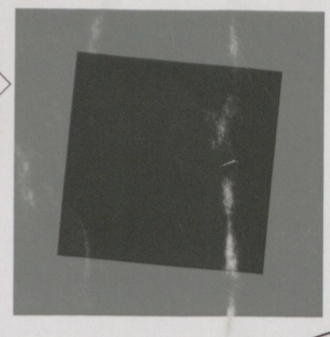
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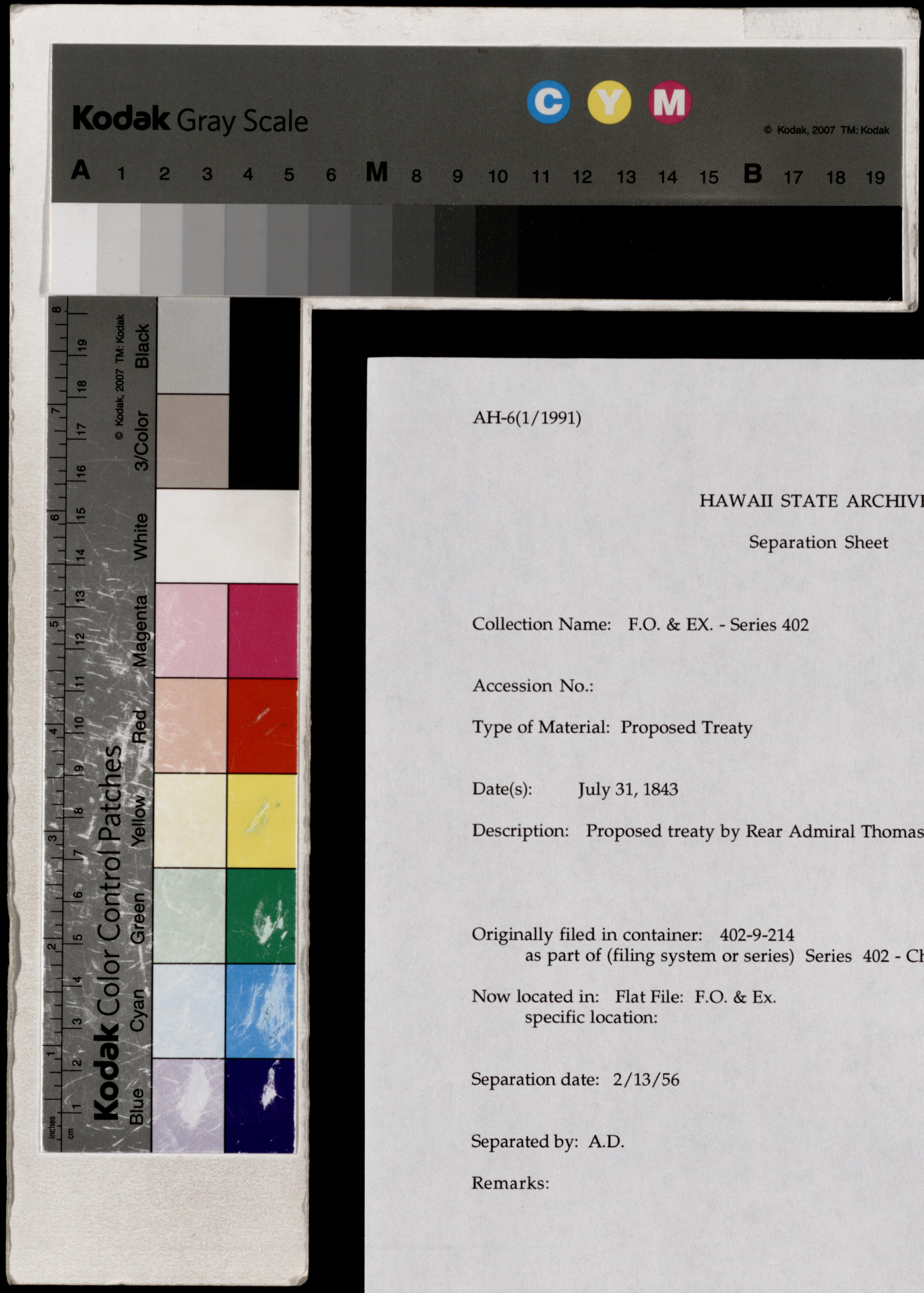
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A 1 2 3 4 5 6 M 8 9 10 11 12 13 14 15 B 17 18 19
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402-9-214 CHRONOLOGICAL FILE, 1790-1849
1843: Jul 31 (1 of 2)

