

Advocate and Friend. (Extra.)

HONOLULU, OAHU, SANDWICH ISLANDS, JULY 31, 1843.

Society Islands.

To the principal British Residents, and all other British Subjects in the Islands of Tahiti and Moorea.

H. B. M. S. Vindictive, in Papeaeti }
Harbor, Tahiti, June 20, 1843. }

GENTLEMEN,

It has become my duty to acquaint the subjects of H. B. M. now residing in the dominions of the Queen of Tahiti that I have received instructions to cause them to seek for whatever justice they may require, from the officers of their own sovereign in this island or through the established courts of law of the Queen Pomare, and that they are not to attend any summons, as jurors, nor to hold themselves subject to any regulations or jurisdiction of ANY SORT from the French authorities, temporarily established here under the style of a Provisional Government, nor from any Officer of France be his rank or station whatever it may, until the decision of the Queen of England regarding Tahiti is known.

Although determined in the rigid fulfilment of the orders that I have received to enforce this regulation, should it unhappily become necessary; yet I shall continue to do my best to preserve a good understanding with the Officers of the French Navy stationed here, and sincerely trust that nothing will arise to disturb the harmony which has heretofore subsisted between the subjects of our respective nations.

I deem it proper that I should here observe to you that I feel quite assured that England SEEKS NOT—DESIRES NOT—to maintain in any shape a PARAMOUNT influence in these Islands, but while she repudiates such an intention and declares, as she has so repeatedly done, in reply to the several solicitations of the successive Sovereigns of Tahiti to become its permanent Protector, that although she will not assume any preponderating power over its Government; yet, Great Britain is, I am equally assured, determined that NO OTHER NATION shall possess a GREATER influence or authority in these states than that, which from her long and intimate connexion with them, she claims as her natural right to exercise.

More than all do I believe myself to be authorised to state that it is the determination of the Queen of England to preserve the sovereignty of Tahiti INDEPENDENT and FREE.

I have the honor to be, Gentlemen, yours with every consideration,
(Signed,) J. TOUP NICOLS, *Commodore.*
[Official Copy]

Sandwich Islands.

KNOW ALL MEN,

That according to private instructions given to our Deputy, he on the 10th of May issued a Protest on our behalf in the following words:

"Whereas, the undersigned was by Commission dated Feb. 27, 1843, appointed Deputy for his Majesty KAMEHAMEHA III, to the British Commission for the Government of the Sandwich Islands, under the Provisional Cession thereof unto Her Most Gracious Majesty VICTORIA, Queen of the United Kingdoms of Great Britain and Ireland;

"And whereas, in the prosecution of business by the Commissioners, many acts have been passed and consummated affecting the interests of Foreigners, resident on these Islands, and acts which virtually abrogate the bona fide obligations of the Government existing at the period of the Provisional Cession; to which acts the said KAMEHAMEHA III, did refuse assent through me his Deputy;

"And whereas, by an order issued April 27, 1843, to the Acting Governor of Oahu, and by subsequent orders, dated May 8, 1843, issued to all the Governors of these Sandwich Islands, the Commissioners, to wit, the Rt. Hon. Lord George Paulet, Captain of H. B. M. Ship Carysfort, and Lieut. John Frere, R. N., did virtually abrogate one of the existing laws of these Islands, by forbidding the imprisonment of persons found guilty of fornication, except in certain cases, not specified in the laws, as will appear more fully upon reference to said orders, violating thereby the solemn compact entered into under the Provisional Cession.

"Now, therefore, Be it known to all men, that I, the said Deputy for the said King KAMEHAMEHA III, do by these Pres-

ents, enter this my most solemn Protest against the acts, especially those above recited, of the said Commissioners, which have not the signature and approbation of me, the said Deputy, as will appear more fully upon reference to the Records of said Commission.

"And I do hereby most solemnly Protest against the said Right Hon. Lord George Paulet and Lieut. Frere, Commissioners aforesaid, and all others whom it may concern, holding them responsible for their violation of the solemn Compact or Treaty entered into on the 25th day of February, 1843.

Honolulu, Oahu, Sandwich Islands, May 10, 1843.
G. P. JUDD, *Deputy for the King.*"

On the next day our Deputy withdrew from the British Commission by the following document, acting in our place and stead.

