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IN THE SENATE OF THE UNITED STATES.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

IN RESPONSE TO

Senate resolution of April 6, 1894, transmitting a report from the Secretary of State relative to the Samoan Islands, with copies of the correspondence in relation thereto.

MAY 9, 1894.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate of the United States:

I transmit herewith, in response to the resolution of the Senate of April 6, 1894, a report of the Secretary of State containing the requested information as to the present condition of affairs in the Samoan Islands, with copies of the correspondence in relation thereto, including that with the governments of Great Britain and Germany.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, May 9, 1894.

The PRESIDENT:

Pursuant to your direction, I have the honor to submit herewith the correspondence referred to in the resolution of the Senate of the 6th ultimo, requesting the President, if he should not deem it to be inconsistent with the public interest, to inform the Senate as to the present condition of affairs in the Samoan Islands and to communicate to the Senate copies of any correspondence with the governments of Great Britain and Germany throwing light upon the same.

A period of almost five years having elapsed since the conclusion of the general act of Berlin, the present occasion is not inappropriate for a review of its results. Such a review, however, would hardly be intelligible without some consideration of the events that preceded the treaty. In order that the subject may be fully comprehended, it will be necessary to present a general survey of our relations to Samoa, both before and since the conclusion of the general act, and to exhibit the policy we have pursued toward the islands, both in respect of its character and its results.

This duty is especially important, since it is in our relations to Samoa that we have made the first departure from our traditional and well-established policy of avoiding entangling alliances with foreign powers in relation to objects remote from this hemisphere. Like all other human transactions, the wisdom of that departure must be tested by its fruits. If the departure was justified there must be some evidence of detriment suffered before its adoption, or of advantage since gained, to demonstrate the fact. If no such evidence can be found we are confronted with the serious responsibility of having, without sufficient grounds, imperiled a policy which is not only coeval with our Government, but to which may, in great measure, be ascribed the peace, the prosperity, and the moral influence of the United States. Every nation, and especially every strong nation, must sometimes be conscious of an impulse to rush into difficulties that do not concern it, except in a highly imprudent way. To restrain the indulgence of such a propensity is not only the part of wisdom, but a duty we owe to the world as an example of the strength, the moderation, and the beneficence of popular government.

Twenty years ago it may be said that Samoa was, as to the United States, an unknown country. So completely was this the case that in the year 1873 a special agent, named Steinberger, was sent to the islands by the Department of State for the express purpose of obtaining information in regard to their condition. This step seems to have been suggested by certain "highly respectable commercial persons" who represented the opportunities of increasing our commercial relations in that quarter of the globe and by the circumstance that in the preceding year a naval officer of the United States, acting on his own responsibility had entered into an agreement with the great chief of the Bay of Pago Pago whereby the latter, while professing his desire for the friendship and protection of the United States, granted to this Government the exclusive privilege of establishing in that harbor a naval station. In May, 1872, President Grant communicated this agreement to the Senate, saying that he would not hesitate to recommend its approval but for the protection to which it seemed to pledge the United States. It does not appear that the Senate took any action on the agreement.

After Steinberger had returned to the United States and made his report, he was sent back to the islands to convey to the chiefs a letter from the President and some presents. Not long afterward strange rumors began to reach the United States from Samoa. Steinberger had set up a government in the group and was administering it, and it was said he had assured the natives that the islands were under the protection of the United States. Moved by these reports, the House of Representatives, on the 28th of March, 1876, adopted a resolution authorizing the Committee on Foreign Affairs "to inquire into the extent and character of the power conferred by the United States upon A. B. Steinberger as special agent or commissioner to the Samoan or Navigator Islands," and to call upon the Secretary of State for all correspondence between the said Steinberger and the Department of State touching the object, operation, and result of such mission or agency.

On the 1st of May, 1876, Steinberger's instructions were communicated to the House of Representatives, together with the rest of the correspondence referred to in the resolution. In his general instructions allusion was made to the "commanding and particularly important" position of the Samoan group in the Pacific, but it was said to be "more than doubtful" whether this consideration would be sufficient to satisfy the people of the United States that the annexation of the

islands was "essential to our safety and prosperity;" and it was declared to be inexpedient, without a "call from the public," for the Executive to originate a measure which was "adverse to the usual traditions of the Government," and which, therefore, probably would not receive such a sanction as would be likely to secure its success.

There was also a later instruction, specially referring to the report that Steinberger had promised the Samoans the protection of the United States, in which the Secretary of State said:

If this be as represented, it is much to be regretted, as no such promise was made, nor any hope of such protection was held out by warrant of this Government, and such promise, if made, was one which this Department, in the absence of a formal treaty, or of the sanction of Congress, had no right to authorize you to make.

Steinberger did not again officially return to the United States. As ruler of Samoa he fell into difficulties and, with the concurrence of the American consul, who was in open conflict with him, he was deported on a British man-of-war. On March 18, 1876, the American consul transmitted to the Department of State a copy of what purported to be an agreement between the German house of Godeffroy & Son, of Hamburg, and Steinberger, entered into before the latter's return to Samoa, by which, in consideration of a commission, he engaged to exercise all his influence in Samoa, in any position he might occupy, for the furtherance of the German firm's trade.

Thus closed the first chapter in the history of our relations to Samoa, and of the attempt by such relations to extend our commerce and influence in that quarter of the globe.

In 1877 one Mamea was sent by the chiefs of Samoa to the United States as ambassador to conclude a treaty. In the same year a deputation of chiefs had proceeded to Fiji and made an unsuccessful application for annexation to Great Britain. The strifes and civil wars that had continuously prevailed in the islands for a number of years had led the people to fancy that they might find repose in annexation or protection by a foreign power. It is well known that Mamea came to the United States with a view to obtain at least the protection of this Government. In this mission he was unsuccessful. No disposition seems to have existed on the part of our Government to assume such a relation. But, if such a disposition had existed, the difficulty previously expressed still remained of satisfying the people of the United States that "their safety and prosperity" required the assumption of control over islands which were practically unknown to them, which were more than 4,000 miles distant from their shores, and with the possession and control of which their safety and prosperity had not in any wise been connected.

On January 16, 1878, there was concluded at Washington the treaty which, up to the ratification of the general act of Berlin twelve years later, contained the only formal definition of the relations of the United States to the Samoan group. By the second article of this treaty the Government of the United States was granted "the privilege of entering and using the port of Pago Pago, and establishing therein and on the shores thereof a station for coal and other naval supplies," and the Samoan Government engaged that it would thereafter "neither exercise nor authorize any jurisdiction within said port adverse to such rights of the United States or restrictive thereof." By the fifth article it was provided that—

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

These are the only stipulations in the treaty that could serve to attract attention to it. The impression produced by a discriminating examination of them is that they were inspired rather by an amiable desire on the part of our Government not to appear to be wholly insensible to the friendly advances of the Samoans than by any supposition that the character of our relations to Samoa greatly concerned us. Indeed, it is quite clear that in the five years that had elapsed since Steinberger was first sent out to gather information in regard to the islands, the Government and people of the United States had made such small progress towards a conception of the importance of the group that, if the Samoans had not been incited by our local representatives to send an ambassador to Washington to obtain a treaty, none would have been made.

The way, however, was then open to form with Samoa any connection that our interests might seem to require. Intestine disorders, often culminating in civil war, had demonstrated the fact that unless the islands were to be abandoned to the rude and barbarous modes of life of the semi-civilized and unorganized tribes that inhabited them, some kind of a strong central government must be established there. Indeed, it was apparent that such a government was required not only for the control of the natives, but also for the suppression of the mischievous plots and persuasions of the handful of adventurers who had found their way thither from various foreign lands, and who, with the cooperation of their consular representatives, largely occupied themselves in stirring dissensions among the natives and in encouraging them to solicit from one foreign power or another either annexation or protection, whichever might be attainable.

Nevertheless, in 1878, the Government of the United States, though free to establish with Samoa such relations as our interests might seem to require, declined to assume even a protectorate.

Meanwhile certain events accentuated what had previously and has since been a marked feature of our relations to Samoa—namely, the disregard by our local representatives at Apia of the distinctive national policy which our Government had pursued since the days of Washington and seemed desirous still to pursue. In 1877, and again in 1878, the flag of the United States was raised by different consular representatives of this Government at Apia as the sign of a protectorate. On neither occasion was the act sustained; but it thus appears that on three occasions in as many years this Government was compelled to renounce the unauthorized assumptions of its representatives in respect to that distant community.

On January 24, 1879, a treaty was concluded between Germany and Samoa, by which the latter Government conceded to the former a right to establish a naval station in the harbor of Saluafata, and engaged not to grant a similar right in that harbor to any other nation.

On the 28th of August in the same year a treaty was concluded between Great Britain and Samoa, by the eighth article of which a right was granted to Her Britannic Majesty's Government to establish "a naval station and coaling depot" on the shores of a Samoan harbor thereafter to be designated by Her Majesty, there being excepted from this right the harbors of Apia and Saluafata, and "that part of Pago Pago" which might thereafter be "selected by the Government of the United States as a station."

Passing over the history of the five ensuing years the next chapter in the history of our relations to Samoa begins with the year 1885. In January of that year, Dr. Stuebel, the German consul-general, took

possession of all the land within the municipality of Apia, so far as the Samoan Government's sovereign rights in it were concerned, to hold it as security till an understanding with that Government should be arrived at for the protection of German interests. As a counter-demonstration the American consul, Greenebaum, raised the American flag and proclaimed a protectorate.

The situation thus created seemed to require the discharge by the United States of its obligation under the treaty of 1878, to employ its good offices in behalf of the Samoan Government. The phrase "good offices" is necessarily vague, and the circumstances show that it was not inserted in the treaty of 1878 for the purpose of involving the United States in the responsibilities of a protectorate. The inference is quite the reverse. But the situation existing in 1885 presented, as clearly as any situation could present, an occasion for the employment of good offices. Our ministers at London and Berlin were, therefore, instructed to say that the claim of an American protectorate over Samoa by the U. S. consul at Apia was wholly unauthorized and disapproved, no protectorate by any foreign power being desired; and to suggest that the British and German ministers at Washington be instructed to confer with the Secretary of State with a view to the establishment of order. This suggestion was accepted with the modification that, before the conference was held, each of the three Governments should send an agent to Samoa to investigate and report upon the condition of affairs in the islands.

This preliminary having been accomplished, a conference was held at Washington in June and July, 1887, between the Secretary of State and the British and German ministers. It was adjourned on the 26th of July, by unanimous consent, till the autumn, in order that the members might consult their respective governments with a view to reconcile certain divergences of view which the discussions had disclosed. The German Government proposed in the conference a plan to commit the practical control of Samoan affairs to a single foreign official, called an adviser to the King, and to be appointed by the power having the preponderance of commercial interests. The plan proposed by the United States was to commit the administration of the laws to an executive council, to be composed of the Samoan King and vice-king and three foreigners, one of whom should be designated by each of the treaty powers, but who should hold their commissions and receive their compensation from the native Government so as to be independent of the influence and control of the powers designating them. It was also proposed that any arrangement that might be devised should be embodied by the powers in identic, but several and independent, treaties with Samoa.

Germany objected to the plan of the United States on the ground that it did not promise a solution of existing difficulties which were largely due to rival foreign interests. The British minister supported the German minister and, incidentally, the German plan.

Immediately after the adjournment of the conference, the German Government instructed its representative in Samoa to make a demand on Malietoa for reparation for certain wrongs alleged to have been committed by him and his people, all of which antedated the assembling of the conference, and, if he should be unwilling or unable to afford satisfaction, to declare war upon him "personally." War was declared, Malietoa was dethroned and deported, and Tamasese, who had sometime previously been vice-king but had lately been in arms against the Government, was installed as King, with a German named Brandis,

who had long been connected with German commercial interests in Samoa, as adviser.

The understanding with which the conference was opened in 1887 was that, pending its deliberations, affairs in the islands should remain *in statu quo*. The adjournment of the conference till the autumn without dissent from any quarter was not considered by the United States to disturb that understanding, and the action of Germany seemed to involve a question of the consideration due to this Government. A situation wholly unanticipated and, in the opinion of this Government, wholly unnecessary was thus created; nor was it relieved by the fact that it was not without parallel in the history of nations whose policy had not preserved them from becoming involved in contests concerning remote and uncivilized lands. The United States had not consciously sought to participate in such a contest. It had merely endeavored to fulfill a treaty stipulation which required nothing more than friendly interposition. But our first adventure in that direction afforded most signal and convincing proof that the only safeguard against *all* the evils of interference in affairs that do not specially concern us is to abstain from such interference altogether.

In September, 1888, many of the natives revolted against the Government of Tamasese and chose Mataafa as King. The incidents of the ensuing war it is unnecessary now to recapitulate, but they served to complicate a situation already sufficiently difficult. Much feeling was aroused, and an appropriation of half a million dollars was made by Congress for the protection of the interest of the United States. Our squadron in Samoan waters was reinforced, only to be destroyed later by a hurricane in the port of Apia. Nor was the tension relieved till February, 1889, when an agreement was reached for the renewal of the conference between the three treaty powers.

In reviewing this chapter in the history of our relations to Samoa, fraught with so much peril to our "safety and prosperity," we look in vain for any compensating advantage. So far as the departure from our early and conservative policy had produced any appreciable result, it had been one of unmitigated disadvantage. It certainly can not be maintained that the condition of the natives was improved by our interference. On the other hand, no interest of our own had been promoted. The whole trade of the islands is of small value, and of this only an insignificant part is with the United States. We have never found it to be necessary to interfere in the affairs of a foreign country in order to trade with it.

Our trade with Oceania amounts to forty million dollars a year, of which one-half is with British Australasia. Our trade with Samoa forms a scarcely appreciable part of the grand aggregate. In the year 1887, while we were exercising our good offices in behalf of the native Government and after our new policy had been in operation for nearly fifteen years, the reports for the consular district of Apia show that out of 229 merchant vessels that arrived there only 6 were American. Of these the aggregate tonnage was only 1,065 tons, or less than a fourth of that of single vessels in some of the fleets that ply weekly between our ports and those of Germany, the power with which we had fallen into serious contention. The cargoes imported by those 6 vessels were valued in the aggregate at less than \$60,000. Nor has our trade been increased by the relations that we have since assumed. Our consul at Apia stated in 1887 that the importations from the United States into that district in 1886 amounted in value to \$150,000. This is far more than the returns for any subsequent year disclose, the usual

amount being little in excess of that of 1887, when not actually below it. The exports to the United States are scarcely appreciable. For the fiscal year ending June 30, 1892, their declared value was \$20,060.58, and of this sum \$18,750.65 represented the wreckage recovered from our naval vessels that were destroyed in the hurricane of 1889.

On June 14, 1889, there was concluded the general act of Berlin "for the neutrality and autonomous government of the Samoan Islands."

Before proceeding to the consideration of this treaty and of its results, it is proper to advert to the fact that in the instructions given our negotiators at Berlin it did not escape observation that our course toward Samoa had involved us in a departure from our established policy. It has already been shown that in the conference of 1887 the United States presented a plan to establish through identic, yet separate and independent, treaties with Samoa an executive council, to consist of the Samoan King and vice-king and three foreigners, one of whom should be nominated by each of the three treaty powers, but who should be appointed and paid by the native Government, in order that they might be independent of foreign influence. Referring to this plan, the instructions given by Mr. Blaine to our negotiators at Berlin on April 11, 1889, said:

This scheme itself goes beyond the principle upon which the President desires to see our relations with the Samoan Government based, and is not in harmony with the established policy of this Government. For, if it is not a joint protectorate, to which there are such grave and obvious objections, it is hardly less than that, and does not, in any event, promise efficient action.

The general act of Berlin, after declaring the independence and neutrality of the Samoan Islands and stipulating for the provisional recognition of Malietoa Laupepa as King, provides for the establishment of a government.

Of this government the principal feature is a supreme court, which consists of one judge, styled chief justice of Samoa, who is nominated by the three treaty powers, or, if they can not agree, by the King of Sweden and Norway, and who is empowered to appoint a clerk and a marshal. The salary of the chief justice is fixed at \$6,000 a year in gold, to be paid the first year in equal proportions by the three treaty powers and afterwards out of the revenues of the Samoan Government on which it constitutes a first lien, but with a provision that any deficiency shall be made good by the treaty powers. The clerk and the marshal are paid by fees.

The chief justice has jurisdiction both original and appellate, and his decisions are final. He has jurisdiction of all questions arising under the general act; of any question that may arise as to the election of a King or any other chief, or as to the validity of any powers claimed by such King or chief; and also of any differences that may arise between either of the treaty powers and Samoa. He has power to recommend the passage of laws. He has exclusive jurisdiction of all suits concerning real property in Samoa; of all suits between natives and foreigners or between foreigners of different nationalities; of all crimes and offenses committed by natives against foreigners, except minor offenses in the municipality of Apia; and he is empowered to adopt in his court, so far as applicable, and with such modifications as circumstances may require, the practice and procedure of common law, equity, and admiralty as administered in the courts of England.

In criminal cases he is authorized to impose, according to the crime, the punishment prescribed by the laws of the United States, of England, or of Germany, as he shall deem to be most appropriate, though in the

case of native Samoans and other South Sea islanders he is authorized to follow the laws and customs of Samoa.

After the supreme court, the feature next in order is the local government provided for the municipal district of Apia, in which there are only about 170 electors. Of this government the principal organ is a municipal council, composed of six members and a president. The president, who is the chief executive of the district and who is also invested with the function of advising the King "in accordance with the provisions of the 'general act,' and not to the prejudice of the rights of either of the treaty powers," is selected through the instrumentality of those powers, and receives an annual compensation of \$5,000, paid the first year in equal shares by the treaty powers, and afterwards out of that portion of Samoan revenues assigned to the use of the municipality, upon which his salary is the first charge. The municipal council in turn appoints a municipal magistrate and necessary subordinate officers of justice and of administration within the municipality. But the orders passed by the municipal council have no effect till approved by the three foreign consuls, or, if they fail to agree, by the chief justice.

In addition to these provisions for the permanent government of the islands the general act provides for a land commission for the examination of claims and titles to land, subject to the final jurisdiction of the chief justice. It is provided that this commission shall consist of three persons, one to be named by each of the powers, and each to receive a compensation of \$300 a month and his reasonable fare to and from Samoa. Following the same rule it is provided that the reasonable and necessary expense of taking evidence and making surveys shall be borne by the three powers in equal proportions.

The general act further provides a system of revenue, consisting of import and export duties, capitation taxes on Samoans and colored plantation laborers other than Samoans, license taxes, and certain occasional duties.

It is obvious that the machinery thus devised for the government of the islands is inaccurately styled an "autonomous government." It is true that in the first article of the act the contracting parties declare that they "recognize 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." This declaration, however, only adds force to the fact that we may look in vain in all the comprehensive framework of the treaty for a single provision that secures to the nominal and unsalaried King or to the natives either independence or any substantial part in the exercise of the executive, legislative, or judicial powers of the Government. All these powers are in reality discharged by foreign officials actually chosen by the treaty powers and backed up by their force and their funds. The so-called "autonomous government" is more than a joint protectorate. It is in substance and in form a tripartite foreign government, imposed upon the natives and supported and administered jointly by the three treaty powers. Such is the arrangement to which the United States, in the pursuit of its new policy, has committed itself for the purpose of securing the so-called neutrality of these distant islands.

In due time the Samoan Government gave its formal adherence to the treaty, and it was put into operation. An election of King by the so-called chiefs was held and resulted in the choice of Malietoa, of whom the powers had, however, already renewed their recognition.

Immediately difficulties were encountered in the administration of the

new Government. It was found that, like its predecessors, it must encounter the inveterate reluctance of the natives to submit to a centralized government, or indeed to any government, as government is understood among civilized nations. They refused to heed the warrants of the supreme court, and it became necessary to invoke the assistance of a man-of-war for their enforcement. They also manifested, though not for the first time, an aversion to the payment of capita-tion taxes, and it became necessary to resort to coercive measures in order to collect them.

As early as 1891 some of the natives, under the lead of Mataafa, began to betray rebellious symptoms of even a more pronounced character. In a dispatch of December 6, 1892, Mr. Blacklock, the consul of the United States at Apia, in reporting upon the condition of affairs that had prevailed in the islands for a year prior to that date, said:

Ever since Mataafa's establishment at Malie he has endeavored to gather strength and there is not the slightest doubt had he been successful in getting sufficient following he would have made war upon Malietoa; he has done everything in opposing the Government except making war; he has defied its courts, obstructed its officials in the execution of their duties, harbored refugees from justice, succored and supported prisoners escaped from prison, and at the present moment is living in open defiance of the King and Government and all the laws of the country, keeping up an armed force and plundering foreigners' plantations for subsistence. Time and again have white officials who went to Malie with warrants for the arrest of offenders been driven away by Mataafa's soldiers and warned against attempting any arrest under penalty of death.

This condition of things continued with increasing aggravation till July, 1893, when war actually broke out. The treaty powers were now compelled actively to intervene with their naval forces in order to keep Malietoa on the throne. In the end it became necessary to disperse the insurgents and to deport Mataafa and eleven other chiefs to another island where they have since been kept at the joint expense of the three powers.

Meanwhile, both the chief justice and the president of the municipal council of Apia had become involved in various difficulties and had resigned. Their successors were duly appointed, the new chief justice being Mr. Henry C. Ide, a citizen of the United States, who had served as American member of the land commission. In this capacity Mr. Ide's services had been so satisfactory that he was appointed chief justice, with the ready concurrence of all the treaty powers. But the situation in which he found himself almost immediately after the assumption of the duties of his new office well illustrates the difficulties attending the administration of the Government under the treaty.

Mr. Ide arrived at Apia on the 3d of November last. On the 29th of January the consul of the United States reported that the condition of affairs had again become serious. "The municipality," said Mr. Blacklock, "has been full of armed natives, who congregated to protect the King and Government from attacks, and Mulinuu, the King's headquarters, has been continually guarded by hundreds of these native warriors." Toward the end of March war again broke out, the rebels being under the leadership of Tamasese, who at one time held the office of king. Several battles took place to the west of Apia, and grave apprehensions were felt lest the territory of the municipality might become a battle ground. The Government, however, was so far victorious as to be able to effect an armistice, and in the meantime the treaty powers were called upon to send men of war to the islands. Such was the condition of affairs at the time of our last official advices from Apia.

Reference has already been made to the fiscal system embraced in the general act of Berlin. This is a subject that has continued to require the attention and the active cooperation of the treaty powers. By that act it is provided that all taxes collected in the municipal district of Apia shall belong to the municipality, and all taxes collected outside of that district to the Samoan Government. As most of the revenues have been derived from duties collected on imports and exports at Apia, the effect of this stipulation was to leave the Samoan Government without adequate means of support. The chief justice, Mr. Cederantz, sought to remedy this difficulty by deciding that all the customs revenue belonged to the Samoan Government. This decision the treaty powers, in view of the plain language of the general act as well as of the fact that the decision threatened in turn to deprive the municipality of funds, found it necessary to hold to be "extrajudicial;" and an arrangement was effected by the foreign consuls, the chief justice, and the King by which it is provided that in case the revenues of the government shall fall below a certain amount a portion of the import and export duties collected by the municipality shall be applied to make up the deficiency. The practical effect of this arrangement is yet to be demonstrated, and its operation will necessarily be affected by the condition of affairs in the islands and the ability to collect taxes from the natives. Up to the present time the treaty powers have been compelled to continue their pecuniary support to their joint Government, not only in the execution of specific provisions of the general act, but also in the emergencies that have arisen in its enforcement.

Soberly surveying the history of our relations with Samoa, we well may inquire what we have gained by our departure from our established policy beyond the expenses, the responsibilities, and the entanglements that have so far been its only fruits. One of the greatest difficulties in dealing with matters that lie at a distance is the fact that the imagination is no longer restrained by the contemplation of objects in their real proportions. Our experience in the case of Samoa serves to show that for our usual exemption from the consequences of this infirmity, we are indebted to the wise policy that had previously preserved us from such engagements as those embodied in the general act of Berlin, which, besides involving us in an entangling alliance, has utterly failed to correct, if indeed it has not aggravated, the very evils which it was designed to prevent.

Respectfully submitted.

W. Q. GRESHAM.

DEPARTMENT OF STATE,
May 9, 1894.

SAMOAN CORRESPONDENCE.

Correspondence between the Department of State and the British embassy.

- Sir Julian Pauncefote to Mr. Blaine, June 13, 1890.
 Mr. Blaine to Sir Julian Pauncefote, June 17, 1890.
 Mr. Wharton to Sir Julian Pauncefote, September 8, 1891.
 Mr. Wharton to Sir Julian Pauncefote, September 18, 1891.
 Mr. Blaine to Sir Julian Pauncefote, October 28, 1891.
 Sir Julian Pauncefote to Mr. Blaine, December 7, 1891.
 Sir Julian Pauncefote to Mr. Blaine, December 24, 1891, inclosures.
 Sir Julian Pauncefote to Mr. Blaine, January 27, 1892.
 Sir Julian Pauncefote to Mr. Blaine, January 27, 1892.
 Mr. Blaine to Sir Julian Pauncefote, January 29, 1892.
 Mr. Blaine to Sir Julian Pauncefote, February 20, 1892.
 Sir Julian Pauncefote to Mr. Blaine, March 23, 1892.
 Mr. Wharton to Sir Julian Pauncefote, March 24, 1892.
 Mr. Blaine to Sir Julian Pauncefote, April 6, 1892.
 Sir Julian Pauncefote to Mr. Blaine, April 19, 1892.
 Sir Julian Pauncefote to Mr. Blaine, April 28, 1892, inclosure.
 Sir Julian Pauncefote to Mr. Blaine, May 5, 1892.
 Mr. Blaine to Sir Julian Pauncefote, May 11, 1892.
 Mr. Herbert to Mr. Foster, July 5, 1892, inclosure.
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 Mr. Foster to Mr. Herbert, November 5, 1892.
 Memorandum of conference with British minister, November 17, 1892.
 Mr. Foster to Sir Julian Pauncefote, November 21, 1892.
 Mr. Foster to Sir Julian Pauncefote, November 22, 1892.
 Mr. Foster to Sir Julian Pauncefote, November 22, 1892.
 Sir Julian Pauncefote to Mr. Foster, November 25, 1892.
 Mr. Foster to Sir Julian Pauncefote, November 30, 1892.
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 Sir Julian Pauncefote to Mr. Foster, January 11, 1893.
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Correspondence between the Department of State and the British embassy—Continued.

- Mr. Foster to Sir Julian Pauncefote, February 6, 1893.
- Mr. Wharton to Sir Julian Pauncefote, March 3, 1893.
- Mr. Gresham to Sir Julian Pauncefote, May 8, 1893.
- Mr. Gresham to Sir Julian Pauncefote, May 13, 1893.
- Mr. Gresham to Sir Julian Pauncefote, May 17, 1893.
- Mr. Adee to Sir Julian Pauncefote, May 17, 1893.
- Mr. Gresham to Sir Julian Pauncefote, June 19, 1893, telegram.
- Mr. Gresham to Sir Julian Pauncefote, June 19, 1893.
- Sir Julian Pauncefote to Mr. Gresham, June 22, 1893.
- Mr. Gresham to Sir Julian Pauncefote, June 23, 1893, telegram.
- Mr. Gresham to Sir Julian Pauncefote, June 23, 1893, telegram.
- Sir Julian Pauncefote to Mr. Gresham, June 24, 1893.
- Sir Julian Pauncefote to Mr. Gresham, June 27, 1893.
- Sir Julian Pauncefote to Mr. Quincy, June 30, 1893, telegram.
- Mr. Adee to Sir Julian Pauncefote, June 30, 1893.
- Mr. Adee to Sir Julian Pauncefote, June 30, 1893.
- Mr. Quincy to Sir Julian Pauncefote, June 30, 1893, telegram.
- Mr. Gresham to Sir Julian Pauncefote, July 6, 1893.
- Sir Julian Pauncefote to Mr. Gresham, July 20, 1893.
- Mr. Adee to Sir Julian Pauncefote, July 25, 1893.
- Mr. Adee to Sir Julian Pauncefote, August 1, 1893, telegram.
- Mr. Gresham to Sir Julian Pauncefote, August 3, 1893, telegram.
- Mr. Adee to Sir Julian Pauncefote, August 6, 1893.
- Mr. Gresham to Sir Julian Pauncefote, August 9, 1893.
- Mr. Gresham to Sir Julian Pauncefote, August 10, 1893.
- Sir Julian Pauncefote to Mr. Gresham, August 15, 1893.
- Sir Julian Pauncefote to Mr. Gresham, August 15, 1893.
- Sir Julian Pauncefote to Mr. Gresham, August 18, 1893.
- Sir Julian Pauncefote, August 18, 1893, telegram.
- Mr. Gresham to Sir Julian Pauncefote, August 31, 1893.
- Sir Julian Pauncefote to Mr. Gresham, September 4, 1893.
- Mr. Gresham to Sir Julian Pauncefote, September 6, 1893.
- Sir Julian Pauncefote to Mr. Gresham, September 12, 1893, inclosure.
- Sir Julian Pauncefote to Mr. Gresham, September 18, 1893.
- Sir Julian Pauncefote to Mr. Gresham, September 18, 1893.
- Mr. Adee to Sir Julian Pauncefote, September 21, 1893.
- Mr. Adee to Sir Julian Pauncefote, September 23, 1893.
- Mr. Adee to Sir Julian Pauncefote, October 4, 1893.
- Sir Julian Pauncefote to Mr. Gresham, October 5, 1893.
- Mr. Adee to Sir Julian Pauncefote, October 10, 1893.
- Sir Julian Pauncefote to Mr. Gresham, October 20, 1893.
- Sir Julian Pauncefote to Mr. Gresham, October 24, 1893, inclosures.
- Mr. Gresham to Sir Julian Pauncefote, October 27, 1893.
- Mr. Gresham to Sir Julian Pauncefote, November 18, 1893.
- Sir Julian Pauncefote to Mr. Gresham, December 12, 1893, inclosures.
- Sir Julian Pauncefote to Mr. Gresham, December 12, 1893, inclosure.
- Sir Julian Pauncefote to Mr. Gresham, December 12, 1893, inclosure.
- Mr. Gresham to Sir Julian Pauncefote, December 21, 1893.
- Sir Julian Pauncefote to Mr. Gresham, January 4, 1894, inclosure.
- Sir Julian Pauncefote to Mr. Gresham, February 7, 1894.
- Sir Julian Pauncefote to Mr. Gresham, February 7, 1894.
- Mr. Gresham to Sir Julian Pauncefote, February 12, 1894.
- Mr. Gresham to Sir Julian Pauncefote, February 17, 1894.
- Sir Julian Pauncefote to Mr. Gresham, February 21, 1894.
- Sir Julian Pauncefote to Mr. Gresham, February 21, 1894, inclosure.
- Mr. Uhl to Sir Julian Pauncefote, February 28, 1894.
- Mr. Gresham to Sir Julian Pauncefote, March 7, 1894.
- Mr. Uhl to Sir Julian Pauncefote, March 8, 1894.
- Sir Julian Pauncefote to Mr. Gresham, March 22, 1894.
- Mr. Gresham to Sir Julian Pauncefote, April 2, 1894.
- Mr. Uhl to Sir Julian Pauncefote, April 3, 1894.
- Mr. Uhl to Sir Julian Pauncefote, April 5, 1894.
- Sir Julian Pauncefote to Mr. Gresham, April 14, 1894, inclosure.
- Mr. Uhl to Sir Julian Pauncefote, April 19, 1894.
- Sir Julian Pauncefote to Mr. Gresham, May 1, 1894.
- Mr. Uhl to Sir Julian Pauncefote, May 3, 1894.

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- Count von Arco-Valley to Mr. Blaine, April 28, 1890.
- Mr. Blaine to Mr. von Mumm, October 22, 1890.
- Mr. von Mumm to Mr. Blaine, November 2, 1890.
- Mr. von Mumm to Mr. Blaine, November 3, 1890.
- Mr. Blaine to Mr. von Mumm, November 21, 1890.
- Mr. Blaine to Count von Arco-Valley, December 9, 1890.
- Count von Arco-Valley to Mr. Blaine, February 26, 1891.
- Mr. Blaine to Count von Arco-Valley, March 7, 1891.
- Count von Arco-Valley to Mr. Blaine, April 24, 1891.
- Mr. von Mumm to Mr. Blaine, August 24, 1891.
- Mr. Wharton to Mr. von Mumm, September 9, 1891.
- Mr. von Mumm to Mr. Blaine, November 3, 1891.
- Mr. von Mumm to Mr. Blaine, December 10, 1891, inclosure.
- Mr. Blaine to Mr. von Mumm, February 20, 1892.
- Mr. von Mumm to Mr. Blaine, March 3, 1892.
- Mr. Wharton to Mr. von Holleben, March 10, 1892.
- Mr. von Holleben to Mr. Blaine, March 23, 1892.
- Mr. Wharton to Mr. von Holleben, March 24, 1892.
- Memorandum from German legation, April 29, 1892.
- Mr. Blaine to Mr. von Holleben, May 11, 1892.
- Mr. Blaine to Mr. von Holleben, May 19, 1892.
- Mr. Wharton to Mr. von Holleben, May 21, 1892, inclosure.
- Memorandum from German legation, May 27, 1892.
- Memorandum from the Department of State, June 4, 1895.
- Mr. von Holleben to Mr. Wharton, June 6, 1892, inclosure.
- Baron Ketteler to Mr. Foster, July 6, 1892.
- Baron Ketteler to Mr. Foster, July 7, 1892.
- Mr. Foster to Baron Ketteler, July 11, 1892, inclosure.
- Mr. Foster to Baron Ketteler, July 11, 1893.
- Memorandum from German legation, July 14, 1892.
- Baron Ketteler to Mr. Foster, July 29, 1892.
- Baron Ketteler to Mr. Foster, August 13, 1892.
- Baron Ketteler to Mr. Foster, August 13, 1892.
- Mr. Adee to Baron Ketteler, August 1 to 15, 1892.
- Baron Ketteler to Mr. Foster, August 18, 1892.
- Baron Ketteler to Mr. Foster, September 15, 1892.
- Mr. Foster to Baron Ketteler, September 27, 1892.
- Mr. Foster to Baron Ketteler, September 27, 1892.
- Mr. Foster to Baron Ketteler, September 29, 1892.
- Mr. Foster to Baron Ketteler, September 29, 1892.
- Mr. Foster to Baron Ketteler, October 4, 1892.
- Mr. Foster to Baron Ketteler, October 6, 1892.
- Baron Ketteler to Mr. Foster, October 7, 1892, inclosure.
- Baron Ketteler to Mr. Foster, October 15, 1892.
- Baron Ketteler to Mr. Foster, October 15, 1892, inclosures.
- Mr. Wharton to Baron Ketteler, October 19, 1892.
- Mr. Wharton to Baron Ketteler, October 19, 1892.
- Baron Ketteler to Mr. Foster, October 24, 1893.
- Mr. Foster to Baron Ketteler, November 3, 1892.
- Confidential memorandum from German legation, November 10, 1892.
- Baron Ketteler to Mr. Foster, November 12, 1892.
- Baron Ketteler to Mr. Foster, November 15, 1892.
- Mr. Foster to Baron Ketteler, November 18, 1892.
- Mr. Foster to Mr. von Holleben, November 22, 1892.
- Mr. Foster to Mr. von Holleben, November 22, 1892.
- Mr. Wharton to Mr. von Holleben, November 25, 1892.
- Mr. Foster to Mr. von Holleben, December 6, 1895.
- Mr. von Holleben to Mr. Foster, December 13, 1892.
- Mr. Foster to Mr. von Holleben, December 24, 1892.
- Mr. Foster to Mr. von Holleben, December 29, 1892, inclosure.
- Mr. von Holleben to Mr. Foster, January 12, 1893.
- Mr. Foster to Mr. von Holleben, January 17, 1893.
- Mr. Foster to Mr. von Holleben, January 19, 1893, inclosure.
- Mr. Foster to Mr. von Holleben, February 6, 1893.
- Memorandum from German legation, February 24, 1893.
- Mr. Wharton to Mr. von Holleben, March 3, 1893.
- Mr. von Holleben to Mr. Gresham, April 10, 1893.
- Memorandum from German legation, May 3, 1893.
- Mr. Gresham to Mr. von Holleben, May 3, 1893, inclosure.
- Mr. Gresham to Mr. von Holleben, May 8, 1893.

Correspondence between the Department of State and the German embassy—Continued

- Memorandum from German legation, May 10, 1893.
- Mr. Gresham to Mr. von Holleben, May 11, 1893.
- Mr. Adee to Mr. von Helleben, May 12, 1893.
- Mr. Gresham to Mr. von Holleben, May 12, 1893.
- Mr. von Holleben to Mr. Gresham, May 15, 1893.
- Mr. Gresham to Mr. von Holleben, May 17, 1893.
- Memorandum from German legation, June 13, 1893.
- Mr. Gresham to Mr. von Holleben, June 19, 1893, inclosure.
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- Mr. von Holleben to Mr. Gresham, July 8, 1893.
- Mr. Adee to Baron Ketteler, August 1, 1893.
- Mr. Gresham to Baron Ketteler, August 3, 1893, telegram.
- Baron Ketteler to Mr. Adee, August 3, 1893, telegram.
- Baron Ketteler to Mr. Gresham, August 8, 1893.
- Mr. Gresham to Baron Ketteler, August 9, 1893.
- Mr. Gresham to Baron Ketteler, August 10, 1893.
- Mr. Gresham to Baron Ketteler, August 10, 1893.
- Baron Ketteler to Mr. Gresham, August 17, 1893.
- Baron Ketteler to Mr. Gresham, August 17, 1893, telegram.
- Mr. Gresham to Baron Ketteler, August 17, 1893.
- Baron Ketteler to Mr. Gresham, August 21, 1893.
- Baron Ketteler to Mr. Gresham, August 24, 1893, telegram.
- Mr. Gresham to Baron Saurma, August 31, 1893.
- Mr. Gresham to Baron Saurma, September 6, 1893.
- Memorandum from German embassy, September 8, 1893.
- Baron Saurma to Mr. Gresham, September 11, 1893.
- Baron Saurma to Mr. Gresham, September 13, 1893.
- Baron Saurma to Mr. Gresham, September 15, 1893.
- Baron Saurma to Mr. Gresham, September 16, 1893.
- Mr. Adee to Baron Saurma, September 22, 1893.
- Mr. Adee to Baron Saurma, September 22, 1893.
- Mr. Adee to Baron Saurma, September 22, 1893.
- Baron Saurma to Mr. Gresham, October 11, 1893.
- Mr. Adee to Baron Saurma, October 11, 1893.
- Mr. Adee to Baron Saurma, October 11, 1893.
- Baron Saurma to Mr. Gresham, November 6, 1893.
- Memorandum from German embassy, November 6, 1893.
- Baron Saurma to Mr. Gresham, November 23, 1893.
- Mr. Gresham to Baron Saurma, December 21, 1893.
- Mr. Gresham to Baron Saurma, January 13, 1894.
- Memorandum from German embassy, January 18, 1894.
- Mr. Gresham to Baron Saurma, January 22, 1894.
- Memorandum from German embassy, January 24, 1894.
- Baron Saurma to Mr. Gresham, January 29, 1894.
- Mr. Gresham to Baron Saurma, January 29, 1894.
- Baron Saurma to Mr. Gresham, January 31, 1894.
- Baron Saurma to Mr. Gresham, January 31, 1894.
- Baron Saurma to Mr. Gresham, February 6, 1894.
- Baron Saurma to Mr. Gresham, February 12, 1894.
- Mr. Gresham to Baron Saurma, February 14, 1894.
- Baron Saurma to Mr. Gresham, March 1894.
- Mr. Gresham to Baron Saurma, March 1894.
- Mr. Adee to Baron Saurma, March 10, 1894.
- Mr. Uhl to Baron Saurma, March 23, 1894.
- Baron Saurma to Mr. Gresham, March 1894, inclosure.
- Mr. Gresham to Baron Saurma, April 1894.
- Mr. Uhl to Baron Saurma, April 3, 1894.
- Baron Saurma to Mr. Gresham, May 1894, inclosure.

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- Mr. Lincoln to Mr. Blaine, March 24, 1891, telegram.
- Mr. White to Mr. Foster, No. 852, November 30, 1892.
- Mr. White to Mr. Gresham, No. 961, April 4, 1893.
- Mr. Lincoln to Mr. Gresham, No. 967, April 7, 1893.
- Mr. Lincoln to Mr. Gresham, No. 969, April 8, 1893.
- Mr. White to Mr. Gresham, No. 994, May 17, 1893.
- Mr. White to Mr. Gresham, No. 997, May 19, 1893.
- Mr. White to Mr. Gresham, No. 1001, May 24, 1893.
- Mr. Bayard to Mr. Gresham, No. 7, May 21, 1893.
- Mr. Bayard to Mr. Gresham, June 1893, telegram.
- Mr. Bayard to Mr. Gresham, June 1893, telegram.

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| Mr. Blaine to Mr. Phelps, December 29, 1890, telegram. | Mr. Runyon to Mr. Gresham, June 20, 1893, telegram. |
| Mr. Wharton to Mr. Phelps, No. 228, March 26, 1891. | Mr. Gresham to Mr. Runyon, No. 24, June 20, 1893, with inclosures. |
| Mr. Blaine to Mr. Phelps, October 26, 1891, telegram. | Mr. Gresham to Mr. Runyon, June 22, 1893, telegram. |
| Mr. Phelps to Mr. Blaine, October 28, 1891, telegram. | Mr. Runyon to Mr. Gresham, June 22, 1893, telegram. |
| Mr. Phelps to Mr. Blaine, No. 347, October 28, 1891. | Mr. Gresham to Mr. Runyon, June 23, 1893, telegram. |
| Mr. Blaine to Mr. Phelps, No. 325, November 5, 1891. | Mr. Runyon to Mr. Gresham, June 23, 1893, telegram. |
| Mr. Gresham to Mr. Coleman, No. 545, March 8, 1893. | Mr. Gresham to Mr. Runyon, No. 46, July 14, 1893. |
| Mr. Gresham to Mr. Gresham, No. 551, March 24, 1893. | Mr. Runyon to Mr. Gresham, No. 25, January 2, 1894. |
| Mr. Phelps to Mr. Gresham, No. 561, April 28, 1893. | Mr. Gresham to Mr. Runyon, January 20, 1894, telegram. |
| Mr. Phelps to Mr. Gresham, May 15, 1893, telegram. | Mr. Uhl to Mr. Runyon, No. 53, February 2, 1894. |
| Mr. Gresham to Mr. Phelps, May 16, 1893, telegram. | Mr. Uhl to Mr. Runyon, No. 78, April 3, 1894. |
| Mr. Gresham to Mr. Runyon, June 19, 1893, telegram. | |

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,

Washington, June 13, 1890. (Received June 14.)

SIR: As you are doubtless aware, among other considerations in connection with giving effect to the final act of the conference on the affairs of Samoa, the question has arisen as to when the salary of the chief justice is to commence, and as to whether he should receive an allowance for outfit and passage money.

The article of the final act dealing with the appointment of the chief justice is silent upon these points, and they will have therefore to be settled by agreement between the three signatory powers.

In accordance with instructions which I have received from the Marquis of Salisbury, I have the honor to inquire what views the U. S. Government hold on this subject, and at the same time to suggest the adoption in the present instance of the rule followed by the foreign office in London in similar cases. Under this rule the salary commences ten days before the departure for his post of the person appointed.

As regards outfit and passage, Her Majesty's diplomatic and consular officers are entitled on first appointment to a sum amounting to a third of their salary by way of outfit, and to the cost of their own passage, with one servant, to their posts.

I am to add that Lord Salisbury, while considering that some such allowances should be granted to the chief justice of Samoa, does not desire to press this scale upon the U. S. Government in preference to that which may obtain in their own service.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, June 17, 1890.

SIR: I have the honor to acknowledge the receipt of your note of the 13th instant, in which you refer to the questions concerning the salary and allowances of the chief justice of Samoa, which arise, among others, in giving effect to the final act of the conference of Berlin on the affairs of Samoa.

It gives me pleasure to assent forthwith to the suggestion of the Marquis of Salisbury that the rule of the foreign office be adopted in the present instance, so that the salary of the chief justice shall commence ten days before the departure for his post of the person appointed.

As regards an allowance for outfit and passage to post of duty, I notice what you say respecting the British rule, which is to allow the officer, on his first appointment, a sum amounting to one-third of his salary by way of outfit, and the cost of passage of himself and one servant to his post. A similar rule formerly obtained in the diplomatic and consular service of the United States, but it has been abandoned for many years, and appointed officers are now allowed in lieu thereof salary during one month while receiving instructions before departure, and salary thereafter during the time of transit to their posts within a fixed maximum of time according to a proclaimed schedule.

In view, however, of the circumstances of the present case, the length and expense of the journey to Samoa, and the exceptional character of residence there for which due preparation should be made, I am quite in favor of adopting the English rule and to allow the appointed chief justice his outfit and passage as suggested, if the proposal be acceptable to the government of Germany.

Copy of this correspondence will be sent to the U. S. minister at Berlin for his information and such formal action there as may be necessary.

I have the honor, etc.,

JAMES G. BLAINE.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, September 8, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 24th ultimo, in which are embodied certain suggestions made by Her Majesty's consul at Samoa, with the concurrence of the Samoan Government and the German vice-consul, for the capture of Mataafa and the disarmament of his troops. You state, in conclusion, that you have been instructed by Her Majesty's principal secretary of state for foreign affairs to inquire whether the U. S. Government have received any similar suggestion from their representative in Samoa, and, if so, what view they take of it.

In reply I have the honor to state that the advices received from our consul-general at Apia do not confirm the views of the German vice-consul as to the necessity of the extreme measures suggested. It is confidently believed by Mr. Sewall that the presence of a single ship of each of the powers and their joint representation to Mataafa and his followers would result in the restoration of order and confidence.

In view of the fact that there has been no outbreak or violence, the President deems the measures suggested by the German vice-consul to be altogether unjustifiable and likely to destroy all the good results anticipated and partly realized by the Berlin conference. The consul-general of the United States has made friendly and yet very decided representations to Mataafa as to the risk and folly of his course.

The United States and Germany have each a war vessel at Apia, and the presence of a British vessel would complete the naval representation of the powers.

Such joint naval representation of the powers would undoubtedly restore the order of things which the three powers established.

I have the honor, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, September 18, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 10th instant, wherein, under instructions of Her Majesty's Government, you invite an expression of the views of this Government as to the course which should be followed in the matter of certain expenses of the Samoan land commission, the chief justice and the commissioners not taking the same view as to what constitute such reasonable and necessary expenses. Your note incloses a memorandum upon the subject by Mr. Haggard, the British land commissioner, showing in detail his request.

In reply, I beg to state that before the receipt of your note this subject had been brought to the attention of the Government of the United States by the chargé d'affaires *ad interim* of Germany at this capital. On the 9th instant Mr. von Mumm's note was acknowledged to the effect that this Government concurred in the views of Her Majesty's Government, that the expenses set out in Mr. Haggard's memorandum were necessary to the due and proper performance of the duties of the commission. Concurrence was also given to the suggestion in Mr. von Mumm's note, that one person should be engaged by the commission, who, for a moderate compensation, shall perform the services of secretary and interpreter.

I may add further that Mr. Sewall, the consul-general of the United States at Apia, has been instructed to inform the chief justice that, in the opinion of this Government, the expenditures called for by Mr. Haggard's memorandum were reasonable and necessary and that it was willing to pay its share thereof. In the event of the chief justice withholding his approval after such representations by the consul-general, Mr. Sewall was authorized to pay one-third of such expenditures, provided the consular representatives of Great Britain and Germany were authorized to pay the shares of their respective governments under like instructions from each. This authority was given to the consul-general of United States in order to prevent the temporary stoppage of the labor of the land commission, which, by the terms of

the Berlin general act, must be closed in two years. In this connection, Mr. Sewall has also been instructed to second in every possible way the efforts of the chief justice in the direction of economy; but in the event of future expenditures failing to obtain the approval of the chief justice, if they shall seem to the consular representatives of the treaty powers to be absolutely necessary for the work of the commission, Mr. Sewall was directed to pay this Government's share of such expenses upon like authority being given to the representatives of Great Britain and Germany under similar circumstances from their respective governments.

I have the honor, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, October 28, 1891.

SIR: I have the honor to transcribe a telegram of the 23d instant, which Mr. William Blacklock, the vice-consul-general of the United States at Apia, has forwarded to this Department. It reads as follows:

President of municipal council resigned October 5, owing to dispute with German member of council. Arranged to hand over funds to Weber. Consuls protested. President refuses to hand over money to consuls. Chief justice in Australia. Dispatches follow on 15th.

On the 26th instant I embodied the statements of this telegram in another to Mr. Phelps, the minister of the United States at Berlin, and directed him to represent the situation as one likely to produce embarrassment to the three powers in their efforts to promote the cause of good government in Samoa. He was also directed to represent the necessity of the equal share of the three powers in the financial administration during this temporary emergency.

I shall be glad to learn any steps Her Majesty's Government may have taken in the contingency.

I have the honor, etc.,

JAMES G. BLAINE.

Sir Julian Pauncefote to Mr. Blaine.

WASHINGTON, *December 7, 1891.*

SIR: With reference to previous correspondence on the subject of the disputes in the Apian municipality, and in accordance with instructions which I have received from the Marquis of Salisbury, I have the honor to inform you that Mr. Cusack-Smith, Her Majesty's consul at Apia, has been instructed by Her Majesty's Government to continue to pay taxes, etc., as heretofore, notwithstanding the refusal of the chief justice to do so.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Blaine.

WASHINGTON, December 24, 1891.

SIR: I have the honor, in obedience to instructions which I have received from the Marquis of Salisbury, to transmit to you copy of an instruction which has been addressed to Her Majesty's consul at Apia, relative to the currency question, together with copies of previous correspondence on the subject, as marked in the margin.

You will observe that Her Majesty's consul has been instructed to act with his German colleague in urging the Samoan Government to adopt the arrangements proposed by the municipal council of Apia, on the 3d of June and the 24th of July last, and Lord Salisbury has instructed me to request you, should you see no objection, to issue orders to the U. S. consular representative at Apia similar to those which have been sent to Her Majesty's consul.

I have, etc.,

JULIAN PAUNCEFOTE.

CORRESPONDENCE COMMUNICATED TO MR. BLAINE BY SIR J. PAUNCEFOTE, DECEMBER 24, 1891.

[Navigator Islands, September 21; confidential, 47; section 2.]

No. 1.

[Confidential.]

Consul Cusack-Smith to the Marquis of Salisbury.

No. 50.]

SAMOA, August 15, 1891. (Received September 21.)

MY LORD: I have the honor to report that a certain amount of friction has arisen over the settlement under section 4, Article VI. of the Berlin treaty, as to what is to be the recognized equivalent of the United States dollar in the currencies.

The Samoan Government has wisely decided that the gold currencies of America and Great Britain shall be admitted as equal in value.

The silver money of the United States and Great Britain shall be the only silver currencies admitted.

All other currencies shall be expelled from Samoa.

Baron von Senfft, the advisor to the King, refuses to permit this decision of the Samoan Government to be considered law, but the Samoan Government have up to now stood firm.

Baron von Senfft gave the natives to understand that unless, according to his direction, the Samoan Government admitted the German silver marks, the German Government would retire from the Samoan treaty.

He did not use the exact words, but so the natives unfortunately understood him.

No doubt the question will be settled before I can write again, and with ordinary tact upon the part of Baron von Senfft no difficulty need have arisen.

I have, etc.,

T. B. CUSACK-SMITH.

[Navigator Islands, October 16; confidential, 52; section 1.]

No. 1.

Consul Cusack-Smith to the Marquis of Salisbury.

No. 52.]

SAMOA, August 31, 1891. (Received October 16.)

MY LORD: With further reference to my No. 50 of the 15th instant, I have the honor to inform your lordship that, although the currency question is still awaiting final settlement, yet satisfactory progress has been made.

On the 12th of August the municipal council passed a resolution adopting the rate of exchange for gold coins fixed by the consuls in May, 1890, and admitting American,

Chilean, British, and German silver, which, however, was only to be legal-tender up to the amount of \$10.

This resolution would have enabled the German silver mark to flood the country, as it has done in Tonga, to the great inconvenience of all British traders.

I therefore proposed the following amendment at the consular board, and induced my German colleague to give it his support, and the consuls passed it unanimously:

“That the currency in use and the rates of exchange be for the present—

The United States gold coinage,

The British gold coinage, the sovereign to be equal to \$4.86 United States coin.

The German gold coinage, the 20-mark piece to be equal to \$4.76 United States coin.

Only United States silver and Chilean, at the rate of \$7 to the \$5 United States coin, to be accepted, and without limit.

That this met the difficulty, for the time being, at all events, is proved by the fact that the municipal council, with the sole exception of the president, were unanimous in adopting the amendment in lieu of their own resolution.

This rate of exchange is only for the purposes of all taxes and duties, etc., in the municipality, and does not interfere with the right of traders to employ any coinage most suitable to their requirements.

King Malietoa having, by letter to each of the consuls, complained of the action of Baron Senfft von Pilsach in refusing to accept the decision of the Samoan Government reported in my No. 50, and having asked our advice, we, in a joint letter on the 25th August, forwarded to the King a copy of the rates of exchange and the currencies adopted by the municipal council at the suggestion of the consular board. In this, as in all other matters, the consuls have worked together with the most perfect harmony and unanimity.

I have, etc.,

T. B. CUSACK-SMITH.

[Navigator Islands, November 13; confidential, 67; section 1.]

No. 1.

Baron Senfft to the Marquis of Salisbury.

APIA, October 13, 1891. (Received November 13.)

MY LORD: I have the honor to acquaint you that on the 5th of October I have tendered my resignation to King Malietoa, by whom I have been appointed a president of the municipal council of Apia on the 6th May of this year. Since in this capacity I had been agreed upon by the three powers signing the Berlin treaty I found myself obliged, when I took the aforesaid step, to ask the three respective governments for their approval and beg leave to submit herewith most respectfully such a request to your lordship.

At the beginning of the month of August I had occasion to draw King Malietoa's attention to some bad consequences which would occur if the King allowed irresponsible persons to induce him to take official measures. I got the impression that the King understood my advice, and under that impression I have continued my work.

On the 3d October I read in the local newspaper a correspondence between King Malietoa and a German member of the municipal council. By chance this was the same gentleman whose interference in government affairs had already caused the aforesaid advice on my part. The correspondence consisted of a letter from him dealing again with a matter concerning solely the Samoan Government, and of King Malietoa's answer. The answer was dated twelve days later than the letter, and concurred in the views of its writer. Before I read the correspondence I had no knowledge of it, although the letter addressed to the King interfered just in my official province, the financial administration, and although it contained personal attacks against my sense of duty.

It was the King himself who then, upon my request, confirmed that indeed the correspondence had taken place.

From this experience I could but arrive to three conclusions, which, at the same time, constituted as many reasons for my request of resignation: (1) No hope of succeeding in my official duties is left to me since I am convinced that King Malietoa does not comprehend the consequences of affording influence in official matters to irresponsible persons. These consequences must be the worse, the Berlin treaty not having furnished the King's advisor with any means to formally secure his cooperation, although such means would only be the equivalent of his responsibility. I hardly need to add that it could not be my task, especially in the first months of my service, to complete the treaty, with amendments, in order to strengthen my position.

(2) The same failure of success must arise for me out of the want of confidence the King has proved towards me in concealing the correspondence in question, notwithstanding several conferences he held with me during the respective time.

(3) A full and undamaged authority is not less indispensable for fulfilling the task imposed on my office by the Berlin general act than the King's confidence. The King himself having apparently damaged my authority, he can not repair the same without getting into a humiliating position on his part, which certainly will raise more harm than there exists already.

In connection with these considerations I can not forbear observing that, according to my opinion, experiences like the above stated would have been avoided if, in consequence of the common interest the treaty powers have in supporting the authority of my office, I had found the common assistance of the consular representatives in one case in which I required their common assistance more than ever. In that case I exerted myself to prevent an unequal action of the Samoan Government in regard to the commercial interests of the three treaty powers, and I believed that I was not at liberty to perform this duty of my office with less energy only because Germany, the interests of which were going to be neglected, is my native country. Your lordship will find the facts in question in the *mémoire* I have the honor to inclose herewith.

I have declared to King Malietoa as well as to the consular representatives of the treaty powers that I feel obliged to perform my official duties, inasmuch as the Berlin general act does not provide my representation therein, until I am allowed to lay down my position through a joint instruction of the three powers.

I shall be most thankful if this can be done telegraphically.

I also most respectfully ask your lordship to instruct me whether you wish me to call at the foreign office in returning to Germany.

I have, etc.,

FRIHR. SENFFT VON PILSACH.

[Inclosure in No. 1.]

Memorandum.

In a meeting of the municipal council of Apia, held on the 3d of June, the question was discussed how the troublesome state of different coin circulating in Samoa could be altered.

The Berlin treaty not having established a currency for Samoa, the coins of the three treaty powers, and besides the Chile silver, had been introduced, and the fluctuations of the silver value in the money market disturbed to a very disagreeable extent its fixation, and consequently the fixation of the prices of goods in the place.

The majority of the council being inclined to regard that body as competent for making a definite settlement of this affair, I pointed out that a settlement applying to the Samoan Islands could only be made by the Samoan Government.

I added, I had no doubt that, just in this question, the opinion of the municipal council at Apia, if communicated to the Government in the form of a request, would have a considerable weight for their decision, the council consisting mainly of merchants, and, consequently, of men possessing a particular knowledge of the matter.

The result of the discussion was a resolution saying that the council requested the Samoan Government to adopt the following rate of exchange for the country:

“One piece (\$5) United States currency gold to be equal to one English sovereign or to one 20-mark gold piece, and, for change, English silver to be taken only, and the Chile dollar as equal to 75 cents, (smaller coins in proportion); and that after the 15th of November next no Chile coin to be taken for taxes or duties by the treasurer.”

This resolution having been submitted to the consular board, I was informed, by their letter dated the 9th of June, that the consular board suggest, as an amendment, “that the consideration of this resolution be deferred.”

In their meeting of the 10th of June the municipal council did not accept this amendment.

I then referred the same, together with the above resolution, to the chief justice of Samoa.

By an accompanying letter, dated the 17th of June, I informed him “that the councillors were not unanimous in the question which kinds of money were admitted in the islands at present, but quite unanimously they regarded the concurrence of much different coins circulating here as a prejudicial one for the interests of the residents, therefore they would like to request the Government that one currency were fixed for the islands as soon as possible, and at the same time to make a proposal with a view to the settlement of this currency question.”

On the 20th of June the chief justice decided "that the municipal council are at liberty to submit the above-mentioned resolution adopted by the council to the Samoan Government by way of a petition."

Only after having obtained this decision I considered myself in the position to deal with the matter in my capacity as adviser to the Samoan Government.

By letter dated the 26th of June I submitted the resolution of the municipal council in the form of a petition to the Samoan Government; but as no government office existed at that time except my office, the letter remained at first in my archives, since, before advising King Malietoa in the matter, I desired to ascertain the views of the chief justice.

In private interviews I had with him, his honor declared he was not convinced of the advantages of the arrangement requested by the municipal council; however, he did not intend to interfere in my action.

On the 24th of July I laid the petition of the municipal council of Apia before King Malietoa.

I advised the King to adopt the proposals made in the petition with the modification, however, that I recommended not to exclude the silver of the United States, and to authorize me to publish a corresponding notice in the newspaper.

I expressed my opinion that the lines to be observed by the treasurer in his receipts and disbursements would consequently be observed also in commercial transactions; that, therefore, no law, but only an order given to me by the King, would be required, and that such an order could be changed if necessary after three or six months.

In reply to my speech the King stated that he personally agreed to my proposal, but wanted the Faipule to be asked for their opinion. He said this would be only a formality, because the Faipule did not understand the question and would not make any objection; but on the other hand, if they would not be consulted, troubles might arise afterwards. My answer was: Generally it would not be wise to submit matters to the Faipule in which they were not competent to give a decision; nevertheless, I did not see a sufficient reason for objecting to the King's wishes.

Interpreter in this interview was the Rev. Arthur E. Claxton, member of the London Missionary Society.

On the following day a meeting of the Faipule was held in the presence of the King Malietoa and myself.

Having explained the matter, I urged the immediate approval of proposal. Some speakers answered, but wanted time for deliberation, saying they would let me know their decision within two days.

On the 27th July, in the evening, I received a letter from King Malietoa informing me that, with his assent, the Government resolved to admit after the 15th November, only the gold and silver coin of Great Britain and Ireland, and of the United States of America.

I regarded this resolution not to be binding, because I had not yet advised the Samoan Government in regard to such an engagement, nor had I set forth its possible consequences, and I had no doubt that this was an occasion which, according to the spirit and provisions of the Berlin general act, required my advice.

Therefore, in a meeting of the municipal council of Apia on the 28th July, being asked whether the currency question had been settled by the Government, I strictly denied that.

In this condition the matter remained some days.

On the 1st August, I received another letter King Malietoa addressed to the municipal council of Apia, repeating more formally the communication of the 27th July.

In the next meeting of the municipal council, which was held on the 5th August, a German member of the council, M. Grevsmühl, declared that the King took this step on his verbal request.

On Monday, the 3d August, I explained to King Malietoa again, in the presence of the Rev. A. E. Claxton, the reasons for my keeping secret both his letters. He then answered, he comprehended that I was right in acting as I did, and he approved that in another meeting of the Faipule I should try to make them recall their decision.

Before that meeting a conference took place on the 4th August between the three consular representatives and myself, at my request. I acquainted them with the state of the matter, and declared that I was anxious to know their opinion, whether they, like I, understood the clause contained in the Berlin general act under Article VI, section 4, as admitting all kinds of money in Samoa, unless an alteration would be made by the competent authorities, so that, for instance, the coin of one of the treaty powers could not be excluded by the Samoan Government without the previous assent of the three powers.

I understood that Her Britannic Majesty's consul, as well as the imperial German vice-consul, clearly expressed themselves in conformity with my interpretation of the treaty, whilst I did not ascertain the views of the U. S. vice-consul-general.

By the same opportunity Her Britannic Majesty's consul also stated that the municipal council of Apia was by no means entitled to issue any decision in the currency question; but, that this body ought to take part in its settlement, only in giving their opinion like a chamber of commerce.

On the 5th of August I made known to the municipal council in their meeting both letters I had received from King Malietoa, adding, at the same time, that the decision was not final; for since then the King had instructed me to deal with the matter in another meeting with the Faipule, which I was going to do in the afternoon.

In that meeting I made strong endeavors to convince the Faipule that under the Berlin treaty the Samoan Government was not at liberty to exclude the German coin from the islands altogether without the assent of the treaty powers. Moreover, I said it would be very unwise, especially in the present situation of the country, the Samoan Government would begin to alter the Berlin treaty from their part in neglecting in regard to one of the powers the equality of rights guaranteed in the treaty to all of them.

I acted so because I had not presumed for one moment the decisions of the King and the Faipule, communicated to me on the 27th of July, had arisen in the Samoan mind.

Finding myself suddenly placed in front of the uncontrollable influence of irresponsible persons advising the Government, I felt the more obliged to exert myself to overcome the same and to prevent its consequences.

The Faipule then again expressed their wish to deliberate on the matter in my absence and to let me know their decision afterwards.

I replied no new decision was required. I should be content if they would revoke the first one as being inconsistent with the Berlin treaty, and this they ought to do at once. Their repeated request for time for consideration I repeatedly declined to agree with, but, being unable to obtain a distinct answer, I finally left them, the King having stated that the meeting would be continued on the next day in my presence.

Before I returned on the following day, I received a letter from the King requesting me not to come, because the Government's members would consider the question privately and acquaint me with the result in a meeting to be held on the 7th August.

In that meeting the King declared that the Government were unwilling to revoke their first decision.

On the following day I advised King Malietoa to communicate the resolution of the Government to the consular representatives of the treaty powers. When I repeated that advice on the 11th August through the chief mamea (acting as interpreter), the King replied he had already informed the three consuls on the same day.

On the 7th August the Imperial German consul forwarded to me the German translation of a letter addressed by King Malietoa on the 6th August to each of the three consuls, and also the copy of Mr. Schmidt's English answer, dated the 14th August.

I learned from that correspondence that the King had asked the consuls whether some declarations I had made in the meeting of the Faipule were true or not, and that the imperial German vice-consul in his answer had ignored this question.

From the part of both the other consular representatives I have not received any information about their respective correspondence with King Malietoa. Only the King himself did show me their letters which also did not contain a reply to the King's question concerning my explanations.

Besides these, three letters furnished King Malietoa with the three different judgments in regard to the currency resolution of the Government. The German vice-consul stated that "the three consuls in a common meeting came to the conclusion that the decision of the Samoan Government is contrary to the treaty made at Berlin."

Her Britannic Majesty's consul stated he was "not at present prepared to object to" the same resolution; and the U. S. vice-consul-general declared "he saw no reason to complain and had much pleasure in notifying the same resolution to his Government."

In the next meeting of the municipal council of Apia, on the 12th of August, I submitted to them the result of their petition.

The council then considered the decision of the Government would not come into operation before the 15th of November, and passed a resolution saying only that the last fixation of the rate of exchange, made by the consular board, 1890, should be binding by the municipal treasurer; but no payments in silver exceeding the amount of \$10 were to be admitted hereafter.

As an amendment to this resolution of the council, the consular board suggested that English and German silver should be excluded from the municipal treasury.

On the 20th August the municipal council accepted that amendment, I only objecting to the same, because, as I said, I was not aware that there was any authority in Samoa entitled to alter the Berlin treaty.

