

LOS ANGELES HERALD

DAILY AND WEEKLY.

THE OFFICIAL CITY PAPER.

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ANNOUNCEMENTS.

The papers of all delinquent mail subscribers to the DAILY HERALD will be promptly discont. unless notice is given by the subscriber within 10 days after the date of publication of this notice.



TUESDAY, MAY 23, 1893.

AN INDEX TO YESTERDAY.

BY TELEGRAPH—The latest New York smashes all the records... The whisky trust... The Ocala board of supervisors will investigate the county hospital management...

POINTERS FOR TODAY.

ATHLETIC PARK—Arizona Charlie's Wild West Show, 3 p. m. ANDREY HALL—Tag of War. TEMPERANCE TEMPLE—State convention W. C. T. U.

CALIFORNIA LITERATURE.

It is observed that several of our eastern writers, notably the editors of the New York Sun and Post, have been sharply criticizing the claims of some San Francisco correspondents that this state has a literature of a distinct quality and flavor. The New York Nation, in noticing Bret Harte's latest book, is moved to severe, and indulges in the following forcible language: "With the arrest of the star of empire at the western ocean limit of the continent and the establishment of settlements along its illuminated way, the story of pioneer vicissitude and perilous adventure becomes historical. The buffalo long since retired from prominence, and the Indian has followed him into obscurity. The 'forty-niner,' with his thousand voices, his single shining virtue, and his violent vocabulary has departed, and, departing, left behind sons and daughters of questionable taste in opinions and dress, and very heavily gilded. Instead of human nature in the rough, settling little difficulties pre-emptively with the bowie knife or revolver, we have human nature in the vulgar, prolonging squabbles by litigation, and resorting to endless underhand devices for getting ahead. The change in descriptive fiction is as inevitable as that in actual life, and so perhaps is the consequent decline. We must regret both when invited by one who has conferred immortality, humanly speaking, on the rough-and-ready, short-shirt period, to consider characters representative of the advanced stage, and social questions arising out of that advancement. Bret Harte's story, 'Susy,' is of the kind that makes us mourn for the days that are gone. It is useless and unfair to find fault with Mr. Harte for falling short of his best work. The material out of which that work was born is no longer at his command; and, in that which now presents itself, there is opportunity for just as good work, it will be done by one who comes fresh to his labor, seeing the new order untrammelled by memories of the old and by the methods suited to depict it." While the above is not directed specifically to the question of our text, it is, nevertheless, exactly in line with the other criticism to which we have referred, and which has for its burden and refrain the charge that all which California has ever shown as distinctively local literature was born of one period of her existence. When bright men were attracted hither under the inspiration of great gains, and surrounded by unique conditions, they sent out much that had a rare quality of romance—a reckless of description and a gaiety of fancy that was surely and inevitably bound to be limited and bounded by the times which produced the strange life around them. Letter writers and local reporters were able to catch the ear of the whole country, as nobody had ever done before. Short stories, founded on fresh incidents—at

the head of which stood Bret Harte's—the fashion, and lasted long after California became a region of railways and the early paradise of the western traveler. We will yield to none in our claim for bright wit, and the gentlest and subtlest humor, on the part of the men who have made our newspapers and other forms and modes of literary expression; and yet we cannot help expressing that there has not been that encouragement of literary men and literary ventures in California which it has been the fashion to claim. It was here that Bret Harte became famous; and yet it is doubtful if he could have found here any large measure of purely literary success and profit. Mrs. Fremont, no doubt, would be compelled, as one of his old friends, to say that he lived largely on personal and political bounty, and found his warmest welcome in other fields. And the same is true of others who have been claimed as literary lights of this coast. Their employment was never steady, and their work was mainly ephemeral. The daily paper alone has been the main field—at least the best yielding field—of the great bulk of the men who have essayed literary work in California—pouring water into a sieve, as daily writing for daily consumption has been truly called. And all this has neither been creditable nor strange had it been otherwise. Men and women have been busy in getting the means to live and build new communities. Nothing so permanent and enduring, so much the result of slow growth, so purely an incidental attainment rather than a thing to be commanded, as is the literary work of a people, could have been possible in this region at any former period. It may be fairly doubted if even America has a literature of her own, in the large sense. This is a thing that has its roots in the long past in the very life of generations and ages of men. It is born of family life that began with a people's life, and must be extensive enough in point of time to link traditions with future speculations. Only on behalf of the very old nations of the earth can a distinctive literature be truly claimed. So let our critics have their say, and needs be, their fling, at the best we have ever had to offer. But give us time, and our magazines shall be as good as those of the east, our newspapers as much used to giving the new book cuttings along with the other news of the day, as theirs, and our poets shall breathe the matchless tones that come only to such as can hear the haunted waves of Asia die on the strand of the world wide sea.

