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A

by Lord George Paulet

of H.M.S. Carysfort



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H O N O L U L U

May 10th., 1970

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This thesis is respectfully submitted to Dr. K. J. Bauer, Associate Professor of History at Rensselaer Polytechnic Institute in Troy, New York, in partial fulfillment of the requirements of course 67.21, "American Diplomatic History I," and to Dr. Donald Johnson, Professor of History at the University of Hawaii in Honolulu, in partial fulfillment of the requirements of course HIST 499, "Directed Readings."

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Craig W. Walsh

Today, when an air mail letter takes but several days to span the distance from Hawaii to Great Britain, and when instantaneous global communication is as accessible as the nearest telephone, it is difficult to imagine a world in which a journey from the mid-Pacific to Europe took almost a third of a year. Just before the nineteenth century reached its half-way mark, a British naval officer forcibly seized the Hawaiian Islands in the name of Queen Victoria. Yet, almost one month after the cession, representatives of the Hawaiian monarch were just beginning their negotiations with the Earl of Aberdeen for recognition by the English crown of the independence of their small island country. These talks in London continued for four months before they were disturbed by reports from the Pacific of Lord George Paulet's action.

While, according to Hawaiian history^{scholar} Ralph S. Kuykendall, "the episode had no very great permanent influence on the history of Hawaii,"¹ it is worthy of some study because of the intricate diplomatic negotiations which it necessitated. Although very few residents of the Fiftieth State are even aware of the fact that from February 25th through the end of July, 1843 the islands were commanded by a British commission, this chapter is one of the most interesting in Hawaiian history.

¹R. S. Kuykendall, The Hawaiian Kingdom (Volume I), (Honolulu, 1968), pg. 206.

The background of this affair is of particular importance, since the seizure of possession was largely a result of three factors: (1) The impending threat of a take-over by the French; (2) The irresponsible actions of Richard Charlton, the British consul to Hawaii; and (3) The growing importance of American citizens in the Hawaiian monarchy.

1. The French Threat

In July of 1839, the Artemise, a French warship, anchored in Honolulu harbor. Its commander, Captain Laplace, demanded that the Hawaiian government declare the Catholic faith to be free throughout the kingdom, and give the Catholics some land upon which to build their church. Laplace further insisted that the flag of France be accorded a twenty-one gun salute, and that \$20,000.00 be placed aboard the Artemise as a guaranty that any Frenchman visiting Hawaii would be fairly treated.

Since the captain threatened immediate war if these conditions were not fulfilled, the alarmed ministers promptly signed the declaration and turned over the money. The king, Kauikeaouli, was absent from Honolulu at the time, but he returned to find Laplace further demanding that French wines and brandies be admitted to the kingdom at an extremely low rate of duty. These additional conditions came because La-

place was delighted he had " . . . won so much from the intimidated islanders and with so little difficulty."² Kauikeaouli quickly agreed, and Laplace sailed with the signed documents and the \$20,000.00.

On November 5th, 1844, the British consul to the Hawaiian Islands, Robert C. Wyllie, wrote the Foreign Office:

Any profit that could arise to French subjects from the very limited consumption of Brandies and Wines that these Islands afford, is but a paltry consideration compared with the vices that their abuse endangers, the fines that sailors have to pay under the disorders arising from that abuse, the disease and desertion which it originates, and the prejudicial influence it is found to exercise upon the success of all whaling vessels not navigated on Temperance principles.³

On August 24th., 1842, the French warship Embuscade, commanded by Captain Mallet, arrived at Honolulu. The captain reported that there had been violations of the Laplace treaty: namely, that Catholics were being unfairly treated while Protestants received special favors. Kauikeaouli denied these charges, and informed the Frenchman that the laws of his kingdom were impartial; on these grounds the king said that the request for special consideration for Catholics must be denied. Mallet departed with-

²Lilian Shrewsbury M⁶sick, The Hawaiian Kingdom, (Honolulu, 1934), pg. 189.

³Robert C. Wyllie to Foreign Office, November 5th., 1844, Archives of Hawaii (Copied from Honolulu British Consulate files).

out pressing the matter.

In his report to the Admiralty of March 9th, 1843,
Lord Paulet wrote:

→ The French Frigate L'Embuscade . . . made demands
upon the Government of so harrassing [sic] a
nature as not to allow the possibility of their
being complied with, and intimated on her leaving
that a French Squadron would be shortly on the
spot to enforce the above demands. A French
Merchant Vessel which arrived here from Tahiti
soon after my arrival, brought intelligence that
a French Squadron, consisting of two frigates and
two corvettes, and commanded by Admiral Du Petit
Thours, were to sail from that port on the 15th
March for these Islands, and this . . . was the
moving cause which led to the cession of these
Islands.⁴

It is indeed true that the Hawaiians were fearful of
a French seizure. Kuykendall points out that "Mallet's
arrival had been preceded by reports of the seizure of the
Marquesas Islands by the French, reports which occasioned
some uneasiness among the Hawaiian officials."⁵ Mallet was
placated by the assurance that a commission had been sent to
France to try to obtain a new, and hopefully more realistic,
treaty. Nevertheless, the French captain reiterated the
reports about the Marquesas before his departure, and the
Hawaii residents were placed further in doubt as to the
intentions of Paris. The sentiments William Hooper, the

⁴Lord George Paulet to The Admiralty, March 9th, 1843,
British Public Records Office, Adm. 1/5531, Cap. P. 163.

⁵Kuykendall, op. cit., p. 210.

acting U. S. Agent in Honolulu, expressed in his letter to Secretary of State Webster, were typical. Hooper stated that France was watching Hawaii, and "ere long, under some pretext, [would] take possession"6

Shortly after Mallet's departure, a nervous Hawaii learned that the French had established a protectorate in Tahiti. This further alarmed the islanders.

It is interesting at this point to refer to the biography of Dr. Gerrit Judd, written by Gerrit Judd IV. In this book the following historical interpretation is presented; it is rather apparent that the author is somewhat "off-base:"

[Paulet and his associates] spoke openly of rumors that France was preparing to seize the islands, as she had just seized the Marquesas and Tahiti, and they defended the cession [to Great Britain] as a shrewd maneuver to forestall French aggression. Some members of the mission . . . accepted Paulet's explanation at its face value, and added that if the Islands could not remain independent it were far better to be ruled by Protestant England than by Catholic France. . . . most Americans, including the Judds, distrusted Paulet's motives and regarded the French threat as a pretext rather than a valid reason.

While it will soon be obvious that the possibility of a French take-over was not the sole motivation for Paulet's action, it is incorrect to state that the threat was but "a pretext rather than a valid reason."

⁶William Hooper to Daniel Webster, October 10th, 1842, United States Department of State, Consular Letters, Vol. I.

⁷Gerrit P. Judd IV, Dr. Judd: Hawaii's Friend, (Honolulu, 1960), pp. 117-118.

2. Richard Charlton, Esq.

Encouraged by the remarkable success of Captain Laplace, Richard Charlton, Hawaii's British Consular Agent, " . . . suddenly presented a claim to a large section of land adjoining the property granted to the representative of Great Britain in Hawaii . . . " ⁸ H. R. Hayes, in his book The Kingdom of Hawaii, calls Charlton "a hysterical character" ⁹ and continues:

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the use of
Hayes as
source

Though an Englishman, Charlton behaved rather like an American frontier bully. The Hawaiian Government made a law which required every citizen to work on the roads for a few days each year. When the servants of some Britishers were drafted, Charlton was furious and protested. The American journalist, Jarves, who was at that time the editor of the government paper, The Polynesian, made an unfavorable comment. Charlton and an English sea captain rushed into Jarves's home and began to horsewhip him. Other Americans had to intervene to drive off the lawless Britishers.¹⁰

As a result of Charlton's claim and the complications it presented, and in an effort to dilute the Laplace Treaty, Kauikeaouli decided to send a commission to Great Britain, the United States, and France. The purpose of this mission was to obtain recognition of the independence of the Hawaiian Kingdom from these powerful maritime nations. The mission was also prompted by Sir George Simpson, the Governor of the North American division of the Hudson's Bay Company. Sir

⁸M⁶sick, op. cit., pg. 190.

⁹H. R. Hayes, The Kingdom of Hawaii, (Greenwich, Conn., 1964), pg. 87.

¹⁰Hayes, op. cit., pg. 87.

George visited Hawaii while on a trip around the world, and " . . . evidenced a very friendly interest in the government and people of these islands."¹¹ He proposed that a commission be dispatched to secure the independence of the group by the negotiation of treaties with Great Britain, the United States, and France. Sir George agreed to himself act as a special representative of the King of Hawaii, and it was decided that William Richards and Timothy Haalilio would meet him in London sometime between November of 1842 and February of 1843. Richards, who was given full power of attorney by the king, and Haalilio, a young native chief, were to visit Washington on their way to Europe. They were charged with the responsibility of securing formal recognition of independence: "They were to endeavor to negotiate formal treaties to replace the conventions which had been exacted of the king by various naval officers, and to have acceptable persons appointed to represent the great powers in Hawaii."¹²

The mention of "acceptable persons" is an obvious reference to the hysterical Charlton. Although careful precautions were undertaken to prevent the British Consul from learning about the commission (Richards and Haalilio set sail from Lahaina, Maui on July 18th, 1842), Charlton

¹¹Kuykendall, op. cit., pg. 192.

¹²Kuykendall, op. cit., pg. 192.

found out and left in an endeavor to prevent its success.

Charlton departed from Honolulu on September 27th, 1842 to present " . . . a petition to Her Most Gracious Majesty signed by Her Majesty's faithful and loyal subjects residing in the town of Honolulu on the Island of Woahoo."¹³ Prior to his departure, however, he " . . . wrote a letter, phrased in rather undiplomatic language, informing Kamehameha III of his intended departure and notifying the king that he had appointed Alexander Simpson to act in his absence."¹⁴ The letter concluded with this warning:

Your Majesty's government has more than once insulted the British Flag but you must not suppose that it will be passed over in silence; justice tho' tardy will reach you; and it is you, not your advisers, that will be punished.¹⁵

The Hawaiian government did not yield to the intimidation, and refused to recognize Simpson as the acting consul.

On his voyage to London, Charlton stopped in Mexico in November where it is thought that he conferred with Rear Admiral Richard Thomas, the commander of the British squadron in the Pacific. Several weeks after Charlton's departure, an English firm in Valparaiso^a (acting through the Honolulu office of the Hudson's Bay Company) sued him for about \$10,000.00 as a result of an 1833 transaction. "Charlton's

¹³Richard Charlton to the Earl of Aberdeen, February 10th, 1843, British Public Records Office, F. O. 58/17.

¹⁴Kuykendall, op. cit., pg. 211. Please note Kamehameha III and Kauikeaouli are the same person; the former title was used in written documents, the latter was what the natives verbally called their king.

¹⁵Richard Charlton to Tamehameha, September 26th, 1842, Archives of Hawaii, F. O. and Ex.

wife in vain protested against the right of the Hawaiian court to try such a case. An attachment was laid on Charlton's property, to protect the plaintiff's interests, and the case was tried before a foreign jury and a verdict rendered against Charlton."¹⁶

Alexander Simpson, the unrecognized but nevertheless Acting British Consul, shared Mrs. Charlton's anger. In an effort to remedy the situation, he sent an extremely biased letter to the British Consul at Tepic, Mexico. This correspondence was transferred to Admiral Thomas, who decided to send the Carysfort (commanded by Lord George Paulet) to Hawaii to investigate.

In his report to the Admiralty, Paulet transmitted a copy of his orders, signed by Thomas on board the Dublin at San Blas, Mexico on January 17th, 1843. Paulet was "required and directed" to " . . . put yourself in communication with Her Majesty's Consul, for the purpose of affording him support in case he should require the same, for the more effectual performance of his duties in watching over and protecting the interests of British Subjects."¹⁷ Thomas, however, certainly did not even remotely suggest that Paulet seize the Hawaiian chain. He directed that the Carysfort leave Hawaii and

¹⁶Kuykendall, op. cit., pg. 212.

¹⁷Rear Admiral Richard Thomas to Lord George Paulet, January 17th, 1843, British Public Records Office, Adm. 1/5531, Cap. P. 163.

proceed to Tahiti in the Society Islands to give Queen Pomare British support in her efforts to remain independent of the French, and to observe and report on the French occupation. Thomas concluded the orders by instructing the Carysfort to return to Valparaiso^a no later than May 31st, 1843.

On February 10th, 1843, Charlton wrote to the Earl of Aberdeen at the Foreign Office and presented the petition in an effort to nullify the effects of Sir George Simpson's commission. It is interesting to note the comment of Alexander Simpson, George Robson, and Henry Skinner in the cover letter they affixed to the petition:

¶ As already noticed there are only two British residents in this town or neighborhood who have not signed the petition. These two are the Agents of the Hudson's Bay Company --- that grasping and avaricious body, has cast its longing eyes on this beautiful Archipelago, and by making large advances of money to the native king and chiefs has endeavoured to obtain an influence and control over them.¹⁸

Simpson and his fellow Englishmen were most envious of the Hudson's Bay Company, and the suit against Charlton brought by the Company (albeit as the agent for a Mexican-based firm) further infuriated them.