On the 27th August, I received from the Imperial German vice-consul a communication informing me that the three representatives, by common letter dated the 25th

August, had acquainted King Malietoa with the resolution of the municipal council accepting the aforesaid amendment of the consular board.

Whether they had taken this step on behalf of the municipal council, or in advising King Malietoa, I did not learn from the letter, but in both cases I found the representatives transacting the business of my office.

However, I have laid down my own opinion in the following clause of the quarterly report I have rendered to King Malietoa on the 8th September:

"There existed, and exists no doubt in my mind that according to Article I and Article VI of the Berlin general act, everybody in Samoa is allowed to pay his taxes with any coin which constitutes a part of the currency of a foreign country.

"This state of affairs could be altered, as far as I understood the aforesaid clauses in connection with Article VIII, section 1, of the treaty, by consent of the three powers concerning the coin of either of them, and by a law to be passed by the Samoan Government concerning the coin of any other foreign country.

FRIHR. SENFFT VON PILSACH.

APIA, October 13, 1891.

[Navigators Islands, November 28.—Confidential, 79; section 2.]

No. 1.

Memorandum on the currency question in Samoa and the resignation of Baron Senfft von Pilsach. (Communicated by the German embassy, November 28.)

[Translation.]

FOREIGN OFFICE, BERLIN,
November 20, 1891.

During the time the three representatives of the treaty powers were administering provisionally the customs and taxes in Apia, a resolution of the consular court of last year fixed as follows the relative values of coins receivable under Article VI, paragraph 4, of the Samoan treaty, for the payment of customs duties and taxes, as compared with the denominations "dollars" and "cents" therein used, namely: 1*l.* = 4 dollars and 86 cents; 20 marks = 4 dollars and 76 cents; and 7 dollars Chilean currency = 5 dollars American currency.

On the 3d of June last the municipal council, on the motion of the president, resolved, in view of simplifying the accounts, to ask the Samoan Government to notify that the 1*l.* and the 20-mark piece should be taken to be of the same value as 5 dollars of the American currency, and to make English and Chilean coins alone receivable for the payment of customs duties and taxes, with the provision that Chilean silver coins should, on account of the considerable fluctuations in their value, be so receivable only up to November 15 of this year.

The consular court, to which this resolution was communicated for concurrence, was in favor of postponing a settlement of the matter. The municipal council, nevertheless, submitted the resolution to the chief justice for decision, in accordance with the Samoan treaty, and stated in the note submitting it that the members of the council were not quite unanimous on the question itself, but agreed that it was not to the interest of the inhabitants that coins of different values should be receivable.

The chief justice was, at the same time, requested to prepare a measure in this sense and to lay it before the King for sanction. Herr Cedercrantz rejected the request, but suggested that the municipal council should bring the resolution before the Government in the form of a petition. This was done on the 24th July, and Baron von Senfft advised the King to confirm the resolution, adding the provision that American silver should also be receivable for the payment of customs duties and taxes. The King agreed, but wished for form's sake to submit the matter for the decision of the Feipule (native council), who, he had no doubt, would make no objection.

On the 27th July Baron Senfft received from the King the surprising information that the Feipule had passed a resolution that, from the 15th November of this year, *English and American gold and silver coins* should alone be received into the public treasuries. Baron Senfft von Pilsach did not bring this resolution of the Feipule to the knowledge of the municipal council, assuming that the resolution in question was invalid, because he, as adviser of the King, had had no opportunity of explaining to the King the consequences it would have. At a meeting of the municipal council, which took place the next day, the chairman, in reply to a question put to

him on the subject by a member, stated that no final settlement of the currency question had yet been arrived at. Acting on the instigation of the German member of the municipal council, Herr Grevesmühl, who was accounted an opponent of the chairman, the King, with whom Herr Grevesmühl had had private communication, sent to Baron von Senfft on the 1st August a formal confirmation of the resolution adopted by the Government on the 27th July, which Herr von Pilsach again, and for the same motives as those given above, refrained from communicating to the municipal council. On the representations of Herr von Pilsach, who pointed out that, under Article VI of the treaty, the Government was not justified in adopting such a resolution without the sanction of the treaty powers, the King, Malietoa, declared himself ready to move the Feipule to cancel it. At a meeting of the consular court, Baron von Senfft gave an account of the circumstances of the case, and declared that, in view of the provisions of Article VI, paragraph 4, of the Samoan treaty, the resolution adopted by the Government, whereby German money was excluded, was invalid. The German and English representatives concurred in this view, but Mr. Blacklock, the American consul, expressed no opinion.

The Feipule did not cancel its resolution, notwithstanding Herr von Senfft's endeavors to induce it to do so. Malietoa informed the three consuls of this fact by identical notes, and inquired at the same time whether the conjecture of the chairman of the municipal council, that the resolution was opposed to the provisions of the Samoan treaty, were correct. The three consuls answered this note separately, and the German consul alone stated that the resolution which the Government had adopted was contrary to the provisions of the Samoan treaty. The English consul's answer avoided the point "that he was not at present prepared to object to the same resolution," and the American consul accepted the resolution, "no reason to complain." On the 12th of August the municipal council resolved that the rates mentioned at the commencement of the present paper, which had been established by the three consuls in 1890, should again be put in force for payments into the municipal treasury, but that no higher payment than \$10 might be made in silver. The consular court altered this resolution in the sense that German and English silver should not be received at all, but that American and Chilean silver should be received to an unlimited extent. The municipal council declared against Baron von Senfft's note, that they were agreeable to this arrangement, and in a joint note of the 25th of August the three consuls informed the King of this resolution. Baron von Senfft considered this direct communication on the part of the consuls as an encroachment on his rights, and on the 5th ultimo he placed in the King's hands his resignation of his post of chairman of the municipal council, adding that he would continue to discharge his functions until measures had been taken otherwise to provide for them.

Such renunciation of his post by himself alone remains inoperative so long as the authorities who appointed Baron von Senfft to the chairmanship of the municipal council do not accept it. He was appointed under an understanding with the treaty powers by the imperial chancellor, and the imperial chancellor thinks it desirable that, in the interest of peace and good order in the Samoan Islands, Baron von Senfft should remain at his post.

In support of his resignation Baron von Senfft alleges that he can not hope to do useful work at Apia now; that he no longer possesses the confidence of the King, who has publicly passed him over and followed the advice of irresponsible persons. He is convinced that this would not have happened had he found in the representatives of the three treaty powers the support he was entitled to expect.

In opposing the resolution adopted by the Samoan Government, whereby German currency was excluded from being used to pay customs duties and taxes, Baron von Senfft relied solely on the Samoan treaty (Article VI, section 4). The Imperial Government claims no manner of advantage in Samoa over the two other treaty powers, but they must decidedly oppose any such diminution of the rights secured to them by treaty as would be involved in the exclusion of German currency. The Imperial Government is convinced that the loyal observance of the provisions of the Samoan treaty by the representatives of the treaty powers will be successful in restoring peace and good order in Samoa. But in order to obtain this end it is, before all things, necessary that the representatives in question should not work one against another, but that they should, on the contrary, work together in the interests of peace, and should therefore support Baron von Senfft.

The latter's conception of his position must be modified in two directions. On the one hand, he is in error in denying to the consular court, when unanimous, the right of access to Malietoa. On the other hand, Baron von Pilsach must not judge of his position with Malietoa by that of a minister with an European King, and resign when he thinks that influence other than his own is prevailing. The chairman of the municipal council must not forget that he owes his appointment to the treaty powers.

[Navigators Islands, November 30; confidential. 80; section 1.]

No. 1.

Sir E. Malet to the Marquis of Salisbury.

No. 221.]

BERLIN, *November 28, 1891.* (Received November 30.)

MY LORD: I have the honor to inform your lordship that, on receiving your lordships' dispatch No. 271 of the 18th instant, on the affairs of Samoa, I communicated the inclosures to Baron von Marschall, and requested his excellency to inform me as to his views upon Consul Cusack-Smith's reports and suggestions. I asked Baron von Marschall yesterday whether he had considered the matter, and he told me that he thought it was disposed of by the refusal of the governments to accept Freiherr Senfft von Pilsach's resignation. His excellency went on to say that, in his opinion, Mr. Cusack-Smith should have supported the president of the municipal council in his resistance to the decree forbidding the entry of German coinage, as such a decree was clearly a violation of the Samoan act. All that followed and the president's final resignation was due to want of support in this matter where he had a right to look for it—that was from the three consuls.

I asked Baron von Marschall what part of the Samoan act was violated by the decree in question. His excellency said that he could not without reference state the passage, but that he was informed by his legal advisers that Freiherr Senfft von Pilsach had acted strictly in accordance with the act in endeavoring to prevent the decree, and that he should have been supported by the consuls.

I have since examined the act, and the only passage I can find which may be held to bear on the point in question is the third section of Chapter III, end of second paragraph, where it is stated that the president shall not give advice to the prejudice of the rights of either of the treaty powers.

The opening declaration that the citizens and subjects of the three signatory powers have equal rights of residence, trade, and personal protection may, perhaps, be held to exclude the power of the King to prohibit the import of the currency of one of the signatory powers.

I have, etc.,

EDWARD B. MALET.

[Navigator Islands, December 5; confidential, 81; section 1.]

No. 1.

The Marquis of Salisbury to Consul Cusack-Smith.

[Telegraphic, P.]

FOREIGN OFFICE, *December 5, 1891—4:30 p. m.*

You should unite with the German consul in urging the Samoan Government to take measures in accordance with the request of the municipal council of the 3d June and of the 24th July last respecting the currency question.

Her Majesty's minister at Washington will be instructed to urge the U. S. Government to issue similar directions to the American consul.

No. 2.

The Marquis of Salisbury to Consul Cusack-Smith.

[Telegraphic, P.]

FOREIGN OFFICE, *December 5, 1891—4:30 p. m.*

Your dispatches respecting the resignation of Baron Senfft von Pilsach have been received.

The treaty powers have declined to accept his resignation, and the incident must be considered as closed.

Convey to the chief justice and to the president of the municipal council an expression of the hope of Her Majesty's Government that the three consuls and the European officials will all cordially cooperate in the interests of peace and good order and the successful carrying out of the Samoan act.

[Navigators Islands, December 8; confidential, 82; section 1.]

No. 1.

The Marquis of Salisbury to Sir E. Malet.

No. 289.]

FOREIGN OFFICE, December 8, 1891.

SIR: With reference to your dispatch No. 221 of the 28th of November last, I transmit to your excellency herewith copy of a dispatch which I have caused to be addressed to Her Majesty's consul at Apia, instructing him to act with his German colleague in urging the Samoan Government to adopt the suggestions for the settlement of the currency question which were made by the municipal council of Apia on the 3d of June and 24th of July last.

I inclose also copy of further correspondence, as marked in the margin, relating to this question, and I have to request that you will communicate to the German Government the substance of the instructions which have been sent to Consul Cusack-Smith.

You should add that the U. S. Government will be urged to issue similar directions to their consular representative at Apia.

I am, etc.,

SALISBURY.

No. 2.

The Marquis of Salisbury to Sir J. Pauncefote.

No. 269.]

FOREIGN OFFICE, December 8, 1891.

SIR: I transmit to you herewith copy of an instruction which I have caused to be addressed to Her Majesty's consul at Apia relative to the currency question, together with duplicate copies of previous correspondence on the subject, as marked in the margin.

You will observe that Mr. Consul Cusack-Smith has been directed to act with his German colleague in urging the Samoan Government to adopt the arrangements proposed by the municipal council of Apia on the 3d June and 24th July last.

I have to request that you will communicate the accompanying correspondence to the U. S. Government and urge them, if they see no objection, to issue instructions to their consular representative at Apia similar to those which have been sent to Her Majesty's consul.

I am, etc.,

SALISBURY.

No. 3.

Foreign office to Consul Cusack-Smith.

[No. 23. Confidential.]

FOREIGN OFFICE, December 8, 1891.

SIR: Lord Salisbury has received and considered your dispatches Nos. 60, 61, and 62 of the 14th and 15th October last respecting the currency question in Samoa and Baron Senfft von Pilsach's resignation, and has been in consultation with the German Government upon the subject.

The main point at issue in this matter appeared to be the interpretation of section 4, Article VI, of the Samoan final act, which runs as follows:

"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."

Baron Senfft von Pilsach contends that, reading this in conjunction with Article 1 of the final act, which guarantees "to citizens and subjects of the three signatory powers equal rights of residence, trade, and personal protection," he was justified in resisting the decision come to by the Samoan Government on the 27th July last, by which German coin was excluded from reception at the public treasury in payment of dues and taxes. Such a decision, the president maintains, was invalid by reason of the fact that the actual state of affairs in regard to the currency can not be altered without the previous consent of the treaty powers.

The attitude thus assumed by Baron Senfft is indorsed by the German Government, who have informed Her Majesty's Government that they are decidedly opposed to any such diminution of the rights secured to them by treaty as would be involved in the exclusion of German currency from the Samoan Islands. There are technically cogent grounds for the view taken by the German Government.

I am, under these circumstances, to instruct you to act with your German colleague in urging the Samoan Government to adopt the suggestions for the settlement of the currency question which were made by the municipal council of Apia on the 3d June and 24th July last, and to take the necessary measures for giving effect to them.

I am to add that Her Majesty's minister at Washington will be requested to invite the U. S. Government to instruct their consular representative at Samoa in a sense similar to that of this dispatch.

Copies of communications received from Baron Senfft von Pilsach and the German Government upon this subject are annexed for your confidential information.

I am, etc.,

P. CURRIE.

No. 4.

The Marquis of Salisbury to Baron Senfft von Pilsach.

FOREIGN OFFICE, December 8, 1891.

SIR: Her Majesty's Government have had before them your letter of the 13th October in which you relate the circumstances connected with the currency question in Samoa which have induced you to tender your resignation of the post of president of the municipal council.

Instructions have been addressed to Mr. Consul Cusack-Smith which it is hoped will meet the necessities of the case, and you will doubtless have learnt from the German Government that the powers are not prepared to accept your resignation.

I am, etc.,

SALISBURY.

Sir Julian Pauncefote to Mr. Blaine.

WASHINGTON, January 27, 1892.

SIR: Her Majesty's Government has received a communication from the King of Samoa complaining that the adherents of the rebellious chief, Mataafa, are defying and obstructing the authority of the supreme court of Samoa at Malie, and requesting the assistance of the foreign men of war at Samoa with a view to enable the court to execute its warrants.

Lord Salisbury understands that a similar communication has been addressed to the U. S. Government by King Malietoa, and he is anxious to learn what view they take of the King's appeal and the nature of the instructions which they propose to send to their consul at Apia and the municipal president.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Blaine.

WASHINGTON, January 27, 1892. (Received January 27.)

SIR: I have the honor to inform you that after our interview on the 13th instant on the subject of the course to be adopted with reference to the conduct of the chief justice of Samoa in absenting himself without leave, I telegraphed to the Marquis of Salisbury your suggestion that the chief justice be called upon for an explanation by the three consuls at Samoa by order of their respective governments instead of through the King of Sweden.

I have now received a telegram from his lordship in reply, stating that this suggestion has been accepted by Her Majesty's Government and that of Germany, and informing me at the same time that Her Majesty's consul at Samoa has been instructed by telegraph to concert with his colleagues a joint note to the chief justice.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, January 29, 1892.

SIR: Referring to your note of the 27th instant, informing me that your Government had accepted my suggestion that the chief justice of Samoa should be called upon by the three consuls at Apia for an explanation of his course in having absented himself without leave, I have to inform you that the American consul has been instructed, by telegraph, in the sense of your note.

I have, etc.

JAMES G. BLAINE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, February 20, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 27th ultimo, relative to the communication received by Her Majesty's Government from the King of Samoa, and to say that this Government has received a similar communication from King Malietoa complaining that the adherents of the rebellious chief, Mataafa, are defying and obstructing the authority of the supreme court of Samoa, and requesting the assistance of the men-of-war of the three treaty powers to enable the court to execute its warrants. Replying to your inquiry it seems to this Government that in order to carry out the spirit of the Berlin treaty it would be advisable for the treaty powers to sustain in some proper and judicious way the present recognized authorities of Samoa. Assistance in support of the authority of the supreme court, if discreetly given, would seem to be well directed, and its moral and demonstrative effect might aid in quieting the existing troubles. I suggest, therefore, the wisdom of similar instructions being given by Her Majesty's Government, by the Government of Germany, and by the Government of the United States, permitting any man-of-war of the three treaty powers which for the time being may be present in Samoa to render such aid as may be necessary in executing the warrants of the supreme court, such aid to be limited strictly to that purpose and to be rendered by the man-of-war at the request of the consul of its country, who will act in the matter if the consuls of the three powers shall jointly decide in any particular case that there is necessity for such aid and shall request the consul to have it rendered. I shall be glad to be acquainted with the views of Her Majesty's Government on this subject.

I have, etc.,

JAMES G. BLAINE.

Sir Julian Pauncefote to Mr. Blaine.

WASHINGTON, March 23, 1892.

SIR: In accordance with instructions which I have received from Her Majesty's principal secretary of state for foreign affairs, I have the honor to inform you that the British land commissioner at Apia has recently reported to Her Majesty's Government that he and his colleagues had unanimously declined to act upon a suggestion of the chief justice that an accurate map of the whole of the Navigators Islands should be taken at the expense of the commission.

This decision appears to Her Majesty's Government to be amply justified by the terms of section 2, Article IV, of the Samoan final act, and the Marquis of Salisbury has accordingly instructed Mr. Haggard that Her Majesty's Government concur in the view taken by the commissioners.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, March 24, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 24th of December last, with its accompaniments, in relation to the Samoan currency question.

It gives me pleasure to say that a telegram will be sent to Mr. Sewall, the consul-general of the United States at Apia, instructing him to join with his British and German colleagues, whenever they may receive similar instructions, in representing to the authorities of Samoa that the Government of the United States is of opinion that German coin shall be admitted into Samoa as well as the coins of the United States and Great Britain, the 20-mark gold piece to be taken as worth \$4.76.

I have, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, April 6, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 23d ultimo, in which you inform me that the land commissioners at Apia had unanimously declined to act upon a suggestion of the Chief justice that an accurate map of the whole of the Navigators Islands should be taken at the expense of the commission, and that Her Majesty's Government concurs in the view taken by the commissioners.

In reply I have to state that this particular point does not appear to have been reported to this Government by the American land commissioner at Apia. This Government, however, is disposed to concur with Her Majesty's Government in regarding the question of preparing the suggested map as one for the decision of the land commissioners, and in regarding their decision as amply justified. The American land commissioner will, therefore, be so instructed.

I have, etc.,

JAMES G. BLAINE.

Sir Julian Pauncefote to Mr. Blaine.

WASHINGTON, April 19, 1892.

SIR: With reference to your note of the 20th of February last, I have the honor, in accordance with instructions which I have received from the Marquis of Salisbury, to inform you that Her Majesty's Government have give given their best consideration to the proposals of the United States and German governments, respecting the enforcement of the authority of the Samoan supreme court in the execution of its warrants by the aid of the vessels of war of the three treaty powers.

Her Majesty's Government are now prepared to instruct the commanders of British ships of war in Samoan waters to afford all practicable assistance for the purpose in question upon the understanding that action shall be taken only in cases of real emergency and after an agreement has been arrived at amongst the consuls of the three powers; and, further, that a ship of war of the nationality of the offender (if an European subject) is to be employed should one be present.

It must be remembered that as the coast of Samoa is indifferently surveyed, any man-of-war which may embark the chief justice or his officers should touch only at such places in the island as in the judgment of the commanding officer he may consider safe.

Subject to these reservations, Her Majesty's Government will take the necessary steps for giving effect to the arrangement as soon as they shall be in receipt of the draft identical instructions for the three consuls which are to be concerted between the cabinets of Berlin and Washington.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Blaine.

WASHINGTON, April 28, 1892.

SIR: I have the honor to inform you that Her Majesty's consul at Samoa has forwarded to the Marquis of Salisbury a letter from Mr. Robert Louis Stevenson, inclosing certain proposals for the amendment of the final act of the Berlin conference, which have been drawn up by a committee at Apia and adopted at a meeting of the foreign residents.

In accordance with instructions which I have received from my Government, I have the honor to transmit to you herewith for the consideration of the United States Government copies of this correspondence, together with a copy of the final act showing the alterations which have been suggested.

I have, etc.,

JULIAN PAUNCEFOTE.

[Navigators Islands, April 4; inclosure in note from Sir J. Pauncefote of April 28, 1892, section 1.]

No. 1.

Consul Cusack-Smith to the Marquis of Salisbury.—Received April 4.

No. 10.]

SAMOA, March 2, 1892.

MY LORD: I have the honor to inclose copy of a letter received last night from Mr. Stevenson, forwarding to me the texts of parts of the Berlin treaty as altered by a committee and approved by a public meeting.

I have, etc.,

T. B. CUSACK-SMITH.

[Inclosure 1 in No. 1.]

Mr. Stevenson to Consul Cusack-Smith.

APIA, March 1, 1892.

SIR: At a public meeting held here last night, to the chair of which I was called, certain proposed alterations in the Berlin treaty were discussed, and I was instructed as chairman to forward, and have now the honor of inclosing to you, the text agreed upon. It was the request of the meeting that this should by you be transmitted to your Government, in the hope that your Government might be willing to consider the opinion of persons on the spot and immediately acquainted with the business and interests involved.

I have, etc.,

ROBERT LOUIS STEVENSON.

[Inclosure 2 in No. 1.]

Samoan final act.

The committee who prepared these suggested alterations feel that some apology is due for the somewhat rough and irregular manner in which the suggestions are now forwarded for transmission to the foreign governments, but as the committee deemed it of the utmost importance that the suggestions should be at once sent to the three powers, a feeling which is generally shared by the public at large, the very limited time at their disposal has compelled them to forward the suggestions in the present form instead of rewriting them at length.

W. COOPER,
Chairman of Committee.
 T. MEREDITH.
 J. C. EDWARDS.
 A. R. DECKER.
 R. T. CHATFIELD.
 S. J. CUSACK.

[The proposed alterations and insertions are printed in italics and the omissions in erased type.]

ARTICLE 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 recognize 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 recognized by the three powers, shall again be so recognized 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 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 can not 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.

ARTICLE III.—*A declaration respecting the establishment of a supreme court justice for Samoa and defining its jurisdiction.*

SECTION 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], *the necessary and proper officers 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 honor, impartiality, and justice.

His decision upon questions within his jurisdiction, *subject to the exceptions hereinafter provided*, 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 six thousand dollars (\$6,000) 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 *his temporary absence from Samoa*, or in case of a vacancy of that office from any cause, shall be exercised by the [president of the municipal council] *consular representatives of the three signatory powers acting together, or should the consular representatives not be unanimous in agreeing to perform the duties and functions of such office, then they shall, with the consent of the Samoan Government, appoint an acting chief justice, who shall hold office during such temporary absence, or in case of vacancy, 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 presented 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, *subject to the exceptions hereinafter provided.* The court shall also have appellate jurisdiction over [all municipal magistrates and officers,] *the municipal magistrate of Apia, and all other magistrates or judges appointed by the Samoan Government throughout all the islands of Samoa.*

SEC. 5. [The chief justice is authorized 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.]

In civil cases the chief justice is authorized, in his discretion, and required upon written request of either party litigant, to appoint assessors, not more than two of the nationality of each litigant, to assist the court, but without voice in the decision. Such assessors may, however, require that their opinion in such cases shall be recorded by the court.

(a) *In criminal cases the chief justice is also authorized, in his own discretion, and required upon written request of either the accused or the prosecutor, to appoint not more than four nor less than two assessors to assist the court, but without voice in the decision. Such assessors may, however, require that their opinion in such cases shall be recorded by the court. In both criminal and civil cases such assessors shall be men of good repute and character in the community.*

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 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.

SEC. 8. The chief justice shall recommend to the Government of Samoa the passage of any laws 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 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.]

All civil suits of any kind, with the exceptions hereinafter provided, between natives and foreigners, or between foreigners of different nationalities, or between foreigners of the same nationality who are not subject to any consular jurisdiction.

(a) *All actions arising within the municipality on simple contracts, or for the recovery of debts where the amount claimed or in dispute does not exceed 200 dollars, shall be heard and determined by the municipal magistrate, subject to the right of appeal contained in Article V, section 4.*

(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] but in all such cases where there is no existing consular jurisdiction the supreme court shall have power to deal with and dispose of the same. Nor shall the court take any *ex post facto* or retroactive jurisdiction over crimes or offences committed prior to the organization of the court.

ARTICLE 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 *outside the municipality* may be leased for a just consideration, and with carefully defined boundaries, for a term not exceeding forty (40) 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 interest therein in the islands of Samoa, it is declared that a commission shall be appointed, to consist of three (3) 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 three hundred dollars 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 from such notice for the purpose of examination and registration; and that all claims not so presented will be held invalid, and forever 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; *but should it be found impossible to close such labours in the time specified, then the term shall be extended until the merits of all claims unadjudicated upon shall be inquired into and reported upon to the supreme court.*

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.

They shall especially report:

(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 endeavor to effect a just and equitable compromise between litigants. They shall also report to the court whether the alleged title should be recognized 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 *subject to the proviso hereinafter contained* make final decision thereon in writing, which shall be entered on its record.

[Undisputed claims, and such] *Provided, That all valid undisputed claims, and also such other claims 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.*

(a) *In all cases where the commission is not unanimous its decisions shall be subject to the revision and confirmation of the court.*

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 the 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 or 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 fire-arms 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.

ARTICLE V.—*A declaration respecting the municipal district of Apia, providing a local administration therefor, and defining the jurisdiction of the municipal magistrate.*

SECTION 1. The municipal district of Apia is defined as follows: Beginning at Vaioa 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 Vaisinago, and thence in a straight line to the point of beginning at Vaioa, 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] *mayor*, who shall [also] have a vote *only*.

Each member of the council *and also the mayor* 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 of 5 dollars 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 appointments for a term of two years, and until their successors shall be elected and qualified.

(a) *In the case of the seat of any councillor becoming vacant by death, resignation, or otherwise, before the said term of two years has expired, the person elected in his place shall hold office only for the balance of the said term.*

In the absence of the [president] *mayor* the council may elect a chairman *pro tempore*.

Consular officers shall not be eligible as councillors *or mayor*, nor shall the *mayor* *or* 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 persons and property, for the assessment and collection of the revenues therein, as herein authorized; 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[ies] of the municipal magistrate, and establish the fees and charges allowed to other civil officers of the district, excepting [clerk and marshal] the *officers* of the supreme court.

All ordinances [resolutions] and regulations passed by [this] the 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 *ordinances and* regulations, or suggest such amendments as may be unanimously deemed necessary by them.

Should the consular board not be unanimous in approving the *ordinances and* 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 *ordinances and* 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 dollars, or imprisonment *with or without hard labour* for a longer term than [180 days] *one year*.

In cases where the penalty imposed by the municipal magistrate shall exceed a fine of [twenty] *fifty* dollars, or a term of [ten] *twenty-one* days' imprisonment, an appeal may be taken to the supreme court.

(a) *In civil cases where the amount claimed or in dispute exceeds 50 dollars, an appeal from the decision of the municipal magistrate may be taken to the supreme court.*

(b) Upon such terms as to cost, or otherwise, as the magistrate may deem just.

SEC. 5. [The president of the municipal council] *The mayor* 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 civilization 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 five thousand dollars (\$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.]

electd by ballot, annually, by the taxpayers of the entire municipal district, and shall have resided in the municipal district for not less than two years immediately prior to his election. He 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.

Each councillor, upon being elected and before taking his seat on the council, shall make and subscribe before the chief justice a similar oath or affirmation.

He shall be the receiver and custodian and treasurer of the municipal revenue 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, and in all matters relating to such revenue and the custody thereof and dealing therewith he shall be subject to and act in accordance with the directions and instructions of 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.

ARTICLE VI.—*A declaration respecting taxation and revenue in Samoa.*

SECTION 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 authorized 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.

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	1.00
4. On sparkling wines, per gallon	1.50

5. On tobacco, per lb	0.50
6. On cigars, per lb	1.00
7. On sporting arms, each	4.00
8. On gunpowder, per lb	0.25
<i>Additional:</i>	
8. <i>Opium, per lb</i>	20.00
9. Statistical duty on all merchandise and goods imported, except as aforesaid, <i>ad valorem</i>	2 per cent.
<i>N. B.—All measures of quantity are understood to be imperial.</i>	

[(B) EXPORT DUTIES.

On copra, <i>ad valorem</i>	2½ per cent.
On cotton	1½ “ “
On coffee	2 “ “

(C) TAXES TO BE ANNUALLY LEVIED.

1. Capitation tax on Samoans and other Pacific Islanders not included under No. 2 [per head	\$1.00]
<i>to be imposed on males only between the ages of 14 and 50 years, the amount per head to be fixed by the Samoan Government and the chief justice.</i>	
2. Capitation tax on colored plantation laborers, other than Samoans, per head	2.00
3. On boats, trading and others (excluding native canoes and native	
4. On firearms, each	{ [2.00]
boats carrying only the owner's property), each	{ 5.00
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>	4.00
6. Special taxes on trades as follows:	1 per cent.
Class I.—On stores of which the monthly sales are \$2,000 or more, each store	100.00
Class II.—Below \$2,000 and not less than \$1,000	48.00
Class III.—Below \$1,000 and not less than \$500	36.00
Class IV.—Below \$500 and not less than \$250	24.00
Class V.—Below \$250	12.00

(D) OCCASIONAL TAXES.

1. On <i>foreign</i> trading vessels exceeding 100 tons burden, calling at Apia, { and doing business there, at each call. }	[10.00]
1 (a). Decked vessels engaged in the coasting trade, 20 tons and under, per annum	25.00
1 (b). Over 20 tons and under 100 tons, per annum	15.00
2. Upon every transfer or purchase of real estate there shall be paid by the transferee or purchaser before the instrument or deed effecting such transfer or completion of such purchase can be registered a tax of ½ per cent on the value of the consideration paid.	25.00
<i>Where there is no consideration or where the consideration is nominal or not valuable such tax shall be computed and payable on the actual value of the property transferred or purchased. Unless and until such tax be paid the title of the transferee or purchaser shall be held invalid.</i>	
[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	½ per cent.]
3. Upon other written transfers of property upon the selling price	1 per cent.
<i>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 of customs.</i>	
<i>When the property so transferred or purchased is situated within the municipality, such last two taxes shall be payable to and receivable by the Apia municipal council.</i>	
<i>When the property so transferred or purchased is situated outside the municipality, such last two taxes shall be payable to and receivable by the Samoan Government.</i>	
4. Unlicensed butchers in Apia shall pay upon their sales	1 per cent.

(E) LICENSE TAXES.

No person shall engage as proprietor or manager of or in any of the following professions [or] *trades, occupations or callings*, except after having obtained a license therefor, and for such licenses the following taxes shall be paid *quarterly* in advance:

	Per month.
Tavern-keeper	\$10.00
	Per annum.
Attorney, barrister, or solicitor	60.00
Doctor of medicine or dentistry	30.00
Auctioneer or commission agent	40.00
Baker	12.00
Banks, or companies for banking	60.00
Barber	6.00
Blacksmith	5.00
Boat-builder	6.00
Butcher	12.00
Cargo boat or lighter	6.00
Carpenter	6.00
Photographer or artist	12.00
Engineer	12.00
Engineer assistants	6.00
Engineer apprentices	3.00
Hawker	1.00
Pilot	24.00
Printing press	12.00
Sailmaker	6.00
Shipbuilder	6.00
Shoemaker	6.00
Land surveyor	6.00
Tailor	6.00
Waterman	6.00
Salesmen, bookkeeper, clerks, paid not less than \$75 a month	3.00
Same, paid over \$75 a month	6.00
White laborers and domestics, per head	5.00
Factory hands and independent workmen	5.00

Addendum to Schedule E.—Provided, that the municipal council may, from time to time, with respect to persons residing or carrying on business or practicing their callings within the municipality, make such additions or alterations to the above schedule and such reductions or increase in the amount of tax to be paid as may seem reasonable and just. And the Samoan Government may make such additions, alterations, reductions, or increase with respect to persons residing or carrying on business or practicing their callings outside the municipality.

SEC. 3. Of the revenues [paid into the Treasury] payable and receivable under the provisions of this act, 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. [Query—omitted: 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 as specified below:

£1 = 5 dollars in United States currency.

4s. = 1 dollar in United States currency.

20-mark, gold = 5 dollars in United States currency.

Chilean currency shall no longer be a legal tender in Samoa.

ARTICLE VII.—*A declaration respecting arms and ammunition and intoxicating liquors, restraining their sale and use.*

SECTION 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 a written license shall have been previously obtained from the [president of the municipal council] mayor.

All arms and 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 such arms and ammunition shall be entered at the customs (without payment of duty) and reported by the mayor of Apia to the consuls of the three treaty powers.

(b) Small arms and ammunition carried by travelers 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 firearms 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 with or without hard labor, 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.

ARTICLE VIII.—*General dispositions.*

SECTION 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. KRANNEL.
JOHN A. KASSON.
WM. WALTER PHELPS.
GEO. H. BATES.

Sir Julian Pauncefote to Mr. Blaine.

WASHINGTON, May 5, 1892.

SIR: With reference to your note of the 29th of January last, respecting the course to be pursued in relation to the complaint against the chief justice of Samoa, of his having absented himself without leave to the detriment of public interests, I have the honor to inform you that Her Majesty's Government have received a dispatch from

the chief justice, dated March 2, 1892, explaining the reasons of his absence from his post.

In this dispatch Monsieur Cedererantz states that he is forwarding identical communications to Count von Caprivi and to yourself, and Her Majesty's Government have now been informed by the German Government that they are in receipt of the chief justice's explanation and that they are disposed to take no further action in the matter.

In accordance with instructions which I have received from the Marquis of Salisbury, I have the honor to acquaint you that his lordship has expressed his concurrence in the view taken by the Government of Germany in the matter.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, May 11, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 5th instant, relative to the communication received by Her Majesty's Government from the chief justice of Samoa, explaining the reasons of his absence from his post.

A similar communication, under date of March 2, 1892, has been received by this Department from Mr. Cedererantz, the chief justice of Samoa. While his absence from his post without previous notification and permission is regretted, this Government is indisposed to take any further action in regard thereto.

I have, etc.,

JAMES G. BLAINE.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,
Washington, July 5, 1892.

SIR: With reference to Sir Julian Pauncefote's note of the 19th April last, I have the honor, by direction of my Government, to inclose for your information copy of an instruction which has been addressed to Her Majesty's consul in Samoa in regard to the conditions on which the three treaty powers concerned have agreed to accede to King Malietoa's request that their ships of war in Samoan waters might be permitted to enforce the authority of the supreme court of Samoa in the execution of its warrants.

I have at the same time the honor to inform you that instructions in the same sense have been sent by Her Majesty's Government to the British commander in chief on the Australian station, and I am desired by the Marquis of Salisbury to express the hope that similar instructions may shortly be forwarded to the American consular and naval authorities, if they have not been already issued.

I have, etc.,

MICHAEL H. HERBERT.

[Enclosure.]

Sir Philip Currie to Mr. Cusack-Smith.

[Political.]

No. 11.]

FOREIGN OFFICE,
June 24, 1892.

SIR: With reference to your dispatch No. 71, of the 9th of December last, I am directed by the Marquis of Salisbury to inform you that an identic letter was on that date addressed by King Malietoa to the Governments of Great Britain, Germany, and the United States, requesting the assistance of their ships of war at Apia to enable the supreme court of Samoa to execute its warrants.

With a view to uphold the system of judicature established by the final act of the conference of Berlin on Samoan affairs, the treaty powers are disposed, upon certain conditions, to accede to King Malietoa's appeal, and an understanding as to the procedure to be adopted in such cases has been arrived at. You will find it recorded in the inclosed memorandum, and you will be guided by the rules therein laid down in any future action which you may have to take in this matter.

You are authorized to inform the Samoan Government of the decision come to, and you should concert with your colleagues of Germany and the United States, to whom similar instructions will be sent, as to the form in which this communication should be made.

The British naval authorities in the Pacific have also received instructions which will insure their cooperation when it is required.

I am, etc.,

P. M. CURRIE.

Memorandum.

The intervention of ships of war will be restricted to the action required for executing the warrants of arrest issued by the supreme court. Such intervention is to take place only on a requisition from the consul of the country to whom the vessel belongs, and he will make the requisition only on occasions when the consuls of the three treaty powers are unanimously of opinion that support is necessary and request him to apply for it.

The execution of warrants for the arrest of persons other than natives should, if possible, be intrusted to a ship of war of the nationality of the person to be arrested. In other cases any action that may be taken in compliance with these requisitions should, as far as possible, be taken by the ship of war in turn.

It is to be borne in mind that the intervention of the ship in war in these cases should have the character of an executory measure against individuals and should not lead to any warlike action.

There will thus be antecedent reasons against the employment of ships of war in cases where the desired end can not be obtained without an expedition far into the interior.

The question whether compliance with a requisition is practicable from a military point of view is one that must be left to the discretion of the commander of the ship of war concerned.

*Mr. Foster to Mr. Herbert.*DEPARTMENT OF STATE,
Washington, July 11, 1892.

SIR: I have the honor to acknowledge the receipt of Sir Julian Pauncefote's note of April 19 last, and of your note of the 5th instant, and to inclose for your information a copy of an instruction to the vice-consul of the United States at Apia of the 11th instant, concerning the joint action of the three treaty powers in Samoa in the use of their war vessels to aid in the enforcement and execution of the warrant issuing from the superior court of Samoa.

I have, etc.,

JOHN W. FOSTER.

Memorandum.

Any ship of war of the three treaty powers which for the time being may be present in Samoa may aid when necessary in executing warrants issuing from the supreme court of Samoa; such assistance is to be furnished only upon the request of the consular officer of the country to which the ship belongs, and such ship will act only when the consular officers of the three treaty powers are unanimously of the opinion that such assistance is necessary and shall authorize the request for assistance.

Assistance in the execution of warrants in the cases of persons other than natives should, if possible, be requested of a ship of war of the nationality of the person against whom the warrant is issued. Otherwise such assistance should be furnished by the ships of war in turn as far as practicable.

The action of ships of war hereby authorized is executory simply against individuals and is in no sense warlike, and no request should be made for their assistance when the object to be attained can be accomplished only by an expedition into the interior of the country.

The commander of the ship of war, upon whom the request for assistance is made, must in each case, in his discretion, decide whether or not compliance with the request is practicable in a military point of view.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, July 13, 1892.

SIR: I have the honor to inform you that the copy of a dispatch from Her Majesty's consul in Samoa that accompanied your note of the 11th instant has been read with interest.

I have, etc.,

JOHN W. FOSTER.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,
Newport, August 8, 1892.

SIR: In accordance with instructions which I have received from the Marquis of Salisbury, I have the honor to transmit copy of a letter from Mr. Thomas Maben, stating the reasons which have led him to accept the appointment of secretary of state in the Samoan Government.

I have, etc.,

MICHAEL H. HERBERT.

[Inclosure.]

Mr. Maben to the Marquis of Salisbury.

MULNUU, SAMOA, June 23, 1892.

MY LORD: I beg most respectfully to be allowed to address your lordship unofficially on the matter of my taking the position of secretary of state in the Samoan Government. I presume that our consul here has reported the fact by the same mail that takes this. I felt that, as a British subject, I might be permitted to address a letter to your lordship, as well and shortly as I could, stating my reasons for accepting the appointment in the present unsettled state of the country.

It seems that the King, the chief justice, and the president of the municipal council had come to the conclusion that it had become necessary to appoint some one

with local knowledge to administer the internal affairs of the country, and their choice fell upon me.

I felt considerable hesitation in accepting the position offered me, because I saw that the time had gone past when a vigorous administrative policy might have welded the different factions in Samoa together, and caused the laws to be obeyed and the taxes paid by all the people on these islands. On the other hand, I thought that as I have held the post of surveyor-general for some time past I might accept the new appointment in addition to the one already held, and if I could succeed in bringing about a better state of affairs, well and good; if I failed, the country would be in a no worse position than when I took office. I am very anxious to make this clear, that the office was not of my asking, and that I am not at all sanguine that I can now effect much improvement in the condition of the country, because I think that the opportunity for vigorous action was lost when the chief justice arrived here.

Had the whole machinery of government been reorganized and carried into effect at that time, I feel sure that the Mataafa opposition would not now be in existence. The Samoans at that time fully believed that the provisions of the final act of the treaty of Berlin would be strictly enforced by the three powers, if necessary. Now they hold a different opinion, and they feel that, with a strong faction in opposition to the Government, they can set the law at defiance.

To attempt to enforce the payment of taxes from the opposition party, without the aid of outside pressure, would, I feel certain, lead to civil war. This the Governments are trying all they can to avoid by not taking aggressive action.

The last year's taxes are three months overdue, and the attempt is only now being made to collect them. The people are naturally averse to paying taxes, and if, by joining the faction opposed to the Government, they can secure exemption, they are very likely to take that course.

I will not trouble your lordship with further details, as I have no doubt you are kept well informed from here. My only object in writing is to place the facts in connection with my appointment before your lordship, so that you may judge of the circumstances surrounding the position at the present time.

I have, etc.,

THOMAS MABEN.

Mr. Adee to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, August 15, 1892.

SIR: I have the honor to apprise you of the receipt of a dispatch from the vice-consul-general of the United States at Apia, numbered 200, of the 19th ultimo, accompanied by the following notice that appeared in the Samoan Times of the 16th ultimo:

Notice: During the months of August, September, and October ensuing, I shall continue to adopt for my receipts and disbursements the present rate of exchange, viz, the English pound sterling and the 20-mark gold piece as equal to \$5 United States currency.

FRHR. SENFFT VON PILSACH,
Treasurer.

APIA, July 14, 1892.

I have said to the chargé d'affaires *ad interim* of Germany here that the published notification of Baron von Pilsach does not accord with the understanding reached, as stated in the Department's note to Sir Julian Pauncefote of March 24, 1892, that the 20-mark gold piece was to be received as the equivalent of \$4.76 and that it was not doubted that the German Government would cause the order of Baron von Pilsach to be rescinded and the agreement of March 24 last to be carried out.

I shall be glad to learn what, if any, action has been taken by Her Britannic Majesty's Government in this matter.

I have, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Adee to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, August 15, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 8th instant, inclosing a copy of a letter from Mr. Thomas Maben, stating the reasons which have led him to accept the appointment of secretary of state in the Samoan Government.

I have, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,
Newport, R. I., August 26, 1892.

SIR: In accordance with instructions which I have received from my Government, I have the honor to inclose herewith for your information copy of a verbal communication from the German embassy in London, together with a copy of the reply which has been returned to it, respecting a difference of opinion which has arisen as to the appointment of the import and export duties in Samoa, leviable under Article VI of the final act of the Berlin conference of 1889, and at the same time to inquire whether the views of Her Majesty's Government as explained in this correspondence meet with your concurrence.

If the treaty powers should be unanimously of opinion that they should decline to accept the decision of the chief justice, it appears to be desirable that some communication should be made to him to that effect.

In the event of the U. S. Government sharing this opinion, Her Majesty's Government would be glad to be favored with their views as to the most courteous and acceptable method of making such a communication to the chief justice, and as to the terms in which it may most appropriately be couched.

I have, etc.,

MICHAEL H. HERBERT.

[Inclosure.]

Verbal communication.

The chief justice at Apia has recently decided that, according to the provisions of the Samoa act, the revenues from import and export duties received up to the present time for the municipality of Apia are not to be paid to the municipality, but to the Samoan Government. If this decision is carried into effect, the municipality would lose the greater part of the revenues. The decision of the chief justice has, therefore, caused in the municipality a considerable agitation, which has found its way into the European and Australian press. The Imperial German Government are of opinion that the decision of the chief justice has been issued without giving the municipality an opportunity to bring forward their rights; it reverses a state of law existing as yet with unanimous consent, and finally differs from the provisions of Article II, Section III, of the Samoa act, respecting the distribution of revenues. According to the opinion of the Imperial Government, these provisions must undoubtedly be applied to revenues from duties. It is to be added that the duties

are chiefly raised from and borne by residents of the municipality. If only for this reason, it would be fair to grant these revenues to the municipality. This procedure is the more recommendable as it warrants the useful and appropriate expenditure of the revenues, which, in the present state of things, can not be expected to the same extent, if they are delivered to the Samoan Government.

The Imperial Government hope that Her Majesty's Government agree with the Imperial Government that the former state should be maintained, according to which the revenues from duties belong to the municipality. In this case it would be necessary to inform the consuls of the unanimous opinion of the three Governments, and so instruct them to direct the president of the municipality, in the name of the treaty powers, to further receive the duties, for the use of the municipality. At the same time, it would be necessary to inform the chief justice hereof. The Imperial Government think that it is without doubt that the treaty powers are not bound to the decisions of the chief justice in questions affecting the construction of the Samoa act. This view is expressly shared in the provisions of Article III, section 4, of the Samoa act, according to which decisions of the supreme court are only conclusive "upon all residents of Samoa."

↓

[Inclosure.]

Lord Salisbury to Count Hatzfeldt.

FOREIGN OFFICE,
London, August 12, 1892.

SIR: With reference to my previous note of to-day's date, I have the honor to acknowledge the receipt of your excellency's note of the 20th ultimo, proposing that the three treaty powers should make an identic communication to the president of the municipal council of Apia in the sense of the views expressed by Mr. Consul Cusack-Smith in his dispatch No. 14, of May 25 last.

In reply I have to state that Her Majesty's Government concur generally in Consul Cusack-Smith's recommendations. They can not go so far as to say that the Samoan administration should make it their first duty to protect and advance the interests of the foreign settlers; they think that rather an equal and impartial consideration should be given to the interests of both whites and natives alike, but they quite recognize the importance of cordial cooperation between the chief justice, the municipal president, and the consular body, and of the adoption by the two former of a more conciliatory attitude toward the foreign colony.

Her Majesty's Government further agree that the resignation of Baron von Pilsach should not be accepted.

I should be glad to learn how your Government propose that the views of the three treaty powers should be conveyed to the chief justice and to the municipal president.

I have, etc.,

SALISBURY.

[Inclosure.]

Lord Salisbury to Count Hatzfeldt.

FOREIGN OFFICE, *August 12, 1892.*

M. L'AMBASSADEUR: Her Majesty's Government have carefully considered, in communication with the law advisers of the Crown, the verbal communication made by Count Metternich, on the 24th ultimo, explaining the views of the German Government on the difference of opinion which has arisen as to the apportionment of import and export duties in Samoa leviabie under the provisions of Article VI of the final act of the Berlin conference on the affairs of Samoa.

The matter at issue appears to resolve itself into a question as to the merits and validity of a decision given by the chief justice of Samoa, on the 28th March last, by which these duties were assigned to the use of the Samoan Government. That decision is contested by the municipal council of Apia, who lay claim to the dues, and have formally appealed to the treaty powers for a determination of the points in dispute; and, in the meanwhile, a temporary compromise has been effected through the intervention of the consular board.

As matters at present stand, it seems clear that if the Samoan Government are deprived of the duties they will be practically bankrupt and unable to carry on the

administration, since it appears to be generally admitted that the capitation tax can not be collected; whilst, on the other hand, the municipality will be reduced to the same position if the duties are withdrawn from them.

The German Government state that, in their opinion, the decision of the chief justice should not be maintained; and they express a hope that Her Majesty's Government will concur in this view; in which event they propose that the three treaty powers should overrule the decision in question, and instruct their consuls to direct the municipal president to receive and apply the import and export duties on account of the municipality.

Her Majesty's Government are advised that the decision of the chief justice is not in accordance with the provision of the final act.

If the two parties—i. e., the municipal council and and the representatives of the Government—had submitted the question to the decision of the chief justice under section 4 of Article III, it would in the opinion of Her Majesty's Government have been within his competence to adjudicate upon it and his decision would have been binding upon all parties; but in their judgment, having regard to what had taken place under the final act and the system of administration actually in force thereunder, it was not competent to the chief justice to make, as he did in this case, a declaration as to the rights of the parties under section 3 of Article VI of the final act, upon an informal reference, and without the matter being properly argued before him.

In the opinion of Her Majesty's Government, the view taken by the German Government is correct, and assuming the treaty powers to be unanimous they may under the circumstances decline to accept the decision of the chief justice; but in the event of there being any difference of opinion between them and Samoa, and of the question being referred to the chief justice under section 7 of Article III, his decision, whatever it might be upon such a reference, would apparently be binding upon all the powers.

As respects the actual merit of the decision itself apart from its informality, Her Majesty's Government are advised that the language of section 3 of the final act is ambiguous, and that it would be well that a clear and explicit distribution of the duties, taxes, and charges between the Samoan Government and the municipality of Apia should be made.

Her Majesty's Government are not without hope that the contending parties may still be able to arrive at a common understanding upon this point which shall be alike satisfactory to themselves and to the treaty powers.

I have, etc.,

SALISBURY.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,
Newport, R. I., September 1, 1892.

SIR: In accordance with instructions which I have received from my Government, I have the honor to transmit herewith a copy of a letter addressed to the Marquis of Salisbury by Baron S. von Pilsach, inclosing copy of an ordinance passed by the Samoan Government to provide for the collection and management of the revenue of customs at the port of Apia.

In forwarding this ordinance to Her Majesty's Government, Baron S. von Pilsach states, as you will observe, that it has been drawn up in conformity with the customs regulation ordinance of 1881, enacted in Fiji, a few clauses having been modified to suit local requirements, and he asks that the necessary steps may be taken to render it applicable to British subjects in Samoa.

I should be very much obliged if you would be good enough to inform me whether the United States Government have received a similar application from the municipal president; and, if so, what action they propose to take with a view to render the provisions of the ordinance obligatory on United States citizens.

I have, etc.,

MICHAEL H. HERBERT.

[Navigators Islands, July 22; confidential, 192; section No. 1.]

Baron Senfft von Pilsach to the Marquis of Salisbury.

APIA, SAMOA, June 16, 1892.

MY LORD: I have the honor to forward to your lordship two printed copies of an ordinance regulating the collection and arrangement of the revenue of customs. It has been framed in conformity with "The customs regulation ordinance, 1881," enacted in Her Britannic Majesty's colony of Fiji, a few clauses of the latter having been altered according to local circumstances.

I most respectfully submit the request to your lordship that you will order the necessary steps to be taken for the purpose of rendering applicable the provisions of the said ordinance to the British subjects living in Samoa.

I have, etc.,

FRIHR. SENFFT VON PILSACH.

[Inclosure in No. 1.]

SAMOA CUSTOMS ORDINANCE, 1892.

An ordinance regulating the collection and arrangement of the revenue of customs.

Whereas it is expedient to provide for the collection and management of the revenue of customs under the final act of the conference at Berlin on Samoan affairs, I, Malietoa, King of Samoa, do hereby order as follows:

1. The short title of this ordinance shall be "The customs ordinance, 1892."

2. In the construction and for the purposes of this ordinance the following words within inverted commas shall have the meanings by this section assigned to them, unless there be something in the context repugnant thereto.

"*Vessel*," "*boat*," or "*ship*."—Anything made or used to carry by water, or to have, hold, or contain on water any human being or any goods or property whatsoever.

"*Goods*."—Any animal, money, bills, notes, bonds, or any movable property of any kind whatsoever.

"*Owner*."—The actual owner of any goods, or his agent, or the consignee of any goods, or his agent—"proper officer," "officer of customs"—any person or persons duly appointed and employed to carry out or to assist to carry out any of the provisions of this ordinance, or any duty connected with this or any other ordinance that may hereafter be in force for the collection of customs dues or wharfage rates.

"*Intact*" means with reference to goods conveyed or delivered by any person that such goods are in the condition in which they were received by such person; "*foreign*" or "*abroad*," any and every place beyond the waters of the kingdom.

"*Master*."—Any person (except a pilot) having charge of any vessel, boat, or ship.

"*Dutiable goods*."—All goods subject to the payment of duty and on which duty had not yet been paid.

"*Months*."—Calendar months.

GENERAL ADMINISTRATION.

3. The president of the municipal council of Apia, as custodian and receiver of the revenue of the kingdom, shall be charged with the general administration of this ordinance.

4. It shall be lawful for the president to appoint from time to time a collector of customs for the port of Apia, that port being, under the Berlin general act, the port of entry for all dutiable goods arriving in the country, and also to appoint such other officers as may be necessary, from time to time, to carry into effect the provisions of this ordinance, provided that the collector of customs now in office and such officers as are now employed as officers of customs, shall be deemed to have been appointed under this ordinance, and any officer so appointed shall receive such salary as may from time to time be determined by the king, and also from time to time to dispense with the services of any or all such officers, and any officer receiving any fee or reward from any private individual, company, or firm, without the permission of the president, on account of anything done or omitted to be done in relation to his office or employment, shall be dismissed the service and shall be further liable to a fine not exceeding 1,000 dollars, or, in default of payment, to imprisonment for any term not exceeding six months.

Arrival and entry inwards of vessels.

5. No private vessel arriving from parts beyond the seas, excepting vessels carrying coals or naval stores authorized by treaty, shall go to any place in the islands of Samoa before reporting and entering at the port of Apia, except in case of being driven thereto by stress of weather, want of provisions, or other unavoidable circumstances. The master of every vessel who shall contravene the provisions of this section shall be liable to a penalty not exceeding 500 dollars, or, in default of payment, imprisonment for any term not exceeding three months.

6. On the arrival of any vessel within the waters of the kingdom any officer of customs may, at any place and at any time, proceed on board such vessel, and if by boat the display by such officer of a flag of not less dimensions than 4 feet by 2 feet, with the upper horizontal half containing the upper half of the Samoan flag, and the lower horizontal half white with the letters "S C" conspicuous thereon, shall be deemed sufficient proof of the authority of such officer, and any other person other than an officer of the customs displaying such a flag shall be liable to a penalty not exceeding 200 dollars, or, in default of payment, to imprisonment for a term not exceeding two months.

7. The master of any vessel arriving in the kingdom who shall refuse to receive any officer of customs at any place on board such vessel, or who shall refuse or neglect to bring his vessel to when hailed by any officer of customs in any boat as provided in the last preceding section, or by the master or commander of any vessel employed for the prevention of smuggling, or used in other way for carrying out the provisions of this ordinance, shall be liable to a penalty not exceeding 1,000 dollars nor less than 100 dollars, or, in default of payment, to imprisonment for a term not exceeding six months nor less than three weeks.

8. On the arrival of any officer of customs on board any vessel, as hereinbefore provided, the master of such vessel shall, if required so to do, provide such officer with all necessary meals and suitable sleeping accommodation in the cabin of such vessel, and shall continue to provide such meals and sleeping accommodation as long as such officer shall remain on board. If the master of any vessel on which any officer, or officers, is or are stationed neglect or refuse to provide each and every officer with such accommodation and subsistence, the master of such vessel shall be liable to a fine not exceeding 200 dollars.

9. On the arrival of any vessel within the port of Apia the proper customs officer shall proceed on board, and shall remain on board until her departure, or until he be withdrawn by order of the collector of customs, and may demand all the papers of such vessel, and shall have full access to every part thereof, and may search for any goods in any part of such vessel, and may require the master of the same to remove any hatchway or to open any door, compartment, or place, or any trunk, box, chest, or package of any kind that in the opinion of such officer of customs should contain any goods, and if the master aforesaid shall refuse or neglect to comply with such request, the said officer of customs may break open, or cause to be broken open, any hatchway, door, compartment, or place, or any trunk, box, chest, or package of any kind, and any dutiable goods found concealed therein, or any goods packed in the same packages with or used to conceal such dutiable goods, shall be forfeited. Such officer may also fasten down any hatchway, and secure any storeroom, cabin, place, or compartment, and may seal, mark, or otherwise secure any goods on board such vessel, and if the said officer shall place any lock, mark, fastening, or seal, upon any hatchway, storeroom, cabin, place, or compartment, or on any goods or ship's stores, or on any package on board, and should, so long as the said vessel is within the port of Apia, such lock, mark, fastening, or seal, be opened, altered, or broken by any person without consent and authority of an officer of customs, or if any goods or ship's stores be secretly conveyed away or removed from any place where they were secured by the said officer, or if any hatchway, after being fastened down as aforesaid, or if any storeroom, cabin, place, or compartment, after being secured as hereinbefore provided, be opened without the consent and authority of the officer of customs, or if the master of any vessel refuses to deliver to any officer of customs all the papers of such vessel on demand, as aforesaid, the master of such vessel shall for every such offense be liable to a penalty not exceeding 1,000 dollars, nor less than 200 dollars, and in default of payment to imprisonment for any time not exceeding six months, nor less than three weeks.

10. No goods or ship's stores shall be landed, transhipped, or removed in any way whatever from any vessel approaching or arriving in the kingdom after such vessel shall have arrived within 4 leagues of the coast of the kingdom, nor shall bulk be broken, nor any goods or cargo be restowed on such vessel so as to facilitate the unloading of such goods or their removal from such vessel until permission shall have been given by the proper officer of customs for such landing, transshipment, or removal, as hereinafter provided, and the master of any vessel from which any goods or ship's stores are landed, transhipped, or removed without permission, as aforesaid,

or on which bulk is broken or any goods or cargo restowed, as hereinbefore mentioned, and any person receiving such goods, or assisting to remove the same from any vessel, or any place after removal from any vessel, shall be liable to a penalty not exceeding \$1,000 nor less than \$100, and, in default of payment, to imprisonment for any term not exceeding six months nor less than one month, and any goods so removed or received shall be forfeited to the Crown, as well as any animal, boat, cart, dray, or other conveyance found by any officer of customs receiving or removing the same.

11. The master of any private vessel arriving from a foreign port at the port of Apia shall, within twenty-four hours after arrival, unless prevented by any quarantine law, produce for examination by the proper customs officer the vessel's clearance from the last port of departure, the shipping bills and store's list, the certificate of registry, the list of passengers on board, and the manifest of the cargo of such vessel, and also the bill of lading or a copy thereof for every part of the cargo on board, the vessel's log book, and the crew's articles of agreement, and shall subscribe a declaration or declarations, and answer any reasonable question in respect of each or any of these matters, or connected with the last voyage of the vessel, on oath or otherwise, as may be required by such proper officer of customs, and on such form or forms as may be from time to time prepared by the collector of customs for that purpose.

12. If, in the opinion of any officer of customs, any hatchway, door, lid, cover, partition, or any other article on any vessel containing dutiable goods is defective in any way, in whole or in part, and not adapted to afford sufficient security or protection to any dutiable goods on board such vessel, the officer aforesaid shall deliver to the master of the vessel a note in writing requesting that any defect as hereinbefore mentioned shall be supplied and remedied within a time to be specified therein, and if any reasonable request so made is not complied with within a reasonable time, the master aforesaid shall on conviction be liable to a fine not exceeding 500 dollars, nor less than 100 dollars, or, in default, to imprisonment for any term not exceeding three months nor less than seven days.

13. Whenever any vessel shall be wrecked at any place within the kingdom, the master thereof, if landed in the kingdom, shall as soon as possible make a report of such vessel as far as practicable in accordance with the provisions of section 11 hereof.

Import entries for goods.

14. Forms to be called "import entries" shall be prepared according to a formula and of dimensions to be from time to time prescribed by the President, and shall be adapted to meet (1) the transshipment of any dutiable goods foreign, (2) the removal of any dutiable goods to a Government bonded warehouse or to a private bonded store for storage therein, (3) the payment of duty on goods for home consumption, (4) the removal from any vessel of any goods not liable to the payment of duty, (5) the removal of any goods to a custom-house at the expense of the owner or consignee for inspection by a customs officer in the event of there being no invoice for such goods, or when the collector or other proper officer of customs is not satisfied with the invoice produced for such goods, and any such entry when signed by the collector of customs shall be transmitted to the proper officer and shall be his warrant for the delivery or reception of the goods mentioned therein, as the case may be. Any officer of customs may refuse to receive or to pass any import entry until the vessel referred to in such import entry has been entered inwards as hereinbefore provided, and unless such import entry is according to the prescribed formula, or to the same effect and of the same dimensions, and unless the required number of copies is produced; and no goods shall be removed from the custody of the officers of customs until the proper entry shall have been passed for such goods and permission granted by the proper officer of customs for such removal, and any goods removed from any ship or from any Government bonded warehouse or private bonded store without such permission, and unless the proper entry shall have been duly passed therefor, shall be forfeited to the Crown.

15. The owner of any goods shall fill up an import entry for any goods imported by any vessel for transshipment on board any other vessel, or to be landed in the port, within twenty-four hours after such vessel has been reported by the master thereof as hereinbefore provided if the amount of goods on board such vessel for the owner aforesaid is under 50 tons by weight or measurement, and within forty-eight hours if the amount of such goods exceeds 50 tons; but if the import entries for any goods aforesaid have not been presented at the custom-house within the above periods, respectively, then the master or agent of the vessel aforesaid may present the entries at the custom-house; and it shall be lawful for the proper officer to deal with such entries as if they had been presented by the owner of such goods.

16. On passing an entry for the transshipment of any dutiable goods foreign, the owner of such goods, with one or more persons to the satisfaction of the collector

of customs, shall enter into a bond which shall be in a form approved by the President, and for a sum not less than once the value of the goods to be transhipped, as estimated by the collector of customs, with twice the duty payable on such goods added thereto, that such goods will be removed direct to the vessel specified in such bond as about to export the said goods, that the said vessel will proceed on her course from the port of Apia out of the kingdom without coming to anchor at any spot therein, and without any unnecessary delay; and that such goods will not be removed from such vessel, nor landed or transhipped at any place within the waters of the kingdom, except under the supervision and with the permission of the proper officer of customs, but will be landed or transhipped at the port or places mentioned in the bond aforesaid.

17. On passing an import entry for the removal of any dutiable goods from any vessel to the Government bonded warehouse or private bonded store, the owner of such goods shall enter into a bond in a form to be approved by the President in a sum not less than once the value of the goods concerned, as estimated by the proper officer of customs, with twice the duty payable on such goods added thereto, that such goods will be conveyed direct and intact from the vessel importing them to the Government bonded warehouse or private bonded store specified in the bond aforesaid, and duly lodged therein, and that such goods will not be removed from the said Government bonded warehouse or private bonded store except as hereinafter provided, and with the authority and permission of an officer of customs.

18. When all particulars affecting any vessel shall have been made known to the proper officer of customs as provided in section 11 hereof. such officer may then in special cases, on the approval of the President, grant a warrant in writing to the officer of customs on board of such vessel to permit the landing of any goods therefrom for which import entries have not been passed, or on which customs dues have not been paid, and the storing of the same at the risk and expense of the owner of such goods or of the master or agent of the vessel as may be agreed upon, and in such manner and subject to such terms and conditions as may have been previously approved by the President.

19. Before any permit is granted as provided in the last preceding section for the landing of any goods from any vessel without previously passing import entries therefor, or on which customs dues have not been paid, the owner of such goods or the master or agent of the vessel importing such goods shall enter into a bond in a form and for a sum to be approved by the president, and with such other additional security for the payment of duties and other charges as may by the president be deemed necessary, that the goods aforesaid shall, under the supervision and control of the officers of customs, be conveyed direct from such vessel to some place previously approved by and secured to the satisfaction of the collector of customs and specified in such bond, and that the said goods shall remain there under the supervision and control of the officers of customs as aforesaid, but at the risk and expense of such owner or such master or agent, and such other additional personal security as may have been demanded, until import entries shall have been passed for same as hereinbefore provided, and that such import entries shall be passed and all dutiable goods removed from such place as aforesaid within a date to be specified in such bond, which shall, however, not exceed fourteen days; and that all goods, whether dutiable or nondutiable, landed from any vessel as aforesaid, shall, until such entries are passed or until they are removed under proper authority to a government bonded warehouse or private bonded store, be kept intact and secure under lock and key in a separate store or compartment which shall contain no other goods than goods landed under a permit, as provided in this section, and that such key shall remain in the custody of an officer of customs so long as such officer deems necessary.

20. When a receiving store shall have been erected to facilitate the speedy discharge of cargo from vessels arriving at Apia, and when such receiving store shall have been proclaimed by the president as a place for the temporary reception of dutiable and other goods, any goods on any vessel arriving in the Kingdom from abroad may, on the written permission of the collector of customs to the master or agent of such vessel, be received into such store before the said vessel has been entered inwards; but the entry inwards and the clearance outwards for the same as hereinafter provided must be duly and properly made by the master thereof before the vessel leaves the port, and the proper import entries as hereinbefore provided shall be passed in respect of any goods landed in such receiving store before the same can be removed therefrom, and no goods of any kind or description shall be removed from such receiving store without the consent and authority of the collector of customs, and any goods removed without such consent and authority shall be forfeited, and any person concerned in the removing, and any person receiving such goods knowing the same were removed without the consent and authority of the collector of customs, shall be liable to a fine not exceeding 500 dollars nor less than 100 dollars, or, in default, to imprisonment for any term not exceeding three months nor less than one month.

21. When an import entry has not been passed for any dutiable goods or for any goods supposed by any officer of customs to be wholly or in part liable to the payment of duty landed as aforesaid and deposited within a receiving store within forty-eight hours after such landing, such dutiable goods or supposed dutiable goods shall, at the expense of the owner thereof, be removed to the Government bonded warehouse, where, if import entries are not passed, they shall be detained at the expense of the owner of such goods, and shall be subject to all provisions of this ordinance affecting goods in bond until an import entry shall have been duly passed therefor, save only that the amount of bond rent payable on such goods shall, until the proper entry is passed for the same, be three times that payable on goods received therein after the proper entries have been passed, and on any goods not liable to the payment of duty and not removed from such receiving store within forty-eight hours there shall be paid by the owner for storage a sum three times greater than the authorized charges for the detention of goods in the Government bonded warehouse.

