

OPINION OF T. S. PERKINS, Esq.,  
IN THE MATTER OF RICHARD CHARLTON'S  
CLAIM UPON THE GOVERNMENT OF THE  
HAWAIIAN ISLANDS.

The interest felt by the public in the result of the claim to land in this town, by Mr. R. Charlton, induces us to publish the opinion of T. S. Perkins, Esq., an eminent member of the bar of the state of Connecticut, U. S. A. It was drawn up at the request of H. H. M.'s Secretary of State, on laying before him the decision of the Earl of Aberdeen, the reply of Messrs. Richards and Haalilio, and all other papers relating to R. Charlton's claim to land. Mr. Perkins was un-fed, and earnestly requested by the Secretary of State to give a true judgment, on the duties of the Hawaiian Government, under the requirements of Lord Aberdeen, in view of all the papers submitted to him.

"From the papers exhibited, it appears that the only question unsettled between the Government of Great Britain and this Government, is the claim of Mr Charlton to certain lands situated in Honolulu. In reference to this claim, Lord Aberdeen in his letter to the Commissioners of this Government, dated Sept. 12th 1843, says—that Mr. Charlton's title to the land mainly rests in the genuineness of the grant, and the power of the person by whom it was executed; and also that the British Government are of opinion, that provided the original grant in possession of Mr. Charlton, and now in the Sandwich Islands, be produced and shown to be genuine, Mr. Charlton is entitled to the land to which he lays claim, and that government requires that Mr. Charlton or his representative in his behalf, having first produced the original grant and shown it to be genuine, may be formally put, and secured in possession by the government, (of the Hawaiian Islands.) It also appears from the papers exhibited, that the Hawaiian Government, by a proclamation, bearing date the 12th day of Feb. 1843, ratified the agreement for the settlement of the difficulties between the two nations, in the terms stated by the Earl of Aberdeen, in his letter to our (the Hawaiian) Commissioners, dated the 12th day of Sept. 1843.

"It would seem from this statement of facts, that the British Government, having laid down the principles on which the claim is to be settled, leaves it with the Hawaiian Government to apply those principles to the facts of the case as they may be shown to it by Mr. Charlton or his representatives, and to decide, on these principles, the question whether or not the grant be genuine, or in the words of Lord Aberdeen, on the genuineness of the grant. No other tribunal or individual being mentioned or referred to, there seems no doubt that this is the meaning of Lord Aberdeen, and there can be no doubt that such is the legitimate—nay the only construction of which the letter is susceptible. Had any other intention been had by Lord Aberdeen, he would doubtless have so expressed, and in the absence of any tribunal being mentioned, or any individual alluded to as a referee, the meaning as above expressed is conclusive; any other construction would be derogatory to the contracting parties as the representatives of independent nations.

"Now when the 'genuineness of a grant' is spoken of by professional men, they are not to be understood as confining their meaning to the single fact—whether the signature of the parties was actually attached to the instrument which describes the grant, or to the paper on which it is written. Numerous other considerations are involved, one of which seems to have been anticipated by the principal law advisers of the crown, viz: 'the power of the person by whom such grant may have been made.'

"In this case, it would seem that the British law adviser, intentionally leaves these matters to the consideration of the government here, or to be settled by the courts of this nation, acting under its laws, according to the usual course of judicial proceedings here, in the same manner as titles to real estate are settled by juries of the vicinage, when the lands lay in England.

"In this view of the case, I would advise, that should the Hawaiian Government be satisfied that the grant is genuine—i. e. actually signed by the parties as it purports—its meaning fully understood by the parties; the grantor having power, according to the laws of this kingdom to make such grant, and to the extent claimed—the absence of fraud, and that all had been done by the parties, which was necessary to perfect the grant under the laws of this kingdom—then that the land in question be conveyed as agreed to, and possession be formally given; and further, that in the absence of Hawaiian laws, those rules which have been adopted in England and America should be referred to, not as binding authorities here, but as rules of

justice adopted by good and great men in those countries, as defenders of the claims of the rightful possessors to their lands.—Should however, this government arrive at the other conclusion, viz.—that the grant is not GENUINE, then offer to the claimant the courts of this kingdom, as tribunals where this claim can be adjudicated, and let this government bind itself to abide their decision.

