concerned shall fix by mutual agreement the forms and the number of copies which are to be delivered during the transit.

(8) Delivery of sealed trucks shall be made "symbolically" without verifying the contents. Seals affixed by the dispatching railway shall be recognised as valid by the railway of the country of transit which, as a general rule, shall not affix additional seals.

All other consignments, except sealed trucks, shall be delivered in the ordinary way, i.e., their contents shall be verified.

The same procedure shall be used where the contents of sealed trucks have been seen to be partially lost or damaged.

In all cases where goods have been delivered "symbolically" by the railway of the country of transit to the connecting railway, and where the seals of the dispatching railway have not been damaged, it shall be assumed, in default of proof to the contrary, that neither total nor partial loss has taken place while crossing the territory of transit. In all cases where the seals of the dispatching railway have been damaged, it shall be assumed, in default of proof to the contrary, that the total or partial loss has taken place while crossing the territory of transit.

If, for any reason whatsoever, it should be deemed necessary to verify consignments, or to open a truck on the railway of the country of transit, these operations shall be carried out as far as possible at the frontier station in the presence of employees of the two administrations concerned.

An official report detailing any irregularities found shall be signed by both parties.

(9) Trucks loaded with parcels must be utilised up to 25% of their tonnage at least.

This rule shall not apply to trucks loaded with bulky goods filling the entire space of the truck.

(10) The admission of convoyers of goods and their number shall be restricted as far as possible. Convoyers admitted by the dispatching railway cannot be refused by the railway of the country of transit.

Each convoyer shall be furnished with an identity card and a third-class ticket. The identity cards must be made out as prescribed by Article 99, without visa (Article 102).

(11) Sleeping-car conductors, dining-car servants, luggage guards and female attendants shall travel free of charge whilst on duty.

(12) Service consignments shall be despatched on a service despatch note or service waybill.

The cost of transport of these consignments on the transit journey must not exceed the rates fixed by the tariff of the railway of the country of transit. Forwarding charges (at Station) shall not be made.

The frontier transmitting station shall deliver to the railway administration of the country of transit the copy of the service dispatch note or waybill.

The railway of the country of transit shall be responsible for service consignments in accordance with the regulations for goods traffic laid down in the present Convention.
Service correspondence and service packages (printed matter, tickets, etc.), shall be conveyed free of charge by passenger train, at the risk of the country making the consignment.

The railway administrations concerned shall draw up regulations for the dispatch of goods.

These regulations shall provide for the most rapid and favourable transport facilities in the case of express goods, cattle and perishable goods.

With regard to goods conveyed by slow trains, these regulations shall ensure transport by the shortest route, having regard to the total length of the journey.

The railway administrations concerned may also agree as to the exceptions to be recognised.

If transport by the normal route is interrupted it shall be carried out by an auxiliary route.

**Article 39.**

(1) The rates fixed for the railways of the country of transit shall constitute the shares of the receipts due to those railways.

The credit balances of the railways of the country of transit shall be made up according to the shares of receipts assigned to lines which are entitled to transport under Article 22.

The following exceptions shall be allowed:

**A. Passenger, Luggage and Express Parcels Traffic.**

If the route selected by the passenger (whether his luggage is registered or not) ceases, totally or in part, to be available, and if he continues his journey (with or without luggage) to the station of destination by another route indicated by the railway, the following different regulations apply:

(a) If the journey was interrupted on the railways of the country of transit, they shall only receive the shares of receipts due for the route for which the ticket or luggage receipt was issued.

If, however, the route taken by the passenger is shorter than the route for which the ticket was made out, the shares of the railways of the country of transit shall be calculated on the length of the route actually used.

(b) If the journey was interrupted on the dispatching railway, or railway of destination, the shares of the railways of the country of transit shall be calculated on the length of the route actually used by the passenger.

If the passenger train service is interrupted, express parcels shall be conveyed to the station of destination by an auxiliary route.

In this case the shares shall be calculated on the principles above stated.

**B. Goods Traffic.**

(a) If, owing to accident or vis major, the use of a line is totally or partially prevented, and if goods are conveyed to the station of destination by an auxiliary route, the following different regulations apply:

(aa) If traffic is interrupted on a transit line, and if the dispatching railway is not notified until after it has accepted goods for transport, the railways of the country of transit shall only be entitled to the shares due for the transit line actually used, if that line is shorter than the line set apart for transit.

(bb) If traffic is suspended on the transit line, and if the dispatching railway is notified of this fact in time, i.e., before it has accepted goods for transport, the railways of the country of transit shall be entitled to the shares due on the length of the
route actually used. The railway administrations shall agree upon the definition of the phrase "in time" as applied to the notification of the suspension of traffic.

(c) If the railways of the country of transit are compelled to use an auxiliary route owing to the interruption of the service on the dispatching railway or railway of destination, the railways of the country of transit will be entitled to the amounts due to them for the length of the route actually used.

(b) If, for any reason not provided for above, goods are to be despatched by an auxiliary route, the following cases are to be distinguished:

(aa) If traffic is suspended on the transit line, the railways of the country of transit shall receive the share due on the line entitled to effect the transport. If, however, the goods are carried by a shorter line than the line entitled to effect the transport, the railways of the country of transit shall receive the amounts due for the length of the route actually used.

(bb) If traffic is suspended on the despatching railway or railway of destination, the railways of the country of transit shall receive the amounts due for the length of the route actually used, provided that such amounts shall not, in that case, be less than those which would be due on the length of the line entitled to effect the transport.

(2) The debts of the railways of the country of transit shall be paid in the currency in which the tariffs were drawn up.

(3) For the transport of passengers, luggage and express parcels, the railways of the country of transit shall be credited according to the rates calculated on the length of the route, even if such transport is carried out by express train; nevertheless no account shall be taken of the minimum transport charges laid down in the local tariffs.

(4) If, under the regulations of the despatching railway a minimum transport charge in excess of the normal rate per kilometre is imposed, the railway of the country of transit shall receive a share of such excess proportionate to the length of the route.

(5) Accounts shall be drawn up monthly, and for each month separately.

All consignments despatched during any particular month shall be included in the accounts for that month.

The deduction for the traffic between East Prussia and the rest of Germany, through the territory ceded to Poland and through the territory of the Free City of Danzig, shall be made by the German railway administration. The deduction for traffic between Poland and the Free City of Danzig, through the German territory on the right bank of the Vistula, shall be made by the Polish railway administration.

The credit and debit balances shall be communicated not later than two months after the month in respect of which the deduction is made.

The balances shall be liquidated not later than the 15th day of the third month after the month in respect of which the deduction is made.

The railway administrations concerned may make arrangements for quarterly deductions in respect of passenger, luggage and express parcels traffic.

Approximate instalments shall be paid to the railway of the country of transit for each of the first two months of the quarter, such advances to be subject to adjustment at latest within the periods fixed above for the liquidation of the monthly balances.

The balances shall be liquidated at the average rate of exchange for the month in respect of which the deduction was made. With regard to passenger, luggage and express parcels traffic, the balances shall, if the deduction is made quarterly, be liquidated at the average rate of exchange for the quarter in respect of which the deduction is made.

