

THE CHAMBER MEETS

Various Important Matters are Discussed.

Report Adopted Favoring Public Market.

An Edifying Letter from Representative Vandever.

He Says Clunie Has Stood in the Way of Appropriations—A Telegram from Mr. Clunie in Reply.

The chamber of commerce met yesterday afternoon, President E. W. Jones in the chair and about forty members present. After the reading of the minutes Captain Barrett reported for the committee on public improvement to which the matter of the public market had been committed, that inquiries had been made into the success of the public markets in other cities in the union. The following report and resolution were submitted:

GENTLEMEN—Your committee to whom was referred the communication from the Cahuenga Producers' Union, begs leave to report that it has corresponded, through the secretary of the chamber, with the mayors of several of the eastern cities in regard to the success of public markets, and after careful consideration of the subject, is convinced that the best interests of the citizens of Los Angeles and the producers of Los Angeles county will be subserved by the establishment in some central part of this city of a public market, and your committee would respectfully recommend the adoption of the following preamble and resolutions:

WHEREAS, It is the sense of the chamber of commerce that the maintenance of a public market by the city of Los Angeles will greatly promote the interests of both the consumers and producers, therefore be it

Resolved, That the city council of Los Angeles be earnestly requested to take early action toward renting or building a suitable place for the establishment of a public market for the city of Los Angeles, to be under municipal supervision.

Resolved, That the secretary of the chamber forward a copy of the above to the city council and honorable mayor of the city of Los Angeles.

Respectfully submitted, A. W. BARRETT, JOHN MORTON, Committee.

M. R. Higgins offered the following resolutions, which were adopted:

WHEREAS, Messrs. Hervey Lindley and E. W. Jones have, at private expense, provided this city with a market-house of handsome appearance, which is an ornament to the city and unsurpassed in accommodations for tenants and patrons, and have, by their public spirit, placed this city on a level with other cities in this regard, which is a source of just pride to all; and

WHEREAS, This chamber recognizes in the establishment of this market a happy solution of a very important question, and a response to much labor which it has put forth for the public in this direction, and although the future control of the same remains in private hands, it is of such a public character, and will so affect the entire population of the city that it will be recognized as a public institution; therefore be it

Resolved, That this chamber request Messrs. Lindley and Jones that the formal opening of the same be in a public manner, and that this chamber request the privilege of taking charge of the same.

J. S. Van Dusen moved that a special committee of five be appointed to take charge of the formal opening of the market. The motion was carried and Mr. Higgins was chosen as chairman of the committee, and he was asked to select four others to assist him.

The secretary then read the following names reported by the committee on membership: H. Boettcher, David Burbank, J. C. Cunningham, J. A. Barrows, William Slaney, D. Baylis, F. Gardner, J. G. McCallum, R. E. Wirsching, Z. L. Parmlee, George W. Knox, Charles Ducommun, C. White, George P. Allen, W. H. Clark, R. F. Del Valle, J. J. Mellus, William R. Rowland, W. C. Lockwood, M. J. Nolan, J. F. Davis, D. Tonney, D. R. Rialley.

They were elected into the chamber. C. M. Wells, of the committee on ways and means, reported that money had been raised by private subscription for 13,000 pamphlets on the "Profits of Orange Culture," by A. C. Fish.

The committee on statistics reported that the pamphlet of the chamber would be issued on July 1st.

M. L. Wicks reported from the special committee appointed to confer with the army authorities at Washington with regard to the establishment of a military post here, that the committee had written to Washington offering 100 acres of land, besides enough for a rifle range, if a post were located here. No answer had been received as yet.

Phil Stein, who was present, was asked what action had been taken by the citrus fair committee concerning the exhibition station. He said that the committee had adjourned until Saturday, unable to agree. The Riverside people had sent a committee to Berkeley endeavoring to get the proposed location changed to San Bernardino county. Mr. Stein thought that this action was hardly fair, as the location at Pomona had been originally selected by Prof. Hilgard, of the university, and not by the Pomona people.

C. M. Wells, who is chairman of the citrus fair committee, explained that all the members of the committee who were present at the meeting had favored the using of the money for the experiment station, but that the Riverside representative, Frank A. Miller, had asked that action might be delayed until their committee could confer with Prof. Hilgard, to see whether the location might not be changed. In order to secure unanimity of sentiment the committee had agreed to defer action until next Saturday.

General Forman moved that the chamber inquire Pomona as the location for the experiment station, and that the citrus fair committee be advised to use the \$2,000 in their possession for this end. The motion was passed, and the secretary was instructed to telegraph the action to Prof. Hilgard.

