

THE POLYNESIAN.

SATURDAY, JULY 18, 1857.

We are requested to announce that the funeral of the deceased High Chiefess L. KONIA, will take place at her late residence on Tuesday 21st inst., at 5 o'clock P. M.

Not in Honolulu only, but throughout the islands, good health is so much the prevailing condition, that it requires an occasional epidemic to remind us from our security and remind us of the that we enjoy as a matter of course. We have no doubt that every one of us who passes through this ordeal of sneezing and coughing and headache and fever and chills and pains in the (we are in the midst of it and will give the weary no quarter) and ear-ache and sore throat running at the nose and watering at the eyes, will remember for some time to come what the difference is between a blue pill and a good dinner, between a glass of sherry and one of toast-and-ale, between a day of activity followed by a day of rest, and a day of inactivity and a night of unrest. As elderly females say in the Old Country of their husbands, (but more frequently of their sons,) "I never knew the value o' un till I was laid up," let us hope that a similarly appreciative turn of mind may be engendered here and a kindred form of expression suggested by this influenza—tending not only to fill us with gratitude for that "keen sense of benefits to come"—but to remind us every morning when we rise how high our pulse beats above the zero of health established in July '57, and how seldom we as a community are called upon to furnish conscripts to those unwilling ranks that fight and faint under the black banner of disease.

SUPREME COURT—July Term.

The Court met on Monday the 6th instant, Chief Justice Allen and Associate Justices Robertson and Bates on the Bench.

B. Bates, Esquire, on behalf of the Bar of Honolulu, announced the death of Samuel Burbank, Esq., with suitable remarks, and presented the resolutions adopted by the Bar on that event, with a request that they might be placed of record. Chief Justice Allen responded as follows:

As a member of the Court, I warmly sympathize with the Bar in their expressions of sorrow on account of the death of the lamented Burbank. He was well worthy of this tribute of respect. While an active member of the profession here, he acquired an honorable reputation. He thoroughly prepared his cases and discharged fully his duty to his clients, and although he continued in practice here but a short time, he occupied a high position. He had a high appreciation of the character and honor of the profession. He regarded it as the great means of securing and protecting the rights of man, but never of persecution or oppression. Notwithstanding his success, he abandoned it for more liberal pursuits, which held out richer promises of reward. In his new sphere, as in his old, he was efficient and successful, and won the confidence and respect of all who knew him. He was a man of integrity and principle, always performing faithfully his duty in every relation. His sudden death in the bloom of manhood was overwhelming to his family and friends, with whom we warmly sympathize. It is our duty to pause and contemplate this dispensation of Providence, so unexpected—it speaks with a monitory voice to us. May it not pass unheeded. The proceedings of the Bar will be entered on the records of the Court.

Bates then presented the resolutions of the Bar upon the death of the late Chief Justice, accompanied by the following remarks:

Now may it please the Court, I have yet another duty to perform. On the 28th day of May, A. D. 1857, the Honorable Samuel L. Lee, Chief Justice of the Hawaiian Islands, died after a protracted illness, in which he suffered but without a murmur. He lived and died a Christian, loving God supremely and his neighbor as himself. Judge Lee was known, appreciated and beloved by the entire community. His acts as an individual of high character proclaim his eulogy to all. As the presiding officer of this Court it may not be regarded as the place that I should speak of some of his peculiar merits. Having been thrown into almost daily and intimate intercourse with him as prosecuting attorney to the King and as a general practitioner for the last several years, I knew him well, and the more I observed of his conduct as a judge, the more I esteemed his character. He was always firm and decided, but courteous and kind in awarding exact justice to all. The laws of the land were regarded as the basis of all human law, and the strict rules of the common law interfered with the course of justice, he looked to the civil law as his guide, and in the peculiar circumstances of the case he rendered applicable the letter of either, he governed his decisions by the immutable principles of right and justice as proclaimed in the word of God—"Do unto others as you would wish to be done by." His perceptions were quick to see and understand the rights of justice, and his well balanced mind always held the scales of justice, so that it was not in the power of any

one to affect its equilibrium by fictitious weights or influences.

