

APPENDIX

TO THE

SPECIAL SESSION OF THE SENATE.

The Hawaiian Reciprocity Treaty.

SPEECH OF HON. J. H. MITCHELL, OF OREGON, IN THE UNITED STATES SENATE,

[In executive session, the injunction of secrecy having been removed by a vote of the Senate, March 23, 1875.]

March 17, 1875.

The Senate, in executive session, having under consideration the treaty of reciprocity in trade with the Sandwich Islands—

Mr. MITCHELL said:

Mr. PRESIDENT: One of the principal objections urged against the ratification of the pending treaty by the honorable Senator from Vermont [Mr. MORRILL] who has just addressed the Senate is, that in his opinion it is, to use his own language, "a put-up job, in the interest of the sugar-planters of the Sandwich Islands, and at the expense of the Government of the United States." Whatever weight should rightfully attach to this objection, I shall leave to the Senate to determine on a full consideration of the whole case. For the purpose, however, of showing that for one I am not a recent convert to the support of this measure, either from the consideration suggested by the honorable Senator or from any other, but that on the contrary I commenced very many years ago, long before I was a member of this body, to aid in my feeble way in "putting up this job," if job it is, as stated by the honorable Senator, I desire to call the attention of the Senate to this fact: Eleven years ago I had the honor of holding a seat in the senate of the State of Oregon. On the 17th day of October of that year, 1864, I introduced into that body a certain resolution having direct reference to a treaty of reciprocity in trade between the United States and the Hawaiian governments, and on the same day this resolution received the unanimous vote of both branches of the Oregon Legislature. It was in these words:

Whereas a treaty of reciprocity in trade between the United States and Hawaiian governments, by which the leading articles of export and the staple productions of the two countries, except the articles of wool and live stock, shall be admitted to the ports of either government free of duty, is highly desirable, not only in the interest of the Pacific States and Territories, but also as a measure strongly tending to promote the political and commercial interests of our nation, and which must add strength and vigor to those ligaments of interest, trade, and friendly feeling which now unite these gems of the ocean with the Government of the United States: Therefore,

Resolved by the senate, (the house concurring.) That our present Senators and Representative in Congress, and the Senator and Representative elect, be, and they are hereby, instructed to represent to the proper authorities at Washington the importance and necessity of such a treaty, and to use their influence to secure its negotiation at an early day by the two governments.

Mr. President, since this action was had in the Legislature of the State I have the honor in part to represent upon this floor nearly eleven years have passed away, and what with me then was little more than crude opinion, based upon comparatively superficial knowledge of the subject, has to-day become, through a more enlarged experience and a more thorough knowledge of the question, settled conviction; and I congratulate myself upon the fact that I have lived to see the treaty now under consideration presented to the Senate of the United States for its advice and consent; and especially is it a source of gratification to me that in the course of human events I am accorded the high privilege of casting one vote in its favor.

Were it not for the apparent apathy and indifference of many Senators in reference to the fate of a measure which to my mind is not only of peculiar and special interest to the Pacific coast but of incalculable national importance, and the open and earnest opposition of others, I should content myself with giving my vote, as I have done in most instances since I have been a member of the Senate, unaccompanied by any reasons or argument; but, sir, when I contemplate the loss that must in my judgment fall upon our Government in its political and commercial relations by a failure to ratify this treaty, I feel that as a member of this body, representing in part

that portion of our Republic more directly interested than any other in the measure under consideration, I ought in justice to my constituents, and in the full performance of duty, to submit the reasons that shall influence my vote.

On account of the manifold and perhaps more important interests which affect this side of the continent, and which are constantly being pressed upon the attention of the Senate, it is so seldom that we hear anything urged in the interest of the commerce of the Pacific coast, that it is really encouraging to a representative from that portion of our Republic to listen, as we had the pleasure a few days since, to the able and statesman-like speech of the honored Senator from Maine, [Mr. HAMLIN,] while it is, I regretfully confess, equally discouraging to be compelled to listen to an argument such as has to-day fallen from the lips of the experienced and distinguished Senator from Vermont, [Mr. MORRILL,] wherein the growing and ever-increasing commerce of the Pacific coast, and especially of the Pacific Ocean, has, to my utter astonishment, been belittled and disparaged.

But what is the nature of the treaty under consideration? What benefits, commercially and politically, if any, may we reasonably expect to derive, presently or in the future, from its ratification; and what are the objections urged against it? With its character we are all perfectly familiar—it is ostensibly and in fact a treaty of commercial reciprocity, intended by the two governments to consolidate their commercial intercourse, and to strengthen and perpetuate the friendly relations which have heretofore uniformly existed between them; in other words, an ordinary treaty of reciprocity in trade whereby the principal productions of each country are admitted free of duty to the ports of the other. A reference to the articles specified in the two schedules will show at a glance how very far they fall short of coming into competition, respectively, with the productions of the countries into which they are admitted free of duty; and it is equally apparent from these schedules, as was stated by the honorable Senator from Maine, that our Government, if we regard it simply in its most limited commercial point of view, has much the best of the bargain.

This being then an ordinary treaty of reciprocity in trade between the United States of America and the King of the Hawaiian Islands, upon the face of which, considered solely with reference to a free interchange of commodities, our Government would seem to have a most decided advantage, we come to consider the inquiry as to the probable advantages and disadvantages, both commercially and politically, viewed in the most enlarged and comprehensive significance of these terms, which we may reasonably hope or fear from its final adoption, if I may so speak, by the two governments. And the consideration of this question necessarily compels us to look far beyond the mere specification of articles in the schedules of the pending treaty, and to consider something more, questions of higher interest, of graver importance, of more far-reaching significance than those which relate simply to those reciprocal advantages likely to result to the people from a free exchange of commodities. In the presence of such an inquiry by the Senate of the United States mere partisan feeling and private interest become, in the very nature of the case, subordinated to national interest and commercial security and advancement.

The geographical position of the Hawaiian Islands, their relation not only to our country but to the other nations of the world, their history, area, capabilities of production, the number and character of their population, the desires and sympathies of their people, the character of their harbors and their commerce, but, above all, the present and future commerce of the ocean that surrounds them, together with the probabilities that the day is not far distant when, no longer able to maintain their autonomy or hold their place as a separate nation, they must become absorbed by some other power—all these, and many others, are to my mind important items of consideration in determining the question as to the propriety of advising and consenting to this treaty.

And while I should favor the proposed treaty were it limited in its importance to those reciprocal commercial advantages which must

result from a free interchange of the articles specified in the respective schedules, I regard these as a mere bagatelle in comparison with those national advantages of a political and commercial character that our Government and our people will, in my judgment, ultimately attain through its operation.

CONSTITUTIONAL OBJECTION AS TO THE RIGHTS OF THE HOUSE OF REPRESENTATIVES TO PARTICIPATE IN MAKING TREATIES THAT AFFECT THE REVENUE CONSIDERED.

Before passing to a consideration of the benefits, commercial and political, which I believe to be in store for our Government in the event of the ratification of the pending treaty, I desire to notice certain constitutional objections which to my great surprise have been urged with apparent candor and earnestness by the honorable Senator [Mr. MORRILL] who has just taken his seat, and which I find are having an influence on the minds of some Senators.

The first of these, as urged by the honorable Senator, is that no power exists under the Constitution that enables the President of the United States, with the advice and consent of the Senate, to give vitality to a treaty of reciprocity in trade without the sanction of the House of Representatives. If I understand the honorable Senator correctly, the objection is based upon the fact that such treaties affect the revenue of the Government, and that under the Constitution of the United States, article 1, section 7, "all bills for raising revenue shall originate in the House of Representatives."

While it is true, Mr. President, that all bills for raising revenue must originate in the House of Representatives, it is equally clear that the treaty-making power of the Government, although it may incidentally affect the revenue of the Government, is in the very nature of the case under the Constitution supreme in the Executive and Senate, extending to every possible subject in reference to which they may be disposed to treat, save that of a change in or destruction of the Government itself.

Section 2 of article 2 of the Constitution of the United States provides that the President—

Shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

This grant of power, as I have said, is absolute, and not limited by any condition whatever; it is a power supreme in the Executive and Senate, extending to all subjects in reference to which it may be their pleasure to treat, subject only to the limitation I have just stated, and so long as a treaty does not effect any change in the Government itself, although it may incidentally affect its revenue and call for legislation to adjust to its requirements the tariff laws of the country, the House of Representatives has no constitutional right to complain. And although under section 8 of article 1 of the Constitution of the United States the right to regulate commerce belongs not to the President and Senate but to the Congress of the United States, still the treaty-making power, although in its legitimate exercise it may incidentally, or I may say even directly, affect commerce and in some sense regulate it with foreign nations, is, under the Constitution, clearly vested exclusively in the Executive and Senate; it is a power complete in itself, plenary in its character, and may be exercised to its utmost extent, and it acknowledges no constitutional or international limitation save that which would preserve intact the form and essence of our Government; therefore, when the Constitution of the United States declares that "Congress shall have power to regulate commerce with foreign nations," and that "all bills for raising revenue shall originate in the House of Representatives," it creates certain powers and prescribes certain rules that must be construed in connection with and held subordinate to the treaty-making power, which is in itself supreme and created by that same Constitution, and vested exclusively in the President and Senate.

Commercial treaties are as old almost as the recognition of international comity among civilized nations.

Chancellor Kent in speaking of their utility uses this language:

Treaties of commerce defining and establishing the rights and extent of commercial intercourse have been found to be of great utility, and they occupy a very important title in the code of national law.

He says further:

They were considered even two centuries ago to be so conducive to the public welfare as to overcome the bigotry of the times.

Lord Coke admitted them "to be one of the four kinds of national compacts that might lawfully be made with infidels."

The power to make treaties, it is true, in reference to commerce was under the Confederation restricted by a superior power reserved to the States respectively, whereby the right of their Legislatures to impose such imposts and duties on foreigners as their own people were subjected to, and the right to prohibit the exportation or importation of any species of goods or commodities whatsoever, should be preserved. In fact, under the Confederation, Congress and not the Executive and Senate possessed the sole and exclusive power of "entering into treaties and alliances," but it was these restrictions and limitations, together with many others in the articles of that government, which, in the language of Judge Story, "contributed to the prostration and utter imbecility of the Confederation."

Although the clause conferring power "to make treaties," as will be seen by a reference to the Federalist, was not in the original draught of the Constitution of the United States, but was subsequently to the draught of that instrument reported by a committee, it was never-

theless finally made a part of it, and that power is not restricted but general.

In speaking of this subject, and in defining the scope of this constitutional grant of power, Mr. Story says:

The power to make treaties is by the Constitution general; and of course it embraces all sorts of treaties, for peace or war; for commerce or territory; for alliance or success; for indemnity for injuries or payment of debts; for the recognition and enforcement of principles of public law; and for any other purposes which the policy or interests of independent sovereigns may dictate in their intercourse with each other.

He then states the only limitation or restriction upon this power in these words:

But though the power is thus general and unrestricted, it is not to be so construed as to destroy the fundamental laws of the state.

And again:

A treaty to change the organization of the government or annihilate its sovereignty, to overturn its republican form or to deprive it of its constitutional powers, would be void.

Rawle, in his work on the Constitution, declares that—

The power to make treaties is an essential attribute of a nation.

And, further, that under the Constitution of the United States—

It extends to all those matters which are generally the subjects of compact between independent nations. Such subjects are peace, alliance, commerce, neutrality, and others of a similar nature.

While then, Mr. President, the treaty-making power was, under the Articles of Confederation, vested in a restricted manner in Congress, and while in England the power is vested exclusively in the Crown, under the Constitution of the United States it is reposed solely and exclusively, not in the President alone, not in Congress, but in the Executive and Senate, and is general and plenary in its character.

I desire to attract the attention of the Senate to an extract from a message of President Washington, transmitted by him to the House of Representatives on the 30th of March, 1796, for the purpose of showing the views of the first President of the United States on this subject:

The course which the debate has taken on the resolution of the House leads to some observations on the mode of making treaties under the Constitution of the United States.

