

ABOLITION OF CAPITULATIONS IN EGYPT

*Convention, with annex and protocol, signed at Montreux, Switzerland,
May 8, 1937; related papers*

Senate advice and consent to ratification June 13, 1938

Ratified by the President of the United States July 5, 1938

Ratification of the United States deposited at Cairo August 29, 1938

*Entered into force October 15, 1937; for the United States August 29,
1938*

Proclaimed by the President of the United States September 19, 1938

*Transition period under convention terminated October 14, 1949, in
accordance with terms of article 3*

53 Stat. 1645; Treaty Series 939

CONVENTION REGARDING THE ABOLITION OF THE CAPITULATIONS IN EGYPT SIGNED AT MONTREUX, ON MAY 8TH, 1937

His Majesty the King of Egypt, of the one part, and

The President of the United States of America; His Majesty the King of the Belgians; His Majesty the King of Great Britain, Ireland and the British Dominions Beyond the Seas, Emperor of India; His Majesty the King of Denmark; the President of the Spanish Republic; the President of the French Republic; His Majesty the King of the Hellenes; His Majesty the King of Italy, Emperor of Ethiopia; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; the President of the Portuguese Republic; His Majesty the King of Sweden, of the other part;

Whereas the régime of Capitulations hitherto in force in Egypt is no longer in harmony with the new situation to which that country has attained through the progress of its institutions and whereas it should in consequence be brought to an end;

Considering that, following upon the abolition by common agreement of the said régime, there should be established between them relations based on respect for the independence and sovereignty of States and on ordinary international law;

Prompted by the sincere desire to facilitate the most extensive and friendly co-operation between them;

Have decided to conclude a Convention for that purpose and have appointed as their Plenipotentiaries:

The President of the United States of America:

Mr. Bert Fish, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Cairo;

His Majesty the King of the Belgians:

M. Pierre Forthomme, Grand Cross of the Order of the Crown, Grand Officer of the Order of Leopold, former Minister, Envoy Extraordinary and Minister Plenipotentiary;

His Majesty the King of Great Britain, Ireland and the British Dominions Beyond the Seas, Emperor of India:

For Great Britain and Northern Ireland:

Captain the Right Honourable David Euan Wallace, M.C., M.P., a Parliamentary Under-Secretary of State for Foreign Affairs, a Parliamentary Secretary to the Board of Trade, Secretary of the Department of Overseas Trade;

Mr. David Victor Kelly, C.M.G., M.C., Counsellor in His Britannic Majesty's Embassy at Cairo;

Mr. William Eric Beckett, C.M.G., Second Legal Adviser to the Foreign Office;

For the Commonwealth of Australia:

Captain the Right Honourable David Euan Wallace, M.C., M.P.;

For the Dominion of New Zealand:

Captain the Right Honourable David Euan Wallace, M.C., M.P.;

For the Union of South Africa:

Dr. Stefanus François Naudé Gie, Minister of the Union of South Africa in Berlin;

Mr. Harry Thomson Andrews, Permanent Delegate to the League of Nations;

For the Irish Free State:

Mr. Francis T. Cremins, Permanent Delegate to the League of Nations;

For India:

Captain the Right Honourable David Euan Wallace, M.C., M.P.;

His Majesty the King of Denmark:

M. Niels Peter Arnstedt, Envoy Extraordinary and Minister Plenipotentiary at Cairo;

M. Niels Vihelm Boeg, Member of the Court of Appeal at Copenhagen, former Judge of the mixed Tribunals in Egypt, former President of the Mixed Greco-Turkish Arbitration Tribunal;

His Majesty the King of Egypt:

Mustapha El-Nahas Pasha, President of the Council of Ministers, Minister of the Interior and of Public Health;
 Dr. Ahmed Maher, President of the Chamber of Deputies;
 Wacyf Boutros Ghali Pasha, Minister for Foreign Affairs;
 Makram Ebeid Pasha, Minister of Finance;
 Abdel Hamid Badaoui Pasha, President of the *Comité du Contentieux de l'Etat*;

The President of the Spanish Republic:

M. Antonio Fabra Ribas, Envoy Extraordinary and Minister Plenipotentiary at Berne;
 M. Mariano Gomez, President of the Supreme Court of Justice; former Rector of the University of Valencia;

The President of the French Republic:

M. François de Tesson, Deputy, Under-Secretary of State in the Department of the President of the Council;
 M. Max Hymans, Deputy, former President of the Commission for Customs and Commercial Conventions;

His Majesty the King of the Hellenes:

M. Nicolas Politis, Envoy Extraordinary and Minister Plenipotentiary of Greece in Paris, former Minister for Foreign Affairs;
 M. Georges Roussos, Envoy Extraordinary and Minister Plenipotentiary, former Minister for Foreign Affairs;
 M. Constantin Vryakos, Envoy Extraordinary and Minister Plenipotentiary, former Minister of Justice;
 M. Constantin Sakellariopoulo, Envoy Extraordinary and Minister Plenipotentiary, Director of Political Affairs in the Ministry of Foreign Affairs;

His Majesty the King of Italy, Emperor of Ethiopia:

Count Luigi Aldrovandi Marescotti di Vianò, Ambassador of His Majesty the King of Italy, Emperor of Ethiopia;
 M. Salvatore Messina, President of Section in the Court of Cassation;
 M. Piero Parini, Minister Plenipotentiary, Director-General of Italians abroad;
 M. Pellegrino Ghigi, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Italy, Emperor of Ethiopia, at Cairo;

His Majesty the King of Norway:

M. Michaël Hansson, former President of the Egyptian Mixed Court of Appeal, Norwegian Member of the Permanent Court of Arbitration at The Hague, President of the Nansen International Office for Refugees;

Her Majesty the Queen of the Netherlands:

M. W. C. Beucker Andreae, Head of the Directorate of Legal Affairs in the Ministry of Foreign Affairs;

M. le Chevalier J. J. B. Bosch de Rosenthal, Chargé d'Affaires of the Netherlands at Cairo;

Count W. F. L. de Bylandt, Counsellor in the Netherlands Legation in Paris;

The President of the Portuguese Republic:

Dr. J. Gaeiro Da Matta, former Minister for Foreign Affairs, Professor and Rector of the University of Lisbon;

His Majesty the King of Sweden:

M. K. K. F. Malmar, Director of the Legal Division of the Ministry of Foreign Affairs;

Who, having deposited their full powers, found in good and due form, have agreed on the following provisions:

ARTICLE 1

The High Contracting Parties declare that they agree, each in so far as he is concerned, to the complete abolition in all respects of Capitulations in Egypt.

ARTICLE 2¹

Subject to the application of the principles of international law, foreigners shall be subject to Egyptian legislation in criminal, civil, commercial, administrative, fiscal and other matters.

It is understood that the legislation to which foreigners will be subject will not be inconsistent with the principles generally adopted in modern legislation and will not, with particular relation to legislation of a fiscal nature, entail any discrimination against foreigners or against companies incorporated in accordance with Egyptian law wherein foreigners are substantially interested.

The immediately preceding paragraph, in so far as it does not constitute a recognised rule of international law, shall apply only during the transition period.

ARTICLE 3

The Mixed Court of Appeal and the Mixed Tribunals now existing shall be maintained until October 14th, 1949.

As from October 15th, 1937, they shall be governed by an Egyptian law establishing the *Règlement d'organisation judiciaire* the text of which is annexed to the present Convention.

On the date mentioned in paragraph 1 above, all cases pending before the Mixed Tribunals shall be remitted, at the stage which they have then reached

¹ For a multilateral understanding relating to art. 2, para. 2, see p. 431; for an Egyptian declaration, see p. 438.

and without involving the parties in the payment of any fees, to the National Tribunals to be continued therein until they are finally disposed of.

The period from October 15th, 1937 to October 14th, 1949 shall be known as "the transition period".

ARTICLE 4

The judges, officials and staff of the Mixed Tribunals and of the Mixed Parquet, who are employed there on October 14th, 1937 shall be retained in office.

ARTICLE 5

The rules to be applied by the Egyptian National Courts in regard to third party actions shall be the same as those prescribed for the Mixed Tribunals in Article 37 of the *Règlement d'organisation judiciaire mixte*.

ARTICLE 6²

The National Courts shall also have jurisdiction in respect of the prosecution of persons of any nationality, accused as principals or accomplices of any of the crimes and misdemeanours referred to in Article 45 of the *Règlement d'organisation judiciaire mixte* involving judges and judicial officials of those courts or their judgments or orders or of bankruptcy offences where the bankruptcy proceedings have taken place before the said courts.

ARTICLE 7

A change in the nationality of one of the parties in the course of proceedings before the National Courts shall not affect the competence of the Court before which the proceedings have been brought.

ARTICLE 8

Subject to the provisions of Article 9, no civil or commercial action, no action in matters of personal status and no criminal cause shall be instituted before any Consular Court in Egypt after October 15th, 1937.

Proceedings already brought prior to the above date in any such courts shall be continued before them until finally disposed of, unless they are remitted to the Mixed Tribunals under the conditions specified in Article 53 of the *Règlement d'organisation judiciaire*.

ARTICLE 9

Any of the High Contracting Parties who possess at present Consular Courts in Egypt, may retain such courts for the purposes of jurisdiction in

² For an understanding relating to art. 6, para. 1, see p. 431

matters of personal status in all cases in which the law applicable is the national law of the High Contracting Party concerned.

Any such High Contracting Party who desires to exercise the above right shall notify the Royal Egyptian Government to this effect at the time of the deposit of his instrument of ratification of the present Convention.³

At any time during the transition period any High Contracting Party may make a declaration renouncing his consular jurisdiction.⁴ Such declaration shall take effect as from October 15th following the date on which it is made. No new proceeding shall be entertained after the date on which a renunciation of jurisdiction takes effect, but any proceeding already instituted may be continued until finally disposed of.

No Consular Court shall be maintained after October 14th, 1949. On that date all proceedings pending before the said Consular Courts shall be remitted to the National Tribunals at the stage they have then reached.

ARTICLE 10

In matters of personal status, the jurisdiction which is competent shall be determined by the law to be applied.

The expression "personal status" refers to the matters specified in Article 28 of the *Règlement d'organisation judiciaire mixte*.

The law to be applied shall be ascertained in conformity with the rules set out in Articles 29 and 30 of the said *Règlement*.

