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TREATIES AND CONVENTIONS.

(1) CONVENTION.

BETWEEN COMMODORE THOMAS AP CATESBY JONES ON BEHALF OF THE UNITED STATES, AND KAUIKEAOULI (KAMEHAMEHA III), KING OF THE HAWAIIAN ISLANDS, AND HIS GUARDIANS, DEC. 23D, 1823.

ARTICLES of Arrangement, made and concluded at Oahu, between Thomas Ap Catesby Jones, appointed by the United States, of the one part, and Kauikeaouli, King of the Sandwich Islands, and his Guardians, on the other:

ARTICLE I. The peace and friendship subsisting between the United States and their Majesties the Queen Regent and Kauikeaouli, King of the Sandwich Islands, and their subjects and people, are hereby confirmed and declared to the perpetual.

ARTICLE II. The ships and vessels of the United States (as well as their Consuls and all other citizens,) within the territorial jurisdiction of the Sandwich Islands, together with all their property, shall be inviolably protected against *all* enemies of the United States in time of war.

ARTICLE III. The contracting parties, being desirous to avail themselves of the bounties of Divine Providence, by promoting the commercial intercourse and friendship subsisting between the respective nations; for the better security of these desirable objects, their Majesties bind themselves to receive into their ports and harbors all ships and vessels of the United States, and to protect, to the uttermost of their capacity, all such ships and vessels, their cargoes, officers and crews, so long as they shall behave themselves peacefully, and not infringe the established laws of the land; the citizens of the United States being permitted to trade freely with the people of the Sandwich Islands.

ARTICLE IV. Their Majesties do further agree to extend the fullest protection within their control to all ships and vessels of the United States, which may be wrecked on their shores, and to render every assistance in their power to save the wreck and her apparel and cargo; and as a reward for the

assistance and protection which the people of the Sandwich Islands shall afford to all such distressed vessels of the United States, they shall be entitled to a salvage, or a portion of the property so saved, which proportion shall be fixed by a commission of disinterested persons, who shall be chosen equally by the parties.

ARTICLE V. Citizens of the United States, whether resident or transient, engaged in commerce or trading to the Sandwich Islands, shall be inviolably protected in their lawful pursuits; and shall be allowed to sue for and recover, by judgment, all claims against the subjects of His Majesty the King, according to strict principles of equity and the acknowledged practice of civilized nations.

ARTICLE VI. Their Majesties do further agree and bind themselves to discountenance and use all practicable means to prevent desertion from all American ships which visit the Sandwich Islands; and to that end it shall be made the duty of all Governors, Magistrates, Chiefs of Districts, and all others in authority, to apprehend all deserters and deliver them over to the master of the vessel from which they have deserted; and for the apprehension of every such deserter who shall be delivered over as aforesaid, the master, owner or agent shall pay to the person or persons apprehending such deserter the sum of six dollars, if taken on the side of the island near which the vessel is anchored; but if taken on the opposite side of the island, the sum shall be twelve dollars; and if taken on any other island the reward shall be twenty-four dollars, and shall be a just charge against the wages of every such deserter.

ARTICLE VII. No tonnage duties or impost shall be exacted of any citizen of the United States which is not paid by the citizens or subjects of the nation most favored in commerce with the Sandwich Islands; and the citizens or subjects of the Sandwich Islands shall be allowed to trade with the United States and her Territories upon principles of equal advantage with the most favored nation.

Done in Council, at Honolulu, Island of Oahu, this 23d day of December, in the year of our Lord, 1826.

ELISABETA KAAHUMANU,
KARAIMOKU,
BOKI,
HOAPILI,
LIDIA NAMAHAHA,
THOMAS AP CATESBY JONES.

(2) ENGLISH TREATY,

OF LORD EDWARD RUSSELL, NOV. 16TH, 1836.

ARTICLES made and agreed on at Honolulu, Island of Oahu, the 16th of November, 1836.

ARTICLE I. English subjects shall be permitted to come with their vessels, and property of whatever kind, to the Sandwich Islands; they shall also be permitted to reside therein, as long as they conform to the laws of these Islands, and to build houses, and warehouses for their merchandize, with the consent of the King, and good friendship shall continue between the subjects of both countries, Great Britain and the Sandwich Islands.

ARTICLE II. English subjects, resident at the Sandwich Islands, are at liberty to go to their own country, or elsewhere, either in their own or any other vessel: they may dispose of their effects, enclosures, houses, &c., with the previous knowledge of the King, and take the value with them, without any impediment whatever. The land on which houses are built is the property of the King, but the King shall have no authority to destroy the houses, or in any way injure the property of any British subject.

ARTICLE III. When an English subject dies on the Sandwich Islands, his effects shall not be searched or touched by any of the Governors or Chiefs, but shall be delivered into the hands of his executors or heirs, if present; but if no heir or executor appear, the Consul or his agent shall be executor for the same; if any debts were owing to the deceased, the Governor of the place shall assist and do all in his power to compel the debtors to pay their debts to the heir or executor, or the Consul, in case no heir or executor appears, and the Consul is to inform the King of the death of every British subject leaving property upon the Sandwich Islands.

KAMEHAMEHA III.
EDWARD RUSSELL,
Captain of H. B. M.'s ship *Acton*.

(3) CONVENTION,

BETWEEN CAPT. LAPLACE, OF THE FRENCH FRIGATE
"L'ARTEMISE," AND KAMEHAMEHA III, JULY 17TH, 1839.

