

DAKOTA LEGISLATURE.

The capital removal bill was laid to rest, for a time at least, by the council this afternoon. It proved to be a remarkably lively corpse, however. The method adopted in disposing of the bill consisted in assigning it to a special committee of five, to be appointed by the president, the same way as the house disposed of its bill. Governor Pierce transmitted a brief message to the council to-day, accompanying which were the report of the capital commission, a memorial from citizens of Yankton, and a letter from the Texas Stockbreeders' association. The memorial calls upon the legislature to pass during the present session an act convening a constitutional convention at an early date, for the purpose of framing a constitution and a state government for the people of Dakota south of the forty-sixth parallel. It was referred to the committee on territorial affairs. From the report of the capital commission the following figures are obtained:

Table with financial data: Received from citizens of Bismarck, \$100,000; Received from sale of lots, \$38,849; Total receipts, \$138,849; Total expenditures, \$138,849; Number lots platted, 994; Appraised at, \$123,415; Number lots sold, 245; Number unsold lots, 749; Appraised at, \$85,521; Total indebtedness, \$30,143 45; Cost of steam heating, \$9,990.

The steam heating apparatus was placed in the building with the understanding that the legislature would make an appropriation to cover the cost. Furniture and lights have been placed in the building for the inspection of the legislature, no assurance having been given that the same would be purchased. Insurance to the amount of \$25,000 has been placed on the building, the policies expiring in April and May next.

NEW BILLS.

Of the bills introduced to-day in the council the following are among the more important:

By Mr. Kennedy, to locate the Central Dakota university in the village of Independence; by Mr. Smedley, to locate and establish an asylum and school for the blind at Millbank; by Mr. Westover, to provide for the payment of expenses incurred by the territorial militia in the service of the county, and to assess the amount, \$2,335.30, upon the village of Redfield; by Mr. Wash, to construct the main building of the North Dakota university at Grand Forks, and to authorize the secretary of the territory to issue bonds to the amount of \$100,000, running twenty years, at 6 per cent, redeemable at option after ten years, to defray the expenses of construction.

The following council bills were passed: To protect the passage of fish in the James and Cheyenne rivers; to authorize the board of county commissioners of Grand Forks to fund outstanding indebtedness; providing for printing one hundred copies of all bills daily; a joint memorial to congress, praying for the appointment of Lieut. Greely to a position in the signal service; a joint memorial to congress asking for the reduction of the price of government land inside railroad right-of-way to \$1.25 per acre; to revive and re-enact the act locating the North Dakota agricultural college at Fargo.

Business in the house moved along smoothly this morning. The capital-removal bill has been disposed of for the present, and some good work may be looked for. Mr. Johnson introduced a bill to provide for the abolition of boards of county commissioners, substituting therefor a board of county referenda, which shall hold its meetings twice a year, in May and October. The board is to consist of the chairmen of the boards of supervisors of the different townships in the county. Each ward of every city also to have a representative. The salary of each member is fixed at \$2 per day for each day of actual service, and mileage at two cents.

The council bill defining the boundaries of Edmunds and McPherson counties was passed. The council bill changing the name of the village of Ordway to Independence was read a second time and referred to the committee on towns and cities. The house committee on elections will report to-morrow in favor of seating Strong, the member from the Twelfth district, whose seat was contested by Bechtel. The new evidence introduced by Hutchinson in the matter of his contest may result in his securing the seat.

The board of capital commissioners of Dakota have made a report to the governor and legislature, which, after giving a concise history of the organization of the board, and the program carried out in locating the capital at Bismarck, continues with an elaborate description of the newly erected capitol building and the litigation following the removal. The board alleges that but for the financial and litigation depression the lots donated to the territory by Bismarck would have sold for at least \$250,000. The minimum valuation placed upon the 1974 lots platted is \$129,415, and 749 lots remain unsold, appraised at \$85,521, beside 160 acres adjoining the city on the south. The financial transactions of the board are shown as follows:

Table with financial data: Total receipts, \$138,849 00; Total expenditures, \$138,849 00; Number of lots platted, 994; Appraised at, \$123,415 00; Number of lots sold, 245; Amount received for lots sold, \$38,849 00; Amount above appraised value, \$95 00; Number of unsold lots, 749; Appraised at, \$85,521 00; Total indebtedness, \$30,143 45.

The capitol is insured for \$25,000, and the board recommends an additional \$100,000 insurance upon the building.

SENATE.—Mr. Merrill, from the committee on finance, reported favorably, with amendments, the house bill for the retirement and recoinage of the trade dollar. The vote in committee was 6 to 4 against the bill. The committee will notice that he would call up the bill Tuesday next.

