

LEAGUE OF NATIONS

C.59.1933.I.

Communicated
to the Council

Geneva, January 24th 1933.

PROTECTION OF MINORITIES

APPLICATION OF THE GERMAN-POLISH CONVENTION OF MAY 15th
1922 RELATING TO UPPER SILESIA.

PETITION OF THE "DEUTSCHER VOLKSBUIND" CONCERNING THE
QUESTION OF PROPERTY RIGHTS OVER THE ST. JULIUS HOSPITAL AT RYBNIK.

(See document C.27.1933.I).

Note by the Secretary-General.

By document C.27.1933.I, the Secretary-General communicated to the Council a petition from the "Deutscher Volksbund" dated August 1st 1932, relating to the question of property rights over the St. Julius Hospital at Rybnik, stating that a Supplementary Petition, dated October 25th 1932, from the same source and concerning the same question had been forwarded to the Polish Government for observations, and that this Government had announced its intention of submitting its observations on the two petitions at the same time.

The Secretary-General now has the honour to communicate to the Council the text of the Supplementary Petition, together with a letter from the Polish Delegation dated January 21st 1933 relating to the two petitions from the "Deutscher Volksbund".

The three annexes to the Supplementary Petition from the "Deutscher Volksbund" are kept in the archives of the Secretariat at the disposal of the Members of the Council.

I. SUPPLEMENTARY PETITION

(translation from the German)

Deutscher Volksbund
für Polnisch-Schlesien (t.z.)

Katowice, October 25th, 1932

In the Appeal of the "Krolewska
Społka Pieczy
z ogr. odp., Krolewska-Huta

on account of

Infringement of Articles 35 and 81
of the Geneva Convention (registration
of transfer of ownership of Rybnik
Castle estate, Folio 55, St. Julius
Hospital),

we have the honour to declare as follows, in
further explanation of the situation:

1) The appeal of the Społka Pieczy dated January
7th, 1932, against the decision of the Rybnik Land Registry
Office dated December 12th, 1931 (see I.7 of the act of appeal)
was dismissed by decision of the Katowice District Court (sąd
Okregowy) dated July 29th, 1932. In the decision it is maintained,
passing over the arguments adduced in the appeal, that the
authority competent under § 83 II. 6, of the Prussian Common Law
(Allgemeines Landrecht), to authorise the alienation of the
property is not the Regierungspräsident at Breslau but the
Voivode of Silesia at Katowice.

In virtue of this decision the Rybnik Land
Registry, by a decision dated October 11th, 1932, rejected the
application of the Społka Pieczy for the registration of the
transfer of ownership.

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2) The appeal of the Spółka Piszcy against the appointment of Dr. Sławski, advocate, of Poznan, as curator for the legal person destined to take over the St. Julius Hospital in place of the Association of Silesian Knights of Malta (see III., para. 1, of the act of appeal) was dismissed by a decision of the Katowice District Court dated July 29th, 1932, on the grounds of lack of legal capacity.

Translations of the decisions of the Court are annexed hereto.

3) We desire at the same time to correct a clerical mistake. On page 14, line 17 of the act of appeal: for "aufgeschoben" (adjourned) read "aufgehoben" (revoked).⁽¹⁾

ULITZ (Illegible)

Managing Committee.

(1) This clerical error has been corrected in the revised text of the English translation of the petition (Document C.27. 1933, page 18, line 3).

II. OBSERVATIONS OF THE POLISH GOVERNMENT

Polish Delegation
credited to the League of Nations

Geneva, January 21st, 1933.

(Translation)

Sir,

In reply to your letters dated September 26th and November 16th, 1932, by which you forwarded to me the two petitions from the "Deutscher Volksbund" relating to the question of property rights over the St. Julius hospital at Rybnik, I have the honour to inform you of the following:

The Polish Government refrains from examining whether the question dealt with in the above-mentioned petitions is really a minority question; it confines itself to emphasising that, as appears from the petitions themselves, it is extremely doubtful whether this is the case.

Furthermore, the Polish Government wishes to point out that this is a question coming within the exclusive province of the municipal judicial organs.

As regards the respective decisions of the Rybnik Local Court and the Katowice District Court, the texts of which are annexed to the Deutscher Volksbund's supplementary petition, the Polish Government points out that hitherto the persons concerned have not appealed against these decisions to the higher judicial authorities. It is obvious that if those concerned are not satisfied with the decisions of the above-mentioned courts, they are free to appeal to the higher judicial authorities, namely to the Katowice District Court and to the Court of Appeal respectively.

In view of the foregoing, the Polish Government does not think it desirable to submit observations on the substance

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of the above-mentioned petitions.

I beg to return herewith the original text of the Deutscher Volksbund's letter of October 25th and the original of the annexes.

I have the honour to be, etc.

(signed) R. CZYNSKI

Envoy Extraordinary and Minister
Plenipotentiary.

Delegate to the League of Nations.

Annexes.