CONVENTION, concluded between the King of Sandwich. Tameamea, and Post Captain Laplace, Commander of the French frigate *L'Artemise*, in the name of his Government:

ARTICLE I. There shall be perpetual peace and friendship between the King of the French and the King of Sandwich.

ARTICLE II. The French shall be protected in an efficient manner, in their persons and their properties, by the King of Sandwich, who shall grant them the authorization necessary that they may pursue juridically His subjects against whom they may have just reclamations to make.

ARTICLE III. This protection shall extend to French vessels, their crews and their officers. In case of shipwreck, the Chiefs and inhabitants of the different districts (parties) of the Archipelago shall bring them assistance, and guarantee them from pillage. The compensation for salvage shall be regulated, in case of difficulties, by arbiters, nominated by the two parties.

ARTICLE IV. No Frenchman, accused of any crime whatever, shall be judged otherwise than by a jury, composed of foreign residents, proposed by the Consul of France, and accepted by the Government of the Sandwich Islands.

ARTICLE V. The desertion of French sailors from French vessels shall be severely repressed by the local authorities, who shall employ all the means at their disposal to cause the arrest of the deserters, and the expense of capture shall be paid by the captains or owners of said vessels, according to the tariff adopted by other nations.

ARTICLE VI. French merchandise, or known to be of French procedure (provenance), and especially wines and brandies, shall not be prohibited, nor pay a higher duty than five per cent. *ad valorem*.

ARTICLE VII. No duty of tonnage or importation shall be exacted of French merchandise, unless it be paid by the subjects of the nation most favored, in its commerce with the Sandwich Islands.

ARTICLE VIII. The subjects of King Tameamea shall have a right in the French possessions to all the advantages which the French enjoy in the Sandwich Islands—and they shall in other respects be considered as belonging to the nation most favored in its relations with France.

6. A copy of these practical rules shall be submitted to the Governments of Hawaii, Denmark and Hamburg for their approval, but they shall take effect *ad interim* in this Kingdom after their approval by the King.

Done at Honolulu this 25th day of January, 1848.

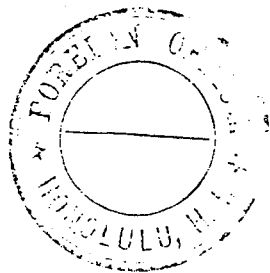
(L. S.) R. C. WYLLIE,
His Hawaiian Majesty's Minister of Foreign Relations
and Member of his Council of State.

(L. S.) E. A. SÜWERKROP,
Royal Danish Consul, Consul and Plenipotentiary for
the Republic and free Hanseatic City of Hamburg.

Approved.

KAMEHAMEHA.

KEONI ANA.
PALACE, January 27th, 1848.



(9) TREATY WITH THE UNITED STATES.

RATIFIED ON THE 19TH OF AUGUST, 1850.

KAMEHAMEHA III., *King of the Hawaiian Islands*, to all
to whom these presents shall come, GREETING :

KNOW YE, that whereas a treaty of friendship, commerce and navigation between our Kingdom and the United States of North America, was concluded and signed by our and their Plenipotentiaries, in the city of Washington, on the 20th day of December, 1849, which treaty is word for word, as follows :

The UNITED STATES OF AMERICA and HIS MAJESTY the KING of the HAWAIIAN ISLANDS, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective states, and consolidating the commercial intercourse between them, have agreed to enter into negotiations for the conclusion of a treaty of friendship, commerce and navigation, for which purpose they have appointed Plenipotentiaries, that is to say :

The President of the United States of America, John M. Clayton, Secretary of State of the United States; and His Majesty the King of the Hawaiian Islands, James Jackson Jarves, accredited as His special commissioner to the Government of the United States; who, after having exchanged their full powers, found in good and due form, have concluded and signed the following articles :

ARTICLE I. There shall be perpetual peace and amity between the United States and the King of the Hawaiian Islands, His heirs and His successors.

ARTICLE II. There shall be reciprocal liberty of commerce and navigation between the United States of America and the Hawaiian Islands. No duty of customs, or other impost, shall be charged upon any goods, the produce or manufacture of one country, upon importation from such country into the other, other or higher than the duty or impost charged upon goods of the same kind, the produce or manufacture of, or imported from, any other country; and the United States of America and His Majesty the King of the Hawaiian Islands do hereby engage, that the subjects or citizens of any other state shall not enjoy any favor, privilege or immunity whatever, in matters of commerce and navigation, which shall not also, at the same time, be extended to the subjects or citizens of the other contracting parties gratuitously, if the concession

in favor of that other state shall have been gratuitous, and in return for a compensation, as nearly as possible, of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ARTICLE III. All articles the produce and manufacture of either country which can legally be imported into either country from the other, in ships of that other country, and thence coming, shall, when so imported, be subject to the same duties, and enjoy the same privileges, whether imported in ships of the one country, or in ships of the other; and in like manner, all goods which can legally be exported or re-exported from either country to the other, in ships of that other country, shall, when so exported or re-exported, be subject to the same duties, and be entitled to the same privileges, drawbacks, bounties and allowances, whether exported in ships of the one country or in ships of the other; and all goods and articles, of whatever description, not being of the produce or manufacture of the United States, which can be legally imported into the Sandwich Islands, shall, when so imported in vessels of the United States, pay no other or higher duties, imposts or charges, than shall be payable upon the like goods and articles, when imported in the vessels of the most favored foreign nation other than the nation of which the said goods and articles are the produce or manufacture.

