

1879.  
NEW ZEALAND.

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# TREATY OF COMMERCE BETWEEN UNITED STATES AND SAMOAN ISLANDS

(PAPERS RELATIVE TO).

*Presented to both Houses of the General Assembly by Command of His Excellency.*

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## No. 1.

The AGENT-GENERAL to the Hon. the COLONIAL SECRETARY.

SIR,— 7, Westminster Chambers, London, S.W., 3rd October, 1878.  
I have the honor to inform you that having seen it stated in the public Press that a treaty of friendship and commerce had been lately concluded between the Governments of the United States of America and of the Samoan Islands respectively, I requested Sir Michael Hicks Beach to move the Foreign Office to obtain, for the information of my Government, a copy of the treaty; and the Colonial Office having at once complied, I now enclose the text of that document.

I have, &c.,

JULIUS VOGEL,  
Agent-General.

The Hon. the Colonial Secretary, Wellington.

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## Enclosure in No 1.

**TREATY** between the UNITED STATES of AMERICA and the GOVERNMENT of the SAMOAN ISLANDS.—Friendship and Commerce.—Concluded January 17, 1878; ratification advised by Senate with amendments, January 30, 1878; ratified by President, February 8, 1878; ratified by the Samoan Envoy, February 11, 1878; ratifications exchanged at Washington, February 11, 1878; proclaimed, February 13, 1878, by the President of the United States of America.

### A PROCLAMATION.

**WHEREAS** a Treaty of Friendship and Commerce between the United States and the Government of the Samoan Islands was concluded and signed by their respective Plenipotentiaries at the City of Washington on the 17th day of January, in the year of our Lord, 1878, which treaty, after having been amended and ratified by the contracting parties, is word for word as follows:—

The Government of the United States of America and the Government of the Samoan Islands, being desirous of concluding a Treaty of Friendship and Commerce, the President of the United States has for this purpose conferred full powers upon William M. Ewarts, Secretary of State, and the Government of the Samoan Islands has conferred like powers upon M. K. Le Mamea, its Envoy Extraordinary to the United States. And the said Plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon the following articles:—

### ARTICLE I.

There shall be perpetual peace and friendship between the Government of the United States and the Government of the Samoan Islands.

### ARTICLE II.

Naval vessels of the United States shall have the privilege of entering and using the Port of Pagopago, and establishing therein and on the shores thereof a station for coal and other naval supplies for their naval and commercial marine; and the Samoan Government will hereafter neither exercise nor authorize any jurisdiction within said port adverse to such rights of the United States, or restrictive thereof. The same vessels shall also have the privilege of entering other ports of the Samoan Islands. The citizens of the United States shall likewise have free liberty to enter the same ports with their ships and cargoes of whatsoever kind, and to sell the same to any of the inhabitants of those islands. All such traffic, in whatever articles of trade or barter, shall be free, except that the trade in firearms and munitions of war in the islands shall be subject to regulations by that Government.

## ARTICLE III.

No import or export duty shall be charged on the cargoes of the vessels of the United States entering or clearing from the ports of the Samoan Islands, and no other than a tonnage duty of one-half of 1 per cent. per ton actual measurement shall be charged on the entrance of such vessels.

## ARTICLE IV.

All disputes between citizens of the United States in the Samoan Islands, whether relating to civil matters or to offences or crimes, shall be heard and determined by the Consul of the United States at Apia, Samoa, under such regulations and limitations as the United States may provide; and all disputes between citizens of the United States and the people of those Islands shall be heard by that Consul in conjunction with such officer of the Samoan Government as may be designated for that purpose. Crimes and offences, in cases where citizens of the United States may be convicted, shall be punished according to the laws of their country; and, in cases where the people of the Samoan Islands may be convicted, they shall be punished pursuant to Samoan laws, and by the authorities of that country.

## ARTICLE V.

If, unhappily, any differences should have arisen, or shall hereafter arise, between the Samoan Government and any other Government in amity with the United States, the Government of the latter will employ its good offices for the purpose of adjusting those differences upon a satisfactory and solid foundation.

## ARTICLE VI.

The Government of Samoa agrees to allow to the Government and citizens of the United States free and equal participation in any privileges that may have been or may hereafter be granted to the Government, citizens, or subjects of any other nation.

## ARTICLE VII.

The present treaty shall remain in force from ten years from its date. If neither party shall have given to the other six months' previous notice of his intention then to terminate the same, it shall further remain in force until the end of twelve months after either party shall have given notice to the other of such intention.

## ARTICLE VIII.

The present treaty shall be ratified, and the ratifications exchanged, as soon as possible.

In faith whereof the Plenipotentiaries have signed and sealed this treaty at Washington, the 17th day of January, 1878.

(L.S.)	WILLIAM MAXWELL EWARTS.
(L.S.)	M. K. LE MAMEA.

And whereas the said treaty as amended has been duly ratified on both parts, and the respective ratifications of the same were exchanged in the City of Washington, on the 11th day of February, 1878:

Now, therefore, be it known that I, Rutherford B. Hayes, President of the United States of America, have caused the said treaty to be made public, to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the Seal of the United States to be affixed.

Done at the City of Washington, the 13th day of February, in the year of our Lord 1878, and of the independence of the United States the 102nd.

By the President—

WM. M. EWARTS,  
Secretary of State.

(L.S.) R. B. HAYES.