

SUPPLEMENTARY DOCUMENTS

SUBMITTED BY THE BRITISH GOVERNMENT.

No. 1.

LORD LYONS TO EARL GRANVILLE.

(RECEIVED MAY 17TH.)

Paris, May 16th, 1881.

My Lord,

I have the honour to send herewith to your Lordship copies of two notes on the subject of Tunis, which I have received to-day from M. Barthélemy St. Hilaire.

The first, which is dated the day before yesterday, comments upon the despatch from your Lordship of the 7th instant, of which I gave M. Barthélemy St. Hilaire a copy on the 10th instant.

The second, which is dated to-day, is in answer to the note which I addressed to his Excellency by your Lordship's order on the 14th instant.

I have, etc.

LYONS.

Enclosure 1 in No. 1.

M. BARTHÉLEMY ST. HILAIRE TO LORD LYONS.

Paris, le 14 mai 1881.

M. l'Ambassadeur,

Vous avez bien voulu me communiquer le 10 de ce mois une dépêche adressée à votre Excellence par le Comte Granville sous la date du 7, et concernant les affaires de Tunis. Le document témoigne de l'accueil favorable fait par le Cabi-

net de Londres aux indications que j'ai été en mesure de vous donner, touchant les desseins du Gouvernement de la République de ne point s'emparer de la souveraineté de la Tunisie, de ne réunir aucune partie de ce pays au territoire Français, et, après avoir châtié la tribu agressive des Kroumirs, d'obtenir du Bey des garanties suffisantes pour notre sécurité dans l'avenir. Le Principal Secrétaire d'État de la Reine a bien voulu vous faire savoir que le Gouvernement anglais verrait sans jalousie l'établissement de l'influence Française en Tunisie, à condition qu'elle s'exerçât d'une manière conforme aux droits créés par les traités, et ne portât point préjudice aux intérêts légitimes des sujets britanniques. Mentionnant, ensuite, les appels adressés à l'Angleterre ainsi qu'à plusieurs autres Puissances, soit par le Bey de Tunis, soit par la Porte ottomane, Lord Granville vous déclarait que le Cabinet de Londres, sans pouvoir les ignorer entièrement, n'avait cependant point la pensée de présenter une proposition formelle de médiation ou de bons offices, à moins d'y être convié par le Gouvernement français aussi bien que par le Bey. Enfin, sa Seigneurie vous invitait à me dire que si le Gouvernement de la Reine pouvait contribuer de quelque façon à la prompt solution des difficultés pendantes entre la France et le Bey, il y emploierait très volontiers son influence dans la forme que je vous indiquerais comme pouvant être la plus utile et la plus agréable pour nous.

J'ai le devoir, M. l'Ambassadeur, de vous exprimer la satisfaction sincère qu'une communication conçue en termes aussi amicaux a causée au Gouvernement de la République. Je suis personnellement heureux de penser que les éclaircissements qu'en plusieurs occasions j'ai pu fournir à votre Excellence sur la nature et l'objet de nos opérations en Tunisie, ont eu pour effet de faire envisager notre entreprise sous son véritable jour par votre Gouvernement. Grâce à la rapidité avec laquelle elle a été conduite, nous avons atteint déjà le but principal que nous nous proposons, et qui était d'obtenir du Bey, pour l'avenir, des assurances effectives contre le retour des difficultés récentes. Le traité signé à Tunis le 12 mai y pourvoit d'une manière que nous jugeons suffisante, et cet acte, en garantissant les intérêts français, consacre explicitement, par

une clause spéciale, les droits de toutes les nationalités étrangères. J'ai eu l'honneur de vous donner connaissance du traité au moment qu'il venait d'être conclu ; votre Gouvernement, je n'en doute point, reconnaîtra facilement qu'il ne porte aucune atteinte aux privilèges dont les autres pays sont légitimement en possession, et qu'il tient compte ainsi dans une juste mesure des préoccupations indiquées dans la dépêche du Comte Granville. Persuadé qu'aucun malentendu ne saurait se produire à ce sujet entre le Cabinet de Londres et nous, je ne puis que vous prier, en présence des résultats actuellement acquis, de transmettre à votre Gouvernement l'expression de nos remerciements pour les assurances de bon vouloir et les offres courtoises dont vous avez été autorisé à faire part au Gouvernement français.

Agréé, etc.