Well read in the elementary principles of the law when he arrived here, he immediately entered upon the discharge of the duties of a judge, under most embarrassing circumstances, as the little community of which he became a member had long been very much disturbed by protracted and angry litigation, but from the beginning to the end of his judicial career his calm consideration, just appreciation of the right, and firm decision, commanded the respect of all.

I speak in behalf of the entire Bar, I doubt not, in here publicly declaring, we all respect his memory and deeply mourn his loss, and as a testimonial of that respect and as an evidence of our grief, I would ask leave to read the resolutions the bar have adopted, and that the same may be entered among the public records of this Court.

Chief Justice Allen said:

The resolutions of the Bar and the address to which we have just listened in regard to the late Chief Justice Lee, have excited the deepest emotions in my heart. His long illness had prepared the minds of the nation in some degree for the last sad event, still when it was announced as a reality, there was a general sorrow. My acquaintance with him had been intimate and cordial for many years. He had the strong moral qualities which are so clearly taught in the Scriptures of Truth. All who knew him were impressed with his truthfulness, his sincerity and integrity. And his strong conscientiousness was evinced in carefully examining and in sustaining justly the rights of all who appealed to him. It was not alone as a judge that he had done great service. As a citizen, as a neighbor, as a friend, he always fulfilled every duty. I purpose herein to speak briefly in this place of his judicial character. In the first years of his administration of the office of Chief Justice, he must have felt much embarrassment from the want of more complete system in the laws, and from the peculiar usages and customs which regulate the rights of property among the people. His untiring industry, his extraordinary devotion to the duties of his profession, and his great clearness of judgment, enabled him to perform his duty faithfully not only to the native, but to the foreigner, in a way alike satisfactory.

The crowning glory of his judicial character was his strong sense of justice. In this he resembles his illustrious teacher and exemplar, the eminent Story, who reflected such brilliant honor upon the judiciary of his own country. The system which Judge Lee aided in giving to our laws, and the ability and learning of his decisions, will reflect an honor upon his name as long as the rights of men are regarded, or liberty, regulated by law is cherished, in our Kingdom.

It is a matter of deep regret that he and his associates had not been able to complete the Civil Code on which they had been engaged with much interest during the last year of his useful life. His professional resources, and his knowledge of the usages and customs of this people gave him peculiar fitness for this work. Few men of his brief life, and oppressed as he was with positive disease, have ever accomplished so much, or been so useful in their day and generation.

He has gone, but his example and his teachings are left to us.

The proceedings of the Bar will be entered on the records of the Court, and the Court will adjourn for the day.

Judge Robertson remarked as follows:

GENTLEMEN: After what has fallen from the Chief Justice on this solemn occasion, I propose to offer but a very few remarks in response to the resolutions which you have just presented, as a mark of your respect to the memory of our departed friend and chief.

That which, under other circumstances, I would have esteemed it a pleasant duty to attempt, namely, to give a sketch of his life and character, has already been performed by the Press and the Pulpit, both of which have united in giving utterance to the universal feeling of admiration and esteem with which the deceased was regarded by this entire community. His loss has been looked upon as emphatically a public loss, and the mourners are the whole nation.

For years previous to his death, the name of Judge Lee had become a familiar household word throughout the length and breadth of these islands, among natives as well as foreigners, from the Palace of the King to the meanest hut in the land. Long will his name be remembered, with a heartfelt *aloha*, by the Chiefs who have sat with him in the councils of the nation, as the name of one in whose wisdom and integrity they had unbounded confidence. Long will the *makaianinanas* of this kingdom continue to venerate the man who labored so faithfully in securing to them their civil and political rights and privileges—the judge whose ear was ever open to hear their complaints and grievances, whose patience was unending, and whose heart and hand were at all times ready to aid and assist them.

