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TREATY

BETWEEN THE KINGDOMS OF THE

Hawaiian Islands and Denmark.

Negotiated by R. C. WYLLIE, Esquire, H. H. M.'s Minister of Foreign Relations, under special powers, and the Chamberlain, Captain STEEN BILLE, of H. D. M.'s ship Galathea, under general instructions, for the benefit of Danish shipping and commerce.

HAWAIIAN.

No ka makemake nui ia o ke kuikahi, a me ka olelo ae like iwaena o Denemaka, a me ko Hawaii Pae Aina, nolaila, a no ia manao, ua hooholo maikai ia keia mau Pauku iwaena o na Aupuni o Denemaka, a me ko Hawaii Pae Aina, a ua kakauia na inoa.

PAUKU I. E mau loa aku no ka malu, a me ke aloha iwaena o ka Moi, ke Alii o Denemaka, a me ka Moi, ke Alii o ko Hawaii Pae Aina, a iwaena hoi o na hooilina, a me na hope o laua.

PAUKU II. Ma na kuleana maoli, a me na kino, a me ka waiwai, e hoomaluia ka poe o ka Moi, ke Alii o Denemaka e nohola mala lo o ke Alii o ko Hawaii Pae Aina, e like me ka hoomalu ana i na kanaka maoli; a ke ae aku nei ke Alii o ko Hawaii Pae Aina, e haawi aku i na kanaka o Denemaka i na pono a pau, a me na pomaikai i haawiia i keia manawa, a i kekahi manawa mahope aku paha, i ko ka aina i aloha nui ia.

PAUKU III. E pili ka hoomalu ana o ke Alii o ko Hawaii Pae Aina i na Moku o Denemaka, a me na lii moku a me na luina, ma na awa, a me na wahi ku moku o kona Aupuni. I ka manawa kaua, e hoomalu ikaika ia lakou ke mea mai na enemi o ke alii o Denemaka. Ina ili kekahi moku ma ke kauwahi, alaila, e hooikaika loa ko laila poe Alii, a me na luna o ke alii e kokua ia lakou, i hao ole ia ka waiwai. O ka uku no ka hoopakele ana, e hooholoia mamuli o ke kanawai nui no ka hoopakele waiwai. Ina he hoopaapaa, alaila, na na mea i kohoia e na aoao elua e hooholo i ka olelo no ia uku.

PAUKU IV. E keakea na luna o kela wahi keia wahi me ke ku e ikaika aku i ka mahuka ana o na luina, mai na moku o Denemaka mai, a e like me ka mea hiki ia lakou, e hopu, a e hoopaa i na mahuka. a na na kapena, a me na ona o na moku e uku i ka lilo ana, e like me ke kanawai.

PAUKU V. E aeia ko Denemaka poe kanaka e hele mai, a e noho ma na wahi a pau iloko o ke Aupuni o ke Alii o ko Hawaii Pae Aina, ke loaa nae ka palapala na ke Kanikela o Denemaka mai, e hoakaka ana he poe kanaka pono lakou, aole nae e pono ia ia ke haawi aku i ka palapala e like me ia ia hai, i na kanaka ponoi no o ka Moi, ke Alii o Denemaka.

Ina makemake na luina o Denemaka e noho ma keia Pae aina, e loaa mua i ke kanikela Denemaka ka ae o keia Aupuni.

PAUKU VI. Ua ae like ia, e aoia mai ke kanikela Denemaka e hookaika nui i ka hoopau i na hihia me na kanaka o Denemaka, me ka hoopii ole mai i na aha hookolokolo a ina i laweia kekahi hihia imua o ka ahahookolokolo no na haole, na ka Luna kanawai o ia aha e hoike koke aku i ke Kanikela Denemaka, a ina i hoopaaia na luina, a me na kanaka o Denemaka no ke kolohe, a no kekahi hewa, na ka Luna makai, a i ole ia, o kekahi kanaka e ae o na makai e hoike koke aku ia ia i ua paa ana la.

