

Sec. 7 of the Organic act conferred the power and authority of the appointment of such officers in the governor by and with the consent of the legislative assembly.

The object of this section of the Organic act, as held by Mr. Justice Lawrence in a similar case, must have been to guard the purity of the legislature, by taking from it the power of creating lucrative or important places and bestowing them on persons or party adherents, and the provisions of the act should be so construed as to effectuate this purpose. For these and other reasons and without entering into a more critical examination of this question I must hold that:

Defendant's demurrer to plaintiff's petition and writ of mandate is overruled and defendant's demurrer to petition in intervention of George Thatcher et al., is sustained. Permission granted to defendant to answer over in three days and in default, plaintiff's writ of mandate is granted as prayed. Payment to be made by quarter yearly installment as provided in C. L. 1888, 253, sec. 26 as prayed.

#### A TITUSVILLE HERO.

OF all the numerous catastrophes that have lately befallen different sections of the country, none have surpassed in appalling constituents the terrible visitation at Titusville, Pa. The combination—fire and flood—was unusual. As a rule the one element acts in opposition to the other, but in this instance the flames from burning oil acted as an auxiliary to the seething waters in prosecuting the work of destruction.

Such an occasion furnished an excellent opportunity for courageous men to exhibit heroic qualities. This manly manifestation was made in numbers of instances. It often happens that heroism is shown by persons from whom it is least expected. This appears to have been the case with John McLaughlin, whose brave exploits, in saving the lives of people in imminent peril during the reign of flood and fire at Titusville, are thus graphically related by the *New York World*:

"Among the heroes John McLaughlin is perhaps entitled to first mention. Big and brawny is 'Jack' McLaughlin. He has made a competency digging oil wells, and exposure has reddened the fine face with its blue eyes. His red mustache and red hair are sprinkled with gray. A simple, patient, lovable man is 'Big Jack,' with quiet, sluggish ways, who has lived thirty-nine years unmindful of chaffing. It was good-natured chaffing, for everybody loved him. They didn't know Jack McLaughlin until the flood.

"On Saturday night McLaughlin strolled up to Church Run to watch the little flood there. As he came back he crossed Martin street. He heard people were in danger and he went down. A young man named Leiplein asked him to help bring out his mother and sister. They had been driven to the upper floor of the house, which was sixty feet away, and the water was five feet deep. McLaughlin waded out to the house. He climbed up a pile of driftwood on to the shed. He took the sister out of the gable window and waded ashore with her.

"He returned for the mother. She is a large woman, weighing 200 pounds. Jack himself weighs 240 pounds. The driftwood broke away under the great

weight, and both were plunged into the water. They floundered about, but McLaughlin found his footing, and carried the woman ashore. Then he waded out again to see if any one else wanted to be taken ashore, but the people refused to leave their houses.

"He heard that help was wanted at South-Franklin street. People tried to stretch life ropes there but they were not successful.

McLaughlin ran up to a hardware store and bought balls of twine. He found a ball player and told him to throw it as far as he could. The line was caught and ropes hauled out.

Then McLaughlin heard that people were in danger at South Washington street. It was 3 o'clock when he got there. Then the fire broke out.

In that fierce, red glow, he saw hundreds of people across the black waters which rushed along. There was no soul among all those people but knew the danger of an oil fire.

"Shrieks rose above the roar of the fire and water. Then would come a moment of silence and those on the shore knew the voices were forever stilled.

"Two hundred yards away McLaughlin saw ghastly faces against the black machine-shop. There were children there, and McLaughlin has three children.

"He knew that no man could live in that raging torrent with his own efforts. Life lines must be stretched.

"One of his balls of twine was thrown to a man who was in a coal car. He caught it and drew over the rope, fastening it to the brake rod. The other end was tied to the opera house stone steps.

"McLaughlin called to the man on the car to throw the ball of twine over in the flood so it could float down to the machine shop. There a man caught it and made it fast.

"While they were doing this McLaughlin saw ten or twelve people on a piece of sidewalk on the corner of Mechanic and Washington streets. The house beside them was aflame. They floated on their sidewalk raft to the machine shop.

