THE FINAL TEST OF MICHIGAN'S PLAN, The District Scheme of Choos-

ing Electors in the U. S. Supreme Court.

AN ARRAY OF LEGAL LORE.

Attorney-General Miller Acts With the Republican Counsel.

He Charges Both Parties With Unjust Apportionments-The Members of the Bench Apparently Much Interested in the Arguments-A Reflection Upon the Electoral Commission of 1876-The Decision May Have an Important Bearing on the Current Presidental Contest, and Will Certainly Affect Some Votes.

WASHINGTON, Oct. 11 .- Although definite agreement has not yet been reached it is very probable that the United States Court will go in a body to Chicago next week to attend the World's Fair dedication ceremonies. There is some difference in opinion smong the Justices and it will be two or three days before the official announcement of the intentions of the Court is made, but preparations are making for the Court's visit. All Justices are likely to go except Justice Field and Lamar who are not in good health and do not care to endure the strain of a hasty trip to Chicago and back. The Court will probably adjourn Tuesday or Wednesday of next week if it decides to go and will arrange so as to cause as little delay as possible to work here. An informal understanding had been

reached by which the Lake front cases went over until to-morrow to make a way for argument in suit in test of constitutionality of the Miner law in Michigan providing for the election of Presidental electors by Congressional districts. The object of the Court in programme is to permit Chief Justice Fuller, who cannot sit in the Lake front cases, to take part in the Michigan cases, and then leave here for New York to attend the Columbus celebration there to-morrow and Thursday.

A Decision Before the Election.

The advancement of the Michigan case will also have the effect of enabling a decision to be rendered in advance of the Presidental election. The case comes here on appeal from the decision of the Michigan Supreme Court, affirming the constitutionality of the Miner law. The title is McPherson et al, plaintiffs in error, vs. Blacker, Secretary of State.

A motion was made and immediately allowed by the Court to have the argument of the Michigan case proceed at once. After entry of sundry motions Colonel H. M. Duffield, of Michigan, arose and opened the case for McPherson et al, who represent the Republican party, which is seeking to have the law declared unconstitutional. The political aspect of the case is very pronounced, as it is conceded that the effect of the decision in favor of the validity of the law will give some of Michigan's electoral

vote to the Democrats. That Republicans is importer tion and in its possible far-reaching conse-quences in the future is shown by the appearance of Attorney General Miller in the case as one of the counsel on the Republican side of the question.

suthorize one Congressional district to sc-lect the electors for the whole State? Mr. Kirschner replied: "Yes,' Your Honor," to which Attorney General Ellis added, "But there is no danger of it." Mr. Kirschner in his argument deplored the tendency to bring all disputes into court, and said this was an attempt to em-broil the court & a political matter which belonged solely to the political departments of the Government. of the Govern

Unjust Apportion

Has Been in Operation Before.

A Slap at the Hayes Commission

Legislature.

Attorney General Miller, in his opening, answered as follows: "I hold is to be one of the most hopeful signs of the times that The President Anxious, but He Attends to (fficial Business. the courts are either arousing or the times that aroused to the fact that if the rights of the people of the United States are to be pre-

aroused to the fact that if the rights of the people of the United States are to be pre-served by an observation and enforcement of the law, and that they are prepared to take and are taking by the wrists, political bosses who, assuming that questions are purely political, are committing grand lar-ceny with reference to the rights of the peo-ple of the United States. In saving this I am not saving it as a partiaan. I am per-fectly well aware that the people have been robbed by unjust apportionments by the party to which I belong, as well as to the party to which I belong, as well as to the party to which I am opposed and it is high time that the courts should say to these worthies, it is just as much larceny to steal a political right as it is to steal private property. Hence I say if this case comes here in such a way that the court may prop-erly take hold of it, it is not only a right but it seems to me the highest opportunity for the court to serve the country and help to preserve its institutions." Mr. Miller argued that the framers of the capital for various points to participate in the great political campaign, and the Presi-

his sick wife. night. She had a recurrence of the dreaded Mr. Miller argued that the framers of the Constitution intended that the States should be represented as States, and that the power of choosing electors was granted not to the Legislatures but to the States, the Legisla-ture simply having the duty of fixing the manner of execution of the power.