Mr. Cameron (Pa), from the committee on military affairs, reported the bill to authorize the establishment of a retired list for non-commissioned officers and privates of the United States army who have served thirty years and upwards.

Senator McMillan, from the judiciary committee, reported favorably Senator Hoar's bill to provide two additional associate justices for Dakota.

Senator McMillan introduced an amendment to the Indian bill, appropriating \$730 to pay John Kanla for depredations by the Sioux in 1882.

In executive session, the president nominated William M. Buswell of Louisiana naval officer of the customs, district of New Orleans, confirmations—H. C. Minor, Louisiana, collector of internal revenue, district of Louisiana; John F. Hartranft, Pennsylvania, collector of customs, district of Philadelphia; Sanford E. Chaille, Louisiana, member of the national board of health; Capt. Almon F. Bockwell, assistant quartermaster, to be quartermaster with rank of major; Nelson A. Dunning, Michigan, consul at Auckland; Assistant Naval Constructor George F. Mallet, California, naval constructor. Postmasters—Henry S. Hindekoper, Philadelphia; John M. Bacon, Oregon City, Or.; Thomas J. Rice, Nevada; William B. Fish, Anamosa, Iowa; Donald McDonald, Grand Forks, Dak.

In executive session Senator Bayard concluded his speech upon the Nicaraguan treaty. He maintained that the Clayton-Bulwer treaty is still in force, and that the ratification of the Nicaraguan treaty would be a violation of it. A running debate of an hour then took place. Senator Sherman had two amendments pending. One is to open negotiations with England for the abrogation of the Clayton-Bulwer treaty before proceeding with the ratification of the Nicaraguan treaty. The other is to provide that there shall be no discrimination either for or against any government in canal rates for the passage of vessels.

House.—The Army Appropriation bill was discussed and passed. Only two amendments

were made by the house. One of these changes the articles of war relating to courts martial so as to permit such courts to regulate the hours of their sessions, and the other strikes out the paragraph reported by the committee authorizing graduates of the United States military academy to be attached to any corps of the army for which they are recommended by the academy board as additional second lieutenants until vacancies happen. This paragraph was inserted to guard against the discharge of cadets who will graduate in 1886, the class of that year being unusually large. McMillan of Tennessee and Warner of Ohio led the opposition to this paragraph, which was knocked out on a point of order.

BISMARCK, Dak., Special Telegram, Jan. 28.

The principal event of the day in the legislature was the passage of Mr. Oliver's bill regulating the transportation of grain and other freights. By a motion passed yesterday the bill was recalled from the committee on warehouses and grain grading and made the special order for 3 o'clock to-day. The committee have had the bill under advisement for some two weeks and were agreed as to its merits, no amendment having been proposed. When the bill came up for consideration to-day Mr. Pickler opposed it vigorously on the ground that more time should be taken in which to decide so important a measure. A large majority, however, held the opinion that immediate action was loudly demanded by the farmers, whose interests were suffering from the extortions and abuses of the railroads. The house went into committee of the whole, Mr. Martin in the chair, and had the bill under consideration the greater part of the afternoon. The provisions of the bill were thoroughly discussed, and a few amendments offered by Mr. Oliver himself adopted. A little before 6 o'clock the committee arose and reported favorably. A vote was taken and the bill passed, but one member voting in the negative. The text of the bill as amended is as follows:

Section 1. All persons, firms or corporations operating a railroad in this territory shall receive and transport grain and other freight in bulk in car load quantities from any person, firm or corporation from wagons, sleighs, warehouses or elevators, at any station or siding from which it is customary to ship grain or freight, and shall be entitled to receive an equal share of the freight on such grain and other freight, and whenever the rate shall be changed the new schedule shall be so posted.

Section 2. All persons, firms or corporations shipping grain or other freight shall be charged the same rates of freight for the same kind of grain or freight in car load lots, from the same station to the same station, and no rebate shall be allowed to any person or corporation.

Section 3. All persons, firms or corporations operating a railroad in this territory shall keep posted in each of their freight offices their rates of freight in car load lots, from that station to every other station to which it shall be customary to ship grain and other freight, and whenever the rate shall be changed the new schedule shall be so posted.

