

HAWAIIAN GAZETTE

M. RAPLEE,
DIRECTOR OF THE GOVERNMENT PRESS

HONOLULU:
WEDNESDAY, NOV. 30, 1870.

BY AUTHORITY.



Official notice has been received at this office, of the
Proclamation of a Republic, Government in France,
and Northern Territories, which has been
represented the Imperial Government, the
Commodore and Consul, has been confirmed in the
same position by the new Government.

CHAS. C. HARRIS,
Minister for Foreign Affairs.
Department of Foreign Affairs,
Honolulu, Nov. 23, 1870.

The birthday of His Majesty, the King, occurring
this year on a Sunday, will be observed as a public holiday,
the 12th day of December next, will be
celebrated as a holiday on the previous day.

CHRISTMAS DAY occurring this year on Sunday,
will be observed as a public holiday, the 26th day of
December will be observed as a public holiday.

NEW YEAR'S DAY occurring this year on Sunday,
will be observed as a public holiday, the 1st day of
January 1871 will be observed as a public holiday.

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Government to Versailles. His mission,
it is understood, is to inform Bismarck
that England, Austria and Italy will unite
to resist the violation of the treaty by
Russia. It is understood that Russia and
Prussia are in full accord, and should
matters be pressed to a conflict, these two
powers would probably be pitted against
the rest of Europe. Such a general Euro-
pean war would be appalling, and its
results would be most difficult to foretell.
Should the ambition of Russia be gratified,
Turkey in Europe would be absorbed into
the Russian Empire, and the dream of
every Russian sovereign, since Peter the
Great, realized.

From the United States, the news is
unimportant. The fall elections have
passed—the contending parties, as usual,
meeting with varied success. There will
be, however, a slight gain of Democratic
strength in the next Congress. The resig-
nation of Secretary Cox, and its ac-
ceptance by the President, seems to have
caused considerable stir in the Republican
party; the general feeling seeming to be
that the President made a great mistake
in permitting designing and not too
honest politicians to force so honest a
man as Secretary Cox from the Cabinet.

What is Money?

Is the subject of a paper read before
the Liverpool Chamber of Commerce, by
Bonamy Price. The deductions arrived
at by the author are somewhat at variance
with the popular notion of the uses of
money, but are sustained by sound argu-
ments, that seem incontrovertible.

Coin is money. It is the form of money
about which there is no difference of
opinion as to its functions,—its sole use
being to facilitate exchanges. Bank notes,
checks, and all other paper devices, are
used as substitutes for it; hence their circulation
and their influence upon business are sub-
ject to the same principles that pertain
to coin.

Coin is manufactured to effect a service;
it is a tool made in order to perform a cer-
tain work; an instrument of the same
class as a ship, cart or railway; a means
of conveyance. Locked up in vaults, it is
useless and unproductive, as would be
a ship laid aside from her work. Its only
value in vaults is that of forming a se-
curity, for which purpose, it has no ad-
vantage over many other kinds of real or
chattel property, which, while serving as
security, is at the same time productive.
Money, then, is a tool for exchanging
property, for enabling a man who has
property which he does not want, to ob-
tain other property in exchange for it.

When a country has a sufficient quan-
tity of coin, or its substitutes, to effect all
the exchanges required by its domestic
or foreign business, all additions to the
stock of coin, or of currency, is a positive
loss. Such excess remains unused; if it
is coin, which to get, must cost its equiv-
alent in corn, wheat, or some other form
of domestic produce, it is the substratum
of just that much produce, that may be
available for many uses, for coin that has
but one use, and can be rendered pro-
ductive only when used in facilitating ex-
changes; if it is currency, it can not be
kept aloof, but returns at once to the
vaults of the issuing bank.

An excess of money does not create
productive industries; it merely stimu-
lates reckless speculations, that in the end
depreciate the real wealth of a country,
and end in a commercial storm that
sweeps away the accumulated wealth of
a prosperous period. It is successful in-
dustries, paying employments, that create
the only sound demand for money, and
employ it legitimately.

As money is merely the tool with which
exchanges are effected, it follows that
multiplying the tool can not increase the
work to be done. Such a course is placing
effect for cause, as similarly a farmer
would do who should seek to increase his
harvest by multiplying his wagons. The
buying and selling of commodities is the
foundation of the need for the use of
money; when these transfers languish, or
the buying is in excess of the selling,
business languishes, and times are hard.
It is not money that creates or destroys
hard times, but the state of trade itself;
nor is it possible for money alone to
change these results, because by no pro-
cess can it be substituted for commodities,
in which alone the real transfers of value
reside.

Bank notes are not capital, says an
author; neither are title-deeds, or Con-
sols, or Government Bonds. The true
character of a Bank is summed up in the
definition that it is an institution for the
transfer of debts. Sir John Seddick, an-
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reached the fact that, in a business footing,
an £19,000,000, only three per cent. was
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In banking, less a certain balance re-
tained as a reserve, the advances equal
the receipts, and the settlement of both
is effected by settling one off against the
other, so that each cancel the other.

The belief that bank notes are money
can not be generating the inference that
abundance of bank notes is an abundance
of wealth; that the money market is
strong and safe when plenty of bank
notes are in the hands of the bankers.
Unrestricted issues means a plethora of
resources for loans and discounts, till at
last the summit is reached in the ex-
quisite idea that the most violent com-
mercial convulsions and the most destruc-

tive crises may be cured by a wonderful
specific—the enabling the Banks to issue
more bank notes.

