

SEC. 2. The Government is conducted for the common good and not for the profit, honor, or private interest of any one man, family, or class of men.

SEC. 3. The Legislature may provide by law however, for the supervision, registration, control, and identification of all persons, or any class or nationality of persons; and may also by law restrict and limit the term of residence and the business or employment of all persons or of any class or nationality of persons coming into the Republic.

ARTICLE 2.—*Religious freedom.*

All men are free to worship God according to the dictates of their own consciences; but this privilege shall not be so construed as to justify acts of licentiousness or practices inconsistent with the peace or safety of the Republic.

ARTICLE 3.—*Freedom of speech and of the press.*

All men may freely speak, write, and publish their sentiments on all subjects; and no law shall be enacted to restrain the liberty of speech or of the press; but all persons shall be responsible for the abuse of such right; *Provided, however,* That the Legislature may enact such laws as may be necessary to restrain and prevent the publication or public utterance of indecent or seditious language.

ARTICLE 4.—*Meeting and petition.*

All men shall have the right to assemble in an orderly and peaceable manner, without arms, to consult upon the common good and to petition the President or legislature for redress of grievances.

ARTICLE 5.—*Writ of habeas corpus.*

The privilege of the writ of habeas corpus belongs to all men, and shall not be suspended except by the President, or by one of the cabinet ministers as herein provided, when in case of rebellion or invasion, or imminent danger of rebellion or invasion, the public safety shall require its suspension. *Provided, however,* That no alien unlawfully entering the Republic shall be entitled to this writ as of right.

ARTICLE 6.—*Right of trial.*

SECTION 1. No person shall be subject to punishment for any offense except on due and legal conviction thereof by a tribunal having jurisdiction of the case.

SEC. 2. Except in case of impeachment or offenses within the jurisdiction of a district magistrate, or in summary proceedings for contempt, no person shall be held to answer for any offense except upon indictment, information, or complaint describing such offense; and he shall in all cases have the right to meet the witnesses who are produced against him, face to face; to produce witnesses and proofs in his own favor; and by himself or his counsel, at his election, to examine the witnesses produced by himself and cross-examine those produced against him, and to be heard in his own defense.

SEC. 3. Subject to such changes as the Legislature may from time to time make in the number of jurors for the trial of any case, and concerning the number required to agree to a verdict and the manner in which the jury may be selected and drawn, and the composition and qualifications thereof, the right of trial by jury in all cases in which it has been heretofore used shall remain inviolable except in actions for debt or assumpsit in which the amount claimed does not exceed one hundred dollars, and such offenses less than felonies as may be designated by law: *And provided,* That no capital case shall be tried by a jury of less than twelve men.

The jury may be waived in all civil cases under such conditions as may be prescribed by law, and by defendants in all criminal cases except capital.

ARTICLE 7.—*Previous conviction or acquittal.*

No person shall be required to answer for any offense identical both in law and fact with an offense of which he has been duly convicted or of which he has been duly acquitted.

ARTICLE 8.—*Privilege of accused.*

No person shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law.

ARTICLE 9.—*Slavery.*

Involuntary servitude, except for crime, is forever prohibited in this Republic. Whenever a slave shall enter the territory of this Republic he shall be free.

ARTICLE 10.—*Security from search and arrest.*

Every person has the right to be secure from all unreasonable searches and seizures of his person, his house, his papers and effects; and no warrant shall issue, except on probable cause, supported by oath or affirmation and describing the place to be searched and the persons or things to be seized.

ARTICLE 11.—*Taxing and appropriating power.*

SECTION 1. No subsidy, duty, or tax of any description shall be established or levied without the consent of the Legislature; nor shall any money be drawn from the public treasury without such consent, except in the manner directed by this constitution.

SEC. 2. Each member of society has the right to be protected in the enjoyment of his life, liberty, and property, according to law; and, therefore, he shall be obliged to contribute his proportion or share to the expense of this protection and to give his personal services, or an equivalent when necessary, as may be provided by law.

ARTICLE 12.—*Eminent domain.*

Private property may be taken for public use, and private rights of way may be obtained across the lands of others for railways, drains, flumes, water pipes, and ditches for agricultural, milling, manufacturing, mining, domestic, or sanitary purposes, but only upon due process of law and just compensation.

Public use shall include such purposes as shall be required or designated by treaty stipulations between the Republic of Hawaii and any other nation.

ARTICLE 13.—*Military subject to law.*

SECTION 1. The military shall always be subject to the laws of the land.

SEC. 2. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner prescribed by the Legislature.

THE REPUBLIC.

ARTICLE 14.—*Form and name of Government.*

The Government hereby instituted is a Republic under the terms and conditions of this constitution.

The name of this Government is, and shall be, the Republic of Hawaii.

ARTICLE 15.—*Territory.*

The territory of the Republic of Hawaii shall be that heretofore constituting the Kingdom of the Hawaiian Islands and the territory ruled over by the Provisional Government of Hawaii, or which may hereafter be added to the Republic.

ARTICLE 16.—*Ensign.*

The ensign heretofore in use as the Hawaiian national ensign shall continue to be the national ensign of the Republic of Hawaii.

ARTICLE 17.—*Citizenship.*

SECTION 1. All persons born or naturalized in the Hawaiian Islands, and subject to the jurisdiction of the Republic, are citizens thereof.

Special rights of citizenship.

SEC. 2. Any person not a Hawaiian citizen who took active part or otherwise rendered substantial service in the formation of, and has since supported the Provi-

sional Government of Hawaii, who shall within six months from the promulgation of this constitution procure from the minister of the interior a certificate of such service as herein set forth, and who shall take an oath to support this constitution and the laws of the Republic so long as he shall remain domiciled in the Republic, shall be entitled to all the privileges of citizenship without thereby prejudicing his native citizenship or allegiance.

SEC. 3. For the purpose of identifying the person entitled to such certificate, the minister of the interior shall appoint such number of examiners as he may deem best to receive applications and take evidence upon such subject.

Such examiners shall certify to the said minister a description of each person found to be entitled to such certificate, which description shall include the name, age, country of birth, occupation, length of residence in Hawaii, and present residence.

SEC. 4. It shall be in the discretion of the minister of the interior to reverse the decision of any such examiner and issue a certificate to any person in his opinion entitled thereto; and to refuse to issue a certificate to any person who, in his opinion, is not entitled thereto.

The decision of the minister shall be final and not subject to appeal or review.

SEC. 5. Any person to whom such certificate shall be granted shall be admitted, upon application, to naturalization, without showing any further qualifications.

ARTICLE 18.—*Naturalization.*

SECTION 1. The naturalization of aliens shall be exclusively within the jurisdiction of the justices of the supreme court.

The procedure shall be such as may be provided by law.

SEC. 2. An alien may be admitted to citizenship upon the following conditions, viz:

1. He shall have resided in the Hawaiian Islands for not less than two years.

2. He must intend to become a permanent citizen of the Republic.

3. He shall be able understandingly to read, write, and speak the English language.

4. He shall be able intelligently to explain, in his own words, in the English language, the general meaning and intent of any article or articles of this constitution.

5. He shall be a citizen or subject of a country having express treaty stipulations with the Republic of Hawaii concerning naturalization.

6. He shall be of good moral character and not a refugee from justice.

7. He shall be engaged in some lawful business or employment or have some other lawful means of support.

8. He shall be the owner in his own right of property in the Republic of the value of not less than \$200 over and above all encumbrances.

9. He shall have taken the oath prescribed in article 101 of this constitution and an oath abjuring allegiance to the Government of his native land or that under which he has heretofore been naturalized, and of allegiance to the Republic of Hawaii.

10. He shall make written application, verified by oath, to a justice of the supreme court, setting forth his possession of and compliance with all of the foregoing qualifications and requirements, and shall prove the same to the satisfaction of such justice.

ARTICLE 19.—*Denization.*

SECTION 1. Letters of denization of the following classes may be granted by the executive council:

1. Letters conferring all of the privileges of citizenship, except the right to vote, which may be granted to any person.

2. Special letters conferring all of the rights of citizenship, including the right to vote, which shall be granted only to persons eligible to become naturalized: *Provided, however,* That the conditions of intention to become a permanent citizen, of an oath abjuring allegiance to the Government of his native land, of an oath of allegiance to the Republic, and of application to the supreme court, shall not be required: *And provided further,* That the condition of being a citizen or subject of a country having treaty relations with this Republic concerning naturalization shall not apply to persons who have resided in the Hawaiian Islands for a period of seven years or more prior to the date of the promulgation of this constitution, and who may apply for letters of denization within five years from such promulgation.

SEC. 2. Every person receiving letters of denization shall take the oath prescribed in article 101 of this constitution, and shall thereupon be subject to all of the duties and obligations of a citizen.

SEC. 3. All letters of denization heretofore granted are hereby revoked.

ARTICLE 20.—*Division of powers of government.*

The supreme power of the Republic is divided into the executive, legislative, and judicial. Except as herein provided, these shall be preserved distinct.

THE EXECUTIVE POWER.

ARTICLE 21.—*Executive council.*

SECTION 1. The executive power of the Republic shall be vested in a President and cabinet.

SEC. 2. The cabinet shall consist of a minister of foreign affairs, a minister of the interior, a minister of finance, and an attorney-general.

SEC. 3. The President and cabinet sitting together shall constitute the executive council.

THE PRESIDENT.

ARTICLE 22.—*Qualifications of President.*

In order to be eligible to the office of President a person shall—

Be not less than thirty-five years of age;

Have been born in the Hawaiian Islands or resided therein for not less than fifteen years;

And be a citizen of the Republic.

ARTICLE 23.—*First President.*

Sanford Ballard Dole is hereby declared to be the President of the Republic of Hawaii, to hold office until and including the 31st day of December, 1900, and thereafter until a successor shall have been duly elected and qualified.

ARTICLE 24.—*Election of President.*

SEC. 1. On the third Wednesday of September, 1900, and on the third Wednesday of September in every sixth year thereafter, the Legislature shall meet to elect a President for a term of six years, to begin with the first day of January of the year following.

SEC. 2. For the purposes of such election the Senate and House of Representatives shall sit together.

The election shall be by ballot, and the person receiving a majority vote of all the elective members to which the Legislature is entitled, which majority shall include a majority of all the senators, shall be President for the succeeding term, or for the unexpired portion of such term in case no person shall have been elected prior to the first day of such term.

SEC. 3. If the Legislature shall fail to elect a President before the first day of January following the date when the Legislature is required to meet for such election, the President whose term has then expired or the minister who is acting as President shall continue to be or act as President until his successor is elected and qualified; but such failure to elect shall in no case discharge the Legislature from their duty to immediately proceed with such election.

SEC. 4. No President shall be eligible for reelection for the term immediately following that for which he was elected.

ARTICLE 25.—*Salary of President.*

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the Republic.

ARTICLE 26.—*Power of appointment.*

SECTION 1. The President, with the approval of the Senate, shall appoint the members of the cabinet, the judges of the supreme and circuit courts, the auditor-general, and all diplomatic and consular representatives to foreign countries; and until the end of the first session of the Senate the appointees of the President shall act.

SEC. 2. In case a vacancy in any such office shall occur while the Senate is not in session the President may fill such vacancy by granting a commission, which shall, unless confirmed, expire at the end of the next session of the Senate.

SEC. 3. In case of the absence from the seat of government or temporary disability of any member of the cabinet the President may appoint one of the remaining members of the cabinet to temporarily perform the duties of the member so absent or disabled.

No such ad interim appointment shall, however, be valid for more than sixty days from the date of the appointment.

SEC. 4. The President shall also, with the approval of the cabinet, appoint the members of the board of health; board of education; board of immigration; board of prison inspectors, and any other boards of a public character which may be created by law, and the district magistrates.

SEC. 5. The President shall have the appointment and removal of all officers of the Government whose appointment or removal is not otherwise provided for.

ARTICLE 27.—*Power of removal.*

The President shall have the power, with the approval of the cabinet, to remove any of the officers enumerated in the last article, except the auditor-general and the district magistrates, who shall be removable as provided by law; and except the judges of the supreme and circuit courts, who shall be removable only as herein prescribed; and except the members of the cabinet, who shall be removable only by the President with the consent of the Senate. The President, with the approval of three members of the cabinet, may remove any member of the cabinet.

ARTICLE 28.—*Convening the legislature.*

The President may convene the Legislature or the Senate alone, in special session, and in case the seat of government shall be insecure from an enemy, riot, or insurrection or any dangerous disorder, direct that any regular or special session shall be held at some other than the regular meeting place.

ARTICLE 29.—*Receiving foreign representatives.*

The President shall receive and acknowledge all diplomatic representatives accredited to the Republic by other governments.

ARTICLE 30.—*Messages to the legislature.*

The President shall, upon the meeting of the legislature, and at such other times as he may deem proper, inform such body, by message in writing, as to the condition of the Republic; or concerning other matters of public interest; and recommend the consideration of such measures as to him shall seem best.

ARTICLE 31.—*Martial law—Suspension of habeas corpus.*

The President or one of the cabinet ministers as herein provided, may, in case of rebellion or invasion, or imminent danger of rebellion or invasion, when the public safety requires it, suspend the privilege of the writ of habeas corpus or place the whole or any part of the Republic under martial law.

ARTICLE 32.—*Treaties.*

The President, with the approval of the cabinet, shall have the power to make treaties with foreign governments, subject to the ratification of the Senate.

The President, with the approval of the cabinet, is hereby expressly authorized and empowered to make a treaty of political or commercial union between the Republic of Hawaii and the United States of America, subject to the ratification of the Senate.

ARTICLE 33.—*Commander in chief.*

The President is the commander in chief of all the military forces of the Republic.

THE CABINET.

ARTICLE 34.—*Counsellors of the President.*

The cabinet shall be the special counsellors of the President and shall be consulted by him concerning all matters of public policy, appointments to office, and other matters of importance concerning which action is contemplated.

The President shall not be bound to follow the advice of the cabinet, except in the instances where, by this constitution, the approval of the cabinet is required as a prerequisite for his action.

ARTICLE 35.—*Reports—Responsibility—Powers of appointment and removal.*

SECTION 1. Each member of the cabinet shall keep an office at the seat of government, and shall, not later than the last Wednesday in February in each year, present to the President a full report of the principal transactions within his department during the year ending December thirty-first last preceding, together with such recommendations as he may think proper.

He shall also at any time, when requested in writing by the President, report to him on any subject within the scope of his authority.

SEC. 2. The members of the cabinet shall be responsible for the conduct of their respective departments, and, with the approval of the President, shall have the appointment and removal of the following heads of the bureaus under their respective departments, viz:

The superintendent of public works; the surveyor-general; the registrar of conveyances; the superintendent of the Honolulu waterworks; the marshal; the collector-general of customs; the tax assessors in chief and the postmaster-general, and also the heads of any other bureaus created by law.

SEC. 3. Each head of a bureau shall be responsible for the conduct of his bureau and shall have the appointment and removal of the officers under him, subject to the approval of the minister in whose department he is employed.

SEC. 4. The financial responsibility of any officer of the Government, for his own conduct, or that of his subordinates, shall be determined by law.

ARTICLE 36.—*Acting President in case of death, disability, or absence of President.*

SECTION 1. In case of the temporary disability or absence from the country of the President, the minister of foreign affairs, while such disability or absence continues, shall act as President; or,

In case of the disability or absence from the country of such minister, the minister of the interior, while such disability or absence of the President continues, shall act as President; or,

In case of the disability or absence of both such ministers, the minister of finance, while such disability or absence of the President continues, shall act as President; or,

In case of the disability or absence from the country of the three ministers aforesaid, then the attorney-general, while such disability or absence of the President continues, shall act as President.

SEC. 2. In case of the death, resignation, removal, or permanent disability of the President, the minister of foreign affairs shall thereupon act as President until a successor to the President is elected in the manner herein designated; or,

In case of the disability or absence from the country of such minister, the minister of the interior shall act as President for the time aforesaid; or,

In case of the disability or absence from the country of both such ministers, the minister of finance shall act as President for the time aforesaid; or,

In case of the disability or absence from the country of the three ministers aforesaid, the attorney-general shall act as President for the time aforesaid.

