

1890.
NEW ZEALAND.

FEDERATION AND ANNEXATION.

(FURTHER PAPERS RELATING TO THE PACIFIC ISLANDS.)

[In continuation of A.—2, 1889.]

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

No. 1.

MEMORANDUM from the AGENT-GENERAL to the Hon. the PREMIER.

7, Westminster Chambers, London, S.W., 20th September, 1889.

Return of King Malietoa.—I beg to attach hereto, for the information of the Hon. the Minister, some extracts from the *Times* on the subject of the return of King Malietoa to Samoa.

F. D. BELL.

Enclosures.

[Extract from the *Times*, Tuesday, 17th September, 1889.]

Auckland, 16th September.

SAMOA.—The latest reports from Samoa announce that Malietoa, the King who was dethroned and deported by the Germans, but has since been restored to his native land, and Mataafa, who disputed with Tamasese the succession to Malietoa's throne, have gone to the Island of Manono, where they will remain until the decisions of the Berlin Conference have taken definite shape. The German Consul at Apia has notified Tamasese that the German Government is precluded from giving especial support to any one party.

[Extract from the *Times*, Friday, 20th September, 1889.]

THE RETURN OF MALIETOA.

Apia, Samoa, 13th August.

On the 18th September, 1887, Malietoa Laupapa, King of Samoa, was deported in the German warship "Adler," and was taken a prisoner first to the Cameroon Islands, afterwards to Hamburg, and finally to Jaluit, in the Marshall Islands. The "Adler" now lies a wreck on the reef in the harbour of Apia, and Malietoa, according to the terms of the Berlin Conference, has been returned to the place from whence he was kidnapped. It is understood here that Malietoa was to be restored as King. But the German authorities were not disposed to eat any humble-pie in the shape of an official landing, or to give a chance of any demonstration amongst the native or English and American residents. He was put ashore like an outlaw, instead of a great chief. The gun-boat "Wulf," which brought Malietoa and his companions in exile from the Marshalls, was purposely timed to arrive here on Sunday last, the 11th August. No people in the world respect the Sabbath so much as these Pacific Islanders. Nowhere is attendance at church so generally observed. On Malietoa's departure, as he walked down the beach road to the wharf with the German Consul, the people crowded round him, kissing his hand, imploring him not to give himself up. If he had raised his hand there were enough armed warriors ready in the native village behind Apia to massacre the German marines and carry off their King into the bush again. But Malietoa had written, "I deliver up my body to the German Government that the blood of Samoa shall not be spilt for me." Weak in many things, he was still strong to suffer; and to save bloodshed he kept his word in surrendering to the German authorities. But he surrendered as a King, his herald crying out before him, the people mourning and crouching to their knees as he passed. And, with the knowledge that he was sacrificing himself for his country's good, the triumph was to Malietoa, and not to the Germans. They meant to give no chance for a repetition of such a scene, for the exiled King was sneaked ashore like a smuggler.

On Sunday afternoon the natives were going to church as the "Wulf" came into the harbour. Not many changed their intentions. Still, there was a considerable crowd around the establishment of Messrs. W. McArthur and Co. Malietoa's strongest supporters were there; Seumana, the hereditary chief of Apia, a fine, handsome man, known to all travellers; and George Leapii, the Magistrate appointed by Mataafa to keep order in the township, as upright a Judge as can be found in any centre of civilisation. Leapii last week fined Seumana's daughter Fanua a dollar for furious riding in the streets. This young lady is the "maid" or belle of the village. The German sailors make life dangerous by galloping about Apia on a Sunday, but Leapii has put this down amongst the natives. With the chiefs were Mr. George Fletcher, late manager of McArthur's extensive trading operation in Samoa, Mr. George Dunnett, the present manager, and the principal English residents. Leapii's quick eye soon recognised Malietoa on the deck of the "Wulf," and then a function took place which the Germans had not reckoned on. Two years ago Mr. Fletcher, as a sign of sympathy with Malietoa on his departure, hoisted the Samoan flag on a high tree on some land of the McArthurs; but an armed boat's crew from the German man-of-war pulled it down by order of the German Consul. Seumana helped them, but only to annex and preserve the flag himself, which was now run up on the high flagstaff in front of McArthur's, the first thing to let Malietoa know that he had sympathizers ashore. It is the only old Samoan flag in existence, Mataafa having adopted a standard of his own. There was a hearty British cheer when the red banner with the white cross and single star was wafted by the fresh trade wind across the road. The German sailors had to pass under this in their afternoon gallop. The German Consul, Dr. Steubel, had to pass beneath this on his way to the wharf to take boat to the "Wulf." It was an outward and visible sign of the new order of things in Samoa. The demonstration savoured, perhaps, of the theatrical; but it impressed the natives with the fact that England is their friend as well as America—the real *Deus ex machina* of Samoan independence.

Malietoa was here, but how would they land him? Dr. Steubel boarded the "Wulf," but no other boat was allowed near the ship. We were warned away by the armed sentry. Then much signalling took place between the "Sophia," the German war-ship stationed here, and the "Wulf." Dr. Steubel rowed ashore, and the rumour spread around that Malietoa would be landed in due form on the morrow. The sun went down and people went to dinner. But native eyes are keen in the gloaming. A boat was going from the "Wulf" to the wharf facing the present German Consulate, half a mile from the town. The people divined that Malietoa was in it. Service was over, and there was a rush towards the river, natives wading it, Europeans crossing by the single plank bridge. But we were all too late to welcome Malietoa ashore. He had landed and taken shelter in the house of Folau, who is the present native Chief Justice appointed by Mataafa. Mr. Fletcher and I entered the weatherboard structure, a building of the ordinary colonial type. Sitting in an armchair was the Samoan King, whose name has been for two years famous throughout the civilised world—a man dressed in sober black, altogether European in his looks as in his habit, who but for his dark complexion would be a type of a high-class English dissenting minister. Mr. Christie Murray has depicted exactly such a man. Malietoa has a pained expression, as of one who has suffered in the past, and is not sure of life in the future. He is evidently a man of thought, with more imagination than the average Samoan. There was a warm greeting between Mr. Fletcher and the returned Monarch. My companion had been a good friend to Malietoa, who was pleased to be thus welcomed by a white resident of position. Landed as he had been, he was not sure that he would be welcomed by anybody. Soon native chiefs dropped in, crouching down, kissing the King's hand. Other whites followed us, some in sympathy, some in curiosity. Malietoa began to brighten, but broke down when his three sisters came in. The meeting was one which made some of us also feel weak-eyed. Refreshment in the shape of lager beer appeared. Beer is a drink used by Royalty in England and Germany, but I never thought to quaff a bumper of foaming lager—one of four standing and touching glasses—with a Samoan King. Malietoa, Mr. Fletcher, Captain Hamilton, and myself drank to each other with "*So e fua*" (may you live). The other meaner mortals stood and drank to the King, but he only bowed acknowledgments.

So the reception went on till Mataafa came in. The camp of the warrior chief, who until now has called himself "King of Samoa," is not more than half a mile from where Malietoa took shelter, and a messenger had been sent to advise him of the landing. The two Kings embraced and stood face to face, a striking contrast—the man in black who had been exiled for his country's cause, and the man in white kilt and jacket, with bare brown legs and feet, and a demeanour as noble and commanding as that of any white prince in the world, who had fought and conquered the puppet King Tamasese and won the independence of Samoa. When Mataafa entered there was a change in the whole moral atmosphere. Everything seemed brighter, of a higher tone, by the mere presence of this great chief—a king amongst men, whose charm of manner impresses every one. The poor exiled King, crushed and dispirited, seemed to change with the hearty greeting of Mataafa. Then they were left alone with their two "talking chiefs," their personal advisers. But the conversation was not long. Malietoa and his three companions in exile had been put ashore supperless, and in the best native houses now there is a scarcity of food. Short-commons are general throughout the islands of Samoa. Mr. Fletcher had sent a hurried note to Mr. Dunnett to get dinner for the party at McArthur's mess, and we soon started back along the beach. A simple hospitable thought of Mr. Fletcher's became a stroke of policy. There could be nothing more impressive than this march, with the moon, light as day, shining on the fixed bayonets of Mataafa's guard, who were in advance, the two Kings following hand-in-hand, white and black garments contrasting strongly; behind them a long procession of chiefs. Samoans do not cheer; there was a solemn silence as of a religious ceremony. But Malietoa returned to Apia as a King honoured by the warrior Mataafa, the Washington of Samoa, honoured by the chiefs in the procession, honoured by the English and American residents, to be the guest of a great firm like that of W. McArthur and Co. If the spirit of the amiable baronet, once Lord Mayor of London, and head of this house, saw

this triumph of peace it would rejoice. There was another ringing cheer when the two Kings entered McArthur's compound and were received by Mr. Dunnett. The guard took up position on the lawn while we went to the mess-room to dinner, and there, in amicable conversation, Malietoa and Mataafa commenced the foundation of a firm alliance. Afterwards, on the balcony, Malietoa received many chiefs. Wounded warriors came to kiss his hand. The American Consul, Mr. Blacklock, paid his respects, and when the two Kings had marched homewards with the same state as before the English missionaries turned up. The attitude taken by the representatives of the London Missionary Society has been most extraordinary. Malietoa was a pupil at their college till he was twenty years of age. He was, in fact, first declared King by the missionaries twenty years ago. He is a good Protestant. Nature and training made him for a preacher. Yet the English pastors here let Malietoa be deported without a protest, they let him come back without a welcome, until they are satisfied on which side of the fence to get down by Malietoa being received and entertained by the representatives of such a firm as McArthur's.