Having been a member of the general convention, and knowing the principles on which the Constitution was formed, I have ever entertained but one opinion on this subject, and from the first establishment of the Government to this moment my conduct has exemplified that opinion, that the power of making treaties is exclusively with the President, by and with the advice and consent of the Senate, provided two-thirds of the Senators present concur; and that every treaty so made and promulgated thenceforward becomes the law of the land. It is thus that the treaty-making power has been understood by foreign nations, and in all the treaties made with them we have declared and they have believed that when ratified by the President, with the advice and consent of the Senate, they become obligatory. In this construction of the Constitution every House of Representatives has heretofore acquiesced, and until the present time not a doubt or suspicion has appeared to my knowledge that this construction was not the true one. Nay, they have more than acquiesced; for until now, without controverting the obligation of such treaties, they have made all the requisite provisions for carrying them into effect.

There is also reason to believe that this construction agrees with the opinions entertained by the State conventions, when they were deliberating on the Constitution, especially by those who objected to it, because there was not required in commercial treaties the consent of two-thirds of the whole number of the members of the Senate instead of two-thirds of the Senators present, and because, in treaties respecting territorial and certain other rights and claims, the concurrence of three-fourths of the whole number of the members of both Houses respectively was not made necessary.

It is a fact, declared by the general convention and universally understood, that the Constitution of the United States was the result of a spirit of amity and mutual concession. And it is well known that, under this influence, the smaller States were admitted to an equal representation in the Senate with the larger States, and that this branch of the Government was invested with great powers; for on the equal participation of those powers the sovereignty and political safety of the smaller States were deemed essentially to depend.

If other proofs than these and the plain letter of the Constitution itself be necessary to ascertain the point under consideration, they may be found in the journals of the general convention, which I have deposited in the office of the Department of State. In those journals it will appear that a proposition was made "that no treaty should be binding on the United States which was not ratified by a law," and that the proposition was explicitly rejected.

As, therefore, it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty; as the treaty with Great Britain exhibits in itself all the objects requiring legislative provision, and on these the papers called for can throw no light; and as it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of my office, under all the circumstances of this case, forbid a compliance with your request.

UNITED STATES, March 30, 1796.

The treaty-making power—

Says Chancellor Kent—

forms a distinct department of government, and belongs properly neither to the legislative nor the executive, though it may be said to partake of the qualities common to each. The President from his unity, promptitude, and facility of action is peculiarly well adapted to carry on the initiative processes; while the Senate, representing all the States, and engaged in legislating for the interests of the whole country, is equally well fitted to be intrusted with the power of ultimate ratification.

The House of Representatives, therefore, has no right or power whatever either to participate in the making of treaties, or to protest that the power of the President and Senate does not extend under the Constitution to treaties of reciprocity, because such treaties may in some sense affect the revenue, or "regulate commerce with foreign nations," &c.

G. WASHINGTON.

As I have said, in England the king is the sole and absolute representative of the nation in reference to all treaty-making powers, just as the President and Senate are in this country; and although in England the same question has been raised that is urged to-day by the Senator from Vermont, the writer of the *Federalist* disposes of it in these words:

It has been insinuated that his authority in this respect is not conclusive, and that his (referring to the King of England) conventions with foreign powers are subject to the revision and stand in need of the ratification of Parliament; but I believe this doctrine was never heard of until recently. Every jurist of that kingdom, and every other man acquainted with its constitution, knows as an established fact that the prerogative of making treaties exists in the Crown in its utmost plenitude. * * * The Parliament, it is true, is sometimes seen employing itself in altering the existing laws to conform them to the stipulations in a new treaty, and this may possibly have given birth to the imagination that its co-operation was necessary to the obligatory efficacy of the treaty.

And concluding he says just what is true with reference to the right and duty of the House of Representatives in this country:

But this parliamentary interposition proceeds from a different cause: from the necessity of adjusting a most artificial and intricate system of revenue and commercial laws to the changes made in them by the operation of the treaty, and of adapting new provisions and precautions to the new state of things to keep the machinery from running into disorder.

In the case of the British treaty of 1794 President Washington refused peremptorily to lay the papers before the House of Representatives when requested by them to do so.

Mr. Wheaton, in his work on international law, refers in the following strong language to the question growing out of the Zollverein treaty and as to the right of the treaty-making powers to affect duties on imports and to the opinion of Mr. Calhoun upon that subject:

A question as to the right of the treaty-making power to affect duties on imports was raised in the case of the convention negotiated by Mr. Wheaton with the Zollverein. Though recommended by the President in two successive annual messages and in submitting the treaty to the Senate, the Committee on Foreign Relations of that body reported that it was "an innovation on the ancient and uniform practice of the Government to change by treaty duties laid by law;" that "the Constitution in express terms delegates the power to Congress to regulate commerce and to impose duties, and to no other; and that the control of trade and the function of taxing belong without abridgment or participation to Congress." The Senate having omitted to give their assent to the treaty before the adjournment, the Secretary of State, Mr. Calhoun, in communicating to Mr. Wheaton the result of their proceedings, with a view to the extension of time for the exchange of ratifications, states that the objections of the committee were opposed to the uniform practice of the Government, and he refers to numerous treaties which contain stipulations changing the existing laws regulating commerce and navigation and duties laid by law. "So well," says he, "is the practice settled, that it is believed it has never before been questioned. The only question, it is believed, that was ever made was whether an act of Congress was not necessary to sanction and carry the stipulations making the change into effect."

This, Mr. President, was the opinion of John C. Calhoun, when Secretary of State, in reference to this question. And although the Senate of the United States at that time hesitated, the subsequent history of its proceedings, in the years that have elapsed since then, shows that the views then expressed by Mr. Calhoun have become the settled rule of action of this body. The objection then made to the Zollverein treaty, growing out of the treaty-making power of the Federal Government, soon passed away and was abandoned by the Senate as untenable; and accordingly, in 1854, the reciprocity treaty between the United States and the British Provinces, though it materially affected and changed the existing tariff, was promptly ratified by the Senate; and the Congress of the United States, recognizing the plenary and exclusive power of the President and Senate in the premises, passed a law, as of course, to conform the revenue laws of the Government to the various changes made in the tariff by the treaty.

THE "MOST FAVORED NATION CLAUSE" OBJECTION CONSIDERED.

Another objection urged to-day by the honorable Senator from Vermont is in reference to the clause known as the "most-favored-nation clause," which exists in our treaties with certain foreign powers. This clause it is claimed will enable those powers to demand of our Government the same or some of the same or similar privileges accorded to the Hawaiian government under the provisions of the pending treaty.

The answer to this objection is found in the fact that it is held by the highest authority in this and other countries that this "most-favored-nation clause" as used in treaties has no reference whatever, as its very terms would seem to indicate, to *purchased* privileges; or, if I may correctly speak, to *purchased favors*. In other words, that it cannot be construed as referring to or including within its scope privileges accorded to a nation by reason of reciprocal advantages given in return by such nation, and all of which are secured, *not* by the sole action of one government, but through the means of solemn treaty compact, including various articles of reciprocal pact and stipulation. The advantages which one nation obtains in respect of its commerce and navigation through treaty stipulations are, as a rule, not *favors granted* but *advantages purchased*, the consideration being the concession to such other nation of certain other privileges supposed to constitute a valuable and sufficient consideration.

The opinion of Hon. Caleb Cushing, as Attorney-General of the United States, in the case of the application of Denmark for the surrender of deserting seamen, (volume 6 Opinions of Attorneys-General,) states the rule of construction applicable to this character of treaty

stipulations, and sustains it by cogent reasoning and unanswerable argument. In that case the question was whether the stipulation as to deserting seamen contained in treaties between the United States and sundry other governments, especially in that with Sweden and Norway, could in virtue of the "most-favored-nation clause" in our treaty with Denmark of April 26, 1826, be held to apply to Danish seamen? Mr. Cushing held that it could not, and President Pierce and his whole Cabinet concurred in that decision.

In that opinion Mr. Cushing uses this language:

The expressions in the first and eighth articles of the treaty with Denmark and similar expressions in other treaties as "favor" or "freely if the concessions were freely made," or "if the concessions were conditional on allowing the same compensation" are not applicable to advantages growing out of treaties containing various articles of reciprocal pact and stipulation; for such advantages are purchased upon consideration, upon mutual and correlative engagements, positively binding the good faith of the contracting parties with perfect reciprocal obligation in terms and manner as to the things to be done or suffered. Such treaty benefits are *not* favors, boons, or concessions. These expressions apply *only* to things proceeding from the mere will and pleasure of the state granting them in matters within its own sole jurisdiction, and which the other party, to whom they are proffered, may or may not in its own good pleasure accept.

And in further illustration of the correctness of the rule for which he was contending this eminent jurist said:

For example, if the United States should by their own law grant that iron in bars, bolts, or rolled, and iron prepared for railways, of the product and manufacture of Sweden, may be imported into the United States directly from Sweden, upon condition of paying a duty of 10 per cent. *ad valorem*, and that Swedish vessels laden solely with Swedish iron may enter the ports of the United States free of duty on tonnage, then Denmark might perhaps rightfully claim under its treaty with the United States that iron of like kind, of the product and manufacture of Denmark, imported into the United States directly from Denmark, should pay no other or higher duty than 10 per cent. *ad valorem*, and that Danish vessels laden solely with Danish iron should be permitted to enter the ports of the United States free from the duty on tonnage; because the grant to Sweden and Norway was of *favors*, upon condition as to the merchandise and freely as to the tonnage, and the same compensation could be paid by Denmark as was conditionally granted to Sweden. If, however, in a treaty between the United States and Sweden, the like terms as to Swedish iron and vessels to be admitted in the ports of the United States should be stipulated, and that cotton and manufactures of cotton and tobacco and manufactures of tobacco, of the growth and product of the soil or industry of the United States, should be admitted into the ports of Sweden and Norway and of the island of Saint Bartholomew, paying thereon no higher duties than at the rate of 15 per cent. *ad valorem*, with various other articles of mutual and reciprocal stipulations, in such case Denmark could not claim that the iron and iron manufactures of the product and industry of Denmark, and the vessels of Denmark, should be admitted into the ports of the United States upon the same terms as Swedish iron and Swedish vessels.

And Mr. Cushing, proceeding further, gives the reasons for this distinction in these words:

Because in the case supposed there would not be *favors* conceded by the United States to Sweden, but advantages *purchased* by Sweden of the United States, in consideration of the admission of cotton and tobacco and the manufactures thereof, of the product of the soil and industry of the United States, upon the terms mentioned in the treaty and of the other stipulations on the part of Sweden to be performed toward the United States; and because the advantages to the United States arising from the stipulations by Sweden and Norway could not be affirmed to be equally compensated by the like terms performed by Denmark toward the United States; and the difference of compensation due to the United States from Denmark for such like terms of commerce and navigation could not be determined by any certain standard, but could be adjusted only by a convention between the United States and Denmark.

In concluding this able opinion Mr. Cushing uses this language:

In fine, the assumed theory (referring to the claim of the Danish minister) proceeds on a series of fallacies, namely, that there is equality of political and commercial relations between all nations; and that every article of reciprocal treaty between any two nations is of equal weight and consideration, having an established, invariable value, so that it may be exchanged between any two nations at that fixed value; all which assumptions are contrary to the nature and truth of things.

From this, then, Mr. President, it follows, that whatever effect may be given to the "most-favored-nation clause," as generally in use in existing treaties between the United States and certain foreign powers, it cannot by any legitimate construction be held to draw in virtue of its office any benefit whatever to any such foreign power, or work any disadvantage whatever to the United States, by reason of any privileges, I care not how important or of how much value they are, that may be extended by the United States to some other power through the instrumentality of a treaty containing various articles of reciprocal pact and stipulation.

While then, Mr. President, in case the Congress of the United States should *by law* and in the absence of any reciprocity compact with the King of the Hawaiian Islands enact that such government should be favored with certain special privileges in our ports, superior in character and value to those possessed by any other power with which we stand in treaty relations, and which treaty contains the "most-favored-nation clause"—while, I say, in such case the office and legitimate effect of such clause would be to entitle such other power to all the special favors thus voluntarily conferred on the Hawaiian government by the sole action of the United States, yet, when these same or even greater privileges are conferred, *not* by the sole act of our Government, but by means of a treaty of reciprocity in trade, containing divers articles, in either schedule, of reciprocal pact and stipulation, no power on earth can rightfully question the validity of the compact or claim to itself any favor or privilege whatever by reason of any stipulation in its treaty to the effect that such government shall be entitled to all the rights and privileges of the most favored nation.

