

NEUTRALITY AND AUTONOMOUS GOVERNMENT IN SAMOA (GENERAL ACT OF BERLIN)

General act signed at Berlin June 14, 1889

Senate advice and consent to ratification February 4, 1890

Ratified by the President of the United States February 21, 1890

Ratifications deposited at Berlin April 12, 1890

Entered into force April 12, 1890

Assented to by the Government of Samoa April 19, 1890

Proclaimed by the President of the United States May 21, 1890

Annulled February 16, 1900, by convention of December 2, 1899¹

26 Stat. 1497; Treaty Series 313

GENERAL ACT

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

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 June 25, 1887; and have named for Their present Plenipotentiaries the following:

The President of the United States of America:

Mr. John A. Kasson,

Mr. William Walter Phelps,

Mr. George H. Bates;

His Majesty the Emperor of Germany, King of Prussia:

Count Bismarck, Minister of State, Secretary of State for Foreign Affairs,

¹ TS 314, *post*, p. 276.

Baron von Holstein, Actual Privy Councillor of Legation,
 Dr. Krauel, Privy Councillor of Legation;
 Her Majesty the Queen of the United Kingdom of Great Britain and Ire-
 land, Empress of India:

Sir Edward Baldwin Malet, Her Majesty's Ambassador to the Em-
 peror of Germany, King of Prussia,
 Charles Stewart Scott, Esquire, Her Majesty's Envoy Extraordinary
 and Minister Plenipotentiary to the Swiss Confederation,
 Joseph Archer Crowe, Esquire, Her Majesty's Commercial Attaché
 for Europe,

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

First; A Declaration respecting the independence and neutrality of the
 Islands of Samoa, and assuring to their respective citizens and subjects equal-
 ity of rights in said Islands, and providing for the immediate restoration of
 peace and order therein.

Second; A Declaration respecting the modification of existing treaties,
 and the assent of the Samoan Government to this Act.

Third; A Declaration respecting the establishment of a Supreme Court
 of Justice for Samoa, and defining its jurisdiction.

Fourth; 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.

Fifth; A Declaration respecting the Municipal District of Apia, providing
 a local administration therefor and defining the jurisdiction of the Municipal
 Magistrate.

Sixth; A Declaration respecting taxation and revenue in Samoa.

Seventh; A Declaration respecting arms and ammunition, and intoxicat-
 ing liquors, restraining their sale and use.

Eighth; General Dispositions.

ARTICLE I

*A Declaration respecting the independence and neutrality of the Islands of
 Samoa, and assuring to the respective citizens and subjects of the Signatory
 Powers equality of rights in said Islands; and providing for the immediate
 restoration of peace and order therein.*

It is declared that the Islands of Samoa are neutral territory in which the
 citizens and subjects of the Three Signatory Powers have equal rights of resi-
 dence, trade and personal protection. The Three Powers recognize the inde-
 pendence of the Samoan Government and the free right of the natives to
 elect their Chief or King and choose their form of Government according to
 their own laws and customs. Neither of the Powers shall exercise any separate
 control over the Islands or the Government thereof.

It is further declared, with a view to the prompt restoration of peace and good order in the said Islands, and in view of the difficulties which would surround an election in the present disordered condition of their Government, that Malietoa Laupepa, who was formerly made and appointed King on the 12th day of July 1881, and was so recognized by the Three Powers, shall again be so recognized hereafter in the exercise of such authority, unless the Three Powers shall by common accord otherwise declare; and his successor shall be duly elected according to the laws and customs of Samoa.

ARTICLE II

A Declaration respecting the modification of existing treaties, and the assent of the Samoan Government to this Act

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

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

ARTICLE III

A Declaration respecting the establishment of a Supreme Court of Justice for Samoa and defining its jurisdiction

SECTION 1. A Supreme Court shall be established in Samoa to consist of one Judge, who shall be styled Chief Justice of Samoa, and who shall appoint a Clerk and a Marshal of the Court; 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.

SECTION 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 six thousand

dollars (\$6,000.00) 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.

SECTION 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 herein-before provided.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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 offenses committed prior to the organization of the Court.

