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## FULL TEXT OF GORHAM D. GILMAN'S MOHONK SPEECH



HON. GORHAM D. GILMAN.

The full text of Hon. Gorham D. Gilman's address on Hawaii at the Mohonk Conference appears below:

Mr. President, Ladies and Gentlemen: I regret that the limited time allotted to me prevents my giving you some account of one of the most interesting people of the island world of the great Pacific, of their early history, traditions, customs, government, of their discovery and development from barbarism, idolatry and degradation to civilization and Christianity—all within the comparatively short space of a hundred and a few years, of the great active and extinct volcanoes, of its beautiful valleys and scenery, and all the attractions of a Paradise of nature, but I must confine myself to a brief resume.

### THE TERRITORY OF HAWAII—THE CROSS-ROADS OF THE GREAT OCEAN—THE PARADISE OF THE PACIFIC.

The political evolution of Hawaii from savage feudalism to royal authority, to a republic and now to a close union with a great nation affords material for a most interesting study, and the tremendous changes of the last thirteen years especially.

In January, 1891, King Kalakaua died, and his sister, Queen Liliuokalani, became the reigning sovereign. Under the Queen was continued the conflict begun under the King, between those with whom had not completely died out the despotic ideas of a feudal ancestry, and those who had imbibed the principles of Anglo-Saxon liberty. This conflict culminated in the attempt of the Queen in January, 1893, to overthrow the Constitution she had solemnly sworn to support, proclaim one which would have destroyed most of the safeguards to life and property, and introduce a strongly autocratic government.

She failed and to the monarchy succeeded the "Provisional Government," its title designating its character—its aim to promote the union of the islands to the United States. But unexpected obstacles intervened, and in self-defense the foreign population, with some native Hawaiians, combined to constitute the "Republic of Hawaii," Hon. Sanford B. Dole continuing to act as chief executive. Efforts were continued to secure the primary object of the Provisional Government, the admission to the United States. The tender of the islands to this country was repeatedly made until by the "Newlands Resolution," passed by both Houses of Congress, signed by President McKinley April 30, 1900, the islands were admitted as a territory of the United States.

The early missionaries of the A. B. C. F. M. to Hawaii were instructed not to interfere in the political affairs of the country to which they were sent. They were Americans, however, who had been educated in the principles of civil and religious liberty, and although they obeyed their instructions they could not well help teaching as they had been taught, that where there is light there is liberty, and in the light of the Gospel is freedom and progress.

Today the missionary pioneers have passed to their reward, and are entitled to grateful remembrance for work well done, but their children, the active forces in the country, have now come into the place of influence and power. Others also, not "sons," but those who went from this country, Germany and England and her colonies, inheriting the same fundamental principles, the same desire for safe, stable and constitutional government, united in one common cause in which also the intelligent and educated Hawaiians heartily joined, that the words of King Kamehameha III, the motto on the seal of State might be perpetuated, "The life of the land is established in righteousness."

In the institution by Congress of the Territory of Hawaii the little republic which had always been the protector and guardian of the once far off isles of the Pacific. It was a most alluring anticipation to those children of Anglo-Saxon blood that by this union with the mother country they were at once to

obtain the best advantages of American life, national, educational, social and religious, and thus fulfill the hopes and prayers of the early pioneers.

There has been a rude awakening from such pleasant dreams. True, the flag of a common country floats over the new possessions, and the protection of the laws of the greatest republic on the earth has been extended to the little Territory, but those laws have been so interpreted that there has been turmoil where peace was hoped for, and justice strained in behalf of the transgressor, and the evil influence of political "pull" exercised from Washington, has made itself felt, much to the detriment of good government and frustration of hope.

