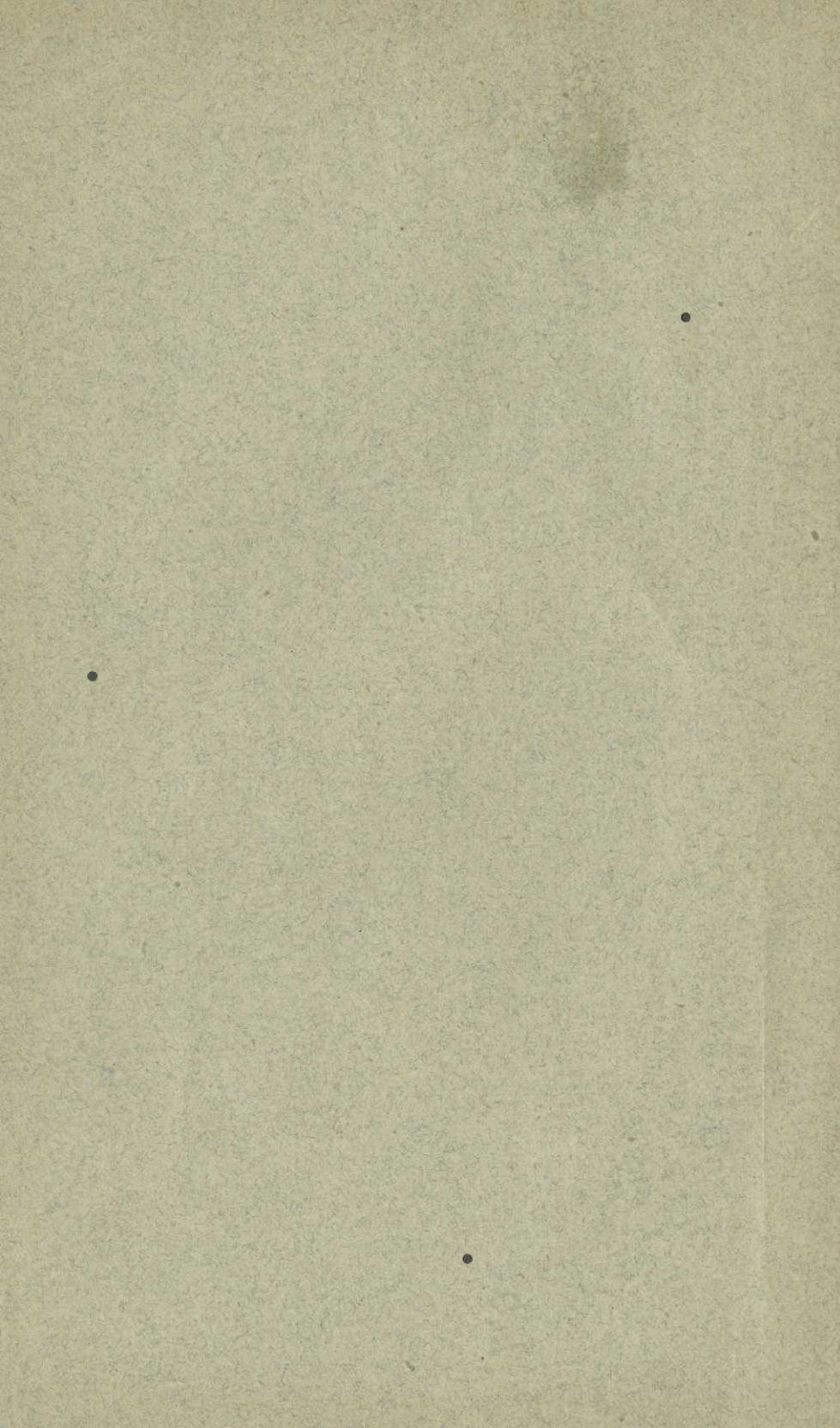


PAPERS
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THE UNCOMPLETED TREATY OF ANNEXATION
OF 1854.

Presented before the Hawaiian Historical Society July 2, 1897, by
Prof. W. D. Alexander.



AN ACCOUNT
OF THE
UNCOMPLETED TREATY OF ANNEXATION
BETWEEN
THE UNITED STATES OF AMERICA
AND
THE HAWAIIAN KINGDOM,
NEGOTIATED IN 1854.

The present seems to the writer to be a proper time to lay before the members of the Historical Society a full account of the uncompleted treaty of annexation, negotiated in 1854, between Hon. D. L. Gregg, representing the United States, and His Excellency R. C. Wyllie, representing the King of the Hawaiian Islands.

In order to understand the causes which led to the opening of negotiations by Kamehameha III. and his Cabinet in 1854 for annexation to the United States, it is necessary to go back several years and review the history of those troublous times.

THE APPLICATION FOR A PROTECTORATE IN 1851.

The subject of annexation to the United States was for the first time seriously considered by the Hawaiian Government in 1851. The proposition was forced upon the attention of the King at that time by the unsettled difficulties with France, which had been fomented, if not created, by M. Patrick Dillon, in 1848-9. It is not necessary here to recapitulate the history of the affair of 1849, of the famous ten demands drawn up by M. Dillon, and of the

“reprisals” taken by Admiral De Tromelin. An embassy had afterwards been sent to Paris, which from no fault of its members, proved unsuccessful. After the return of this embassy, M. Em. Perrin was sent to Honolulu as Commissioner of France, in the corvette “Serieuse,” which arrived at Honolulu, December 13, 1850, and remained in port three months, without exchanging salutes with the fort. To the surprise of all, he persisted in pressing the identical ten demands, presented by Admiral De Tromelin in 1849, and his attitude became so menacing that the King and Privy Council were finally driven to seek protection from one of the great Powers. On the 10th of March, 1851, they passed a proclamation, placing the Islands provisionally under the protection of the United States of America. (See Appendix A.) They had, however, previously applied to General Miller, the British Consul-General, who reluctantly admitted that the Convention between France and Great Britain of November 28th, 1843, effectually debarred his Government from accepting a protectorate over the Islands.

On the next day, a conditional deed of cession of the Kingdom to the United States was drawn up, signed and delivered in a sealed envelope to Hon. L. Severance, the Commissioner of the United States, by two of the King’s ministers. This was to be acted upon only in case of an emergency, the signal of which was to be the raising of the flag of the United States above that of Hawaii over the fort. In that case, the sovereignty of the Islands was to be ceded to the United States, to be held in trust until a settlement of their relations with France, “compatible with the King’s rights as an independent sovereign,” could be made, and if this should be found to be impracticable, the said protectorate was to be perpetual.

The U. S. S. “Vandalia,” Captain Gardner, was in port at the time. The deed of cession was accepted by Mr. Severance provisionally, and referred to his government. Mr. W. C. Parke, the Marshal, was directed to have the Hawaiian and American flags

sewed together, and kept in readiness to be hoisted at a moments' notice. He remained in the fort, night and day, on the watch, during the 15th and 16th of March. By some means, the British Consul-General learned of what had been done, and informed M. Perrin, who thereupon withdrew the most obnoxious of his demands, and a joint declaration, comprising four articles, was signed by both parties, March 25th (See Appendix).

It appears, however, that M. Perrin used language in his later despatches, which threatened to re-open questions that had been supposed to be closed. An appeal to the President of the United States was therefore drawn up and presented to Mr. Severance, which was taken to Washington by Hon. E. H. Allen, then United States Consul, who sailed on this mission April 4th, 1851. (See Appendix.) M. Perrin left for Paris May 24th, to obtain fresh instructions, and did not return until January 8th, 1853. Nothing more was ever heard of the rest of the ten demands. Mr. Webster, the United States Secretary of State, made strong representations to the French Government on the subject, but directed Mr. Severance to return to the Hawaiian Government the deed of cession, which had been placed in his keeping. (See Mr. Webster's letter of July 14, 1851, to L. Severance, Esq.).

A joint resolution was passed by both houses of the Hawaiian Legislature June 21st, 1851, confirming the action of the Privy Council, and empowering the King and Privy Council to place the Kingdom under the protection of some friendly power, if necessary "to shield it from insult and oppression." (See Appendix).

In the following year, in framing the new Constitution, a clause was inserted in Article 39, which empowered the King by and with the approval of his Cabinet and Privy Council, to even alienate his Kingdom, "if indispensable to free it from the insult and oppression of any foreign power." This shows that the apprehension of some impending danger was still present to the minds of the King and his advisers.

FILIBUSTERS.

The discovery of gold in California in 1848, which led to the speedy settlement of that State, and to the opening of new routes across the American continent, ushered in a new era in the history of the Hawaiian Islands. It opened a new market for their productions, and brought them into closer commercial relations with the United States. Communication became frequent between them and America, and capital began to be largely invested here.

At that time California was resorted to by numerous lawless adventurers, who planned a number of raids or filibustering expeditions into the neighboring countries. The notorious Gen. Walker headed a raid of this kind into Lower California in 1853, and others into Nicaragua in 1855 and 1861, in the last of which he was taken prisoner and shot.

The Hawaiian Government received many warnings in the fall of 1851 that a band of filibusters was being organized to invade this kingdom. At the request of the Cabinet, the U. S. S. "Vandalia," Captain Gardner, was kept at Honolulu, ready to seize any suspicious vessel, and a body of 100 native troops was drilled for several months by Lieutenant Read of the "Vandalia."

About twenty-five suspicious characters, headed by Sam. Brannan, came down from San Francisco in November, 1851, in the ship "Game Cock."

During the voyage the mail bag was rifled by members of the party, and the letters thrown overboard. They were under the false impression that the country was ripe for revolution, and that the King was ready to sell his kingdom, and to retire from the cares of state. But they soon found that they had been deceived in regard to the feeling of the natives, and that the officers and men of the whaling fleet were also hostile to them. They were closely watched, the King declined to see them, and the expedition ended in a fiasco.

During the years 1853-54 the country was disquieted by fre-

quent rumors of filibustering expeditions being fitted out, and British and American ships of war were kept in port much of the time, as a safe-guard. Mr. Wyllie strongly advocated the plan of organizing a force of 5000 militia, to consist of natives armed with *pikes*, and a small contingent of cavalry, together with 100 regular troops, for defense against filibusters, but it was rejected by the Privy Council.

THE POLITICAL AGITATION OF 1853.

During the years 1850-54 a considerable immigration from California took place. It embraced many restless, ambitious spirits, some of whom came for the purpose of exciting revolution. They found the foreign community already split into factions, between which bitter feuds existed of long standing. Many of the new-comers naturally joined the opposition party, which claimed to be the liberal and progressive element in the country.

The plan of the leaders of the new movement seems to have been to reconstruct the government, and then to turn it over to the United States. A secret Committee of Thirteen was appointed to carry out their designs. Their first object was to bring about the removal of two of the ministers, viz., Messrs. Armstrong and Judd. The unsuccessful attempt to make political capital out of the small-pox epidemic of 1853 was discreditable to all engaged in it. At the same time an active agitation was commenced in favor of annexation, and the two obnoxious ministers were accused of being an obstacle in the way of it. Threats were freely used to intimidate the King and chiefs into dismissing them.

In August a memorial in favor of annexation was presented to the King, which was signed by seventeen respectable residents, who were supporters of the Cabinet. This called out a card, published September 10, 1853, signed by Revs. E. W. Clark and P. J. Gulick, declaring that "the Protestant missionaries at the Islands have never engaged in any scheme of annexation. It has been their cherished wish that the government may remain inde-

pendent under the present Constitution and rulers. Whatever may have been done by merchants, planters and others, the Protestant clergymen at the Islands have neither advised nor signed any memorial to the King touching annexation." In a letter published in August, 1864, Mr Clark stated that at the annual convocation in May, 1853, he had frequent conversations with other missionaries on this engrossing subject. "Not one of them expressed an opinion in its favor, but on the contrary, they did express doubts as to its expediency, and grave apprehensions of disaster to the natives from the influx of lawless and unprincipled foreigners." With this agreed the known views of the French Catholic missionaries.

The memorial created no little excitement among the British and French residents. The representatives of Great Britain and France solicited an audience with the King and Privy Council, which was granted September 1st, when they presented a joint address to the King, protesting against any attempt to annex the Islands to any foreign power as in contravention of existing treaties, as well as unconstitutional. This was replied to in an able despatch addressed to the Minister of Foreign Affairs by Hon. L. Severance, the United States Commissioner, September 3d. (See Appendix).

A few days later the whole Cabinet resigned, but were all reappointed with the exception of Dr. Judd, who was succeeded by Hon. E. H. Allen, whose appointment gave general satisfaction, and caused no change in the policy of the Cabinet. The result was a virtual defeat of the scheme of the "Thirteen."

GROWTH OF ANNEXATION SENTIMENT, 1854.

Hon. L. Severance, the United States Commissioner, returned to the United States in December, 1853, and was succeeded by Hon. D. L. Gregg of Illinois, who arrived in Honolulu January 6th, 1854.

Meanwhile the sentiment in favor of annexation seems to have

been growing in strength. Three-fourths of the business was in the hands of Americans, and the chief market of the Islands was then as now the Pacific coast of the United States. The hope of it stimulated speculation, and led to new enterprises, some of which were afterwards abandoned.

The fearful decrease of the native population (several thousands of whom had been carried off by the fatal epidemic of 1853), the rapid extinction of the order of the chiefs, who were the natural leaders of their race, the relapse of the King into habits of gross intemperance, and the perils from without over-hanging the feeble government, disheartened many true friends of the nation, and led them to favor the preliminary steps then taken toward annexation. The objections of the missionaries to that measure have already been stated. They feared that the rights of the natives might be trampled upon, and their interests sacrificed. A new and liberal Constitution had just been adopted, (in 1852), and they fondly hoped that the natives would soon learn how to use their newly granted lands and political rights.

The Ministry, as a whole, favored annexation, but Mr. Wyllie acquiesced in it unwillingly, and only as a last resort, in the case of an emergency.

During the two following reigns he developed a decided antipathy to American influence, and American ideas.

The King, however, strongly favored annexation. He had long been harassed by the threats of foreign powers; he had once been dethroned by a British naval force; he had repeatedly been compelled to make humiliating concessions at the cannon's mouth; he had recently seen his fort dismantled, and his beautiful yacht carried off, and his difficulties with France still remained unsettled. At the same time he was kept in a state of alarm by rumors of filibusters from abroad, and threats of conspirators at home to overturn his government. He was deeply grateful for the constant and generous friendship of the United States, and for the benefits which his people had received from American citizens.

Besides, he had reason to expect for himself and his chiefs a sum equal to the revenue of his kingdom, and for his people all the rights of a free state in the Union. As far as is known, most of the high chiefs agreed with him.

The heir apparent, Prince Alexander Liholiho, however, was at heart opposed to the treaty, and interposed every possible delay to its completion. It is said that he and his brother, Lot Kamehameha, never forgave some incivility which they had experienced on account of their color, when traveling in America. He was also moved by a laudable pride of country, a natural desire to reign, and a partiality to England and her institutions.

