

of the "closing-up" system which he maintained had been pursued by England at every point at which Germany had endeavoured to found a Colony, so as to restrict her field of expansion.

Referring to the action of Germany in New Guinea, the Prince defended the establishment of the German Protectorate there, on the ground that Mr. Scott's note of the 9th October was understood as giving to the German Government full liberty of action with regard to the northern part of that island.

He then questioned the right of England to hoist her flag in Zululand, on the ground of a prior cession from King Panda to the Boers in 1840.

Finally, the Prince intimated that the understanding which Germany had arrived at with France, owing to her failure to come to terms with England, precluded him from taking up the question again on the basis proposed in his despatch to Count Münster of the 5th May last.

Such appears to be the substance of the Prince's remarks, as reported in your despatch, and I need hardly say that Her Majesty's Government would deeply regret that he should consider that there is anything which approaches to a political estrangement between the two countries. But in their opinion the foregoing views of their policy and action, and of the present situation, are not warranted by the facts of the case.

In the first place, I may unhesitatingly affirm that whatever feeling of estrangement may exist in Germany against England, and whatever may be its cause, that feeling has found no echo in this country. The sentiment here remains, as it always has been, most friendly to the

German Empire, and far from any desire existing on the part of the British Government to obstruct in any way the expansion of the colonial policy of Germany, they view with great satisfaction the opening up of new countries and the development of trade by a people so long united to Englishmen by a community of sentiments and of interests, and by all the ties which can bind two nations together.

The misunderstandings referred to by Prince Bismarck in his conversation with your Excellency are due to the suddenness with which Her Majesty's Government became acquainted with the departure by Germany from her traditional policy in regard to colonization; and the misconceptions which have produced a change of attitude on the part of Prince Bismarck towards this country can only be attributed to causes for which, as I will presently show, Her Majesty's Government are not responsible.

That Germany should be brought into closer relations of amity with France cannot be a subject of regret to this country, but Her Majesty's Government would greatly deplore any diminution of her friendship towards England, especially if it were based on an erroneous impression of the views and objects of Her Majesty's Government and of the feelings of the British people.

The belief of Prince Bismarck, that the policy of Her Majesty's Government has been intentionally hostile to German colonization, is so devoid of any real foundation that I think it desirable to enter at some length into the history of the case from the British point of view.

I may begin by stating that the despatch of Prince Bismarck to Count Münster of the 5th May, containing an exposition of the policy of Germany as to colonization, and of the understanding which he desired to bring about between England and Germany, was never communicated to me.

Until the receipt of a report from Lord Ampthill of the 14th June last of conversations he had had with Prince Bismarck, and up to the interviews which I had about the same time with Count Herbert Bismarck, I was under the belief that the Chancellor was personally opposed to German colonization.

The reports of Lord Ampthill were continuously and strongly to that effect, and on the 15th March, 1884, his Excellency, referring to the agitation on the subject among the shipping and commercial classes in Germany, stated that it was well known that the Prince was absolutely opposed to their ardent desire for the acquisition of Colonies by Germany, and was determined to combat and oppose their growing influence.

The anxiety expressed by Count Münster on behalf of his Government, that German subjects should be protected at Angra Pequena, in no way removed the misapprehension on my part.

But after the information received in June, Lord Deby and I, together with our colleagues, desired to meet the Prince's views with regard to Angra Pequena in every way compatible with the private rights of British subjects, and I know not how it can be said that we departed from that course.

With regard to the observation that my assurances to Count Herbert Bismarck were only of a vague and general character, I must recall the fact that Count Herbert Bismarck expressed to me his satisfaction with what I had said, a satisfaction repeated in very friendly terms by the Chancellor to Lord Ampthill.

It was even then not clear whether the wishes of the German Government went beyond the extension of the necessary protection to Her Luderitz and the German settlers on that coast. That right was not contested, and everything was done by Her Majesty's Government to meet Prince Bismarck's views in that respect.

It was not until the announcement that the German flag had been hoisted at Angra Pequena by the Commander of an Imperial ship of war that Her Majesty's Government were made positively aware that the intention of the German Government was the foundation of a territorial Protectorate.

Immediately on receipt of this intelligence, Her Majesty's Chargé d'Affaires at Berlin was instructed to inform the German Government that if that were their intention, Her Majesty's Government would welcome Germany as a neighbour on those parts of the south-west coast which were not already within the limits of the Cape Colony, and not actually in British possession; and from that time Her Majesty's Government declined to sanction the proposals of the Cape Colony for further annexations on that coast.

Prince Bismarck is mistaken in attributing to the action of the Secretary of State for the

Colonies a step taken in that direction by the Cape Government after the announcement of the German Protectorate, for so far from this being the case, it has been very clearly shown in the Memorandum communicated by your Excellency to the German Government on the 10th October last, that the project of extending British jurisdiction on that coast originated from the Cape Government, and that as soon as the establishment of the German Protectorate was known to Her Majesty's Government they declined to give their sanction to the Resolution of the Cape Parliament, which was passed shortly before that event.

After the establishment of the German Protectorate of Angra Pequena and the explanations which followed, there could no longer be any doubt as to the policy of colonization adopted by Prince Bismarck, and since vigorously pursued by Germany, and Her Majesty's Government have generally had no reason to oppose it. Indeed, a field was open to Germany, both in the east and west, without entrenching on the legitimate sphere of action of Great Britain. But Her Majesty's Government would have been unmindful of their duties had they neglected to place under the protection of the British flag territories contiguous to British Colonies, the occupation of which by any other Power would seriously prejudice British interests. The introduction of a foreign administrative and commercial régime in territories where British traders had long been settled, and had carried on a flourishing and unrestricted trade, would have obviously raised important practical questions for the consideration of Her Majesty's Government. Moreover, the possibility of the creation by some Powers of Penal settlements in the

vicinity of British Colonies was a contingency which Her Majesty's Government were bound, if possible, to avert, as being highly injurious to the well-being and prosperity of these communities.

There were also territories to which the British Crown had an inchoate title by cession or otherwise, which had not been perfected by actual possession.

Impelled, therefore, by the above considerations, and certainly not by any wish to oppose the Colonial policy of Germany, Her Majesty's Government took measures to secure British influence and control over territories to which they conceived that this country had an equitable and preferential claim, or the acquisition of which was deemed essential to the safety or welfare of some neighbouring British Possession.

I do not propose in this despatch to enter into the history of each particular case. I will only touch at present on the points referred to by Prince Bismarck in conversation with your Excellency, and commencing with Santa Lucia Bay, I have to express my approval of the reply which your Excellency returned to the Chancellor's remarks respecting the hoisting of the British flag in that locality.

The history of the case is as follows:—

On the 5th October, 1843, Panda, King of the Zulus, by a deed, of which a copy has been already furnished to the Imperial Government, ceded the bay and mouth of the River Umvolosi to Her Majesty the Queen.

The title thus acquired by this country has been recognized, and has never been relinquished, and during recent years Great Britain has been in possession of the Transvaal, so that there can be no question as to the extinction of all prior claims if any such existed. The bay is marked as British in German Maps.

It is only some 40 miles distant from the boundary of the Zulu Reserve, and if the troubles on the frontier of the Reserve should continue to increase, it would be of the first importance to Her Majesty's Government to be able to check the importation of arms and ammunition through this port.

This they could not do were the port in the hands of any foreign Power, and accordingly the British flag was hoisted over it.

The reasons, therefore, which actuated this step were in no way founded on any jealousy of foreign trade, but solely on the necessity of securing over the district in question that measure of Imperial control without which the good order and government of the neighbouring Possessions of Her Majesty might have been seriously imperilled.

For similar and equally cogent reasons Her Majesty's Government felt themselves compelled to proclaim a British Protectorate over the coast of the country known as Pondoland, which lies between the Cape Colony and the Colony of Natal.

As regards the Cameroons and adjacent territories, their annexation or Protectorate had

been under the consideration of Her Majesty's Government as far back as 1879, though for various reasons they deferred any final action in the matter until a recent date.

British interests, however, in those territories are notoriously paramount, and, indeed, with the exception of the German houses in the Cameroons, the whole trade may be said to be in British hands.

In November 1883, therefore, the British Cabinet decided to annex the Settlement of Victoria to the dominions of the Crown, and to establish Her Majesty's Protectorate over the adjacent territories, commonly known as "the Oil River districts."

The actual Proclamation as regards Victoria was made on the 19th July, 1884, and Treaties establishing the Oil River Protectorates have also been concluded.

The question of New Guinea I propose to deal with separately in reply to a note which I have since received, on the 29th ultimo, from the German Ambassador.

I need merely say at present that I approve your Excellency's language to Prince Bismarck on that subject.

I have only now to observe upon the remark which has been attributed to me, to the effect that the attitude of Germany on the Colonial question made it difficult for me to be conciliatory on other points. I have never used any threat to obstruct the Colonial policy of Germany, or conveyed anything more than the mere fact that the recent attitude of Germany as to Egypt had for the moment changed from the friendly one previously maintained towards

this country. All my declarations in public and private, as well as those of Mr. Gladstone and many of my colleagues, have been most favourable to German colonization.

I authorize your Excellency to leave a copy of this despatch with Prince Bismarck.

I am, &c.,

GRANVILLE.

Sir E. Malet.

No. 178.—Earl Granville to Count Münster.

M. l'Ambassadeur,

Foreign Office, February 7, 1885.

On the 14th ultimo I had the honour to receive from your Excellency a *pro-memoria* respecting the negotiations between the British and German Governments in relation to New Guinea.

On the previous day I had addressed a despatch to Her Majesty's Ambassador at Berlin, instructing him to make a communication to the German Government on the same subject, and to notify to them the extension of the Queen's Protectorate from East Cape to the Gulf of Huon. That instruction was carried out by his Excellency in a note to Count Hatzfeldt of the 17th ultimo.

On the 21st ultimo your Excellency called at this Office and communicated the substance of a telegram from your Government, directing you to inquire whether it was true, as stated by Sir E. Malet, that Her Majesty's Government had proclaimed a Protectorate over that portion of the coast of New Guinea which lay between East Cape and the Huon Gulf, because, in the opinion of the German Government, their Proclamation of sovereignty over the northern coast included the district in question, and the step stated to have been taken by Her Majesty's Government was also, in the opinion of the German Government, not in keeping with the terms of Mr. Scott's note of the 9th October, by which Her Majesty's Government undertook to limit their Protectorate to the southern coast.

On the 29th ultimo I had the honour to receive from your Excellency a note, dated the previous day, communicating the answer which you had been instructed by your Government to return to Sir, E. Malet's note of the 17th ultimo.

Your Excellency's note recapitulates the whole course of the negotiations from the point of view of your Government, and concludes with a protest against the extension of the Queen's Protectorate in New Guinea, as notified by Her Majesty's Ambassador.

I do not intend at present to deal in detail with the various statements and arguments contained in your Excellency's note, but I am anxious, without further delay, to make the following observations.

The chief point at issue would seem to be whether in September last, when Her Majesty's

Government abandoned their original project of establishing a British Protectorate over all the coasts of New Guinea not occupied by the Netherlands, except that portion of the north coast comprised between the 141st and 145th degrees of east longitude, and when they consequently restricted their Protectorate to the south coast, there was not an understanding between the two Governments that neither of them should take any step involving the annexation of any portion of the still unoccupied coasts of New Guinea without a previous agreement by means of a Commission or of diplomatic negotiations.

That such an understanding did exist appears very clearly from the following correspondence.

On the 19th September Mr. Scott, Her Majesty's Chargé d'Affaires at Berlin, announced to the German Government the original project of Her Majesty's Government to proclaim the British Protectorate as far as the 145th degree of east longitude.

On the 27th September Baron Plessen, the German Chargé d'Affaires in this country, informed Her Majesty's Government that their proposal to include in the British Protectorate the north and north-east coasts of New Guinea was unexpected by the Imperial Government, and that, according to their conception, the delimitation of the areas which interest both sides on that stretch of coast should be the object of a friendly understanding by means of a Commission.

I do not propose to deal here with the reasons given in your Excellency's note for the opposition raised by your Government at that time to the establishment of the British Protec-

torate as far as the 145th degree of east longitude. But I desire to advert to those passages in which it is stated that, on the 8th August last, your Excellency had informed me that the German Government intended to place under their direct protection districts in which German commerce was predominant, or to which German expeditions "were about to be undertaken," and, further, that the whole independent part of the north coast "was the subject of a German colonial undertaking already in course of being carried out."

The argument which is apparently sought to be deduced from those passages is, that on the 8th August your Excellency had, in fact, given notice to Her Majesty's Government of the intention of the German Government to occupy the north coast of New Guinea.

It is with regret, M. l'Ambassadeur, that I must here take exception to your account of what passed between us on the 8th August last.

I inclose a copy of my despatch to the late Lord Ampthill of the 9th August recording our conversation upon the occasion in question, and I beg to remind your Excellency that I submitted the draft of that despatch to you at the time, and that you agreed with me that it contained a correct account of our conversation. In it no mention is made of any German colonial undertaking in New Guinea, or of any decision on the part of the German Government, either expressed or implied, to establish a Protectorate over any part of that island.

Nor did Baron Plessen's note of the 27th September contain any intimation of the kind; but it expressed, as above stated, the wish of his Government that the stretch of coast on the

north and north-east should be the subject of a friendly arrangement.

Accordingly, in answer to that note, Mr. Scott, Her Majesty's Chargé d'Affaires at Berlin, was instructed to inform the German Government that, having considered Baron Plessen's communication, Her Majesty's Government had decided to restrict the British Protectorate to the southern coast and contiguous islands, but "without prejudice to any territorial question beyond these limits."

Those words, which have apparently been misapprehended by the German Government, had especial reference to the statement in Baron Plessen's note of the 27th, that, in the opinion of his Government, the question of the delimitation of the interests of the two countries on the north and north-east coasts should be the subject of a friendly understanding by means of a Commission; and I desire particularly to draw the attention of your Government to the terms of Mr. Scott's note to Dr. Busch of the 9th October, conveying the reply of Her Majesty's Government, in which it was stated that if any questions should arise with regard to the districts beyond the southern coast, to which Her Majesty's Government had consented to restrict the British Protectorate, it would be better to deal with them diplomatically than to refer them to the Commission, as suggested by the German Government.

Her Majesty's Government, therefore, consider themselves justified in maintaining that the adoption of East Cape as the British northern limit was a provisional arrangement.

From that time until the announcement of the hoisting of the German flag in New Guinea,

Her Majesty's Government received no communication from the Imperial Government which could lead them to suppose that they did not entirely acquiesce in that arrangement.

On the contrary, as recently as the 15th December your Excellency, in a verbal communication, expressed the satisfaction of your Government at the receipt of Sir E. Malet's Memorandum of the 5th December respecting the Islands of Samoa and Tonga, in which it was stated that Her Majesty's Government did not contemplate any fresh arrangements in the Pacific pending the result of the discussion agreed to between the two Governments, and your Excellency was instructed to observe that the annexation of a portion of New Guinea by Great Britain had placed Germany at some disadvantage, but that your Government took note of the assurance of Her Majesty's Government that no further annexations would take place until after the proposed discussion of the British and German interests in the South Seas.

It could not for a moment be supposed that such a communication was intended to mean that Germany should be at liberty to make annexations in New Guinea and elsewhere in the South Seas while England was to be debarred from so doing.

It was, therefore, with surprise that Her Majesty's Government received, on the 19th December, the announcement, through Sir E. Malet, that, without any previous understanding, the German flag had been hoisted at ten places in New Britain, New Ireland, and Sableland, and at three places on the north coast of New Guinea.

On the same day Her Majesty's Government received a telegram from the British Com-

modore on the Australian station, reporting that the Commander of the German ship of war *Elisabeth* had stated to the Commander of Her Majesty's ship *Swinger* that the German flag had been hoisted on the north coast of New Guinea from the 141st degree to Huon Gulf, including the Admiralty, Hermit, Anchorite, New Britain, and New Ireland groups.

Immediately on receipt of this intelligence, and in consequence of the action of the German Government, instructions were dispatched by Her Majesty's Government to the Commodore on the Australian station to proclaim the British Protectorate between East Cape and the Gulf of Huon up to the German boundary, and also over the Louisiade and Woodlark groups, and Long Island and Rook Island, provided he found no evidence of a German Protectorate having been proclaimed over the two latter islands.

This shows that it has throughout been the intention of Her Majesty's Government that the German boundary should not be encroached upon wherever it had been established.

The British naval officer who was intrusted with the execution of the above instructions reported that there was no sign of the German flag, and that nothing was known of Germans by the natives up to Cape King William; that he had accordingly hoisted the British flag on that cape as the northern point of British occupation, and also over the islands mentioned in his instructions.

It will be remembered that Cape King William is the point at which, as stated in Mr. Scott's note of the 19th September, "commences that part of the coast extending to the Dutch

southern boundary, which, for obvious reasons, it is indispensable to bring under British control."

The Imperial Government has itself admitted that the desire of the Australian Colonies to have control over the south coast of New Guinea was reasonable, and I would now point out to your Excellency that if, in September last, Her Majesty's Government had insisted on proclaiming the British Protectorate, not only along the south coast, but up to the 145th degree of east longitude, as they originally intended, they would have been within their strict rights.

But out of defence to the representations of the German Government, Her Majesty's Government consented to restrict their Protectorate to East Cape, upon the understanding, as I have shown, that all questions having reference to the districts beyond that limit should be reserved for ulterior discussion.

The sudden establishment, therefore, of the German Protectorate over a portion of the coast from which Her Majesty's Government had thus withdrawn, and over the vast islands lying off the north-east coast of New Guinea, without any previous understanding with Her Majesty's Government, entirely altered the position, and Her Majesty's Government consider that they were fully entitled to resume their liberty of action as regards the extension of their Protectorate up to the German boundary.

It has been argued in your Excellency's note that the understanding as to the delimitation of the respective territories in the South Seas had reference, so far as New Guinea is

concerned, to the interior of the island.

But, in the opinion of Her Majesty's Government, there can be no reasonable ground for such an interpretation, which, moreover, would be opposed to the express words of Baron Plessen's note of the 27th September, where it is stated that, according to the conception of your Government, the delimitation of the areas which interest both sides ("interessens-sphären") on that stretch of coast should be the object of a friendly understanding by means of a Commission.

Her Majesty's Government cannot, therefore, admit the validity of the protest which your Excellency has been instructed to make on behalf of your Government against the extension of the British Protectorate over the north-east coast of New Guinea and the islands adjacent; but, as the claims advanced by the German Government appear to extend beyond the limits of the coast actually taken possession of by its officers, if the German Government continue of opinion that the boundary proclaimed by Her Majesty's naval officers has encroached upon the limits of the German Protectorate, and that there has been a mutual misunderstanding on the subject, Her Majesty's Government are willing to examine the question in a friendly manner with the German Government, in order to settle the best point on the north-east coast of New Guinea for the boundary of the British and German Protectorates.

Count Münster.

I have, &c.,

GRANVILLE.

No. 184.—Earl Granville to Count Münster.

Foreign Office, February 16, 1885.

M. l'Ambassadeur,

Her Majesty's Government have attentively considered your Excellency's note of the 28th ultimo, inclosing a German translation of the Agreement signed on the 10th November last between the Imperial Representative in Samoa and the Government of that country.

Before discussing the same permit me to remind your Excellency that I informed you on the 3rd instant that Mr. Thurston, the Colonial Secretary of Fiji, had been selected to act as the British Commissioner for the inquiry into British and German interests in the Pacific.

I stated at the same time that, as far as Her Majesty's Government were concerned, the Commissioners might meet as soon as possible, but that, on the other hand, if the German Government preferred that the general question should first be negotiated directly between the two countries, Her Majesty's Government had no objection to such a course. I should be glad to receive an early intimation of the wishes of your Government upon this point.

I will now proceed to offer a few remarks in reply to your Excellency's communication of the 28th ultimo.

Your Excellency expresses the hope of your Government that an examination of the terms of the recent Agreement between Germany and Samoa will convince Her Majesty's Government that the points agreed upon are within the limits of the German Treaty with Samoa of the 24th January, 1879, and encroach neither on the independence of this group of islands, nor on the rights acquired there by other nations.

If, M. l'Ambassadeur, this Agreement had been confined to the establishment of a Court, and of the procedure to be observed in civil and criminal cases, and the punishment of offences in which German subjects are concerned, for which alone Article VII of the German Treaty in 1879 provides, its provisions would not, in the opinion of Her Majesty's Government, have been open to criticism; but the creation of a State Council, the appointment of a German officer of the Samoan Government, and the enrolment of a German police to protect the plantations of German subjects, appear to place Her Majesty's subjects at a disadvantage, and will prevent the Samoan Government from acting independently in matters which affect the whole community. The arrangement seems, in fact, to give to Germany alone much of the influence with which in 1880 it was proposed to invest an Executive Council, to be composed of one English, one German, and one United States' member. To this arrangement Her Majesty's Government declined to accede, on the ground that it involved too great an inter-

ference with the Government of the island to allow of its being assumed by the Representatives of Great Britain, Germany, and the United States conjointly.

It will not be possible for Her Majesty's Government to accept a position of less influence and consideration than is given to Germany by the Agreement under discussion. If, therefore, it should be ratified by the Imperial Government in all its essential points, it may become necessary for Her Majesty's Government to call upon the Samoan Government to enter into a precisely similar Agreement for the benefit of British subjects, in order to secure the most-favoured-nation treatment guaranteed to this country by Article II of the British Treaty with Samoa of the 28th August, 1879.

Your Excellency has further been instructed to revert to the Petitions which have been addressed by the King and Chiefs of Samoa to Her Majesty the Queen, and to the Governor and Ministers of the Colony of New Zealand, praying for annexation to Great Britain, and you state that the text of these Petitions confirms the suppositions that they were drawn up by British subjects, whose efforts in this direction have been encouraged by the absence of any expression of disapproval of such conduct on the part of Her Majesty's Government.

I have no knowledge, M. l'Ambassadeur, of the circumstances attending the preparation of these Petitions, beyond the fact that they were forwarded to the Acting British Consul at the time of the recent German negotiations with Samoa, and I have no reason to suppose that there is any foundation for your Excellency's complaints.

The feeling in Samoa in favour of English annexation appears to be spontaneous and genuine, and there seems no more reason to suppose that it has been instigated by Englishmen than that it has been intensified by the recent action of the German Representatives. I have so recently informed your Government of the conditions upon which Her Majesty's Government were prepared to respect the independence of both Samoa and Tonga that I need hardly repeat my assurances on this subject. I beg, however, to take this opportunity of expressing the gratification with which I had learnt from Her Majesty's Ambassador at Berlin, and from your Excellency, that your Government had promptly repudiated the action of their Consul at Apia in hoisting the German flag over some land there.

It is unavoidable that in places far distant from Europe the action, not only of British and German individuals, but even of official servants of each State, may be such as, unchecked, might lead to unnecessary complications.

Immediate inquiry and consequent action on the part of the respective Governments, such as the German Government have now adopted, and which Her Majesty's Government are ready to adopt on all similar occasions, are the best antidotes against this risk.

Count Münster.

I have, &c.,

GRANVILLE.