PUKU VII. O na mea ulu ma Denemaka, a me ka waiwai e ae maluna o na moku Denemaka, a laweia mai maluna o kolaila moku, ina i aeia na moku o ka aina e ke lawe mai, alaila, aole hiki ke hookapu, aole hoi lakou e uku i ke dute a oi aku mamua o ko ka aina i aloha nui ia. Ina hoanoeia ke dute i kauia maluna o ka waiwai, aole e hookoia, a hala na malama umikumamalua mahope iho o ka hai mua ana ma ke akea.

PAUKU VIII. O ko Denemaka mau mea kuai, a me ka waiwai, a me ka ukana i laweia mai maloko o na moku o Denemaka, ina oi aku ke dute mamua o elima hapahaneri, e aeia ka waiho wale ana i kela waiwai mauka nei malalo o ka palapala hoopaa, a e uku i ke dute maalo wale no.

Mamua o ke kukulu ana o ko Hawaii Aupuni i na hale papaa no ia waiwai palapala hoopaa, e aeia ka waiho ana o ko Denemaka mea kuai, a me kolaila waiwai, a me ka ukana i laweia mai ma na moku Denemaka, i loko o na hale papaa o kanaka, malalo o na sila, a me ka malama ana o na Luna dute Hawaii. maluna nae o ka mea nana ka waiwai, a o kona hope paha ke kaumaha o ka malama ana.

PAUKU IX. E haawiia no na moku Denemaka, na lakou e kuai i ka waiwai o na moku, a i kekahi hapa paha, ma na awa komo a pau o ke Aupuni Hawaii, na awa komo o keia wa, a pela no ma ke awa hou, ke weheia kekahi awa no ke kuai i ka waiwai o ka aina e, a pono no hoi i na moku Denemaka ke lawe aku i ka waiwai o ko Hawaii Pae Aina, i uku no ka waiwai o ko lakou moku. Aole nae lakou e aeia ke lawe i ka waiwai, a me na mea kuai, a me na mea hoouka, mai kekahi Mokupuni, a mai kekahi awa i kekahi awa, no ka mea, ua haawiia kela kuai ana mai kekahi awa i kekahi awa i na moku wale no i holo malalo o ka-Hae Hawaii.

PAUKU X. I ke kuai ana, a i ka hana ana i na mea e ae me ko Denemaka, a me ko kona mau aina, e hana like ia na kanaka o ka Moi, ke Alii o ko Hawaii Pae Aina me ko ka aina i aloha nui ia.

Ua hanaia ma Honolulu i keia la 19 o Okatoba, 1846.

R. C. WYLLIE,
Ko ka moi Hawaii Kuhina no ko na Aina e, a me ka hoa Kukakuka malu o ke aupuni.
[L. S.]

STEEN BILLE,
Ko M. D. Pauku, Kapena iloko o na manuwa o ke Lii, Alii o Danebroge, a me ko Farani poe "Pour Merite Militaire," ia ia ko ka Moi o Denemaka manuwa o Galathea.
[L. S.]

PAUKU HOU.

Aole e paa loa keia kuikahi, a hooiaioia ia e ka Moi, ke Alii o Denemaka, aka, i mea e ponoai na moku, a me na kanaka o Denemaka e hiki mai ana, ua ae like ia no keia manawa, e hookoia no, mai ka la aku o ka hooiaio ana o ka Moi, ke Alii o ko Hawaii Pae Aina.

Ua hanaia ma Honolulu i keia la 19 o Okatoba, 1846.

R. C. WYLLIE,
Ko ka moi Hawaii Kuhina no ko na Aina e, a me ka hoa Kukakuka malu o ke aupuni.
[L. S.]

STEEN BILLE,
Ko M. D. Puuku, Kapena iloko o na manuwa o ke Lii, Alii o Danebroge, a me ko Farani poe "Pour Merite Militaire," ia ia ko ka Moi o Denemaka manuwa o Galathea.
[L. S.]

