

No. 729.

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**ESPAGNE, FRANCE ET ROYAUME-UNI.**

Convention relative à l'Organisation du Statut de la Zone de Tanger, avec Protocole relatif à deux Dahirs concernant l'Administration de la Zone et à l'Organisation d'une Juridiction internationale à Tanger, signée à Paris le 18 Décembre 1923.

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**SPAIN, FRANCE AND UNITED KINGDOM.**

Convention regarding the Organisation of the Tangier Zone, with Protocol relating to Two Dahirs concerning the Administration of the Tangier Zone and the Organisation of International Jurisdiction at Tangier, signed at Paris, December 18, 1923.

Traduction.—Translation.<sup>(1)</sup>

**No. 729.—Convention<sup>(2)</sup> regarding the Organisation of the Statute of the Tangier Zone, signed at Paris, December 18, 1923.**

*French official text communicated by the Delegations of the three Contracting Parties of the Fifth Assembly of the League of Nations. The registration of these instruments took place September 13, 1924.*

THE PRESIDENT of the French Republic, His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, His Majesty the King of Spain, desirous of assuring to the town and district of Tangier the régime laid down by the Treaties now in force, have appointed as their plenipotentiaries for this purpose:—

THE PRESIDENT OF THE FRENCH REPUBLIC :

M. Maurice-Paul-Jean Delarüe Caron de Beaumarchais,  
Minister Plenipotentiary, Sub-Director at the Ministry  
for Foreign Affairs :

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT  
BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE  
SEAS, EMPEROR OF INDIA :

Mr. Malcolm Arnold Robertson, Minister Plenipotentiary,  
His Britannic Majesty's Agent and Consul-General at  
Tangier; and

Mr. Gerald Hyde Villiers, Counsellor of Embassy, Head of  
Department in the Foreign Office ;

HIS MAJESTY THE KING OF SPAIN :

M. Mauricio Lopez Roberts y Terry, Marquis de la Torre-hermosa, Chamberlain of His Majesty the King of Spain, Minister Plenipotentiary, Head of the Colonial Department of the Ministry of State, his Plenipotentiary at the Conference regarding the organisation of the Statute of Tangier; and

M. Manuel Aguirre de Carcer, Minister Resident of His Majesty the King of Spain, Head of the Morocco Department of the Ministry of State, his assistant Plenipotentiary at this Conference ;

Who having communicated to each other their respective full powers, found in good and due form, have agreed upon and signed the following Articles:—

ARTICLE 1.

In conformity with the provisions of Article 1 of the Protectorate Treaty<sup>(3)</sup> of March 30, 1912, and of Article 7 of

<sup>(1)</sup> Communiquée par le Ministère des Affaires étrangères de Sa Majesté britannique.

<sup>(2)</sup> Communicated by His Britannic Majesty's Foreign Office.

<sup>(3)</sup> The deposit of the instruments of ratification took place at Paris, May 14, 1924. Sweden has notified to the signatory States its accession, September 19, 1924.

<sup>(4)</sup> British and Foreign State Papers, Vol. 106, page 1023.

the Franco-Spanish Convention <sup>(4)</sup> regarding Morocco of November 27, 1912, the three contracting Governments agree that in the region defined in Article 2 hereunder and styled the Tangier Zone the maintenance of public order and the general administration of the Zone shall, under powers delegated by His Shereefian Majesty, be entrusted to the authorities and bodies hereafter denominated.

ARTICLE 2.

The Tangier Zone shall lie within the boundaries fixed by paragraph 2 of Article 7 of the Franco-Spanish Convention of the 27th November, 1912.

ARTICLE 3.

The Tangier Zone shall be placed under a régime of permanent neutrality. Consequently, no act of hostility on land, on sea or in the air shall be committed by or against the Zone or within its boundaries.

No military establishment, whether land, naval or aeronautical, no base of operations, no installation which can be utilised for warlike purposes, shall be either created or maintained in the Zone.

All stocks of munitions and of war material are prohibited.

Such stocks as may be constituted by the Administration of the Zone to meet the requirements of local defence against the incursions of hostile tribes are, however, permitted. The Administration may also, for the same purpose, take all measures other than a concentration of air forces, and may even erect minor defensive works and fortifications on the land frontier.

The military stores and fortifications so permitted will be subject to inspection by the officers mentioned in the last paragraph of the present article.

Civil aerodromes established within the Tangier Zone will be similarly subject to inspection by the above-mentioned officers.

No aeronautical stores shall exceed the quantities necessary for civil and commercial aviation.

All civil or commercial aviation to, from or within the Zone of Tangier shall be subject to the rules and provisions of the Convention for the Regulation of Aerial Navigation.

Supply columns and troops proceeding to or coming from the French or Spanish Zones may, however, after previous notification to the administrator of the Tangier Zone, use the port of Tangier and the means of communication connecting it with their respective Zones, in passing to and from those Zones.

The French and Spanish Governments undertake not to make use of this power except in case of real necessity and then only for the period strictly necessary for the embarkation or disembarkation

<sup>(4)</sup> British and Foreign State Papers, Vol. 106, page 1025.

of such troops and their passage through the Zone. In no case shall this period exceed forty-eight hours for an armed force.

No special tax or transit due shall be levied in respect of such passage.

The authorisation of the Administration of Tangier is not necessary for the visits of warships, but previous notification of such visits shall nevertheless be given to the Administration if circumstances permit.

The contracting Governments have the right to attach to their consulates at Tangier an officer charged with the duty of keeping them informed as to the observance of the foregoing obligations of military order.

#### ARTICLE 4.

The surveillance of contraband traffic in arms and munitions of war in the territorial waters of the Tangier Zone shall be exercised jointly by British, Spanish and French naval forces.

Offenders shall be brought before the Mixed Court of Tangier.

#### ARTICLE 5.

The Tangier Zone shall possess, under authority delegated by His Shereefian Majesty and subject to the exceptions provided for, the most extensive legislative and administrative powers. This delegation of authority shall be permanent and general, except in diplomatic matters, where there shall be no derogation from the provisions of Article 5 of the Protectorate Treaty of March 30th, 1912.

The duly constituted authorities of the Zone may, however, negotiate with the consuls on questions of interest to the Zone within the limits of its autonomy.

#### ARTICLE 6.

The protection in foreign countries of Moroccan subjects of the Tangier Zone and of their interests shall be entrusted to the diplomatic and consular agents of the French Republic, in conformity with the provisions of Article 5 of the Protectorate Treaty of March 30th, 1912.

#### ARTICLE 7.

The Tangier Zone shall respect all treaties in force.

Economic equality among nations, resulting from such treaties, shall continue to be observed in Tangier, even if the said treaties are subsequently abrogated or modified.

#### ARTICLE 8.

International agreements concluded in the future by His Shereefian Majesty shall only extend to the Tangier Zone with the consent of the international legislative Assembly of the Zone.

By exception, international agreements to which all the Powers signatories of the Act of Algeciras are contracting parties or shall have acceded, apply automatically to the Zone.

The provisions of Article 141 *et seq.* of the Treaty of Versailles continue to apply to the Tangier Zone. The Shereefian dahirs

issued in consequence of those provisions can only be modified in agreement with the central Shereefian Authority.

ARTICLE 9.

In virtue of the provisions of Article 141 *et seq.* of the Treaty of Versailles, of Article 96 *et seq.* of the Treaty of Saint Germain-en-Laye, and of Article 80 *et seq.* of the Treaty of Trianon, the provisions of the present statute can in no case be invoked by German, Austrian or Hungarian nationals.

ARTICLE 10.

Any agitation, propaganda or conspiracy in the Tangier Zone against the established order in the French and Spanish Zones of Morocco is prohibited.

It is likewise prohibited to engage in any similar proceedings against a foreign country.

ARTICLE 11.

Subject to the observance of public order, freedom of worship shall be assured in the Tangier Zone.

ARTICLE 12.

The Powers signatories of the Act of Algeciras have the right to maintain in the Tangier Zone the schools and all the establishments which belong to them, or to their nationals, at the date of the entry into force of the present Convention.

Any establishments which may subsequently be created must conform to the regulations which will be promulgated. These regulations shall be based, as regards their general principles, on those in force in the French and Spanish Zones of the Shereefian Empire.

ARTICLE 13.

As a result of the establishment at Tangier of the Mixed Court, as provided in Article 48, the capitulations shall be abrogated in the Zone. This abrogation shall entail the suppression of the system of protection.

Moroccan subjects, whose rights to protection shall have been previously recognised, shall be personally, and during their lifetime, justiciable before the Mixed Court of Tangier.

The existing lists of protected persons shall be revised, within a period not exceeding six months from the date of the entry into force of the present Convention, by agreement between a representative of the Shereefian Government and the consulate concerned.

The provisions of the Convention<sup>(5)</sup> of Madrid of the 3rd July, 1880, shall remain in force in so far as concerns naturalisation. The list of Moroccan subjects naturalised at Tangier shall be revised in the same manner and within the same period.

<sup>(5)</sup> British and Foreign State Papers, Vol. 71, page 639.

## ARTICLE 14.

In default of the institution by the Tangier Zone of a local inter-urban postal, telegraph and telephone service, which shall only be effected with the unanimous approval of the Committee of Control, the Powers signatories of the Act of Algeiras<sup>(6)</sup> shall be permitted to maintain at Tangier the post offices and cable stations which they possess there at the date of the entry into force of the present Convention.

In the event of the creation of a local interurban postal, telegraph and telephone service, the Shereefian post and telegraph service shall transfer to it the exclusive rights which it holds in the matter of interurban telegraphs and telephones in virtue of the agreements between the Shereefian Government and the Company holding the concession for interurban telegraphs and telephones.

There shall be no prejudice to the rights of States or companies actually in possession of telegraph cables landing at Tangier.

The establishment of new cables shall be arranged in agreement with the administration of the Zone.

## ARTICLE 15.

The revision of the holdings of *habous* and Makhzen properties, as provided in Article 63 of the Act of Algeiras, shall be carried out in the Tangier Zone by agreement between a representative of the Shereefian Government and the consulate concerned, within a period not exceeding six months from the date of the entry into force of the present Convention.

In default of such agreement, the representative of the Makhzen and the consul concerned shall refer the matter to arbitration by a member of the Mixed Court appointed by the parties or selected by lot.

## ARTICLE 16.

The Shereefian State shall transfer its public and private property, including its rights over the "guich" lands, to the Tangier Zone, which shall administer it, collect the revenues therefrom for its own benefit and ensure its preservation without power to alienate any portion thereof.

