

BY TELEGRAPH.

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AMERICAN.

SARATOGA, 30.—Upon his arrival, Chairman Vilas made a long, eloquent address, officially notifying Gov. Hendricks of his nomination for the Vice-Presidency by the National Democratic Convention; recounting the interesting circumstances of the nomination; dwelling particularly on the enthusiasm and unanimity manifested in the convention hall. Col. Vilas closed with the declaration that it was the especial desire of the democracy to see Gov. Hendricks invested with this dignity, because they knew that once he was given the title to it by the people, and wrongfully denied its possession.

MR. HENDRICKS

replied as follows: "Mr. Chairmann and Gentlemen of the Committee: 'I cannot realize that a man should ever stand in the presence of a committee representing a more august body of men than that which you represent. In the language of another, "The convention was large in numbers, august in culture and patriotic in sentiment;" and may I add to that, that because of the power and the greatness and the virtues of the party which it represented, it was itself in every respect a very great convention. [Applause.] The delegates to this great convention [applause] came from all the States and Territories, and I believe, too, from the District of Columbia. [Applause.] They came clothed with authority there to express judgments and opinions, which are not settled by constitutional law, and for the purpose of passing upon these questions, and selecting a ticket for the people, that convention assembled. They decided upon the principles they would adopt as a platform. They selected the candidates that they would propose to the party for its support, and the convention's work was then done. I have not reached the period when it is proper for me to consider the strength and force of the statements made in the platform. It is enough for me to know that it comes at your hands from the convention, addressed to my patriotic devotion to the democratic party. [Applause.] I appreciate the honor that is done me. I need not question it, but at the same time I accept the honor from you and from the convention, I feel that the duties and responsibility of the office rest upon me also. I know that sometimes it is understood that the particular office of Vice-President does not involve much responsibility, and as a general thing that is so. But sometimes it comes to represent very great responsibilities, and it may be so in the near future, for at this time the Senate of the United States stands almost equally divided between the great parties, and so nearly so that the Vice-President of the United States may have to decide upon questions of interest to all by the exercise of the casting vote. [Applause.] The responsibility would then become very great. It would not then be the responsibility of representing a State or district. It would be the responsibility of representing the whole country, and the obligation would be to the judgment of the whole country, that the vote when thus cast would be in obedience to the just expectancy and requirements of the people of the United States.

It might be, gentlemen, that upon another occasion great responsibility would attach to this office. It might occur that under circumstances of some difficulty, I don't think it will be the next election, but it might occur, that the President of the Senate will have to take his part in the counting of the electoral vote. Allow me to say that that duty is not to be disparaged by any set of men or party, but performed in obedience to a higher authority. [Applause.]

Gentlemen, you have referred to the fact that I am honored by this nomination in a very special degree. I accept the suggestion that in this candidacy I will represent the rights of the people to choose their own rulers. That right is above all; that lies beneath all, for if the people are denied the right to choose their own officers, according to their own judgment, what shall become of the rights of the people, and of free government? If the people select not their officers, how shall they control the laws, their administration and their execution? So that in the suggestion that in this candidacy I represent that right of the people as you have suggested, great honor has devolved upon me, by the confidence of the convention at Chicago. As soon as it may be convenient and possible to do so, I shall address you more formally in respect to the letter you have given me. I thank you gentlemen.

At the close of Mr. Hendricks' remarks, hearty applause was given, and general hand-shaking followed, after which the people paid their respects to Mr. Hendricks and then dispersed.

PARKERSBURG, W. Va., 30.—The republican convention here to-day was the largest and most enthusiastic ever assembled in the State. Geo. F. Evans, of Martinsburg, was elected permanent chairman. The platform arraigns the democratic party for having unfulfilled all its pledges for economy and reform, and for extravagant legislation, and the Court of Appeals for overriding the statutes of the State for the express purpose of punishing a republican newspaper for a proper criticism

of itself and the party. The usual planks concerning convict labor and foreign immigration were passed. An attempt to commit the party to an endorsement of the prohibition plank was defeated by a very decided vote. The following ticket was nominated: Edwin Maxwell, governor; Dr. J. H. Burt, treasurer; Spencer Storm, attorney general; J. A. Hutchinson, superintendent of schools; J. N. Kimball, Supreme Court, (long term); W. H. H. Firek, Supreme Court, (short term); electors at large, John Frew, of Wheeling, and John Cooper, of Hawk's Nest. The State ticket is composed of republicans and greenbackers in about equal proportions.