The net result of Charlton's petition and correspondence with the Earl of Aberdeen was a reprimand for his

¹⁸Alexander Simpson et. al. to Richard Charlton, September 25th, 1842, British Public Records Office, F. O. 58/17.

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leaving Oahu without first obtaining permission to do so from the Foreign Office. He was also censured for not ascertaining whether his self-appointed replacement, Alexander Simpson, would be recognized by the Hawaiian government.

A pencil notation on Charlton's letter to Kamehameha, written by R. C. Wyllie, states:

It is known that this very letter was the chief cause why the Earl of Aberdeen deprived Mr. Charlton of his commission and that his Lordship considered it so intemperate, improper, and ill-judged, as he could only do great mischief, producing in the minds of the King, and of his advisers, whether Natives or Foreigners, a resentful feeling, not only against Mr. Charlton, but against the British Government and their [sic] subjects.

It is clear therefore that it is no part of the policy of the Earl of Aberdeen to uphold insult, whether offered to the King, or his native councillors [sic] or his foreign advisors, even though that insult should come from a person holding Her Majesty's commission.¹⁹

The Earl of Aberdeen clearly placed the blame for the non-recognition of the acting consul on Charlton's head. Paulet, however, after his arrival in Honolulu, rudely refused to meet with the French and the United States consuls in their official capacities because they did not recognize Alexander Simpson.

²⁰R. C. Wyllie notation on Richard Charlton to Tamehameha, September 26th, 1842, Archives of Hawaii, F. O. and Ex.

3. The American in Hawaii

Closely linked with Charlton's unsuccessful voyage to England was the burgeoning sphere of influence of American citizens in Hawaii. The British, from about the time of Captain George Vancouver's final visit to Hawaii in 1794 through the first quarter of the nineteenth century, were the most influential foreigners on the islands. Hawaiians often referred to themselves as "kanaka no Beritane (men of Britain),"²⁰ and Kamehameha II and his wife made a personal visit to England where they both died (even though King George IV had his personal physician attend to the ailing Polynesian monarchs). Captain the Right Honorable Lord Byron returned the bodies personally to Honolulu in splendid coffins. Byron's instructions were to:

. . . maintain a strict neutrality and to cultivate a good understanding with the native authorities.
. . . Lord Byron was to assert the right of sovereignty over the Hawaiian Islands, to which Britain at that moment held herself entitled, only in the case of necessity, to forestall some other power, and then only to the extent of establishing a protectorate.²¹

With Kamehameha II's death in late 1824, British dominance began to slowly disintegrate. Without his personal preference for the British, the American missionaries started to take a strong foothold in the Hawaiian government. It is

²⁰Kuykendall, op. cit., pg. 206.

²¹Kuykendall, op. cit., pp. 80-81.

also ironic to note that Charlton's own tactlessness played quite a significant role in the erosion of British influence.

In Charlton's letter of February 10th, 1843 to Aberdeen, he warned:

The petitioners possess property at the Islands, in houses and monies engaged in commerce, to the amount of three hundred and fifty thousand dollars, and of which property they were daily liable to be deprived by the arbitrary and unjust decisions of the native government, prompted by citizens of the United States of America who hold prominent situations under the Sandwich Islands government, and whose will is law.²²

Charlton, in the above passage, was undoubtedly expressing his objection to the seizure of his personal property by the Hawaiian court. More important, however, is the fact that his views were typical of the British residents in Hawaii, who were almost as fearful of a U. S. seizure as they were of a French one. They believed that the U. S. was attempting to obtain control from within the government, while the French wanted to start a quarrel which would allow them to take possession.

The petitioners were especially bitter with regard to American missionaries, who came to Hawaii to further the interests of Christ and who ended up furthering their own selfish, personal goals. It does seem that the Americans

²²Richard Charlton to the Earl of Aberdeen, February 10th, 1843, British Public Records Office, F. O. 58/17.

exerted considerable control over the Hawaiian rulers, and were actually capable of imprisoning the subjects of other foreign countries without the benefit of a trial and on the basis of trivial (and sometimes contrived) charges. An example of American power is Dr. Gerrit Judd, who held the position of Official Translator for His Majesty and who also was instrumental in the regulation of the Treasury.

Charlton's charges in his letter to Aberdeen of February 11th, 1843 were not without some truth:

The British commerce has lately been increasing at the Sandwich Islands, and if duly protected will still continue to do so; this has aroused the jealousy of the American Traders who have for many years enjoyed nearly the whole trade; they therefore use every means in their power to annoy and deprive British subjects of their just and legal rights . . . should an American at any time be indebted to an Englishman, the latter has no means of recovering his demand, while on the contrary, if an Englishman is indebted to an American and does not pay immediately on payment being demanded, he is thrust into prison and confined to irons.²³

The Americans had a very simple time in gaining such absolute power. The Reverend Richard Armstrong is quoted as saying that the native king and chiefs were " . . . not competent to manage the complicated concerns of a commercial community, whose national jealousy, cupidity, and conflicting interests combine to entangle them on every hand."²⁴

²³Richard Charlton to the Earl of Aberdeen, February 11th, 1843, British Public Records Office, F. O. 58/17.

²⁴Rev. Richard Armstrong as quoted by Sylvester Kirby Stevens, American Expansion in Hawaii 1842-1898, (Harrisburg, Pennsylvania, 1945).

These three factors --- the threat of the French, the growing importance of the Americans, and the irresponsible actions of Richard Charlton --- were responsible for the arrival of Paulet.

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** "The frigate Carysfort was descried from the town **
**
** of Honolulu, on the afternoon of the 10th. **
**
** February; she came down rapidly before a fine **
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** breeze, and at half-past five, P. M., cast **
**
** anchor in the outer roads."25 **
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²⁵ Alexander Simpson, Esquire, The Sandwich Islands, (London, 1843), pg. 74. Obtained in the Hawaii and Pacific Archives at the University of Hawaii, Sinclair Library.

Paulet's Landing and the Cession

Hawaii's strategic location in the Pacific Ocean made her a natural victim for colonization by a major world power. She was in an ideal location to accommodate naval warships and commercial vessels with supplies; Great Britain, the United States, France, and, to a lesser degree, Russia, each possessed a genuine interest in the island chain.

John R. Musick, an American author writing in 1897, observed that:

The Hawaiian Islands have been an object of concern to Great Britain for years. They complete the chain from her Australian to her British American possessions, and in case of a war with the United States or any other power would give her almost complete possession of the Pacific. If Great Britain owned the Islands, our fleets would be able to find no more rest in the Pacific than Noah's dove sent forth over the waters of the deluge.²⁶

While Musick seems to have a flair for exaggeration and a penchant for flowery metaphors, his point about the perfect location of Hawaii is a valid one. Their mere possession would not, in itself, give England complete control of the Pacific basin; total control, however, was not possible at that time without them.

England was painfully aware of this fact. During the visit of Kamehameha II to London, Canning (then the Foreign

²⁶John R. Musick, Hawaii --- Our New Possessions, (New York City, 1897), pg. 451.

Secretary) cautioned him that both Russia and the United States had their sights fixed on Hawaii. The king was also told that Great Britain was little inclined to meddle with his country's independence, but was also determined that no other power would be allowed to secure exclusive advantages.²⁷ England maintained that it could claim the islands by: (1) the right of discovery by Captain James Cook, a British naval officer, who first sighted the chain on January 18th, 1778 while sailing north from the Society Islands; and (2) by virtue of Kamehameha the Great's "cession" of the islands to Captain Vancouver on February 25th, 1794.²⁸ Canning did stress that his country did not desire to enforce its claim, unless, of course, some other power attempted to secure control.

In retrospect, it seems somewhat doubtful that Canning's fears were with their basis in fact. Russia's interest was very ephemeral, and she certainly was not about to assume the risks of taking control of such a distant speck of land.

²⁷Sylvester Kirby Stevens, op. cit., pg. 14-15. The preceding one sentence.

²⁸Concerning this supposed "cession," Kuykendall wrote: "Nothing has ever come to light to show that the British government accepted the cession, or even took any official cognizance of it until many years later when its legal force as a cession must long since have lapsed." --- Ralph S. Kuykendall, op. cit., pg. 42.

The United States was fearful that some other power (viz., France or Great Britian) would assert control which would be prejudicial to the interests of American merchants, but also did not want the islands as a colony.

When Paulet landed in Honolulu, he " . . . was unaware that the British Foreign Office had recently instructed the Admiralty to respect the political independence, laws, and customs of native governments in the Pacific."²⁹ Instead, Paulet carried a letter from Admiral Thomas which said:

. . . it would appear that the Government [of Hawaii] has, in the absence of Her Majesty's Consul, Richard Charlton, upon a frivolous pretext attached the property of that Gentleman and expressed a determination to proceed to the sale of it; Should you find such to be the case, you will peremptorily demand of the Government, that the property so unjustly seized contrary to the Law of Nations (under whose more especial protection Her Majesty's Consul is placed) shall be forthwith restored and acquaint them that the Government of Great Britain will hold that of the Sandwich Islands responsible for the marked want of respect, which has been shown to the Queen of Great Britain in taking advantage of the absence of Her Representative to sequester his property and annoy his unprotected Family on the plea of a transaction which does not even appear to have transpired within the jurisdiction of those Islands --- and which even if it had, not being of a Criminal nature, the office he holds ought to have exempted him from . . . ³⁰

²⁹Gerrit P. Judd, op. cit., pg. 114.

³⁰Rear Admiral Richard Thomas to Lord George Paulet, January 18th, 1843, British Public Records Office, Adm. 1/5531, Cap. P. 163.

The Carysfort entered Honolulu harbor on Saturday, February 11th, 1843. Following protocol and in the spirit of "Aloha," the French and the American Consuls, three prominent American residents (Messrs. John Dominis, C. Brewer, and I. O. Carter), and the two local British agents for Lloyds and the Hudson's Bay Company (Messrs. George Pelley and G. T. Allan) called on board to pay their respects to the ship's commander.

As William Paty, an American citizen who was the Harbor Master at that time, wrote in his journal:

They all met with a very cool if not insulting reception. . . . Mr. Dudoit was the first on board and introduced himself as the French Consul. Lord Paulet soon after appeared on deck and without offering his hand or any preface of apology informed Mr. D that he could not receive him as French Consul as he [Dudoit] had not acknowledged Mr. Simpson as English Consul. After this a long conversation took place in which Mr. D informed Lord P that he considered himself insulted and should report the matter to the French Government. After a great deal of sharp language, Mr. D took his leave in high dudgeon. Mr. Hooper's [American Consul] reception was exactly similar to that of Mr. D. He, however, disclaimed having insulted Mr. Simpson and after a few passing observations came away with a "fly in his ear."³¹

Hooper wrote Paulet the same day, enclosing a copy of his letter of October 13th, 1842 to Alexander Simpson, "which your Lordship is pleased to consider as an insult

³¹William Paty's Journal, as contained in Third Harbor Master's Records, Archives of Hawaii.

to Mr. Simpson and Her Majesty the Queen."³² In his defense, Hooper declared, "The undersigned does not deem it necessary to enter into an argument with Lord Paulet to establish the right which all Governments possess of receiving, or not receiving, consuls (agents of their appointing) from foreign powers."³³ Hooper concluded his letter by objecting to the rude reception which was given to his fellow visitors to the Carysfort that morning.

Paulet promptly replied:

I have had the honor of receiving a letter signed by you as "Acting United States Consul" wherein you enter into an argument upon the right of a Government to reject Consuls or Agents of their appointing

I beg to inform you that I am not called upon to enter upon any discussion with you upon

³²William Hooper to Lord George Paulet, February 11th, 1843, British Public Records Office, Adm. 1/5513, Cap. P. 163.

³³Ibid.

this Subject, and in reply to your intimation that certain American Merchants and Ship Masters felt grieved at my giving precedence to my official duties, before extending civilities to Visitors. I should hope that such will ever be my course while bearing Her Majesty's Commission: at the same time the visitors you allude to came on board the Vessel under my command. I was engaged in discussing Subjects of importance with Her Majesty's Acting Consul, which I requested Mr. Dominis to explain to the gentlemen who accompanied him, and who were then in the Gun-Room of the Ship under my command.

I have the honor to be

Y^{rs} _____ Y^{rs} _____ Y^{rs} _____

(Signed) Geo. Paulet Captain

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³⁴Lord George Paulet to William Hooper, February 11th, 1843, British Public Records Office, Adm. 1/5513, Cap. P. 163.

Alexander Simpson, however, indicated what must be viewed as the real reason for Paulet's rudeness: Paulet " . . . was glad to see them as individuals, and should, as such, return their visits, (which he did,) but, that while the Representative of his own country was unrecognized, he could not enter into official intercourse with, or show official courtesies to them."³⁵

Paty said that the reception accorded Dr. Judd "was if possible still more cool than that of Dudoit & Hooper."³⁶ As Simpson indicated in his book, " . . . the king not being on the spot, [Judd] could, properly, have no authority to enter upon any discussion."³⁷ This action should certainly have been anticipated by Judd. The British, as he well knew, were blindly jealous of the American influence over the government of Hawaii, and were not about to negotiate their demands with an American citizen, even if an official representative of the native government.

