

THE POLYNESIAN.

HONOLULU, SATURDAY, APRIL 17, 1847.

Publicity of procedure in judicial trials is favorable to justice. The public, however, cannot in general be in attendance at the court houses, consequently the cases tried, to appear at all, must come through the medium of the press. In the infancy of our judicial system, it is particularly desirable that the public should be made acquainted with all its business details. Precedents, forms, rules and doctrines affecting the rights and interests of all, are being established, and it becomes the public not only to be jealous of the correct administration of justice, but to keep pace with its progress. Hence, although we gave an abstract in our last of the cases disposed of during the April term, yet as we have been able this week to procure a report more in detail, we give it to our readers. The remarks of Judge Lee upon opening the court are worthy the attention of every one. So in the decision in the case of Ladd & Co.—the men who through the public prints notoriously defame and libel the country, its institutions, government and courts; who tell the judge and any twelve fellow residents impanelled to try their cases, that "Justice in Hawaiian Courts to Ladd & Co. is but another name for oppression, wrongs, illegality and persecution. Should we make out never so good a case in our favor, we could not expect justice." It must indeed be a desperate case that compels such an acknowledgment. The language of Judge Lee's decision proves it to have been justice stretched to its utmost tension to favor their application. While the court grants, it condemns. Mark the reasons against—plentiful and convincing—showing their conduct to have been informal, unjust to the plaintiff, liable to suspicion, and their request, if granted, opening a door to fraud; "But the Court, lest injustice should, by any possibility, however remote," result even to Ladd & Co., grant its utmost indulgence to the very parties who libel its members, and in every way possible attempt to evade and overturn its decisions. In Europe and the United States, such language as they have publicly held, would have consigned them for contempt to prison within twenty-four hours after its publication. We are glad, however, that the court here has treated it with a far more efficacious weapon—thorough contempt; and has even shown them the magnanimity where it had an option without in its opinion, doing serious injustice to the opposite party, to lean towards them. In saying this, however, we most sincerely hope that on trial they will receive at its hand, strict, impartial justice; that justice which compels every man to render to another his due, and not that interpretation of it which consists in enabling a debtor to avoid his creditor, and which—when at last the creditor, by the aid of the court, having recovered a portion of his long kept money—would have the world believe them to be the victims of judicial injustice and private persecution, and the court an irresponsible machine, of "embodied stupidity," charging it with "gross carelessness, ignorance, stupidity and incompetency, culpable absurdity and presumption, a wilful and base corruption in the administration of justice," and without "certainty, regularity, legality or security."

Such are the character and terms bestowed upon the Court of Oahu by the once Rev. Peter A. Brinsmade, the head of the house of Ladd & Co., in a letter to Judge Lee, whose first notice of such a libelous and false production, was by accidentally meeting with its sixteen columns in an anonymously edited newspaper. This mammoth lucubration, surcharged with rancor, insult, bad law and worse logic, grew out of the insufferable "ignorance, stupidity, incompetency, culpable absurdity and presumption" as styled by Mr. Brinsmade, of the "Reverend," "embodied stupidity," in compelling Ladd & Co. to pay to the Agents of the Hon. Hudson Bay Company money which they had borrowed of them some years before, and which, it would seem from their letter, they were most anxious to keep them from recovering. This they would have succeeded in doing, had not the sheriff been too lynx-eyed even for them. Job exclaims, would that my enemy would write his words in a book. Verily, the court might exclaim, would that mine enemy would continue his letters. If the first be a sample, a series better calculated to prove Ladd & Co. most notoriously wrong, and their creditors, court and public at large most emphatically right, has never, we venture to say, appeared in print. We are more gratified with the first effusion, that it has served to open the eyes of several to a better appreciation of their merits, who were before but half-convinced.

Some of our readers may inquire, who is this Mr. Brinsmade, who rails so stoutly and complains so piteously at the Court of Oahu for having compelled Ladd & Co. to pay one of their numerous debts—an item of \$2000 out of a sum of \$160,000—one which it appears by the result, they always had the money to pay, but which, like many others, they would not until the courts of justice lent the creditor their coercive aid, and which being paid, they are excessively anxious to get back, not on the plea of not having owed it, or even having the shadow of an offset, but because their active imaginations have discovered what they consider a *flaw* in the judicial proceedings. Verily, few debtors would have had the ingenuity to detect such a new way of paying old debts.

