Supplement to the Hawaiian Gazette, Honolulu, Wednesday, June 7th, 1876.

DEBATE ON THE RESOLUTION OF WANT OF CONFIDENCE.

We present herewith, a report of the speeches in the Assembly of the His Excellency W. L. Green, Hon. S. S. Cook, and the Hon. Godfrey Rhodes, on the resolution introduced by the latter gentleman on Friday last, expressing a want of confidence in the Ministry. (See proceedings of that day).

The Hon. Godfrey Rhodes wished to ask one question. He would suggest to the Minister of Foreign Affairs whether a statement which he found in a San Francisco newspaper was correct. The Hon. Noble read the paragraph, which was to the effect, that the Americans had assented to the Reciprocity Treaty some special rights or privileges in Hawaiian ports which would enable them to establish a naval station to the exclusion of other foreign powers.

The Minister of Foreign Affairs said that he had seen the paragraph within an hour of the arrival of the mail, and he was happy to inform the Hon. Noble and the House that it was one mass of truth from beginning to end. There in fact there was not a shadow of ground for any such statements.

The Minister said that he had had so far no opportunity of explaining to the House anything about the Reciprocity Treaty. It had entirely appeared so numerous whether the necessary law to carry it into operation would pass Congress, that it had been considered better to delay any explanation until some more definite news arrived.

Mr. Chairman, the smoke of the guns had hardly cleared away which announced the arrival of the vessel bringing the glorious news of the passage of that law in the House of Representatives in Washington, when the Hon. Noble stepped down from the Premier's Chair and brought this resolution before the House, of want of confidence in His Majesty's Ministers for not referring that Treaty to this Assembly.

I will now endeavor to explain to the Assembly what the Ministers have done in the matter, but the Assembly will no doubt bear in mind that the present Attorney General has only recently arrived, and is not responsible for what has been done—indeed this matter is especially in my Department, and I am quite prepared to take the responsibility connected with it.

To go back two years, I may say at the opening of the Legislative Assembly of 1874, I was not sanguine about being able to get a Reciprocity Treaty with the United States and I therefore rather threw cold water on the attempt to obtain it, not Mr. Chairman, because I did not believe that the Treaty would be a good thing for this country, but because I considered it no good for this country that I feared we would scarcely get it, and as we have been twenty years trying to get it without any result, was afraid that it would be wasting our energies and our time to continue trying for something we should never obtain. But, Mr. Chairman, several American gentlemen assured me that there was still a good chance of getting a Treaty, and as I relied upon their judgment I said, well let us try once more. The gentlemen then went to Boston and said to obtain the Treaty, and Mr. Chairman, we have obtained it, but I take this opportunity to disclaim any credit for myself for if the Treaty had depended upon my action, unaccompanied by others, we should have had no Treaty to-day. All the credit I claim in the matter is that I did not interfere in my opinion, for reasons to those whom I consulted, I thought my views of this country were better than I did.

Let us pause a moment to consider what this Reciprocity Treaty really is, for I am aware many people in this country are possibly misled by Hon. Ministers talking of it as a Reciprocity Treaty with the United States. I consider I am not altogether surprised at this, for the idea is now almost inseparably connected in the many people's minds with the Peari River question, in which a question of territory was supposed, and of which I never approved. But, Mr. Chairman, there is no Pearl River about this Treaty. Honorable Hon. Members will remember when the bill to facilitate the negotiation of a Treaty of Reciprocity was introduced last session, I then wanted to the Assembly and it was distinctly understood by them that it was a matter of territory which we should be compelled to cede, and it was very well known that neither the people nor the Ministers favored any such idea.

