

N° 653.

ALLEMAGNE ET POLOGNE

Accord concernant le transit privilégié entre la Haute Silésie Polonaise et le reste de la Pologne à travers la Haute Silésie Allemande, signé à Breslau le 24 juin 1922.

GERMANY AND POLAND

Agreement regarding privileged transit traffic between Polish Upper Silesia and the remainder of Poland through German Upper Silesia, signed at Breslau, June 24, 1922.

TEXTE POLONAIS. — POLISH TEXT.

No. 653. — UKŁAD¹ ZAWARTY MIĘDZY RZĄDEM POLSKIM I NIEMIECKIM W SPRAWIE UPZYWILEJOWANEGO TRANZYTU MIĘDZY POLSKIM GÓRNYM ŚLĄSKIEM A RESZTĄ POLSKI PRZEZ NIEMIECKI GÓRNY ŚLĄSK, PODPISANY W BERLINIE DNIA 24. CZERWCA 1922 r.

German and Polish official texts communicated by the German Consul at Geneva². The registration of this Agreement took place July 18, 1924.

p. Franciszek MOSKWA, Naczelnik Wydziału w Ministerstwie Kolei Żelaznych w Warszawie jako pełnomocnik RZĄDU POLSKIEGO ;

p. Karol SCHOLZ, tajny i radca rządowy i ministerjalny w Ministerjum Komunikacji PAŃSTWA NIEMIECKIEGO w Berlinie jako pełnomocnik RZĄDU NIEMIECKIEGO, zawarli następujący Układ :

Rodział I.

POSTANOWIENIA OGÓLNE.

Par. I.

Niemcy przyznają Polsce, stosownie do następujących postanowień, ułatwiony tranzyt kolejowy między polskim Górnym Śląskiem a Polską (tranzyt uprzywilejowany) na liniach poniżej wymienionych :

1. Chorzów-Beuthen Oberbahnhof-Szarlej (Scharley) i dalej Lubliniec (Lublinitz)-Cziasnau-Kreuzburg-Kostau-Hanulin (Birkenfelde) dla ruchu osobowego i towarowego.

2. Chorzów-Beuthen HB.-Beuthen Stadtwald-Nowy Radzionków (Neu Radzionkau) i dalej Lubliniec (Lublinitz)-Cziasnau-Kreuzburg-Kostau-Hanulin (Birkenfelde) dla ruchu osobowego.

3. Chebzie (Morgenroth)-Karf-Beuthen-Stadtwald-Nowy Radzionków (Neu Radzionkau) i dalej Lubliniec (Lublinitz)-Cziasnau-Kreuzburg-Kostau-Hanulin (Birkenfelde) dla ruchu towarowego.

4. Lubliniec (Lublinitz)-Cziasnau-Kreuzburg-Kostau-Hanulin (Birkenfelde) dla ruchu towarowego.

Par. 2.

Wszyscy podróżni wraz ze swoim bagażem, bez względu na swoją przynależność państwową, będą mogli w uprzywilejowanym ruchu tranzytowym przejeżdżać bez żadnej przeszkody przez

¹ The exchange of ratifications took place at Warsaw, April 30, 1924.

² See foot note vol. II, page 60 of this series.

Par. 20.

Przewóz osób, bagażu i przesyłek nadzwyczajnych podlega na liniach niemieckiego Śląska Górnego każdoczesnym postanowieniom przepisów przewozowych niemieckich kolej żelaznych, oraz każdoczesnym postanowieniom taryf niemieckich, a na pozostałych liniach—każdocześnie obowiązującym na nich przepisom wewnętrznym przewozowym i taryfowym.

Par. 21.

Do przewozu towarów zwyczajnych i pośpiesznych i zwierząt stosowane będą postanowienia Berneńskiej Konwencji¹ międzynarodowej o przewozie towarów kolejami żelaznymi z dnia 14 października 1890 r. wraz ze zmianami i uzupełnieniami, zawartymi w deklaracji dodatkowej z dnia 20 września 1893 r. i w układach dodatkowych z dnia 16 czerwca 1898² r. i 19 września 1906 r. oraz ze zmianami i uzupełnieniami, zawartymi w poniżej wymienionych punktach a—k.

Postanowienia taryf wewnętrznych uczestniczących kolei mają zastosowanie tylko o tyle, o ile nie są w sprzeczności z postanowieniami umowy niniejszej.

Ustanawia się następujące zmiany i uzupełnienia Berneńskiej Konwencji (K. M.).

a) Do art. 3 K. M.

Materiały samozapalne lub wybuchowe, płyny palne jak również materiały trujące, żrące i ulegające gniciu dopuszcza się do przewozu w ruchu tranzytowym, nawet gdy te przedmioty nie są wymienione w załączniku I do Postanowień Wykonawczych do Konwencji Międzynarodowej lub też nie są dopuszczone do przewozu według przepisów tej Konwencji jedynie pod warunkami następującymi :

1. przewozi się wyłącznie przedmioty dopuszczone każdocześnie do przewozu na kolejach kraju tranzytowego,
2. stosuje się przepisy, obowiązujące pod tym względem każdocześnie w kraju tranzytowym,
3. przedmioty te mogą być przeznaczone wyłącznie do użytku cywilnego (nie wojskowego),
4. do przesyłek ma być dołączona deklaracja właściwej władzy państwowej kraju odbiorczego, stwierdzająca przeznaczenie przesyłek dla celów, wymienionych pod (3) ; deklaracja ta pozostaje na tej stacji kraju tranzytowego, na której przesyłka opuszcza ostatnio terytorjum Niemieckie.

5. Przewóz takich przedmiotów, które nie odpowiadają postanowieniom P. (1) i (2) uzależnia się od osobnej umowy.

b) do art. 4 K. M.

W taryfie niniejszej nie obowiązują terminy ogłoszeń o podwyższeniu taryf lub innych zmianach warunków przewozowych.

c) do art. 6 K. M.

1. Zamiast międzynarodowego listu przewozowego używany będzie list przewozowy kolej wysyłający.

Taki list przewozowy musi zawierać pod wyrazami « List przewozowy » powołanie się na niniejszą umowę.

2. Nadawcy nie jest dozwolone wskazywanie w liście przewozowym drogi przewozu przez kraj tranzytowy, a szczególnie wskazywanie miejscowości, w której miałyby być dokonane formalności celne graniczne, ponieważ niniejsza taryfa ważna jest tylko dla uprzywilejowanego ruchu tranzytowego.

Wszelkie oświadczenia, sprzeczne z niniejszemi postanowieniami, uważane będą za nieważne.

¹ British and Foreign State Papers, Vol. 82, page 771.

