HAWAIIAN ISLANDS.

objected to by the Mexican Government, whereas Mr. Nordhoff, while in the Hawaiian Islands and under the jurisdiction of its courts, has written articles defamatory of this Government, which were published in the United States in a newspaper which is freely circulated in the Hawaiian Islands, and which articles have been republished here.

I beg to inform you that this Government will rigidly adhere to the rules of international law in respect of this matter as in all other matters, and in that view has referred to its law adviser's the question of Mr. Nordhoff's civil liability in the premises.

I have the honor to be Your Excellency's obedient servant,

SANFORD B. DOLE,
Minister of Foreign Affairs.

To His Excellency J. H. BLount,
Envoy Extraordinary and Minister Plenipotentiary of the United States at Honolulu.

[Inclosure 2 in No. 3.]
[From the Hawaiian Star, May 24, 1893.]

THE CUTTING PRECEDENT.

The Cutting case, which was cited by United States Minister Blount in behalf of Charles Nordhoff, is a well-remembered episode in the criminal practice of international law. Mr. Cutting was a citizen of the United States, who lived at Juarez, formerly Paso del Norte, on the Mexican side of the Rio Grande border. At once with an official of the Mexican Government, he assaulted him bitterly in a paper published on the Texas side of the line at El Paso, for which offense he was arrested by the Mexican authorities and thrust into jail. The American Secretary of State thereupon demanded and enforced his release on the ground that a citizen of the United States could not be criminally punished by the Government of a foreign country for a libelous publication made on American soil, holding that the injured party must seek redress in the courts within the jurisdiction of which the offense of publication had been committed.

Such a rule as this would, for example, apply to George Kennan, author of the Century papers on Siberia, in case he should, upon another visit to Russia, be criminally prosecuted by the Czar for the libels which the Russian Government claim he committed in his accounts of official cruelties practiced upon Siberian convicts. The Imperial Government would doubtless be informed by the American Foreign Office that its only remedy—except the deportation of Mr. Kennan as an undesirable visitor—lay in his prosecution in the courts of the United States and before a jury of his peers. No doubt in Mr. Kennan's case the validity of this argument would be as promptly admitted by Russia as it was when applied a year ago to Poultnay Bigelow and Frederick Remington, who went into the Empire on a mission similar to that of Kennan, but were arrested for it and expelled from the country. That they would have been otherwise punished but for the force of the international rule laid down in the Cutting case can hardly be doubted by any one who is familiar with the tendencies of the Czar towards those who write, speak, or act against his mode of government.

Mr. Nordhoff is of course fortunate that by appeal to American precedent he has escaped another humiliation; but that fact does not alter the circumstances that, morally speaking, and in a way amenable to civil damages, he libeled Minister Stevens and President Dole and deserved the punishment which Hawaiian criminal law would have been likely to inflict upon him. His guilt is patent, though the consequences of it may have been avoided. The only gratification he can feel is that of an apprehended miscreant who escapes his deserts through a merely technical plea against the jurisdiction of the judge.

[Inclosure 3 in No. 3, Diplomatic Series.]
[From the Hawaiian Star, May 23, 1893.]

THE FARCE OF PROTECTION.

A broad smile of amusement went across the face of the town last evening, when it was learned that Mr. Nordhoff had applied for protection to the United States minister, and that, at the request of the latter, the Provisional Government had detailed