

## THE POLYNESIAN.

OFFICIAL JOURNAL OF THE HAWAIIAN GOVERNMENT.

HONOLULU, SATURDAY, SEPT. 21, 1844.

Through the politeness of Wm. Hooper, Esq. U. S. Consul, we have been favored with the perusal of a few papers of dates to May from the U. S., brought by the Sophie, via Monterey. The main topic is the discussion on the treaty for the annexation of Texas, and from all we can gather, it is doubtful whether it will be ratified by the Senate. The hostile feelings exhibited by the Mexicans give rise to rumors of war, but we see no reason to apprehend such a result. It is said however, 4000 Am. troops are on the borders of Texas and four men of war off Vera Cruz.

Clay has been nominated by the Whigs for the Presidency.

Bernadote, King of Sweden is dead.

Spain contemplates declaring war against Mexico, although distracted by intestine troubles herself.

The dismissal of Mr. Pritchard, from the Consulate of Tahiti is announced, also the rumored appointment of M. Agenor de Gasparin, as Louis Philippe's Commissioner to Queen Pomare.

A new Commercial treaty has been negotiated between Prussia and the United States, by which the products of both countries are respectively admitted at lower rates than formerly. The chief reductions on American articles are on tobacco and lard.

Gen. Tom Thumb has been most graciously entertained by Queen Victoria, who fed him with her own hands with bouillons, and was much amused by his diminutiveness, witticisms, and the spirit with which he sung Lucy Long. Tom is really the most remarkable man of the age.

## APPOINTMENTS.

Capt. D. P. PENHALLOW to be a Pilot of Honolulu, vice Alex. Adams, removed.  
JOHN NEALY to be a Pilot at Hilo.

## Translation of a Decree

RELATING TO THE IMPORTATION OF FOREIGN GOODS INTO THE PORTS OF UPPER AND LOWER CALIFORNIA, ISSUED ON THE 30TH OF JULY LAST.

H. B. M.'s CONSULATE GEN'L.,  
Honolulu, Sept. 20, 1844. }

Sir,—I have the honor to enclose to you, for the information of the merchants residing in the dominions of His Hawaiian Majesty, a Translation of a Decree relating to the Importation of Foreign Goods into the ports of Upper and Lower California, issued on the 30th of July last, and received by me yesterday.

I have the honor to be, Sir,

Your Obedient Servant,

ROBERT C. WYLLIE,

Pro Consul.

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

The citizen MANUEL MICHELTORINA, General of Brigade of the Mexican Army, Adjutant General of the Staff of the same, Governor, Commander General and Inspector of the Department of California.

The attention of the Government having been imperiously called to the continual introduction (new this year) of foreign goods brought from Mazatlan and San Blas in national vessels of this department, and it being public and notorious that these are sold at prices which would cause the ruin of the merchant, if they had paid the duties established by law, thus leaving no doubt that such goods, although coming with their respective permits (guias) have not been lawfully introduced, but have evaded the payment of the national duties which here or there ought to be paid, from which infallibly results the destruction of the commerce in good faith, which is carried on in the Department, by vessels arriving direct from foreign ports, seeing that these, besides paying the legal duties, which are high, have to incur excessive expenses, no less from the length of their voyages, than from their long

detention on the coast, always of two or three years required to exchange their cargoes for hides and tallow—the money of this country. And also as repeated complaints have been made and as the ruin of the country and social order will result, without the interdiction of two or three of these vessels which arrive annually, on the proceeds of whose duties, the civil and military employes only half subsist, it being my duty to remedy so great an evil, until the national superiority can sanction my measures, in the exercise of the powers transmitted to me by the supreme government, to promote the welfare of this beautiful and remote department, I am under the necessity of decreeing as follows:—

ART. 1st From this date, it is prohibited, under penalty of confiscation, to all vessels to bring or import goods of foreign manufacture of every kind, proceeding from Mazatlan, San Blas, or any other port on the southern coast of the republic.

ART. 2d All vessels which not knowing this decree, may pretend to import foreign goods, beyond the preceptory period of six months from this date, under the pretext of their being nationalised, be their origin or port of departure what they may, will be valued at and have to pay upon said goods the duties of importation and other imposts which are paid on goods, in good faith, proceeding from foreign ports.

ART. 3d All employes of the maritime custom house, and of the coasting trade, also all civil and military, who may connive at the least infraction of this decree, will be immediately dismissed from office.

ART. 4th The collector of the contraband of this port will order it (the decree) to be put up in all the offices under his jurisdiction, will distribute copies so as one shall be given, under receipt from his subalterns, to every vessel touching in the ports or roads on this coast, not having before received a copy; and in this or Monterey, the Custom house will keep a formal Register, signed by the captains and supercargoes so informed, and by the collector.

ART. 5. To vessels having a knowledge, or having received a copy of this printed decree no excuse will be allowed, and to vessels newly arriving, they shall be allowed to enter for once, and notice shall be given immediately on their arrival on any point of the coast, it being understood that the second point of this article applies only to six months from this date.

