Lincoln County Advocate.

WEDNESDAY, FEBRUARY 14, 1877.

ODDS AND ENDS.

—L. D. F. Poore, of Springfield, has been re-appointed Receiver of the U. S. Land office, of the Springfield, Dakota.

—The Commission have decided to count the Florida electoral vote for Hayes & Wheeler, by a vote of 8 to 7.

—Capt. Gardiner, of Deadwood, has arranged for establishing smelting works at that point in the spring.

—A Bill making it a criminal offense to sell Chattel Mortgaged property, without the consent of the mortgagee, has passed the Legislature of Dakota.

—"Fretting certainly is something more than a fault—it is a vice. A vice to which habit strengthens, just as it strengthens the taste for liquor."—*Ella Wheeler.*

—Bismarck is to have special term of Court, commencing the 22d of February, to try the 18 criminals confined in the county jail.

—Three men were murdered between Cheyenne and Black Hills. Running off 25 or 30 horses, caused their pursuit and death.

—J. Q. Burbank, who contested the seat of D. M. Kelleher, in the House, was declared entitled to his seat, on Wednesday last, and was sworn in by Judge Bennett.

—The Bill to extend the time for the payment of taxes, in Minnehaha, Clay, Turner, Lincoln, and Lake counties, without penalty or interest, was defeated in the House, by a vote of 16 to 9.

—District Attorney, of the District of Columbia, moved to dismiss the case of U. S. vs. Gen. Belknap, upon the grounds that the evidence would not sustain the prosecution.

—Tennie Claffin, on Friday morning told a reporter of the Inter-Ocean, that "great and sudden news will soon be flashed over the wires, that will astonish the whole country, and will seriously effect the entire nation, and I am strongly impressed that what I have seen portends death to one of the aspirants for Presidential honors. I can't say possitively, but I think Tilden."

—Two children died very suddenly in Yankton, of that dreaded disease, "cerebro spinal meningitis," one a litte daughter of Capt. and Mrs. Lavender; the other, a child of Mrs. Worthen. R. B. Hunt, a gentleman connected with the Excelsior Mill Co., was stricken insensible with the same disease, but is better, and hopes are entertained of his recovery.

—Should the treaty, now pending in Congress, relative to the cessions of Black Hills region, by the Indians be ratified, the Bill that Dakota Legislature has just passed, defining boundaries of certain counties, requires the Gov. to appoint for certain counties, 3 commissioners, Register of Deeds, Sheriff, Treasurer, District Attorney, Judge of Probate, Coroner, Assessor, and Superintendent of Public Instruction.

Mr. Hale, a member of Congress, rose to a question of privilege in the House, Thursday morning, charging that the Sargeant-at-arms, had confined J. Madison Wells, and J. C. Anderson, in a damp, dark dungeon, in the bascment of the capitol, and that Mr. Anderson, who is over 70 years of age, was confined to a bed in the dungeon. Those gentlemen are only held for refusal to surrender certain papers which they claim are not in their posesion.

—David Dudley Field, the newly elected member from New York and who is one of the counsel for Tilden, in the Presidential contest, was detected in submitting a false and garbled statement of the testimony taken before congressional committee. The commission being apprised of the fact, ordered the room cleared, and Mr. Field was obliged to confess to his hame, when he begged for the record to be wiped out, of his attempt. Two years ago, his name was stricken from the Roll of the Bar of New York, for misconduct.

—As two men Dean and Young were leaving the Spearfish in the Black Hills, on the 6th inst., they were fired upon by Indians. Dean was seriously wounded twice, but they escaped further injury. Also on the 8th inst., Thos. Waldron was killed by Indians, at his ranche, a short distance from Crook City, and another man wounded; the Indians captured about 50 hnrses, and on the same evening, some Cheyennes attacked Chase's Ranche, on Horse Creek, thirty miles uorth of Cheyenne, W. T., battle was given, and the Indians were driven, and four of their ponies captured.