All night long the chiefs in the native villages round Apia held conference. Messengers were sent to all parts of the islands. A great *fono* gathering of the chiefs is to be held next week. Malietoa now lives in Mataafa's house; he has assumed native costume again, and the two Kings are treated with equal honour. At the *fons* it is thought that Mataafa will be declared King and Malietoa Vice-King, or *vice versa*. But, in any case, Mataafa would be the real ruler. Even the religious dissensions of Protestant and Catholic cannot blind the Samoan chiefs to the fact that Mataafa will be their best ruler. It is the wish of the people. But Germany may strongly oppose this, as Mataafa's rule must be distasteful to the Germans, he having beaten an armed force sent ashore to support the traitor Tamasese. Mataafa's reign certainly means that English and American influence will predominate in Samoa, for which most people are thankful.

THE return of King Malietoa to Samoa, of which a correspondent gives an interesting description in another column, marks the close of a somewhat unfortunate chapter in the colonial policy of Germany. In Samoa, as elsewhere, Prince Bismarck has had reason to complain of the indiscreet and impatient zeal of his agents, which committed the Imperial Government to a course of action it has been found unwise, and, indeed, impossible to persevere in. It can be no matter for surprise that both the Chancellor and the German people have grown rather tired of colonial enterprises of dubious profit entered upon without an adequate calculation of the cost, and with an imperfect knowledge of the local circumstances. There can, for instance, be little doubt that when the Germans embarked on their aggressive policy in Samoa they were ignorant both of the strength of native feeling and of the vigour with which American and British interests would be vindicated by individuals even more than by Governments. The meek and self-renouncing character of King Malietoa seems to have obtained a strong hold on the affections of the Samoans, while Mataafa, the leader of the patriotic resistance which ended in the overthrow of the puppet-king, Tamasese, whom the Germans had set up, has not less won their confidence by his capacity, his courage, and his abnegation of personal aims. The cordial terms on which the deposed King and the popular leader have met upon the return of the former to his native land are of good omen for the working of the settlement adopted by the Berlin Conference. The restoration of King Malietoa is one of the initial steps in the execution of that compact, which still awaits the ratification of the Senate of the United States in the December Session. By that arrangement, though Germany does not secure the preponderating influence which her diplomats claimed at Washington, her rights at Apia are guaranteed in common with those of the United Kingdom and the United States. The autonomous government of Samoa is to be subject to the supervision of Germany and America, with this country in the position of umpire in case of dispute. King Malietoa will resume his crown, and, with the powerful support of Mataafa as his colleague or his commander-in-chief, he will probably be able to maintain himself against all domestic rivals, even more successfully than before he came into conflict with the Germans.

The story of what has happened in Samoa within the past three years is not uninteresting. The Germans, who had established an important centre of trade at Apia, had from time to time made complaints against the Government of King Malietoa of remissness in the punishment of native outrages on the persons and property of German citizens. It is probable that the King's most unpardonable offence was his subjection to American and English rather than to German influence. At any rate, a drunken riot on the Emperor's birthday in 1887, in which some German sailors were assaulted, was made the ground of an ultimatum launched against Malietoa, and a section of the chiefs were encouraged to confer the nominal sovereignty on Tamasese, whom the German Government hastened to recognise. The Germans declared war on Malietoa, affirming, in a formal communication to the British and American Governments, that "it was considered incompatible with the dignity of the Empire that he should be allowed to rule over the country any longer." Malietoa, who was supported by the majority of his people, was at first inclined to resist, and it appeared probable that the military operations of the Germans would result in much destruction of native life, as well as much damage to European trade. To avert bloodshed and devastation Malietoa surrendered to the German Consul, curbing the resentment of his followers, and was straightway deported in a German war-ship to the Marshall Islands. Tamasese was recognised as King by Germany, and the German Government proposed at Washington that the Powers should agree to a German Protectorate over Samoa for a period of five years. But the question proved a more difficult and thorny one than had been anticipated at Berlin. The United States stoutly opposed the German pretensions. Malietoa's partisans rose in arms against Tamasese and chose Mataafa as their leader, in the absence of the exiled King. The struggle, in which Tamasese had the moral support and even the active assistance of the Germans, was tedious and for some time indecisive, but at length the triumph of Mataafa became indisputable, and Tamasese's kingship collapsed. Meanwhile the war had seriously compromised the commercial interests of American

and English citizens, and a diplomatic controversy was carried on which ended in the meeting of the Conference at Berlin. Prince Bismarck, no doubt, saw that he had been deceived about the state of things in Samoa, and, at any rate, he had too keen a perception of the relations which ought to subsist between ends and means to care to engage in an embittered quarrel with the American Government, under the influence of Mr. Blaine's Chauvinism, for the sake of the German adventurers in Samoa. The Conference soon arrived at a settlement, and among the immediate results was the restoration of Malietoa.

It must be admitted that the German authorities at Samoa might have carried out the policy of concession and conciliation imposed upon them by the Conference in a less churlish manner. It would be unfair to blame the Government at Berlin for the ungracious attempts to prevent Malietoa from obtaining an enthusiastic popular reception among the people to whom he has been restored. These attempts, after all, were only in part successful. Malietoa's reception was such as to remove all doubt concerning his popularity. Informally, but not the less plainly, his return has been recognised as a victory of British and American sympathies. If Mataafa had held jealously aloof the restoration would have been overshadowed by the prospect of a dangerous rivalry, but the victorious chief has laid aside his personal ambitions, and is content to share his old master's power. The interests of this country and of the United States have every reason to rejoice in the restoration of Malietoa, under which the annoying system of petty commercial persecutions carried on under Tamasese's reign will be impossible. Nor has Germany any cause whatever to regret the restriction within moderate limits of a policy which, if left without restraint, would have aroused the hostility of America for the sake of the most paltry objects. The Samoan occupation has turned out to be costly, inglorious, and in every way unsatisfactory. It will always be associated in the minds of the German people with that disastrous cyclone which inflicted a heavy blow upon the Imperial Navy.

No. 2.

The AGENT-GENERAL to the PREMIER.

SIR,— Westminster Chambers, 13, Victoria Street, London, S.W., 20th February, 1890.

I beg to enclose a parliamentary paper issued a few days ago on the affairs of Samoa, containing the history of the Berlin Conference of last year, together with the Final Act as signed by all the plenipotentiaries, and correspondence relating to the events in the islands ending in the re-election of Malietoa to be King. The Samoan treaty was ratified by the Senate of the United States on the 5th instant.

I have, &c.,

The Hon. the Premier, Wellington.

F. D. BELL.

Enclosures.

No. 1.—Mr. WHITE to the Marquis of SALISBURY.—(Received 5th April.)

MY LORD,—

Legation of the United States, London, 4th April, 1889.

I have the honour to acquaint your Lordship that I have been instructed by Mr. Blaine to inform Her Majesty's Government that Mr. John A. Kasson, William Walter Phelps, and George H. Bates have been appointed Commissioners from the United States to the Conference which is shortly to be held at Berlin with respect to Samoan affairs.

I have, &c.,

HENRY WHITE.

No. 2.—The Marquis of SALISBURY to Mr. WHITE.

SIR,—

Foreign Office, 10th April, 1889.

I have the honour to acknowledge the receipt of your letter of the 4th instant, informing me that Messrs. John A. Kasson, William Walter Phelps, and George H. Bates have been appointed Commissioners from the United States to the Conference to be held at Berlin in regard to Samoan affairs, and I beg leave to thank you for your communication.

I have, &c.,

SALISBURY.

No. 3.—Sir E. MALET to the Marquis of SALISBURY.—(Received 16th April.)

MY LORD,—

Berlin, 13th April, 1889.

I have the honour to enclose herewith translation of a note, dated to-day, which I have received from Count Bismarck, Secretary of State for Foreign Affairs, stating that, the Governments of Germany, England, and the United States having agreed to continue the Conference on Samoa which was adjourned at Washington in 1887, and official intelligence having been received of the intended departure of the American delegates, the Imperial Government proposes the last week of this month for the meeting of the Conference at Berlin.

I have, &c.,

EDWARD B. MALET.

Enclosure in No. 3.—Count BISMARCK to Sir E. MALET.

(Translation.)

Berlin, 13th April, 1889.

SINCE the Governments of Germany, England, and the United States have agreed to continue at Berlin the Conference held at Washington in the year 1887 relative to the affairs of Samoa, and not concluded, and since, according to official intelligence, the departure from New York of the American delegates to the Conference is to take place to-day, the Imperial Government proposes that the plenipotentiaries of the three treaty Powers should meet, if possible, at Berlin in the last week of this month, in order to renew the deliberations upon the Samoan question.

The undersigned, while begging His Excellency the Ambassador of Great Britain to inform Her Majesty's Government of this proposal, and while reserving to himself, in case of their agreeing thereto, the settlement of the actual day for the opening of the Conference, avails, &c.

H. BISMARCK.

No. 4.—The Marquis of SALISBURY to Sir E. MALET.

SIR,—

Foreign Office, 19th April, 1889.

I have to acknowledge the receipt of your Excellency's despatch of the 13th instant, enclosing translation of a note from Count Bismarck, proposing that the Conference on Samoan affairs, which was adjourned in Washington in July, 1887, should reassemble at Berlin in the last week of this month.

I have to request you to notify to His Excellency the acceptance by Her Majesty's Government of the date proposed, and to add that plenipotentiaries, will, in due course, be appointed to attend the Conference on the part of the Queen.

I have, &c.,

SALISBURY.

