

## AUSTRO-HUNGARIAN TREATY, 1875

His Majesty the Emperor of Austria, King of Bohemia etc. and Apostolic King of Hungary on the one part and His Majesty the King of the Kingdom of the Hawaiian Islands on the other part,

Being equally animated by the desire of regulating and extending the commercial relations, and of promoting the facilities of navigation between Their respective States and Possessions, have resolved to conclude a Treaty for that purpose and have named for their Plenipotentiaries that is to say:

His Imperial and Royal Apostolic Majesty, the Count Frederick Ferdinand de Beast, His Imperial and Royal Majesty's Chamberlain, Privy Councilor, Ambassador Extraordinary at the Court of St. James, Grand Cross of the Order of St. Stephen, and of that of Leopold etc. and

His Majesty the King of the Kingdom of the Hawaiian Islands, Manley Hopkins, Esq., His Hawaiian Majesty's Charge d'affaires and Consul General in London, Knight Commander of the Order of Kamehameha I and of Isabella la Catolica, who after having communicated to each other their respective full powers found to in due and proper form, have agreed upon and concluded the following articles.

ARTICLE I. There shall be perpetual peace and friendship between the Austro-Hungarian Emperor and the Kingdom of the Hawaiian Islands, and between the citizens of the two Countries, without exception of person and place.

ARTICLE II. There shall be between the Austro-Hungarian Empire and the Kingdom of the Hawaiian Islands reciprocal freedom of commerce and navigation, and the citizens of the Austro-Hungarian Empire in the Hawaiian Islands, and Hawaiians within the Empire of Austria-Hungary may enter with their Vessels and Cargoes into all places, ports and rivers, which are or shall hereafter be open to foreign commerce, with the same liberty and security as are or may be enjoyed by the native of the each country respectively, always provided, that the Police Regulations established for the preservation of peace and good order shall be duly respected.

ARTICLE III. The Citizens of the two high Contracting Parties may, like the natives in the respective territories, travel, reside, trade wholesale or

retail, and transact any lawful business, and rent or occupy the houses, stores, or shops which they may require for the purposes of residence or business, and in the transaction of every business shall be on a perfect equality with the natives of the country. In the performance of all business, the citizens of each contracting power, when resident in the territory of the other, shall conform to all the laws and regulations of the country, and they shall not be subject in any case to any other charges, restrictions, taxes or impositions, than those to which the natives are subject.

ARTICLE IV. The Citizens of each high Contracting Party when resident in the territory of the other shall enjoy the most constant and complete protection for their persons and property, and for this purpose they shall have free and easy access to the Courts of Justice, provided by law, in pursuit and defense of their rights. They shall be at liberty to employ lawyers, advocates or Agents to prosecute or defend their rights before such Courts of Justice. In fact they shall enjoy in this respect all the rights and privileges which are granted to natives, and shall be subject to the same conditions.

ARTICLE V. The Citizens of each high Contracting Party, when resident in the territory of the other shall be exempt from all service, whether in the Army or Navy, or in the National Guard or Militia, and shall be exempt from all forced loans, and from every extraordinary contribution, not general and by law established.

ARTICLE VI. The most entire liberty of conscience is guaranteed to citizens of each of the high contacting Parties within the territories of the other, no one shall be molested on account of his religion or the observance thereof.

ARTICLE VII. The Citizens of each of the high contracting Parties shall in the territory of the other, have the right of acquiring, and possessing property of every description and kind, whether the same be real or personal property, and may dispose of the same, as may seem to them best, whether by sale, donation, exchange, will or in any other way, also the citizens of either of the two States may become heirs to property, situated in the other, and may succeed without hindrance to the properties that may devolve upon them, dispose of the same according to their pleasure, and such heirs or legatees shall not be subject to any charge, or be bound to pay any expenses of the

successor or otherwise higher than those which shall be borne in like case by the natives themselves.

ARTICLE VIII. All vessels sailing under the respective flags of either of the high contracting Parties, and which shall be bearers of the ship's papers and documents required by the laws of their respective countries, shall be taken and considered to be the vessels of the country whose flag they carry.

ARTICLE IX. Vessels of either of the high contracting parties arriving in the ports of the other, or departing from them, shall not be subjected to other, or higher duties of tonnage, light, houses, anchorage Port charges, Government wharfage, pilotage, quarantine, or other charges, under any denomination whatsoever, than those to which national Vessels may be subjected, it being however expressly understood, that no stipulation in this Treaty made, shall be taken as applying to the coasting trade, which each contracting party reserves to itself, respectively, and will regulate according to its own laws.

ARTICLE X. Articles of all sorts imported into or exported from the Ports of either of the contracting Parties, under the flag of the other, shall pay no other or higher duties, or be subject to any other charges, than if imported or exported under the national flag.

ARTICLE XI. Vessels of one of the contracting Parties, compelled to seek shelter in the ports of the other, shall pay neither on the Vessel nor the Cargo more duties than those levied on national vessels in the same situation, provided that such ships carry on no commerce, and delay no longer in the aforesaid ports, than may be required for the purposes which impelled them to seek shelter.