SOFTENING DOWN.

How kindly, and even tenderly, some of our old-time Republicans are talking about the president and the problems that the administration is forced to face. At a dinner the other night Senator Hoar was almost saint-like in his benevolent talk about the condition of the country. One would never have guessed that he had so recently championed a force bill and predicted dire disaster to the land if the Republicans should go out of power even for one term. And now we have had ex-Senator Edmunds in our midst all winter, and he, too, has been seraphic in sweetness of suggestion. He not only cordially approves Mr. Cleveland's cautious course as to Hawaii, but he counsels good temper and patience over the still more troublesome Chinese business. The other night in San Francisco, where he is still lingering to see the early summer gone by before his return east, he made a speech full of patriotism and full of kindly expression towards the president. He hoped that the people of this coast would not be in a hurry to impeach the president of the United States for his course. There were good and weighty reasons why the president should not be hasty in his action, for the welfare of both the east and the west must be considered. No heed should be paid to what the politician may say on the street corners or the sand lot. It should be remembered that nothing can happen in one section of the country that is either good or bad but it affects the whole country. All these things are good signs. It is not too much to claim that we are now more nearly in the midst of that "era of good feeling" that was once our admitted political lot—many years ago—than we have been in all these later times. There are differences as plenty amongst us, but the people have had most to do with our political state of late, and they will not tolerate forever the partisanship of the last twenty years.

THE MINISTER'S MISTAKE.

Nothing is more palpable and in some ways more deplorable than the fact that the pulpit in some ways is losing its influence as an educator of the public in the way of duty and citizenship. There never has been a time when the ministers have tried to do so much as now, and there never has been a time when they accomplished so little in the attempt to influence public affairs. We think a little prayerful reflection on their part would show them some of the reasons of this evident loss of power and prestige which the pulpit has suffered. It may be that they think they are unjustly accused of many worldly views and not a few shortcomings in their personal relations to their fellow men; that they are not believed to be so pure as in the olden days. Perhaps there may be something in this view; but when properly weighed it seems plain to us that there is a wider ground and stronger reason for discrediting the clergyman's influence in the community. He may not be so good as the old saint and martyr, but if he kept within the lines generally prescribed and followed by them he would at least be very much more like them in the way of commanding the respect and confidence of mankind. But the solemn fact is that the clergyman of the community take hold of certain public questions as if they were not only the best right, but the exclusive right, to settle them—or at least to prescribe their treatment. The result is that they have grown impracticable, unfair and intolerant. They have not the highest regard for the rights of others, and oftentimes no patience with their views and desires. They often meet, resolve, demand and denounce, just as the spirit moves, and the poor laymen and the community generally get very sharply lectured and rudely handled. The representatives of all other interests meet and talk over affairs calmly and fairly, treating others' views leniently and gently, and their conclusions are always entitled to weight. Everybody reads next morning with great interest what the lawyers have done the day before about some proposed change in the make-up of the courts, and in rules of procedure. Everybody likes to know, for instance, what the merchants think of the Saturday closing question. Everybody is even anxious to know what the meeting of the bankers meant yesterday. And why is it? Simply because all these men represent the reasonable interests of the whole community, and it is felt they will try and do the practicable thing for the community—acting in a spirit of candor that befits their responsibility. But it must be admitted that ministers' meetings do not excite the interest, exert the respect or exert the influence they formerly did. We do not believe this is, in any considerable degree, due to the feeling that the personal character of the ministers has fallen below the old standard; or that as a class, they are not hard working, deserving, and worthy gentlemen; but rather that the public has been led and forced to feel that the ministers are not very wise or quite just and fair in their treatment of public questions. They take them up and declare how they must be treated and what the people must do concerning them, assuming some peculiar prerogative, or at least a supreme knowledge in the premises. The people are restive under all this, and are even getting re-

bellious. The clergyman must be made to see and heed his mistakes. He may do all worldly duties, but in the doing of them he must not scorn worldly wisdom. The tone of the ministers' treatment of the Sunday opening question, in Chicago, is an example of the spiteful utterances of which they are too fond. The great world has rights, and the bulk of the community can be trusted to think and act reasonably on all great questions. The clergyman ought to be mainly in asserting his views on all great occasions; but he must not undertake to assume an attitude entirely superior to the beliefs of the common people, for whom, after all, he should be more a patient teacher than a dictator.