Justice Gray-Was the district system while in operation ever challenged as being beyond the power of the Legislature? Mr. Miller-My understanding is that it was not and that there has never been but one election in which the decision would have been determinative of the election. Mr. Duffield interjected that that was a time when electron was from the election. time when electors were free to exercise

their personal preferences. Justice Gray-Does it appear that that be of the original of the point of the point

hopeless case of consumption, and they are prepared for the end at any time. The ordeal through which the President is passwhich had caused the point to be raised that the district system was unconstitutional. In 1876 party spirit ran so high that an Electoral Commission was appointed and Samuel J. Tilden was counted out and Rutherford R. Hayes counted in, but nobody has questioned the fact that Colora-do electors had been appointed by the Legislature.

He was reading some opinions of Repub-lican members of the Electoral Commission on this matter, when Justice Field asked to have the authority given. It was done, and the Justice replied: "Most people think the least said about that the better."

H. A. ther closed the case. His line of argument was that the Constitution contemplated a system of selection of a President by personal preferences of President-al electors, but Constitutional design was incapable of execution and that by usage had been established the selection of electors and of President by votes of whole however, cannot be wholly neglected, and if the President instead of his wife were lying on a sick bed there would be those on duty who would not let the public interests suffer. There are those who are deputized to attend to 1. States and that by the fourteenth amend-ment this change of conditions was recog-nized and a national citizenship estab-lished. Before that amendment a State

might refuse to participate in a Presidential election or cast its votes as it pleased, but now if all citizens of Michigan save one foreswore their rights in a Presidental The Exigencies of the Campaign. With regard to the political campaign the situation is entirely different. Each mail brings to the President's desk com-munications from every State in the Union, asking that he do this and that and the other thing to help along the general cause or the particular fortunes of a political or personal friend. Every hour there are men with campaign suggestions waiting at the White House door for "just a word with President Harrison," and night and day the telegraph service of the Executive Mansion is employed in bringing to the President's of the great political contest. In election and decided that they would not participate, that one citizen would have the right to cast the vote of the State. It was decided to hear the argument in the Lake front cases beginning to-morrow, the Illinois Central railroad to have four hours and the State and Federal Govern-ments the same time between them.

A BIG FOUR STRIKE. Yardmen Co Out Because Their Pay COLUMBUS, O., Oct. 11.-[Special.]-The strike which was threatened by yardmen on the Big Four Railway in this city was precipitated this morning by the refusal of the company to accede to the demands of the men. The Big Four Company is paying as much now for ten hours' work as the other companies now are paying for twelve. A meeting was held last night by the men and the strike was resolved upon. Two committees of 11 men each were appointed to patrol the yards night and day to see that none of the company's property should be damaged or switches misplaced. The com-

other

DISPATCH, WEDNESDAY, OCTOBER 12, 1892. THE PITTSBURG

WAITING FOR THE END Mrs. Harrison's Death but a Question of a Short Time.

IT MAY BE WEEKS OR ONLY DAYS.

NO TIME TO ATTEND THE CELEBRATION

SPECIAL TELEGRAM TO THE DISPATCH. WASHINGTON, Oct. 11 .- President Harrison has been the most anxious and unhappy man in Washington to-day. Nearly all of his Cabinet advisers were in the city of New York in attendance upon the gay festivities in honor of Columbus and his discoveries. His private secretary, upon whom Mr. Harrison so largely depends, was in the metropolis; all the prominent politi-cians and Government officials had left the

dent was left alone to watch the bedside of Mrs. Harrison was desperately ill last

night. She had a recurrence of the dreaded cough that causes her such pains, and failed to obtain a refreshing sleep. The President sat up half the night to wait upon her and chat with her, so that he would have been in no condition to go to New York with his Cabinent, even had he decided it to be best for him to do so. He telegraphed this afternoon that he could not be present, even long enough to witness the parade. Dr. Gardner made another call at the White House to-night, and, while there, he said to a reporter of THE DISPATCH that Mrs. Harrison continues to grow weaker and weaker every day; that her right lung has entirely ceased to perform its natural functions. It is as solid as a piece of lead, he says, and she is simply existing with the aid of the left lung, which is also at-fected.

fected. Her Case Is Thought Hopel ss. To a direct question, the doctor replied that his patient might survive a week longer or she may possibly last two or three months. The family realize that she has a

ing at present is one that would be apt to break down a man of less will power.