The amount of money in a country does
not have an appreciable effect on the rates
of discount. The acquisition of coin in-
volves the loss of the property given in
exchange for it to the miners. Hence,
beyond the actual amount necessary for
the wants of trade,—actually needed for
doing the work of coin,—it is wealth
given away to acquire a metal which is
as useless as a cargo of stones. It can
give no aid in the production of wealth;
it can not be capital so long as it con-
tinues in a cellar. If it is represented by
bank notes, then the absurdity is reached,
that a million's worth of property is given
in order to acquire a million pieces of
paper, expressing acknowledgment of
debt. The quantity of money needed,
and capable of being employed in a coun-
try, bears no proportion whatever to its
wealth, to the amount of business done,
to its banking and discounting, or to any
other object than the transactions which
employ it as their instrument of payment.
Hence it follows, that the special com-
modity, money, does not furnish any
greater supplies for loans than the val-
uable commodities would that are sent out
of the country to buy the money.

Ninety-seven parts of the resources of
Banks, when they acquire their ability
to loan, is derived from their function of
transfers of debt; hence it is the enlarge-
ment of this, rather than that of the three
parts coin or notes, that quickens or de-
stroys their ability to control or extend
their line of discounts. When this re-
source is enlarged,—which is the case
when there is excess of production over
consumption, sellers buying less than
they have sold, contributions to the stock
of commodities in shops and warehouses,
without an equivalent taking away of
other goods for use or destruction—then
they have accommodations to grant;
when it dwindles away, through excess
of consumption over production, bad har-
vests, or the construction of drains, rail-
ways, or other works that are non-pro-
ductive, out of other funds than savings,
they have small supplies to distribute to
others, whatever may have happened with
their small change of gold and notes.

The conclusion reached by the author is,
that real wealth can not be created, or
progress secured, merely by importation
of gold, or the creation of bank notes in
abundance; that ease in loans depends
upon the actual ease in trade, the pro-
ductive energy and frugal habits of the
people; that the merchant, instead of
watching the forces that are at work in ag-
menting or diminishing the natural wealth,
not only in their own country, but over
the whole world; to reflect whether an
excess of the public wealth is not ex-
posed in costly railways and tunnelings,
of which the restoration will require
years; and to take into account the influ-
ence of ignorance and prejudice on the
enactment of protective tariffs and similar
contrivances for the diminution of capital.
It is in these regions that commercial
stresses are generated; here are the mighty
powers which make or undo fortunes.

CORRESPONDENCE.

MAKAWAO, MAUI, NOV. 7, 1870.

Editor Hawaiian Gazette: DEAR SIR: In
keeping you posted in regard to matters and
things pertaining to my field of labor on Maui,
the first item which I have to communicate is the
proceedings of the regular meeting of the
Board of Health, which, as is gen-
erally known, were destroyed by fire. I am happy
to report the completion of these buildings, and
the removal of the labors which have been ac-
companied since August. We all rejoice in the
speedy completion of this work, and we hope
that the great loss sustained by the interesting
proprietor may, ere long, be retrieved. The
work of rebuilding the Summary is steadily pro-
gressing, notwithstanding the scarcity of carpen-
ters and other workmen, and the state of the
weather. This leads me to another topic, to wit,
the late storm at Makawao and Hamakua.

I may as well say, ere I speak of the storm of
last week, that the present season has been an
exceptionally rainy one. Since the last of June,
there has been no lack of moisture for man and
beast. Our climate, springs and running streams
have been replenished almost daily—kept full
and overflowing—and our pastures and open
common have been visited with showers so
frequent and copious, that our cattle and horses
have been unable to consume the luxuriant
grasses which cover the face of the whole coun-
try, and spring up almost as soon as crop.

Our July rains, which occur with well-nigh as much
regularity as the month itself, gave this year
an unusually copious; and from that time to this,
there have been more rainy days than pleasant ones.
The gentlemen McCully and Dr. Whitney, and
Mrs. Whitney, made a visit in September and
recounted Kahalahele. They were very fortunate
in their time for ascending the mountain, viewing
the crater, and returning to our house for two
successive days of as pleasant weather. We have
scarcely enjoyed since these friends returned to
Honolulu. We at Makawao, were less highly
favored, for Sabbath, Sept. 11th, was a rainy day,
and only one individual was present in our place-
ment to listen to Mr. McCully's excellent
discourse. Our foreign population is sparse, con-
sisting three or four miles distant from the place
of worship, and there being no shade for the
accommodation of horses, a rainy Sabbath com-
monly deprives us of the privilege of worshipping
in the house of God. And many such days have
we seen during this year. The house has not
been opened since Oct. 23d. This opens the way
to speak of what, by way of emphasis, I regard
as the late storm at Makawao and Hamakua.

Honolulu, in Hamakua, is one of my out-stations,
which have been accustomed to visit quarterly
since my residence at Makawao. The distance
is about twelve miles to the meeting-house, which
is of stone, with a shingled roof, well lighted,
with a board floor, comfortable seats, and a well-
stocked table. This is the third or fourth house in
which I have met with the people of Honolulu
when I have been with them on the Sabbath.
The two or three houses first occupied were
thatched with the pandanus leaf, or the luhala
which grows abundantly in this district. These

meeting houses were much larger than the one of
stone which they now occupy, but they were
not so good, the people being much more nume-
rous than they are at present as I shall show ere
I am through.