F.O. & Ex.



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HAWAII STATE ARCHIVES

Separation Sheet

Collection Name: F.O. & EX. - Series 402

Accession No.:

Type of Material: Proposed Treaty

Date(s): July 31, 1843

Description: Proposed treaty by Rear Admiral Thomas

Originally filed in container: 402-9-214
as part of (filing system or series) Series 402 - Chronological File, 1790-1849

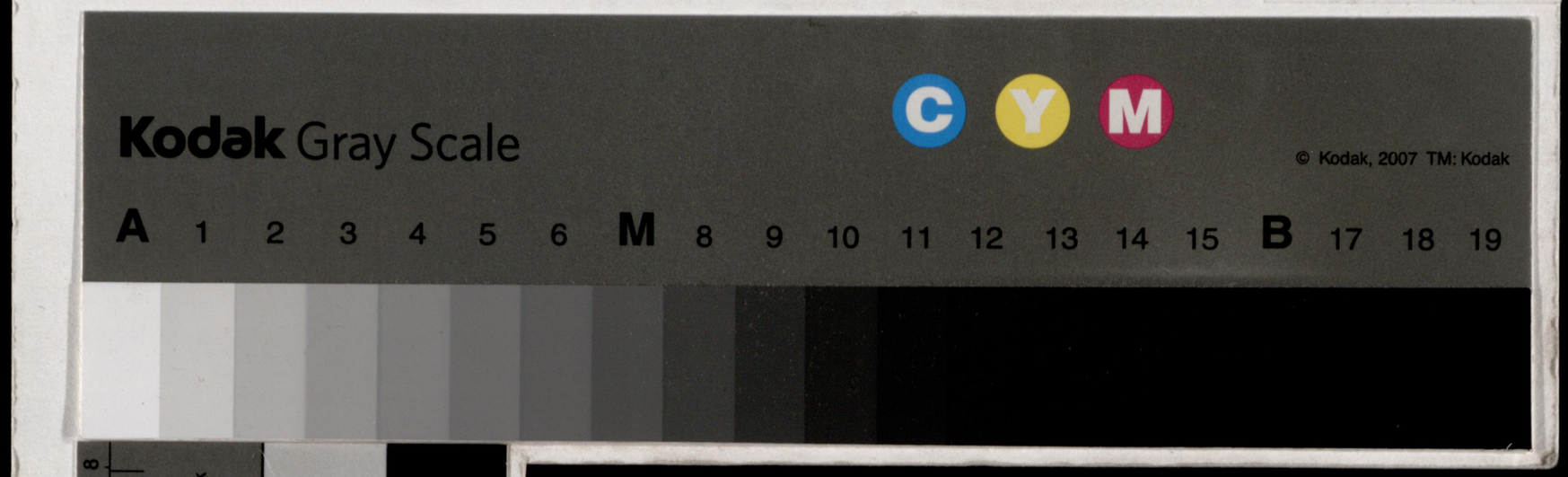
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ARticles AGreed to Between KING KAmehAmeha III & Admiral THOMAS 7/31/1843

O na olelo i aeia ma ka ahaolelo pu ana mawaena o ka Moi Kamehameha III ke Alii o ko Hawaii nei Pae Aina a me ka Admirala Hope Thomas ke Alii nui o na moku manuwa o ko Beritania Alii Wahine ma ka moana Pakifika, ma ka inoa a ma ka aoao o ka Moi o Beritania Nui

Akahi. Ke ae aku nei ka Moi o Kamehameha III. e hoawi aku na na kanaka o ke Alii Wahine e noho ana ma kona Aupuni, i ka hoomalu ia, a e hoawi no lakou i na pono, a me na pomaikai, a me na mea mai kai a pau loa, e like me kona hoawi ana i keia wa, a ma keia hope aku paha no na kanaka o ka aina puna kele loa.