The Exigencies of the Campaign.

and Jesse Grant. In was expected that ex-President Cleve-In was expected that ex-fresheat of eve-land woald join this party, but he did not. Mr. Cleveland came up from Greenwich on Mr. Benedict's yacht Oneida. Mrs. Cleve-land and Mrs. Benedict were aboard. During luncheon Mr. Benedict said to Mr. Cleveland: Cleveland: Cleveland: "You seem to enjoy the Oneida so much that I have decided to—" "Hold on," spoke Mr. Cleveland; "I can't afford to keep a steam yacht." "Nobody asked you to," replied Mr. Benedict. "I was merely going to say that I would make you Commodore of the Oneida."

brevet.

"How are you Commodore Cleveland," said Mrs. Cleveland and Mrs. Benedict in

Ing at present is one that would be apt to break down a man of less will power. To the ensual visitor who sees him at his desk or shaking hands with general callers at the tri-weekly noonday receptions in the East room, or as he walks for half an hour through a quiet street just before dinner, he seems the same self-satisfied, well-poised man as ever, but his friends and intimates know that he has suffered a mental and physical shock that has left its mark. For more than a month now the Presi-dent has felt compelled to almost entirely abandon participation in the political cam-paign and to give only the most formal and meager attention to the thousand and one routine matters of public business that would, under ordinary circumstances, de-mand the most protracted and serious con-sideration. The official routine business, however, cannot be wholly neglected, and if

What the Railroads Propose to Do for the meeting of the Western Association a proposition will be submitted in regard to the World's Fair rates. It provides that, for the benefit of exhibitors first, the first date of sale in the territory of the association shall be April 15, to be repeated each Tuesday and Thursday thereafter until April 23, on and after which date tickets shall be sold every day until October 29, 1893. From points within 200 miles of Chicago

her only comfort being that her husband was with her during many of the otherwise dreary hours. There was a general air of sadness about the White House all day, and the members of the family and the em-ployes made no stiempt to conceal their despondency. Mrs. Russell Harrison went over to New York last night for a short visit, and she will represent the Presidential family there during the celebration. Rus-sell Harrison and Mrs. McKee refused to leave the eity while their mother is in such a critical condition. A good many inquiries are made as to whether any of Mrs. Harrison's triends have gone to the sick room since her return. It may be stated that no one outside of the members of her own family have seen her since she came home. Her intimate circle of friends some every day and visit with the ladies of the household. The children whom Mrs. Harrison was so devoted to while in health have seen her but once lately. Her pleasure in fondling the little ones was too much for her feeble strength and it has not been judged best to allow them in the room again. Rev. Dr. Hamlin, the President's pastor, calls regularly to ask for Mrs. Harrison, but he invariably goes upstairs to the offices.

COMMODORE CLEVELAND NOW.

From points within 200 miles of Chicago it is proposed to sell single trip excursion tickets, good for return within ten days from date of sale, at 15 per cent reduction from the regular first-class fare both ways. From points beyond 200 miles and within 400 miles of Chicago, a reduction of 25 per cent is proposed, and from points between 400 and 700 miles, a reduction of 33½ per cent, these tickets to be good for return passage within 30 and 60 days, respectively. From points outside the 700-mile radius, it is proposed to sell single trip excursion tickets, good for return passage within 90 days from date of sale, at one fare for the round trip. The object in making limits for 60 to 90 days, is to enable passengers to go beyond Chicago after visiting the Expo-sition and take advantage of excursion rates which may be made from Chicago to all parts of the country. Mr. Benedict Makes the Ex-President Con mander of His Steam Tacht—Why Grover Refused to Cruise on the Howard Carroll

