Britain. I am not aware whether or not a treaty, according to the Hawaiian constitution is, as with us, a supreme law of the land, upon the construction of which—the proper case occurring—every citizen would have the right to the judgment of the courts.

But, even if it be so, and if the judicial department is entirely independent of the executive authority of the Hawaiian Government, then the decision of the court would be the authorized interpretation of the Hawaiian Government, and however binding upon that Government would be none the less a violation of the treaty.

In the event, therefore, that a judicial construction of the treaty should annul the privileges stipulated, and be carried into practical execution, this Government would have no alternative and would be compelled to consider such action as the violation by the Hawaiian Government of the express terms and conditions of the treaty, and, with whatever regret, would be forced to consider what course in reference to its own interests had become necessary upon the manifestation of such unfriendly feeling.

The diligence and ability which you have given this subject render perhaps any further instruction unnecessary, but I will suggest that in your communications with the Hawaiian Government it is desirable that you should convey the impression that the Government of the United States believes that the Hawaiian Government desires and intends to carry out the provisions of the treaty in perfect good faith, and that we understand and appreciate the unjust pressure of foreign interests and influence brought to divert it from its plain and honorable duty. The position of the Government of the United States in your representations should be rather that of encouragement of the Hawaiian Government to persevere in the faithful discharge of its treaty obligations than complaint of any anticipated dereliction.

The Department will be glad of the fullest and promptest communication upon this subject.

I am, etc.,

JAMES G. BLAINE.

Mr. Blaine to Mr. Comly.

No. 105.]

DEPARTMENT OF STATE,

SIR: I have to acknowledge the receipt of your dispatch, marked "separate and confidential," of the 4th instant, touching the reply of the Hawaiian Government to her Britannic Majesty’s commissioner in the matter of the British claims.

Adverting to that part of your dispatch suggesting "that the Hawaiian Government would be glad to have an intimation of the opinion of the Secretary of State" upon the subject, I desire to refer you to my instruction No. 102, of the 30th ultimo, in which I have distinctly stated that the claim of Great Britain for the same privileged treatment by Hawaii as that enjoyed by the United States pursuant to its reciprocity treaty was wholly inadmissible.

I am, etc.,

JAMES G. BLAINE.