

**HOUSE DOCUMENTS, 62D
CONGRESS, 3D SESSION. VOL. 2.
CLAIMS OF AMERICAN CITIZENS,
APIA, IN THE SAMOAN ISLANDS**

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HOUSE OF REPRESENTATIVES

HOUSE DOCUMENTS, 62D CONGRESS, 3D SESSION. VOL. 2. CLAIMS OF AMERICAN CITIZENS, APIA, IN THE SAMOAN ISLANDS

62D. CONGRESS : : ' 3D SESSION

DECEMBER 2, 1912-MARCH 4, 1913

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CLAIMS OF AMERICAN CITIZENS

APIA, IN THE SAMOAN ISLANDS

MESSAGE FROM THE
PRESIDENT OF THE UNITED STATES

TRANSMITTING

REPORT FROM THE SECRETARY OF STATE CONCERN-
ING CLAIMS OF AMERICAN CITIZENS GROWING OUT
OF JOINT NAVAL OPERATIONS OF THE UNITED STATES
AND GREAT BRITAIN IN AND ABOUT THE
TOWN OF APIA, IN THE SAMOAN
ISLANDS, MARCH, APRIL,
AND MAY, 1899



JANUARY 10, 1913.—Read, referred to the Committee on Claims
and ordered to be printed.



LETTER OF TRANSMITTAL.

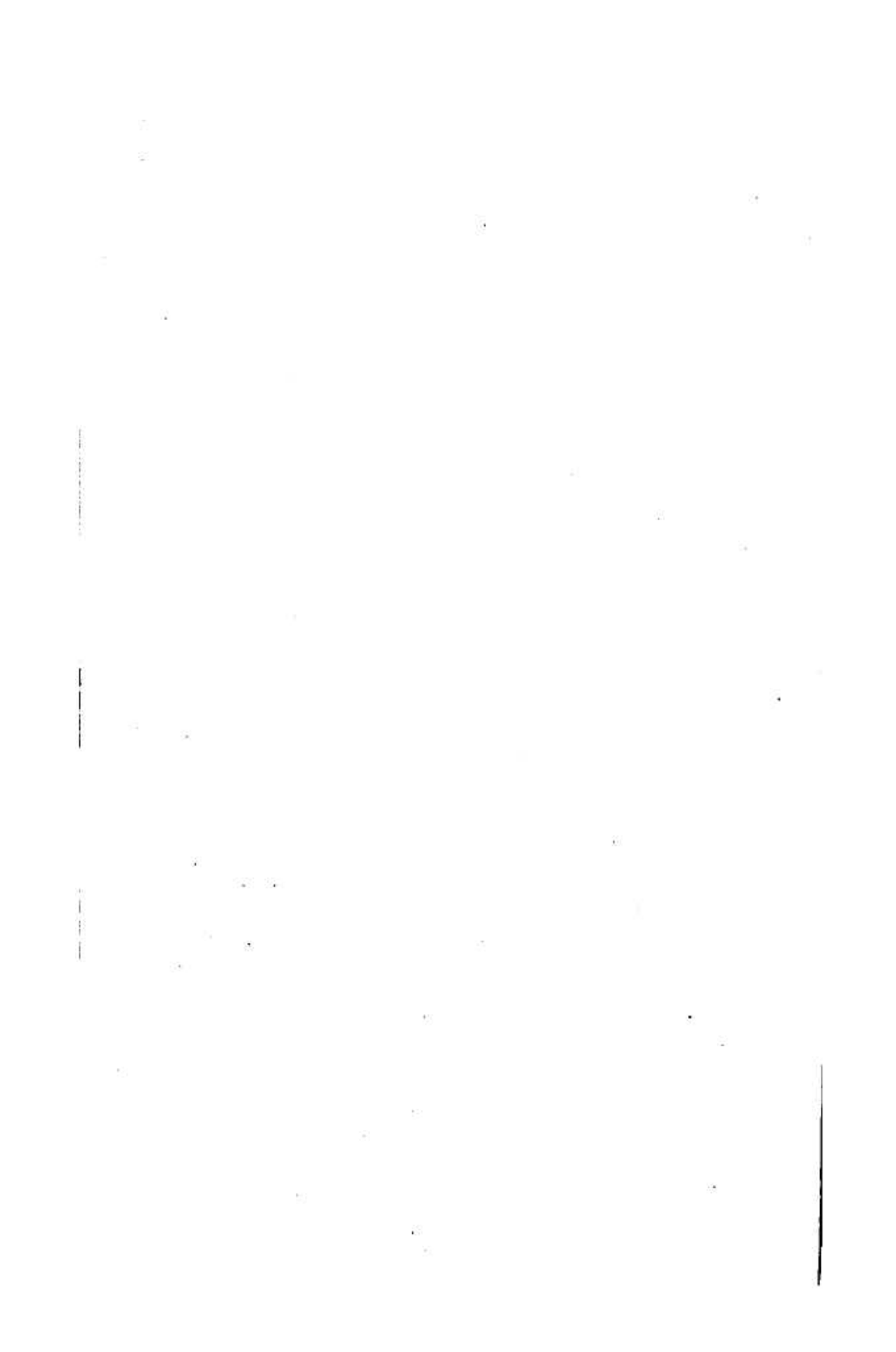
To the Senate and the House of Representatives:

I transmit herewith a report by the Secretary of State of the action taken by him in pursuance of the act of Congress approved June 23, 1910, authorizing and directing him to ascertain the "amounts due, if any, respectively, to American citizens on claims heretofore filed in the Department of State, growing out of the joint naval operations of the United States and Great Britain in and about the town of Apia, in the Samoan Islands, in the months of March, April, and May, 1899, * * * and report the same to Congress."