This transfer will terminate on the expiry of the present Convention, and the property transferred to the Zone will then revert to the Shereefian State.

## ARTICLE 17.

The public State property comprises :—

(a.) Maritime Property.

The sea and the shore with a foreshore of six metres, certain rights over which have already been ceded under the concession

(6) British and Foreign State Papers, Vol. 99, page 141.

granted to the port concessionary company. These rights shall be respected by the Tangier Zone. The fishery revenues, including the royalties payable to the State under the fishery concessions already granted by the Shereefian Government, as well as the obligations arising from those concessions, shall accrue to the Tangier Zone.

(b.) Land Property.

The road from Tangier to Tetuan.

The road from Tangier to Larache and to Rabat.

The road to Cape Spartel.

The road from the station to the harbour and skirting the harbour.

The urban highways.

The sewers and water ducts and their appurtenances, subject to the rights of any holders of water concessions.

The Zone shall :

1. Maintain the roads from Tangier to Tetuan and those from Tangier to Larache and to Rabat within the Tangier Zone, as a first charge on the proceeds of the "Taxe Spéciale."

2. Place at the gratuitous disposal of the Franco-Spanish Tangier-Fez Railway Company such State property as may be necessary for its requirements.

(c.) Fluvial Property.

The watercourses.

All existing rights and all rights of user in favour of third parties are reserved.

(d.) Mining Property.

The mining dues in the Tangier Zone and the export duties collected on minerals raised in the Zone shall accrue to the Administration of the Zone.

(e.) Forest Property.

ARTICLE 18.

The private State property comprises all real estate, both land and buildings, inscribed in the registers of Makhzen property and not mentioned in Article 17 as also the slaughter-houses.

Subject to the provisions of Article 15 above, the leases and holdings of Makhzen property by private individuals, as also the *gza* or other rights established on the said properties, shall be respected. The same shall apply in the case of any uses to which such lands may have been put in the public interest.

The Shereefian State, however, reserves to itself the following properties for the public services which it maintains at Tangier.

The former German Legation and its dependencies ;

The Sultan's Palace ;

The Kasba and its dependencies ;

The guard-house of the Mokhaznis on the ramparts ;  
The land and the guard-house on the hill leading up to the  
Marshan now occupied by the *compagnie chérifienne*.

No new lease, beyond those already in existence, shall exceed the duration of the present Convention.

#### ARTICLE 19.

In order that each Zone may receive the mining dues which properly belong to it, the respective dues shall be credited to the Zone in which the minerals concerned are extracted even though the dues be collected by a custom office of another Zone.

#### ARTICLE 20.

The Tangier Customs shall levy duties and taxes only on goods destined exclusively for consumption in the Zone.

Goods landed at Tangier and destined for use or consumption in the French or Spanish Zones shall enjoy the benefit of the ordinary rules of transit, warehousing or temporary admission, the proper custom duties being collected at the custom houses of the Zone of consumption.

The transit regulations will be based on the conclusions of the Barcelona Conference of 1921.

Similarly, imported goods arriving through the French or Spanish Zones shall pay custom duty on entering the Tangier Zone.

Export duties will be leviable only on goods originating in the Zone.

#### ARTICLE 21.

The Tangier Zone shall bear its share of the service of the 1904 and 1910 loans.

This share shall be calculated on the ratio borne by the custom receipts collected by the Zone to the aggregate of the receipts collected in the ports of the three Zones of Morocco during the preceding year.

The amount shall be fixed annually on the basis of the figures of the custom receipts after agreement with the authorities of the two other Zones.

For the first year, the share of the Tangier Zone will not be finally fixed until the end of the year of account, and a provisional charge of 500,000 francs will be made against the Custom receipts, subject to ultimate adjustment by surcharge or refund.

#### ARTICLE 22.

Inasmuch as the autonomy of the Tangier Zone cannot prejudice the rights and privileges granted, in conformity with the Act of Algeciras, to the State Bank of Morocco in respect of the whole territory of the Empire, the State Bank shall continue to

enjoy in the Zone all the rights which it derives from its charter and from the regulation of the 9th November, 1906, respecting its relations with the Shereefian Government.

The State Bank for its part shall fulfil towards the Administration of the Zone all the obligations incumbent upon it in virtue of the above-mentioned instruments.

It shall appoint a representative to be responsible for its relations with the Administration of the Zone.

In the event of the juridical status of the State Bank being modified in the French and Spanish Zones, the Mixed Court of Tangier shall have, in respect of the State Bank, the same competence as the French and Spanish jurisdictions in those Zones.

#### ARTICLE 23.

The Moroccan franc shall be lawful currency and shall be legal tender in the Tangier Zone.

The budget of the Zone, and all scales of charges and accounting operations pertaining thereto, shall be drawn up in Moroccan francs.

In conformity with Article 37 of the Act of Algeciras Spanish currency shall be permitted to circulate as heretofore and shall be legal tender.

The rate of exchange between the two currencies, notably as regards payments collected on behalf of the Administration, shall be fixed daily by the State Bank of Morocco, after verification and endorsement by the Director of Finance whose duty it will be to supervise the accuracy of the rate fixed. This rate shall be the mean between the current buying and selling prices prevailing on the spot from day to day.

Declarations of taxable values may be expressed in either currency. The scale of charges must be exhibited in both currencies in the collectors' offices.

#### ARTICLE 24.

Inasmuch as the administrative autonomy of the Zone cannot prejudice the rights, prerogatives and privileges granted in conformity with the Act of Algeciras to the *Société internationale de Régie co-intéressée des Tabacs au Maroc*, the said Company shall continue to enjoy in the zone all the rights derived from the instruments by which it is governed. The autonomy of the Tangier Zone cannot interfere with its operation and the authorities shall facilitate the free and full exercise of its rights.

Tobacco imported at Tangier and admitted free of custom duties under Article 20 above shall be exempt in Tangier from gate duty and local indirect taxation.

The duty of  $2\frac{1}{2}$  per cent. leviable on tobacco imported through Tangier accrues wholly to the Zone.

The scale of prices of tobacco in the Tangier Zone shall be the same as in the French Zone. It can only be modified by agreement between the legislative Assembly and the *régie*.

The division of the fixed annual royalties and the profits (Articles 20 to 23 of the "*Cahier des charges*") shall be effected by the application of a percentage to be calculated on the ratio borne by the actual consumption of the Zone during the preceding year to the total consumption of the Empire.

The same percentage will apply in calculating the share payable by the Tangier Zone in the event of the expropriation of the company before the expiry of its concession.

#### ARTICLE 25.

Inasmuch as the autonomy of the Zone cannot prejudice the sovereign rights of His Majesty the Sultan, nor his prestige and prerogatives as head of the Mussulman community of the Empire and as head of the Shereefian family residing in Tangier, the administration of the native population and of Mussulman interests in the Zone as well as the administration of justice shall continue to be exercised, with respect for traditional forms, by a Moroccan staff directly appointed by the Sultan and under the control of his agents.

#### ARTICLE 26.

Subject to the maintenance of public order, the free practice of the religion of the natives and of its traditional customs, and the observance of the traditional Mussulman and Jewish festivals and their ceremonial, shall be respected and guaranteed in the Zone.

#### ARTICLE 27.

The three contracting Powers undertake to draw up with as little delay as possible rules regulating the administrative and juridical status of the Moroccan Jewish community of Tangier.

#### ARTICLE 28.

Moroccan subjects, whether Mussulmans or Jews, shall enjoy complete equality with the nationals of the Powers in the matter of duties and taxes of all kinds.

They shall pay exactly the same duties and taxes.

They shall have the benefit, under the same conditions as foreign nationals, of any relief, hospital or educational institutions which may be created or subsidised by the Zone.

#### ARTICLE 29.

His Shereefian Majesty will nominate a Mendoub to represent him at Tangier. The Mendoub will promulgate the legislation passed by the international Assembly and countersigned by the President of the Committee of Control. He will directly administer the native population. He will fulfil the functions of Pasha and exercise those administrative and judicial powers which fall normally under this head within the Empire. He will have the right of expulsion as regards Moroccan subjects, and will exercise

the same right in the case of persons justiciable by the Mixed Court on a decision to that effect by a full meeting of the titular members of the Court.

In the case of an individual of a nationality not represented on the Court, his consul will have the right to take part in the discussions.

Expulsion must be ordered if it is demanded by the consul of the individual concerned.

The Mendoub shall quote the decision of the Court in the recitals of the expulsion order.

It will be his duty to ensure the observance and execution by the persons whom he administers of the general clauses of the statute of the Zone, and especially to ensure by the administrative and judicial means at his disposal the exact payment of the duties and taxes due from the native population.

The Mendoub shall preside over the international legislative Assembly and may take part in its deliberations but will not vote.

#### ARTICLE 30.

The Committee of Control will consist of the consuls *de carrière* of the Powers signatories of the Act of Algeciras or of their substitutes *de carrière*.

The functions of President of the Committee of Control will be performed by the consuls of the Powers in rotation for one year each. These functions will consist in convening the meetings of the Committee, in bringing before it all communications addressed to it, and in executing all business within its competence.

The first consul to fulfil the functions of President will be selected by lot. Thereafter the consuls will assume the presidency in the alphabetical order of the Powers represented on the Committee. Should a consul whose turn it is to preside be unable for any reason to assume office or carry out its functions, the latter will be exercised by the consul of the Power next in alphabetical order. The same procedure will apply to the appointment of a substitute in the event of the President's absence on account of illness or other cause.

Each member of the Committee of Control will have only one vote.

It will be the duty of the Committee of Control to ensure the observance of the *régime* of economic quality and the provisions of the statute of Tangier.

The President, either of his own initiative or on the demand of one of its members, will convene the Committee of Control and lay before it such matters as are within its competence.

#### ARTICLE 31.

The Committee of Control shall receive through the administrator within the space of eight days the texts of the laws and regulations voted by the Assembly.

Within fifteen days from the date of such notification the Committee of Control will have the right to veto the promulgation of any enactment.

In such cases its decisions shall be taken by a majority vote. The non-observance of the provisions and principles of the statute must be recited in the decision.

In the absence of any stipulation to the contrary, a majority vote will constitute a decision of the Committee of Control.

In the case of equality there must be a second discussion within a period of eight days.

If at the second discussion there be no majority, the President's vote will be decisive.