Now what does this country gain and lose by this Treaty? The first amount of gain is easily calculated. I consider it is from $50,000 clear gain for every year it lasts. This is no wild statement. Our exports of sugar last year were 25,000,000 pounds. The whole of this will now go to the United States. The amount of duty which we shall get for this sugar on account of the reduction of duties in the United States has been estimated at not less than two cents per pound. This alone would show a gain to this country of $500,000. Then there is the articles of use which almost every Hawaiian in the Kingdom use every day if he likes and which takes little or no capital to start. The articles of duties in rice by this Treaty will, at two cents per pound, be almost $200,000 a year, even at the present rate of production, but much more can be grown, and this will perhaps be better for the people generally than the reduction of the duties on sugar, because almost everybody was directly partaker of the benefit. It will be necessary now to allude to the other articles of Hawaiian production of smaller importance, on which the duties will be taken off in the United States.

But it has been said, we lose $60,000 in revenue on the duties on American goods. Mr. Chairman, it is true we shall have to look to some other source for this $60,000 of revenue, but in point of fact this country does not lose a cent of revenue as can be explained in a moment. It is a well understood principle that in almost every instance the consumer pays the duty. This is to say that although the importer may go to the Custom House and pay the duty, he charges it to the consumer; so that this $60,000 duty on American goods is really a tax upon our own consumer. Therefore, under the Reciprocity Treaty, the consumers of these goods will be relieved of a tax which will have to be placed on something or somebody else. Now if we take this list of American goods which come in free under the Treaty, we shall find they are almost all articles of low necessity, or as it were, raw material, and on much the same principles they should come in free any way. If I had the arranging of our tariff, I would take off the duties on all the articles in that schedule of the Treaty, admitting certain articles free of duty, except those in the last schedule. They are mostly the articles which every Hawaiian wants, so that it is evident the country loses nothing, and all there is to consider is, that by a different arrangement in duties and other taxes, the $60,000 may be raised from those who can better afford to pay it. The poorer classes will gain in two ways by this Treaty, they will get their lumber, their flour and bread and other necessaries of life at a lower price, while the labor of their hands will be at a higher price and worth more to them.

But, Mr. Chairman, I do not think there are two members of this Assembly who do not admit that this Treaty will be a great gain to this country, and to every single man in it.

But to go back to the action of the government. What was the Act of 1874? To facilitate the negotiation of a Treaty or Treaties of Reciprocity. You have all got it before you, and have no doubt read it over and over again. I need not quote the words, but what does it say in effect? It says it says, "We want a Treaty of Reciprocity with the United States, go about and make one, and ratify it without waiting to have it approved of by the next Legislature. The Legislature approves of it now, and by this approval, the 20th Art. of the Constitution is obeyed."

The Treaty, Mr. Chairman, was negotiated in Washington on the 21 day of Jan. 1875, between Hamilton Fish, United States Secretary of State on the one part, and His Honor Chief Justice Allen and the Hon. H. A. P. Carter, on the part of this country. It passed the Senate of the United States on the 18th of March with certain amendments. It was sent here for ratification in April, and on the 17th of the same month His Majesty, with the advice of the Cabinet, ratified it. Ratifications were exchanged in Washington on the 21 day of June, 1875. This country then became bound to this Treaty irrevocably. All that was left to be done was that the United States Congress should pass a law in accordance with the 5th Art. of the Treaty to carry it into operation. Congress met in December of the same year, and in November His Honor Chief Justice Allen, our Envoy, who had negotiated the Treaty, was despatched to Washington to look after its final passage in Congress, and to arrange with the United States Secretary of State the exact date when it should go into operation in both countries. Our Envoy, as well as the Hon. Mr. Carter, hoped that the necessary law might have passed Congress even as early as December, and that this country might have been enjoying the benefits of this Treaty as early as January last. But many events which I need not now refer to, conspired to delay the passage of the necessary law in Congress. I may say that I and the members of the Cabinet at the time of the ratification of the Treaty by His Majesty, never entertained any question about the constitutionality of the law of 1874 and of the propriety of our advising His Majesty to conclude and ratify the Treaty in accordance with it, and it is quite clear the last Legislature never had any doubt about it. The late Attorney General who, as you all know was a good lawyer, helped to pass that law, and had therefore no doubt about the matter; the Cabinet knew that two at least of the Judges of the Supreme Court had no doubt about it, whilst Judge Judd knew perfectly well that we were about to advise His Majesty to ratify the Treaty, and expressed no doubts to us. There was really nobody left whose doubts need have influenced us if we had heard them, but we then heard no doubts or questions. But when the Chief Justice was about to depart on his second mission to Washington, he considered that it might be well, in case the question came up then, as to whether any further legislation would be required here, to have something to show. I therefore addressed to the Judges of the Supreme Court the letter of which this is the copy, and I received their answer to it, both of which the Clerk will read.