ARTICLE 11

Without prejudice to the exceptions recognised by international law, foreign consuls shall be subject to the jurisdiction of the Mixed Tribunals. In particular, they may not be prosecuted in respect of acts performed by them in the performance of their official duties.

Subject to reciprocity, they shall exercise the powers customarily granted to consuls as regards registration in matters of personal status, as regards contracts of marriage and other notarial acts, inheritance, the representation before the Courts of the interests of their absent nationals and maritime navigation, and shall enjoy personal immunity.

Until Consular Conventions are concluded, and in any case during a period of three years as from the date of the signature of the present Convention, consuls shall continue to enjoy the immunities which they possess at present in respect of consular premises and in the matter of taxes, customs duties and other public dues.

³ For text of procès-verbal of deposit of U.S. ratification; see p. 452; for U.S. notification to Egypt, see p. 452.

⁴ For text of a proclamation by President Franklin D. Roosevelt Oct. 9, 1937, see p. 453.

ARTICLE 12

The High Contracting Parties undertake to maintain in Egypt, during the transition period, all the judicial records of their Consular Courts.

These records shall be open for inspection by the Courts in Egypt whenever such inspection is required in connection with a case coming within their jurisdiction; certified copies of such records shall be furnished upon the request of any such court.

ARTICLE 13

Any dispute between the High Contracting Parties relating to the interpretation or application of the provisions of the present Convention, which they are unable to settle by diplomatic means, shall, on the application of one of the Parties to the dispute, be submitted to the Permanent Court of International Justice.

If, however, there is at present in force between any of the High Contracting Parties and His Majesty the King of Egypt a treaty of arbitration providing for another tribunal, this tribunal shall, for the duration of this Convention, be substituted for the Permanent Court of International Justice for the purposes of this Article, even though such treaty of arbitration may have ceased to exist for other purposes.

ARTICLE 14

The present Convention, with the exception of the annex referred to in Article 3, has been drawn up in a single copy in the English and French languages. Both texts shall be equally authentic for the purposes of its interpretation.

In the case of the annex aforesaid the French text alone shall be authentic.

ARTICLE 15

The present Convention shall be ratified and the instruments of ratification shall be deposited as soon as possible at Cairo. The Royal Egyptian Government shall undertake the registration of the Convention with the Secretariat of the League of Nations.

The Royal Egyptian Government shall inform the Governments of the High Contracting Parties and the Secretary-General of the League of Nations of the deposit of each ratification.

The present Convention shall come into force on October 15th, 1937 if three instruments of ratification have been deposited. It shall not however come into force in respect of the other signatories before the date of the deposit of their respective instruments of ratification.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Convention.

Done at Montreux, on the eighth day of May, one thousand nine hundred and thirty-seven, in a single copy, bearing the seals of the Plenipotentiaries, which shall be deposited in the archives of the Royal Egyptian Government and of which certified true copies shall be delivered to the Governments of the signatory Powers.

[For the United States:] BERT FISH	[SEAL]	MAKRAM EBEID A. BADAOUTI	[SEAL] [SEAL]
[For Belgium:] P. FORTHOMME	[SEAL]	[For Spain:] A. FABRA RIBAS MARIANO GOMEZ	[SEAL] [SEAL]
[For the United Kingdom:] DAVID EUAN WALLACE DAVID VICTOR KELLY WILLIAM ERIC BECKETT	[SEAL] [SEAL] [SEAL]	[For the French Republic] F. DE TESSAN HYMANS	[SEAL] [SEAL]
[For Australia:] DAVID EUAN WALLACE	[SEAL]	[For Greece:] N. POLITIS G. ROUSSOS C. VRYAKOS C. M. SAKELLAROPOULO	[SEAL] [SEAL] [SEAL] [SEAL]
[For New Zealand:] DAVID EUAN WALLACE	[SEAL]	[For Italy:] L. ALDROVANDI SALVATORE MESSINA PIERO PARINI GHIGI	[SEAL] [SEAL] [SEAL] [SEAL]
[For the Union of South Africa:] S. F. N. GIE H. T. ANDREWS	[SEAL] [SEAL]	[For Norway:] MICHAËL HANSSON	[SEAL]
[For the Irish Free State:] F. T. CREMINS	[SEAL]	[For the Netherlands:] W. C. BEUCKER ANDREAE J. BOSCH DE ROSENTHAL W. DE BYLANDT	[SEAL] [SEAL] [SEAL]
[For India:] DAVID EUAN WALLACE	[SEAL]	[For Portugal:] J. CAEIRO DA MATTA	[SEAL]
[For Denmark:] N. P. ARNSTEDT N. V. BOEG	[SEAL] [SEAL]	[For Sweden:] MALMAR	[SEAL]
[For Egypt:] MOUSTAPHA EL-NAHAS A. MAHER WACYF BOUTROS GHALI	[SEAL] [SEAL] [SEAL]		

ANNEX

[TRANSLATION]

*Regulations of the Judicial Organisation*⁵

I. ORGANISATION AND COMPOSITION

ARTICLE 1

The Mixed Court of Appeal at Alexandria and the three Mixed Tribunals of first instance at Cairo, Alexandria, and Mansurah shall be maintained with their existing territorial areas of jurisdiction.

These areas of jurisdiction may be altered by decree after consultation with the Court.

⁵ For an Egyptian declaration regarding the regulations, see p. 437.

ARTICLE 2

The Court of Appeal shall be composed of 18 judges, 11 of whom shall be foreigners. Should occasion arise, two judges, of whom one must be a foreigner, may be appointed in addition to that number. Vacancies occurring among the foreign judges of the Court of Appeal shall be filled by the promotion of foreign judges of the Tribunals of first instance.

ARTICLE 3

The Tribunals at Cairo, Alexandria and Mansurah shall, on October 15th, 1937, be composed of 61 judges, of whom 40 shall be foreigners.

As vacancies occur among the foreign judges of first instance as a result of retirement, death, resignation or promotion, such judges shall be replaced by Egyptian judges.

Nevertheless, the number of foreign judges in the Tribunals of first instance shall not be less than one-third of the total number of judges of the said Tribunals.

ARTICLE 4

No distinction based on the nationality of judges shall be made either in the matter of the composition of the Chambers or in that of appointments to the various posts in the judicial organisation, including the presidency of Tribunals and Chambers.

The President of the Court of Appeal shall be of foreign nationality, and the Vice-President of Egyptian nationality.

Should the President of a Tribunal be of Egyptian nationality, the Vice-President shall be of foreign nationality, and *vice versa*.

ARTICLE 5

The judgments of the Court of Appeal shall be given by five judges. Nevertheless, the law may prescribe that three judges shall compose Chambers to decide matters which are in first instance within the competence of a judge sitting alone.

The Assize Court shall consist of five judges, of whom three shall be Judges of the Court of Appeal.

The judgments of Tribunals of first instance, both in civil and criminal matters, shall be given by three judges.

In commercial matters, the three judges may, in virtue of a law, be assisted by two assessors in a consultative capacity.

In interlocutory matters, in civil cases of a summary nature, and for petty offences, judgments shall be given by a judge sitting alone.

ARTICLE 6

Judges shall be appointed by decree.

They shall be irremovable.

The age at which magistrates may be required to retire shall be 65 years for judges of first instance and 70 years for judges of the Court of Appeal.

Judges shall not be transferred from one Tribunal to another, nor shall they be promoted except in conformity with the recommendation of the General Assembly of the Court of Appeal.

ARTICLE 7

The Presidents and Vice-Presidents of the Court of Appeal and of the Tribunals shall be appointed for one year, by decree, on the nomination of the General Assembly of the Court by an absolute majority of votes. In the case of Tribunals of first instance, nominations shall be made from an alphabetical list drawn up by the General Assembly of each Tribunal and comprising three candidates at Alexandria and at Cairo and two candidates at Mansurah.

The Presidents of the Chambers of the Court of Appeal shall be nominated annually by the General Assembly of the Court.

The Presidents of the Chambers of each Tribunal shall be nominated annually by the General Assembly of the Court on the recommendation of the General Assembly of the Tribunal.

ARTICLE 8

The salaries of judges are fixed by law.

ARTICLE 9

Judges are debarred from engaging in business and from occupying any salaried position.

ARTICLE 10

Discipline over judges shall be exercised exclusively by the Court of Appeal. The General Judicial Regulations shall determine the disciplinary measures and the procedure to be followed in this matter.

ARTICLE 11

Proceedings shall be public, except in cases where the court by reasoned decision orders the hearing to be held *in camera* in the interests of morality or public order.

The accused shall be free to defend himself against the charge.

ARTICLE 12

The judicial languages employed in the Mixed Tribunals for the conduct of cases and for the drafting of official documents and judgments shall be: Arabic, English, French and Italian.

The operative part of judgments shall be pronounced in two of the judicial languages, of which one must be Arabic. After the pronouncement, judgments drawn up in a foreign language shall be translated in their entirety into Arabic and those drawn up in Arabic shall be translated in their entirety into a foreign language.

In the event of divergence between the original text and the translation, the former shall be authentic.

ARTICLE 13

Subject to the exceptions provided for by the Codes, laws or regulations, parties shall be represented at law only by persons authorised to practise as barristers in the Mixed Tribunals. The General Judicial Regulations determine the organisation of the Bar and the conditions for the exercise of discipline over barristers.

ARTICLE 14

The auxiliary staff of the Court of Appeal and of the Tribunals shall include: clerks of the courts, assistant clerks, interpreters, bailiffs and other agents.

The General Judicial Regulations determine the conditions for the exercise of discipline over the above-mentioned staff.

ARTICLE 15

Judgments shall be executed on the order of the court by its bailiffs, with the assistance of the administrative authorities when such assistance is requested.

II. THE PARQUET

ARTICLE 16

The Parquet of the Mixed Tribunals shall exercise the powers specified hereinafter together with those conferred upon it by law.

It shall be directed by a Procurator General of foreign nationality.

ARTICLE 17

The Procurator General shall be assisted by a First Advocate General of Egyptian nationality and by a Second Advocate General of foreign nationality.

Should the Procurator General be absent or otherwise prevented from discharging his duties, he shall be replaced in civil matters and for the purposes of administration by the First Advocate General and in criminal matters by the Second Advocate General.

The Procurator General shall, in addition, have under his direction an adequate number of deputies.

ARTICLE 18

The members of the Parquet shall be appointed by decree. They shall be removable and responsible only to their administrative chiefs and, ultimately, to the Minister of Justice.