The mass of the native population was never consulted, and was indifferent on the subject. Race antagonism had not yet been developed to any extent. A newspaper in the Hawaiian language, called the "Nuhou," edited by a Mr. Marsh, was started in February, 1854, to prepare the native mind for annexation, and was continued for six months. Another memorial on the subject, numerously signed, was presented to the King in January, 1854. It is singular that hardly an allusion to the subject can be found in the Honolulu papers at the time, and none in any of the official reports of the Minister of Foreign Affairs.

NEGOTIATION OF THE TREATY.

In February, 1854, the matter took a more definite shape. On the 6th of that month, in view of danger from filibusters and conspirators, the King commanded Mr. Wyllie to ascertain on what terms a treaty of annexation could be negotiated, to be used as a safeguard to meet any sudden danger that might arise. Every proposition was to be considered by the Cabinet and Prince Liholiho, and the treaty as a whole was to be submitted to His Majesty for his approval, modification or rejection. (See Appendix).

The negotiations were carried on between Mr. Wyllie and Mr. Gregg with the utmost secrecy. At the second meeting, February 11, Mr. Gregg agreed to proceed with a negotiation *ad referendum*,

and wrote to the United States Secretary of State for instructions. A basis for negotiations, framed by Judge Lee, and approved by the King and his Ministers, was afterward presented to Mr. Gregg, guaranteeing to Hawaiian subjects all the rights of American citizens, providing for the admission of the Hawaiian Islands as a State into the Union, for a due compensation to the King and chiefs, and a liberal sum for the support of schools. The amount of compensation to be asked for had been referred to a committee, who recommended that a lump sum, viz., \$300,000, be distributed in the form of annuities by the King and his Council.

At their 6th meeting, June 1st, Mr. Gregg stated that he had received full powers and instructions from his own government. At Mr. Wyllie's request he then proceeded to draft an outline of the treaty. He was furnished with detailed statements of the property owned by the Hawaiian Government, and of the salaries paid by it. An interval of two months followed, during which the treaty made very little progress.

In a private letter from Mr. Wyllie to Judge Lee, dated June 23d, he says: "The treaty is now before Prince Liholiho, with the amendments suggested by you. To be able to save the King, and chiefs and people at a moment's warning, it is desirable that the treaty should be concluded diplomatically, I mean, signed by the Plenipotentiaries, but subject to future ratification." Again, July 11th, Mr. Wyllie writes to Judge Lee as follows: "Liholiho keeps out of the way, and he has not returned the treaties, though I have often asked him for them. Of my draft I have no copy."

The Fourth of July was celebrated at Honolulu this year with unusual enthusiasm, and in Mr. Gregg's oration allusion was made to the prospect that a new star would soon be added to the constellation of States.

On the 17th of July a combined British and French fleet of eight vessels arrived from Callao, on their way to attack the Rus-

sian fortress of Petropaulosky. The two admirals and their officers had a reception at the Palace, at which the French Admiral said, at M. Perrin's suggestion, that he hoped there was no thought of alienating the sovereignty of the kingdom, as that would lead to difficulties with France and England, which it would be wise to avoid. The King made no reply.

In a letter from Mr. Gregg to the United States Secretary of State, dated July 26th, he states that "a meeting was held on the 17th, at which Prince Alexander was present, when it was agreed that the Minister of Foreign Affairs should immediately proceed, if possible, to arrange and sign a treaty to be submitted to the King for ratification. Mr. Wyllie called on me the next day, and we have had several conferences, but without as yet arriving at any definite result."

"* * * Prince Alexander is responsible for all past delay, and he will not hesitate to incur the responsibility of still more, unless his mind is brought to the conviction that it is impossible for him ever to wear a crown. * * * If a treaty is once signed, he will not oppose its ratification directly and openly, but strive to postpone it to the last moment compatible with safety."

The two principal difficulties were, first, the objection of the Hawaiian authorities to a territorial form of government, and, secondly, the question as to the amount of the annuities to be paid, the Hawaiian Government insisting on \$300,000 as a *sine qua non*. One article provided for the payment of \$75,000 *per annum* for ten years for educational purposes, one-third of which was to be capitalized for the support of a college or university.

Judge Lee expressed his views in regard to the treaty in a letter to Mr. Wyllie, dated August 29th, in which he stated that it was "the wish of the King and chiefs to be admitted as a *State*, and they must not be deceived by any ambiguity in the phraseology of the treaty. They wish by this article to shield the nation from *slavery*, and it would be dishonorable to leave so vital a question involved in any doubt." At that time the repeal of the Missouri

Compromise had begun to be agitated in Congress, and party feeling was intense. It is said that Senator Sumner wrote to an influential missionary in the Islands, warning the King and natives against annexation, on the ground that it would lead to the introduction of slavery into their country. An article to this effect appeared in the New York Tribune of July 20th, 1854, and caused much excitement at the Islands.

Mr. Gregg conceded the two disputed points, "*ad referendum*," and a copy of the treaty as completed, was laid before the King in Cabinet Council, September 4th, and fully explained to him in all its details. He fully approved of it, but wished to consult a few of his chiefs before taking final action.

Near the close of the Legislative session of 1854, August 4th, Mr. Kaholeku offered a resolution in the House of Representatives, requesting the Minister of Foreign Affairs to inform the House whether the King had applied for annexation to the United States on account of trouble with France and England, as reported in the New York Herald. The subject was referred to the Committee on Foreign Relations, who never reported on it.

On the 26th of August, Prince Liholiho in the House of Nobles asked the Minister of Foreign Affairs, whether it was true that England and France were making trouble, so as to force the King to annex his kingdom to the United States.

In reply, Mr. Wyllie denied the statement, asserting that those Powers were anxious to maintain the independence of the Islands, but he said that in the internal condition of the kingdom there was danger, and there was no saying what changes that danger might lead the King to submit to.

PROCRASTINATION AND FAILURE OF THE TREATY.

On the 18th of September, Gen. Miller, the Consul-General of Great Britain, had an audience of the King, when he delivered a tirade of more than an hour in length against annexation, and in denunciation of the government and people of the United States.

He read in full the article in the New York Tribune of July 20th, to show that the designs of the United States were unfriendly to Hawaiian interests. The King in his reply said that he much preferred that such communications should be made in writing, in order to prevent misunderstandings.

Meanwhile the Crown Prince, Alexander, remained at Hawaii, to avoid signing the treaty. Weary of the delay, Mr. Gregg wrote September 12th, complaining of the procrastination, and threatening to withdraw from further negotiations, and to declare those which had already taken place to be at an end.

The Prince was sent for, but did not come. Mr. Gregg wrote again November 1st, remonstrating against further delay in the conclusion of the treaty. He used the following language. "The strong arm of the United States has been solicited for your protection. It has been kindly extended and held out, until at length self respect must soon dictate its withdrawal." This was regarded as a menace by Mr. Wyllie, and gave much offence.

The U. S. S. "Portsmouth," Captain Dornin, and the "St Mary's," Captain Bailey, were in fact detained in port during the fall of 1854, awaiting the results of the negotiations. The U. S. frigates "Susquehannah" and "Mississippi" also called on their way home from Japan, in the latter part of October 1854, and remained a week off the port of Honolulu.

It would seem that an attempt was now made to intimidate the King into signing the treaty at once. Mr. Wyllie afterwards stated in his report as Minister of War to the legislature of 1858, that on the 12th of November he was informed that there was imminent danger of a revolution, "that there were dangerous men from California, well armed, who insisted on the King's immediate sanction of annexation to the United States, without waiting for the arrival of the Crown Prince or the consent of the Legislature. That they would be joined by three hundred or more of the American residents here. That if unsuccessful then, they would be joined by three hundred men of the same dangerous character,

who were to arrive from California by the "America," and fifty that would arrive by the "Ianthe." That if we attempted to resist a force so determined, the King's Government would be upset, public and private property plundered, and perhaps the town set on fire. That three individuals* should have a private conference with the King instantly, so as to convince His Majesty of the truth of these dangers, and that he could only avoid them by annexation to the United States."

A Cabinet Council was then called, at which Mr. Wyllie was ordered to make these threats known to the representatives of the three great maritime powers. Mr. Gregg had already written to Mr. Wyllie, to assure him that the forces of the United States were ready to co-operate "in repressing any unlawful attempts of reckless adventurers, claiming to be American citizens, against the peace and dignity of His Majesty's Government." Mr. Wyllie immediately applied to the representatives of France, Great Britain and the United States, and was promised the aid of 200 men from the U. S. ships "Portsmouth" and "St. Mary's," of 100 men from H. B. M.'s ship "Trincomalee," and of 500 men from the French frigate "Artemise."

He further improved the opportunity to declare that "negotiations should be suspended, until they could be honorably resumed after every trace of *coercion* had been removed." (See his letter of November 26th, to Judge Lee.) On the 13th of December he issued a proclamation in the King's name, declaring that His Majesty had accepted the assistance of the three powers named above, and that his "independence was more firmly established than ever before."

This called out from Mr. Gregg a despatch denying that the United States had any intention of entering into any tripartite protectorate of the King's government, or that his and Captain Dornin's offers should be taken as equivalent to a permanent guar-

* Dr. Judd, Dr. Wood and Mr. Swan.

antee of its independence. The expected filibusters never appeared.

The Crown Prince Alexander Liholiho arrived at last from Hawaii, December 1st, and it is stated on good authority that he agreed to sign the treaty, and that a day (December 12) was set for the ceremony.

The King is said (by Mrs. Judd) to have been "more eager than ever" to complete the business, when he was suddenly taken ill, and expired in five or six days, on the 15th of December, 1854, in the forty-second year of his age. His untimely death was undoubtedly hastened by excessive intemperance towards the last. Aside from this unfortunate failing, he had many noble traits.

As Mr. Severance truly said, "His partiality to Americans has always been strong, and it will be universally conceded that by his death they have lost a faithful and honorable friend."

- His adopted son and heir, Alexander Liholiho, was immediately proclaimed king, under the title of Kamehameha IV. Soon afterwards he expressed his wish that the negotiations that had been begun with Mr. Gregg should be broken off, which was done.

As Mr. Marcy afterwards stated, in his letter to Mr. Gregg of January 31, 1855, the President would never have approved of a treaty, admitting the Islands into the Union as a State, to say nothing of other objections of minor importance. In fact, the whole movement, as we now look back upon it, seems to have been premature and unnecessary.

W. D. A.

APPENDIX A.

PROTECTORATE PROCLAMATION.

HONOLULU, March 10th, 1851.

WE, KAMEHAMEHA III., by the Grace of God, of the Hawaiian Islands, King,

By and with the advice and consent of Our Kuhina Nui and Council of native Chiefs, finding Our relations with France so oppressive to Our Kingdom, so inconsistent with its rights, as an independent state, and so obstructive of all Our endeavors to administer the Government of Our Islands with equal justice to all nations and equal independence of all foreign control, and despairing of equity and justice from France;

Hereby proclaim as Our Royal will and pleasure that all Our islands, and all Our rights as a sovereign over them, are from the date hereof, placed under the Protection and Safeguard of the United States of America, until some arrangements can be made to place Our said relations with France upon a footing compatible with Our rights as an independent sovereign, under the law of nations, and compatible with Our treaty engagements with other foreign nations; or if such arrangements should be found impracticable, then it is Our wish and pleasure that the protection aforesaid under the United States of America be perpetual.

And We further proclaimed as aforesaid, that from the date of the publication hereof, the flag of the United States of America shall be hoisted above the national ensign on all Our forts and places and vessels navigating with Hawaiian registers.

Signed by the King and Kuhina Nui.

March 10th, 1851.

RESOLUTION OF THE PRIVY COUNCIL ABOUT THE JOINT DECLARATION, MARCH 29TH, 1851.

Whereas, in view of the declaration of the Commissioner of France in his memorandum of February 1st, and in his despatch No. 12 of February 27th, that the difficulties with France are reduced to two, viz., the liberty of Catholic worship and the trade in spirits; and,

Whereas, the Joint Declaration sanctioned, comprises a settlement of these two questions in the view of the King and Council;

Resolved: That the Minister of Foreign Relations is authorized and instructed to sign the four articles of the said declaration, and to refer to the sole decision of the President of the French Republic the question of indemnity to the King as transmitted to Mr. Perrin in Mr. Wyllie's despatch No. 21, on the understanding that this reference is to be acted upon only after the President shall have admitted that all pending difficulties are thus settled.

JOINT DECLARATION.

The President of the French Republic, and the King of the Hawaiian Islands, animated by an equal desire to terminate the adjustment of pending difficulties between the two countries, and to prevent their return, for the future, by assuring the just and complete execution of the convention of the 26th of March, 1846, in regard to the points in controversy, through a new official Act, destined to interpret it, have chosen for this purpose, the undersigned Commissioner of the French Republic, and the Minister of Foreign Affairs of the Hawaiian Kingdom, the signers of the Treaty above mentioned, who, after having exchanged their full powers, found in good form, have agreed to the terms of the following declaration:

1. The Treaty of the 26th of March, 1846, will be faithfully adopted and interpreted in the two texts, French and Hawaiian, the only ones officially signed. It remains agreed in all the cases where the Foreign Judges not understanding French, have to decide, the text of the English Treaty, officially declared identical, under reserve of the III. Article, shall be considered as an exact translation.

2. Without admitting that by the establishment of a Custom House duty of \$5 per gallon, upon spirits, the Hawaiian Government have gone beyond the exclusive power, which France herself had granted to them, through the means of the wording of the VI. Article of the Treaty above mentioned (an assertion, in regard to which, the undersigned French Commissioner makes all reserves), and after having proved that the effects of that duty have been profitable to France, and hurtful to the English and American trade in spirits, the King of the Sandwich Islands declares himself disposed to submit the question of the reduction of duty to \$2.50 per gallon, as a *maximum*, to the Legislature, which is to assemble next month, as a measure of political economy, which

the Chamber of Commerce of Honolulu have recommended on strong grounds.

3. The Government of the King cannot recognize, on the part of any foreign nation, the right of dictating or prescribing laws to them, on matters which affect only the religious belief or secular education of the native subjects of the King; nevertheless, disposed to admit the third of the demands presented by M. Perrin, on the 1st of February last, as a friendly suggestion, destined for the examination of the Legislature which is to assemble this year, the Hawaiian Government will place these assemblies in a position to decide, whether the equality between the Protestants and the Catholics, under the protection of the Constitution and the Laws, of which numerous proofs have been furnished, does not yet require something for its perfect application.

4. Documents presented by French citizens, in their own language, will be received in all the cases in which documents in the English language are received; but in the cases where the employes whose duty it is to make use of these documents do not understand French, it shall be incumbent, provisionally, on the party interested, to furnish a translation of the document produced, which, to prevent all error and discussion, shall be certified by him as true.