Saturday, October 29th about noon, accompanied
by Mrs. Green and Master Frank Green, our son
of eight years, we left home with the design of
spending the Sabbath at Honolulu. Mrs. Green
had never visited the place and she desired to
see the scenery in Hamakua, look down the rav-
ines which we would cross on our way, and ex-
amine the cascades of which there are many
near our road and in the vicinity of Honolulu.
In crossing Kapihi or Haleakala gulch some two
miles from the sea, we found that an excellent
road had lately been made under the superintend-
ence of Mr. Paowaiwa. What effect the late
storm had on this road I have yet to learn, as
the rise of the stream which we here followed on
our way to Honolulu rendered it dangerous to at-
tempt on our way home on Tuesday, November
1st. Whether a bridge would be thrown across
this stream which would stand the rise of water
at such a time as this, I think somewhat doubt-
ful. The scenery about Kapihi is exceedingly
grand. We had ample time in descending into
ravine, crossing the stream and ascending to the
other side, to gaze on the sublimity and beauty
of cascade, precipice and luxuriant vegetation on
every side. On reaching the top of the precipice,
we found Mr. Paowaiwa waiting our ap-
proach, and he accompanied us to Honolulu, and
entertained us while there at his own house. He
is a worthy man, and thoughtful on the roads
during this part of Maui. If he is spared and
encouraged in this work, we shall, in a few years,
have possible roads. I don't now—I mean from
Makawao to Honolulu moving-house. Of the pros-
pect road wide, beyond Honolulu and through Kapihi,
I have nothing to say at present. If spared,
I may at some future time extend my travels as
far as Keauhou or Hana, and will give you the
results of my observation.

The next stream we crossed were at Honopou
and Holowah, smaller than Kahalahele, but neither
of them fall in the driest season that I have
known at the Islands. Mr. Charles Copp has his
residence near one of these streams, and manu-
factures piñ or arrow-wood of an excellent quality.
The potato grows abundantly in the neighbor-
hood of the mill, and through the entire district.
Formerly, the people of Honolulu and Hamakua
manufactured piñ as an article of traffic, but they
now prefer selling the potato to Mr. Copp, who
gives them seventy-five cents per barrel, and
makes a much finer article. I can recommend
the piñ manufactured by Mr. Copp as pure and
excellent. We find it at the stores in our neigh-
borhood, and purchase it by the small quantity
for 12½ cents per pound. I presume it can be
obtained at the mill for 10 cents, perhaps less, by
the quantity.

We reached Honolulu about the going down
of the sun, and took up our quarters in the house
of Mr. Paowaiwa. The house we found of good
size, and with the exception of glass windows
and doors of boards, purely Hawaiian. The
ground was spread with clean luhala mats and
the covering of the house was of the same ma-
terial. A regular made bedstead, eight feet by
two I judge, occupied one part of the room, and a
good sized table another part. There, with three
or four chairs, completed the furniture of our
parlor, dining and sleeping room, reminding me
of olden times when at Lahaina, Hilo and Waipaho.
My accommodations were scarcely as simple
as I found them at Honolulu. To Mrs. Green,
everything was new, but the novelty of the thing
much interested her, and but for the change of
the weather, our enjoyment would have answered
our highest expectations.

Soon after our arrival, Saturday evening, it
commenced raining, and the wind, which had
moderately on our arrival from the East, greatly
strengthened. The house seemed to be well
built, and it stood the trial of the storm admi-
rably; but every leaf of the luhala seemed to
have a tongue, and with the constant and loud
pattering and pouring of the rain, and the sigh-
ing of the eastern breeze, we had but little re-
freshing sleep during the night, and were glad to
see the light of the morning, though the day
proved to be a cheerless one. Early in the morn-
ing the rain so far abated its violence that a
small congregation assembled at the meeting-
house, which I addressed; but so poorly in-
sured was the rain during the rest of the day, and
so violent was the wind, that no one could leave
the place of his abode. At times, the roaring of
the sea and the rushing of the waters through
the ravines were terrific, but as evening ap-
proached the wind abated slightly, and the night
was less boisterous.

On Monday, we learned that the streams
which we crossed on Saturday were too much
swollen for us to think of returning to Makawao.
As the rains had abated somewhat, we rode about
a mile to the north-east, where we had a distant
but distinct view of Koolau and Keauhou; also,
a beautiful view of a cascade which I had visited
many times before, and always with delight. The
stream is a small one, but I now found it consid-
erably swollen from the rains of yesterday. I do
not know the height of this fall of water, but I
think it may be an hundred feet, perhaps more.
I hope, at some time, to obtain the measurement
of this and another somewhat similar one which
we visited on our way home.

Tuesday, Nov. 1, we started for home. As the
streams were still high, we decided to cross them
near the sea. We accordingly left the upper
road, and passed through Honopou and Holowah,
at each of which places we forded a large stream,
not without considerable difficulty, till we stood
on the high cliff or precipice which overlooks
the little village and harbor of Haleakala. Here
we dismounted, and slowly walked down to the
village; rested; held a meeting with some twenty-
five residents, after which we cautiously forded
the stream, and ascended our way to the top of the
precipice on the Makawao side of the formidable
gulches of Hamakua.

As we pursued our way homeward, we had
abundant evidence that the storm had reached
Makawao. Every stream, though small, had been
swollen, the roads badly washed, and the ravines
covered with debris carried from the hills above.
The last gulch which we crossed before reaching
our home was covered with rocks and stones torn
from a stone wall in the neighborhood. Since
our return, I find evidence in the appearance of
the ravines in Makawao, that no such storm has
been experienced here since 1843, the year of
my settlement here.

How much injury has been done to kalo
patches, and to roads, sugar-cane, and other cul-
tivated lands, I have not yet been able to ascer-
tain, as it has rained every day more or less since
our return, and it still rains. We are not able to
meet on the Sabbath, and there is very little
stirring among either natives or foreigners.