CINCINNATI, 30.—A terrible explosion occurred at the house of Henry Upmeyer, 21 Oregon street, this morning. A young son of Upmeyer brought home an unexploded rocket that had fallen from the Highland House, where there had been an exhibition of fireworks last night. The lad tried to open it, but failing to do so, his mother seized a hatchet and dealt it a severe blow. A terrific explosion followed. Mrs. Upmeyer was fatally injured; Ida Upmeyer, aged 12, was fatally injured; Charles Upmeyer, aged 6, was severely hurt, and Philip Hill, aged 10, slightly injured. The deadly missile was a six-pound rocket. The vicinity of the explosion is fearfully wrecked.

Pittsburg, 30.—An explosion of gas in one of the dressing rooms of the opera house this evening terribly burned Maggie Welsh, Mollie Campbell and Maria Feley, who were engaged in cleaning the theatre. Gas had been escaping all day, and when the young women went into the room and struck a light the explosion occurred. Maggie Welsh and Mollie Campbell it is thought are fatally injured.

HAWTHORNE, Nev., 30.—The town of Luning, except the depot buildings, was totally destroyed by fire last night. No particulars.

BEATRICE, Neb., 30.—A severe thunder storm visited this region this morning, and lightning struck the farm house of Nathan Miller, near Maryville, Kansas, killing his four daughters while asleep. Their ages were 17, 13, 9 and 7, respectively. A boy of 5 years is badly hurt and the mother is in a critical condition from bereavement.

BRADFORD, Pa., 30.—A special says the Bradford Glass works, which shut down on account of a strike recently, resumed work to-day with non-union men. This afternoon the strikers surrounded the factory while Fortune Degneaux, the new foreman, and Supt. McCartney were inside, and began throwing stones. McCartney escaped, but Degneaux was captured, and his eyes gouged out to prevent him doing any more work. There is great excitement to-night, and it is feared the strikers will burn the factory and other buildings of the company.

CHICAGO, 30.—Thirteen "specialists," or doctors, who advertise to cure diseases, have been indicted by the grand jury. The indictments were secured by the State Board of Health on the charge of practicing medicine without license. It is the opening of a long-threatened campaign against disreputable specialists.

DETROIT, 30.—Three families of some sort of relationship, living together near Mount Moores, Genesee County, have for some time been possessed with the belief that they were bewitched. Yesterday Dr. L. L. Fuller, of Ohio, called to visit a sick woman in the family. He was met at the door by a woman named Mrs. Lomiston, who suddenly stabbed him in the breast, inflicting an ugly wound. The vagaries of the afflicted families are said to be remarkable.

CLEVELAND, 31.—The famous pacers Johnston and Richball were matched to-day for a race for \$5,000, to take place within three weeks. The date and track will be chosen by James Campbell, owner of Richball.

NEW YORK, 31.—Stocks buoyant very active, prices rose $\frac{1}{2}$ to $\frac{3}{4}$, Union Pacific leading with sales as high as 47 $\frac{1}{2}$; Grangers, Western Union, the coal and Vanderbilt's shares are all in brisk demand.

Bar silver, 10 $\frac{1}{2}$; 3's, 100 $\frac{1}{2}$; 4 $\frac{1}{2}$'s, 12 $\frac{1}{2}$; 4's, 20 $\frac{1}{2}$; Pacific 6's, 26; Central Pacific, 41 $\frac{1}{2}$; Burlington, 120 $\frac{1}{2}$; Northern Pacific, 22, preferred, 51 $\frac{1}{2}$; Northwestern, 100 $\frac{1}{2}$; New York Central, 2 $\frac{1}{2}$; Oregon Trans., 13 $\frac{1}{2}$; Oregon Nav., 81 $\frac{1}{2}$; Pacific Mail, 45 $\frac{1}{2}$; Panama, 98; St. Louis and S. F., 7; Texas Pacific, 11 $\frac{1}{2}$; U. P., 46 $\frac{1}{2}$; Fargo Ex., 3; Western Union, 61.

PITTSBURG, 31.—A prize fight between Jim Dillon and Ned Monaghan, local pugilists, near Brownstown last night, resulted in favor of Monaghan in the 21st round. Both men were terribly punished. The contest was witnessed by several hundred people.

PITTSBURG, 31.—Chronicle-Telegraph Petrolia, Pa., special: Yesterday afternoon three masked men entered the house of Rhody Boyle, a well known farmer living near St. Joe, and with a revolver cocked compelled him to open his safe and give them \$13,000 in cash, after which they took to the woods, and have not yet been captured.