十九 「ニュー、ギニア」ノ一部ニ於ケル各自ノ行動範圍ニ

關スル英國獨國間協定(假譯)

千八百八十五年四月「ロンドン」ニ於テ

第一

「グランヴィル」伯爵發「ミュンスタル」伯爵宛書翰

以書翰啓上致候陳者去月十六日附閣下宛ノ書翰ニ於テ本大臣ハ英國政府ガ「ニュー、ギニア」ニ於ケル英國保護領及獨國保護領間ノ境界ハ東北海岸ニ於テハ南緯八度ノ緯線ノ交叉點タルベク而シテ内地ニ關シテハ領土ノ衡平均等ナル區分ハ右海岸ノ境界ヨリ「オランダ」國領有地ト島嶼ノ他ノ部分トヲ分ツ東經百四十一度ノ子午線上ノ或地點ヘ引カルベキ便宜上ノ一又ハ二以上ノ線ヲ以テ決定セラルベキ旨ヲ提議スル意向ヲ有スル旨陳述致候

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三四〇

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伯爵 「ミュンステル」大使閣下

第二

「ミュンステル」伯爵發「グラランヴィル」伯爵宛返翰（四月二十九日接受）

以書翰啓上致候陳者本月二十五日附貴翰ヲ以テ去月十六日附貴翰ニ關シ「ニュー、ギニア」ニ於ケル獨
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千八百八十五年四月二十九日在「ロンドン」 「ドイツ」國大使館ニ於テ

ミュン
ステル

伯爵 「グラランヴィル」閣下

19. ARRANGEMENT BETWEEN GREAT BRITAIN AND GERMANY, RELATIVE
TO THEIR RESPECTIVE SPHERES OF ACTION IN PORTIONS OF
NEW GUINEA—LONDON, APRIL 1885.

No. 1.—Earl Granville to Count Münster.

Foreign Office, April 25, 1885.

M. l'Ambassadeur,

In the note which I did myself the honour to address to you on the 16th ultimo, I stated that Her Majesty's Government were disposed to suggest that the boundary between the British and German Protectorates in New Guinea should be, on the north-eastern coast, the point of intersection of the 8th parallel of south latitude, and that, as regards the interior, a fair and equal division of the territories should be arrived at by means of a conventional line or lines, to be drawn from the coast boundary to some point on the 141st meridian of east longitude, which divides the Dutch possessions from the rest of the island.

Her Majesty's Government are now prepared to propose a line which will, in their opinion, answer to these conditions. It would run as follows:—

Starting from the coast near Mitre Rock on the 8th parallel of south latitude, it would follow that parallel until it is intersected by the meridian of 147° east longitude; would proceed thence in a straight line in a north-westerly direction to the point of intersection of

the 6th parallel of south latitude, with the 144th meridian of east longitude, and would continue thence in a west-north-westerly direction until it meets the point of intersection of the 5th parallel of south latitude with the 141st meridian of east longitude.

This line would give an area on the German side of about 67,000 square miles, on the English side of about 63,000 square miles, and would nearly approach the water-parting line, or natural boundary.

I should be glad to hear from your Excellency whether it would be considered by the German Government to be a satisfactory frontier.

I have, &c.,

Count Münster.

GRANVILLE.

No. 2.—Count Münster to Earl Granville.—(Received April 29.)

German Embassy, London, April 29, 1885.

(Translation.)

My Lord,

I have the honour to acknowledge the receipt of your note of the 25th instant, in which, with reference to the contents of your Excellency's note of the 16th ultimo, the proposal of

Her Majesty's Government with regard to the settlement of the boundaries of the German and British possessions in New Guinea is communicated.

This proposal is to the effect that the point on the north-east coast of New Guinea, where the 8th parallel of south latitude cuts the coast, should form the boundary, and that the line described as under should determine the boundaries inland of the respective territories.

Starting from the coast in the neighbourhood of Mitre Rock on the 8th parallel of south latitude, and following this parallel to the point where it is cut by the 147th degree of east longitude, then in a straight line in a north-westerly direction to the point where the 6th parallel of south latitude cuts the 144th degree of east longitude, and continuing in a west-north-westerly direction to the point of intersection of the 5th parallel of south latitude, and of the 141st degree of east longitude.

Having submitted the above proposal for regulating the boundary to my Government, I am empowered to announce the acceptance of it on the part of the Imperial Government.

I have, &c.,

Earl Granville.,

MUNSTER.

二十 獨國皇帝ノ「ニュー、ギニア」會社ニ授與シタル特許狀(假譯)

千八百八十五年五月十七日「メルリン」ニ於テ署名
千八百八十五年「ドイツ」國官報百十七號

「ニュー、ギニア」會社ニ對スル皇帝ノ特許狀

皇帝陛下ハ「ニュー、ギニア」會社ニ對シ左記特許狀ヲ授與ス

神佑ヲ保有シ「ドイツ」國皇帝、「プロイセン」王タル朕「ウィルヘルム」ハ茲ニ有衆ニ宣示ス
朕ハ千八百八十四年八月「ニュー、ギニア」會社ナル名稱ヲ有スル「ドイツ」國人民ノ團體ニ對シ他國ノ
統治ニ屬セザル南太平洋ノ西部諸島ニ於テ同團體ノ開始セル殖民事業ニ對シ朕ガ保護ヲ與フル事ヲ約
束セルニ因リ、該會社ハ自ラ隊ヲ整ヘ朕ガ所轄長官ノ監督下ニ當該區域ニ遠征シ文化ノ目的及貿易基
地設立ノ爲諸港竝ニ沿海地帯ヲ獲得シ、占有シ、後朕ガ命ニ基キ該區域ハ朕ガ艦隊ニ依リテ朕ガ保護
ノ下ニ置カレタルニ因リ、當該區域ノ一部ニ夙ニ代理店ヲ設置シ土地所有權ヲ獲得セル「ドイツ」ノ
二商館ハ該會社ニ加入シタルニ因リ、該會社ハ斯クテ樞密商業顧問官「アードルフ、フォン、ハンゼ
マン」ヲ法定代理人トシ該會社ガ保護區域ニ於テ貿易及土地ノ經濟的利用ノ促進、土着民トノ平和的
交易ノ確立及確保竝ニ土着民ノ啓發ノ爲ニ有效ナル國家機關ヲ其ノ負擔ニ於テ設立シ且維持スベキ旨
表明シ且又本目的ノ達成ノ爲皇帝ノ特許狀ニ依リ朕ガ主權ノ下ニ領土權行使ノ權利ヲ與ヘラレ度キ

旨竝ニ朕ガ政府ノ管理下ニ無主ノ土地ヲ占有、處理シ且土着民ト土地及土地權原ニ關シ契約ヲ結ブベキ獨占的權利ヲ同時ニ與ヘラレ度キ旨提議セルニ因リ朕ハ茲ニ「ニュー、ギニア」會社ニ對シ本特許狀ヲ授與シ同時ニ朕ガ當該地域ノ主權ヲ取得セルコトヲ確認ス
即チ

(一) 英蘭兩國ノ統治ニ屬セザル「ニュー、ギニア」本土朕ガ會社ノ提議ニ依リ「カイゼル、ウイヘルム、ランド」ト稱スルヲ許容セル該地域ハ島ノ北東海岸ニ於テハ東經(「グリーニッチ」)百四十一度ヨリ「マイター、ロック」ノ附近ニテ南緯八度ト海岸ト交叉スル地點ニ至リ、南方及西方ニテハ南緯八度ニ沿ヒ之ガ東經百四十七度ト交叉スル地點ニ至リ、更ニ北西方ヘノ直線ヲ以テ南緯六度ト東經百四十四度トノ交叉點及更ニ西北西方南緯五度ト東經百四十一度トノ交叉點ニ至リ、之ヨリ北方本經線ニ沿ヒテ再ビ海ニ達スル線ヲ以テ境界トス

(二) 「ニュー、ギニア」ノ當該區域ノ海岸前面ノ島嶼及從來「ニュー、ブリテン」ト呼稱セルモ會社ノ提議ニ基キ朕ノ認可ヲ以テ「ビスマルク多島海」ト命名スベキ多嶋海ノ島嶼竝ニ「ニュー、ギニア」ノ北東方、赤道ト南緯八度トノ間及東經百四十一度ト百四十五度トノ間ニ存スル全島嶼更ニ朕ハ該會社ニ對シ其ノ負擔セル國家機關ノ設立維持及適當ナル裁判執行ノ費用支辨ノ義務ニ應ジ

茲ニ領土主權ト同様ナル權利ヲ授與シ同時ニ保護領ニ於テ朕ガ政府ノ監督下ニ無主ノ土地ヲ占有處理シ土地及土地權原ニ關シ土着民ト契約ヲ結ブベキ獨立的權利ヲ授與ス而シテ政府ハ既ニ取得シタル所有權ノ擁護ノ爲土着民ノ保護ノ爲ニ必要ナル規定ヲ爲スベキモノトス
裁判制度竝ニ保護領及外國政府間ノ關係ノ調整及指導ハ朕ガ政府之ヲ留保ス
朕ハ茲ニ朕ガ文官及武官ガ一切ノ合法的事項ニ於テ會社及其ノ吏員ヲ保護支援シ以テ本特許狀ヲ實施スベキコトヲ約シ且命ズ

朕ハ本特許狀ヲ左ノ條件ヲ以テ「ニュー、ギニア」會社ニ授與ス即チ該會社ハ遅クトモ本日ヨリ一年內ニ「ドイツ」國法ニ從ヒ其ノ法的機構ヲ完成スベク、其ノ支配人其ノ他指導ヲ委託セラレタル者ハ「ドイツ」國人タルベク又本特許狀及業務遂行ニ當リ朕ガ政府ノ發出スベキ諸命令竝ニ朕ガ主權ノ執行ニ際シ保護領ニ與ヘラルベキ指令ニ對スル將來ノ補足ハ之ヲ留保スベク會社ガ前記事項ヲ遵守セザルニ於テハ朕ガ保護ニ對スル請求權ヲ喪失スルモノトス
右證據トシテ朕ハ本特許狀ニ自ラ名ヲ署シ璽ヲ鈐セシム
千八百八十五年五月十七日「ベルリン」ニ於テ作成ス

ウイヘルム

フォンビスマルク

20. LETTRE-PATENTE DE PROTECTION ACCORDÉE PAR L'EMPEREUR D'ALLE-
MAGNE À LA SOCIÉTÉ; "NEU-GUINEA-COMPAGNIE"
SIGNÉE À BERLIN LE 17 MAI 1885.

Deutscher Reichsanzeiger 1885 No. 117.

Kaiserlicher Schutzbrief für "die Neu-Guinea-Compagnie"

Se Majestät der Kaiser haben der Neu-Guinea-Compagnie

Schutzbrief Allergnädigst zu ertheilen gerührt:

Wir Wilhelm, von Gottes Gnaden Deutscher Kaiser, König von Preussen etc.
thun kund und fügen hiernit zu wissen:

Nachdem Wir im August 1884 einer Gemeinschaft von Reichsangehörigen, welche inzwischen den Namen "Neu-Guinea-Compagnie" angenommen hat, für ein von derselben eingeleitetes Kolonialunternehmen auf Inselgebieten im westlichen Theile der Südsee, welche unter der Oberhoheit einer anderen Macht stehen, Unseren Schutz verheissen hatten; nachdem diese Compagnie durch eine von ihr ausgerüstete Expedition in jenen Gebieten unter der Kontrolle Unseres dortigen Kommissars Häfen und Küstenstrecken zum Zwecke der Kultur und zur Errichtung von Handelsniederlassungen erworben und in Besitz genommen hat, und demnach auf Unseren Befehl diese Gebiete durch Unsere Kriegsschiffe unter Unseren Schutz gestellt worden sind; nachdem die beiden deutschen Handelshäuser, welche in einem Theile jener Ge-

biete schon früher Faktoreien errichtet und Grundeigenthum erworben hatten, der Compagnie beigetreten sind, und nachdem die Compagnie, rechtlich vertreten durch Unseren Geheimen Kommerzien-Rath Adolph von Hansemann, nunmehr angezeigt hat, dass sie es übernehme, die zur Förderung des Handels und der wirthschaftlichen Nutzbarmachung des Grund und Bodens, sowie zur Herstellung und Befestigung eines friedlichen Verkehrs mit den Eingeborenen und zur deren Civilisirung dienlichen staatlichen Einrichtungen in dem Schutzgebiete auf ihre Kosten zu treffen und zu erhalten, auch damit den Antrag verbunden hat, dass ihr zur Erreichung dieses Zweckes durch einen Kaiserlichen Schutzbrief das Recht zur Ausübung landeshoheitlicher Befugnisse unter Unserer Oberhoheit zugleich mit dem ausschliesslichen Recht, unter der Oberaufsicht Unserer Regierung herrenloses Land in Besitz zu nehmen und darüber zu verfügen und Verträge mit den Eingeborenen über Land und Grundberechtigungen abzuschliessen, verliehen werden möchte:

So bewilligen Wir der Neu-Guinea-Compagnie diesen Unseren Schutzbrief und bestätigen hiermit, dass Wir über die betreffenden Gebiete die Oberhoheit übernommen haben. Diese Gebiete sind die folgenden:

- 1) Der Theil des Festlandes von Neu-Guinea, welcher nicht unter englischer oder niederländischer Oberhoheit steht. Desses Gebiet, welches Wir auf Antrag der Compagnie "Kaiser Wilhelms-Land" zu nennen gestattet haben, erstreckt sich an der Nordostküste der Insel vom 141. Grade östlicher Länge (Greenwich) bis zu dem Punkte in der Nähe von Mitre Rock, wo

der 8. Grad südlicher Breite die Küste schneidet, und wird nach Süden und Westen durch eine Linie begrenzt, welche zunächst dem 8. Breitengrade bis zu dem Punkte folgt, wo derselbe vom 147. Grade östlicher Länge durchschnitten wird, dann in einer graden Linie in nordwestlicher Richtung auf den Schnelden unkt des 6. Grades südlicher Breite und des 144. Grades östlicher Länge und weiter in west-nord-westlicher Richtung auf den Scheidpunkt des 5. Grades südlicher Breite und des 141. Grades östlicher Länge zuläuft und von hier ab nach Norden diesem Längengrade folgend wieder das Meer erreicht.

2) Die vor der Küste dieses Theiles von Neu-Guinea liegenden Inseln, sowie die Inseln des Archipels, welcher bisher als der von Neu-Britannien bezeichnet worden ist und auf Antrag der Compagnie mit Unserer Ermächtigung den Namen "Bismarck-Archipel" tragen soll, und alle anderen nordöstlich von Neu-Guinea zwischen dem Aequator und dem 8. Grade südlicher Breite und zwischen dem 141. und 154. Grade östlicher Länge liegenden Inseln.

Ingleichen verleihe Wir der besagten Compagnie, gegen die Verpflichtung, die von ihr übernommenen staatlichen Einrichtungen zu treffen und zu erhalten, auch die Kosten für eine ausreichende Rechtspflege zu bestreiten, hiernit die entsprechenden Rechte der Landeshoheit, zugleich mit dem ausschliesslichen Recht, in dem Schutzgebiet herrenloses Land in Besitz zu nehmen und darüber zur verfügen und Verträge mit den Eingeborenen über Land und Grundberechtigungen abzuschliessen, dies Alles unter der Oberaufsicht Unserer Regierung, welche die zur Wahrung früherer wohlervorbener Eigenthumsrechte und zum Schutz der Eingeborenen erforderlichen Bestimmungen erlassen wird.

Die Ordnung der Rechtspflege, sowie die Regelung und Leitung der Beziehungen zwischen dem Schutzgebiete und den fremden Regierungen bleiben Unserer Regierung vorbehalten.

Wir verheissen und befehlen hiernit, dass Unsere Beamten und Offiziere durch Schutz und Unterstützung der Gesellschaft und ihrer Beamten in allen gesetzlichen Dingen diesen Unseren Schutzbrief zur Ausführung bringen werden.

Diesen Unseren Kaiserlichen Schutzbrief gewähren Wir der Neu-Guinea-Compagnie unter der Bedingung, dass dieselbe bis spätestens ein Jahr vom heutigen Tage ab ihre rechtlichen Verhältnisse nach Massgabe der deutschen Gesetze ordnet, dass die Mitglieder ihres Vorstandes, oder der sonst mit der Leitung betrauten Personen Angehörige des Deutschen Reiches sind und unter dem Vorbehalt späterer Ergänzungen dieses Unseres Schutzbriefes und der von Unserer Regierung zu seiner Ausführung zu erlassenden Bestimmungen sowie der in Ausübung Unserer Oberhoheit über das Schutzgebiet ferner zu treffenden Anordnungen, zu deren Befolgung die Compagnie bei Verlust des Anspruchs auf Unseren Schutz verpflichtet ist.

Zu Urkund dessen haben Wir diesen Unseren Schutzbrief Höchst eigenhändig vollzogen und mit Unserem Kaiserlichen Insiegel versehen lassen.

Gegeben Berlin, den 17. Mai 1885.

Wilhelm.

von Bismarck.

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20. CHARTER GRANTED BY THE GERMAN EMPEROR TO THE GERMAN
NEW GUINEA COMPANY.—BERLIN, MAY 17, 1885.

(Translation.)

We, William, by the grace of God, German Emperor, King of Prussia, &c., declare and ordain by these presents:

Whereas, in August 1884, we promised our protection to an association of German subjects, which has in the meantime adopted the name of the New Guinea Company, for a Colonial enterprise undertaken by them in islands of the Western Pacific which are not under the sovereignty of any other Power:

Whereas this Company has, through an expedition fitted out by itself, acquired and taken into occupation, under control of our Commission on the spot, harbours and portions of the coast with a view to cultivation, and to the establishment of commercial stations, and that these districts were thereupon placed under our protection by our ships of war:

Whereas the two German firms which had previously erected factories and acquired territorial rights on a part of those districts, have joined the Company, and whereas the Company, legally represented by our "Geheimer Commerzienrath," Adolph von Hausemann, has now shown that it undertakes to create and maintain such political institutions as will promote commerce and make the land and soil available for cultivation, as well as bring about and preserve peaceful relations with the natives, and all that may conduce to their civilization, and has, in making

this declaration, proposed that to assist in carrying out these objects, an Imperial letter of protection should be delegated to it the right to exercise territorial sovereignty under our sovereignty, with the exclusive right under the supervision of our Government of taking unclaimed land into occupation and disposing of it and concluding contracts with the natives respecting title to landed property:

We grant to the New Guinea Company this our letter of protection, and confirm hereby our assumption of the sovereignty over the districts in question.

These districts are—
1. That part of the mainland of New Guinea which is not under British or Dutch sovereignty.

This district, which, at the proposal of the Company, we have permitted to be called "Kaiser Wilhelm's Land," stretches on the north coast of the island from the 141st degree of longitude (east of Greenwich) to the point in the vicinity of Mitre Rock where the 8th degree of south latitude cuts the coast, is bounded on the south and west by a line which follows closely the 8th degree of latitude up to the point where the latter is intersected by the 147th degree of east longitude, and then runs in a straight line in a north-west direction to the intersection point of the 6th degree of south latitude, and the 144th east longitude, and again in a north-west direction to the intersection of the 5th degree of south latitude and the 141st degree east longitude, and hence follows this line of longitude to the sea.

2. The islands lying off this portion of the coast of New Guinea, as well as the islands of the archipelago which has up till now been known as the New Britain Archipelago, and is now, at the proposal of the Company, and with our authorization, to bear the name of Bismarck Archipelago, and all other islands north-east of New Guinea situate between the Equator and the 8th degree of south latitude, and the 141st and 154th degree of east longitude.

Moreover, we hereby grant to the said Company, in return for their engagement to create and maintain the political organization undertaken by them, and to defray the costs of an adequate administration of justice, the rights implied in territorial sovereignty, as well as the exclusive right to take into occupation unoccupied land in the protected territory and to dispose of it, and to conclude contracts with the natives as to territorial titles, all this being under the supervision of our Government, which will take the necessary steps to guarantee such rights of possession to which a former lawful title can be shown, and to protect the natives.

The regulation of the administration of justice, as well as the direction and conduct of relations between the protected districts and the foreign Governments, remain in the disposition of our Government.

We promise and order hereby that our officials and officers shall carry out this our letter of protection by protecting and supporting the Company and its officers in all lawful ways.

This, our Imperial letter of protection, we grant to the New Guinea Company on condition that it completes its legal organization according to the prescriptions of German law within a

year from this date at latest, that the members of its Board of Directors, or persons otherwise entrusted with the conduct of affairs, are members of the German Empire, making due reservation respecting future amplifications of this our letter of protection, and such directions as may issue from our Government with a view to giving effect to it, as well as further dispositions as may be found advisable in the exercise of our sovereignty over the protected territory, to observe which the Company is engaged under pain of losing their claim to our protection.

In witness whereof we have executed this letter of protection with our own hand, and sealed it with our Imperial seal.

Given at Berlin, May 17th, 1885.

(L.S.) WILHELM.

V. BISMARCK.

二十一、「トロブリアンド」島竝ニ南緯八度緯線以南ノ「ニュー、ギニア」附近全島嶼ノ「ニュー、ギニア」英國保護領編入ニ關ス

ル英國宣言(假譯)

千八百八十五年八月三日

本書ヲ見ル有衆ニ宣示ス

神佑ヲ保有シ、「グレート、ブリテン」及「アイルランド」聯合王國ノ女王、信仰ノ擁護者竝ニ「イン
ド」皇帝タル「ヴィクトリア」陛下ノ保護領ガ布告ヲ以テ「ニュー、ギニア」ノ一部及其ノ附近ノ島嶼
竝ニ「アントルカスト」群島及其ノ附近ノ島嶼ニ對シ樹立セラレタルニ因リ
「トロブリアンド」島竝ニ南緯八度緯線以南ノ「ニュー、ギニア」附近全島嶼ノ前記保護領内ニ編入セラ
レタルコトヲ茲ニ宣言ス

千八百八十五年八月三日「ニュー、サウス、ウェールズ」「シドニー」ノ英國船「ネルソン」號上ニ於テ
署名ス

「オーストラリア」根據地ノ英國艦船總司令官

海軍少將 デー、トライオン

皇帝 萬歲！

英國船「ダート」號司令官海軍少佐「アーサー、モスタイン、フィールド」「トロブリアンド」島ニ於テ宣言シ且布告ス

エー、モスタイン、フィールド

21. BRITISH DECLARATION RESPECTING THE INCLUSION WITHIN THE
BRITISH PROTECTORATE OF NEW GUINEA OF THE ISLAND
OF TROBRIAND, AS WELL AS OF ALL ISLANDS NEAR
NEW GUINEA SOUTH OF THE 8TH PARALLEL
OF SOUTH LATITUDE.—AUGUST 3, 1885.

To all whom these presents shall come, greeting.

A PROTECTORATE of Her Most Gracious Majesty Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India, having been established by Proclamation over a certain portion of New Guinea and of the islands adjacent thereto, and also over the d'Entrecasteaux group and the islands adjacent;

It is hereby declared that the Island of Trobriand, as well as all islands that are near New Guinea that are south of the 8th parallel of south latitude, are included within the said Protectorate.

Given under my hand, on board Her Majesty's ship Nelson, at Sydney, New South Wales, the 3rd day of August, 1885.

G. TRYON, Rear-Admiral, and Commander-in-chief of Her Majesty's ships and vessels on the Australian Station.

Declared and made known at the Island of Trobriand by Arthur Mostyn Field, Lieutenant in command of Her Britannic Majesty's ship Dart.

