

## Hawaiian Registered Vessels

Agnes C. Conrad

Vessels were owned by Hawaiian citizens and were flying the Hawaiian flag for many years before a formal registry law was enacted by the Hawaiian Legislature. Even before there was a Hawaiian flag to fly, European-type vessels were owned by Hawaiians. As early as 1794, Captain George Vancouver had his carpenters assist in the construction of the first foreign style vessel for Kamehameha I, the *Britannia*, a vessel with a 36-foot keel and a schooner rig. Vancouver does not state whether he presented a flag to go with this ship, as he had done a year earlier when he rigged one of the king's largest canoes "with a full set of canvas sails, sloop fashion, to which I added a union jack and a pendant."<sup>1</sup> Vancouver offered his assistance in building the vessel for Kamehameha, as the king hoped that "his people would hereafter be able to build boats and small vessels for themselves."<sup>2</sup>

Among the white men working for Kamehameha at that time was an Englishman named Robert Boyd, who claimed to have been a ship's carpenter before settling in the islands, and it was under his direction that the Hawaiians were to carry on the shipbuilding. It apparently was a successful training course for by 1810 another visitor could report that the king had a fleet of more than thirty vessels, "chiefly sloops and schooners, under forty tons burden, and have all been built by his own carpenters, principally native, under the direction of an Englishman of the name of Boyd."<sup>3</sup>

The king had other vessels besides those built in his own shipyards; one of them, the *Lelia Byrd*, is described by Campbell as being of 200 tons.

The first ship to fly the Hawaiian flag was undoubtedly the *Kaahumanu*, which had been known as the *Forester* when it sailed the Pacific for John Jacob Astor.<sup>4</sup> According to the log of the captain of the vessel, Alexander Adams, it was purchased "by the king of these islands Rihoriho [footnote identifies as Tamehameha] by name" and "call'd by him *Kaahumanu* in honor of his step-mother [footnote: queen]." This would indicate that it was the son of Kamehameha I, not the king himself, who purchased the vessel.<sup>5</sup> Other accounts state that it was the King, however, who sent the vessel to

---

*Agnes C. Conrad is State Archivist for Hawaii.*

China to sell sandalwood in an effort to reap extra profits himself, rather than having others benefit from the trade. The Hawaiian flag was designed, probably with the aid of Captain Adams, to fly from the *Kaahumanu* on its first voyage. The venture, unfortunately, was not a financial success as expenses took up most of the proceeds and the result was a loss to the king.

The king and the chiefs continued to purchase ships and have them built locally. Most of these were used in the inter-island or coasting trade, but in 1826, the *Waverley* and two consorts sailed to California, the first of many to fly the Hawaiian flag on this route.<sup>6</sup>

Up to 1840, Hawaii had few laws and such laws as there were consisted of decrees issued by the king and council of chiefs. With the granting of a Constitution by Kamehameha III in 1840, the period of more formal government began. One of the laws passed by the newly authorized legislature concerned harbor dues, and it plainly stated that if a vessel "be an Hawaiian vessel and have an Hawaiian register, she shall pay no harbor dues."<sup>7</sup> There was just one defect in the law, as pointed out in 1844 by Attorney General John Ricord—there was no authorized way to obtain Hawaiian register.<sup>8</sup>

This opinion was rendered for the Minister of Foreign Relations as the result of the demand by two British residents that they be granted Hawaiian register for a French schooner purchased by them. Ricord stated that even if Hawaii were to follow British or American law, the request could not be met, for the first required that the vessel be built in Great Britain or part of its dominion and be wholly owned by a British subject; while the second nation required that all co-owners be citizens. Since the two claimants, William Wand (probably Wond) and James Robinson, were not Hawaiian subjects and the ship was not built in Hawaii, there was no justification even under foreign laws to grant their request.<sup>9</sup>

The demand by these shipowners, however, brought the subject to the attention of the government, and when the "Acts to Organize the Executive Ministry" were passed in 1846, the authority to register vessels was granted to the Minister of the Interior. The law was much more liberal than those of either the United States or Great Britain, for a vessel could be registered if owned "wholly or in part" by an Hawaiian subject, either native or naturalized.<sup>10</sup>

On January 30, 1847, 28 vessels were registered, six of them over 100 tons. By the end of the year, this had increased to 67, although only one was added to the over 100 ton class.<sup>11</sup> It was these larger vessels, however, which caused the second controversy over Hawaiian registry.