And that nobody may plead ignorance, I demand that it may be printed, published and circulated, and exactly and literally fulfilled.

Given in the palace of the Government of California, Monterey, this 30th of July, 1844.

(Signed) MANUEL MICHELTORINA.  
(Countersigned)

MANUEL JEMENE, Secretary, &c.

## [By Authority.]

The Government wish it to be distinctly understood that in giving publicity to the following statement of Mr. Hooper, it does so upon a partial promise made to allow him to publish it in the Government Organ. The Government will not condescend to answer it, or to enter into a newspaper dispute with the author. This is therefore to be the last as it is the first, private statement of a controversial nature, allowed to enter our columns in which the authorities of His Majesty's Government are disputed. The reports of the courts are epitomised for this paper, under the sanction of Government authority and are printed for public information, not for the purpose of being disputed. Should any party desire to question these decisions, they must resort to the Supreme Court, or, should they wish to engage in a newspaper controversy, they are referred to the public press which is unconstrained. The Government organ ought not to lend itself to such a purpose.

As to the following statement, we are directed to say, that it is not set forth with proper accuracy in its general outline and that many of the particulars of it are unfounded. That the decision of the Inferior Judges was not reversed by the appeal court but affirmed in consequence of Wiley's withdrawal, and until reversed is to be considered just. That Mr. Hooper was unauthorised to say to Mr. Wiley that he had an option to be tried by a foreign or by a mixed jury as he might prefer, since that matter was already settled by the printed law of the land.

That the cases spoken of at Maui are not analagous to Wiley's, and if they had been, the acts of the Governor of Maui are not binding as precedents upon the Governor of Oahu unless he chooses to adopt them.—These are different Governors of different divisions of the kingdom, and if one should err in his administration of the law, it is no reason why the other should imitate his error. That no constable forcibly prevailed on Mr. Wiley to deposit his money as Mr. H. would have the public to believe; but that a civil note was sent by the hands of a constable usually in attendance upon the Governor informing Wiley that if he wanted his jury of appeal it would be necessary for him to deposit \$25 immediately or that otherwise the laws would not entitle him to said jury. That the Secretary of State did not assent to Mr. Wiley's being tried in any particular manner, although he offered no objection to Mr. Hooper's making out a list of jurors in his presence, and the Secretary of State also concurred in the opinion expressed by Mr. Hooper that the jury proposed by Mr. H. would be more likely to convict Mr. Wiley, than one drawn according to law.

The Secretary of State authorizes us to say that he does not consider himself insulted by the Report of the case in the Polynesian of the 7th inst., and that he has received written assurances from the British and French Consuls, that nothing in that report is regarded by them as personally insulting.

The subject matter of Mr. Hooper's protest in the case of Wiley, is now undergoing Diplomatic discussion, and will, when terminated, be laid before the public, if circumstances render that course necessary.

## For the Polynesian.

In the official report of the trial of John Wiley, in last week's Polynesian, it is stated, that he, John Wiley "appealed to the Governor and demanded a jury under the Hawaiian statute law," that the Governor having given the usual notice of drawing a jury of appeal he proceeded on the day appointed to draw the mixed jury, but in the interval interfered.

As the statement is erroneous and as the whole report is calculated to mislead those who may not be conversant with the facts, the undersigned feels called upon to correct it.

After Mr. Wiley had complied with the unjust decision of the native judge, he appealed to me for redress.

I informed him that I had no power whatever to set aside the decision of the judge before whom he had been convicted, but if he thought that he had been unjustly dealt with, he could submit his case to a jury composed of an equal number of foreigners and natives, according to the statute law of the country, or by a jury composed entirely of foreigners nominated by me. He replied that foreigners would probably understand his case better than natives, and he would therefore prefer to be tried by them. Accordingly, I called upon His Excellency the Governor for the purpose of appointing a jury that would meet with his approbation.—The Governor did not seem to understand the meaning of the 3d art. in the treaty recently made between this Government and that of Great Britain, although he must have been aware of the fact that there had been three instances at Maui, in which the Governor of that Island had granted juries composed wholly of foreigners. He finally referred me to Mr. Judd the Sec. of State for Foreign Affairs.

I immediately proceeded to his office and on explaining the nature of my business, he at once assented to the right I claimed, and with his assistance and concurrence, I made out a list of twelve foreigners who were to compose the Jury. I supposed the business settled, Mr. Ricord, the Attorney General, however called at my office the following day and intimated that Mr. Wiley would not be tried by a jury composed wholly of foreigners, but by a jury appointed in a manner as directed by law. I do not deem it necessary or expedient to detail the reasons advanced by Mr. Ricord, to authorize the Government to that course, as the gentleman will undoubtedly enlighten the public and those concerned, on that point. The official correspondence which subsequently took place between the Governor and myself on that subject, resulted in his declining to accede to the arrangement as made between me and the Secretary of State, and his furnishing me with a list of jurors, chosen I presume in the usual manner.

