

O'Brien, James
Searles, Jasper

Jan 24 1891

Reports the same back with the recommendation that the bill do pass.

Adopted.

Mr. Allen, to whom was referred

S. F. No. 105, A bill for an act authorizing the village council of the village of Northern Pacific Junction, in Carleton county, to issue bonds to liquidate the indebtedness created in the erection of a court house and jail in said village,

Reports the same back with the recommendation that it be referred to the Committee on Special Legislation.

Adopted.

Mr. McMillan, from the Committee on Elections, reports the following:

→ In the matter of the contest of J. S. O'Brien to the right of J. N. Searles to the office of Senator in the Legislature of this State from the county of Washington,

Your committee to whom was referred the evidence in the above entitled contest beg to report:

That your committee have examined the said evidence, and more particularly that portion of said evidence pertaining and relating to the vote cast in the town of Marine, in said county, it having been agreed and conceded by both of said parties to this said contest that the whole matter in issue rested and depended upon the vote cast in that town, that if the original canvass and return of the vote made in said town be allowed to stand, then J. N. Searles, the respondent, is entitled to retain his seat, but that if the recount be allowed, then J. S. O'Brien, the contestant, should be awarded the said office of Senator.

And your committee, after having examined said evidence, and heard the arguments of counsel in behalf of the said contestant and of the respondent in his own behalf, are of the opinion that the recount of the vote in the said town of Marine should be allowed, and that the said contestant, J. S. O'Brien, is entitled to the office of Senator in this Legislature from Washington county, Minnesota.

Respectfully submitted.

F. G. McMILLAN, Chairman.

N. N. MAYO.

S. D. PETERSON.

HENRY KELLER.

A. Y. EATON.

EXECUTIVE COMMUNICATIONS.

The following communications were received from the Governor.

ST. PAUL, Jan. 21, 1891.

Hon. G. S. Ives, President of the Senate:

SIR: I have the honor to inform you that R. J. Montague, of Crookston, and W. W. Rich, of Marshall, have tendered to me their resignations as members of the State Board of Equalization, of the Ninth and Fourteenth districts, respectively, to take effect when their successors are appointed and qualified, which I have accepted.

Very respectfully,

W. R. MERRIAM,
Governor.

Hon. G. S. Ives, President of the Senate:

SIR: I have approved and have deposited the same.

S. F. No. 21, An act for the present session of the Legislature.

S. F. No. 32, An act to amend the school district laws and demands in favor of the same.

FIRST.

H. F. No. 33, A bill to amend the laws relating to certain school property the proceeds thereof, and to amend the laws relating to districts in Isanti county,

Was read the first time.

H. F. No. 86, A bill to amend the laws relating to chapters 2 of and eighty-one, entitled "An act to amend the laws relating to said village,"

Was read the first time.

H. F. No. 90, A bill to amend the laws relating to the village of Wells,

Was read the first time.

H. F. No. 94, A bill to amend the laws relating to catching of fish in Lake in the county of Meeke,

Was read the first time.

H. F. No. 95, A bill to amend the laws relating to in the county of Marshall maintain Waterworks,

Was read the first time.

H. F. No. 99, A bill to amend the laws relating to common council of the issue bonds to fund the

Was read the first time.

H. F. No. 100, A bill to amend the laws relating to Lac Qui Parle county,

Was read the first time.

H. F. No. 112, A bill to amend the laws relating to certain domestic animals, state of Minnesota.

O'Brien, James
Searles, Jasper

Jan. 28, 1891

WEDNESDAY

→ The hour having arrived for which the contested election case of O'Brien vs. Searles was made the special order, the names of the contestants were called.

Both responded.

Messrs. Fayette Marsh, J. N. Castle and H. H. Gillen appeared as counsel for Mr. O'Brien.

□ Mr. Sanborn offered the following resolution:

Resolved, That two hours be allowed to each party to the contest to present his case; the contestant to have the opening and close.

Which was adopted.

The secretary then commenced the reading of the testimony as agreed upon by the contesting parties.

Mr. Craven moved the Senate take a recess until 2:30 o'clock P. M.,

Which motion prevailed.

So the Senate took a recess.

AFTERNOON SESSION.

Upon reassembling

The O'Brien-Searles contest was continued.

After the reading of the testimony was finished,

Mr. Day moved that the Senate take a recess for ten minutes

Which motion prevailed.

So the Senate took a recess.

Upon reassembling

Mr. Marsh began the argument for the contestant.

Mr. Donnelly moved that the consideration of

S. F. No. 9,

Which had been made the special order for Jan. 29th, at 11 o'clock be postponed until Tuesday, February 3d.