ARTICLE IV. No duties of tonnage, harbor, light-houses, pilotage, quarantine, or other similar duties, of whatever nature, or under whatever denomination, shall be imposed in either country upon the vessels of the other, in respect of voyages between the United States of America and the Hawaiian Islands, if laden, or in respect of any voyage, if in ballast, which shall not be equally imposed in the like cases on national vessels.

ARTICLE V. It is hereby declared, that the stipulations of the present treaty are not to be understood as applying to the navigation and carrying trade between one port and another situated in the States of either contracting party, such navigation and trade being reserved exclusively to national vessels.

ARTICLE VI. Steam vessels of the United States which may be employed by the Government of the said States, in the carrying of their public mails across the Pacific Ocean, or from one port in that ocean to another, shall have free access to the ports of the Sandwich Islands, with the privilege of stopping therein to refit, to refresh, to land passengers and their baggage, and for the transaction of any business per-

taining to the public mail service of the United States, and shall be subject in such ports to no duties of tonnage, harbor, light-houses, quarantine, or other similar duties of whatever nature or under whatever denomination.

ARTICLE VII. The whaleships of the United States shall have access to the ports of Hilo, Kealakekua and Hanalei, in the Sandwich Islands, for the purposes of refitment and refreshment, as well as to the ports of Honolulu and Lahaina, which only are ports of entry for all merchant vessels, and in all the above-named ports, they shall be permitted to trade or barter their supplies or goods, excepting spirituous liquors, to the amount of two hundred dollars *ad valorem* for each vessel, without paying any charge for tonnage or harbor dues of any description, or any duties or imposts whatever upon the goods or articles so traded or bartered. They shall also be permitted, with the like exemption from all charges for tonnage and harbor dues, further to trade or barter, with the same exemption as to spirituous liquors, to the additional amount of one thousand dollars, *ad valorem*, for each vessel, paying upon the additional goods, and articles so traded and bartered, no other or higher duties, than are payable on like goods and articles, when imported in the vessels and by the citizens or subjects of the most favored foreign nation. They shall also be permitted to pass from port to port of the Sandwich Islands for the purpose of procuring refreshments, but they shall not discharge their seamen or land their passengers in the said Islands, except at Lahaina and Honolulu, and in all the ports named in this article, the whaleships of the United States shall enjoy in all respects whatsoever, all the rights, privileges and immunities, which are enjoyed by, or shall be granted to, the whaleships of the most favored foreign nation. The like privilege of frequenting the three ports of the Sandwich Islands, above named in this article, not being ports of entry for merchant vessels, is also guaranteed to all the public armed vessels of the United States. But nothing in this article shall be construed as authorizing any vessel of the United States, having on board any disease usually regarded as requiring quarantine, to enter, during the continuance of such disease on board, any port of the Sandwich Islands, other than Lahaina or Honolulu.

ARTICLE VIII. The contracting parties engage, in regard to the personal privileges that the citizens of the United States of America shall enjoy in the dominions of His Majesty the King of the Hawaiian Islands, and the subjects of His said Majesty in the United States of America, that they shall have

free and undoubted right to travel and to reside in the states of the two high contracting parties, subject to the same precautions of police which are practised towards the subjects or citizens of the most favored nations. They shall be entitled to occupy dwellings and warehouses, and to dispose of their personal property of every kind and description, by sale, gift, exchange, will, or in any other way whatever, without the smallest hindrance or obstacle; and their heirs or representatives, being subjects or citizens of the other contracting party, shall succeed to their personal goods, whether by testament or *ab intestator*; and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same at will, paying to the profit of the respective governments such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the heirs and representative, such care shall be taken of the said goods as would be taken of the goods of a native of the same country in like case, until the lawful owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. Where, on the decease of any person holding real estate within the territories of one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of detraction on the part of the government of the respective states. The citizens or subjects of the contracting parties shall not be obliged to pay, under any pretense whatever, any taxes or impositions, other or greater than those which are paid, or may hereafter be paid, by the subjects or citizens of the most favored nation in the respective states of the high contracting parties. They shall be exempt from all military service, whether by land or by sea; from forced loans, and from every extraordinary contribution not general and by law established. Their dwellings, warehouses, and all premises appertaining thereto, destined for the purposes of commerce or residence, shall be respected. No arbitrary search of, or visit to their houses, and no arbitrary examination or inspection whatever of the books, papers or accounts of their trade, shall be made; but such measures shall be executed only in conformity with the legal sentence of a competent tribunal; and each of the two contracting parties engages that

the citizens or subjects of the other residing in their respective states, shall enjoy their property and personal security, in as full and ample manner as their own citizens or subjects, or the subjects or citizens of the most favored nation, but subject always to the laws and statutes of the two countries respectively.

ARTICLE IX. The citizens and subjects of each of the two contracting parties shall be free in the States of the other to manage their own affairs themselves, or to commit those affairs to the management of any persons whom they may appoint as their broker, factor or agent, nor shall the citizens and subjects of the two contracting parties be restrained in their choice of persons to act in such capacities, nor shall they be called upon to pay any salary or remuneration to any person whom they shall not choose to employ. Absolute freedom shall be given in all cases to the buyer and seller to bargain together and to fix the price of any goods or merchandise imported into, or to be exported from the States and dominions of the two contracting parties; save and except generally such cases wherein the laws and usages of the country may require the intervention of any special agents in the States and dominions of the contracting parties. But nothing contained in this or any other article of the present treaty shall be construed to authorize the sale of spirituous liquors to the natives of the Sandwich Islands farther than such sale may be allowed by the Hawaiian laws.

