

SETTLEMENT OF CLAIMS IN SAMOA

Convention signed at Washington November 7, 1899

Senate advice and consent to ratification February 21, 1900

Ratified by the President of the United States March 5, 1900

Ratifications exchanged at Washington March 7, 1900

Entered into force March 7, 1900

Proclaimed by the President of the United States March 8, 1900

*Terminated by an arbitral decision rendered on October 14, 1902, by
the King of Sweden and Norway¹*

31 Stat. 1875; Treaty Series 315

CONVENTION RELATING TO THE SETTLEMENT OF CERTAIN CLAIMS IN SAMOA BY ARBITRATION

The President of the United States of America, His Majesty the German Emperor, King of Prussia, in the name of the German Empire, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous of effecting a prompt and satisfactory settlement of the claims of the citizens and subjects 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:

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

¹ TS 415; for text, see II Malloy 1591 or 1902 For. Rel. 444. The King's decision read, in part: "We are of opinion that . . . His Britannic Majesty's Government and the United States Government are responsible, under the Convention of the 7th of November, 1899, for losses caused by said military action; while reserving for a future decision the question as to the extent to which the two Governments, or each of them, may be considered responsible for such losses."

No decision was ever rendered on the reserved question because the United States and Great Britain later agreed that each would pay half of the sums found due to the subjects of other governments, and each would take care of the losses found due its own subjects. In the final settlement the United States and Great Britain paid, in equal moieties, \$40,000.00 to Germany; \$6,782.26 to France; \$1,520.00 to Denmark; \$750.00 to Sweden; and \$450.00 to Norway (*American Journal of International Law*, 1913, vol. 7, pp. 769-771).

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

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*;

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:

ARTICLE I

All claims put forward by American citizens or Germans or British subjects 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 American, German or British officers between the first of 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 considerations of equity.

ARTICLE 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.

ARTICLE 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.

ARTICLE IV

The present Convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the German Emperor, King of Prussia; and by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland; 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 seventh day of November, one thousand eight hundred and ninety-nine.

[For the United States:]

JOHN HAY

[SEAL]

[For the United Kingdom:]

REGINALD TOWER

[SEAL]

[For Germany:]

A v MUMM

[SEAL]