No. 5.—Sir E. MALET to the Marquis of SALISBURY.—(Received 22nd April.)

MY LORD,—

Berlin, 19th April, 1889.

I have the honour to forward to your Lordship translation of a note which I have received from Count Bismarck, announcing the nomination by His Majesty the Emperor of the German plenipotentiaries to the forthcoming Samoan Conference in Berlin.

I have, &c.,

EDWARD B. MALET.

Enclosure in No. 5.—Count BISMARCK to Sir E. MALET.

(Translation.)

Berlin, 18th April, 1889.

THE undersigned has the honour to inform Her Britannic Majesty's Ambassador, &c., Sir Edward Malet, that His Majesty the Emperor and King has been graciously pleased to appoint the undersigned himself, as well as Baron von Holstein, &c., and Dr. Krauel, &c., as plenipotentiaries for the Conference relative to Samoan affairs which is to assemble at Berlin on the 29th of this month.

The undersigned avails, &c.

H. BISMARCK.

No. 6.—Sir E. MALET to the Marquis of SALISBURY.—(Received 22nd April.)

MY LORD,—

Berlin, 20th April, 1889.

I have the honour to forward herewith to your Lordship an extract from the *North German Gazette*, containing papers laid before the Reichstag in continuation of the white-books recently issued concerning the affairs of Samoa—namely, a telegram from Prince Bismarck to Dr. Knappe, German Consul at Apia, upon the subject of his proceedings, and a memorandum addressed by the Chancellor to Dr. Stuebel, the successor to Dr. Knappe, with reference to the reports transmitted by the latter to the Imperial German Ministry for Foreign Affairs.

I have, &c.,

EDWARD B. MALET.

Enclosure 1 in No. 6.—Prince BISMARCK to Dr. KNAPPE.

(Translation.)—(Telegraphic.)

Berlin, 31st January, 1889.

FOLLOWING to be forwarded to Consul at Apia: "With reference to telegram of the 23rd January, I have to remark that you have no right to withdraw foreigners from the jurisdiction of their Consuls. The objections of your English colleague against the steps taken are well founded. You would find yourself in the wrong in any disputes which arise in consequence of them. The demand you made as to Germany's undertaking the administration of Samoa lies outside your instructions and our aims. Withdraw it at once. You are not authorised to make any demand except for the extradition of those persons who have criminally attacked us. If your telegram has been correctly understood here I cannot approve your conduct."

Enclosure 2 in No. 6.—MEMORANDUM.

(Translation.)

WITH reference to Consul Knappe's report on the state of affairs in Samoa, of the 26th February of this year, I remark, for your information, that the statements contained therein do not justify the procedure of the Consul during the disturbances there.

The serious fact remains that Consul Knappe, without authorisation from his superiors, without necessary grounds, and without probability of success, brought about military operations on the 17th December last which resulted in the loss of life on the 18th December, the undesired change in the state of our plantations in Samoa, and in endangering our peaceful relations with America.

If Consul Knappe had not issued his demands on the 17th the state of affairs, which, although it was not altogether satisfactory, was still tolerable, might still exist to-day as it was then.

The intention of Consul Knappe, officially communicated to the foreign representatives, to disarm the troops of Mataafa, and later even than those of Tamasese, recognised by us as Sovereign, lay outside the instructions and powers of the Consul, and was not militarily practicable with the scanty and divided forces which were disposable for that purpose.

As regards the negotiations with Mataafa, the statements contained in the report under consideration are not in accordance with former reports. On the 31st January of this year Dr. Knappe had announced that he had endeavoured to bring about a conference with Mataafa, and to change the opinions of the chieftains, but that there was small hope of any yielding disposition being found to exist among those who had revolted.

In the report under consideration, on the contrary, it is alleged that the chieftains had sought a *rapprochement*, and had shown themselves inclined to submit. Now, if such a disposition on the part of those chieftains did really exist, to what result the negotiations could have led is not clear, since concerning Mataafa's frame of mind, which would be of the first importance, nothing is said in this part of the report. Even if the other rebellious chieftains had accepted the requisition made by Herr Knappe, without authorisation from here, that the administration of the Samoa Islands and the duty of representing them abroad should be placed in the hands of Germany, and if Tamasese had agreed thereto, the situation would nevertheless have remained the same, since the necessary assent of the treaty Powers to such an alteration in the political conditions of the country had not been obtained. The situation would not be at all a difficult one if we had to reckon with Samoa alone, and not with the other two Powers. The distinction drawn by Dr. Knappe with regard to these proposals (and other)—viz., that he had not brought them forward formally—is immaterial, and does not alter either their importance or his responsibility. His non-formal proposal was also unauthorised, was contrary to the intentions of the Imperial Government, and was sure to have a retroactive effect on our position with the other treaty Powers, as well as on our enemies in Samoa. It did not, moreover, suffice that Consul Knappe informed his English colleague confidentially that, according to the instructions which he had received, the taking-over by Germany of the administration of Samoa lay without the aims of the Imperial Government. This communication should rather have been made publicly and officially, just as we officially disavowed this proposal of Consul Knappe's to the English and American Governments.

The report that the dependents of Tamasese "awaited in loyal devotion the orders of the German Government" proves that Dr. Knappe did not clearly understand up to the last our relation to the people of Samoa. We have no orders to give them, as far as the ordering of their own affairs is concerned, nor have we any reason to undertake the ordering of those affairs. Our task there is limited to protecting the subjects of the Empire, and to assisting them in the favourable development of their industrial interests.

I do not understand the importance which Dr. Knappe ascribes to the appointment of a pilot for English and American ships. Such appointments, and their publication in Samoan newspapers, are events of daily occurrence. The English and American Consuls have full authority to appoint any pilot whom it may please them for ships of their own flag, and have not thereby failed in their duty either towards ourselves or towards the Government of Tamasese, which is not recognised by England or the United States.

As regards the declaration by Dr. Knappe of the state of war, and the extension thereof to all foreigners residing in Samoa, I can only repeatedly direct your attention to those points of international law which are brought out in my note to the Acting-Chief of the Admiralty of the 5th February, 1889, of which you have already been made aware.

No. 7.—Sir E. MALET to the Marquis of SALISBURY.—(Received 22nd April.)

MY LORD,—

Berlin, 20th April, 1889.

With reference to my immediately preceding despatch, I have the honour to enclose a translation of a circular issued by the Imperial Chancellor to the German consular officers concerning the action to be taken by naval commanders on application being made to them by the Consuls to take active measures of a warlike nature. The circular in question is of considerable interest and importance in view of the existing state of affairs in Samoa.

I have, &c.,

EDWARD B. MALET.

Enclosure in No. 7.

(Translation.)

[CIRCULAR.]

THE Imperial Chancellor has issued a circular, dated the 4th instant, which is to be sent to all the German Consuls, and which settles a question which, in view of the proceedings in Samoa, has become of great interest at this moment. The circular runs as follows:—

“Berlin, 4th April, 1889.—By Imperial decree dated the 19th ultimo paragraph 4 of section 12 of the ‘Instructions for the Commander of one of His Majesty’s Ships or Vessels of the 28th September, 1872,’ has been altered in such manner as will be seen from the annex subjoined. The commander of a ship of war is thereby bound in the future to test the legal and political bearing of any request made by him of any German representative abroad, when the latter has no authorisation or instruction from the Foreign Office to show; failing this, the commander to wait a higher decision, in case he does not share the view of the Consul as to the necessity of taking active measures of a warlike nature. It is not intended that the commander shall be responsible for the political results of his carrying out any requisition. The authorisation to test the legality and political expediency of requests made by the consular officers on the spot is merely to afford an additional safeguard against dangers which might arise from an unquestioning compliance with the same. This Imperial decree is, in the next place, occasioned by the recent events in Samoa, where an unauthorised consular request, and an unquestioning compliance with the same, have resulted in much loss of life, and serious injury to German interests, and have, moreover, menaced us with quarrels with friendly Powers, without any valid and sufficient reasons existing for recourse to warlike proceedings. To avoid all misunderstanding, I emphasise the fact that the right of a commander to object to a request made without sufficient grounds or authorisation in no way absolves the German representative from sole responsibility for having made such request. The political representatives of the German Empire have to constantly bear in mind that the presence of Imperial men-of-war is no excuse for bringing forward other than such claims of subjects or authorities of friendly Governments as are based on international and treaty rights.—BISMARCK.”

“ANNEX.—The Commanders of Imperial men-of-war act, in so far as the exigencies of the actual situation admit of the same relations as heretofore with an Imperial representative, only on the proposal of the latter, in as far as he can show his authorisation or instruction from the Foreign Office with reference to the requisition in question, or if danger to life and property, as regards Imperial subjects, would result from delay. Failing this, the commander is under orders to examine into the right of such requisition from a legal and political point of view, with power to refuse to comply with the same. In other cases, the commanders are merely responsible for the military success of the operations desired, and are only to decide as to the practicability of the same, and to maintain the honour of the German flag when once pledged. The commanders are only authorised to deal personally with the authorities of the country or chiefs of uncivilised tribes where there is no regular consular representative.”

No. 8.—The Marquis of SALISBURY to Sir E. MALET, Mr. SCOTT, and Mr. CROWE.

GENTLEMEN,—

Foreign Office, 23rd April, 1889.

The Queen having been graciously pleased to appoint you to be Her Majesty’s plenipotentiaries at the Conference respecting the affairs of Samoa which is about to meet at Berlin, I transmit to you herewith a full power to that effect under the Great Seal.

I am, &c.,

SALISBURY.