ARTICLE 19

The "Ministère public," in the person of the Procurator General, one of the Advocates General or a deputy, may sit in all the Chambers and in all the General Assemblies of the Court and of the Tribunals.

ARTICLE 20

In criminal matters, the Parquet shall conduct public prosecutions. It shall control the judicial police in all cases falling within the jurisdiction of the Mixed Tribunals.

Officials recognised by law as being members of the judicial police shall, as such, be under the orders of the Parquet.

ARTICLE 21

The Procurator General shall be called upon to give his opinion on the application to any foreigner of the provisions of the Criminal Code and of the "Code d'Instruction criminelle" concerning total or partial remission or commutation of any penalty and the execution of death sentences.

ARTICLE 22

The Procurator General shall supervise prisons and penitentiaries in which foreigners are detained. He shall, in addition, have free access at all times to any other place wherein a foreigner may be detained.

He shall notify the Minister of Justice of all irregularities of which he becomes aware, and shall make to him any other communications called for in the exercise of the supervision for which he is responsible.

ARTICLE 23

The "Ministère public" shall intervene in all matters involving questions of personal status or nationality. It may furthermore intervene in matters concerning minors or persons under an incapacity, and also in all other cases specified in the Code of Civil Procedure.

It shall further be empowered to order and to have carried out any measures which it may consider proper to safeguard the interests of minors or of persons under an incapacity.

ARTICLE 24

The Parquet shall supervise the administration of judicial funds and the special deposit and consignment fund.

It shall also supervise the clerks of the court and the bailiffs, who shall be under the exclusive control of the Presidents of the Court and Tribunals.

III. COMPETENCE

ARTICLE 25 ⁶

For the purposes of determining the competence of the Mixed Tribunals, the word "foreigners" shall be taken to mean nationals of the High Contracting Parties to the Montreux Convention concerning the Abolition of Capitulations in Egypt, together with nationals of any other State that may be specified by decree.

No Egyptian national may avail himself of the protection of a foreign Power.

Nationals of Syria and of the Lebanon and also those of Palestine and Trans-Jordan shall come within the competence of the National jurisdiction as regards both civil and criminal matters.

Foreign nationals (citizens, subjects and protected persons) belonging to religions, confessions or sects for which there exist Egyptian Tribunals dealing with matters of personal status, shall continue to have their cases heard by the said Tribunals in such matters under the same conditions as in the past.

The nationals specified above shall, moreover, have the right to opt between the Mixed jurisdiction and the National jurisdiction in civil and commercial matters. When one of the said nationals is summoned in respect of either of the said matters before a National Tribunal, in a case in connection with which he has not previously accepted the competence of the National jurisdiction, he shall, if he wishes to challenge the competence of the Tribunal before which the case is brought, do so by registered letter or by service of a writ, or at the latest at the first hearing, failing which the Tribunal shall be competent.

(A) *Competence in Civil and Commercial Matters*

ARTICLE 26 ⁷

The Mixed Tribunals shall take cognizance of all civil and commercial suits between foreigners or between foreigners and parties subject to the jurisdiction of the National Courts.

Nevertheless, the National Tribunals shall be competent in the aforesaid matters in respect of any foreigner who agrees to submit himself to their jurisdiction.

Such submission may result from a clause attributing competence or from the fact (1) that the foreigner has himself initiated the proceedings before

⁶ For an Egyptian declaration relating to art. 25, para. 1, see p. 437.

⁷ For an Egyptian declaration relating to art. 26, see p. 439.

the National Courts; or (2) that he has not challenged the competence of the said courts before the pronouncement of a judicial decision in proceedings wherein he has appeared as defendant or as an intervening party.

Submission to the jurisdiction of a court of first instance entails submission to the jurisdiction of superior courts of the same category.

ARTICLE 27

The Mixed Tribunals shall also take cognizance of suits and matters relating to personal status in cases wherein the law to be applied according to the terms of Article 29 is a foreign law.

ARTICLE 28

Personal status comprises: suits and matters relating to the status and capacity of persons, legal relations between members of a family, more particularly betrothal, marriage, the reciprocal rights and duties of husband and wife, dowry and their rights of property during marriage, divorce, repudiation, separation, legitimacy, recognition and repudiation of paternity, the relation between ascendants and descendants, the duty of support as between relatives by blood or marriage, legitimation, adoption, guardianship, curatorship, interdiction, emancipation, and also gifts, inheritance, wills and other dispositions *mortis causa*, absence and the presumption of death.

ARTICLE 29

The status and capacity of persons shall be governed by their national laws.

The fundamental conditions of the validity of marriage shall be governed by the national law of each of the parties thereto.

In matters concerning relations between the husband and wife, including separation, divorce and repudiation and the effects thereof upon their property, the law to be applied shall be the national law of the husband at the time of the celebration of the marriage.

Reciprocal rights and duties as between parents and children shall be governed by the national law of the father.

The duty of maintenance shall be governed by the national law of the party against whom the claim is made.

Matters relating to filiation, legitimation, and the recognition and repudiation of paternity shall be governed by the national law of the father.

Questions relating to the validity of adoption shall be governed by the national law of the adopting party as well as by that of the adopted person. The effects of adoption shall be governed by the national law of the adopting party.

Guardianship, curatorship and emancipation shall be governed by the national law of the person under the incapacity.

Inheritance and wills shall be governed by the national law of the deceased or of the testator.

Gifts shall be governed by the national law of the donor at the time of the gift.

The rules of the present article shall not affect provisions relating to the legal position of immovable property in Egypt.

ARTICLE 30

Should the nationality of a person be unknown, or should he simultaneously possess, under the laws of several foreign States, the nationality of each of them, the judge shall decide what law shall be applied.

Should a person simultaneously possess the nationality of Egypt under Egyptian law and of one or more foreign States under the law of the State or States concerned, the law to be applied shall be the Egyptian law.

ARTICLE 31

The term "national law" shall be understood to mean the municipal law of the country in question to the exclusion of the provisions of private international law.

ARTICLE 32

Rules of procedure prescribed by a foreign law shall not apply in so far as they are incompatible with Egyptian rules of procedure.

ARTICLE 33

Subject to the provisions of Articles 34, 35, 36 and 37, the competence of the Mixed Tribunals shall be determined solely by the nationality of the parties directly concerned, without regard to any mixed interests which may be indirectly concerned.

ARTICLE 34

Companies of Egyptian nationality already incorporated, in which there are substantial foreign interests shall, in their suits with persons subject to the jurisdiction of the National Tribunals, be subject to the jurisdiction of the Mixed Tribunals unless the terms of their incorporation contain a clause attributing competence to the National Tribunals, or unless they have accepted the jurisdiction of the said courts in accordance with Article 26.

ARTICLE 35

The Mixed Tribunals shall similarly be competent in matters arising out of the bankruptcy of a person subject to the jurisdiction of the National Tribunals if one of the creditors party to the proceedings is a foreigner.

ARTICLE 36

The creation of a charge in favor of a foreigner over immovable property, whoever may be the person in possession or the owner thereof, renders the

Mixed Tribunals *ipso facto* competent to determine the validity of the charge and all its consequences up to and including the forced sale of the said property and also the distribution of the monies realised thereby.

ARTICLE 37

The Mixed Tribunals shall not take cognizance of an action not in itself falling within their competence, even if it arises as subsidiary to an action already constituted before them. Nevertheless, they shall take cognizance of the said subsidiary action when the jurisdiction before which it has been brought, decides in the interests of justice, to remit it to be pleaded before them.

The Mixed Tribunals may, if they consider that the interests of justice so require, remit to be pleaded before the National Courts an action instituted before them, which is subsidiary to a principal action already instituted before the said National Courts.

ARTICLE 38

Suits by foreigners against a Wakf involving a claim to the ownership of immovable property of the said Wakf shall not be submitted to the Mixed Tribunals. Nevertheless, the said Tribunals shall be competent to give judgment on claims brought in respect of legal possession, whoever may be plaintiff or defendant.

Furthermore, suits directly or indirectly concerning the constitution of a Wakf or the validity, interpretation or application of its clauses, or the appointment or removal of the Nazir shall not come within the competence of the Mixed Tribunals.

The Mixed Tribunals may, nevertheless, declare void as against creditors the constitution of property as a Wakf in fraud of the rights of such creditors.

ARTICLE 39

When, in the course of proceedings, an issue is raised concerning the personal status of a party coming in that respect within the jurisdiction of some other court, the Mixed Tribunals shall, if they consider it necessary to secure a preliminary decision upon that issue, suspend judgment on the main issue and prescribe a time limit within which the party against whom the interlocutory plea has been raised must have the matter finally decided by the competent court. If such a preliminary decision is not considered necessary, they shall proceed to give a decision on the main issue.

ARTICLE 40

The cession of a right to a foreigner, the citing of a foreigner as third party, or a fictitious assignment to a foreigner shall not render the Mixed Tribunals competent to decide suits coming within the competence of the National Courts if the object of the said cession, citation as third party or

fictitious assignment is to remove such litigation from the cognizance of the National Tribunals.

Any cession of a right to a foreigner agreed to during the course of the proceedings shall be presumed to have been made with the above object. The Court may, however, in exceptional cases, admit proof to the contrary.

Subject to the provisions of the preceding paragraph, the competence of the Mixed Tribunals cannot be challenged on the ground that the assignment is fictitious where the assignment is made by means of the endorsement of a negotiable instrument.

The irregular endorsement of a negotiable instrument to a foreigner, or its endorsement to a foreigner for purposes of collection, shall not give competence to the Mixed Tribunals in the case of suits that are within the competence of the National Courts.

ARTICLE 41

Should the litigant whose foreign character gave competence to the Mixed Tribunals cease before the close of the hearing to be a party to the proceedings, the said Tribunals shall, on objection being raised by one of the parties, cease to have competence in the matter, which shall be transferred as it stands to the National Courts.

ARTICLE 42

A change in the nationality of one of the parties during the course of the proceedings shall have no effect on the competence of the court before which a case has been properly brought.

ARTICLE 43

The Mixed Tribunals may not directly or indirectly pass judgment on acts of sovereignty. They may not give decisions on the validity of the application of Egyptian laws or regulations to foreigners.

Furthermore, they may not give decisions on the ownership of public property.

Nevertheless, though they may not interpret an administrative act or arrest the execution thereof, they shall be competent to hear (1) all civil and commercial actions between foreigners and the State concerning movable or immovable property; (2) civil actions brought by foreigners against the State in respect of administrative measures taken in violation of laws or regulations.