"He saw men and children dropping from trees into the water and floating to the shops. Two men plunged into the water and made their way to the shop. McLaughlin took off his coat and waded into the water.

"He felt his way along, carefully avoiding debris which shot past him. At the mill race he struck a current which carried him off his feet and he sank. But he had a firm hold of the rope. Across the railroad track he struck another current. There were no fewer than six of these between the shore and the shop.

"When he reached the shop he found those who preceded him utterly exhausted.

"The first person he reached was a boy. He placed the youth astride his shoulders, tucking his legs under his arms. He placed his arm around the life-rope and reached his hand up and clasped that of the boy. He knew in the bad places the boy would clutch him about the throat if he did not hold his hand. With the other hand he drew himself along the rope.

"Steadily and carefully he made his way with the water rushing about him up to his arm-pits, trying to bear him away. Blazing timbers shot by him and he had to avoid them or receive a blow which he could not withstand.

"On the shore, some ankle deep in the waters, were massed a crowd watching with all their eyes, half afraid to breathe. Slowly and steadily he forged along.

"When he reached the railroad track he mounted upward and then they cheered. Not a second did he pause, but plodded on. A groan of horror ran through the crowd. He had disappeared

in the angry water, but the men holding the rope felt a great tugging.

"McLaughlin was carried off his feet in that torrent, but still he clung to the rope. Steadily, that it might not part, he drew himself along.

"Again he felt the earth under his feet. The onlookers saw the boy's head and shoulders appear and shouted with all their might. A dozen men rushed into the water and threw them both ashore, while cry upon cry went up.

"You'd better take that kid to a doctor, quick. He's pretty badly used up," remarked McLaughlin as he turned to go back into the flood.

"Next he brought a young girl to land. Then he brought three women ashore. Two of them weighed more than 200 pounds. He was carried off his feet at the race with this great weight upon his back. The water was twelve feet deep and the debris was hurled along as if shot from a cannon. But the tide could not loosen McLaughlin's hold or stop his progress.

"On the next trip McLaughlin was on the railroad track where he was seen to fall into the flood. Again went up a cry of horror, for that place was not safe. But again the strong man arose. It was a narrow escape. A plank or log had been hurled against his leg, knocking him off his feet and cutting a great gash. No one knew about this until afterwards, for he never stopped to bind up the wound, but turned again to the work of rescue, helped by Frank Timmins, Guy Painter, Frank Roof, Fred Pennell, James Henderson and others who worked until more than fifty people were saved. They worked in the bitter cold water for three hours.

"The fire and flood of Oil Creek will sound down the corridors of time linked with the name of 'Jack' McLaughlin, who bore on his own broad shoulders seventeen people from the jaws of death, and whose clear brain made possible the saving of scores of others."

#### TRADE WITH CENTRAL AMERICA.

MR. GUTMAN, a prominent merchant of Guatemala, is at present visiting in San Francisco. A *Chronicle* reporter interviewed him as to the prospects of trade between the United States and Central America. In reply he stated that geographically the Pacific States had unusual facilities for developing trade with the Central and South American republics, but the merchants and manufacturers in this country do not make themselves conversant with the situation. The case is different with Europeans, who make a special study of the needs and requirements of the Latin Americans. Here is what Mr. Gutman says:

"This is thoroughly understood in Europe, and the Germans have secured a large part of the trade with the Central American republics. As a case in point he cited the fact that furniture bore an import duty of 25 cents a pound, which was collected both on the goods and on the packing. The United States manufacturer either packs furniture in burlap or in heavy plank. Now, a mirror that would cost \$10 or \$12 would be packed on both sides in plank two inches thick and weighing three pounds and a half to the foot, board measure, or seven pounds to the square foot of plank. If the mirror was four feet wide and six feet long it would have twenty-four feet of two-inch plank on either side of it, or ninety-six feet of lumber, board measure, weighing 336 pounds, on which the duty alone would be \$84, while the duty on the mirror would be less than one-third the amount.