Upon his arrival, Paulet wrote to Kekouanaoa, the Governor of the island of Oahu, to request a personal interview with the king as soon as it could be arranged. He also made his position with regard to Dr. Judd quite clear in his letter to Kamehameha III, written six days later:

³⁵Alexander Simpson, Esquire, The Sandwich Islands, (London, 1843), pg. 75.

³⁶William Paty, op. cit., February 11th, 1843.

³⁷Alexander Simpson, The Sandwich Islands, pg. 75.

I shall have no communication whatsoever with Dr. G. P. Judd, who it has been satisfactorily proved to me has been the prime mover in the unlawful proceedings of your government against British subjects.³⁸

One might wonder, at this point, exactly how Paulet was "satisfactorily" convinced that Dr. Judd was indeed the worst villain in the kingdom. Granted, Paulet was suspicious of all Americans as the obvious result of his orders from Adm. Thomas. It is also significant to observe that the first person to go on board the Carysfort upon its arrival was Alexander Simpson. This caused Laura Fish Judd to write: "It was now time for the surly mastiff left as deputy to avenge himself upon the king and defenseless government who had refused to acknowledge him."³⁹ Paty wrote: " . . . from what I can learn . . . I believe [Paulet] to be a poor weak man and wholly guided by Simpson who is making a mere tool of him."⁴⁰

Simpson, in his book, denied these charges as "a tissue of falsehoods." He claimed that he was on board the Carysfort for only one hour, including a call which he made on the officers in the Gun Room, and that he did not beguile or mislead Paulet.⁴¹

This denial is undoubtedly incorrect in its absolute-ness, since Paulet was certainly affected by the reports which

³⁸Lord George Paulet to Kamehameha III, February 17th, 1843, Archives of Hawaii, F. O. and Ex., British Commission Documents.

³⁹Laura Fish Judd, Honolulu: Sketches of Life, (Honolulu, 1928), pg. 93.

⁴⁰Paty, op. cit., February 14th, 1843.

⁴¹Simpson, The Sandwich Islands, pg. 74.

were given him by his fellow countryman. Paulet was also pathetically ignorant of Hawaiian affairs, so he therefore received a tainted version of all that had transpired prior to his arrival. Paulet, however, was an aristocrat, "with an arrogant sense of his own importance."⁴² He was not apt to accept overt orders from Simpson, so the latter's influence must be considered to be confined to the less-than-objective reports he gave the commander.

On Monday, February 13th, 1843, Paty wrote:

Hurra! Hurra! Hurra! for the Stars and Stripes! hurra! for our gallant navy. hurra for our glorious country. Oh ye Yankees who live at home . . . how little can you imagine the stirring thrill of joy and pride that agitates the bosom of your countryman who roaming far away in foreign lands, and in the midst of trouble, difficulty, and danger, hears the cry of Sail O. and the next moment sees the Stars and Stripes floating over the brave hearts and powerful batteries of an American Ship of War. There may be readers who will smile in derision at this, but I feel assured that they will not be among the number of Americans who were resident in Honolulu in 1843. I believe this to be but a faint expression of the feelings of every truly American heart in this place when the U. S. Sloop of War Boston was first seen rounding Diamond Head this day at about 2 O.C. P.M. The Boston, Commander Long, came to anchor at about 5 O.C. P.M. She is from Canton via Tahiti.⁴³

The Americans viewed the arrival of the Boston as a panacea, and expected Commander John C. Long to solve the problem posed by the Carysfort. Naturally, the American naval officer had no authority whatsoever to intervene. He was certainly

⁴²Hayes, op. cit., pg. 89.

⁴³Paty, op. cit., February 13th, 1843.

not about to provoke an attack from a British man of war. All that Long could do was to offer his ship as an asylum for foreign citizens and their property should the demands not be met and the Englishmen attack the city. This rather self-evident fact (perhaps, however, only self-evident in retrospect) seems to have evaded Alexander Simpson:

On the 13th the American corvette Boston arrived. This, for a while, gave renewed confidence to the American advisers of the native government. Her captain had, undoubtedly, very strong representations made to him; but he declined the slightest interference in the matters pending; and, although his officers, one and all, entered warmly into the prejudices of their countrymen, he showed a most commendable neutrality, and carried out the most frank and friendly intercourse with Lord George Paulet. Indeed, that nobleman's urbanity, and amiable, yet dignified manner, seemed to have quite enchanted his republican neighbor.⁴⁴

It is miraculously ironic that Simpson should have criticized the American officers for believing the "prejudices of their countrymen."

The official correspondence relating to the cession follows; it is reproduced from a copy transmitted by Paulet to the Admiralty, and now a part of the records of the British Public Records Office (Adm. 1/5513, Cap. P. 163):

⁴⁴Alexander Simpson, The Sandwich Islands, pg. 76.

OFFICIAL CORRESPONDENCE,

RELATING TO THE LATE

PROVISIONAL CESSION

OF THE

SANDWICH ISLANDS.

Her Britannic Majesty's Ship Carysfort, }
Woahoo, 11th of Feb. 1843. }

SIR,—Having arrived at this port in her Britannic Majesty's Ship Carysfort under my command for the purpose of affording protection to British subjects, as likewise to support the position of Her Britannic Majesty's representative here, who has received repeated insults from the Government Authorities of these Islands, respecting which it is my intention to communicate only with the King in person,

I require to have immediate information by return of the officer conveying this despatch, whether or not the King (in consequence of my arrival) has been notified that his presence will be required here, and the earliest day on which he may be expected, as otherwise I shall be compelled to proceed to his residence in the ship under my command for the purpose of communicating with him.

I have the honor to be, Sir, your most obedient humble servant,

GEO. PAULET, *Captain.*

To Kekuanaoa, Governor of Woahoo, &c., &c.

Honolulu, Oahu, Feb. 11, 1843.

Salutations to you Lord George Paulet, Captain of H. B. M. Ship Carysfort;—I have received your letter by the hand of the officer, and with respect inform you that we have not as yet sent for the King, as we were not informed of the business, but having learned from your communication that you wish him sent for, I will search for a vessel and send. He is at Wailuku, on the East side of Maui. In case the wind is favorable, he may be expected in six days.

Yours, with respect,

(Signed,) M. KEKUANAOA.

Translated by G. P. JUDD, Recorder and Translator for Government.

H. B. M. Ship Carysfort, Honolulu }
Harbor, February 16, 1843. }

SIR,—I have the honor to acquaint your Majesty of the arrival in this port of H. B. M. Ship under my command, and according to my Instructions, I am desired to demand a private Interview with you, to which I shall proceed with a proper and competent Interpreter.

I therefore request to be informed at what hour tomorrow it will be convenient for your Majesty to grant me that Interview.

I have the honor to remain your Majesty's most obedient and humble servant,

GEORGE PAULET, *Captain.*

To His Majesty Kamehameha III.

Honolulu, February 17, 1843.

Salutations to you Lord George Paulet, Captain of Her Britannic Majesty's Ship Carysfort.

SIR,—We have received your communication of yesterday's date, and must decline having any private interview, particularly under the circumstances which you propose. We shall be ready to receive any written communication from you to morrow, and will give it due consideration.

In case you have business of a private nature, we will appoint Dr. Judd our confidential agent to confer with you, who being a person of integrity and fidelity to our government, and perfectly acquainted with all our affairs, will receive your communications, give you all the information you require (in confidence) and report the same to us.

With respect,

(Signed,) KAMEHAMEHA III.

(Signed,) KEKAULUOHI.

I hereby certify the above to be a faithful translation. G. P. JUDD, Translator and Interpreter for the Government.

Her Britannic Majesty's Ship Carysfort, }
Woahoo, 17th of February, 1843. }

SIR,—In answer to your letter of this

day's date (which I have too good an opinion of your Majesty to allow me to believe ever emanated from yourself, but from your ill advisers) I have to state that I shall hold no communication whatever with Dr. G. P. Judd, who it has been satisfactorily proved to me has been the prime mover in the unlawful proceedings of your Government against British subjects.

As you have refused me a personal interview, I enclose you the demands which I consider it my duty to make upon your Government; with which I demand a compliance at or before 4 o'clock, P. M., to-morrow (Saturday) otherwise I shall be obliged to take immediate coercive steps to obtain these measures for my countrymen.

I have the honor to be your Majesty's most obedient humble servant,

GEORGE PAULET, Captain.

His Majesty, Kamehameha III.

Demands made by the Right Honorable Lord George Paulet, Captain R. N., commanding Her Britannic Majesty's Ship Carysfort, upon the King of the Sandwich Islands.

FIRST, The immediate removal by public advertisement written in the native and English languages, and signed by the Governor of this Island and F. W. Thompson, of the attachment placed upon Mr. Charlton's property; the restoration of the land taken by Government for its own use, and really appertaining to Mr. Charlton; and reparation for the heavy loss to which Mr. Charlton's representatives have been exposed by the oppressive and unjust proceedings of the Sandwich Island Government.

SECOND, The immediate acknowledgment of the right of Mr. Simpson to perform the functions delegated to him by Mr. Charlton; namely, those of Her Britannic Majesty's Acting Consul; until Her Majesty's pleasure be known upon the reasonableness of your objections to him. The acknowledgment of that right and the reparation for the insult offered to Her Majesty through Her Acting Representative, to be made by a public reception of his Commission and the saluting the British Flag with twenty-one guns—which number will be returned by Her Britannic Majesty's Ship under my command.

THIRD, A guarantee that no British subject shall in future be subjected to imprisonment in fetters, unless he is accused of a

crime which by the laws of England would be considered a felony.

FOURTH, The compliance with a written promise given by King Kamehameha to Captain Jones, of Her Britannic Majesty's Ship Curacoa, that a new and fair trial would be granted in a case brought by Henry Skinner, British subject, against J. Dominis, American citizen, which promise has been evaded.

FIFTH, The immediate adoption of fair steps to arrange the matters in dispute between British subjects and natives of the Country, or others residing here, by referring these cases to Juries, one half of whom shall be British subjects approved by the Consul, and all of whom shall declare on oath, their freedom from prejudgment upon, or interest in the cases brought before them.

SIXTH, A direct communication between His Majesty Kamehameha and Her Britannic Majesty's Acting Consul, for the immediate settlement of all cases of grievance and complaint on the part of British subjects against the Sandwich Islands' Government.

Dated on board H. B. M. S. Carysfort, at Woahoo, this 17th day of February, 1843.

GEORGE PAULET, Captain.

Her Britannic Majesty's Ship Carysfort, }
Woahoo, Feb. 17, 1843. }

SIR,—I have the honor to notify you, that Her Britannic Majesty's Ship Carysfort under my command, will be prepared to make an immediate attack upon this Town, at 4 o'clock, P. M., to-morrow (Saturday) in the event of the demands now forwarded by me to the King of these Islands, not being complied with by that time.

Sir, I have the honor to be your most obedient humble servant,

(Signed,) GEORGE PAULET, Captain.

To Capt. Long, Commander }
U. S. S. Boston, Honolulu. }

Honolulu, February 18.

Salutations to Right Hon. Lord George Paulet, Captain of H. B. M. S. Carysfort.

We have received your letter and the demands which accompanied it, and in reply would inform your Lordship that we have commissioned Sir George Simpson and William Richards as our Ministers Plenipotentiary and Envoys Extraordinary to the Court of Great Britain, with full powers to settle the difficulties which you have presented before us, to assure Her Majesty, the Queen, of our uninterrupted affection, and

to confer with Her Ministers as to the best means of cementing the harmony between us. Some of the demands which you have laid before us, are of a nature calculated seriously to embarrass our feeble Government, by contravening the laws established for the benefit of all. But we shall comply with your demands as it has never been our intention to insult Her Majesty, the Queen, or injure any of her estimable subjects; but we must do so under protest, and shall embrace the earliest opportunity of representing our case more fully to Her Britannic Majesty's Government, through our Ministers, trusting in the magnanimity of the Sovereign of a great nation, which we have been taught to respect and love,—that we shall there be justified.

Waiting your further order,
With sentiments of respect,

(Signed,) KAMEHAMEHA III.

(Signed,) KEKAULUOHII.

I hereby certify the above to be a faithful translation. G. P. Judd, Tr. for the Government.

Her Britannic Majesty's Ship Carysfort, }
Woahoo, 18th of February, 1843.

SIR,—I have the honor to acknowledge your Majesty's letter of this day's date, wherein you intimate your intention of complying with my demands, which I have considered my duty to make upon your Majesty's Government.

I appoint the hour of 2 o'clock this afternoon for the interchange of Salutes, and I shall expect that you will inform me at what hour on Monday you will be prepared to receive myself and Her Britannic Majesty's Representative.

I have the honor to be your Majesty's most obedient humble servant,

GEORGE PAULET, Captain.

His Majesty Kamehameha III.

Honolulu, Oahu, Feb. 18, 1843.