A communication from J. T. Sheward, strongly recommending that the city manage the watersupply, was read. A report prepared by a special committee on the matter recommended that action be taken by the chamber. It was decided to refer the whole matter to the council. After this action was taken, attention was called to the fact that the

report had not been adopted, which had the effect of sending it to the council without action by the chamber. Col. Ortton moved to reconsider, as when the matter came before the chamber again he moved that the report be adopted, and its views, which called for the ownership of the water system by the city, be endorsed.

On this motion a long and spirited debate took place. Captain Barrett declared that there was not money enough in possession of the city to effect the purchase of the water system, and no way to raise the amount by voting bonds. Under the circumstances even if the city's ownership of the system was advisable it was not practicable. It was well known that a prominent capitalist of Los Angeles, J. F. Crank, was in the east negotiating to bring money out here to establish a system to bring mountain water into the city in large quantities at reasonable rates. Action by the chamber might hamper this undertaking just as action by the chamber on a previous occasion with regard to the Scott-Marble franchise had proved injurious.

M. L. Wicks told the story of his experience in the water business, and how he had found it impossible to place bonds for a mountain water company, for the reason that capitalists feared interference with rates on the part of the city. City water works meant river water, as the city had no other to offer. Nothing but private enterprise would ever bring mountain water into the city. Engineers stated that the mountain water would bring a force of 1,000 horsepower, which would have a decidedly stimulating effect upon manufacturing industries. The zanja system with which the city has experimented, had been a net loss to the city thus far of half a million of dollars.

Major E. W. Jones left the chair to be occupied by Hervey Lindley, while he took part in the discussion. He defended the zanja system which, although it might have cost the city considerable money, was nevertheless of infinite benefit to the residence section. Private ownership of water supply was condemned in all the larger cities and generally abandoned. If private capital was to supply water, why should it not pave streets and build the city hall?

L. N. Breed said that there was enough water in the river to irrigate most of the land between here and Santa Monica, and there was no reason why mountain water should not be supplied for drinking purposes, if the citizens wished it.

T. C. Naramore thought that Los Angeles had outgrown the necessity for foreign capital. In any event, why not have the city make a profit off the water supply as well as a private company. Captain A. W. Barrett called attention to the fact that the city had to pay three prices for all the labor which it had done, and could not possibly carry on the business as cheaply as a private company. W. E. Hughes gave ex-Councilman Book as authority for the statement that the city could raise bonds to an unlimited amount for water purposes. He quoted the experience of various eastern cities in the matter.

A vote was then taken by which the report of the committee favoring the city's ownership of water works carried by about a two-thirds majority.

Major E. W. Jones then produced a document which he said he had received from General Vandever, which he had no doubt was from him, although the signature was accidentally omitted. In a private letter General Vandever had suggested that it be read to the chamber of commerce. The document was read by Secretary Patton, as follows:

COMMITTEE ON IRRIGATION, HOUSE OF REPRESENTATIVES, U. S. WASHINGTON, D. C., May 29, 1890.

Major E. W. Jones, President Chamber of Commerce, Los Angeles, Cal.

DEAR SIR—A batch of public-building bills was called up in the house today by the committee on public buildings and passed under a special order, which authorized the chairman of that committee to call up bills of this character for consideration. I regret to say that the Los Angeles bill was not among the number designated by that committee for favorable consideration. I understand that you, Colonel Markham, who is here, that letters from Mr. Clunie, to certain Los Angeles party, represent that the delay in action regarding the Los Angeles bill is owing to my negligence in not asking for its favorable consideration by the house. The fact is the Los Angeles bill was the first California bill introduced at the commencement of the present session, but the San José, the Stockton, the Sacramento and the San Francisco bills were reported from the committee ahead of the Los Angeles bill, and I do not hesitate to say that the responsibility for the preference which has been given these other bills lies wholly with Mr. Clunie, who, being a member of the public buildings committee, has succeeded in having our bill postponed until the bills for public buildings in the central part of the state have been considered. Mr. Clunie claimed to have a desire to promote the passage of the Los Angeles bill, but his action has been in the opposite direction, and there is no disguising the fact that he has been the chief obstacle in the way of an early consideration of the Los Angeles bill. In addition to this I have reason to believe that he has maintained a correspondence with parties in Los Angeles, possibly with some members of your board, looking to a change of location for the building. Candor compels me to make this statement, in order that you may understand upon whom rests the responsibility for the delay. I expect the passage of the Los Angeles bill during the session, but I am none the less indignant at the kind of partisanship which postpones every interest of Southern California to the projects of other parts of the state. Colonel Markham is here, and understands that no effort of mine has been spared to get the additional appropriation for the Los Angeles public building. Very respectfully,

Captain Barrett said that having read the letter last Thursday, he had telegraphed to Congressman Clunie asking how the matter stood and had received the following reply:

Captain A. W. Barrett: Dispatch received. Tell White, Mott, Herald, Times and people generally that the southern metropolis will get justly deserved appropriation soon.

