

Mr. Brown has raised against them a prodigious hue and cry, but he will find facts more powerful than declamation. He has asserted that the judges are men "who can't read and can't well write their own language." If he will examine the Nonanona for March 4th, he will find an article by Halai, the principal object of his vituperation, which both in composition and sense would do credit to not a few of his own countrymen. If he desire further evidence of his abilities, let him attentively read, in the report of the case of Gray, the reasons of the judge for fining Gray under the Hawaiian law. We should not be any-ways surprised, if he should there discover a species of ratiocination from which he might, with great advantage to himself, take example. At all events, he will perceive that Halai, can not only write but reason.

That the system of courts here is perfect, has never been contended. No reasonable man will look for a more faultless detail than the comparative circumstances of the nation would naturally admit. We invite the minutest scrutiny of those who examine to improve and who judge from facts and not from the assertions of those who have interested ends in view. That the community at large will sustain the courts is evident, for their own safety demands it. That they are desirous of so doing, is manifest from the little favor with which the attacks upon them have been received.

There is one circumstance to which we have before alluded, which should be kept in view. It is that the persevering exertions of this government to maintain order and promote justice among contentious foreigners, especially in cases in which it has no immediate interest, have been made by one means and another to recoil upon itself. The very nutriment which it generously proffered to strangers, has been treacherously returned to it poisoned. The fictitious grievances which by a train of calamitous circumstances led to the Provisional Cession of this Kingdom, to Great Britain, grew out of law-suits between Englishmen and Americans. The Wiley affair arose from an outrage committed by an American on an Hawaiian. The present case is a breach of the public peace between an Englishman and an American. In no instance do we find difficulties arising from outrages or law-suits on the part of Hawaiians towards foreigners. It is the common testimony of travelers that they are a singularly peaceable and good tempered people, and hospitable to strangers. Yet neither did this disposition, nor the attempt to deal even-handed justice to foreigners, who asked it at their hands, in disputes arising solely among themselves, save them from an active and persevering hostility, which led to a temporary overthrow of the government. And even now, notwithstanding it has strained every nerve to meet the expectations of its benefactors, demurring at no expense or labor to render its courts efficient, we find the American Commissioner assuming towards them an inimical position, desirous apparently, not only of destroying them altogether as they now exist, but of casting upon them the most unmerited opprobrium. What would he effect? Overthrow them, and what does he propose as a substitute? Nothing! It would certainly be a most singular reform, to sweep from the courts all legal knowledge, and the best means of making the judge acquainted with what is before him. Allow him to drive from the courts all that he objects to, and with the present resources of the nation what could he substitute? Would he not leave the courts in the very position which proved so ruinous both to the nation and its denizens but two years since? A ship without a pilot, at the mercy of the first false guide! We trust for the sake of the respect that he owes his office, that such is not his design; for it has been amply shown, that whatever may be his own views towards this nation, his government are desirous and determined that it shall continue inde-

pendent of foreign control. It leaves it to develop its own resources, to adjust its own internal affairs, and to work its own way slowly and surely to a respectable position in the fraternity of nations.

On whatever footing the minor courts may be placed they will be a prolific source of complaint in a society like ours. Thousands of seamen yearly come ashore in pursuit of health and pleasure. To preserve order a strong police is requisite. Seamen in seeking what too many of them call fun are apt to come in contact with the guardians of the peace. Hence they often come to view them as personal enemies. Brawls ensue, either with them or others; the disturbers of the peace are apprehended and punished. They then transfer a portion of their enmity of the police to the power that awards them their deserts, and here as in other communities, it sometimes happens they find sympathy from quarters which should reprobate instead of countenancing them. Police, courts and government are then declaimed against, and the attempt is made to excite the public mind against the very authorities which give security to society. Its good sense will in the main nip such efforts in the very bud, if other causes are not cunningly intermingled with the real question, and party prejudice brought to lend its powerful aid.—Such a junction is unwise and should be carefully guarded against by those who would do nothing to weaken the bands of good order.

It is a somewhat common complaint against the police court that it inflicts punishments disproportionate to the offence.—We oftener hear of complaints against the disturbers of the public peace, whom the police have not detected or not been in a situation to apprehend. It will scarcely admit of doubt that where one delinquent receives his due, two escape. Even if it could be proved that there is at any time any undue severity, it will be found that the nationality of the parties has no interest in the decisions, unless it is the judges are more disposed to be severe on their own countrymen than on foreigners from the fear perhaps of involving their country with other powers; a result which has heretofore too often been held in terror over them, to the weakening of the independence proper to the judiciary. As an example of the strictness with which the judges apply the laws to their own countrymen when they have committed any aggression on foreigners, we refer to the Friend of April 4th, 1844, in which it will be seen that two Hawaiians who robbed a sailor of \$1.00 and a jack-knife were sentenced to one year's hard labor.