While then the United States *must not, cannot,* concede favors to any power superior in character to those possessed by other powers with which they stand in treaty relation and with which they have stipulated that they shall be entitled to all the rights and privileges of the most favored nation, without conceding *ipso facto* to such other powers the same or similar favors, yet, notwithstanding this, the right still remains to our Government, as one of the constitutional attributes of its sovereignty resulting from the treaty-making power which no nation can question, to *purchase* to its own use and benefit from any foreign power commercial privileges and advantages, granting in consideration thereof, through the instrumentality of treaty stipulation, special and superior commercial advantages to such foreign power. The treaty therefore to which we are asked to advise and consent being one of reciprocity in trade, containing various articles of reciprocal pact and stipulation, it follows as a necessary conclusion that no power in Christendom outside of the parties to the treaty has any right to claim any of its privileges or any similar or equivalent privileges, because, forsooth, such power may in virtue of its treaty, either with the United States or the Hawaiian government, be entitled to all the rights and privileges of the most favored nation.

I dismiss, then, this objection of the distinguished Senator as wholly untenable; as one that cannot be sustained by either constitutional or international law, reason, or argument; and in dismissing it I feel constrained to say that if the honorable Senator had been as diligent in investigating the principles of law involved in the constitutional objections urged as his labors in the Senate usually show him to be, he would not, I think, have pressed them with the zeal and apparent confidence that he has.

THE COMMERCIAL IMPORTANCE OF THE TREATY.

I now come to consider the proposed treaty with reference to its commercial and political importance, and to notice the further objections urged against it based solely on considerations of public policy. And in this connection I fear that the spirit of hostility to free trade and the twin idea of protection to American industry and home production, which constitute as a rule a portion of the political creed of one of the great political parties of the country, and to which as a rule I freely subscribe, stand to-day to some extent in the minds of some Senators as an objection to the ratification of this treaty. However this may be, it occurs to me that there are exceptions to all general rules, even in matters of great national policy; and whenever reason and argument and national interest and the present and future commercial and political security and prosperity of our nation unite in pointing to the *exception* rather than the rule as the true line of policy to be pursued, that then any party, and especially that party in whose hands are for the time being the destinies of this great nation, should not hesitate through any pride of opinion to adopt such course in the particular instance, although it may be opposed to the general policy of such party.

This treaty, Mr. President, is exceptional in its character, whether considered with reference to its commercial or political bearings. The Sandwich Islands are, in one sense to-day, *not* a foreign power, but rather an American colony, whose interests and sympathies and desires and hopes and destiny all tend toward our Government. As the native population year after year has melted away through causes well understood and inevitable in their blighting results, its place has been to a certain extent supplied by earnest, enterprising, worthy, intelligent, daring Americans, who have planted the standard of civilization and progress upon these islands of the sea, surrounded their shores with a busy commerce, until they to-day, I concede, excite the cupidity and provoke the active rivalry of the maritime nations of the world. Their productions are not our productions, and yet they are to us not merely luxuries but the common necessities of life; their sugars, sirups, melada, molasses, rice, and pulu are needed to assist in supplying the constantly-increasing wants of the farmer, the mechanic, the professional man, and the miner of the Pacific States and Territories. These, except in very limited quantities, cannot be produced on the Pacific coast; while, upon the contrary, those articles which the islanders have not but must have are produced in abundance on the Pacific coast—such as beef, bacon, pork, grain, flour, meal, bran, bricks, lime and cement, butter, cheese, bullion, coal, cordage, tar, pitch, fish, oysters, fruit, furs, skins, lumber, timber, shooks, staves, headings, and numerous other articles specified in the schedule of the pending treaty. Why then, Mr. President, not permit a free interchange of these productions, thus purchasing a small proportion of the actual necessities of life consumed each year by the people of Oregon and California and of the whole Pacific coast, and paying for them not in *coin* as we do most other nations, but in the surplus productions of our own people? Why, I would inquire, should there be any objection to this? I have heard three objections stated and urged. I will give them in their order, and endeavor to answer each of them.

First. It is objected that to permit the importation of sugar free from these islands would be to affect injuriously the sugar interests of our own country in the Southern States;

Second. That it will injuriously affect the interests of sugar refiners on the Pacific coast; and

Third. The annual loss to the Treasury of about \$500,000 in the

shape of duties on the importations from these islands under existing revenue laws.

Now then in reference to the first objection, namely, that it will injuriously affect the interests of southern planters; and it requires little more than a statement of a few facts to show the fallacy of this objection.

In the first place the consumption of sugar on the Pacific coast in 1873, or rather on *that part* of the Pacific coast supplied from San Francisco, California, and Portland, Oregon, was 75,005,005 pounds, while of this amount but a little in excess of one-fifth, or 15,743,146 pounds, came from the Sandwich Islands, although this constituted two-thirds of the whole sugar production of the islands for that year, the whole amount being little in excess of 23,000,000 pounds. So that, even should the amount of sugar consumed on the Pacific coast annually not increase from year to year, which is far wide of the actual fact, it would be necessary that the annual production of the islands should be increased over fourfold, and, in addition to this, that instead of our coast getting but *two-thirds* it should get *every pound* of that production in order that the demand of the Pacific coast alone should be met; and until this is done, and a surplus remains to force its way into the free ports of the Atlantic or the Gulf, how, I would inquire, could the sugar interests of this country be affected?

But, Mr. President, this is not all. It is a fact that must be borne in mind that the annual increase in the consumption of sugar on the Pacific coast each year above the preceding is in itself almost equal in amount to the present importations to the ports of that coast from the Sandwich Islands. In the year 1862 the amount consumed was, or rather the *total* amount of importations was, 62,861,460 pounds; while in 1873, the year following, it was 75,007,005 pounds, or an excess of 12,145,545 pounds; while during the past year the importations were still greater in proportion. The Secretary of the Treasury, in speaking of this large annual increase and of the probable effect of this treaty on the interests and revenues of the Government, says:

This increasing importation and consumption, therefore, causes the question to stand, *not* so much as one of diminution of present revenues, but rather as a check to their increase to the extent of the importation of sugar and other dutiable articles made free. The lack of natural facilities for developing the production of sugar in the islands embraced in the treaty would keep down the future proportions of this check.

"But," says the southern planter who has not informed himself properly on this subject, and who is perhaps somewhat befogged by interested and wild statements of the sugar refiners, "throw your American ports open to the producers of the islands and the annual productions will soon increase to 150,000,000 pounds, an amount *more* than necessary to supply the demands of the people of the Pacific States and Territories." This, Mr. President, I deny, and one principal reason why I deny it is because it is a physical impossibility; besides there are many other reasons of minor importance abundantly forcible to sustain my position. I will proceed to show why it is a physical impossibility.

According to the uniform statement of historians, supported by the census tables of the Hawaiian government, the whole area of tillable and grazing lands on all the islands does not exceed 500,000 acres, and of this amount not over 100,000 acres at the very most are susceptible of sugar cultivation, while a portion of this area is so destitute of water and means of irrigation as to render its profitable cultivation extremely problematical. To-day the whole number of acres in sugar cultivation is only about 23,000, producing on an average about 1,000,000 pounds to every 1,000 acres. It therefore follows that if every *foot* of soil on the islands capable of producing sugar was put in cultivation the production would fall far short of the estimate made by the refiners, and would not exceed even then the amount in pounds that will be consumed the present year on the Pacific coast alone.

But how improbable is the statement that the annual production of the islands will be doubled even during the next seven years, the limit of the proposed treaty. Where is the labor to come from sufficient to work such a revolution in the productions of these islands? It has been said from China, but is this within the range of probabilities, when the price of labor there is but little in excess of that in China, and not more than one-fourth that paid on the Pacific coast for Chinese labor? Will Chinese immigrants, who leave their own land in order to secure greater remuneration for their toil, be likely to stop at the half-way house, however much we of the Pacific coast might desire they should, when by proceeding to our own shores they can realize from three to four times the amount per month they could in the Sandwich Islands? Or will the simple release from the payment of an annual duty of less than \$400,000 be sufficient to work such a revolution in the industry and material prosperity of these islands, so as to increase its productions to any very appreciable amount? The idea is preposterous, and cannot be sustained by either facts or argument; for with a population diminishing in numbers at the rate of over 2 per cent. per annum, and with wages much lower than California and Oregon, there is but little prospect of a large immigration, or of a greatly increased production. The total native population, which in 1832, when the first official census was taken, numbered 130,313, has dwindled down to 49,044 in 1872, the total population now being about 56,000, and made up in this wise:

Natives.....	49,044
Half-castes.....	2,457
Chinese.....	1,938
Americans.....	889
Hawaiians born of foreign parents.....	849
Britons.....	619
Portuguese.....	395
Germans.....	294
French.....	88
Other foreigners.....	364
Total in 1872.....	56,897

Is there then anything, I would inquire, to be rightfully deduced either from the number and character of the population, the productive area of the island territory, the present annual production, or the benefits that will inure to them from a release of duties now imposed, or from all these considerations together, that would for a moment justify the conclusion that the effect of the proposed treaty would be to affect injuriously the sugar-producing interests of this country in even the remotest degree? Most certainly not; and yet we are urged by certain private interests to oppose this treaty for this reason.

Why, the total importation of sugar into the United States in 1873 was 1,454,124,259 pounds, while of this amount but 15,743,146 pounds, or only about one-hundredth part of the whole, came from the Sandwich Islands; while the entire annual production of the Hawaiian Islands is less than 1½ per cent. of the sugar imported into the United States in one year, and less than one-third of the imports into San Francisco alone. When the sugar refiners, therefore, of San Francisco appeal to Senators from the South to oppose this treaty because its effect will be to bring Hawaiian sugars in competition with the sugar interests of this country, they are either wofully ignorant of or otherwise willfully misrepresent the facts. These interests are not jeopardized by this treaty; no, not to the extent even of the one-millionth part of a dollar.

But why should the refiners be so solicitous of southern interests? Is it not a fact that this opposition is made by those engaged in this particular industry not by reason of any fear to the general sugar-producing interests of this country, but rather from a belief that the adoption of the proposed treaty will in some way affect their individual interests as refiners of sugar? If the latter is the case, and if it is true that this branch of industry is to be stricken down or paralyzed, then they have, I concede, a right to be heard; a right to protest against any action upon the part of this Government the effect of which would be to strike down or seriously impair any legitimate industry, whether it be the refining of sugar or any other; and I take it the Senate of the United States would be slow to give its sanction to any measure if it were apparent that such would be the effect; but while this is so, no mere indirect and inconsiderable effect—falling far below any serious interference with private industrial enterprises—ought for a single moment to stand in the way of a measure of great national importance, as I conceive this to be.

And why, I would inquire, should the sugar refiners of San Francisco object to this treaty? How are their interests to be seriously prejudiced by its operation? The treaty does not empower the islands to import refined sugar. The language of the provision is "muscovado, brown, and all other unrefined sugar, meaning thereby the grades of sugar heretofore commonly imported from the Hawaiian Islands, and now known in the markets of San Francisco and Portland as 'Sandwich Island sugar.'"

Suppose the planters on the islands should erect refineries, they could not under the provisions of this treaty import their refined article into our ports free of duty. So that in this direction they have nothing to fear. Neither am I able to perceive anything in the probable workings of this treaty that will tend to the establishment of new refineries on our coast, and even were such to be the effect, I should regard it not as an objection to, but rather an argument in favor of its ratification.