"Whereas, the undersigned Deputy for the King KAMEHAMEHA III, did on the 10th day of May inst., enter his Protest against Certain Acts of the British Commissioners for the Government of the Sandwich Islands;

"And whereas, the undersigned has been verbally informed this day, by the Rt. Hon. Lord George Paulet and Lieut. Frere, that one of the laws as made at the recent Council of the King and Chiefs, viz., 'A Law for the Licensing of Public Auctioneers,' shall not go into operation;

"And whereas, it now appearing evident to the undersigned that the terms of the Compact or Treaty entered into on the 25th of February, 1843, will not in future be respected by the British Commission;

"Therefore, Be it known to all men, that I, the said Deputy, Do by these Presents, Resign my seat in the said Commission, thereby withdrawing the said King KAMEHAMEHA III, from all future responsibilities in the acts of the said Commission.

Done at Honolulu, Oahu, Sandwich Islands, at the Office of the British Commission for the Government of the Sandwich Islands, this 11th day of May, A. D., 1843.

G. P. JUDD, *Deputy for the King.*"

We therefore publicly make known that we KAMEHAMEHA III, the King, fully approve and acknowledge the Protest and withdrawal of our Deputy as our

own, and declare that we will no more sit with the British Commissioners, or be responsible for any acts of theirs which may encroach on the rights of foreigners.

The Rt. Hon. Lord George Paulet and his Lieutenant John Frere, having enlisted soldiers under the title of "the Queen's Regiment," maintaining them as a standing army out of funds appropriated by us for the payment of our just debts, which expense we consider quite uncalled for and useless; they having enforced their demand for the payment of the money by a threat of deposing from his trust an Officer of the Treasury, although contrary to the orders of the King and Premier to him, made known to the British Commissioners;

By these oppressions, by the trial of natives for alledged offences against the native government, cases which come not properly under their cognizance, and by their violating the laws, which, by the Treaty, were to have been held sacred until we hear from England; we are oppressed and injured, and feel confident that all good men will sympathize with us in our present state of distress; and now we Protest in the face of all men, against all such proceedings both towards ourselves, and foreigners, subjects of other Governments, on the part of the Rt. Hon. Lord George Paulet, Captain of H. B. M. Ship Carysfort, and his Lieutenant John Frere, R. N., and take the world to witness that they have broken faith with us.

Lahaina, Maui, Sandwich Islands, June 24, 1843.

By me, (Signed,) KAMEHAMEHA III.

(Signed,) KEKAULUOHU, Premier.

TO HIS MAJ. KAMEHAMEHA III., KING OF THE SAND. ISLANDS.

In the name and on behalf of the people of the United States of America and their Government, which the undersigned has the honor to represent, and in order to explain clearly for the information of all concerned; is issued, **A PROTEST.**

Whereas a provisional cession of the Hawaiian or Sandwich Islands was made by His Majesty Kamehameha III., King, and Kekauluohi Premier thereof, unto the Honorable George Paulet, Commanding Her Britannic Majesty's Ship Carysfort, (to wit) on the twenty fifth day of February, eighteen hundred and forty three;—and whereas, the United States' interests and those of their citizens resident in the aforesaid Hawaiian Islands are deeply involved in a seizure of His Majesty's Government under the circumstan-

ces; as well as in the act of the aforesaid King and Premier acceding thereto under protest or otherwise, to affect the interests before cited: Now therefore be it known, that I solemnly Protest against every act and measure in the premises; and do Declare that from, and after the date of said cession until the termination of the pending negotiations between His Majesty's envoys and the Government of Her Britannic Majesty, I hold His Majesty Kamehameha III., and Captain Lord George Paulet answerable for any and every act, by which a citizen of the United States, resident as aforesaid, shall be restrained in his just and undisputed rights and privileges, or who may suffer inconvenience or losses, or be forced to submit to any additional charges on imports or other revenue matters, or exactions in regard to the administration of any municipal laws whatever, enacted by the "Commission" consisting of His Majesty, King Kamehameha III., or his Deputy of the aforesaid Islands, and the Right Hon. Lord George Paulet, Duncan Forbes Mackay, Esq., and Lieut. Frere, R. N.

Given under my hand, on board the U. S. Ship Constellation, at anchor on Honolulu, Oahu, this eleventh day of July, eighteen hundred and forty three.

LAWRENCE KEARNEY, *Commander*
in Chief of the U. S. Naval Force in the Islands.

ADVOCATE & FRIEND.

Honolulu, July 31, 1843.

RELIEF HAS COME.

The following article was in the printer's hands and partly in type, before the joyful report was circulated that Admiral Thomas had assured King Kamehameha III., that his rightful dominions should be restored.