22. For the purpose of conveying from any vessel, store, or place to the Government bonded warehouse or to the custom-house, or from the custom-house or Government bonded warehouse to any place or vessel, or for the conveyance from any one place to any other place of any dutiable goods, the president may, at his discretion, issue a license to any person to convey the same by any boat or cart or by any other means, by land or by water, and the person to whom any such license is issued shall enter into a bond for a sum of not less than 2,000 dollars, and with such other additional security as the president may deem necessary, that any dutiable goods delivered to such person as aforesaid for transport or removal will be conveyed direct and intact to their proper destination at the custom-house, Government bonded warehouse, private bonded store, or at any vessel or any other place as may be legally authorized in each case, and any person conveying such dutiable goods as aforesaid without being duly licensed as herein provided shall be liable to a penalty not exceeding 300 dollars, and, in default of payment, to imprisonment for any term not exceeding three months, and any dutiable goods conveyed by such unlicensed person shall be forfeited, provided that nothing herein contained shall prevent the boats belonging to any vessel importing or exporting any goods from carrying or removing such goods, subject to the provisions of this or any other ordinance affecting such carrying or removing.

23. It shall be lawful for the president at any time to cancel any license issued by him to any person under the last preceding section for the conveyance or transport of dutiable goods.

24. The president shall from time to time determine what articles and what quantity of articles liable to duty shall, when introduced into Samoa as passenger's luggage, be exempt from the payment of duty, and for all such articles exceeding the quantity as allowed there shall, before such articles are removed from any vessel, be passed an import entry and duty paid thereon by the owner of such articles in the manner hereinbefore provided, or a bond entry shall be passed for such articles, and the same deposited in the Government bonded warehouse or in a private bonded store as hereinbefore provided, and any neglect or refusal to pass such import or such bond entry as aforesaid shall render the person importing any such article into the kingdom, or in whose possession the same may be found by any officer of customs, liable to a penalty not exceeding 100 dollars, or, in default of payment, to imprisonment for any term not exceeding one month, and any such article so found as aforesaid shall be forfeited to the Crown.

Government bonded warehouse.

25. It shall be lawful for the president from time to time to appoint at Apia any building to be a Government bonded warehouse for the reception and securing of any dutiable goods, and for the receiving, storing, and delivering such goods there shall be paid before such goods are removed by the owner thereof from such government bonded warehouse such fees as the president may from time to time determine, together with all duties or other charges leviable on the same.

26. It shall be lawful for any customs officer in charge of any government bonded warehouse to refuse to admit any goods for storage therein if he considers that such goods can not be placed there without causing damage either to the building itself or to any other goods therein or likely to be received therein. If any goods as aforesaid are left at or near to any custom-house wharf or Government bonded warehouse after any officer of customs has refused to receive such goods into any government bonded warehouse, and if, on the request of said officer to the person bringing the said goods to or near to such custom-house wharf or government bonded warehouse, such goods are not removed within a time specified by the officer of customs aforesaid and duty paid thereon before such removal, it shall be lawful for such officer to cause such goods to be sold, and from the proceeds of the sale thereof to deduct any duty or any other charges payable to the Crown on such goods, and if

the goods aforesaid can not be sold such officer may cause the same to be destroyed, and no claim shall lie against such or any other officer or against the Crown on account of such destruction or on account of any damage arising from the loss or exposure of any such goods.

27. The officer in charge of any Government bonded warehouse shall, on receiving any goods into such warehouse, compare such goods as far as practicable with the import entry for warehousing the same, and shall forthwith make due and regular entry of the receipt of the goods aforesaid in a book to be kept for that purpose, according to a form to be prescribed by the president, and after the receipt of the proper authority on a form duly appointed, shall, on the delivery or rewarehousing of such goods, duly and regularly enter such delivery or rewarehousing in the book aforesaid.

28. All goods removed to a Government bonded warehouse or private bonded store shall be removed thither in the original packages in which imported, unless with the special permission of the collector of customs, but the owner of any goods in any Government bonded warehouse or private bonded store, or any person employed by him, may, with the permission of the collector of customs, take samples of such goods on payment of a fee of 25 cents for every sample so taken, or may bulk, sort, lot, pack, or repack any goods, with the exception of spirits, which shall be repacked only for ships' stores, and provided that no package so repacked shall be of less dimensions or contain a smaller quantity of any article than may from time to time be determined by the collector of customs.

29. Any dutiable goods deposited in any Government bonded warehouse or in any private bonded store may, after payment of all moneys owing thereon to the Crown, be removed therefrom by the proper owner (1) by passing an export entry for such goods and entering into a bond as hereinafter provided for the export of dutiable goods, or (2) by passing an entry for home consumption and paying duty on such goods, or (3) by passing an entry in respect of such goods for the removal of dutiable goods to a Government bonded warehouse or private bonded store, and entering into a bond as required in section 17 of this ordinance, and any dutiable goods removed from any Government bonded warehouse or from any private bonded store save as provided in this section (unless with the written permission of an officer of customs) shall be forfeited to the Crown, and any person removing, or assisting or aiding or abetting to remove, such goods, except in a manner provided in this ordinance, and any person receiving such goods shall be liable to a fine not exceeding 1,000 dollars, or, in default, to imprisonment for any term not exceeding six months.

30. Should the owner of any goods left three years in any Government bonded warehouse or private bonded store not remove such goods at the expiration of that period, nor pass any entry to have such goods rewarehoused, the collector of customs shall publish a notice giving the marks of any such goods, with the name of the owner thereof if the name of the owner is known, and with the date on which such goods were received into any Government bonded warehouse or private bonded store, and shall name a day, which shall not be less than one month from the date of such notice, on which the said goods shall be sold by public auction, if not previously dealt with by the proper owner in the manner hereinbefore provided in section 29 hereof, and shall cause the same to be sold accordingly.

31. On the sale by auction of any goods as aforesaid there shall be deducted from the proceeds of sale, after payment of any necessary expenses connected with the sale thereof, any customs duty and any other fee or charges payable to the Crown on such goods, and the surplus, if any, after such payments have been made, shall be paid into the treasury, and if not claimed by the owner of the goods aforesaid within twelve months shall be forfeited to the Crown. But should any goods as aforesaid be unsaleable, or should their condition or value be such that the proceeds of sale would not, in the opinion of the collector of customs, pay the necessary expenses of sale by public auction, such goods may be destroyed, and neither the owner thereof nor any person or persons, shall have any claim against any officer of customs, nor against the Crown for the destruction of the goods.

32. When any goods have been received into a Government bonded warehouse, or so long as any goods remain therein, the owner of such goods may at any time, on application to the officer of customs in charge of such warehouse, and on payment of the proper fee, receive a certificate, to be called a "bond certificate" in such form as may be from time to time approved by the president, stating that such goods are in the Government bonded warehouse, and containing a description of such goods so far as known to such officer, and when the same were deposited in such warehouse. On the issue of any certificate as aforesaid the officer granting the same shall make due entry thereof in a book to be kept for that purpose, and no goods in respect of which a certificate has been granted as hereinbefore mentioned shall be removed from the Government bonded warehouse unless the certificate aforesaid shall be produced along with the invoice bill of lading or shipping receipt required under this ordinance in connection

with the removal of any goods from a Government bonded warehouse. The certificate shall be issued for and include only unbroken packages, and of these only such packages as were bonded on one day by the owner thereof aforesaid and may be transferred by regular assignment, but only for all the goods mentioned in the certificate and in the form thereon provided, and any person to whom the certificate has been so assigned, producing the same at the Government bonded warehouse mentioned therein shall be held to be the owner of the goods described in the certificate, and on the surrender of the certificate to the officer of customs who shall immediately cancel the same, the goods shall be delivered to the said person on the payment of all dues and charges thereon, and no claim on account of such goods so delivered shall lie against any officer of customs or against the Crown. The fee payable on the certificate under this section shall be at the rate of 25 cents per package, and not exceeding 1 dollar and 50 cents on the whole of the goods bonded on one day and mentioned in the certificate, or such other rate as may be from time to time fixed by the president.

Private bonded stores.

33. It shall be lawful for the president to issue from time to time, at his discretion, to any fit and proper person a license to keep a private bonded store for the reception and storage therein of dutiable goods, and the president may on any reasonable grounds at any time cancel or refuse to renew any such license, and in the event of the license being cancelled, no refund of any part of the sum paid on account of such license shall be made to the licensee, and any dutiable goods in such private bonded store shall be removed at the expense of the licensee thereof to a Government bonded warehouse.

34. There shall be paid in advance on account of any such license as aforesaid, which shall be issued to terminate on the last day of the months of March, June, September, or December, respectively, a sum which shall not in any case be less than at the rate of \$250 per annum, but if the building in respect to which such license is issued is capable of containing more than 50 tons of goods, estimating 40 cubic feet of space to a ton, but not more than 10 feet in height being measured upon each floor, the amount to be paid for such license shall increase at the rate of 1 dollar for every additional ton of storage room as aforesaid, but shall not in any case exceed 1,750 dollars in the whole for one year.

35. No license shall be issued for any building to be used as a private bonded store until the same has been inspected by the president or by some officer deputed by him for that purpose, and until the president is satisfied as to the form of arrangement, safety, and security of the building, and until the applicant for such license has given sufficient security in a sum to the satisfaction of the president in the form of a bond signed by such applicant and two other persons, to be approved by the president; that the building aforesaid shall be kept in proper repair; that no new door or possible entrance of any kind whatever will be made into such building, and no alteration by way of repairs or otherwise shall be made in or on any part of such building so licensed, except with the previous sanction and consent of the president, and that all dutiable goods received therein shall be stowed so as that access thereto may be easy, and that all such goods shall be accounted for to the satisfaction of the proper officer of customs, and that no dutiable goods will be received into or removed from such private bonded store, except in the presence and by the consent and permission of an officer of customs; and after passing an entry as hereinbefore provided to enable such goods to be taken to a Government bonded warehouse, or to a private bonded store, or, after the proper entries have been passed, to permit such goods to be exported or to be used for home consumption, or to be otherwise disposed of according to law.

36. For every door or entrance in any such private bonded store there shall be two different locks, the key of one of which shall remain in the possession of the person to whom the license for such private bonded store has been issued, and the other key shall remain in the custody of an officer of customs, and no person shall enter such private bonded store, or bring, or cause to be brought, into the same, or take, or cause to be taken, thence, any goods except in the presence and with the consent and permission of an officer of customs. An officer of customs shall keep a book in which to enter the receipt and delivery of any goods into or from any private bonded store, as if the same were received into or delivered from a Government bonded warehouse, and shall, at the request of the person holding such license as aforesaid; and on twenty-four hours' notice if so required by the collector of customs, proceed to such private bonded store on any lawful day between the hours of 9 and 12 in the forenoon, for the purpose of examining any goods, or for receiving or delivering any goods, therein, or for the purpose of allowing any goods to be repacked, as if the same were in any Government bonded warehouse; and any officer of customs may

at any time visit such private bonded store, and require the person holding a license for the same to grant to such officer immediate admission to the said private bonded store, and should such person refuse or neglect to admit the said officer of customs, such person shall be liable to a penalty not exceeding 500 dollars nor less than 100 dollars, or, in default of payment, to imprisonment not exceeding three months nor less than one month, and the officer of customs as aforesaid may cause such private bonded store to be broken open by force, should the person holding the license for the same, or the representative of such person, refuse or neglect to admit the officer of customs as aforesaid whenever the latter may demand admission therein.

37. Neither the Crown nor any officer of the Crown shall be liable for any damage that may occur to any dutiable goods, or for any loss that may occur directly or indirectly in connection with any dutiable goods while the same are being conveyed to or kept in any private bonded store.

The collection of customs dues.

38. All customs dues, warehouse, wharfage, and other charges payable to the Crown on any goods shall be paid in full at or before the time that an entry is passed for such goods, whether such entry be an import or export entry or an entry for home consumption, and before such goods are removed from the control and custody of the proper officer of customs, and such dues and charges shall be paid to the collector of customs, or to any other officer deputed by such collector to receive the same and between the hours of 10 a. m. and 4 p. m. on ordinary working days, and between the hours of 10 a. m. and noon, Saturdays.

39. Before the collector of customs determines the amount of duty payable on any goods, or before any entry is passed for any goods, as hereinbefore provided, the collector may demand that the invoice and bill of lading or shipping receipt for such goods be produced before him for examination, and if the said invoice or bill of lading or shipping receipt is not produced as aforesaid, or if for any other reason it is considered necessary, then the collector may cause the said goods to be brought, at the expense of the owner thereof, to the custom-house, or to a Government bonded store, to be examined there (any unpacking, weighing, measuring, or repacking to be done at the expense of the owner), and may require the said owner to declare on oath when and where the same were purchased by him, so that the collector may examine such goods in order to fix the amount of duty payable thereon; but should the collector be unable to determine the amount of duty payable on any goods for which no invoice, bill of lading, or shipping receipt has been produced as aforesaid, or should the owner be dissatisfied with the decision of the collector in respect of the customs dues payable on the said goods, the collector may employ an expert to examine such goods at the expense of the owner thereof, in order to enable the amount of duty payable thereon to be determined; but nothing in this section shall prevent the owner of any goods for which no invoice, bill of lading, or shipping receipt has been received from depositing same in a Government bonded warehouse for a period not exceeding two months, by passing an entry as complete as possible for the removal of such goods to a Government bonded warehouse, and if on the expiration of that period perfect entry has not been passed for such goods, they shall be sold for payment of any dues and charges payable thereon to the Crown and fixed by the collector of customs, or by an expert as aforesaid, and any overplus shall be paid to the owner.

40. The amount of customs dues payable on any goods which are liable to an *ad valorem* duty shall, if an invoice for the said goods is produced to the collector of customs, be calculated on the price for the said goods by the owner thereof as represented in such invoice, notwithstanding that such price may be different from that paid for such goods by any prior owner thereof, provided always that the collector of customs is satisfied that the entries in such invoice are true, and that the invoice is true in every particular, and that the price paid for the said goods by the owner thereof, as represented by the invoice aforesaid, appears to be a fair market value for such goods at the place and at the time that the same were purchased by the owner thereof.

41. When the collector of customs is of opinion that the invoice produced by the owner for any goods for the payment of *ad valorem* duty thereon is not genuine, or that any entry therein is not true, or when such collector is of opinion that the price paid by the importer of such goods therefor as represented by the invoice for the same as aforesaid is less than that at which such goods could have been purchased at the time and place mentioned in such invoice, or when the importer of any goods for which no invoice, bill of lading, or shipping receipt has been produced, refuses to pay duty on such goods as fixed by the collector or by an expert as provided for in section 39 hereof and requests that the value of such goods be fixed by arbitration as herein provided, the said collector shall report the matter to the President

who shall appoint two experts, who, in the event of disagreement, shall appoint a third, to determine by arbitration the market value of such goods at the time when and the place where such goods were purchased by the owner or importer of the same, and upon the value of such goods as thus fixed duty shall be paid. Should the value of such goods determined as aforesaid be greater than the value thereof as represented by the invoice produced by the owner of the said goods to the collector of customs, or equal to or greater than the amount fixed by the collector of customs, or by an expert as provided for in section 39 hereof, then the expenses of such arbitration shall be borne by the owner of the goods concerned; but should the value of such goods determined as aforesaid be equal to or less than the value or price as represented by the invoice for such goods or less than the value fixed under section 39 hereof by the collector or by an expert employed by the same, as the case may be, then the expenses of arbitration shall be borne by the crown.

42. When the invoice produced to the collector of customs in respect of any goods liable to an *ad valorem* duty shows that any trade discount has been allowed to the owner of such goods on the purchasing price of said goods as entered in the body of the invoice for the same the collector may, if he considers it necessary so to do, omitting the said discount from the original price on which any *ad valorem* duty is calculated in respect of such goods, require the owner thereof to make a declaration on oath that such discount was truly made to him on the purchasing price of such goods, and that the entry showing the same on the invoice was made at the time and at the place of the purchase of said goods by such owner; and should the owner of said goods refuse or neglect to make the declaration aforesaid then the duty payable on such goods shall be calculated on the invoice price of the same without making any allowance for any discount as aforesaid, provided always, that the collector of customs is of opinion that the price so represented is such as that at which the goods in question could have been purchased at the time and place represented by the invoice aforesaid; but if the collector is of opinion that the price of such goods would not be fairly shown as aforesaid then the value of such goods shall be determined in the manner provided in section 41 hereof.

43. Should the collector of customs be of opinion that any invoice, bill of lading, or shipping receipt, or other document produced before him in connection with the payment of any customs dues or other charges or any goods, is not genuine, or that any false entry has been made thereon, or some necessary entry omitted therefrom, or should any dispute arise between the owner of any goods and any officer of customs as to the amount of customs dues or other charges payable upon any goods it shall be lawful for the collector of customs to detain in his possession any invoice, bill of lading, shipping receipt, or other document put before him in connection with such goods until any such dispute shall be settled in the manner therein provided, or until any prosecution in respect of any such invoice, bill of lading, shipping receipt, or other document, or in respect of any goods referred to by the same, shall have been completed.

44. When the owner of any goods liable to the payment of duty wishes to remove such goods from any Government bonded warehouse or from any private bonded store by the payment of customs dues and other charges thereon the owner aforesaid shall pass an entry at the custom-house for the same for home consumption. At the time that such an entry is passed the invoice and bill of lading or shipping receipt for such goods shall be produced to the collector of customs, and upon such invoice or upon the import entry passed for such goods, or upon the entry of such goods made by the proper officer of customs on receiving such goods into a Government bonded warehouse, or private bonded store, customs dues shall be calculated and paid, save only on spirits on which duty shall be paid according to its measurement or weight, on delivery from bond, and upon tobacco and cigars, on which duty shall be paid according to weight on delivery from bond, after having been in bond three months, provided, that if the invoice and bill of lading or shipping receipt for such goods is not produced then the amount of duty payable on such goods shall be determined in the manner provided in section 39 hereof, and if the owner of the said goods is dissatisfied with the decision thus come to, or if the collector of customs is not satisfied that the invoice so produced is genuine and true in every particular, then the amount of duty shall be finally determined in the manner provided in section 41 of this ordinance.

Entry of vessels outwards.

45. The master of any vessel about to sail beyond the Kingdom shall, not less than twenty-four hours before any outward cargo is taken on board such vessel, or before the sailing of the said vessel, should the same sail without taking on board any cargo, complete an entry outwards at the custom-house, producing before the collector of customs any papers or documents connected with such vessel as may be demanded by such officer, and such entry outwards shall be in such form and of such

dimensions as may from time to time be approved by the president, and shall be of one of the following classes:

1. A direct entry outwards for any vessel sailing with or without cargo from Apia to some port or place outside Samoa.

2. A special entry outwards to be granted by the President, or any officer of customs authorized by him for the purpose, who may demand any security that may by him be deemed requisite that the conditions on which the special entry outwards is granted will be complied with for any vessel sailing from Apia, or any other place, with or without outward cargo on board to take in outward cargo at some place or places in the Kingdom other than Apia and to sail thence, calling at Apia or without visiting this port as may have been permitted in such special entry outwards.

The master of any foreign-going vessel as aforesaid who takes causes or permits any goods to be taken on board such vessel before completing an entry outwards, as herein provided, or that sails, or attempts to sail, from the Kingdom without completing the proper entry outward in each case, as hereinbefore provided, or that passes an "indirect entry outwards," shall be liable to a penalty not exceeding 500 dollars nor less than 150 dollars, or, in default of payment, to imprisonment for any term not exceeding three months nor less than one month.

46. No entry outwards, as provided in the last preceding section, shall enable the master of any vessel to take or receive on board any outward cargo until all inward cargo shall have been discharged and removed from such vessel, provided, however, that whenever the collector of customs is satisfied that it would be expedient to allow outward cargo to be shipped at the same time that inward cargo is being discharged, or before all inward cargo is removed from any vessel, and that such can be done without injury to the public revenue, such collector may permit outward cargo to be put on board any vessel before all inward cargo has been discharged or removed from the same, but every such case shall be reported to the President by the collector.

Export entry of goods.

47. The owner of any goods shipped or to be shipped for export from the Kingdom in any vessel about to sail beyond the Kingdom shall pass an export entry for the same at the custom-house, and such export entry shall in every case be completed by the owner of the goods to which the entry refers before a clearance has been granted to the vessel by which the said goods are to be exported, and shall be in a form and of dimensions to be from time to time approved by the President, and shall in every case state the true value in this Kingdom and the goods to be exported, and shall declare whether such goods were produced or manufactured in the Kingdom or imported thither from abroad, and for what port or place any such goods are destined, and shall, on demand of the proper officer of customs, produce the invoice, bills of lading, and other documents relating to such goods to test the accuracy of the export entry for the same, and every such export entry shall be of some one of the following classes:

(1) An export entry for goods to be exported under bond.

(2) An export entry for goods on which any drawback of duty is allowed.

(3) An export entry for goods not liable to the payment of any duty.

(4) An export entry for goods on which an export duty is leviable.

48. Any goods shipped or brought for shipment may be examined by any officer of customs at any place before or after an export entry is passed for such goods, and the opening for that purpose of packages containing such goods, and the weighing, repacking, and, if brought on the request of an officer of customs to a custom-house for examination, the landing and shipping thereof shall be done by or at the expense of the exporter; and any goods in respect of which no export entry has been passed, as provided in the last preceding section, found on board any vessel by any officer of customs after a clearance has been granted to such vessel, as provided in section 53 hereof, shall be forfeited to the Crown.

49. No dutiable goods and no goods on which any drawback of any duty is claimed under this ordinance, or under any regulation framed in accordance with the provisions thereof, shall, for the purpose of being exported from the Kingdom, be put on board any vessel of less dimensions than 30 registered tons, nor on board any vessel whatever not provided with the means of properly securing any goods as aforesaid to the satisfaction of any officer of customs.

50. An export entry for dutiable goods shall be completed by the owner of such goods before the same are removed from the place where such goods may have been legally deposited, and one copy of such entry, duly passed and signed by the collector of customs, shall be delivered to the officer of customs charged with the safe keeping or delivery of the said goods before such officer shall deliver up the same or allow them to be removed from his control. And an export entry for any goods on which drawback of duty is allowed shall be passed before such goods are shipped; and at the time of completing any export entry as aforesaid the owner of the goods

described in such entry shall enter into a bond, to be approved by the collector of customs, and which, if required, shall be signed by at least one other person besides the owner of the said goods, to the satisfaction of the collector, that the goods to be exported as aforesaid shall, within such time and by such route and by such vessel as may be specified in such bond, under the supervision of an officer of customs, be duly put on board the vessel mentioned in such bond, and that they will not be used on board such vessel in the Kingdom, nor landed or removed from such vessel at any place within the waters of the Kingdom, except to be returned, as may be permitted or directed by the collector of customs, to a Government bonded warehouse or to a private bonded store, or by passing an import entry for the said goods in the manner heretofore provided in this ordinance for goods imported into this Kingdom from abroad.

51. The owner of any dutiable goods exported as provided in the last preceding section, and any coobligant signing along with such owner the bond required under said section, shall not be held as relieved from obligation in respect of such bond until a landing certificate has been produced to the collector of customs signed by some customs or consular officer at the place where such goods were landed, or, in the event of there being no consular or customs officer at such place, then the said certificate shall be signed by some person in authority there, or by any two white residents in such place, that the goods aforesaid were duly landed there, unless the President shall be satisfied, without the production of such landing certificate, that the goods to which the bond refers were duly landed at the place specified in such bond, or have been otherwise properly accounted for.

52. An export entry for any goods liable to any export duty shall be passed and completed before such goods are shipped, and at the time of passing such entry, and before the said goods are put on board any vessel for export, all customs dues leviable on such goods shall be paid to the collector of customs, and any such goods found by any officer of customs, on board any vessel before any customs dues on such goods have been paid, or any such goods taken or received on board any vessel, except in the presence and by the authority and permission of an officer of customs, may be seized by any officer of customs, and the owner of such goods shall be liable to a penalty not exceeding 300 dollars, or, in default of payment, to imprisonment not exceeding two months, and all such goods seized, as aforesaid, shall be forfeited to the Crown.

53. The master of any foreign-going vessel shall, not more than twenty-four hours before such vessel leaves the port of Apia, produce before the collector of customs the register of such vessel and the crew's articles of agreement, with a content or manifest on the approved form of all goods on board such vessel for export, and, if required by the collector of customs, all bills of lading or shipping receipts having reference to such goods, with a list of all goods on board such vessel to be used as stores and provisions during the voyage, and with a list of all passengers leaving the port of Apia on the said vessel, with their destinations, and the master aforesaid shall make and subscribe a declaration that the above-mentioned papers and documents are correct and true, according to the best of his knowledge and belief, and such declaration, should the collector of customs so demand, shall be made on oath, and when the said collector is satisfied on each and all of the above particulars, then such collector shall grant a clearance to such vessel, which shall be in a form to be prescribed from time to time by the President; and the master of any vessel that shall permit, or allow, such vessel, as aforesaid, to leave any port of entry without obtaining a clearance, as herein provided, or that shall fraudulently subscribe any declaration, or affirm on oath that any declaration, as aforesaid, is true, when such master of such vessel knows the said declaration to be false, and the master of any vessel that shall depart from any place in the Kingdom with any customs or other Government officer on board without the consent of such officer shall be liable to a penalty not exceeding 1,000 dollars, nor less than 150 dollars, or, in default of payment, to imprisonment for any term not exceeding six months, nor less than six weeks.

54. Merchandise upon which duties have been paid may remain in warehouse in custody of the officers of customs at the expense and risk of the owners of such merchandise, and, if exported directly from such custody to a foreign country within three years, shall be entitled to return duties. But proper evidence of such merchandise having been landed abroad shall be furnished to the collector of customs by the importer, and 10 per cent of the duties shall be retained by the collector of customs. No merchandise for home consumption, nor wine, spirits, ale, beer, porter, tobacco, cigars, gunpowder, or sporting arms for exportation shall be withdrawn from any bonded warehouse or store in which it may be deposited in a less quantity than in an entire package, bale, cask, or box unless in bulk, nor shall merchandise so imported in bulk be delivered except in the whole quantity of each parcel, or a quantity not less than 1 ton weight, unless by special authority of the collector of customs.

Shipment of stores.

55. The master of every vessel of the burden of 30 tons register or upwards entering outwards to any place out of the Kingdom shall, upon due application made by him, receive from the proper officer of customs an account or victualling bill, which may be indorsed on the content or manifest of such vessel for the shipment or retention on board of such stores as he shall require, and as shall be allowed by the collector of customs for the use of such vessel, with reference to the number of the crew and passengers on board and the probable duration of the voyage upon which the said vessel is about to depart, and no articles taken on board any vessel shall be deemed to be stores except such as shall be specified in such account or victualling bill, or indorsed on the content or manifest of such vessel, as the case may be; and if any such stores shall be relanded in the Kingdom or removed from such vessel while within the waters of the Kingdom without the sanction of the proper officer of customs, and without passing entries for the same as for the like sort of goods imported as merchandise, they shall be forfeited, and the master shall for every such offence be liable to a penalty not exceeding 100 dollars, and any such stores so removed or relanded shall be forfeited; and if any vessel shall have on board any stores that, with the permission of the proper officer of customs, are to be retained on board such vessel for use in port or during any intended voyage, and if there is no proper or sufficient place on board such vessel for securing such stores to the satisfaction of the officer of customs, the officer may cause such stores to be removed to a Government bonded warehouse or to some other secure place at the expense of the master of the said vessel, and such goods shall be liable to the ordinary charges on goods in a Government bonded warehouse.

Smuggling.

56. It shall be lawful for any officer of customs to go on board any vessel at any place and at any time within the waters of the Kingdom and to search for or examine any goods in any part of such vessel, and to break open any cabin, hold, hatch, compartment, or any box, chest, or package, or any other place or thing, to search for any goods, if the keys of said cabin, hold, hatch, compartment, or of any box, chest, or package, or of any other place or thing, are not produced to such officer of customs by the master of the said vessel on the request of the officer of customs aforesaid, and any dutiable goods found therein shall be forfeited to the Crown, together with all other goods contained in the same packages, or used in concealing such dutiable goods; and such officer of customs may demand the content, or manifest, or other list of goods on board such vessel, and the list of stores and provisions for the same at the port she last quitted, as well as the clearance of such vessel from the port from whence she last sailed, and the bill of lading or shipping receipt for any goods found in such vessel, or any other document that may be required to identify any such goods; and the master of any vessel that shall refuse to deliver up to any officer of customs, as aforesaid, any key, or refuse or neglect to open any cabin, hold, hatch, or compartment, or any box, chest, or package or of any other place or thing as hereinbefore provided, or that shall refuse or neglect to produce any document demanded by such officer of customs, having reference to any goods or stores on board such vessel, or that shall refuse to bring such vessel to anchor at some port of entry on the request of such officer of customs, and any person that shall obstruct or molest any officer of customs in searching any vessel, or while on board or near any vessel, as aforesaid, shall be liable to a penalty not exceeding 1,000 dollars, nor less than 300 dollars, and, in default of payment, to imprisonment for any term not exceeding six months nor less than two months.

57. When any goods not included in any declaration made under section II hereof by the master of any vessel on her arrival in the port are found on board any such vessel by any officer of custom after any declaration, as aforesaid, has been made hereof, or when any goods are found on board any vessel after a clearance has been granted in the Kingdom to such vessels that are not included in the content or manifest of such vessel, or in the list of stores at the same, and the presence of such goods on board is not satisfactorily accounted for to the said officer of customs, or when any officer of customs finds on any vessel any goods that such officer has reasonable ground for believing to have been imported into the Kingdom by some other vessel, and that duty has not been paid on such goods, it shall be lawful for any such officer of customs to seize such goods, and affix thereto or thereon such marks as he may deem necessary, and to remove or caused to be removed to the custom-house or to a Government bonded warehouse for the purpose of securing same, and unless the presence of such goods on board any vessel is satisfactorily accounted for, or unless it is proved that all customs dues have been paid on such goods, as the case may be, such goods shall be forfeited to the Crown, and the master of the vessel in which such goods were found shall be liable to a penalty not exceeding 1,000 dollars, nor less than

150 dollars, or, in default of payment, to imprisonment not exceeding six months, nor less than one month, provided always that any other person on board such vessel, whether such person is a passenger or one of the crew of the said vessel, may, instead of the master of such vessel, at the discretion of the President, be proceeded against for having in his possession, or for aiding or abetting in the concealing of any goods, as aforesaid, and any such person shall be liable for the penalty hereinbefore mentioned in this section.

58. It shall be lawful for the judge, on sworn information laid by the collector of customs, or by any other officer of customs deputed by such collector to issue a search warrant, to enable any officer of customs to enter upon and search any premises named in such warrant, and to enable such officer of customs to break open any place, box, case, safe, compartment, or any receptacle whatever in which any dutiable goods could be concealed, should the owner or occupier of such place, or the owner of such box, case, safe, compartment, or other receptacle, as aforesaid, not open the same without delay or hindrance to the said officer of customs; and such officer of customs may seize and remove to a custom-house or to a Government bonded warehouse any goods on which such customs officer has reasonable grounds for believing that no duty has been paid, or insufficient duty has fraudulently been paid; and the person in whose possession any such goods were found, or the occupier of any house or premises in or on which any such goods may be found, if the said goods were not found in the possession of any person other than such occupier, and unless such occupier can show that the goods aforesaid were in the possession of some person other than himself, shall, unless it is proved to the satisfaction of the court that all duties leviable on such goods have been paid, be liable to a penalty not exceeding 1,000 dollars nor less than 150 dollars, or, in default of payment, to imprisonment for any term not exceeding six months nor less than one month, and any such goods, as aforesaid, shall be forfeited to the Crown.

59. Any officer of customs may search any person on board any vessel in port, or any person who shall have been landed from any vessel, although such person may have declared that he has in his possession no dutiable goods, if such person is suspected by such officer of customs to have in his possession such goods, and may examine the traveling baggage or other effects, such officer of customs may, if considered necessary by him, detain such person until a warrant of arrest shall have been obtained for the same, or until sufficient security shall have been given for the appearance of such person when summoned to appear before a court, and any dutiable goods found, as aforesaid, shall be seized by the officer of customs finding the same; and any person on whom or among whose traveling baggage or other effects any such goods shall be found, as aforesaid, or any person in whose possession any goods so introduced into the Kingdom shall be found, shall be liable to the same penalty as that provided in section 57 of this ordinance, and any goods seized by any officer of customs, as aforesaid, shall be forfeited to the Crown; provided, that where any search is made upon a female it shall be conducted by a female.

60. It shall be lawful for any officer of customs, on reasonable suspicion or probable cause, to stop and to search any boat, whether licensed or otherwise, or any other means of conveyance used, or that might be used, for the carriage, removal, or transport of any goods by water, and to stop and to search any person, dray, cart, waggon, animal, or any other means of conveyance used, or that might be used, for the carriage, removal, or transport of any goods by land, and if no dutiable goods shall be found the officer shall not, on account of such stoppage and examination, be liable to any prosecution or action at law on account thereof; but if any dutiable goods, in respect of which no entry or declaration or any false entry or declaration has been made at any custom-house, or on which no duty or through fraud an insufficient amount of duty has been paid, are found by such officer of customs aforesaid, in any boat or on any other means of conveyance by water, or in any dray, cart, waggon, or on any person or on any animal or in or on any other means of conveyance by land, any such means of conveyance, and all such goods as aforesaid, and the person in the charge of the same, may be detained by such officer of customs; and the person in whose possession such goods were found, or the employer of such person, or the owner of such goods, shall, at the discretion of the President, be proceeded against; and if such person, such employer, or such owner can not prove that all duty leviable on such goods has been duly paid, then such person, employer, or owner, as the case may be, shall be liable to a fine not exceeding 1,000 dollars nor less than 150 dollars, or, in default of payment, to imprisonment for any term not exceeding six months nor less than one month; and any such goods, together with any boat, or with any dray, cart, waggon, animal, or any other means whatever used for or in the transport or conveyance of such goods by land or by water, shall be forfeited to the Crown; and any person who shall knowingly have given, or assisted to give, or deliver such goods to be conveyed, removed, or transported as aforesaid, and any person that shall have assisted to remove, convey, or transport such goods, knowing that the same were liable to the payment

of duty, and any person that shall have received or concealed such goods, or that shall have attempted to receive or conceal the same, shall be liable to a penalty not exceeding 500 dollars nor less than 150 dollars, or, in default of payment, to imprisonment for any term not exceeding three months nor less than one month.

61. Should any officer of customs, as provided in the last preceding section, demand the stopping of any boat or of any other means of conveyance, removal, or transport of any goods by water, or of any person, cart, waggon, or animal, or other means of conveyance, removal, or transport of any goods by land, any person in charge of, or in any way employed or aiding, or assisting in or about such means of conveyance, either by land or water, as aforesaid, that shall refuse or neglect to stop any such means of conveyance, or that shall refuse or neglect to permit an examination by such officer of customs of any such means of conveyance, and of any goods in or on or about the same shall, on conviction, be liable to a penalty not exceeding 1,000 dollars nor less than 150 dollars, or, in default of payment, to imprisonment for any term not exceeding six months nor less than one month.

62. If there should be found or be discovered to have been within 3 leagues of the coast of the Kingdom any vessel of the persons on board which not less than half are subjects of His Majesty, or if there be found or be discovered to have been within 1 league of the coast of the Kingdom any foreign vessel of the persons on board which less than half are subjects of His Majesty, or such vessel in either case shall be furnished with any false bulkhead, false bows, false side, or with any secret, disguised, or concealed place or compartment of any description whatever, or with any hole, tube, pipe, or device for running goods in or about any part of such vessel, and having on board or having had on board, or landing or discharging or having landed or discharged, any prohibited goods or any dutiable goods contrary to the provisions of this ordinance, such vessel shall be forfeited, with any goods or appliances as aforesaid on such vessel; and every person found or discovered to have been on board such vessel liable to forfeiture, as aforesaid, within 3 leagues of the coast if a Samoan subject, or within 1 league if a foreigner, shall be liable to a penalty not exceeding 500 dollars.

63. When any vessel is found at any place within the waters of the Kingdom with any goods on board, and such vessel shall be afterwards found light or in ballast, and the master thereof is unable to give a due account of the legal discharge of such goods, or when any vessel is found at any place within the Kingdom, and the master thereof shall be unable to account for the legal discharge of any goods shipped on board such vessel, and entered in the content or manifest of the goods on board, or that were put on board the said vessel, or when any vessel belonging wholly or in part to His Majesty's subjects, or having one-half of the persons on board subjects of His Majesty, shall not bring to upon signal made by any vessel in His Majesty's service for protecting or securing the revenue by hoisting the paper pennant and ensign in order to bring such vessel to, and thereupon chase shall be given to secure the said vessel, and if during such chase any goods shall be thrown overboard, or in any other way destroyed, to prevent seizure thereof, the master of any vessel as aforesaid shall, on conviction, be liable to a fine not exceeding 2,500 dollars nor less than 500 dollars, or the said vessel may be forfeited to the Crown, either as an alternative penalty or in the event of the fine being unpaid.

64. When any dutiable goods are found in any package, box, or chest containing any other goods for which entries have been passed, such dutiable goods, if no entry has been passed therefor, and their presence before discovery by an officer of customs has not been disclosed by the owner of the same, shall be forfeited to the Crown, together with such package and all goods contained therein, unless the presence of such dutiable goods is satisfactorily accounted for to the President.

GENERAL PROVISIONS.

65. No duty shall be levied or collected upon any goods imported into this Kingdom for the use of His Majesty's Government, but an import entry shall be passed therefor, as provided in section 14 hereof, and a declaration made by some Government officer duly authorized, that such goods are intended for and will be used solely in the service of the Government. For any goods exported by the Government an export entry shall be passed by some Government officer in the manner provided in section 47 hereof.

66. Any master of a vessel who shall carry out of the Kingdom or receive or harbor on board of any vessel, with the intention of carrying out of the Kingdom any native of Samoa who shall not have exhibited to such master a permit issued by a Government officer authorizing such native to leave the Kingdom, shall, on conviction, be liable to a fine not exceeding 100 dollars, or, in default of payment, to imprisonment for any term not exceeding one month.

67. Any goods landed or to be landed or discharged from any vessel having commission from any foreign state shall be liable to the provisions of this ordinance

respecting the introduction into this Kingdom, and the landing, storing, or otherwise disposing of any goods as if such goods had been imported into the Kingdom, in any merchant vessel, subject, however, to the provisions of section 1, Article VI, of the Berlin general act, and in cases not provided for in the said section 1, Article VI, the captain or other officer having command on any vessel as aforesaid shall be held responsible for the due performance of all acts required under this ordinance in relation to any goods so landed or discharged, and may, on conviction for non-compliance with any of the provisions of this ordinance, be liable to the amount of any fine provided hereunder for the specific offence for which a conviction is obtained.

68. In any case in which any fine is inflicted and paid under any of the provisions of this ordinance, or in which any goods or any vessel or any animal or any article whatsoever is forfeited to the Crown, whether such forfeiture is made along with the infliction and payment of any fine or otherwise, any person giving such information to the collector or any other officer of customs as led to the detection of the offence in respect of which such fine was inflicted and paid, or such forfeiture made as aforesaid, may receive, at the discretion of the President, any sum not exceeding one-half of such fine as aforesaid, or one-half of the proceeds of sale after the payment of any duty and other lawful charges and necessary expenses connected with such forfeiture as aforesaid: *Provided*, That the sum so paid to any person for such information shall not in any one case exceed 500 dollars: *And provided, also*, that at the discretion of the President, any part not exceeding one-half of the amount so paid to any person informing as aforesaid may be paid to any officer or officers of customs that may have rendered efficient service in securing the conviction on which such fine is paid or such forfeiture made. Any officer of customs discovering any offence against any of the provisions of this ordinance in respect of which any fine is paid or any forfeiture made, as aforesaid, may, at the discretion of the President, receive one-half of such fine and one-half of the net proceeds of any forfeiture as hereinbefore mentioned: *Provided*, That the sum so paid to any officer of customs in any one case shall not exceed 500 dollars.

69. Any person that obstructs, molests, or hinders, or resists any officer of customs in the execution of his duty, or that uses violent or threatening language to, or that attempts in any way whatever to intimidate such customs officer, or that endeavors by any bribe, threat, or promise to cause any such officer to neglect his duty, or that rescues or attempts to rescue any goods so seized by an officer of customs, shall, on conviction, be liable to a fine not exceeding 1,000 dollars nor less than 100 dollars, or, in default of payment, to imprisonment for any term not exceeding six months and not less than one month; and any person that assaults, or aids, abets, or assists in assaulting, or that procures or hires any person to assault, any officer of customs in the execution of his duty, shall, on conviction, be liable to a penalty of 500 dollars, or, in default, to imprisonment for three months.

70. Any offence against any of the provisions of this ordinance for which no specific penalty is provided shall render any person duly convicted of same liable to a fine not exceeding 300 dollars, or, in default of payment, to imprisonment for any term not exceeding three months nor less than seven days.

71. Whenever any person shall make application to any officer of customs to transact any business on behalf of any person, such officer may require the person so applying to produce a written authority from the person on whose behalf such application has been made, and in default of the production of such or some other proof of authority satisfactory to the said officer of customs, the officer may refuse to transact such business; and from any person acting generally as a custom-house agent the collector of customs shall demand such security as may be deemed necessary for the faithful and incorrupt performance by such person of all work undertaken by himself, or by any person employed by him connected with the customs department; and when such security has been given, notice that such person is a duly authorized custom-house agent shall be made.

72. It shall be lawful for the President, at his discretion, to accept from any person resident in the Kingdom, or from any firm or company doing business in the Kingdom, a bond, to be called a "general bond," to embrace and to be extended to all the transactions of such person, firm, or company requiring the execution of any bond or bonds under this ordinance. Such general bond shall cover a security in any sum, to be approved in each case by the President, and shall be signed by not less than two persons, to the satisfaction of the President, as co-obligants with the person, firm, or company from which such general bond is received. Such general bond may be made to extend over any period not exceeding twelve months. Notwithstanding anything contained in this ordinance, the collector of customs may dispense with any specific bond required under any section of this ordinance from any person, firm, or company from whom a general bond has been received, so long as such general bond is in full force and effect. Such general bond shall be in a form to be from time to time approved by the President.

73. In the construction of this ordinance, when anything or act has been done within a number of hours specified herein, in reckoning such hours in any prosecution under this ordinance Sundays and holidays shall be excluded.

74. Should any person make a false entry in any form, declaration, entry, bond, return, receipt, or in any document whatever required by or produced to any officer of customs under this ordinance, or should any person counterfeit, falsify, or willfully use when counterfeited or falsified, any documents required by or produced to any officer of customs, or should any person falsely produce to any such officer of customs under any of the provisions of this ordinance, in respect of any goods or of any vessel any document of any kind or description whatever that does not truly refer to such goods or to such vessel, or should any person make a false declaration to any officer of customs under any of the provisions of this ordinance, whether such declaration be an oral one, or a declaration subscribed by the person making it, or a declaration on oath or otherwise, or should any person not truly answer any reasonable question put to such person by any officer of customs under any of the provisions of this ordinance, or should any person alter or tamper with any document or instrument after the same has been officially issued, or counterfeit the seal, signature, or initials of or used by any officer of customs for the identification of any such document or instrument, or for the security of any goods, or for any other purpose under this ordinance, such person shall, on conviction for every such offence, unless where a specific penalty is herein provided, be liable to a fine not exceeding 1,000 dollars nor less than 250 dollars, or, in default of payment, to imprisonment for any term not exceeding six months nor less than two months.

75. The collector of customs is hereby authorized and empowered to administer an oath to any person for any purpose as provided in this ordinance, and any person making or subscribing falsely any declaration when under any oath so administered, or any person answering falsely when under any oath so administered by the collector of customs as aforesaid any reasonable question put by such collector, shall, in addition to any other penalty to which such person may be liable under this ordinance, be further liable to be prosecuted as for an ordinary case of perjury committed in any legally constituted court.

76. No compensation shall be made to the owner of any goods by the Crown by reason of any damage done, or loss occasioned thereto, in any Government bonded warehouse, or in any receiving store, by fire, or by any inevitable accident, or by felony.

77. Any officer of customs may, on the entry of any goods, or at any time before or afterwards, take samples of such goods for examination or for ascertaining the duties payable on the same, or for such other purposes as may be deemed necessary, and such samples may be disposed of or accounted for in such manner as the President may from time to time direct.

78. When the owner of any dutiable goods alleges that the goods have been damaged, and claims a rebate of customs dues thereon, it shall be lawful for the collector of customs, if such claim was made on the first examination of the goods, or when the same were first reported under this ordinance, and if it is proved to his satisfaction that such damage was sustained during the voyage of the importing ship to the Kingdom, and before the removal of the said goods from such ship, to appoint an expert, at the expense of the owner of such goods, to determine the value thereof, and if such goods are liable to an *ad valorem* duty, the duty shall be paid on such valuation, and if liable to a specific or general duty the duty shall be determined by the collector of customs on the valuation aforesaid; but if the owner of the goods is dissatisfied with the amount of duty so fixed, a final decision shall be given on the valuation of two experts as provided in section 41 hereof. All goods derelict, flotsam and jetsam, and wreck, brought or coming into the Kingdom, and all droits of admiralty sold therein, shall at all times be subject to the same duties as goods of the like kind on importation into the Kingdom are subject to.

79. "Dollars" and "cents," terms of money used in this ordinance, describe the standard money of the United States of America, or its equivalent in other currencies.

80. The president may make regulations for carrying into effect the provisions of this ordinance, which regulations may fix penalties for the breach of any of them not exceeding 50 dollars, and such regulations, after publication, shall have the same effect as if embodied in this ordinance.

Legal procedure.

81. Every suit or proceeding for the recovery of any duty or other charge leviable under this ordinance, or for the enforcement of any penalty, or for the forfeiture of any goods, vessel, or boat, or any other article, or for the satisfying of any bond or security under this ordinance, shall be entered in the name of the president.

82. When any officer of customs makes a declaration on oath before a judge that any person has been guilty of an offence against this ordinance, and that in the belief of such officer of customs there is reason to suspect that the said person would leave the Kingdom before any suit against him could be prosecuted in respect of an offence as aforesaid, such judge may issue a warrant to apprehend such person, and may require the same to give security by recognizance or otherwise for his appearance when called upon for the hearing of his case, and, in default of such security, may commit such person to gaol or to the custody of the police till the hearing of the case against such person.

83. When any penalty is incurred under this ordinance, severally or jointly, by more than one person, such persons may be proceeded against jointly or severally as the President may deem fit, and in case of a proceeding against several persons by joint information for the recovery of any penalty severally incurred by each of such persons, such penalty shall be recoverable against each of the said persons not acquitted, notwithstanding that one or more of such persons may have allowed judgment to go by confession or default, or that the penalty imposed upon one or more of such persons is different from the penalty inflicted on any other or others of the said persons; and every judgment shall be valid and effectual against any of the persons so jointly proceeded against for the full amount of the penalty inflicted on any one of such persons respectively.

84. Any information laid before a judge for any offence committed against, or forfeiture incurred, or for the satisfying of any bond or security under this ordinance, may be in the form and to the effect that the circumstances of each case require, and no information, summons, conviction, or warrant, or forfeiture shall be held void by reason of any defect therein, and no person shall be entitled to be discharged out of custody on account of such defect, provided it be alleged in the warrant that the said person has been convicted of an offence as aforesaid, and provided it shall appear to the court before which such warrant is returned that such conviction proceeded on good and valid grounds.

85. When any information is laid before a judge for any offence against this ordinance by which it is sought to inflict any penalty or to recover any forfeiture, or to satisfy any bond or security, and such information shall have been laid within three years next after the date when such offence was committed, such judge may at that time, or at any time afterwards, issue his summons or warrant for the purpose of causing the person or persons named therein to appear at such time or place as may be directed in the said summons or warrant to be dealt with according to law.

86. When any information shall have been laid before a judge for the forfeiture of any goods, vessel, boat, or any other conveyance, or of any article whatsoever seized under this ordinance, such judge shall issue his summons to the person or persons owning or claiming such goods, vessel, boat, or other conveyance, or other article, to appear in support of his claim to the same, and upon such appearance, or in default, after due proof of the service of the summons, a reasonable time before the hearing the court may proceed to inquire into the matter, and shall condemn such goods, vessel, boat, or other conveyance, or other article as aforesaid, or make such order as the circumstances require, but should the owner or owners of such goods, vessel, boat, or other conveyance, or other article, remain unclaimed for one month they shall then be condemned by the court.

87. If in any prosecution in respect of any goods seized for nonpayment of duties or any other cause of forfeiture, or for the recovery of any penalty or penalties under this ordinance any dispute shall arise whether the duties of customs have been paid in respect of such goods, or whether the same have been lawfully imported into the Kingdom, or lawfully unshipped, or concerning the place from whence such goods were brought there, and in every such case the proof thereof shall lie on the defendant in such prosecution, and the defendant shall be competent and compelled to give evidence, and any goods of a description admissible to duty seized under any provision of this ordinance, or by any customs officer, on any vessel or at any place whatsoever in the Kingdom or within the waters of the Kingdom, shall in any proceeding before a judge for the forfeiture of such goods, or for the infliction of any penalty incurred in respect thereof, be deemed and taken to be goods liable to and unshipped without payment of duties, unless the contrary be proved, and the evidence of any person acting as an officer of customs in any proceeding relating to customs or undertaken under this ordinance was duly authorized, shall be presumed until the contrary is proved.

88. No claim or appearance shall be permitted to be entered to any information for the forfeiture of any goods, ship, boat, or other conveyance, or other article seized for any cause of forfeiture under this ordinance, unless such claim or appearance be made by or in the true name or names of the owner or owners thereof, and oath shall be made by such owner or owners, or by one of them, or by his or their agent or agents, that the said goods, ship, boat, or other conveyance, or other article are the true and lawful property of such owner or owners, and every person

convicted of making a false oath as to such facts shall be deemed guilty of perjury and shall be held liable to the punishment thereof.

89. In any suit or procedure for forfeiture of any goods, ship, boat, or other conveyance, or of any other article, if a verdict shall be found for the claimant thereof, the judge may certify that the seizure of such goods, ship, boat, or other conveyance or article was reasonable and for possible cause, and such certificate shall be a bar to all future proceedings against any officer of customs making such seizure, and against the Crown in connection with such seizure.

90. No action shall be commenced against any officer of customs or other person acting with due authority under this ordinance for anything done in the execution of his duty or by reason of his office until one month next after notice in writing shall have been delivered to such officer or other person, or left at his usual place of abode, and if any such action shall be commenced without such notice having been given, and if the court or judge shall be satisfied by affidavit or otherwise that such action is brought on account of some act, matter, or thing done in execution of or by reason of the defendant's office, such action shall be stayed.

91. Any such action against any officer, as aforesaid, shall be commenced within three months after the cause of action shall have arisen, and if such action be brought in respect of any seizure made by such officer, such cause of action shall not be deemed to have arisen until the day after the trial of the information with respect to such seizure.

Passed, Mulinuu, this 25th day of April, in the year of our Lord 1892.

MALIETOA.

Mr. Herbert to Mr. Foster.

NEWPORT, *September 19, 1892.*

SIR: With reference to your note of the 15th ultimo, I have the honor to inform you, in accordance with instructions which I have received from the Earl of Rosebery, that Her Majesty's consul at Apia has been instructed to endeavor, in concert with his German and United States colleagues, to effect with the president of the municipal council a speedy and amicable settlement of the question which has been raised as to whether the pound sterling and the twenty-mark gold piece should be received as the equivalent of \$4.76 or \$5 United States currency.

I have the honor, etc.,

MICHAEL H. HERBERT.

Mr. Herbert to Mr. Foster.

NEWPORT, *September 19, 1892.*

SIR: I have the honor to inform you that Her Majesty's Government have received a communication from the president of the municipal council at Apia respecting the audit of his accounts and those of the Samoan Government, as to which a difference of opinion has arisen between him and the members of the municipal board.

By section 5 of Article V of the final act of the conference on the affairs of Samoa it is provided that the president "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."

It appears that the auditors of the accounts appointed by the municipal council consider it necessary for audit purposes that the cash in the treasury at the time of audit should be verified.

With this view Her Majesty's Government are disposed to agree, for it is evident that there can be no effective audit unless the auditors are permitted to count the cash in hand.

But Baron Senfft von Pilsach objects that, as the funds both of the Government and of the council are paid into one account, this could not well be done without showing to the auditors the moneys in hand belonging to the Samoan Government, which would be tantamount to allowing the municipal auditors to audit the accounts of the Government.

He observes, however, that this difficulty could be met by keeping the revenues of the municipal council distinct from those of the Samoan Government, and it appears to Her Majesty's Government that this would be the best course to adopt.

As Baron Senfft von Pilsach states that, availing himself of the provisions of the final act, he desires to obtain a joint instruction on the subject from the three treaty powers, Her Majesty's Government are anxious to learn the views of the U. S. Government in regard to this question, and to ascertain what answer they propose to return to the similar application which it is presumed that the president of the municipal council has addressed to them in this matter.

I have the honor to be, etc.,

MICHAEL H. HERBERT.

Mr. Herbert to Mr. Foster.

NEWPORT, *September 19, 1892.*

SIR: I have the honor to inclose herewith an extract from a letter from Baron S. von Pilsach, the municipal president at Apia, respecting a difference of opinion which has arisen between the consular body and the majority of the municipal council, including the president, in regard to the appointment of returning officers for municipal elections.

Baron von Pilsach maintains that under article 5, section 3, of the Samoan act the question should be referred for decision to the chief justice, and not to the treaty powers, and Her Majesty's Government are disposed to think that the municipal president is, in this instance, correct in his interpretation of the act.

In accordance with instructions which I have received from the Earl of Rosebery, I have the honor to inquire whether Baron von Pilsach has addressed a similar communication to the U. S. Government; and, if so, whether they agree with the view taken by Her Majesty's Government, and will instruct their consul at Apia accordingly.

I have the honor to be, etc.,

MICHAEL H. HERBERT.

I regret that I must report a new case to the three governments in which the consular board has disregarded the provisions of the Berlin treaty.

There exists a difference of opinion between that body and the majority of the municipal council at Apia including myself in regard to the appointment of the returning officers for municipal elections. If the consular board desired this difference to be settled, such settlement fell apparently into the exclusive jurisdiction of either the chief justice or the supreme court of Samoa.

In a letter to the municipal council dated 9th inst., the consular board stated that Mr. Blacklock had informed the board of the aforesaid question having been referred to him by the U. S. Government.

Instead of reminding Mr. Blacklock that in the Berlin treaty the signatory powers have bound each other to refrain from any separate control on Samoan affairs and have established a special court for the purpose of meeting all requirements of administrative jurisdiction on the spot, Mr. Blacklock's colleagues have joined in his oversight by resolving and signing the above-mentioned notification to the municipal council.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, September 24, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 19th instant relative to a communication which Her Majesty's Government has received from the president of the municipal council at Apia, with respect to the audit of its accounts and those of the Samoan Government, and to inform you that I have received a like communication from Baron Senfft von Pilsach.

This Government is disposed to agree with the Government of Her Majesty that the best course to adopt would be to keep the revenues of the municipal council distinct from those of the Samoan Government in order that the audit of their accounts may include a verification of the cash balances. The Government of the United States would be willing to join with the Government of Her Majesty and the Government of Germany in such an instruction to the president of the municipal council.

I have, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, September 26, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 19th instant inclosing an extract from a letter from the president of the municipal council of Apia respecting a difference of opinion which has arisen between the consular board and the municipal council regarding the appointment of returning officers for municipal elections, and to say that a similar communication has been received from Baron Senfft von Pilsach. This Government understands the question at issue to be whether or not an appointment by the municipal council of a returning officer under an election ordinance approved by the consular board must also have the approval of that board, the latter contending that such approval is necessary and the former that it is not. In this matter the Government of the United States is disposed to agree with Her Majesty's Government that the question is properly one for the decision of the chief justice, and it will so instruct its consul.

I have, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, September 27, 1892.

SIR: I have for sometime had under consideration a communication addressed to the Secretary of State by Baron Senfft von Pilsach, the president of the municipal council of Apia, renewing the tender of his resignation and urging its acceptance.

I have also received a note from the imperial German chargé d'affaires, communicating the intention of the Imperial Government to refuse the renewed request of Baron Senfft, there being, in its judgment, no occasion to reverse its former decision, and inviting the acquiescence of this Government in so doing.

Being disposed to regard the first tender of Baron Senfft's resignation, in October, 1891, as a hasty act, this Government was well disposed to offer no impediment to the course which the other powers adopted in urging its withdrawal, and the hope was moreover indulged in that the undesirable friction which had unfortunately developed between the chief officials of the Samoan administration might soon disappear.

In view, however, of the declaration now made by Baron Senfft von Pilsach, that nothing has occurred that could have weakened the reasons of his first request and sharing his frankly expressed belief that "frictions between those officials would be more prejudicial to the working of the Berlin treaty than any other frictions," and while regretting the baron's insistence upon his purpose, I am disposed to make no effort to overcome his manifest reluctance to continue in the high office to which he had been appointed by the concurrent action of the three powers.

Before responding in this sense, however, I have the honor to inquire what view of the situation is held by Her Majesty's Government.

I have, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, September 27, 1892.

SIR: I have the honor to send you a copy of a note under date of August 13 which I have received from the German chargé in this city, relative to a proposed fee of \$5, which it is understood the chief justice of Samoa intends to impose for the registration of every separate title to land. I also inclose a copy of my reply, and should be glad to be informed of the opinion of Her Majesty's Government upon this subject.

I have, etc.,

JOHN W. FOSTER.

Mr. Herbert to Mr. Foster.

WASHINGTON, September 27, 1892.

SIR: With reference to my note of the 19th instant, I have the honor to transmit for your information copies of the correspondence noted in the margin respecting the difference of opinion which has arisen between the consular board at Apia and the majority of the municipal council, including the municipal president, in regard to the appointment of the returning officers for municipal elections.

I have, etc.,

MICHAEL H. HERBERT.

[Inclosure.]

*Mr. Trench to the Earl of Rosebery.*BERLIN, *September 10, 1892.*

MY LORD: Upon the receipt of your lordship's dispatch, No 191, of the 30th ultimo, respecting the difference of opinion which has arisen in Samoa between the president of the municipal council and the consular body in regard to the appointment of returning officers for municipal council and the consular body in regard to the appointment of returning officers for municipal elections, I took, in the absence of Sir E. Malet, occasion to mention the matter to the acting minister for foreign affairs, and, at Baron von Rotenhan's request, furnished him with a memorandum of the contents of your lordship's dispatch above referred to.

I have now received from the colonial department of the imperial ministry for foreign affairs a note verbale, copy and translation of which I have the honor to inclose herewith, in which the circumstances attending this difference of opinion are discussed, the conclusion being that the Imperial Government will gladly follow the suggestions of Her Majesty's Government, and will issue confidentially the desired instructions to their consul at Apia.

I have, etc.,

P. LE POER TRENCH.

MINISTRY OF FOREIGN AFFAIRS, COLONIAL DEPARTMENT,
Berlin, September 8, 1892.

The imperial ministry of foreign affairs has the honor to inform Her Majesty's embassy, with reference to the memorandum of the 3d instant that they also have received a complaint from the president of the municipal council at Apia regarding the action of the consular body.

The Imperial Government share the opinion that according to Article v, section 3, of the general act of Berlin, the consular body can not as a rule postpone coming to a decision in regard to the resolutions of the municipal council on the ground that one or another of the consuls is awaiting instructions from his government. Nevertheless the consular body has frequently before now imposed delays on grounds of expediency without any protest being raised on the part of the municipal council. In a recent case connected with the issue of certain penal regulations the municipal council had on the contrary declared their agreement to a postponement suggested by the German consul for the express reason that instructions might be received. If in the present instance the municipal council contrary to their usual practice objected to a delay they were in a position if they chose to bring the matter before the chief justice for decision in the manner prescribed by the general act. It appears moreover that in this case also the municipal council has raised no objection to the treatment of the question by the consular board and that the complaint of Baron Senfft von Pilsach is the outcome rather of personal initiative. All this might be held to constitute a sufficient reason for dissenting from Baron von Senfft's opinion, but the imperial ministry of foreign affairs will, notwithstanding, gladly follow the suggestion of Her Majesty's Government and will issue confidential instructions to the imperial consul at Apia to have an eye in future to the greatest possible expedition in the dispatch of business by the consular board.

FOREIGN OFFICE, *September 14, 1892.*

SIR: I am directed by the Earl of Rosebery to transmit to you the accompanying extract from a letter from Baron S. von Pilsach, the municipal president of Apia, respecting the difference of opinion which has arisen between the consular board and the majority of the municipal council, including the president, in regard to the appointment of the returning officers for municipal elections.

Baron von Pilsach maintains that under section 3, Article v, of the final act the question should be referred for decision to the chief justice and not to the treaty powers.

Her Majesty's Government are of opinion that the municipal president is in this instance correct in his interpretation of the act. The provision in question appears to have been expressly designed to prevent excessive delay in matters of administrative detail and to expedite the dispatch of business by the consular board at Apia. You will accordingly take the necessary steps to refer the question to the chief justice as soon as your German and United States colleagues receive instructions from their respective governments to a similar effect, and you will inform Baron von Pilsach of the above decision.

I am, etc.,

P. CURRIE.

I regret that I must report a new case to the three governments in which the consular board has disregarded the provisions of the Berlin treaty.

There exists a difference of opinion between that body and the majority of the municipal council of Apia, including myself, in regard to the appointment of the returning officers for municipal elections. If the consular board desired this difference to be settled such settlement fell apparently into the exclusive jurisdiction of either the chief justice or the supreme court of Samoa.

In a letter to the municipal council dated the 9th instant the consular board stated that Mr. Blacklock had informed the board of the aforesaid question having been referred by him to the U. S. Government.

Instead of reminding Mr. Blacklock that in the Berlin treaty the signatory powers have bound each other to refrain from any separate control on Samoan affairs and have established a special court for the purpose of meeting all requirements of administrative jurisdiction on the spot, Mr. Blacklock's colleagues have joined in his oversight by resolving and signing the above-mentioned notification to the municipal council.

I have, etc.,

FRHR. SENFTT VON PILSACH.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,
Washington, September 27, 1892.

SIR: According to instructions which I have received from my Government, I have the honor to inclose for your information copies of correspondence which has passed between the foreign office and the German embassy in London in regard to the "real-property ordinance, 1891," issued by the chief justice of Samoa.

You will observe from correspondence that the action of the chief justice was, in the opinion of the law officers of the Crown, *ultra vires*, and that the British consul in Samoa has been instructed in that sense.

I have, etc.,

MICHAEL H. HERBERT.

Count Hatzfeldt to Earl of Rosebery.

GERMAN EMBASSY, London, August 14, 1892.

MY LORD: As your excellency is doubtless aware, the Samoa treaty provides that land claims put forward by foreigners shall be brought before the land commission established at Apia to be examined and eventually registered. It appears from a fee table issued by the chief judge of Samoa that he contemplates levying a fee of \$5 on the registration of each single land title, the proceeds of which fee will go to Dr. Hagber, a Swedish subject, who has been appointed by the chief judge to be registrar, and who is at the same time clerk to the court. Some 3,000 land titles will, on a rough estimate, have to be registered. This number would give Dr. Hagber \$15,000. But such a burden represents a heavy burden on all foreign landed interests, especially on such persons as hold several parcels of land. The latter class would in certain particular cases have to pay very considerable sums. The Plantations Company, for instance, has put in 1,198 claims; Harris & MacFarlane, an English firm, 460, etc. If 1,000 and 400 of these claims are respectively recognized as valid the firms named would have to pay 21,000 marks and 8,400 marks, respectively.

The registration fee will press still more, and still more unjustly on the holders of several small parcels of land than on the large land holders. The want of any proper relation between the value of the land and the amount of the fee is in such cases still more apparent, for in particular cases the fee would exceed 10 per cent of the value. Plots of ground outside Apia, which are often the only property of their owners, not seldom yield little or nothing beyond the small amount of produce on which the owners live, and they will in many cases be quite unable to pay the heavy fees without mortgaging their land.

According to the view of the Imperial Government the chief judge has no power to impose such a tax on foreigners of his own authority. Article VI, section 2, D2,

of the Samoa treaty, provides that a tax of one-half per cent shall be levied "upon deeds of real estate, to be paid before registration thereof can be made." It is to be assumed that with such payment the liability of foreign land holders on account of registration will terminate. According to Article VI, section 2, further charges beyond the one-half per cent may not be imposed unless with the concurrence of the consuls of the three treaty powers. Such concurrence has as yet neither been sought nor given, and in view of the disproportionately high figure of the fee would hardly be obtained.

The Imperial Government is unable for the present to recognize the fee imposed by the chief judge of his own authority on foreigners as binding in law, and is of opinion that this course is not contrary to Article III, section 1, of the Samoa treaty, which provides that suitable fees may be allowed to the clerk and to the marshal of the court.

The chief judge may fix the amount of such fees, but so long as the consuls have not concurred in them such fees may not be a charge on foreign land owners; they should rather be defrayed by the Samoan Government, who can in the circumstances supposed deduct them from the one-half per cent tax. The Imperial Government proposes to instruct the consul at Apia in this sense; but before taking action they would be glad to receive information as to the view taken by Her Britannic Majesty's Government, and as to whether that Government would be prepared to issue similar instructions to their representative at Apia, in order that foreign settlers in Samoa may be protected by common action against the considerable and unjustifiable injury which would be caused by the measure taken by the chief judge to the profit of an official of his own appointing.

Under the instructions which I have received I have the honor to bring the above to your excellency's knowledge, and to ask for an expression of the opinion of Her Britannic Majesty's Government on this matter, and also whether your excellency would be inclined to give to the English representative at Apia instructions similar to those which the Imperial Government propose to send to their consul.