Alua. Ua hooiua pinepine na Alii o Beritania i na moku manuwa ma ko Hawaii pae Aina, me ka manao e hoolu e hoomaluhia i ke manao lokahi a me ke aloha e hoolu hoi i ke Kuai ana, oia ka mea e pomaikai ai na aina elua, a no ka mea, mamua mai, ua hoohe na Kapena manuwa i ka makemake o na lii o Beritania, ma ka hoopuka ana mai i ko lakou manao no ka pono o ka hana ana, a me ka lakou olelo hoike ma na mea i kamailio mai ai, o ka make le olelo wale no ka mea e pono ai keia mau hana, o ka mea pono a me ke akamai. Nolaila, no ka maopopo i ka Moi a me kona poe ahaolelo ka pono loa oia hana he ae aku nei oia e kalawai pu oia me na Kapena

o na Mamaa ke hiki mai ma kela
pae aina, ke lohe mua lakou i kona
kuleana i Kamailio ai, aole hoi e hooleia
ua Kapena la ke lawe mai i kona
makele olelo, ua ae likeia e kuna
na makele olelo o na aoao elua ma
ka makele olelo wale no.

Akolu. No ka mea, ua weke ka Moi
ma ka palapala hoolaha, ua Kakauia
ma ka olelo maoli a ma ka olelo haole
kekahi, a Kakauia hoi ka inoa o na
Luna kupono ma ia wahi, oia hoi na
lyna o Kamehameha III.- a hemo ka
hoomalu ana i ka waiwai o Mr Kale
tona ke Kanikele o ke Aii Wahine Benita
nia no ko Hawaii nei Pae Aina, ua
hoomalu ia keia waiwai ma ka
hoopii o kekahi mea aole ia i noho
malalo o ko Hawaii nei Aupuni, no
ka aie aole i oleloia, ua hanaia ma-
loko o ke Aupuni o ka Moi, a ua hooko
holoia i ka wa e noho ana ka hoopii
a me ka mea aie ana kahi e: a ua
hoihoia mai ka aina a pau o Mr Char
lton i laweia e ke Aupuni: nolaila, ke
hoopaa nei ka Moi ia ia iho, aole e
hookolokolo hou ia keia olelo ma koonei
ah u hookolokolo e like me ke ano ma-
muka, a ke hilinai nei oia na ka pono
o ko Beritania Aupuni e hoopono
mai i kana ma keia wahi ke hiki
mai ka hihia makopii.

Aha. No ka mea ua paa kekahi mau
kaole Beritania mamua i ka hao
no na kewa liilii mamua o ka
hookolokolo pono ia: nolaila, ke hoopaa
nei ka Moi ia ia iho mai keia hope
aku, aole e paa ka kaole Beritania
i ka hao, ke ole ia e kolohe a me ka
kakaka, a oia wale no kona paa
ana e malu ai kona kino, a e ae
oluolu aku oia e like mamua i ke

Kanikele Beritania, a me ka mea
ia ia ka hana Kanikele ma ia wa
e nana i ka hana: a i ole e hiki ia ia
ke hele malaila, alaila pono na ke
kahi kaole Beritania i kohoia no keia
mea e hana.

