

## (17) TREATY WITH THE SWISS CONFEDERATION,

JULY 20TH, 1864.

TREATY of Friendship, Establishment and Commerce between His Majesty the King of the Hawaiian Islands and the Swiss Confederation.

His Majesty the King of the Hawaiian Islands and the Swiss Confederation, animated by the desire to establish and to strengthen the ties of Friendship between the two countries, and to promote by every means in their power the commercial relations between their respective citizens, have resolved to conclude a Treaty of Friendship and Commerce and reciprocal establishment, and have for that purpose named as their Plenipotentiaries, that is to say:

His Majesty the Hawaiian King, Sir John Bowring, Knight Bachelor of Great Britain, Commander of the Order of Leopold of Belgium, etc., etc., His Envoy Extraordinary and Minister Plenipotentiary, and the Swiss Federal Council, Mr. Frederic Frey Flerosee, Federal Colonel, Member of the Swiss Federal Council, head of the Department of Commerce and Customs, who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and signed the following articles:

ARTICLE I. There shall be, between the Hawaiian Islands and Switzerland, perpetual peace and reciprocal liberty of establishment and commerce; Hawaiians shall be received and treated in every canton of the Swiss Confederation, as regards their persons and their properties, on the same footing and in the same manner as now are or may hereafter be treated, the citizens of other cantons. The Swiss shall enjoy in the Hawaiian Islands all the same rights as Hawaiians in Switzerland. Conformably with this principle and within these limits, the citizens of each of the contracting parties may freely, in their respective territories, and conforming themselves to the laws of the country, travel and sojourn, trade wholesale and retail, exercise every profession or industry, hire and occupy houses, warehouses, shops or other establishments necessary to them, effect transport of merchandise and money, receive consignments both from the interior and from foreign countries, and for all or any of these operations the said citizens shall be subject to no other obligations than those which rest upon national subjects, excepting those police arrangements which are employed towards

the most favored nations. They shall both be placed on a footing of perfect equality, free in all their purchases, as in all their sales, and to establish and to fix the price of articles, merchandise and all objects imported, as well as national, whether sold for home consumption or intended for exportation, on the condition of expressly conforming to the laws and regulations of the country.

They shall enjoy the same freedom for carrying on their own affairs, of presenting in the custom-house their own declarations, or of replacing them by whom they please as attorneys, factors, agents, consignees or interpreters in the purchase or sale of their goods, properties or merchandise. They shall enjoy the right of exercising all the functions confided to them by their own countrymen, by foreigners or natives as attorneys, factors, agents consignees or interpreters.

In fine they shall not pay on account of their commerce or industry in any of the towns, or places of the said States, whether they be there established or temporarily residing, any duties, taxes or imposts of whatever denomination they may be, other or higher than those paid by natives or citizens of the most favored nations and the privileges, immunities or other favors whatever, which are enjoyed in the matters of commerce or industry by the citizens of either of the contracting States shall be common to those of the other.

ARTICLE II. The citizens of one of the contracting parties residing or established in the territories of the other, who may desire to return to their country or who shall be sent away by a judicial sentence, by a police measure regularly adopted and executed or according to the laws of mendicancy and public morals, shall be received at all times and under all circumstances, they and their families in the country of their origin and in which they may have preserved their legal rights.

ARTICLE III. The citizens of each of the contracting parties shall enjoy on the territory of the other the most perfect and complete protection for their persons and their properties. They shall in consequence have free and easy access to the tribunals of justice for their claims and the defence of their rights, in all cases and in every degree of jurisdiction established by the law. They shall be free to employ in all circumstances advocates, lawyers or agents of any class whom they may choose to act in their name, chosen

among those admitted to exercise these professions by the laws of the country. In fine they shall enjoy in this respect the same rights and privileges accorded to natives and be subject to the same conditions.

Anonymous, commercial, industrial or financial societies, legally authorized in either of the two countries, shall be admitted to plead in justice in the other, and shall enjoy in this respect the same rights as individuals.

ARTICLE IV. The citizens of each of the contracting parties shall, on the territories of the other, enjoy full and entire liberty to acquire, to possess by purchase, sale, donation, exchange, marriage, testament, succession *ab intestato*, or in any other way, every sort of real or personal property which the laws of the country allow a native of the country to dispose of or to possess.

Their heirs and representatives may succeed them and take possession by themselves, or by their attorneys, acting in their names, according to the ordinary forms of law applicable to native citizens.

In the absence of such heirs or representatives, the property shall be treated in the same manner as that of a native citizen under similar circumstances.

