

# SATURDAY PRESS.

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HONOLULU, HAWAIIAN ISLANDS, APRIL 29, 1884.

WHOLE NUMBER 190.

### TRUTHFULLY COMPLIMENTARY.

The long-established American Law Review, for many years published in Boston, is now incorporated with the Southern Law Review and the Western Jurist; and is published in St. Louis. The January February number of this stirring publication had a short review of volume IV of "Hawaiian Reports," comprising the cases decided in the period 1873-83, and compiled by Chief Justice Field. The review though brief shows appreciation of the good in our judicial system, and congratulates the King on "the good sense with which he has selected his judiciary and the upright and orderly manner in which justice is administered in his kingdom." It is noticeable that the reviewer notes with evident approval that "the judiciary exercise the same power which is exercised by the judiciary of the United States, of declaring acts of the legislature void when they are in conflict with the constitution." It will be remembered that this power—exercised in the "Bonds-for-slavery" case—caused quite a burst of indignation from friends of the differing British system. But the American public has many friends among English thinkers at present; and—as Chief Justice Coleridge implied—may some day be incorporated into the British law by parliamentary enactment.

We have looked through this volume with a good deal of curiosity. The officers of the Supreme Court of the Hawaiian Islands, as now constituted, are Hon. Albert Francis Judd, chief justice and chancellor; Hon. Lawrence McCully, first associate justice and vice-chancellor; Hon. Benjamin Hale Austin, second associate justice. The opinions are well written. It is evident that the court is composed of good lawyers, and that they have tolerably fair assistance from their law. The law which is administered appears to be substantially the common law, the system of equity, and the rules of admiralty as they exist in the United States. The decisions which are cited as precedents are, for the most part, decisions for American courts, largely those of New England and New York.

We have not the space to note special decisions which are curious in more than the subject matter than the principles of law administered. In the King v. Manu, it appeared that on the mountain range of the island of Oahu, back of Waialua, called the Waianai mountains, are numbers of turkeys. The birds were brought into the country so long ago that no one remembers the time when, or by whom they were imported. They are now in a wild state, afraid of man (as discreet turkeys ought to be), breeding in the unfrequented parts of the mountain and bush country, and are hunted and caught by various devices, precisely as if they were *free turkeys*. It was held that these turkeys do not belong to the man on whose land they may accidentally be caught, and are not the subjects of larceny. In the matter of J. A. Nakaku, Esq., an attorney at law, the proceeding was against an attorney, charged with misconduct which misconduct consisted in forging a deed. The court held that in such a proceeding he was entitled to the benefit of reasonable doubts, and did not credit the testimony of two subscribing witnesses, whose testimony, charging him with forgery, at the same time confessed that they themselves were accessory to the fraud. In Tanoco v. Brown, a police justice having resigned his office, thereafter entered his *non pro tunc* judgment in a case which had previously been submitted to him. It was held, on doubtful grounds, that he had power to do this.

It seems that the kingdom of Hawaii is a constitutional monarchy, in a stricter sense than Great Britain. They have a written constitution, and the judiciary exercise the same power which is exercised by the judiciary of the United States, of declaring acts of the legislature void, when they are in conflict with the constitution. In the King v. Tong Lee, it was held that an act of the legislature providing for the erection of public laundries, and forbidding the carrying on of the business of laundry-keeping or washing for hire within a circuit of three miles from the junction of Nuuanu and King streets, in Honolulu, is an exercise of the police power of the state, with regard to the comfort, welfare and safety of society, and is not unconstitutional. In like manner, certain acts of the legislature conforming upon the king in his private capacity, authority to make rules and regulations for the government and control of immigrants is superintended the introduction of immigrants are constitutional. So held in re Chow Gick Gik.