Which motion prevailed.

REPORTS OF COMMITTEES.

Mr. Keller from the Committee on Enrollment reports that the committee have examined

S. F. No. 45,

And find the same correctly enrolled.

MESSAGES FROM THE HOUSE.

MR. PRESIDENT: I have to announce that the House has passed the following Senate File herewith returned,

H. F. No. 101, Entitled a bill for an act to authorize the village of Willmar in Kandiyohi county to issue its bonds for the purpose of constructing water works.

Also the following Senate File herewith returned:

S. F. 45, Entitled a bill for an act to authorize the board of county commissioners of Scott county to issue the bonds of said county for

the purpose of creating a county.

Also the passage by the

Resolved, That the House (herein) do hereby petition Congress to favor an amendment to the Constitution of the United States providing for the election of our senators and representatives by the people, and that a conference be held between the Senate and House of Representatives.

Also the following Senate File, S. F. No. 100, Entitled a bill for an act to authorize the city of New Ulm, Minn., to issue bonds of said city in aid to the St. Paul & Northern Pacific Railway.

Also the following House File, H. F. No. 89, Entitled a bill for an act to amend the charter of the city of Minneapolis, Minn., and to fix the respective powers and duties of each of said districts.

Mr. Daugherty moved that the Senate take a recess until 2:30 o'clock P. M.,

Which motion prevailed.

Adjourned.

Attest:

SEVEN

The Senate met at 10 o'clock

President.

Prayer by the Chaplain.

The roll being called, the names:

Messrs. Allen, Ayers, Barr, Burt, Craig, Crandall, Craven, Donnelly, Eaton, Erickson, Geary, Hammer, Hompe, Keller, Komen, McHale, McMillan, Peterson J. W., Peterson S. D., I. Severson, Smith E. R., Smith J. Tawney, Wood.

Quorum present.

On motion, the reading of the Journal as printed and corrected

Mr. Day moved that the regular session be adjourned for a half an hour,

Which motion prevailed.

O'Brien, James
Searles, Jasper
Jan. 29, 1891

Mr. Day called up his amendment to Rule 55, for which he gave notice the day previous.

And the roll being called on the adoption of the amendment to Rule 55, there were yeas 14 and nays 36, as follows:

Those who voted in the affirmative were:

Messrs. Allen, Ayers, Davis, Day, Dean, Grinnell, Guderian, Kiest, Leavitt, Peterson S. D., Smith E. R., Smith J. D., Stevens, Streissguth.

Those who voted in the negative were:

Messrs. Barr, Borchert, Brown, Burkhardt, Canestorp, Craig, Crandall, Craven, Daugherty, Dedon, Donnelly, Erickson, Geissel, Glader, Grafe, Hammer, Hompe, Kelly, La Due, Lienau, Lommen, McHale, McMillan, March, Mayo, Morse, Mott, Nelson, Peterson J. W., Phillips, Probstfield, Sanborn, Searles, Sevaton, Stockton, Wood.

So the amendment was not adopted.

INTRODUCTION OF BILLS.

Mr. March introduced—

S. F. No. 128, A bill for an act to revise, amend and consolidate the charter of the city of Minneapolis and to unite the various boards and departments of said city,

Which was read the first time.

Mr. March moved that the bill be printed and referred to the Hennepin county delegation.

Mr. Stevens rose and spoke to a question of privilege.

Mr. Leavitt moved to take up the special order of business.

Which motion prevailed.

Mr. Searles then commenced his argument in his own behalf in the O'Brien-Searles contested election case.

Mr. J. N. Castle closed the argument for the contestant.

Mr. Leavitt moved that the Senate take a recess until 2:30 o'clock.

Which motion prevailed.

So the Senate took a recess.

AFTERNOON SESSION.

Upon reassembling

Counsel of both parties to the contest having finished their arguments,

Messrs. Sanborn, Eaton, Donnelly, Tawney, Keller, Stevens, Leavitt, Dedon, Smith, J. D., Allen, McHale, LaDue and Davis gave their reasons for the votes they intended to give.

Mr. McMillan offered the following resolution:

Resolved, That J. S. O'Brien is, and J. N. Searles is not entitled to a seat in this Senate as Senator from the Twenty-third Senatorial District.

THURSD.

Mr. Sanborn offered the following

Resolved, That the contestant retain his seat in the Senate, and the seat in the Senate.

And the roll being called and nays 32, as follows:

Those who voted in the affirmative were: Messrs. Ayers, Barr, Burkhardt, Glader, Grinnell, Grafe, Guderian, Sanborn, Sevaton, Smith Tawney.

