

BY AUTHORITY.

becomes necessary to lay before the public a notice of the circumstances which have induced Captain JAMES ARMSTRONG, commanding in chief the Naval Forces of the United States in the Pacific, not to salute the Hawaiian Flag, during his recent visit to these Islands. The public here should not judge of the motives of this anomalous proceeding by the rumors propagated *ex parte*, to the prejudice of His Majesty's Government, without waiting until the arrival of the sixty gun frigate. Some time previous to the arrival of the U. S. Frigate Savannah, Mr. Brown claimed certain privileges for a citizen of the United States, upon the erroneous supposition that like privileges had been accorded to British subjects under the 3d Article of the Treaty of Lahaina. This led to a bulky correspondence, in which the allusions and language employed by the American Commissioner were so offensive to His Majesty, that he caused the whole correspondence, and all the records in the case, to be transmitted to His Excellency the President of the United States:—at the same time His Majesty addressed a letter to His Excellency on the same subject, and the U. S. Commissioner, and for reasons assigned, requested his recall. His Majesty, in thus assuming the discussion in person, as the head of one nation with the head of another, ordered the Secretary of State to desist from all correspondence with Mr. Brown, on the subject of John Wiley and all matters connected therewith, until the views of the President be known. The American Commissioner, not content to await the decision of the President of the United States, availing himself of the accidental arrival of a large Frigate, induced the commander not to pay the tribute of national respect, and demanded an audience of His Majesty, with a view, if we may be allowed to judge from the correspondence, of a renewal of the subject, by making certain statements and explanations.

Whether the Commander in Chief will be justified in his Government in this public demonstration of national discourtesy towards a Government recognized by the President and Congress of the United States and guaranteed in its political existence, is not to be known. It seems to this Government, though physically weak, that it has conventional rights that are not thus lightly to be set at naught. It is discretionary with a naval Commander in Chief to pay the customary courtesy when there is only a simple, and very usual question pending between the two nations, which has been courteously referred to his sovereign in the most amicable terms of conciliation? If the case had been much more serious, even if all intercourse had been refused with the American Commissioner, it is then by the Law of Nations only lawful for him to withhold such courtesy after a formal declaration of war—which in his country can only be done by Congress. In the presence of an accredited diplomatic agent of the Government, a naval commander is in no country allowed to judge of the merits of an inchoate diplomatic dispute between two sovereign powers. He is bound by the Law of Nations to take no notice of it, but simply perform his accustomed duties, as if no such dispute existed.

With these political views this Government causes that portion of the correspondence which relates to the exchange of national salutes to be printed and sent simultaneously to the Government of the United States, to Her Britannic Majesty's Government, and to the Government of His Most Christian Majesty the King of the French, hoping that it may, in connection with other points already referred to, more clearly develop the political rights, which they have conjointly guaranteed to His Hawaiian Majesty. This Government, if treated with the courtesy to which it is entitled by the Law of Nations, and suffered in peace to manage its own affairs, will henceforth evince to the world a capability of conducting with discrimination and energy its relations with foreign nations.

UNITED STATES COMMISSION, }  
Honolulu, September 26, 1844. }

Sir,—Your communication of the 23d September, enclosing a letter to the President of the United States from His Hawaiian Majesty, and other documents, has been received, and they have been forwarded as requested.

I have thrice demanded an interview with His Majesty, and now, again, demand the same upon the following grounds, that I think by the tone of His Majesty's letter to the President, that misrepresentations have been made to him. By turning to "Elliot's Code;" 2d vol.; chap. 1, "of the rights of Embassy," § 24, you will see it there stated that, "there is one other occasion when a minister has the right to present an address if he thinks that that minister of the government who holds diplomatic intercourse with him, is actuated by an unfriendly disposition, and manifests it by unfair and improper treatment, he may demand an audience and make his appeal to the head of the government."

I think, Sir, I have received unfair and improper treatment from you, and now again

demand an immediate audience of His Majesty to lay before him the facts in the case. I shall be accompanied by the interpreters of the Commission, and shall avail myself of the opportunity to introduce to His Majesty Captain James Armstrong, Commander in chief of the Naval Forces of the United States in the Pacific Ocean.

I have the honor to be, Sir,  
Your Obt. Serv't,  
(Signed,) GEO. BROWN.  
G. P. JUDD, Esquire,  
Sec'y of State for Foreign  
Affairs, Honolulu. }

OFFICE OF SECRETARY OF STATE }  
FOR FOREIGN AFFAIRS, }  
Honolulu, Sept. 26, 1844. }

Sir,—I have just received your note of this day's date, and before proceeding to lay it before His Majesty I shall be happy to be informed whether it is the intention of Captain Armstrong to salute the Hawaiian flag, and pay the customary visit to the Foreign Office. I make these enquiries from the circumstance that His Majesty very recently refused to admit Lord George Paulet to an interview on his declining to pay the latter courtesy, and not from any doubt in the mind of this department, as to the sentiments of respect entertained by Captain Armstrong towards His Hawaiian Majesty, and the officers of His Government.

