NATURAL NOBILITY.

The Return of the Prodigal Son and Daughter.

The Old Story of Infatuated Love Betrayed—The Disconsolate Wanderer—The Heart-Broken Variety Actress—One of Nature's Untitled Noblemen—Betrayed, Not Necessarily Ruined.

[Written for the SUNDAY UNION by R. J. D.]

It was a miserably wet, dreary day in the early winter months of 1889, that George Ramer stepped ashore from the deck of a San Francisco passenger steamer, at the wharf of a (of late years) well-known port on the Puget Sound. The summer months which, in that region, are very pleasant, were being followed by a winter season usually disagreeable and severe—a winter so severe that its harshness extended along the whole Pacific Coast, penetrating rudely into the glories of the California winter climate, and causing in the minds of Eastern visitors to California a feeling of bitterness and disappointment at the unexpected state of the weather. Many of those visitors who came at so unpropitious a period, talked as though they had been intentionally swindled; as though the unpleasant weather was a huge conspiracy on the part of the California people.

However, George Ramer was not a tourist this time, at any rate, for he was on his way to his home in the East, which he had left over six years before, during which time he had made the circuit of the globe, and traveled much in distant countries. He had roamed "o'er the burning plains of Egypt," met with Stanley in the wilds of Africa, bivouacked in Syria and Arabia, and camped on the banks of the Hoi-ang-ho in China. From Australia he had arrived in San Francisco, and from there, taking passage to Puget Sound, we find him standing wearily on the wharf of a city, grown such in his absence, where he had to transact some business prior to his departure East via the Canadian Pacific Railway.

As he rides to his hotel we have ample leisure to examine his personality. A manly and good, rather than handsome face, bronzed by the wind and sun of different climates, is shaded by a soft felt hat, and wears an expression of care and seriousness. A profound gloom and dejection is apparent in his whole demeanor, and a long-drawn sigh occasionally escapes him. With an air of weariness and of one long accustomed to travel, he climbed out of the hack, entered the hotel, registered, briefly gave his orders, and retired to the room assigned him.

Six years before George Ramer was a young practicing lawyer in a small town in Eastern Canada, near his birth-place. He was clever, popular, and on the highway to success. His open, genial light-hearted manner won the confidence of all, and all predicted that his career would be a triumphant one. An ardent politician, many averred that, like that other once rising lawyer, now Sir John A. Macdonald, the Premier of Canada, George Ramer might, too, in time, aspire to the Premier's chair, and, perchance, be made a Knight of the Realm of Great Britain, also.

But, as the Scottish bard hath sung, regarding the indefiniteness of human affairs and plans, this grand disposal of Ramer's future was to "gang aglee." And, of course, as from Antony down to Napoleon, and up to present writing, the whole course of his life was changed by a woman. A little, sparkling, black-eyed, French-Canadian beauty, the epitome of health, grace, vivacity and winsomeness, Velva Reinette was the belle of the little town. Up to a certain time she had preferred George Ramer to any of her innumerable admirers and suitors, and finally they had become engaged to be married within a few months. It was generally looked upon as a brilliant match for her, as Velva's father was but a poor shoemaker, and George was regarded as a splendid "catch" by intriguing mammas.

But one day a festive drummer entered the little burg, and proceeded to astonish the natives with his "city ways." An evil star guided the innocent Velva across his path, and George's happiness was at an end. The handsome mustached stranger captivated the little one's simple fancy; he was such a pleasant companion—so different from the serious, earnest young lawyer. George remonstrated, naturally, and Velva got angry, also naturally, but unreasonably, and the result was that the tiny engagement ring was torn from the little white hand and hurled in the young lawyer's face.

That settled it. With bitterness in his heart towards Velva in particular and the whole institution of drummers in general, the rising young attorney decided he didn't want to rise any more; so he tore down his shingle, and, having a considerable inherited fortune of his own, he departed thence, to wander upon the face of the earth for six long, intolerably weary years.

News of the increasing feebleness of his old mother reached him in Shanghai. His sister, a young lady of eighteen, wrote him, imploring him to come home at once. He started immediately, and on that wet, chill night was resting before starting on the last stage of his monotonous trip overland.

During all these years no word of his Velva had ever reached him; for though away down beneath his bitter sense of wrong he loved her as devotedly as ever, yet he was too proud to utter the slightest inquiry concerning her in his letters home, which were, in fact, but few.

After changing his dress and tasting slightly of a really good dinner he was at a loss how to occupy his time during the long evening. Though weary, he was restless and could not sleep; he could not compose his mind to reading. At last, approaching the landlord, he inquired if there was a theater in town. There was, but, unfortunately, there was no play on for that particular night, but there would be on the following night. Then the landlord added in a deprecating tone of voice that there was a variety theater in town—the Elite—which, though the performance was "rank," as he expressed it, might serve to while away a few hours for the gentleman. Hearing just then the strains of a brass band blaring loudly a number of blocks away, and being informed that it was outside of the Elite Theater, George concluded to walk down that way. So, taking his hat and umbrella, he followed the sound, and soon came upon a building situated in the lower region of the city, in front of which was a very noisy band of music and a large crowd of rough-looking men and well-dressed men, fast disappearing within the portals of the "Elite."

Why such an ironical appellation was given to such a place is a mystery, for surely it was the essence of irony to so designate a place which had no claim to being elite in any way imaginable. Although many who belong to the so-called elite of society are among the patrons of such places in every city, still in a very small proportion that fact cannot surely constitute a just claim to the title assumed.

Having nothing better to occupy his time, George Ramer procured a ticket and entered upon the sawdust-strewn floor of the theater. He took a seat midway between the stage and the door, against the wall, and in the shadow, where he gave himself up partly to reverie and partly to observing the different phases of human nature all about him. The room was full of men of the lowest class, with a fair sprinkling of sports and gay youths out for a night's fun. Drinking and smoking was indulged in throughout the hall.