ALBANY, 31.—Thomas A. Hendricks will arrive here this afternoon from Saratoga, on a visit to Governor Cleveland. Hendricks will be met at the depot by the Governor's private secretary, Col. Lamont, and drive to the executive mansion. The candidates have never yet met each other. Hendricks will lunch with the Governor and return to Saratoga this evening, where he will probably remain a fortnight. He will be accompanied here from Saratoga by Col. Bannister, of Indiana.

FOREIGN.

LONDON, 30.—A dispatch from Foochow to the Times states there is great tension and excitement in that city among foreigners and citizens. A French man-of-war is off the port under steam and cleared for action. High authority in Foochow, however, declares peace will certainly be maintained.

Advices from Shanghai state that Patenotre is pressing the Viceroy at Nankin to obtain from Pekin a confirmation of the special commercial rights of France with the southern provinces. The French Minister offers to withdraw the indemnity claims if the privileges from the French are extended.

There were 24 deaths from cholera at Marseilles and eight at Arles, during the 24 hours ending 9 p. m. to-day. Record of cholera cases in the hospitals of Toulon to-day: Admissions 7, discharged 11, deaths 4, under treatment 137.

ROME, 30.—At the fire at the hospital of Sangiacomo two unoccupied wards, prepared for cholera patients were destroyed. A case of cholera occurred near Lucia.

St. Petersburg, 30.—The villages of Rybatzkoje and Smolenskkoje, near St. Petersburg, burned to-day.

Varna, 30.—A serious uprising is reported at Yerner. The insurgents have declared for El Mahdi, and have captured several villages, including Sana. Ten thousand troops are ordered from Jeddah to suppress the revolt.

MARSEILLES, 31.—The lower classes dislike and oppose the physicians because they have got the notion that the physicians have been instructed to help the cholera along in order to get rid of the surplus population.

Rome, 31.—Six thousand persons are detained in various lazarettos on the frontier and along the coast.

LISBON, 31.—Port Puelva, Spain, is declared infected with cholera. Ports between Cadiz and Agramonte both inclusive, are also suspected of being infected.

PARIS, 31.—It is rumored on the Bourse that the illness of President Grevy is serious.

PARIS, 31.—Three cholera deaths at Marseilles and three at Toulon last night.

ROME, 31.—The Vatican will recall its delegate from Buenos Ayres in case the Argentine government insists upon the dismissal of Father Clara for his letter against employing American school mistresses.

SHANGHAI, 31.—It is reported here to-day that France and China have made a treaty of peace. China to pay France an indemnity of 5,200,000 taels, also \$7,208,000.

THE UTAH BILL IN THE SENATE.

SPEECH OF SENATOR VEST

Mr. Vest. According to the argument of the Senate all debate cases at 5 o'clock. I should like to say a very few words on some other amendments, for I do not propose to discuss the bill any further. It is not my purpose to say anything more on the subject of woman suffrage. That question we can determine, and all I ask in its determination is that we shall have a yea-and-nay vote so as to see what is the sentiment of the Senate upon that subject.

There is one amendment which I shall propose to the bill at the proper time in regard to section 10. I shall read that section, and I wish to have the attention of the Senate to it so far as I can get the attention of anybody at this stage of the debate and at this late hour in the afternoon. I do not believe that even with all the amount of excited opinion, not to use the word prejudice, that exists upon the subject of Mormonism, the Senate of the United States can deliberately adopt any such provision as is contained in the tenth section of the bill. I was astonished the other day, I say it respectfully, to hear my friend from Massachusetts attempt a justification and a vindication of this most extraordinary provision. I will read it:

Sec. 10. That the laws enacted by the Legislative Assembly of the Territory of Utah which provide for or recognize that capacity of illegitimate children to inherit or to be entitled to any distributive share in the estate of the father of such illegitimate child are hereby disapproved and annulled; and no illegitimate child shall hereafter be entitled to inherit from his or her father or to receive any distributive share in the estate of his or her father.

I submit that our legislation ought to be confined to the punishment of the guilty adult, and it should not strike at the innocent offspring. There has never been a civilized government in existence whose laws were not wisely intended to protect the innocent offspring as far as possible, and to induce the guilty parent not only to protect but to provide for that offspring and to recognize it. Not only upon grounds of Christianity, not only upon grounds of humanity, but for economic considerations, every State should pass such laws as would induce the father of the illegitimate child to recognize that child and to give it a share of his distributive estate. From what great source are our poor-houses, our jails, and our penitentiaries recruited at will? What is the character of the population which fills the streets of our great cities at night?

