

TREATY SERIES No. 2 (1923).

447

NOTES

EXCHANGED BETWEEN THE

British and French Governments

RESPECTING THE

New Hebrides Protocol of
August 6, 1914.

Presented to Parliament by Command of His Majesty.



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Notes exchanged between the British and French Governments respecting the New Hebrides Protocol of August 6, 1914.*

No. 1.

Lord Hardinge of Penshurst to M. Poincaré.

British Embassy, Paris,

December 15, 1922.

M. le Président du Conseil,

THE protocol of the 6th August, 1914, respecting the New Hebrides, provides under article 10, section 4, that "the arrangements as to salaries, travelling allowances, leave, acting appointments and in general all matters relating to the working of the Joint Court shall be settled by common agreement between the two Governments."

Your Excellency is doubtless aware that subsequent to the signature of the convention of the 20th October, 1906, now superseded by the protocol of 1914, the Government of the French Republic addressed a note to His Majesty's Government, dated the 29th August, 1907, to which were annexed the regulations which it was deemed necessary to bring into force.

I should be grateful if, in acknowledging my present note, your Excellency would be so good as to inform me whether, in order that the complete agreement between our two Governments may thus be placed on official record, the French Government agree that the existing arrangements embodied in the enclosure to the note of the 29th August, 1907, subject to any modifications and additions which have since been made thereto, should remain in force until modified by common agreement between the two Governments.

I have, &c.

HARDINGE OF PENSHURST.

No. 2.

M. Poincaré to Mr. Phipps (Paris).

Ministère des Affaires étrangères,

Paris, le 25 décembre 1922.

M. le Chargé d'Affaires,

Vous avez bien voulu me rappeler, à la date du 14 décembre, que, postérieurement à la signature de la convention du 20 octobre 1906, actuellement remplacée par le protocole du 6 août 1914, un échange de notes avait eu lieu, le 29 août 1907, entre le Gouvernement britannique et le Gouvernement français pour régler différents points restés jusqu'alors en suspens.

Vous m'avez prié à cette occasion de vous faire connaître si, le Gouvernement français consentirait à voir maintenir en vigueur,

* Treaty Series, No. 7 (1922).

jusqu'à ce qu'il soit modifié par un nouvel accord, le règlement contenu dans l'annexe à la note du 29 août 1907 avec les modifications et additions qui y ont été apportées depuis cette date.

En vous accusant réception de cette lettre, j'ai l'honneur de vous faire savoir que le Gouvernement français partage l'avis du Gouvernement britannique au sujet du maintien des dispositions actuelles réglant le fonctionnement du Tribunal mixte. Ce règlement a été, en effet, rédigé par la Commission mixte qui s'est réunie en mai 1907 au Foreign Office pour préparer, conformément au paragraphe 4 de l'article 10 de la Convention des Nouvelles-Hébrides, signée à Londres le 20 octobre 1906, les dispositions relatives aux traitements, passages, congés, &c., et, d'une manière générale à tout ce qui concerne le fonctionnement du Tribunal mixte. L'accord intervenu entre les deux Gouvernements après la réunion de cette commission ayant été constaté par un échange de notes le 29 août 1907, rien ne s'oppose à ce que les dispositions de cet accord soient également appliquées à l'article 10, paragraphe 4, du protocole du 6 août 1914, jusqu'à ce qu'un nouvel arrangement intervienne à ce sujet.

Agréé, &c.

R. POINCARÉ.

(Translation.)

Ministry for Foreign Affairs,

Paris, December 25, 1922.

Sir,

You were good enough to remind me on the 15th December that, subsequent to the signature of the convention of the 20th October, 1906, now replaced by the protocol of the 6th August, 1914, an exchange of notes took place on the 29th August, 1907, between the British Government and the French Government to settle certain still outstanding points.

On that occasion you requested me to inform you whether the French Government would consent to the continuation in force, until its modification by a new agreement, of the regulation contained in the annex to the note of the 29th August, 1907, with the modifications and additions introduced since that date.