(B) *Criminal Competence*

ARTICLE 44

The Mixed Tribunals shall hear all prosecutions of foreigners in respect of acts punishable by law.

ARTICLE 45

The Mixed Tribunals shall further hear all prosecutions against principal offenders or their accomplices, of whatever nationality, in respect of the following crimes and misdemeanors:

- (1) crimes and misdemeanors committed directly against judges and judicial officers of the Mixed Tribunals in the performance, or in connection with the performance, of their duties;
- (2) crimes and misdemeanors committed directly to hinder the execution of judgments and warrants of the Mixed Tribunals;
- (3) crimes and misdemeanors alleged against judges and judicial officers if they are accused of having committed them in the performance of their duties or in abuse of their powers;
- (4) bankruptcy offences, whether crimes or misdemeanors with or without fraud, where the bankruptcy proceedings are before the Mixed Tribunals.

The term judicial officers in paragraphs (1) and (3) above shall comprise: clerks of the Court, sworn assistant clerks, interpreters attached to the Tribunal, and the official bailiffs, but not persons incidentally entrusted, by delegation from the Tribunal, with the service or execution of writs or warrants.

ARTICLE 46

In criminal matters the police courts shall deal with offences defined as contraventions by law and misdemeanors carrying a penalty of not more than three months' imprisonment.

The correctional courts shall deal with offences defined as misdemeanors by law other than those referred to in the preceding paragraph, and shall hear appeals against decisions given by the police courts.

The assize courts shall deal with offences defined as crimes by law.

ARTICLE 47

Arrests and domiciliary searches of foreigners, except in cases of "*flagrant délit*" or a call for help from within the dwelling-house shall be carried out by, or in the presence of, a member of the Mixed Parquet or an officer of the judicial police to whom such functions have been delegated by the Mixed Parquet

ARTICLE 48

In criminal matters, if the Parquet considers there are grounds for prosecution, it must refer the case to the investigating magistrate.

In correctional matters also, the Parquet shall refer the case to the investigating magistrate unless it decides that the information received on summary enquiry is sufficient for the case to be brought to trial. In such a case, if the accused has been heard, or if his absence or the impossibility of finding

his residence has been duly established, the Parquet may summon him directly before the Tribunal.

Nevertheless, at the request of the accused or of the Parquet, or without being moved thereto, the tribunal may declare the summons to be annulled and order the case to be referred to the investigating magistrate.

ARTICLE 49

The detention of any foreigner shall at once be notified to the Parquet. The Parquet is bound within the time specified in the Code d'Instruction criminelle and, at longest, within four days either to order the release of the person detained or to send him before the investigating magistrate.

Any foreigner who is detained pending trial shall have the right to inform his Consul and his lawyer of his detention through the intermediary of the Parquet.

The Consul and the lawyer of the detained person may visit him in prison under conditions approved by the Parquet.

ARTICLE 50

Except in cases of urgency, if the accused has no defending counsel one shall be appointed for him, if he so requests, at the time of his interrogation, failing which the proceedings shall be void.

A defending counsel shall further be officially appointed within a reasonable time before the hearing of the case to every accused person committed for trial before the Assize Court.

IV. GENERAL AND TRANSITORY PROVISIONS

ARTICLE 51

The Mixed Tribunals shall administer justice in Our Name.

ARTICLE 52

Where the law is silent, insufficient or obscure, the judge shall act in conformity with the principles of natural law and with the rules of equity.

ARTICLE 53

Actions begun prior to October 15th, 1937, before a Consular jurisdiction shall be continued before that jurisdiction until a final judgment has been given.

The same shall apply to actions which have been begun prior to that date before the Mixed Tribunals and which, by virtue of the present law, would come within the competence of the National Tribunals.

In civil matters, actions referred to in the two paragraphs above may, on the request of the parties thereto and with the consent of all persons having

an interest therein, be referred at the stage which they have reached to the courts which are competent according to the provisions of the preceding Articles in order that they may be continued and decided therein.

In criminal matters also, Consular jurisdictions may refer cases begun prior to October 15th, 1937, to the Mixed Tribunals.

ARTICLE 54

Judgments and orders of the Consular Courts shall continue to have the force of *res judicata* and shall, when necessary, be executed through the agency of the Mixed Tribunals.

ARTICLE 55

Prescriptions and foreclosures which were applicable in cases when within the competence of the Consular Courts shall continue to apply when they come before the Mixed Tribunals.

ARTICLE 56

Notwithstanding the provisions of Article 27, the Mixed Tribunals shall not have competence in matters of personal status where the law applicable in accordance with the provisions of Article 29 is that of a High Contracting Party to the Convention regarding the abolition of the Capitulations in Egypt, which, in accordance with Article 9 of that Convention, has reserved jurisdiction in personal status for its Consular Courts and that reservation has not been withdrawn.

ARTICLE 57

The provisions of the existing General Judicial Regulations shall remain in force in so far as they are not abrogated or modified by the preceding provisions.

No modification of the said Regulations proposed by the General Assembly of the Court shall take effect until promulgated by decree on the proposal of the Minister of Justice.

ARTICLE 58

The present *Règlement d'organisation judiciaire pour les procès mixtes en Égypte* and any provisions contrary to the present law are hereby abrogated.

PROTOCOL

On signing the Convention regarding the abolition of the Capitulations in Egypt bearing this day's date,

The undersigned plenipotentiaries,

Being desirous of determining exactly some of the provisions of the Convention and of its Annex,

Have agreed as follows:

I

It is understood that the provisions of Article 2, paragraph 2, of the Convention relating to the non-discrimination rule and applicable during the transition period must be interpreted in the light of international practice relating to undertakings of that nature between countries enjoying legislative sovereignty.

II

With reference to Article 6, paragraph 1, of the *Règlement d'organisation judiciaire*, it is understood that the selection of foreign judges is a matter for the Royal Egyptian Government, but that, in order to satisfy itself regarding the suitability of the persons whom it may select, the Royal Egyptian Government will approach unofficially the Ministers of Justice of the foreign countries concerned and will appoint only persons of whom their respective Governments approve.

Done at Montreux, in a single copy in French and English, both texts being equally authentic, on the eighth day of May one thousand nine hundred and thirty-seven.

[For the United States:]

BERT FISH

[For Belgium:]

P. FORTHOMME

[For the United Kingdom:]

DAVID EUAN WALLACE

DAVID VICTOR KELLY

WILLIAM ERIC BECKETT

[For Australia:]

DAVID EUAN WALLACE

[For New Zealand:]

DAVID EUAN WALLACE

[For the Union of South Africa:]

S. F. N. GIE

H. T. ANDREWS

[For the Irish Free State:]

F. T. CREMINS

[For India:]

DAVID EUAN WALLACE

[For Denmark:]

N. P. ARNSTEDT

N. V. BOEG

[For Egypt:]

MOUSTAPHA EL-NAHAS

A. MAHER

WACYF BOUTROS GHALI

MAKRAM EBEID

A. BADAoui

[For Spain:]

A. FABRA RIBAS

MARIANO GOMEZ

[For the French Republic:]

F. DE TESSAN

HYMANS

[For Greece:]

N. POLITIS

G. ROUSSOS

C. VRYAKOS

C. M. SAKELLAROPOULO

[For Italy:]

L. ALDROVANDI

SALVATORE MESSINA

PIERO PARINI

GHIGI

[For Norway:]

MICHAËL HANSSON

[For the Netherlands:]

W. C. BEUCKER ANDREAE

J. BOSCH DE ROSENTHAL

W. DE BYLANDT

[For Portugal:]

J. CAEIRO DA MATTA

[For Sweden:]

MALMAR

RELATED PAPERS

FINAL ACT

The Capitulations Conference met at the invitation of the Government of His Majesty the King of Egypt, at Montreux, on April 12th, 1937.

The Governments enumerated below were represented at the Conference by the following delegations:

UNION OF SOUTH AFRICA

Delegates:

Dr. Stefanus François Naudé GIE, Envoy Extraordinary and Minister Plenipotentiary in Berlin;

Mr. Harry Thomson ANDREWS, Permanent Delegate to the League of Nations.

Secretary:

Mr. R. JONES, Vice Consul at Hamburg;

UNITED STATES OF AMERICA

Delegate:

Mr. Bert FISH, Envoy Extraordinary and Minister Plenipotentiary, at Cairo;

Experts:

Mr. Paul H. ALLING, Assistant-Chief, Division of Near Eastern Affairs, Department of State;

Mr. Francis Colt DE WOLF, Treaty Division, Department of State;

AUSTRALIA

Delegate:

Captain the Right Honourable David Euan WALLACE, M.C., M.P.;

BELGIUM

Delegates:

M. P. FORTHOMME, former Minister of the Crown, Envoy Extraordinary and Minister Plenipotentiary, *President of the Delegation*;

M. J. WATHELET, Honorary Royal Counsellor of the Egyptian Government;

M. G. DELCOIGNE, Secretary of Legation;

M. A. HERMENT, Assistant-Director in the Ministry of Foreign Affairs;

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Delegates:

Captain the Right Honourable David Euan WALLACE, M.C., M.P., a Parliamentary Under-Secretary of State for Foreign Affairs, a Parlia-

mentary Secretary to the Board of Trade, Secretary of the Department of Overseas Trade;

Private Secretary: Mr. Patrick MUNRO, M.P. (Private Parliamentary Secretary to Captain Wallace);

Mr. David Victor KELLY, C.M.G., M.C., Counsellor in His Britannic Majesty's Embassy at Cairo;

Mr. William Eric BECKETT, C.M.G., Second Legal Adviser to the Foreign Office;

Secretary-General:

Mr. J. S. SÔMERS COCKS;

DENMARK

Delegates:

Mr. Niels Peter ARNSTEDT, Envoy Extraordinary and Minister Plenipotentiary, at Cairo; *President of the Delegation;*

M. Niels Vilhelm BOEG, Member of the Court of Appeal at Copenhagen, former Judge of the Mixed Tribunals in Egypt, former President of the Mixed Greco-Turkish Arbitration Tribunal;

EGYPT

Delegates:

MUSTAPHA EL-NAHAS Pasha, President of the Council of Ministers, Minister of the Interior and of Public Health;

Dr. AHMED MAHER, President of the Chamber of Deputies;

WACYF BOUTROS GHALI Pasha, Minister for Foreign Affairs;