I suppose the real ground of complaint, then, upon the part of the refiners is to be found, not from any fear of injury to or competition with their refined article, but rather through fear of a reduction of their profits on the residuum of their refineries, which at most cannot be very great; for it must be borne in mind that the refiners of San Francisco will have this advantage over those of the Atlantic coast; that they will under the provisions of the pending treaty obtain their raw material free of duty, while eastern refiners, in so far as they use the imported article, are compelled to pay duty. And while in respect to the sales of the residuum of their refineries their profits may to some extent be lessened, it cannot amount to any serious injury to this branch of industry, which to-day is perhaps something of a monopoly on the Pacific coast; it certainly will not either prostrate or paralyze it. And should this treaty have the effect of dividing to some extent the present immense profits of the refiners with the consumers of sugar in the Pacific States and Territories, I cannot see that there will exist any very great cause for complaint.

The farmer who tills the soil and earns his bread and other necessities of life by "the sweat of his face;" the mechanic who from early morn to setting sun plies his vocation with axe and adze and plane and saw and plummet and line; the laborer with his hours and days of continuous toil with shovel and spade and hoe and hod; the merchant at his desk, the professional man in his office, the honest miner in his adventurous search for gold, the herder on the mount-

ain side and in the green valley, and the fisherman by the golden waters of the distant sea—all these, scattered as they are up and down the shores of the Pacific, each in his proper and appropriate sphere, aiding, amid all the dangers and trials of pioneer life, in bearing onward into every nook and corner of this vast continent the sublime banner of American civilization and human progress—all these, with their wives and little children, have a right to be heard in reference to the questions involved in the treaty under consideration, equally with the refiner of sugar, whose coffers glitter with gold wrung in the shape of enormous profits on their productions from the daily consumers of sugar. I would not, Mr. President, as I have said, strike down or seriously impair this important branch of industry. I would, however, by the ratification of the pending treaty, divide the enormous profits of the refiner with the farmer, the laborer, the mechanic, the herder, the fisherman, the miner, the merchant, and the professional man, the consumers of sugar and molasses in Oregon and California and throughout the Pacific coast.

If the effect of the proposed treaty, as it unquestionably will be, is to give the people I have the honor in part to represent a free market and a better market than they now have for their surplus productions, and at the same time reduce to them the price on the sugar and molasses and rice and pulu and tropical fruits they consume; if it shall tend to build up, strengthen, and maintain a trade and commerce with our State and people, as I have no doubt it will, then, Mr. President, although these were the only considerations, I should feel indeed false to my duty, false to those implied pledges that always rest upon the people's representative in the councils of the nation, were I to sit idly in my seat pending the consideration of this question, or listen to or be influenced in my vote by the sordid voice of monopoly. I would not willingly deprive any corporation, however rich or great or powerful, of a single right; nor do I deem it necessary to do so; nor do I believe such will be the effect of the pending treaty. Should, however, the issue be presented, as it would seem to be in this instance, were their demands to be followed of promoting and advancing their pecuniary interests at the expense of and to the detriment of the masses of the people, then, sooner than bow to their dictation, I would see them sitting upon the wreck of ruined hopes, "childless and crownless," weeping over the desolation that surrounds them.

THE LOSS TO OUR REVENUE—ARE WE RECEIVING AN EQUIVALENT?

But it is said by the honorable Senator from Ohio [Mr. SHERMAN] and others that the loss to our Treasury of some \$500,000 per annum is something we cannot afford, and that this fact of itself presents a sufficient reason for the rejection of this treaty. To my mind this objection vanishes into thin air when viewed in the light of the great advantages, commercial and political, that must follow the ratification of this treaty. It is true the loss to our revenue of a half million annually is an item worthy of serious consideration, especially in the cramped condition of the nation's purse; but, sir, what security, I would inquire, have we that in the event of our rejection of this treaty we will be able to retain the trade of these islands? They desire reciprocity of trade; they must have it. They desire this reciprocity with the United States. For this they have been struggling with unceasing energy for the past twenty years. This in my judgment is the final effort to secure it, and to become identified in a closer bond of unity, of interest, of commercial intercourse with our country. Should they fail now, have we not every reason to believe that they will reluctantly turn from us in disgust, and seek alliances of trade with some of the other great powers, who to-day stand ready to give them better terms? And then in that event what becomes of your revenue?

Leaving out of sight for the moment all political considerations, and viewing the proposed treaty solely in a commercial point of view, it seems to me we can well afford to remit the revenues we are now receiving from these islands in consideration of the commercial privileges accorded us in lieu thereof. Why, it is a fact, that the Hawaiian Islands, with their population of less than sixty thousand souls, are to-day larger consumers (with their tariff of 10 per cent. *ad valorem*) of the products and manufactures of America than the British West Indies and the Dutch East Indies and the Spanish possessions in the East all combined, though our imports annually from these countries amount to over \$30,000,000, while we import from the Sandwich Islands only about \$1,017,000; while China, with her 400,000,000 people and whose trade the United States are struggling to obtain, purchases from us only four times as much as do the Hawaiian Islands, and I doubt not but little more than twice as much as the islands will purchase of us should this treaty be ratified by the two governments; while Cuba, from whom we purchase annually to the amount of \$77,469,826, or over seventy-five times as much as we do from Hawaii, is our consumer for only \$1,397,729, or less than twice as much as we sell annually to the Sandwich Islands. These islands import now from the United States, under the existing revenue laws of the two governments, over 75 per cent. of the amount of her exports to this country, while our exports to Cuba do not amount to 2 per cent. of our imports from Cuba. Our exports to the British East Indies do not reach 1 per cent. of our imports; to the Dutch East Indies they are less than 4 per cent.; to China 7½ per cent.; and other Spanish possessions, aside from those mentioned, less than ½ of 1 per cent.

Under these circumstances, Mr. President, our commerce with the Sandwich Islands stands out exceptionally favorably in comparison with that with the other sugar-growing countries in respect of its value to the American manufacturer and American producer.

What the opinion of the Secretary of the Treasury is, ever watchful as he is of the revenues of the Government, in reference to the remitting of present duties as provided in the pending treaty, is fully disclosed in his letter to Secretary Fish, and a copy of which is on our table. The facts and statistics stated in that communication constitute a complete answer to any objection to advising and consenting to the pending treaty by reason of present loss of duties. I commend its careful perusal to every Senator.

THE POLITICAL IMPORTANCE OF THE TREATY PARAMOUNT TO ALL OTHERS.

I pass, Mr. President, to a consideration paramount to all others, and which to my mind undermines and utterly dethrones every objection that ever has been urged, or that ever can be suggested, however plausible, against this treaty—a consideration in the presence and light of which the mere temporary loss of a few hundred thousand dollars of revenue pales into insignificance and becomes dwarfed in point of importance.

The geographical position of these islands with reference to our country and surrounding nations, in view of future military operations and naval conflicts along our Pacific shores, is one of incalculable importance, and of this fact England and France have not been nor are they now unmindful. Great Britain to-day through her colonies commands the South Pacific, and now, ever true to her history, she seeks to extend her empire, her influence, and her power by establishing a line of naval stations between those in the South Pacific and her possessions north of the strait of Fuca. Already she has possession of the Feejees, and now the only remaining station between this group and British Columbia are the Sandwich Islands. With them in her possession she would command the North Pacific as she already does the South.

A line run from the Feejee Islands, lately taken by the British, to British Columbia, on our northwest coast, runs through the Hawaiian Islands, and these once under British control they would complete a perfect chain of naval stations from Australia in the south, across the Golden Gate of San Francisco, the mouth of the Columbia River, and of Puget Sound—would command the harbor of San Diego, the termini of both the Northern and Southern Pacific Railroads, and would constitute a most formidable and standing menace to the future peace and commercial prosperity of the whole Pacific coast.

The commerce of the Pacific in the past decade, notwithstanding the statements of the honorable Senator from Vermont [Mr. MORRILL] in reference to the decline of the whale fisheries, has grown from what was then here and there a wandering ship into grand fleets, whose vessels are numbered by scores and hundreds. The Bay of San Francisco, the waters of the Columbia, and the harbors of the strait of Fuca and of Puget Sound, are the daily receptacles of ships of commerce from China, Japan, the eastern Indies, Liverpool, Mexico, Chili, Peru, and Australasia. Our merchant marine, our coasters, and our whaling fleets are constantly disturbing the waters of the northern Pacific. New York and China and Japan have been connected by one transcontinental railroad and steamship line, and soon will be, we hope, by at least one if not two more, connecting with lines of steamers across the Pacific; directly opposite the very harbors of this commerce of the Pacific coast, and directly in the track of that with China and Japan are the Sandwich Islands; midway in old ocean, between Asia and America, they stand as sentinels over what in my judgment will at no distant day be the highway of a commerce that will outstrip in value, importance, and grandeur that of the most renowned of ancient or modern times. Permit an enemy of that commerce to be planted there, with his fortifications and the protections of her harbors, even though he be the most insignificant of the maritime powers, and you permit that which will, if necessary to his purposes, seriously injure if not entirely annihilate it.

But if, instead of permitting this, we bend our energies and direct our policy toward converting these islands, in the legitimate and peaceful manner suggested by the pending treaty, into an outpost of American unity, a friendly and not a hostile sentinel over the destiny of American commerce in the North Pacific, we do much indeed toward insuring the present and future safety and security of that commerce, while the advantages of such a policy could only be exhibited in their real character, in their incalculable value to the Government of the United States and to the safety and security of the commerce of the Pacific States and Territories, in case of a foreign war; for in that event, with the islands under our control, where, I inquire, would a hostile power find a base of operations, save in barren British Columbia or among the sickly archipelagoes of the burning and distant tropics? The Pacific States and Territories have an interest in this question, it seems to me, that entitles them to be heard; an interest commensurate with the future peace and security of their people and their commercial and political welfare; but the interests of the Pacific coast are not alone involved in this question; the honor and influence of the United States as a nation, the safety of its commerce generally, and its political standing as a great maritime power among the nations of the world, are all involved in its consideration, and are to be affected by its decision.

How all-important Great Britain regards the control of these

islands, in order to secure her undisputed supremacy in the waters of the Pacific, is disclosed in the fact that even now, while the Senate of the United States is considering and hesitating in reference to the propriety of advising and consenting to this proffered treaty, wherein, as if to escape the clutches of British power, we are offered all and even more that we could have reasonably asked, she through her New Zealand emissaries is engaged in pushing forward a scheme, the purpose of which is to confederate the Hawaiian Islands with others of the thousand islands of Polynesia, thus forming a grand colony under British rule. The American minister, Mr. Pierce, resident at Honolulu, in referring to this matter uses this pointed and startling language:

Refuse the offered treaty, necessity will drive the islanders to seek for more intimate political and commercial relations with the British colonies of Columbia, New Zealand, Feejee, and Australia; and to eventuate in the Hawaiian Islands becoming also a colony of the British crown. * * * *The danger—*

Says he—

of our thus losing all control over the Hawaiian group is imminent.

And again he says:

Hitherto the Hawaii archipelago has maintained its independence, but there are strong indications that it may not much longer retain its present status, for already a scheme has been set on foot and powerfully supported by the chief officials of New Zealand, by which the Hawaiian Islands may be confederated with the groups of the South Pacific under British rule; these and other considerations indicate that the present time is most opportune for the United States Government to enter into more intimate commercial and political treaty relations with those islands.

Can we then as Senators, regarding as we all do the future well-being of our country, desiring as we do to see it stand in the future as now pre-eminent and invincible among the nations of the earth, equal with if not superior in position and prowess to the most exalted, and subservient to none—can we, inspired with these sentiments of good-will for the future destiny of our common country, view with any other feelings than those of intense alarm the probability of this great naval station, the future base of naval operations and supplies in marine conflicts such perhaps as the world has never seen, and in which may be involved the very existence of our Government, passing into the control of such a formidable rival as Great Britain?

Shall we in the presence of such a danger, a danger which our own minister declares to us is imminent, a danger that threatens to disturb the peace, the security, the commercial and political prosperity of the whole Pacific coast, and in the event of a war with Great Britain that will place the commerce of that coast, her ships and her navies, virtually in her power—shall we, I inquire, in the presence of such a danger, which I believe to be imminent, and the evil and sad consequences of which have not been exaggerated or overdrawn, sit with folded arms and composed minds, and hesitate, and conjure objections, and finally fail to do that which may now be done rightfully to avert this great national calamity?