No. 9.—The Marquis of SALISBURY to the BRITISH PLENIPOTENTIARIES at the SAMOAN CONFERENCE.

(Extract.)

Foreign Office, 27th April, 1889.

I INFORMED you in my despatch of the 23rd instant that the Queen had been pleased to appoint you to be Her Majesty’s representatives at the approaching Conference on the affairs of Samoa.

The object which Her Majesty’s Government have had in view in taking part both in the Conference at Washington and in the present Conference has been mainly to secure the adoption of measures which should lead to the establishment of a firm and stable Government in Samoa, and the maintenance of tranquillity in that group of islands. Their interest in the islands is commercial and not political, and the possession of political influence is therefore, in their view, only valuable for the purpose of preventing the recurrence of disturbances by which the peace of Samoa has been so frequently interrupted, and giving full opportunity for the development of trade.

The reports which have been sent in to the three Governments by their respective Consuls-General, and the impressions which have been left by past experience in these islands, do not leave to us much hope of the successful conduct of affairs by an aboriginal Government acting under the simultaneous impulse of three rival but co-ordinate Powers.

If, on the assembly of the Conference, it should appear that Germany and the United States are in agreement in wishing to try again the experiment of government under the advice of three co-ordinate and equal Powers, Her Majesty’s Government do not feel themselves called upon to offer any opposition to that attempt. Whether it succeeds or not, it can hardly be more injurious than the existing state of things, and therefore, if no other solution can be obtained, they do not feel themselves justified in preventing an arrangement for tranquilizing the islands on which the other two Powers seem inclined to rely.

The selection of a native ruler will be a matter of difficulty, and probably will give rise to serious discussion. Her Majesty’s Government have no other wish but that the Samoans should be governed by the ruler they themselves prefer, and any arrangement for securing the free election of a Sovereign will have their hearty support. But the liberty of choice may possibly be restricted in the view of some of the Powers by considerations arising out of past events.

The discussions which have already taken place bring out in a strong light the necessity of some authoritative determination of the conflicting land titles at present urged by members of the different nationalities concerned. It is very desirable that a tribunal, strong and impartial enough to be able to arrive at a satisfactory determination of claims urged either by the natives or by subjects of any of the three Powers, should be elected under the sanction of treaty. Her Majesty's Government have therefore to instruct you to urge upon the Conference to agree upon provisions suitable for this purpose.

You will bear in mind the commercial interests which Her Majesty's British and colonial subjects possess in these islands, and you will give the utmost attention to the elaboration of regulations for giving to those commercial interests the utmost possible safeguard. The conditions under which the Municipality of Apia is to be administered are still a matter of controversy, and some authoritative and final decision of the Conference which may bring to an end all such disputes is urgently required.

Her Majesty's Government will give their best consideration to any proposals, if any such should be submitted to the Conference, for the establishment of telegraphic communication between Europe and these islands. There is little doubt that if such communication had existed the conflicts between the various consular authorities of three nations, which have been among the most embarrassing incidents of the disturbances in Samoa, would either have been entirely avoided or would have taken a less acute form.

No. 25.—Sir E. MALET to the Marquis of SALISBURY.—(Received 20th May.

MY LORD,—

Berlin, 18th May, 1889.

I have the honour to enclose herewith a copy of a proposal which the American Commissioners propose to lay before the Conference. It expresses the desire of the Conference that the Consuls of the three Powers at Samoa may be instructed to notify to the chiefs and leaders of the contending parties the wish of the three Powers that they should disband and retire peacefully to their homes. Count Bismarck has told me that he is ready to accept the proposal, and I have the honour to request your Lordship to be so good as to inform me by telegraph whether Her Majesty's Government are prepared to send the instructions proposed. I have consulted Mr. Consul Powell, in general terms, as to whether an invitation of this nature to the chiefs would be agreed to by them, and he expressed the opinion that they would undoubtedly accept it if it were made conjointly by the three Powers.

I have, &c.,

EDWARD B. MALET.

Enclosure in No. 25.—PROPOSAL OF AMERICAN COMMISSIONERS.

THE Conference, animated by the desire to restore peace and order in Samoa as early as possible, accepts the following order, with the recommendation that each of the three Governments promptly communicate the same by telegraph to their respective Consuls and naval commanders at Samoa as identical instruction, namely: "You are instructed to notify the chiefs and leaders of the contending parties now under arms in Samoa that it is the united wish of the three treaty Powers that they immediately disband and retire peacefully to their homes. The existing state of war is altogether harmful to the interests of both natives and foreigners in Samoa. Any chief persisting in it, and all who encourage him, will forfeit the friendship of all the Governments. Let the people of Samoa now arrayed against each other return to their homes, avoiding all strife, and there await in peace the friendly counsel of the Governments which are now consulting together for their good. Let both parties know these words. They are the words of each and of all the Powers together. Yourself urge them earnestly. Any chief who refuses this advice will be considered by us as unfriendly to the interests of Samoa."

No. 30.—The Marquis of SALISBURY to the BRITISH PLENIPOTENTIARIES at the SAMOAN CONFERENCE.—(Substance telegraphed.)

GENTLEMEN,—

Foreign Office, 20th May, 1889.

You are authorised to accept the proposal of the United States plenipotentiaries to the Conference relative to the disbandment of the chiefs of Samoa, as reported in your despatch of the 18th instant.

I have, &c.,

SALISBURY.

No. 46.—The BRITISH PLENIPOTENTIARIES at the SAMOAN CONFERENCE to the Marquis of SALISBURY.—(Received 17th June.)

MY LORD,—

Berlin, 15th June, 1889.

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 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-

sent to the authority which nominated him, and if, in the judgment of such authority, there is sufficient cause for his removal, he shall be removed. If the majority of the three treaty Powers so request, he shall be removed. In either case of removal, or in case the office shall become otherwise vacant, his successor shall be appointed as hereinbefore provided.

Sec. 4. The Supreme Court shall have jurisdiction of all questions arising under the provisions of this general Act, and the decision or order of the Court thereon shall be conclusive upon all residents of Samoa. The Court shall also have appellate jurisdiction over all Municipal Magistrates and officers.

Sec. 5. The Chief Justice is authorised, at his own discretion, and required upon written request of either party litigant, to appoint Assessors, one of the nationality of each litigant, to assist the Court, but without voice in the decision.

Sec. 6. In case any question shall hereafter arise in Samoa respecting the rightful election or appointment of King or of any other Chief claiming authority over the islands, or respecting the validity of the powers which the King or any Chief may claim in the exercise of his office, such question shall not lead to war, but shall be presented for decision to the Chief Justice of Samoa, who shall decide it in writing, conformably to the provisions of this Act and to the laws and customs of Samoa not in conflict therewith; and the signatory Governments will accept and abide by such decision.

Sec. 7. In case any difference shall arise between either of the treaty Powers and Samoa which they shall fail to adjust by mutual accord, such differences shall not be held cause for war, but shall be referred for adjustment, on the principles of justice and equity, to the Chief Justice of Samoa, who shall make his decision thereon in writing.

Sec. 8. The Chief Justice may recommend to the Government of Samoa the passage of any law which he shall consider just and expedient for the prevention and punishment of crime and for the promotion of good order in Samoa outside the municipal district, and for the collection of taxes without the district.

Sec. 9. Upon the organization of the Supreme Court there shall be transferred to the exclusive jurisdiction—

(1.) All civil suits concerning real property situated in Samoa, and all rights affecting the same:

(2.) All civil suits of any kind between natives and foreigners or between foreigners of different nationalities:

(3.) All crimes and offences committed by natives against foreigners, or committed by such foreigners as are not subject to any consular jurisdiction, subject, however, to the provisions of section 4, Article V., defining the jurisdiction of the Municipal Magistrate of the District of Apia.

Sec. 10. The practice and procedure of common law, equity, and Admiralty, as administered in the Courts of England, may be, so far as applicable, the practice and procedure of this Court, but the Court may modify such practice and procedure from time to time as shall be required by local circumstances. The Court shall have authority to impose, according to the crime, the punishment established therefor by the laws of the United States, of England, or of Germany, as the Chief Justice shall decide most appropriate, or, in the case of native Samoans and other natives of the South Sea Islands, according to the laws and customs of Samoa.

Sec. 11. Nothing in this article shall be so construed as to affect existing consular jurisdiction over all questions arising between masters and seamen of their respective national vessels; nor shall the Court take any *ex post facto* or retroactive jurisdiction over crimes or offences committed prior to the organization of the Court.

ART. IV.—A Declaration respecting Titles to Land in Samoa, and restraining the Disposition thereof by Natives; and providing for the Investigation of Claims thereto, and for the Registration of valid Titles.

Sec. 1. In order that the native Samoans may keep their lands for cultivation by themselves and by their children after them, it is declared that all future alienation of lands in the islands of Samoa to the citizens or subjects of any foreign country, whether by sale, mortgage, or otherwise, shall be prohibited, subject to the following exceptions:—

(a.) Town lots and lands within the limits of the municipal district, as defined in this Act, may be sold or leased by the owner for a just consideration, when approved in writing by the Chief Justice of Samoa.

(b.) Agricultural lands in the islands may be leased for a just consideration, and with carefully defined boundaries, for a term not exceeding forty years, when such lease is approved in writing by the chief executive authority of Samoa and by the Chief Justice.

But care shall be taken that the agricultural lands and natural fruit-lands of Samoans shall not be unduly diminished.