I have the honor to be,  
Sir, your obt' servant,  
(Signed) G. P. JUDD.  
GEORGE BROWN, Esquire,  
U. S. Commissioner, &c., &c.

UNITED STATES COMMISSION, }  
September 26, 1844. }

Sir,—In reply to your note of this day, just received, I have to say, that I know of nothing in the Hawaiian Laws or the Code of Etiquette promulgated by His Hawaiian Majesty, making it imperative upon the commander of a foreign man-of-war, to call at the Foreign Office. Neither am I aware that it is the custom in other nations to demand or require that a stranger should first call upon the Secretary of State for Foreign Affairs, before being introduced by the Diplomatic Agent of his native country to the sovereign of the country he may visit.

If His Hawaiian Majesty has a Lord High Chamberlain it will afford me much pleasure to call upon him with Captain Armstrong, previous to an interview with His Majesty.

The salute of the Hawaiian Flag will depend upon the result of the interview with His Majesty.

I have the honor to be,  
Sir, your obt' servant,  
(Signed) GEO. BROWN.  
G. P. JUDD, Esquire,  
Sec'y of State for Foreign  
Affairs, Honolulu. }

OFFICE OF SECRETARY OF STATE }  
FOR FOREIGN AFFAIRS }  
Honolulu, Sept. 27th, 1844. }

Sir,—I have this morning taken the earliest opportunity of submitting to His Majesty the two communications which you did me the honor yesterday to address to me.—His Majesty has considered your demand for an interview with him at which you claim the right to introduce Captain James Armstrong, Commander in Chief of the United States' Naval Forces in the Pacific Ocean.

His Majesty has also taken into consideration, that Capt. Armstrong has now lain within the maritime jurisdiction of the Hawaiian Islands for two entire days without paying the customary tribute of national respect due to a nation recognised to be sovereign and independent by an act of the American Congress, as is presumed, without being clearly justified by the customary orders of the U. S. Naval Department. And in view of all these facts, His Majesty has directed me to reply to your two official notes, that the object for which you propose the royal audience being predicated upon a subject which His Majesty has already referred personally with all the documents connected with it, to His Excellency, the President of the United States, as from the Chief Magistrate of one nation to the Chief Magistrate of another, it would now be alike discourteous towards His Excellency, the President, if His Majesty consented to hold official intercourse with you pending that reference, as it would be on your part to seek to overstep the temporary interdict which His Majesty has placed upon that subject until the pleasure of the President is made known to this Government.

The 24th section of the 2d volume of Elliot's code, at page 376, extracted from a forensic speech of the Hon. J. Forsyth, to which you have referred as authority, is not in His Majesty's opinion, applicable to the case about which you demand an audience.

That remark of Mr. Forsyth refers to disagreements actually in existence between the diplomatic organ of a Government and a Minister resident at the Court of that Government, when some negotiation is still actually pending, that by reason of the personal dislike or animosity of the Diplomatic Government Organ cannot be fairly and peaceably conducted. It does not refer to business that is already complete, and about which there can be no further intercourse between them, nor does it refer to business which has been assumed by the Monarch in person, as has been done in the case of Wiley, and its consequences, on which you propose to supply His Majesty with additional information. I am forbidden to discuss the merits of that case with you, and His Majesty has desired you to refrain from renewing that subject as he has in person entered upon its discussion with His Excellency, the President. I am also ordered to observe towards you the same courtesy which was observed before that case arose. I take this occasion to assure you of my distinguished consideration, and that I am not actuated by any unfriendly disposition towards you which need in the least to embarrass your future official intercourse with the Government through me, the courtesy of nations being observed by us both in that intercourse. Any causes of complaint therefore or explanatory remarks you may deem it proper to make on the subject of the recent case of Wiley, &c., ought properly to be addressed to his Excellency, the President, to whom His Majesty has appealed.

But His Majesty directs me to say to you that he will admit you to Royal audience for the purpose of laying before him any other matter not connected with nor growing out of the late case of John Wiley, to which last mentioned subject, its consequences and results His Majesty will expect you not to allude in his presence.

In regard to the introduction of Captain Armstrong who does not come accredited Diplomatically to this court, I beg leave to observe that His Majesty is not bound to allow him an audience except by courtesy, even after he shall have paid the customary tribute of respect due by the existing Law of Nations, to his flag and sovereignty.

If Captain Armstrong declines to accord the courtesies due to His Majesty's Government, His Majesty must decline the pleasure of a visit from him.

The right to receive or reject the personal visit of a Naval Commander is based upon the long established Law of Nations, to the benefits of which His Majesty is by act of Congress fully entitled. That code does not require His Majesty to give audience on demand to any but Diplomatic agents, accredited specially to him by their governments. Should His Majesty at any time do so it will be discretionary with him.

It requires no printed enactments to justify His Majesty's Government in this course, and in this view Lord George Paulet who was recently refused an audience simply because he declined to visit the Foreign Office, although he had saluted the flag, unhesitatingly acquiesced, as well as Her Britannic Majesty's Pro-Consul through whom Lord Paulet sought the favor of an introduction to His Majesty.

