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REIGN OF KING KAMEHAMEHA IV. P.

APPENDIX

TO THE REPORT OF THE MINISTER OF FOREIGN RELATIONS, FOR 1855.

No. 1.

BY AUTHORITY—PROCLAMATION.

WHEREAS, It has come to my knowledge from the highest official sources, that my Government has been recently threatened with overthrow by lawless violence; and whereas the representatives at my Court, of the United States, Great Britain and France, being cognizant of these threats, have offered me the prompt assistance of the Naval forces of their respective countries, I hereby publicly proclaim my acceptance of the aid thus proffered in support of my Sovereignty. My independence is more firmly established than ever before.

KEONI ANA.
PALACE, 8th December, 1854.
By the King and Kuhina Nui,

KAMEHAMEHA.
R. C. WYLLIE.

No. 2.

Articles of arrangement made and concluded at Oahu, between Thomas ap. C. Jones, appointed by the United States, of the one part, and Kauikaouli, King of the Sandwich Islands and his Guardians on the other part.*

ARTICLE I.

The peace and friendship subsisting between the United States and their Majesties, the Queen Regent and Kauikaouli, King of the Sandwich Islands, and their subjects and people, are hereby confirmed and declared to be perpetual.

ARTICLE II.

The ships and vessels of the United States (as well as their Consuls and all other citizens,) within the territorial jurisdiction of the Sandwich Islands, together with all their property, shall be inviolably protected against all enemies of the United States in time of war.

*NOTE.—The Hawaiian Queen guardian, best translation Kahu—Guardian, Steward, nurse, provider. She is called Kahu because she was the guardian of the King.
The above note defining the title and rank of Kaahumanu, is in the hand writing of the late Mr. William Richards. R. C. W.

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ARTICLE III.

The contracting parties, being desirous to avail themselves of the bounties of Divine Providence, by promoting the commercial intercourse and friendship subsisting between the respective nations; for the better security of these desirable objects, their Majesties bind themselves to receive into their ports and harbors all ships and vessels of the United States, and to protect to the uttermost of their capacity, all such ships and vessels, their cargoes, officers and crews, so long as they shall behave themselves peacefully, and not infringe the established laws of the land; the citizens of the United States being permitted to trade freely with the people of the Sandwich Islands.

ARTICLE IV.

Their Majesties do further agree to extend the fullest protection within their control to all ships and vessels of the United States, which may be wrecked on their shores, and to render every assistance in their power to save the wreck and her apparel and cargo; and as a reward for the assistance and protection which the people of the Sandwich Islands shall afford to all such distressed vessels of the United States, they shall be entitled to a salvage or a portion of the property so saved; but such salvage shall in no case exceed one third of the value saved, which valuation is to be fixed by a commission of disinterested persons, who shall be chosen equally by the parties.

ARTICLE V.

Citizens of the United States whether resident or transient, engaged in commerce or trading to the Sandwich Islands, shall be inviolably protected in their lawful pursuits; and shall be allowed to sue for and recover by judgment, all claims against the subjects of his Majesty, the King, according to strict principles of equity and the acknowledged practice of civilized nations.

ARTICLE VI.

Their Majesties do further agree, and bind themselves, to discountenance and use all practicable means to prevent desertion from all American ships which visit the Sandwich Islands; and to that end, it shall be made the duty of all governors, magistrates, chiefs of districts and all others in authority, to apprehend all deserters, and deliver them over to the master of the vessel from which they have deserted; and for the apprehension of every such deserter, who shall be delivered over as aforesaid, the master, owner or agent shall pay to the person or persons apprehending such deserter, the sum of six dollars, if taken on the side of the island near which the vessel is anchored; but if taken on the opposite side of the Island, the sum shall be twelve dollars; and if taken on any other island, the reward shall be twenty-four dollars, and shall be a just charge against the wages of every such deserter.

ARTICLE VII.

No tonnage dues or impost shall be exacted of any citizen of the

United States, which is not paid by the citizens or subjects of the nation most favored in commerce with the Sandwich Islands; and the citizens or subjects of the Sandwich Islands shall be allowed to trade with the United States and her Territories, upon principles of equal advantage with the most favored nation.

Done in Council at Honolulu, Island of Oahu, this 23 day of December, in the year of our Lord 1826

ELISABETA KAAHUMANU,
KARAIMOKU,
BOKI,
HOAPILI,
LIDIA NAMAHANA,
THOS. AP CATESBY JONES.

No. 3.

Extract from the Instructions (in the handwriting of the late lamented Mr. Richards,) to Thomas Farnham Esq., whom His late Majesty, King Kamehameha III. on the 17th of March, 1840, accredited as His Envoy Extraordinary and Minister Plenipotentiary to the courts of France and Great Britain and the United States:

“Having been commissioned by the Sandwich Islands Government as Envoy Extraordinary and Minister Plenipotentiary, to the courts of France, Great Britain and the United States, you are hereby directed to enter, as speedily as may be, on the business of your Embassy.”

“You are to make it your first and great object to establish a treaty between this government and each of the above mentioned nations, which shall secure as far as may be done by treaty, the perpetuity of the Kamehameha Dynasty.”

“You will leave no honorable means untried, to secure from each of those nations, an acknowledgement of the independence of this, and also a treaty stipulation from each, that no other nation shall interfere with our independence.”

“You will endeavor by treaty to lay a plan for the settlement of all difficulties between this and foreign nations—and the plan We propose is that in case of difficulties between this and a Foreign nation, then the disinterested nation in the compact, shall decide the disputed points, by such agents as they shall appoint.”

No. 4.

Extract from the Instructions to Sir Geoerge Simpson and the Rev. Mr. Richards, as the King's Envoy Extraordinary and Minister Plenipotentiary to the courts of Great Britain, France and the United States, accredited as such on the 8th April, 1842, which was also the date of their instructions:

“The grand ultimate object which you are to have in view, is to secure the acknowledgement, by those Governments of the indepen-

dence of this nation. You will also endeavor to make some arrangement for the settlement of difficulties which may unhappily occur. The plan which has appeared most feasible to us, is the one proposed in our letters to the sovereigns of the three nations, mentioned above, of which you are furnished with a copy." * * *

Referring to Conventions made with the Captains of Ships of War:—
 “You will especially make it a great object to annul those engagements, which are now embarrassing to us, having never been ratified by those governments, while at the same time they are considered binding on us. In place of those promises, you will endeavor to substitute formal treaties, which shall be honorable to our nation and beneficial to all concerned.”

No. 5.

[COPY ENGLISH.]

TO HER MAJESTY VICTORIA, QUEEN OF GREAT BRITAIN:

The Government of the Hawaiian Islands, urged by the necessity imposed upon it by their location and consequent connexion with the great commercial nations, and desirous of securing the highest welfare of its own subjects, and at the same time of rendering a service to those subjects of foreign Realms who do business in this archipelago, presents to the sovereigns of the great nations hereinafter mentioned, and especially to the Queen of Great Britain, the following propositions:

1. That the Government of Great Britain enter into convention with the government of the United States and of France, mutually acknowledging and guaranteeing the independence of the Hawaiian Government in its monarchical form under its present sovereign, and his heirs according to the Constitution already adopted.

2. That the three high contracting powers allow the Hawaiian government all the rights, privileges and immunities conceded by the acknowledged laws of nations to a free and independent state.

3. That for the purpose of permanently securing entire peace and amity, the contracting parties agree to the following manner of adjusting any difficulties or misunderstandings which may unhappily arise between the Hawaiian government and any subject or subjects of either of the three nations herein mentioned—that is to say,

I. Should any misunderstanding unhappily arise between the Hawaiian Government and the Government of Great Britain and any of her subjects, then the American and French Ministers resident in London, shall constitute a reference to decide all questions of dispute and their decision shall be final.

II. Should any misunderstanding unhappily arise between the Hawaiian government and the government of the United States of America, or any of the citizens thereof, then the Ministers from Great Britain and France, resident in Washington, shall constitute a reference to decide all questions of dispute, and their decision shall be final.

III. Should any misunderstanding unhappily arise between the Hawaiian government and the government of France or any of her subjects, then the Ministers from the United States of America, and from Great Britain, resident in Paris, shall constitute a reference to decide all questions of dispute, and their decisions shall be final.

4. That all articles of agreement or promises made by His Hawaiian Majesty to any Commanders or Officers of ships of War, shall be considered as null and void, while at the same time he pledges to the citizens of every nation, resident in his dominions, all the protection, rights, privileges, and immunities which the citizens of one nation have a right to expect from the Government of another at peace with their own.

The above submitted to Her Majesty the Queen of Great Britain, as the same also will be, to the Governments of the United States, and of France, with the full conviction and confidence that the adoption will no less subserve the interests of the three great nations, than it will the interests of the Hawaiian Islands.

Signed, KAMEHAMEHA.

Sent by Mr. Brinsmade. Duplicate signed by
King and Premier, and sent March 24th
1842 by Sir George Simpson.

NO. 6.

Extract from a document prepared by Mr. Wyllie, on the 12th of August, 1854.

“I have great pleasure in stating that the King’s rights of Sovereignty as the Supreme Head of this Independent Nation, and his neutral rights inseparable from that Sovereignty, are fully recognised by all Governments, with which he is in regular relation; and that his means of maintaining his position, as one of the Independent Sovereigns of the world, are incomparably greater than they were, on the 28th November, 1843, when Great Britain and France declared their belief of his capability to administer his Government with regularity, and their wish that he should do so, free of all foreign control, so far as possible.”

The results of the King’s administration of his own affairs, during the eleven years that have transpired since 1843, may be briefly summed up as follows, viz: Treaties of peace and friendship, commerce and navigation between His Majesty, as an Independent Sovereign, with the United States of America, the Free Hanseatic City of Bremen, Great Britain, Denmark, France, the Free Hanseatic City of Hamburg, Sweden and Norway, and the appointment by His Majesty, the Emperor of all the Russias, of a Consul General to reside at this Court. In these treaties there are some anomalies and discrepancies which remain to be removed, as has been the case with the early treaties of all nations, but none that are not susceptible of amicable settlement in the usual way of negotiation.

By the Polynesian, No. 14, of this morning, I see that on the 4th

of this month the Honorable William Kahalekula had moved a Resolution in the Honorable House of Representatives to call upon me to confirm or refute an assertion made in the New York Herald, of the 5th June, to the effect that trouble with England and France had driven the King to apply for the annexation of His Kingdom to the United States, and that that Honorable House had referred such Resolution to their Committee of Foreign Relations. I have to state that no corresponding application has been made to me, nor could the Committee make it consistently with my public Reports before them for the last three years, which prove to demonstration that the policy of Great Britain and France has been the very reverse of driving the King to the greatest sacrifice which a Monarch can make, which is that of His own Sovereignty.

If the King should ever be driven to make that sacrifice, it will be from an insurrectionary spirit within, combinations to embarrass the administration and render all good government impracticable, and to divert the national revenues from the support and defense of the King's authority, to works of public improvement and to the augmentation of official salaries, all which are very well in their proper time and way, but none of which are so indispensable as to keep the State itself in existence.

I will not conceal from you that the great, and only great QUESTION, now deserving serious consideration, is that of *whether the Hawaiian Kingdom can exist as a separate State or not?*

It has become a QUESTION, from the elements of disorganization, discord and resistance to lawful authority, unfortunately existing among us, at present; and likely to increase, from year to year.

That the Islands possess the elements for a separate and Independent political existence, is shown from the following facts, viz :

The yearly revenue, from all sources, which on the 16th May, 1843, was estimated to the British Commissioner, at \$48,842,—for the year ending 31st December, 1853, was \$326,620.

The tenure of land from time immemorial uncertain, and clogged by the joint proprietorship of the King, the landlords and the tenants, has been simplified by the labors of the Board of Land Commissioners. It is expected that in about nine months, every man's title throughout the whole kingdom will be distinct, defined and registered.

The Constitution granted by the King in 1852, although not without its *ultra-Democratic* anomalies, is a vast improvement upon the Constitution of 1840.

There has also been a very great amelioration in our laws; and since the appointment of our present Chief Justice, the Honorable William L. Lee, the administration of justice has been such as to compare favorably with that of much older communities. In no country have life and property been more secure than in this kingdom, for the last ten years.

So far as reading and writing give the scale of civilization, the King's native subjects may be considered as a people highly civilized.

This will appear by comparing our statistics of schools relatively to our total population of 73,137, with the school statistics of nations acknowledged to be of great civilization, relatively to their several populations. It is not meant to contend that the knowledge possessed by the natives has, as yet, produced in them those virtues which require a habitual restraint of the passions. To change the ancient habits of a whole people requires a greater time than to remove their ignorance.

To other civilizing influences is now added that of steam navigation between our several islands, and between the islands* and California, soon to be followed, it is to be hoped, by the same between the islands and China and Japan, whereby our little kingdom will be placed in the orbit of the rich and varied commerce which is destined to traverse the Northern Hemisphere of this Ocean, and to increase from year to year to an incalculable amount.

Such briefly, in my view, are our inherent means of an Independent National existence, but all these means are rendered unavailing by the causes of internal disorganization, before referred to, intimately associated as those causes are with the cupidity of a few selfish individuals seeking to obtain a speculative value to their lands, contracts, &c., acquired under the King's Government. The number of these selfish and turbulent individuals is increasing every day, bound by no ties of gratitude or of loyalty to the King, knowing no real restraints, either of religion or morality, if they cannot overturn the Government, (which has loaded them with benefactions,) by artful pretences, they will not scruple to resort to force, and to invite in aid of that force, an invasion of the lawless men who abound in California. To resist such a combination, physical force only will be of any avail; the elements of such a force are not wanting, but under our present Constitution, it is impossible to give it an efficient organization and to keep it up in a state of efficiency and to apply it with the promptitude and energy necessary to suppress rebellion. R. C. WYLLIE.

NO. 7.

Extracts from a Despatch from Sir George Simpson and the Rev. William Richards, addressed to His late Majesty, King Kamehameha III, from London, under date of 1 April, 1843.

"On Wednesday, February 22d, we had an interview according to previous appointment, with Lord Aberdeen, the Secretary for Foreign Affairs."

"Sir Henry Pelly and Haalilio were with us, the former of whom handed to His Lordship, our letter of credence, and at the same time stated the objects for which we were commissioned as follows :

"1. To secure the recognition of the independence of the Hawaiian Islands.

"2. To nullify the engagement made between the King and Lord Edward Russell, and substitute a formal treaty.

* This was true in August, but not so now, for unfortunately the Steamers *Polynesian* and *Peytona*, are taken off the line.—2 April, 1855.

R. C. W.

“3. To secure the appointment of a good Consul, and, of course the removal of the present. * * *

“In relation to the letter of credence, Lord Aberdeen remarked that he could not receive us, as from an Independent nation, or as placing us on the ground of Ministers properly so called. He would nevertheless take the documents, and acknowledge us as properly authorized to represent the Government of the Sandwich Islands.”

“In relation to the independence of the Islands, his Lordship inquired if the United States had acknowledged it, to which we answered that they had so far as the President was concerned, and produced Mr. Webster’s letter and referred to the President’s Message and Mr. Adam’s Report. He replied, that letter does not acknowledge the Independence of the Islands, and the President expressly declines making a Treaty, or sending or receiving Diplomatic Agents, and we cannot do it. It would even be ridiculous, for it cannot be supposed that the King himself governs—he is influenced by others.

“His Lordship also mentioned that the Sandwich Islands Government was charged with being under the influence of the American Mission, and who, under the pretence of teaching religion, were really endeavoring to get the Islands exclusively under American influence, to the injury of British interests. He also implied that Mr. Richards, in particular, was charged with aiding in that object.

* * * “As a reason for not entering into Treaty, His Lordship remarked that the treaty making power belonged only to Sovereign States, and he could not consent to enter into treaty with the Government of the Sandwich Islands.”

After giving an account of the result of their visits to Brussels and Paris, (see Nos. — and —,) Sir George Simpson and Mr. Richards proceed as follows :

“On our return to London, which we reached on the 20th ult., we lost no time in communicating to the foreign Department here, the result of our visit at Paris. * * *

“On Saturday, the 25th, Sir George received a note from Lord Aberdeen requesting him to call at the Foreign Office. The interview was on the whole quite satisfactory. His Lordship inquired very particularly respecting our visit at Paris and the manner in which Mr. Guizot gave his pledge. He also inquired very particularly into the character of the American Missionaries at the Islands and the nature of the American influence. He also inquired particularly respecting Mr. Richard’s connection with the Government, and also respecting the course pursued by him.

“Sir George stated fully that he thought there was no improper or dishonorable influence exerted by those persons, and His Lordship appeared to be satisfied. He also gave the full assurance that the Independence of the Islands would be virtually or really acknowledged.”

In a Despatch dated 21st March, 1843, Sir George Simpson and Mr. Richards explained officially to the Earl of Aberdeen the result

of their conference with M. Guizot, of the 17th of that month, and the precise terms in which the latter pledged the French Government to recognize the independence of the Sandwich Islands.

On the 1st of April, 1843, the Earl of Aberdeen, replied at length to Sir George Simpson and Mr. Richards, declaring *inter alia*,—"I have the honor to inform you in relation to the two above mentioned letters, that Her Majesty's Government are willing and have determined to recognize the independence of the Hawaiian Islands under their present Sovereign.

"In making this decision known to you, however, it is my duty to inform you that Her Majesty's Government in thus readily acceding to the wishes of the King of the Sandwich Islands, expect and require that British residents shall on all occasions and in all respects be treated in those Islands, on a footing, of perfect equality, with all other foreigners residing there, and that whatever privileges or immunities of any description, may at any time, be granted to the natives of any other countries shall be simultaneously extended to the subjects of Her Majesty.

"Her Majesty's Government further expect and require that the laws of the country be administered with strict justice towards British subjects, and that their complaints and appeals, when respectfully preferred to the tribunals or the Sovereign, shall be immediately attended to, and if well founded, that the wrongs complained of shall be redressed without delay. * * *

"I think it expedient to add that Her Majesty's Government desire no special favor or immunity for British subjects; on the contrary they wish to see all foreigners residing in the Sandwich Islands treated on a footing of perfect equality before the law, and equal protection afforded by the Government to all.

"But on that perfect equality and that protection in regard to British subjects, Her Majesty's Government must constantly and imperatively insist.

In a despatch dated 3d April, 1843, Sir George Simpson and Mr. Richards, expressed to the Earl of Aberdeen, in the name of King Kamehameha III, their grateful sense of the important benefit arising from the recognition of His Majesty's Independence—announced that Sir George would embark that day for Canada, and handed a letter from the King accrediting Mr. Richards and Mr. Haalilio as His Majesty's Commissioners, in the absence of Sir George Simpson.

In a despatch to His Lordship dated 24th July, 1843, they, (Mr. Richards and Haalilio) informed him, among other things, that James F. B. Marshall, Esquire, had been appointed Joint Commissioner with them by His Majesty, King Kamehameha III."

NO. 8.

Extract from a letter from Sir George Simpson and the Rev. William Richards, to His late Majesty King Kamehameha III, dated London, 1st April, 1843.

“On the 8th of March, therefore, we left London for Paris; taking Belgium on our way; according to a previous arrangement made with Mr. Brinsmade. While there, we had a pleasant interview of considerable length with the King of the Belgians. He spoke freely and strongly of the propriety of your Majesty’s desire to have the Independence of the Hawaiian Islands acknowledged, and pledged his influence to effect the object.”

NO. 9.

Extracts from a letter addressed to His late Majesty King Kamehameha III, by Sir George Simpson and the Rev. Wm. Richards, dated London, 1st April, 1845.

“On our arrival at Paris, on the 15th ult., Sir George addressed a note to M. Guizot, enclosing letters of introduction and asking an interview.

“On the evening of the 17th, we were received by him, with great courtesy and kindness, where we had the honor of presenting to him a memorandum of the objects of our Mission to France—see page—.

“We were highly gratified with the interview, and left M. Guizot with raised hopes.”

In the letter from which the foregoing is extracted, an extract from Mr. Richard’s journal, giving an account of his interview with M. Guizot, was enclosed. That extract contained the following:—

“The paper containing the memorandum was then handed to him, which he read with as much facility as an American or Englishman would have done. As soon as he got through, he remarked that there were only two points, on which he was prepared to express an opinion. The first was in relation to spirits. He said they had no design of forcing spirits on the Islands—that he felt as strongly on that subject, as it is possible for us to do—and he should not fail to do all in his power to remove that evil. The second point on which he was prepared to remark was the Independence of the Islands, which, he said, he had no objection to acknowledge—none at all.”

At the same interview (of the 17th March, 1843,) Sir George Simpson and Wm. Richards delivered to M. Guizot a memorandum, containing the following as objects of their mission:—

1. The nullification of the treaty of July 1839, between Kamehameha III, King of the Islands and Captain La Place, (with arguments in support of that nullification.)
2. Acknowledgement of the Independence of the Sandwich Islands by France.
3. The formation of a regular Treaty of Amity and Commerce.

NOTE.—While M. Guizot pledged himself unhesitatingly as to the second, neither then, nor during the subsequent visit of Mr. Richards to Paris, would M. Guizot budge from the position of waiting till he should hear from the Consul of the King of the French in the Sandwich Islands, who, at that time, and for five years afterwards, was Monsieur Jules Dudoit.

NO. 10.

Extract from Lord Cowley's Despatch to the Right Honorable, the Earl of Aberdeen, published in the Morning Herald of London :

PARIS, March 20th, 1843.

"I had some conversation with the Minister of Foreign Affairs, yesterday, on the subject of the proceedings of the French Squadron in the Pacific, and particularly with relation to Otaheite. M. Guizot told me that the sovereignty of that island had been tendered by the Queen to the King of the French, and had been accepted provisionally by Admiral Dupetit Thouars. He said, we have nothing to conceal, with respect to our proceedings in the Pacific. We should gladly avail ourselves of any means of strengthening or improving our possession of the Marquesas, but, beyond this, we have no views of conquest or appropriation of any kind. With respect to the *Sandwich Islands*, for instance, we are quite ready to acknowledge their independence. This he repeated several times. He afterwards observed that there were some grounds for apprehending that the tranquility of the Islands in the Pacific might be disturbed by Missionaries on account of the difference of the religious tenets of the Catholic and Protestant Missionaries. He did not, however, say that any disturbances had yet taken place."

NO. 11.

Copy of Captain George Vancouver's Official Account of the cession of "Owhyhee" to the King of Great Britain:

"On the 25th February, (Tuesday) 1794, Tamaahmaah, King of Owhyhee, in Council with the principal Chiefs of the Island assembled on board his Britannic Majesty's Sloop Discovery, in Kealakeakua Bay, and in the presence of George Vancouver, Commander of the said sloop, Lieutenant Peter Puget, Commander of his said Majesty's armed tender the Chatham, and the other officers of the Discovery; after due consideration, unanimously ceded the said island of Owhyhee to his Britannic Majesty, and acknowledged themselves to be subjects of Great Britain."

NO 12.

Having visited the island of Owhyhee in the years 1792, 1793 and 1794, but particularly in the latter year, where we remained in Karakakooa Bay from the 14th of January to the 26th of February, I beg leave to inform all commanders of vessels, &c. &c., that we have been treated with the greatest friendship, attention and hospitality, by the whole of the inhabitants of this island, but particularly by Tamaah Maah, its king, to whose particular care I would recommend all visitors to entrust themselves, notwithstanding, we have been treated with the greatest attention and civility by every other chief. They are, however, to be trusted with proper caution—Kahou Modoo, in one instance, having not altogether acted equal to the character I have given of him, in writing, on my former visit.

Tamaah Maah's conduct has been of the most princely nature, supplying us with every refreshment the island affords, and other necessary articles, without the unpleasant task of bartering for such things; and for his friendly and good behaviour, I caused a large boat to be built and given him, called the Britannia, her size, &c., being mentioned on a plate of copper nailed to the stern of that vessel.

I also beg leave to inform all visitors that on the 25th of February, in a grand council of the principal chiefs of this island, assembled on board His Britannic Majesty's vessel under my command, Tamaah Maah made the most solemn cession possible of the island of Owhyhee to His Britannic Majesty, his heirs, &c., and himself, with the attending chiefs, unanimously acknowledged themselves subject to the British crown. I, therefore, in the name of the king my master, recommend him to be treated with all the kindness he so justly will be found to merit; as also the other chiefs and inhabitants of the island in such manner as their conduct may hereafter entitle them to deserve. And I likewise beg leave to recommend Messrs. John Young and Isaac Davis, to whose services not only the persons, &c., under my command, have been highly indebted for their good offices, but I am convinced that through the uniformity of their conduct, and unremitting good advice to Tamaah Maah and the different chiefs, that they have been materially instrumental in causing the honest, civil and attentive behaviour lately experienced by all visitors from the inhabitants of this island, so contrary to the reports that have been published in England to their great disgrace and inhuman conduct of these islanders, prior to the residing of the said persons among them. There are other Europeans, &c., remaining on the island, but I am unacquainted with their intentions, whether directed to useful or pernicious purposes.

Such being the present situation of what we have experienced in Owhyhee, I leave this testimony for the guidance of other visitors, which, that they may benefit by, is the sincerest wish of their humble servant.

Signed, GEO. VANCOUVER.

His Britannic Majesty's Sloop Discovery, Toe Yah Bay, Owhyhee, 2d March, 1794.

NO. 13.

Copy of the letter of King Kamehameha I, in the possession of the undersigned.

“His Most Sacred Majesty, George III, of the United Kingdoms of Great Britain, and the Sandwich Islands King, Defender of the Faith, &c. &c. &c.:

“BROTHER:—We, Kaamaahamaah, King of the Sandwich Islands, wishing to render every assistance to the ships of His Most Sacred Majesty's subjects who visit these seas, have sent a letter* by Captain

*The letter referred to was dated 3d March, 1810, and accompanied a present to king George III, of a valuable feather cloak. That letter was acknowledged and replied to on the 30th of April, 1812, by the Earl of Liverpool, who was then H. B. M.'s Secretary of State for foreign affairs.

Spence, ship Duke of Portland, to His Majesty, since which time Timoree, king of Atooi, has delivered his island up, and we are now in possession of the whole of the Sandwich Islands. We, as subjects of His most gracious Majesty, wish to have a seal and arms sent from Britain, so as there may be no molestation to our ships or vessels in these seas, or any hindrance whatsoever.

“Wishing Your Majesty a long, prosperous and happy reign, I am brother,

Signed,

KAMAAH AMAAH.

Ooahoo, August 6th, 1810.

NO. 14.

Extract from the despatch of the Earl of Liverpool dated 30th April, 1812, in reply to the letter of King Kamehamea I of the 3d of March, 1810.

“His Royal Highness* commands me to assure you that he shall feel at all times most desirous to promote the welfare of the Sandwich Islands, and that he will give positive orders to the commanders of his ships to treat with proper respect all trading vessels belonging to you or your subjects.

“His Royal Highness is confident that the complete success which he has gained over his enemies in every quarter of the globe, will have the effect of securing your dominions from any attack or molestation on their part.”

NO. 15.

Extract from a manuscript in the hand writing of the late Mr. Richards, found among his papers on the 30th of January, 1850, by Mr. Wyllie, and submitted by him to the King's Cabinet on the 28th Feb., 1850.

“The following is the English translation of the testimony of Ke-kuanaoa, to what was said at the Court of St. James, respecting the protection of the Sandwich Islands,—which testimony was committed to Mr. Farnham for his use in England.

“COPY.—These were the words which we heard in Great Britain, at a conversation when we met King George IV, after the death of Liholiho and Kamehamalu his wife.

“At that time Boki informed King George IV of what was said by Kamehameha I to Vancouver.

“We first entered the palace of the king, and afterwards the king entered and his friends; and then came also two chiefs, one of whom was called Kalaimoku, (Mr. Canning,) and another besides him. We then were introduced. King George IV stood before Boki and said to him; and we heard it.

“I exceedingly regret the recent death of your king and his wife.

*King George III being then in an unhappy state of mind, the sovereign power was in the hands of the Prince Regent.

The chiefs and people will think, perhaps, that I have been inattentive to your king, but it is not so, for the same medicine and the same physicians have been employed as are employed by the chiefs of this nation. On account of the severity of the disease, he died.'

"Then James Young, the interpreter, stated all these words to Boki, and we all heard them.

"Then King George asked Boki the chief thus:

"'As you have come to this country, and the king has died here, who will be king of the land?'

"Boki answered thus to him, 'His Majesty's younger brother will be king, but it is for Kaahumanu and Kalaimoku to take care of the country.'

"The king then asked Boki 'What was the business on which you and your king came to this country?'

"Then James Young interpreted the words to Boki, and we all heard the question of the king to Boki.

"Then Boki declared to him the reason of our sailing to Great Britain. 'We have come to confirm the words which Kamehameha I gave in charge to Vancouver, thus, *'go back and tell King George to watch over me and my whole kingdom. I acknowledge him as my landlord and myself as tenant, (or him as superior and I as inferior.) Should the foreigners of any other nation come to take possession of my lands, then let him help me.'*

"Then James Young told all these words to King George, the ancient words which King Kamehameha I gave in charge to Vancouver. These we told to King George.

"And when King George had heard, he thus said to Boki, *'I have heard these words. I will attend to the evil from without. The evils within your kingdom it is not for me to regard—they are with yourselves. Return and say to the King, to Kaahumanu and to Kalaimoku, I will watch over your country. I will not take possession of it for mine, but I will watch over it, lest evils should come from others to the kingdom. I, therefore, will watch over him agreeably to those ancient words.'*

"Then James Young told Boki the words of the king,—then we heard all these words, Boki, Liliha, Kapihe, Naukana and James Young, heard these words. I also, Kekuanaoa—we all heard the words of the king to Boki; but the most of the whole company is (are) dead, two of us only remain, viz, James Young and myself.

Signed,

KEKUANAOA."

NO. 16.

WHERE are you, Chiefs, people and commons, from my ancestor, and people from foreign lands!

Hear ye! I make known to you that I am in perplexity by reason of difficulties into which I have been brought without cause, therefore, I have given away the life of our land, hear ye! But my rule over you, my people, and your privileges will continue, for I have hope

that the life of the land will be restored when my conduct is justified.

Done at Honolulu, Oahu, this twenty-fifth day of February, 1843.

Witness, JOHN D. PAALUA.

Signed,

KAMEHAMEHA III.

Signed,

KEKAULUOHI.

I hereby certify the above to be a faithful translation.

G. P. JUDD, Rec. and Trans. for Government.

In consequence of the difficulties in which we find ourselves involved, and our opinion of the impossibility of complying with the demands in the manner in which they are made by her Britannic Majesty's Representative upon us, in reference to the claims of British subjects; We do hereby cede the group of islands known as the Hawaiian (or Sandwich) Islands unto the Right Honorable Lord George Paulet, Captain of Her Britannic Majesty's ship of war Carysfort, representing her Majesty Victoria, Queen of Great Britain and Ireland, from this date, and for the time being: the said Cession being made with the reservation that it is subject to any arrangement that may have been entered into by the representatives appointed by us to treat with the government of Her Britannic Majesty; and in the event that no agreement has been executed previous to the date hereof; subject to the decision of Her Britannic Majesty's government on conference with the said representatives appointed by us; or in the event of our representatives not being accessible, or not having been acknowledged, subject to the decision which Her Britannic Majesty may pronounce on the receipt of full information from us, and from the Rt. Hon. Lord George Paulet.

In confirmation of the above we hereby affix our names and seals, this twenty-fifth day of February, in the year of our Lord one thousand eight hundred and forty-three, at Honolulu, Oahu, Sandwich Islands.

Signed in the presence of G. P. JUDD, Recorder
and Translator for the Government.

KAMEHAMEHA III,
KEKAULUOHI.

NO 17.

We, Kamehameha III, the King, and Kekauluohi, Premier of the Sandwich Islands, being desirous of doing justice, and conforming to the laws of nations, preserve peace, and establish concord, as well as to receive justice and be supported in the execution of the laws, do, therefore, in conformity with the laws of nations and the usages among sovereigns—being weak and unable to resist a strong power—hereby make over, cede, and convey to the governments of France and of the United States, all the right, title and sovereignty of the said Sandwich islands, until the difficulties which now exist, or may hereafter arise, be arranged and definitely settled by the mediation of

the high powers, to whom these Islands are conveyed, whose citizens have large interests at stake.

In testimony whereof we do hereby, this twenty-third day of February, in the year of our Lord one thousand eight hundred and forty-three, affix our signatures and seals to triplicates in the Hawaiian and English languages, at Honolulu, Oahu, Sandwich Islands.

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NO. 18.
(COPY.)

LONDON, March 3d, 1843.

SIR:—Since our arrival in this city we have had some communication with Lord Aberdeen on the subject upon which we had the honor of addressing you, during our recent visit at Washington, and of receiving your reply bearing date of Dec. 19, 1842.

His Lordship questioned us as to what had been done and said by the government of the U. S. A. on the subject, and we answered his inquiries freely. In the same open manner we deem it proper to communicate to the government of the U. S. A. the views of Lord Aberdeen on the subject.

His Lordship remarked that the letter which we had the honor to receive from you, did not acknowledge the independence of the Islands, but virtually denied it, inasmuch as it contained a refusal to enter into treaty.

He moreover implied a suspicion that the government of the U. S. A. was endeavoring, while it could not hold colonies in form, to do so in fact, by exerting an influence over the Sandwich Islands' government in favor of American interest to the injury of British.

This suspicion he grounded on certain complaints made against the government of the Sandwich Islands by the British Consul—that the government is actually partial to Americans. His Lordship expressed an opinion that the British government would not concede the independence of the Islands; and one reason which he mentioned why it would not do it, was the fact that the Americans, (who have much greater interests at the Islands than the British,) have not done it.

As we have thought it possible that a knowledge of these facts would induce the government to make some communication to its minister, Mr. Everett, on the subject, we deemed it expedient and proper to communicate them.

With distinguished consideration we have the honor to be

Your obed't servants,

Signed,

TIMOTEE HAALILIO,

Signed,

WILLIAM RICHARDS.

NO. 19.

Copy of the Despatch addressed by H. S. Fox, Esq., the British Minister at the Court of Washington, to the Hon. A. P. Upshur, Secretary of State.

R. C. WYLLIE.

WASHINGTON, June 25th, 1843.

SIR:—Her Majesty's government, previous to the departure from England of the last steam packet, had already received information, though not officially, of the provisional occupation of the Sandwich Islands by Great Britain, by the officer commanding Her Britannic Majesty's ship Carysfort.

I am directed by the Earl of Aberdeen to state to you, for the information of the government of the United States, that the occupation of the Sandwich Islands was an act entirely unauthorized by Her Majesty's government, and that with the least practicable delay due enquiry will be made into the proceedings which led to it.

The British government had already announced to certain commissioners, who arrived in Great Britain in March last, on the part of the king of the Sandwich Islands, that Her Majesty had determined to recognize the independence of those Islands, under their present chief.

To that determination Her Majesty's government intend to adhere. At the same time, however, it is right it should be understood that the British government equally intend to engage, and if necessary to compel the Chief of the Sandwich Islands, to redress whatever acts of injustice may have been committed against British subjects by that Chief, or by his ministers or agents, either arbitrarily or under the false color of lawful proceedings.

Instructions, which during the past year were addressed by Her Majesty's government to the British Consul residing in the Sandwich Islands, and to the naval officers employed on the Pacific station, enjoined those officers to treat upon all occasions the native rulers of the Sandwich Islands with forbearance and courtesy, and while affording due and efficient protection to aggrieved British subjects, to avoid interfering, harshly or unnecessarily, with the laws and custom of the native government.

It has been the desire of the British government in regulating the intercourse of its public servants with the native authorities of the Sandwich Islands, rather to strengthen those authorities, and to give them a sense of their independence, by leaving the administration of justice in their own hands, than to make them feel their dependence upon foreign powers by the exercise of unnecessary interference. It has not been the purpose of Her Majesty's government to seek to establish a permanent influence in those Islands for Great Britain, at the expense of that enjoyed by other powers.

All that has appeared requisite to Her Majesty's government has been, that other powers shall not exercise there a greater influence than that possessed by Great Britain.

I avail myself, &c.,

Signed,

H. S. FOX.

NO. 20.

Copy of the Hon. A. P. Upshur's despatch in reply to that of H. S. Fox, Esq., the British Minister at the Court of Washington, R. C. W.

WASHINGTON, July 5th, 1843.

SIR:—I received the letter which you did me the honor to address to me on the 25th ultimo, explanatory of the views of the British government respecting the Sandwich Islands, and stating, by direction of Her Britannic Majesty's Secretary of State for Foreign Affairs, for the information of this government, that the recent occupation of those Islands in the name of Great Britain, by the officer commanding Her Majesty's ship "Carysfort," was an act entirely unauthorized by Her Majesty's government, and that with the least practicable delay, due enquiry will be made into the proceedings which led to it.

I have lost no time in submitting your letter to the consideration of the President of the United States, by whom I am directed to express to you the satisfaction which this prompt disavowal by Her Majesty's government of the act in question, has afforded him.

The United States take a deep interest in the condition of these Islands, so important from their geographical position to American citizens engaged in the fisheries, and other lawful pursuits, in the North Pacific Ocean, and hence the President awaited with lively concern the course which Her Majesty's government would adopt with respect to the occurrence referred to. He entertained a confident expectation, strengthened by his knowledge of the reception which had been given in England to the Commissioners of the Sandwich Islands, and of the fact that Her Majesty's government had determined to recognize the independence of those Islands, that no undue advantage would be taken by Great Britain of their peculiar political condition; and he sees with a corresponding gratification, that this expectation is realized.

Seeking to establish no undue advantage in the Sandwich Islands for citizens of the United States at the expense of other powers, the President receives with much pleasure the assurance contained in Mr. Fox's note, that none such are sought for Great Britain. He cannot doubt that the recognition of the independence and the sovereignty of those Islands, will be found altogether compatible with every just claim of Great Britain, while it will best conduce to the interests of the Islands themselves, and of all nations having intercourse with them.

I have, &c.,
Signed,

A. P. UPSHUR.

NO. 21.

Copy of Mr. Fox's despatch from Washington to the Right Honorable, the Earl of Aberdeen.

R. C. W.

WASHINGTON, July 10th, 1843.

MY LORD:—I have received from the United States' Secretary of State the enclosed satisfactory and friendly official letter, in reply to

the communication which I had addressed to him on the 25th ultimo, upon the subject of the recent provisional occupation of the Sandwich Islands by a British naval force. I had the honor to forward a copy of that communication in my despatch to your Lordship, No. 85, of the 27th ultimo.

My letter to the Secretary of State has been printed in the government newspaper, by authority of the President, and it will necessarily have the effect of silencing the misrepresentations and invectives against Great Britain, which have filled the American Press in relation to the event in question.

I have, &c.,

Signed,

H. S. FOX.

No. 22.

[EXTRACT.]

Lord Cowley to the Earl of Aberdeen, 28th July, 1843.

“M. Guizot entirely concurs in opinion with your Lordship as to its being desirable, with a view to the maintenance of a good understanding between the three powers of Great Britain, France, and the United States, not only that they should formally recognize the independence of the Sandwich Islands, but that they should mutually pledge themselves not to occupy them on any ground or pretext, either absolutely or under the title of protectors; and he is quite prepared to enter into such an engagement on the part of the French government, in any manner which may be deemed desirable by your Lordship.”

NO. 23.

Articles agreed to in a conference between His Majesty Kamehameha III, King of the Hawaiian Islands, and his Council, and Rear Admiral Thomas, Commander in Chief of Her Britannic Majesty's Naval Forces in the Pacific, in the name and on behalf of Her Majesty Victoria, of the Kingdom of Great Britain, Queen, &c. &c. &c.

FIRST. His Majesty King Kamehameha III, hereby solemnly pledges himself to accord unto the subjects of Her Britannic Majesty residing in His dominions, his protection, and to confer upon and to grant unto them, all such rights, privileges and immunities, as are now, or as shall hereafter be, conferred upon or granted unto, the subjects or citizens of the most favored nation.

SECOND. Her Britannic Majesty's government having caused the Hawaiian Islands to be visited by Her Majesty's ships of war, with the view to promote and increase mutual confidence and friendship, as well as to foster a commerce alike advantageous to both countries;— and the captains of such ships who have hitherto visited the Islands, having fulfilled the intentions of the British government, by offering useful suggestions, and disinterested advice and information upon points brought under mutual discussion, which object could only be obtained through the medium of a proper and competent interpreter:

His Majesty Kamehameha III, and his Chiefs in Council, sensible of such advantages, engage to grant readily an interview to the Captain of any British ship of war visiting his dominions, upon proper intimation being given of the object sought for in the desired interview, and he will not suffer any obstacle to be opposed to such captain providing himself with a proper and competent interpreter, it being mutually understood and guaranteed that the interpreters of both parties confine themselves strictly and solely to the discharge of that duty.

THIRD. His Majesty having caused to be removed by a public document, written in the Native and English languages, and authenticated by the signatures of the constituted authorities acting by virtue of the power vested in them by King Kamehameha III, the attachment which has been placed upon the property of Mr. Charlton, Her Britannic Majesty's Consul for the Sandwich Islands: which attachment had been placed at the instance of an individual not residing within the limits of His Majesty's dominions, and the suit respecting which was instituted in the absence both of the plaintiff and defendant: all the landed property which had been taken possession of by the government, and really appertaining to Mr. Charlton having also been restored, His Majesty pledges that under similar circumstances the suit shall not be renewed in his Court, and he throws himself upon the justice of the British government to vindicate his proceedings herein if hereafter it should be necessary.

FOURTH. Instances having occurred in which British subjects have been confined in fetters for minor offences, and before a fair and impartial investigation has been made: His Majesty hereby guarantees that, for the future, no subject of Great Britain shall be so confined unless riotous and quarrelsome, and then only for the security of his person. And every facility shall be afforded as heretofore to the individual discharging the duties of Her Majesty's Consul for the time being, to attend the proceedings: or in case of his inability to attend, the same facility shall be given to any other British subject, whom the Consul may nominate for that special occasion.

FIFTH. With a view to spare the King and his authorities much unnecessary trouble in the adjustment of differences which may and will arise between British subjects and others residing in the country, or between the former and his own subjects: It is agreed that when such matters in dispute cannot be settled by arbitration, but must be decided by the incipient laws of the country, a jury shall be summoned to try and decide the cause, one half of whom shall be British subjects approved by the Consul, and all of whom before proceeding to trial shall declare upon oath that they have not prejudged the case, and that they are neither directly or indirectly interested in the issue of the case brought before them.