Sec. 2. In order to adjust and settle all claims by aliens of titles to land, or any interests therein, in the islands of

Samoa, it is declared that a Commission shall be appointed, to consist of three impartial and competent persons, one to be named by each of the three treaty Powers, to be assisted by an officer to be styled "Natives' Advocate," who shall be appointed by the Chief Executive of Samoa, with the approval of the Chief Justice of Samoa.

Each Commissioner shall receive during his necessary term of service a compensation at the rate of \$300 per month and his reasonable fare to and from Samoa. The reasonable and necessary expenses of the Commission for taking evidence and making surveys (such expenses to be approved by the Chief Justice) shall also be paid, one-third by each of the treaty Powers.

The compensation of the Natives' Advocate shall be fixed and paid by the Samoan Government.

Each Commissioner shall be governed by the provisions of this Act; and shall make and subscribe an oath before the Chief Justice that he will faithfully and impartially perform his duty as such Commissioner.

Sec. 3. It shall be the duty of this Commission, immediately upon their organization, to give public notice that all claims on the part of any foreigner to any title or interest in lands in Samoa must be presented to them, with due description of such claim and all written evidence thereof, within four months of such notice for the purpose of examination and registration; and that all claims not so represented will be held invalid and for ever barred; but the Chief Justice may allow a reasonable extension of time for the production of such evidence when satisfied that the claimant has after due diligence been unable to produce the same within the period aforesaid.

This notice shall be published in Samoa in the German, English, and Samoan languages as directed by the Commission.

The labours of the Commission shall be closed in two years, and sooner if practicable.

Sec. 4. It shall be the duty of the Commission to investigate all claims of foreigners to land in Samoa, whether acquired from natives or from aliens, and to report to the Court in every case the character and description of the claim, the consideration paid, the kind of title alleged to be conveyed, and all the circumstances affecting its validity,—

(a.) Whether the sale or disposition was made by the rightful owner or native entitled to make it:

(b.) Whether it was for a sufficient consideration:

(c.) The identification of the property affected by such sale or disposition.

Sec. 5. The Commission whenever the case requires it shall endeavour to effect a just and equitable compromise between litigants. They shall also report to the Court whether the alleged title should be recognised and registered or rejected, in whole or in part, as the case may require.

Sec. 6. All disputed claims to land in Samoa shall be reported by the Commission to the Court, together with all the evidence affecting their validity; and the Court shall make final decision thereon in writing, which shall be entered on its record.

Undisputed claims, and such as shall be decided valid by the unanimous voice of the Commission, shall be confirmed by the Court in proper form in writing, and be entered of record.

Sec. 7. The Court shall make provision for a complete registry of all valid titles to land in the islands of Samoa which are or may be owned by foreigners.

Sec. 8. All lands acquired before the 28th day of August, 1879—being the date of the Anglo-Samoan Treaty—shall be held as validly acquired (but without prejudice to rights of third parties) if purchased from Samoans in good faith, for a valuable consideration, in a regular and customary manner. Any dispute as to the fact or regularity of such sale shall be examined and determined by the Commission, subject to the revision and confirmation of the Court.

Sec. 9. The undisputed possession and continuous cultivation of lands by aliens for ten years or more shall constitute a valid title by prescription to the lands so cultivated, and an order for the registration of the title thereto may be made.

Sec. 10. In cases where land acquired in good faith has been improved or cultivated upon a title which is found to be defective, the title may be confirmed in whole or in part upon the payment by the occupant to the person or persons entitled thereto of an additional sum, to be ascertained by the Commission and approved by the Court as equitable and just.

Sec. 11. All claims to land, or to any interest therein, shall be rejected and held invalid in the following cases:—

(a.) Claims based upon mere promises to sell, of options to buy:

(b.) Where the deed, mortgage, or other conveyance contained, at the time it was signed, no description of the land conveyed sufficiently accurate to enable the Commission to define the boundaries thereof:

(c.) Where no consideration is expressed in the conveyance, or, if expressed, has not been paid in full to the grantor, or if the consideration at the time of the conveyance was manifestly inadequate and unreasonable:

(d.) Where the conveyance, whether sale, mortgage, or lease, was made upon the consideration of a sale of firearms or munitions of war, or upon the consideration of intoxicating liquors, contrary to the Samoan law of the 25th October, 1880, or contrary to the municipal regulations of the 1st January, 1880.

Sec. 12. The Land Commission may at its discretion, through the local Government of the district in which the disputed land is situated, appoint a native Commission to determine the native grantor's right of ownership and sale; and the result of that investigation, together with all other facts pertinent to the question of validity of title, shall be laid before the Commission, to be by them reported to the Court.

ART. V.—A Declaration respecting the Municipal District of Apia, providing a Local Administration therefor, and defining the Jurisdiction of the Municipal Magistrate.

Sec. 1. The Municipal District of Apia is defined as follows: Beginning at Vailoa, the boundary passes thence westward along the coast to the mouth of the River Fuluasa, thence following the course of the river upwards to the point at which the Alafuala Road crosses said river, thence following the line of said road to the point where it reaches the River Vainago, and thence in a straight line to the point of beginning at Vailoa, embracing also the waters of the harbour of Apia.

Sec. 2. Within the aforesaid district shall be established a Municipal Council, consisting of six members and a President of the Council, who shall also have a vote.

Each member of the Council shall be a resident of the said district, and owner of real estate, or conductor of a profession or business in said district which is subject to a rate or tax not less in amount than \$5 per annum.

For the purpose of the election of members of the Council the said district shall be divided into two or three electoral districts, from each of which an equal number of Councillors shall be elected by the taxpayers thereof qualified as aforesaid, and the members elected from each electoral district shall have resided therein for at least six months prior to their election.

It shall be the duty of the consular representatives of the three treaty Powers to make the said division into electoral districts as soon as practicable after the signing of this Act. In case they fail to agree thereon, the Chief Justice shall define the electoral districts. Subsequent changes in the number of Councillors or the number and location of electoral districts may be provided for by municipal ordinance.

The Councillors shall hold their appointment for a term of two years, and until their successors shall be elected and qualified.

In the absence of the President the Council may elect a Chairman *pro tempore*.

Consular officers shall not be eligible as Councillors, nor shall Councillors exercise any consular functions during their term of office.

Sec. 3. The Municipal Council shall have jurisdiction over the Municipal District of Apia so far as necessary to enforce therein the provisions of this Act which are applicable to said district, including the appointment of a Municipal Magistrate, and of the necessary subordinate officers of justice and of administration therein; and to provide for the security in said district of person and property; for the assessment and collection of the revenues therein as herein authorised; and to provide proper fines and penalties for the violation of the laws and ordinances which shall be in force in said district and not in conflict with this Act, including sanitary and police regulations. They shall establish pilot charges, port dues, quarantine, and other regulations of the Port of Apia, and may establish a local postal system. They shall also fix the salary of the Municipal Magistrate, and establish the fees and charges allowed to other civil officers of the district, excepting Clerk and Marshal of the Supreme Court.

All ordinances, resolutions, and regulations passed by this Council before becoming law shall be referred to the consular representatives of the three treaty Powers sitting conjointly as a Consular Board, who shall either approve and return such regulations, or suggest such amendments as may be unanimously deemed necessary by them.

Should the Consular Board not be unanimous in approving the regulations referred to them, or should the amendments unanimously suggested by the Consular Board not be accepted by a majority of the Municipal Council, then the regulations in question shall be referred for modification and final approval to the Chief Justice of Samoa.

Sec. 4. The Municipal Magistrate shall have exclusive jurisdiction in the first instance over all persons, irrespective of nationality, in case of infraction of any law, ordinance, or regulation passed by the Municipal Council in accordance

with the provisions of this Act, provided that the penalty does not exceed a fine of \$200, or imprisonment for a longer term than 180 days.

In cases where the penalty imposed by the Municipal Magistrate shall exceed a fine of \$20, or a term of ten days' imprisonment, an appeal may be taken to the Supreme Court.

Sec. 5. The President of the Municipal Council shall be a man of mature years, and of good reputation for honour, justice, and impartiality. He shall be agreed upon by the three Powers, or, failing such agreement, he shall be selected from the nationality of Sweden, the Netherlands, Switzerland, Mexico, or Brazil, and nominated by the Chief Executive of the nation from which he is selected, and appointed by the Samoan Government upon certificate of such nomination.

He may act under the joint instruction of the three Powers, but shall receive no separate instruction from either. He shall be guided by the spirit and provisions of this general Act, and shall apply himself to the promotion of the peace, good order, and civilisation of Samoa. He may advise the Samoan Government when occasion requires, and shall give such advice when requested by the King, but always in accordance with the provisions of this Act, and not to the prejudice of the rights of either of the treaty Powers.

He shall receive an annual compensation of \$5,000, to be paid the first year in equal shares by the three treaty Powers, and afterward out of that portion of Samoan revenues assigned to the use of the municipality, upon which his salary shall be the first charge.

He shall be the receiver and custodian of the revenues accruing under the provisions of this Act, and shall render quarterly reports of his receipts and disbursements to the King and to the Municipal Council.

He shall superintend the Harbour and Quarantine Regulations, and shall, as the Chief Executive Officer, be in charge of the administration of the laws and ordinances applicable to the Municipal District of Apia.

Sec. 6. The Chief Justice shall, immediately after assuming the duties of his office in Samoa, make the proper order or orders for the election and inauguration of the local Government of the municipal district, under the provisions of this Act. Each member of the Municipal Council, including the President, shall, before entering upon his functions, make and subscribe before the Chief Justice an oath or affirmation that he will well and faithfully perform the duties of his office.

ART. VI.—A Declaration respecting Taxation and Revenue in Samoa.