NEW YORK, Oct. 11 .- The most distin-A box social is to be given under the suspices of the Guild of the St. James guished party of the naval parade was on the steamboat Howard Carroll, the craft used by the Naval Committee. Vice Presi-Episcopal Church, at Sixteenth street and Penn avenue, to-night. The ladies of the church will furnish and pack the boxes which will be sold at auction to the highest gentleman bidder. A musical and literary entertainment will precede the sale. dent Morton, Secretary Tracy, Secretary of the Treasury Foster and Secretary Rusk were aboard. Governor Flower and staff and Mayor Grant were there, as were, also, Patrick Egan, Minister to Chile; Tsui Kwo Yin, the Chinese Minister; Senor Romero, **CRUSTS AND SCALES** Mexican Minister; Charles de Strume, Russian Minister; Baron Fava, Italian Minister; ter; Mavroyeni Bey, the Turkish Minister; Sir Eyre Shaw, of London; General Horace Porter and Mrs. Porter, Mrs. U. S. Grant

Hair and Eyebrows Fell Off-Doctor and Many Remedies No Benefit-Entirely Cured and Hair Restored by Cuticura.

Box Social.

FARES TO THE FAIR.

Dear People Next Year.

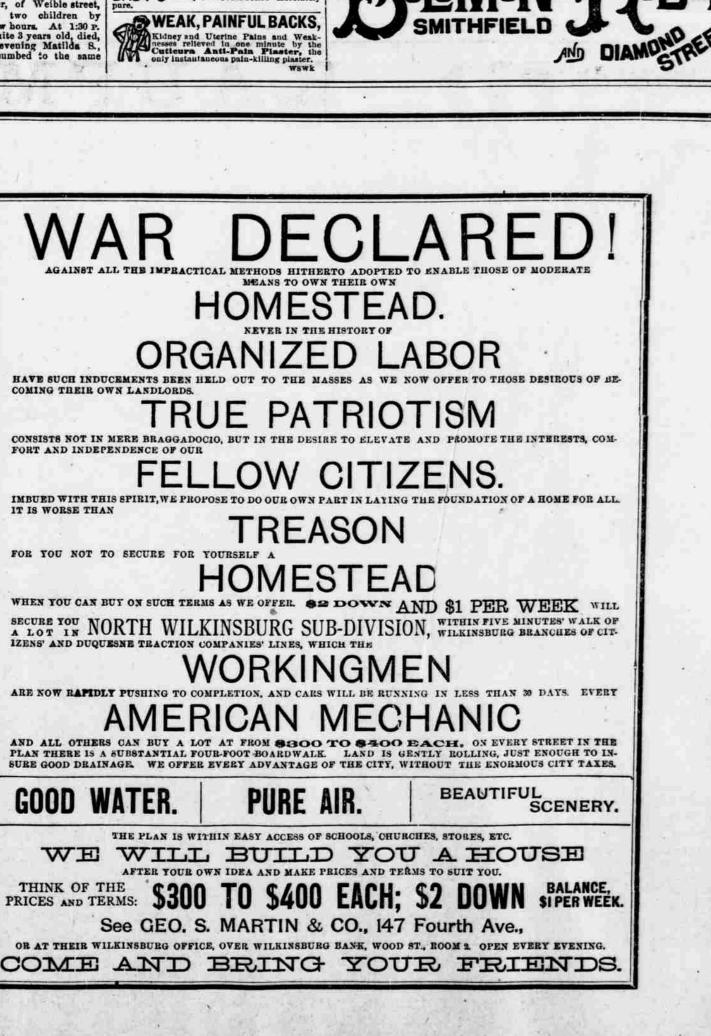
CHICAGO, Oct. 11.-At the November

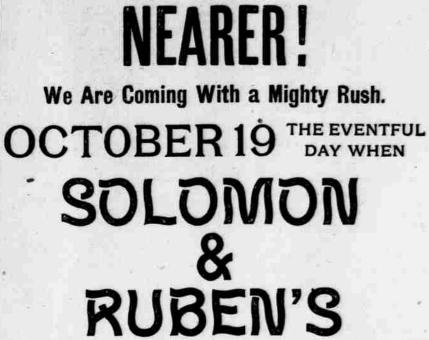


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Cuticura Resolvent

The new Blood and Skin Purifler, internally, and CUTICURA, the great Skin Cure, and CUTICURA SOAF, an exquisite Skin Beautifler, externally, in-stantly relieve and speedily cure every disease and humor of the skin, scalp and blood, with loss of hair, from infancy to age, from pimples to scrothia.