² British and Foreign State Papers, Vol. 92, page 433.

konwojowanie przez niemieckich urzędników i premji za ryzyko pozostawia się późniejszemu porozumieniu. To samo odnosi się do rozrachunku z tych należności i wynagrodzeń.

Par. 55.

Z uwagi na to, że strona niemiecka obstaje przy swem zasadniczem prawie żądania pocztowych należności tranzytowych w myśl art. 4 światowej Konwencji pocztowej, zawartej w Madrycie, a polska strona prawa tego nie uznaje, płacenie należności za tranzyt pozostaje na razie w zawieszeniu.

Oba zarządy pocztowe winny omówić w najbliższym czasie, czy odnośnie do słuszności tego żądania chcą osiągnąć porozumienie w drodze nowych pertraktacji, czy też zamierzają spowodować rozstrzygnięcie w drodze sądu polubownego w myśl art. 25 światowej Konwencji pocztowej.

O ile nie przyjdzie do porozumienia w drodze pertraktacji w ciągu trzech miesięcy od dnia wejścia w życie niniejszej umowy, albo też wypadnie rozstrzygnięcie na niekorzyść Niemiec, nateczas przysługuje niemieckiemu zarządowi pocztowemu prawo odwołania zezwolenia nadal na przewóz polskich wagonów pocztowych z zachowaniem jednomiesięcznego terminu wypowiedzenia. Prawo to przysługuje polskiemu zarządowi pocztowemu każdego czasu z zachowaniem jednomiesięcznego terminu wypowiedzenia.

Celem uzyskania potrzebnych danych dla ewentualnego późniejszego rozrachunku polski zarząd pocztowy zarządzi na wniosek niemieckiego zarządu pocztowego, wskazane przezeń jako potrzebne, obliczenia statystyczne.

Par. 56.

Dla ruchu telegraficznego pędzy polskim G. Śląskiem i Poznaniem przez niemiecki G. Śląsk tworzy się z linii 1640 na przestrzeni Katowice (Kattowitz-)Beuthen z linii 1645 na przestrzeni Beuthen-Lublinice (Lublinitz) i z linii 652 na przestrzeni od Lublińc (Lublinitz) do granicy w kierunku Poznania bezpośrednią linię telegraficzną przy równoczesnem wyłączeniu niemieckich stacji telegraficznych i oddaje się ją do użytku polskiego zarządu pocztowego. Za używanie tej linii łącznie z jej utrzymaniem na obszarze niemieckim Polska płaci Niemcom ryczałtową sumę, ustaloną w ten sposób, że za podstawę do obliczenia przyjmuje się dziennie 5000 (pięć tysięcy) słów, oraz za każde słowo jedną piątą część opłaty od słowa według taryfy telegraficznej, obowiązującej wewnątrz Polski. Przypadającą do wypłaty kwotę w niemieckiej walucie potrąci się z kwoty, jaką Niemcy mają uiścić za używanie linii telegraficznych na podstawie art. 64 Konwencji¹ Paryskiej z dnia 21. kwietnia 1921.

Rozdział 4.

SPRAWY CELNE.

Par. 57.

Uprzywilejowany ruch tranzytowy poddany będzie w kraju tranzytowym nadzorowi celnemu. Będzie on wykonywany na niemieckim Górnym Śląsku na wymienionych w paragrafie pierwszym linjach 1, 2, 3 i 4 według następujących postanowień, o ile pociąg zwarty bez zmiany w swym składzie (wyjawszy techniczno-ruchowe przyczyny, jak wyłączenie wagonów wskutek zagrzaniasię osi i t. p.) przebiega całą przestrzeń. Gdyby pociąg miał doznać zmiany w swym składzie między Szarlejem (Scharley), względnie Nowym Radzionkowem (Neu Radzionkau), a Lublińcem (Lublinitz), wówczas na przestrzeni Chorzów-Szarlej (Scharley) i Chebzia (Morgenroth)-Nowy

¹ Vol. XII, page 61 of this Series.

¹ TRANSLATION.

No. 653. — GERMAN-POLISH AGREEMENT REGARDING PRIVILEGED TRANSIT TRAFFIC BETWEEN POLISH UPPER SILESIA AND THE REMAINDER OF POLAND THROUGH GERMAN UPPER SILESIA, SIGNED AT BRESLAU, JUNE 24, 1922.

Between

Carl SCHOLZ, Geheimer Regierungsrat and Ministerialrat in the Reich Ministry of Traffic in Berlin, representative of the GERMAN GOVERNMENT and

Franciszek MOSKWA, Head of Department in the Railway Ministry at Warsaw, representative of the POLISH GOVERNMENT,

have agreed as follows :

PART I.

GENERAL PROVISIONS.

Paragraph 1.

Germany accords to Poland increased facilities, as laid down in the following provisions, for transit railway traffic (privileged transit traffic) between Polish Upper Silesia and Poland on the following lines :

(1) Chorzów-Beuthen (Upper Station) Szarlej (Scharley) ; also Lubliniec (Lublinitz)-Cziasnau-Kreuzburg-Kostau-Hanulin (Birkenfelde), for passenger and goods traffic.

(2) Chorzów-Beuthen (main station)-Stadtwald-Nowy-Radzionków (Neu Radzionkau) ; also Lubliniec (Lublinitz)-Cziasnau-Kreuzburg-Kostau-Hanulin (Birkenfelde), for passenger traffic.

(3) Chebzie (Morgenroth) - Karf - Beuthen - Stadtwald - Nowy - Radzionków (Neu Radzionkau) ; also Lubliniec (Lublinitz)-Cziasnau-Kreuzburg-Kostau-Hanulin (Birkenfelde), for goods traffic.

(4) Lubliniec (Lublinitz)-Cziasnau-Kreuzburg-Kostau-Hanulin (Birkenfelde), for goods traffic.

Paragraph 2.

All passengers, in privileged transit, may without regard to nationality, travel with their luggage, unhindered and exempt from all customs formalities, provided that they commit no offence against the laws or regulations while travelling through the transit country.

Passengers shall be conveyed in closed trains or closed sections of trains specially allocated for the purpose. Communicating carriages shall be employed for this purpose.

¹ Translated by the Secretariat of the League of Nations.

During travel through the transit country, the doors of the carriages shall be kept fastened. Passengers shall be forbidden to open the doors of the carriages. The windows shall remain closed during halts at stations in the transit country and on the sections between Chorzów-Szarley (Scharley) and also Chorzów-Nowy-Radzionków (Neu Radzionkau).

During the journey through the country of transit persons travelling in the train must not enter or leave the carriages, nor communicate with other persons who are not travelling, nor may they receive or hand out any articles whatsoever.