Only one death has occurred by drowning
during this long-continued and severe storm. A
native at Hamakua, said to be drowned, was
washed into the sea, and found near Kahului.
No other case have I heard of, though there have
been many escapes.

Respectfully yours,

J. S. GREEN.

(SPECIAL CORRESPONDENCE TO THE "GAZETTE.")

DRESDEN, SAXONY, July 21st, 1870.

Having spent a pleasant evening with the Grin-
bachs to Berlin, dining with the old gentleman on
fresh fish from the River Spree, and taking our
"Weiss Beer" to the music of a Brass Band back
of the Waller Theatre, I returned to my Hotel
quite late and quite tired with my days work.
I was, however, a regular business transaction,
and work hard at it, as I am about 1 foot 10 inches
to keep myself fully employed, with the pro-
gramme constantly before me to keep off loneliness.
I woke early the next morning, took my black coat
and rolled by candle-light, and drove to the station.
Our train, the "Schnellzug" or Express, left at 6
A.M., and shortly the station was crowded with vol-
unteers, pecking at late cars for the next of war.
They were rather noisy fellows, probably had been
up all night over their Beer. A Russian lady (whom
the waiter had frightened away from the train), was
one of the occupants of my car. She spoke French,
German and English with equal facility, and did
the interpreting between me and a German who sat op-
posite me. I was, however, one of King's of Norway,
the Tschautz edition, the German said that Tschau-
sky was his favorite author. He had read the New
combed between them. What students the Ger-
mans are! The country is pretty and undulating
the first of hills and streams, and the old fash-
ioned farms, with their white fences, became more
and more often in picturesque, because I had
seen it so often in pictures and through the glass
of a camera. At 11.30 we reached this beautiful
city—the "Florence of the North," situated on
both sides of the River Elbe, which is spanned by
two massive bridges. I sat up at the Hotel Elbe,
which has a lovely situation on the River, and
was, however, a very pleasant surprise. The first
table d'hôte at 1 P.M. I had to eat at the Hotel
Elbe, for here was the world renowned restau-
rant of Raphael, the "Madonna del Sisto" or
the "Virgin of St. Sisto." I could not linger long
over the beauties of Correggio, Rubens, Guido, Reni,
Titian, Holbein, etc., but pushed my way to the
small room in the corner of the building, where
the Madonna was. I knew she was here as I
entered, for there was a Ash over all the spectators
sat quite quietly gazing at the matchless beauty of
the "Mother and Child." The picture is large, in a
rich gilded frame, under glass, and so arranged that
it can be adjusted to the light. The coloring is rather
somber, but there is an expression of innocence,
and yet quiet exultation in her highly favored mis-
sion which was very apparent even to me. The fig-
ure of the man at the left hand of St. Sisto, and the
beautiful woman at the right is Santa Barbara.
I was surprised to see the wings of the little cher-
ub, who look up from the front of the picture with
folded arms, painted with a faint tinge of green and
red as real feathers. I had time before dark to see
the famous Magdalen of Correggio—a little picture
only 18 inches long, but valued at, I cannot say how
many thousand dollars. Botton's Magdalen is
here—some of the Artists copying it show how
highly it is valued.

That evening I walked about the beautiful gardens
and open air, which make Dresden such a
favorite resort for all English and Americans;
and sat for a while on the terrace in front of the Ho-
tel, seeing the lights flashing across the smooth
water, and hearing a splendid brass band from
a café on the other side of the river, till I could
stand no longer, and went into a boat, and I for-
gotten, and went to the music. There was the
usual crowd of soldiers with their clanging steel
sabres, mingling with citizens and drinking beer
and coffee, and waited upon by girls. I have generally
seen men waiting in the best cafes.

To-day I have been to the Grosses Kreuz or Green
Vaux where the treasures of the sixteenth Kings have
been accumulated for ages. While waiting in the
Court-yard of the Palace, where they are situated, in
order that the proper number of visitors, twelve
might be made up, the old King of Saxony drove in
to the square for his weekly visit in his library.
He is King, only in name, but I fancied he was hap-
py in the King of Saxony who cannot bear the
Prussian rule and life in Vienna. The Crown Prince
of Saxony is here to have an important command
in the war against France. The "Faschi" are not
as we use the term, but a series of arched
chambers on the ground level, and the only "green"
I could see was in the bordering of the mirrored
wall. The "treasures" are cabinets, cups, vases,
rings, clocks, awards, plate, all manner of jewelry,
all blazing with diamonds and precious stones. But
the gold and silver setting have mostly become dim,
and the vaults are poorly lighted, and the gems
would exhibit much better in "Tiffany" windows,
or in the Palais Royal of Paris.

I don't know of any place in Germany I would
prefer to live in than in Dresden; here is plenty of
the best music—six cents a ticket for a splendid
concert! Living is considered cheap, but I notice
that though each item is so low when the bill is pre-
sented, it is but little less than in San Francisco. I
have been to see "Dresden Magdalen" again, her face
seems livelier than ever to me, and no photograph
or engraving of this picture can ever supply to me,
the recollection of that angelic countenance. I am
off for Prague. Yours as ever,

KAWANAKAOKA.

HOWEVER much a Franklin, a Kane, a Kotzebue,
and a host of others, may deserve the admiration
of mankind for their investigations in the frozen re-
gions of the Northern Sea, we are of the opinion
that the hardy whalers, who, year after year, pur-
sue their avocation in the frozen Arctic seas, simply
for the purposes of commerce, regardless of the
dangers which beset every voyage, should not yield

AUCTION SALES

By C. S. BARTOW.
AT SALES ROOM OF C. S. BARTOW
ON THURSDAY, DECEMBER 1st
AT 10 O'CLOCK A. M., WILL BE SOLD,
Dry Goods,
Kerosene Oil,
Cases Sardines

—AND—
General Assortment of Merchandise
C. S. BARTOW, Auctioneer.