While, in common with all, I shall ever love to think and to speak of Mr. Lee with great respect, as one who for so long a time occupied the position of a leading public man, and a pillar of the State; and while, in common with many, I shall gratefully remember him as a friend, whose hearty counsel and assistance were ever readily given, with a kindness and a grace which added ten-fold to their value, it is also my privilege to think and to speak of him as a beloved associate and brother.

For a series of years we were intimately associated together, in important public duties and avocations of various kinds. During the entire period of our joint labors, as members of the Land Commission, as Justices of this Court, and in many other employments, our relations were ever of the most amicable and agreeable nature. Although the character of our employments was such as frequently led us into lively argument and discussion, not only upon legal questions, but also on questions of public policy and general interest, as, for example, while engaged last summer upon the Revised Statutes, yet the quiet flow of harmony and mutual good feeling was never for a moment disturbed. Mr. Lee himself, in a letter which he addressed to me while he was cruising on board of the *Barnstable*, in speaking of our having been associated together so long, says, "For six years past we have labored together daily, in the Land Commission and on the Bench, without so much as one word of trouble; and if we lived together sixty years, I am sure no cloud would ever rise between us."

After what has been said by others, it is unnecessary for me to speak of the character and abilities of the late Chief Justice as a judge and a jurist. Suffice it to say, that his honesty was a deep, vital principle, not meted out by conventional rules of worldly policy; his faculty of perception and apprehension was remarkably quick, and never more so than during the last twelve months of his life, while his physical powers were gradually becoming exhausted; the happy facility he possessed of clearly stating and illustrating the principles of law applicable to any case before him, are familiar to us all; his industry, until he became too feeble to apply it, was indefatigable, and labor seemed to be to him as the very breath of life; while conspicuous among his other virtues shone an ardent love of substantial justice, and the firm determination to promote it.

But "the purple, the lawn, and the ermine, must alike be relinquished and laid aside at the brink of the grave." And upon such an occasion as this, when a man of so much note has fallen in our midst, it is a solemn duty to give expression to our thoughts and feelings, as well from a becoming respect to the memory of the dead, as that the hearts of the living may be duly impressed.

While the cloud of grief and sadness might rest upon the heart, and the tear of affection might rise unbidden to dim the eye, it has been a source of the purest consolation to his friends, to know that ere the final summons arrived, or that fiat was issued which admits of no reversal, Mr. Lee was prepared to depart. As, in sorrow, we trod the chamber where the good man met his fate, and gazed upon the earthly remains of one whom we so much loved, we could rejoice in the glorious hope that his soul, when it passed upwards, from the seen to the unseen, was cheered by the gracious welcome of the Righteous Judge of all the earth, "Well done, good and faithful servant;" and to-day we can rejoice in the confidence that the spirit of our friend has become the companion of just men made perfect, in that better land of which the poet hath sung:

"Dreams cannot paint a world so fair;
Sorrow and death may not enter there;
Time doth not breathe on its fadeless bloom,
Far beyond the clouds, far beyond the tomb."

Judge Li responded in the native language, but we have not obtained a copy of his remarks.

The resolutions of the Bar were ordered to be placed of record, and the Court adjourned till Tuesday.

TO THE EDITOR OF THE POLYNESIAN.

