

but no other man would have the same influence, nor meet with the same obedience.

(To be Continued.)

TO THE EDITOR OF THE POLYNESIAN:—

Sir,—Public attention has been called to the subject of Allegiance, which so far as concerns the meaning of the word, the duty, and the natural reasons which found the claim, I have endeavored to explain from books and from obvious deduction. We have also seen from the same sources, that all mankind, whether natives or domiciled persons, live under the obligation of obedience to some earthly Power, as under the force of an oath administered by the Almighty Ruler of the Universe.

The country of his birth claims the subject or the citizen, by ties of gratitude and affection—by the strong bonds of association and early prepossession. Archdean Paley asserts that "man is a bundle of habits;" and so we find it in reality. Persons and objects, manners and customs, scenes and scenery, diet and fashions, laws usages and customs, even climate, and peculiarities of thought, to which we become accustomed in early youth, cling to us with a tenacity that will yield to no efforts of mental discipline. Go where we may, these still follow, disparaging, in our estimation, whatever in the customs, laws, manners and usages, of other nations, appear in the least to conflict with that *summa ratio* which forms our own peculiar standard. We resist the least deviation, as an impropriety—the result of ignorance! and seek, wherever we go, to engraft, what early intuition has taught us to be the one only proper course of action.

History proclaims these dogmæ of the mind to have been productive of Revolutions in the internal policy of different nations, into which emigration has sown the seeds of innovation and political discord. Talent, and Ambition, are no less migratory than mere Industry, Enterprize, and quiet Subserviency; and where the talented and ambitious go, they use, for the purposes of faction and discontent, the simply industrious, enterprising, and quietly subservient, who only perceive the dissonance between laws and usages of their native country, and those of their domiciliation. To guard against this, if for no other purpose, all nations, and particularly the weak, find it equally safe and expedient, to insist upon the doctrine of the *non extra territorial* force of Municipal Laws, and the omnipotence of local sovereignty; which two doctrines enable each nation, without the fear of foreign interference, to curb within its own territories the rebellious emigrants from other nations.

Chancellor Kent, writing of exclusive sovereignty, says, 1 Vol., 21: "Nations are equal in respect to each other, and entitled to claim equal consideration for their rights, whatever may be their relative dimensions, or strength, or however greatly they may differ in government, religion, or manners. This perfect equality, and entire independence of all distinct states, is a fundamental principle of public law. It is a necessary consequence of this equality, that each nation has a right to govern itself as it may think proper, and no one nation is entitled to dictate a form of government, or religion, or course of internal policy, to another. No state is entitled to take cognizance or notice of the domestic administration of another state; or of what passes within it as between the government and its own subjects."

Vattel, discoursing of the same subject, says, B. 2, C. 4, § 54: "It is a manifest consequence of the liberty and independence of nations, that all have a right to be governed as they think proper, and that none have the least authority to interfere in the government of another state. Of all the rights that can belong to a nation, sovereignty is, doubtless, the most precious, and that which others ought the most scrupulously to respect, if they would not do it an injury."

Boullenois says, *Prince Gen.*, 6; p. 4, "De droit étroit, toutes les lois, que fait un souverain, n'ont force et autorité que dans l'étendue de sa domination." Of strict right,

all the laws made by a sovereign, have no force or authority, except within the limits of his domains.

Rodenburg says, *de stat.*, Ch. 3, § 1, p. 7: "No sovereign has the right to give the law beyond his own dominions; and if he attempts it, he may be lawfully refused obedience; for wherever the foundation of laws fails, there their force and jurisdiction fail also."

Joseph Story, L. L. D., Dane Professor of Law in Harvard University, and senior Associate Judge of the Supreme Court of the United States, at Washington, in his Commentary on the Conflict of Laws, at page 21, says; "No state or nation can, by its laws, directly affect, or bind property out of its own territory, or bind persons not resident therein, whether they are natural born subjects, or others; for it would be wholly incompatible with the equality and exclusiveness of the sovereignty of all nations, that any one nation should be at liberty to regulate either persons or things not within its own country. It would be equivalent to a declaration, that the sovereignty over a territory was never exclusive in any nation, but only concurrent with that of all nations; that each could legislate for all, and none for itself; and that all might establish rules, which none were bound to obey. The absurd result of such a state of things need not be dwelt upon."

Mr. Chief Justice Parker, in the case of *Blanchard vs. Russell*, 13 *Mass. Rep.*, 4; recognized this doctrine in the following words: "That the laws of any state cannot by any inherent authority, be entitled to respect extra territorially, or beyond the jurisdiction of the state that enacts them, is the necessary result of the independence of distinct sovereignties."