The orchestra squeaked and banged away, the curtain rose, and songs by scantily-attired sirens, step-dancing by burnt-cork artists, and high-kicking by fair creatures in spangled tights, seemed to greatly entertain the audience. Old girls, with their front teeth non est, pranced upon the boards and ground out songs of which the burden generally referred to when they "knelt at their dear old mother's knee"—a time so long distant they could not be expected to retain any benefit from it any more—and about "the scenes of their childhood," and other remote and heart-rending topics. It is in such places that the noblest of arts is degraded and lowered.

Though nothing could be more out of harmony than the person and character of the singers with the touching topics of their songs, still, here and there among the audience some rough old hearts beat faster, and sin-seared eyes grew moist at awakened recollections of home and childhood; many a prodigal, wandering boy among the audience felt an aching pain in his heart and a longing to see his gray-haired old mother who prayed for him thousands of miles away, perhaps.

George Ramer sat with his head bowed upon one hand, his thoughts away back six years ago, and thinking what a miserable world this was anyway—thinking so deeply that he did not observe a stir of expectation in the audience, nor hear the words: "There she is! There she is!" heard on all sides. It was only when a pure, clear, sad voice sang the first lines of "I'll Take Thee Home Again, Kathleen," that he sat up in his seat as if electrified. What! Velva! *His* Velva a variety actress! Impossible! While the undefined change in the looks might mislead him, yet he could not doubt those tones—that thrilling, musical voice. "My God!" he groaned, in agony.

Clad in a long dress of simple black, with a white flower at her throat, her regal little head thrown back slightly, her little hands clasped in front of her, in her eyes a weary, sad, broken-hearted look which had effectually kept her theatrical associates at a distance, her bosom heaving with the associations the song aroused within her—it was indeed Velva Reinette whose sweet voice sang with touching pathos and deep feeling the story of the girl whose roses, like her own, had all "left her cheeks, to fade away and die." Every voice was hushed, every ear strained to listen—listen reverently and with emotion to the sad singer, whom they all loved and respected; for when a woman is worthy of respect, what American fails to respect and honor her? In the short time this sweet, shy singer had appeared on the stage of that theater, her modesty—a virtue essentially foreign to such places—her earnestness, and the deep, touching strains of pathos trembling in every note she uttered, invariably hushed and entranced the most reckless and profane of her rough audiences. Many were the surmises as to who she was, and her motive for being in such a place.

That she was out of harmony with her coarse surroundings, would have been apparent even to a blind man. The fair, modest, shrinking girl stood before the ungodly assemblage, in the vile atmosphere of tobacco smoke and beer fumes, as out of place as a calla lily in a tannery. Vociferous and sincerely appreciative applause followed the close of her song; and she came back and sang again, not because she wanted to, but because, alas! she had to. She sang: "A Dear Spot in Ireland," the sadness of which piece exactly suited her voice, and the same respectful and rapt attention was paid her.

What conflicting emotions tore the soul of her former lover could never be expressed. Leaning eagerly forward in his seat, his breath came in painful gasps, the perspiration standing out on his forehead in huge drops, he listened as in a dream—a dreadful nightmare from which he would soon awaken. The sight of poor drooping Velva, standing alone like a pale moonbeam imprisoned in a loathsome dungeon, aroused within him the great depths of his love for her, and he forgot in the desire to take her in his arms and carry her away from such unfit surroundings, all the wrong and bitterness of the past; forgot all save that but for his impetuous anger he might have saved her from all this.

As the last note died away in mournful cadence, George arose from his seat, and seeking an usher, or waiter, desired to be shown to the green-room, accompanying his request by a liberal bribe. The white-aproned functionary pocketed the money with a knowing wink (for which George felt a strong desire to knock him down), and immediately conducted him to the sanctum of the artists. With a nod towards the door of a room at the rear of the stage, the waiter disappeared to his beer-dispensing duties.

Approaching the door, which stood slightly ajar, George gently pushed it open without knocking, and noiselessly entered. Standing with her back towards him, putting on her cloak and hat for the street—for her duties were over for the night—was the petite form of Velva Reinette, alone in the apartment. A moment he stood gazing at her, when she happened to turn and saw him. He held out his arms and said passionately, and with a world of tenderness in his voice, "Velva!"

She gazed at him with a strange mixture of terror and joy mingled upon her pale face, cried joyfully, "Oh, George!" and took an involuntary step forward to throw herself into his embrace. But the newly-awakened color fled from her cheeks at some recollection, and she faltered and sank upon a sofa. In an instant George was beside her, and had her little head pillowed upon his shoulder. Suddenly she drew herself away and cried in a voice of untold anguish: "Oh, you mustn't touch me—if you only knew—" and her voice was choked with sobs.

Gently, but firmly, taking her in his arms again as he would a wayward child, he soothed her tenderly and said:

"There, there, little one, it's all over now. Let us forget the past and start all over again."

"But you don't know—I must tell you—" she began, and he again essayed to hush her, saying he was content to know nothing. She grew calm, and insisted, as his due, upon relating everything. Then, with her face hidden upon his breast, with many sobs and tears, she told how the handsome stranger had fascinated her until she almost worshiped him. It was the same cruel old story of a woman's trust and love and man's unprincipled baseness. She had left her home, endured her anguish far from friends, and buried her little one there, so that her shame had not been known to any of her old friends, or even to her family. She then went upon the variety stage for a living, and for some time her well-trained voice had brought her a good income, most of which she had sent to her old parents at home. And they blessed her, and called her a good, dutiful daughter, little guessing the awful blight that had fallen upon her young life. They knew she was upon the stage, but thought she was with some legitimate opera company.