SEC. 3. If at any time during the absence of the President or acting President from the seat of government, an occasion shall arise requiring a declaration of martial law, or suspension of the writ of habeas corpus, the powers in and concerning such matters herein granted to the President may be exercised by one of the cabinet ministers, who shall act in order of priority and in the manner named in section 2 of this article.

SEC. 4. In case of the death, resignation, removal, or permanent disability of the President, before six months prior to the expiration of his term, the minister who shall thereupon act as President, shall, unless the Legislature is in session, immediately summon a special session of the Legislature to meet within thirty days, to elect a President to fill the unexpired term of the President who has died, resigned, been removed, or become permanently disabled.

SEC. 5. In case any minister shall act as President as herein provided, he shall, while so acting, have all the rights and powers and be subject to all the duties and obligations by this constitution granted to or prescribed for the President.

ARTICLE 37.—*Ex-officio members of the Legislature.*

The members of the cabinet shall be ex-officio members of both Houses of the Legislature, with all the rights, powers, and privileges of elected members, except the right to vote.

THE LEGISLATIVE POWER.

ARTICLE 38.—*The Legislature.*

SECTION 1. The Legislative power of the Republic is vested in a Legislature, and subject to the limitations herein provided, a council of state.

The Legislature shall consist of two Houses, styled the Senate and the House of Representatives, which shall organize and sit separately, except as otherwise herein provided.

The two Houses shall be styled "The Legislature of the Republic of Hawaii."

SEC. 2. No person shall sit as a Senator or Representative in the Legislature, unless elected under and in conformity with this constitution.

ARTICLE 39.—*General elections.*

SECTION 1. A general election shall be held on the last Wednesday of September, 1897, and general elections shall be held on the last Wednesday in September every two years thereafter.

SEC. 2. If from any cause a general election shall not be held at the appointed time, the minister of the interior shall without unnecessary delay appoint another time for the holding of such election.

And the election so held upon such appointment shall be deemed to be a general election.

ARTICLE 40.—*Supreme court judge of qualifications of members.*

In case any election to a seat in either House is disputed and legally contested, the supreme court shall be the sole judge of whether or not a legal election for such seat has been held; and if it shall find that a legal election has been held, it shall be the sole judge of who has been elected.

ARTICLE 41.—*Burden of proof of eligibility.*

In case the eligibility of any person to be a senator or representative, or an elector of senators or representatives, is questioned by any legal voter, before any court or tribunal having authority to consider such matter, the burden of proof shall rest upon the person whose eligibility is so questioned to establish his eligibility.

The unsupported statement or oath of the person whose eligibility is so questioned shall not be deemed sufficient to shift the burden of proof; but he shall show by other evidence, to the satisfaction of the court or tribunal, that he is eligible.

ARTICLE 42.—*Disqualifications of legislators.*

No member of the Legislature shall, during the term for which he is elected, be appointed or elected to any office of the Government except that of President, cabinet minister, justice of the supreme court, or member of the council of state.

ARTICLE 43.—*Disqualifications of Government officers and employes*

Except members of the council of state, no person holding office in, or under, or by authority of the Government, including notaries public and agents to take acknowledgments, nor any employé of the Government, shall be eligible to election to the Legislature or to hold the position of an elected member of the same.

ARTICLE 44.—*Disqualification of certain classes.*

No idiot or insane person, and no person who shall be expelled from the Legislature for giving or receiving bribes, or being accessory thereto; and no person who in due course of law shall have been convicted of larceny, bribery, gross cheat, or of any criminal offense punishable by imprisonment, whether with or without hard labor, for a term exceeding two years, whether with or without fine, shall register to vote or shall vote or hold any office in or under or by authority of the Government, unless the person so convicted shall have been pardoned and restored to his civil rights.

ARTICLE 45.—*Oath of office.*

Every elective member of the Legislature shall take the following oath or affirmation:

I solemnly swear (or affirm) in the presence of Almighty God that I will faithfully support the constitution and laws of the Republic of Hawaii, and conscientiously and impartially discharge my duties as a member of the Legislature.

ARTICLE 46.—*Officers and rules.*

The Senate and the House of Representatives shall each choose its own officers, determine the rules of its own proceedings, not inconsistent with this constitution, and keep a journal.

ARTICLE 47.—*Ayes and noes.*

The ayes and noes of the members on any question shall, at the desire of one-third of the members present, be entered on the journal.

ARTICLE 48.—*Quorum.*

SECTION 1. A majority of the number of elective members to which each House is entitled shall constitute a quorum of such House for the conduct of ordinary business, of which quorum a majority vote shall suffice. But the final passage of a law in each House shall require the vote of a majority of all the members to which such House is entitled.

SEC. 2. A smaller number than a quorum may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each House may provide.

SEC. 3. For the purpose of ascertaining whether there is a quorum present the chairman shall count the number of members present.

ARTICLE 49.—*Punishment of persons not members.*

Each House may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either House who shall be guilty of disrespect of such House by any disorderly or contemptuous behavior in its presence; or,

Who shall publish any false report of its proceedings; or,

Who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the members of such House; or,

Who shall assault, arrest, or detain any witness or other person ordered to attend such House, on his way going to or returning therefrom; or,

Who shall rescue any person arrested by order of such House.

But the person charged with the offense shall be informed, in writing, of the charge made against him and have an opportunity to present evidence and be heard in his own defense.

ARTICLE 50.—*Compensation of members.*

The members of the Legislature shall receive for their services, in addition to mileage at the rate of ten cents a mile each way, the sum of four hundred dollars for each regular session of the Legislature, payable in three equal installments on and after the first, thirtieth, and sixtieth days of the session; and the sum of two hundred dollars for each extra session of the Legislature, except a session for the sole purpose of electing a President, for which members shall receive mileage only.

ARTICLE 51.—*Punishment of members.*

Each House may punish its own members for disorderly behavior or neglect of duty by censure, suspension, or expulsion.

ARTICLE 52.—*Exemption from liability.*

No member of the Legislature shall be held to answer for any words uttered in the exercise of his legislative functions in either House before any other tribunal.

ARTICLE 53.—*Exemption from arrest.*

The members of the Legislature shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the session of the respective Houses and in going to and returning from the same. Provided that such privileges as to going and returning shall not cover a period of over ten days each way.

THE SENATE.

ARTICLE 54.—*Number of members.*

SECTION 1. The Senate shall be composed of fifteen members. The senators to be elected at the first election held under this constitution shall hold office until the general election held in the year 1899.

Elections.

SEC. 2. Senators shall be elected at the general election to be held on the last Wednesday of September, 1899, in three classes, to hold office for two, four and six years, respectively, and thereafter in terms of six years. The details of such election and apportionment of terms shall be provided for by the Legislature.

Vacancies.

SEC. 3. Vacancies caused by death, resignation, or otherwise shall be filled for the unexpired term at special elections.

ARTICLE 55.—*Senatorial districts.*

SECTION 1. For the purpose of representation in the Senate, until otherwise provided by law, the Republic is divided into the following senatorial districts, viz:

First district. The Island of Hawaii.

Second district. The islands of Maui, Molokai, Lanai, and Kahoolawe.

Third district. The Island of Oahu.

Fourth district. The islands of Kauai and Niihau.

SEC. 2. The electors in the said districts shall be entitled to elect Senators as follows:

In the First district, four.

In the Second district, three.

In the Third district, six.

In the Fourth district, two.

ARTICLE 56.—*Qualifications of Senators.*

In order to be eligible to election as a Senator, a person shall—

Be a male citizen of the Republic;

Have attained the age of thirty years;

Be able understandingly to speak, read, and write the English or the Hawaiian language;

Have resided in the Hawaiian Islands not less than three years;

Be the owner, in his own right, of property in the Republic of the value of not less than three thousand dollars over and above all incumbrances; or have been in the receipt of a money income of not less than twelve hundred dollars during the year immediately preceding the date of the election, for the proof of which he may be required to produce original accounts of the receipt of such income.

THE HOUSE OF REPRESENTATIVES.

ARTICLE 57.—*Number of Representatives.*

SECTION 1. The House of Representatives shall be composed of fifteen members, elected, except as herein provided, every second year.

Term of office.

SEC. 2. The term of office of the Representatives elected at the first election held under this constitution shall extend to the last Wednesday in September, 1897, and the term of those thereafter elected at general or special elections shall be until the next general election held thereafter.

Vacancies.

SEC. 3. Vacancies caused by death, resignation, or otherwise shall be filled for the unexpired term at special elections.

Representative districts.

SEC. 4. For the purpose of representation in the House of Representatives, until otherwise provided by law, the Republic is divided into the following Representative districts, viz:

First district: That portion of the Island of Hawaii known as Puna, Hilo, and Hamakua.

Second district: That portion of the Island of Hawaii known as Kau, Kona, and Kohala.

Third district: The islands of Maui, Molokai, Lanai, and Kahoolawe.

Fourth district: That portion of the Island of Oahu lying east and south of Nuuanu street and a line drawn in extension thereof from the Nuuanu Pali to Mokapu point.

Fifth district: That portion of the Island of Oahu lying west and north of the Fourth district.

Sixth district: The islands of Kauai and Niihau.

Apportionment.

SEC. 5. The electors in the said districts shall be entitled to elect Representatives as follows:

In the First district, two;

In the Second district, two;

In the Third district, three;

In the Fourth district, three;

In the Fifth district, three;

In the Sixth district, two.

ARTICLE 58—*Qualifications of Representatives.*

In order to be eligible to be a member of the House of Representatives, a person shall, at the time of election—

Have attained the age of twenty-five years;

Be a male citizen of the Republic;

Be able to understandingly read, write, and speak the English or Hawaiian language;

Have resided in this country not less than three years;

And shall either own property in the Republic worth not less than one thousand dollars over and above all encumbrances, or have received a money income of not less than six hundred dollars during the twelve months immediately preceding the date of election.

LEGISLATION.

ARTICLE 59.

The Legislature has the power to enact wholesome laws not inconsistent with this constitution.

ARTICLE 60.—*Sessions of the Legislature.*

SECTION 1. The first regular session of the Legislature shall be held on the third Wednesday in February, 1896, and biennially thereafter, in Honolulu.

SEC. 2. Neither house shall adjourn, during any session, for more than three days, or sine die, without the consent of the other.

SEC. 3. If either house shall so adjourn without the consent of the other, the other house may proceed to legislate as though it were the sole legislative body, and may exercise the full powers of the Legislature.

SEC. 4. Each session of the Legislature shall continue not longer than ninety days, excluding Sundays and holidays: *Provided, however,* That the President, with the approval of the cabinet, may extend such session for not more than thirty days.

SEC. 5. Special sessions of the Legislature shall be held at such times as may be indicated by the President in manner herein provided; or upon the call of the presiding officer of the Senate when requested in writing so to do by two-thirds of the members of the Senate; or at such other times as are herein specially provided.

ARTICLE 61.—*Enacting clause.*

The enacting clause of all laws shall be: "Be it enacted by the Legislature of the Republic of Hawaii."

ARTICLE 62.—*Introduction of bills.*

No bill shall be introduced into either House by any member of such House unless it shall have first received thereon the written endorsement of three members of such House.

ARTICLE 63.—*Title of laws.*

Each law shall embrace but one subject, which shall be expressed in its title.

The title of a law amending or repealing another law shall refer to the section or chapter of the law amended or repealed and to the subject-matter involved.

ARTICLE 64.—*Readings of bills.*

A bill, in order to become law, shall, except as herein provided, pass three readings in each House, the final passage of which in each House shall be by a majority vote of all the elective members to which such House is entitled, taken by ayes and noes and entered upon its journal.

ARTICLE 65.—*Certification of bills from one house to the other.*

Every bill when passed by the house in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the chairman and clerk and sent to the other house for consideration.

ARTICLE 66.—*Signing bills.*

Except as herein provided, all bills passed by the Legislature shall, in order to be valid, be signed by the President.

ARTICLE 67.—*Veto of President.*

Every bill which shall have passed the Legislature shall be certified by the chairman and clerk of the house last considering it, and shall thereupon be presented to the President. If he approves it, he shall sign it and it shall become a law. If the President does not approve such bill, he may return it with his objections, to the Legislature.

He may veto any specific item or items in any bill which appropriates money for specific purposes; but shall veto other bills, if at all, only as a whole.

ARTICLE 68.—*Procedure upon receipt of veto.*

Upon the receipt of a veto message from the President, each house of the Legislature shall enter the same at large upon its journal, and proceed to reconsider such bill, or part of a bill, and again vote upon it by ayes and noes, which shall be entered upon its journal.

If after such reconsideration such bill, or part of a bill, shall be approved by a two-thirds vote of all the elective members to which each house is entitled; it shall thereby become law.

ARTICLE 69.—*Failure to sign or veto.*

If the President neither signs nor vetoes a bill within ten days after it is delivered to him, it shall become law without his signature, unless the Legislature adjourns sine die prior to the expiration of such ten days.

In computing such period of ten days, Sundays, holidays recognized by the laws of the Republic, and the day upon which the bill is delivered to the President shall be excluded.

ARTICLE 70.—*Appropriations.*

SECTION 1. Appropriations, except as otherwise herein provided, shall be made biennially by the Legislature.

SEC. 2. The minister of finance shall submit to the Senate, at each regular session of the Legislature, appropriation bills for the succeeding biennial period.

SEC. 3. No appropriation bill or bill providing for a national loan shall be introduced by anyone except a member of the cabinet: *Provided, however,* That any member may introduce a bill amending the permanent appropriation bill for salaries and pay rolls herein provided for.

SEC. 4. In case of a failure of the Legislature to pass appropriation bills providing for payments of the necessary current expenses of carrying on the Government and meeting its legal obligations, the minister of finance may, with the advice of the executive council, make such payments for and during the new biennial period, for which purpose the sums appropriated in the last appropriation bill shall be deemed to have been reappropriated.

SEC. 5. The appropriation bill for salaries and pay rolls shall be a permanent one, and the items and amounts therein enumerated, and such salaries and pay rolls as may hereafter be incorporated therein, shall continue, until stricken out or amended, to be the basis for payment in future, and shall not be required to be reappropriated from time to time.

SEC. 6. The appropriation bill for salaries and pay rolls passed on the 26th day of April, 1894, shall continue in force and be the permanent appropriation bill for the purposes therein set forth, subject to such amendments and additions thereto as may from time to time be made by the Legislature.

ARTICLE 71.—*Retrospective laws.*

Except as herein provided, no retrospective law shall ever be enacted.

ELECTIONS.

ARTICLE 72.—*Exemption of electors on election day.*

SECTION 1. Every elector shall be privileged from arrest on election day, during his attendance at election, and in going to and in returning therefrom, except in case of breach of the peace then committed or in case of treason or felony.

SEC. 2. No elector shall be so obliged to perform military duty on the day of election as to prevent his voting, except in time of war or public danger or in case of absence from his place of residence in actual military service, in which case provision may be made by law for taking his vote.

ARTICLE 73.—*Method of voting for representatives.*

Each voter for representatives may cast as many votes as there are representatives to be elected from the representative district in which he is entitled to vote. He may cast them all for one representative, or may apportion them among the several representatives in such manner as he sees fit: *Provided, however,* That any fractional division of a vote other than one-half shall be void.

The required number of candidates receiving the highest number of votes in the respective representative districts shall be the representatives for such districts.

ARTICLE 74.—*Qualifications of voters for representatives.*

In order to be eligible to vote for representatives, a person shall:

1. Be a male citizen of the Republic; and if naturalized prior to January 17th, 1893, be a native of a country having or having had treaty relations with Hawaii; or Have received special letters of denization entitling him to all the privileges of Hawaiian citizenship; or
- Have received from the minister of the interior the certificate of service herein provided for.
2. Have resided in the representative district in which he offers to register not less than one month immediately preceding the time at which he offers to register.
3. Have attained the age of twenty years.
4. Have taken and subscribed the oath set forth in article 101 of this constitution.
5. Prior to each regular election, during the time prescribed by law for registration, have caused his name to be entered on the register of voters for representatives for his district.
6. Prior to such registration have paid, on or before the first day of January next preceding the date of registration, all taxes due by him to the Government: *Provided, however,* That for the registration for the first election held under the provisions herein taxes may be paid at any time prior to the application for registration.
7. Be able understandingly to speak, read, and write the English or Hawaiian language.