This government in view of the somewhat anomalous character of its courts, which as we have shown, results entirely from circumstances beyond its control, and from its good intentions towards foreigners, has had it long in view to remodel and perfect its judiciary so that it shall form a distinct department of government, disconnected and uncontrolled as in the United States. A more complete organization of all the departments is needed, and will be made with as little delay as possible; the whole will be arranged in one harmonious and efficient system and the offices filled from time to time with a single eye to the public service. In these and all other healthful changes the government would gladly recognise the friendly co-operation of all who wish it well; and that there are many in this community who are actuated by honorable sentiments towards it, has never been doubted.

We deem it unnecessary to continue beyond this week the publication of the case of Gray in our columns, as the complete pamphlet will shortly be issued from this press. It will be then before the public in a form which will enable it to judge of its real merit without further comment of ours. Of the propriety of the course of Mr. Brown in the extraordinary language used towards the gentlemen on the bench, there cannot be a great diversity of opinion, and some of his assertions will be found incorrect. It is

true that in accordance with the customs of the minor court, the interpreter was not sworn, but the witnesses were sworn and their evidence recorded. The man was not fined while drunk, for he was not apprehended until the evening of the day of the offence, when he came ashore in disguise from a whale ship, on board of which he had sought concealment. His trial occurred the next day some 24 hours after his assault upon Morgan, when he was to all appearance as perfectly sober as when he sought a new trial. That he is a quarrelsome fellow, and disposed to break the peace is evident from the fact that he made an assault upon the Sheriff of Oahu on the first day of the appeal, in the public street, on the ground of his having been the means of his being brought to justice in the first instance. An officer of the Brandywine took off the man. He was conveyed on board the frigate when Com. Parker very properly had him punished.

The Nonanona has been discontinued and its editor, the Rev. Mr. Armstrong, has issued in its stead the first No. of Ka Elele Hawaii, The Hawaiian Messenger. It is to appear semi-monthly, 3 pages, double columns, oct. To the chiefs, officers, and foreigners generally, \$1 per annum; the minor native officers, 25 c.; and the people at large, 12½. It is to be a newspaper, in the true sense of the word, containing a summary of foreign news, the local do., miscellaneous intelligence, the politics of the country, laws, in short every thing its size will admit, tending to spread useful information among the nation. A paper like this, divested of an exclusively religious character, has long been needed here, and under the charge of its experienced editor, assisted by the communications and subscriptions of the friends of the country, it may be made instrumental to the great enlightenment of the mind of the nation, by bringing before it regularly and concisely the doings of the world at large, and giving the people an interest and insight into their own political affairs. It is intended to operate as a stimulus to knowledge, an inciter of patriotism, and to be a powerful lever in directing aright the physical and mental resources of the nation. Every friend of the government and people will wish it success, and we trust subscribe for several copies at the highest rate, that its expenses may be paid and its circulation increased among that class the least able to pay. The difference made in the prices to the several classes of subscribers, we believe to be a good arrangement, and will render the paper more valued by all.

OVERLAND MAIL.—By the Cayuga, from Mazatlan, we get American papers into January, and European news of nearly as late a date, but we are unable to glean anything of particular interest. The election excitement in the United States had died away; Congress had assembled, and the President's Message been received. Its chief topic is the affairs of Mexico and Texas, the annexation of the latter to the United States being strongly urged. The House of Representatives were favorable, but the Senate it is presumed will defeat any action in this particular of the House.

The mails hence per Levant, reached the United States in December, being 6 weeks longer than a mail by a whaler—the Maria Theresa—via Cape Horn. The Warren mail, hence Aug. 3, was received at the same time. The late revolution in Mexico may have operated to disarrange the mails.

The revolution in Mexico has been completely successful. Santa Anna has been taken prisoner near Jalapa, but his enemies are somewhat puzzled to know what to do with him. He is confined at Perote. Don Jose Herrera is appointed provisional president. The regulation of custom houses on the Pacific is given to Paredes, and a more favorable tariff is looked for. Gen. Michelorena and his Mexican troops have been driven from California. Alvarado is at the

head of the revolutionary movement in that country, which has been as usual quite bloodless.