"After reviewing the above opinion, I am confirmed in my impression as above stated. All other claims submitted, are in relation to matters of personal property; these were decided by the British Government;—this was not decided there, but was sent back here. In addition to this, the peculiar language used by Lord Aberdeen, viz:—'genuineness of the grant'—'grant be genuine,' confirms me in the views above expressed; for, had the expressions been genuineness of the signature, signatures be genuine—other and very different would be the signification of Lord Aberdeen's letter."

Very respectfully,

THOS. S. PERKINS.

To G. P. JUDD, Esq.,  
H. H. M. Sec'y of State.  
Honolulu, April 16, 1844.

THE POLYNESIAN.

OFFICIAL JOURNAL OF THE HAWAIIAN  
GOVERNMENT.

HONOLULU, SATURDAY, AUGUST 3, 1844.

ARRIVAL OF HIS MAJESTY.

His Majesty had been expected for some days previous to the 30th, but the vessels on board of which he had embarked with his suite from Lahaina, did not come in sight until 9 o'clock, A. M., Tuesday, when the firing of a gun, and the hoisting of the large Hawaiian ensign on the battery on Punch-bowl Hill, announced the fact. His Excellency, Gov. Kekuanaoa immediately left the harbor in his new and beautiful barge, to meet His Majesty. At 12 o'clock as the little squadron, consisting of the schooners Hoikaika, Paalua, Victoria, and the new vessel recently built at Hawaii, came abreast of the town, the salute of 21 guns was fired on Punch-bowl hill. Soon after, the vessels with a fair breeze entered the harbor, and His Majesty and suite embarked in the barge for the shore, the Hawaiian flag flying at the stern, and the Royal standard at the bow. In passing the U. S. ship Warren, her yards were manned and a Royal salute fired, both of which attracted attention for the beautiful precision with which they were executed. His Majesty's household troops, 150 strong, and a company from the fort, in all 350 muskets, were drawn up at the landing to receive him. The troops looked well, were neatly accoutred, and their officers made quite a showy appearance in their new uniforms. His Majesty stepped ashore amid the music of the band, and the roar of the cannons from the water battery, and with the Queen on his arm, attended by the Hon. Secretary of State, G. P. Judd, their Excellencies the Governors of Oahu, and Maui, the high Chiefs A. Paki, C. Kanaina, and Colonel J. Stephens, under escort of the military, proceeded to Mauna Kilika, the building fitted for His Majesty's service while he remains in town. A large concourse of people were assembled to witness the royal cortege.

Her Royal Highness, the Premier, with the ladies of her court, soon after landed from the Paalua, and were received by the military under arms, at Mauna Kilika, the band playing the while "God save the King." His Majesty, during the remainder of the morning, was waited upon by the officers of his Government, and of the Troops. The royal party were in excellent health and spirits. Royal audience was given at 8 o'clock in the evening to the Representatives of Foreign Powers, and the residents generally, who were received by their Majesties, the King and Queen, Her Royal Highness, the Premier, and the ladies and gentlemen of the Court. The saloon was fully illuminated, the audience, numerously attended, and for Honolulu, this friendly assemblage of all parties, with the glitter of uniforms, and the rich and tasteful dresses, both of the Hawaiian ladies and foreign residents, ren-

dered the spectacle both novel and pleasing.

We cannot refrain from noticing the good taste displayed by the Captains of the English vessels William Ackers and Cacique, in their decorations of their respective ships on this occasion. The other vessels also wore their ensigns and signals, and the harbor presented a lively appearance.

The protraction of the Festival during the remainder of this week compels us to defer a description of the festivities until our next, when we shall be enabled to give the account in full.