In order to comply with this requirement he shall be able to read and write, with ordinary fluency, any section or sections of this constitution: *Provided, however,* That the requirement that he shall be able understandingly to speak, read, and write the English or Hawaiian language shall not apply to those persons who shall obtain the certificate of service as provided for in article 17.

ARTICLE 75.—*Method of voting for Senators.*

Each voter for Senators may cast one vote only for each Senator to be elected from the senatorial district in which he is entitled to vote.

The required number of candidates receiving the highest number of votes in the respective senatorial districts shall be the Senators for such district.

ARTICLE 76.—*Qualifications of voters for Senators.*

In order to be eligible to vote for Senators, a person must possess all the qualifications and be subject to all the conditions required by this constitution of voters for Representatives, and, in addition thereto, he shall own and be possessed in his own right, of real property in the Republic of the value of not less than fifteen hundred dollars over and above all encumbrances, and upon which legal taxes shall have been paid on that valuation for the year next preceding the one in which such person offers to register; or personal property of the value of not less than three thousand dollars over and above all encumbrances; or shall have actually received a money income of not less than six hundred dollars during the year next preceding the first day of April next preceding the date of each registration; for the proof of which he may be required to produce original accounts of the receipt of such income.

REGISTRATION OF VOTERS.

ARTICLE 77.

SECTION 1. No person shall vote for the election of Representatives or Senators unless he is qualified as herein required, and unless his name is entered by a board of registration upon the register of voters as herein provided.

Registration boards.

SEC. 2. For the purpose of examining applicants for registration as voters and determining their eligibility, there shall be five boards of registration, one for that portion of the Island of Hawaii known as Puna, Hilo, and Hamakua; one for that portion of the Island of Hawaii known as Kau, Kona, and Kohala; one for the islands of Maui, Molokai, Lanai, and Kahoolawe; one for the Island of Oahu; and one for the islands of Kauai and Niihau. Such boards shall consist of three members each, who shall be appointed by the President with the approval of the Senate. The President, subject to such approval, may fill all vacancies in any of such boards: *Provided, however,* That for the first election held under this constitution, the President, with the approval of the cabinet, shall have the power to appoint and remove the members of such boards, and with like approval may fill any vacancies in such boards which shall occur before the first meeting of the Senate. Appointments made by the President during a vacation of the Senate shall be valid until the succeeding meeting of that body.

Members of any such boards may be removed by the President with the approval of the Senate.

Time of meeting.

SEC. 3. The boards of registration shall meet within thirty days after this constitution takes effect, for the purpose of registering persons entitled to be registered to vote for senators and representatives, and shall continue to meet at such points within their respective districts for such time as will give all persons entitled to register a reasonable opportunity so to do: *Provided, however,* That the final sitting of such boards shall not be less than twenty-one days prior to the first election held under the provisions herein.

SEC. 4. The boards shall meet within their respective districts at such times between the first day of April and the thirtieth day of June, in the year 1877, and between such days in each second year thereafter, as many times as may be necessary to enable them to register all persons entitled to register.

Register at special elections.

SEC. 5. At any intermediate special election the register of voters used at the last preceding general election shall be used without change.

Personal appearance of applicant.

SEC. 6. No name shall be placed upon the register of voters for either senators or representatives except upon the personal appearance of the applicant before the board of registration at an advertised public meeting of the board.

Examination of applicants.

SEC. 7. Each applicant to be placed upon the register of voters for either senators or representatives shall, upon each application for registration, be examined under oath by the board of registration as to each one of the required qualifications.

Provided, however, That after an applicant shall once have passed an examination concerning his ability understandingly to speak, read, and write the English or Hawaiian language, it shall be at the discretion of the board to examine him further or not concerning such qualification.

The examination of the applicant, and of all witnesses examined before any board of registration, shall be under oath, administered by any of the members of such board, who are hereby authorized to administer oaths for such purpose.

The examination, number of witnesses, and time or times of examination shall be under the reasonable control and discretion of the board.

Powers of board.

SEC. 8. Each board of registration is hereby given all of the powers and authority for the summoning and examination of witnesses and the maintenance of order, including the power to punish for contempt, given by law to circuit courts.

Perjury.

SEC. 9. Any person who shall, under oath, knowingly make any false statement before any such board, or who, knowing that he is not entitled to register or to vote, shall so register or vote, shall be guilty of the offense of perjury.

Summary committal for perjury.

SEC. 10. The several boards are hereby given power to summarily commit any person for trial for perjury committed before any such board, if, in their opinion, there is probable cause to believe that, upon the trial, such person would be convicted of such offense.

Challenging.

SEC. 11. Any lawful voter may challenge the right to register of any person claiming to be eligible to register as a voter, cross-examine the applicant and any witnesses produced by him, and produce and examine witnesses against such eligibility.

SEC. 12. No board of registration shall enter the name of any person upon the register of voters until satisfied that such person possesses the requisite qualifications.

Appeal from board.

SEC. 13. If any board shall refuse to register the name of any person applying to be registered, the person refused, and, in case any name has been registered, any legal voter may, at any time within ten days after the decision of such board, appeal to the supreme court in the manner provided by law for civil appeals to the supreme court from the circuit court, or in such manner as may hereafter be provided by law.

SEC. 14. Upon such appeal being perfected, the supreme court shall proceed to hear such cause either in term time or in vacation, as soon thereafter as reasonably may be, and the determination by such court of such question shall be final.

Notice of decision to board.

SEC. 15. Immediately upon rendering a decision upon any such appeal the supreme court shall notify the board of registration from which such appeal was taken; and

if such decision shall reverse the decision of the board, such board shall immediately cause the register to be corrected to conform with such decision.

Status of person registered pending appeal.

SEC. 16. In case of an appeal from a decision of any board admitting the name of any person to registration, the name of such person shall remain upon the register pending the decision of the supreme court concerning the same.

If the person so registered shall vote at any election before a decision of the court shall have been made and acted upon, such vote shall not invalidate such election, even though the decision of the court shall be adverse to the registration of such name.

Notice of meetings.

SEC. 17. The time and place of all meetings of the several boards shall be advertised in the English and Hawaiian languages, in newspapers, or by notices posted in at least three frequented places in the locality where such meetings are to be held.

This section shall not be construed to prohibit the adjournment of any such advertised meeting from day to day to a time certain, announced at the time of adjournment.

Time of registering.

SEC. 18. No name shall be registered or stricken from the register except in an open meeting of the board, and upon public announcement, except for the following causes, viz:

1. In case the supreme court shall render a decision upon appeal, reversing the decision of the board.

2. In case the board has decided that a person is entitled to registration, and his name has been accidentally omitted from the register, misspelled, or he has therein been misnamed.

Copies of register to be sent to inspectors of election.

SEC. 19. The respective boards shall, as soon as reasonably may be after the register of voters for any voting precinct is completed, prepare four copies thereof and forward them to the chairman of inspectors of election for such precinct; or, in case such officer shall not then have been appointed, to the deputy sheriff of the district in which such precinct is located.

The officer receiving such copies shall retain one for use at the election, and immediately post the other copies in three frequented places within the precinct for the inspection of the public.

Inspectors not to change registers.

SEC. 20. No name shall be added to or stricken from the register of voters, or in any manner changed by the inspectors of election, except upon the written order of the board of registration for such district.

Correction of register.

SEC. 21. If it shall be manifest to any board, at any time, that the name of a person admitted to registration has been accidentally omitted from the register or misspelled, or that he has been misnamed therein, such board shall immediately remedy such omission or mistake; and, if a copy of the register has been sent to the election precinct in which such person is entitled to vote, shall immediately, in writing, order the inspectors of election for such precinct to correct such copy of the register.

Such order shall set forth the reasons for the action directed to be taken, and shall be retained and filed by the inspectors of election as a part of the records of the election.

The power of revision and correction hereby conferred shall not be construed to allow the reopening of the question of the qualifications of any person registered by the board.

Record of proceedings.

SEC. 22. The several boards shall each keep books of record in which minutes shall be preserved of all their proceedings.

ARTICLE 78.—*Repeal of election laws*

All election laws in force when this constitution is promulgated are hereby repealed.

ARTICLE 79.—*Rules and regulations for oaths and elections.*

Until otherwise provided by law the President, with the approval of the cabinet, shall have power to make rules and regulations not inconsistent herewith for administering oaths and holding elections provided for by this constitution.

ARTICLE 80.—*First election.*

The first election of the Legislature shall be held at such time and places, within four months after the promulgation of this constitution, as shall be directed by the President, with the approval of the cabinet.

COUNCIL OF STATE.

ARTICLE 81.—*How constituted.*

SEC. 1. There shall be a council of state of fifteen members, five of whom shall be elected by the Senate, five by the House of Representatives, and five appointed by the President, with the approval of the cabinet. The members of the executive council may sit and take part in the meetings of the council of state, but shall not vote.

SEC. 2. The council of state shall be elected and appointed during the first session of the Legislature, and at each regular session held thereafter.

Term of office.

SEC. 3. The term of office of the members thereof shall expire at the end of each regular session of the Legislature held after their election.

Vacancies.—How filled.

SEC. 4. Vacancies among the elective members of the council occurring between sessions of the Legislature may be filled by the council.

Vacancies among the appointed members of the council occurring at any time, day be filled by the President with the approval of the cabinet.

Qualifications of members.

SEC. 5. Persons who are eligible to become elective members of the Legislature, or who are such members, and no others, shall be eligible to be elected or appointed as members of the council.

Powers of council of state.

SEC. 6. The council of state may, upon the request of the executive council, appropriate public moneys, when, during the time intervening between the sessions of the Legislature, the emergencies of war, invasion, rebellion, pestilence, or other great public necessity shall arise.

In case of such appropriation the minister of finance shall render a detailed account of the expenditures made under such authority to the next regular session of the Legislature.

Pardons.

SEC. 7. The President, by and with the advice of the cabinet and the council of state, shall have power to grant reprieves and pardons and to commute sentences, after conviction, for all offenses except in cases of impeachment.

Advisory powers.

SEC. 8. The council of state shall also, when called upon by the President, advise him in all matters for the good of the state, wherein he shall require its advice.

Meetings.

SEC. 9. The council of state may be convened at any time by the President. Its members shall serve without pay.

THE JUDICIAL POWER.

ARTICLE 82.

The judicial power of the Republic shall be vested in one supreme court, and in such inferior courts as the Legislature may, from time to time, establish.

ARTICLE 83.—*Supreme court, impeachment, removal.*

SECTION 1. The supreme court shall consist of a chief justice and not less than two associate justices: *Provided, however,* That in case of the disqualification or absence of any justice thereof, in any cause pending before the court, his place for the trial and determination of said cause shall be filled as provided by law.

SEC. 2. The justices of the supreme court shall hold their offices during good behavior, subject to removal upon impeachment, and shall receive for their services a compensation which shall not be diminished during their continuance in office: *Provided, however,* That any justice of the supreme court, or a judge of any other court of record, upon recommendation of the executive council, may be removed from said office, on a resolution passed by two-thirds of all the elective members of the legislature sitting together.

SEC. 3. The justice or judge against whom the Legislature may be about to proceed shall have notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day on which the Legislature shall act thereon. He shall be heard before the Legislature.

ARTICLE 84.—*Supreme and inferior courts.*

The judicial power shall be divided among the supreme court, the justices thereof, and the several inferior courts of the Republic in such manner as the Legislature may, from time to time, prescribe; and the tenure of office of the judges of the inferior courts shall be such as may be fixed by the law creating them.

ARTICLE 85.—*Jurisdiction.*

The judicial power shall extend to all cases in law and equity, arising under the constitution and laws of the Republic, and treaties; to all cases affecting public ministers and consuls, and to all cases of admiralty and maritime jurisdiction.

ARTICLE 86.—*Decisions.*

The decisions of the supreme court shall be final and conclusive upon all parties when made by a majority of the justices thereof, or by a majority of those who constitute the court as provided by law in case a justice thereof is disqualified or absent.

ARTICLE 87.—*Opinions to the executive.*

The justices of the supreme court, when requested by the President or the cabinet, shall render opinions upon questions of law upon solemn occasions.

ARTICLE 88.—*Disqualification by previous judgment.*

No judge or magistrate shall sit on an appeal or new trial in any case in which he may have given a previous judgment.

ARTICLE 89.—*Disqualification by relationship or pecuniary interest.*

No person shall sit as a judge or juror in any case in which his relative by affinity, or by consanguinity within the third degree, is interested, either as plaintiff or defendant, or in the issue of which the said judge or juror may have, either directly or through such relative, any pecuniary interest.

ARTICLE 90.—*Impeachment.*

SECTION 1. The President and all civil officers of the Republic shall be liable to removal from office on impeachment by the House of Representatives upon any of the following grounds, namely:

Any act or negligence involving moral turpitude punishable by law as an offense and committed while in office, incapacity for the due performance of official duty, maladministration in office, and assessment of officeholders for partisan or political expenses.

SEC. 2. The Senate shall be a court, with full and sole authority to hear and determine all impeachments made by the House of Representatives.

SEC. 3. The chief justice of the supreme court shall be *ex officio* President of the Senate in all cases of impeachment, unless when impeached himself. Should the chief justice be impeached, some person specially commissioned by the President shall preside over the Senate during such trial.

SEC. 4. Previous to the trial of any impeachment the senators shall respectively be sworn truly and impartially to try and determine the charge in question according to law and the evidence.

SEC. 5. The judgment of the Senate, in case of the conviction of the person impeached, shall not extend further than to removal from office and disqualification to hold any place of honor, trust, or profit under the Republic; but the person so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment according to law.

MISCELLANEOUS PROVISIONS.

ARTICLE 91.—*Constitution supreme law.*

This constitution when promulgated shall thereupon become the supreme law of the Republic, and the constitution promulgated on the 7th day of July, 1887, and all other constitutions at any time the supreme law in the Hawaiian Islands, and also all laws and parts of laws inconsistent herewith, are hereby expressly abrogated and are declared to be null and void.

ARTICLE 92.—*Existing statutes and offenses.*

SECTION 1. All statutes and enactments in force in the Hawaiian Islands at the time this constitution takes effect, not inconsistent therewith, and all rights, actions, prosecutions, judgments, and contracts then existing and valid, shall continue as if this constitution had not been adopted, unless the same are inconsistent with this constitution, or are herein specifically abrogated, or are otherwise herein provided for.

SEC. 2. Statutes heretofore enacted, which are not inconsistent herewith, which refer to the King, or the Government, or the Kingdom, or to the provisional government, shall be construed to refer to the President, or to the Republic, or Government of the Republic of Hawaii, as the case may be.

All acts which, by statute in force at the time when this constitution takes effect, have heretofore been defined to be offenses against the King, or the provisional government, or otherwise, shall be deemed to be offenses against the Republic or Government of Hawaii, unless such statute shall be inconsistent herewith, or shall be repealed or changed by law.

Acts heretofore committed, which were prohibited by statutes existing at the time such acts were committed, shall be punishable under said statutes, the same being construed as above provided.

SEC. 3. All criminal and penal proceedings arising or now depending within the limits of the Hawaiian Islands shall be prosecuted to final judgment and execution in the name of the Republic of Hawaii; and all causes of action arising to individuals or corporations, and all actions at law and suits in equity now depending in the several courts within the limits of the Hawaiian Islands, not already barred by law, may be commenced or carried on to final judgment and execution in the corresponding courts of the Republic.

The style of all processes shall be "The Republic of Hawaii," and all prosecutions shall be carried on in the name and by the authority of the Republic of Hawaii.

Nothing in this constitution contained shall be the basis or ground for a writ of error or habeas corpus or certiorari or prohibition or quo warranto, nor for an appeal in any pending judicial proceeding, and all process heretofore issued, or which may be issued prior to the day when this constitution shall go into effect, shall be as valid as if issued in the name of the Republic of Hawaii; but such writs or appeals shall lie in respect of all judgments, decrees, orders, or other proceedings heretofore made or had or pending in the several courts of the Hawaiian Islands, in conformity with the laws in force when such writs, decrees, orders, or other proceedings were made or were pending.

