

Twenty-eighth District—Hiram F. Stevens.  
 Twenty-ninth District—William E. Johnson.  
 Thirtieth District—James T. Wyman.  
 Thirty-first District—Edwin G. Potter.  
 Thirty-second District—Darius F. Morgan.  
 Thirty-third District—Gustav Theden.  
 Thirty-fourth District—Stephen B. Howard.  
 Thirty-fifth District—Dewitt C. Dunham.  
 Thirty-sixth District—Jas. McHale.  
 Thirty-seventh District—Fred Iltis.  
 Thirty-eighth District—Wm. E. Culkin.  
 Thirty-ninth District—Peter E. Hanson.  
 Fortieth District—H. J. Heneman.  
 Forty-first District—L. O. Thorpe.  
 Forty-second District—James Hanna.  
 Forty-third District—E. T. Young.  
 Forty-fourth District—F. A. Hodge.  
 Forty-fifth District—Henry Keller.  
 Forty-sixth District—W. M. Fuller.  
 Forty-seventh District—A. G. Johnson.  
 Forty-eighth District—A. B. Cole.  
 Forty-ninth District—E. J. Jones.  
 Fiftieth District—John H. Smith.  
 Fifty-first District—P. M. Ringdal.  
 Fifty-second District—John Q. Cronkhite.  
 Fifty-fourth District—H. R. Spencer.

Mr. Hanson was excused.

When the Sixth Senatorial District was called, Mr. Day answered to his name, whereupon Mr. Dunn stepped forward and offered his credentials as Senator from said district and requested to be sworn in.

Mr. Yale objected and moved that the credentials be referred to the Committee on Elections,

Which motion prevailed.

When the fifty-third Senatorial District was called, Mr. Culkin presented the credentials of Mr. Geo. A. Whitney, who had been elected to fill the vacancy caused by the resignation of Mr. Allen.

The credentials were received and Mr. Whitney presented himself at the bar of the Senate and subscribed to and took the oath of office.

The Senate then proceeded to the election of officers.

Mr. Thompson nominated S. A. Langum for Secretary of the Senate.

On motion of Mr. Stevens, the secretary *pro tem.* was instructed to cast the vote of the Senate for S. A. Langum for Secretary of the Senate, which was done, and Mr. Langum was thereupon declared duly elected Secretary of the Senate.

Mr. Young nominated A. D. Countryman as First Assistant Secretary.

On motion the Secretary was instructed to cast the vote of the Senate for Mr. Countryman, which was done,

And thereupon Mr. Countryman was declared duly elected First Assistant Secretary.

*Resolved*, That Robert B. Sinclair be appointed as Post Office Messenger for the Session of 1897 at a compensation of \$1.50 per day.

Which was referred to Committee on Legislative Expenses.

Mr. Stevens moved

That a committee of three be appointed by the chair to act with a similar committee on the part of the House, to inform His Excellency, the Governor of the State, that the Senate and House are now organized and ready to receive any communication he may be pleased to submit,

Which was adopted, and the President appointed as such committee

Messrs. Yale, Dunham and Smith.

Mr. Yale, from the committee to wait upon the Governor reported as follows:

His Excellency states that he will be glad to meet the Senate and House to-morrow, at 11 A. M.

Report adopted.

Mr. Stevens moved that the Secretary be instructed to inform the House that the Senate is fully organized.

Adopted.

Mr. Greer moved

That the credentials of Mr. Dunn be referred to the Committee on Elections.

Adopted.

Mr. Yale moved that when the Senate adjourn it be until 10:30 to-morrow.

Adopted.

Mr. Pottgieser offered the following resolution:

*Resolved*, That the Secretary of the Senate be authorized to purchase the necessary stationery and other supplies for the use of the Senate during the session.

Which was adopted.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT:—I have to announce that the House of Representatives is now fully organized by the election of the following officers:

Speaker—J. D. Jones.

Chief Clerk—M. J. Dowling.

First Assistant Clerk—W. B. Stine.

Second Assistant Clerk—O. K. Dahle.

Engrossing Clerk—N. H. Ingersoll.

Enrolling Clerk—F. L. Krayenbuhl.

Assistant Enrolling Clerk and Post Master—F. W. Nash.

Sergeant-at-Arms—J. M. Bayer.

Assistant Sergeant-at-Arms—E. Fanning.

Chaplain—Rev. C. M. Heard.

Also, that the House has adopted the following resolution:

*Resolved*, That a committee of three be appointed by the Speaker

## INSPECTORS OF STEAM VESSELS AND STEAM BOILERS.

First District.—Ira Padden, of Mower county, reappointment.

Second District.—Charles T. Howe, of Pipestone county, reappointment.

Third District.—E. G. Bloomfield, of Kandiyohi county, reappointment.

Fourth District.—John Zelch, of Washington county, reappointment.

