

Convention between the United States of America, Germany, and Great Britain, relating to the settlement of certain claims in Samoa by arbitration. Signed at Washington, November 7, 1899; ratified by the Emperor, February 18, 1900; ratification advised by the Senate, February 21, 1900; ratified by the Queen, February 22, 1900; ratified by the President, March 5, 1900; ratifications exchanged, March 7, 1900; proclaimed, March 8, 1900.

WILLIAM MCKINLEY,

PRESIDENT OF THE UNITED STATES OF AMERICA:

To All to Whom these Presents shall come, Greeting:

Know Ye, that whereas a Convention between the United States of America, Germany and Great Britain, relating to the settlement of certain claims in Samoa by arbitration, was concluded at Washington, on the seventh of November, one thousand eight hundred and ninety-nine, the original of which Convention, being in the English and German languages, is word for word as follows:

Preamble.

CONVENTION.

ABKOMMEN.

CONVENTION.

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

BEHUF S CHIEDSGERICHTLICHER REGELUNG GEWISSER SCHADENERSATZ-ANSPRÜCHE AUF SAMOA.

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:

Der Präsident der Vereinigten Staaten von Amerika, Seine Majestät der Deutsche Kaiser, König von Preussen, im Namen des Deutschen Reiches, und Ihre Majestät die Königin des Vereinigten Königreichs von Grossbritannien und Irland, geleitet von dem Wunsche, die durch die jüngst auf den Samoa-Inseln staatgefundenen militärischen Aktionen veranlassten Schadens-Ersatz-Ansprüche der dort selbst ansässigen Angehörigen der beteiligten Reiche und Staaten baldigst und allseitig zufriedenstellend zu erledigen, und entschlossen, ein Abkommen behufs schiedsgerichtlicher Regelung dieser Fragen abzuschliessen, haben zu Ihren Bevollmächtigten ernannt:

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;

Der Präsident der Vereinigten Staaten von Amerika den Staatssekretär der Vereinigten Staaten, The Honorable John Hay;

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

Plenipotentiaries.

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.

Arbitration of claims.

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.

Arbitrator. Scope of arbitration.

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.

Claims of persons not natives.

Either of the three Governments may, with the consent of the others, pre-

Seine Majestät der Deutsche Kaiser, König von Preussen, Allerhöchstihren Gesandten in ausserordentlicher Mission, den Geheimen Legationsrath *Dr. jur. Mumm von Schwarzenstein*;

Ihre Majestät die Königin des Vereinigten Königreichs von Grossbritannien und Irland Allerhöchstihren Geschäftsträger *ad interim*, Mr. Reginald Tower; welche, nach gegenseitiger Mittheilung ihrer in guter und gehöriger Form befundenen Vollmachten, folgende Bestimmungen vereinbart und ausgemacht haben:

ARTIKEL I.

Alle Ansprüche, welche von Amerikanischen Bürgern, von Deutschen oder von Britischen Unterthanen und zwar sowohl von Einzelpersonen wie auch von Gesellschaften, wegen Ersatzes von Schäden geltend gemacht werden, welche sie in Folge der ungerechtfertigten militärischen Aktion amerikanischer, deutscher oder englischer Offiziere, sofern eine solche nachgewiesen wird, in dem Zeitabschnitt vom 1. Januar d. J. bis zu dem Tage erlitten zu haben vorgeben, am welchem die Ankunft der Kommission auf Samoa erfolgt ist, sollen durch einen nach Grundsätzen des Rechts oder nach Erwägungen der Billigkeit zu fällenden Schiedsspruch erledigt werden.

ARTIKEL II.

Seine Majestät der König von Schweden und Norwegen wird seitens der drei Regierungen ersucht werden, das Amt des Schiedsrichters anzunehmen. Durch diesen Schiedsspruch soll ferner entschieden werden, ob die eine oder die andere der drei Regierungen, allein oder in Verbindung mit einer der anderen Regierungen, oder in Verbindung mit beiden anderen Regierungen diese Schäden zu ersetzen hat und eventuell in welchem Umfange.

ARTIKEL III.

Jeder der drei Regierungen soll es, nachdem sie in jedem Falle die vorherge-

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.

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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, pre-

viously 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

hende Zustimmung der anderen Regierungen erlangt hat, gestattet sein, dem Schiedsprüche des Königs auch ähnliche Ansprüche von solchen nicht eingeborenen Personen zu unterbreiten, welche unter dem Schutze der betreffenden Macht stehen und nicht den oben erwähnten Kategorien angehören.

viously 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.

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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.

Das gegenwärtige Abkommen soll von dem Präsidenten der Vereinigten Staaten von Amerika unter Zuziehung und mit Zustimmung des Senates der Vereinigten Staaten, von Seiner Majestät dem Deutschen Kaiser, König von Preussen und von Ihrer Majestät der Königin des Vereinigten Königreichs von Grossbritannien und Irland ratifiziert werden; und die Ratifikationsurkunden sollen in vier Monaten von dem heutigen Tage an gerechnet oder wenn möglich früher in Washington ausgetauscht werden.

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.

Ratification.

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

Zu Urkund dessen haben wir, die unterfertigten Bevollmächtigten, dieses Abkommen unterzeichnet und unsere Siegel beige drückt.

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

Signatures.

Done in triplicate at Washington the seventh day of November, one thousand eight hundred and ninety-nine.

So geschehen in dreifacher Ausfertigung zu Washington, den siebenten November eintausend acht hundert neunundneunzig.

Done in triplicate at Washington the seventh day of November, one thousand eight hundred and ninety-nine.

JOHN HAY [SEAL.]
A v MUMM [SEAL.]
REGINALD TOWER [SEAL.]

And Whereas the said Convention has been duly ratified on the three parts and the ratifications of the three Governments were exchanged in the City of Washington on the seventh day of March, one thousand nine hundred:

Proclamation

Now, Therefore, be it known that I, William McKinley, President of the United States of America, have caused the said convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In Witness Whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this eighth day of March in the year of our Lord one thousand nine hundred, and of the Independence of the United States the one hundred and twenty-fourth.

WILLIAM MCKINLEY

By the President:

JOHN HAY

Secretary of State.