DEPARTMENT OF FOREIGN AFFAIRS
HONOLULU, NOVEMBER 11th, 1875.

To the Honorable Elisha H. Allen, Chief Justice of the Supreme Court; C. C. Harris, 1st Associate; A. F. Judd, 2nd Associate.

As our Minister Plenipotentiary and Envoy Extraordinary proceeds by first steamer to Washington to be present during the next session of the United Congress, which will be called upon to pass a law to render operative the Convention of Commercial Reciprocity, negotiated with the United States Government and signed on the 30th January last, I have now to request that Your Honors will inform me, whether in your opinion any further legislation is required on the part of the Hawaiian Kingdom to allow the said Treaty to go into operation. I enclose herewith a printed copy of said Convention, and of the Act of 1st August 1874, for convenience of reference.

I have the honor to be
Your most obedient servant,
(Signed) W. L. GREEN.

DEPARTMENT OF JUDICIARY.
11th NOVEMBER 1875.

Mr. KINISTER:—We have the honor to acknowledge the receipt of your communication of this date, requesting an opinion whether any further legislation is required on the part of the Hawaiian Kingdom to allow the Treaty of Reciprocity with the United States to go into operation.

The Act of the first of August 1874, a printed copy of which we annex, sets forth accurately in its precise the Constitutional provision on the subject of Treaties involving a change in the Tariff.

The Treaty under consideration does not involve any change in the present tariff, but is a Convention with the United States that the Articles mentioned in a Schedule attached shall come in without being subjected to the tariff in view of similar privileges in favor of some Hawaiian products to be introduced into the United States.

So that it is exceedingly doubtful whether the Assent of the Legislature will be required at all; but whether this construction be a sound one or not, it will be seen that the Constitution requires that such a treaty should be referred to the Legislature for approval. We are of the opinion, that the requirements of the Constitution have been complied with in this respect and that no further legislation is necessary. Such likewise we believe is the opinion of Judge Judd who is now absent on Hawaii, holding the Circuit Court on that Island; but on his return, if Your Excellency shall think it desirable, we do not doubt that he will expressly concur in this opinion.

I have the honor to be Mr. Minister
Your obedient servants,
(Signed) ELISHA H. ALLEN.
(Signed) C. C. HARRIS.

Mr. Chairman, if this government, or if I, have done anything wrong in this matter, that wrong was done over thirteen months ago, when I, in conjunction with the late Attorney-General and the Cabinet, advised His Majesty to ratify this treaty, and thus bind the country and have it pushed to its conclusion on the part of the United States at the earliest possible date. And why should we not then recommend the ratification Mr. Chairman, of this great treaty? We were advised, and believed, and we believe now that it was the only true, the only safe course to pursue if we wanted to get it. Yes, Mr. Chairman, we then decided to close this bargain with the Great United States, and to rely on their sense of honor and propriety to see it concluded by their Congress. The result has justified our action. What! should we have hesitated because somebody had come and told us that perhaps the law of 1874 was unconstitutional, which, however, nobody then did. Somebody told us? Who? Perhaps, Mr. Chairman my respected grandmother might have suggested to me that the law of 1874 was unconstitutional. But the Legislature, the Cabinet and the Judges of the Supreme Court all concurred in the opinion that it was. I should have been a simpleton, Mr. Chairman, and unfit for the position which I hold, to have hesitated a moment at that time in concluding this great bargain. But, Mr. Chairman, it has been urged that now the circumstances are altered, that the law of 1874 only contemplated a treaty concluded before the next session of the Legislature. That when this Assembly met, the law of 1874 became void, dead. Yes, Mr. Chairman, it did, but while it lived and long before this Assembly met, that law produced the results intended by it, it had given birth to a child—the Reciprocity treaty with the United States. Is that treaty dead? No, Mr. Chairman, it lives, and this country is in honor bound to it. There is nothing whatever, concerning the treaty to bring before this Assembly now, the last one relieved us of this duty. The treaty was concluded as far as we are concerned, long before, over a year before this Assembly met. There is still another crude notion which I perhaps ought to notice, which one of our newspapers has advanced, and I may say both the Honolulu newspapers have taken in my opinion wrong, although different views on this subject. The idea is this, that inasmuch as the government is sure of a vote in favor of the treaty they might as well bring it up before the Assembly, pass it and make everything comfortable.