FOR SALE!
THE COTTAGE PLANT
FORTE, belonging to MADAME CAR
ANDINI, Apply to C. S. BARTOW.

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THEO. H. DAVIES
Offers for Sale
The Well Assorted Cargo
—OF THE—

BARK "CASTLEHOW,"
Just Arrived From Liverpool
consisting of almost all descriptions of
GENERAL MERCHANDISE & MACHINERY
...AND...
Expressly Selected for this Market
Cotton Goods:

Fine Linen and Fines' Pad Prints,
 Madras striped Cambrics of the newest styles,
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 An assortment of beautiful Dress and Furniture
 Chintzes, Herrocks' wide and narrow white
 Long Cloths of various qualities,
 The well-known "Family White Shirting,"
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 Heavy Domestics, Heavy English Denims.

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White, Brown and Cream Drills of various patterns
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Fancy Muslins, Lappets, Crossovers,
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WATER-PROOF TWEEDS & FINE CRIEN SHIRTS

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leather and Rubber Belling, Boasting Zelt,
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FINE ASSORTMENT OF ALES, LIQUORS & WINES

Ind. Cordon & Co's Pale Ale,
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Key, in cases and quarter casks,
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REPORTED SIZES OF BAR

Pump Iron, Fence Wire, bright and staple,
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 J. & A. MACONIE'S STEAM CLARIFIERS & IRON COALERS
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New Goods! New Goods
 DAILY EXPECTED
Per Moses Taylor,
 GOLDEN GATE EXTRA FAMILY FLOUR,
 Fresh Grained Flour,
 Crack Wheat, Oatmeal,
 Fresh California Oats,
 Sacks New Brand
 Wheat for Chicken Feed,
 Sacks New Potatoes,
 Cases Silver-Skin Onions,
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 Thin Cracklings and
 Cakes, and kind
 of Bacon and
 Boxes Best White Macaroni,
 Choice Steak Cakes,
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Maple Sugar,
Chest Green Pine,

Very Choice Cal's Dairy Butter, Cal's Land, Cal's Golden Syrup,
Caes Little Neck Clams, Caes Roil Trout,
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Also, Just Received

Per Ship 'Ceylon' From Boston

Caes Portland Packing Co's. Celebrated Sugar Corn
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For Rent or Lease,

THAT VERY DESIRABLE RESIDENCE
No. 182 Niagara Street. Apply to
JAMES S. LEMON.

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NOT BEING MY INTENTION TO LEAVE
this Kingdom, I offer for sale the above-named
Establishment, comprising

The Large and Well-Assorted Stock
Store Fixtures, and
Lease of Premises.
Horse and Wagon,
... WITH THE ...

ENTIRE INTEREST AND GOOD WILL
Of the Business.

Information in respect to the business and terms of
sale will be furnished to any responsible parties, by
satisfying with the intention of purchasing.

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Iolani from Boston

100 BARRELS PRIME PORK.
New Bedford C. B. Whale Butte, 30 feet.
Coast Bomb Lanes, No. 1 and 3,
New Bedford Whale Line.
Lanes, Toggle Irons, Heavy Sea Boats,
One Kaiser's Cabin, complete.

200 Barrels New Oil Casks !
Try Pots. For sale by
23-3mo. H. HARTFIELD & CO.

For Sale!

THE LAND OF AKAKEA, NORTH KONA
Hawaii, near to Kailua. Also the large Sugar
and of Hualalai Hill, Hawaii. Also an extensive
Kailua Ranch on Hualalai. For particulars apply to
J. H. HARTFIELD & CO.

Supreme Court of the Hawaiian Islands.

IN BANCO. HARTWELL AND WIDEMANN, JJ.
OCT. TERM, A. D. 1870.

Master of Wm. C. Jones, on Attorney-at-Law.

On information of the Attorney-General, rule to show cause issued, returnable before the Court in Banco.

The information presents that May 25, 1870, one Peterson was committed for trial on the 7th Term of this Court, for assault with a deadly weapon, two witnesses being at the same time committed to testify. That the respondent appeared for the prisoner at said Term of Court, when proceedings were had of which the following is the record: "The King v. Orloff Peterson, case not on the Calendar, but Attorney-General and W. C. Jones, for defendant, moved that certain depositions of witnesses, taken and taken by the Clerk to be used in an affidavit for the matter charged, and case to stand continued to next Term." That July 19, the depositions were taken, and the following agreement entered thereon: "It is agreed that the foregoing depositions of William Carroll and Patrick O'Donnell may be used in evidence in the trial of an indictment against Orloff Peterson for the assault on William Carroll above referred to, and that no further proof of the identity of the said Orloff Peterson shall be required. Stephen B. Phillips, Attorney-General. W. C. Jones, Attorney for defendant. Court House, Honolulu, July 19, 1870." That the respondent held himself out as fully authorized to make the said agreement, and that the Attorney-General, relying on the good faith of the respondent as an Attorney of this Court, and believing him to have full authority in the premises, allowed the said witnesses to leave the Kingdom, having no other testimony on which to rely: all of which facts the respondent hath at all times well known, but he nevertheless gave the Attorney-General, up to the day set for trial, no intimation that the said agreement was unauthorized by the prisoner, or that exception would be taken to its enforcement, at which late period it was impossible to obtain testimony, and it was adjudged to be the duty of the Court no longer to detain the said Peterson, who was therefore discharged, and the enforcement of the penalty of the law against him became impossible. "And the Attorney-General further says it is incident to the office of an Attorney in this Court, that his right to represent his client should be unquestioned, and that all other officers of the Court and of the law have a right to assume, at all times, that all acts done in the name and behalf of their respective clients, in open Court or in other proceedings necessarily connected with the conduct of cases pending in Court, have the full sanction and approval of those whom they claim to represent, and to govern themselves accordingly, and that where proceedings are had upon the faith of such assumed authority, which said attorneys permit to be had without suggesting their want of authority, to the prejudice of public prosecutions or of private suits, they should be held responsible for the fraud resulting from such concealment, as otherwise the profession would be exposed to great public scandal, and the confidence which ought to be reposed in all acts of Attorneys and Counselors of this Court would be wholly destroyed.