Alina. I mea e kaawale ai ke Alii
a me kona mau Luna i ka hihia
pono ole no ka hoopono pono ana ina
hihia e pii mai ana iwaena o na
kanaka Beritania a me na kaole e ae
e noho ana ma ka aina pae aina, a iwa
ena noi o lakou a me na kanaka
maoli: Nolaila, ua ania ke hiki ole
keia mau mea hihia i ka hoopono
ponoia e na mea i kohoia e ka pae
hoopaapaa, a ua pono ke hoopono pono
ia e na kanawai o keia wa hou ma
keia pae aina; alaila, e kohoia ka
Juri e hookolokolo, a o ka hapalua o
lakou ne kaole Beritania lakou ua
ania e ke Kanikele, a e pau lakou i ka
olelo mai mamua o ka hookolokolo
ana, aole lakou e paewaewa, aole hoi
lakou i loaa ke kapi kuleana ma ka
hihia e hookolokolo ana lakou.

Aono. No ka mea ua olelo ka Moi
ma ke akea, aohe ona mana o
koino aku i ka Moi ke Alii Wahine
o Beritania Nui, aole hoi e hana iho
aku i kona mau kanaka; nolaila,
e olelo maoli ke Alii, i mea e akaka
ai ka oiaio o keia olelo e kalawai pu
me ke Kanikele, a i ole ia, ma kona
kope i hoolilo pono ia, e kalawai ma
ka i mea e hiki wawe ai ka hoopono
pono ma na ahahookolokolo i na
hihia Nui mea kuleana o na kaole
Beritania, i ka mea i manao ai ke
Kanikele a o kona Kope i koho pono ia
e hoopuka mai ia o ke alo o ke
Aupuni Hawaii nei Mamua hoi

o Kona hoopii ana i Kona Aupuni.

Ahiku. No ka mea, o ka oihana Ka-
nikele, oia ka hoonalu a me ke kiai
maluna o na pono a me na pomai
kai o ke Aupuni nana oia i koho mai.
a e hoopono pono i na hihia me kona
mau haole kalepa, he oihana ua na-
opopo i na aina naauao a pau e pono
ai ke kuai pu ana o na aina a~~o~~
~~aina~~ elua, a me ke kumu e hoopii
pinepine ole aku ai i ka Luna o ka
aina ma na mea liilii; Nolaila, o
ka Moi, me ka manao oiaio e hoakaka
i kona makemake e hoomau i ka noho
alualu pu ana me ke Aupuni ua ~~o~~oia
oia e hakalo aku me ke aloha, nolaila
ke hoopaa nei oia, nona iho a no kona
mau Hooilina, e makaukau oia e ae
aku i ke~~y~~ mamua a pau, e hana i ka
oihana Kanikele Beritania na mea a
pau i koho pono ia i Kanikele, a e ae no
hoi ia ia e halawai imua o kona alo
me kona poe ahaolelo i ka wa e kupono
ia ia ke hoopii i na hihia mea kuleana
o ke Kanaka Beritania, e koe no i ke Lii
ka pono ia ia ka hoole aku i ka hope i
kohoia e pani hakahaka o ke Kanikele i
ka wa e ~~make~~ nalo ana oia ma kahi e,
a ke hiki ia ia ke hoakaka, ua ~~ke~~ kahu
ia ia ke Kanawai, ua hoole i kona alii
ana a hoohaunaele i ke Aupuni, ~~a ke~~
~~o~~ aku nei oia i ka Hope a me na kumu
pono e ae, e hoakaka ia i ke Aupuni
Beritania a ke ae aku nei oia ka Hope
ua kohoia ma ka wa i oleloia mamua,
aole nae i hoolei~~a~~ i ka analu a pau
e like me na kanawai o na Aupuni a
me ka malu e hiki ai ia ia ke hana
i kana oihana.

Awalu. Ua ae like ia no na hihia
a me na hoopii Beritania a pau i
kono ole ma ke ia mau oleloo mamua, o

na mea i hoikeia mamua, e waihoia na Ke Aupuni o ke Dii Wahine e hoopono pu me na Luna o ka Moi Kamehameha III ma Beritania, a ma ke ano o ka hana i hoohololoia e ke Aupuni i ka wa e loaa ai ia lakou na olelo hoaka ka apau, a e hoopuka mai mahope o ka noonoo ana.