We are glad to find in the index of this volume no such titles as murder, manslaughter, and assault and battery; from which we infer that violent crimes are infrequent in these islands. One case, however, is reported on the subject of malicious arrest, and one on the subject of malicious prosecution; and, although the names of the parties are in Chinese, the inference is perhaps justifiable that the inhabitants of these islands find it better to settle their differences in courts than by the strong hand. Several cases, however, are found which indicate that offences against chastity are still frequent; and it would seem from what appears that this is one of the most difficult matters with which the legislature and the courts have to deal.

On the whole, there is much more in this volume than food for curiosity, although there is a good deal in it that will repay the inquiry of the curious. It contains a good many well-adjudged and well-written opinions, and we think his majesty, the king of these islands, is to be congratulated on the good sense with which he has selected his judiciary, and in the upright and orderly manner with which justice is administered in his kingdom.

The Southern Workman for February of this year contains a notice of the reports, written by Mr. W. N. Armstrong. This notice, which is no sense a review, is such interesting reading that we reproduce it here. There is much truth in it, undoubtedly; but we think Mr. Armstrong goes too far—much too far. The return of representative whites to the legislature by the native votes at the last election, the splendid following that came near making the election of Mr. J. O. Carter a boon to the nation, the trust and confidence of native land holders and capitalists in white lawyers and white agents—all this proves that the friendship between the races may be cemented and prolonged by the right sort of tactics. We invite the careful consideration of these two brief bits of foreign comment; and ask the legislature to strengthen the power for good

now in our judicial system, by such wise legislation, rearrangement or extension of our courts as may best conduce to the ends of justice. Several years ago we received volume first of these reports, and commented upon the fact that they indicated the extension of our Anglo-Saxon jurisprudence beyond the continent and to the islands of the sea. The fact that this jurisprudence exists in the Hawaiian Islands, to a large extent, is misleading. It is anomalous that it has been established in a nation of among a people who neither understand or care for the "institutions" which are the foundations of such a jurisprudence. The native Hawaiians are about as well fitted to adopt these "institutions" as an infant class is fitted to plunge into Bacon's *utrumque*. This system of jurisprudence, however, as administered by the three intelligent, honest, and prudent judges of the supreme court, furnishes the Hawaiians with a method of obtaining justice, admirable in itself, and of which the Hawaiians would be proud, if they were capable of comprehending it. The creation of this judiciary was not the work of the Hawaiians; but of disinterested and intelligent foreigners, some of them missionaries, and some of them not missionaries, who believed that the native race would quickly raise itself to the level of the system.

They feared around the native race a scaffolding of our civilization upon which it could stand, and build up institutions like ours. Forty years of experience now show that the Hawaiians do not understand our institutions, and do not care for them. They decline the scaffolding which has been erected for their own benefit. Naturally enough, they follow the law of their own growth, and decline the law of the aliens. This is the involuntary historical process. There is always danger to the state, where men are called upon to experiment in matters of which they are ignorant. If the French have made a failure of self-government during the past centuries, it is hardly to be expected that the Hawaiian will succeed. He ignores foreign civilization, because it is above him. He has dragged down the executive and legislative branches of the government until it expresses fully and faithfully the low national life. The supreme court alone stands pure and incorruptible. This, too, would be degraded, if there were not a life tenure of office. The three persons who now hold that court cannot be touched by the natives, and therefore they are the last barrier between civilization and paganism. When they go, the natives will drop back into the paganism out of which they came. This volume of reports exhibits the strange mixture of interests and personalities, which appear in a country without a permanent and growing national nationality. The Chinese, Portuguese, Kanakas, British and Americans figure in it largely. The Chinese find that in these little islands there is an effective equality of all men before the law. It is a happy experience which they have not enjoyed in some more enlightened countries. This is due to the excellent judiciary we have described.