A. MOSTYN FIELD.

二十一 「ニュー、ギニア」島ニ於ケル英國屬地及「オランダ」國

屬地間境界ニ關スル英國「オランダ」國間協定(假譯)

千八百九十五年五月十六日「ヘーグ」ニ於テ署名
千八百九十五年七月二十日「ヘーグ」ニ於テ批准書交換

「グレート、ブリテン」及「アイルランド」聯合王國皇帝「インド」皇帝陛下並ニ「オランダ」國皇帝陛下及皇帝陛下ノ名ニ於テ「オランダ」王國攝政陛下ハ「ニュー、ギニア」島ニ於ケル英國屬地及「オランダ」國屬地間ノ境界ヲ確定セント欲シ之ガ爲協定ヲ締結スルコトニ決シ右目的ノ爲左ノ全權委員ヲ任命セリ

「グレート、ブリテン」及「アイルランド」聯合王國皇帝「インド」皇帝陛下

「オランダ」國駐劄特命全權公使、從男爵「サー、ホレース、ラムボールド」

「オランダ」王國攝政陛下

外務大臣「ジョンクヘール、ヨアン、ロエル」

殖民大臣「ジエームス、ヘンリー、ベルグスマ」

右各全權委員ハ其ノ全權委任狀ヲ示シ之ガ良好妥當ナルヲ認メタル後左ノ諸條ヲ協定セリ

第一條

「ニューギニア」ニ於ケル英國屬地及「オランダ」國屬地間境界ハ（「グリニッチ」子午線）東經百十一度一分四七・九秒ニ在ル「ベンスバハ」河口中央ノ島ノ南岸ヲ起點トス

第二條

境界線ハ北方ニ向ヒ前記河口ヲ通過スル子午線ニ沿ヒ右子午線ガ「フライ」川ト會スル地點ニ至ル

第三條

右地點ヨリ東經百四十一度ニ至ル迄「フライ」川ノ水路（最深部）ヲ以テ境界トス

第四條

其ノ後ハ英國、「オランダ」國及「ドイツ」國ノ屬地ノ境界ノ交叉點ニ至ル迄東經百四十一度ヲ以テ境界トス

第五條

「フライ」川ノ航行ハ軍需品輸送ニ關スルモノヲ除キ兩締約國臣民ノ爲ニ自由タルベク同川ニ依リテ運搬スベキ其ノ他ノ貨物ニ對シ課稅セラルルコトナカルベシ

第六條

本協定ハ批准セラルベク且「オランダ」國國民議會ノ本協定承認後一月内又ハ可能ナラバ其ノ以前ニ「ヘーグ」ニ於テ行ハルベキ批准書交換後直ニ實施セラルベシ

右證據トシテ下名ハ本協定ニ署名調印セリ

千八百九十五年五月十六日「ヘーグ」ニ於テ本書ニ通テ作成ス

ホレース、ラムボールド（印）

ジェー、ロエール（印）

ジェー、ベルグスマ（印）

22. CONVENTION BETWEEN GREAT BRITAIN AND THE NETHERLANDS,
DEFINING THE BOUNDARIES BETWEEN THE BRITISH AND
NETHERLAND POSSESSIONS IN THE ISLAND OF NEW
GUINEA.—SIGNED AT THE HAGUE, MAY 16, 1895.

(Ratifications exchanged at The Hague, July 20, 1895.)

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and Her Majesty the Queen of the Netherlands, and, in her name, her Majesty the Queen-Regent of the Kingdom, being desirous of defining the boundaries between the British and Netherland possessions in the Island of New Guinea, have resolved to conclude a Convention to that effect, and have appointed as their Plenipotentiaries for that purpose, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Sir Horace Rumbold, a Baronet of Great Britain, a Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, &c., &c., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of the Netherlands ;

And Her Majesty the Queen-Regent of the Kingdom of the Netherlands, Jonkheer Joan Röell, a Knight of the Order of the Netherland Lion, Minister of Foreign Affairs ; and James Henry Bergsma, a Knight of the Order of the Netherland Lion, Minister for the Colonies ;

Who, having produced their full powers, found in good and due form, have agreed upon the following Articles :—

Art. I. The boundary between the British and Netherland possessions in New Guinea starts from the southern coast of the said island at the middle of the mouth of the Bensbach River, situated at about 141° 1' 47.9" of east longitude (meridian of Greenwich).

Art. II. The boundary proceeds to the north, following the meridian which passes through the said mouth, up to the point where that meridian meets the Fly River.

Art. III. From that point the waterway ("thalweg") of the Fly River forms the boundary up to the 141st degree of east longitude.

Art. IV. The 141st degree of east longitude after this forms the boundary up to the point of intersection of the boundaries of the British, Netherland, and German possessions.

Art. V. Navigation on the Fly River is free for the subjects of both Contracting Powers, excepting as regards the carriage of warlike stores, and no duty shall be imposed on other goods conveyed by that river.

Art. VI. The present Convention shall be ratified, and shall come into force immediately after the exchange of the ratifications which shall take place at The Hague a month, or less if possible, after the Convention shall have been approved by the States-General of the Netherlands.

In witness whereof the Undersigned have signed the present Convention, and have affixed

thereto their seals,

川水長

Done at The Hague, in duplicate, this 16th day of May, 1895,

(L.S.) HORACE RUMBOLD.

(L.S.) J. RÔELL.

(L.S.) J. BERGSMÄ.

「ソ
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島

二十三 西太平洋高級委員ノ「シオワスール」「イサベル」
「シャートランド」島、「ファウロ」「タスマン」群島、「ロード、
ホー」群島及「ガワー」島ニ對スル英國保護領設定宣言

千九百年十月六日

23. PROCLAMATION BY THE HIGH COMMISSIONER FOR THE WESTERN PACIFIC,
DECLARING A BRITISH PROTECTORATE OVER CHOISEUL, YSABEL,
SHORTLAND ISLAND, FAURO, TASMAN GROUP, LORD
HOWE'S GROUP, AND GOWER ISLAND.—

SUVA, OCTOBER 6, 1900.

By his Excellency Sir George Thomas Michael O'Brien, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Her Britannic Majesty's High Commissioner for the Western Pacific.

(L. S.) G. T. M. O'BRIEN.

It is hereby notified that the jurisdiction of Her Britannic Majesty's High Commissioner's Court for the Western Pacific, and the provisions of Her Britannic Majesty's Order in Council, 1893, and of such of the Queen's Regulations made in accordance therewith as apply to the Protectorate of the British Solomon Islands, are extended to all persons residing or being within the limits the islands to the east and south-east of the Island of Bougainvill and formerly included in the Protectorate of the German Solomon Islands, which were transferred to Great Britain by the Convention between Great Britain and Germany, signed at London on the 14th November, 1899, that is to say:—

Choiseul, and the small islands depending thereon;

Ysabel, and the small islands depending thereon, including Ramos and St. George;

Shortland Island, and the small islands adjacent and depending thereon, viz., Morgusaia, Alu, Porporang, Faise, Onua, and Ballale;

Fauro Island, and the small islands adjacent and depending thereon, viz., Oema Island and Atoll, Ovau, Asie, Illina, Nusave,

Niellei, Nusakoa, Benana, Nufahana, Munia, Piedu, Masamasa, and Cyprian Bridge;

The Tasman group, or Niunano Atoll, comprising the Islands of Niunano, Loto, and thirty-seven others;

The Leueneuwa Islands, otherwise known as Ontong Java or Lord Howe's group, and comprising the Islande Palav, Oikuo, Uaioko, Ouku, Leueneuwa, Engaulii, Lehuanu, Nee, Akoo, Ekolo, Makamea, Toukoua, Kalau, and all other islands situated upon or within the aforesaid reef, and also the reef known as El Roncador or Candelaria Reef; and

Gower, otherwise known as Inattendue Island;

And that henceforth these islands will form part of the Protectorate of the British Solomon Islands.

Whereof let all men take notice, and govern themselves accordingly.

By command,

M. KING, Secretary.

Office of the High Commissioner for the Western Pacific, Suva, Fiji, October 6, 1900.

西南太平洋諸島

「サ
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編

一 「ドイツ」國ノ名ニ於ケル「ドイツ」國皇帝、「プロシヤ」國王及「サモア」國政府ノ名ニ於ケル「タイムア」ノ領主間友好條約(假譯)

千八百七十九年一月二十四日「アピア」ニ於テ署名

一方「ドイツ」帝國ノ名ニ於ケル「ドイツ」國皇帝、「プロシヤ」國王陛下及他方「サモア」國政府ノ名ニ於ケル「タイムア」ノ領主閣下ハ兩國間ニ存在スル友好親善ノ關係及利益ヲ相互ニ促進シ且強固ナラシムルノ希望ニ促サレ友好條約ヲ締結スルコトニ決シ之ガ爲左ノ如ク其ノ全權委員ヲ任命セリ

「ドイツ」國皇帝、「プロシヤ」國王陛下

海軍少佐、三橋軍艦「アリアードヌ」艦長、第三等寶冠章及第四等赤鷲章騎士「カルル、バルトホロモイス、フォン、ウエルネル」

及

「サモア」國及「トンガ」諸島領事「テオドール、アウグスト、ルードウィッヒ、ウエーベル」

「タイムア」領主閣下

「タイムア」議員「チャイアー」

及

「タイムア」議員「レマナ」

及

次官「マイサケ」

右各全權委員ハ互ニ其ノ全權委任狀ヲ示シ之ガ良好妥當ナルヲ認メタル後左ノ諸條ヲ協定セリ

第一條

一方「ドイツ」帝國及他方「サモア」國間竝ニ人及土地ノ差別ナク兩國臣民ノ間ニハ平和及永久ノ親睦アルベシ

第二條

兩締約國ノ臣民ハ兩國ニ於テ其ノ身體及財産ハ完全ニ且絶エズ保護セラルベク更ニ在「サモア」「ドイツ」人及在「ドイツ」「サモア」人ハ一切ノ貢納、徵發若ハ兵役ヲ免除セラルベク特ニ在「サモア」「ドイツ」人ハ交戰國ニ依ル其ノ家屋、土地及耕地ノ占有ヲ免除セラルベシ

第三條

「サモア」國ニ滞在スル「ドイツ」人及「ドイツ」國ニ滞在スル「サモア」人ハ信教及良心ノ完全ナル自由ヲ享有スベク而シテ如何ナル場合ニ於テモ其ノ信教ノ爲ニ若ハ其ノ住居又ハ教會ニ於テ禮拜ヲ行

フコトノ爲ニ妨害セラレ不安ヲ與ヘラレ若ハ邪魔セララルコトナカルベシ

兩國ノ臣民ハ亦「ドイツ」國若ハ「サモア」諸島ニ於テ死セル其ノ同國人ヲ其ノ爲ニ取得シ且準備セル土地ニ埋葬スルノ權利ヲ有スベク而シテ其ノ宗教上ノ慣例ニ依レル埋葬式ハ如何ナル場合ニ於テモ妨ゲラレザルベク亦其ノ墓地ハ如何ナル理由ヨリスルモ損傷セラレ若ハ破壊セラレザルベシ

「ドイツ」國ニ於ケル「サモア」人ハ上述ノ一切ノ場合ニ於テ同國ノ法律及規則ニ遵守シ且該道德及慣例ニ從ヒ竝ニ宗教上ノ儀式ヲ遵守スベキモノトス「サモア」國ニ於ケル「ドイツ」人ハ此ノ點ニ付今後兩國政府間ニ協定セララルコトアルベキ法律、規則ニ遵守スベキモノ自國ノ法律、規則ニ反スルガ如キコトヲ爲サザルモノトス

第四條

「ドイツ」國臣民ノ爲「サモア」國ノ一切ノ地域ニ於テ完全ナル通商ノ自由アルベシ同國臣民ハ妨ゲラルコトナク其ノ一切ノ船舶及貨物ヲ以テ「サモア」國ノ一切ノ場所、港灣及河川ニ到リ其ノ船舶ノ貨物ヲ賣却シ、陸揚ゲシ及貯藏シ得ベク竝ニ其ノ所有スル農産物若ハ他ノ種類ノ物品ヲ發送シ其ノ船舶ニ荷積スルコトヲ得ベシ「ドイツ」國臣民ハ其ノ到着シ出港スル船舶及其ノ貨物竝ニ營業ニ對シテハ特ニ兩國政府間ニ協定セラレザル限り如何ナル種類ノ租稅、課金又ハ制限ヲモ課セラルコトナカルベシ「ドイツ」國臣民ハ斯クノ如キ場合ニモ亦「サモア」國ニ於テ「サモア」人又ハ最惠國臣民ト

同一ノ權利及特權ヲ享有スベシ

第五條

「ドイツ」軍艦ハ自由ニ「サルアファタ」港ニ入港シ、投錨シ、滞在シ、必要品ヲ入手シ及修繕スルコトヲ得ベク且更ニ「ドイツ」國政府ハ自由ニ同港ニ於テ自己ノ判斷ニ依リ「ドイツ」軍艦及其ノ乗組員ニ必要ナル一切ノ施設及命令ヲ爲スコトヲ得ベシ

「サモア」國政府ハ更ニ「ドイツ」國政府ガ石炭ノ貯藏及他ノ「ドイツ」軍艦及其ノ乗組員ニ對スル必要品ノ貯藏ノ目的ヲ以テ同港ノ岩壁ニ建築物ヲ建造スルコトヲ了承ス「ドイツ」國政府ハ亦駐屯所ノ建設セラルベキ土地ニ其ノ國旗ヲ掲揚スルノ自由ヲ有スベシ但シ「サルアファタ」港ニ對スル「サモア」國政府ノ主權ハ之ニ依リ何等縮少若ハ侵害セラルルコトナカルベシ而シテ他方同國政府ハ亦本條ニ於テ「ドイツ」國政府ノ爲ニ認メラレタル權利ヲ無効ニシ侵害スルガ如キコトヲ爲サザルヲ約ス「サルアファタ」港ハ亦本條ニ於テ「ドイツ」國政府ノ爲ニ認メラレタル權利ニ依リ「サモア」國政府ガ其ノ諸港ヲ開放シ居レル諸國ノ軍艦若ハ商船ニ對シテ閉鎖セラレザルベシ但シ「サモア」國政府ハ同港及其ノ岩壁ニ關シ如何ナル國ニ對シテモ「ドイツ」國ニ對シ認メラレタル同一ノ權利ヲ與フルヲ得ズ

「ドイツ」軍艦ハ更ニ兩國政府間ニ協定セラルルコトアルベキ法律ニ從ヒ「サモア」ノ他ノ一切ノ場所、

港灣及河川ニ到リ、碇泊シ、滞在シ、必要品ヲ購入シ及修繕スルノ自由ヲ有スベク而シテ「サモア」國政府ハ「アピア」港及其ノ岩壁ニ關シ他ノ如何ナル國ニ對シテモ「ドイツ」國以上ニ何等ノ特權ヲ認ムルコトナク「ドイツ」國政府ハ此ノ點ニ關シテハ亦他ノ諸國ト同一ノ權利ヲ有スベキコトヲ約ス

第六條

兩締約國ノ一方ノ臣民ハ相互ニ完全ナル自由ヲ以テ當該地域ノ有ラユル部分ニ到リ、旅行シ、居住シ、商業及營業ニ從事シ、土地及地所ヲ購入シ若ハ貸借シ、耕作シ及利用シ竝ニ家屋、倉庫及店舖ヲ設クルコトヲ得ベシ此ノ一切ノ場合ニ於テ「ドイツ」國ニ於ケル「サモア」人ハ同國ノ法律及規則ニ遵由シ、他ノ一切ノ義務ヲ盡シ竝ニ内國民ト同一ノ租稅、分擔金若ハ賦課金ヲ納付スベシ同様に「サモア」國ニ於ケル「ドイツ」人ハ今後兩國政府間ニ協定セラルルコトアルベキ法律、規則ニ遵由シ而シテ租稅及課金ヲ「サモア」國政府ニ納付スベキモノトス但シ「ドイツ」國臣民ハ此ノ點ニ關シ「サモア」人若ハ最惠國臣民ト同一ノ權利及特權ヲ「サモア」國ニ於テ常ニ享有スベキモノトス
特ニ「サモア」國政府ハ此ノ爲ニ「ドイツ」國臣民ガ從來合法的ニ且當時ノ慣例ニ從ヒ「サモア」人ヨリ購入セル一切ノ土地ノ平和的所有ヲ「ドイツ」國臣民ニ對シ保證スベク而シテ「サモア」國政府ニ依ル「ドイツ」國臣民ノ所有權ノ保證ニ依リ該土地ニ關スル一切ノ以前ノ抗議ハ撤去セララルベシ從テ「ドイツ」人ハ「サモア」國ニ於ケル其ノ一切ノ土地ヲ妨ダラルルコトナク利用シ、植林ヲ營ミ、此ノ

目的ノ爲並ニ一般ニ其ノ造船所、營業所及家屋ニ必要ナル勞働力ヲ求メ且利用スルノ自由ヲ有スベシ

第七條

「サモア」國ニ滞在スル「ドイツ」國臣民及保護民ガ其ノ相互間ノ訴訟問題ニ付並ニ其ノ相互間ニ行ハレタル犯行及犯罪ニ關シ從フベキ裁判規定ハ「ドイツ」國政府及其ノ命令ニ委セラルベク、一方「サモア」國ニ滞在スル「ドイツ」國臣民及保護民ト他方「サモア」人トノ間ノ訴訟問題並ニ兩締約國ノ一方ノ臣民ノ他方ノ臣民ニ對スル犯行及犯罪ニ關スル裁判及手續ノ確定ハ兩國政府間ノ特別ナル協定ニ留保セラルベク有罪人ノ刑ノ執行並ニ裁判手續ニ於ケル相互ニ權限アル證人ノ強制使用ニ關シ必要ナル規定ヲ包含スルモノトス

但シ「サモア」國ニ於ケル「ドイツ」人及「サモア」人ノ間ニ發生セル一切ノ訴訟問題ハ兩締約國政府ガ該協定ヲ締結スル迄在來ノ慣例ニ從ヒ「ドイツ」國領事若ハ其ノ代理者ニ依リ「サモア」國政府ノ官憲ト共同シテ決定セラルベシ

第八條

「サモア」國ニ滞在スル「ドイツ」國臣民及保護民ガ遵守スベキ一切ノ法律及規則並ニ同臣民及保護民ガ「サモア」國政府ニ納付スベキ一切ノ租稅及課金ハ「ドイツ」領事若ハ其ノ爲ニ「ドイツ」國政府ニ依リ任命セラレタル他ノ人ニ依リ「サモア」國政府ノ官憲ト共ニ審議セラルベク「サモア」國ニ於

ケル「ドイツ」人ニ依ル該法律及規則ノ遵守ヲ將來スル爲ノ一切ノ有效ナル方策モ同様トス但シ兩國政府ノ官憲ニ依リ共同シテ審議セラレ及協定セラレタル一切ノ法律及方策ハ「ドイツ」國政府ニ依リ確認ヲ得タル後始メテ效力ヲ發生スベシ

但シ兩國政府ノ官憲ガ都市制度若ハ警察、檢疫及「アピア」港規則ニ付並ニ「サモア」國ニ於ケル「ドイツ」人ニ依ル「サモア」人及他ノ太平洋諸島ノ住民ニ對スル酒精及興奮性飲料ノ賣却若ハ供給ノ禁止若ハ制限ニ關シ締結セラレタル協定ハ直ニ且「ドイツ」國政府ガ確認ヲ拒否セザル限りニ於テ「ドイツ」國臣民ニ依リ遵守セラルベシ

「ドイツ」國臣民ハ此ノ一切ノ場合ニ於テモ亦「サモア」人若ハ「サモア」國ニ於ケル最惠國ノ臣民ト同一ノ權利及特權ヲ常ニ享有スベク而シテ「サモア」國ニ於ケル他ノ國ノ臣民ニ比シ冷遇セラレ若ハ不利益ト爲ル何等ノ法律若ハ規則ヲ適用セラルルコトナカルベシ

第九條

前述ノ諸條ニ於テ述ベラレタル諸協定ノ他ニ他方ノ國ノ領域ニ滞在中ノ一方ノ國ノ臣民及保護民ノ市民ノ身分及他ノ未ダ述ベラレザル諸狀況ノ制限並ニ相互ノ領事代表ノ權利、權能及義務並ニ通商ニ關シ決定セラレザル諸點ノ確定ハ亦兩國政府ノ協定ニ留保セラルベシ

第十條

「サモア」國政府ハ自國ニ於テ「ドイツ」人ノ通商若ハ「ドイツ」國ノ國旗及臣民ノ不利ト爲ルベキ何等ノ獨占、補償若ハ現實ノ特權ヲ認メザルコトヲ約ス

第十一條

「サモア」國政府ハ本條約ノ前諸條ニ於テ述ベラレタル一切ノ事項ニ關シ竝ニ一般的ニモ亦最惠國ノ臣民ニ許與セラレ及今後許與セララルコトアルベキ所ト同一ノ權利ヲ「ドイツ」國政府ニ對シ許與スルコトヲ約ス

第十二條

本條約ハ署名ノ日ヨリ實施セララルベク「ドイツ」國政府ノ批准ガ署名ノ日ヨリ二十四月ノ期間内ニ行ハレザルニ因リ效力ヲ失フ場合ノ他有效タルベシ

第十三條

十三箇條ヨリ成ル本條約ハ批准セララルベク批准書ハ成ルベク速ニ「アピア」ニ於テ交換セララルベシ但シ「サモア」國政府ノ批准ハ本條約ノ署名後直ニ行ハルベシ而シテ其ノ批准書ハ「ドイツ」國政府ノ批准到着迄在「アピア」「ドイツ」國領事館ニ保管セララルベク同批准書ハ「ドイツ」國政府ガ本條約ヲ規定ノ期間内ニ批准セザル場合ハ「サモア」國政府ニ返還セララルベシ右證據トシテ兩國全權委員ハ本條約ニ通ニ署名關印セリ

一千八百七十九年一月二十四日「ウボル」島在「アピア」「ドイツ」國領事館ニ於テ本書ヲ作成ス

フォン、ウエルネル
アー、ウエーベル
テ、ウイアー
レ、マナ
マイ、サケ

「ドイツ」國「サモア」國間友好條約締結ノ爲在「アピア」「ドイツ」

國領事館ニ於テ開催セラレタル會議ニ關スル議定書

出席セル者左ノ如シ

- 一、三橋軍艦「アドリアーヌ」艦長、「ドイツ」皇帝ノ全權委員、海軍少佐「ヘル、フォン、ウエルネル」
- 二、「ドイツ」皇帝ノ全權委員、在「サモア」國及「トンガ」駐在「ドイツ」國領事「ヘル、テオドー、ル、ウエーベル」
- 三、「サモア」島「タイムア」領主ノ全權委員、「タイムア」議員、會長「チャイアー」

四、「サモア」島「タイムア」領主ノ全權委員、「タイムア」議員、會長「レマナ」
 五、「サモア」島「タイムア」領主ノ全權委員、次官「マイサク」
 六、會議ニ於ケル通譯官補、「サモア」語通譯官「ジー、エム、コーエ」
 兩國全權委員ハ本年一月二十二日「ドイツ」國領事館ニ會合シ而シテ右全權委員ハ互ニ其ノ全權委任
 狀ヲ示シ之ガ良好妥當ナルヲ認メタル後「ドイツ」國全權委員ハ「サモア」語ヲ以テ作成セル條約原
 案ヲ「サモア」國全權委員ニ提示シ然ル後共同シテ之ヲ審議セリ
 本日ノ審議ハ決定セザルヲ以テ審議ハ翌一月二十三日兩國全權委員ニ依リ繼續セラレ次デ友好條約ニ
 關シ意見一致シ各「ドイツ」語及「サモア」語ヲ以テ本書ニ通ヲ作成スルコトニ決定セリ
 一月二十四日兩國全權委員ハ再ビ「ドイツ」國領事館ニ會合シ受諾ノ證據トシテ「ドイツ」語及「サ
 モア」語ノ本書ニ通ヲ以テ締結セル友好條約ニ署名調印シ其ノ一通ヲ「サモア」國全權委員ニ交付セリ
 「サモア」國全權委員ハ締結セル條約ヲ批准ノ爲直ニ「サモア」國政府ニ提出スルコトヲ約セリ
 千八百七十九年一月二十四日在「アピア」「ドイツ」國領事館ニ於テ同等ノ本書ニ通ヲ作成ス

フォン、ウエルネル
 テオドール、ウエーヘル

1. FREUNDSCHAFTS—VERTRAG ZWISCHEN SEINER MAJESTÄT DEM DEUTSCHEN
 KAISER, KÖNIG VON PREUSSEN ETC. ETC., IM NAMEN DES DEUTSCHEN
 REICHS, UND IHREN EXCELLENZEN DEN HERREN DER TAIMUA, IM
 NAMEN DER REGIERUNG VON SAMOA.—UNTERZEICHNET
 IN APIA AM 24. JANUAR 1879.

