MONG the good things of this life Flemings' Holiday List embraces some of the finest. FLEMINGS' selection of

GRIER TAKES A HAND.

The Controller's Answer to the Attempted Salary Grab.

NICE POINTS OF LAW ARE RAISED.

The Census of 1890 Not Yet Properly Promulgated by law.

A SLAP AT THE COUNTY SOLICITOR

Attorney James Fitzsimmons, acting for Controller Grier, yesterday filed an intervening brief in the cases of the county officers against the county, brought to secure their salaries under the act of 1883. The brief was prefaced with the following statement to the Court by Controller Grier:

When the County Controller discovered that the only defense the County Solicitor made to the claim of J. A. Bell, No. 18 March term, 1892, for salary, under the salary act of 1883, was as follows: "Demurrer-And now, to wit, the 9th, day of December, 1891, comes the county of Allegheny, defendants, by its solicitors, S. H. Geyer, and says the plaintiff's declaration or statement is not ufficient in law, S. H. Gever, solicitor for letendant," he considered it his duty under its outh of office and the powers attached hereto to take action.

The powers of the Controller are next recited, giving him a "general supervision and control of the fiscal affairs of the county and of the accounts and official acts of all end of the accounts and emetal acts of all officers or other persons who shall collect, receive or distribute the public moneys of the county, or who shall be charged with the management or custody thereof, and he may at any time require from any of them in writing an account," etc.

Under this, the Controller says, he felt it his duty to file the brief, which is in sub-

A Claim of Unconstitutionality. The Act of Assembly approved March 31,

1876, P. L. page 13, is a general act applying to all the counties of the State of Pennsylvania, so far as salaries are concerned, into three classes. Section 12 relates to counties or cities co-extensive with counties containor cities co-extensive with countries containing over 300,000 inhabitants. The 13th section of the same act relates to the salaries of county officers in countries which shall have less than 300,000 inhabitants each, and more than 230,000. And section 14 relates to the salaries of all county officers which shall have less than 250,000 and over 120,000 inhabitants.

The contest in the case relates to the Act The contest in the case relates to the Act of Assembly of June 13, 1883, P. L. 113, and provides for the salaries of county officers in counties containing over 500,000 inhabitants. This act is entitled "An act to fix the salaries to be paid county officers in counties containing over 500,000 inhabitants. publies containing over 500,0.0 innatitants, ving a supplement to an act approved the st of March, A. D., 1876, entitled 'An act to arry into effect section 5 of article 14 of the Constitution relative to the salaries of anty officers and the payment of fees re-sived by them into the State or county ensury in counties containing over 150,000 (habitants."

inhabitants."

We submit to the Court that this act is unconstitutional and void, because it offends against article 3 section 3 of the Constitution, which provides that "No bill except general appropriation bills shall be passed containing more than one subject, which shall be clearly expressed in its title."

The Court will observe that the act of 1883 to be amount to wark a change in the amount The Court will observe that the act of 1883 is designed to work a change in the amount of salaries to be paid county officers in counties containing over 300,000 inhabitants, as provided in section 12 of the act of 1876. Under the first section of the act of 1876. Under the first section of the act of 1873 the Court will observe that there is no reference whatever to the fact that the population, to wit, 300,000 inhabitants, as in section 12 of the act of 1873, was changed to 300,000 inhabitants under the act of 1883, section 1, nor is there any notice in the title of the act of 1873 that section 12 of the act of March 31, 1876, was repeated, as provided for in the second section of the act of 1873. Therefore, under the third section of article 3 of the Constitution there was no notice contained in the title of there was no notice contained in the title of the act of 1883 that the twelfth section of the

net of 1876 was to be repealed. In an Anomalous Condition.

While this position would, therefore, be against a taxpayer, yet that objection does not amount to much when we are construing the acts or passing upon the constitu-tionality of legislation. Therefore, under the second section of the act of 1883 the the second section of the act of 1883 the Legislature has attempted to repeal the twelfth section of the act of 1876 without any notice whatever in the title of the intent of the Legislature. If this position is correct then the salary question as to counties content the salary question as the counties content the salary question as the counties content to the salary question as the Legislature. If this position is correct then the sainry question as to counties containing over 500,000 inhabitants is in an anomalous condition. If the second section of the act of 1883 is of no validity, then we have the schedule of sainries as provided for in section 12 of the act of 1870, and the schedule as provided in section 10 of the act of 1883 standing together, and no officer would know under which act of assembly he is entitled to receive his sainry.

