

## THE POLYNESIAN.

OFFICIAL JOURNAL OF THE HAWAIIAN GOVERNMENT.

HONOLULU, SATURDAY, NOV. 30, 1844.

November, 13th., 1844.

Dear Sir,—I have an engrossing subject on my mind, which I wish to unburthen to you now. I refer to the controversy between this government and the U. S. Commissioner. It is more immediately called forth by the anonymous rejoinder in "The Friend Extra," just received. I am pained and concerned at the excitement. My sympathies all along have been with the Hawaiian government, and I have seen nothing as yet, that shakes that opinion. But I must tell you candidly, and with confidence that it will be kindly received, that I am not at all pleased with the manner in which it has been conducted on both sides; and it appears to me that the interests of this nation are in danger of being compromised, by losing sight of the true grounds of the argument, in the heat of controversy. I think too that the first argument of Dr. J., founded on the circumstance that the U. S. are not in treaty with this government, as a reason why Mr. Brown's demand cannot be complied with, is untenable, and by using it, he has weakened the force of the main, and only true reason, that the laws of this kingdom do not recognise the act of which Wiley was accused, as belonging to the class of crimes. This should have been put in the foremost rank of the argument, and made a sufficient reason why a jury to be selected by the consul would not be admitted. One argument which I have not seen stated, proving the correctness of this position, is that the public mind of the Hawaiian nation does not demand such a penalty as would be required in a civilized community. The nature of guilt is to be estimated by the actual injury inflicted upon the sufferer. In an European community, the injury inflicted in such a case is most enormous, destroying forever the peace of mind and reputation of the afflicted sufferer, whose only repose where she can hide her shame is in the grave. Here it is otherwise. There is no disgrace attaching itself to the character of the injured female, either in her own eyes, or that of the native community generally. She is just as much respected as before, and her chances in future life are not at all diminished. The law was made by native rulers for their own natural subjects, and therefore a small pecuniary compensation was by them deemed adequate to atone for the bodily injury inflicted. Foreigners may smile at this, as telling but poorly for Hawaiian character; but we must take them as they are, not forgetting their former habits and customs. The law is all that was called for, and serves the purpose of keeping in check a most infamous act of frequent occurrence in former times. A person therefore, in seeking redress at law for an aggression of this nature, must not be supposed to possess those fine sensibilities which give grace and beauty to the European character. But her own natural rights would entitle her to a jury composed partly of her own countrymen, on the same principle that a foreigner would claim the privilege for himself. The party prosecuting is a native seeking for pecuniary satisfaction for an assault, through the tribunals of her country. Now does not justice and common sense cry out at the idea of an unmixed foreign jury. Is not the right of a native on his own soil, as sacred as that of the stranger? or is he to be protected at the expense of the indigenous inhabitant? To me it is clear that the case does not come under the 3d. article of the Treaty of Lahaina.

There has been enough of acrimony written on this subject, and what the community now calls for are healing measures.

We want cool, calm, unbiased reason, on either side, without carping or criticism, or any thing that can be construed into irritating threats.

But something may perhaps, yet be done. Kind words and sober argument may allay strong prejudices, and truth may yet obtain

a mild triumph over misapprehension and irritated feelings.

The welfare of this little kingdom lies near my heart. My long residence here, and devotedness to its best interests, entitle me to speak in kind words to those who have the power to advocate the cause of truth and justice. I remain, dear sir,  
J. J. JARVES, Esq. Yrs. truly, L.

From a source which we highly esteem, we have received the preceding communication. The candor and fairness with which the writer has pointed out what to him seems objectionable in the arguments to which he alludes, are the more gratifying as coming at a juncture, when there seems to be a particular necessity for the exhibition of such sentiments. We most cordially agree with him, that "cool, calm, unbiased reason" is required in argument, and hope hereafter to see nothing of a contrary tendency. We do not, however, subscribe to the sentiment, that criticism is useless or tends only to irritate. Criticism is necessary to improvement or perfection. Or else, the faults or defects of one day would be repeated the next. An author's eyes are apt to be partial to his own literary offspring. Hence the necessity of the aid of others, though their optics be possessed of magnifying power, in detecting flaws in style or argument. Criticism should not, however, be expressed, except on just grounds, and those grounds should be made apparent. Assertions merely, without substantiating the truth, are both weak and foolish. It is equally unreasonable to set one person up as a mark, and to blaze at him a continual, rolling fire of criticism, invective or ridicule, and expect him to receive it with all the quietness of a man, deaf, dumb and blind. Non-resistance societies were never originated among Arabs. It would be acceptable, perhaps, to some for us to remain quiet, and allow their "envenom'd shafts" to pierce in all directions. But such we do not conceive to be our duty. If the development of truth requires controversy, be it welcome.

