

Doña Isabel Segunda

por la gracia de Dios y la Constitución de la Monarquía Española

Reina de las Españas

Por cuanto se ajustó, concluyó y firmó en Londres el día veinte y nueve de Octubre del año de mil ochocientos sesenta y tres por Don Juan Tomás Comyn y Sir John Bowring, Plenipotenciarios nombrados al efecto en debida forma, un Tratado de Amistad, Comercio y Navegación entre España y las Islas Hawaiianas, compuesto de veinte y ocho artículos en lengua castellana e inglesa que palabra por palabra es del tenor siguiente:

Su Majestad la Reina  
de las Españas por una parte, y Su  
Majestad el Rey de las Islas  
Hawaianas por otra queriendo faci-  
litar el establecimiento de relaciones comercia-  
les entre España y las Islas Hawaianas  
y favorecer su desarrollo por medio  
de un Tratado de amistad de  
comercio y de navegación a fin de  
asegurar a los dos países  
ventajas iguales y reciprocas,  
han nombrado al efecto  
por sus Plenipotenciarios  
a saber:

Su Majestad la Reina  
de las Españas a Don Juan  
Comas Comyn, Caballero Gran Cruz  
de la Real orden de Isabel la  
Católica, Comandador de Número  
de la Real y distinguida de  
Carlos 3.º, Gran Cruz de las

Her Majesty the Queen of  
Spain on the one part, and His  
Majesty the King of the Hawaiian  
Islands on the other part, desiring  
to facilitate the establishment of  
commercial relations between Spain  
and the Hawaiian Islands and  
to favor their development by a  
Treaty of amity, commerce and  
navigation, suited for securing  
to the two countries equal and  
reciprocal advantages, have  
nominated to this purpose for their  
Plenipotentiaries, that is to say:

Her Majesty the Queen of  
Spain Don Juan Comas Comyn,  
Knight Grand Cross of the  
Royal Order of Elizabeth the  
Catholic, Knight Commander  
of the Royal and distinguished  
Order of Charles the Third, Grand

de Felipe el Magnánimo  
de Hesse, de la de Cristóbal  
de Portugal &.<sup>a</sup> Gran Oficial  
de la Legión de Honor de  
Francia, Comendador de las  
Ordenes de la Concepción de  
Villaviciosa de Portugal y  
del Águila Roja de Prusia  
&.<sup>a</sup>; Su Gentilhombre de  
Cámara, Consejero extraordinario  
que ha sido, y su actual  
Enviado Extraordinario y  
Ministro Plenipotenciario  
en la Corte de Su Majestad  
Británica; y Su Majestad el Rey  
de las Islas Hawaianas a Sir John  
Bowring, Knight Bachelor de la Gran Bretaña.  
Los cuales, después de  
haberse comunicado sus respectivas  
poderes y de haberlos hallado en buena  
y debida forma, han convenido en los

Cross of the Order of Philip the  
Magnanimous of Hesse of that  
of Christ of Portugal &.<sup>a</sup> Grand  
Officer of the Legion of Honour  
of France; Commander of the  
Orders of Our Lady of Villaviciosa  
of Portugal and of the Red  
Eagle of Prussia &.<sup>a</sup> Chamberlain  
of Her Catholic Majesty, late Royal  
Counselor in extraordinary and Her  
actual Envoy Extraordinary and  
Minister Plenipotentiary at the  
Court of Her Britannic Majesty  
and His Majesty the King  
of the Hawaiian Islands, Sir  
John Bowring, Knight  
Bachelor of Great Britain,  
Who having mutually  
communicated their powers and  
found them in good and true  
form have agreed on the

Artículos siguientes:

### Artículo 1.º

Habrà pax perpetua y amistad constante entre el Reino de España y el de las Islas Hawaiianas y entre los ciudadanos de ambos países sin excepcion de personas ni de lugares.

### Artículo 2.º

Habrà entre la España y las Islas Hawaiianas libertad reciproca de comercio y de navegacion. Los españoles en las Islas Hawaiianas y los subditos hawaiianos en España podrán entrar libremente y con toda seguridad con sus buques y cargamentos como los mismos nacionales, en todos los

following Articles:

### Article 1<sup>st</sup>

There shall be perpetual peace and constant friendship between the Kingdom of Spain and that of the Hawaiian Islands and between the citizens of the two countries without exception of person or place.

### Article 2<sup>d</sup>

There shall be between Spain and the Hawaiian Islands reciprocal freedom in commerce and navigation. Spaniards in the Hawaiian Islands and Hawaiian subjects in Spain may enter in the same liberty and security with their vessels and cargoes as are enjoyed by the natives of the respective

lugares, puertos y ríos que  
estén abiertos o lo fuesen  
en los sucesivos al comercio  
extranjero, sujetándose ya  
las precauciones de policía  
adoptadas para con los súbditos de  
las naciones más favorecidas

### Artículo 3.º

Los ciudadanos de cada una  
de las dos partes contratantes  
podrán, como los nacionales, en  
los territorios respectivos, viajar  
o residir o comerciar por mayor  
o menor, alquilar u ocupar las  
casas, almacenes y tiendas que  
necesiten; efectuar transportes de  
mercancías y de dinero y recibir  
consignaciones; podrán así mismo  
ser admitidos como fiadores, en la  
Aduana cuando haya mas de

countries in all places, ports and  
rivers which are or shall in future  
be open to foreign commerce, provided  
always that the police regulations  
employed for the protection of the  
citizens of the most favored nations  
be respected

### Article 3.º

The citizens of each of the  
contracting Parties may, like the  
natives in the respective territories,  
travel or reside, trade whole sale or  
retail, let or occupy the houses, stores  
and shops which they may require;  
they may carry on the transport of  
merchandise and money and receive  
consignments; they may also, where  
they have resided more than a year  
in the country, and their goods,  
chattels or moveables which they

un año que se hallen establecidas en la localidad y que los bienes raíces o muebles que posean presenten suficientes garantías.

Tanto los unos como los otros gozarán de una absoluta igualdad y podrán en todas sus compras y en todas sus ventas establecer y fijar el precio de los efectos, mercancías y toda clase de objetos, así importados como nacionales, bien sea que los vendan para el interior o que los destinen a la exportación.

Gozarán de la misma libertad para hacer sus negocios, presentar en la Aduana sus propias declaraciones o hacerse suplir por quien juzgan a propósito, apoderados, factores, agentes consignatarios o intérpretes, ya sea en la compra o en la venta.

those possess shall offer a sufficient security, be admitted as sureties in Custom-house transactions. - The citizens of both countries shall on a footing of perfect equality be free both to purchase and to sell, to establish and to fix the price of goods, merchandises and articles of every kind, whether imported or of home manufacture, whether for home consumption or for exportation.