For admitting, for arguments sake, which, however, was not the case, that the court or sheriff acted informally, Mr. Brinsmade's letter admits the debt and the nonpayment; consequently the monies were not theirs, but their creditors', who were sagacious enough to come first and get first served. The sheriff was simply doing for them what they steadily declined doing themselves—that is, he paid their debts, and as all Honolulu knows, it has been a constant struggle between the two, the one to get at their funds to satisfy judgments, the other to keep them from him.

The public fail to appreciate that logic which would wrest from an injured creditor his just dues, at the pitiful whining of an enraged debtor, whose malice is equalled only by his disappointment, and who measures injustice to himself by the success of the officers of the law in restoring to his much enduring creditors their dues. Hence the sixteen columns of tirade in the S. I. News of March 31. The design is evidently three-fold—to relieve a breast filled well nigh to bursting with rancor against old associates and principles; to bring the government, courts and country into disrepute abroad; and to excite a false sympathy for their firm. So far as the act is concerned, we cannot find fault with Mr. Brinsmade; for few of the services which he has performed for the government in his days of political sanity can be said to equal in its happy effects this discharge of his bile. But his intention is obvious, and it is no fault of his that his power is not commensurate with his will to harm. On this score, and for the public affront which he has thus cast upon society, we are compelled against our desire to notice him. Ill-tempered cattle are often serviceable enough in chains; but when loose, they require their horns to be clipped to avoid an unpleasant habit they have of hooking; therefore, lest Mr. Brinsmade might gore some unwary wayfarer, we clip his horns. If in so doing we inadvertently touch the quick, it is only because his restiveness has forced us to cut them.

Before we commence, however, we would say a word relative to ourself. Previous to Commodore Stockton's departure he made it a personal request of us, that we would endeavor to exert what influence the Polynesian might be supposed to possess, in harmonizing the public mind. The United States Commissioner joined him in this sentiment, and did us the honor to say, that if he could have any influence over us, he should exert it for the same. On the other hand, the moderation of the opposite party in politics was pledged. We most cordially gave our assent to these peaceful requests, and were even anxious, if there had been too much of acerbity in our previous writings, to allay its effect by avoiding it wholly for the future. We did so. From that period to this, we not only suppressed the series of editorials which we had commenced relative to the libel suit of P. A. Brinsmade, but in perfect good faith conducted our journal with the intent of exercising a quieting and wholesome influence, avoiding all unnecessary irritation. How far we have been successful our readers are to judge. But what was the result on those who complained so much of us? The establishment of a public paper, anonymously conducted, which in less than six months proved false to every principle upon which it professed to be established, and is now only known as a scurrilous print, devoted to low abuse upon the King's officers, libelling the country, missionaries and institutions, and passing regularly from hand to hand of those who having some particular spite to vent against the government, make the public, under pretence of sustaining an independent sheet, pay for their exercise of malice and display of falsehood. We do not state this in way of complaint. Far from it. We desire the gentlemen editors to go on as they have begun. Their services to the government are invaluable, for their paper is too faithful a mirror of themselves, not to make us friends. We refer to the sheet with no other motive than to connect Mr. Brinsmade, its now reputed editor, with it. It is as vain for him to disguise the work of his pen, as for the ostrich to consider itself safe by hiding its head in the sand. Mr. Brinsmade then now does the government the service to maintain the reputation of that journal, and to drive its subscribers one by one to the Polynesian. It is not in our heart to find fault with him for this. What then? As we all know, Mr. Brinsmade was once a clever preacher, and in turning merchant lost none of his piety. Certain it was, that Mr. Brinsmade was most zealous up to the time of his departure in 1841, in the cause of religion, philanthropy and morals. He was foremost at the praying circle, often in the pulpit, charitable, sociable and enterprising as a man and merchant. As Consul, he gained the esteem of government and residents. There was a bit of the white feather shown, with a leaning to the strongest side in the Laplace affair; but that was soon overlooked. So thoroughly did he support the government, when under missionary influence, as to sustain its measures in banishing the Roman Catholic priests, by publicly defending their policy. We refer our readers to No. 48, June 24, 1837, of the Sandwich Island Gazette, for a sample of Mr. B.'s zeal in behalf of the government at that period.

We find him claiming for a then unrecognized, semi-barbarous chief, the entire principles of international law, asserting that

"No right can be more obvious, or based on sounder principles, than the political right of a sove-

reign to control the religion of his country, so far as it is external and publicly established."