ARTICLE X. Each of the two contracting parties may have, in the ports of the other, consuls, vice-consuls, and commercial agents, of their own appointment, who shall enjoy the same privileges and powers with those of the most favored nation; but if any such consuls shall exercise commerce, they shall be subject to the same laws and usages to which the private individuals of their nation are subject in the same place. The said consuls, vice-consuls and commercial agents are authorized to require the assistance of the local authorities for the search, arrest, detention and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose, they shall apply to the competent tribunals, judges and officers, and shall in writing demand the said deserters, proving by the exhibition of registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested,

shall be placed at the disposal of the said consuls, vice-consuls or commercial agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessel to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. The agents, owners or masters of vessels on account of whom the deserters have been apprehended, upon requisition of the local authorities shall be required to take or send away such deserters from the states and dominions of the contracting parties, or give such security for their good conduct as the law may require. But if not sent back nor reclaimed within six months from the day of their arrest, or if all the expenses of such imprisonment are not defrayed by the party causing such arrest and imprisonment, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserters should be found to have committed any crime or offense, their surrender may be delayed until the tribunal before which their case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE XI. It is agreed that perfect and entire liberty of conscience shall be enjoyed by the citizens and subjects of both the contracting parties, in the countries of the one and the other, without their being liable to be disturbed or molested on account of their religious belief. But nothing contained in this article shall be construed to interfere with the exclusive right of the Hawaiian Government to regulate for itself the schools which it may establish or support within its jurisdiction.

ARTICLE XII. If any ships of war or other vessels be wrecked on the coasts of the states or territories of either of the contracting parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise which shall be saved therefrom, or the produce thereof if sold, shall be faithfully restored with the least possible delay to the proprietors, upon being claimed by them, or by their duly authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Hawaiian consul, or vice-consul, in whose district the wreck may have taken place; and such consul, vice-consul, proprietors or factors,

shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage and expenses of quarantine which would have been payable in the like case of a wreck of a national vessel; and the goods and merchandise saved from the wreck shall not be subject to duties unless entered for consumption; it being understood that in case of any legal claim upon such wreck, goods or merchandise, the same shall be referred for decision to the competent tribunals of the country.

ARTICLE XIII. The vessels of either of the two contracting parties which may be forced by stress of weather or other cause into one of the ports of the other, shall be exempt from all duties of port or navigation paid for the benefit of the State, if the motives which led to their seeking refuge be real and evident, and if no cargo be discharged or taken on board, save such as may relate to the subsistence of the crew, or be necessary for the repair of the vessels, and if they do not stay in port beyond the time necessary, keeping in view the cause which led to their seeking refuge.

ARTICLE XIV. The contracting parties mutually agree to surrender, upon official requisition, to the authorities of each, all persons who, being charged with the crimes of murder, piracy, arson, robbery, forgery or the utterance of forged paper, committed within the jurisdiction of either, shall be found within the territories of the other: provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the person so charged shall be found, would justify his apprehension and commitment for trial if the crime had there been committed; and the respective judges and other magistrates of the two governments, shall have authority, upon complaint made under oath, to issue a warrant for the apprehension of the person so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ARTICLE XV. So soon as steam or other mail packets under the flag of either of the contracting parties, shall have

commenced running between their respective ports of entry, the contracting parties agree to receive at the Post-offices of those ports all mailable matter, and to forward it as directed, the destination being to some regular Post-office of either country; charging thereupon the regular postal rates as established by law in the territories of either party receiving said mailable matter, in addition to the original postage of the office whence the mail was sent. Mails for the United States shall be made up at regular intervals at the Hawaiian Post-office, and dispatched to ports of the United States, the Post-masters at which ports shall open the same, and forward the enclosed matter as directed, crediting the Hawaiian Government with their postages as established by law and stamped upon each manuscript or printed sheet.

All mailable matter destined for the Hawaiian Islands shall be received at the several Post-offices in the United States and forwarded to San Francisco or other ports on the Pacific Coast of the United States, whence the Post-masters shall dispatch it by the regular mail packets to Honolulu, the Hawaiian Government agreeing on their part to receive and collect for and credit the Post-office Department of the United States with the United States rates charged thereupon. It shall be optional to pre-pay postage on letters in either country, but postage on printed sheets and newspapers shall in all cases be pre-paid. The respective Post-office Departments of the contracting parties shall, in their accounts, which are to be adjusted annually, be credited with all dead letters returned.

ARTICLE XVI. The present treaty shall be in force from the date of the exchange of the ratifications for the term of ten years, and further, until the end of twelve months after either of the contracting parties shall have given notice to the other of its intention to terminate the same, each of the said contracting parties reserving to itself the right of giving such notice at the end of the said term of ten years, or at any subsequent term. Any citizen or subject of either party infringing the articles of this treaty shall be held responsible for the same, and the harmony and good correspondence between the two governments shall not be interrupted thereby, each party engaging in no way to protect the offender or sanction such violation.

ARTICLE XVII. The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by

His Majesty the King of the Hawaiian Islands, by and with the advice of His Privy Council of State, and the ratifications shall be exchanged at Honolulu within eighteen months from the date of its signature, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same in triplicate, and have thereto affixed their Seals. Done at Washington, in the English language, the twentieth day of December, in the Year One Thousand Eight Hundred and Forty-nine.

[Seal.]

JOHN M. CLAYTON.

[Seal.]

JAMES JACKSON JARVES.

AND, WHEREAS, we have carefully examined all the points and articles thereof, by and with the advice of Our Privy Council of State, We have confirmed and ratified the foregoing treaty, and We do confirm and ratify the same, in the most effectual manner, promising on Our faith and word as King, for Us and Our successors, to fulfill and observe it, faithfully and scrupulously in all its clauses.