ARTICLE 93.—*Officeholders.*

SECTION 1. All persons holding office under the provisional government of the Hawaiian Islands, at the date of the promulgation of this constitution, shall continue to hold and exercise all the power to them granted until their respective offices shall become vacant.

SEC. 2. All commissions issued by or under authority of the late monarchy or of the provisional government of the Hawaiian Islands are hereby declared to be vacated, null, and void from and after the first day of September, 1894, unless cancelled prior to that date.

ARTICLE 94.—*Treaties, bonds, etc., confirmed.*

All existing treaties and all bonds and notes heretofore made or authorized under the authority of the late monarchy or of the provisional government of Hawaii, and all obligations of the postal savings bank are hereby recognized, ratified, and confirmed.

ARTICLE 95.—*Crown land.*

That portion of the public domain heretofore known as Crown land is hereby declared to have been heretofore, and now to be, the property of the Hawaiian Government, and to be now free and clear from any trust of or concerning the same, and from all claim of any nature whatsoever, upon the rents, issues, and profits thereof. It shall be subject to alienation and other uses as may be provided by law. All valid leases thereof now in existence are hereby confirmed.

ARTICLE 96.—*Majority rule.*

The approval, concurrence, consent, advice, agreement, or action of the Legislature or either House thereof, or of the executive council or of the council of state, or of any board of registration or other public board, shall not for its validity require the assent of more than a majority, unless otherwise herein required; but in respect of the executive council such majority shall be required to include the President.

ARTICLE 97.—*No public aid to sectarian or private schools.*

From and after December thirty-first, 1895, no public money shall be appropriated nor public land conveyed to or for the support or benefit of any sectarian, denominational, or private school, or any school not under the exclusive control of the Government.

ARTICLE 98.—*Lotteries.*

No lottery shall be authorized in this Republic, nor shall the sale of lottery tickets be allowed.

ARTICLE 99.—*Government officers not to take foreign employment.*

No officer of the Republic nor member of the Legislature shall hold any office or receive any pay from any other government or power whatever.

ARTICLE 100.—*Advisory council.*

Until the convening of the first Legislature, in either special or regular session, the members of the advisory council of the provisional government of the Hawaiian Islands shall constitute a council to be styled the "advisory council of the Republic of Hawaii."

The advisory council of the Republic of Hawaii and the executive council, sitting together, shall be vested with all the powers and authority heretofore vested in the executive and advisory councils of the said provisional government, and also all the powers and authority by this constitution granted to the Senate or to the Legislature.

Such convening of the Legislature shall thereby terminate the existence, power, and authority of the advisory council.

ARTICLE 101.—*Oath of officers, electors, legislators, and jurors.*

No person shall be eligible to be an officer, senator, or representative under the Republic, or an elector of senators or representatives, or a juror, until he shall have taken and subscribed the following oath or affirmation, viz: I do solemnly swear (or affirm), in the presence of Almighty God, that I will support the constitution, laws, and Government of the Republic of Hawaii, and will not, either directly or indirectly, encourage or assist in the restoration or establishment of a monarchical form of government in the Hawaiian Islands.

ARTICLE 102.—*Interpretation.*

Wherever the word "herein" is used in this constitution it shall be deemed to mean and include anything contained in this constitution or any article or clause thereof, unless the context indicates another construction thereof.

The titles to articles and sections of this constitution shall not be construed to be a part thereof.

AMENDMENT OR REVISION OF THE CONSTITUTION.

ARTICLE 103.

SECTION 1. This constitution may be amended or revised in the following manner and no other:

SEC. 2. Amendments to this constitution, or a revision thereof, may be proposed by not less than five members of either House at any regular session of the Legislature.

SEC. 3. In order to pass any amendment or revision it shall receive three readings in each House, at each of which readings it shall receive an affirmative vote in each House of not less than a majority of the elective members to which such House is entitled.

The vote shall be taken by a call of the ayes and noes, which, with the proposed amendment or revision, shall be entered on the journal.

SEC. 4. Upon the passage by the Legislature of any amendment or revision of the constitution as aforesaid it shall be the duty of the minister of the interior to publish such amendment or revision weekly for the twelve weeks next preceding the succeeding general election to the Legislature in not less than two newspapers published in Honolulu in the English and Hawaiian languages, respectively.

SEC. 5. Such amendment or revision shall be considered by the Legislature at its first regular session following the succeeding general election, and, in order to be finally adopted, shall receive three readings on different days in each House, at the first and second of which readings it shall receive an affirmative vote in each House of a majority of the elective members to which such House is entitled, and at the last of which readings it shall receive an affirmative vote in each House of not less than two-thirds of the elective members to which such House is entitled.

The voting shall be taken by a call of the ayes and noes, which, together with the proposed amendment or revision, shall be entered in the journal.

SEC. 6. Each amendment shall be considered and voted upon separately in each session of the Legislature in which it shall come up for consideration, as herein provided.

SEC. 7. In case of a proposed revision of the constitution each component part of such revision forming a separate proposition shall, in like manner, be considered and voted on separately, except upon the final reading at the second session of the Legislature at which such revision shall be considered, when it shall be voted on as a whole.

SEC. 8. Any amendment or revision which shall have been adopted in manner aforesaid by two successive Legislatures shall thereupon and without further act become a part of the constitution of the Republic.

The constitutional convention convened in Honolulu, island of Oahu, Hawaiian Islands, on the 30th day of May, A. D. 1894, pursuant to the provisions of act 69 of the acts of the provisional government of the Hawaiian Islands, entitled "An act to provide for a constitutional convention," approved the 15th day of March, A. D. 1894, and pursuant to the proclamation of the President summoning said convention to assemble, having framed and adopted the constitution hereinbefore set forth; now it is hereby declared, enacted, and proclaimed by the executive and advisory councils of the provisional government and by the elected delegates, constituting said constitutional convention, that on and after the fourth day of July, A. D. 1894,

the said constitution shall be the constitution of the Republic of Hawaii and the supreme law of the Hawaiian Islands.

Done in convention by unanimous consent this third day of July, A. D. one thousand eight hundred and ninety-four. In witness whereof we have hereunto subscribed our names.

SANFORD B. DOLE,
President of the Provisional Government.
WILLIAM CHAUNCEY WILDER,
Vice-President.
FRANCIS MARCH HATCH,
Minister of Foreign Affairs.
JAMES ANDERSON KING,
Minister of the Interior.
WILLIAM OWEN SMITH,
Attorney-General.
WILLIAM FESSENDEN ALLEN.
CRISTAL BOLTE.
CECIL BROWN.
JOHN EMMELUTH.
JOHN ENA.
JOHN A. MCCANDLESS.
JOSEPH P. MENDONCA.
JAMES FRANCIS MORGAN.
JOHN NOTT.
DAVID BOWERS SMITH.
EDWARD DAVIES TENNEY.
HENRY WATERHOUSE.
ALEXANDER YOUNG.
LEMUEL CLARK ABLES.
HENRY PERRIM BALDWIN.
CHARLES LUNT CARTER.
ANTONIO FERNANDES.
WILLIAM HORNER.
JOSE KEKAHUNA IOSEPA.
DAVID HAILI KAHAULELIO.
JOHN WILLIAM KALUA.
JOHN KAUHANE.
ALBERT KUKAILIMOKU KUNUIAKEA.
FREDERICK S. LYMAN.
WILLIAM FAWCETT POGUE.
WILLIAM HYDE RICE.
ALEXANDER GEORGE MORISON ROBERTSON.
JOHN MARK VIVAS.
ALBERT SPENCER WILCOX.
GEORGE NORTON WILCOX.

Attest:

CHARLES T. RODGERS,
Secretary of Convention.

[Inclosure 2 in No. 65.]

BY AUTHORITY.

PROCLAMATION.

I, Sanford B. Dole, President of the Provisional Government of the Hawaiian Islands, by virtue of the charge to me given by the executive and advisory councils of the Provisional Government, and by act dated July 3, 1894, proclaim the Republic of Hawaii as the sovereign authority over and throughout the Hawaiian Islands from this time forth. And I declare the constitution framed and adopted by the constitutional convention of 1894 to be the constitution and the supreme law of the Republic of Hawaii, and by virtue of this constitution I now assume the office and authority of President thereof.

ACT 85.—AN ACT to provide for the proclamation of the Republic of Hawaii and the enactment of the constitution thereof, and the transfer of the sovereignty, property, and authority of the Provisional Government of the Hawaiian Islands to the Republic of Hawaii.

Whereas the constitutional convention convened in pursuance of the provisions of act No. 69 of the laws of the Provisional Government of the Hawaiian Islands, entitled "An act to provide for a constitutional convention," approved the 15th day of March, A. D. 1894, has, in conformity with the provisions of such act, framed and adopted a constitution providing for a permanent form of government for the Hawaiian Islands, under the name of the "Republic of Hawaii," and has declared, enacted, and proclaimed that on and after the fourth day of July, A. D. 1894, the said constitution shall be the constitution of the Republic of Hawaii and the supreme law of the Hawaiian Islands.

Now, therefore, be it enacted by the executive and advisory councils of the Provisional Government of the Hawaiian Islands:

SECTION 1. That under and by virtue of the power and authority vested in the executive and advisory councils of the Provisional Government of the Hawaiian Islands by the proclamation creating them, and of every other power them hereto enabling, the Republic of Hawaii, from and after the hour of the proclamation thereof on July fourth, A. D. 1894, is and shall be the lawful, sole, and only government having sovereignty, jurisdiction, power, authority, control, and ownership over the Hawaiian Islands and every part and parcel thereof.

SEC. 2. That the said constitution, so framed, adopted, declared, enacted, and proclaimed, is hereby enacted and proclaimed as the constitution of the Republic of Hawaii and the supreme law of the Hawaiian Islands, from and after the hour of the proclamation thereof on the fourth day of July, A. D. 1894.

SEC. 3. That from and after the said hour on the said fourth day of July, A. D. 1894, all sovereignty, jurisdiction, power, authority, and control now or heretofore held, enjoyed, exercised, or claimed by the Provisional Government of the Hawaiian Islands, and all ownership in and to all territory, lands, buildings, wharves, landings, roads, streets, rights of way, harbors and other waters, franchises, claims, demands, contract, treaty and other rights, and all other property, real, personal, or mixed, of which the said Provisional Government is or has been possessed or entitled, or which it claims or has claimed, are hereby granted and transferred to and vested in the Republic of Hawaii, absolutely and forever.

SEC. 4. The President is hereby directed to proclaim the Republic of Hawaii and to promulgate the said constitution on the said fourth day of July, A. D. 1894, by orally proclaiming the same from the front door of the executive building in Honolulu; and to cause the same to be published in the English and Hawaiian languages in newspapers printed in said Honolulu.

The President shall also then and there take and subscribe an oath of office, in substantially the following words, viz:

"I do solemnly swear that I will faithfully and to the best of my ability execute the office of President of the Republic of Hawaii; and will observe and support the constitution and laws of said Republic; so help me God."

SEC. 5. This act shall take effect from its passage.

Approved this 3d day of July A. D. 1894.

SANFORD B. DOLE,
President of the Provisional Government of the Hawaiian Islands.
J. A. KING,
Minister of the Interior.

[Inclosure 3 in No. 65.]

A NEW LIFE FOR HAWAII NEI—THE YOUNG REPUBLIC DAWNS IN A MOST AUSPICIOUS MANNER—PRESIDENT DOLE DECLARES A NEW REGIME—IN THE PRESENCE OF A LARGE CROWD, THE NEW SHIP OF STATE IS LAUNCHED ON ITS VOYAGE—THE NEW REPUBLIC PROCLAIMED AND THE NEW CONSTITUTION PROMULGATED—A LARGE NUMBER TAKE THE OATH OF ALLEGIANCE.

A more glorious sun could not have risen over the Republic of Hawaii than that of Wednesday. At 8 o'clock, from the front steps of the Executive Building, the new Hawaiian ship of state was launched on its voyage.

The ceremony was essentially a civil one. No attempt at display was made. Not a soldier was ordered out, and the only uniforms in sight were those worn by the staff and line officers. Everything passed off quietly and according to the programme arranged.

The crowd began to gather long before 8 o'clock, the time set for the proclamation. At that hour there was a large crowd present in front of and on the steps and balconies of the Executive building. When President Dole stepped through the crowd gathered around the doors and went down the stairs to the middle platform

he was greeted with cheers and applause. He stood for a moment looking down upon the crowd whose interests he had watched so closely during the last eighteen months, and then began to read the proclamation, which changed the Government of the islands from a temporary to a permanent one. It was as follows:

"The movement for popular government, which has to-day reached such an important stage in this country, began in 1839, when KAUAIKEAULI, swayed by the light of the new civilization which was fast dawning upon his Kingdom, surrendered his unlimited sovereign power and proclaimed to every man the rights of 'life, limb, liberty, freedom from oppression, the earnings of his hands and the productions of his mind.'

"The progress of this cause from that day has been irresistible. There have been times, indeed, when it seemed to slacken its pace and even to turn back on its course, but obstacles served only to give it a chance to gather its strength for a swifter advance.

"The land commission and the great Mahale, by which the lands of the Kingdom were divided between the people, the chiefs, the Government, and the King, the constitutions of 1853, 1864, 1887, and the proclamation of January 17, 1893, are the milestones along the way.

"To-day, as we pass through the 'gate beautiful' into a new realm full of promise, of hope, and of boundless opportunity, we set up another milestone greater and grander than all that stand behind us.

"The end is not yet. The relaxing influences of peace are more demoralizing to patriotism than the stern and bracing dangers of war. 'Eternal vigilance is the price of liberty.' There are still greater things to be done. There are achievements in free government, as yet unattained, to be striven for—responses to the fast-growing claim that the poor man, the weak man, the ignorant man, shall be recognized, in fact as well as in name, in the body politic. There are new milestones to be set upon heights which are yet to be gained.

"Let us see to it that our future is worthy of our past and of all the promise of this auspicious day, and that it shall grow therefrom as the tree grows from the sapling; that freedom shall never come to mean license in the vocabulary of the Republic, and that the spirit of traffic shall never invade the council chamber or the halls of legislation.

"And now, in behalf of the men who have carried this cause along and who have stood ready to defend it with their lives; in behalf of the women who have given it their prayers, and their husbands and sons, for the benefit and protection of all the people of this country, of whatever race or name, and in gratitude to God, whose hand has led us,

"PROCLAMATION.

"I, Sanford B. Dole, President of the Provisional Government of the Hawaiian Islands, by virtue of the charge to me given by the executive and advisory councils of the Provisional Government, and by act dated July 3, 1894, proclaim the Republic of Hawaii as the sovereign authority over and throughout the Hawaiian Islands from this time forth. And I declare the constitution framed and adopted by the constitutional convention of 1894 to be the constitution and the supreme law of the Republic of Hawaii, and by virtue of this constitution I now assume the office and authority of President thereof.

"God save the Republic!"

When President Dole had finished he was given three rousing cheers. Then J. W. Kalua read the proclamation in Hawaiian, and again it was greeted with enthusiastic cheers.

Chief Justice Judd, in his official robes, then administered the oath of office to the President. During this ceremony it was nearly impossible, even for those near at hand, to hear the voice of the chief justice, owing to the playing of "Hawaii Ponoi" by the band and the buzz of congratulation that was passing through the crowd. Then the President stated that his cabinet would be composed of the same members as under the Provisional Government. One more cheer, and all was over.

This was all of the ceremony. No pomp, no display, marked the greatest day in Hawaiian history. As the President finished speaking, the guns of the battery boomed, and six Hawaiian flags were unfurled on the executive building.

It was all as unpretentious as possible. None of the foreign diplomats were asked to be present, but a number of them attended the ceremony. Admiral Walker and his staff were present, and were interested spectators of the scene. A number of the officers of the *Philadelphia* also attended the ceremonies.