Registered luggage shall be conveyed either in a locked luggage van or in a locked section of the luggage van.

Paragraph 3.

In privileged transit traffic all goods which are admitted for internal traffic in the transit country shall be carried without regard to their origin or to the nationality of the consignor or consignee in complete trains.

Import and export prohibitions in force in the transit country shall not be applicable to privileged transit traffic, nor shall any special licences be required for import, export or conveyance in transit.

Goods which are admissible for conveyance under the present Treaty may not be seized by the administrative authorities during transit.

Goods shall not be loaded, unloaded or transhipped, nor may goods be loaded from the platform in the transit country, unless technical reasons connected with the running of the railway render this necessary.

Paragraph 4.

Military transports, military persons including military persons on leave, whether travelling as individuals or in units, and the transport of police units of any kind, shall not be admitted to be conveyed under the provisions for privileged transit traffic.

Paragraph 5.

Military property shall not be conveyed under the provisions for privileged transit traffic. Fire-arms, munitions and explosives may not be conveyed in the trains or sections of trains reserved for transit traffic.

Sporting-weapons and ammunition pertaining thereto must be conveyed in the luggage van under customs seal.

Paragraph 6.

All privileged transit traffic shall be subject to the laws and regulations of the transit country regarding the maintenance of public order and security, and to the police, sanitary and veterinary regulations.

Paragraph 7.

The regulations applicable to passengers in privileged transit shall be posted inside the railway carriages.

PART 2.

RAILWAYS.

A. TRAIN SERVICE.

Paragraph 8.

The following number of trains and sections of trains daily shall be allocated for privileged transit traffic :

- One express train in each direction ;
- One passenger train section in each direction ;
- Six goods trains in each direction ;
- Four auxiliary goods trains in each direction.

The Railway Administrations shall have power to modify the number of trains and sections of trains by mutual agreement.

The time-tables shall be drawn up by agreement between the Railway Boards concerned.

Paragraph 9.

The following stations shall be used as junctions for privileged transit traffic : Chorzów, Beuthen (main station), Chebzie (Morgenroth), Tarnowickie Gory (Tarnowitz), Lubliniec (Lublinitz) and Hanulin (Birkenfelde).

The Railway Administration of the transit country or, acting in agreement with it, the Railway Administration of the country of despatch shall be responsible for despatching and escorting the transit trains.

If the Railway Administration of the country of despatch despatches the train, the Railway Administration of the transit country shall be entitled, at its own expense, to cause its own officials also to escort the train and act as railway police for the transit country.

The crew of the train shall be given facilities for resting, and if necessary, for spending the night at the railway junctions.

Further details shall be settled by agreement between the Railway Management Boards concerned.

One Polish luggage van guard, one heating apparatus attendant, one woman attendant and postal officials, as well as the sleeping-car conductor and dining-car attendants accompanying the cars through the transit country at the expense of the latter, shall be allowed to travel for the performance of their duties on the trains carrying passengers in privileged transit traffic.

Paragraph 10.

Poland shall supply the necessary carriage rolling-stock for the privileged trains and sections of trains.

The make-up of express trains shall be from 28 to 40 axles, of passenger trains from 36 to 52 axles, of goods trains up to 120 axles. The gross weight of goods trains shall not, however, exceed 1,400 tons. The make-up of the passenger train-sections shall be settled by agreement between the Railway Managements concerned.

The Railway Managements concerned shall, as occasion arises, settle by agreement any necessary changes in regard to the make-up of the trains or the addition of extra auxiliary trains.

In the trains, or sections of trains, allocated for privileged transit traffic, the steam-heating van, dining and sleeping cars, may be through-going. The Railway Managements concerned shall, however, settle by agreement, for the period of duration of each railway time-table, the arrangements in regard to inclusion of these waggons in the trains and the allocation of compartments in the mail vans.

Compensation for the hauling of steam-heating vans, mail vans and dining and sleeping cars, and for the reservation of compartments in mail vans, shall be settled by special agreement.

Paragraph 11.

It is only to the passengers in the privileged trains and sections of trains that the access to and use of the dining and sleeping cars shall be allowed.

Paragraph 12.

Privileged transit traffic may be diverted if interruption or difficulties of traffic renders this necessary. The Railway Management Boards concerned shall settle the arrangements for such diversion by agreement; they shall further agree as to the general measures to be taken, for this purpose, for the duration of each railway time-table.

Paragraph 13.

The traffic and loading regulations of the country of transit shall be applicable to the transit trains and sections of trains.

Paragraph 14.

The Railway Management Boards concerned shall regulate the technical handing-over and taking-over of the waggons in the trains allocated for privileged transit traffic. When the Polish Railway Administration is responsible for despatching a train, the carriages included in closed trains reserved for privileged transit traffic shall not be handed over or taken over on the sections Chorzów-Szarlej (Scharley), Chorzów-Nowy-Radzionków (Neu Radzionkau) Chebzie, (Morgenroth), Nowy-Radzionków (Neu Radzionkau).

Paragraph 15.

In case of accident or other interruption of traffic, the Railway Management Boards concerned shall render one another mutual assistance on the sections or at the stations employed for privileged transit traffic.

The Railway Management Boards shall settle, by agreement, the boundaries of the districts within which they shall render one another mutual assistance, and shall lay down provisions for aid in cases when trains remain stranded in consequence of injury to the locomotive.

Paragraph 16.

The Courts of the State in which the damage has occurred shall be competent to deal with claims for compensation by third parties due to defects of construction or to the operating of the

traffic. Any provisions to the contrary contained in the laws on traffic in regard to compensation under the contract for conveyance shall, however, retain their force.

In the event of the responsibility of the railway being established, the Railway Administration in whose territory the damage has occurred shall be responsible for all compensation for damage to persons or objects arising out of the running of the railway service, even should the other Railway Administration or its staff have been responsible for the damage. This provision shall be applicable both in respect of third parties and in the mutual relations of the Railway Administrations.

The following exceptions to the above provisions shall be admitted :

(1) If a member of the staff of the Administration responsible for the service meets with an accident, the Administration in question shall make provision in accordance with the regulations for the injured party or, in the event of his death, for his family.

(2) In cases of damage to, or total or partial loss of, goods or luggage in conveyance, the special laws and by-laws shall be applicable.

(3) If, however, the transit trains are despatched by the Railway Administration of the forwarding country, and there has been no technical handing-over and taking-over of rolling stock, the Administration of the forwarding country shall be responsible for accidents arising out of the defective condition of its rolling stock, and occurring within the country of transit. If the cause cannot be determined, each Administration shall bear half the damage.

Paragraph 17.