Fifth District.—Lewis A. Larson, of St. Louis county, reappointment.

All for terms ending the first Monday in January, 1899.

Very respectfully,

D. M. CLOUGH,  
Governor.

STATE OF MINNESOTA,

EXECUTIVE DEPARTMENT,

ST. PAUL, Jan. 20, 1897. }

*Hon. John L. Gibbs, President of the Senate:*

SIR: I have approved, signed and deposited in the office of the Secretary of State the following Senate Files:

S. F. No. 24, "An act to repeal chapter three hundred and twenty-seven (327) of the Special Laws of the year one thousand eight hundred and eighty-nine (1889), entitled, "An act to authorize and require each township in the County of Renville to support its own poor."

S. F. No. 30, "An act fixing the general terms of the District Court in the several counties of the Sixteenth Judicial District."

Very respectfully,

D. M. CLOUGH,  
Governor.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT: I have to announce the passage by the House of the following House File herewith transmitted:

H. F. No. 58, A bill for an act to legalize certain bonds heretofore issued by County Commissioners under chapter two hundred and ninety-seven (297) of the General Laws of the State of Minnesota.

M. J. DOWLING,  
Chief Clerk House of Representatives.

Mr. Sperry, from the Committee on Elections, made the following report:

Your Committee on Elections, to whom was referred the question as to who is entitled to the seat of Senator, at this session, from the Sixth Senatorial District, report as follows:

Counsel for the respective parties appeared before the committee and there entered into a written stipulation of all the facts bearing upon the right of the respective parties, which stipulation is hereto attached, marked "Exhibit A," and made a part of this report.

Your committee further report that counsel for the respective parties do not desire to argue the questions involved in this matter twice, and your committee believing it to be a matter of so great importance that every Senator should have the fullest opportunity of

informing himself as to the rights of the respective parties to this controversy;

They, therefore, submit the enclosed statement of facts as agreed upon by counsel, and make no report as to the law in said matter, and refer the whole matter back to the Senate and recommend that it be taken up and considered by the Senate on Thursday, the Twenty-first day of January, 1897, at 11 o'clock A. M., and that counsel for the respective parties be permitted to address the Senate thereon.

W. A. SPERRY,  
R. E. THOMPSON,  
JOHN H. SMITH,  
E. T. YOUNG,  
WILLIAM H. YALE.

EXHIBIT "A."

The Committee on Elections of the Senate met in session in the Railroad Committee room, at 3 P. M. Friday afternoon, Jan. 15, 1897.

Senator W. A. Sperry in the chair.

Hon. Robert Evans and A. Y. Merrill appearing for Frank A. Day, and Hon. Moses Clapp and Mr. Munn appearing for Mr. H. H. Dunn.

By Hon. W. A. Sperry: I would suggest that the counsel make a statement as to what they expect to prove here this afternoon, so that the committee may have it.

By Mr. Munn: Is there a copy of the proceedings of the first day of the session here?

Copy furnished by Mr. Evans.

Mr. Munn: I will make a statement in regard to what we have agreed upon. Counsel have agreed upon many facts which are claimed to be material by the parties proposing them. Neither party admits the materiality of the facts as shown, but all objections as to the materiality or relevancy of the facts which either party may desire hereafter to take, may be taken and urged or waived at any hearing of this question, either before this committee or before the committee of the Senate as a whole.

Mr. Munn offers that portion of the Senate Journal of the Thirtieth Session, on page 2, being the first day thereof, and which reads as follows: "When the Sixth Senatorial District was called, Mr. Day answered to his name, whereupon Mr. Dunn stepped forward and offered his credentials as Senator from said district and requested to be sworn."

We also offer the certificate of H. H. Dunn, as Senator-elect from the sixth Senatorial District of this state. This certificate reads as follows: "Certificate of Election. State of Minnesota. County of Martin. I, Edgar B. Shanks, County Auditor of the County of Martin, and State of Minnesota, do hereby certify, that at a general election, held in said County and State on the first Tuesday after the first Monday, being the third day of November, A. D. 1896, H. H. Dunn received the highest number of votes cast for the office of State Senator for the Sixth Senatorial District, composed of the Counties of Martin and Watanwan, in the State of Minnesota, and

was thereupon duly elected to the said office as appears from the official election returns on file in my office.

“Witness my hand and official seal at Fairmont, in said County, this twenty-seventh day of November, A. D. 1896.

EDGAR B. SHANKS,  
County Auditor, Martin County.

“To H. H. Dunn, Fairmont, Minn.”

And attached thereto is the corporate or official seal.

By Mr. Evans:

It is understood that all of this testimony is subject to the same objections.

Paper marked as Dunn's Exhibit “B.”