Sec. 1. The Port of Apia shall be the port of entry for all dutiable goods arriving in the Samoan Islands; and all foreign goods, wares, and merchandise landed on the islands shall be there entered for examination; but coal and naval stores which either Government has by treaty reserved the right to land at any harbour stipulated for that purpose are not dutiable when imported as authorised by such treaty, and may be there landed as stipulated without such entry or examination.

Sec. 2. To enable the Samoan Government to obtain the necessary revenue for the maintenance of government and good order in the islands, the following duties, taxes, and charges may be levied and collected, without prejudice to the right of the native Government to levy and collect other taxes in its discretion upon the natives of the islands and their property, and with the consent of the Consuls of the signatory Powers upon all property outside the municipal district, provided such tax shall bear uniformly upon the same class of property, whether owned by natives or foreigners:—

(A.)—Import Duties.

	\$	c.
1. On ale and porter and beer, per dozen quarts ..	0	50
2. On spirits, per gallon ..	2	50
3. On wine, except sparkling, per gallon ..	1	0
4. On sparkling wines, per gallon ..	1	50
5. On tobacco, per lb. ..	0	50
6. On cigars, per lb. ..	1	0
7. On sporting arms, each ..	4	0
8. On gunpowder, per lb. ..	0	25
9. Statistical duty on all merchandise and goods, imported, except as aforesaid, <i>ad valorem</i> ..	2	p. c.

(B.)—Export Duties.

On copra, <i>ad valorem</i> ..	2½	p. c.
On cotton, <i>ad valorem</i> ..	1½	p. c.
On coffee, <i>ad valorem</i> ..	2	p. c.

(C.)—Taxes to be annually levied.

	\$	c.
1. Capitation tax on Samoans and other Pacific Islanders not included under No. 2, per head ..	1	0
2. Capitation tax on coloured plantation labourers, other than Samoans, per head ..	2	0

3. On boats, trading and others (excluding native canoes and native boats carrying only the owner's property), each	4 0
4. On firearms, each	2 0
5. On dwelling-houses (not including the dwelling-houses of Samoan natives), and on land and houses used for commercial purposes, <i>ad valorem</i>	1 p. c.
6. Special taxes on traders as follows :—	
Class I.—	
On stores of which the monthly sales are \$2,000 or more, each store	100 0
Class II.—	
Below \$2,000 and not less than \$1,000	48 0
Class III.—	
Below \$1,000 and not less than \$500	36 0
Class IV.—	
Below \$500 and not less than \$250	24 0
Class V.—	
Below \$250	12 0

(D.)—Occasional Taxes.

1. On trading-vessels exceeding 100 tons burden, calling at Apia, at each call	10 0
2. Upon deeds of real estate, to be paid before registration thereof can be made, and without payment of which title shall not be held valid, upon the value of the consideration paid	$\frac{1}{2}$ p. c.
3. Upon other written transfers of property, upon the selling price	1 p. c.
Evidence of the payment of the last two taxes may be shown by lawful stamps affixed to the title-paper, or otherwise by the written receipt of the proper tax-collector.	
4. Unlicensed butchers in Apia shall pay upon their sales	1 p. c.

(E.)—License Taxes.

No person shall engage as proprietor or manager in any of the following professions or occupations except after having obtained a license therefor, and for such license the following tax shall be paid in advance :—

Tavern-keeper, per month	10 0
Attorney, barrister, or solicitor	60 0
Doctor of medicine or dentistry	30 0
Auctioneer or commission agent	40 0
Baker	12 0
Banks or companies for banking	60 0
Barber	6 0
Blacksmith	5 0
Boat-builder	6 0
Butcher	12 0
Cargo-boat or lighter	6 0
Carpenter	6 0
Photographer or artist	12 0
Engineer	12 0
Engineer assistants	6 0
Engineer apprentices	3 0
Hawker	1 0
Pilot	24 0
Printing-press	12 0
Sailmaker	6 0
Ship-builder	6 0
Shoemaker	6 0
Land surveyor	6 0
Tailor	6 0
Waterman	6 0
Salesmen, book-keepers, clerks, paid not less than \$75 a month	3 0
Same, when paid over \$75 a month	6 0
White labourers and domestics, per head	5 0
Factory hands and independent workmen	5 0

Sec. 3. Of the revenues paid into the Treasury, the proceeds of the Samoan capitation-tax, of the license taxes paid by native Samoans, and of all other taxes which may be collected without the municipal district, shall be for the use and paid out upon the order of the Samoan Government. The proceeds of the other taxes, which are collected in the municipal district exclusively, shall be held for the use and

paid out upon the order of the Municipal Council to meet the expenses of the municipal administration as provided by this Act.

Sec. 4. It is understood that "dollars" and "cents," terms of money used in this Act, describe the standard money of the United States of America, or its equivalent in other currencies.

ART. VII.—A Declaration respecting Arms and Ammunition and Intoxicating Liquors, restraining their Sale and Use.

Sec. 1.—Arms and Ammunition.

The importation into the islands of Samoa of arms and ammunition by the natives of Samoa, or by the citizens or subjects of any foreign country, shall be prohibited, except in the following cases :—

(a.) Guns and ammunition for sporting purposes, for which written license shall have been previously obtained from the President of the Municipal Council.

(b.) Small-arms and ammunition carried by travellers as personal appanage.

The sale of arms and ammunition by any foreigner to any native Samoan subject or other Pacific islander resident in Samoa is also prohibited.

Any arms or ammunition imported or sold in violation of these provisions shall be forfeited to the Government of Samoa. The Samoan Government retains the right to import suitable arms and ammunition to protect itself and maintain order; but all such arms and ammunition shall be entered at the Customs (without payment of duty), and reported by the President of the Municipal Council to the Consuls of the three treaty Powers.

The three Governments reserve to themselves the future consideration of the further restrictions which it may be necessary to impose upon the importation and use of fire-arms in Samoa.

Sec. 2.—Intoxicating Liquors.

No spirituous, vinous, or fermented liquors, or intoxicating drinks whatever, shall be sold, given, or offered to any native Samoan or South Sea Islander resident in Samoa, to be taken as a beverage.

Adequate penalties, including imprisonment, for the violation of the provisions of this article shall be established by the Municipal Council for application within its jurisdiction, and by the Samoan Government for all the islands.

ART. VIII.—General Dispositions.

Sec. 1. The provisions of this Act shall continue in force until changed by consent of the three Powers. Upon the request of either Power, after three years from the signature hereof, the Powers shall consider by common accord what ameliorations, if any, may be introduced into the provisions of this general Act. In the meantime any special amendment may be adopted by the consent of the three Powers with the adherence of Samoa.

Sec. 2. The present general Act shall be ratified without unnecessary delay, and within the term of ten months from the date of its signature.

In the meantime the signatory Powers respectively engage themselves to adopt no measure which may be contrary to the dispositions of the said Act.

Each Power further engages itself to give effect in the meantime to all provisions of this Act which may be within its authority prior to the final ratification.

Ratifications shall be exchanged by the usual diplomatic channels of communication.

The assent of Samoa to this general Act shall be attested by a certificate thereof signed by the King, and executed in triplicate, of which one copy shall be delivered to the Consul of each of the signatory Powers at Apia for immediate transmission to his Government.

Done in triplicate at Berlin, this 14th day of June, 1889.

EDWARD B. MALET.
CHARLES S. SCOTT.
J. A. CROWE.
H. BISMARCK.
HOLSTEIN.
R. KRAUEL.
JOHN A. KASSON.
WM. WALTER PHELPS.
GEO. H. BATES.

No. 48.—Sir E. MALET to the Marquis of SALISBURY.—(Received 17th June.)

MY LORD,—

Berlin, 15th June, 1889.

At the last sitting of the Conference, the United States plenipotentiaries expressed, on the part of their Government, an earnest desire that the obligation of secrecy with regard to the proceedings and result of the Conference should be preserved until the Final Act had been ratified by the Government of the United States. Mr. Kasson explained that this request was prompted by a desire to insure the approval of the Final Act by the Senate, which might be placed in some peril by a premature revelation and public discussion of its contents. We joined our German colleagues in undertaking the personal obligation of continuing to preserve the desired secrecy, and promised to bring the wish of the United States Government to the notice of Her Majesty's Government.

I have, &c.,

EDWARD B. MALET.

No. 49.—The Marquis of SALISBURY to Sir E. MALET.

SIR,—

Foreign Office, 20th June, 1889.

I approve your having joined your German colleagues, as reported in your despatch of the 15th instant, in undertaking to preserve secrecy with regard to the proceedings and result of the Conference on the affairs of Samoa until the Final Act shall have been ratified by the Government of the United States.

I am, &c.,

SALISBURY.

No. 50.—The Marquis of SALISBURY to Sir E. MALET.

SIR,—

Foreign Office, 22nd June, 1889.

With reference to your despatch of the 15th instant, transmitting the Final Act of the Conference on Samoa, signed by the plenipotentiaries of the Powers, I have to request your Excellency to ascertain from the German Government their views as to what portions of the Act each Power should put into effect prior to its final ratification, in accordance with the provisions of section 2 of Article VIII.

You will point out that some difficulty may occur in taking steps to carry out this article, in consequence of the undertaking to preserve secrecy regarding the proceedings of the Conference pending final ratification by the United States Government.

I am, &c.,

SALISBURY.

No. 53.—Sir E. MALET to the Marquis of SALISBURY.—(Received 1st July.)

MY LORD,—

Berlin, 29th June, 1889.

