THE HAWAIIAN GAZETTE
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THE HAWAIIAN GAZETTE.

A WEEKLY JOURNAL, DEVOTED TO HAWAIIAN PROGRESS.

VOL. XI,---NO. 31.} HONOLULU, WEDNESDAY, AUGUST 4, 1875. {WHOLE NO. 551.

The World and I.

Whether my life be glad or no,
The summers come, the summers go.
The leaves grow dark with dying leaves;
Icicles hang beneath the eaves;
The asters wither to the snow;
Thus does the summer end and go,
Whether my life be glad or no.

Whether my life be sad or no,
The winters come, the winters go.
The sunshine plays with baby leaves;
Swallows build about the eaves;
The lovely wind-flowers bend and blow;
Thus doth the winter and sad go,
Whether my life be sad or no.

Yet Mother Nature gives to me
A fond and patient sympathy,
In my own heart I find the charm
To make her tender, near and warm;
Through summer sunshine, winter and snow,
She clasps me, sad or glad or no.

Variety.

The way for a desolate old bachelor to secure better quarters is to take a "better half."

"No, ma'am," said a jeweler to a beautiful lady, "I can't trust anybody these days. I would not even trust my feelings."

The Columbus *Journal*, describing an Ohio politician, says: "He is an honest man by profession, and he earns his bread by the sweat of his jaw."

"What kind of sassages is them?" queried an old lady of the young man of literature and peanuts, as he passed through the train selling bananas.

An Illinois woman who wanted to go to a masquerade party as Mary, Queen of Scots, looked through the bible to ascertain how the character was dressed.

"Minnie, I'm in such a quandry; for if I turn my back on Charley, he becomes offended at once, and if I don't he can't see my new buckle. What shall I do?"

"Husband," said the wife of a young clergyman, "read me one of your sermons; I feel dreadfully wakeful to night, and I wish to sleep."—*Cleveland Herald.*

Scene in a Western Restaurant; Entomologist—"Can you grill us a kidney?" Waiter—"No sir." Entomologist (musingly)—"Gryllus—a grasshopper then."

We have heard of asking for bread and receiving a stone, but a gentleman may be considered as still worse treated when he asks for a lady's hand and receives her father's foot.

You remember Ida Lewis, don't you—heroine—handsome—famed? Well, she weighs exactly 160 pounds now, and to see her trotting a bald headed baby as she peels the potatoes for dinner takes all the romance away.—*Exchange.*

The Chicago *Times* man says that no newspaper man who spells its name with a hyphen will go to heaven. Six months from now, when the *Times* is consolidated with the *Inter-Ocean*, becoming the Chicago *Inter-O-Times*, and the writer of the above assertion is a fugitive and on his way to St. Louis, he will remember how rashly he expressed himself.—*Louisville Courier Journal.*

A Griswold street fruit seller yesterday observed an old man pinching a cocoanut and handling it as if he had hold of an apple, and he stepped to the door and asked: "Would you like to buy a nut?" "Wall, I thought some of it," replied the old man; but I guess I'll wait till they get a little softer—its coming on to the sickly season and a feller ought to be careful—*Detroit Free Press.*

When the late Dr. Scudder (senior) of India, was arousing the children of America to care for the heathen, he received a note from a little boy who had heard him, saying, "My dear Dr. Scudder, I send you ten cents. When you want any more money, write to me."

A little boy accosted a gentleman on the street in Portland the other day with, "Mister, can you fix things?" "Well, I don't know, I can fix some things. What is it?" "Can you fix my collar? There's a pin sticking into me, and our folks are so busy about the Centennial they can't do it."

A lady was showing little Zaidee some pictures of birds, among which was a nightingale. The lady told Zaidee that it was a bird which sang beautifully in the night, adding, "We have no nightingales in this country as they have in England." "No," replied Zaidee promptly, "but we have cats that sing in the night; I often hear them."