Mr. Munn: On the back of this certificate is the following: “State of Minnesota. County of Ramsey.—ss. I, H. H. Dunn do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Minnesota, and that I will faithfully execute and discharge the duties of the office of State Senator from the Sixth Senatorial District in the State of Minnesota, according to law and the best of my ability and understanding.”

Signed H. H. DUNN.

Subscribed and sworn to before me this 4th day of January, A. D. 1897.

G. L. HELM,  
Deputy Clerk, Supreme Court.

Mr. Munn: Mr. Evans, will you admit that this is the same certificate that Mr. Dunn presented on the first day of the Thirtieth (30th) Session as that referred to in that portion of the Journal which we have offered.

It is admitted that the certificate which has been offered in evidence is the same certificate as that referred to in the Journal of the Thirtieth Session, at the second page thereof, and the same certificate referred to in that portion of the Senate Journal which was offered in evidence by Mr. Dunn, being referred to therein as his credentials.

Mr. Bullet, sworn as a witness on behalf of Mr. Dunn, examined by Mr. Munn.

Q. Where do you reside?

A. Fairmont, County of Martin.

Q. How long have you been there?

A. That county has been my home for the last thirty years.

Q. Do you know Frank A. Day?

A. Yes, sir.

Q. How long have you known him?

A. Ever since he came into the county.

Q. Some years?

A. Twenty odd years.

Q. State whether or not you had a conversation with him shortly after he assumed to act as Lieutenant Governor.

A. Do you wish me to state the conversation?

Q. Did you have such a conversation?

A. I did.

Q. Will you give that conversation?

A. As nearly as I remember it was as follows: We first met in my office, and I congratulated him on the fact of his being Lieuten-

ant Governor, and we had some little talk in reference to it. I asked him how it was, or whether he could hold the position of Senator and Lieutenant Governor. I expressed my doubts as to his ability to do that. His answer was in substance this: That he didn't know about that. I said, "It seems to me that the moment you took the oath of office for Lieutenant Governor you ceased to be Senator." His answer to that was that he had never filed it.

Q. Never filed what?

A. His oath.

By Mr. Evans: He said that he had never filed his oath as Lieutenant Governor?

A. He had not filed it—no, sir.

Mr. Munn: That is all that we have to offer aside from the facts which we have prepared.

Mr. Evans: We had in our prepared statement this clause—  
Agreed that the facts be read.

Mr. Munn read as follows:

"That at the general election in the fall of 1894, Frank A. Day was elected as Senator from the Sixth Senatorial District of this state for the term of four years. On the eighth day of January, 1895, he qualified and entered upon the discharge of his duties as said Senator, and on the twenty-fifth day of January, 1895, he was duly elected President *pro tempore* of the Senate of Minnesota. On the thirty-first day of January, 1895, Knute Nelson, who was then Governor of the State of Minnesota, having theretofore been elected United States Senator for the State of Minnesota, resigned the office of Governor of said state, and on the said thirty-first day of January, 1895, the said Clough, who was at and prior thereto, the duly elected and qualified Lieutenant Governor of the State of Minnesota, duly qualified as Governor of the State of Minnesota, and entered upon the discharge of his duties as Governor of the State of Minnesota. That on said thirty-first day of January, 1895, said Frank A. Day, took the chair, and thereafter and up to the time of the close of the twenty-ninth session of said Senate, performed the duties of, and assumed to act as Lieutenant Governor of the State of Minnesota.

Mr. Evans—

The agreement was that we should not preclude ourselves from drawing the legal conclusions from his acts (that is, that we should not preclude ourselves from drawing the conclusion, the legal proposition that he was not, in fact, Lieutenant Governor).

Reading resumed by Mr. Munn.

On January 26th said Day signed the warrants for the salaries of the Senators and Senate employees as President *pro tempore* of the Senate. On February 6th, 1895, and during the remainder of the session, Frank A. Day signed all the warrants for the salaries of the Senators and employes of the Senate as President of the Senate, and from that time on said Day signed all warrants as Lieutenant Governor, and drew the salary of Lieutenant Governor, receipting therefor as Lieutenant Governor. Said Day signed all bills passed by the Legislature after January 31st, 1895, as President of the Senate, and not as President *pro tempore*; that on the 23rd day of April, 1895, and before the Senate adjourned, it unanimously elected Hon.

Geo. T. Barr, then Senator from the Tenth Senatorial District, President *pro tempore* of the Senate.

That from the first day of the session, said Day took part in the debates, voted upon nearly all bills, resolutions and motions that came before the Senate and discharged the duties of a Senator in the Legislature of the state, and from and after the thirty-first day of January, 1895, regularly upon the opening of each session of the Senate, and upon every call of the House, and upon any vote upon any bill or resolution taken in the Senate, the name of said Frank A. Day was called as one of the Senators.