Seine Majestät der Deutsche Kaiser, König von Preussen etc. etc., im Namen des Deutschen
 Reichs einerseits, und Ihre Excellenzen die Herren der Taimua, im Namen der Regierung von
 Samoa andererseits, von dem Wunsche geleitet, Ihre freundschaftlichen Beziehungen und Ihre
 Interessen gegenseitig zu fördern und zu befestigen, haben beschlossen, einen Freundschaftsver-
 trag abzuschliessen. Zu diesem Ende haben Sie zu Ihren Bevollmächtigten ernannt, nämlich:

Seine Majestät der Deutsche Kaiser, König von Preussen etc. etc.:

Allerhöchst Ihren Korvetten-Kapitän Carl Bartholomäus von Werner, Kommandanten Seiner
 Majestät Korvette "Ariadne", Ritter des Königlichen Kronenordens dritter Klasse und des
 Rothen Adlerordens vierter Klasse,

und
 Allerhöchst Ihren Konsul für die Samoa- und Tonga-Inseln, Theodor August Ludwig Weber,
 und
 Ihre Excellenzen die Herren der Taimua:
 das Mitglied der Taimua, Tuia

und
das Mitglied der Taimua, Lemana
und
den Unterstaatssekretär Meisake,

welche nach gegenseitiger Mittheilung ihrer in guter und gehöriger Form befundenen Vollmachten über nachstehende Artikel übereingekommen sind.

Art. I. Es soll Friede und immerwährende Freundschaft sein zwischen dem Deutschen Reich einerseits und Samoa andererseits, sowie zwischen den beiderseitigen Angehörigen ohne Unterschied der Personen und der Orte.

Art. II. Den Angehörigen der beiden vertragenden Theile soll in beiden Ländern der vollständigste und immerwährende Schutz ihrer Person und ihres Eigenthums zu Theil werden, und sollen ferner die Deutschen in Samoa und die Samoaner in Deutschland von allen Kriegskontributionen militärischen Requisitionen oder Kriegsdiensten, und zwar besonders die Deutschen in Samoa von einer Okkupation ihrer Häuser, Ländereien und Pflanzungen durch kriegführende Parteien befreit sein.

Art. III. Die Deutschen, welche sich in Samoa und die Samoaner, welche sich in Deutschland aufhalten, genießen vollständige Kultus- und Gewissensfreiheit, und sollen dieselben in keiner Weise wegen ihres religiösen Glaubens oder wegen der Ausübung ihres Gottesdienstes in ihren Häusern oder Kirchen belästigt, beunruhigt oder gestört werden.

Auch sollen die Angehörigen beider Länder die Befugniß haben ihre Landleute, welche in Deutschland oder auf den Samoa-Inseln mit dem Tode abgehen, an Orten, welche sie zu dem Zwecke erworben und eingerichtet haben, zu bestatten, und sollen die ihren kirchlichen Gebräuchen entsprechenden Begräbnissfeierlichkeiten in keiner Weise gestört, noch die Gräber aus irgend einem Grund beschädigt oder zerstört werden.

In allen diesen Fällen haben die Samoaner in Deutschland sich den Gesetzen und Verordnungen des Landes zu unterwerfen und sich nach den betreffenden Sitten und Gebräuchen zu richten, sowie die kirchliche Schicklichkeit zu beobachten. Die Deutschen in Samoa sollen in der Beziehung gehalten sein, sich nach etwaigen, später zwischen den beiderseitigen Regierungen zu vereinbarenden Gesetzen und Verordnungen zu richten, inzwischen jedoch sollen dieselben nichts thun, was gegen die Gesetze und Verordnungen ihren eigenen Landes verstossen würde.

Art. IV. Es soll für die deutschen Staatsangehörigen vollständige Handelsfreiheit in allen Gebieten Samoas bestehen. Dieselben können ungehindert mit ihren Schiffen und Ladungen aller Art in alle Plätze, Häfen und Gewässer Samoas einlaufen, die Ladungen ihrer Schiffe verkaufen, an Land nehmen und lagern, sowie auch alle ihnen gehörigen Landeszeugnisse oder andere Gegenstände irgend einer Art absenden und ihre Schiffe damit beladen. Die deutschen Staatsangehörigen sollen weder für ihre ankommenden und ausgehenden Schiffe und deren Ladungen, noch für die Betreibung des Handels irgend welchen Steuern, Abgaben oder Beschränkungen unterworfen sein, so lange solche nicht besonders zwischen den beiderseitigen

Regierungen vereinbart sind, jedoch sollen die deutschen Staatsangehörigen auch in solchem Falle immer die gleichen Rechte und Vortheile in Samoa genießen, wie die Samoaner oder die Angehörigen der meistbegünstigten Nation.

Art. V. Es soll den deutschen Kriegsschiffen freistehen, in den Häfen von Saluafata einzulaufen, daselbst zu ankern, zu verweilen, Bedarf einzunehmen und auszubessern, und der deutschen Regierung soll es ferner freistehen, in jenem Hafen nach eigenem Ermessen alle für die deutschen Kriegsschiffe und deren Besatzungen nützlichen Einrichtungen und Anordnungen zu treffen.

Die Samoaregierung ist ferner damit einverstanden, dass die deutsche Regierung an den Ufern jenes Hafens Gebäude zwecks Lagerung von Kohlen und irgend anderen Bedarfsgegenständen für die deutschen Kriegsschiffe und deren Besatzungen errichtet. Es soll der deutschen Regierung auch freistehen, auf dem Lande, wo die Stationsgebäude errichtet werden, ihre Flagge aufzuziehen, jedoch die Oberhoheit der Samoa-Regierung über den Hafen von Saluafata dadurch in keiner Weise geschmälert oder beeinträchtigt werden, andererseits aber verspricht diese auch nichts zu thun, wodurch die der deutschen Regierung in diesem Artikel gewährten Rechte irgend wie werthlos gemacht oder beeinträchtigt werden könnten. Auch soll durch die in diesem Artikel der deutschen Regierung gewährten Rechte der Hafen von Saluafata den Kriegs- oder Handelsschiffen derjenigen Nationen, welchen die Samoa-Regierung ihre Häfen offen hält, nicht verschlossen werden, jedoch darf die Regierung von Samoa in Bezug auf diesen Hafen und seine

Ufer keiner anderen Nation gleiche Rechte, wie die der deutschen Regierung gewährten, bewilligen.

Es soll den deutschen Kriegsschiffen ferner freistehen, auch in alle anderen Plätze, Häfen und Gewässer Samoas einzulaufen, daselbst zu ankern, zu verweilen, Bedarf einzunehmen und auszubessern, nach Massgabe etwaiger, zwischen den beiderseitigen Regierungen zu vereinbarenden Gesetze, und verspricht die Samoa-Regierung hierdurch ferner, dass sie keiner anderen Nation in irgend einer Weise irgendwelche Vorrechte vor der deutschen Regierung in Bezug auf den Hafen von Apia und dessen Ufer bewilligen will, sondern dass die deutsche Regierung auch in dieser Beziehung mit anderen Nationen immer gleichberechtigt sein soll.

Art. VI. Die Angehörigen eines jeden der beiden vertragenden Theile können gegenseitig mit voller Freiheit jeden Theil der betreffenden Gebiete betreten, daselbst reisen, ihren Wohnsitz nehmen, Handel und Gewerbe treiben, Ländereien und Grundstücke kaufen oder mieten, dieselben bebauen und benutzen, sowie Häuser, Magazine und Läden darauf errichten. In allen diesen Fällen sollen die Samoaner in Deutschland sich den Gesetzen und Verordnungen des Landes unterwerfen und allen anderen Verpflichtungen nachkommen, sowie dieselben Steuern, Beiträge oder Auflagen entrichten wie die eigenen Landesangehörigen. Ebenso sollen die Deutschen in Samoa sich nach den Gesetzen und Verordnung richten und die Steuern und Abgaben an die Samoa-Regierung zahlen, welche später zwischen den beiderseitigen Regierungen vereinbart werden mögen, jedoch sollen die deutschen Staatsangehörigen darin immer dieselben

Rechte und Vortheile in Samoa genossen, wie die Samoaner oder die Angehörigen der meistbegünstigten Nation.

Insbesondere sichert die Samoa-Regierung hierdurch den deutschen Staatsangehörigen den friedlichen Besitz aller Ländereien in Samoa zu, welche dieselben bisher in ordnungsmässiger und zu seiner Zeit gebräuchlicher Weise von Samoanern gekauft haben, und sind durch diese Bestätigung des Eigentumsrechts der deutschen Staatsangehörigen durch die Samoa-Regierung alle ferneren Anfechtungen in Bezug auf solche Ländereien ausgeschlossen. Es soll den Deutschen daher freistehen, alle ihre Ländereien in Samoa ungestört zu benutzen, Pflanzungen darauf anzulegen und die nöthigen Arbeitskräfte, sowohl zu diesem Zwecke wie im Allgemeinen für ihre Werften, Geschäftsplätze und Häuser heranzuziehen und zu verwenden.

Art. VII. Die Bestimmung der Gerichtsbarkeit, welcher die in Samoa sich aufhaltenden deutschen Staatsangehörigen und Schutzgenossen bei Rechtsstreitigkeiten unter sich, sowie in Bezug auf von ihnen gegen einander begangene Vergehen und Verbrechen unterworfen sind, bleibt der deutschen Regierung und deren Anordnungen überlassen, dagegen bleibt die Feststellung einer Gerichtsbarkeit und des Verfahrens in Bezug auf Rechtsstreitigkeiten zwischen den in Samoa sich aufhaltenden deutschen Staatsangehörigen und Schutzgenossen zwischen den Samoanern andererseits, sowie in Bezug auf Vergehen und Verbrechen der Angehörigen des einen vertragenden Theils gegen die des anderen, einer besonderen Vereinbarung zwischen den beiderseitigen Regierungen vorbehalten, einschliesslich der nöthigen Bestimmungen über die

Ausführung der Bestrafung der als schuldig überwiesenen Personen, sowie über die Anwendung des gegenseitig zuständigen Zeugenzwanges bei Gerichtsverfahren.

Itzzwischen, bis die beiderseitigen Regierungen solche Vereinbarung getroffen haben, sollen alle zwischen Deutschen und Samoanern in Samoa entstehenden Streitigkeiten in bisher gebräuchlicher Weise von dem deutschen Konsul oder dessen Stellvertreter in Gemeinschaft mit einem Beamten der Samoa-Regierung entschieden werden.

Art. VIII. Alle Gesetze und Verordnungen, welchen die in Samoa sich aufhaltenden deutschen Staatsangehörigen und Schutzgenossen sich zu unterwerfen, sowie alle Steuern und Abgaben, welche dieselben demgemäss der Samoa-Regierung zu entrichten haben, sollen von dem deutschen Konsul oder anderen zu dem Zwecke von der deutschen Regierung ernannten Personen zusammen mit Beamten der Samoa-Regierung berathen werden, ebenso alle zweckdienlichen Massregeln, um die Beobachtung solcher Gesetze und Verordnungen durch die Deutschen in Samoa herbeizuführen; jedoch sollen alle solche gemeinschaftlich von den Beamten der beiderseitigen Regierungen berathenen und vereinbarten Gesetze und Massnahmen erst nach erlangter Bestätigung derselben durch die deutsche Regierung in Kraft treten.

Etwaige Vereinbarungen jedoch, welche Beamte der beiderseitigen Regierungen mit Bezug auf Municipal-Einrichtungen oder Polizei-, Quarantaine- und Apia-Hafenverordnungen, sowie über ein Verbot oder die Regelung des Verkaufs oder der Abgabe von spiritüösen und berauschenden Getränken an Samoaner und Eingeborene von anderen Inseln des Stillen Ozeans durch

Deutsche in Samoa getroffen haben, sollen sofort von den deutschen Staatsangehörigen beobachtet werden und zwar so lange, als die deutsche Regierung die Bestätigung nicht versagt hat.

Die deutschen Staatsangehörigen sollen indess auch in allen diesen Fällen immer die gleichen Rechte und Vortheile wie die Samoaner oder die Angehörigen der meistbegünstigten Nation in Samoa geniessen und keinen Gesetzen oder Massnahmen unterworfen sein, wodurch sie den Angehörigen anderer Nationen in Samoa gegenüber zurückgesetzt oder benachtheiligt werden.

Art. IX. Ausser den in den vorstehenden Artikeln gedachten verschiedenen Vereinbarungen bleibt auch die Regelung der Civilstands- und anderer noch nicht berührter Verhältnisse der Angehörigen und Schutzgenossen des einen Staates während des Aufenthalts in dem Gebiete des anderen Theils, wie auch die Feststellung der Rechte, Befugnisse und Verpflichtungen der gegenseitigen Konsularvertretung und der in Bezug auf den Handel noch unerledigten Punkte, einer Vereinbarung der beiderseitigen Regierungen vorbehalten.

Art. X. Die Regierung von Samoa verspricht, im eigenen Lande keine Monopole, Entschädigungen oder wirklichen Vorrechte zum Nachtheile des deutschen Handels oder der Flagge und der Staatsangehörigen des Deutschen Reichs zu bewilligen.

Art. XI. Die Regierung von Samoa verspricht, dass sie der deutschen Regierung sowohl in Betreff aller in den vorhergehenden Artikeln dieses Vertrages berührten Gegenstände, wie auch überhaupt eben so viele Rechte zugestehen will, als den meistbegünstigten Nationen, und als den letzteren in Zukunft eingeräumt werden mögen.

Art. XII. Der gegenwärtige Vertrag wird vom Tage der Unterzeichnung ab in Kraft treten und Gültigkeit haben, vorbehaltlich dessen, dass derselbe wieder ungültig wird, falls die Ratifikation desselben seitens der deutschen Regierung innerhalb der Frist von vierundzwanzig Monaten, vom Tage der Unterzeichnung ab, nicht erfolgen sollte.

Art. XIII. Der gegenwärtige Vertrag, aus dreizehn Artikeln bestehend, soll ratifiziert und die Ratifikationen sollen sobald als möglich in Apia ausgetauscht werden.

Die Ratifikation seitens der Samoa-Regierung soll jedoch gleich nach Unterzeichnung dieses Vertrages erfolgen, und die betreffende Urkunde bis zur Ankunft der Ratifikation der deutschen Regierung im Kaiserlich deutschen Konsulat zu Apia verwahrt werden, mit der Bedingung, dass der Samoa-Regierung ihre Ratifikations-Urkunde zurückerstattet wird, im Falle die deutsche Regierung diesen Vertrag nicht innerhalb der festgesetzten Frist ratifizieren sollte.

Zu Urkund dessen haben die beiderseitigen Bevollmächtigten den gegenwärtigen Vertrag in doppelter Ausfertigung unterzeichnet und besiegelt.

So geschehen im Kaiserlich deutschen Konsulat zu Apia auf Upolu am vier und zwanzigsten Januar Achtzehnhundert neun und siebenzig.

von Werner.

Tuiä.

A. Weber.

Lemana.

Meisake.

PROTOKOLL ÜBER DIE SESSIONEN, WELCHE IM KAISERLICH DEUTSCHEN KONSULAT ZU APIA ZWECKS ABSCHLUSS EINES FREUNDSCHAFTSVERTRAGES ZWISCHEN DEUTSCHLAND UND SAMOA STATTFANDEN.

Es waren dabei gegenwärtig:

1. der Kaiserlich deutsche Korvetten-Kapitän Herr von Werner, Kommandant S. M. S. "Ariadne", als Bevollmächtigter Sr. Majestät des Deutschen Kaisers,
2. der Kaiserlich deutsche Konsul für Samoa und Tonga Herr Th. Weber, als Bevollmächtigter Sr. Majestät des Deutschen Kaisers,
3. der Häuptling Tuia, Mitglied der Taimua, als Bevollmächtigter der Taimua von Samoa, Excellenz,
4. der Häuptling Lemana, Mitglied der Taimua, als Bevollmächtigter der Taimua von Samoa, Excellenz,
5. der Unterstaatssekretär Meisake als Bevollmächtigter der Taimua von Samoa, Excellenz,
6. der Uebersetzer der Samoa-Sprache, J. M. Coe, als Hilfsübersetzer bei den Verhandlungen.

Die beiderseitigen Bevollmächtigten trafen am 22. Januar d. J. im Kaiserlich deutschen Konsulat zusammen, und nachdem dieselben einander ihre Vollmachten mitgetheilt und nach gegenseitiger Prüfung in guter und gehöriger Form gefunden hatten, legten die deutschen

Bevollmächtigten den samoanischen Bevollmächtigten einen in der samoanischen Sprache ausgefertigten Entwurf eines Vertrages vor, worüber dann zusammen berathen wurde.

Da die Berathungen an diesem Tage nicht zum Schluss kamen, wurden dieselben am nächsten Tage, den 23. Januar, von den beiderseitigen Bevollmächtigten fortgesetzt, worauf dieselben sich über einen Freundschaftsvertrag einigten und die Ausfertigung desselben in zwei Exemplaren, jedes in der deutschen und samoanischen Sprache, beschlossen.

Am 24. Januar trafen die beiderseitigen Bevollmächtigten wieder im Kaiserlich deutschen Konsulat zusammen und unterzeichneten und unterschrieben den abgeschlossenen Freundschaftsvertrag zum Zeichen ihrer Genehmigung in zwei Exemplaren in deutscher und Samoa-Sprache, wovon eins den samoanischen Bevollmächtigten übergeben wurde.

Die samoanischen Bevollmächtigten versprachen, den abgeschlossenen Vertrag der Samoa-Regierung sofort zwecks Ratifizierung vorzulegen.

So geschehen in zwei gleichlautenden Ausfertigungen im Kaiserlich deutschen Konsulat zu Apia, am 24. Januar 1879.

von Werner.

Th. Weber.

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1. TREATY OF FRIENDSHIP BETWEEN GERMANY AND SAMOA.—
SIGNED AT APIA, JANUARY 24, 1879.

(Translation.)

Treaty of Friendship between His Majesty the German Emperor, King of Prussia, &c., in the name of the German Empire, and their Excellencies the Gentlemen of the Taimua, in the name of the Government of Samoa.

His Majesty the German Emperor, King of Prussia, &c., in the name of the German Empire, of the one part, and their Excellencies the Gentlemen of the Taimua, in the name of the Government of Samoa, of the other part, being desirous mutually to further and cement their amicable relations and their interests, have decided to conclude a Treaty of Friendship. For this purpose they have appointed as their Plenipotentiaries, that is to say:

His Majesty the German Emperor, King of Prussia, &c., His Majesty's Captain (of corvette) Carl Bartholomæus von Werner, commanding His Majesty's corvette *Arvadæ*, Knight of the Order of the Royal Crown of the third class, and of the Order of the Red Eagle of the fourth class; and His Majesty's Consul for Samoa and Tonga, Theodor August Ludwig Weber; and Their Excellencies the Gentlemen of the Taimua of Samoa, Tuiā, Member of the Taimua, and Lemana, Member of the Taimua, and Meisake, Under-Secretary of State; Who, after communicating to each other their full powers, which were found to be in good and due form, have agreed upon the following Articles:—

ART. I. There shall be peace and perpetual friendship between the German Empire of the one part and Samoa of the other part, and also between their respective subjects without distinction of persons and places.

ART. II. The subjects of both Contracting Parties shall enjoy in both countries the most perfect and perpetual protection of their persons and property, and furthermore Germans in Samoa and Samoans in Germany shall be exempt from all war contributions, military requisitions or military services, and especially the Germans in Samoa shall be exempt from occupation of their houses, lands, and plantations by war parties.

ART. III. The Germans who reside (sojourn) in Samoa, and the Samoans who reside (sojourn) in Germany shall enjoy perfect liberty of conscience and religious worship, and they shall not in any way be molested, annoyed, or disturbed on account of their religious faith or on account of the celebration of religious worship in their houses or churches. The subjects of both countries shall also have the right of burying their countrymen who may die in Germany or Samoa in place which they have acquired and established for that purpose, and the burial services corresponding to their religious customs shall not in any way be disturbed, nor the graves be damaged or destroyed on any account. In all these cases the Samoans in Germany have to submit to the laws and regulations of the country, and to observe the respective manners and customs, as also the religious propriety. The Germans in Samoa shall be held in that respect to observe such laws and regulations as may be in future agreed upon between

the two Governments, but meanwhile they shall not do anything which would trespass upon the laws and regulations of their own country.

ART. IV. There shall be full freedom of commerce for German subjects in all parts and places of Samoa; they may enter unpreventedly with their vessels and cargoes of whatsoever kind into all places, harbours, and waters of Samoa, sell the cargoes of their vessels, and land and store them, and they may also send off produces of the country or articles of any other kind belonging to them for loading their vessels. The German subjects shall not pay any taxes or duties, or be submitted to any restrictions with regard to their vessels and cargoes which arrive or depart, or with regard to the pursuit of commerce, as long as such have not been especially agreed upon between the two Governments; but also in this case the German subjects shall always enjoy in Samoa the same rights and advantages as the Samoans or the subjects of the most favoured nation.

ART. V. German ships of war shall be at liberty to enter into the harbour of (called) Saluafata, to anchor and remain there to take in supplies and to repair, and the German Government shall furthermore be at liberty to make there at its own pleasure all such contrivances or arrangements that may be useful for German ships of war and their officers and crews. The Samoan Government also agrees that the German Government may erect buildings on the shores of the said harbour for storing therein coal or any other supplies for the German ships of war and their officers and crews. The German Government shall also be at liberty to

hoist their flag on the ground where the station buildings will be erected, but the sovereignty of the Government of Samoa over the harbour of Saluafata shall not in any way be abridged or prejudiced thereby; on the other hand, the Samoan Government promises also not to do anything whereby the rights granted in this Article to the German Government may in any way be prejudiced or made valueless. The harbour of Saluafata shall not be closed on account of the rights granted by this Article to the German Government to the naval or mercantile ships of any such other nations for whom the Samoan Government keep their other ports opened, but the Government of Samoa shall not grant to any other nation such rights with respect to the harbour of Saluafata and its shores as those granted to the German Government. German ships of war shall furthermore be at liberty to enter into all other places, harbours, and waters of Samoa, to anchor and remain there to take in supplies and repair in accordance with such laws as may be agreed upon in future between the two Governments, and the Samoan Government also promises hereby that they will not in any way grant any privileges to any other nation before the German Government with respect to the harbour of Apia and its shores, but that the German Government shall always enjoy also in that respect the same rights as other nations.

ART. VI. The subjects of each of the two Contracting Parties may reciprocally with full liberty proceed to every part of their respective territories, undertaking voyages and journeys, taking up their residence and carrying on commerce or trades; they may buy or rent there

premises and lands, cultivate and use them, and erect thereon houses, warehouses, and stores and shops. In all these cases the Samoans in Germany have to submit to the laws and regulations of the country, and to pay the same taxes, duties, and charges as the subjects belonging to the country. Likewise the Germans in Samoa shall observe such laws and regulations, and pay such taxes and duties to the Samoan Government, as may hereafter be agreed upon between the two Governments; but the German subjects shall therein always enjoy in Samoa the same rights and advantages as the Samoans or the subjects of the most favoured nation. Especially does the Samoan Government hereby guarantee to the German subjects peaceable possession of all lands in Samoa which they have hitherto bought from Samoans in a regular manner and in accordance with the custom at the time, and all further interference with regard to such lands is therefore excluded by this confirmation by the Samoan Government of the ownership of the German subjects. The Germans shall therefore be at liberty to make use of all their lands in Samoa without interference, to establish plantations thereon, and to procure and employ the necessary labourers as well for such purpose as also in general for their wharves, business premises, and houses.