ARTICLE IV

A Declaration respecting titles to land in Samoa and restraining the disposition thereof by natives; and providing for the investigation of claims thereto, and for the registration of valid titles

SECTION 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 (40) years when such lease is approved in writing by the Chief Executive Authority of Samoa and by the Chief Justice.

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

SECTION 2. In order to adjust and settle all claims by aliens of titles to land or any interest therein in the Islands of Samoa, it is declared that a Commission shall be appointed to consist of three (3) impartial and competent persons, one to be named by each of the Three Treaty Powers; to be assisted by an officer to be styled "Natives' Advocate," who shall be appointed by the Chief-Executive of Samoa with the approval of the Chief Justice of Samoa.

Each Commissioner shall receive during his necessary term of service, a compensation at the rate of three hundred dollars per month and his reasonable fare to and from Samoa. The reasonable and necessary expenses of the Commission for taking evidence and making surveys (such expenses to be approved by the Chief Justice) shall also be paid, one third by each of the Treaty Powers.

The compensation of the Natives' Advocate shall be fixed and paid by the Samoan Government.

Each Commissioner shall be governed by the provisions of this Act; and shall make and subscribe an oath before the Chief Justice that he will faithfully and impartially perform his duty as such Commissioner.

SECTION 3. It shall be the duty of this Commission, immediately upon their organization, to give public notice that all claims on the part of any foreigner to any title or interest in lands in Samoa must be presented to them, with due description of such claim and all written evidence thereof, within four months from such notice for the purpose of examination and registration; and that all claims not so presented will be held invalid and forever barred; but the Chief Justice may allow a reasonable extension of time for the production of such evidence when satisfied that the claimant has after due diligence been unable to produce the same within the period aforesaid. This notice shall be published in Samoa in the German, English and Samoan Languages as directed by the Commission.

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

SECTION 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.

SECTION 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 part, as the case may require.

SECTION 6. All disputed claims to land in Samoa shall be reported by the Commission to the Court, together with all the evidence affecting their validity; and the Court shall make final decision thereon in writing, which shall be entered on its record.

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

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

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

SECTION 9. The undisputed possession and continuous cultivation of lands by aliens for ten years or more, shall constitute a valid title by prescription to the lands so cultivated, and an order for the registration of the title thereto may be made.

SECTION 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.

SECTION 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

October 25, 1880, or contrary to the Municipal Regulations of January 1, 1880.

SECTION 12. The Land Commission may at its discretion through the Local Government of the District in which the disputed land is situated appoint a native Commission to determine the native grantor's right of ownership and sale; and the result of that investigation, together with all other facts pertinent to the question of validity of title, shall be laid before the Commission to be by them reported to the Court.

ARTICLE V

A Declaration respecting the Municipal District of Apia, providing a local administration therefor, and defining the jurisdiction of the Municipal Magistrate

SECTION 1. The Municipal District of Apia is defined as follows: Beginning at Vailoa, the boundary passes thence westward along the coast to the mouth of the River Fuluasa; thence following the course of the river upwards to the point at which the Alafuala road crosses said river; thence following the line of said road to the point where it reaches the River Vaisinago; and thence in a straight line to the point of beginning at Vailoa—embracing also the waters of the Harbour of Apia.

SECTION 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 per ann.

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.

SECTION 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.

SECTION 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 two hundred 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 twenty dollars or a term of ten days imprisonment an appeal may be taken to the Supreme Court.

SECTION 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 five thousand dollars (\$5,000.00), 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.

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

ARTICLE VI

A Declaration respecting Taxation and Revenue in Samoa

SECTION 1. The Port of Apia shall be the port of entry for all dutiable goods arriving in the Samoan Islands; and all foreign goods, wares and merchandise landed on the Islands shall be there entered for examination; but coal and naval stores which either Government has by treaty reserved the right to land at any harbour stipulated for that purpose are not dutiable when imported as authorized by such treaty, and may be there landed as stipulated without such entry or examination.

SECTION 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*

	Doll. c.
1. On ale and porter and beer per dozen quarts.....	. 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.....	. 50
6. On cigars per lb.....	1. 00
7. On sporting arms, each.....	4. 00
8. On gunpowder per lb.....	. 25
9. Statistical duty on all merchandise and goods imported, except as aforesaid, ad valorem.....	2 p.c.

