Mr. Blaine to Mr. Comly.

No. 111.]

DEPARTMENT OF STATE,
Washington, November 19, 1881.

SIR: In your dispatch No. 189 you have informed this Department of the efforts made by the British commissioner to prejudice the interests and influence of the United States in the Hawaiian Islands; and you properly assume that such efforts, so far as they tend to improve the diplomatic position of his country by his personal conduct, must be counteracted by similar endeavors on your part without the formal intervention of this Government.

The action of the Government must necessarily wait upon the actual occurrence or threatened probability of some official transaction in conflict with its treaty rights. But with the proper information before it this Department would undoubtedly instruct you to anticipate any such transaction by such diplomatic remonstrance as our relations with Hawaii would justify.

It is difficult to say that the information derived through the newspapers in reference to a supposed coolie convention with Great Britain is of a character to require our official intervention. But I take it for granted that, since the return of King Kalakaua, you will be able to learn whether such a convention is contemplated, and if, in your opinion, there is enough in the general rumors to warrant it, you will consider yourself as instructed to make formal inquiry of the Hawaiian Government if any such project is entertained.

You say that the proposed convention provides for a—

"protector of the coolie immigrants," who tries all cases of disputes arising among the coolies themselves, and also between coolies and citizens of the country where they reside; and cases of appeal from his judgment go, not to the courts of the country, but to the British consul or diplomatic representative.

I do not understand whether this is a recital from some existing convention or a rumor of what the contemplated convention is expected to be.

In the treaty between Great Britain and the Netherlands relative to emigration of laborers from India to the Dutch colony of Surinam, signed in 1870 and ratified in 1872, and which is the most recent to which I have been able to refer, I find the following provision:

XIX. All emigrants within the provisions of this convention shall, in the same manner as other subjects of the British Crown, and conformably to the ordinary rules of international law, enjoy in the Netherlands colony the right of claiming the assistance of the British consular agent, and no obstacle shall be opposed to the laborers resorting to the consular agent, and communicating with him, without prejudice, however, to the obligations arising out of his engagement.

Properly interpreted and fairly applied, I do not see any reasonable ground of objection to this or to a similar provision. But a convention containing stipulations such as you describe would be very different. To secure to the coolie immigrants from India, who are unquestionably British subjects, such an extreme privilege of extraterritoriality would be extending to them advantages not possessed by the subjects of any other power. And as articles VIII and X of the treaty between the United States and the Hawaiian Islands of 1849 guarantee to the citizens and consular officers of the United States the treatment of the most favored nation and a participation in all privileges granted to others, the United States would have to insist upon equal treatment for its citizens and consuls, and it can scarcely be doubted that other powers would make the same demand.

A consideration of the embarrassment which such a condition of foreign rights and privileges would create for the Hawaiian Government