The decision of the Committee will be notified to the Moudoub by the President.

#### ARTICLE 32.

The legislative powers are vested in an international legislative Assembly under the presidency of the Moudoub and composed of the representatives of the foreign and native communities.

The codes enumerated in Article 48 below may, however, be abrogated or modified only after agreement between the French and Spanish Zones of the Shereefian Empire and the Committee of Control, whose vote in such cases must be unanimous.

The regulations and fiscal enactments enumerated in the following Article may not be abrogated or modified during the first period of two years. On the expiry of this period they may be abrogated or modified with the assent of the Committee of Control on a three-fourths majority vote.

The codes as well as the above-mentioned legislative and fiscal enactments shall be drawn up by commissions of British, Spanish and French experts, whose labours must be completed within a period of three months dating from the signature of the present Convention.

#### ARTICLE 33.

The regulations and fiscal enactments referred to in paragraph 3 of the preceding Article are as follows:—

Dahir relating to associations.

Dahir regulating the opening and running of liquor shops.

Dahir regulating the practice of the professions of doctor, chemist, dentist, veterinary surgeon and midwife.

Dahir regulating the opening and working of unhygienic, obnoxious or dangerous establishments.

Dahir relating to the protection of historical monuments and sites.

Dahir relating to street alignment, house-planning, servitudes and road dues.

Dahir laying down rules for expropriation and temporary occupation for purposes of public utility.

Statement of the general conditions to be imposed upon contractors for public works.

Dahir laying down the conditions for the temporary occupation of portions of State property.

Dahir laying down the procedure for the delimitation of private State property.

Dahir relating to the working of quarries.

Dahir enforcing the Mining Regulations of 1914.

Regulations relating to public accountancy.

Dahir fixing the duty and laying down regulations regarding alcohol.

Dahir regulating consumption duties on sugars, principal colonial products and their derivatives (tea, coffee, cocoa, vanilla, &c.), candles and beers.

Dahir relating to registration (rights of transfer) and stamp.

Dahir laying down the conditions of transfers of landed property in accordance with the common law (Shra'a).

#### ARTICLE 34.

In consideration of the number of nationals, the volume of commerce, the property interests and the importance of local trade at Tangier of the several Powers signatories of the Act of Algeciras, the international legislative Assembly shall be composed of :

4	French	members
4	Spanish	„
3	British	„
2	Italian	„
1	American	member
1	Belgian	„
1	Dutch	„
1	Portuguese	„

nominated by their respective consulates, and in addition :

6 Mussulman subjects of the Sultan nominated by the Mendoub, and

3 Jewish subjects of the Sultan nominated by the Mendoub and chosen from a list of nine names submitted by the Jewish community.

The Assembly shall appoint from among its members three vice-presidents, a French citizen, a British subject and a Spanish subject, responsible for assisting the Mendoub in presiding over the Assembly and of acting as deputy for him in his absence.

#### ARTICLE 35.

The administrator will carry out the decisions of the Assembly and direct the international Administration of the Zone.

The administrator will have under his orders two assistant administrators and two engineers. One of the assistant admini-

strators, with the title of director, will be especially responsible for the services of health and relief; the other assistant administrator, with the title of director, will be especially responsible for the financial services.

For the first period of six years the administrator will be of French nationality; the assistant administrator responsible for the services of health and relief will be of Spanish nationality; the assistant administrator responsible for the financial services will be of British nationality. The administrator, the two assistant administrators and the two engineers will be appointed by His Shereefian Majesty at the instance of the Committee of Control, to whom they will be presented by their respective consulates.

After this first period of six years, the Assembly will appoint the administrator and the assistant administrators from among the nationals of the Powers signatories of the Act of Algeciras. The three posts, must, however, be conferred on persons of different nationality.

In view of the special interest of France and Spain in public works and in contracts and concessions for public works in the Tangier Zone, the engineer of the State public works will be of French nationality; the engineer responsible for municipal works will be of Spanish nationality. The two engineers will be presented to the Committee of Control by their respective consulates.

The Committee of Control may, if necessary, on a three-fourths majority vote, present a demand accompanied by a statement of the grounds on which it is based for the removal of the administrator to His Shereefian Majesty, who will appoint a candidate of the same nationality.

If the collaboration of one of the assistant administrators or of one of the two engineers does not give satisfaction to the administrator, the latter will lodge a demand, accompanied by a statement of the grounds on which it is based, for his removal with the Committee of Control, who will present to His Shereefian Majesty a candidate of the same nationality.

#### ARTICLE 36.

The salaries of the officials will be fixed by the Assembly.

For a first period of six years, however, the salaries of the administrator, the assistant administrators and the engineers will be fixed as follows:—

Administrator	... ..	50,000	Moroccan francs.
Assistant Administrator	... ..	40,000	„ „
Engineer	... ..	38,000	„ „

The Administration will also provide housing accommodation for these officials.

During the first period of six years, referred to above, these salaries may, as an exceptional measure, be modified at the request

of the Assembly on a decision accompanied by a statement of the grounds on which it is based of the Committee of Control on a three-fourths majority.

ARTICLE 37.

The appointment of the officials of the international Administration, other than those provided for in Article 36 above, will be effected by a committee presided over by the administrator and composed of the three vice-presidents of the Assembly and of the head of the service concerned.

The candidates selected will be appointed by the administrator with the previous approval of the Assembly.

ARTICLE 38.

The proceeds of the "Taxe Spéciale" accruing to the Tangier Zone shall be paid into the State Bank on account of the Zone.

Shall be a first charge on these receipts :

- the works and upkeep in the Tangier Zone of the roads from Tangier to Tetuan and from Tangier to Larache and Rabat ;
- the improvement and upkeep of the maritime lighting and buoyage other than the port lights and buoys.

Any available surplus shall be applied, in accordance with Article 66 of the Act of Algeciras, to the cost of the upkeep and of the carrying out of public works for the development of navigation and commerce in general.

ARTICLE 39.

The administration of the *Contrôle de la Dette* shall retain the rights, privileges and obligations accruing to it under the Convention of the 21st March, 1910.

This administration shall request the Shereefian Government to nominate the head of the customs service of Tangier, who will be dependent on the Moroccan customs Administration.

The customs and excise service of Tangier shall levy and collect the custom duties on goods imported for the consumption of the Zone and on goods exported from the said Zone.

It shall likewise levy and collect the dues and profits of the tobacco monopoly and the 2½ per cent. tax established by the Act of Algeciras under the name of "Taxe Spéciale des Travaux Publics."

It shall also levy and collect the various consumption taxes.

It shall not levy the other taxes and revenues, viz. : the urban tax, the gate-tax, the state property revenues, the proceeds of the *mostafadat*.

The customs and excise service shall appropriate from its receipts, after providing for its own administrative expenses, the

sums required to meet the various fixed charges on the Tangier Zone which it will remit at the due dates to the proper quarters, viz. :

- (1.) To the representatives of the bond-holders of the 1904 and 1910 loans; the share of Tangier in the service of those loans.
- (2.) To the Shereefian State; the custom duties paid by the Administration of the tobacco monopoly in respect of tobacco not consumed in the Tangier Zone.
- (3.) To the Tangier-Fez Railway: the share of Tangier in the guarantee of its loans.
- (4.) To the Tangier Port Company; the annuities of the service of its loans.

The custom and excise service shall remit the proceeds of the "Taxe Spéciale" to the State Bank of Morocco.

If the receipts be less than the total of the above-mentioned charges, the deficit shall be a prior charge on the total revenues of Tangier, or, if needs be, on its reserve funds.

If they be in excess, the surplus shall be deposited with the State Bank to the account of the Administration of the Zone.

The budget of the custom service will be presented annually before the 15th November to the Administrator, who will submit it to the Assembly for approval. In the event of disagreement the dispute between the Administration of the Zone and the custom service will be arbitrated by the Committee of Control, whose decisions will be taken on a majority vote. A majority of three-fourths is necessary for disputes relating to the creation or suppression of posts.

If the approval of the budget of the custom service has not been given by the 1st January, the provisions of the previous budget shall be applied to the new year of account.

The Committee of Control may, if needs be, and on a three-fourths majority, lodge with the Shereefian Government a demand, accompanied by a statement of the grounds on which it is based, for the removal of the head of the custom service.

#### ARTICLE 40.

Subject to the conditions laid down below the Shereefian Government shall :

- (1.) Transfer to the Tangier Zone the rights and obligations accruing to it from the deed of the port concession of the 21st June, 1921;
- (2.) Transfer to the Tangier Zone, for the benefit of that zone, its right of taking over the concession in the event of forfeiture or expropriation of the concession or on its expiry.

The Zone will assume in their entirety the obligations devolving on the Shereefian Government under the conditions of the concession. The annuities of the capital guaranteed by the

Shereefian Government shall be met by the Zone as a first charge on the custom receipts and the profits on the working of the port and on the port lands.

There shall be submitted to the approval of the Shereefian Government :

- (a) any modification of the conditions of the concession and of the statutes of the port concessionary company ;
- (b) any partial or total transfer of the concern ;
- (c) forfeiture ;
- (d) expropriation.

As long as the guarantee of the Shereefian Government remains in force, there shall likewise be submitted to the approval of that Government :

- (a) any change from registered shares to bearer shares ;
- (b) any agreement, disposition or arrangement allowed under the conditions of the concession and entailing an increase of the capital furnished by the company as laid down in Article 10 of the Port Convention.

The approval of the Shereefian Government may be given in its name by its representative on the Port Commission.

In default of the fulfilment by the Administration of Tangier of the obligations referred to in the preceding paragraphs, the Shereefian Government will resume the sole financial control of the concession.

If called upon to do so by the Administration of Tangier, the Shereefian Government will exercise the right which it possesses under the last paragraph of Article 6 of the Convention relating to the Tangier Port Concession. It is understood that the said Administration will be under the express obligation of refunding to the Shereefian Government any expenses incurred through the exercise of this right.

If called upon to do so by the Administration of Tangier the Shereefian Government will likewise exercise the right which it possesses under Article 6 of the Convention relating to the Tangier Port Concession to accelerate the redemption of the guaranteed bonds, in such measure as the said Administration shall provide from its own resources for the cost of such acceleration.

Both the shares and bonds issued by the concessionary company shall be exempt in the Tangier Zone from all duties, taxes and contributions.

#### ARTICLE 41.

There shall be constituted a Port Commission whose functions will be those of the *Service du Contrôle* as defined in the deed of concession and subject to the provisions of Article 40 above.