They shall also enjoy liberty to carry on their business themselves, to present to the Custom-house their own declarations or to have their place supplied by their own attorneys, factors, consignees agents or interpreters, whether in the purchase or sale of their goods, their property or merchandise, whether for the loading or unloading or of the expedition of

de sus respectivos bienes, efectos ó mercancías, ya en la carga, descarga ó expedición de sus buques.

Tendrán asimismo el derecho de ejercer todas las funciones que les sean encomendadas por sus propios compatriotas, por extranjeros ó por nacionales en calidad de apoderados, factores, agentes consignatarios ó intérpretes.

Se conformarán para todas estas cosas con las leyes y reglamentos del país, y no estarán sujetos bajo ningún concepto, ni otras cargas, restricciones, tasas ó impuestos que á los que se hallen sometidos los nacionales, salvo las precauciones de policía empleadas con las naciones más favorecidas. Queda además convenido especialmente que todas las ventajas de cualquiera naturaleza que sean concedidas actualmente

their vessels.

They shall also have the right to fulfil all the functions that are confided to them by their own countrymen, by strangers or by natives in the position of attorneys, factors, agents, consignees or interpreters.

For the performance of all these acts they 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, provided always that the police regulations employed for the protection of the citizens of the most favoured nations be respected. It is also specially provided that all the advantages of any kind whatever actually granted by the

por las leyes y decretos vigentes en las Islas Hawaiianas o que lo sean en lo sucesivo a los inmigrantes extrangeras, serian garantidas a los españoles establecidos o que se establecieren en cualquier punto del territorio hawaiano; y lo mismo se entendera respecto de los subditos hawaianos en España.

#### Artículo 4.º

Los subditos respectivos gozaran en ambos Estados de la mas constante y completa proteccion para sus personas y propiedades. En consecuencia tendran libre y facil acceso a los tribunales de justicia para la reclamacion y defensa de sus derechos en toda instancia y en todos los grados de jurisdiccion establecidos por las leyes. Tendran la libertad de emplear en cualquier

laws and decrees now in force, or which shall in future be accorded to foreign settlers, shall be guaranteed to spaniards established or who shall establish themselves in whatever positions they may deem fit in the Hawaiian territory; and the same shall hold good for hawaian subjects in Spain.

#### Article 4<sup>th</sup>

The respective citizens of the two countries shall enjoy the most constant and complete protection for their persons and property. Consequently they shall have free and easy access to the courts of justice in the pursuit and defense of their rights in every instance and degree of jurisdiction established by the laws. They shall be at liberty under any circumstance to employ

circunstancia los abogados, procuradores o gentes de todas clases que conceptuen a propósito para gestionar en su nombre. En resumen, gozarán en este concepto de los mismos derechos y privilegios que se conceden a los nacionales y estarán sometidos a las mismas condiciones.

### Artículo 5.º

Los españoles en las Islas Sandwich y los hawaianos en España, estarán exentos de todo servicio en los ejércitos de mar y tierra y en las guardias y milicias nacionales, y no se hallarán sometidos por sus propiedades muebles o inmuebles a otras cargas, restricciones, tasas o impuestos que aquellos a que están sujetos los mismos nacionales.

lawyers, advocates or agents from any class whom they may see fit to authorise to act in their name. - In fine, they shall in all respects, enjoy the same rights and privileges which are granted to natives and they shall be subject to the same conditions.

### Article 5<sup>th</sup>

Spaniards in the Hawaiian Islands and hawaiians in Spain shall be exempt from all services, whether in the army or navy, or in the national guard, or militia and they cannot be subject to any other charges, restrictions, taxes or impositions on their property, furniture or moveables than those to which the natives themselves are subject.

## Artículo 6.º

Los ciudadanos de uno y otro Estado no podrán respectivamente quedar sujetos á embargo alguno, ni ser detenidos con sus buques, tripulaciones, cargamentos ó efectos de comercio para ninguna expedición militar, ni para ningún otro uso particular ó público, sin que el Gobierno ó la Autoridad local convengan previamente con los interesados en una justa indemnización al efecto, y en la que podrá pedirse por los daños y perjuicios que, no siendo puramente fortuitos, provengan del servicio á que se hubiesen obligado voluntariamente.

## Artículo 7.º

Los ciudadanos de las dos partes

## Article 6<sup>th</sup>

The citizens of both countries respectively shall not be subject to any embargo, nor to be detained with their vessels, luggage, cargoes or commercial effects for any military expedition whatever, nor for any public or private service whatever, unless the Government or local Authorities shall have previously agreed with the parties interested that a just indemnity shall be granted for such service, and for such compensation as might fairly be required for the wrong, which not being purely fortuitous, may have grown out of the service which they have voluntarily undertaken.

## Article 7<sup>th</sup>

Citizens of either of the contracting

contratantes tendrán el derecho en los territorios respectivos de poseer bienes de toda especie y de disponer de ellos del modo que los nacionales.

Los españoles gozarán en el territorio hawaiano del derecho de recoger y transmitir las herencias abintestato o testamentarias al igual de los hawaianos, segun las leyes del pais, y sin hallarse sujetos en razon de su calidad de extranjeros a ninguna exaccion o impuesto que no se exija a los nacionales.

Reciprocamente, los subditos hawaianos gozarán en España del derecho de recoger y transmitir las herencias abintestato o testamentarias al igual de los españoles, segun las leyes que rijan en el pais y sin estar sujetos en su calidad de

parties shall on the respective territories have the rights of possessing property of any sort and disposing of it on the same conditions as native subjects.

Spaniards shall enjoy in all the Hawaiian territories the right of collecting and transmitting successions abintestato or testamentary as hawaian, according to the laws of the country, without being subjected as strangers to any burthen or impost which are not paid by the natives.

Reciprocally hawaian subjects shall enjoy in Spain the right of collecting and transmitting successions abintestato or testamentary on the same conditions as spaniards, according to the laws of the country and without being subject as strangers to any

extrangeros á ninguna exaccion ó impuesto que no se exija á los nacionales.

La misma reciprocidad existirá entre los ciudadanos de los dos países para las donaciones inter vivos.

Al efectuar la exportacion de los bienes recogidos ó adquiridos por cualquier título que sea, de los españoles en las Islas Hawaiianas ó por los hawaiianos en España, no se exigirá sobre estos bienes ningun derecho de debracion ó de emigracion ni otra carga á la que los nacionales se hallen sujetos.

### Artículo 8.º

Serán considerados como buques españoles en las Islas Hawaiianas y como buques hawaiianos en España todos los que naveguen bajo su pabellon respectivo y que sean portadores de los papeles del buque y de los documentos exigidos por las leyes de su propio país para la justificacion de la nacionalidad de

charge or impost not paid by the natives.

The same reciprocity between the citizens of the two countries shall exist for donations inter vivos.