ART. VII. It remains with the German Government to determine the jurisdiction to which German subjects and their clients who reside (or sojourn) in Samoa have to submit with regard to disputes between them or to offences and crimes committed against each other; but the determination of a jurisdiction and of proceedings with reference to disputes between German

subjects and their clients residing (or sojourning) in Samoa of the one part, and Samoans of the other part, as well as with reference to offences and crimes committed by the subjects of one of the Contracting Parties against those of the other, is reserved for an especial agreement between the two Governments, including the necessary regulations with regard to the execution of the punishment of such persons who have been convicted, and also with regard to mutual competency of applying compulsion for the appearance of witnesses at legal proceedings (trials). Meanwhile until the two Governments have thus agreed, all disputes arising between Germans in Samoa and Samoans shall be decided in the manner hitherto customary by the German Consul or his substitute in conjunction with an officer of the Samoan Government.

ART. VIII. All laws and regulations which the German subjects and their clients residing (or sojourning) in Samoa will have to submit to, as well as all taxes and charges which they will have to pay accordingly to the Samoan Government, shall be deliberated upon between the German Consul or other persons appointed for that purpose by the German Government and officers of the Samoan Government, also all useful measures to bring about the observance of such laws and regulations by Germans in Samoa; but all such laws and measures which have been deliberated and agreed upon between the officers of the two Governments shall only come into force after obtaining the confirmation of the German Government. But any agreements which the officers of the two Governments have come to with regard to municipal arrangements or police, quarantine and Apia Harbour regulations, or with reference to a pro-

hibition or regulation of the sale and supply of spirituous and intoxicating liquors to Samoans and natives from other islands of the Pacific Ocean by Germans in Samoa, shall at once be observed by the German subjects in Samoa, and as long as the German Government has not refused the confirmation of the same. But also in all these cases German subjects shall always enjoy in Samoa the same rights and advantages as the Samoans or the subjects of the most favoured nation, and they shall not be submitted to any laws or measures whereby they are disregarded and prejudiced or injured in comparison to the subjects of other nations in Samoa.

ART. IX. Besides those different agreements mentioned in the preceding Articles, it shall also be reserved to an agreement between the two Governments to regulate the civil status or position or other matters not yet alluded to concerning the position of the subjects and clients of the one party during their stay in the dominions of the other party, as also the determination of the rights, competencies, and obligations of mutual Consular representation, and all matters concerning the commerce which have not yet been settled.

ART. X. The Government of Samoa promises not to grant in their own country any monopolies, indemnities, or real advantage of German commerce or of the flag and the subjects of the German Empire.

ART. XI. The Government of Samoa promises to grant the German Government as many rights as the most favoured nation as well in respect to all matters alluded to in the preceding Articles of this Treaty as also generally and as may be granted to any other nation in future.

ART. XII. The present Treaty shall come into force and become valid from the day of the signing the same, but reserving that the same becomes invalid again in case its ratification on the part of the German Government should not take place within the space of 24 months from the date of its execution.

ART. XIII. The present Treaty, consisting of 13 Articles, shall be ratified, and its ratification be exchanged in Apia as soon as possible. The ratification on the part of the Government of Samoa shall take place at once after execution of this Treaty, and the respective document shall be kept at the Imperial German Consulate at Apia until the arrival of the ratification of the German Government, under the condition that their deed of ratification shall be returned to the Samoan Government in case the German Government should not ratify this Treaty within the stipulated time.

In witness whereof the Plenipotentiaries of the two Governments have signed and sealed this Treaty in two documents of the same tenour.

Done at the Imperial German Consulate at Apia on the 24th day of January, in the year 1879.

(L. S.) VON WERNER.

(L. S.) TH. WEBER.

(L. S.) TUJA.

(L. S.) LEMANA.

(L. S.) MEISAKKE.

二 「サモア」各地ノ酋長及支配者ニ對シ内亂ヲ起サザルベ
キ旨ノ勸告ヲ與フル英國、獨國及合衆國代表者ノ通告

千八百七十九年七月二日「アヒア」ニ於テ

2. ADDRESS OF THE BRITISH, GERMAN, AND UNITED STATES' REPRESENTATIVES
TO THE CHIEFS AND RULERS OF THE DIFFERENT DISTRICTS OF SAMOA,
ADVISING THEM NOT TO ENGAGE IN CIVIL WAR.—APIA, JULY 2, 1879.

We, the Consuls of foreign Powers, and the Commanders of men-of-war now in Apia, wish to address to the contending parties in Samoa some words of warning and of advice.

It is with great distress we view the preparations for war now being made. We would willingly see you living peacefully together under a Government recognized, respected, and obeyed by all; but as such a Government does not at present exist, we desire to make clear our position and intention to both parties alike.

We recognize the Government of either party only over such persons and lands as it may be able to control, but we do not recognize the Government of either party as the Government of the Samoan Islands, inasmuch as neither party exercises any governmental functions beyond the limits of the recognized territory of that party.

We intend strictly to enforce, without respect of parties, the neutrality of the Apia district according to the boundaries already laid down.

We also insist on respect being paid to all land in the occupation of, or cultivated by, foreigners, and all property thereon owned by foreigners. As you have already received notice, such lands and property will be marked by a white flag or the national flag of the owner.

Would you determine on war, neither party will receive any assistance from us or the Governments we represent.

Before appealing to arms for the settlement of your disputes, we urge on you fully to consider the evils which must result therefrom both to your country and your race. Many of you will have to part with your lands to foreigners in order to buy arms and ammunition with which to kill one another. Your homes will be desolated, your houses and gardens destroyed. All this destruction may still be without result, and even should one party conquer, it will be at the expense of much of their own land and the lives of many of your fellow-countrymen.

We therefore pray you to consider well the course you will take, and warn you not to listen to the words of foreigners who may have interest in the success of one side or the other; such persons have no authority or support from us or from our Governments.

We will willingly assist as mediators between you should any arrangement be possible by which war may be averted; but we will not accept the position of arbiters in disputes which are Samoan in their origin, and which we think can only be settled satisfactorily by Samoans alone.

We will hail with pleasure the day when your strife shall cease and you can live in peace under a Government respected and obeyed by Samoans and foreigners alike.

R. CHANDLER, Captain United States' Navy, commanding
United States' ship *Lackawanna*.
DEINHARD, Commander Imperial German Navy, commanding
His Imperial German Majesty's ship *Bismarck*.
ALFRED P. MAUDSLAY, Her Britannic Majesty's Acting Con-
sul-General.
TH. WEBER, Imperial German Consul.
ROBT. S. SWANSTON, Her Britannic Majesty's Acting Consul.
THOMAS M. DAWSON, United States' Consul.

Apia, Samoa, July 2, 1879.

三 英國竝ニ「サモア」國王及政府（「マロ」）間ノ修好條約（假譯）

千八百七十九年八月二十八日「アピア」ニ於テ署名
千八百八十年八月二十七日「ムウリーヌ」ニ於テ批准書交換

「グレート、ブリテン」「アイルランド」聯合王國皇帝陛下竝ニ「サモア」國王及政府（「マロ」）ハ各
其ノ領土及臣民間ノ友好關係ノ樹立ヲ希望スルニ因リ之ガ爲條約ヲ締結スルコトニ決シ左ノ如ク其ノ
全權委員ヲ任命セリ

「グレート、ブリテン」「アイルランド」聯合王國皇帝陛下

西部太平洋高等委員兼總領事、「フィジー」島知事「ゼ、オノラブル、アーサー、ハミルトン、ゴ
ルドン」

西部太平洋委員代理「アルフレッド、バーシバル、モーズレー」

「サモア」國王及政府（「マロ」）

會長「マリエトア、ローベズ」

會長「サガ」

右各全權委員ハ其ノ全權委任狀ヲ示シタル後左ノ諸條ヲ協定セリ

第一條

英國皇帝陛下ノ臣民ト「サモア」國臣民トノ間ニハ永久ニ平和及友好關係アルベシ

第二條

「サモア」國王及政府ハ他ノ元首若ハ國家ニ對シテ英國皇帝陛下ニ對シ許與シ又ハ許與スルコトアルベキ所ヨリ以上ニ「サモア」ニ於テ如何ナル權利、特權、權能又ハ優位の地位ヲモ許與セザルコトヲ約ス

英國皇帝陛下ノ臣民ハ「サモア」ニ於テ最惠國ノ臣民ニ許與セラルベキ如何ナル權利、特權及免除ヲモ常ニ享有スベク且英國皇帝陛下ノ臣民ニ對シテ均等且無條件ニ許與セラレザル權利、特權及免除ハ如何ナル外國ノ臣民ニ對シテモ許與セラレザルベシ

第三條

通商、貿易及農業ノ自由營業ニ對シ英國皇帝陛下ノ臣民ハ完全ナル自由ヲ保障セラルベク且現在迄ニ「サモア」國臣民ヨリ英國臣民ガ慣習的及正規ノ方法ニ於テ購入セル土地ノ平和的占有ニ對シテモ同様タルベシ而シテ前記購入ニ付紛議生ジタル場合ニハ右ハ「サモア」國政府ノ任命セル一人ト英國皇帝陛下ノ領事ノ任命セル一人トヨリ成ル委員會之ヲ決定スベシ委員會ノ意見一致セザル場合ニハ委員ハ一人ノ仲裁者ヲ選出スベク委員ガ選出シ得ザルトキハ英國皇帝陛下ノ總領事ガ前記仲裁者ヲ任命スベシ「サモア」在留ノ全英國臣民ハ戰時ノ取立金、軍事徵發並ニ右臣民ノ家屋及土地ノ軍隊ニ依ル占

據ヲ免カルベシ

第四條

「サモア」ニ於ケル英國皇帝陛下ノ臣民ガ英國法規ニ依リ認めラルル刑事犯罪ニ付告訴セラレタルトキハ斯ノ如キ告訴ハ英國皇帝陛下ノ西部太平洋島嶼高等委員又ハ之ガ爲英國皇帝陛下ニ依リ正式ニ權能ヲ付與セラレタル官憲ニ依リ審理セラルベシ本條ニ於ケル「英國法規」ナル辭句ハ英國皇帝陛下ノ西部太平洋島嶼高等委員ニ依リ其ノ管轄區域内ノ英國臣民統治ノ爲ニ正式ニ制定セラレ且公布セラレタル規則ヲ含ムモノトス

第五條

英國皇帝陛下ノ臣民ニ對シ「サモア」ニ於テ提起セラルルコトアルベキ一切ノ民事訴訟ハ英國皇帝陛下ノ高等委員又ハ前記ノ正式ニ權能ヲ付與セラレタル英國官憲ニ提示セラレ且審理セラルベシ

第六條

英國皇帝陛下ノ高等委員又ハ前記ノ正式ニ權能ヲ付與セラレタル英國官憲ノ前ニ證人トシ出頭スベキ召喚狀又ハ拘引狀ニシテ「サモア」國臣民ニ向ケラレタルモノハ英國皇帝陛下ノ臣民ニ向ケラレタル召喚狀又ハ拘引狀ト同等ノ權威ヲ有シ且同様ニ執行セラルベシ

第七條

英國皇帝陛下ハ將來英國皇帝陛下ノ政府ト「サモア」國政府トノ間ノ合意ニ依リ協定セララルガ如キ「サモア」國ノ現存ノ國法及警察法規ノ英國臣民ニ依ル遵奉ヲ強行セシムル爲竝ニ英國臣民ニ依ル檢疫ノ正當ナル遵奉ノ爲ニ規則ヲ發布セシムルコトヲ約ス

第八條

英國皇帝陛下ハ適當ト認ムルトキハ將來英國皇帝陛下ニ依リ選定セララルベキ「サモア」港灣ノ海岸ニ鎮守府及石炭貯藏所ヲ設置スルヲ得ベシ然レドモ本條項ハ「アピア」若ハ「サルアフアタ」ノ港灣又ハ千八百七十八年一月十七日「アメリカ」合衆國「サモア」國政府間ニ締結セラレタル條約ノ規定ニ從ヒ「アメリカ」合衆國政府ニ依リ今後鎮守府トシテ選定セララルコトアルベキ「バゴバゴ」ノ港灣ノ部分ニハ之ヲ適用セザルベシ

第九條

本條約ハ署名ノ日ヨリ實施セララルベシ但シ規定ノ期間内ニ批准セラレザルトキハ再ビ無効ト爲ルベシ

第十條

十箇條ヨリ成ル本條約ハ批准セララルベク批准書ハ署名ノ日ヨリ一年以内ニ「アピア」ニ於テ交換セラ
ルベシ

右證據トシテ各全權委員ハ本條約ニ署名調印セリ

千八百七十九年八月二十八日「アピア」ニ於テ作成ス

- アーサー、ゴルドン (印)
- アルフレッド、ビー、モーズレー (印)
- マリエトア、ローベバ (印)
- サガ、ル、アウアウナ (印)

3. TREATY OF FRIENDSHIP, &c., BETWEEN GREAT BRITAIN AND THE KING
AND GOVERNMENT (MALO) OF SAMOA.—SIGNED AT
APIA, AUGUST 28, 1879.

(Ratifications exchanged at Mulinnu, August 27, 1880.)

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the King and Government (Malo) of Samoa, being desirous to establish relations of friendship between their respective dominions and subjects, have resolved to conclude a Treaty for that purpose, and have therefore named as their Plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, &c., the Honourable Sir Arthur Hamilton Gordon, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Her Majesty's High Commissioner and Consul-General for the Western Pacific, Governor of Fiji; and Alfred Percival Maudslay, Esq., one of Her Majesty's Deputy Commissioners for the Western Pacific; and

The King and Government (Malo) of Samoa, the High Chief Malietoa Laupapa, and the High Chief Saga;

Who, after having communicated to each other their respective full powers, have agreed upon and concluded the following Articles:—

ART. I. There shall be perpetual peace and friendship between the subjects of Her Britannic Majesty and those of the Samoan State.

ART. II. The King and Government (Malo) of Samoa engage to grant to no other Sovereign or State any rights, privileges, authority, or predominance in Samoa in excess of such as are or may be accorded to Her Britannic Majesty. The subjects of Her Britannic Majesty shall always enjoy in Samoa whatever rights, privileges, and immunities shall be granted to those of the most favoured nation, and no rights, privileges, or immunities shall be granted to the subjects of any foreign State that shall not be equally and unconditionally accorded to the subjects of Her Britannic Majesty.

ART. III. Full liberty for the free pursuit of commerce, trade, and agriculture is guaranteed to British subjects, as well as the peaceable possession of all lands heretofore purchased by them from Samoans in a customary and regular manner, and in the event of any dispute arising as to the fact of such purchase, it shall be determined by a Commission, to consist of one person nominated by the Samoan Government (Malo), and one nominated by Her Britannic Majesty's Consul; and in the event of their disagreement, they shall themselves select an umpire; or, if they fail to do so, such umpire shall be appointed by Her Majesty's Consul-General. All British subjects resident in Samoa shall be exempt from war contributions, military requisitions, and occupation of their houses and lands by war parties.

ART. IV. If any subject of Her Britannic Majesty in Samoa is charged with a criminal offence cognizable by British law, such charge shall be tried by Her Britannic Majesty's High Commissioner for the Western Pacific Islands, or other British officer duly authorized by Her

Britannic Majesty in that behalf. The expression "British law" in this Article includes any rules duly made and issued by Her Britannic Majesty's High Commissioner for the Western Pacific Islands, for the government of British subjects within his jurisdiction.

ART. V. Every civil suit which may be brought in Samoa against any subject of Her Britannic Majesty shall be brought before, and shall be tried by, Her Britannic Majesty's High Commissioner, or such other British officer duly authorized as aforesaid.

ART. VI. Every summons or warrant to appear as a witness before Her Britannic Majesty's High Commissioner, or such other British officer duly authorized as aforesaid, and directed to a Samoan subject, shall have the same authority, and may be enforced in like manner, as if such summons or warrant had been directed to a subject of Her Britannic Majesty.

ART. VII. Her Britannic Majesty engages to cause regulations to be issued to enforce the observance by British subjects of such of the existing Municipal Laws and Police Regulations of Samoa as may be hereafter agreed upon by agreement between the Government of Her Britannic Majesty and that of the Samoan State, and for the due observance of quarantine by British subjects.

ART. VIII. Her Majesty the Queen of Great Britain may, if she think fit, establish on the shores of a Samoan harbour, to be hereafter designated by Her Majesty, a naval station and coaling depot; but this Article shall not apply to the harbours of Apia or Saluafata, or to that part of the harbour of Pago-Pago which may be hereafter selected by the Government of

the United States as a station under the provisions of the Treaty concluded between the United States of America and the Samoan Government, on the 17th day of January, in the year 1878.

ART. IX. The present Treaty shall come into force from the date thereof, but shall again become null and of no effect if not ratified within the prescribed period.

ART. X. The present Treaty, consisting of 10 Articles, shall be ratified, and the ratifications exchanged at Apia within one year from the date thereof.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their seals.

Done at Apia, the 28th day of August, in the year of Our Lord 1879.

(L. S.) ARTHUR GORDON.

(L. S.) ALFRED P. MAUDSLAY.

(L. S.) MALIETOA LAUPEPA.

(L. S.) SAGA IE AUAUNA.

四 「アピア」町及地方ノ政治ニ關スル英國(獨國、合衆國)並ニ
「サモア」國王及政府間協定(假譯)

千八百七十九年九月二日「アピア」ニ於テ署名
千八百八十年八月二十七日「ムリヌウ」ニ於テ批准書交換

「グレート、ブリテン」「アイルランド」聯合王國皇帝陛下並ニ「サモア」國王及政府ハ「アピア」町及地方ニ於ケル良好ナル政治、同地ニ於ケル平和及秩序ノ維持並ニ「サモア」國ニ不幸國內紛争發生スル場合ノ中立維持ノ爲ニ準備ヲ爲サンコトヲ希望シ之ガ爲協定ヲ締結スルコトニ決シ其ノ全權委員ヲ任命セリ

「グレート、ブリテン」「アイルランド」聯合王國皇帝陛下

西太平洋高等委員兼總領事、「フィジー」島知事「サー、アーサー、ハミルトン、ゴルドン」

西太平洋委員代理「アルフレッド、バーシヴァル、モーズレイ」

「サモア」國王及政府

會長「マリエトア、ラウベバ」

會長「サガ」

右全權委員ハ「アピア」駐在他國代表者即チ

獨國軍艦「アルバトロス」艦長、海軍少佐「エフ、メンシング」
 「サモア」及「トンガ」駐在獨國領事「テオドール、ウーバー」
 合衆國船「ラッカワナ」船長、海軍大佐「アール、チャンドラー」
 「アピア」駐在「アメリカ」合衆國領事「トーマス、エム、ドーン」
 ト會同協議シタル後「サモア」國ト條約關係ニ入り共同シテ左ノ諸條ヲ協定セリ

第一條

左ノ限界即チ「ヴァイロア」ヲ起點トシ海岸ニ沿ヒテ「フルナサ」河口ニ至リ夫ヨリ「フルナサ」川ニ沿ヒ「アラフアラ」道路ト同川ノ交叉點ニ至リ夫ヨリ同道路ニ沿ヒテ「ヴァイシゴ」川トノ交叉點ニ至リ夫ヨリ直線ヲ以テ「ヴァイロア」ノ起點ニ至ル限界内ニ包含セラルル地域ヲ以テ「アピア」町及地方ヲ構成シ右名稱ヲ用マルモノトス「アピア」港灣ノ水域モ亦右地域ニ含マルモノトス

第二條

右ノ町及地方ハ「サモア」國ト條約關係ヲ結ビタル諸國ノ「アピア」駐在領事ヲ以テ組織スル市政局ノ管理ノ下ニ在ルモノトス「サモア」國ニ領事ヲ置ク國ノ代表者ハ將來市政局ニ參加スベク今後同局ノ決議發表スベキ規則ニ定ムル方法ニ於テ選出セラレ且其ノ職務ヲ行フベキモノトス

第三條

市政局ハ前記地域ニ於ケル警察及秩序、公共事業、衛生規則、許可證發給、港灣規則實施、「サモア」人及其ノ他ノ太平洋島嶼人ニ對スル酒精飲料水ノ賣却及供給ノ防止其ノ他同様ノ事項ニ關シ規則及細則ヲ制定シ實施スル權限ヲ有スベク右規則ハ前記地域内ノ總テノ人ニ對シテ其ノ效力ヲ有スベク罰則トシテ二百弗ヲ超エザル罰金、六月ヲ超エザル懲役又ハ右ノ罰金及懲役ヲ之ニ附スルコトヲ得ベシ

第四條

「アピア」市政局ハ前條ヨリ生ズル費用支辨ノ爲「アピア」地域内ノ家屋又ハ土地占有者ニ對シ其ノ推定使用料額ニ基キ算出セル右土地家屋ノ毎年ノ評價價格ニ對シ毎年五分又ハ右財産ノ實質價格ニ對シ毎年一分ヲ超エザル税金ヲ課スコトヲ得ベシ

第五條

市政局ノ規則ニ對スル違犯ハ其ノ何人タルヲ問ハズ市政局ノ任命スル司法官之ヲ裁判スベシ

第六條

「アピア」在住ノ締約國臣民又ハ人民ニシテ自國ノ法律違反ニ因リ訴追セララルル場合ハ同人所屬國ノ立法ノ定ムル裁判管轄ニ依リ又ハ同國及「サモア」國間締結ノ條約ノ規定ニ依リ裁判スベシ

第七條

市ノ規則ニ對スル違反ヲ除キ「アピア」地域内ニ於テ犯罪ニ因リ訴追セラレタル「サモア」人ハ總テ

第五條ノ規定ニ依リ任命セラルル司法官及「サモア」人司法官共同ノ裁判ニ附セラルベシ

第八條

前記諸條ハ「サモア」國ノ領土的保全ヲ侵害スルモノニ非ズ「サモア」國旗ハ市政局ノ恒久的ナル會
合所ニ掲ゲラルベシ

第九條

内亂ノ場合ニ於テハ「アピア」ノ町及地方並ニ「アピア」ノ町及地方ト「レトゴ」、「ティアベベ」、「ポイ
ント」及「シウセガ」トノ境界ノ間ノ近接地域ハ中立地帯ト認メラルベク市政局ハ前記中立ノ支援及
維持ノ爲必要ト思料セラルル規則ヲ制定シ發布スルコトヲ得ベシ

第十條

本協定ハ署名ノ日ヨリ四年ノ終ニ於テ改正セラルベク幸ニ「サモア」ノ國內情勢ガ「サモア」在住外
國人ノ利益ヲ侵害スルコトナク之ヲ許スニ於テハ本協定ニ依リ「アピア」市政局ニ付與セシ權限ハ終
止スベク前記地域ハ再ビ「サモア」國政府又ハ「サモア」國政府及締約國間ニ協定セラルベキ官憲ノ
支配及權限ノ下ニ置カルベキモノトス

第十一條

獨國政府代表者ハ去ル一月二十四日獨國皇帝陛下及「サモア」國政府間締約條約第八條ニ依リ付與セ

ラレタル權限ニ基キ同條ノ條件ノ下ニ獨國政府ノ爲ニ本協定ニ參加シ且合意ス

第十二條

合衆國政府代表者ハ政府ノ承認ヲ條件トシテ合衆國政府ノ爲ニ假ニ本協定ニ參加シ且同意ス

第十三條

本協定ハ批准セラルベク批准書ハ署名ノ日ヨリ一年内ニ「アピア」ニ於テ交換セラルベシ
右證據トシテ吾々ハ本協定ニ署名調印セリ
千八百七十九年九月二日「アピア」ニ於テ作成ス

アーサー、ゴルドン (印)

アルフレッド、ビー、モーズレイ (印)

海軍少佐 エフ、メンシング (印)

獨國領事 ティ、ウエーバー (印)

合衆國船「ラッカワナ」船長、海軍大佐 アール、チャンドラー (印)

トーマス、エム、ドーン (印)

マリエトア、ラウベバ (印)

サガ、レ、アウアウナ (印)

4. CONVENTION BETWEEN GREAT BRITAIN, (GERMANY, THE UNITED STATES,) AND THE KING AND GOVERNMENT OF SAMOA, FOR THE GOVERNMENT OF THE TOWN AND DISTRICT OF APIA,—SIGNED AT APIA, SEPTEMBER 2, 1879.

