

## BY TELEGRAPH.

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## AMERICAN.

PLYMOUTH, 30.—While a gang of 25 convicts at work here, one of the number threw a large stone at the solitary warden, and struck him on the head, inflicting a stunning blow. The entire gang then rushed for him. A "life convict" named Stevens outstripped the others, seized the warden's rifle and ammunition, and fired upon the advancing convicts, six of whom he seriously wounded. When the ammunition was exhausted, Stevens clubbed five others with the rifle, and when assistance arrived he was completely exhausted. The details of the affair were promptly reported to the government, and the Home Secretary gave orders that Stevens be immediately released from prison and rewarded. When the good news was made known to Stevens he fainted.

Little Rock, 30.—Master Simm's report of the investigation of the defalcation of ex-State Treasurer Thomas J. Churchill, was filed late this afternoon. He was Treasurer three terms of two years each, and the deficiency announced is \$80,525.

St. Johns, N. F., 30.—Two Orange outrages are reported northward at Twillingate. Sixteen loaded guns were fired into the house of Capt. Wrey, and the windows were smashed with huge stones. The Wreys are one of the only three Catholic families in Twillingate. At Green's Pond harbor four Southern vessels took refuge from a southwest gale and floating fields of ice. Tuesday last the Orangemen attacked the crew when on shore, maimed them brutally and pursued them to their vessels with large ballast stones, smashing the companion doors, skylights, cabin stoves and furniture, breaking the bulwarks and forcing the vessels to push out into the storm and ice at their peril.

Outrages were perpetrated on Saturday night by the crew of the bark *Lady Elitbank*. They broke into the Catholic Church of St. Mary's, in St. Mary's Bay, and demolished the furniture and appointments of the sanctuary and destroyed the tabernacle.

The Chalic Ciborium and other sacred vessels were smashed and the debris strewn about the streets, and in various ways desecrated the church. Five were arrested. As soon as the knowledge of the desecration of the church spread among the Catholic population, not less than 500 boats were manned for the purpose of scuttling and firing the vessel. The influence of the parish priest and supplying merchants prevented the destruction of the ship and cargo.

HAVANA, 30.—A fire at Matanzas today destroyed three warehouses. One thousand seven hundred hogheads of sugar in the building burned. The loss is reported at \$450,000. Partially insured.

Quebec, 30.—Heavy bush fires are burning in Saguenay district. Fourteen houses were burned at Boie, St. Paul.

Chicago, 30.—Daily News Keokuk, Iowa: The construction train of the Chicago, Burlington & Kansas City railroad went through a temporary bridge over Grand River, near Sumner, Mo., to-night. The engine, five cars and the caboose are in the bed of the stream. Two men are reported missing and others injured.

CHICAGO, 30.—A suit was brought today by Mrs. Annie Fanning against Right Rev. Patrick Ferry, pastor of St. Patrick's Catholic church of this city. The complainant alleges that her uncle Richard Lanning, died 20 years ago, leaving a will bequeathing a portion of his estate to her; that Father Ferry has concealed this will ever since, and that the estate went to uncle's heirs at law. They say Father Ferry but recently told her of the bequest. Father Ferry says when Lanning was very ill, 33 years ago, he attended the sick man; that there was a will then; that Lanning recovered and lived 13 years; that he (Father Ferry) went elsewhere and did not know whether the will existed at the time of Lanning's death or not.

NEW YORK, 30.—Between 5,000 and 6,000 people, including hundreds from Boston and Philadelphia, and large delegations from Baltimore and Chicago, went to Madison Square Gardens to-night to see the glove contest arranged to take place between John L. Sullivan and Charles Mitchell. The stories circulated the last few days concerning Sullivan's drunkenness and Mitchell's malaria did not seem to shake the belief of the good-natured public that the men meant to have a bona fide and exciting contest. In the early evening it was reported that both boxers were in good condition. The first part of the night's programme in which appeared several members of the "Sullivan Combination" and others, passed off pleasantly, the spectators giving hearty encouragement to the sparring. A few minutes before 10 the great John L. Sullivan, in street costume, staggered up the steps leading to the platform, accompanied by Billy O'Brien and another man, who was said to be Dr. W. H. Vanverpoel, of the Ashland House. O'Brien announced to the anxious crowd that the Doctor had positively stated that "Mr. Sullivan was too ill to spar." He said that rather than have people disappointed, Dominick McCaffrey would spar with Mitchell. O'Brien was hooted. The great Sullivan made his way to the edge of the ring, and supporting himself by the rope, made a few remarks. He looked like a "terrible ex-