Accompanying the report of the Secretary of State is the report of the officer who, pursuant to the Secretary's direction, visited the Samoan Islands for the purpose of collecting evidence regarding the claims mentioned. Of the total amount of American claims, of about \$64,677.88, payment of \$14,811.42 is recommended by the agent. This finding is approved by the Secretary of State, who submits for the consideration of Congress the question of an immediate appropriation for the payment of the claims recommended.

WM. H. TAFT.

THE WHITE HOUSE,
Washington, January 10, 1913.



LETTER OF SUBMITTAL.

The PRESIDENT: I have the honor to submit, with a view to its transmission to Congress, the accompanying report, together with copies of the evidence collected, relative to the action taken by this department in response to the act of Congress approved June 28, 1910 (Public, No. 244), authorizing and directing me to ascertain the "amounts due, if any, respectively, to American citizens on claims heretofore filed in the Department of State, growing out of the joint naval operations of the United States and Great Britain in and about the town of Apia, in the Samoan Islands, in the months of March, April, and May, 1899, * * * and report the same to Congress." For carrying into effect this act there was appropriated in the diplomatic and consular appropriation act approved March 3, 1911, the sum of \$750.

Pursuant to my instructions of April 15, 1911, Mr. Joseph R. Baker, of the solicitor's office of this department, visited the Samoan Islands during the summer of 1911 and remained there for about two months collecting evidence regarding the claims in question. Under date of October 12, 1911, Mr. Baker submitted his report in the matter, including recommendations as to the amount properly payable, if any, on each of such respective claims. This report and the evidence in writing collected by Mr. Baker have been carefully considered by the department, and the conclusion has been reached that the amounts indicated by him are to be regarded as equitably due the various claimants.

In this connection it should be said regarding claim No. 9, that of Charles F. Netzler, that notwithstanding the fact that his testimony as given before Mr. Baker appeared to show that his naturalization as an American citizen was obtained illegally, he was given another opportunity on December 23, 1911, when he was examined before the American consul at Apia, to establish that he had been properly naturalized under the provisions of section 2174 of the Revised Statutes relating to the naturalization of foreign seamen who, after declaring their intention to become American citizens, have served for three years on an American merchant vessel.

The testimony given by Mr. Netzler before the consul shows that he declared his intention of becoming an American citizen in September, 1876, and that his only subsequent service on an American merchant vessel was from that month until November 18, 1877. In view of this fact it would appear that Mr. Netzler's claim should be rejected.

By decision given at Stockholm October 14, 1902, by His Majesty Oscar II, then King of Sweden and Norway, to whom the matter had been referred by the convention of November 7, 1899, between the

United States, Great Britain, and Germany, it was held that the Governments of the United States and Great Britain were responsible for the losses caused by certain military action, found by the arbitrator to be unwarranted, in the Samoan Islands in the spring of 1899, namely: (1) The bringing back of the Malietoans (to the island of Upolu) and the distribution to them of arms and ammunition; (2) the bombardment; (3) the military operations on shore; and (4) the stopping of the street traffic in Apia. There was reserved for future decision "the question as to the extent to which the two Governments or each of them may be considered responsible for such losses."

However, such further decision was never made nor requested, inasmuch as it was agreed upon by the United States and Great Britain that each Government should pay one-half the amounts found to be due to the citizens or subjects of other powers and should deal alone with the claims of its own nationals. Following this agreement, all of the claims were submitted to Messrs. Crane and Richards, agents representing the United States and Great Britain, respectively, and the joint report of such agents was transmitted to the department by the American ambassador to Great Britain in his dispatch No. 1174, of August 14, 1903. In this report the agents took the ground that to entitle them to be paid the damages in question must be shown to have been the direct result of said military operations. Inasmuch, therefore, as the great majority of the claimed losses appeared to have been caused by "looting and pillaging by the Samoan natives," it was held that there was no liability on account of such losses. Upon this theory but one American claim was recommended for payment by the agent of the United States, who made a separate report on the American claims, and in respect to the German claims, aggregating \$110,000, it was said that the maximum amount properly payable thereon was not more than "\$6,000 or \$7,000." It was added, "We understand, however, that it is desired to arrive at some compromise, if that be possible; and, after giving the matter the fullest consideration we beg to suggest that an offer should be made to the German Government, in the first instance, of the sum of \$25,000 in settlement of all claims, and that the offer should be accompanied by a criticism of the claims based on the observations in the report."

Following this report an offer of \$25,000 in full settlement of the German claims was made to that Government, which rejected the offer, protesting against the conclusions of the said agents on the ground that the provisions for arbitration did not "say that the losses must have been immediately caused 'by' such military action, but that they must have been suffered 'in consequence' of said action," which latter, it was stated, was the case with the majority of the German claims.

After such refusal the German claims were again submitted to the agents, Mr. Crane representing the United States and Mr. Hurst representing Great Britain. The report of these agents was forwarded to the department by the ambassador to Great Britain on August 18, 1904, and it was stated therein that inasmuch as it was improbable that the German Government would reconsider its refusal to accept \$25,000 in order to avoid the expense and trouble of submitting the claims to the said arbitrator, a step which it was intimated by the German Government that it would take if a diplomatic settlement