

KELLY AND OTHERS *v.* HEDDEN, COLLECTOR, ETC.

Circuit Court, S. D. New York.

July 23, 1887.

1. CUSTOM DUTIES—TREATIES—EXEMPTIONS—DOMINICAN
REPUBLIC—HAWAIIAN ISLANDS.

The treaty with the king of the Hawaiian Islands, and the act of congress giving it effect, (19 U. S. St. at Large, 200.) by which molasses from those islands was admitted into the United States free of duty, did not operate upon the previous treaty with the Dominican Republic, so as to establish a like exemption as to molasses imported from the latter country; following *Bartram v. Robertson*, 15 Fed. Rep. 212, affirmed 7 Sup. Ct. Rep. 1115; *Whitney v. Robertson*, 21 Fed. Rep. 566; *Netherclift v. Robertson*, 27 Fed. Rep. 787.

2. SAME—ACT OF CONGRESS OF 1883.

The eleventh section of the tariff act of 1888, referring to the sanctity of treaty obligations, notwithstanding that act, was not intended to revive and set in motion the inert features of the Dominican treaty; following *Netherclift v. Robertson*, *supra*.

On Demurrer to Complaint.

Charles Stewart Davison, for plaintiffs.

Stephen A. Walker, U. S. Atty., and *Thomas Greenwood*, Asst. U. S. Atty., for defendant.

LACOMBE, J. The questions raised by the demurrer are the same considered in the cases of *Bartram v. Robertson*, 15 Fed. Rep. 212, (recently affirmed in the supreme court, 7 Sup. Ct. Rep. 1115;) *Whitney v. Robertson*, 21 Fed. Rep. 566, and *Netherclift v. Robertson*, 27 Fed. Rep. 737; and, for the reasons stated in the opinions there delivered, the demurrer is sustained.

Judgment is ordered for the defendant.