For service telegrams and telephone calls in connection with privileged transit traffic, a certain number of the railway telegraph and railway telephone lines in the transit country which are not required by that country for its own purposes shall be placed, in a measure appropriate to the necessities of service and traffic, at the disposal of the Administration of the despatching country for its exclusive use, subject to reimbursement of the cost of upkeep and amortisation.

With a view to the installation of new telegraph and telephone lines each Railway Management concerned shall, if necessary, allot places on existing railway telegraph poles to the other party, subject to compensation and in so far as they are unoccupied and not needed by the railway management in question for its own purposes.

The Railway Management Boards concerned shall conclude special agreements in regard to such matters.

Each Management Board shall carry out the work of erecting telephone and telegraph wires within its own railway system at the expense of the Administration in whose interest the lines are to be used. Each Management shall be responsible, within the limits of its own railway system, for the maintenance in proper order of the telegraph and telephone lines.

Other technical arrangements and the method of assessing charges by either party against the other in respect of the expenses connected with upkeep, amortisation, etc., shall be settled by the Railway Boards concerned.

The telegraph and telephone wires may be used by the postal, customs and police authorities in matters connected with railway service. Service telegrams and telephone calls shall be free of charge.

B. TRAFFIC.

Paragraph 18.

Direct passenger, luggage, express goods (Expressgut), live-animals, fast goods (Eilgut), and ordinary goods traffic shall be conducted over the sections specified in Article 1.

Paragraph 19.

Passengers, luggage, express goods, live-animals, fast goods (Eilgut) and ordinary goods shall be despatched without delay.

Paragraph 20.

The present provisions of the German Regulations regarding railway traffic and the present provisions of the German tariffs shall be applicable to passenger, luggage and express-goods traffic on the German Upper-Silesian sections; on the remaining sections, the present regulations and the present provisions of the internal tariffs (Binnentarife) shall be applicable.

Paragraph 21.

The provisions of the Berne International Convention concerning Railway Goods Traffic, of October 14, 1890, together with its modifications and supplements as contained in the Additional Declaration of September 20, 1893, and in the Additional Agreement of June 16, 1898, and of September 19, 1906, shall be applicable to goods, fast goods (Eilgut) and live-animals traffic, but with the following modifications and additions, as contained in "a" to "k".

The provisions of the internal tariffs of the railways concerned shall be applicable in so far as they are not contrary to the provisions of the present Agreement.

The following modifications of, and additions to, the Berne Convention shall be valid :

(a) Article 3 (International Convention) :

Articles liable to spontaneous combustion or explosion, combustible fluids, poisonous and corrosive substances or those liable to putrefaction shall, even if such articles be not specified or be not admissible under Annex 1 to the Provisions for the Execution of the International Convention, be accepted for conveyance in transit traffic upon the following conditions :

(1) Only such articles as are for the present time admissible shall be carried on the lines of the transit country.

(2) The provisions in force in the transit country shall be applicable.

(3) Articles may only be destined for non-military (civil) consumption.

(4) Consignments must be accompanied by a declaration of the competent State authorities of the country of delivery, certifying the destination of the goods to be in accordance with the provisions laid down in 3 above. Such declaration shall be deposited at the last station of the railway of the transit country at which the consignments leave German transit territory.

(5) The carriage of such articles as do not comply with the provisions of 1 and 2 shall be the subject of special agreement.

(b) Article 4 (International Convention).

No time-limits shall be set under the present tariff in regard to notices of increase of rates, or the introduction of less favourable transport conditions.

(c) Article 6 (International Convention) :

(1) In place of the international way-bill, the way-bill of the railway of despatch shall be used. The way-bills must contain a reference to the present Agreement under the printed heading "Way-bill".

(2) The consignor may not indicate in the way-bill the route which is to be followed for carriage through the transit country, nor the place on the frontier at which customs inspection is to take place, having regard to the fact that the tariff in question is only applicable to privileged transit traffic. Any provision to the contrary shall be null and void.

(d) Article 7 (I.C.), paragraph 3, of the Provisions for Execution :

The surcharge (in Polish, " penalty surcharge ") shall be calculated according to the regulations of the railway line on which it is established that such surcharge (or " penalty surcharge ") is necessary.

(e) Article 8, paragraph 5 (I.C.).

Duplicates of way-bills shall be made out and handed over in accordance with the provisions of the railway of despatch.

(f) Article 12 (I.C.), paragraph 5 (2), of the Provisions for Execution.

In place of these provisions, the provisions of the railway of despatch shall be applicable.

(g) Article 13 (I.C.).

Cash payments in advance and payments on delivery shall not be admissible until further order. The date of the reintroduction of the payments on delivery and cash pre-payments shall be previously notified to the transit railway.

(h) Article 14 (I.C.), paragraph 6, Provisions for Execution :

In place of these provisions, the provisions and the time-limits for delivery, inclusive of the additional time-limits of the general Polish (not Polish-Upper Silesian) internal tariffs shall be applicable.

(i) Article 15 (I.C.) :

Supplementary instructions given by the consignor shall not be carried out by the railway of the transit country.

The provisions of the railway of despatch shall be applicable in respect of procedure in cases of enforcing the right of disposal by the consignor.

(k) Article 38 (I.C.) paragraph 9 of the Provisions for Execution.

The provisions of the railway of despatch shall be applicable in calculating the amounts referred to under 2 and 3.

Paragraph 22.

A tariff shall be drawn up for the passenger, luggage, and express goods traffic referred to in Article 18.

The fares and goods rates in this tariff shall be fixed by taking for the sections in Upper Silesia the current rates of the " Upper Silesian Exchange Tariff ", and for the remaining sections the current rates of their " internal tariffs ".

Paragraph 23.

A tariff shall also be drawn up for the goods, fast goods (Eilgut) and live-animals traffic referred to in Article 18.

The goods rates of this tariff are to be established by including for the sections within the " Upper Silesian Exchange Traffic " the current goods rates of this tariff, and for the remaining sections the current goods rates of their internal tariffs.

Paragraph 24.

The sleeping-car conductor, the dining-car staff, the women attendants in through trains, the heating apparatus attendant and the crew of the train and engine shall, when on service, be carried without tickets.

Paragraph 25.

Service letters and parcels (printed matter, tickets, etc.), shall be sent at the risk of the country of despatch and free of charge.

Other service goods of whatsoever kind shall be treated as private consignments and shall be despatched with way-bills under the regulations applicable to public traffic.

Paragraph 26.

The freight charges for the transport of unloaded waggons, in so far as these exceed the number of loaded waggons which have travelled in the contrary direction over the same transit section, shall be calculated according to the rates for vehicles carried on their own wheels.

For the transport of unloaded waggons not in excess of the loaded waggons travelling in the contrary direction over the same section, no charge shall be made.