There is no notice in the title of the act of 1883 that the higher class of counties shall be changed from 300,000 inhabitants to 530,000, and this offends against section 5, article 3 of the Constitution, which provides that "no act shall be revised, amended or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revised, amended or conferred by reference to its title only, but so much thereof as is revised, amended or conferred by reference to its title only, but so much thereof as is revised, amended or conferred by reference to its title only, but so much thereof as is revised, amended or conferred by reference to its title only, but so much thereof as is revised, amended or a conferred by reference to its title only, but so much thereof as is revised, amended or a conferred by reference to its title only, but so much thereof as is revised, amended or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revised, amended or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revised, amended or the provision thereof extended or conferred by reference to its title only, and the section of the conferred by reference to its title of the act of 1800 and this defends a conferred by reference to its title of the act of 1800 and the section of 1800 and the secti

shall be re-enacted and published at

Section 1 of the act of 1883 does not even Section 1 of the act of 1883 does not even attempt to follow this constitutional provision. The first section of the act of 1883 refers to the act of 1876 by its title merely, and then proceeds to fix the amount of the population in a county to which the schedule of salaries in the first section of said act would apply, and there is no pretension that the schedule of saiaries in the twelfth section of the act of 1876 shall be re-enacted and published at longth; and the vice of this legislative attempt will be clearly seen when we refer to the second section of the act of 1883, wherein the Legislature, without any notice whatever in the title of the act repeals the twelfth section of the act of March 31, 1876. The Court will observe that the act of 1883 he Court will observe that the act of 1883 is intended to repeal the twelfth section of the act of 1876. Therefore, the first and secand sections of the act of 1883 are dependant upon each other. If you strike down one the other falls.

The Census Not Promulgated by Law. Another position could be taken in this case, and we think the same is fatal to the plaintiff's case. The county of Allegheny, plantiff s case. The county of Allegheny, in the census of 1880, contained 555,865 inhabitants. We submit that the census of 1880 is the only official census promulgated so far as the county of Allegheny is concerned. Whatever we think of the population of the county of Allegheny under the census of 1890, yet we submit that the decennial census of 1890 has not been promulgated to law as to govern us in the fiving of the sus of 1890, yet we submit that the decennial census of 1890 has not been promulgated by law as to govern us in the fixing of the salaries for the county officers.

The statement of the plaintiff is not sufficient for the Court to decide the question as to what the population of the county of Allegheny at the present is, and the county of Allegheny is now in the same classification of counties as to population as under the census of 1890. The salaries taken by the officers of the county of Allegheny since the decennial census of 1880 was under the provisions of the act of May II, 1891, P. L. 21. We think that the case of Luzerne county vs. Grienou, 199 Pa. 81, 568; Luzerne county vs. Griffills, 1 Kun, 237; Harris vs. Gonnty, 2 Kulp. 198, and Monroe vs. County, 7 Outerbridge, 278, settle the question that in the absence of express legislative declaration of a fact, or of any method provided by the Legislature, for ascertaining it, the last preceding decennial census is to be resorted to as the best evidence of the population of a county in case of classification of counties by population.

We submit to the court that there is no evidence in the case indicating that the decemnal census of 1899 puts Allegheny county in any other class than the ore in which it is found under the census of 1880.

for birds. An article telling how to teach them to sing "Annie Rooney" in THE DIS-PATCH to-morrow.

Gents' Gold Lockets.

Set with diamonds, and ladies' heart lockets with diamonds in many different designs at prices half their regular value at the spe-cial diamond sale.

KINGSBACHER BROS. 516 Wood street.

Stamp and Match Boxes. Every dainty and new design shown by HARDY & HAYES,

Jewelers, 520 Smithfield street. Three doors from City Hall. Open every evening till Christmas.

Will Price Shows the handsomest light neckwear for evening dress ever brought to the city,
47 SIXTH STREET.

LATE NEWS IN BRIEF.