So far as the execution of works of construction and upkeep are concerned, the Commission will take its decisions on the advice of the engineer responsible for the State works of the Zone and for

the superintendence of the port works, to whom the technical responsibility belongs. In the event of the Commission being in disagreement with the engineer, the latter's opinion shall be annexed to the minutes of the proceedings.

Under the authority of the Committee of Control the Commission shall ensure the observance of the régime of economic equality in the working of the port.

The Commission shall be composed of :

- a representative of the Shereefian Government ;
- a representative of the Legislative Assembly ;
- a representative of the Committee of Control.

The engineer will attend its meetings with a right to take part in the discussions and to vote.

The Administrator of the Zone has the right to attend the meetings of the Commission in a consultative capacity.

A representative of the commercial interests of Tangier chosen by the Chambers of Commerce and the directors or heads of service of the international Administration shall also have the right to be summoned in a consultative capacity for the discussion of any matters which concern them.

The local manager of the concessionary company may also be heard.

On application to that effect the consuls shall also be heard on questions which concern them.

In addition to the periodical meetings which it may decide to hold, the Commission may be convened on the initiative of one of its members, and in case of urgency on that of the Administrator of the Zone.

The rules of procedure of the Commission shall be approved by the Committee of Control.

The Commission will appoint its president. In default of such appointment the functions of president will be performed by each of the three members in rotation.

Contracts for supplies of imported materials as well as plant (with the exception of any supplies or purchases of material subject to a contract awarded after public tender) shall be put up to competition under the control of the Port Commission.

In the case of supplies of a cost exceeding 20,000 francs, but not exceeding 100,000 francs, the Commission shall :

(1) prescribe the manner in which the contract is to be concluded and also the conditions under which either the call for tenders with a view to purchases by agreement, or the contract awarded after public tender shall be effected ;

(2) approve contracts and decisions regarding tenders.

In the case of supplies of a cost exceeding 100,000 francs the procedure shall be by public tender.

## ARTICLE 42.

The anchorage dues existing in virtue of the ancient treaties of commerce shall be replaced by the berthage dues provided for under the port concession.

## ARTICLE 43.

The Administration of Tangier will ensure that any disputes which may arise between the port concessionary company and the Tangier-Fez railway company shall be settled by arbitration as provided respectively in the conditions attached to the two concessions.

## ARTICLE 44.

As regards the Tangier-Fez railway, the Administration of Tangier shall have, within the limits of the Zone, all the rights and obligations accruing to it under the Franco-Spanish Protocol of the 27th November, 1912, and the concession of the 18th March, 1914, and its annexes.

Any supplementary conditions attached to the concession by agreement between the French and Spanish Governments, before the entry into force of the present Statute, shall apply to the Tangier Zone.

## ARTICLE 45.

Subject to any stipulation to the contrary in the present Convention, the rights and obligations accruing from any concession granted in the Tangier Zone before the entry into force of the present Convention shall be transferred to the said Zone.

Any concession granted in the future by the Tangier Zone for a period exceeding the duration of the present Convention, and that of the periods for which it may be renewed, will only be binding on the Shereefian Government, in the event of non-renewal of the statute, if the said Government has, previously, formally approved such concession at the instance of the applicant.

## ARTICLE 46.

There shall be created a budget for the Tangier Zone. This budget will be drawn up and executed according to the rules laid down in the annexed organic "*dahir*."

## ARTICLE 47.

Public security in the Zone shall be assured exclusively by a force of native police placed at the disposal of the administrator. This force, commanded by a Belgian officer of the rank of captain, assisted by French and Spanish *cadres*, shall not exceed 250 men. It may be garrisoned in the town of Tangier and maintain outposts in the surrounding country. The regulations respecting the police force are annexed to the present Convention.

## ARTICLE 48.

An international jurisdiction, called the Mixed Court of Tangier and composed of French, British and Spanish magistrates, shall be responsible for the administration of justice to nationals of foreign Powers.

The legal representation of the public interests will be entrusted to two magistrates, one French and the other Spanish.

The Mixed Court at Tangier is the subject of the annexed special *dahir*. It will replace the existing consular jurisdictions.

The *dahir* instituting the Mixed Court at Tangier can only be modified with the consent of all the Powers signatories of the Act of Algeiras.

The relations of the judicial authorities of the French and Spanish Zones with the Mixed Court of Tangier will be governed by the agreement of the 29th December, 1916, concerning the relations between the judicial authorities of these two Zones.

The three Governments undertake that the preparation of the codes necessary for the functioning of the Court shall be completed within three months from the date of signature of the present Convention. These codes are as follows :

Code respecting the civil status of foreigners in the Zone.

Commercial Code.

Penal Code.

Code of Criminal Procedure.

Code of obligations and contracts.

Code of civil procedure with an annex fixing the Court expenses.

Registration Code.

## ARTICLE 49.

From the date of the entry into force of the new administration, the diplomatic agencies at Tangier will be replaced by consulates.

## ARTICLE 50.

The existing commissions and committees at Tangier shall be abolished.

The duty of fixing the scale of custom values applicable in the three Zones, which at present devolves upon the commission of custom values, will be entrusted to a Commission composed of representatives of the three Zones. This Commission will meet in Tangier at least twice a year.

## ARTICLE 51.

Arabic, Spanish and French shall be the only official languages of the Tangier Zone. The Legislative Assembly will regulate their use.

Laws and regulations must be published in the three languages.

## ARTICLE 52.

Games of chance shall be forbidden in the Tangier Zone.

This prohibition shall be absolute except on a decision, by unanimous vote, of the Committee of Control.

## ARTICLE 53.

The contracting Governments recognise that the Shereefan Government retains its property rights in the Cape Spartel light-house, the Convention of March 31, 1865, remaining provisionally in force.

## ARTICLE 54.

Disputes which may arise in regard to the interpretation and the application of the provisions of the present Convention shall be referred to the Permanent Court of International Justice or, by agreement between the Parties, to the Permanent Court of Arbitration at The Hague.

## ARTICLE 55.

All clauses of previous Treaties, Conventions or Agreements which may be contrary to the provisions of the present Statute are abrogated.

## ARTICLE 56.

The present Convention shall be communicated to the Powers signatories of the Act of Algeciras and the three contracting Governments undertake to lend each other mutual support in obtaining the accession of those Powers.

The Convention shall be ratified and the ratifications shall be exchanged at Paris as soon as possible.

It is concluded for a period of twelve years dating from such ratification.

It shall be renewed automatically for one or more equal periods if at least six months before its expiry none of the contracting Powers has demanded its revision. In such case it will remain in force while the revision by common agreement is being effected.

In faith whereof, the under-signed Plenipotentiaries have signed the present Treaty.

Done at Paris, the 18th December, 1923, in triplicate.

(Signed) (L.S.) ARNOLD ROBERTSON.  
(Signed) (L.S.) G. H. VILLIERS.  
(Signed) (L.S.) M. DE BEAUMARCHAIS.  
(Signed) (L.S.) MAURICIO LOPEZ ROBERTS,  
MARQUIS DE LA TORREHERMOSA.  
(Signed) (L.S.) M. AGUIRRE DE CARCER.

Traduction.—Translation.<sup>(1)</sup>ANNEX TO THE CONVENTION OF DECEMBER 18, 1923, CONCERNING  
THE STATUTE OF TANGIER.*Regulations concerning the Police Force of the Tangier Zone.*

## I.—Organisation.

## ARTICLE 1.

THERE shall be constituted at Tangier a police force of the Zone.

## ARTICLE 2.

It shall be the duty of this police force to :

- (1) maintain order in the Zone. It must furnish assistance to the local police if requested to do so by the Administrator ;
- (2) guarantee effectively the security of the Zone.

## ARTICLE 3.

The police force shall be placed under the authority of the Administrator of the Zone.

## ARTICLE 4.

It shall be commanded by a captain having under his orders as European *cadres* :

Four lieutenants or second-lieutenants, including one accountancy officer ;  
one non-commissioned officer who will be attached to the accountancy officer.

## ARTICLE 5.

If these European officers or non-commissioned officers are promoted to higher rank during their contract, they must be replaced by officers of the rank referred to in Article 4 above.

## ARTICLE 6.

The strength of the force shall not exceed 250 native Moroccan troops, including native non-commissioned officers.

The unit will be mixed (infantry and cavalry).

The allocation of effectives and their grouping shall be fixed by the International Assembly with the approval of the Committee of Control.

## ARTICLE 7.

The composition of the police force (the relative proportions of the two arms) may, however, be modified as experience shows to be necessary.

<sup>(1)</sup> Traduit par le Secrétariat de la  
Société des Nations.

<sup>(1)</sup> Translated by the Secretariat of the  
League of Nations.

## ARTICLE 8.

The cost of maintaining the police force shall be borne by the Tangier Administration.

## ARTICLE 9.

The contract concluded between the Tangier Administration and the European officers shall lay down the conditions of their engagement and shall fix their pay, which must be passed for payment by the Director of Finance.

II.—*Recruitment.*

## ARTICLE 10.

The police force shall be composed of Moroccan non-commissioned officers, corporals and privates, married or unmarried, who have not incurred any serious punishment.

No member of the rank and file may be under 24 years of age or over 45.

## ARTICLE 11.

The captain commanding this unit shall, in constituting the police force, make his selection preferably among the non-commissioned officers and askeri of police Tabors Nos. 1 and 2, which have been disbanded.

## ARTICLE 12.

The rank and file shall be recruited by enlistment and re-enlistment.

Enlistment shall be for a period of three years.

Any man who, after three years' service in the police force, re-enlists in this unit for a similar period, shall be entitled to receive increased pay at the rate of 50 centimes per diem.

Each re-enlistment shall confer the right to a further increase of pay at the rate of 50 centimes per diem, in addition to previous increases.

III.—*Powers of the Command.—Discipline.*

## ARTICLE 13.

The captain in charge shall have all the powers of a commanding officer.

He shall be responsible for the training, discipline and administration of the unit.

As regards discipline he shall, in the case of the Caid Mia and the Moroccan other ranks, conform to the provisions of the regulations to be drawn up subsequently.

As regards the European *cadre*, the captain commanding shall, on his own responsibility, submit a report, with conclusions, to the Administrator of Tangier.

The latter shall transmit the report to the Consul of the country of which the officer or non-commissioned officer in question is a national.