B. ST. HILAIRE.

Enclosure 2 in No 1.

M. BARTHÉLEMY ST. HILAIRE TO LORD LYONS.

Paris, le 16 mai 1881.

M. l'Ambassadeur,

Dans un office que vous m'avez fait l'honneur de m'adresser sous la date du 14 de ce mois, vous vous référez à plusieurs entretiens que j'ai eus avec votre Excellence, et au cours desquels j'ai été amené à lui donner certaines indications concernant la politique du Gouvernement français à l'égard de la Tunisie. Vous faites allusion notamment à notre conversation du 10 mai, pendant laquelle vous avez bien voulu me communiquer une dépêche de Lord Granville datée du 7, et vous me rappelez que je vous avais promis de répondre par écrit à cette communication. Ma réponse, que je n'ai pu faire aussitôt que j'aurais voulu, doit être actuellement entre vos mains ; j'ai la confiance qu'elle vous mettra en mesure de rassurer tout à fait le Principal Secrétaire d'État de la Reine sur les points qui semblaient particulièrement le préoccuper. Néanmoins, je

saisis avec plaisir l'occasion qui m'est offerte par votre Excellence pour revenir une fois de plus avec elle sur ce que j'ai pu lui faire connaître déjà de nos vues en ce qui concerne l'avenir de la Tunisie.

Vous voulez bien constater tout d'abord que je vous ai déclaré que les conventions existantes entre la Tunisie et les Puissances étrangères seraient maintenues et respectées. Je vous réitère d'autant plus volontiers cette assurance que, par un Article spécial de notre Traité avec le Bey, la République française se porte garante de l'exécution de toutes les conventions de ce genre qui existent aujourd'hui. Il est vrai que dans nos récents entretiens je vous ai parlé incidemment de la possibilité d'une révision de quelques-unes de ces conventions.

La franchise avec laquelle je m'expliquais envers vous m'amenait naturellement à prévoir une éventualité semblable, car je ne pouvais me dissimuler ni dissimuler à votre Excellence les obligations qui incomberont par la force des choses au Gouvernement Français en conséquence de la position qui lui est désormais assignée en Tunisie. Il est bien évident que de même que le Gouvernement anglais, lorsqu'il a assumé la responsabilité de l'administration de pays étrangers, a compris qu'il était tenu de modifier l'état de choses existant, et de procurer aux populations dont il prenait la tutelle l'avantage d'un Gouvernement civilisé et régulier, de même aussi la France, entre les mains de laquelle se trouve actuellement placée la direction supérieure des affaires en Tunisie, ne saurait se dérober au devoir d'appeler ce pays au partage des bienfaits dont notre administration a déjà doté l'Algérie. Mais il n'est pas moins manifeste que cette oeuvre ne pourra être accomplie que graduellement, et qu'il faudra bien du temps encore avant que la Tunisie ne soit mise en état de participer à un régime semblable à celui des nations Européennes. En tout cas, lorsque les progrès que nous devons poursuivre ne pourront être obtenus qu'au prix de certaines modifications qui dérogeraient à un ordre de choses consacré aujourd'hui par des conventions conclues avec les Puissances étrangères, notre ferme intention est de ne procéder jamais aux changements nécessaires que d'accord avec ces Puissances, et en vertu d'une entente amiable avec elles. Les droits et privilèges commerciaux et autres,

énumérés dans l'office de votre Excellence, subsisteront donc intacts, en tant qu'ils sont garantis par des traités, jusqu'à ce que des conventions nouvelles, librement consenties, aient été substituées aux arrangements existants. Pour ce qui concerne spécialement les créanciers de la Régence, il est certain que les sécurités dont ils sont nantis actuellement ne seront en rien affaiblies, et que tout au contraire nous nous efforcerons de les fortifier autant que possible.