—The Bill which has passed the Legislature, relative to highways to the Hills, designated three routes; one from Bismarck, one from, at, or near Ft. Pierre, or Ft. George, near the mouth of Bad River, one from mouth of White River, opposite Brule City. It also provides for the appointment of three Commissioners by the Governor to locate the Bismarck and Ft. Pierre route, who shall survey, locate, and mark by suitable mounds, and make such improvement as shall be necessary for convenient passage of loaded teams, and appropriates $3,000 for the purpose. The carrying out of this bill, depends of course, upon the ratification of the treaty with the Indians, by Congress.

—The *Journal* of the 9th inst., publishes an account of arrangements perfected for carrying freight and passengers to the Black Hills from Sioux City, from which statement we condense the following: Freight will be carried from Sioux City to Deadwood, Crook City, or Rapid City, for $4 per 100 pounds; to Gayville, for $4.50; and to Custer City, for $5. Ore will be carried from Deadwood, Crook City, or Rapid City, to Sioux City, for $1.60 per 100 pounds.

Six-horse coaches will be in operation from Pierre after opening of navigation. The freight line will during the entire season carry passengers from the river in its covered wagons. Fare from Sioux City—allowing 160 pounds baggage to each person—to Deadwood, Crook City, and Rapid City, 1st class, $24; 2d class, $17.50; to Gayville, 1st class, $24; 2d class, $18.50; to Custer City, 1st class, $26; 2d class, $20.50. Time, distance, and accommodation—Sioux City to Yankton, rail, 4 hours; Yankton to Ft. Pierre, boat, 60 hours, 290 miles; Pierre to Crook City, covered wagons, 125 miles, 4 to 6 days. First-class fare, gives cabin passage, berth and meals on boats; 2d class, deck passage; on wagon train, traveler furnishes his own meals. The route will be equipped with over one hundred covered wagons, and at least one train will leave Pierre every week, and oftener if necessary.

—The *Press* contains proceedings had at the Soldier's re-union at Yankton, on Tuesday, the 6th inst., and publishes in full, the address of Judge Bennett, orator of the occasion; also that of Phil Faulk, historian. We know Phil well, and as we read the soul stirrring passages that appear so frequently in his eloquent recital, we could see in imagination the scenes he described so vividly. This effort has developed an element that should place Phil. foremost in the rank of the young orators of Dakota; his service was that of a true patriot, and performed beneath the burden of knapsack and musket, and not with fancy sword and glittering shoulder-straps, and upon staff and detached duty; the blood and death scenes surrounded his march, and as he says, "when I came out of the stifling dust and smoke of that bloodiest battle ever fought on the American continent, I laid down my arms, to carry in their stead, an empty sleeve."

Legislative Proceedings.

COUNCIL.

Mr. Potter from committees on election reported that the testimony in case of contested election seat between McHench and Back, that Back was entitled to his seat.

Mr. Bailey offered an amendment of Council Bill 30, relative to fixing the rate of taxes for 1878 and 1879, amendment was adopted and Bill re-considered.

Mr. Miner introduced C. B. 32, provided for three wagon roads to Black Hills; one from Brule City, one from Ft. Pierre, and one from Ft. Lincoln, referred to committee on highways and bridges.

House resolution relative to asking Congress to extend time of session of Legislature twenty days, was not concurred in.

On motion of Mr. Pettigrew, report of committe on contested election cases be taken up. Mr. Wallace asked if the President ruled that Mr. Back was privileged to vote on this question. President stated that would be decided when he offered to vote. Miner moved adoption of the report.

Motion was seconded.

President put the question, and Mr. Pettigrew proceeded to speak, when Mr. Miner moved the previous question.

Mr. Pettigrew held that when he had the floor, motion from previous question could not be accepted.

Chair ruled that Mr. Pettigrew was right.

Mr. Miner withdrew his motion.

Mr. Wallace asked that Mr. Back be kept from voting.

Mr. Back stated that he did not intend to vote on the adoption of the report.

Chair ruled that he was out oe order.

Mr. Miner moved to adjourned.

Mr. Wallace wanted to know if he was to be crowded off the floor.

Chair held that would be when out of order.

Motion to adjourn was carried.

February 3.