On October 16, 1848, U.S. Commissioner Anthony Ten Eyck wrote to R. C. Wyllie, Hawaiian Minister of Foreign Relations, vigorously protesting the registration of ships which did not really belong to Hawaiian citizens, but whose owners were only trying to evade American shipping laws. As foreign-built ships could not obtain U.S. registry nor engage in trade between the United States and foreign countries other than that in which they belonged, Hawaiian register was desirable as these vessels were exempt from the U.S. law.

## LICENCE.

Suffer the Ship or Vessel called the *Warrenly*

to pass without molestation or hindrance: the said vessel is  
*6 inches* *3* *three inches*  
*seventy seven* feet long, *Twenty one* feet broad and measures  
*One hundred forty ones*  $\frac{15}{95}$

Tons, has *No* head *No*

Quarter Galleries, has *a Square* Stern and is *Brigantine*

Rigged and is the property of

*Tamea Hancock the third King of the Sandwich Is.*

And whereof is master.

Given under my hand at

Oahu, this *3<sup>rd</sup>* day of *December* 1832

Port Captain.

Governor.



As Ten Eyck explained it:

One of these prohibited vessels arrives at these islands. It becomes an object with her owner to engage in freighting and carrying passengers to and from the Pacific Coast of the United States. He finds that the laws of the United States interpose an insuperable barrier to his doing so while his vessel sails under the prohibited flag. He finds, also, that this prohibition does not extend to Hawaiian vessels. He applies to some one of the functionaries of the King's government to know if he cannot obtain Hawaiian register for his vessel.

He is perhaps pointed to the Hawaiian registry law, above alluded to, but at the same time, is told that it is very easy and very customary to evade the law. The *modus operandi* is explained to him. Having made satisfactory arrangements with some naturalized Hawaiian subject, he proceeds with him to the office of the Minister of the Interior, who is empowered by law to grant registers for Hawaiian vessels, where a sham sale of the vessel is made, by his executing a bill of sale of her to this Hawaiian subject.

The Hawaiian subject now applies for a Hawaiian register for the vessel. On making an oath that he is the owner of this vessel "as per bill of sale annexed," the Minister of the Interior grants him a register for the vessel, and he at once becomes entitled to all the national privileges thereto pertaining. The registered owner, immediately, then and there, executes to the real owner, a charter for the vessel for a period of fifty or one hundred years, and endorses thereon an acknowledgement of having received full payment for such charter, at the same time he executes also a power of attorney to the real owner, authorizing him to sell and dispose, or otherwise control said vessel.

The property in the vessel has not, in fact, been changed, and the officer granting the register knows it. This vessel, still owned and controlled as before the change of flags, is now enabled to engage in importing goods, &c., into the United States from these islands, and to compete with the honest, industrious and enterprising ship owners of the United States.<sup>12</sup>

The Minister of Foreign Relations immediately denied the allegation and stated, "If the honorable and well-meaning head of that important [i.e. Interior] department, have [sic], in some instances, been too confiding in the honor of applicants for registration, and been too lax in the application of the law, and he does deny that he may have been so, he is most assuredly guiltless of any deliberate intention to infringe the law to the prejudice of the shipping of the U. States, or of that of any other nation."<sup>13</sup>

The dispute ended up in one of the many verbal battles between Ten Eyck and Wyllie, with the cause of the dispute soon lost in the argument over diplomatic protocol. One wonders, however, if Ten Eyck might not have had more of a point on his side than even he knew. Since six of the twelve vessels apparently under suspicion never again appear in the Harbor Master's records of arrival in Honolulu, it would appear that the vessels were to be used between other ports than Hawaiian and American. The question might also be asked if the United States maritime industry was in such a precarious condition that the twelve vessels would jeopardize it.<sup>14</sup>

There is additional evidence to substantiate Ten Eyck's claim in the testimony given in the 1848-1849 investigation of charges against Dr. G. P. Judd as Minister of the Interior. The charges were brought by G. M. Robertson, clerk in the department, and one of the charges was laxity in enforcing the registry law. Robertson admitted, that, at Dr. Judd's request, he allowed his name to be put in the register of the schooner *Starling*, owned by Jules Dudoit, the French consul.<sup>15</sup> In addition, William Paty, then Collector of Customs,



testified that the schooner *Martha* belonged to Dr. R. W. Wood but was to be registered in Paty's name. "That is very often done here, as in the case of the *Mary Frances*, for instance, which stands in the name of Capt. Penhallow though she does not belong to him."<sup>16</sup>

