

be vested with all powers necessary to give effect to the said provisions:

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act 1890 or otherwise in His Majesty vested is pleased by and with the advice of His Privy Council to order and it is hereby ordered as follows:—

1. All persons in Palestine shall observe and abide by the provisions regarding the Western or Wailing Wall which are contained (a) in Schedule I and in Schedule II to this Order (so far as the latter provisions are not amended by the provisions contained in Schedule I) and (b) in any regulations made by the High Commissioner for Palestine under Article 2 of this Order.

2. The High Commissioner for Palestine with the approval of a Secretary of State shall have power to make such regulations as may be necessary to give effect to the provisions contained in Schedules I and II to this Order.

3. Any person who fails to comply with any of the provisions contained in Schedules I or II to this Order or acts contrary thereto or fails to comply with any regulations made by the High Commissioner for Palestine under Article 2 of this Order or acts contrary thereto shall be guilty of an offence and shall be liable to imprisonment for a period not exceeding six months or to a fine not exceeding £P.50 or to both such imprisonment and fine.

4. Notwithstanding anything in the Palestine (Holy Places) Order in Council 1924:—

(1) Offences under Article 3 of this Order shall not be triable by a Magistrate but shall be within the jurisdiction of a District Court. Such offences shall be tried summarily in accordance with the procedure applicable in Magistrates' Courts and the provisions of the Trial upon Information Ordinances 1924-1929 shall not be applicable thereto.

(2) The Supreme Court sitting as a High Court of Justice shall have exclusive jurisdiction to make such mandatory orders or orders by way of injunction or otherwise as may be necessary to secure the observance of the provisions contained in Schedules I and II of this Order and in any regulations made under Article 2 provided that no such order shall be made except upon the application of the Attorney-General on behalf of the Government of Palestine.

5. His Majesty His Heirs and Successors in Council may at any time revoke alter or amend this Order.

6. This Order shall come into operation on a day to be fixed by the High Commissioner by Proclamation in the Gazette.

7. This Order may be cited as "The Palestine (Western or Wailing Wall) Order in Council 1931."

M. P. A. Hankey.

SCHEDULE I.

A. To the Moslems belong the sole ownership of, and the sole proprietary right to, the Western Wall, seeing that it forms an integral part of the Haram-esh-Sherif area, which is a Waqf property.

To the Moslems there also belongs the ownership of the Pavement in front of the Wall and of the adjacent so-called Moghrabi (Moroccan) Quarter opposite the Wall, inasmuch as the last-mentioned property was made Waqf under Moslem Sharia Law, it being dedicated to charitable purposes.

Such appurtenances of worship and/or such other objects as the Jews may be entitled to place near the Wall either in conformity with the provisions of this present Verdict or by agreement come to between the Parties, shall under no circumstances be considered as, or have the effect of, establishing for them any sort of proprietary right to the Wall or to the adjacent Pavement.

On the other hand, the Moslems shall be under the obligation not to construct or build any edifice or to demolish or repair any building within the Waqf property (Haram area and Moghrabi Quarter) adjacent to the Wall, in such a manner that the said work would encroach on the Pavement or impair the access of the Jews to the Wall or involve any disturbance to, or interference with, the Jews during the times of their devotional visits to the Wall, if it can in any way be avoided.

B. The Jews shall have free access to the Western Wall for the purpose of devotions at all times—subject to the explicit stipulations hereinafter to be mentioned, viz.:—

(1) The temporary instructions issued by the Palestine Administration at the end of September, 1929, relative to "appurtenances of worship" (See section 2, a, b, c) are to be made permanent, subject however to the one modification that it shall be permissible to place near the Wall the Cabinet or Ark containing the Scroll or Scrolls of the Law and the Table on which the Ark stands and the table on which the Scroll is laid when being read from, but only on the following occasions, viz.:—

(a) At any special fast and assembly for public prayer that the Chief Rabbis of Jerusalem may order to be held in the consequence of some public distress or calamity, provided due notice shall have been given by them to the Administration;

(b) on New Year's Day and on the Day of Atonement, and also on any other special "holy days" that are recognised by the Government as such days on which it has been customary for the Ark containing the Scrolls of the Law to be brought to the Wall.

Save as provided in the articles of this Verdict it shall not be permissible to have any appurtenances of worship in the vicinity of the Wall.

(2) No objection or obstacle shall be raised to the Jews, in their individual capacity, carrying with them to the Wall hand-books or other articles customarily used at their devotions either as a general thing or upon special occasions, nor to their wearing such garments as were of old used at their devotions.

(3) The temporarily enacted prohibitions against the bringing to the Wall of benches, carpets or mattings, chairs, curtains and screens, etc., and against the driving of animals at certain hours along the Pavement