DANISH.

Da det er önskeligt at en almindelig Convention og et Document til Rettesnor for gjensidig Overeenskomst finder Sted imellem Danmark og Hawaii Oerne, er Man, af den Grund og i saadan Hensigt kommen overeens om fölgende Artikler, der ere undertegnede af Regeringerne i Danmark og Hawaii Oerne.

ART. 1. Der skal være evig Fred og Venskab imellem hans Majestæt Kongen af Danmark og Hans Majestæt Kongen over de Hawaiianske Oer, deres Arvinger og Efterfölgere.

ART. II. Hans Majestæt Kongen of Danmarks Undersaatter, der ere bosiddende i Kongeriget Hawaii, skulle med Hensyn til deres borgerlige Bettigheder, saavelsom ti deres Personer og Eiendomme, nyde samme Beskyttelse som indfödte Undersaatter, og Hans Majestæt Kongen over Hawaii Oerne forpligter sig til at tilstaae danske Undersaatter de samme Rettigheder og Privilegier, som nu ere, eller herefter maatte blive tilstaaede eller nydte af den meest begunstigede fremmede Nations Undersaatter.

ART. III. Denne Hans Hawaiianske Majestæts Beskyttelse skal udstrække sig til alle danske Skibe, deres Officerer og Manskab i hans Kongeriges Havne og Rheder. I Krigstid skulle de nyde al mulig Beskyttelse imod Hans Majestæt Kongen of Danmarks Fjender. I Tilfælde af Skibbrud skulle de Kongelige Local-Autoriteter og Embedsmænd efter yderste Evne understötte dem og skikre dem for Plyndring.

Bjergelön skal afgjöres overeenstemmende med den almindelige Bjergnings Lov og i tvivlsomme Tilfælde afgjöres Sagen ved Voldgiftsmænd valgte af begge Parter,

ART. IV. Desertation af Sömænd henhörende til danske Skibe skal modarbeides og forhindres af de locale Autoriteter, som skulle anvende alle de til deres Raadighed staaende Midler for at anholde og arrestere saadanne Deserteurer, og de lovlige Udgifter skulle udredes af Capitainen eller Rhederne. I saadanne Tilfælde bör ingen unödvendig Strenghed anvendes, og tilbörlig Underretning bör strax meddeles den danske Consul overeensstemmende med denne Tractacs VI Artikel.

ART. V. Danske Undersaatter skulle tillades at boe eller nedsætte sig hvorsomhelst i Kongeriget Hawaii, efter at have erholdt et Vidnesbyrd fra den danske Consul, der godtgjör at de ere dertil værdige Individer. Det bliver Consulens Pligt ikke at udstede saadanne Documenter til Andre end *bona fide* Undersaatter of Hans Majestæt Kongen of Danmark.

Skulde danske Sömænd önske at forblive paa Oerne, skal Tilladelsen hertil först indhentes af Regeringen, igjennem den danske Consul.

ART. VI. Man er kommen overeens om at det skal paalægges den danske Consul ivrigen at söge paa en venskabelig og mindelig Maade alle Vanskeligheder afgjorte, som maatte finde Sted med danske Undersaatter, og naar nogen Sag er bragt for Retten til fremmede Sagers Afgjörelse, skal den fungerende Dommer snarest muligt underrette den Danske Consul om det Forefaldne. Ligeledes bör Consulen uopholdelig underrettes om, ved Præfecten eller anden Politie-Embedsmand, naar danske Sömænd eller Undersaatter ere blevne fængslede paa Grund af Politie—eller andre Forseelser.

ART. VII. Ingen danske Producter eller andre Varer ombord i eller indförte i danske Skibe, som ere tilladte at indföres af fremmede Skibe, skulle forbydes at indföres, eller derför betale mere end saadanne Toldafgifter, som i saadant Tilfælde ere paalagte den meest begunstigede Nation. Enhver Forandring i Toldafgifterne, maa ikke fuldbyrdes eller sættes i Kraft förend tolv Calender Maaneder efter den förste offentliige Bekjendtgjörelse af saadan Forandring.

