

SAMOA: COMMERCE, CONSULAR RIGHTS, SHIPPING

*“Commercial regulations” signed at Apia, Upolu, November 5, 1839¹
Superseded April 12, 1890, by the General Act of June 14, 1889,² with
respect to those provisions with which the General Act was inconsis-
tent; annulled in entirety February 16, 1900, by convention of
December 2, 1899³*

4 Miller 241

COMMERCIAL REGULATIONS MADE BY THE PRINCIPAL CHIEFS OF THE SAMOA
GROUP OF ISLANDS AFTER FULL CONSIDERATION IN COUNCIL ON THE 5TH
DAY OF NOVEMBER /39

1st

All foreign Consuls duly appointed and received in Samoa shall be protected and respected both in their persons and property, and all foreigners obtaining the consent of the Government and conforming to the Laws shall receive the protection of the Government.

2nd

All foreign vessels shall be received into the ports and harbours of Samoa for the purpose of obtaining supplies and for Commerce, and with their officers and crews, so long as they shall comply with these regulations, and behave themselves peaceably shall receive the protection of the Governr

3rd

The fullest protection shall be given to all foreign ships and vessels which may be wrecked, and any property saved shall be take possession of by

¹ These regulations, though perhaps not technically constituting an international agreement, are included because of their historical interest and because “they treat of matters which are frequently the subject of conventions, . . . they undoubtedly were regarded by the native chiefs who signed them as being of a promissory nature, . . . and, indeed, they contain clauses reading somewhat like mutual promises” (Hunter Miller, *Treaties and Other International Acts of the United States of America*, vol. 4, p. 244). See 4 Miller 244, for notes on this document (text source, etc.) and on the status of Samoa at the time these regulations were signed.

² TS 313, *post*, p. 116.

³ TS 314, *post*, p. 276.

the Consul of the Country to which the vessel belongs, who will allow a salvage or portion of the property so saved to those who may aid in saving and protecting the same, and no embezzlement will be permitted under any circumstances whatever. The effects of all deceased persons shall be given up to the Consul of the Nation to which they may have belonged.

4th

Any person guilty of the crime of murder upon any foreigner shall be given up without delay to the Commander of any public vessel of the Nation to which the deceased may have belonged, upon his demanding the same.

5th

Every vessel shall pay a port charge of \$5 for anchorage and water, before she will be allowed to receive refreshments on board, and shall pay for pilotage in and out the sum of \$7. before she leaves the harbour, and pilots shall be appointed subject to the approval of the Consuls.

6th

No work shall be done on shore, nor shall any natives be employed on board vessels on the Sabbath day under a penalty of *ten dollars*, unless under circumstances of absolute necessity.

7th

All trading in spirituous or landing the same is strictly forbidden: any person offending shall pay a fine of twenty five dollars, and the vessel to which he belongs, shall receive no more refreshments. Any spirituous liquors found on shore shall be seized and destroyed.

8th

All deserters from vessels will be apprehended, and a reward paid of \$8 viz \$5 to the person who apprehends him and \$3 to the Chief of the district in which he may be apprehended on his delivery to the proper officer of the vessel. No Master shall refuse to receive such deserter under a penalty of \$25.

Deserters taken after the vessel has sailed shall be delivered up to the Consul to be dealt with as he may think fit. Any person who entices another to desert, or secretes a deserter or in any way assists him shall be subject to a penalty of \$5. or one month's hard labour on the public roads.

9th

No Master shall land a passenger without permission of the Government under a penalty of \$25. and no individual shall be permitted to land or reside in Samoa without special permission of the Government. Any one so landing shall be compelled to leave by the first opportunity.

10th

If a sick person be left on shore from any vessel for the recovery of his health, he shall be placed in charge of the Consul, who shall be responsible for his sick expenses and will send him away by the first opportunity after his recovery.

11th

Any seamen remaining on shore after 9 O clock at night, shall be made a prisoner of until the next morning, when he shall be sent on board, and shall pay a fine of \$5.

12th

All fines to be paid in specie or its equivalent, or be commuted by the Government at the rate of one months hard labour on the public roads for \$5.

13th

Should the Master of any vessel refuse to comply with any of these regulations a statement of the case shall be furnished to the Consul of the Nation to which he belongs and redress sought from thence.

14th

All Magistrates or Chiefs of districts where vessels or boats may visit, shall enforce the rules and regulations relative to the landing of foreigners and apprehension of deserters or pay such a fine as the Malo shall impose.

15th

For carrying into effect the foregoing rules and regulations, the Chiefs and Tula-fale of the respective districts shall meet and elect one of their number to act as a Magistrate or judge to execute the laws.

16th

These regulations shall be printed promulgated, and a copy furnished to the Master of each vessel visiting these islands.

Done in Council at the port of Apia on the island of Upulo this fifth day of November A D 1839

Witnesses

CHAS WILKES *Comdg Ex Ex.*J. C. WILLIAMS *U.S Consul*W C CUNNINGHAM *H B M Consul**Novr 5th 1839*

MALIETOA	X
TAMALANGI	X
MATETAU	X
PEEA	X
TOOA	X
MOLI	X
SAGA	X

The foregoing Commercial rules and regulations having been signed by the chiefs in my presence and submitted to me—I consider them just and proper and shall forward to the American Government a copy of the same for the information of all Masters of vessels visiting the Samoa or Navigator group of islands.

U.S Ship Vincennes Harbour of Apia Island of Upulo Navigator group
November 6th 1839

CHARLES WILKES
Comdg Ex. Ex U.S of America

The foregoing rules and regulations having been submitted to me by the chiefs, I highly approve of the same.

W. C. CUNNINGHAM
H B M Vice Consul For the Navigator group

APIA UPULO November 5th 1839