I have the honour to report that I have this day addressed a *note verbale* to the German Government in the sense of your Lordship's despatch of the 22nd instant, concerning the putting into effect of portions of the Final Act of the recent Conference prior to its ultimate ratification by the three Powers.

I have, &c.,

EDWARD B. MALET.

No. 54.—MEMORANDUM communicated by Count HATZFELDT to the Marquis of SALISBURY, 5th July, 1889.

(Translation.)

ARTICLE II., section 2, of the General Act of the Samoan Conference requires the concurrence of the Samoan Government to the joint declaration of the Governments of Germany, England, and the United States, and is thereby agreed that the three treaty Powers shall request the Samoan Government to express such concurrence in writing.

The minutes of the ninth meeting of the Conference show that the plenipotentiaries agreed unanimously that the Governments of the three signatory Powers should decide which of the provisions of the General Act shall be communicated to the Samoans at once, and which shall be so communicated after the ratification of the Act.

As there does not now exist in Samoa any universally-recognised Government, the first part of the General Act to be carried out will be Article I., whereby the three Powers, in order to bring about the speedy re-establishment of peace and order in those islands, have agreed to recognise anew, in the exercise of his authority, the Chief Malietoa Laupepa, formerly recognised as King by the Powers.

It appears necessary for this purpose that the Consuls of the treaty Powers at Apia should receive instructions to announce the above decision of the Conference to the Samoans in a joint Proclamation, and then to declare that Malietoa is recognised as King of the Samoan Islands.

As soon as the latter has again taken over the Government, it would be well, in the opinion of the Imperial Government, to inform him of the decisions of the Conference relating to the prohibition to alienate land belonging to Samoans or to foreigners (Article IV., section 1); and relating to the restriction of the trade in arms, powder, and spirituous liquors (Article VII.). The Samoan Government should at the same time be moved to put these decisions of the Conference in force as regards the natives by the issue of the proper order to that effect.

It is of course understood that the Governments of the treaty Powers will, at the same time, take the necessary measures in order to prevent their subjects or citizens, as the case may be, from importing or trading in materials of war and spirituous liquors, or acquiring Samoan land, and also the necessary measures for insuring the punishment of infractions of these prohibitions.

No. 55.—The Marquis of SALISBURY to Count HATZFELDT.

M. L'AMBASSADEUR,—

Foreign Office, 24th July, 1889.

Her Majesty's Government have had under their consideration the memorandum which your Excellency was good enough to communicate to me on the 5th instant, respecting the steps which should, in the opinion of the Imperial German Government, be taken in order to give effect to the provisions of the 1st and 2nd Articles of the General Act of the Samoan Conference prior to its final ratification.

I have now the honour to inform your Excellency that Her Majesty's Government agree to the course proposed in the memorandum above referred to, provided that it meets with the concurrence of the Government of the United States, and that, as soon as the assent of that Government has been communicated to them, the necessary instructions will be issued.

I have, &c.,

SALISBURY.

No. 56.—The FOREIGN OFFICE to Consul DE COËTLOGON.—(Substance telegraphed.)

Sir,—

Foreign Office, 16th September, 1889.

I am directed by the Marquis of Salisbury to state to you that, the German and United States Consuls in Samoa having been instructed by their respective Governments to recognise Malietoa as King of the Samoan Islands, you are authorised to notify his recognition by Her Majesty's Government in concert with them.

I am, &c.,

T. H. SANDERSON.

No. 57.—The FOREIGN OFFICE to Consul DE COËTLOGON.—(Substance telegraphed.)

Sir,—

Foreign Office, 27th September, 1889.

I am directed by the Marquis of Salisbury to inform you that you are at liberty to concert with your German and United States colleagues in regard to the issue of notices to the subjects and citizens of the three countries, warning them to abstain from the practices prohibited in Articles IV. and VII. of the Final Act of the Conference recently held at Berlin, and to join with them in advising the *de facto* Government of Samoa to draw up regulations for the same purpose. You will find that the German Consul is also in possession of full instructions on the subject.

I am, &c.,

T. H. SANDERSON.

No. 58.—The FOREIGN OFFICE to Consul DE COËTLOGON.

Sir,—

Foreign Office, 27th September, 1889.

I am directed by the Marquis of Salisbury to transmit to you herewith, for your own information only, a copy of the Final Act of the recent Conference held at Berlin to provide for the security of the life, property, and trade of the subjects and citizens of Great Britain, Germany, and the United States of America residing in the Navigators Islands, and to promote, as far as possible, peace and good order in those islands. This Act has not been ratified by either of the three Powers interested, inasmuch as the assent of the Senate of the United States—which will not assemble before December next—must in the first instance be obtained thereto. I am therefore to impress upon you the necessity for the strictest secrecy in regard to its contents. You will not take any action upon it without being specially instructed by his Lordship to do so.

I am, &c.,

T. H. SANDERSON.

No. 59.—Sir E. MALET to the Marquis of SALISBURY.—(Received 25th November.)

(Extract.)

Berlin, 23rd November, 1889.

COUNT BISMARCK spoke to me to-day with satisfaction of the news from Samoa regarding the election of King Malietoa, and his recognition by the representatives of the three Powers.

No. 60.—Consul DE COËTLOGON to the Marquis of SALISBURY.—(Received 9th December.)

MY LORD,—

Samoa, 8th November, 1889.

I have the honour, with the greatest respect, to inform your Lordship that, by the United States ship "Adams" taking a supplementary mail, I am enabled to report that the United States Vice-Consul has now received the orders of his Government. The German Consul-General, the United States Vice-Consul, and I at once held a meeting, in order to carry out the orders of our Governments with regard to Articles IV. and VII. of the Final Act of Samoan Conference (a copy of which I have now duly received), and this day will be issued to the high chiefs, and Samoan people in general, the decisions of the three Powers. I am unable to report further as the mail is about to close.

I have, &c.,

H. DE COËTLOGON.

Enclosure in No. 60.—PROCLAMATION.

WE, the undersigned representatives of the Governments of Germany, Great Britain, and the United States, hereby make known to the people of Samoa that our Governments, with a view to the prompt restoration of peace and good order in the Samoan Islands, and in view of the difficulties which would surround an election in the present disordered condition of their Government, have, by common accord, declared 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. We, at the same time, invite the

people of Samoa to take without delay such measures as, according to Samoan customs, are necessary to reinstate the High Chief Laupepa as King of Samoa.

STUEBEL, German Consul-General.

H. DE COËTLOGON, Her Majesty's Consul.

W. BLACKLOCK, United States Vice-Consul.

Apia, Samoa, 8th November, 1889.

No. 61.—The FOREIGN OFFICE to Consul DE COËTLOGON.

SIR,—

Foreign Office, 12th December, 1889.

I am directed by the Marquis of Salisbury to convey to you his Lordship's approval of the terms of the Proclamation signed by yourself and by your German and United States colleagues in regard to the recognition of Malietoa Laupepa as King of Samoa, a copy of which is enclosed in your despatch of the 8th ultimo.

I am, &c.,

P. CURRIE.

No. 62.—Consul DE COËTLOGON to the Marquis of SALISBURY.—(Received 6th January, 1890.)

MY LORD,—

Samoa, 6th December, 1889.

I have the honour, with the greatest respect, to inform your Lordship that Malietoa was yesterday elected King of Samoa, without opposition. The German Consul-General, the United States Vice-Consul, and I then issued the enclosed Proclamation. Everything is perfectly quiet in these islands.

I have, &c.,

H. DE COËTLOGON.

Enclosure in No. 62.—PROCLAMATION.

HAVING been informed that, in compliance with the invitation contained in our Proclamation of the 8th November, Malietoa Laupepa has been reinstated as King of Samoa by his own party, and being also aware, by letters received from the chiefs at present assembled in Lufilufi, bearing the date of the 1st November, and by a letter of the 12th November, signed by the High Chief Tamasese, that they too are willing to accept Malietoa Laupepa as King of Samoa, we, the undersigned representatives of Germany, Great Britain, and the United States of America, availing ourselves of the instructions sent us for the purpose by our respective Governments, hereby proclaim that the Governments of Germany, Great Britain, and the United States of America from this time recognise Malietoa Laupepa to be King of Samoa. We also earnestly desire the two parties that have been hitherto opposed to each other to effect as soon as possible an ultimate reconciliation, and to contribute, both of them, to the best of their endeavours, to the peaceable management of the Samoan Government under King Malietoa.

STUEBEL, Imperial German Consul-General.

H. DE COËTLOGON, Her Britannic Majesty's Consul.

W. BLACKLOCK, United States Vice-Consul.

Apia, 5th December, 1889.

No. 63.—The FOREIGN OFFICE to Consul DE COËTLOGON.

SIR,—

Foreign Office, 8th January, 1890.

I am directed by the Marquis of Salisbury to express to you his Lordship's approval of the terms of the Proclamation recognising Malietoa Laupepa as King of Samoa, which you issued in conjunction with your German and United States colleagues, and of which a copy accompanied your despatch of the 6th ultimo.

I am, &c.,

P. CURRIE.

No. 64.—Sir J. PAUNCEFOTE to the Marquis of SALISBURY.—(Received 5th February, 10.15 p.m.)

(Telegraphic.)

Washington, 5th February, 1890.

Samoan treaty ratified by Senate.

[Extract from the *Times*, Thursday, 23rd January, 1890.]

THE SAMOAN CONFERENCE.

Berlin, 22nd January.

THE text of the "General Act of the Samoan Conference of Berlin," which was signed on the 14th June last by the plenipotentiaries of England, Germany, and the United States, is published here to-night. The following is a summary of its chief provisions:—

Article 1 declares 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. None 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.