Salutations to Lord George Paulet, Captain of H. B. M. Ship Carysfort.

I have received your communication, and make known to you that I will receive yourself and Her Britannic Majesty's Representative on Monday the 20th of February, at 11 o'clock, A. M.

Yours respectfully,

(Signed,) KAMEHAMEHA III.

I hereby certify the above to be a faithful translation. G. P. Judd, Tr. for the Government.

PROVISIONAL CESSION.

In consequence of the difficulties in which we find ourselves involved, and our opinion of the impossibility of complying with the demands in the manner in which they are made by her Britannic Majesty's Representative upon us, in reference to the claims of British subjects; We do hereby cede the Group of Islands known as the Hawaiian (or Sandwich) Islands, unto the Right Honorable Lord George Paulet, Captain of her Britannic Majesty's Ship of War Carysfort, representing her Majesty Victoria, Queen of Great Britain and Ireland, from this date, and for the time being: the said Cession being made with the reservation that it is subject to any arrangement that may have been entered into by the Representatives appointed by us to treat with the Government of Her Britannic Majesty; and in the event that no agreement has been executed previous to the date hereof; subject to the decision of Her Britannic Majesty's Government on conference with the said Representatives appointed by us; or in the event of our Representatives not being accessible, or not having been acknowledged, subject to the decision which Her Britannic Majesty may pronounce on the receipt of full information from us, and from the Rt. Hon. Lord George Paulet.

In confirmation of the above we hereby affix our names and seals, this twenty-fifth day of February, in the year of our Lord one thousand eight hundred and forty-three, at Honolulu, Oahu, Sandwich Islands.

Signed in presence of

G. P. Judd, Recorder and }
Translator for the Government.

KAMEHAMEHA III.
KEKAULUOHII.

A Provisional Cession of the Hawaiian or Sandwich Islands having been made this day by KAMEHAMEHA III., King, and KEKAULUOHII, Premier thereof, unto me, The Right Hon. Lord George Paulet commanding Her Britannic Maj-

esty's Ship Carysfort on the part of Her Britannic Majesty, Victoria, Queen of Great Britain and Ireland; subject to arrangements which may have been or shall be made in Great Britain, with the Government of H. B. Majesty.

I do hereby proclaim,

FIRST, That the British Flag shall be hoisted on all the Islands of the Group; and the natives thereof shall enjoy the protection and privileges of British subjects.

SECOND, That the Government thereof shall be executed, until the receipt of communications from Great Britain, in the following manner:—namely,—By the native King and Chiefs and the Officers employed by them, so far as regards the native population: and by a Commission, consisting of King Kamehameha III., or a Deputy appointed by him, The Right Honorable Lord George Paulet: Duncan Forbes Mackay, Esquire, and Lieutenant Frere, R. N., in all that concerns relations with other powers, (save and except the negotiations with the British Government) and the arrangements among Foreigners, (others than natives of the Archipelago) resident on these Islands.

THIRD, That the laws at present existing or which may be made at the ensuing Council of the King and Chiefs (after being communicated to the Commission,) shall be in full force so far as natives are concerned; and shall form the basis of the administration of justice by the Com-

mission, in matters between Foreigners resident on these Islands.

FOURTH, In all that relates to the Collection of the Revenue, the present Officers shall be continued at the pleasure of the native King and Chiefs, their Salaries for the current year being also determined by them, and the Archives of Government remaining in their hands; the accounts are, however, subject to inspection by the Commission herebefore named. The Government vessels shall be in like manner: subject, however, to their employment if required for Her Britannic Majesty's service.

FIFTH, That no sales, leases, or transfers of land shall take place by the action of the Commission appointed as aforesaid, nor from natives to Foreigners, during the period intervening between the 24th of this month, and the receipt of notification from Great Britain of the arrangements made there: they shall not be valid, nor shall they receive the signatures of the King and Premier.

SIXTH, All the existing bona fide engagements of the native King and Premier shall be executed and performed as if this Cession had never been made.

Given under my hand this twenty-fifth day of February, in the year of our Lord one thousand eight hundred and forty-three, at Honolulu, Woahoo, Sandwich Islands.

GEORGE PAULET,
Captain of H. B. M. S. Carysfort.

Signed in presence of
G. P. Judd, Sec. and Int. to the Govt.
ALEX. SIMPSON, H. B. M. acting Consul.

HONOLULU, Oahu.—PUBLISHED BY AUTHORITY.

Geo. Paulet Captain

Paulet presented his list of demands to Kamehameha III late at night on February 17th, and required a response by four in the afternoon of the following day. On the morning of Saturday, the eighteenth, Paty wrote in his journal that the town was very excited, and that

I have often (when reading of wars, particularly among South American States) tried to imagine what might be the feelings of the quiet inhabitants of a village when notified that a few hours would turn their peaceful home into a scene of violence, slaughter, and destruction. . . . It was generally supposed that the King would not comply with the demands of Lord Paulet, in event of which war must ensue.⁴⁵

The Americans, especially Dr. Judd, encouraged the king to resist the demands. Simpson, however, was convinced that the threat of an impending battle would assure compliance.

At one time the alternative was suggested, "that the complaints of British subjects should be referred to the commanding officer of . . . the Boston."⁴⁶ This proposal was an extremely naive one, for it failed to consider that the British looked upon the Americans as the real enemy. The English promptly rejected arbitration by Captain Long, who would certainly have been a biased arbitrator at best.

Kamehameha and his party met with Paulet on board the Carysfort: the scene must have been a humiliating one for the natives, as Simpson wrote: "I had the pleasure of parading her [Kekauluoi, the premier] round the frigate,

⁴⁵Paty, op. cit., February 18th, 1843.

⁴⁶Alexander Simpson to John Bidwell, Esquire, February 25th, 1843, British Public Records Office, F. O. 58/17.

hearing an occasional exclamation from the Jacks, of "What a whale!"⁴⁷

All of the members of the foreign community resident in Honolulu hastened to give the monarch advice, but, as Laura Fish Judd recalled, " . . . unfortunately each had a separate plan to propose."⁴⁸ The king was not experienced in the delicate field of power politics, and his knowledge of the English language was imperfect. He agreed on the eighteenth to cede the islands to Great Britain, and the tentative articles of a provisional cession were drawn up for the approval of the chiefs.

On February 23rd, Dr. Judd met with Captain Long and the French and American consuls. They discussed the practicality of "placing the islands under the temporary protection of France or France and the United States jointly."⁴⁹ The necessary documents were prepared, and Kamehameha was asked to sign them the next morning. As Simpson described it, "following his own inclination, the desire of the chiefs and people, and the advice of my informant [an unnamed member of the American Presbyterian Mission], . . . he had determined to declare the Islands subject to Great Britain, the country by which they had been discovered."⁵⁰

⁴⁷Alexander Simpson, The Sandwich Islands, pg. 90.

⁴⁸Laura Fish Judd, op. cit., pg. 94.

⁴⁹Gerrit P. Judd IV, op. cit., pg. 116.

⁵⁰Alex. Simpson to Bidwell, February 25th, 1843, British Public Records Office, F. O. 58/17.

The king, it appears, simply chose the path of the least resistance. The immediate threat lay directly off-shore in Honolulu harbor, and he decided to placate the aggressors by giving them his kingdom. Kamehameha, after all, had no assurance that ceding the islands to the United States or to France would prevent Paulet from attacking. Kam was in doubt as to whether the United States would formally accept the Islands even if he were to give them up to her, and he knew that a cession to France and the United States jointly would have created a very risky relationship at best. It was quite obvious that if he gave the French possession, the Hawaiian Islands would forever remain^a dominion of France.

In an effort to save his city from attack, the king acquiesced to Paulet's demands. He yielded "under protest," so as not to prejudicially affect the mission of Richards and Haalilio in London and to allow for an appeal to the Foreign Office in London.

Laura Judd wrote:

The king and chiefs broke down; and after a night of prayer and deliberation, the king said, "I will not die by piecemeal; they may cut off my head at once. I will yield the breath of my kingdom, and trust to my commissioners in London and to the magnanimity of the British Government to redress the wrong and restore my rights."⁵¹

⁵¹Laura Fish Judd, op. cit., pg. 94.

According to Lilian Shrewsbury Mesick, however, the king said: "I will not die piecemeal! They may take what they please! I will give no more."⁵²

The twenty-fifth of February, being exactly forty-nine years after the "cession" made by Kamehameha the Great to Captain Vancouver, was selected as the day for the cession to Paulet. The scene was described by Laura Judd:

Preliminaries were arranged with the belligerent party for a cession of the Islands; under protest; and on Saturday afternoon at three o'clock, on February 25th, 1843, the Hawaiian flag we loved so well, was lowered in the Fort, and an English one run up in its place and saluted by the batteries of the Fort and the guns of the Carysfort. English soldiers marched into the Fort and the band played "God Save the Queen," and "Isle of Beauty, fare thee well." The latter was played by the request of some lady friends of Lord George, and regarded by us as a refined cruelty, which could only emanate from a woman.⁵³

But Alexander Simpson offers another insight into Kamehameha's actions:

The simple remark made by Kamehameha to Lord George and myself, as he publicly shook hands with us on the platform as the ceremony was over, "Now I'm happy, I go to take ride," contained his real sentiments, and not this address ["I have hope that the life of the land will be restored when my conduct is justified."], which was delivered, notoriously, for the protection of his life against the Kekou-anaoa party.⁵⁴

While this allusion to threats made against the king's life

⁵²Mesick, op. cit., pp. 192-193.

⁵³Laura Fish Judd, op. cit., pg. 94.

⁵⁴Alexander Simpson, The Sandwich Islands, pg. 87.

has no supporting basis in fact (at least nothing that has survived the intervening 127 years), the casual comment made by the deposed monarch is somewhat enlightening. It is quite improbable that the king, with his flimsy command of the English language, managed to conjure up words such as "redress" and "magnanimity." Most of his speeches and his letters do appear to bear the unmistakable imprint of Dr. Judd, who probably wrote them and then presented them for a signature.

Kamehameha III was, most likely, quite pleased when he turned the government over to the British. Being a simple Polynesian, he never relished the effort he was required to expend as a monarch in the mid-nineteenth century. The cession relieved him of a great burden: his crown.

Paty, on the other hand, was discouraged. He wrote:

. . . when did England and the English ever respect the right of the weak when opposed to their will and (commercial) interest? . . . The piratical proceedings of H. B. Majesty's Ship Carysfort . . . have been this day . . . consummated by taking formal possession of these Islands, an act of high handed robbery and oppression, of the strong upon the weak, which is unequaled in the history of the world if we except the annals of England. . . . The printed documents have since been made public, and will serve to explain the circumstances under which this "cession" was made. "Cession" forsooth - why don't they call it by its right name - "Robbery?" . . . God only knows what will be the final result of this flagrant act of injustice and oppression committed by "Great" and "Magnanimous" England.⁵⁵

⁵⁵Paty, op. cit., February 18th, 1843 and February 25th, 1843.

**
** "Last Saturday (25th) was a dark day for **
** Sandwich Is. - to see the Hawaiian flag **
** hauled down and a British one hoisted in **
** its stead was too much for a Republican **
** and Philanthropist to witness, especially **
** when "might made right" and nothing **
** else."⁵⁶ **
**

⁵⁶Letter from Amos T. Cooke, December 15th, 1842 (but written in diary form throughout 1843), Mission-Historical Library, Honolulu, Hawaii.

155 Days :

The Islands Under the British

It should be stressed that Paulet and Simpson did not actually demand that Hawaii be surrendered to the British. Their demands, however, were of such a nature that the kingdom could not comply with them and still remain solvent. They required that court decisions be reversed, which would certainly have involved other foreign powers and would have placed the monarchy in an even more perplexing bind. They also demanded that indemnity claims, mounting to well over \$100,000.00, be paid immediately. Since the demands, therefore, could not be satisfied, the only way to avoid attack was to surrender the sovereignty of the land; but this is not the same as Paulet requesting a cession. This distinction, while not particularly significant at this point in the chronology of events, was extremely important following the restoration of the monarchy.

Laura Fish Judd described life in the Islands under Paulet in that lilt which only a missionary is capable of:

For five long months we ground in the prison-house, like poor blind Samson. . . . No blood had been shed. He [her husband, Dr. Judd] had done his best, and what more could be required? I advised him to lie down in the arms of a kind Heavenly Father, and in good time he would come forth with new strength for the conflict; and it was so.⁵⁷

⁵⁷Laura Fish Judd, op. cit., pg. 94-95.

Captain Paulet desired to make the transition of power as smooth as possible, and hence he decreed that all revenue arrangements would continue in force, and the King and Premier would continue to act "as if this Cession had never been made."⁵⁸ A commission was established to govern the Islands, comprised of Lord Paulet (who possessed, essentially, absolute control and who looked upon the other commissioners as his advisers rather than as his equals), Duncan Forbes Mackay, Lieutenant Frere of the Carysfort, and Kamehameha III or his representative.