George listened quietly, his face working with emotion as he gently stroked the glossy ringlets of the tired little head; and as the poor, broken confession ended in a fit of passionate weeping, he drew her closer to him, and by force of logic, which should be more universal, succeeded in driving away her tears and imbuing the poor girl with new hope and self-respect. He said:

"Little one, when a man obtains goods or money under false pretenses, is it the fault of the deceived one? Does the world look with scorn upon the duped victim? No; then, why, when a villain obtains from an innocent girl by false representations that which he cannot restore, should the world look down upon *his* dupe? Dry your tears, Velva. You are more sinned against than sinning, and I trust you will allow me to devote my life to helping you forget your wrongs, and to atoning for the baseness of my sex. Be mine, and I hope to see the roses all return to your pale cheeks, and that you will again know happiness."

With a quivering sigh of deep contentment, the weary girl rested in the arms of one of the few real noblemen who redeem mankind from the lower levels. The theater knew the sweet singer no more, and the long overland journey to the East was not too long for at least one couple, whose faces shone with perfect happiness—Mr. and Mrs. George Ramer, the returning prodigal son and daughter.

The theaters in Japan have a novel method of pass checks which are positively non-transferable. When a person wishes to leave a theater before the close of the performance with the intention of returning he goes to the door-keeker and holds out his right hand. The door-keeper then with a rubber stamp imprints on the palm the mark of the establishment.

SUMMARY JUSTICE.

CONTINUED FROM FIRST PAGE.

for murder, as well as those who suborned the witnesses and jury, shall be vigorously prosecuted before the courts of the city.

Juror Seligman was released this evening, there being yet no legal warrant for his arrest.

THE ACTION INDORSED.

NEW ORLEANS, March 14.—A meeting of the Cotton Exchange this afternoon was called to order by President Chaffee, who stated that he had been called upon by a large committee of members, with a request that he call a general meeting for the purpose of adopting a suitable resolution indorsing the action of the citizens in the deplorable event of the morning. Chaffee said that inasmuch as all were familiar with the events, it was not necessary to dilate upon them. They knew the facts and the necessity of the situation.

The following resolution was then unanimously adopted:

WHEREAS, The deplorable administration of criminal justice in this city, and the frightful extent to which the bribery of juries has been carried on, rendered it necessary for the citizens of New Orleans to vindicate outraged justice; therefore, be it

Resolved, That while we deplore at all times a resort to violence, we consider the action taken by the citizens this morning to be proper and justifiable.

Resolutions of a similar purport were also adopted by the Produce Exchange, Sugar Exchange and Stock Exchange.

At the meeting of the Stock Exchange the action of Foreman Seligman, of the Hennessy jury, who is a member of the 'Change, was discussed, and the following resolutions quickly adopted:

WHEREAS, J. M. Seligman, visiting member of this exchange, has, by action in the Hennessy case, evidently contributed to defy justice, ignore the laws and scandalize the community; therefore, be it

Resolved, That he be hereby expelled from this exchange.

Seligman has also been expelled from the Young Men's Gymnastic Club.

This afternoon the Coroner impanelled a jury, and after viewing the bodies rendered a verdict in accordance with the facts.

THE CAUSES WHICH LED TO THE TRAGEDY.

The following is given as a clear statement of the actuating causes which led to the tragedy enacted this morning: In October, 1890, about 11 o'clock at night, D. C. Hennessy, Chief of Police of the City of New Orleans, while going from his office to his home, was waylaid and shot to pieces by a band of Italian assassins, armed with such blunderbusses as could only have been made and used for the purpose of assassinating. Indignation and excitement were such that mob-law and lynching were about to be resorted to. The entire community felt that in an endeavor to reach the guilty parties innocent Italians might be sacrificed.

To allay the excitement and assist the constituted authorities, the Mayor of the city appointed a committee of fifty representative citizens to take charge of the investigations and to aid in the trial and conviction of the assassins. This measure arrested violence. The committee entered upon its work, and at a mass meeting subsequently held in front of the City Hall the actions of the committee were ratified, and they were encouraged to continue their labors to secure prosecution and trial by the courts.

After months of preparation and trial, which continued three weeks, and in which distinguished counsel assisted the able District Attoeney, the jury was charged to have been bribed and corrupted, and in the face of established guilt, rendered a verdict of mistrial as to three assassins—Scaffedi, Monstro and Pollitz—and acquitted three assassins—Macheca, Marchesi and Bagnetto. Three more were on trial and were acquitted because of insufficient evidence, these being Matranga, Incordena and the boy Marchesi. The acquittal of Macheca, chief conspirator, and of Marchesi and Bagnetto, and the mistrial as to Pollitz, Scoffendi and Monasterio, fell like a thunderbolt upon the community, and impressed the law-abiding citizens with the conviction that the laws had been violated, that their verdict invited assassination, and the engrafting of the Italian Mafia upon American institutions.

The feeling grew strong that for self-preservation people must assume authority which they had delegated to courts, and which courts were powerless to enforce. This feeling increased until it found vent in a mass meeting this morning at 10 o'clock. This uprising of the people to secure punishment of the assassins who struck down their Chief of Police in night-time with premeditated assassination was orderly, and the people dispersed quietly. Soon after their work of vindication was done.

MAY LEAD TO COMPLICATIONS.

NEW YORK, March 14.—A *Tribune* Washington special says: The killing of the eleven Italians in New Orleans may or may not lead to complications between this Government and Italy. If the men shot were actual subjects of King Humbert, the Italian Government will probably ask for some official explanation, and may even demand a reparation for the killing in the way of indemnity. That the United States would hold itself liable to indemnity in the New Orleans case is extremely doubtful.