SIXTH. His Majesty Kamehameha III. having publicly and solemnly declared that it has never been his intention to insult Her Majesty, the Queen of Great Britain, nor to injure any of her subjects: the King will be readily disposed as a proof of such his declared in-

tion, to accord between himself and his Council and whoever may be at the time the accredited British Consul, or any other person acting in his stead by competent authority, a direct communication for the purpose of facilitating the settlement by reference to the proper courts of such important cases affecting British subjects which the Consul or his duly constituted authority may consider it his duty, with reference to his responsibility to his own government, to lay before that of the Sandwich Islands and before he shall lay the same before his government.

SEVENTH. As the office of a consul whose duty it is to watch over and protect the rights and privileges of the nation he represents, and to decide disputes between her merchants, is one which has been proved, by the practice of all civilized nations to be mutually advantageous for the promotion of commercial intercourse between two countries, and the avoidance of unnecessary recourse to the local government in matters of trivial import: His Majesty actuated, by a sincere desire to give unequivocal testimony of his determination to maintain friendly relations with a power he has been taught to respect and to love, hereby pledges for himself and his successors, that he will at all times be ready to acknowledge the rights of persons duly constituted to execute the office of British Consul, and to afford him ready access to his presence in Council whenever it may be necessary to lay before him any case of grievance or complaint on the part of a British subject, reserving to himself only the power of objecting to any individual nominated "ad-interim" during the absence of such Consul, who he is prepared to shew, has violated his laws, despised his authority, and made a disturbance in the kingdom, or other good and sufficient reasons to be submitted to the British government, and he further guarantees to such person so discharging the office "ad-interim" and not so objected to, all the protection to which a consul is entitled by the laws of nations, and all the liberty and safety necessary to the proper discharge of his duties.

EIGHTH. It is mutually agreed that all other British claims or grievances not mentioned in the foregoing Articles which may have been brought forward shall be referred to the decision of the government of Her Majesty the Queen of Great Britain, and adjusted either through the representatives of His Majesty Kamehameha III, at the Court of St. James, or in such other way as the British government on the receipt of full information and upon mature deliberation shall deem proper to propose.

NINTH. In order to avoid giving umbrage to Her Britannic Majesty by any partiality being exercised by the Hawaiian government at the expense of British subjects: His Majesty Kamehameha III, engages that whenever any appeal affecting the interests or property of a British subject resident in his dominions shall come under the consideration of himself and his Chiefs at the semi-annual courts, the British Consul or his substitute for the time being accompanied by an interpreter if requisite, shall be present at such discussions and shall

be at liberty to offer his advice upon the subject under consideration.

TENTH. The whole of the preceding articles are to be subject to the approval and ratification or the modification of the British government, and shall not contravene any of the treaties or arrangements made or entered into by His Majesty's Ministers with the government of Great Britain, and nothing herein shall deprive His Majesty of any inherent or acknowledged right vested in an independent sovereign.

In confirmation of, and in witness whereof, we have signed the same and have hereunto affixed our respective seals at Honolulu, Island of Oahu, this thirty-first day of July, in the year of our Lord one thousand eight hundred and forty-three.

Signed,	KAMEHAMEHA III,
Signed,	M. KEKAULUOHI.
Signed,	RICHD. THOMAS.

Signed in the presence of

Signed,	G. P. JUDD, Sec. and Int. for the Government,
Signed,	T. C. BYDE ROOKE, Int. for Admiral Thomas,
Signed,	JAS. PINHORN, Secretary to the Commander in Chief of H. B. M. Naval Forces in the Pacific.

No. 24.

Extract from a despatch to His late Majesty King Kamehameha III, dated London, 30th September, 1843, by his Commissioners, T. Haaliho and William Richards, in which they give an account of the views of the British government at an official interview with the Under Secretary of State for Foreign Affairs, H. W. Addington, Esq.

“Mr. Addington said moreover in relation to withdrawing from the Islands,” (meaning giving up the possession held by Lord George Paulet,) “that he could not speak positively as to the time and manner of it, but he would say, positively, that they should withdraw, and that they should see, also, that no other nation takes possession.”

No. 25.

The following plan for a Treaty between the two Governments was handed to Mr. Guizot at a private interview on the 5th June, 1843.

General Convention of Peace, Amity, Commerce and Navigation, between His Majesty the King of the French, and His Majesty the King of the Sandwich Islands.

His Majesty the King of the French, having determined to recognize in a formal manner the independence of the Sandwich Islands, under their present Sovereign, and in common with him being animated with a sincere desire to consolidate on a permanent basis, the peace and friendship of their respective nations, have resolved to establish by Treaty or Convention, clear, distinct, and positive rules which shall be religiously observed in all good faith between the two nations.

To accomplish this desirable object, His Majesty the King of the French, has conferred the necessary powers on

And His Majesty the King of the Sandwich Islands, has conferred the same powers on Messrs. Timoteo Haalilio, his private secretary, and Minister of the House of Nobles, and William Richards a citizen of the United States of America, but now in His Majesty's service, who having compared and exchanged their full powers, found to be in due form, have mutually agreed upon and finally concluded the following articles:

ARTICLE 1.

There shall be perpetual and inviolable peace, and a sincere and indissoluble Friendship between His Majesty the King of the Sandwich Islands, and His Majesty the King of the French, and between their Majesty's subjects respectively without distinction of persons or places.

ARTICLE 2.

The subjects of each contracting party while in the dominions of the other, shall enjoy full and perfect protection, both in their persons and in their property. They shall have free and ready access to the courts of justice and legal tribunals, in the same manner and under the same regulations as are usual and customary with the native born subjects and citizens of the country, in which they may be, and shall enjoy the same privileges in the selection of Advocates, Agents and Attorneys in all their trials at law, and in all respects shall have the aid of the civil and legal authorities for the collection of their debts, and defense of their rights.

ARTICLE 3.

There shall be a full, perfect and reciprocal liberty of commerce between the respective inhabitants of the countries.

The citizens of each shall be permitted freely and securely, without molestation to proceed with their ships, vessels and cargo, to all the ports and harbors of the other, to which vessels from the most favored nations are permitted to proceed.

They may hire and occupy houses and warehouses, and may trade freely therein, subject always and in all respects to the laws of the Government where they may be.

ARTICLE 4.

The ships, and vessels, and cargoes, of neither of the contracting parties shall be subjected by the other to higher Imposts, Tonnage Duties, charges or fees than are paid by the most favored nation, nor shall either party allow, or at any future period grant any particular favor, privilege, or advantage to another nation in respect to trade, navigation and commerce, which shall not immediately become common to the other party, if the concession was gratuitously made, or on allowing a like compensation if the favor was conditional. In such cases the particular conditions will be agreed upon by a special convention between the contracting parties.

ARTICLE 5.

Should either of the parties of this convention be at War with a nation with which the other party is at peace, it shall be proper for the subjects of the party at peace, without molestation to prosecute their commerce, navigation and trade; with the exception of such goods and articles as are usually denominated "contraband of War," and with the exception also of such places as are blockaded by the belligerent with a force adequate to prevent all neutral vessels from entering.

ARTICLE 6.

It is also finally agreed that inasmuch as fixed rules are necessary in order to determine the nationality of vessels, it shall therefore be free for the government of each of the contracting parties to fix those rules in relation to its own vessels, provided always that the vessel shall be owned by a subject of the party whose flag she bears, and the commander, and at least one half of the crew shall be either native born or naturalized subjects of the same party, and shall be furnished with a sea letter, or other papers expressing the name, quality and bulk of the vessel, and also the name and domicile of the master or commander of said vessel.

ARTICLE 7.

The parties to this convention further stipulate and agree that the principle that a neutral flag renders all the goods and persons carried by it neutral shall always be held inviolable.

ARTICLE 8.

It shall be free to each of the contracting parties to appoint consuls, vice consuls, and commercial agents in all the harbors or ports of the other, which are open to Foreign commerce, but these persons shall not enter on the duties of their office, until they shall have received an authorization from the government of the country where they are to act. When such authorization is obtained, the consulate with its archives and papers shall be inviolably respected.

ARTICLE 9.

The consuls and their agents shall have power to require the assistance of the local authorities of the country where they reside, for the arrest, detention and return of deserters, from public or private vessels of their country, the expense of the arrest being defrayed by the captain or owner of the vessel. And it shall be the duty of the said local authorities to use all practicable and suitable means to prevent desertions and to arrest the deserters when notified that they have taken place.

ARTICLE 10.

In case a subject of either of the contracting parties decease within the dominions of the other, without having appointed executors, or administrators, then the consul of the nation to which he belonged shall be allowed to act as such, and in the name of the heirs, he may take

possession of the papers and property of the deceased, and may administer thereon, the estate always being liable for the debts, and subject in all respects to the laws of the country where the estate may be, provided the heirs be there also.

ARTICLE 11.

It is further agreed by the high contracting parties that in both nations the rights of conscience shall always be most sacredly respected according to the fundamental laws of religious liberty as established by the constitutions of the respective governments.

There shall be full and perfect toleration for every form of the Christian religion without distinction of sect, and no man shall be punished for his religious faith, so long as he conforms to the laws of the nation where he resides.

Moreover, if a subject of one of the parties decease in the dominions of the other, the right of sepulchre in a decent and convenient place, shall be enjoyed.

ARTICLE 12.

All conventions, agreements or stipulations, heretofore entered into between His Majesty the King of the Sandwich Islands and any agent of the French government, or any officers commanding a national vessel of France, are hereby declared to be null and void, these articles containing the only conventional rules which are of binding obligations between the two governments, and shall be in full force for the term of twenty years from the date present.

ARTICLE 13.

If any dispute shall arise concerning the infraction of any article of this convention, or if any difficulties shall occur between the subjects of the parties thereof which cannot be satisfactorily settled by the respective governments, harmony and good will shall be in no way interrupted thereby until full opportunity be given for free communication between the two governments for the purpose of forming a mutual acquaintance with the facts in the case, and a full and mutual interchange of views on the subject.

ARTICLE 14.

This convention shall be approved and ratified by the contracting parties, and the ratifications thereof exchanged at the Sandwich Islands, within the period of one year, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed these presents and affixed their respective seals.

Done at Paris this day of June in the year of Our Lord one thousand eight hundred and forty-three.

No. 26.

PARIS, November 8th, 1843.

SIR:—I have received the letter that you did me the honor to address to me, recalling to my mind your previous communications,

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about the object of the mission which the King of the Sandwich Islands has charged you with, conjointly with Mr. Haalilio.

I hasten to answer, that France is on the point of recognizing the Independence of those Islands, conjointly with England, and thus give to their government a testimony of the high confidence which, without doubt, it will endeavor to justify by a constant attention to the respect due to international rights and the stipulations of treaties.

Those existing between France and the Sandwich Islands must be strictly maintained, and the Government of the King would not suffer any attempt to be made against them. The government do not refuse to modify them, should there be occasion for it, if thought necessary by both parties and in a spirit of equity and conciliation. But some of the actual clauses of the treaties rendered it necessary to the French government to address to the English government propositions to which they have not yet definitively answered. We are waiting for their answer, and until the matter in question is settled, it is proper that things should remain *in statu quo*. The Hawaiian government will understand, on their part, I hope, the necessity of fulfilling faithfully their obligations and preserving a good understanding with France, in doing justice to the legitimate claims which the Consul of the King at Honolulu might address to them.

I have the honor Sir, to be respectfully &c.

Signed,

GUIZOT.

Mr. RICHARDS, Hotel Meurice.

—
No. 27.

DECLARATION.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty, the King of the French, taking into consideration the existence in the Sandwich Islands of a government capable of providing for the regularity of its relations with Foreign Nations, have thought it right to engage, reciprocally, to consider the Sandwich Islands as an independent State, and never to take possession, neither directly or under the title of Protectorate, or under any other form, of any part of the Territory of which they are composed.

The undersigned, Her Britannic Majesty's principal Secretary of State for Foreign Affairs, and the Ambassador Extraordinary of His Majesty the King of the French, at the court of London, being furnished with the necessary powers, hereby declare, in consequence, that their said Majesties take reciprocally that engagement.

In witness whereof, the undersigned have signed the present declaration, and have affixed thereto the seals of their arms.

Done in duplicate, at London, the twenty-eighth day of November, in the year of our Lord one thousand eight hundred and forty-three.

Signed,

ABERDEEN, (L. S.)

Signed,

ST. AULAIRE. (L. S.)

WASHINGTON, 1st July, 1844.

SIR:—The undersigned commissioners from the King of the Sandwich Islands, had the honor to address a communication to the Secretary of State of the United States, under date of December 14th, 1842, in which they requested the government of the United States to acknowledge the independence of the Sandwich Islands, under their present sovereign.

They received a reply to the communication, under date of December 19th, of the same month and year, which taken in consideration with the subsequent acts of the President and Congress of the United States, was considered by the Commissioners as a full, though not a direct and formal recognition of Independence.

In more recent negotiations with the undersigned with some of the governments of Europe, they met with some embarrassment in consequence of doubts expressed by those governments whether the independence of the Islands had been fully recognized on the part of the United States.

The undersigned, therefore, feel the necessity of making the inquiry whether the government of the United States consider their various acts in relation to the Sandwich Islands, as a full and perfect recognition of independence.

The undersigned avail themselves of this occasion to assure the Honorable Mr. Calhoun of the high consideration with which they have the honor to be his obedient servants.

Signed, HAALILIO,
Signed, WILLIAM RICHARDS.

To the Honorable J. C. CALHOUN,
Secretary of State, &c., &c., &c.

No. 29.

{ DEPARTMENT OF STATE,
Washington, July 6th, 1844.

GENTLEMEN:—The note which you did me the honor to address to me of date July 1st, 1844, has been received and laid before the President, and in reply to it, I am instructed to say that the communication heretofore addressed to you by the Secretary of State, (Mr. Webster,) dated the 19th December, 1842, with the Message of the President to Congress of the 31st of December, 1842, and the proceedings thereon, of the House of Representatives, the appropriation made for the compensation of a Commissioner of the United States, who was subsequently appointed to reside in the Sandwich Islands, were regarded by the President as a full recognition, on the part of the United States, of the independence of the Hawaiian government. This opinion has undergone no change, and as the course adopted by the government of the United States in this, conforms substantially with the rule by which it has been regulated in all similar cases, it

does not appear to the President, necessary to introduce any other or more formal mode of recognition.

I have the honor to be gentlemen,

Your obedient servant.

Signed,

J. C. CALHOUN.

To Messrs. T. HAALILIO, and W. RICHARDS.

No. 30.

Copy of the protest of the King against the right Hon. Lord George Paulet, 18th February.

WE KAMEHAMEHA III, King of all the Sandwich Islands, and KEKAULUOHI, Premier thereof, in accordance with the laws of all nations, and the rights of all aggrieved sovereigns and individuals, do hereby enter our solemn act of Protest, before God, the world, and before the government of Her most gracious Majesty Victoria the first, Queen of the United Kingdom of Great Britain and Ireland:

Against the Right Honorable Lord George Paulet, Captain of Her Britannic Majesty's ship Carysfort, now lying in the harbor of Honolulu, for all damages and losses which may accrue to us, and to the citizens of countries residing under our dominions and Sovereignty, in consequence of the unjust demands made upon us, this day, by the said Rt. Honorable Lord George Paulet, enforced by a threat of coercive measures and an attack upon our town of Honolulu in case of non-compliance with the same, within a period of nineteen hours, thereby interfering with the laws, endangering the good order of society, and requiring of us what no power has right to exact of another with whom they are on terms of peace and amity.

And we do solemnly protest and declare that we, the Sovereign authority of these Our Islands, are injured, abused and damaged by this act of the said Right Honorable Lord George Paulet, and We hereby enter our solemn appeal unto the government of Her most gracious Majesty, represented by him, for redress, for justification, and for repayment of all said losses, damages, and payments, which may in consequence accrue to us, or unto the citizens of other countries living under our jurisdiction.

Done at Honolulu, Island of Oahu, Hawaiian (Sandwich) Islands, this eighteenth day of February, one thousand eight hundred and forty-three.

Signed,

KAMEHAMEHA III (L. S.)

Signed,

KEKAULUOHI. (L. S.)

NO. 31.

Statement of damages sustained by the Sandwich Island government, in consequence of the forced cession by His Majesty Kamehameha III, of the group of Islands known as the Sandwich, or Hawaiian Islands, unto the Right Honorable Lord George Paulet, captain of H. B. M.'s

ship "Carysfort," and representing the government of Her Britannic Majesty Queen Victoria:

Expense of Embassy to England,	\$3,000 00	
Use of schooner Hooikaika, or "Albert," for a voyage to the West coast of Mexico, and otherwise, say from Marsh Ist, to July 31, 1843, 5 months at \$400 per month,	2,000 00	
Expenses of said vessel for provisions, pay, repairs &c.,	1,000 00	
Use of schooner "Victoria," for a voyage to Valparaiso, from March 10th, say to August 10th, 5 months at \$400 per month,	2,000 00	
Expenses of said vessel for provisions, pay, repair &c.,	1,000 00	
Cash delivered to order of the British commission for pay of Queen's Regiment,	1,865 81	
Additional one per cent duty, levied by, and paid to the British commission,	361 77	
Government note in favor of H. Skinner but not yet paid,	3,000 00	
Indemnification to people forcibly ejected from land claimed by R. Charlton Esq.,	850 00	
Cash paid by order of the British commission bill for bunting to make British Union Jacks,	50 00	
Cash paid by order of the British commission, bill for making Union Jacks, on board of H. B. Majesty's ship "Carysfort,"	15 00	
Cash paid constables by order of the British commission,	107 50	
Cash paid by order of the British commission to Thomas Gregory.	27 00	
Amount paid J. Slater, while in employ of British commission, about	80 00	
Amount paid extra clerk hire, copying and printing,	500 00	
Amount paid for paints and brushes for Fort,	70 00	
Damages sustained by change of Government, interruption of business, want of vessels to collect taxes, &c., &c., &c., including interests on sums paid out, and interest accruing upon debts of the government which have remained unpaid in consequence of obstructions and embarrassments, and also the probable detention and additional expense of Ministers to England,	16,000 00	
Signed,	JOHN II,	} Treasury board of the Hawaiian Islands.
	G. P. JUDD,	
	PAUL KANOA.	

NO. 32.

HONOLULU, Oahu, Hawaiian Islands, }
August 4th, 1843. }

To Her most gracious Majesty, Victoria Queen of Great Britain and Ireland.

GREAT AND GOOD FRIEND:—I have the happiness to inform your

Majesty that the Flag of my country has been restored this day with all the honors which are due to the Sovereign of an independent State, by the agency of Rear Admiral Thomas, Commander-in-chief of Your Majesty's naval force in the Pacific.

I beg leave to refer Your Majesty to the enclosed printed documents for further explanations; and to the duly accredited Representatives of our government who are instructed by us to seek for new arrangements less embarrassing to our government and equally honorable to that of Your Majesty.

Salutations by Your good Friend,

Signed,

KAMEHAMEHA.

☞ A letter in precisely the same terms was addressed to the King of the French and another to the President of the U. States.

R. C. W.

No. 33.

[TRANSLATION FROM THE FRENCH.]

Convention of Peace, Amity, Commerce and Navigation, between His Majesty the King of the Belgians and His Majesty the King of the Hawaiian Islands, (Sandwich Oceana.)

His Majesty the King of the Belgians, having recognized the Hawaiian Islands as an independent state, and desiring in accord with the King of those Islands to establish relations of amity, peace, and good harmony, as well as to favor commercial relations which may be formed between the subjects of the two countries, has made with the King of the Hawaiian Islands the following Convention, which shall be religiously and faithfully observed by the two parties.

In consequence His Majesty the King of the Belgians has conferred the necessary powers upon ————

And His Majesty the King of the Hawaiian Islands has conferred the like powers upon his Commissioners, Timoteo Haalilio, his private Secretary, Lieut. Governor of Oahu and Member of the House of Nobles, and William Richards, a citizen of the United States, at present employed in the service of the Hawaiian government.

The said Commissioners in virtue of their full powers declared in good form, have agreed upon the following Articles:

ARTICLE 1.

There shall be between His Majesty the King of the Belgians and His Majesty the King of the Hawaiian Islands, their successors and their respective subjects, a friendship sincere, and a durable, firm and inviolable peace.

ARTICLE 2.

It is agreed that the subjects of the parties shall enjoy in the seaports, rivers, roadsteads, and in all places where foreign commerce is permitted, an equal liberty of commerce in the said places upon the footing of the most favored nations: they can also reside and hire and occupy houses needful to their commerce, in such places as may suit

their convenience, in fine, generally all the merchants and traders of one nation and of the other shall enjoy respectively, as well for their persons as for their property the most complete security, and there shall be accorded to them in the prosecution of their business the protection which all foreigners enjoy on the condition of their submission to the laws and ordinances of the respective countries.

ARTICLE 3.

Belgian ships and cargoes shall not be subjected in the ports of the Hawaiian Islands to other than the same duties of anchorage, tonnage, tariff, nor to any other than those which are required of the most favored nations; reciprocally, the ships and the cargoes of the Hawaiian Islands shall enjoy the same advantages in the ports of Belgium.

ARTICLE 4.

Each of the two contracting parties accords to the other the right of establishing in the ports and places of commerce, consuls, vice-consuls or commercial agents who shall enjoy all the protection and shall receive all the assistance necessary for duly discharging their functions. These consuls, of whatever class they may be, duly appointed by their respective governments, and after having received an *Exequatur* from that in whose dominions they are to reside, shall enjoy in the one country and in the other, as well in their persons as for the exercise of their functions, the privileges which are there enjoyed by the consuls of the most favored nations.

It is expressly declared that in the case of illegal or improper conduct towards the laws or the government of the country in which the said consuls, vice-consuls or commercial agents may reside, they can be prosecuted and punished in conformity to law and deprived of the exercise of their functions by the offended government, which shall make known to the other the motives for having done so.

ARTICLE 5.

The archives and documents relative to the affairs of the consulates shall be inviolable, and shall be carefully preserved under the seals of the consuls or commercial agents, and of the authorities of the place where they may reside. They shall be authorized to require the assistance of the local authorities for the apprehension, detention and return of all deserters from the ships of their country; these deserters shall be put at the disposition of the consul or commercial agent, and may be confined in the public prisons upon the requisition and at the expense of those who demand them, to be sent to the ships to which they belong, or to others of the same nation. If at any time a deserter or a man attached to a ship shall be found to have committed any crime or offense in the country, he may be detained until the tribunal having cognizance of the affair shall have rendered its sentence, and that sentence shall have received its execution.

ARTICLE 6.

In a case when a subject of one of the contracting parties shall de- cease in the dominions of the other, without having designated his executors or administrators upon his property, the consul or commercial agent of the nation of the deceased shall have the right to administer himself, or to designate administrators who shall receive the property, papers, and possession of the deceased. If any dispute shall arise in regard to the rights of different claimants in the division of the property, they shall always be decided according to the laws of the country where the property is found.

ARTICLE 7.

It is expressly agreed that each government shall have the right to regulate the signs and formalities according to which their ships shall be recognized. Every ship shall be furnished with a register, sea letter, passport, and other documents, in which shall be stated the name and quality of the vessel, as well as the name and domicile of the commander.

ARTICLE 8.

It is expressly stipulated that conformably to the fundamental principles established by the constitutions of the two countries, there shall be perfect liberty of conscience without distinction of sect, and no person can be molested in the exercise of his religion so long as he shall conform to the laws of the country where he resides.

ARTICLE 9.

All the stipulations of the present convention which relate to the establishment of friendship and good harmony shall remain in full force forever.

The stipulations relative to commerce and navigation shall remain in force for the term of ten years from the date of the exchange of ratification, and beyond that time until the expiration of twelve months after one of the contracting parties shall have announced to the other its intention that they shall cease to have effect.

ARTICLE 10.

The present convention shall be approved and ratified by the contracting parties, and the ratification shall be exchanged within one year from the date hereof, or as soon as it can be done.

In faith whereof the Commissioners of the respective parties have signed these present in duplicate, and have affixed thereto their seals.

 NO. 34.

[COPY—TRANSLATION.]

BRUXELLES, 26th March, 1844.

The undersigned, Minister of Foreign Affairs of His Majesty the King of the Belgians, has received the communication which Messrs.

Timoteo Haalilio and William Richards, Envoys of the Sovereign of the Sandwich Islands, have done him the honor to address to him under date of the 22d of this month.

The undersigned is authorized to declare that the government of the King, having taken knowledge of the facts and considerations exposed by Messrs. Haalilio and Richards, and animated towards the State of the Sandwich Islands by sentiments of the most perfect good will, is disposed to establish with the Hawaiian government close commercial relations, and that while waiting the opening of regular negotiations to that effect, it has resolved to recognize in all its plenitude the Independence of the Sandwich Islands and their government.

The undersigned further makes known that in the present situation of things, the subjects of Hawaii shall be provisorily admitted to enjoy in Belgium the treatment accorded to the most favored nations on the condition that the same treatment shall be assured to Belgian subjects on the Sandwich Islands.

The undersigned seizes this earliest occasion to offer to Messrs. Haalilio and Richards the assurances of his highest consideration.

Signed, COMTE GOBLET.

To MESSRS. TIMOTEO HAALILIO and W. RICHARDS, Envoys of His Majesty the King of the Sandwich Islands.

COPY OF REPLY.

HOTEL DE BELLEVUE, }
Bruxelles, 27th March, 1844. }

SIR:—We have the honor to acknowledge the receipt of your Excellency's letter of the 20th instant, in which your Excellency is pleased to announce the favorable sentiments of the government of His Majesty the King of the Belgians, under which they are disposed to establish close commercial relations between Belgium and the Hawaiian Islands, and also to assure us in the most gratifying terms of the resolution of the Belgian government to recognize the independence of the Hawaiian Islands and their government.

We feel authorized to offer to Your Excellency the strongest assurances that the Hawaiian government and people will be deeply impressed by the sentiments of good will on the part of the Belgian government, which have been so promptly and courteously expressed by Your Excellency; and that the sovereign will worthily estimate the auxiliary strength and security to his reign which will be derived from the friendly recognition of a power towards which he cherishes every sentiment of respect.

We are happy to hope that at no distant day the commercial activity which may be attracted to the Hawaiian Islands, in connection with the more perfect development of their natural wealth, will create new bonds of interest between these Islands and Belgium.

The Hawaiian government will always be ready and cheerful to adopt any measures which may tend to cement those bonds and to render the intercourse between the two nations mutually advantageous

through the medium of regular negotiations, as intimated in Your Excellency's letter.

They will always entertain a lively recollection that their correspondence with the Belgian government has commenced in the terms of a pacific and friendly policy, and with no other views but those of reciprocal interests.

The condition upon which Your Excellency is pleased to assure us that Hawaiian subjects shall be admitted to enjoy in Belgium the treatment accorded to the most favored nations, we unhesitatingly accept on the part of the government which we have the honor to represent; and we pledge that government in the assurance that Belgian subjects in the Hawaiian Archipelago shall receive there the treatment accorded to the subjects of the most favored nations.

With renewed assurances of our highest consideration, be pleased to accept, sir, the sentiments of the personal esteem under which we have the honor to remain,

Your Excellency's most obdt'd, humble servants,

Signed, HAALILIO,
Signed, W. RICHARDS.

To His Excellency Comte GOBLET d'ALVIELLA, Minister for Foreign Affairs.

NO 35.

Convention between Great Britain and the Sandwich Islands.

The differences which existed between the governments of Great Britain and the Sandwich Islands having been happily settled, the following Articles of Agreement have been mutually entered into between the King of the Sandwich Islands on the one part, and William Miller, Esq., Her Britannic Majesty's Consul General for the Sandwich and other Islands in the Pacific, in the name and on the behalf of Her Britannic Majesty on the other part, for the preservation of harmony and the prevention of future misunderstanding between the two parties.

ARTICLE 1. •

There shall be perpetual peace and amity between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the King of the Sandwich Islands, their heirs and successors.

ARTICLE 2.

The subjects of Her Britannic Majesty shall be protected in an efficient manner in their persons and properties by the King of the Sandwich Islands, who shall cause them to enjoy impartially in all cases in which their interests are concerned the same rights and privileges as natives, or as are enjoyed by any other foreigners.

ARTICLE 3.

No British subject accused of any crime whatever shall be judged otherwise than by a jury composed of foreign residents, proposed by

the British Consul and accepted by the government of the Sandwich Islands.

ARTICLE 4.

The protection of the King of the Sandwich Islands shall be extended to all British vessels, their officers and crews. In case of shipwreck, the chiefs and inhabitants of the different parts of the Sandwich Islands shall succor them and secure them from plunder. The salvage dues shall be regulated, in case of difficulties, by arbitrators freely chosen by both parties.

ARTICLE 5.

The desertion of seamen embarked on board of British vessels, shall be severely repressed by the local authorities, who shall employ all the means at their disposal to arrest deserters; and all reasonable expenses of capture shall be defrayed by the captains or owners of the said vessels.

ARTICLE 6.

British merchandise, or goods recognized as coming from the British dominions shall not be prohibited, nor shall they be subject to an import duty higher than five per cent. *ad valorem*.

ARTICLE 7.

No tonnage, impost, or other duties shall be levied on British vessels or goods, or on goods imported in British vessels, beyond what are levied on the vessels or goods of the most favored nation.

ARTICLE 8.

The subjects of the King of the Sandwich Islands shall, in their commercial and other relations with Great Britain, be treated on the footing of the most favored nation.

Done at Lahaina the twelfth day of February, one thousand eight hundred and forty-four.

Signed,
Signed,
Signed,

KAMEHAMEHA III,
KEKAULUOHI,
WM. MILLER.

Signed in the presence of

G. P. JUDD, (Signed,) Secretary for Foreign Affairs,
ROBERT C. WYLLIE, (Signed,) Secretary to Gen. Miller.

NO. 36.

PROCLAMATION.

Be it known to all our faithful subjects, and all others whom it doth, or may in any way concern, that, whereas, it has been Our Royal will and pleasure, this day, the day of the date hereof, to sign and ratify a convention with "Her Majesty Victoria, Queen of Great Britain and Ireland, Defender of the Faith &c.," proposed to us in the name of Her Majesty, by Her Consul General, William Miller Esq.

and whereas, Our commissioners are now by Our instructions negotiating with the government of His most Christian Majesty, Louis Phillippe, King of the French, relating to certain alterations desired by us for the good of Our subjects in the treaty with France, dated 17th July, 1839,

We hereby proclaim, 1. That the annual legislative council, which should meet at Lahaina in April next, shall not meet at the usual time, but be deferred until the return of Our commissioners; immediately after whose arrival, due notice of the time and place of assembly will be sent to all members of the two Houses which compose the legislative council.

2. That the section of the law enacted on the 11th of August, 1842, is hereby repealed, and no longer in force.

3. That in consequence of the new treaty this day signed and concluded between us and Her Britannic Majesty, through the medium of Consul General Miller, the former compacts and agreements with representatives of Great Britain, of previous date, namely: that of the 16th of November, 1836; and 31st July, 1843; are superseded, and cease to have any force or effect, from the date of the publication hereof.

Done at Our Council House, Lahaina, Maui, 13th February, 1844.

Signed,
Signed,

KAMEHAMEHA III.
KEKAULUOHI.

No. 37.

Extract from Mr. Judd's letter of the 17th Feb., 1844, to the Right Honorable the Earl of Aberdeen.

I am instructed further to inform your Lordship that His Hawaiian Majesty earnestly desired to effect, through His representatives, Messrs. Haalilo and Richards, treaties with Great Britain, the United States, and France, placing the three nations upon a footing exactly alike, obtaining their joint concurrence in the prohibition of wines and spirits, and putting an end to the confusion in the administration of the laws, which a multiplicity of agreements made with naval officers has created.

His Hawaiian Majesty does not abandon the hope entertained upon this subject, although he has signed the convention of the 12th inst., containing an article similar in its operation to that of the French treaty for the abrogation of which His commissioners are now negotiating.

His Hawaiian Majesty acquiesced in the right of Great Britain, to be placed *ad interim*, on precisely the same footing on which France now stands, having the utmost confidence that Her Britannic Majesty's government will afterwards consent to any modification for the good of His subjects, which the French government may agree to make.

His Majesty even goes so far as to believe that Her Britannic Ma-

jeaty's government in their friendly interest in favor of His people, will use their influence with the government of France in obtaining the modifications desired.

I take this occasion to offer to your Lordship a few remarks upon the convention with Her Britannic Majesty's Consul General.

Although the literal meaning of the second article might, by persons not well disposed, be construed in such a way as to deprive His Majesty of a right, allowed to every independent Sovereign, of cherishing his own subjects in preference to all others, the view taken by His Majesty, and His chiefs, in council, is that so long as the subjects of Her Britannic Majesty, in our courts of justice, are as well treated as natives, or other foreigners, and are allowed to enjoy, impartially, the same rights they would have no just cause of complaint.

It is not believed that it was, or ever could be the meaning of Her Britannic Majesty's government, in the third article to stipulate under the words "any crime whatever," that crimes of a trivial nature, and petty offences and misdemeanors should necessarily be tried by a Jury, but that the operation of that article will be restricted to cases of crimes usually submitted to juries by our laws.

For these and other reasons, it would have been desirable had the Consul General been provided with powers to make verbal alterations or render explanations, clearly defining the meaning of any phrase, not well understood by the King and his council.

I have further to inform your Lordship, that immediately after the King had ratified the new treaty of the 12th inst., he issued a public proclamation, making known for the guidance of his tribunals that they were to observe its provisions, and that the agreements of 16th November, 1836, and 31st July, 1843, were superseded.

I trust your Lordship will concur in the necessity of that measure to enable our magistrates to know by what treaty they were to decide questions relating to British subjects, the want of which, heretofore, has often led to confusion, and unjust complaints, against these functionaries. To enable them to act rightly, they require that everything should be made plain and simple. The Hawaiian government believing that the articles settled and agreed upon, on the 12th of September, 1843, and in the Convention of the 12th inst., are to be considered as a correct indication of the modifications which the government of Her Britannic Majesty would make to the treaty of the 31st July, 1843, in conformity with the 10th article of that treaty, fully expect that Her Britannic Majesty's government will approve of the preference given, for the immediate purposes of government, to the stipulations which have emanated directly from the source of Sovereign power in Great Britain.

In the doubt of the presence in London, of our Representatives, I feel it my duty on the present occasion, to explain myself thus fully to your Lordship, and to enclose for your information a copy of a letter from Mr. Brown, Commissioner of the United States, dated 14th Feb-

ruary, 1844, protesting against the 3d article of the convention with Great Britain, and copy of my letter to him in reply.

I have the honor to be, with great consideration, my Lord, your Lordship's obedient and humble servant.

Signed, G. P. JUDD.

NO. 38.

Copy of a letter from the Right Honorable the Earl of Aberdeen, to Her Britannic Majesty's Consul General.

FOREIGN OFFICE, July 1st 1844.

SIR:—I have received and laid before the Queen, your despatches from No. 1, to No. 10 inclusive, and I am happy to inform you, that Her Majesty's government, entirely approve the whole of your proceedings relative to the Sandwich Islands as therein reported.

The three letters which Mr. Judd addressed to me, have been received and taken into consideration, and I have to desire that you will express to that gentleman the satisfaction which Her Majesty's government have felt, at the assurance given them, that the mode of settlement of the differences between Great Britain and the Sandwich Islands, which you were instructed to submit, for the acceptance of that government, had not only been acquiesced in by it, but had also been considered and publicly declared just and liberal.

I need not repeat the assurance, which we have already given to the government of the Sandwich Islands, that our only object is to secure the independence and permanent well being of that country, at the same time that we insure to all British subjects, a fair and liberal treatment on the part of the government.

With regard to the modifications which are desired in certain articles of the convention concluded between you and the Sandwich Islands government, and especially those relative to the importation of wines and spirits, and to the mode of selection of the juries, for the trial of British subjects, Her Majesty's government propose to concert with France, for admitting such modifications of those provisions, as may be mutually satisfactory to all parties.

All that the British government desire, is that British subjects, and British interests in general, should be placed upon the same footing with the subjects and interests of other countries, and also, that that footing should be such, as to prevent as far as possible, all future misunderstanding and contention between the respective governments.

You will communicate this despatch to the Sandwich Islands government.

I am Sir, your most ob't humble servant,

Signed, ABERDEEN.

No. 39.

HONOLULU, FOREIGN OFFICE, }
October 31st, 1844. }

SIR:—I have received from the King the agreeable command to express to you His very great personal regard, and His regret that the exigencies of the service of His Majesty the King of Denmark render it impossible that you can prolong your stay at this port.

His Majesty considers that you have been the first, by a solemn treaty, to recognize His independence in all its attributes, without the full admission of which, His Sovereignty, in reality would be an empty name. This you have done, and yet reserved to Danish subjects all the advantages, either now allowed, or that may be hereafter allowed, to the most favored nation. His Majesty will so exercise His sovereignty as to preserve that perfect parity inviolate.

I am commanded to send you, herewith, a case containing one of the Feather emblems of His Kingly rank, in the native language called *Kahiki*. As a curiosity it may have some little value, and as an emblem of sovereignty, it is most appropriately presented to you, who have so delicately respected His Majesty's sovereignty.

I have to add, the best wishes of the King, His Chiefs and Ministers, for your health and happiness; and finally to repeat the assurance of the great personal esteem, and most distinguished consideration with which I have the honor to be Sir,

Your most ob't humble servant.

R. C. WYLLÆ.

To the Chamberlain of H. D. M. }
Capt. STEEN A. BILLE. }

NO. 40.

DEPARTMENT OF FINANCE, }
HONOLULU HOUSE, May 18th, 1852. }

YOUR MAJESTY:—Your servant petitions as follows:

That it will please your Majesty to veto the law, imposing a high duty on sugar, molasses and coffee, the produce of lands that have not entered into treaty relations with Your Majesty.

The grounds of objection to the law are these:

1. The French treaty, section 7, says thus: "The tonnage, import, or other duties, levied on French ships, or on goods imported in French ships, shall not exceed the duties imposed on the ships or duties of the most favored nation. (1)

(1) Quite true, so did the same article of the British treaty of 26th March, 1846, but that has nothing to do with the act which Mr. Judd required the late King to veto. The 6th article of both treaties, alike, expressly confines the restriction of 5 per cent. *ad valorem* duty, and no more, to French merchandise, or merchandise recognized as coming from French possessions, and to British merchandise or goods, recognized as coming from the British dominions, but both treaties impose no limit whatever upon the rate of duties which the King's government might lay upon goods, not French or British, nor recognized, as coming from French or British possessions, ex-

2. The Danish treaty section 7, says the same. (2)

3. The treaty with Hamburgh says the same, (3) and American treaties.

4. The new British treaty says, there shall not be given privileges, rights, or exemptions, of any kind, with respect to commerce and navigation to the people of other countries, or of any Kingdom, that shall not be given, at the same time to the people of Britain and America. (4)

Therefore, if there be imported here, sugar, molasses, or coffee, the product of countries not having treaties with Your Majesty, upon vessels of France, Britain, America, Denmark and Hamburgh, no higher duty than five per cent, can be imposed, in accordance with the usual rule; but the traders are generally of these nations, therefore this law is useless. (5)

Another objection to this law is this:—When France becomes acquainted with this law, they will think of our distress, from pleasure at our difficulty, will not perhaps assent to the new treaty, on a basis as that of America. (6)

Therefore, this law appears to me not at all advisable. (7)

Your servant,

Signed,

G. P. JUDD,

To His most Gracious Majesty KAMEHAMEHA III,

King of the Hawaiian Islands, Palace, House of Nobles. }

cept that in the latter case, French and British ships, or the goods in them imported should not pay a higher duty than that levied upon the vessels or goods of the most favored nation. Under these treaties, the produce of the Phillipine Islands, of China, Japan, Java, Central America, the Brazils, imported therefrom, although in a French or British vessel, could be subjected to a higher duty than 5 per cent. *ad valorem*, if the King's government thought proper to impose it, but not to a higher duty than that levied on the same produce imported under any other flag. Mr. Judd does not seem to have understood the wide difference between the direct import trade and the carrying trade.

(2) The true intention of the 7th article of the Danish treaty, and the fair interpretation thereof is exactly the same. Captain Bille preferred the simple rule that Danish vessels should be allowed to do whatever other vessels of the most favored nation could do, and that the measure of the duties to be levied on goods imported in Danish vessels, should be the rate of duty levied of goods similarly imported, in vessels of the most favored nation.

(3) It is precisely so with the 7th article of the Treaty with Hamburgh.

(4) In that respect the new British and American treaties only stipulated an equality, under equal circumstances with the most favored nation, and this was all that Captain Bille ever meant to ask.

(5) In so saying, Mr. Judd entirely overlooks, or fails to understand the meaning of the words, "*Les marchandises Francaises ou reconnues comme venant des possessions Francais,*" in the French treaty—and the words, "*British merchandise or goods recognized as coming from the British dominions,*" in the British treaty.

(6) Such a suspicion is wholly unworthy of a great, a generous, an enlightened and a Christian nation like France.

France never did, nor can possibly delight in the distress and difficulties of a nation so weak as we are; she readily yielded to our remonstrances to protect ourselves from the evils of intemperance, in allowing us to tax heavily her spirits and wines; and if she seeks now to reduce that duty, it is alleging that the rate imposed by us, is so high as to injure ourselves, by fomenting smuggling and all its concomitant corruptions and

No. 41.

BROOKSIDE, Monday Eve'g 10th May, 1854.

His Ex. R. C. WYLLIE;

There is an argument to be made before chief Justice Lee, tomorrow morning at 10 A. M. on a new case, which involves the construction to be given to article VI of the Danish treaty, and article III of the treaty with the U. S.

It will be contended that goods imported from any port in Danish, or U. S. vessels are only liable to the duties fixed by the treaty with France on like merchandise. It will be expected of me to maintain that the law fixing a higher duty on goods imported from the ports of China, is consistent with the treaty stipulations.