Soon after we perceive the following sound doctrine:

"This Sovereign, after an example very popular elsewhere, asserts the right of interpreting the laws of the nation for himself."

In contrast with some of his late effusions, we recal to his notice the succeeding paragraph:

"In view of some of the principles adduced, and of the conduct of other governments under circumstances of far less interest and danger to them, it does seem to me, I confess, quite indiscreet, to say the least of it, to brand the King and subordinate officers of this government, who have always to a degree most honorable to their advancement in intelligence and civilization, shown their protection and courtesies to every resident and visitor on their shores, with the opprobrious epithets of Barbarians and Pirates,—especially when their acts consist in an intelligent application of principles recognised as sound throughout the civilized world."

We are not disposed to doubt Mr. B.'s sincerity in this or in any other of his religious and philanthropic deeds at this period. Nothing less could be expected than that friendly offices and sound doctrines displayed with tact, should win the feelings and confidence of chiefs and missionaries. He had his reward. Both did for him what they have never done for any one else. Leases of lands, privileges, and adventitious aids to their firm, followed thick and fast; adroit sanctity for once reaped a golden harvest. We blame neither party in this transaction. Both thought the wealth of the soil required developing, and the industry of the natives stimulating. Both prayed and fasted, argued and preached over the best means. With such nicety was the train laid, that both walked straight into the same conclusions. The best means were Ladd & Co. They were enterprising, full of love for the nation, and, above all, co-religionists. The result was a free gift of leases, etc., the ink of which had scarcely dried in their possession before they were esteemed worth \$100,000—a tolerable bonus for the promise of their aid in civilizing the nation. These transactions were specimens of the "facilities afforded for foreign agricultural enterprise several years ago, when the interests of the country were in the keeping and management of its (native?) rulers." For some reason or other these "facilities" all took one direction, and arrived at one point, Ladd & Co.'s office; none beside themselves were at all aware that such "facilities" existed. We have not a doubt that they would have made as good a use of them as any other foreigners, had they been successful in turning them to cash and realizing their schemes. Mr. Brinsmade went to Europe, taking with him powers of attorney from his partners to sell their leases and all their joint property. He left them largely indebted. They, to quiet their most anxious creditors, gave securities on the properties Mr. B. was to sell. He, after exhausting years in profitless efforts, although assisted by the best offices of the government, returned to this kingdom. In the meanwhile his firm became bankrupt. They had borrowed right and left, and exhausted their credit in a variety of ways, which had left but little patience among most of their creditors. Mr. B. protests against the right of his partners to give mortgages—sues humble We for \$50,000, for an alleged libel—and failing in that, sues the Hawaiian Government for \$378,000, being the sum total of their hopes from the grand stock-jobbing, philanthropic land monster they had given rise to. The plain English of the matter is, that no purchasers being found abroad for their wares, they were to make an effort to force a sale at home.

Now comes the front of the whole injustice to Ladd & Co. Their creditors, "Having waited most patiently for a great and unprecedented length of time, in hopes of seeing some arrangement made by the partners of that firm now residing here, William Ladd and William Hooper, towards a liquidation of their debts, but seeing none likely to be made, or any prospect, even the most distant, of such a desirable event, the undersigned beg to solicit a meeting of such creditors of Ladd & Co. as feel inclined to take the necessary steps to elicit insight into the real state of affairs of that firm, which have hitherto been kept entirely in the dark." This preamble to a call for a public meeting, more than a year since, was signed by fifteen individuals and firms, representing debts to \$70,000, and shows the public sentiment relative to their policy. When its tortuous course began to be unravelled, and creditors began to look after their rights, then Ladd & Co. began to raise a hue and cry about injustice. Allowance should always be made for misfortune. Few have lived one score years and not met with crushed hopes, blighted affections, or some one of the numerous catalogue of ills that try and wilt the heart. Be it in love, domestic life, ambition, money, what it may, the evil falls like an avalanche, and the strongest will become powerless under its weight, unless hope reanimates the heart or religion cheers the soul.—Strong as human feeling should be for the fallen and disappointed, it should mete its bounds by justice. Patience, modesty, courage, consistency and firmness under all circumstances, enlist sympathy. But when misfortune becomes a snarling backslider, biting the hand that fed it, seeking to justify itself by heaping wrong, insult, falsehood and treachery upon its former friends and neighbors, then sympathy ceases to be a virtue. The real position of the parties should be understood. When Mr. Brinsmade

