

Enclosure in No. 46.—FINAL ACT of the CONFERENCE on SAMOAN AFFAIRS, signed at Berlin, 14th June, 1889.

(Circular.)

Downing Street, 7th February, 1890.

MY LORD,—I have the honour to transmit to you, for communication to your Government, copies of an extract from the *London Gazette* of the 24th January, which contains the final Act of the Conference on Samoan affairs, signed at Berlin on the 14th June, 1889, by the British, German, and United States Plenipotentiaries.

I have, &c.,  
KNUTSFORD.

Governor the Right Hon. the Earl of Onslow,  
G.C.M.G., &c.

[Extract from the *London Gazette* of Friday, January 24, 1890.]

Foreign Office, 22nd January, 1890.

THE following despatch was addressed to the Marquis of Salisbury, K.G., Her Majesty's Secretary of State for Foreign Affairs, by Her Majesty's Plenipotentiaries at the Conference held at Berlin on the affairs of Samoa:—

THE BRITISH PLENIPOTENTIARIES at the SAMOAN CONFERENCE to the Marquis of SALISBURY.

(Received June 17.)

Berlin, 15th June, 1889.

MY LORD,—We, have the honour to transmit herewith to your Lordship the final Act of the Conference on Samoan affairs, which, in virtue of the full powers conferred upon us by Her Majesty, we signed yesterday afternoon, conjointly with the Plenipotentiaries of the German Emperor and of the United States of America.

We have, &c.,  
EDWARD B. MALET.  
CHARLES S. SCOTT.  
J. A. CROWE.

[Enclosure.]

*Final Act of the Conference on Samoan Affairs, signed at Berlin, June 14, 1889.*

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the Emperor of Germany, King of Prussia; the President of the United States of America,

Wishing to provide for the security of life, property, and trade of the citizens and subjects of their respective Governments residing in, or having commercial relations with, the islands of Samoa, and desirous, at the same time, to avoid all occasions of dissension between their respective Governments and the Government and people of Samoa, while promoting as far as possible the peaceful and orderly civilisation of the people of these islands, have resolved, in accordance with the invitation of the Imperial Government of Germany, to resume in Berlin the Conference of their Plenipotentiaries which was begun in Washington on the 25th June, 1887; and have named for their present Plenipotentiaries the following:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India: Sir Edward Baldwin Malet, Her Majesty's Ambassador to the Emperor of Germany, King of Prussia; Charles Stewart Scott, Esq., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation; Joseph Archer Crowe, Esq., Her Majesty's Commercial Attaché for Europe;

His Majesty the Emperor of Germany, King of Prussia: Count Bismarck, Minister of State, Secretary of State for Foreign Affairs; Baron von Holstein, Actual Privy Councillor of Legation; Dr. Krauel, Privy Councillor of Legation;

The President of the United States of America: Mr. John A. Kasson; Mr. William Walter Phelps; Mr. George H. Bates;

Who, furnished with full powers which have been found in good and due form, have successively considered and adopted—

1. A declaration respecting the independence and neutrality of the islands of Samoa, and assuring to their respective citizens and subjects equality of rights in said islands, and providing for the immediate restoration of peace and order therein.

2. A declaration respecting the modification of existing treaties, and the assent of the Samoan Government to this Act.

3. A declaration respecting the establishment of a Supreme Court of Justice for Samoa, and defining its jurisdiction.

4. A declaration respecting titles to land in Samoa, restraining the disposition thereof by natives, and providing for the investigation of claims thereto, and for the registration of valid titles.

5. A declaration respecting the Municipal District of Apia, providing a local administration therefor, and defining the jurisdiction of the Municipal Magistrate.

6. A declaration respecting taxation and revenue in Samoa.

7. A declaration respecting arms and ammunition, and intoxicating liquors, restraining their sale and use.

8. General dispositions.

ART. I.—A Declaration respecting the Independence and Neutrality of the Islands of Samoa, and assuring to the respective Citizens and Subjects of the Signatory Powers Equality of Rights in said Islands; and providing for the immediate Restoration of Peace and Order therein.

It is declared that the islands of Samoa are neutral territory in which the citizens and subjects of the three signatory Powers have equal rights of residence, trade, and personal protection. The three Powers recognise the independence of the Samoan Government, and the free right of the natives to elect their Chief or King, and choose their form of government according to their own laws and customs. Neither of the Powers shall exercise any separate control over the islands or the Government thereof.

It is further declared, with a view to the prompt restoration of peace and good order in the said islands, and in view of the difficulties which would surround an election in the present disordered condition of their Government, that Malietoa Laupepa, who was formerly made and appointed King on the 12th day of July, 1881, and was so recognised by the three Powers, shall again be so recognised hereafter in the exercise of such authority, unless the three Powers shall by common accord otherwise declare; and his successor shall be duly elected according to the laws and customs of Samoa.

ART. II.—A Declaration respecting the Modification of existing Treaties, and the Assent of the Samoan Government to this Act.

Considering that the following provisions of this general Act cannot be fully effective without a modification of certain provisions of the treaties heretofore existing between the three Powers respectively and the Government of Samoa, it is mutually declared that in every case where the provisions of this Act shall be inconsistent with any provision of such treaty or treaties, the provisions of this Act shall prevail.

Considering further, that the consent of the Samoan Government is requisite to the validity of the stipulations hereinafter contained, the three Powers mutually agree to request the assent of the Samoan Government to the same, which, when given, shall be certified in writing to each of the three Governments, through the medium of their respective Consuls in Samoa.

ART. III.—A Declaration respecting the Establishment of a Supreme Court of Justice for Samoa, and defining its Jurisdiction.

Sec. 1. A Supreme Court shall be established in Samoa, to consist of one Judge, who shall be styled Chief Justice of Samoa, and who shall appoint a Clerk and a Marshal of the Court; and record shall be kept of all orders and decisions made by the Court, or by the Chief Justice, in the discharge of any duties imposed on him under this Act. The Clerk and Marshal shall be allowed reasonable fees to be regulated by order of the Court.

Sec. 2. With a view to secure judicial independence and the equal consideration of the rights of all parties, irrespective of nationality, it is agreed that the Chief Justice shall be named by the three signatory Powers in common accord; or, failing their agreement, he may be named by the King of Sweden and Norway. He shall be learned in law and equity, of mature years, and of good repute for his sense of honour, impartiality, and justice.

His decision upon questions within his jurisdiction shall be final. He shall be appointed by the Samoan Government upon the certificate of his nomination, as herein provided. He shall receive an annual salary of 6,000 dollars in gold, or its equivalent, to be paid the first year in equal proportions by the three treaty Powers, and afterward out of the revenues of Samoa apportioned to the use of the Samoan Government, upon which his compensation shall be the first charge. Any deficiency therein shall be made good by the three Powers in equal shares.

The powers of the Chief Justice, in case of a vacancy of that office from any cause, shall be exercised by the President of the Municipal Council, until a successor shall be duly appointed and qualified.

Sec. 3. In case either of the four Governments shall at any time have cause of complaint against the Chief Justice for any misconduct in office, such complaint shall be pre-