The Honorable Mr. Rhodes has stated that he did not entertain this view. But, Mr. Chairman, I will not insult this house by supposing it possible that they would wish us to place the treaty before them for consideration, only because we knew they would vote in favor and not against it. No, if it came before the House at all, it must come for their reception or rejection as might seem good to them. And that cannot be, for the country is already bound to it, by the action of every power and body which can give a treaty force, including that of the Legislative Assembly. I therefore can never bring this treaty before this Assembly. I have closed the bargain and if I knew my punishment for not bringing it before the Assembly was to be taken out into the plaza and shot, I would not do so. That is not the way I have been in the habit of making bargains, either in a private capacity or as a Minister of the State.

I should mention that with regard to the amendment to the IV. article of the treaty by the U. S. Senate, an explanation may well be asked. I did not quite understand the amendment myself when I first read it. The amendment 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 privilege or rights of any kind therein, to any other power, state or government.

This is the clause respecting which the Honorable member for Lahaina asked me a question in this House, namely, whether the Representatives of any foreign government had made any protest or objection to it. I answered the Honorable member that no Representative of any foreign government had made any protest or objection to it.

On that reply, the introducer of the resolution now under discussion, the Honorable Mr. Rhodes, took the opportunity of trying to cast a doubt a few days ago by stating that my reply was something different to what the Honorable gentleman had understood me to say in Privy Council. I will now state what I did say in Privy Council in this regard, and there are many here who heard me. The question of immigration was being discussed and the propriety of this government applying to the government of Great Britain through the British Representative here for permission and assistance in bringing East Indians to this country from East India. I then stated (this meeting occurred some time ago) that a copy of the Treaty of Reciprocity had been sent to the diplomatic representatives in Honolulu, namely, of Great Britain, France and the United States, and that the representative of Great Britain had asked for explanations respecting the amendment to the fourth article of the treaty, and that correspondence on the subject was still pending both between myself and the British representative, and I believe between the latter and the British Government, and that until some satisfactory conclusion had been arrived at, I considered it an unsuitable moment to go to the British government to ask them to help us to get their people to these islands in order to grow sugar for the American market under the impose of an exclusive treaty about which they were at that instant asking explanations, and which certainly read very much like having them and all other foreign countries except the United States "out in the cold." I have now great pleasure in being able to state to this Assembly that the British Government has had the treaty and the amendment to the 4th article under consideration and that after the explanations which have been given they have no objection or protest to make to any part of the treaty whatever.

And in fact a little consideration shows that although this amendment does read rather roughly, it really means very little. It would have been a great objection, no doubt, if this amendment gave the United States any exclusive privilege to any port, harbor, or other territory in this country, not enjoyed by other powers, and it was not unnatural that the British Government might fear as the Hon. introducer of this resolution did, that there was, you hope, some secret arrangement, or another Pearl River Scheme connected with this treaty which did not appear on the face of it. But when they were assured, as I assure you that there is nothing at all of the kind, the British Government were quite satisfied. The amount of the whole matter is just this: This country does not intend to cede any territory or special rights and privileges in its ports to the United States, and it has agreed that it never will do so to any other power as long as this treaty remains in force. We have agreed not to do what we intended not to do anyway. And this is really all that the American Government want. If they are not to have an exclusive naval station, they don't want any other power to have one. The fact is, this stipulation, when properly understood, just suits everybody.