Most unfortunately for Hawaii, on coming into the United States, it was destined to share the experiences of other newly-established territories. Adventurers, seeking only personal gains by the readiest and shortest means, flocked from the mainland as vultures to their prey. Such carpet-baggers are ready to use any means to secure their ends. They assumed to be the only truly representative Americans, for had they not just come from this country? and almost immediately they began to form an "American Party" to control affairs, ignoring those who combined pride and loyalty to their American blood and ancestry, with a knowledge and sympathy with the Hawaiians, which much better qualified them to guide the newly made citizens in the paths of self-government.

In the Organic Law enacted by Congress (Continued on page 6.)

## THE FUNDAMENTAL LAW OF HAWAII: A NEW LAW BOOK

The Hawaiian Gazette Company, Ltd., announce the publication of a book, edited and indexed by Lorrin A. Thurston, containing the several constitutions and other fundamental laws of earlier days, the annexation treaty, resolutions and procedure and the Organic Act.

The book contains 298 pages of text and 138 pages of index. It is printed in regulation law book type and style and is substantially bound in calf skin.

The price is \$5. The scope and character of the book and the reasons for its publication are given in the preface, which is as follows:

### PREFACE TO THE FUNDAMENTAL LAW OF HAWAII.

Congress has expressly enacted a law organizing Hawaii into a Territory, and extended the provisions of the United States Constitution to the Territory.

In a restricted sense, therefore, the United States Constitution and the Organic Act constitute Hawaii's fundamental law; but the Organic Act specifically re-enacts the great body of pre-existing Hawaiian statute law, which was based upon the several Hawaiian Constitutions and organic laws.

A large proportion of the law governing real estate, property and personal rights in Hawaii being based upon these early constitutions and laws; and precedents, decisions and court practice having grown out of them, it is necessary to consult them in order to have a comprehensive understanding of existing Hawaiian law. They are nearly all published, however, in books now out of print, and in scattered volumes, inaccessible to many, and inconveniently located for all. In fact, not even practicing lawyers in Hawaii can, except at considerable loss of time, place their hands on the laws and constitutions necessary for the study and decision of practical questions continually being presented to them.

Under these circumstances it is believed that the public interest requires the re-publication in convenient reference form of what may be called "the fundamental law of Hawaii." To meet this requirement the following constitutions, laws and documents have been compiled under the common title of "The Fundamental Law of Hawaii," viz.:

1. The first Constitution of Kamehameha III, 1840, including the previously issued Bill of Rights.
2. The first laws of Hawaii, enacted under Kamehameha III, (1833-1842), published together in 1842.
3. The law creating and principles guiding the Land Commission.
4. The second Constitution of Kamehameha III, 1852.
5. The Constitution of Kamehameha V, 1864.
6. The Constitution of Kalakaua, 1887.
7. The Proclamation and orders incident to the establishment of the Provisional Government, 1893.
8. The Constitution of the Republic of Hawaii, 1894.
9. The treaty annexing Hawaii to the United States, 1897.
10. The Resolution of the Hawaiian Senate ratifying the annexation treaty, 1897.
11. The Joint Resolution of Congress annexing Hawaii, 1898.
12. The documents and procedure incident to the transfer of the sovereignty and possession of Hawaii to the United States, 1898; and the executive orders of President McKinley, relating to the government of Hawaii, issued during the transition period between the date of annexation and the passage of the Organic Act, 1898-1900.
13. The Act of Congress organizing Hawaii into a Territory, 1900.

The laws of 1842 are not "fundamental" in the sense that the constitutions and other laws and documents are; but they have been included herein for the reason that they were not only the first written laws of Hawaii, but embodied many of the pre-existing laws and customs of the country and therefore throw a strong light upon the origin and development of much of the present law.

Only a few of the laws, constitutions and documents re-published, have ever been indexed. A full index of all of them is included herein. Instead of one general index, each is indexed separately. The reason for such treatment is that reference will usually be desired to a given subject in some one law or constitution. The subject sought will be much easier found in the short index of the particular law, than it would have been in a necessarily long index of the whole.

The table of contents gives the page of each constitution and law and of its index.

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