On the exportation of property collected or acquired under any head by spaniards in the Hawaiian Islands or by Hawaiians in Spain, there shall be no duty on removal or emigration nor any duty whatever to which natives are not subjected.

### Article 8<sup>th</sup>

All spanish or hawaiian vessels sailing under their respective colours and which shall be bearers of the ship's papers and documents required by the laws of their respective countries shall be considered as national vessels.

los buques de Comercio.

### Artículo 9.º

Los buques españoles que entraren en lastre ó cargados en los puertos hawaianos ó que salieron, y reciprocamente, los buques hawaianos que entraren en lastre ó con carga en los puertos de España ó que salieron, ya fuese por mar, por rios ó canales, sea cual fuere el punto de partida ó el de su destino, no estarán sujetos ni á la entrada ni á la salida ni al paso, á derechos de tonelaje, de puerto, de baliza, de pilotaje, de anclaje, de remolque, de fanal, de esclusa, de canales, de cuarentena, de salvamento, de depósito, de patente, de corretaje, de navegación, de peaje, en resumen á los derechos ó cargas de cualquier naturaleza ó denominación que fuesen que pesasen sobre los cascos de los buques, percibidos ó establecidos

### Article 9<sup>th</sup>

Spanish vessels which shall arrive, either in ballast or laden, in hawaian ports or which shall leave the same, and reciprocally, hawaian vessels which either in ballast or laden enter or leave the ports of Spain, whether by sea or by rivers or canals, whatever be the place of their departure or that of their destination, shall not be subject, either at entry or departure, to duties on tonnage, port or transit, pilotage, anchorage, shifting, light-house, sluice, canals, quarantine, salvage, bonding-warehouses, patent, brokerage, navigation, passage or to any duties or charges whatever levied on the hulls of vessels, received or established for the benefit of the Government, of the public functionaries, communes or establishment

en nombre ó en beneficio del Gobierno, de funcionarios públicos, de municipalidades u otros establecimientos, excepto los que están actualmente ó puedan ser en lo sucesivo impuestos á los buques nacionales.

### Artículo 10.º

En lo concerniente á la colocación de los buques, su carga ó descarga en los puertos, raldas, obras, dársenas y generalmente para todas las formalidades y disposiciones á que puedan hallarse sometidos los buques de comercio, sus tripulaciones y cargamentos, se ha convenido que no se concedera á los buques nacionales ningún privilegio ni favor que no se haga estensivo á los del Estado, siendo la voluntad de las dos partes contratantes que también en este concepto sus buques sean tratados con una perfecta igualdad.

of any sort, other than those which are now or may hereafter be levied on national vessels.

### Article 10<sup>th</sup>

In all that regards the stationing, the loading, and unloading of vessels in the ports, roadsteads, harbours and docks and generally for all the formalities and arrangements whatever to which vessels employed in commerce with their freight and loading may be subject, it is agreed that no privilege shall be granted to national vessels which shall not be equally granted to vessels of the other country, the intention of the high contracting parties being that in this respect also, the respective vessels shall be treated on the footing of perfect equality.

## Artículo 11.º

Los buques de una de las dos partes contratantes que entraren de arribada forzosa en los puertos de la otra, no satisfarán ni por el buque ni por el cargamento mas que los derechos á que se hallen sujetos los buques nacionales en semejantes casos, con tal que se justifique legalmente la necesidad de la arribada, que los buques no verifiquen ninguna operacion comercial y que no permanezcan en el puerto mas tiempo que el que exija el motivo por el que se efectuó la arribada.

## Artículo 12.º

Los buques de guerra y los buques balleneros españoles, tendrán libre entrada en los puertos hawaianos abiertos; podrán permanecer hasta

## Article 11<sup>th</sup>

Vessels of the subjects of the contracting Parties, compelled to seek shelter in the ports of the other shall pay neither on the vessels nor the cargo more duties than those levied on national vessels in the same situation, provided that the necessity of such shelter seeking be legally shown, that the vessels shall carry on no commercial speculations and that it will tarry no longer than is required by the motives which impelled it to enter the ports.

## Article 12<sup>th</sup>

Spanish ships of war and whaling ships shall have free access to all the open Hawaiian ports; they may there anchor, be

reparaciones y renovar los viveres y podian  
asimismo ir de un puerto a otro de las Islas  
Hawaianas para procurar viveres frescos.

En todos los puertos abiertos en la  
actualidad o en todos los que lo fueron en  
lo sucesivo a los buques extranjeros, los  
buques de guerra y los buques balleneros  
españoles estarian sometidos a las mismas  
reglas impuestas actualmente o que en lo  
sucesivo lo sean y gozarian bajo todos con-  
ceptos de los mismos derechos privilegios e  
inmunidades concedidos o que se concedieren  
a los mismos buques y barcos ballene-  
ros hawaianos, o a los de la nacion  
mas favorecida.

### Articulo 13.

Los objetos de todas clases impor-  
tados en uno de los dos Estados bajo  
la bandera del otro cualesquiera  
que sean su origen y procedencia, no

repaired and victual their crews; they may  
proceed from one harbour to another  
of the Hawaiian Islands for fresh provisions.

At all the ports which are or  
may be hereafter opened to  
foreign vessels, spanish ships  
of war and whalers shall be  
subject to the same rules which are or  
may be imposed, and shall enjoy  
in all respects the same  
rights privileges and immunities  
which are or may be  
granted to hawaiian ships and  
whalers or to those of the most  
favoured nation.

### Article 13<sup>th</sup>

Articles of all sorts imported  
into the ports of either of the  
contracting States under the  
flag of the other, whatever be

pagarían otros ni mayores derechos de  
entrada y no estarían sujetos á otros  
gravámenes que á los que les  
correspondieran si fuesen importa-  
dos bajo la bandera  
de las Naciones mas  
favorecidas.

### Artículo 14.º

Los buques españoles en las Islas Ha-  
waiianas y los buques hawaianos en España  
podrán descargar una parte de sus carga-  
mentos en el puerto de llegada y dirijirse  
luego con el resto de su cargamento á  
otros puertos del mismo Estado que se  
hallen abiertos al comercio exterior, ya  
sea para concluir de descargar sus car-  
gamentos, ya para completar su carga-  
mento de retorno, no satisfaciendo en  
cada puerto otros ni mayores dere-  
chos que los que pagan los buques

their origin and from whatever  
country imported, shall pay neither  
other nor heavier duties of entry,  
and shall not be subjected to  
any other charges than those  
imposed on vessels under the flag  
of the most favoured nation.

### Article 14<sup>th</sup>

Spanish ships in the Hawaiian  
Islands and hawaiian ships in  
Spain may discharge a portion  
of their cargo in the port of their  
first arrival and proceed with  
the rest of their cargo to other  
ports of the same country which  
may be open to foreign trade,  
whether to complete their unloading  
or to provide their return cargo,  
and shall pay in neither port  
other or heavier duties than those

nacionales, en circunstancias análogas.