JUDGMENT AFFIRMED.

An Opinion Against the Citizens' Water Company of Pomona. An opinion by the supreme court affirming the judgment of the lower court in the case of Margaret H. and H. H. Colegrove, respondents, vs. Fred J. Smith et al., appellants, was received for filing yesterday, by Deputy Clerk Session.

The suit was for damages for personal injuries, and the appeal was by the defendants from the judgment, and an order denying a new trial. The appellants were the Citizens' Water company of Pomona, who had secured a franchise to dig trenches and lay pipes in the streets of the city. June 1, 1889, they contracted with M. O'Neill and Frank Oster to dig and fill the trenches at a specified price per 100 feet, a part to be 2 feet wide and 20 feet deep, all 30 inches deep. The trenches were required to be filled as per the city ordinance, all road crossings to be properly tamped and kept in repair for 60 days after the completion of the work, and the parties digging the ditch to be responsible for all damages resulting from the cutting or breaking of any pipes owned by other persons. The appellants were required to restore the streets to their former condition after laying the pipes, under the direction of the superintendent of streets.

When the court was called along by Gary v. Board, June 15, 1889, where pipes had been laid, and the trench improperly filled with loose dirt, in which her buggy wheels sank, whereby she was thrown out and injured. There were no guards along the line of the trench, nor any notice of its unsafe condition. The court says that in discussing the questions presented that several exceptions were taken to the evidence, and to the refusal of the court to give the jury certain instructions requested by the defendants, but that all these exceptions present a single question arising upon the issue raised by defendants' answer, to the effect that O'Neill and Oster were independent contractors in exclusive control of the work of filling up the ditch and for whose negligence the defendants claimed they were not liable. The court says that while there is a large number of cases where independent contractors are liable, there are exceptions to the general doctrine, and holds that this is one of them. It also says, after quoting largely from the opinion in the case of Wilson vs. not the city of Pomona was liable for the injury to respondent is immaterial. The contractors, O'Neill and Oster, were undoubtedly liable, and if so, appellants would have been liable had they done the work themselves; and the question is whether they could relieve themselves from responsibility by letting the work to independent contractors. The fact that there was not an express contract between appellants and the city to answer all damages did not at all affect the question, since the implied obligation arising from the franchise and the character of the work imposed upon them a liability for injuries caused by their negligence in every respect as conclusive as an express contract.

After referring to still further decisions, the court holds that the judgment and order of the superior court were correct and affirms them.

SOCIETY.

Miss Emma Braly entertained a number of friends delightfully Tuesday afternoon. Progressive whist was the feature of the afternoon. The first game was given Miss Wellborn; the second was won by Miss Lily Wellborn, and the booty was captured by Miss Tyler. Delicious refreshments were served. Those present were: Misses Tyler, Frankenstein, Jennie, Frankenstein, Howell, Bonnell, Jennie, Menefee, Barnett, Orr, Kimball, Goodrich, Cora Goodrich, Kuriz, Heinech, Wellborn, Lily Wellborn, Holliday, Gateau, Easton, Bagbee, C. Bagbee, Pattee, Becklin, Johnson, Gertrude Johnson, Miss Miller of Peoria, Miss Gilbert of San Diego and Miss Wicks, of Galveston, Texas.

A Gr. at Soldier's Tender Heart.

A striking illustration of the tenderness of the heart of General Robert E. Lee occurred at Petersburg during the closing weeks of the siege. General Lee's headquarters were in a private house beyond the reach. It was thought of Federal artillery. One morning he was standing with several members of his staff under a large tree, when a heavy shell landed not far distant. Gentleman, he said, the enemy has evidently got our range and has begun to retire. Of course nobody would retire until the chief sent the example. The next moment another shell crashed through the top of the tree above their heads, and all followed his advice; except himself. He stopped, and for what do you suppose? The shell had knocked down a nest full of young birds, and when the retreating officers looked back they saw General Lee pick up the nest and place it carefully on one of the lower branches of the tree.—(St. Louis Post-Dispatch.)

Killed by a Moving Machine.

Santa Barbara, May 22.—Louis Raynal, a young Frenchman, died today at the county hospital from an injury received on Santa Cruz island on Saturday while cutting hay. A team ran away and he was caught in the moving machine and badly cut. He was brought here this morning, but too late to save his life.