NEW ADVERTISEMENTS.

NEARER! NEARER!

GLORIOUS CLOTHING

WILL THROW WIDE OPEN ITS MASSIVE DOORS.

E VERY morning, every noon and every eve brings us nearer to the GRANDEST CELEBRATION in the history of Pittsburg's commercial era.

Smithfield street daily thronged by thousands of citizens who gaze with pride upon the MAMMOTH STRUCTURE, admire its noble proportions, and delight in its imposing appearance

The activity within the building is beyond description. Every nerve is strained, all energies bent on the one effort, to have it PERFECTLY COMPLETED BY OCTOBER 19.

What shall we say of the MOUNTAINS OF MER-CHANDISE that are being assorted, marked and got ready for the great day?

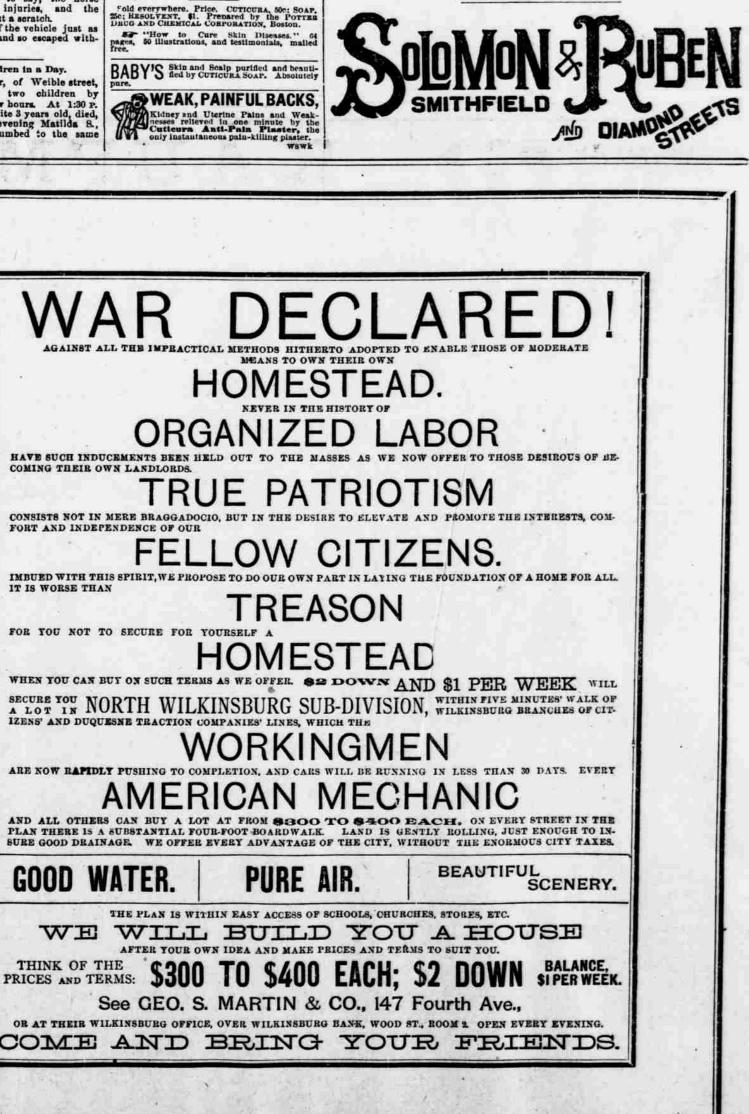
Our army of salesmen and storekeepers are working with enthusiasm. They mean to be good and ready when the proper time comes.