The loading apparatus and the wagon tarpaulins belonging to the railway shall be carried free of charge on the return journey.

The railways of the transit country shall pay compensation for passenger coaches, goods waggons and luggage vans employed by them in transit traffic. The nature and rates of compensation shall be laid down by means of a special agreement.

The Contracting Parties reserve the right to make arrangements for settlement by deliveries in kind.

The method in which the railway of the transit country is to be compensated for conveying dining cars and sleeping cars of the other Party shall be settled by a special agreement.

Paragraph 27.

For passenger traffic, cardboard tickets or special blank tickets, and for luggage traffic, special books of luggage receipts, shall be employed.

Tickets, papers accompanying express goods, and way-bills shall be prepared and filled in only in the language of the country of despatch.

In the case of goods certificates, luggage receipts, frontier lists and other accompanying papers to be drawn up by the frontier station, forms in two languages (German and Polish) shall be printed, in which the written entries shall be made in the language of the despatching country. The railway stations of the transit country shall be designated by their official names. The Railway Administrations concerned shall, by mutual agreement, draw up model forms and settle the number of copies to be supplied.

The printed forms hitherto in use may be employed for the duration of one year, reckoned as from the date on which the tariffs in question come into force.

The tickets shall bear no entry in regard to the kind of train. Tickets available for express trains (Schnellzüge) shall, however, be marked with a vertical red line.

For the German transit section only one route shall be indicated on the tickets.

Paragraph 28.

Through fast-goods certificates and through ordinary-goods certificates shall be issued for fast goods (Eilgut), ordinary goods and live animals. A carbon copy of the fast-goods and ordinary

goods certificate, drawn up by the railway of despatch, shall be deposited at the first German frontier station.

Paragraph 29.

Consignments shall only be accompanied when the tariffs of the despatching railway so provide. The number of accompanying persons shall be restricted to the minimum. If such persons have been admitted by the despatching railway, they shall not be prohibited from travelling by the transit railway.

Persons accompanying consignments must be provided with a third-class railway pass.

Paragraph 30.

Luggage, express goods, fast goods, ordinary goods and live animals shall be carried through the transit country free of all railway charges for customs clearance or other similar dues, with the exception of such actual disbursements as may have been made by the railways.

Paragraph 31.

The provisions regarding goods traffic statistics shall not be applicable to privileged transit traffic.

Paragraph 32.

When luggage and express goods are accompanied through the transit country by a Polish luggage van guard, they shall remain in Polish custody.

In case there should be no Polish official accompanying the train, the Railway Administrations concerned shall make arrangements for the transit and taking over of luggage and express goods on the German transit lines, in so far as such arrangements do not already exist.

Paragraph 33.

The handing over of goods, fast goods and live animals to the railway of the transit country, and by the latter to the adjoining railway will be effected through the use of train-lists, while waggons containing smaller consignments will be accompanied also by loading lists. As proof of transit, the accompanying papers (in the case of express goods also) shall be stamped with the date at the frontier station. Compare, also, Part 4, Customs, paragraphs 57 and 60.

Paragraph 34.

Sealed trucks will be handed over with only a theoretical examination of their contents. The seals affixed by the railway of despatch will be recognised by the Railway Administration of the neighbouring or transit State and this State will not, as a rule, affix further seals.

The handing over of other consignments forwarded in unsealed waggons will be accompanied by actual examination.

The same applies to consignments in sealed waggons, if these show signs which point to a partial loss of, or injury to, the contents.

In all cases where goods are handed over with a merely theoretical examination, and provided that the seals of the railway despatching or handing over are unbroken, it shall be assumed, in the absence of proof to the contrary, that no total or partial loss has occurred over that part of the route which the goods have covered with seals unbroken.

If the seals of the railway despatching or handing over are damaged, it shall be presumed, in the absence of proof to the contrary, that the total or partial loss occurred on that part of the route covered by the goods between the station which affixed the seals, or the frontier station where the seals were inspected, and the station where the damage was discovered.

By seals are to be understood official seals, that is to say, railway or customs seals.

In case the railway taking over the goods considers it necessary for any reason to examine the consignments or to open the waggons, this shall take place as far as possible at the frontier station in the presence of officials of the two Administrations concerned.

An enquiry must be held and a report made upon any irregularities which may be proved. Should any such irregularities occur at frontier stations, the report must be signed by both parties.

Paragraph 35.

The railways concerned shall issue regulations regarding the route to be followed by express goods (Expressgut), ordinary goods, fast goods (Eilgut) and live animals. The regulations shall be framed to suit the service of the privileged trains. Tariffs shall be fixed in respect of the route followed.

Paragraph 36.

Claims for the refund of passenger fares and luggage and express goods charges shall be settled by the railway which collected the amounts claimed.

Paragraph 37.

(a) Disputes regarding total or partial loss, damage to, and undue delay in the delivery of goods and express goods shall be decided by the railway of despatch or the terminal railway, according to whether the claim for compensation was lodged with the one or the other.

(b) In fixing responsibility for loss or deficiency of ordinary goods and express goods, for damage or for undue delay in their delivery, the persons entitled to dispose of the goods shall accept the regulations of the railway of despatch.

(c) As regards claims of the railways against one another, the following provisions will apply to luggage and express goods.

Responsibility will lie with the railway at fault.

If the question of default cannot be determined, any compensation paid shall be shared between the railways which carried or should have carried the goods, in proportion to the length of line over which each railway carried, or should have carried, the goods.

Paragraph 38.

From the sale of through passenger fares (also monthly and weekly return tickets, etc.) and from the forwarding charges for luggage and dogs, each Railway Administration shall receive the combined rates provided for in the tariffs.

Of the freight accumulated within the area of the Upper Silesian exchange traffic, the German transit Administration and the Polish-Upper Silesian railway shall each receive half the forwarding charge in the case of express goods (Expressgut), ordinary goods, fast goods (Eilgut) and live animals. The Polish-Upper Silesian railway shall further receive any shunting charges that may be included. The remaining freight shall be allocated per kilometre of line included in the area in question.

With regard to service goods the railway of transit shall not receive more than the freight provided for according to the current rates for Upper Silesian exchange traffic, and shall not receive any forwarding charge (station charge).

Paragraph 39.

Charges of a purely local kind (including any shunting charges) shall accrue to the railway Administration in respect of whose lines they have been incurred.

Paragraph 40.