-The attempt to make Tampico a deep-water harbor is proving to be successful. -Guatemalans deny that their Govern-ment is mixed up in the Honduras revolu-

-The Graves trial took a rest yester-day. Judge Macon, attorney for the defense, -Reports of starvation in Mexico are de-nied. Not a State has asked for outside

—The Reichstag Conservatives will not oppose the third reading of the commercial -A train of 12 carloads of poultry, worth nearly \$26,000, entered Boston from Canada

-Canada is getting too much American silver. Montreal bankers urge the levying of a tax upon it. —Soper, the resigned Secretary of State of Michigan, denies all charges against him. Governor Winans has appointed a commis-sion to investigate them.

-Eugene McNally was sentenced at Neills-ville, Wis., yesterday, to five years in State's prison for robbing the Northern Pacific ex-press train at Abbotsford of \$10,000 last May.

—An old fire-blast exploded in the Busk tunnel, on the Colorado Midland Railroad, iate Thursday night, causing the instant death of one man and another dying shortly afterward. A third is fatally injured. Thirty masked men jumped off a train at Live Oak, Fla., and compelled the sheriff to give up the keys of the jail. The mob took out two negro murderers, hanged them to a tree and riddled them with bullets in true Southern style.

Oteisa, into Secretary of the Treasury of Cuba, has been sentenced to 18 years in prison, three months and one day in the chain gang, and to pay a fine of 12.500 pese tas (82.500) and to return the \$100,000 stolen from the Treasury of the control of the Treasury of the from the Treasury.

-General John C. New, United States Consul General in London, presided at the annual banquet of the Association of Foreign Consuls in London Thursday evening. General New proposed toasts to Queen Victoria and to the sovereigns and Presidents of the nations of the world.

—A largely-attended meeting of the English holders of the Virginia debt was held yesterday in London, and after considerable discussion it was decided by a vote of 39 to 17 to accept the agreement effected between the Virginia State Debt Commission and the Olcott Commission. -The Japanese sailors and passengers on board the steamer Zambesi mutinied

on board the standard manness in the two weeks ago. Two opposing mobs gathered on deck to fight out their differences, and were only quieted by the American captain and officers drawing their revolvers and threatening to shoot down the malcontents.

-The latest development in the Merriman The latest development in the Merriman case in Chicago is an attempt on the part of the former lover, James W. Drouillard, to have her arrested for perjury. When the officer and Drouillard went to serve the warrant on Miss Merriman, she fainted and fell to the floor. This touched the abandoned lover's heart, and he relented. "Hold on." he said, "Don't arrest her; I'll not prosecute her for a thousand dollars." And so Miss Lillie escaped.

After several false starts the Irish Inde-

Lillie escaped.

—After several false starts the Irish Independent appeared on Dublin streets yester, day, and scored a "scoop" the very first day. The paper asserts that a large package, bearing no address, was recently posted in the Dublin postoffice. The sorter of mails noticed the absence of an address, and while examining the package found a fuse protruding from it. The postal authorities were immediately notified, and the package was taken to Dublin Castle, where it was found to contain a quantity of dynamite.

LADY SOMERSET has written for THE DISPATCH a comparison of the poor of New York with those of England. No one is more competent to treat the subject. Se the 24-page issue to-morrow.

PRURITUS 15 YEARS

Under Doctor's Treatment Four Differen Times. No Belief Whatever. Cured by Cuticura.

I have used the CUTICURA REMEDIES, and foun them to be just as you represented. They have given me a perfect cure. I have been troubled with pruritus for over 15 years, and have been under the doctor's treatment four different times, with no relief whatever, until I tried the CUTICURA REM EDIES. After using them just one week, I found that life was not such a burden after all, and am satisfied that I shall never be troubled again. Such faith I have in your remedies. You can send any-one that is troubled with pruritus, and I will satisfy them what it has done for me. I will not restrict

The new Blood Purifier, internally (to cleanse the blood of all impurities and poisonous elements), and CUTICURA, the great Skin Cure, and CUTICURA SOAP, an exquisite Skin Beautifier, externally (to clear the skin and scalp and restore the hair), have cured thousands of cases where the shedding of scales measured a quart dally, the skin cracked, bleeding, burning and liching almost beyond en-durance, hair lifeless or all gone, suffering terrible, What other remedies have made such cures?