After the proclamation had been made and the President had received innumerable congratulations and hand shakes from the more enthusiastic portion of the crowd, it was made known that those who wished could take the oath of allegiance to the Republic. In spite of the fact that there was such a number present and that it would take a long time to reach the tables where the supporters of the Govern-

ment were being sworn, over 300 took the oath. The cabinet, the justices of the supreme court, and the judges of the circuit court also took the oath of allegiance, and then all left the building, intent on enjoying to the utmost a day begun so auspiciously.

Long live the Republic!

[Inclosure 4 in No. 65.]

Mr. Hatch to Mr. Willis.

REPUBLIC OF HAWAII, DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, Hawaiian Islands, July 4, 1894.

SIR: I have the honor to inform you that in pursuance of the will of the constitutional convention lately convened in Honolulu, and of an enactment of the executive and advisory councils of the Provisional Government of the Hawaiian Islands, the Republic of Hawaii has been established and this day proclaimed, and having succeeded to the power and authority of said Provisional Government, now constitutes the sole and supreme Government of the Hawaiian Islands.

I desire also to inform you that Sanford Ballard Dole, in accordance with the choice of the said constitutional convention as expressed in the constitution adopted by it, has assumed the office of President of this Republic, and has appointed as his cabinet:

James A. King, minister of the interior;

Samuel M. Damon, minister of finance;

William O. Smith, attorney-general, and myself minister of foreign affairs.

I inclose for your information two copies of the constitution adopted by said convention.

I take this occasion to express the hope that the good will which has for so many years characterized the relations of your Government to former governments of Hawaii may be extended to the Republic.

Availing myself of the opportunity to express the sentiments, etc.,

FRANCIS M. HATCH.

[Inclosure 5 in No. 65.]

Mr. Willis to Mr. Hatch.

LEGATION OF THE UNITED STATES,
Honolulu, Hawaiian Islands, July 5, 1894.

SIR: I have the honor to acknowledge the receipt of your communication of July 4, 1894, stating that "in pursuance of the will of the constitutional convention lately convened in Honolulu, and of an enactment of the executive and advisory councils of the Provisional Government of the Hawaiian Islands, the Republic of Hawaii has been established and this day proclaimed; and having succeeded to the power and authority of said Provisional Government, now constitutes the sole and supreme Government of the Hawaiian Islands."

You further state that "Sanford Ballard Dole, in accordance with the choice of the said constitutional convention, as expressed in the constitution adopted by it, has assumed the office of President of this Republic and has appointed as his cabinet:

"James A. King, minister of the interior;

"Samuel M. Damon, minister of finance;

"William O. Smith, attorney general," and yourself minister of foreign affairs.

You inclose for my information two copies of the constitution adopted by said convention, and express the hope that "the good-will which has for so many years characterized the relations of your Government to former governments of Hawaii may be extended to the Republic."

In reply to your note reciting the foregoing facts, I have the honor to inform you that I hereby, as far as I have the right so to do, extend to the Republic of Hawaii the recognition accorded its predecessor, the Provisional Government of the Hawaiian Islands. I do this in the belief that I represent the President of the United States, to whom, as the Executive Chief of the Government, my action in the premises will be promptly submitted for his necessary approval.

Joining with you in the expressed hope that the cordial international relations of the past will be continued in the future, and with assurances of high esteem,

I am, etc.,

ALBERT S. WILLIS.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

SUBMITTING

Dispatches and accompanying documents from the United States minister at Hawaii, relative to the lease to Great Britain of an island as a station for a submarine telegraph cable.

JANUARY 9, 1895.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate and House of Representatives:

I submit herewith certain dispatches from our minister at Hawaii and the documents which accompanied the same.

They disclose the fact that the Hawaiian Government desires to lease to Great Britain one of the uninhabited islands belonging to Hawaii as a station for a submarine telegraph cable to be laid from Canada to Australia, with a connection between the island leased and Honolulu.

Both the Hawaiian Government and the representatives of Great Britain in this negotiation concede that the proposed lease can not be effected without the consent of the United States, for the reason that in our reciprocity treaty with the King of Hawaii he agreed that as long as said treaty remained in force he would not "lease or otherwise dispose of or create any lien upon any port, harbor, or other territory in his dominion, or grant any special privilege or right of use therein to any other power, state, or government."

At the request of the Hawaiian Government this subject is laid before the Congress for its determination upon the question of so modifying the treaty agreement above recited as to permit the proposed lease.

It will be seen that the correspondence which is submitted between the Hawaiian and British negotiators negatives the existence on the part of Hawaii of any suspicion of British unfriendliness or the fear of British aggression.

The attention of the Congress is directed to the following statement contained in a communication addressed to the Hawaiian Government by the representatives of Great Britain:

We propose to inform the British Government of your inquiry, whether they would accept the sovereignty of Necker Island or some other uninhabited island on con-

dition that no subsidy is required from you. As we explained, we have not felt at liberty to entertain that question ourselves, as we were definitely instructed not to ask for the sovereignty of any island, but only for a lease simply for the purpose of the cable.

Some of the dispatches from our minister, which are submitted, not only refer to the project for leasing an uninhabited island belonging to Hawaii, but contain interesting information concerning recent occurrences in that country, and its political and social condition. This information is valuable because it is based upon the observation and knowledge necessarily within the scope of the diplomatic duties which are intrusted solely to the charge of this intelligent diplomatic officer representing the United States Government at Hawaii.

I hope the Congress will see fit to grant the request of the Hawaiian Government, and that our consent to the proposed lease will be promptly accorded. It seems to me we ought not, by a refusal of this request, to stand in the way of the advantages to be gained by isolated Hawaii through telegraphic communication with the rest of the world, especially in view of the fact that our own communication with that country would thereby be greatly improved without apparent detriment to any legitimate American interest.

GROVER CLEVELAND.

EXECUTIVE MANSION,
January 9, 1895.

LIST OF PAPERS.

- No. 1. Mr. Gresham to Mr. Willis, August 31, 1894;
- No. 2. Mr. Willis to Mr. Gresham, September 29, 1894;
- No. 3. Same to same, October 13, 1894;
- No. 4. Same to same, October 19, 1894;
- No. 5. Same to same, November 2, 1894;
- No. 6. Same to same, December 3, 1894.

No. 1.

Mr. Gresham to Mr. Willis.

DEPARTMENT OF STATE,
Washington, August 31, 1894.

SIR: I have received your dispatch of the 11th instant, reporting the arrival at Honolulu on the 4th of Mr. A. G. S. Hawes, British commissioner and consul-general, succeeding Major Wodehouse, lately minister resident. You also report the movements of the *Philadelphia* and *Champion*.

A very remarkable dispatch from Rear Admiral Walker, dated "At sea, August 17," and reporting events at Honolulu, up to the date of his departure on the 12th, has been communicated to me by the Secretary of the Navy for my information. I inclose a copy for your perusal. The apprehensions of the Admiral do not seem to have been shared by you sufficiently to warrant your reporting the petition for the retention of the *Philadelphia*, which was addressed to you as well as to the naval commander, and it is trusted that your reported concurrence in that officer's views will be found due to some misapprehension.

I am, etc.,

W. Q. GRESHAM.

No. 2.

Mr. Willis to Mr. Gresham.

LEGATION OF THE UNITED STATES,
Honolulu, H. I., September 29, 1894. (Received October 20.)

SIR: I have the honor to acknowledge the receipt of your instruction of the 31st ultimo, inclosing a dispatch of Rear-Admiral Walker of August 17.

After a lengthy statement seriously reflecting upon the late British minister and the commanding officer of the *Champion* and expressing such apprehensions touching the political situation here as necessitated the detention of the *Philadelphia*, the Admiral, in the eleventh paragraph, says: "Before reaching this conclusion [to postpone the *Philadelphia's* departure] I consulted with the United States minister, whose views entirely coincided with my own."

Your dispatch indicates that these words of the Admiral have been given a wider meaning than could have been intended by him. A brief recital of the facts may therefore be proper.

On the 5th day of August I was informed by the Admiral that he would leave with the *Philadelphia* on the 8th. On the 6th the British minister, Major Wodehouse, having been succeeded by Mr. Hawes, made his farewell official visit to this legation, during which he mentioned the fact that the *Champion* had intended to leave on that day, but some of the English residents had become nervous when they heard that the *Philadelphia* also was to leave, and yielding to their request, the *Champion* would remain until the *Hyacinth* arrived. Upon the same morning I made a parting call to the officers of the *Philadelphia*, when the Admiral told me that several citizens had expressed their regret at the departure of the *Philadelphia* before the arrival of the *Charleston*, which vessel was daily expected. He also expressed some surprise at the change of plans of the *Champion*. In view of these facts, he asked my opinion in regard to the detention of the *Philadelphia*. I replied that as the steamer *Australia* was due here August 11, at 8 a. m., which would probably bring correct advices as to the *Charleston's* movements, I saw no reason, if not in conflict with his orders (as to the nature of which I was not informed), why the *Philadelphia* should not wait until then. When the *Australia* arrived, I immediately notified the Admiral that no news warranting his further stay had been received. He left the next morning.

It is this conversation and the unimportant result following it with which the Admiral connects me.

The statement as to the conduct and sentiments of the British minister and captain of the British cruiser, and especially as to their purpose to land troops for political advantage, and the dangers resulting therefrom to American interests, I can not confirm either from personal knowledge or reliable information. If called upon to express an opinion, I should be constrained to say that during the past six months, and especially since the proclamation of the Republic, the presence or absence of British war vessels here ought to have been regarded with indifference by our Government, as it is now by this Government.

The "petition of citizens" referred to by the Admiral I did not receive until the day after our conversation. The conditions here for many months had been extremely orderly and peaceful. As stated by the petition itself, there was "no reason to doubt the ability of the Government of the Republic of Hawaii to support and sustain itself

and furnish full protection to the lives and property of all residents in its territory." In this opinion even the enemies of the Government concurred. Furthermore, on the day after receiving the petition, Mr. Hatch, the minister of foreign affairs, expressed to me his regret that it had been sent, as those he represented welcomed the opportunity to prove to the world that they were able to take care of themselves. These I deemed sufficient reasons for not forwarding the petition.

With renewed assurances, etc.,

ALBERT S. WILLIS.

No. 3.

Mr. Willis to Mr. Gresham.

LEGATION OF THE UNITED STATES,
Honolulu, October 13, 1894. (Received October 26.)

SIR: Negotiations have been pending during the past week between this Government and representatives of Great Britain in regard to an ocean cable between Canada and Australia, touching at Necker Island or at this city. As there is a clause in our treaty with the Hawaiian Islands which provides against the cession of any one of them to a foreign government without our consent, it is not thought that any definite agreement will at present be reached. President Dole has been visiting the island of Hawaii and is expected home to-day, when consideration of the subject will be resumed.

The registration roll closed on Saturday night. The number registered on this island (Oahu) is 1,920, as against 1,785 at the May election. Returns from the other islands have not yet been received. The nominating convention of the American Union party of this island will meet to-day. Its nominees will be among the candidates to be balloted for at the general election to be held the 29th instant.

The indications all point to a quiet and orderly election.

Statistics setting forth the financial condition of the Government for the six months just passed, as compared with the same six months of 1893, have been compiled by the Hon. S. M. Damon, minister of finance. The taxes received during the period this year amounted to \$639,606. In 1893 the taxes amounted to \$736,547, showing a decrease of \$96,941. This decrease, however, is more than offset by the expenditures, which, in 1893, were \$814,435, while in 1894 they were \$692,952, a difference of \$121,483, or a total gain of \$24,542 over 1893.

Conditions continue peaceful and orderly.

With renewed assurances, etc.,

ALBERT S. WILLIS.

No. 4.

Mr. Willis to Mr. Gresham.

LEGATION OF THE UNITED STATES,
Honolulu, October 19, 1894. (Received November 1.)

SIR: Mr. Fleming, of Canada, and Mr. Mercer, of the colonial office, London, in company with Mr. Hawes, the British commissioner, returned on the 16th instant from Bird Island, which they visited with

the *Hyacinth* in the interest of the proposed cable. They leave to-day for home via Washington, where they will probably submit to the President and yourself some proposition relating to their mission here. On the 15th instant Mr. Verlaye, the French commissioner, requested that your attention be called to the fact that his countrymen had just completed a cable to New Caledonia and would probably desire to extend it to Tahiti, the Hawaiian Islands, and the United States. For this reason he hoped that our Government would not be hasty in the matter.

On Saturday, the 13th instant, the convention of the American Union party nominated its candidates for senators and representatives, six of each class. Of the six representatives two are Hawaiians.

I send you newspaper clippings containing the platform of principles. I also send clippings in regard to the cable project now pending.

With sentiments, etc.,

ALBERT S. WILLIS.

[Inclosures.]

[Friday, October 19, 1894.]

Facts about the cable—Propositions made by Mr. Sanford Fleming—A subsidy is asked—The lease of either Bird or Necker Island wanted, the same to be used only as a cable station—Secretary Gresham said to approve of it.

The Pacific cable is to have a landing place on the Hawaiian Islands. That has been definitely decided upon, and it is only a question now of choosing the exact point and laying the wire strand that will connect Honolulu with the outside world and give to the Paradise of the Pacific the only thing that it needs to make it the ideal spot on earth.

The Advertiser told of the arrival here of Mr. Sanford Fleming, accompanied by Mr. Mercer, and of their mission. It has told, from day to day, about the plans and propositions of these gentlemen, as submitted to this Government, and now it is able to give the results in detail.

Prior to coming to Honolulu, Mr. Fleming, who is a delegate from the Canadian Parliament, visited Washington and had an interview with Secretary Walter Q. Gresham. Prior to this trip the Dominion Parliament adopted a resolution to the effect that the cable to be laid from Victoria to the Colonies, in order to secure a subsidy from Canada, should only land at points which were under British control. Owing to the treaty between the United States it was feared that this would preclude the cable touching here. But Mr. Fleming asked Mr. Gresham if the United States would object to the leasing of one of the small islands of this group to Canada for the purpose of landing a cable there, and for no other purpose, to which Mr. Gresham replied that under the treaty no interference with such an arrangement could be made.

So Mr. Fleming came to Honolulu and entered into negotiations with this Government for the lease of Bird Island or Necker Island. He was met half way by Mr. Hatch and the members of the council, and to-day the propositions are as good as accepted.

Some time ago the *Champion* made soundings about Necker Island, and within a week the *Hyacinth* made a similar expedition to Bird Island. The work done by the *Champion* is by this time in the hands of the Canadian Government, and the *Hyacinth* survey will be forwarded by the *Alameda* to-day; indeed, Mr. Fleming, who is to go on the steamer, will undoubtedly carry it himself.

The proposition made by Mr. Fleming is this:

The Hawaiian Government is to lease to the Dominion of Canada an island, either Bird Island or Necker Island, with the understanding that it is to be used only as a cable station, and that the right to purchase or acquire it shall always remain with the United States, subject always to the provisions of this lease. The Hawaiian Government is also to grant a subsidy of £7,000 a year for a period of years. In return for this the cable company is to land at one of the islands above named, conduct a branch to Honolulu, and only charge the following low rates for the transmission of messages: Commercial business, 1 shilling a word; Government dispatches, ninepence; press dispatches, sixpence.

These propositions have practically been accepted by the Republic of Hawaii, and it only remains for the United States to approve of them, as under the treaty that country will have to do. It is understood that Mr. Fleming and Mr. Mercer will go direct to Washington upon arriving in the States, and will await the action of the authorities there before returning to Ottawa.

It is hoped at the Government building that Mr. Willis's dispatches may spur the United States on to action in a cable enterprise.

F. M. Hatch, the minister of foreign affairs, was seen yesterday afternoon concerning cable matters, and said:

"The whole matter can be told in a nutshell. Mr. Fleming has asked the lease of one of the unoccupied islands of the group for a cable station. He also asks for a subsidy of £7,000 a year for fifteen years. This may seem rather large, but there are offsets to it. One of them is that Mr. Fleming proposes to make rates of a shilling a word for regular messages to the coast; ninepence for Government messages, and sixpence for press messages. This is a very low rate, considering the prices charged by other cable companies.

"Mr. Fleming has not asked for the exclusive cable right here. He only wants an exclusive lease of the island for cable purposes only. That is, no other cable company is to be granted permission to land on that island, but any other enterprise will not be interfered with."

