

comment of His Majesty's Government on the memorandum, which was that the dispute could not be settled except by common consent. The Palestine Government, though prepared, if approached by both parties, to act as intermediaries, felt that the matter was one which could best be settled by consent between the communities concerned. Neither party, in fact, approached the Palestine Government and that Government is not aware of any negotiations having been initiated between the parties.

From the official *communiqué* issued by the Palestine Government it will be seen—and, so far as His Majesty's Government are aware, the fact is not contested—that on the Jewish Day of Atonement in September last innovations were made in the existing practice. Complaints about these innovations were made to an officer of the Palestine Government by the Mutawali of the Waqf in which the pavement is vested, and, when on investigation he found that those complaints were substantiated, he was confronted with a choice between ignoring the Mandatory obligation of his Government to preserve the *status quo* and the removal of an appurtenance of Jewish worship. Having decided that the Mandatory obligation could not be disregarded, he obtained from the Jewish official present at the Wall an undertaking that the screen which had been introduced in contravention of established practice would be removed before the service on the Day of Atonement. Unfortunately, this undertaking was not fulfilled; and accordingly there was no alternative, bearing in mind the obligation to preserve the *status quo*, to the removal of the screen when, on the following morning, worshippers present at the Wall themselves declined to remove it. Though some of the congregation endeavoured to prevent it, the removal was in fact effected without casualties of any but a light nature. The Police who undertook this duty did not include any Jews; at one time it was the practice to post a Jewish police inspector near the Wailing Wall on Jewish Holy Days but, at the urgent request of the Chief Rabbinate, all Jewish police officers had been excused duty on the Day of Atonement. In future, steps will be taken to ensure that a Jewish officer is present at the Wall on all such occasions.

It has been urged that the Palestine Government should have exercised greater judgment and, in particular, should have consulted representative Jewish authorities before action was taken. His Majesty's Government feel that the delicacy of the question of procedure at the Wall and the need for extreme discretion with regard to anything that might be regarded by watchful neighbours as a breach of the *status quo* should have been obvious to the responsible Jewish authorities. Those authorities are fully aware that, in the absence of any mutual agreement between themselves and the Moslem authorities regulating the conduct of services at the Wall, it is open to the Moslem authorities to take exception to any innovations of practice, and it is the duty of the Palestine Government to ensure that there is no infraction of the *status quo*. If the innovations introduced on the Jewish Day of Atonement were made with the assent of the responsible Jewish authorities, that assent must be assumed to have been given in the full knowledge that, since the permission of the Government and of the Moslem owners of the pavement had not been obtained, the departure from the *status quo* would have to be stopped by Government if complaint were made. The Jewish authorities should have been the more alive to the possibility that the Moslem authorities would complain against any departure from the *status quo* on the Jewish Day of Atonement, since such a complaint was, in fact, made on the same day in 1925, and, after the police had intervened to restore the *status quo*, it had been made clear to those concerned that the Palestine Government would regard it as their duty to take similar action in the event of any recurrence.

If, on the other hand, the responsible Jewish authorities were not aware of the innovations introduced on the Jewish Day of Atonement, they cannot reasonably expect the Mandatory Administration to countenance the unauthorized act of a subordinate. In any case, the responsible officer of the Palestine Government was faced with a position calling for an immediate decision, and the principles on which he acted cannot, in the view of His Majesty's Government, be called in question. In the light of subsequent events, it may be thought unfortunate that the Deputy District Commissioner relied on the undertaking given by the Jewish official present at the Wall that the screen would be removed; but he had no reason to suppose that that undertaking would not in fact be carried out.

It has been represented that the removal of the screen should have been postponed until the conclusion of the services and the Fast of the Day of Atonement. It must be pointed out in reply that it is the practice to take immediate action where it is established that the *status quo* has been infringed. In the Church of the Holy Sepulchre and other Holy Places, even in the most sacred services and upon the most holy days, infraction of the *status quo* has from time immemorial been dealt with immediately and on the spot owing to the risk of creating a precedent which would transform an infraction into an integral portion of the *status quo*.

The request has been preferred to His Majesty's Government that they should use their good offices "to promote an arrangement eliminating the present obstacles to the free exercise of worship" at the Wailing Wall. His Majesty's Government regard it as their duty, and it is their intention, to maintain the established Jewish right of access to the pavement in front of the Wall for the purposes of their devotions and also their right to bring to the Wall those appurtenances that they were allowed to take to the Wall under the Turkish régime. It would be inconsistent with their duty under the Mandate were they to endeavour to compel the Moslem owners of the pavement to accord any further privileges or rights to the Jewish community. The possibility that such privileges or rights might be acquired by the Jews by mutual arrangement with the Moslem authorities has been lessened by the fact that public opinion in Palestine has definitely removed the matter from the purely religious orbit and has made of it a political and racial question. Even if the dispute had not assumed this complexion, it would have been difficult to find a solution satisfactory to all parties concerned. In the present state of feeling, the difficulty has been greatly enhanced. Nevertheless, in the hope that more sober counsels will eventually prevail, the Palestine Government have suggested both to the Palestine Zionist Executive and to the Supreme Moslem Council that it would be a convenience to all the parties concerned if a protocol could be mutually agreed upon between the Moslem and Jewish authorities