T. J. Clunie.

M. R. Higgins moved that the Vandever letter be referred to the committee on public buildings, of which Captain Barrett is chairman. The motion carried.

Reports of the secretary and treasurer were then read, and a communication from Dr. Bryant with regard to the world's fair.

The meeting then adjourned.

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ADJ. GEN. ORTTON.

AN OPEN LETTER TO HIM FROM COLONEL RUSSELL.

He is Hauled Over the Coals for Assuming too Much—Papers to be Forwarded to Governor Waterman.

ROOMS 1, 2 AND 3, BRYSON-BONEBRAKE BLDG., LOS ANGELES, CAL., JUNE 10, '90.

General R. H. Orton, Sacramento, Cal.

DEAR SIR—The decision of the court-martial, convened in the cause of Colonel W. H. H. Russell, was approved by General W. H. Dimond (the officer ordering the court-martial) on the 1st of May, 1890. Official notice of this action on the part of the court-martial and General Dimond was received by Colonel Russell, for the first time on the 23d of May, 1890, at which time a copy thereof was received by him through "the regular military channels."

Upon the receipt of that official notice, three courses were open to him:—

First. An appeal (a sort of motion for rehearing) to the officer ordering the court-martial, under subdivision 10, section 2076, of the political code.

Second. An appeal to the commander-in-chief, as provided in section 109 of the general regulations governing the National Guard of California.

Third. An appeal to the commander-in-chief to revise the proceedings and disapprove them, as provided by section 2079 of the political code of California.

The first course he did not desire to avail himself of, as he deemed it useless to appeal to an officer who had already passed upon the proceedings. He determined to avail himself of the other two remedies, leaving it to the discretion of the commander-in-chief as to which proceeding he would take action in.

Having heard by rumor what the action of the court-martial and General Dimond had been in the matter, Colonel Russell had prepared three copies of notices of appeal—one he forwarded to the commander-in-chief—the other two were endorsed by Brigadier-General E. P. Johnson; and one of them was forwarded to General Dimond, the other, through General Dimond, to yourself.

The one forwarded through General Dimond was marked by him "disapproved" (?) and forwarded to you, and was by you returned to Colonel Russell, with the following endorsement thereon:—

"Respectfully returned, for the reason that no grounds for the appeal are given herein—and for the further reason, that the appeal should first be made to the officer ordering the court—see section 172, regulations governing 'the national guard.'"

This paper Colonel Russell returned to you, as neither of your objections were tenable, and as both points upon which you presumed to pass were matters, not for your decision and action, but for that of the commander-in-chief.

It seems that you, in your hasty action entirely overlooked the fact, that by section 109 of the regulations governing the National Guard of California, an appeal is permitted directly to the commander-in-chief.

Your second objection was equally untenable, as strict technicalities are never admissible in proceedings appertaining to military trials—especially are not admissible on an appeal to the commander-in-chief. And section 172 of the regulations governing the National Guard of California refers entirely to an appeal to the officer ordering the court, and not to an appeal to the commander-in-chief, the latter being regulated by section 171, which simply contemplates a broad appeal for revision.

Colonel Russell, also, on the 15th of May, without waiting for official notification, availed himself of the right of application to the commander-in-chief, given to him by section 2079 of the political code, and on that day forwarded to the commander-in-chief an application, asking him to revise and disapprove the decision of the court-martial and General Dimond's approval thereof.

As the commander-in-chief was at that time absent from Sacramento, it seems that the paper did not reach him at once, and that it came to your hands, as indicated on the paper, "Appeal of Colonel W. H. H. Russell from findings and sentence of general court-martial." This endorsement is incorrect, as the proceeding was not an appeal.

On the same day you returned the paper to Colonel Russell, with an endorsement as follows:—

"Respectfully returned to Colonel W. H. H. Russell, to be made official by forwarding through the military channels, as required by 355 and 362 regulations governing the National Guard of California. Official notice cannot be taken of unofficial papers."

Though we are satisfied that sections 355 and 362 have no application whatever to either an appeal to the commander-in-chief or to an application to him for revision, yet we thought we would advise Colonel Russell to comply with your technical requirements, as he wished the action of the commander-in-chief in the matter, and was not particular through what medium the application reached him. Accordingly, another application to the commander-in-chief was prepared, and was handed to Brigadier-General Johnson, received his endorsement on the 29th of May, and was received by General Dimond, and endorsed by him, on June 2d, 1890, "respectfully forwarded, disapproved."