In order to calculate the average rate of exchange, the railway administrations concerned shall agree upon the selection of any one Exchange.
The deductions shall include all payments due on the traffic mentioned above, and on all other traffic in which railways in German, Polish and Danzig territory may be concerned. These deductions may also include all payments arising out of traffic operations, e.g. dues for the hire of stock, for the distance run by trucks, or their stationing, demurrage, payments due for the hire of engines, for spare parts supplied, for repairs to rolling stock, for the maintenance of telegraph and telephone wires belonging to the railways, etc.

Compensation shall only be given in respect of claims arising out of traffic operations carried out on railways in German, Polish or Danzig territory. No other claims whatever to compensation shall be admitted.

Every credit balance shall bear interest at 5% per annum from the twentieth day of the month after the month in respect of which the deduction is made.

Apart from this interest, a debtor balance which is not liquidated within the period laid down shall bear arrears of interest at 5% per annum; such arrears of interest shall be reckoned from the first day of the fourth month after the month in respect of which the deduction is made up to the date on which the balance is liquidated.

To Article 40.

The transport charges on empty goods trucks exceeding in number the loaded goods trucks which have covered the same route in the opposite direction shall be levied according to the tariff applicable to rolling stock running on its own wheels.

The railway administrations shall be empowered to conclude an agreement setting off the number of empty trucks which have used one line against the number of loaded trucks that have used another line. Such agreement shall only apply to lines set apart for "ordinary transit".

No transport charges shall be imposed in respect of empty goods trucks not exceeding in number the loaded goods trucks which have covered the same route in the opposite direction.

Loading appliances and covers belonging to the railways shall make the return journey free of charge.

The railways of the country of transit shall pay compensation for carriages, vans and goods trucks used in transit. The form and amount of such compensation shall be fixed by a special Convention.

The High Contracting Parties reserve the right to agree upon compensation in kind. The method of payment of compensation to the railways of the country of transit for the distance covered by restaurant cars and sleeping cars belonging to the other Contracting Party shall be fixed by a special Convention.

The railway authorities concerned shall agree upon the regulations to be adopted:

(a) to determine the number of loaded and empty trucks which have used the transit lines during a given period;
(b) to fix the periods in respect of which deductions of this nature shall be made;
(c) to fix the periods within which the balances shall be liquidated.

To Article 42.

The following provisions shall be applied to auxiliary engines supplied by Germany for continuous use:

To Paragraph 1.

The delivery of engines under Article 371 of the Treaty of Versailles shall not directly affect Germany’s obligation to provide engines.
To Paragraph 2.

The period of lease for every hired engine received by Poland shall date from the day on which the engine is handed over to the Polish Commission for inspection on delivery. The period of lease for every hired engine returned to Germany shall end on the date on which the engine is placed at the disposal of the German railway administration for the purpose of being restored.

If, at the time of such restoration, there is discovered any deterioration due to abnormal wear and tear, which must be made good in the German workshops (Article 42 paragraph 6), the period of lease shall be extended by the number of days agreed upon by the delegates of both parties as necessary for the execution of this additional work.

The railway administration delivering the engine shall notify the receiving administration, by telegraph, of the date of handing over, at least five days in advance.

The average sale price of a new engine (A) shall be provisionally fixed at 1,900,000 German marks for a passenger engine, and 1,600,000 German marks for a goods engine.

The charges for hire shall be determined at the end of each month.

To Paragraph 3.

The Polish railway administration shall take possession of hired engines at frontier depôts, or at depôts as near the frontier as possible, but in any case on the German side. The restoration of engines shall also take place at German depôts.

The engines shall be delivered dead, in order that the fire-boxes and furnaces, cylinders, steam-valves, and other heating apparatus may be examined; they shall then be delivered again in steam.

Engines must be in an absolutely normal condition. In particular, no engines shall be delivered whose boilers will require overhauling within one year of the date of delivery. The period which has elapsed at the time of delivery, since the last regular overhauling of the boiler shall not exceed an average of two and a half years for all engines.

The engines shall be furnished with all tools and accessories required for their immediate working and utilisation. Detailed arrangements shall be made in this matter by the respective railway administrations.

An official certificate of delivery and receipt, containing a precise description of the condition of the engine, shall be drawn up in quadruplicate. This certificate shall be signed by the representatives of both parties, and the taking over shall then be regarded as complete. Each administration shall retain two copies of the inventory.

To Paragraph 4.

At the time of the delivery of the engines, the German railway administration shall furnish the following reserve spare parts for every twenty engines of the same type:

- 1 pair of tender wheels;
- 1 set of axle springs (all kinds) for engine and tender;
- 2 cylinder castings for the manufacture of piston parts;
- 50 parts for cylindrical valves;
- 1 right-hand injector;
- 300 fire-tubes;
- 12 superheaters.

These parts shall be sent to engine depôts to be indicated by the Polish railway administration. The cost of carriage shall not be collected in advance, either on the German or on the Polish portion of the route.
To Article 43.

The following provisions shall be applied to engines supplied by Germany for temporary use:

To Paragraph 1.

In deciding the number of engines to be contributed by Germany, the condition of the engines in Poland shall be taken into account. If special goods trains arranged by agreement are run with unusual frequency, Germany shall provide additional engines for temporary use, until such special trains are replaced by regular trains, with a consequent adjustment in the number of engines provided.

The hired engines supplied for temporary use shall be restored as soon as the trains for which they were provided have ceased to run.

To Paragraph 2.

The period of lease shall date from the day of the final taking over of each engine by the director of the Polish engine works, and shall end on the date of the final resumption of each engine by the director of the German engine works, the day of delivery and the day of restoration counting together as one day.

If, at the time of the restoration of the engines, any abnormal deterioration is discovered, the period of lease shall be extended by the number of days agreed upon by the delegates of both parties as necessary for the repair of the damage in question.

The charges for hire shall be fixed when the use of these engines ceases.

Military Transit.

To Article 44 (see also Article 47).

To Paragraph 2.

German troops in trains specially set apart for military transit traffic shall be required on demand to show an identity card (Truppenausweis).

German troops using trains or portions of trains set apart for privileged transit shall only be required to show their identity cards when civilian passengers are also required to do so under Article 98 of this Convention.

The preceding provisions shall apply similarly to Polish troops using trains on the right bank of the Vistula.

To Paragraph 3 (see also paragraphs 5, 6 and 8).

Before leaving the country of origin, all troops must deposit their arms in trucks set apart for that purpose. Firearms (see paragraph 5) must be previously unloaded. Ammunition must be carefully packed.

To Paragraph 4. (See also paragraphs 6 and 8.)

The departure of trains shall be announced through the Liaison Office at Danzig (see Article 45). Arrangements shall be made in the time-tables for the troop trains mentioned in paragraphs 4 and 8 to pass through the country of transit by day, and also, if possible, for the passage of the military goods trains mentioned in paragraph 6 to take place by day.
To Paragraph 5. (See also paragraphs 7 and 9.)

