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J. J. JARVES, Editor.

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COMMUNICATED.

To the Editor.

Sir,—The writer over the signature of "A Resident" in your last paper, says that my interpretation of "Laplace's Treaty," places the French nation in no enviable light; inasmuch as the subjects of his Hawaiian Majesty are guaranteed no rights or privileges in France at all commensurate with those granted to French subjects here; and that such exclusive benefits no magnanimous or generous nation would require, &c.

I see nothing in the treaty which affects the character for magnanimity or generosity of the French toward this people. In the present condition of the commerce and productions of this country, the privileges granted here to the French may perhaps be more valuable than those conferred on Hawaiians in France; yet who shall say that the latter are not as valuable in the abstract, or that at no remote period they may not become so, their importance increasing in proportion as this country develops its resources.

France places this nation, semi-barbarous as it is, on the footing of the most civilized and the most favored! yet "A Resident" attempts to make it appear that the privilege is of no value! The same commercial benefits granted by this people to the French are also by existing treaties or understandings granted to England and the United States, yet according to "A Resident," it would not be magnanimous or generous in those nations to avail themselves of the same, because, they are great and powerful and this is weak and powerless: on this point we shall see what time will develop.

I am asked to explain how Sandwich Island produce can be prohibited in France, when French produce and merchandises are here at a duty of only five per cent, &c.

I answer, because the Treaty, the Law of the two countries declares that such shall be the case—why the contracting parties made the treaty; what particular motives, inducements or influences gov-

erned his Hawaiian Majesty in affixing his signature to it, cannot be expected of me to explain.

"What moves the grand machine,
Nor stirs my curiosity nor spleen;
Secrets of State, no more I wish to know,
Than secret movements of a puppet show."

My not having been in His Majesty's councils or confidence, will I trust be a sufficient reason for not being able to gratify "A Resident" on the points alluded to.

Allow me to say—that "reciprocity" in commercial contracts among nations, is not nor ever has been considered necessary or essential to justice in forming them. The republic of the United States indeed has ever been willing to act upon that principle—not because she thinks it magnanimous, generous or just, but from matters of policy, under belief that the industry, commercial enterprise and genius possessed by her sons will enable them to compete successfully with any people, when placed on a footing of equality in rights and privileges.

Because France chooses not to grant this people the same commercial privileges claimed for and allowed to her own subjects—is she, that great and glorious nation, to be branded with the vile epithet of "ROBBER"? Sir, the blood of indignation mantled into my cheeks as I read it!

I commend "A Resident" to a more proper and prudent use of invective.

The admonition "to beware how I" show up "La Belle-France" is quite supererogatory. That nation which by the brilliancy of its genius, the light of its science, and its valorous heroism has raised itself to be the first, or among the first countries of the globe in every thing appertaining to civilization, requires neither encomium or defence from my humble pen—needs no "showing up" even in this remote corner of the world.

There is the history of France—it is before the world. That there are dark pages in it, is little to be doubted—with such can every country be charged—and such will be the case as long as human nature remains unchanged.

NOTE. Since the above was written, a conversation with the French Consul has been held, relative to the proper construction or interpretation of Article 6th of the Treaty—and I am authorized to say, that he does not question the right of this government to levy and collect any duty it pleases on all French merchandise and productions, (*Wines and Brandies excepted*), provided the like duties are levied and collected on the merchandise and productions of other countries: Such was the understanding of himself and Capt. Laplace, at the time the Treaty was made. And if the public have received a contrary impression they are in error.

August 31st.

A MERCHANT.

For the Polynesian.

Mr. Editor,—SIR, In your journal of the 22nd inst. there is a communication from "A Merchant," containing the "Laplace Treaty," with some remarks. And in your paper of the 29th, an answer by "A Resident."

We agree with a merchant that there is no obscurity in the meaning of the Treaty. It grants no reciprocal commercial advantages whatever. No reciprocity beyond personal protection, mutually extended to the subjects

of each government, whilst they may be sojourning in the dominions of the other.

This interpretation of the Treaty is not only obvious upon its face, but confirmed by circumstances as the following brief sketch of the French protective policy will show.

The total amount of impost, viz. entrance duties, commission, &c. on French colonial sugar is 162 per cent upon the prime cost in the colonies. This enormous duty is laid to protect the beet sugar manufacturers, the primitive cost of whose sugar is about 66 per cent. more than the colonial. Upon this there is a duty of about 20 per cent., but still enabling the beet manufacturer to undersell the colonial dealers by a heavy per centage. The French Chambers of Commerce established in the different cities of Toulon, Marseilles, Bordeaux, &c., have for many years used all their influence with the French Legislature to get the colonial and native sugar put upon the same footing, but without success.