Three major changes were made in the registration laws during the next fifty years. In 1851, the responsibility for registration was changed from the Minister of the Interior to the Collector General of Customs. Two more changes were made in the Civil Code of 1859. This required that vessels be "wholly owned" by a subject or subjects of the Kingdom, with the exception of whaling or seal fishing vessels, which could be registered "if a part owner lived in the kingdom, whether citizen or not." It also required that foreign consuls be notified before foreign built vessels were registered and their assurances received that no legal impediments existed before registration was granted.<sup>17</sup> This last requirement, however, apparently had been the practice even before it became the law, for Ten Eyck admitted that he had received such notification.<sup>18</sup>

The registration of vessels by the Hawaiian government continued until 1898 without too many complications. With annexation to the United States, Hawaii ceased to register vessels, but the procedure did not stop before there was a final legal flurry, caused by those same U.S. maritime laws which Ten Eyck had so zealously guarded.

In the years between the overthrow of the Hawaiian monarchy in 1893 and the final annexation to the United States in August 1898, it became evident that it would be desirable for owners of foreign built vessels who wanted American register to acquire Hawaiian register, and once annexation took place they would have the coveted papers.

Although the Hawaiian law concerning registry made no mention of provisional certificates, the instructions sent to consular offices in 1877 gave the forms to be used, calling them "Certificates of ownership of Hawaiian vessels," one for vessels under another flag, another for new vessels. The certificates stated that a register as a Hawaiian vessel could be obtained if applied for in Honolulu within 12 months. In the meantime, the vessel was to be accorded "all the rights, privileges and immunities accorded to an Hawaiian registered ship." Consuls were warned to take special care "to prevent any fraudulent or collusive attempt to place a vessel under the Hawaiian flag by those who are not Hawaiian subjects". No vessel was to be granted a second certificate without conclusive proof that the first had been destroyed, and if the vessel had not visited Honolulu within the specified 12 months, it was to be considered as evidence of "fraudulent intent."<sup>19</sup>

These instructions were still in effect in January 1893 when the monarchy was overthrown, a provisional government was set up, and a commission dispatched to Washington to obtain annexation. The subject of registry of vessels must have been raised very early in the discussions, official or unofficial. On February 23, 1893, W. H. Dimond, a merchant with interests in both Honolulu and San Francisco, wrote to President S. B. Dole with a suggestion. He said, "I think there is a possible danger in a fight being organized against

future favorable action by Congress on the part of ship owners and builders in this country, if too many vessels are permitted to register under your flag. Would it not be well therefore, to immediately notify your Consuls all over the world to discontinue issuing further letters?" Dole took immediate action for on March 6, 1893, the Hawaiian Minister of Foreign Affairs sent a circular to all Hawaiian diplomatic and consular officers instructing them to "refuse to issue any foreign built vessels, ships or steamers of any class, a temporary register, certificate of Hawaiian ownership, sea letter or any document allowing such craft to fly the Hawaiian flag until further instructions are received from this department."<sup>20</sup>

Annexation was not immediately accomplished; the Republic of Hawaii was organized, and new consular regulations issued in 1895 once more included the forms for temporary certificates of ownership.<sup>21</sup>

Negotiations for a treaty of annexation continued, and again the registry of vessels came into consideration. On July 1, 1897, the Minister of Foreign Affairs notified all consuls in the United States and at London that no provisional registers were to be issued to any but American vessels unless specially authorized.<sup>22</sup> This was followed by an urgent cable on July 7 from the Hawaiian Minister in Washington, F. M. Hatch, "Instruct positively to register no vessels pending treaty negotiations and publish instructions." In a follow-up letter, Hatch explained that this would make Senator Frye "feel easy."<sup>23</sup>

But the rush to obtain Hawaiian registers was on, and for the next two years there were a series of law suits and counter-suits, begun by the shipowners, opposed by the Hawaiian government. The first one was filed by G. W. Macfarlane, who claimed he had purchased the British-built steamship *China* from China Steamship Co. in London, on July 2, 1897, and that he had obtained a provisional register from the Hawaiian Consul there. The Collector General of Customs in Honolulu refused to grant a register on the grounds that Macfarlane was not a Hawaiian citizen, not legal owner of the vessel, and the Collector was not convinced that there were no legal impediments. Testimony at the trial indicated that the ship was controlled by Pacific Mail S.S. Co. of New York and its president, C. P. Huntington. Both the Circuit Court and the Supreme Court ruled that Macfarlane was a citizen, was legal owner, and was entitled to register the ship.