Kamehameha, apparently wishing to enjoy his "vacation" and not desiring to have further intercourse with the English, delegated Dr. Judd as his deputy. According to Kuykendall, "At first Dr. Judd declined this appointment, but Lord George, strange to say, practically insisted upon Judd's acceptance of it."⁵⁹ Paulet's insistence was probably motivated by three facts: (1) his ego had been satisfied --- he was now superior to Judd, and therefore no longer considered Judd someone to be envied or to be fearful of; (2) Judd spoke English and Hawaiian fluently; and (3) Judd was extremely knowledgeable in Hawaiiana --- he knew much about the Islands, their laws and customs, and their institutions.

⁵⁸Lord George Paulet, "Proclamation," February 25th, 1843, British Public Records Office, Adm. 1/5531, Cap. P. 163. The complete text of the Proclamation appears on page 29 of this report.

⁵⁹Kuykendall, op. cit., pg. 217.

Paulet destroyed every Hawaiian flag that he could locate, and established a standing army at considerable expense to the Treasury. He felt that this army was necessary to ward off the expected French attack, a serious threat which he had no reason to disbelieve. Kuykendall said, "The report of the French squadron was convenient for Paulet's purpose, but it was a false alarm."⁶⁰ This seems to imply that Paulet knew it was a false alarm, which he certainly did not. The army was also a precautionary move to ward off possible rampages by the natives.

Paulet promptly "tore down twenty-three houses on the land claimed by Charlton, thereby depriving more than 150 people of their homes."⁶¹ He also seized the government's three ships, renamed them, and placed them in the service of the commission. One, the Albert (formerly Hooikaika), was dispatched immediately to Mexico with Paulet's report of the cession to be carried to London. This document, needless to say, was completely one-sided, and was carried personally by none other than Alexander Simpson.

The choice of Simpson was an obvious one: he had an expert knowledge of the history and of the value of the island group, he had first-hand experience with the cession, and because of his "ableness to combat personally the many statements that will be made by the advisers of the late

⁶⁰Kuykendall, op. cit., pg. 218n.

⁶¹Gerrit P. Judd IV, op. cit., pg. 193.

Government of these Islands."⁶²

Paulet, however, was not about to let the representatives of the king (who had already returned to the island of Maui) deliver their version to his superiors in London. His censorship effort was a complete failure.

Prior to the cession, the firm of Ladd and Company had arranged to charter the Hooikaika for a voyage to the American coast, and they agreed to surrender the charter to the British commission only on condition that an agent of the company should be permitted to go in the vessel to San Blas [Mexico]. . . . The company suggested that their agent might be appointed as [Kamehameha's] agent also and sent, not merely to San Blas, but to Washington and London. . . . The offer was accepted and a young [24 years of age] American merchant, James F. B. Marshall, was selected for this delicate mission.⁶³

Dr. Judd prepared the despatches " . . . in the silence of midnight in the royal tomb, with Kaahumanu's coffin for a table."⁶⁴ The king slipped quietly to Waikiki to sign the credentials, and returned across the channel without being noticed by the English. As an "extra precaution the name of the envoy was left blank."⁶⁵

On March 11th, Marshall sailed on board the Albert with Simpson, who suspected nothing, " . . . and the documents they carried, carefully guarded from each other during months of travel by land and sea, were finally deposited together on the same desk in the British foreign office."⁶⁶

⁶²Lord Paulet to the Admiralty, March 9th, 1843, British Public Records Office, Adm. 1/5531, Cap. P. 163.

⁶³Kuykendall, op. cit., pg. 217.

⁶⁴Laura Fish Judd, op. cit., pag. 95.

⁶⁵Gerrit P. Judd IV, op. cit., pg. 119.

⁶⁶Kuykendall, op. cit., pg. 217-218.

Dr. Judd used the departure of the Boston, two days after the Albert sailed, to send a complete docket of Marshall's mission to Richards in London; the Hudson's Bay Company at the same time transmitted a critical report on the conduct of Simpson and Paulet to their home office.

Almost immediately, in violation of the Proclamation he had issued, Paulet began to interfere in native affairs in an extremely arbitrary fashion. He started by imposing an additional duty of one per cent, ad valorem, on all landed goods to defray the cost of maintaining the commission itself (by order of February 28th, 1843). On March 1st, the order was issued that all land claims must be registered, and although "The Commissioners will not enter upon the validity of these claims at present,"⁶⁷ some "future decision" was promised. Three days later a limited number of liquor licenses were offered for sale at \$150.00 each, much to the consternation of Samuel C. Damon, a missionary chaplain who published The Temperance Advocate and Seaman's Friend. On March 4th, Mackay resigned from the commission because of his bad health.

The Commission's most notable decision, however, was the abrogation of Hawaii's fornication law on April 27th. Their action was prompted by reports that "women confined

⁶⁷Public Notices Issued by the British Commission for the Government of the Sandwich Islands (Published by Authority), March 1st, 1843, British Public Records Office, Adm. 1/5531, Cap. P. 163.

in the Fort for fornication have been let out, at night in the streets, for the purpose of raising the amounts of their fines by farther [sic] fornication."⁶⁸ Paulet deemed it necessary, therefore, to repeal the fornication law, which, in essence, legalized prostitution. Although rape and adultery still were punishable criminal offenses, sexual intercourse between two consenting adults became perfectly legal, except when performed "in the open streets or public thoroughfares."⁶⁹

⁶⁸H. Sea to Kanaoa, Acting Governor of Honolulu, April 27th, 1843, as printed in the Temperance Advocate and Seaman's Friend, I, Extra of July 31st, 1843, pg. 37. Hawaii Mission Children's Society Library.

⁶⁹Ibid. It is interesting to read the following story in the historical novel The Last King of Paradise, by Eugene Burns (New York City, 1952), pp. 46-49:

"For the commission's third sitting, Lord Paulet and his guard of honor arrived late. He sat down, shot out his ruffled sleeve-ends, tapped his snuff box and took a pinch for his right nostril and one for his left. Judd studied the man critically. He had heard that the English lord was having sexual relations with a young native girl.

"Paulet began: 'Gentlemen I find nothing but stinking corruption in Honolulu despite the cloak of gentility thrown over it by some of the long-frocked residents.' He ignored Judd's studied glare. 'To clean up this mess, I propose that we revise Hawaii's fornication laws.' He read at length from a current statute a list of fines and prison terms for men and women. He called the law 'absurd' and stated that he had visited men and women confined in one cell, that officers of the jail were extorting money from the female prisoners.

"Now that Her Majesty's flag flies over the fort,' he summed up, 'this commission cannot condone such practices.'

"Judd was on his feet objecting that the Hawaiian government had taken drastic steps to 'stamp out vice, depravity and debauchery---'

"Paulet cut him short. 'Your laws cannot work with natives. Who knows but that the natives were vastly better off under their own moral codes, Judd, before you missionaries came and made prostitution necessary---'

(Continued on pg. 42)

(Continued from previous footnote, page 41)

"Judd was furious. 'Lord Paulet you dare not say prostitution came with the missionary. Harlotry came with the sailors, the whalers, and your own ships. The real trouble is that a few Britishers like Charlton want to increase their income from their Cape Horn property by removing all decent restrictions!'

[Cape Horn was the prostitution district; the name came as a result of the story that sailors hung their conscience on the horn as they came around the Cape, and picked it up on their way back to conservative New England.]

"He had spoken truth. But Paulet ignored the charge. 'Judd, Honolulu's Cape Horn is known in London, Hamburg, Valparaiso, San Blas, everywhere, as the most immoral spot in the world. With these fornication laws you locked the front door and left the back door wide open. . . .'

When he saw Judd's angry face, he eased up. He turned to his secretary: 'Mr. Sea, summon our first witness.'

The prisoner testified that he had been confined in the fort four months and two days. 'Tell the commission about the women confined there,' Paulet ordered. 'Are they used by respected townspeople?'

"The man replied: 'Sir, I have seen females in the naked embrace of our leading townspeople under the trees on the rampart of the fort.'

"Judd, unconvinced, said preemptorily, 'I do not believe it.'

"Tell us what happened if a woman refused.'

"The prisoner said: 'One woman was shackled with irons and made to lie naked in the open, exposed to the hot sun.'

"Can you produce that woman?' demanded Judd.

"She got a blow on the head,' replied the man, 'for not being responsive and jumped into the water and was drowned.'

"Another member of the commission asked: 'Did whaling captains arrange for female prisoners at the fort to go aboard their vessels?'

"Yes,' replied the man, 'I have heard police tell whaling captains: "Go on in and test the wahine for yourself, first," and then these captains would go into the cells with the women and remain a long time.'

"Paulet turned to Judd. 'Do you still think your suppression of vice successful?'

"Certainly. This man's statements are hearsay.'

"Paulet asked his secretary to summon the next witness, a Hawaiian woman. At one time she had been Liliha Boki's favorite dancer.

"Secretary Sea asked, 'What is your name?'

"Leilani.'

"Is that all?'

"Without more ado she uncovered her chest and exposed her limp, drooping breasts. Around them were the healed white scars: CAPE HORN. 'That's my working name,' she said.

(Continued on pg. 43)

(Continued from previous footnote, pp. 41-42)

"How did you come by your profession?' Paulet asked.

"She shrugged, 'Money!'

"How long have you been confined in the fort?'

"Two years.'

"In irons?'

"Except nights when I was let out.'

"Why did you go out?'

"To earn food.'

"Aren't women prisoners given food?'

"Only those who take on the townspeople get food. I'm not much for looks since I had my teeth broken.'

"How do you make your money?'

"At night I swim to the whaleships in the harbor. Last night I was on the Stewart James. For twenty-five cents, Officer Noa takes my irons off. For another quarter, he puts them on again in the morning.'

"Do you wish to cross-examine the witness, Dr. Judd?' Paulet asked. As Judd shook his head, he continued: 'There are six other witnesses.'

"It was over Judd's opposition . . . that an order was posted saying, 'No male or female is to be imprisoned for the crime of fornication'

"Whaling captains, who knew it would be much easier to recruit crews if the men could have unrestrained sexual freedom in Hawaii, rejoiced. As Judd predicted, Charlton's land values around Grog Street increased immediately."

In the more historical Temperance Advocate and Seaman's Friend (Extra issue of July 31st, 1843), Samuel C. Damon, "The Seamen's Chaplain," wrote on July 24th, 1843:

"They have overstepped the limits of party politics, and invaded the domain of the moralist, and to certain extent entrenched upon the sacred precincts of religion. . . .

"The influence of grog shops in their baleful effects falls far short of unrestrained licentiousness. Houses to sell wines and spirituous liquors, are under certain checks and prohibitions, but upon the pimp and panders of the brother there are no restrictions --- no tabus. . . .

"Certain lewd women escaped from the Fort, under cover of darkness for base purposes. Why not punish the armed sentinels guarding the walls and gates? This was the custom in old Rome?"

He also asks: if an escaped convict steals, should the law against theft be eliminated?

(Hawaii Mission Children's Society Library, Honolulu)

This abolishment demonstrated how little influence Judd actually had in the decisions of the commission. He became disgusted, and he resigned after entering a formal protest on May 10th, 1843. Since Kamehameha III declined to appoint a replacement, only Paulet and Frere were left to govern the Islands.

On July 7th, the U. S. Constellation arrived in Honolulu, commanded by Commodore Lawrence Kearney. He "issued a protest against the cession of the islands to Great Britain, and when his vessel was visited by the governor of Oahu and the young chiefs, he saluted them under the Hawaiian flag"⁷⁰ This aggravated Paulet greatly, and he wrote a nasty letter to Kam protesting Kearney's action.

Conditions in Hawaii were again becoming very tense. Paulet nervously awaited a report from London as to whether Queen Victoria was delighted with her new possession, or upset with the seizure. The commission was completely alienated from the people, especially the American missionaries. The rift between Paulet and the native king and chiefs grew even wider.

But the one hundred and fifty-five days were nearing their end.

⁷⁰John R. Musick, op. cit., pp. 450-451.

In London and Paris, Hope

Richards and Haalilio, charged by Kamehameha III with the responsibility of obtaining official recognition of Hawaii's independence from the great powers, journeyed first to Washington. They arrived in the capital on December 5th, 1842, and departed from the United States for London in February of 1843.

Since the Paulet episode had not yet occurred during the time of their negotiations with Secretary of State Daniel Webster, the discussion of this portion of their diplomatic mission will be deferred until the end of this paper. While this wrenches their voyage completely out of chronological perspective, this sacrifice is necessary to maintain a continuity between Paulet's action in the Pacific and the Earl of Aberdeen's actions in the Atlantic.

Richards and Haalilio arrived in London on February 18th, eight days after the Carysfort anchored in Honolulu harbor. They were painfully aware of the self-evident fact that both England and France would avoid any type of agreement that could conceivably lead to war; therefore, they decided it would be unwise to seek a "guarantee" of independence. Peter A. Brinsmade had gone earlier to the United States and to Europe on an unofficial voyage to obtain the recognition of independence (it would have been profitable for his business venture), and he advised the new commissioners to seek the

"respect" of independence.⁷¹

Richard Charlton had arrived in London earlier than the representatives of the monarchy, and he had used this time to his advantage. He presented his signed petition and complaints to the Earl of Aberdeen (discussed on pages 10-11 of this report). Sir George Simpson was also in contact with the Foreign Office, presenting his pro-independence views with the influential support of the Hudson's Bay Company.