ARTICLE XII. Austro-Hungarian Ships of War, or whale ships shall have free access to all the Hawaiian Ports, to anchor, be repaired, and victual their crews, and they may proceed from one harbor to another for fresh provisions. In all the Ports, which are or may hereafter be opened to foreign vessels, Austro-Hungarian ships of war and whalers shall be subject to the same rules, which are or may be imposed on, and shall enjoy the same rights and privileges, which are or may be granted to the ships of the most favored nation.

ARTICLE XIII. The two high contracting Parties hereby agree that any favor, privilege, or immunity whatsoever, in matters of commerce or navigation, which either contracting Party has granted, or may hereafter grant to subjects or citizens or any other State shall be extended to the subjects or citizens of the other contracting party gratuitously, if the concession in favor of the 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 XIV. Each of the two contracting Parties may appoint Consuls, Vice-Consuls, and Consular Agents to reside in the territory of the other for the purpose of the protection of commerce; but before any Consul shall enter upon his functions, he shall first obtain the authorization of the Government to which he is sent; either of the contracting Parties may except from the residence of Consuls such particular places as either may think fit to be excepted, it being understood that neither Party will impose any restriction which is not common in the country to all nations.

ARTICLE XV. The Diplomatic Agents, Consul General, Consul, Vice-Consuls and Consular Agents of Austria-Hungary in the Hawaiian Islands, shall enjoy all the rights, privileges, immunities, and exceptions enjoyed by the Diplomatic Agents, Consuls, Vice-Consuls, and Consular Agents of the same rank, belonging to the most favored nation, and the same shall be the position in Austria-Hungary of the Hawaiian Diplomatic Agents, Consul General, Consuls, Vice-Consuls and Consular Agents.

ARTICLE XVI. The Consuls, Vice-Consuls, and Consular Agents of either the contracting parties residing within the territory of the other, may require the assistance of the local authorities for the search, arrest, detention, and imprisonment of the deserters from the Ships of War, or merchant Vessels of their Country. For this purpose they shall apply to the competent local authorities in writing, proving by the exhibition of the crew list, or other official documents, that the persons named formed a part of the ship's crew and this reclamation being there substantiated the surrender shall be refused. All aid and assistance shall be given for the discovery and arrest of such deserters, who shall be detained in the prisons of the country at the request and cost of those who shall claim them, until they may be restored to the Vessel to which they belonged, or sent back to their own Country. If however they shall not be restored to the Vessel from which they deserted,

or sent back to their own Country within six months from the day of arrest, or if the party causing such arrest and imprisonment shall not defray the expenses thereof, the deserter may be set at liberty, and shall not be arrested thereafter for the same cause. However, if the deserter shall have committed any crime or offense against the laws of the Country where he is, his release shall not take place, until a competent tribunal shall have given judgment, and that judgment been carried into execution. It is however, understood that Seaman, natives of either Country, who shall desert the Vessels of either party within the territories of their own Country, shall be excepted from this arrangement and treated according to the laws of their own Country. And it is formally agreed between the two contracting Parties, that every other favor or facility granted, or to be granted by either to any other Party for the arrest of deserters, shall also be granted to the present contracting Parties, as fully as if they had found part of the present treaty.

ARTICLE XVII. All operations pertaining to the salvage of Vessels, carrying the Flag of either of the contracting parties, stranded or unchecked upon the Coasts of either of the contracting Parties, shall be superintended by the respective Consular Agents, but if the persons interested be on the spot, or the Captain possess adequate powers, the administration of the wreck shall be committed to them. The intervention of the local authorities shall only be applied to the maintenance of order, to guarantee the rights of Salvors, if the do not belong to the shipwrecked crew, and to insure the execution of the measures to be taken for the entry and departure of the saved goods. In the absence and until the arrival, of the Consular Agents, the local authorities will take the needful steps for the protection of persons and property wrecked. The goods saved shall never be subjected to customs or other duty, unless they are disposed of for home consumption.

ARTICLE XVIII. The Ship's merchandize and effects belonging to the respective citizens, which may have been taken by pirates or conveyed to, or found in the Ports of either of the contracting Parties, shall be delivered to their owners on payment of the expenses, should there be such; the amount to be determined by the competent tribunals, when the rights of the proprietors shall be proved before these tribunals, and the claim being made within the space of eighteen months, by interested parties by the Attornies, or by the Agents of their respective Governments.

ARTICLE XIX. The present Treaty shall be in force for Ten Years, counting from the day of the exchange of the Ratifications, and if in one year

after the expiration of the term, neither the one or the other of the two contracting Parties shall have announced by official declarations, its intention that it shall cease to have effect, the said Treaty will remain still obligatory during one year, and so onward until the expiration of the twelve months, which shall follow the official declaration in question, at whatever time it may be made.

ARTICLE XX. The present Treaty shall be ratified, and the Ratifications shall be exchanged at London in ten months, or sooner if possible.

Done at London, this 18th day of June in the year of our Lord, one thousand eight hundred and seventy five.

Frederick Ferdinand de Beast,

Manley Hopkins, Esq.