The Russian army has experienced severe reverses in Circassia, losing 60,000 men.

From the Journal Des Debats of Oct. we learn M. Bruat is to be relieved of his command at Tahiti.

The influenza is prevailing very extensively both here and at Maui. At Lahinaluna, the high school has been interrupted in consequence and there are not natives enough left able to be about to bring in the produce required by the large fleet of whalers in port.

The Prussian whaler Brousia has arrived at Maui. Her captain has a circular letter to the American consuls in the case she may want assistance. The King of Prussia is interested in the voyage and is a large stockholder in the company wh. fitted her out.

CORRECTION.—In the haste with which we were obliged to go over our proofs near midnight on Saturday, we inadvertently allowed Mr. H. Sea in the account of the reception at the palace to appear as Vice Consul for the Hawaiian Islands, instead of the Southern Islands, as it should have read.

If any errors in the delivery of the papers occur, we should be glad to be informed immediately in order to correct them. We have now a new carrier; our late boy being very deficient in the proper appreciation of the distinction between *meum* and *tuum*. We have been obliged to put him in a situation where he will have leisure to reflect upon his sinful courses.—But we did not do this until we found that he had done for some time quite a flourishing business in selling papers on his own account. We grieve for "stuttering Jim" whose fame is so well known here, (and which had also reached even London as we see by a late Athenæum,) that he should be thus shut up, when midway on the road to immortality. He is a rare genius, and of great resources notwithstanding his impediment of speech, but we do hope that we shall never see his like again.

We would suggest that those who wish single papers should send to the office for them.—Our carrier hereafter will not be authorized to sell extra copies unless the money is paid him at the time. We are obliged to adopt this rule to avoid the great trouble occasioned by keeping the run of sums due for one or a few papers, delivered by the carrier at request of individuals whose names he either is unacquainted with or cannot remember.

The house of Nobles assembled on the 2d. inst. at Maunakili, and partly organized. On that and the two following days several resolutions were discussed and passed, admitting new members.—The following persons were unanimously elected and commissioned as nobles:—

JOSUA KAEQ,	JONA PIKROI,
JONA KAPANA,	BENIKI NAMAHEHA,
PAULO KANOA,	KAISARA KAPAKEA,
NAMAQU,	JAS. YOUNG KANEHOA

The House of Representatives is not yet organized, owing to the absence and sickness of several members.

Adjourned until Tuesday next at 10 o'clock A. M. when several topics involved in the inheritance of the estates of the late Gov. Adams and Mr. T. Haalilo will be made the order of the day in secret session.

SHIPPING INTELLIGENCE

FOR THE PORT OF HONOLULU.

ARRIVED.

March 28—Outside, at anchor, Am. whale-ship Eagle, Perry, from Maui. Off and on—Fr. whale ship Argo, last from Hawaii. Off and on, sailed same day—Am. whale-ships Lagoda, Maria, Amythis, (Bailey 5 mos. 85 sperm) Nantasket, (Smith, New Bedford 20 months, 2500 wh.) to cruise.

March 29—Am. whale-ship Margaret Scott, Price, New Bedford 6 months; 150 whale, 50 sperm.

March 30—Am. whale-ship Jane, Eddy, Warren 20 months; 2100 whale, 14,000 lbs. bone. In offing, Am. whale-ship Wm. Thompson, Ellis, New Bedford, (sailed again). Am. brig Cayuga, Starbuck, Mazatlan 28 days.

April 2—In offing, anchored same day, Fr. whale ship Ajax, Tillon 10 mos.; 150 whale, sailed 3d.—Fr. whale-brig Salamander, Guesdon 10 m. 200 w.

April 4—Honsat, C. E. Serand, 10 mos.; 300 wh. 100 sperm.—N. Zealand—[Hamburg whale barque, and the first ever under those colors.] Several wh-ships in offing, from Maui.

SAILED.

March 28—Am. barque Harvest; to cruise.—Bremen wh-ship Clementine; to cruise. Fr. whale ship Angeline; to cruise.

March 31—French whale-ship Nancy, Jay; cruise.

April 3—Sch. Hamah, (of Salem) Cummings; China.

April 4—Am. brig Cayuga, Starbuck; China.

ADVERTISEMENT.

Notice.

FOUND—At the landing, a WHALE BOAT, with six oars; probably has been deserted by the crew. The owner, by paying charges, can have the same.

D. P. PENHALLOW,
Honolulu, April 5. (318) Harbor Master.