IV.—*Saluting Service.*

## ARTICLE 14.

A special detachment of the police force shall be responsible for manning the battery which fires the regulation salutes.

Done at Paris on December 18, 1923, in three copies :

(Signed) BEAUMARCHAIS.  
 (Signed) ARNOLD ROBERTSON.  
 (Signed) G. H. VILLIERS.  
 (Signed) MAURICIO LOPEZ ROBERTS,  
 MARQUIS DE LA TORREHERMOSA.  
 (Signed) M. AGUIRRE DE CARCER.

The Governments of the Powers signatories of the present Convention undertake to recommend to His Shereefian Majesty for adoption the two following dahirs relating to the administration of the Tangier Zone and to the organisation of an international jurisdiction at Tangier.

Done at Paris, December 18, 1923, in triplicate.

(Signed) BEAUMARCHAIS.  
 (Signed) ARNOLD ROBERTSON.  
 (Signed) G. H. VILLIERS.  
 (Signed) MAURICIO LOPEZ ROBERTS,  
 MARQUIS DE LA TORREHERMOSA.  
 (Signed) M. AGUIRRE DE CARCER.

*Draft Shereefian Dahir Organising the Administration of the Tangier Zone.*

Chapter I.—*General Clauses.*

## ARTICLE 1.

WITHIN the region defined in Article 2 hereunder and styled the Tangier Zone, We delegate general and permanent authority by these presents to an International Administration, subject to the exercise of Our rights and powers over Our subjects in this Zone—which rights and powers shall be exclusively exercised by Our Mendoub and Our Shereefian officials at Tangier—and subject to due respect for Our prestige as head of the Mussulman community of Our Empire and head of the Shereefian family residing at Tangier, which will be safeguarded in conformity with the assurances given by

the Government of the French Republic to Our predecessor in regard to the whole of Morocco.

This general and permanent delegation of authority shall not apply to diplomatic matters, concerning which there shall be no derogation from the provisions of Article 5 of the Protectorate Treaty of March 30, 1912. The International Administration shall, however, be entitled to negotiate with the consuls of the Powers at Tangier on questions of interest to the aforesaid Zone within the limits of its autonomy.

#### ARTICLE 2.

The Tangier Zone shall lie within the boundaries fixed by paragraph 2 of Article 7 of the Franco-Spanish Convention of the 27th November, 1912.

#### ARTICLE 3.

The members of Our Shereefian family who have reigned over Our Empire and reside in the Tangier Zone shall enjoy therein special consideration and respect.

All articles entering or leaving the customs for their use shall, as in the case of articles intended for Our own use, continue to be exempt from customs duty.

### Chapter II.—*Authorities of the Tangier Zone.*

#### ARTICLE 4.

We entrust to Our Mendoub the duty of exercising over Our subjects within the Tangier Zone, in conformity with the rules and traditional customs of Our Empire, the administrative and judicial powers devolving on Pashas and Caids in Morocco. In the exercise of these functions Our Mendoub shall be assisted by two Khalifas designated by Us for this purpose.

The Shereefian Mendoub shall preside over the International Legislative Assembly provided for hereinafter. He may take part in its discussions, but will not vote.

He shall sign for promulgation and execution the laws or regulations passed by the Assembly, provided the Committee of Control has not exercised its right of veto.

The President of the Committee of Control shall countersign the enactments in question.

It will be his duty to see that public peace and order and the general provisions of the Statute of the Zone are respected by the populations subject to his administration. He may, for this purpose, request the Administrator to grant him the assistance of the armed forces of the Zone.

He must also see that the duties and taxes due from Our subjects and legally levied in the Zone are collected without distinction of nationality or religion.

The Shereefian Mendoub shall have the right to expel Moroccan subjects.

He will exercise the same right in the case of persons justiciable by the Mixed Court on a decision to that effect by a full meeting of this Court given according to the procedure laid down in Article 29 of the Convention of December 18, 1923.

Expulsion must be ordered if it is demanded by the consul of the individual concerned.

The Mendoub shall quote the decision of the Court in the recitals of the expulsion order.

#### ARTICLE 5.

The budget of the Zone shall contribute annually a lump sum of 125,000 Moroccan francs towards the expenses of the native administration.

The payments to be made out of this sum must be approved by the Director of Finance.

#### ARTICLE 6.

On the appointment and under the direction of Our Shereefian Maghzen, the Cadi, the members of the Chrâa, and agents of the *habous*, and, in general, of the other administrations connected with institutions which concern the personal status and the religion of our subjects shall continue in the exercise of their functions in the forms and according to the traditional customs prevailing in Our Empire.

#### ARTICLE 7.

The free practice of the religion of Moroccan subjects and its traditional customs shall be respected and guaranteed. Their religious festivals and ceremonial shall be maintained provided that public order is not disturbed.

#### ARTICLE 8.

Our Mussulman and Jewish subjects shall enjoy complete equality with the nationals of the Powers in the matter of duties and taxes of all kinds. They shall punctually pay such duties and taxes.

They shall have the benefit, under the same conditions as foreign nationals, of any relief, hospital or educational institutions which may be created or subsidised by the Zone.

#### ARTICLE 9.

The international body entrusted, subject to the foregoing reservations, with the administration of the Tangier Zone in Our name and in virtue of Our general delegation of powers shall consist of an International Legislative Assembly and an Administrator whose respective powers will be defined hereinafter. The exercise of these powers shall be subject to the supervision of a Committee of Control.

Our Shereefian Government cannot be held responsible in respect of claims due to circumstances arising in the Tangier Zone as a result of the administration of the international body.

## ARTICLE 10.

The Administration of the zone shall ensure public order and, unless otherwise provided, shall introduce all the administrative, economic, financial and judicial reforms it considers advisable.

## ARTICLE 11.

The Administration of the Zone shall respect the Treaties at present in force between Us and the Powers.

International agreements to which all the Powers signatories of the Act of Algeciras are Contracting Parties or shall have acceded shall apply automatically to the Tangier Zone.

In case of any divergence between the provisions of these Treaties and the laws and regulations passed by the International Legislative Assembly, the provisions of the Treaties shall prevail.

The Administration of the Zone shall specially ensure the observance of Articles 3, 7 (paragraph 2), 8 (paragraph 3), 10, 11 and 12 of the Convention of December 18, 1923.

## ARTICLE 12.

Any international agreements concluded in the future by Our Shereefian Majesty shall only apply to the Tangier Zone with the consent of the International Legislative Assembly. The same shall hold good in the case of Our decrees promulgated in conformity with Article 5 of the Protectorate Treaty of March 30, 1912.

By exception, the following shall apply automatically to the Tangier Zone :—

1. International agreements to which all the Powers signatories of the Act of Algeciras are Contracting Parties or have acceded ;
2. All legislative provisions applicable to the French and the Spanish Zones, concerning
  - (a.) The functioning of the Shereefian postal and telegraph services with foreign countries and the unification of the scales of charges applicable thereto ;
  - (b.) The traffic in arms and ammunition for use with these arms.

## ARTICLE 13.

In virtue of the provisions of Articles 141 *et seq.* of the Treaty of Versailles, of Articles 96 *et seq.* of the Treaty of Saint-Germain-en-Laye, and of Articles 80 *et seq.* of the Treaty of Trianon, the provisions of the present Statute can in no case be invoked by German, Austrian or Hungarian nationals, and the provisions of Our Dahirs of January 9, 10 and 11, 1920, of January 11, 1921, and of August 8, 1922, concerning the status of German nationals and goods coming from Germany, and of Our Dahirs dated September 6, 1920, and January 8, 1921, concerning trade with Austria and Austrian nationals, shall apply to the Tangier Zone.

## ARTICLE 14.

The International Administration may not, without previously coming to an agreement with the authorities of the other two Zones, regulate—

- (a.) Questions concerning the coasting trade and all other matters connected with Customs questions which concern Moroccan ports as a whole;
- (b.) Inter-Zone posts, telegraphs and telephones.

## ARTICLE 15.

The yield of the taxes and the resources of every description in the Zone shall be used to meet the expenditure of the Zone in the manner indicated below.

## ARTICLE 16.

The Shereefian Government cannot, on any ground, be called upon to bear any share of the expenditure of the Tangier Zone except as regards the salaries of native officials directly appointed by Us.

## ARTICLE 17.

Inasmuch as the administration of the Tangier Zone cannot prejudice the rights, prerogatives and privileges formerly granted by Our Government to bondholders of the 1904 and 1910 loans, to the State Bank of Morocco and to the *Société internationale de Régie coïntéressée des Tabacs au Maroc* throughout the whole territory of the Empire, these rights, prerogatives and privileges shall be respected by the International Administration which has, in particular, to ensure the observance of Articles 21, 22 and 24 of the Convention dated December 18, 1923.

## Chapter III.—Committee of Control.

## ARTICLE 18.

We entrust to a Committee of Control, consisting of the consuls *de carrière* of the Powers signatories of the Act of Algeciras or their substitutes *de carrière*, and constituted in conformity with the provisions of Article 30 of the Convention of December 18, 1923, the duty of ensuring the observance of the provisions of the Statute of the Tangier Zone as laid down in the Convention of December 18, 1923, and in the present Dahir.

All the texts of the laws and regulations voted by the International Assembly shall be submitted to the Committee of Control in the manner indicated in Article 31 of the Convention of December 18, 1923.

The meetings of the Committee of Control shall not be public; but the minutes of these meetings shall, unless the Committee otherwise decides, be kept on the spot so as to be entirely or partly at the disposal of those members of the Assembly who desire to consult them.

## ARTICLE 19.

The Committee of Control shall have the right to summon and hear the Administrator of the Zone, who will be accompanied, if needs be, by the heads of the services concerned.

Chapter IV.—*International Legislative Assembly.*

## ARTICLE 20.

The International Legislative Assembly shall have power to enact laws and regulations.

It shall be presided over by the Mendoub and shall be composed of 26 representatives of the foreign and Moroccan communities as follows :

4	French members	
4	Spanish	„
3	British	„
2	Italian	„
1	American member	
1	Belgian	„
1	Dutch	„
1	Portuguese	„

nominated by their respective consulates.

6 of Our Mussulman subjects nominated by Our Mendoub, and

3 of Our Jewish subjects chosen by Our Mendoub from a list of nine candidates submitted by the Jewish community of Tangier.

Vacancies caused by death or resignation shall be filled, according to the same procedure, within three months at latest.

