

BOTH ACTS ARE BAD

The Supreme Court in Unanimous Opinions

KILLS THE GERRYMANDERING

Acts of the Squabbling Legislature—The Act of 1885 Also Declared Invalid.

Winnans Expresses Himself.

LANSING, Mich., July 28.—The supreme court today handed down opinions declaring unconstitutional the two squabbling bills reappropriating the representatives and the senators in the state legislature. The title of the case involving the senatorial gerrymander was "Theron F. Giddings vs. Secretary of State," and that involving the representative redistricting, "Supervisors of Houghton County vs. Secretary of State." The mandamus asked for is granted in each case and the secretary is ordered to issue notices of election in accordance with the restricting bills of 1891, the acts of 1885 being held to be equally defective with those of 1891.

The opinions follow the lines of the celebrated decision of similar import in Wisconsin.

The court is unanimous on both acts. The decision in the senatorial case was written by Justice Grant, Chief Justice Morse and Mr. McFarland filing opinions in which the same conclusion is reached through different courses of argument. The decision in the representative case was written by Justice Loog, the chief justice filing a separate opinion.

The secretary of state is, however, instructed to follow any new redistricting scheme which may be enacted should the legislature be called in special session by the governor.

Following is the full text of Justice Grant's opinion:

Supreme Court—Theron F. Giddings vs. Robert B. Blacker, Secretary of State. Filed July 28, 1892. Grant J.

The constitution of Michigan contains the following provisions, found in article IV:

"Section 1. The legislative power is vested in a senate and house of representatives."

"Sec. 2. The senate shall consist of thirty-two members. Senators shall be elected for two years and by the districts. Such districts shall be numbered from one to thirty-two, inclusive, each of which shall choose one senator. No county shall be divided in the formation of senate districts, except such county shall be equally entitled to two or more senators."

"Sec. 4. The legislature shall provide by law for an enumeration of the inhabitants in the year 1884, and every ten years thereafter, and at the first session after each enumeration so made, and also at the first session after each enumeration by the authority of the United States, the legislature shall rearrange the senate districts . . . according to the number of white inhabitants and civilized persons of Indian descent, not members of any tribe."

Acting under these constitutional provisions the legislature passed the senatorial apportionment act, No. 175, Public Acts of 1891.

By the census of 1890 the population was 2,095,839. The ratio of each district would therefore be 65,434. Eight of the districts under this act contain population as follows: Seventh, 114,430; tenth, 82,977; fourteenth, 88,678; eighteenth, 85,129; twentieth, 54,634; twenty-fifth, 82,556; twenty-seventh, 83,380; thirty-first, 82,213. These are the eight largest districts.

Eight other districts contain population as follows: Twelfth, 41,245; eleventh, 42,110; sixteenth, 45,626; twenty-second, 45,486; twenty-third, 39,757; twenty-eighth, 43,701; twenty-ninth, 40,333; thirtieth, 33,995.

Under this apportionment eight senators would represent constituencies numbering in all 695,717, while eight other senators would represent constituencies numbering in all only 349,092.

The county of Saginaw is given two senators, although it contains a population of only 82,373.

The twenty-seventh district is composed of nine counties with a population of 97,330, while the twenty-ninth with counties, five of which adjoin a like number of counties of the twenty-seventh, contains a population of only 40,033.

The relator is a citizen and an elector in the seventh district, composed of the counties of Kalamazoo, St. Joseph and Branch with a population of 91,420, and pays for the writ of mandamus to restrain the respondent, the secretary of state, from giving notice of the election of senators, under the act of 1891, and to compel him to give notice under the apportionment act of 1891. The petition also contains a prayer for general relief.

The basis upon which relief is sought is that the power delegated by the above provisions of the constitution to rearrange the senatorial districts is limited; that the limitations are wholly disregarded by the act in question, and the act is therefore unconstitutional and void.

It appears conceded by the learned attorney general that the legislature is not in the exercise of a political and discretionary power when acting under these constitutional provisions, for which it is only amenable to the people; and that this court has jurisdiction in a case properly before it to determine the constitutionality of the act in question.

The constitution of this state provides: "The supreme court shall have a general superintending control over all inferior courts and shall have power to issue writs of error, habeas corpus, mandamus, quo warranto, procedendo, and other original and remedial writs, and to hear and determine the same. In all other cases it shall have appellate jurisdiction only." The general jurisdiction of this court to determine the constitutionality of legislative enactments is not limited so as to exclude laws involving political rights.