We may refuse to act; but if we do, the time in my judgment will surely come when millions of treasure, a prostrate commerce, and the blood of the slain will be offered up as the penalty of our mistake. The day is rapidly approaching when the people of these islands can no longer maintain their autonomy, and when they must come under the control of some foreign power; this is inevitable; they admit it themselves; their past history decrees it, and the glimmering, waning light of their star of destiny confirms the decree. I believe it to be equally true that by the ratification of the pending treaty by which we strengthen our ties of interest, of commerce, of trade, we not only take it out of the power of other nations to secure their control, but we virtually secure it to ourselves. Is it not, then, true statesmanship under all the circumstances to act while we have the opportunity? To ratify this treaty is but to follow in the footsteps and be guided by the counsels of some of our greatest statesmen of both political parties who have now crossed the dark river; men who were wiser in their day and generation than we; such as Webster, Seward, Marcy, Polk, Sumner, and others, all of whom regarded these island as invaluable in a political and commercial point of view as a base of naval operations and supplies.

In 1841 James Jackson Jarvis, of Boston, the historian, in his work on the Sandwich Islands, said:

Should any of the great powers seize upon them it might be considered as holding the key to the North Pacific; for no trade could prosper or even exist while a hostile power possessing an active and powerful marine should send forth its cruisers to prey on commerce.

And speaking of the islands for defense he says:

A military colony once fairly established on them might put at defiance any means of attack which could be brought to bear against them.

While Mr. Webster was Secretary of State the islanders apprehended that the French intended to take possession of them, which fact was communicated to Mr. Webster, when he replied by saying:

If the French take possession of those islands they will be dislodged if my advice is taken, if it takes the whole military power of the government to do it.

Such has been the view of American statesmen generally in reference to the importance of these islands.

Mr. Marcy, when Secretary of State, negotiated a treaty similar to the one now before us. Mr. Seward directed the American minister to negotiate another, which was done; and now a third one has been presented to us by the present Administration.

It is in my judgment the third and last call, and as a last grand inducement, exceeding in value and importance all others. His Hawaiian Majesty solemnly stipulates and agrees that so long as the proposed treaty remains in force he "will not lease or otherwise dispose of 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."

Shall the Senate of the United States decline the proffered concession, and thus virtually say to that government, we do not desire to treat with you upon any terms whatever, even though you place at our disposal and under our control all you possess? Would France or England hesitate to accept such terms? They have long been looking down with an avaricious eye upon their wealth and position, nor are they uninformed or forgetful of the importance of these islands as a military foothold in future gigantic efforts for the further extension of empire.

Mr. President, I must not further detain the Senate. I hope this treaty may be ratified. As a question of policy. I will say, as I have said before, it reaches in my judgment far beyond the mere selfish considerations of present or prospective benefit to a special few; its direct tendency will be to countervail that spirit of foreign encroachment that would imperceptibly but surely sever the bonds that unite us with the governments of earth, and surround our nation with a wall of unfriendly power. It will eventuate in checking the further advance upon our Pacific shores of that spirit that actuated the French Emperor, under the false pretext of demanding payment of certain moneys alleged to be due his subjects, to invade a distracted Mexico, and by a system of treachery, aided by armed force, place or attempt to place a foreign prince upon a throne at our very door.

Is it not the part of wisdom, permit me to say in conclusion, to adopt and pursue such a policy toward those governments with which we are most nearly allied in political and commercial interest, that will tend to interweave their interests with ours in such a manner as to render them inseparable by the strong arm or the cunning device of unfriendly power—a policy not dictated by a desire of conquest, not originated by the unscrupulous and mercenary motives that induced a bloody Charles V to dispatch Hernando Cortez, that he might rob the golden treasure-house of the Montezumas, but a policy such as is enunciated in the treaty under consideration, one dictated by that enlightened spirit of the nineteenth century which, burning in the hearts and dwelling in the minds of the American people, impels them onward, as if by an irresistible and divine power, to strengthen, maintain, protect, and defend, by every legitimate means within their reach, the magnificent structure of republican government under which we live.

The Hawaiian Reciprocity Treaty.

SPEECH OF HON. JUSTIN S. MORRILL,
OF VERMONT,
IN THE UNITED STATES SENATE,

[In executive session, the injunction of secrecy having been removed by a vote of the Senate, March 23, 1875.]

March 18, 1875.

The Senate (in executive session) having under consideration the treaty of commercial reciprocity between the United States and His Hawaiian Majesty—

Mr. MORRILL, of Vermont, said:

MR. PRESIDENT: I have no prepared speech to make on the present occasion and the only advantage I shall have over those who have spoken in favor of the treaty will be, as I think, that I shall not be on the wrong side. The people of the State which I have the honor in part to represent have no local interest in the proposed reciprocity treaty with the King of the Sandwich Islands, and my conclusions upon its merits will be, therefore, wholly based upon national considerations. Let me say at the start to those who were firmly fixed in their opposition to Canadian reciprocity, that however insuperable might be the arguments against it, the arguments in its favor were tenfold stronger than any which can be brought to the support of reciprocity with the Sandwich Islands, and the precedent to be established is not less dangerous in the one case than the other. What may be done with King Kalakaua may be done with the Queen of Great Britain or the Autocrat of Russia.

For twenty years, or ever since 1855, the proposition for a reciprocity treaty with the Sandwich Islands has been kept before us and persistently urged, first by Mr. Harris, then by Mr. McCook, and recently by Mr. Allen, a gentleman of culture and character, who was first sent out there as our consul, came back as their minister,

NOTE.—The Senate having passed a resolution authorizing the publication of all the speeches delivered on the Hawaiian treaty, it seems not inappropriate that something should appear from some one of those who argued against the treaty as well as from those who made carefully prepared speeches in its support. This is the substance of an extemporaneous speech, occupying when made about an hour and a half of time, and is as faithfully reproduced, after the lapse of some weeks, as it is possible by the author.

and now, I believe, holds the place of chief justice under King Kalakaua. He has been most assiduous in visiting and button-holing Senators here and at their homes, as many Senators have informed me. Doubtless he thinks he is right in asking for the surrender of what will be but little for us and much for those to whom he now owes allegiance. The most potent argument now offered is the same suggestion that has heretofore been most prominently presented, as in 1855 and 1869, namely, that if we do not make this arrangement—so feeble are their numbers, so lamentably deficient are their resources—they will be compelled to lean upon some other power. Great Britain or New Zealand will snatch them up and they will be lost to us forever. Allow me to say if we are to come forward to the support of the paupers of the world—to bolster up all the islands, peninsulas, and continents whose waning finances need a tonic, or whose tottering dynasties are shivering in the wind—we shall have no lack of this sort of national missionary work.

But who or what is it that figures on one side of this compact, dignified by the name of a reciprocity treaty? Why, sir, a veritable kingdom of Lilliput, the whole trade of which does not amount to a tithe of that of the city of Memphis, Tennessee, or of the city of Portland, Maine, each having about 40,000 inhabitants. The population of the Sandwich Islands in 1860 is stated to have been 120,000, but our intercourse with them, philanthropic and enterprising as it has been, seems to have sadly diminished their numbers, so that now their census shows only 56,897 inhabitants, of which 5,366 are foreigners and 2,487 half-castes. It is obvious that these people, living in a climate which exacts little labor for a bare subsistence from those without ambition for anything more, will never furnish a market for any considerable amount of manufactures or products of any kind. Their means and their wants are equally narrow and are at the lowest point of semi-civilization. But poor and dwindling as they are, it is expected that a closer commercial contact and a free reciprocal intercourse will soon extinguish throne and dynasty, as well as the last fleeting breath of their national existence. Once the natives of this waif in the ocean would have Cooked and eaten us up in a different way, but this is a reversal of the feast to which we are invited, and now our power of digestion is to be tested.

It has been claimed in the opening speech made here that the proposition before us is one in the usual form of reciprocity treaties. Pray what is meant by the term of "usual form of reciprocity treaties?" There is no such form. We have no such treaties, and never have had but one, and that one of so unsavory a sort that it was abrogated at the earliest possible moment. We have had several reciprocity abortions—notably two with these same islands, or the proposed treaty of 1855 and that of 1869, both of which were rejected, although urged with the same persuasive arguments used to-day, including the never-forgotten one, that, if we do not do this, somebody else will right away. Besides these abortions we have had also the proposed Zollverein treaty of 1844, and the proposed Canadian treaty of last year, each in its turn having been coldly and very properly rejected. If it was intended to say that the present proposition is in the form of the Canadian reciprocity treaty of 1854, then I deny it. That treaty provided for the full and complete assent, by the passage of the laws required, of all the legislative departments of the respective governments before it was to take effect. This Hawaiian treaty, however, by its terms is to go into operation "as soon as it shall have been approved and proclaimed by His Majesty the King of the Hawaiian Islands and shall have been ratified and duly proclaimed on the part of the Government of the United States, and the laws required to carry it into operation shall have been passed by the Congress of the United States of America."

It will be observed that the treaty is to take effect when proclaimed by His Majesty the King and by the Government of the United States—meaning the President of course—and the after-thought, tacked on at the end, about the laws required to carry it into operation is of little binding force if the arguments of some Senators are to be accepted as correct, that such a treaty as this, when advised and consented to by the Senate, will be the supreme law of the land, either by executing itself or by making it the duty of the House of Representatives or of Congress to consent to the passage of all laws required to carry it into operation. When Canadian reciprocity was before us, the form presented was very different and required the assent and action of Congress first and before ratification, but here, whether by accident or design, ratification stands foremost. Should Congress refuse or omit to pass any laws upon the subject, according to the extreme doctrines of some Senators here, none would be necessary and the treaty might still be proclaimed as the supreme law of the land without the co-operation of the House of Representatives. The Treasury Department would be able at once to order the sugar and rice and other articles received from Hawaii to be admitted free of duty, according to the treaty, and then might snap its fingers at Congress. In any event this part of the treaty should be amended,* for I will not assume that it is really intended to evade the future action of Congress as to the passage of the laws required.

I hope it will not be considered presumption in me once more to call the attention of the Senate briefly to what I hold to be the un-constitutional character of reciprocity treaties. The Senate itself has after elaborate reports twice decided against them, and has so

*This was subsequently amended.

repeatedly rejected them as to make them suspected and more than questionable as a class. Four have been squarely rejected and only one accepted. When the Senate Committee on Foreign Relations in 1844 made, through Mr. Choate, their well-considered report on the Zollverein treaty, the unconstitutionality of reciprocity treaties was so clearly demonstrated that the treaty was at once laid on the table as the most inoffensive way of getting rid of it. President Tyler, not being satisfied with this action, again urged further consideration of the measure at the next session, and then (1845) a final report by the chairman of the Committee on Foreign Affairs, Mr. Archer, of Virginia, was made, reaffirming the positions of the former report and re-enforcing them by additional arguments. There are few men whose indorsement would add much weight to the senatorial opinions of Mr. Choate, but his authority gives to me what I need, a very solid support. Mr. Archer, by virtue of his long service in the House of Representatives, was made chairman of the Committee on Foreign Relations of the Senate upon his first entrance here, and so continued to the end of his service. In the history of our country no man has had for a longer period a more controlling voice in the conduct of our foreign affairs than Mr. Archer. He claimed that the Zollverein treaty would have promoted our interests, and yet he rejected it on the higher constitutional grounds. If Mr. Archer and Mr. Choate, twice backed by a large majority of the Senate, found no warrant in the Constitution for such treaties, I hope to be excused for sharing their blindness.

Such a treaty as a reciprocity treaty was unknown at the time the Constitution was framed, and to-day there is not one existing in the world—between any nations here or elsewhere. It is wholly a new and modern invention. It may be claimed that the Cobden treaty between France and Great Britain was of this character, but such is not the fact. That treaty was for the reduction of duties and the removal of those of a prohibitory character. Its operation was not entirely satisfactory, having destroyed several flourishing branches of British trade, besides proving so detrimental to the revenues of France that President Thiers, at the close of the recent war with Germany, was compelled to ask for its abrogation.