With regard to transport, the escort of the country of transit shall have the duty of superintending the exact execution of all arrangements made as regards public order and the Customs-service, particularly when trains are at a standstill. It shall also prevent the public from approaching trucks intended for the transport of arms and ammunition.

The escort shall be entitled to reserved seats in the train.

A head of the escort of the country of transit shall be appointed for each journey. Immediately on joining the train he shall communicate with the officer in charge of the train, and shall maintain constant touch with him (see paragraph 9). He shall be responsible for the conduct of the escort, which must, as far as possible, avoid all direct contact with the passengers, and must always apply, except in case of imminent danger, solely to the head of the escort, who shall make all arrangements in concert with the officer in charge.

In the trains mentioned in paragraphs 4 and 8, trucks intended for the transport of arms and ammunition shall be sealed in the presence of the officer in charge of the train and the head of the escort. The sealing up shall take place at the places at which the escort of the country of transit joins the train.

In the military goods trains mentioned in paragraph 6, side-arms, which must be deposited by the escort in the service van, shall be given up and restored in return for a voucher.

To paragraph 6.

The transit shall be permitted of all ammunition and explosives in use in the armies of the State of origin. They shall be carried in military goods trains in accordance with the regulations of the country of origin, until the country of origin and the country of transit have co-ordinated their regulations on this question.

To paragraph 9.

In every troop train mentioned in paragraphs 4 and 8, the officer indicated in paragraph 9 shall be regarded as the officer in charge of the train, and shall have authority over all troops of his country travelling on that train. In the goods trains mentioned in Section 6, a member of the army specially appointed for the purpose shall have similar powers if such trains contain members of the army of the country of origin.

As soon as the foreign escort has joined the train, the officer in charge shall communicate with the head of the escort, through whom all requests, claims and complaints shall be addressed to the civil or military authorities of the country of transit. All orders given by the head of the escort with reference to surveillance shall be carried out.

Similarly all requests, claims and complaints by the authorities of the country of transit shall be addressed exclusively to the officer in charge of the train through the sole agency of the head of the escort. In case of any infringement of the transit regulations by military passengers, the officer in charge shall make the necessary enquiries and shall see that the delinquents are punished by the authorities of the country of origin.

In such cases the authorities of the country of transit shall have no disciplinary power.

Facilities shall be granted to the officer in charge, through the head of the escort, for telephonic and telegraphic communication with the Liaison Office at Danzig on all questions relating to the escort (see Article 45). Such official telegraphic and telephonic communication shall be free of charge.

The officer in charge shall be responsible for the discipline of the troops under his command, and for the execution of all arrangements made for the journey.

To ensure order and good behaviour, the guard mentioned in Section 9 shall be at the disposal of the officer in charge.
This guard shall have the privileges and duties of a guard only in its dealings with subjects of its own country travelling on the train. It shall have none of the privileges of a military guard in its dealings with other persons or authorities.

The use of arms by the guard is only permitted against troops of its own country travelling on the train, and only in case of imminent danger.

To paragraph 12.

The number of passengers in troop trains (see Sections 4 and 8), shall only be counted once during the journey. Other counts during the journey, which might lead to an increase in the number of stoppages, shall only take place in extraordinary and exceptional circumstances.

The relief of the Polish escort by the Danzig escort, and vice versa, shall take place without any such count.

The maximum composition of the troop trains mentioned in Sections 4 and 8 shall be fixed in the time-tables at 100 axles. The railway authorities concerned may, however, increase the number of axles, subject to previous agreement.

To Article 45.

(1) In order to ensure communication between the German, Danzig and Polish authorities concerned, a Liaison Office shall be established at the offices of the Polish railway authorities at Danzig. It shall consist of experts furnished by the countries concerned. Its duties shall be:

(a) To keep the German and Polish military and civil authorities and the Danzig authorities constantly informed of military traffic;
(b) To give due warning of the running of troop trains, and of the cancellation of any train;
(c) To receive and forward all German, Danzig and Polish requests, proposals and claims relating to military traffic.

In urgent matters of military transit, the Liaison Office at Danzig shall be empowered to ask authorities not established at Danzig, directly, through the representative of the country concerned, for the necessary information.

(2) In order to ensure uniformity between the Polish and German arrangements for military transit, orders and regulations specially issued for this purpose by Germany, Poland and Danzig shall be mutually communicated as soon as possible through the Liaison Office at Danzig.

The High Contracting Parties must thus inform each other; through the Liaison Office at Danzig, of all arrangements which may be made in future.

All railway authorities on the lines intended to be used for military transit must be provided with orders and instructions from all the Parties concerning military transport.

(3) All troops must be furnished with the necessary provisions for the journey. The supply of forage for the horses must be sufficient for the whole period of the journey through the country of transit.

An arrangement must be made with the Director of Transport to supplement the provisioning, in the case of a prolonged and unforeseen stoppage; where necessary, water must be provided for drinking and washing purposes, and for the horses, and also the use of latrines.

(4) The following regulations regarding the conduct of troops when travelling must be carried out, and must be brought to the notice of all passenger troops before departure:

(a) The conduct of troops in the carriages and in the stations must be exemplary, and discipline must be strictly observed;

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(b) Singing, writing in the carriages, and any kind of action which might cause friction between the troops and the population of the country of transit, is strictly prohibited.

(c) During the journey all the passengers must remain in the carriages; even during stoppages they are forbidden to alight from the carriages.

(d) In exceptional cases where troops have to alight from the train, they may only do so by order of the Director of Transport, and only from the side specially reserved for this purpose. The Director of Transport must previously obtain the consent of the Chief of Staff of the convoy, who must himself obtain the consent of the local authorities.

(e) All direct communication between the troops and the population of the country of transit is forbidden.

(5) In exceptional cases where the troops have to leave the military trains provided for in Article 44, paragraphs 4 and 8, during periods of stoppage whether scheduled or accidental, the Director of Transport, after communicating with the local authorities through the Officer in charge of the escort, must appoint special sentinels chosen from the guard. These sentinels must see that no soldier from the transport train leaves the places appointed for meals and washing purposes, or enters into relations of any kind with the population of the country.

Further, it will be the duty of the authorities of the country of transit to take the necessary measures to ensure that a correct attitude is maintained towards the troops which are being conveyed in transit through the country and to protect the latter against possible incidents. They must also take the necessary measures to prevent all communication between the troops under escort and the civil population, as well as officials and troops belonging to the country of transit, except in cases where the presence of the latter is necessary for official purpose.

(6) Soldiers who fall sick on the way must be attended by doctors from the country of transit if they cannot be attended by their own doctors.

If the sick person is unable to continue his journey the station-master must obtain his admission to a local hospital, and the Liaison Office at Danzig must be immediately informed.

Expenses incurred for medical attendance must be refunded to the country of transit through the Liaison Office at Danzig.