ample." His hat was unbrushed and his clothes soiled. He was bloated in his body and features, and his face was red and distorted almost beyond recognition. Standing in the attitude of a lounge at a bar, he said in a hoarse voice that could be heard a few feet away: "I cannot spar to-night. I am too sick. You may think I'm drunk, but I ain't. I'm sick. I don't think it fair to give you a friendly set-to with Mitchell, for you didn't come to see that." Then the renowned Mr. Sullivan was heartily hissed. Mitchell, who had ascended the platform meanwhile, came to the ropes and had his little says. He looked somewhat pale and thin and his lips were swollen and sore looking. The Englishman said: "I'm in no condition to spar myself. I have had it very bad with malaria. I don't think it would be fair to Mr. Sullivan to have the match, as I am not feeling pretty good to-night, and I came here to do the best I could. That is all there is in it."

The people cried "Shame" and hissed. One shouted, "Sullivan, you have lost your reputation," and made other deprecatory remarks, and then slowly and sadly left the building. It is estimated that \$14,000 were taken in by the management, and that \$2,000 covers all the expenses. So the Sullivan and Mitchell combination have \$12,000 to divide as the result of their much-talked of and extensively advertised combat.

WASHINGTON, 30.—The President has directed that Brig. Gen. David G. Swaim, Judge Advocate General of the United States, and Lieut. Col. Albert P. Morrow, of the Sixth U. S. Cavalry, shall be brought to trial before a general court-martial, appointed to assemble at the city of Washington on September 10th. The following is the detail of the court: Maj. Gen. J. M. Schofield, Brig. Gen. A. H. Terry, Brig. Gen. W. B. Rochester, Brig. Gen. S. B. Holabird, Brig. Gen. Robert Murray, Brig. Gen. John Newton, C. H. Smith, Nineteenth Infantry; Col. G. L. Andrews, Twenty-eighth Infantry; Col. L. H. Bradley, Twelfth Infantry; Col. R. R. Ayers, Twenty-seventh Infantry; Col. E. S. Otis, Twenty-eighth Infantry; Col. H. M. Bird, Twenty-third Infantry, with Major A. W. Gardner as Judge Advocate.

NEW YORK, 1.—The Receiver of the Newark Savings Institution this morning began the payment of 60 per cent. dividend, total amount is \$3,700,000.

VICTORIA, B. C., 1.—An explosion at Wellington colliery, Nanaimo, yesterday killed 24 miners and injured a number of others.

WASHINGTON, 1.—Fifteen or twenty Democratic Senators intend to leave by special train for Chicago on Saturday morning should Congress not adjourn by Friday night. The absentees being paired with republicans, will break the quorum and make the transaction of anything but "unobjectioned" business, of which there is very little left, impossible.

NEW YORK, 1.—At the Un. on Pacific office all interest due is being paid. The Northern Pacific officials are paying dividend and interest. The interest on the Iron Mountain and Missouri, Kansas and Texas is being paid, and coupons of the Texas Pacific and New Orleans Division are being taken up.

BRUNSWICK, Maine, 1.—Blaine accepted the invitation of Bowdoin College, and will be in attendance on commencement day, July 10, and will be the guest of General Chamberlain.

KEOKUK, Iowa, 1.—The accident to the construction train resulted in no loss of life as was at first reported. The engine and five cars were precipitated a distance of thirty feet into the river, and the fact that no loss of life occurred under the circumstances is marvelous.

NEW YORK, 1.—The county Democratic delegation to the National Democratic Convention at Chicago will number not less than 750, the badges to be distributed upon their arrival in Chicago. The county Democracy is unanimous for Cleveland since the retirement of Tilden. One prominent member says: "It is the whole field against Cleveland. Should he be knocked out, then Judge Field of California will get some of his votes." The same person says of forcing the nomination upon Tilden, that no friend of Tilden has anything to do with that. It is the work of a crank aided by lesser cranks.

At a meeting of the Tammany committee to-night, it was stated that about 600 Tammanys would go to the Chicago convention. John Kelly made a speech urging the nomination of a man for the Presidency who could carry with him the masses of the people, the laboring class, and the conservative element of the Republican party. If a pure man was the nominee, he predicted a Democratic victory.

The representative labor organizations to-night passed resolutions protesting against the nomination of Governor Cleveland for the Presidency, and pledging themselves to oppose his election if nominated, by every means in their power. A committee was appointed to visit Chicago and protest to the democratic convention against the nomination of Cleveland.