(1) If, in the event of an accident or through *vis major* a section of the line has to be wholly or partly closed to goods and animals traffic and consignments conveyed to their destination by another route, a distinction must be made between the following cases :

- (aa) If the interruption of traffic occurs on the transit lines, and if it is not known to the station of despatch until the consignments have already been accepted for conveyance, the railways of the transit country, in cases when the consignments shall be conveyed by a route shorter than that intended for their transit, shall receive only the share of the charges in respect of the route actually taken.
- (bb) If the interruption to traffic occurs on the transit lines and if the stoppage is made known to the station of despatch in time, that is to say, before the goods are accepted for conveyance, the transit lines may claim the share of charges for the route actually taken. It shall not be permissible to plead insufficient notice, if 48 hours, reckoned from midday to midday and midnight to midnight shall have passed since the delivery of telegraphic notice of the stoppage to the competent railway administrations.
- (cc) If the interruption to traffic occurs on the railway of despatch or the receiving railway and if the transit lines resort in consequence to the use of an auxiliary route, these transit lines may claim in respect of the route actually taken.

(2) If for any reason, goods have to be conveyed by an auxiliary route, the following cases must be distinguished :

- (aa) If the cause of divergence lies with the transit lines, these lines shall receive the payment for the route that should have been taken. If, however, the route taken on the transit lines is shorter than the way that should have been taken, the transit lines shall only receive payment for the route actually taken.
- (bb) If the cause of divergence lies with the railway of despatch or the receiving railway, the transit lines shall receive payment for the route actually taken or at least for the route that should have been taken.

Paragraph 41.

The calculation will be made by a State Railway Administration to be nominated by Poland.

Traffic Control Office 1 (passenger, goods and express goods traffic) and Traffic Control Office 2 (ordinary goods, Eilgut, and animals traffic) at Breslau shall receive a copy of the account. At their special desire these offices shall be granted the right of inspecting the relevant papers.

Paragraph 42.

Accounts shall be made out monthly and separately for each month.

All deliveries made during the month must be included in the account for that month (called the accounts month).

Paragraph 43.

In respect to passenger, luggage and express goods traffic, the Railway Administrations concerned may arrange for quarterly accounts. In this case, the railways of the transit country must make deposits for the first two months of the quarter. These payments must be made within the time limit fixed for the monthly account.

Paragraph 44.

Bills and payment demands must be presented not later than two months after the accounts month.

Settlement must be made by the 15th of the third month following the accounts month.

Paragraph 45.

As from the 20th of the month following the transport month, 5 % interest per annum will be charged upon any outstanding debt.

In the event of accounts not being settled by the first day of the fourth month following the accounts month, 5 % per annum will also be charged as from that day as interest on deferred payment.

Payment of the sums to be made by Germany shall be effected in German currency.

Paragraph 46.

For purposes of settling accounts both parties may state all amounts which arise out of this traffic or other railway traffic in which Poland and Germany are concerned and which either relate to the transport contracts themselves or originate in the execution of these contracts, such as hire of trucks, whether by time or by distance, delay charges, charges for hire of locomotives, cost of spare parts, cost of repair of rolling stock, cost of maintaining railway telegraph and railway telephone lines, etc.

Only claims arising out of transport services rendered by railways on German or Polish territory will be included in these accounts. All other claims will be excluded therefrom.

Paragraph 47.

The State Railway Management Board, at Kattowitz will transact the business involved in these tariffs.

PART 3.

POSTS AND TELEGRAPHS.

Paragraph 48.

Until further notice a Polish railway mail van may be attached to every passenger train, such van to be accompanied by a German postal official. Polish postal officials may travel in this van and discharge their duties to the number required for the Polish postal service. If requested, space shall be kept free in the van for the carrying of German mails.

The German postal administration reserves the right in case of half-closed trains to put on a mail van of its own for the German section of the line.

Paragraph 49.

The Polish mails shall be restricted to letter postage, including letters containing money and newspapers. The Polish parcels traffic is excluded until further notice.

Paragraph 50.

The letter-boxes of the Polish railway mail vans shall be kept closed in German territory, and the Polish postal officials on German territory shall not enter into any official contact either with the German post offices or with the public.

The German postal official travelling with the van has the right of seeing that this regulation is observed. He is also permitted to perform his duties in accordance with German regulations. He shall further act as an intermediary between the Polish postal officials and the German authorities.

Paragraph 51.

The postal employees required to accompany the Polish and German mails shall be carried free of charge.

Paragraph 52.

German postal employees may enter or leave the trains at Lubliniec (Lublinitz), Hanulin (Birkenfelde) and Chorzów. These stations will provide them with facilities for stopping there and, if necessary, for spending the night. They may also accompany the train over the section of line in the despatching country, but may not perform any duties.

Paragraph 53.

(a) In the case of railway accidents the railway administration in control of the train service shall be responsible for the postal officials, the mails and the vans to the same extent as it is responsible for passengers, railway goods and railway waggons.

(b) Responsibility for postal consignments carried in Polish waggons accompanied by Polish staff shall rest with the Polish postal administration in so far as no fault has been committed by the administration in charge of the service.

(c) The German railway administration will be responsible to the Polish postal administration for the postal consignments carried in closed waggons to the same extent as it is responsible to the German postal administration in virtue of its railway regulations.

No compensation will be paid by Germany in respect of the mail bags taken over by the German train staff for transport.

(d) If an accompanied Polish railway mail van is disconnected from the train and the Polish mails are transferred, responsibility for the Polish mails shall be transferred to the German postal administration in cases when these mails are handed over for further conveyance by German postal officials. In these cases the German postal administration shall give compensation to the same extent and according to the same regulations as compensation is made by the Polish postal administration to consigners.

Paragraph 54.

The determination of the charges for the transport of mail vans, railway mail vans (extra mail vans), or mail compartments, as well as the determination of the allowances to be paid to accompanying German officials and the insurance for risk shall be matters for subsequent agreement. The same applies to the accounts to be kept regarding these charges and allowances.

Paragraph 55.

The payment of postal transit charges in accordance with Article 4 of the International Postal Convention of Madrid will remain in abeyance, in view of the fact that Germany insists upon maintaining in principle her claim to these charges, while Poland declines to admit this view.

The two postal administrations shall decide as soon as possible upon the question whether they can agree, in the course of fresh negotiations, as to the admissibility of this claim, or whether they desire an award by arbitration in accordance with Article 25 of the International Postal Convention.

If no agreement by negotiation is reached at the end of three months from the coming into force of this Agreement, or should the decision be given against Germany, the German postal administration has the right, by giving one month's notice, to withdraw its consent to any further carrying of the postal mails.

The Polish postal administration by giving the same notice shall at any time have the same right.

In order to provide the necessary materials for any subsequent accounts, the Polish postal administration will, at the request of the German postal administration, supply such statistical information as is considered by the latter to be necessary.

Paragraph 56.