(Ratifications exchanged at Mulinnu, August 27, 1880.)

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the King and Government of Samoa, being desirous to make better provision for the good government of the town and district of Apia, and the preservation of peace and good order therein, as well as for the maintenance of its neutrality, should internal disturbances unhappily take place in the Samoan State, have determined to conclude a Convention for that purpose, and have named as their Plenipotentiaries:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, &c., the Honourable Sir Arthur Hamilton Gordon, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Her Majesty's High Commissioner and Consul-General for the Western Pacific, Governor of Fiji; and Alfred Percival Maudslay, Esquire, one of Her Majesty's Deputy Commissioners for the Western Pacific;

And the King and Government of Samoa, the High Chief Malietoa Laupepa; and the High Chief Soga;

Who, having met and conferred with the Representatives at Apia of other nations having entered into Treaty relations with Samoa, that is to say, Corvetten-Captain F. Mensing, Imperial German Navy, commanding His Imperial German Majesty's gunvessel *Albatross*; Theodor Weber, Esquire, Imperial German Consul for Samoa and Tonga; Captain R. Chandler, United States' Navy, commanding the United States' ship *Lackawanna*; and Thomas M. Dawson, Esquire, Consul of the United States of America at Apia, have, in conjunction with them, agreed upon and concluded the following Articles:—

ART. I. The space comprised within the following limits, that is to say, commencing at Vaioa, passing thence along the coast to the mouth of the Fulhasa River, thence up the course of the River Fulhasa to the point at which the Alafuala road crosses such river, thence along the said road to the point where it reaches the River Vaisigo, and thence, in a straight line, to the point of commencement at Vaioa, shall constitute and be known as the town and district of Apia. The waters of the harbour of Apia are also comprehended within the district.

ART. II. Such town and district shall be placed under the government of a Municipal Board, consisting of those foreign Consuls resident in Apia whose nations have entered into Treaty relations with Samoa. Representatives of every such nation, having a Consul in Samoa, shall, at a future period, be added to the said Board, and shall be chosen in such manner and exercise such functions as may be provided by regulations to be hereafter agreed upon and published by the said Board.

ART. III. The Municipal Board shall have power to make and enforce regulations and bye-laws with regard to police and good order, public works, sanitary regulations, the issue of licences, the imposition of harbour regulations, the prevention of the sale and supply of spirituous liquors to Samoans and other islanders of the Pacific Ocean, and other similar matters, within the said district, and such regulations shall be binding upon all persons within the said district, and may be enforced by penalties not exceeding 200 dollars fine, or imprisonment with hard labour for a period not exceeding six months, or both fine and imprisonment not exceeding the beforementioned penalties.

ART. IV. The Municipal Board of Apia may, for the purpose of defraying expenses incurred under the above Article, levy rates upon the occupiers of houses or lands within the district of Apia, not exceeding 5 per cent. annually, on the annual assessed value of such premises as calculated on the presumed rental valuation thereof, or 1 per cent. annually on the real value of such property.

ART. V. All offences against the regulations of the Municipal Board, by whomsoever committed, shall be tried by a magistrate to be appointed by the Board.

ART. VI. If a subject or citizen of any of the Contracting Parties in Apia be charged with an offence against the laws of his own country, he shall be tried according to the jurisdiction provided therefor by the legislation of the nation to which he belongs, or according to the stipulations of the Treaty concluded between his nation and Samoa.

ART. VII. Every Samoan subject charged with a criminal offence within the limits of

the district of Apia, other than an offence against the municipal regulations, shall be liable to trial by the magistrate appointed under the provisions of Article V, in conjunction with a Samoan magistrate.

ART. VIII. The foregoing Articles shall in no way prejudice the territorial integrity of Samoa, and the Samoan flag shall be hoisted at such place of meeting of the Municipal Board as may be permanently adopted.

ART. IX. In case of civil war, the town and district of Apia, and the adjacent districts comprised between the boundaries of the town and district of Apia and Letogo, Tiapepe Point, and Siusega, shall be considered as neutral territory, and the Municipal Board may frame and issue such regulations as may be considered necessary for the support and maintenance of such neutrality.

ART. X. The present Convention shall be revised at the end of four years from its date, and if the internal state of Samoa at that time will happily admit thereof, without prejudice to the interests of foreign residents in Samoa, the powers conferred by the present Convention upon the Municipal Board of Apia shall cease and determine, and the district again pass under the control and authority of the Samoan Government, or such other authority as may be agreed upon between the Samoan Government and the High Contracting Parties.

ART. XI. The Representatives of the Imperial German Government, in virtue of the powers accorded to them by Article VIII of the Treaty concluded between His Imperial Majesty the German Emperor and the Government of Samoa on the 24th day of January last past,

accede and agree to the present Convention, on behalf of the Imperial German Government, subject to the conditions of the said Article.

ART. XII. The Representatives of the United States' Government provisionally accede and assent to the present Convention, on behalf of the Government of the United States, subject to the approval of that Government.

ART. XIII. The present Convention shall be ratified, and the ratifications exchanged at Apia within one year from the date thereof.

In witness whereof we have signed the same and affixed thereto our seals.
Done at Apia, this 2nd day of September, in the year of our Lord 1879.

- (L. S.) ARTHUR GORDON.
- (L. S.) ALFRED P. MAUDSLAY.
- (L. S.) F. MENSING, Corvetten-Captain.
- (L. S.) T. WEBER, Imperial German Consul.
- (L. S.) R. CHANDLER, Captain, United States' Navy, Commanding United States' ship *Lachawanna*.
- (L. S.) THOMAS M. DAWSON.
- (L. S.) MALIETOA LAUPEPA.
- (L. S.) SAGA LE AUAUNA.

五 「アピア」市政局ニ關スル千八百七十九年九月二日ノ協定

延長ニ關スル英國、獨國、合衆國及「サモア」國間協定(假譯)

千八百八十三年九月二十九日「サモア」ニ於テ署名

千八百七十九年九月二日「サモア」國ト條約關係ヲ有スル三國代表者竝ニ「サモア」國王及政府間ニ締結セル協定ハ其ノ第十條ニ左ノ通規定セルニ因リ

「本協定ハ署名ノ日ヨリ四年ノ終ニ於テ改正セラルベク幸ニ「サモア」ノ國內情勢ガ「サモア」在住外國人ノ利益ヲ侵害スルコトナク之ヲ許スニ於テハ本協定ニ依リ「アピア」市政局ニ付與セシ權限ハ終止スベク前記地域ハ再ビ「サモア」國政府又ハ「サモア」國政府及締約國間ニ協定セラルベキ官憲ノ支配及權限ノ下ニ置カルベキモノトス」

「サモア」國ト條約關係ヲ有スル諸國ノ下名ノ代表者ハ前記協定ニ依リ「アピア」市政局ニ付與セシ權限ヲ終止セシムルハ「サモア」在住外國人ノ利益ニ有害ナルベシトノ意見ニ一致セルニ因リ

「サモア」國政府ハ第十條ニ依ル改正ノ意思ナキコトヲ表明セルニ因リ

「サモア」國王「マリエトア」陛下及前記代表者間ニ於テ第十條ニ定ムル改正ハ延期セラルベク前記協定ハ「サモア」ノ國內情勢ガ幸ニ第十條ノ條件ノ下ニ前記地域ヲ再ビ「サモア」國政府ノ支配下ニ置

クラ得ル時期ニ至ル迄變更ナク實施セラルベキコトニ付協定セリ
 右證據トシテハ吾々ハ千八百八十三年九月二十九日本協定ニ署名調印セリ

「レ、ツプ（國王）セル」 マリエトア、ラウベバ（印）

合衆國領事 ティ、カニシウス（印）

臨時獨國領事 ドクトル、ステューベル（印）

英國領事代理 ダブリュー、ビー、チャーチワード（印）

メ イ サ ゲ（印）

フ ァ ー マ タ ラ、ウ ブ（印）

5. CONVENTION BETWEEN GREAT BRITAIN, GERMANY, THE UNITED STATES,
 AND SAMOA, FOR THE PROLONGATION OF THE CONVENTION OF
 SEPTEMBER 2, 1879, RELATIVE TO THE MUNICIPAL BOARD OF
 APIA.—SIGNED AT SAMOA, SEPTEMBER 29, 1883.

WHEREAS the Convention concluded between the Representatives of the three Great Powers having Treaty relations with Samoa and the King and Government of Samoa, dated the 2nd September, 1879, provides in Article X as follows:—

“The present Convention shall be revised at the end of four years from its date, and (if the internal state of Samoa will happily admit thereof without prejudice to the interests of the foreign residents of Samoa) the powers conferred by the present Convention upon the Municipal Board of Apia shall then cease and determine, and the district again pass under the control and authority of the Samoan Government, or such other authority as may be agreed upon between the Samoan Government and the High Contracting Parties;”

Whereas the undersigned Representatives of the nations having entered into Treaty relations with Samoa are, of one accord, of opinion that the cessation of the powers conferred by the abovenamed Convention upon the Municipal Board of Apia would be prejudicial to the interests of the foreign residents of Samoa;

And whereas the Government of Samoa has expressed no wish for any revision in

accordance with Article X ;

五八

It has been agreed between His Majesty Malietoa, King of Samoa, and the before-named Representatives, that the revision provided for in Article X shall be postponed, and that the Convention shall remain in force without change until such time as the internal state of Samoa will happily admit of the district again passing under the control of the Samoan Government, as conditioned in Article X.

In witness whereof we have hereunto set our signatures and seals, this 29th day of September, 1883.

(L.S.) MALIETOA LAUPEPA, Le Tupu (King), Selu.
(L.S.) T. CANISIUS, United States' Consul.
(L.S.) DR. STUEBEL, German Consul pro tem.
(L.S.) W. B. CHURCHWARD, Acting British Consul.
(L.S.) MEISAKE.
(L.S.) FAAMATALA UPU.

六 千八百七十九年一月二十四日ノ友好條約ノ補足協定(假譯)

千八百八十四年十一月十日「アピア」ニ於テ署名

「サモア」國居住「ドイツ」人ニ對シ良好ナル政治ノ利益ヲ確保シ、千八百七十九年一月二十四日ノ「ドイツ」國「サモア」國間友好條約第七條ヲ實施スル爲ニ南太平洋島嶼駐在「ドイツ」國領事代理並ニ「サモア」國國王、副王及政府ハ左ノ諸條ヲ協定セリ

第一條

「ドイツ」「サモア」國務審議會ヲ設立スベク審議會ハ「ドイツ」國領事又ハ其ノ代表者、「サモア」人二名(一名ハ國王、他ノ一名ハ「タイムア」及「ファイブレ」ト合議ノ上副王之ヲ任命ス)及「ドイツ」國領事ノ任命スル「ドイツ」人二名ヲ以テ之ヲ構成スベシ

第二條

「ドイツ」「サモア」國務審議會ハ一切ノ法律及組織ニ付協議シ決定シ其ノ實施ニ當リテハ「サモア」國政府及「サモア」國居住「ドイツ」人ノ共通利益ニ即應スベシ審議會ハ「サモア」人ノ有罪行爲ニ依リ「ドイツ」人、「ドイツ」國ノ勤務ニ服スル外國人、「ドイツ」國ノ勤務ニ服スル黑人勞働者又ハ其ノ所有權ヲ侵害セラレタル場合ニ適用セラルベキ特別法規ヲ制定スベシ同様ノ規定ハ「ドイツ」國

ノ勤務ニ服スル黒人労働者ノ有罪行為ニ對シテモ適用セラルベシ

六〇

第三條

「ドイツ」「サモア」國務審議會ノ制定スル規定ハ國王及副王署名ノ後法律トシテ公布セラルベシ尙法律ハ「ドイツ」「サモア」國務審議會ノ事前ノ確認ヲ經テ公布セラルベキモノトス

第四條

國王ハ「ドイツ」國領事ト會議ノ上「ドイツ」人タル「サモア」國官吏一名ヲ任命スベシ同人ハ「サモア」國居住「ドイツ」人ニ關スル一切ノ事務ニ付國王ノ秘書兼顧問タルベキモノトス同人ハ「サモア」國居住「ドイツ」人ノ利害關係ヲ有スル刑事事件ニシテ二年ノ懲役以上ノ刑ニ處セラレザルモノニ對シ「ドイツ」裁判官ノ職權ヲ行フベク「サモア」人又ハ「サモア」人ノ所有權ヲ侵害シタル「サモア」人及黒人労働者ニ對シテハ「サモア」人裁判官ト共同シテ裁判官ノ職權ヲ行フベシ但シ黒人労働者ニ對シテハ彼等相互ノ間ニ起リタル有罪行為ニ基ク場合ニ限ルモノトス二年ノ懲役以上ノ刑ニ處セラルル場合ニハ「ドイツ」國領事ハ「サモア」人裁判官ト共ニ自ラ裁判官ノ職權ヲ擔當スルカ又ハ「サモア」國政府ノ「ドイツ」人官吏或ハ第三者ニ之ヲ委任スベシ

第五條

「サモア」國居住「ドイツ」人ノ利害關係ヲ有スル刑事事件ノ囚人ヲ收容スル爲刑務所ヲ設置スベシ懲

役ヲ宣告セラレタルモノハ現在ノ行政費ノ支辨ニ充テラルベキ適當ナル労働ヲ課セラルベシ「サモア」國政府ノ「ドイツ」人官吏ハ刑務所制度ニ付監督ヲ行フベシ

第六條

國王ハ「ドイツ」國領事ト會議ノ上「ドイツ」殖民地ノ刑務所事務及保安事務ヲ掌ルベキ警官ヲ置クベシ右警官ハ「サモア」國政府ノ「ドイツ」人官吏ノ命令ニ服スルモノトス

第七條

本協定ニ基キ必要ト爲リタル支出ハ納入スベキ裁判費用、罰金、囚人ノ労働ニ因ル收入及「ドイツ」人利害關係者ヨリ徵收スベキ租税ニ依リ支辨セラルベシ右資金ノ管理ハ「ドイツ」人納稅者代表ニ委任セラルベシ租税ノ賦課並ニ支出額ノ決定ハ「ドイツ」「サモア」國務審議會之ヲ行フ

第八條

本協定ハ「ドイツ」國政府ノ承認ヲ條件トシテ直ニ實施セラルベシ右承認ノ行ハレザル間ハ「ドイツ」人ハ租税ノ納付ヲ請求セラルルコトナカルベシ「ドイツ」國政府ハ本協定ノ廢棄ヲ通告スルノ權利ヲ有スベク本協定ハ右通告アリタル日ヨリ六月ノ後失效スベシ
右證據トシテ吾々ハ本協定ニ署名セリ

千八百八十四年十一月十日「アピア」ノ「ドイツ」國領事館ニ於テ作成ス

六一

「ドイツ」國領事代理 ドクトル、ステューベル

證人トシテ テー、ウェーバー

「ル、ツプ、オ、サモア」 マリエトア

「ル、スイ、ツプ」 ツプア

6. ERGÄNZUNGSABKOMMEN ZU DEM FREUNDSCHAFTSVERTRAG VOM 24.

JANUAR 1879.—UNTERZEICHNET ZU APIA AM 10. NOVEMBER 1884.

Um den in Samoa lebenden Deutschen die Vortheile einer guten Regierung zu sichern und in Ausführung von Artikel VII. des deutsch-samoanischen Freundschaftsvertrages vom 24. Januar 1879 haben sich der Verweser des Kaiserlichen Konsulates für die Südsee-Inseln und der König, der Vizekönig und die Regierung von Samoa über die Nachstehenden Bestimmungen geeinigt:

Art. I. Es wird ein deutsch-samoanischer Staatsrath gebildet. Zu demselben sollen gehören der deutsche Konsul oder dessen Stellvertreter, zwei Samoaner, von denen der eine von dem Könige, der andere von dem Vizekönig im Einvernehmen mit den Taimua und Faipule ernannt werden, und zwei Deutsche, welche von dem deutschen Konsul ernannt werden.

Art. II. Der deutsch-samoanische Staatsrath soll über alle Gesetze und Einrichtungen berathen, und Beschluss fassen, deren Einführung dem gemeinsamen Interesse der Samoa-Regierung und der in Samoa lebenden Deutschen entspricht. Er wird insbesondere gesetzliche Vorschriften aufstellen, welche auf die strafbaren Handlungen von Samoanern Anwendung leiden, wenn damit ein Deutscher oder ein in deutschen Diensten stehender Angehöriger eines anderen Staates oder ein in deutschen Diensten stehender farbiger Arbeiter oder das Eigenthum solcher Personen verletzt worden ist. Die gleichen Vorschriften sollen auf die strafbaren Handlungen der in deutschen Diensten stehenden farbigen Arbeiter Anwendung leiden.

Art. III. Die von dem deutsch-samoanischen Staatsrath aufgestellten Vorschriften werden von dem König und dem Vizekönig unter ihrer Unterschrift als Gesetz erlassen. In dem Eingang ist zu erwähnen, dass das Gesetz nach vorgängiger Feststellung durch den deutsch-samoanischen Staatsrath erlassen wird.

Art. IV. Der König wird im Einvernehmen mit dem deutschen Konsul einen deutschen Beamten der Samoa-Regierung ernennen. Derselbe wird der Sekretär und der Rathgeber des Königs in allen Angelegenheiten sein, welche die in Samoa lebenden Deutschen betreffen. Er wird in den Strafsachen, an welchen die in Samoa lebenden Deutschen ein Interesse haben, sofern nicht auf mehr als zwei Jahre Gefängniß mit harter Arbeit erkannt werden kann, das Amt eines deutschen Richters ausüben; in Gemeinschaft mit einem samoanischen Richter über Samoaner und farbige Arbeiter, welche sich der Verletzung von Samoanern oder von samoanischem Eigenthum schuldig gemacht haben, allein über farbige Arbeiter wegen der von denselben unter einander begangenen strafbaren Handlungen. Wenn auf mehr als zwei Jahre Gefängniß mit harter Arbeit erkannt werden kann, wird der deutsche Konsul, neben einem samoanischen Richter, das Richteramt selber übernehmen oder den deutschen Beamten der Samoa-Regierung oder eine dritte Person damit beauftragen.

Art. V. Zur Unterbringung der Strafgefangenen aus Strafsachen, an welchen die in Samoa lebenden Deutschen ein Interesse haben, wird ein Gefängniß errichtet werden. Die zu Gefängniß mit harter Arbeit Verurtheilten sollen zu angemessener Arbeit angehalten werden, welche zur Deckung der entstehenden Verwaltungskosten verwethet werden kann. Der deutsche Beamte der Samoa-Regierung wird die Aufsicht über das Gefängnißwesen führen.

Art. VI. Der König wird in Einvernehmen mit dem deutschen Konsul Polizisten anstellen, welche den Gefängnißdienst und den Sicherheitsdienst auf den deutschen Pflanzungen versehen werden. Dieselben unterstehen dem Befehle des deutschen Beamten der Samoa-Regierung.

Art. VII. Die in Folge dieser Vereinbarung sich nöthig machenden Ausgaben werden aus den eingehenden Gerichtsgebühren, Geldstrafen, Einkünften aus der Gefangenearbeit und aus den Steuern gedeckt werden, welche von den deutschen Interessenten aufzubringen sind.

Mit Verwaltung dieser Gelder soll ein Vertreter der deutschen Steuerzahler beauftragt werden. Die Umlegung der Steuern, sowie die Feststellung der Höhe der Ausgaben, erfolgt durch den deutsch-samoanischen Staatsrath.

Art. VIII. Dieses Uebereinkommen tritt sofort in Kraft vorbehaltlich der Genehmigung durch die Kaiserliche deutsche Regierung. So lange diese nicht erfolgt ist, soll von Deutschen die Zahlung von Steuern nicht verlangt werden können. Die Kaiserlich deutsche Regierung soll das Recht haben, dieses Uebereinkommen zu kündigen, welchenfalls dasselbe nach sechs Monaten ausser Kraft tritt.

Zu Urkunde dessen haben wir hierunter unsere Unterschriften gesetzt.
Geschehen im Kaiserlichen Konsulate zu Apia am 10. November 1884.

Dr. Stuebel, Kaiserlicher Konsulats-Verweser. Malietoa, Le Tupu o Samoa.
Th. Weber, als Zeuge. Tupua, Le sui Tupu.

6. AGREEMENT BETWEEN GERMANY AND SAMOA, WITH REFERENCE
TO JURISDICTION OVER GERMAN SUBJECTS IN SAMOA.
—SIGNED AT APIA, NOVEMBER 10, 1884.

(Translation.)

In order to secure the advantages of a good government to the Germans who live in Samoa, and in execution of Article VII of the Treaty of Friendship of the 24th January, 1879, between Germany and Samoa, the Administrator of the Imperial Consulate for the South Sea Islands, and the King, Viceroy, and Government of Samoa, have agreed upon the following provisions:—

ART. I. A German-Samoan Council of State shall be formed. There shall belong to it the German Consul or his substitute, two Samoans, of whom one shall be named by the King, the other by the Viceroy, in concert with the Taimua and Faipule, and two Germans, who shall be named by the German Consul.

ART. II. The German-Samoan Council of State shall deliberate and determine upon all Laws and Regulations whose introduction concerns (*lit.*, corresponds with) the common interest of the Samoan Government and of the Germans who reside in Samoa.

In particular, it shall lay down legal Ordinances, which shall be susceptible of application to the penal acts of Samoans, if a German, or a subject of a foreign State in German service, or a coloured labourer in the German service, or the property of such persons, shall have been injured thereby.

Similar Ordinances shall be applicable to the penal acts of the coloured labourers in the German service.

ART. III. The Ordinances laid down by the German and Samoan Council of State shall be issued as law by the King and Viceroy under their hand. It is to be mentioned in the preamble that the Law is issued after previous settlement by the German-Samoan Council of State.

ART. IV. The King, in concert with the German Consul, shall appoint a German officer of the Samoan Government. This officer shall be the Secretary and Counsellor of the King in all matters which concern the Germans who reside in Samoa.

In penal matters in which the Germans who reside in Samoa have an interest, so long as not more than two years' imprisonment with hard labour can be inflicted, he shall exercise the office of a German Judge, in conjunction with a Samoan Judge, over Samoan and coloured labourers who have been guilty of injuring Samoans or Samoan property, alone over coloured labourers as respects penal acts committed by them amongst themselves.

If more than two years' imprisonment with hard labour can be inflicted, the German Consul, together with a Samoan Judge, shall himself undertake the office of Judge, or depute it to the German officer of the Samoan Government, or to some third person.

ART. V. With a view to provide for prisoners convicted on account of penal matters in which the Germans who reside in Samoa have an interest, a prison shall be erected.

Those condemned to imprisonment with hard labour shall be kept at suitable labour, which can be converted into money to meet the expenses of management that are incurred.

The German officer of the Samoan Government shall superintend all matters connected with the prison.

ART. VI. The King shall, in conjunction with the German Consul, appoint police officials, shall discharge the service of the prison, and the duties of safeguarding the German plantations. Such officials shall be subject to the orders of the German officer of the Samoan Government.