The Constitution of the United States gives to Congress the whole power to regulate commerce with foreign nations. There is no residuum of power left to be exercised elsewhere. It is as exclusively belonging to Congress as any other of the provisions in the whole chapter, or as the power "to provide and maintain a navy," or "to establish post-offices and post-roads," or "to raise and support armies." What would be said of a treaty which should be made providing for a reciprocity in establishing post-roads—we to build one and Canada another? What of a treaty providing for doubling the number of our naval vessels or for reducing them one-half? What of a treaty that should reciprocally require a larger or a smaller standing army? And yet the treaty-making power is no more excluded from doing these things than from regulating commerce by making dutiable articles free to the subjects of the King of Hawaii. If any one of the distinct powers of Congress can be invaded, all may be. A reciprocity treaty is an instrument that may be made to do all sorts of work. It has the genius of adaptability for the big job of yesterday and for this little one of to-day.

Let me strip the husk off from these so-called reciprocity treaties, and that husk it will be seen is all in the word reciprocity. Look at the present treaty and from beginning to end there is nothing in it but a compact to regulate commerce with His Majesty the King of the Hawaiian Islands, from whence rice, sugar, and other articles are to be exempt, by the treaty, from the payment of all duties, while any other rice and sugar are not exempt. Congress regulates commerce only by the passage of general laws applicable to all the world alike, but here, under the guise of reciprocity, the treaty-making power undertakes to regulate commerce by a special bargain which grants favors to one kingdom that are denied everywhere else. How far and how long the Senate will advise the Executive to travel in this direction time will disclose, but to whatever extent it may go it will to that extent be a suspension of the legislative power of the nation.

Possibly it will be contended that all of our treaties more or less attempt to regulate commerce, but it will be found that not one of them attempts to make any compact as to the rates of duties to be imposed or not to be imposed upon the importations of produce or merchandise, the only object of commerce, and the point where alone it can be regulated. There is a difference in the comity and usage of nations as to the treatment of foreign vessels when visiting their ports, with freights or passengers, laden or unladen, for repairs or for stores, and our treaties very properly embrace such questions as salvage, pilotage, quarantine, consular duties and privileges, light-house and harbor dues, but these are mere incidents of our general intercourse with the world, and do not even pretend to touch the primary question of regulating commerce.

The Constitution explicitly declares that "all bills for raising revenue shall originate in the House of Representatives." One of the largest sources of revenue undoubtedly is the duty fixed by Congress on sugars, and this source of revenue the treaty is to step in and dry up so far as sugars from the Sandwich Islands are concerned. Of what value to the House of Representatives will be the power to originate revenue bills, if the treaty-making power should step by step leave nothing upon which such bills can operate? Will it be

said that a treaty is not a "bill" and therefore is not inhibited? That would be merely a petty subterfuge. This is one of the popular privileges of the people—to tax or not to tax, when and how they please—confided to the sole guardianship of the House, and the House as long as it maintains its own self-respect must stand as a sentinel to resist attempts to exclude them from their full participation in the joint power of regulating commerce and especially to resist any diminution of their exclusive power to initiate all revenue measures—never intended to be initiated otherwise than by bills. The Constitution speaks in the imperative mood: they shall originate in the House of Representatives.

If reciprocity treaties are to become the settled policy of the country, then farewell to all stability in our revenue laws. The Executive will agitate these questions as well as Congress. We shall be subject to all the changes which foreign powers may successfully urge upon whoever may happen to be an able and influential Secretary of State. Our own interests will have to be bartered for the interests of foreigners, and reciprocal compromises will be the order of the day. There must be a pretense of equal sacrifices in order to give some meaning to the word reciprocity. In the present case we are to give up ten, if not twenty, times the revenue given up by King Kalakaua, and yet that is called "reciprocity!" It is obvious, if this policy shall be established, that any party when coming into power would find its first duty in a revision of reciprocity treaties. Free trade or protection could be established for twenty as well as for seven years, the limit of the present treaty, and long after any Administration responsible for such a treaty had been, it may be, driven from power by the verdict of the people.

These are no idle suggestions. Precedents for the exercise of power once established are seldom eradicated. Executive, legislative, and judicial bodies are prone to amplify and extend their jurisdiction and rarely practice self-abnegation by any restricted construction of their constitutional functions. I am sure that I do not desire to cripple the just power of the Senate, nor to diminish that affectionate respect so generally accorded and to which it has been so long historically entitled. But I trust I may be pardoned for avowing my deliberate convictions that reciprocity treaties are unconstitutional, and that they must be practically regarded as a serious invasion of the rights of the House of Representatives, and whether constitutional or not they will subject the Senate to popular criticism and jealousy that had much better be avoided. The exercise of legitimate power often excites detraction, but the exercise of doubtful power always excites execration.

I know that some of these objections are sought to be obviated by the proposition which looks to obtaining the assent of the House of Representatives. But the House, however, has no power to give its assent any more than it could delegate to the Executive the right to coin money or to declare war. The House of to-day cannot consent to waive its own right, much less to waive the right of the House of to-morrow. In spite of all treaties its functions and privileges must remain the same. No provision of the Constitution can be put out of sight and held in abeyance even for seven years by the forms of a treaty with His Majesty King Kalakaua, or any other foreign potentate.

Reciprocity treaties fly directly in the face of the "most favored nation clause," which exists in nearly all of our treaties with every nation in the world and bind us to admit the products and manufactures of one country on the same terms conceded to the products and manufactures of any other country. We have at least thirty-five of these treaties confronting us as an absolute bar to any special favors which shall not at once become common to all, or a bar to any treaty of reciprocity whatsoever. We have agreed over and over again not to do it, and the agreements being mutual were and are as much for our benefit as for that of others, being designed to prevent all discrimination either by ourselves or others, while reciprocity treaties have no other design than to establish discrimination. They are hostile and adverse to all other nations except the parties to the compact, and must be regarded as unfriendly by all whom its terms practically exclude.

It is true that I have sometimes pondered the question as to the propriety of making some discrimination in favor of republics, perhaps in favor of the South American governments, and certainly, if we were to have reciprocity anywhere, it would seem to be the part of broader statesmanship to make such compacts with Mexico, Buenos Ayres, the Argentine Republic, or Brazil—countries of sufficient population and wealth to give us some prospect of a larger market for our own products—rather than with the Hawaiian kingdom where our ambition must be satisfied with a prospect at zero or with a most pitiful and beggarly extension of commerce.

But, sir, on the whole, our ancient policy, handed down from the fathers, of holding all mankind "enemies in war; in peace, friends," is by far the wisest and safest national policy. Discrimination, by extending favors in one direction and withholding them from another, must in the end breed discord and arouse jealousies that will not tend to promote the interests of universal peace. Favoritism is ever odious. Should the policy of reciprocity treaties prevail to any extent it would create hateful "rings" among nations, quite as odious as any holy alliance of a by-gone age, and become the fruitful source of unnumbered fretful complications. Having promulgated the great American doctrine of the equality of mankind, let us not be the fore-

most to set the un-American example of granting special privileges to favored nations.

The Sandwich Islands include a small group, nearly midway in the Pacific Ocean, more than two thousand miles away from San Francisco, and about three thousand from China. But, although the most valuable, they are by no means the only islands of the Pacific, which is dotted all over with petty islands, forming a vast but very inconsequential archipelago. Among these are the Bonin, the Ladrone, the Marshall, the Mulgrave, and others, scattered far and wide, altogether too numerous to mention. Some geologists have supposed that in an earlier age there was a broad continent in the Pacific which has gradually sunk out of sight, leaving as islands only the higher elevations, and this sinking process, it has been affirmed, is still going on at Honolulu, but it is hardly probable that the islands will be submerged before the time named for the expiration of the proposed treaty, although this may be as much to be dreaded as the danger of which we have been forewarned, from their being gobbled up by the New Zealanders.

The financial question raised by this treaty, in proportion to its magnitude, will be a tough and unprofitable one for the Treasury of the United States. Measured by the past, it will deprive us of \$500,000 of revenue. Measured by the whole amount of sugars annually produced in the Sandwich Islands, and this must be the actual test, it would at once be nearly double this amount, to be further augmented year by year until the utmost sugar-producing capacity of the islands shall have been reached. This capacity is variously estimated and will reach from three to five times the amount of the present production, which is stated to be from twenty-three to thirty million pounds. So that from one hundred to one hundred and fifty million pounds of Sandwich Island sugars may ultimately take the place of an equal amount coming from other places that is now subject to the payment of duties, averaging, for the class which will be received, not less than $3\frac{1}{2}$ cents per pound, and may soon involve an uncompensated loss to the Treasury of two, three, or four million dollars annually.

The charming reciprocity for our loss is that His Majesty King Kalakaua will surrender about forty or fifty thousand dollars of revenue, as hard for him to bear very probably as our much larger surrender; but if the owners of the sugar-plantations, after having over 60 per cent. added to the value of their product, do not replace twice or thrice the amount of the king's loss of revenue, their sense of gratitude must be obtuse, and they will deserve the treatment they might have received from the hands of the king's hungry ancestors.

The duty we have charged upon sugars has been, when under No. 7 Dutch standard, $1\frac{1}{2}$ cent per pound; over that and not over No. 10, 2 cents per pound; over that and not over No. 13, $2\frac{1}{2}$ cents per pound; over that and not over No. 16, $2\frac{3}{4}$ cents per pound; over that and not over No. 20, $3\frac{1}{4}$ cents per pound. By our recent legislation we have added 25 per cent. to all of these rates. Sugars of No. 13 Dutch standard are very passable common grocery sugars. The great bulk of the sugars from the Sandwich Islands will be brought up to or over No. 16 Dutch standard, and will compete with other sugars which would be charged with a fraction over $3\frac{1}{4}$ cents per pound duty. They will make the most profit on the highest grades, and of course will prepare and send these exclusively. The highest grades are as legitimately Sandwich Island sugars as the lowest grades.

Our market for their sugars is the best they can possibly have, treaty or no treaty, charged with duty or not. The duty is a sheer loss to us and a sheer gain to the twenty-five owners of the sugar-plantations, whether they reside in Hawaii or elsewhere. It is an immense subsidy to these wholly private interests and far more obnoxious than any subsidy which has heretofore found congressional advocates. However honestly intended by the parties to the negotiation, I feel constrained to denounce it as a job, the chief result of which will be to put money into the purses of a few Hawaiian sugar-planters, who have captured a good enough king to march at the head of their triumphant procession through the country at our expense and who by and by is to issue his royal proclamation ratifying the treaty.

When the rejected Hawaiian treaty of 1869 was before us it was claimed as a merit that all of the owners but two of the twenty-five were foreigners and almost wholly Americans. There is no doubt they are so now. They may be called smart, whether we are or not. We are proposing to pay for their ventures at least $3\frac{1}{4}$ cents upon every pound of sugar they may send to our market, which will nearly double their profits. No duty being imposed upon sugars imported there, whatever they require for their own consumption will hereafter be obtained from India and China, and it is quite possible their own crop will be miraculously re-enforced by these cheap oriental resources. If the sugar from the Indies takes another name, will it not be as sweet?

If we are to give such a bounty as this just at the time we have increased the duty 25 per cent. upon our own people to obtain more revenue, it seems to me that it would be far better to bestow it upon the home production of sugar rather than upon any foreign production. If we were to offer even one cent per pound bounty on home-made sugar, I cannot doubt but the increase of cane, beet, and maple sugars would soon far out-strip the whole product of the Sandwich Islands, and how much more it would

contribute to the prosperity of our own people! California, not surfeited with the vast increase of Hawaiian sugars, produced most probably there by the employment of large numbers of Chinese laborers, would nobly strive with Louisiana for the mastery, and the gold to be sent abroad for sugars would be sensibly and profitably diminished. This was the policy of Napoleon in encouraging the culture of the sugar-beet, which at length, instead of requiring a bounty, was found to be so profitable as to be able to bear taxation when the cane sugars of French dependencies could not. The beet sugar of California now amounts to one million of pounds and is increasing. It deserves the tenderest encouragement instead of this neck-and-neck contest with the Hawaiian speculators. I would not unreservedly argue that a bounty on home-made sugars would be expedient, but I cannot hesitate to denounce the Sandwich Island bounty as wholly inexpedient.