The constitution of Wisconsin, in conferring jurisdiction upon its supreme court, is nearly identical in language with the constitution of this state. The supreme court of Wisconsin has recently most ably and thoroughly discussed and determined the jurisdiction of the court in a case similar in principle and its facts to the present

HIS PAL IN PRISON

The Alleged Accomplice of Berkman

LOGGED IN PITTSBURG JAIL

He Denies All Knowledge of the Crime and Plot—Frick's Condition—The Troops.

PITTSBURG, July 28.—Frederick Mullock, Berkman's alleged arch-conspirator, is behind the bars at the central police station. He came in on the limited from Philadelphia at 9:45 tonight in custody of Superintendent O'Mara. Mullock was arrested at Long Branch yesterday and is accused of complicity with Alexander Berkman in the attempt to assassinate Chairman Frick of the Carnegie Steel company. He, it was, who sent a sum of money to the would-be assassin several days prior to the shooting of Frick, and it is he whose relations with the most rabid anarchists of the country have got him in the meshes of the law.

When Superintendent O'Mara arrived with his prisoner a crowd of several hundred people all eager to look at the sallow-faced suspect were in waiting, and followed the officer and culprit to the police station. When seen by a United Press reporter, Mullock denied knowledge of the plot to kill Frick. He admitted his friendliness towards Berkman, however, and even went so far as to confess that he had sent money to the latter.

He Paid a Loan.

He explained this by saying that Berkman had once loaned him money when he was in command of the troops in favor. Berkman wrote from Pittsburgh for the loan. He said he had known Berkman for some time, but had not seen him since last April. Mullock claims that he has only been in Long Branch six weeks and cannot explain how Frick's would-be assassin knew where to reach him by mail.

In denying his connection with the plot, Mullock said: "Berkman is a nihilist; I am a socialist and do not believe in nihilism. Berkman attended our meetings once but was fired out."

Six or seven letters, all written in German and several of them post-marked Pittsburgh, were taken from Mullock and will be turned over to the New York police for translation. Alderman McMurry said tonight that no additional information had been entered today by the Carnegie company against the strikers and that no further arrests had been made.

HELD LIKE CONVICTS

Non-Union Men Rotted Rather Than Go to Homestead.

PITTSBURG, July 28.—A riot occurred this morning on a Baltimore & Ohio train, on which a party of fifty-six non-union men were being transported from Cincinnati to Pittsburgh to work in the Carnegie steel works at Homestead. In the melee one man was stabbed in the forehead with a bayonet in the hands of an armed guard. Another had a thumb chewed off and nearly a score of others were badly bruised in an attempt to regain their liberty. When the train reached Pittsburgh there were only twenty-one men aboard in addition to the armed guard, the other thirty-five having been taken to the Wheeling division and the depot in this city. When they left Cincinnati the men did not know that they were being taken to Homestead, and when they found out they rebelled. Joseph H. Hannon, a long time agitator in the case of the men, was arrested at Cincinnati and is about 20 years of age.

FRICK'S CONDITION IMPROVED.

The Company to Submit a New Scale. The Prosecutions.

PITTSBURG, July 28.—Late this afternoon H. C. Frick's condition was much improved. Mr. Frick slept a great deal during the afternoon and the rest thus obtained greatly strengthened him. His temperature, pulse and respiration are all normal, and he is able to get into court. Attorney Brennan of the Amalgamated association said this afternoon that within a few days charges of conspiracy will be entered against the parties responsible for bringing the case to this city under the present laws. The Carnegie company intend to present a new scale to the Beaver Falls and Pittsburgh men within a few days. They will pay the amalgamated prices, but will only treat with the men as individuals. The association will extend to January 1, 1894. Over 10,000 iron workers in Pittsburgh are affected by the scale to be presented, but it is believed some of them have been repaired and are ready to begin operations as soon as the scale is signed. It is asserted by many conservative thinkers that the policy of the Carnegie's, with regard to the prosecution of the strikers is to prosecute by the wholesale the locked out men, those who should know say the wholesale prosecutions will be held back until such time as the strikers exhaust all their resources of securing help or become sullenly obstinate and refuse to furnish help. Many of the men have already been charged with the dual crime of murder and riot, and it is stated that various other crimes will be alleged against them. About twenty-five of the delegates were present at this morning's session of the conference for the purpose of forming an international labor bureau of information and correspondence. A lively discussion of the socialistic question took place, but the conference adjourned without accomplishing anything.