I confess I feel embarrassed in meeting the argument that can be made against me, and fearing I may omit to suggest all of the reasons that may be urged to sustain the right to impose higher duties than 5 per cent. on China goods, I advise you that the question is to be discussed, that you may be present if you please, to suggest to me your views upon the subject or that you may place in my hands a written argument if you have one prepared.

You know what are my views as declared in Privy Council, when the question was once mooted before that body.

Yours respectfully,

ASHER B. BATES.

No. 42.

FOREIGN OFFICE, 17th May, 1854.

DEAR SIR:—By the hands of your son Mr. Dudley, I received this morning, your note of yesterday, informing me that at 10 o'clock this morning, there would be an argument in court, before the King's chief Justice, on certain questions under the VI article of the treaty with Denmark, and the III of that with the U. States, suggesting my attendance in court or the transmission of any opinion I may have prepared thereon, and referring me to one expressed by yourself in the Privy Council.

While thanking you for your courtesy, I would respectfully observe that in view of the 84th article of the constitution, of my duty to the King under the law of nations, and of the judicial attributes justly belonging to His Majesty's chief justice, I do not see that any opinion

immoralities. In taking that ground, of the effect of high duty on spirits, she has in her favor the concurrent opinion of all the political economists of the world, and as I truly believe, our own sad experience since the 26th March, 1846.

(7) As a member of the House of Nobles, Mr. Judd has as much right to state this opinion, as any other member to state a contrary, but where, without the knowledge or consent of his colleagues, he takes upon him to advise the king not to sign an act, regularly passed by a majority of both Houses of the Legislature, he carries his individual pretensions beyond what either right or usage, or common respect to the King, the House of Nobles, and the Representatives of the people can sanction.

Signed,

R. C. WYLLIE.

of mine can be properly introduced into the discussion that is to take place before him.

I have no written opinion prepared nor could I prepare one, without knowing precisely what the questions are, nor can I remember any opinion given by you, in Privy Council upon the subject, although, I remember perfectly well a certain letter addressed to the King by Mr. Judd, to prevent His Majesty from signing the law raising the duties on certain articles, not the produce of countries having treaties with His Majesty.

Of that law, and of the act offering reciprocity in certain special articles to the United States, copies were sent by me, officially, to the government of Denmark, as you can see by the appendix to my report without one word of objection or remonstrance on their part.

The King's chief justice is not likely to disregard either the King's strict faith, under His treaties, or the broad and conspicuous distinctions that those treaties and common sense make between the importation of goods, the produce of, or proceeding from the ports, or possessions of a nation, and the importation of goods *not* the produce of, nor proceeding from the ports or possessions of that nation.

Having in the hurry of departure from Rosebank, left your letter in the pocket of my morning gown, I reply to it from memory, and therefore if I have mistaken its meaning in any part of it, you will be pleased to excuse me.

I remain, dear Sir, yours truly,
Signed,

R. C. WYLLIE.

NO. 43.

We, the undersigned imported this day, in the Danish bark, *Asa Thor*, Colberg master, an assorted cargo from Hong Kong, and upon entering the same, were charged by the Collector General of Customs, with a duty of fifteen per cent *ad val*—which we paid, however under protest, as we do not feel bound to pay any more than 5 per cent.

Our reasons for this protest are as follows:—

1. The Danish treaty with the Islands makes it a special condition that goods imported into this port, in Danish vessels, (except spirits, &c.,) shall not pay more than five per cent. duty, and no rise in this duty, can take place, unless a year's notice is given previous to the law taking effect. The above goods were imported in a Danish vessel, and the law, upon the ground of which the above duty of 15 per cent. was charged, does not comply with the stipulations of the said Danish treaty, as it says in one of its articles that the law shall take effect six months from the date of its passage; which we consider to be unconstitutional and illegal.

2. The above duty of 15 per cent. according to the law, is to be charged on importations from ports in China and the Phillipine Islands. Now these goods per *Asa Thor* were not imported from either of these. They are imported from Hong Kong, which is a British

port. We know several instances in which importers of China goods from other ports than Chinese, or of the Phillipine Islands, viz: San Francisco and Manilla, and Boston, did not pay more than five per cent. duty, in fact the Collector General did not charge any more than five per cent. Now as we consider ourselves, with our cargo from Hong Kong, exactly in the same case as the parties just referred to, we believe to have through this, another reason to protest against the charge of 15 per cent, and confidently expect that this overcharge of 10 per cent. will be repaid to us.

Signed,

MELCHERS & CO.

HONOLULU 26th Sept., 1854.

NO. 44.

HONOLULU, Jan. 12, 1855.

His Ex. His Majesty's Minister of Finance, Honolulu.

SIR:—Nearly four months have elapsed since on the 27th of September last, we handed to you through Asher B. Bates Esq., our reasons for protesting against the Collector General of Custom's charge of 15 per cent. duties on our importations per Danish bark *Asa Thor* from Hong Kong, and for claiming from His Majesty's government the repayment of the overcharge.

No action as yet has been taken upon the matter, and up to this day, we are not informed as to the final decision, on your part, with regard to this claim. Desirous of having it settled, we now take the liberty to address you respectfully, recommending a speedy action upon our claim.

We feel anxious to have the question settled amicably, without going to law against the government;—however, so long a time has passed away without anything having been done, that any more delay would forcibly compel us to bring into court a suit against the Collector General of Customs, for the above amount of 10 per cent. overcharged in duties together with interest on same from the date of its payment until repaid.

Awaiting your decisive reply at your earliest convenience, we are Sir your most respectful servants,

Signed,

MELCHERS & CO.

No. 45.

DEPARTMENT OF FOREIGN RELATIONS, }
HONOLULU, 20th March, 1855. }

SIR:—On the 20th of January last, you handed to me personally, Messrs. Melchers & Co.'s note of the 12th January, which, by its tenor, seems to have been written under counsel of Mr Bates, enclosing their protest, dated 26th December, 1854, against the payment of fifteen per cent. *ad valorem*, levied by this government on an assorted cargo from Hong Kong, imported in the Danish ship *Asa Thor*, in which protest they assert, that the Danish treaty with this Kingdom,

makes it a special condition that goods, imported into this port in Danish vessels shall not pay more than five per cent. duty, and further stipulates that such duty shall not be raised unless to take effect, after a previous notice of one year. Messrs. Melchers & Co. ground their protest, further, upon the fact, that the goods imported by them, were imported from Hong Kong, a port of Great Britain, which has a treaty with this Kingdom, and that consequently, our law raising the duty on the goods of countries having no treaties with this Kingdom, was unjustly applied in their case.

I consider the latter objection as one which has much weight, and so also, the objection upon the previous notice required by our treaty with Denmark; but the groundlessness of the first objection is apparent to any man of sense and grammatical knowledge, who duly weighs the import of the word *can* in the 7th article, with reference to what the most favored foreign nation *could do*, by any treaty or law then existing, and who duly considers the provision made in the VIII article, for the landing of all goods liable to pay a higher duty than 5 per cent. *ad valorem*.

The introduction of the bonding system, which has worked so well in this Kingdom, and the freeing of the King's prerogative, from the restrictions of the 3d and 6th articles, of the treaties with France and Great Britain, were the greatest excellencies of the treaty offered by Captain Steen Anderson Bille, (now Minister of Marine,) on behalf of His Majesty the King of Denmark.

It was the express desire and intention of the brave and magnanimous Dane, to make a treaty liberating the King from all fiscal obligations, contrary to his Sovereign right, and to do so, seeking no exclusive advantage for Danish vessels over the vessels of the most favored nation, either in the direct or the carrying trade, but scrupulously and laudably preserving for Denmark and her ships, perfectly equal rights, in regard to both, in other words, taking care that Danish vessels should be able to do in both the above branches of trade, whatever other vessels of the most favored foreign nation could do, either, at that time, or thereafter.

I return to you herewith, the letter and protest of Messrs. Melchers & Co., above mentioned.

With the highest respect, I have the honor to be Sir,
 your most obedient humble servant,
 Signed, R. C. WYLLIE.

To the Minister of Finance.

NO. 46.

Mr. Wyllie's remarks, to the King and Council in 1850, showing his understanding of different treaties in regard to the distinction between the import and the carrying trade, when submitting Mr. Jarves' Dispatch No. 3, which objected to the exemptions to Whalers in the treaty with the United States:

"The British and French treaties prevent the government from im-

posing any higher duty, than 5 per cent. *ad valorem*, on merchandise or goods, recognized as coming from British or French dominions, but those treaties do not prevent the government from levying a higher duty on goods on board British and French vessels, recognized as not coming from British or French Dominions, but from the dominions of Spain, Central America or any other foreign country not subject to Great Britain or France."

"The VII article of the Danish treaty, and of the Hamburg treaty are to be understood in the same manner, the meaning being that Danish or Hamburg productions coming in Danish or Hamburg vessels, or other goods on board of them, not Danish or Hamburg productions, are not to be prohibited, or pay a higher duty, than the duties which the Government would charge, in the two cases, on a vessel under the most favored foreign flag."

"In this view of the case, supposing a British vessel were to arrive from Calcutta with a cargo on board, worth say \$150,000, of which, \$100,000 were in British and East Indian produce, and \$50,000 the produce of the Phillipine Islands, and from them imported, there is nothing in the British treaty to prevent the government, if they had previously passed such differential laws, to admit the \$100,000 at 5 per cent. *ad valorem*, and the \$50,000 at 10 per cent. *ad valorem*.—The same remarks may be applied to a French, American, Danish or Hamburg vessel, coming partly laden with the productions of its own country, and partly with those of a foreign country, shipped in such foreign country."

"But the government have never acted upon this distinction, and therefore they would lose nothing by acting upon Mr. Jarves' suggestions in his despatch No. 3. Under other treaties such a law would extend to all nations having treaties with this Kingdom."

"In regard to those which have no treaties, there is nothing to prevent the King, were it thought proper, to sanction an enactment, subjecting the vessels and goods of all nations who have no treaties with him, to double the duties and anchorage dues, charged on those which have treaties. It would have some protecting effect upon native grown sugar and coffee within the Islands, but otherwise, the measure would be of dubious policy, and it would be altogether contrary to my ideas of the advantages of a free trade in these Islands, so soon as we can raise a revenue by property taxation."

A

COURT HOUSE, May 16th, 1851.

SIR:—In the case of *R. Coady & Co., versus Warren Goodale, Collector General of Customs*, this day argued in the Supreme Court, involving the validity of the act imposing a duty of 15 per cent. on goods imported from China and the Phillipine Island, the Counsel for the plaintiffs, made the following point:

The Hawaiian government has no power to impose a duty on goods imported in an American vessel from China, higher than 5 per cent.

ad valorem, because, such higher duty would be a direct violation of the seventh article of the treaty with Denmark, and the third article of the treaty with the United States.

In other words, it is contended.

1st. That under the seventh article of the Danish treaty, "no Danish productions, or *other goods* on board of, or imported in Danish ships," can be charged "*more than those duties levied on the goods of the most favored nation.*"

Secondly, That no duty can be levied on the goods of France, (except on spirits and wines,) higher than 5 per cent. *ad valorem*; and consequently, that this fixes the limit of duties to be imposed on goods imported in Danish ships.

Thirdly, That the third article of the treaty with the United States declares that no higher duties shall be paid on goods imported in vessels of the United States, "than shall be payable upon the like goods and articles when imported in the vessels of the most favored nation," and that therefore, the duty of fifteen per cent. claimed in this case on goods imported in an American vessel is in violation of treaty engagements.

As you were the negotiator of the treaty with Denmark, on the part of this government, perhaps you can furnish me with some light, by which to arrive at the true intention of the parties in framing the 7th article of that treaty.

Enclosed, I send you a copy of the bill of complaint and answer filed in this case, that you may the more clearly understand the point at issue.

I have the honor to be Sir, your ob't servant,

WILLIAM L. LEE.

To His Excellency R. C. WYLLIE, etc. etc. etc.

B

Before the Hon. WM. L. LEE, Chief Justice of the Supreme Court, Hawaiian Islands.

Messrs. R. Coady & Co., vs. W. Goodale, Collector of Customs.

The undersigned, your Petitioners would respectfully represent to your honor, that they are Ship Chandlers, and general Commission Merchants, residing, trading and doing business in the town of Honolulu, Island of Oahu, Hawaiian Islands, that as such your said petitioners as aforesaid, on the 30th day of December A. D. 1853, received at the said port of Honolulu on consignment and for sale, five hundred and four boxes, and one hundred cases of teas, said teas being the products of China, and shipped to the undersigned, your petitioners, as aforesaid, from the Port of San Francisco, a city in the state of California, one of the sovereign states of the United States of America, and were imported into this Kingdom in an American bottom a vessel called the brig "Boston," owned by citizens, and sailing under the protection of the flag of the United States.

The undersigned your petitioners, would further respectfully represent, that upon the arrival, or soon thereafter, of the said teas, at the port of Honolulu aforesaid, in the said American brig "Boston," your petitioners proceeded to enter the same, at the office of Customs of the government of the Hawaiian Islands at Honolulu aforesaid, in conformity with the laws of this Kingdom and the regulations of the Collector general of Customs, and tendered to the said Collector in payment of duties on said shipment the sum of eighty-one dollars and fifty cents, the five per cent. on the invoice price of said shipment and other dutiable charges amounting to that sum which the said Collector refused, and demanded in payment of duty on said merchandise an amount equal to fifteen per cent. on the cost at San Francisco, aforesaid of said teas and would not deliver the same to your petitioners, consignees as aforesaid, without the payment of the full fifteen per cent. on the invoice price at San Francisco aforesaid, which said per cent., your petitioners declining to pay, the said invoice of teas is yet in the custody of the Collector of Customs, and has been since the 30th day of December, A. D. 1853, or thereabout.

The undersigned your petitioners, would further respectfully represent to your honor, that they do not feel, that they are in duty bound, under the laws of this Kingdom, and the treaty existing between this government and that of the United States of America, to pay the said fifteen per cent on merchandise, not contraband, imported into this Kingdom from a port in the United States of America, or in a vessel owned by citizens of the United States, and sailing under the flag of that country, from a port of any other country.

Wherefore the undersigned your petitioners, pray that your honor will decree, the delivery by the said Collector of Customs, of the said 504 boxes and 100 cases of teas, to the undersigned, upon the payment by your petitioners of the tariff imposed by the 4th article 1st chapter and 3d part of the Hawaiian Laws entitled "an act to organize the executive department," and such other usual expenses and charges as are incidental to the importation of merchandise into this Kingdom. For which your petitioners are in duty bound and must ever pray,

Signed, R COADY & CO.

by J. D. BLAIR, their Att'y.

Before WM. L. LEE, Chief-Justice of the Hawaiian Islands.

W. Goodale, Collector of Customs, ads. Messrs. R. Coady & Co.

And the defendant by Asher B. Bates, his attorney, comes and defends the wrong and injury when &c., and admits the facts set forth in the plaintiffs' petition, but denies that under the laws and treaties in force in this Kingdom, they are authorized to import goods the produce or manufacture of China, in any vessel from any port of the United States, or from the port of any other country, without the payment of fifteen per cent, duties on the invoice price, and dutiable

charges on the same, and therefore asks that the plaintiffs' petition may be dismissed at their cost.

Signed, ASHER B. BATES,
Att'y for W. Goodale, Collector &c.

We stipulate that the decision of the Chief Justice of the Supreme Court, upon the question submitted, on the above pleadings shall be binding upon the parties.

Signed, J. D. BLAIR,
Att'y for Plaintiffs.

Signed, ASHER B. BATES,
Att'y for Defendant.

C

ROSEBANK, 18th May, 1854.

SIR:—I have received, this day, your letter of the 16th, enclosing a petition from Messrs. R. Coady & Co., against the validity of the act imposing a duty of 15 per cent. on goods imported from China, and the Phillipine Islands, and doing me the honor of requesting me to furnish you with some light by which to arrive at the true intention of the parties in framing the 7th article of the Danish treaty.

With a view to make that true intention apparent, I have to remark that the VIth article of the identical treaties of this Kingdom with Great Britain and France, of the 26th March, 1846, rendered it unlawful for the King's government to prohibit or impose any higher duty than five per cent. *ad valorem* on the merchandise of Great Britain or France, or on the goods or produce recognized as coming from British or French possessions, excepting only, wines, brandies, or other spirituous liquors. But that article imposed no restriction whatever on the rate of duty on merchandise, neither of Great Britain or France, nor coming from British or French possessions.

The only restriction on the importation of goods, the produce of, or coming from foreign countries, though under the British or French flag, is to be found in the VII article of said treaty and was no more than this, that the rate of duty on Foreign goods so imported should not be higher than the rate on the same foreign goods imported in the vessels of the most favored nation, and that the charge on the British and French vessels so importing foreign goods, should not be higher than those imported on the vessels of the most favored nation, importing them in like manner.

Thus under these treaties, there was nothing to prevent the King's government from enacting a subsequent law imposing a duty of 15 30, or even 50 per cent., on goods the produce of, or coming from the ports of China, of the Phillipine Islands, or any other foreign possessions, although such goods should be conveyed to our ports in British or French vessels.

The VII article of the Danish treaty of 19th October, 1846, was intended so far to condense the purport of the VI, and VII articles of the British and French treaties, into one, subjecting both the *direct*

and the carrying trade of Denmark, to the simple rule of *what could, or could not be done* by the ships of other foreign nations. Now, the ships of no foreign nation could by any treaty then existing, claim the right to import the goods or produce of China, or of the Philippine Islands, paying only a duty of five per cent. *ad valorem*; and no nation whatever, being so favored, Denmark could not claim it, for all that she aimed at, in the VII article, is a strict and *bona fide* parity with the most favoured foreign nation.

The same argument applies precisely to the III article of the treaty with the United States of the 20th December, 1849, the more especially as the word *legally* is to be understood as of a wide and important significance.

For the reasons stated above, I can see no invalidity whatever in the act of 24th May, 1853, establishing increased import duties on certain kinds of merchandise, so far as the King's faith under any foreign treaty is concerned, unless it be in section 4 which provided that the act should take effect in 6 months, in place of 12 months, as stipulated for in the said article of the Danish treaty.

But, if after considering the whole case, by the rule of your own good judgment, there should be even the faintest question of national faith in the matter which has been argued, I wish you to consider my opinion hereon expressed as of no weight whatever, for small as we are physically, the only thing in which we can be great, is our scrupulous regard to *public faith*, to *honor*, to *honesty*, and to *truth*.

With the highest respect I have the honor to be Sir, your
most obedient humble servant,

Signed, R. C. WYLLIE.

P. S.—It may not be irrelevant to request your perusal of the draught of my despatch of the 17th July, 1852, to the Minister of Foreign Affairs at Copenhagen, which I enclose, which contains my view of the general character of the treaty with Denmark, after perusal you will be pleased to return it to me. Signed, R. C. WYLLIE.

NO. 47.

FOREIGN OFFICE, 3 March, 1855.

No. 1. SIR:—While acting for you, by permission of the late King during your absence, in a despatch addressed by me to the Minister of Foreign Affairs, of His Majesty the King of Denmark under date of 17th July, 1852, I had the honor to write to His Excellency as follows, viz:

“California and Oregon the chief markets for the Islands, are not likely, hereafter, to take more than our sugar, molasses and coffee. On account of the high rate of interest for money and deficiency of labor, the coffee from Central America, Manila, and Java can be laid down cheaper in Oregon and California, than the similar products of this Kingdom. With a view to obviate these disadvantages, the King passed the order in council—offering to the United States, a special re-

reciprocity, in certain special articles, of which I enclose copy, and also the act establishing differential duties on the sugar, molasses and coffee, of nations not having treaties with this Kingdom, of which, I also enclose copy."

"It is not as yet known whether the government of the United States will agree to these conditions on which the reciprocity was offered, which are equally open, in regard to the articles mentioned, to all other nations having treaties with this Kingdom."

"How far the protection sought for in the second act will answer the purpose of the planters who petitioned for it, seems to me extremely doubtful. The act will not effect foreign nations having treaties with this Kingdom, except in their carrying trade, and in that, it will equally effect all, without distinction of flag."

In so informing the Minister of Foreign Affairs, my intention was to bring those acts under the cognizance of His Excellency in order that he might have an opportunity of comparing them with the existing treaty with Denmark, and of stating his objections, if he had any.—And the special object of this despatch to you is to inquire, if you have received any communication, acknowledging the receipt of that despatch, and making any comments or any objections to the acts specially referred to.

With the highest respect and consideration, I have the honor to be
Sir, your most obedient humble servant.

Signed, R. C. WYLLIE.

LOUIS H. ANTHON Esq., }
H. D. M.'s Consul. }

NO 48.

H. D. M.'s CONSULATE, }
HONOLULU, 12th March, 1855. }

No. 1. SIR:—In reply to Your Excellency's despatch of 3d inst., I have the honor to state, that I am without any communication, acknowledging the receipt of the despatch to my government, which Your Excellency mentions.

With the highest respect I have the honor to be Your Excellency's
most obedient servant,

Signed, L. H. ANTHON.

To His Excellency, R. C. WYLLIE, }
Minister of Foreign Relations. }

NO. 49.

DEPARTMENT OF FOREIGN RELATIONS, }
HONOLULU, 13th March, 1855. }

No. 2. SIR:—I have the honor to thank you for the information conveyed in your reply of yesterday to my despatch No. 1, that you have received no acknowledgement from Denmark, of my communication to His Excellency the Minister of Foreign Affairs, of the 17th July, 1852.

In case an official reference to His Excellency should become necessary, I beg of you the further favor of your making known, whether any captains or supercargoes of Danish vessels, or others, have made any complaint to you, of duties levied, in any way, or in any case, by the King's government, which the treaty with Denmark does not allow to be levied, and if you have forwarded any representations on that subject, to the Department of Foreign Affairs.

Allow me to add that if ever I have been sensitive upon any point more than another, it has always been to maintain the most scrupulous good faith with the Kingdom of Denmark, as the first nation in the world that rendered the King of these islands the great and important service of affording a conventional ground for the liberation diplomatically, of the King's prerogative, from the restrictions in the III and VI articles of all treaties, properly so called of date anterior to the date of the treaty which I had the honor to negotiate with the brave Captain Steen Anderson Bille, (now Admiral I believe,) of His Danish Majesty's ship "Galathea."

With the highest respect and consideration, I have the honor to be
Sir, your most obedient humble servant

Signed, R. C. WYLLIE.

LOUIS H. ANTHON, Esq., }
H. D. M.'s Consul. }

NO. 50.

H. D. M.'s CONSULATE, }
HONOLULU, March 14th 1855. }

No. 2. SIR:—I have the honor to acknowledge the receipt of Your Excellency's despatch No. 2, of yesterday's date, in which Your Excellency desired me to make known, whether in case an official reference should become necessary, to the Danish Minister of Foreign Affairs, any Captains or Supercargoes of Danish vessels, or others, have made any complaint to me, of duties levied in any way, or in any case, by the King's government, which the treaty with Denmark does not allow to be levied, and if I have forwarded any representations on that subject to the Department of Foreign Affairs.

I have to reply that there has been only one instance of any application being made to me on the subject of duties, and that not in the form of a complaint.—Capt. Colberg of the Danish bark "Asa Thor" lately requested me to pay, under protest, the extra duty of 10 per cent. upon some goods, which he had imported from Hong Kong, with a view to place himself in the same position as other importers of this city, should it hereafter be decided, that the Danish treaty could be so construed as to admit of their goods being entered at the general minimum duty of 5 per cent.

In further answer to Your Excellency's inquiries, I can state that I have never forwarded any representations on this subject to the department of Foreign Affairs of my government.

Thanking Your Excellency for the friendly allusion you have made to my government, as being the first to acknowledge the King's prerogative in the treaty negotiations between Yourself and Steen Anderson Bille, I have the honor to remain with the highest respect,

Your Excellency's most obedient and humble servant,

L. H. ANTHON.

To His Excellency R. C. WYLLIE, }
Minister of Foreign Relations. }

No. 51.

[OFFICIAL COPY.]

TREATIES WITH DENMARK AND HAMBURG.

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

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

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

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

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

5. In all ports and places where there may exist no recognized consul or consular agent of Denmark or Hamburg, the above notices shall be dispensed with, except where the proceedings are appealed against according to law, by any subject of Denmark or citizen of Hamburg, in which cases, the local authorities are to report the case to the minister of foreign relations in Honolulu, and it shall be incumbent on him, with the least possible delay, to notify in writing, the consul of Denmark or Hamburg, as the case may be.

6. A copy of these practical rules shall be submitted to the governments of Hawaii, Denmark and Hamburg for their approval, but they shall take effect ad interim in this Kingdom after their approval by the King.

Done at Honolulu, this 25th day of January, 1848.

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

[L. S.]

Approved. KAMEHAMEHA.

KEONI ANA,

PALACE, January 27, 1848.

E. A. SUWERKROP,
Royal Danish Consul, Consul and Plenipotentiary for the Republic and free Hanseatic City of Hamburg.

[L. S.]

No. 52.

PREAMBLE.—*The United States of America and His Majesty the King of the Hawaiian, or Sandwich Islands, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States, and regulating the commercial intercourse between them, have agreed to enter into negotiations for the conclusion of a treaty of amity, commerce and navigation, for which purpose, they have appointed Plenipotentiaries, that is to say,*

NEGOTIATIONS.—The President of the United States of America, has conferred full powers on Charles Eames appointed commissioner of the United States to the Sandwich Islands; and His Majesty, the King of the Hawaiian or Sandwich Islands, has conferred like full powers on Gerrit Parmile Judd, his said Majesty's Minister of Finance and special commissioner and plenipotentiary extraordinary to the United States; and the said plenipotentiaries having met at San Francisco in California, on their routes respectively to the Sandwich Islands and to the City of Washington, and having exchanged their full powers, found in good and due form have concluded and signed the following articles:

ARTICLE I.

There shall be reciprocal liberty of navigation and commerce between the United States of America and the Kingdom of the Hawaiian or Sandwich Islands.

No higher or other duty of customs or other impost shall be imposed on the importation into the Sandwich Islands of any goods or articles of the growth, produce or manufacture of the United States, and no higher or other duty of customs or other impost shall be imposed on the importation into the United States of any articles of the growth produce or manufacture of the Sandwich Islands, than are or shall be imposed upon the like goods or articles being of the growth, produce or manufacture of any other foreign country.

No other or higher duties or charges shall be imposed in the Sandwich Islands, on the exportation of any articles to the United States,

or in the United States on the exportation of any articles to the Sandwich Islands, than such as are or shall be payable on the exportation of the like articles to any other foreign country.

No prohibition shall be imposed on the exportation or importation of any articles, of the growth, produce or manufacture of the United States, or of the Sandwich Islands, to or from the ports of the said Islands or of the said United States, which shall not equally extend to all other nations; and the United States of America, and His Majesty the King of the Kingdom of the Sandwich Islands do hereby engage, that the subjects or citizens of any other state or nation shall not enjoy any favor, privilege, or immunity, whatever, in matters of commerce and navigation which shall not also and at the same time be extended to the subjects or citizens of the other high contracting party, gratuitously if the concession in favor of that other state shall have been gratuitous, and in return for a compensation, as nearly as possible of proportionate value and effect, if the concession shall have been conditional.

ARTICLE II.

All goods and articles of the produce or manufacture of either country, which can be legally imported into either country from the other in ships of the other country, and thence coming, shall, when so imported, be subject to the same duties, and enjoy the same privileges, whether imported in ships of the one country, or in ships of the other, and in like manner, all goods, and articles which can legally be exported or re-exported from either country to the other, in ships of that other country, shall, when so exported or re-exported, be subject to the same duties, and be entitled to the same privileges, drawbacks, bounties, and allowances; whether exported in ships of the one country, or in ships of the other; and all goods and articles, of whatever description, not being of the produce or manufacture of the United States, which can be legally imported into the Sandwich Islands, shall when so imported in vessels of the United States pay no other or higher duties, imposts, or charges than shall be payable upon the like goods, and articles, when imported in the vessels of the most favored foreign nation other than the nation of which the said goods and articles are the produce or manufacture.

ARTICLE III.

No duties or charges of tonnage, harbor, lighthouses, pilotage, quarantine or other similar duties, of whatever nature, or under whatever denomination, shall be imposed in either country upon the vessels of the other, in respect of voyages between the United States of America and the Sandwich Islands, if laden, or respect of any voyage, if in ballast, which shall not be equally imposed in the like cases on national vessels.

ARTICLE IV.

It is hereby declared, that the stipulations of the present treaty are

not to be understood as applying to the navigation and carrying trade between one port and another, situated in the states or territories of either contracting party, such navigation and trade being reserved exclusively to national vessels; vessels of either country, shall however be permitted to load or unload the whole or part of their cargoes, at one or more ports of the states or territories of either of the high contracting parties, and then to proceed to complete the said loading or unloading at any other port or ports in the same state or territories.

ARTICLE V.

Neither of the two governments, nor any corporation or agent acting in behalf or under the authority of either government, shall, in the purchase of any article which, being the growth, produce, or manufacture of the one country, shall be imported into the other, give, directly or indirectly, any priority or preference on account of, or in reference to, the national character of the vessel in which such article shall have been imported, it being the true intent and meaning of the high contracting parties that no distinction or difference whatever shall be made in this respect.

ARTICLE VI.

Steam vessels of the United States which may be employed by the government of the said states, in the carrying of their public mails across the Pacific Ocean, or from one port in that Ocean to another, shall have free access to the ports of the Sandwich Islands, with the privilege of stopping therein to refit, to refresh, to land passengers and their baggage, and for the transaction of any business pertaining to the public mail service of the United States, and shall be subject in such ports to no duties of tonnage, harbor, lighthouses, quarantine or other similar duties of whatever nature or under whatever denomination.

ARTICLE VII

The whaleships of the United States shall have access to the ports of Hilo, Kealakekua and Hanalei in the Sandwich Islands for the purposes of refitment and refreshment, as well as to the ports of Honolulu and Lahaina, which only are ports of entry for all merchant vessels; and in all the above named ports, they shall be permitted to trade or barter their supplies or goods, excepting spirituous liquors, to the amount of two hundred dollars, *ad valorem* for each vessel, without paying any charge for tonnage or harbor dues of any description or any duties or imposts whatever upon the goods or articles so traded or bartered. They shall also be permitted, with the like exemption from all charges for tonnage and harbor dues, further to trade or barter, with the same exception as to spirituous liquors, to the additional amount of one thousand dollars *ad valorem*, for each vessel, paying upon the additional goods, and articles, so traded and bartered, no other or higher duties, than are payable on like goods, and articles,

when imported in the vessels and by the citizens or subjects of the most favoured foreign nation. They shall also be permitted to pass from port to port of the Sandwich Islands, for the purpose of procuring refreshments, but they shall not discharge their seamen or land their passengers in the said Islands, except at Lahaina and Honolulu; and, in all the ports named in this article, the whaleships of the United States shall enjoy in all respects, whatsoever, all the rights privileges and immunities, which are enjoyed by, or shall be granted to, the whaleships of the most favored foreign nation. The like privilege of frequenting the three ports of the Sandwich Islands, above named in this article, not being ports of entry for merchant vessels, is also guaranteed to all the public armed vessels of the United States. But nothing in this article shall be considered as authorizing any vessel of the United States, having on board any disease usually regarded as requiring quarantine, to enter, during the continuance of such disease on board, any port of the Sandwich Islands, other than Lahaina or Honolulu.

ARTICLE VIII.

The high contracting parties engage, in regard to the personal privileges, that the citizens of the United States of America shall enjoy in the dominions of His Majesty the King of the Hawaiian or Sandwich Islands and the subjects of His said Majesty in the United States of America, that they shall have free and undoubted right to travel and to reside in the states of the two high contracting parties, subject to the same precautions of police which are practised towards the subjects or citizens of the most favored nations. They shall be entitled to occupy dwellings and warehouses, and to dispose of their personal property of every kind and description, by sale, gift, exchange, will, or in any other way whatever, without the smallest hinderance or obstacle; and their heirs or representatives, being subjects or citizens of the other high contracting party, shall succeed to their personal goods, whether by testament or *ab intestato*; and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at will, paying to the profit of the respective governments such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the heir and representative, such care shall be taken of the said goods as would be taken of the goods of a native of the same country in like case, until the lawful owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are.

They shall not be obliged to pay, under any pretense whatever any taxes or impositions, other or greater than those which are paid or may hereafter be paid, by the subjects or citizens of the most favored nations, in the respective states of the high contracting parties.

They shall be exempt from all military service, whether by land or by sea; from forced loans, and from every extraordinary contribution not general and by law established.

Their dwellings, warehouses, and all premises appertaining thereto, destined for purposes of commerce or residence, shall be respected. No arbitrary search of, or visit to, their houses, and no arbitrary examination or inspection whatever of the books, papers, or accounts of their trade shall be made, but such measures shall be executed only in conformity with the legal sentence of a competent tribunal; and each of the two high contracting parties engages that the citizens or subjects of the other, residing in their respective states, shall enjoy their civil rights, their property and personal security, in as full and ample manner as their own citizens or subjects, or the subjects, or citizens of the most favored nation.

ARTICLE IX.

In respect to the right to acquire and hold lands, tenements and real property of every description whatsoever, and to dispose of the same at will, by testament, sale, donation, or otherwise, the citizens and subjects of each of the high contracting parties shall enjoy, respectively in the country of the other, all the rights, privileges and immunities, which shall be enjoyed by or granted to the citizens and subjects of the most favored foreign nations; and their heirs and representatives, being subjects or citizens of the other high contracting party, shall succeed to their said real property of every description, whether by testament or *ab intestato*; and may take possession thereof by themselves, or by others acting for them, and hold, or dispose of, the same, at will, paying to the profit of the respective governments, such dues only as the inhabitants of the country where the said property is, shall be subject to pay in like cases. *Provided* however that nothing in this article shall be so construed or understood, as to contravene or in any way affect the validity of any general provisions in the laws of either country, regulating, restricting, or prohibiting the acquisition of such real estate, by aliens, in any other manner than by the right of succession or inheritance herein secured.

ARTICLE X.

The citizens and the subjects of each of the two high contracting parties shall be free in the states of the other to manage their own affairs themselves, or to commit those affairs to the management of any persons whom they may appoint as their broker, factor or agent; nor shall the citizens and subjects of the two high contracting parties be restrained in the choice of persons to act in such capacities, nor shall they be called upon to pay any salary or remuneration to any person whom they shall not choose to employ. Absolute freedom shall be given in all cases to the buyer and seller to bargain together, and to fix the price of any goods or merchandise imported into, or to be exported from the states and dominions of the two high contracting parties; save and except generally such cases wherein the laws and

usages of the country may require the intervention of any special agents in the states and dominions of the high contracting parties. But nothing contained in this or any other article of the present treaty shall be construed to authorize the sale of spirituous liquors to the natives of the Sandwich Islands farther than such sale may be allowed by the Hawaiian laws.

ARTICLE XI.

Each of the two high contracting parties, may have, in the ports of the other, consuls, vice consuls, and commercial agents, of their own appointment who shall enjoy the same privileges and powers as those of the most favored nations; but if any such consuls shall exercise commerce, they shall be subject to the same laws and usages to which the private individuals of their nation are subject in the same place. The said consuls, vice consuls, and commercial agents are authorized to require the assistance of the local authorities for the search, arrest, detention, and imprisonment of the deserters from the ships of war and other vessels of their country. For this purpose, they shall apply to the competent tribunals, judges, and officers and shall in writing demand the said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews, and this reclamation being thus substantiated, and the proper and lawful charge for their apprehension being defrayed, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice consuls, or commercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessel to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. But if not sent back within six months from the day of arrest, or if all the expenses of such imprisonment are not defrayed by the party causing such arrest and imprisonment they shall be set at liberty, and shall not be again arrested for the same cause.

However, if the deserter should be found to have committed any crime or offense, his surrender may be delayed until the tribunal, before which his case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE XII.

If any ships of war or other vessels be wrecked on the coasts of the states of either of the high contracting parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored with the least possible delay, to the proprietors, upon being claimed by them, or their duly authorized factors, and if there are no such proprietors or factors on the spot, then the said property, or the proceeds

thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Hawaiian consul or vice consul in whose district the wreck may have taken place; and such consul, vice consul, proprietors, or factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage, and expenses of quarantine which would have been payable in the like case of a wreck of a national vessel; and all goods and merchandise saved from the wreck shall not be subject to duties, unless destined for consumption, it being understood that in case of any legal claim upon such wreck, goods or merchandise, the same shall be referred for decision to the competent tribunals of the country.

ARTICLE XIII.

The merchant vessels of each of the two high contracting parties which may be forced by stress of weather or other cause into one of the ports of the other, shall be exempt from all duty of port or navigation paid for the benefit of the state, if the motive which led to take refuge be real and evident, and if no operation of commerce be done by loading or unloading merchandise; well understood, however, that the loading or unloading, which may regard the subsistence of the crew, or be necessary for the reparation of the vessel, shall not be considered operations of commerce, which lead to the payment of duties, and that the said vessels do not stay in port beyond the time necessary, keeping in view the cause that led to taking refuge.

ARTICLE XIV.

It is agreed that perfect and entire liberty of conscience shall be enjoyed by the citizens and subjects of both the contracting parties, in the countries of the one and the other, without their being liable to be disturbed or molested on account of their religious belief. But nothing contained in this article shall be construed to interfere with the exclusive right of the Hawaiian government to regulate for itself the schools which it may establish or support within its jurisdiction.

ARTICLE XV.

The present treaty shall be in force from the date of the exchange of the ratifications, and for the term of eight years, and further, until the end of twelve months after either of the high contracting parties shall have given notice to the other of its intention to terminate the same, each of the said high contracting parties reserving to itself the right of giving such notice at the end of the said term of eight years, or at any subsequent term.

ARTICLE XVI.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by His Majesty the King of the kingdom of the Hawaiian Islands, and the ratifications shall be

exchanged at Honolulu, at the expiration of ten months from the date of its signature, or sooner if possible.

In witness whereof, the respective plenipotentiaries have signed the same, and have affixed thereto their seals.

Done in quadruplicate at San Francisco the twenty second day of October, in the year one thousand eight hundred and forty-nine.

GERRIT PARMILE JUDD. [L. S.]

CHARLES EAMES. [L. S.]

No. 53.

DEPARTMENT OF FOREIGN RELATIONS, }
HONOLULU, 19th December, 1849. }

No. 46. SIR:—Referring you to No. 45 of the 6th instant, I have the honor to inform you that the draft of a treaty negotiated between you and Mr. Commissioner Eames, in San Francisco, has been considered, article by article, by a special committee, and afterwards by the King and Council, and that the general principles, so far as they understand them, with the undermentioned exceptions are approved of.

But reverting to your instructions to the United States, Great Britain and France, I have to state, it is exceedingly desirable that the treaty with the United States should be so framed as to be admissible by the governments of Great Britain and France, and all other maritime and mercantile nations. Without this perfect uniformity of conventional right, there must always be so much jealousy and distrust among foreign nations in relation to these Islands, as to engender difficulties and perhaps danger to the King's independence. Under the same sense of duty to the King it is wished that the first article of a treaty with the United States should be the first of the draft enclosed in your instructions marked A. From the terms in which you express yourself in your despatch No. 6, and unofficial letters therewith, already acknowledged, it is inferred that both you and Mr. Eames then entertained the hope of materially improving the treaty in those respects at Washington and of eliciting from the government of the United States, such a declaration in regard to these Islands, as may be equivalent to the joint declaration of Great Britain and France, and as may tend to discourage any attempt against the King's independence, that may be made by parties hoping to obtain the admission of the Islands into the Union, or their annexation to it.

The following are their remarks on said draft, made by the committee aforesaid, and approved by the King and council:

* Art. 1. Good, but verbose.

Art. 2. " " "

Put both into a short article of 12 lines making duties reciprocal.

Art. 3. All one sided. The U. S. will do all our carrying and will

* What follows is a literal transcript of the remarks of the Special Committee.

reap all the benefit, both in the United States and the Sandwich Islands.—It will utterly destroy our mercantile marine. Why not say after the word “ballast,”

“Which shall not be equally imposed in the like cases on vessels of the most favored foreign nation.”

Art. 4. Good. No objection.

Art. 5. Superfluous. Why say anything about government purchases? On what particular facts, or on what existing circumstances is the article based? We can see no call for it, and as we understand it, it could lead to nothing good.

Art. 6. No objection.

Art. 7. Amend this article by making an exception as to pilotage. Let that part relating to the exemption of whale ships from tonnage, harbor dues &c., read as follows, viz:

Without paying any charge for tonnage or harbor dues of any description excepting pilotage.

Again, the last section of the article, as it now stands, would allow vessels having on board any disease usually regarded as requiring quarantine, to enter Lahaina or Honolulu. I know this was not the sense intended by you or Mr. Eames, but such is the only plain construction it would bear. Therefore strike out “*other than Lahaina or Honolulu,*” or otherwise alter it, so as to make clear your true meaning.

Art. 8. Very loose in language. While it might do in the United States, it never could exist here without drawing us into endless difficulties

For instance, that paragraph which says: *Their dwellings, warehouses and all premises appertaining thereto &c shall be respected. No arbitrary search of, or visit to, their houses &c.* Under this, our officers could never, however strong the grounds, enter any premises of any citizen of the United States to arrest a criminal, until after judicial sentence. That word “sentence” is a very unfortunate one.

Also under the clause of this article, which says the citizens of the United States “shall enjoy their civil rights, their property, and personal security, in as full and ample manner &c,” the citizens of the United States would claim to hold their lands in fee simple &c., notwithstanding the subsequent articles. It is in the opinion of all, infinitely more loose than the 2d article of the existing treaty with France and Great Britain. It is too long and should be materially modified.

Under this article we could not enter to search for smuggled goods nor any drinking or gambling house, without first obtaining the sentence of some competent judicial tribunal.

Art. 9. No objection. It is to be wished, however, that it should be the subject of Legislation, rather than of treaty.

Art. 10. We foresee many difficulties, that might grow out of this article in the Sandwich Islands, while none could grow out of the same in the United States, owing to the different circumstances of the two countries. It is questionable under this article, whether we could

appoint receivers and other agents to manage and settle up bankrupt estates &c., &c. It is the general opinion that this article is uncalled for, by anything that ever has happened in the Islands and ought not to stand. This article in native is clearer, and the same may be said of most of the articles; but of course the English will govern, as you understood both languages, and Mr. Eames but the English.