The Circuit Court judge rather clearly stated the case in his decision. "Even taking the view, which, I think, is sustained by the evidence, that the transfer of the title in this case was made solely for the purpose of obtaining Hawaiian registry for the vessel, and that the petitioner is practically in the position of a trustee holding the property for the benefit of Pacific Mail S.S. Co., still, being the holder of the legal title, he is to be regarded as the owner. If it had been the intention of the legislature to prohibit trusts in this connection, and to make it a condition precedent to the obtaining of registry that all persons equitably or beneficially interested in the ship or its profits should be Hawaiian subjects, that intention would have been so expressed." He quoted the United States law which stated that an oath was required that "there is no subject or citizen of any foreign prince or state, directly or indirectly, by

way of trust, confidence or otherwise interested in such ship or vessel, or in the profits or issues thereof." He further stated "the true reason, as disclosed by the evidence, for the respondent's refusal to grant the application, was that the Hawaiian government had assured the United States Government, through its Minister-Resident, that, pending the ratification of the Treaty of Annexation, no Hawaiian register would be given to any foreign vessel."<sup>24</sup>

Upholding the Circuit Court decision, the Supreme Court judges went even further to explain the registry of vessels. "It may be said that to order the register in question to issue would defeat the object of the statute in restricting the privilege of registry to vessels wholly owned by Hawaiian subjects. What is the object of the statute? Not to protect the ship-building industry. We have practically none. The object so far as we can ascertain it, is to advertise our flag in foreign seas—a sentimental one—and the practical one, of securing taxes upon the value of these vessels, which is secured by their being owned by Hawaiian subjects."<sup>25</sup>

The Executive bowed to the judicial decision and the *China* was registered on Sept. 30, 1897.<sup>26</sup> Apparently, the government also decided it was useless to fight the next case as it was identical. The *Barracouta*, also purchased by Macfarlane from the China S.S. Company, operated by the Pacific Mail S.S. Company and mortgaged to them, was granted registry on Dec. 7, 1897. Registry was also granted to John Ena for the *Himalaya*, purchased from J. J. Moore in February 1898.

While the government granted these registers, it did not grant the fight. Since the United States law had been quoted as one reason register could not be denied to the *China*, the Hawaiian government amended its law by enactment of Act 32, 1898, which included the exact same wording concerning trusts and profits. It also took a new approach in its efforts to prevent registration.<sup>27</sup>

The Newlands Resolution of Annexation had passed the U.S. Congress on July 6, 1898 and had been signed by the President the next day. The Resolution placed all responsibility for international relations in the United States government, but stated that "municipal legislation of the Hawaiian Islands . . . shall remain in force until the Congress of the United States shall otherwise determine." The Executive Branch of the Hawaiian government took the stand that the registration of vessels was an international function and therefore no longer under the jurisdiction of the Hawaiian government. It also quoted Act 32 in many cases as a reason for not granting registry.

Several ships were involved in the final efforts to obtain Hawaiian register before annexation was completed, but only a few shipowners. The *Star of Russia*, *Star of France*, *Star of Italy* and *Euterpe* (later *Star of India*) all belonged or were under charter to J. J. Moore; the *Falls of Clyde* belonged to Wright, Graham and Co., but was under charter to Matson, who also held a note on it; and the *Willscott*<sup>28</sup> owned by John Wilson of Liverpool. The Hawaiian citizens involved were John Campbell, who claimed to own the *Star of Russia*; Lincoln Spencer, the *Star of France*, *Star of Italy*, and *Euterpe*; A. M. Brown, the *Falls of Clyde*; and G. W. Macfarlane, the *Willscott*. The two Hawaiian consuls who played a part by continuing to issue provisional



registers regardless of instructions were Charles Wilder in San Francisco and John H. Carter in Seattle.