(Where does he find the law authorizing him to pass upon this application to the commander-in-chief, either in approval or disapproval?)

On June 3d this paper was received by you and endorsed as follows:—

"Respectfully returned, disapproved, for the reason that it does not appear to have been made within the twenty 'days required by law.'"

The paper reached Colonel Russell, through the "military channel," on the 7th of June.

Here again we find you usurping the province of the commander-in-chief, and assuming to pronounce judgment on a point of vital importance to Colonel Russell, to-wit: as to whether this application was made in time or not. That was a question solely for the commander-in-chief, after due inquiry into the facts.

We will ask you, first: Where do you find the limitation of twenty days made applicable to this application to the governor for revision, under section 2079, political code? The code itself makes no such limitation. It does make such a limitation in a preceding section, as to the appeal to the officer ordering the court-martial, but makes no such limitation upon the right of application to the commander-in-chief. Where do you get the right to put a limitation or restriction to this beneficent right of petition to the governor, as commander-in-chief, guaranteed to Colonel Russell by the statutes of his state?

Even if the limitation of twenty days, provided for by section 2076, political code, to the right of appeal to the officer ordering the court, or the similar limitation in section 109 of regulations governing the National Guard of California, giving an appeal to the commander-in-chief, were applicable to this right of petition to the commander-in-chief, yet by what right do you take upon yourself to curtail that which the application is not made in time? And do this, without even giving Colonel Russell a hearing upon the point; and it even seems, without making any inquiry yourself? From what time do you date the commencement of the running of this limitation? The statute says: "Twenty days after the fine or penalty is made known to the person fined." (Political code 2076, subdivision 10.) The regulation says: "Within twenty days after the decision appealed from is made known to the person appealing." How made known? Certainly so great a stickler as you are for technicalities and "military channels" will not contend that "made known" means anything short of the official notice sent to Colonel Russell through the regular channels? Now Colonel Russell did not receive this official notice till the 23rd of May. The paper in question was filed with General Johnson and forwarded by him on the 29th of May, received by General Dimond on the 2d of June, and by you on the 8th of June. Even if it were permissible to take the day that Colonel Russell forwarded his first papers, to-wit: the 15th of May—as the date from which you start your limitation—yet, even then, the document expired two days before the statute puts no limitation upon this right to petition the commander-in-chief for revision and disapproval, and you have no right to impose it.

You must pardon us for saying that your whole conduct in this matter strikes us as a deliberate attempt to deprive a citizen of California of a secured right granted him by the law, by a resort to petty technicalities and a too eager readiness to jump at conclusions not warranted by the law nor the facts.

We shall see that the papers and facts relative to this matter reach Governor Waterman, and see whether his strong natural sense of justice and fair play will justify this attempt to deprive a citizen of his rights under the law to a fair and impartial hearing by him.

Respectfully, ANDERSON, FITZGERALD & ANDERSON, Attorneys for Colonel W. H. H. Russell.

WHAT CLUNIE IS DOING.

An Interesting Letter From Hon. S. M. White.

Lieutenant-Governor S. M. White sends the following letter to the HERALD concerning telegrams that were received in Los Angeles during his absence, and forwarded to him to the Yosemite valley:

EDITORS HERALD—When General Vandever's letter blaming Congressman Clunie for the delay which has occurred in the matter of our public building appropriation was published, I forwarded the same to Washington, and also wrote for information I have received the following telegram from the chairman of the committee:

WASHINGTON, June 3, 1890. Stephen M. White: Clunie reported Los Angeles bill March 20th. He accomplished much for California, and made able argument for Los Angeles. Vandever should get recognition. Clunie and I will help pass bill. You will get your appropriation without doubt.

S. L. MILLIKEN, Chairman Committee Public Buildings and Grounds. I am also in receipt of a telegram from Mr. Clunie, in which he states that the appropriation will certainly be passed, and that he is doing his best for us. Los Angeles certainly owes much to Mr. Clunie. He has had urgent demands upon him not only from his own district, but also from San Francisco and Sacramento, where he has large business interests and numerous friends. He has from the first carefully watched the status of the Los Angeles bill, and now that he finds our representative unable to attend to it he comes to the rescue.

STEPHEN M. WHITE, Lieutenant-Governor White was about to go up a trail in the valley when he wrote the above. The letter referred to from General Vandever will be found in the report of the proceedings of the chamber of commerce in another column, together with a telegram from Mr. Clunie in reply.

Children Cry for Pitcher's Castoria.

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