En lo concerniente al tráfico de cabotaje los buques de ambos países serán tratados de una parte y otra bajo el mismo pie que los buques de las naciones más favorecidas.

### Artículo 15º

Durante el tiempo fijado por las leyes de los dos países respectivamente para el depósito de las mercancías, no se exigirán otros derechos que los de guarda y almacenaje sobre los objetos importados de uno de los dos países al otro, en tanto que se efectue su tránsito, su reexportación o su venta para el consumo.

Dichos objetos en ningún caso pagarán mayores derechos, ni estarán sujetos a otras formalidades que si hubiesen sido importados bajo su bandera.

levied on national vessels in similar circumstances.

As regards the coasting trade, the vessels of each country shall be mutually treated on the same footing as the most favoured nations.

### Article 15<sup>th</sup>

During the period allowed by the laws of the two countries for the warehousing of goods no other duties than those for custody and storage shall be levied upon articles imported from one of the two countries into the other until they shall be removed for transit, re-exportation or internal consumption.

In no case shall such articles pay higher duties, or be liable to other formalities, than if they had been imported under

nacional, o proviniesen del país  
mas favorecido.

### Artículo 16.º

Las mercancías embarcadas a bordo  
de los buques españoles o hawaianos o  
que pertenecan a los ciudadanos respectivos  
podrán ser transbordadas, en los puertos  
de los dos países, a bordo de un buque  
destinado a un puerto nacional o extran-  
jero, segun los reglamentos de Adua-  
nas del país y las mercancías transbor-  
dadas en este concepto, para ser ad-  
mitidas en otro punto, estarán exentas de  
toda clase de derechos de Aduana y depósito.

### Artículo 17.º

Los objetos de todas clases procedentes  
de España o expedidos para España go-  
zarán, a su paso por el territorio de las  
Islas Hawaianas en tránsito directo o

the national flag or from the  
most favoured country.

### Article 16<sup>th</sup>

Merchandise shipped on board  
spanish or hawaiian ships or  
belonging to their respective citizens  
may be transhipped in the ports of  
the two countries to a vessel bound  
for a national or foreign port according  
to the Custom-house regulations of  
the two countries, and the goods so  
transhipped for other ports shall  
be exempt from all duties of  
Custom or warehouse.

### Article 17<sup>th</sup>

Articles of all sorts proceeding  
from Spain or shipped for Spain  
shall enjoy in their passage  
through the territory of the

por reexportación, del trato aplicado  
en semejantes casos a los objetos  
procedentes del país mas  
favorecido o destinados a él  
etc.

Recíprocamente, los objetos de  
todas clases procedentes de las Islas  
Hawaianas o expedidas para este  
país, obtendrán a su paso por el territorio espa-  
ñol el trato aplicable, en las mismas circuns-  
tancias, a los objetos procedentes del país  
mas favorecido o destinados a él.

### Artículo 18.º

No se una ni otra de las partes contra-  
tantes impondrá sobre las mercancías pro-  
cedentes del territorio de la industria o de los  
depósitos de la otra parte, otros ni  
mayores derechos de importación o de  
exportación que los que se impongan  
a las mismas mercancías proceden-

Hawaiian Islands, whether in  
direct transit or for re-exportation,  
all the advantages possessed under  
the same circumstances by the most  
favoured nation.

Reciprocally, the articles of every  
sort proceeding from the Hawaiian  
Islands or sent for that country  
shall enjoy, in their passage  
through Spain, the same advantages  
as are possessed by the most favoured  
nation.

### Article 18<sup>th</sup>

Neither one nor the other of the  
contracting parties will impose upon  
the goods proceeding from the  
soil, the manufactures or the  
warehouses of the other, different  
or greater duties on importation  
or re-exportation than those which

tes de cualquier otro Estado extranjero.

No se impondrán sobre las mercancías exportadas de un país al otro, otros ni mayores derechos que si fuesen exportadas con destino a cualquier otro país extranjero.

No habrá restricción ni prohibición de importación o de exportación alguna en el comercio recíproco de las partes contratantes que no se haga extensiva a todas las demás naciones.

### Artículo 19.º

Podrán establecerse Consules generales, Consules, Viceconsules o Agentes consulares de cada uno de los dos países en el otro para la protección del comercio; estos Agentes no entrarán en el

shall be imposed on the same merchandize coming from any other foreign Country.

Nor shall there be imposed on the goods exported from one country to the other, different or higher duties than if they were exported to any other foreign country.

No restriction or prohibition of importations or exportation shall take place in the reciprocal commerce of the contracting parties which shall not be equally extended to all other nations.

### Article 19<sup>th</sup>

Consuls general, Consuls, Vice-consuls and Consular Agents may be established by each country in the other for the protection of commerce; such Agents

desempeño de sus funciones, ni en el goce de sus derechos, privilegios e inmunidades que puedan corresponderles, in-  
términ no hayan obtenido la autorización del Gobierno territorial. Este conservará por otra parte el derecho de determinar las residencias donde le con-  
venga admitir a los Consules, bien entendido que en esta materia los dos Gobiernos no se pondrán respectivamente ninguna restricción que no sea común en su país a todas las naciones.

### Artículo 20.º

Los Consules generales, Consules, Viceconsules y Agentes consulares de España en las Islas Hawaiianas gozarán de todos los privilegios, inmunidades y exenciones que gozan los Agentes de la Nación mas favorecida de la misma clase y en las mismas con-

shall not enter upon their functions or enjoyment of the rights, privileges and immunities which belong to them, until they have obtained the authorisation of the territorial Government, which shall besides preserve the right of determining the place of residence where Consuls may be established; it being understood that neither Government will impose any restriction which is not common in the country to all nations.

### Article 20.<sup>th</sup>

The Consuls generals, Consuls, Vice-consuls and Consular Agents of Spain in the Hawaiian Islands shall enjoy all the privileges, immunities and exemptions enjoyed by the Agents of the most favoured nation in the

diciones.

Lo mismo se entenderá en España para los Consules generales, Consules, Viceconsules y Agentes consulares de las Islas Hawaiianas.

### Artículo 21:

La desercion de los marineros embarcados en los buques de la una y la otra parte contratantes sera castigada severamente en los territorios respectivos. - Por lo tanto, los Consules de España podran hacer detener y enviar a bordo o a España los marineros desertores de los buques españoles en los puertos de las Islas Hawaiianas. - Al efecto se dirijiran a las Autoridades locales competentes y justificaran por medio de la exhibicion original o en copia debidamente certificada de los registros del buque o del rol de la tripulacion o de otros

same circumstances.