MAKRAM EBEID Pasha, Minister of Finance;

ABDEL HAMID BADAoui Pasha, President of the *Comité du Contentieux de l'Etat;*

Technical advisers:

Mr. E. F. W. BFSLY, Legal Secretary to the Judicial Adviser;

M. Maurice JACQUET, Royal Counsellor;

Secretary-General:

Georges DUMANI Bey, Controller-General of the European Political Bureau;

Deputy Secretary-General:

Mohamed SALAH EDDINE Bey, Deputy Secretary-General of the Council of Ministers;

Technical Secretaries:

A. ASSABGHY Bey, Head of the Parquet of the Mixed Tribunal at Cairo;

M. J. FELDMAN, *Substitut au Contentieux de l'Etat;*

M. H. BAHGAT BADAoui, *Substitut au Contentieux de l'Etat;*

M. L. DICHY, Secretary of the Economic Council.

Secretaries:

M. Fouad EL PHARAONY, Attaché in the Royal Egyptian Legation in Paris;

M. Aram STEPHAN, Attaché in the Royal Egyptian Legation in Paris;

SPAIN

Delegates:

M. Antonio FABRA RIBAS, Envoy Extraordinary and Minister Plenipotentiary at Berne;

Dr. Mariano GOMEZ, President of the Supreme Court of Justice, former Rector of the University of Valencia;

M. Benito PABON, President of the Legal Advisory Committee;

Secretary:

M. Rafael TOLSA;

FRANCE

Delegates:

M. François DE TESSAN, Deputy, Under-Secretary of State in the Department of the President of the Council;

M. Max HYMANS, Deputy, former President of the Commission for Customs and Commercial Conventions;

Deputy-delegates:

M. Jean POZZI, Minister Plenipotentiary;

M. Ernest LAGARDE, Minister Plenipotentiary, *Sous-Director d'Afrique-Levant*;

M. Paul CHARGUÉRAUD, Legal Adviser to the Ministry of Foreign Affairs;

Adviser:

M. Maurice LINANT DE BELLEFONDS, former Royal Counsellor of the Egyptian Government;

Secretary-General:

M. Roger GARREAU, Counsellor of Embassy;

Secretaries:

M. Roger Robert DU GARDIER, Secretary of Embassy, *Deputy Secretary-General*;

M. Albert CHAMBON, Far-Eastern Secretary-Interpreter;

M. Henri BRADIER, Attaché in the Ministry of Foreign Affairs;

Experts:

M. Jean CABOUAT, *Chef de Cabinet* of the Under-Secretary of State in the Department of the President of the Council;

M. Raoul AGHION, Adviser on French Foreign Trade;

GREECE

Delegates:

M. Nicolas POLITIS, Greek Minister in Paris, former Minister for Foreign Affairs, *President of the Delegation*;

M. Georges ROUSSOS, Envoy Extraordinary and Minister Plenipotentiary, former Minister for Foreign Affairs;

M. Constantin VRYAKOS, Envoy Extraordinary and Minister Plenipotentiary, former Minister of Justice;

M. Constantin SAKELLAROPOULO, Envoy Extraordinary and Minister Plenipotentiary, Director of Political Affairs in the Ministry of Foreign Affairs;

Secretary-General:

M. Michel MELAS, First Secretary of Legation;

INDIA

Delegate:

Captain the Right Honourable David Euan WALLACE, M.C., M.P.;

IRISH FREE STATE

Delegate:

Mr. F. T. CREMINS, Permanent Delegate to the League of Nations;

ITALY

Delegates:

Count Luigi ALDROVANDI MARESCOTTI DI VIANO, Ambassador of His Majesty the King of Italy, Emperor of Ethiopia, *President of the Delegation*;

M. Salvatore MESSINA, President of Section in the Court of Cassation;

M. Piero PARINI, Minister Plenipotentiary, Director-General of Italians abroad;

M. Pellegrino GHIGI, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Italy, Emperor of Ethiopia, at Cairo;

Secretary-General:

Count Vittorio ZOPPI, Counsellor of Legation;

Experts:

M. Alberto d'AGOSTINO, Director-General in the Department of the Under-Secretary of State, for Trade and Exchange;

M. Leopoldo PICCARDI, Counsellor of State;

M. Alberto CALISSE, Assistant Director of Commercial Affairs in the Ministry of Foreign Affairs;

M. Gaetano MORELLI, Professor of International Law;

Secretaries:

M. Giacomo PROFILI;

M. Mario PIRODDI;

NORWAY

Delegate:

M. Michaël HANSSON, former President of the Egyptian Mixed Court of Appeal, Norwegian Member of the Permanent Court of Arbitration at The Hague, President of the Nansen International Office for Refugees;

Technical Expert:

Georges CORONI Bey, Administrative Director of the Nansen International Office, Former Chief Registrar of the Egyptian Mixed Court of Appeal;

NEW ZEALAND

Delegate:

Captain the Right Honorable David Euan WALLACE, M.C., M.P.;

NETHERLANDS

Delegates:

M. W. C. BEUCKER ANDREAE, Head of the Legal Section in the Ministry of Foreign Affairs, The Hague;

M. le Chevalier J. J. B. BOSCH DE ROSENTHAL, Chargé d'Affaires in Egypt;

Count W. F. L. DE BYLANDT, Counsellor of the Netherlands Legation in Paris;

PORTUGAL

Delegate:

Dr. J. CAEIRO DA MATTA, Former Minister for Foreign Affairs, Professor and Rector of the University of Lisbon;

SWEDEN

Delegate:

M. K. K. F. MALMAR, Director of the Legal Division at the Ministry of Foreign Affairs.

M. Th. AGHNIDES, Director of the Disarmament Section of the Secretariat of the League of Nations, discharged the duties of Secretary-General of the Conference.

In a series of meetings held from April 12th to May 8th 1937, throughout which the above-mentioned delegates were constantly animated by the desire to realise their Governments' intentions to establish, following upon their agreement regarding the abolition of the Capitulatory system in Egypt, the bases of the most confident collaboration between that Power and the other High Contracting Parties, the Conference drew up for signature by the Plenipotentiaries the text of the Convention, *Règlement* and Protocol and took cognizance and note of the Declaration and Letters enumerated hereunder and annexed to the present Final Act:

- I. Convention regarding the abolition of the Capitulations in Egypt.
- II. *Règlement d'organisation judiciaire* (Annex to the Convention).
- III. Protocol.
- IV. Declaration by the Royal Egyptian Government.
- V. Letters.

In faith whereof the Plenipotentiaries have signed the present Act.

Done at Montreux, this eighth day of May, one thousand nine hundred and thirty-seven, in a single copy which shall be deposited in the archives of

the Royal Egyptian Government and of which certified true copies shall be delivered to the Governments of the signatory Powers.

The President of the Conference:
MOUSTAPHA EL-NAHAS

*The Secretary-General
of the Conference:*
TH. AGHNIDES

Union of South Africa:

S. F. N. GIE
H. T. ANDREWS

United States of America:

BERT FISH

Australia:

DAVID EUAN WALLACE

Belgium:

P. FORTHOMME

Great Britain and Northern Ireland:

DAVID EUAN WALLACE
DAVID VICTOR KELLY
WILLIAM ERIC BECKETT

Denmark:

N. P. ARNSTEDT
N. V. BOEG

Egypt:

MOUSTAPHA EL-NAHAS
A. MAHER
WAGYF BOUTROS GHALI
MAKRAM EBEID
A. BADAoui

Spain:

A. FABRA RIBAS
MARIANO GOMEZ

France:

F. DE TESSAN
HYMANS

Greece:

N. POLITIS
G. ROUSSOS
C. VRYAKOS
C. M. SAKELLAROPOULO

India:

DAVID EUAN WALLACE

Irish Free State:

F. T. CREMINS

Italy:

L. ALDROVANDI
SALVATORE MESSINA
PIERO PARINI
GHIGI

Norway:

MICHAËL HANSSON

New Zealand:

DAVID EUAN WALLACE

Netherlands:

W. C. BEUCKER ANDREAE
J. BOSCH DE ROSENTHAL
W. DE BYLANDT

Portugal:

CAEIRO DA MATTA

Sweden:

MALMAR

DECLARATION BY THE ROYAL EGYPTIAN GOVERNMENT

The undersigned, acting in virtue of their full powers, make the following declaration:

1. COMPETENCE OF THE MIXED TRIBUNALS

With reference to Article 25, paragraph 1, of the *Règlement d'organisation judiciaire*, the Royal Egyptian Government has already decided to extend by decree the competence of the Mixed Tribunals to nationals of the following eight States: Austria, Czechoslovakia, Germany, Hungary, Poland, Roumania, Switzerland, Yugoslavia.

2. NON-DISCRIMINATION RULE

With reference to Article 2, paragraph 2, of the Convention and the Protocol relating thereto, the fact that the effect of the non-discrimination rule referred to in the above-mentioned Article 2 is limited to the duration of the transition period, does not imply any intention on the part of the Royal Egyptian Government to pursue thereafter in this matter any contrary policy of discrimination against foreigners. The Royal Egyptian Government is, moreover, prepared to conclude Establishment Treaties and Treaties of Friendship with the various Powers.

3. PERSONAL STATUS

The Royal Egyptian Government, having already, and more particularly in the Establishment Treaties which it has concluded with Iran and Turkey, spontaneously adopted the principle that, in matters of personal status, the personal law should apply, intends to adopt the same principle with regard thereto in the future.

As regards the rules of procedure, which the Royal Egyptian Government intends to enact for cases of personal status, these will be applied provided that no substantive rule of the foreign national law prevents their application.

4. DEPORTATION

Although the abolition of Capitulations entails the removal of all the existing restrictions on the Royal Egyptian Government's right to deport foreigners who are within Egyptian territory, nevertheless that Government does not intend to exercise during the transition period its right of deportation in respect of a foreigner subject to the jurisdiction of the Mixed Tribunals, who shall have resided in Egypt for at least five years, or to refuse such a foreigner access to Egyptian territory, if he has temporarily quitted that territory, unless:

- (a) he has been convicted in respect of a crime or misdemeanour punishable by more than three months' imprisonment, or
- (b) he has been guilty of activities of a subversive nature or to the prejudice of public order or public tranquillity, morality or health, or
- (c) he is indigent and a burden upon the State.