Art. 11. The following are some objections to this article:

1. In the second paragraph the word "require" is objected to, and the following amendment proposed.

"The said consuls, vice consuls, and commercial agents shall be entitled to call for and receive, &c."

2. In next sentence of the same paragraph, it is proposed to insert the words "shall in writing apply for," in place of the words "shall in writing demand," and further on, in the same sentence, to insert in the place of the words "and this reclamation," the words "and this application &c."

3. It seems to us, that under this article, the consuls, vice consuls, and commercial agents, might keep deserting sailors in prison, for six months at our expense. When at the expiration of the six months imprisonment we call upon the consul for the expense of keeping deserters, will he not say "turn them loose, I cannot pay you." We think he will, and we shall thus be subjected to a severe tax, for keeping the deserting sailors of other nations, from whom we receive no good.

Art. 12. No objection.

Art. 13. The government prefer to have this article omitted, but, in case it should be thought to be very important by the United States, then let a more simple article be substituted therefor. For instance the following:

Art. 13. The merchant vessels of each of the high contracting parties, which may be forced by distress into any port of the other, shall be exempt from all tonnage or harbor dues. Provided always that in case any such vessels shall sell any goods or merchandise in such port, she shall pay the same duties thereon, as if she had entered said port for the purposes of trade.

Art. 14. Why say anything about religion in a treaty, when our laws, already allow of the widest toleration. There is no special objection to the article, but it is thought to be wholly uncalled for.

Art. 15. No objection.

Art. 16. * " "

Where the words any other nation occur, the most favored nation is meant of course, and in all treaties, the words used ought to express clearly and precisely the true and full meaning of the negotiators.

Under the VIII article, the right to come to, travel and reside in the Islands is too unconditional, especially in their present circum-

* Here end the remarks of the Special Committee.

stances, where so much is to be apprehended, from an influx of bad foreigners. It is desirable to encourage the ingress of good, but equally desirable to discourage that of the bad, and not to negotiate away the right to require passports, certificates of character &c., or that of the summary expulsion of such characters as may be deemed dangerous to the country. A Kingdom so weak, and so liable to be assailed, would rather require extra powers for its protection, than to have less jurisdiction over foreigners than other stronger independent nations. In the 11th article, it would be desirable to define particularly the powers of Foreign Representatives and consuls, so as to prevent them from interfering in the internal economy of the government, in cases pending before and not yet decided on by the tribunals of the country, and in the religion and education of the King's subjects.

As all treaties confer rights according to their wording, and as doubts will ever arise in regard to the intent and true meaning of words, it will save much future trouble and perhaps danger, to include in every treaty to be negotiated, an article expressly providing for the determination of all differences of opinion arising out of it; by the arbitration of such other friendly powers, as may have subscribed to a similar treaty.

In regard to a postal arrangement with each of the three nations, and their adoption of a treaty, precisely to the same intent and effect, you are referred to the instructions marked A, B, and C. As a preliminary to the negotiation of any treaty it might be well to submit an abstract of what this government requires, framed from such instructions, adding what may appear to you, in your own good judgement and discretion, to be useful, and endeavoring to persuade the plenipotentiary with whom you negotiate, to adopt his draft as closely as possible to such suggestions, and as a general rule it would be well to omit from all treaties, such reforms in the laws, and administrative policy of the government, as the King ought to take the credit of, by voluntary legislation.

In conclusion, it is a cardinal point, to obtain a uniformity in the treaties that are to subsist between this government, on the one part, and the United States, Great Britain, France, and all other maritime and commercial nations, on the other side, and if possible to bind them all to respect the King's neutrality, in what wars may arise, and under no pretence whatever, to encourage or sanction any attempt to overthrow the King's government, or to take possession of any, or of any part of any of His Islands.

Whether we succeed in obtaining this or not, it is our duty to the King, our sovereign Lord, to attempt it, and if we do not attempt it, by every means and influence in our power, we shall fail in that duty.

With a view to this cardinal point, even after negotiating a treaty with the United States, notwithstanding the delay, it might be well to have it understood that after its submission to the government of Great Britain and France &c., if any modification should be insisted upon,

to obtain the uniformity required, such modification should be discussed between the said governments, before such treaties are finally ratified by the King here. For you must know well that whatever treaty you may frame with the United States, solely, under the second article of the other subsisting treaties, all and every one of the rights and privileges conferred, will at once become extended to all the nations, with which such treaties are made, without any condition whatever, which would leave us in a worse position than we are in at present.

Very sincerely believing that you will spare no effort to avert such a result, I have the honor to be,

Sir, your most obedient humble servant,

Signed,

R. C. WYLLIE.

To His Excellency G. P. JUDD,
H. H. M.'s Special Commissioner, and
Plenipotentiary Extraordinary, London.

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NO. 54.

DEPARTMENT OF FOREIGN RELATIONS, }
HONOLULU, 1st April, 1850 }

No. 26. SIR:—Referring to my despatch No. 25, of 10th March, I have the honor to inform you that the treaty and your despatches therein acknowledged have been laid before, and carefully interpreted to the King in Council.

I have it in command to reply to you that in regard to all the articles in the treaty of the 20th of December, that are identical with corresponding articles in the treaty on the 22d of October, negotiated between Mr. Eames and Mr. Judd, the King and His government retain the views communicated to Mr. Judd in my despatch, No. 46 of the 19th December of which copy has been sent to you. You are so to make known to the Honorable Secretary of State, Mr. Clayton, but you are to do so coupled with the assurance, on behalf of the King that in view of your No. 3, of 6th December, fully relying that the government of the United States will give the most liberal construction to any article in the treaty that it is susceptible of, and consent to what future modification, experience may recommend as desirable for the more independent and beneficial exercise of His Majesty's authority, and as practicable without prejudice to any American interest or to that perfect parity with other nations which His Majesty desires for the United States to its fullest extent, His Majesty will ratify the treaty as it stands, so soon as he knows that it has been duly ratified in the United States.

The views of Mr. Clayton that the navigation laws of this Kingdom confine the importation of American merchandise to American bottoms, is correct only so far, as that this is the true interpretation of the sixth article of the British and French treaties of the 26th March, 1846, that article does not prevent this government from levying a

higher duty than 5 per cent. *ad valorem* on goods on board British or French vessels, recognized as not coming from British or French dominions, but from the dominions of say Spain, Central America, and other foreign countries, not subject to Great Britain or France. And the seventh article of the Danish and Hamburg treaty is to be understood in the same manner, the meaning being that Danish or Hamburg productions coming in Danish or Hamburg vessels, or goods on board of such vessels, not Danish or Hamburg productions are not to be prohibited or pay a higher duty, than the duties which the government would charge, in the two cases, on a vessel under the most favored foreign flag. This government understand exactly in the same light, the third article of the treaty of Washington. But the King has never exercised His right under the four former treaties, to decree any discriminating duties, and an enactment will be recommended to the legislature, to the effect, that the importation of all goods in American vessels, whether of American origin or foreign origin, shall be lawful, at precisely the same rate of duty, which rate shall not be higher than that levied on the goods of the most favored foreign nation. His Majesty hopes that in view of such an enactment, the President of the United States will at once reciprocate, by extending the same privilege to vessels under the Hawaiian Flag.

The King as you are well aware, has always complained of a want of reciprocity in the treaties with Great Britain and France, whose fiscal laws impose very high duties upon the sugar, coffee and other produce of His Islands, while their own productions, excepting only spirits and wines, of a given strength, come into this Kingdom at the extremely low duty of *five per centum ad valorem*. So long as this inequality exists with those nations, by express treaty, the same will extend, practically to the treaty of Washington.

The effect of this inequality is very oppressive upon this young and poor Kingdom, but His Majesty attaches full credit to what you communicate respecting the willingness of the government of the United States to reciprocate with His Majesty in that important respect were it not for their engagements with other nations.

Nevertheless, the King believes that the government of the United States, without relinquishing any right of present parity, with other nations, may exert with Great Britain and France an influence leading them to leave His Majesty, prospectively, as unfettered in His power to raise a revenue, in His own way, as they are themselves.

In this belief, His Majesty is warranted, both from the disinterested regard which the United States government has always shown to the welfare of this Kingdom, and also their appreciation of the value of the exemptions to whale ships, voluntarily granted by this government, by an enactment dated 15th June, 1847. Although the enactment literally applies equally to the whale ships of all nations, yet, practically owing to the greater number of their vessels, the United States are the nation most benefited. Estimating the exemptions by the number of American whalers that of late years have refreshed at this

port, and at Lahaina, their yearly value may, not unfairly be set down at \$25,000, which is more than one fifth of the whole revenue of the Islands, on an average of the four years from 1845 to 1848 both inclusive.

The treaty of Washington renders that voluntary enactment permanent for ten years, however ill the King may be able to afford so great a loss to His revenue. I need not say that this was not contemplated when the act was passed, nor add that any failing in the revenue, would be a serious embarrassment to this government, which, notwithstanding its penury has undertaken the support of education throughout the whole Islands. Taking the average cost of the education of each scholar, for the last year, 25,000 dollars would pay the yearly cost of the education of 17,800 and odd scholars. This fact alone, will not be without its weight with the rich and philanthropic governments of the United States, Great Britain and France, in inducing them to concur in the establishment of a fiscal reciprocity more favorable to the King's small revenue.

As Hawaiian vessels at present are exempted from harbor dues, under the fourth article of the treaty of Washington, it may be necessary to abolish that exemption, so as to reconcile the equality for American vessels that that article provides for, with the interests of the King's Treasury.

The fourteenth article providing for the mutual surrender of criminals or refugees from justice, may operate beneficially here, where, otherwise malefactors might congregate in large numbers.

The King does not see any good reason, why the postal arrangement contained in article fifteenth, should be made dependent upon the establishment of steam or other mail packets between the ports of the two countries. Although our laws provide that any captain of a foreign vessel bringing mails, shall be entitled to two cents for every letter, and one for every newspaper, such mails have hitherto been brought *gratuitously*, and the letters have been delivered here without any charge. There is therefore, a want of equality between the rates charged, that that article seems to imply. This, however may be removed by legislation. If an arrangement could be made for the transmission of a sealed bag from the United States, and vice versa, paying only so much for carriage on the gross weight, and were each country to charge on the contents when delivered the same rates, as might be agreed upon, it appears to me that it would work better. Under such an arrangement, the post-master, in either country, until the establishment of international packets would do his best to forward the bags by private vessels. You know the missionaries of both sects, on the Islands, can ill afford to pay heavy postages. In the time of *General Paredes* (who was President of Mexico for a brief period,) I had addressed to him a despatch, requesting of the Mexican government, chiefly on account of the missionaries here, to allow of the transit from Vera Cruz to Mazatlan, and vice versa, of a sealed mail box or bag to and from these Islands, without any other charge than that of its carriage, as it might weigh.

It will be well for you, either alone or conjointly with Mr. Judd, as circumstances may permit, to wait on the secretary of state at Washington, rendering to him in the most respectful manner such explanation, in view of this despatch, and of my No. 46 to Mr. Judd, as to you may appear discreet, adding thereto, verbally from your own knowledge and experience (I speak of each of you) whatever you may think useful.

If with both your missions, the King do not gain a uniformity in His treaty engagements, with foreign powers, it will be a great disappointment and a source of much future jealousy between those powers themselves, and perhaps, of some intrigues here, that may seriously embarrass us.

I agree in principle with Mr. Clayton, that this government has the right to establish its own rules for official intercourse with foreign nations; if you refer to pages 203, 290 and 291 of my published correspondence with M. Dillon, you will find that I endeavored to take that ground with the British Consul General, and with the French Consul. I asserted the same right both with Commissioner Brown, and Commissioner Ten Eyck, but notwithstanding all my efforts, and the positive enactments of Hawaiian law, (see pages 78 and 117, Vol. 1, *New Laws*,) the evils of diplomatic interference, in cases pending before the King's tribunals, remain unchecked. Nor do I believe that any thing will ever check them, but a mutual accord between all the great nations to instruct their respective agents here, not to presume that the Hawaiian judges are going to decide wrong before they have made any decision at all; not to apply to me, officially, respecting questions not yet decided upon by those judges; nor to impugn the laws or the intentions of those who administer them.

With much respect and consideration I have the honor to be,

Sir your most obedient humble servant,

Signed,

R. C. WYLLIE.

To JAMES JACKSON JARVES Esquire,
H. H. M.'s Special Commissioner and Plenipotentiary, &c., &c., &c., Washington.

}

Copy of P. S. to Mr. Wyllie's private letter of 12th March, 1850.

To J. J. JARVES Esq.

P. S.—Although I do not send the copy of No. 46 to Mr. Judd to interpose any difficulties in the way of the ratification of the treaty, yet there would be no harm in reading it to Mr. Clayton. I have the utmost confidence in his honor and good will, and believe that if he find hereafter, that the treaty could be improved, he will do it, voluntarily even after its ratification. The declaration of the President in his message about the Islands, I like much, but why not agree to guarantee their neutrality, as is proposed in regard to the Nicaragua canal?

If the senate consent to the one, they may just as well consent to the other

I shall consult the King about the notice you suggest to Great Britain and France about the termination of their treaties.

Perhaps before giving the notice it might be well to hear from Judd, for they may voluntarily adopt the principles of the American treaty.

R. C. WYLLIE.

No. 55.

From the Minute Book of the P. Council, of 21st November, 1853.

Resolved, that whereas the consul of Bremen is desirous to forward despatches to the senate, by a vessel about to sail for Bremen direct during this week; whereas, the King's ratification of the treaty with Bremen is all ready for the King's signature, pursuant to the resolution of this council passed on the 3d of October; but whereas, Mr. Bates at the P. Council of the 8th, stated that he had objections to the ratification by the King of that treaty, Mr. Wyllie is commanded to pass to Mr. Bates a correct copy of the whole ratification as now on the table that Mr. Bates may leisurely consider the same, and report upon the same to this Council with a clear and detailed statement of all his objections at his earliest convenience.

It was moved and carried that the above resolution be postponed for the present.

NO. 56.

FOREIGN OFFICE, 20th March, 1854.

SIR:—The King's Chief Justice, the Honorable Wm. L. Lee, having returned from Kauai, I am happy to say in better health, I would respectfully suggest, that so soon as it may suit your convenience, you will confer with him in regard to the objection that you made, in November last, to the exchange by the King of the ratification of the treaty with Bremen. If I rightly understood you, you alleged on that occasion, that Mr. Lee had, at a previous Privy Council, declared that he never would consent to the King's ratification of that treaty owing to the notice required to be given to the Bremen Consul in the VI article; and if I remember right, I replied that the objection to the treaty originated, not with Mr. Lee, but with another, who openly enquired *if there was no way of getting rid of the treaty altogether*, and that what Mr. Lee did say was, that in all future treaties, he would object to such a stipulation.

You will at once see that nothing can be more distinct in essence, and in *public faith*, than the two objections which I have stated. I have been in the habit of consulting Mr. Lee in regard to the ratification of treaties. In his reply on the question of the amended ratification sought by France in 1848, and on every other occasion, I have ever found him to be a stout *advocate* for the observance of national faith, to the utmost punctilio. Such having been my experience, and fearing that the supposition that he had urged what may be understood as a contrary course, in disrespect to the Senate of

Bremen, might not be without an effect irritating to his mind, and prejudicial to his health, in its late delicate state, I have never, up to this moment, said one word to him, on the subject. But it becomes necessary, now that I am preparing my report for the Legislature, that the real origin and reasons for refusing the usual exchange of ratifications should be made known in the terms most consistent with the truth, and with that regularity in the direction of the King's foreign relations, upon the favorable opinion of which, this Kingdom was admitted as within the pale of international law, on the 28th Nov. 1843.

That you may be the better able to take the opinion of Mr. Lee, deliberately upon this question, I beg leave to enclose copy of the resolution moved by me at the Privy Council of the 21st Nov. and entered upon the Minutes of that day, when I, agreeably to a resolution previously passed, submitted a ratification for the King all ready to sign.

You of course remember the explanations which I gave at page 87 of my report to the legislature of 1853, in regard to the objects intended by the article providing for that notice to foreign consuls; and if you and Mr. Lee find it necessary to the removal of your objections to the ratification of the treaty with Bremen, the table of consular grievances, showing the vexation to the King's tribunals, which the article above referred to was meant to remedy in the treaty with Denmark, and others, and which, *aided by the better administration of Mr. Lee*, it did remedy, that table is at your and his disposal. And, I say the same of the ratification itself, and of any other document relative to the subject, that you and he may call for.

All I desire is, in the way most becoming to the King and the Senate of Bremen, most courteous to you and to Mr. Lee, and most just to myself, to ascertain what the objections really are, to the exchange of ratifications, and what benefit is to result from the refusal of the exchange.

If you can make known to me of what annoyance or prejudice the article objected to, has been to the King's tribunals, since the 19th October, 1846, I shall be much obliged to you—also what relief (supposing such annoyance or prejudice to have existed,) will arise from the refusal of the King's ratification of the treaty with Bremen, so long as a precisely similar article exists in the treaties with Denmark and Hamburgh.

I respectfully enclose a copy of the rules agreed to on the 25th January, 1848, between the royal Danish consul and the consul plenipotentiary of Hamburgh, in relation to the article in question, which rules were sanctioned in Privy Council under a resolution, imposing upon me officially, the responsibility of their observance.

I have the honor to be Sir, your most ob't humble serv't,
Signed, R. C. WYLLIE.

ASHER B. BATES Esq.,
Member of the Privy Council. }

NO. 57.

HONOLULU, 21st March, 1854,

SIR:—Your note of the 20th inst., with enclosures, were handed to me this morning, and I regret that the remark I made on the 8th of October last, in relation to the Bremen treaty, should have in any way been understood as intending anything more than showing to His Hon. William L. Lee, the courtesy I thought was due to him.

I was then under the impression, that Judge Lee had expressed his disapprobation of a clause in the treaty, and I thought it courtesy to him, that he should be present at its final ratification. Whether his objections were such as would induce him to oppose its ratification, I did not know, and as he was soon to return, I wished him to have an opportunity, if he desired it, to make known his views on the subject. Upon his return I supposed the matter would be disposed of, without farther delay. Being now here, should the question come up in the council he would have an opportunity to express his opinions, and I have not therefore thought it incumbent on me to occupy his time by a conference on the subject.

At the time I asked that the final ratification of the treaty should be deferred until Judge Lee's return, I stated I had objections to the article requiring certain notices to be given to the Bremen consul, but that I was not prepared to say I should oppose the ratification on that account, should the question be brought to a vote, and I have not yet determined what course I may then take. And it is of no consequence what course I may take, should the majority of the council advise His Majesty to sign the ratification. My present impression is, that I should under the circumstances in which we are placed, by my silence, assent, that the treaty should be ratified.

I have the honor to be Sir your obedient servant.

ASHER B. BATES.

To His Excellency R. C. WYLLIE, }
 Minister of Foreign Relations, &c. }

NO 58.

EXTRACTS FROM AUTHORITIES ON INTERNATIONAL LAW IN REGARD TO
 THE RATIFICATION OF TREATIES.

GROTIUS, *Right of War and Peace, with notes by BARBEYRAC, Liv. 2,*
Chap. 15, Section 16.

“Let me pass now to the treaties made by public persons, but without order of the sovereign. Of them, there are as many kinds, as of those which are made by the sovereign himself, or by his orders; for the whole difference consists in the power of the persons who treat.”

“But here I propose two questions, one is what is the public Minister bound to, who has concluded the treaty of his Chief when the King or the State disavows it? Ought he only to indemnify the other party, or to restore things to the same state in which they were before

the treaty, or finally deliver himself up in person to the power which has been abused by a treaty without effect. Of these three courses the first appears to be in conformity with the principles of the civil right of the Romans. The second appears to be founded upon the natural equity, of which LUCIUS LIVIUS and QUINTUS MELIUS pressed the maxims in the dispute on the subject of the treaty made by the Consuls LUCIUS VETURIUS and SPURIUS POSTHUMIUS, after the unfortunate expedition of the CAUDINE FORKS. The third is authorized by usage, as appears by the examples of the two famous Accords of that nature, viz: that of which I have just spoken, and another made with the Numantines." * * *

Section 17. "Another question presents itself here to be examined, which is, if the sovereign power is obliged to abide by an accord made without its order, when after coming to know it, it preserves silence."

"Here it is necessary, at the outset, to distinguish if the accord has been made purely and simply, or under the condition that the sovereign should ratify it. In the latter case, until the condition be expressly fulfilled, the treaty is not binding, for every condition ought to be fulfilled." * * *

"It is necessary to see if there be anything on the part of the sovereign beyond simple silence. Because silence, without something, or some action accompanying it, is not a proof sufficiently strong of consent." * * *

"But when the sovereign power has done anything which cannot properly be ascribed to any other principle but tacit approval, there is reason then to take his silence for a ratification of the engagement which has been contracted without his order."

The Baron DE PUFFENDORF, Right of Nature and of Nations, translated by JEAN BARBEYRAC, Vol. 2, Liv. 8 Chap. 9, Section 12, says:

"Ministers make sometimes, without the order of their sovereign, a treaty concerning public affairs; and in this case, the sovereign is not obliged to be bound by it. Here amongst others, presents itself a question difficult and important, viz: what is a minister bound to do towards the other party where he has concluded a treaty, purely and simply and which the sovereign refuses afterwards to ratify. This question was agitated once, with great heat, on the occasion of the peace which LUCIUS VETURIUS and SPURIUS POSTHUMIUS had made with the Samnites without the order of the Roman people or Senate, after the unfortunate campaign of the CAUDINE FORKS. Upon that, I say that the Roman senate and people were not, strictly bound, either to ratify that treaty, or to restore things to the same state that they were before; it was sufficient to deliver up the consuls who had acted on their own authority. But judging by the maxims of natural equity, the Roman people, in my opinion ought certainly to ratify the treaty, although it had been made without their order." "Because these consuls had a reasonable presumption of the consent of the people, because they could not, in any other way, save thousands of the citizens and the very flower of the people—besides the conditions of

the treaty were not otherwise too harsh and insupportable and the enemy had, on their side, engaged to perform what was an equivalent to the peace which the consuls had obtained from them." * * *

Section 13. "Where the sovereign comes to be informed of a treaty, concluded by one of his ministers without his order, his silence alone does not amount to a tacit ratification unless it be accompanied by some act or other circumstance which cannot bear any other probable explanation."

VATTEL, *Book 2, Chap. 14, Section 208, says:*

"If a public person, an Ambassador or a General of an Army, concludes a treaty or a convention, without orders from the sovereign, or without being authorized to do it, by the power of his office, he goes beyond the bounds of his commission, and the treaty is null as being made without sufficient power, it cannot take place without the express or tacit ratification of the sovereign. The express ratification is an act in which the sovereign approves the treaty, and engages to observe it. The tacit ratification is taken from certain steps which the sovereign is justly presumed to take, only in virtue of the treaty, and which he could not take, if he did not consider it as concluded and agreed upon."

KLÜBER, *Right of Nations, Volume 1, Section 142: * * **

"The treaty made by a Plenipotentiary is valid, if he have not gone beyond the full powers that he can show, and a subsequent ratification is only required in the case where it has been expressly reserved in his full powers or stipulated in the treaty itself as is now usually done in all conventions which are of exigency at the moment, such as military arrangements."

C. F. DE MARTENS' *Modern Right of Nations with notes by M. S. PINHEIRO FERREIRA, Vol. 1 Section 48. * * **

"That which the Chief promises or the subaltern out of the limits of the authority confided in him is but a simple *sponsum*, which only a subsequent consent, either express or tacit of the nation, alone renders obligatory upon it."

"But what a mandatory or minister so promises within the power which has been given to him and upon the faith of which, the foreign nation has entered into negotiations with him is obligatory on the state which has authorized him, although he should have deviated from his secret instructions."

"Nevertheless, considering the necessity of giving to negotiators very extended full powers, the positive right of nations has introduced the necessity of a particular ratification, in order not to expose the state to the irreparable injuries which the inadvertance, or the bad faith of the subaltern might occasion to it; so that treaties are only considered such, after they have been ratified. But the motive of this usage which goes back to times very remote, sufficiently indicates that if one of the two parties duly offer his ratification, the other cannot refuse his, except in so far as his mandatory has exceeded the limits of his instructions and consequently become punishable; and

that at least in rule, it does not depend upon the mere choice of a nation to refuse its ratification on account of simple motives of convenience."

"Treaties signed immediately by Monarchs, which are authorized by them, have no need of ratification." * * *

The Baron CHARLES DE MARTENS' *Diplomatic Guide, Volume 1, Page 294:*

"Although diplomatic agents charged with a negotiation of peace or a convention, in virtue of their full powers are authorized to conclude treaties, and to sign them, they notwithstanding do not do it, without a reserve for ratification."

"The ratification is an act of acquiescence signed by the sovereign and sealed by his seal by which he approves the contents of the treaty concluded in his name, by the plenipotentiary and promises to execute it, in good faith, in all its points."

HENRY WHEATON *L. L. D. Elements of International law, third edition, 1846:*

This excellent writer on international law, one of the most recent, treats the subject with great fullness, in Chapter 2, *Rights of negotiations and treaties, page 297*. What he says on the subject is by far too long for me to quote. After giving an abstract of the opinions of different *Publicists* on the subject, Dr. Wheaton winds up as follows, with special reference to an opinion of Kluber;

"Although he has not, perhaps guarded his meaning with sufficient caution, further examination has convinced us that neither Kluber nor any other international writer, has laid down so lax a principle, as that the ratification of a treaty, concluded in conformity with a full power, may be refused at the mere caprice of one of the contracting parties and without assigning strong and solid grounds for such refusal."

ARCHER POLSON of *Lincoln's Inn, Principles of the laws of Nations, 1848, page 33:*

"A minister properly to conclude a public treaty, ought to be fully empowered by the state to do so, but before the treaty can be considered binding on the contracting parties it is usual to require that it should be ratified by them. This power of ratification is generally reserved in a treaty, and no state should exercise it without a powerful reason, such as, that the Minister has not followed his instructions." *Extract from Elliot's Diplomatic Code, Volume 2d, Chapter 1st, of the rights of Embassy, Section 84, page 409:*

RATIFICATION — "The ratification is not an essential part of a treaty, which is by so much the more evident, not only because a treaty, is a common and public instrument, and the ratification a private and particular one; but also because a treaty would be good, and subsist without the ratification, if it were certain that the treaty, and he that has made it, would not be disavowed."

"Notwithstanding that the ratification is no essential part of a treaty, nor even of the function of the ambassador, yet it seems to be-

come a necessary appendix to the one and the other: since it is by it that a treaty receives its last perfection, and that without it there is no security that it shall be executed. This is one of the reasons why the publication of treaties is not performed, till after the ratifications are exchanged; though it is what is not always nicely observed, for the reason I have just alleged; that the ratification is not of the essence of a treaty, nor does not make a part thereof."

Bad faith in Kings is not only reprobated by man; it is reprobated, and punished by God. Of this we have a remarkable and instructive instance, in the treaty between Joshua and the Gibeonites of which an account is given in the 9th chapter of Joshua, from the 2d to the 17th verse. King Saul was no party to that treaty, except so far as the obligation of observing it, descended to him, as the chief of the Israelitish state. He violated the treaty by slaying some of the Gibeonites, to punish which violation, God sent a famine upon the whole land of Israel and Saul and his house were terribly punished as we are told in the 21st chapter of second Samuel. This case is all the more remarkable that the Gibeonites had obtained their treaty with Joshua through misrepresentation, and that through that misrepresentation, they gained for themselves an exception from the decree of extirpation of the inhabitants of Canaan, that we are taught to believe, had emanated from God himself. If all scripture be given for *instruction, correction and reproof* is that remarkable history to afford us Hawaiians no lesson?

Mr. Bates will, I presume, admit that both by our statute laws, and by international usage, (see enclosure No. 95,) it is a special attribution of the ministry which I hold, and my official duty, *not his*, to direct the King's foreign policy, both in regard to treaties, and to all other questions that require to be discussed with the diplomatic agents of foreign nations. I have endeavored to do so, with the most scrupulous regard to the King's faith, His honor and the great interests of His sovereignty, taking my rule, not from the opinion of Mr Bates, but from the law and usage of nations, the command of the sovereign and the concurrence of His responsible advisers. If I have failed in the observance of that rule, it is for Mr. Bates to show *when, where, and in what respect*. Having given him my quotations from high authorities on international law; I invite him to give *his* contrary quotations, (if he have any to give) and to adduce one single instance in which a sovereign has refused to ratify a treaty negotiated and concluded by his own order, by his own minister of foreign affairs at his own court, and approved by such sovereign and his responsible counsellors.

All the quotations above given, (that from holy writ excepted,) refer to a King's minister or plenipotentiary, making a treaty at a foreign court. They do not apply to a treaty negotiated at the King's own court, under His own direction, and by His own minister who in virtue of his office, and of law, is the King's constant plenipotentiary in such matters, and who cannot exceed his powers because they are exer-

cised under the will of the sovereign, and with the consent of His responsible advisers. There is nothing in the laws of nations that shows that to ratify a treaty, negotiated under such circumstances can be a matter of question or debate; the obligation of the sovereign to ratify, is here, as clear as the obligation of a principal to be bound by the act of his acknowledged factor or agent, so long as that factor or agent keeps within the limits of the business known to be usually entrusted to him by his principal.

To show that I have not advanced the above opinion, without careful reflection, I subjoin copy of the circular note which on the 28th inst., I addressed to H. B. M.'s Consul General, to the Commissioner of His Imperial Majesty of France, and to the Commissioner of the United States—also of the replies from the two former which I received on the 30th. *

CIRCULAR.

To the Representatives of Great Britain, France and the United States.

DEPARTMENT OF FOREIGN RELATIONS, }
HONOLULU, 28th April, 1855. }

SIR:—The word, the honor and the faith of a King being held sacred in all civilized countries under regal government, I have the honor to enquire of you, if you know of any example in which a sovereign has refused to ratify a treaty, negotiated and concluded by His own order, at His own court, by His own Minister of Foreign Affairs, or if you know of any writer on international law, on whose authority a sovereign could justify himself for such refusal.

You will much oblige me, by replying to these questions, at your earliest convenience.

With the highest respect, I have the honor to be

Sir your most obedient humble servant,

Signed, R. C. WYLLIE.

To WM. MILLER ESQUIRE, }
H. B. M.'s Consul General. }

To Monsieur LOUS EMILE PERRIN, }
Consul, Commissioner and Plenipotentiary of }
His Imperial Majesty, Napoleon III of France. }

To the Honorable DAVID L. GREGG, }
United States Commissioner &c. }

H. B. MAJESTY'S CONSULATE GENERAL, }
HONOLULU, April the 30th, 1855. }

No. 248. SIR:—I have the honor to acknowledge the receipt of your communication, of the 28th instant, inquiring if I know of any example in which a sovereign has refused to ratify a treaty, negotiated and concluded by His own order, at His own court, by His own Minister of Foreign Affairs; or if I know of any writer on interna-

* The want of a reply from Mr. Gregg is to be attributed solely to his absence on **Kauai**.

tional law, on whose authority, a sovereign could justify himself for such refusal.

And, in reply, I beg to state that I know of no case, as described by you, ever to have occurred, or of any writer on international law, whose authority, under the circumstances as set forth, a sovereign could plead to justify himself for a refusal.

I have the honor to be Sir your most obedient humble servant,
Signed, WM. MILLER.

To R. C. WYLLIE ESQUIRE,
Minister of Foreign Relations, &c. }

Translated by D. Frick L. L. D.

HONOLULU, 30th April, 1855.

MISSION OF FRANCE, SANDWICH ISLANDS,

No. 29. MONSIEUR MINISTER:—I have had the honor of receiving the diplomatic circular of the 28th instant, which you have been pleased to address to me, and hasten to give an answer to it.

It is very true that in civilized countries the word of a King is sacred; it never came to my knowledge that a sovereign has refused to ratify a treaty negotiated and concluded by His order, at His own court, by His Minister of Foreign Affairs, without having alleged against that Minister an accusation of treason; in fine I do not think that any publicist authorizes a sovereign to refuse His ratification, without obliging Him at the same time to show evidence of the most imperative motives.

In order to allow such a refusal to be made with honor, Vattel requires strong and solid reasons; he wants moreover a proof that the minister plenipotentiary has stepped out of his instructions.

G. F de Martens maintains the same doctrine; he affirms that the ratification cannot be refused unless in the case where the minister is punishable, and that the refusal of a ratification does not depend at the free will of a nation, on simple motives of convenience.

A. Bello, in his principles of the rights of nations, supports entirely Vattel's doctrine.

Bynkershock, quoted by H. Wheaton, confesses that in refusing His ratification, without powerful motives, the sovereign submits himself to the imputation of bad faith.

H. Wheaton enumerates ultimately the grave cases in which a refusal seems possible to him.

Such a resolution taken in the circumstances indicated by your circular, Monsieur le Minister, would appear to me unjustifiable, and could not be considered otherwise than as an insult by the nation to which it might be imprudently made.

Ex Officio the (né) negotiator of the Hawaiian government you cannot be ignorant of its prospects and policy; the unexplained refusal of ratifying a treaty negotiated by you, in the residence of your sovereign, would immediately expose your King or yourself to the most deplorable suspicions; it would likewise inflict a fatal blow to the good

renown which such a young state as the Hawaiian Archipelago ought to endeavor to deserve and preserve in the eyes of the civilized nations that show themselves favorable to the admission and maintenance of its independency.

Please to accept, Monsieur le Minister, the new assurance of the high consideration with which I have the honor to be, &c.

The Consul, Commissioner and Plenipotentiary
of His Imperial Majesty,

Signed,

EM. PERRIN.

Monsieur R. C. WYLLIE, Minister of }
Foreign Affairs, &c. Honolulu. }

Mr. Gregg having returned sent the following reply:

LEGATION OF THE UNITED STATES, }
HONOLULU, May 14, 1855. }

No. 58. SIR:—My recent absence on Kauai, unexpectedly prolonged by accident, will account for the delay which has occurred in answering your diplomatic circular addressed to me on the 28th of last month.

You enquire if I “know of any example in which a sovereign has refused to ratify a treaty, negotiated and concluded by His own order, at His own court, by His own Minister of Foreign Affairs;” or if I “know of any writer on international law, on whose authority a sovereign could justify himself for such refusal.”

In reply, I have the honor to state that I am not aware of any instance, in which under the circumstances you mentioned, a sovereign has ever refused to ratify a treaty, and the writers on international law, all concur in the opinion that in such a case, a refusal would be in the extreme of bad faith.

The general principle in regard to treaties concluded in conformity with full powers, seems to be, that their ratification cannot be refused at the mere caprice of one of the contracting parties, or without assigning the strongest and most solid grounds for such refusal. This rule is laid down by Wheaton, and sustained by every other publicist whose works I have had an opportunity to examine.

The case you have put is one in which the sovereign is especially bound to ratify the negotiation concluded by his agent, who has acted by his immediate order, and under his direct observation and authority,—one in which a pretence for a refusal of ratification can hardly be conceived, or made available without incurring the contempt of the whole civilized world.

I avail myself of the occasion to renew to your Excellency the assurances of the high consideration and respect with which

I am Sir your most ob't serv't,

DAVID L. GREGG.

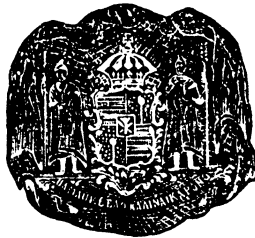
His Excellency R. C. WYLLIE, }
Minister of Foreign Relations. }

Much surprised at the opposition raised by Mr. Bates, (he being learned in the law and a law officer of the crown,) notwithstanding a

previous resolution of the King and Council authorizing the exchange of ratification of the treaty with Bremen, I tried to elicit from himself the grounds of that opposition, so as to avoid the possibility of misapprehending it, as will be seen by enclosures Nos. 55 and 56. Although, I did not succeed, I have understood, through other sources, (I hope untruly,) that Mr. Bates objects to treaties in general, as nothing but mere restrictions upon us, and in particular to treaties with small nations, remote from us, and having little mercantile intercourse with us. It is not likely that Mr. Bates, either as a Christian or a Lawyer, would ground his opposition on an argument that might with equal reason be used against all laws, divine and human, for all such are *restrictions*, nor that he could show either a contempt of, or disrespect to small states, forgetting that he himself is but a functionary of a small kingdom, forgetting the common sense maxim that it is unwise to apply to others a rule which if applied to ourselves, would have kept us still under the infliction of *Sponsios*, from which alone our regular treaties have emancipated us, and forgetting also, that from the days of the Gibeonites, down to those of the republic of Texas, it has been the policy of all weak nationalities to gain by their alliances that strength which was not inherent in themselves. What we have to guard against in foreign treaties, is not their *multiplicity*, but their *diversity*, for a foot-rule is as much a foot-rule in the hands of a thousand, as in the hands of one man, and all who take the pains to examine my reports and the official correspondence annexed to them will convince themselves, that I have contended for that uniformity of conventional rule, *might and main*, ever since I entered the service of the late King.

R. C. WYLLE.

No. 59.



TREATY WITH THE KINGDOMS OF SWEDEN AND
NORWAY.

WE, KAMEHAMEHA IV, by the Grace of God, King of the Hawaiian Islands, make known

That His late Majesty King Kamehameha III, having authorized a treaty of friendship, commerce and navigation with an additional ar-

ticle thereto annexed, between the Hawaiian Kingdom, and the Kingdoms of Sweden and Norway, which was concluded signed and sealed on the first of July, 1852, by our respective plenipotentiaries, viz: On His behalf Robert Crichton Wylie, Esquire, His Minister of Foreign Relations, His Secretary at War, and of the Navy, Member of His Privy Council of State, Member of the House of Nobles and Chairman of the Commissioners of His Privy Purse, and on behalf of His Majesty Oscar, King of Sweden and Norway, of the Goths and Vandals, Monsieur Christian Adolphe Virgin, His Majesty's Chamberlain, Post Captain in His Majesty's Navy, Knight of the order of the Sword, and of the order of St. Stanislaus of Russia, of the second Class, which treaty and its additional article are word for word as follows:

It being of great advantage to establish relations of friendship and commerce between the Kingdoms of His Majesty the King of Sweden and Norway and the Kingdom of His Majesty the King of the Hawaiian Islands, the undersigned, having exchanged their powers, mutually admitted as sufficient, have agreed, on the part of their respective sovereigns, to conclude a treaty of friendship, Commerce and Navigation, as follows:

Article I. There shall be perpetual friendship between His Majesty the King of the United Kingdoms of Sweden and Norway, His Heirs and Successors, and the King of the Hawaiian Islands, His Heirs and Successors, and between their respective subjects.

Article II. There shall be between all the dominions of His Swedish and Norwegian Majesty, and the Hawaiian Islands, a reciprocal freedom of commerce. The subjects of each of the two contracting parties respectively, shall have liberty freely and securely to come with their ships and cargoes, to all places, ports and rivers, in the territories of the other, where trade with the natives is permitted. They may remain and reside in any part of the said territories, respectively, and hire and occupy houses and warehouses, and may trade, by wholesale or retail, in all kinds of produce, manufactures and merchandise of lawful commerce, enjoying the same exemptions and privileges as native subjects, and subject always to the same laws, and established customs, as native subjects.

In like manner the ships of war of each contracting party, respectively, shall have liberty to enter into all harbors, rivers, and places, within the territories of the other, to which the ships of war of other nations are or may be permitted to come, to anchor there, and to remain and refit, subject always to the laws and regulations of the two countries respectively.

The stipulations of this article do not apply to the coasting trade, which each contracting party reserves to itself, respectively, and shall regulate according to its own laws.

Article III. The two contracting parties hereby agree, that any favor, privilege, or immunity whatever, in matters of commerce or navigation, which either contracting party has actually granted, or may

hereafter grant, to the subjects or citizens of any other state, shall be extended to the subjects or citizens of the other contracting party, gratuitously, if the concession in favor of that other state shall have been gratuitous, or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

Article IV. No other or higher duties shall be imposed on the importation into the dominions of His Swedish and Norwegian Majesty, of any article, the growth, produce, or manufacture of the Hawaiian Islands; and no other or higher duties shall be imposed on the importation into the Hawaiian Islands of any article the growth, produce, or manufacture of His Swedish and Norwegian Majesty's dominions, than are or shall be payable on the like article, being the growth, produce or manufacture of any other foreign country.

Nor shall any other or higher duties or charges be imposed on the territories of either of the contracting parties on the exportation of any article to the territories of the other, than such as are, or may be payable, on the exportation of the like article to any other foreign country. No prohibition shall be imposed upon the importation of any article, the growth, produce or manufacture of the territories of either of the two contracting parties, into the territories of the other, which shall not equally extend to the importation of the like articles, being the growth, produce or manufacture of any other country. Nor shall any prohibition be imposed on the exportation of any article from the territories of either of the two contracting parties to the territories of the other, which shall not equally extend to the exportation of the like articles to the territories of all other nations.

Article V. No other, or higher duties or charges on account of tonnage, light, or harbor dues, pilotage, quarantine, salvage in cases of damage or shipwreck, or any other local charges shall be imposed in any of the ports of the Hawaiian Islands on Swedish and Norwegian vessels, than those payable in the same ports by Hawaiian vessels, nor in the ports of His Swedish and Norwegian Majesty's territories, on Hawaiian vessels, than shall be payable in the same ports on Swedish and Norwegian vessels.

Article VI. The same duties shall be paid on the importation of any article which is or may be legally importable into the Hawaiian Islands, whether such importation shall be in Hawaiian or in Swedish and Norwegian vessels; and the same duties shall be paid on the importation of any article which is or may be legally importable into the dominions of His Swedish and Norwegian Majesty, whether such importations shall be in Swedish and Norwegian, or in Hawaiian vessels. The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any article which is or may be exportable from the Hawaiian Islands whether such exportation shall be in Hawaiian or in Swedish and Norwegian vessels; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any article which is or may be legally exportable

from His Swedish and Norwegian Majesty's Dominions, whether such exportation shall be in Swedish and Norwegian, or in Hawaiian vessels.