The authorities of the country of transit will also be responsible for the provisioning and maintenance of soldiers left behind on the journey to act as escort for stock which is damaged or which requires reloading (see Clause 5 of Article 40). The expenses incurred will be defrayed by the country from which the train is despatched and will be refunded through the Liaison Office at Danzig.

Facilities must be provided for telegraphic and telephonic communication between these soldiers and the Liaison Office at Danzig.

All soldiers left behind on the journey for any other reason must continue the journey by the next train, and the Liaison Office at Danzig must be informed.

To Article 49.

(1) Military transit shall be effected in conformity with the provisions governing traffic in privileged transit. It shall be free from all passport and customs formalities.

(2) The expenses of conveying troops and military effects through the country of transit shall be calculated in accordance with the civil tariff in force in the country of transit.

(3) All the troops must conform strictly to the regulations governing the railway service of the country of transit. All interference with the railway staffs in the exercise of their duties is forbidden.

(4) Should a military train, conveying either troops or goods, be unable to leave a station after a scheduled stop, or should an unscheduled stoppage occur, the Director of Transport (in the
case of military goods trains, where there is such an official), must be informed of the time at which
the train will probably be able to continue its journey, when the stoppage exceeds 20 minutes.

He must also be informed should the period of stoppage be curtailed.
If it is necessary for the train to travel by another route (see Article 44, paragraph 11), the
Director of Transport must immediately be informed of the fact, as also of the names of the stations
and the duration of stops on the new route.
Whenever necessary, or even where the necessity is only anticipated, the Liaison Office at
Danzig must be informed without delay.
(5) Should damaged stock have to be left behind or unloaded, the Director of Transport must,
if necessary, place at the disposal of the railway authorities, as far as possible, the staff necessary
for carrying out the reloading and conveying of the stock.
Such stock must be sent on by the next non-military train.

POSTS, TELEGRAPHS AND TELEPHONES.

To Article 50.

By arrangement between the German postal authorities and the competent railway admin-
istrations, it shall be permissible to transport or to add a German closed mail van or coach to the
mail van under escort by a slow train (train omnibus).

To Article 51.

The local postal authorities concerned shall come to an agreement in the case of each train
regarding the extent and nature of the joint use which is made of the mail vans, taking into account
the available space.

To Article 52.

A Polish post office official must travel with the German mail vans and leave them at the
stations where a change of German and Polish staffs takes place. On entering the mail vans he
must present to the German employees a certificate bearing the seal of the office to which he is
attached, printed in German and Polish. If he does not wear a uniform, he must at least wear
a distinguishing mark enabling him to be recognised as an official (armlet, service cap, etc.).

The Polish and Danzig postal authorities shall agree to the following provisions:

(a) German sorters on through-trains in transit on the line Chojnice-Tczew-Marienburg
shall in all cases be accompanied by one Polish post office official;
(b) German sorters on trains in transit on the line Lauenburg-Danzig-Marienburg, shall
be accompanied by a Polish post office official between the station where the
change of Polish and German staffs takes place and Marienburg. Nevertheless,
if the Free City of Danzig so requests, the Polish official shall take this duty
alternately with a Danzig official, the change being effected once a month. The
Free City of Danzig may only make such a request when the time-table is under-
going alteration;
(c) Polish sorters on trains in transit on the right bank of the Vistula between Poland
and the Free City of Danzig, on the line Marienburg-Danzig, shall in all cases
be accompanied by Polish post office officials. The postal authorities of the Free
City of Danzig shall, however, have the right to send with these Polish sorters,
when travelling between Marienburg and Danzig, a Danzig post office official who shall deal with the Danzig mail en route.

The Polish and Danzig postal authorities shall conclude an agreement regulating the rights and duties arising out of the provisions laid down under (a), (b), and (c), taking into account the rights of sovereignty possessed by each of the High Contracting Parties.

To Article 53.

All mail vans travelling in transit across Polish territory or across Polish and Danzig territory shall be handed over at the frontier to the staff of the Polish railways, with a consignment note in duplicate, written in German and Polish, indicating the kind, number, number of axles, place of origin and destination of the mail vans and the route which is to be traversed. One copy of this consignment note shall be retained by the Polish or Danzig railway authorities for the purpose of fixing, with the Polish or Danzig postal authorities, the deduction of the sums payable for the axle-kilometres covered by the German mail van. The Polish or Danzig railway authorities shall recognise as valid the seals affixed by the German postal and customs offices.

To Article 54.

The staff of the German postal service appointed to travel with German mail vans in transit through Danzig shall be limited in number as far as the requirements of the postal services permit. Each German postal official shall wear at least one mark of service (armlet, service cap, etc.). In addition, such officials must be provided with a certificate bearing the seal of the office to which they are attached, written in German and Polish.

To Article 55.

German inspectors shall be permitted to travel with German mail vans for the purpose of supervising and inspecting the German postal service. These inspectors must take a second-class ticket for the distance travelled, which they must carry about them with their official identity card (inspection of postal services).

A Polish or Danzig inspector shall, on the same conditions, be permitted to travel with German mail vans on Polish or Danzig territory for the purpose of supervising the Polish or German postal employees.

To Article 58.

The German postal authorities shall be obliged to indemnify the Polish or Danzig postal authorities in Polish or Danzig currency for such charges as either of them may have to pay to the Polish or Danzig railway administrations for the purpose of German mail bags conveyed by officials of the Polish or Danzig railways. These charges shall be calculated in accordance with the existing scales applicable to the transport of Polish or Danzig mail bags by the railway administrations of these two countries. The amount of such expenses shall be communicated by the Polish or Danzig postal authorities to the German postal authorities.

To Article 59.

From the date on which the present Agreement comes into operation, the German postal authorities shall pay to the Polish postal authorities for every axle-kilometre of the Polish railways
used for German mail vans 83.2 pfennig (German) in German currency; this sum shall include 80 pfennig for the cost of transport, one pfennig as premium against risks and 2.2 pfennig as allowance in respect of the Polish or Danzig post office staff accompanying the mail vans.

All the charges mentioned above shall be paid to the Polish postal authorities for the circulation of German mail vans on the Danzig railways which are operated by the Polish administration as from the date of the transfer of the Danzig railways to Poland. The Polish railways shall then assume the same responsibility as that laid down in Article 60. Until the date on which the railways are transferred to Poland, the German postal authorities shall pay the Polish postal authorities for the sole purpose of convoy by Polish staff on Danzig territory, 2.2 pfennig (German) per axle-kilometre.

As long as the railway lines passing through Danzig territory are administered by the Danzig railway administration, the German postal authorities shall pay to the Free City of Danzig 80 pfennig (German) for transport and one pfennig (German) as premium against risks for each axle-kilometre of Danzig railway lines traversed.

The deduction shall be made in the same way as that prescribed below for Poland.

The charges to be paid for the axle-kilometres of German mail vans sent via Danzig shall be subject to revision every year at the request of one of the administrations concerned. The request for revision must be made not later than three months before April 1st.

The rates thus modified shall be applied as from the beginning of the financial year (April 1st).