The same doctrine is reasoned out with great ability, in the opinion of Mr. Chief Justice Taney, in the case of the *Bank of Augusta, vs. Earle*: 13 *Peters' R.*, 584 to 591.

And for further confirmation of the universally admitted doctrine that one independent nation is not bound to take notice of the laws, doctrines and notions, of another state, either in regard to its own subjects, or in regard to the subjects of that other state resident abroad, I would refer for the sake of brevity, to *Grotius de jure belli et pacis*, B. 1, C. 3, § 8. *Rutherford's Institutes*, B. 2, C. 9. *Story de Conflictu Legem*, p. 7, § 7, and pages 21, 24, 95, 232, where this is established beyond all possibility of cavil.

Since then, the doctrine is undisputed that each nation has exclusive sovereignty within its own dominions, and that the laws, and and peculiar doctrines, of no nation have any force abroad, it follows that when a subject or citizen, leaves his native country, he leaves behind him his native laws and doctrines, because he not only cannot take them with him, but if he could, they would have no binding force in the country to which he goes.

This necessarily shows the doctrine, no man can renounce his country—*nemo potest exuere patriam*—which is not a British doctrine, but one of much greater antiquity, and recognized alike by all nations, to be purely an aphorism not connected with practice, and if carried out, subversive of all sovereignty, an obstacle to commerce, and utter bar to all friendly intercourse. Nations would not be bound to suffer the ingress of foreigners, if they could not control and punish them. Small dominions, unable to throw off an excess of population, would become clogged, and famine and civil war, would be the inevitable result.

Vattel contends strongly for the impracticability of this doctrine, and that it is a mere sentiment, not a practical law, while he clearly affirms the country of one's domiciliation to be that to which he owes the most special allegiance: And Mr. Justice Story, in concluding a learned review of this doctrine, says:—"When, therefore, we speak of the right of a state to bind its own native subjects every where, we speak only of its own claim and exercise of sovereignty over them, when they return within its own territorial jurisdiction, and not of its right to compel or require obedience to such laws, on the part of other na-

tions, within their own territorial sovereignty. On the contrary, every nation has an exclusive right to regulate persons and things, within its own territory, according to its own sovereign will, and public polity."—*De Conflictu Legem* 23.

But, nations have true philoprogenitiveness; they love their offspring, and would fain protect them, even extra-territorially, by the presence of diplomatic, and consular agents, which, in the course of these numbers, will oblige me to glance slightly, at the nature and extent, of the powers delegated to those agents.

LIGAMEN.

Honolulu, 5th August, 1844.

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HONOLULU, SATURDAY, AUGUST 10, 1844.

The 31st of July.

THE FESTIVITIES OF THE 31ST AND THE THREE FOLLOWING DAYS—THE ANNIVERSARY OF THE RESTORATION OF THE HAWAIIAN FLAG BY ADMIRAL THOMAS.

The morning of the 31st. was ushered in by a salute of 21 guns from the battery on Punch-bowl hill. At 10 o'clock, His Majesty, accompanied by the Queen, the Premier, the members of his Privy Council, the Governors of Oahu, Maui, and Kauai and the officers of his Government generally, under military escort, proceeded to the Stone Church, where the temperance festival was to be held. The church was tastefully decorated with evergreens, and numerous banners, bearing pictures and mottoes significant of the cause in which they were raised. The massive walls re-echoed the marshal strains of the band, as the Royal party proceeded up the aisles to a platform in front of the pulpit, on which seats had been arranged for the high dignitaries. The troops filed into the church and occupied the slips, and the people generally followed after, so that the church was filled to overflowing.—Rev. Mr. Bishop opened the meeting by a short address. His Majesty then rose, and gave a very spirited and pertinent speech, which was listened to with great attention. He was followed by her Royal Highness the Premier, and by the Hon. Secretary of State G. P. Judd, His Excellency, Gov. Kekuanaoa, and the Rev. Mr. Armstrong, with music in the intervals. The procession then returned to Mauna Kilika in the same order that it had left. The ships in the harbor displayed their flags in honor of the day: the U. S. Ship Warren wore the Hawaiian flag at her fore, and at noon her commander courteously fired a salute of 21 guns.