Votre Excellence rappelle qu'en plusieurs occasions, dans mes entretiens avec elle, j'ai repoussé l'idée d'une conquête ou d'une annexion à la France d'une partie quelconque du territoire Tunisien. Je ne fais aucune difficulté de vous répéter ici ce que je vous ai dit déjà, et je puis vous affirmer que nos arrangements avec le Bey ne comprennent aucune stipulation qui ne soit conforme aux assurances que je vous ai données. Je réponds implicitement ainsi, et d'une manière qui, j'aime à le croire, vous paraîtra concluante, à vos observations concernant le port de Bizerte. Nous n'avons pas plus le désir de nous annexer Bizerte que tout autre point de la Tunisie. Sans doute, comme je vous l'ai spontanément indiqué, il est possible que nous soyons amenés à favoriser le développement commercial de ce port, et à encourager les tentatives qui seraient faites dans l'intérêt même de la Régence pour en améliorer les conditions matérielles. Mais quelles que soient les entreprises que des Sociétés privées veuillent tenter à Bizerte, il n'entre nullement dans nos projets de dépenser aujourd'hui les sommes énormes et de commencer les travaux gigantesques qui seraient nécessaires pour transformer cette position en un port militaire pouvant servir de base à des opérations de guerre maritime. Là, comme dans le reste de la Régence, l'action de la France ne s'exercera qu'en vue de progrès pacifiques qui devront profiter aux autres nations aussi bien qu'à nous-mêmes. La seule conquête que nous méditons est celle de la civilisation dans un pays encore trop arriéré, et j'ai la confiance que l'Angleterre nous prêtera, dans une oeuvre avantageuse à tous les intérêts, le concours des sympathies sincères que nous nous croyons particulièrement en droit d'attendre d'elle, parce que nous les éprouvons nous-mêmes à son égard.

Agréez, etc.

B. ST. HILAIRE.

EARL GRANVILLE TO M. CHALLEMEL-LACOUR.

Foreign Office, May 20th, 1881.

M. l'Ambassadeur,

Her Majesty's Government have had under their consideration the notes from M. Barthélemy St. Hilaire on the subject of Tunis, of which copies have been received by Her Majesty's Ambassador at Paris, and have also doubtless been furnished to your Excellency.

In his note of the 14th instant M. Barthélemy St. Hilaire expresses his sincere satisfaction at the friendly communication which Lord Lyons had made to him on the 10th instant in accordance with my instructions, and states that he is personally happy to think that the explanations which on several occasions he has communicated to his Excellency on the nature and object of the French operations in Tunis have had the effect of causing the enterprise to be regarded in its true light by Her Majesty's Government ; and he remarks that the treaty with Tunis, the substance of which he has communicated to his Excellency, will be readily recognised as in no way affecting the privileges legitimately possessed by other countries.

M. Barthélemy St. Hilaire concludes by expressing the thanks of his Government for the assurances of goodwill and courteous offers which Lord Lyons conveyed to him.

Her Majesty's Government are happy to receive and to reciprocate these expressions of friendly feeling. It would be difficult to overrate the importance they attach to the excellent relations which exist between this country and France, the value of which is not confined to the respective nations ; but they would be wanting in frankness if they allowed M. Barthélemy St. Hilaire to remain under the impression that the proceedings of the French in Tunis have produced a favourable effect on public opinion in this country.

Her Majesty's Government do not wish to lay too much stress on inconsistencies of language in conversation, or on the

various reasons which have been given at Paris and at Tunis for French intervention, first as a protection against the alleged designs of the Sultan for the Bey's deposition, and secondly for the punishment of the turbulent frontier tribes. But it can hardly be doubted that the treaty with Tunis goes far beyond any question of the security of the frontier, and amounts practically to a Protectorate, which they understood to have been disclaimed.

Her Majesty's Government, however, readily acknowledge the assurance repeated by M. Barthélemy St. Hilaire in his note of the 16th instant that all existing conventions between Tunis and foreign Powers will be maintained and respected, and this all the more readily because by the 4th article of the treaty with the Bey the French Republic guarantees their execution. Commercial and other rights and privileges will therefore remain undisturbed in so far as they are guaranteed by treaties, unless new conventions, freely entered into, shall be substituted for the existing arrangements.

Her Majesty's Government take note of this assurance, which they regard as an international engagement, binding upon the French Government in the future.

In order that there may be no misapprehension hereafter, Her Majesty's Government desire explicitly to state that the General Convention of July 19th, 1875, between the Governments of Great Britain and Tunis, is and remains in force. This treaty secures to British subjects, vessels, commerce, and navigation all the privileges, favours, and immunities which might then or thereafter be granted to the subjects, vessels, commerce, and navigation of any other nation whatever. It therefore extends to Great Britain all the advantages conceded by the Bey in other treaties, including the treaty, between France and Tunis of August 8th, 1830, of which the 7th article is as follows :

"Les Capitulations faites entre la France et la Porte, de même que les anciens traités et conventions passés entre la France et la Régence de Tunis, et nommément le traité du 15 novembre, 1824, seront confirmés et continueront à être observés, dans toutes celles de leurs dispositions, auxquelles le présent Acte ne dérogerait pas."