On July 2, 1898, just before the Annexation Resolution was passed, Moore "sold" the *Euterpe*, *Star of Italy* and *Star of France* to Spencer and he received provisional registers. On August 3, Spencer applied for a permanent register for the *Star of Italy*. On the instructions of the Minister of Finance, backed up by the Executive Council, Collector General of Customs F. B. McStocker refused the register, basing his decision on the lack of authority under the Annexation Resolution. The owners sued and the case took the same course through the Circuit Court and Supreme Court. Again the courts refused to back the Executive and ruled that registry of vessels was a municipal act and "not inconsistent with the Newlands Resolution." The Collector was ordered to grant the register and the *Star of Italy* was registered on November 11, 1898.<sup>29</sup>

The shipowners were mistaken, however, if they thought the war was won. The Hawaiian government continued to contest each application for register of foreign-built ships. Again the owners went to the Supreme Court and on June 5, 1899, the Collector was ordered to register the *Euterpe*, *Willscott* and *Falls of Clyde*.

The Hawaiian Foreign Office decided to attack the problem at its source—the Hawaiian Consul General in San Francisco who had been issuing most of the provisional registers. On January 24, 1899, a very strongly worded letter was sent to Wilder by the Minister of Foreign Affairs:

Sir:

I am at a loss to account for your actions in regard to the issuing of provisional registers to foreign built vessels. Your instructions prohibiting your issuing of such documents were certainly most explicit.

On July 1st 1897 you were instructed to wire to all Consuls of the United States and to the Consul at London to "issue no provisional registers unless specially authorized." On July 16th your letter of July 7th was acknowledged, containing a telegram from Mr. Hatch which read—"Instruct positively to register no vessels pending treaty negotiations and publish instructions".

This was commented on as follows: "This is in conformity with the instructions sent you in the dispatch of the 1st inst., No. 25, which are to be strictly observed."

July 21st 1897 you were authorized to issue a provisional register to the *Uplo*—"but that no others are to be issued."

You were to revoke information given to Williams, Dimond & Co. that you would issue a register to German vessel *Isenberg*.

You were aware of the fact that the Government vigorously contested the issue of registers to the steamers *China* and *Barracouta* and on the 21st of May, last year, you were officially informed that the Government would contest the issue of the register of the steamer *Peter Jebson*.

From conversations with the Officials of the Department and with Mr. Clay of the Custom House you were made aware of the fact that the Government strongly opposed the issuing of registers to any but American built vessels, and yet, in spite of the above instructions and information, you deliberately continue to issue these documents. I must repeat that your conduct is utterly incomprehensible and indicates a willful disregard of the wishes of the Government you are serving. You have not even thought best to advise the Government of your actions in this regard leaving them wholly in the dark until the arrival of the vessels holding provisional registers.

The new law has not modified the situation except to carry out the object of the Government in making it more difficult to obtain permanent registers. There is no statute authorizing the issue by Consuls of sea letters or provisional registers, it is simply a regulation of the Department wholly within the control of the Minister of Foreign Affairs—and it is not of a mandatory nature—and if you have considered it your “duty” to issue these documents you have totally misunderstood the situation and have seriously embarrassed this Department as it is the desire of the Secretary of the Treasury to prevent the transfer of foreign built vessels to the Hawaiian flag.

You are therefore positively forbidden to issue Provisional Registers to any vessel unless specially authorized to do so by me. Any failure to observe this injunction will forfeit your position.

s/ Henry E. Cooper  
Minister of Foreign Affairs<sup>30</sup>

The delaying tactics also went on. In July 1899, the Minister of Foreign Affairs wrote to the Hawaiian Consuls in Seattle and San Francisco asking for information on the actual owners of the *Euterpe*, *Star of France* and *Star of Russia*. The replies were anything but satisfactory: the Seattle Consul replied that the *Euterpe* and *Star of France* belonged to Moore; the San Francisco Consul replied with an affidavit from Moore that he had sold the two ships to Spencer.

It became apparent that the matter could not be settled in Honolulu and so on September 18, 1899, the President of the United States seemingly solved the whole problem by issuing an order forbidding any further registration of Hawaiian vessels.