At 3 o'clock P. M., the large new house erected at Beretania for the occasion, was filled by the guests invited to the Royal feast. The house was prettily though simply decorated. Three tables, each prepared for 86 persons, ran nearly its whole length. At the upper end was the table of His Majesty, arranged transversely to the others. The coup d'oeil of the whole, with their bright array of glasses, was pleasing; and the effect was much more gratifying when the whole company was assembled. About 100 of the foreign residents, among whom was a very handsome representation of their ladies, and the officers of the U. S. Ship Warren were present. Of the Hawaiians, 200 were present; the ladies were dressed in white, the gentlemen in full dress and the officers in uniform. Shortly before 4 o'clock, their Majesties, the King and Queen, Her Royal Highness, the Premier, and the members of the Privy Council, and the other high officers of the kingdom arrived, attended by the same military escort as in the morning. As soon as His Majesty was seated, the company took their seats according to the directions of the Master of Ceremonies for the occasion. On the right of His Majesty was the Premier and Mrs. G. P. Judd; on the left the Governess of Kauai. Opposite him sat the Queen, with Mr. Dudoit, Consul of France, and Wm. Hooper, Esq. American Consul, on her right. On her left, were R. C. Wyllie, Esq., H. B. M.'s Pro-Consul, and Capt. Hull of the U. S. Ship Warren. The

Hon. G. P. Judd occupied one end of the table, with the ladies of the American and French Consuls on either side of him; at the other end was H. M.'s Attorney General, J. Ricord, Esq., with the ladies of Gov. Young and Wm. Paty, Esq. The other guests at his Majesty's table, consisted of the High Chiefs, members of his Council, Executive Officers, J. F. B. Marshall and George Pelly, Esqs., representing the American and British residents. At the head of the middle table, was Gov. Kekuanaoa, the young chiefs being immediately next to him, and then the American Missionaries and their families, and the invited foreign guests.—The left hand table, at the head of which was A. Paki, was occupied by Hawaiian subjects; the one on the right hand—Gov. Young being at the head—by the Roman Catholic clergy, foreign guests and subjects indiscriminately.

The following regular toasts were given and drank standing.

1. *By the Premier.*—"His Majesty, Kamehameha III, King of the Hawaiian Islands."—"God save the King," by the band—and 21 guns from Punch-bowl.

The three following, by the Hon. G. P. Judd—H. H. M.'s Secretary of State.

2. "His most Christian Majesty, Louis Philippe, King of the French."—Music and 21 guns.

3. "Her most Gracious Majesty, Victoria, Queen of Great Britain and Ireland."—"God save the Queen"—and 21 guns.

4. "The President of the United States."—Hail Columbia—and 21 guns.

5. "Her Royal Highness, the Premier."—Grand March.

6. *By the Atty. Gen.*—"Her Majesty, Kalama, Queen of the Hawaiian Islands."

After which, Gov. KEKUANAOA propose—"The Health of Admiral Thomas,"—which was enthusiastically received, and to which H. B. M.'s Pro-Consul, R. C. WYLLIE, Esq.—in behalf of the gallant admiral, replied as nearly as we can remember, in the following terms:—

"In the absence of the British Consul General, and of any one else to speak for Admiral Thomas, it may not be out of place for me to state, that it will be highly pleasing to him, to know that he has not been forgotten on this occasion. I will take care to communicate to him that he has not been forgotten."

The Act of Restoration, commemorated on this day, will associate his name indelibly with the history of this young nation, in which, I can assure you, the Admiral takes the most lively interest.

It was a source of great gratification to him, after performing that act, to find that he had judged correctly of the just and liberal views of H. B. M.'s Government towards these Islands.

And I may add, that her Majesty, the Queen of England, and her government, only desire the prosperity and happiness of the Hawaiian people under the dynasty of King Kamehameha III., and his successors to the crown."

His Majesty left the tables between six and seven, and the company then broke up.—This feast and the succeeding ones were conducted entirely on temperance principles, no wines of any kind being used.—Much credit is due to F. W. Thompson, our worthy host of the Mansion House, who provided the dinners—for the punctuality, and good order, observed in all the arrangements, and we may add, for the merit of the cookery likewise.

SECOND DAY OF THE FESTIVAL, AUGUST 1ST.

Thursday morning, Aug. 1st, at 10 o'clock A. M.—a procession was formed of all the juvenile members of temperance societies to the number of one thousand eight hundred of all ages and both sexes. They were well dressed, and divided into companies bearing appropriate banners, marching in couples to the fort, where they were joined by Their Majesties, the King and Queen, Her Royal Highness the Premier, and the chief nobles and officers of the court and kingdom. Attended by the military, they marched to the stone church, which was crowded to excess, inside and out; doors, windows and every available space being occupied by the eager multitude; and a more pleasing sight than so many happy children, (with their gratified parents) zealous in the noble cause of temperance, and sustained both by the precept and example of the highest magnates of their country, was never witnessed at these Islands. The King and Premier both addressed the audience, and their remarks were received with fixed attention. It was remarked that his Majesty spoke with much spirit and feeling and with a very happy