Mr. Hoar. May I ask the honorable Senator a question for my own information?

Mr. Vest. Certainly.

Mr. Hoar. What is the law in Missouri in regard to the inheritance of illegitimate children?

Mr. Vest. I propose to give the laws of every State in the Union on that subject. In my own State the illegitimate child always inherits from the mother.

Mr. Hoar. I know, but I inquire as to the father.

Mr. Vest. The child inherits from the father where he recognizes it in writing.

Mr. Hoar. That is an adoption. He does not inherit without that?

Mr. Vest. But even here if he does recognize the child in writing—

Mr. Hoar. He can make his will.

Mr. Vest. But my friend evades the provision of this proposed law. I am not talking about wills; I am talking about an instance in which a man says, "this is my child, not begotten in wedlock, but my child before God;" and yet by this bill that child of his is prohibited from inheriting from the father.

As I was proceeding to ask, what population is it that fills our streets at night, growing up afterward to fill our penitentiaries, our jails, and almshouses? They are the vagabond offspring of illicit love. Every State should in its wisdom attempt to make the father not only protect but provide for such offspring. Instead of that, here is a measure which prohibits such a child from inheriting even where the father recognizes that child to be his own.

But what is the legislation upon this subject? This section provides that "no illegitimate child shall hereafter be entitled to inherit from his or her father or to receive any distributive share in the estate of his or her father." The Utah statute on this subject reads (Comp. Laws of Utah, page 275, section 714):

Every illegitimate child is in all cases an heir to its mother. It is also heir to its father when acknowledged by him.

California, Maine, Minnesota, Dakota, Idaho, Nebraska, Nevada, and other States have substantially the same law as ours on this subject. It is as follows:

Every illegitimate child is an heir of the person who in writing, signed in the presence of a competent witness, acknowledges himself to be the father of such child, and inherits his or her estate, in whole or in part, as the case may be, in the same manner as if he had been born in lawful wedlock.

(California Code, volume 1, page 6387; Rev. Stat. Maine, 1871, page 567; Statutes of Minnesota, 1878, page 566; Rev. Code Dakota, 1877, pages 534, 235; Rev. Laws Idaho, 1874-5, page 395; Comp. Laws Nevada, volume 1, page 195; Comp. Laws Nebraska, 1881, page 216.)

Many other States let them inherit when the parents subsequently marry and the father has acknowledged the child. This is so in Ohio, Vermont, Missouri, Kentucky, Illinois, Arkansas, Wyoming, and Montana. But here is an exception to all the legislation of civilized Christendom upon this subject. Here even when the father is willing to acknowledge his sin and stand before church and state and say, "This is my child; I pray God to forgive me, and I intend to take care of it," this proposed law steps in and says, "The child shall not inherit." I say this measure is in direct contravention to the voice and opinion of all civilized and Christian countries on this subject.

There are one or two other sections that I propose hurriedly to notice, for under the agreement of the Senate argument will be shut off in regard to them. Two of the sections of the bill confiscate the property of the Mormon Church, and in my judgment those two sections are as plainly and manifestly unconstitutional as it is in the power of mortal man to draw a provision that would violate the Constitution of this Union.

The Mormon Church was incorporated under the following act:

An ordinance incorporating the Church of Jesus Christ of the Latter-day Saints (approved February 8, 1851):

I shall read that act in answer to the Senator from Massachusetts, assuming that he has no more knowledge personally on the subject than myself. I have never been in Salt Lake and know nothing personally and practically in regard to the facts, but as a lawyer, and speaking as a lawyer and a Senator, I take this act upon its face.

The Senator announced here in opening this discussion, some days before he left the Senate Chamber, that the Mormon Church was inaugurated for immoral purposes. Now I shall read the act of incorporation.

[Here followed the act in full.]

I invoke simply and hurriedly, as I am compelled to do, the general principle of law in regard to these incorporations. This is not a public incorporation, that is, for State purposes; it is the private incorporation of a church and for certain religious purposes, as shown upon the face of the act of incorporation itself. This act of incorporation was ratified by the Congress of the United States, and was in so far made an act of Congress.