The last entry in the Hawaiian Register of Vessels is dated June 30, 1899 and there are no registers for the last vessels in dispute. There are, however, notices from the U.S. Customs House, San Francisco, dated November 10, 1900, stating that the *Star of Italy*, *Star of Russia*, *Star of France* and *Euterpe* were American registered and owned by the Pacific Colonial Ship Company.<sup>31</sup>

Apparently the shipowners had won, the Hawaiian and U.S. Governments had lost, but how? The answer is found in the Organic Act, the U.S. law setting up the government of the Territory of Hawaii, and in what must have been some political maneuvering in Washington by the shipowners.

The Organic Act had originally been drawn up by the Hawaiian Commission, which consisted of representatives of the Hawaiian government and members of the U.S. Congress. The version submitted by the Commission had a section stating that “All vessels carrying Hawaiian registers immediately prior to the transfer of sovereignty of the Hawaiian Islands to the United States shall be entitled to be registered as American vessels with the benefits and privileges appertaining thereto. The provision of law relating to ownership of American vessels by citizens of the United States shall not apply to such vessels.”<sup>32</sup>

When the bill was reported out of the House Committee, it had been amended to read, “All vessels carrying Hawaiian registers, permanent or temporary, on August twelfth, eighteen hundred and ninety-eight, together with the following vessels claiming Hawaiian register, *Star of France*, *Euterpe*, *Star of Russia*, *Falls of Clyde* and *Wilscott*, shall be entitled to be registered as American vessels. . . .” The report accompanying this version of the bill

stated that "the provisions . . . were made to meet the cases of certain vessels bought in good faith and with intention of Hawaiian registry, but which were unable to complete by same provision by August 12. They are very few in number, and in addition to those particularly mentioned there are five others which receive the benefit of this section."<sup>33</sup>

A companion bill, S 222, had been introduced into the Senate and when it came out of committee, it too had been changed but not quite so broadly. It granted register to all vessels carrying Hawaiian register on August 12, 1898 "together with the following vessels claiming Hawaiian register, *Star of France*, *Euterpe*, *Star of Russia*, *Falls of Clyde* and *Wilscott*." The final version, as agreed to in conference, followed the wording of the Senate bill and at least some of the shipowners had won.<sup>34</sup>

But what about the other five vessels mentioned in the House report? Two of these were probably also Star ships, the *Star of Italy* and the *Star of Bengal*, for on June 6, 1900 Congress passed an Act authorizing the Commissioner of Navigation to register the two as vessels of the United States. Apparently in their eagerness to fly the American flag, the owners forgot that the *Star of Italy* had been granted Hawaiian register and thus needed no special attention.<sup>35</sup>

This leaves three vessels unaccounted for. Unfortunately no records are available of the Congressional committees framing the Organic Act and so the vessels and owners are not identified. One was probably the *Peter Jebsen* purchased by Macfarlane from Aktieselskabet Dampskibet, a Norwegian, corporation, in January 1898 and denied registry. Another might have been the *Isenberg*, mentioned in the Minister's letter to Wilder. Other possibilities are the *J. C. Pflueger* and the barkentine *Hawaii*, both of which were given the right to register by special acts of Congress. The *Hawaii*, however, was restricted to sailing between the Pacific Coast and the Hawaiian Islands.<sup>36</sup>

The only other vessels mentioned in the Hawaiian Government records for the period were ships which already had American register and apparently only wanted Hawaiian register to engage in the inter-island trade during the transitional period. It is possible that provisional registers were granted by some of the consuls, but no effort was made by the owners to obtain permanent registers in Honolulu and so there is no correspondence in the official files.

During the years it was a sovereign nation, approximately 700 vessels were registered under the Hawaiian flag. Sixty-three of these were granted American registers as a result of the Organic Act. The complete list is available from the Hawaii State Archives to anyone interested.