And the same shall be the position in Spain of the Hawaiian Consuls general, Consuls Vice consuls and Consular Agents.

### Article 25<sup>th</sup>

The desertion of seamen embarked in the vessels of either of the contracting parties shall be severely dealt with in their respective territories. In consequence the Spanish Consuls shall have the power to cause to be arrested and sent on board, or to Spain, seamen who may have deserted spanish vessels in the hawaiian ports. - But for this purpose they must apply to the competent local Authorities and justify by the exhibition of the original or the duly certified

documentos oficiales, que los individuos que reclaman formaban parte de dicha tripulación. — En vista de esta petición justificada no podrá negarse la entrega.

Se les concederá toda la ayuda y asistencia necesarias para buscar y detener a los mencionados desertores que serán arrestados en las prisiones del país, a petición y a costa de los Consules hasta que estos Agentes hallen una ocasión para hacerlos marchar.

Si, no obstante, esta ocasión no se presentase en el término de dos meses a contar desde el día del arresto, los desertores serán puestos en libertad.

Se debe entender que los marineros súbditos hawaianos estarán excep-

copy of the ship's register, the roll or other official documents to prove that the persons named formed part of the ship's crew. — On this application so supported the delivery of the seamen shall not 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 on the requirement and at the expense of the consuls until they shall find an opportunity of sending them away.

If however, no opportunity shall offer in the course of two months, counting from the day of arrest, the deserters may be set at liberty.

It is understood that seamen who are native hawaiians shall

tuados de la presente disposicion,  
y tratados conforme a las leyes  
de su pais.

Si el desertor hubiese cometido  
algun delito en el territorio hawaiano  
su entrega se diferira hasta tanto que  
el tribunal competente haya dicta-  
do la sentencia, y que esta se haya  
llevado a efecto.

Los Consules hawaianos ten-  
dran exactamente los mismos derechos  
en España y está convenido formal-  
mente entre las dos partes con-  
tratantes que cualquier favor o  
ventaja concedida o que se concedie-  
se en lo sucesivo por una de ellas  
a <sup>un</sup> ~~el~~ otro Estado para la detencion de los  
desertores se haran extensivos a la otra  
parte como si el referido favor o ven-  
taja hubiesen sido expresamente estipu-  
lados en el presente Tratado.

be excepted from this arrangement,  
and be treated according to the  
laws of their own country.

If the deserter have committed  
any crime in the Hawaiian territory,  
his release shall not take place  
till the competent tribunal shall  
have given judgement and this  
judgement been carried into execution.

Hawaiian Consuls shall  
possess exactly the same rights  
in Spain, 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 Power  
for the arrest of deserters shall  
be also granted to the  
present contracting parties as  
fully as if they had formed  
part of the present Treaty.

## Artículo 22º:

Todas las operaciones relativas al salvamento de los buques españoles naufragos ó zozobrados en las costas de las Islas Hawaiianas serán dirigidas por los Agentes consulares de España, y reciprocamente, los Agentes consulares de las Islas Hawaiianas dirigirán las operaciones relativas al salvamento de los buques de su nación naufragados ó zozobrados en las costas de España.

No obstante, si las partes interesadas se hallasen en el sitio del siniestro ó si los capitanes están provistos de poderes suficientes, se les encomendará la administración de los naufragios.

La intervención de las Autoridades locales tendrá lugar únicamente para conservar el orden, garantizar los intereses de los salvadores que no

## Article 22<sup>th</sup>

All operations connected with the salvage of stranded or wrecked Spanish vessels in the Hawaiian coasts shall be superintended by the Consular agents of Spain, and reciprocally, the Consular Hawaiian Agents shall superintend the operations connected with the salvage of Hawaiian vessels stranded or wrecked in the Spanish coasts.

But if the parties interested find themselves on the spot, or the captains 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 the

pertenecan a la tripulacion nau-  
fragada y asegurar la ejecucion de  
las disposiciones que deban obser-  
varse para la entrada y salida  
de las mercancías salvadas.

En ausencia y hasta la  
llegada de los Agentes Consula-  
res, las Autoridades locales de-  
berán tomar por lo demas  
todas las medidas necesarias  
para la proteccion de los indivi-  
duos y la conservacion de los efectos  
salvados del naufragio.

Las mercaderías salvadas no  
estarán jamas sujetas a ningun dere-  
cho de Aduanas ni otro alguno, a  
menos que no sean admitidas al consu-  
mo interior

### Artículo 23º

Los buques, mercaderías o efectos  
pertenecientes a los ciudadanos

salvados if they do not  
belong to the shipwrecked  
crew and to assure 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 23º

The ships, merchandize and effects  
belonging to the respective citizens

respectivos que hubiesen sido apre-  
sados por piratas, o que fuesen condu-  
cidos o hallados en los puertos de la  
una o de la otra parte contratante  
serán devueltos a sus propietarios  
pagando, si ha lugar, los gastos de  
su recuperación que se determinarán  
por los tribunales competentes cuan-  
do el derecho de propiedad se pruebe  
ante los tribunales y en vista de la  
reclamación que deberá hacerse en  
el término de diez y ocho meses  
por los interesados, por sus apodera-  
dos o por los Agentes de los Gobier-  
nos respectivos.

### Artículo 24º

Si por una serie de circunstancias  
desgraciadas ocurriesen entre las  
partes contratantes cuestiones que  
pudieron dar margen a una interrup-

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 right of the proprietor shall  
be proved before these tribunals,  
and the claim being made within  
the space of eighteen months by  
the interested parties, by their  
attorneys or by the Agents of  
their respective Governments.

### Article 24<sup>th</sup>

If from a concurrence of unfortunate  
circumstances, differences between the  
contracting parties should cause an  
interruption of the relations of

cion de las relaciones de amistad entre ellas, y que despues de haber agotado los medios de una discusion amistosa y conciliadora no se hubiese alcanzado completamente el fin a que mutuamente aspirasen, el arbitraje de una tercera potencia igualmente amiga de ambas partes, sera invocada de comun acuerdo para evitar por este medio una ruptura definitiva.

### Artículo 25:

Los hawaianos disfrutaran en las posesiones españolas de Ultramar las ventajas que se concedan en ellas a los subditos de la Nacion mas favorecida, y se aplicaran en las mismas las estipulaciones de este Tratado en todo cuanto no esté en abierta oposicion con la legislacion espe-

friendship between them and that after having exhausted the means of an amicable and conciliatory discussion the object of their mutual desire should not have been completely attained, the arbitration of a third power equally the friend of both shall, by a common accord, be appealed to, in order to avoid by this means a definitive rupture.

### Article 25<sup>th</sup>

Hawaiian subjects shall enjoy in the Ultramarine possessions of Spain the advantages which are conceded to the subjects of the most favoured nation, and in the same possessions the stipulations of this Treaty shall have effect

cial por que se rigen.)