I have, etc.,

P. HATZFELDT.

Earl of Rosebery to Count Hatzfeldt.

FOREIGN OFFICE, *September 13, 1892.*

M. L'AMBASSADEUR: Her Majesty's Government have given their attentive consideration to your excellency's note of the 14th ultimo, stating the objections entertained by the German Government to a fee for the registration of land titles which has been imposed by the chief justice of Samoa under an ordinance entitled the "Real-property ordinance, 1891," and asking for the views of Her Majesty's Government upon the subject.

Her Majesty's Government are advised by the law officers of the Crown to whom your note was referred, that the issue of this ordinance by the chief justice was *ultra vires*, and they have instructed the British consul at Samoa in this sense.

It seems desirable that a collective communication should be made by the consuls of the three treaty powers to the chief justice, and Mr. Cusack-Smith will be authorized to take part in it as soon as your Government has arranged with the U. S. Government for the cooperation of their consul.

I have, etc.,

ROSEBERY.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,
Washington, September 27, 1892.

SIR: With reference to my previous note of this date, I have the honor, in obedience to instructions which I have received from the Earl of Rosebery, to transmit for your information copies of correspondence, as noted in the margin, relative to the reported intention of the chief justice of Samoa to make the registration of land titles in these islands dependent on a previous survey to be carried out at the cost of the parties interested.

It will be seen from this correspondence that Her Majesty's Government concur with the German Government in the opinion that this step should not receive the sanction of the treaty powers and they have accordingly instructed Her Majesty's consul at Apia to make a communication in that sense to the chief justice if he should move further in the matter.

I have the honor to be, etc.,

MICHAEL H. HERBERT.

Count Hatzfeldt to the Earl of Rosebery.

GERMAN EMBASSY, London, September 3, 1892.

MY LORD: In continuation of my note of the 14th ultimo respecting the land commission in Samoa, to which your excellency returned a provisional reply on the 27th ultimo, I have the honor, under the instructions I have received, to state as follows:

It appears from the reports received from the Imperial consul at Apia that the chief justice intends to make the registration of each title to land dependent on a preliminary survey of the land, to be made at the expense of the interested parties.

The Imperial Government is of opinion that no survey is necessary, and that it can not be required under the provisions of the Samoa act, the 4th acticle (section 7) of which speaks merely of a registration of the land titles. Apart from this consideration it is, however, clear that such a procedure, as far as the local circumstances make its execution at all possible, would delay the settlement of the land question in Apia in a most undesirable manner and would throw disproportionate costs on those interested in the land. The Swedish official appointed by the chief justice would alone derive any real profit from the survey in question. The Imperial Government intends, therefore, not to sanction it, and to send instructions in this sense to the Imperial consul at Apia. The Imperial Government hope that Her Britannic Majesty's Government will furnish similar instructions to their representative in Apia.

I have, etc.,

P. HATZFELDT.

Lord Rosebery to Count Hatzfeldt.

FOREIGN OFFICE, September 13, 1892.

MONS. L' AMBASSADEUR: With reference to my previous note of this date relative to the "real-property ordinance, 1891," issued by the chief justice of Samoa, I have, etc., to acknowledge the receipt of your communication of the 3d instant respecting the proposed further action of the chief justice in regard to the registration of land titles.

Your excellency states that M. de Cedercrantz contemplates making the registration dependent in each case upon a preliminary survey, to be made at the cost of the party interested, and you explain the reasons which lead the German Government to consider such a survey to be unnecessary in itself, as well as calculated to entail undesirable delay and to throw disproportionate expense on the persons concerned. You add that they propose, under these circumstances, to withhold their sanction from the measure and to instruct the German consul at Apia to that effect.

I have the honor to acquaint your excellency that Her Majesty's Government concur in these views and that Her Majesty's consul at Apia will be instructed in a similar sense.

I have, etc.,

ROSEBERY.

Mr. Currie to Consul Cusack-Smith.

FOREIGN OFFICE, September 13, 1892.

SIR: Lord Rosebery is informed by the German Government that it is the intention of the chief justice of Samoa to make the requisition of land titles dependent on a previous survey, to be made at the cost of the party interested.

The German Government consider this proceeding to be unwarranted by the provisions of the final act, and they are of opinion that it is unnecessary in itself as

well as calculated to entail undesirable delay and to throw disproportionate expense on the persons concerned.

The German consul at Apia will, accordingly, be instructed to inform the chief justice that the German Government must withhold their sanction from the measure.

Her Majesty's Government concur in the views of the German Government upon this point, and I am to instruct you to act in concert with your German colleague in any communications which it may be necessary to make to the chief justice if he should move further in the matter.

I am,

P. CURRIE.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, September 28, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 19th instant, in reply to Mr. Adee's note of August 15 in which you inform me that Her British Majesty's consul at Apia "has been instructed to endeavor, in concert with his German and United States colleagues, to effect with the president of the municipal council, a speedy and amicable settlement of the question which has been raised as to whether the pound sterling and the 20-mark gold piece should be received as the equivalent of \$4.76 or \$5, United States currency."

The Government of the United States had supposed that an understanding upon this subject with reference to the 20-mark gold piece was reached at this Department with the German chargé in March last, by which it was to be received as the equivalent of \$4.76. It was upon the basis of such an understanding that this Government instructed its consul to cooperate with his German and British colleagues in favor of the admission of German coin into Samoa. It is well understood that the 20-mark gold piece and the pound sterling are not, nor were they intended to be, the equivalent of \$5; nor is either the equivalent of the other. To arbitrarily declare them such is an entire disregard of the fact and in contravention of the terms of the treaty.

Section 4, of Article VI. clearly forbids the reception of other currencies at more than their equivalent in "the standard money of the United States of America." Baron Senfft von Pilsach not only receives the pound sterling and the 20-mark gold piece at more than their equivalent value, but his action goes to the extent of substantially making them units of value, which the treaty equally precludes. The consular board and the municipal council in August 1891, agreed upon a basis of exchange which represents substantially the exchange value of these coins. It made the pound sterling the equivalent of \$4.86 and the 20-mark gold piece the equivalent of \$4.76. Their equivalent values, according to the regulations of the Treasury of this Government, are for the pound sterling, \$4.8665, and for the 20-mark gold piece, \$4.76. It is reported that many of the merchants at Apia receive the 20-mark gold piece at \$4.75 and pay it into the Treasury for duties at \$5.

I hope that the Government of Her Majesty will be pleased to cooperate with the Government of the United States in securing an observance of the treaty in this regard which plainly establishes the coin of the United States as the unit of value in Samoa and permits other coin to be taken at their equivalent value only.

I have, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, September 29, 1892.

SIR: With respect to your note of August 26 with two inclosures relative to a difference of opinion which has arisen as to the appointment (*sic*, apportionment) of the import and export duties in Samoa leviable under Article VI of the Berlin general act, I have the honor to call your attention to the fact that its second inclosure, viz, a copy of your note from the Marquis of Salisbury to Count Hatzfeldt dated August 12, does not relate to the foregoing subject but is presumed to have reference to the dispatch of Her British Majesty's consul in Apia dated May 26, a copy of which you transmitted to me in your note of July 11. As you inquired whether the views of Her Majesty's Government, as explained in the correspondence, meet with the concurrence of this Government, I am led to believe that a part of it must have been inadvertently omitted.

I have, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, September 29, 1892.

SIR: With further reference to your note of July 11, in which you transmitted to me a copy of a dispatch dated May 26, received by Her Majesty's Government from its consul at Apia, I have the honor to inclose herewith a copy of a note dated July 29, which I have received from the German chargé regarding the same subject. I also inclose a copy of my reply thereto which substantially accords with the views expressed by the Marquis of Salisbury in his note to Count Hatzfeldt, of August 12, a copy of which you transmitted to me in your note of August 26.

I have, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, September 30, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 27th instant, with which were inclosed copies of the correspondence between the foreign office and the German embassy in London, in relation to the "real-property ordinance, 1891," issued by the chief justice of Samoa.

I have, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, October 1, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 27th ultimo, with which were inclosed copies of the correspondence between Her Majesty's Government and that of the German Empire respecting the difference of opinion which has arisen between the consular board at Apia and the majority of the municipal council, including the municipal president, in relation to the appointment of the returning officers for municipal elections.

I have, etc.,

JOHN W. FOSTER.

Mr. Foster to Sir Julian Pouncefote.

DEPARTMENT OF STATE,
Washington, October 4, 1892.

SIR: With reference to your note of September 27th transmitting copies of correspondence with the German Government relative to the reported intention of the chief justice of Samoa to make the registration of land titles in those islands dependent on a previous survey, to be carried out at the cost of the parties interested, I have the honor to inform you that this Government has received a similar representation from Baron Ketteler.

I inclose herewith, for your information, a copy of my reply thereto. I have, etc.,

JOHN W. FOSTER.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,
Washington, October 5, 1892.

SIR: With reference to my note of the 19th ultimo, I have the honor by direction of my Government to transmit, for your information, copy of a dispatch from Her Majesty's consul, at Samoa, relative to the audit of the accounts of the Samoan Government and the Apia municipality.

I have, etc.,

MICHAEL H. HERBERT.

[Navigator's Islands, September 15. Confidential, 225; section 3.]

No. 1.

Consul Cusack Smith to the Marquis of Salisbury.

No. 26.]

SAMOA, *August 16, 1892.* (Received September 15.)

MY LORD: I have the honor to report that Baron Senfit von Pilsach, in a letter dated the 23d December, 1891, copy inclosed, to the then acting chairman of the municipal council, refused to carry out a resolution of the council ordering the withdrawal of the moneys deposited by the president in his own name in a bank in Sydney. The position he assumed was an extraordinary one. After stating, that in his opinion,

there was only one treasury common both to the Samoan Government and the municipality instead of a distinct treasury for each, he proceeds: "Neither the Samoan Government are entitled to interfere in the same, the treasury containing moneys held for the use of the municipal council of Apia, nor the municipal council, considering that the treasury comprises moneys to be used by the Samoan Government."

Having shaken off all control or interference, he admits that "the treasurer is subject to the orders of payment made by the council, but not to any instructions concerning the administration of the treasurer. He further tells the municipal council, "You will find that even the treasurer's quarterly reports must show his receipts and disbursements, but not his administrative measures.

A profound feeling of dissatisfaction and uneasiness was aroused on this notification that the municipal balance was not to be kept separate, and that it might entirely be swallowed up, except on paper, at any time by the requirements of the Samoan Government.

On appeal to the chief justice, in a lengthy judgment he decided that Baron Senfft von Pilsach "was justified in refusing to accept the instructions of the municipal council."

Here the matter might have rested, but that this week the inclosed report of the municipal auditors has been laid before the consular board.

It states that "there should have been on the 31st March, 1892, a balance of 5721," but that the auditors were unable to certify to the correctness of the cash, as "they were not allowed to check it."

There is no bank in Samoa, and the only way in which public confidence can be maintained is by verifying the cash balances at every audit.

The financial administration of the funds of the municipal council and of the Samoan Government should be kept quite distinct, and nothing done to raise unnecessary distrust.

I have, etc.,

T. B. CUSACK-SMITH.

[Inclosure 1 in No. 1.]

Baron Senfft von Pilsach to the municipal council, Apia.

APIA, SAMOA, December 23, 1891.

GENTLEMEN: I have the honor to acknowledge receipt of your letter, dated the 11th instant, through which you notify to me a resolution passed by the municipal council of Apia on the 25th November, and approved by the consular board, saying that the treasurer be instructed to withdraw the municipal moneys from the Union Bank, Sydney, as soon as the terms of deposit have expired, and to deposit the same in United States gold in the municipal treasury in Apia.

In reply, I beg to state that in passing this resolution the municipal council have transgressed their competency as it is laid down in Article v, section 3, of the Berlin general act. According to this article there exists neither a special treasurer nor a special treasury of the municipal council of Apia. All the revenues accruing under the provisions of this act (*see* Article v, section 5, fourth clause) are paid into the treasury (Article VI, section 3), the administration of which is intrusted to one treasurer to be appointed, not by the municipal council, but by the Samoan Government upon the previous agreement of the signatory powers. A municipal treasury does not exist but in the ledgers and accounts of the treasury.

The treaty having thus constituted one treasury comprising the whole of the Samoan revenue, apparently its administrator must be guided also on one way.

Neither the Samoan Government are entitled to interfere in the same, the treasury containing moneys held for the use of the municipal council of Apia nor the municipal council, considering that the treasury comprises moneys to be used by the Samoan Government.

The treasurer is subject to the orders of payment made by the council, but not to any instructions concerning the administration of the treasurer. You will find that even his quarterly reports must show his receipts and disbursements, but not his administrative measures, although the matter of the resolution which you have forwarded to me has been under my consideration before I received your communication.

Yet I must refuse to accept such instructions, the formal want of which I have stated is not the only reason for my doing so, as the respective resolution does not explain the practical reasons which have led the council to pass the same; I am unable to examine those reasons. In omitting such explanation the council have failed to understand my position.

Being the only custodian of the public moneys, I am not allowed to carry out any instructions or to follow any recommendation without having convinced myself of its expediency.

I shall be obliged if you kindly will communicate these remarks to the municipal council of Apia.

I have, etc.,

FRIEDR. SENFFT VON PILSACH.

[Inclosure 2 in No. 1.—Newspaper extract.]

THE PRESIDENT'S POWER AS TREASURER.

Decision of the chief justice.

This is a matter in controversy between the municipal council of Apia and the president, Baron Senfft von Pilsach, as receiver and custodian of the Samoan revenue.

In a meeting held on the 25th November, 1891, the municipal council passed the following resolution, viz:

“That the treasurer be instructed to withdraw the municipal moneys from the Union Bank of Australia, Sydney, as soon as the terms of deposit have expired, and to deposit the same, in United States gold, in the municipal treasury.”

The consular board notified their approval in a communication dated the 4th December, 1891. This instruction having been duly notified to Baron Senfft von Pilsach by letter dated the 11th December, 1891, written by the chairman *pro tempore*, Baron von Pilsach refused, by letter dated 23d December, to accept the instructions in question. In a meeting, held on the 30th December, the council resolved to refer the matter to this court for settlement.

From the written statement of the parties I learn, concerning the matter in dispute, that the president asserts that the municipal council, in passing the first resolution, exceeded the powers conferred upon it by the Berlin general act, whereas the council maintains that it had the right to give the instructions in question, and that the resolution in question is regular and valid and strictly within the powers of the council, under the Berlin general act, and that, in disobeying the instructions of the councils in this matter, the president has exceeded his powers and contravened both the wording and the spirit of the act. The point at issue is thus this: Was the president of the municipal council of Apia, as treasurer of the Samoan revenue, justified in refusing to accept the instructions of the municipal council?

In dealing with the question I have not failed to observe that the said resolution of the 25th of November, 1891, has been passed in the regular way, and is formally valid.

This, however, is not the only matter to be considered in deciding the question now before me. There is no doubt that the President is not only entitled, but bound, to omit the carrying out of any resolution, though formally valid, if the tenor of such resolution be in conflict with the provisions or the spirit of the Berlin general act. It therefore also has to be considered whether or not such is the case with the resolution in question. In this respect section 5, Article v, of the Berlin general act provides that the President shall be the receiver and custodian of the revenue accruing under the provisions of the act.

In this capacity he may under the same section receive and act under the joint instructions of the three treaty powers, but besides the instructions which may be given him in such way his instructions are contained in the general act itself, and Articles v and vi contain provisions concerning his duties in his aforesaid capacity. We shall be guided by those provisions and by the spirit of the general act, and there is nothing in the spirit nor in the provisions that imposes upon him the duty of obeying any instructions of the municipal council in the administration thus intrusted to him. That, as the municipal council points out, the authority to give such instructions is exercised by other local bodies as against their treasurers has no bearing upon the matter in question, since the position of such treasurers is not to be compared to the position of the president as custodian of the revenue of this Kingdom. Moreover, the analogy derived from the powers of local bodies in foreign countries of the highest civilization and culture is not applicable to the local circumstances of this country, the requirements of which always must be guided in the interpretation of laws as far as such interpretation can be constructive. I, therefore, decide that the said resolution of the 25th November, 1891, is void as in conflict with the Berlin general act, and that the president, Baron Senfft von Pilsach, was justified in refusing to accept the instructions of the municipal council.

The municipal council shall pay the costs in this matter.

C. CEDERKRANTZ.

[Inclosure 3 in No. 1.]

Messrs. Trood and Aspinall to the municipal council, Apia.

APIA, SAMOA, June 20, 1892.

GENTLEMEN: In conformity with your instructions contained in letter of the 9th of May, we have audited the accounts of the municipal council up to 31st March last. We have examined the vouchers, compared them with the books, and find the figures correct, showing that on the 31st March, there should have been a cash balance on hand of \$2,880.22 as per balance sheet submitted to us.

As intimated to you in ours of the 30th March, we are unable to certify to the correctness of the cash, as we were not allowed to check it. With regard to the statement (signed by the president) of moneys transferred from the municipality to the Government, and referred to in yours of the 9th May, we have simply taken it as any other voucher, as we did not deem it our province to enter into the items.

We notice a marked improvement in the bookkeeping from the commencement of the year; previous to that they were confusing to any stranger taking them in hand.

We would suggest that auditors be appointed for a term and that they have access to the books at any time, as is the usual custom with public bodies. This would greatly simplify the matter for the auditors, as they could then keep in touch with the work throughout and the council would receive their audits whenever required.

We are, etc.,

THOMAS TROOD.
R. P. ASPINALL.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,

Washington, October 6, 1892.

SIR: I have the honor to inform you that I have received a telegram from the Earl of Rosebery stating that the German Government, in view of the disturbed state of affairs in Samoa, proposes to send one or two men-of-war there to protect life and property. His lordship sees no objection to this proposal and as, in his opinion, it is desirable to maintain the strict concert of the treaty powers, he is disposed to recommend acquiescence in it.

I should be very glad to learn the views of your Government in regard to this matter.

I have, etc.,

MICHAEL H. HERBERT.

Mr. Adee to Mr. Herbert.

DEPARTMENT OF STATE,

Washington, October 7, 1892.

MY DEAR MR. HERBERT: I thank you for your kind note of the 5th instant, transmitting for my confidential information a copy of a dispatch from Her Majesty's consul in Samoa respecting the financial administration of the Samoan Government. It strengthens my opinion with respect to the advisability of accepting the resignation of Baron von Pilsach, and I have written the German chargé that I am disposed to believe that it is best for the three powers to accede to the baron's request to be relieved.

I am, etc.,

ALVEY A. ADEE.

Mr. Adee to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, October 7, 1892.

SIR: With reference to the Department's note of the 27th ultimo, relative to the resignation of the president of the municipal council of Apia, I have the honor to inform you that all of the information which I have received tends to strengthen the opinion therein expressed, and I have to-day written Baron Ketteler that I am disposed to believe that it is best for the three signatory powers to accede to Baron von Pilsach's request to be allowed to resign his office, in which for some time he has manifestly continued with great reluctance. In due time I shall be glad to be advised with respect to the views of Her Majesty's Government regarding this matter.

I have, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Adee to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, October 7, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 5th instant, with which was inclosed a copy of a dispatch from Her Majesty's consul at Samoa relative to the audit of the accounts of the Samoan Government and the Apia municipality.

I have, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,
Washington, October 8, 1892.

SIR: I have the honor to inform you that I telegraphed the substance of the conversation which I had the honor to hold with you on the 6th instant in regard to the resignation of the president of the municipal council of Apia, to the Earl of Rosebery, and I have now received a communication from his lordship in reply, in which he states that the Marquis of Salisbury agreed with the German Government that Baron von Pilsach's resignation should not be accepted. His lordship adds, however, that if it should be again tendered and that the process should appear to be periodical, he would be disposed to reconsider the question in the light of later information.

I have, etc.,

MICHAEL H. HERBERT.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, October 12, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 6th instant, in which you acquaint me with the indisposition of the Earl of Rosebery to reconsider at present the action of the Marquis of Salisbury in agreeing with the German Government that the resignation of Baron Senfft von Pilsach as president of the municipal council of Apia should not be accepted.

I have, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, October 12, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 6th instant in regard to the proposal of the German Government, in view of the disturbed state of affairs in Samoa, to send one or two men-of-war there to protect life and property.

While the general act of Berlin is silent as to the naval force to be maintained by the three powers in the Samoan waters, yet in view of the proposal of this Government, at the first Samoan conference in Washington, June 25, 1887, looking to the keeping of a man-of-war of each power, alternately, in those waters for four months in each year to assist in maintaining the established government there and to preserve peace and order, this Government is not disposed to object to such action on the part of the German Government as may tend to observe the spirit of the engagements equally assumed by the three powers. Nothing, however, in the present situation in Samoa, so far as it is here apparent, suggests the necessity of more than one vessel of either power being dispatched to those waters.

No communication on the subject has been received by me from the imperial German chargé d'affaires, but should he bring the question to my attention, I shall be happy to answer him in the same sense.

I have, etc.,

JOHN W. FOSTER.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,
Washington, October 25, 1892.

SIR: With reference to your note of the 12th instant and to our subsequent conversation respecting the proposal of the German Government in regard to the dispatch of ships of war to Samoan waters, I have the honor to inform you that I have received a telegram from the Earl of Rosebery in which his lordship states that Her Majesty's Government are sending one ship of war to Samoa for the protection of life and property there, and that her commander has been instructed to act in concert with the American and German naval officers who may be employed on a similar duty.

His lordship is very anxious that the concert of the three treaty powers should be maintained in Samoa and he is therefore not disposed to raise the point as to whether one or two ships of war should be sent there so long as joint action is taken and joint instructions are agreed upon by the three governments.

I have the honor, etc.,

MICHAEL H. HERBERT.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,
Washington, November 2, 1892.

SIR: With reference to my note of the 8th instant, I have the honor to inform you that I forwarded copy of your note of the 27th September in regard to the resignation of the president of the municipal council of Apia to the Earl of Rosebery, and his lordship has now instructed me to state in reply that the Marquis of Salisbury expressed in the month of August last his concurrence in the proposal of the German Government that Baron Senfft's resignation should not be accepted. For the present, therefore, the question must, in his lordship's opinion, be settled in that sense. I am desired, however, to add that in the event of Baron Senfft again tendering his resignation, later information which has been received in regard to the state of affairs in Samoa might warrant a reconsideration of the question.

I have, etc.,

MICHAEL H. HERBERT.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,
Washington, November 2, 1892.

SIR: With reference to your note of the 24th September last I have the honor in accordance with instructions which I have received from my Government to transmit for your information copy of a dispatch which has been addressed by the Earl of Rosebery to Her Majesty's consul in Samoa, containing instructions for his guidance with respect to the audit of the accounts of the municipality and the Samoan Government.

I have, etc.,

MICHAEL H. HERBERT.

Sir Philip Currie to Consul Cusack-Smith.

FOREIGN OFFICE,
October 17, 1892.

SIR: I am directed by the Earl of Rosebery to transmit herewith copy of a letter which the president of the municipal council at Apia has addressed to the Government of the three treaty powers respecting the audit of the accounts of the municipality and of the Samoan Government, respectively.

The accompanying copies of dispatches as marked in the margin will put you in possession of the views held by the governments of Germany and of the United States in regard to this question.

Baron S. von Pilsach suggests that the difference of opinion which has arisen between himself and the members of the municipal board on this subject could be

met by keeping the revenues of the municipality distinct from those of the Government.

It appears to Her Majesty's Government that this would be the best course to adopt in the matter and in this view the U. S. Government are also disposed to agree.

Should it, however, be found impossible to come to an arrangement in the sense proposed, Lord Rosebery thinks that, as stated by the German minister for foreign affairs in his note of the 15th ultimo, the question should be settled by the chief justice in accordance with the provisions of the final act.

I am to instruct you to join your German and American colleagues in a collective communication to Baron Senfft von Pilsach to the above effect.

I am, etc.,

P. CURRIE.

Mr. Trench to Earl of Rosebery.

BERLIN, *September 16, 1892.*

MY LORD: With reference to your lordship's dispatch No. 196 of the 5th instant, respecting the question raised by Baron S. von Pilsach in regard to the audit of the municipal and Government accounts in Samoa, I have now the honor to transmit to your lordship herewith a translation of a note which I have to-day received from the Imperial ministry of foreign affairs intimating that the German Government attach no special importance to the present case, which they consider may be properly settled by the chief justice. They are, however, of opinion that the president of the municipal council should be cautioned against the undue multiplication of subordinate posts.

I have, etc.,

P. LE POER TRENCH.

[Inclosure in No. 1.]

[Translation.]

FOREIGN OFFICE, *Berlin, September 15, 1892.*

The undersigned has the honor to inform Mr. Le Poer Trench, in reply to his note of the 12th instant, that the president of the municipal council at Apia has also asked the Imperial Government for instructions with reference to the audits of his treasury administration.

As no special importance is attached by the Imperial Government to the question raised by Baron S. v. Pilsach, the Imperial consul has been instructed to inform Baron S. v. Pilsach that the Imperial Government intends to remain neutral in the matter, which, in case of necessity, may be settled by the decision of the chief justice in accordance with the regulations of the Samoa act.

The undersigned, therefore, considers it needless to change the instructions to the Imperial consul in the sense proposed by Her Majesty's Government, but Baron S. v. Pilsach should, however, be warned against further increasing the already considerable expense of administering the country and the municipality by creating, out of affection for principles or theories, fresh posts, such as that of assistant treasurer to the municipality, as suggested in his report.

The undersigned will instruct the Imperial consul to make a communication in this sense to his colleagues and, under certain conditions, to the president of the municipal council.

ROTENHAN.

Mr. Herbert to Mr. Foster.

WASHINGTON, *November 2, 1892.*

SIR: With reference to my note of the 3d of October last, I have the honor to inclose the copy of the note from the Marquis of Salisbury to Count Hatzfeldt, of the 12th of August, which should have accompanied my note of the 26th August last, in regard to the difference of opinion

which has arisen as to the apportionment of the import and export duties in Samoa.

I have the honor to renew at the same time the expression of my regret that the wrong inclosure should have been sent you with my note of the 26th August.

I have, etc.,

MICHAEL H. HERBERT.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, November 3, 1892.

SIR: With reference to your note of the 25th ultimo respecting the proposal of the German Government in regard to the dispatch of ships of war to Samoan waters, I have the honor to send you herewith a copy of a note upon this subject which I have this day sent to Baron Ketteler.

I have, etc.,

JOHN W. FOSTER.

INCLOSURE.

To Baron Ketteler, November 3, 1893.

Mr. Herbert to Mr. Foster.

[Personal.]

WASHINGTON, November 4, 1892.

DEAR MR. FOSTER: If you have no objection will you kindly send me copies of Baron Ketteler's notes of the 15th and 24th ultimo, relative to Samoa, quoted in your note to him of yesterday.

I am called up to New York this evening, but shall be back again by Sunday evening should you desire to see me.

Very truly, yours,

M. H. HERBERT.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, November 5, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 2d instant, in relation to the resignation of Baron Senfft, as president of the municipal council of Apia.

In view of the information which I communicated to you in our interview last Thursday, this Government anticipates that Earl Rosebery will take this subject again into consideration.

I have, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Herbert.

[Personal.]

DEPARTMENT OF STATE,
Washington, November 5, 1892.

DEAR MR. HERBERT: In compliance with the request contained in your personal note of the 4th instant, I inclose herewith copies of Baron Ketteler's notes of the 15th and 24th ultimo in relation to the Samoan question.

Very truly, yours,

JOHN W. FOSTER.

INCLOSURES.*

From Baron Ketteler to Mr. Foster, October 15, 1892.
From Baron Ketteler to Mr. Foster, October 24, 1892.

Memorandum of a conference had with the British Minister on Thursday, November 17, 1892, in reference to affairs in Samoa.

The Secretary informed the British Minister, Sir Julian Pauncefote, that the proposition submitted by the German chargé for the vacation of the offices of chief justice and municipal president were made without previous consultation with him, the Secretary; neither had he considered the names of any persons to fill the vacancies. Messrs. Ide and Hennings, the persons named by the German chargé as suitable for the places, had not been considered by the Secretary until suggested by the German chargé. The Secretary further said that he had made inquiry respecting the standing and qualification of Judge Ide and the information received was of a very satisfactory character. He had no knowledge of Mr. Hennings except he was informed that he had long been resident in the Pacific Islands, especially at Fiji, where, it was stated, he had held office under the British Government, although it was understood he was a German subject. If these two nominations were approved by the British Government, the Government of the United States stood ready to accept them.

The Secretary suggested to Sir Julian that in view of the provisions of the treaty it would be well to first communicate to the respective consuls the fact that the treaty powers had decided that it was best for the harmonious administration of affairs in the Samoan Islands that new appointments be made for the offices of chief justice and president of the municipal council, and that having accepted the resignation of the latter they would be prepared to accept the resignation of the chief justice. This the Secretary suggested as a preliminary step to the appointment of their successors.

Sir Julian stated that he would communicate the substance of this interview to Lord Rosebery by telegraph and confirm more fully by mail.

NOVEMBER 15, 1892.

MR. SECRETARY: Sir Julian Pauncefote called and said that he had just received a telegram from Lord Rosebery, of which the accompanying paper is a paraphrase. He did not know who Mr. William Hennings is. Neither do I.

W. F. W. (William F. Wharton.)

* For inclosures see Germany at proper dates.

It has been proposed by the German Government that the municipal president and the chief justice of Samoa should be recalled and Messrs. Ide and William Hennings appointed to succeed them. Her Majesty's Government have informed the German Government that they reserve their opinion as to the new appointments, but agree to the recall.

Mr. Foster to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, November 21, 1892.

SIR: Adverting to our conversation of the 17th instant, I have the honor to send you herewith, for your information, copies of a note from the imperial German chargé, November 15, and of my reply thereto, November 18, with respect to the offices of president of the municipal council of Apia and chief justice of Samoa.

I have, etc.,

JOHN W. FOSTER.

INCLOSURES.*

1. Baron von Ketteler to Mr. Foster, November 15, 1892.
2. Mr. Foster to Baron von Ketteler, November 18, 1892.

Mr. Foster to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, November 22, 1892.

SIR: With reference to Mr. Herbert's notes of August 26 and November 2 last, transmitting copies of a verbal communication from the German embassy in London to Her Majesty's Government, and of Lord Salisbury's reply, relative to the difference of opinion which has arisen as to the apportionment of the import and export duties in Samoa, I have the honor to send you herewith a copy of a similar communication which I have received from the German chargé in this city, and of my reply thereto. You will observe that the views of this Government substantially accord with those of Her Majesty's Government as expressed in Lord Salisbury's note to Count Hatzfeldt, dated August 12 last.

I have, etc.,

JOHN W. FOSTER.

INCLOSURES.†

1. From the German chargé July 14, 1892.
2. To Mr. von Holleben, November 22, 1892 .

Mr. Foster to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, November 22, 1892.

SIR: In reply to Mr. Herbert's note of September 1, 1892, relative to an ordinance of the Samoan Government, dated April 25 last, "regulating the collection and arrangement of the revenue customs," I have the honor to inform you that this Government has also received a copy of this ordinance from the president of the municipal council with the

* Printed under Germany.

† For inclosures, see Germany.

request that it would "order the necessary steps to be taken for the purpose of rendering applicable the provisions of said ordinance to the United States citizens living in Samoa." I send you herewith a copy of a note dated August 13, from the German chargé in this city, regarding this subject, and of my reply thereto of this date. You will observe that the opinion is expressed that in view of the fact that the three treaty powers are agreed in treating as a nullity the opinion of the chief justice of Samoa, of March 28 last, with respect to the revenues, and will undoubtedly soon make some concurrent expression of that view to the proper Samoan officials, no further action with respect to this ordinance, for the present, at least, seems to be necessary.

I have, etc.,

JOHN W. FOSTER.

INCLOSURES.*

1. From German chargé, August 13, 1892.
2. To Mr. von Holleben, November 22, 1892.

Sir Julian Pauncefote to Mr. Foster.

WASHINGTON, November 25, 1892.

SIR: With reference to the dispatch of vessels of war by the three treaty powers for the protection of life and property in Samoa, I am directed by the Earl of Rosebery to inform you that the commander of the British man-of-war *Ringarooma*, who has received orders to proceed to the Navigators Islands, has been instructed not to take action without the unanimous consent of the consuls of the three powers.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Foster to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, November 30, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 25th instant, in relation to the protection of life and property in Samoa by the vessels of war of the three treaty powers.

I have, etc.,

JOHN W. FOSTER.

Mr. Foster to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, December 6, 1892.

SIR: I have the honor to state, for your information, that I am in receipt of a telegram of the 6th instant from the U. S. vice-consul-general at Apia, which read as follows:

Chief justice notified by consuls. Refuses compliance with directions of three powers respecting survey and register fees.

I have, etc.,

JOHN W. FOSTER.

* For inclosures, see under Germany.

Memorandum.

[Copy handed to the British minister by the Secretary of State, December 9, 1892; also to German minister.]

PRO MEMORIA.

Section 1 of Article VIII of the Berlin general act provides that—

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.

It is believed that some amendment of the act, if only for explanatory purposes, is necessary. There are inherent ambiguities in its language, and the usual practical difficulties have arisen which naturally arise in the working of any new organization. These difficulties exist equally with respect to each of the instrumentalities created by the treaty, such as the court, the municipality, and the land commissions. Mention need only be made, for example, of the pending unsettled questions with respect to the division of the customs revenue, and the supervisory power of the supreme court over the findings of the land commission. Some agreement, too, must soon be reached regarding the continuance of the land commission, as it is now evident that its work can not be completed within the time originally limited by the treaty.

The residents of Apia in a public meeting last February asked the three governments to consider a series of amendments which they proposed. The president of the municipal council has recommended changes. The Government of the United States also has at different times been advised by its representatives in Samoa of amendments deemed necessary or desirable. Any one of the powers might now, in accordance with the section quoted, require the subject of treaty revision to be taken into consideration, but it is not believed that the purpose to be accomplished requires a formal conference such as originated the treaty, and much less so since there seems to be no necessity for any discussion of its general scope or plan. The purpose desired is not any alteration in its essential features but merely minor changes in its details. That purpose might be accomplished very simply by an informal conference between the Secretary of State and the representatives in this city of the governments of Germany and Great Britain, based upon a prior report of the representatives of the three governments in Samoa.

At the present time each of the three treaty powers has a consular representative at Apia. They are well informed regarding the necessity and propriety of any proposed changes, and they, aided by the counsel of the land commissioners of their respective governments, could profitably confer with reference to this subject without delay and without expense. Their consideration of the matter should be limited to explanatory amendments and details in the interest of the best practical results under the treaty. They could, of course, make separate reports to their respective governments, but in so far as they were able to agree they should make a joint report of their recommendations. These reports could be treated as being simply for the information of the powers, which could reserve to themselves the fullest liberty of final action. It is believed, however, that they would furnish an intelligent basis for the practical consideration of the questions involved.

It is, therefore, proposed by the United States that instructions be sent by the three powers to their respective consular representatives in Samoa to hold a joint conference at the earliest convenient date after receipt of the instructions and make a joint report as to recommendations which they may be able to agree upon respecting the more effective working of the Berlin general act. When this joint report is received it is further proposed that a conference be held between the Secretary of State and the diplomatic representatives of Germany and Great Britain with a view to the adoption of such modifications or explanatory declarations of the Berlin general act as, in the light of the recommendations of the consuls or other officials, may be deemed advisable.

Sir Julian Pauncefote to Mr. Foster.

WASHINGTON, *January 11, 1893.*

SIR: I have the honor to inform you that Her Majesty's consul at Apia has reported to Her Majesty's Government that Baron Senfft von Pilsach declines to furnish the consuls of the treaty powers with copies of his quarterly financial reports unless he receives a joint instruction from the powers to do so.

The Earl of Rosebery has accordingly instructed me to propose to your Government that joint action should be taken with this object.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Foster to Sir Julian Pauncefote.

DEPARTMENT OF STATE,

Washington, January 14, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 11th instant, in which you state that Her Majesty's consul at Apia has reported that Baron Senfft von Pilsach declines to furnish the consuls of the treaty powers with copies of his quarterly financial reports unless he receives a joint instruction from the powers to do so. You add that the Earl of Rosebery has instructed you to propose to this Government that joint action should be taken with that object.

This Government has not yet received a report from its consul with reference to this matter, but it heartily concurs in the proposal of Her Majesty's Government, and I will at once instruct the American consul at Apia accordingly.

I have, etc.,

JOHN W. FOSTER.

Mr. Foster to Sir Julian Pauncefote.

DEPARTMENT OF STATE,

Washington, January 19, 1893.

DEAR SIR JULIAN: I have seen the German minister and he will cable his Government to-day that you have informed me that the British minister in Stockholm understands that M. de Cedererantz desires to

resign. He will further advise his Government that I am prepared to instruct our minister at Stockholm to cooperate with the British and German ministers in a representation to His Majesty the King of Sweden that the resignation will be accepted and the expenses of the return journey of M. de Cedercrantz paid by the three powers, this course being regarded as most courteous to the King and most expeditious, and possibly would result in a telegram from the Swedish Government to M. de Cedercrantz. You may feel at liberty to telegraph in the same sense to your Government.

With sentiments of the highest esteem.

I am, etc.,

JOHN W. FOSTER.

Mr. Foster to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, February 6, 1893.

SIR: With respect to the suggested administrative changes in Samoa, I have the honor to acknowledge the receipt of your note of the 23th ultimo, in which you state that "Her Majesty's Government know of no present objection to the selection of Mr. Ide as chief justice." As the proposal came from the Imperial German Government and has already been acceded to by this Government, it would appear that the three powers are in accord as regards the appointment of Mr. Ide. With reference, however, to the proposed appointment of Mr. Henning's as president of the municipal council, I note that Her Majesty's Government "must await a dispatch from Her Majesty's high commissioner for the Western Pacific before coming to a final decision."

I have, etc.,

JOHN W. FOSTER.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, March 3, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 28th ultimo, stating the objections entertained by Her Majesty's Government to the appointment of Mr. William Hennings to be president of the municipal council of Apia, as proposed by the German Government.

A few days previously I received from the German legation a memorandum, dated February 24, informing me that in consequence of the final decision of Her Majesty's Government not to accede to the proposed appointment of Mr. Hennings, the Imperial Government withdraws its original proposal for the simultaneous appointment of Mr. Ide as chief justice of Samoa, and intends shortly to make new suggestions for the appointment of candidates to both offices.

While awaiting further proposals in this regard, I beg to suggest that inasmuch as Mr. Ide's appointment has already received the cordial approval of the three governments, and as this Government has no candidate in view at this time to succeed Baron Senfft, the selection of a substitute may be left in the first instance to the British and German governments, in the supposition that an agreement between them in regard to the president of the municipal council would in all probability

be coupled with the renewed presentation of Mr. Ide's name for the chief-justiceship. But in any event this Government holds itself free to act upon both nominations or to suggest new candidates, should occasion require.

I have, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Gresham to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, May 8, 1893.

SIR: This Government is advised, by a dispatch received from the U. S. minister at Stockholm, that His Majesty the King of Sweden and Norway, by whom and at the request of the three signatories of the Samoan general act Mr. Cedererantz was named chief justice of Samoa, has now the intention of granting the request of Mr. Cedererantz to be permitted to resign his office and return to Europe on the ground of ill health. Before doing so, however, His Majesty desires to learn the views of the signatory powers touching the precise date when Mr. Cedererantz may be permitted to quit his post, having regard to the interests of the service and the means of communication with the Samoan Islands.

The readiness of the Government of the United States to accept Mr. Cedererantz's resignation of the Samoan chief-justiceship has been heretofore made known to the other signatories; and I have the honor to add that this Government is disposed to give effect to his present tender of resignation at as early a day as may be convenient.

In view, however, of the fact that the three signatories are considering the question of the immediate withdrawal of Baron Senfft von Pilsach, the president of the municipal council of Samoa, with every prospect of agreement upon the German proposal to intrust for the time being the administrative functions of the presidency of the municipal council to the consular representatives of the three powers acting jointly, the expediency or even feasibility of likewise temporarily intrusting to the three consuls the judicial functions and powers of the chief-justiceship may be seriously doubted. To do so would, it is thought, be an impracticable expansion of the intent of the provision of Article III of the general Samoan act, prescribing that—

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.

This Government would be indisposed to devolve, by substitution, upon the three consuls acting jointly, the complex and delicate judicial powers pertaining to the chief justice.

It would seem that the appointment and qualification of Judge Cedererantz's successor should, if possible, coincide with his retirement, so that no interruption of the due course of justice in Samoa shall occur. Any proposal to this end will have my earnest and speedy attention.

I have the honor to request an early communication of the views of your Government in this regard, so that an answer may be returned to His Majesty's inquiry.

I have, etc.,

W. Q. GRESHAM.

Mr. Gresham to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, May 13, 1893.

SIR: I have the honor to communicate for the information of your Government copies of a memorandum handed to me on the 10th instant by the German minister, and of the memorandum in reply thereto handed to Dr. von Holleben on the 11th, in regard to the arrangements recommended by the three consular representatives at Apia in January last and accepted by the governments of the three treaty powers, in regard to the apportionment of the customs revenues of Samoa with a view to meet certain requirements of the municipal service and to provide for the deficiency in the latter regard which has arisen from the difficulty of collecting the native taxes in these islands. Conformably with the announcement in my memorandum, I have dispatched instructions by telegraph to Auckland and thence by ship to Apia, notifying the chief justice that his opinion touching the allotment of the customs revenues is not accepted, and requesting him to concert with the consular representatives of the three treaty powers to carry into effect the understanding heretofore reached by them. The acting consul-general of the United States was at the same time instructed in a similar sense.

I have, etc.,

W. Q. GRESHAM.

Mr. Gresham to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, May 17, 1893.

SIR: I have the honor to apprise you of the assent of the Government of the United States to the proposition, as modified by the concurrence of your Government and that of the German Empire, to extend the term of the Samoan land commission to March 31, 1894.

I have, etc.,

W. Q. GRESHAM.

Mr. Adee to Sir Julian Pauncefote.

[Personal.]

MAY 17, 1893.

DEAR SIR JULIAN: After his conversation with you yesterday in regard to Samoan affairs, Mr. Gresham finds himself uncertain whether the situation with respect to the appointment of a new chief justice and president of the municipal council is clearly presented.

As he now understands it, the German Government proposed Mr. Ide and Mr. Hennings as the successors of Mr. Cedercrantz and Baron Senfft in those offices, intimating that the nominations were interdependent and to be considered jointly.

This Government accepted them both as tendered. Her Majesty's Government, while accepting Mr. Ide for chief justice, objected to Mr. Hennings for president of the municipal council, whereupon Germany withdrew both nominations, reserving the submission of others in their stead. No new nominations have yet been made, and this Government has proposed no names and made no suggestion, save that as Mr. Ide

has already been acquiesced in by the three powers it might be convenient to couple him with any new candidate for the municipal presidency.

This latter suggestion was put forward in Mr. Wharton's note to you of March 3, to which no reply has yet been made so far as appears of record. I venture to inclose a copy for your use, if need be.

I am, etc.,

ALVEY A. ADEE.

INCLOSURE.

Mr. Wharton to Sir Julian Pauncefote, March 3, 1893.

Mr. Gresham to Sir Julian Pauncefote.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 19, 1893.

Important communication sent you to-night concerning Samoa. After you have read it I suggest it necessary that I confer with you and German minister here as soon as possible.

W. Q. GRESHAM.

Mr. Gresham to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, June 19, 1893.

EXCELLENCY: As you will recall, the question of joint assistance to be rendered by the three powers to the Government of King Malietoa in enforcing its authority throughout the Samoan Islands under the general act of Berlin has on several occasions been considered.

The Government of the United States, while heretofore inclined to confine its action to participation in the maintenance of the system of government devised by the general act to the execution of the process of the supreme court and to keeping up such naval representation in Samoan waters as should suffice for the protection of American life and property in those islands, is now prepared to go further, in view of the reported rebellious attitude of Mataafa and his followers, and will join in an active demonstration for the purpose of surrounding and disarming them.

I inclose for your information copies of a memorandum received by me on the 13th instant from the imperial German legation and of my reply of this date, announcing the decision of the Government of the United States, in view of the demonstrated necessity for such action, to dispatch forthwith naval vessels to Samoan waters for the purpose of cooperating with the naval forces of the two other treaty powers in such a forcible demonstration against the rebellious chief and his adherents as will show the futility of resistance, and thus secure without bloodshed the benefits of peace and stable government which the three powers have mutually pledged themselves to afford to the inhabitants of the Samoan Islands.

I have, etc.,

W. Q. GRESHAM.

Sir Julian Pauncefote to Mr. Gresham.

NEWPORT, R. I., *June 22, 1893.*

SIR: I have the honor to acknowledge the receipt of your note of the 19th instant, relative to the apprehended hostilities in Samoa between King Malietoa and the rebel chief Mataafa and the intended dispatch of United States vessels of war to Samoan waters for the purposes explained in your note, the substance of which I immediately communicated by telegraph to the Earl of Rosebery.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Gresham to Sir Julian Pauncefote.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 23, 1893.

Germany objects to conference and I waive my request for it.

W. Q. GRESHAM.

Mr. Gresham to Sir Julian Pauncefote.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 23, 1893.

Request for conference withdrawn. Have written.

W. Q. GRESHAM.

Sir Julian Pauncefote to Mr. Gresham.

NEWPORT, R. I., *June 24, 1893.*

SIR: With reference to my note of the 22d instant, in which I had the honor to inform you that I had telegraphed to the Earl of Rosebery the substance of your note of the 19th instant, respecting the hostilities in Samoa, I now have the honor to state that I have received a reply from his lordship to the effect that Her Majesty's Government will readily cooperate with the other two treaty powers in the manner and for the purposes mentioned in your note above referred to. They would be glad if one ship of war of each power should be found sufficient to effect the object in view.

I have the honor, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Gresham.

NEWPORT, R. I., *June 27, 1893.*

DEAR MR. GRESHAM: In your note of the 23d about Samoa you were good enough, in reply to my inquiry as to the number of vessels that each power should have available there for the purpose of the proposed demonstration against Mataafa, to inform me that two German ships are now on the spot, and that it would be several weeks before the American ships would arrive, and you added that you thought a sufficient force could be landed from three good-sized ships (one of each power) to effect the object in view, namely, disarmament without bloodshed.

I telegraphed the above to Lord Rosebery, who replies that he concurs in your view that three ships are enough, but that Her Majesty's Government are prepared to agree to whatever number your Government recommend.

May I ask you to be so good as to inform me what answer I may return to his lordship's inquiry.

I remain, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Quincy.

[Telegram.]

NEWPORT, R. I., *June 30, 1893.*

My Government cable me to ascertain and report exactly what your Government and that of Germany have agreed upon with reference to Samoa, in order that precise instructions may be sent to British naval officers and consul. I should be very grateful for immediate answer to that and previous inquiry.

PAUNCEFOTE.

Mr. Adee to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, June 20, 1893.

MY DEAR SIR JULIAN: I am in receipt of your telegram of to-day, asking, in order that you may cable your Government, exactly what the United States has agreed upon with Germany in reference to Samoa, to the end that precise instructions may be sent to the British naval officers and consul in that quarter.

I shall briefly recapitulate the telegraphic correspondence between this Department and our legation at Berlin on this subject.

On the 19th instant, in view of a memorandum from the German minister of the 13th, expressing a fear of war should Malietoa carry out his announced purpose against Mataafa, the Department cabled Mr. Runyon its willingness to execute the general act of Berlin in so far as it was necessary to uphold, in connection with the two other powers, the authority they had assumed, in the humane desire to avoid bloodshed, and it was agreed to join in sending the necessary naval force for that purpose. Suggestion was made for a conference here with yourself and your German colleague.

On the 22nd instant Mr. Runyon telegraphed, in reply, the concurrence of the minister for foreign affairs in the plan suggested. He thought it advisable, however, to have two ships of each Government present in Samoan waters, and that operations of the combined forces and necessary details should be left to the joint decision of the naval commanders and consular officers in Samoa. The proposed conference was not agreed to without more specific details.

On the same date Mr. Gresham answered that, in his judgment, the naval officers, after obtaining full information, should determine for themselves how to proceed against Mataafa, and that the consuls should only be requested to give information. This Government was not disposed to permit military operations to be determined by consular officers, and thought that after Mataafa and his followers had been disarmed the power of the established government would be sufficient to preserve order.

Mr. Runyon replied, on the 23d instant, that the German Government concurred in the views expressed by the United States, but still regarded as unnecessary the proposed conference. To this Mr. Gresham simply telegraphed that the conference was waived.

This statement, in connection with Mr. Gresham's note of the 19th instant and my personal note of to-day's date, will, I doubt not, give you the essential facts.

Very truly, yours,

ALVEY A. ADEE.

Mr. Adee to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, June 30, 1893.

MY DEAR SIR JULIAN: Your personal note of the 27th instant reached the Department during the temporary absence of the Secretary from the city. It relates to the number of war vessels this Government is prepared to send to Samoa.

After consultation with the Secretary of the Navy, I find that it is practicable at the present time to order but one ship to proceed to Samoan waters. She is, however, under immediate sailing orders, is heavily manned, and can efficiently aid the proposed demonstration against Mataafa.

With his note of the 19th instant Mr. Gresham inclosed to you copies of the memoranda of the German minister and of himself, which showed that this Government would at once dispatch a naval vessel, and if need were an additional one, to Samoa.

I am clearly of opinion that with the two war vessels of Germany already there, the one or more Her Majesty's Government finds it practicable to dispatch thither, and the one this Government has directed to proceed at once to those islands, an ample force can be landed to effect a stable situation there.

In this connection I confirm Mr. Quincy's telegram to you of to-day's date upon this subject, as follows:

"Your personal note to Secretary Gresham of 27th received. But one vessel now available, and under immediate sailing orders. She is heavily manned and can efficiently aid proposed demonstration."

Very truly yours, etc.,

ALVEY D. ADEE.

Mr. Quincy to Sir Julian Pauncefote.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 30, 1893.

Your personal note to Secretary Gresham of 27th received. But one vessel now available, and under immediate sailing orders. She is heavily manned and can efficiently aid proposed demonstration.

JOSIAH QUINCY,
Acting Secretary.

Mr. Gresham to Sir Julian Pauncefote.

[Personal.]

DEPARTMENT OF STATE,
Washington, July 6, 1893.

MY DEAR SIR JULIAN: I received your letter of the 24th ultimo at Chicago.

To-day I informed the German secretary, Baron von Ketteler, that the *Philadelphia*, one of our best men-of-war, sailed from New York on June 24 for Samoa, to cooperate with the English and German war ships in an effort to secure the surrender of Mataafa and his adherents; that the *Philadelphia* is a new cruiser, thoroughly equipped, and capable of landing at least 200 men.

The baron stated it was the desire that the United States should send at least two war ships, the same number his Government had sent.

I asked him how many marines could be landed from the two German cruisers, and he replied 125 from each. After informing him that at present we could not well send more than one vessel, he stated that he thought the *Philadelphia* would be sufficient if she could land an effective force of at least 200 men.

I repeated to the baron the earnest desire of this Government to effect the surrender of Mataafa and his adherents without bloodshed, and he said the German Government shared that desire.

The *Philadelphia* will coal at Valparaiso and proceed directly from there to Samoa.

* * * * *

Yours, sincerely, etc.,

W. Q. GRESHAM.

Sir Julian Pauncefote to Mr. Gresham.

NEWPORT, R. I., July 20, 1893.

SIR: With reference to the proposed combined action of the three treaty powers in Samoa I have the honor to inform you, by direction of the Earl of Rosebery, that telegraphic instructions were, on the 4th instant, addressed by his lordship to Her Majesty's consul at Apia to the effect that a British man-of-war would be dispatched to Samoa to cooperate in the reestablishment of good order with the vessels of the

other two treaty powers, and that the consuls of the three powers would be consulted and should furnish the fullest information, but that the decision as to what steps should be taken is left entirely to the discretion of the naval commanders.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Adee to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, July 25, 1893.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 20th instant, wherein you inform me, by direction of the Earl of Rosebery, that telegraphic instructions were, on the 4th instant, addressed by his lordship to Her Majesty's consul at Apia to the effect that a British man-of-war would be dispatched to Samoa to cooperate in the reestablishment of good order with the vessels of the two other treaty powers, and that the consuls of the three powers would be consulted and should furnish the fullest information, but that the decision as to what steps should be taken is left entirely to the discretion of the naval commanders.

The U. S. consular representative at Apia has been advised by telegraph of this action.

I have, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Adee to Sir Julian Pauncefote.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 1, 1893.

Mr. Henry C. Ide will accept appointment as chief justice of Samoa. Will sail from San Francisco about October 20. Joint provision for transit for himself and family is suggested. Note follows.

ALVEY A. ADEE,
Acting Secretary.

Mr. Adee to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, August 1, 1893.

EXCELLENCY: In confirmation of my telegram of to-day and in connection with previous correspondence upon the subject I have now the honor to state that Mr. Henry C. Ide, of Vermont, has expressed to the Department his willingness to accept the appointment of chief justice of Samoa tendered him by the governments of Great Britain, Germany, and the United States, and his appreciation of the honor thereby conferred.

Mr. Ide adds that it will be impossible for him to make his arrangements to leave for his post earlier than October 20 next, when, it is understood, the steamer sails from San Francisco. He suggests that provision be made by the three powers for the expense of removing himself and family to Samoa.

This Government will bear its pro rata share of that expense, and in view of the reasonableness of Mr. Ide's request in this respect it is not doubted that Great Britain and Germany will assume their proportionate shares.

Mr. Ide also hopes that a leave of two months in each year may be agreed upon by the three powers, in view of the fact that in that tropical climate it is difficult for a white man to continue strong without reasonable annual change.

In my letter to Mr. Ide of to-day's date I have stated that there did not seem to be need of express stipulation for an annual leave, since it would no doubt be granted upon timely application.

A note in this sense has been addressed to the chargé d'affaires *ad interim*, Baron v. Ketteler, for the information of his Government.

I have, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Gresham to Sir Julian Pauncefote.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 3, 1893.

Referring to Mr. Adee's note of August 1 regarding appointment of Mr. Ide as chief justice of Samoa, I beg to add that this Government concurs in the appointment of Mr. Schmidt as president of council, as heretofore proposed.

W. Q. GRESHAM.

Mr. Gresham to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, August 9, 1893.

EXCELLENCY: We have received a telegram from Mr. Blacklock, our vice-consul-general at Apia, Samoa, stating that Mataafa and his chiefs have surrendered and are prisoners on board the British and German war ships; that the war is virtually over; that the consuls await instructions from the three treaty powers as to the disposition to be made of Mataafa, and that his life was guaranteed previous to his surrender.

The U. S. S. *Philadelphia* reached Callao yesterday, where she will remain until further orders are dispatched to her.

The President would be pleased to know what action on the part of the three treaty powers is demanded by the present situation at Samoa, and especially what disposition your Government thinks should be made of Mataafa.

It now seems unnecessary that the *Philadelphia* should proceed to Samoa, and she will be ordered elsewhere unless England and Germany, for some good reason, think her presence is necessary in Samoan waters.

A similar note has been addressed to the German chargé at this capital.

I have, etc.,

W. Q. GRESHAM.

Mr. Gresham to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, August 10, 1893.

EXCELLENCY: I have the honor to state, in confirmation of my telegram to you of the 3d instant, that the Department has signified to the chargé d'affaires *ad interim* of Germany its cordial concurrence in the appointment of Mr. Schmidt, late vice-consul of Germany at Apia, as president of the municipal council in Samoa.

I have, etc.,

W. Q. GRESHAM.

Sir Julian Pauncefote to Mr. Gresham.

NEWPORT, R. I., August 15, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 9th instant, relative to the surrender of Mataafa and his chiefs, and inquiring what action on the part of the three treaty powers is demanded by the present situation at Samoa, and what disposition in the opinion of Her Majesty's Government should be made of Mataafa.

I have communicated to my Government by telegraph the substance of your note, copy of which I am sending by to-day's mail.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Gresham.

NEWPORT, R. I., August 15, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 10th instant stating that the Department has signified to the chargé d'affaires *ad interim* of Germany its cordial concurrence in the appointment of Mr. Schmidt, late vice-consul of Germany at Apia, as president of the municipal council in Samoa.

I have informed Lord Rosebery by telegram of the fact, as well as of the acceptance by Mr. Ide of the post of chief justice of Samoa, which you were good enough to communicate to me in your note of the 6th instant.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Gresham.

[Telegram.]

NEWPORT, R. I., *August 18, 1893.*

Your note of 9th instant. German Government prepared to take charge of Mataafa and eleven other chiefs and keep them in Marshall Islands; three powers to divide cost. My Government concur and hope United States will approve. Note follows.

PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Gresham.

NEWPORT, *August 18, 1893.*

SIR: With reference to my telegram of to-day and to your note of the 9th instant, I have the honor to inform you that I have received a telegram from my Government in which it is stated that the German Government is ready to take charge of Mataafa and eleven other chiefs and keep them in the Marshall Islands. They propose at the same time that the three powers divide the cost of their keep. Her Majesty's Government hope that the United States Government will approve of this proposal in which they concur.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Gresham to Sir Julian Pauncefote.

DEPARTMENT OF STATE,

Washington, August 31, 1893.

EXCELLENCY: In connection with the Department's notes of the 1st and 10th instants, concerning the appointment of Mr. Henry C. Ide as chief justice of Samoa, vice Mr. Cedererantz, and of Mr. Schmidt as president of the municipal council at Apia, vice Baron Senfft von Pilsach, I have now the honor to state that I have given consideration to the other matters treated of by Mr. von Holleben, late German minister, in his note of July 8, 1893.

With regard to the appointment of Mr. Ide, the minister suggested that telegraphic instructions be sent to the minister of the United States at Stockholm to the end that "he, conjointly with the German and English representatives, might take proper steps to secure the recall of Mr. Cedererantz," who, it was thought, would probably remain at his post until the arrival of his successor.

The Department has adopted this course, and has caused the Government of Sweden to be advised, as Mr. Adee in his note of the 1st instant informed you, that Mr. Ide intended to depart for his post by the steamer leaving San Francisco October 20, 1893. He will proceed directly to Samoa, reaching Apia in all probability about the middle of November.

The suggestion was made by the Imperial German Government that Mr. Cedererantz and Baron Senfft von Pilsach should receive the salaries of their respective offices up to the time of their being actually

relieved by their successors. This suggestion had my concurrence, provided it had received the sanction of Her Britannic Majesty's Government.

In this relation the German Government expressed doubt as to there being sufficient money belonging to the Samoan Government to discharge these obligations, and cited the provisions of the general act (Article III, section 2) whereby the three treaty powers are obliged to make good any deficiency in the salary of the chief justice.

No such obligation existed, it was stated, touching the salary of the president of the municipal council, but the German Government thought it would be an unreasonable hardship for that officer, because of the insufficiency of the funds of Samoa available for the purpose, not to receive the full amount of his compensation. Hence it was suggested that it was incumbent upon the three treaty powers, by whom he was appointed, to make good any deficiency; provided, however, that the amount "shall hereafter be deducted from the revenues of the Samoan Government," which the German Government believed would be ample to meet all legitimate expenses under capable management, such as was anticipated from Mr. Schmidt's administration. I assented to this course provided it had the approval of Her Majesty's Government, and I expressed the hope that the revenues of Samoa might be so wisely managed that the expenses prescribed in the general act might be met therefrom.

"The Imperial Government," stated Mr. von Holleben, "further thinks it would be proper to pay the expenses of the homeward journey of the returning officers, together with those of the removal of their residence, although this was not expressly promised to them when they were appointed."

Accordingly, a lump sum of \$1,500 was suggested to be paid to each officer on that account, and it was stated that these financial proposals of the Imperial Government were agreeable to Her Majesty's Government in case they met the approval of the United States.

The share of this Government towards the homeward transit of Mr. Cedercrantz and Baron Senfft von Pilsach, based upon the payment to each of \$1,500, will be \$1,000 for the two, and I shall instruct the consular representative of the United States at Apia that whenever he is advised by his colleagues of Great Britain and Germany that they have been authorized to pay over to Mr. Cedercrantz and Baron von Pilsach, or the latter's legal representative, a like sum on account of homeward transit, to draw upon the Secretary of State for the \$1,000 necessary to pay the share of this Government on that account.

In this connection I wish to advert to Mr. Adee's note of the 1st instant wherein it was stated that in compliance with the request of Mr. Ide provision should be made by the three powers for the payment of the actual expenses of removing himself and his family to Samoa. It was also added that this Government would bear its pro rata share.

I shall be glad to learn the decision of Her Britannic Majesty's Government as to this proposition in order that I may communicate it to Mr. Ide at his home in Vermont, so that he may be governed accordingly.

I have, etc.,

W. Q. GRESHAM.

Sir Julian Pauncefote to Mr. Gresham.

NEWPORT, *September 4, 1893.*

SIR: I have the honor to acknowledge the receipt of your note of the 31st ultimo, on the subject of the expenses to be borne by the three treaty powers in connection with the salaries and journeys homeward of Mr. Cederkrantz and Baron Senfft von Pilsach from Samoa, and referring, among other matters, to the proposition already put forward by your Government that provision should be made by the three powers for the payment of the traveling expenses of the new chief justice, Mr. Ide, and his family.

I have transmitted a copy of your note to the Earl of Rosebery, and I shall have the honor of addressing a further note to you on the subject on receipt of his lordship's reply.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Gresham to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, September 6, 1893.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 18th ultimo, in which you state that you are informed by your Government that the German Government is ready to take charge of Mataafa and eleven other chiefs on the Samoan Islands and keep them in the Marshall Islands, the expense of their maintenance to be divided between the three powers.

In view of the concurrence of Her Majesty's Government, as expressed in your note, this arrangement is assented to by the Government of the United States.

I should be pleased to be advised of the probable expense to be so entailed.

I have, etc.,

W. Q. GRESHAM.

Sir Julian Pauncefote to Mr. Gresham.

NEWPORT, R. I., *September 12, 1893.*

SIR: With reference to my note of the 15th ultimo, I have the honor, in accordance with instructions which I have received from Her Majesty's principal secretary of state for foreign affairs, to transmit copy of a note addressed Her Majesty's ambassador at Berlin by Baron von Rotenhan dealing with various questions connected with the annual leave of absence, official residences, and traveling allowances for Messrs. Ide and Schmidt, who have been selected by the treaty powers for the respective appointments of chief justice and president of the municipal council at Apia.

Lord Rosebery desires me to inform you that Her Majesty's Government are disposed to concur in the proposals of the German Government.

I have, etc.,

JULIAN PAUNCEFOTE.

Baron von Rotenhan to Sir E. Malet.

[Inclosure—Translation.]

MINISTRY OF FOREIGN AFFAIRS,
Berlin, August 23, 1893.

The undersigned has the honor to inform Her Majesty's ambassador, in reply to his excellency's note of the 18th instant, that no communication from the American Government has as yet been received here upon the subject of the annual leave of absence for Mr. Ide, whom it is proposed to nominate chief justice of Samoa. So far as can be foreseen, it would be possible to meet the wishes of that gentleman. In pursuance of the final paragraph of section 2, Article III, of the Samoa act, his duties would be discharged in his absence by the president of the municipal council.

Herr Schmidt, imperial vice-consul, who has been selected by the governments for the latter office, has not yet expressed a corresponding wish to that preferred by Mr. Ide. On the other hand, he has asked to be put in possession, in return for payment of a moderate rent of the official residence erected two years ago for the president of the municipality. As has recently become known here, that residence, since the departure of Baron Senfft von Pilsach, has been taken possession of by Malietoa and his family. Considering that the premises in question form part of the Samoan Government property falling under the management of the consuls acting as substitutes for the president of the municipality, and not part of Malietoa's private property, it is the opinion of this Government that it is the business of the consuls to see to it that this residential accommodation shall not be diverted from its legitimate employment. In like manner, any pretensions on the part of Malietoa or of other natives to the residence hitherto placed at the disposition of the chief justice must be guarded against as Mr. Ide would be in a position to lay reasonable claim to the same.

In regard to the question raised in Sir Edward Malet's note as to fixing the expenses of removal incurred by Mr. Ide, it might be an appropriate course to regulate this point on a joint basis for the two officials about to be dispatched to Samoa. The Imperial Government would suggest that each of them should be furnished with a lump sum of \$1,500 in gold to be provided by the three governments in equal proportions, in harmony with the proposal made by Germany with respect to the expenses of the return journey of Messrs. Cedererantz and von Senfft.

Payment of salary should commence for the new officials from the day of their arrival at Apia.

The undersigned has the honor to request the good offices of his excellency Her Majesty's ambassador to bring the foregoing proposals to the knowledge of Her Britannic Majesty's Government, and he trusts to receive as early an intimation as possible of their views in regard to them. The undersigned begs further to observe that an arrangement to the same effect will be entered into with the Government of the United States, and he avails himself, etc.,

ROTENHAN.

Sir Julian Pauncefote to Mr. Gresham.

BRITISH EMBASSY,
Newport, R. I., September 18, 1893.

DEAR MR. GRESHAM: I gather from a telegram which I have received from the Earl of Rosebery, that the prolonged absence of the U. S. land commissioner from Samoa is causing inconvenience, and I should be glad if you would enable me to inform his lordship at what date that gentleman may be expected to return to his post.

I am, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Gresham.

NEWPORT, *September 18, 1893.*

SIR: With reference to my note of the 12th instant, I am directed by the Earl of Rosebery to inclose a check for \$500, which I am authorized to pay to your Government as the contribution of Her Majesty's Govern-

ment toward the traveling expenses of Mr. Ide, the new chief justice at Apia, in accordance with the understanding arrived at that the sum of \$1,500 allotted to that gentleman for the above purpose shall be equally divided between the three treaty powers.