In faith of which We have signed this ratification with Our own hand, and have affixed thereto the great seal of Our Kingdom.

Given at Our Palace at Honolulu, this nineteenth day of August, in the Year of our Lord, One Thousand Eight Hundred and Fifty, and in the twenty-fifth of Our reign.

[Seal.]

KAMEHAMEHA.

KEONI ANA.

By the King and the Premier.

R. C. WYLLIE.

Minister of Foreign Relations.

EXCHANGE OF RATIFICATIONS.—We, the undersigned, ROBERT CRICHTON WYLLIE, Minister of Foreign Relations of His Majesty the King of the Hawaiian Islands, and CHARLES BUNKER, Consul of the United States, for Lahaina, having been authorized by our respective Governments to exchange the ratifications of the Treaty of Friendship, Commerce and Navigation between His Hawaiian Majesty and the United States, concluded and signed at Washington, on the twentieth day of December, one thousand eight hundred and forty-nine, certify:

That we have, this day, met for that purpose, and after comparing the said ratifications each with the other, and both

with the Original of said Treaty, have effected the exchange accordingly.

In witness thereof, we have signed this certificate, at Honolulu, this twenty-fourth day of August, one thousand eight hundred and fifty, and have thereunto affixed our respective Seals.

[L. S.]
[L. S.]

R. C. WYLLIE.
CHARLES BUNKER.

(10) TREATY WITH GREAT BRITAIN,

RATIFIED ON THE 6TH OF MAY, 1832.

KAMEHAMEHA III., King of the Hawaiian Islands, to all to whom these presents shall come, GREETING:

WHEREAS, a treaty of friendship, commerce and navigation between Us and Her most Gracious Majesty the Queen of Great Britain and Ireland, Defender of the Faith, &c., &c., was concluded and signed at Honolulu, on the tenth day of July, in the year of our Lord one thousand eight hundred and fifty-one, by the Plenipotentiaries of Us and of the said Queen of Great Britain, duly and respectively authorized for that purpose, which treaty is word for word, as follows:

HER MAJESTY THE QUEEN of the United Kingdom of Great Britain and Ireland, and HIS MAJESTY THE KING of the Hawaiian Islands, being desirous to maintain and improve the relations of good understanding which happily subsist between them, and to promote the commercial intercourse between their respective subjects, have deemed it expedient to conclude a Treaty of Friendship, Commerce and Navigation, and have for that purpose named as their respective Plenipotentiaries, that is to say:

Her Majesty the Queen of Great Britain and Ireland, William Miller, Esquire, Her Consul General for the Islands in the Pacific Ocean:

And His Majesty the King of the Hawaiian Islands, Robert Crichton Wyllie, Esquire, His Minister of Foreign Relations, Member of his Privy Council of State and of His House of Nobles:

Who, after having communicated to each other their full powers, found to be in good and due form, have agreed upon, and concluded the following articles:

ARTICLE I. There shall be perpetual friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Her Heirs and Successors, and the King of the Hawaiian Islands, His Heirs and Successors, and between their respective subjects.

ARTICLE II. There shall be between all the dominions of Her Britannic Majesty, and the Hawaiian Islands, a reciprocal freedom of commerce. The subjects of each of the two contracting parties respectively, shall have liberty freely and securely to come with their ships and cargoes, to all places, ports and rivers in the territories of the other, where trade

with other nations is permitted. They may remain and reside in any part of the said territories respectively, and hire and occupy houses and warehouses; and may trade, by wholesale or retail, in all kinds of produce, manufactures, and merchandise of lawful commerce; enjoying the same exemptions and privileges as native subjects, and subject always to the same laws and established customs as native subjects.

In like manner, the ships of war of each contracting party respectively, shall have liberty to enter into all harbors, rivers, and places, within the territories of the other, to which the ships of war of other nations are or may be permitted to come, to anchor there, and to remain, and refit; subject always to the laws and regulations of the two countries respectively.

The stipulations of this article do not apply to the coasting trade, which each contracting party reserves to itself, respectively, and shall regulate according to its own laws.

ARTICLE III. The two contracting parties hereby agree that any favor, privilege, or immunity whatever, in matters of commerce or navigation, which either contracting party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended to the subjects or citizens of the other contracting party, gratuitously if the concession in favor of that other State shall have been gratuitous, or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ARTICLE IV. No other or higher duties shall be imposed on the importation into the dominions of Her Britannic Majesty, of any article the growth, produce or manufacture of the Hawaiian Islands, and no other or higher duties shall be imposed on the importation into the Hawaiian Islands, of any article the growth, produce or manufacture of Her Britannic Majesty's dominions, than are or shall be payable on the like article, being the growth, produce or manufacture of any other foreign country.

Nor shall any other or higher duties or charges be imposed, in the territories of either of the contracting parties on the exportation of any article to the territories of the other, than such as are or may be payable, on the exportation of the like article, to any other foreign country. No prohibition shall be imposed upon the importation of any article, the growth, produce or manufacture of the territories of either of the two contracting parties, into the territories of the other, which shall not equally extend to the importation of the like articles, being the growth, produce or manufacture of any

other country. Nor shall any prohibition be imposed upon the exportation of any article from the territories of either of the two contracting parties to the territories of the other, which shall not equally extend to the exportation of the like article to the territories of all other nations.