[The Pacific Commercial Advertiser, Honolulu, Hawaiian Islands, Monday, October 15, 1894.]

First republic convention—Doings of the American Union delegates Saturday—A ticket and a platform chosen—P. C. Jones resigns in favor of J. A. McCandless, in order that a mechanic may be on the ticket—Annexation the keynote of the meeting.

The senatorial ticket chosen by the American Union convention Saturday afternoon was changed during the evening by P. C. Jones resigning in favor of J. A. McCandless, in order that a mechanic might be on the ticket. Although the native element was turned down during the first session, by the defeat of Mr. Naone, it was recognized later, and two Hawaiians were nominated representatives.

THE TICKET.

Senators.—Cecil Brown, H. W. Schmidt, W. C. Wilder, J. N. Wright, J. A. McCandless, Henry Waterhouse.

Representatives.—D. L. Naone, E. C. Winston, C. L. Carter, J. C. Cluney, L. H. Haalualani, James Davis.

THE MORNING SESSION—SENATORS CHOSEN AND A PLATFORM IS ADOPTED.

The following are the proceedings:

J. A. Kennedy called to order in American League Hall Saturday the first political convention on the island of Oahu to be held under the Republic. The hour when he rapped with his gavel was 2.30 p. m. The convention assembled was that of the American Union party, and 30 delegates were its representatives, 24 from Honolulu and 6 from the outlying districts. The names of the delegates are as follows:

First club.—Kennedy, J. A., Keeth, A. W., Lansing, T. F., Wright, Thomas, Naone, D. L.

Second club.—Martin, J. S., Bishop, F., Smith, George W., Sousa, P.

Third club.—Sims, W. R., Fisher, J. H., Crozier, C., Asch, J., Day, C. R., Wooten, H.

Fourth club.—Towse, E., Murray, T. B., O'Brien, W. P., Effinger, J., Akau, A. K.

Fifth club.—Emmeluth, J., Winston, E., Kelupio, D., Kaiona, D. P.

Sixth club.—Henry, William, Palua, F.

Seven A.—Arnemann, W. H. G.

Seven B.—McCandless, J. A.

Eight A.—Lowrie, W. J.

Eight B.—Torbert, J.

Seven A and Seven B represent the Seventh club, and Eight A and Eight B the Eighth.

In opening the convention Mr. Kennedy said:

"Fellow delegates to this the first island convention in the Republic of Hawaii: Pursuant to the call of the central executive committee we meet here to-day in the name of the American Union party, a party which stands conspicuously for progress, for good government, and for the good of all the people, but above all, in fact the very foundation, the solid rock on which we cling together as one man, is the political union of these islands to the United States of America.

"The most of us here will remember the 14th to 17th days of January, 1893, when we, at the risk of our lives, pledged ourselves to the cause of annexation.

"Gentlemen, we have stood to our guns nobly since that memorable day through good and bad reports and now that the clouds of dust arising from the enemies of annexation have been swept away, we come up here this afternoon to renew our obligation, pledge ourselves anew, and right here and now devote our time, talents, and money, individually and as a great political body, to the cause of annexation, declaring that we will not give up until we get there. Gentlemen, as chairman of the central executive committee of the American Union party, I now call this convention to order."

George W. Smith nominated Mr. Kennedy for temporary chairman, and he was chosen by a unanimous vote. In accepting the position, he urged that the delegates consider matters with due deliberation. John Effinger was nominated secretary, and D. L. Naone temporary vice-president. A. K. Akau was made assistant secretary.

The motion was made that a committee on credentials be appointed. Some of the delegates wanted two committees appointed at the same time, so that time could be saved by the dual consideration of business. Mr. Sims objected to this, saying no business could be transacted until the credentials had been examined. The chair sustained him, and appointed the following members of the credentials committee: A. W. Keech, W. P. O'Brien, D. Kaliipio, and Thomas Wright. They retired to the anteroom to examine the documents presented them by the sergeant-at-arms and reported them as correct. In order to save time, two committees were appointed as soon as this report was handed in; one on permanent organization, and one on order of business.

The chair appointed the following as members of the committee on permanent organization: Chairman, George W. Smith; E. F. Bishop, T. B. Murray, Charles Crozier, J. Torbert, H. G. Wooten, and Peter Souza. At the same time he appointed as members of the order of business committee: J. H. Fisher, chairman; C. W. Day, E. C. Winston, Julius Asch, W. H. G. Arnemann, Frank Pahia, D. P. Kaiena.

The committee on permanent organization was the first to file into the room after a ten minutes' conference, but waited the entrance of the other body before reporting the conclusions arrived at. There was a delay of fifteen minutes; then, when all the delegates were again assembled, the committee on permanent organization reported in favor of the temporary officers being made permanent, with the addition of an interpreter. W. L. Wilcox was appointed to this position.

The committee on order of business then reported as follows:

1. Speeches on behalf of candidates in nomination shall be limited to five minutes, and there shall be but one speech seconding each nomination.
2. No person shall be allowed to speak more than once on the same subject, except by consent of the convention.
3. All voting for candidates shall be by ballot.
4. All resolutions must be in writing, and shall be referred to the committee on platforms and resolutions without debate.
5. Nominees shall be selected by a two-thirds vote of all the delegates.
6. Before proceeding to ballot all nominees must appear before the convention and declare their allegiance to the platform and principles of the American Union party and their support of the ticket.
7. The delegates of the Fourth and Fifth representative districts shall meet separately and each make their legislative nominations, which shall be confirmed by the whole convention.
8. The order of business shall be as follows:
 - (1) Report of the committee on platform.
 - (2) Report of special committees.
 - (3) Nomination of senators.
 - (4) Speeches by senatorial nominees.
 - (5) Balloting for senatorial nominees.
 - (6) Reports from representative's nominations.
 - (7) Confirmation of nominees for representatives.
 - (8) General business.
 - (9) Adjournment to meet at the call of the chair.

AMENDMENTS ADOPTED.

These rules may be suspended or amended only upon the vote of two-thirds of the delegates.

Vacancies occurring in the legislative ticket will be filled at a special session of the convention responsible for the nomination.

THE PLATFORM COMMITTEE.

The motion was then made that the committee on platform and resolutions be composed of one delegate from each club. It carried, and the chairman appointed the following members of such committee: First club, T. F. Lansing, chairman of

committee; second club, J. S. Martin; third club, W. R. Sims; fourth club, Ed. Towse; fifth club, John Emmeluth; sixth club, William Henry; seventh club, J. A. McCandless; eighth club, W. J. Lowrie.

A recess of fifteen minutes was taken in order to give the platform committee time to arrange the documents. At the expiration of that time the platform was presented and read. Every clause was greeted with applause, and the one referring to annexation was loudly cheered. The document was then translated into Hawaiian by Mr. Wilcox and was adopted.

The platform in full reads:

To the voters of the Republic of Hawaii:

We, the delegates of the American Union Party of the island of Oahu, Republic of Hawaii, in convention assembled, this 13th day of October, 1894, announce and declare these to be our principles and this the platform of our party:

1. We declare unequivocally that the foremost mission of the American Union Party shall continue to be unreserved effort to secure the political union of Hawaii with the United States of America.

2. We cordially commend the efficient, courageous, and honorable conduct of public affairs by the officers of the Provisional Government and Republic of Hawaii.

3. We are proud of the party's policy of internal improvements and development, and in witness point to the inauguration of extensive public works, to practical projects of similar nature, and to plans of settlement of open lands.

4. We oppose the employment of prison labor in any mechanical pursuit.

5. We are opposed to the employment of Asiatics upon any public work.

6. We declare against the importation of labor or material of any kind whatever by the Government.

7. We recommend that the Government at once secure absolute ownership of all water-front lands in every harbor throughout the group where the possession of such lands by other parties is detrimental to necessary wharfage facilities.

8. We favor a revision of the tax system, whereby all property, improved and unimproved, shall be taxed on an equitable basis, and recommend a consideration of the graduated tax system.

9. We favor such legislation as will promote the occupancy of all public lands by small holders, and foster the development of varied industries, believing it to be of vital importance that "many acres should be for many men." We ask that Hawaiians have the opportunity to secure homesteads upon more favorable terms than granted to others.

10. We are in hearty sympathy with the spirit which actuated the Government in its dispatch of a commissioner to search for European labor for the industries of the islands; as a further earnest of the intent of the dominant party in these premises we refer to the creation of the Labor Commission by the Councils of the Republic.

11. We pledge all the power and influence this party may possess to aggressive endeavor to bring about at once the restriction of Asiatic immigration. In this connection we again point to the menace of Asiatic encroachment, and demand legislative protection from these people for Hawaiian, American, and European mechanics and tradesmen.

12. We urge the enactment at once of a law that will cause the Asiatics brought to these islands for plantation labor to continue in that service, or return to their homes.

13. We demand such revision of the tariff as will prohibit competition with American products and manufactures; protection to which America is justly entitled by virtue of the treaty of reciprocity, and which we deem necessary to insure the existence of our merchants, who are being rapidly superseded by an element having nothing in common with the principles lying at the foundation of our institutions.

14. We urge the Government to secure for the islands cable communication; that no exclusive franchise be granted, and that no agreement or contract be made which does not meet with the unqualified approval of the United States.

15. We ask that there be continued effort in the direction of extending and improving the system of free schools.

16. We declare our opposition to monopolies and trusts of any kind.

17. We declare full allegiance to the Republic of Hawaii, citing its constitution and the present peaceful condition of the country as work of the American Union Party.

The platform was adopted by a unanimous vote.

NOMINATIONS.

Nominations for Senators were then in order and Mr. Lansing at once took the floor. He said:

"I wish to put in nomination Peter Cushman Jones. No language of mine can give the delegates here a better acquaintance with him than they already have. His

forefathers belonged to that fearless band that declared for the independence of the Union. He is possessed of the same qualities as they, and he will succeed in placing another star in the American flag."

The nomination of Mr. Jones was seconded by Mr. Towse.

Mr. Martin nominated Cecil Brown and briefly referred to his record. This nomination was seconded by Mr. Henry.

Then Mr. Fisher took the floor and said:

"I desire to place before this convention the name of a gentleman who has ever been the exponent of the American Union Party and the cause of annexation. He gave several years of his life to the cause of keeping the States of the Union together, and he will put in some more of these years in adding to that same Union. I desire to nominate W. C. Wilder." (Applause.)

Mr. Wooten seconded this.

Mr. Henry then nominated J. A. McCandless and Mr. Torbert made the seconding. The floor being accorded to Mr. T. B. Murray, he said:

"I desire to name a man who, though not the father of annexation, will always be with us. His name is J. N. Wright."

S. Effinger seconded this name.

Mr. McCandless then thought it time to reciprocate and named Henry Waterhouse. Mr. Henry, announcing that he spoke as a radical, seconded this.

Mr. Smith was then recognized and said:

"I wish to place before this convention the name of a supporter of the party of progress, Mr. H. W. Schmidt."

In seconding this nomination, Mr. Asch said: "He is a thorough annexationist, and will take it for breakfast, dinner, and supper."

John Emmeluth being the next to speak, said: "In addressing this convention for Club No. 5, I desire to place in nomination a Hawaiian. We have not centered on one man for any personal reasons, but have tried to pick out one whose record shows that he is the man for the place. I name D. L. Naone."

Mr. Akau seconded this.

J. Effinger nominated John Emmeluth, which name was also seconded by Mr. Akau.

Then Mr. Towse placed the name of L. C. Ables before the convention and Mr. Murray added his voice as a second.

The nominations were then closed.

The order of business called for speeches by the candidates as the next step, but some hungry delegates wanted to adjourn until 7 p. m. They were ruled out by a majority of votes, however, and the candidates as nominated were called upon.

Loud applause greeted P. C. Jones as he ascended the platform. In part he said: "It is proper I should declare myself here and that I should acknowledge my adherence to the platform. I believe in it as a whole, and I believe in it in part. The time has come when it must be declared whether Eastern or Western civilization shall hold sway here, and I want Eastern. I see by a local paper that your chairman, Mr. Kennedy, said, recently, that 'no candidate could be chosen by the American Union Party unless he supported annexation to the United States.'

"I risked my life for this one day, and I pledge myself to work for this if it takes the entire term in the Senate to do so." (Applause and cheering.)

J. A. McCandless was next heard and said:

"I assure you all that I heartily indorse every plank in that platform, and the plank for annexation more than any of them. Some people have said that there is 'a nigger in the fence.' Yes, indeed, there is; and we are watching. And behind that fence stands the American Union Party, and you and I, with our rifles at home."

J. M. Wright, taking the floor, said:

"I am surprised at this nomination; at being placed in nomination; but I am pleased, nevertheless. The principle of the American Union Party is annexation to the United States. I fought for that country once, and I will again if we join them."

Henry Waterhouse made a ringing speech, and wound up with, "Let our warcry be 'Annexation.'"

H. W. Schmidt said: "I am not a candidate before this convention in the sense that I seek the nomination; but I believe it the duty of every citizen to do all he can for his country, and if I can be of service I will gladly accept the position. I have been an annexationist from the first, and I think my acts will show it. I shall not rest until the question of annexation is settled." (Applause.)

D. L. Naone delivered an eloquent address in Hawaiian, which was translated by Mr. Wilcox, and applauded. In part, he said:

"You have no idea of the pleasure I feel at thus being placed before the convention. I assure you I appreciate the honor. All the Hawaiians should feel proud of it. I do, and I think my people do also. If chosen, I will give the platform my full support. If you elect somebody else I shall not feel hurt, but will still do my utmost to carry out the wishes of the party. (Cheers.) Way back in 1887, when the reform

movement first started, I was with it. I have been in favor of annexation ever since, and always will be."

John Emmeluth next said:

"I am certain my record for the past eighteen or twenty months will show how I stand and by that I wish to be tested. I believe that only by annexation can we prosper."

Cecil Brown was not in the hall when his name was first mentioned, but by this time he put in appearance and was greeted with much enthusiasm. He said:

"So far as I have read the platform I am ready to stand by it. The great question of the hour is annexation, first, last, and all the time. I want to see this country under the Stars and Stripes. I was born here under the Hawaiian flag, but I am sure the only one we can live under and be at peace is the banner that waves over the Capitol at Washington." (Cheers.)

There were two more candidates to be heard from, W. C. Wilder and L. C. Ables. Mr. Towse withdrew the latter's name. Some of the delegates wished to adjourn until 7 p. m. and then hear from Mr. Wilder, but the majority ruled. There was some misunderstanding between the messengers sent out for the candidate, and it was a half hour before he appeared. The applause was hearty, though, when he did come, and Mr. Wilder said:

"I beg your pardon, gentlemen, for keeping you waiting. I started for this place, but was told the convention had adjourned, so I returned home. Your second message came while I was at dinner which, I assure you, I left at once.

"I am not a candidate in the sense of seeking the nomination. I stand to-day as I did on the 14th of January, 1893, when I was summoned to become a member of the committee of safety.

"Out of that committee this party has grown. But, gentlemen, we have secured only a partial victory. Our fight is for annexation, and in this fight I will remain until it is won. I have only been able to glance at your platform, and that while being rapidly driven from home. But from what I have read I heartily indorse every line of it."

A motion was then made and carried that the convention proceed to ballot, and Messrs. Bishop and O'Brien were appointed tellers. Ballots were prepared and dropped into the box. The count showed the result to be:

Cecil Brown	28
P. C. Jones	21
W. C. Wilder	22
H. W. Schmidt	23
J. N. Wright	21
J. A. McCandless	20
Henry Waterhouse	21
D. L. Naone	14
John Emmeluth	10

When the vote was announced several delegates moved that a second ballot be taken, because seven men had received a two-thirds vote or over. This was opposed, on the ground that the six highest should be declared the nominees. J. A. McCandless, in whose behalf the fight was made, then said he believed the men receiving the greatest number of ballots should be declared the nominees, and on a vote the convention declared it so. The nominations were made unanimous, and the convention at 6.30 adjourned until 7.

THE EVENING SESSION.—A CHANGE AND A CHOICE OF SIX REPRESENTATIVES.