Honolulu, 25th March, 1851.

R. C. WYLLIE,
Minister of Foreign Relations.

Le Commissaire de la Republique Francaise
EM. PERRIN.

APPEAL TO THE PRESIDENT OF THE UNITED STATES.

The undersigned, Minister of Foreign Relations of His Majesty, the King of the Hawaiian Islands, having unavoidably produced to the undersigned, Commissioner of the United States an imperative Order, under the great seal of the Hawaiian Kingdom in Hawaiian and English, signed both by His Majesty and sealed by the royal signet and countersigned by His Highness Keoni Ana, the "Kuhina Nui," and both dated the 28th of this month, proceeded to make the following statement to the undersigned Commissioner.

That the King and chiefs remembering the events of 1839 and 1849, distrust France and fear her.

That they consider that France has not kept her engagement with Great Britain of the 28th of November, 1843, and does not mean to treat this Kingdom as under the protection of international law.

That their fears had been abated, but were again revived by Monsieur Perrin's despatch No. 18 of the 22nd inst., and his "verbal note" of the 15th to the undersigned Minister, which were laid before His Majesty and His Cabinet on the 28th.

That the King from a conversation with Her Britannic Majesty's Consul-General, believes that Great Britain is so fettered with France that she can afford him no certain hope of present relief.

That the King therefore, unable to protect the large American and other national interests in this Kingdom, appealed in his helplessness to the Commissioner of the United States, and now solemnly appeals to the President.

The King would prefer the following alternatives in the order in which they are placed.

1. To secure those large interests equally against all possible danger from Foreign Powers, under the safeguard of the Republic of the United States, and (if it can be arranged by the President of the United States without unsafe delay), under the safeguard of Great Britain also and of France.
2. Unless the last conform with the other two, then under the protection of the United States and England only.
3. If England do not consent, then of the United States only.
4. The King would prefer that this Kingdom be received as an Independent State, under protection merely from foreign aggression.

If that cannot be done, rather than continue to be the victim of foreign aggression, the mere shadow of a king without the power, but with responsibilities measured out by the arbitrary rule of the strong, We will resign the Sovereignty of these Islands into the hands of the United States under their guaranty of His private rights and hereditaments, a due provision for Himself, His Queen, the Heir apparent, His chiefs, His high officers, all private property and rights, and of all engagements of whatsoever kind, lawfully incumbent upon Him to fulfil and discharge.

6. The King desires that a secret arrangement be made with the authority and consent of the United States on the basis of one or other of these alternatives, to be instantly acted upon on the emergency of

any sudden danger, and not to be acted upon or even mentioned, if through the good offices of the Resident of the United States, France and other maritime powers will engage to let Him alone, with power to govern and seek the protection of his people in his own way, and to protect foreign residents and their interests without persisting in exacting of him greater responsibilities that can be required of any Sovereign under the laws of nations.

7. The King with the full experience of Capt. Laplace in 1839 and of Admiral de Tromelin in 1849, acknowledges his utter want of power to protect the citizens of the United States and their large interests in His Islands under a repetition of such lawless invasions, and as He has no confidence that they will not be repeated, on the most trifling complaint against His Government, His Majesty would be glad to see such a provisional occupation of His Islands by the armed forces of the United States and their interests, until time be afforded to mature some permanent arrangement in one or other of the ways hereinbefore mentioned.

The undersigned, Commissioner of the United States, having heard and considered these solemn proposals made in the name and by imperative order of His Majesty King Kamehameha III, agrees to transmit a copy thereof immediately to the Government of the United States, asking for full power and authority how to act, and that in the meanwhile the utmost possible secrecy shall be observed, and that he will continue to do all in his power for the protection of American interests, and to uphold the King's dignity and rights as an independent Sovereign in friendly relations with the United States, and appealing to them for protection.

Done in duplicate in the city of Honolulu this 31st day of March, 1851.

(Signed) [HIS OFFICIAL SEAL]

LUTHER SEVERANCE.

[SEAL OF THE FOREIGN OFFICE]

R. C. WYLLIE,
Minister of Foreign Relations.

JOINT RESOLUTION.

Be it Resolved by the Nobles and Representatives of the Hawaiian Islands in Legislative Council Assembled,

That in the sense of this house, the demands of France are so clearly unjust and contrary to the laws of nations and to treaty, and the course

pursued by her so incompatible with the existence of a regular independent government in these islands; if France should persist in such a course it will be the duty of the King to shield himself and his kingdom from insult, and oppression by placing this kingdom under the protection of some friendly state; and that should such emergency be so urgent as not to admit of the Legislative Council being convened, it shall be left to His Majesty by and with the advice of his Privy Council, under such emergency, to consult the honor and safety of his kingdom, according to His Majesty's best judgment; and that whatever he may do will be binding upon the nation.

Passed both Houses of the Legislature June 21, 1851.

W. L. LEE,
Speaker of the House of Representatives.

KEONI ANA,
President of the House of Nobles.

Approved by the King, August 4, 1851.

KAMEHAMEHA,
KEONI ANA.

ORDER OF THE KING TO MR. WYLLIE FEB. 6TH 1854.

Whereas, It has come to Our knowledge through the communications made to Us by divers discreet men who, We have reason to believe, are true friends to the Hawaiian nation, and through various other sources, that plans are on foot inimical to the peace of Our Kingdom and the welfare of our people, and such as if carried out would be wholly subversive of Our Sovereignty, and would reduce Us to the most deplorable of all states, a state of anarchy; and,

Whereas, exigencies may arise of such a nature as to render it imperative upon Us, for the security of the just rights of Our chiefs and people, that We should seek the alliance of the United States of America.

WE DO HEREBY command you, Our Minister of Foreign Relations, to take such immediate steps as may be necessary and proper, by negotiation or otherwise, to ascertain the views of the United States in relation to the Annexation thereto of these Islands and also the terms and conditions upon which the same can be affected, with the object of being

fully prepared to meet any sudden danger that may arise, threatening the existence or independence of Our Kingdom.

(Signed)

KAMEHAMEHA III.
JOHN YOUNG.

Liholiho consents to the above Royal Command.

Approved by WM. L. LEE.

EXTRACT FROM INSTRUCTIONS OF FEB. 21, 1854.

You will immediately enter upon a negotiation *ad referendum* with the Commissioners of the United States of America, in case of necessity, and which shall fully secure Our rights and the rights of Our chiefs and people, being assured by the Protocol No. 2., submitted to Us, of the willingness of the Commissioner of the United States to enter upon such negotiation. The Constitution of Our Kingdom has made Our Ministers special advisers in the executive affairs of the kingdom, and therefore you will submit to their consideration every proposal and every proposition that may be interchanged between you and the Commissioner of the United States, and your conduct will be governed by their decision. Prince Liholiho will join in the deliberations of the Cabinet Council, vote therein, and make his views known to Us. When the treaty *ad referendum* as aforesaid, is completed, you will submit the same to Us, which will be subject to Our approval, modification or rejection; and in case We shall deem it wise and necessary, to submit it to the Representatives of Our people, subject also to their approval.

(Signed)

KAMEHAMEHA III.

I hereby approve of the above instructions.

LIHOLIHO.

Signed by Keoni Ana, and all the Ministers.

REPLY BY HON. L. SEVERANCE TO THE PROTEST.

UNITED STATES LEGATION, }
 HONOLULU, September 3, 1853. }

SIR:—I have the honor of receiving your communication of this morning, in which you say it was resolved by the King in Council, on the first day of the month, that you should pass to me officially a copy of the Joint Address to His Majesty by the representatives of Great Britain and France, made on that day, which you have done by inclosing a copy, No. 17, of the *Polynesian*, published this morning.

My thanks are due to the King and Council for taking immediate measures to apprise me officially of the exact contents of the address, which I perceive, remonstrates against the "extraordinary course adopted by some American merchants, landed proprietors and other citizens of the United States, to induce the King to alienate his sovereignty and the independence of the Islands, by immediate negotiation for annexation to the United States."

- You are aware that the Government of the United States has never made any propositions to His Majesty's Government to annex the Islands, though the matter has undoubtedly engaged the attention both of citizens of the United States and of subjects of the King. To me it is not surprising that the "merchants and landed proprietors," whether Americans or others, should perceive great commercial advantages in such a connection, considering that the principal part of the commerce of the Islands is with the United States, and that the Islands must look almost exclusively to the Pacific coast of the United States for a market for their products and the means of paying for their heavy imports. I perceive, therefore, nothing very extraordinary in the project remonstrated against. And if now, or at any future time, it shall be found to be decidedly for the interest of both countries to unite their sovereignties, I am unable to perceive any treaty or moral obligations on the part of either to forbid the desired union, or any good reason for foreign interference to prevent it.

French and English subjects might still be entitled to the privileges of the "most favored nation," and on the score of commercial advantages, cannot well complain of being subjected to the revenue laws of a country which consumes and pays for French manufactures and other products to the amount of forty millions of dollars annually, and of British goods to the amount of one hundred millions annually, the revenue

laws of a country rapidly growing, and whose trade is now of more value to Great Britain and France than that of any of their colonies, if not, indeed of all of them added together, vast as English colonies are.

In view of these great interests, which would be sacrificed by a disturbance of pacific relations (to say nothing of several millions of American stocks held in Europe, whose value might, for the time, be seriously affected), it is not to be supposed that France will insist on the little advantage of importing into these Islands silks, wines, etc., to the amount of a few thousands of dollars at five per cent. duty, as she now does by her construction of the treaty of the 29th of March, 1846, a treaty which, instead of being a valid reason why the King should not transfer his sovereignty, is a standing and powerful argument to justify him in doing so, since that treaty denies to him one of the most important attributes of sovereignty,—one in the highest degree essential to all independent nations.

Still less is it to be supposed that Great Britain will claim the privileges of the “most favored nation” under the French treaty, since she has generously thrown up her own treaty of the same date and tenor, and substituted that of the 10th of July, 1851, in accordance with the American treaty of Washington of the 20th of December, 1849.

The right to cede or acquire territory, or to unite two independent nations by compact, is regarded as inherent in all independent sovereignties. It has certainly been practised from time immemorial. The power which can cede a part, can cede all the parts. Modern history abounds with examples, and none more so than English and French history. Annexation is neither a new thing, nor rare in our day, as the Arabs of Algeria, the Caffres of South Africa, and more than one hundred and fifty millions of people can testify,—people, it is true, who may be benefited by the change; but whether so or not, I cannot admit that annexation by voluntary consent is any more illegal or reprehensible than annexation by conquest. But whether it be done by one process or the other, the Government of the United States can have no colonies. Whatever territory is added is an integral part of the whole, and subject to the same national constitution and laws.

The expediency of union with the United States I do not propose to consider at present, for I have no authority to say that the United States will consent to any terms that may be offered; yet I have no doubt if they shall be offered, they will be frankly received and duly

considered; but no sinister means of accomplishing the object, however desirable, will receive any favor from the United States.

I am most happy to have your testimony that the Commissioner and Consuls of the United States have acted fully and faithfully up to the principles declared by Mr. Webster and Mr. Clayton in the communications referred to by you, and I am not permitted to doubt that you will have as little reason hereafter as you have now to disturb the friendly intentions of the government and people of the United States.

My regard for the King and his government, and for the highly respectable representatives of Great Britain and France in these islands, who have deemed it their duty to interpose an official remonstrance, alike demand the utmost frankness in the expression of the sentiments I entertain, which I am sure they will appreciate.

The agreement or joint declaration of the 28th of November, 1843, that neither Great Britain nor France would take possession of these islands, as a protectorate or otherwise, was creditable to those powers.

The government of the United States was not a party to the engagement, neither was Kamehameha III, as far as appears. The parties to it, by their naval forces, had both made hostile demonstrations upon the King's Sovereignty.

The United States have not; but both before and since, though their interests were far greater here than those of any or all other foreign powers, they have constantly respected the government of the King.

They have never sought to limit the right of his government to frame its own system of finance, enact its own revenue laws, regulate its own system of public education, establish its own judicial policy, or demand any special favors, and they were the first to recognize the complete and unqualified independence of the kingdom, by the treaty of the 20th of December, 1849.

This treaty having been faithfully observed, there is nothing in the policy of the United States toward these islands which requires concealment or demands an explanation,—nothing to disturb the harmony which happily exists between the United States and the great commercial powers of Europe. Lest silence on my part, after the publication of the joint remonstrance, should make a different impression here or elsewhere, and considering the distance from the seats of government of Europe and America, it may be advisable to depart from the usual

course in such matters, and to publish this letter also, to go with the remonstrance of the British and French representatives.

I have the honor to be, with great respect,

Your Obedient Servant,

LUTHER SEVERANCE.

To His Excellency

ROBERT CRICHTON WYLLIE,

Minister of Foreign Affairs, Etc., Etc.

TEXT OF THE TREATY.

Treaty of Annexation concluded between His Majesty the King of the Hawaiian Islands, and the United States of America.

His Majesty the King of the Hawaiian Islands, being convinced that plans have been, and still are, on foot hostile to his sovereignty and to the peace of his Kingdom, which His Majesty is without power to resist, and against which it is his imperative duty to provide, in order to prevent the evils of anarchy and to secure the rights and prosperity of his subjects, and having in conscientious regard thereto, as well as to the general interests of his Kingdom, present and future, sought to incorporate his Kingdom into the Union of the United States, as the means best calculated to attain these ends and perpetuate the blessings of freedom and equal rights to himself, his chiefs, and his people; and the Government of the United States, being actuated solely by the desire to add to their security and prosperity and to meet the wishes of His Majesty the King of the Hawaiian Islands, and of his Government, have determined to accomplish by treaty objects so important to their mutual and permanent welfare.

For that purpose His Majesty Kamehameha III., King of the Hawaiian Islands, has granted full powers and instructions to Robert Crichton Wyllie, 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 the President of the United States has invested with like powers David Lawrence Gregg, esquire, commissioner of said States to the said Kingdom; and the said plenipotentiaries, after exchanging their full powers, have agreed to and concluded the following articles:

ARTICLE I.

His Majesty the King of the Hawaiian Islands, acting in conformity with the power vested in him by the constitution of his Kingdom, and with the wishes of his chiefs and people, and of the heads of every department of his Government, cedes to the United States his Kingdom, with all its territories, to be held by them in full sovereignty, subject only to the same constitutional provisions as the other States of the American Union. This cession includes all public lots and squares, Government lands, mines and minerals, salt lakes and springs, fish ponds, public edifices, fortifications, barracks, forts, ports and harbors, reefs, docks, and magazines, arms, armaments and accoutrements, public archives, and funds, claims, debts, taxes and dues existing, available, and unpaid at the date of the exchange of the ratifications of this treaty.

ARTICLE II.