The charges mentioned above as allowance in respect of the travelling post staffs shall be paid solely to the Polish postal authorities for the axle-kilometres of the Polish or Danzig railways traversed by the German mail vans. The Polish postal authorities shall where necessary, arrange with the Danzig postal authorities for the deduction of these charges.

In calculating allowances for axle-kilometres, fractions of less than half a kilometre shall be disregarded; half-kilometres and fractions exceeding half kilometres shall be counted as whole kilometres.

In the first half of the first month of each quarter, each administration shall transmit to the other a general account of the charges to be paid by the latter for the quarter which has elapsed. These accounts must be returned, approved or rectified, during the second half of the same month. The German postal authorities will obtain from the approved accounts a statement of account showing the balance between the debit and credit entries. The sum owed by the German authorities shall be paid in German currency not later than the first half of the second month of the quarter at the place indicated by the Polish postal authorities. Any outstanding amount which has not been paid within the period specified shall be charged arrears of interest at the rate of 10 per cent. as from the 15th of the second month of the quarter.

The Polish and Danzig postal authorities shall transmit their account to the "Kursbüro des Reichspostministeriums in Berlin": the German postal authorities shall transmit their account respectively to the Ministry of Posts and Telegraphs at Warsaw, and to the Danzig postal authorities. Accounts concerning indemnification for expenses incurred in transmitting mails (dépêches) by officials of the Polish or Danzig railways shall be exchanged in the same way. Payment will take place at the same time as the payment of the transport indemnities, but in Polish or Danzig currency.

The deduction of the sums due, where these fall within the competency of the postal authorities of the Free City of Danzig, shall be settled by the agreement stipulated in the administrative regulations to Article 52.

To Article 60.

The German Railway Administration shall be responsible for postal parcels transported in mail vans or closed vans according to the same regulations and to the same extent as the Polish
or Danzig railway administrations. With regard to postal parcels conveyed across the Polish or Danzig frontiers in mail vans or closed vans, the handing over to the staff of the German railway of the vans with the German seals intact shall be taken as an assumption that the contents of the vans are not damaged unless it appears, from other indications, that the van has been robbed. If the seals are damaged or removed, the assumption that the contents of the van have been robbed or damaged shall be considered well founded. Should it be obvious from the condition of the postal parcels that robbery has taken place, or should parcels be missing and should it be incontestably proved that the missing parcels were despatched in the mail vans or closed vans, compensation will have to be paid.

To Article 61.

If the mail vans break down in the course of their journey, the mail shall be transferred and sent on as quickly as possible.

In any case, the utmost shall be done to send the mails, articles of declared value, and the German escorts by the same train. Luggage vans may be used for this purpose. Should transport by the same train not be possible, the aforesaid mails, articles of declared value, and German escort shall be sent on by the next train. Mail vans thus shipped shall be repaired and returned to the German postal authorities as soon as possible.

The German authorities shall be bound to refund to the Polish services in Polish currency, or to the Danzig services in Danzig currency, all expenses incurred in respect of help afforded by either service as regards the transference of the German mail, and during the continuation of the aforesaid transport, and also for the repair of damaged mail vans.

To Article 62.

1. The following shall be placed at the disposal of Germany for direct exchanges:
   telegraph wires Nos. 4, 25, 37, 96, 122, 159, 1,093, 1,098, 2,028, 2,276, 5,094, 5,095, 5,096;

The extreme ends of these wires and the heads of the lines of these circuits shall be placed on the one side in East Prussia and on the other in the other part of Germany. The administrations shall be free to change the numbers of the wires. When a change has been effected by one administration it must inform the other. If, in the future, one or other of these wires or circuits should become necessary for international traffic, the Polish Administration would procure other means of communication as far as its own traffic allowed.

2. Poland and the Free City of Danzig undertake:
   (a) To keep the wires and circuits in good working order.
   (b) To carry out, at the request of Germany, within a reasonable period, experiments with a view to testing the state of the electric wires and of the circuits, and to locate any defective working of the same.
   (c) To place at the disposal of Germany, on their two frontiers, verification posts, and to keep the latter, as well as the other verification posts in good condition.
   (d) To take the necessary steps to remedy as quickly as possible all irregularities in working.
   (e) To oblige their telegraph offices to communicate to the German offices concerned, the results of their enquiries, together with all useful information with a view to ascertaining the nature and whereabouts of the defect and re-establishing communications as quickly as possible.

3. In the event of interruption in communication on Danzig or Polish territory, Poland and the Free City of Danzig shall be ready to replace, if possible, the wires or circuits which have
become useless. When the defective wire or circuit has not yet been replaced, or when, on account of a breakdown of a telegraph or telephone wire on Polish or Danzig territory, communications on the line in question are interrupted for at least eight hours of the day (from 8 o'clock in the morning until 8 o'clock in the evening), Germany shall be authorised to deduct a corresponding sum fixed according to the number of days during which the interruption lasts, from the remuneration fixed by Article 4 for the use of telephone and telegraph wires.

(4) If requested to do so, the German Administration shall be prepared to furnish, in return for refunding of costs, the material necessary for the maintenance of these wires and circuits.

(5) The German Administration shall settle which offices shall be authorised to use these wires and circuits and shall also decide the systems to be used in operating them. This Administration shall also be responsible for adopting the necessary measures to increase the yield of a wire or of a circuit; in particular, it shall decide whether the telephonic circuit shall be used for the transmission of telegrams.

If requested to do so, the Polish and Danzig Administrations shall be prepared to carry out, in return for refunding of costs, the necessary crossing of wires and alterations, in so far as their own operation is not thereby injured.

The plant and material necessary for this purpose shall, if desired, be furnished by the German Administration. This does not include the erection of intermediate transmission posts.

To Article 64.

(1) Each month shall be considered as consisting of 30 days for the purpose of calculating the monthly sum to be paid by contract. Should the German Administration give up using a wire or a circuit, the payment of a corresponding share of the remuneration would cease from the day on which the wire was handed over.

(2) Payments shall be made quarterly, in German currency, in the first half of the second month of the following quarter, at a place to be appointed by the Polish Administration. Should the payment not have been made within the appointed time, the debt shall bear arrears of interest at the rate of 10 % as from the 16th of the second month of the quarter in question.

To Article 66.

(1) The sum which Poland shall pay to Germany in respect of postal consignments conveyed by Germany, shall be calculated in accordance with the Regulations for the application of Article 59, and shall be paid in German currency.

(2) Telegraph wires Nos. 1043 and 267, and telephonic circuit No. D. 5269 on the right bank of the Vistula, shall be placed at the disposal of the Polish Administration.

The payment due for these wires and for the circuit shall be calculated in the same manner as the payment to be made by the German Administration, that is to say, according to the rate per word in the German telegraph tariff. This sum shall be placed to the credit of Germany in the telegraph and telephone account.

(3) With the exception of the regulations under (4) to Article 62 and under (2) to Article 64, and subject to the regulations mentioned above under (1) and (2), the provisions laid down in the present Rules for Application shall be applied in the same way to the Polish traffic on the right bank of the Vistula.
NAVIGATION.

To Article 70.

