

rights of citizenship are guaranteed to natives by the fundamental constitution, and where laws are by the Constitution forbidden to be past, expatriating the citizen, no native can be expelled the country, or outlawed from its protection. In monarchies, like those of Great Britain and France, the native subject cannot, so long as he continues loyal to the sovereign, and obedient to the laws, be expatriated or outlawed: but, when the political safety of the state requires it, such nations can reject from their bosoms the ingrate and the traitor; and may, by attainder, even disfranchise him and his issue. Such monarchies may, in like manner, outlaw and proscribe the disobedient; or, for the commission of crimes, transport to foreign imprisonment for life or a less term. Yet even then it depends upon the nature and avowed extent of the banishment, whether after all, the expatriated subject, will not still be an Englishman or a Frenchman, after he is banished: (i. e.) whether he will not still come within the sentiment—"no man can throw off his country." If caught in arms against his native country, the fact of ordinary expatriation, will not excuse him from punishment, as a traitor. If the exile be fixed, as at Van-Dieman's Land, or any other convict colony, the excluded subject is still, in contemplation of law, in his own country;—not in the parent Isle, but in one of its branches or out-door apartments. Great Britain can by act of Parliament, entirely alienate the subject, with his consent, so that he might even take up arms afterwards against her. This has been decided—but the United States cannot disavow its native citizens, even by act of Congress; although, there have not been wanting jurists of eminence, who have reasoned cogently to the contrary. The constitution of that country, guarantees to its natives inalienably, all the rights privileges and immunities of citizens. The question has never distinctly come before any competent court of Judicature in the United States,—whether the consent of the citizen, with the concurrence of Congress, would work a total alienation; but, the general opinion is it would not. This however, must be understood to be the converse of the rule,—“no man can throw off his allegiance,” or, no nation can throw off its subjects, except in accordance with the law of the land. Where constitutions forbid the passage of such laws, there can be none; and in countries where laws can be passed to that effect, they are intended as punishments not as favors. To free the subject from allegiance by way of punishment, would rob the vindicatory statute of half its penalty, by placing it in the subjects power, to levy war against his native country.

This is abstractly a view of the relationship subsisting between the native country and the subject, as Vattel clearly demonstrates, and has nothing to do with the obligations to allegiance which that citizen or subject may come voluntarily under, to other nations. A man may swear allegiance to several nations successively, and will owe it to them all; while at the same time, his native country, not having disfranchised him, he can enjoy without condition, all the rights which the accident of birth at first bestowed. This is daily exemplified in the practice of all nations.—Commodore Porter, after swearing allegiance to Mexico and renouncing his allegiance to the United States, returned to his native country, and without the least question was appointed *Consul General* to Constantinople. Henry Eckford, after swearing allegiance to the Sublime Porte, and renouncing that to the United States; purchased and held land in the United States,—things which no alien can do in that country; and while he yet resided in Constantinople, petitioned and received compensation from Congress for past services. In Great Britain, the Statute 14 and 15 Henry 8. c. 4 enacts—“that if an English subject go beyond the seas, and there become a sworn subject to a foreign prince or state, he shall, while abroad, pay such impositions as other aliens do.” It has also been decided in England,

steering between the sentiment and the reality of this doctrine, that “the practice of naturalizing foreigners is not peculiar to the English constitution; and though the stranger thus adopted, becomes a subject of the state that welcomes him, yet he does not release himself from his natural allegiance to the government under which he was born.”—1 Bos and Pull 443 Bac. Abrieg. “Alien,” a—1 Woodeson 332.

An American citizen residing in a foreign country, may acquire the commercial privileges attached to his domicile, and by making himself the subject of a foreign power, he places himself out of the protection of the United States, while within the territory of the sovereign to whom he has sworn allegiance.”—2 Cranch’s Rep. 64, Sup. Court, U. S. 1804.

“The national character of a person is to be decided by his domicile.”—2 Gall Rep. 263, c. c. Mass. 1314.