I have to call your Excellency's special attention to the article of the treaty of 1875 containing the stipulation of most-favoured-nation treatment, as well as to the 7th article, by which the Bey engaged not to prohibit the importation into the Regency of any article the produce and manufacture of the British dominions, and that the duties to be levied on such articles should not exceed 8 per cent. *ad valorem*, or an equivalent specific duty fixed by common consent ; and also to the 18th article, providing for most-favoured-nation treatment in regard to harbour, pilotage, lighthouse, or quarantine dues. It must not, however, be understood that by specially mentioning these articles the force of the remaining articles of the treaty is in any way to be considered as being in any degree impaired by the 7th article of the treaty of the 12th instant :

“Le Gouvernement de la République Française et le Gouvernement de Son Altesse le Bey de Tunis se réservent de fixer d'un commun accord les bases d'une organisation financière de la Régence, qui soit de nature à assurer le service de la Dette Publique et à garantir les droits des créanciers de la Tunisie.”

If the agreement proposed to be entered into with the Bey is intended to change the constitution of the Financial Commission established by the Bey's decree of July 5th, 1869, after preliminary agreement between the Governments of Great Britain, France, and Italy, and in which British creditors are represented, Her Majesty's Government think that an opportunity should be given to the creditors of expressing their views on the subject. Her Majesty's Government observe, M. l'Ambassadeur, that M. Barthélemy St. Hilaire repudiates all idea of annexation by France of the port of Bizerta, or any port whatever of Tunis ; and although he indicates the possibility of encouraging the improvement of the port by private enterprise, he declares that it in no way enters into the projects of the French Government to expend, at the present time, the enormous sums and to commence the immense works necessary for making this position a military port. I do not think it necessary, M. l'Ambassadeur, to enter

into the question of the possible value of Bizerta as a commercial port, further than to observe that if the channel from the sea to the lake is deepened, so as to give access for large vessels, British ships will have, under the treaty of 1875, a right to use it without being subjected to any higher dues than French or Tunisian vessels.

Her Majesty's Government feel confident that M. Barthélemy St. Hilaire will appreciate the friendly intentions of Her Majesty's Government in being thus explicit in their views with regard to the rights of British subjects under existing treaties, and will accept it as a proof of their earnest desire to prevent any occasion of future misapprehension, and to maintain the good understanding which has so long happily subsisted between the two countries.

I am, etc.

GRANVILLE.

No. 3.

EARL GRANVILLE TO LORD LYONS.

(No. 481.)

Foreign Office, May 20th, 1881.

My Lord,

With reference to the passage in my note to M. Challemel-Lacour of this day, of which a copy is enclosed, relating to the Financial Commission established by the Bey's decree of July 5th, 1869, after preliminary agreement between the Governments of Great Britain, France, and Italy, and on which British creditors are represented, Her Majesty's Government think that an opportunity should be given to the creditors of expressing their views on the subject.

I would remind your Excellency that the Bey's decree of July 5th, 1869, was issued by His Highness after a special agreement between the Governments of Great Britain, France, and Italy, who gave their preliminary sanction to its terms, and I have to call your Excellency's attention to the communications which took place between the Marquis de la

Valette and your Excellency at Paris on the subject, when the Marquis de la Valette stated that "he was particularly anxious to establish the principle that in all matters respecting the Tunisian finances the three Powers should act in conjunction." Everything M. de la Valette said must be treated "à trois."

This argument is further recorded in the instructions sent to the French Agent and Consul-General at the time, a copy of which the Marquis de la Valette was good enough to furnish officially to your Excellency.

Your Excellency will find the papers above referred to at pp. 264, 267, and 271 of the "Confidential Correspondence on the Finances of Tunis, 1868-69," of which a copy is annexed.

I am, etc.

GRANVILLE

No. 4.

EARL GRANVILLE TO MR. PLUNKETT.

(No. 1170.)

Foreign Office, October 16th, 1882.

