

SAY IT'S A BLUNDER

The Miner Law Riddled by the Lawyers

ITS ABSURDITIES LAID BARE

By the Brilliant Attorneys Employed to Test its Validity in the Supreme Court—The Defeat of It.

LANSING, May 19.—It has been very difficult to deduct from the arguments in the Miner electoral law case in the supreme court and condense into reasonable proportions an intelligent report. It was announced by the chief justice at the opening that the court would hold an evening session, and the arguments be concluded before final adjournment. Secretary of the State Blacker, by consent of counsel for the relators, filed a supplemental answer to the petition of relators, insisting that under the act of congress, approved February 3, 1887, fixing the date of meeting of presidential electors and the canvassing of votes, he is not subject to the provisions of the act of the supreme court of Michigan and claims the benefit of a demurrer, because it does not state a case entitling the relators to relief, if they are entitled to it under any circumstances. He says further that the Miner act is not inconsistent with the constitution of the state, as it repeals all acts in conflict therewith. Attorney General Billis opened the argument for the respondents, or for sustaining the law, and discussed briefly the points raised in the petition for mandamus without loss of time. He made attention to the benefits of the opposing counsel. He was followed by Representative Barkworth, who had much to do with the passage of the law, and who defended it principally upon constitutional grounds.

Col. H. M. Duffield, the leading counsel for the relators, made a very elaborate and careful review of the entire case. The principal part upon which he relies is that the ratification of the fourteenth amendment to the constitution of the United States, while it conferred no benefit upon citizens, it guaranteed the already possessed rights, and the most important among them was the right of every male inhabitant of the age of 21 years to vote for every presidential elector of his state. This the Miner act denied. These amendments, he said, had been adopted at the close of the war to remedy any existing defects and establish the government forever, and he believed it had been done. If this law be declared valid, it sustains the right of a legislature to inflict a punishment upon the people of the state by depriving them of rights guaranteed by the constitution of the United States. What greater immunity he required, does the elector need, than that he shall in the exercise of the elective franchise be protected from partisan action? He was followed by Gen. Byron M. Cutcheon, in a very exhaustive argument upon the constitutionality and the effect of the Miner law. He said there was no demand for this law, and it was not thought up to the election of 1890, and even then was not pressed after its introduction until the spring elections of 1891 showing a reaction by the people from the election of 1890. It makes a radical change in the uniform ticket system which has been generally adapted as the most satisfactory and best; it deprives the voter of the right of a sovereign citizen and admits of his voting for but two electors, when the United States constitution guarantees he shall vote for four.

The power to appoint electors is derived from the constitution and is not inherent in the state. Henry A. Haigh, one of the counsel and one of the relators, conceded his time to Gen. Cutcheon and submitted a brief only.

Hon. Fred A. Baker followed with a very able constitutional argument against the validity of the law and said he defied any member of the court to write an opinion sustaining the law and confine himself within the rules and doctrine laid down by the court. The law is a mistake and must wholly fail. It provides that the electors shall meet in December to canvass the vote, while the act of congress of 1889 provides that they meet in January following. It provides for a special session of the legislature in the month of January to fill vacancies at an expense of \$30,000, when that legislature was elected two years previous and a new legislature will convene a month later fresh from the people. The whole act was framed around this monstrous blunder and it cannot stand.

In Behalf of the Law. The court at this point took a recess until half past 7, when the Hon. Otto Kirchner made his argument for sustaining the law, confining it to the single point that the matter was purely a political and not a judicial one, therefore not within the jurisdiction of the court. Mr. Kirchner also took up and thoroughly discussed district system, and said the power delegated to the legislature was also delegated to the state, and that the district electors acted for the entire state as a whole, as well as for the district. It is conceded that opponents of the law have had altogether the best of the argument and were best prepared, but the result is now the subject of a great deal of speculation.

The closing argument upon this side was by ex-Chief Justice Champlin. He had prepared no brief, but reviewed the case from the several points that had been attacked. All of the counsel devoted considerable time to the proposition for alternate electors, which is decided to be irregular. Even if the theory of the district system be correct, this act seems to have been so bunglingly drawn as to be wholly ineffective, and it is not likely it will survive the scrutiny of the court upon the rules already laid down and followed by it.

DAIRING AND DEVILISH DEED.

Flends Attempt to Blow Up a Levee with Dynamite.

GREENVILLE, Miss., May 19.—A daring attempt was made below here tonight to blow up the levee above Brantley in Bolivar county with dynamite. The entire state was a white man seen going to, and leaving the levee which protects Judge Miles' plantation. This excited suspicion and an investigation resulted in the finding of

WORST YET TO COME

It is Feared that the Levees Will All Break

FLOODING THE ENTIRE VALLEY

A Three-Foot Rise Reported Above St. Louis—The St. Louis City Suffers.

St. LOUIS, Mo., May 19.—The weather reports show that a rise of three feet is coming down the Mississippi and Missouri rivers. This will cause the river here to rise at least one foot within several days. This means that the entire country from here to New Orleans will be flooded as the levees will not be able to stand so great a body of water.