The general law, as I understand it, ever since the Dartmouth College case, and even before, has been that unless the right is reserved in the act of incorporation itself to repeal the grants that are in that act it becomes a contract between the incorporator and the Government, whether State or national, and a subsequent legislature, unless a clause is in the original act of incorporation reserving the right to

repeal or amend, has no right to do away by subsequent legislation with the rights thus conferred. Of that I take it there can be very little doubt, and I will only read from a text-book a single sentence. Says Mr. Cooley in his Constitutional Limitations:

Those characters of incorporation, however, which are granted, not as a part of the machinery of the government, but for the private benefit or purposes of the corporations, stand upon a different footing, and are held to be contracts between the legislature and the corporations, having for their consideration the liabilities and duties which the corporations assumed by accepting them; and the grant of the franchise can no more be resumed by the legislature, or its benefits diminished or impaired without the consent of the grantees, than any other grant of property or valuable thing unless the right to do so is reserved in the charter itself.

No such right is reserved in the charter of this church. I care not what may be any one's opinion in regard to the religious character of that institution, it has its vested rights under the Constitution of the United States, which Congress itself can not destroy. I read from another text-book, Private Corporations, by Morawetz, in which the doctrine is laid down as follows:

The rule established by the Dartmouth College case was acquiesced in for a time; but it has been much criticised of late years since its full effect has been made appreciable by the rapid growth of corporations in number and importance, and a tendency has been manifested by the courts to limit its application as far as possible.

The statement that a charter of incorporation is a contract does not convey a very definite idea until the parties to the supposed contract and the exact terms of their agreement have been shown. We have seen that the charter of a private corporation fulfills a twofold purpose. It constitutes a grant from the State to the corporations of particular franchises or privileges; and it also contains the agreement existing between the members of the corporation.

It has been decided that a charter is a contract within the protection of the Constitution of the United States for both of these reasons. It is important, however, to distinguish carefully between them, as very different questions may arise in their application.

The decision that a grant of a charter of incorporation is a contract between the State and the corporations involves two distinct points. It implies, firstly, that a grant of franchises is a "contract" within the meaning of the constitutional prohibition; and, secondly, that the Legislature of a State has constitutional power to limit or bargain away a portion of the legislative power of the State itself.

It should be borne in mind that the Legislature of a State is not the State itself, and that it can grant franchises in the name of the State solely by virtue of the powers delegated to it. Hence, if a grant of franchise is a contract which can not be impaired by subsequent legislation, the Legislature of a State must have constitutional authority to make a contract or treaty on behalf of the State by which a portion of the legislative power of the State is irrevocably given up or relinquished.

The doctrine is clearly and definitely established that unless the right in the grant itself is reserved to repeal or take away the powers subsequently, neither Congress nor a State Legislature has any right to interfere with those powers.

In the last section of the bill (and I propose to say nothing more upon it) is a clause which repeals the legislative enactment of the Territory of Utah establishing the office of superintendent of public instruction. The Senator from Massachusetts stated the other day that the text-books used in that Territory inculcate the Mormon religion, and are full of treason to the Government of the United States. Since the Senate adjourned last evening the Delegate from Utah brought me the paper, which I hold in my hand, and which he asked me as a Senator of the United States, in justice to the people of the Territory and as an act of personal courtesy to him, to present to the Senate. I know nothing personally of the facts, but I ask the Secretary to read the affidavit made by Mr. Clayton, the superintendent of public instruction of the Territory of Utah, in regard to the text-books that are in use under the law of Utah in that Territory.

TERRITORY OF UTAH, County of Salt Lake.

Personally appeared before the undersigned, a notary public in and for said county, L. John Nuttall, who first being duly sworn on oath says: That I am a resident of Salt Lake County, Utah Territory, over the age of 21 years; and that pursuant to the provisions of section 16 of an act of the Legislature of Utah Territory entitled "An act providing for the establishment and support of district schools, and for other purposes," approved February 30, 1880, which reads as follows, namely:

The Territorial and county superintendents and the president of the faculty of the University of Deseret, or a majority of them, shall, at a convention called by the Territorial superintendent of district schools for that purpose, decide what text-books shall be adopted in the district schools and their use shall be mandatory in all the district schools of the Territory: Provided, That no text-books so adopted shall be changed within a period of five years from its adoption, except for sufficient cause, to be decided at a special convention, and any teacher changing the text-books shall forfeit his eligibility as a teacher. The county superintendents, with the trustees, in their respective districts, shall regulate the school terms, allowing such holidays and vacations as may be advisable.

I, as Territorial superintendent of district schools, duly elected and commissioned, did on the 4th day of April, 1882, call a convention as provided in the foregoing act; and on the 14 day of April, 1882, the said convention met and duly organized by electing L. John Nuttall president, Dr. John R. Park vice-president, and John B. Maiben, esq., secretary.

That during the sessions of said convention the following text-books were unanimously adopted for use in the district schools