ART. VII. The expenses rendered necessary in consequence of this Agreement shall be met out of the law charges falling due, out of the fines, out of receipts from prisoners' work, and out of the taxes which are leviable on the Germans interested. A representative of the German taxpayers shall be charged with the management of these moneys. The imposition of the taxes, as well as the determination of the amount of the expenses, shall be vested in the German-Samoan Council of State.

ART. VIII. This Agreement shall come at once into force conditionally upon the approval of the German Government. So long as that approval shall not have ensued, payment of taxes shall not be liable to be exacted from Germans.

The Imperial German Government shall have the right to give notice of termination of this Agreement, in which case it shall cease to be in force at the expiration of six months. In testimony of which we have appended our signatures below.

Given at the Imperial Consulate at Apia, the 10th November, 1884.

DR. STUEBEL, Administrator of the Imperial Consulate.

MALIFTOA, Le Tupu a Samoa.

TUPUA, Le Sui Tupu.

Witness :

TH. WEBBER.

It is hereby certified that the foregoing is faithful translation of the original, which is formulated in the Samoan language, and preserved in the archives of the Imperial Consulate.

(L.S.) DR. STUEBEL, Administrator of the Imperial
Consulate.

Apia, November 11, 1884.

七 「サモア」事件ニ關スル會議ノ最終議定書

千八百八十九年六月十四日「メルリン」ニ於テ署名

7. FINAL ACT OF THE CONFERENCE ON THE AFFAIRS OF SAMOA.—
SIGNED AT BERLIN, JUNE 14, 1889.

(Ratifications deposited at Berlin, April 12, 1890.)

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

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

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

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

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

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

1. A Declaration respecting the independence and neutrality of the Islands of Samoa, and assuring to their respective citizens and subjects equality of rights in said islands, and providing for the immediate restoration of peace and order therein.
2. A Declaration respecting the modification of existing Treaties, and the assent of the Samoan Government to this Act.
3. A Declaration respecting the establishment of a Supreme Court of Justice for Samoa, and defining its jurisdiction.
4. A Declaration respecting titles to land in Samoa, restraining the disposition thereof by natives, and providing for the investigation of claims thereto, and for the registration of valid titles.
5. A Declaration respecting the Municipal District of Apia, providing a local Administration therefor, and defining the jurisdiction of the Municipal Magistrate.

6. A Declaration respecting taxation and revenue in Samoa.
7. A Declaration respecting arms and ammunition, and intoxicating liquors, restraining their sale and use.
8. General dispositions.

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

It is declared that the Islands of Samoa are neutral territory, in which the citizens and subjects of the three Signatory Powers have equal rights of residence, trade, and personal protection. The three Powers 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 Laupapa, 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 be common accord otherwise declare; and his successor shall be duly elected according to the laws and customs of Samoa.

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

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

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

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

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

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

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

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

Sec. 3. In case either of the four Governments shall at any time have cause of complaint against the Chief Justice for any misconduct in office, such complaint shall be 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. The Court shall also have appellate jurisdiction over all Municipal Magistrates and officers.

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.

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 may recommend to the Government of Samoa the passage of any law which he shall consider just and expedient for the prevention and punishment of crime and for the promotion of good order in Samoa outside the Municipal District, and for the collection of taxes without the District.

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

- (1.) All civil suits concerning real property situated in Samoa, and all rights affecting the same;
- (2.) All civil suits of any kind between natives and foreigners, or between foreigners of different nationalities;
- (3.) All crimes and offences committed by natives against foreigners, or committed by

such foreigners as are not subject to any Consular jurisdiction, subject, however, to the provisions of section 4, Article V, defining the jurisdiction of the Municipal Magistrate of the District of Apia.

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

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

ART. IV.—*A Declaration respecting Titles to Land in Samoa, and restraining the disposition thereof by Natives; and providing for the investigation of Claims thereto, and for the registration of valid Titles.*

Sec. 1. In order that the native Samoans may keep their lands for cultivation by themselves and by their children after them, it is declared that all future alienation of lands in the

islands of Samoa to the citizens or subjects of any foreign country, whether by sale, mortgage, or otherwise, shall be prohibited, subject to the following exceptions:—

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

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

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

Sec. 2. In order to adjust and settle all claims by aliens of titles to land, or any interest therein, in the islands of Samoa, it is declared that a Commission shall be appointed, to consist of three impartial and competent persons, one to be named by each of the three Treaty Powers, to be assisted by an officer to be styled "Natives' Advocate," who shall be appointed by the Chief Executive of Samoa, with the approval of the Chief Justice of Samoa.

Each Commissioner shall receive during his necessary term of service a compensation at the rate of 300 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 ex-

penses 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 for ever barred; but the Chief Justice may allow a reasonable extension of time for the production of such evidence when satisfied that the claimant has, after due diligence, been unable to produce the same within the period aforesaid. This Notice shall be published in Samoa in the German, English, and Samoan languages, as directed by the Commission.

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

Sec. 4. It shall be the duty of the Commission to investigate all claims of foreigners to land in Samoa, whether acquired from natives or from aliens, and to report to the Court in

every case the character and description of the claim, the consideration paid, the kind of title alleged to be conveyed, and all the circumstances affecting its validity.

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 endeavour 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 make final decision thereon in writing, which shall be entered on its record.

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

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

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

Sec. 9. The undisputed possession and continuous cultivation of lands by aliens for 10 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.

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

Sec. 1. The Municipal District of Apia is defined as follows: beginning at Vailoa, the boundary passes thence westward along the coast to the mouth of the River Fulussa, 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 Vailoa, embracing also the waters of the harbour of Apia.

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

Each member of the Council shall be a resident of the said District, and owner of real estate, or conductor of a profession or business in said District which is subject to a rate or tax not less in amount than 5 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 appointment for a term of two years, and until their successors shall be elected and qualified.

In the absence of the President the Council may elect a Chairman *pro tempore*. Consular officers shall not be eligible as Councillors, nor shall Councillors exercise any Consular functions during their term of office.

Sec. 3. The Municipal Council shall have jurisdiction over the Municipal District of Apia so far as necessary to enforce therein the provisions of this Act which are applicable to said District, including the appointment of a Municipal Magistrate, and of the necessary subordinate officers of justice and of administration therein; and to provide for the security in said District of person and property, for the assessment and collection of the revenues therein as herein 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 of the Municipal Magistrate, and establish the fees and charges allowed to other civil officers of the District, excepting Clerk and Marshal of the Supreme Court.

All Ordinances, Resolutions, and Regulations passed by this Council before becoming law shall be referred to the Consular Representatives of the three Treaty Powers sitting conjointly as a Consular Board, who shall either approve and return such Regulations, or suggest such amendments as may be unanimously deemed necessary by them.

Should the Consular Board not be unanimous in approving the Regulations referred to

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

Sec. 4. The Municipal Magistrate shall have exclusive jurisdiction in the first instance over all persons, irrespective of nationality, in case of infraction of any Law, Ordinance, or Regulation passed by the Municipal Council, in accordance with the provisions of this Act, provided that the penalty does not exceed a fine of 200 dollars, or imprisonment for a longer term than 180 days.

In cases where the penalty imposed by the Municipal Magistrate shall exceed a fine of 20 dollars, or a term of 10 days' imprisonment, an appeal may be taken to the Supreme Court.

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

He may act under the joint instruction of the three Powers, but shall receive no separate instruction from either. He shall be guided by the spirit and provisions of this General Act,

and shall apply himself to the promotion of the peace, good order, and 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 5,000 dollars, to be paid the first year in equal shares by the three Treaty Powers, and afterward out of that portion of Samoan revenues assigned to the use of the Municipality, upon which his salary shall be the first charge.

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

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

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

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

Sec. 1. The Port of Apia shall be the port of entry for all dutiable goods arriving in the Samoan Islands, and all foreign goods, wares, and merchandize 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.

	Dol.	c.
1. On ale and porter and beer, per dozen quarts	0	50
2. On spirits, per gallon	2	50
3. On wine, except sparkling, per gallon	1	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
9. Statistical duty on all merchandize and goods imported, except as aforesaid, <i>ad valorem</i> ...	...	...	...	...	...	...	...	...	...	2	per cent.

(B.)—EXPORT DUTIES.

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

(C.)—TAXES TO BE ANNUALITY LEVIED.

1. Capitation tax on Samoans and other Pacific islanders not included under No. 2, per head	...	...	...	...	...	...	...	...	...	Dol.	c.
2. Capitation tax on coloured plantation labourers, other than Samoans, per head	...	...	...	...	...	...	...	...	...	1	00
3. On boats, trading and others (excluding native canoes and native boats carrying only the owner's property), each	...	...	...	...	...	...	...	...	...	2	00
4. On fire-arms, each...	...	...	...	...	...	...	...	...	...	4	00
	...	...	...	...	...	...	...	...	...	2	00

5. On dwelling-houses (not including the dwelling-houses of Samoan natives), and on land and houses used for commercial purposes, *ad valorem* ... 1 per cent.

6. Special taxes on traders as follows—

Class I—	On stores of which the monthly sales are 2,000 dollars or more, each store	...	...	...	...	...	...	...	...	100	00
Class II—	Below 2,000 dollars and not less than 1,000 dollars	...	...	...	...	...	...	...	...	48	000
Class III—	Below 1,000 dollars and not less than 500 dollars	...	...	...	...	...	...	...	...	36	000
Class IV—	Below 500 dollars and not less than 250 dollars	...	...	...	...	...	...	...	...	24	000
Class V—	Below 250 dollars	...	...	...	...	...	...	...	...	12	000

(D.)—OCCASIONAL TAXES.

1. On trading-vessels exceeding 100 tons burden, calling at Apia, at each call	...	...	...	...	...	...	...	...	...	10	00
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.
 Evidence of the payment of the last two taxes may be shown by
 lawful stamps affixed to the title-paper, or otherwise by the written
 receipt of the proper tax collector.
4. Unlicensed butchers in Apia shall pay upon their sales 1 per cent.

(E.)—LICENCE TAXES.

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

Tavern-keeper	Dol. c.	10 00	per month.
Attorney, barrister, or solicitor		60 00	per annum.
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	"
" assistants	6 00	"
" apprentices	3 00	"
Hawker	1 00	"
Pilot	24 00	"
Printing press	12 00	"
Sail-maker	6 00	"
Ship-builder	6 00	"
Shoemaker	6 00	"
Land surveyor... ..	6 00	"
Tailor	6 00	"
Waterman	6 00	"
Salesmen, bookkeepers, clerks, paid not less than 75 dollars a month...	3 00	"
Same, when paid over 75 dollars a month	6 00	"
White labourers and domestics, per head	5 00	"
Factory hands and independent workmen	5 00	"

Sec. 3. Of the revenues paid into the Treasury the proceeds of the Samoan capitation tax, of the licence taxes paid by native Samoans, and of all other taxes which may be collected without the Municipal District, shall be for the use and paid out upon the order of the Samoan Government. The proceeds of the other taxes, which are collected in the Municipal District exclusively, shall be held for the use and paid out upon the order of the Municipal Council to meet the expenses of the Municipal Administration as provided by this Act.

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

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

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 written licence shall have been previously obtained from the President of the Municipal Council;
- (b.) Small arms and ammunition carried by travellers as personal appanage.

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

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

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

Section 2.—*Intoxicating Liquors.*

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

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

ART. VIII.—*General Dispositions.*

Sec. 1. The provisions of this Act shall continue in force until changed by consent of the

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

Sec. 2. The present General Act shall be ratified without unnecessary delay, and within the term of 10 months from the date of its signature.

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

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

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

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

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

EDWARD B. MALET.
CHARLES S. SCOTT.
J. A. CROWE.
H. BISMARCK.

HOLSTEIN.
R. KRAUEL.
JOHN A. KASSON.
WM. WALTER PHELPS.
GEO. H. BATES.

八 「サモア」國ニ於ケル或要求ヲ仲裁裁判ニ依リ解決スルコト

ニ關スル英國、獨國及合衆國間協定(假譯)

千八百九十九年十一月七日「ワシントン」ニ於テ署名
千九百年三月七日「ワシントン」ニ於テ批准書交換

「グレート・ブリテン」「アイルランド」聯合王國皇帝陛下、「ドイツ」帝國ノ名ニ於テ「ドイツ」國皇帝「プロシア」國王陛下及「アメリカ」合衆國大統領ハ「サモア」島ニ於テ行ハレタル最近ノ軍事行動ニ基ク同島居住ノ各國人民及市民ノ要求ヲ迅速且満足ニ解決センコトヲ希望シ仲裁裁判ニ依リテ此ノ目的ヲ達成センガ爲協定ヲ締結スルコトニ決シ各其ノ全權委員ヲ任命セリ

「グレート・ブリテン」「アイルランド」聯合王國皇帝陛下

英國臨時代理公使「レヂナルド、タワイ」

「ドイツ」國皇帝「プロシア」國王陛下

特派公使、公使館參事官「ドクトル、マム、フォン、シュワルツェンスタイン」

「アメリカ」合衆國大統領

合衆國國務長官「ジョン、ヘイ」

右各全權委員ハ互ニ其ノ全權委任狀ヲ示シ之ガ良好妥當ナルヲ認メタル後左ノ諸條ニ付合意シ且協定

セリ

第一條

個人タルト會社タルトヲ問ハズ「イギリス」人、「ドイツ」人又ハ「アメリカ」人ガ不當ナル軍事行動ノ結果蒙リタリト爲ス損害ニ對スル一切ノ賠償ノ要求ハ若シ右事實ニシテ去ル一月一日ヨリ混合委員會ノ「サモア」國到着迄ノ間ニ發生セルコトヲ英國、獨國又ハ米國ノ官憲ニ於テ證明スル場合ニハ右要求ハ國際法ノ原則及衡平ノ考慮ニ基キ仲裁裁判ニ依リテ決定セラルベシ

第二條

三國條約ハ「スウェーデン」「ノールウェー」國王陛下ニ對シ仲裁者ニ就任スルコトヲ要請スベシ三國政府ノ何レガ單獨ニ又ハ共同シテ損害ヲ賠償スベキヤ又更ニ賠償ノ程度如何ハ仲裁裁判ニ依リ決定セラルベシ

第三條

三國政府ノ何レモ各場合ニ事前ニ他國ノ同意ヲ得テ同國政府ノ保護下ニ在リ且前記ノ範疇ニ包含セラレザル土着民以外ノ人ノ同様ナル要求ヲ仲裁裁判ノ爲國王ニ提出スルコトヲ得ベシ

第四條

本協定ハ「グレート、ブリテン」「アイルランド」聯合王國皇帝陛下、「ドイツ」國皇帝「プロシア」

國王陛下及合衆國上院ノ勸告及同意ヲ得テ「アメリカ」合衆國大統領ニ依リ批准セラルベク批准書ハ署名ノ日ヨリ四月又可能ナラバ其ノ以前ニ「ワシントン」ニ於テ交換セラルベシ

右證據トシテ各全權委員ハ本協定ニ署名調印セリ

千八百九十九年十一月七日「ワシントン」ニ於テ本書三通ヲ作成ス

レヂナルド、タワ― (印)

フオン、マム (印)

ジョーン、ヘイ (印)

8. CONVENTION BETWEEN GREAT BRITAIN, GERMANY, AND THE UNITED STATES OF AMERICA, RELATING TO THE SETTLEMENT OF CERTAIN CLAIMS IN SAMOA BY ARBITRATION.—SIGNED AT WASHINGTON, NOVEMBER 7, 1899.

(Ratifications exchanged at Washington, March 7, 1900.)

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland; His Majesty the German Emperor, King of Prussia, in the name of the German Empire; and the President of the United States of America, being desirous of effecting a prompt and satisfactory settlement of the claims of the subjects and citizens of their respective countries resident in the Samoan Islands on account of recent military operations conducted there, and having resolved to conclude a Convention for the accomplishment of this end by means of arbitration, have appointed as their respective Plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Mr. Reginald Tower, Her Britannic Majesty's Chargé d'Affaires *ad interim*;

His Majesty the German Emperor, King of Prussia, his Minister in Extraordinary Mission, Dr. Jur. Mumm von Schwarzenstein, Privy Councillor of Legation; and

The President of the United States of America, the Honourable John Hay, Secretary of State of the United States;

Who, after having communicated to each other their full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:—

ART. I. All claims put forward by British subjects or Germans, or American citizens respectively, whether individuals or Companies, for compensation on account of losses which they allege that they have suffered in consequence of unwarranted military action, if this be shown to have occurred, on the part of British, German, or American officers between the 1st January last and the arrival of the Joint Commission in Samoa, shall be decided by arbitration in conformity with the principles of international law or consideration of equity.

ART. II. The three Governments shall request His Majesty the King of Sweden and Norway to accept the office of Arbitrator. It shall also be decided by this arbitration whether, and eventually to what extent, either of the three Governments is bound, alone or jointly with the others, to make good these losses.

ART. III. Either of the three Governments may, with the consent of the others, previously obtained in every case, submit to the King for arbitration similar claims of persons not being natives, who are under the protection of that Government, and who are not included in the above-mentioned categories.

ART. IV. The present Convention shall be duly ratified by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and by His Majesty the German Emperor, King of Prussia, and by the President of the United States of America, by and with the

advice and consent of the Senate thereof; and the ratifications shall be exchanged at Washington four months from the date hereof, or earlier if possible.

In faith whereof we, the respective Plenipotentiaries, have signed this Convention, and have hereunto affixed our seals.

Done in triplicate at Washington, the 7th day of November, 1899.

(L.S.) REGINALD TOWER.

(L.S.) A. V. MUMM.

(L.S.) JOHN HAY.

九 「サモア」國及其ノ他ノ問題(西「アフリカ」、「ザンジバル」

等)ノ解決ニ關スル英國及獨逸間協定並ニ宣言(假譯)

千八百九十九年十一月十四日「ロンドン」ニ於テ 署名
千九百年二月十六日「ロンドン」及「ベルリン」ニ於テ批准書交換

關係三國ノ委員ハ事態ノ充分ナル検討ニ基キ「サモア」諸島ガ三國政府ノ共同統治下ニ置カルル限リ現在同島ニ發生セル紛議及困難ヲ有效ニ除去スルコト不可能ナルベキ旨ノ意見ヲ去ル七月十八日附ノ報告書ニ於テ表明セルニ依リ三國政府ノ合法的利益ヲ充分顧慮スルト共ニ前記紛議ヲ終止セシムベキ解決ヲ求ムルコト適當ト思料セラル

此ノ觀點ヨリ出發シ下名ハ各本國君主ヨリ此ノ目的ノ爲ノ全權ヲ付與セラレ次ノ如ク協定セリ

第一條

英國ハ獨逸國ノ爲ニ「ウボル」及「サヴァイイ」島ニ對シ海軍根據地及石炭貯藏所ヲ設定スル權利及同島ニ於ケル治外法權ヲ含ム一切ノ權利ヲ放棄ス

英國ハ同様合衆國ノ爲ニ「ツツイラ」島及「グリニッチ」西經百七十一度以東ノ「サモア」諸島ニ對スル一切ノ權利ヲ放棄ス

英國ハ西「アフリカ」ニ於ケル千八百八十八年ノ協定ニ依リ設定セラレタル中立地帯ノ東部ニ在ル地

域ノ獨國ニ歸屬スルコトヲ承認ス獨國ニ歸屬スベキ中立地帯ノ部分ノ境界ハ本協定第五條ニ之ヲ定ム

第二條

獨國ハ英國ノ爲ニ「ババウ」ヲ含ム「トンガ」島嶼及「サヴェヂ」島ニ對シ海軍根據地及石炭貯藏所ヲ設定スル權利及同島ニ於ケル治外法權ヲ含ム一切ノ權利ヲ放棄ス獨國ハ同様合衆國ノ爲ニ「ツツイラ」島及「グリニッチ」西經百七十一度以東ノ「サモア」諸島ニ對スル一切ノ權利ヲ放棄ス

獨國ハ「ブウゲンビ」島ノ東及南東ニ在リテ現在獨國ニ屬スル「ソロモン」島嶼ノ英國ニ歸屬スルコトヲ承認ス但シ「ブウゲンビ」島ハ其ノ一部ヲ成ス「ブカ」島ト共ニ引續キ獨國ニ屬スベキモノトス西「アフリカ」ニ於ケル中立地帯ノ西部モ亦本協定第五條ノ定ムル所ニ從ヒ英國ニ所屬スベキモノトス

第三條

「アピア」及「トンガ」島嶼駐在ノ兩國ノ領事ハ一時召還セラルベシ兩國政府ハ其ノ間「サモア」及「トンガ」ニ於ケル兩國ノ航海及通商ノ利益ニ關シ作成スベキ協定ニ付合議スベシ

第四條

現在獨國及英國間ニ存スル獨國ノ英領「ソロモン」島嶼ニ於ケル勞働者自由雇傭ノ權利ニ關スル協定ハ英國ニ歸屬スベキ第二條ノ「ソロモン」島嶼ニ對シテモ均シク適用セラルベシ

第五條

中立地帯ニ於テハ獨領及英領間ノ境界ハ「ダカ」川ニ沿ヒ同川ノ北緯九度トノ交叉點ニ至リ夫レヨリ「モロツグ」ヲ英領ト爲シテ北方ニ向ヒ且「ガムバガ」及「マムブルシ」ノ全領域ヲ英領ト爲シ「エンヂ」及「チアコシ」ノ全領域ヲ獨領ト爲ス様兩國混合委員會ニ依リ現地ニ於テ決定セラルベシ

第六條

獨國ハ「トーゴ」及黄金海岸ノ領域ニ於ケル互惠稅率ノ促進ニ關シ英國ノ表明スベキ希望ヲ可能ナル限り考慮スベキ用意ヲ有ス

第七條

獨國ハ「ザンジバル」ニ於ケル治外法權ヲ放棄ス但シ右放棄ハ同地ニ於テ他國ノ享有スル治外法權ノ廢止セラルベキ時期ニ至ル迄實施セラルルコトナカルベシ

第八條

本協定ハ成ルベク速ニ批准セラルベク批准書交換後直ニ實施セラルベシ

右證據トシテ下名ハ本協定ニ署名調印セリ

千八百九十九年十一月十四日「ロンドン」ニ於テ本書ニ通テ作成ス

一〇八

サリスベリー (印)

ハッツフェルト (印)

宣 言

本日署名ノ協定第二條ニ依リ獨國ハ「ソロモン」島嶼ノ一部ヲ成ス全「ハウ」群島ノ英國ヘノ歸屬ニ同意セルコトニ付茲ニ明瞭ニ了解セリ

西太平洋ニ於ケル通商ノ自由ニ關シ千八百八十六年四月十日「ベルリン」ニ於テ署名セル兩國政府宣言ノ規定ハ前記協定ニ掲グル島嶼ニ付テモ亦適用セララルコトニ付了解セリ

「ソロモン」島嶼ニ於ケル獨國人ノ勞働者雇傭ニ關スル現行ノ協定ハ同島嶼ニ居住セザル英國人ニ對シ現ニ課シ又ハ課スコトアルベキ所ト同一ノ條件ヲ以テ獨國人ニ對シ勞働者ノ雇傭ヲ許スコトニ付テモ同様了解セリ

千八百九十九年十一月十四日「ロンドン」ニ於テ本書ニ通テ作成ス

サリスベリー (印)

ハッツフェルト (印)

9. CONVENTION AND DECLARATION BETWEEN GREAT BRITAIN AND GERMANY,
FOR THE SETTLEMENT OF THE SAMOAN AND OTHER QUESTIONS (WEST
AFRICA; ZANZIBAR, &c.).—SIGNED AT LONDON, NOVEMBER 14, 1899.

(Ratifications exchanged at London and Berlin, February 16, 1900.)