On the day of the trial, Mr. Wiley appeared with Mr. Ford, whom he had requested to act as his counsel, without consulting me, and who was under the impression (if we can believe his own written statement) that the case was to be laid before a jury composed of foreign residents. Such was not the case, however, for the foreign gentlemen and natives, as named in the Governor's letter to me, had assembled.

On being informed that the Court were ready to proceed to the trial of Mr. Wiley, I made the protest referred to in the report of the trial, and stated to the Court that Mr. Wiley would make no plea.

It is true that Mr. Wiley deposited the sum of Twenty-Five Dollars with the Governor, but not until he had been waited upon by a Constable, who summoned him to appear at the Fort immediately.

The insinuation thrown out in the report that this Court will not "suffer a foreign Consul to pack a jury who might be selected to convict," is not only insulting to every foreign Consul at these Islands, but in this instance particularly to myself and the Hon. G. P. Judd, Secretary of State, who assisted me, as before stated, in filling out a list of gentlemen, not one of whom could be "bribed" to convict Mr. Wiley or any other man.

W. M. HOOPER,

Acting U. S. Com. Agent.

Honolulu, Sept. 11th, 1844.

\*The Jury "appointed to convict" Mr. Wiley, were composed in part, of Mr. Paty, collector of the port; Mr. Marshall, ex-Minister to England; Mr. Jarvis, editor of the Polynesian; Messrs. J. Ladd, Penhallow, Ricker, &c. W. H.

## THE ANTIQUITY OF SHAVING THE BEARD.—

It is established that as at the present day in Egypt, so in the most ancient times, it was customary with all the Egyptians to shave their heads, and anciently their faces. According to Prof. Rosellini's translation of Isaiah xviii, 1st, and 2d. verses, the word *peeled*, a nation scattered and *peeled*, meant shaved. In the sculptures, few exceptions are met with, these being generally military men, who, in their arduous campaigns, had neither leisure or means of shaving, or else they were persons of the lowest cast of peasantry. Mr. Gliddon tells us, that in fact the Egyptians were the only early people of oriental nations who shaved. With them as with the Arabs, the barber was a dentist and jobbing surgeon. There are several paintings in Egypt representing shaving as well as other parts of the barber's functions.—The Jews wore their beards, but it is recorded in Gen xli, 14, that Joseph, when summoned from his dungeon by Pharaoh, "shaved himself." So that the Bible enables us to carry shaving back 1800 years B. C., while the sculptures in the tombs round the pyramids, prove its universal use in Egypt several centuries before that date.

## Exports.

Sept. 18.—per *Chenamus*—5085 galls, syrup and molasses, 3825 lbs. sugar, 15 bbls 550 bags salt, 10 bags coffee, 10 piles coral, 100 corn brooms—and miscellaneous merchandize.

## Latest Dates.

From London, March 12—Paris, March 10—United States, (New Orleans) May 22, (Boston) April 10—(New-York) April 26—Mazatlan, May 30—Society Islands (Tahiti) Aug. 19. China, Jne. 14.

## SHIPPING INTELLIGENCE FOR THE PORT OF HONOLULU.



1844.



## ARRIVED.

14th inst.—Ships Edward Carey, Tobey, New Bedford 36 months; 1350 bbls. sperm; Alert, Middleton, New London; 400 sperm, 3100 whale.

15th inst.—Fr. ships Ocean, Coste, Nantes 28 months; 1200 whale; Eliza, Malherbe, Havre 15 months; 1000 whale; Gange, Neve, Havre 10 mos.; 1600 wh. Barque Cossack, Delano, Sipican 10 mos.; 900 whale.

17th inst.—Ships Henry Lee, Bennett, Sag Harbor 26 months; 3100 whale; Frances, Hussey, New Bedford 48 months; 200 sperm, 1300 whale; Chelsea, Potts, New London 12 months; 65 sperm, 1700 whale.

19th inst.—Ship Sophie, Hoyer, Bremen; 1500 whale. Fr. ship Lyon, Bonnet, fm the Marquesas. 20th inst.—Am. brig Lafayette, Winchester, Hawaii. The Lafayette has been ashore on the reef at Kawaihae—damage slight—but will leave out to repair keel, etc.

## SAILED.

18th inst.—Sardinian man-of-war brig L'Eridano, Persano; for California. Brig Chenamus, Sylvester, for Columbia River.

26th inst.—Ship Congaree, Weston, for Lahaina; to procure freight.

SHIPPING MEMORANDUM.—The U. S. frigate Savannah, (flag ship) Com. Armstrong, has been lying at Hilo three weeks—to recruit crew, etc.—She will remain another week.

Also, at Hilo, H. B. M. ship Carysfort, Lord George Paulet, hence.