SIR: In the *Polynesian* of last week is an extract from a report of a meeting of the "Board of Commissioners for Foreign Missions" in Boston, at which the "Rev. E. G. Beckwith, President of Oahu College, Sandwich Islands," delivered himself of a stirring appeal to the Board in behalf of said college. After a great deal of Buncombe, no doubt adapted to the temperament of his audience, and during which this Reverendissimus of a day, who never mingled with the population which he panegyricizes and stigmatizes by turns, informs his hearers that there are "several thousand foreigners" here; (Quære, according to what census; the one for 1853 or the one for 1857?)—that "the institution (the college) is not only for foreigners, but intended to be built up for all;" (which, interpreted by the Constitution of the country, means natives as well as foreigners, Catholics as well as Protestants, Buddhists as well as Jews) and that "the native Hawaiians are many of them inclined to attend the school and have already learned the English language;" (notwithstanding the stinted measure and disgusting parsimony with which the President of the Board of Education continues to dole out such instruction to them,)—after this and more of the sort the report says that "the Reverend gentleman continued at some length to present a most encouraging picture of the state of religion in the Sandwich Islands, and in the view of Jesuitism and Catholicism planting their deadly nightshade there, made an earnest appeal in behalf of the education of the natives." "Jesuitism in all its horrors was there, and they (Hawaiians) wanted education and better society; and for this purpose the missionaries should be kept there, or God's cause would suffer."

There it is in black and white; a full length picture of the presiding genius of the highest educational institution in the country. Under a Constitution which guarantees religious liberty, and a statute law which secularizes all schools depending on government support, a national institution is to be built up and endowed, in part at least, by that very government, for the avowed purpose of extirpating Catholicism, the professed religion of two-fifths of the inhabitants! Truly there is no hate like a religious hatred.

"But Jesuitism in all its horrors is (here)."

When the Reverend E. G. Beckwith, President of Oahu College, Sandwich Islands, started the quiet echoes of "the church of the Puritans" in Boston with an assertion so gratuitous, so extravagant and unfounded, did he speak from his own personal knowledge of the fact, or from the knowledge of others, or even from the mere on dits of the place? When he made such a sweeping assertion which is no longer a fact, not even in bigoted and priest-ridden Spain, much less on these Islands in the face of an overbearing, mocking and relentless Protestantism, was he a dupe to the horrors of a distempered imagination, or was he testing the credulity of his audience? Does he owe no responsibility to the government, whom he is supposed to represent in his begging excursion, and whose good faith with its subjects of promiscuous races and creeds he is so ruthlessly and wantonly compromising? Was the "still, small voice" of the Reverend's conscience left at home, a neat-egg for future occasions, or was it found an inconvenient travelling companion? What must an audience of Christian philanthropists have thought of such a specimen of Hawaiian ethics, when they knew, as many of them must have known, that the Reverend was treating them to fables of the whole cloth and of the "Blue-beard" color? And this gentleman—with the vow of a Christian minister fresh upon him, with such a holy horror of all untruth and specially of that Jesuitical maxim that "the end justifies the means"—this gentleman presides over a national college and is sent abroad to represent the state of education and religion at these Islands! Truly they must be low enough, if judged by such a sample. By this Reverend gentleman our children are to be instructed in a proper regard for the principles of truth, of charity, of comity. By him a national institution is to be wielded

as a sectarian engine to suppress the religious creed of one moiety of the nation, and under cover of the national legis he assassinates the faith of all classes alike in the permanency of those principles, expressed by "religious liberty and equal educational rights"!

We will still charitably believe that neither the Trustees of the College nor the majority of the Board of Education were privy to, or did endorse, the untrue assertion of the Rev. President or his nefarious purposes for the application of the college; but after this we cannot see but one of two honorable ways of retrieving the error committed, viz: either to disown and displace the Rev. President, or for the Trustees to give up that part of the endowment bestowed by the government, call the college by its proper name—a Protestant, sectarian institution—and rely upon Protestant sympathies entirely for its endowment and support.

Were it not that the outward symbols of Catholicism meet the eye in every direction, scattered up and down the country, no one would hardly suspect, few would know that it existed here at all; so quiet, unobtrusive and inoffensive has it been and is still, in all its various connections with the people. Where then are the facts, where are "the horrors" which the Reverend E. G. Beckwith, President of Oahu College, Sandwich Islands, brandishes before a Boston audience, supposed to be intelligent enough to know the truth and honest enough not to suppress its evidence?