Whether or not the Commander in Chief of the United States Naval Forces in the Pacific Ocean deems it to be his duty to salute the Hawaiian Flag must depend upon himself, and is no further material to His Majesty's Government than as it will bear upon the report of this visit which I am ordered to make to the Government of the United States.

I have the honor to be,  
Sir, your obt' servant,  
G. P. JUDD.  
GEORGE BROWN, Esq.  
U. S. Commissioner, &c., &c.

UNITED STATES COMMISSION }  
Honolulu, September 28, 1844. }

Sir,—Your communication of the 27th instant has been received. You have been pleased to place an entirely incorrect construction upon my proposition, not "demand" to introduce Captain Armstrong to His Majesty. Captain Armstrong in his wish for an interview with His Majesty, I presume was governed solely by a desire to evince the personal respect he has for his Majesty. The opinion he entertains of His Majesty's Government as at present carried on can be judged of by the course he has seen fit to pursue, in withholding the courtesies usually shown to nations in amity with the United States.

The audience I last demanded of His Majesty, was not for the purpose of referring to "business that is already complete and about which there can be no further intercourse."

I had thrice demanded an interview with His Majesty on that business without success, and the blame will rest on those who have influenced His Majesty to refuse me that interview. The interview which I last

demanded of His Majesty was demanded on other grounds. While I remain in my present official situation, it must of course be my desire to stand well in the estimation of the head of the Government to which I am accredited. To judge by His Majesty's letter, this has been the case until very lately, and had there not been gross misrepresentations made to His Majesty, and had I not been sedulously kept from His Majesty's ear, I have every reason to believe such would be the case now.

I have been accused by His Majesty in his letter to the President, of having "called in question his right to appoint a legal adviser to his crown," and of having claimed "to exercise more than the rights guaranteed to the representatives of other nations resident in his dominions."

This I deny to be the case, and had His Majesty been truly informed of the facts, I have too good an opinion of His Majesty's love of truth and justice to believe he would have signed a letter embodying such unfounded statements.

I have thought it proper to make explanatory remarks to my own Government on His Majesty's letter, but I do not see why I should be deprived of the opportunity of vindicating my character with His Majesty.—Justice to me demands such a course, and if I am to be deprived of that privilege by being denied a personal interview with His Majesty, it will only place His Majesty's Government in a situation, if possible more undesirable before "the world" than their conduct hitherto has entitled them to hold.

I have the honor to be,  
Your obedient servant,  
GEO. BROWN.

G. P. JUDD, Esq.  
Sec'y of State for Foreign  
Affairs. }

OFFICE OF SECRETARY OF STATE }  
FOR FOREIGN AFFAIRS }  
Honolulu, 28th Sept., 1844. }

Sir,—Under the strict instructions I have received from His Majesty, in regard to the subject of your letter of this day, entering as it does upon the merits of His Majesty's letter to His Excellency the President of the United States, by denying some of the statements of His Majesty, I think it would not be proper for me to reply to it, and were I to place it on record it might be construed into a prolongation of the discussion, which I am positively forbidden by His Majesty to do.

I take the liberty of returning it on the above grounds, although I will not refuse to receive it should you think fit to return it after receiving this, with the understanding that I am not to reply.

I have the honor to be, Sir,  
Your Obt. Servant,  
(Signed) G. P. JUDD.  
GEORGE BROWN, Esquire,  
U. S. Commissioner, &c., &c. }

UNITED STATES COMMISSION, }  
Honolulu, 28th September, 1844. }

Sir,—The letter I addressed to you to day, and which you have returned, was written for my own justification, and to show my government that I had done all that laid in my power to obtain an opportunity of undeceiving His Majesty, though I had but little, if any hopes, that that opportunity would be granted.

In denying some of the statements of His Majesty, I intended not the slightest disrespect to him personally.

You say, if the letter is returned you will not refuse to receive it, I therefore return it and trust you will do me the justice to have it translated for His Majesty's perusal.

You, of course, will act your pleasure about replying to it.

I have the honor to be, Sir,  
Your Obt. Servant,  
(Signed,) GEO. BROWN.  
G. P. JUDD, Esquire,  
Sec'y of State, Honolulu. }

HER BRITANIC MAJESTY'S CONSULATE, }  
Honolulu, September 25th, 1844. }

Sir,—I have the honor to bring to your notice, for the information of merchants trading on the coast of Peru, that the Representatives of foreign nations, residing in Lima, have mutually agreed to relieve the commerce of neutrals from the restrictions imposed by the different parties contending for the supreme command in that republic.

I enclose copies of the two protocols that were agreed to on the 20th and 27th of June last, which I received this day from Her Britannic Majesty's Charge d'Affairs at Lima.

I have the honor to be,  
Sir, your obt' servant,  
ROBERT C. WYLLIE,  
Pro-Consul.

G. P. JUDD, Esquire,  
H. H. M. Secretary of  
State for Foreign Affairs &c., &c.