A decision on this point was given by Secretary Bayard in the case of some Chinese subjects who were massacred in Wyoming. He paid the indemnity, but stated distinctly that the act was a purely friendly one, and this Government firmly denied the existence of any other than merely an equitable obligation in the matter. The payment, he declared, must not be considered by another power as creating a precedent, for under no circumstances would the United States feel bound to assume any similar obligations.

The officials of the State Department and those at the Italian legation were disinclined to talk about the prospects of diplomatic proceedings until definite information as to the citizenship of the victims had been obtained.

PRESS COMMENT.

NEW ORLEANS, March 14.—The *States* will say to-morrow editorially: Yesterday's cancer, which for years has been gnawing at our social system—the hideous Mafia—was once for all, amid torrents of blood, fiercely rooted out by the people's strong arm, and with the people's instruments. The evils which remain to inflict our community—a vicious jury system and suborners living among us—are not of the deadly character which demand heroic treatment. Let the constitutional authorities move against the jury, who have outraged justice and insulted common sense.

The *Times-Democrat* will say: The paralysis of justice for the past two years was due to a settlement in New Orleans of lawless bands of men hailing mostly from Southern Italy, who brought with them to this country pernicious ideas and murderous methods which have planted conspiracy and assassination societies in their quondam home. The short, sharp and decisive drama of yesterday had in it, moreover, a warning for another class which they will do well not to disregard. We refer to the jury-fixers, who are experts in getting at talesmen and jurymen, and in filling the jury-box partially or wholly with men pledged to consult, above all things, the interests of criminals.

NEW YORK, March 14.—*Le Cod Italia*, one of the representative Italian newspapers in this city, issued an extra edition on the New Orleans killing. The story was followed with the following editorial and appeal: "Without words we want satisfaction in full and complete. If the Minister at Washington has not at this hour made his word good, 1,000,000 of Italians residing in the United States will know how to do. If the massacre that we have witnessed in this free republic is allowed to go unpunished, we will denounce it as assassination. Our word is quickly pledged. We never repent."

The *Vendetta* invites to a mass meeting whoever has a heart that beats in his bosom. The article continues: "In this moment of persecution, through malignity, wrath and hate, we ought to remember that we are all Italians, and we invite *El Progresso* and *El Colombo* to unite with us in a grand mass meeting. Colleagues, be quick to join hands, as we are ready and always with you. In this supreme hour of our vindication let us be united, in the name of God. Death to the assassin! Death to those that allowed such butchery!"

Although *Le Cod Italia* announces a meeting for Tuesday night, this announcement was made this morning, and the excitement grew so intense during the day that it was decided to hold the meeting as soon as possible, and it will be held to-morrow night.

Late to-night a number of prominent Italians forwarded telegrams to the Italian Embassador at Washington calling his attention to the murder at New Orleans, and demanding that he take proper steps in the matter and give to it the recognition its importance deserves.

REPARATION DEMANDED.

CHICAGO, March 14.—Signor Durante, editor of *Le Italia* of this city, regards the lynching of the Italians at New Orleans as a great shame for the American people. He thinks the Italian Government will take prompt action and ask reparation from the United States.

The banquet of the Italians in this city in honor of the forty-seventh birthday of King Humbert has been indefinitely postponed, because of to-day's tragedy at New Orleans. The Secretary has sent a telegram to the Premier at Rome demanding an energetic intervention and protection from the Government of the Fatherland.

A FARMER OUTRAGED.

Himself and Sons Bound and Left to Suffer in the Cold.

KANSAS CITY (Mo.), March 14.—David Handy, a farmer living with his sons near Piper, sixteen miles northwest, came before the County Attorney at Wyandotte, Kansas, last night, and said that on Thursday night S. S. Barker, C. Cashman, E. Overton and T. J. Swallow, all prominent farmers of that vicinity, came to his house, chopped open the door, seized himself and sons, bound them to a fence in their night clothes, and then wrecked the house and destroyed the furniture.

They left Handy and his eldest son tied to the fence, notwithstanding the night was bitter cold, and taking the youngest boy, made him walk barefooted in the snow half a mile, when they set him free. The boy returned to his home and released his father and brother.

The men named by Handy have been arrested. The outrage grew out of litigation between Handy and Cashman.

A Government Vessel Ashore.

VINEYARD HAVEN (Mass.), March 14.—The United States corvette Galena and the United States tug Nina went ashore last night south of Grayhead light-house during a strong southerly wind. There was a dense fog at the time. The Galena was being towed to the Portsmouth Navy Yard for repairs. The officers and crews of both vessels were taken off by the Galena's boat and the life-saving crew. A steam tug which visited the scene to-day reported that the sea was making a clean breach over both vessels. The officers and crews saved nothing from the wrecks. The Galena has three new boilers on deck, which were to be put in her.

The Asylum Fire.

NASHVILLE, March 14.—The following is a corrected list of the dead, at the asylum fire near this city: Dr. Frank Hollowell, John Poindexter, A. R. Goodlett, John S. Johnson, W. J. Settles, W. H. Beasley, J. Brooks, John Kelly, John Nance. The escaped number between thirty and forty. Many of them have been captured, some of them many miles away from the scene of the fire.

The loss of the building is estimated at $50,000, fully covered by insurance. The fire is supposed to have been started by Lee Alford, an inmate.

Behring Sea Fisheries.

WASHINGTON, March 14.—Acting Attorney-General Taft said this afternoon, in response to an inquiry on the subject, that the United States Government would take no steps, as far as he was advised, to secure the dismissal of proceedings instituted by the British Government in the United States Supreme Court, involving the jurisdiction of this Government over the Behring Sea fisheries, pending the reported reference of that issue to arbitration.

Mysteriously Disappeared.