Through the courtesy of R. C. Wyllie, Esq., we have been favored with the perusal of his manuscript Report on the Finances of Mexico, with liberty to use it for our columns. Want of room alone prevents us from publishing it in full, but we shall gladly avail ourselves of his permission to give such extracts from it as space will allow; and we commence with his remarks upon the contraband trade. Mr. Wyllie's information is derived from first sources, being the result of long and laborious personal investigations, during a residence in Mexico; and the result attests the zeal and faithfulness with which he labored in collecting and collating his data. We feel assured that his remarks will receive, what they so richly deserve—a diligent perusal. Mr. Wyllie is a member of the Committees of the Spanish and Spanish American Bond-holders.

[BY AUTHORITY.]

OFFICE OF SEC'Y OF STATE }  
FOR FOREIGN AFFAIRS. }

BE IT KNOWN, To all to whom it may concern, that ROBERT C. WYLLIE, Esq., having this day presented to this Department his letter of credence from WILLIAM MILLER, Esq., Her Britannic Majesty's CONSUL-GENERAL for the Sandwich, Society, and other Islands in the Pacific Ocean, which is found to be in due form,—he the said Robert C. Wyllie is hereby acknowledged, by order of His Majesty, as PRO-CONSUL for the Hawaiian Islands.

Given under my hand and the Seal of the  
Department of State, this 19th day  
of July, A. D. 1844.  
(Signed) G. P. JUDD.

ERRATA.—On our first page, in the second column, second paragraph, for "sequestration" read "Legislation." In the fourth column, first paragraph, for "Cantero" read "Canseco"; for "that the 5" read "that while the 5." In the third paragraph, for "actually inapplicable" read "entirely inapplicable." In the last line of fourth column, for "employers" read "employees." The Table—marked No. 2—will be published in our next No.

SPIRIT OF LOVE.—Beyond all question, it is the unalterable constitution of nature, that there is efficacy, divine, unspeakable efficacy in love. The exhibition of kindness has the power to bring even the irrational animal into subjection. Show kindness to a dog and he will remember it; he will be grateful; he will infallibly return love for love.—Shew kindness to a lion, and you can lead him by the main, you can thrust your hand into his mouth; you can melt the untamed ferocity of his heart into an affection stronger than death. In all of God's vast, unbounded creation, there is not a living and sentient being, from the least to the largest, not one, not even the outcast and degraded serpent, that is insensible to acts of kindness.—If love such as our blessed Saviour manifested, could be introduced into the world and exert its appropriate dominion, it would restore a state of things far more cheering, far brighter than the fabulous age of gold; it would annihilate every sting; it would pluck every poisonous tooth; it would hush every discordant voice. Even the inanimate creation is not insensible to this divine influence. The bud and flower and fruit put forth most abundantly where the hand of kindness is extended for their culture. And if this blessed influence should extend itself over the earth, a moral garden of Eden would exist in every land; instead of the thorn and brier, would spring up the fig tree and the myrtle; the desert would blossom, and the solitary place be made glad.—Dr. Upham.

"It is certain, that though the agency of the passions be necessary to the existence of society, it is on the cultivation and influence of the affections, that the happiness and improvement of social life depend."

Latest Dates.

From London, March 12—Paris, March 18—  
United States, (New Orleans) April 26, (Boston)  
April 10—(New-York) April 11—Mazatlan, May  
30—Society Islands (Tahiti) June 25.

SHIPPING INTELLIGENCE  
FOR THE PORT OF HONOLULU.



1844.



ARRIVED.

July 28—Am. whale ship Nimrod, Sherman, New Bedford 20 months; 150 sperm, 2550 whale.

SAILED.

July 27—Br. brig Laura Ann, Thomas; Tahiti and Valparaiso. Passenger—Mrs. Thomas.

PORT OF LAHAINA—MAUI.

July 17—Am. whale ship Cambria, Harding, New Bedford; 1050 sperm.