This Assembly will no doubt notice the very different method of going about a thing, pursued by the British Representative, and the British Ministers, and the Hon. gentleman who introduces this resolution of want of confidence in the Ministry. They live sensible men, when they see something in this treaty they don't understand, go to the proper quarter, and in any intelligent and intelligible manner ask for explanations; after which they would be in a position to make protests or objections, or not as might seem good to them, whilst our Hon. President on the other hand first rushes in his resolution without giving a moment's notice of want of confidence in the Ministry for what they have done, and what they are going to do about the treaty; and then proceeds to find out what it is they have done, and what they are going to do.

The Hon. introducer of this resolution has made some charges against myself in particular which were not in the indictment, and which have reference to my action with respect to the now celebrated memorial; the Government answer to that document, and the reply of W. L. Green to the same. I hope when the proper occasion arrives to have something to say on these points, but at the present moment they seem to be so outrageously beside the question that I shall not waste the time of the Assembly in replying to them.

I must, however, admit a certain amount of connection between the memorial and this resolution. Both documents are headed by the Hon. Godfrey Rhodes, whilst the resolution now before this Assembly states in clear and unmistakable language what the memorial conveyed in all kinds of language, except clear and unmistakably, namely, the immense importance to this country of an immediate change of Ministry. The memorial signally failed in that object, whilst this resolution is certain to meet a similar fate. This is the second time within a few months that the Hon. Noble has headed a document, the apparent object of which is to turn out His Majesty's Ministers, and this is the second time that such a document has failed in so doing. This is the second time within a few months that the Hon. Noble has provoked a pugilistic encounter, so to speak, with His Majesty's Minister of Foreign Affairs, and the second time he has succeeded in getting his head "into Chancery," and left the Ministers nothing to do but to pummel him; but, Mr. Chairman, I refrain.

The Hon. Mr. Castle said:

Mr. Chairman: The resolution before the House is one expressing want of confidence in the Ministry, especially for their action in the Reciprocity Treaty, or their not bringing it before the present Legislature for ratification, according to the provisions of the Constitution.

The Minister of Foreign Relations has most clearly shown, that in negotiating and perfecting the treaty, thirteen months before the assembling of this Legislature, (so far as the binding act of this government was concerned) they have acted in strict conformity with the law of 1874, passed by that Legislature for this express purpose, and that both the law and the ministerial action under it were fortified by the written opinion of the Supreme Court. I was not aware until I heard his remarks, that the ministerial action was so clearly sustained by the highest judicial authority in the kingdom, though I have regarded it as in strict obedience to and conformity with the law of 1874. So far from censuring the Ministry for their action in the matter of the Reciprocity Treaty, it meets my most cordial support and approbation, and I feel more like joining the honorable member from Wailuku, in thanksgiving for the treaty, with thanks to the Ministry and all concerned in its negotiation, for their faithful and successful efforts in its accomplishment, than condemning them for what they have done. It is a boon which we have asked from the United States for twenty-one years, and kindly as they have felt towards this nation, until now they have felt it to be too much to grant, still whilst the benefit is at present largely on our side, I believe it will be mutual. We shall sell them our products, and in return they will sell to us still more largely of theirs. We have sent Judges Lee, Allen, Harris, and Hon. Messrs. Smith and Carter, who have all worked ably and earnestly: treaties have been made, but until this one the Senate have never ratified them, and I commend the Ministry for so heartily and successfully carrying out the purpose of the law of 1874, and I thank that Legislature for the law. Some of its members are here to-day in this Assembly. The President of the United States extended to the King a courteous invitation to visit Washington, and upon acceptance sent a ship of war to bring the nation's guest, accompanied with two of our honored governors. He was borne across the continent in a palace car, and entertained with princely hospitality from San Francisco to Boston. The President further showed the good will of the United States by granting to Mr. Peirce, their Minister, leave of absence to accompany their royal guest. And he too did good service for us. The presence of the King and faithful labors of our envoys have given to us now the treaty for which we have sought so long, and for which we have occasion for gratitude.