The first interview granted to the commissioners by the Earl of Aberdeen was held on February 22nd. The Secretary expressed his displeasure over the preference given to American citizens resident in Hawaii, clearly demonstrating that Charlton's comments had not been ignored. Aberdeen also acknowledged that the United States had not recognized the independence of the Islands, and intimated that this was one of the reasons that Great Britain also might not "concede the independence of the Islands."⁷² The details of this meeting were promptly conveyed to Webster by Richards and Haalilio in the hope that they might induce the United States to formally recognize Kamehameha III's sovereignty.

On March 6th, 1843, Sir George and William Richards wrote a lengthy letter to Aberdeen in which they cited the accomplishments of Hawaii's people:

⁷¹Kuykendall, op. cit., pg. 196. The preceding one sentence.

⁷²Haalilio and Richards to Webster, March 3rd, 1843, Archives of Hawaii, F. O. and Ex..

As much misrepresentation has gone abroad respecting the condition of these Islands, the undersigned feel it their duty to trespass on your Lordship's indulgence, while they enter into such details as may be necessary to put your Lordship in full possession of the real state of things, from which it will appear that civilization and social improvement have made more rapid advances there than were ever witnessed in any country placed in similar circumstances.⁷³

It is quite obvious when reading this list of achievements that the letter had been carefully worded to counteract each of Charlton's exaggerations and lies. The following passage can be cited as an example:

Regular Courts of Justice have also been established, in which trial by Jury takes place on all important cases; and foreigners of different nations have testified their confidence in these courts, by bringing suit in cases involving large sums of money, when with but little delay those suits might have been carried before the courts of other countries.⁷⁴

This is a clever use of the omission of some relevant factors. While jury trials were indeed offered, the juries were often packed with Americans or pro-American natives who could hardly be called impartial. The legal concept of lex forum probably applied insofar as bringing a case before the court of another country, not to mention the time and the distance involved. An American court would probably have found a case dealing with the breach of a contract signed in Hawaii by an American and an Englishman clearly out of the scope of its jurisdiction, not to mention the fact that the Englishman would probably not

⁷³Geo. Simpson and Wm. Richards to Earl of Aberdeen, March 6th, 1843, British Public Records Office, F. O. 58/18.

⁷⁴Ibid.

want to be tried in an American court. Nevertheless, in fairness to the Hawaiian judicial system, it was quite good for a fledgling nation with a limited monarchy.

The letter to Aberdeen concluded with this flattery, which is quite ironic considering what was happening in Hawaii as the commissioners penned this letter:

[Kamehameha III] makes his first appeal to Great Britain, whose maritime enterprise first made known his country to the civilized world . . . and whose glory it has ever been to protect the weak against the strong.⁷⁵

The commissioners then departed for the continent, where they conferred with King Leopold of Belgium, "who expressed great interest and sympathy and promised to use his influence in support of their cause."⁷⁶

The next city on their itinerary was Paris. A description of their interview with Francois P. G. Guizot, the French Minister of Foreign Affairs, is contained in George Simpson and Richards' letter to Aberdeen of March 21st:

On the 17th. instant the undersigned had the honor of an interview with M. Guizot, when they submitted to him a memorandum containing propositions of which the following is a summary: First, the acknowledgement of the Sandwich Islands by the Government of France; and Second, the cancelling of the Treaties or Agreements entered into between Tamehameha III [sic], King of the Sandwich Islands, and Captain LaPlace of the French Navy, dated 10th. and 17th. of July, 1839, which not having been ratified by the French Government were not binding on France, and were in some of their stip-

⁷⁵Ibid.

⁷⁶Kuykendall, op. cit., pg. 198.

ulations extremely injurious to the interests of the King's subjects.

M. Guizot, after carefully perusing the memorandum, remarked that he was prepared at once and without hesitation to grant the first point; and as to the second, although he then saw no objection to the cancelling of the Treaties, there were some things involved in them to which he had not turned his attention, and which on that account required consideration before a decisive answer could be returned.⁷⁷

They promptly returned to London, communicated their success in Paris to Aberdeen in the above cited letter, and anxiously awaited a reply. Aberdeen invited them for an interview on March 25th, at which time he further delved into the American missionary situation, and concluded by giving them a verbal assurance that Great Britain would officially recognize the independence of Hawaii.

Aberdeen stated, in his letter dated April 1st, that " . . . Her Majesty's Government are willing and have determined to recognize the independence of the Sandwich Islands under their present sovereign."⁷⁸ This recognition was conditional, but all that Aberdeen requested in return was a "most favored nation" type of agreement which the commissioners were promptly willing to grant. He did not desire any special favors for British subjects; he merely wanted a "perfect equality" accorded all foreign residents.

Sir George Simpson, his assignment favorably completed,

⁷⁷Geo. Simpson and Wm. Richards to Earl of Aberdeen, March 21st, 1843, British Public Records Office, F. O. 58/18.

⁷⁸Earl of Aberdeen to Geo. Simpson and Wm. Richard [sic], April 1st, 1843, British Public Records Office, F. O. 58/18.

returned to America while Richards and Haalilio returned to Paris to obtain a written acknowledgement of Guizot's verbal promise. Before the French Foreign Secretary could comply, the news of the Paulet affair reached Europe during the last week of May, 1843.

This placed England in a most uncomfortable position. She quickly declared that she had every intention of adhering to her recognition of independence, and that the seizure was totally unauthorized. Aberdeen declared, "Her Majesty's Government have no desire to retain possession of the Sandwich Islands. Their only object is to secure full justice and compensation for injuries which have been done to British subjects established in that country."⁷⁹ Although this statement was communicated officially to Paris and Washington, they cautiously decided to await the amicable settlement of difficulties before releasing any declarations.

Aberdeen was faced with the queer, yet necessary, naval policy of the day, as summed up by Sylvester Stevens: " . . . to seize the territory, leaving the home government to justify their action later. Lord Paulet, regarded as a discreet and able officer, took matters into his own hands"⁸⁰ This haphazard expansionist policy, at a time when "British

⁷⁹Earl of Aberdeen to Wm. Richards and Timothy Haalilio, June 15th, 1843, British Public Records Office, F. O. 58/18. Aberdeen was responding to the commissioners' letter to him of June 1st, 1843.

⁸⁰Sylvester Kirby Stevens, op. cit., pg. 15-16.

opinion was generally indifferent to or opposed to colonization overseas,"⁸¹ was the result of the recurring communications problem. It would have been ridiculous for Paulet to write to London, or even to Admiral Thomas in Mexico, to request advice --- a reply from the Foreign Office would have required half a year at the very least to reach Honolulu. In that time span, the conditions could have and undoubtedly would have changed, so that the advice would then be dated and useless. Paulet took the course of action which he deemed to be best under the circumstances, and now Aberdeen was given the task of satisfactorily rectifying matters.

Since France had a similar naval program (if anything, her's was much more aggressive), she was not particularly upset by the news of the British occupation. She agreed, almost automatically, to stand behind the British announcement of settling the issues at question before restoring the Hawaiian flag. Aberdeen's remarkable promptness in announcing that the Hawaiian monarchy would be restored made harsh letters from the United States and France unnecessary, and hence the negotiations were much less strained.

The British Foreign Office, in the light of French activities in the South Pacific, also decided that the restoration must be preceded by protection for the Islands "to guard against the possibility of their falling, at some later time, into the possession of either France or the United States."⁸² This was

⁸¹Gerrit P. Judd IV, op. cit., pg. 114.

⁸²Kuykendall, op. cit., pg. 200.

another move designed to prevent the creation of a potential trouble-spot in the Pacific. Aberdeen wished assurances before returning the Islands to Kamehameha III that the United States and France would join Great Britain in recognizing the independence of the monarchy and would pledge "to leave those islands entirely under their own government, and equally open to all the world."⁸³

The young representative of the king, James Marshall, and Paulet's spokesman, Alexander Simpson, arrived in London within one week of each other. They offered their versions of the cession to the Foreign Office: Marshall presented the facts as they have been detailed in this paper, while Simpson gave the pro-Paulet distortion. Viscount Canning, acting on behalf of the Earl of Aberdeen, informed Simpson:

After due deliberation it has been determined, without raising the question of the propriety or otherwise of the measures adopted by you . . . that you assumed the office [of Acting Consul] by virtue of Mr. Charlton's appointments, which you considered valid, it is but just that you should be admitted to the advantages generally granted in similar cases.⁸⁴

Simpson was also informed that a Consul General was being sent to Honolulu to arrange for an amicable settlement of all grievances, and therefore his services were no longer required by Her Majesty.

⁸³Earl of Aberdeen to Lord Cowley, July 31st., 1843, British Public Records Office, F. O. 27/663.

⁸⁴Viscount Canning to Alexander Simpson, August 9th., 1843, British Public Records Office, F. O. 58/17.

In the meantime, Simpson published a book encouraging England to accept the Provisional Cession. He wrote numerous letters to the Times in an effort to take his case directly to the people, and engaged in a most unpleasant smear campaign. Concerning the commissioners, for example, Simpson wrote:

Mr. Richards had started from the Sandwich Islands, possessed of powers to enter into such arrangements as suited his prejudices, his intent, or his conscience. In fact, he carried with him blank papers bearing the signature of the "native princes."⁸⁵

and:

Haalilio's description of their reception by Lord Aberdeen, and by Mons. Guizot, will, perhaps, convey a good idea of the result of different negotiations, and of the characters of those diplomatists. "When we went to Lord Aberdeen, he was very grave and angry looking; but he gave us what we wanted: When we went to Monsieur Guizot he was very polite and friendly, but would give us no satisfaction."⁸⁶

Simpson's accusations do perhaps contain a grain of truth: Richards, it is now thought, did carry signed blank sheets, and Haalilio may well have made roughly the comment attributed to him. To paraphrase Haalilio, and to present his statement out of context, was highly unfair of Simpson. A command of the facts surrounding the diplomatic negotiations is necessary to properly understand Haalilio's remark.

Alexander Simpson's "one man" campaign was in vain. The points at issue between the British and Hawaiian governments were on the verge of settlement.

⁸⁵Alexander Simpson, The Sandwich Islands, pg. 90.

⁸⁶Ibid., pg. 92.

At first Aberdeen decided to have the difficulties adjudicated in Honolulu by Charlton's replacement, General William Miller. The envoys, however, believed this would "be a dangerous arrangement; it would, besides, defeat one of the important objects of their mission, since the king expected them to dispose of all these matters while they were in Europe, and it would remove any possibility of success in their negotiations with France."⁸⁷ The commissioners informed the Foreign Secretary that it would be quite acceptable for matters to be "finally decided either directly by Her Majesty's Government, or by some persons here, to whom these differences should be referred for settlement."⁸⁸

Aberdeen himself agreed to promptly decide upon the various issues, with the assistance of his staff and Crown legal advisers. His decisions were conveyed to Richards and Haalilio in his letter of September 12th, 1843, in which he stated that he had "weighed every argument which has been addressed on either side with the strictest impartiality, and with the sole desire of arriving at a just conclusion."⁸⁹

His decisions favored the Hawaiian government almost entirely. No final judgment was made on Richard Charlton's land claim, the actual lease being in Honolulu. Aberdeen also

⁸⁷Kuykendall, op. cit., pg. 222.

⁸⁸Haalilio, Richards, and Marshall to Aberdeen, August 1th, 1843, British Public Records Office, F. O. 58/18.

⁸⁹Aberdeen to Haalilio and Richards, September 12th, 1843, British Public Records Office, F. O. 58/18.

reiterated that British subjects resident in Hawaii must be accorded "most favored nation" treatment by the government of the Islands, and given fair and impartial trials.

Yet, in looking over the negotiations of 127 years ago, one cannot help but wonder if England would have given the Islands up had word of Paulet's occupation reached London before the promise to recognize their independence was made. Naturally, noone can offer a correct solution to this dilemma; one can only make an educated guess based upon the facts as they are viewed in retrospect. It does appear that Her Majesty's Government would have kept the Hawaiian islands.

Had this been the case --- and, if there were telephone or telegraph lines then, it would have been the case --- Kuykendall would have printed a photograph of Lord George Paulet instead of Kamehameha III ^{in his} _Atome, and this would not have been the forgotten chapter in Hawaiian history.

As Alexander Simpson lamented in the postscript of his book:

Since writing the foregoing pages, I have observed it announced in the Times that "measures have been taken by the British Government, and adopted by France and the United States, for placing the neutrality and independence of the Sandwich Islands beyond the reach of intrigue or violence."

Truly! Lord Aberdeen has achieved a triumph in diplomacy! He has induced France and the United States to sanction his giving away an important British possession! ⁹⁰

⁹⁰Alexander Simpson, The Sandwich Islands, pg. 123 (Postscript).