We crave the indulgence of the public patience for a few days longer. In one short week we will be ready to SERVE you, and SERVE you WELL.

The advantages and inducements will be so great that it will positively pay you to

WAIT! WAIT!! WAIT!!!

008-38-WP50



unison, saluting him. And so it was that the ex-President was made Commodore by Mr. Benedict was earnest, too, for he would not give orders to weigh anchor un-til Commodore Cleveland so directed. Hereafter nothing can be done on board the Opeida without orders from ber Commodore.

A REMARKABLE ESCAPE.

A Horse Backs Over a Cliff, but Was Not

Killed.

A horse, attached to a buggy belonging to Vulner & Friday, this city, took fright at a street car yesterday, on Brighton road, Allegheny, and backed over a bluff 25 feet high. The buggy was dashed to pieces instantly, but, strange to say, the horse escaped with slight injuries, and the driver came out without a scratch.

The Attorney General as Private Counsel. The Attorney General did not appear in his official capacity, but as a private counselor. He took part in the argument. It is very unusual in this country for the Attorney General to participate in a private case, and his appearance to-day was a subject of talk among lawyers. The attorneys who took part in the argument to-day are: Attorney General Ellis, Judge Chaplin, formerly of the Supreme Court of Michigan, and Otto Kirschner, formerly State Attorney General, in favor of the constitutionality of the law, and on the other side were H. M. Duffield and Attorney General Miller, and F rederick A. Baker, a leading Democratic lawyer of Michigan, who is retained on the Republican side of the case.

In his argument, Mr. Duffield relied principally upon the contention that the Miner act was in violation of the fourteenth amendment to the Constitution, declaring that no State shall make or enforce any law abridging the privileges of clizens of the United States, and that as at the time of its adoption clizens could vote for all electors that system could not be changed. This amendment and the thirteenth and fifteenth amendments, he insisted, created a citizenship of the United States, and it was in violation of the Constitution for the State to deny to each citizen the right to yote for all of the Presidental electors to which the State is critical which the State is entitled.

An Inquiry From the Bench.

Justice Gray inquired if he held that the Legislature could not choose the electors itself. Mr. Duffield replied in the affirmative. The three great post-war amend-ments, he asserted, put into the Constitu-tion a guarantee to every citizen to be treated alike and made a national citizenship where there had heretofore been a citizenship only by virtue of citizenship in a

Messrs. Champlin and Kirschner, as their first point, raised the question of jurisdic-tion, maintaining that in the form in which the case came here, viz, an application for a writ of mandamos to compel the Secretary of State of Michigan to give a certain notice of the coming election, it was not review-able in a Federal court, but only in a State court

Mr. Duffield's points were answered, and with reference to the fourteenth amend-ment it was contended that its sole object was to prevent discrimination, and had no application to cases where all citizens were treated alike. Mr. Kirsohner made a strong point of the political nature of the case, and cited precedents to show that the court had ruled that political questions must be left for settlement to the political departments of the Government, and in this part of his talk he several times turned apparently intentionally toward Attorney General Miller

Justice Field Takes a Hand. Several times the courts have made the mistake of passing upon purely political controversies, and in every instance the re-sult was a fail of the bench in public estimation. He was proceeding to argue that the matter of Presidental electors was one over which the State Legislatures, as the politi-cal representatives of the States, had complete control, when Justice Field, inter-rupting, asked: "Could the State Legisla-ture delegate to Ann Arbow College the right to appoint these electors?" Mr. Kirschner (with some hesitation)-I

don't see why not.

To this the Justice replied rather curtly-I don't see why not either, from your line

of argument. Mr. Kirschner, proceeding, said that the policy of changing the method of selecting Presidental electors might be questioned, but he had never heard the legality of any hange questioned. Justice Harlan-Could the Legislature

mittee this morning notified Superintendent Higgins of their appointment, and Mr. Higgins in reply said they had done the right thing. General Superintendent French, Super-intendent Higgins, of the Cleveland divi-tion and Superintendent Gibbar of the sion, and Superintendent Gibson, of the Cincinnati division, held a consultation with the Big Four officers this afternoon and appointed Frank Zurns as yardmaster. Zurns is an old conductor on the road, and has been a passenger conductor for many years. This action on the part of the company throws down the gauntlet to the striking men, who are given until to-morrow at 7 o'clock to decide whether they will return to work at the advanced rates offered. If not, their places will be immediately filled by new men.