The evening session of the convention opened shortly after 7 o'clock. The room was well filled some time before this, however, and the nominations of the afternoon were the only topics spoken of. Just before the meeting was called to order, the Advertiser extra arrived, and the delegates saw, in print, all that had been done an hour before.

When Chairman Kennedy called the meeting to order, everybody settled down at once to the business of nominating representatives. Mr. P. C. Jones was introduced and said:

"After I returned home, I heard I had received a sufficient number of votes to receive the nomination for senator. But in looking over the list, I find there are no mechanics. This was a great disappointment to me, for I think the mechanics here are our great stay. I was sorry to see that my friend Mr. McCandless was only one vote short, and wish you would allow me to resign in his favor."

J. S. Martin moved that Mr. Jones's resignation be accepted.

Mr. Emmeluth said he did not believe any man placed in nomination, who had pledged himself as Mr. Jones had, should be allowed to resign. The ticket having been made up, it should stand as it is.

Mr. Towse said the work of the convention was to elect six men. This had been done; but if one of those men wished to resign he should be allowed to do so.

Mr. Crozier wanted to thank Mr. Jones for what he had said about mechanics, and thought that a mechanic should be in the Senate.

Mr. Bishop said there was still a chance for the mechanics to be represented in the House.

Mr. Fisher said Mr. Jones had a right to resign if he wished, but it would require another vote to fill the vacancy.

The question was put and Mr. Jones's resignation accepted.

Mr. Towse moved to proceed to fill the vacancy. Carried; and nominations were declared in order.

J. A. McCandless was nominated by T. B. Murray.

Mr. Emmeluth nominated D. L. Naone, claiming that he should be on the mechanics' ticket. The nomination was seconded by M. Keliipio, and the nominations were closed.

D. L. Naone said he was perfectly willing to resign in favor of Mr. McCandless.

There being but one nomination after Naone's withdrawal, the secretary was instructed to cast a ballot for Mr. McCandless, under suspension of the rules.

Mr. McCandless was called on, and said:

"This places me in a very embarrassing place, and I would much rather Mr. Jones had accepted the nomination. But as he has seen fit to resign, I accept, and thank you sincerely for the honor."

P. C. Jones stated that he wished to renew his pledge to the American Union party in spite of his resignation. (Applause.)

The work of electing candidates for the house was then proceeded with.

The chairman announced that the delegates for the fourth representative district would be Messrs. Kenedy, Keech, Lansing, Wright, Naone, Martin, Souza, Sims, Fisher, Crozier, Asch, Day, Wooten, Ellinger, and Akan. Those of the fifth district would be Messrs. Bishop, Smith, Towse, Murray, O'Brien, Emmeluth, Winston, Keliipio, Kaena, Henry, Pabia, Arnemann, McCandless, Lowrey, and Torbert.

The delegates for the two districts consulted for some moments and then took their seats again.

When the result of the consultation was announced, it was found that D. L. Naone, E. C. Winston, and C. L. Carter had been chosen in the fourth, and J. C. Cluney, L. H. Haalualani, and James Davis in the fifth district. In the fourth, Naone and Winston had been elected on the first ballot, the former receiving 15 votes and the latter 13. On the second ballot, Carter was elected, receiving 11 votes, F. W. McChesney receiving 4 votes.

In the fifth, the delegates chose Capt. J. C. Cluney, Haalualani, and James Davis, who received 13 votes apiece, on the first ballot. E. C. Winston was also voted on, getting 6 votes.

Delegate Sims thought the candidates for representative should be heard from as to their views.

G. W. Smith said all the candidates were not present, and could not be heard from; but all had been vouched for and could be depended upon.

E. Towse said that the absent candidates could be heard from by letter, addressed, say, to the American Union Party.

Mr. Smith moved that the rules be suspended in the case of Mr. Davis, who was absent, and suggested that Mr. Towse's suggestion be adopted. The motion was carried.

Captain Cluney was called upon, and said:

"I thank you, gentlemen, for the honor you have conferred on me. I am an out-and-out annexationist, and, if I am elected, I will uphold the principles under which I am elected."

J. K. Haalualani said, in Hawaiian:

"I do not propose to say much, but I intend to stand by and carry out the platform which has been adopted here. We are all of one mind on the main question. All I want is to have the two flags become one."

Mr. Lansing moved that the candidates of the fifth district be accepted and ratified. Carried.

Mr. Lansing said that Mr. Carter was not present, being at home ill.

Mr. Fisher moved that in Mr. Carter's case the rules be suspended, and the same action taken as in Mr. Davis's case. Carried.

D. L. Naone said:

"Gentlemen, I did not propose to say more than I did this afternoon, but I will thank you all, and say that anything I can do for the fourth district I will do."

E. C. Winston said he thanked the convention, and would uphold its platform to the best of his ability.

On motion of Mr. Fisher the nominations of the fourth district were adopted.

Mr. Smith moved the adoption of the ticket, senatorial and representative, as a whole. This was carried by a unanimous rising vote.

The chairman announced that general business was next in order.

Mr. Towse thought the convention should give a vote of thanks to P. C. Jones for his assistance to the convention, and so moved. Carried, with applause, by a unanimous rising vote.

Mr. McCandless suggested that a ratification meeting should be held soon.

Mr. Sims thought that matter came in the province of the central committee.

T. B. Murray moved a vote of thanks to the officers of the convention, which was carried.

Mr. Fisher moved to adjourn, which was carried, and Oahu's first convention was over.

No. 5.

Mr. Willis to Mr. Gresham.

LEGATION OF THE UNITED STATES,
Honolulu, H. I., November 2, 1894. (Received November 19.)

SIR: The election on the 29th ultimo for senators and representatives resulted in this island (Oahu) favorably to the candidates of the American Union party, the only independent candidate having been defeated by a majority of 4 votes. Full returns from the other islands are not yet in, but will probably show the same result. There was no disturbance and no excitement.

The Japanese steamer *Nanshou* arrived this week, bringing 900 Japanese immigrants, nearly all of whom are young men who will go under contract to the sugar plantations.

Mr. Saburo Fujii, the diplomatic agent and consul-general of Japan, has been recalled. He will depart on the 13th instant, leaving the consulate general in charge of the secretary.

Copies of the correspondence in regard to the proposed cable have been handed to me for personal inspection, with the statement that the matter will be officially presented upon the return of President Dole, which will be on next Saturday.

Great Britain has extended recognition to this Government, as have also France, Japan, Switzerland, Mexico, Russia, and Guatemala.

With assurance, etc.,

ALBERT S. WILLIS.

No. 6.

Mr. Willis to Mr. Gresham.

LEGATION OF THE UNITED STATES,
Honolulu, December 3, 1894. (Received December 21.)

SIR: In my dispatches of October 13 and 19 ultimo, and November 2, ultimo, I have heretofore called attention to the proposition which has been made to this Government by commissioners representing Great Britain, Canada, and Australia, involving the use of one of its uninhabited islands as a station for a transpacific cable from Canada to Australia; and in consideration of such use and of such subsidy as might be agreed upon, the connection of Honolulu to the main line by a branch cable to the island which might be selected.

This Government is of opinion that it is estopped from considering the foregoing proposition, by article 4 of the treaty of reciprocity between Hawaii and our Government.

This matter is now, therefore, at the request of this Government submitted to the consideration of our Government, upon the question of its willingness to nullify the treaty of reciprocity by exempting Necker Island, French Frigate Shoals, or Nihoa (Bird Island) from the operation of article 4 of the treaty, which reads as follows:

It is agreed on the part of His Hawaiian Majesty that as long as this treaty shall remain in force he will not lease or otherwise dispose of or create any lien upon any port, harbor, or other territory in his dominions, or grant any special privileges or rights of use therein to any other Power, State, or Government.

In this connection I inclose copies of the note of Mr Hatch, minister of foreign affairs, and of correspondence between him and the commissioners.

With renewed assurances, etc., ALBERT S. WILLIS.

[Inclosure 1.]

Mr. Hatch to Mr. Willis.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, November 28, 1894.

SIR The subject of connecting these islands with North America by a submarine telegraphic cable has recently been brought into prominence here by a proposition which has been made to this Government by Commissioners representing Great Britain, Canada, and Australia, involving the use of one of the uninhabited islands belonging to this Republic, viz: Necker Island, French Frigate Shoals, or Nihoa (Bird Island) as a station for a transpacific cable from Canada to Australia; and in consideration of such use and of such subsidy as might be agreed upon the connection of Honolulu to the main line by a branch cable to the island which might be selected.

The matter has excited much interest here, and it is felt by all classes that a cable is of the greatest importance to this community.

For many years strenuous attempts have been made upon our part to induce some company to undertake the enterprise of laying a cable from San Francisco to Honolulu. In 1875 our legislature passed an act to encourage telegraphic cable companies. In 1884 the legislature offered an annual subsidy of twenty thousand dollars for a period of fifteen years to any company which should establish telegraphic communication between Honolulu and San Francisco. In 1890 the subsidy offered was increased to twenty-five thousand dollars per year for fifteen, and the exclusive right of landing telegraphic cables on these islands for a period of fifteen years from 1891 was added as a further inducement.

Aside from the extremely accurate surveys which have been made by your Government, nothing has so far been accomplished.

The opportunity now offered is one to which this country can not be indifferent, if it can be taken up consistently with treaty obligations, and if no more desirable scheme is presented.

The proposition submitted by the commissioners above named contemplates a scheme in which the British Government will be directly or indirectly interested. This Government, therefore, considered itself estopped by article 4 of the treaty of reciprocity between the United States and Hawaii from considering any proposition until the views of your Government could be ascertained.

The portion of the treaty referred to is as follows:

"It is agreed on the part of His Hawaiian Majesty that so long as this treaty shall remain in force he will not lease or otherwise dispose of or create any lien upon any port, harbor, or other territory in his dominions, or grant any special privileges or rights of use therein to any other Power, State, or Government."

It is desired to submit this matter to your Government in order to obtain their views upon the desirability of modifying the treaty of reciprocity by exempting Necker Island, French Frigate Shoals, or Nihoa (Bird Island) from the operation of article 4 of the treaty.

I have, etc.,

FRANCIS M. HATCH.

[Inclosure 2.]

Messrs. Fleming and Mercer to Mr. Hatch.

HAWAIIAN HOTEL,

Honolulu, Hawaiian Islands, October 17, 1894.

DEAR MR. HATCH:

We inclose a fair copy of the "memorandum of agreement," which is the result of our interviews with you, and which records the scheme arrived at, subject to the consent of the United States and the approval of the Legislature.

We will explain to our Governments that you feel precluded from following up our interviews with any actual step in the matter until the consent of the United States has been obtained to waive the requirements of article 4 of the reciprocity treaty. We presume that you will now take the necessary steps with the view of bringing the proposed arrangement to the notice of the United States Government, and of ascertaining whether they will give the desired consent so as to enable you to proceed with it.

We, all of course, hope that the Washington Government, on full explanations and proper representations being made to them, will be able to do this. By so enabling the scheme to be carried out they would obtain for the United States people the advantage of telegraphic connection with Honolulu, and, further, of exceedingly low telegraphic rates both to that place and to Australasia. These advantages would be secured without contributing to the capital required for the cable or to the necessarily heavy subsidies or guarantees which will have to be paid by all the countries to which the cable runs. All considerations of this kind will no doubt be satisfactorily explained by your representative, but we may add that the United States Government have been for some time aware that the Governments of Great Britain and her colonies have been discussing the project of a cable across the Pacific from Vancouver to Australasia, with a connecting line from an unoccupied island in the Hawaiian Archipelago to Honolulu, and there can be little doubt that they will quite recognize the commercial advantages which in no small measure would accrue to the United States from the accomplishment of this undertaking.

It is by no means settled that the undertaking will, if it is determined upon, be carried out as a Government enterprise. It may be committed to a company with a subsidy or guarantee from the Government interested. In that case the lease might be to the company and not to the British or any other Government, and the case would not then come literally within the terms of your engagement in the treaty not to dispose of your lands to foreign governments. But having regard to the circumstance that "foreign governments" would have a substantial interest in the lease, we are quite in accord with your view that it is proper, whatever form the lease might take, to obtain the consent of the United States to the arrangement.

It is understood between us that if the negotiations at Washington are successful, the memorandum of agreement will be submitted to your legislature, and will be subject to their approval. We are of course sensible that you can not guarantee that the legislature will consent to the annual subsidy of 7,000 pounds.

The explanations which will have to be made to the legislature on this and all other points will be in very good hands, and we need not be at pains to say more here than that the scheme would imply on our part the maintenance of two telegraph stations within your territory, one at Honolulu and the other on the island leased, at a computed annual local expenditure of about 10,000 pounds; that the laying of so expensive a cable through the Hawaiian Islands would cause a considerable expenditure there out of the capital, and that this benefit would not cease with the construction of the cable; for it is considered that it would be necessary to keep at least two cable-repairing ships on the route for the purpose of maintaining the efficiency of the cable, one of which ships would generally be stationed at Honolulu. It need hardly be observed that the subsidy is asked for not merely in consideration of the low tariff, but on the general ground that a heavy yearly deficit will have to be made up, for a greater or less period, by the parties interested. Your legislature will no doubt take this consideration into account in considering the question of the subsidy. We do not conceal from you that another feasible route for the Canada-Australia cable is under consideration, and that the adoption of the Hawaiian route must be justified on financial and commercial grounds.

We propose to inform the British Government of your inquiry whether they would accept the sovereignty of Necker Island, or some other uninhabited island, on condition that no subsidy is required from you. As we explained, we have not felt at liberty to entertain that question ourselves, as we were definitely instructed not to ask for the sovereignty of any island, but only for a lease simply for the purpose of the cable.

We are prepared to recommend to our Governments the acceptance of the terms stated in the memorandum of agreement, but we can not undertake to say that the arrangement would be adopted if any material alteration were made in it.

We have of course treated our negotiations with you on this subject as strictly confidential. It is not, however, necessary, so far as we are concerned, to attach any character of secrecy to the proposals. We have been at great pains to make these proposals as moderate and as acceptable to you as possible, and we do not ourselves see any objection to public criticism upon them being invited. You are quite at liberty to make any use which you may think proper of this letter.

We have only to express, in conclusion, our appreciation of the great courtesy and kindness which we have received personally at the hands of yourself and your colleagues.

We remain, etc.,

SANDFORD FLEMING.
W. HEPWORTH MERCER.

[Inclosure 3.]

Mr. Hatch to Messrs. Fleming and Mercer.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, October 17, 1891.

DEAR SIR: In acknowledging the receipt of your letter of this date, inclosing a fair copy of the agreement proposed by you in the hope that it would prove mutually satisfactory, I beg to again express my regret that this Government, by the provisions of our treaty of reciprocity with the United States as we read it, is at this time precluded from the consideration of the terms proposed.

Our position is fully stated in the memorandum heretofore submitted to you, a copy of which is inclosed as a part of this note.

I desire to repeat the assurance that this Government is fully alive to the importance to this country of telegraphic communication with North America, and hope that the speedy settlement of all difficulties of a diplomatic nature may lead to the early consummation of this so long-desired project.

Availing myself, etc.,

FRANCIS M. HATCH.

[Inclosure 1 to Inclosure 3.]

Statement of the attitude of the Hawaiian cabinet in regard to the scheme for laying a Pacific cable from Canada to Australia as submitted by Messrs. Mercer and Fleming, representing the British, Canadian, and Australasian Governments.

This undertaking being of such magnitude that it is apparent that to insure success it must be conducted by or under the auspices of the British Government, the proposition that the Hawaiian Government should grant a lease of Necker Island, or some other uninhabited island of this group, as a cable station at once raises the question of the power of the Hawaiian Government to act in the premises without first obtaining the sanction of the United States. The treaty of reciprocity between the United States of America and Hawaii has the following provision:

"It is agreed on the part of His Hawaiian Majesty that so long as this treaty shall remain in force he will not lease or otherwise dispose of, or create any lien upon any port, harbor, or other territory in his dominions, or grant any special privilege or rights of use therein to any other power, state, or government, nor make any treaty by which any other nation shall obtain the same privilege relative to the admission of any articles free of duty hereby secured to the United States."