Sold everywhere. Price, CUTICURA, 50c; SOAF, 25c; RESOLVENT, \$1. Prepared by the POTTER DRUG AND CHEMICAL COMPORATION, Boston, Mass. 55 Send for "How to Cure Skin Diseases,"61 pages, 50 illustrations, and 100 testimonials. PLES, black-heads, red, rough, chapped, and offy skin cured by CUTICUBA SOAP.



KNOW ME BY MY WORKS.



Physicians report a number of cases.
Dr. Burgoon treated six cases last week successively for this loathsome disease, and we might also add that among his 200 cases during the epidemic of last winter he did not lose a patient by Death. Testimonials at his office will prove it.

Send 3! for a Printed Prescription for the cure of La Grippe. Never Fulls.

How can I prevent myself from catching it is a question often asked, as it is contagions. The only way is to keep the blood in good condition by using a blood purifier. The best known is Dr. Burgoon's System Renovator, that well-known medicine which acts on the human organisand has proven its officacy in cases of Bright's Disease, Private Diseases, and all diseases of the Blood. Stomach, Liver and Kidneys. For sale by all druggists.

Call st my office and see living evidences.

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Call at my office and see living evidences of the good work done. Testimonials of representative citizens from all parts of the country are on file and open for inspection.
Office hours, 8 a. M. to 9 r. M. Hours for consultation, 8 a. M. to 9 r. M. Sunday office hours and for consultation, 9 a. M. to 12 M.

42 Send stamps for information and circular.

DR. J. A. BURGOON, 47 Ohio st., Allegheny City, Pa.

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Three Nights, MONDAY, DEC. 21.

THE RIVALS. Wednesday Evening, HEIR-AT-LAW.

Monday and Tuesday Evenings,

SEATS NOW ON SALE. No Matinee on Wednesday. del8-17

GRAND SEEL EVERYBODY LAUGHS! The Pittsburg Press Unanimous in Praise of CHARLES DICKSON LAUGHTER INCOG ROAD OF FUN Saturday Matinee, 2:15. Every Night, 8:15. Next week—Nat Goodwin in The Nomine de18

THE ALVIN THEATER CARMENCITA,

Assisted By
The Spanish Students
From the Royal Conservatoric, Madrid.
Dec. 21, 22 and 23—JOSEPH JEFFERSON,
" 24, 25 and 26—A KNOTTY AFFAIR,
del4-35

DUQUESNE—
Pittsburg's Leading Theater.
Commencing Monday, December 21,
STUART ROBSON.
Monday, Tuesday, Wednesday matinee and
evening,
Conquer." "She Stoops to Conquer."
Thursday, Friday matinee and evening, Saturday matinee and evening, "The Henrietta."

de19-40



Corinne in "Carmen Up to Data." Matinees Wednesday and Saturday. Dec. 21—MAGGIE MITCHELL. del4-16 TARRY WILLIAMS' ACADEMY-

THE CITY CLUB VAUDEVILLE AND BURLESQUE CO. Monday Next, December 21, HARRY WILLIAMS'

-OWN-SPECIALTY COMPANY. SPECIALTY COMPANY.

Holiday matinee Christmas Day, night
del9-13

GRAND EISTEDDFOD-OLD CITY HALL,

Christmas Afternoon, 1 o'clock; Evening, 7 o'clock. Reserved seats on sale at St. David's room 90 Fourth av., on Tuesday, Wednesday and Thursday evenings, December 22, 23 and 24 de 19-9.

HARRIS' THEATER-Mrs. P. Harris, R. L. Britton, T. F. Dean, Proprietors and Managers. Every afternoon and evening, the Melodramatic Farce Comedy, A BARREL OF MONEY.

Week December 21-Pete Baker.
del5-71-rrs

MESSIAH—
By the MOZART CLUB,
AT OLD OITY HALL,
MONDAY EVENING, DECEMBER 28.
Tickets on sale at Mellor & Hoene's, 77
Fifth avenue.

del6-49-D

J. T. LITTLE, 511 PENN AVENUE. Correcting defective vision a specialty. Spectacles and Eye Glasses furnished. no26-50-rrs

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THE DERBY, THE MERIDEN, THE ROGERS

They are almost (not quite)

equal to solid silver in wear, and

exactly like solid silver in appear-

Silver Hair Brushes, \$5.75,\$6.50

Silver Hand Mirrors, \$6, \$7 and

Silver Combs, \$1.98 and \$2.50.