Aiwa. I ole e hukuy ke Dii Wahine ma ka paewaewa o ko Hawaii nei Aupuni e noho ai na haole Beritania, nolaila, ke hoopaa nei ka Moi o Kamehameha III i na hikiia i ka wa e hoopiiia ke Kahi hihia mea Kuleana ke Kanaka Beritania a me kona waiwai e noho ana ma kona Aupuni, ma ka hookolokolo inna o na Lunakanawai kiekie i ke ano o ka mala na, alaila o Ke Kanikele Beritania a o kona hope no ia manawa ke Kahi ma laila, a e hiki ia ia ke hooputu aku i kona manao no ia hookolokolo ana.

Aiwa. O keia mau pauku a pau ua lilo no ka aoia a me ka hoohoia, a me ka hoohololoia e ke Aupuni Beritania me na Luna o ka Moi, aole lakou e kue i na ae like a me na hooponopono ana i hoohololoia me lana a me na Dii o ke Aupuni o Beritania Nui, aole hoi olelo maloko o keia palapala e hoomaka aii i ka Moi i na pono, na manaoia, ke pono mau no ke Dii Kuokoa a me ka malu.

I mea e paa ai, a i mea e hoike ai, ke kau nei makou i ko makou mau inoa a ua hoopili iho i ko makou mau wepa ma Honolulu Oahu, i keia la
i ka makahiki o ko Kakou Haku





Ko Kahi tausani ewalu haneri
Kanaka Kumamalolu.

Ke maka i ke kakauna


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Magenta
White
3/Color
Black
inches
cm

Treaty
Oleta Mavbi

For. Off.

Articles agreed to
in a conference between His Majesty
Kamehameha III King of the Hawaiian
Islands and his Council and Rear
Admiral Thomas, Commander in
Chief of Her Britannic Majesty's
Naval Forces in the Pacific in the
name and on the behalf of Her
Majesty Victoria, of the Kingdom
of Great Britain, Queen. - 4 co. , — 4 ca. -

First. His Majesty King Kamehameha
III hereby solemnly pledges himself
to accord unto the subjects of Her
Britannic Majesty residing in his
Dominions, his protection, and to
confer upon and to grant unto
them all such rights, privileges,
and immunities as are now or as
shall hereafter be conferred upon
or granted unto the Subjects or
citizens of the most favoured Nation.

Second. Her Britannic Majesty's
Government having caused the
the Hawaiian Islands to be visited

by

by Her Majesty's Ships of War, with
this view to promote and increase
mutual confidence and friendship
as well as to foster a Commerce
advantageous alike to both Countries;
and the Captains of such Ships
who have heretofore visited the
Islands, having fulfilled the
intentions of the British Goverment
by offering useful suggestions and
disinterested advice and information
upon points brought under
mutual discussion which object
could only be obtained through
the medium of a proper and
competent Interpreter His Majesty
Kamehameha III and his Chiefs in
Council sensible of such advantages
engage to grant readily an Interview
to the Captain of any British Ship
of War visiting his Dominions upon
proper intimation being given of
the object sought for in the desired
Interview; and he will not suffer
any obstacle to be opposed to
such Captain providing himself
with a proper and Competent

Interpreter

Interpreter, it being mutually understood and guaranteed that the Interpreters of both parties confine themselves strictly and solely to the discharge of that duty.

Third. His Majesty having caused to be removed by a Public Document written in the Native and English languages, and authenticated by the Signatures of the constituted Authorities acting by virtue of the Power vested in them by King Kamehameha III the attachment which had been placed upon the property of Mr. Charlton Her Britannic Majesty's Consul for the Sandwich Islands: which attachment had been placed at the instance of an Individual not residing within the limits of the Jurisdiction of the Hawaiian Government, for an alleged transaction not stated to have occurred within the limits of His Majesty's Dominions and the suit respecting which was instituted in the absence both of the Plaintiff and Defendent, all the landed property which had been taken possession of by the Government and really appertaining, to

Mr.