The immoralities and iniquitous practices which have been made subjects of complaint, in the following communication, it is confidently believed, will be checked under the judicious, wise and liberal administration of His Excellency Kekuaanaoa, Governor of Oahu.

TO THE FRIENDS OF VIRTUE AND SEAMEN.

"Homo sum, humani nil a me alienum puto." "I am a man, [and] think nothing concerning mankind foreign from my own concern." This noble sentiment of Terence, a Roman poet, I would make my motto in this communication.

I would address a few words to the reader, as introductory to the remarks which I have

to offer upon the abrogation of the law against fornication by the British Commissioners for the Government of the Sandwich Islands

The following communication was written by the Editor in the early part of June and intended for the June No. of this paper; its publication was deferred for this, among other reasons, it was hoped that the same Power which abrogated the Law would restore it again to its proper place, when the disastrous consequences should exhibit their appearance, which at the present time are fearfully apparent. I would still farther remark, by way of introduction, that in preaching the gospel upon the Sabbath, conversing with seamen, conducting this monthly sheet, as well as in all my intercourse with society, my aim has been to take ground above the region of village gossip, party politics, sectarian peculiarities and national prejudices. As I occupied the sacred desk upon the sabbath, it has been a source of heartfelt joy that there was one spot where the members of all sects and parties, occasionally at least, met for the worship of Our Common Father,—Almighty God.

In taking the position, which I most sincerely believe duty calls me to defend, I would not knowingly give publicity to a sentiment, or statement, which shall not in strict justice be found in accordance with the plain precepts of the Bible, and the character of a minister of the gospel. It has ever been my aim to treat public and official men with that respect and deference which belong to their rank, station and office. Thus I have aimed to treat those gentlemen, in their naval and official station who have been instrumental in the abrogation of this law, and so far as my knowledge extends they have reciprocated the feeling.

The readers of this paper have already been made acquainted with the various donations of the Officers of the Carysfort, including those of the gentlemen, connected with the British Commission.

Before the readers in other parts of the world will be able, to see the full force and relevancy of many of the following remarks, it will be necessary to recur to the history of the past. It is a fact public, notorious and of long standing that many seafaring men and other visitors from civilized lands when they touched at the various groups of Islands in the Pacific Ocean, have indulged in the most unrestrained manner, their licentious passions. This has been a subject of regret and complaint, certainly ever since the days of Cook, (vide, "Britannia" London Edition, 1837.) So unrestrained and disastrous to sailors, has been this intercourse, that the owners of some whaleships have utterly forbidden the masters of their vessels touching at certain Ports. Some years since, Oahu was such a Port! While it is a frequent occurrence for shipping articles to contain a stipulation that no lewd women shall be allowed on board. As civilization and christianity ad-

vanced at these Islands—the question arose what shall be done to elevate and purify this state of public morals. Here a public sentiment was wanting to shield the virtue of Hawaiian females, such as existed in England and the United States. Here was a people passing from barbarism to civilization—from heathenism to christianity; yet to a most shameful extent had the female portion of the community been made the unfortunate victims of lustful passions by persons coming from foreign and christian countries. Many years since, this subject came before the King, Chiefs and considerate portion of this people. What shall be done to save this nation? What shall be done to prohibit the wicked intercourse of natives, and resident foreigners, as well as confine seamen to limits of decency, not to speak of morality and religion? The only source of hope which seemed to open, was legislation, mild but decided, and to make fornication as well as adultery, a criminal offence before courts of justice. Various enactments were from time to time, passed by the King and Chiefs.

The following is a portion of an enactment which passed the Council of Chiefs, at Lahaina, on the 29th. of May, 1841, and received the signature of the King and Premier when it became a law of the land.

§ 10. If a man take to himself a harlot and commit whoredom with her, that man shall pay five dollars, and the woman shall be taken to the house of correction, for the term of four months, and shall be put to hard labor there, as are all the women of that house. The man also, if he do not pay his fine, shall be put to hard labor for four months, or be flogged twenty lashes. But if the woman be the soliciting party, and present herself as a prostitute, she shall in that case pay a fine of ten dollars, after which she shall be taken to the house of correction for four months and be made to labor as is the custom with all the other women of that house. If she do not pay the ten dollars fine, she shall then remain in the house of correction for the term of eight months.

§ 11. If a parent give up his child to whoredom or prostitution, the child shall then escape and not be fined, but the parent shall pay a fine of fifty dollars, and one half of the money shall be paid to the child whom he prostituted, and that parent shall moreover be flogged thirty stripes. This edict which applies to a parent giving up his child, the same also shall apply to a husband who gives up his wife. And if he do not pay the fine, he shall be put to hard labor for the term of one year.