## ARTICLE 21.

Every member of the International Assembly must be in occupation, as owner or tenant, of premises assessed in the urban tax register at an annual rental of 600 Moroccan francs, or on the corresponding rural tax register at a similar rental. He must not be under 25 years of age and must have been resident for the previous year within the Tangier Zone.

Consulate officials *de carrière* and officials paid by the Administration of the Zone may not be members of the International Assembly.

Foreign members must be nationals of the country whose consulate nominates them.

Any member of the Assembly absent from the Tangier Zone, may, by notice in writing, dated, signed and addressed to the President of the Assembly, empower one of his colleagues to vote in his place. No member of the Assembly may have more than two votes.

## ARTICLE 22.

The term of office of the International Legislative Assembly shall be for four years. On the expiration of this period a new Assembly shall be constituted within a month.

The powers of the members of the Assembly may be renewed.

The members of the Assembly shall not receive any payment for their services.

The Assembly shall be presided over by Our Mendoub assisted by a French vice-president, a Spanish vice-president and a British vice-president appointed annually by the Assembly.

The Assembly shall meet in ordinary session every month and in extraordinary session whenever its President or the Administrator deems it necessary, or when nine of its members so request in writing.

The questions which the Assembly is called upon to discuss shall be placed on the agenda by the Administrator in agreement with the standing committee. No question which is not within the competence of the Assembly may be included in its agenda.

The Assembly may not, for instance, on its own initiative open discussions on subjects which would involve an agreement of the Moroccan Government with the Powers.

Should the standing committee refuse to place a question on the agenda, an appeal may be made from this decision to the Committee of Control by means of a request, accompanied by a statement of the reasons on which it is based and signed by nine members of the Assembly, or by means of a request from the Administrator accompanied by a statement of the reasons on which the request is based.

## ARTICLE 23.

A quorum of eighteen members, either present in person or duly represented, shall be necessary for the lawful transaction of business in the Assembly.

In the absence of a quorum, the Administrator, in agreement with the standing committee, shall issue a second summons for a new meeting, which may not, however, take place until forty-eight hours have elapsed. The decisions of this second meeting shall be valid, whatever may be the number of members present.

The Assembly shall take its decisions on a majority vote of the members present or represented. If the votes are equally divided, the proposal voted on will not be adopted.

Members of the Assembly may not take part in decisions concerning matters in which they are directly interested either personally or as agents.

## ARTICLE 24.

The Administrator shall participate in an advisory capacity in the discussions of the Assembly. He may be assisted by one or more heads of services.

## ARTICLE 25.

The texts of the laws and regulations voted, as well as the discussions and decisions of the Assembly, shall be transmitted to the Committee of Control through the Administrator within the space of eight days.

## ARTICLE 26.

The Committee of Control shall immediately annul all resolutions and decisions—

- (1) which are contrary to the law or the treaties;
- (2) which relate to any question foreign to the powers and duties of the Assembly, or which have not been adopted at a regularly constituted meeting;
- (3) in which a member of the Assembly directly interested, either personally or as an agent, in the question under consideration, shall have taken part.

## ARTICLE 27.

Laws and regulations voted by the Assembly, which have not been vetoed by the Committee of Control within the period provided for in Article 31 of the Convention of December 18, 1923, shall only acquire executive force after they have been promulgated by Our Mendoub and countersigned by the President of the Committee of Control.

Decisions concerning matters directly or indirectly connected with the finances of the Zone or the organisation of the international Administration of the Zone shall also acquire executive force only on the same conditions.

## ARTICLE 28.

The judicial codes referred to in Article 48 of the Convention of December 18, 1923, may only be repealed or modified after unanimous agreement has been reached between the French and Spanish Zones of influence of Our Empire and the Committee of Control.

The texts of regulations and fiscal enactments referred to in Article 32 of the Convention of December 18, 1923, may neither be repealed nor modified during a period of two years as from the coming into force of the Statute. On the expiration of this period, they may be repealed or modified with the consent of a three-fourths majority of the Committee of Control.

## ARTICLE 29.

The Assembly may be dissolved by a decision of the Committee of Control, accompanied by a statement of the reasons on which it was based, and adopted by a three-fourths majority. Such dissolution must, as far as circumstances permit, only take place after previous warning.

In the event of dissolution, a new Assembly must be constituted within one month.

## ARTICLE 30.

The Assembly shall draw up its rules of procedure as soon as it is constituted, and in any case not later than three months after such date. These rules of procedure shall be submitted to the Committee of Control for approval.

If within this period the Assembly has not adopted its rules of procedure, the Committee of Control shall lay down provisional rules of procedure which shall apply to the Assembly until it has itself established definitive rules.

Chapter V.—*International Administration of the Zone.*

## ARTICLE 31.

The executive power shall be vested in the Administrator, who shall represent the international body in its relations with third parties and shall transmit the decisions of the Assembly to the Committee of Control. He shall communicate these decisions to the heads of the services concerned, who will carry them into effect on his responsibility.

The Administrator possesses no independent power; he shall carry out the decisions of the Assembly.

## ARTICLE 32.

The Administrator shall have under his orders two assistant administrators. One assistant, who will replace him in case of absence, will, under his direction, be especially responsible for the services of health and relief, and the other assistant, under his direction, will be especially responsible for the financial services.

The other administrative services of the Zone shall be directly under the orders of the Administrator.

## ARTICLE 33.

The police of the Zone shall comprise—

- (1) a force of native police consisting of not more than 250 men. It shall be commanded by a Belgian officer, of the rank of captain, assisted by French, Spanish and Moroccan *cadres*.
- (2) a civilian police force consisting of European and native policemen, the effectives of which will be fixed by the Assembly. The police shall be under the orders of a Commissioner appointed by the Assembly on the nomination of the Administrator.

## ARTICLE 34.

The status of the officials of the International Administration shall, as regards promotion, salaries and discipline, form the subject of a Regulation to be submitted by the Administrator to the Assembly. This Regulation must be approved by the Committee of Control.

## ARTICLE 35.

The Tangier Zone must create a provident fund for officials and employees of the International Administration.

The rules for the organisation of this provident fund, drawn up by the Administrator, must be approved within one year by the International Assembly, failing which they shall be established on the sole authority of the Committee of Control.

## ARTICLE 36.

The appointment of the officials of the International Administration, other than those provided for in Article 35 of the Convention of December 18, 1923, will be effected by a committee presided over by the Administrator and composed of the three vice-presidents of the Assembly and the head of the service concerned.

The candidates selected will be appointed by the Administrator with the previous approval of the Assembly.

## ARTICLE 37.

The Assembly may not decide to create any new service unless it obtains the approval of a three-fourths majority of the Committee of Control.

## ARTICLE 38.

Internal regulations concerning the International Administration shall be submitted by the Administrator to the Assembly and to the Committee of Control for approval.

Chapter VI.—*Resources and Budget of the Zone.*

## ARTICLE 39.

The resources of the Zone shall consist of the total yield of taxes, dues and public revenue collected within the territory of the Zone.

## ARTICLE 40.

The Shereefian State shall transfer its public and private property, including its rights over the "guich" lands to the Tangier Zone, which shall administer it, collect the revenues therefrom for its own benefit and ensure its preservation without power to alienate any portion thereof.

This transfer will terminate on the expiry of the Convention dated December 18, 1923, and the property transferred to the Zone will then revert to the Shereefian State.

## ARTICLE 41.

The public State property comprises :

(a.) Maritime property: The sea and the shore with a foreshore of six metres, certain rights over which have already been ceded under the concession granted to the port concessionary company. These rights shall be respected by the Tangier Zone. The fishery

revenues, including the royalties payable to the State under the fishery concessions already granted by the Shereefian Government, as well as obligations arising from these concessions, shall accrue to the Tangier Zone.

(b.) Land property.

The road from Tangier to Tetuan.

The road from Tangier to Larache and to Rabat.

The road to Cape Spartel.

The road from the station to the harbour and skirting the harbour.

The urban highways.

The sewers and water ducts and their appurtenances, subject to the rights of any holders of water concessions.

The Zone shall :

1. Maintain the roads from Tangier to Tetuan and those from Tangier to Larache and to Rabat within the Tangier Zone as a first charge on the proceeds of the "Taxe Spéciale";

2. Place at the gratuitous disposal of the Franco-Spanish Tangier-Fez Railway Company such State property as may be necessary for its requirements.

(c.) Fluvial property.

The watercourses.

All existing rights and all rights of user in favour of third parties are reserved.

(d.) Mining property.

The mining dues in the Tangier Zone and the export duties collected on minerals raised in the zone shall accrue to the Administration of the Zone.

(e.) Forest property.

ARTICLE 42.

The private State property comprises all real estate, both land and buildings, inscribed in the registers of the Maghzen property and not mentioned in the preceding Article, as also the slaughter-houses.

Subject to the provisions of Article 15 of the Convention of December 18, 1923, the leases and holdings of Maghzen property by private individuals, as also the *gza* or other rights duly established on the said properties, shall be respected. The same shall apply in the case of any uses to which such lands may have been put in the public interest.

The Shereefian State, however, reserves to itself the following properties for the public services which it maintains at Tangier :

The former German Legation and its dependencies;

Our Shereefian Palace;

The Kasba and its dependencies;

The guard-house of the Mokhaznis on the ramparts;

The land and the guard-house on the hill leading up to the Marshan now occupied by the *compagnie chérifienne*.

No new lease beyond those already in existence shall exceed the term laid down in the Statute of Tangier.

ARTICLE 43.

The Tangier Zone shall be absolute owner, and may dispose freely, of any immovable property which it may acquire for a consideration, or construct, or accept as a gift or legacy under the conditions laid down in the regulations of the Zone.

ARTICLE 44.

Any property belonging to Us personally is expressly excluded from private State property.

ARTICLE 45.

The International Legislative Assembly, either on its own initiative or on the proposal of the Administrator, shall be entirely free to levy such taxes and duties as it may consider necessary, subject to the approval of the Committee of Control.

These taxes and duties shall be levied without distinction on nationals of the Powers and on Moroccan subjects.

ARTICLE 46.

The ordinary budget of the Tangier Zone shall be divided into two parts :—

General revenue and expenditure ;  
Municipal revenue and expenditure.

The main items of general revenue will be provided by :

The Customs.  
Consumption taxes on sugar, tea and coffee, beers, candles,  
alcohol and colonial produce.  
Yield of the special  $2\frac{1}{2}$  per cent tax on imports.