A little five year-old boy was being instructed in morals by his grandmother. The old lady told him that such terms as "By golly," "By jingo," "By thunder," etc., were only little oaths, and but little better than other profanity. In fact, she said, he could tell a profane oath by the prefix "by." All such were oaths. "Well, then, grandmother," said the little hopeful, "is 'by Telegraph,' which I see in the newspapers swearing?" "No," said the old lady, "that's only lying."

Two boys, packed away in a sugar hogshead behind one of the stores yesterday, were heard talking as follows: First boy—"So you have to work in the garden, eh?" Second boy—"Yes and its just a killin' me by inches!" First boy—"I see it is, but we can fix it. I'll come around there to-night and hoe up all the cabbages, and you git up afore daylight and pull up all the onions, and then we'll have good times all the rest of the summer."—*Detroit Free Press.*

Persons who are weary of saying, "How doth the little busy bee," may try the following Chinese version:

How! Sie belly small chin-chin sting-bug
Im-im implove ebly sixty minnit all a time.
Go, pickee up sting-bug juice all a day
All kin' places, 'foun' flowels just got busted.

An etomological poet out in Coffeyville, Kansas, is inspired to the following, which outside of its high poetical merit, possesses great statistical merit:

"Should millions into millions multiplied be;
With ten million times ten million more,
'Twould scarcely represent a millioneth of
The grasshoppers that pass our door."

The Grand Duke Alexis of Russia who once paid America a visit, has just spoiled a little plan that papa formed of sending him out of the country on a long voyage, by marrying the daughter of a wealthy baron, in defiance of the law which forbids the union of a prince of the blood with subjects. The "old man" can't do anything about it, however, for the naughty couple have been united by the formula of the Greek church, which allows no divorce, and they are spending the honeymoon at Dresden, awaiting the abatement of the Czar's wrath. The bride is 19—beautiful and rich—and the groom is 24.

Supreme Court of the Hawaiian Islands—July Term, A. D. 1875.

KINI MAKA (w) vs. *AH FAI* (*Chinaman.*)

OPINION BY HARRIS, J:

The libellant, a Hawaiian woman, files a petition for the annulment of her marriage with the libellee, a Chinaman, alleging that she had been married to the libellee in this country on the 15th day of Dec., 1870, but that the libellee, Ah Fai, had been married previously in Canton in China, and that the wife which he then married is now living and has never been divorced and therefore remains his lawful wife.

The petitioner asks that her marriage with the libellee may be declared null by the authority of the 1315th Section of the Civil Code, which reads as follows:

"A marriage may be declared null on the ground that one of the parties has an undivorced husband or wife living on the application of either of the parties during the lifetime of the other, or on the application of such former husband or wife."

The 1284th Section of the Civil Code reads as follows:

"In order to validate the marriage contract it shall be necessary * * * that the man shall not have at the time a wife living."

It appears from the whole statement of the case, that both of these parties are anxious to get rid of any obligation that may have been upon them by reason of their alleged marriage. To this end the libellee in this case, some months ago, filed a libel against the libellant, but his petition was denied by Mr. Justice Judd on grounds which were deemed sufficient by him, and among them, that the man knew of his previous marriage if any existed, at the time of contracting this one and should not be relieved from the effect of his own wrong. It follows, as a matter of course, that neither of these parties have any interest in defending this suit, which imposes upon the Court the necessity of watching narrowly for the right.

On the 20th of May, 1874, the Legislature passed the following rather peculiar enactment:

"Be it enacted, &c., Sec. 1. No marriage of a Hawaiian woman with a Chinaman shall be invalid by reason of a previous marriage of such Chinaman in China; provided that such marriage shall have been unknown to such Hawaiian woman at the time of her marriage.

Sec. 2. ALL laws inconsistent herewith are hereby REPEALED."