For the purpose of telegraphic communication between Polish Upper Silesia and Poznan *via* German Upper Silesia, a direct line will be constructed out of the Kattowitz-Beuthen Section of line 1640, the Beuthen-Lublinitz Section of line 1645, and the section between Lublinitz and the frontier *i.e.* Poznan, line 652, to the exclusion of German telegraph offices and handed over for the use of the Polish postal administration. For the use and maintenance of this telegraph line on German territory, Poland will pay to Germany a lump sum fixed on a basis of 5,000 (five thousand) words daily, each word being reckoned at one-fifth of the telegraphic rates in force in Poland. This amount, which will be paid in German currency quarterly, will be deducted from the sum to be paid by Germany for the use of the telegraph lines in virtue of Article 64 of the Paris Agreement of April 21, 1921.

PART 4.

CUSTOMS.

Paragraph 57.

Privileged transit traffic will be effected in the transit country under customs seal. It will be carried out in German Upper Silesia along the lines 1, 2, 3 and 4 referred to in paragraph 1, in accordance with the following regulations, provided that a closed train travels over the whole section of line without any change in its composition (except for technical reasons, such as the removal of heating pipes, etc.). Should a train undergo a change in its composition between Scharley or Neu-Radzionkau and Lublinitz, the regulations of the German-Polish Convention regarding Upper Silesia of May 15, 1922, will govern the section between Chorzów-Scharley and Morgenroth-Neu-Radzionkau, while the rest of the line will be subject to the following regulations.

Paragraph 58.

Waggons and goods will be put under customs seal at the discretion of the first customs office in the country of transit. There will be no further customs treatment.

A temporary opening of the customs seal may only take place in the country of transit in the event of accidents, interruptions of traffic or for other urgent reasons connected with the railway service.

In the event of a temporary opening of the customs seal in the country of transit, the customs procedure will be regulated in accordance with the provisions of the country of transit. Any transfer of the goods, opening of the customs seal, and the causes therefor, as well as the affixing of a fresh customs seal shall be notified in the train list and the loading list and in any customs or excise documents.

If during the journey a customs seal is deliberately or accidentally broken, or if goods or waggons are stolen, the same procedure will be adopted as in the case of a temporary opening of customs seals or of transfer of goods, but an inquiry will be held and a report made, if possible with the collaboration of customs officials. The action taken and the reasons therefor shall be certified in the train list and loading list, and in the customs and excise documents and accompanied by a report of the circumstances. The waggons thus held up shall be forwarded at the earliest opportunity.

Paragraph 59.

The passenger trains or sections of trains mentioned in paragraph 8 may be accompanied by customs officials of the transit country. These officials may also travel along the section of line in the despatching country, but may not perform any duties. One or two customs officials may be ordered to accompany each privileged transit train, and these, among their other duties, shall, if required, act as intermediaries between passengers and the authorities. If this number proves to be insufficient, the German customs authorities reserve the right to provide supplementary accompanying personnel, although the number shall not exceed one for every four waggons.

The Polish Government undertakes to pay to the German Government the travelling expenses of the persons thus accompanying passenger trains or sections of trains. The provisions of Article 489 of the German-Polish Convention regarding Upper Silesia of May 15, 1922, shall not be affected hereby. The travelling expenses shall be estimated according to the travelling allowance and other regulations applicable in the country of transit to the lowest group of officials or employees who are called upon to perform these duties in virtue of the service regulations of their respective countries. In order to simplify the accounts, a lump sum will be fixed in such manner that for each group of officials and employees a mean will be established between the maximum and minimum wage, as well as the average amount for travelling allowance. The expenses will be paid in respect of each completed quarter in virtue of an account, which will be submitted by the transit country to the Polish Customs Administration for Upper Silesia. Payment shall be made within 14 days of the receipt of the bill to the Chief Cashier of the Landesfinanzamt for Upper Silesia. If payment is not made within this period, 5% interest will be charged upon the sum owing. Payment shall be effected in German currency.

Paragraph 60.

In the privileged transit, traffic passengers and their luggage shall be free from customs duties and similar charges with the exception of the refund of cash disbursements; the same applies to goods, including those carried in the mail vans.

During transit, registered luggage shall be placed in a locked compartment. On the arrival of the train at the frontier station, the customs seal may be affixed in the customs luggage-room by the customs official of the country of transit accompanying the train, without any formal taking over of the individual articles. In this case the customs official of the country of transit accompanying the train must ascertain whether the seal is unbroken when the train leaves the country of transit. Should passengers have to leave the train through the exigencies of the service or in consequence of an accident, they and their luggage will remain under customs supervision until they continue the journey.

The customs seals affixed by the Customs Administration of the despatching country shall be recognised as adequate customs protection for the country of transit.

Customs protection of the goods will be effected as follows :

- (a) In the case of closed waggons a customs seal will be affixed to the waggon; in the case of open waggons and in the case of such closed waggons as cannot be sealed on account of the persons accompanying them, as, for example, in the case of the transport of animals, etc., the customs authorities will exercise their discretion.
- (b) Every train must carry and hand over to the transit railway train-lists respecting the goods contained in transit waggons and loading-lists made out by the despatching railway. These train-lists and loading-lists shall be made out in 10 copies. On two copies the official handing over the goods at the first station in the transit country shall certify to the proper handing-over of the goods and accompanying papers by the German railway official, and the latter shall return one copy each to the railway office which made out the list and to the customs office at the

frontier station of the despatching country. Eight copies shall be handed over to the transit railway. Of these, one copy shall remain at the station of entry for the use of the German customs and one for the German railway. Six copies shall accompany the goods. Of these, two copies shall be retained by the German customs office on the departure of the goods. One copy shall remain at the last station in the transit country after a receipt has first been given by the Polish railway official taking over the goods, one copy shall be handed over to the station of re-entry, and two copies to the customs office at the re-entry station of the despatching country, after the German railway official has certified by his signature that the goods were handed over. At the request of the German Railway Administration the Polish Railway Administration shall give instructions to the effect that all six copies accompanying the goods shall be certified by the Polish railway official taking over the train. In the case of trains going through from Polish Southern Upper Silesia to Hanulin or *vice versa*, without undergoing any change of composition, it shall not be necessary to make out fresh train-lists and loading-lists.

- (c) On the train-lists and loading-lists the customs office at the frontier station of the despatching country shall enter a time-limit within which the through carriages must reach the customs office of re-entry in the despatching country. This time-limit shall be fixed by agreement between the railway and the customs office at the frontier station of the country of despatch.
- (d) If goods waggons are attached to passenger trains, such waggons shall be treated from the point of view of customs in the same manner as goods trains.
- (e) All papers concerning consignments under customs or fiscal control shall be attached to the train list.