That said Day voted upon more than one hundred bills, or measures pending, and resolutions during that time. That he took part in the debates on many bills and motions, and in other respects performed the duties of a Senator. That the Senate never, at any time, declared the seat of Senator from the Sixth Senatorial District of the State of Minnesota vacant, except so far as it may be claimed from the election of Geo. T. Barr, as President *pro tempore*, of the Senate, as hereinbefore stated.

That three or four days prior to Oct. 13, 1896, a petition in form, as follows, to-wit: "To the County Auditor, of the County of Martin, of the State of Minnesota; Whereas, a vacancy has occurred and now exists in the office of State Senator for the Sixth Senatorial District, for the said State of Minnesota, we, the undersigned, duly qualified electors, residing within said district in said state, in accordance with the law of 1893, chapter 41, and the amendments thereof, do hereby nominate H. H. Dunn, residing at Fairmont, Minnesota, for the said office of State Senator, in and for said district, to be voted for at the general election to be held on the third day of November, 1896, the party which said party so nominated represents is the Republican party," was duly circulated in said Sixth District, to which petition 504 qualified electors of said Sixth Senatorial District are attached, which petition was duly verified by oath of the signers thereto, and the same was thereupon filed in the office of the County Auditor of Martin county, on the seventeenth day of October, A. D. 1896, and a certified copy thereof duly filed in the office of County Auditor of Watonwan county on the same day.

That thereupon the name of said H. H. Dunn was placed upon the official ballot as the Republican nominee for the office of Senator from the Sixth Senatorial District, and said Dunn received at said election three thousand two hundred and eighty (3,280) votes out of a total of five thousand three hundred and eighty-two (5,382) votes cast, being a majority of 1,378 votes. That at said election the total votes cast for the President of the United States in said Sixth Senatorial District was 5,255 votes, of which the Republican nominee received 3,352 and the Democrat, 2,395; that at said election the total votes cast for Governor of the State of Minnesota, in the said Sixth Senatorial District, was 5,332, of which the Republican nominee received 2,756, and the Democrat nominee 2,395. That prior to said election said Frank A. Day was nominated by the Democratic and People's Party of the Second Congressional District for Congress, and accepted said nomination, and was a candidate for election to Congress from said Second Congressional District at said election; that at said election said Day received as said candidate from the counties of Martin and Watonwan, which comprise the Sixth Sena-

torial District, 2,309 votes, while the Republican nominee received from said counties 3,003 votes. That prior to said election, and within the time provided by law, certain members of the People's party and Democratic party of said Sixth Senatorial District circulated a petition for the nomination of F. S. Livermore for the office of Senator from the Sixth Senatorial District in said state and procured the requisite number of names to be attached thereto and filed the said petition in the office of and with the auditor of Martin county, with the request that he check the same over and ascertain if it was all right, and if so, make a certified copy thereof, to be filed with the county auditor of Watonwan county. That after the preparation of such certified copy, and before the same was filed in Watonwan county, the said petition was withdrawn from the office of said auditor of said Martin county.

Mr. Evans: Mr. Munn, we want it understood in that connection that Mr. Dunn was the only candidate for the Senate and the only party voted for.

It was agreed between the parties that Mr. Dunn was the only name placed on the ticket by nomination to be voted for.

Mr. Munn: I think that is all we care to offer; we would like to reserve the right before the argument to introduce any evidence which may come up.

It is agreed and understood that if there are any facts which Mr. Dunn desires to submit to the committee, the same can be submitted prior or at the time of the argument, hereafter to be fixed, and that Mr. Day shall have the same right.

Mr. Evans: For Mr. Day.

I want to offer that part of the Journal which refers to the attendance of Mr. Day on the Senate, and the calling of his name on the roll. We wish to offer that part of the Journal which shows any action by Mr. Day as a Senator from the Sixth Senatorial District of the state during the twenty-ninth session, his recognition as such, his vote upon bills, and answering to the call of the roll; the fact that his name was always called, and all other facts contained in the Journal which relate to his actions or recognition as a Senator, and also anything in the Journal that bears upon his action as Lieutenant Governor or as President *pro tempore* of the Senate; and, further, for the purpose of showing that there was no objection made to his acting as a Senator except as is disclosed by the Journal, page 390.

Also offer that part of the Journal for the purpose of showing that Frank A. Day performed all the duties of Senator precisely in the same manner as that performed by the other senators at the same time, and precisely as said Frank A. Day had done prior to the thirty-first day of January, 1895.

Also offer the Journal of the thirtieth session of the Senate for the purpose of showing the recognition of Frank A. Day and his actions in the Senate during this session.

It is also agreed that at the general election of 1896 John L. Gibbs was elected Lieutenant Governor of the State of Minnesota, and thereafter on the fourth day of January, 1897, qualified, and has ever since been acting as such.