And in no case shall they pay on the value of such property any impost, contribution or charge, other or greater than that to which natives are subject.

In all cases it shall be allowed to the citizens of the two contracting parties to export their property, that is to say: Hawaiian citizens on Swiss territory, and Swiss citizens on Hawaiian territory, shall freely and without being subjected on exportation to pay any duty whatever as strangers, or being called on to pay other or heavier duties than those to which native citizens are themselves subject.

ARTICLE V. The citizens of each of the contracting parties who may be in the territories of the other, shall be freed from all obligatory military service, either in the army or the navy, the national or civic guard or militia. They shall be free from the payment of all exemption money or contributions imposed for personal service, as from all military requisitions, except for lodgings or supplies for soldiers on their route, according to the usage of the country, to be required equally from natives and from foreigners.

ARTICLE VI. Neither in time of peace nor in time of war shall there, under any circumstances, be imposed or exacted on the property of a citizen of either of the contracting par-

ties in the territories of the other taxes, duties, contributions or charges higher than are imposed or exacted on the same properties belonging to a native of the country, or a subject of the most favored nation.

It is further understood that there shall be neither received nor demanded from a citizen of either of the contracting parties in the territory of the other, any impost, be it what it may, other or greater than what is or may be demanded of a native or a citizen, or subject of the most favored nation.

ARTICLE VII. It shall be free for each of the two contracting parties to nominate Consuls, Vice-Consuls or Consular Agents, in the territories of the other. But before any of these officers can act as such, he must be acknowledged and admitted by the government to which he is sent, according to the ordinary usage, and either of the contracting parties may except from the residence of consular officers such particular places as it may deem fit.

The Consular authorities of each of the contracting parties shall enjoy on the territories of the other all the privileges, exemptions and immunities accorded to officers of the same rank of the most favored nation.

ARTICLE VIII. The two contracting parties promise to place the respective citizens in everything which concerns the importation, warehousing, transit and exportation of every article of legal commerce on the same footing as native citizens, or the citizens or subjects of the most favored nation, wherever these enjoy an exceptional advantage not granted to natives.

ARTICLE IX. Neither of the contracting parties shall exact on the importation, warehousing, transit or exportation of the products of the soil, or manufactures of the other, higher duties than those which are or may be imposed on the same articles, being the produce of the soil, or the manufactures of any other country. The import duties to be paid in the Hawaiian Islands on the products of Swiss origin or manufacture shall, therefore, be, as soon as this present treaty becomes in force, reduced to the rate accorded to the most favored nation, and levied by the same rule and under the same conditions.

ARTICLE X. The two contracting parties promise that in case either of them shall grant to a third power any favor in commercial or custom house matters, that favor shall be extended at the same time and in full right to the other of the contracting parties.

ARTICLE XI. Articles subject to duty on entry, but serving as patterns, and which are imported into the Hawaiian Islands by commercial travelers of Swiss houses, or imported into Switzerland by the commercial travelers of Hawaiian houses shall, on both sides, be admitted without charge, subject to the custom house regulations necessary to insure their re-exportation or transfer to the bonded warehouse.

ARTICLE XII. Should any question arise between the contracting countries which cannot be amicably settled by the diplomatic correspondence of the two governments, these shall by common accord designate a third friendly and neutral power as arbiter, whose decision shall be recognized by both parties.

ARTICLE XIII. The stipulations of the present treaty shall take effect in the two countries from the hundredth day after the exchange of the ratifications. The treaty shall remain in vigor for ten years, dating from the day of the said exchange. In case neither of the contracting parties shall have notified twelve months before the end of the said period its intention to terminate the same, this treaty will continue obligatory till the expiry of a year, reckoning from the day on which either of the contracting parties shall give notice of its termination.

The contracting parties reserve to themselves the right of introducing by common consent into this treaty any modifications which are not opposed to its spirit or its principles, and of which experience shall have demonstrated the utility.

ARTICLE XIV. The present treaty shall be subjected to the approval of the Privy Council of His Hawaiian Majesty, and of the Legislative Chambers of Switzerland, and the ratifications shall be exchanged in Paris within eighteen months of the date of the signature, or earlier if may be.

In faith of which the respective Plenipotentiaries have signed the treaty and hereunto affixed their seals.

Done by duplicate in Berne the twentieth day of July, one thousand eight hundred and sixty-four.

By the Hawaiian Plenipotentiary,

[L. s.] JOHN BOWRING,

By the Swiss Plenipotentiary,

[L. s.] FREDERIC FREY FLEROSEE.