The production of rice in our own Southern States and of the cane sugars of Louisiana and the Gulf States has been greatly depressed, and it is profoundly to be hoped that in spite of all obstacles they will, under the large protection offered by our present scale of duties, soon revive and pass any limits to which they have heretofore been confined. Surely our sugar-planters cannot look with any complacency upon the fact that they are to have the Sandwich Islands as equal competitors for a class of sugars similar to their own. In 1855 the objections of Louisiana Senators to a like treaty then proffered were thought to be very potential. Her interest in the question to-day is not less, but greater.

Will California and Oregon be benefited by this treaty? If they were to be, that might be claimed at least as a local benefit. But they will not obtain their sugar at any reduction from the market price, whatever may be exempt from duties at their ports. If that were otherwise the provision of the Constitution, that duties shall be *uniform throughout the United States*, would be indirectly violated. The only effect will be that the owners of Hawaiian sugars will obtain an advance in price just equal to the duties released, and the more we import of these, the less shall we import of other dutiable sugars. Our people on the Pacific coast will not be benefited in the slightest degree as to the cost of living, although it is not improbable their sugar refineries may be destroyed. Their occupation to a large extent will be superseded, and this will be a considerable local loss that will not be compensated by an increase of other trade. The poverty of the Hawaiians, their inferior state of civilization, and their deeply rooted habits of indolence, give no promise of enterprise, nor of any considerable expansion of trade. The removal of their 10 per cent. duties heretofore charged on some of our products will not be so great an advantage as to enable us to control their markets against all the world; and, if we could monopolize their whole trade, it would be a very small nugget in the commerce of the Pacific coast, or the merest trifle and wholly incapable of diverting attention from the vast field which lies beyond.

There was a time when Honolulu was of greater importance as a rendezvous of our whale fishermen than it is to-day. But the whale, that gigantic game of the ocean, seems to be disappearing. The hunchback, the sperm, and the right whale are no longer plentiful anywhere. The Greenland fisheries were thought to have been exhausted some years ago, although they have been so relentlessly pursued elsewhere that they have made their reappearance there, but in lessened numbers. The number of our whalers in the Pacific has been reduced from over two hundred and fifty to less than one hundred, and the catch, from an average of often one thousand barrels of oil for each vessel to less than six hundred. One-half of the whales taken near Alaska, or around the Aleutian islands, have also an unfortunate alacrity when struck by the harpoon of sinking beyond recovery and are lost.

The wonderful discovery of kerosene, or rock oil, has in a large measure superseded sperm oil. It no longer furnishes a cheap light. The vocation of whalemens no longer dazzles sea-going adventurers by its profits, and has ceased to be a world-wide necessity. Ocean-going steamers by their huge dimensions and rapid voyages absorb the freights of whole fleets of the smaller fry of sailing-vessels, and the bulk of the commerce of the Pacific Ocean, as elsewhere, will hereafter be carried by these steam leviathans of the great deep. The few whalemens we have left which may visit the Pacific will derive no advantages whatever by this treaty. Their interests are wholly untouched. They have always been allowed to deposit cordage and ship-stores there in bond and, upon returning to refit, to take what they wanted without payment of duties. Whatever flag covers the islands there will never be a government there so stupid as to deny such privileges to anybody. It is the chief link that connects them with the rest of mankind.

Once American statesmen might have felt disinclined to see these islands pass under the control of any other power, as if has been stated was the case with Daniel Webster. In that part of the message of President Tyler in 1842, supposed to have been written by Mr. Webster, it is true that he states such a condition of affairs "could not but create dissatisfaction," but he at the same time takes good care to say that the United States "seeks, nevertheless, no peculiar advantages; no exclusive control over the Hawaiian government, but is content with its independent existence and anxiously wishes for its prosperity and security." This was a position wholly at war with what we are now proposing to do. Webster sought no peculiar ad-

vantages then, and much less would he now, if he were living, with far less favoring circumstances, seek to give or take the peculiar advantages of a reciprocity treaty.

At the bottom of this scheme something more grave than this treaty it appears is impending. The superstructure of reciprocity might topple and fall if there was not something stronger at the base. The Hawaiian inhabitants are decreasing, it is declared, at the rate of 2 per cent. per annum. Soon they will be too few in numbers to support a monarchy or any other kind of national government. The government is a small drop in the ocean to be absorbed by the first larger drop with which it comes in contact. Their whole revenues from all sources are less, it is said, than two hundred thousand dollars. Already they are financially embarrassed, and must somehow borrow a million or two for immediate relief. They have no security to offer but their government and the islands. "Nor is the matter of much consequence," says Mr. Pierce, our minister resident, "inasmuch as the loan, if taken, can never be repaid." Whoever loans King Kalakaua a million or more, may exact the pound of flesh or the surrender of the islands whenever the loan shall become due, and we are teaching the king to lean upon us for such a loan as his most distinguished acquaintance. The treaty, if consented to, will diminish his revenues on imports forty or fifty thousand dollars, and how then, as we shall have been the latest cause of so much of his woe, can we refuse the loan? This is the tropical fruit the treaty will be expected to ripen and which we are to stand in readiness to catch when it drops. We are urged to make a reciprocity treaty because other nations will be eager, if we fail to do it, to make a loan that "can never be repaid." The next step in this little drama will be for us to tender the loan so greatly needed because New Zealand has already offered it, and King Kalakaua does not seek absorption in that direction, but prefers the honor of being the debtor of the United States. He prefers to take refuge when swallowed in a larger stomach. The ultimate object thus comes to the surface. It is to prepare the way for an island colony in the Pacific Ocean, not contiguous, but two thousand miles away from our shores. Should that be our American policy?

To Great Britain colonies have long been a necessity. First, to afford a market for her manufactures by which their dense population derive their only means of support; second, to afford an outlet for large numbers of the unemployed and more or less turbulent class of their people; third, to give official employment to the younger sons and lower ranks of their aristocracy. Colonies have therefore been the safety-valves through which the dangerous surplus of their population makes its exit, and by which political explosions and revolutions have been postponed or avoided.

The United States are under no such necessities. (1.) Our ample territory will afford our people room and verge enough for centuries to come. Our new States and Territories are panting for every soul they can induce to leave the older States. We have no surplus or turbulent population anywhere that we want to be rid of. The strength of a nation in peace or war lies not in dispersion but in concentration. (2.) Our manufactures yet fall far below what are required for home consumption, and we therefore have a better market at home than any we can create by means of colonies abroad. (3.) Nor do we desire to multiply places for official employments, and thus swell our already extravagant national expenditures.

The colonial system even to Great Britain has been an oppressive financial burden and the source of many wars as well as of bloody revolts on the part of the subjugated nations or other disputants. In these collisions it mattered little on which side the slaughter occurred, as in any event the disappearance of useless friends or dangerous foes could be dwelt upon with composure. In New Zealand these collisions have been constant and exhaustive. To-day the Canadian Dominions, Australia, and New Zealand might proclaim independence without a blow or a protest against it from the mother country. The colonial system is in its dotage. The discovery of new worlds no longer feeds this vanity of nations. The world will not long tolerate colonial monopolies, and the day is coming when no part of enlightened mankind will consent to remain the political underlings of any foreign rulers.

There is no attribute in the character of our people, and no principle in our form of government, that can give success to any system of American colonies. Our ambition has been properly limited to the desire that all nations should be free and independent. We have been trained to govern ourselves, not others. With all of our well-founded historic hatred of colonial systems, shall we, when all of its glories are becoming dim in the eyes of the world, start in the colonial business by an enterprise that will find its chief distinction not in its magnitude, but in its resplendent littleness? If we were to squat anywhere, or were disposed to add anything to the land-stealing fame of the Anglo-Saxon race, Cuba or Mexico might at least give some dignity and grandeur to a criminal blunder, but Hawaii is a mere speck that can only blot our record and make our eagerness for colonial appendages ridiculous.

There is one more notable argument, namely, that we need the Hawaiian Islands as a naval station, and this is as baseless as all the rest. It has been said that it is "due to the Pacific coast as a guard." Two thousand miles away from the Pacific coast, and yet to stand as a guard! This does not appear to me as a very substantial argument. The strong arms of the men of California and Oregon—

and we have none worthier or stronger—are abundantly able to defend their own coasts. They need no other bulwarks to repel all assailants. Has Maine ever been afraid of Halifax or Quebec? Has she ever wanted any islands of the Atlantic to guard her coasts? No, sir! When in the progress of the negotiations for the settlement of our northwestern boundary Great Britain offered to give us Newfoundland for Oregon and Washington, the offer was at once refused. Distant islands must be defended and have no power to guard a continent.

To build up and maintain a naval station of any importance involves a large expenditure; and at the Sandwich Islands, if made entirely safe, it would be exceptionally large. All the harbors and coasts would have to bristle with forts, batteries, and martello towers. Wharfs, docks, and yards would have to be provided, and all the material for the purpose transported from our own shores. Men for garrison duty would have to be permanently stationed there, and naval vessels constantly sent and maintained to represent our flag. All this, however, would be of no consequence unless at the approach of peril we had at the instant more guns afloat there than our enemy. A stronger force than our own would capture the islands in half an hour, as we might do if they were in hostile hands and it was of any importance to us to possess them. In time of peace we can have all the privileges that are needful, as we have at Liverpool, Havana, or Bremen; and in time of war the islands would be a source of weakness by multiplying points of attack and by withdrawing from home the ships and men required for their defense. The rocks of Gibraltar, Malta,* and Saint Helena are truly formidable and are very capable of defense, but if Great Britain should at last find her strength waning at home in comparison with other powers, all these would furnish to her own shores no security against an attack waged by an equal enemy and conducted according to the methods of modern warfare. But the Sandwich Islands have no resemblance to Malta and Gibraltar, and could not themselves be made defensible much less capable of offense.

It will be seen that I am opposed to this treaty—

First. Because it seems to me to be in open and plain conflict with the provisions of the Constitution.

Second. Because it would establish a policy and a precedent of discrimination and favoritism in our intercourse with foreign nations—exposing us to the jealousies and ill-will of those less favored—and would be a broad departure from the true American policy of the fathers of the Republic.

Third. Because it offers financially little or no compensation to our Treasury or to our people for an extravagant subsidy, amounting to millions, bestowed upon a small number who own sugar-plantations in Hawaii.

Fourth. Because it is now, as it ever has been, a job of a few sugar-planters to enrich themselves at the expense of the United States.

Fifth. Because only on the most diminutive scale can it increase our commerce. The character of their population, small in numbers, destitute of property, little advanced in civilization, except in its vices, deplorably feeble in mechanic arts, education, science, and trade, forbids all ideas of an extensive or profitable commerce.

Sixth. Because we should not take any incipient steps toward the establishment of colonies which, if established, would be wholly incongruous and incompatible with the fundamental principles of our form of government.

Seventh. Because, if our full title to the islands were to be completed, we should have an elephant on our hands, costing large sums annually, of no practical use to ourselves in time of peace, and inspiring no dread among our foes in time of war.

Eighth. Because there is no general sentiment of the country in its favor, and because there is and ought to be a general sentiment in the House of Representatives against all so-called reciprocity treaties.

* Each of these stations (Gibraltar and Malta) cost the British government annually over \$2,000,000 to maintain.

The Hawaiian Reciprocity Treaty.

SPEECH OF HON. NEWTON BOOTH, OF CALIFORNIA, IN THE UNITED STATES SENATE,

[In executive session, the injunction of secrecy having been removed by a vote of the Senate, March 23, 1875.]

March 18, 1875.

The Senate (in executive session) having under consideration the treaty of commercial reciprocity between the United States and His Hawaiian Majesty—

Mr. BOOTH said:

Mr. PRESIDENT: I am exceedingly reluctant to intrude at this time upon the attention of the Senate, but as it is supposed the Pacific coast has an especial interest in the subject under consideration, justice to myself seems to require that I should briefly state the reasons

which will control my vote. I do not believe that the people of California desire any local interest of theirs to be advanced at the expense of the general good, nor do I believe they have any general interest which will be substantially promoted by the ratification of this treaty.