### Artículo 26.º

Los buques que naveguen con bandera española recibirán en tiempo de guerra, dentro de los puertos y aguas de las Islas Hawaiianas, toda la protección que sea posible, menos el uso de la fuerza material, y Su Majestad la Reina de las Españas se compromete a respetar en tiempo de guerra la neutralidad de las Islas Hawaiianas, y a emplear sus buenos oficios cerca de las otras Potencias que tengan tratados con ellas para inducir las a adoptar igual conducta respecto de las mismas Islas.

### Artículo 27.º

El presente Tratado estará vi-

when not openly opposed to the special legislation there existing.

### Article 26<sup>th</sup>

All vessels bearing the flag of Spain shall, in time of war, receive every possible protection, short of active hostility, within the ports and waters of the Hawaiian Islands; and Her Majesty the Queen of Spain engages to respect in time of war the neutrality of the Hawaiian Islands and to use her good offices with all the other Powers having treaties with the same, to induce them to adopt the same policy towards the said Islands.

### Article 27<sup>th</sup>

The present Treaty shall

gente durante diez años que prin-  
cipiarán á contarse seis meses después  
del canje de las ratificaciones.  
Si un año antes de espirar este  
plazo ninguna de las partes contra-  
tantes anuncia por medio de una  
declaración oficial su inten-  
ción de hacer cesar sus  
efectos, el Tratado que-  
dará aun vigente por  
espacio de un año y  
así sucesivamente de años  
en años.

### Artículo 28.

El presente Tratado será  
ratificado y las ratificaciones  
se canjearán en Londres  
en el término de un año y  
medio ó antes si fuese posible.  
En fe de lo cual los

be in vigor for ten years to  
commence six months after  
the exchange of the  
ratifications. If a year before  
the expiration of this term  
neither of the contracting  
parties shall have announced  
by an official declaration  
its intention of terminating  
it, the Treaty shall still  
remain in force for a  
year and so continue  
from year to year.

### Article 28<sup>th</sup>

The present Treaty  
shall be ratified and  
the ratification exchanged  
at London within  
the space of eighteen  
months or earlier if

respectivos plenipotenciarios  
han firmado y estampado  
su sello respectivo.

Hecha en Londres  
por duplicado  
original el dia veinte y  
nueve de Octubre  
del año de gracia  
de mil ochocientos  
sesenta y tres.

(L.S.) firmado = Juan T. Comyn. =

may be.

In faith whereof the respective  
Plenipotentiaries have signed the  
same and thereto affixed their  
Seals

Done in duplicate, at London  
this twenty ninth day of October  
in the year of Our Lord one  
thousand eight hundred and  
sixty three.

(L.S.) firmado = John Bouring. =

**Por tanto** habiendo visto y examinado  
uno por uno los veinte y ocho artículos que comprende  
el presente Tratado, Hemos venido en aprobar y  
ratificar cuanto en ellas se contiene, como en virtud de  
la presente lo aprobamos y ratificamos en la mejor  
y mas amplia forma que podemos, prometiendo en fe

de Nuestra palabra Real cumplirlo y observarlo y hacer  
que se cumpla y observe puntualmente en todas sus partes;  
y para su mayor validacion y firmeza mandamos expedir  
la presente firmada de Nuestra mano, sellada con  
Nuestro sello secreto y referendada de Nuestro infrascrito  
Primer Secretario del Despacho de Estado. Dada en el  
Palacio de San Ildefonso a veinte y siete de Julio  
de mil ochocientos sesenta y cinco.

J. de Reguero

M. Benavides de Sotomayor

Legacion de España  
en Londres.

His Majesty the King of  
the Hawaiian Islands and  
His Highness the Regent of  
Spain having been pleased to  
prolong the time for the exchange  
of ratifications of the Treaty between  
the Hawaiian Islands and  
Spain signed in London on the  
29<sup>th</sup> of October 1863 by the respec-  
tive Plenipotentiaries, His Majesty  
by the King of the Hawaiian  
Islands having authorized the  
verification of the said exchange  
by Sir John Bowring his Mini-  
ster Plenipotentiary and His  
Highness the Regent of Spain  
Don Manuel Rances y Villanueva  
Minister Plenipotentiary

Habiendo tenido a bien  
S. M. el Rey de las Islas Hawai-  
anas y S. A. el Regente del Reino  
de España prorrogar el plazo  
para el cange de las Ratifica-  
ciones del Tratado entre las Islas  
Hawaianas y España, firmado  
en Londres el 29 de Octubre de 1863  
por los Plenipotenciarios respectivos  
y habiendo autorizado para  
verificar dicho cange S. M. el  
Rey de las Islas Hawaianas  
a Sir John Bowring su Ministro  
Plenipotenciario en la corte de  
St. James y S. A. el Regente del  
Reino de España a Don Manuel  
Rances y Villanueva su Ministro  
Plenipotenciario, ambos Plenipoten-

of Spain to the Court of St. James; the said Plenipotentiaries have met this day at the Spanish Legation in London for the above mentioned purpose.

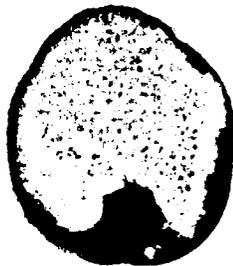
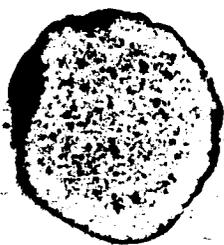
The respective instruments having been accompanied with all the usual formalities have been exchanged after due colocation of their contents and both the Plenipotentiaries have signed per duplicate: two version English and Spanish having been made, the present certificate of the act they sign and seal with their respective seals on the eleventh day of May in the year of Our Lord One thousand Eight Hundred and Seventy-

John Russell,

ciarios se han reunido en el dia de hoy en la Legacion de Espana en Londres con el indicado objeto.

Los instrumentos respectivos provistos de todas las formalidades de costumbre, han sido canjeados despues de colacionar debidamente su contenido y los Plenipotenciarios respectivos han firmado por duplicado y en doble redaccion, inglesa y española, la presente certificacion del acto, que firman y sellan con sus sellos respectivos el dia once de Mayo del año de gracia de Mil ochocientos setenta.

W Russell  
y M...



