

## DEPARTURE FROM AMERICAN PORTS.—HAWAIIAN ANNEXATION.

## No. 5.

The RESIDENT AGENT for NEW ZEALAND, San Francisco, to the SECRETARY, General Post Office, Wellington.

SIR,—

San Francisco, 3rd September, 1898.

I have the honour to acknowledge the receipt, by the hands of the Mail Agent of the R.M.S. "Moana," of your telegram of the 6th of August [see No. 28, F.—6A, 1898], having reference to the question as to whether vessels under a foreign flag will be permitted to convey passengers and freight from Honolulu to the United States, and *vice versa*, now that the former country has been annexed.

I would state, as a result of my interviews with the president of the San Francisco Chamber of Commerce, Congressman Loud (representing this State in Congress), and the Collector of Customs for this port, that it would appear to be clearly defined that, until the report of the Commissioners appointed by the President of the United States to formulate laws and regulations for the Government of the State of Hawaii has been received and passed by Congress, the laws of the Hawaiian Kingdom as existing prior to the annexation as applied to shipping will remain in full force and effect, and therefore no interruption to the existing arrangements will be necessary until next December or January, if then. I enclose for your information Circular No. 151 of the Treasury Department at Washington, bearing on the subject.

This matter will receive my close attention, and I will endeavour to forward early intimation of any congressional action that may affect the question.

I have, &c.,

W. Gray, Esq.,  
Secretary, Post and Telegraph Department, Wellington.

H. STEPHENSON SMITH,  
Resident Agent.

## Enclosure in No. 5.

The ACTING-SECRETARY, Treasury Department, Washington, to COLLECTORS of CUSTOMS and others in the United States.

1898: Department Circular No. 151.—Bureau of Navigation.

*Trade with Hawaii.*

Treasury Department, Washington, D.C., 4th August, 1898.

To Collectors of Customs and others.

YOUR attention is invited to the letter of this date appended hereto, addressed to the Collector of Customs at Boston, relative to vessels trading between the United States and the Hawaiian Islands.

O. L. SPAULDING, Acting-Secretary.

SIR,—

Treasury Department, Washington, D.C., 4th August, 1898.

Your letter of the 2nd instant, enclosing a letter from Messrs. Charles Brewer and Co., is received. Messrs. Brewer and Co. inquire whether or not any foreign vessels they may see fit to charter, carrying assorted cargoes for themselves and others from Boston and New York, will be allowed a clearance for any port or ports in Hawaii, and to enter and land their cargoes at such ports.

The department is not aware of any reason why, on compliance with the provisions of law, any American or foreign vessel, except a Spanish vessel for the present, may not be permitted to clear from any port in the United States for any port in Hawaii. The clearance should be granted in accord with the laws and regulations governing clearance for foreign ports. Entry of an American or foreign vessel from Hawaii should also be granted in accord with the laws and regulations governing trade with foreign ports.

Your attention is invited to the following extract from an opinion of the Hon. the Attorney-General, dated 22nd July, 1898 (attached in full to Department Circular No. 146, 1898), which appears to be conclusive that, although the islands are under American sovereignty, "the present commercial relations" are to remain unchanged until the enactment of further legislation by Congress:—

"That declaration, there having been no treaty, is intended to have the effect of a treaty of cession merely. It is the act whereby the islands become, in a broad sense, subject to American sovereignty. How that sovereignty will regulate their status, with regard to itself and its laws, is not thereby intended to be determined. Neither do I think that the express declaration that our land-laws and certain other laws shall not apply to the islands carries the implication that other laws shall apply to them, upon the principle, often misunderstood, that the expression of one thing excludes another.

"On the other hand, the resolution is replete with indications that, temporarily, the relations of the two countries are to continue practically unchanged. Even some of Hawaii's relations with other countries are so to continue; its Government is still to exist and collect its revenues; its laws are to remain in force, however at variance with our laws; and the powers, civil, judicial, and military, exercised by its officers, are still to be exercised. It is, moreover, plainly apparent that Congress regards the establishment of an American Government for and the extension of American laws to the islands as matters to be attended to in the future, upon a consideration of the wide separation of the two countries in locality and character.

"If we should hold the previous relations of the two countries altered as suggested, we should vainly look through the resolution for any adequate provision for enforcing such laws as are supposed to apply to the islands. No arrangement is made for collecting our tonnage-tax upon vessels of