C. B. No. 30, relating to fixing of territorial taxation, was brought up on 3rd reading, and after discussion, bill was rejected.

House file 22, providing for establishment of boundaries for Black Hills counties and the names thereof, was passed.

22d day.

Council Bill 23, relating to prairie fires, was laid on table for future reference.

H. F. 33, a substitute for protection of wild animals, fowls, and insect-destroying birds, read twice, and referred to committee on Territories.

Council went into committee of the whole, on civil code; committee rose at 4 o'clock, the code was adopted, and council adjourned.

28th day.

Mr. Wilson introduced resolution, that a committee of three be appointed to investigate relative to corrupt proposals that have been made to members of Council, to influence their action in relation to important measures pending before this body. Resolution adopted.

Mr. Bailey introduced bill for establishment of courts in counties of Pennington, Custer, and Lawrence in Black Hills, also bill for providing for publication of proceedings of Supreme Court.

Mr. Bailey's Bill for establishing of Courts in Black Hills passed, by unanimous vote.

C. B. 42, to locate three roads from Missouri River to Black Hills, was indefinitely postponed.

H. F. 37, to provide for improvement of certain highways from Missouri River to Black Hills, passed.

February 6.

House file No. 35, had second reading.

Civil code passed by unanimous vote, with amendments.

Mr. Miner moved that the vote by which civil code was passed, be re-considered.

Motion adopted. Bill laid on the table.

Mr. Wilson introduced Bill to amend Section 7, Chap. 55, Laws of 1874–5, defining Judicial Districts of Dakota.

Bill 27, to locate Territorial road from Sioux Falls to Ft. Thompson, referred to special committee with authority to report substitute.

Bill 19, to incorporate city of Fargo, passed.

President stated that the Engrossing Clerk had not attended to duty assigned him.

Mr. Wallace moved that he removed from his position.

After explanation, motion was laid on the table.

Mr. Bailey recalled Council Bill No. 25, for correction, which which was adopted, and vote by which bill passed, was reconsidered.

Bill to fund indebtedness of Yankton county, passed.

HOUSE.

February 2.

Committee on election reported that the evidence presented shows that more votes were cast at Jamestown, Stutsman county, than were legally present in the county, that day; yet no evidence showing that any person voted illegally, that day. Report made without recommendation.

Mr. Sargent offered resolution that John Q. Burbank is the legally elected member from the 7th district, and is entitled to the seat, and on motion of Mr. Clarkson, further consideration was postponed until 2 p. m.

Council Bill No. 22, relative to changing time of meeting of legislative assembly, and for an extra session was passed, under suspension of rules.

House file No. 10, providing for submitting to voters of counties in the territory, the question of license to sell intoxicating beverage, shall be granted or refused, was referred to committee of the whole, having in charge H. F. No. 4, as a bill for a political code.

H. F. No. 33, an act to protect wild animals, fowls, and insects-destroying birds, was passed.

H. F. No. 27, providing for location and improvement of certain highways from Missouri River to Black Mills, to be located by three commissioners at three dollars per day, and appropriate $3,000 for the purpose, was passed.

H. F. No. 34, Bill to provide for an act for the immediate immigration interests of Dakota Territory, passed.

Mr. Adams offered substitute for Mr. Sargent's resolution, moving that D. M. Kelleher is entitled to his seat. Substitute adopted.

House went into committee of the whole, Coddington in the chair.

February 3

Mr. Falde gave notice of Bill, relating to delinquent taxes in Lincoln county.

Mr. Thompson introduced Bill fixing the time for election county officers, and for other purposes.

Council Bill No. 14, to provide for funding outstanding indebtedness of Minnehaha and Lincoln counties was read sesond time, and referred to committee on ways and means.

H. F. No. 30, providing for registration of voters was read second time and referred to committee of collections.

House file No. 10, providing for submitting question of license to sell liquor, to a vote a people was read third time, and on motion, was laid on table.

February 3.

Mr. Beadle, from judiciary committee, reported H. F. No. 12, a bill for civil code.

House file No. 35, code of proceedings in courts of justice of the peace, and to limit jurisdiction of. same, was passed.