His Majesty the King was returned in the same hospitable manner in a first class frigate commanded by one of the gallant admirals of the nation whose hospitality he had experienced; and although the treaty itself was not negotiated till after his return, yet there is no doubt but the favorable impression made by his visit contributed materially to the success of the negotiations.

Some indeed feel that only a few planters will be benefitted, but I do not think so. The benefit will be to all. A spring sends out its fertilizing waters, and wherever they flow they cause food to grow, for man and beast. Let it be dried up and its waters cease to flow, and sterility and barrenness will follow all along their course, perhaps distress and starvation. There are large factories in Manchester, England, with comparatively few owners. They employ thousands of laborers and mechanics and machinists, and ships to bring their supplies and export their manufactures, and agriculturalists to supply the food of all these classes, and merchants to dispose of their goods. The factories are few, but their blessings are shared by untold thousands. A few years since, when their supply was cut off by the civil war in the United States, it caused wide-spread distress, showing how great was the blessing of the *few* factories to the *whole* community.

The plantations are the springs, the factories of Hawaii, from which flow most of her material prosperity. They employ thousands of laborers, and machinists and mechanics, and schooners to carry their sugars, whom in their turn buy their food of our agriculturalists, their clothing and merchandise of our merchants, who in their turn contribute their duties on their merchandise (for which a market is thus provided) to the revenue, from which our government in all its branches is supported. Without the treaty the greater part of our plantations, as I believe, must gradually have gone down, and the fountains of our prosperity have been dried up.

The planting interests have cost in round numbers $14,000,000, for which $12,000,000 only have been earned in return. Some plantations have done well on account chiefly of superior fertility, but many I repeat could not continue to stand the strain of so heavy losses long without relief; and with their stoppage, the large sums of money which they have been accustomed to pay to all classes must cease. We know of nothing to take their place. There are some industries in the country, like wool-growing, which are supposed to pay, and treaties for their protection are not a necessity; but for sugar, decidedly the great staple of the country, they are, though a *few* plantations would flourish without such aid. The treaty then, though not necessary to every one, will be a great and direct blessing to nearly all of the population.

With these views honestly held, I cannot vote a censure or want of confidence in the Ministry, who have labored successfully in obedience to the law as construed by the highest tribunal in the land to obtain the treaty.

The Hon Godfrey Rhodes said:

Mr Chairman: I had the floor yesterday, but the Minister of Foreign Relations complaining that he had not had time to say anything so many questions had been asked him, I gave it up to him—he became very pugnacious, so much so that I almost thought at one time he was going to assault me personally, and he did throw his respected grandmother at my head. I intend to behave to the venerable lady in a more courteous manner than her degenerate descendant has done, and hand her gently from the room, as this Assembly certainly is not a proper place for her; so now we will consider that she is absent and refer no further to her.

I am now compelled to mention a member of this Assembly in connection with the Minister of Foreign Relations, whose proceedings certainly do no credit to either the one or the other. I allude to the Governor of Maui, who, I am sorry to say, is not now in the hall. This gentleman, of whom I do not like to speak in his absence, on Friday, in his enthusiasm to serve his chief or patron, said, of two documents which I laid before the Assembly both written on the same subject by the Minister, but so different in their tenor that nobody could have supposed they were traced by the same pen, that one was written by the Minister in his capacity of Minister and the other as a private person. I could not help thinking it was not very creditable to the Minister to sit still in his place and accept his friend's plea in his behalf when he knew it was without foundation. (The Minister explained that he did not know what the Governor of Maui had said). Mr. Rhodes—in that case I withdraw the remark; but I have to complain of another of the Minister's supporters, the member for Wailuku, who screamed at me from behind to such a degree while the Minister was fulminating in front, that I was quite bewildered and hardly knew what was going on. I now congratulate myself that that member is perfectly quiet. The Minister himself appears to have changed altogether in disposition from what he was. We used to know him as kind, obliging and benevolent, but he is now harsh, arbitrary, almost despotic; can it be that the heavy official duties and labors of the last two years in producing this treaty have unsettled his brain? I hope not.