Sir,

Her Majesty's Government have given careful consideration to the communication which, as I informed you in my despatch No. 1077 of 13th ultimo, had been made to me by M. Tissot in regard to the intention of the French Government to establish tribunals at Tunis, and their wish to come to an agreement with Great Britain and the other Powers having consular jurisdiction there for the abolition of such jurisdiction, which would, in the opinion of the French Government, become useless when the arrangements now proposed by them come into operation.

Her Majesty's Government are willing to recognise the justice of the contention that there would be no sufficient reason for maintaining consular jurisdiction in Tunis when the Native Courts are superseded by French tribunals. The institutions which have grown up under the Capitulations

with Turkey have been found essential for the protection of foreigners under the peculiar circumstances of the Ottoman Empire, and the necessity for them disappears when tribunals organised and controlled by an European Government take the place of the Mussulman Courts.

Her Majesty's Government would therefore be prepared to give the most friendly consideration to any proposals on the subject which the French Government may have to make to them, but, in communicating to M. Duclerc their willingness to consider the question of surrendering their rights so far as consular jurisdiction is concerned, you will state to his Excellency that Her Majesty's Government reserve all the other rights and privileges, commercial and otherwise, guaranteed to them by treaties, and that they continue to rely upon the assurances given by M. Barthélemy St. Hilaire in his notes to Lord Lyons of May 14th and May, 16th 1881, which as I stated in my note to M. Challemeil-Lacour of May 20th, 1881, they regard as an international engagement binding upon the French Government.

I am, etc.

GRANVILLE.

No. 5.

MR. PLUNKETT TO EARL GRANVILLE.

(RECEIVED OCTOBER 20th).

(No. 1107.)

Paris, October 19th, 1882.

My Lord,

I called upon M. Duclerc this afternoon to communicate to his Excellency the substance of your Lordship's despatch No. 1170 of the 16th instant.

I stated that Her Majesty's Government were willing to recognise the justice of the contention that there would be no sufficient reason for maintaining consular jurisdiction in Tunis when the Native Courts are superseded by French tribunals. The institutions which have grown up under the Capitulations with Turkey have been found essential for the protection of foreigners under the peculiar circumstances of the Ottoman Empire, and the necessity for them disappears when tribunals

and controlled by an European Government take the place of the Mussulman Courts.

I told his Excellency that Her Majesty's Government would be prepared to give the most friendly consideration to any proposals on the subject which the French Government may have to make to them.

I begged, however, his Excellency to take note that the question which Her Majesty's Government were willing to consider concerned *consular jurisdiction only*.

Her Majesty's Government reserve all the other rights and privileges, commercial and otherwise, guaranteed to them by treaties, and they continue to rely upon the assurances given by M. Barthélemy St. Hilaire in the notes to Lord Lyons of May 14th and 16th, 1881, and I reminded his Excellency that, in your note to M. Challemeil-Lacour of May 20th, 1881, your Lordship had stated that Her Majesty's Government regard these assurances as an international engagement binding on the French Government.

M. Duclerc, who took down the dates of the notes alluded to, said that he quite appreciated the distinction drawn by Her Majesty's Government; the consent to give friendly consideration to the proposals to be made by France respecting the tribunals entirely met all he had so far asked Her Majesty's Government to agree to.

The commercial and other privileges might, perhaps, hereafter form the subject of future negotiations; his proposal at present touched only the question of jurisdiction.

M. Duclerc begged me to express to your Lordship his very sincere thanks for the friendly manner in which his overtures had been met by Her Majesty's Government.

If we can continue to discuss our many little difficulties in the same friendly spirit, said his Excellency, we shall soon have settled them all.

I said I entirely agreed with his Excellency, and I counted on seeing France, on her side, show the same friendly disposition as we had shown to arrange in an amicable spirit the various matters in discussion between the two Governments.

I have, etc.

F. R. PLUNKETT.

EARL GRANVILLE TO M. TISSOT.

Foreign Office, June 20th, 1883.

M. l'Ambassadeur,

In my note to Count d'Aunay of 14th ultimo I had the honour to acknowledge the receipt of the *note verbale*, which he was good enough to place in my hands on May 10th, enclosing the text of the French law establishing French jurisdiction in Tunis, of a decree of the Bey authorising that measure, and of two administrative regulations on the same subject. The note expressed the desire of the French Government that British subjects residing in the Regency should be in future amenable to the new jurisdiction thus created.