"And the Attorney-General further says that the failure of the prosecution against the said Orloff Peterson is wholly and directly attributable to the confidence which was misplaced in the agreement of the said William C. Jones, that the written testimony of said parties should be read in evidence at the trial of the indictment against said Orloff Peterson, and that said William C. Jones was guilty of a breach of duty, as an Attorney and Counselor of this Court in consenting to such an agreement without authority from his client, and not disclosing such want of authority to said Attorney-General, although well knowing that fatal reliance was placed upon said agreement, and the implied pledge of authority therein contained.

"Wherefore, the said Attorney-General moves that said William C. Jones be ordered to show cause why his name should not be stricken from the roll of Attorneys and Counselors of this Court, and such other proceedings had as to this honorable Court may seem meet."

The answer is as follows, viz:

1. That the said complaint sets forth no substantial cause for striking the name of an Attorney from the roll, and is insufficient in law.

2. That the statements in said complaint amount to this: that the respondent made an agreement in good faith under a mistaken impression of the law, and, after he had discovered his error, admitted the same to the Court.

3. And therefore the respondent, in further answer to this complaint and the rule to show cause, respectfully asks the following statement of facts to the Court: That at the adjourned Term of the Supreme Court, in the month of July, 1870, as set forth in said complaint, the Attorney-General requested the respondent to agree to the taking of the depositions of William Carroll and Patrick O'Donnell, witnesses in the case of the King v. Orloff Peterson, in order to release them from confinement, and this respondent, out of motives of humanity and to release said witnesses from prison, in good faith consented to taking said depositions, without reflecting at the time that he was taking a responsibility not authorized by the Constitution and laws of this Kingdom; that at the time of taking said depositions, to wit, on the 19th of July, 1870, the said Orloff Peterson was not present, and L. McCully, Esq., the Clerk, required if the Attorney-General did not require the presence of the said Orloff Peterson, when he, the Attorney-General, replied that he did not require his presence, and this respondent avers that he did not at any time consult with said Orloff Peterson about the taking of said depositions, and did not think at the time that he had full power to act in the premises; that after said depositions were taken, this respondent did not think any more of the matter until the present Term of the Supreme Court, when it was suggested to him by an Attorney of this Court, that said depositions were not legal, and that this respondent's agreement with the Attorney-General was of no force or validity to conclude his rights; whereupon this respondent examined the Constitution and the authorities upon the subject, and became convinced that he had exceeded his authority in the matter, and in fact did not arrive fully at the conclusion and examine fully the authorities till the morning of the day fixed for trial, when, as soon as he saw the Attorney-General, he informed him that he felt convinced that Orloff Peterson could not be legally convicted on the depositions, and that the said Attorney-General called the matter up before the Court as soon as the case was called for trial, when this respondent, acting under the influence of conscientious scruples, because he believed he had erred in making the agreement aforesaid, and that Orloff Peterson had constitutional rights which the respondent as an Attorney could not waive, produced the law of the case to the Court, and retired from the case. And the respondent avers that he acted in good faith in

the whole transaction, and under the highest conscientious motives, and had not the remotest idea of acting deceitfully and in bad faith with the Attorney-General or the Government; and this respondent further avers that the high position and presumed legal learning of the Attorney-General threw him off his guard, and he presumed he was acting legally when the Attorney-General proposed the said agreement to him, and had no other idea at the time but that the depositions were legal, and could be read on the trial of said Orloff Peterson, and that if there is any culpability or blame in this matter, it should rest on the Attorney-General, and not on him; for an officer of the Crown is presumed to know the law, and when he does any act which is calculated to overreach a prisoner or his counsel by procuring the waiver of a constitutional right against clear principles of law, and then throwing the blame upon the prisoner's Attorney, he is certainly in the wrong."

At the hearing, the Attorney-General produced and read the following entry in the Clerk's Journal, viz.: "July 26, 1870, 7th Term. Prior Peterson arraigned and pleaded Not Guilty. Case continued by agreement." L. McCully, Clerk of the Court, testified that when the depositions were taken, some one remarked that it was very hard that the witnesses, hard laboring men, should be kept in confinement so long, already three months; that no intimation was then made by the respondent of his want of authority to agree to the depositions, and that he thinks the respondent then asked, "Where is the prisoner?" to which the Attorney-General replied, "The prisoner is not called for."

D. K. Fyfe, Jailor, testified that the respondent visited the prisoner Peterson and told him about the depositions shortly after they were taken.

W. C. Parke, Marshal, testified that on the first day of this Term, the respondent moved that Peterson's case be continued to get further testimony, but on consulting his client withdrew the motion.

S. H. Phillips, Attorney General, for the Role. W. C. Jones, pro se, contra.

OPINION OF THE COURT BY HARTWELL, J.