“A citizen of the United States, domiciled in the enemies country, not only in respect to his property, but also as to his capacity to sue, is deemed as much an alien as a person actually born under the allegiance, and residing within the dominions of the hostile nation.”—2 Gall. Rep. 135, C. C. New Hampshire 1314. LIGAMEN.

Honolulu, 12th August, 1844.

THE POLYNESIAN.

OFFICIAL JOURNAL OF THE HAWAIIAN GOVERNMENT.

HONOLULU, SATURDAY, AUGUST 17, 1844.

Our columns in our last were so crowded, that we had not sufficient room for all the remarks which the celebration naturally gave rise to. At this hour other matters of interest are on hand; indeed we are so pressed for space, that we must beg the indulgence of our correspondents for any seeming delay in the publication of their contributions. But we cannot take leave of the festivities of the week of the 31st, without expressing our commendation of the good order and sobriety that prevailed. It was strictly a Temperance festival, and the results proved that wine at large entertainments is not necessary to give life and enjoyment to the guests. Throughout the whole, the utmost good-humor and vivacity were manifested. Among the thousands of the populace who made this period a season of merry-making, it would be a matter of astonishment, if intemperance to some degree had not prevailed, particularly when the temptations are so numerous as in this town. In what population on the globe should we not have found it; but here with all our inquiries we have learned of but a few cases, and those partly foreigners. This fact speaks loudly in favor of the influence of the King and his officers. A disposition to revive obsolete and idolatrous practices still obtains among certain classes of the indigenous population, and occasions like the past, have a tendency to call them forth. The generation of heathen not having as yet passed off the stage of existence, this is to be expected, but the instances of such conduct are rare, and excite the contempt and ridicule of the better informed. A few individuals came the last week to make offerings to His Majesty according to the old custom of the land. Upon arriving at the fort, and coming before the Governor, they assumed to be different characters celebrated either in their past history or mythology. One claimed to be Pele; another said he was Kamehameha I. “How is that,” said the Governor, “Kamehameha I, was a large man and you are a little fellow, you are a liar; guards put him in irons.” Their claims to preternatural powers, being submitted to such a scrutiny, they made off with themselves.

By the recent arrival from Tahiti we have intelligence of a months later date. On the last of June another battle was fought at Point Venus, or more properly a bush-skirmish, but the results to either party we have yet to learn. A Mr. McKeen, an English missionary was killed by a random shot from

one of the parties, but whether he came by his death accidentally or not, we have not been able to ascertain. The Tahitians had approached nearer the town, but no decisive attack had been made. Great fears were entertained of their firing the town; a Roman Catholic mission house had been already consumed. The English war steamer still lay in the harbor of Papeite, and the Ketch Basilisk had left it was reported for this place. H. B. M. frigate Carysfort,—Lord George Paulet commander, arrived the second week of July, and saluted the French Admiral’s flag. She brought intelligence of the recall of Admiral Du petit Thouars and the retrocession to the Protectorate. Queen Pomare had embarked on board the Carysfort for Raiatea; thence it is said the frigate comes to this port—The English missionaries, it is said are preparing to leave, either for Sydney or the coast. All business is at a stand, and affairs generally in a most deplorable condition. S. Blackler, Esq., U. S. Consul was about leaving for the United States.

The Right Hon. Lord George Paulet,—the individual who has made himself so conspicuous in the annals of these islands, and whose name will endure in connexion with them while they continue to lift their heads above the waves, arrived at this port on the morning of the 16th. We have not learned as yet the occasion of this visit, but presume the Right Honorable Lord will feel gratified in witnessing for himself, the prosperity of the country and its rapid advance since his departure.

H. B. M. frigate Carysfort exchanged salutes with the batteries a few hours after her arrival.

SHIPPING INTELLIGENCE FOR THE PORT OF HONOLULU.



1844.

ARRIVED.