The Kingdom of the Hawaiian Islands shall be incorporated into the American Union as a State, enjoying the same degree of sovereignty as other States, and admitted as such as soon as it can be done in consistency with the principles and requirements of the Federal Constitution, to all the rights, privileges, and immunities of a State as aforesaid, on a perfect equality with the other States of the Union.

ARTICLE III.

His Majesty the King of the Hawaiian Islands, his chiefs and subjects of every class, shall continue in the enjoyment of all their existing personal and private rights,—civil, political and religious—to the utmost extent that is possible under the Federal Constitution, and shall possess and forever enjoy all the rights and privileges of citizens of the United States, on terms of perfect equality, in all respects, with other American citizens.

ARTICLE IV.

The decisions of the board of land commissioners made and not appealed from at the date of the final ratification of this treaty, shall be and remain forever valid and undisturbed, and all titles to real estate which are now, or shall have then been declared valid under the laws of the Hawaiian Kingdom, shall be held to be equally valid by the United States, and measures shall be adopted by the United States for the speedy and final adjudication of all unsettled claims to land in conformity with the laws and usages under which they may have originated.

ARTICLE V.

All engagements of whatever kind, affecting the rights of corporations or individuals, validly contracted, and lawfully incumbent upon the King's Government or the Hawaiian nation to pay and discharge, shall be respected and fulfilled in as prompt, full, and complete a manner as they would have been respected and fulfilled had no change of sovereignty taken place.

ARTICLE VI.

The public lands hereby ceded shall be subject to the laws regulating the public lands in other parts of the United States, liable, however, to such alterations and changes as Congress may from time to time enact. The grants of land for the promotion of education heretofore made by the Government of the King of the Hawaiian Islands shall be confirmed by the United States, which in addition thereto, shall grant and set apart for the purposes of common schools, seminaries of learning, and universities, so much of the public lands and of the proceeds thereof as may be equal proportionally to the grants for such purposes in any of the States of the Union.

ARTICLE VII.

The laws of the Hawaiian Kingdom, so far as they are compatible with republican institutions and conformable to the Constitution of the United States, shall be and remain in full force and effect until modified, changed, or repealed by the legislative authority of the State contemplated by this treaty.

ARTICLE VIII.

In consideration of the cession made by this treaty, and in compensation to all who may suffer or incur loss consequent thereon, the United States shall pay the aggregate sum of three hundred thousand dollars (300,000) as annuities to the King, the Queen, the crown prince, those standing next in succession to the throne, the chiefs and all other per-

sons whom the King may wish to compensate or reward, to be apportioned as may be determined by His Majesty the King, and his privy council of state, which amounts to be apportioned as aforesaid, shall be paid ratably without deduction or offset on any ground or in any shape whatever, to the parties severally named in such apportionment, at Honolulu, on the first day of July of each successive year so long as they may live. It is, however, expressly agreed upon that on the demise of His present Majesty the annuity of the immediate heir to the throne shall then be increased to the same amount before allowed and paid to the King himself.

As a further consideration for the cession herein made, and in order to place within the reach of the inhabitants of the Hawaiian Islands the means of education, present and future, so as to enable them the more perfectly to enjoy and discharge the rights and duties consequent upon a change from monarchical to republican institutions, the United States agree to set apart and pay over for the term of ten years the sum of seventy-five thousand dollars per annum, one-third of which shall be applied to constitute the principal of a fund for the benefit of a college or university, or colleges or universities, as the case may be, and the balance for the support of common schools, to be invested, secured, or applied as may be determined by the legislative authority of the Hawaiian Islands, when admitted as a State into the Union, as aforesaid.

ARTICLE IX.

Immediately after the exchange of the ratifications of this treaty the President of the United States shall appoint a commissioner who shall receive in due form, in the name of the United States, the transfer of the sovereignty and territories of the Hawaiian Islands; also all public property, archives, and other things hereinbefore stipulated to be conveyed, and who shall exercise all executive authority in said islands necessary to the preservation of peace and order, and to the proper execution of the laws, until the State contemplated in this treaty can be duly organized and admitted as such State; and until the arrival of such commissioner, all departments of His Majesty's Government shall continue as now constituted.

ARTICLE X.

This treaty shall be ratified by the respective high contracting parties, and the ratifications exchanged at the city of Honolulu within eight months from the date hereof, or sooner, if possible, but it is agreed that this period may be extended by mutual consent of the two parties.

IN WITNESS WHEREOF, We, the undersigned, plenipotentiaries of His Majesty the King of the Hawaiian Islands, and of the United States of America, have signed three originals of this treaty of annexation in Hawaiian and three in English, and have thereunto affixed our respective official seals.

Done at Honolulu this.....day of.....
in the year of our Lord one thousand eight hundred and fifty-four.

SEPARATE AND SECRET ARTICLE.

Whereas, It is desirable to guard against the exigencies declared in the preamble to the foregoing treaty, and to guard the King of the Hawaiian Islands, his chiefs and all who reside under his jurisdiction from the dangers therein referred to and expressed;

IT IS HEREBY provided and expressly agreed that at any time before the final exchange of the ratifications of said treaty, if the same shall be duly ratified on the part of His Majesty the King and satisfactory notice thereof given to the commissioner of the United States, it shall be competent for His Majesty, by proclamation, to declare his islands annexed to the American Union, subject to the provisions of such treaty as negotiated; and the commissioner of the United States, for the time being, shall receive and accept the transfer of the jurisdiction of the said islands, in the name of the United States, and protect and defend them by the armed forces of the United States, as a part of the American Union, holding the same for and in behalf of his Government, and exercising the jurisdiction provided for in said treaty, with the understanding, however, that in case the said treaty is not finally ratified, or other arrangement made by the free consent and to the mutual satisfaction of the contracting parties, the sovereignty of the islands shall immediately revert, without prejudice, to His Majesty, or his immediate heir, in the same conditions as before transfer thereof; and it is further understood and agreed that this article shall be as binding for all the ends and purposes herein expressed as if it formed a part of the foregoing treaty.

 ANNEXATION OF THE SANDWICH ISLANDS.

As, our readers will perceive by a special telegraphic despatch in another column, a treaty for the annexation of the Sandwich Islands to the United States is nearly concluded at Honolulu between David L. Gregg, the Commissioner of the United States, and King Kamehameha and the principal chiefs of his Government. At the date of our Correspondent's advice the matter was still kept a profound secret at the Islands, and was revealed only to those official persons directly concerned in arranging the terms of the treaty. The King and nobles, it seems, are led to the step by the fear of filibusters from the United States on the one hand, or of attacks from European powers on the other. Animated by dread of this sort and also by the notion that they may not hereafter be able to get as much money for the sovereignty of the Islands as at present, they have decided to sell out now and deliver their merchandise and pocket the pay with all convenient despatch. The Constitution of the Islands, it seems, gives them full power to do that without consulting the nation at all, and accordingly the masses of the Kanaka peo-

ple will wake up some fine morning and find that their allegiance has been transferred to the United States, while they were sound asleep, not even dreaming of such a change. To them, however, doomed as they seem to be to perpetual inferiority and ultimate extinction, all political events are of little immediate consequence. Their condition and prospects must in all cases remain about the same.

It seems that only one point remains unsettled in the treaty. The authorities at the Sandwich Islands desire to be received at once as a State, while Mr. Gregg, acting no doubt under instructions from the Administration at Washington, insists on their annexation as a Territory. The reasons for the desire on the one hand, and the opposition on the other, are patent and intelligible. If the Islands come in as a State, it will be with a constitution forever excluding slavery, while if received as a Territory, there will be a chance for the introduction of negroes, and the building up of a slave-holding interest which can eventually control the Islands, and make a constitution on the South Carolina or Texas model. With the present Administration it is of course a primary object to have slavery introduced there, before the State Constitution is formed, by way of illustrating that principle of popular sovereignty so dear to Messrs. Pierce, Douglas, Toombs, Stephens, and the other leaders in the policy of extending the peculiar institution.

The future distribution of offices also has weight in the difference in regard to the condition in which the Islands shall come in. If they are admitted as a State, there will be a Governor, Lieutenant-Governor, U. S. Senators, and other important offices to be filled by election from among the people of the Islands, and to those offices the leading men there naturally aspire. On the other hand, if admitted as a Territory, the President at Washington will have the filling of the Governorship and other valuable territorial posts, and can advantageously use that patronage in buying up Congressional support for any measure he may desire to carry, by way of illustrating the great doctrines of legislative purity and popular sovereignty to which he is so eminently attached. Besides, if two Senators and two Members of the House should at once appear from the Sandwich Islands, and take their seats in Congress, who knows that they will be supporters of this tottering and despised Administration? Or rather, who does not know that they would, in all probability, be its opponents, and the zealous antagonists of every scheme for the extension of slavery, not only over their own but also over all other free soil? This being the case, the Administration is only pursuing a consistent course in seeking the glory and popularity of

annexing the Islands, without the inconveniences which, in a partisan and slave-driving point of view, might attend their admission as a State. —New York *Daily Tribune*, July 20, 1854, editorial, page 4.

“The information received at the State Department from the Sandwich Islands will arrest public attention. It seems King Kamehameha is impatient to become annexed to the United States, and has again applied to our Consul at Honolulu, urging the speedy adoption of measures to effect that object. This subject has occupied the attention of the press and the people of this country for years, and yet we find that the present Administration has not taken even the first preliminary step towards carrying out an object of such vast importance, both politically and commercially to our citizens.

“Ten millions of dollars for a strip of desert land beyond the confines of civilization, (the Gadsden Purchase), is abstracted from the Treasury without a scruple, a tempest in a teapot is raised over the Koszta affair, and much valuable ink and paper is spoiled in discussing the peculiarities of breeches and buttons; but the Sandwich Islands—the halfway point between California and China, and the resort of our immense whaling fleet,—cannot receive a moment’s attention from our government. Let us have the Sandwich Islands, small pox, missionaries, volcanoes, and King Kamehameha, admitted into the Union without delay.” —New York *Herald*, June 3, 1854, editorial.

PROTOCOL NO. 1.

WEDNESDAY, February 8, 1854.

The undersigned met this day at 12 noon in the house of the Commissioner of the United States.

Mr. Wyllie submitted the written commands of the King to him of the 6th instant, also the letter of same date from the Hon. Wm. L. Lee, Chancellor of the Kingdom, and Mr. Gregg to exchange powers with him, with a view to the objects expressed in the King’s command aforesaid.

Mr. Wyllie further submitted to Mr. Gregg the appeal to the President of the United States of March 31, 1851, signed by him and the late Commissioner, Mr. Severance.

Mr. Gregg stated to Mr. Wyllie that he was in possession of no formal powers to negotiate or declare the views of the Government of the Unit-

ed States upon the matters submitted for his consideration,—that from the peculiar circumstances of the case, it was impossible for the Government of the United States to anticipate the necessity of special replies to such questions or the existence of a state of affairs, making it desirable on the part of the King to bring up for discussion with him (Mr. Gregg) a subject of such magnitude and interest to both nations, without an opportunity of referring to the authorities at Washington, which he trusted could readily be done without prejudice. But if the exigencies of the present or future should demand it, he was willing to negotiate *ad referendum*, on the subject embraced in the commands of the King, but not otherwise.

Mr. Gregg further stated that having been verbally informed yesterday by Mr. Wyllie of this matter, he had written to the State Department at Washington relative thereto with the expectation of obtaining the views and instructions of his government as early as might be practicable. Mr. Wyllie begged Mr. Gregg to send a duplicate of his letter and to enclose a copy of the commands of the King, that the President might understand exactly what His Majesty desired, for which purpose he left a certified copy with Mr. Gregg. Mr. Wyllie also left with Mr. Gregg the appeal of 31st, March, 1851, before alluded to for Mr. Gregg's fuller information.

The undersigned, on behalf of their respective Governments, agreed to consider the Protocol as the initiation of a negotiation with the Government of the United States for the purposes expressed in the King's commands to his Minister of Foreign Affairs.

The undersigned agreed to adjourn till they should have occasion to meet again.

R. C. WYLLIE,
D. L. GREGG.

PROTOCOL NO. 2.

SATURDAY, February 11, 1854. 1:30 P. M.

The undersigned met in the house of the Commissioner of the United States.

Mr. Wyllie stated that he had, by the advice of Prince Liholiho and the Cabinet, to add to the King's orders of the 6th inst. the signatures of His Majesty's Chief Justice and of his Ministers approving thereof.

Mr. Gregg with reference to what he said in Protocol No. 1, stated that in view of his declaration therein contained, and the matters contained in the preamble to the King's commands to Mr. Wyllie, bearing date on the 6th inst., he felt himself justified in declaring explicitly that if it was the wish of His Majesty's Government, to negotiate *ad referendum*, he was willing to enter upon such negotiation at any time that might be agreed on, for that purpose.

He also said that although he had no *formal* powers to that effect, yet from his knowledge of the views and policy of his government, derived from the highest sources, he considered himself warranted under the state of facts expressed in said preamble, and by the exigency of the case, to discuss for reference, the terms of an arrangement between the two powers of the character indicated in such commands. Mr. Gregg further remarked to Mr. Wyllie that after careful consideration, he had deemed it advisable to make this specific declaration, in order that no wrong impression might exist as to the nature of the authority with which he regarded himself invested on the part of his government, to act *ad referendum*, in regard to the exigencies contemplated in His Majesty's commands to Mr. Wyllie.

(Signed)

{ R. C. WYLLIE,
 { D. L. GREGG.

ADDITIONAL INSTRUCTIONS.

HONOLULU, February 21, 1854.

SIR:—We have examined the protocols numbers 1 and 2, executed by Our Minister of Foreign Affairs, and the Commissioner of the United States, initiated by Our Minister, in pursuance of Our commands of the sixth of February; and more fully to carry out the purposes and intentions thereof, We hereby give you the following instructions additional.

You will immediately enter upon a negotiation with the Commissioner of the United States of a treaty *ad referendum*, the object of which is the annexation of Our Kingdom to the United States of America, in case of necessity, and which will fully secure Our rights, and the rights of Our chiefs and people, being assured, by the protocol No. 2, submitted to Us, of the willingness of the Commissioner of the United States to enter upon such negotiation. The Constitution of Our Kingdom has made Our Ministers special advisers in the executive affairs of the Kingdom, and therefore you will submit to their consideration every

proposal and every proposition which may be interchanged between you and the Commissioner of the United States, and your conduct will be governed by their decision.

Prince Liholiho will join in the deliberations of the Cabinet Council, vote therein, and make its views known to me.

When the treaty *ad referendum* as aforesaid is completed, you will submit the same to Us, which will be subject to Our approval, modification or rejection, and in case We shall deem it wise and necessary to submit it to the representatives of Our people, subject also to their approval.

(Signed)

KAMEHAMEHA.

Approved by Liholiho, W. L. Lee, and the Cabinet.

PROTOCOL NO. 3.

THURSDAY, March 23, 1854, 2 P. M.