Silver Whisk Brooms, \$1.98,

Silver Puff Boxes, \$3.50, \$4 and

Silver Shaving Mugs, \$3, \$4

Silver Hat Brushes, \$4, \$4.25

Silver Clothes Brushes, \$5,\$5.50

Silver Soap Boxes, \$2, \$2.25 and

Silver Cologne Holders, \$2.50,

Silver Ink Stands, \$4.25, \$6

OTHER SILVER ARTICLES.

Buttoners, Smoking Sets, Mani-

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you want cheaper silver articles, we

have them at half and quarter the

Remember, the above are THE

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best brands made, viz.:

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We make a specialty of the three

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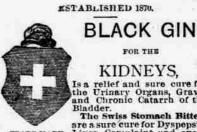


Pearl, worth \$18, for \$10. Oxidized Silver, \$18, for \$11. Black Morocco, 85, for 83.

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KIDNEYS, Is a relief and sure cure for the Urinary Organs, Gravel and Chronic Catarrh of the Bladder.
The Swiss Stomach Bitters

The Swiss Stomach Bitters are a sure cure for Dyspepsia, Liver Complaint and every species of indigestion.

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how few you find that are per-manently cured of it.

THE NEW REMEDY RHEUMATICURA

which is exciting so wide atten-tion just now-in Pittsburg-

Does Exactly what is Claimed.

To cure a bad case of Rheuma-tism in from 24 to 72 hours.

Call at office and convince your-

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Watches for boys and girls, \$3 50 up. Ladies' Solid Silver Watches, \$4 50 up. Ladies' Gold Filled Watches, \$8 50 up. Ladies' Solid Gold Watches, \$12 50 up. Gents' Silver Watches, \$8 50 up. Gents' Gold Filled Watches, \$12 50 up. Gents' Solid Gold Watches, \$25 up.

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A handsome Enameled Iron

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Whiskies, Brandies, Wines and Gins are such as the people want. They are ready for the Holidays. Send your orders in early. Take your choice from the following matchless line:

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BETTER THAN SARSAPARILLA.

Purifies the blood by expelling the impurities through the proper channels and never causes eruptions upon the skin.

Regulates the bowels. Cures dyspepsia, liver and kidney troubles, ones up the system and gives you an

Never fails to cure any condition produced by impure or impoverished blood, or a disordered state of stomach, liver or kidneys.

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OPEN-TILL 10

TO-NIGHT.

A fine Carlsbad China After-

Dinner Cup and Saucer free with

handsome, large, imitation leather-

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Machine and hand-sewed, 30c, 50c, 75c, \$1 and up to \$2. Men's imitation and genuine Alligator Slippers, 75c, \$1, \$2 and \$2.50.

Men's Velvet Slippers, all styles,

Men's Goat Slippers, with patent leather trimming, at \$1, \$1.25 and Ladies' Velvet or Plush Slippers,

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Ladies' 5-hook Kid Gloves, war-

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With every SUIT OR OVERCOAT With every \$10,000 higher, purchase With every BOY'S OR CHILD'S WITH EVERY PAIR OF MEN'S

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high, with slide and iron foot rest, brella, neat handle, Paragon

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Gloria Silk Umbrella, with steel and trim, never sold for less than

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From a grand line of Tecks, Puffs

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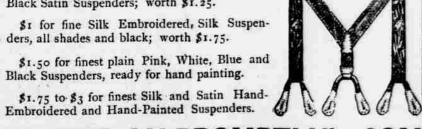
From Key's and Lockwood's, Fisk, Clark & Flagg's, Rufus Waterhouse and several celebrated English makes of Evening Scarfs, worth \$1.50 to \$2.

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Each Pair in a Nice Christmas Box.

75c for fine Pink, White, Red, Blue and Black Satin Suspenders; worth \$1.25. \$1 for fine Silk Embroidered, Silk Suspen-

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quetaires, all shades, newest em-Mousquetaires, black embroidery,

Extra quality English Cape Seam, all shades, every pair warranted, at \$1. Real French Kid Gloves, finest

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