"Or God's cause will suffer."
As a matter of course. Mr. Beckwith's cause is God's cause; we have his word for it, and what that word is worth "the Jesuitism in all its horrors" here has amply proved. How a sane religious mind can descend to such depths of clap-trap and stump oratory is incomprehensible! The logic of the Reverend has but one fault; it stands upon false premises.

Once more; with a Protestant College, owned and managed by a private association, we have no difference. But against a national college, supported in part by government funds, for the avowed purposes above stated and placed under the presidency of a Reverend gentleman, so unscrupulous, so bigoted a sectarian and so bitter a hater—against that we protest in the name of all those who think more and talk less of their obligations and attachments to the best interests of this country.

There is a national honor at stake, to those who can appreciate it; that we should not "procure goods under false pretences," or that a glowing untruth should not be embedded in the foundations of the highest national educational institution of the country.

CAUTIOUS.

TO THE EDITOR OF THE POLYNESIAN.

SIR:—After reading President Beckwith's address before the A. B. C. F. M., I think I can begin to see the reason why it was thought advisable that that gentleman should have a coadjutor in the work, as soon as possible. It is not every man who, having devoted the best energies of his life to acquiring, in his quiet study, that scholarship which fits him for the Presidency of a college, can make a good orator. But if the President has failed in public, he is all the more likely to succeed in private, for all men have their forte, and we know now where Mr. B.'s forte does not lie. Indeed, sir, I should have been inclined to blame you for republishing his speech, had I not remembered that the Oahu College has a host of well wishers here who desire of all things to know what is being done for it, and who at any cost of feeling ought to be let into the fact, that the one feature which has proved a curse to such institutions in other countries where religious toleration exists is being made the one great point in this case. At a time when a broader and nobler spirit begins to stir the world—when "Free Trade in Learning" is the cry—we see the Managers (not to describe them more definitely) of the Oahu College taking their start some where in the middle or dark ages, ignoring as it were the experience of centuries, and determined to make their institution from the first a tool of despotism over conscience, and a hot bed of Gospel ill-will.

But, my dear sir, what are we to understand by the following sentence? I do not ask what Mr. B.'s hearers were intended to understand.

"The churches there have gathered in more than two-thirds of the population, and missionaries could talk encouragingly of their 10,000 children in the schools, of their representative government, of their code of laws, of their judiciary and Supreme Court, which knows no high, no low, no black, no white, but administers free and equal justice to all."

I do not advert to the coarseness of the style, but to the strangeness of the matter. For my own part, as a friend of the College, I must protest against its being enriched by so much as one rial cork-screwed out of a charitable pocket by such a misrepresentation of facts. Give the missionaries their due and they have quite enough to be proud of or thankful for; but when they usurp to themselves the result of Kaukaeouli's love of his people, of Ricord's and Lee's talent and labors, and make capital of the same, even in a good cause, I must question their code of ethics. It was quite time for Mr. A. to join Mr. B. All I hope is that the latter will not have found the opportunity of making many more addresses before the former gentleman arrives. The cause is of too much importance to be entrusted to such hands; and you sir, as the supposed organ of the government, ought to see that its intentions in this matter are not traduced, and that in Mr. B.'s own words it "administers free and equal justice to all."

A FAMILY MAN.

The Oahu College.

No topic of late has aroused our correspondents so effectually as the Oahu College. It brings us all kinds of communications, and according to our rule we give them place without reference to the side of the question which they represent. This community is so little liable to sensations, that when one does arise it ought to be made the most of—at least by the journalists. Beyond that, in adhering to the practice of letting everybody have his say, we believe that by such a course mistakes may be corrected, prejudices removed, false principles eliminated, and much playful effervescence enjoyed by the public from the working of ideas which, if bottled up in a private bosom, might produce the most uncomfortable results.