SAN FRANCISCO, 1.—A party numbering 30, representing the friends in this State of Judge Field, left this afternoon by special car to attend the Democratic National Convention at Chicago.

Chicago, 1.—The situation was rather more lively to-day in view of the near approach of the National Democratic Convention. Very few delegates have arrived, and no entire State delegation is expected before Friday or Saturday. In the convention hall there are evidences of great activity. Under the direction of Mr. Alder, the architect

who planned the hall for the Republican Convention, changes are being made to suit the desires of the sub-committee. The hall will be completed by Sunday. Headquarters will be thrown open at the Grand Pacific Hotel by those interested in the candidates. General Butler is expected to arrive Saturday, and a committee of the labor organizations to welcome him is being perfected.

MILES CITY, Mt., 1.—A committee appointed by the citizens of Eastern Montana, to-day telegraphed Secretary Teller, urging the immediate removal of the Northern Cheyenne Indians in Tongue and Roselud agencies. There are now more than 900 without rations and starving, with nothing to subsist on except range cattle, which they are killing in large numbers. The stockmen will make armed resistance if not moved, and the result will be serious trouble with the Indians, who are independent and ugly. The Indians are renegades from Pine Ridge, and have no agency or agent here. The situation is serious.

OTTAWA, 1.—A house of ill-repute on St. Magdalen Street was burned this evening. The fire was caused by the upsetting of a lamp during a drunken carousal, and a girl named Labrauche was burned to death.

NEW YORK, 1.—The schooner *Emerson*, from Cardenas, reports that on June 28, in lat. 38, long. 94, she spoke the yacht *Gypsy* from Panama, for New York. She had her deck swept June 27, and lost two men, her compass and sails.

ITHACA, 1.—After an exceedingly hot day a rain and hail storm, terrific in force, and gathering all the afternoon, struck the village to-night. The water fell in sheets, flooding the streets. The principal streets are filled with fallen trees. There was great alarm. No lives lost.

EMPORIUM, Pa., 1.—This morning some freight cars collided with a number of coal oil cars standing on a side track at Driftwood. The oil caught fire, and 15 buildings, mostly business places, were destroyed. Loss \$55,000; insurance \$20,000.

KEY WEST, 1.—Diaz, the Cuban who returned in the schooner *Shavers*, was convicted to-day of violating the neutrality laws, by aiding in fitting an armed expedition against a friendly power. The jury was out only sufficiently long to take a good dinner. A curious feature of the Agüero matter has been made public to-day. Among the papers left here by him was a letter from a prominent and influential Spaniard, who had traveled with Agüero from New Orleans to Key West, and then proceeded to Havana, leaving Agüero here. During the voyage the matter of the complicated raid was discussed, the Spaniard endeavoring to dissuade Agüero on account of the disturbed condition of Cuba, and assuring him large sums of money would be contributed by Havana for his benefit in which the government would probably join if he would desist from the purpose. The letter states that the writer had seen Captain General Castillo, who had said such matters were not so arranged that he could apparently have the happiness and prosperity of the country at heart, but if the statements were made through diplomatic channels and guarantees given, or some legalized method adopted of reaching the matter, it might be considered. Agüero replied, saying that simultaneous with the receipt of the letter he should be in Cuba, ready to continue the correspondence. The government officials were informed the vessel had left a northern port with a large quantity of ammunition on board. The plan is for the vessel to run into Hillborough inlet, and there be met by a small craft which will land the stores at Torch Key or on Sugar Loaf, where they propose to establish a secret magazine.

NEW YORK, 1.—Another baby farming establishment has been discovered here. The deputy coroner made an investigation of the causes of the death of a child there, and it is said to be a genuine case of baby farming. St. Vincent de Paul Nursery is the name given. It is kept by a colored woman named Mary Josephine Ward. The child of Josephine Creeps was fearfully emaciated, almost to a skeleton. Mrs. Ward explained that the child had been born prematurely and that the mother of it seemed to be a victim of malpractice. She said the nursery was incorporated by the Legislature on December 1st, 1882, and has an advisory board of four white and one colored ladies. Two doctors were advisers of the nursery, and another doctor was its president. Women went frequently to this nursery to be confined.

Miss Lizzy Kemp, while passing East Twenty-fourth street to-night about 10 o'clock, was seized by two colored men, dragged into a stable, gagged and outraged. She struggled and fought desperately, but in vain. The scoundrels were about to escape, when the girl tore the bandage from her mouth and raised an outcry which brought assistance. One of the men was captured. He gave his name as Chas. Hainson. The other escaped. Miss Kemp was taken to the hospital, where she lies in a critical condition.