ARTICLE V. No other or higher duties or charges on account of tonnage, light, or harbor dues, pilotage, quarantine, salvage in case of damage or shipwreck, or any other local charges, shall be imposed, in any of the ports of the Hawaiian Islands on British vessels, than those payable in the same ports by Hawaiian vessels, nor in the ports of Her Britannic Majesty's territories, on Hawaiian vessels, than shall be payable in the same ports on British vessels.

ARTICLE VI. The same duties shall be paid on the importation of any article which is or may be legally importable into the Hawaiian Islands, whether such importation shall be in Hawaiian or in British vessels; and the same duties shall be paid on the importation of any article which is or may be legally importable into the dominions of Her Britannic Majesty, whether such importation shall be in British or Hawaiian vessels. The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any article which is or may be legally exportable from the Hawaiian Islands, whether such exportation shall be in Hawaiian or in British vessels; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any article which is or may be legally exportable from Her Britannic Majesty's dominions, whether such shall be in British or in Hawaiian vessels.

ARTICLE VII. British whaleships shall have access to the ports of Hilo, Kealakeakua and Hanalei, in the Sandwich Islands, for the purpose of refitment and refreshment, as well as to the ports of Honolulu and Lahaina, which two last-mentioned ports only are ports of entry for all merchant vessels, and in all the above-named ports, they shall be permitted to trade or to barter their supplies or goods, excepting spirituous liquors, to the amount of two hundred dollars, *ad valorem*, for each vessel, without paying any charge for tonnage or for harbor dues of any description, or any duties or imposts whatever upon the goods or articles so traded or bartered. They shall also be permitted, with the like exemption from all charges for tonnage and harbor dues, further to trade or barter, with the same exception as to spirituous liquors, to the additional amount of one thousand dollars, *ad valorem*, for

each vessel, paying on the additional goods and articles so traded and bartered, no other or higher duties, than are payable on like goods and articles, when imported in national vessels, and by native subjects. They shall also be permitted to pass from port to port of the Sandwich Islands for the purpose of procuring refreshments, but they shall not discharge their seamen or land their passengers in the said islands, except at Honolulu and Lahaina, and in all the ports named in this article, British whaleships shall enjoy, in all respects whatsoever, all the rights, privileges and immunities which are or may be enjoyed by national whaleships of the most favored nation. The like privilege of frequenting the three ports of the Sandwich Islands, named in this article, which are not ports of entry for merchant vessels, is also guaranteed to all the public armed vessels of Great Britain. But nothing in this article shall be construed as authorizing any British vessel, having on board any disease, usually regarded as requiring quarantine, to enter, during the continuance of any such disease on board, any port of the Sandwich Islands, other than Honolulu or Lahaina.

ARTICLE VIII. All merchants, commanders of ships, and others, the subjects of Her Britannic Majesty, shall have full liberty, in the Hawaiian Islands, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as broker, factor, agent or interpreter; nor shall they be obliged to employ any other persons than those employed by Hawaiian subjects, nor to pay to such persons as they shall think fit to employ, any higher salary or remuneration than such as is paid, in like cases, by Hawaiian subjects. British subjects in the Hawaiian Islands shall be at liberty to buy from and to sell to whom they like, without being restrained or prejudiced by any monopoly, contract, or exclusive privilege of sale or purchase whatever; and absolute freedom shall be allowed in all cases to the buyer and seller, to bargain and fix the price of any goods, wares or merchandise, imported into, or exported from the Hawaiian Islands, as they shall see good; observing the laws and established customs of those Islands. The same privileges shall be enjoyed in the dominions of Her Britannic Majesty, by Hawaiian subjects, under the same conditions.

The subjects of either of the contracting parties, in the territories of the other, shall receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in the said countries, respectively, for the prosecution and defense of

their just rights; and they shall be at liberty to employ, in all causes, the advocates, attorneys or agents of whatever description, whom they may think proper; and they shall enjoy in this respect the same rights and privileges as native subjects.

ARTICLE IX. In whatever relates to the police of the ports, the lading and unlading of ships, the warehousing and safety of merchandise, goods and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination by sale, donation, exchange or testament, or in any other manner whatsoever, as also with regard to the administration of justice, the subjects of each contracting party shall enjoy, in the territories of the other, the same privileges, liberties and rights, as native subjects; and they shall not be charged, in any of these respects, with any other or higher imposts or duties, than those which are or may be paid by native subjects: subject always to the local laws and regulations of such territories.

In the event of any subject of either of the two contracting parties dying without will or testament, in the territories of the other contracting party, the consul-general, consul, or acting consul of the nation to which the deceased may belong, shall, so far as the laws of each country will permit, take charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, until an executor or administrator be named according to the laws of the country in which the death shall have taken place.

ARTICLE X. The subjects of Her Britannic Majesty residing in the Hawaiian Islands, and Hawaiian subjects residing in the dominions of Her Britannic Majesty, shall be exempted from all compulsory military service whatsoever, whether by sea or land, and from all forced loans or military exactions or requisitions; and they shall not be compelled, under any pretext whatsoever, to pay any ordinary charges, requisitions, or taxes, other or higher than those that are, or may be, paid by native subjects.

ARTICLE XI. It is agreed and covenanted that neither of the two contracting parties shall knowingly receive into, or retain in, its service, any subject, of the other party, who have deserted from the naval or military service of that other party; but that, on the contrary, each of the contracting parties shall respectively discharge from its service any such deserters, upon being required by the other party so to do.

And it is further agreed, that if any of the crew shall desert from a vessel of war or merchant vessel of either contracting

party, while such vessel is within any port in the territory of the other party, the authorities of such port and territory shall be bound to give every assistance in their power for the apprehension of such deserters, on application to that effect being made by the Consul of the party concerned, or by the deputy or representative of the Consul; and no public body shall protect or harbor such deserters.