Paragraph 61.

The customs regulations applying to passengers contained in this Agreement shall apply to accompanying officials (railway, post, customs) from the country of despatch, to accompanying personnel provided for in the railway tariffs or approved by the Railway Administration of the country of despatch, and to the staff of the sleeping-cars and restaurant-cars.

Railway staff accompanying relief trains, referred to in paragraph 72, shall not be subject to any kind of customs regulations.

Paragraph 62.

The customs authorities of the Contracting Parties shall, at the request of either party, give mutual assistance, in all questions affecting the privileged transit traffic, such as the issue of information and the institution of investigations.

The written correspondence arising therefrom shall be conducted directly between the competent railway authorities, unless these shall agree upon some other procedure.

Paragraph 63.

The German customs officials may enter and leave the trains at Chorzów, Scharley (Szarlej), Morgenroth (Chobzie), Neu-Radzionkau (Nowi-Radzionków), Lublinitz (Lubliniec) or Birkenfelde (Hanulin). Poland will grant to these officials facilities for stopping at these stations, and if necessary, for spending the night there.

PART 5.

PASSPORTS.

Paragraph 64.

For purposes of privileged transit traffic :

- (a) German, Polish and Danzig nationals will require an identity card showing the name, christian name, residence and nationality of the holder.

The identity card must be further provided with :

- (aa) the signature of the holder or, should he be unable to write, with his mark, officially certified by the issuing authority ;
- (bb) a photograph of the holder, which shall be stamped by the issuing authority in such manner that the stamp is impressed both on the photograph and on the paper of the identity card ;
- (cc) the signature and office stamp of the issuing authority.
- (b) Nationals of other States will require their own passports.

The identity cards referred to under *a* and *b* do not require a visa. Children under ten need no identity card. In the case of accompanied parties of children a list of the names of these children between 10 and 15 bearing a police stamp will be considered sufficient.

Paragraph 65.

Should circumstances permit, the German Government will consider the granting of further facilities than those provided in paragraph 64.

Paragraph 66.

Officials and employees engaged in transit traffic shall receive identity cards according to the model provided for in the regulations in execution of Article 495 of the German-Polish Agreement regarding Upper Silesia of May 15th, 1922. The words " in the Upper Silesian privileged railway transit traffic " shall be replaced by the words " in the transit traffic between Poland-Germany-Poland ".

The identity cards of the German officials and employees shall be made out in German and Polish and striped with the colours of the German Reich ; those of the Polish officials and employees in Polish and German, and striped with the Polish national colours. The identity cards shall be made of white cardboard.

Paragraph 67.

The identity cards provided for in paragraph 66 shall serve in the place of passports and other documents proving identity. They shall be withdrawn as soon as the holder ceases to be employed in this transit traffic.

Paragraph 68.

The officials and employees engaged in the transit traffic shall perform their duties in uniform or wearing a visible service badge.

Paragraph 69.

The restaurant and sleeping-car personnel travelling on duty require an identity card in accordance with paragraph 64 (*a*). The competent railway authorities shall certify upon the identity card that such persons are officially engaged in transit traffic.

Paragraph 70.

Inspection of the identity cards of passengers and officials on duty shall take place in the train during the journey.

German passport officials may enter and leave the train, if necessary, at Lublinitz (Lubliniec), Birkenfelde (Hanulin) and Chorzów (Chorz). Facilities will be given to them to stop at these stations and, if necessary, to spend the night there. They may also travel over the section of line in the despatching country, but shall not perform any duties.

Paragraph 71.

Persons employed in accordance with the railway tariff to accompany railway consignments sent as goods traffic (cattle, vehicles, etc.) must carry the identity card prescribed in paragraph 64 (*a*) and shall be obliged to present their identity card on entering and leaving the frontier station in order that an entry may be made upon the card concerning the crossing of the frontier.

Should other persons be permitted by the railway administration of the despatching country to accompany the train, the same right shall be granted to them in the transit country provided they are in possession of the prescribed pass furnished with the German visa. They shall be subject to the general passport regulations.

Paragraph 72.

If an accident occurs in the territory of the one State and a relief train is despatched by an authority of the other State, the accompanying staff of this train shall be subject to no passport formalities. They shall return with the relief train to the territory from which they were sent as soon as they have rendered the necessary assistance.

PART 6.

FINAL PROVISIONS.

Paragraph 73.

Railway, postal, customs and passport employees may continue to wear their official uniform when stopping at the stations specified for the purpose, and also when proceeding to and from duty.

They shall remove any arms they carry before they leave the railway premises.

Paragraph 74.

Germany agrees that the provisions of the present Agreement shall, until further notice, be applied to the sections of railway in the territory of the Free State of Danzig administered by Poland.

If necessary, a further Agreement will be concluded in this matter between the German Government and the Polish Government acting on behalf of the Free City of Danzig.

Paragraph 75.

The present Agreement shall be drawn up in the German and Polish languages and shall be ratified as soon as possible. The ratifications shall be exchanged at Warsaw.

It shall come into force on the day of the exchange of ratifications and shall become operative not later than four weeks after this date. Unless prolonged, it shall expire on July 31, 1923.

BRESLAU, *June 24, 1922.*

(Signed) CARL SCHOLZ.

(Signed) FRANCISZEK MOSKWA.

AGREEMENT CONCERNING THE EXTENSION OF THE ABOVE AGREEMENT.

The undersigned plenipotentiaries of the GERMAN REICH and of the REPUBLIC OF POLAND :

For the GERMAN REICH :

Mr. Karl von STOCKHAMMERN, Geheimer Legationsrat, Directing Minister in the Foreign Office in Berlin ;

For the REPUBLIC OF POLAND :

Mr. Kazmierz OLSZOWSKI, Minister Plenipotentiary and Envoy Extraordinary of the Polish Republic in Berlin ;

have agreed as follows :

The last sentence in paragraph 2 of paragraph 75 of the Agreement concluded at Breslau on June 24, 1922, between the German and Polish Governments with regard to privileged transit traffic between Polish Upper Silesia and the remainder of Poland through German Upper Silesia, shall be amended as follows :

“ Unless prolonged, it shall expire on October 31, 1923 ”.

The above Agreement, drawn up in the German and Polish languages, shall be ratified as soon as possible.

The ratifications shall be exchanged at Warsaw.

This Agreement shall come into force on the day of the exchange of ratifications and shall take effect simultaneously with the above-mentioned Agreement concluded at Breslau on June 24, 1922.

Done in duplicate in Berlin, July 10, 1923.

(Signed) K. VON STOCKHAMMERN.

(Signed) KAZIMIERZ OLSZOWSKI.