§ 12. Furthermore, whoever acts the part of a pimp in procuring either females or males, and whoever panders for prostitutes of whoremongers and whoever in any way acts the part of a pander, or is accessory to whoredom, or attempts to make profit from

it he shall be fined for each or any of these crimes, fifty dollars, or shall be put to hard labor for the term of one year. Such shall be the punishment for all person who promote criminal intercourse between the sexes.

Chap. xxiv. § 10, 11, 12, p. 149.

The above law continued in force until Kanoa, then Acting Governor of Oahu, received the following official communication from the British Commission.

Office of the British Commission for the Government of the Sand. Is., April 27, 1843.

Sir,—In consequence of its having reached the ears of the British Commissioners, from undoubted authority that women confined in the Fort for fornication have been let out, at night in the streets, and on board whaleships in harbor, for the purpose of raising the amounts of their fines by farther fornication, I am directed to inform you that by order of the Commissioners no male or female is to be imprisoned for the above crime unless committed in the open streets or public thoroughfares; but all cases of rape and adultery are to be punished as hitherto when complained of by the parties concerned.

I am, Sir, Your Obt. Servant,

H. SEA, Secretary.

KANOA, Acting Governor, Honolulu.

As the conductor of this paper, I have most scrupulously avoided any connection with the political movement going forward in regard to the Sandwich Islands Government. There is, however, a moral as well as political view to be taken of this subject. This action of the Commissioners as I conceive has touched upon a point most vitally connected with the respectability of this Port, the cause of morality, and the interests of religion. They have overstepped the limits of party politics, and invaded the domain of the moralist, and to a certain extent entrenched upon the sacred precincts of religion. On that ground I choose to meet the subject, and express my sentiments—not as the politician, but the advocate of moral and religious truth, the friend of seamen and lover of mankind.

The peculiar circumstances of the native population, most unquestionably called for the passage of the foregoing or a similar law. During the period that this law was in force, its influence upon the whole, must be acknowledged to have been most salutary. During the six months previous to its abrogation, I am bold to assert, that in proportion to the number of seamen visiting this Port, a higher regard for purity and morality did not exist in any Port this side Cape Horn or the Cape of Good Hope. Since the force of the law has been restrained, the tide has changed—the current flows in an opposite direction. Residents in Honolulu can testify that a different state of things is fearfully rife! The influence of grog shops in their baleful effects falls far short of unre-

strained licentiousness. Houses to sell wines and spirituous liquors, are under certain checks and prohibitions; but upon the pimps and panders of the brothel there are no restrictions—no tabus. They may pursue their calling without rebuke from the Public Authorities. Boat loads of lewd women have been seen going and returning from vessels which have recently touched at this Harbor for supplies. The law is prostrate—the arm of justice paralyzed—the officers of justice permitted to witness iniquity, but forbidden to arrest the guilty offenders. The most disgusting scenes are to be seen at noon-day in the streets of Honolulu, and around certain places of resort. Report of this state of things has drawn hither scores and hundreds of simple-minded and unwary females from the other Islands. Landsmen as well as seamen have taken advantage of this state of public morals. The fall season for whaleships is rapidly advancing, and for the welfare of seamen it is hoped relief may come from some quarter. If, however, the laws are allowed to remain as they now are; what scenes may not this community be called to witness, when a few months more shall pass away? “For if they do these things in the green tree, what shall be done in the dry?”

Look, however, for one moment at the reason assigned for the abrogation of this law. (The right to abrogate the law does not belong to my concern.) 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. This is the practice in England, France and the United States. Upon the same principle the Commissioners might proceed to abrogate the law making theft a criminal offence. During the last winter about \$50, was stolen from my house. There was every circumstantial reason for the belief that the crime was committed by a convict belonging to the Fort, other persons have been sufferers to a much greater amount, in a similar manner, why not abolish the law making theft a criminal offence?

Ever since it was publicly known that the law was abrogated, I have attentively considered the matter and especially that I might put the most favorable construction upon it. The conclusion to which my mind has arrived is this, that the Commissioners could not have made the subject one of serious consideration.