AROUND THE COURTS.

Little Legal Points in Various Tribunals. The civil suit before Judge Clark, in which the Nordholt heirs are attempting to prevent the probate of the will of their mother, Mrs. Gregoria Reyes de Bentley, deceased, in which she willed all the property she died possessed of to Henry Bentley was continued yesterday until May 29th.

In the case of Shanklin vs. The City of Los Angeles, a suit to quiet the title to certain lots, Judge Clark yesterday overruled the demurrer for want of prosecution, and granted a motion for judgment for plaintiff without costs.

In the foreclosure suit of the Pacific bank vs. Harvey, Judge Wade yesterday gave judgment for plaintiff for \$1865. A complaint was filed yesterday in Justice Bartholomew's court against Antonio Aguilera, charging him with battery. The charge was made by D. S. Richards, who alleges that the defendant assaulted him Sunday.

Judge McKinley yesterday continued the sentence of C. H. Clement, convicted of obtaining property under false pretenses, until May 29th. Yesterday C. E. Nelson, who had been accused of forgery and was released by Judge McKinley Saturday on \$100 cash bail, was released by the court, it being shown that Justice Seaman, before whom the case was brought, had dismissed the charge on the ground of insufficient evidence.

Judge Van Dyke yesterday gave judgment of foreclosure for \$2080 in the case of M. E. Parker vs. C. Ehrenfeld et al. Judge Van Dyke yesterday overruled the demurrer to the second amended complaint in the damage suit of Brown vs. The Temple-street Cable Railway company.

The divorce suit of Aea Avis vs. Mrs. Sadie Avis, in which a decree was asked on the grounds of cruelty, was dismissed in Judge McKinley's court yesterday on motion of the plaintiff. The plaintiff was before the court on an order to show cause why he had not paid the alimony ordered. He explained that his wife had taken away all their furniture and also contracted a debt of \$80 that he would be obliged to pay. Mr. Brooks, his counsel, stated that as his client had no more money with which to prosecute the case, he would stop, and the proceedings were thereupon dismissed.

NET SUITS FILED.

Among the documents filed yesterday in the office of the county clerk were the following: James Hay vs. W. V. Collins and Maria Antonia P. W. Montes de Oca; suit on a promissory note for \$1600. Petition by Mrs. Martha J. Dickinson for appointment as guardian of Daisy P. Miller. James Rawson vs. Alvira Monroe et al.; suit to quiet the title to lot 22, block D, in J. Wells' subdivision of part of lots 3 and 3, block 38, city.

DIVORCE PROCEEDINGS.

Divorce proceedings have been commenced by Mrs. Kate R. Nusser against Antonio Nusser.

NATIONAL LEAGUE.

Results of Yesterday's Games on Eastern Diamonds. PITTSBURG, May 22.—Clarkson was hit hard today. Pittsburgh, 14; St. Louis, 5. BALTIMORE, May 22.—The Giants lost the game with Rusie in the box. Baltimore, 8; New York, 7. LOUISVILLE, May 22.—The Colonels hit the ball right and left today. Louisville, 13; Cincinnati, 1. CHICAGO, May 22.—Cleveland found Hutchinson's curves after the sixth inning and easily defeated the Colts, Cleveland, 10; Chicago, 5. BOSTON, May 22.—The poor pitching of Stuyvesant lost the game for the home team. Boston, 4; Philadelphia, 10. BROOKLYN, May 22.—The Washingtons threw away the game to Brooklyn. Brooklyn, 4; Washington, 3.

TERRIBLE BOILER EXPLOSION.

Two Men Killed and a Number Fatally Injured. KEENE, N. H., May 22.—A battery of five boilers at the Beaver mills exploded this afternoon, wrecking the building and killing and injuring a number of persons. The killed are: Herbert G. Holton and Lewis W. Starkey. Frank Droulette, fireman, and George H. Carpenter are at the city hospital. The former is dangerously and the latter seriously injured. Gregory Carpenter, Michael Koch, George Piper and William Clark were taken to their homes. It is probable that others are under the large pile of bricks and other debris.

Death of Engineer Snow.

WASHINGTON, May 22.—Channoc H. Snow, journalist and civil engineer, is dead, at the age of 60. He assisted in the construction of the Hoosier tunnel; rendered valuable engineering service to the government during the war; was director of the Union Pacific railroad and made a report to the Credit Mobilier committee of investigation.