July 23—Bremen whale ship Mozart, Fischer, 20 months; 120 sperm, 4000 whale.

SHIPPING MEMORANDUM.—Stedman B. Stowell, of Mansfield, Ct., and a Society Islander, belonging to the Am. whale ship Nimrod, were drowned April 24—boat stove, and they perished with cold.

It is reported that ships are doing well, on N. W., this season.

ADVERTISEMENTS.

New Books.

RECEIVED by the Globe, and for sale at this Office, an invoice of New Books—comprising Frederika Bremer's Novels, Howitt's works, Sartor Resartus, Anecdotes of Napoleon, Marshall on the Federal Constitution, School and Children's Books, etc. etc. tf Aug. 3.

NOTICE

IS hereby given, that the partnership heretofore existing between JAMES NOWLIENS and SOLOMON D. BARROWS, was DISSOLVED on the 25th day of June ult., by mutual consent. All debts of the firm previous to the above date, will be paid by James Nowliens, who will in future conduct the business.

S. D. BARROWS,  
M. F. NOWLIENS.  
3w

Honolulu, July 27, 1844.

For Sale,

THE two-story Stone Dwelling HOUSE, with SHOP adjoining, pleasantly situated, opposite the Mansion House, and now occupied by the subscriber. For terms, apply to Honolulu, July 27. tf ELI JONES.

Charlton's Trial.

JUST PUBLISHED, and for sale at this Office, a Report of the case of GEORGE PELLY vs. RICHARD CHARLTON—tried before His Excellency M. KEKUANAOA—June 18 and 19, 1844.—Single copies, 25 cents. tf July 27

Notice.

DOCTOR C. F. WINSLOW, from the United States, having established himself a permanent resident at Maui, offers his services to those persons who visit that port, in need of Medical or Surgical attendance.  
Maui, July 6, 1844. 6w

American Beef and Pork.

75 BBLs. Mess Beef; 30 do. Pork; for sale by C. BREWER & CO. July 20

For Sale,

THE good Sch'r PILOT, 20 tons, in good condition, and well found. For terms, apply to July 20. LADD & CO.

Arrow Root.

30,000 LBS. superior Arrow Root, for sale by C. BREWER & CO. July 20.

For Sale,

ONE ROLL painted canvass Carpeting, containing 175 square yards. Apply to July 20. tf C. BREWER & CO.

Valuable Books.

JUST opened, and for sale at this Office—3 invaluable works, at home prices:—

Marshall's Life of Washington, 2 vols.; Walpole's Letters, 4 vols.; Murphy's Tactics; Smith's Thucydides; Gillies's History of Greece; Mitford's complete Works; Frederick the Great, his Court and Times, in 4 vols.—Madame de Sevigne and her contemporaries; Shelley's Lives of Eminent French Writers, 2 vols.; Brougham's Miscellaneous Writings, 2 vols.; Wellstead's City of the Ca- liph, 2 vols.; The United Irishmen—Their Lives and Times—by Madden; Brougham's Celebrated Statesmen, 2 vols.; Tucker's Life of Jefferson; Gieseler's Ecclesiastical History, 3 vols.; Bulwer's Miscellanies; Cooper's Novels and Tales; Dickens (Boz) Works; Hawthorn's Tales; Tales of Shipwrecks; Daily Food (gift); The District School; Lives of the Queens of England; Ferguson's History of Rome; The Arabian Nights (Sheep, gift); Whiston's Right of Search; Kirby's History of Animals; Roget's Animal and Vegetable Physiology (with over 400 wood cuts); Buckland's Geology (with numerous maps and plates); The Porcelain Tower, or nine Stories of China (extra cloth, with plates); Scrip- tural Geography; Peter Pilgrim; Rob of the Bowl; Family Records; Strumer, or Mesmerism; Greysier, a Romance; Robin Day; Lights, Shadows and Reflections of Whigs and Tories; Lockhart's Life of Scott; Shakspeare; &c. &c. &c. June 15.