By the Civil Code, practitioners of law "shall be summarily amenable to the Courts of record, and may be fined, imprisoned, or dismissed from the roll of practitioners for satisfactory cause, upon the complaint of any party aggrieved by their mal-practice, or for non-payment of moneys collected by them for private parties, or for any deceit or other gross misconduct." Sect. 1066.

"Practitioners of law shall have control to judgment and execution of all suits and defences confided to them; provided, however, that no such practitioner shall have power to compromise, arbitrate and settle such matters confided to him unless upon special authority in writing from his client." Sect. 1069.

"The parties to a civil suit may, with the consent of Court, waive the right to a trial by jury either by written consent, or by oral consent in open court entered on the minutes." Sect. 1137.

"No person shall be held to answer for any crime or offence, except in cases of impeachment or for offences within the jurisdiction of a Police or District Justice, or in summary proceedings for contempt, unless upon indictment fully and plainly describing such crime or offence, and he shall have the right to meet the witnesses who are produced against him, face to face; to produce witnesses and proofs in his own favor; and by himself or his Counsel, at his election, to examine the witnesses produced by himself, and cross-examine those produced against him, and to be fully heard in his defence." Art. 7, Const.

The delicate and responsible duties of an attorney-at-law correspond with the extent of the powers entrusted to him. He must exercise good faith in his dealings with Court, clients, and his legal brethren. He is responsible for the exercise of a reasonable degree of professional skill, and for proper diligence in attending to his causes, failing in which, or in case of deceit or mal-practice, he may become liable to the Court under the statutes cited, or to clients in damages.

The respondent waived his client's Constitutional right to meet witnesses in open Court. There is a large class of agreements between Counsel, which facilitate trials, are of mutual advantage, and by which clients are benefitted. Such agreements usually relate to matters of rules and practice, continuances, waivers of common law rules of evidence, of defects in pleadings, processes, rights of appeal, &c., in which Counsel are presumed to know, and to be duly authorized to represent, the client's interests. But in criminal cases, it is unsafe to waive constitutional requirements. The maxim, "Quilibet potest renunciare juri pro se introducto,"—that anyone may waive rights intended for his own benefit,—is restricted to the rights of the party himself, and can not affect the rights of others. The public are interested that criminal trials be conducted according to the forms of law. Hence, no one can waive the presentment and finding of an indictment for an indictable offence. Under our statute, clients in civil suits would no doubt be bound by agreements of Counsel to waive jury; but it is doubtful whether a party himself could make a valid agreement to waive a jury in a criminal case cognizable before a jury.

"The result of the respondent's agreement was that the prisoner escaped trial. He says he acted in good faith, and we see no reason to doubt his word. His motion to continue the case was certainly inconsistent with an intention to rely on constitutional defects in the testimony. He should have lost no time, however, in notifying the Attorney-General of his subsequent view of the law, and of the course he intended to pursue. No such agreement should in fact be made without reflection upon its validity, and without consulting the client. We do not think that the responsibility assumed by the respondent, in this accepting the proposition to make this agreement, is entirely removed by dividing it, nor can we see any excuse for an hour's delay to inform the Attorney-General of all the facts in the case.

Further than this, we attach no blame to the respondent, and the rule is accordingly discharged.

ALFRED S. HARTWELL,
H. A. WIDEMANN,
Justices of the Supreme Court.

NOTICE IS HEREBY GIVEN,
THAT THE
MARINE RAILROAD
At Tahiti,
Is again put in Working Order.

This Railway is capable of taking 250 tons of goods measuring up to 40 metres (131 ft.) in length.

The draft of water forward must not exceed 2 metres (6 ft. 6 in.) at low tide. The draft at low tide (calculated at the maximum increase of 6 centimetres (2 1/2 inches) for each metre of level.

The charges for taking up a vessel, and staying the same upon the Railroad, remain the same as fixed per tariff of 1868, 1869.

Vessel under 100 tons. 50c. 100 to 120 60c. 120 to 150 70c. 150 to 200 80c. 200 to 250 90c. 250 to 300 100c. 300 to 400 110c. 400 to 500 120c. 500 to 600 130c. 600 to 700 140c. 700 to 800 150c. 800 to 900 160c. 900 to 1000 170c. 1000 to 1200 180c. 1200 to 1500 190c. 1500 to 2000 200c. 2000 to 2500 210c. 2500 to 3000 220c. 3000 to 4000 230c. 4000 to 5000 240c. 5000 to 6000 250c. 6000 to 7000 260c. 7000 to 8000 270c. 8000 to 9000 280c. 9000 to 10000 290c. 10000 to 12000 300c. 12000 to 15000 310c. 15000 to 20000 320c. 20000 to 25000 330c. 25000 to 30000 340c. 30000 to 40000 350c. 40000 to 50000 360c. 50000 to 60000 370c. 60000 to 70000 380c. 70000 to 80000 390c. 80000 to 90000 400c. 90000 to 100000 410c. 100000 to 120000 420c. 120000 to 150000 430c. 150000 to 200000 440c. 200000 to 250000 450c. 250000 to 300000 460c. 300000 to 400000 470c. 400000 to 500000 480c. 500000 to 600000 490c. 600000 to 700000 500c. 700000 to 800000 510c. 800000 to 900000 520c. 900000 to 1000000 530c. 1000000 to 1200000 540c. 1200000 to 1500000 550c. 1500000 to 2000000 560c. 2000000 to 2500000 570c. 2500000 to 3000000 580c. 3000000 to 4000000 590c. 4000000 to 5000000 600c. 5000000 to 6000000 610c. 6000000 to 7000000 620c. 7000000 to 8000000 630c. 8000000 to 9000000 640c. 9000000 to 10000000 650c. 10000000 to 12000000 660c. 12000000 to 15000000 670c. 15000000 to 20000000 680c. 20000000 to 25000000 690c. 25000000 to 30000000 700c. 30000000 to 40000000 710c. 40000000 to 50000000 720c. 50000000 to 60000000 730c. 60000000 to 70000000 740c. 70000000 to 80000000 750c. 80000000 to 90000000 760c. 90000000 to 100000000 770c. 100000000 to 120000000 780c. 120000000 to 150000000 790c. 150000000 to 200000000 800c. 200000000 to 250000000 810c. 250000000 to 300000000 820c. 300000000 to 400000000 830c. 400000000 to 500000000 840c. 500000000 to 600000000 850c. 600000000 to 700000000 860c. 700000000 to 800000000 870c. 800000000 to 900000000 880c. 900000000 to 1000000000 890c. 1000000000 to 1200000000 900c. 1200000000 to 1500000000 910c. 1500000000 to 2000000000 920c. 2000000000 to 2500000000 930c. 2500000000 to 3000000000 940c. 3000000000 to 4000000000 950c. 4000000000 to 5000000000 960c. 5000000000 to 6000000000 970c. 6000000000 to 7000000000 980c. 7000000000 to 8000000000 990c. 8000000000 to 9000000000 1000c. 9000000000 to 10000000000