ART. VIII. Danske Handelsvarer og Eiendomme, eller Gods indförte i danske Skibe, der ere underkastede en Indförselstold höiere end 5 per cts. *ad valorem*, er det tiladt at oplægge paa Transit, ene imod Erlæggelse af den sædvanlige Transittold.

Saalænge til at en Bygning, bestemt til saadant Oplag paa Transit, er bleven opfört af den hawaiianske Regering, skal det være tilladt, at oplægge saadanne, danske Handelsvarer eller Eiendomme eller Gods, indförte i danske Skibe, paa Transit i private Pakhuse under de vedkommende Hawaiianske Told-Enbedsmænds Segl og Overtilsyn og under Ansvar af Godsets Eier eller den til hvem Godset er consigneret.

ART. IX. Alle danske Skibe skulle have Ret og Privilegium til at sælge deres Ladning eller en Deel of samme i hvilkensomhelst Havn paa de Hawaiianske Oer, der nu ere aabne eller herefter aabnes for fremmed Handel og at indlade hvilkesomhelst hawaiianske Producter, som maatte modtages i Betaling for saadan Ladning. Derimod skal det ikke være tilladt danske Skibe at tage nogetsomhelst Gods eller Handelsvarer paa Fragt fra een O eller Havn til en anden, da saadan Kysthandel alene er forbeholdt Skibe seilende under Hawaiiansk Flag.

ART. X. Hans Majestæt Kongen af Hawaii Oernes Undersaatter skulle i deres Handels forhold saavelsom i enhver anden Henseende til Danmark og dets Besiddelser, behandles paa samme Fod, som den meest begunstigede Nation.

Givet i Honolulu den 19 October 1846.

R. C. WYLLIE.
Hans Hawaiianske Majestæts Minister for udenlanske Anliggender, og Medlem af hans Statsraad.
[L. S.]

STEEN BILLE.
Hans Kongelig danske Majestæts Kammerherre, Captain i So Etaten Ridder af Danebroge og af den franske Orden "pour le merite militaire," Chef af den danske Orlags-Corvet Galathea.
[L. S.]

TILLÆGS ARTIKEL.

Denne Traktat skal ikke være vedvarende forbindende, förend den er ratificeret af Hans Majestæt Kongen of Danmark. Imidlertid er Man, da muligen danske Skibe eller Undersaatter kunde ankomme, kommen overeens om, at den forelöbig skal træde i Kraft fra den Dag af, Hans Majestæt Kongen over Hawai Oerne har ratificeret den.

Givet i Honolulu den 19 Oct. 1846.

R. C. WYLLIE.
Hans Hawaiianske Majestæts Minister for udenlandske Anliggender, og Medlem af hans Statsraad.
[L. S.]

STEEN BILLE.
Hans Kongelige danske Majestæts Kammerherre, Captain i So Etaten, Ridder af Danebroge og af den franske Orden "pour le merite militaire," Chef af den danske Orlogs-Corvet Galathea.
[L. S.]

ENGLISH.

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.

ART. 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.

ART. 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.

ART. 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.

ART. 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 Art. of this treaty.

Art. 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.

ART. 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.

ART. 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.

ART. VIII. Danish merchandize 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 erection of a building by the Hawaiian Government for such warehousing and bonding, such Danish merchandize 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.

ART. 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 merchandize or freight from one island or port to another, such coasting trade being restricted to bottoms sailing under the Hawaiian flag.

ART. 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.

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 Danebroge, and of the French order "Pour le Merite Militaire," commanding H. D. M.'s Frigate Galathea.
[L S.]

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.

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 Danebroge, and of the French order "Pour le Merite Militaire," commanding H. D. M.'s Frigate Galathea.
[L. S.]