The following facts are also agreed to :

The candidacy of said Dunn for said office of State Senator was generally known and discussed throughout said district and speeches.



made for and in opposition thereto, and said official ballot with Dunn's name printed thereon as candidate for the office of Senator from said Sixth district was published in the various newspapers in the said district from the time of his nomination down to the day of election. No writ of election was issued by the governor of the state to fill a vacancy in the Sixth Senatorial district. That prior to placing Mr. Dunn's name upon the official ballot the County Auditor of Martin county, the senior county of the Sixth Senatorial district, communicated with the Attorney General, and was advised by that officer that the only prudent course to pursue was to place Mr. Dunn's name upon the official ballot. That prior to making up the ballot for Watonwan county the auditor of that county communicated with the Attorney General, and was advised as was the Auditor of Martin county, that the only prudent course to pursue was to place Mr. Dunn's name on the official ballot.

Mr. Yale moved that the subject-matter of the report be made the special order for to-morrow morning at 11 o'clock.

Mr. Stevens moved

To amend by making the report the special order in Committee of the Whole to-morrow morning at 11 o'clock.

The amendment was adopted.

The motion as amended was then adopted.

Mr. Sperry, from the Committee on Elections, to whom was referred

S. F. Nos. 49, 50, 51, 52, 53, 54, 55, 56, 57, 58 and 68,

Reports the same back with the recommendation that they be referred back to Senator Theden, their author, for the purpose of consolidation.

Adopted.

Mr. Fuller offered the following resolution:

*Resolved*, That a committee of three (3) be appointed by the chair as a conference committee on the part of the Senate upon the House joint resolution on reapportionment.

Which was adopted.

The President appointed as such committee on the part of the Senate

Messrs. Barr, Whitney, McHale.

Mr. Sperry moved

That the report of the Committee on Elections be printed for the convenience of Senators.

Which was adopted.

On motion the

House resolution calling for a joint committee on rules, was referred to the Committee on Rules.

#### FIRST READING OF HOUSE BILLS.

H. F. No. 59, A joint resolution memorializing the Congress of the United States to establish a new national military park at Vicksburg, Miss.,

Which was read the first time and referred to the Committee on Military Affairs.

H. F. No. 111, A bill for an act to repeal chapter fifteen (15) of the Special Laws of the State of Minnesota for the year one thousand

commission, that the names of several persons who are among the defenders of the Fort do not appear on the monument. Your commission deeply regrets that such omission should have been made, if the claims of these parties turn out to be true; but having exhausted every available means of discovering the names of all the defenders of the Fort, your commission can not charge themselves with any default in the matter. They, however, suggest that the Legislature take such action as it may deem proper to investigate and decide upon these claims, and should such investigation prove that these parties were really among the defenders of the Fort, and are entitled to be recognized upon the monument, there will be no difficulty in adding a small bronze tablet to those already thereon, doing justice to these parties.

We learn also that there were some other parties who were among the defenders of the Fort, who do not think their services have been recognized with sufficient prominence on the monument; and while your commission does not agree with them in their criticism, it suggests that any investigation that may be made by the Legislature into the work of your commission may also include an examination of the claims of these dissatisfied parties, to the end that history may be kept within the exact channels of truth. The only intimation your commission has to offer in this behalf is, that experience teaches that men are not generally the most impartial judges of their own achievements and prowess.

All of which is respectfully submitted,

CHAS. E. FLANDRAU,  
Chairman,

T. J. SHEEHAN,  
A. A. STONE,  
ANDREW ANDERSON,  
M. E. POWELL,  
B. H. RANDALL,  
C. H. HOPKINS,

Fort Ridgley Monument Commission.

R. I. HOLCOMBE,  
Secretary.

On motion, the Senate then took a recess till 11 o'clock.  
Upon reassembling

#### GENERAL ORDERS.

On motion of Mr. Stevens, the Senate resolved itself into Committee of the Whole.

Mr. Greer in the chair.

After some time spent therein the Committee arose and reported that they had had under consideration the Report of the Committee on Elections on the question as to who is intitled to the seat of Senator from the Sixth Senatorial District.

On motion, the Senate then took a recess till 2 o'clock this afternoon.

### AFTERNOON SESSION.

The Senate met at 2 o'clock P. M., and was called to order by the President,

And resolved itself into Committee of the Whole.

Mr. Greer in the chair.

Mr. Stevens moved.

That the Committee do now rise for the purpose of moving a call of the Senate,

Which was adopted, and the Committee rose.

Mr. Stevens moved a call of the Senate,

And the roll being called, the following Senators answered to their names:

Messrs. Barr, Cole, Colleston, Cronkhite, Culkin, Currier, Day, Dunham, French, Greer, Hanna, Hanson, Heneman, Howard, Iltis, Johnson A. G., Johnson W. E., Knatvold, Larson, Lloyd, Miller, McArthur, McHale, Ozmun, Peterson, Potter, Pottgieser, Ringdal, Roverud, Schaller, Sevaton, Sheehan, Smith, Spencer, Sperry, Stebbins, Stevens, Sweningsen, Theden, Thompson, Thorpe, Whitney, Wing, Wyman, Yale.