In his speech yesterday the Minister quoted a letter from himself to the Judges of the Supreme Court, asking their advice on the subject of the Constitution in relation to the treaty, and gave the judicial reply that no farther legislation in the matter was necessary, everything had been done that was required. Mr. Chairman, it is the practice of the gentleman to seek to throw the ministerial responsibility on other people's shoulders; he has several times attempted to do so in the Privy Council, but has been told he could not divest himself of that responsibility, it belonged to the executive and the Privy Council had nothing to do with it. On the last occasion when $5,000 (I believe) was asked for by him for sending goods to the United States centennial exhibition, it reluctantly gave its approval; but that is of no service to Ministers, they are still responsible. So on the present occasion he has exhibited to this Assembly papers which I suppose are copies of the real documents, but they are of no service to the Ministry. Ministers can not shelter themselves behind the Judges, they must bear their own responsibility. If they have been badly advised, so much the worse for them, but that is their own affair; they need not have taken the advice nor can they plead that as an excuse for their own unconstitutional acts. All that they have succeeded in doing is to implicate the Judges, not to exonerate themselves. Here I may be allowed to say, Mr. Chairman, that when gentlemen have proposed in this Assembly to apply to Judges of the Supreme Court for advice, I have been sorry to hear such a suggestion; there is no occasion for this Assembly to consult those gentlemen nor should it do so—to follow their advice when given. This Assembly is the judge of its own acts, but it must be careful to keep within proper constitutional bounds. The Judges of the Supreme Court in this kingdom are politicians. Not only are they judges and politicians, but men of business as well: two of them have large interests in plantations, and it is always possible that these interests may interfere with their judicial duties. They have liberal salaries, and it would certainly be proper that they should abstain from entering into competition with the commercial part of the community. The Judges certainly neither do justice to themselves nor the rest of the community when they embark in these large speculations. Here is a case in point. It is notorious that the plantation belonging to the Chief Justice is deeply in debt, and that that one in which the First Associate Justice is interested is not so prosperous as he might desire. The Minister says that he has strongly urged the members of this Assembly to support the Constitution; but he blows hot and cold with the same mouth. In his printed speech of Friday he says, "There are times when even the Constitution shake into insignificance." Precisely; if a poor kanaka to gain twenty-five cents by selling a case of spirits,—if he dares to pluck a twig from the sacred tree—then the Constitution can not be violated with impunity; the culprit must be fined five hundred dollars; but if it be a minister or judge of the Supreme Court who is in trouble, that is a different matter altogether; the tree is in that case to be torn up by the roots, its fragments scattered to the winds and trampled under foot. By the 20th Article of the Constitution it is provided that "treaties involving changes in the tariff or in any law of the kingdom, shall be referred for approval to the Legislative Assembly." It is well known that the treaty in question was not referred for approval to the last Legislature. But say the Ministers, something else has been done which answers the purpose. I say nothing can be done but to comply with the requirements of the Constitution. Hon. Mr Castle called attention to an article which according to him would settle the matter. This is the 63th Article, which provides that "the decisions of the Supreme Court, when made by a majority of the Justices thereof, shall be final and conclusive upon all parties." To this I oppose. "Article 10. No person shall sit as a judge or juror in any case in which his relative is interested, either as plaintiff or defendant, or in the issue of which the said judge or juror, may have, either directly or through a relative, any pecuniary interest." What stronger pecuniary interest could judges possibly have in anything than in the passage of this Treaty which is to save them from possible disaster, at all events to put money in their pockets.