Persons mentioned under Article 69 shall be allowed to land:

(1) At landing-places to be made known in accordance with Article 70, for a short stay, that is to say, for a period of three hours, without leaving the local district.

(2) At other points, only if important reasons of a personal or technical nature so require.

In cases mentioned under (1), the local police shall have the right to grant permission for a stay of more than three hours, as well as permission to go outside the communal district, and shall notify the same upon the passport.

In cases mentioned under (2), a report of the occurrence shall be made without delay by the person who has landed, at the nearest police station or Customs office. Persons who have landed shall not be allowed to deal with business other than that which occasioned the stoppage.

to Article 72.

If, in case of urgency, the persons mentioned under Article 69 are obliged to return to their homes, they shall apply to the nearest police station, which, after having investigated the case, shall certify the necessity for departure and the right to return.

On receipt of this authorisation, the Parties shall apply to the administrative authority to which they are directed by the police, and that authority shall issue a permit of departure, free of charge, together with a permit for returning by land to the ship. The permit for return shall only be valid for the same period as the transit visa. Mention of the permit of departure and of return, indicating the route to be followed in both directions, shall be made on the passport.

CUSTOMS.

RAILWAY TRAFFIC.

Passenger Traffic.

To Articles 78-82.

Privileged Transit.

(1) Registered luggage shall be kept under seal during transit.

On the arrival of the train at the frontier station, the Customs escort of the country of transit shall place the Customs luggage van under seal, without any formalities with regard to individual parcels.

On leaving the frontier station the same official shall ascertain that the seals are intact.

(2) If need be, the country of transit shall send an escort with the train from the last departure station of the despatching country. The escort can also accompany trains to the first station of the despatching country.

On the Lauenburg-Danzig-Marienburg line, the Customs escort shall be carried out as follows:

Between the German-Polish frontier and Zoppot, by officials of the Polish Customs; between Zoppot and Marienburg by those of the Danzig Customs.
League of Nations — Treaty Series.

On the Chojnice-Tczew-Marienburg line, Poland shall supply escort for trains passing between Chojnice and Tczew and the Free City of Danzig shall supply escort between Tczew and Marienburg. Poland and the Free City of Danzig may agree to modify this regulation.

The sole duty of the escort officials, as regards transit, shall be to supervise the carrying out of the regulations contained in the present Convention. Customs officials escorting trains in transit shall be obliged to wear some badge identifying them as escort officers. Further, in order to prove their official character, they must be supplied with a certificate bearing the seal of the office to which they are attached. This certificate must be written in both the German and Polish languages.

Passengers shall be forbidden to open the doors of the carriages. Windows shall only be opened during the journey and exclusively on the corridor side. If, for reasons occasioned by the operation of the railway services, or as the result of an accident, passengers are obliged, temporarily, to alight from the train, they shall remain with their luggage, under the supervision of Customs officials, until they continue their journey.

(3) Each privileged train shall be escorted by two officials. Each party, however, shall have the right, if it sees fit, to increase this number by one extra official to each series of four carriages.

The country benefiting by the traffic in transit shall be obliged to refund to the country of transit half the expenses of escort.

These expenses shall be calculated according to the regulations in force in the country of transit for the salaries, travelling expenses, etc., of officials and employees of the two lowest grades.

In order to simplify accounts, the total sum payable to officials and employees shall be fixed for each class according to the mean between the highest and lowest rate of salary, plus travelling allowances.

Expenses shall be refunded for each completed quarter according to a list which will be forwarded to the consignor by the country of transit.

The account shall be drawn up: on behalf of Germany by "Die Abteilung für Zölle und Verbrauchssteuern des Landesfinanzamts Königsberg," and on behalf of Poland by the Customs Administration at Posen.

The country benefiting by the transit shall be bound to pay the sum due to the country of transit 40 days after the account is received.

When this period has elapsed the amount due shall bear arrears of interest at the rate of 5% per annum.

Payment shall be made in the currency of the creditor country.

The respective clearing-houses shall inform each other as to which services are responsible for making and receiving payments.

When the Free City of Danzig is creditor or debtor for escort expenses, the Danzig debit and credit accounts shall be liquidated through Poland, who will settle the account with the Free City of Danzig by special arrangement.

Ordinary Transit.

(1) Registered passenger luggage crossing foreign territory in ordinary transit shall be sorted in the van and placed apart from other luggage as transit luggage.

The luggage-guard shall make a list of this luggage, according to the prescribed form, printed in German and Polish. A special list must be made out for each Customs office on the exit frontier. The guard shall forward two copies of each list to the Customs Office of the frontier station of the despatching country.

This office shall verify, by a general examination, the facts given on the list, and shall certify the correctness of the list by applying its official seal; it shall also fix the period within which the luggage entered on the list must be handed over at the customs office of re-entry of the despatching country.
To each package shall be applied, by the outgoing Customs office of the despatching country, a customs mark (the details of which shall be settled by the authorities concerned), bearing the inscription: "Transit luggage which has passed the Customs from .......... to .........."

(2) A copy of the verified and certified list shall accompany the transit luggage across the country of transit. For this purpose the outgoing customs office of the despatching country shall hand the list to the luggage-guard of the outgoing train, and the latter shall hand it to the Customs office on entering the country of transit.

The latter office shall ascertain by means of the list, whether any article of luggage in transit is missing, shall certify the correctness of the list and shall return it to the luggage guard of the train. The luggage guard shall hand over the list to the outgoing Customs office of the country of transit.

This latter office shall proceed in the same fashion and shall hand over the list to the luggage guard of the outgoing train who will hand it to the Customs office of the despatching country. The luggage guard shall hand over the list at this office and shall submit the transit luggage for general Customs examination, which shall take place as far as possible, in the van. If it is ascertained in the course of this examination, that the articles of luggage which have arrived intact correspond in number with those inscribed on the list, they may continue the journey.

Should one or other of the Customs offices concerned discover, when the list is examined, that there is a discrepancy between the articles described therein and the number of articles of luggage, or that the latter have been opened and rifled, this fact shall be noted by the railway and Customs authorities at the place where the discovery is made, either on the list itself or on a separate notice to be attached to the list.

(3) As far as is compatible with the route followed by the carriage, passengers' registered luggage crossing the territory in ordinary transit shall be placed during the journey in a padlocked or sealed part of the luggage van. In this case it shall be treated as regards the Customs as registered luggage conveyed by privileged trains.

(4) Passengers' hand luggage in ordinary transit should only contain provisions for the journey. Goods of commercial value may be carried as hand luggage. They should be forwarded as registered luggage. Hand luggage will be subject to the ordinary Customs examination.

**Goods Traffic.**

*To Articles 83–85.*

(1) Goods shall be protected:

In the case of covered trucks by the affixing of a Customs seal to the trucks:

In the case of open trucks, and in the case of covered trucks to which it is not possible to affix the Customs seal by reason of the nature of the goods (e.g. cattle-trucks etc.) at the discretion of the Customs authorities.