Mr Charlton having also been restored
His Majesty pledges that under
similar circumstances the suit
shall not be renewed in his Court,
and he throws himself upon the
Justice of the British Government
to vindicate his proceedings herein
if hereafter it should be necessary.-

Fourth. Instances having
occurred in which British Subjects
have been confined in Fetters
for minor Offences, and before a
fair and impartial investigation
has been made; His Majesty
hereby guarantees that, for
the future, no subject of Great
Britain shall be confined
unless riotous and quarelsome
and then only for the security
of his person and every facility
shall be afforded as heretofore
to the Individual discharging
the duties of Her Majesty's Consul
for the time being to attend
the proceedings: or in case of
his inability to attend, the

same

same facility shall be given to any other British Subject whom the Consul may nominate for that especial occasion.

Fifthly With a view to spare the King and his Authorities much unnecessary trouble in the adjustment of differences which may and will arise between British Subjects and others residing in the country, or between the former and his own subjects:- It is agreed that when such matters in dispute cannot be settled by arbitration, but must be decided by the Incipient laws of the Country, a Jury shall be summoned to try and decide the cause, one half of whom shall be British Subjects approved by the Consul, and all of whom before proceeding to trial shall declare upon oath that they have not prejudged the case, and that they are neither directly nor indirectly interested in the issue of the case brought

before

before them.

Sixth. His Majesty Kamehameha III having publickly and solemnly declared that it has never been his intention to insult Her Majesty the Queen of Great Britain nor to injure any of Her Subjects: the King will be readily disposed as a proof of such his declared intention, to accord, at all times, between himself and his Council and whosever may be at the time the accredited British Consul or any other person acting in his stead by competent authority, a direct communication for the purpose of facilitating the settlement by reference to the proper court of such important cases affecting British Subjects which the Consul or his duly constituted Authority may consider it his duty, with reference to his responsibility to his own Government, to lay

before

before that of the Sandwich Islands and before he shall lay the same before his Government.

Seventh. As the Office of a Consul, whose duty it is to watch over and protect the rights and privileges of a Nation he represents, and to decide disputes between her Merchants, it one which has been proved, by the practice of all civilized nations to be mutually advantageous for the promotion of Commercial Intercourse between ~~the~~ two Countries, and the avoidance of unnecessary recourse to the Local Government in matters of trivial import: His Majesty actuated by a sincere desire to give unequivocal testimony of his determination to maintain friendly relations with a Power he has been taught to respect and to love; Hereby pledges for himself and his successors, that he will at all times be ready to acknowledge the rights of

Persons

duly constituted to execute the
office of British Consul, and to
afford him ready access to his
Presence in Council whenever
it may be necessary to lay
before him any case of
grievance or complaint on
the part of a British subject,
reserving to himself only the
power of objecting to any
Individual nominated
"ad interim" during the absence
of such Consul, who he is
prepared to shew, has violated
his Laws, despised his Authority,
and made a disturbance in
the Kingdom, or other good
and sufficient reasons to be
submitted to the British
Government and he further
guarantees to such person
so discharging the office
"ad interim" and not so
objected to, all the Protection
to which a Consul is entitled

by

by the laws of Nations, and all the liberty and safety necessary to the proper discharge of his duties

Eighth. It is mutually agreed that all other British Claims or Grievances not mentioned in the foregoing Articles which may have been brought forward shall be referred to the decision of the Government of Her Majesty the Queen of Great Britain, and adjusted either through the representatives of His Majesty Kamehameha III at the court of Saint James or in such other way as the British Government on the receipt of full information and upon mature deliber-ation shall deem proper to propose.