The undersigned met at the house of the Commissioner of the United States, and after comparing the two originals of protocol No. 2, of the date of February 11, 1854, which since that time had been in the hands of His Majesty the King for consideration and approval, respectively, signed and exchanged the same.

Mr. Wyllie at the same time communicated to Mr. Gregg the further orders of the King to him (Mr. Wyllie), bearing date on the 21st day February last, but signed by His Majesty yesterday, and countersigned by His Royal Highness the Crown Prince, His Highness, the Kuhina Nui, the Chief-Justice and by His Majesty's Ministers of State.

Mr. Gregg, having heard the same, expressed a wish to have a copy thereof for transmission to His government on account of the close relation of such instructions to the Royal commands of the 6th of February last, a copy of which he had already transmitted.

The undersigned then adjourned to meet again as occasion might require.

(Signed)

} D. L. GREGG,
} R. C. WYLLIE.

PROTOCOL NO. 4.

SATURDAY, March 25, 1854, 10 A. M.

The undersigned met at the house of the Commissioner of the United States, and after comparing the originals of protocol No. 3, respectively, signed and exchanged the same.

Mr. Wyllie, in accordance with Mr. Gregg's request as expressed in protocol No. 3, produced the King's additional orders of the 22nd of February last, of which a copy was taken for Mr. Gregg's use, and duly verified by comparison with the original.

Mr. Wyllie then read the following brief memorandum, submitted to him yesterday by Mr. Gregg, for consideration, viz:

"1. The cession of the sovereignty of the Hawaiian Islands to the United States.

"2. The most ample guarantee of all the chiefs and people, securing to them the footing of citizens of the United States, on terms of perfect equality with all other American citizens.

"3. As a consideration in part, for such cession, a suitable provision for the King, the Queen, the Crown Prince, those declared next in succession, the chiefs, &c.

"4. A provision for the support of schools and education.

"5. A provision for the fulfilment of all engagements lawfully incumbent upon the King's government to fulfil or discharge."

Mr. Gregg said he had submitted the preceding brief memorandum for Mr. Wyllie's consideration, in order to elicit his views on the subject, and as a very general basis of the discussions between them, which must necessarily arise in providing for the objects expressed in the King's commands of the 6th and 21st of February last.

Mr. Wyllie then presented and read a memorandum, which he proposed as a basis for negotiation, in the following terms:

"1. The admission of the Hawaiian Islands as a Sovereign State into the American Union, subject to the Federal Government, the same as the state of Massachusetts, and extending to the King and chiefs and all His subjects, the same rights, civil, political and religious, as are enjoyed by that state.

"2. A due provision to be made for the King, the Queen, the proclaimed heir to the throne, those declared next in succession by the King's will, the High Chiefs enjoying salaries, all the salaried officers

of the King with some regard to the length of service; and for the exercise of the King's bounty in those cases where he may wish to exercise it.

"3. All rights of possession, inheritance or expectancy to be respected and provided for.

"4. All engagements of whatever kind, lawfully incumbent upon the King or the nation to discharge, to be religiously fulfilled.

"5. The existing Constitution to be maintained, subject only to those alterations, without which the Islands could not be admitted as a Sovereign State into the Union."

(Signed)

} R. C. WYLLIE,
 { D. L. GREGG.

PROTOCOL NO. 5.

FRIDAY, April 21st, 1854, 9 A. M.

The undersigned met in the house of the Commissioner of the United States, and signed protocol No. 4.

Mr. Wyllie submitted the following bases of arrangement which had been framed by the King's Chief Justice, and had been approved of by the Princes of the Blood, the Kuhina Nui, and the members of the King's Cabinet, viz:

"1. The admission of the Hawaiian Islands into the American Union, as a Sovereign State, subject to the Federal Government, the same as any other state of the Union.

"2. The most ample guarantee of all the rights of the King, the chiefs, and the people, whether civil, political or religious, and securing to them all the privileges of citizens of the United States, on terms of perfect equality with other American citizens.

"3. A suitable provision to be made for the King, the Queen, the proclaimed heir to the Throne, those declared next in succession by the King's will, the chiefs and all other persons for whom provision should be made.

"4. A provision for the faithful fulfilment of all engagements of whatsoever kind lawfully incumbent upon the King's Government or the Hawaiian nation to discharge.

"5. A provision for the support of schools and education."

Mr. Wyllie stated that the members of the King's Cabinet on the 29th

of March had agreed to refer the amount of compensation to be determined by a select committee composed of the two Princes of the Blood, the Kuhina Nui, and the King's Chancellor and Chief-Justice, the Hon. W. L. Lee, who had reported yesterday as follows:

"The undersigned, a committee appointed to fix upon the amounts to be asked for compensation to the King and Chiefs, under the new Treaty contemplated with the United States, beg to report:

That they have found great difficulty in every attempt they have made to find a just compensation for the several chiefs who, including the second class, number upwards of thirty persons; and therefore they would respectfully recommend that a gross sum,—say three hundred thousand dollars, be asked for, to be distributed among the King and chiefs, in the form of annuities, as they may determine, it being expressly understood that from the above sum of three hundred thousand dollars, no deduction whatever shall be made on the plea of any claim or claims alleged against the Hawaiian Government or authorities by any American citizen, or on any other pretence whatever.

Signed by Liholiho, Lot Kamehameha, Keoni Ana, and W. L. Lee.

Mr. Gregg remarked to Mr. Wyllie that so far as the basis of arrangement just submitted was concerned, he had then no objection to interpose, unless it might be to the first clause, which he thought was capable of a construction inconsistent with the constitution of the United States (Article 4, Section III). But if, as he supposed probable, its intention was simply to provide for the admission of the Hawaiian Islands into the American Union as a State, as soon as might be consistent with the principles of the American constitution, it was free from the difficulty suggested. For the purpose, however, of removing all cause of doubt, he would propose a substitute for such clause, the following:

"The incorporation of the Hawaiian Islands into the American Union, and their admission as soon as may be consistent with the principles of the Federal Constitution to all the rights, privileges and immunities of a Sovereign State, the same as any other State of the Union."

Mr. Gregg further remarked that although the amount fixed by the committee as a compensation was considerably higher than he had anticipated, and more, he feared than would be regarded reasonable by his government, yet he would for the present assent to it, as a basis for the formation of a treaty *ad referendum* reserving to himself the right, however, of submitting a counter proposition, if he should deem it incumbent upon him so to do, at any time before the final arrangement of such treaty.

For the purpose of enabling him to form a satisfactory opinion on this subject of compensation, he begged Mr. Wyllie to cause him to be informed, as to the names and ages of the parties to whom annuities were proposed to be paid, the quantity and character of the public land, and other public property, the resources and capacities of the Islands, etc., etc. The undersigned adjourned to meet as occasion might require.

(Signed)

} R. C. WYLLIE,
} D. L. GREGG.

PROTOCOL NO. 6.

The undersigned met at the house of the Commissioner of the United States, at 2 P. M., on the 1st of June. The undersigned compared the two originals of Protocol No. 5, but agreed not to sign it, till the King's pleasure thereon be made known to them.

Mr. Gregg stated that since the date of Protocol No. 5, he had been advised of the views of his government in regard to the King's orders of the 6th of February last, and had received full powers, which he now produced in exchange for those previously presented by Mr. Wyllie.

The undersigned proceeded to verify and compare their respective powers, and exchange the same. Mr. Gregg stated to Mr. Wyllie that under the power now conferred upon him, he was ready to proceed immediately to the discussion of the measure contemplated alike in the powers held by him, and in the powers held by Mr. Wyllie, and to conclude the same in conformity with the wish of the two high contracting parties.

Mr. Wyllie replied that as soon as he could obtain the *data* requested by Mr. Gregg in Protocol No. 5, he would be prepared to enter upon the negotiation; and with a view to save time, suggested that Mr. Gregg should draft the outline of a treaty, leaving blanks for the details, which were wanting, so as that Mr. Wyllie knowing Mr. Gregg's views, might carefully consider them with the assistance of his colleagues, of the Princes of the Blood, and of the King's Chief Justice, for submission to His Majesty the King, along with Protocol No. 5, to which his sanction was still to be obtained.

(Signed)

} R. C. WYLLIE,
} D. L. GREGG.

PROTOCOL NO. 7.

The undersigned met in the House of the Commissioner of the United States on Wednesday the 7th of June, at 1 P. M.

The undersigned compared and exchanged Protocol No. 6, leaving it and Protocol No. 5, still unsigned, until after the approval of the King shall have been obtained.

Mr. Wyllie stated that the King's Chief Justice, and the other ministers of the King, on the 2nd of June had concurred in the view that the powers of Mr. Gregg and of Mr. Wyllie, which they had exchanged on the 1st of June, were equal and sufficient for the formation of a Treaty *ad referendum* for the annexation of the Hawaiian Kingdom to the United States of America, agreeably to the King's instructions to Mr. Wyllie of the 21st of February, 1854, approved by the Crown Prince, by the Kuhina Nui, by the King's Chancellor and Chief Justice, and by all of His Majesty's Ministers on the 22nd of March 1854.

With a view to enable Mr. Gregg to proceed in the preparation of the draft of such a treaty, so as that the transfer of Sovereignty may be beneficial to the King and all His subjects, and if possible, not prejudice the interests of any of such subjects, Mr. Wyllie with the full approval of the Kuhina Nui and of his colleagues, delivered to Mr. Gregg, the following, viz:—

No. 1.	Civil List.....	\$ 32,900 00
" 2.	List District Justices.....	9,550 00
" 3.	" Circuit Judges	4,800 00
" 4.	" Clerks of Governors	1,200 00
" 5.	" Tax Collectors.....	7,000 00
Total		\$ 55,450 00

Also No. 6. a statement of Government houses, ports, lands, ponds, &c., transferable with the Sovereignty of the Islands, amounting to \$1,522,379.

No. 7.	Claims on France	\$ 462,372 73
" 8.	" " Great Britian	32,107 61
Total of Nos. 6, 7 & 8.....		\$2,016,853 34

Mr. Wyllie begged Mr. Gregg to understand distinctly that he could neither make himself nor the Hawaiian Government responsible for the *correctness* of the items forming the above sum of \$2,016,853.34.

Mr. Wyllie further delivered to Mr. Gregg No. 9, being a list of an-

nities payable by this Government, amounting to \$2,040.00 per annum; and stated that he had still to receive and deliver to Mr. Gregg a list of natives employed in the Department of Public Instruction, who would lose the amounts of their respective salaries under a surrender of the Native Sovereignty. To save time Mr. Wyllie delivered all these documents in the original, requesting Mr. Gregg to return them after making the use of them intended in Protocol No. 6.

(Signed)

} R. C. WYLLIE,
} D. L. GREGG.

PROTOCOL NO. 8.

The undersigned met at the house of the Commissioner of the United States on Thursday the 17th day of August, 1854.

Mr. Wyllie begged to make known to Mr. Gregg the following *agenda*, founded on instructions from his colleagues and the Crown Prince, viz:—

1. That a treaty should be forthwith concluded according to diplomatic usage, and submitted to the King.

2. That the second article of Mr. Wyllie's draft of a treaty should be adopted with the addition of the following words, viz:—"but the King of the Hawaiian Islands reserves to himself the power to ratify it, in any moment of danger." Such article also to express in clear and specific terms, the admission of said islands, as a Sovereign State, in the usual sense of State Sovereignty.

3. The payment of seventy-five thousand dollars per annum, for a period of *ten years*, for the benefit of schools, one third of which to be capitalized, and the interest annually applied to the support of a College or University, and fifty thousand dollars appropriated to the use of Common Schools, in the discretion of the Legislative authority of the Hawaiian Islands, when admitted into the Union as a State.

4. The substitution in Article VIII. of the words "and all others whom the King may wish to compensate or reward," in place of the words—"and other persons now in the service of the Hawaiian Government, or formerly in such service."

Mr. Gregg thereupon stated that he would take into consideration the different points contained in such *agenda*, and submit his remarks

and conclusion thereon, with the least possible delay. The undersigned then adjourned to meet as occasion might require.

(Signed)

{ R. C. WYLLIE,
{ D. L. GREGG.

PROTOCOL NO. 9.

The undersigned met at the house of the Commissioner of the United States, on the 18th of August, 1854, at 9 A. M.

Mr. Gregg read a memorandum on Mr. Wyllie's *agenda*, which he had submitted to Mr. Wyllie yesterday afternoon, as follows, viz.:

"Mr. Gregg has carefully considered the *Agenda* submitted to him, by Mr. Wyllie, this day, as expressing the views of the Hawaiian Cabinet and of the Crown Prince upon the drafts of a treaty of annexation under consideration. From conversations with Mr. Wyllie and other members of the Cabinet, he fully understands and appreciates the object proposed to be accomplished by the addition of the following words, viz:—but the King of the Hawaiian Islands reserves to himself the power to ratify it, in any moment of danger." There are grave and serious objections, as he believes, not only to the article as originally drawn up, but to the vagueness and indefiniteness of the additional clause. In regard to the former he has already taken occasion to indicate to Mr. Wyllie his views. He is convinced that the President and Senate of the United States would regard it as so objectionable that any treaty containing it would be rejected on that account, and he cannot, therefore, assent to it. He suggests that the object pointed at in the *clause proposed to be added*, could be better reached by the Protocols of the negotiation, or by a Separate and perhaps Secret article, and he submits to Mr. Wyllie a proposition to that effect, and also a modification of said article No. II., as follows, viz:—

"The Kingdom of the Hawaiian Islands shall be incorporated into the American Union as soon as in the judgment of Congress, it can be done, in consistency with the principles and requirements of the Federal Constitution, with all the rights, privileges and *Sovereignty* of a state, the same as, and on terms of perfect equality with the other states of the United States." To this part of Mr. Gregg's memorandum, Mr. Wyllie replied that no disrespect or distrust whatever was intended to apply to the United States in the words which his Colleagues and the Crown Prince had agreed should be added to the second Article of his draft of

the treaty; the intention was to provide instantly and effectually for the sudden danger contemplated in the preamble; he admitted that that great object could be as well or better effected by a Separate and Secret article; but he added that his instructions having been precise as to the addition of these *ipissima verba*, he could not take upon himself to make any change without a further reference to his colleagues and to the Crown Prince.

Mr. Gregg then continued his memorandum as follows, viz:—

Mr. Gregg has no hesitation in assenting to the substitution in Article VIII., of the words “and all others whom the King may wish to compensate or reward,” in place of the words—“and other persons now in the service of the Hawaiian Government, or formerly in such service.” In order to approach more nearly to the views of Mr. Wyllie, the Cabinet and the Crown Prince, he (Mr. Gregg) is willing to modify the latter part of said article so as to make it read as follows:

As a further consideration for the Cession herein made, and in order to place within the reach of the inhabitants of the Hawaiian Islands the means of education, present and future, so as to enable them the more perfectly to enjoy and discharge the rights and duties consequent upon a change from Monarchical to Republican institutions, the United States agree to set apart and pay over the sum of seventy-five thousand thousand dollars, *per annum*, one third of which shall be applied to constitute the principal of a fund for the benefit of a College or University, or colleges and universities, as the case may be, and the balance for the support of common schools to be invested, secured or applied as may be determined by the Legislative Authority of the Hawaiian Islands, when admitted into the Union as aforesaid.”