## NOTES

- <sup>1</sup> George Vancouver, *A voyage of discovery*. (London, 1798) v. II, 163.
- <sup>2</sup> op. cit., v. III, 17.
- <sup>3</sup> Archibald Campbell, *A voyage round the world, from 1806 to 1812*. (Honolulu, 1967) p. 111.
- <sup>4</sup> One early visitor to Hawaii described this as "a fine and fast sailing brig, which had been built in France as a privateer, and had previously been known as *La Grande Guimberde*. She had been captured by the English and then renamed *Forester*." "Chamisso in Hawaii" trans. by V. S. K. Houston. *Hawaiian Historical Society Report*, 1939. p. 62.
- <sup>5</sup> Alexander Adams, Journal. Ms. in AH.
- <sup>6</sup> Ralph S. Kuykendall, *Hawaiian Kingdom* (Honolulu, 1938) v. 1, 93.
- <sup>7</sup> *Fundamental Law of Hawaii*, ed. by L. A. Thurston. (Honolulu, 1904) p. 87.
- <sup>8</sup> Although there was no "authorized way" to register, the Hawaiian government had been issuing certificates of "Sandwich Island Registry." Certificate Number Two was issued on January 1, 1834 to the *Becket* which was owned by the "heirs of Kamolii" and had Charles Brewer as master. The certificate, signed by the King, is still in the possession of C. Brewer & Co.
- <sup>9</sup> *Official report on the registry of vessels in the Hawaiian Islands*. (Honolulu, 1844).
- <sup>10</sup> *Statute Laws of His Majesty Kamehameha III* (Honolulu, 1846) v. 1, 84.
- <sup>11</sup> P., January 30, 1847 and January 1, 1848.
- <sup>12</sup> *Official correspondence between Anthony Ten Eyck, esquire, commissioner of the United States, and Robert Crichton Wyllie, esquire, His Hawaiian Majesty's Minister of Foreign Relations, upon the subject of alleged abuses in the registration of Hawaiian vessels*. (Honolulu, 1848) pp. 1-2.
- <sup>13</sup> op. cit., p. 14.
- <sup>14</sup> Harbor Master records of arrivals and departures at Honolulu Harbor, 1848-60. AH.
- <sup>15</sup> Investigation of Dr. G. P. Judd. Statement of G. M. Robertson. F.O. & Ex., 1848-1849.
- <sup>16</sup> Investigation of charges against Dr. Judd. Minutes, P.C., v. 5, p. 31. Two of these vessels are named in Ten Eyck's complaint.
- <sup>17</sup> *Civil Code of the Hawaiian Islands*. (Honolulu, 1859) pp. 146-147.
- <sup>18</sup> *Official correspondence* . . . p. 20.
- <sup>19</sup> *Special Instructions to Hawaiian Consular Officers*. (Honolulu, 1877) pp. 1-2.
- <sup>20</sup> Dimond to Dole. Feb. 23, 1893, F.O. & Ex.; FOLB, 73, p. 243½, Mar. 6, 1893.
- <sup>21</sup> *Regulations for the Consular Service of the Republic of Hawaii*. (Honolulu, 1895)
- <sup>22</sup> FOLB, v. 78, p. 572. July 1, 1897.
- <sup>23</sup> Hatch to Cooper, July 10, 1897, F.O. & Ex. Senator Frye was William Pierce Frye, Senator from Maine and chairman of the Committee on Commerce. He was an advocate of annexation, but was also interested in a strong American merchant marine.
- <sup>24</sup> *Reports of the Supreme Court of the Hawaiian Islands*. (Honolulu, 1899) v. 11, 169.
- <sup>25</sup> op. cit. p. 178.
- <sup>26</sup> For some unexplained reason, the *China* was granted American register on March 14, 1898. The certificate of register in the records of the Collector General of Customs, AH, has the notation, "Cancelled by American register, March 15, 1898."

- <sup>27</sup> *Session Laws of 1898*. (Honolulu, 1898) Act 32.
- <sup>28</sup> Also frequently spelled *Wilscott*.
- <sup>29</sup> Information on this last registration battle has been compiled from correspondence between the Minister of Foreign Affairs, the consuls in San Francisco and Seattle, and the Collector General of Customs, all in AH; Law Cases 4154, 4219, 4272, 4273, 4292, 4296 and 4313, First Circuit Court; and *Supreme Court Reports*, v. 11, pp. 581-586 and v. 12, pp. 5-7, 66-75.
- <sup>30</sup> FOLB, v. 82, pp. 172-174.
- <sup>31</sup> Register of Vessels, v. 5, Records of the Collector General of Customs, AH.
- <sup>32</sup> *Report of the Hawaiian Commission*. Washington, D. C., 1898. p. 42.
- <sup>33</sup> U.S. Congress. House, 56th Cong. HR 2972 and Report No. 305, Feb. 12, 1900, p. 25.
- <sup>34</sup> 31 *U.S. Statutes* 141.
- <sup>35</sup> 31 *U.S. Statutes* 682.
- <sup>36</sup> 31 *U.S. Statutes* 1087; 32 *U.S. Statutes* 35.