Yield of the registration and stamp taxes.  
State property revenues.  
The urban tax.  
The tax on commercial and industrial profits.  
The tertib.  
Profits from the sale of tobacco.

The main items of general expenditure will be :

The contribution to the 1904 and 1910 Loans.  
Share in the expenses of the Franco-Spanish Tangier-Fez  
Railway.  
The service of the guaranteed loans of the Port Company.  
The costs of the Administration of Justice, the Central  
Administration and the collection of taxes.  
The police force.  
The maintenance of roads and public works.

The first three categories of expenditure referred to above are to be regarded as obligatory, and shall be met as a first charge out of the yield of the customs and consumption taxes. The customs service shall be administered in conformity with the provisions of Article 39 of the Convention of December 18, 1923.

The main items of municipal revenue will be :

- The gate tax.
- Slaughter-house tax.
- Market dues.
- Taxes for the upkeep of roads and bridges.

The main items of municipal expenditure will be :

- The cost of administration.
- Expenditure on roads, &c.
- Town cleaning and lighting.
- Municipal police.
- Hygiene and relief.
- The upkeep of slaughter-houses.

The Legislative Assembly may decide upon any other categories of revenue and expenditure it may deem necessary.

#### ARTICLE 47.

The rules of public accountancy shall be those laid down in Our Dahir of this date, applied under the conditions specified in Article 32 of the Convention of December 18, 1923.

#### ARTICLE 48.

Apart from the obligatory expenditure all orders for payment shall be issued by the Director of Finance.

Apart from the yield of the Customs and consumption taxes, the collection of revenue and the payment of expenses shall be effected by an accountant appointed by the Committee of Control.

#### ARTICLE 49.

If in the course of the year of account supplementary credits become necessary, the same procedure shall be followed as in the case of the framing of the original budget.

#### ARTICLE 50.

Should the Tangier Zone contract loans, an extraordinary budget shall be established.

#### ARTICLE 51.

It shall be the duty of the Mixed Court to audit the accounts with the assistance of two technical assessors, not officials of the Zone Administration, who shall be entitled to take part in the discussions and to vote.

## ARTICLE 52.

The Administrator, with the assistance of the Director of Finance, shall prepare the budget and submit it to the Assembly for approval two months before the commencement of the year of account.

He shall ensure its execution and shall be responsible for the closed accounts. The latter must also be submitted to the Assembly for approval not later than three months after the close of the year of account.

## ARTICLE 53.

The draft budget and closed accounts shall be communicated to the Committee of Control.

In the event of excessive expenditure or any other difficulty, it shall refer the draft budget back to the Assembly and invite the latter to take the necessary steps to balance the budget.

It shall satisfy itself that the yield of the Customs and consumption taxes is sufficient to cover the obligatory expenditure, and if not, it shall assign for the integral payment of this expenditure such other sources of revenue as it may deem necessary.

It shall also satisfy itself that adequate provision is made for the essential services of the Zone.

If the budget has not been voted by the Assembly when the year of account commences, the Committee of Control may order its application by monthly votes on account on the basis of the budget estimates for the previous year.

## ARTICLE 54.

All lists, returns of yield and documents concerning collection shall be rendered executory by the Administrator.

The Assembly, following the procedure usual in such matters, shall draw up a regulation concerning the recovery of claims in the Zone and the legal procedure to which such recovery may give rise.

Chapter VII.—*Miscellaneous Provisions.*

## ARTICLE 55.

Provided the public regulations are observed, all schools and establishments in the Tangier Zone belonging to the Powers signatories of the Act of Algeciras, or to their nationals, on the date on which the Statute came into force, may be maintained and shall retain complete autonomy as regards their internal organisation under the supervision of the authorities of their country of origin.

New establishments which may subsequently be created must conform to the regulations which will be promulgated in accordance with the provisions of Article 12 of the Convention of December 18, 1923.

## ARTICLE 56.

Arabic, Spanish and French shall be the only official languages of the Tangier Zone. The Legislative Assembly shall regulate their use.

Laws and regulations must be published in the three languages.

## ARTICLE 57.

At public ceremonies the order of precedence of the higher officials at Tangier shall be as follows :

The Mendoub.

The President of the Committee of Control.

The Members of the Committee of Control.

The Members of the Mixed Court.

The Vice-Presidents of the Assembly.

The Administrator.

(Signed) BEAUMARCHAIS.

(Signed) ARNOLD ROBERTSON.

(Signed) G. H. VILLIERS

(Signed) MAURICIO LOPEZ ROBERTS,

MARQUIS DE LA TORREHERMOSA.

(Signed) M. AGUIRRE DE CARCER.

*Draft Dahir concerning the Organisation of an International  
Jurisdiction at Tangier.*

## ARTICLE 1.

THERE shall be established at Tangier an international jurisdiction to be known as the Mixed Court of Tangier.

This jurisdiction shall include :

1. As titular members : two British magistrates, one Spanish magistrate and one French magistrate.

2. As assistant members : subjects or citizens of each of the Powers signatories of the Act of Algeciras, excepting Germany, Austria and Hungary, these subjects or citizens being chosen from among leading persons over 25 years of age who have been resident in the Tangier Zone for more than one year.

The titular members of the Mixed Court of Tangier will be appointed by a Dahir of Our Shereefian Majesty on the nomination of their respective Governments. They shall receive a salary to be fixed hereinafter. They shall not be entitled during their term of office to exercise any other profession. Any titular member may be relieved of his duties by a Dahir promulgated by Us on a decision to that effect by a full meeting of the titular members and by the Government which nominated the member in question.

The list of assistant members of the Mixed Court shall be drawn up by the titular members at a full meeting, on the basis of the separate list of his nationals which each consul presents. The powers of the assistants shall be exercised for a period of three years and may be renewed. These honorary magistrates shall be free to carry on any calling, trade, industry or liberal profession except that of advocate at the Mixed Court, or at any other Tangier jurisdiction, but shall not be entitled to occupy a public post. A full meeting of the titular members may remove an assistant member on notice to that effect being given by the consul of the State of which the magistrate concerned is a national.

Before entering upon his duties each titular and assistant member shall take before the titular members sitting in public session the following oath: "I swear and promise to do my duty well and faithfully, to observe conscientiously the secrecy of discussions and to conduct myself in every way as a worthy and loyal magistrate."

#### ARTICLE 2.

Of the titular magistrates one shall discharge the duties assigned by the law to a justice of the peace, and another shall fulfil the duties of an examining magistrate.

#### ARTICLE 3.

Questions concerning the competence of the Chamber for the Institution of Prosecutions shall be decided by a section consisting of one titular member as President, and two assistant members.

#### ARTICLE 4.

Another section of the Mixed Court, also consisting of a titular member as President and two assistant members shall discharge in civil, commercial, administrative and disciplinary cases the duties devolving on a Court of First Instance. This section shall adjudicate as a Court of Appeal on matters judged in the first instance by the justice of the peace provided such appeal is admissible, regard being had to the nature and importance of the questions thus referred to it in second instance.

In litigation concerning immovable property, the Section composed as described above shall co-opt two Mussulman jurists as advisers, but without the right to vote. These jurists, together with two substitutes, shall be appointed annually by the titular members in a full meeting out of a list of eight candidates submitted by Our Mendoub.

#### ARTICLE 5.

An appeal from decisions given in first instance by the Section established under the preceding article may be made to the three titular magistrates who have not been concerned in the judgment impugned, aided in all instances by two assistant members who have taken no part in the case, and also, in matters regarding immovable property, by two Mussulman jurists acting in an advisory

capacity. The latter must also be chosen from among those who have not participated in giving judgment in first instance, and shall be selected from the list referred to in Article 4 above.

The senior, or in case of equal seniority the elder, titular magistrate on the panel judging the case shall be president of this Court of Appeal.

If one of the three titular magistrates called upon to constitute this higher Court is prevented from sitting, assistant members may sit to the number of three, but the Court cannot be constituted unless it includes at least two titular magistrates. If the Court of Appeal consists of two titular and three assistant members and the two titular members are placed in a minority by the three assistant members, the case shall, at the request of the two titularies, be referred to the Court of Appeal consisting of the three titular and two assistant members who have not taken part in the first deliberation.

No further appeal shall lie from the decisions of this Court.

#### ARTICLE 6.

If the parties to a civil action, or the accused in a criminal action, are of the same nationality, two of the assistant members of this nationality shall be called upon to constitute the Section of First Instance or the Section for Prosecutions, or the Court of Appeal.

If the parties or accused are nationals of two different countries each of which possesses assistant members in the Mixed Court, the above-mentioned Sections and Courts of Appeal shall include an assistant of each of the nationalities concerned.

If the parties or the accused are nationals of more than two different countries, each of which is represented in the Mixed Court, the two assistant members who are to sit shall be selected by lot from the lists of the States whose nationals are concerned. The lots shall be drawn by the President of the Section or of the Court of Appeal three days at least before the hearing of the case, in the presence of the magistrate entrusted with the legal representation of the public interests, the Clerk of the Court and the parties or their representatives; the latter must at least have been summoned in due form.

If one of the parties or one of the accused is a national of a State which has not a sufficient number of assistant members to constitute the Court in due form, he may designate the nationality of the assistant member or members whom he desires to try the case. Should he fail to notify his choice within the period assigned to him by the President of the Section or of the Court of Appeal, the President himself shall make the choice. After the nation which is to provide either one or two assistant members has thus been designated, the Section or Court of Appeal shall be constituted according to the rules and regulations set out in the three preceding paragraphs.

If, in the exceptional case in which the Court of Appeal has to be constituted with three assistant members, the parties are nationals of two different States and if it is thus impossible to apply the rule laid down in paragraph 2 of this Article in its entirety, the nationality of the third assistant member shall be settled by drawing lots under the conditions laid down in paragraph 3 of the present Article.

Assistant members of the same nationality shall serve in rotation in accordance with the provisions of regulations to be drawn up by the titular members in a full meeting.

For the purposes of the present Article public administrations shall be assimilated to justiciable persons who do not possess, in the Mixed Court, assistant members of their nationality. It is their duty, therefore, to fix the nationality of the assistant member or members whom they desire to sit in the Section or Court of Appeal dealing with their case. The same shall apply to joint stock companies having their head offices in Morocco.

#### ARTICLE 7.

Every year before October 2, a full meeting of the titular members will be held to allocate, as between the titular magistrates for the judicial year which begins on the date of this meeting, the duties referred to in Articles 2, 3 and 4.