Aug. 10—Am. wh. brg. Vermont, Nash, Mystic 8 1-2 months; 850 bbls. whale oil. On the 10th ult. left the whaling ground on account of 2 men—Jas. Cole, 2nd officer, and William Crawford, seaman,—who were seriously injured by their boat being stove by a whale. Crawford had both legs and an arm broken. Spoke—Am. whale-ships John Jay, of Sag Harbor, 4100 bbls; Richmond, of Coldspring, 1400. Aug. 11—Am. brig Lafayette, Winchester, 36 hours from Hilo. Aug. 11—Eng. brig Nimrod, Mayhew, 20 days from Tahiti. Aug. 16—H. B. M. ship Carysfort, Lord George Paulet; from the Society Islands. Aug. 16—Br. sch. Mary, Shannon, acting captain, from Canton, June 14—via Maui; left Lahaina Aug. 15th. Capt. Molbye, master of the sch. died at sea Aug. 9.

S A I L E D.

Aug. 10—Swedish brig Bull, Wurngren, Manila and China. Aug. 12—Am. whale-ship Nimrod, Sherman; for New Bedford. Aug. 15—Am. whale-barque Vermont, Nash; to cruise.

PORT OF LAHAINA—MAUI.

ARRIVED—BOUND HOME.

Aug. 9—Ship Black Warrior, Sisson, N. London 21 months; 340 sperm, 1250 whale, 10,000 lbs. bone. Aug. 11—Ship Archer, F. Rickettson, New Bedford 36 months; 1400 sp., 1000 wh., 10,000 lbs. bone. Aug. 13—Ship Thomas Williams, Manwarring, Stonington.

ADVERTISEMENTS

C. BREWER & CO., GENERAL COMMISSION MERCHANTS, Honolulu, Oahu, H. I.

CHARLES BREWER, JAMES F. B. MARSHALL, FRANCIS JOHNSON.

N. B.—Wanted—BILLS ON THE UNITED STATES, ENGLAND, &c. for which money will be advanced, on the most favorable terms. Aug 17.

For Sale, THE HOUSE and premises owned and formerly occupied by A. H. Fayerweather.—For further particulars, enquire of EDWARD C. WEBSTER. Aug. 10.

Fire-Wood. 100 CORDS of fire-wood, for sale by C. BREWER & CO. Aug. 15.

Chronometer. A GOOD Chronometer for sale, apply to C. BREWER & CO. Aug. 16.

Oars. 6000 FEET Whalemens Oars, for sale by C. BREWER & CO. Aug. 17.

AUCTION ! !

WILL be sold at public auction on Thursday next, (Aug. 22.) at 10 o'clock A. M. at the store of C. Brewer & Co., the following articles, viz:—

- 2 qr cask, Sic. Ma. wine, of superior quality,
 - 60 Boxes of Dutch Claret wine.
 - 50 doz. Ale,
 - 2 New Dory Boats,
 - 3 Boxes Swain's Panacea,
 - 1 bale Imitation Russia Sheetting,
 - 1 case Marseilles Quilts,
 - 1 box Castile Soap,
 - 3000 feet of American Oak Plank,
 - 2000 " " " Boards,
 - 2 cases Long Cloth,
 - 1 Stout Horse Cart, (new.)
 - 1 Harness for the same,
 - 1000 Pine Slats for fences,
 - 2 Ox Yokes with Bows.
- Aug. 17. WM. PATY, Auctioneer.

NOTICE.

TO THE CREDITORS ON MR. F. J. GREENWAY'S ESTATE.—Mr. FRENCH, wishing to make the security of the books and papers compatible with the utmost possible convenience to the Creditors, under the trust and responsibility of their safe custody confided to him by their Resolutions of the 3d instant, begs to establish the following

R U L E S .