Lord Rosebery is of opinion that it is advisable that these payments should be made by the three governments simultaneously, and I am directed to request that I may be furnished with a receipt from Mr. Ide for the amount contributed by Her Majesty's Government.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Adee to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, September 21, 1893.

DEAR SIR JULIAN: In the absence of the Secretary I have to say, in reply to your note of the 18th instant, requesting to be informed as to what date the U. S. land commissioner for Samoa may be expected to reach his post, that Mr. Ormsbee having resigned, his successor, Mr. William Lea Chambers, of Alabama, has been nominated and will probably be able to sail from San Francisco for Samoa by steamer leaving October 20.

Very truly, yours,

ALVEY A. ADEE.

Mr. Adee to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, September 23, 1893.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 12th instant, accompanied by a copy of a note addressed to Her Britannic Majesty's ambassador at Berlin by Baron von Rotenhan, dated August 23, 1893, respecting the annual leave of absence, official residences, and traveling allowance for Mr. Henry C. Ide and Mr. Schmidt, who have been selected by the treaty powers for the respective appointments of chief justice of Samoa and president of the municipal council at Apia.

The German ambassador has also submitted these propositions, in which you state Her Majesty's Government concurs, to the Department in a recent note, and assent has been given thereto on the part of the United States.

I inclose for your further information a copy of my note addressed to his excellency Baron von Saurma Jeltsch, on the 22d instant, upon the subject.

Mr. Ide expects to sail from San Francisco by the *Mariposa*, leaving that port on the 19th proximo. I shall be glad to be advised as to the pleasure of Her Majesty's Government in the matter of the payment to him of the \$500 due on account of his outward transit expenses. You will observe that I have represented to the German ambassador that the share of his Government may be turned over to this Government

to be covered into the Treasury, since there has been advanced to Mr. Ide by the Government of the United States the sum of \$1,000 on account of such expenses. If you will indicate how Her Majesty's Government desires Mr. Ide shall be paid the sum of \$500 I shall be glad to instruct him in the premises.

I have, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Adee to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, October 4, 1893.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 18th ultimo, inclosing a check for \$500, as the contribution of Her Majesty's Government toward the traveling expenses of Mr. Ide, the new chief justice at Apia, under the agreement reached by the three treaty powers.

I inclose herewith Mr. Ide's receipt for the amount mentioned.

In reply to the concluding paragraph of your note, I have to inform you that this Government has advanced to Mr. Ide the sum of \$1,000 on account of his expenses in traveling to his post, and that \$500 of this amount will be repaid by the German Government, to be covered into the Treasury.

I have, etc.,

ALVEY A. ADEE.

INCLOSURE.

Receipt of Mr. Ide for \$500.

Sir Julian Pauncefote to Mr. Gresham.

NEWPORT, R. I., *October 5, 1893.*

SIR: In my note of the 18th ultimo I had the honor to communicate the substance of a telegram which I had received from the Earl of Rosebery with respect to the inconvenience caused by the prolonged absence of the U. S. land commissioner from Samoa. I have now received a dispatch from his lordship which explains his solicitude on the subject. I am instructed to inform you that Mr. Cusack-Smith, Her Majesty's consul at Apia, reports that owing to no successor to Mr. Ormsbee having yet arrived since that gentleman left Samoa on March 1 last, it will now be impossible to conclude the labors of the commission by March 31 next.

Mr. Haggard, the British commissioner, also complains to his lordship that although he and his imperial German colleague have been able to make a preliminary investigation of claims to decide upon those which must fall through and to report upon those that are undisputed, they have now arrived at a point where they are obliged, owing to the absence of the U. S. commissioner, to suspend their labors. They are very anxious to bring the work of the commission, as speedily as possible, to a conclusion, but as there are a series of cases, which are con-

tested on good grounds and therefore dependent upon the opinion of the three commissioners, they are obliged to pass them by reluctantly in order to await the arrival of their U. S. colleague for the purpose of making an adjudication upon them.

I trust, therefore, that Mr. William Lea Chambers, Mr. Ormsbee's successor, will be able to take his departure for Samoa as proposed on the 20th instant.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Adee to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, October 10, 1893.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 5th instant, in relation to the absence of the U. S. land commissioner from Samoa, and the possible failure of the commission to conclude its labors within the specified time.

The Department has impressed upon Mr. Chambers the necessity of making every effort for himself, and, in conjunction with his British and German colleagues, to close up the work of the land commission by the date agreed upon, March 31, 1894.

I have, etc.,

ALVEY A. ADEE,
Acting Secretary.

Sir Julian Pauncefote to Mr. Gresham.

WASHINGTON, October 20, 1893.

SIR: I transmitted to the Earl of Rosebery a copy of your note of the 6th ultimo respecting the custody of Mataafa and 11 other Samoan chiefs by the German Government on the Marshall Islands.

With reference to the last paragraph of your note I have the honor to inform you that I have now received instructions from Lord Rosebery to acquaint you that Her Majesty's ambassador at Berlin has ascertained from the German Government that, so far as can be calculated at present, the cost of maintaining Mataafa and his chiefs on the Marshall Islands will amount to about 60 marks per month for each person.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Gresham.

WASHINGTON, October 24, 1893.

SIR: In accordance with instructions which I have received from the Earl of Rosebery I have the honor to inclose copy of a dispatch, together with its inclosures, which his lordship has addressed to Her Majesty's chargé d'affaires at Berlin, respecting the deportation of Mataafa and other chiefs from Samoa.

I have, etc.,

JULIAN PAUNCEFOTE.

Lord Rosebery to British chargé at Berlin.

FOREIGN OFFICE, October 14, 1893.

SIR: With reference to your dispatch No. 211, of the 21st ultimo, and to previous correspondence respecting the arrangements now in progress for deporting Mataafa and 11 other rebel Samoan chiefs to the Marshall Islands, I transmit to you herewith for communication to the German Government, a copy of a report by Capt. Bickford, R. N., in continuation of his letter of proceedings of 18th July, which has already been brought to their notice.

Capt. Bickford recommends in this report that the exiled chiefs should be accompanied by their wives during their internment, and the reasons which he advances for this opinion seem to me to deserve consideration.

It may, not improbably, be found necessary to detain these chiefs for an indefinite period in a country where their own dialect is not understood, and I am of opinion that to separate them from their families under these circumstances would involve a punishment of excessive severity, inexpedient on the grounds of humanity and policy alike.

It is observable that Capt. Bickford expresses doubts as to the existence of the Samoan custom, which is alleged by the native Government to justify a measure of this character. Such a custom, however, if it could be proved, can have no binding force in the present instance, as it is already inapplicable to the practice of civilized powers.

I have accordingly to request that in calling attention to the views expressed by Capt. Bickford, you will make a representation in the above sense to the German Government.

I am, etc.,

ROSEBERY.

[Inclosure No. 2.]

Capt. Bickford to Rear-Admiral Bowden-Smith.

“KATOOMBA,” AT APIA,
Samoa, August 16, 1893.

SIR: In continuation of my letter of proceedings of the 18th July, I have the honor to report as follows:

On the morning of Wednesday, the 19th July, I weighed from Monono, with Mataafa and the other political prisoners on board. On arrival at Apia these prisoners were distributed among the ships of war present, Mataafa and six of his principal chiefs being retained on board *Katoomba*, while 10 of the others were sent to the German vessels *Bussard* and *Sperber*, and the remainder were landed.

Meetings took place between the consuls of the three powers, the German senior naval officer corvette, Capt. Flechtenhüfer, and myself, at which the advice to be given to the Samoan Government was determined on: This was that Mataafa and his principal chiefs should be deported to the island of Fakaafu, Union Group, pending the decision of the three governments, the remainder to be dealt with by fine and imprisonment.

This advice was acted on by the Samoan Government, and a formal communication was sent to me by the consuls. Communication forwarded herewith.

I was unable to take Mataafa and his chiefs myself to the Union Group, as my coal had not yet arrived from Auckland. I communicated with the German senior naval officer and he arranged to send the *Sperber*. The *Sperber* embarked Mataafa and the other chiefs, and left for Fakaafu, Union Group, on the 26th July.

On the 27th July, the *Upolu* arrived from Auckland, having our coal on board, according to previous arrangement. We left for Pango-Pango on the 28th to take this coal in, as there is too much swell at Apia for steamers to lay alongside. We arrived at Pango-Pango on the evening of the 28th, and on the morning of the 29th the *Upolu* arrived and came alongside, when we took in the coal she had for us. I remained at Pango-Pango till the 3d August, when, in the evening, I left for Apia, arriving there on the morning of the 4th August, carrying out night-firing en route.

During the stay at Pango-Pango I ascertained that fighting had been recently going on between rival chiefs, nominally of the party of the King and of Mataafa; but really these were local affairs brought on through jealousy as to titles. I had some of the chiefs on board, and communicated by letter with others, informing them that the civil war had been put a stop to by the action of the three powers, and that all fighting must cease. They all expressed themselves as most anxious to stop fighting, and probably will, at least for some time.

On arrival at Apia I found all quiet; the country is settling down, the armed forces have returned to their districts, and things generally have quieted down wonderfully, considering the recent excited state of affairs.

The English consul informs me that he does not consider the presence of men-of-war at all necessary now, although of course the place should be visited tolerably frequently; possibly if a vessel came here every two months in the nonhurricane season and remained for a week or ten days, it would be quite sufficient. A ship should, if possible, visit Samoa as soon after the hurricane season as possible, say the middle of May.

On Wednesday, the 9th of August, I, accompanied by the English consul and three of the officers of the *Katoomba*, paid an official visit to the King. I informed the King that I had postponed paying my official visit (I had visited him unofficially before) till affairs had quieted down; that now such was the case, I did so and congratulated him on the successful termination of the rebellion, which was due to the action of the three powers; that I wished that not only himself and the chiefs then present, but also all Samoa, would clearly understand that the powers were determined to uphold his (the King's) authority, and that all Samoa would acquiesce and settle down peacefully and quietly. The King replied that he and all his chiefs were most sensible of what they owed to the action of the three powers on this occasion that on the breaking out of the rebellion they were much distressed that the powers would not act on their behalf. They had determined, however, to go on and put down the rebellion, which might have lasted some time, but they were delighted beyond measure when the powers came to their assistance, and with such happy results, comparing the action of the three powers to "Moses stretching out his arms over the Red Sea for the Israelites to cross." One of the chief talking men also spoke in much the same strain. Royal or King's kava was then partaken of, an elaborate and unusual ceremonial. On leaving, I told the King I should be pleased to see him and some of his chiefs on board, and thanked him for his reception, which was, so I am informed, unusually friendly. On the 11th of August the King, accompanied by seven or eight of his chiefs, and Mr. Maben, the King's adviser, returned the visit. We went to general quarters and worked the guns, torpedoes, etc., for them, and saluted him, on leaving, with twenty-one guns.

From what I have seen and heard while in Samoa, I can not but think that the present troubles would never have come to a head had the European powers been represented by one head. There are five highly-paid officials here now with very undefined powers. The result can not naturally be successful. The natives, who are by no means fools, see and know of the divided counsels and want of accord, and so, to a certain extent, would be inclined to play off one party against the other. Mataafa's party, undoubtedly, never believed that the powers would unite against him, and the great difficulty has been that he, or rather his party, could never be brought to understand that the powers were determined to act in favor of the King. Had they realized it, the trouble would never have taken place.

A certain section of the community in Samoa state, or have stated, that they consider that the Catholic mission here have encouraged the party of Mataafa in their action against the Government. I have taken some trouble to arrive at a conclusion on this point, having communicated not only with the fathers of the mission, but with many others who are not in any way connected with them, either by religion or otherwise, and I am perfectly convinced from what I have heard that such is really nothing but a malignant invention, probably started by ignorant, narrow-minded, and bigoted individuals. On the contrary, the one object of the mission has been to endeavor to induce Mataafa to clearly understand that the powers, having placed the King where he is, must necessarily support him, and that it was his duty in every way not to put himself into opposition to the King's party, and I believe, further, that they would have succeeded in their endeavors had it not been (as I stated before) that Mataafa's party could never be got to understand that the three powers would act against him, and to this various circumstances have contributed. He (Mataafa) is very generally respected and looked upon as probably the most intelligent chief in Samoa; then, too, he, like all Samoa, has seen the want of accord between the officials.

He has also, through various visits that have been paid him, got possibly rather an enlarged view of his own importance, and further finds it difficult to forget that he had been King, and no doubt would still be had it not been for the Berlin Treaty. However, for the present, things have been settled; there is little doubt that Mataafa and the chiefs who are with him should be kept for some time, at least, out of the country. I think, however, that the chiefs should be allowed to have their wives with them. On this one point (the only one, I am glad to say) I was not in agreement with my colleagues, as I consider it not only an unnecessary piece of cruelty, but also a mistake of policy, as you will only have these women plotting in favor of their husbands; (neither do I agree that it is Samoan custom).

The *Bussard* and *Sperber* crews are to be relieved in the middle of September by

steamer from Sydney; after the relief, the *Sperber* leaves for the Cameroons (coast of Africa) via Singapore, Cape, etc. She is to be relieved on the station by the *Folga*. The *Bussard* will probably remain here awaiting orders. The American cruiser *Philadelphia* has been ordered here, but I think it most probable that now that affairs are settled, her orders will be countermanded.

On the arrival of *Kingdove* I shall direct her to proceed to Sydney, and on arrival of *Rapid* order her to return to Fiji (when the consul has had his trip in her which he anticipates having to take to Union group, etc.), as neither are required now.

The various drills, etc., have been carried out, with the exception of torpedo practice; there is no suitable place to run topedoes. Opportunities have been taken to land the small-arm men, marines, and field-guns' crews.

The health of the ship's company remains very good.

I have, etc.,

A. K. BICKFORD.

[Inclosure 2 in No. 1.]

The consuls of the treaty powers to Capt. Bickford.

APIA, SAMOA, July 25, 1893.

SIR: We have the honor to inform you that at the meeting which we had this morning with the King and Government they begged us to request the naval commanders that Mataafa and the chiefs now on the men-of-war should be deported from Samoa as quickly as possible to some safe place, where they may remain until the reply of the powers can be received.

The Samoan Government is of opinion that the longer the chiefs remain on the men-of-war the more plotting and intriguing there will be. In the present excited state of Samoa it would take very little to stir up further trouble.

The Government, in reply to our question whether women would be allowed to accompany the chiefs on board the men-of-war, said that they would very strongly object. It would be contrary to Samoan custom.

We fully indorse the request of the Samoan Government, and beg you to take the necessary steps to carry it out.

We suggest the island of Fakaafu, in the Union group, as it is suitable in every respect. Samoan is talked there, and we have precedent for the selection, as the Government of Samoa has previously deported five chiefs to Fakaafu, with satisfactory results.

We beg that every precaution be taken to keep the departure and destination absolutely secret. Any demonstration of farewell might produce results which we could not control.

If it is desired, a Government official, who can act as interpreter, will accompany the prisoners, and he is authorized to make the arrangements for their maintenance, for which the Government of Samoa will provide. He would return to Samoa in the man-of-war.

We have, etc.,

T. B. CUSACK-SMITH,
Her Britannic Majesty's Consul.
SIEGMANN,
Imperial German Consul.
W. BLACKLOCK,
Vice-Consul-General, United States.

Mr. Gresham to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, October 27, 1893.

EXCELLENCY: I have the honor to acknowledge with thanks the receipt of your note of the 24th instant, transmitting a copy of a dispatch, together with its accompaniments, which the Earl of Rosebery has addressed to Her Majesty's chargé d'affaires at Berlin respecting the deportation of Mataafa and other chiefs from Samoa.

I have, etc.,

W. Q. GRESHAM.

Mr. Gresham to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, November 18, 1893.

EXCELLENCY: I have the honor to acknowledge the receipt of your confidential note of the 15th instant, inclosing a copy of a letter addressed by Capt. Bickford, commanding Her Majesty's ship *Katoomba*, at Apia, to Rear-Admiral Bowden-Smith, commander-in-chief of Her Majesty's Australian Squadron, reporting his proceedings at Samoa and his opinion on the subject of the disarmament of the natives.

Capt. Bickford's report has been read with interest, and I quite agree with him in thinking the suggested disarmament of the natives impracticable, and certainly undesirable to attempt in the manner proposed by the King's Government.

I have, etc.,

W. Q. GRESHAM.

Sir Julian Pauncefote to Mr. Gresham.

BRITISH EMBASSY,
Washington, December 12, 1893.

SIR: With reference to my note of the 28th ultimo, I have the honor to inclose an extract from a report furnished to the admiralty by Capt. Bickford, in command of Her Majesty's ship *Katoomba*, giving an account of his proceedings in connection with the pacification of the Navigators Islands.

I have, etc.,

JULIAN PAUNCEFOTE.

[Inclosure.]

Extract from report of Capt. Bickford.

I arraigned with Capt. Flechtenhüfer (the German senior naval officer) that the *Bussard* should do the work at Annuu Island, whilst the *Katoomba* did the Pango Pango; also that the *Sperber* should call in at Pango Pango and communicate with me, and, if we had the chiefs on board, take them to Apia, the *Katoomba* remaining for a few days to see that order was kept.

On Friday, 22d September, I accordingly proceeded to Pango Pango, taking with me Mr. Maben (the secretary of state) and some chiefs of the Government and police. We arrived the same evening, and notices were at once sent to the different chiefs, many of them at some distance from Pango Pango, arranging for a meeting at 10 a. m. on Monday, 25th September.

On Saturday, 23d September, the *Bussard* called off Pango Pango (by previous arrangement), and Capt. Flechtenhüfer sent me a letter, informing me that the chiefs from Annuu Island had embarked on board the *Bussard*, and that he was leaving at once for Apia.

On Monday, 25th September, I landed with Mr. Maben and met the chiefs of Pango Pango district. I first of all told them that I had placed their statements before the King to the effect that they were prepared to submit to his decision in their quarrel; that a proclamation had been issued by the King, and countersigned by the three consuls (as representatives of the three powers), which would be read to them; that this proclamation had been issued also to the people in Annuu, and had been obeyed by them, and that I felt sure they would also obey; that, of course, any who were disobedient to the King's proclamation would have to be punished.

I then requested Mr. Maben that the King's proclamation might be read. This was done, and after a few minutes one of the chiefs replied that they were perfectly

prepared to keep the promise they had given me, and to obey the proclamation of the King.

I then told the chiefs named that they must be on board that evening, and by sunset they were on board. The next morning the *Sperber* (as previously arranged), arrived and took these chiefs on board, also Mr. Maben and the members of the Government and proceeded to Apia, touching en route at Leone, to pick up the other chiefs of the Pango Pango party who were permitted to come on board there, as their districts were in that neighborhood.

I remained at Pango Pango till Friday, the 30th, when I returned to Apia. During our stay at Pango Pango I visited some of the villages to which the people had returned from Anunu, and they were beginning to rebuild their houses and reestablish themselves. At first there was some little excitement, but I think my visits and conversations had a reassuring influence. I also had some of the rival chiefs on board the *Katoomba* (those who were not taken to Apia) and explained to them that either party breaking the peace would be punished, and apparently they were now on good terms with each other.

On the 25th I received a small quantity of coal from the steamship *Upolu*.

The chiefs brought to Apia are now awaiting trial at Mulinuu. Unfortunately, the epidemic of measles (which is increasing in severity) prevents an immediate trial, but I am informed it will take place as soon as possible.

All is now quiet in the Samoan Islands.

I am told that taxes are being paid in, which has not been the case for some length of time (to any extent).

I think their is little chance of any organized attempt against the authority of the King, though, doubtless, from time to time there may be local troubles between rival chiefs, the misfortune being that there is no Government force to act. All these troubles would be easily put a stop to if there were a properly trained native force of, say, 100 men under some European officer, and some means of getting about the islands, such as a steam tug or launch. If the Government had this they could easily put a stop to any outbreak, and without any necessity of applying to the various representatives, the latter course generally eventuating in nothing being done.

I beg again to bring to your notice the cordial cooperation I have met with from the German naval commanders. Capt. Flechtenhüfer has often assisted me with his advice, and throughout this Samoan business our views have been identical and, when action was necessary, it has always been carried out with promptitude and exactitude. It has been a real pleasure to me to meet with such a cordial spirit on the part of my German naval colleagues.

Sir Julian Pauncefote to Mr. Gresham.

WASHINGTON, December 12, 1893.

SIR: In accordance with instructions which I have received from the Earl of Rosebery, I have the honor to inclose a copy of a dispatch addressed to his lordship by Her Majesty's consul at Apia, reporting on the collection of native taxes in the Navigators Islands.

I have, etc.,

JULIAN PAUNCEFOTE.

[Inclosure.]

No. 57.]

SAMOA, October 9, 1893.

MY LORD: I have the honor to report that in pursuance of the information the consuls had obtained that a considerable portion of the native taxes were already in the hands of the native collectors, as reported in my No. 33 of the 11th July, in concert with my colleagues acting as receiver and custodian of the revenues, I summoned the native tax collectors of this island of Upolu to a meeting which took place on the 4th September.

Nine out of the fifteen collectors attended, and others arrived too late for the meeting.

We found an utter want of system, and that our work was rendered difficult owing to there being no census of the native population.

We had previously had a meeting with the King and Government, and at its conclusion we asked the King to assist us in our interview with the tax collectors, but

he expressed so much disinclination that we saw at once our meeting with the tax-collectors was not intended to be successful.

On our part it was a game of bounce and we determined to play it out. We took each collector separately, which prevented any successful combined action by the tax-collectors, and we praised lists well prepared and sternly refused lists that showed signs of carelessness or worse. We spent a whole day patiently going through the lists.

We consuls then made the King order the native tax to be paid in before the 1st October, and we arranged a meeting with all the tax collectors for the 3d October, on which day the result of our work was very evident: Eight thousand dollars were paid in and the lists and returns were infinitely improved.

We expect to get in about \$8,000 more this month. We ought to get a still further \$14,000, but there is no likelihood of our doing so.

There was at this time a serious dearth of ready money among the traders, and it was important to release as soon as possible the bulk of the money paid in by the Samoans.

The consuls were unanimous in deciding to pay off the debentures issued by Baron Senft von Pilsach, as reported in my No. 40 of the 28th July, as they had all been issued for salaries, and as we should, still have sufficient in hand to carry the Government on until the next taxes could be collected.

The debentures are accordingly now being redeemed daily.

I am pleased to be able to report this improvement in the financial position and credit of the Samoan Government, which has also improved the position of the municipal council, any contribution this year to the Government being now avoided.

It should be noted that while the whole of this money was paid in by the Samoans in British coin at 4s. to the dollar, it has to be paid out at 4s. 2d. to the dollar under the other rate of exchange.

I have, etc.,

T. B. CUSACK-SMITH.

Sir Julian Pauncefote to Mr. Gresham.

BRITISH EMBASSY,
Washington, December 12, 1893.

SIR: In the note which I had the honor to address to you on the 24th of October last I inclosed a copy of a dispatch addressed by the Earl of Rosebery to Her Majesty's chargé d'affaires at Berlin respecting the deportation of Mataafa and other chiefs from Samoa.

I am now directed by his lordship to transmit to you a copy of a dispatch which he has received from Her Majesty's ambassador at Berlin, conveying the assent of the German Government to the proposal that the wives of the banished chiefs should be permitted to accompany them into exile.

I am desired at the same time to state that his lordship would be very glad to be favored at an early date with the views of the U. S. Government upon this subject.

I have, etc.,

JULIAN PAUNCEFOTE.

[Inclosure 1.]

Sir E. B. Malet to Earl Rosebery.

BERLIN, November 22, 1893.

MY LORD: Mr. Gosselin communicated to the Imperial Government the substance of your lordship's dispatch No. 256, of the 14th ultimo, respecting the question of allowing the wives of the Chief Mataafa and his followers to accompany their husbands into exile, and I now have the honor to inclose copy and translation of Baron von Marschall's reply to that communication.

I have, etc.,

E. B. MALET.

[Inclosure to inclosure —. Translation.]

Baron von Marschall to Mr. Gosselin.

FOREIGN OFFICE,
Berlin, November 19, 1893.

MR. CHARGÉ D'AFFAIRES: You were good enough to suggest, in your note of the 16th ultimo, that the wives of the Chief Mataafa and of his followers should be made to rejoin their husbands in exile. With regard to this matter I have the honor to inform you that the Imperial Government concur in the humane view taken in the note above mentioned and are willing that the lot of the exiles should be lightened by the presence of their families. In order to attain this end, as one of His Majesty's ships could hardly be employed for a transport of this nature, it would be necessary to find a suitable opportunity of sending the women to the place of exile by a merchant vessel. But before definite instructions on the subject are issued to the consul it will be necessary to obtain the concurrence of the Government of the United States to the proposed action.

In requesting you, Mr. Chargé d'Affaires, to be so good as to inform me of the outcome of the representations made to the U. S. Government in this sense,

I avail, etc.,

MARSHALL.

Mr. Gresham to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, December 21, 1893.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 12th instant in regard to the proposition of Her Majesty's Government that the wives of Mataafa and his banished followers should be permitted to rejoin their husbands in their exile. In his note of the 19th ultimo, copy of which you inclose, the German minister for foreign affairs states that "before definite instructions on the subject are issued to the consuls it will be necessary to obtain the concurrence of the Government of the United States to the proposed action."

The President recognizes the humane motives that prompted Her Majesty's Government in the premises, but before giving the assent of the Government of the United States he would be glad to learn for how long a time, approximately, it is proposed to keep these deported chiefs in exile.

Awaiting the further views of Her Majesty's Government upon the subject, and adding that a note in this sense has been addressed to your colleague, the German ambassador,

I have, etc.,

W. Q. GRESHAM.

Sir Julian Pauncefote to Mr. Gresham.

WASHINGTON, *January 4, 1894.*

SIR: With reference to my note of the 12th ultimo I have the honor, by direction of the Earl of Rosebery, to communicate to you the inclosed copy of a dispatch from Her Majesty's consul at Apia to his lordship, reporting on the collection of native taxes and the financial arrangements made by the consular board.

I have, etc.,

JULIAN PAUNCEFOTE.

[Inclosure.]

No. 65.]

SAMOA, November 7, 1893.

MY LORD: I have the honor to report, with reference to my No. 57, of the 9th October that the consuls have collected a further sum of \$7,600 by way of native taxes, making a total up to to-day of \$17,247.

The total income of the Samoan Government having already exceeded the minimum fixed by the arrangement of the 6th June, 1893, the sums advanced by the municipality to the Government during the year have been refunded in accordance with the arrangement.

The consuls have sent a strong message to those tax collectors who have not already paid, and I think it is possible we may before another month collect the whole of the remainder of the native tax.

The creditors of the Samoan Government are pressing for payment, and it will be wise to meet them so far as may be possible. We have now not only greatly improved the financial position of the Government, but we can see our way towards carrying it on until the next set of taxes can be collected by M. Schmidt in March or April, 1894. These results have only been obtained by the cordial cooperation of my colleagues, and I should like to record the deep sense I entertain of the friendly unanimity and good feeling which have characterized the performance of our onerous duties since the departure of Baron Pilsach. As senior consul I am under a deep obligation to both my colleagues for their unfailing courtesy and ungrudging support.

I have, etc.,

T. B. CUSACK-SMITH.

Sir Julian Pauncefote to Mr. Gresham.

WASHINGTON, February 7, 1894.

SIR: On the receipt of your note of the 21st December last, I at once addressed a dispatch to the Earl of Rosebery, informing his lordship that the President of the United States, while fully recognizing the humane motives that prompted Her Majesty's Government to propose that the wives of Mataafa and the other deported Samoan chiefs should be permitted to join their husbands in their exile, would, before giving the assent of the United States Government to that measure, be glad to learn for how long a time approximately it was proposed to keep the banished chiefs in exile.

I have now received a dispatch from his lordship in reply, informing me that the views held on this subject by the German Government are to the effect that the question put by the President can not at present be answered, even approximately, as the situation in Samoa is still uncertain and incalculable, and as a considerable period must elapse before it can be seen how affairs at Apia will develop.

The Earl of Rosebery desires me to inform you that Her Majesty's Government entirely concur in these views and share the opinion of the Imperial Government that it would be a mistake, and a proceeding not reconcilable with the duties of the treaty powers towards the white settlers, if the return of the rebellious chiefs were permitted too soon, and before complete security has been established in Samoa.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Gresham.

WASHINGTON, February 7, 1894.

SIR: I am desired by Her Majesty's principal secretary of state for foreign affairs to inform you that, at the instance of the German Government, Her Majesty's Government have consented to the extension for

another year, namely to March 31, 1895, of the term fixed for the completion of the work of the Samoan land commission, upon the understanding that the three treaty powers should agree to adopt that course, and that the commission shall be closed at the earliest moment possible in the course of 1894-'95.

In desiring me to communicate this decision to the United States Government, Lord Rosebery observes that he has some reason to fear that the United States commissioner contemplates leaving Samoa immediately after the 31st March next.

The renewed absence of the United States Commissioner from Samoa would of course bring the work of the commission to a standstill, and entail unnecessary expense upon those governments whose commissioners remain upon the spot. His Lordship has consequently requested me to urge you to send telegraphic instructions to the United States representative to remain in Samoa until the work of the commission is completed.

The Earl of Rosebery is all the more anxious for this as he has heard excellent accounts of the competency of the commissioner for the duties he has to perform.

I am instructed to add that Lord Rosebery has been in communication in regard to this matter with the German Government, who entirely concur in the views held by Her Majesty's Government on the subject.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Gresham to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, February 12, 1894.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 7th instant, concerning the agreement by the governments concerned to extend the labors of the land commission in Samoa until the end of the present year, and expressing the hope that in view of the understood desire of the American commissioner to depart for the United States about the 31st proximo he might be instructed to remain at his post until the work of the commission had been completed.

In reply I beg to assure you that the Department duly appreciates the considerations advanced by you in regard to the desirableness of finishing the labors of the land commission without further interruption.

I take pleasure in adding that Mr. William L. Chambers, the American commissioner, has been advised by telegraph that the time of the commission has been extended until the end of the present year, and that the Department considers it highly important that he should, if possible, remain at his post until the work of the commission is completed.

This wish of the Department has also been emphasized by a letter addressed to Mr. Chambers, presenting at length its reasons for his continuance at Apia, and urging him to do so unless it shall be found absolutely impossible.

I have, etc.,

W. Q. GRESHAM.

Mr. Gresham to Sir Julian Pauncefote.

DEPARTMENT OF STATE,

Washington, February 17, 1894.

EXCELLENCY: I have the honor to inclose for your information a copy of a note from the ambassador of Germany of the 31st ultimo, in regard to the deportation of Mataafa and eleven chiefs from Samoa and the expense of their maintenance at Fakoofo, Union Islands, from August 3 to November 8, 1893, amounting, according to contract, to £22 per month.

I add a copy of my note of the 14th instant, saying that Mr. Blacklock, the consular representative of this Government at Apia would be, as he has been, instructed to draw upon the Secretary of State for one-third of the amount, being the quota of this Government towards those expenses, and pay it over to the British consul, who expected to visit the Union group in May next, for distribution in accordance with the German ambassador's suggestion. My note closed as follows:

I deem it proper to say in this connection, this Government does not understand that the detention of Mataafa and his chiefs by the three powers is to be prolonged for an indefinite number of years.

I have, etc.,

W. Q. GRESHAM.

Sir Julian Pauncefote to Mr. Gresham.

BRITISH EMBASSY,

Washington, February 21, 1894.

SIR: I have the honor to inform you that I have duly communicated to the Earl of Rosebery the contents of your note of the 12th instant on the subject of the extension of the period fixed for the completion of the labors of the Samoan Land commission.

At the same time I pointed out to his lordship the discrepancy between the date which, by his instructions, I had mentioned in my note of the 7th instant as that fixed upon for the proposed extension and that named in your reply.

I have now received a telegram from his lordship, stating that Her Majesty's Government agree to the 31st December, 1894, as the date upon which the labors of the commission are to cease, instead of March 31, 1895, as stated in my above note.

In conveying to you this decision on the part of Her Majesty's Government I beg to express to you my thanks for the prompt manner in which you acceded to the Earl of Rosebery's request that you would urge upon the United States commissioner the importance of remaining at his post until the completion of the work of the commission.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Gresham.

BRITISH EMBASSY,
Washington, February 21, 1894.

SIR: In accordance with instructions received from the Earl of Rosebery, I have the honor to inclose copy of a dispatch addressed to his lordship by Her Majesty's consul at Apia, reporting further complications in the Navigators Islands and the action which it is proposed to take in the matter.

I have, etc.,

JULIAN PAUNCEFOTE.

[Inclosure.]

Mr. Smith to Lord Rosebery.

BRITISH CONSULATE,
Samoa, January 3, 1894.

MY LORD: I have the honor to report that since the date of my last dispatch I have ascertained that war is almost inevitable. I have cabled to your lordship regarding a man-of-war, but I have every hope that the two officials supported by the consuls will succeed in averting any danger from the white residents.

Tamasese has been proclaimed King according to the most reliable information.

My colleagues have called for war ships, but I shall not request the senior captain, R. N., at Auckland to send a ship unless it is absolutely necessary.

I have summoned the three consuls and the chief justice and president to discuss the situation, and every effort will be made to settle the matter on the spot.

I have, etc.,

T. B. CUSACK SMITH.

Mr. Uhl to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, February 28, 1894.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 21st instant, inclosing a copy of a dispatch of the 3d ultimo, addressed to Lord Rosebery by Her Majesty's consul at Apia, in regard to the political situation in the Samoan Islands, in which he states that according to the most reliable information Tamasese has been proclaimed King and that war is almost inevitable.

The consular representative of the United States in a dispatch dated some three weeks later (January 29) reports a more pacific condition of affairs. He states that the threatening movement of Tamasese with which the year opened had collapsed, that Tamasese denied he had ever been chosen King, and that his rebellious adherents had surrendered for trial by the chief justice.

I have, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Gresham to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, March 7, 1894.

EXCELLENCY: Referring to the Department's note to you of February 12 last, relative to the extension of the period fixed for the completion of the labors of the Samoan land commission and to the efforts of this Government to induce the American land commissioner to remain at his post until the completion of the labors of the commission, I have the honor to inform you that I have received a report dated January 29 from the American land commissioner stating that during January, 1894, the commission had disposed of 326 claims, making 1,094 claims since his arrival, and leaving 986 yet on hand. He adds that if during February and March the commission shall make as good progress there will remain undisposed of on April 1 next in the neighborhood of 350 claims.

At the date of Mr. Chambers's report the bad weather season had commenced and would probably continue two months. He states that although the claims not yet disposed of are located at much greater distances from the seat of trial, which may cause delays in getting claimants, objectors, and witnesses together, the commissioners nevertheless hope to overcome the difficulties by the employment, if need be, of an assistant to the natives' advocate and additional messengers.

Mr. Chambers's report was written before he learned of the arrangement extending the time for the completion of the work of the commission. He states that the commissioners all recognize the importance of the work and the obligation resting upon them to complete it, if possible, before the 31st day of March next. From the tenor of his report it would seem that Mr. Chambers is not unwilling to give a few months more to the completion of the work and has doubtless acquiesced in the directions telegraphed him by this Government relative to remaining at his post for so much of the extended time as may be necessary to complete the labors of the commission.

I have, etc.,

W. Q. GRESHAM.

Mr. Uhl to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, March 8, 1894.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 21st ultimo relative to the extension of the period fixed for the completion of the labors of the Samoan land commission, in which you urge the importance of the U. S. commissioner remaining at his post until the completion of the commissioner's work.

The Department's note to you of yesterday's date fully answers your request in this regard.

I have, etc.,

EDWIN F. UHL,
Acting Secretary.

Sir Julian Pauncefote to Mr. Gresham.

WASHINGTON, March 22, 1894.

SIR: I duly communicated to the Earl of Rosebery the substance of your note of the 17th ultimo, together with copies of its inclosures, respecting the expense of the maintenance of Mataafa and other Samoan chiefs during their preliminary detention at Fakaofu.

I have now the honor to inform you, in accordance with instructions received from his lordship, that a dispatch has been addressed to the British consul at Samoa by the foreign office inclosing copy of my above-mentioned communication to my Government, and informing him that in case he should hereafter apply for authority to proceed to the Union Islands, Lord Rosebery would have no objection to the proposal, alluded to in Baron Saurma's note to you of the 31st January last namely, that he should hand over the amount due to the persons who are entitled to payment.

Mr. Cusack-Smith has also been informed that he may, if necessary, draw a bill upon Her Majesty's Government for the sum required as the share which falls to its charge, but that it would be preferable, as a matter of account, that the money should be provided in the first instance by the German Government, who will eventually claim one-third of the total expenditure from each of the other governments concerned.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Gresham to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, April 2, 1894.

EXCELLENCY: Referring to previous correspondence, especially to my note of the 7th ultimo, relative to the extension of the period fixed for the completion of the labors of the Samoan land commission and to the efforts of this Government to induce the American commissioner to remain at his post until such completion, I have the honor to inclose herewith a copy of a dispatch from Mr. Chambers stating that, for reasons given, it will be impracticable for him to remain in Samoa beyond the end of last month.

As only 579 claims remain unadjusted, none of which appear to concern citizens of the United States, it is thought that the British and German commissioners, constituting a majority of the commission under an agreement of the three powers, might dispose of the remaining claims, thus closing up the work of the commission and avoiding the delay which would supervene if it were deemed necessary to send out a new American commissioner to replace Mr. Chambers.

I have, etc.,

W. Q. GRESHAM.

Mr. Uhl to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, April 3, 1894.

EXCELLENCY: I have the honor to transmit herewith for the consideration of Her Majesty's Government, having reference to the Department's note of September 22d last in relation to an allowance of \$1,500 to Mr. Henry C. Ide, chief justice of Samoa, for traveling expenses, a copy of a letter of February 23d last, in which, for reasons stated, Mr. Ide urges that an additional allowance of \$1,000 on that account be granted him in order to place his compensation upon an equality with that of his predecessor and the other officers at Apia.

The Department, before finally determining this matter, will be glad to ascertain the views of Her Majesty's Government upon the subject. The sum each Government would be called upon to pay would be \$333.33, or one-third of the whole amount.

A similar note has been addressed to your colleague, the German ambassador.

Asking that you will cause Mr. Ide's request to be promptly made known,

I have, etc.,

EDWIN F. UHL,
Acting Secretary.

Mr. Uhl to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, April 3, 1894.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 22d ultimo, respecting the expense of the maintenance of Matafa and other Samoan chiefs during their temporary detention at Fakaofu, in which, referring to my note of the 17th February, you inform me that the British consul at Apia has been advised that in case he should apply for authority to proceed to the Union Islands, Lord Rosebery would have no objection to the proposal alluded to in Baron Saurma's note to this Department of the 31st January last, namely, that he should hand over the amount due to the persons who are entitled to the payment, and that the consul had also been informed that he might, if necessary, draw on Her Majesty's Government for the sum required as the share which falls to its charge.

I concur in the suggestion which concludes your note that "it would be preferable, as a matter of account, that the money should be provided in the first instance by the German Government, who will eventually claim one-third of the total expenditure from each of the other Governments concerned."

I have, etc.,

EDWIN F. UHL,
Acting Secretary.

Sir Julian Pauncefote to Mr. Gresham.

BRITISH EMBASSY,
Washington, April 14, 1894.

SIR: I have the honor, in accordance with instructions received from the Earl of Kimberley, to inclose the substance of a telegram, dated the 22d ultimo, which was received by his lordship on the 31st ultimo from Her Majesty's consul at Apia, reporting the outbreak of hostilities in Samoa.

I have, etc.,

JULIAN PAUNCEFOTE.

[Paraphrase of telegram from Consul Cusack-Smith, Samoa, March 22, 1894, received March 31.]

Hostilities have been in progress since the 10th instant. Hitherto the Government troops have been successful. The foreign consuls have undertaken to mediate. An armistice has just been proclaimed and a satisfactory peace is expected to follow. It is not at all necessary to send a man-of-war to Samoa.

Mr. Uhl to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, April 19, 1894.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 14th instant, inclosing the substance of a telegram to the Earl of Kimberley from Her Majesty's consul at Apia, reporting the outbreak of hostilities in Samoa.

I have, etc.,

EDWIN F. UHL,
Acting Secretary.

Sir Julian Pauncefote to Mr. Gresham.

WASHINGTON, May 1, 1894. (Received May 2.)

SIR: With reference to my note of the 14th ultimo, respecting hostilities in Samoa, I have now the honor to inform you, in accordance with instructions from the Earl of Kimberley, that Her Majesty's consul at Apia reported by telegraph on the 27th of March last, that he has still hopes that peace may be restored in Samoa and that he does not share the anxiety felt by his United States colleague.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Uhl to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, May 3, 1894.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 1st instant, informing this Department of the receipt by the Earl of Kimberley of a telegram, dated March 27th last, from Her

Majesty's consul at Apia, reporting that he has still hopes that peace may be restored in Samoa, and that he does not share the anxiety felt by his United States colleague.

I have, etc.,

EDWIN F. UHL,
Acting Secretary.

Count Von Arco Valley to Mr. Blaine.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, April 28, 1890.

MR. SECRETARY: The Government of His Majesty the Emperor, the Government of the United States, and the Royal Government of Great Britain, having agreed that the ratification of the general act of the Samoan conference should take place in such a manner that each of the powers concerned should issue but one ratification, and that those ratifications should be deposited in the archives of the foreign office at Berlin, the said ratifications were there deposited on the 12th instant.

A protocol on the subject was prepared which was signed by the representatives of the three signatory powers of the Samoan agreement.

In obedience to instructions received, I have the honor, Mr. Secretary of State, herewith to inclose a certified copy of the protocol.

Accept, Mr. Secretary of State, etc.,

ARCO.

Mr. Blaine to Mr. von Mumm.

DEPARTMENT OF STATE,
Washington, October 22, 1890.

DEAR MR. VON MUMM: I have the honor to acknowledge the receipt of your personal note of the 21st instant, proposing by instruction of your Government to concede to the chief justice of Samoa the same salute as to a consul-general, and requesting that instructions to this effect should be at once sent to the commanders of our war vessels at Apia.

I am disposed to accept the views of your Government in this matter, and presume there will be no objection raised on the part of Great Britain.

I have therefore requested the Secretary of the Navy to telegraph the necessary orders to San Francisco, whence they will be transmitted by steamer to Apia.

I am, etc.,

JAMES G. BLAINE.

Mr. von Mumm to Mr. Blaine.

[Translation.]

WASHINGTON, *November 2, 1890.*

Mr. SECRETARY OF STATE: Acting under instructions from my Government, I have the honor to inform you that according to Article IV, section 2, of the Samoan treaty, Mr. Carl Eggert, until now secretary to the imperial commissioner for the Marshall Islands, has been appointed by the Imperial Government as German member of the commission for the investigation and registration of titles to land in Samoa.

Mr. Eggert having been connected for a considerable length of time with the imperial consulate at Apia, and being acquainted with the art of surveying, seems especially well fitted to fill the position to which he has been appointed.

I have now the honor to suggest that you may likewise cause a member of the said commission to be appointed on behalf of the United States Government, in order that the commission may be able to begin its work as soon as possible after the arrival of the chief justice at Apia.

The imperial ambassador at London has been instructed to make a similar communication to the British Government.

I avail, etc.,

A. VON MUMM.

Mr. von Mumm to Mr. Blaine.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, November 3, 1890.

According to Article V, section 5, of the Samoa act, the appointment of a president of the municipal council of Apia is necessary; this officer is to be installed by the Samoan Government, and so far as may be possible, is to be jointly selected by the treaty powers.

The Government of His Majesty the Emperor has endeavored to find a person among the German administrative officers whose previous training and personal attributes qualify him to fill the position in question.

The undersigned now has the honor to name to the U. S. Government the Royal Prussian prime justiciary (*Oberamtmann*), Baron Arnold Senfft von Pilsach, and to recommend him, in the name of his Government, for the office of president of the municipal council of Apia.

The same proposition will be submitted to the Royal Government of Great Britain by the imperial ambassador at London.

Baron Senfft von Pilsach is 31 years of age, in religion a Protestant, and has filled a judicial office (that of *Regierungs-Assessor*) since May 14, 1888.

He has the best testimonials from his superior officers, and there is every reason to expect that he will discharge his duties as president of the municipal council at Apia in an upright, honorable, and impartial manner.

Baron Senfft von Pilsach is very familiar with judicial business, and is conversant with the English language.

Under these circumstances His Majesty's Government hopes that the U. S. Government will agree to his appointment.

The undersigned avails himself, etc.,

A. VON MUMM.

Mr. Blaine to Mr. von Mumm.

DEPARTMENT OF STATE,
Washington, November 21, 1890.

DEAR MR. VON MUMM: I have the honor to acknowledge the receipt of your personal note of the 18th instant, informing me that Mr. Carl Eggert, the German member of the Samoan land commission, would leave for Apia early in December.

I am, etc.,

JAMES G. BLAINE.

Mr. Blaine to Count von Arco-Valley.

DEPARTMENT OF STATE,
Washington, December 9, 1890.

SIR: I have the honor to acknowledge receipt of your note of the 4th instant, with which you inclose Nos. 23 and 31 of the imperial bulletin of the laws for 1890, which respectively contain the decrees of the Imperial Government for the regulation of the consular jurisdiction of the Empire of Samoa, in accordance with general act of the Berlin conference signed on the 14th day of June, 1889.

In acknowledging this communication, it is proper to observe that it is not thought that any special legislation will be required on the part of this Government to give the general act effect, so far as it touches the jurisdiction of the consul of the United States. Under the constitution of this Government, a treaty is a law of the land, and repeals, or modifies, as the case may be, prior and inconsistent laws, whether they be in the form of international conventions or of domestic statutes. This being so, it is thought that the general act, which has been duly ratified and proclaimed as a treaty between the United States, Germany, and Great Britain, will have due effect so far as the consular jurisdiction of this Government is concerned, without special legislation.

Accept, sir, etc.,

JAMES G. BLAINE.

Count von Arco-Valley to Mr. Blaine.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, February 26, 1891.

MR. SECRETARY OF STATE: I have the honor to inform you in obedience to instructions received the chancellor of the Empire, with the consent of the Governments of the United States of America and Great Britain, has appointed Baron Senfft von Pilsach as presiding

officer of the municipal board of Apia, under date of the 2d instant, and that Baron von Senfft will take his departure for his post on the 2d of March next by the imperial mail steamer which sails from Genoa.

The imperial representative at Apia will be instructed to cause the inauguration, in conjunction with his American and English colleagues, of the presiding officer of the municipal board by the Samoan Government, according to article V, section 5 of the Samoan act.

Accept, Mr. Secretary, etc.,

ARCO.

Mr. Blaine to Count Arco-Valley.

DEPARTMENT OF STATE,
Washington, March 7, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 26th ultimo, and in reply to state that the consul-general of the United States to Samoa has been instructed to cooperate with his colleagues in the installation of Baron Senfft von Pilsach as president of the municipal council of Apia, agreeably to the pertinent provisions of the general act relating to Samoa.

Accept, sir, etc.,

JAMES G. BLAINE.

Count Arco-Valley to Mr. Blaine.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, April 24, 1891.

MR. SECRETARY OF STATE: No provision is made in the Samoa act for reimbursing the president of the municipal council of Apia for his traveling expenses and those incurred by him for his outfit. Since an officer has been appointed to fill this position who was obliged to go from Europe to Samoa, it would seem to be but reasonable that a suitable allowance should be granted to him by a special agreement on the part of the treaty powers for refunding the amount of his traveling expenses and those of his outfit. A similar arrangement has already been adopted in the case of the subordinate officers whom the chief justice took with him from Sweden.

I therefore have the honor, in obedience to instructions received, to inquire, Mr. Secretary of State, whether the U. S. Government would be willing to pay one-third of the amount required to reimburse Baron Senfft von Pilsach for his traveling expenses and his outfit.

This amount, according to the principles adopted when German officers of consular rank are sent to foreign countries, would be, altogether, 7,500 marks.

Hoping that this equitable proposition will meet the approval of your Government,

I avail myself, etc.,

ARCO.

Mr. von Mumm to Mr. Blaine.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, August 24, 1891.

MR. SECRETARY OF STATE: The royal ambassador of Great Britain at Berlin, by a note of the 3d instant, communicating the memorandum, a copy of which is inclosed, relative to certain differences of opinion which have arisen between the chief justice in Samoa and the Samoa land commission, requested the Imperial Government to give an expression of its opinion with regard to the method which should be adopted for the payment of the expenses entailed by the labors of the land commission.

I have the honor to inform you, Mr. Secretary of State, in obedience to instructions received, that the Imperial Government would be willing, should the same willingness exist on the part of the other treaty powers, to pay one-third of the necessary expenses which have grown out of labors of the Samoa land commission, in addition to the salaries of the members and the expense entailed by the taking of evidence by surveys.

In case of the agreement of the treaty powers on this point, the best way to prevent a postponement of the labors of the commission would be to instruct the three consuls to inform the chief justice of the decision of the governments, and to request him to furnish an interpretation of paragraph 2 of section 2, Article IV, of the Samoa act.

At the same time it would be well to authorize each of the three consuls to pay one-third of the expenses of the commission as approved by the chief justice, from the funds under their control.

As regards what is asked for by the land commission, subnumbers 1 to 8 of the memorandum, the Imperial Government shares the view of the Royal Government of Great Britain, viz, that the sums asked for are required for the completion of the labors of the commission.

It would, however, be well to urge the members of the commission to practice the strictest economy, and to leave it to them to secure the services of a person, at a moderate salary, to do the necessary writing and interpreting. The services of a special officer could thus be dispensed with.

Begging you to acquaint me with the view entertained by your Government on the foregoing points,

I avail myself, etc.,

A. VON MUMM.

Mr. Wharton to Mr. von Mumm.

STATE DEPARTMENT,
Washington, September 9, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 24th ultimo, relative to Mr. Haggard's memorandum concerning certain differences of opinion that have arisen between the chief justice in Samoa and the land commission in regard to the expenses of the commission in question.

This Government concurs in the view of the British Government, as stated, that the expenses set out in Mr. Haggard's report are necessary to the performance of the duties of the commission, and also in

the suggestion contained in your note that one person should be engaged by the commission who, for a moderate compensation, will perform the services of secretary and interpreter.

This Government would suggest that each consul be instructed by his Government to inform the chief justice that his Government is of the opinion that all the items of expenditure as stated in the letter of the land commission to the chief justice, dated May 30, 1891, are reasonable and necessary expenses of the commission for taking evidence and making surveys, and is willing to pay one-third of the same if he shall approve them. Meanwhile the consul-general of the United States at Apia will be instructed to pay one-third of the expenses of the commission which are approved by the chief justice, and if any of the particular items now in question should fail to obtain his approval, to pay this Government's share of them also.

Accept, sir, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. v. Mumm to Mr. Blaine.

[Translation.]

WASHINGTON, *November 3, 1891.*

MR. SECRETARY OF STATE: I have the honor, in obedience to instructions received, herewith to transmit to you a communication from Count von Schlieffen, chief of the royal Prussian staff of the army, whereby he tenders his warmest thanks to the War Department of the United States for a valuable collection of publications of that Department, which was transmitted to the royal Prussian grand staff by Mr. Phelps, envoy of the United States of America.

Count von Schlieffen has the honor, at the same time, to send the accompanying works on military history, issued by the staff, to the War Department, and also to express the hope that the exchange of publications, which has been thus begun, may continue permanently.

I take the liberty, in conclusion, to remark that if any similar publications are hereafter to be sent to the imperial military authorities, it will afford me pleasure to forward them, unless it be preferred to send them directly to the foreign office through the envoy of the United States.

Accept, Mr. Secretary of State, etc.,

A. VON MUMM.

Mr. von Mumm to Mr. Blaine.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, December 10, 1891.

MR. SECRETARY OF STATE: In accordance with my instructions, I have the honor to transmit to you a memorandum concerning the recent occurrences in Apia, with the request that you will be good enough to let me have an expression of opinion on the part of the Government of the United States in regard to the reception of this communication.

I avail myself, etc.,

A. VON MUMM.

[Inclosure in place of an oral communication.—Translation.]

The Imperial Government has noted with satisfaction the contents of the communication which was addressed to the Chief Mataafa by the American consul, Gen. Sewall, in the interests of the rule of Malietoa. In the present complications between the president of the municipal council and the Samoan Government, however, the American representative, Mr. Blacklock, has, through his approval of the Government decree concerning the exclusion of German money in the payments of duties and taxes (which is in express contravention of the provisions of the Samoan act) on his part, contributed to diminish the authority of Freiherr von Senfft, and to increase the difficulty of his performance of the duties of his office.

The Imperial Government expresses the hope that the Government of the United States does not approve the position assumed by its representative in this matter, and that it will instruct Mr. Blacklock in the future to support Freiherr von Senfft in the performance of the duties of his difficult office.

The Imperial Government rests upon the Samoan act, and is ready to carry it out with entire loyalty and in harmony with the other treaty powers; it relies upon their cooperation, as only in this way can civil war in Samoa be avoided. In the present case it only needs a similar instruction to the three consuls to the effect that German money shall not be excluded, in contravention of the treaty, and that Freiherr von Senfft should receive the support of the consular representatives in his efforts to maintain treaty rights and especially to carry out the Samoan act.

[Translation.]

Relative to the currency question in Samoa and the return of Freiherr Senfft von Pilsach.

FOREIGN OFFICE, BERLIN, November 20, 1891.

During the provisional administration of the custom duties and taxes at Apia a decree of the consular board of last year established the following equivalence between the other kinds of money receivable for payments of customs duties and taxes, by virtue of section 4 of Article VI of the Samoan act, and the denominations, dollars, and cents used in the said section: £1 = \$4.86; 20 marks = \$4.76; and \$7 Chilean currency = \$5 American.

In the session of the municipal council of June 3 of the present year the latter, on the motion of the president, resolved, in order to simplify the accounts, to petition the Samoan Government to establish the equivalence of the pound sterling and the 20-mark piece with the \$5-piece of American money; and to receive in payment of customs, duties and taxes exclusively English and Chilean silver money, the latter, however, in view of the considerable fluctuations in value, only until November 15 of next year. The consular board, to which the resolution was presented for approval, decided in favor of delay in the treatment of this matter. Nevertheless, the municipal council presented the said resolution to the chief justice for his decision, in accordance with the Samoan act, and stated in the accompanying memorandum that the members of the council were not altogether unanimous on the subject, but that they agreed that the receipt of coins of different value was not in the interest of the inhabitants. At the same time the chief justice was requested to draft propositions in regard to this matter and to lay them before the King for his approval.

Mr. Cedererantz declined to do this, but left it for the judgment of the municipal council to present the said resolution in the form of a petition to the Government. This was done on July 24, and Freiherr von Senfft on this occasion advised the King to approve the resolution with an amendment that American silver should likewise be receivable for customs duties and taxes. The King expressed his approval, but desired to submit the matter for the decision of the faipule (native council), which, in his opinion, would make no objections.

On July 27, Freiherr von Senfft received from the King the surprising information that the faipule had resolved that from November 15 of this year only English and American gold and silver coins should be receivable for payments to the public offices. Freiherr von Senfft gave no information of this resolution of the faipule to the municipal council, inasmuch as he proceeded on the supposition that the said resolution of the Government had no validity, since no opportunity had been given to him, as adviser of the King, to call his attention to the results of this resolution. In the session of the municipal council, which took place on the following day, the president, answering a member's inquiry on the subject, declared that a definitive regulation of the money question had so far not been made.

At the instance of the German member of the municipal council, Grevesmuhl, who had entered into private relations with Malietoa, and who was regarded as an opponent of the president, the King sent to Freiherr von Senfft on August 1 a formal approval of the resolution of the Government, communicated on July 27, which Herr von Pilsach again withheld from the municipal council on the ground mentioned. As a result of the remonstrances of Herr von Pilsach, who pointed out to the King that the Government was, owing to Article VI of the act, not justified, without the consent of the treaty powers, in issuing a decree of this character, which alone excluded the German money, Malietoa declared himself ready to urge the faipule to withdraw the resolution in question. In a session of the consular board Freiherr von Senfft explained the state of the case, and declared that the decree of the Government was not valid in view of section 4 of Article VI of the Samoan act, owing to the exclusion of German money. The German and the English representatives adopted this view, while Mr. Blacklock, the American consul, made no declaration of his views.

Despite the efforts of Freiherr von Senfft to induce the faipule to withdraw its decree, it was not done. Malietoa informed the three consuls of this in an identic note, and at the same time inquired whether the declarations of the president of the municipal council in regard to the provisions of the Somoan act, which were opposed to the decree, were correct. The three consuls answered this note separately, and only the German declared that the Government's resolution was in violation of the provisions of the Somoan act. The English consul answered evasively that he was not at present prepared to object to the resolution, and the American approved the resolution.

On August 12 the municipal council resolved that the valuation established by the three consuls in the year 1890 (which was mentioned in the beginning) for payments into the municipal treasury should again come into force, but that payments in silver should be allowed only to an amount of \$10. The consular board amended this resolution to read that German and English silver should not be received at all, but that American and Chilean silver should be received to any amount. The municipal council declared its acceptance of this, Freiherr von Senfft voting in the negative, and the consuls informed the King of this resolution in a joint note dated August 25. Freiherr von Senfft considers this direct communication between the consuls and the King an infringement upon his rights, and on the 5th of the previous month sent to the King his resignation as president of the municipal council, stating that he would remain in service until arrangements had been made for the further management of his office.

This partial resignation is of no effect until it receives the approval of the authority which nominated Freiherr von Senfft as president of the municipal council. The nomination was made by the imperial chancellor, in virtue of an understanding with the treaty powers, and the chancellor regards it as desirable, in the interest of peace and quiet in the Somoan Islands, that Freiherr von Senfft should remain at his post.

As grounds for his request to be relieved, Freiherr von Senfft declares that he can not hope that his labors at Apia will prove beneficial, as he does not possess the confidence of the King, who, following irresponsible advisers, has publicly compromised him. He thinks that this would not have been the case if he had received from the representatives of the three treaty powers the support which he was entitled to claim.

When Freiherr von Senfft opposed the resolution of the Samoan Government by which German money was excluded as a medium of payment of customs dues and taxes, he rested solely upon the Samoan act (Art. VI, sec. 4). The Imperial Government asks for no advantages over the other two treaty powers in Samoa, but it must decidedly oppose any infringement of the rights assured by virtue of treaties, as would be the case if German money should be excluded.

The Imperial Government is convinced that if the representatives of the treaty powers pay loyal regard to the provisions of the Samoan act it will be possible to restore peace and order to Samoa. To accomplish this, however, it is above all necessary that the respective representatives should not work against each other, but together in the interests of peace, and in this sense should also support Freiherr von Senfft.

The position of the latter officer must be modified in two particulars. On the one hand, he is mistaken in wishing to deny to the consular court, when unanimous, communication with Malietoa. On the other hand, Freiherr von Pilsach should not regard his relation to the latter as that of a minister to a European sovereign, and should not resign when he thinks that other influences are prevailing with him.

The president of the municipal council must not forget that he owes his appointment to the treaty powers.

Mr. Blaine to Mr. von Mumm.

DEPARTMENT OF STATE,
Washington, February 20, 1892.

SIR: I have the honor to advert to our late conversation concerning affairs in Samoa, and in particular to a communication which this Government has received from the King of Samoa, complaining that the adherents of the rebellious chief, Mataafa, are defying and obstructing the authority of the supreme court of Samoa, and requesting the assistance of the men-of-war of the three treaty powers to enable the court to execute its warrants. It seems to this Government that, in order to carry out the spirit of the Berlin treaty, it would be advisable for the treaty powers to sustain in some proper and judicious way the present recognized authorities of Samoa. Assistance in support of the authority of the supreme court, if discreetly given, would seem to be well directed, and its moral and demonstrative effect might aid in quieting the existing troubles. I suggest, therefore, the wisdom of similar instructions being given by His Majesty's Government, by the Government of Great Britain, and by the Government of the United States, permitting any man-of-war of the three treaty powers, which for the time being may be present in Samoa, to render such aid as may be necessary in executing the warrants of the supreme court, such aid to be limited strictly to that purpose and to be rendered by the man-of-war at the request of the consul of its country, who will act in the matter, if the consuls of the three powers shall jointly decide in any particular case that there is necessity for such aid and shall request the consul to have it rendered. I shall be glad to be acquainted with the views of His Majesty's Government on this subject.

Accept, sir, etc.,

JAMES G. BLAINE.

Mr. von Mumm to Mr. Blaine.

IMPERIAL GERMAN LEGATION,
Washington, March 3, 1892.

MR. SECRETARY OF STATE: I have the honor to inform you, in pursuance of instructions received, that the Imperial Government has relieved Mr. Eggert, who has hitherto been a member of the Samoa land commission, on account of his serious illness, and that, with a view to avoiding as far as possible any delay in the work to be done by the commission, it has by telegraph authorized the acting imperial consul at Apia to select a suitable person from among the Germans residing there, and to empower him to act provisionally as land commissioner until the arrival of the commissioner who is soon to be appointed.

The instructions sent some time ago by you to the American member of the commission, to expedite its labors, seem to be the more valuable and necessary since, according to the information in our possession, of the 3,705 land claims that have been laid before the land commission but 72 have been acted upon, and a final settlement of the 3,633 claims still remaining can not be expected within the period of two years, which has been allowed for that purpose, unless the work is expedited to the utmost possible extent. The German member of the land com.

mission, as I have already had the honor verbally to inform you, will make every effort to assist his American colleague in bringing the disputed claims to a speedy settlement.

Accept, Mr. Secretary of State, etc.,

A. VON MUMM.

Mr. Wharton to Mr. von Holleben.

DEPARTMENT OF STATE,
Washington, March 10, 1892.

SIR: Referring to Mr. von Mumm's note of the 3d instant, relative to the action of your Government in authorizing the acting imperial consul at Apia to select a person to act provisionally as land commissioner until the arrival of the commissioner who is soon to be appointed, I have the honor to inform you that this Government accepts the temporary expedient in the expectation that the permanent appointment of Mr. Eggert's successor will be made as soon as possible.

Accept, sir, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. von Holleben to Mr. Blaine.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, March 23, 1892.

MR. SECRETARY OF STATE: Acting under instructions from my Government, and in order to settle the legal-tender question in Samoa, I have the honor to suggest to you that our representatives in Apia shall be directed to inform the Samoan Government that the exclusion of German coin is against the Samoan treaty, and that German coin must be admitted into Samoa just as well as United States and British coin, 20 marks to be taken as worth \$4.76.

I have the honor, etc.,

HOLLEBEN.

Mr. Wharton to Mr. von Holleben.

DEPARTMENT OF STATE,
Washington, March 24, 1892.

SIR: I have the honor to acknowledge the receipt of Mr. von Mumm's note of December 10, 1891, and of your own of the 23d instant, in relation to the currency question at Samoa.

It gives me pleasure to say that a telegram will be at once transmitted to Mr. Sewell, the consul-general of the United States, Apia, instructing him to join with his German and British colleagues, whenever they may receive similar instructions, in representing to the Samoan Government that the Government of the United States is of

opinion that German coin should be admitted into Samoa as well as the coins of the United States and Great Britain, the 20-mark gold piece to be taken as worth \$4.76.

Accept, sir, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

[To be considered as a verbal communication.]

Memorandum.

GERMAN LEGATION,
Washington, April 29, 1892.

According to reports received in Berlin from Apia, the Samoan land commission on the occasion of a conference to settle a dispute concerning a land question decided in a prejudicial manner with reference to the interpretation of Article IV, section 8, of the Berlin general act of the Samoan Conference, unanimously agreeing that the acquiring of land at the period of the English-Samoan treaty could not be disputed by denying the right of disposing of it on the part of the Samoan seller.

The Samoan act, in section 8, Article IV, decides as follows:

SECTION 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 of regularity of such sale shall be examined and determined by the commission, subject to the revision and confirmation of the court.

The sentence in parenthesis contained in this decision, "but without prejudice to rights of third parties," caused the native attorney to conclude therefrom that it was necessary to make an investigation of the question as to whether the Samoan seller had been the legal owner of the property which he had sold, and to assert, moreover, that the purchase should be considered illegal if the rights of a second Samoan had suffered in consequence of the sale made by a former one.

The commissioners decided that by the words "rights of third parties" such rights were not understood which a native Samoan affirmed to have acquired before the 28th of August, 1879, and that the words "in a regular and customary manner" do not require the proof of the Samoan seller's right of disposal.

This decision appears to be of the utmost importance for the security of property in Samoa belonging to foreigners and conducive to facilitate the work of the commission. It is to be feared, however, that the native attorney and the lawyers living in Apia who in consequence of this decision foresee the loss of many law suits will spare no efforts to obtain a reversal of the decision by the supreme court.

As the Imperial Government, the Government of the United States, and the Government of Great Britain agree in desiring to facilitate as much as possible the work of the land commission and to free it from objections or anything else which could impede their progress, which wish was recently expressed by the agreement of instructions to be sent to Apia, the Imperial Government, moreover, now proposes to unite in appending a declaration to division 8 of Article IV of the Samoa act, by which the decision of the land commission would be definitively approved and ratified.

DEPARTMENT OF STATE,
OFFICE OF ASSISTANT SECRETARY,
Washington, May 11, 1892.

I agree with this construction of section 8 of Article IV. We have, however, received no suggestions from our own officers as to this matter. I think that rather than to append a declaration to section 8 of Article IV of the general act by which the decision of the land commission would be definitely approved and ratified, as is suggested in the communication of the German Government, it would be better for each of the treaty powers to instruct each of its consular representatives at Apia to inform the chief justice, who, under section 4 of Article III of the general act, has the final decision of all questions arising under its provisions, that, in the opinion of his Government, the construction of section 8 of Article IV adopted by the land commission is the proper one. The chief justice would, under such circumstances, undoubtedly affirm the opinion of the land commission.