SPAIN

Signed at London, October 29<sup>th</sup> 1863

Know all Men, that whereas His Majesty the King and Her Majesty the Queen of Spain did on the 9th day of October, in the year of Our Lord Eighteen Hundred and Sixty-three, at London, by their respective Plenipotentiaries, negotiate a Treaty of Peace and Friendship, which said Treaty is word for word, as follows:

Her Majesty the Queen of Spain, on the one part, and His Majesty the King of the Hawaiian Islands on the other part, desiring to facilitate the establishment of commercial relations between Spain and the Hawaiian Islands and to favor their development by a Treaty of Amity, Commerce and Navigation suited for securing to the two countries equal and reciprocal advantages, have nominated to this purpose for their Plenipotentiaries, that is to say: Her Majesty the Queen of Spain, Don Juan Tomas Comyn, Knight Grand Cross of the Royal Order of Isabella the Catholic, Knight Commander of the Royal distinguished Order of Charles the Third, Grand Cross of the Order of Phillip the Magnanimous of Hesse, of that of Christ of Portugal, &c., Grand Officer of the Legion of Honor of France, Commander of the Order of Our Lady of Villaviciosa of Portugal and of the Red Eagle of Prussia, &c., Chamberlain of Her Catholic Majesty, late Royal Councillor in extraordinary and Her actual Envoy Extraordinary and Minister Plenipotentiary at the Court of Her Britannic Majesty; and His Majesty the King of the Hawaiian Islands, Sir John Bowring, Knight Bachelor of Great Britain. Who, having mutually communicated their powers, and found them in good and true form, have agreed on the following Articles:

ARTICLE I. There shall be perpetual peace and constant friendship between the Kingdom of Spain and that of the Hawaiian Islands, and between the citizens of the two countries, without exception of person of place.

ARTICLE II. There shall be, between Spain and the Hawaiian Islands, reciprocal freedom in commerce and navigation. Spaniards in the Hawaiian Islands, and Hawaiian subjects in Spain, may enter in the same liberty and security with their vessels and cargoes as are enjoyed by the natives of the respective countries, in all places, ports and rivers which are, or shall in future be open to foreign commerce; provided, always, that the police regulations employed for the protection of the citizens of the most favored nations be respected.

ARTICLE III. The citizens of each of the contracting parties may, like the natives in the respective territories, travel or reside, trade wholesale or retail, let or occupy the houses, stores and shops which they may require; they may carry on the transport of merchandise and money, and receive consignments; they may also, when they have resided more than a year in the country, and their goods, chattels or movables which they there possess shall offer a sufficient security, be admitted as sureties in Custom-house transactions. The citizens of both countries shall, on a footing of perfect equality, be free

both to purchase and to sell, to establish and to fix the price of goods, merchandise and articles of every kind, whether imported or of home manufacture, whether for home consumption or for exportation. They shall also enjoy liberty to carry on their business themselves, to present to the Custom-house their own declarations; or to have their places supplied by their own attorneys, factors, consignees, agents or interpreters, whether in the purchase or sale of their goods, property or merchandise; whether for the loading or unloading and expedition of their vessels.

They shall also have the right to fulfill all the functions that are confided to them by their own countrymen, by strangers, or by natives, in the position of attorneys, factors, agents, consignees, or interpreters.

For the performance of all these acts, they 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; provided, always, that the police regulations employed for the protection of the citizens of the most favored nation be respected. It is also specially provided, that all the advantages of any kind whatever, actually granted by the laws and decrees now in force, or which in future shall be accorded to foreign settlers, shall be guaranteed to Spaniards established, or who establish themselves in whatever position they may deem fit in the Hawaiian territory, and the same shall hold good for Hawaiian subjects in Spain.

ARTICLE IV. The respective citizens of the two countries shall enjoy the most constant and complete protection for their persons and property. Consequently, they shall have free and easy access to the courts of justice in the pursuit and defence of their rights, in every instance and degree of jurisdiction established by the laws. They shall be at liberty, under any circumstances, to employ lawyers, advocates or agents from any class, whom they may see fit to authorize to act in their name. In fine, they shall in all respects enjoy the same rights and privileges which are granted to natives, and they shall be subject to the same conditions.

ARTICLE V. The Spaniards in the Hawaiian Islands, and the Hawaiians in Spain, shall be exempt from all service, whether in the army or navy, or in the national guard or militia, and they cannot be subject to any other charges, restrictions, taxes or impositions on their property, furniture or movables, than those to which the natives themselves are subject.

ARTICLE VI. The citizens of both countries respectively shall not be subject to any embargo, nor to be detained with their vessels, luggage, cargoes or commercial effects for any military expedition whatever, nor for any public or private service whatever, unless the government or local authority shall have previously agreed with the parties interested, that a just indemnity shall be granted for such service, and for such compensation as might fairly be required for the wrong which (not being purely fortuitous) may have grown out of the service which they have voluntarily undertaken.

ARTICLE VII. Citizens of either of the contracting parties shall, on the respective territories, have the right of possessing property of any sort, and disposing of it on the same conditions as native subjects.

Spaniards shall enjoy in all the Hawaiian territories the right of collecting and transmitting successions ab intestato or testamentary as Hawaiians, according to the laws of the country without being subjected as strangers to any burthens or imposts which are not paid by the natives.

Reciprocally Hawaiian subjects shall enjoy in Spain the right of collecting and transmitting succession ab intestato or testamentary, on the same conditions as Spaniards, according to the laws of the country, and without being subject as strangers to any charge or impost not paid by the natives.

The same reciprocity between the citizens of the two countries shall exist for donations inter vivos. On the exportation of property collected or acquired under any head by Spaniards in the Hawaiian Islands, or by Hawaiians in Spain, there shall be no duty on removal or immigration, nor any duty whatever to which natives are not subjected.

ARTICLE VIII. All Spanish or Hawaiian vessels, sailing under their respective colors, and which shall be bearers of the ship's papers and documents required by the laws of the respective countries shall be considered as national vessels.

ARTICLE IX. Spanish vessels which shall arrive either in ballast or laden in Hawaiian ports, or which shall leave the same, and reciprocally, Hawaiian vessels which, either in ballast or laden, enter or leave the ports of Spain, whether by sea, river or canals, whatever be the place of their departure or that of their destination, shall not be subject either at entry, or departure, to duties on tonnage, port or transit, pilotages, anchorage, shifting, light-houses, sluices, canals, quarantines, salvage, bonding-warehouses, patents, brokerage, navigation, passage, or to any duties or charges whatever, levied on the hulks of vessels received or established for the benefit of the government, public functionaries, communes or establishments of any sort other than those which are now or may hereafter be levied on national vessels.

ARTICLE X. In all that regards the stationing, the loading and unloading of vessels in the ports, roadsteads, harbors and docks, and generally for all the formalities and arrangements whatever to which vessels employed in commerce, with their freights and loading may be subject, it is agreed that no privilege shall be granted to national vessels, which shall not be equally granted to vessels of the other country, the intention of the high contracting parties being that in this respect also the respective vessels shall be treated on the footing of perfect equality.