HELENA, Mt., 1.—G. W. Dean, of Omaha, suicided with morphine at the International Hotel this morning. He left a note saying nobody was to blame but himself. He was tired of living.

KINGSTON, Ont., 2.—Great fires have occurred in several adjacent townships numbering perhaps 100. The fire in the McGill settlement a couple of miles square is still spreading. Near the Mississippi river about a mile from

the railroad station, there is a fire said to cover 13 miles one way by three miles another. The McLaren mills and an immense stock of lumber are surrounded by fire.

WASHINGTON, 2.—The President has vetoed the Fitz John Porter bill.

WASHINGTON, 2.—Confirmations: Watson C. Squires, Washington Territory, Governor of Washington Territory; Gilbert A. Pierce of Illinois, Governor of Dakota; Henry S. Neal of Ohio, Solicitor of Treasury; Samuel A. Losch of Pennsylvania, Secretary of New Mexico; David Pride of Idaho, Secretary of Idaho; John W. George of Washington Territory, U. S. Marshal of Washington Territory; Penumbra Kelly of Oregon, U. S. Marshal of Oregon.

PEORIA, Ills., 2.—The Democratic State Convention assembled at 12.30. Chairman Oberly, of the State Central Committee, eulogized Tilden, and said: "Shall we, in spite of the declination of Mr. Tilden, nominate him for President?" The convention rose and cheered. General McClelland offered a resolution declaring the sense of the convention that the "old ticket" should be re-nominated, but it was declared out of order at this stage of the proceedings.

WASHINGTON, 2.—Attorney General Brewster submitted to the President to-day, in compliance with the latter's request, a long and carefully prepared opinion upon the bill for the restoration of Fitz John Porter to the army, in which he expresses the opinion that the bill is clearly unconstitutional. He says in part: "Whatever powers Congress has upon the subject, the appointments in the army must be derived from some one or more of the following clauses of the Constitution: That Congress shall have the power to declare war, etc.; to raise and support armies, etc.; to make rules for the government and regulation of the land and naval forces; to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, etc. — Section 8, Article I. But another clause of the Constitution declares the President shall nominate, and by and with the advice and consent of the Senate appoint ambassadors, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law, etc; Section 2, Article 2. This is the power expressly given the President by the same instrument, which gives Congress the powers above mentioned; namely, to make rules for the government and regulation of the land forces, etc. From the foregoing powers conferred upon Congress, the power to designate by law a person to fill a military office cannot be implied, since this would be in direct conflict with the power of appointment expressly given the President, as above. Regarding the bill as imposing or attempting to impose upon the President a duty to appoint a person designated therein, it is without any support in the Constitution. It is an assumption of implied power, which is not based on any expressed power, and clearly invades the constitutional right of the President. Congress has no right to enact as a law that which will be ineffectual. It cannot enact, advise or counsel. It must make laws that are rules of action, not expressions of will, that may or may not be followed. Counsel is a matter of persuasion; law is a matter of injunction; counsel acts upon willing; law upon the unwilling. Also, Blackstone's commentaries, 44. If, then, this bill be an injunction commanding the President to appoint, it is a usurpation, and if it be only a counsel it is without the essential element of law, and Congress can enact nothing but that which is to have the full vigor and effect of law; but again, the bill is subject to objection upon the ground that Congress thereby in effect creates an office only on condition that it is to be asked by a particular individual named. If this principle were adopted generally in the creation of offices, it would obviously result in constraining the appointing power to accept the conditions imposed, and fill offices with individuals designated by Congress, thus frustrating the design of the Constitution, which is that officers must be alone selected according to the judgment and will of the person and body in whom the powers of nomination, advise and consent for appointment are vested."