I know that several of the plantations are in trouble, and no one sympathizes with their owners more than I; not only would go further or do more to help them in any reasonable manner. If you ask me, Mr. Chairman, why I oppose the passage of the Treaty without referring it to the Assembly, I say because I consider there is something worth living for of vastly more value than either sugar or dollars, and that is honor. If a man lose his honor he loses his all. It is only a few short weeks ago, that the oath was administered to me in this hall, by one of the Judges now present, to support this Constitution, and I do not intend to violate my oath if I know it. I have by introducing this resolution thrown the responsibility off my own shoulders; it rests upon the Assembly, which can act as it pleases in the matter.

Ministers say this resolution takes them unawares; they have had no notice and ought not to be taken at surprise in this manner. I say, Mr. Chairman, that when they announced to this Assembly their intention to proclaim this Treaty as soon as it was received, they ought at the same time to have been prepared to support so unconstitutional an act; but when the news was received that the Treaty had actually passed the United States Congress, I then, without consulting any one or being urged by any one either in or out of the Assembly, considered that it was high time to endeavor to prevent if possible the proposed violation, and introduced the resolution accordingly.

The Minister said yesterday that this is twice that I have endeavored to eject him from office. I say, Mr. Chairman, simply that that remark is not true, and the Minister may take this statement of mine to the Judges of the Supreme Court, and no doubt they will be able to persuade him that it is highly complimentary.

I have one charge more to make against the Minister, and it is a very grave one, nothing less than giving to the world a mutilated document for a complete one. There was a committee of five of the signers of the now notorious memorial who presented it to the King, and the reply read by him was attentively listened to by all of them. The reply was not handed to them; but when they saw published in the papers as this reply a document which certainly lacked a sentence relating to Ministers themselves, their surprise may be conceived. There was no mistake in the matter. They all saw each other and conversed on it. One of the gentlemen besides myself is now in the house; but in order that it may be fully proved I now ask the Committee in its report to the Assembly to ask for the appointment of a committee of investigation.

The Minister elegantly said yesterday that he had my head in Chancery, and all that he had to do was to give it a good pummeling—which however he would not do. My head possibly may have been in that uncomfortable position yesterday, but his certainly is in a much more distressing one to-day.

Before sitting down, Mr. Chairman, I will caution the Minister on a subject on which I called him to order yesterday. He said he asked the King for permission to give me leave to tell the Assembly what had happened in the Privy Council, and the King had granted that permission. Now there was no occasion to ask the King anything of the sort, and Ministers in acting in that manner are only providing future trouble for themselves and their successors. The King ought to have no private opinion on business matters apart from his Ministers, and anything suggested to him to the contrary will have the effect of giving him a false idea of his own position and power, and most certainly lead to trouble and confusion.

It really gave me pleasure to see the Minister possessed of so much pluck as to favor the reconsideration of the resolution; not because I expected to carry it. This Assembly is too peculiarly constructed for me to have hoped for that; but because he was bold enough to face what he must have known he had to hear. Before taking my seat I will say a few words as to my view of the working of the Treaty about which so much has been said. The Minister says we are to receive five hundred thousand dollars per year from this bargain; it may be so, but I cannot see it. Let not honorable members think that one dollar of that money will find its way to them. Whatever may be received will go to pay off the debts of involved plantations. It may possibly do some good for a year or two in keeping these going, but when planters are once out of debt, don't imagine that any of that $500,000 will come to us. It will go to support them and their pleasures in New York and elsewhere. Their sugar will go directly from their plantations to San Francisco, and the vessels that take it will bring back the supplies they require; so that our inter-island traffic must suffer and our Honolulu population too, in the decrease of all descriptions of business.

The Minister having been so generous as to take my head out of Chancery, when he thought he had it there, I will now be equally merciful and release him. Mr. Chairman, I withdraw my motion for the appointment of a committee of investigation.

The steamer Quesant has foundered at sea. Twenty-one lives were lost.