Washington Negotiations:

"Not Quite What I Want"

It is now necessary to backtrack to the arrival of Richards and Haalilio in Washington on December 5th, 1842. As previously discussed on page 45, the negotiations with the United States for the recognition of Hawaii's independence preceded Paulet's arrival at Honolulu by a couple of months.

Daniel Webster, who was then the Secretary of State, held his first personal interview with the Hawaiian commissioners on December 7th, but was completely uninformed about the Islands or the reasons behind the visit. He did promise to have the previous correspondence on the matter re-read, and agreed to hold a second interview in two days.

On the evening of December 9th, Webster suggested to Richards that it would be advisable for the commissioners to send a formal letter to the Secretary, to which he would reply. The reason for this request was to delay the matter as much as possible, for Webster clearly realized that a treaty was not advisable since it would ensnare the United States in a combustible situation.⁹¹ "Caution" was Webster's motto, which prompted Richards to cynically write in his journal: " . . . the fact is that the great Daniel is looking

⁹¹Clyde Augustus Duniway, "Daniel Webster," The American Secretaries of State and their Diplomacy, ed. Samuel Flagg Bemis, (New York City, 1963), pg. 56. The preceding one sentence.

for popularity, and he will not do, nor fail to do anything which can affect that without considerable reflection."⁹²

Richards wrote a lengthy letter chronicling the achievements of the Hawaiian people, and he delivered it to the Department of State on December 15th. Eight days later he called again on Webster, who had " . . . evidently not read our letter, --- [and who] ordered Mr. Hunter to prepare a reply."⁹³ Webster said nothing about an interview with President Tyler, which prompted Richards to lament that Webster was " . . . giving us the go by."⁹⁴

The threat of placing the Islands under the protection of the English "if we could not get independence"⁹⁵ was discreetly presented by Richards to some of his influential friends. The result was that on December 27th, "Mr. W[illiams] inquired if we should like to call on the President --- I answered 'yes.'"⁹⁶ Richards and Haalilio met with Tyler and his cabinet that day, and they again hinted about the possibility of ceding the islands to Her Majesty.

Webster replied in writing to Richards and Haalilio; his letter, while dated December 19th, was probably written on December 29th as Richards acknowledges its receipt in his journal on December 30th. Webster wrote:

⁹²William Richards, Journals, December 26th, 1842, Archives of Hawaii.

⁹³Ibid., Friday, December 23rd, 1842.

⁹⁴Ibid.

⁹⁵Ibid.

⁹⁶Ibid., Tuesday, December 27th, 1842.

The United States have regarded the existing authorities in the Sandwich Islands as a Government suited to the conditions of the people and resting on their own choice; and the President is of opinion that the interests of all the commercial nations require that this government should not be interfered with by foreign powers.

[Tyler, Webster stated, was] quite willing to declare as the sense of the Government of the United States that the government of the Sandwich Islands ought to be respected.

[But Tyler] does not see any present necessity for the negotiation of a formal treaty, or the appointment or reception of diplomatic characters. A Consul or Agent from this Government will continue to reside in the Islands.⁹⁷

Richards, with regard to the treaty, wrote that Webster "said it was a solemn thing --- it was not best to do too much at once."⁹⁸ Webster's correspondence "was officially communicated to the principal European powers, and its purport was included in a message from the President asking Congress to appropriate a special allowance for an American Commissioner to reside in the islands."⁹⁹

Of the negotiations in Washington, Alexander Simpson wrote in his book The Sandwich Islands:

. . . Mr. Richards made speed to Washington; and there tendered a cession of the Islands to the President of the United States [this is false]. But the sagacious politicians of the Union, at once, saw that England would not permit such a glaring alienation of what, really, appertained to her: and they deemed that so long as the Islands were so ruled, that a citizen of

⁹⁷Daniel Webster to Timoteo Haalilio and William Richards, December 19th, 1842, Archives of Hawaii, F. O. and Ex..

⁹⁸William Richards, Journals, Thursday, December 29th, 1842.

⁹⁹Duniway, op. cit., pg. 56.

thier own republic could put such powers into his pocket, it was quite unnecessary to incur any risk or expense in adding them to the territory of the United States: the supposed constitutional objection to holding colonies, would easily have been got over.

The President, however, in order to aid Richards in his negotiations with England and France, used some high-flown language, in his message to Congress, regarding "the dissatisfacation, on the part of the United States, at any attempt by another power, should such attempt be threatened or feared, to take possession of the Islands, colonize them, and subvert the native government:" this dissatisfication, however, the President wisely confines in its result to a "decided remonstrance against the adoption of such a policy."¹⁰⁰

Richards, in contrast with Simpson, concluded simply: "Not quite what I want, but others think it well."¹⁰¹ The commissioners departed for Europe.

¹⁰⁰Alexander Simpson, The Sandwich Islands, pp. 90-91.

¹⁰¹William Richards, Journals, Friday, December 30th, 1842.

The United States Involvement after Paulet

After Tyler's message concerning the Sandwich Islands (which was essentially a repetition of the correspondence between Webster and the envoys) was delivered to Congress, funds were appropriated for a new diplomatic agent with the title of "Commissioner" to replace William Hooper, the Acting Commercial Agent. George Brown was selected for this position in March of 1843, and he promptly embarked on the long and difficult voyage to Honolulu by way of Panama and Tahiti. Brown travelled on board English vessels, and from Papeete he reported to the Department of State that the Islands had been seized by Paulet.

Since Brown did not arrive in Honolulu until October, his performance as Commissioner is well outside the scope of this report. It is somewhat amusing to note, however, in passing that he lacked "tact, [the] most important of virtues in diplomacy."¹⁰²

Meanwhile, William Hooper wrote to Webster on March 7th: "The geographical situation of these Islands is such as to render it highly desirable that they should be neutral and their Ports accessible at all times, in Peace or War, by vessels of every nation."¹⁰³ Of Paulet, and his assertion that

¹⁰²Sylvester Kirby Stevens, op. cit., pg. 13.

¹⁰³William Hooper to Daniel Webster, March 7th, 1843, U. S. National Archives Microfilm Publication, Record Group #59 (Department of State), Microcopy 144, reel 1.

American residents could mercilessly place British subjects in irons at will, Hooper stated:

The punishment of foreigners who have committed crimes, by putting them in irons, has only occasionally been resorted to --- to prevent offenders from leaving the Fort.

. . . Lord Paulet is a young man of whose intellectual capacities very little can be said . . . 104

Concerning the new role of American citizens under the control of the British Commission, Hooper informed the Secretary that " . . . they are not a little solicitous as to the national character they shall have to assume in order to retain possession of their Estates"105

The news of the Paulet episode came as no great surprise to Washington: they feared either a French or a British seizure at any time. Since the Department of State had already been notified by Aberdeen that England would respect the independence of the Islands, Webster calmly and correctly assumed that Paulet had acted without authority from London.

This belief was confirmed by Edward Everett, the U. S. minister to Great Britain, in his letter to Hugh S. Legare (who was temporarily the Secretary of State) dated June 1st, 1843: "Upon the whole, when I reflect how recently this government is pledged to the United States, to France, and to

¹⁰⁴Ibid. Cf Alexander Simpson, in The Sandwich Islands: Kamehameha III was a man "of no great talent or energy . . . effete in body and irresolute in mind . . . his countenance is dull and stupid, his manner shy and confused." pp. 68-69.

¹⁰⁵Ibid.

the Sandwich Islands themselves to recognize their independence, I cannot doubt that the act of the commander of the Carysfort will be readily disavowed."¹⁰⁶

The Americans, especially Everett, considered enlisting the assistance of the other maritime nations (viz., France and Russia) in enforcing their demand that the monarchy in Hawaii be restored. These steps, however, were never necessary because of the prompt British assurance that Paulet's actions were unauthorized.

H. S. Legare at this time wrote a letter to Everett which hints at the American designs on the Hawaiian Islands:

Yet there is something so entirely peculiar in the relations between this little commonwealth and ourselves that we might even feel justified, consistently with our own principles, in interfering by force to prevent its falling into the hands of one of the other great powers of Europe.¹⁰⁷

The American public responded to reports of the Paulet action with the combination of "a bitter condemnation of British imperialism with a shrewd calculation of the importance of Hawaii to the United States."¹⁰⁸ In the states of New England, which sent most of the American missionaries to Hawaii and which was the shipping center of the country, the reaction was the strongest. The residents were appalled on

¹⁰⁶Edward Everett to H. L. Legare, Esq., June 1st., 1843, U. S. National Archives Microfilm Publications, (Department of State), Microcopy 30, reel 46.

¹⁰⁷Legare to Everett (number 46), June 13th., 1843, Sen. Ex. Docs., 52nd Congress, 2nd Session, Number 57, pp. 7-8.

¹⁰⁸Sylvester Kirby Stevens, op. cit., pg. 16.

both religious and economic grounds. In Boston, for example, a public meeting adopted a resolution which asserted the right of Hawaii¹⁰⁹ to independence "in view of the civilized competence of their government."¹⁰⁹

This resolution, and the other acts which expressed the public indignation, were academic: The Foreign Office had already decided to restore Kamehameha III to his throne (albeit, this decision was undoubtedly a result of Aberdeen's acute awareness of what the American course of action would have been had Her Majesty decided to accept the provisional cession).

Essentially, therefore, it can be concluded that the direct role of the United States in restoring the monarchy was quite inconsequential. The threat of what the United States might have done had the cession been accepted was extremely important, but this was not the result of any communication sent by Washington to London. Aberdeen predicted what the reaction would be, and he acted accordingly.

Kirby's statement that "American diplomacy had been influential in securing a final satisfactory settlement of the crisis"¹¹⁰ is not absolutely correct. Actually, it was the threat of what American diplomacy would be that helped restore independence.

¹⁰⁹Ibid.

¹¹⁰Ibid., pg. 20.

The Surprise (and Happy) Ending

Independently of the negotiations in Washington, London, and Paris, Admiral Thomas departed from Valparaiso for Honolulu on board the flagship Dublin immediately after receiving word of the cession from the Albert.

Laura Fish Judd recalled:

We had just arisen from family devotions one morning, where we had been pleading for the prostrate nation, in the hands of those who were crushing out its vitality, and trampling in the dust its best interests, when we were startled by the native cry of "sail ho!" An immense man-of-war hove in sight, floating the flag of an English rear-admiral of the white. What was his errand? Had he brought relief, or had he come to declare our bondage perpetual? We held our very breath to await the answer.¹¹¹

Thomas declined, in the name of Queen Victoria, to accept the provisional cession of the kingdom. The Admiral ordered a Hawaiian flag be made on board the Dublin (Paulet had destroyed all of the others) for the restoration ceremony.

Thomas did, however, obtain Kamehameha III's signature on an agreement which guaranteed the rights of British subjects on a "most favored nation" basis.

The best description of the restoration ceremony was written, naturally, by Laura Judd:

It was on Saturday, July 31, a little more than five months after the cession or seizure, that the marines of the Dublin, Carysfort, and other English ships, under their respective officers, were ordered to be on the parade ground on the plain, in full uniform,

¹¹¹Laura Fish Judd, op. cit., pg. 96.

at eight o'clock A.M., under Lieutenant Frere. A pavilion was erected for the ladies. Foreign residents of all classes, missionaries, and thousands of natives assembled at an early hour. Admiral Thomas preceded the king in the carriage of the latter. When the king, on horseback, arrived upon the ground, the admiral gave him a salute of twenty-one guns from the field of artillery of the squadron. Lord George was not present.

At a signal given, the English flag-officer advanced toward the king, surrounded by his guards, bowed his colors most gracefully, while the splendid Hawaiian standard was unfurled, and, as the breeze caught its ample folds, displaying the dove and olive branch in the center, the guns from the Carysfort fired first, then the Dublin, and the other English ships, followed by two American ships-of-war. Each poured forth a salute of twenty-one guns, which was responded to by the fort and battery of old Punch Bowl. The roar and reverberations were loud and long, and one would think the royal slumberers in the adjacent tomb might be startled in their long sleep. As the cannons ceased, thousands of human voices mingled in one patriotic cheer. Men and boys, black, white, and red, shouted themselves hoarse, as the king returned from the plain. The king and chiefs proceeded to the stone church, where, in the midst of the great congregation, they gave thanks to their God for deliverance from a foreign yoke.¹¹²

Admiral Thomas, in restoring independence, did not first seek the advice of the Admiralty or of the Foreign Office. He realized, "in the light of what he knew to be the policy of the British government,"¹¹³ that the cession was not consistent with stated objectives of his government.

In can be seen, therefore, that the negotiations by the maritime powers for the restoration were not particularly

¹¹²Laura Fish Judd, op. cit., pp. 96-97.

¹¹³Kuykendall, op. cit., pg. 221.

important to the actual restoration. Since communications were slow, Thomas accepted the responsibility and acted promptly to return the Islands to the king. The negotiations for Hawaii's independence, conducted by Richards and Haalilio on behalf of Kamehameha III, were also not a factor in the decision of Admiral Thomas: word of the recognition did not arrive in Honolulu until after the Hawaiian flag had been hoisted.

Of course, this does not imply that the negotiations were not significant in the long run: they assured Hawaii's relatively peaceful existence as a limited monarchy for many more years.

