

(6) TREATY WITH DENMARK,

SIGNED AT HONOLULU, OCTOBER 19TH, 1846.

It being desirable that a general convention, and instrument of mutual agreement, should exist between Denmark and the Hawaiian Islands, the following articles have for that purpose, and to that intent, been mutually agreed upon and signed between the Governments of Denmark and the Hawaiian Islands:

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

ARTICLE II. The subjects of His Majesty the King of Denmark, residing within the dominions of the King of the Hawaiian Islands, shall enjoy the same protection in regard to their civil rights as well as to their persons and properties, as native subjects; and the King of the Hawaiian Islands engages to grant to Danish subjects the same rights and privileges which now are, or may hereafter be, granted to or enjoyed by any other foreigners, subjects of the most favored nation.

ARTICLE III. The protection of the King of the Hawaiian Islands shall be extended to all Danish vessels, their officers and crews, within the harbors and roads of his dominions. In time of war, they shall receive all possible protection against the enemies of the King of Denmark. In case of shipwreck, the local authorities and officers of the King shall use their utmost exertions to succour them and secure them from plunder.

The salvage dues shall be settled according to the general law of salvage, and, in case of dispute, shall be regulated by arbitrators chosen by both parties.

ARTICLE IV. The desertion of seamen belonging to Danish vessels shall be severely repressed by the local authorities, who shall employ all means at their disposal to arrest and confine deserters, and the lawful expenses shall be defrayed by the captain or owners. In such cases, no unnecessary severity is to be used, and due notice is to be immediately given to the Danish Consul, agreeably to the 6th article of this treaty.

ARTICLE V. Danish subjects shall be allowed to reside or settle on any part of the dominions of the King of the Hawaiian Islands, upon obtaining a document certifying that

they are worthy persons, from the Danish Consul, whose duty it is not to give any such document to others than *bona fide* subjects of His Majesty the King of Denmark.

In the case of Danish sailors wishing to remain on the islands, permission shall be previously obtained of the Government, by the Danish Consul.

ARTICLE VI. It is agreed that the Danish Consul shall be instructed to zealously attempt to settle amicably and extra-judicially, all difficulties arising with Danish subjects; and that when any case is brought before the court of foreign causes, the presiding judge shall, with the least possible delay, communicate knowledge thereof to the Danish Consul; also that when Danish sailors or subjects are committed, in consequence of police or other offences, information shall be conveyed to him, forthwith, by the Prefect or other officer of the police.

ARTICLE VII. No Danish productions, or any other goods on board of, or imported in Danish ships, that can be imported by other foreign ships, shall be prohibited, nor pay more than those duties levied on goods of the most favored nation. Any alteration in the duties levied on goods, shall not take effect nor be enforced until twelve calendar months after the first public notification of such change.

ARTICLE VIII. Danish merchandise and property, or goods imported in Danish vessels, liable to an entrance-duty higher than 5 per cent. *ad valorem*, shall be allowed to be bonded, paying only the usual transit duty.

Until the crection of a building by the Hawaiian Government for such warehousing and bonding, such Danish merchandise or property, or goods imported in Danish vessels, shall be allowed to be warehoused and bonded in private warehouses, under the seals and superintendence of the Hawaiian custom-house officers, and the responsibility of the owner of the goods, or the consignee.

ARTICLE IX. All Danish vessels shall have the right and privilege of disposing of their cargoes, or any part thereof, at all or any of the ports of the Hawaiian dominions, now open, or that may hereafter be opened to foreign commerce, and to take in any produce of the Hawaiian Islands, which they may receive in payment of such cargoes. But they shall not be allowed to take any goods or merchandise or freight from one island or port to another, such coasting trade being restricted to bottoms sailing under the Hawaiian flag.

ARTICLE X. The subjects of His Majesty, the King of the Hawaiian Islands, shall, in their commercial relations, or relations of any other nature, with Denmark and her possessions, be treated on the footing of the most favored nation.

Done at Honolulu this 19th day of October, 1846.

[L. s.]

R. C. WYLLIE,

His Hawaiian Majesty's Minister of Foreign Relations,
and Member of His Council of State.

[L. s.]

STEEN BILLE,

His D. M.'s Chamberlain, and Post Captain of the R. N.;
Knight of Danebrog, and of the French order "Pour
le Merite Militaire," commanding H. D. M.'s Frigate
Galathea.

ADDITIONAL ARTICLE. This treaty shall not be permanently binding till it receive the ratification of His Majesty the King of Denmark; but in the meanwhile, for the sake of what Danish vessels or subjects may arrive, it is mutually agreed that it shall take effect, provisionally, from the date of its ratification by His Majesty the King of the Hawaiian Islands.

Done at Honolulu this 19th day of October, 1846.

[L. s.]

R. C. WYLLIE,

His Hawaiian Majesty's Minister of Foreign Relations,
and Member of His Council of State.

[L. s.]

STEEN BILLE,

His D. M.'s Chamberlain, and Post Captain of the R. N.;
Knight of Danebrog, and of the French order "Pour
le Merite Militaire," commanding H. D. M.'s Frigate
Galathea.

(8) AGREEMENT,

TOUCHING CONSULAR NOTICES UNDER THE DANISH AND
HAMBURG TREATIES,

THE undersigned hereby agree that the notices provided for in the 4th and 6th Articles of the Treaties with Denmark and Hamburg, shall be given as follows:

1. Whenever any person belonging to a Danish or Hamburg vessel shall be arrested or imprisoned, on proof or notification of being a deserter from such vessel, the marshal or other chief officer of the police, shall notify the same verbally, or if necessary, in writing, to the Consul of Denmark or Hamburg, as the case may be, at the time, or before 12 o'clock of the next day following such arrest or imprisonment.

2. When any cause of importance in which a subject of Denmark or citizen of Hamburg may be plaintiff or defendant, shall come before the Judge of foreign causes in Honolulu, or any other port or town where a Consular Agent of Denmark or Hamburg shall have been recognized, the presiding Judge shall, with the least possible delay, communicate knowledge thereof, in writing, to the resident Consul of Denmark or Hamburg, as the case may be.

3. When a subject of Denmark or citizen of Hamburg, in consequence of police or other offenses, committed within the jurisdiction of the Hawaiian Kingdom, shall have been arrested or imprisoned, the Marshal or other chief officer of the police, shall notify the same verbally, or, if necessary, in writing, to the Consul of Denmark or Hamburg, as the case may be, at the time, or before 12 o'clock of the next day following such arrest or imprisonment.

4. In all police cases of slight importance, where the penalty is merely correctional and acquiesced in, without appeal by the party delinquent, it shall not be necessary to give any notice to the Consul, whether such party be a subject of Denmark or citizen of Hamburg.

5. In all ports and places where there may exist no recognized Consul or Consular Agent of Denmark or Hamburg, the above notices shall be dispensed with, except where the proceedings are appealed against according to law, by any subject of Denmark or citizen of Hamburg, in which cases the local authorities are to report the case to the Minister of Foreign Relations in Honolulu, and it shall be incumbent on

him, with the least possible delay, to notify, in writing, the Consul of Denmark or Hamburg, as the case may be.

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.