The Royal Egyptian Government further proposes to set up an administrative advisory committee, of which the Procurator General of the Mixed Tribunals shall be a member, for the purpose of examining any disputes on the subject of the identity or the nationality of the person whose deportation is under consideration, or of the length of his residence in Egypt, or of the existence of the facts which constitute the grounds for deportation.

5. EXTRADITION

In conformity with the practice generally adopted in regard to extradition, the Royal Egyptian Government intends to adopt judicial procedure in this matter. It will therefore be necessary for the Mixed Tribunals to pronounce upon the regularity of the request for extradition when such request relates to a foreigner within the jurisdiction of the said Tribunals.

6. CLAUSE RELATING TO THE JURISDICTION TO WHICH DISPUTES SHOULD BE SUBMITTED

With reference to Article 26 of the *Règlement d'organisation judiciaire*, the Royal Egyptian Government does not intend to insert in Government contracts (including contracts made by public administrations and municipalities) any clause relating to the jurisdiction to which disputes should be submitted.

7. JUDGES, OFFICIALS AND MEMBERS OF THE BAR

The Royal Egyptian Government does not intend to alter either the existing conditions of service or the present salaries of judges of the Mixed Tribunals.

Similarly, the Government does not intend to alter the present salaries of officials and employees of the said Tribunals.

It will give sympathetic consideration to their treatment in respect of grading, rules for increase of salary and promotion, when the new cadre now being considered is introduced.

The case of any such officials and employees who may be retired at the end of the transition period will receive special consideration, the circumstances peculiar to each individual being taken into account. Should such circumstances justify it, certain advantages may be granted in the matter of the pension or compensation to be paid.

As regards the pensions of foreign judges, officials and employees, the Government intends to ensure that they are not prejudiced by double taxation.

Furthermore, in the case of advocates admitted to practise at the Mixed Bar the Egyptian Government intends to take the necessary measures to enable such advocates, at the end of the transition period, to obtain unconditionally the inscription of their names and the recognition of their professional seniority on the roll of the Order of Advocates practising in the National Tribunals.

Done at Montreux on May 8th, 1937.

MOUSTAPHA EL-NAHAS
A. MAHER
WACYF BOUTROS GHALI
MAKRAM EBED
A. BADAOUT

LETTERS RELATING TO EDUCATIONAL, MEDICAL, AND CHARITABLE INSTITUTIONS (ASSOCIATIONS OR FOUNDATIONS)

*The President of the Egyptian Delegation to the President
of the United States Delegation*

MONTREUX, May 8th 1937.

SIR,

As Your Excellency has expressed a desire to receive detailed information concerning the situation of the educational, medical and charitable institutions (associations or foundations) of the United States of America in Egypt, I have the honour to state that the Royal Egyptian Government is prepared to assure you that pending the conclusion of a subsequent agreement or, in any case until the end of the transition period, all the above-mentioned institutions, actually existing in the country at the date of the Convention signed this day, may continue freely to carry on their activities in Egypt, whether educational, scientific, medical or charitable, subject to the following conditions:

(1) They shall be subject to the jurisdiction of the Mixed Tribunals and shall be subject to Egyptian laws and regulations, including fiscal laws, under the same conditions as similar Egyptian institutions, and also to all measures necessary for the preservation of public order in Egypt.

(2) They shall retain their legal status and shall, as regards their organisation and operation, be governed by their charters or other instruments under which they were created and also in the case of educational institutions, by their own curricula.

(3) They may, without prejudice to the laws relating to expropriation for purposes of public utility, possess the movable and immovable property necessary to enable them to attain their objects, and may administer and dispose of their property for these purposes.

(4) They may continue to employ their existing staff and may also, each within the scope of its organisation, employ either Egyptians or foreigners, whether established in Egypt or elsewhere, without prejudice in all cases to the application of the Egyptian laws which are now applicable to them or to the Royal Egyptian Government's general right of control over the entry of foreigners into Egypt.

Furthermore, within the limits of the customs recognised in Egypt regarding religions other than the State religion, freedom of worship shall continue to be assured to all religious institutions of the United States of America on condition that there is no offence against public order or morals.

A list of institutions referred to in this letter shall be drawn up as soon as possible in agreement between the Egyptian Government and the Government of the United States of America.

I have the honour to be, Sir,

Your obedient servant.

MOUSTAPHA EL-NAHAS
President of the Egyptian Delegation.

*The President of the United States Delegation to the President
of the Egyptian Delegation*

MONTREUX, May 8th, 1937.

SIR,

I have the honour to acknowledge the receipt of Your Excellency's letter bearing to-day's date. I welcome the assurances which it contains with regard to the régime to be enjoyed henceforth by the educational, medical and charitable institutions (associations or foundations) of the United States of America in Egypt.

I have great pleasure in thanking Your Excellency. I do not doubt, moreover, that Egypt, which has always shown a sympathetic interest in such undertakings and has given proof of the most liberal spirit of understanding in regard to them, will continue to assist them in carrying on the very valuable work which they have always performed to the mutual profit of our two countries.

I have the honour to be, Sir,
Your obedient servant.

BERT FISH

President of the Delegation of the United States of America.

*The President of the Egyptian Delegation to the President of the Delegation
of the United Kingdom*

MONTREUX, May 8th, 1937.

SIR,

As Your Excellency has expressed a desire to receive detailed information concerning the situation of the educational, medical and charitable institutions (associations or foundations) of the United Kingdom in Egypt, I have the honour to state that the Royal Egyptian Government is prepared to assure you that pending the conclusion of a subsequent agreement or, in any case until the end of the transition period, all the above-mentioned institutions, actually existing in the country at the date of the Convention signed this day, may continue freely to carry on their activities in Egypt, whether educational, scientific, medical or charitable, subject to the following conditions:

(1) They shall be subject to the jurisdiction of the Mixed Tribunals and shall be subject to Egyptian laws and regulations, including fiscal laws, under the same conditions as similar Egyptian institutions, and also to all measures necessary for the preservation of public order in Egypt.

(2) They shall retain their legal status and shall, as regards their organisation and operation, be governed by their charters or other instruments under which they were created and also in the case of educational institutions, by their own curricula.

(3) They may, without prejudice to the laws relating to expropriation for purposes of public utility, possess the movable and immovable property necessary to enable them to attain their objects, and may administer and dispose of their property for these purposes.

(4) They may continue to employ their existing staff and may also, each within the scope of its organisation, employ either Egyptians or foreigners, whether established in Egypt or elsewhere, without prejudice in all cases to the application of the Egyptian laws which are now applicable to them or to the Royal Egyptian Government's general right of control over the entry of foreigners into Egypt.

Furthermore, within the limits of the customs recognised in Egypt regarding religions other than the State religion, freedom of worship shall continue to be assured to all religious institutions of the United Kingdom on condition that there is no offence against public order or morals.

A list of the institutions referred to in this letter shall be drawn up as soon as possible in agreement between the Egyptian Government and the Government of the United Kingdom.

I have the honour to be, Sir,

Your obedient servant,

MOUSTAPHA EL-NAHAS

President of the Egyptian Delegation.

*The President of the Delegation of the United Kingdom to the President
of the Egyptian Delegation*

MONTREUX, May 8th, 1937.

SIR,

I have the honour to acknowledge the receipt of Your Excellency's letter of to-day's date. It is with pleasure that I note the assurances contained therein on the subject of the régime which will in future govern the educational, medical and charitable institutions (associations or foundations) of the United Kingdom in Egypt.

I thank Your Excellency for these assurances which are received with much satisfaction. I do not doubt moreover that Egypt, which has always shown a benevolent interest in the work of these institutions and has given proof of the most liberal spirit of understanding towards them, will continue to facilitate the useful activities which they have always exercised to the mutual profit of our two countries.

I have the honour to be, Sir,

Your obedient servant,

EUAN WALLACE

President of the Delegation of the United Kingdom.

The President of the Egyptian Delegation to the President of the Spanish Delegation

[TRANSLATION]

MONTREUX, May 8, 1937.

MR. PRESIDENT:

I have the honor to declare that the institutions of Spain in Egypt will be subject on the part of the Egyptian Government to the same treatment as that which is indicated in the letter addressed to the president of the delegation of the United Kingdom as regards the similar institutions of the United Kingdom, and under the same conditions.

Please accept, Mr. President, the assurances of my high consideration.

MOUSTAPHA EL-NAHAS,
Président of the Egyptian delegation.

The President of the Spanish Delegation to the President of the Egyptian Delegation

[TRANSLATION]

MONTREUX, May 8, 1937.

MR. PRESIDENT:

I have the honor to acknowledge the receipt from Your Excellency of the following letter which you were good enough to address to me today:

"I have the honor to declare that the institutions of Spain in Egypt will be subject on the part of the Egyptian Government to the same treatment as that which is indicated in the letter addressed to the president of the delegation of the United Kingdom as regards the similar institutions of the United Kingdom, and under the same conditions."

In thanking Your Excellency for this kind communication which I acknowledge in the name of my Government, I avail myself of this occasion to repeat to Your Excellency the assurances of my high consideration.

A. FABRA RIBAS,
President of the Spanish delegation.

The President of the Egyptian Delegation to the President of the French Delegation

[TRANSLATION]

MONTREUX, May 8, 1937.

MR. PRESIDENT:

Your Excellency, having expressed the desire to receive detailed information concerning the situation of the educational, medical and charitable institutions (associations or foundations) of France in Egypt, I have the honor

to state that the Royal Egyptian Government is prepared to assure you that pending the conclusion of a subsequent agreement or, in any case until the end of the transition period, all the above-mentioned institutions existing in the country at the date of the Convention signed this day, and mentioned in the list annexed hereto, may continue freely to carry on their activities in Egypt, whether educational, scientific, medical or charitable, subject to the following conditions:

1. They shall be subject to the jurisdiction of the Mixed Tribunals and shall be subject to Egyptian laws and regulations, including fiscal laws, under the same conditions as similar Egyptian institutions, and also to all measures necessary for the preservation of public order in Egypt.

2. They shall retain their legal status and shall, as regards their organization and operation, be governed by their charters or by their own by-laws and also in the case of educational institutions by their own curricula.

3. They may, without prejudice to the laws relating to expropriation for purposes of public utility, possess the movable and immovable property necessary to enable them to attain their objects, and may administer and dispose of their property for these purposes.

4. They may continue to employ their existing staff and may also, within the scope of their organization, employ either Egyptians or foreigners, whether established in Egypt or not, without prejudice in all cases to the application of the Egyptian laws which are now applicable to them or to the Egyptian Government's general right of supervision over the entry of foreigners into Egypt.