Mr. Justice Harris intimated at the hearing before him, that he was of the opinion that this enactment was void as being contrary to public policy and sound morality. But it was evident that if the enactment had any binding effect the petition must be denied, and that as the Supreme Court would sit in Banco in a few days, he thought it most for public justice that the petition should be denied on the authority of that enactment, from which decision an appeal could be taken, and the validity or invalidity of the statute be authoratively determined; and as it would be of no use to go into the case very thoroughly, because that, if the enactment was held to be binding, it would be labor lost. He was therefore willing to take the testimony taken in the former case between the same parties as though it were given in this, and deny the petition on the ground of the statute, and take the opinion of the Supreme Court on the point of its validity.

It must be apparent to any person that if the Chinese marriage is valid and this law has any effect, a CHINAMAN may have two wives in this country, for on the advent of his Chinese wife into this country, and claiming him for her husband, her marriage would be held valid if the case of Wai See and Ching See vs.

is to be, and the Hawaiian woman's marriage is not to be declared invalid, thereby Bigamy is established in favor of Chinamen. Now, if in favor of Chinamen and not in favor of any other race of men, then there is a clear violation of the 13th Article of the Constitution, which reads:

"The King conducts his government for the common good and not for the profit or *interest* of any one man, family or *class* of men among his subjects, that is to say, laws have to be passed bearing upon all persons alike."

But if the repealing clause in the Second Section is to be taken literally, then the provision of the 1284th Section, previously quoted, is repealed; for it is clearly inconsistent with the Act under consideration, and it will follow, that it is no longer necessary in this country, in order to validate the marriage contract, that a man should not have a wife living, that he may take a wife here notwithstanding that he has a wife living: it is likewise inconsistent with Chapter 13 Section 1 of the Penal Code, which defines and punishes Polygamy, and would operate to repeal it.

This could not have been the intention of the Legislature; the Act is inconsistent with the provisions of the Constitution and contrary to public policy and sound morality, and by virtue of the authority vested in this Court, by the 824th Section of the Civil Code, must be declared null and void, and is hereby so declared.

The cause is remanded to the Justice before whom the case was brought for hearing upon the facts and he will take the testimony in the case fully, without reference to the testimony taken in any other case between the same parties.

J. P. Green for libellant.
A. S. Hartwell for libellee.

ELISHA H. ALLEN,
CHAS. C. HARRIS,
A. FRANCIS JUDD,

Honolulu, July 28th, 1875.

MR. GLADSTONE.—The storm created by the publication of Mr. Gladstone's pamphlet on the Vatican Decrees has settled into a stiff breeze, which seems likely to blow for a long time to come, being occasionally varied by strong gusts. Most of these last come from Irishmen, either in the "ould country" or America. Their language is certainly strong if their arguments are weak. With truly Hibernian inconsistency, they declare that Mr. Gladstone's statements are not worth noticing, and then proceed to pour forth a torrent of Billingsgate upon the daring pamphleteer. In the meantime, the 6d edition of the pamphlet is selling at the rate of 1000 a day, while at one time the rate was 7000 daily. Of the two editions combined, over 120,000 copies have been sold, so that Mr. Gladstone must have pocketed a pretty penny by the publication. A twelfth edition of the number of the Contemporary Review, containing Mr. Gladstone's first contribution to this controversy, has been issued. The Right Hon. gentleman is now hard at work on the compilation of a Homeric Dictionary, and some papers on Homer. It is said he is so enamoured of his literary labours as to be unwilling to take a very active part in politics for at least a session to come.

BUSINESS NOTICES.

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The Highest Price Paid for Soap Grease. 513 1y*

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May 20, 1875. 517 1y

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ESTABLISHED 1809.
CAPITAL £2,000,000
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On the most favorable terms.
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FOR SALE BY ALL GROCERS.
—ALSO—
Cream of Tartar Crystals and English Bicarbonate of Soda, in kegs.
FOR SALE BY
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JUST RECEIVED FROM LONDON, A LOT of Stephen's BLACK WRITING INK, the best ever offered in the market. For sale by
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AGENTS for the Hawaiian Islands,
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CASTLE & COOKE, ACENTS
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The greatest Risk taken on a Life, $20,000.
Surplus distributed among the members annually.
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