February 5.

Committee on ways and means recommended passage of C. B. No. 22, to enable Sioux Falls to vote aid to Worthington & Sioux Falls Railroad.

Message informing house that C. B. No. 21, naming new counties in Black Hills, defining boundaries thereof, had passed.

Mr. Coddington introducad bill for an act providing manner of contesting election of county officers.

C. B. No. 14, to enable Lincoln and Minnehaha counties to fund their outstanding indebtedness, was passed.

Also C. B. No. 22, to authorize Sioux Falls to vote bonds for S. F. Railroad Co.

H. F. 12, code of civil proceedure called upon for third reading, and was referred to committee of the whole.

Mr. Coddington offered resolution that was substituted for Mr. Sargents resolution regarding contest of Burbank and Kelleher, be considered.

Inman moved call of the House, and Sergeant-at-arms directed to bring in absentees, who were brought in.

Mr. Clarkson proceeded to read evidence taken before the committee, and attorneys in the case, were invited to seats within the bar.

Adjourned to 9 to-morrow.

Committee on ways and reported as to investigation of finances of Territory, with statement of Alex. Hughes, Deputy Treasurer, which showed $80[illegible].76 cash on hand, and $166.52 being in Hellman's bank, which Mr. Hughes reported on January 10th, 1877, would be forwarded "*very soon*," but up to Feb. 1st had not come to hand.

Committee on Black Hills, recommended passage of Council Bill [illegible], a memorial for land grant [illegible] from Yankton via Springfield to Black Hills.

Mr. Beadle moved that vote by which House file No. 17, was passed, be reconsidered.

Resolution adopted, and bill was recommitted to members from Yankton county.

Council Bill 16, establishing board of immigration, read second time, and referred to committee on immigration.

No. 9, memorial for land grant from Yankton to Black Hills, passed.

No. 42, act to provide for contesting election of county officers, read second time, and referred to judiciary committee.

House went into committee of the whole on bill to establish code of civil proceedure, after remaining some time in session, committee rose and reported progress.

Adjourned until 9 a. m., to-morrow.

Chattel Mortgage Sale.

TAKE NOTICE That by virtue of a Chattel Mortgage executed by W. M. Parke, of the county of Lincoln, Territory of Dakota, to Erastus Root, dated the 17th day of July, 1875, and filed in the Register of Deeds office, in said Lincoln county, July 21st, 1875, at 4 o'clock P. M., of that day, and upon which default has been made, I shall sell the property thus mentioned, or what follows to-wit:

One Dark Bay Mare, 7 years old, with white spot in forehead; one sett Double Harness; one Red Cow, 7 years old, with line back, as belonging to the said W. M. Parke, to the highest and best bidder for cash, in front of Root's Livery Stable, in Canton, D. T., on Saturday, February 24, 1877, at 10 o'clock a. m.

The above mentioned mortgage was duly assigned to Geo. Keller, of the place above mentioned, by Erastus Root, mortgagee, on the 30th day of January, 1877.

GEO. KELLER,
Assignee of Mortgage.

Assignee's Sale.

NOTICE IS HEEBY GIVEN, That, at the front door of the Court House, in the village of Canton, Lincoln county, Dakota Territory, on the 24th day of February, 1877, at ten o'clock in the forenoon, the following described property, of the estate of W. E. Gwinn, bankrupt, will be sold at public auction, to-wit:

Fifteen acres of land adjoining Hill's addition to the village of Canton, D. T., upon the west.

One judgment against H. H. DeLong, for $8.70, and interest.

One judgment against Frank VanFleet, for $17.60, and interest.

One judgment against E. W. Shepherd for $26.15, and interest.

One note against Isaac Bachelder for $21.00, and interest since Oct. 12, 1871, at ten per cent.

Terms of sale as follows: The personal property to the highest bidder for cash in hand; the real estate for one fourth cash in hand and balance to be paid in three equal payments in six, twelve and eighteen months time from date of sale; said payments to be secured by mortgage upon the premises, with int[illegible]

Summons.