(2) The railway administration shall compile a train list for each train with regard to transit trucks. This list shall be drawn up in accordance with a form agreed upon by the railway authorities and by the Customs authorities and drawn up in German and in Polish. Two copies of this list shall be supplied to the German Customs officials and three to the Polish Customs officials.

(2) The train-list to be handed to the Customs authorities at the frontiers shall be accompanied by the waybills. Further, in the case of loads of packages forming a single consignment a freight list in duplicate for each truck shall be handed to both the Customs authorities at the frontier.

Alterations in the composition of trains or the contents of trucks, or in sealed trucks, should be mentioned in the train list. A number of empty trucks, if not separated by loaded trucks, may be entered in the list en bloc.
The Customs authorities of the despatching country shall indicate in the train-list a time-limit for the return of the transit trucks to the Customs office re-entry of the despatching country. This time-limit shall be fixed by an agreement to be concluded between the railway authorities and the Customs authorities of the outgoing station of the despatching country.

On entry into the transit country the outgoing Customs office of the despatching country and the Customs office of the transit country shall certify on the train list that the transit trucks have been placed under Customs seal.

(3) The documents relating to consignments of goods liable to Customs examinaton or subject to duty should be attached to the train list.

(4) If goods trucks are attached to slow trains, they shall be subject to the same Customs treatment as goods trains.

(5) The Customs seal may be removed temporarily by the transit country only in the cases mentioned in the provisions of the present Convention or when the exigencies of the railway service render it indispensable. Transfer will only be authorised in cases of accident. In such cases, the Customs measures to be adopted shall be in conformity with the regulations in force in the transit country. The transfer of goods, the removal of the seal, the reasons for these operations and the fact of the renewal of the seal should be certified on the train-list and on the documents, if any, regarding Customs or duties.

If in the course of the journey a seal is broken, either by design or by accident, if a truck is rifled or if goods are stolen, the same action shall be taken as in the case of the temporary removal of the seal or the transfer of goods; the fact should, however, if possible be certified in the presence of Customs officials. The measures taken, together with the reasons therefor, should be certified on the train-list and on the documents regarding Customs and duties, to which the official report should be attached.

Trucks which have been delayed on such grounds shall be attached to the next train.

(6) Transit trucks on leaving the transit country, shall be handed over to the railway authorities of the station where the exchange takes place and to the Customs authorities of the Customs frontier station of the despatching country. The receipt of these trucks shall be certified on the train-list. Any claims which may be made in this connection shall be specified and dealt with separately.

Traffic by water.

To Article 87.

(1) Parcels which are subject to duty according to the laws of the transit country may only be transported under seal.

Goods subject to duty which cannot be placed under seal and goods of large bulk subject to duty which are carried in open boats, shall be transported under Customs escort.

(2) Instead of a Customs escort, the payment of the Customs entry duties may be guaranteed, if the master so requests, either by the deposit of caution money, or through the intervention of a trustworthy guarantor, who will make himself personally responsible for payment, and will renounce the recognised rights of guarantors.

In the case of open boats entering a transit country with a uniform cargo, the Customs office of the transit country may exempt the master, either altogether or in part, from providing security if it considers him to be trustworthy.

In the case of ships without escort, if their structure and the nature of their cargo give rise to suspicion of an intention to defraud the Customs or to carry on contraband trade, or if the master has been found guilty of these offences in the transit country, the Customs office of entry of that country may demand the guarantee of the payment of duty.
(1) Goods exempt from duty shall be transported in transit without any of the above-mentioned guarantees, provided that a sufficient control of the cargo can be exercised on entering the transit country and on leaving that country.

(2) Vessels intended to transport goods in transit without transhipment should be built and equipped in such manner that it may be possible to put under seal either the whole vessel or separate sections thereof, guarantees being obtained for the payment of duty according to the Customs regulations of the transit country.

Vessels which do not fulfil these requirements shall not be allowed to sail except during the first five years after the date upon which the present Convention comes into force. These vessels may be utilised during the period mentioned even for the transport in transit of goods subject to duty, provided that a guarantee for the payment of duty is given irrespective of the Customs escort.

(3) The master shall be required to furnish the Customs authorities concerned with a declaration regarding the vessel and its cargo (manifest).

This manifest shall contain the name of the vessel, the name of the master, the nationality, tonnage and port of registry of the vessel, the names and addresses of the consignees of the goods, the quantity and character of the goods and the manner in which they are packed.

As regards parcels, the manifest must state how many there are and what marks and numbers they bear. A special declaration must be attached to the manifest for the use of the Customs officials of the country of transit showing the arrangement of the cabins and of any places of concealment, (declaration of places of concealment), and a declaration of the supplies of food, etc., on board for the use of the crew and escort, the necessary materials for the upkeep of the vessel, the effects of the crew, and all the objects which appear in the inventory of the vessel. The weight of the provisions on board need only be stated approximately.

The declarations must be drawn up on official forms printed in German and in Polish. Six copies of the manifest must be provided, three of which should be furnished to the Customs officials of the despatching country and three to the Customs office of entry of the transit country. These declarations shall be certified as exact and signed by the master.

The Customs Office of exit and despatching country shall verify the accuracy of the declarations according to the bills of lading and shall determine by a general inspection whether the declarations and the cargo correspond.

The Customs Office of the despatching country shall take the necessary steps to check and recheck the identity of goods going out and goods returning, mentioning on the manifest the result of the inspection, and the measures adopted to guarantee such identity; it will supply the master with a copy of the manifest with these particulars in a sealed envelope, which the latter will hand to the Customs Office of re-entry of the despatching country within a limited time fixed by the Customs Office of exit.

(4) The Customs seals shall be recognised by the Parties concerned and shall as a rule be removed by the Customs Office of re-entry of the despatching country after completion of transit.

(5) The Customs Office of entry of the transit country shall determine the guarantee to be applied to the cargo during transit, and shall despatch the passengers, the crew, their luggage, the ship’s stores, etc.

(6) The provisions, etc., with which the vessel is supplied, and which are required for the use of the crew during the voyage, the effects of the crew, and the objects mentioned in the inventory of the vessel shall be exempt from duty. The quantity of provisions required shall be calculated in each case according to the number of the crew, the number of passengers and the duration of the voyage in the transit country. All provisions in excess of the quantity necessary for the voyage shall be subject to the usual Customs regulations, unless placed and transported under Customs seal.

Articles which are the subject of monopoly rights may only be introduced in such quantities as travellers are allowed to carry with them.
(7) The master shall be required to continue the voyage immediately and to call at no intermediate port unless he is compelled to do so by inclement weather or by unavoidable circumstances; he may not exceed the time limit fixed in the manifest.

Vessels should display Customs signals during the voyage, i.e., by day a flag, and by night a light. The transit country has the right to make regulations as to Customs signals.

(8) The sole purpose of the escorting officials as regards transit is to supervise the execution of the provisions contained in the present Convention.

Free quarters on the vessel shall be assigned to them by the master; they shall have the right to take meals without charge at the master's table and to be supplied with the necessary firing and lighting, but they may not either demand or accept any remuneration.