Ninth In order to avoid giving umbrage to Her Britannic Majesty

Majesty by any partiality being
exercised by the Hawaiian Govern-
-ment at the expense of British
Subjects; His Majesty Kamehameha
III engages that whenever any
appeal affecting the interest or
property of a British Subject
resident in his Dominions shall
come under the consideration
of himself and his Chiefs
at the semi annual Courts,
the British Consul or his
substitute for the time
being accompanied by an
Interpreter if requisite shall
be present at such discussions
and shall be at liberty
to offer his advice upon
the subject under consideration.
~~and shall be at liberty to~~
~~offer his advice upon the~~
~~subject under consideration.~~

Tenth The whole of the
preceeding Articles are to be

subject

subject to the approval and
ratification or the modification
of the British Government and
shall not contravene any of the
Treaties or arrangements made
or entered into by His Majesty
Ministers with the Government
of Great Britain and nothing herein
shall deprive His Majesty, of any
inherent or acknowledged
right vested in an Independent
Sovereign.

In confirmation of, and
if in witness whereof, we have
signed the same and have
hereunto affixed our respective
Seals at Honolulu, Island
of Oahu, this thirty, first day of
July, in the year of our Lord
One thousand eight hundred
and forty, three.

/Signed/ Kamehameha III L.S.

(Signed) M. Kekauluohi

/Signed/ Richd. Thomas L.S.

Signed in the presence of
/Signed/ G. P. Judd Pr. & Sect for the Govt.
/Signed/ T. Chas Pyde Roske. Interpreter for Admt Thomas.
(Signed) Jas Pinhorn Secretary to the Commander
in Chief of Her Britannic Majesty's
Naval Forces in the Pacific

July 31- 1843

Copy

Agreement between

Admr Thomas & King

Copy.

First. His Majesty King Kamehameha III hereby solemnly pledges himself to accord unto the subjects of Her Brittanic Majesty residing in His Dominions, his protection, and to confer upon and to grant unto them, all such rights, privileges, and immunities, as may have been heretofore, or as shall hereafter be, conferred upon or granted unto, the Subjects or citizens of the most favored nation.

Second. Her Brittanic Majesties Government having caused the Hawaiian Islands to be visited by Her Majesty Ships of War, with the view to promote and increase mutual confidence and Friendship, as well as to foster a commerce advantageous alike to both countries; and the Captains of such Ships who have hitherto visited the Islands, having fulfilled the intentions of the British Government by offering useful suggestions, and disinterested advice and information upon points brought under mutual discussion, which object could only be obtained through the medium of a proper and competent Interpreter: His Majesty Kamehameha III sensible of such advantages engages to grant readily an Interview to the Captain of any British Ship of War visiting the Dominions, upon proper intimation being given of the object sought for in the desired Interview, and he will not suffer any obstacle to be opposed to such Captain providing himself with a Proper and Competent Interpreter, it being mutually understood and guaranteed that such Interpreter confines himself strictly and solely to the discharge of that duty.

Third - His Majesty engages to cause to be removed forthwith by a Public Document written in the Native and English Languages, and authenticated by the Signatures of the Constituted Authorities acting by virtue of the Power vested in them by King Kamehameha III the

attachment

which has been placed upon the property of W. Charlton Her Brittanic Majesty's Consul for the Sandwich Islands, which attachment has been placed at the ~~instance~~ of an Individual not residing within the limits of the Jurisdiction of the Hawaiian Government, for an alleged trans=-action not stated to have occurred within the limits of His Majesty's Dominions, and the suit respecting which was instituted in the absence both of the Plaintiff and Defendant; all the landed property which has been taken possession of by the Government and lastly appertaining to Mr. Charlton shall also be restored: and His Majesty likewise pledges that under similar circumstances the suit shall not be renewed in his Court