ST. LOUIS, March 14.—The sudden and mysterious disappearance of Colonel L. L. Thompson, one of the leading Democratic politicians of Arkansas, has created a sensation in Little Rock, says a dispatch from that city. It is rumored that he is in Galveston. His friends fear that he has become insane from reverses in business affairs and from the death of his wife.

Steamer Launched.

CHICAGO, March 14.—The new steel steamer Marina, the first of the kind ever built in Chicago, was successfully launched to-day at the yards of the Chicago Ship Building Company. She is of 4,600 tons displacement, and her length is 308 feet over all.

Death of a Well-Known Inventor.

FINDLAY (Ohio), March 14.—Charles Kellogg, well known throughout the country as a civil engineer and inventor, died here last night.

"Skeleton in the Closet."

The origin of this singular saying, which is found in almost every language in Europe, is found in one of those curious collections of stories which the monks of the Middle Ages were fond of making, both for their own amusement and for the instruction of youth. In one of these collections, compiled by an unknown hand, about the middle of the tenth century, there is a story of a wealthy lady, who, having a secret grief, confided it to a friend who was apparently a perfectly happy woman. She was the wife of a nobleman, who lived in his castle in the south of France; she and her husband were outwardly on the most loving terms, not a care-cloud seemed to cast a shadow on her path. After hearing the story of her afflicted friend the noble lady took her by the hand and led her to a secret chamber adjoining her bedroom, there opened the door of a closet and exposed a skeleton. "Know, my friend," she said, "no one is happy. Every day I am forced by my husband to kiss this grinning death-head, which is that of a gentleman who was my husband's rival, and whom I would have married had not my parents willed otherwise.—*Globe-Democrat.*

Minority Presidents.

John Adams, John Quincy Adams, James K. Polk, Zachary Taylor, James Buchanan, Abraham Lincoln, Rutherford B. Hayes, James A. Garfield, Grover Cleveland and Benjamin Harrison were what is called minority Presidents. The first Adams obtained more electoral votes than any one of his competitors, but not so many as all of them combined. Previous to 1824 the electors were chosen by the Legislatures of the States. From 1824 onward it is the popular vote which is popularly held to determine the question of minority. None of the other Presidents named here obtained half of the entire popular vote cast. All of them, however, except John Quincy Adams, Hayes and Harrison, had more of the popular vote than their principal competitors. The first man named, though, who was chosen by the House of Representatives, is the only one who was beaten by his chief competitor on the electoral vote.

Small Coins.

Half dimes were first coined in October, 1792, and continued at intervals until 1806, then discontinued until 1828. The issue ceased in 1873. The 3-cent silver coins, first issued in 1851, ceased in 1873. The 5-cent nickel was authorized in 1866, and has been issued regularly to the present time. In 1856 nickel 3-cent pieces and a small number of nickel cents were coined. The 2-cent bronze pieces were issued in 1864 and discontinued in 1873. The bronze cents issued in 1864 have been coined annually since.

SUPREME COURT DECISIONS.

[Filed March 6, 1891.]

IN BANK.

ELLE ELLEN, BY HIS GUARDIAN, PATRICK HENRY, Respondent, vs. J. L. LEWISSON ET AL., ADMINISTRATORS, ETC., Appellants. } No. 13,601.

BY THE COURT.

This action was brought by the plaintiff against the defendants as the administrators of the estate of Emma J. Regli, deceased. The plaintiff obtained a verdict and judgment against the defendants in their representative capacity as prayed for, and from that judgment this appeal is taken, on the judgment roll and a bill of exceptions.

The facts set up in the complaint were, in brief, that Elle Ellen, an incompetent person, who sues by his guardian, had been induced by his daughter, Mrs. Regli, to make her a gift of fifteen thousand, eight hundred and fifty dollars, which gift, "by reason of the premises, is utterly void, and the conversion of the said money was wrongful and without consideration."

The grounds which the plaintiff claims that he relied on to sustain his contention are that the gift was made by an incompetent person while being unduly influenced.

Upon the trial, when evidence was sought to be introduced as to the fraud and undue influence claimed to have been exercised by Mrs. Regli, in her life-time, and to have induced the gift, the defendants objected that such evidence was inadmissible under the pleadings, that no such issue was tendered by the complaint, and that the only issue tendered was "that of mental competency to make the alleged gift." The court agreed with the defendants and allowed the plaintiff at once to amend the complaint, which was done in a few lines.

Counsel for defendants insisted on being allowed ten days in which to answer, but did not ask for any less number of days. The court ruled them to an immediate answer, which was made at once, and briefly though sufficiently, and as appears to us, this was easily done, and without any inconvenience. Whereupon they moved for a continuance on an affidavit alleging surprise, and that they must now adopt a different line of defense by reason of the amendment, and stated that they expected to be able to obtain proof upon "all of said new issues now tendered which is not now at their command." And that they needed further time, etc. The court refused to grant the continuance, and the trial proceeded, against the objection of the defendants. It is claimed that the court below was guilty of an abuse of discretion in not allowing time to file the amendment to the answer, and in refusing to grant a continuance.

As to the first matter it is plain that the amendment was easily made and filed as requested, and there certainly was no abuse of discretion in requiring this to be done.

As to the other point it is clear to us from an inspection of the complaint that it was the intention of the pleader to charge both that the gift was made when Elle Ellen was incompetent to make it, and also that he was induced to make it by the fraudulent acts and undue influence of Mrs. Regli. It is true that the pleading is not to be commended as a model in this respect, but we think it was sufficient. Out of abundant caution apparently, the trial Judge had the complaint amended and answered, but he was evidently of the opinion that there was no surprise sprung upon the defendants, and we agree with him.