Those who voted in the negative were: Messrs. Allen, Bell, Borchert, Davis, Dean, Donnelly, Eaton, Kelly, La Due, Leavitt, Lienau, March, Mayo, Morse, Mott, Nelson, Peterson J. W., Probstfield, Smith E. R., Wood. So the substitute was lost.

And the roll being called on the adoption of the bill, there were yeas 32 and nays 36, as follows:

Those who voted in the affirmative were: Messrs. Allen, Bell, Borchert, Davis, Dean, Donnelly, Eaton, Kelly, La Due, Leavitt, Lienau, March, Mayo, Morse, Mott, Nelson, Peterson J. W., Probstfield, Smith E. R., Wood.

Those who voted in the negative were: Messrs. Ayers, Barr, Burkhardt, Glader, Grinnell, Grafe, Guderian, W., Sanborn, Sevaton, Smith Tawney.

So the resolution was adopted.

On motion the alliance passed to the Chamber, indefinitely, in which

Mr. Marsh, called for the register.

S. F. No. 128 printed.

And the roll being called on the adoption of the bill, there were yeas 32 and nays 36, as follows:

Those who voted in the affirmative were: Messrs. Allen, Ayers, Barr, Craig, Crandall, Daugherty, Dean, Eaton, Keller, Kiest, La Due, Lienau, March, Mayo, Morse, Phillips, Stevens, Stockton, Tawney.

Those who voted in the negative were: Messrs. Canestorp, Craven, Dedon, Grinnell, Grafe, Hompe, Kelly, J. W., Probstfield, Smith E. R., Wood. So the motion was lost.

Mr. Sanborn offered the following resolution as a substitute:

Resolved, That the contested Jasper N. Searles is entitled to retain his seat in the Senate, and that J. S. O'Brien is not entitled to a seat in the Senate.

And the roll being called on the substitute, there were yeas 21, and nays 32, as follows:

Those who voted in the affirmative were:

Messrs. Ayers, Barr, Burkhardt, Crandall, Daugherty, Day, Dedon, Glader, Grinnell, Grafe, Guderian, Hammer, Kiester, Peterson J. W., Sanborn, Sevaton, Smith J. D., Stevens, Stockton, Streissguth, Tawney.

Those who voted in the negative were:

Messrs. Allen, Bell, Borchert, Brown, Canestorp, Craig, Craven, Davis, Dean, Donnelly, Eaton, Erickson, Geissel, Hompe, Keller, Kelly, La Due, Leavitt, Lienau, Lommen, McHale, McMillan, March, Mayo, Morse, Mott, Nelson, Peterson S. D., Phillips, Probstfield, Smith E. R., Wood.

So the substitute was lost.

And the roll being called on the passage of the original resolution, there were yeas 32 and nays 21, as follows:

Those who voted in the affirmative were:

Messrs. Allen, Bell, Borchert, Brown, Canestorp, Craig, Craven, Davis, Dean, Donnelly, Eaton, Erickson, Geissel, Hompe, Keller, Kelly, La Due, Leavitt, Lienau, Lommen, McHale, McMillan, March, Mayo, Morse, Mott, Nelson, Peterson S. D., Phillips, Probstfield, Smith E. R., Wood.

Those who voted in the negative were:

Messrs. Ayers, Barr, Burkhardt, Crandall, Daugherty, Day, Dedon, Glader, Grinnell, Grafe, Guderian, Hammer, Keister, Peterson J. W., Sanborn, Sevaton, Smith J. D., Stevens, Stockton, Streissguth, Tawney.

So the resolution was adopted.

On motion the alliance party was permitted to use the Senate Chamber, indefinitely, in which to hold a series of meetings.

Mr. Marsh, called for the regular order, which was his motion to have.

S. F. No. 128 printed.

And the roll being called there were yeas 32 and nays 19, as follows:

Those who voted in the affirmative were:

Messrs. Allen, Ayers, Barr, Bell, Borchert, Brown, Burkhardt, Craig, Crandall, Daugherty, Dean, Donnelly, Eaton, Geissel, Guderian, Keller, Kiester, La Due, Leavitt, Lienau, McHale, McMillan, March, Mayo, Morse, Phillips, Sanborn, Sevaton, Smith J. D., Stevens, Stockton, Tawney.

Those who voted in the negative were:

Messrs. Canestorp, Craven, Davis, Day, Dedon, Erickson, Glader, Grinnell, Grafe, Hompe, Kelly, Lommen, Mott, Nelson, Peterson J. W., Probstfield, Smith E. R., Streissguth, Wood.

So the motion was lost.