Section 4. Any person, firm or corporation operating a railroad in this territory shall refuse or neglect to receive or transport grain or other freight in bulk, shall forfeit and pay to the party aggrieved the sum of \$100 for every car so refused, to be recovered in an action brought in any court having jurisdiction of the amount; and any person or corporation that such railroad corporation shall be liable to pay a greater rate of freight for the same kind of grain or other freight in bulk, in car load lots, than said railroad company shall collect from any other person or corporation on like freight between the same stations, shall be entitled to recover from said railroad company, for each car on which such greater rate of freight shall have been collected as aforesaid, the sum of \$100, to be recovered by the party aggrieved in an action brought in any court having jurisdiction of the amount.

Section 5. The provisions of this section may be enforced by the supreme and district courts by the writ of mandamus.

Section 6. This act shall take effect and be in force from and after its passage.

The council bill extending the time for delinquent taxes to June 1, amended to except Lawrence county, passed the house by a vote of 32 to 10; the amendment, however, being stricken out. The bill changing the name of the village of Ordway to Independence failed to give satisfaction in certain quarters. De Woody stated in the house to-day that citizens of the village thought it incomplete in some respects, therefore he moved its recall from the council and reconsideration by the house. As the bill passed the council first, and was then passed by the house without amendment, it is now too late for a recall, and it will have to go to the governor. The ex-governor's enemies say that he alone is responsible for the move.

THE COUNCIL held a short session to-day. Mr. Natwick's bill authorizing Brookings county to issue bonds to the amount of \$40,000 for court house and jail, the bonds to be voted for at a special election, passed. Mr. Nickerson introduced a bill providing for a special election in McHenry county, the second Tuesday in May, for the purpose of dividing the county into three commissioner districts. Mr. Twomey introduced a bill amending the game laws so that ducks shall be included in the list of birds protected between Jan. 1 and Aug. 15. Messrs Pettigrew and Nickerson were appointed additional members of the committee on revenue. On motion of Mr. Washbaugh, the consideration of the governor's message was made the special order for 3 o'clock to-morrow. Mr. Twomey will introduce to-morrow a bill providing for the reorganization of the board of education at Fargo. As constituted at present, the board consists of twelve members—two from each ward—chosen at the spring election when city officers are elected. The bill provides that the board shall consist of nine members, elected at large at a special election to be held the third Tuesday in April; three shall serve for one year, three for two years, and three for one year, three being elected each year thereafter and serving three years. The movement is made to take educational matters out of politics. Anderson, the contestant of Hutchinson's seat in the house, has fled with the committee his notice of withdrawal and gone home. A report will be made to-morrow in the case.

Delegate Raymond has introduced a bill to increase the jurisdiction of probate courts in Dakota. It provides:

Probate courts of Dakota in their respective counties, in addition to their probate jurisdiction, shall hear and determine civil cases at law and in equity where the damage or debt claims does not exceed \$1,000, and criminal cases arising under the laws of the territory where the punishment is not imprisonment for more than ten years or death, and concurrent jurisdiction with the district courts in cases of appeals from justices of the peace and police magistrates; all criminal offenses cognizable in the probate courts to be prosecuted by information by the district attorney.

No jurisdiction is given where title to lands is in question.

The council held a brief session to-day, but little business being on the docket. The principal bill introduced was by Mr. Washbaugh of the Black Hills providing for a constitutional convention for South Dakota. The preamble reads as follows:

Whereas, experience has abundantly demonstrated that the welfare of the people is promoted by the establishment among them of a repub-

lican in form; and whereas, the territorial system of government has no stability, is temporary in character, possesses no sovereign powers, and is in the hands of the federal government; and whereas, the rapidly increasing demands of its various and growing interests; and whereas, it has ever been and still remains the wise policy of the present government to foster and encourage the development and settlement of the territories until such time as their population shall be sufficiently numerous to entitle the people to become admitted into and become a part of the United States of equal footing with the states which compose the union; and whereas, that part of the territory of Dakota south of the forty-sixth parallel of latitude now contains a population sufficient to entitle it to admission into the Union, and such population now being desirous of being fully enfranchised and of enjoying all the privileges of American citizenship; and whereas, public opinion in the United States has decided, and the congress of the United States, by their action upon the bill for the admission of such part of Dakota into the Union, has admitted that that portion of Dakota south of the forty-sixth parallel does possess the requisite population and all other qualifications necessary to entitle it to admission into the Union as a state; therefore,

Be it enacted by the legislative assembly of the United States of America, that a delegate convention is hereby called to meet at the city of Sioux Falls in the county of Minnehaha in said Territory of Dakota, on Tuesday, the 20th day of September, A. D. 1885, at 12 o'clock meridian, for the purpose of framing a constitution, republican in form, and performing all other things essential to the preparation of the territory for making application to the general government for the admission of such part of Dakota into the Union as a state.