The question of the abandonment of the Queen's ex-territorial jurisdiction over British subjects in the Regency of Tunis, which is vested in Her Majesty under the Capitulations and recent treaties, has occupied the careful attention of Her Majesty's Government; and the examination of the documents enclosed in Count d'Aunay's note has suggested some enquiries into their precise meaning and effect, which I desire to submit to your Excellency, with the request that you will be good enough to furnish me, at your convenience, with the further information required by Her Majesty's Government. All those enquiries being more or less of a technical nature, I have thought it more convenient to present them in the form of a memorandum, which I have the honour to enclose.

As I have had occasion to inform your Excellency in the course of conversation on this subject, Her Majesty's Government are quite disposed to waive the rights of this country, under the Capitulations and treaties, to the extent which may be required to give full scope to the exercise of civil and criminal jurisdiction over British subjects by the French tribunals.

They do not, however, believe that it would be expedient to extend the change beyond what is required by the circum-

stances of the case, and they lay much stress, for instance, on the maintenance of those privileges and immunities which are enjoyed by consular officers in the East, and which partake of the character of those accorded to diplomatic agents in Europe.

Subject to these reserves, and to the explanations which your Excellency may be good enough to furnish me on the points referred to in the enclosed memorandum, Her Majesty's Government will have much pleasure in acceding to the request of the French Government, and will take the proper measures to relieve Her Majesty's consular officers in the Regency of their judicial functions as soon as the other foreign Governments represented in Tunis have signified their willingness to adopt a similar course.

I have, etc.

GRANVILLE.

Enclosure in No. 6.

MEMORANDUM RESPECTING THE LAW OF MARCH 27th, 1883,
ESTABLISHING FRENCH TRIBUNALS IN THE REGENCY OF TUNIS.

ARTICLE 2. The effect of the reference to the Court of Algeria is not clear. There is no express provision in relation to appeals, yet it is presumed that British subjects will have a right of appeal in civil and commercial cases, and it would be desirable to have information as to the court to which such appeal would lie, and the conditions under which it may be carried on.

ARTICLE 4. No provision appears to be made as to appeal in criminal cases. It would be desirable, therefore, to obtain information as to the process applicable as regards the revision of sentences, the mitigation of punishment, and the grant of pardons.

ARTICLE 5. This article seems to call for explanation on the following point :

Is the effect of it that part of the process in a criminal case against a British subject is to be that he is to be taken to Algiers, and then brought back to Tunis for actual trial ?

ARTICLE 10. The following enquiries are suggested by this article :

What are the dispositions of the "Arrêté Ministériel" of November 26th, 1841 ?

What is to be understood by the term "défenseur" ?

Are British advocates now in Tunis to be limited to the functions of "défenseur" ?

This last enquiry appears especially important in view of paragraph of the "Exposé des Motifs" annexed to the Bill (when brought into the Senate on January 25th last) in which it appears to have been assumed that there would be an abandonment of the Capitulations.

PRESIDENTIAL DECREE OF APRIL 14th, 1883.

Article 9, paragraph 3. It is stated that if the accused are of foreign nationality, there are to be three foreign as well as the three French assessors.

In the event of the accused being a British subject, is he to have three British assessors ? If not, it appears to Her Majesty's Government that a British subject should have the right to reject the three foreign assessors, confiding his interests to the three French, if not to six French assessors.

GENERAL OBSERVATIONS.

The following points also require elucidation :

What is to be the state of the law as to the immovable property, having regard to the vested interests of present holders of land, and to the provisions of the Anglo-Tunisian Convention of October 10th, 1863, and to article 4 of the treaty between France and Tunis of May 12th, 1881 ?

What is to be the position of British protégés ?

Will the immunities and privileges attaching to the persons and residences of consular officers be sufficiently secured without any legislative provision on the subject ?

No. 7.

EARL GRANVILLE TO M. WADDINGTON.

Foreign Office, November 16th, 1883.

M. l'Ambassadeur,

On July 20th last Count d'Aunay was good enough to place in my hands a memorandum containing the reply of the French Government on the various points referred to in the memorandum attached to my note to M. Tissot of June 20th last, on which Her Majesty's Government desired further information bearing upon the precise meaning and effect of the French law of March 27th last, establishing French jurisdiction in Tunis.