On motion, further proceedings under the call were dispensed with.

The Senate then resolved itself into Committee of the Whole for the further consideration of the special order, the report of the Committee on Elections on the question as to who is entitled to the seat of Senator from the Sixth Senatorial District.

Mr. Greer in the chair.

After some time spent therein the Committee rose and reported progress and asked leave to sit again.

On motion the Senate then adjourned till tomorrow morning at 10 o'clock.

Attest:

S. A. LANGUM,  
Secretary of the Senate.

### TWELFTH DAY.

ST. PAUL, FRIDAY, Jan. 22, 1897.

The Senate met at 10 o'clock, A. M., and was called to order by the President.

Prayer by the Chaplain.

The roll being called, the following Senators answered to their names:

Messrs. Barr, Cole, Colleston, Cronkhite, Culkin, Currier, Day, Dunham, French, Fuller, Greer, Hanna, Hanson, Heneman, Hodge, Howard, Iltis, Johnson A. G., Johnson W. E., Jones, Keller, Knatvold, Larson, Lloyd, Masterman, Miller, Morgan, McArthur, McHale, Ozmun, Peterson, Potter, Pottgieser, Reishus, Ringdal, Roverud, Schaller, Sevaton, Sheehan, Smith, Spencer, Sperry, Stebbins, Stevens, Stockton, Sweningsen, Theden, Thompson, Thorpe, Whitney, Wing, Wyman, Yale, Young.

Quorum present.

On motion, the reading of the Journal was dispensed with, and the Journal, as printed and corrected, was approved.

Mr. Stevens moved

That the order of resolutions and motions, and introduction of bills, before the special order, is taken up.

Which was lost.

#### EXECUTIVE COMMUNICATION.

The following communication from His Excellency the Governor was received:

STATE OF MINNESOTA,  
EXECUTIVE DEPARTMENT,  
ST. PAUL, Jan. 21, 1897. }

*Hon. John L. Gibbs, President of the Senate:*

SIR: I have the honor to submit, for the consideration of the Senate, the following nominations:

#### MEMBERS OF STATE BOARD OF MEDICAL EXAMINERS.

E. Y. Chilton, of Wright county, reappointment.

Henry H. Chase, of St. Louis county, vice C. B. Pillsbury, term expired.

D. N. Jones, of Sibley county, vice J. B. McGaughey, term expired.  
For terms ending the first Monday in January, 1900.

Very respectfully,

D. M. CLOUGH,  
Governor.

The Senate then resolved itself into Committee of the Whole, for the further consideration of the special order of yesterday. The report of the Committee on Elections on the question as to who is entitled to the seat of Senator from the Sixth Senatorial district.

Mr. Greer in the chair.

After some time spent therein, the committee rose and reported progress, and asked leave to sit again.

On motion the Senate then took a recess till 2 o'clock this afternoon.

#### AFTERNOON SESSION.

The Senate met at 2 o'clock P. M. and was called to order by the President.

#### GENERAL ORDERS.

The Senate then resolved itself into Committee of the Whole.

Mr. Greer in the chair.

Mr. Sheehan moved that the Committee do now rise for the purpose of moving a call of the Senate.

Which was adopted.

The Committee then rose.

Mr. Sheehan moved a call of the Senate, and

The roll being called the following Senators answered to their names:

Messrs. Barr, Cole, Colleston, Cronkhite, Currier, Day, French,

Fuller, Greer, Hanna, Hanson, Heneman, Hodge, Howard, Iltis, Johnson A. G., Johnson W. E., Jones, Knatvold, Larson, Lloyd, Miller, McArthur, McHale, Ozmun, Peterson, Potter, Pottgieser, Reishus, Ringdal, Roverud, Schaller, Sevatson, Sheehan, Smith, Spencer, Stebbins, Stevens, Stockton, Sweningsen, Theden, Thompson, Thorpe, Whitney, Wing, Wyman, Yale, Young.

Mr. Cronkhite excused.

On motion of Mr. Wyman

Further proceedings under the call were dispensed with.

The Senate resolved itself into Committee of the Whole for the further consideration of the special order, the report of the Committee on Elections, on the question as to who is entitled to the office of Senator from the Sixth Senatorial District.

Mr. Greer in the chair.

After some time spent therein the Committee rose and reported progress on the special order, and asked leave to sit again.

On motion the Senate then adjourned till 10 o'clock to-morrow morning.

Attest:

S. A. LANGUM,  
Secretary of the Senate.

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### THIRTEENTH DAY.

ST. PAUL, SATURDAY, Jan. 23, 1897.