Article 2 declares that in every case where the provisions of this Act shall be inconsistent with any provision of a previous treaty or treaties the provisions of this Act shall prevail. By Article 3 it is agreed that 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. 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 renown 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, and receive an annual salary of \$6,000, but, on proper cause shown, he may be removed if in conflict with the Government, and the signatory Governments will accept and abide by such decision. In case any difference shall arise between either of the treaty Powers and Samoa which they shall fail to adjust by mutual accord, such difference shall not be held cause for war, but shall be referred, for adjustment on the principles of justice and equity, to the Chief Justice of Samoa, who shall make his decision thereon in writing. Upon the organization of the Supreme Court there shall be transferred to its exclusive jurisdiction—(1) all civil suits concerning real property situated in Samoa, and all rights affecting the same; (2) all civil suits of any kind between natives and foreigners or between foreigners of different nationalities; (3) all crimes and offences committed by natives against foreigners or committed by such foreigners as are not subject to any consular jurisdiction.

In order that the native Samoans may keep their lands for cultivation by themselves and by their children after them, it is declared by Article 4 that all future alienation of lands in the islands of Samoa to the citizens or subjects of any foreign country, whether by sale, mortgage, or otherwise, shall be prohibited, subject to certain specified exceptions. In order to adjust and settle all claims by aliens of titles to land or any interest therein in the islands of Samoa, it is declared that a commission of inquiry shall be appointed, to consist of three impartial and competent persons, one to be named by each of three treaty Powers, to be assisted by an officer to be styled "Native's advocate," who shall be appointed by the chief Executive of Samoa, with the approval of the Chief Justice of Samoa. The labours of the commission, which are described in great detail, shall be closed in two years, and sooner if practicable.

Article 5 is a declaration respecting the municipal district of Apia, providing a local administration therefor, and defining the jurisdiction of the municipal Magistrate. Article 6 deals with taxation and revenue in Samoa. The port of Apia shall be the port of entry for all dutiable goods arriving in the Samoan islands, and all foreign goods, wares, and merchandise landed on the islands shall be there entered for examination; but coal and naval stores, which either Government has by treaty reserved the right to land at any harbour stipulated for that purpose, are not dutiable when imported as authorised by such treaty, and may be there landed without such entry or examination. To enable the Samoan Government to obtain the necessary revenue for the maintenance of government and good order in the islands, certain specified duties, taxes, and charges may be levied and collected without prejudice to the right of the native Government to levy and collect other taxes in its discretion upon the natives of the islands and their property, and with the consent of the Consuls of the signatory Powers upon all property outside the municipal district, provided such tax shall bear uniformly upon the same class of property, whether owned by natives or foreigners.

Article 7 deals with arms and ammunition and intoxicating liquors, restraining their sale and use. The importation into the islands of Samoa of arms and ammunition by the natives of Samoa, or by the citizens or subjects of any foreign country, shall be prohibited, except in certain specified cases. The sale of arms and ammunition by any foreigner to any native Samoan subject or other Pacific Islander resident in Samoa is also prohibited. Any arms or ammunition imported or sold in violation of these provisions shall be forfeited to the Government of Samoa. The Samoan Government retains the right to import suitable arms and ammunition to protect itself and maintain order; but all such arms and ammunition shall be entered at the Customs without payment of duty, and reported by the President of the Municipal Council to the Consuls of the three treaty Powers. No spirituous, vinous, or fermented liquors or intoxicating drinks whatever shall be sold, given, or offered to any native Samoan or South Sea Islander resident in Samoa, to be taken as a beverage, under adequate penalties, including imprisonment.

The provisions of this Act shall continue in force until changed by consent of the three Powers upon the request of either Power. After three years from the signature hereof the Powers shall consider by common accord what ameliorations, if any, may be introduced into the provisions of this General Act. In the meantime, any special amendment may be adopted by the consent of the three Powers, with the adherence of Samoa.

[Extract from the *Times*, Friday, 24th January, 1890.]

Washington, 23rd January.

SAMOA.—The protocols in connection with the Samoan treaty are published here to-day. The documents close with an expression of the esteem of the British and United States Commissioners for Count Herbert Bismarck on account of the efficient and fair manner in which he acted as President of the Conference in Berlin.

At length the precise terms of the Samoan treaty have been revealed to the world. The Conference at Berlin separated on the 14th June last year, and was then understood to have arrived at an amicable settlement of the Samoan question. For the secrecy which has been observed for the succeeding seven months we presumably have to thank the institutions of the United States. Every allowance has to be made for the susceptibilities of the Senate. Our own experience has shown that in a certain state of the political atmosphere that body will regard it as

conclusive against a treaty that it has been approved by public opinion in this country. However, the German Government has apparently decided not to keep up the mystery any longer, and our correspondent at Berlin summarised the treaty or convention—by whichever name it is to be called—in a telegram which we published yesterday. It is not necessary now to rake up the incidents which led to the Samoan crisis. To remember the high-water mark of German activity—to call it by the most respectable name that occurs to us—in Samoa is only material for the purpose of measuring the concessions that Germany has made. Judged by this standard, the treaty bears handsome testimony to the Chancellor's reasonableness in all that concerns German colonial policy. Prince Bismarck, as we all know, is “no colonial man” himself, and his occasional excursions in this direction have been rather forced upon him by national sentiment than undertaken of his own impulse. Still, after the lengths that Germany went in Samoa—deporting the reigning King, giving moral and even active support to her own nominee, and advancing pretensions to an exclusive protectorate over the islands—the complete equilibrium of national interests established by the treaty is much more than we could have expected the Chancellor quietly to consent to. It is true that some of the later specimens of German high-handedness in Samoa were repudiated by Prince Bismarck as the vagaries of officials. But even if we only reckon those acts for which the Imperial Government was clearly responsible it will be evident how much Prince Bismarck surrendered, and with what unflinching decision he reverted to his determination not to complicate his foreign policy with aspirations after a colonial empire. Perhaps the common disaster which befell the German and American squadrons at Apia on the 16th of March last, by sobering the chief parties to the dispute, may have made the Chancellor's retreat an easier matter.

The new status of Samoa may be shortly described as a joint protectorate of Great Britain, Germany, and the United States. The islands are declared neutral territory, in which the citizens and subjects of the three signatory Powers, but not, it may be noticed, of other Powers, have equal rights of residence, trade, and personal protection. Effect has already been given to the first article of the treaty, which makes provision for the restoration of Malietoa. We noticed on a previous occasion the niggardly spirit in which the German authorities performed this act of involuntary justice—putting the poor monarch hurriedly and furtively on shore while his subjects were at church, in order to avoid a demonstration of welcome. Probably a trace of the same reluctance upon the part of Germany to do what has to be done handsomely is to be found in the provision under which Malietoa's reign is made liable to be determined at any time by a unanimous declaration of the three Powers. With this exception, the independence of the natives of Samoa is henceforth fully recognised. They are to elect Malietoa's successor, and be governed in accordance with their own laws and customs. But, of course, the independence of the Samoans does not mean their sovereignty. This is subject to three main reservations. First, so much of the judicial power as is necessary to do justice between foreigner and foreigner, and foreigner and native, is withdrawn from the native Government and intrusted to a Chief Justice, to be named by the three signatories in common accord. Since this functionary will need to be versed both in English, German, American, and Samoan law, the salary of £1,200 a year, which is guaranteed to him by the three Powers, cannot be called excessive. In the second place, the Samoans suffer some technical diminution of territory. Apia, the capital, with a sufficient zone of country round it, is converted into a “municipal district,” or international port, and placed under a “municipal Magistrate.” Next, the native Government is restricted in the important particular of taxation. It is allowed to collect certain specified duties only upon foreign merchandise; but that the task of collection may be rendered easier, Apia is made the only port of entry. Outside the boundary of the municipal district the native administration is unfettered in the imposition of taxes upon property, except that, in order to bind the property of foreigners, such a tax must have the assent of the Consuls of the three Powers.

These fundamental provisions of the treaty are accompanied by others designed to protect the natives against what experience has taught to be the inevitable consequence of free contact with civilisation. Arms and ammunition are no longer to be poured into Samoa to feed the internecine struggles hitherto chronic in these islands. The sale of intoxicating liquor to natives is to be made a penal offence. Land held by Samoans is to be in general incapable of alienation to white men; and a commission of inquiry is to investigate the validity of all alien titles now in existence. It is not, perhaps, too much to assume that these beneficial provisions are in a great measure due to the influence of the British Government; but, however that may be, their appearance in an international compact of such practical importance is a remarkable event in the history of the relations between civilised and semi-civilised races. The treaty must be welcomed above all reasons as settling a difficult and delicate piece of business which at one time came near to being settled in a ruder manner. But it deserves public attention upon other grounds. With such elaboration is it framed—for it fills seven columns and a half of the *Imperial Gazette*—that it might claim to be considered a model arrangement of its kind. It is, at all events, an interesting precedent for the temporary neutralisation of islands similarly conditioned. We do not say that it is above criticism, and perhaps its chief defect is that it says nothing about the strong hand that is to enforce all its excellent provisions. No doubt we shall hear plenty on this score from persons whose knowledge of the islands and the inhabitants enables them to speak with authority on the subject. But, when all is said, the result of the Berlin Conference is creditable to the plenipotentiaries, and especially to Sir Edward Malet, Mr. Scott, and Mr. Crowe, who represented this country. All we wanted in Samoa was a fair field and no favour; and that the treaty appears to give us.

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