1. The hours when Creditors can have access to the Reports, Books, &c., are from 11 A. M. to 1 P. M., of every lawful day.
2. Every Creditor desiring reference to the Reports, Books, &c., shall give a day's previous notice in writing.
3. Every Creditor shall receive what Books and Papers he may wish to refer to through Mr. JAMES AUSTIN, who will be present during the examination, and to whom every Creditor must return the documents he examines, before he departs.
4. Every Creditor is requested to replace the Papers in their respective envelopes and packets, as left by the Committee of Enquiry, that no confusion may arise to the prejudice of other Creditors wishing to examine.
5. No Creditor will be allowed, upon any pretext whatever, to take any Book, Report, Paper or Document, out of the room where they are kept.
6. No Creditor shall have the use of any one Book, Document or Paper, when another Creditor wishes to consult it, except on alternate hours.
7. Every Creditor shall sign his name in a book which Mr. Austin will present, with the date of his attendance, that if any Book or Document should be abstracted, contrary to these Rules, there may be some clue to the party.

(Signed) WILLIAM FRENCH, JULES DUDOIT, (Chairman.)

Honolulu, August 5, 1844.

In Chancery.

JULES DUDOIT vs. HENRY S. SWINTON.

THE above named complainant, JULES DUDOIT, having presented a sworn petition praying for the foreclosure of a mortgage given to him by the above named defendant, upon the property in Honolulu called the "WORLD END," and upon other property situated in Nuuanu Valley, set forth in his petition. All persons interested are hereby notified to appear before me, at the Fort of Honolulu, on the 20th day of Aug. inst., at 10 o'clock, A. M., and show cause, if any they have, why a decree of foreclosure should not be made, and the property mortgaged sold for the benefit of said Jules Dudoit.

Three copies of this notice are ordered to be posted in different parts of Honolulu, and two insertions of the same in the Polynesian newspaper,—for the benefit of all concerned.

Given under my hand at Chambers, this 7th day of August, 1844.

Aug. 10. M. KEKUANAOA.

Ma ka Oihana hooponopono Kanawai. JULES DUDOIT kua ia HENRY SWINTON.

NO KA MEA, ua hoopii mai ka mea hoopii a hoohiki no hoi, e noi ana mai no ka hoomalua ana o ka waiwai ma Honolulu, ua kapaia o "WORLD END," a o kekahi waiwai ma Nuuanu, e like me kana palapala hoopii, nolaila lohe oukou e na mea a pau, e hoakaka mai imua o ko'u alo ma ka Papu o Honolulu, ma ka la 20 o Augate nei, hora 10, o Kakahiaka, ina he kumu ko oukou, e hoolele ai ka olelo e lilo mai ai, a e kukala ia i no hoi ua waiwai la e pono ai o JULES DUDOIT.

E kaula i ekolu palapala e like me keia ma ke Kulanakauhale o Honolulu, a elua pai ana ma ka Polynesian neupepa, i lohe na mea a pau.

Kaula ko'u lima, ma ko'u Hale, i keia la 7 o Augate, 1844. (Signed) M. KEKUANAOA.

Sheriff's Sale.

NOTICE is hereby given, that on FRIDAY, the 23d inst., at 10 o'clock, A. M., will be sold at Public Auction, to the highest bidder, the following articles, viz:—

- 2 Carpenter's Work Benches;
- 7 do. Wooden Horses;
- 1 Table; and several parts of a Bureau;
- A lot of Carpenter's Tools;

Levied upon by virtue of an execution issued by the Inferior Court of Honolulu, to meet the payment of judgment given by said Court, against WILLIAM CONNOR, with interest and costs.

Sale to take place on the premises of the said William Connor. R. BOYD, High Sheriff. Honolulu, Aug. 9th, 1844.

For Boston.

THE coppered and copper-fastened Brig GLOBE, J. DOANE, will load for the above port. She is well calculated for carrying Oil. For freight or passage, having good accommodations, apply to the master, on board, or to LADD & CO. Aug. 10.

Notice.

ALL PERSONS are hereby cautioned against trusting any of the crew of the British ship Wm. Ackers, as no debts of their contracting will be paid by the master or consignees. Honolulu, Aug. 12, 1844. tf