The Senate met at 10 o'clock A. M., and was called to order by the President.

Prayer by Rev. J. W. Conley.

The roll being called the following Senators answered to their names:

Messrs. Barr, Cole, Colleston, Currier, Day, Dunham, French, Fuller, Greer, Hanna, Hanson, Heneman, Hodge, Howard, Iltis, Johnson A. G., Knatvold, Larson, Lloyd, Masterman, Miller, Morgan, McArthur, McHale, Ozmun, Peterson, Potter, Pottgieser, Reishus, Ringdal, Roverud, Schaller, Sevatson, Sheehan, Smith, Sperry, Stebbins, Stevens, Stockton, Sweningsen, Thompson, Thorpe, Whitney, Wing, Wyman, Yale, Young.

Quorum present.

On motion, the reading of the Journal was dispensed with, and the Journal as printed and corrected was approved.

Mr. Wyman moved a call of the Senate.

And the roll being called the following Senators answered to their names:

Messrs. Barr, Cole, Colleston, Culkin, Currier, Day, Dunham, French, Fuller, Greer, Hanna, Hanson, Heneman, Hodge, Howard, Iltis, Jones, Johnson A. G., Johnson W. E., Knatvold, Larson, Lloyd, Masterman, Miller, Morgan, McArthur, McHale, Ozmun, Peterson, Potter, Pottgieser, Reishus, Ringdal, Roverud, Schaller, Sevatson, Sheehan, Smith, Spencer, Sperry, Stebbins, Stevens, Stockton, Sweningsen, Theden, Thompson, Thorpe, Whitney, Wing, Wyman, Yale, Young.

Mr. Hanna moved

That further proceedings under the call be dispensed with.

Which motion did not prevail.

Mr. Johnson W. E. moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

The Senate resolved itself into Committee of the Whole, for the further consideration of the special order: the report of the Committee on Elections, on the question as to who is entitled to the seat of Senator from the Sixth Senatorial District.

Mr. Greer in the chair.

After some time spent therein the Committee rose and reported progress, and asked leave to sit again.

On motion

The Senate then took a recess till 1:45 o'clock this afternoon.

### AFTERNOON SESSION.

The Senate reassembled at 1:45 o'clock p. m. and was called to order by the President.

Mr. Hodge moved a call of the Senate.

And the roll being called the following Senators answered to their names:

Messrs. Barr, Cole, Colleston, Cronkhite, Culkin, Currier, Dunham, French, Fuller, Greer, Hanna, Hanson, Heneman, Hodge, Howard, Iltis, Jones, Johnson A. G., Johnson W. E., Knatvold, Larson, Lloyd, Miller, McArthur, McHale, Ozmun, Peterson, Potter, Reishus, Ringdal, Roverud, Sevatson, Sheehan, Smith, Spencer, Sperry, Stebbins, Stevens, Sweningsen, Theden, Thompson, Whitney, Wyman, Yale, Young.

Mr. Stebbins moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

### REPORTS OF COMMITTEES.

Mr. Stevens, from the Committee on Judiciary, to whom was referred

S. F. No. 79, A bill for an act to amend section three (3), chapter sixty-four (64) of the General Statutes (General Statutes one thousand eight hundred and ninety-four (1894), section four thousand eight hundred and thirty-seven (4837) in regard to the powers of the district court,

Reports the same back that it do pass as amended.

Adopted.

Amend title so as to read as follows: "A bill for an act to amend section three (3), chapter sixty-four (64) of the General Statutes one thousand eight hundred and seventy-eight (1878), the same being section four thousand eight hundred and thirty-seven (4837) of the General Statutes of one thousand eight hundred and ninety-four (1894), in regard to the powers of the district court.

Amend section one (1) by inserting "1878" after the words General Statutes in the second line thereof.

Mr. Stevens, from the Committee on Judiciary, to whom was referred

S. F. No. 77, A bill for an act to amend the General Statutes of one thousand eight hundred and ninety-four (1894), chapter thirty-four (34), title five (5), relating to cemetery associations,

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

Adopted.

The Senate then resolved itself into Committee of the Whole for the further consideration of the special order of this morning.

Mr. Greer in the chair.

After some time spent therein, the committee rose and reported that they had had under consideration the special order, the report of the Committee on Elections on the question of who is entitled to the office of Senator from the Sixth Senatorial District.

Which they report back with the recommendation that the following resolution be adopted:

*Resolved*, That when this Committee arise it recommend to the Senate that in its opinion the facts referred to in the report of the Committee on Elections, created a vacancy in the office of Senator in the Sixth Senatorial District on the thirty-first day of January, 1895, which vacancy continued until the third day of November, 1896, and that H. H. Dunn was on the third day of November, 1896, duly elected to the office of Senator from said district and is entitled to his seat as such Senator.