BUILDING BOOMING

Big Increase in the Cost and Number Houses Erected in September.

As an evidence that this city has been enjoying a building boom for several years that increases, too, as time goes on, Captain Spratt, clerk in the office of the Building Inspector, yesterday figured up the number and cost of buildings erected during September. There was a total of 329, costing \$802,339, which is 31 more than were built in the same month a year ago, and the cost was \$31,657 more also. Since last February, the beginning of the building year, 2,681 building permits were issued, which is only 173 less than were issued during the entire 12 months of last

Tear. RIVER MINERS RESUME WORK.

Three Mines Producing Under the New

Arrangement. The striking Monongahela river miner have apparently accepted the terms proposed by the coal operators about a month ago, requiring them to work at a reduction of a half-cent on each bushel of coal produced, which would pay the miners 3 cents per bushel.

The miners of the Old Eagle, Vunola and Hildale coal mines resumed work yesterday at the new terms.

DIED.

LOGAN-On Wednesday morning, Octo-ber 13, 1892, at 12:30 o'clock, FRANK, husband of Alice Lozan, aged 62 years at his resi-dence, 203 Market street, McKessport. Notice of funeral later.

> Sohmer Planos, Colby Pianos Schubert Planos

The leading planos of the present time. Superior in tone, touch and durability. Fine assortment and reasonable prices, at J. M. Hoffmann & Co.'s, 537 Smithfield street.

Don't Take the Risk

Of fire or thieves, but keep your valuable papers, bonds, etc., in the safe deposit vaulus of the Farmers' Deposit National Bank, 66 Fourth avenue. Boxes rented at \$5 a year and upward.

Mrs. Chie-Said:

Just what I have been looking for as she aid for one of our mobby hats for her boy. Come and see. E. S. Gram, 92, 94 and 96 Federal street, Allegheny.

of the great political contest. In a majority of cases the messages come from those who want the President's assistance. Ordinarily these appeals would be listened to and granted. At present, however, the President is in no mood to go into the details of the campaign in any State, and contents himself with turning the questions over to be settled by

Mr. Harrison has all his life been an eager and generally successful politician, and it is characteristic of him that he places and it is characteristic of him that he piaces much more reliance upon his opinion and judgment than upon those of his friends. He realizes that he has a desperate uphill fight on his hands at present, and he feels that his inability to be the managing man in it only makes his chances of success the more unavele uncertain.

Forced to Forego His Plans.

The President early in the summer, im-mediately after his renomination, mapped out a plan of campaign in which he was to be the quiet but central figure. He in-tended to be the real manager of the Na-tioual Committee, and it was understood by "Tom" Carter and the others on duty in New York that all orders of importance were to originate in the White House. It was on the programme that Chairman Car-ter should make frequent and fying trips to Washington for the purpose of re-ceiving instructions direct from the Presi-dent, and on one or two occasions the Chairman did come and spend the evening at the White House just before making an important political move. Now, however, sunce the return of Mrs. Harrison from Loon Lake, Carter comes no more and such The President early in the summer, im-Loon Lake, Carter comes no more and such messages as the President has for him go through the mails, over the telegraph wires

or are personally conveyed by Mr. Russell Harrison, who for the past few weeks has been acting as a messenger between Wash-ington and the National Committee head-But however serious in its results may be

But however serious in its results may be upsetting the President's plans with regard to the political campaign by reason of Mrs. Harrison's illness, he has uttered no word of complaint. No one, not even his most intimate friends, has heard him express a word of regret at the sad turn of affairs. He goes about the daily work that he is re-quired to do with a cheerful aspect, and gladly devotes every spare moment to cheer-ing and comforting his sick wife, as if it were a pleasure for him to do so. Berrets His Inability to Attend.

Regrets His Inability to Attend.

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