Mr. Gregg thinks the term of *five years* ample to secure an adequate provision for schools, especially in connexion with the appropriation of lands to a similar object.

But few states are as well provided for in this respect. He cannot recognize the propriety of limiting the proceeds of the college or university fund to a single institution, but he is willing to leave their appropriation open to legislative discretion. So far as other questions were concerned, Mr. Wyllie was in possession of his views already, and he did not deem it necessary to enter upon their discussion, at present. Aug. 17th, 1854.

The undersigned then adjourned to meet again when Mr. Wyllie had consulted his colleagues and the Crown Prince in regard to the foregoing views of Mr. Gregg.

(Signed)

} R. C. WYLLIE,
} D. L. GREGG.

PROTOCOL NO. 10.

The undersigned resumed their meeting at the house of the Commissioner of the United States, on the 18th of August, 1854, at 4 P.M.

Mr. Wyllie stated that having conferred with his colleagues on the subject of Mr. Gregg's observations in Protocol No. 9, he had to make known their views as follows, viz.:

1. That the amount of seventy-five thousand dollars (\$75,000) for schools must be for ten instead of five years.

2. That his colleagues and the Prince decline to admit Mr. Gregg's proposed substitute for Mr. Wyllie's recent article, and propose the following amendment to stand in its place, viz.:

"The Kingdom of the Hawaiian Islands shall be incorporated into the American Union, as a Sovereign State, and admitted as such as soon as it can be done in consistency with the principles and requirements of the Federal Constitution to all the rights, privileges and immunities of a State, as aforesaid, and perfect equality with the other States of the Confederation."

Mr. Gregg expressed dissatisfaction with the phraseology of the proposed amendment, but promised to take the subject into early consideration, and to advise Mr. Wyllie fully of his views thereon. Mr. Wyllie then stated that Protocols Nos. 5, 6 and 7 had been submitted to the King; and they were therefore signed in accordance with Protocol No. 6. The undersigned therefore adjourned to meet again as soon as Mr. Gregg has maturely considered the amendment proposed to the second article.

(Signed)

} R. C. WYLLIE,
} D. L. GREGG.

Honolulu, 27 September, 1854.

PROTOCOL NO. 11.

The undersigned met at the office of the Minister of Foreign Affairs at 10 A.M. on August 19, 1854, and proceeded to settle the terms of the Treaty of Annexation referred to and discussed at their preceding conferences.

Mr. Gregg expressed himself still dissatisfied with the terms of the amendment submitted to him yesterday, as the agreement of the Cab-

inet and Crown Prince, for the second article of the treaty. He did not object to the omission of the words "*in the judgment of Congress*," as contained in his original draft and the one Mr. Wyllie proposed, as it was well understood and agreed by all the parties to the negotiation that the power of admitting new States into the Union is vested by the Constitution solely in the Congress, and it was not intended to attach to the article any other sense. He thought the expression "*Sovereign State*" inaccurate and exceptional. The States were, it is true, sovereign in a limited sense; they had full jurisdiction and control over their own local and domestic affairs. But the *National Sovereignty* was vested in the general government alone, and he thought it improper to designate a state, in a public treaty, by terms not strictly applicable in the sense of the Federal Constitution.

He also objected to the word "*Confederation*," as being, at least, of doubtful propriety, and proposed "Union" as a substitute. The following was finally agreed upon and adopted, as being within the meaning of and subordinate to Section III of Article IV. of the Constitution of the United States, viz.: "The Kingdom of the Hawaiian Islands shall be incorporated into the American Union as a State, enjoying the same degree of sovereignty as other States; and admitted as such, as soon as it can be done, in consistency with the principles and requirements of the Federal Constitution, to all the rights, privileges and immunities of a State, as aforesaid, with the other States of the Union."

When Article VIII. came up for consideration, Mr. Gregg renewed the proposal heretofore made by him to insert \$100,000 instead of \$300,000 as a suitable amount to be paid in annuities. Mr. Wyllie stated in reply, that the revenue of the Kingdom was in rapid augmentation; from \$48,842 in 1843, it had increased in only eight years to \$315,735 in 1851; that in 1853, notwithstanding the fearful ravages of the small pox, it was \$326,620; that this increase had taken place without any development of the agricultural resources of the country, worthy of the name; that only capital and labor were wanted to develop them to a great extent, whereby the revenue would be proportionally increased, and that he (Mr. Wyllie) saw no reason to doubt that in ten years from this date the revenue of the Islands would exceed \$1,000,000 annually. Mr. Wyllie added that for this reason he did not consider \$300,000 an extravagant demand for compensation considering the present and prospective value of the Islands *intrinsically*, and much less in view of their political value to any great naval and commercial power, since the treaty effected with Japan. Mr. Wyllie added his belief that this value was fully understood, and that a higher compensation for thirty years,

might be procured by a surrender of the sovereignty to another great nation. Besides the \$300,000 had been fully agreed upon by the King's Cabinet, and the Crown Prince, and further \$75,000 for the purpose of education, to be continued for ten years; and he (Mr. Wyllie) did not think they would recede from these terms.

Mr. Gregg said that as the negotiation was *ad referendum*, he felt himself under the peculiar circumstances of the case, authorized to assent, although he did it with reluctance—to the insertion of the sums proposed by Mr. Wyllie leaving his government to consider and determine whether they were responsible and proper or not. The same consideration would lead him to agree to the time fixed by the Cabinet and Crown Prince, for the continuance of the payment of schools, etc. But he objected to the phraseology of the first paragraph of this Article VIII., which he thought did not express clearly and definitely enough the idea which was in the mind of all parties, viz., that the aggregate amount of Annuities should be apportioned once for all, by the King and Privy Council, and to remain apportioned for ever—each annuity falling off on the death of the party entitled to it, and the aggregate sum being diminished to the extent of such annuity or as each life falls in. Any other construction would be different from that intended and lead to misunderstanding and difficulties which should be clearly provided against.

Mr. Wyllie stated that it undoubtedly was the understanding that the Annuities were to be strictly Life Annuities, terminable with the life of each annuitant, although he himself would have preferred that the annuities should have been for a given period of time, so as that in the probable case of the early death of any annuitant, the benefit of his or her annuity might go to his or her children, or other heirs, for the years or period of time that the annuity might still have to run. But as his colleagues and the Crown Prince had waived the point, Mr. Wyllie had yielded to the general sense that the annuities were to be life annuities only, with the sole exception of that of the Immediate Heir to the throne which is specially provided for.

The Article was finally, after some amendment, assented to by Mr. Gregg.

The draft of a treaty having been completed to the mutual satisfaction of the undersigned, it was agreed that three copies should be made in English and three in Hawaiian, and that the same should be signed, and sealed, as soon as convenient in the presence of the Crown Prince and members of the Cabinet, and if possible, with the approval of the Chief

Justice. The said treaty having been negotiated and drawn up, in the English language, it was understood and agreed that all disputes arising under it should be decided by the English text. The undersigned further agreed that a Separate and Secret Article should be framed and added to the treaty, providing effectually for the prevention of anarchy and the preservation of peace and order, in case the emergency contemplated in the Preamble should suddenly occur, without which the treaty itself would fail in one of its main objects.

(Signed)

} R. C. WYLLIE,
} D. L. GREGG.

Honolulu, 27 of September, 1954.

PROTOCOL NO. 12.

The undersigned met in the office of the Minister of Foreign Affairs at 2 P. M. on Monday, Sept. 4th.

The undersigned compared their respective copies of the treaty, which they had agreed to, subject to the King's approval, on the 19th of August.

Immediately afterwards they discussed and agreed to the *Separate* and *Secret Article*, provided for in Protocol No. 11, and added the same to the said copies of the treaty.

Whereupon the undersigned agreed that the Treaty was completed, for submission to the King, in conformity with his Majesty's instructions to Mr. Wyllie, of the 21st of Feb. 1854, and they adjourned, to meet again as occasion may require.

(Signed)

} R. C. WYLLIE,
} D. L. GREGG.

Honolulu, September 27, 1854.

From Appendix to Protocol 7, containing Civil List, as follows:

The King.....	\$ 10,000 00
The Queen.....	1,000 00
H. R. H. Liholiho.....	2,000 00
Prince Lot Kamehameha.....	800 00
C. Kanaina.....	800 00
K. Kapaakea.....	800 00
B. Namakeha.....	800 00
I. Kaao.....	800 00
A. Paki, Chamberlain.....	1,000 00
John Young, Minister of Interior.....	4,000 00
M. Kekuanaoa, Governor of Oahu.....	2,500 00
P. Nahaolelua, " " Maui.....	1,500 00
G. L. Kapeau, " " Hawaii.....	1,200 00
P. Kanoa, " " Kauai.....	1,200 00
John II, 2nd Associate Justice Supreme Court.....	2,000 00
I. Kekaulahao, 2nd Secretary Land Commission.....	1,500 00
I. Piikoi, Clerk Honolulu Market.....	1,000 00
	<hr/>
	\$ 32,900 00

CORRESPONDENCE.

The following paragraphs are selected from a private correspondence filed by Mr. Wyllie in the archives of the Foreign Office.

LETTER FROM WYLLIE TO CHIEF JUSTICE LEE OF MARCH
8TH, 1854.

"At the last Privy Council on the 6th, I announced the fact that the Consul-General Miller and Mr. Perrin had received by last mail despatches from their respective governments, fully approving of their joint address of the 1st of September, stating that each government had written to the United States Government on the subject, inviting the latter to join Great Britain and France in a Tripartite Treaty to support the independence and neutrality of this Kingdom, and ordering the Consul-General and Mr. Perrin to act in concert."

Mr. Wyllie then speaks of an alleged conspiracy of Government clerks in the Legislature to oust him from office, of which C. C. Harris was said to be the leader. He adds:

"I think a feeling is being industriously propagated that I am the only bar to annexation. Upon that point, I believe my opinion and sense of duty, agree fully with your own, and as far as I can judge, Prince Liholiho and all my colleagues agree with us."—*Extract.*

WYLLIE TO LEE, JUNE 23RD, 1854.

"The treaty is now before Liholiho, with all the amendments suggested by you. To be able to save the King and chiefs and people at a moment's warning, it is desirable that the treaty should be concluded diplomatically,—I mean, signed by the Plenipotentiaries, but subject to future ratification. Armstrong's zeal presses the latter with indiscreet haste; and, I fear, makes everything known to J. and B. Armstrong's grand idea is that you and I should go to Washington with the treaty ratified here, to have it ratified there. It would, no doubt, be very convenient to some people so to get rid both of you, me and of Allen, too,—but the question is would the King's honor and the rights of the natives be as safe in other hands, or when a treaty is made as a safeguard against sudden treason or rebellion, is there any place so proper for the

King's ratification as his own Court, where the danger would first be felt, or any form more proper or decorous than that the Act of Ratification should be witnessed and signed by all who have the Powers and Protocols from the first, by the King's own desire. To my mind the treaty admits of no dispute whatever, but I should like to know yours."

LEE TO WYLLIE, JULY 5TH, 1854.

"The treaty should be concluded at once, so that we may be prepared for *emergencies*, but I agree with you about the final ratification."—*Private*.

WYLLIE TO LEE, JULY 11TH, 1854.

"Liholiho keeps out of the way, and has not returned the treaties, though I have often asked for them. Of my draft, I have no copy. Unless I perform the duty which on the 6th of February was imposed on me imperatively, if any sudden emergency were to occur, I would be subject to blame. Therefore, one or two things, either I must perform that duty or the Royal order must be withdrawn. The final ratification is quite another matter. That I would be as unwilling to press on the King except in presence of an immediate emergency, as you would be.

"Under such a *clear necessity*, colonial subjection to any European Power, would not be as favorable to the interests of the Islands, as their admission as a Sovereign State of the United States. There are no markets in Europe likely to afford such a consumption of Island produce at high prices, as those of California and Oregon.

"Besides, *contiguity*, and the superior magnitude of present interests in the Islands are considerations not to be overlooked. This view of mine I made known to the Consul-General, fully and frankly, in 1851 or 1853. In judging of such abstract questions, I know of no nationality whatever. Under a *pressing necessity*, I would advise the King to annex himself and his kingdom to *Japan*, if I thought that it would be best for him, the Prince, the chiefs, the Hawaiians generally, and the future interests of the Islands, as an agricultural and mercantile state.

"But to the *treasonable creation* of a necessity for the extinction of the native sovereignty, I never will be a party. As the House of Representatives is going on, it appears to me that they will bring on the *necessity* soon enough, although all we Ministers remain faithful to our oaths, up to the very moment of its supervention.

"Such are my views, and from what I can recollect of our confidential conference at Rosebank in January last, I think you will not be far diff-

erent. Hoping soon to hear that you are better or to see you here,

"I remain, My dear Lee,

"Yours truly,

"R. C. WYLLIE."

"P. S. Before the 6th of February last, my idea of saving the King from sudden treason and rebellion was always to hoist the united flags of the United States, Great Britain and France. But our dangers are internal, and a Tripartite Treaty would fail to keep the King permanently on His Throne, unless each of the Powers were to consent to keep up a permanent garrison of say 100 men, in all 300."—*Extract.*

WYLLIE TO LEE, AUG. 23D, 1854.

"MY DEAR LEE:— * * * I am anxious to have your approval before I sign. Reflecting upon the matter, it is a most deplorable thing that we should be driven to *give up*, at the time when our means of governing independently and that well too, are so much greater than they were in 1843.

"Our Revenue being increased from \$18,842 yearly to \$326,620.

"Our Constitution, our laws and our land tenure are vastly improved, since you have been the King's Chief Justice, the administration of Justice compares favorably with that of California or any of the South Western States, education is more generally diffused that it is in many old nations of great civilization, are fully acknowledged by the Great Powers of the earth.

"Yet all these advantages and ameliorations go for nothing against the secret machinations and agitation of wretches whose loyalty, whose conscience and whose religion are at the bottom of their pockets, instigated by some half dozen Traitors that one month of a strong energetic Government would clear the country of forever. Yet looking to the King's safety, and the absence of all physical force to insure it, we have yet to take things *as they are*, not as they *ought to be*."

LEE TO WYLLIE.

"TORBERTVILLE, August 29, 1854.