Her Majesty's Government have, in communication with the Law Officers of the Crown, attentively considered the additional information on this subject, which the French Government have been good enough to furnish, and whilst accepting these explanations as on the whole satisfactory, I have to request, M. l'Ambassadeur, that you will inform your Government that there still remain some points as to which Her Majesty's Government consider that they are called upon to make reservations before surrendering British consular jurisdiction in Tunis; but that, subject to the acquiescence of the French Government therein, they are prepared to abolish the British consular jurisdiction in Tunis from the 1st January next.

Those reservations are :

1. The right of British subjects to challenge assessors in the new courts.
2. The admission of duly qualified British advocates to practise before the courts, without this privilege being

limited; as at present proposed, to those only who are now established in Tunis.

3. The extension to Great Britain of all privileges reserved to any other Power in connection with the new system of jurisdiction in Tunis.
4. The immediate settlement by arbitration, or otherwise, of outstanding claims of British subjects in Tunis.
5. The cesser of military jurisdiction over British subjects in cases cognisable by the civil tribunals.

With regard to this last condition, I would observe that in a recent note from M. Challemeil-Lacour to Lord Lyons, dated the 19th ultimo, and relating to the case of the Maltese, Mangano, it was stated that it was the earnest desire of the French Government "de placer tous les habitants du pays sous le régime du droit commun," and the hope was expressed that Her Majesty's Government would not, by maintaining their consular jurisdiction, retard the establishment of a more regular order of things.

Her Majesty's Government trust, therefore, that the Government of the Republic will see its way to meet their wishes in the matters above mentioned, and on receipt of a communication from your Excellency to that effect, they will take immediate steps to carry out the arrangement at the date above proposed.

I have, etc.

GRANVILLE.

M. WADDINGTON TO EARL GRANVILLE

(RECEIVED DECEMBER 29TH.)

Londres, le 29 décembre 1883.

M. le Comte,

En me référant à la lettre du 16 novembre dernier, par laquelle votre Excellence a bien voulu me faire connaître dans quelles conditions le Gouvernement de Sa Majesté la Reine serait disposé à supprimer pour le 1^{er} janvier prochain sa Cour consulaire à Tunis, je suis heureux de vous faire savoir que le Gouvernement de la République ne voit aucune difficulté à accepter ces conditions.

Il n'y a, en réalité, que l'article 4 de ces conditions qui ait nécessité quelques explications entre nous ; je me permettrai de rappeler à votre Excellence ce dont nous sommes tombés d'accord à cet égard.

Les contestations mobilières entre le Gouvernement tunisien et des sujets ou protégés Anglais seront réglées à l'amiable, s'il est possible, et sinon soumises à un arbitrage.

Les arbitres seront choisis d'une part pour le Gouvernement tunisien par le Gouvernement de la République, d'autre part pour les sujets ou protégés Anglais par le Gouvernement de Sa Majesté ; ils désigneront, en cas de désaccord, un tiers arbitre. (Les frais de l'arbitrage seront payés par les parties dans la proportion fixée par les arbitres.)

Il est bien entendu que ce règlement arbitral ne pourra en aucune façon revenir sur l'arrangement international du 23 mars 1870 et sur les décisions de la Commission financière qui a été instituée dans l'intérêt des créanciers européens par la France, la Grande-Bretagne, et l'Italie.

Par conséquent, ne peuvent être soumises à l'arbitrage les réclamations antérieures audit arrangement : c'est-à-dire celles qui étant de la compétence de la Commission, n'auront pas été présentées à la commission avant le 20 février 1870 date à laquelle les dettes du Gouvernement tunisien ont été irrévocablement arrêtées.

Dans le cas où il y aurait contestation entre les parties sur la question de savoir si une réclamation antérieure à la date du 20 février 1870 n'aurait pas été présentée en temps utile à la commission internationale, les arbitres, avant d'examiner quant au fond, consulteront la commission.

Si celle-ci déclare que la réclamation n'a pas été présentée en temps utile, la réclamation ne sera pas soumise à l'arbitrage et restera déchuë.

Si elle déclare, au contraire, que la réclamation lui a été présentée en temps utile, et s'il est établi que c'est par une cause dont le réclamant n'est pas responsable, qu'elle ne l'a pas classée, la réclamation sera jugée par les arbitres.

Si leur sentence condamne le Gouvernement, la réclamation sera renvoyée de nouveau à la commission, afin qu'elle soit classée dans les conditions de l'arrangement du 23 mars 1870.

Veillez, etc.

WADDINGTON.

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