Forty three rail-roads have been discontinued for want of iron, the duty upon which is 200 per cent.

The same duty is also levied upon coal. This indeed seems singular, as the country is said to be unprovided with a sufficient supply of the two latter indispensable articles to meet the demand. Says a writer, "We find recently, by a comparison of the French commercial returns for 1836 and 1837, that the commercial intercourse of France has remained stationary with Belgium; diminished 7 per cent. with England; 17 per cent. with Switzerland; 23 per cent. with Spain; and 27 per cent. with Germany."* This diminution of trade is doubtless chiefly if not wholly owing to the high tariff imposed on foreign merchandise by the French government. With the above facts before us, is there a probability, or we might say a possibility that the French government would authorize any of its agents to negotiate a commercial treaty granting immunities to a foreign government far greater than those which had been perseveringly prayed for by its own subjects, for years in succession, but had been as steadily withheld. We think not, and if any of its agents has negotiated such a treaty, he has doubtless exceeded his powers, and the treaty would only be remitted to France for rejection.

The communication of "A Resident" seems to be chiefly made up of inferences drawn from "A Merchant's" interpretation.

We think the inferences are correct. The treaty to a reflecting mind carries its own condemnation along with it. No person of even the most ordinary degree of intelligence, and the most limited observation, need be told of the existence of that principle in human nature, which leads all individuals, collective bodies, and governments, when acting freely, to seek the advancement of their own best interests. When we see a treaty then make its appearance negotiated by two sovereign powers, by the conditions of which, one, and that the weaker of the two, yields up rights, either ostensibly or virtually, which are the exclusive prerogatives of independent governments, without any equivalent, the conclusion irresistibly forces itself upon us, that it is the offspring of fear on the part of the weaker power; that it is only a choice of evils, the evil of yielding assent, great as it may be, being considered inferior to that

* See French colonial duties and German commercial league, in the Foreign Quarterly Review for Jan. 1839.

which would result from a refusal. These remarks apply to the Treaty in question. It yields important rights for which it receives no equivalent at all commensurate with the value of its concessions. In short, it may be said to grant every thing and receive nothing. By it the government of the Sandwich Islands has virtually put it out of its power to enact revenue laws for its own maintenance and the good of the country. A right, so essential to the existence of independent governments, that, without it, they cannot be considered as really independent. It can adopt no protective policy to encourage the industry of its own subjects, as nearly all independent nations do, and none more exclusively so than the French.

By the fourth Article also, which grants to Frenchmen who are obnoxious to the action of the civil or criminal law, trial only by a foreign jury, chosen by the French Consul, the government has been shorn of the power to execute impartially and alike upon foreigner and native its civil and criminal laws.

Sir Stephen Lushington, Judge of the British Admiralty Court, in a speech in the British Legislature, on the 19th of March, 1839, says, "That he had never yet heard that the natives of a nation dwelling in another nation, could claim freedom from the laws of the land, and never that one State should say to another, I will have a commercial treaty for my own advantage; you shall not exercise the great and important right of all States to make treaties of commerce according to your notions of advantage." Of this speech a writer says, "The importance and conclusive character of Sir Stephen Lushington's speech, together with the fact of his being now on the bench, advised by that great international judge, Lord Stowell, which gives to it a weight and influence of the most decided description, will render useless any abbreviation of the addresses of the subsequent speakers." Lord Palmerston also said on the same occasion, "That it was not fitting to a country, by force of arms, to compel another to conclude a treaty of commerce."*

We agree with the British statesmen in their remarks, because they are the dictates of common sense, and (however widely nations may have deviated from them in practice) from time immemorial have been acknowledged as rules of equity proper to be adopted in international intercourse.

It may be asked in what manner the power of the Sandwich Islands government to enact revenue laws has been abridged by the Treaty? We answer, that French merchandises by Article 6th cannot be prohibited at all, however much the interests of the nation may require it, and 5 per cent is the highest duty which can be levied. Great Britain and the United States have treaties placing them upon the footing of the most favored nations; and is it to be supposed that other powerful nations, should they engage in commerce with the Sandwich Islands, will accept less favorable terms? Certainly not. The power of prohibition thus being taken away from the government, and 5 per cent. being the maximum duty which may be levied upon foreign merchandises, and this in so limited a commerce as that of these islands must be for many years to come, being hardly adequate to defray custom

* New York Mercury and Journal of Commerce, April 25, 1839.