The bill further provides that the convention shall consist of 111 delegates, to be chosen at a special election, to be held Sept. 1, and any amendments to be made after the passage of the act to be entitled to one delegate.

OTHER BILLS. were introduced as follows: By Mr. Willis—Providing for the maintenance of a uniform system of common schools in the territory. By Mr. Warner—Providing for a special election, to be held the third Tuesday in May, for the purpose of voting to relocate the county seat of Bon Homme county. By Mr. Twomey—Amending sec. 5, chap. 13, relating to the education of the blind. It provides that every blind person, or those too blind to acquire an education in the common schools, shall be entitled to receive an education for at least ten years, at the expense of the territory, at the asylum for the blind. By Mr. Westover—Relating to the appointment of judges of the court and clerk of the court, independent school district No. 2 in Lake and Moody counties. By Mr. Twomey—Amending the code relating to the mortgage of personal property. Council bills passed: Authorizing the council and the speaker of the house to appoint stenographers, at a salary of \$6 per day; enabling school districts in Barnes and Griggs counties to issue bonds to fund outstanding indebtedness; and the following joint committee for the purpose of considering and reporting from time to time measures relative to the division of the territory and the admission of the southern half as a state was appointed to-day.

From the Council—Messrs. Twomey, Washbaugh, Nickerson, Duncan and Gamble. From the House—Messrs. Pickler, Roach, Eldridge, Smith, Farwell, Barnes and Buer. Mr. Gamble, chairman of the council committee, appointed to confer with a like committee from the house concerning Council Bill No. 65, memorializing congress for the division of the territory, reported that the house would be requested to recede from its position disagreeing with the council amendment recommending division on the forty-sixth parallel or the seventh standard parallel, as congress should decide. By Mr. Pugh, creating a subdivision of the Sixth judicial district, consisting of McIntosh and Dickey counties. By Mr. Martin, abolishing the necessity for proof of existence of a person before the election of a county attorney, and his appointment. By Mr. Bunker, establishing an asylum for the blind at Salem. By Mr. Johnson, incorporating the village of Aberdeen, in the county of Lawrence, into the county to issue \$5,000 bonds for bridges.

HOUSE BILLS PASSED. To incorporate the village of Webster; providing for disposal of actions and proceedings originally brought in the district of Dakota, and in the counties or subdivisions now included in the Sixth judicial district and the jurisdiction thereof since the creation of the Sixth judicial district; enabling physicians to collect bills for services rendered; authorizing boards of county commissioners in counties where there is no court house or jail, to provide necessary accommodations for county officers; providing that a married woman holding property in her own name, shall be held liable for the amount of improvements. Council bills passed: Providing for printing report of the agricultural college; amendatory provisions for incorporating Valley City; locating the county seat of McCook county at Salem and funding outstanding indebtedness; providing for the payment of legislative printing; authorizing Grant county to fund outstanding indebtedness by changing the name of Elgin, Cass county, to Ayr. The committees on railroads of the two houses have practically agreed to refer to an appointing committee of railroad commissioners a subcommittee consisting of Smedley and Twomey from the council and Huntington and Van Osdel from the house are preparing a special report on the subject, to be submitted at an early day.

The measure of most importance considered by the council to-day was the bill appropriating of \$20,000 for the establishment of a school of mines at Rapid City, in the Black Hills. The bill came up on its third reading, having been reported from the committee on appropriations with recommendation for passage. A movement was made to recommit, but was defeated, and the bill passed by a unanimous vote. During the discussion Mr. Pettigrew spoke at length on the resources of the Black Hills, urging the provision of the bill as necessary to the development of the country. The bill providing for the extension of time for the payment of taxes from Feb. 1 to June 1 was passed, the house amendment regarding Lawrence county being approved. The bill then was sent to the governor immediately after its passage and received his signature. The provisions of the bill take effect at once. Bills introduced: By Mr. Gamble, providing for contesting elections for county officers and for the location of county seats. By Mr. Twomey, amending an act providing for a board of education for the city of Fargo. By Mr. Jones, providing for the boundaries of counties. Council bills passed: Authorizing the appointment of an assistant crossing clerk for each house; amending the game law so as to extend the date for killing grouse, etc., to Sept. 1; applying railroad tax collections in Union county to the payment of the principal and interest of certain bonds issued by the town of Elk Point; appropriating a sufficient sum for the purchase of water for the use of the capitol building; changing the name of St. James Protestant Episcopal church, James county, to Grace Protestant Episcopal church. The governor reported to the council that he had approved the bill appropriating \$25,000 for the territorial exhibit at New Orleans, also authorizing the appropriation of \$100,000 to pay for the purchasing of coal for the capitol building. He also reported having signed the house bill legalizing the issue of bonds of the city of Wahpeton and the appointment of a committee of three to divide the territory into counties, and he spent the afternoon in committee of the whole, Mr. Roach in the chair, discussing the bill mem-

MEMORIALS CONCERNING TO DIVIDE THE TERRITORY.