"MY DEAR WYLLIE:—Mr. II has just touched here on his way to Hilo leaving me your notes of August 20th and 23rd, with a copy of the treaty. You wish before signing to have my views of the treaty, and I will give them to you, though I have very little time for reflection. They are briefly as follows:

"I see no objection to the treaty except the Second Article, which strikes me as being indefinite, ambiguous and to a certain extent, contradictory. This article is intended to secure a very important point, the most important in my opinion involved in the whole treaty, and as it is now framed, it seems to me to dodge the question, or at least to leave room for future controversy. It is the wish of the King and chiefs, so far as they have spoken on the subject, to be admitted as a *State*, and not as a *Territory*, and they must not be deceived by any uncertainty of expression in the treaty. They wish by this article to shield the nation from slavery, and it would be as dishonorable to us as unjust to them, to leave so vital a question involved in doubt. I may not rightly understand this article, but as I read it, it is left to the American Congress to say when we may be admitted as a *State*, and that may be one, ten or twenty years hence. Much as I am in favor of a treaty of this kind, yet knowing as I do, the views of the King, chiefs and people on this subject, it would be treacherous and criminal in me to let this point pass unnoticed. In my opinion the article should read that the Hawaiian Islands shall be incorporated into the American Union, not as a *Territory*, but as a *State*, etc., and omitting the clause 'and admitted as such as soon,' etc. The conditions and requirements precedent to our admission as a *State*, if any, should be *distinctly specified*. In my opinion, as the article now stands, it leaves room for any amount of delay and double dealing, and does not meet the wishes of the King and chiefs.

"In what I have said I mean no reflection whatever on Mr. Gregg, who doubtless intended and understands this article in a sense fair and just to the Hawaiian nation, but it may be left to others, perhaps less honorable than himself, to give it a construction. I cannot tell you how much I should regret throwing the slightest obstacle in the way of the conclusion of this treaty, but I should be false to my own conscience and to the nation I serve, to keep silence. The treaty has been greatly modified since I saw it, and perhaps for the better in all respects, except the article above mentioned. I am sorry you did not send me a copy of it at an early date. I shall write to Liholiho, giving him authority to act as my proxy, and referring him to this letter for my views. I shall return to Honolulu in two or three weeks, and if there is no pressing emergency, why not postpone the matter until I can make my views more fully known? Of course I write you this in confidence, but I wish you to show it to Mr. Allen, Mr. Armstrong, Liholiho and Mr. Young. I should not say 'in confidence,' if I had not heard from several sources that the doings of the Cabinet and Mr. Gregg in this matter were town talk."

FROM GREGG TO WYLLIE.

“ UNITED STATES LEGATION, Sept. 12, 1854.

“ SIR:—It is now, as Your Excellency is aware, more than seven months since negotiations for the annexation of the Hawaiian Islands to the United States were commenced by the action of His Majesty's Government, the initiation thereof dating from the 8th of February last.

“ The King's written commission to Your Excellency, setting forth the reasons which impelled him to seek a connection with the United State bear date on the 6th of the same month. By his subsequent orders of the 21st of February,—expressly approved, as well as the commands of Feb. 6th by His Royal Highness the Crown Prince, the Cabinet Ministers and the Chief Justice, the conclusion of a treaty of annexation was more explicitly directed.

“ Fully appreciating the causes which influenced His Majesty's determination to seek for himself, his chiefs and his people, a refuge from impending dangers in the protecting power and beneficent institutions of the United States, I did not hesitate as the Representative of my
● Government, to respond to his appeal by entering upon the negotiations which he desired.

“ After the occurrence of delays beyond precedent, which I am well assured had no origin in any disposition of Your Excellency, and to which I may safely claim, I have in no manner contributed, we at length, on the 19th ult., agreed upon the terms of a treaty not only mutually satisfactory to ourselves, but also satisfactory to His Royal Highness the Crown Prince, and to the members of His Majesty's Cabinet.

“ This being the case, I anticipated that procrastination was at an end, and hoped for a speedy conclusion of our negotiations by the signature of such treaty,—the conditions of which we had formally arranged. That I had a right to indulge in such an expectation, is apparent from the tenor of the powers confided to Your Excellency, which so far as I have the honor to be advised, still remain in full force and effect. If it be otherwise, then it is apparent that the result of our labors for the past seven months, will fall to the ground.

“ Duty to my own Government, as well as a sense of propriety, leads me to advise Your Excellency that I cannot consent to a continuation of the anomalous state of our negotiations. By every consideration arising from the principles which govern the intercourse of nations, I am authorized to insist upon the conclusion of such negotiations according to diplomatic usage.

●

"The alternative seems to me plain and imperative. This result must be consummated or I shall feel myself obliged to withdraw from any further negotiations, and to declare those which have already taken place, at an end.

"The position of the United States in relation thereto, is peculiar and I may also add, in a high degree magnanimous. My Government has never sought to acquire the sovereignty of the Hawaiian Archipelago. On all occasions, it has respected the rights of the King, and the interests of the Hawaiian chiefs and people, and looked with especial regard upon all that concerned their welfare and improvement. It was only when His Hawaiian Majesty contemplating the dangers by which he was surrounded, appealed to its magnanimity for present protection and future security, that it consented to discuss the terms of a connection between the two countries. It responded to his call from the consideration of sincere friendship to the Hawaiian race, as well as from the convictions of interest and justice, which will never under any circumstances whatever permit the dominions of His Majesty to become the mere appendage of any European power.

"The friendship to which I refer, is of no brief duration. Its existence dates from the period when Christianity first dawned upon the Islands, and civilization, its handmaid, offered her advantages in place of the rude acquirements of the savage state. The United States gave their citizens as instructors; then commenced that feeling of sympathy which made Hawaiian interests dear to the people of my country.

"It is not my province to refer Your Excellency to the danger which surround His Majesty's Government. With true wisdom he has seen and comprehended them in their full extent. With the sagacity which ought always to characterize the ruler, he appreciates and seeks to guard against them. The Government of the United States responds to his views, and offers the guaranty of its flag for protection, with the full assurance of liberty to his subjects, and perpetual security to their rights.

"But that offer, extended upon his invitation, cannot always be continued. There is a limit to courtesy as well as to forbearance. Generous designs must give place to paramount interests, and the time may come, when partiality to the Hawaiian people will, at length, have to yield to the necessities which demand the independence of the Hawaiian Islands,—if their fate should not be identified with the American Union,—no matter what their dynasty or form of government may be.

"It has never been the policy of the United States to interfere in the

domestic quarrels of other people. On the contrary, the right of self-government has always been recognized as pertaining to the subjects of every country.

"If then, it should happen,—as I must reluctantly confess probabilities seem to indicate,—that the Hawaiian dynasty should fall by violence, I take occasion to disclaim on the part of my government all responsibility for its fate, though my sympathies and those of my countrymen will still continue to exist in all their original force and sincerity. The strong arm of the United States has been solicited for protection;—it has been extended and held out until at length self-respect must soon dictate its withdrawal.

"I have deemed it incumbent upon me to submit these considerations for your reflection. They have been suggested by a sense of friendly interest as well as of propriety, and I may confidently appeal to Your Excellency to bear witness that in all my official action as the Representative of my Government, I have never forgotten, while attending to its interests, to manifest a proper degree of respect for His Majesty and a desire to promote the best interests of His Kingdom and people."

• "With high considerations of respect,

"I have the honor to be,

"Your obedient servant,

"DAVID L. GREGG.

"To His Excellency

"R. C. WYLLIE,

"*Minister of Foreign Relations,*" *Etc., Etc.*

WYLLIE TO LEE.

HONOLULU, Sept. 13, 1854.

"MY DEAR LEE:—Referring you to my previous letters upon the same subject, (that of the Treaty), in explanation of the course pursued by Prince Liholiho, I think it but fair to inform you that on the 29th ult., I received an order from the King, in native and English, in Liholiho's handwriting, of which the following is a copy:—"

"OUR PALACE OF HONOLULU, August 29, 1854.

"SIR:—Referring you to my orders and instructions relating to the treaty with Mr. Gregg, hearing that it is nearly completed, I order you to send me a copy in native, and a copy of all the protocols in native,

•

that I may consider what amendments and suggestions I may have to make before you sign the treaty.

“(Signed)

KAMEHAMEHA III.

“To His Excellency

• “R. C. WYLLIE,

“*Minister of Foreign Relations.*”

The preceding order was delivered to me by Mr. Young, on the 31, August, on which day and again on the 1st September, it was considered by the Cabinet in connection with the following clause in the King's instructions to me of the 21st February last.

“When the treaty *ad referendum*, as aforesaid, is completed, you will submit the same to us, which be subject to our approval, modification, or rejection, and in case we shall deem it wise and necessary, to submit it to the representatives of our people, subject also to their approval.

“KAMEHAMEHA III.”

Also with your letter to me of 6th February, 1854, which instructs me as follows:—

“Liholiho and Mr. Young desired me to say to you that the King wished you to submit all communications you may have with Mr. Gregg on this subject, to him for his approval.”

In view of all these perfectly consistent documents, it was my opinion that the view taken by the Cabinet on the 18th August that I should present the treaty to the King signed by myself and Mr. Gregg, was wrong, although Liholiho was present and consented to it.

Just as the Cabinet was breaking up on that day, I stated that notwithstanding what had been resolved, I should send a copy of the treaty to you for your approval or objections before laying it before the King. Liholiho heard what I said; and it is more charitable to suppose that in moving the King to send me the order of the 29th August, his object was to gain time to know your opinion than to suppose (as has been supposed by Armstrong, Young, Gregg and others), that his object was to quash the whole negotiation.

In saying so much for the Prince, I will say this for myself that for the very reason stated, the order was highly agreeable to me, for I always considered your letter to me of the 6th February as a Rider to the King's commands; and in the whole negotiation I never for one moment lost sight of the sound and honorable principles laid down between you and me at Rosebank on the 12th January last.

As in this matter there is a pressure greater than what you and I ever

contemplated, perhaps and not quite compatible with the free opinion of the Sovereign, I read to Mr. Allen and to Mr. Armstrong yesterday my memorandum of the conference between you and me on the 12th January aforesaid. It was all read to you on that day except a few points discussed between us, which I added from memory immediately after you left. When you arrive here, I shall send the whole to you, for I think it is honorable to us both.

Both Mr. Andrews and Mr. Robertson write to you by this opportunity on the obstruction made to the appointment of Robertson as an Associate Judge.

Very sincerely hoping that the restoration of your health may render any change unnecessary, and give us the consolation of your presence and advice on important occasions, and with kind compliments to Mrs. Lee, I remain ever My dear Sir,

Yours truly,

R. C. WYLLIE.

(*Extract*)

HONOLULU, Sept. 7th, 1854.

“By the Reynard several very alarming letters announcing 4 or 5 hundred Filibusters as certainly coming were received. Among them were letters from Governor Bigler and Mayor Garrison addressed to Mr. Gregg. None of my private correspondents say one word of any danger to the King. Therefore I am at a loss, whether to look upon the whole as a *ruse* to frighten the King into immediate ratification of the treaty, or as a forewarning of real danger. If the latter, in my opinion, we can only *elude* the danger by the Treaty or *surmount* it by martial law and strong measures.

“The General (Miller) and Mr. Perrin are in great excitement on account of what has appeared in the New York Tribune of 22d July. Old Greely has placed me in a most uneasy predicament.” * * *

To HON. W. L. LEE, the King's Chancellor, &c.
Torbertsville, Maui.

Yours truly,

R. C. WYLLIE.

LETTER FROM MR. GREGG TO MR. WYLLIE.

LEGATION OF THE UNITED STATES.

HONOLULU, Nov. 1, 1854.

“SIR:—Referring to my dispatch to you, of the 12th of September last, and also to yours of the 27th ult., I must again be pardoned for

offering a few suggestions in regard to the present position of our negotiations for annexation.

"The absence of His Royal Highness, the Crown Prince, is assigned as the reason why they cannot be diplomatically concluded, or otherwise settled in a definite manner. I hope I may be permitted to observe that I can perceive no special cause for further delay on that account. In connection with the Cabinet, he has been an advising party to the negotiations from the beginning to the end,—has countersigned our protocols, and as I understand, approves the treaty we have agreed upon. Why then should his presence be necessary to allow the last formal sanction to be given to an act which has already received his approbation? The provisions of the Hawaiian Constitution do not seem to require it, either as a matter of form or substance, and I cannot persuade myself that a much further procrastination will be allowed.

"It is due to the United States and due to me also, that a conclusion of our negotiations should be speedily effected, or some valid reason assigned, sufficient to justify delay in the eyes of the world.

"Statesmen will hardly find an excuse for neglecting the affairs of nations in the protracted absence of His Royal Highness, especially when a few hours, or a few days at most, are ample for his return.

"I need not refer you to my own position,—one of extreme delicacy and responsibility,—in connection with the negotiations which we have brought so nearly to a conclusion. Without formal powers, I responded to the invitation of the King, and consented to discuss the terms of a treaty, *ad referendum*, considering that such a step was likely to meet the sanction of my Government. But what is now the condition of affairs? The expectations held out to me, and through me to my Government, have been extraordinarily delayed, if not altogether disappointed. The United States came forward upon the solicitations of His Majesty, to protect,—to defend him, and to secure against all danger, his rights, and those of his people. How have they been met? With months of delay, and now it is said, that the absence of the Crown Prince from the seat of Government, accounted for by no satisfactory political reasons must be the occasion of still further,—perhaps indefinite delay.

"Your Excellency will, at once, perceive the embarrassment under which I am compelled to labor, and I cannot doubt that you will do me the justice to admit that it has not arisen from my own action. I must insist, and I think that there is just reason for it, that the negotiations which we have completed, shall be formally concluded or broken off

altogether. This, I am confident, may be demanded on the part of my Government, both from a sense of dignity and propriety.

"I may also add that personal self-respect requires me to urge this course, without which I should fail in duty as a representative of the United States, and justly deserve the severest censure. In addition, it is perhaps only proper to intimate that the armed vessels of the United States, now within the waters of the Hawaiian Kingdom,—to some extent for the protection of Hawaiian interests,—cannot always remain, especially if the American Government, after having been invited to enter upon negotiations for annexation, should continue to be met with unsatisfactory delays. There are other services in which they may usefully engage, and it cannot be expected that they will be allowed to remain unless some stronger reasons exist than arise from the present position of affairs. Renewing to you the assurances of my high respect, and distinguished consideration, I have the honor to be

Your Most Obedient Servant,

DAVID L. GREGG.

"To His Excellency,

"R. C. WYLLIE,

"*Minister of Foreign Relations.*"

FROM WYLLIE TO GREGG.

HONOLULU, Nov. 13th, 1854.

"SIR:—Reports through various sources, some of them of the highest respectability, (including yourself and Capt. Dornin), had reached the King's Government, that parties have arrived from San Francisco, and that others are expected whose intentions are hostile to the King's Government, and dangerous in an eminent degree to the safety of life and property in this city.