SIoux CITY RESCUERS.

Praises for the Young Men's Boat Club.

St. LOUIS, Mo., May 19.—The city is ringing today with praises of the young men of the Sioux City Boat club who brought their boats from rivers five miles away to work in the flooded section. They had forty boats at work yesterday and last evening, and took several hundred people out of the flood. The number drowned cannot be verified but it is now placed at about fifty and those who have been working in the district say that any variation will increase this number. Not over a dozen have been recovered, and it will be days before the correct number can be known. The list of missing is still large and about 100 people are not accounted for. At the mouth of the Floyd the stream is very narrow, and on this account a little of the debris found its way to the Missouri at the mouth of the river. The stock yards is a mass of debris, in which are the remains of the hog and cattle pens from the stock yards. Many of the buildings from the packing houses, pieces of houses that have come to pieces and some small houses yet broken up, and piles of lumber and lumber. Several hundred of hogs and cattle were drowned. The city is the heaviest loaded. Sewers, paving, water pipe and curbing must be put in new in a large part of the city. The council has decided to begin the work on an extensive scale at once, and employment will be given every laboring man in the city. The lumber yard of the Quet Lumber company burned yesterday afternoon and out in the midst of the flood where it could not be reached. It is a total loss. Firemen were detailed in boats to break up the burning rafts, which was threatening the town from the fire, and a terrific struggle they had. The current was fearful, and several times boats were caught in eddies and almost hurled into the masses of flames. The men worked till late at night, and when they left the fire was out and extended but very little beyond the lumber yard. The railroads are unable to do anything.

ACCEPTED AS JUSTICE.

The Negroes Satisfied with the Lynching of a Fiend.

CHESTER, Md., May 19.—The reports that little Nellie Sisco, who was assaulted by Jim Taylor, the colored man who was lynched Tuesday afternoon, were accepted here today. As reported in these dispatches yesterday, the girl is improving and physicians expect her to recover. The negroes have accepted the lynching of Taylor as an act of justice, and no trouble is feared.

GREEN GOODS MEN NABBED.

Bold Operators Arrested at Toledo, with Damaging Evidence.

TOLEDO, May 19.—W. G. Turner, alias G. W. Tracy, and Edward White, two of the most notorious green goods men in the country, were arrested here tonight by Detective Mantry. They carried the goods with them, and a list of about a dozen of their victims in Cleveland, Grand Rapids, Jackson, Ann Arbor and Toledo has been secured. Both men carried plenty of money and have been stopping at one of the best hotels in the city. Their conviction is almost certain.

STARTLING CROP REPORTS.

The Floods Have Ruined the Prospect for Corn.

CHICAGO, May 19.—The crop reports received today from all over the flooded country show a startling condition of affairs. Little or no corn has been planted, and May 10 is considered a late date for preparing the land for seeding. There is apprehension in some parts of a short crop, and the outlook for the granger is depressive in the extreme.

Faith Cure Doctor Cured.

FRANKFORT, Ind., May 19.—Lewis Eberhart, a pretended "faith" or "charm" doctor, who claims to be able to cure any kind of a disease, in jail, charged with attempted assault upon the person of Lettie, the 13-year-old daughter of William Mohler of this city, whom he was treating for epilepsy. The testimony taken in the examination before Mayor Collins was not very complimentary to Eberhart. He is 69 years of age, has a wife and six children in Park county.

Sure to Be Lynched.

CHATTANOOGA, Tenn., May 19.—Frank J. McMillan, a negro, attempted to rape Mrs. J. M. Mistry. The woman's husband captured the negro and he was jailed. Five hundred people gathered at the justice's office to lynch him when the trial should come off. Meanwhile the sheriff spirited him off to Nashville for safe keeping. He will be lynched when brought back.

Entirely Without Foundation.

NEW YORK, May 19.—William Barnes, Jr., proprietor of the Albany Evening Journal, who is the city today, states that the story published in the morning papers that the Journal had been sold to Charles Emory Smith is entirely untrue. Barnes has a wife and six children in Park county.

Strangled Her Baby.

CORNING, Ark., May 19.—Josie Cole, white, today strangled her own baby boy and buried the body in a thicket a mile away. The police were notified and Josie was caught after a four mile chase through the swamps. She has confessed.

Nearly Fifty Years.

ROCKETS, Wash., May 19.—The coroner's jury investigation of the explosion in the coal mine last Tuesday, by which forty-five miners were killed, last evening returned a verdict that the explosion was caused by deficient ventilation among the miners. The verdict was received with general satisfaction.

Notable Musical Event.

CHICAGO, May 19.—A notable musical event closed at the Auditorium tonight with the production of an elaborate scale of Bach's "Passion Music" with a chorus of over 300 voices, under the direction of William L. Tomlins and the Chicago orchestra, led by Theodore Thomas.

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But Not Diminishing the Total Appropriations—The Grand Not Yet in Its House Proceedings.

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Episcopal Convention.