Furthermore within the limits of the customs established in Egypt regarding religions other than the state religion, freedom of worship shall continue to be assured to the religious institutions of France on condition that there is no offense against public order or good morals.

Please accept, Mr. President, the assurances of my high consideration.

MOUSTAPHA EL-NAHAS,
President of the Egyptian delegation.

ANNEX

The list to be drawn up by common agreement between the French Government and the Egyptian Government shall include in particular:

1. French Institute of Oriental Archaeology.
2. French Law School at Cairo.
3. Establishments of the French lay mission.
4. Educational institutions belonging to religious congregations.
5. Courses of l'Alliance Française and other educational organizations.
6. Convents and seminaries.
7. Parish, episcopal and patriarchal institutions.
8. Hospitals, asylums, dispensaries, and crèches.

The President of the French Delegation to the President of the Egyptian Delegation

[TRANSLATION]

MONTREUX, May 8, 1937.

MR. PRESIDENT:

I have the honor to acknowledge the receipt of Your Excellency's letter bearing to-day's date. I welcome the assurances which it contains with regard to the régime to be enjoyed henceforth by the educational, medical and charitable institutions (associations or foundations) of France in Egypt.

I have great pleasure in thanking Your Excellency. I do not doubt, moreover, that Egypt, which has always shown a sympathetic interest in such undertakings and has given proof of the most liberal spirit of understanding in regard to them, will continue to assist them in carrying on the very valuable work which they have always performed to the mutual profit of our two countries.

I avail myself of this occasion to renew to Your Excellency the assurances of my high consideration.

F. DE TESSAN,
President of the French delegation.

The President of the Egyptian Delegation to the President of the Hellenic Delegation

[TRANSLATION]

MONTREUX, May 8, 1937.

MR. PRESIDENT:

Your Excellency, having expressed the desire to receive detailed information concerning the situation of the educational, medical and charitable institutions (associations or foundations) of Greece in Egypt, I have the honor to state that the Royal Egyptian Government is prepared to assure you that pending the conclusion of a subsequent agreement or in any case until the end of the transition period all the above-mentioned institutions existing in the country at the date of the Convention signed this day, and mentioned in the list annexed hereto, may continue freely to carry on their activities in Egypt, whether educational, scientific, medical or charitable, subject to the following conditions:

1. They shall be subject to the jurisdiction of the Mixed Tribunals and shall be subject to Egyptian laws and regulations, including fiscal laws, under the same conditions as similar Egyptian institutions, and also to all measures necessary for the preservation of public order in Egypt.

2. They shall retain their legal status and shall, as regards their organization and operation, be governed by their charters or by their own by-laws and also in the case of educational institutions by their own curricula.

3. They may, without prejudice to the laws relating to expropriation for purposes of public utility, possess the movable and immovable property necessary to enable them to attain their objects, and may administer and dispose of their property for these purposes.

4. They may continue to employ their existing staff and may also, within the scope of their organization, employ either Egyptians or foreigners, whether established in Egypt or not, without prejudice in all cases to the application of the Egyptian laws which are now applicable to them or to the Egyptian Government's general right of supervision over the entry of foreigners into Egypt.

Furthermore within the limits of the customs established in Egypt regarding religions other than the state religion, freedom of worship shall continue to be assured to the religious institutions of Greece on condition that there is no offense against public order or good morals.

Please accept, Mr. President, the assurances of my high consideration.

MOUSTAPHA EL-NAHAS,
President of the Egyptian delegation.

ANNEX

This list has a provisional character and is to be replaced by a definitive list drawn up by common agreement.

I. ASSOCIATIONS OF PRIVATE LAW DENOMINATED "HELLENIC COMMUNITIES"

1. *Alexandria*. The association possesses and administers: (a) eleven schools (primary and secondary, classical and commercial), whether for girls or for boys; (b) five churches; (c) a cemetery; (d) an old men's home; (e) a hospital; (f) people's kitchen.
2. *Cairo*. The Cairo association possesses and administers: (a) a complete school for girls, a primary school for boys and a primary school for girls; (b) two churches; (c) a hospital.—It is to be noted also that the Hellenic Colony of this district has a very important interest in the Abet Foundation, and takes part in its administration.
3. *Mansourah*. The association possesses and administers a primary school and a secondary school, a church and a cemetery.
4. *Assouan*. The association possesses and administers a church and a primary school.
5. *Benha*. The association possesses and administers a church and a primary school.
6. *Beni Suef*. The association possesses and administers a church, a cemetery with a chapel and an elementary school.
7. *Assiout*. The association possesses and administers a church and a primary school.
8. *Damanhour*. The association possesses and administers a church and a primary school.
9. *Zagazig*. The association possesses and administers a church, a primary school, a secondary school and a cemetery with chapel.
10. *Zifteh*. The association possesses and administers a church and a primary school.
11. *Zeitoun*. The association possesses and administers a church and a primary school.
12. *Héliopolis*. The association possesses and administers a primary school.

13. *Ismailieh*. The association possesses and administers two churches and a primary school.
14. *Kafr el Zayat*. The association possesses and administers a church and a primary school.
15. *Kantara*. The association possesses and administers a church and a primary school.
16. *Minieh*. The association of Minieh possesses and administers a church, a primary school and a cemetery with chapel.
17. *Minet el Gamh*. The association possesses and administers a church and a primary school.
18. *Marsa Matrouh*. The association possesses and administers a church, a chapel and a primary school.
19. *Mehallet el Kebir*. The association possesses and administers a church and a primary school, situated in a building which is owned by the Hellenic Government.
20. *Mit Ghamr*. The association possesses and administers a church and a primary school.
21. *Port-Saïd*. The association possesses and administers two churches, a primary school and a superior school at Port-Saïd and likewise a primary school and a superior school at Port-Fouad.
22. *Shibin el Qom*. The association possesses and administers a church and a primary school.
23. *Ibrahimieh*. (Suburb of Alexandria). The association possesses and administers a primary school for boys, a primary school for girls and two churches.
24. *Suez*. The association possesses and administers two churches, a primary school and a superior school at Suez; it possesses and administers also at Port-Tewfik a primary school, a superior school and a church.
25. *Tantah*. The association possesses and administers a church, a cemetery with chapel, a primary school and a secondary school.
26. *Facous*. The association possesses and administers a church and a primary school.
27. *Fayoum*. The association possesses and administers two churches and a primary school.
28. *Helouan*. The association possesses and administers a church and a primary school.
29. *Kafr el Daouar*. The association possesses and administers a chapel.

NOTE. Several of these associations possess a cemetery.

II. OTHER ESTABLISHMENTS (FOUNDATIONS OR ASSOCIATIONS)

a) *Alexandria*

1. The Eschylus-Arion Association which possesses and administers a primary school and a boys' orphanage (Kaniskerion) with a church.
2. Benachion Foundation, an orphanage for young girls (with church).
3. Union of Hellenic Ladies, "Mana", which possesses and administers a crèche and a mixed orphanage.
4. Hellenic Nautical Club.
5. Cotsicas Hospital, property of the Hellenic Government, administered by the "Hellenic Community of Alexandria".
6. National League of Hellenic Ladies which possesses and administers the asylum "Zerbinion".
7. "Philoptochos" Charitable Association.
8. "Eleimosini" Charitable Association.
9. The association "Friends of the Old".
10. The "Melissa" association of young girls (charity).
11. Association of former pupils of the schools of the Hellenic community of Alexandria.

b) *Cairo*

1. Orphanage for boys and girls situated at Héliopolis, founded by the spouses, G. Spétseropoulos, denominated the "Spétseropoulion."
2. Cheap kitchen, a charitable foundation.
3. "Philoptochos" charity association.
4. Philanthropic Union of Hellenic Ladies

c) *Ibrahimieh*

1. The Charitable Foundation (cheap kitchen).
2. "Philoptochos" Charitable Association.

Charitable associations called "Philoptochos" (friends of the poor) exist likewise in the following localities: Zagazig, Tantah, Kafr el Zayat, Mansourah, Port-Saïd, Ismailieh, Suez, Damanhour.

Lastly, in the localities of: 1. Deirut; 2. Tahtah; 3. Cherbin, and 4. Belkas; there are four chapels of the Orthodox Greek rite, founded and maintained by the Hellenes who live there.

In receiving from the Hellenic delegation the above list, the Egyptian delegation has declared that it could not give its assent thereto before having made the detailed examination which it reserves the right to make as soon as it returns to Egypt for the purpose of assuring itself:

- a) That there is included therein no establishment recognized as a national Egyptian one;
- b) That the establishments enumerated therein belong to the categories agreed upon in the letter to which it is annexed.

M. N.

The President of the Hellenic Delegation to the President of the Egyptian Delegation

[TRANSLATION]

MONTREUX, May 8, 1937.

MR. PRESIDENT:

I have the honor to acknowledge the receipt of Your Excellency's letter bearing to-day's date. I welcome the assurances which it contains with regard to the régime to be enjoyed henceforth by the educational, medical and charitable institutions (associations or foundations) of Greece in Egypt.

I have great pleasure in thanking Your Excellency. I do not doubt, moreover, that Egypt, which has always shown a sympathetic interest in such undertakings and has given proof of the most liberal spirit of understanding in regard to them, will continue to assist them in carrying on the very valuable work which they have always performed to the mutual profit of our two countries.

I avail myself of this occasion to renew to Your Excellency the assurances of my high consideration.

N. POLITIS,
President of the Hellenic delegation.

The President of the Egyptian Delegation to the President of the Italian Delegation

[TRANSLATION]

MONTREUX, May 8, 1937.

MR. PRESIDENT:

Your Excellency, having expressed the desire to receive detailed information concerning the situation of the educational, medical and charitable in-

stitutions (associations or foundations) of Italy in Egypt, I have the honor to state that the Royal Egyptian Government is prepared to assure you that pending the conclusion of a subsequent agreement or in any case until the end of the transition period all the above-mentioned institutions existing in the country at the date of the Convention signed this day, and mentioned in the list annexed hereto, may continue freely to carry on their activities in Egypt, whether educational, scientific, medical or charitable, subject to the following conditions:

1. They shall be subject to the jurisdiction of the Mixed Tribunals and shall be subject to Egyptian laws and regulations, including fiscal laws, under the same conditions as similar Egyptian institutions, and also to all measures necessary for the preservation of public order in Egypt.

