Resolution about the joint declaration March 20, 1851.

Whereas in view of the declaration of the commissioner of France in his memorandum of Feb. 1st, and in his dispatch No. 12 of Feb. 27th, that the difficulties with France are reduced to two, viz, the liberty of Catholic worship and the trade in spirits; and

Whereas the joint declaration sanctioned comprises a settlement of these two questions in the view of the King and council:

Resolved, That the minister of foreign relations is authorized and instructed to sign the four articles of the said declaration, and to refer to the sole decision of the President of the French Republic the question of indemnity to the King, as transmitted to Mr. Perrin in Mr. Wyllie’s despatch No. 21, on the understanding that this reference is to be acted upon only after the President shall have admitted that all pending difficulties are thus settled.

C.

Joint declaration.

The President of the French Republic and the King of the Hawaiian Islands, animated by an equal desire to terminate the adjustment of pending difficulties between the two countries, and to prevent their return for the future by assuring the just and complete execution of the convention of the 26th of March, 1846, in regard to the points in controversy, through a new official act, destined to interpret it, have chosen for this purpose the undersigned commissioner of the French Republic and the minister of foreign affairs of the Hawaiian Kingdom, the signers of the treaty above mentioned, who, after having exchanged their full powers, found in good form, have agreed to the terms of the following declaration:

1. The treaty of the 26th of March, 1846, will be faithfully adopted and interpreted in the two texts, French and Hawaiian, the only ones officially signed. It remains agreed in all the cases where the foreign judges not understanding French have to decide the text of the English treaty, officially declared identical, under reserve of the III article, shall be considered as an exact translation.

2. Without admitting that by the establishment of a custom-house duty of $5 per gallon upon spirits the Hawaiian Government have gone beyond the exclusive power which France herself has granted to them, through the means of the wording of the VI article of the treaty above mentioned (an assertion in regard to which the undersigned French commissioner makes all reserves), and after having proved that the effects of that duty have been profitable to France and hurtful to the English and American trade in spirits, the King of the Sandwich Islands declares himself disposed to submit the question of the reduction of duty to $2.50 per gallon, as a maximum to the legislature, which is to assemble next month, as a measure of political economy, which the chamber of commerce of Honolulu have recommended on strong grounds.

3. The Government of the King can not recognize, on the part of any foreign nation, the right of dictating or prescribing laws to them on matters which affect only the religious belief or secular education of the native subjects of the King. Nevertheless, disposed to admit the third of the demands presented by M. Perrin, on the 1st of February last, as a friendly suggestion, destined for the examination of the Legislature which is to assemble this year, the Hawaiian Government will place these assembilities in a position to decide whether the equality between the Protestants and the Catholics, under the protection of the constitution and the laws, of which numerous proofs have been furnished, does not yet require something for its perfect application.

4. Documents presented by French citizens, in their own language, will be received in all the cases in which documents in the English language are received; but in the cases where the employees whose duty it is to make use of these documents do not understand French it shall be incumbent, provisionally, on the party interested to furnish a translation of the document produced, which, to prevent all error and discussion, shall be certified by him as true.

Honolulu, 25th March, 1851.

R. C. Wyllie,
Minister of Foreign Relations.

La Commissaire de la République Française, Em. Perrin.