Article VII. Swedish and Norwegian whale ships shall have access to the ports of Hilo, Kealahou and Hanalei in the Sandwich Islands for the purpose of refitment and refreshment, as well as to the ports of Honolulu and Lahaina, which two last mentioned ports only are ports of entry for all merchant vessels; and in all the above named ports they shall be permitted to trade or to barter their supplies, or goods, excepting spirituous liquors, to the amount of two hundred dollars ad valorem, for each vessel, without paying any charge for tonnage or for harbor dues of any description, or any duties or imposts whatever upon the goods or articles so traded or bartered. They shall also be permitted with the like exemption from all charges for tonnage and harbor dues, further to trade or barter with the same exception as to spirituous liquors, to the additional amount of one thousand dollars ad valorem, for each vessel, paying upon the additional goods and articles so traded and bartered no other or higher duties than are payable on like goods and articles when imported in national vessels and by native subjects. They shall also be permitted to pass from port to port of the Sandwich Islands for the purpose of procuring refreshments, but they shall not discharge their seamen, or land their passengers in the said Islands, except at Honolulu and Lahaina, and in all the ports named in this article, Swedish and Norwegian whale ships shall enjoy in all respects whatsoever all the rights, privileges and immunities which are or may be enjoyed by national whale ships, or by whale ships of the most favored nation.

The like privilege of frequenting the three ports of the Sandwich Islands named in this article, which are not ports of entry for merchant vessels, is also granted to all the public armed vessels of Sweden and Norway. But nothing in this article shall be construed as authorizing any Swedish or Norwegian vessel having on board any disease usually regarded as requiring quarantine, to enter during the continuance of any such disease on board, any ports of the Sandwich Islands other than Honolulu or Lahaina.

Article VIII. All merchants, commanders of ships and others, the subjects of His Swedish and Norwegian Majesty, shall have full liberty in the Hawaiian islands, to manage their own affairs themselves or to commit them to the management of whomsoever they please, as broker, factor, agent or interpreter; nor shall they be obliged to employ any other persons than those employed by Hawaiian subjects, nor to pay to such persons as they shall think fit to employ, any higher salary or remuneration than such as is paid in like cases by Hawaiian subjects. Swedish and Norwegian subjects in the Hawaiian Islands, shall be at liberty to buy from and to sell to whom they like, without being restrained or prejudiced by any monopoly, contract or exclusive privilege of sale or purchase whatever; and absolute freedom shall be allowed in all cases to the buyer and seller, to bargain

and fix the price of any goods, wares or merchandise, imported into or exported from the Hawaiian Islands, as they shall see good: observing the laws and established customs of those Islands. The same privileges shall be enjoyed in the dominions of His Swedish and Norwegian Majesty, by Hawaiian subjects under the same conditions.

The subjects of either of the contracting parties in the territories of the other shall receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in the said countries, respectively, for the prosecution and defense of their just rights, and they shall be at liberty to employ, in all cases, the advocates, attorneys, or agents of whatsoever description, whom they may think proper; and they shall enjoy in this respect the same rights and privileges as native subjects.

Article IX. In whatever relates to the police of the ports, the lading and unloading of ships, the warehousing and safety of merchandise, goods and effects, the succession to personal estates by will or otherwise, and the disposal of personal properties of every sort and denomination by sale, donation, exchange or testament, or in any other manner whatsoever, as also with regard to the administration of justice, the subjects of each contracting party shall enjoy in the territories of the other, the same privileges, liberties and rights as native subjects, and they shall not be charged in any of these respects, with any other or higher imposts or duties, than those which are or may be paid by native subjects, subject always to the local laws and regulations of such territories.

In the event of any subject of either of the two contracting parties dying without will or testament, in the territories of the other contracting party, the Consul General, Consul or acting Consul of the nation to which the deceased may belong, shall so far as the laws of each country will permit, take charge of the property which the deceased may have left for the benefit of his lawful heirs and creditors, until an executor or administrator be named according to the laws of the country in which the death shall have taken place.

Article X. The subjects of His Swedish and Norwegian Majesty residing in the Hawaiian Islands, and Hawaiian subjects residing in the dominions of His Swedish and Norwegian Majesty shall be exempted from all compulsory military service whatever, whether by sea or by land, and from all forced loans, or military exactions or requisitions, and they shall not be compelled under any pretext whatsoever to pay any ordinary charges, requisitions or taxes, other or higher than those that are or may be paid by native subjects.

Article XI. It is agreed and covenanted that neither of the two contracting parties shall knowingly receive into, or retain in its service, any subjects of the other party who have deserted from the naval military service of that other party, but that on the contrary, each of the contracting parties shall, respectively, discharge from its service any such deserters upon being required by the other party so to do.

And it is further agreed that if any of the crew shall desert from a

vessel of war, or merchant vessel of either contracting party, while such vessel is within any port in the territory of the other party, the authorities of such port and territory shall be bound to give every assistance in their power for the apprehension of such deserters, on application to that effect being made by the consul of the party concerned, or by the deputy or representative of the consul, and no public body shall protect or harbor such deserters.

It is further agreed and declared that any other favor or facility with respect to the recovery of deserters which either of the contracting parties has granted or may hereafter grant, to any other state, shall be considered as granted also to the other contracting party, in the same manner as if such favor or facility had been expressly stipulated by the present treaty.

Article XII. It shall be free for each of the two contracting parties to appoint consuls for the protection of trade to reside in the territories of the other party, but, before any consul shall act as such, he shall in the usual form be approved and admitted by the government to which he is sent; and either of the contracting parties may except from the residence of consuls, such particular places as either of them may judge fit to be excepted. The diplomatic agents and consuls of the Hawaiian Islands in the dominions of His Swedish and Norwegian Majesty shall enjoy whatever privileges, exemptions, and immunities are or shall be granted there to agents of the same rank belonging to the most favored nation; and in like manner the diplomatic agents and consuls of His Swedish and Norwegian Majesty in the Hawaiian Island, shall enjoy whatever privileges, exemptions or immunities are or may be granted there to the diplomatic agents and consuls of the same rank belonging to the most favored nation.

Article XIII. For the better security of commerce between the subjects of His Swedish and Norwegian Majesty and of the King of the Hawaiian Islands, it is agreed, that if at any time, any rupture or any interruption of friendly intercourse should unfortunately, take place between the two contracting parties, the subjects of either of the two contracting parties, shall be allowed a year to wind up their accounts and dispose of their property, and a safe conduct shall be given them to embark at the port which they shall themselves select. All subjects of either of the two contracting parties who may be established in the territories of the other in the exercise of any trade or special employment shall in such case have the privilege of remaining and continuing such trade and employment therein, without any manner of interruption, in full enjoyment of their liberty and property, as long as they behave peaceably and commit no offense against the laws; and their goods and effects, of whatever description they may be, whether in their own custody or entrusted to individuals or to the state shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like effects or property belonging to native subjects. In the same case debts between individuals, public funds, and the shares of companies shall never be confiscated, sequestered or detained.

Article XIV. The subjects of His Swedish and Norwegian Majesty residing in the Hawaiian Islands, shall not be disturbed, persecuted or annoyed on account of their religion, but they shall have perfect liberty of conscience therein, and shall be allowed to celebrate Divine service either within their own private houses or in their own particular churches or chapels, which they shall be at liberty to build and maintain in convenient places, approved of by the government of the said Islands. Liberty shall also be granted to them to bury in burial places, which in the same manner they may freely establish and maintain, such subjects of His Swedish and Norwegian Majesty, who may die in the said Islands. In like manner Hawaiian subjects shall enjoy within the dominions of His Swedish and Norwegian Majesty perfect and unrestrained liberty of conscience, and shall be allowed to exercise their religion publicly or privately, within their own dwelling houses, or in the chapels or places of worship appointed for that purpose, agreeably to the system of toleration established in the dominions of His said Majesty.

Article XV. All vessels bearing the flag of Sweden or of Norway in time of war shall receive every possible protection, short of actual hostility, within the ports and waters of His Majesty the King of the Hawaiian Islands; and His Majesty the King of Sweden and Norway engages to respect in time of war the neutral rights of the Hawaiian Kingdom and to use his good offices with all other powers, having treaties with His Majesty the King of the Hawaiian Islands, to induce them to adopt the same policy towards the Hawaiian Kingdom.

Article XVI. If any ships of war or merchant vessel, of either of the contracting parties should be wrecked on the coasts of the other, such ship or vessel or any parts thereof, and furniture and appurtenance belonging thereunto, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored to the proprietors upon being claimed by them, or by their duly authorized agents, and if there are no such proprietors or agents on the spot, then the said goods or merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ship or vessel shall be delivered to the Swedish and Norwegian or Hawaiian consul in whose district the wreck may have taken place, and such consul, proprietors or agents shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage which would have been payable in the like case of a wreck of a national vessel. The goods and merchandise saved from the wreck shall not be subject to duties, unless designed for consumption.

Article XVII. In order that the two contracting parties may have the opportunity of hereafter treating and agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse, and to the advancement of the interests of their respective subjects, it is agreed that at any time after the expiration of seven years from the date of the exchange of the ratifications of the present treaty, either of the contracting parties shall have the right of giving the other party notice of its intention to terminate articles 4, 5

and 6 of the present treaty; and that at the expiration of 18 months after such notice shall have been received by either party from the other, the said articles, and all the stipulations contained therein shall cease to be binding on the two contracting parties.

Article XVIII. The present treaty shall be ratified and the ratifications shall be exchanged at Honolulu in eighteen months, or sooner, if possible.

In witness whereof the respective plenipotentiaries have signed the same, and affixed thereto their respective seals.

Done at Honolulu this first day of July, in the year of our Lord one thousand eight hundred and fifty-two.

Signed, R. C. WYLLIE,
H. H. M.'s Minister of Foreign Relations,
Member of His Privy Council of State
and of His House of Nobles.

[L. S.]

Signed, C. A. VIRGIN,
Chamberlain to His M. the King of Swe-
den and Norway, Post Captain in the R.
Swedish Navy, Knight of the Royal
order of the Sword and of the Imperi-
al Russian order of St. Stanislaus.

[L. S.]

ADDITIONAL ARTICLE.

This treaty shall not be considered as permanently binding until the ratifications have been exchanged as provided for in article eighteen, but it has been agreed that from this date, all the benefits under it shall be extended to all the subjects of His Swedish and Norwegian Majesty, their commerce and navigation.

Done at Honolulu this first day of July, in the year of our Lord one thousand eight hundred and fifty-two.

Signed, R. C. WYLLIE,

[L. S.]

Signed,

C. A. VIRGIN.

[L. S.]

And whereas, We, Kamehameha IV, have fully examined all the points and articles thereof, by and with the advice of our Privy Council of State, we have confirmed and ratified the foregoing Treaty, and we do confirm and ratify the same in the most effectual manner, promising, on our faith and word, as King, for us and our successors, to fulfil and observe it faithfully and scrupulously, in all its clauses.

In faith of which, we have signed this Ratification with our hand, and have affixed thereto the Great Seal of our Kingdom.

Done at our Palace of Honolulu, this fifth day of April, in the year of our Lord, 1855, and the first of our reign.

[L. S.]

KAMEHAMEHA.

VICTORIA K. KAAHUMANU.

By the King and Kuhina Nui.

R. C. WYLLIE,
Minister of Foreign Relations.



DECLARATION.

Whereas the President of the United States of America, has invited His Majesty the King of the Hawaiian Islands to concur in and adopt the principles of the convention between the United States and His Majesty the Emperor of all the Russias, concluded in Washington, on the 22d day of July, 1854, which convention is word for word as follows:

ARTICLE 1.

The two high contracting parties recognize as permanent and immutable the following principles, viz:

1st. That free ships make free goods, that is to say, that the effects or goods belonging to subjects or citizens of a power or state at war, are free from capture and confiscation, when found on board neutral vessels with the exception of articles contraband of war.

2d. That the property of neutrals on board an enemy's vessel is not subject to confiscation, unless the same be contraband of war. They engage to apply these principles to the commerce and navigation of all such powers and states as shall consent to adopt them on their part as permanent and immutable.

ARTICLE 2.

The two high contracting parties reserve to themselves to come to an ulterior understanding, as circumstances may require, with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the first article. But they declare from this time that they will take the stipulations contained in said article 1st, as a rule, whenever it shall become a question to judge of the rights of neutrals.

ARTICLE 3.

It is agreed by the high contracting parties that all nations which shall or may consent to accede to the rules of the 1st article of this convention, by a formal declaration stipulating to observe them, shall enjoy the rights resulting from such accession as they shall be enjoyed and observed by the two powers signing this convention, they shall mutually communicate to each other the results of the steps which may be taken on the subject.

ARTICLE 4.

The present convention shall be approved and ratified by the Pres-

ident of the United States of America, by and with the advice and consent of the Senate of said States, and by His Majesty the Emperor of all the Russias, and the ratifications of the same shall be exchanged at Washington, within the period of ten months, counting from this day, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed the present convention in duplicate, and thereto affixed the seal of their arms.

Done at Washington the 22d day of July, the year Grace 1854.

Signed, W L MARCY. [L. S.]
 " EDOUARD SLOECKL. [L. S.]

And whereas His Majesty the King of the Hawaiian Islands, having considered the aforesaid invitation of the President of the United States, and the rules established in the foregoing convention respecting the rights of neutrals during war, and having found such rules consistent with those proclaimed by Her Britannic Majesty in Her declaration of the 28th March, 1854, and by His Majesty the Emperor of the French in His declaration of the 29th of the same month and year, as well as with Her Britannic Majesty's order in council of the 15th April same year, and with the peaceful and strictly neutral policy of this Kingdom as proclaimed by His late Majesty King Kamehameha III, on the 16th May, 1854, amplified and explained by resolutions of His Privy Council of State, of the 15th June, and 17th July, same year, His Majesty, by and with the advice of His Cabinet and Privy Council, has authorized the undersigned to declare in His name, as the undersigned does now declare, that His Majesty accedes to the humane principles of the foregoing convention, in the sense of its 3d article.

R. C. WYLLIE.

Minister of Foreign Relations.

DEPARTMENT OF FOREIGN RELATIONS, }
 HONOLULU, 26th March, 1855. }

NO. 61.

DECLARATION.

Her Majesty the Queen of the United Kingdoms of Great Britain and Ireland, having been compelled to take up arms in support of an ally, is desirous of rendering the war as little onerous as possible to powers with whom she remains at peace.

To preserve the commerce of neutrals from all necessary obstruction, Her Majesty is willing for the present, to waive a part of the belligerent rights appertaining to Her by the law of nations.

It is impossible for Her Majesty to forego the exercise of Her right of seizing articles contraband of war, and of preventing neutrals from bearing the enemy's despatches, and she must maintain the right of a belligerent to prevent neutrals from breaking any effective blockade which may be established with an adequate force against the enemy's forts, harbors or coasts.

But Her Majesty will waive the right of seizing enemy's property laden on board a neutral vessel, unless it be contraband of war.

It is not Her Majesty's intention to claim the confiscation of neutral property, not being contraband of war, found on board enemy's ships, and Her Majesty further declares, that being anxious to lessen as much as possible the evils of war, and restrict its operations to the regularly organized forces of the country, it is not Her present intention to issue letters of Marque for the commissioning of privateers.

WESTMINSTER, March 28, 1854.

NO 62.

AT THE COURT AT WINDSOR, THE 15TH DAY OF APRIL, 1854.

PRESENT,

The Queen's most excellent Majesty in Council.

Whereas Her Majesty was graciously pleased, on the 28th day of March last, to issue Her Royal Declaration in the following terms:

Her Majesty the Queen of the United Kingdoms of Great Britain and Ireland, having been compelled to take up arms in support of an ally, is desirous of rendering the war as little onerous as possible to the powers with whom she remains at peace.

"To preserve the commerce of neutrals from all unnecessary obstruction, Her Majesty is willing, for the present, to waive a part of the belligerent rights appertaining to Her by the law of nations.

"It is impossible for Her Majesty to forego the exercise of Her right of seizing articles contraband of war, and of preventing neutrals from bearing the enemy's despatches; and she must maintain the right of a belligerent to prevent neutrals from breaking any effective blockade which may be established with an adequate force against the enemy's forts, harbors, or coasts.

'But Her Majesty will waive the right of seizing enemy's property laden on board a neutral vessel, unless it be contraband of war.

"It is not Her Majesty's intention to claim the confiscation of neutral property, not being contraband of war, found on board enemy's ships; and Her Majesty further declares, that being anxious to lessen as much as possible the evils of war, and to restrict its operations to the regularly organized forces of the country, it is not Her present intention to issue letters of Marque for the commissioning of privateers."

Now it is this day ordered, by and with the advice of Her Privy Council, that all vessels under a neutral or friendly flag, being neutral or friendly property, shall be permitted to import into any port or place in Her Majesty's dominions all goods and merchandise whatsoever, to whomsoever the same may belong; and export from any port or place in Her Majesty's dominions to any port not blockaded, any cargo or goods, not being contraband of war, or not requiring a special permission, to whomsoever the same may belong.

And Her Majesty is further pleased, by and with the advice of Her Privy Council, to order, and it is hereby further declared that, save and except only as aforesaid, all the subjects of Her Majesty and the subjects or citizens of any neutral or friendly state shall and may, during and notwithstanding the present hostilities with Russia, freely trade with all ports and places wheresoever situate, which shall not be in a state of blockade, save and except that no British vessel shall under any circumstances whatsoever, either under or by virtue of this order, or otherwise, be permitted or empowered to enter or communicate with any port or place which shall belong to or be in possession or occupation of Her Majesty's enemies.

And the Right Honorable the Lords Commissioners of Her Majesty's Treasury, the Lords Commissioners of the Admiralty, the Lord Warden of the Cinque Ports, and Her Majesty's Principal Secretary of State for War and the Colonies, are to give the necessary directions herein as to them may respectively appertain.

Signed, C. C. GREVILLE.

NO. 63.

[TRANSLATION BY D. FRICK L. L. D.]

(Annex of the despatch No. 10 of the 7th July, 1854.—Em. Pr.)

DECLARATION,

Of H. M. the Emperor of the French, relative to neutrals, to letters of Marque, &c.

H. M. the Emperor of the French, having been compelled to take up arms to support an ally, wishes to render war as little burdensome as possible for the powers with which he remains at peace.

In order to guard the commerce of neutrals against all useless impediments, H. M. consents for the present, to renounce a part of the rights that belong to him as belligerent power in virtue of the right of nations.

It is impossible for H. M. to renounce the exercise of his right of seizing the articles contraband of war and to prevent neutrals from carrying the despatches of the enemy. He must also maintain in full his right, as a belligerent power, to prevent neutrals from violating any effective blockade, established with a sufficient force, before the forts, the roadsteads or coasts of the enemy.

But the men of war of H. M. shall not seize the property of the enemy on board of a neutral vessel, unless such property may be contraband of war.

H. Majesty declares besides, that actuated by the desire to diminish as much as possible the evils of war, and to limit its operations to the forces regularly organized by the state, He has not, for the present, the intention of giving letters of Marque authorizing the outfits of privateers.

At the Palace of the Tuileries, on the 29th of March, 1854.

No. 64.

This certifies that I Thomas J. Farnham late Minister Plenipotentiary, Envoy &c. of the King and Government of the Hawaiian Islands have this day received from the hands of Messrs. Haalilio and Richards, commissioners of his said Majesty, the sum of one thousand dollars lawful money of these United States, on account of services rendered by me as Minister &c., as aforesaid—and I the said Minister while I hereby distinctly divest myself, my heirs, executors, administrators and assigns of all and any right to institute any proceedings by the employment of the interference of the American nation, or any other nation, or any Court or Courts of law, or equity whatsoever for the recovery of any other or further sums claimed to be due and owing to me for services &c., as said Minister &c., from the King and government of the said Islands hereby expressly protest that the said sum of one thousand dollars and the sum of eight hundred dollars previously received by me from the said King and government, are by no means a fair equitable or legal compensation for said services so rendered as aforesaid, and the losses and expenditures consequent upon entering upon said services as will fully appear from my more formal and particular protest bearing even date herewith and entitled “A protest and petition of Thomas J. Farnham, late Minister and Envoy of His Majesty of the Hawaiian Islands, unto the King and government of said Islands.”

I therefore the said Minister &c., do reserve unto myself my heirs, and lawful representatives all the rights which are accorded by the existing laws of the Hawaiian Kingdom to the subjects of said Kingdom and no other, in relation to the final adjustment of a further claim for services and losses as minister and envoy as aforesaid, and this is done with a clear knowledge of the fact that the parliament of said Kingdom has the power to grant and withhold an appropriation for the liquidation of my said claim for further remuneration.

In witness whereof I, the said minister and envoy have hereunto set my hand and seal this twenty-seventh day of September, one thousand eight hundred and forty four.

Signed, [L. S.] THOMAS J. FARNHAM.

Witness.

Signed,

WILLIAM RICHARDS.

No. 65.

TREASURY OFFICE, April 11th, 1855.

SIR:—I have the honor to inform you that the total expenses of Mr. Richards Mission to Europe, as shown in the Treasury books were \$18,062 12.

Yours respectfully,

H. W. M'COUGHTERY.

Reg. Pub. Acc'ts.

To His Ex. R. C. WYLLIE.

No. 66.

Extract from Instructions to Mr. James Jackson Jarves Esquire, Special Commissioner and Plenipotentiary Extraordinary to the Governments of the United States, Great Britain and France, issued to him 28th April, 1849, and repeated on the 10th September same year, to G. P. Judd, Esquire, who then undertook the Mission that had been committed to Mr. Jarves. The following extract is from the Instructions for the United States:

“ You are to submit the draft of a treaty which I had the honor to propose to Mr. Commissioner Ten Eyck, along with my despatch of the 13th October last, of both of which, I enclose copies, calling particularly the Honorable Secretary’s attention to the third paragraph of that despatch.

“ You are to show that if the system of *ad valorem* duties be adhered to, it will be necessary to require certificates by Hawaiian consuls or other creditable parties, of the true value of all invoices of goods coming from foreign ports, because even with our present low duties of 5 per cent. *ad valorem*, goods are frequently under-valued at the custom house, whereby the revenue is defrauded, and the **dishonest** trader gains a proportional advantage, at the expense of the honorable merchant.

“ You will represent the danger to the independence of these Islands from the rapid *influx* of adventurers of all nations and from all quarters, into California, many of whom, if disappointed there, may come here; you will explain the entire want of all military organization throughout the Islands, and respectfully but earnestly urge that in the opinion of the King and His government nothing would more effectually protect His Majesty’s independence, than the adhesion of the government of the United States to the joint declaration of France and Great Britain, of the 28th November 1843, or a distinct declaration, to the same effect, by the United States separately.

You are to represent that the junction of the United States, Great Britain and France, in treaties, for each, of precisely the same tenor and effect, to be acted on here, in the English language, and with an article providing that all questions arising out of either of such treaties, should be decided by reference to the three governments, would most materially tend to secure the King’s independence; and to this end, you are to ask the counsel and assistance of the government of the United States.”

* * * “ You are not to consider yourself fettered by the enclosed draft of a treaty as submitted to Mr. Ten Eyck, further than as showing the views of this government, generally. It is possible, that in concert with the Honorable Secretary of State, you may frame a much more perfect instrument, and one more promotive of the agriculture of the Islands, which you know is the *grand fulcrum* on which to elevate them, in the scale of civilization and wealth.

“The production of sugar and molasses, and the cultivation of coffee, are much in want of protection, against the competition of Manila,

Central America &c., and it would be most desirable, if it can be done by treaty, to confine the importation of all products that compete with Hawaiian products to vessels under the flag of the foreign producing country, and to allow of a *differential duty* being imposed, not excessive but sufficient to grant some "*stimulus*" to native industry. But this is a delicate point, upon which I cannot lay down precise rules. I will only remark what must be self evident to the governments of the United States, France and Great Britain, that the more industrious and rich the King's subjects become, the more they will consume of foreign goods.

"In any treaty that may be framed, altering the rate of duties &c. of course, provision must be made *when* it is to take effect, so as not to injure previous importers, or merchants who may have ordered cargoes under the old system."

No. 67.		to James J. Jarves Dr.
<i>Hawaiian Treasury</i>		
1849.	July, To cash paid postages this month,	\$5 00
	Aug. " " "	9 40
	Oct. " " "	11 57
	Nov. " " "	16 00
1850.	Jan. " " "	65
	Apr. " " "	15 20
	May, " " "	2 00
	June, " " "	9 40
	July, " " "	5 50
	Aug. " " "	7 26
	Sept. " " "	25
	" " Sundries,	9 37
	Engraving seal and cards,	39 10
	Stationery and Clerk Hire,	2 25
	Tin box for Treaty,	50 72
		\$82 43
	Salary due from receipt and acceptance of Commission as Special Commissioner, June 8th, 1849, at San Francisco, to my return to San Francisco, Oct. 22d, 1850, 502 days at \$10 per day,	5,020
	Cr.	\$5,153 15
1849,	Oct. 20. By cash from draft on Minister Foreign Relations,	\$350 00
	Nov. 14. By cash from draft on Messrs. Wetmore & Cryder, N. Y. for \$1500 less discount,	1,490 48
1850.	Dec. 7. By order favor A. P. Everett, to balance,	3,312 67
		\$5,153 15
	JAMES J. JARVES,	Special Commissioner &c.
	SAN FRANCISCO, Dec. 7, 1850.	E. & O. E.

NO. 68.

SAN FRANCISCO, Dec. 12, 1850.

No. 10. SIR:—I have the honor to enclose my account versus the Hawaiian Treasury, as Special Commissioner in the service of His Hawaiian Majesty from June 8th, 1849, to Oct. 22d, 1850, with an order in favor of Mr. A. P. Everett for the balance due me. I understand the vote of the Privy Council allowing me \$10 per day, to cover my travelling expenses. Consequently I have in addition to my salary, brought into the account only the postage and other expenses incidental to the Mission.

My last official act at Washington was under date of Aug. 29th ult. to address a note to Mr. Hunter of the State Department, calling his attention to the contemplated visit of the French naval forces to the Islands this fall, and suggesting a course for the United States to pursue in the event of a continuance of the aggressive policy of the French Government. Circumstances connected with my private affairs compelled me to leave immediately for San Francisco, which prevented me from perfecting an arrangement which I was desirous of submitting to the approval of His Majesty and Council.

My several despatches and enclosures give a full report of my mission to this date. It is not for me to say whether my services would have benefited His Majesty in Europe. Mr Judd's motives in recommending me to remain in the United States to attend to the diplomatic interests of His Majesty, were undoubtedly dictated by the best intentions.

Up to a recent period it had been my design to have returned to the Islands, but the pressure of my private business compels me unwillingly to remain for the present at this place.

I have the honor to subscribe myself very respectfully,

Your most obedient servant,

JAMES J. JARVES.

H. EX. R. C. WYLLIE, Minister of Foreign Relations, Honolulu.

NO. 69.

DEPARTMENT OF FOREIGN RELATIONS, }
HONOLULU, 28th April, 1849. }

No. 4. SIR:—Referring to my Nos. 1, 2 and 3, which you will receive at the same time with this, I am commanded by the King to make you cognizant of the following resolution passed by His Majesty in Privy Council, on the 23d of this month, viz:

“Resolved, That the Minister of Foreign Relations is empowered to offer to Mr. Jarves the reimbursement of his expenses incurred during the time he may be engaged in the above services, not to exceed the sum of ten dollars per day.”

The services referred to, are your services as the King's Special Commissioner to the governments of the United States, Great Britain and France.

I enclose you notes making you known, in that character, to His Majesty's Consul General, in the United States, and to His Commissioner in London.

And I repeat the assurance of the great respect and consideration with which I have the honor to be, Sir your most obedient humble servant.

R. C. WYLLIE.

JAMES JACKSON JARVES ESQUIRE, H. H. M.'s Special Commissioner to the governments of Washington, London and Paris.

NO. 70.

Calculations made by Mr Wyllie and laid before the King and Council in 1850, when considering a despatch from Mr. Jarves, complaining of the concession made to whalers, in the treaty, framed between Mr. Judd and Mr. Eames in San Francisco.

Calculation of duties on a vessel, say of 300 tons drawing 10 feet water.

Tons 300 at 20 cts. per ton,	\$60	
Pilotage as paid by the government,	25	
Exemption on duties on \$200 at 5 per cent ad valorem,	10	
	<hr/>	
	\$95	
\$95 on 200 whalers at Honolulu,		\$19,000

AT LAHAINA.

Anchorage	\$10	
Pilotage,	1	
Exemption from duties,	10	
	<hr/>	
	\$21	
\$21 on 200 whalers at Lahaina,		4,200

\$23,200

Vessels under the Hawaiian flag pay no harbor dues (p. 131 old laws.)

SUGGESTION.—Impose the same tonnage duty and port chargé as are charged in ports of the United States on Hawaiian vessels and all foreign vessels.

NO. 71.

HONOLULU, 10th April, 1850.

To R. C. WYLLIE ESQUIRE, }
Minister of Foreign Relations. }

DEAR SIR:—Being aware that a treaty between this government and that of the U. States, is now undergoing discussion in His Majesty's Privy Council; and learning from the last "Polynesian," that the point relating to whale ships, is likely to create some difficulty, I shall

presume to offer one or two suggestions, upon this subject, although I know that it is becoming in me to speak and write with great caution, upon all matters relating to the executive or legislative affairs of His Majesty's government.

As I have never seen a draft of the new treaty, I may be mistaken as to its stipulations, but from what I am able to gather from the "Polynesian," great *privileges* are conceded to whale ships.

To begin with the subject—the object aimed at, is to *encourage the visits of whale ships, and at the same time not to injure other branches of commerce.*

It is necessary then, to enact a law calculated to favor the pecuniary interests of the *masters of whale ships*, and not injure the business of merchants in Honolulu and Lahaina. It is primarily *masters* of whale ships whose pecuniary interests are to be consulted and not the *owners* of those ships. At present I consider the law defective, in this respect, and calculated to impoverish His Majesty's Treasury, to just the full amount paid for *pilotage*. This is a bill paid at present by the Haw. government, to fill the pockets of rich ship owners in New Bedford and elsewhere. It is as manifest to my own mind as the sun at noon-day, that the payment of that bill by the government, never brought one additional whale ship to this port, or any of the Sandwich Islands. It is not the ship owners in N. B. and elsewhere who decide ordinarily whether their vessels shall, or shall not come hither, but it is those who command those vessels that decide this point in 99 cases out of the 100. I have conversed with scores of whaling captains upon this point, and never heard one complain of paying the pilot's fees. What they are ever complaining of is this, that they cannot trade as much as they wish.

Now I infer, that the new treaty is about to increase the amount which whalers will be allowed to trade. With the Editor of the Polynesian I perfectly coincide that \$1,000, worth of goods, duty free is too great a privilege. I would say let the amount be \$5, or \$600 and let the ship, (as in the case of merchant vessels,) pay its own pilotage. This privilege would essentially benefit the whaling *master*, for it is the *master* and not the *owner* of the vessel who brings out the goods for trade, unless the master is the owner, as I know to be sometimes the fact, although it is almost an unheard of thing, for the *master* ever to be the *entire owner*. The policy of this government should as I conceive it, favor the *master* and not the *owner*, and if the favor is not too great, then the *importer* will not complain; but as a sincere friend of this government I do hope that its limited resources will no longer be (what I consider) the same as thrown away, so far as they are appropriated to paying pilotage on whale ships. Were it not, that I am so thoroughly convinced of the correctness of this statement, I should be far from expressing my opinion so decidedly. I know not the annual amount paid by this government to the pilots, for piloting whale ships, but it cannot be less than one or two thousand dollars. In my humble opinion how much better to devote that amount to the internal

improvements of the Kingdom, or even to the streets and highways, in and about Honolulu!

Now my dear Sir I am aware that my remarks and suggestions, may be entirely irrelevant from the fact that I am not cognizant of the "arcana" of His Majesty's Government, but presuming from what I know to be the state of feeling among the whaling captains, and the hints that have been thrown out in the government organ, I have thus addressed you. Although I am an American and desire to see Am. commerce prosper, in this part of the world, yet I cherish an equally strong desire to see the affairs of this Kingdom prosper. With these remarks, I would respectfully submit the foregoing suggestions to your consideration, and if you consider them of sufficient consequence also to the consideration of His Majesty's Privy Council.

With every consideration of distinguished regard, I am your friend and that of the Hawaiian nation.

SAM'L C. DAMON.

Seamen's Chaplain.

DR. MR. JUDD'S MISSION TO THE UNITED STATES, GREAT BRITAIN AND FRANCE. Cr.

1849.		1850.	
Sept. 11.	To Cash from Treasury,	3,000 00	May 3. By this amount paid for H. M. Kamehameha III,
Oct. 4.	Am't of draft on Treasury from California,	\$204 00	By amount paid for Mr. Wyllie,
" 7.	Exchange from Mr. Wyllie,	3,500 00	By total disbursements on account of L. Lihelilio,
" 31.	Draft in favor of Vice Consul Oldfield,	200 00	do. do. of L. Kamehameha,
		3,904 00	Amount of Sund. paid for Gov't,
Nov. 10.	Draft in favor of Capt Eden,	96 00	Am't bought of Messrs. Butler, Keith & Hill
1850.			Less this am't still due,
Feb. 18.	Draft in favor of Waldo & Co.,	1,450 00	3,400 00
Mar. 2.	Exchange remitted by Mr. Hall,	1,700 82	Amount paid Mr. Whitney,
" "	do. do.	2,758 19	Amount of presents per R. Vida for sundry parties,
" "	do. do. net,	705 75	Cash to be accounted for by Mr. Barclay,
		5,263 76	Amount of purchases for Mr. Judd's family,
Apr. 3.	Draft in favor of Tresor Public France,	1,000 00	Passage of his mother and sister,
May 1.	Draft favor of Matheson & Co. }	2,400 00	Mr. Judd's personal Ex.
" 25.	do. do. }	2,400 00	6,338 52
		4,800 00	By cash on hand,
			42 71
		\$19,513 76	19,513 76
	Signed,	E. & O. E.	G. P. JUDD.

Pursuant to Section V, Chapter I of the second Act of Kamehameha III, entitled "an Act to organize the Executive Department of the Hawaiian Islands," I have found the sums noted in this account, to correspond with Mr. Judd's Books, and to be due and payable accordingly. Signed, R. C. WYLLIE.
HONOLULU, 17th September, 1850.

* These drafts of Mr. Judd in favor of Messrs. Matheson & Co., of London, were in payment of £1,000 Sterling advanced by them to Mr. Judd, under Mr. Wyllie's credit. R. C. WYLLIE.

P. S.—Besides the above, the British Government paid our bills in London, passage by railway to Liverpool, and by steamer to Boston to the amount of £200. George Law paid for a passage for myself and the two Princes to Chngres, \$375, and Howland & Aspinwall on the alleged ground of personal respect gave me a passage from Panama to San Francisco, without which my personal expenses chargeable to the government would have been three hundred dollars more, (\$300.)

Oversized Foldout

No. 74.

FOREIGN OFFICE, 29 May, 1852.

No. 7. SIR:—Reminding you of my despatch No. 2, of the 1st March last, I have now the honor to enclose the Polynesian No. 3 of this date, in which is published the act providing for reciprocal duties on certain articles, with the United States of North America.

I have the honor to request that you will, at your earliest convenience, communicate to your government that that act has been sanctioned by the King and Legislature.

I am glad to have this occasion to renew the assurance of the distinguished respect and consideration with which I have the honor to be Sir, your most obedient humble servant,

R. C. WYLLIE.

LUTHER SEVERANCE, ESQUIRE, }
U. S. Commissioner. }

No. 75.

U. S. COMMISSION, }
HONOLULU, May 31, 1852. }

No. 27. SIR:—I have this day had the honor of receiving your No. 7, of 29th inst., transmitting the published act of your government, relating to reciprocal repeal of duties on certain articles. According to your request I have enclosed a copy of the Polynesian containing the act to the Department of State at Washington, and take the occasion to renew the assurance of the distinguished consideration with which I have the honor to be your obedient servant,

LUTHER SEVERANCE.

His Excellency R. C. WYLLIE, }
Hawaiian Minister of Foreign Relations. }

NO. 76.

DEPARTMENT OF FOREIGN RELATIONS, }
CITY OF HONOLULU, 5th March, 1855. }

No. 5. SIR:—I have the honor to refer you to the order in council, of the late King, on the 1st March, 1852, approved by the Nobles and Representatives of the people, on the 25th May, same year, to page 15 of my report of that year, as Minister of Foreign Relations, and to the documents therein referred to, which you will find appended to that report, as well as to my despatch No. 7 of 29th May, of that year to the Honorable Mr. Severance, your predecessor, and to his reply No. 27, of the 31st of that month, and year—all which you will find in your archives—relating to a special reciprocity in certain articles the produce of this Kingdom and of the United States.

I have never been informed of the views of the Government of the United States, in regard to that offer, which was founded upon a power given by Congress, (if I remember right,) to the Secretary of the

13 APR

Treasury, to form such special arrangements with foreign countries as might be for mutual advantage, while not conflicting with any foreign treaty. If you, in your good discretion can communicate to me what those views of your government were, I shall, with your permission, make them known to the Hawaiian Parliament, in the report which the constitution requires me to present.

I am happy to have this opportunity to renew to you the assurance of the high respect and consideration with which I have the honor to be Sir, your most obedient humble servant,

R. C. WYLLIE.

Hon. DAVID L. GREGG, }
U. S. Commissioner. }

NO. 77.

LEGATION OF THE UNITED STATES, }
HONOLULU, 8th March, 1855. }

No. 48. SIR:—I have had the honor to receive your despatch No. 5, of the 5th inst., calling my attention to the action of the Hawaiian government in March, 1852, "offering to admit the flour, fish, coal, lumber, staves and heading of the United States free of all duty, provided they will admit in return, the sugar, syrup of sugar, molasses and coffee produced on these Islands."

A copy of the law enacted by the King and Council on the 1st of March of that year, together with the correspondence on the subject, appears to have been duly transmitted by my predecessor to the government of the United States.

But I am not advised of the views which were then, or may now be entertained in relation thereto, and for this reason am unable to respond to your inquiries until definite information is received by me from Washington, which I shall seek without delay.

With high considerations of respect I have the honor to be very respectfully your obedient servant,

DAVID L. GREGG.

His Excellency R. C. WYLLIE, }
Minister of Foreign Relations. }

No. 78.

DEPARTMENT OF FOREIGN RELATIONS, }
CITY OF HONOLULU, 14th March, 1855. }

No. SIR:—I have the honor to enclose to you a copy of a letter addressd to me by Edwin O. Hall Esq., recording secretary of the Board of Managers of the Royal Hawaiian Agricultural Society, and copy also, of four resolutions passed by them, declaratory of the advantages that would result to this Kingdom and to the United States from a convention of special reciprocity in certain given articles of the produce of both nations, such as I had the honor to propose on the 2d March, 1852, to your worthy predecessor Mr. Severance.

I am authorized by the King and His Cabinet, to make known to you, that His Majesty has seen fit to commit the negotiation of such a convention, or of another having the same effect, to the Honorable William L. Lee, Chancellor of the Kingdom, and Chief Justice of the Supreme Court, and for that purpose to invest him with the character of His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the Court of Washington; and I am further authorized, if you approve of such a convention, which I think you can hardly fail to do, to request your cordial support thereof, in a special communication to the Honorable Secretary of State of your government. Mr. Lee, God willing, will take his passage in the bark *Frances Palmer*, which is to sail in a few days.

And I would most respectfully request the favor of an official letter from you, making Mr. Lee, in the character aforesaid, known to the Honorable Secretary of State.

I am happy to renew the assurance of the high personal respect and consideration with which I have the honor to be,

Sir, your most obedient humble servant,

Signed,

R. C. WYLLIE.

Hon. DAVID L. GREGG,
U. S. Commissioner. }

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NO. 79.

HONOLULU, March 14, 1855.

SIR:—At a meeting of the Board of Managers of the Royal Hawaiian Agricultural Society on the 13th inst., the enclosed preamble and resolutions were adopted, and the recording Secretary was instructed to transmit to your Excellency a copy of the same.

In compliance with those instructions, I have the honor to refer you to the enclosure herewith, and take the occasion to assure your Excellency of the high consideration with which I have the honor to be your obedient servant,

EDWIN O. HALL,

To His Excellency R. C. WYLLIE, }

H. H. M.'s Min. of Foreign Relations. }

Recording Sect'y.

The following are the Resolutions which were enclosed in the preceding letter of Mr. Hall.

WHEREAS, this Society has learned that the Hon. Wm. L. Lee is about to visit the United States, empowered to negotiate a treaty of reciprocity between this government and that of the United States, and whereas, we deem it of the highest importance to his success, that he have the friendly co-operation and aid of the Commissioner of the United States, resident at these Islands, therefore:

RESOLVED, That in the opinion of this Society, it would greatly conduce to the interests of the citizens of the United States, engaged in agriculture at the Hawaiian Islands, if the government of the Uni-

ted States would accept the reciprocity act, passed by the Legislature on the 25th of May, 1852, or if they would agree to the desired reciprocity upon such other terms as may be compatible with the interests and treaty engagements of the two respective countries.

RESOLVED, That in the opinion of this Society, whilst the introduction of sugar, molasses, and other island products, duty free, into the United States ports of California and Oregon, would greatly add to the wealth of the inhabitants of these Islands, it would proportionally increase their consumption of American produce and manufactures, and the employment of American shipping between these Islands and the said ports.

RESOLVED, That in view of the magnitude of American interests in these Islands, we feel that we have a strong claim to the equitable and generous consideration of the United States government.

RESOLVED, That a committee of three, consisting of Messrs. R. W. Wood, B. F. Snow, and S. N. Castle, be appointed to present a copy of these resolutions to the Hon. D. L. Gregg, Commissioner of the United States, with a request that he will afford us his friendly co-operation in furthering the object we so much desire, and that he will take such steps as to him may seem discreet, to bring the subject to the notice of his government, and to show how much such a convention of special reciprocity would conduce to the interests of American citizens, commerce and shipping generally.

No. 80.

DEPARTMENT OF FOREIGN RELATIONS, }
CITY OF HONOLULU, 21 March, 1855. }

SIR:—I have the honor to acknowledge the receipt, on the 14th current, of your official letter of that date, enclosing to me certain Resolutions passed by the Board of Management of the Royal Hawaiian Agricultural Society, declaratory of the advantages that would result from the acceptance by the United States of the special Reciprocity, in certain articles, *mutually* offered in 1852, and of the desire of that Board that the Commissioner of the United States, should use his good offices, with his government, so as to facilitate the negotiations in Washington, of the King's Envoy Extraordinary and Minister Plenipotentiary, with that object.