Too much stress is laid upon the wordy warfare which pervades society here. Some appear to think it a dangerous thing, and peculiar to the place. It is annoying, no doubt to those who shrink from the turmoil of public life, and demoralizing to those who engage in it, regardless of truth or principle. But as to the clatter and jar of opinions, whether on domestic or political topics, there is not a village in England and the United States, but rivals Honolulu in these respects. Governments always have their opposition, and the *in* ministry must bear the brunt of the attacks of those who *would be in*, or what is the same, of those who would force their measures upon the government. We do not expect human nature to work any miracle in our favor here, but shall bear all assaults with the best equanimity that may be. And if it should be in our way, to show up selfish views, mistaken ideas or spurious arguments, in those who assail, we shall not hesitate so to do, though it may occasion a little stir. But it is not intended by these remarks to exclude that spirit which the writer of the subjoined letter, and many others like him, filled with the sentiments of Love and Charity, would inculcate. Far from it. Kindness and sober argument are, next to truth, the strongest of weapons, and if our adversaries will permit, we shall be rejoiced to confine ourselves to them. There is a certain stage in society, however, when for the sake of truth and virtue, Scotland's motto should be undauntingly adopted. "*Nemo me impune lacessit.*" With young governments, as it was with Napoleon in his career of conquest, to stand still would be ruin. They must press on and meet the wants of their people, firmly and systematically, otherwise they would be overwhelmed in a chaos of innovations, or strangled amid the frantic clutches of aspiring and ignorant demagogues.

Our correspondent has fallen into an error, common to some others, in interpreting the

argument of Mr. Judd, relative to the non-existence of a treaty with the United States, and we would commend to him a re-perusal of that portion of the letter. Its meaning is briefly this. That the language of his Majesty, in his speech to Mr. Brown, on which he lays so much stress, was not and could not be of the character of a ratified treaty stipulation, in which sense, Mr. Brown wished to consider it. That the duty His Majesty owed to his own people, and the constitution of the United States, both forbid such an interpretation. But whenever the President of the United States deems it expedient to enter into treaty engagements with this nation, they would be placed upon the footing of the most favored nation. In the meanwhile, "the same course of action shall be allowed in criminal cases of accusation, to the United States." Their citizens have enjoyed every privilege granted to other nations. Wiley's case is the first in which that fact has been questioned. Mr. Judd, admitting the position of the citizens of the United States to be the same as those of the subjects of Great Britain in these islands, denies the right of Mr. Brown to *claim* that for them, on this interpretation of His Majesty's speech, which had been granted reluctantly to Great Britain under the form of a solemn treaty. And, to do away with every objection to the course pursued by His Majesty's courts, proves, conclusively, that Wiley's case was not one that came under the meaning of the 3d. Article of Lahaina. Mr. Judd was certainly correct in covering the whole argument, and this would not have been done, unless every objection urged by Mr. Brown, and all their corollaries, had been fully examined. The misunderstanding growing out of this portion of the argument, demonstrates the absolute necessity that exists for a well defined and equitable treaty between the two governments. It has ever been His Majesty's wish that one should be negotiated, and it will be of material service to both parties, should such be the result of this controversy.

Our correspondent further refers to one argument which he has not seen stated, to prove "the correctness of this position."—He has very conclusively shown why offences like Wiley's are not to be considered as crimes, and undoubtedly given the reasons which suggested themselves to the Hawaiian legislators in framing this statute. But whatever may have been their reasons, Mr. Judd says expressly, in his reply to Mr. Brown, that "he is not called upon here to discuss" them. It was sufficient for him to state the law, and not argue its propriety. That formed no part of the controversy. Mr. Brown refused to admit the distinction which the law made, and interpreted for himself in direct opposition to His Majesty's courts, the law of the kingdom. This was travelling out of his province. Every nation makes and interprets its own laws, and is not bound, provided they do not conflict with the laws and good sense of nations, to show grounds for their propriety to foreign tribunals.