W. F. W. (WILLIAM F. WHARTON.)

Mr. Blaine to Mr. von Holleben.

DEPARTMENT OF STATE,
Washington, May 11, 1892.

SIR: I have the honor to inform you that I have received a communication from the chief justice of Samoa, dated March 2, 1892, explaining the reasons of his recent absence from his post.

While his absence from his post without previous notification and permission is regretted, this Government is indisposed to take any further action in regard thereto.

Accept, sir, etc.,

JAMES G. BLAINE.

Mr. Blaine to Mr. von Holleben.

DEPARTMENT OF STATE,
Washington, May 19, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 14th instant, in which you inform me that Mr. Eggert, the German member of the Samoan land commission, has had to leave his post by reason of illness, and that Mr. Greiner, chancellor of the German consulate at Sydney, who has been provisionally designated as acting German commissioner, sailed from Sydney on March 21 last for Apia.

Accept, etc.,

JAMES G. BLAINE.

Mr. Wharton to Mr. von Holleben.

DEPARTMENT OF STATE,
Washington, May 21, 1892.

MY DEAR MR. VON HOLLEBEN: Adverting to our recent conferences, I have now the pleasure to inclose, for such use as you may decide to make of it, a memorandum as to the understanding of the Government of the United States touching the differences between the chief justice of Samoa and the land commission as to the interpretation of section 6 of Article IV of the general act of Berlin concluded June 14, 1889.

Very truly, yours,

WILLIAM F. WHARTON.

Memorandum.

The Government of the United States, having examined a report made on March 2, 1892, by the American consul at Apia to the Department of State, a letter from the chief justice of Samoa to the Secretary of State, dated February 29, 1892, and a letter to the Secretary of State of the same date, from the U. S. land commissioner, all relating to a difference between the chief justice of Samoa and the land commission as to the interpretation of section 6 of Article IV of the Berlin general act of 1889, which reads as follows:

"SECTION 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,"

is of opinion that an instruction should be sent by each of the treaty powers to its consular representative at Apia, directing him to inform the chief justice that, in the opinion of the consul's government, the publication of the proclamation issued by the chief justice on February 23, 1892, was ill advised, as tending to unnecessarily belittle the land commission in public estimation, and to possibly interfere with the effectiveness of its work, besides creating an open breach between it and the chief justice, and that this statement was made to him in the hope that such open conflicts of authority would be avoided in the future.

That the consuls should inform the chief justice that the treaty powers substantially concurred in this construction of section 6 of Article IV, although this concurrence does not countenance any interference by him in the ordinary procedure or conduct of cases before the land commission.

The U. S. Government is also of opinion that each of the treaty powers should inform its land commissioner directly of the instructions sent to the consular officers.

The suggestion made by the German Government that the construction given by the chief justice to section 6 of Article IV of the general act should be applied only to future cases, for the reason that the mode of procedure, up to the present time, has been in conformity with the view held by the commission, seems to the U. S. Government unnecessary, because, even under that construction, or in that view, every case is to be reported to the supreme court, to be registered or otherwise disposed of by it. Moreover, the chief justice in his communication of February 29, 1892, states that not a single report has yet been sent to the supreme court by the commission, and that he had had, therefore, no opportunity to deal with any land case. It appears scarcely worth while to have different modes of procedure apply to the same class of cases.

The Government of the United States agrees with the German Government in approving the construction placed by the land commission on section 8 of Article IV of the general act, although it has received no information from its own officers in regard to the matter; but it thinks that it would be better for each of the treaty powers to instruct its consular representative at Apia to inform the chief justice who, under section 4 of Article III of the general act, has the final decision of all questions arising under its provisions, that, in the opinion of the consul's government, the construction of section 8 of Article IV adopted by the land commission is the proper one, rather than, as suggested by the memorandum of the German Government, to append a declaration to section 8 of Article IV of the general act by which the decision of the land commission would be definitely approved and ratified.

The chief justice would, under the former circumstances, undoubtedly affirm the opinion of the land commission.

May 21, 1892.

Memorandum.

IMPERIAL GERMAN LEGATION,
Washington. (Received May 27, 1892.)

The president of the municipal council of Apia, Baron Senfft von Pilsach, has addressed a report to the governments of the three treaty powers, under date of February 29, in which, with a view to remove the financial difficulties under which the Samoan Government is laboring, he proposed the adoption of an amendment to the Samoan general act of 1889.

Such addition would, by common accord, have to be introduced into the provisions respecting taxation and revenue in Samoa and stipulate that of the amount of taxes levied by the municipal council all except export duties should be entirely paid out to the Samoan Government, while of import duties two-thirds should go to the Government and one-third be appropriated by the municipal administration.

In a telegram dated the 28th of March, 1892, however, the president of the municipal council has notified the withdrawal of this proposed measure, and has explained that the reason for doing so was to be found in a decision arrived at by the supreme court of Samoa, according to which all customs duties would pertain to the Government of Samoa.

The Imperial Government would be grateful to know whether a similar communication has reached the Department of State, and to ascertain the views held by the U. S. Government with regard to the questions referred to above.

Memorandum.

DEPARTMENT OF STATE,
Washington, June 4, 1892.

This Government has received a report, under date of February 29, 1892, and also a telegram dated the 28th of March, 1892, both from the president of the municipal council of Apia, Baron Senfft von Pilsach, similar to the report and telegram referred to in the memorandum left here by the secretary of the German legation on the 27th of May, 1892. This Government deems it unnecessary to consider the suggestions raised by the report of February 29, 1892, since they have been withdrawn by the telegram of March 28, 1892, and since, moreover, this Government has received a further communication from Baron von Pilsach, under date of April 25, 1892, in which, while offering certain suggestions providing for the alteration of some of the items of the customs tariff adopted by the Berlin conference, he makes a new suggestion for the amendment of section 3 of article 6 of the Berlin general act by the addition at the end of the section of the following:

The proceeds of the customs duties shall be for the Samoan Government, except an amount or a portion which shall be fixed annually by the president of the municipal council of Apia, subject to the approval of the King, or, in the case of a difference between the King and the president, it shall be fixed by the supreme court of Samoa.

This suggestion is now receiving the consideration of the Department.

Mr. von Holleben to Mr. Wharton.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, June 6, 1892.

MR. SECRETARY OF STATE: By your note of the 20th of February last, addressed to Mr. von Mumm, who was then the imperial chargé d'affaires, you stated that the U. S. Government agreed, in principle, to the proposal that any war vessel that might chance to be in Samoa might, if necessary, render suitable aid in the execution of warrants of arrest issued by the supreme court of Samoa, and asked, in conclusion, to be acquainted with the views of the Imperial Government on the subject.

As you will see by the inclosed draft of an instruction to be addressed by the Imperial Government to the consul of the Empire at Apia, the views expressed in your note of February 20 have, in general, been taken as the basis of the instruction.

I would remark that this draft has been communicated to the Royal Government of Great Britain, which has likewise agreed, in principle; and I have the honor to request you to inform me whether the U. S. Government is prepared to issue suitable instructions to its representative at Samoa.

I shall not fail to bring a communication on this subject without delay to the knowledge of the Imperial Government.

I avail myself, etc.,

HOLLEBEN.

Draft of instructions to the German consul at Apia,

FOREIGN OFFICE, *Berlin*, ———, 1892.

As you are aware Malietoa addressed to the three treaty powers, on the 9th of December, 1891, an identical note in which he requested the aid of their war vessel in the execution of the warrants of arrest issued by the supreme court of Samoa. The governments concerned are disposed to comply with this request in the interest of the maintenance of the judicial order established by the Samoan treaty, so far as this may seem to be necessary in this particular case, and to be required by circumstances. You are authorized to apprise the Samoan Government of this in such way as you may think proper, conjointly with your English and American colleagues, who will receive suitable instructions.

The negotiations concerning the procedure to be observed between the Imperial Government and the London and Washington governments have led to an agreement that the interference of war vessels in the cases under consideration is to be exclusively confined to effecting the execution of warrants of arrest issued by the supreme court, and that such interference shall take place at the requisition of the proper consular officer, who shall not make such requisition unless the consuls of the three treaty powers shall, in each particular case, have become convinced that such aid appears necessary, and when they have applied for it to the consular officer concerned. The execution of warrants in the case of persons who are not natives shall, if possible, take place through the agency of such war vessel as may be present, belonging to the nation to which the person under prosecution belongs. Compliance with requisitions, moreover, must as far as possible take place in regular rotation. In making requisitions, great caution should be used, and special care should be taken to the end that interference on the part of war vessels, when it takes place, may preserve the character of an executory measure directed against individuals, and may not lead to an act of war; consequently, no requisition shall be made for the services of war vessels in cases in which the object can be accomplished only by long expeditions into the interior. I would add, in conclusion, that it will, of course, be competent for commanders of war vessels to decide concerning the military practicability of requisitions, and I beg you, the case arising, to be governed by the foregoing directions.

Baron Ketteler to Mr. Foster.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, July 6, 1892.

MR. SECRETARY OF STATE: It is known that the president of the municipal council of Apia, Freiherr Senfft von Pilsach, tendered his resignation of his post in the autumn of last year, because King Malietoa had not complied with the advice given him on the question of the currency to be fixed upon for Samoa.

The request was at that time, after previous communication to the Governments of the United States and Great Britain refused by the Imperial Government, and Mr. Senfft von Pilsach was informed that circumstances rendered his continuance in the office desirable.

The president of the municipal council has now reiterated his request in renewed statements, addressed to the three treaty powers.

In accordance with instructions which I have received I have the honor, Mr. Secretary of State, to inform you that the Imperial Government intends to refuse the renewed request of Freiherr Senfft von Pilsach, there being no reason for revoking its former decision, as no change in the state of affairs at Samoa has taken place since that time.

The Imperial Government hopes that it may count on the acquiescence of the U. S. Government in this matter.

I avail myself, etc.,

KETTELER.

Baron Ketteler to Mr. Foster.

IMPERIAL GERMAN LEGATION,
Washington, July 7, 1892.

SIR: Referring to Mr. von Holleben's note of May 14, I have the honor to inform you in accordance with instructions received that Mr. Greiner, chancellor of the German consulate at Sydney, who has been provisionally designated to act as the German member of the Samoan land commission, has arrived at Apia, and that he entered upon the duties of the office on the 1st of April of this year.

I avail myself, etc.,

KETTELER.

Mr. Foster to Baron Ketteler.

DEPARTMENT OF STATE,
Washington, July 11, 1892.

SIR: I have the honor to acknowledge the receipt of Mr. Holleben's note of the 6th ultimo, and to inclose for your information a copy of an instruction to the vice-consul of the United States at Apia on the 11th instant, concerning the joint action of the three treaty powers in Samoa in the use of their war vessels to aid in the enforcement and execution of the warrant issuing from the superior court of Samoa.

Accept, etc.,

JOHN W. FOSTER.

Memorandum.

Any ship of war of the three treaty powers, which for the time being may be present in Samoa, may aid, when necessary, in executing warrants issuing from the supreme court of Samoa; such assistance is to be furnished only upon the request of the consular officer of the country to which the ship belongs, and such ship will act only when the consular officers of the three treaty powers are unanimously of the opinion that such assistance is necessary and shall authorize the request for assistance.

Assistance in the execution of warrants in the cases of persons other than natives should, if possible, be requested of a ship of war of the nationality of the person against whom the warrant is issued. Otherwise such assistance should be furnished by the ships of war in turn as far as practicable.

The action of ships of war hereby authorized is executory simply against individuals and is in no sense warlike, and no request should be made for their assistance when the object to be attained can be accomplished only by an expedition into the interior of the country.

The commander of the ship of war upon whom the request for assistance is made must in each case, in his discretion, decide whether or not compliance with the request is practicable in a military point of view.

Mr. Foster to Baron Ketteler.

DEPARTMENT OF STATE,
Washington, July 11, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 7th instant, in which you inform me that Mr. Greiner, chancellor of the German consulate at Sydney, who has been provisionally designated to act as the German member of the Samoan land commission, has arrived at Apia, and that he entered upon the duties of the office on the 1st of April last.

Accept, etc.,

JOHN W. FOSTER.

Memorandum.

IMPERIAL GERMAN LEGATION,
Washington, July 14, 1892.

In a memorandum, dated June 4 of this year, it was stated in conclusion that the decision given by the chief justice of Samoa, according to which all custom duties would pertain to the Government of Samoa, was receiving the consideration of the State Department.

This question having likewise been carefully considered by the foreign office at Berlin, on the representation made by the German consul at Apia under date of April 20 of this year, the Imperial Government is of opinion that the decision arrived at by the chief justice ought not to be sanctioned. For this opinion the following reasons are given:

As the carrying out of the decision of the supreme court would deprive the municipality of the largest part of their income, it has not met with the approval of that body, and has furthermore created strong antagonism on the part of the European and Australian papers, while the Department has no doubt been aware of the criticism of the American press.

The decision of Mr. Cedererantz has furthermore been taken without giving the municipal council an opportunity to make remonstrances

and state their rights, while it does away with a state of affairs hitherto recognized by the treaty powers to be founded on the principle of equity.

It is furthermore in no way in conformity with the stipulations of section 3, Article VI, of the Samoan general act relating to the distribution of revenues, which provisions, according to the opinion held by the Imperial Government, undoubtedly refer also to customs duties.

Considering the fact that the customs duties are almost entirely paid by the members of the municipality, it seems only just that their amount should be retained for municipal purposes.

Such appropriation of funds would furthermore guarantee a profitable and proper utilization thereof, which under existing circumstances could hardly be expected if handed over to the Government.

The Imperial Government trust that the United States Government will concur in the view that the former practice of appropriating the amount of the customs duties for municipal purposes should remain unchanged.

In the case of consent it would be necessary to inform the consuls residing at Apia of the concurring opinion taken by the governments of the three treaty powers and to instruct them to address a joint communication on behalf of their governments to the president of the municipal council, authorizing him to receive as heretofore the customs duties for the use of the municipality.

A similar communication would have to be sent to the chief justice.

The Imperial Government takes it to be an established fact that the decisions given by the chief justice in the interpretation of the Samoan general act are in no way binding for the treaty powers.

An authoritative confirmation of this view is furthermore found in section 4 of Article III of the Samoan general act, which states that the decision or order of the court in questions arising under the provisions of the general act shall be conclusive "upon all residents of Samoa."

This legation would be greatly obliged for an expression of the opinion held by the State Department on the subject under consideration.

Baron Ketteler to Mr. Foster.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, July 29, 1892.

MR. SECRETARY OF STATE: Pursuant to instructions received I have the honor to inclose herewith an extract from a report of May 26, 1892, of the English consul at Apia, which was communicated to the imperial foreign office by the British ambassador at Berlin, by order of his Government, and the contents of which will doubtless be of interest to the Government of the United States.

In the opinion of the English representative the restoration and preservation of a settled state of affairs in Samoa depend essentially on the administration established there, making it its first object to protect and promote the interests of the foreign settlers and merchants. Consul T. B. Cusack-Smith considers it necessary that the two European officials of the Government, the chief justice and the president of the municipal council, should consult with the consuls of the treaty powers more than they have hitherto done, in order to labor more in common for the attainment of that object.

The Imperial Government, which regards this opinion as perfectly correct, has been guided in all its propositions to which events in Samoa have given occasion, by the views upon which that opinion is based. This is especially the case as regards the position taken by the Imperial Government in the question of the apportionment of the custom-house receipts between the municipality and the Samoan Government, to which my memorandum of the 14th instant referred.

On the other hand, the Imperial Government can not avoid noticing that both the chief justice of Samoa and the president of the municipal council do not always, in their measures, pay sufficient consideration to the interest of the white population, but are rather inclined to subordinate those interests to those of the natives. The United States Government has, it is to be presumed, noticed the same facts, and it is, therefore, a question whether it is not expedient first of all to send a communication to the president of the municipal council in the sense of the views advocated in the English consul's report, and to join that communication to the answer to be given to Freiherr von Senfft's request to be permitted to resign, to which my note of the 6th instant to you referred.

Remarking that the Imperial Government has addressed a similar inquiry to London, I have the honor to request an expression of your views on the above subjects, and avail myself, etc.,

KETTELER.

Baron Ketteler to Mr. Foster.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, August 13, 1892.

MR. SECRETARY OF STATE: In a memorandum drawn up in the English language, which I handed you on July 14, 1892, I stated, by the instructions of my Government, that the decision delivered by the chief justice of Samoa, awarding the receipts from import and export duties to the Samoan Government, conflicts with the provisions of the Samoan act, and that, in the opinion of the Imperial Government, it is expedient to restore the previous state of affairs, and to turn over these receipts hereafter, as heretofore, to the municipality. While I am still awaiting a reply to my memorandum and to a communication asking whether the U. S. Government shares our views, I have been informed by the foreign office that the president of the municipality of Apia has transmitted to Berlin a customs regulation issued in the name of the Samoan Government, with the request that the application of the regulation to the German subjects residing in Samoa be approved. A similar request has doubtless been sent to the U. S. Government. The regulation is based upon the hypothesis that the customs receipts belong to the Samoan Government. If this hypothesis is unfounded, as is believed by the Imperial Government, it follows that the regulation itself has no force. It is therefore important, in the opinion of the chancellor of the Empire, to take a position at once with regard to the customs question itself. The Imperial Government thinks that it would be of advantage to arrive at an agreement on this subject as soon as possible, as the further settlement of affairs in Samoa may depend essentially on the decision of this question.

I take the liberty of adding, that a reading and examination of the customs regulation which has been communicated to me from Berlin, "An ordinance regulating the collection and arrangement of the revenue of customs," even when considered by itself, has failed to convince me that its provisions are in harmony with the requirements of the situation in Samoa.

Entirely apart from the conviction that trade and navigation in Samoa would be excessively embarrassed and impeded by the approval of this ordinance, I think it my duty to call attention to the fact, that to execute the ordinance an employment of officials would be required involving expenses entirely disproportioned to the total (annual) receipts from the Samoan customs duties (about \$12,000 in gold).

Awaiting a speedy expression of the views of your Government,
I avail myself, etc.,

KETTELER.

Baron Ketteler to Mr. Foster.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, August 13, 1892.

MR. SECRETARY OF STATE: Pursuant to instructions which I have received, I have the honor to call your attention to the following details:

As is well known, land claims of foreigners which have been allowed must, in accordance with the Samoa act, be reported to the land commission established in Apia, for the purpose of investigation and subsequent registration. According to a tariff of fees of the "real property ordinance" drawn up by the chief justice of Samoa, he intends to impose a fee of \$5 for the registration (recording) of every separate title to land, which fee is to go to the registering clerk, who, at the same time, discharges the duties of clerk of the court. From an approximate estimate, about three thousand land titles will be recorded. This would give to the clerk receipts to the amount of \$15,000. On the other hand, however, it would involve an oppressive burden on all foreign landowners. In the opinion of the Imperial Government, the chief justice has no authority singly to impose this charge on foreigners. Article VI, section 2, paragraph 2, of the Samoa act, provides "that a tax of one-half per cent is to be levied upon deeds of real estate, to be paid before registration thereof can be made." * * * It is to be inferred that this includes all the charges to be laid upon foreign landowners for registration. In accordance with Article VI, section 2, no further charges beyond this tax could be imposed upon them without the assent of the consuls of the three treaty powers. This assent has not yet been either sought or given, and in view of the disproportionate height of the charge, could hardly be obtained.

In accordance with a communication which I have received from the chancellor of the empire, the Imperial Government does not find itself for the present in a position to recognize as having the force of law the fee which has been imposed upon the foreign land owners by the chief justice, and it is of the opinion that this view does not conflict with Article III, section 1, of the Samoa act, which provides that reasonable fees may be granted to the clerk of the court and to the marshal of the court.

The chief justice may fix such fees, but they can not be forced upon the foreign land owners until the consuls have assented to them; they ought rather to be paid by the Samoan Government, which in this case could obtain the necessary means from the one-half per cent taxes. The Imperial Government intends to send the fitting instructions to the consul at Apia, but before taking further action would be glad to be informed of the views of the U. S. Government, as well as whether it is prepared to send similar instructions to its representatives at Apia.

Requesting a speedy statement of the position which will be assumed by the U. S. Government regarding this action of the chief justice of Samoa,

I avail myself, etc.,

KETTELER.

Mr. Adee to Baron Ketteler.

DEPARTMENT OF STATE,
Washington, August 15, 1892.

SIR: I have the honor to apprise you of the receipt of a despatch from the vice-consul-general of the United States at Apia, No. 200, of the 19th ultimo, accompanied by the following notice that appeared in the Samoan Times of the 16th ultimo:

NOTICE.—During the months of August, September, and October ensuing, I shall continue to adopt for my receipts and disbursements the present rate of exchange, viz, the English pound sterling and the twenty-mark gold piece as equal to five dollars United States currency.

FRHR. SENFFT VON PILSACH,
Treasurer.

APIA, July 14, 1892.

It seems proper to invite attention to the circumstance that this published notification of Baron von Pilsach does not accord with the understanding reached, as stated in the Department's note to Mr. von Holleben of March 24, 1892, that the 20-mark gold piece was to be received as the equivalent of \$4.76.

It is not doubted that you will promptly communicate with the German Government upon this subject, and that it will cause the order of Baron von Pilsach to be rescinded and the agreement of March 24 last to be carried out.

Accept, etc.,

ALVEY A. ADEE,
Acting Secretary.

Baron Ketteler to Mr. Foster.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, August 18, 1892.

MR. SECRETARY OF STATE: I have the honor, in obedience to instructions received, to inform you that the Imperial Government has been gratified to see, by the memorandum of the Department of State, of the 31st of May last, that the U. S. Government fully agrees with it touching the interpretation of Article IV, section 8, of the Samoa act, as

was stated in the second part of that memorandum, and that the U. S. Government has consequently adhered to our interpretation of the clause in question, according to which the legality of purchases of land made prior to the conclusion of the Anglo-Samoan treaty of August 28, 1879, can not be contested on the ground that the Samoan sellers had no right to dispose of their property. The Royal British Government has, however, declared, in reply to an inquiry made by the Imperial Government, that it declines, for the present, to express an opinion concerning this legal question, and that it considers it advisable to await the decision of the chief justice. Under these circumstances, and joint action of the treaty powers brought to bear upon the chief justice, as suggested in the memorandum communicated by Mr. Wharton is impracticable. The Imperial Government would, however, be grateful if the views of the U. S. Government, as regards the provision in question of the Samoa act could be communicated to the American representative at Apia, so that he might conjointly with his German colleague, uphold those views as far as possible.

Hoping to be favored with a reply concerning the decision of the United States,

I avail myself, etc.,

KETTELER.

Baron Ketteler to Mr. Foster.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, September 15, 1892.

MR. SECRETARY OF STATE: Referring to my note of August 13, 1892, with regard to the action of the chief justice of Samoa, I have the honor, in accordance with instructions received, to make the following communication:

According to a report of July 18, 1892, from the Imperial consul at Apia, the chief justice intends to make the registration of the titles to land conditional in every separate case, on a previous survey of the land, to be made at the expense of those concerned. The Imperial Government is of the opinion that there is no need of the survey, and that the requirement finds no justification in the provisions of the Samoa act, Article IV, section 7, which speaks only of a registration of the titles to land. Apart from this, it seems clear to the Imperial Government that such a measure, even so far as it is practicable in view of the state of local affairs, would delay the settlement of land matters in Apia in an undesirable manner, and would impose disproportionate expense on those concerned. The Imperial Government intends, consequently, to refuse its assent to the measure, and to send corresponding instructions to the Imperial consul at Apia; and hopes that the U. S. Government will acquiesce in this view and send similar instructions to the American representative at Apia.

Most respectfully requesting a speedy expression of opinion on this subject, as well as on that contained in my note of August 13, 1892,

I avail myself, etc.,

KETTELER.

Mr. Foster to Baron Ketteler.

DEPARTMENT OF STATE,
Washington, September 27, 1892.

SIR: I have the honor to inclose herewith a copy of a note of the 19th instant from Mr. Herbert, Her Britannic Majesty's chargé d'affaires *ad interim* at this capital, relative to a difference of opinion which has arisen between the consular board and the municipal council regarding the appointment of returning officers for municipal elections in Samoa.

I also inclose a copy of my reply in which the view of the British Government is concurred in, that the question at issue is properly one for the decision of the chief justice.

Accept, etc.,

JOHN W. FOSTER.

Mr. Foster to Baron Ketteler.

DEPARTMENT OF STATE,
Washington, September 27, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 13th ultimo relative to a fee of \$5 which it is understood the chief justice of Samoa intends to impose for the registration of every separate title to land. You state that "the Imperial Government does not find itself for the present in a position to recognize as having the force of law the fee which has been imposed on the foreign landholders by the chief justice acting alone," and you ask to be informed of the views of this Government with respect thereto.

Section 7 of article 4 of the Berlin general act provides that—

The court shall make provision for a complete registry of all valid titles to lands in the Islands of Samoa which are or may be owned by foreigners.

As there is no provision otherwise for the payment of the expenses of this registry, it seems a reasonable inference that it is to be made at the expense of the landowners. In this country, where the system of registry of land titles generally prevails, a reasonable fee sufficient to cover the expense of the registry is always charged the owner, and this was so even when, for the purpose of raising revenue, a tax was at one time imposed upon transfers of title. The tax provided for under the second heading of Paragraph D, section 2, article 6 of the treaty, of one-half of 1 per cent upon conveyances of land is simply one of the taxes permitted to the Samoan Government in order "to obtain the necessary revenue for the maintenance of government and good order in the islands." There appears to be nothing requiring its diversion for the purposes of the expense of the registry or to require the Samoan Government otherwise to bear the expenses of such registry.

The real difficulty with the proposed fee of \$5 seems to be that it is not reasonable and can not, therefore, be defended under section 1 of article 3 of the treaty, or otherwise. Indeed, it is so disproportionate to the actual expense of the registry that it is rather in the nature of a tax upon the landowners; but the imposition of a tax otherwise than in conformity with the provisions of section 2, article 6, is clearly indefensible. A reasonable fee, however, sufficient to fairly cover the expenses of the registry at current rates of copying, this Government

is inclined to believe would be entirely proper. It would be disposed to join with the Imperial Government and with the Government of Her Britannic Majesty to secure a suitable modification of the fee accordingly.

I will add that no report upon this matter has yet been received from the American consul.

Accept, etc.,

JOHN W. FOSTER.

Mr. Foster to Baron Ketteler.

DEPARTMENT OF STATE,
Washington, September 29, 1892.

SIR: With reference to your note of July 29, inclosing a copy of a dispatch from the British consul in Samoa to his Government, under date of May 26, 1892, respecting the state of affairs in that island, I have the honor to inform you that I had previously received a copy of the same dispatch from Mr. Herbert. This Government has observed a friction between the different officials in Samoa, which is certainly most prejudicial to the interests of the island and is altogether unnecessary. It has felt also that neither the president of the municipal council nor the chief justice has always shown proper consideration for the consuls and the land commission. Whether or not they have preferred the interests of the natives to those of the white residents this Government of itself has no information. The circumstances of the former should especially commend them to the consideration of all officials in Samoa, but, of course, the just rights of the white settlers ought not to be neglected.

In the absence of further information, which it hopes to receive from its representative at Apia, this Government is not prepared to advise with respect to the exact form which would most conduce to bring about a better understanding, but it will gladly join with the Imperial Government and the Government of Great Britain in any feasible plan to that end.

Accept, etc.,

JOHN W. FOSTER.

Mr. Foster to Baron Ketteler.

DEPARTMENT OF STATE,
Washington, September 29, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 18th ultimo relative to the interpretation of section 8 of Article IV of the Berlin general act. You state that the British Government declines for the present to express an opinion regarding the correctness of the decision of the land commission to the effect that the validity of purchases of land made prior to the conclusion of the Anglo-Samoan treaty of August 28, 1879, can not be contested on the ground that the Samoan sellers had no right to dispose of the property. You request that the previously expressed opinion of this Government concurring in this interpretation of the section may be communicated to the American representative at Apia, in order that he, together with his German colleague, may uphold that view so far as possible. The decision of the

commission under the facts and circumstances of that particular case, or their decision in any other case to which they may apply a like rule, is according to the treaty subject to the revision and confirmation of the supreme court. As the question is purely a judicial one, in the absence of united action on the part of the three signatory powers, this Government feels constrained to refrain for the present from any further expression of opinion with respect thereto.

Accept, etc.,

JOHN W. FOSTER.

Mr. Foster to Baron Ketteler.

DEPARTMENT OF STATE,
Washington, October 4, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 15th ultimo relative to a proposed ordinance of the chief justice of Samoa making the registration of land titles in those islands conditional in each case on a previous survey of the land to be made at the expense of those concerned. You inform me of the intention of your Government to refuse its assent to this measure, and express the hope that the Government of the United States will acquiesce in that view.

Section 7 of Article IV of the Berlin general act directs the supreme court of Samoa to make provision for a complete registry of all valid land titles held by foreigners. It is believed that there might be some justification for requiring a preliminary survey of land the title of which is to be registered or recorded, provided such survey were necessary in any particular case for its precise description. But only valid titles are authorized to be registered, and by the terms of Article IV of the treaty the validity of every foreigner's title to land must be established before the land commission and the supreme court. No title, therefore, can become the subject of registry until it has been approved by the commission and finally confirmed by the court. It must be presumed that a title thus established will be sufficiently definite and, if a survey had been necessary, that it would have been required by the commission. For that reason this Government, in concurrence with the Government of Germany, is disposed to refuse its assent to any general requirement making the registry of every title to land conditional upon a preliminary survey. The American consul will be instructed accordingly.

Accept, etc.,

JOHN W. FOSTER.

Mr. Foster to Baron Ketteler.

DEPARTMENT OF STATE,
Washington, October 6, 1892.

SIR: I had for some time had under consideration a communication addressed to my predecessor by Baron Senfft von Pilsach, the president of the municipal council of Apia, renewing the tender of his resignation and urging its acceptance, when I received your note of the 6th of July last, communicating the intention of the Imperial Government to refuse the renewed request of Baron Senfft, there being, in its

judgment, no occasion to reverse its former decision, and inviting the acquiescence of this Government in so doing.

Being disposed to regard the first tender of Baron Senfft's resignation in October, 1891, as a hasty act, this Government was well disposed to offer no impediment to the course which the other powers adopted in urging its withdrawal; and the hope was, moreover, indulged in that the undesirable friction which had unfortunately developed between the chief officials of the Samoan administration might soon disappear.

In view, however, of the declaration now made by Baron Senfft von Pilsach that nothing has occurred that could have weakened the reasons of his first request, and sharing his frankly expressed belief that "frictions between those officials would be more prejudicial to the working of the Berlin treaty than any other frictions," I am disposed to believe that it is best for the three signatory powers to accede to the Baron's request to be allowed to resign his office, in which for some time he has manifestly continued with great reluctance.

Accept, etc.,

JOHN W. FOSTER.

Baron Ketteler to Mr. Foster.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, October 7, 1892.

MR. SECRETARY OF STATE: Referring to your very polite note of the 27th ultimo, relative to a difference of opinion which has recently arisen between the consular board and the municipal council at Apia, with regard to the appointment of returning officers for municipal elections, I have the honor to inform you, Mr. Secretary of State, that according to a dispatch which was received yesterday from his excellency the chancellor of the Empire, bearing date of September 15, the same complaint of Baron Senfft von Pilsach concerning the consular board has been received by the imperial foreign office. I have the honor to inform you, by means of the inclosed memorandum, of the views of the Imperial Government, as they have already been brought to the notice of the Royal Government of Great Britain.

I avail myself, etc.,

KETTELER.

[Translation.]

Memorandum.

The Imperial Government is of the opinion that, according to Article v, section 3, of the Berlin general act, the consular board should not in general defer voting upon the resolutions adopted by the municipal council on the ground that one or another of the consuls is awaiting instructions from his government. Yet the consular board has repeatedly adjourned from motives of expediency, without any objection being made by the municipal council. In a recent case, in which the point at issue was the promulgation of certain punitive provisions, the municipal council expressed its willingness to consent to such an adjournment, which had been proposed by the imperial consul expressly in order that he might be enabled to receive instructions. If the municipal council, in the case now under considera-

tion, contrarily to its previous practice, objected to a postponement of the matter, it might have brought the case before the chief justice for decision in the manner prescribed in the general act. It appears, however, that the municipal council, in this instance, also, made no objections to the settlement of the case by the consular board. The Imperial Government therefore thinks that no attention need be paid to the complaint. The foreign office will, however, cheerfully take occasion to instruct the imperial consul at Apia, confidentially, to do all in his power to the end that matters before the consular board may in future be settled with as little delay as possible.

Imperial German Legation, Washington, October 7, 1892.

Baron Ketteler to Mr. Foster.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, October 15, 1892.

MR. SECRETARY OF STATE: I have the honor, in obedience to instructions received, to lay before you the following:

A report made to the foreign office, under date of August 14, 1892, by the imperial consul at Apia, describes the sad state of political affairs which exists on the Samoan Island, and leads to the conviction that the protection of the lives, property, and trade of foreigners, which is guaranteed to them by the Berlin general act, can not be made effective unless energetic steps are taken to suppress the anarchy which prevails there.

The Royal Government of Great Britain and the Imperial Government reached an agreement, as is known, in September, 1891, concerning a common intervention of war vessels belonging to the three governments, the special object of which was the disarming of the natives. The United States Government declined to accede to this proposal on the ground that no revolutionary outbreak had yet occurred, that the proposed measures seemed calculated to frustrate the good effects that were to be expected from the Berlin conference, and that the mere presence of three war vessels would undoubtedly be sufficient to restore order in Samoa.

Thus it was that only an agreement of the three treaty powers was reached, according to which war vessels are under obligations to the supreme court of Samoa to render certain assistance of a non-military nature. It is evident that, under circumstances such as those described in the report just received from the imperial consul at Apia, i. e., the systematic plundering of foreign plantations by the armed bands of Mataafa, the assistance of the supreme court must be of no avail, even in case of the cooperation of the war vessels, as provided by that agreement. It is further reported that Mataafa's armed followers, to the number of upwards of a thousand, now occupy a fortified position, and the revolutionary outbreak which was regarded by the United States Government as being necessary to base action upon, has consequently become an indisputable fact.

The Imperial Government does not consider itself authorized, so long as the two other treaty powers do not refuse their cooperation, to uphold by itself the rights guaranteed by the Berlin act to Germans as well as to other foreigners in Samoa, but it thinks that it is entitled to claim the joint assertion of those rights.

It is, therefore, earnestly suggested by the Imperial Government that each of the three treaty powers send at least two war vessels for the res-

toration of peace in Samoa, which vessels shall have orders to intervene in the manner proposed last year by the British Government.

Referring to the interview which I had with you to-day, I have the honor, Mr. Secretary of State, in view of the urgency of the case, to beg you to be pleased to reply with as little delay as possible.

I avail myself, etc.,

KETTELER.

Baron Ketteler to Mr. Foster.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, October 15, 1892. (Received October 17.)

SIR: With reference to your notes of September 27 and of the 4th of this month, I have the honor, by direction of the chancellor of the Empire, to inclose herewith for your information copies of two communications addressed under date of the 13th ultimo by her Britannic Majesty's secretary of state for foreign affairs to the Imperial German ambassador at London, informing him of the concurrent intention of the British Government to refuse its assent to the proposed ordinance of the chief justice of Samoa making the registration of land titles held by foreigners in those islands conditional in each case on a previous survey of the land, and imposing a special fee for such registration.

I avail myself, etc.,

KETTELER.

[Inclosure No. 1.]

Mr. Currie to the German ambassador at London.

FOREIGN OFFICE,
London, September 13, 1892.

Mr. AMBASSADOR: Her Majesty's Government have given their attentive consideration to your excellency's note of the 14th ultimo, stating the objections entertained by the German Government to a fee for the registration of land titles which has been imposed by the chief justice of Samoa under an ordinance entitled the "real property ordinance, 1891," and asking for the views of Her Majesty's Government upon the subject.

Her Majesty's Government are advised by the law officers of the Crown, to whom your note was referred, that the issue of this ordinance by the chief justice was *ultra vires*, and they have instructed the British consul at Samoa in this sense.

It seems desirable that a collective communication should be made by the consuls of the three treaty powers to the chief justice, and Mr. Cusack-Smith will be authorized to take part in it as soon as your Government has arranged with the U. S. Government for the cooperation of their consul.

I have, etc.,

(In the absence of the Earl of Rosebery.)

P. W. CURRIE.

[Inclosure No. 2.]

*Mr. Currie to the German ambassador at London.*FOREIGN OFFICE,
London, September 13, 1892.

MR. AMBASSADOR: With reference to my previous note of this date, relative to the "real property ordinance, 1891," issued by the chief justice of Samoa, I have the honor to acknowledge the receipt of your excellency's communication of the 3d instant respecting the proposed further action of the chief justice in regard to the registration of land titles.

Your excellency states that Mr. de Cederkrantz contemplates making the registration dependent in each case upon a preliminary survey to be made at the cost of the party interested, and you explain the reasons which lead the German Government to consider such a survey to be unnecessary in itself, as well as calculated to entail undesirable delay and to throw disproportionate expense on the persons concerned. You add that they propose under these circumstances to withhold their sanction from the measures, and to instruct the German consul at Apia to that effect.

I have the honor to acquaint your excellency that Her Majesty's Government concur in these views, and that Her Majesty's consul at Apia will be instructed in a similar sense.

I have, etc.,
(In the absence of the Earl of Rosebery.)

P. W. CURRIE.

*Mr. Wharton to Baron Ketteler.*DEPARTMENT OF STATE,
Washington, October 19, 1892.

SIR: I have the honor to acknowledge, with thanks, the receipt of your note of the 7th instant, inclosing a memorandum relative to the views of the Imperial German Government in regard to a difference of opinion which has recently arisen between the consular board and the municipal council at Apia with regard to the appointment of returning officers for municipal elections.

Accept, sir, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

*Mr. Wharton to Baron Ketteler.*DEPARTMENT OF STATE,
Washington, October 19, 1892.

SIR: I have the honor to acknowledge, with thanks, the receipt of your note of the 15th instant, communicating copies of two communications from Her Britannic Majesty's Government to the imperial German ambassador at London, informing him of the concurrent intention of the British Government to refuse its assent to the proposed ordinance of the chief justice of Samoa making the registration of land titles held by foreigners in those islands conditional in each case on a previous survey of the land, and imposing a special fee for such registration.

Accept, sir, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Baron Ketteler to Mr. Foster.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, October 24, 1892.

MR. SECRETARY OF STATE: Referring to my note of the 15th instant, relative to the joint intervention through vessels of war of the treaty powers in Samoa, I have the honor, in obedience to instructions received, to make the following further communication:

The royal Government of Great Britain having given it to be understood that it would take part in joint action by the three treaty powers, it is suggested by the Imperial Government that it would be well for the commanders of the war vessels to come to an understanding with regard to the measures to be adopted for the restoration of order in Samoa.

It would, however, be a question, in the opinion of the Imperial Government, whether the commanders should not be instructed, at least in a general way, concerning the object of the demonstration. If, therefore, an understanding on the subject should be reached by the governments, and should the instructions to be issued then come up for consideration, the following points might be thought worthy of attention: As was decided during last year's negotiations, the most desirable object to be attained will be the disarming of the revolutionists assembled at Malie, while that next in importance will be the disarming of the other natives. As regards Malie, the only way in which this object could be accomplished would probably be for all the vessels of war, in cooperation with the forces of the Samoan governmental party, to surround the position occupied by the revolutionists and force them to lay down their arms. It could probably only be decided on the spot to what extent landing, or at least boat maneuvers, would be required. Even after the action at Malie it would be necessary for the war vessels to remain in as close communication with each other as possible. With a view to facilitating the securement of the arms, it would be well to allow pecuniary compensation for arms voluntarily delivered up, as was proposed last year by the German and British consuls at Apia. This plan is not practicable, owing to the present financial situation of the Samoan Government. It might, however, be made a question whether the payment of arrears of the poll tax and of the tax on firearms might not be remitted to any person surrendering a gun, and whether a certificate to that effect might not be issued to such person. It might also be advisable to take the principal chiefs of the several villages or districts on board of the war vessels, and to keep them there until such a number of guns had been surrendered as, according to their statements, might be expected to be found in the localities. If an approximately complete collection of the weapons now in the country could be made in this way, no special punishment of Mataafa and his adherents might be necessary.

Hoping to be favored as speedily as may be convenient with a reply to the question raised in my note of the 15th instant, relative to the participation of the United States in the joint demonstration, I beg that what has been set forth in this note may kindly be considered when a decision is formed.

I avail myself, etc.,

KETTELER.

Mr. Foster to Baron Ketteler.

DEPARTMENT OF STATE,
Washington, November 3, 1892.

SIR: I have the honor to inform you that your esteemed notes of the 15th and 24th ultimo, relative to affairs in Samoa, have received my attentive consideration.

In the former you advert to a report received from the imperial consul at Apia with respect to the Chief Mataafa, and you suggest that "each of the three treaty powers send at least two war vessels for the restoration of peace in Samoa, which vessels shall have orders to intervene in the manner proposed last year by the British Government." You refer, I assume, to certain suggestions communicated to this Government in a note from the British legation, dated August 24, 1891, contemplating the capture and disarmament of the Mataafa faction.

In the latter note you discuss the nature of the joint instructions which ought to be given to the naval vessels of the treaty powers. They contemplate generally an aggressive joint military movement for the capture and disarmament of Mataafa and his followers. You also propose the disarmament of the other natives, and to that end it is suggested that the principal chiefs of the several villages or districts might be taken on board the war vessels and detained until their people surrender their guns.

This Government, no less than the Government of His Imperial Majesty, regrets the numerous elements of discord prevailing in Samoa, among which must be counted the continued resistance to the government of Malietoa of his principal native chief. The situation certainly demands the careful consideration of the treaty powers, and this Government desires to share in such action, if any, as they may jointly deem to be wisest and most expedient. I regret, therefore, that I am not in receipt of sufficient information from the American consul at Apia to enable this Government at this time either to assent to the suggestions of His Imperial Majesty's Government or to dissent therefrom.

Although it is not conclusive of the suggestion that something ought to be done, it is pertinent to the question of its immediate urgency that so far as this Government is informed the situation at Malie is not different now from what it has been for more than a year. The latest report from our consul at Apia, dated October 8, is that there is "no sign of any immediate disturbance between the natives." Neither does your note disclose any information that Mataafa and his followers contemplate any change from their past policy of simply passive resistance to the authority of the Samoan Government. By the present mail, therefore, about leaving for Samoa, instructions have been sent to the American consul to promptly report upon the entire situation as respects the Chief Mataafa, and upon receipt of such advices the plan proposed by the German Government shall receive my further attentive consideration.

In the meantime this Government has arranged to dispatch at once a war ship to Apia to act in concert with the vessels of the German and British governments for the protection of life and property. Recognizing the latitude which must of necessity be given to the local representatives of the treaty powers, this Government will instruct its naval commander to join with his German and British colleagues in whatever action may be unanimously agreed upon by the consular rep-

representatives of the three powers. It is the desire of this Government, however, that until it has received and can consider the advices which it is awaiting, the joint action of the powers should avoid the precipitation of actual hostilities.

Accept, sir, etc.,

JOHN W. FOSTER.

[Confidential. Handed to the Secretary of State by Baron Ketteler, German chargé, November 10. 1892.]

Memorandum.

The imperial German consul, Mr. Biermann, has reported from Apia to the foreign office, under date of September 10, with regard to the disturbed political situation in the Samoan Islands. The substance of this report tends to show that there is every probability of a serious outbreak of hostilities between the followers of Malietoa and the party of Mataafa. Armaments have been proceeded with on both sides, and the inhabitants of Aana, the western part of Upolu, have advanced towards Malie, but have subsequently come to a stop in order to await the armed cooperation of other districts.

The Samoan Government, acting under the advice and with the consent of the president of the municipal council, Baron Senfft von Pilsach, and of the chief justice, Cedererantz, urge the followers of the Government party to attack Malie.

While it is an established fact that the plantations belonging to foreigners sustain heavy damages by all warlike operations within the country, as the assembled troops or mobs of both parties raid the plantations and rob or destroy the crops, it seems, furthermore, highly precarious for the Government to enter upon a warlike expedition, as even the leaders seem to have little hope of subduing their opponents in an effective and speedy manner, thereby bringing them into permanent subjection.

Apparently the Government has given up the belief of obtaining an armed cooperation of the three treaty powers in favor of Malietoa's authority. It is feared that a prolonged delay in attacking the party of Mataafa will only tend to strengthen his forces, and to make an ultimate victory more questionable. The attitude of the Samoan Government as prompted by the inaction of the great powers is illustrated by the following facts:

When the three consuls had duly informed Malietoa of the decisions of their Governments to assist the supreme court in the execution of warrants of arrest, he at once ordered Mr. Maben to expose to them his wishes with regard to such joint action, which are contained in a letter, dated Mulinuu, August 23, and, marked Annex 1, inclosed herewith.

This letter was accompanied by a report of the marshal of the supreme court of Samoa, dated Mulinuu, August 23, and addressed to the chief justice, and gives evidence of the armed resistance and hostile feeling of the natives. (Annex 2.)

The report addressed by the chief justice to the King, dated Mulinuu, the 24th of August, shows that warrants of arrest issued by the supreme court are openly defied, its officers resisted, and the authority of the court utterly ignored. (Annex 3.)

It appears from a letter inclosed as Annex 4, and addressed by the three consuls to the King, that they decided in accordance with their

instructions not to comply with his request, as the desired intervention of a man-of-war in this case would be likely to lead to a warlike action.

In the meantime a certain American citizen, Mr. Moors, as well as a British subject, Mr. Stevenson, are said to make regular visits at Malie, and to their direct or indirect influence the offensive attitude and disrespect of Mataafa toward the government at Mulinuu, recognized by the treaty powers, is attributed.

According to information emanating from reliable sources a financial crisis at Apia is inevitable. Already in the month of September several outstanding accounts of importance had to be left unpaid, and also the salaries due to some officials have not been forthcoming.

The entire failure of the Government to meet their obligations was considered certain if within the following weeks native taxes could not be collected. This being highly improbable, Baron Senfft von Pilsach tried to evade a financial collapse by inviting tenders for the purchase of the Samoa Times.

The municipality has been forced to advertise the sale of a piece of land situated in the neighborhood of the German Hospital, and which only a short time ago had been purchased by the municipality from the English firm, McArthur & Co., the reason being that the first installment of the purchase money of £1,000 due in October was not available.

There is a great depression in trade; the natives are unwilling to pay taxes as well as to buy merchandise, and they economize in order to purchase ammunition in case of war.

The customs receipts are consequently low and are likely to be further reduced.

The above statements, taken from the report of the imperial German consul at Apia, show in an explicit manner the deplorable state of public affairs now existing in the Samoan Islands.

Imperial German legation, Washington, November 10, 1892.

[Annex 1.]

DEPARTMENT OF STATE,
Mulinuu, August 25, 1892.

SIR: I am requested by His Majesty, the King, to forward to you the copy of a letter he has received from his honor, the chief justice, stating that the execution of warrants of arrest issued by the supreme court against several persons residing at Malie had been forcibly resisted. The particulars are set forth in the inclosed copies of the warrants and the marshal's report.

The chief justice requests His Majesty to send a military force sufficient to enforce the execution of these warrants of arrest, otherwise he says it is impossible to uphold the system of judicature established by the final act of the conference in Berlin on Samoan affairs.

His Majesty and the Government are of opinion that if they were to send an armed force to Malie to attempt to execute these warrants of arrest in the present unsettled state of the country, blood would be almost sure to be shed, and a civil war with all its consequent danger to the persons and property of not only Samoans but foreigners would ensue.

It is His Majesty's wish to avoid this if possible, and therefore he feels justified in adopting the course which the reply of the treaty powers through their representatives here on the 10th instant leaves open to him, namely, to ask for the assistance of a man-of-war to help enforce the execution of warrants of arrest which have been issued by the supreme court.

His Majesty is of opinion that no further action of the man-of-war would be necessary than to take the officer of the court and land him opposite to Malie, and wait until the arrests were completed. His Majesty is well aware how anxious the treaty powers are to avoid taking any action in the internal affairs of these islands, but he would respectfully refer to the conditions under which the Berlin treaty was

made and accepted by Samoa and ask you to consider the gravity of the present position, and then decide whether it would not be better to take action in this case through a man-of-war and thereby prevent bloodshed, than to compel the Samoan Government to act with the almost certain result of considerable loss of life and damage to property. His Majesty and the Government feel convinced that the time has come when definite and determined action must be taken to enforce the decrees of the Government and of the courts of justice.

His Majesty makes the request for the assistance of a war ship by this identic note to the three consuls in accordance with the suggestion contained in the last clause of your joint communication to His Majesty on the 10th instant. He leaves the matter with perfect confidence in your hands, feeling certain that you will act for the best interests of both foreigners and Samoans.

As His Majesty considers the case an urgent one, he makes this request while Her Britannic Majesty's war ship *Curaçoa* is in Samoan waters.

I have the honor to be, etc.,

THOMAS MABEN,
Secretary of State.

C. BIERMANN, Esq.,
Imperial German Consul, etc.

[Annex 2.]

MULINUU, SAMOA, August 23, 1892.

To His Honor, the Chief Justice of Samoa:

Herewith I beg to return two warrants issued by your honor, one for the arrest of Pio, Aigu, Tausisii, and Sia, and another for the arrest of Fli and Rosi, all at present residing in Malie, I having been forcibly prevented from executing the same by the people congregated at Malie.

The circumstances are as follows: On the evening of Monday, the 22d instant, I received the above-mentioned warrants from the clerk of the court, with instructions that they were to be immediately executed. I arranged to leave Mulinuu for Malie on the following morning, which I did, arriving at the latter place at about half past 8 a. m. I was accompanied by a boat's crew of four men and an interpreter. On nearing the beach at Malie, a native stepped out on some stones and shouted to take down the Samoan flag, which was flying at the stern of my boat. This I at first refused to do, but upon consideration, and seeing an angry crowd on the shore evidently prepared for a quarrel, I decided to take down the flag, as I did not wish to provoke a disturbance. Upon landing, the boat's crew, the interpreter, and myself were surrounded by an excited and angry party of from 80 to 100 Samoans, many of whom were armed with axes, knives, and clubs. They demanded to know what my business was. I answered through my interpreter that I had come to execute warrants of the supreme court of Samoa. The crowd still continued to be angry and excited, when a Samoan, who appeared to be some person of authority, arrived at the spot, ordered them to be quiet and allow me to go to a house which he pointed out. I remained in this house for a short time, when two chiefs arrived, Leiatana Punivalu and Telea, who informed me that they had come to speak with me, and that they represented the King and Government, meaning Mataafa and those associated with him. They asked my business, and I informed them that it was not with them; that I had come to arrest several persons for whom warrants had been issued by the supreme court. They at once told me that they would not allow this, as they neither recognized the Government of Samoa nor the supreme court. I told them I was sorry to hear this, and as my orders were to arrest these people, I must endeavor to do so, if I could succeed in finding them. They informed me that force would be used to prevent me from arresting the persons I wanted. At this juncture Rosi, a person named in one of the warrants, came into the house where I was. I formally arrested him, telling him with what offense he was charged, and that he must accompany me to Apia. This he stated he would not do, and that if I attempted to remove him I would be forcibly resisted. The other chiefs also spoke again in like manner and appeared to become very excited. Seeing the large number of natives who were in and around the house, evidently bent upon forcibly resisting me, I came away feeling that I was powerless, under the circumstances, to effect the arrests. From the hostile feeling evinced by nearly all the natives whom I saw, I am convinced that considerably more force than I have at my disposal will be required to execute the warrants which your honor intrusted me with.

I have the honor to be, sir, etc.,

F. H. DENVERS,
Marshal of the Supreme Court of Samoa.

[Annex 3.]

MULINUU, *August 24, 1892.*

YOUR MAJESTY: Referring to my letter of the 3d of December, 1891, I have the honor to forward herewith copies of two warrants of arrest issued by the supreme court on the 22d instant against six individuals at Malie, all of whom are named in my above-mentioned letter.

I have to state that the marshal of the court, having yesterday proceeded to Malie in order to execute the warrants, returned the same day in the afternoon to Mulinuu without having succeeded, for the particulars of which executory measure I beg to refer to inclosed copy of the marshal's report.

Thus it appears that the condition of affairs in Malie complained of in my letter hereinbefore referred to still remains unchanged. Warrants of arrest issued by the supreme court are openly defied, its officers resisted and willfully obstructed in the execution of their duty; the jurisdiction, nay, the existence, of the court utterly ignored.

I therefore feel obliged once more to apply to Your Majesty's Government with a view to uphold the system of judicature established by the final act of the conference of Berlin on Samoan affairs, for such military assistance as may be deemed requisite by Your Majesty to enforce the execution of the above warrants of arrest.

I submit that Your Majesty, in view of the importance and urgency of this matter, should take the same into consideration immediately, and I also submit for like reasons that Your Majesty should request the advice of the president of the municipal council of Apia.

I have the honor to be, with the highest consideration, Your Majesty's most obedient and humble servant,

C. CEDERCRANTZ.

HIS MAJESTY, THE KING.

[Annex 4.]

APIA, *September 2, 1892.*

LAU AFIIGA: We, the consular representatives of the treaty powers, have the honor to acknowledge the receipt of your request for the assistance of a ship of war to execute certain warrants of arrest at Malie, the stronghold of the Chief Mataafa, and his followers.

We observe from the report of the marshal of the supreme court, that he was received with violence at Malie, that he was not permitted to land until he had himself hauled down the Samoan Government flag, then flying in his boat, and that the two chiefs who represented the party of Mataafa distinctly declared that not only the persons threatened to be arrested would resist, but that the said party, considering itself a Samoan Government, did not recognize your Government or the supreme court in Mulinuu, and therefore would make common cause in opposing by force the execution of any orders issued by your Government.

It must therefore be concluded that the warrants of arrest can only be executed after overpowering the resistance of the so-called Malie Government. Such a course would cease to be an executory measure against individuals and assume the character of a warlike action. Before we could accept the requisition for execution of the warrants of the supreme court by a man-of-war, we had to be convinced that the purpose of the intervention of the man-of-war could be accomplished.

Contrary to the opinion of your Afioga, we have not the conviction that only by the appearance of one man-of-war opposite to Malie, the whole Mataafa party could be induced to obey the orders of your Government, and any more extended action of the man-of-war we have not the right to demand. Our instructions are that the intervention of ships of war in these cases should have the character of an executory measure against individuals, and should not lead to any warlike actions. For these reasons we regret not to be able to comply with your request. We fully concur with your Afioga's opinion, that if you and the Government were to send an armed force to Malie to attempt to execute these warrants of arrest in the present unsettled state of the country, blood would be almost sure to be shed and a civil war, with all its consequent danger to the person and the property of not only Samoans but also foreigners would ensue, and this we are glad that you wish to avoid.

Finally, we must disclaim the imputation contained in the letter of Mr. Mabon, that our inability to comply with your request in this instance can be construed as compelling the Samoan Government to act with the almost certain effect of considerable loss of life and damage to property.

We have the honor to be, your Afioga, most obedient servants,

(Signatures of the three consuls.)

Baron Ketteler to Mr. Foster.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, November 12, 1892.

MR. SECRETARY OF STATE: The secretary of state for foreign affairs has seen, by your note of September 27, 1892, relative to fees for the registration of titles to land in Samoa, which I did not fail duly to transmit to him, that the U. S. Government also is prepared to refuse its recognition of the establishment of a fee of \$5 for the registration for every title to land in Samoa. The view expressed in the note of your Department of September 27, 1892, that the collection of a fee by way of compensation for the expenses incurred by the supreme court for copying, etc., would be proper, is accepted by the Imperial Government, which consequently intends to instruct the imperial consul at Apia in this sense, assuming that the U. S. Government will similarly instruct its representative, to the end that the chief justice may be apprised by a collective note of the consuls that the fee established by him in the real-property ordinance (\$5) is not recognized by the treaty powers as legal.

Hoping to receive a favorable reply on this subject from your Department, I avail myself of this occasion to renew to you, Mr. Secretary, etc.,

KETTELER.

Baron Ketteler to Mr. Foster.

[Translation.]

IMPERIAL GERMAN LEGATION.
Washington, November 15, 1892.

MR. SECRETARY OF STATE: In reply to your note of the 6th ultimo, relative to the resignation of Baron Senfft von Pilsach, in Apia, the contents of which were brought by me, without delay, to the knowledge of the foreign office at Berlin, I have the honor, Mr. Secretary of State, in obedience to instructions received, to make the following communication:

The Imperial Government has again considered the recall of Baron Senfft von Pilsach from his post as president of the municipal council of Apia, in view of the unmistakable impairment of his relations with the consuls and his official conduct in general. This it has done independently of the suggestion of the U. S. Government, contained in your note of October 6, 1892. The Imperial Government, however, thinks it important that he be relieved only with the proviso that the post of chief justice of Samoa be newly filled.

From various reports of the imperial consulate at Apia, the contents of which were in part transmitted to the Department of State in the different communications of this legation relative to Samoan affairs, it appears beyond a doubt that the influence which Chief Justice Cederantz has exerted upon Baron Senfft von Pilsach has not been a good one.

The conflicts now existing between the latter and the consuls of the treaty powers, reference to which was made in your note of the 6th ultimo, are, in the opinion of the Imperial Government, to be attributed to this influence.

If, however, Baron von Senfft should alone be relieved, his successor would easily be brought into an undesirable state of dependence upon Chief Justice Cedercrantz. The Imperial Government may therefore presume that a change in the person of the chief justice would be viewed with satisfaction by the U. S. Government. The British Government would also probably assent to the resignation of both these officers.

As regards the filling of these places, the secretary of state of the foreign office shares the views recently expressed by you, Mr. Secretary of State, on the occasion of our interview on the 11th instant, at the Department of State, to the effect that the selection of the persons who are to fill these positions should not be made in the same way as before, but by a direct understanding of the three Governments interested in Samoa, and so that men should be preferred who are already familiar with affairs in the South Sea, if possible, with those of the Samoan Islands themselves. These views would be met, in the opinion of the Imperial Government, by the appointment of Mr. Ide, who was formerly the American member of the Samoan land commission, as chief justice, and by that of Wilhelm Hennings, a German, who has been long engaged in mercantile pursuits in Fiji, as president of the municipal council at Apia.

Mr. Ide is very favorably known on account of his former course in Samoa. The foreign office at Berlin has been privately informed that he would be willing to accept the office. Application for the position has been formally made by Mr. Hennings. This gentleman is about 50 years of age, and for more than ten years has been merchant consul of the Empire at Levuka, Fiji. He has, moreover, filled the office of chief magistrate under the English Government for an important judicial and administrative district in Fiji. He is recommended by Sir John B. Thurston, governor of Fiji, and enjoys throughout the South Sea, especially in Samoa, the reputation of an honorable man. He was led to resign his consular position in 1879 by pecuniary losses which were chiefly due to a large fire. Mr. Hennings combines the advantages of experience and of special knowledge of affairs in the South Sea.

The Imperial Government would therefore agree to the simultaneous recall of Mr. Cedercrantz and Baron Senfft von Pilsach, provided that the gentlemen above proposed should be appointed as their successors.

Hoping soon to be favored with a reply as to the manner in which these proposals of the Imperial Government are viewed by that of the United States,

I avail myself, etc.,

KETTELER.

Mr. Foster to Baron Ketteler.

DEPARTMENT OF STATE,
Washington, November 18, 1892.

SIR: With reference to the resignation of Baron Senfft von Pilsach as president of the municipal council of Apia, I have the honor to acknowledge the receipt of your polite note of the 15th instant, in which you state that the Imperial Government thinks it important that he should be relieved only on condition of a change also in the chief justiceship of Samoa. You further state that the Imperial Government believes that the requirements of the two positions might well be met by the appointment as chief justice of Mr. Ide, formerly the American member of the Samoan land commission, and by that of William

Hennings, a German who has been long engaged in mercantile pursuits in Fiji, as president of the municipal council; and that it would "agree to the simultaneous recall of Mr. Cedererantz and Baron Senfft von Pilsach, provided that the gentlemen above proposed shall be appointed as their successors."

The reports which this Government has received confirm the advisability of a change in the office of chief justice as well as in that of the president of the municipal council, and I am disposed, therefore, to assent to your suggestion to that end. I have no present opportunity for obtaining any further information in regard to Mr. Hennings than that communicated in your note; but I have made inquiries respecting the standing and qualifications of Mr. Ide, and the information received is of a very satisfactory character. If the British Government concurs in these two nominations the Government of the United States stands ready to accept them; and it also agrees with the Imperial Government that the annual salary of the president of the municipal council could wisely be reduced to \$3,600.

As Baron Senfft von Pilsach has already tendered his resignation and solicited the approval of the treaty powers, it will only be necessary for them to concurrently signify their assent thereto. With respect to the chief justice, I have the honor to suggest that instead of proceeding under section 3 of Article III of the Berlin general act, it would be well for the treaty powers to first instruct their respective consuls to discreetly acquaint Mr. Cedererantz with the decision of their governments that it was best for the harmonious administration of affairs in the Samoan Islands that new appointments should be made for the offices of chief justice and president of the municipal council; and that having accepted the resignation of the latter they would be prepared to accept the resignation of the chief justice.

I also avail myself of this opportunity to acknowledge the receipt of your memorandum of the 10th instant, relative to the disturbed political condition of the Samoan Islands, which has received my attentive consideration.

Accept, sir, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. von Holleben.

DEPARTMENT OF STATE,
Washington, November 22, 1892.

SIR: Baron von Ketteler's memorandum of July 14 last, expressing the views of the Imperial Government upon the difference of opinion which has arisen as to the apportionment of the import and export duties in Samoa, has had my careful consideration. On the 2d instant I also received from the British chargé a copy of Lord Salisbury's note of August 12 to Count Hatzfeldt, expressing the views of the British Government upon the same subject.

Section 4 of Article III of the Berlin general act provides that the supreme court of Samoa shall have jurisdiction of all questions arising under its provisions. But its competence to render a decision with respect thereto is believed to be limited to suits or references regularly before it in accordance with the specific provisions of the act. As a court it is bound to proceed in accordance with usual judicial procedure. Otherwise parties in interest would receive no hearing, and mat-

ters of the gravest importance, as in this instance, might be finally settled in proceedings entirely *ex parte*. This Government, therefore, is disposed to agree with the Imperial Government and with the Government of Great Britain that the opinion of the chief justice of Samoa with respect to the revenues, given March 28 last, was not rendered in the line of the duty of the court or in accordance with the terms of the treaty; and that, being extrajudicial, it ought to be treated as a nullity. The Government of the United States will be pleased to join in any concurrent communication of this view to the chief justice or other officials of Samoa, as may be deemed most expedient.

As regards the correct interpretation of section 3 of Article VI. of the treaty, it must be admitted that its language is ambiguous and that it is not free from doubt whether the import and export duties belong by its terms exclusively to the Samoan Government in accordance with the chief justice's latest opinion or exclusively to the municipality in accordance with his earlier opinion, or partly to each. Practically, however, this Government is impressed with the belief that there ought to be some fair division of the revenue between the Government and the municipality, and that its exclusive assignment to either would be essentially unjust to the other. If the terms of the treaty should be finally held to require the latter, then in the opinion of this Government the treaty ought to be amended in that regard. But I join in the hope expressed by the Government of Great Britain that "the contending parties may still be able to arrive at a common understanding upon this point which shall be alike satisfactory to themselves and to the treaty powers."

Accept, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. von Holleben.

DEPARTMENT OF STATE,
Washington, November 22, 1892.

SIR: With reference to Baron von Ketteler's note of August 13 last, relative to an ordinance of the Samoan Government dated April 25, "regulating the collection and arrangement of the revenue of customs," I have the honor to inform you that this Government has also received copies of this ordinance from the president of the municipal council, with the request that it would "order the necessary steps to be taken for the purpose of rendering applicable the provisions of said ordinance to the United States citizens living in Samoa." The ordinance was apparently issued on account of the opinion of the chief justice given March 28 last, to the effect that the import and export duties in Samoa belong exclusively to the Samoan Government. Inasmuch as the three treaty powers are agreed that that opinion was extrajudicial and ought to be treated as a nullity, and as they will undoubtedly soon make some concurrent expression of that view to the proper Samoan officials, no further action with respect to the ordinance seems to be necessary at the present time.

Accept, etc.,

JOHN W. FOSTER.

Mr. Wharton to Mr. von Holleben.

DEPARTMENT OF STATE,
Washington, November 25, 1892.

SIR: I have the honor to acknowledge the receipt of Baron Ketteler's note of the 12th instant, relative to the agreement in opinion of the governments of the United States and the German Empire as to refusing to recognize the establishment of a fee of \$5 for the registration of land titles in Samoa, and to state that the consul of the United States at Apia will be duly instructed with regard thereto.

Accept, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Foster to Mr. von Holleben.

DEPARTMENT OF STATE,
Washington, December 6, 1892.

SIR: I have the honor to state for your information that I am in receipt of a telegram of the 6th instant from the U. S. vice consul-general at Apia, which reads as follows:

Chief justice notified by consuls. Refuses compliance with directions of three powers respecting survey and register fees.

Accept, etc.,

JOHN W. FOSTER.

Mr. von Holleben to Mr. Foster.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, December 13, 1892.

MR. SECRETARY OF STATE: In reply to your note of the 3d ultimo, addressed to Baron von Ketteler, then imperial chargé d'affaires, in reference to sending vessels of war to Samoa, I have the honor to state, in obedience to instructions received, that the British Government also has now sent one of its war vessels to Samoa, in order that it may, in conjunction with the vessels of the other powers, protect the lives and property of foreigners there. His Imperial Majesty's cruiser *Buzzard* is now at Apia.