I have the honor to make known to you, for the information of the said Board, that on the same day, I addressed the Honorable David L. Gregg, officially, with copies of the documents above mentioned; and that with the friendly and ready courtesy and frankness which so eminently characterize that gentleman, he has shown me despatches which convince me that he has done all that the Board of Managers wish for, and *that*, in a manner the most likely to facilitate the above mentioned negotiations.

With much respect, I have the honor to be,

Sir, your most obedient humble servant,

R. C. WYLLIE.

To E. O. HALL Esq., Recording Secretary }
of the Board of Managers of the Royal }
Hawaiian Agricultural Society. }

NO. 81.

IN CABINET COUNCIL,

Resolved by the undersigned, His Majesty's Ministers, that the Minister of Foreign Relations be instructed by each of us, to settle with Commodore Stockton, of the United States Frigate Congress, all matters of personal feeling on our parts, towards any officer of the United States, lately accredited to this government, and that in regard to matters affecting the government of his Majesty which may come to be settled, he be requested to submit them and the view and feeling entertained before concession, in order that His Majesty's commands may be taken in regard thereto.

Dated 10th June, 1846.

KEONI ANA,
G. P. JUDD,
W. RICHARDS,
JOHN RICORD.

No. 82.

[TRANSLATION]

PALACE, May 12, 1846.

My respects to the Minister of Foreign Relations:

I am about to be absent from this island for a few weeks, I leave with anxiety, lest difficulties should arise in my absence. I have recently seen the course pursued by foreign Consuls, and that its tendency is to produce disorder, and to set aside the rights of my government.

It is only on account of my strong determination to seek peace, that I have not already annulled their *Exequaturs*. But should any one of them repeat such conduct hereafter, and you perceive the peril to be imminent, you will then assemble those members of the Privy Council who remain here, and if you are all agreed in the case, you will then, in my name, revoke his *Exequatur*.

Signed,

KAMEHAMEHA.

Signed, JNO. YOUNG,

To His Ex. R. C. WYLLIE, }
Minister For. Relations. }

No. 83.

The following are exact copies of the King Kamehameha's order and authority given to Mr. Wyllie, to publish official correspondence, at his discretion, which was never revoked till the hour of His Majesty's lamented death.

R. C. WYLLIE.

HAWAIIAN.

HALE ALII MA HONOLULU, }
2 Sepatemaba, 1845. }

ALOHA OE,

Eia ko'u manao ia oe no ko ka-kou pilikia i keia wa i na aupuni e, a no ka manao hooihia wale mai o kekahi poe. E pono ke paaia na hihia a pau loa, a me na palapala oihana i pili pu i na hihia, ke ae like oukou ka poe hoa Kuhina ma ka oukou olelo malu ana.

No ka mea, o ka nalo o ko ka-kou pono a me ko kakou aao oia auanei ka make o ke aupuni.

O kou palapala i kakauia maka la hope o Aperila, ia George Brown Esq., ke Komissina o Amerika Huiipuia, e pai no ia, a ohe pono kou huna hou ana i keia wa.

Nau na,
Signed, KAMEHAMEHA III.
Moa Hanohano R. C. WYLLIE,
Kuhina no ko na aina e.

ENGLISH.

PALACE AT HONOLULU, }
2 Sept., 1845. }

SALUTATIONS,

This is my thought to you concerning our difficulty at this time with foreign governments, and on account of some people's single thought to get us entangled. It is good to print all the difficulties together with official papers (or letters) attaching to the difficulty.

Because the loss (or concealment) of our good and our side (or custom) will be hereafter the death of the government.

Your letter written on the last day of April to George Brown Esq, the United States Commissioner, have it printed, it is not good for you to keep anything more back at this time.

Signed, KAMEHAMEHA III.
His Ex. R. C. WYLLIE, Min. of }
Foreign Relations, Honolulu. }

No. 84.

SUGGESTIONS

As to the policy of Her Majesty's Government with reference to the various groups of Central, Western, and North-Western Polynesia.

1. In respectfully submitting the following views, I have avoided details. I assume that recent explorations have placed Her Majesty's Government in possession of the necessary information, geographical and statistical, with reference to the numerous and important groups in these regions; and will only mention such facts as may be necessary for illustration.

2. Although there are but two distinct races throughout all these islands—the (so called) Malayan and the Papuan—there are great physical differences, and still greater moral and political differences, between the inhabitants of the various groups. As to their social condition, the different Polynesian communities of the Central, Western,

and North-western Pacific, may be divided into four classes—1. Communities partially civilized, where there is a settled, although rudely constructed government and where foreign residents and foreign traders are secure from native violence. 2. Communities where there is a slight approach to civilization and a desire for improvement, but no settled government: where intertribal wars are frequent and sanguinary, but where the lives and properties of foreign residents and traders are respected. 3. Communities wholly, or for the most part, still savage, but possessing some kind of social organization, although very imperfect. 4. Communities wholly savage and without any apparent organization. To the first of these classes belong the people of the Tonga (Friendly) Islands. Of the second class, those of the Samoan (Navigators') Islands are the most striking illustration. To the third belong the Fijians, and to the fourth the tribes of the Solomon Islands.

3. As to the first class, the most wise and liberal policy, it would seem, is to secure their independence and to promote their social improvement so far as these ends *can* be attained by the countenance of the Great Powers and by the counsel of their representatives and officers. That the Malayan Polynesians are capable of attaining a high position in the social scale, is proved by the example of the Hawaiians of Northern Polynesia. Little more than thirty years ago these people were heathen and barbarous, now they are received as equals into the great family of nations. A constitutional monarchy has been established: every department of the State is administered by competent and paid officials: laws are enacted by a legislature resembling in its construction that of Great Britain, and are administered by a paid staff of judges and magistrates. In short, the Kingdom of Hawaii may compare favorably with many of the States of Europe.

4. But whether or not the Polynesians, *as a distinct race*, can form *enduring* nationalities is a problem yet to be solved. I am disposed to think, I confess, that they will be absorbed in the stream of population from other countries which, sooner or later, will pour in upon these superb regions; and that the Polynesians of the *future* will, in fact, be a mixed race, differing as much from the Polynesians of the present day as does the modern Englishman from the ancient Briton.

5. Judging from the past history of Polynesia three things seem clear. *First*, that although missionary enterprise (looking simply at the political bearing of this glorious work) may and does pave the way to national independence; it is by foreign commerce, foreign capital, and foreign enterprise, that the resources of the islands must be developed, and a sufficient degree of material prosperity attained to admit of that independence. *Secondly*, that it is neither politic nor just to expect from the heads of a community thus struggling into "position" the same freedom from political error which might be demanded from governments of long standing. There should not only be forbearance but a friendly guidance. It is for the adult nation to support and instruct the infant nation. *Thirdly*, that although the youthful community and its rulers may be thus guided and instructed by the

older state, the latter cannot in justice to itself, undertake the task of protection against interference from without, unless there is conceded a power of regulating the internal communication of the protected country. Mistaken notions often lead to the rejection of all good advice, and to the adoption of such measures as will excuse, if not justify, the interference of other powers. This could not be prevented without war which, in such a case, would be at once unwarantable and absurd.

6. The conclusions, therefore, which I draw as to the proper course to be pursued towards such communities as I have designated the first class are—1. That the advice and assistance of naval commanders and consular officers should, when sought for, be so far afforded as to aid the native rulers in legislating and governing upon sound principles, so far as the latter are capable of understanding such principles; and devising measures for the increase and development of their country's resources. 2. That, beyond this friendly guidance there should be no interference with the internal administration or external relations of the native rulers. 3. That native rulers, seeking to raise their countries to the rank of states should be made to understand, distinctly, their responsibility to other states, and the impossibility of interference to protect them from any evil consequences which may be drawn upon them by any breach of international faith.

7. I now come to communities of the second and third classes, and I do not hesitate to express my firm conviction that these communities cannot *permanently* maintain an independent existence. There *may* be an exception or two, but I doubt it.

8. Among tribes where there is neither an acknowledged native sovereignty nor an investment of sovereign power in an assembly of chiefs, under an admitted presidency of some kind, the organization and permanent establishment of a native government will generally be found impossible. Take the case of Samoa. Throughout that archipelago are a number of petty chieftains, none of whom possess any real power whatever, while each is so jealous of any superiority on the part of his fellows, that it would be impossible to establish any (native) central sovereign power which would be of any practicable advantage and *would endure*, unless at the expense of a long and sanguinary contest. The same may be said of the Fijis. In that archipelago, indeed, a number of petty sovereignties have been established and one of the chieftains has even assumed a supremacy over the entire group. But this is a mere assumption and is only so far affectual as it can be maintained by force. Intertribal wars, attended with the most frightful carnage and followed by the most revolting indulgence in that most revolting of all practices—cannibalism, are very frequent. The Governments, if they can be so termed, of this archipelago, so far from affording protection to life and property, or promoting the social progress of the native race, and the development of their country's resources, are the fruitful sources of crime and disorder. The Samoans are a superior and more gentle race, who have never been

tainted with cannibalism. Having become alive to the importance of trade with the white men the lives and properties of the latter are (so far as the natives are concerned) as safe at these islands as in any country of Europe; but there is nothing whatever in the shape of a government to which an appeal can be made for redress, either by the white man or by the native.

9. In the absence of any ruling power to which an appeal can be made, it is by force only that any wrong, either upon the white man or upon the native, can be redressed. It is unnecessary to dwell upon the anarchy and bloodshed which naturally attend such a state of things.

10. To the want of civil organization and the consequent intertribal wars, and other evils which such an organization would prevent, may be attributed, in a great measure, the rapid decrease of this native population at the various groups. To show the rapidity of this decrease, it is only necessary to refer again to Samoa, and to contrast the population of this group, as stated by the missionaries to Commodore Wilkes, in 1839, with the census of last year, as collected by the same body, and published in the *Samoa Reporter* of January last.

	1839,	1853.
Upolu,	25,000	15,587
Savaii,	20,000	12,444
Tutuila,	8,000	3,389
Manono,	1,100	1,015
Apolima,	500	191
<i>Eastern Group,</i>		
(Manua Oloosinga and Ofoo,	2,000	1,275
	<hr/>	<hr/>
	56,600	33,901

I believe that neither of the above returns can be relied on as *strictly* accurate, but they are good as approximate calculations, which is sufficient for my purpose.

11. Whether or not the Polynesian races can endure is, as I have already admitted, a problem yet to be solved. But humanity revolts at this wholesale sacrifice of a people. They have no *chance* whatever of a distinct and enduring existence, if this state of things is to continue. If any measures can be adopted to stay the progress of these evils, who can doubt, then, that the interests of humanity call for their adoption? And if such measures will produce, at the same time, *material advantages* to the protecting nation so much the better.

12. There is but one way to render effective aid; this is, by establishing a protective supremacy over the native chieftains. At Samoa and, I believe, at most of the other groups where the people are in a similar position, there is a very general feeling, even on the part of the chiefs themselves, that the presence of some superior and controlling power is absolutely needed, although internal divisions and jeal-

ousies render it impossible that such a power can be raised up from among their own body.

13. The mode of government in cases where it was desirable, without assuming an absolute sovereignty, to maintain a protective supremacy, might be somewhat of the same, as appears to have been resorted to in politically organizing the negro tribes in the vicinity of Cape Coast. (*Vide Report of Governor Hill with Blue Book of 1852.*) The chiefs of these tribes, without being deprived of their position and powers among their own people, have been organized as a legislative body with the British Government, and the Executive and Legislative Councils of Cape Coast at its head. And British residents are stationed, in convenient positions, to administer justice and preserve order. The expense of this protective rule is defrayed by an annual poll-tax of one shilling per head.

14. Distinguished by fertility of the highest order and having the advantage of good harbors, with a considerable amount of trade already established, there are none of the principal groups at which a comparatively large revenue might not, under good management, be speedily raised. A slight glance at their vast capabilities is sufficient to prove this. I will again take Samoa as an illustration. Situated in the most direct course, between the Australias and Panama; possessed of several very fine harbors, with coasts free from dangerous reefs; a most healthful, although tropical climate; and a soil as fertile as that of any country in the world; these islands must, sooner or later, under *some* administration, attain a position of great commercial importance. Their superficial area, according to Commodore Wilkes, is 1650 square miles. But this estimate is believed to be considerably under the mark. The size of Savaii in particular is said to be much greater than the Commodore has estimated it at. There is little chance of error, therefore, in assuming that there is an area of not less than 2000 square miles, of which, owing to the amazing productiveness of the land in its natural state, not one thousandth part is cultivated. These groups must then, I repeat, attain, ultimately, a high degree of commercial importance under *some* administration. And no administration can be formed by the unaided efforts of the Islanders themselves. *Some* foreign power therefore *must* step in sooner or later. It is not a question as to whether *any* of the Great Powers shall attain the supreme influence in these regions, but *which* of them shall acquire this position.

15. Assuming for the sake of argument that the whole amount of revenue at present obtainable at this group towards the maintenance of a protective administration would be 2s per head for the year, say, for round figures £3000 in all, still this could be quite enough. All that would be necessary in the first instance would be three officers—a Resident at Upolu, and Assistant Residents in Tutuila and Savaii, with a few paid native assistants; £450 a year would suffice for the Resident, and £300 a year each for the two assistants. The remainder of the £3000 would be quite sufficient to cover incidental expenses.

16. I submit therefore that not only do the dictates of humanity call for the establishment of a protective supremacy, such as I have advocated, upon the principal groups of the third and fourth classes but that such a course would be in accordance with the dictates of sound policy.

17. I have already urged that, in all cases, where a Polynesian community is desirous and *able* to assume an independent position, it ought not to be forcibly made dependent; and, in accordance with this, I submit that where there is *really* a reasonable ground for hope that an effective and permanent native government may be established, the representatives and officers of the elder states may, with every propriety, aid in its actual construction, as well as assist it when constructed, in the mode I have pointed out in Sect. 6; but where there is no chance of this, and where the natives themselves, conscious of their own deficiencies and dangers, are not only willing but desirous to submit to the protective supremacy of the superior nation, delay is hazardous. As such a supremacy on the part of *some* superior nation *must*, ere long, be established, to reject it is simply to cast those splendid countries, with a full knowledge of their value and despite the wishes of their inhabitants, into the hands of some other power—of the first power, in fact, that chooses to lay hold of them.

18. Communities of the fourth class cannot be served by the establishment of mere protective supremacy. An absolute sovereignty may be proclaimed and established in any of these countries which are thought sufficiently important. But missionary enterprise has, in all parts of Polynesia, been the forerunner of civilization, and in most cases it will be found impossible to form an accurate judgment as to the condition and capacity of these tribes, or as to the best mode of dealing with them, until the pioneers of Christianity have been among them, and that for some time. Each of the Christian Churches is sending forth its laborers to participate in this great work, and the reports of *all* are equally worthy of attention.

19. But the great powers have a duty to perform in connection with these countries which has hitherto been performed but inefficiently. A great deal of bloodshed, as well as much crime of a less frightful nature, might have been prevented by planting consular officers at a few of the most central positions in various parts of Polynesia, and by more frequent visits from vessels of war. So far as the consular officers are concerned about £1000 a year added to the Estimates of the Foreign Office for three additional Consuls would suffice. And can this expenditure of £1000 a year be weighed against the present sacrifice of human life—British as well as Polynesian—to say nothing of the lesser crimes, of the frequent loss of property, and of the great insecurity of trade?

20. Finally I respectfully submit that Her Majesty's Consuls in Polynesia should be *imperatively* instructed upon two points. 1. To aid by their influence the progress of Christianity in any shape, but not to mix themselves up officially in sectarian disputes, nor to use

their official powers to advance the interests of one sect and to retard those of another. 2. Not to engage in trade of any description, either directly or indirectly. The justice of the first of these suggestions is, I think, self-evident. As to the second it is only necessary to point out that as the connections between Her Majesty's subjects and the Polynesians are wholly commercial, no consular officer, who is himself engaged in trade, can be free from suspicion however zealous and impartial he may be in the performance of his duties. Perhaps it is scarcely too much to say that a trading consul in *these* countries *cannot* be thoroughly impartial. The salary usually granted is sufficient to maintain a Consul in these islands respectably, even if he has no private resources of his own; and he should not be suffered to resort to trade to increase his income. Another reason for this rule is that a Consul who is personally engaged in trade, either wholesale or retail, cannot maintain among the native tribes that degree of respect which is necessary to render him efficient as a servant of the Crown.

CHARLES St. JULIAN.

SYDNEY, 31st July, 1854.

NO. 85.

H. H. MAJESTY'S COMMERCIAL AGENCY, }
 APIA, NAVIGATORS ISLANDS, 20th December, 1854. }

No. 2. SIR:—I have the honor to inform your Excellency, that I received on the 6th instant, an official despatch from Charles St. Julian, H. H. Majesty's Commissioner for the independent states and tribes of Polynesia, dated Sydney, October 16th, 1854, advising me that he had appointed Henry De Boos Esquire, an attaché to his commission, who is to take up his residence at, and correspond with him from this place.

Mr. De Boos, who is a personal friend of my own, has arrived here and presented his commission to my inspection, as also a proclamation and circular from the said Charles St. Julian, in conjunction with the proclamation of His Majesty Kamehameha III, under date of the 16th of May, 1854, making known His Majesty's neutrality in the impending war between the great maritime powers of Europe.

Mr. De Boos has also handed me a printed copy of "suggestions as to the policy of Her Majesty's government with reference to the various groups of Central, Western and North Western Polynesia," emanating from the able pen of Mr. St. Julian, in which he defines clearly and distinctly the position of the various tribes and groups of Polynesia, and draws his conclusions and suggestions, as to the proper course to be pursued where such communities are desirous and able to assume an independent position, by establishing a protective supremacy over the native chiefs.

In regard to the Samoan group, the whole of the Islands are divided into districts similar to the Hawaiian Islands. Each district is governed by its chief, who has also petty chiefs under him, and one thing will tend greatly to retard if not wholly to prevent the establishment

of any kind of government among them in their present state, which is the innate jealousies existing between the various chiefs of the different districts. Their vanity tells them that each chief is as good as his neighbor, and the same feeling will not allow them to see another of their own body exercise the *puli* (government) over them, even though it be only for a twelvemonth.

This tenaciousness on their part makes it exceedingly questionable whether any form of government can be established, without the intervention of foreigners to take the initiative.

I imagine however the day is not far distant when these Islands, from the natural advantages they possess, will assume something like an independent position, and the force of circumstances, the advancement of civilization and commerce will compel private feeling to give way to public weal.

I regret to inform your Excellency that the hostile attitude existing between portions of this group, has not diminished, nor is there any prospect of its discontinuance. Although the battles are by no means sanguinary, yet the fact cannot be disguised that far more mortality takes place from the necessary exposure, and manner of living incumbent upon the belligerents, than actually takes place in battle.

There have been no Hawaiian vessels at this port during the year 1854. I have consequently received no fees during that year.

With renewed assurances of respect and esteem,

I have the honor to be Sir your obedient servant,

V. P. CHAPIN,

H. H. M.'s Consular Agent.

His Ex. R. C. WYLLIE, H. H. M.'s Min. Foreign }
Relations, Honolulu, Sandwich Islands. }

NO. 86.

List alphabetically arranged of Foreign Diplomatic and Consular Agents residing in Honolulu and other parts of this Kingdom:

NAME.	NATION AND RANK.
Anthon, Louis H.	Consul of His Majesty the King of Denmark.
Bolles, B. F.	Vice Consul of Bremen, Lahaina.
Chase, George M.	Consul of the U. States, Lahaina.
Everett, A. P.	“ “ Chile.
Gregg, David L.	Commissioner of the U. States.
Hackfeld, H.	Consul of His Majesty the King of Sweden and Norway, (absent, duties discharged by Mr. J. C. Pfluger.)
Miller, William	Her Britannic Majesty's Consul General.
Miller, Thomas	Consul of the U. States, Hilo.
Ogden, D. A.	“ “ Honolulu.
Perrin, Lous Emile	Consul, Commissioner and Plenipotentiary of His Imperial Majesty of France.
Reynolds, Stephen	Consul of Bremen.
Reynolds, Stephen	Act'g Consul of Hamburg.

Robert G. Davis has ceased to act as Consul of Peru, in obedience to a general rule, because the Executive of that Republic has been changed.
R. C. WYLLIE.

No. 87.

List alphabetically arranged, of the King's Diplomatic and Consular Agents, serving His Majesty, in Foreign Countries.

NAMES.	RESIDENCE.	RANK.
Anthon, Julius	Copenhagen,	Consul.
Bain, Watson J.	Auckland, N. Z.	Consul.
Barclay, Archibald	London,	Commissioner.
Beyerbach, Edward	Valparaiso,	Consul General.
Campbell, Winder T.	Sydney, N. S. W.	Consul General.
Chapin, Virginius P.	Apia, Navigators Is.	Commercial Agent.
Delano, Wm H.	Coquimbo,	Consul.
Eldridge, Thomas R.	Lima,	Chargé d'Affaires.
Gossler, John H.	Hamburgh,	Consul General.
Goodwin, Chas. R.	San Francisco,	Consul.
Jardine, David	Hong Kong,	Consul.
Jardine, Joseph	Canton,	Consul General.
Livingston, Schuyler	New York,	Consul General.
Lee, Wm. L.	Washington,	Envoy Extraordin'y and Min. Plinipot'y.
Oldfield, G. S.	Baltimore,	Consul.
Muller, J. F.	Bremen,	Consul.
Reed, Alfred A.	Batavia, Java,	Consul.
St. Julian, Charles	Sydney,	Diplomatic Commis- sioner, Commer- cial Agent &c., for Southern Polyn'ia.

Monsieur P. Fritz Andre accredited in Paris as Agent of the Hawaiian Exhibitors, to His Imperial Highness Prince Napoleon, President of the *Universal Exhibition*.

R. C. WYLLIE.

No. 88.

ROSEBANK, 9th June, 1854.

SIR:—Referring you to the invitation in the name of His Majesty the Emperor of France, given by H. I. Majesty's Commissioner, Monsieur Perrin, on the 27th July, 1853, to take part in the grand exhibition of the agricultural and industrial products of all nations, which is to take place in Paris, on the 1st May, 1855, and to my acceptance of that invitation on the 12th August last under a resolution of the King's Privy Council, (see pages 10 and 11 of the Appendix to my report as Minister of Foreign Relations) I now beg to submit to you, as President of the Royal Hawaiian Agricultural Society, to be laid

before the members thereof, at their approaching meeting, *if you think proper*, the following documents, viz:

Copy of the translation of Monsieur Perrin's second despatch to me on the same subject, dated 7th June, 1854, with certain further regulations of the government of H. I. M. important to be know by exhibitors.

Copy of my reply of this date, promising to make the invitation known to all the chief Planters in the Hawaiian Kingdom.

Copy of a *form* of letter to myself, which I would respectfully suggest that all parties who may wish to send samples of their agricultural or industrial products, should address to me, along with such goods, *carefully and properly packed, marked, numbered, and described*, so as that I may be able to attend, for their benefit, to the details of shipping and consigning to some party in Paris, the samples sent by each, in a way to insure their production at the exhibition, and obtain such a return of the value of each of the articles, and of each quality of each article, as may be useful to their respective owners. I have the verbal assurance of the Commissioner of H. I. M. that he will grant me every possible assistance, in the execution of these details. They cannot be well attended to by parties residing in remote Islands, and having no correspondents in France.

I would recommend that everything be packed in boxes, of a moderate size, with the following direction, cut deep on the lid and marked with black ink, viz:

For the grand exhibition in Paris, of May 1855.

No. Sample of
Sent by
Residing in

Sandwich Islands.

If the contributors avail themselves of my services in the way indicated, I wish it to be clearly understood that each is to furnish me with minute particulars of what they send, the quantity, quality, any information they may wish me to procure for them—their own names in full—the names and localities of their plantations, and authority to pay what expenses may attend the shipment, freight, delivery in a port of France, and carriage from such port to Paris, and conveyance there to the place of exhibition. These expenses would not be great, if I could send all the packages together, for which purpose, I would require to receive them all here, by a particular time. As the object promises to be of national advantage, perhaps the Legislature would not refuse to make an appropriation to carry it out, if a proper application were made for that purpose.

Apart from the special object of taking part in the said exhibition, it might be of importance to Planters, and others to prepare separate samples of their sugar, molasses, coffee, arrow-root, wool, cotton, (if any can be had) tobacco, ornamental works &c., for brokers to report upon in the following markets, viz:

London,
Havre,
Stockholm,
New York,
Auckland, New Zealand,

Hamburgh,
Bremen.
Copenhagen,
Sydney, N. S. W.

And to obtain from each place a *pro forma account-sales* of each of the samples sent, showing the gross price at which such samples would sell, and specifying the duties, and all charges, that would have to be deducted. It must be well known to you, that although the prices of such products usually range much higher in the markets of California, than in those of Europe, yet there are periods of over supply, when the prices fall lower, and when shipments to the markets of Europe, of Australia or of the United States, would be advantageous, if the proprietors of such products, or *merchants here having returns to make had only certain data* whereupon to calculate what the results would be.

Having correspondents in every part of the world, acquired during my previous career as a general merchant in Mazatlan and London, I have facilities in obtaining such data, greater, perhaps, than those possessed by any other man on the Islands; and I would cheerfully render those facilities available for the public good, in the way indicated, if you or the members of the society over which you so worthily and usefully preside, should think the suggestion now respectfully thrown out, deserving of consideration for the good of this Kingdom.

I have no doubt that the representatives and consuls of Foreign nations residing at the King's Court, would consent to write, officially, recommending that such samples, on mere experiment and for brokers to report upon, should be received, in any port belonging to their several nations.

With the highest respect I have the honor to be
Sir your most obedient humble servant,

Signed, R. C. WYLLIE.

To The Hon. WM. L. LEE, the King's Chancellor and
Chief Justice, President of the Royal Hawaiian Agricultural Society &c. &c. &c.

No. 3. *Enclosure in the foregoing letter to Mr. Lee.*

Form of a letter respectfully suggested by Mr. Wyllie, to be addressed to him by all persons who may wish to send samples of their products or manufactures, to be exhibited in Paris, on the 1st May, 1855:

Under an invitation given by the Commissioner of His Majesty the Emperor, on the 27th July, 1853, and the 7th June, 1854, to the King's government, to send samples of the agricultural and industrial products of the Hawaiian Kingdom to the great exhibition which is to take place in Paris, on the 1st of May, 1855, I have the honor to transmit for exhibition on that occasion, the goods marked, numbered and described below.

You will oblige me by causing them to be forwarded to France, in the best way to secure their timely arrival, and a knowledge of their value in the markets of that country.

I have the honor to be Sir your most ob't serv't,

To be signed by each party and all particulars named in Mr. Wylie's letter to be added

To the Minister of Foreign Relations Honolulu.

NO. 89.

DEPARTMENT OF FOREIGN RELATIONS, }
CITY OF HONOLULU, 5th February 1855. }

SIR:—Under the recommendation and acting with the kind advice of Monsieur Perrin the Consul, Commissioner and Plenipotentiary of His Imperial Majesty Napoleon III, I have the honor to enclose to you the following documents, viz:

My official letter of this date, accrediting you to the Royal Commission for the universal exhibition of the agricultural and manufactural products of all nations, as the representative and agent of all the exhibitors belonging to this Kingdom.

Copy of my despatch of the 24th January last to Monsieur Perrin explaining at length those of the printed rules of the Imperial Commissioners which could not be complied with, because such rules did not arrive here till after the goods from this Kingdom had been sent off by the whaleship Pius IXth, and suggesting how those goods (of small quantity and value) should be disposed of, after they shall have been exhibited.

My letter of this date to Captain Lecrosnier of the said ship, requesting him to deliver to your order, all the goods from this Kingdom, which were committed to his care.

Copy of my letter of the 28th December last, to the said captain, describing what those goods are.

With these several documents, and what Monsieur Perrin will be pleased to write to you herewith, I consider that you will know how to obtain from the Royal Commission the favor of a dispensation from the effect of rules, which not being known, could not be observed, and to do everything else required of you, as the representative and agent of the Hawaiian exhibitors.

If you find that the Rules cannot be dispensed with, then I respectfully request you to order the goods to be detained in Havre, valued by the Brokers there, as suggested in articles No. 47 and 48, of my aforesaid letter to Monsieur Perrin, and, afterwards shipped direct to Admiral Richard Thomas, Devonport, Plymouth, with a letter to him stating that you do so at my request.

I engage to reimburse you for any expenses you may incur or commission you may charge for your trouble in the agency which I thus request of you. The shortest way will be for you to send your ac-

count to Monsieur Fleury Herard, Monsieur Perrin's banker in Paris, with an order on me for the amount.

With the highest respect I have the honor to be,

Sir your most obedient humble servant,

Signed, R. C. WYLLIE.

Monsieur P. FRITZ ANDRE, Negociant Commissionaire, }
Rue des Fosses du Temple No. 36, Paris. }

Copy of the Letter of Credence, referred to in the preceding letter.

DEPARTMENT OF FOREIGN RELATIONS.

YOUR IMPERIAL HIGHNESS:—I have the honor to make known to Your Imperial Highness, that acting under powers conferred upon me by the King and His Privy Council of State, under date of the 17th August 1853, to promote contributions from this Kingdom to the universal exhibition of the agricultural and manufactural products and of the fine arts of all nations, which is to be opened in Paris on the 1st of May, 1855, under the decree of His Majesty the Emperor, I hereby accredit to the Imperial Commission, established under that decree, Monsieur P. Fritz Andre, merchant residing in Paris, to represent and be the Agent for all the Hawaiian exhibitors, and especially to explain to the Imperial Commissioners that the said exhibitors could not conform to several of their printed regulations, because these did not reach Honolulu, till after their contributions had been shipped in the French whaleship Pius IXth, for Havre, and, upon that ground to pray the Imperial Commissioners to be pleased to relax their rules, so far as they apply to the goods so sent.

Given under my hand and official Seal in the City of Honolulu this fifth day of February, 1855.

Signed, R. C. WYLLIE.

To His Imperial Highness Prince NAPOLEON, }
President of the Imperial Commission of the }
Universal Exhibition, Paris. }

No. 90.

ROSEBANK, 8th June, 1854.

SIR:—Referring to your address as President of the Royal Hawaiian Agricultural Society, at its meeting of 1853, at page 8, No. 4, of Volume 1st of the transactions of the Society, where you had the courtesy to advert to communications upon the subject of *Guano* and *Tobacco*, received by me, from Thomas Eldredge, Esquire, the King's Charge d'Affairs at Lima, and to my letter to you of the 1st June, 1853, printed at page 152 of the same No. 2, I consider it of importance now to state to you that having received further letters from Mr. Eldredge upon the same subject, I wrote to him on the 1st August last, the reply of which I annex copy marked No. 1.

I add also copy of my letter of the 20th July, 1853, to Dr. R. W. Wood, containing three questions on the subject of *Guano*, to which

I respectfully solicit replies from those planters whose estates may require renovation by manure. It is marked No 2.

My view is, and has ever been that if we expect to compete, successfully in the markets of California and Oregon, with other countries producing like products with ourselves, we must place ourselves on an equality with such countries in the essential respects of capital, labor and improved cultivation, by importing the best seeds and plants—the best breeds of cattle, the best manure and the most improved machinery to abridge and expedite labor.

In proximity to markets, nature and the extension of the United States to the borders of this Ocean, have given us a positive advantage; and it is my belief that we can import all the labor we are likely to require from China, and use it in this Kingdom, at a cheaper rate than if we imported slaves either from Africa or the United States.

I am not sure that German labor would not be the best and cheapest that we could introduce into these Islands. Upon that point and the necessity of encouraging the introduction of capital and pursuing the most liberal policy towards all agricultural enterprises, I have not changed the views which I urged upon the King's government on the 1st December, 1847. It is not improbable that I may not long hence be in a position whence I could promote the introduction of German or any other desirable European laborers, and with the object of having those views of mine, and especially my calculations corrected, where erroneous, I respectfully enclose, marked No. 3, the appendix to my report as Minister of Foreign Relations, requesting your attention to enclosure No. 80 in that appendix, which contains those views. I hope I need not assure *you* that although my presence in this Kingdom may soon cease forever, the interest which I take in its prosperity, in the physical and moral improvement of the native race and in their preservation, will never cease.

But our greatest want is capital, and I see no way of remedying *that want*, except through a well regulated bank, with *chiefly* a metallic currency.

I have the honor to be Sir your most obedient humble servant,

Signed,

R. C. WYLLIE.

To the Honorable WILLIAM L. LEE,
The King's Chancellor and Chief Justice,
President of the Royal Agricultural Society. }

NO. 91.

FOREIGN OFFICE, 2d December, 1848.

SIR:—I have this day received official information from the consul of Chile that during his late visit to Talcahuano, he saw about thirty native sailors who had been left there, by whaleships, and who were in great want, and further that upwards of forty native sailors, during the preceding winter, had perished, in that port alone, from absolute want; they being ignorant of the language, and unable to ask for a piece of bread to satisfy their hunger.

This being the case in one only port opening on this ocean, similar scenes of unlawful abandonment, of starvation and death, may exist in other ports. The evil is of great magnitude, crying to Heaven for prompt and effectual remedy. I thus haste to place the facts before you, that, with reference to the bonds which the government ought to exact and enforce where whaleships and others are allowed to take off Hawaiian sailors, as per Sect. III and IV, pages 66 and 67 of the laws, you may institute what proceedings you may consider best calculated to check such wicked contempt of the law, and within the attributions of your public duty to this government.

You will oblige me by acknowledging receipt of this despatch and by making any suggestions that you may think proper to be laid before the King.

If you can obtain through the governor, a list of all bonds given and forfeited since the enactment of the law, with the names of the ships and the nations to which they belong, it would be of consequence to me as the justification of a complaint to the consuls of the nations to which the delinquent vessels belong.

If any prosecution should be instituted, I would respectfully suggest that it should commence on the bond of oldest date, and so proceed, as to obviate any appearance of greater severity to one flag than to another.

With much respect I have the honor to be

Sir, your most obedient humble servant,

Signed,

R. C. WYLLIE.

ASHER B. BATES, ESQUIRE,
Attorney &c., for H. M.'s government. }

No. 92.

HONOLULU HOUSE, 3 Dec., 1848.

SIR:—Your letter of the 2d inst., relating to the sailors abandoned at Talcahuano, &c., has been received.

I have addressed a note to the Governor of Oahu, soliciting the information you desire, and when his answer is received I'll pass you a copy.

The statutes relating to the enlistment of native sailors on board of foreign vessels, (pages 65, 66 and 67, Vol. 1, Statutes,) in my judgment provides an insufficient penalty for the non-compliance of a captain with the bond he is required to give—the penalty for abandoning native sailors in a foreign land, should be an amount, that would always make it for the interest of a captain, to return them—instead of \$100, I should think \$500, should be the lowest limit. No other or further amendment of the laws, now occurs to me as important, to be made to protect native sailors in foreign service.

Respectfully your ob't serv't,

Signed,

ASHER B. BATES.

To His Excellency R. C. WYLLIE,
H. H. M.'s Min. of Foreign Relations. }

No. 93.

HAWAIIAN ORDER IN COUNCIL.

AT THE PALACE, December, 1915.

Present, the King and Premier in Council.

Whereas it has been made known to us that great inconvenience arises from the numerous applications of foreigners to take the oath of allegiance, and whereas certain evil disposed persons accuse our government of using undue means to induce foreigners to take such oath.

Now therefore, We, the King and Premier, by and with the advice of our Privy Council, in pursuance and in exercise of the powers and authority in us vested, by the constitution, do decree, as follows:

1. No native of any foreign country shall be allowed to take the oath of allegiance, and to enjoy the benefits and privileges of naturalization, unless he send in a written petition to the Minister of the Interior to that effect, stating his name, age, religion, profession, or business, by what ship he arrived, how he was discharged, and what his object is in remaining on the Islands.

2. No such petition shall be admitted unless it be accompanied with a certificate of the consul of the petitioner, or in default thereof, a certificate signed by two credible witnesses, that the petitioner applies to take the oath, of his own free will and accord.

3. The prayer of a petitioner shall in no case be granted until after twenty-one days from the date of its presentation in manner aforesaid, during which time, it shall be the duty of our Minister of the Interior to make careful inquiries into the truth of the statements of said petitioner, and into his moral character, and until his name have been once published in the government paper.

4. If the result of such inquiry be favorable to the petitioner, but not otherwise, on the first *lawful* day after the ending of twenty-one days from the date of his petition, our Minister of the Interior shall issue to him a letter of naturalization, in the form drawn up by Our Attorney General, for which, and the advertisement of his name, he shall pay the sum of five dollars, if the petitioner be a mechanic, and ten dollars if he be a merchant, or belong to any other profession.

5. It shall be the duty of Our Minister of the Interior, to register every such letter of naturalization if granted, and to preserve on file all the documents thereto relating, under a number corresponding to that letter of naturalization.

6. Every foreigner so naturalized, shall be subject to all the burdens imposed by law now existing, or that may hereafter be enacted, upon native subjects, and in like manner shall enjoy all the rights and privileges reserved to natives by the existing law, or by the laws that may hereafter be enacted.

7. This Our order in Council shall be published in the Hawaiian, and English languages, in the government paper, and be communicated officially by our Minister of the Interior to all the governors of Our Islands, the collectors of Our customs, and the captains of Our

forts; by Our Minister of Foreign Relations to all the Consular Agents of foreign nations residing in Honolulu, and by Our Attorney General to all Our judges, and justices of the peace, after which it shall have the force of law throughout all Our Islands.

No. 94.

Political creed and principles as professed individually by the Members of the present Administration of His Majesty Kamehameha III.

1. I consider the support of monarchy in the Sandwich Islands to be indispensable to the preservation of the King, the Chiefs, and the Natives.

(Signed by G. P. JUDD.)

(" JOHN RICORD.)

2. I consider it the duty of the King's Ministers, in all the measures they recommend, to have a single eye to the preservation of the King, the Chiefs, and the Natives.

(Signed by G. P. JUDD.)

(" JOHN RICORD.)

3. I consider that the existence of the King, Chiefs and Natives, can only be preserved by having a government efficient for the administration of enlightened justice, both to Natives, and the subjects of foreign powers, residing on the Islands.

(Signed by G. P. JUDD.)

(" JOHN RICORD.)

4. I admit that chiefly owing to American Missionaries, the Natives have made great progress in letters and religion, and that they are capable of being so trained as to be able to conduct the affairs of government officially, but I consider that they are as yet very far from having arrived at that pitch of civilization.

(Signed by G. P. JUDD, "as far as foreigners are concerned.")

(" JOHN RICORD, "without qualification.")

5. I consider that they can only be brought to that pitch, by promoting education, the careful study of proper books, and the practical training which they may receive by ascending through the different gradations of office under Foreign Ministers.

(Signed by G. P. JUDD.)

(" JOHN RICORD.)

6. I consider it the duty of the King's Ministers who are foreigners to surrender their commissions to His Majesty, whenever it may please Him to appoint properly qualified natives to the offices they now hold; and I hereby engage so to surrender the commission which I now hold by the grace of the King.

(Signed by G. P. JUDD.)

(" JOHN RICORD.)

7. I consider the King by the mutual engagement of Great Britain and France, and the acknowledgement by the United States and Belgium, to be entitled to all the honors and considerations due to mon-

archy, and that it is my duty, on all official occasions, to respect the appointment with which His Majesty has honored me, by observing and conforming to all the punctilios of dress, style and address, and of courtly demeanor usual in other independent monarchies.

(Signed by G. P. JUDD.)

(" JOHN RICORD.)

8. I consider it my duty to the King and His sovereignty to discourage all republican tendencies, and specious attempts to level and degrade him to the mere rank of a superior chief, as calculated to undermine His influence and authority, and place the Islands in subjection to the dominion of whites.

(Signed by G. P. JUDD.)

(" JOHN RICORD.)

9. I consider that the subjection of the Islands to white domination would lead to the extinction of the native race.

(Signed by G. P. JUDD.)

(" JOHN RICORD.)

10. I believe it to be my duty to promote the numerical increase of the natives, their advancement in religion, education, civilization and knowledge in all useful arts and sciences so as to increase their comforts, happiness and wealth.

(Signed by G. P. JUDD.)

(" JOHN RICORD.)

11. I believe the co-operation of Christian teachers to be necessary to the attainment of those desirable objects, but that these teachers should not interfere in the purely political concerns of the King's government.

(Signed by G. P. JUDD.)

(" JOHN RICORD.)

12. I believe it to be the duty of the government to allow equal privileges to all foreign nations, and all usual privileges to the representatives of foreign powers, but not to allow them to dictate or interfere in matters of a purely domestic nature, in which they or their fellow countrymen have no proper interest or concern.

(Signed by G. P. JUDD, "Understanding the word foreigner to mean Alien.")

(" JOHN RICORD, "Understanding the word foreigner to mean alien foreigner.")

13. I shall consider it my duty as a Minister of the crown to assist in devising means to defray the expenses of the King's government, reward public services, support religion and schools, but so as to relieve the natives from all oppressive taxes, and leave their industry unshackled.

(Signed by G. P. JUDD.)

(" JOHN RICORD.)

14. I believe it to be for the honor of the King and the good of His

Kingdom, faithfully to observe and execute all the promises, contracts, engagements, conventions and treaties He may have made, or caused to be made in right of His sovereignty legally exercised.

(Signed by G. P. JUDD.)

(" JOHN RICORD.)

15. If the contracts of 24th November, 1841, 30th September, 1842 and 18th May, 1843, have been so made in the opinion of His Majesty's law advisers, approved by the Privy Council, I believe it to be incumbent on His Majesty to execute them, although their effect appears to me to be, to bereave the King of the most valuable part of His sovereignty, to degrade Him into a mere partner of a foreign mercenary stock jobbing company, to rob His native subjects of their inherent rights, and to violate His treaty engagements with foreign powers.

(Signed by G. P. JUDD, "on the hypothesis assumed.")

("The nullities of those dates are not contracts, I will never approve of any arrangement, based mainly or chiefly upon the fact of their existence, until I have seen and examined them.")

Signed by JOHN RICORD,

Attorney General.)