"The King's Government being happily in the most friendly relations with the Government of the United States, deprecate the intrusion into this Kingdom of any of their citizens with such lawless and unjustifiable intentions, both as being contrary to the laws of nations, forbidden by the laws of the United States, and calculated in an eminent degree to create in the public mind here, a prejudice against and a distrust of citizens of the United States, whom hitherto the Hawaiian people had regarded with so much merited favor.

"I need not remark to you that in the event of any insurrection leading to the destruction of life and property, the greatest sufferers in this city would be citizens of the United States, nor can I for one moment

doubt that having now in port two sloops of war, belonging to the United States, you will promptly take such measures as to you may seem discreet, in aid of those which the King's Government will adopt, to prevent the many good American citizens, who are living among us from being made a prey of the bad, (I hope they are few), who are said to have lately intruded themselves.

"I am commanded by the King to inquire whether His Majesty's Government in an emergency, such as that which has been threatened, can count with certainty upon the assistance of the United States sloops of war, "Portsmouth" and "St. Mary's."

"The gallant Capt. Dornin, through your predecessor, in November 1853, when a less serious emergency threatened, engaged to land promptly such a force on shore as would materially aid that of the Government to preserve order and secure life and property. I understand he is the senior officer of the United States naval forces, fortunately now present in the King's State.

"The King's Government acknowledge no rights of private war, either in citizens of the United States or in other individuals; it is their bounden duty to protect life and property; they are determined to do so to the utmost extent of their power, and to seek assistance from all who are able to render it.

"I am happy to have this occasion to renew the assurance of the high personal respect and distinguished consideration with which I have the honor to be, Sir,

Your most obedient and humble servant,

R. C. WYLLIE.

WYLLIE TO LEE.

NOVEMBER 14, 1854.

Extract. "We seek from the United States some other remedy than revolvers at our ears and bowie knives at our breasts. If the United States authorities cannot protect us from such comforters *before annexation*, what hope we reasonably *after* annexation? This is the common sense view of the case, and I wonder that Gregg and Dornin don't see it."

WYLLIE TO LEE.

FOREIGN OFFICE,
Honolulu, November 15, 1854.

"MY DEAR LEE:—The result of the meeting of the Cabinet, this day was an unanimous agreement that until the Prince and yourself return,

no action whatever is to be taken on the King's late order; and that I am to prepare for submission to the Cabinet, when you are here, a reply to Mr. Gregg's separate dispatch of 12th September and to an indiscreet one passed to me yesterday, pretending to ignore the origin and gravity of the late intimidation that was felt on the 13th, and both Allen and Armstrong question the propriety of allowing Gregg to withdraw his name from my dispatch of the 13th inst. The result shows that there was *wise foresight* in suggesting the insertion of both names.

"In great haste,

"Yours ever truly,

"R. C. WYLLIE.

"To WM. L. LEE,

"*Chancellor, Chief Justice, Etc., Lahaina.*"

LEE TO WYLLIE.

COURT ROOM, Lahaina, Nov. 16, 1854.

"MY DEAR WYLLIE:—I have this moment received your two notes of the 14th and 15th inst., but as the steamer leaves in a few minutes can send but a line in reply.

"I see no objection to obliging Gregg and Dornin in the small matter of omitting their names in your dispatch of the 13th. But why do they ask it? Are they ashamed after making so grave a communication to you to be known as the authors of that sad report? If it was *true*, I see no reason why they should be. It was a grand mistake they made in setting up that scare-crow. The King and chiefs are neither fools nor cowards; and can be much more easily coaxed than driven.

"The subject of your second note is of so serious a nature that I cannot reply to it without some consideration. To think in the midst of a trial is impossible. I hear the steamer has not been to Hawaii, and hence Liholiho is not here.

"Yours ever truly,

"W. L. LEE."

WYLLIE TO LEE.

NOVEMBER 15, 1854.

"MY DEAR LEE:—While in the middle of my preceding note of this same date, Mr. Young brought down a fresh order from the King, dated yesterday, suggesting certain amendments in the Treaty. We had a

meeting of the Cabinet upon the order, and have requested Armstrong to prepare a careful translation of it, to be considered to-morrow, at 10 A. M.

"The effect will be to justify Mr. Gregg in assuming that if the amendments suggested by the King be adopted, he virtually pledges himself to ratify the Treaty.

"Now are we prepared for this, after the new phase given to things by Mr. Gregg and Capt. Dornin themselves, well known to you,—commented on in my accompanying note,—especially after the alternative put to us by Mr. Gregg himself in his separate despatch of the 12th September (which you saw), to be either *off* or *on* with the Treaty?

"How otherwise can we understand the following?

"I am authorized to insist upon the conclusion of such negotiations according to diplomatic usage. The alternative seems to me plain and imperative. This result must be consummated or I shall feel myself obliged to withdraw from any further negotiations, and to declare those which have already taken place, at an end."

And still more objectionable is the following, *because* it seems to imply a threat and license for the Fillibusters to overthrow us. 'The strong arm of the United States has been solicited for your protection. It has been kindly extended and held out, until at length self respect must soon dictate its withdrawal.' What think you of that? *I must* confess that I regret that the King has sent me the *Order*, (which however, with the consent of my colleagues I will respectfully obey), before we had all in presence of the King, Liholiho and yourself considered whether "Self-respect" after undisguised intimidation attempted, does not require us to do something very different to what they would drive us to by intimidation. We never in this world, will have such an opportunity to take dignified ground. We can take it *now* with absolute safety to the King and national sovereignty. But good has arisen out of intended evil. Are we to miss the opportunity or turn it to the King's advantage? I have no time to write to Liholiho, but you will inform him of everything. Let me know as soon as possible what you think. Mr. Young and I unite in begging you not to attempt so much labor in one day. Calculate carefully your strength, and measure your work accordingly.

"Yours truly,

"R. C. WYLLIE."

"P. S. Yesterday Consul-General Miller and Perrin promised to send instantly when required, all the disposal force of the "Trincoma-

lee" and "Artemise," and to-day Mr. Gregg handed to me a note from Capt. Dornin, promising to land 200 men fully armed."

WYLLIE TO LEE, NOV. 26TH, 1854.

"The effect of the application authorized by the Cabinet and by the King, for assistance, when the danger threatened, has been to elicit from the Commissioners of France and the United States, and the Consul-General of Great Britain, such assurances as to amount *virtually* to a Tripartite military protectorate of the King, if His Majesty should be pleased so to understand the official offers severally made.

"Would it not be well for the King to take that ground, to proclaim the fact,—to make the treaty public,—(which Mr. Gregg, it appears, has already submitted to the cognizance of the United States officers here, of American residents here, and even filibusters from California), and to advise as to his present and future policy with the governments of the three great naval powers of the world? If we take this ground, we sacrifice no right of the King, we do not necessarily lose the treaty, we free ourselves effectually from all violence and threatenings of violence, and we obtain another, and I think, a very good chance of preserving the King and the native dynasty in the enjoyment of their natural rights, as the sovereign rulers of this land.

"After the *threats* and the *ridicule* thrown upon our means of resistance, we have agreed to make something of a military demonstration on the anniversary of the 28th.

"There is not one of us who doubts our present perfect safety, and the promises officially made to us, we now stand on strong ground, we can breathe freely; we can efficiently put down all filibusters, rebels and traitors. Are we to show ourselves equal to the emergency or not? This is for you and the Privy Council to consider and for us all to consider.

* * * * *

"If the negotiation is to go on with Mr. Gregg, one thing, I must insist upon, which is that *pending the negotiation*, he, as Commissioner of the United States must bind himself to keep American citizens quiet. No treaty can be made under *duress*; if made so, it is not valid."

"R. C. WYLLIE."

WYLLIE TO CAPT. DORNIN, NOV. 27, 1854.

MY DEAR SIR:—It was only this day that I heard that you were to leave us so soon. I am sorry that your departure has become necessary;

and having the utmost regard for you, personally, I am anxious that you should not retire under a wrong impression of my feeling in consequence of the communications made to me on the 11th and 12th inst.

The 157th Section of Vattel, Chapter 12, Book 2d, is as follows:

“A treaty is valid if there is no defect in the manner in which it has been concluded; and for this purpose nothing more can be required than a sufficient power in the contracting parties, and their mutual consent sufficiently declared.”

Therefore, by international law the highly confidential and delicate negotiation between Mr. Gregg and me, in progress since the 6th of February, became suspended, under the coercion made known on the 11th and 12th inst.

Who is it who has seen the Proclamation of the President against filibustering to Cuba,—his proclamation of the 18th of January, 1854, against unlawful expeditions in the Pacific, his inaugural message and the official declaration of preceding administrations relating to these Islands in particular, that could doubt for one moment that if the President had he heard, what I heard, on the 11th and 12th, he would not instantly have ordered that all negotiations should be suspended until they could be honorably resumed, after every trace of coercion had been removed, and the King's liberty to consent or not to consent, fully and unquestionably re-established. The only course that I could pursue under circumstances, the parallel of which, as far as I know, is not to be found in the history of any other nation,—and certainly, never in the past experience of this humble Kingdom, is unmistakably designated in the above quotation of Vattel, and in Chapter XVIII, Sections 200, 201, 202.

Respect to the United States Government,—duty to the King and to my colleagues, and I may add, to myself, all alike required, in the most imperative manner, that the unlawful threats of foreign intruders should be instantly met by the most determined resistance. In less than 48 hours we were prepared *effectually* and *certainly* to put down the insurrectionary attempt that was threatened, even had it come upon us in the formidable shape in which it was represented. With the assistance kindly promised by yourself, through the Hon. David Gregg, and that which was promptly promised by others, the result of a struggle could not have been doubtful, the rights of the King would have been vindicated,—and from all I have seen of the generous and merciful character of His Majesty, I would venture to say that the prisoners would have experienced at his hands, a clemency so much beyond what the law and

usage of nation allow, in such cases, as would have filled them with remorse for having ever attempted and conspired to overturn his throne.

I speak in the supposition that such men can be susceptible of generous and ennobling sentiments, which considering the designs imputed to them, *where they neither had suffered, nor could have suffered any wrong whatever*, may be very doubtful. Ever since I have been on these Islands, I have welcomed the ingress of American citizens; I have made it a rule, even in political debate, never to be wanting in personal respect to those who held Diplomatic or Consular Commissions from the President; but I have no such feeling of respect or consideration for filibusters; and if for that I am to be blamed, then let the censure commence with the President himself, for my sentiments correspond with *his* Proclamation, and so, I hope *will* ever my acts.

In a private note like this, I am forced to speak of myself only; I have no right to put words in the mouths of my colleagues, but I know them to be *at heart gentlemen*, and men of *honor*, and if you believed them to be such in every point of their official duty to the King, you can foretell precisely what course they will pursue. I am quiet sure that you, whose prompt and energetic conduct in the Peninsula of "Bassa California" will be recorded in history, as one of the brightest pages, in a moral sense, of the annals of the brave American Navy, can never blame those gentlemen born in your own country, who act with me, as the joint Depositaries of the confidence of King Kamehameha III, for uniting their efforts with mine, with the protection of God and of all the friends whom the Almighty has given to us, to repel with *loathing disgust* and *indignation* all filibusters who may come among us with the insolent pretension of throwing the weight of their revolvers into the balance of our honorable deliberations.

Since the 12th you have several times remarked that I was too much excited. I beg to assure you that neither then nor since have I known excitement whatever, beyond that of a strong indignation. As for fear I never had one particle of it; but I can assure you had I yielded to such an unworthy impulse, and debased myself to the degree of surrendering the King's rights, under the threats of filibusters, and in accordance with the advice of those residents, seemingly acting in connivance with them, my own dearest relations in Scotland, would have shunned me as a *filthy thing*,—and if my American-born colleagues had permitted me to make that ignominious surrender, a more plainly to perpetrate the treason, the stigma of Arnold would have clung to them and to me in every part of the United States during life time.

I hope negotiations will soon be resumed on the honorable basis on which they were commenced, and free from the influence or control of parties who never ought to have known any thing about them. It was to you only that I approved of cognizance being given.

● I remain, my dear sir,

Yours ever truly,

R. C. WYLLIE.

GREGG TO WYLLIE.

JANUARY 26, 1855.

SIR:—It is my duty to enclose to you a copy of a letter addressed to me yesterday by Commander Bailey of U. S. S. "St. Mary's," relative to the proclamation of the late King, issued on the 2d of December last. I cannot suppose that there is any misunderstanding on the part of the Hawaiian Government as to the precise extent and meaning of Captain Dornin's offer of aid. It has reference to the special emergency apprehended about the middle of November, and of course fell to the ground with the dangers, which it was designed to ward off. Neither he nor I had any authority to enter into an arrangement looking beyond the crisis then supposed to be immediately impending. Our action was strictly *pro hac vice*, and to that extent alone. Popular construction gives to the proclamation a sense which could never have been officially intended. It bears date long after the apprehensions of violence had ceased to exist, and when the independence of the Islands was supposed to be "more firmly established than ever before." The formal acceptance of offers of assistance made three weeks previously,—could only have been designed as an act of courtesy and acknowledgment to the Powers, whose friendly intentions had been manifested on an occasion when they were peculiarly acceptable.

Such was my view of it, founded as I supposed, upon a just appreciation of facts. Had I thought that the existence of a permanent tripartite protection was designed to be intimated, my Protest against such an influence would have been prompt, imperative and unqualified. Such a thing was never thought of on my part, and could not have been understood from any circumstance, which transpired officially or otherwise.

As the Proclamation is still kept standing in the columns of the "Polynesian" newspaper, I must beg to inquire how far it is to be understood as assuming an existing guarantee of protection by the United

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States of America. I am anxious to remove all occasion of misapprehension, and to preserve unimpaired, not only the substance but the semblance of entire good faith and perfect concord, etc., etc.

(Signed)

DAVID L. GREGG.

Capt. Bailey wrote as follows:

"It would appear from the proclamation that England, France and the United States had agreed to a joint protectorate of the late King. Such an agreement would have been directly opposed to the policy that has ever been maintained by the United States, and would be in direct violation of the course adopted in refusing to unite with England and France in securing the possession of Cuba to Spain."

* * * * *

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 PROCLAIM My acceptance of the aid thus proffered in support of My Sovereignty. My independence is more firmly established than ever before.

KEONI ANA.

KAMEHAMEHA III.

R. C. WYLLIE.

PALACE, December 8, 1854.

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THE
OFFICE OF THE
SECRETARY OF THE
NAVY
WASHINGTON, D. C.

TO THE
HONORABLE
MEMBERS OF THE
HOUSE OF REPRESENTATIVES
AND
THE SENATE

IN
RESPONSE TO
A RESOLUTION
PASSED BY THE
HOUSE OF REPRESENTATIVES
ON MAY 1, 1906

AND
A RESOLUTION
PASSED BY THE
SENATE
ON MAY 1, 1906

RELATIVE TO
THE
NAVY

AND
THE
NAVY DEPARTMENT

AND
THE
NAVY DEPARTMENT

AND
THE
NAVY DEPARTMENT