MEMPHIS, Tenn., May 19.—At the Episcopal convention it was resolved to form a new diocese of West Tennessee and elect an assistant bishop for Bishop Quintard for middle and least Tennessee. Bishop Quintard bitterly opposed this action of the convention.

General Assembly Opened.

LITTLE ROCK, Ark., May 19.—The general assembly of the Presbyterian church, south, opened its thirty-second annual session at Hot Springs, this morning, 148 commissioners being present.

Adopted a Constitution.

BRUSSELS, May 19.—The Bulgarian senate has adopted the proposed revision of the constitution as passed by the chamber of deputies after adding several provisions designed to secure the representation of minorities.

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He Will Neither Say Yes or No to the Question

AS TO HIS COMING CANDIDACY

What the Politicians Here to Say and What They Are Doing About It.

WASHINGTON, May 19.—The statement of J. S. Clarkson, chairman of the republican national committee, in the Chicago interview, to the effect that there is no possibility of President Harrison's renomination by announcement on the first ballot because of the large number of uncommitted delegates and the big field of starters in the race, has attracted great attention in Washington. Mr. Clarkson's prediction is significant in view of the fact that it reveals somewhat the plan of the Harrison managers. The present intention of such prominent republicans as Messrs. Clarkson, Quay, Cameron, Platt and others, all of whom are known to be strongly opposed to the renomination of President Harrison, is very marked and has been much commented upon of late. It seems to be the general opinion of shrewd politicians in Washington that the announcement and inaction can mean but one thing, and that is that there is an understanding of some kind, in the nature of a bargain, as to the plan of campaign to be carried on at Minneapolis by the anti-Harrison men.

Nobody is Informed.

Nobody who has any sort of information about what the political leaders have been doing for the past six months is foolish enough to believe that they are silent because Harrison's opponents do not seem to be working unobtrusively for any candidate they are therefore conceding the president's renomination. The fact is, on the contrary, that the anti-Harrison men were never so hopeful as they are today. They are saying nothing for publication, but privately they do not conceal their satisfaction at the outlook, and they speak with confidence born of conviction when they say that the chances are ten to one that the senator will develop his full strength on the first ballot, just as President Arthur did in 1884, and that this strength will fall far short of enough votes to nominate him. There can be no doubt that the secret of the self-confidence and satisfaction of the anti-Harrison men is found in the knowledge that comes to them from every section of the United States that the signs all point to an enthusiastic outburst at Minneapolis in favor of the nomination of Blaine.

Another Blaine Stampede Coming.

Every day adds to the strength of the Blaine enthusiasm here, and by the day the day of the Minneapolis convention draws nearer without any sign from Blaine that he is impatient or offended at the loyalty of some of his old political friends, the republicans of Maine to California. The fact is, he comes more and more convinced that there is to be another Blaine stampede this year. That Mr. Blaine himself is not averse to remaining the popular idol of his party is shown by the fact that he has been so frequent in his visits to public and give the lie to the reports set afloat by those devoted to the political fortunes of President Harrison, that his health is such as to make it impossible for him to be a candidate.

FELL BY THE WAYSIDE.

Two Relay Riders Give Up the Run. Others Take It Up. TOLEDO, May 19.—Root and Young, who were to have carried the government message to Perryburg, fell by the wayside, giving up the race and were relieved at Waucon by L. D. Munger of Chicago. They have not been heard from since Munger arrived in Perryburg at 6 o'clock, after having been compelled to verge from the route, riding through several miles of muddy and wooded country. Frank Rigby and Mark Himes, who had been stationed at Perryburg six hours, relieved Munger and proceeded to Woodville, where they will be received by R. E. Van Dyke and W. A. Parker. Munger, in spite of his exhausted condition, took a bath and prepared to board the train for Newark, where he will take up the message this afternoon. At Perryburg the riders were six hours late.

TALK ON THE DRINK HABIT.

An Interesting Paper Read by Dr. Jenkins before the Iowa Medical Society. DEZ MOINES, Iowa, May 19.—Before the forty-first annual session of the State Medical Society President Jenkins delivered his annual address, discussed as a special theme the subject of "Inebriety." He treated it as a disease induced by indulgence of appetite, or social drinking, but largely the result of heredity. Diet and bad training in early life, frequent use of stimulants, and idleness is another cause. Referring to legal fines and imprisonment as a punishment of the inebriate, he expressed doubts of its efficacy as a preventive measure. The doctor advocated prohibition of the traffic in liquors where it can be enforced, and high license and strict regulation where sentiment will not sustain absolute prohibition. And he would establish hospitals for cure of victims of the disease, to be supported in part by license funds. Referring to the so-called Keeley cure, he spoke in qualified terms of the good results obtained, and added: "The recognition of inebriety as a disease, and not simply a vice, opens up a new and lucrative field of practice for irregulars and quacks, and hence we find the chloride of gold in various situations springing up in all cities and towns of any considerable size. The chief object of all these institutions is to make money off of these poor unfortunate, who can so ill afford to pay exorbitant prices for treatment."

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