comes before the public shouting "injustice oppression, illegality, absurdity, corruption, and presumption" against the courts and his fellow residents, it is due the public to whom he appeals to test his assertions by the truth. Sensitive as he is to all that affects his own funds, has he lost all sense of justice to his neighbor? Careful as he professes to be of his own reputation, has he become so deadened to charity and good sense, as to exhaust the vocabulary of abuse in his efforts to malign those with whom he once prayed—fellow members of a fellow church—the government which he once so eagerly defended—the people which once so warmly possessed his philanthropic sympathies? Is he so dead to every honorable feeling as to attempt to undermine that national independence which he labored to secure? Is his opinion of the independence of Kamehameha III., in 1847, a recognized Sovereign, so widely different from that of Kamehameha I., in 1817, an unrecognized chief? If his present position be his true one, then was he a most marvellous dissembler for the loaves and fishes. If he were sincere then, he is a renegade to those principles now. Positions and efforts more inconsistent and diametrically opposed, no politician ever found himself in? If he continue to glory in such a career, to insult his once friends, to centre all the evil feelings of the heart into the concentrated fury of a revengeful though impotent despair, it will become necessary for the community to save itself from a species of moral insanity, which, if timely checked, may relieve the patient from falling into the hopeless condition of an outlaw to all consideration or even pity.

Hoping Mr. Brinsmade not yet to be so far lost, we ask him to reflect upon the sufferings and embarrassments his course has brought upon others. We beg of him to turn a little of that morbid sensitiveness of all that relates to self to an examination into what he has wrought for others. While he was spending thousands in Europe for his own pleasures or profit, did he reflect those thousands were not his? That \$3500 belonged to the Hawaiian Government, loaned him in his necessity, and for part of which his most solemn pledges are held for repayment, even though he should be compelled to turn "swine herdsman" to the king—that his distress was so great that without this aid he knew not which way to turn, and that he committed the decision to the agent of the Government in this request as to "Providence?" Did his mind never recur to the distress of the widow and orphans whose \$2000 he was thus using? Did he never conceive of the embarrassment he put upon debtors here and creditors in the United States by carrying away with him the funds with which he was expected to meet engagements in Boston, Philadelphia and elsewhere. Did he never think of the meanness of taking the pittance of children in trust on interest or investment, and never accounting for them? Is his conscience so wrapt up in its own estimate of wrong, as to be insensible of wrong to another? When filial piety sends to parents in the United States the sum of successful industry here, to comfort their declining years, is it nothing to him that, drawn on by his partners, he is not to be found, and cannot or will not meet it. Is it nothing that the entire savings of day-laborers, the poor Hawaiian, the Portuguese and Chinese, the successful gleanings of honest industry are irretrievably swallowed up by his firm? Has he no sense of shame at giving a native a note without date; at jeopardizing the property of a ward in trust; at assigning over unassignable book debts; at using money placed in deposit; at giving mortgages without notice of previous incumbrances; at failing to make an honest and open showing of accounts and property to creditors; at Mr. Hooper's offering to get up a "sham" sale in N. York of scrip to be issued by the government for their advantage; of the "sin" of the threat to introduce the Jesuits into the island, the very priests whom Mr. B. so zealously defended the government for banishing; of the inconsistency of pretending to sell to one party properties which they profess to have sold and conveyed away in Belgium; in short, of the numberless acts of their own liable to suspicion and reprobation, but which the public would willingly have left to be covered with the mantle of charity, had not Mr. Brinsmade proclaimed a guerilla war of slander, falsehood, and graceless pretensions against the King, government, court, country and people.

In the language in part of the conclusion of one of his own political exordiums, we present these considerations with a sincere regard for the interests of Ladd & Co. and their creditors, and shall hail the day when we shall have only to praise Ladd & Co. for their strict adherence to those principles of common honesty and good temper adopted by all sensible people.

The Mary Dare, from London, brings important despatches for the Foreign Office. She also brings letters from Admiral Thomas to the Minister of Foreign Relations, in which he continues to express his lively interest in the welfare of the Islands, and desires remembrance to his numerous friends, both native and resident.

DEATHS IN HONOLULU.—MONTH OF MARCH.—Governor's Report.—27 males, 23 females; total, 50, and not 119, as understood in our last.

His Majesty arrived on Thursday morning from Lahaina, after an absence of a month.