what he would advise the King. I said it is an anomalous thing, something unheard of in this or any other cabinet, to go to the King divided. He admitted it was anomalous and regretted it, but said that he could not change his course on that account, but would take the matter into consideration. He considered for a few days and then stated that he declined to inform us what his course would be, as he did not choose to abridge any of his legal rights, and should reserve to himself the right to advise the King as he saw fit when the time came. We accordingly held a cabinet council with His Majesty, March 21, in which three members of the cabinet stated that they did not consider Mr. V. V. Ashford a fit man for the place and recommended H. F. Hebbard. The attorney-general then advised His Majesty not to concur in this advice and not to appoint Hebbard, because, first, there was no reason why V. V. Ashford should not be appointed, and, second, on the technical ground that the period of incumbency of the present colonel had not expired. His Majesty stated that he wished to do what was proper, and asked each party for an opinion in writing, which was given. He answered in writing laying down the broad principle that he should take no action in any matter requiring by law the advice of the cabinet unless he chose, unless he had the advice of the whole cabinet.

As this raised a vital principle, striking at the very roots of constitutional government, it seemed proper to submit the matter to the supreme court, and we did so, after first submitting our statement of the case to the attorney-general, which he admitted contained a correct statement of the facts. The supreme court gave a decision upholding the position of the majority of the cabinet, that the majority should govern, as the majority of the legislature and of every other body governs. On April 10 we met His Majesty again. There were two subjects for discussion, first, the appointment of colonel, and, second, the commissioning of Mr. Carter to negotiate the treaty. The majority of the cabinet advised His Majesty to appoint Mr. Hebbard, and presented him with the opinion of the supreme court, stating that it was his duty to follow the advice of the majority of the cabinet. The attorney-general then advised His Majesty as follows (the exact words were taken down at the time):

"The opinion of the supreme court is not in the slightest degree binding and is of no more effect than that of any other three men of equal ability. I advise Your Majesty to decline to follow the advice of the majority of the cabinet and that of the supreme court."

This brings us down to the time when an armed force was being maintained at the station house.

Now as to the special charge that the guard was kept in such a manner as to excite disturbance. The attorney-general has in unmeasured terms denounced it, here and elsewhere, and has declared that it was in a high degree improper and unwise, and detrimental to the public good, for from five to eight men, citizens, to guard the police station, arms being in the station, available for volunteers and regular forces if necessary. This at a time when R. W. Wilcox was at liberty; when, as he states in his reply, street rumors connected V. V. Ashford with disturbance; when the town was so disturbed that the heads of business houses were consulting as to what should be done to protect life and property; and this, although his words in August last, when the country was roused, when Wilcox and his confederates were in jail, locked up in prison, were what I shall now quote.

On the 28th of August, 1889, the attorney-general wrote the following letter to the marshal:

"DEPARTMENT OF ATTORNEY-GENERAL,
HONOLULU, H. I., August 28, 1889.

J. H. SOPER, esq., marshal:

"SIR: In regard to the protection of the arms and munitions of war now under your charge at the police station in this city, the subject has been discussed by the cabinet, whose ideas I here put upon paper, in the form of instructions to you, in order that none of the misapprehensions to which verbal instructions are liable may in any way interfere with a full mutual understanding of the situation.

"The cabinet regard it as of the highest importance that those munitions shall be vigilantly and effectively guarded, and that all other matters in your department, existing or reasonably to be apprehended, shall be made subordinate to the due protection of the police-station building, its inmates, and contents.

"I understand you have now in operation a system of guarding that building with six foreign policemen (two from each watch), in addition to those who are necessarily or incidentally on the premises as officers of the respective watches, turnkeys, etc. This, in addition to D. H. Hitchcock, Jr., whom I understand is still retained as special night watchman in your own office, will make a special guard of seven foreigners, which, if its members are intelligent and vigilant, should be sufficient, supported, as it ever is, by the prevailing facilities for defense and the opportunity to secure prompt reinforcements by telephone.

"But in order to its highest effectiveness, such guard should be under the immediate charge and command of some particular officer, and a definite system should be