In acknowledging the receipt of this note, I have the honour to inform you that the French Government share the opinion of the British Government regarding the maintenance of the provisions at present regulating the working of the Mixed Tribunal. This regulation was, in fact, drawn up by the Mixed Commission which met in May of 1907 at the Foreign Office to prepare, in accordance with paragraph 4 of article 10 of the New Hebrides Convention, signed at London on the 20th October, 1906, the provisions respecting salaries, travelling allowances, leave, &c., and in general respecting everything connected with the operations of the Mixed Tribunal. The agreement arrived at between the two Governments after the meeting of that commission having been confirmed by an exchange of notes on the 29th August, 1907, nothing exists to prevent the provisions of this agreement being also applied to paragraph 4 of article 10 of the protocol of the 6th August, 1914, until a new arrangement upon this subject is reached.

Accept, &c.

R. POINCARÉ.

4
No. 3.

Lord Hardinge of Penshurst to M. Poincaré.

British Embassy, Paris,

December 16, 1922.

M. le Président du Conseil,

IN my note of yesterday's date I had the honour to draw to the attention of your Excellency certain matters arising out of the protocol of the 6th August, 1914, respecting the New Hebrides.

I have now the honour to invite your Excellency's attention to article 22 of the protocol of 1914 and to state that His Majesty's Government consider that the words "suits respecting immovable property" ("litiges immobiliers"), which appear in section 1 and thereafter throughout the text of this protocol, should be so interpreted as to apply equally to actions and suits regarding mines, minerals and everything below the surface of the soil.

I should be glad if, in acknowledging this note, your Excellency would be so good as to inform me whether the French Government approve this interpretation in order that the complete agreement of the two Governments on this point may be officially recognised.

I have, &c.

HARDINGE OF PENSHURST.

No. 4.

M. Poincaré to Mr. Phipps (Paris).

Ministère des Affaires étrangères,

Paris, le 26 décembre 1922.

M. le Chargé d'Affaires,

PAR lettre du 16 décembre, vous avez bien voulu appeler mon attention sur l'article 22 du protocole du 6 août 1914 relatif aux Nouvelles-Hébrides.

Vous m'avez fait savoir que le Gouvernement de Sa Majesté considère que les mots "litiges immobiliers" ("suits respecting immovable property"), qui figurent dans le texte du protocole, doivent également s'appliquer aux procès et litiges concernant les mines, minerais et en général le sous-sol des îles.

En accusant réception de cette lettre, j'ai l'honneur de porter à votre connaissance que le Gouvernement français ne peut que s'en tenir à la déclaration déjà faite dans sa note du 29 août 1907.

De même que pour les articles 22 et suivants de la convention du 20 octobre 1906, les procès et litiges immobiliers auxquels se réfèrent les articles 22 et suivants du protocole de 1914 pourront comprendre également les procès et litiges concernant les mines, minerais et en général le sous-sol des îles.

Veillez agréer, &c.

R. POINCARÉ.

(Translation)

Ministry for Foreign Affairs,

Paris, December 26, 1922.

Sir,

IN your note of the 16th December you were good enough to invite my attention to article 22 of the protocol of the 6th August, 1914, regarding the New Hebrides.

You informed me that His Majesty's Government considered that the words "litiges immobiliers" ("suits respecting immovable property"), appearing in the text of the protocol, should also apply to actions and suits affecting the mines, minerals and, in general, the sub-soil of the islands.

While acknowledging the receipt of that note, I have the honour to inform you that the French Government has nothing to add to the statement already made in its note of the 29th August, 1907.

Similarly, as regards articles 22 *et seq.* of the convention of the 20th October, 1906, the actions and suits respecting immovable property to which articles 22 *et seq.* of the protocol of 1914 refer may also include actions and suits affecting the mines, minerals and, in general, the sub-soil of the islands.

Accept, &c.
R. POINCARÉ.