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1 & 2 inch, Strip Tacks,
Iron & Copper Tacks of all sizes,
Best Rubber Hose, 1, 2, 3, 4, 5, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000, 1002, 1004, 1006, 1008, 1010, 1012, 1014, 1016, 1018, 1020, 1022, 1024, 1026, 1028, 1030, 1032, 1034, 1036, 1038, 1040, 1042, 1044, 1046, 1048, 1050, 1052, 1054, 1056, 1058, 1060, 1062, 1064, 1066, 1068, 1070, 1072, 1074, 1076, 1078, 1080, 1082, 1084, 1086, 1088, 1090, 1092, 1094, 1096, 1098, 1100, 1102, 1104, 1106, 1108, 1110, 1112, 1114, 1116, 1118, 1120, 1122, 1124, 1126, 1128, 1130, 1132, 1134, 1136, 1138, 1140, 1142, 1144, 1146, 1148, 1150, 1152, 1154, 1156, 1158, 1160, 1162, 1164, 1166, 1168, 1170, 1172, 1174, 1176, 1178, 1180, 1182, 1184, 1186, 1188, 1190, 1192, 1194, 1196, 1198, 1200, 1202, 1204, 1206, 1208, 1210, 1212, 1214, 1216, 1218, 1220, 1222, 1224, 1226, 1228, 1230, 1232, 1234, 1236, 1238, 1240, 1242, 1244, 1246, 1248, 1250, 1252, 1254, 1256, 1258, 1260, 1262, 1264, 1266, 1268, 1270, 1272, 1274, 1276, 1278, 1280, 1282, 1284, 1286, 1288, 1290, 1292, 1294, 1296, 1298, 1300, 1302, 1304, 1306, 1308, 1310, 1312, 1314, 1316, 1318, 1320, 1322, 1324, 1326, 1328, 1330, 1332, 1334, 1336, 1338, 1340, 1342, 1344, 1346, 1348, 1350, 1352, 1354, 1356, 1358, 1360, 1362, 1364, 1366, 1368, 1370, 1372, 1374, 1376, 1378, 1380, 1382, 1384, 1386, 1388, 1390, 1392, 1394, 1396, 1398, 1400, 1402, 1404, 1406, 1408, 1410, 1412, 1414, 1416, 1418, 1420, 1422, 1424, 1426, 1428, 1430, 1432, 1434, 1436, 1438, 1440, 1442, 1444, 1446, 1448, 1450, 1452, 1454, 1456, 1458, 1460, 1462, 1464, 1466, 1468, 1470, 1472, 1474, 1476, 1478, 1480, 1482, 1484, 1486, 1488, 1490, 1492, 1494, 1496, 1498, 1500, 1502, 1504, 1506, 1508, 1510, 1512, 1514, 1516, 1518, 1520, 1522, 1524, 1526, 1528, 1530, 1532, 1534, 1536, 1538, 1540, 1542, 1544, 1546, 1548, 1550, 1552, 1554, 1556, 1558, 1560, 1562, 1564, 1566, 1568, 1570, 1572, 1574, 1576, 1578, 1580, 1582, 1584, 1586, 1588, 1590, 1592, 1594, 1596, 1598, 1600, 1602, 1604, 1606, 1608, 1610, 1612, 1614, 1616, 1618, 1620, 1622, 1624, 1626, 1628, 1630, 1632, 1634, 1636, 1638, 1640, 1642, 1644, 1646, 1648, 1650, 1652, 1654, 1656, 1658, 1660, 1662, 1664, 1666, 1668, 1670, 1672, 1674, 1676, 1678, 1680, 1682, 1684, 1686, 1688, 1690, 1692, 1694, 1696, 1698, 1700, 1702, 1704, 1706, 1708, 1710, 1712, 1714, 1716, 1718, 1720, 1722, 1724, 1726, 1728, 1730, 1732, 1734, 1736, 1738, 1740, 1742, 1744, 1746, 1748, 1750, 1752, 1754, 1756, 1758, 1760, 1762, 1764, 1766, 1768, 1770, 1772, 1774, 1776, 1778, 1780, 1782, 1784, 1786, 1788, 1790, 1792, 1794, 1796, 1798, 1800, 1802,