It is further assigned for error that the court erred in refusing to allow the witness Schaffer to testify that Ellen, since the year 1868, and before his stroke of paralysis, was in the habit of keeping large sums of money in his house, and that the witness helped Ellen to carry $15,000 there. The purpose of this we suppose was to show that when Mrs. Regli, as testified to by Graham, had in the fall of 1886 upbraided her father with having willed his property to her sister, and that her sister's husband had come up to the father's place, after his attack of paralysis in the spring of that year, opened his safe and carried "down his papers and money and they had stolen $21,000," that she was speaking the truth, and that Joseph Sanders, the husband of her sister, had in his account of the matter sworn falsely.

The evidence on this head sought to be elicited, just alluded to, as well as that the witness had helped "Mr. Ellen to carry $15,000 over to his house in gold coin," was not admissible for the reason, if no other, that it does not appear at what definite time it would be shown that such money was kept or carried to Ellen's house. It might have been, for all that the evidence would have shown to the contrary, many years before the time when Sanders had gone to Ellen's house and taken away the money as he is claimed to have done. It might have been in the year 1869, and Sanders took what money he carried to San Francisco in 1886.

It is further objected that the witness was not allowed to state in contradiction of Sanders' statement (that he had taken away only about $5,080 50 in coin from Ellen's safe in 1886, and that he had the money in a hand satchel and the books and papers in a large satchel); "that Sanders was weighed down by two large satchels, which appeared to weigh 75 pounds each." The witness had just stated, without objection, that "when Sanders went to San Francisco, he had two big valises about eighteen inches in length and a foot in diameter, and they appeared to be very heavy." This was substantially what it was proposed he should again testify to, with a guess as to the weight of the satchels added. We do not think the action of the court resulted in prejudicial error.

It was proposed, with a view to lay a foundation for Sanders' impeachment, to ask him whether in the month of July, 1887, in the presence of various parties, Mr. Ellen had not used language to him indicating that Ellen believed Sanders and his wife had taken the money of the former. We suppose that if the witnesses had declared, as was evidently expected, that such had not been the case, the defendants would have introduced evidence to show that Ellen was angry with Sanders and wife and that the cause of this anger was his belief that they had stolen his money.

Admitting that the question had been answered by Sanders in the affirmative, or that if he had not so answered, the defendants could have shown, as they proposed, that Ellen was angry at Sanders and wife, and because he believed they had stolen from him; still, the evidence could not have aided the defendants. There was nothing in it, or the record, which tended to show that Ellen had any belief as against the honesty of Sanders and wife or anger at them on that account, except as derived from the statement of Mrs. Regli to him that they had stolen money from him.

It was already proved that he was angry with them on that account, and further proof of the existence of such anger or bias would not have helped the defendants unless there was something to show that it had proceeded from some cause independent of Mrs. Regli's statements to him. So that if the evidence was admissible, it was immaterial.

Admitting that the question put to Kruger at folio 83 was objectionable, yet the answers of the witness in reference to that and other questions on that line did not tend to support but rather to negative the counsel's theory of the plaintiff's mental incompetency, and no harm was done, nor do we think there was any misleading of the jury by the court allowing the question to be put.

McGlashan, a witness for defendants, who had testified to the check given by Ellen to Mrs. Regli, was asked this qnestion; "Did he deliver that as his own voluntary act?" and an objection by plaintiff was sustained. Defendants then offered to prove by the witness that the check was signed and delivered voluntarily, and an objection to the offer was sustained. These rulings are assigned as reversible error. The objections were that the witness was an attorney for Ellen at that time, and for that reason should not be allowed to testify; and that the testimony sought was mere expression of opinion about a matter which was for the determination of the jury, and was irrelevant, immaterial, etc. We doubt whether the question was admissible as a strict questiou of law. Certainly neither People vs. Sanford (43 Cal. 29), nor People vs. Monteith (73 Cal. 7), (relied on by appellants), is closely in point. In the former case it was merely held proper for a witness to testify to the condition of the mind of a person at the time he made a dying declaration—that is, "whether it was clear or confused;" and in the latter case, where there was a question as to the intoxication of the defendant, it was merely held proper for a witness to testify "what *appeared* to be his condition as to sobriety." But in the case at bar it was sought to prove, by the opinion of the witness, what the *motive* was which induced the third party to do a certain act—that is, whether he did the act "voluntarily." Such evidence might be admissible under peculiar circumstances; but we doubt if it was admissible in the case at bar. But if it be admitted that the court erred on this point the error was not of sufficient importance to work a reversal of the judgment. When a case like this one has been, upon the whole, fairly submitted to a jury, a mere abstract error doing no injury will be disregarded. The witness, McGlashan, had testified very fully to the condition of Ellen's mind at the time the check was given. He had said "that his mental condition was as sound as he ever knew him to be, as he had every opportunity of testing it; that he talked very intelligently on business matters; that he was present when the check was given to Emma Regli, about the 25th of March; that Ellen signed the check in his presence, and *stated his reasons* for making the gift, and he saw the check delivered to Mrs. Regli by Mr. Ellen; that others were present at the time, and that he, himself, drew the body of the check at Mr. Ellen's request—and (testified) to all the circumstances that occurred at the time." Now this testimony was just as clearly to the point—and must have been so understood by the jury—that, in the opinion of the witness, the check was signed and delivered voluntarily, as if the word "voluntary," or "voluntarily," had been expressly used by the witness; and it would be an unjust thing to reverse the case because the witness was not allowed afterwards to add the word "voluntary." It is quite clear that no substantial injury was done by the ruling of the court on this point.

The judgment is affirmed.

[Filed March 5, 1891.]

DEPARTMENT ONE.

CHARLES TOWNSEND, Respondent, vs. J. S. BRIGGS, Appellant. } No. 13,727.

