

Samoa

FRIENDSHIP AND COMMERCE

Treaty signed at Washington January 17, 1878

*Senate advice and consent to ratification, with amendments, January 30, 1878*¹

*Ratified by the President of the United States, with amendments, February 8, 1878*¹

Ratified by Samoa February 11, 1878

Ratifications exchanged at Washington February 11, 1878

Entered into force February 11, 1878

Proclaimed by the President of the United States February 13, 1878

*Terminated by treaty of December 2, 1899, between the United States, Germany, and Great Britain*²

20 Stat. 704; Treaty Series 312

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

Article I

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

¹ The U.S. amendments called for two changes in the first sentence of art. IV: (1) addition after the word "Samoa" of the phrase "under such regulations and limitations as the United States may provide"; and (2) substitution of the word "officer" for "officers."

The text printed here is the amended text as proclaimed by the President.

² TS 314, *ante*, vol. 1, p. 276.

Article II

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

Article III

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

Article IV

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

Article V

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

Article VI

The Government of Samoa agrees to allow to the Government and citizens of the United States, free and equal participation in any privileges that

may have been or may hereafter be granted to the Government, citizens or subjects of any other nation.

Article VII

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

Article VIII

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

In faith whereof, the Plenipotentiaries have signed and sealed this treaty at Washington, the seventeenth day of January, one thousand eight hundred and seventy-eight.

WILLIAM MAXWELL EVARTS [SEAL]
MK. LE MAMEA [SEAL]