B. *Export Duties*

On copra } ad valorem.....	} 2½ p.c. 1½ p.c. 2 p.c.
On cotton }	
On coffee }	

C. *Taxes to be annually levied*

1. Capitation tax on Samoans and other Pacific Islanders not included under No. 2, per head.....	1. 00
2. Capitation tax on colored plantation laborers, other than Samoans, per head...	2. 00
3. On boats, trading and others (excluding native canoes and native boats carrying only the owner's property) each.....	4. 00
4. On firearms, each.....	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 p.c.
6. Special taxes on traders as follows:	
Class I. On stores of which the monthly sales are \$2,000 or more, each store.	100. 00
Class II. Below \$2,000 and not less than \$1,000.....	48. 00
Class III. Below \$1,000 and not less than \$500.....	36. 00
Class IV. Below \$500 and not less than \$250.....	24. 00
Class V. Below \$250.....	12. 00

D. *Occasional taxes*

1. On 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 p.c.
3. Upon other written transfers of property, upon the selling price.....	1 p.c.
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 p.c.

E. *License taxes*

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

	Doll.
Tavern keeper.....	10 per month
Attorney, barrister or solicitor.....	60 per annum
Doctor of medicine or dentistry.....	30 " "
Auctioneer or commission agent.....	40 " "
Baker.....	12 " "
Banks or companies for banking.....	60 " "
Barber.....	6 " "
Blacksmith.....	5 " "
Boat-builder.....	6 " "
Butcher.....	12 " "
Cargo-boat or lighter.....	6 " "
Carpenter.....	6 " "
Photographer or artist.....	12 " "

E. License taxes—Continued

	Doll.
Engineer.....	12 per annum
“ assistants.....	6 “ “
“ apprentices.....	3 “ “
Hawker.....	1 “ “
Pilot.....	24 “ “
Printing press.....	12 “ “
Sailmaker.....	6 “ “
Shipbuilder.....	6 “ “
Shoemaker.....	6 “ “
Land surveyor.....	6 “ “
Tailor.....	6 “ “
Waterman.....	6 “ “
Salesmen, bookkeepers, clerks, paid not less than \$75 a month.....	3 “ “
Same when paid over \$75 a month.....	6 “ “
White laborers and domestics per head.....	5 “ “
Factory hands and independent workmen.....	5 “ “

SECTION 3. Of the revenues paid into the Treasury the proceeds of the Samoan capitation tax, of the license taxes paid by native Samoans, and of all other taxes which may be collected without the Municipal District, shall be for the use and paid out upon the order of the Samoan Government. 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.

SECTION 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.

ARTICLE VII

A declaration respecting arms and ammunition, and intoxicating liquors, restraining their sale and use

SECTION 1. *Arms and ammunition.* The importation into the Islands of Samoa of arms and ammunition by the natives of Samoa, or by the citizens or subjects of any foreign country, shall be prohibited except in the following cases:

(a) Guns and ammunition for sporting purposes, for which written license shall have been previously obtained from the President of the Municipal Council.

(b) Small arms and ammunition carried by travelers as personal appanage.

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

Any arms or ammunition imported or sold in violation of these provisions shall be forfeited to the Government of Samoa. The Samoan Government retains the right to import suitable arms and ammunition to protect itself and maintain order; but all such arms and ammunition shall be entered at

the Customs (without payment of duty) and reported by the President of the Municipal Council to the Consuls of the Three Treaty Powers.

The Three Governments reserve to themselves the future consideration of the further restrictions which it may be necessary to impose upon the importation and use of 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.

ARTICLE VIII

General dispositions

SECTION 1. The provisions of this Act shall continue in force until changed by consent of the Three Powers. Upon the request of either Power after three years from the signature hereof, the Powers shall consider by common accord what ameliorations, if any, may be introduced into the provisions of this General Act. In the meantime any special amendment may be adopted by the consent of the Three Powers with the adherence of Samoa.

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

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

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

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

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

Done in triplicate at Berlin this fourteenth day of June, one thousand eight hundred and eighty-nine.

[For the United States:]

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

[For the United Kingdom:]

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

[For Germany:]

H. BISMARCK
HOLSTEIN
R. KRAUEL