The plaintiff brought this action to recover damages in the sum of $20,000 for personal injuries alleged to have been wrongfully, wantonly and maliciously caused by the defendant.

The case was tried by a jury, and a verdict returned in favor of the plaintiff for $500, on which judgment was entered.

In due time the plaintiff served notice of his intention to move for a new trial, upon the following grounds: "1. Insufficiency of the evidence to justify the verdict; 2. That the verdict is against law; 3. Errors in law occuring at the trial and excepted to by the plaintiff." The notice stated that the motion would be made upon a bill of exceptions to be thereafter settled, and such a bill was thereafter settled and filed.

The court granted the motion, but upon what ground does not appear, and the defendant appeals from the order.

It is claimed for appellant that the bill of exceptions shows no errors in law committed at the trial, and contains no sufficient specification of the particulars in which the evidence is alleged to be insufficient to justify the verdict, and hence that the new trial was improperly granted.

The bill of exceptions states that the plaintiff excepted to the verdict of the jury upon the ground of the insufficiency of the evidence to justify it, and it contains specifications to the effect that, as shown by the evidence, plaintiff was wrongfully assaulted and beaten by the defendant; that he was then 46 years of age, and up to that time in good health and able to earn $60 per month; that the injuries so inflicted resulted in the loss of his left arm, in causing him great physical and mental pain, and in rendering him unable to earn his support; that "the verdict of $500 returned will not compensate plaintiff for the detriment proximately caused by said injury, and is not equivalent to the amount plaintiff will lose in one year as wages in earning capacity alone," and that "the amount of the verdict ($500) is wholly inadequate and insignificant as compensation for the damage sustained from said injury."

We think the specifications sufficient. (Du Brutz vs. Jessup, 54 Cal. 118; Bennett vs. Hobro, 72 Cal. 178.)

The evidence showed very clearly that, without any sufficient cause, defendant struck plaintiff on the head with a mallet several times; that plaintiff was knocked down and fell on a cutting machine; that his left elbow joint was badly cut, and the principal arteries, veins and nerves of the arms severed; that he had one scalp wound an inch and a half long, cut through to the bone; that to save his life it was necessary to amputate his arm above the elbow, and that he suffered great pain both before and after the amputation.

Under such a showing of the facts, the court may well have thought that $500 was a grossly inadequate sum to compensate the plaintiff for the injuries received, and may have granted the motion on that ground. And the rule is well settled that an order granting a new trial will not be reversed on appeal, if it can be justified on any of the grounds upon which the motion was made. (Nally vs. McDonald, 77 Cal. 284; Harnett vs. C. P. R. R. Co., 78 Cal. 31; Curtiss vs Starr & Co., 85 Cal. 376.)

We are unable to see that the court abused its discretion in granting the new trial, and we therefore advise that the order be affirmed. BELCHER, C.

We concur:
FOOTE, C.,
HAYNE, C.

THE COURT.

For the reasons given in the foregoing opinion, the order is affirmed.

It is stated that there is an element in the common pineapple similar to pepsine, and of such remarkable strength that the juice of a single apple will digest ten pounds of beef. It is further stated that the juice of the fruit is a very active solvent of the membrane found in diphtheria.

Doctor (to patient)—"What ails you?" Patient—"Indeed, I don't know. I only know that I suffer." "What kind of life do you lead?" "I work like an ox, I eat like a wolf, I am as tired as a dog and I sleep like a horse." "In that case I should advise you to consult a veterinary surgeon."—*Texas Siftings.*

Dr. Price's Baking Cream Powder.
Used in Millions of Homes—40 Years the Standard.

Church Notices.

A FREE LECTURE TO-NIGHT. REV. Dr. Sweeney, a distinguished preacher, will fill the pulpit of the Christian Church today at 11 A. M. He will give a free lecture at 7:30 P. M. on his "Tour of Europe, Asia and Africa." The public may expect a rich treat. Dr. Sweeney is a first-class orator, with a fine vein of mirth-provoking humor. *

General Notices.

NOTICE—COMPANY E WILL RESUME shooting on their range to-day. 1t*

$110 BUYS A 50-INCH EAGLE BIcycle, in good order. Address P. O. Box 102, Stockton, Cal. mr9-1w

Lost—Found.

LOST—A FAN, RETURNING FROM theater, K street, to Twelfth. Leave at CONTROLLER'S OFFICE and receive reward. mr14-2t*

Wanted.

WANTED—TWO GENTLEMEN TO board and lodge in a private family. Apply at this office. mr12-3t*

A JAPANESE WANTS WORK BY THE day. Address R. M., P. O. Box 88, Sacramento. mr14-7t*

WANTED—A GIRL TO ASSIST IN light housework at 914 Fourteenth street, between I and J. mr14-2t*

WANTED—CASH BOYS. APPLY TO CHARLES E. PHIPPS, Superintendent Weinstock, Lubin & Co. mr14-2t

WANTED—GOOD PASTURE FOR 35 horses. Apply to MAXON, ACKLEY & CO., 1014 Second street. mr13-tf

WANTED—ALL PERSONS WANTING reliable male and female help will call at J. J. SMITH'S EMPLOYMENT OFFICE, 524 K street, at the office of Capital Transfer Company. mr1-1m*

WANTED TEAMS—PARTIES WITH teams or traction engines to take contract to haul three million feet of lumber. All summer's work; for further particulars address, EL DORADO MILL & LUMBER CO., Diamond Springs, Cal. fe14-tf

WANTED—MEN FOR FARMS, VINEyards, dairies and all kinds of labor. Women and girls for cooking and general housework. Plenty of work for desirable help. Apply at EMPLOYMENT OFFICE, Fourth street, K and L.