The Commissioners of the three Powers concerned having in their Report of the 18th July last expressed the opinion, based on a thorough examination of the situation, that it would be impossible effectually to remedy the troubles and difficulties under which the Islands of Samoa are at present suffering as long as they are placed under the joint administration of the three Governments, it appears desirable to seek for a solution which shall put an end to these difficulties, while taking due account of the legitimate interests of the three Governments.

Starting from this point of view the Undersigned, furnished with full powers to that effect by their respective Sovereigns, have agreed on the following points:—

ART. I. Great Britain renounces in favour of Germany all her rights over the Islands of Upolu and of Savaii, including the right of establishing a naval and coaling station there, and her right of extra-territoriality in these islands.

Great Britain similarly renounces, in favour of the United States of America, all her rights over the Island of Tutuila and the other islands of the Samoan group east of 171° longitude west of Greenwich.

Great Britain recognizes as falling to Germany the territories in the eastern part of the neutral zone established by the Arrangement of 1888 in West Africa. The limits of the portion of the neutral zone falling to Germany are defined in Article V of the present Convention.

ART. II. Germany renounces in favour of Great Britain all her rights over the Tonga Islands, including Vavau, and over Savage Island, including the right of establishing a naval station and coaling station, and the right of extra-territoriality in the said islands.

Germany similarly renounces, in favour of the United States of America, all her rights over the Island of Tutuila and over the other islands of the Samoan group east of longitude 171° west of Greenwich.

She recognizes as falling to Great Britain those of the Solomon Islands at present belonging to Germany which are situated to the east and south-east of the Island of Bougainville, which latter shall continue to belong to Germany, together with the Island of Buka, which forms part of it.

The western portion of the neutral zone in West Africa, as defined in Article V of the present Convention, shall also fall to the share of Great Britain.

ART. III. The Consuls of the two Powers at Apia and in the Tonga Islands shall be provisionally recalled.

The two Governments will come to an agreement with regard to the arrangements to be made during the interval in the interests of their navigation and of their commerce in Samoa and Tonga.

ART. IV. The arrangement at present existing between Germany and Great Britain and concerning the right of Germany to freely engage labourers in the Solomon Islands belonging to Great Britain shall be equally extended to those of the Solomon Islands mentioned in Article II, which fall to the share of Great Britain.

ART. V. In the neutral zone the frontier between the German and English territories shall be formed by the River Daka as far as the point of its intersection with the 9th degree of north latitude, thence the frontier shall continue to the north, leaving Morozugu to Great Britain, and shall be fixed on the spot by a Mixed Commission of the two Powers, in such manner that Gambaga and all the territories of Mamprusi shall fall to Great Britain, and that Yendi and all the territories of Chakosi shall fall to Germany.

ART. VI. Germany is prepared to take into consideration, as much and as far as possible, the wishes which the Government of Great Britain may express with regard to the development of the reciprocal Tariffs in the territories of Togo and of the Gold Coast.

ART. VII. Germany renounces her rights of extra-territoriality in Zanzibar; but it is at the same time understood that this renunciation shall not effectively come into force till such time as the rights of extra-territoriality enjoyed there by other nations shall be abolished.

ART. VIII. The present Convention shall be ratified as soon as possible, and shall come into force immediately after the exchange of ratifications.

In witness whereof the Undersigned have signed it, and have affixed thereto their seals.

Done in duplicate at London, the 14th day of November, 1899.

(L.S.) SALISBURY.

(L.S.) P. HATZFELD.

DECLARATION.

It is clearly understood that by Article II of the Convention signed to-day, Germany consents that the whole group of the Howe Islands, which forms part of the Solomon Islands, shall fall to Great Britain.

It is also understood that the stipulations of the Declaration between the two Governments, signed at Berlin on the 10th April, 1886, respecting freedom of commerce in the Western Pacific, apply to the islands mentioned in the aforesaid Convention.

It is similarly understood that the arrangement at present in force as to the engagement of labourers by Germans in the Solomon Islands permits Germans to engage those labourers on the same conditions as those which are or which shall be imposed on British subjects non-resident in those islands.

Done in duplicate at London, the 14th November, 1899.

(L.S.) SALISBURY.

(L.S.) P. HATZFELD.

十 「サモア」問題調整ニ關スル英國、獨國及合衆國間協定(假譯)

千八百九十九年十二月二日 「ワシントン」ニ於テ署名
千九百年二月十六日 「ロンドン」、「ベルリン」及「ワシントン」ニ於テ批准書交換

「グレート、ブリテン」「アイルランド」聯合王國皇帝「インド」皇帝陛下、「ドイツ」國皇帝「プロシア」國王陛下及「アメリカ」合衆國大統領ハ「サモア」群島ニ關シ三國間ニ發生シタル問題ヲ友好的ニ調整シ且同島ニ於ケル占有又ハ裁判管轄ニ關スル三國ノ共同的又ハ個別的權利及請求ニ關シ將來一切ノ誤解ヲ避ケンコトヲ希望シ特別協定ニ依リ之ヲ設定シ調整スルコトニ付合意セリ而シテ英國及獨國政府ハ合衆國政府ノ協力ヲ得テ前記群島ニ於ケル各自ノ權利及利益ニ關シ合議ヲ爲シタルニ依リ三國ハ前記目的ノ促進ノ爲各其ノ全權委員ヲ任命セリ

「グレート、ブリテン」「アイルランド」聯合王國皇帝「インド」皇帝陛下

特命全權大使「ロード、ボーンスフォート」

「ドイツ」國皇帝「プロシア」國王陛下

特命全權大使「ヘル、フォン、ホルレーベン」

「アメリカ」合衆國大統領

國務長官「ジョン、ヘイ」

右各全權委員ハ相互ニ其ノ全權委任狀ヲ示シ之ガ適當ナルヲ認メタル後左ノ諸條ヲ協定セリ

第一條

千八百八十九年六月十四日「ベルリン」ニ於テ前記諸國間ニ締結署名セル一般議定書及「サモア」ニ關スル一切ノ從前ノ條約、協定及協約ハ之ヲ廢止ス

第二條

英國ハ「アメリカ」合衆國ノ爲ニ「ツツイラ」島及「グリニッチ」西經百七十一度以東ノ他ノ一切ノ「サモア」諸島ニ付一切ノ權利及請求ヲ放棄ス

獨國モ同様「アメリカ」合衆國ノ爲ニ「ツツイラ」島及「グリニッチ」西經百七十一度以東ノ他ノ一切ノ「サモア」諸島ニ付一切ノ權利及請求ヲ放棄ス

相互的ニ「アメリカ」合衆國ハ獨國ノ爲ニ「ウボル」及「サヴァイイ」島及「グリニッチ」西經百七十一度以西ノ他ノ一切ノ「サモア」諸島ニ付一切ノ權利及請求ヲ放棄ス

第三條

三締約國ハ何レモ「サモア」群島ノ一切ノ島嶼ニ於テハ其ノ通商及商船ニ付締約國ノ一方ノ通商ニ開カルベキ一切ノ港ニ於テ主權國ノ享有スルト同等ノ特權及條件ヲ引續キ享有スベキコトニ了解シ合意セリ

第四條

本協定ハ成ルベク速ニ批准セラルベク批准書交換後直ニ實施セラルベシ
右證據トシテ各全權委員ハ本協定ニ署名調印セリ

千八百八十九年十二月二日「ワシントン」ニ於テ本書三通ヲ作成ス

ポ	ー	ン	ス	フ	ォ	ー	ト	(印)
ホ	ル	レ	ー	ベ	ン			(印)
ジ	ョ	ー	ン	、	ヘ	イ		(印)

10. CONVENTION BETWEEN GREAT BRITAIN, GERMANY, AND THE UNITED STATES OF AMERICA, FOR THE ADJUSTMENT OF QUESTIONS RELATING TO SAMOA.—SIGNED AT WASHINGTON, DECEMBER 2, 1899.

(Ratifications exchanged at London, Berlin, and Washington, February 16, 1900.)

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Imperial Majesty the German Emperor, King of Prussia; and the President of the United States of America, desiring to adjust amicably the questions which have arisen between them in respect to the Samoan group of islands, as well as to avoid all future misunderstanding in respect to their joint or several rights and claims of possession or jurisdiction therein, have agreed to establish and regulate the same by a Special Convention; and whereas the Governments of Great Britain and Germany have, with the concurrence of that of the United States, made an agreement regarding their respective rights and interests in the aforesaid group, the three Powers before named, in furtherance of the ends above mentioned, have appointed respectively their Plenipotentiaries as follows:—

Her Majesty the Queen of Great Britain and Ireland, Empress of India, the Right Honourable Lord Pauncefote, of Preston, G.C.B., G.C.M.G., Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary;

His Majesty the German Emperor, King of Prussia, His Ambassador Extraordinary and Plenipotentiary, Herr von Holleben; and

The President of the United States of America, the Honourable John Hay, Secretary of State of the United States; and

Who, after having communicated each to the other their respective full powers, which were found to be in proper form, have agreed upon and concluded the following Articles:—

ART. I. The General Act concluded and signed by the aforesaid Powers at Berlin on the 14th day of June, A.D., 1889, and all previous Treaties, Conventions, and Agreements relating to Samoa, are annulled.

ART. II. Great Britain renounces in favour of the United States of America all her rights and claims over and in respect to the Island of Tutuila and all other islands of the Samoan group east of longitude 171° west of Greenwich.

Germany in like manner renounces in favour of the United States of America all her rights and claims over and in respect to the Island of Tutuila and all other islands of the Samoan group east of longitude 171° west of Greenwich.

Reciprocally, the United States of America renounce in favour of Germany all their rights and claims over and in respect to the Islands of Upolu and Savaii, and all other islands of the Samoan group west of longitude 171° west of Greenwich.

ART. III. It is understood and agreed that each of the three Signatory Powers shall con-

tinue to enjoy, in respect to their commerce and commercial vessels, in all the islands of the Samoan group, privileges and conditions equal to those enjoyed by the Sovereign Power in all ports which may be open to the commerce of either of them.

ART. IV. The present Convention shall be ratified as soon as possible, and shall come into force immediately after the exchange of ratifications.

In faith whereof we, the respective Plenipotentiaries, have signed this Convention, and have hereunto affixed our seals.

Done in triplicate at Washington, the 2nd day of December, in the year of our Lord 1899.

(L. S.) PAUNCEFOTE.

(L. S.) HOLLEBEN.

(L. S.) JOHN HAY.

「ニュー、ヘブリディーズ」諸島

十一 「ニュー、ヘブリディーズ」ニ關スル英國及佛國間協定

千八百八十七年、千八百八十八年

11. AGREEMENT BETWEEN GREAT BRITAIN AND FRANCE, RESPECTING
THE NEW HEBRIDES.—1887, 1888.

I. CORRESPONDENCE.

The Marquis of Salisbury to Mr. Egretton.

Foreign Office, October 21, 1887.

Sir,

I inclose to you the draft of a Convention with respect to the New Hebrides which is the result of the various communications and conversations that have passed upon the subject. The controversy has lasted longer than was anticipated, and has created some disquietude in the minds of Her Majesty's subjects in Australia; and I hope that by accepting the inclosed proposals the French Government may be able to bring it to a satisfactory termination.

In the year 1878 the Marquis d'Harcourt, then French Ambassador at this Court, verbally assured Lord Derby that France entertained no intention of annexing the New Hebrides, and received from Lord Derby a corresponding assurance in return. When, in the beginning of last year, two of the islands of this group were occupied by a small French force, a general apprehension was created, especially among the colonists of Australia and New Zealand, that a policy was in contemplation not consistent with the assurances the Marquis d'Harcourt had been instructed to convey. The French Government have, however, constantly assured us, in a

categorical manner, that they entertained no projects of annexation, and that they were prepared to remove their troops as soon as sufficient security was given to them that the lives and properties of French settlers upon the islands would be protected from attacks by the natives. The provisions of the draft Convention which is inclosed seem well calculated to effect the objects which both Governments desire. But the acceptance of it by Her Majesty's Government must be entirely conditional on an undertaking by the French Government that the evacuation shall not be postponed beyond a fixed date.

The French Government are anxious that this opportunity shall be taken to release them from an engagement entered into in 1847 to the effect that they would not assume the Protectorate of the Island of Raiatea, near Tahiti. The desirability of acceding to this proposal, under certain conditions, has for several years been admitted by Her Majesty's Government. In the autumn of 1880 it was proposed to make this concession simultaneously with a Convention which was being negotiated for the settlement of the disputed fishery questions in Newfoundland. In view of the probability of this Convention being concluded, Lord Granville, in October 1880, consented "to a provisional French Protectorate over the island for a strictly limited time." The agreement for that purpose was renewed at the end of six months, and since then has been renewed every six months up to the present time. The Newfoundland Convention, which was to have made the French Protectorate of Raiatea definitive, was signed in October (? November) 1885, but it contained a provision that it should not be ratified until

it had been accepted by the Legislature of Newfoundland. Before its signature it had been submitted to that Colony, and, in its ultimate form, was not objected to by them. There was no ground to apprehend its final rejection. After its signature, however, an objection, which proved in the judgment of the Colony fatal, was taken to an Article in it which gave to the French fishermen liberty to purchase bait in the Colonial waters; and during the present year a Bill has passed the Legislature of Newfoundland, and has been approved, which is directly at variance with the stipulations as to the purchase of bait contained in the Convention.

The result of this failure upon Raiatea has been that, contrary to all expectation, the French Protectorate has never been made definitive. It does not, however, appear to Her Majesty's Government desirable, or indeed practicable, to remit to an aboriginal administration an island which has been for seven years under French government; and on this account, as well as in view of the peculiar circumstances attending the failure of the Convention of 1885, they are willing to transfer the stipulation in question to the present Convention, subject, of course, to the undertakings given in a *note verbale* to Lord Lyons on the 24th October, 1885.

I am, &c.,

SALISBURY.

E.H. Egerton, Esq.

ANNEX 1.
DRAFT CONVENTION.

ANNEX 2.

M. Flourens to Mr. Egerton.

Monsieur,

Paris, le 22 Octobre, 1887.

J'ai reçu communication de la dépêche que le Marquis de Salisbury vous a adressée au sujet de la Convention relative aux Nouvelles-Hébrides et aux îles sous le vent de Tahiti, qui a été le résultat des communications échangées entre les Gouvernements Anglais et Français. Cette dépêche est accompagnée du texte de la Convention arrêté entre les deux Gouvernements. Je me suis assuré que ce texte est conforme à nos intentions communes, et j'y donne mon approbation.

Il serait donc entendu que les deux Gouvernements prendraient leurs dispositions pour que les Règlements destinés à guider la Commission Navale Mixte, prévue par l'Article II, fussent élaborés et approuvés dans un délai maximum de quatre mois, à dater de la signature de la Convention, et je prends l'engagement, au nom du Gouvernement de la République, de faire évacuer les Nouvelles-Hébrides par les postes militaires Français à l'expiration de ce délai, s'il n'est pas possible de le faire plus tôt.

Agréé, &c.,

FLOURENS.

E.H. Egerton, Esq.

II.—CONVENTION.—Signed at Paris, November 16, 1887.

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of the French Republic, being desirous to abrogate the Declaration of the 19th June, 1847, relative to the islands leeward of Tahiti, and also to make provision for the future protection of life and property in the New Hebrides, have agreed upon the following Articles:—

ART. I. The Government of Her Britannic Majesty consent to proceed to the abrogation of the Declaration of 1847 relative to the islands to the leeward of Tahiti as soon as the agreement hereinafter contained for the future protection of life and property in the New Hebrides by means of a Joint Commission shall have been carried out.

II. A Joint Naval Commission shall be immediately constituted, composed of British and French naval officers on the Pacific Station, charged with the duty of maintaining order and of protecting the lives and property of British subjects and French citizens in the New Hebrides.

III. A Declaration to that effect shall be signed by the two Governments.

IV. The Regulations for the guidance of the Commission shall be drawn up by the two Governments, approved by them, and transmitted to the Commanders of the British and French ships on the Pacific Naval Station within a period not exceeding four months from the date of the signature of the present Convention, should it be impossible to do so earlier.

V. Immediately on the approval of those Regulations by the two Governments, and the consequent withdrawal of the French military posts from the New Hebrides, the Government of Her Britannic Majesty will proceed to the abrogation of the Declaration of 1847. It is understood that the assurances relating to trade and to convicts, which are contained in the *note verbale* of the 24th October, 1885, communicated by M. de Freycinet to Lord Lyons, shall remain in full force.

In witness whereof the Undersigned, duly authorized for that purpose, have signed the present Convention, and have affixed thereto their seals.

Done in duplicate at Paris, the 16th November, 1887.

(L.S.) EDWIN HENRY EGERTON.

(L.S.) FLOURENS.

III.—DECLARATION.—Signed at Paris, January 26, 1888.

Declaration agreed upon between the Governments of Great Britain and France, pursuant to Article III of the Convention of the 16th November, 1887, relative to the New Hebrides:—

I. A Joint Naval Commission shall be immediately constituted, composed of naval officers belonging to the British and French Stations in the Pacific, charged with the duty of maintaining order, and of protecting the lives and property of British and French subjects in the New Hebrides.

II. The said Commission shall be composed of a President and two British and two French naval officers; the said officers to be named by any person having commission for that purpose from the British and French Governments respectively. From the date of the first composition of the Commission the President shall be in alternate months the Commanding Officer of the British and French naval forces respectively present in the group, it being decided by lot which of the two officers shall first act as President.

The Commission shall assemble at the request of either Commanding Officer. In the absence of the President for the time being, the other Commanding Officer shall preside, and the Commission shall have power to act if two other members be present, of whom one is British and the other French.

III. The Commission shall carry out its duties in conformity with the Regulations annexed to this Declaration, and with any further Regulations which may from time to time be agreed upon between the two Governments.

In witness whereof the Undersigned, duly authorized by their respective Governments for that purpose, have signed the present Declaration, and have affixed thereto the seal of their arms.

Signed at Paris in duplicate, this 26th day of January, 1888.

(L.S.) LYTTON.

(L.S.) FLOURENS.

ANNEX.

Regulations for the Guidance of the Joint Naval Commission.

1. In the event of a disturbance of peace and good order in any part of the New Hebrides where British or French subjects may be settled, or in case of danger menacing the safety of life or property, the Commission shall forthwith assemble, and take such measures as it may think best under the circumstances for repressing the disturbance or for the protection of the interests endangered.
2. No British or French Naval Commander shall take independent or isolated action, except as hereinafter mentioned.
3. Military force shall not be resorted to unless the Commission shall consider its employment to be indispensable.
4. In the event of the landing of a naval or military force, such force shall not remain longer than may be considered necessary by the Commission.
5. Where the circumstances may not admit of any delay, and the urgency of the case may call for immediate action before the assembling of the Commission, the British and French Commanders nearest the scene of action shall, in concert if possible, or separately if such concert be not practicable, take the necessary measures for the protection of the interests endangered, and shall report such action forthwith to their respective Senior Naval Officers on the

Station, and await the further orders of the Commission. Each Senior Naval Officer, on receiving such report, shall at once communicate it to the other.

6. The Commission shall have no further or other powers than are expressly delegated to it by these Regulations, and shall not interfere in disputes concerning the title to land, or dispossess of their lands any persons, natives or foreigners.

Signed at Paris, in duplicate, this 26th day of January, 1888.

LYTTON.

FLOURENS.

十二「ニュー、ヘブリディーズ」ニ關スル千九百六年二月二十七日
「ロンドン」署名ノ議定書ヲ確認スル英國及佛國間協定

千九百六年十月二十日 「ロンドン」ニ於テ署名
千九百七年一月九日 「ロンドン」ニ於テ批准書交換

12. CONVENTION BETWEEN GREAT BRITAIN AND FRANCE CONFIRMING THE
 PROTOCOL SIGNED AT LONDON ON FEBRUARY 27, 1906, CONCERNING
 THE NEW HEBRIDES.—SIGNED AT LONDON, OCTOBER 20, 1906.

(Ratifications exchanged at London, January 9, 1907.)

The Government of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the Government of the French Republic, having agreed, in a spirit of mutual good-will, to confirm the Protocol, prepared in conformity with the Declaration of the 8th April, 1904, by their respective Delegates, concerning the New Hebrides;

The Undersigned, the Right Honourable Sir Edward Grey, a Baronte of the United Kingdom, a Member of Parliament, His Majesty's Principal Secretary of State for Foreign Affairs;

And His Excellency Monsieur Paul Cambon, Ambassador of the French Republic at the Court of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India;

Duly authorized to this effect, confirm the Protocol, drawn up at London, the 27th day of February 1906, the text of which is as follows:—

PROTOCOL.

The Undersigned, Eldon Gorst, Assistant Under-Secretary of State for Foreign Affairs, Knight Commander of the Most Honourable Order of the Bath; Hugh Bertram Cox, Assistant Under-Secretary of State for the Colonies, Companion of the Most Honourable Order of the Bath; Marcel Saint-Germain, Senator, President of the Council of Administration of the Colonial Office at the Ministry of the Colonies, Officer of the Order of Public Instruction, Holder of the Colonial Medal; Edouard Picanon, Inspector-General of the Colonies of the First Class, Governor of French Guiana, Officer of the Legion of Honour, Officer of the Order of Public Instruction, delegated respectively by the Government of His Britannic Majesty and by the Government of the French Republic, in order to draw up, in conformity with the Declaration of the 8th April, 1904, concerning the New Hebrides, an arrangement which shall put an end to the difficulties arising from the absence of jurisdiction over the natives of the New Hebrides and settle the disputes of their respective nationals in the said islands with regard to landed property, have agreed to the following provisions, which they have resolved to submit for the approval of their respective Governments:—

Preamble.

The Government of His Britannic Majesty and the Government of the French Republic, being desirous of modifying, as far as the New Hebrides are concerned, the Convention of the

16th November, 1887, respecting the New Hebrides and the islands leeward of Tahiti, in order to secure the exercise of their paramount rights in the New Hebrides and to assure for the future the better protection of life and property in the Group, have agreed on the following Articles:—

GENERAL PROVISIONS.

Status.

ART. I.—(1.) The Group of the New Hebrides, including the Banks and Tores Islands, shall form a region of joint influence, in which the subjects and citizens of the two Signatory Powers shall enjoy equal rights of residence, personal protection, and trade, each of the two Powers retaining jurisdiction over its subjects or citizens, and neither exercising a separate control over the Group.

(2.) The subjects or citizens of other Powers shall enjoy the same rights and shall be subject to the same obligations as British subjects or French citizens. They must choose within six months between the legal systems of one of the two Powers. Failing such choice, the High Commissioners mentioned in Article II or their Delegates shall decide under which system they shall be placed.

(3.) In all matters not contrary to the provisions of the present Convention or the regulations made thereunder, the subjects and citizens of the two Signatory Powers and the subjects

and citizens of other Powers shall, within the New Hebrides, remain subject to the fullest extent to the laws of their respective countries.

(4.) The two Signatory Powers undertake not to erect fortifications in the Group and not to establish penal settlements of any kind.

Local Authorities.—Police.

ART. II.—(1.) The Signatory Powers shall be represented in the Group by two High Commissioners, one appointed by His Britannic Majesty's Government, the other by the Government of the French Republic.

(2.) The High Commissioners shall each be assisted by a Resident Commissioner, to whom they shall delegate their respective powers, in so far as they consider it expedient, and who shall represent them in the Group when they do not reside there.

(3.) The High Commissioners or their Delegates shall be provided with a police force of sufficient strength to guarantee effectively the protection of life and property.

(4.) The force shall be divided into two divisions of equal strength. Each of these two divisions shall be under the orders of one of the two Resident Commissioners, and shall in no case be employd otherwise than in conformity with the principles laid down by the present Convention.

(5.) When it is necessary to employ some or all of both divisions of the force in con-