We are indebted to T. O. Larkin, Esq. U. S. Consul for Monterey, California, for the shipping news given in our memorandum, and for other items of information.

At the date of his last letter, Nov. 5th, every thing was quiet on the coast. Santa Anna, had sent orders to put Monterey in a complete state of defence in June last. The troops are over a year in arrears for pay, provisions and clothing.

The greatest harmony prevailed between the authorities of California and the officers of the men-of-war on the coast. On the 2d. inst., Gen. Micheltoreno and suite visited the Savannah. He expressed himself much gratified with his reception and her appearance. On the 4th, he visited the Modeste.

On the 3d. Nov. the U. S. Consul gave a ball at his residence. Gov. General Micheltoreno and suite, Com. Armstrong, Capt. Bailie and Bonne', were present. Forty ladies assembled, and the dancing, to the music of the fine band of the frigate was prolonged to a late hour.

UNITED STATES CONSULATE,  
Monterey, Nov. 4th. 1844.

Sir,—Enclosed you have the new law of Gen. Micheltoreno, Gov. Gen. of California, respecting whalers.

As many whale-ships are now bound to the N. W. coast, they may have an interest to know the regulations of this country respecting their ships.

The payment of the \$30 is for those who may wish trade, otherwise it is but \$3 50 as in former years. In many ports that is not demanded. The duties will be collected at the same value as the merchant ships pay.

The sales of goods as allowed, will be sufficient to supply any whale-ship.

I am, Sir, your most  
Obedient servant

THOS. O. LARKIN.

U. S. Consul.

J. J. JARVES, Esquire,  
Editor of the Polynesian,  
Sandwich Islands.

MONTEREY, California,

Oct. 19th, 1844.

The supreme government of this department, convinced of the great injury sustained by the inhabitants of the same, especially the laboring class, from the prohibition for whalers to change their goods for provisions as was formerly customary; and likewise, that no detriment is suffered by the existing commerce of the coast of this department by granting the permission, inasmuch as the latter is effectuated solely by exchanging hides and tallow, and the former merely seek for seed, potatoes and meat, in quantity, and no other production of the country; and desiring by all possible means to procure the general prosperity, and give impulse to the rising agriculture of the country, which is the branch to which the inhabitants mostly dedicate themselves, by facilitating to them the means of exporting their seed—I have been induced to decree, that until the supreme resolution which I have solicited from Mexico arrive, whale-ships may purchase provisions with goods, to which end the Custom-house will permit them to sell to an amount, the corresponding duties of which, shall not exceed \$400, and which they must pay according to valuation; each vessel paying also for the privilege, and instead of tonnage duties \$30. In consequence the Custom-house will take all the means and precautions which may be judged necessary, in order that the resolution be punctually complied with; and watch over the conduct of said vessels in the best possible manner.—To which effect said Custom-house may designate in the port of San-Francisco, where the greater part of them go to, the place of anchorage which it may be esteemed most convenient for watching over them. And if any thing more should be wished to attain their object it may be proposed to government for approval.

(Signed) M. MICHELTORENO.

CORNER BEEF.—We have received from Wm. French, Esq. an excellent article of this kind, which was put up on his estate at Waimea, Hawaii. His arrangements for salting and packing beef, we are informed, are very complete and extensive. The beef packed keeps well—one barrel which was kept thirteen months in this town, opened recently, perfectly sweet and sound. We see no reason why the salt beef and pork of these Islands should not entirely supersede in this market, that of foreign putting up.—The salt of Maunaloa, compares very favorably with the Turks Island salt; the temperature of Waimea could not be better for packing, and in no place could hogs or neat cattle be raised with more certainty and at less expense than on the plains of Hawaii.—We trust that ship-masters will give Mr. French's beef a trial, for if it is to be found to equal the American, it can be afforded cheaper, and it will be encouraging an important branch of domestic trade. In a small way, butter might be made a profitable business to some one who has sufficient enterprise to establish a dairy in the vicinity of Honolulu. Only a few fortunate individuals can now procure it. Indeed fresh butter is becoming almost a curiosity. Were such a farm once established the consumption of this article would be greatly increased, both among the population and the shipping, and at the present prices or even at much lower rates, it cannot but prove very remunerative.