WANTED,

TRAVELING SALESMEN; NONE BUT thorough experienced men in our line need apply—those who can command trade.
HART SADDLERY CO.,
Lyon, Lippitt & Co., Proprietors, 417 and 419 Market street, San Francisco. mr11-7t

To Let or Rent.

FOR RENT—ONE OR TWO NICELY-FURnished rooms, with all conveniences, at 1129 O street. mr14-7t

TO RENT—FURNISHED ROOMS FOR light housekeeping. 1528, corner Second and P streets. mr14-7t*

TO RENT—A SIX-ROOM COTTAGE, SITuated at 1232 G street. Inquire for particulars next door. mr14-3t*

TO LET—A PHOTOGRAPH GALLERY, formerly occupied by H. S. Beals; also some rooms in the same building. Apply to S. ROTH, 415 J street. 3t*

FOR RENT—DURING THE SPRING AND summer months, a commodious and well-furnished home, with ample and well-kept grounds, located in one of the most desirable parts of San Francisco. For further particulars address AD., this office. mr12-1w

TO LET—THREE TENEMENTS, THREE rooms each; also one house, 8 rooms, partly furnished (suitable for lodging or boarding-house); also some rooms, furnished or unfurnished, suitable for light housekeeping. For particulars apply at WOOD YARD, 401 I street. All cheap rent. mr6-tf

HOTEL OF 100 ROOMS, ALL FURnished, full of boarders and roomers, to lease; best location. Inquire at 1007 Fourth street. mh2-tf

TO LET—TWO LARGE ROOMS AND kitchen with pantry. 501 Seventh street; $9 per month. F. ECKHARDT. mr1-tf

TO RENT—A COTTAGE OF FOUR ROOMS; also, one of five rooms. Apply at 1828 G street. fe19-tf

HOTEL TO RENT, OR EXCHANGE FOR city property; furnished in running order; doing a fair business. Inquire at this office. fe15-1m

TO RENT—FURNISHED AND UNFURnished rooms, suitable for housekeeping; rents from $4 to $8. Inquire at 309 M st. f5-tf

FURNISHED ROOMS AT CENTRAL House, from $5 per month upwards; also family rooms at low prices. HORNLEIN BROS., Proprietors. mr19-1y

For Sale.

FOR SALE—A SCHOLARSHIP AT THE Bainbridge College, Sacramento; will be sold cheap. For terms and particulars address JOHN McCARTY, Latrobe, Cal. mr15-1w

FOR SALE—THOROUGHBRED BROWN Leghorn eggs, 50 cents per setting of thirteen. J. R. CATLETT, Pleasant Grove, or THOMAS LYNN, 1401 O street, Sacramento. mr15-7td&1tw

$1,200 FOR SALE—PAID-UP LEASE TO Blue Canyon Hotel, worth $450, and furniture, etc., worth $1,000; will sell lease, furniture and goods in house for $1,200. For terms and particulars apply to L. E. SMITH, Trustee, 1217 L street, or FELTER, SON & CO., Second street, between J and K, Sacramento. mr14-tf

FOR SALE—TEN SHARES OF GERMANIA Building and Loan Association stock, fifth series, at E. W. MELVIN'S, 718 K. mr12-7t

FOR SALE—METALLIC LATHING AND jack rabbit fencing. E. HAWES, Twelfth and B streets, Sacramento. mr10-7t*

FOR SALE—LIGHT SCRAP IRON AND tin. E. HAWES, Twelfth and B streets, Sacramento. mr10-7t*

FOR SALE OR TO LET—A FINE TWO-story modern house of eight rooms in an excellent locality. Address P. O. Box 50, city. mr10-6t

FOR SALE ONE OF THE FINEST AND largest saloons in the city; extra family entrance; best location; stock and lease. Inquire at this office. mr9-tf

FOR SALE—THE FURNITURE OF AN office in a good location on J street; room 100 feet deep; plenty of room for a store or some manufacturing business, and cheap rent. Apply to FOSTER & SHIDELER, 323 J street. mr5-tf

FOR SALE OR TO RENT ON LEASE—TEN acres of bottom land, one mile below Washington, Yolo county. If sold will take small payment down. Apply to EDWIN K. ALSIP & CO., Real Estate and Insurance Agents, 1015 Fourth street. fe22-tf

FOR SALE—TWENTY ACRES AT FLORin; 3 acres in bearing vines. Terms easy. Address F. E. MITCHELL, 819 K st. fe19-1m*

Miscellaneous.

BERLIN,

The Standard Trotting Stallion,

HAS PRODUCED MORE FAST TROTTERS than any other horse that ever stood in Sacramento, as can be proved. This is his last season here, as he is engaged to go south after this year. Now is your time to breed. For particulars inquire of
H. S. BEALS,
mr1-tf 1213 F street, or at the Park.

STONE MASON.

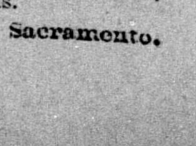
CEMENT AND ARTIFICIAL WALKS laid, in all colors, at lowest prices. First-class work guaranteed.
A. BOITANO,
No. 719, Alley bet. M and N, Seventh and Eighth Sts., Sacramento, Cal. mr12tf

JURGEN LUTERS,
(Successor to H. WITTPEN),
GENERAL TRUCKMAN.

LEAVE ORDERS AT RESIDENCE, 916 Twelfth street, between I and J, Sacramento. All kinds of hauling promptly attended to. fe21-1m

L. A. McLEAN,
Veterinary Surgeon.

ALL DISEASES OF DOMEStic animals treated at his infirmary, 711 Eighth street. Office hours: From 8 to 10 A. M., 3 to 6 P. M. ja23-tf



A. MEISTER,

CARRIAGES, VICTORIAS, PHAETONS, Buggies and Spring Wagons.
910, 912, 914 Ninth St., Sacramento.