2. They shall retain their legal status and shall, as regards their organization and operation, be governed by their charters or by their own by-laws and also in the case of educational institutions by their own curricula.

3. They may, without prejudice to the laws relating to expropriation for purposes of public utility, possess the movable and immovable property necessary to enable them to attain their objects, and may administer and dispose of their property for these purposes.

4. They may continue to employ their existing staff and may also, within the scope of their organization, employ either Egyptians or foreigners, whether established in Egypt or not, without prejudice in all cases to the application of the Egyptian laws which are now applicable to them or to the Egyptian Government's general right of supervision over the entry of foreigners into Egypt.

Furthermore within the limits of the customs established in Egypt regarding religions other than the state religion, freedom of worship shall continue to be assured to the religious institutions of Italy on condition that there is no offense against public order or good morals.

Please accept, Mr. President, the assurance of my high consideration.

MOUSTAPHA EL-NAHAS,

President of the Egyptian delegation.

PROVISIONAL LIST

The definitive list to be drawn up by common agreement between the Italian Government and the Egyptian Government will include in particular:

1. The "Royal Italian Schools";
2. The "Schools of the National Association Italica Gens", with the buildings used by the monks who administer them;
3. Hospitals, asylums and crèches;
4. The charitable works dependent on the Fascio intended for pecuniary or spiritual assistance in so far as they are occupied with assistance to the exclusion of other activities.
5. Episcopal and parish institutions, convents and seminaries.

The President of the Italian Delegation to the President of the Egyptian Delegation

[TRANSLATION]

MONTREUX, May 8, 1937.

MR. PRESIDENT:

I have the honor to acknowledge the receipt of Your Excellency's letter bearing to-day's date. I welcome the assurances which it contains with regard to the régime to be enjoyed henceforth by the educational, medical and charitable institutions (associations or foundations) of Italy in Egypt.

I have great pleasure in thanking Your Excellency. I do not doubt, moreover, that Egypt, which has always shown a sympathetic interest in such undertakings and has given proof of the most liberal spirit of understanding in regard to them, will continue to assist them in carrying on the very valuable work which they have always performed to the mutual profit of our two countries.

I avail myself of this occasion to renew to Your Excellency the assurances of my high consideration.

L. ALDROVANDI,
President of the Italian delegation.

The President of the Egyptian Delegation to the President of the Netherland Delegation

[TRANSLATION]

MONTREUX, May 8, 1937.

MR. PRESIDENT:

I have the honor to state that the institutions of the Netherlands, in Egypt, will receive on the part of the Egyptian Government the same treatment as that which is indicated in the letter addressed to the President of the delegation of the United Kingdom as regards the similar institutions of the United Kingdom and under the same conditions.

Please accept, Mr. President, the assurances of my high consideration.

MOUSTAPHA EL-NAHAS,
President of the Egyptian delegation.

The President of the Netherland Delegation to the President of the Egyptian Delegation

[TRANSLATION]

MONTREUX, May 8, 1937.

MR. PRESIDENT:

I have the honor to acknowledge receipt to Your Excellency of the following letter which you were good enough to address to me today:

"I have the honor to state that the institutions of the Netherlands, in Egypt,

will receive on the part of the Egyptian Government the same treatment as that which is indicated in the letter addressed to the President of the delegation of the United Kingdom as regards the similar institutions of the United Kingdom and under the same conditions."

In thanking Your Excellency for this kind communication, of which I acknowledge receipt in the name of my Government, I avail myself of this occasion to repeat to Your Excellency the assurances of my high consideration.

W. C. BEUCKER ANDREAE,
President of the Netherland delegation.

LETTERS CONCERNING THE PARTICIPATION OF CANADA
IN THE CONFERENCE

*The High Commissioner for Canada in London to the President
of the Conference*

LONDON, April 14th, 1937.

SIR,

I have the honour on behalf of the Government of Canada to inform Your Excellency as President of the Capitulations Conference that in view of lack of any interest special to Canada, the Government of Canada have not considered Canadian representation in the present Conference to be necessary, and will accept the provisions of any Convention drawn up at Montreux which is signed and ratified in respect of other members of the British Commonwealth of Nations.

This acceptance by the Government of Canada is naturally on the understanding that Canada can claim under the Convention the same rights as those States in whose respect it has been signed and ratified.

I request Your Excellency that copies of this note be communicated to all the delegations at the Conference and recorded in the archives of the Conference.

I have the honour to be, Sir,
Your obedient servant,

Vincent MASSEY

*The President of the Conference to the High Commissioner for Canada
in London*

MONTREUX, April 19th, 1937.

SIR,

I have the honour to acknowledge receipt of your letter of April 14th, in which on behalf of the Government of Canada you were good enough to inform me, as President of the Capitulations Conference, of the reasons for the Government of Canada not being represented at the present Conference.

In compliance with the wish expressed in the last paragraph of your letter, I have circulated copies of your communication to all the delegations and

have given instructions that it shall be recorded in the archives of the Conference.

I have the honour to be, Sir,
Your obedient servant,

MOUSTAPHA EL-NAHAS.
President of the Conference.

PROCÈS-VERBAL

OF THE DEPOSIT OF THE INSTRUMENT OF RATIFICATION OF THE UNITED STATES OF AMERICA OF THE CONVENTION CONCERNING THE ABOLITION OF THE CAPITULATIONS IN EGYPT, SIGNED AT MONTREUX ON MAY 8, 1937

[TRANSLATION]

In accordance with the provisions of Article 15 of the Convention concerning the Abolition of the Capitulations in Egypt, signed at Montreux on May 8, 1937, Mr. Bert Fish, Envoy Extraordinary and Minister Plenipotentiary of the United States of America in Egypt, appeared today at the Ministry of Foreign Affairs of the Kingdom of Egypt for the purpose of proceeding to the deposit of the instrument of ratification of the President of the United States of America of the Convention above-mentioned.

This instrument having been examined and found in good and due form, has been deposited in the archives of the Ministry of Foreign Affairs of the Kingdom of Egypt to be preserved with the present procès-verbal.

The States which are parties to the Convention and the Secretary of the League of Nations will be notified of the said deposit.

In proceeding to this deposit, Mr. Bert Fish stated by a letter that his Government desires to avail itself of the option provided by Article 9 of the Convention and to retain its Consular Courts in Egypt for the purpose of exercising jurisdiction in matters of personal status in all cases in which the law applicable is the national law of the United States of America.

Done in duplicate at Bulkeley, August 29, 1938.

The Minister of Foreign Affairs

The Minister of the United States of America

A. YEHIA

BERT FISH

The Director of Political and Commercial Affairs a. i.

W. ROSTUM

LETTER FROM THE AMERICAN MINISTER TO THE EGYPTIAN MINISTER OF FOREIGN AFFAIRS

No. 550

LEGATION OF THE UNITED STATES OF AMERICA,

[*Bulkeley,*] *Ramleh, August 29, 1938.*

EXCELLENCY:

With reference to the deposit this day of the ratification of the President of the United States of America of the Convention and annexed protocol, signed at Montreux on May 8, 1937, regarding the abolition of the capitula-

tions in Egypt, I have the honor, in accordance with my instructions, to inform Your Excellency that as provided in Article 9 of the Convention, it is the intention of the Government of the United States of America to retain American Consular courts in Egypt for the purposes of jurisdiction in matters of personal status in all cases in which the law applicable is the national law of the United States of America.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

BERT FISH
American Minister

His Excellency
ABDEL FATTAH YEHIA PASHA,
Minister of Foreign Affairs,
Cairo.

PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES

WHEREAS by a Presidential proclamation issued on March 27, 1876,⁸ pursuant to the authority of the act of Congress approved March 23, 1874,⁹ the judicial functions theretofore exercised in Egypt by the minister, consuls, or other functionaries of the United States pursuant to the act of Congress approved June 22, 1860,¹⁰ were suspended, during the pleasure of the President, so far as the jurisdiction of certain Egyptian tribunals embraced matters cognizable by the minister, consuls, or other functionaries of the United States in Egypt, except as to cases actually commenced before the date of the said proclamation;

WHEREAS at the time of the issuance of the said proclamation the jurisdiction of the said Egyptian tribunals did not extend to certain categories of cases within the jurisdiction of the minister, consuls, or other functionaries of the United States which were accordingly retained within the jurisdiction of, and have continued to the present time to be exercised by, those functionaries;

WHEREAS the Government of the United States and other governments concluded a convention with the Government of Egypt on May 8, 1937, providing for the termination of the capitulatory rights now enjoyed by the United States and other powers in Egypt and providing that, during the period October 15, 1937–October 14, 1949, the judicial functions now exercised by consular courts would be exercised by the Mixed Tribunals of Egypt, except as to personal status matters—as defined in article 28 of the *Règlement d'Organisation Judiciaire* annexed to and forming a part of the said convention of May 8, 1937—with respect to which the said convention provides that the signatory governments may retain existing consular courts for the pur-

⁸ 19 Stat. 662.

⁹ 18 Stat. (pt. 3) 23.

¹⁰ 12 Stat. 72.

pose of jurisdiction in cases involving the personal status of their respective nationals during the period October 15, 1937–October 14, 1949;

WHEREAS, pending the ratification of the said convention by the Government of the United States, it is in the interest of the United States to cooperate with the Government of Egypt and the other capitulatory powers by suspending the jurisdiction now exercised by the minister, consuls, or other functionaries of the United States in Egypt and consenting to the transfer of that jurisdiction to the Mixed Tribunals of Egypt, except jurisdiction in matters involving the personal status of citizens of the United States; and

WHEREAS satisfactory information has been received by me that the said Mixed Tribunals of Egypt are organized on a basis likely to secure to citizens of the United States in Egypt the impartial justice which they now enjoy under the judicial functions exercised by the minister, consuls, or other functionaries of the United States pursuant to the said act of Congress of June 22, 1860:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, by virtue of the power and authority conferred upon me by the said act of Congress approved March 23, 1874, do hereby suspend, effective October 15, 1937, during the pleasure of the President, the judicial functions now exercised by the minister, consuls, or other functionaries of the United States in Egypt, except as to cases actually commenced before October 15, 1937, and except as to matters involving the personal status of citizens of the United States as defined in article 28 of the *Règlement d'Organisation Judiciaire* annexed to the said convention of May 8, 1937.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this 9th day of October, in the year of our Lord nineteen hundred and thirty-seven, and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.