Supervisors Sworn In.

RIVERSIDE, May 22.—The supervisors of the new county of Riverside were sworn in today by Superior Judge Noyes, who has just received his commission from Governor Markham. All the county officials will take the oath of office June 5th, when the new county government will be in full working order.

Russia Disatisfied.

NEW YORK, May 22.—It is said Russia is dissatisfied with the impression she made in the late naval review, in comparison with that made by Great Britain, and will send over three of her largest ironclads to remain here several months to give the Americans some notion of the Russian navy.

LAST OF A STRANGE BAND.

A Maine Woman in Jaffa Awaiting Christ's Second Coming. An interesting story came to the surface at Friday evening's mid-week meeting at the old stone church. The Hon. George H. Ely related an incident of woman's faith that came under his notice during a recent trip through the holy land. In company with four or five tourists, Mr. Ely was seated on a piazza of a hotel in Jaffa, when his attention was attracted to half a dozen boys playing in the street below. All but one of the boys had the swarthy complexions characteristic of the country, and the one exception was light complexioned, with perfect Caucasian features.

"That boy," said one of the gentlemen, "looks to me as though he belonged to the streets of New York instead of Jaffa." Their interest in the little fellow was aroused to such an extent that they went down to inquire, and to their surprise he spoke a little English. He said he lived with his mother a short distance up the street, and the party, including Mr. Ely, walked up street and entered the woman's house, which proved to be a hovel of the worst kind. They addressed her in English, and she was surprised herself with joy to hear her native tongue spoken, and to their astonishment she told them that her home is in Maine.

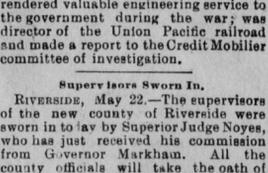
"Maine, my good woman, what in the world are you doing here?" asked one of the party. The woman then explained that many years since a number of men and women in the Maine village she came from were carried away with the idea that the second coming of Christ was near at hand, and that when He does come He will first appear in Palestine. A colony scraped up all their savings of years, and with their families they emigrated to Jaffa to be on hand when Jesus appears.

"Do they all live here?" was asked. "They did," she replied; "but some of them, discouraged and tired of waiting, went back to America, the rest died, and I am here all alone with my boy." "And how do you support yourself?" "By washing for strangers, and I have a hard time doing it. Some weeks all I can do is to keep from starvation." One of the men told the woman that Jaffa was no place for her, and advised her to go back to America with her boy, give him a good American education, and bring him up as an American citizen, but the woman simply smiled at the suggestion.

Returning to the hotel the gentlemen, all of whom were well to do, figured out the cost of sending the woman and her boy back to her native village in Maine, made up a purse, and threw in enough for incidental expenses and spending money. This done, they offered her the money—and a good round sum it was—but she absolutely refused to touch a penny of it. "This is quite a temptation," she said, "but I came here to await the coming of Christ, and I intend to remain here until He comes, unless I die first." That was her ultimatum, and no

AMUSEMENTS.

LOS ANGELES THEATRE.—The ballad concert given under the direction of Mr. D. H. Morrison last night, was honored by the attendance of a large audience, and the programme, although lengthy, was not in the least tedious, but, on the contrary, was keenly appreciated throughout. Mr. Morrison was assisted by Mrs. M. E. Auer, Miss Ida Collins, Miss P. Strang, Mrs. W. D. Bloodgood, Mrs. Minnie Hance Owsen, Mrs. R. H. Vasant, Mr. A. D. Coombs, Mr. H. D. Perry, Mr. W. W. Stephens, Dr. Ludwig Semler, and Mr. R. L. Horton. Miss Blanche Rogers was the accompanist. In an entertainment, where all the participants did so well, and where every number was, in its way, a gem of music, it would be superfluous to dilate upon the relative merits of the singers. That the ladies carried off the honors of the evening, was very evident. Mrs. Auer and Miss Strang made a fine impression, while Mrs. Bloodgood received a double recall on her singing of Molloy's ballad, 'The Old Street Lamp.' There was only one character song in the whole programme, and its success showed that some more of the same kind would have been appreciated. Mrs. Owens made the hit of the evening as the Scotch fishwife in the song 'Callie Herrin.' Her costume and make up were realistic to a degree, with the exception that a short petticoat should have been worn instead of skirts that dragged upon the stage. An enthusiastic recall elicited The Low-Backed Car for an encore, and yet the audience wanted more. Mrs.



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