While the Imperial Government confidently expects that the presence of the three war vessels will have a salutary effect upon the state of affairs in Samoa, it still thinks that permanent success in this regard is only to be expected from the disarmament of the natives.

Accept, Mr. Secretary of State, etc.,

HOLLEBEN.

Mr. Foster to Mr. von Holleben.

DEPARTMENT OF STATE,
Washington, December 24, 1892.

SIR: Replying to your esteemed note of the 13th instant, in which you state that the British Government has sent one of its war vessels to cooperate in the protection of life and property in Samoa, and that the German cruiser *Buzzard* is already at Apia, I have the honor to inform you that, in accordance with my note of November 3 to Baron Ketteler, the United States steamship *Alliance* sailed for Samoa from Honolulu November 26. I am still awaiting, but hope to receive soon the report from the American consul at Apia to which I adverted in that note.

Accept, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. von Holleben.

DEPARTMENT OF STATE,
Washington, December 29, 1892.

MY DEAR MR. MINISTER: I inclose herewith the copy of the dispatch (No. 240) from our acting consul-general at Samoa which I promised in our interview this morning.

Very truly, yours,

JOHN W. FOSTER.

Mr. Blacklock to Mr. Wharton.

No.240.]

CONSULATE GENERAL, U. S. A.,
Apia, Samoa, December 6, 1892.

SIR: In reply to Department's instruction No. 121, dated November 3, 1892, I have the honor to say that, with the exception of a few minor native rows in different parts of the group, affairs in Samoa remain unchanged, and there is no apparent danger from the Mataafa movement assuming an aggressive aspect at present.

This Mataafa movement is gradually losing strength, and his chiefs are getting tired of trying to get new allies, and I think have about given up the idea of attempting any active hostilities towards the Government.

Matters are just about as they have been for over a year, and as reported in my dispatch No. 149, of December 8, 1891, with respect to the King's party wanting to attack Malie. Only to-day a messenger came to me to say that Atua, Tuamasaga, and Faasaleleaga were ready for an attack on Malie, but when I speak with them on the subject they always say that if a new chief justice and president were appointed the Malie party would break up. I give them hope that such a deliverance is possible and they postpone operations.

After my dispatch No. 216, of October 8, was written affairs took a turn for the worse among the natives, as reported in my dispatch No. 229, of November 9, 1892; now again the aspect is more peaceful; and so these changes have been taking place for years.

Ever since Mataafa's establishment at Malie he has endeavored to gather strength, and there is not the slightest doubt, had he been successful in getting sufficient following, he would have made war upon Malietoa. He has done everything in opposing the Government except making war; he has defied its courts, obstructed its officials in the execution of their duties, harbored refugees from justice, succored and supported prisoners escaped from prison, and at the present moment is living in open defiance of the King and Government and all the laws of the country, keeping up an armed force and plundering foreigners' plantations for subsistence.

Time and again have white officials who went to Malie with warrants for the arrest of offenders been driven away by Mataafa's soldiers and warned against attempting any arrest under penalty of death.

Once two or three of his refugees came to Mulinuu to attend trial for some petty offense, after, however, having been sheltered by Mataafa and the officer of the

supreme court who went to arrest them having been ordered away from Malie by Mataafa's people. The principal offender, however, was very carefully left at Malie, and the others were dismissed for want of evidence and returned to Malie.

With the exception of this time the followers of Mataafa at Malie have never submitted to the service upon them of the processes of the supreme court.

The effect of a joint military movement at the present time would be of very little avail. In the first place, three ships are not enough; again, this is the wrong time of the year for ships to be knocking about this group; and, furthermore, any attempt at the present moment to force the natives to submit to the present Government would not only have almost the entire opposition of the white population, but I fear would be the means of strengthening the Mataafa party, and, if a general disarmament was talked of, to perhaps unite the Samoans against foreign aggression.

The using of war ships against these people is a very serious matter, and one which must be gone into after most careful deliberation. It will never do to risk for a moment the minutest chance of a false step; every possible movement and attitude of the Samoans must be cautiously considered, and every precaution taken to checkmate any and every move they might make after operations are begun against them. I thoroughly agree that it is quite impossible to let things remain as they are; they will never completely right themselves.

This Mataafa movement must be stamped out once and for all, thoroughly and completely, and the natives taught that a treaty made with three powers like the United States, England, and Germany means something. What must be considered, is the best way of doing this.

At present there are many pretexts which people can set forth as good reasons for not submitting to the Government and its laws; these, however, have all grown up since Mataafa withdrew from Mulinuu; his sole reason for not remaining at the seat of government was that he was not the head.

This is his great ambition in life; he is steadfast in the hope of yet attaining this position, and in it he is constantly encouraged by whites opposed to Malietoa.

Mataafa personally has never been favorable to Malietoa being King, or any one else but himself; he has always considered that position his, and when Malietoa was again recognized as King under the treaty, although he pretended to support him, he and his followers were secretly preparing to revolt, just as they did before under Tamasese's rule.

As long as Mataafa lives he will never give up the idea of being King of Samoa.

His following can easily be reduced and no danger to the peace of the country apprehended, but he will always cherish the one everlasting desire to be King.

The principal and primary point, therefore, to be gained is to weaken his support, and the easiest and best mode of accomplishing this is to strengthen the Malietoa Government by the withdrawal of useless and unnecessary officials and appointing a chief justice known to be competent of dealing with a semibarbarous people and qualified as a judge capable of deciding the many and varied questions that must come before him.

* * * * *

Mataafa's followers, with the exception of a few who hang close around him for the temporary rank it gives them, being really nothing or nobodies in their own right, are getting very tired of their job, the principal reason being that no results come out of that so-called Government any more than from Mulinuu.

My suggestion for the adjustment of the present existing unsatisfactory state of affairs here is, amend the few bad parts in the treaty which have been pointed out at different times; appoint a new chief justice; dispense entirely with the office of president; let the treaty powers send here two ships each, prepared to go to the last extremity if necessary, and then the suggestions of the German Government could be carried out, as the plan of operations laid down by it is a good one, and quite practicable if sufficient force is visible.

I do not apprehend any difficulty in disarming the whole of Samoa, provided the people see some signs of a good and stable Government, but under the present existing farce I should fully expect to see the natives unite and slaughter all white residents sooner than be forced to submit to paying taxes, which all go to officials, and of which not a single cent is spent in any improvements in the country, in any shape whatever.

The act of a disarmament is the first step towards a protectorate, and the three powers will thereby bind themselves to protect Samoans from each other or any outside power. Of course the fact of Samoans being armed would not prevent any power taking the country should it so desire, but disarming them would no doubt lessen the risk of the undertaking.

On the other hand the Samoans require protection against themselves and to take away their rifles would be doing them a good service.

I have, etc.,

W. BLACKLOCK,
Vice Consul-General.

Mr. von Holleben to Mr. Foster.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, January 12, 1893.

MR. SECRETARY OF STATE: As you have perhaps already been informed by the U. S. consul at Apia, the president of the municipality there had declined to submit the statements prepared by him relative to the financial condition of the Samoan Government and the municipal district to the consuls of the three treaty powers. The British Government has consequently proposed that Baron Senfft von Pilsach be obliged by the three governments, through the agency of their consuls, to exhibit the statements in question. The Imperial Government has agreed to this proposition, and has instructed me so to inform the U. S. Government, in the hope that it will send similar instructions to its consul at Apia.

Accept, etc.,

HOLLEBEN.

Mr. Foster to Mr. von Holleben.

DEPARTMENT OF STATE,
Washington, January 17, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 12th instant, in which you state that your Government has agreed to the proposition made by the British Government that the consuls of the three treaty powers at Apia should instruct Baron Senfft von Pilsach to submit to them a statement of his financial accounts. I had previously received a note from Her Britannic Majesty's minister at this capital, dated the 11th instant, making the same proposal, to which I promptly acceded. A copy of Sir Julian's note and of my reply thereto,* the 14th instant, I have the honor to send herewith.

Accept, sir, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. von Holleben.

DEPARTMENT OF STATE,
Washington, January 19, 1893.

DEAR MR. MINISTER: Confirming our interview of to-day, I now hand you the promised memorandum respecting the resignation of Mr. de Cedercranz.

With sentiments of the highest esteem, I am, etc.,

JOHN W. FOSTER.

The British minister has stated to Secretary Foster that Her Majesty's minister at Stockholm has information that M. de Cedercranz is desirous of resigning, and Sir Julian, in this connection, has an intimation that it would probably be more courteous to His Majesty, the King of Sweden and Norway, and also more expeditious, if a

joint or concurrent representation on the part of the ministers of the three powers should be made to the King that the resignation would be accepted; and further, that the expenses of M. de Cedercranz's return journey would be paid. Upon such representation being made, possibly the Swedish Government would telegraph M. de Cedercranz to that effect.

Mr. Foster heartily concurs in this course and will instruct the United States minister at Stockholm to cooperate with his colleagues if such a course is approved by Germany and Great Britain.

Mr. Foster to Mr. von Holleben.

DEPARTMENT OF STATE,
Washington, February 6, 1893.

SIR: With reference to Baron Ketteler's note of November 15 and my reply of the 18th of that month relative to the proposed administrative changes in Samoa, I now have the honor to inform you that I have received a note from Her Britannic Majesty's minister at this capital dated the 26th ultimo, in which he states that—

Her Majesty's Government know of no present objection to the proposed selection of Mr. Ide as chief justice.

He adds, however, with reference to the appointment of Mr. Hennings, as president of the municipal council, that his Government "must await a dispatch from Her Majesty's high commissioner for the Western Pacific before coming to a final decision."

The three governments would seem, therefore, to be in accord with reference to the appointment of Mr. Ide as chief justice and it is hoped that they may be able to equally agree with respect to a successor to Baron Senfft von Pilsach.

Accept, sir, etc.,

JOHN W. FOSTER.

Memorandum.

IMPERIAL GERMAN LEGATION,
Washington, February 24, 1893.

As already verbally stated on the 16th of this month to the Hon. John W. Foster, this legation has received telegraphic instructions from the foreign office to inform the United States Government that in consequence of the final decision of Her Britannic Majesty's Government not to accede to the proposed appointment of Mr. Hennings as president of the municipal council in Apia, the Imperial Government consider their suggestions for the simultaneous appointment of the two candidates for the post of chief justice and president of the municipal council in Apia, as expressed in a note addressed to the honorable the Secretary of State by this legation under date of November 15, 1892, to be now revoked and cancelled.

The Imperial Government intends, however, shortly to make new suggestions for the appointment of candidates for both offices pertaining to the administration of the Samoan Government.

Mr. Wharton to Mr. Von Holleben.

DEPARTMENT OF STATE,
Washington, March 3, 1893.

SIR: The memorandum of the Imperial German legation in regard to contemplated administrative changes in Samoa, which was handed to me by Baron von Ketteler under date of the 24th ultimo, has had my consideration in light of a subsequent communication from her Britannic Majesty's minister conveying the dissent of the British Government from the appointment of Mr. Hennings as president of the municipal council of Apia, in place of Baron Senfft von Pilsach.

The withdrawal of the suggestion of your Government relative to the simultaneous appointment of Mr. Ide as chief justice of Samoa leaves the matter as it stood at first, except so far as it has served to develop the coincident conviction of the three governments that a change in the two high administrative offices is expedient and subject to the new suggestions which the Imperial Government purposes shortly to make for the appointment of candidates for both offices.

While awaiting further proposals in this regard, I beg to suggest that, inasmuch, as Mr. Ide's appointment, spontaneously brought forward by Germany, has already received the cordial approval of the three governments, and as the Government of the United States has no candidate in view at this time to succeed Baron Senfft, the selection of a substitute may be left in the first instance to the German and British governments, in the supposition that an agreement between them in regard to the president of the municipal council would in all probability be coupled with the renewed presentation of Mr. Ide's name for the chief justiceship. But in any event this Government holds itself free to act upon both nominations or to suggest new candidates should occasion require.

Accept, sir, etc.,

WILLIAM F. WHARTON.

Mr. von Holleben to Mr. Gresham.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, April 10, 1893.

MR. SECRETARY OF STATE: Your excellency is aware that it has thus far been impossible to bring about a settlement of the financial difficulties on the Samoan Islands.

This fact is due in the opinion of the Imperial Government, on the one hand to the unskillful management of the officers there, and on the other chiefly to the lack that has hitherto existed of the necessary power to compel the natives to continue to pay the capitation tax which, according to the provisions of the Samoa act, they are bound to pay.

There is, moreover, considerable doubt as to how the customs revenues should be divided between the municipality of Apia and the Samoan Government, to which the note of Mr. Foster, late Secretary of State of the United States (bearing date of November 22, 1892), referred at some length.

It is evident that such a state of things is very detrimental to the interests of foreign settlers in Samoa. In view of this fact, the Imperial consul at Apia was instructed, some time since, to offer some suggestions with regard to a remedy for the existing undesirable conditions. These suggestions are embodied in the report from Apia of January 27, 1893, a copy of which is herewith inclosed, and have, it appears, met with the approval of the American and British consular representatives there.

According to this, when the native taxes are not collected to a sufficient amount, the Samoan Government should receive one-third of the customs revenues; the municipality should have charge of the administration of the customs, while the administration of the finances should be subjected to a proper supervision.

In the opinion of the Imperial Government, these suggestions are well adapted to the circumstances. Should they be adopted, the salary of the chief justice should be paid in future, from the local revenues, whereas it appears from the inclosed copy of the report of the Imperial Consul at Apia, dated January 25, 1893, that, as matters now stand, there will probably soon be no funds available for its payment.

I therefore have the honor, in obedience to instructions received, to most respectfully beg your excellency to inform me whether the United States Government is prepared to instruct its consul at Apia to enter into negotiations with the German and British representatives for the provisional settlement of the financial difficulties in Samoa on the basis of the suggestions which have been made, and to authorize him to take suitable steps, conjointly with his two colleagues, to secure the execution of the resolutions adopted by them.

As regards the remarks contained in the report dated January 27, 1893, of the Imperial consul at Apia (sub No. 2) concerning the necessity of the presence of a larger naval force, I may embrace this opportunity to point to the fact that those remarks demonstrate the correctness of the position hitherto taken by the Imperial Government in this matter, which was fully stated in the notes of this legation of October 15 and 24, 1892.

The Imperial Government will probably again advert at a suitable time, to the suggestions that have already been made by it on this subject, in the hope that the said suggestions may be viewed with greater favor by the United States Government.

Accept, Mr. Secretary of State, etc.,

HOLLEBEN.

Memorandum.

IMPERIAL GERMAN LEGATION,
Washington, May 3, 1893.

According to telegraphic advice just received from the foreign office at Berlin the president of the municipal council in Samoa, Baron Senfft von Pilsach, has applied for permission—which is to be communicated to him by telegraph—to leave Apia at once, on account of the illness of his wife.

The Imperial Government is prepared to grant his request, and at the same time to discharge him of his duties.

It will be remembered that Baron Senfft von Pilsach has repeatedly resigned his office.

If the United States Government agree to this procedure the Imperial Government would suggest that the three consuls of the treaty powers

should meanwhile conjointly take charge of the office of the president of the municipality, while proposals for the appointment of another such official will be made shortly.

This legation begs to request an answer stating the view taken by the Department of State with regard to this question, and would request to be kindly informed if the United States consul in Apia will be instructed accordingly by telegraph.

Mr. Gresham to Mr. von Holleben.

[Personal.]

DEPARTMENT OF STATE,
Washington, May 3, 1893.

MY DEAR SIR: Referring to Baron Ketteler's conversation with Mr. Adee of to-day, I beg to inclose a memorandum in relation to the resignation of Baron Senfft von Pilsach as president of the municipal council in Samoa.

Very truly, yours,

W. Q. GRESHAM.

[Inclosure.]

Memorandum.

In view of the statements contained in the memorandum of the imperial German legation, dated May 3, 1893, and of the attitude this Government has heretofore taken in respect to the repeated tender of the resignation of Baron Senfft von Pilsach, as president of the municipal council in Samoa, the Secretary of State is pleased to express the occurrence of his Government in the suggestion of the Imperial German Government that Baron Senfft von Pilsach be granted leave of absence as he requests, and be at the same time relieved of his duties as president of the council.

Pending the appointment of a new president of the council, which it is hoped may be speedily effected, the Government of the United States is willing that the three consuls of the treaty powers should conjointly intervene to perform such administrative acts as under the general act of Berlin are to be done by the president of the municipal council.

The acting consul of the United States in Samoa will be instructed accordingly by telegraph via Auckland.

Department of State, Washington, May 3, 1893.

Mr. Gresham to Mr. von Holleben.

DEPARTMENT OF STATE,
Washington, May 8, 1893.

SIR: This Government is advised, by a dispatch received from the United States minister at Stockholm, that His Majesty the King of Sweden and Norway, by whom and at the request of the three signatories of the Samoan general act, Mr. Cedercrantz was named chief justice of Samoa, has now the intention of granting the request of Mr. Cedercrantz to be permitted to resign his office and return to Europe on the ground of ill health. Before doing so, however, His Majesty desires to learn the views of the signatory powers touching the precise date when Mr. Cedercrantz may be permitted to quit his post, having regard to the interests

of the service and the means of communication with the Samoan Islands.

The readiness of the Government of the United States to accept Mr. Cedererantz's resignation of the Samoan chief justiceship has been heretofore made known to the other signatories; and I have the honor to add that this Government is disposed to give effect to his present tender of resignation at as early a day as may be convenient.

In view, however, of the fact that the three signatories are considering the question of the immediate withdrawal of Baron Senfft von Pilsach, the president of the municipal council of Samoa, with every prospect of agreement upon the German proposal to entrust for the time being the administrative functions of the presidency of the municipal council to the consular representatives of the three powers acting jointly, the expediency or even feasibility of likewise temporarily intrusting to the three consuls the judicial functions and powers of the chief justiceship may be seriously doubted. To do so would, it is thought, be an impracticable expansion of the intent of the provision of Article III of the general Samoan act, prescribing that "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."

This Government would be indisposed to devolve, by substitution, upon the three consuls acting jointly, the complex and delicate judicial powers pertaining to the chief justice.

It would seem that the appointment and qualification of Judge Cedererantz's successor should, if possible, coincide with his retirement, that no interruption of the due course of justice in Samoa shall occur. Any proposal to this end will have my earnest and speedy attention.

I have the honor to request an early communication of the views of your Government in this regard, so that an answer may be returned to His Majesty's inquiry.

Accept, etc.,

W. Q. GRESHAM.

Memorandum.

GERMAN LEGATION,
Washington, May 10, 1893.

In a note dated November 22, 1892, the Hon. John W. Foster, then Secretary of State, informed this legation that the United States Government agreed with the Imperial Government and with the Government of Great Britain that the opinion of the chief justice of Samoa with respect to the apportionment of the Samoan customs duties "was not rendered in the line of the duty of the court or in accordance with the terms of the treaty and that being extrajudicial it ought to be treated as a nullity." It was further stated that "the Government of the United States would be pleased to join in any concurrent communication of this view to the chief justice or other officials of Samoa as might be deemed most expedient."

These views have been duly transmitted to the foreign office at Berlin, and in reply thereto the Imperial Government, having previously obtained the consent of the Government of Great Britain, would now suggest that the treaty powers inform the chief justice of Samoa by

telegraph that his opinion with regard to the apportionment of the customs revenues has not been accepted and, that he is instructed to consult with the three consuls of the treaty powers in order to bring about an understanding on the basis of the agreement of the three consuls, the particulars of which were related in this legation's note addressed to the Hon. W. Q. Gresham under April 10, and especially in the annexed report of the Imperial German Consul, Mr. Biemann, of January 27, 1893.

The three consuls would furthermore have to be instructed accordingly. The British Government having already consented to such procedure this legation begs to be informed of the decision of the United States Government with regard to the proposed telegraphic instructions to the chief justice and to the United States consul at Apia.

Mr. Gresham to Mr. von Holleben.

DEPARTMENT OF STATE,
Washington, May 11, 1893.

The Secretary of State presents his compliments to the minister of Germany, and asks that he will kindly call at the Department to-day at 3 o'clock for the purpose of discussing a detail in relation to Samoan matters.

Mr. Adee to Mr. von Holleben.

[Personal.]

MAY 12, 1893.

MY DEAR MR. VON HOLLEBEN: Since I spoke to you this morning about the extension of the term of the Samoan land commission, a dispatch has been received from our minister at Berlin, by which it appears that the Imperial Government would consider it advisable (*zweckmässig*) to make such prolongation for the period of one year, so that the commission, which began its labors on May 30, 1891, would be required to complete them at the latest by the end of May, 1894.

In view of this, your telegram might perhaps take the form of an inquiry whether you are authorized to close an understanding for one year's extension of the Samoan land commission when Sir Julian shall have learned the assent of the British Government to the proposal.

The appointment of a new United States commissioner could then, as I explained to you this morning, be at once made in order that Mr. Ormsbee's resignation may not disturb the speedy resumption of the labors of the commission.

I am, etc.,

ALVEY A. ADEE.

Mr. Gresham to Mr. von Holleben.

DEPARTMENT OF STATE,
Washington, May 12, 1893.

MY DEAR MR. VON HOLLEBEN: I inclose herewith a memorandum in relation to the allotment of the customs revenues of Samoa.

Very truly yours,

W. Q. GRESHAM.

Memorandum.

The memorandum of the German legation, of May 10, 1893, on the subject of the allotment of the customs revenues of Samoa, has been considered, in the light of the suggestions contained in the report of the German consul at Apia, dated January 27, 1893. Suggestions in a similar sense have been received from the acting consul-general of the United States, under date of January 28, 1893.

Conformably with the agreement of the three powers upon the general propositions stated in the Department's note of November 22, 1892, and accepting the suggestions of Dr. von Holleben's present memorandum, this Government will forthwith send, by way of Auckland, a telegraphic instruction to the chief justice of Samoa that his opinion touching the allotment of the customs revenues is not accepted, and that he will concert with the consular representatives of the three powers to effect the understanding reached by them in this regard as reported in January last.

A confirmatory telegram in the same sense will be dispatched to Acting Consul-General Blacklock.

Department of State, Washington, May 12, 1893.

Mr. von Holleben to Mr. Gresham.

IMPERIAL GERMAN LEGATION,
Washington, May 15, 1893.

SIR: In pursuance of telegraphic instructions received from the secretary of state for foreign affairs at Berlin, in reply to the proposal made by the United States Government with regard to the extension of the term of the Samoan land commission, which I duly transmitted to my Government on the 12th of this month, I have now the honor to inform you that the Imperial Government had likewise considered it desirable to make such prolongation of the labors of the commission for the period of one year from the 1st of June, i. e., up to June 1, 1894.

Such proposal having been communicated to the Government of Great Britain, the British Government has replied that a prolongation of the term up to March 31 of this year seemed sufficient.

The imperial secretary of state has consented thereto and has lost no time in informing the Hon. W. W. Phelps, U. S. minister at Berlin, of the acceptance of this altered proposal.

I avail, etc.,

HOLLEBEN.

Mr. Gresham to Mr. von Holleben.

DEPARTMENT OF STATE,
Washington, May 17, 1893.

SIR: I have the honor to acknowledge receipt of your note of the 15th instant, in relation to the extension of the term of the Samoan land commission.

The proposition as modified by the concurrence of your Government and that of Great Britain, to extend the term of the commission to March 31, 1894, is accepted by the Government of the United States.

Accept, sir, etc.,

W. Q. GRESHAM.

Memorandum.

The foreign office at Berlin has recently received a telegram from the imperial consul in Apia reporting that in consequence of the nonappearance of foreign ships of war in the harbor of Apia, the King Malietoa now intended to begin hostilities against Mataafa.

The consul further states that such possible warlike action largely increases the danger to which the plantations, as well as the life and other property of the white population, have already been long exposed, and for which lately more serious apprehensions have been felt than ever before.

There is at present one cruiser belonging to the imperial navy in Samoan waters, and another such man-of-war will be stationed there by the beginning of next month.

This legation has been instructed to bring these facts to the knowledge of the Department of State, and to ascertain the views held by the U. S. Government with regard to the question of intended action in Samoan waters.

Imperial German legation, Washington, June 13th, 1893.

Mr. Gresham to Mr. von Holleben.

DEPARTMENT OF STATE,
Washington, June 19, 1893.

SIR: Having given due consideration to the important memorandum of your legation, dated June 13 and delivered at this Department the same day, in relation to the existing critical state of affairs in the Samoan Islands, by reason of the defiant attitude of the disaffected partisans of Mataafa and the apprehended disturbance of the peace and peril to foreign interests in those islands should King Malietoa attempt the forcible assertion of his sovereignty over them, I have the honor to transmit herewith a counter memorandum expressing the views of this Government touching its duty under the general act of Berlin, and the steps proposed to be taken by the United States toward the sole purposes of upholding the authority of the Government which it united with Germany and Great Britain to establish in Samoa, and averting bloodshed.

A copy of the inclosed memorandum will be simultaneously communicated to your colleague, the British ambassador, for the information of Her Majesty's Government.

Accept, etc.,

W. Q. GRESHAM.

Memorandum.

The memorandum of the Imperial German legation, dated June 13, 1893, recites the receipt of advices from the imperial consul at Apia to the effect that in the absence of war vessels of the three treaty powers, King Malietoa now proposes to begin hostilities against Mataafa, which action it is stated is calculated to endanger foreign life and property. The Imperial Government, having now one cruiser in Samoan waters, purposes having another there by the beginning of next month. In consequence of this situation the views of this Government are solicited with regard to the question of intended action in Samoan waters.

The Government of the United States, recognizing the obligation assumed and equally shared with the two other treaty powers in consequence of the general act of Berlin, to use all moral and, if need be, material force for the maintenance of the system of government which they have joined in establishing in the Samoan Islands will, in the interest of peace and to avert bloodshed, unite with Germany and Great Britain in aiding the recognized King, Malietoa Laupepa, to enforce his authority throughout those islands, and to execute the provisions of the general act in regard to the administration and revenues of the islands.

To this end the Government of the United States will forthwith dispatch one, and if need be, two naval vessels to Samoa, with instructions to the commanding officer to concert with the commanders of the like naval forces of Germany and Great Britain present in those waters with a view to landing an adequate force of the three powers in order to surround Mataafa and his adherents and disarm them, thus constraining their obedience to the established Government and effectively carrying out the intent of the treaty.

As the present purpose contemplates assisting the recognized King in maintaining sovereignty over the islands, it is deemed proper that its execution be left to the discretion of the three chief naval commanders acting jointly.

Department of State, Washington, June 19, 1893.

Memorandum.

Having communicated the contents of the Department's note of the 19th instant as well as of the annexed memorandum concerning the naval action in Samoa to the imperial foreign office at Berlin by telegraph, this legation has been in the same way instructed to state in reply, that the Imperial Government agree with the proposal of joint military action in order to disarm Mataafa and his adherents.

The Imperial Government will for the present leave the two cruisers belonging to the imperial navy in the harbor of Apia, and regard the dispatch of a like number of United States war vessels as most desirable.

The details of the action to be taken by the naval forces ought, in the opinion of the Imperial Government, be left to the discretion of the senior commanders who would eventually consult with the consular representatives at Apia.

The Imperial Government do not consider the proposed deliberation of the details of such action by their representative at Washington to be either essential or expedient.

Imperial German legation, Washington, June 22, 1893.

Mr. von Holleben to Mr. Gresham.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, July 8, 1893.

MR. SECRETARY OF STATE: Referring to the note of the Hon. William F. Wharton, acting Secretary of State, of the 3d of March last, I have the honor to make the following communication to your excellency relative to the appointment of a new chief justice and a new president of the municipal council at Apia.

Since the British Government has disapproved of the appointment of Mr. Hennings, the candidate proposed by the Imperial Government for the office of president of the municipality of Apia, and since Lord Rosebery has suggested to us the appointment of another candidate, the Imperial Government has endeavored to find a suitable incumbent for that position, and thinks that it has found one in the person of Mr. Schmidt, formerly vice consul at Apia, who is probably already known to the United States Government from the reports of its representatives at Apia. Having resided on the Samoan Islands for a number of years, he has a knowledge of affairs there, and also of the Samoan language. He has always succeeded in maintaining a good understanding with all classes of both the native and foreign population. If Mr. Schmidt should be appointed to the office in question, he would resign his position in the imperial service, and he is prepared to enter upon the discharge of his new duties on the same terms as did Baron Senfft von Pilsach, who has hitherto been president. The Imperial Government feels confident, in view of the qualities which he possesses, and of the experience which he has had, that he will reestablish a well-ordered administration in Samoa, and that, in the discharge of his official duties, he will be influenced solely by the principles of justice and right.

As appears from the aforesaid note of the State Department of March 3, 1893, the United States Government entertained the wish that, as regarded the successor of Baron Senfft von Pilsach, president of the municipal council, an understanding might be reached between the cabinet of Berlin and that of London, in the hope that the candidacy of Mr. Ide for the position of chief justice might still be maintained.

The British Government, having previously declared that it approved the appointment of Mr. Ide as chief justice, has now stated that it will not oppose the appointment of Vice-Consul Schmidt as president of the municipal council.

I consequently have the honor, in pursuance of instructions received from the Imperial Government, hereby to propose to that of the United States of America the appointment of Mr. Ide as chief justice and that of Mr. Schmidt as president of the municipal council.

Should the U. S. Government accept these proposals, as is to be hoped that it may, it would, in the opinion of the Imperial Government, be well, as was suggested in your excellency's note of the 8th of May last, to send instructions by telegraph to its representative at Stockholm, to the end that he, conjointly with the German and English representatives, might take proper steps to secure the recall of Mr. Cederkrantz. We assume that Mr. Cederkrantz will remain at his post until the arrival of his successor. It would, therefore, be well to inform the Swedish Government at about what time Mr. Ide would probably be able to reach Apia and to enter upon the discharge of his duties.

In the opinion of the Imperial Government, Mr. Cederkrantz and

Baron Senfft von Pilsach should receive the salaries attached to their respective offices until the day on which they cease to perform their functions at Apia. It is, however, doubtful whether the Samoan Government will have a sufficient amount of money at its disposal for this purpose. With regard to the salary of the chief justice, the treaty powers are bound by Article III, section 2 of the Samoa act to pay any deficiency therein. As to the salary of the president of the municipality, no such obligation exists. The Imperial Government is, however, of the opinion that it would be an unreasonable hardship for that officer if, owing to the insufficiency of the funds available, he should not receive the full amount of the salary provided as his compensation for performing the duties of the office to which he was appointed by the common consent of the treaty powers, and should thus suffer loss. It thinks, therefore, that it will be incumbent upon the governments to make good any deficiency in the salary of the president of the municipality, with the proviso that the amount thus paid shall hereafter be deducted from the revenues of the Samoan Government, which, under a proper administration of that Government, such as is expected from Mr. Schmidt, will suffice both for this purpose and for the future payments of the salary of the president of the municipality, so that no intervention of the powers will hereafter be necessary to secure the payment of that officer's salary.

The Imperial Government further think that it would be proper to pay the expenses of the homeward journey of the retiring officers, together with those of the removal of their residence, although this was not expressly promised to them when they were appointed. A gross sum of \$1,500 would seem to be the amount proper to be paid to each officer for this purpose.

The British Government has already approved these financial measures proposed by the Imperial Government, provided that they meet the approval of the American Government.

If, as I hereby have the honor to propose, the United States Government should also approve said measures, the consuls at Apia would have to be authorized to pay the sums in question to Mr. Cederkrantz and Baron Senfft von Pilsach, or his legal representative, each consul paying one-third of the whole amount.

I consequently take the liberty to request a speedy decision with regard to the candidates proposed by the Imperial Government and also with regard to the financial measures connected with the resignation of the present incumbents of the offices in question, and to apprise me, as soon as possible, of the result, so that I may inform my Government by telegraph.

I avail, etc.,

HOLLEBEN.

Mr. Adee to Baron von Ketteler.

DEPARTMENT OF STATE,
Washington, August 1, 1893.

SIR: In connection with previous correspondence upon the subject I have now the honor to state that Mr. Henry C. Ide of Vermont, has expressed to the Department his willingness to accept the appointment of chief justice of Samoa tendered him by the governments of Germany, Great Britain, and the United States, and his appreciation of the honor thereby conferred.

Mr. Ide adds that it will be impossible for him to make his arrangements to leave for his post earlier than October 20 next, when, it is understood, the steamer sails from San Francisco. He suggests that provision be made by the three powers for the expense of removing himself and family to Samoa.

This Government will bear its pro rata share of that expense, and in view of the reasonableness of Mr. Ide's request in this respect, it is not doubted that Germany and Great Britain will assume their proportionate shares.

Mr. Ide also hopes that a leave of two months in each year may be agreed upon by the three powers, in view of the fact that in that tropical climate it is difficult for a white man to continue strong without reasonable annual change.

In my letter to Mr. Ide of to-day's date I have stated that there did not seem to be need of express stipulations for an annual leave, since it would no doubt be granted upon timely application.

A note in this sense has been addressed to his excellency, Sir Julian Pauncefote, G. C. B., G. C. M. G., Her Britannic Majesty's ambassador, for the information of Her Majesty's Government.

Accept, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Gresham to Baron Ketteler.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 3, 1893.

Referring to Mr. Adee's note of August 1, regarding appointment of Mr. Ide as chief justice of Samoa, I beg to refer also to your legation's note of July 8, and to say that this Government concurs in the appointment of Mr. Schmidt as president of council.

W. Q. GRESHAM.

Baron Ketteler to Mr. Adee.

[Telegram.]

ELBERON, N. J., *August 3, 1893.*

As the Department's note of 1st August contains no reference to Mr. Schmidt's appointment may I ask for an early reply with regard thereto?

KETTELER.

Baron Ketteler to Mr. Gresham.

IMPERIAL GERMAN LEGATION,
Washington, August 8, 1893.

SIR: In accordance with telegraphic instructions received from the secretary of state for foreign affairs, I have the honor to inform you that the foreign office at Berlin is in receipt of telegraphic advice from

the imperial consul at Apia to the effect that Mataafa and his followers have been utterly defeated by King Malietoa, the loss on Mataafa's side amounting to 15 killed and 18 wounded.

By a joint action of the two cruisers of the imperial navy, together with a British man-of-war and some 30 native chieftains, Mataafa and his followers were made prisoners of war without any bloodshed.

In communicating these facts to the U. S. Government the secretary of state for foreign affairs has directed me to add that it was deemed impossible to delay the joint action of the war ships in Samoan waters any longer after the native forces had engaged in deadly warfare, and that the respective naval commanders have acted in accordance with the spirit of the agreement entered into by the three powers, by their timely interference and by restoring peace and good order within the Samoan Islands.

I avail, etc.,

KETTELER.

Mr. Gresham to Baron Ketteler.

DEPARTMENT OF STATE,
Washington, August 9, 1893.

SIR: We have received a telegram from Mr. Blacklock, our vice-consul-general at Apia, Samoa, stating that Mataafa and his chiefs have surrendered and are prisoners on board the British and German war ships; that the war is virtually over; that the consuls await instructions from the three treaty powers as to the disposition to be made of Mataafa, and that his life was guaranteed previous to his surrender.

The U. S. S. *Philadelphia* reached Callao yesterday, where she will remain until further orders are dispatched to her.

The President would be pleased to know what action on the part of the three treaty powers is demanded by the present situation at Samoa, and especially what disposition your Government thinks should be made of Mataafa.

It now seems unnecessary that the *Philadelphia* should proceed to Samoa, and she will be ordered elsewhere, unless Germany and England, for some good reason, think her presence is necessary in Samoan waters.

A similar note has been addressed to the British ambassador.

Accept, etc.,

W. Q. GRESHAM.

Mr. Gresham to Baron Ketteler.

DEPARTMENT OF STATE,
Washington, August 10, 1893.

SIR: I have the honor to acknowledge the receipt of your note of the 8th instant, in which you inform me, in compliance with telegraphic instructions sent to you, of the report of the imperial consul at Apia, to the effect that Mataafa and his followers, having been utterly defeated by King Malietoa with a loss of 15 killed and 18 wounded, were subsequently made prisoners, without further bloodshed, by the joint action of the German and British cruisers in Samoan waters.

S. Ex. 93—12

I fully appreciate the grave emergency which, upon the precipitation of hostilities between the royal forces and the disaffected faction in Samoa, constrained the naval representatives of Germany and Great Britain to take immediate action without awaiting the arrival of the United States war vessel then under way to those islands in pursuance of the agreement previously reached between the three treaty powers; and I am pleased to believe that the action so taken by the German and British naval commanders was in accordance with the understanding of the three powers with regard to the restoration of peace and good order in the Samoan Islands by efficient cooperation to uphold the authority of the recognized King.

Accept, etc.,

W. Q. GRESHAM.

Mr. Gresham to Baron Ketteler.

DEPARTMENT OF STATE,

Washington, August 10, 1893.

SIR: I have the honor to acknowledge the receipt of Mr. von Holleben's note of the 8th ultimo in regard to the appointment of Mr. Schmidt, lately vice-consul of Germany at Apia, as president of the municipal council.

In confirmation of my telegram of the 3d instant, it gives me pleasure to state that this Government cordially concurs in this appointment and that a note in this sense has been addressed to the British ambassador.

The other questions presented in your note shall have attentive consideration.

Accept, etc.,

W. Q. GRESHAM.

Baron Ketteler to Mr. Gresham.

IMPERIAL GERMAN LEGATION,

Washington, August 17, 1893.

MR. SECRETARY OF STATE: I have the honor to acknowledge the receipt of your excellency's note of the 9th instant, expressing the wish of the President of the United States to be informed what further measures the Imperial Government proposes to take with regard to affairs in Samoa, and, especially, what it purposes to do with regard to Mataafa's future.

I communicated the contents of the said note immediately by telegraph to the Imperial Government, and have now been instructed by the chancellor of the Empire to state that according to the contents of a telegram received from the imperial consul at Apia, Mataafa and eleven of the ringleaders belonging to his party, in accordance with an agreement concluded between the three consuls of the treaty powers and the commanders of the war vessels stationed at Apia, have been deported to the Union Islands.

This step appears to the Imperial Government an expedient one, as it considers it absolutely necessary, in the interests of quiet and order, to keep Mataafa and the leading individuals of his party at a distance from Samoa.

In view of the present state of affairs, the dispatch of the U. S. war ship *Philadelphia*, at present at Callao, appears to the Imperial Government to be no longer necessary.

In communicating the foregoing to your excellency, in accordance with my instructions,
I avail, etc.,

KETTELER.

Baron Ketteler to Mr. Gresham.

[Telegram.]

NEW YORK, August 17, 1893.

In reply to your inquiry, I am instructed to state that the Imperial Government, in view of the peaceful situation at Apia, do not consider the dispatch of U. S. S. *Philadelphia* to Samoa to be of any further necessity. An official answer to your note will be forwarded to-day.

KETTELER.

Mr. Gresham to Baron von Ketteler.

DEPARTMENT OF STATE,
Washington, August 17, 1893.

SIR: I have the honor to acknowledge the receipt of your telegram of the 17th instant, in which you state that, in view of the peaceful situation at Apia, the Imperial German Government does not consider it necessary to send the U. S. S. *Philadelphia*, at present en route to Samoa, to that point.

Accept, sir, etc.,

W. Q. GRESHAM.

Baron Ketteler to Mr. Gresham.

IMPERIAL GERMAN LEGATION,
Washington, August 21, 1893.

SIR: With reference to my note of the 17th of this month, I have the honor to inform you that I have recently received telegraphic advices from the foreign office at Berlin to the effect that Her Britannic Majesty's Government had proposed to the Imperial Government to deport the Samoan rebel Mataafa as well as eleven other native chiefs who were captured at the same time by the joint action of the German and British war vessels, to one of the islands belonging to the German Possessions in the South Pacific Ocean and to divide the expenses incurred by such detention between the three treaty powers.

The Imperial Government is prepared to assent to this proposal, and has proposed Jaluit, the residence of the imperial commissioner for the Marshall Islands, as a proper and well-adapted place for the detention of Mataafa and his rebel chiefs.

I have therefore been instructed to communicate on this subject with the Department of State and to request the consent of the U. S. Government to the contemplated measure with regard to Mataafa's destiny.

Having been informed by Her Britannic Majesty's ambassador at this capital that he has already communicated to you, both by telegram and by note, the concurrence of the British Government in the proposed arrangements, I beg to express the hope, on behalf of the Imperial Government, that the proposal with regard to Mataafa will likewise meet with the approval of the U S. Government.

While requesting the favor of an early reply,
I avail, etc.,

KETTELER.

Baron Ketteler to Mr. Gresham.

[Telegram.]

NEW YORK, August 24, 1893.

Received instructions to represent to Department desirability of early presence of American member of land commission in Samoa in order to avoid further prolongation of term.

KETTELER.

Mr. Gresham to Baron Saurma.

DEPARTMENT OF STATE,
Washington, August 31, 1893.

EXCELLENCY: I have the honor to acknowledge the receipt of Mr. von Holleben's note of July 8, 1893, concerning Samoan matters. In this connection I advert to the Department's notes of the 1st and 10th instants, the former relating to the appointment of Mr. Henry C. Ide as chief justice of Samoa, vice Mr. Cedererantz, and the latter to the appointment of Mr. Schmidt as president of the municipal council at Apia, vice Baron Seufft von Pilsach.

In addition to the foregoing I find Mr. von Holleben's note presents for my consideration other matters, which I shall now dispose of in accordance with the promise made in my note of August 10.

Mr. von Holleben suggests, with regard to the appointment of Mr. Ide, that telegraphic instructions be sent to the minister of the United States at Stockholm, to the end that "he, conjointly with the German and English representatives, might take proper steps to secure the recall of Mr. Cedererantz," who, he further adds, will, in all probability, remain at his post until the arrival of his successor.

I shall adopt this course and shall cause the Government of Sweden to be advised, as Mr. Adee, in his note of the 1st instant, stated, that Mr. Ide proposes to depart for his post by the steamer leaving San Francisco October 20, 1893. He will proceed directly to Samoa, reaching Apia, in all probability, about the middle of November.

The suggestion of the Imperial German Government that Mr. Cedererantz and Baron Senfft von Pilsach should receive the salaries of their respective offices up to the time of their being actually relieved by their successors has my concurrence, provided it receives the sanction of Her Britannic Majesty's Government.

In this relation your Government expresses doubt as to there being sufficient money belonging to the Samoan Government to discharge these obligations, and cites the provisions of the general act (Article

III, section 2) which oblige the treaty powers to make good any deficiency in the salary of the chief justice. No such obligation exists, Mr. von Holleben states, touching the salary of the president of the municipal council, but the German Government thinks it would be an unreasonable hardship for that officer, because of the insufficiency of the funds of Samoa available for the purpose, not to receive the full amount of his compensation. Hence the suggestion that it is incumbent upon the three treaty powers, by whom he was appointed to make good any deficiency; provided, however, that the amount "shall hereafter be deducted from the revenues of the Samoan Government," which your Government believes will be ample to meet all legitimate expenses under capable management such as is anticipated from Mr. Schmidt's administration.

If this course meets the approval of the British Government, it has the assent of that of the United States; and I can only express the hope that the revenues of Samoa may be so wisely managed that the expenses prescribed in the general act may be met therefrom.

"The Imperial Government," says Mr. von Holleben, "further thinks it would be proper to pay the expenses of the homeward journey of the returning officers, together with those of the removal of their residence, although this was not expressly promised to them when they were appointed."

Accordingly a lump sum of \$1,500 is suggested to be paid to each on that account, and it is stated that these financial proposals of the Imperial Government are agreeable to the British Government in case they meet the approval of the United States.

The share of this Government towards the homeward transit of Mr. Cedercrantz and Baron Senfft von Pilsach, based upon the payment to each of \$1,500, will be \$1,000 for the two, and I shall instruct the consular representative of the United States at Apia that, whenever he is advised by his colleagues of Germany and Great Britain that they have been authorized to pay over to Mr. Cedercrantz and Baron von Pilsach, or the latter's legal representatives, a like sum on account of the homeward transit, to draw upon the Secretary of State for the one thousand dollars necessary to pay the share of this Government on that account.

In this connection I wish to advert to Mr. Adee's note of the 1st instant, wherein it was stated that, in compliance with the request of Mr. Ide, provision should be made by the three powers for the payment of the actual expenses of removing himself and family to Samoa. It was also added that this Government would bear its pro rata share.

I shall be glad to learn the decision of His Imperial Majesty's Government as to this proposition, in order that I may communicate it to Mr. Ide at his home in Vermont, so that he may be governed accordingly.

Accept, etc.,

W. Q. GRESHAM.

Mr. Gresham to Baron Saurma.

DEPARTMENT OF STATE,
Washington, September 6, 1893.

EXCELLENCY: I have the honor to acknowledge the receipt of Baron Ketteler's two notes, dated the 17th and 21st ultimo, respectively, with regard to affairs in Samoa.

In the former it is stated that Mataafa and eleven of the ringleaders belonging to his party, in accordance with an agreement concluded between the three consuls of the treaty powers and the commanders of the war vessels stationed at Apia, have been deported to the Union Islands. In the latter it is suggested, in view of a proposal from Her Britannic Majesty's Government that Mataafa and his eleven followers be transferred to one of the islands belonging to the German possessions in the South Pacific, that Juliut, one of the Marshall Islands, where the imperial commissioner resides, is a proper and well adapted place for the detention of Mataafa and his rebel chiefs.

The Government of the United States assents to this arrangement as well as to the further suggestion that the expenses of the maintenance of these chiefs be divided among the three powers.

In this connection I shall be pleased to be advised of the probable expense to be so entailed.

In view of this condition of affairs at Apia, I note the statement of the Imperial Government that the dispatch of the U. S. S. *Philadelphia* appears to be no longer necessary.

Accept, etc.,

W. Q. GRESHAM.

Memorandum.

IMPERIAL GERMAN EMBASSY,
Washington, September 8, 1893.

The Imperial Government have just received a telegram from the German consul at Apia, in which he stated that the Samoan Government has applied through him for the assistance of the foreign ships of war, in order to bring about the disarmament of the entire Samoan population, this action being considered indispensable with a view to secure a duration of peace within the islands.

The Imperial Government intend to accede to this request, and consequently decided to retain for the present both the cruisers of the imperial navy in Samoan waters, as well as to instruct their commander to give the desired assistance.

The Imperial Government beg to request the cooperation of the U. S. Government and to ask, if considered possible, for the immediate dispatch of a United States man-of-war to Samoa.

A similar request has been addressed by the Imperial Government to Her Britannic Majesty's Government.

Baron Saurma to Mr. Gresham.

[Translation.]

IMPERIAL GERMAN EMBASSY,
Washington, September 11, 1893.

MR. SECRETARY OF STATE: I have the honor to inform you, in obedience to instructions received, that his excellency the chancellor of the Empire has been glad to see, by the two notes of the Department of State of the 1st and 10th ultimo, that a final understanding has now been reached by the treaty powers concerning the appointment of Mr. Ide as

chief justice of Samoa and of Vice-Consul Schmidt as president of the municipal council of Apia.

Vice-Consul Schmidt intends to sail in October and expects to reach Apia in the latter part of December.

With regard to refunding the traveling expenses of both these officers, it is proposed by the German Government that a lump sum of \$1,500 in gold (one-third of which shall be contributed by each of the governments) shall be paid to each of them, as was suggested in the note of Mr. von Holleben, of the 8th of July last, regarding the return expenses of Mr. Cederkrantz and Baron Senfft von Pilsach.

The salaries of the new officers should be computed from the day of their arrival at Apia.

Mr. Ide's wish in respect to his annual leave of absence might, in the opinion of the Imperial Government, be complied with, at least so far as can now be foreseen. The duties of his office would be performed in his absence according to section 2, Article III, by the president of the municipal council.

Mr. Schmidt has not expressed any desire for leave of absence from his post. He has, however, requested that he may be placed in possession of the dwelling which was erected two years ago for the president of the municipal council, for which he is willing to pay a reasonable rent. As the Imperial Government has learned, this dwelling was occupied by Malietoa and his family after the departure of Baron Senfft von Pilsach. As the building in question is a part of the property to be managed by the consuls as the representatives of the municipal president, and is not the private property of Malietoa, it behooves the consuls, in the view of the Imperial Government, to see that the said building is not used for any other than its legitimate purpose. Malietoa or other natives should, moreover, not be allowed to obtain control of the dwelling hitherto occupied by the chief justice, to the use of which Mr. Ide is clearly entitled.

It might be well, in connection with this matter, for the consuls to be furnished with identical instructions, in accordance with section 5, Article v, of the Samoa act.

With regard to the closing passage of your Department's note of August 10, I am instructed to state that Baron Senfft von Pilsach, since his arrival at Berlin, has applied to have his traveling expenses refunded to him.

Our proposals regarding the payment of the return expenses and of the salaries of Baron Senfft von Pilsach, and Mr. Cederkrantz, the two retiring officers, have already been concurred in by the U. S. Government, as stated in your favor of the 31st ultimo, a copy of which I have not failed to transmit to my Government.

I beg to be favored with a reply relative to the payment of Messrs. Ide and Schmidt's traveling expenses, and also to the question as to the dwelling houses to be occupied by these two officers at Apia, and I should be greatly obliged by some information touching the issue of instructions on this subject to the American consul at Apia.

I avail, etc.,

SAURMA.

Baron Saurma to Mr. Gresham.

[Translation.]

IMPERIAL GERMAN EMBASSY,
Washington, September 13, 1893.

MR. SECRETARY OF STATE: I have the honor, in obedience to instructions received, hereby to bring to your excellency's notice copies of two reports concerning the suppression of the Mataafa uprising in Samoa which have been addressed to his excellency the chancellor of the Empire, under date of July 15 and 19, 1893, by Mr. Biermann, the imperial consul at Apia.

I am instructed to add that the Imperial Government has learned with great satisfaction of the concerted action taken by the consuls of the treaty powers, and of the energy displayed during that period of agitation by Acting Consul-general Blacklock.

The Imperial Government entertains the hope that the consuls will direct their attention, as soon as circumstances may permit, to the collection of the overdue Samoan taxes.

I avail myself, etc.,

SAURMA.

[Inclosure No. 1.]

APIA, July 15, 1893.

I have the honor to inform your excellency that the conflict between Malietoa and Mataafa began on the 8th instant, and that the trouble has not yet been settled.

After the departure of the last steamer we consuls had several conferences with Malietoa and his *faipules*. It was readily seen on these occasions that the war, with most of them, was a cut and dried affair; that nothing but the most earnest dissuasion on the part of all three consuls could bring about a change in their determination, and even that, perhaps, only in case the positive assurance could be given that the treaty powers would interfere in behalf of the Government. Although it was impossible to prevent the war in this way, yet the consuls were united in their efforts and repeatedly succeeded in securing a postponement of the fighting until the fighting men of all the districts that had promised to take part in the war were actually assembled about Malietoa, so that there was more ground to hope that Mataafa's party would soon be repulsed from the municipality.

Mataafa had advanced, on the 5th instant, with his warriors, until he was close to the boundary line of the municipality, to the west of Apia, but withdrew them on the day following, as the opposing force approached, to the Vaitele plantation, where he took up a position which extended in nearly a semicircle across the plantation to the rear of Malie, and which, according to Samoan ideas, was strongly fortified by means of stone walls and rifle pits.

As the mail that arrived here on the 7th instant brought no decisive information with regard to the speedy interference of the powers, Malietoa and the Government declared, on Saturday morning, that they could positively wait no longer. A part of the warriors immediately advanced against the enemy's position, and between 2 and 3 o'clock in the afternoon the fight began. Malietoa's men were driven from their first line of defense with considerable loss, 30 men being said to have fallen, and 15 heads having been brought to Mulinuu. Firing was continued without intermission until a late hour of the night.

The appearance before Mulinuu of 20 large boats, which constituted Mataafa's naval force from Manono and Fagaloa, increased the excitement at Apia in the afternoon. This excitement gradually subsided, however, when it became manifest that the defensive measures which had been quickly adopted by the garrison of Mulinuu were holding the boats in check.

Mataafa's adherents from Savaii, who had withstood the first attack, and had suffered the heaviest losses, were the first to leave him during the night preceding Sunday. Mataafa himself left Malie, after setting it on fire, about daybreak, and fled with his followers to Manono, so as to avoid the general attack which it was proposed to make upon him on Sunday.

At Malie and other adjacent villages many of the houses were burned, palm and breadfruit trees were cut down, plantations were destroyed, and the property of

the rebels was confiscated. Those houses and lands which, owing to flags hoisted over them, could be recognized as belonging to white persons, were not injured as far as I have seen and heard. On the Vaitele plantation provisions were taken, but there was no wanton destruction of property.

The Aana people could easily have taken Mataafa while he was fleeing to Manono. The fact that they did not do so shows that Malietoa can not place any very firm reliance on the adherence of all the districts that originally declared for him.

Mataafa, after vainly seeking refuge at Savaii, is now at Monono. It is said that he is prepared to surrender at discretion, but that his adherents are seeking to dissuade him from doing so, they being willing to risk a battle for the possession of Manono. The next few days will, it is hoped, decide the matter.

Malietoa won his victory by the aid of the Tumuas, who are, on principle, hostile to the Malietoas. The Tumuas generally are adherents of the old royal family of the Tupuas, to which Tamasese and Mataafa belong. This alliance, which is unnatural according to Samoan ideas, is probably to be explained by the fact that Tamasese's adherents desire to be revenged on Mataafa for the losses which they suffered in 1888-'89. Attachment to Malietoa is certainly not the motive of their action. Hints are already occasionally heard which go to show that a reward for Tamasese is expected on account of the aid rendered by him to the Government. It will not be at all surprising if the desire is soon openly expressed that Tamasese be created vice-king, and the step from the position of vice-king to that of rival king is, in Samoa, at least, not a long one.

Should such a desire of the Tamasese people meet with resistance from the Malietoa party, it is quite possible that Tamasese and Mataafa would bury their differences and that the Tumuas would then join issue with the Malietoa party.

The dangers to the white population of Samoa are increased with every new war. The remark has repeatedly been heard in Mataafa's camp that, in case of a victory being gained and an entrance into Apia being effected, the whites and their property would not be spared. A general disarmament and a strict enforcement of the prohibition of the importation and sale of arms are more important now than they have ever been before. Nothing, however, short of an imposing display of force would induce the Samoans to surrender their arms quietly.

BIERMANN.

[Inclosure No. 2.]

APIA, July 19, 1893.

I have the honor, referring to my report of the 15th instant, most respectfully to inform your excellency that the British war ship *Katoomba* arrived here on the 16th from Auckland, bringing the news that the treaty powers had reached an agreement with regard to interfering against Mataafa.

The consuls and the commanders of the three war ships held a conference on the morning of the 17th.

The commander of the British war ship and the commander of His Majesty's cruiser *Buzzard* were at first inclined to postpone action against Mataafa until after the departure for Europe of the mail steamer, which was expected on Wednesday, the 19th. Sundry rumors, more or less reliable, concerning the instructions of the war ships, were in circulation.

The consuls were unanimously of the opinion that the opportunity of bringing the rebels to terms by surrounding and menacing Manono, and thus ending the war, should not be neglected. They thought that if action should be delayed a few days there would be but little likelihood of finding the rebels still at Manono.

The captains yielded to our arguments and declared their willingness to go to Manono on the 18th, provided that Malietoa's Samoan supporters were then ready for the attack. If the summons issued by the consuls, calling on Mataafa to surrender unconditionally—nothing but their lives was guaranteed to him and his chiefs—was not heeded, then the rebels were to be forced to abandon their fortified positions in those parts of the island where a landing could be effected, and thus the coast was to be cleared for the landing of the Government troops, who were then to fight the battle, unaided, on land.

At the close of the conference, the three consuls rode over to Leulumonga, which is distant about 25 kilometers from Apia, and where Malietoa, with his counselors, then was.

A promise was readily given to be ready at 9 o'clock the next morning to make the attack on Manono, and it was kept. About 130 large boats with from 1,500 to 2,000 men on board, were on the spot in good time.

The ships left Apia at 6 o'clock on the morning of the 18th. The consuls were on board of the British war ship in order to prepare the ultimatum, which was to be presented to Mataafa and to conduct any further negotiations with the parties that

might be found necessary. When Manono was reached the ultimatum was sent to Mataafa. It was therein declared that Manono would be attacked at once, unless he accepted the terms offered, and came on board of the British war ship in three hours. Shortly after 11 o'clock two French priests, who had gone to Mataafa from Apia during the previous night, came on board of the *Katoomba* with the announcement that he and his chiefs were prepared to capitulate. At about a quarter past 1 Mataafa himself came on board, and his chiefs soon followed. As but a small number of guns had been surrendered by 3 o'clock, the *Katoomba* remained at Manono for the purpose of effecting the disarmament alone, while the German ships steamed back to Apia, in order to be able to cast anchor before dark.

As to the next step to be taken in the case of the prisoners, no decision has yet been reached.

It is already evident that Malietoa's position has been considerably strengthened by the material aid rendered him by the powers.

It gives me pleasure to add that the beneficial result (which it is hoped may be lasting in its effects) of the speedy arrangement and carrying out of this action is in no small measure due to the mutual cooperation of the commanders and consuls, and to that of the consuls with each other, and, finally, to the indefatigable and most praiseworthy energy displayed by Mr. Blacklock, the American vice consul.

BIERMANN.

P. S.—19th, noon. I learn from the interpreter of the consulate, who has just arrived here on board of the *Katoomba*, that the rebels have not yet been wholly disarmed. About 50 guns had been surrendered when the German war ships left Manono. Immediately afterwards a portion of Malietoa's men went to Manono and took possession of most of the best weapons, in doing which they met with no resistance. The property of the rebels was then plundered in the Samoan fashion, in spite of Malietoa's promise to the contrary, it being alleged, in justification thereof, that the rebels failed to surrender their arms, as they had promised to do.

BIERMANN.

Baron Saurma to Mr. Gresham.

[Translation.]

IMPERIAL GERMAN EMBASSY,
Washington, September 15, 1893.

MR. SECRETARY OF STATE: I have the honor, in obedience to instructions received, and referring to my note of the 14th instant, herewith to inclose a copy of a note of the Royal British embassy at Berlin, bearing date of the 2d instant, from which it appears that the British Government concurs in our proposals relative to Mr. Ide's leave of absence, the payment of his and Mr. Schmidt's traveling expenses, and to their official residences.

I avail myself, etc.,

SAURMA.

Baron Saurma to Mr. Gresham.

[Translation.]

IMPERIAL GERMAN EMBASSY,
Washington, September 16, 1893.

MR. SECRETARY OF STATE: I have the honor, in pursuance of instructions received from the Imperial Government, to inform your excellency that Count von Caprivi, the chancellor of the Empire, appointed, on the 3d instant, Mr. Schmidt, the imperial vice-consul at Apia, as president of the municipal council in that city, and that Mr. Schmidt

intends to sail for Apia during the first half of the month of October, expecting to arrive there in the latter part of December.

The imperial consul at Apia will be instructed to effect, in conjunction with his British and American colleagues, the installation of the new officer by the Samoan Government, in pursuance of article v, section 5, of the Samoa act.

Mr. Schmidt desires, while en route to his post, to pay his respects to your Excellency at the Department of State, and proposes, for that purpose, to visit Washington between the 21st and the 24th of October.

I avail myself, etc.,

SAURMA.

Mr. Adee to Baron Saurma.

DEPARTMENT OF STATE,
Washington, September 22, 1893.

EXCELLENCY: I have the honor to inform you that the President has appointed Mr. William Lea Chambers, of Alabama, United States land commissioner in Samoa in place of Mr. E. J. Ormsbee, resigned.

Mr. Chambers expects, upon confirmation, to leave the United States for his post about the 20th of October next.

Accept, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Adee to Baron Saurma.

DEPARTMENT OF STATE,
Washington, September 22, 1893.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 15th instant, from which it appears that the British ambassador at Berlin has expressed the concurrence of Her Majesty's Government in regard to a leave of absence of two months in each year for Mr. Henry C. Ide, late named as chief justice of Samoa.

It is also stated that the British Government is willing to assume its pro rata share of Mr. Ide's traveling expenses, which includes himself and his family as presented in my note of the 1st instant, as well as the traveling expenses of Mr. Schmidt, agreed upon as municipal president.

It is gratifying to the Department to learn that these details have been satisfactorily arranged.

Accept, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Adee to Baron Saurma.

DEPARTMENT OF STATE,
Washington, September 22, 1893.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 11th instant touching Samoan affairs. You add that Mr. Schmidt, lately named as president of the municipal council in Samoa,

intends to sail in October and hopes to reach Apia in the latter part of December. Mr. Ide, as I have heretofore communicated to your embassy, expects to leave San Francisco by the steamer of October 20th, so that he will probably arrive at Apia about the same time that Mr. Schmidt does.

I observe that His Majesty's Government proposes that a lump sum of \$1,500 each be paid to Mr. Ide and Mr. Schmidt to defray their necessary expenses in reaching Samoa, and that their salaries shall be computed from the day of their arrival at Apia.

These propositions are satisfactory to the United States.

In connection with the payment to Mr. Ide, I desire to say that in order to permit him to make all necessary arrangements so that his departure might be expedited, the Department has on this day advanced to him one thousand dollars (\$1,000) on account of his outward transit.

If, therefore, you will request your Government to make its payment of \$500, which is one-third of the whole amount agreed upon to this Government, that it may be covered into the Treasury to the credit of the Samoan fund, the matter can be adjusted in that way. This Government holds itself in readiness to advance to Mr. Schmidt its share of \$500 to defray his transit expenses to Apia, at whatever time and in whatever manner may [be] agreeable to His Majesty's Government and Mr. Schmidt.

"Mr. Schmidt has not," you state, "expressed any desire for a leave of absence from his post. He has, however, requested that he may be placed in possession of the dwelling which was erected two years ago for the president of the municipal council, for which he is willing to pay a reasonable rent."

This building, it is understood, was occupied by Malietoa and his family after the departure of Baron Senfft von Pilsach, and in the judgment of the Imperial German Government it is thought that, it being a part of the property to be managed by the consuls as the representatives of the municipal president and not the private property of Malietoa, the consuls should see that the said building is not used for any other than its legitimate purposes. It is also represented that, in the view of the German Government, the dwelling heretofore occupied by the chief justice should be set apart for his separate use.

The consular representative of this Government at Apia will be instructed to act in concert with his colleagues there to the end that Mr. Schmidt and Mr. Ide may have their respective residences.

You say that since his arrival at Berlin Baron Senfft von Pilsach has applied to have his travelling expenses refunded to him.

In the Department's note of August 31, 1893, it was stated that the consular representative of the United States at Apia would be instructed that whenever he was advised by his colleagues of Germany and Great Britain that they had been authorized to pay over to Mr. Cedererantz and Baron von Pilsach, or "the latter's legal representative," he was to draw upon the Secretary of State for the sum necessary to pay their expenses.

On the same day, August 31, 1893, an instruction in this sense was sent to Mr. Blacklock, vice-consul-general at Apia.

In view, however, of the fact that Baron von Pilsach has reached Berlin and made request for his travelling expenses, the Department holds itself in readiness to pay over to him the sum of \$500, which is the share of this Government. I inclose a voucher which Baron Senfft von Pilsach should sign and return to this Department, when the sum

named will be paid to your embassy for transmission to him or to the Baron direct, as may be desired.

Accept, etc.,

ALVEY A. ADEE,
Acting Secretary.

INCLOSURE.

Voucher mentioned for signature and return.

Baron Saurma to Mr. Gresham.

IMPERIAL GERMAN EMBASSY,
Washington, October 11, 1893.

SIR: I have the honor to acknowledge the receipt of your note of September 6, regarding the assent of the U. S. Government to the deportation of Mataafa and his eleven followers to Jaluit, one of the Marshall Islands belonging to the imperial possessions in the South Pacific, with the understanding that the expenses of the maintenance of these Samoans be divided among the three powers.

In reply to your inquiry as to the probable expenses to be entailed by such deportation and maintenance, I am instructed to state that, as far as it can now be ascertained, the cost of maintenance would probably amount to 60 marks, i. e., about \$14.28 per month for every head.

To this continuous expenditure a singular fee would have to be added for the conveyance of these exiles from Samoa to the Marshall group, which will be accounted for in conformity with the regular rates of transportation on board a ship belonging to the navy.

I avail myself, etc.,

SAURMA.

Mr. Adee to Baron Saurma.

DEPARTMENT OF STATE,
Washington, October 14, 1893.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 11th instant, wherein you set forth the probable cost of deportation of Mataafa and his eleven followers to Jaluit, one of the Marshall Islands, and of their maintenance thereon.

Accept, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Adee to Baron Saurma.

DEPARTMENT OF STATE,
Washington, October 18, 1893.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 13th ultimo, inclosing for my confidential information copies of two reports dated, respectively, July 15 and 19, 1893, from the German

consul at Apia in relation to the suppression of the Mataafa uprising in Samoa.

It is gratifying to learn that the part taken by Mr. William Blacklock, vice-consul-general of the United States at Apia, on that occasion has merited recognition by his His Imperial Majesty's Government.

In the matter of the overdue Samoan taxes, to the collection of which your Government hopes the consuls will direct their attention as soon as circumstances will permit, I desire to say that this general subject is now receiving consideration in view of representations made by Mr. Blacklock.

Accept, etc.,

ALVEY A. ADEE,
Acting Secretary.

Baron Saurma to Mr. Gresham,

[Translation.]

IMPERIAL GERMAN EMBASSY,
Washington, November 6, 1893.

MR. SECRETARY OF STATE: As your excellency may be aware, King Malietoa, in a communication dated August 14, 1893, and addressed to the consuls of the treaty powers, has expressed a wish for the alteration of the Samoa act so that not the president of the municipal council of Apia, as is provided in Article V, section 5, of the Berlin treaty, but the three consular representatives of the treaty powers shall be the advisers of the Samoan Government.