16. I consider that it would be unworthy of the King, under the contingency contemplated in Article 6th, to accept the resignation of Mr. Judd or Mr. Richards, without providing for the future support of them and of their families, they having devoted the best part of their lives to His Majesty's service.

(Signed by JOHN RICORD.)

17. I apply the same remark to the Attorney General, so far as regards a suitable compensation to him for the important services he has rendered to all departments, since his appointment and the difficult task of reviewing the Constitution and codifying the laws, for the good of the Kingdom, which he has undertaken and is now preparing.

(Signed by G. P. JUDD,

"But as this is a delicate matter, and the claims of Mr. Wylie, and other faithful men are not admitted, would prefer that No. 16 and 17 were for the present waived.")

18. I believe the task undertaken by Mr. Ricord may be productive of immense good to the King, the chiefs and the natives, tending to fit them for the highest offices of civil government, provided he execute it so as to adapt the Constitution to the genius of the nation; to the temperature of the soil and air; to the wealth, population, manners and customs of the people, support what is good, alter what is defective or contrive the best remedies to counteract constitutional defects or faults.

(Signed by G. P. JUDD, "most fully.")

(JOHN RICORD, "my best endeavors shall be used to this end.")

19. I believe that in the present state of the Kingdom, and of the natives, it is the duty of the King to employ foreigners in all Departments where the duties cannot be performed by natives, upon the plain principle that the good of the many is to be preferred, to the mere good to a few, of holding offices for which they are not fit.

(Signed by G. P. JUDD, "more aid of this sort required immediately, than will ever be required hereafter.")

(" JOHN RICORD.)

20. I believe that in the same way as previous to the appointment of Mr. Judd, it is possible to conduct the government with natives, nominally, they being secretly directed by foreigners, but that such a system has the following inherent vices:

(Signed by G. P. JUDD, "hardly possible if it is to be efficient.")

(" JOHN RICORD, "I do not think that suitable persons will ever again be found to play a secondary part as heretofore, in the conduct of government affairs, yet if suitable persons could be found to do so, I concur with Mr. Wylie.")

(1.) It savours of a political hypocrisy by holding out an appearance to the world which is false and delusive.

(Signed, JOHN RICORD.)

(2.) It opens a door for the injurious indulgence of private passion, for it is in human nature to be more bold in the prosecution of private ends, where they can be pursued under cover of another man's responsibility, than where they can only be pursued openly, under the responsibility of the party himself.

(Signed by G. P. JUDD, "it does.")

(" JOHN RICORD.)

(3.) Such a system of mere puppet government tends to ridicule and contempt on the part of foreigners, as was recently witnessed in Mr. Brown, who in open court, heaped ridicule upon ridicule on Ke-kuanaoa, for sitting as a mere automaton Judge, deriving his inspiration solely from Mr. Judd and Mr. Ricord.

(Signed by G. P. JUDD, "it does and has in many instances.")

(" JOHN RICORD.)

(4.) It might lead to disgraceful equivocations, shuffling, or even lying in the event of any measure requiring punishment, for the native nominal Ministers, would very properly blame the real, though secret foreign Minister, while the latter might seek to evade punishment by retorting upon the nominal incumbent of office.

(Signed by G. P. JUDD, "it might.")

(" JOHN RICORD.)

(5) It would lead to careless, imprudent, and incautious measures, because the idea of freedom from responsibility, invariably begets recklessness of action.

(Signed by G. P. JUDD, "it would.")
(" JOHN RICORD.)

(6.) It is in a high degree humiliating to native gentlemen, to place them in positions where they must feel a consciousness of inability, to fulfil their ostensible duties, unless at the dictation of foreigners overruling them.

(Signed by JOHN RICORD.)

(7.) The system of having real rulers concealed by nominal ones would be jesuitical and farcical, unworthy of the King, and contrary to that open honest policy which the united voice of mankind has pronounced to be the best for nations and for individuals.

(Signed by G. P. JUDD, "it would, personal responsibility is indispensable to a good Minister or Agent.")
(" JOHN RICORD.)

21. I do not believe that I could serve the King, either agreeably to my honor, my conscience, or my oath, on principles materially differing from those herein avowed, but if a contrary policy be resolved upon, I shall most willingly make way for another man to carry out that policy in my Department, reserving to myself the right of communicating my reasons to His Majesty.

(Signed by G. P. JUDD, "I concur in this sentiment.")

(" JOHN RICORD, "I fully concur in this sentiment.")

22. So far as these principles may be adopted, or approved of, I would consider any one who should act in a contrary sense, or weaken the influence of the King's Ministers by misrepresenting these principles to the King, the chiefs, the people, the missionaries, foreign Representatives, or the foreign residents, to be a traitor to the King, his colleagues and himself, unworthy of a seat at His Majesty's Council, of employment in His Majesty's service, and a dangerous man to be allowed access to the King.

(Signed by G. P. JUDD, "and so would.")

(" JOHN RICORD, "I fully concur in this sentiment.")

23. I consider it due to myself and to His Majesty whom I serve, to make this avowal of my principles that my colleagues may know me as I am, and have a rule whereby to discard me from their society and confidence, if I should be proved to be wanting in my duty to the King, my fidelity to them and to the principles here deliberately avowed.

(Signed by G. P. JUDD, "I fully concur.")

(" JOHN RICORD, "I invoke the same result, being tested in the same manner.")

24 I have many reasons for believing that the enemies of this government found their chief revolutionary hopes on sowing discord and distrust between His Majesty's foreign officers, and I consider, that for each officer to sign his political creed and principles, would best beget that mutual confidence that would render each of them proof against such temptations, and should the enemies of the government overturn it, a document so signed would supply the rule by which the public would pronounce its verdict upon the character and acts of the present administration.

The above are my political principles and sentiments, and they shall be the rule of my public conduct as a Minister of the King, and of my private walk and conversation.

HONOLULU, June 19th 1845.

Signed, R. C. WYLLIE.

(Signed by G. P. JUDD, "the above modified, are my political sentiments, and they shall be the rule of my public conduct as a Minister of the King, and of my private walk and conversation.")

HONOLULU, 21st June, 1845.

(" JOHN RICORD, " and so does.")

ADDITIONAL.

Having read the above 24 articles of my political faith, and rule of duty, as a Minister of the Crown, to Mr. Judd, Mr. Ricord and Mr. Richards, and they having approved of them generally, I propose that each of these gentlemen receive them in turn, and add their views respectively each in his proper column, that afterwards the whole be translated under the joint care of Mr. Judd and Mr. Richards to His Majesty, for His revision and correction, and that after being sanctioned by His Majesty, a copy in English and Hawaiian be lodged with him, to be used as may suit His Royal will.

MAUNAKILIKA, June 20th, 1845.

Signed,

R. C. WYLLIE.

NO. 95.

[TRANSLATION BY D. FRICK, L. L. D.]

From volume 1 of the Baron Charles de Martens' Diplomatic Guide, illustrated with notes by M. de Hoffmann. New Edition, Paris, 1837.

CHAP. 2. OF THE MINISTER OF FOREIGN AFFAIRS.*—As the conduct of the statesman to whom the direction of Foreign Affairs is intrusted, is in most cases, the cause of the success or of the failure of the views and plans of the government abroad, and consequently the choice of this great functionary is of the highest importance, since it

* They are called Ministers, those who are chosen by the head of the government to exercise his authority through them.

is by his wisdom that the rights, the interests, the tranquility, the dignity and the national honor are maintained, while his faults may compromise the nation, and involve it in quarrels and wars, of which the result could not be calculated, we believe ourselves justified in making a few observations on this subject.

All the parts of the Home administration are directed according to fixed rules; the law or the authority speaks; one requires or one orders; the errors affect chiefly individuals and are therefore easily repaired. Thus in the ordinary course of things, the Home administration requires but watchfulness; and in extraordinary cases, prudence may call the intervention of force to its assistance; it has no foreign will to consult, to spare or to fear.

The same does not exist in regard to the Foreign Relations; there nothing can be required, nothing prescribed; you must claim, solicit negotiate; the least inconsiderable word may hurt a whole nation; a false step, a false or wrong calculation, a rash combination, a simple indiscretion may compromise both the dignity of the government and the interest of the state.

Finally, the foreign policy of a state presents an intercourse so varied, so multiplied, so much subject to change, and at the same time surrounded with so many shoals and difficulties, that we may easily conceive how difficult and delicate must be the functions of him who is called to the management of an administration of that importance; they are so much more so that for the general direction of his ministry, he could not be submitted to any legal responsibility;—he has no other tribunal but that of his own sense, that of his sovereign, and above all public opinion, which tyrant-like, establishes or destroys reputations. One is so much accustomed to judge from the temper, the principles and the personal qualities of the Minister of Foreign Relations, the system of his policy, that his nomination and his dismissal are always considered as political events. Therefore it is often seen that the courts themselves, hasten to quiet the foreign cabinets in regard to the principles and the dispositions of him that is called to fill these high functions.

In order that the Ministry of Foreign Relations may perfectly answer the object of its institution, the following are the topics that ought to fix the constant attention of him who is appointed to direct it.

1. The perfect knowledge of the geographical situation of all the parts of the state.
2. The knowledge of the interests of the commercial relations, and of the physical and moral resources of the country.
3. The exact knowledge of the right and the pretensions of the sovereign, founded upon treaties and conventions.
4. The study of the principles and of the political views of the sovereign.
5. The perfect knowledge of the physical and moral means of the foreign powers with which the government is in direct relation.
6. The art of directing the steps and the negotiations of the diplo-

matic agents sent abroad, towards the main object of the system adopted by the government.

7. The continual attention of being informed in time, by the diplomatic agents on a mission, of the steps, the underhand dealings, and of the secret attempts of the other powers, in order to be able so to act, or to cause to be acted in consequence, as to thwart or to second their efforts. (1)

CHAP. 3. OF THE FUNCTIONS OF THE MINISTER OF FOREIGN RELATIONS.—It is to the chief of the Ministry of Foreign Relations, that belongs the care of entering into conference with the public Ministers of foreign powers, to listen to their reclamations and their propositions to make an answer to them in the name of the sovereign, to discuss reciprocal interests, in fine to open with them and carry to their conclusion, negotiations properly so called.

To him also is intrusted the duty of writing, or causing to be written, the public acts proceeding from the sovereign and published in his name, such as treaties of peace, of alliance, of commerce &c., conventions regulating the limits and demarkations of the frontiers; declarations of war, manifests, expositions of the motives of war, or of any other measure that the sovereign considers himself as having the right to take, in regard to another power; the answers and replies to official documents which another power may have been in the case of causing to be published, &c.

It is consequently to the ingenious capacities of the head of that Department that belongs the talent of contriving or selecting the best political system, founded upon the sole true interests of the country, of taking always the most advantageous courses, of taking opportunely, advantage of all events, and of knowing how to accommodate and combine all the measures adopted in order to create and carry out that political system established in favor of the state. (2)

To his attributions belongs the task of opening and conducting the negotiations for the marriages of the Princes and Princesses of his

(1) De Winter's rough draught of a system of diplomacy.

(2) In regard to the mode of proceeding in the work of the Minister of Foreign Relations, M. de Flasseur, in his *General history of the French diplomacy*, in speaking of the method adopted by Mr. d'Argenson, Minister of Louis XV. as calculated to offer diplomatic instruction and insure the success of the candidates, expresses himself thus:

“During all the time of Mr. D'Argenson's Ministry, that statesman was very particular in his assiduity at work, up at 5 o'clock, he began his correspondence, and at nine he sent to his four chiefs de Bureau all the work for the day, ready and complete. He had accustomed his employes to make extracts from all despatches, and other papers which enabled him to report *summarily*, in council, such business as required the least of discussion. As to the answers to be made, that Minister wrote the spirit of them on the Margin; and with his notes were composed the despatches for the Ministers abroad.

“Besides this work of his office, the Minister wrote himself, the most essential or most delicate letters. He composed moreover, memoranda and recapitulations for the King, prospects, plans, *agenda* for his own conduct, for his opinions in council, and more particularly for his work with the King, as well as for what requests and answers he had to address to the foreign Ministers.”

sovereign's family; of notifying to foreign courts, the births and deaths of the Princes, when the sovereigns themselves, do not make use of cabinet or autograph letters.

It is likewise for him to regulate and maintain the observance of all that belongs to diplomatic ceremonial, as much for the diplomatic agents sent to foreign countries as for those accredited at the court of his sovereign, (see 1.)

Although in most countries, especially in those that possess colonies, consuls are in some degree, under the control of the Minister of the Navy Department, they receive however, and particularly those that are invested with the character of Chargé d'Affaires, direct instructions from the Minister of Foreign Relations. (2)

It is also within the precincts of that department that the archives of the state are deposited. (3) The archives contain not only the documents of superior importance, about the rights, the pretensions and the engagements of the sovereign of the state, but also all the notes and diplomatic doings in relation to negotiations; the correspondence of the Ministry with its agents abroad, and with those accredited at his own government, and in general everything from which hereafter elucidations or proofs may be drawn. (4)

Since every court in particular, observes a determined ceremonial towards the other courts, it is likewise in the archives of the state that are collected the formularies for all that concern the titles, the expressions of courtesy, and the form to be observed in the different kinds of diplomatic composition. (5)

Ceremonies are a kind of mute eloquence which speaks to the eyes. Not only is it necessary to have a ceremonial, but that ceremonial must be judicious, consequently those that are to fix it, must consult for its establishment the right of nations, and public right. In order to insure the constant observance of an act of ceremonial it must, upon examination, be found resting upon these two bases.

In vain might it be alleged that ceremonial could be dispensed with, since respect is recommended for the authorities. It is thus that the rules of politeness are neglected where kindness is shown, and that with some probity the rules of justice are evaded. But besides the fallacy of such a reasoning, since it supposes that which does not exist, the necessity of agreed forms would not the less be felt, because a very small number may be found right in advancing that argument. Ceremonial or etiquette ought then to be considered as the necessary

(3) We say often, for there are countries where the great archives of the state are entrusted to the great Chancellor of the Kingdom, or to the Minister of the Interior, and where the archives of the Department of Foreign Affairs contain but the pending affairs, or those which, though terminated, are limited within a certain length of time, such, for instance as the duration of the King's life.

(4) For the authenticity of a document could but difficultly be questioned, though only found in the archives of one of the interested parties.

(5) The ceremonial is made for the purpose of giving to the people the example of order, of the benefits of order, of the supremacy of order; the magnificence of order, the spectacle of order.

practice of proper behavior; and the simplest citizens are ruled by it under the name of politeness. But it assumes a much higher importance in the head of the state, on account of the honors of precedence and of the indispensable deferences which are regulated by etiquette between the mightiest men. Etiquette is instituted to announce the degrees of distinction due to each dignitary; and the forms of etiquette contribute as much to the defense of a monarch as do his most watchful guards.

Finally, these rules have been particularly established in order that everything may be fixed, and to decide, as the case may be, upon frivolous objections in precedence, though there is little occasion in our days, for appealing to them, on that account. There are also some distinctions to be made between the honors due to men in official place, and private individuals or functionaries acting as simple individuals.

A private citizen may, if he likes, raise in his own house, above himself, a man that he wants to distinguish, he is the absolute master to do it, he uses but his own principle; but a monarch, for instance, can He, in His own palace, abandon the precedence to another monarch? No, for He is at the head of His people, and He cannot without degradation to His nation take any other place but the supreme one; He would tarnish the dignity of His crown, in admitting any one to a place above himself, and that order is to be followed by all the functionaries in the exercise of their functions. They are to give up their place to nobody, not even to women, when they are wearing the insignia of their character, but they take advantage of the liberty to appear unofficially. Therefore it is not proper to appear in private saloons in the costume of any dignity whatever. There every dignity is to disappear to make room for a becoming liberty, for a delicate politeness of which the basis is founded upon the regards due to the fair sex.

These considerations are no doubt sufficient to prove that ceremonial is useful, necessary; indispensable. It is the cement that binds and unites those stones so diversely cut, which compose the social edifice, it is through that that it becomes a compact and strong body, that it acquires grace and solidity. (See hereafter, Chap. VI.)

NO. 96.

QUESTIONS

Which each Missionary is respectfully requested to answer, at present, so far as possible, according to the best of his knowledge and belief, and afterwards, from his station every year, arranging with the Missionaries at the adjoining stations, so as, if possible, to embrace the whole Islands.

1. Total population of District of———, Island of———,
2. Males under 10 years of age.
3. Females under 10 years of age.
4. Males from 10 to 20.

5. Females from 10 to 20.
6. Males from 20 to 40.
7. Females from 20 to 40.
8. Males from 40 to 60.
9. Females from 40 to 60.
10. Married couples.
11. " " with one child only.
12. " " " 2 children.
13. " " " 3 children.
14. " " " more than 3 children.
15. Number of farmers or cultivators of land.
16. Number of graziers, or raisers of cattle.
17. Number of fishermen.
18. Laborers able-bodied, male and female.
19. Other occupations.
20. Daily wages paid to laborers computed in cash, not including provisions.
21. Sum required for food by a laborer per day.
22. What kind of food is used.
23. Computation of average number of hours per day that laborers work during the year, struck by adding the number of hours and dividing by 313, the number of working days, yearly, for laborers in Europe and America.
24. Usual maximum of labor, in point of time per day.
25. How the moral and physical health of the natives is affected by excessive unpaid labor, exacted of them.
26. How far it is affected by the enervating effects of indolence and indifference, as to any thing beyond the mere wants of animal existence.
27. What are the best means of abolishing that indolence and indifference, and introducing habits of general industry continuously pursued.
28. How far would it please the natives and improve their condition, to commute the labor days required of them, for an equivalent tax to be paid in money.
29. Would the natives rather work to earn that amount in wages, or give so many days labor as at present, and no money.
30. What manufactures exist in the district and what are adapted thereto.
31. What articles of produce are raised in the district, or what may be raised, in what quantity and at what price.
32. What amount of foreign merchandise may be consumed yearly in the district.
33. What amount of money may be in circulation and how purchases and sales are effected.
34. What ports, bays or landing places belong to the district, available for ships or small vessels.
35. Number of ships arriving during the year.
36. Number of foreigners residing within the district, distinguishing

the married from the unmarried, the nations to which they belong, specifying their occupations, and the number of the children of those who are married.

37. Diseases prevailing contagiously or epidemically in the district.
38. Number of deaths yearly.
39. Number of births yearly.
40. Number of marriages yearly.
41. How far the houses of the natives are defective, and what improvements are easily practicable.
42. What minerals, if any, exist in the district.
43. Number of horses, mules and donkeys, distinguishing each species, with the prices and rates of increase.
44. Number of horned cattle, sheep and goats, with their prices and ratio of increase.
45. How many acres of land, capable of being cultivated by the plough or otherwise.
46. What would be a fair rent for such land per acre.
47. How many acres, more or less, of land fit for grazing.
48. Have the natives any means for buying land or cattle, that is, can they pay for them.
49. Maximum of population that the district might support if properly cultivated.
50. How many Protestant churches, chapels and meeting houses within the district, and the extent of the accommodation they afford.
51. How many Protestant schools, the number of scholars, progress they have made—who are the teachers and what salaries and by whom are they paid.
52. How many catholic churches, chapels and meeting houses, within the district and the extent of the accommodation they afford.
53. How many catholic schools, the number of scholars, progress they have made, who are the teachers and what salaries, and by whom they are paid.
54. What fees, if any, are charged either by protestants or catholics for baptisms, funerals or marriages.
55. Do the catholic priests make any charge for confession, marriage, administration of the Eucharist, extreme unction or absolution?
56. What, if any sources of jealousy or contention exist between the protestant and catholic missionaries and teachers.
57. Suggestions to promote mutual concord and charity.
58. Number of murders within the district during the year.
59. Number of robberies in the highways.
60. Number of burglaries by breaking open houses.
61. Number of important thefts.
62. Number of petty larcenies.
63. Prevailing vices, with their causes and suggestions for their removal.
64. State and Administration of the law, with suggestions.
65. Are life and property generally secure.

66. Instances of great longevity.
67. Ancient traditions, respecting the creation of the world, of man, the deluge, the country whence the Hawaiian race proceeded—different races of men arriving at the islands, earliest civilized foreign visitors to the islands, architectural, nautical or other proofs of their existence, committing the same to writing, where important, for the ancient history of the islands.
68. Traditions of ancient intercourse with other islands or countries and how the early navigators managed their vessels and directed their courses.
69. To whom the ownership or lordship of the land belongs.
70. Have the waste or uncultivated lands any proprietor.
71. Could an adequate provision be made in land for the establishment of Parish churches and schools, and if so, in what manner.
72. What number of churches and schools would be required.
73. Causes of the decrease in the population.
74. Mode in which the young children are taken care of, fed and trained, with suggestions for improvement.
75. Best means of preserving and improving the native race and rendering them industrious, moral and happy.
76. Amount of native contributions during the year, towards religion and education, distinguishing the objects for which they are made and how much in cash, in labor, in provisions, in manufactures, presents or any thing else, the value of which can be estimated, and whether made voluntarily or by requisition.
77. Number of idolaters or heathen still remaining.
78. Computation according to tradition; or other evidences, of the greatest population that ever existed in the district.
79. State of the district as to mendicity or want.
80. Statistics of crime, misdemeanor and vice arising from the use of intoxicating liquors, whether amongst natives or foreigners, with remarks.
81. Fitness of the natives to act as witnesses; jurors and judges, with ideas for the better administration of justice amongst them.
82. Cases of infanticide.
83. Cases of adultery.
84. Cases of incest.
85. Cases of violation or rape.
86. Cases of unnatural crimes.
87. Cases of venal prostitution, that is, where husbands urge their wives to prostitute themselves for gain, or parents their daughters.
88. How far in the present state of the natives, trial by jury is the best mode of administering justice that could be adopted.
89. How far it would be agreeable to the natives and contribute to the ends of justice and good morals, as well as mutual harmony and good will, that where natives are either plaintiffs or defendants, the cases should be decided by juries composed exclusively of foreigners.
90. How far the native chiefs oppress the natives and the best means of preventing the evil.

91. If there would be danger of pillage by the natives in the event of foreign vessels being stranded on the coast.

92. What local measures exist for securing life and property under such circumstances.

93. What evils have resulted from the introduction of foreign sailors, runaways, and perhaps bad characters, amongst the natives, and what evils would the practice be likely to lead to.

94. State of prisons in the district, with suggestions.

95. What public improvements are wanted with suggestions and calculations of the expense.

96. Would it be practicable and beneficial to introduce the English language entirely, as opening to the natives a wide field of science, with suggestions.

97. What mode of raising a revenue for the King and public purposes, would be most effectual, least burdensome to the natives, and most conducive to their prosperity.

98. What progress have they made in the mechanic arts, and in agriculture, and what are the best means of promoting both.

99. What taxes or public burdens do you know to be injurious to the natives, and in what way are they injurious.

100. What number of natives do you believe, from your district, are away in foreign ships.

101. Is it beneficial or prejudicial to the Islands to allow of their so serving on board of foreign ships.

102. If capitalists should apply their capital to any considerable extent, to the purposes of agriculture, could they depend upon a sufficiency of native labor, and at what wages per day.

103. Number of souls that could be fed by one square acre of land of average quality in the district if cultivated for Taro. How many crops of Taro in succession can be raised from the same plot of land, and how many years the land requires to lie fallow, before it recovers itself.

104. Number, constancy and copiousness of rivers, streamlets or lakes in the district, and facilities of increasing the supply of water, for agricultural or manufacturing purposes by dams, sites for applying water power to mills, &c.

105. If the natives use, or could beneficially use any kind of seaweed, lime or other manure to fertilize or restore the soil, and what facilities of obtaining such manure exist.

106. How much per cent. in the district, wheat, Indian corn, oats, rye, barley, beans, peas and other grains yield and so of edible roots.

107. Does famine ever prevail in the district, and if so, from what causes, and how is it to be avoided.

108. What kind of stone, or woods, exist, fit for purposes of house, ship building or cabinet making, that could be exported at a cheap rate, mentioning if possible, the prices at the nearest port.

109. What pasturage or other land could be improved by the introduction of foreign grasses and what grasses.

110. How much butter and cheese could be made, and at what price.

111. What stations adjoin all round yours, and the names of the clergymen in charge, so that I may know that the reports expected do not omit some stations.

112. How long you have been at the station. number of your own family and of those of all other missionaries that may be employed within the district.

Add any other information that may be considered useful. To save trouble you can affix the corresponding No. to your answers, without repeating the question. It is my wish to classify the whole information that I may obtain, to arrange it every year in tabular form and to submit it to the King and Legislature.

I think also of having such table published in the Polynesian, and I am sure the editor will freely and thankfully admit all useful articles, contributed by missionary friends.

R. C. WYLLIE.

HONOLULU, May 9th, 1846.

ADDITIONAL QUESTIONS.

113. What moral or improving effect upon native females, the number and care of their children, has their marriage to white men.

114. What difference is observable in the character, for better or for worse, of the half-breeds as compared with the pure natives.

115. Does the ratio of annual improvement of the natives, increase as they advance in civilization; that is, is there a greater advance made now in a year, than there was ten or twenty years ago, or does it appear that they are only susceptible of improvement to a certain state, where they remain stationary.

116. Have the natives generally, who are church members, become in reality, such christians, as to understand and regard the obligations of an oath, the same as other christians, and would an oath have the same effect upon their conduct.

R. C. WYLLIE.

NO. 97.

HONOLULU, 15 June, 1854.

MY DEAR FRIEND:—Yesterday I received your welcome letter of the 12th, enclosing one sealed for the King, which I sent to His Majesty yesterday through Prince Liholiho.

I am truly glad that His Majesty's recommendation has been of use to you. It is worthy of a good and beneficent King like Kamehameha III, to patronize men of merit, science and talent like yourself.

Dr. Bowring will be pleased to know your kind intentions in regard to a collection of insects. The Queen has made him a Baronet, and appointed him governor of Hong Kong.

I avail myself of the visit to Maui, for the sake of his health, of my

excellent friend Chief Justice Lee, to send this, and to enclose the only letter that has arrived to your address.

And I take the liberty to send under the same cover with this, printed copies of my reports as Minister of Foreign Relations and Secretary of War, complete, with their appendixes, requesting you and Mr. Brenchly (if with you) when you have leisure to peruse them, carefully, to furnish me so soon as possible with your remarks upon all points of importance to the physical and moral well-being of the natives.

Allow me to request your attention particularly to my report to the King and Council on land, capital and labor, of 1st December, 1847, (No. 80 in the appendix to my report as Minister of Foreign Relations,) the views and calculations of which I wish you to revise.

Your long visit to and minute inspection of all the Islands will enable you to inform me on the following points, viz:

1. How many inhabitants could the whole Islands support, if properly cultivated?

2. What proportion of the superficial *area* is altogether unfit for the uses of man; what proportion arable—what fit for grazing, and what fit for orchards?

3. Are the restrictions on the production of wine and distillation of rum from the cane, or spirits from the ti plant injurious to the wealth of the Islands, and if so to what degree?

4. Would it be injurious to public health to allow awa to be freely cultivated?

5. What articles of export hitherto neglected might be produced by industry?

6. What are the vices prevailing among the natives most injurious to their health and propagation, and what the best means to *prevent* or eradicate such vices?

7. From what you have observed, do you think the natives capable of supporting their independence and enjoying their civil rights under the constitution?

8. Do they generally love their independence, or would they prefer annexation to the U. States or to any other power?

9. Are there any emissaries, foreigners or natives, among the natives, sowing the seeds of disloyalty to the King, dissension and distrust, and recommending annexation to the U. States, to Great Britain, or any other power?

10. Do teachers of religion interfere unduly in political matters; I mean Protestant Missionaries, Catholic Missionaries, and Mormon Priests?

11. What would you suggest as the best system in all respects to preserve the natives from extinction, and to make them an industrious, healthy, virtuous and happy people?

Upon these points and all others that are useful, I should like to hear from you and Mr. Brenchly, either separately or conjointly, with liberty for me to use your information for the public good.

I remain my dear sir and friend, yours truly;

Signed,

R. C. WYLLIE.

Monsieur Professor RENEY, &c., &c., Maui.

CIRCULAR.

HONOLULU, 20th June, 1854.

The King's government contemplate an extensive plan of improvement of the harbor for the benefit of shipping and commerce.

On their behalf the undersigned requests answers to the following questions:

Question 1. What is the rate of storage in Honolulu?

Answers. By B. F. Snow, fifty cents per ton per month.

“ Porter & Ogden, no fixed rates except established at the Custom House.

“ Agents Hudson's Bay Co., fifty cts. per ton per mo.

“ Coady & Co., fifty cents per ton per month.

“ James Makee, fifty cents per ton per month.

“ Aldrich & Bishop, fifty cents per ton per month.

“ J. C. Spalding, fifty cents per ton per month.

“ R. C. Janion, fifty cents per ton per month.

“ Thomas Spencer, fifty cents per ton per month.

Question 2. What is the rate of storage in San Francisco?

Answers By B. F. Snow, Measured goods per mo. 2 50 per ton.

Heavy, “ “ 2 00 “

Consignee has option to charge by either as he wishes.

“ Porter & Ogden, from \$2 to 50 cts. per ton per mo.

“ Coady & Co., from 75 cts. to \$1 25 per ton per mo.

“ James Makee, 75 cts to \$1 per ton per mo.

“ Aldrich & Bishop, see answers of Messrs Coady & Co., and James Makee, the great fall in rents will reduce the rates.

“ J. C. Spalding, 50 cts. to \$2 per ton according to locality of warehouse, demand for article &c.

“ Thomas Spencer, \$2 average per ton per mo.

Question 3. Would a greatly increased capacity for storage in Honolulu, draw a corresponding trade, in other words would it induce merchants in foreign countries shipping goods for the consumption of California, Oregon and the west coast of Mexico, to give up sending their goods to those markets direct, and in place thereof to ship them to Honolulu, *supposing Honolulu to be a free port*, here to be placed in store, and hence to be reshipped, when a demand offers to the original markets of their destination?

Answers. By B. F. Snow, do not think that it would, there might be one or two instances, where merchants abroad are looking to this, as well as to California or Mexico, for a market having previously been engaged in trade with both countries.

“ Porter & Ogden, would take some time for any advantage to be obtained thereby to develop themselves.

“ Melchers & Co., we think that merchants engaged in the San Francisco and Mexican trade, as well as in the

trade with these islands, would feel inclined to have goods, destined for Mexico or San Francisco, shipped to Honolulu to be stored in bonded warehouses till reshipment to their place of destiny.

By Agents Hudson's Bay Co., if Honolulu were essentially a free port, and the present rates of storage maintained it seems probable that increased storage would be required. Reduced charges and the convenient position of the islands would naturally lead to this result.

"Coady & Co., from the United States and Europe many goods are shipped to Honolulu, with reference to both this market and that of California—requiring an increased capacity for storage. In our opinion merchandise entered especially for markets on the coasts would not be stored here for transshipment, even *supposing Honolulu to be a free port*. The difference in the rate of storage would not justify such a course.

"H. Hackfeld & Co., We think that an increased capacity of storage in Honolulu, at low rates and Honolulu a *free port*, might frequently induce merchants to ship such goods here, intended for ports on the west coast and Asia.

"James Makee, were Honolulu a free port, and capacity for storage more ample, it would tend to increase shipments.

"Aldrich & Bishop, we think, decidedly not, but that an increased capacity for storage, though not extensive, is needed for the ordinary business of this port. The difference in storage would not compensate for the increase of expenses in other ways, and the inconvenience of having the goods so far from their destination.

"J. C. Spalding, goods latterly shipped from American ports have been sent forward with reference to a double market, (viz: San Francisco and Honolulu,) and any increase in facilities for storage and shipment hence, would command a corresponding increase of tonnage, thereby benefiting Honolulu.

"R. C. Janion, an increased capacity for storage would no doubt assist trade, and more especially the transit trade, but no facilities we could offer would induce merchants to give up sending their goods to the places named direct.

"Thomas Spencer, same opinion Agents H. Bay Co.

Question 4. Supposing a shipment of \$100,000 of goods bought in Europe, the United States or China, how much would have to be added, if that cargo should be landed in Honolulu, stored say for 30 days reshipped and conveyed to San Francisco, above what would have to be added to the invoice of the same cargo if conveyed direct from the said countries to San Francisco?

Answers. By B. F. Snow, 1st the freight on a cargo from Europe or the United States to San Francisco, would be but a *little more* than freight to this place.

Add agent's commission (2 per cent.) at Honolulu, it would amount to $11\frac{1}{2}$ per cent.

" Porter & Ogden, freights from Europe and the United States to Honolulu and San Francisco, are nearly the same, a correct estimate could scarcely be obtained unless the goods were particularly described.

" Melchers & Co., same opinion as Captain B. F. Snow, and Messrs. Porter and Ogden, but there is scarcely a possibility to make an exact calculation without having more particulars.

" Agents Hudson's Bay Co., Same opinion as Messrs. Melchers & Co.

" Coady & Co., same opinion as Messrs. Melchers & Co.

" H. Hackfeld & Co., a correct estimate cannot be given unless the goods are specified.

" Aldrich & Bishop, see foregoing opinions of the parties.

" J. C. Spalding, this query *cannot be answered*, in our humble opinion is entirely irrelevant and should not have been asked.

" R. C. Janion, all depends upon the nature of the cargo, perhaps from 5 to 15 per cent. or more.

Thomas Spencer, about 10 per cent. on assorted cargo.

Question 5. What difference would there be in the charges of every kind on a cargo of said value of \$100,000, imported direct from the countries above mentioned into Honolulu, and the charges of every kind on the same cargo imported direct into San Francisco?

Answers. By B. F. Snow, if intended for California consumption (see preceding answer) say diff. $11\frac{1}{2}$ per cent., if not, but intended for this market when first delivered the difference would be nothing, save in labor discharging and that slight.

" Porter & Ogden, refer to ans. No. 4.

" Melchers & Co., same as above.

" Agents Hudson's Bay Co., it would be difficult to arrive at a correct estimate unless the goods were specified.

" Coady & Co., same as Messrs Melchers & Co.

" H. Hackfeld & Co., same as Messrs. Melchers & Co.

" James Makee, same as Messrs. Melchers & Co.

" Aldrich & Bishop, same as above. Almost the only difference is pilotage and wharfage, the rate of freights are in favor of San Francisco at present.

" R. C. Janion, same answer as stated in No 4.

" Thomas Spencer, it would be impossible to say unless cargo was described.

" J. C. Spalding, unanswerable without statistics.

Question 6. What per centage on the invoice would the expense of landing and reshipping, of storing and taking out of store amount to?
Answers. By B. F. Snow, about $\frac{3}{4}$ to 6-8 per cent.

- “ Porter & Ogden, depends so much upon the nature of the goods that it would be impossible to arrive at a correct estimate.
- “ Melchers & Co., same answer as Messrs. Porter & Ogden.
- “ Agents Hudsons Bay Co., same answer as stated in No. 5.
- “ H. Hackfeld & Co., same answer as stated in No. 5.
- “ James Makee, same as above.
- “ Aldrich & Bishop, same as above.
- “ J. C. Spalding, depends entirely upon the nature, (whether wet or dry) measurement and weight of the goods.
- “ R. C. Janion, same answer as given by J. C. Spaulding, Esq.
- “ Thomas Spencer, answer as above.

Question 7. What per centage on ditto would storage say 30 days amount to.

Answers. By B. F. Snow, about $\frac{3}{4}$ per cent.

- “ R. C. Janion, depends upon the goods.
- “ J. C. Spalding, same as Capt. B. F. Snow.
- “ T. Spencer, same as above.

Question 8. What would the freight on ditto from San Francisco amount to?

Answers. By B. F. Snow, \$3 a \$10 per ton, or 5 4-8 per cent.

- “ Porter & Ogden, from \$8 to \$10 per ton.
- “ Melchers & Co., \$8 to \$10 per ton.
- “ Agents Hudson's Bay Co., \$8 to \$10 per ton.
- “ H. Hackfeld & Co., \$8 to \$10 per ton.
- “ James Makee, \$8 to \$10 per ton.
- “ Aldrich & Bishop, same as above.
- “ J. C. Spalding, depends entirely upon quantity of tonnage going forward, where there has been opposition, freights have been nominal and vice versa; where a scarcity of tonnage wanting freights for San Francisco has been found at this port.
- “ R. C. Janion, \$8 to \$10 per ton.
- “ Thomas Spencer, \$8 to \$10 per ton.

Question 9. What per centage on ditto would the insurance from Honolulu to San Francisco amount to?

Answers. By B. F. Snow, 6-8 to 1 per cent.

- “ Porter & Ogden, 1 per cent.
- “ Melchers & Co., 1 per cent.
- “ Coady & Co., 1 per cent.
- “ H. Hackfeld, 1 per cent.

By James Makee, 1 per cent.

“ Aldrich & Bishop, 1 per cent.

“ J. C. Spalding, $\frac{3}{4}$ per cent. is our own rate of insurance from one of the best agencies in San Francisco.

“ R. C. Janion, 1 per cent.

“ Thomas Spencer, 1 per cent.

Question 10. What per centage on ditto would the interest on money, on the whole delay, prudentially calculated amount to?

Answers. By B. F. Snow, not under 1 per cent.

“ Porter & Ogden, not less than 1 per cent. unless a bank were established.

“ Melchers & Co., not less than 1 per cent.

“ Agents Hudsons Bay Co., 1 per cent.

“ Coady & Co., from 1 to $1\frac{1}{2}$ per cent.

“ H. Hackfeld, 1 per cent.

“ James Makee, $1\frac{1}{2}$ per cent.

“ Aldrich & Bishop, 1 to $1\frac{1}{2}$ per cent.

“ J. C. Spalding, $1\frac{1}{2}$ per cent.

“ R. C. Janion, 1 per cent.

“ Thomas Spencer, $1\frac{1}{2}$ per cent.

Question 11. In the natural course of things, supposing every facility for a free port, ample wharfage, and the most capacious and cheap storage were established in Honolulu, is it *probable* or even *possible* that Honolulu can ever become the grand emporium for California and Oregon; or is the port of San Francisco likely to become the grand emporium for the market of these Islands?

Answers. By B. F. Snow, this port not the grand emporium, more likely the port of San Francisco, the grand emporium for the Islands.

P. S.—It should be stated that the above replies are given upon the basis that trade at the different places named, is to be carried on as it now is, and upon the present requirements of its trade.

B. F. SNOW.

B. W. FIELD.

“ Porter & Ogden, such “ facilities” as are supposed in this question might to a limited extent make this port an entrepôt for other markets, but only for merchandise not in immediate demand elsewhere.

“ Coady & Co., in our opinion it is not possible that Honolulu should become the emporium for California and Oregon.

“ Aldrich & Bishop, we are of the opinion that Honolulu cannot possibly become the emporium of California or Oregon, even if the former were to be in every respect a free port. Nor do we think that San Francisco will be the grand emporium for the islands, though the import-

ations from that port to the islands will **continue** to be very considerable.

P. S.—We trust we shall be excused for **adding**, that the improvement most needed for the present and prospective business at the islands, is an increase of wharves at Honolulu and the dredging of the harbor.

ALDRICH & BISHOP.

March 12 1855.

By J. C. Spalding, depends entirely upon the result of negotiations pending for annexation of the Sandwich Islands to the U. S. of America.

“ R. C. Janion, does not appear to me that there is the slightest probability of Honolulu ever becoming under any circumstances the *grand emporium*, still, a free port ample wharfage, and cheap storage are most desirable, and necessary to increase our trade, or even to keep what we have.

Cannot say whether San Francisco will ever become the *grand emporium* for these islands. The largest market always has advantage in this respect, other things being equal.

March 15, 1855.

“ Thomas Spencer, quite impossible.

“ J. B. Caranave, after verifying the circular in general addressed to the merchants of Honolulu by His Excellency R. C. Wyllie, that my opinion in general fully agrees with that of Thomas Spencer Esquire.

“ F. Stapenhorst, I see nothing further to add to the preceding answers and explanations on the “ eleven questions.”

22d March, 1855.

In requesting, respectfully, the merchants of all nations to whom this circular is addressed to put down answers opposite each question in the columns assigned to them, the undersigned would beg not to be understood as having the smallest doubt, in his own mind, that for goods intended for California, Oregon &c., to be landed and stored here would subject the importers to an extra charge on the invoices of more than double our present duty of only 5 per cent. *ad valorem*.

Not knowing what final action the Honorable House of Representatives may take on the report on the improvement of the harbor, wharves, &c., which the King's government have submitted to their wisdom, the undersigned earnestly requests all the merchants who are addressed in this circular to insert their respective answers, so soon as they can do so with proper deliberation.

Signed,

R. C. WYLLIE.

To the Merchants of all nations
residing in Honolulu, to whom
this circular is addressed.

From the replies to the foregoing circular it must be evident that the idea of making Honolulu the grand *emporium* for goods destined for consumption in the distant markets of California, Oregon or west coast of Mexico, is an utter impracticability.

Those who entertain that wild notion quote to us the following places which are free ports, viz:

SINGAPORE.—Situated geographically in close proximity to the Malayan Peninsula, Java, Sumatra, Celebes, Borneo and the Mollucas, forming the depot for the British and Indian trade with those countries, to the extent of about \$20,000,000 of imports, and \$17,000,000 of exports yearly, and where any deficit of the local revenues to pay the expenses of the colony can be supplied by Great Britain.

HONG KONG.—Situated to the East of the entrance to the Canton River, in close contiguity to the Empire of China, with its population of more than 300,000,000 of people, naturally the depot for a vast consumption of goods imported, and depending for its support upon the ample revenues of Great Britain.

GIBRALTAR.—A mountainous promontory on the South of Spain, whence, under the high tariffs of the contiguous Kingdoms of Spain and Portugal, enormous quantities of British goods have been smuggled into those Kingdoms. That clandestine traffic has now in a great measure ceased. In 1840 the imports were only £111,000, the revenue £30,000 and the expenditure £200,000, but, we all know that it is an important military post, and the expenses are borne by the British Treasury.

BREMEN.—A free Hanse City situated on both banks of the River Weser, supplying Brunswick, Hanover and other German states with goods—yearly imports about \$16,000,000 and exports about \$12,000,000.

HAMBURG.—Another free Hanse City, situated on the right bank of the River Elbe, communicating by a canal with Lubeck, and with Berlin, Brunswick, Hanover, Kiel and Rensburgh, by railways. In 1845 the imports were of the value of £21,568,800 and the exports £18,392,280.