MANUFACTURERS RESTLESS.

They Begin to Show a Spirit to Stand Up With Non-Union Men.

PITTSBURG, July 28.—The wage committee of the Amalgamated association and the manufacturers held another fruitless conference this afternoon and adjourned to meet again next

RIOT IN STAR CITY

Drunken Pipemen Take Possession, FRIGHTENING THE CITIZENS

Who Flees From the Town, Leaving It in the Hands of the Drunken Marauders.

INDIANAPOLIS, July 28.—The people of Star City, a village of 500 inhabitants on the Panhandle railway, are having a terrible experience with a gang of Italians who are employed by the Indiana Gas company in laying the pipe line from the gas fields to Chicago. Nearly 1,000 men are employed by the company and as many of them have their families in the camp which contains nearly 2,000 people. On Monday a number of the men quit work and went to Star City in a body and began drinking. They soon became boisterous and quarrelsome and frequent fights among themselves occurred, but the authorities were powerless to maintain the peace and the town was practically abandoned to the brawlers, who soon turned their attention to the inhabitants and assaulted H. B. Stanton in a horrible manner. After beating him nearly to death he dragged him out upon a street, stripped him of his clothing and suspended him by his arms to a tree. He was rescued almost an hour later in an exhausted condition and may die. When night fell the people of the village abandoned their homes and fled from the place, leaving the town in the hands of the rioters, who were still in control of the town and have secured whisky from other places and the scenes of Monday and Tuesday are being re-enacted, except that the rioters have not dared to return to their homes. About one-fourth of the entire camp is engaged in the rioting and blood has flown freely, but it is not known that any one has been killed. No demand has been made upon the governor for the troops, as it is not believed that the local authorities will be able to restore order without the presence of the military.

RELIEF FOR BAY CITY.

The Mayor Issues a Call for a Meeting Tonight.

A great calamity has befallen our neighbor, Bay City. The mayor has notified me of the absolute necessity of calling for outside assistance for their sufferers. I therefore call a public meeting of our citizens to be held at the common council rooms in the city hall on Friday evening, July 28, at 8 o'clock p. m., to take action with reference to that important matter.

WILLIAM J. STURGEON,
Dated, July 28, 1892. Mayor.

ENGULFED IN LAVA.

Destruction of Two Adventurous Men on the Side of a Volcano.

CITY OF MEXICO, July 28.—An Anglo-American Columbia special tells of the terrible death of two men in an attempt to reach the crater of a volcano near that city. Henry Adams, of New Hampshire, and James Deerey Watson, an Englishman, had a dispute as to the pluck of Englishmen and Americans each claiming superiority for his countrymen, and it was agreed that he who should succeed in first planting the flag of his country at the edge of the crater should be held to have made good his claim. The next day they started with guides for the ascent of a terrible and overhanging mountain which the lava had seamed country. The guides were frequently alarmed by subterranean rumblings, and as they neared the mountain its summit was observed to be shrouded with a hood of grayish smoke. When the proper ascent was reached the two adventurous men left the guides and proceeded to search for a practical route of ascent. They were visible more than an hour to the guides. At last they reached a ledge of rock, there appeared a terrific explosion and the two men were hurled into the air and fell to halt and consult together. Clouds of cinders shot up from the crater, and when last seen the adventurers were seen grasping each other by the hands. Following close on the cloud of cinders occurred a terrific explosion and a huge volume of molten lava rose fountain-like against the sky, in which, as it descended in streams down the sides of the cone, the couple were engulfed.

NOT AN IMPORTANT FACTOR.

Gov. McKinley Says the People Party is Not Injurious to His Party.

CHICAGO, July 28.—Governor McKinley arrived in the city today en route to Madison, Wis., where he is to deliver a discourse. He talked on the Homestead fair and said that no man could with reason lay the tragedy at the door of the republican party and that the party's interests would not be affected in the least by it. Speaking of the people's party he observed that it was not for an important factor in the coming campaign and that its existence would in no way injure the prospects of the republican party.

CAUGHT A FUGITIVE DOCTOR.

At His Old Tricks of Malpractice Despite Former Conviction.

LONG ISLAND CITY, L. I., July 28.—Dr. Henry C. McGeorge, No. 257 West Twenty-fifth street, New York, who was convicted of causing the death of Annie Goodwin in Harlem by a criminal operation, and who has been a fugitive from justice for many months, has been arrested, charged with causing the death of Mrs. Louisa Webb of No. 400 Hamilton street, Baywood. Mrs. Webb died Tuesday, the autopsy showing that she had been strangled by a cord which was found in her stomach. The officers killed five of her pets. The officers searched in vain for the others.