Today, at the site where Thomas gave the Islands back to Kamehameha III, there is a beautiful park. Being nearly centrally located in the modern city of Honolulu, it is passed each day by thousands of people. Yet few, if any, of these people are aware of the interesting chapter in the history of their state which had its final pages written in what is today called Thomas Square.

Epilogue

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"Where Have All the Flowers Gone?"

It is interesting, although not extremely important, to note what happened to the principals in the foregoing drama:

Dr. Judd, with his faithful and verbose wife Laura at his side, continued to serve his adopted government in many capacities. His descendants today write glowing, though not particularly accurate, prose about his contributions to Hawaii, to wit:

Despite prevailing British policy, it is likely that Admiral Thomas would not have restored the kingdom's independence if he had not found Hawaii's internal affairs in order. Had Dr. Judd not been a skilled administrator it is possible that Hawaii would still be under the British flag.¹¹⁴

Possible, perhaps, but not probable.

On November 28th, 1843, Aberdeen and the French Ambassador to Great Britain signed a joint agreement in which they promised "never to take possession, either directly, or under the title of a protectorate"¹¹⁵ of Hawaii. The United States could not be cajoled into joining the declaration on the feeble grounds that the agreement would have to be in the form of a treaty, and hence would require Senate ratification, to be binding. The United States also proudly claimed, illogically, that its foreign policy was independent of foreign

¹¹⁴Gerrit P. Judd IV, op. cit., pg. 125.

¹¹⁵William Richards, Journals, December 10th, 1843, Archives of Hawaii.

powers.

Hawaii presented a Statement of Damages for the occupation of the Islands, amounting to \$31,926.61, to the British Government. As Robert C. Wyllie informed Paulet in his private communication dated November 13th, 1844, " . . . the Earl of Aberdeen declined to entertain these charges, mainly upon the ground that the cession had not been forced by your Lordship, but was a voluntary act of the King."¹¹⁶ Aberdeen cleverly contended that if Paulet had actually taken possession of the Islands under force (i.e., if he had fired on the city of Honolulu), then the claim would be acknowledged. The British Government politely declined to condemn the actions of either Paulet or Charlton.

Wyllie also informed the Lord:

I have not been able to get the remainder of your laundry from Jack Hurry. From Skinner's account it appears that he delivered all but 1 table cloth, 3 napkins, 2 shirts and one Boy's Frock. I promoted a private enquiry before Judge Halai, but having no authority from your Lordship to prosecute, and little proof to adduce, I thought it best not to push matters to a formal trial, which would have entailed some expense and led to publicity. It appeared to me that your Lordship would prefer to lose the clothes altogether rather than have the complaint recorded in print in the Polynesian.¹¹⁷

On March 22nd, 1846, the French vessel Virginie anchored in Honolulu harbor, and her commander, Rear Admiral Hamelin,

¹¹⁶Robert C. Wyllie to Lord George Paulet, PRIVATE, November 13th, 1844, Archives of Hawaii, F. O. and Ex., copied from British Consulate files. Cf page 36 of this report.

¹¹⁷Ibid.

brought identical treaties from England and France. The latter treaty was to supersede the Laplace agreement. The king signed both treaties, and Hamelin returned the kingdom's \$20,000.00 (refer to page 2 of this report), taken by Laplace, in the original cases with the seals still unbroken.

Timothy Haalilio was never again to see the country for whose independence he had fought so valiantly. After being subjected to the unpleasant climate of England and the United States, he died at sea on December 3rd, 1844.

William Richards, his fellow envoy, died after a very impressive term as the monarchy's Minister of Public Instruction, on November 7th, 1847. Kuykendall said, "With his passing, the Hawaiian people lost a faithful friend."¹¹⁸

Kamehameha III died before the hour of noon on December 15th, 1854, at the age of forty-one. The Reverend Samuel C. Damon said of his reign:

Much of the good which has been accomplished, much of the evil which has been prevented, and many of the happy changes which have taken place, were doubtless brought about through the soundness of his judgment and the mildness of his character. The late sovereign of the Hawaiian people was gifted by the God of nature with many of those traits which qualify a person to be a good ruler, in trying scenes and peaceful time.¹¹⁹

The Carysfort, according to a letter from the Marquis of Winchester (a descendant of Lord George) sent to the Archives

¹¹⁸Kuykendall, op. cit., pg. 354.

¹¹⁹Friend, XII, (1855), number 6, as quoted in Kuykendall, op. cit., pg. 428.

of Hawaii on March 28th, 1934, went down in the English Channel in a gale, with many of her crew lost at sea.

And, in conclusion, Lord George commanded the Bellerophon at the storming of Sebastopol in the invasion of the Crimea:
" . . . he opened a violent cannonade against the Telegraph Battery. He soon brought down havoc upon his own ship. Her wheel was destroyed; and she was set on fire by a shell, but Lord George continued to stand in . . . As the Bellerophon swung to her anchor, she offered an occasion to the enemy; and the enemy promptly seizing it, she was swept by a raking fire."¹²⁰ Need more be said?

¹²⁰Alexander William Kinglake, The Invasion of the Crimea, Vol. III, (Edinburg, 1868), pg. 435.

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ADDENDUM

Honolulu, July 14th, 1970

- page 4 line 14 Misspelling of "Thouars" (not Paulet's error).
- page 6 line 5 It is agreed that citing H.R. Hayes' The Kingdom of Hawaii is tantamount to citing Collier's Encyclopedia. However, Hayes' brief comments concerning the character of Charlton and Paulet (refer also to footnote 42, page 24) are interesting and worthy of inclusion, provided they are accompanied by a disclaimer pointing out that they are hardly definitive.
- page 10 line 8 The petition mentioned here is referred to previously on page 8, lines 3-5.
- page 10 line 13 The quotation should be indented.
- page 11 line 8 The quotation should be indented; both lines 8 and 17.
line 17
- page 13 line 15 The superlative "undoubtedly" is a bit too strong; it should, therefore, be deleted and replaced with "probably." The seizure of property was a result of the suit brought against Charlton by the Hudson's Bay Company several weeks after his departure (see the bottom of page 8).
- page 14 line 2 Misspelling of "imprisoning." The Americans were quite capable of interning other nationals arbitrarily, especially with the assistance of Dr. Judd.
- page 14 line 9 Charlton's charges are reflected by other authors, particularly Alexander Simpson, enough so that it must be assumed that they are not entirely false.
- page 16 line 3 "Naval warships" is redundant; the word "naval" should therefore be deleted.
- page 16 line 4 Misspelling of "Britain."
- page 16 line 15 Misspelling of "Britain."
- page 16
footnote 26 Musick's Hawaii is quite dated (published in 1897) and hardly a scholarly piece, but the metaphor employing Noah's dove was so wonderfully quaint that the desire to include it was irresistible.
- page 17 line 16 "Were with their" is awkward; the phrase should be deleted and replaced with "had."

- page 18 line 2 Misspelling of "Britain."
- page 22 line 8 "Kekuanaoa." Paulet, however, in his letter (the original is in the Archives of Hawaii, F.O & Ex., British Commission Documents, February 11th, 1843), uses the "Kekouanaoa" spelling.
- page 25 line 21 Misspelling of "prejudices."
- page 30 line 28 Misspelling of "Kekauluohi." Also note that the title of "Premier" is loosely applied for want of a better translation.
- page 31 line 8 It can safely be said that Kamehameha III possessed and "imperfect" knowledge of the English tongue. If he were totally familiar with the language, he certainly would not have written all of his correspondence to Paulet in Hawaiian, nor would Dr. Judd have had the responsibility of translating all of these letters in the capacity of "Recorder and Translator for the Government." I asked at the Archives of Hawaii if there was anything written concerning Kamehameha III's English fluency, only to discover this one additional shred of evidence: Herman Melville, the American author, was in Hawaii during the seizure. In his appendix to Typee (1846), he called Kamehameha III "the imbecile king," (As quoted in Francis Steegmuller, The Two Lives of James Jackson Jarves, Yale University Press, New Haven, 1951, p. 67-68n.) and was surprised at the American indignation over Paulet's actions. I also spoke with Mr. John Dominis Holt, a descendant of Lord Paulet, who said he believed Kamehameha III to be quite ambivalent: adhering to the old Hawaiian traditions on the one hand, yet striving for sophistication and knowledge on the other. Mr. Holt shared my opinion that Kamehameha only desired shallow involvement in affairs of State, since he did not fully comprehend international diplomacy. This lack of comprehension, we agreed, was not due to stupidity but rather was a result of the lazy Polynesian life style to which he was accustomed.
- page 31 line 16 The documents described here were those for the proposed placement of the Islands under the joint protection of France and the United States.
- page 31 line 21 Misspelling of "Britain."
- page 32 line 6 The contraction "Kam" is improper; it should be replaced with "Kamehameha III."
- page 33 line 30 Alexander Simpson misspelled Kekuanaoa; therefore, a "sic" should be inserted.

- page 34 line 1 "Basis in fact" should be deleted and replaced with "evidence."
- page 34 line 20 "Consummated" was misspelled by Paty; a "sic" should be added. (In fairness, however, it should be noted that Paty may not have misspelled the word---it may simply be a problem in reading his handwriting.)
- page 36 line 4 "Remain solvent" should be deleted and replaced with "retain her integrity."
- page 37 line 8 In response to the inquiry, "Who was Duncan Forbes Mackay?," I was only able to discover that he was "A gentleman passing through the islands from Sydney." (Hawaiian Almanac and Annual for 1893, Thomas G. Thrum, Compiler and Publisher, Press Publishing Company, Honolulu, 1892. Page 52n.) A letter was sent to him in Sydney by Dr. Judd on May 16, 1844 (contained in F.O. and Ex., Archives of Hawaii), but it offers no further clues as to Mackay's identity. The letter merely states the outcome of cases pending before the Commission at the time of Mackay's resignation.
- page 38 line 8 Typing error: "fale" should have been "false."
- page 44 line 1 "Abolishment" should be deleted and replaced with "abolition."
- page 44 line 12 Misspelling of "aggravated."
- page 44 line 13 "Kam" should be replaced with "Kamehameha."
- page 45 line 12 "This" should be replaced with "the."
- page 45 line 20 The sentence "They were painfully aware...independence." was based on facts set forth in Kuykendall, page 196. It should be footnoted.
- page 47 line 1 The quotation should be indented.
- page 47 line 14 The quotation should be indented.
- page 47 line 15 The line should be indented; "relevant" is misspelled.
- page 47 line 17 The application of a fairly complex legal concept (lex forum) is weak at this point. The Hawaiian courts were so unsophisticated that courts in the so-called "civilized countries" tended to ignore their existence and deal with matters which would otherwise be out of their geographical jurisdiction. The condition of Hawaii's courts is detailed by Gavan Daws in Shoal of Time (A History of the Hawaiian Islands), The Macmillan Company, New York City, 1968. Pg. 109-110.

- page 50 line 2 Typographical error: "og" should be "of."
- page 50 line 17 "Queer" only when compared with today's naval policy. Given the conditions that then existed, the policy was certainly not "queer," but rather it was the only workable policy.
- page 51 line 12 "Her's" should be "hers."
- page 51 line 13 Misspelling of "aggressive."
- page 52 line 8 Marshall arrived in London on June 30th, 1843; Alexander Simpson arrived one week earlier (Kuykendall, page 221). Marshall's letters to the Foreign Office are contained in BPRO, FO 58/18 and span July, 1843; Alexander Simpson's letters to the Foreign Office also span the month of July, and are contained in F.O. 58/17.
- page 53 line 1 Alexander Simpson's book was published in August, 1843, although written primarily during the previous month and while enroute from Honolulu to London.
- page 53 line 4 Simpson's campaign can certainly be called a "smear" campaign, since he engaged in vicious name-calling, and was especially abusive when writing about Kamehameha III and Dr. Judd.
- page 55 line 8 This entire line should be deleted, and replaced with, "Naturally, no one can positively predict what would have then happened;".
- page 55 lines Delete this entire paragraph.
12-16
- page 57 line 3 "Chroniciling" should be replaced with "describing."
- page 59 line 1 Typographical error: "thier" should be "their."
- page 61 line 21 "His letter" should be "a letter."
- page 63 line 22 "Would be" should be replaced with "probably might be."
- page 66 line 5 "Also" should be deleted.
- page 67 line 8 Misspelling of "prevailing."
- page 67 line 20 Upon re-examination, I must concede that the Senate ratification argument was not "feeble;" on the contrary, it was quite sturdy. The United States did wish to avoid entangling alliances, especially when they concerned the speck of earth called Hawaii. The word "feeble," therefore, should be removed, but I believe it should be replaced with the adjective "convenient."

page 68 line 14 "The Lord" should be replaced with "his Lordship,"
-15 and the following quotation should be indented.

page 69 line 12 "Kuykendall said" should be "Kuykendall wrote."

page 69 line 17 The quotation should be indented.

page 70 line 1 The date the Carysfort sunk appears to be unobtainable
locally. A letter to the Admiralty in London would
produce results, but would require more time.

