have been drawn up and signed in the usual form of an agreement for arbitration.

No such action has been taken. (2) An arbitration is essentially a judicial proceeding, the elemental features of which, under the principles and forms of procedure in use both in the United States and Hawaii, are, first, notice of the charges made or points at issue; second, opportunity to hear and cross-examine evidence produced by the opposing party; third, opportunity to produce evidence in support of claims made and to meet that of the opposing party; fourth, a full and fair hearing accorded to both parties in open court.

In no particular have these particulars, fundamental to the just and equitable decision of the simplest judicial issue, been observed in this admittedly complicated question.

The Government of Hawaii, acting under its international right, has made a formal proposition to, by treaty, change the political relation existing between the two countries.

The authority of the Hawaiian Government to make such a proposition was not questioned, and a treaty for the accomplishment of such purpose was duly signed by the representatives of the executives of the two countries.

Pending the final ratification of such treaty, by desire of the Government of the United States, negotiations were suspended over nine months ago, and an investigation was instituted by the Government of the United States by a special commissioner.

During all such time the Hawaiian Government has peaceably administered its own affairs and faithfully carried out all its treaty obligations with all foreign powers.

Up to the present time the Hawaiian Government has received no information that such investigation was for any purpose other than to determine the policy of the Government of the United States concerning such proposition of the Government of Hawaii.

It has not been a party to such investigation, which has been ex parte and conducted in secret.

It has been accorded no opportunity to meet the evidence produced nor to present evidence or argument in its own behalf.

The names of the witnesses and the character of the evidence upon which it is proposed to be subverted were unknown to it until published simultaneously with the announcement of the conclusion of the investigating commissioner.

It has received no notice that it was on trial for its life, and has not even been informed that it was charged with having taken action for which it was responsible to the United States or whereby it had brought itself within the jurisdiction of such Government.

The proclamation issued by the Provisional Government of Hawaii defining its objects and causes does, indeed, state as quoted in your communication above referred to, that it was created "to exist until terms of union with the United States of America have been negotiated and agreed upon." But I submit that neither legally, logically, nor grammatically does such phrase indicate that because annexation has not yet been consummated the Provisional Government is therefore and thereby terminated.

On the contrary, I submit that its meaning is clearly and distinctly the exact opposite of that suggested.

The Provisional Government was formed with a fixed, definite purpose in view, viz, annexation to the United States. If the date of the consummation of such object had been known it could have been