The Hawaiian cabinet do not feel disposed to enter upon any considerations of a verbal nature touching the extent of and scope of the above-quoted article. Its intent is so clear that they feel it would be improper for them to enter into any engagement in regard to the suggested lease of an island until the consent of the United States has been obtained.

The matter will be at once submitted to the United States Government. Upon obtaining the approval of the United States, and a waiver in this instance of the article above quoted, reference will be made to the Hawaiian Legislature of the propositions submitted by Messrs. Mercer and Fleming, which are embodied in the draft memorandum hereto annexed.

With such approval no possible objection by the Legislature is anticipated to a lease of Necker Island, or any other uninhabited island of this group, upon condition that Honolulu is put into telegraphic connection with the main line, and that fair rates, not out of proportion with the general tariff determined upon, be given. The question of financial aid is exclusively within the province of the Legislature. Upon this point it need only be said that the cabinet feel confident that the Legislature will meet the matter in a spirit of liberality which its great and unquestioned importance to the country at large demands.

FRANCIS M. HATCH.

[Inclosure 2 to Inclosure 3.]

Memorandum of agreement between the Hawaiian Government and representatives of Great Britain and the British Colonies, made in Honolulu in October, 1894, with regard to the proposal to lay a submarine cable between Canada and Australasia connected by a branch line with Honolulu.

Subject to the conditions and stipulations hereinafter set out, the Hawaiian Government agrees, if and when the laying of a submarine cable between Canada and Australasia shall be determined upon, to lease to the British Government and its assignees, hereinafter called the lessees, either Necker Island or French Frigate Shoal or Bird Island, or other uninhabited island, whichever of them the British Government may select.

It is noted that the Hawaiian Government are debarred by their reciprocity treaty with the United States from leasing or otherwise disposing of any of their lands, or from granting any special privileges, to any foreign government, and it is therefore incumbent upon the Hawaiian Government to obtain the sanction of the United States Government as a condition precedent to the grant of the proposed lease.

The Hawaiian Government further agrees, for the consideration and stipulations hereinafter expressed, to insert in the lease the following covenants:

(1) That the lease shall commence and take effect when a contract has been entered into for the laying of a cable from Canada to the island intended to be leased, and shall enure and continue until the cable and the connecting line to Honolulu are finally and permanently abandoned.

(2) That exclusive possession free from disturbance shall be given, with exemption from all kinds of taxation.

(3) That a convenient landing station and space for the accommodation of the telegraph office staff shall be provided at or near Honolulu for the purpose of laying and working a connecting cable between the island leased and Honolulu.

(4) That an annual subsidy of 7,000 pounds shall be paid by the Hawaiian Government to the lessees for the period of fifteen years, payable half yearly in two installments, on the 30th of June and the 30th of December (or such other fixed dates as may be determined upon by the British Government), the first payment to be made on the first of such dates as shall occur after cable communication has been established between Honolulu and Canada.

In consideration for the lease and the covenants given by the Hawaiian Government, the following covenants will be required from the lessees:

(1) That a cable shall be laid from the island leased to Honolulu, so as to connect that place telegraphically with all points on the main cable.

(2) That telegraphic messages shall be sent from Honolulu to the first landing station on the Canadian coast at the following rates per word, viz: 1s. in the case of private messages; 9d. in the case of Government messages; 6d. in the case of press messages, provided always that no less charge shall be made than 10s. (\$2.50) for any one message. And further, that persons telegraphing at Honolulu shall be given the full benefit of such rates as may be established by agreement with other countries or companies to all points beyond.

(3) That the island leased shall not be fortified or used as a naval station, or for any purpose whatever not connected with the working and maintenance of the cable.

(4) That the island leased shall be surrendered and vacated by the lessee or lessees if and when the cable and the connecting line to Honolulu are finally and permanently abandoned, and if and when any of the above covenants on the part of the lessees is broken.

M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES,

IN RESPONSE TO

House resolution of February 1, 1895, calling for certain information touching the recent insurrection in the Hawaiian Islands.

FEBRUARY 4, 1895.—Referred to the Committee on Foreign Affairs and ordered to be printed.

To the House of Representatives:

In response to the resolution of the House of Representatives of the 1st instant, calling for certain information touching the recent insurrection in the Hawaiian Islands, I transmit herewith a report of the Secretary of State, with accompanying papers.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 4, 1895.

To the PRESIDENT:

The Secretary of State, to whom was referred the resolution of the House of Representatives, dated February 1, 1895, requesting the President—

To transmit to the House of Representatives, if not incompatible with the public interests, all correspondence, documents, or other information, if any, in the possession of the Government, in regard to arms having been furnished by British subjects to persons in rebellion against the Government of the Hawaiian Islands; or in regard to any intervention by representatives of Great Britain to prevent the application of martial law as proclaimed by said Government to those concerned in said rebellion who claim to be British subjects,

has the honor to report that the Department has no information in regard to arms having been furnished by British subjects to persons in rebellion against the Government of the Hawaiian Islands; but, in a telegram from the United States minister at Honolulu, January 11, forwarded by way of San Francisco, Mr. Willis says: "Arms reported to have been brought from Vancouver by *Norma*."

This telegram and Mr. Willis's dispatch, No. 81, of the same date, were given to the press on their receipt. Copies are also hereto appended.

Although not directly responsive to the resolution, copies are submitted of correspondence exchanged with the United States legation at Honolulu in regard to alleged filibustering movements and apprehended shipments of arms from San Francisco in November last.

The Department of State has no information in regard to any intervention by representatives of Great Britain to prevent the application of martial law as proclaimed by the Hawaiian Government to those concerned in the recent rebellion who claim to be British subjects, or of any foreign representations whatever in the case other than a statement, contained in a note of the Hawaiian minister to the undersigned under date of January 20 last, that "the British commissioner at Honolulu, Mr. Hawes, has called upon the Government of Hawaii to give him assurances that no capital punishment will be inflicted upon the insurrectionists, there being fifteen Englishmen under arrest, which requested assurance the Government has refused to give." Copies of this note of Mr. Thurston and of the reply of the undersigned are also annexed.

Respectfully submitted,

W. Q. GRESHAM.

DEPARTMENT OF STATE,

Washington, February 4, 1895.

No. 1.

Mr. Willis to Mr. Gresham.

No. 75.]

LEGATION OF THE UNITED STATES
Honolulu, Hawaiian Islands, November 10, 1894.

SIR: I inclose herewith for your information copy of communication just received from Hon. Francis M. Hatch, minister of foreign affairs.

Upon receipt of above I sent you, in cipher, the following telegram: "Steamer *Rosalie* or *Alexandria* reported to be shipping arms at San Francisco against this Government."

Very respectfully,

ALBERT S. WILLIS.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, Hawaiian Islands, November 10, 1894.

SIR: Information has just been received at this office tending to show that a filibustering expedition against this Government is being fitted out in San Francisco, and that one of the following vessels, the *Rosalie* or the *Alexandria*, will be used for the purpose. The information points more strongly to the latter.

I desire to ask the good offices of your Government to prevent the shipment of arms on these vessels for such purpose.

I have the honor to be, your obedient servant,

FRANCIS M. HATCH,
Minister of Foreign Affairs.

His Excellency ALBERT S. WILLIS.

No. 2.

Mr. Gresham to Mr. Willis.

No. 54.]

DEPARTMENT OF STATE,
Washington, November 26, 1894.

SIR: I have received your No. 75 of the 10th instant, transmitting a copy of a communication addressed to you on that day by the Hawaiian minister for foreign affairs in regard to a supposed filibustering expedition being fitted out at San Francisco, and confirming your cipher telegram of the 17th instant, which reads:

Steamer *Rosalie* or *Alexandria* reported to be shipping arms at San Francisco against this Government.

On the 19th instant the Hawaiian chargé d'affaires called at the Department on my invitation, and in reply to an inquiry said he had no information that arms had been or were to be shipped from San Francisco for use against the Government of Hawaii. I then handed him your telegram, which he read, and remarked that on the same day he received a telegram from his Government via San Francisco, but that it contained no such information. Mr. Hastings further remarked that he was familiar with our neutrality laws and that he did not think your telegram required action looking to their enforcement.

It does not appear why Mr. Hatch did not communicate to the United States through the Hawaiian legation at Washington information in his possession which he thought tended to show that a filibustering expedition was being fitted out at San Francisco against his Government.

I am, sir, your obedient servant,

W. Q. GRESHAM.

No. 3.

Mr. Willis to Mr. Gresham.

[Confidential]

No. 81.]

LEGATION OF THE UNITED STATES,
Honolulu, Hawaiian Islands, January 11, 1895.

SIR: I have this day forwarded, through United States Dispatch Agent Cooper, the following telegram addressed to you:

At Waikiki Beach, 5 miles from executive building, night of January 6, uprising of Hawaiians, reported several hundred well supplied with arms and ammunition, commanded by Captain Nowlein and R. W. Wilcox. Hon. C. L. Carter, late commissioner, killed first night. Desultory fighting every day since, without further loss of life or property to Government. Three Royalists killed and fifty taken prisoners. Over 50 noncombatants, mostly white, arrested, including 3 ex-attorney-general and many prominent citizens. Martial law declared January 7. No vessels allowed to leave. Other islands reported quiet. Crisis thought to be over, but excitement still intense. President Dole expressed to me his gratification that no national ship has been in port during this disturbance. Arms reported to have been brought from Vancouver by *Norma*.

As reported to you in my No. 79 of January 5, there have been for several weeks rumors of revolt, many of which, as therein stated, I considered well founded. On the 6th instant the first actual encounter took place.

A squad of Government police (Hawaiian), accompanied by Deputy Marshal Brown, Hon. C. L. Carter, and several others, undertook a

search for arms on the premises of a half white, named Bartelmann, who resides on Waikiki Beach, about 5 miles from the center of this city. The searching party was fired on by Royalists secreted in a boat-house near by, resulting in the wounding of several policemen and the death of Hon. Charles L. Carter. Mr. Carter was a prominent lawyer, a member of the commission which visited Washington in the spring of 1893, and has held many other responsible positions. His death seems to be universally regretted.

After more firing, the Royalists retreated to the crater of an extinct volcano (Diamond Head), from which they were the following day dislodged by the Government forces. They are to-day reported to be surrounded in the adjoining mountains, without supplies and reduced to 30 men.

On the morning of the 7th instant martial law was declared, since which probably 60 citizens have been arrested. Among them are 3 ex-attorneys-general and other prominent persons, representing various nationalities. Many of these arrests have been, as the Government officers state, "precautionary." I have the assurance of the attorney-general that the cases of United States citizens under arrest will be promptly investigated and justly dealt with.

In the telegram supra I have quoted the remark of President Dole that he was gratified at the absence from port at this time of any national ship. It gave his Government, he said, an opportunity to prove its ability to take care of itself, which if once done would probably insure permanent peace. Similar views, as I have heretofore reported, were expressed by Minister Hatch when the *Philadelphia* was about to depart.

The number of royalists under arms was not probably half as large as first reported; of foreigners (white) there are not half a dozen. Their leaders are well known here. Nowlein is a half white, who at the time of the revolution of 1893 was commander in chief of the Queen's forces. Since then, he has been captain of a volunteer body guard to her. Wilcox is a half-caste Hawaiian, was educated at the Royal Artillery School in Turin, and there married a cousin of Prince Colonna. He was the leader of the revolution of 1889.

The feeling, indicated by the newspaper slips inclosed, is for extreme measures against all involved, but thus far nothing has been done.

With sentiments of high esteem, I am, sir, very respectfully,

ALBERT S. WILLIS.

No. 4.

Mr. Thurston to Mr. Gresham.

HAWAIIAN LEGATION,
Washington, January 20, 1895.

SIR: I have the honor to inform you that I have received from my Government telegraphic communication stating that the insurrection in Honolulu was broken; that several of the leaders and their remaining followers were fugitives in the mountains; that the British commissioner at Honolulu, Mr. Hawes, has called upon the Government of Hawaii to give him assurances that no capital punishment will be inflicted upon the insurrectionists, there being fifteen Englishmen under arrest, which requested assurance the Government has refused to give.

I am also informed by Mr. Hatch, who is now in San Francisco, that he will return to Honolulu by the steamer *Australia*, the sailing of which has been postponed until Monday next.

From my knowledge of names, localities, and conditions, I believe the press dispatches concerning the details of the insurrection to be substantially correct.

The subject of the presence of an American man-of-war at Honolulu has been recently the subject of discussion in the press and elsewhere.

It does not lie within my province to suggest any course of action on the part of the United States concerning such subject. I feel, however, that it is due to your Government and to the large American population and property interests in Hawaii to state that, although the Government of Hawaii is, and will continue in the future as it has been in the past, fully able to maintain itself against the attacks of all domestic enemies, in view of the serious nature of the charges now pending against a large number of both foreigners and natives, and of other complicating conditions, the state of affairs at the islands is critical; as in the event of further insurrection or complication, although the Government will use every endeavor to protect foreign citizens and their property, it is not impossible that sudden contingencies may arise, or isolated acts of violence take place, against which the Government, with its limited police and military force, may temporarily be unable to afford protection.

With renewed assurances of my high consideration, I have the honor to remain, etc.,

L. A. THURSTON.

No. 5.

Mr. Gresham to Mr. Thurston.

DEPARTMENT OF STATE,
Washington, January 20, 1895.

SIR: I have the honor to acknowledge the receipt of your note of this date, in which, referring to the uprising in Hawaii, you say that although your Government is and will continue in the future, as it has in the past, fully able to maintain itself against the attacks of all domestic enemies, in view of the serious nature of the charges now pending against a large number of both foreigners and natives, and of other complicating conditions, the state of affairs at the islands is critical, and that, owing to its limited police and military force, your Government may not be able, in sudden contingencies, to afford protection to foreign citizens and their property for the time being.

On receipt of a dispatch from Mr. Willis yesterday morning on the subject of the uprising, which was immediately given to the press, a war ship was at once ordered to proceed from San Francisco to Honolulu to afford needed protection to any Americans entitled to it. That fact was also announced by the press Saturday afternoon and this morning, and I naturally supposed that the announcement had attracted your notice.

Accept, sir, the renewed assurances of my highest consideration.

W. Q. GRESHAM.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Copy of a dispatch from Mr. Willis, minister at Hawaii, and the reply thereto.

FEBRUARY 8, 1895.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate and House of Representatives.

I transmit herewith for the information of the Congress a copy of a telegraphic dispatch just received from Mr. Willis, our minister to Hawaii, with a copy of the reply thereto which was immediately sent by the Secretary of State.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 8, 1895.*

Mr. Willis to Mr. Gresham.

[Telegram.]

HONOLULU, *January 30, 1895.* (San Francisco, February 6.)

Revolt over 9th. Casualties: Government, 1; royalist, 2. Court-martial convened 17th; has tried 38 cases; 200 more to be tried and daily arrests. Gulick, former minister, and Seward, minister, major in Federal army, both Americans, and Rickard, Englishman, sentenced to death; all heretofore prominent in politics. T. B. Walker, formerly in the United States Army, imprisonment for life and \$5,000 fine. Other sentences not disclosed, but will probably be death. Requested copies of record for our Government to determine its duty before final sentence, but no answer yet. Bitter feeling and threats of mob violence, which arrival of *Philadelphia* yesterday may prevent. Liliuokalani made prisoner 16th; on 24th relinquished all claims and swore allegiance Republic, imploring clemency for Hawaiians. Government replies to Liliuokalani: "This document can not be taken to exempt you in the slightest degree from personal and individual liability" for

complicity in late conspiracy. Denies that she had any rights since January 14, 1893, when she attempted new constitution. "Fully appreciates her call to disaffected to recognize Republic and will give full consideration to her unselfish appeal for clemency" for participants.

ALBERT S. WILLIS.

COOPER,

United States Dispatch Agent,

Post-office Building, San Francisco, Cal.

Forward following by first steamer to A. S. Willis, United States minister, Honolulu:

"If American citizens were condemned to death by a military tribunal, not for actual participation in reported revolution but for complicity only, or if condemned to death by such a tribunal for actual participation but not after open, fair trial, with opportunity for defense, demand delay of execution, and in either case report to your Government evidence relied on to support death sentence."

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