

AT THE COURT AT BUCKINGHAM PALACE,

The 19th day of May, 1931.

Present,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by treaty capitulation grant usage
sufferance and other lawful
means His Majesty has power and jurisdiction within
Palestine:

AND WHEREAS the Council of the League of Nations on
the 14th day of
January, 1930, passed a resolution in the following
terms:--

"The Council

"Being anxious to place the mandatory
Power, in accordance with its
request, in a position to carry out the
responsibilities laid upon it by
Article 13 of the Mandate for Palestine under the
most favourable
conditions for safeguarding the material and moral
interests of the
population placed under its mandate;

"Wishing not to prejudge, in any way, the solution
of the problems
relating to the question of the holy places of
Palestine, which may
have to be settled in the future;

"Considering, however, that the question of the
rights and claims of
the Jews and Moslems with regard to the Wailing
Wall urgently calls
for final settlement;

"Decides that,

"(1) A Commission shall be entrusted with this
settlement;

"(2) This Commission shall consist of three members
who shall not
be of British nationality and at least one of whom
shall be a person

eminently qualified for the purpose by the judicial functions he has performed;

"(3) The names of the persons whom the mandatory Power intends to appoint as members of the Commission shall be submitted for approval to the Council whose members shall be consulted by the President if the Council is no longer in session;

"(4) The duties of the Commission shall cease as soon as it has pronounced on the rights and claims mentioned above."

AND WHEREAS the said Commission was duly appointed and after having held an inquiry in Palestine submitted a report to His Majesty's Principal Secretary of State for Foreign Affairs:

AND WHEREAS the conclusions contained in the said Report are set out in Schedule I to this Order and the temporary instructions referred to in Part B, paragraphs 1 and 3 of the said conclusions are contained in Schedule II to this Order:

AND WHEREAS in order that His Majesty may be in a position to discharge the responsibilities in regard to the Western or Wailing Wall created by Article 13 of the Mandate for Palestine it is necessary that all persons in Palestine should be required to observe and abide by the provisions contained 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 that the High Commissioner for Palestine should 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 regula-
tions 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 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 are to be made absolute, as is also the injunction as to keeping the door at the southern end of the Wall locked during certain hours. The right, however, for Moslems to go to and fro in an ordinary way along the Pavement shall be respected and remain inviolable as hitherto.

(4) It shall be prohibited to bring to the Wall any tent or a curtain or any similar object with a view to placing it there--even though for a limited space of time.

(5) The Jews shall not be permitted to blow the ram's horn (Shofar) near the Wall nor cause any other disturbance to the Moslems that is avoidable; the Moslems on the other hand shall not be permitted to carry out the Zikr ceremony close to the Pavement during the progress of the Jewish devotions or to cause annoyance to the Jews in any other way.

(6) It is to be understood that the Administration shall be entitled to give such instructions as they may think fit respecting the dimensions of each of the objects that it is permissible for the Jews to bring to the Wall, respecting the particular days and hours above referred to, and also respecting other details that may be necessary for the adequate and complete carrying out of this present Verdict of the Commission.

(7) It shall be prohibited for any person or persons to make use of the place in front of the Wall or its surroundings for all political speeches or utterances or demonstrations of any kind whatever.

(8) It shall be held to be a matter of common interest to Moslems and Jews alike that the Western Wall should not be disfigured by having any engravings or inscriptions placed upon it or by having nails or similar objects driven into it, and also that the Pavement in front of the Wall should be kept clean and be properly

respected by Moslems and Jews alike; it is herewith declared to be the Moslems' right and duty to have the Pavement cleaned and repaired, if and when that is necessary, upon due notice being given to the Administration.

(9) Owing to the Wall's character as an historical monument its fitting maintenance shall be entrusted to the Palestine Administration, so that any repairs to it that may be necessary shall be carried out by them and under their supervision though only after consultation with the Supreme Moslem Council and the Rabbinical Council for Palestine.

(10) If any repairs to the Pavement that are necessary are not attended to by the Moslems in due time, the Palestine Administration shall take the necessary steps to have the work done.

(11) The Chief Rabbis of Jerusalem shall be required to nominate one or more officials to be their authorised representative or representatives for receiving the instructions and other communications that will be issued from time to time by the Palestine Administration regarding the Western Wall, the Pavement in front of it and the formalities to be observed with regard to the Jewish devotions near the Wall.

SCHEDULE II.

2.--(a) The Jews may bring daily to the Pavement before the Wall a stand containing ritual lamps, and may place on the stand a zinc case with glass doors in which such lamps are lighted. They may bring also a portable wash-basin and a water container on a stand. None of the objects above mentioned shall be

affixed to the Wall or to any wall of the adjoining Waqf buildings.

(b) From sunset on Friday evening to sunset on Saturday, and from sunset on the eve of any Jewish holy day recognised by the Government to sunset of that holy day the Jews may place at the Northern end of the Wall a stand containing prayer books, and at the Southern end of the Wall a table on which to stand a cabinet or ark containing Scrolls of the Law and another table on which the Scrolls are laid for reading. The tables and cabinet or ark and the stand shall be removed at the end of the Sabbath or holy day as the case may be.

(c) On the two holy days of the New Year Festival and on the Day of Atonement each Jewish worshipper may bring a prayer-mat which may be placed on the Pavement before the Wall but so as not to obstruct the right of passage along the Pavement.

3. No benches, chairs or stools shall be brought to or placed on the Pavement before the Wailing Wall. No screen or curtain shall be placed on the Wall or on the Pavement, for the purpose of separating men and women or for any other purpose.

4. Between the hours of 8 a.m. and 1 p.m. on Sabbath days and Jewish holy days recognised by the Government, and between the hours of 5 and 8 p.m. on the eve of such days, and throughout the eve and Day of Atonement, save between the hours of dawn and 7 a.m., no animal shall be driven along the Pavement before the Wall.

5. The wooden door giving access from the Pavement to the Zawieh at the Southern end of the Wall shall remain locked on the eve of the Sabbath and Jewish holy days recognised by the Government from 5 p.m.

and throughout such days until
after sunset.