Fourth, Instances having occured in which British subjects have been confined in Fetters for minor offences, and before a fair and impartial investigation has been made; His Majesty hereby guarantees, that for the future, No subject of Great Brittain shall be confined: but that if any British subject be accused of a criminal offence, means shall be taken for the security of his person by confining the accused in Prison, agreeably to the promise held out to Captain Jones of the "Curaçoa" in October 1841: and every facility shall be afforded to the Individual discharging the Duties of Her Majesty's Consul for the time being, to attend the proceedings: or in case of his inability to attend, the same facility shall be given to any other British subject whom the Consul may nominate for that especial occasion,

Fifth, With a view to spare the King and his Authorities much unnecessary trouble in the adjustment of differences which may and will arise between British subjects and others residing

in

in the Country, or between the former and his own subjects: It is agreed that when such matters in dispute cannot be settled by arbitration, but must be decided by the incipient Laws of the Country, a Jury shall be summoned to try and decide the cause. One half of whom shall be British subjects approved by the Consul, and all of whom before proceeding to trial shall declare upon oath that they have not prejudged the Case, and that they are neither directly nor indirectly interested in the issue of the case brought before them.

Sixth. His Majesty Kamehameha III having publickly and Solemnly declared that it has never been his intention to insult Her Majesty the Queen of Great Brittain, nor to injure any of Her Subjects: the King will be kindly disposed as a proof of such his declared intention, to accord at all times between himself and whosever may be at the time the accredited British Consul or any other person acting in his stead by competent Authority, a direct Communication for the purpose of facilitating the settlement of such cases affecting British subjects which the Consul or his duly constituted Authority may consider it his duty, with reference to his responsibility to his own Government, to lay before that of the Sandwich Islands.

Seventh. As the Office of a Consul, whose duty it is to watch over and protect the rights and privileges of the Nation he represents, and to decide disputes between his Merchants, is one which has been proved, by the practice of all Civilized Nations to be Mutually advantageous for the promotion of Commercial Intercourse between two Countries, and the avoidance of unnecessary recourse to the Local Government in Matters of trivial import: His Majesty actuated by a sincere desire to give unequivocal

testimony

of his determination to maintain friendly relations
with a Power he has been taught to respect and
love: Hereby pledges for himself and his successors,
that he will at all times be ready to acknowledge
the Right of Persons duly constituted to execute
the Office of British Consul, and to afford him
ready access to his Presence whenever it may
be necessary to lay before him any case of grievance
or complaint on the part of a British Subject,
~~during the absence of such Consul~~ reserving to
himself only the power of objecting to any
Individual nominated "ad interim" during
the absence of such Consul whom he is prepared
to shew, has violated his Laws, despised his
Authority and made a disturbance in the
Kingdom: And he further ~~agrees~~ guarantees
to such person so discharging the Office
"Ad interim" and not so objected to, all the
Protection to which a Consul is entitled
by the Laws of Nations, and all the liberty and
Safety necessary to the proper discharge of
his Duties.

Eighth. It is mutually agreed that all other
British Claims or grievances, not mentioned
in the foregoing Articles which may have
been brought forward shall be referred to the
decission of the Government of Her Majesty
the Queen of Great Britain, and adjusted
either through the Representatives of His
Majesty Kamehameha III at the Court of St
James: or in such other way as the British
Government on the receipt of full information
and upon mature deliberation shall deem
proper to propose.

Ninth In order to avoid giving umbrage
to Her Brittanic Majesty for any partiality
being exercised by the Hawaiian Government

at

at the expense of British Subjects. His Majesty Kamehameha III engages that, whenever any cause affecting the Interest or Property of a British Resident in his Dominions shall come under the Consideration of himself and his Chiefs in Council, the British Consul or his Substitute for the time being, accompanied by an Interpreter if required, shall be present at such discussions, and shall be at liberty to offer his advice upon the Subject under Consideration.

Kodak Gray Scale

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A 1 2 3 4 5 6 M 8 9 10 11 12 13 14 15 B 17 18 19

Kodak Color Control Patches

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Blue Cyan Green Yellow Red Magenta White 3/Color Black

inches cm

Copy of
Treaty proposed
by Admiral Thomas

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