The expenses of escort, in which the expenses of the return journey of the escort should be included, shall be borne by the master and shall be calculated according to the established and duly published regulations; these charges shall be payable at the Customs office of exit of the transit country.

The Customs Office of entry of the transit country may require from the master before his entry into the transit waters a reasonable instalment of the expenses of escort; this instalment shall be deducted from the charges payable at the Customs Office of exit.

(9) The master shall be required to transport the cargo, without making any change in it, to the Customs Office of exit, and to keep intact the Customs seals which have been affixed thereto. If in the course of the voyage, as the result of inclement weather, it should be necessary to make any alteration in the cargo and to remove the seal for that purpose, the master shall be required first of all to apply to the nearest Customs station and to await the arrival of the officials from that station. If, on account of imminent danger or by reason of other inevitable circumstances, the master should not have sufficient time for that purpose, he shall be required to inform the nearest civil authority, so that that authority may remove the seal and certify the incident which has occurred.

If the master has acted in such a case without demanding or awaiting the intervention of Customs officials, or of the local authorities, he must prove that the measures which he adopted were rendered indispensable by reason of imminent danger to the vessel or to the cargo. In such a case he shall be required, immediately after the adoption of the necessary measures for the saving of the vessel and cargo, to inform by signal the nearest Customs station, or if that should be impossible, the nearest local authority, and to obtain the certification of the incident which has occurred.

(10) On leaving the transit country the master shall call at the last Customs station in order that the cargo of the vessel may be inspected and that the escorting officials may be disembarked.

In order to ensure the free entry of the vessel with its cargo into the despatching country, the Customs seals which have been affixed must remain intact.

The office of re-entry of the despatching country shall verify, according to the manifest, the identity of the cargo on departure and on return by a general Customs inspection, after the removal of the Customs seals.

(11) Rafts shall be treated in accordance with the above-mentioned provisions; the guarantee for the payment of the Customs entry duty must, however, be furnished.

If the partition of a raft should be necessary, the parts of the raft must proceed on their course together, in order to leave the transit country at the same time and thus to return to the despatching country in accordance with the manifest.

(12) In so far as the passage in transit on the Netze-Notec, which forms the frontier between the Contracting States, has not been regulated by the Convention, it shall be the duty of the local authorities to draw up regulations by mutual agreement.

(13) In the event of a contravention of the general Customs regulations during the voyage or of the provisions of the present Convention or of its Rules of Application, the laws in force in
the country in which the contravention has been committed shall be applicable as regards the penalty to be inflicted.

As regards penalties which have been made executory, the owner of the vessel will be liable in person and his vessel may be seized.

CHAPTER XI.

FINAL PROVISIONS.

Article 113.

The Rules for the Application of the Convention (Chapter X) may be modified by common agreement between the proper German and Polish Authorities.

The German Government and the Polish Government — either on its own behalf or on behalf of the Free City of Danzig — shall have the right at any time to ask for a revision of the Rules for the Application of the Convention.

Either Party in putting forward such a claim, shall submit its proposal on this subject to the other Party. The other Party shall give its opinion or shall submit a counter-proposal within a period of not more than two months, after which negotiations shall, if necessary, be entered upon between the proper Authorities.

Article 114.

The present Convention shall be ratified as soon as possible and the instruments of ratification shall be exchanged at Paris. It shall come into force on the date of the exchange of the instruments of ratification.

As, however, certain preliminary work is necessary in order to carry out the provisions of Chapters II to VIII, the delegates of the High Contracting Parties shall get into touch with each other as from the date of the exchange of the instruments of ratification, in order to determine the requisite measures for the progressive carrying out of the present Convention as rapidly as possible.

The work of the delegates shall be carried on in such a way that:

(a) The provisions laid down in Chapter III (Military transit) including the relevant provisions of Chapter X shall be applied within a period of not more than one month from the date of the exchange of the instruments of ratification.

(b) The provisions laid down in Chapter V (Navigation) including the relevant provisions of Chapter X and Chapter VI (transit by motor-car and motor-cycle) shall be applied within a period of not more than three months from the date of the exchange of the instruments of ratification.

The provisions of Chapter II (Railways) and Chapter IX (Posts, Telegraphs and Telephones), including the provisions of Chapter X relating to these Chapters, shall be applied not later than the date of the first fixing of the general railway time-table in the autumn or spring following the expiration of the period of six months after the exchange of the instruments of ratification.

The provisions laid down in Chapter VII, including the relevant provisions of Chapter X and the provisions of Chapter VIII, shall be applied progressively as the provisions of Chapters II to VI, including the Rules for their Application, are put into force.

Done at Paris on the twenty-first day of April, one thousand nine hundred and twenty-one in a single copy, which shall be placed in the archives of the Government of the French Republic, and certified copies of which shall be transmitted to Germany and Poland.

(L. S.) GERHARD VON MUTIUS.

(L. S.) CASIMIR OLSZOWSKI.
PROTOCOL.

At the time of concluding the Convention referred to in Article 98 of the Treaty of Versailles, the High Contracting Parties make the following declarations:

(1) Germany claims that the right of communication by air is assured to her under Articles 89 and 98 of the Treaty of Versailles since all questions of traffic in transit are regulated by these two articles. Germany is of opinion that the Convention dated October 13, 1919, concluded in virtue of Article 319 of the Treaty of Versailles, does not refer to the question of traffic between two countries across a third country, but to traffic between two parts of one and the same country. Germany claims, in virtue particularly of Article 89 of the Treaty of Versailles, that she is entitled to carry on postal traffic in transit without restriction. Even before the war this postal traffic included postal traffic by air; it should, therefore, for the future also, include postal traffic by air.

Germany reserve these rights for herself as regards communication by air.

Poland considers:

(a) that Article 89 of the Treaty of Versailles refers only to communications by land and water;
(b) that this Article is in conformity with Article 314, which confers upon the Allied and Associated Powers, without reciprocity, the right to fly over German territory and German territorial waters;
(c) that under the terms of Article V of the Air Convention, dated October 13, 1919, referred to in Article 319 of the Treaty of Versailles, Poland has not the right, except by special and temporary authorisation, to admit over her territory the traffic of aircraft not possessing the nationality of one of the Contracting States. Since, for the purpose of this Convention, Germany is not one of the Contracting Parties, Poland is in no way bound to grant her the right of flying over Polish territory.

(2) The provisions of the present Convention, signed this day, in no way govern the relations between Poland and the Free City of Danzig. These relations, as regards railways and also in other respects, shall be governed by special agreements to be concluded between Poland and the Free City of Danzig in accordance with the Polish-Danzig Treaty; furthermore these agreements may not in any way infringe Germany’s rights emanating from the above-mentioned Treaty.

Done at Paris on the twenty-first day of April, one thousand nine hundred and twenty-one in a single copy which shall be placed in the archives of the Government of the French Republic, and certified copies of which shall be transmitted to Germany and Poland.

(L. S.) GERHARD VON MUTIUS.
(L. S.) CASIMIR OLSZOWSKI.

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