An understanding exists, however, between the signatory powers that individual changes in the Berlin treaty shall not now be made, and in the opinion of the Imperial Government there is at the present time the less reason for adopting the Samoan proposition, as such a proceeding might easily be regarded as an evidence of unkindly feeling on the part of the treaty powers towards Mr. Schmidt, the newly appointed president of the municipal council, who, as is known, is about to enter upon the discharge of the duties of his new office.

The negotiations relative to this Samoan proposition which have been entered into by the Imperial Government with the British Government have led to a perfect understanding so far as, in the opinion of both powers, no individual changes in the Samoa act should at present be made. The British Government, moreover, has complied with the desire of the Imperial Government that the British consul shall be instructed to meet the wishes of the new president of the municipal council to the fullest extent possible.

According to reports received from the imperial consul at Apia, Mr. Maben, the secretary of state of the Samoan Government is the instigator of this action on the part of King Malietoa. The inimical disposition towards foreign interests in Samoa was manifested by Mr. Maben during the period embraced between the years 1880 and 1890 to such an extent that it was necessary to effect his removal from the office of municipal judge of Apia, which he then filled.

The late administrative officers, Chief Justice Cedererantz and Municipal President Baron Senfft von Pilsach, the latter of whom brought about Mr. Maben's appointment as secretary of state, found their con-

fidence in him to be so misplaced that they soon endeavored to secure his removal.

If, therefore, it is to be regarded as probable that Mr. Schmidt, the new municipal president, will be obliged to renew this proposal, which has hitherto been defeated through Malietoa's opposition, such a step would expose the new officer at the very outset of his career to the most deplorable conflicts and, in the view of the Imperial Government, it is the duty of the treaty governments to protect the new president from the odium which would attend such a step, and, by joint instructions to the consuls, to effect Mr. Maben's removal. Independently of his personal characteristics, there is another thing which militates against his retention in office; this is the amount of his salary (\$1,800 per annum) which, in view of the depleted condition of the Samoan treasury, is no small item. To this must be added the circumstance that owing to the small compass of the administration of a little country like Samoa, the duties of the official adviser of the Government and those of the "secretary of state" must necessarily conflict with each other. The contemporaneous existence of the two offices is, furthermore, undoubtedly at variance with the views that were put on record by the three signatory powers when the Samoa act was adopted.

The Imperial Government is convinced that Mr. Schmidt's usefulness, and especially his cooperation as a colleague with the consuls, is materially dependent upon the removal of undesirable advisers of the natives, and it entertains the hope that the United States Government will share this view.

As regards the proposed removal of Mr. Maben from the office of secretary of state of King Malietoa, the British Government has promised its cooperation in case a joint proposal shall be made by the United States Government and that of Germany.

The Imperial Government trusts that the Government of the United States will share the view of the two other treaty powers concerning the rejection of the Samoan Government's proposal for a change in the provisions of the Samoa act, and that it will be prepared to instruct the acting consul-general of the United States in Samoa to assume a friendly attitude toward Mr. Schmidt, the new president of the municipal council.

In the opinion of the Imperial Government, however, it is also desirable in the interests of a peaceful settlement of Samoan affairs to secure the assent of the United States Government to unite with the Imperial Government in a proposition to that of Great Britain to effect Mr. Maben's removal.

Although the reasons which make this measure desirable have been elucidated and developed above, I would call especial attention to the fact that if Mr. Maben should be allowed to remain in his present position as secretary of state there would soon be two advisers of the King, and thus a state of things would arise which would be wholly at variance with the spirit of the Berlin treaty. The retention in office of such a superfluous officer, while the Samoan Government is in such financial straits as it now is, is the less defensible since an officer who is thoroughly acquainted with Samoan affairs is placed by the side of King Malietoa as an adviser in the person of Mr. Schmidt, the new president, and thus all reason for Mr. Maben's retention is eliminated.

I therefore have the honor, in pursuance of the instructions of the Imperial Government, to solicit the friendly cooperation of the United States Government in the matter of the rejection of the Samoan proposition, of the removal of Mr. Maben, and of the sending of instructions

to the American consul-general to assume a friendly attitude towards the new municipal president, and I shall be grateful for a reply to the threefold proposition.

I avail myself, etc.,

SAURMA.

Memorandum of German Embassy.

NOVEMBER 6, 1893.

By pursuance of instructions received from my Government, I desire to state the following with regard to Samoan affairs:

First. With reference to a request made by King Malietoa that the final act of the Berlin conference might be altered so as to permit the consuls of the three treaty powers to act as advisers to himself and the Samoan Government instead of the president of the municipal council, the British Government agree with the German Government that the moment is inopportune for making any alteration in the act and that the new president of the municipal council, Mr. Schmidt's appointment having been definitely sanctioned by the treaty powers, he is expected to insure the successful accomplishment of all duties pertaining to his office. The cooperation of the United States Government in rejecting the Samoan proposal is therefore requested.

Second. It is further suggested to obtain by joint representation to the Samoan Government the removal of the so-called secretary of state to the Government of Samoa, Mr. Maben, on the grounds that his fitness for the position must be doubted, that the payment of his salary is a heavy burden upon the Samoan finances, and that after the appointment of a new president of the municipal council the position of adviser to the Government belongs to such official, and the existence of any other adviser must prove unnecessary if not injurious.

The British Government have declared with regard thereto that if the United States and German governments address a joint proposal to Her Britannic Majesty's Government for Mr. Maben's removal, the British Government agree to take action in the matter.

The Imperial Government request, therefore, the cooperation of the United States Government for such joint representation.

Third. The Imperial Government request the U. S. Government kindly to instruct the American representative at Apia to observe a friendly attitude toward Herr Schmidt, the newly-appointed municipal president, in order to facilitate the difficult task intrusted to his care.

The British Government have agreed to instruct their consul in the same sense.

The note which I beg to hand you herewith furnishes a detailed statement for the reasons for the three proposals submitted to the United States Government for approval.

German embassy, Washington.

Baron Saurma to Mr. Gresham.

[Translation.]

IMPERIAL GERMAN EMBASSY,
Washington, November 23, 1893.

MR. SECRETARY OF STATE: In reply to the note of the Hon. Alvey A. Adee, acting Secretary of State, bearing date of the 22d of September last, the contents of which I brought without delay to the

notice of the Imperial Government, I have the honor, in obedience to instructions received, herewith to inclose the receipt of Mr. Schmidt, the municipal president of Apia, for 2,100 marks (\$500), being the American Government's quota of his traveling expenses. This sum, which the American Government, in its note of September 22d, expressed its willingness to refund to the Imperial Government, is offset by the \$500 which the American Government is entitled to receive from the German Government as the latter's quota of Mr. Ide's traveling expenses. As these amounts just balance each other, I have been instructed to transmit Mr. Schmidt's receipt to the Department of State, requesting in return a similar receipt for the amount of Germany's quota of Mr. Ide's expenses, which latter receipt I am to forward to Berlin.

As regards the \$500, which is the American Government's quota of the traveling expenses of Baron Senfft von Pilsach, the German consul at Apia was instructed, on the 4th ultimo, on the strength of your excellency's note of the 31st of August last (a copy of which was likewise laid before the Imperial Government), to collect this amount from the American representative at Apia. The inclosed voucher for \$500, which has been sent to this embassy, is consequently returned unsigned.

I avail myself, etc.,

SAURMA.

The United States to Baron Senfft von Pilsach, Dr.

[On account of the appropriation for protecting the interests of the United States in the Samoan Islands.]

Sept. 22, 1893. On account of expenses of transit home from Apia, Samoa, to
 Berlin, Germany \$500
 Received this — day of —, 189—, from F. J. Kieckhoeffer, disbursing clerk,
 Department of State, five hundred dollars, in full payment of the above account.
 \$500.

[Translation.]

Receipt.

I hereby acknowledge the receipt of 2,100 (two thousand one hundred) marks, or 500 (five hundred) dollars in U. S. currency, being the quota of the Government of the United States of America of the sum of fifteen hundred dollars which has been allowed to me for the payment of my traveling expenses to Apia, the said five hundred dollars having been paid to me for the United States Government by the Imperial foreign office at Berlin.

E. SCHMIDT,

President of the Municipal Council of Apia.

BERLIN, September 21, 1893.

Mr. Gresham to Baron Saurma.

DEPARTMENT OF STATE,
 Washington, December 21, 1893.

EXCELLENCY: I have the honor to apprise you of the receipt of a note from the British ambassador of the 12th instant, in reference to the proposition of Her Majesty's Government that the wives of Mataafa

and his banished followers should be permitted to rejoin their husbands in their exile. In his note of the 19th ultimo, to the British chargé d'affaires at Berlin, copy of which Sir Julian incloses, Baron Marschall concurs in the proposition of Her Majesty's Government, but adds that "before definite instructions on the subject are issued to the consuls, it will be necessary to obtain the concurrence of the Government of the United States to the proposed action."

The President recognizes the humane motives that actuated the British Government in the premises, but before giving the assent of the Government of the United States, he would be glad to learn how long a time, approximately, it is proposed to keep these deported chiefs in exile.

Awaiting an expression of the views of His Imperial Majesty's Government on the subject, and adding that a note in this sense has been addressed to your colleague, the British ambassador,

Accept, etc.,

W. Q. GRESHAM.

Mr. Gresham to Baron Saurma.

DEPARTMENT OF STATE,
Washington, January 13, 1894.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of November 23 last. You therein inclose the receipt of Mr. E. Schmidt, president of the municipal council of Apia, for 2,100 marks (\$500, United States currency), being the quota due from this Government on account of his traveling expenses.

It appears that this amount has been advanced by the German Government and that it is to be offset by a receipt from Mr. Henry C. Ide, chief justice of Samoa, for a like sum on account of expenses which were advanced to him by the Government of the United States on behalf of the German Government.

I inclose for your information a certified copy of the voucher signed by Mr. Ide on September 22, 1893, trusting that this may be sufficient for His Majesty's Government's purposes. In case, however, it be still desired, Mr. Ide, who, as you are aware, is now in Samoa, will be requested to sign and return to this Government a receipt for \$500, which latter will be sent to you to replace the certified copy now inclosed.

Accept, sir, etc.,

W. Q. GRESHAM.

INCLOSURE.

Certified copy of voucher as above referred to.

Memorandum.

The imperial German consul at Apia has in his reports to the foreign office expressed the opinion that the term of the Samoan land commission, which according to the agreement entered into by the treaty powers in May, 1893, will expire on March 31, 1894, will have to be extended for a further period of eight or nine months from that date for the completion of the labors of said land commission.

The imperial secretary of state for foreign affairs has therefore addressed the United States ambassador residing in Berlin and the British ambassador accredited to the imperial court requesting them to lay before their Governments the proposal to extend the term of the labors of the Samoan land commission to the end of this year—i. e., the 31st of December, 1894.

The Imperial Government would feel greatly obliged for an early decision on the part of the United States Government with regard to this matter, in order that the labors of the commission may continue without interruption, and would request, with a view to sending the necessary instructions to the German member of the commission at Apia prior to the 31st of March, that the United States Government's decision might be transmitted by telegraph through the United States embassy at Berlin.

German Embassy, January 18, 1894.

Mr. Gresham to Baron Saurma.

DEPARTMENT OF STATE,
Washington, January 22, 1894.

DEAR MR. AMBASSADOR: I beg to hand you herewith a memorandum, in response to the one of the 18th instant delivered by Baron Ketteler, in regard to the proposed extension of the Samoan land commission.

I will send suitable instruction by cable to the United States land commissioner when informed that your Government and that of Great Britain are about to do or have done the same thing.

Very cordially yours, etc.,

W. Q. GRESHAM.

Memorandum.

The suggestion contained in the German ambassador's memorandum of the 18th instant that the Samoan land commission be extended to the close of the present year in order to enable the completion of its labors was directly brought to the notice of this Government through its ambassador at Berlin. An inquiry of the British Government having elicited a favorable response, and the German Government having requested an answer by telegraph, an instruction was cabled to Mr. Runyon on the 20th instant to acquaint the Imperial Government with the concurrence of the United States in the proposed extension.

Department of State, Washington, January 22, 1894.

Memorandum.

GERMAN EMBASSY,
January 24, 1894.

According to telegraphic advice received by the foreign office from the Imperial consul at Apia, the rebels in Samoa have proclaimed the adult Tamasese their king, who intends to open war against Malietoa's Government.

The consuls of the treaty powers have therefore been requested to ask for the dispatch of war vessels to Samoa, and the American as well

as the British representative are said to have transmitted such requests to their respective Governments.

The Imperial Government would be grateful to obtain the United States Government's views upon the subject, and would request to be informed if and at what time the United States Government intends to dispatch vessels of war to Samoan waters.

Baron Saurma to Mr. Gresham.

IMPERIAL GERMAN EMBASSY,
Washington, January 29, 1894.

DEAR SIR: The New York papers of yesterday's date contain notices of the late uprising in Samoa, headed by the son of Tamasese, in regard to which I had the honor to confer with you at the State Department on the 24th of this month.

I would therefore be very much obliged for some information which would enable me to report to my Government if these newspaper statements have meanwhile been borne out by official advice from the United States vice-consul-general at Apia, and if such is the case would be grateful to obtain the United States Government's views upon the actual situation, and if and at what time your Government intends to dispatch men-of-war to Samoan waters.

While requesting an early reply, I remain, my dear Mr. Secretary of State,

Yours, very truly,

SAURMA.

Mr. Gresham to Baron Saurma.

DEPARTMENT OF STATE,
Washington, January 29, 1894.

EXCELLENCY: I have just received your unofficial note of this date in which you ask to be informed whether this Government has received from our vice-consul-general at Apia information confirmatory of the accounts contained in the New York papers of yesterday of a recent uprising in Samoa headed by the son of Tamasese, and, if so, what are the views of the United States of the situation and when this Government intends to dispatch men-of-war to Samoan waters.

Since our interview on the 24th instant I have received from our vice-consul-general at Apia a dispatch under date of January 1, giving an account of the situation on the islands. He speaks of symptoms indicating that peace is about to be disturbed, but thinks there is no fear of immediate hostilities. He says there are numerous malcontents on the islands and advises that they be treated as Mataafa and his adherents were treated, and that each of the treaty powers send three ships to the islands to disarm all the natives.

If there has been an uprising, it has occurred since this dispatch was written. I informed the British ambassador a day or two ago that you had information from your Government of an insurrection on the islands, or some of them, having for its object the dethronement of King Malietoa in the interest of a son of Tamasese, and that your Gov-

ernment desired the cooperation of the United States in the suppression of the rebellion. The ambassador replied that he had received no such information from his Government. Under these circumstances the Government of the United States does not feel called upon to dispatch a man-of-war to Samoa to act in cooperation with German and British war ships, as suggested by your Government.

Accept, etc.,

W. Q. GRESHAM.

Baron Saurma to Mr. Gresham.

[Translation.]

IMPERIAL GERMAN EMBASSY,
Washington, January 31, 1894.

MR. SECRETARY OF STATE: Since your excellency announced; by your note of September 6, 1893, the assent of the United States Government to the proposal that Mataafa and the principal ringleaders in the recent Samoan disturbances should be conveyed to Jaluit on board of a German war vessel, and interned there at the expense of the three governments, the suggestion has been made from Samoa, to the Imperial Government, that the three treaty powers should defray the expense occasioned by the preliminary detention of the rebels on the island of Fakaofu, in the Union group.

It appears from a report of the imperial consul at Apia, which has been communicated to me, that the eleven prisoners were kept in Fakaofu for three months and a few days (i. e., from August 3 until about November 8, 1893), and that the expense of their maintenance was, according to contract, £22 sterling per month.

As the British consul at Apia will probably visit the Union Islands in May next, he might, on that occasion, pay this money to those who are entitled to receive it.

The Imperial Government is prepared, in compliance with the afore-said suggestion, to pay one-third of the expense in question, with the proviso that it be refunded, hereafter, by the Samoan Government, in case the United States Government and the Government of Great Britain are disposed to do the same, and I beg your excellency to take the matter into consideration, and to inform me of the conclusion that shall be reached.

I avail myself, etc.,

SAURMA.

Baron Saurma to Mr. Gresham.

[Translation.]

IMPERIAL GERMAN EMBASSY,
Washington, January 31, 1894.

MR. SECRETARY OF STATE: Referring to your excellency's note of the 22d instant (with memorandum), in which was announced the consent of the United States Government to the extension of the time allowed for the labors of the Samoan land commission, to the close of the year

1894, I have the honor to make the following communication to your excellency:

According to the reports received by the Imperial Government from Apia, the members of the land commission are convinced that, even with the utmost diligence, it will be quite impossible for them to finish their labors by the 31st of March next. Both the German and the English land commissioner firmly believe, however, that the extension by one year of the time for their labors, which was proposed by the commission last year, would have been sufficient to enable them to terminate the examination of all land claims, as provided by the Samoa act, if those labors had not been interrupted for nearly eight months, owing to the fact that the office of American commissioner was vacant.

Now that the time allowed for the work of the commission appears to have been sufficiently extended, it would seem to be necessary to make provision at once to prevent another interruption.

As the American commissioner is said to have repeatedly stated that he was to remain not longer than the close of the month of March, 1894, and that he would therefore in all probability take his departure at that time, the American commissioner should be directed without delay to remain at Apia beyond that time, or the timely appointment of a successor be made.

In the reports which have been received by the Imperial Government from Apia, the talent as a jurist of Mr. William Lea Chambers, the new American member of the Samoan land commission, is spoken of in complimentary terms. He has quickly made himself familiar with his new duties, and has zealously and intelligently labored to further the work of the commission, so that during the brief period which elapsed between the time of his arrival and the 1st instant, upwards of sixty land claims were adjudicated.

I may refer, in this connection, to a letter of Chief Justice Henry C. Ide, dated Apia, December 6, a copy of which has been sent to me by the chancellor of the Empire, and which has doubtless come, in the same form, to your excellency's notice.

While, therefore, Mr. Chambers' stay at his post subsequently to March 31, 1894, seems in every way desirable in the interest of the furtherance of the work to be done by the land commission, I should be greatly obliged to your excellency if you would inform me what has been done in this matter.

I avail myself, etc.,

SAURMA.

Baron Saurma to Mr. Gresham.

[Translation.]

IMPERIAL GERMAN EMBASSY,
Washington, February 6, 1894.

MR. SECRETARY OF STATE: In my note of November 6, of last year, I had the honor to submit to the United States Government on behalf of the Imperial Government, the following three propositions relating to (1) the declination of the Samoan proposition to amend Article v, section 5, of the treaty of Berlin: (2) the recall of the secretary of state, Maben; (3) the instructions of the American representative respecting a friendly attitude towards the new president of the municipality.

I also submitted to your excellency at the same time a memorandum in the English language explanatory of this note.

While I have not as yet received an expression from the United States Government, it appears from the reports of the imperial consul at Apia, received in the meantime, that Mr. Maben, the Samoan secretary of state, has been removed from office.

Information concerning said removal and the reasons that led thereto have most likely reached your excellency through the representative of the United States at Apia.

The Imperial Government view with satisfaction Mr. Maben's removal, effected by the joint action of the three consuls, as it appears from the reports of the imperial consul that his further retention in office would have been conducive of continual complications.

I am herewith instructed to emphasize that, in the opinion of the Imperial Government, it would seem proper to request the consuls of the treaty powers in future to exert every effort to keep from Malietoa and the Samoan Government all unauthorized counselors.

In addition to requesting your excellency to give the matter your attention and to adopt such measures as it might seem to require, I should be under a special obligation for an expression of agreement hereto.

I avail myself, etc.,

SAURMA.

Baron Saurma to Mr. Gresham.

[Translation.]

IMPERIAL GERMAN EMBASSY,
Washington, February 12, 1894.

MR. SECRETARY OF STATE: I had the honor to receive your excellency's note of December 21, 1893, and immediately communicated to the Imperial Government the inquiry of the United States Government respecting the probable duration of the exile of the Samoan rebel, Mataafa, and the other rebellious chiefs detained on the Marshall Islands.

According to the reply just received from the Secretary of State, the aforesaid inquiry, in the opinion of the Imperial Government, can not, at present, in view of the uncertainty of affairs in Samoa, even be approximately answered. It will, on the contrary, be necessary to wait for a considerable time and see what will be the outcome of the state of affairs in Apia. The Imperial Government would consider it a mistake, and as incompatible with the duty of the treaty powers toward the white settlers, to permit the rebel chiefs to return before perfect tranquillity has been restored in Samoa. The advices just received from Samoa, according to which (as the United States Government has been informed) fresh disturbances threaten to break out among the natives, show, in the opinion of the Imperial Government, how dangerous it would be to allow a premature return of the exiles.

I beg leave to remark that the royal Government of Great Britain fully concurs in the above stated view of the Imperial Government relative to the duration of the exile of these chiefs.

I avail myself, etc.,

SAURMA.

Mr. Gresham to Baron Saurma.

DEPARTMENT OF STATE,
Washington, February 14, 1894.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 31st ultimo, further relating to the deportation of Mataafa, and eleven chiefs, who, agreeably to a report from the German consul at Apia, have been detained in Fakaofu from August 3 to November 8, 1893, at an expense, according to contract amounting to £22 per month. It is represented that the British consul who is expected to visit the group in May next, might take occasion to pay over the money to those entitled to it, and the suggestion is made that the amount should be refunded by the Samoan Government.

Mr. Blacklock, the consul of the United States at Apia, will be instructed to draw upon the Secretary of State for one-third of the amount in question, being the share of this Government, and pay it over to the British consul there, to be disposed of as suggested by you.

I deem it proper to say in this connection, this Government does not understand that the detention of Mataafa and his chiefs by the three powers is to be prolonged for an indefinite number of years.

Accept, etc.,

W. Q. GRESHAM.

Baron Saurma to Mr. Gresham.

IMPERIAL GERMAN EMBASSY,
Washington, March 6, 1894.

SIR: With reference to your note of January 13 last, relative to the payment of the quota due by the governments of the treaty powers on account of the traveling expenses of the foreign officials in Samoa, I have the honor to inform you in pursuance of instructions received, that the certified copy of the voucher signed by the chief justice, Mr. Ide, on September 22, 1893, for the receipt of \$1,000, has not been considered sufficient by the auditing department of the service, in order to show the payment of \$500 to Mr. Ide by the German Government.

I have, therefore, to avail myself of the kind offer expressed in the Department's note referred to above, and beg to request you kindly to ask Chief Justice Ide, in Apia, to sign and return to you for transmission to this embassy a receipt for \$500, being the quota due by the German Government on account of his traveling expenses from the United States to Samoa.

Accept, etc.,

SAURMA.

Mr. Gresham to Baron Saurma.

DEPARTMENT OF STATE,
Washington, March 7, 1894.

EXCELLENCY: Referring to the Department's note to you of the 9th ultimo, relative to the extension of the period fixed for the completion of the labors of the Samoan land commission and to the efforts of this Government to induce the American land commissioner to remain at

his post until the completion of the labors of the commission, I have the honor to inform you that I have received a report dated January 29 last, from the American land commissioner, stating that during January, 1894, the commission had disposed of 326 claims, making 1,094 claims since his arrival, and leaving 986 yet on hand. He adds that if during February and March the commission shall make as good progress there will remain undisposed of on April 1 next in the neighborhood of 350 claims.

At the date of Mr. Chambers's report the bad weather season had commenced and would probably continue two months. He states that although the claims not yet disposed of are located at much greater distances from the seat of trial, which may cause delays in getting claimants, objectors, and witnesses together, the commissioners, nevertheless, hope to overcome the difficulties by the employment, if need be, of an assistant to the natives' advocate and additional messengers.

Mr. Chambers's report was written before he learned of the arrangement extending the time for the completion of the work of the commission. He states that the commissioners all recognize the importance of the work and the obligation resting upon them to complete it, if possible, before the 31st day of March. From the tenor of his report it would seem that Mr. Chambers is not unwilling to give a few months more to the completion of the work, and has doubtless acquiesced in the direction telegraphed him by this Department relative to remaining at his post for so much of the extended time as may be necessary to complete the labors of the commission.

Accept, etc.,

W. Q. GRESHAM.

Mr. Adee to Baron Saurma.

DEPARTMENT OF STATE,
Washington, March 10, 1894.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 6th instant, and to inform you that, in accordance with your request, Mr. Ide, the chief justice of Samoa, has been requested to forward here for transmission to you, his receipt for \$500, being the quota paid by the German Government on account of his traveling expenses from the United States to Samoa.

Accept, sir, etc..

ALVEY A. ADEE,
Acting Secretary.

Mr. Uhl to Baron Saurma.

DEPARTMENT OF STATE,
Washington, March 23, 1894.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 6th ultimo, in which you refer to the three propositions regarding matters in Samoa which were presented in your previous note and memorandum of November 6, 1893, and express the satisfaction felt by the Imperial Government at the removal of Mr. Maben, the so-called secretary of state of the islands, to which the second of your propositions related.

There were circumstances which prevented an immediate response to your note of November last, and in the meantime the announced retirement of Mr. Maben, and the cordial reception given to Herr Schmidt, the new president of the municipal council, by the officers of the three treaty powers residing at Apia, appeared to have removed occasion for specific reply on those two points.

The first proposition of your note of November 6 related to the request of the Samoan Government for such modification of Article v, section 5, of the general act of Berlin, as would permit the three consuls jointly to continue to act as advisers to the King, as they had done since the retirement of Baron Senfft.

This Government is indisposed to consider amendments of the character suggested, inasmuch as it is our intention to suggest in the light of large experience, such a consideration of the entire subject as may result in the substantial modification of obligations of the United States in the premises.

The question of conferring special advisory functions upon the three consuls being thus set aside, and the powers of the royal adviser continuing unquestioned where they were lodged by the general act, the existing arrangements seem to go as far as is reasonable in the direction of keeping from Malietoa and the Samoan Government "unauthorized counselors" of the class you describe.

Accept, etc.,

EDWIN F. UHL,
Acting Secretary.

Baron Saurma to Mr. Gresham.

— IMPERIAL GERMAN EMBASSY,
Washington, March 28, 1894.

MR. SECRETARY OF STATE: I had the honor to receive your excellency's note of December 21, 1893, relative to the proposal of the royal Government of Great Britain to send the wife of Mataafa, the chief who is now in exile on the Marshall Islands, and also the wives of his followers, to join their husbands on those islands, and I duly brought its contents to the notice of the Imperial Government.

The imperial consul at Apia has been instructed by the Imperial Government, which had signified its willingness to accede to this proposal, to report on the subject, especially concerning the manner and cost of the transportation. This report was made under date of January 3, 1894, and I have the honor to inclose a copy of it for your excellency's perusal.

I avail myself, etc.,

SAURMA.

—
APIA, January 3, 1894.

I have the honor to inform your excellency that the question of sending the wives of the Samoan prisoners to join their husbands was raised during the conference of the consuls and of the commanders of the war ships, on the 25th of July last, by Capt. Bickford, after an understanding had been reached relative to the removal of the prisoners by His Majesty's cruiser *Sperber*.

Capt. Flichtenhöfer, vice-consul Blacklock, and I expressed ourselves in opposition to this measure, while Consul Cusack-Smith made no definite answer.

The reason that induced me, and I think also Mr. Blacklock and Capt. Flichtenhöfer to oppose this proposition, was not that we objected to it in principle, but was, in the first place, the consideration that the transportation of so many women on

board of the *Sperber*, where the accommodations were very limited, would be inconvenient, and might easily occasion trouble; and in the second place, the thought that an additional expense to the Samoan Government would be thereby occasioned, which, in view of the limited resources of that Government, was a large one, and not absolutely necessary. It had at that time not been decided that the treaty powers were to defray the cost of the maintenance of the prisoners, and the additional expense of the deportation of eleven women would have amounted to upwards of \$1,000 per annum, an outlay which, when the receipts of the Government amounted to only about \$10,000 or \$11,000, did not seem admissible.

During the afternoon of the same day, the consuls had a conference with Malietoa and the Faipules, in which the latter were requested to state their opinion with regard to the proposition of the British commander. According to the notes which I took of this conference, Malietoa said in reply: "Such is not our custom. If they desire, hereafter, to have their families with them, they can send for them by another vessel."

There is no longer any communication by means of merchant vessels between Samoa and the Marshall Islands. It will, however, at all times be possible to charter a small vessel here, of about 30 tons burden, with accommodations for, say, 30 native passengers for a trip to Jaluit.

The price payable for such a vessel would be, perhaps, from 40 to 80 marks per day, in addition to which, board for each passenger would cost from 1 to 2 marks per day.

Allowing, say thirty days for the voyage out and seventy-five days for the round trip, the expense of the transportation of eleven persons would be from 4,000 to 6,000 marks.

BIERMANN.

To His Excellency Count VON CAPRIVI,
Chancellor of the Empire.

Mr. Gresham to Baron Saurma.

DEPARTMENT OF STATE,
Washington, April 2, 1894.

EXCELLENCY: Referring to previous correspondence, especially to my note of the 7th ultimo, relative to the extension of the period fixed for the completion of the labors of the Samoan land commission, and to the efforts of this Government to induce the American land commissioner to remain at his post until such completion, I have the honor to inclose herewith copy of a dispatch from Mr. Chambers stating that, for reasons given, it will be impracticable for him to remain in Samoa beyond the end of March.

As only 579 claims remain unadjusted, none of which appear to concern citizens of the United States, it is thought that the German and British commissioners, constituting a majority of the commission, under an agreement of the three powers, might dispose of the remaining claims, thus closing up the work of the commission and avoiding the delay which would supervene if it were deemed necessary to send out a new American commissioner to replace Mr. Chambers.

Accept the assurances, etc.,

W. Q. GRESHAM.

Mr. Uhl to Baron Saurma.

DEPARTMENT OF STATE,
Washington, April 3, 1894.

EXCELLENCY: I have the honor to transmit herewith for the consideration of His Majesty's Government, having reference to the Department's note of September 23 last, in relation to an allowance of

\$1,500 to Mr. Henry C. Ide, chief justice of Samoa, for traveling expenses, a copy of a letter of February 23, in which, for reasons stated, Mr. Ide urges that an additional allowance of \$1,000 on that account be granted him in order to place his compensation upon an equality with that of his predecessor and the other officers at Apia.

The Department, before finally determining the matter, will be glad to ascertain the views of His Majesty's Government upon the subject. The sum each government would be called upon to pay would be \$333.33, or one-third of the whole amount.

A similar note has been addressed to your colleague, the British ambassador.

Asking that you will cause Mr. Ide's request to be promptly made known,

I desire to renew, etc.,

EDWIN F. UHL,
Acting Secretary.

Baron Saurma to Mr. Gresham.

[Translation.]

IMPERIAL GERMAN EMBASSY AT WASHINGTON,
Washington, May 2, 1894. (Received May 3.)

MR. SECRETARY OF STATE: I have the honor, in pursuance of instructions received from the Imperial Government, herewith to transmit to your excellency a copy of the report of the officer in command of His Majesty's cruiser *Sperber*, concerning the transportation of Mataafa and the rebellious Samoan chiefs to the Marshall Islands.

I avail myself, etc.,

SAURMA.

[Inclosure.]

SINGAPORE, *January 26, 1894.*

To the COMMANDING ADMIRAL, *Berlin*:

On the 8th instant, in the afternoon, we stopped at Fakaofa, where the British agent immediately came on board and said that he was prepared to bring the captive chiefs on board with very little delay. As their place of destination was unknown to the chiefs, they came on board very quickly, probably hoping that they were to be taken back to Apia. Consequently, after a delay of scarcely two hours we were able to continue our voyage to the Marshall Islands.

When the chiefs perceived that they were not going back to Apia, they were at first greatly dejected, but were soon cheered up by kind treatment (two of the officers were able to converse with them in their own language).

On the 17th of September, in the afternoon, we anchored at Jaluit, and at 4 o'clock the Samoans were turned over to Dr. Schmidt, the imperial commissioner. The captives were temporarily lodged in unoccupied store-rooms, and lands were assigned them, on which they may, if they like, hereafter erect their huts.

VON ARNOLDI.

Mr. Lincoln to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
London, March 24, 1891.

Bayett Michael Hazzard appointed British member Samoan land commission last July. Now in Samoa.

LINCOLN.

Mr. White to Mr. Foster.

No. 852.]

LEGATION OF THE UNITED STATES,
London, November 30, 1892.

SIR: Referring to your instruction, numbered 970, of the 21st instant, which reached me this morning, with respect to the rights of the United States in the harbor of Pago Pago, I have the honor to acquaint you that I have just had an interview at the foreign office with the Earl of Rosebery, to whom I communicated your views on the subject, by reading to his lordship your instruction, of which I left a copy with him at his request.

Lord Rosebery promised to give the matter his prompt attention.

I have, etc.,

HENRY WHITE.

Mr. White to Mr. Gresham.

No. 961.]

LEGATION OF THE UNITED STATES,
London, April 4, 1893.

SIR: I have the honor to transmit herewith for your information a letter from Mr. Robert Louis Stevenson, the well-known author, to the Times newspaper, in which it is published to-day, inclosing a regulation issued by the British high commissioner for the Western Pacific "For the maintenance of peace and good order in Samoa."

It would appear from Mr. Stevenson's letter that the regulation in question has been promulgated in consequence of certain letters of his to the Times on the subject of Samoa, most, if not all of which have been forwarded at different times to your Department by this legation.

I also inclose a Berlin telegram which has appeared in the Standard newspaper announcing the resignation of the chief justice of Samoa, Baron Cedercrantz.

I have, etc.,

HENRY WHITE.

[Inclosure 1 in No. 961.]

[The Times, Tuesday, April 4, 1893.]

Sedition in Samoa.

TO THE EDITOR OF THE TIMES:

SIR: Will you allow me to bring to the notice of your readers the sedition (Samoa) regulation, 1892, for the western Pacific and, in particular, the definition in section 3.

My letters have been complained of, my statements called in question, and I was content to wait until facts and the publication of official papers should justify me. This new style of controversy appears more barbarous. I am content to take that also. If any further scandal happen, I shall take the freedom to report it to your paper and endure my three months in Apia gaol with as much patience as I may.

But I think these are new experiences for a British subject. I think this is a new departure in British legislation. I ask myself how it would be liked at home—in Ireland, for example—and I am curious to learn what will be thought of it even as applied to British residents in that singular limbo, the western Pacific. The high commission has done good service in the past. It was created to deal with anomalous circumstances, which exist no longer. I wonder if its existence or nature are generally understood, and I wonder whether this last instance of its power and discretion will be palatable to the Government of England.

I am, sir, your obedient servant,

ROBERT LOUIS STEVENSON.

SAMOA, February, 1893.

Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Empress of India, Defender of the Faith, etc. A regulation (made in the name of and on behalf of Her Britannic Majesty by Her Majesty's high commissioner for the western Pacific, under the provisions of the western Pacific order in council of 1879), for the maintenance of peace and good order in Samoa.

[L. S.]

JOHN B. THURSTON.

1. Any British subject who shall be guilty of sedition towards the Government of Samoa shall be liable, on conviction, to a fine not exceeding £10 or to imprisonment without hard labor for not more than three months, with or without a fine not exceeding £10.

2. The expression "Government of Samoa" shall mean the government recognized as such in Samoa by the principal British consular officer for the time being in Samoa.

3. The expression "sedition towards the Government of Samoa" shall embrace all practices, whether by word, deed or writing, having for their object to bring about in Samoa discontent or dissatisfaction, public disturbance, civil war, hatred or contempt towards the King or Government of Samoa or the laws or constitution of the country, and generally to promote public disorder in Samoa.

4. If at the trial of any person under this regulation it shall appear that the offense charged is one which would, if this regulation had not been made, be punishable as criminal libel or otherwise by English law, or under any order in council issued by Her Majesty and being in force in Samoa, or by any other regulation made in the name and on behalf of Her Majesty by Her Majesty's high commissioner for the western Pacific, the court may either proceed with the trial under this regulation or may order that the charge under this regulation be dismissed and that the accused be put on his trial for criminal libel or otherwise, as the case may be.

5. This regulation shall come into operation on the 1st day of January, in the year of our Lord 1893, and may be cited as "the sedition (Samoa) regulation, 1892."

Given this 29th day of December, 1892.

By command:

WILFRED COLLET,
Secretary to the High Commissioner.

[Inclosure 2 in No. 961.]

[The Standard, Wednesday, April 5, 1893.]

Samoa.

[From our correspondent.]

BERLIN, TUESDAY NIGHT.

The chief judge of Samoa, the Swedish lawyer, Baron Cedercrantz, has repeated his request to be released from his office on the ground that the Berlin-Samoan treaty appears to be a farce, and that he can do no good with his present situation. His wish in this matter will, I believe, shortly be complied with.

Mr. Lincoln to Mr. Gresham.

No. 967.]

LEGATION OF THE UNITED STATES,
London, April 7, 1893.

SIR: Referring to Mr. White's dispatch, No. 961, of 4th instant, I have the honor to inclose herewith a statement made yesterday in reply to a question, in the House of Commons, by Mr. S. Buxton, parliamentary under secretary for the colonies, relative to the regulation issued by Her Majesty's high commission for the Western Pacific.

It will be observed that the British Government propose to modify some portions of the recent ordinance directed against sedition in Samoa, which was forwarded to you in the dispatch previously referred to, and the colonial office denies that the regulation in question was

issued at the instance of a foreign power or was directed exclusively at Mr. Robert Louis Stevenson, as implied in that gentleman's letter to the Times newspaper.

I have, etc.,

ROBERT T. LINCOLN.

[Inclosure in No. 967.]

[The Times, Friday, April 7, 1893.]

Samoa.

In reply to Mr. Henniker Heaton, Mr. S. Buxton said the arrangements as to the affairs of Samoa, which were agreed to at Berlin by the governments of Great Britain, Germany, and the United States, were still in force. It had been decided to instruct the high commissioner of the western Pacific to modify some portions of the recent ordinance directed against sedition in Samoa. That ordinance was not issued in consequence of representations by a foreign power, nor was it aimed exclusively at Mr. R. L. Stevenson.

Mr. Lincoln to Mr. Gresham.

No. 969.]

LEGATION OF THE UNITED STATES,
London, April 8, 1893.

SIR: Referring to my dispatch No. 967, of yesterday's date, I have the honor to inclose herewith for your information a telegram which has appeared in to-day's Times newspaper, from its Berlin correspondent, who professes to give therein the opinion of the German Government relative to Samoan affairs.

I have, etc.,

ROBERT T. LINCOLN.

[Inclosure 1 in No. 969.—From the Times, Saturday, April 8, 1893.]

THE SITUATION IN SAMOA.

BERLIN, *April 7.*

The announcement that Herr von Cedererantz, the chief justice of Samoa, has handed in his resignation excites here neither astonishment nor regret. Since his installation there have been a series of petty dissensions, chiefly between him and the consuls, which put peace and quiet out of the question, and the three signatory powers have for some time past been agreed that such a state of things could not be allowed to continue. Probably Herr von Cedererantz has come to see this in the same light as Germany, England, and America, and has done the wisest thing in resigning, thus rendering it unnecessary for the signatory powers to take the initiative against an official chosen by the King of Sweden. Herr von Cedererantz was right in applying the term "a comedy" to the Samoa convention of 1889, but the question forces itself upon us whether the chief justice had done his best to put a better face on the matter. This question must unfortunately be answered in the negative. Herr von Cedererantz had adopted as his motto "Samoa for the Samoans," and irrespective of the interests of foreign residents formed his policy on these lines. It is true the native inhabitants outnumber the foreigners in the proportion of 120 to 1, and this numerical superiority may have induced the chief justice to overlook the little band of settlers. The natives, however, have not been slow to give proofs of their overbearing character in times past, and Herr von Cedererantz's conduct has done nothing to lessen the danger of revolution in the future.

Leaving out of count the fact that the Polynesians of Samoa are not a very highly cultured race, the Germans, English, and Americans certainly deserve the chief consideration. It is they who pay the taxes which form the greater part of the income

of Samoa, and it is in their hands that the whole trade of the islands is concentrated. Another point, though apparently insignificant, deserves mention. Herr von Cedererantz has always made it his custom to live in the most simple style, and has therefore failed to make much impression on the natives, who, like all uncultured people, are highly susceptible to the influence of outward show. In a word, Herr von Cedererantz has failed to satisfy either the powers, the foreign settlers, or the Samoans themselves, though probably acting with the best intentions.

It would, perhaps, be unfair to cast all the blame on the shoulders of the chief justice. No one will extol the Samoan treaty of 1889 as a masterpiece of combined European and American policy in the nineteenth century, and this unlucky agreement must be given its full weight in judging of the conduct of Herr von Cedererantz. Probably the only sensible suggestion made at the Samoan conference was the proposal of England that a cable should be laid to Samoa at the common expense of the signatory powers. This plan was disregarded, and its rejection has only served to make a difficult task more difficult. In the present circumstances dispatches reach Europe in four, five, or six weeks, and the necessary interchange of diplomatic notes between the cabinets of England, Germany, and Washington causes further delay. It can, therefore, easily happen that the state of things in the islands, regarding which the instructions of the powers were requested may, during this space of time, have given place to a situation requiring renewed diplomatic communication and fresh instructions. Again, one constant danger lies in the fact that the native inhabitants, numerous as they are, have provided themselves with arms and ammunition. In case of a general revolution the ships stationed at Samoa would not be capable of disarming the natives, a course that would probably require a squadron of at least nine vessels.

These remarks, which do not make the slightest claim to novelty, represent in substance the views held in Germany on Samoa. England and America will not feel disposed to deny the anomalous and intolerable condition of things in these unhappy islands, but nowhere is this more fully recognized and nowhere is the desire for a speedy amendment stronger than in Germany. In view of the preponderating numbers and influence of the Germans in Samoa, the Cologne Gazette goes so far as to advise an annexation of the islands by the German Empire.

It is imperative that a remedy should be found, and for one power to be supreme in Samoa seems to be the simplest way out of a difficulty created by a treaty which may fitly be characterized by borrowing the words used by Prince Bismark, in a very different connection, as "the most miserable of all treaties."—(Our own correspondent.)

[The Times, Saturday, April 8, 1893.]

SYDNEY, April 7.

Sir John Thurston, governor of Fiji, and high commissioner of the Western Pacific, denies that he is in any way hostile to Mr. Robert Louis Stevenson. He considers, however, that peace and good order are unattainable in Samoa, owing to the unnecessary interference of meddlesome and irresponsible persons.—(Dalziel, The Times special.)

Mr. White to Mr. Gresham.

No. 994.]

LEGATION OF THE UNITED STATES,
London, May 17, 1894.

SIR: I have the honor to inclose herewith the copy of a cablegram which I received from you at an early hour this morning, instructing me to inform the foreign office of our acceptance of the extension of the Samoan land commission until March 31, 1894.

I also inclose the copy of a note which I thereupon addressed to the Earl of Roseberry.

I have, etc.,

HENRY WHITE.

[Inclosure No. 1.]

Mr. Gresham to Mr. White.

[Copy of telegram received at the legation May 17, 1893.]

German Government having likewise agreed, this Government accepts extension of Samoan land commission until March 31, 1894. New American commissioner, vice Ormsbee, resigned, will be at once named. Notify foreign office.

GRESHAM.

[Inclosure No. 2.]

Mr. White to the Earl of Rosebery.

LEGATION OF THE UNITED STATES,
London, May 17, 1893.

MY LORD: I have the honor to acquaint your lordship, in accordance with telegraphic instructions from the Secretary of State, that my Government accepts the extension of the Samoan land commission until March 31, 1894, the German Government having agreed to do likewise, and that a new American commissioner will at once be appointed in the place of Mr. Ormsbee, who has resigned.

I have, etc.,

HENRY WHITE.

Mr. White to Mr. Gresham.

No. 997.]

LEGATION OF THE UNITED STATES,
London, May 19, 1893.

SIR: Referring to my dispatch No. 994, of the 17th instant, I have the honor to inclose herewith, for your information, an article which appeared in the Times newspaper of yesterday relative to the affairs of Samoa.

I have, etc.,

HENRY WHITE.

[Inclosure in No. 997.]

[The Times, Thursday, May 18, 1893.]

Mr. Stevenson has not written, it would seem, too strongly about the state of things in Samoa and the behavior of Baron Senft von Pilsach and Chief Justice Cedercrantz. Those who suspected that a master of historical romance and a humorist of rare ingenuity had on a slender basis of fact, constructed a story of phantasy vying with the "Treasure Island," should read the "Further correspondence respecting the affairs of Samoa," just issued as a blue book. In official documents, some of them under the hand of Baron Senft von Pilsach himself, he appears as absurd a personage as in the letters from Mr. Stevenson, which we have from time to time published. Far from being the inventor of imaginary grievances and grotesque dignitaries, the latter is only the spokesman of a community, once amused, but long ago indignant, at the antics of official comedians. Mr. Stevenson is not a harsher critic of the reign of petty tyranny and licensed extravaganza at Apia than our consul-general and the members of the municipal council. Under the Berlin treaty, which gave it effect three of the great powers control Samoa, Mr. Otto Cedercrantz, a Swedish lawyer, was appointed chief justice, and a little later Baron Senft von Pilsach, a regierungs-assessor in the Prussian service, was nominated president of the municipal council. Since these worthies set foot on the islands peace has deserted them, and for about eighteen months almost every mail must have brought our foreign office, the German chancery, and the Secretary of State at Washington dispatches complaining of something done or omitted by these officials. Mr. Stevenson may have made too much of a few incidents and failed to mention all condoning

circumstances. He may have credited the chief justice and the ex-regierungs-assessor with a vein of comedy of which they were innocent. But in the official history is abundant corroboration of the substance of his charges.

Shortly after the arrival of the chief justice he took the earliest opportunity of snubbing the Samoan land commissioners, who exercise important administrative and quasi-judicial duties in regard to land claims. They can not incur expenditure without his approval. He did not answer their letter of request with ordinary promptness, and in the end he declined to sanction expenses which all the commissioners agreed were necessary, to the serious obstruction of public business. In a crisis in the history of the colony, when a revolt had broken out, he suddenly announced that he was about to go to Fiji and Sydney, and to shut up the supreme court for three months—a course which he took, notwithstanding the protests of the consuls. He did not improve matters by claiming personal exemption from the payment of duties or taxes. In a little time we find him further embarrassing the land commission by inhibiting it from settling disputed claims; and he outdid his previous performances by deciding that the import duties belonged solely to the Samoan Government, and not, as had hitherto been believed, to the municipality of Apia, thus reducing the latter at one stroke to a state of insolvency. Both the English and German governments at once recognized the injustice of the decision, which appears to have been in flat contradiction to a previous opinion publicly expressed; but before they could make known their opinion the chief justice had further distinguished himself by announcing his intention of levying a fee of \$5 on the registration of each land title, the proceeds going to Dr. Hagberg, a Swedish lawyer, appointed registrar by the chief justice. This was followed up by a decision that registration of title to any estate should be dependent on a preliminary survey of the land. Both these decisions Lord Rosebery and the German foreign office declared to be *ultra vires*. Evidently, Baron Senft von Pilsach had made up his mind not to be outdone in arbitrariness by the chief justice.

As early as August, 1891, our consul-general is writing to Lord Salisbury that "the municipal president, in his capacity of adviser to the King, has assumed the position of dictator to the Samoan Government." He had apparently come to Upolu with the notion that the Government could not manage its affairs and that the business of an adviser was to give orders and meddle as much as possible. Without consulting the municipal council he instructed an architect to prepare plans and specifications for a costly edifice and issued an advertisement inviting tenders for "capitol buildings," which, remarks our consul-general, "prove to be mainly a dwelling house for Baron Senft von Pilsach." This pseudo Bismarck took very high ground. He declared it to be a constitutional "necessity that no one should be allowed to correspond with the King or the King permitted to reply without the knowledge of and advice from the municipal president." He quarreled with the auditors of his accounts and persisted in maintaining, on subtle, metaphysical grounds, that their duties did not include checking the cash which he said he had in hand. He gave offense to the U. S. Government by announcing *pro prio motu* that the pound sterling and the 20-mark gold piece were to be received at \$5 U. S. currency, instead of \$4.76. He informed the consuls that he would no longer allow them to inspect his financial reports to the King; and when the Government could barely pay its way it bought up, at the baron's suggestion, an opposition newspaper, and then started a Royal Gazette to compete with and lessen the value of that which had been bought. The result was what might be expected. "The various officials," our consul-general wrote last September to Lord Rosebery, "are unable to draw their salaries, and there is no money even to pay police. An order of the King's upon the treasury to pay for a boat, amounting to £100, has been returned by the president, who states that there is no money in the treasury," and he suggests that this collapse would have been avoided if money had not been spent in building a dwelling house for the baron and an expensive gaol never used, and in buying up a troublesome local newspaper.

Before the arrival of the two officials whose vagaries form the staple of Samoan history for the last two years the group of islands was far from being well governed. Malietoa, the Sovereign, has an arbitrary turn, if we may judge of his disposition from the tenor of one of his royal speeches, which runs thus: "I have forbidden to all Samoans to play cricket by ordinance made on the 20th June. * * * I am of opinion that this (the game of cricket) should be forbidden, else nobody would think of doing useful work. From it results the shortness of food and the impossibility to think of ways and means to earn money for paying taxes to the Government and for paying debts to the merchants." Chance gave Malietoa a chief justice and an adviser who hastened to act with naive recklessness, and to treat a whole community as so many naughty boys and its gravest affairs as lightly as a cricket match. Mr. Stevenson has been only too completely justified by the story of bureaucratic blindness, pompous inefficiency, and financial disaster told in the official record. There are always elements of trouble and danger in Samoa. The respect of the natives

for the Government is small. Mataafa, the plotting pretender to the Crown, sits hard by, as Mr. Stevenson has often reminded us, and sees the blunders of high authorities do more for him than he could ever hope from the spears of his followers; and the fear must be that, if the official comedians remain much longer on the stage, their concentrated folly may have a tragic ending.

Mr. White to Mr. Gresham.

No. 1001.]

LEGATION OF THE UNITED STATES,
London, May 24, 1893.

SIR: Referring to my dispatch No. 994, of May 17, I have the honor to inclose herewith a copy of the note which I have received from the Earl of Rosebery in reply to mine of the aforesaid date, relative to the extension of the Samoan land commission.

I have, etc.,

HENRY WHITE.

[Inclosure.]

Earl of Rosebery to Mr. White.

FOREIGN OFFICE, *May 23, 1893.*

SIR: I have the honor to acknowledge the receipt of your note of the 17th instant, informing me that, in agreement with the German Government, the U. S. Government have accepted the proposed extension of the Samoan land commission until March 31, 1894, and that a successor to Mr. Ormsbee, the American land commissioner, will at once be appointed.

In reply, I beg to state that Her Majesty's Government have not failed to send the necessary instructions on the subject to Her Majesty's consul at Apia.

I have, etc.,

ROSEBERY.

Mr. Bayard to Mr. Gresham.

No. 7.]

EMBASSY OF THE UNITED STATES,
London, June 21, 1893.

SIR: I had yesterday the honor of receiving your cablegram in cipher (a translation of which is inclosed herewith) relating to Samoan affairs, and, as instructed thereby, at once applied for an interview with Her Majesty's minister for foreign affairs, in order to obtain the cooperative action desired by you with the representatives of the British and German governments.

The departure of Lord Rosebery from town has delayed the proposed interview, but I will see his lordship at the earliest possible moment and convey to you his reply to the suggestions contained in your telegram.

As bearing upon the Samoan question, I transmit to you by the dispatch bag to-day a blue book (Samoa, No. 1, 1893) containing further correspondence respecting the affairs of those islands.

I have, etc.,

T. F. BAYARD.

Mr. Bayard to Mr. Gresham.

[Telegram.]

LONDON, *June 27, 1893.*

Principal secretary of state for foreign affairs has instructed British ambassador at Washington to confer with you and German minister relative to Samoa.

BAYARD.

Mr. Blaine to Mr. Phelps.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 29, 1890.

Phelps, Minister, Berlin:

Ascertain by thorough investigation and advise as to character and fitness of Baron Senfft von Pilsach for president municipal council, Apia.

BLAINE.

Mr. Wharton to Mr Phelps.

No. 228.]

DEPARTMENT OF STATE,
Washington, March 26, 1891.

SIR: The President, by and with the advice and consent of the Senate, has appointed Henry C. Ide, of Vermont, to be a land commissioner in Samoa, under the fourth article of the general act signed at Berlin June 14, 1889. Mr. Ide is by profession a lawyer, is of mature years, and of high reputation for competency and impartiality.

You are instructed to communicate this information to the foreign office.

It is expected that Mr. Ide will depart for his post at an early day.
I am, sir, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Blaine to Mr. Phelps.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 26, 1891.

PHELPS, Minister, Berlin:

Telegram from Apia, by way of Sydney, 23, reports resignation of president of municipal council October 5, owing to disagreement with German member of council; consuls protested against his proposal to hand over municipal funds to German consul; and president refuses to deliver funds to three consuls acting jointly. You will represent the embarrassment this situation is likely to cause to the efforts of the three powers to secure good government in Samoa, and the necessity of equal share of the three in the financial administration during this temporary emergency.

BLAINE.

Mr. Phelps to Mr. Blaine.

[Telegram.]

U. S. LEGATION,
Berlin, October 28, 1891.

Marschall agrees that money should go to three consuls if municipal president resigns, but says Senfft resigned to Malietoa, which indeed (was) irregular and absurd, and Marschall has telegraphed Senfft he can not resign to Malietoa, and chancellor advises him not to resign at all. They know nothing except this fact of resignation, and talk as if provoked at Senfft's conduct. I saw Malet first, who shares our views.

PHELPS.

Mr. Phelps to Mr. Blaine.

No. 347.]

LEGATION OF THE UNITED STATES,
Berlin, October 28, 1891.

SIR: I received yesterday morning the following dispatch:

PHELPS,

Minister, Berlin:

Telegram from Apia, by way of Sydney, 23d, reports resignation of president municipal council October 5, owing to disagreement with German member of council. Consuls protested against his proposal to hand over municipal funds to German consul, and president refuses to deliver funds to the three consuls acting jointly. You will represent the embarrassment this situation is likely to cause to the efforts of the three powers to secure good government in Samoa, and the necessity of equal share of the three in the financial administration during this temporary emergency.

BLAINE.

I sought immediately an interview with Baron von Marschall. As it happened, he was at Potsdam for the day engaged in duties connected with the presence of the King of Roumania, who is now the guest of the Emperor. Thinking it wise to be assured of British cooperation, I called upon Sir Edward Malet and was happy to find that he shared the view of the case which you have presented in your dispatch.

To-day I had an interview with Baron von Marschall with the results which I have already communicated to you in the following telegram.

BLAINE, *Secretary, Washington:*

Marschall agrees that money should go to three consuls if municipal president resigns, but says Senfft resigned to Malietoa, which is irregular and absurd, and Marschall has telegraphed Senfft he can not resign to Malietoa and chancellor advises him not to resign at all.

They know nothing except this fact of resignation, and talked as if provoked at Senfft's conduct.

I saw Malet first who shares our views.

PHELPS.

Baron von Marschall had heard of Baron von Senfft's resignation by telegram a week ago. It was an entire surprise to him, nor did he know more of its cause than that it was connected with a disagreement between a German member of the municipal council and its president. Baron von Marschall expressed some disgust that we should be given annoyance by a quarrel "in the family," as he termed it, and at the stupidity of Baron von Senfft in thinking he could resign to King Malietoa. He added that in the telegram he had sent to Baron von Senfft he had dwelt severely upon this blunder and upon the dissatisfaction with

which the German Government would receive his resignation should he insist on making it and do so in regular form and to the proper parties.

Under these circumstances I do not see that there is anything for us to do except to wait for further developments.

I have, etc.,

W. WALTER PHELPS.

Mr. Blaine to Mr. Phelps.

No. 325.]

DEPARTMENT OF STATE,
Washington, November 5, 1891.

SIR: Adverting to my No. 317, of the 28th ultimo, confirmatory of my telegram to you of the 26th of the same month in relation to the reported resignation of the president of the municipal council of Samoa, I herewith inclose copy of the Department's note of the 28th ultimo to the minister of Great Britain at this capital, and of his reply of the 31st of the same month upon the subject.

I am, etc.,

JAMES G. BLAINE.

Mr. Gresham to Mr. Coleman.

No. 545.]

DEPARTMENT OF STATE,
Washington, March 8, 1893.

SIR: I inclose for your information copies of recent correspondence between the Department and the British and German legations at this capital on the subject of administrative changes in Samoa, and particularly with reference to the possible objections of Her Britannic Majesty's Government to Mr. Henning's appointment as president of the municipal council of Apia.

I am, etc.,

W. Q. GRESHAM.

Mr. Phelps to Mr. Gresham.

No. 551.]

LEGATION OF THE UNITED STATES,
Berlin, March 24, 1893.

SIR: I have the honor to acknowledge the receipt of your instruction No. 545, of the 8th instant, covering a very interesting correspondence connected with the proposed change of officials in Samoa.

I wish to express my appreciation of the thoughtfulness which furnishes me with this information and so enables me in the informal discussions which are likely to occur whenever I meet with Baron von Marschall or Sir Edward Malet, to take intelligently such a part as may tend to promote the wishes of the Department. I conceive that the President would be glad if, without any active interference on our side, the English Government should reconsider its refusal to accept the nomination of Mr. Hennings, and so end this matter by accepting both the candidates proposed by the German Government and accepted by us.

I have, etc.,

WM. WALTER PHELPS.

Mr. Phelps to Mr. Gresham.

No. 561.]

LEGATION OF THE UNITED STATES,
Berlin, April 28, 1893.

SIR: I have the honor to transmit herewith a copy, with translation, of a note from the imperial foreign office, dated the 27th instant, which was received to-day, and in which it is suggested by the German Government that the labors of the Samoan land commission be allowed to be prolonged until the end of May, 1894.

While awaiting instructions from the Department which will enable me to communicate to the foreign office the wishes of the President in this matter,

I have, etc.,

WM. WALTER PHELPS.

[Inclosure in No. 561.—Translation.]

FOREIGN OFFICE,
Berlin, April 27, 1893.

MR. MINISTER: It appears by a communication from the Imperial Envoy at Washington that the U. S. Government had in January last called attention to the fact that the land commission appointed to examine land claims in Samoa could not accomplish its task within the period of two years provided for in Article IV, section 3, of the Samoan treaty, and that a question had consequently arisen of prolonging this period.

The Imperial Government would consider it expedient to make such prolongation for the period of one year, so that the commission which began its labors on May 30, 1891, would be required to complete them at the latest by the end of May, 1894. I should be grateful if your excellency would kindly inform me whether the Government of the United States agrees to this proposition. The same proposal has been made to the Royal Government of Great Britain, and I shall not fail to communicate their answer to your excellency.

Accept, etc.,

ROTENHAN.

Mr. Phelps to Mr. Gresham.

[Telegram.]

BERLIN, *May 15, 1893.*

Samoa affairs, dispatch 561, England and Germany will prolong until March 31 next, if we agree.

PHELPS.

Mr. Gresham to Mr. Phelps.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 16, 1893.

In view of British acceptance of proposition, notified by your telegram, this Government acquiesces in modified date and accepts extension of Samoan land commission until March 31, 1894. New American commissioner will be named forthwith, vice Ormsbee, resigned yesterday.

GRESHAM.

Mr. Gresham to Mr. Runyon.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 19, 1893.

German memorandum, June 13, recites apprehension of war in Samoa if Malietoa carries out announced purpose of forcibly subjecting Mataafa party, and asks views of this Government. Have answered that United States, mindful of obligation equally shared by three powers to execute general act of Berlin by upholding the authority they have jointly created, and in the humane desire to avert bloodshed, will send one or two naval vessels to Samoa to join with like naval forces of Germany and Great Britain in landing adequate force, surrounding Mataafa's faction and disarming them. Operations to be decided by naval commanders jointly.

Inform minister of foreign affairs, and suggest immediate conference here with British ambassador and German minister.

GRESHAM.

Mr. Runyon to Mr. Gresham.

[Telegram.]

BERLIN, June 20, 1893.

Suggested conference; reply promised in a day or two.

RUNYON.

Mr. Gresham to Mr. Runyon.

No. 24.]

DEPARTMENT OF STATE,
Washington, June 20, 1893.

SIR: Referring to my telegram of yesterday to you relative to Samoan affairs, I inclose for your information a copy of correspondence in regard to the subject with the German legation and the British embassy at this capital.

I am, etc.,

W. Q. GRESHAM.

INCLOSURES.*

1. Memorandum of Imperial German legation, dated June 13, 1893.
2. Counter memorandum of the Department of State, dated June 19, 1893.
3. From the Secretary of State to the minister of Germany, dated June 19, 1893.
4. From the Secretary of State to the British ambassador, June 19, 1893.

*For Nos. 1, 2, and 3, see under correspondence with German embassy; for No. 4, see under correspondence with British embassy.

Mr. Gresham to Mr. Runyon.

[Telegram.]

DEPARTMENT OF STATE,
Washington June 22, 1893.

Telegram of this date received. After obtaining full information from consular officers and other sources, naval officers should be left free to determine how they will direct the combined forces against Mataafa and others in rebellion. Naval officers should not be required to consult consuls otherwise than for information, and United States not willing that the details of military operations shall be determined by the consuls. When Mataafa and his adherents are disarmed, the established Government will be able to exercise legitimate authority.

GRESHAM.

Mr. Runyon to Mr. Gresham.

[Telegram.]

BERLIN, *June 22, 1893.*

Minister for foreign affairs concurs in the plan mentioned in your cipher telegram in regard to Samoa, but thinks each Government should send two ships. German Government has one already; another will be there July 5. He thinks that operations of combined forces and all details in connection with them should be left to the joint decision of the naval commanders and the consular officers of the three Governments on the spot.

He now sees no reason for suggested conference and awaits explicit statement as to the subjects proposed to be submitted.

RUNYON.

Mr. Runyon to Mr. Gresham.

[Telegram.]

BERLIN, *June 23, 1893.*

Minister for foreign affairs concurs in all the views expressed in your cipher telegram of yesterday. He still thinks conference unnecessary. Yesterday does not refer to it. Is it to be assumed that it is waived?

RUNYON.

Mr. Gresham to Mr. Runyon.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 23, 1893.

Conference waived.

GRESHAM.

Mr. Gresham to Mr. Runyon.

No. 46.]

DEPARTMENT OF STATE,
Washington, July 14, 1893.

SIR: I have to acknowledge the receipt of your dispatch No. 9 of the 24th ultimo upon the subject of a joint effort of the three treaty powers to effect the surrender of Mataafa and his adherents in Samoa.

The *Philadelphia*, one of our newest and best equipped vessels, is now on her way to Samoa to participate with the war ships of Germany and Great Britain in the maintenance of the authority established by the three powers.

I regret, however, our inability at this time to send more than one ship, but the *Philadelphia* will be able to land at least 200 men, perhaps more, which I hope will be sufficient and satisfactory to Germany and Great Britain.

The *Philadelphia* will arrive at Apia about the last of August.

I am, etc.,

W. Q. GRESHAM.

Mr. Runyon to Mr. Gresham.

No. 25.]

EMBASSY OF THE UNITED STATES,
Berlin, January 2, 1894.

SIR: I have the honor to transmit a copy of a communication in regard to Samoan affairs received by me from the imperial foreign office this morning, also a translation thereof. I beg to call attention to the request which the document contains that the reply of the U. S. Government be sent by telegraph.

I have, etc.,

THEODORE RUNYON.

[Inclosure 1 in No. 25.—Translation.]

Baron Marshall to Mr. Runyon.

FOREIGN OFFICE,
Berlin, December 31, 1893.

MR. AMBASSADOR: In the note March 17th last, Mr. Walter Phelps sent information that the Government of the United States agreed that the session of the land commission at Apia be extended to the contemplated time, March 31, 1894. In consequence of this agreement reached by the three treaty powers, the work of the land commission was extended to the above period. According to reports transmitted to the Imperial Government in the meantime, there is now no doubt that the commission will not be able to finish the examination of the land claims in Samoa, according to the Samoan act, even within the time, as extended. The circumstance that the newly appointed land commissioner only arrived in Apia in November last about eight months after the departure of his predecessor, may in a large degree have added to the delay in the work of the commission. As matters stand, it seems advisable to adopt, without delay, the necessary measures to insure that the working of the commission be not interrupted again. In consideration hereof the Imperial Government permits itself to propose, another extension of time for the labor of the land commission, if necessary to the end of the year 1894. I would be grateful if your excellency would kindly acquaint your Government with this proposition, and would communicate its decision to me. In order that the members of land commission be notified of this extension if agreed to, or that they be replaced in due season, it is important that the Government of the United States transmit its answer by telegraph.

While I beg to add that a like proposition has been made to the royal Government of Great Britain,

I avail myself, etc.,

MARSHALL.

Mr. Gresham to Mr. Runyon.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 20, 1894.

Your 25 received. Having ascertained concurrence of Great Britain this Government agrees to continue land commission in Samoa until end of this year if necessary to complete its work.

GRESHAM.

Mr. Uhl to Mr. Runyon.

No. 53.]

DEPARTMENT OF STATE,
Washington, February 2, 1894.

SIR: I inclose for your information a copy of a note of the 29th ultimo, addressed by this Department to the ambassador of Germany at this capital in reply to an unofficial communication from him relative to a reported insurrection in Samoa.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

INCLOSURE.

A copy as above.

Mr. Uhl to Mr. Runyon.

No. 78.]

DEPARTMENT OF STATE,
Washington, April 3, 1894.

SIR: I inclose herewith, for your information and the files of your embassy, copy of a correspondence between this Department and the ambassadors here of Great Britain and Germany respecting the expense of the maintenance of Mataafa and other Samoan chiefs during their temporary detention at Fakaofu.

I am, etc.,

EDWIN F. UHL,
Acting Secretary.

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