TERRITORY OF DAKOTA, COUNTY OF LINCOLN, } In Dis't Court, 1st Judicial Dis't.

JOHN M. NOBLE, Plaintiff.
AGAINST
ELIZABETH NOBLE, Defendant.

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to answer the complaint of the above named Plaintiff hereto annexed, and to serve a copy of your answer upon the subscriber at his office in the Town of Vermillion, county of Clay, and Territory of Dakota, within thirty days after the service of this Summons on you, exclusive of the day of such service, and if you fail to answer this complaint within that time the Plaintiff will apply to the Court for the relief demanded in the complaint.

Dated at Vermillion, D. T., this 26th day of January, A. D. 1877.

JOHN L. JOLLEY,
Plaintiff's Attorney.

To the Defendant, Elizabeth Noble:

TAKE NOTICE that the complaint in this action was filed in the office of the Clerk of the Lincoln county District court, First Judicial District of the Territory of Dakot at Canton, in the county of Lincoln, in the Territory of Dakota, on the thirtieth day of January, 1877.

Dated February, 6th 1877.

JOHN L. JOLLEY,
Plaintiff's Attorney,
Vermillion, Dakota Territory.

Mortgage Sale.

WHEREAS, SAMUEL A. COOK, of the county of Woodbury, and State of Iowa, at the county of Union in the Territory of Dakota, on the 22d day of November, A. D. 1875, made and executed his indenture of Mortgage of that date, to Frazier Gilman, of Lincoln county, Dakota Territory, to secure the payment of Six Hundred and Fifty Dollars ($650) payable on the 22d day of August, A. D. 1876, with interest thereon at the rate of ten per cent. which Mortgage was filed for record in the office of the Register of Deeds of Lincoln county, Dakota Territory, on the 18th day of December, A. D. 1875, at 3 o'clock p. m., of that day, and recorded in Book "O" on pages 10, 11, and 12, of Lincoln county records, and whereas the amount claimed to be due on said Mortgage to the said Frazier Gilman, at the time of the date of this notice is the sum of Seven Hundred Twenty Three Dollars and Sixty-four Cents (723.64,) that is, the sum of Six Hundred and Fifty Dollars principal, and Seventy-three Dollars and Sixty-four cents interest. And, whereas, default has been made in payment of the money secured by said Mortgage and no suit or proceedings has been had at law for the recovery of the debt secured thereby, or any part thereof, and no part thereof has been collected or paid.

Now, Therefore, notice is hereby given that by virtue of the power of sale contained in said Mortgage, and duly recorded as aforesaid, and in pursuance of the statute in such cases made and provided, the said Mortgage will be foreclosed by a sale of the mortgaged premises therein described, at public vendue, at the front door of the Court House in Canton, Lincoln county, Territory of Dakota on the 1st day of March, A. D. 1877, at 10 o'clock a. m., of that day. The said premises are described in said Mortgage as follows, to-wit:

The Southwest quarter of Section Twenty-six (26) of Township Ninety-eight (98), of Range Forty-nine (49), being the one fourth of Section Twenty-six (26), Township Ninety-eight (98), of Range Forty-nine (49), containing One Hundred and Sixty (160) acres.

Dated at Canton, D. T., this 11th day of January, A. D. 1876.

FRAZIER GILMAN, Mortgagee.
J. W. CARTER, Attorney.

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Leave for Chicago and the East	6.25 P. M.
" " " " " "	8.35 A. M.
" " c. Bluffs and West	8.45 A. M.
" " " " " "	8.22 P. M.

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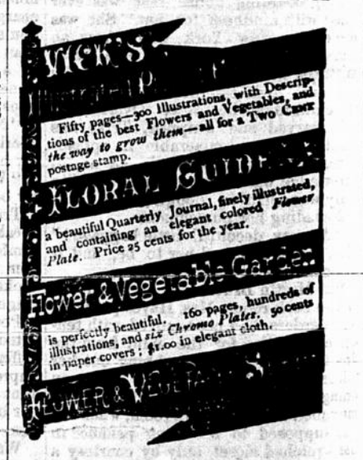

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