They must, as I think, have been to a certain extent ignorant of the real state of things among the native population; otherwise how could they abrogate a law, opening wide the flood-gates of impurity and licentiousness? The abrogators of this law may satisfactorily answer for the course which they pursued to the British Admiralty, and the reigning powers in England, they must also answer to an insulted community—to insulted female virtue among their own countrywomen, as well as to the virtuous females of other coun-

tries; above all, they must answer at the bar of God, for this, among the other acts of their lives. By a public enactment, as Commissioners for the Government of the Sandwich Islands they have let loose all who are licentious among seamen and landsmen, to riot unrestrained and unchecked among unmarried Hawaiian females.

This is a subject of no trifling moment—virtue weeps—morality suffers—religion mourns.—I would hazard the remark that the feeble notes to which I am able to give utterance, will prove but a faint echo to those thunder peals which will issue from the press in England and America, when a correct report of the abrogation of this law shall be heard on the other side of the world.

If I have made in this communication any erroneous statements, I shall be ready to publish their refutation when the proof shall be exhibited. For the sentiments herein advanced the subscriber is alone responsible. "Mine eye affecteth mine heart" "I believed and therefore have I spoken."

SAMUEL C. DAMON,
Seamen's Chaplain.

Honolulu, July 24, 1843.

THE SPEECH OF HIS MAJESTY KAMEHAMEHA III., ON THE MEMORABLE 25th FEBRUARY, 1843.

"Where are you, Chiefs, people and commons from my ancestor, and people from foreign lands!

"Hear ye! I make known to you that I am in perplexity by reason of difficulties into which I have been brought without cause; therefore, I have given away the life of our land, hear ye! But my rule over you, my people, and your privileges will continue, for I have hope that the life of the land will be restored when my conduct is justified."

The King was compelled to make a Provisional Cession of his dominions to a foreign power, by reason of difficulties, into which he had been brought without cause so far as concerned his own conduct, hence he gave away the life of his land. As His Majesty's conduct has been justified the life of the land is restored by the noble and magnanimous conduct of Rear Admiral Thomas.

THE RESTORATION.

This day, JULY THIRTY FIRST, ONE THOUSAND EIGHT HUNDRED AND FORTY-THREE, will hereafter be referred to, as memorable in the history of the Sandwich Islands Government. The existence of this Government has often been threatened, but it has been most signally preserved. It is easy to trace the superintending Providence of God in every stage of its advancement. Many months since persons acquainted with its condition were fully aware that a most important crisis was approaching. It was seen that if the nation continued independent favorable influences must be exerted on the other side of the world. While the most amicable negotiations were going forward, an English Man of War anchors in this harbor. Immediate hostile action was threatened unless the Government yielded to certain demands. Those having been acceded to, others more exorbitant were forth coming. The King finding himself involved in difficulties, which were not of his own making, under a reservation most reluctantly made a Provisional Cession of his dominions to the Queen of England.

He signed the treaty of cession while bathed in tears. At 3 o'clock, P. M. Feb. 25, 1843, the National Flag was taken down, while that of England was raised. Never shall we forget the day. To the native population and a majority of the Foreign Residents of all nations, it was a day of sadness. They knew not as their eyes would ever again behold the Flag of Kamehameha III., waving over his rightful dominions. Whoever shall write an accurate history of the period which has since elapsed must draw some dark shades to the picture.

The arrival of H. M. S. Dublin, and the negotiations which have taken place between the Admiral and the King, present affairs in a different aspect, which to most in

this community is as unexpected as joyful.

The King is to receive a full restoration of his rights, privileges and dominions. This morning, a public recognition of this restoration will take place. At 10 o'clock, A. M., His Majesty KAMEHAMEHA III., will appear upon the plain East of the town. His standard will be unfurled under a general salute; which being finished, the National Flag will be displayed on both Forts, and be saluted by H. B. M. Ships with 21 guns each, which will be answered from the Forts. At one o'clock, public religious services will be held in the Stone Church. At three o'clock, His Majesty will embark to visit RICHARD THOMAS, Rear Admiral of the White, H. B. M. Ship Dublin.

If reports are true, there will be other salutes and exhibitions of public joy! No doubt many hearty wishes and fervent prayers will be uttered for the prosperity of the King, and the welfare of the Government. To the latest generation may a lineal and worthy successor of His Majesty KAMEHAMEHA III., sit upon the throne of his ancestors. All genuine lovers of the Sandwich Islands Government, here and throughout the world, will cherish in grateful recollection the memory of Rear Admiral THOMAS' timely interference and noble deeds in behalf of a feeble, but well disposed people, who are struggling amid many hindrances to preserve their National Independence.

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Rev. D. Ba'dwin, Agent Lahaina; Mau. Charles Burnham, Esq., Koloa, Kauai.