The immediate contiguity of a large consuming population, in the case of each of the free ports that I have mentioned, while we have no consuming population for goods imported, at a less distance from us than 2,100 miles, renders it altogether illogical to contend that what would suit them would suit us, in our altogether different circumstances.

Neither is it just to quote to us the example of Chile, as a free trade Republic paying its expenses out of the small charges on the vast transit trade. Chile so situated geographically, as to have to leeward in strict continuation with the line of its own coast the ports of *Cobija, Arica, Ylo, Mollendo, Quilca, &c.*, supplying *Bolivia, and Southern Peru*, does certainly possess a considerable transit trade; it is also true that the opening of a new market in California, has given an immense impulse to that transit trade; but nevertheless the whole amount

Statistical Return, ordered by Mr. Wyllie's letter No. 1 of 1854, May 1st, of the amount of the whole Foreign Import trade of Chile, from 1842 to Jan. 1, 1854, distinguishing the amount for each year, of Foreign Goods consumed in the country, and of the Foreign Goods taken out of Bonded Warehouses for Re-exportation and consumption in Foreign Countries, adding a clear demonstration of the amount per cent. on the value bonded, and so exported, derived by the Chile Treasury from Duties, Warehouse rent, and every other source.

	Total of Revenue of Chile	Derived from Customs.	Official value of Foreign Merchandise landed.	Official value of Foreign Merchandise duty pd for Chile Home consumption and of Articles duty free.	Re-exported of duty paid and free.	Modern organization of Customs 1833, transit for three years at 3, 2, and 1 per cent renewable debenture for goods 12 months. Import duty reduced 1834, to 5, 15, 20, and 30 per cent. and fixed. Store rent on duty paid at the rate of 3 per cent. per annum for 6 mo. 1½ per cent. paid afterwards. Export duty reduced 1835, gold 1½ per cent, silver 6 per cent. Internal circulation duty (alcabala) abolished. Transit by weight, 8 March, 1841, documents simplified. Reform of 1842, transit duty by solid contents, despacho forsozo (forced clearance) and 2 per cent. duty pd. trasbordo, (transshipment) \$10 free from other charge. Transit free for 6 mos. 1 July, 1848, Poliza, (Policy) \$2 abolished debenture goods made 18 mos. Import duty 20 per cent. made 21 per cent. Ordinanzas de Advance, (Custom House Ordinances) from 22 Oct. 1851, transit first year free, after that ¾ per cent. 3 mos. debenture 12 mos., more articles and many duty free, import duty 21 per cent. and others made 25 per cent.	Official value of Foreign Merchandise re-exported from Bonded Stores.
1842	\$3,074,576	\$1,935,323					
1843	3,063,563	1,735,432					
1844	3,307,169	1,763,955		\$7,359,457	\$193,023		
1845	3,223,039	1,763,740		7,252,553	235,408		
1846	3,623,918	2,079,609		8,609,511	161,155		
1847	3,714,079	2,103,076		8,859,142	256,888		
1848	3,552,662	1,910,539		7,895,404	317,652		
1849	4,035,286	2,323,678		9,602,930	404,132		
1850	4,331,314	2,627,412	\$19,818,875	10,040,440	301,332	\$7,804,376	
1851	4,427,279	2,729,505	21,313,063	11,523,213	405,263	6,453,160	
1852	5,480,480	3,465,033	23,802,630	13,670,637	504,019	8,760,608	
1853*	5,552,484	3,358,540	23,531,912	11,476,170	831,020	6,065,268	
			\$88,469,515	\$96,292,487	\$3,609,922	\$29,083,413	

California trade commenced Sept. 1848.

EDWARD BEYERBACH,
H. H. Majesty's Consul Gen.

VALPARAISO, 4th September, 1854.

* The accounts of the Valparaiso Custom House having been behind hand. The \$5,480,480 15 which appears as amount of revenue for 1852, include \$154,346 90, for custom duties belonging to 1851, and the \$5,552,484 60 which appears as revenue for 1853, do not include \$317,431 79, for customs duties, belonging to that year which have gone into 1854.

Therefore the revenue stands:

	Nominal.	Should be.
1850,	\$4,331,314	\$4,334,314
1851,	4,427,279	4,581,626
1852,	5,480,480	5,326,134
1853,	5,552,484	5,869,918

But as the statistical revenue of imports, as well as exports and transit, only comprise merchandise and produce, corresponding to the duties gone into the account of each corresponding year, it follows that value of imports, as well as of exports and of the merchandise in transit, in 1853, are short stated by the amount corresponding to these \$317,431 79 of duties, and of all duty free, not settled or paid, on the 31st December of that year.

of that transit trade in Chile, ever has been and is, quite trifling compared with the import trade, on which the government has always levied (spirits excepted) much higher duties than we have done, either in past years, or propose doing in future years, by our new tariff.

That no doubt may remain, in regard to this fact, I hereto append a valuable *Statistical Return* of the trade from 1842 to 1854, for which I am indebted to Edward Beyerback Esquire, the King's Consul General in Chile.

Any one who understands figures, and is capable of sound reasoning on the results shown by them, will at once see, that without a revenue derived from goods imported, the Chilean government would die of inanition, just as we would ourselves do.

In the same sense in which Valparaiso may be considered a free port, so may Honolulu. It is by no means my wish to refuse to Chile the credit due to her for the liberality of the policy that in regard to shipping and commerce she has pursued since the days of her enlightened statesmen *Don Manuel Rengifo* and *Don Diego Portales*; as compared with her sister republics of Spanish origin, and even with Spain herself, Chile is far ahead of them all; but she is not ahead of this small Kingdom in that liberality; nor has the ratio of her progress, during any ten years of her independent existence, at all equalled the ratio of our progress during the last ten years of the reign of the late King, while, in the important respects of religious toleration and of achieving all our forms without revolution, and without exceeding our revenue, small and humble though we be, we can claim a clear superiority both over her and over all her sister republics.

A still wilder idea has been mooted here that by simply building stores, we might by the storage on goods alone support the government, and at one stroke of the pen abolish all our duties and custom houses too. Those who entertain this idea fall into the gross error of assuming that such stores and the necessary wharves are to cost us nothing in their erection, and that the storage and wharfage would be so much clear profit, whereas the great difficulty would be to raise so much from storage and wharfage as to pay the bare interest of the money required to erect stores and wharves. Such theorists fall into the still grosser fallacy of assuming that if we had only fine stores up and commodious wharves erected, foreign merchants would fill them up with goods intended for the markets of California and Mexico. With as much reason might it be contended, that if the British government would only build fine stores and wharves on the *Bermudas* they would attract all the European goods for the supply of the United States; or that if they would erect similar stores and wharves on Jamaica they would attract all the goods for the consumption of Florida, Alabama, Louisiana, Texas, Mexico, Central America, New Grenada, and Venezuela. Foreign merchants will ever prefer the markets of the largest consumption; to send their goods to them direct, and so as to add to the cost of their invoices the smallest possible charges for freight, insurance, interest of money, and above all, so as to economize time. In markets, as in material substances, the greater attract the less; and for the most natural and inevitable of all causes, San Francisco will become the great emporium for the Sandwich Islands, and not Honolulu for San Francisco, even although we should abolish both duties and Custom House. All practical men will take this view and admit that Singapore, Hong Kong, Gibraltar, Bremen, Hamburg and Chile, if placed in the position of the Hawaiian Islands, so far cut off from any consuming population, and possessing only our

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small population, would just be as incapable of forming themselves into entrepots for the commerce of foreign countries as we are now, have ever been, and ever will be.

But as the distance of the *Mauritius* from large markets, has not prevented its own great development of wealth, so our distance from any large foreign market does not prevent us from the gradual and even rapid development of our wealth. Our present King has ever advocated industry, the removal of restrictions on agriculture and commerce, a system of taxation proportioned to the means of those who are subject to it, a careful regard to the public health, to education and morality, and the increase of our population. Let us adhere to and carry out these sound principles; let us pursue one equal, uniform and impartial policy towards all foreign nations; let us maintain our own rights without invading the rights of others; let us avoid sectarianism and fanaticism, and with the blessing of God, our land will become one of plenty and peace—alike the home of the Hawaiians and of the industrious and good of all nations.

But let us not follow the *will of the wisp* of spending our money in the erection of wharves and warehouses, beyond the probable or even possible wants of our own trade, in the vain hope that if we do so, the merchants of Europe, America and Asia, will fill them for us, with goods which cannot be consumed here, but must be re-exported for consumption in markets upwards of 2000 miles separated from us.

R. C. WYLLIE.

NO. 99.

Classification of the yearly Expenditures of the Department of Foreign Relations up to April 1, 1855, made according to the different of Appropriation, voted by the Legislature of 1854.

	For Minister's Salary.	For pay of Clerks.	Foreign Postage Stationery and incidental Ex.	For King's Commiss'r in London.	Postage and Ex. King's For. Agents.	Translations.
1854.	\$4000 00	\$2000 00	\$600 00	\$800 00	\$420 00	\$500 00
In. acc't end. June 30	1000 00	500 00	16 82			
" " " Sept. 30	1000 00	500 00	43 50½			
" " " Dec. 31	1000 00	500 00	170 61	800 00		19 00
1855.						
" " " Mar. 31.	1000 00	500 00	245 27		420 00	14 00
	4000 00	2000 00	479 20½	800 00	420 00	33 00
Amt. of Appropriation not drawn.			120 79½			467 00
	\$4000 00	\$2000 00	\$600 00	\$800 00	\$420 00	\$500 00

E. E. & O.

R. C. WYLLIE.

NO. 101.

Tabular Statement showing the application of monies drawn for, from the public Treasury, by Mr. Wyllie, from the 26th March, 1845, up to March 31, 1846.

Date.	No.	R. C. Wyllie's Personal Account.	Foreign Office Clerk's Account.	Foreign Office Furniture Account.
1845.				
April	30.	1	31 00	
"	"	2	4 25	
May	7	3		35 00
"	19.	4	6 00	
"	"	5		10 50
"	24.	6	3 75	
"	31.	7	4 50	
"	"	8	31 00	
"	"	9	45 00	
June	2.	10	10 00	
"	3.	11	111 25	23 00
"	6.	12	10 00	
"	7.	13		32 50
"	22.	14	15 00	
"	24.	15	4 00	
July	1.	16	23 00	
"	2.	17	2 33	
"	10.	18	30 00	
"	11.	19		30 00
"	21.	20		9 50
"	28.	21		20 00
Aug.	18.	22		20 00
"	30.	23	48 77	4 00
Sept.	6.	24		20 00
"	18.	25	2 62½	
"	20.	26		20 00
"	30.	27	2 00	
Oct.	3.	28	5 00	
"	6.	29		5 00
"	7.	30	35 75	
"	16.	31	6 50	
"	17.	32	84 00	
"	18.	33		6 00
"	20.	34		6 00
"	25.	35		5 00
"	27.	36	3 00	
"	29.	37	5 00	
Nov.	1.	38		6 00
"	7.	39	2 00	
"	8.	40		8 75
"	15.	41		8 75

Date.	No.	E. C. Wylie's Personal Account.	Foreign Office Clerk's Account.	Foreign Office Furniture Account.
Nov.	17.	42	12 04	
"	22.	43		8 75
"	29.	44		8 75
Dec.	6.	45		8 75
"	8.	46	6 00	
"	13.	47		8 75
"	20.	48		8 75
"	24.	49	5 00	
"	27.	50		8 75
"	29.	51	1 62½	
"	30.	52	1 00	
"	31.	53	38 75	
"	"	54	16 00	
"	"	55	28 63	
1846.				
Jan.	3.	56	3 25	
"	"	57		8 75
1845.				
Dec.	31.	58	5 50	
1846.				
Jan.	10.	59		8 75
"	17.	60		8 75
"	19.	61	4 50	
"	21.	62	5 00	
"	22.	63	7 69	
"	24.	64		8 75
"	31.	65		8 75
Feb.	5.	66	3 00	
"	"	67	10 00	
"	7.	68		8 75
"	11.	69	11 50	
"	12.	70	114 81	
"	14.	71		8 75
"	21.	72		8 75
"	24.	73	5 00	
"	28.	74		8 75
March	4.	75	5 00	
"	7.	76		8 75
"	"	77	2 50	
"	13.	78	20 00	
"	14.	79		8 75
"	21.	80		8 75
"	25.	81		8 75
			<hr/> 692 52	<hr/> 409 25
				<hr/> 27 00

[TRANSLATION BY REV. P. WALSH.]

A Committee appointed to investigate and examine the propriety of the Minister of Foreign Relations taking an office from any other government.

This Committee has examined the advantage that may accrue to our government and to the enlightened governments of the world, by adhering to and observing well, and fulfilling rightly the obligations and injunctions of the Constitution, and if this cannot be done it should be changed with resolution.

The Constitution of the Hawaiian Islands, in the opinion of this Committee, is useless if it be set aside, if unknown, or if misconceptions and distorted matters are not corrected, or if the plain words of the Constitution are opposed and disregarded. What is truly for the benefit of the Kingdom should be done with uniformity, and the duties of the officers of the government should be put in order, and all founded on the Constitution.

Two years and some months have elapsed since the establishment of the Constitution, to which the King has subscribed, hence it appears evident to the Committee that the clauses of the Constitution have been committed to memory and are well understood by the officials of government.

Our late King has sworn that he would always observe the Constitution and that he would govern the Kingdom in accordance with it. Our new King has taken a similar oath. Therefore, your Committee rejoices in the hope that our King will aid those who observe the Constitution, and should they be ill-treated or meet with difficulties, our King will give his assistance if he keeps his oath.

But your Committee thinks that government officers have sometimes forgotten things pertaining to the Constitution. They have occasionally done so, but however they have not done so from an evil disposition or malice, but after being fully aware and instructed, they were obstinate in their opinion like John II, who is at present obstinate in the House of Representatives, and like the opposition of the deputies to the Constitution the present year, therefore the real evil is evident and it is proper to put the laws in execution against the person who is acting thus.

As the Committee has been commanded to seek evidence concerning the Minister R. C. Wyllie's taking office from a foreign government, it gives notice: it is true that in the year of our Lord 1833, our Minister was Vice Consul for a government, and this was published in the newspaper of that year. He was also Vice Consul of Chile from the 31st March, 1854, until the last few days; perhaps at present he is not Consul.

But in the opinion of your Committee no other person but this Minister is fit for Minister of Foreign Relations, but with regard to these acts, they were, in the opinion of the Committee, opposed to the 99th clause of the Constitution, and therefore the Committee has decided as follows:

Resolved, That this notice of the Committee be given into the hands of His Excellency Robert C. Wyllie, that he may see it, and it shall not be sent into the Council House, and this notice requests the Minister of Foreign Relations not to take in future any office that may be given him by another government.

Agreed to in accordance with the opinion of the Committee relative to this, and it shall be sent to the Minister of Foreign Relations.

S. KAAPUIKI,
President of the Committee.
S. KIMLA,
KIMO PAALOA,
J. S. KAPAHI.

No. 103.

[TRANSLATION BY MR. ARMSTRONG.]

HONOLULU, April 17, 1855.

SALUTATIONS TO YOU:—I hereby transmit to you with this, the report of a Committee appointed at a meeting of the people of Honolulu, natives, on the evening of the 16th inst.

With esteem your humble servant,

WM. H. HANA,
Chairman of the meeting.

His Ex. R. C. WYLLIE, Min. For. Relations.

No. 104.

OFFICE OF THE KING'S FOREIGN RELATIONS, }
HONOLULU, 20th April, 1855. }

GENTLEMEN:—His Royal Highness General Prince Kamehameha has interpreted to me the two letters that you did me the honor to address to me, under date of the 17th instant.

I like to see the Hawaiian people take an interest in the government of their King, and in the conduct of His Ministers. The late King Kamehameha III, did me the honor of appointing me to the office which I now hold, on the 26th March, 1845. Therefore, I completed ten years of service, on the 23th of March, last. During those ten years, I have never had one Holiday; I have never sought nor obtained one gift from government; I have not consulted my own ease or my private interest; but have labored hard to obtain love, respect and support to the King from all the great nations of the world, and to preserve the Hawaiian people in existence, happy and prosperous as a distinct and independent nation, under the rule of the native King. During the ten years, I have never held any office under any foreign government; but when foreign consuls had to leave Honolulu, I have often performed the duties of such foreign consuls, till their return, taking all the labor, but never receiving one dollar for my trouble. If you will look at the first paragraph of my report for 1853, page 93,

you will find that I explained all this to the Legislature of that year, and that to perform the duties of a foreign consular office, holding no commission from a foreign government and receiving no pay nor fees was not considered as contrary to the 99th article of the Constitution, either by me, or the House of Nobles. Let me explain to you, that in doing the work for foreign consuls, I have always first obtained the permission of the King to do so; and my only object has been to make friends for the King with foreign governments, and procure the love of foreign consuls to His Majesty's government. The same feeling, that of making as many friends for the King as I can, has induced me to take much trouble to serve foreign merchants, and other individuals, equally of every nation, without any advantage to myself whatever. All who know my private life among you for the last ten years, will admit this to be a fact, although perhaps few know the loyal motive to the King, my master, that has induced me to do so much work for others without pay. The Ministers of a King are but His servants; and just in the same way as the servant of a private gentleman shows his regard for his master's honor and popularity, in being polite and serviceable to all the world, so the servant of a King, consults the honor and popularity of his sovereign, by pursuing the same course, thereby gaining friends for his master, and perhaps converting enemies into friends, as I have been able to do, in several cases.

Judge ye, if I do wrong in this. Believe me, I seek no honor in this Kingdom, apart from the honor of the King, and no good but the good of the Hawaiian people.

It was a proud day for every Hawaiian who loves his country, last year, when the late King received the highest Royal Honors from the combined Fleets of Great Britain and France; and it was another proud day for me, that, in November last year, when I obtained for the late King those pledges of the support of the Naval Forces of France, Great Britain and the United States, which justified His late Majesty's proclamation to the world, of the 8th December last. And it will be not only a proud but a happy day, for all good Hawaiians, like yourselves, when the present King, young, energetic, and enlightened, succeeds (as I believe he will soon do) in rendering those pledges of assistance permanent, and in rendering the Hawaiian Throne forever secure, from the open or secret assaults of all those bad white men, who having no rights here, seek to intrude themselves, deprive you of your rights, and to enrich themselves at your expense.

One word of advice before I conclude. Let all Hawaiians be united as one man round their King and chiefs, let them assist His Majesty in making His people industrious, chaste, healthy and prosperous, and in gaining the friendship of foreign nations, so that the Hawaiian government, though weak in itself, may, through the power of God and the support of such nations, be strong against all attacks either from without or from within.

These, and no others, are the objects that I have had in view ever

since I have lived amongst you. On Hawaiian soil, I know of no sovereign, no master, but King Kamehameha IV.

With many thanks for your two letters, and with kind respects to you all, I have the honor to be, gent emen,

your most obedient humble servant,

R. C. WYLLIE.

To Messrs. S. KAAPUIKI, (L. Komite,) U. UAWA, S. KUULA, KIMO PUALOA, J. S. KAPAHĪ.

—
No. 105.

HONOLULU, April 23d, 1855.

SIR:—It is with great satisfaction that we have received your letter of the 20th inst. We have considered the subject matter of your letter, and our decision has been, as of one mind, an approval of your course as Minister.

We can also say with truth, that the people of this nation, both high and low, have placed their confidence in you during the several past years. This cannot be gainsayed. There never has been in past years a word of complaint against your Excellency, nor has there been even a suspicion for one instant against you by this people, as there has been against other Ministers and officers of the government, in the exercise of their several duties.

We now understand clearly from your explanation, that your's has been an extraordinary duty, the faithful discharge of which, would conduce to the good of this nation. This can be ascertained by a perusal of your reports to the Legislature.

We feel grieved that you should mistake our meaning in regard to your acting as consul for foreign governments, or that you were receiving pay therefor.

The Committee which was appointed to address you said nothing whatever in regard to your having received one cent of pay or reward. We never looked at the subject in this light, but we discussed the matter of your holding office under a foreign government, and upon that subject only did we address you. If unintentionally we have injured your feelings in this proceeding of ours, we heartily beg your pardon.

The 99th section of the Constitution, in our language, forbids taking office under a foreign government. In our language it means that any person in the employ of this government cannot at the same time hold office under any other government, whether receiving pay or not. The reason of this is plain to all.

But we are satisfied with your explanation in regard to these consulates, and we are convinced that you have always st.iven therein to benefit this people. We have learned also that you have gained nothing pecuniarily thereby.

We feel a high degree of satisfaction in learning that His late Majesty had approved of your assuming these functions, and we acknowl-

edge our having mistaken the true meaning of the Constitution as to the King's power in the matter.

Our only object in all this has been to forward the interests of this nation, and we highly esteem those government officers who constantly keep the same object in view.

We have to request of you that you will endeavor to secure the amendment by the Legislature, of the 99th section of the Constitution so as to read as follows:

"SECTION 99 No person in the employ of this government shall fill any office under a foreign government, unless by the consent of the King and for the good of the Hawaiian nation; and no such officer shall ever receive any salary or gratification from any foreign government therefor."

Should such a section be introduced into the Constitution, we would have nothing more to ask on this subject.

With sentiments of the highest respect and the most sincere regard for you personally, Mr. Minister, we humbly request that you will continue in your exertions to support the sovereignty, the independence, the peace, and the general good of our nation.

We are Mr. Minister, your obedient humble servants,

Signed,	D. KAAPUIKI, Chairman of Com.
"	W. H. UAUUA,
"	S. KUULA,
"	KIMO PUAALOA,
"	I. L. KAPAHI.

His Ex. R. C. WYLLIE, Min. of Foreign Relations.

NO. 106.

DEPARTMENT OF FOREIGN RELATIONS, }
CITY OF HONOLULU, 28th April, 1855. }

GENTLEMEN:—It was only till this day that I received a translation of your letter of the 23d April. I am truly glad that my explanations have satisfied you; and never was, in the smallest degree offended at the questions which you put to me. Endeavouring with God's assistance to discharge my duties, for the honor of the Hawaiian King, and the good of the Hawaiian people, I have no private ambition or personal interest contrary to that duty; and nothing will give me more pleasure at all times than to explain any of my proceedings that may not be well understood.

I shall submit the amendment you propose of the 99th article of the Constitution to the select Committee of the House of Nobles which has been appointed to report on all amendments required in the Constitution.

And with much respect I have the honor to be, gentlemen,
your most obedient humble servant,

R. C. WYLLIE.

To S. KAAPUIKI, (L. Komite,) W. H. UAUUA, J. KUULA, KIMO PUAALOA, I. L. KAPAHI.

No. 107.

Census of the population, in the Islands of Tahiti and Morea, for the year 1854.

Names of the Districts.	Indian population	European population.	Observations.
Isl. of TAHITI.			
Papeete,	1560	*338	*288 males—45 females.
Faaa,	548	5	
Punavia,	510	4	
Pegea,	420	2	
Papara,	694	14	
Atimaono,	58		
Papeuriri,	700	29	
Papcari,	253	2	
Meatavae.	115	1	
Toahutu,	106	1	
Wairao,	158		
Teahupoo,	308	5	
Tautira,	492	3	
Pueu,	361		
Apahiti,	86	7	
Hitiaa,	471	4	
Tiarei,	316	1	
Meahaena,	133		
Papenoo,	293	2	
Haapape,	260	3	
Papaoa,	370	1	
Total,	8,212	417	
Isl. of MOREA.	1,976	12	
General Total.	10,188	429	In all 10,617

POSTSCRIPT.

The reader's attention is requested to the following Despatches, marked No. 108 and 109:

 NO. 108.

[TRANSLATION BY D. FRICK L. L. D.]

MISSION OF FRANCE, SANDWICH ISLANDS, }
 HONOLULU, 1st of June, 1855. }

No. 30.

MONSIEUR LE MINISTRE:—In taking cognizance of the annual report which you have just now addressed to the Hawaiian Legislative Houses, I have observed in the 6th and 7th pages that you place the conventions concluded by France with the Sandwich Islands, in 1837 and 1839, among the treaties that have not been ratified by King Louis Philippe, and state that they did not grant any practical advantage to the Hawaiians, in exchange for those which they consented to allow. You add in the 15th page, that the treaty concluded by Admiral Thomas, on the 31st of July, 1843, has on the contrary, been adopted by the English government, and included in the collection of commercial treaties of Hertslet. I owe to the dignity of the government that has intrusted to me the defense of its interests, and of its honor, in this archipelago, to recall here for you some facts, or to bring some others to your knowledge.

In a historical memorial bearing the date of the 1st of February, 1851, and which I have had the advantage of delivering to you, I have declared that if the treaties of 1837 and 1839, had not been ratified by the King of the French, it was because King Kamehameha III., had himself signed the original instruments, a fact that rendered impossible and useless all ulterior exchange of ratifications; I will add here, that the formal acceptance of those different acts has been officially notified to M M. Richards and Haalilio, Commissioners of the King of the Sandwich Islands, during the time of the mission which they filled in Paris, in 1843, and 1844, and that the rest of these three treaties is in toto, reproduced in the general compilation of treaties by Mr. Murrhard, which is a continuation of that of Mr. de Martens, in the fourth division of the year 1846.

Allow me to confess to you, in termination, that the deficiency of practical utility with which the treaty of 1837 is charged, seems to me void of foundation, and that if the Hawaiians have not tried to turn to good account, the advantages granted to them in France, by that diplomatic act, the reproach could but be addressed to themselves alone.

I congratulate myself for having already entertained your colleague

at the Ministry of Finance, Monsieur E. H. Allen, with the object of this note, and to have seen him willingly acknowledging that my observations were founded. I like to believe Monsieur le Ministre, that you will accept them with the same sincerity, and that all that would not be rigorously true in the appreciation of the political acts of a nation of which the good will for this archipelago is unquestionable, will be carefully excluded from the documents, otherwise so useful, that you take the trouble of elaborating every year for the benefit of a widely spread publicity.

The time is arrived when there should be no more spoken of France but with the kindness that she deserves, and of which you have been the first in power to show often the example in this country.

Please to accept Monsieur le Ministre, the new assurance of the high consideration with which I have the honor, &c.

The Consul Commissioner, and
Plenipotentiary of H. I. M.

Signed, EM. PERRIN.

Monsieur R. C. WYLLIE,
Minister of Foreign Affairs, Honolulu.

No. 109.

FOREIGN OFFICE, June 3, 1855.

No.

SIR:—I have the honor to acknowledge the receipt of your despatch No. 30, of the 1st instant, correcting some mistakes which you think I have made in those parts of my report for this year, which comment upon the conventions made with Captain A. Du Petit Thouars in 1837, and with Captain Laplace in 1839.

I am obliged to you for the information that the text of the three conventions made by the above named officers, was published in the general compilation of treaties by Mr. Murrhard, for, of that fact I was not aware, when I wrote my report.

In justice to you, I shall add to the appendix to my report, a translation of your despatch, which publication and the whole tenor of my remarks will, I think, satisfy you, that I have not framed my said report in a spirit unfriendly to the great and illustrious nation, which you worthily represent at this court, and which both, in 1843 and in 1854, showed a regard to the King's independent sovereignty which no Hawaiian patriot ought to forget.

In that regard, your own zeal, as such representative has been conspicuous, and therefore, I am the more happy to renew the assurance of the high personal respect and consideration, with which I have the honor to be Sir your most obedient

humble servant,

R. C. WYLLIE.

Monsieur LOUIS EMILE PERRIN, Consul, Commissioner, and
Plenipotentiary of His Imperial Majesty Napoleon III, of France.

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Attention is further requested to the despatches marked Nos. 110, 111, 112, 113, 114 and 115.

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No. 110.

DEPARTMENT OF FOREIGN RELATIONS, }
CITY OF HONOLULU, 6th June, 1855. }

SIR:—Some of the King's Judges having found the VIIth article of the treaty with Denmark, of the 19th of October, 1846, altogether unintelligible, as regards what other foreign ships could or could not do at that time, and as regards what duties the goods of the most favored foreign nation, when imported into this Kingdom, were at that time subjected to, I have the honor to request you to state to me your views of the duties leviable by this government, under the treaty with Great Britain of 26th March, 1846, on British ships importing goods of British manufacture, or goods recognized as coming from British possessions; and on foreign manufactures, or the produce of foreign countries imported into this Kingdom, in British vessels

You are doubtless aware that on the 19th October, 1846, the nations most favored by treaty, in this Kingdom, were Great Britain and France.

With the highest respect and consideration I have the honor to be,
Sir, your most obedient humble servant,

R. C. WYLLIE.

WM. MILLER ESQUIRE,
H. B. M.'s Consul General, &c.

—
NO. 111.

DEPARTMENT OF FOREIGN RELATIONS, }
CITY OF HONOLULU, 6th June, 1855. }

SIR:—Some of the King's Judges having found the VIIth article of the treaty with Denmark, of the 19th of October, 1846, altogether unintelligible, as regards what other foreign ships could or could not do at that time, and as regards what duties the goods of the most favored foreign nation, when imported into this Kingdom, were at that time subjected to, I have the honor to request you to state to me, your views of the duties leviable by this government, under the treaty with France, of 26th March, 1846, on French ships importing goods of French manufacture, or goods recognized as coming from French possessions; and on foreign manufactures or the produce of foreign countries imported into this Kingdom, in French vessels.

You are doubtless aware that on the 19th October, 1846, the nations most favored by treaty, in this Kingdom, were France and Great Britain.

With the highest respect and consideration, I have the honor to be,
Sir, your most obedient humble servant,

R. C. WYLLIE.

Monsieur LUIS EMILE PERRIN, Consul, Commissioner and
Plenipotentiary of H. I. M. of France.

No. 112.

ROSEBANK, 26th June, 1855

Separate.

SIR:—Believing you to be not only a good Diplomatist, but an able and sound Lawyer, I beg, respectfully, to direct your attention to the VII and VIII articles of the treaty with Denmark, of the 19th of October, 1846, which, with the treaties between this Kingdom, Great Britain and France, you will find, at the end of the second volume of our statute laws

The VII article of the Danish treaty, in the clearest and plainest possible terms, puts Danish productions or any other goods imported in Danish vessels on a *par*, with those of the most favored nation.

The King's Judges have had a difficulty in comprehending how that simple rule of parity is to be applied; to apply the rule rightly, it is indispensable, by the very terms of the VII article of the Danish treaty, first of all to understand what amounts to a perfect parity with the most favored nation; and the VI and VII articles of the treaties with France and Great Britain, indicate, clearly, the privileges enjoyed, both for the direct and indirect trade and the ships of the most favored nation.

In view of these articles, I beg to inquire what duties you would consider the King's government entitled to levy on goods imported in a French ship from the Island of Bourbon, or in a French ship imported from China and the produce of China—in other words whether, in these articles, you find any distinction made, in point of duty, between the direct import, and the mere carrying trade of France; and if so, what distinction.

I need not add that whatever view you may take will equally apply to the British treaty of the same date.

Whatever reply you may condescend to make, I beg permission to make official use of it.

I am happy to renew the assurance of the distinguished respect and consideration with which I have the honor to be,

Sir, your most obedient humble servant,

R. C. WYLLIE.

Honorable DAVID L. GREGG,
U. S. Commissioner, &c.

No. 113.

H. B. MAJESTY'S CONSULATE GENERAL, }
HONOLULU, June the 11th, 1855. }

No. 249.

SIR:—In reply to your communication of the 6th instant, I beg to say that it appears to me to be clearly expressed in the treaty between Great Britain and these Islands, of the 26th of March, 1846, that no higher duty than 5 per cent. *ad valorem*, shall be imposed, excepting wines and spirituous liquors, upon British manufactures, or

goods recognized as coming from British dominions, or on foreign manufactures, or the produce of foreign countries imported into the Sandwich Islands ports, in British vessels.

As bearing on this question it may not be amiss for me here to add that, on the 9th April, 1846, I wrote to the foreign office, London, as follows: "A doubt has arisen in my mind as to whether the Sandwich Island government have a right or not to raise the duty above 5 per cent. upon Chinese goods brought from Chinese ports," or Hong Kong,* and having received nothing in reply from the Foreign Office, the doubt which I so long ago entertained has not yet been removed.

I have the honor to be, Sir,

your most obedient humble servant,

Signed, WM. MILLER.

No. 114.

[TRANSLATION BY D. FRICK, L. L. D.]

MISSION OF FRANCE, SANDWICH ISLANDS, }
HONOLULU, 18th June, 1855. }

No. 31.

MONSIEUR LE MINISTRE:—I have received the despatch which you have done me the honor of addressing to me, on the 6th inst., to inquire from me what custom house duties, the Hawaiian government may establish, according to my understanding, in virtue of the treaty of the 26th of March, 1846, upon goods imported by French vessels, whether such goods, are of French or of foreign origin.

The 6th and 7th articles of the above named treaty, resolve that question, and in order to be better understood, I will successively indicate here, what custom house duties may be established upon French goods, and what tonnage dues upon French vessels.

According to the terms of the 6th article, France has obtained a privilege in favor of French goods, or acknowledged as coming from French possessions. *id est* in favor of goods of French origin, duly ascertained. That custom house duty has been fixed at 5 per cent. only.

The place where goods acknowledged as proceeding from French possessions were located, ought not to interfere with the original source, French goods, which is the mother idea; the second part of the same paragraph is the consequence and the extension of the first, not at all a new sentence, including a new sense, and corresponding for instance, to goods of foreign origin.

I shall prove, in a moment, that the French government did not entertain the thought of stipulating in 1846, the extension to foreign goods, of the privilege obtained in favor of French goods. A single exception has then been admitted against wine, brandy and other li-

* The words *or Hong Kong* were omitted in the quotation given by the Consul General, on the 11th of June, but added by his request, on the 28th, so as to make the quotation correct.

quors of French origin, well understood, though the text is silent on that point, and that it was considered useless to repeat it.

As a proof that the privilege consecrated by the 6th article, is limited to goods of French origin, the 7th article stipulates immediately after, that the importation duties established upon goods imported by French vessels, ought not to exceed those imposed upon goods from the most favored nation

It is evident that the framers of the treaty of 1846, have positively admitted the co-existence of two kinds of duties, at the Sandwich Islands, one, privileged, exclusively reserved for French goods, save one exception, the other applicable to goods of another origin, with the most favorable rate on goods imported by French vessels.

The seventh article settles very plainly, the question relative to French vessels, in saying that the tonnage dues raised upon these vessels, ought not to exceed those imposed upon the vessels of the most favored nation.

Such are the duties, Monsieur le Ministre, of which I would consider myself authorized to claim the application in favor of French goods and of French vessels. I do not think that any of the nations that have since then, concluded treaties with the Sandwich Islands, can, with foundation, claim any thing more, and that if the Hawaiian government has not judged proper to make use of its right before the 24th of May, 1853, any one can be authorized to prevent it from doing it, and particularly in respect of goods and vessels, not yet protected by any treaty.

Please to accept Monsieur le Ministre, the new assurance of the high consideration with which I have the honor &c.,

The Consul, Commissioner, and
Plenipotentiary of H. I. M.

Signed, EM. PERRIN.

Monsieur R. C. WYLLIE, Minister
of Foreign Affairs, &c., &c., Honolulu.

No. 115.

LEGATION OF THE UNITED STATES, }
HONOLULU, June 27, 1855. }

Separate.

Sir:—In accordance with the request expressed in your despatch of yesterday, I have looked into the treaty of October 19th, 1846, between the Hawaiian Kingdom and Denmark, with a view of forming an opinion as to the proper construction of the seventh and eighth articles. My conclusions, though perhaps entitled to far less weight than you are pleased to imagine, are placed at your disposal to be used in any manner you may deem discreet and proper.

It seems to me evident that the true measure of Danish commercial rights, so far as importations into the Hawaiian Islands are concerned, is to be found in the privileges conceded to other powers which come under the denomination of the "most favored nations." The

seventh article of the treaty provides that "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."

Under the existing treaty stipulations of the Hawaiian government, Great Britain and France are undoubtedly to be regarded as in the "most favored" position, and to the British and French treaties, we must therefore look for a proper construction of that with Denmark. Both these treaties were concluded at Honolulu, on the 26th March, 1846, and they appear to be identical in all their provisions.

By the sixth article of the British treaty, "British merchandise, or goods recognized as coming from the British dominions,"—with the exception of wines, brandies and other spirituous liquors,—are exempted from every higher rate of duty than five per cent. *ad valorem*. The corresponding article of the French treaty places French merchandise, or goods recognized as coming from French possessions, (*les marchandises Françaises, ou reconnues comme venant des possessions Français.*) upon precisely the same footing. The limitation of the rate of duties does not apply to goods in general, carried in British and French ships, but it is confined solely to merchandise exported from Great Britain and France, or their respective possessions.

This is made still more evident by the language of the seventh article of both treaties.

According to the British treaty, "no tonnage, import or other duties shall be levied on British vessels, or goods imported in British vessels, beyond what are levied on vessels or goods of the most favored nation."

The text of the same article of the French treaty is as follows:

"Les droits de tonnage ou d'importation, ou tout autre droit levé sur les navires Français, ne devront point excéder les droits imposés aux navires, ou aux marchandises de la nation la plus favorisée."

It may be asked why an especial provision should thus have been made in favor of the general carrying trade of England and France, if the flag of the ship instead of the origin of the cargo, was intended to control the rate of duties to be exacted?

The points designed to be established by the sixth and seventh articles of both treaties were, no doubt, these two:

1. The exemption of goods imported from British and French possessions or dominions, from any rate of duty higher than five per cent. *ad valorem*.

2. The exemption of British and French vessels and cargoes generally, from higher imports than those levied on the vessels and goods of other nations engaged in similar trade.

A distinction is evidently contemplated between goods possessing merely an English or French character, and those of other countries carried in English or French bottoms. Duties upon the former cannot exceed a specific rate:—the latter are only entitled to the exemptions accorded to the "most favored nation."

If this be a correct position, it would seem to follow that the Hawaiian government may rightfully exercise its discretion in levying duties upon merchandise imported from foreign nations, in all cases where it has not bound itself, either directly or constructively to specific limitations

Thus,—taking the cases you have propounded,—goods imported in a French ship from the Island of Bourbon, can only be subjected to a duty of five per cent. *ad valorem*, because that Island is a French possession. But China goods, brought in the same vessel, from Canton or any other port in China, are, I have no doubt, liable to such imposts as the Hawaiian government may choose to exact

Applying then the rule of parity, which is clearly recognized by the sixth article of the treaty with Denmark, it will appear obvious that only Danish merchandise or goods recognized as coming from Danish possessions, can claim to be admitted into Hawaiian ports, at the limited rate of duty fixed by the British and French treaties, that is, at a rate not exceeding five per cent *ad valorem*. This limitation cannot be construed to refer to the general carrying trade of Denmark, which stands upon the same footing as that of England, France and other nations equally favored.

My first impressions I must admit, were adverse to this construction, but a careful examination of the treaties to which you directed my attention, has satisfied me that no other conclusion can be formed consistent with the just principles of interpretation.

I avail myself of the opportunity to repeat the assurance of the high consideration and respect with which I remain,

your obedient servant,

DAVID L. GREGG.

His Excellency R. C. WYLLIE,
Minister of Foreign Relations, &c.

The preceding despatches are to be read in careful comparison with what will be found in the Appendix, beginning at page 41 and ending at page 52. In the right of interpretation of the treaty with Denmark, two questions are involved; the first and the highest is *public faith*, and the second is the *interest of the King's Treasury*.

R. C. WYLLIE.

FOREIGN OFFICE, 30th June, 1855.



E R R A T A .

IN REPORT OF FOREIGN RELATIONS, 1855.

- Line 2 of page 9, for *dissentions*, read *dissensions*.
 " 3 of note, page 9, for *prevents from*, read *prevents him from*.
 " 15 of page 10, for *amenities*, read *annuities*.
 " 2 of note, page 10, for 1974, read 1794.
 " 15 of 4 paragraph, page 11, for *five sixth*, read *five sixths*.
 " 4 of 4 " " 12, for *iterview*, read *interview*.
 " 12 of 2 " " 13, for No. 13, read No. 12.
 " 14 of 2 " " 13, for No. 12, read No. 13.
 " 6 of 5 " " 15, for *prepare*, read *propose*.
 " 5 of 5 " " 17 for *sovereignty*, read *sovereynty*.
 " 9 of page 25 for *foundation*, read *formation*.
 " 17 of " 27 for *continually*, read *continuously*.
 " 16 of 2 paragraph, page 28, for *effect*, read *affect*.
 " 1 of 4 " " 40, for *Byerbach*, read *Bejrbach*.
 " 7 of 2 " " 43, after us, for , read .
 " 7 of 2 " " 47, for *tenure*, read *tenor*.

E R R A T A .

TO THE APPENDIX TO THE SAID REPORT.

- Line 1 No. 4 page 3, for *Geoege*, read *George*.
 " 2 " 4 " 3, for *envoy*, read *envoys*.
 " 2 of 5th paragraph, page 6, for *commissioner*, read *commissioners*.
 " 1 of 2 " " 12, for *visiter*, read *visitor*.
 " 2 No. 13 page 12, after *undersigned* read *R. C. Wyllie*.
 " 4 of 5 paragraph, page 16, for *interest* read *interests*.
 " 5 of page 23, for *minister*, read *member*.
 " 2 of " 39, for 1844, read 1846.
 " 8 of 2 paragraph, for *adopt*, read *adapt*,
 " 2 of page 64, for *discussee*, read *discussed*.
 " 5 of 2 paragraph, page 69, after *Bremen*, read *to consult*.
 " 13 of 1 " " 74, for *exception*, read *exemption*.
 " 1 of 2 " " 80 for *on*, read *in*.
 " 11 of No. 63 page 89, after *as*, read *a*.
 " 6 of page 92, for *i sa*, read *is a*.
 " 18 of " 100, after *mutually*, read ,
 " 14 of 3 paragraph, for *affectual*, read *effectual*.
 " 18 of No. 87 page 110, for *Plini*, read *Pleni*.
 " 21 of page 123, *Honolulu*, 21 June, 1845—omit.
 " 7 of Question 3, page 134, after *offers* read ,
 " 14 of page 158, for *every*, read *any*,
 " 2 of article 2, page 158, for *imports that*, read *imposts than*,