As originally passed by the house, division was asked for on the seventh standard parallel. The council amended, leaving it in the discretion of congress to divide either on that or the forty-sixth parallel. The house refused to concur in the amendment, and a committee of conference was appointed, which reported to-day in favor of the amendment. Thereupon Mr. Comber and others attacked the bill, deprecating division on the forty-sixth parallel for the reason that farms, towns and counties would be cut in two. An uneasy wrangle seemed imminent, when friends of the bill moved that the committee rise and report. The bill then passed. Bills were introduced in the house providing for the appointment of the usual committees to visit different public institutions throughout the territory, and for the exemption of farm improvements to the amount of \$2,000, and farming implements to the amount of \$500. The bill changing the name of the village of Ordway to Independence, was not referred to the house as requested, but will go to the governor, who will probably either sign it or allow the requisite three days to pass, in which it will become a law. It is generally understood that the efforts to recall the bill from the council for amendment, were due to ex-Gov. Ordway. The Spink county troubles still agitate the public mind, and the arguments of the lobby weary the house committee on counties. The committee holds daily sessions and listen to arguments pro and con from the numerous representatives from the seat of war, whose towns are aspiring to county seat honors.

Charley H. Fee, assignee for the J. I. Case Plow company, at Racine, sold till property for \$175,000.

Another find of coal has been made in Day county, the coal being sixty feet below the surface.

Eleven million acres of public lands in the territory were disposed of last year.

George T. Flint, late deputy collector, of customs at Neche, accused of irregularities, is reported to be at Greta, across the Canadian line. In a letter he denies the reports against him, and accounts for his departure by stating that he became aware that a conspiracy was being worked up against him by political opponents, but that he is now in communication with friends in Minnesota, and will clear himself of the charge.

The city council has disbanded two of the fire companies—The Continental hose company and the Hook and Ladder No. 1 Hard. The trouble arose over a conflict between the companies and the council over the election of a chief, the council persistently refusing to confirm the fire department's choice for that position. One company, the Yerva hose company, is still in service, and immediate steps will be taken to put the department in its former state of efficiency.

There are now eighty-one organized counties in Dakota. The largest one (Morton) contains within its borders 2,700 square miles. The state of Rhode Island contains an area of only 1,300 square miles, while Dakota has twenty counties within her boundaries which are each larger than that entire state; the one above mentioned being over twice as large. Dakota also has two counties each larger than the entire state of Delaware. With the exception of Alaska, there are only two divisions in the United States (Texas and California) which surpass it.

A fire at Lisbon burned Evan's restaurant. Loss \$1,000; insurance, \$750. The Clipper's office, twenty-five feet distant, also caught fire, and was totally consumed. In the Clipper building was also located the variety store of Louis Erickson, and his stock and fixtures worth \$1,200, was almost a total loss. Insurance, \$750. Owing to the strong wind the flames damaged the Ransom county bank building, about \$300, but this is fully insured. The fire stopped here, there being no other structure near. The building in which the Evans restaurant was located is said to have been worth \$1,500, and \$300 was all the insurance.

A carefully estimated list of the buildings and public improvements carried on in Mitchell during 1884 shows that \$283,425 have been expended in that time. Of this amount the city government has spent \$25,000 in grading, sidewalks and new school buildings.

The annual meeting of the Dakota Midland was held last week at Ellendale. The annual report of General Manager Becker showed that property valued at \$336,824.17 was acquired during 1884, and in addition to this 265 miles of preliminary line were surveyed. During the year 11.39 miles of road were graded.

George T. Flint, formerly of Winona, Minn., who has been deputy collector of customs at Neche for the past year, was asked to resign on or before the 1st of January, on account of general inefficiency, which he did. Since then, through the aid of a special agent of the treasury department, certain irregularities have come to light that place Flint in a very unfavorable position. While the officials of the custom department were investigating his office, he took the opportunity to cross the line into Manitoba, and is believed to be at Winnipeg.

In a shooting affray at Gordon, Black Hills, Charles Reckey was seriously, if not fatally, wounded by Del Emnis.

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Griggs County, Dak.

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