ARTICLE XI. Vessels of the subjects of the contracting parties, compelled to seek shelter in the ports of the other, shall pay neither on the vessels nor the cargo more duties than those levied on national vessels in the same situation; provided, that the necessity of such shelter seeking be legally shown; that the vessels shall carry on no commercial speculations, and that they tarry no longer in the aforesaid ports than is required by the motives which impelled them to seek such shelter.

ARTICLE XII. Spanish ships of war, and whaling ships, shall have free access to all the Hawaiian ports; they may there anchor, be repaired and victual their crews; they may proceed from one harbor to another of the Hawaiian Islands for fresh provisions.

At all the ports which are or may be hereafter opened to foreign vessels, Spanish ships of war and whalers shall be subject to the same rules which are or may be imposed, and shall enjoy in all respects the same rights, privileges and immunities which are or may be granted to Hawaiian ships and whalers, or to those of the most favored nation.

ARTICLE XIII. Articles of all sorts imported into the ports of either of the contracting States, under the flag of the other, whatever be their origin, and from whatever country imported, shall pay neither, other nor heavier duties of entry, and shall not be subjected to any other charges than those imposed on vessels under the flag of the most favored nation.

ARTICLE XIV. Spanish ships in the Hawaiian Islands, and Hawaiian ships in Spain, may discharge a portion of their cargo in the port of their first arrival, and proceed with the rest of their cargo to other ports of the same country, which may be open to foreign trade, whether to complete their unloading or to provide their return cargo, and shall pay in neither port other or heavier duties than those levied on national vessels in similar circumstances.

As regards the coasting trade, the vessels of each country shall be mutually treated on the same footing as the most favored nation.

ARTICLE XV. During the period allowed by laws of the two countries for the warehousing of goods, no other duties than those for custody and storage shall be levied upon articles imported from one of the two countries into the other, until they shall be removed for transit, re-exportation or internal consumption.

In no case shall such articles pay higher duties or be liable to other formalities than if they had been imported under the national flag, or from the most favored country.

ARTICLE XVI. Merchandise shipped on board Spanish or Hawaiian ships, or belonging to their respective citizens, may be transhipped in the ports of the two countries to a vessel bound for a national or foreign port, according to the custom house regulations of the two countries, and the goods so transhipped for other ports shall be exempt from all duties of customs or warehouses.

ARTICLE XVII. Articles of all sorts proceeding from Spain, or shipped for Spain, shall enjoy in their passage through the territory of the Hawaiian Islands, whether in direct transit or for re-exportation, all the advantages possessed under the same circumstances by the most favored nation.

Reciprocally, the articles of every sort proceeding from the Hawaiian Islands or sent for that country, shall enjoy in their passage through Spain, the same advantages as are possessed by the most favored nation.

ARTICLE XVIII. Neither one nor the other of the contracting parties will impose upon the goods proceeding from the soil, the manufactures or the warehouses of the other

different or greater duties on importation or re-exportation, than those which shall be imposed on the same merchandise coming from any other foreign country.

Nor shall there be imposed on the goods exported from one country to the other, different or higher duties than if they were exported to any other foreign country.

No restriction or prohibition of importation or exportation shall take place in the reciprocal commerce of the contracting parties which shall not be equally extended to all other nations.

ARTICLE XIX. Consuls-General, Consuls, Vice-consuls and Consular Agents may be established by each country in the other for the protection of commerce, such agents shall not enter upon their functions or enjoyment of the rights, privileges and immunities which belong to them until they have obtained the authorization of the territorial government, which shall, besides, preserve the right of determining the place of residence where Consuls may be established; it being understood that neither Government will impose any restriction which is not common in the country to all nations.

ARTICLE XX. The Consuls-General, Consuls, Vice-Consuls and Consular Agents of Spain, in the Hawaiian Islands, shall enjoy all the rights, privileges, immunities and exemptions enjoyed by the agents of the most favored nation in the same circumstances.

And the same shall be the position in Spain, of the Hawaiian Consuls-General, Consuls, Vice-Consuls and Consular Agents.

ARTICLE XXI. The desertion of seamen embarked in the vessels of either of the contracting parties shall be severely dealt with in their respective territories. In consequence the Spanish consuls shall have the power to cause to be arrested and sent on board, or to Spain, seamen who may have deserted Spanish vessels in the Hawaiian ports. But for this purpose they must apply to the competent local authorities, and justify, by the exhibition of the original or the duly certified copy of the ship's register, the roll or other official documents to prove that the persons named formed part of the ship's crew. On this application, so supported, the delivery of the seamen shall not 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, on the requirement and at the expense of the consuls, until they shall find an opportunity of sending them away. If, however, no opportunity shall offer in the course of two months, counting from the day of arrest, the deserters may be set at liberty.

It is understood that seamen who are native Hawaiians shall be excepted from this arrangement, and be treated according to the laws of their own country.

If the deserter has committed any crime in the Hawaiian territory, his release shall not take place till the competent tribunal shall have given judgment, and this judgment been carried into execution.

Hawaiian consuls shall possess exactly the same rights in Spain, 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 power for the arrest of deserters shall be also granted to the present contracting parties as fully as if they had formed part of the present treaty.

ARTICLE XXII. All operations connected with the salvage of stranded or wrecked Spanish vessels on the Hawaiian coasts shall be superintended by the Consular Agent of Spain, and reciprocally the Consular Hawaiian Agents shall superintend the operations connected with the salvage of Hawaiian vessels stranded or wrecked on the Spanish coasts.

But if the parties interested find themselves 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 the salvors if they do not belong to the ship-wrecked 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 XXIII. The ships, merchandise 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 right of the proprietor shall be proved before these tribunals, and the claim being made within the space of eighteen months by the interested parties, by their attorneys, or by the agents of their respective Governments.

ARTICLE XXIV. If, from a concurrence of unfortunate circumstances, differences between the contracting parties should cause an interruption of the relations of friendship between them, and that after having exhausted the means for an amicable and conciliatory discussion, the object of their mutual desire should not have been completely attained, the arbitration of a third power, equally the friend of both, shall by a common accord be appealed to, in order to avoid by this means a definitive rupture.

ARTICLE XXV. Hawaiian subjects shall enjoy, in the Ultra-marine possessions of Spain, the advantages which are conceded to the subjects of the most favored nation, and in the same possessions, the stipulations of this treaty shall have effect when not openly opposed to the special legislation there existing.

ARTICLE XXVI. All vessels bearing the flag of Spain, shall, in time of war, receive every possible protection, short of active hostility, within the ports and waters of the Hawaiian Islands, and Her Majesty the Queen of Spain engages to respect, in time of war the neutrality of the Hawaiian Islands, and to use her good offices with all the other powers having treaties with the same, to induce them to adopt the same policy toward the said Islands.

ARTICLE XXVII. The present treaty shall be in vigor for ten years, to commence six months after the exchange of ratification. If a year before the expiration of this term neither of the contracting parties shall have announced, by an official declaration, its