France was an indemnity of 150,000,000 francs from China. The Hawaiian Islands are in Ireland predicting a civil war. England has made a favorable treaty with King John of Abyssinia. The German and French anarchists are to be expelled from Switzerland. A new constitution for the German empire is being prepared by Bismarck. The Ohio floods swept away fifty bridges and did \$10,000,000 worth of damage. Satisfactory experiments with the dynamite gun have been made in the United States. The Anti Monopoly party will hold a national convention in Chicago on the 14th proximo. Marquis Tong has asked England to mediate between China and France in the Tonquin difficulty. Ex-Senator Sargent, United States minister to Berlin, was confirmed minister to Russia on the 26th ultimo. Advice from Washington state that the Greeley Relief Expedition will be sent out as soon as practicable. The British have been victorious of late in the Egyptian Sudan and many of the troops have been ordered home. On the 2nd of June next, Oregon will vote on the proposition to amend the state constitution so as to allow women to vote. There is a grand Pacific railroad scheme being developed in Russia. It is to be built from Moscow east through southern Siberia and to some point on the Amoor river. A stringent bill against the importation of opium into the United States by Chinese of any class, has been reported from the committee of foreign relations by Senator Miller of California. The Russian nihilists have taken a new departure. They have issued a circular deprecating terrorism and declaring that their desired end may be pursued by moral energy and not by brute force. A Washington dispatch dated the 27th ultimo spoke of Randall's protection strength among the Democrats in the house of representatives sufficient to help the Republicans defeat Morrison's "horizontal reduction" free-trade scheme. In England they are talking about an early dissolution of parliament. At a banquet last month, the Marquis of Salisbury stated that the lords would reject Gladstone's bill for the extension of the franchise; and that the lords intended to bring about an appeal to the people. The recent legal tender minority opinion written by Judge Field of the United States Supreme Court, to the effect that the power to issue legal tender notes without limit is unconstitutional, has been the occasion of much complimentary comment. The New York Herald printed the opinion in full and calls it "a masterly specimen of constitutional interpretation."

A committee of Union and Confederate soldiers was to hold a mass-meeting at Cooper Union, April 28th, in aid of the Soldiers' Home South for soldiers of both armies. General Grant was to preside. Among the speakers were to be Generals J. B. Gordon, J. P. Daniels, M. C. Butler and W. C. P. Beekman, from the South, and General Sherman, Logan, Hancock and McMahon from the North; also Henry Ward Beecher.

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SATURDAY APRIL 10, 1904

LEADERSHIP FROM SOUTH.

Unlucky lies the head that wears a crown... The king's veto is absolute... The king's veto is absolute... The king's veto is absolute...

THE SUNDAY PRESS.

The encouragement and patronage received by this journal during the past year have stimulated its proprietor to renewed efforts to improve the paper...

WISK AND WINKERS.

Translated from the Elie Proukolu... We understand on good authority that the ministers are preparing their report for the coming legislature...

THE FRENCH IN SOUTH AMERICA.

EDITORIAL FRIDAY PRESS.—The San Francisco call of the 1st instant has an article headed On the Nicaragua Canal and French Influence in Panama...

NEW ADVERTISEMENTS.

Special Notices... Manager's Notice... A CARD... Notice to Stockholders... Assignee's Notice...

THE JULIA IS JUD.

Julia, the good Julia, with her good looks, cooked for captain... The Julia, the good Julia, with her good looks, cooked for captain...

A TRIPLE WARNING.

Judge Judd's speech as retiring president of the Hawaiian League... The proprietors of the Hawaiian Hotel evidently mean business...

The Sea-Leaf of the Hotel.

The proprietors of the Hawaiian Hotel evidently mean business... The proprietors of the Hawaiian Hotel evidently mean business...

A Reply from Mr. Hornor.

EDITORIAL SATURDAY PRESS.—An article entitled 'The Julia Is Jud' in your issue of the 27th...

The College Fund.

The Oahu College committee consisting of President Merrill, Secretary Dole, Treasurer Cooke, Rev. G. M. Hyde and Mr. P. C. Jones...

Amount acknowledged for scholars.

Table with 2 columns: Name, Amount. Includes M. Hornor (\$1,745), A. P. Johnson (\$1,500), etc.

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