In listening to the very earnest and able speeches of the Senators from Oregon, I was almost persuaded into the belief that if we failed to conclude this treaty, the trade-winds of the Pacific Ocean would cease to blow, its currents be reversed, and the Sandwich Islands would sink; or, at least, that some mysterious line of political and commercial quarantine would be drawn around the islands, which no American vessel could ever cross, and that American intercourse with Hawaiians would be forever "tabooed." But, Mr. President, none of these things will happen. Whether we ratify this treaty or not, the Hawaiian Islands will remain where Captain Cook found them, they will still be landmarks in the ocean, their harbors will be open to American vessels in distress, for supplies, for trade, and the Hawaiians will be ready to sell us what we wish to buy of them, and to buy of us what they need when the terms are satisfactory.

It is fortunate there is so little dispute as to the commercial aspect of this treaty as to greatly simplify its consideration in that regard. The population of the islands is stated to be 56,000, of whom 2,000 are Americans or their immediate descendants, 2,000 Europeans, and 2,000 Chinese.

Their exports to the United States in 1874 amounted in round numbers to a million of dollars, of which sugar constituted something more than nine-tenths in value. The entire production of sugar in the islands in that year was about 28,000,000 pounds, of which the United States received more than one-half. Under the existing tariff, 14,000,000 pounds of "Sandwich Island sugar" would pay an average duty of three cents per pound, and the loss to the Treasury by admitting it duty free would be \$420,000; but under the provisions of the treaty, we shall receive the entire crop of the islands, and the loss next year would be \$840,000.

Mr. CONKLING. Why will the loss be increased? If we received 14,000,000 pounds last year, why shall we get double that under the treaty?

Mr. BOOTH. We shall get the whole amount exported by the islands, because it will have an advantage of three cents per pound over all other foreign sugars. We shall get it as certainly as we do the Louisiana crop, and for the same reason. We shall draw that much less from Manila and other sources of supply in the Pacific, whose sugars will pay duty. It was admitted, and even argued by the Senator from Maine, [Mr. HAMLIN,] in support of the treaty, that the production of the islands at their maximum capacity bore so small a proportion to the consumption in the United States, that its admission, duty free, would not influence the price of sugar in our markets. Last year the Hawaiians supplied us with less than 1 per cent. of our entire consumption, and under the most favorable circumstances could not send us more than 6 per cent. Last year the consumption of sugar in the United States was 1,600,000,000 pounds, and the estimated annual increase is 30,000,000 pounds. I believe this argument of the Senator was correct, and that this proposition would be found true, even if our importation from the islands should exceed the largest estimate: for sugar, like wheat, is an article of such universal consumption, that its price at any given time is determined by the relation of supply and demand throughout the world, and its price in the world's great commercial markets is simply an index to that relation.

Mr. HOWE. Will the Senator from California allow me to ask him if price is not regulated by cost of production?

Mr. BOOTH. Ultimately, yes; immediately, no. The farmer in Wisconsin does not make a calculation after he harvests his wheat as to how much it has cost him to raise it, and then fix the price. He does not refuse a profit; he sometimes sustains a loss. When he has raised his crop, he finds a market price fixed; the quotation at London determines the price in Milwaukee; and he must either hold or take that price. It is true that if raising wheat paid an unusual profit its production would be increased; if it involved a loss it would diminish, so that the price is always gravitating toward cost, and in a series of years, with free competition, average price is average cost. Granting the general principle, that average cost determines average price, and making an immediate application to the case in hand, the price of sugar in the United States will be the cost of producing and transporting it plus a duty of three cents per pound. That will be the price the Hawaiian planter will get for his, though he will not pay any duty. This is not free trade; it is simply extending the protective tariff of the United States over the Hawaiian Islands, and while the Government loses revenue the consumers receive no benefit. It is not protection, for American production is not fostered. It is simply a bounty paid by the United States to the owners of sugar plantations in the Sandwich Islands. The treaty itself provides that this bounty shall go to these men, and to no one else; for if the Senator from Maine [Mr. HAMLIN] was right in stating that removing the duty from Sandwich Island sugar would not affect the price, neither would it if the Hawaiian government should impose an export duty equal to that we take off; but this is prohibited by this treaty, which seems to be negotiated rather in the interest of the planters of the islands than of the governments which are parties to it.

This bounty of three cents per pound upon sugar the average cost of which is not to exceed five cents will stimulate the production to the highest capacity of the islands, and the loss to the Treasury will be

determined by that as rapidly as the sugar lands can be brought under cultivation. The Senator from Oregon [Mr. MITCHELL] in his very able speech in support of the treaty estimated that there were 100,000 acres of sugar lands in the Hawaiian Islands.

Mr. MITCHELL. But a large portion of them not susceptible of irrigation.

Mr. BOOTH. I was about to add the qualification. He stated also that 1,000 pounds of sugar was about the production per acre. I regret that I have no exact information as to that; but the Senator from Louisiana informs me a good sugar plantation in Louisiana will yield more than 2,000 pounds to the acre, and as sugar-cane is indigenous in the Sandwich Islands, I do not know why the yield there with proper cultivation should be less, which would give 100,000,000 pounds as the product of 50,000 acres. The commissioners who represent the Hawaiian government estimate the probable production at 50,000,000 pounds, and certain gentlemen in San Francisco who are familiar with the subject estimate it at 135,000,000. The average annual production during the seven years this treaty is to continue would certainly not be less than 50,000,000 pounds, and the annual loss to our Treasury \$1,500,000, (I think it would be much more,) without any advantage to consumers. What compensation are we to receive?

First. It is said by an increase of our exports to the islands. Why, Mr. President, the whole foreign trade of the Hawaiian Islands is less than \$1,400,000. If we should get it all, it would simply be paying the planters a million and a half for the privilege of selling \$1,400,000 worth of goods. If the profit on these exports were 20 per cent., we should pay something more than five dollars for one. I have no doubt we could buy the markets of the world upon the same terms, but the difficulty is that after paying for them we should have nothing left to sell.

Mr. EATON. Would not the foreign trade of the islands increase with increased production of sugar?

Mr. BOOTH. It would increase, but not in that proportion.

The mere diversion of labor to raising sugar would not largely increase the demands of a people who live in a tropical climate and do not know the artificial wants of high civilization. The planters, it is true, would be very ungenerous if they should not take a part of the annual subsidy it is proposed to give them "in trade."

The removal in our favor of the 10 per cent. duty imposed now by the Hawaiian government would by no means give us the exclusive control of that market. It would not open it to that large class of American goods which require a protection of from 30 to 50 per cent. to give them a market at the doors of the manufactories. If it would, a duty of less than 10 per cent. is all the protection American manufacturers require.

Why, Mr. President, there are less than forty of these Hawaiian sugar planters—not to exceed three thousand men employed, four-fifths of whom are natives, the remainder nearly all Chinese. Treble these and you have not a population for an eighth-class American city. Then take into consideration the limited wants, the primitive habits of the natives, the wages of labor but twelve dollars per month—and where is that magnificent market which captivates the imagination and is to induce us to conclude a treaty which disturbs the uniformity of our revenue system and infringes upon the constitutional prerogative of the House of Representatives to have a potential voice in matters of revenue?

But, Mr. President, it will not be seriously contended that this treaty with a nation which the Senator from Vermont [Mr. MORRILL] aptly styled the Kingdom of Lilliput has been negotiated upon our part for any commercial purpose. The object is political. It is assumed that by bringing ourselves into special relations with the Hawaiian Islands we shall acquire a protectorate over them, and eventually their sovereignty.

The means seem to me of doubtful success, the object of more than doubtful utility, the subject a matter of such grave importance that it ought not to be disposed of upon a mere assumption without that full discussion which is impossible in the short time left for its consideration.

About two years ago an eminent citizen of the United States went to the Hawaiian Islands with authority to open negotiations to obtain the possession of Pearl Harbor. This harbor is practically of no use to the Hawaiians, on account of the narrowness of its entrance, through an opening in the reef, and the Hawaiian government is not able to widen it. The Hawaiian government would not entertain the proposition, as it would certainly give offense to the sentiment of the people and possibly to foreign powers. Is it probable that government will be disposed to make greater concessions hereafter than it would when upon the verge of bankruptcy and dissolution—perils from which it hoped this treaty will save it?

But it is suggested that by creating a demand for American capital, enterprise, and labor, in extending our protective tariff over Sandwich Island sugar, an immigration will be drawn to the islands from the United States which will eventually control the Hawaiian government; that an American colony will be first established in sentiment, afterward in fact. If the limitations placed upon the capacity of the islands to produce sugar by the supporters of this treaty when they estimate loss of revenue are correct, this colony would be far too small to accomplish any such purpose. Be their capacity small or great, the demand for capital and labor will not necessarily be supplied from the United States. It is reasonable to suppose they would

go from the countries where they are cheapest. The Senator from Oregon who spoke last [Mr. KELLY] stated that the Chinese would not go to the islands, as they could get better pay in California. If that be true, the invitation to American labor is not very enticing.

The American element now in the population of the Sandwich Islands is due to two causes which have been so greatly modified as to be practically obsolete—the enterprise of American missionaries in taking possession of this field of missionary labor, and the convenience of Honolulu to the American whaling fleet in the Pacific before the settlement of California and Oregon and when the whale fisheries were important. If you attempt to substitute for these causes simply an invitation to capital by offering profitable investment, you will be quite as likely to find the European buying out the American planter as the American opening new plantations. Who ever may go on this open invitation to raise sugar immediately, and revolutionize a government remotely, will employ the labor he finds there—and that will not be American.

Finally, Mr. President, is it certain that we want the sovereignty of the Hawaiian Islands, if we could get it for the asking? Are we prepared to-day to enter upon a scheme of colonization? Heretofore, with the exception of Alaska, all the territory we have ever acquired has been contiguous, and has or will become a part of a homogeneous political plan. I suppose no one now expects to erect the Hawaiian Islands into a State, and the suggestion that they may become a dependency of California is at least more visionary than practicable. No, sir, this colonial idea means an innovation upon our general plan of government. It will be a government at Washington of islands 2,000 miles distant from our nearest port. It means that we are to become a great naval power, with distant possessions which it is a point of honor to defend, with all the additional expense and strengthening of the central government which that implies. It means that we, a continental republic, shall enter upon a colonial system like that of the insular kingdom of Great Britain, and which many of the wisest of British statesmen to-day regard as the great mistake in the policy of their government. It is only a beginning, but a beginning which in my judgment we should avoid.

To-day a commissioner of the United States is sailing upon a United States vessel to the Samoan Islands, bearing presents of peace and good-will in the shape of implements and munitions of war to barbarous chiefs of warlike tribes.

The Senator from Oregon [Mr. KELLY] urged that we ought to take steps to acquire these islands as they might become in unfriendly hands the base of naval attacks upon our Pacific coast, and instanced as an illustration the annoyance we suffered from the British islands in the West Indies in the war of the rebellion. Why, sir, these were under our shores, yet we refused San Domingo, and the Hawaiian islands are almost as distant from our Pacific as England is from our Atlantic coast.

It is one of the infirmities of our nature, Mr. President, that after we have mastered a specialty it masters us. It is probably almost impossible for a naval officer, an enthusiast in his profession, not to regard every island in the seas as a useful base for operations in naval warfare. So to the military engineer the value of a harbor is in its sites for fortifications. The physician may sometimes speak of a beautiful case of small-pox, the surgeon of a superb compound fracture.

It is possible that the possession of the Sandwich Islands might prove a convenience in the event of war between this nation and a naval power, but is it wise to change our political policy to secure so small an advantage for so remote a contingency? We have been a nation nearly a hundred years, and have had a war of three years with a naval power. It is said that the best way to preserve peace is to be prepared for war, but it is even more true that the best way to be prepared for war is to cultivate the arts and preserve the policy of peace.

I differ, Mr. President, with great diffidence upon this question from the other Senators of the Pacific coast States, but I can come to no other conclusion. I can see in the avowed commercial purposes of this treaty nothing but loss, in its real political object nothing but danger.

The problems of our Government are difficult enough without further complications, and there is room on this continent for our highest ambition.