It is further agreed and declared, that any other favor or facility with respect to the recovery of deserters, which either of the contracting parties has granted or may hereafter grant, to any other State, shall be considered as granted also to the other contracting party, in the same manner as if such favor or facility had been expressly stipulated by the present treaty.

ARTICLE XII. It shall be free for each of the two contracting parties to appoint consuls for the protection of trade, to reside in the territories of the other party; but before any consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the contracting parties may except from the residence of consuls such particular places as either of them may judge fit to be excepted. The diplomatic agents and consuls of the Hawaiian Islands, in the dominions of Her Britannic Majesty, shall enjoy whatever privileges, exemptions and immunities are, or shall be granted there to agents of the same rank belonging to the most favored nation; and, in like manner, the diplomatic agents and consuls of Her Britannic Majesty in the Hawaiian Islands shall enjoy whatever privileges, exemptions, and immunities are or may be granted there to the diplomatic agents and consuls of the same rank belonging to the most favored nation.

ARTICLE XIII. For the better security of commerce between the subjects of Her Britannic Majesty and of the King of the Hawaiian Islands, it is agreed that if, at any time, any rupture, or any interruption of friendly intercourse should unfortunately take place between the two contracting parties, the subjects of either of the two contracting parties shall be allowed a year to wind up their accounts, and dispose of their property; and a safe conduct shall be given them to embark at the port which they shall themselves select. All subjects of either of the two contracting parties who may be established in the territories of the other, in the exercise of any trade or special employment, shall in such case have the privilege of remaining and continuing such trade and employment therein, without any manner of interruption in full enjoyment of their liberty and property as long as they behave peaceably, and

commit no offense against the laws; and their goods and effects, of whatever description they may be, whether in their own custody, or entrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like effects or property belonging to native subjects. In the same case, debts between individuals, public funds, and the shares of companies shall never be confiscated, sequestered or detained.

ARTICLE XIV. The subjects of Her Britannic Majesty, residing in the Hawaiian Islands, shall not be disturbed, persecuted or annoyed on account of their religion, but they shall have perfect liberty of conscience therein, and shall be allowed to celebrate divine service, either within their own private houses, or in their own particular churches or chapels, which they shall be at liberty to build and maintain in convenient places, approved of by the Government of the said Islands. Liberty shall also be granted to them to bury in burial places which, in the same manner, they may freely establish and maintain, such subjects of Her Britannic Majesty, who may die in the said Islands. In the like manner, Hawaiian subjects shall enjoy, within the dominions of Her Britannic Majesty, perfect and unrestrained liberty of conscience, and shall be allowed to exercise their religion publicly or privately, within their own dwelling houses, or in the chapels and places of worship appointed for that purpose agreeably to the system of toleration established in the dominions of Her said Majesty.

ARTICLE XV. In case there should at any time be established British mail packets, touching at a port of the Sandwich Islands, a British packet agent shall be permitted to reside at such port, and to collect, on account of the British Post-office, the British sea-rate of postage which may be hereafter fixed for the conveyance of letters by British packets from the Sandwich Islands to any other place to which those packets may proceed.

Such British mail packets shall have free access to the ports of the Sandwich Islands, and shall be allowed to remain to refit, to refresh, to land passengers and their baggage, and to transact any business connected with the public mail service of Great Britain. They shall not be subject in such ports to any duties of tonnage, harbor, light-houses, quarantine, or other similar duties, of whatever nature or under whatever denomination.

ARTICLE XVI. If any ship of war or merchant vessel, of

either of the contracting parties, should be wrecked on the coasts of the other, such ship or vessel, or any parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise which shall be saved therefrom, or the produce thereof if sold, shall be faithfully restored to the proprietors, upon being claimed by them, or by their duly authorized agents; and if there are no such proprietors or agents on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ship or vessel, shall be delivered to the British or Hawaiian consul, in whose district the wreck may have taken place; and such consul, proprietors or agents shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage which would have been payable in the like case of a wreck of a national vessel. The goods and merchandise saved from the wreck shall not be subject to duties unless cleared for consumption.

ARTICLE XVII. In order that the two contracting parties may have the opportunity of hereafter treating and agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse, and to the advancement of the interest of their respective subjects, it is agreed that at any time after the expiration of seven years from the date of the exchange of the ratifications of the present treaty, either of the contracting parties shall have the right of giving to the other party notice of its intention to terminate articles 4, 5 and 6 of the present treaty; and that at the expiration of twelve months after such notice shall have been received by either party from the other, the said articles, and all the stipulations contained therein, shall cease to be binding on the two contracting parties.

ARTICLE XVIII. The present treaty shall be ratified, and the ratifications shall be exchanged at Honolulu in ten months or sooner, if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and affixed thereto their respective Seals.

Done at Honolulu, this tenth day of July, in the year of our Lord, one thousand eight hundred and fifty-one.

[L. S.] ROBERT CRICHTON WYLLIE.

[L. S.] WILLIAM MILLER.

AND, WHEREAS, we have fully examined all the points and articles thereof, by and with the advice of Our Privy Council of State, We have confirmed and ratified the foregoing treaty,

and We do confirm and ratify the same, in the most effectual manner, promising on Our faith and word as King, for Us and Our successors, to fulfill and observe it faithfully and scrupulously in all its clauses.

In faith of which We have signed this ratification with our own hand, and have affixed thereto the great seal of Our Kingdom.