This allocation of duties shall not involve any difference in rank as between the various titular members.

One and the same titular member may, moreover, fulfil several of the duties enumerated in the foregoing Articles. In serious criminal cases, however, titular members who have submitted information in connection with a case or who have had cognisance of the matter as members of the Section for Prosecutions may not sit on the bench. This disqualification shall not apply in the case of misdemeanours.

#### ARTICLE 8.

If a titular member who is acting as President of the Section for Prosecutions or of the Section of First Instance, or as justice of the peace or examining magistrate, is absent on account of illness or other cause, a full meeting of the titular members will be held without delay either on their own initiative or on the proposal of the representative of the public interests, in order to appoint a temporary substitute for the magistrate who is absent on account of illness or other cause.

The full meeting of members may also, by unanimous decision, appoint a titular member to act as a justice of the peace concurrently with the magistrate who is already fulfilling these same duties if pressure of work renders this step necessary. In such case the titular member appointed as the second justice of the peace shall continue to perform the special duties entrusted to him under the terms of Article 7. The special powers delegated to him as a justice of the peace shall be conferred on him for a definite period,

such period not to exceed three months in any one judicial year. The President of the Section of First Instance shall allocate cases as between the two commissioners sitting concurrently as justices of the peace.

#### ARTICLE 9.

On the first Monday in March, July and November each year the Criminal Court shall meet to try persons sent up to it for trial on criminal charges.

It shall be presided over by the President of the Section sitting as a Court of First Instance, or if this magistrate is prevented from so doing, by another titular member appointed by a full meeting of the titular members in conformity with the final provisions of Article 7. A jury of six shall assist the President in determining the guilt of the accused. The President shall pronounce the sentence.

A person cannot be found guilty unless the President concurs. If the President does not concur with the jury in finding the accused guilty, the case shall be adjourned until the next session of the Criminal Court presided over by a titular magistrate appointed by a full meeting of the titular members other than those magistrates who have had cognisance of the case as examining magistrate or President of the Section for Prosecutions. The accused shall be finally acquitted unless, at the following session, the majority find him guilty, and the President concurs.

#### ARTICLE 10.

If the accused is one of Our subjects, the jury shall be composed of three of Our subjects, a British subject, a Spanish subject and a French citizen.

If he is a national of a State other than the Moroccan State, the members of the jury shall be chosen by lot from a list of jurymen of the same nationality as the accused. If there is no special list for the country of which the accused party is a national, the accused himself may designate the nationality of the list of jurymen before whom he desires to be tried, and jurymen shall be selected by lot from the list of that nationality. The President of the Criminal Court shall inform the accused of his right in this respect ten days at least before the opening of the session. Should the accused fail to avail himself of this right within twenty-four hours of receiving notice thereof from the President, the jury shall be composed of two British subjects, two Spanish subjects and two French citizens.

If there are several accused of various nationalities, the jury shall be composed as far as possible of an equal number of jurymen of each of the nationalities concerned. But if the accused are nationals of four or five different nationalities, the jury shall include first of all one member of each of the nationalities concerned, the last remaining seat or the last two remaining seats being attributed by lot to one or two of the nationalities concerned.

The annual lists of jurymen and the lists of the sessions shall be drawn up in conformity with the rules laid down in the Code of Criminal Procedure.

#### ARTICLE 11.

No appeal shall lie from the decisions of the Criminal Court. But We retain the right to remit or commute sentences for crimes, misdemeanours and minor offences pronounced by the Courts set up under the preceding Articles. Our Royal reprieve shall be granted on the advice of the prosecuting magistrate and the President of the Court which pronounced sentence.

Capital punishment may not be inflicted without Our express consent following upon the regular and unanimous opinion of a full meeting of the titular magistrates.

#### ARTICLE 12.

In cases of revision provided for in the Code of Criminal Procedure we may order a case which has been definitively decided by a Court for penal offences to be submitted anew to a similar Court composed of different elements. Our order shall be carried out by the representative of the Public Prosecutor.

#### ARTICLE 13.

The legal representation of the public interests shall be ensured by two magistrates chosen respectively from the French and Spanish magistracy.

The French magistrate shall represent the public interests in the Section of First Instance and in the Court of Appeal when these Courts are sitting for the trial of misdemeanours. This magistrate may also forward to the examining magistrate any papers relating to the prosecution necessary for the institution, the conduct and the closing of judicial enquiries. He may enter pleas against the orders of the examining magistrate.

In the same way the Spanish magistrate shall represent the public interests in the Section of First Instance or the Court of Appeal, if these Courts are sitting to try civil actions, in the Section for Prosecutions and in the Criminal Court. He may exercise his discretion as to whether he will take action in civil, commercial and administrative cases.

The duties connected with the legal representation of the public interests, as allocated above, shall be entrusted in turn to each of the two magistrates for a period of three years.

Each of these two magistrates shall have the title of "Public Prosecutor to the Mixed Court of Tangier." Each will, *ex officio*, act as substitute for the other if the latter is absent on account of illness or other cause. Before assuming their duties they will take the oath required of titular magistrates.

They shall take part in the discussions of the full meeting of titular magistrates in all cases in which this meeting has to decide questions of internal organisation and, in particular, in the cases provided for in Articles 1, 4, 6, 7, 8, 9, 11, 14, 16 and 21, and in the last paragraph of the present Article.

They shall be appointed and may be removed in the same way and under the same conditions as the titular members of the Mixed Court.

A Commissioner of Police, to be appointed by the full meeting, shall be attached to the magistrate who fulfils the duties of justice of the peace, to act as officer for the legal representation of the public interests.

#### ARTICLE 14.

The clerk's office of the Mixed Court of Tangier shall consist of a chief clerk, three clerk-secretaries and two junior clerks, who will be appointed by Our Dahir on the proposal of a full meeting of the titular members.

These officials shall not be entitled to receive any emoluments other than their fixed salaries, which shall be determined later.

They shall keep the records, notarial acts and accounts. They shall also issue summonses, notices, writs of execution and affidavits as ordered by the magistrates. They shall, moreover, act as official receivers or judicial liquidators and as trustees in the case of vacant succession under the conditions determined by law.

The officials in question shall be of British, Spanish or French nationality. They must not be under 25 years of age. They may be discharged by Dahir on the proposal of a full meeting of titularies acting either on their own initiative, or on the suggestion of one of the Public Prosecutors. Such action, however, shall not be taken until explanations have been given by the officials concerned, or at least until such explanations have been requested.

A Dahir shall fix the dues payable to the Treasury in connection with judicial proceedings or acts of the Court, and shall also fix the conditions for recovering these dues.

#### ARTICLE 15.

A judicial interpreter in Arabic appointed by a full meeting of the titular members shall be attached to the Mixed Court. He shall receive a fixed salary, the amount of which shall be determined in a full meeting. If necessary, documents drawn up in languages other than Arabic may be submitted to expert translators for translation.

#### ARTICLE 16.

Advocates at the Mixed Court of Tangier are entitled to give consultations and to plead before the Court and its various Sections.

They shall represent their clients before the Court, its Sections

and the Clerk's Office; they shall submit in their name all necessary requests, memoranda, or conclusions without any special power of attorney being required.

No person may be entered as a member of the Bar of the Mixed Court unless he fulfils the conditions, as regards qualifications, &c., required in the case of advocates under the laws of the Powers signatories of the Act of Algeciras or unless he is entitled to plead at a Court of one of these Powers, and is, moreover, unanimously selected by the titular members in a full meeting.

Advocates who are regular members of the Bar or are entitled to plead at a Court of one of the Powers signatories of the Act of Algeciras shall be admitted by the full meeting to plead at the Mixed Court and its Sections: They may not, however, carry out written Acts of Procedure as the agents of their clients.

The duties and professional etiquette of advocates at the Mixed Court of Tangier shall be defined in a Regulation drawn up by the titular members at a full meeting.

#### ARTICLE 17.

The languages of the Courts shall be French and Spanish, and the judgments and Acts of the Clerk's Office shall be drafted or made out in one or other of these languages—at the choice of the magistrates in the case of judgments, and at the choice of the Chief Clerk in the case of Acts of the Clerk's Office, each party being also entitled to employ French or Spanish in drawing up his requests and documents relating to procedure.

Notices and summonses in French or Spanish shall be valid, even though the party on whom they are served declares that he is unacquainted with the language in which they are prepared. But the party in question shall have the right to request the Clerk's Office to have these writs and summonses translated by an expert at his expense.

Pleadings shall be in Spanish or in French unless the President authorises the use of another language.

#### ARTICLE 18.

Justice shall be administered by the Mixed Court at Tangier and its Sections in the name of Our Shereefian Majesty.

#### ARTICLE 19.

The Mixed Court of Tangier shall apply the codes and laws specially promulgated for the Zone.

#### ARTICLE 20.

In view of the international character of the Mixed Court of Tangier, the decisions of the Courts of the Powers signatories of the Act of Algeciras shall be executory without further formality in the Tangier Zone in the case of persons justiciable by the Mixed Court.

The titular members in a full meeting shall fix the conditions for verifying and determining the authenticity and regularity of judgments according to the laws of the country in which they were given.

ARTICLE 21.

In addition to the special duties imposed upon it under the previous provisions of the present Dahir, it shall be the duty of a full meeting of the titular members to take all necessary decisions for regulating the following matters:—

1. Order and duration of leave of absence granted to titular magistrates, such leave of absence, however, not to exceed two and a half months per annum in any one case, including the time spent in travelling.
2. Opening and closing of the Clerk's Office; days and hours of the sittings of each Court.
3. The choice of robes and insignia to be worn by the magistrates at a session of the Court or on other official occasions.
4. The appointment of labourers, chaouchs and door-keepers, and the fixing of their wages; the purchase of office supplies, law books and periodicals within the limits of the funds provided.
5. Any other matters connected with the internal organisation of the Mixed Court or any other matters of an internal nature.

ARTICLE 22.

The salary of the six titular magistrates of the Mixed Court shall be 30,000 Moroccan francs. The magistrates shall receive an additional annual allowance of 6,000 francs as house allowance.

(Signed) BEAUMARCHAIS.  
(Signed) ARNOLD ROBERTSON.  
(Signed) G. H. VILLIERS.  
(Signed) MAURICIO LOPEZ ROBERTS,  
MARQUIS DE LA TORREHERMOSA.  
(Signed) M. AGUIRRE DE CARCER.