WASHINGTON, 2.—The President this afternoon returned the Fitz John Porter bill to Congress with his objections. He takes the same view as the Attorney General regarding the unconstitutionality of the bill, and says: "There are other causes that deter me from giving this bill the sanction of my approval. The judgment of the court martial by which more than twenty years since Gen. Fitz John Porter was tried and convicted, was pronounced by a tribunal composed of nine general officers of distinguished character and ability. Its investigation of the charges on which it found the accused guilty was thorough and conscientious, and its findings and sentence in the due course of law were approved by Abraham Lincoln, then President of the United States. Its legal competency, its jurisdiction of the accused and of the subjects of the accusation, the substantial regularity of all its proceedings, are matters which have never been brought in question. Its judgment, therefore, is final and conclusive in its character. The Supreme Court of the United States has recently declared that a court martial such as this was, "Is the organism provided by law and clothed with the duty of administering justice in this class of

cases, its judgments, when approved, rest on the same basis and are surrounded by the same considerations which give conclusiveness to the judgments of other tribunals, including as well the lowest as the highest." It follows, accordingly, that when a lawfully constituted court martial has duly declared its findings and its sentence, and the same have been duly approved, neither the President nor Congress has any power to set them aside. The existence of such power is not openly asserted, nor perhaps is it necessarily implied in the provisions of the bill which is before me. But when its enacting clauses are read in the light of the recitals of its preamble, it will be seen that it seeks, in effect, a practical annulment of the findings and sentence of competent courts martial. A conclusion at variance with these findings has been reached after an investigation by a board consisting of three officers of the army. This board was not created in pursuance of any statutory authority, and was powerless to compel the attendance of witnesses, or to pronounce a judgment which could be lawfully enforced. The officers who composed it, in their report to the Secretary of War, dated March 19th, 1878, stated that in their opinion, "Justice requires such action as may be necessary to annul and set aside the findings and sentence of the court-martial in the case of Maj. Gen. Fitz John Porter, and to restore him to the position which their sentence deprived him of, such restoration to take effect from the date of his dismissal from the army." The provisions of the bill now under consideration are avowedly based on the assumption that the findings of the court-martial have been discovered to be erroneous, but it will be borne in mind that the investigation, which is claimed to have resulted in this discovery, was made many years after the event to which these findings related, and under circumstances that make it impossible to reproduce the evidence on which they were based. It seems to me that the proposed legislation would establish a dangerous precedent, calculated to imperil in no small measure the findings, force and effect of the judgments of the various tribunals established under our Constitution and laws. I have already in the exercise of the pardoning power, with which the President is vested, remitted the continuing penalty that made it impossible for Fitz John Porter to hold an office of trust or profit under the Government of the United States, but I am unwilling to give my sanction to any legislation which shall practically annul and set at naught the solemn and deliberate conclusions of the tribunal by which he was convicted, and of the President by whom its findings were examined and approved.

(Signed) CHARLES A. ARTHUR.  
Executive Mansion, July 2, 1884.  
Washington, D. C.

PEORIA, Ills., 2.—In the Democratic State Convention, after some delay, Ex-Governor John M. Palmer was called on, who spoke at considerable length on the question of free trade and tariff, declaring for a tariff for revenue only, and limited to the necessities of economical government. He said if he had the power of him who said, "Lazarus, come forth," he (the speaker) would say, "Samuel J. Tilden, come forth." (Cheers.) Somebody had said the committee on delegates at large to the National Convention had chosen him as one of the number. If that were true, he would go to New York himself and see Tilden. He would take no ones word for it.

This statement was received with great cheers and waving of hands and fans. The speaker proceeded: "But suppose Tilden could not or would not run: what then?" (Cries of "Cleveland," "McDonald," "Morrison," and "Palmer.")

The convention at 5.30, took a recess until 7.30.

A caucus of the delegates to the National convention shows a nearly unanimous sentiment for Tilden if it can be shown he would accept. After him the majority favor Cleveland, and under the unit rule he would probably get the vote of Illinois. Some of the delegates favor McDonald and some Bayard.

The following are the delegates at large: W. R. Morrison, John M. Palmer, J. C. Black and Lambert Tree; forty district delegates were also chosen.

When the convention reassembled it was permanently organized, with Judge Crawford as chairman.

The resolutions and platform were presented and read, and a motion was made to strike out all that part of the platform referring to the tariff. After a long debate the vote by counties was taken on Harrison's amendment, and resulted in a majority of thirty in favor of striking out, and the platform as amended was then adopted at 10 o'clock. The State ticket was then nominated as follows: For Governor, Carter H. Harrison, of Chicago; for Lieutenant-Governor, Henry Seiter, of St. Clair; for Secretary of State, Michael J. Dougherty, of Knox; for State Treasurer, Alfred Orendorff, of Sangamon.

Chicago, 2.—Mr. Austin A. Brown of the committee in charge of the press arrangements for the Democratic National Convention, to-day notified the journals for whom provision has been made, and accompanied the notification with a plat of the hall showing the position of the desks allotted. The desks provided for the accommodation of reporters will not number as many as were placed in the republican convention, by 100. The assignments to