TELEGRAPHERS' PAY INCREASED.

CHICAGO, July 28.—Grand Chief Ransay of the Order of Railway Telegraphers met the officers of the Monon road here this afternoon, and the grievances of the operators on that line were satisfactorily adjusted. Salaries of train dispatchers and operators are to be increased \$10 per month, except in a few instances, where present wages are satisfactory, and hours will be reduced.

CHICAGO'S HEAT RECORD.

CHICAGO, July 28.—Today's record of sunstrokes gives indication of a decrease in the number of deaths and prostrations by heat, twenty deaths and twenty-four prostrations being reported up to 11 p. m. A report of a number of new cases were reported today some of the deaths resulted from prostrations of previous days.

WILL NOT GIVE UP

The Filibusters Have Made a Deadlock

OVER THE WORLD'S FAIR BILL

Stupidity Seems to Be at a Premium. Report on Ellis Island—No Quorum in the House.

WASHINGTON, July 28.—The proceedings in the house today were intensely stupid and filibustering motions on the world's fair appropriation prevailed all day. The only motions now in order until the deadlock can be broken are for adjournment and a call of the house.

The dilatory tactics were pursued under force until the house adjourned. It is impossible to predict the duration of the deadlock. The opponents of the appropriation have made overtures of a compromise. One proposition is that if a loan will be accepted it will be voted speedily and the house can then adjourn. Another is to the effect that if the advocates of the appropriation will field a direct vote on it, it can be assured on the second Tuesday in December. These in favor of the appropriation naturally refuse any offers of a compromise and believe they have the battle won. It now appears to be simply a question of physical endurance.

WORK IN THE SENATE.

The No Quorum Question Raised to Get an Adjournment.

WASHINGTON, July 28.—Notwithstanding the intense heat and the ascertained departure of nearly forty senators, which left barely a voting quorum on hand, the senate today declined to take any decided action on the anti-option bill or the house resolution to adjourn on Saturday next. The motion to lay the anti-option bill aside till December was lost by the unexpectedly large vote of 18 to 12.

RIFLED MAIL SACKS.

A Mail Carrier Arrested and He Confesses His Crime.

OMAHA, July 28.—Carrier Sioane, who carries a star route from Albion north, has been arrested for rifling mail sacks. Suspicion was aroused by complaints that the mail was frequently rifled of letters containing money. It was found that Sioane sent more than the usual average of damaged sacks for repairs from the north end of his route. A confession was made by him that he now in the hands of the officers and confirms the theory of the robbery which caused his arrest.

AFTER A GANG OF OUTLAWS.

UNIONTOWN, Pa., July 27.—Jack Cooley, leader of a notorious band of outlaws, was captured and shot last Friday. His last words were, "See that my death is avenged." On Sunday Cooley was buried and then his band began its work of revenge. Wesley Sider, who aided in the capture of the leader, was overpowered at his home in Haydentown and pincioned. His only child, a young girl, was then assaulted by members of the band. The helpless father cries for help, but his aid is refused, and the robbery ended by a blow from a musket butt. The sheriff arrested a man named Rankin, said to have succeeded Cooley as leader, for sheep stealing. A sheriff's posse will start in pursuit of the band at once and lynching is threatened.

PIPE LINE LAYERS DRUNK.

STAR CITY, Ind., July 28.—About one-third of the 1,900 Italians employed on the pipe line which is being laid to Chicago are drunk and riotous and are causing almost a reign of terror. Farmers have barricaded their houses. Stores are plundered and women assaulted. There is no efficient police system.

MINNESOTA REPUBLICANS.

Nelson Nominated for Governor Without Opposition.

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MOTHERS' MEETING.

The meeting of the central W. C. T. U. was attended by a larger number of women than usual yesterday afternoon at the rooms in Good Templars' hall. It was Mothers' Day and the president invited Dr. N. W. Tracy, the Kentucky evangelist to be present and lecturer. Dr. Tracy was assisted in the opening exercises by the Shuman quartet. The mothers that listened to Dr. Tracy's earnest words must be much better able to retain the confidence of their daughters and also have a deeper sense of the need of a mother's more watchful care over her daughter to help her become a noble woman. Dr. Tracy will lecture tonight in the tent on South Division street. Subject: "The Mississippi of Intemperance or the River of Death."

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