Given at Our Palace at Honolulu, the 6th day of May, in the year of our Lord, one thousand eight hundred and fifty-two, and in the twenty-seventh of Our reign.

[L. S.]

KAMEHAMEHA.

KEONI ANA.

EXCHANGE OF RATIFICATIONS.—The undersigned, having met together for the purpose of exchanging the ratifications of a Treaty of Friendship, Commerce and Navigation between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Hawaiian Islands, concluded and signed at Honolulu on the tenth day of July, 1851; and the respective ratifications of the said instrument having been carefully compared, and found to be exactly conformable to each other, the said exchange took place this day in the usual form.

In witness whereof, they have signed the present certificate of exchange, and have affixed thereto their respective Seals.

Done at Honolulu the sixth day of May, 1852.

[L. S.]

ROBERT CRICHTON WYLLIE.

[L. S.]

WILLIAM MILLER.

(11) POSTAL CONVENTION,
BETWEEN THE HAWAIIAN KINGDOM AND THE FRENCH
PROTECTORATE GOVERNMENT OF TAHITI, NOV. 24, 1853.

WHEREAS, the increasing correspondence between the Hawaiian Kingdom and Tahiti, which embraces the European and American correspondence, via Panama and San Francisco, requires to be placed on a more regular footing, especially in regard to the payment of postages when due from the one country to the other, the undersigned have entered into the following arrangement, viz:

1st. A mail bag or package shall be made up on the departure of every packet or other vessel bound from Honolulu for Tahiti, or vice versa, which shall be sealed and addressed to the Postmaster of either port, as the case may be.

2d. All postages not pre-paid on the letters, newspapers, pamphlets and other mailable matter forwarded in such bags or packages, shall be entered on a way-bill, which shall invariably accompany the mails.

3d. The Postmasters at Honolulu and Tahiti shall severally, in their respective offices, keep an account of all postages charged in such way-bill, shall collect the same, and credit the amount to the office which issued the same.

4th. Each Postmaster shall charge provisionally and without prejudice to future modification by mutual consent, on all mailable matter to the other office precisely the same rates as are now established between Honolulu and San Francisco, which are as follows, viz:

POST OFFICE NOTICE.

RATES OF POSTAGE on Letters and Newspapers passing through the Hawaiian Post Office. The following are the rates of letter postage now established: and for every half ounce beyond the first half ounce, a similar rate is added.

RATES OF LETTER POSTAGE, WHEN PREPAID.

| ON LETTERS FOR | Tahiti Postage on a ½ oz. letter. | | Hawaii Postage on a ½ oz. letter. | | U. States Postage on a ½ oz. letter. | | Total Postage on a ½ oz. letter. | | Total Postage on a 1 oz. letter. | |
|--|--------------------------------------|------|-----------------------------------|------|--------------------------------------|------|----------------------------------|------|----------------------------------|------|
| | Cts. | Cts. | Cts. | Cts. | Cts. | Cts. | Cts. | Cts. | Cts. | Cts. |
| Tahiti from Honolulu, and vice versa..... | 5 | 6 | 5 | 6 | 5 | 6 | 5 | 6 | 10 | 12 |
| San Francisco city..... | 5 | 8 | 5 | 10 | 5 | 10 | 5 | 10 | 10 | 16 |
| Any other port of California, or Oregon..... | 5 | 12 | 5 | 14 | 5 | 14 | 5 | 14 | 14 | 20 |
| Ports of Mexico..... | 5 | 21 | 5 | 24 | 5 | 24 | 5 | 24 | 24 | 30 |
| Panama..... | 5 | 32 | 5 | 36 | 5 | 36 | 5 | 36 | 36 | 42 |
| Valparaiso and South America, via San Francisco..... | 5 | 35 | 5 | 39 | 5 | 39 | 5 | 39 | 39 | 45 |
| United States, east, if prepaid..... | 5 | 12 | 5 | 14 | 5 | 14 | 5 | 14 | 14 | 20 |
| United States, east, if U. S. Postage is unpaid..... | 5 | 17 | 5 | 19 | 5 | 19 | 5 | 19 | 19 | 25 |
| Any part of Canada, if prepaid..... | 5 | 31 | 5 | 36 | 5 | 36 | 5 | 36 | 36 | 42 |
| Any part of Great Britain or Ireland..... | 5 | 23 | 5 | 26 | 5 | 26 | 5 | 26 | 26 | 32 |
| Bremen..... | 5 | 34 | 5 | 39 | 5 | 39 | 5 | 39 | 39 | 45 |
| Hambourg or any part of Germany..... | 5 | 25 | 5 | 28 | 5 | 28 | 5 | 28 | 28 | 34 |
| Any other port of Europe..... | 5 | 30 | 5 | 34 | 5 | 34 | 5 | 34 | 34 | 40 |
| Sydney, Auckland, or any part of British Australian Colonies..... | 5 | 30 | 5 | 34 | 5 | 34 | 5 | 34 | 34 | 40 |
| Hongkong, Canton, Manila, Tahiti, Valparaiso, or any other foreign port when sent direct..... | 5 | 30 | 5 | 34 | 5 | 34 | 5 | 34 | 34 | 40 |
| On all letters received from any foreign ports, the foreign postage, if any, and for every ½ oz..... | 5 | 30 | 5 | 34 | 5 | 34 | 5 | 34 | 34 | 40 |

TREATY OF COMMERCIAL RECIPROCITY

— BETWEEN THE —

HAWAIIAN ISLANDS

— AND THE —

UNITED STATES OF AMERICA.

THE ARCHIVES OF HAWAII