Mr. Stevens moved

To amend the report of the committee by the adoption of the following resolution:

*Resolved*, That by reason of the facts recited in the report of the Committee on Elections, Frank A. Day is not entitled to the seat of Senator from the sixth senatorial district of this state.

Mr. Stevens then moved a call of the Senate.

And the roll being called the following Senators answered to their names:

Messrs. Barr, Cole, Collester, Cronkhite, Culkin, Currier, Dunham, French, Fuller, Greer, Hanna, Hanson, Heneman, Hodge, Howard, Iltis, Jones, Johnson A. G., Johnson W. E., Keller, Knatvold, Larson, Lloyd, Masterman, Miller, Morgan, McArthur, McHale, Ozmun, Peterson, Potter, Pottgieser, Reishus, Ringdal, Roverud, Schaller, Sevaton, Sheehan, Smith, Spencer, Sperry, Stebbins, Stevens, Stockton, Sweningsen, Theden, Thompson, Thorpe, Whitney, Wing, Wyman, Yale, Young.

On motion all further proceedings under the call were dispensed with.

The question being taken on the adoption of the amendment offered by Mr. Stevens,

And the roll being called there were yeas 2 and nays 46, as follows:

Those who voted in the affirmative were:

Messrs. Stevens, Stockton.

Those who voted in the negative were:

Messrs. Barr, Cole, Collester, Cronkhite, Culkin, Currier, Dunham, French, Fuller, Greer, Hanna, Hanson, Heneman, Hodge, Howard, Iltis, Jones, Johnson A. G., Johnson W. E., Keller, Knatvold, Larson, Lloyd, Masterman, Miller, McArthur, McHale, Ozmun,

Peterson, Potter, Pottgieser, Ringdal, Roverud, Sheehan, Smith, Spencer, Sperry, Stebbins, Sweningsen, Theden, Thompson, Whitney Wing, Wyman, Yale, Young.

So the amendment was not adopted.

The question then recurred on the adoption of the report of the committee. A division of the resolution was called for as follows:

*Resolved*, That when this committee arise it recommend to the Senate that, in its opinion, the facts referred to in the report of the Committee on Elections created a vacancy in the office of Senator in the Sixth Senatorial District, on the thirty-first day of January, 1895, which vacancy continued until the third day of November, 1896.

The question being taken on the adoption of the resolution as divided,

And the roll being called there were yeas 30 and nays 23, as follows:

Those who voted in the affirmative were:

Messrs. Barr, Cole, Collester, Currier, Dunham, French, Fuller, Greer, Hanson, Heneman, Iltis, Jones, Keller, Knatvold, Lloyd, McArthur, Ozmun, Peterson, Potter, Pottgieser, Roverud, Sheehan, Smith, Spencer, Sperry, Stebbins, Sweningsen, Thompson, Thorpe, Wing.

Those who voted in the negative were:

Messrs. Cronkhite, Culkin, Hanna, Hodge, Howard, Johnson A. G., Johnson W. E., Larson, Masterman, Miller, Morgan, McHale, Reishus, Ringdal, Schaller, Sevatson, Stevens, Stockton, Theden, Whitney, Wyman, Yale, Young.

So the first part of the resolution was adopted.

The question then recurred upon the adoption of the second part of said resolution, as follows:

“And that H. H. Dunn was, on the third day of November, 1896, duly elected to the office of Senator from said district, and is entitled to his seat as such Senator.”

The question being taken on this portion of the resolution,

And the roll being called there were yeas 30 and nays 23, as follows:

These who voted in the affirmative were:

Messrs. Barr, Cole, Collester, Currier, Dunham, French, Fuller, Greer, Hanson, Heneman, Iltis, Jones, Johnson W. E., Keller, Knatvold, Lloyd, McArthur, Ozmun, Peterson, Potter, Pottgieser, Roverud, Sheehan, Smith, Spencer, Sperry, Stebbins, Sweningsen, Thompson, Thorpe, Whitney, Wing.

Those who voted in the negative were:

Messrs. Cronkhite, Culkin, Hanna, Hodge, Howard, Johnson A. G., Larson, Masterman, Miller, Morgan, McHale, Reishus, Ringdal, Schaller, Sevatson, Stevens, Stockton, Theden, Wyman, Yale, Young.

So the resolution was adopted.

On motion the Senate then adjourned till 11 o'clock Tuesday morning, Jan. 26, 1897.

Attest:

S. A. LANGUM,  
Secretary of the Senate.



## FOURTEENTH DAY.

ST. PAUL, TUESDAY, Jan. 26, 1897.

The Senate met at 11 o'clock A. M., and was called to order by the President.

Prayer by the Rev. Julius A. Ward.

The roll being called the following Senators answered to their names:

Messrs. Barr, Cole, Colleston, Cronkhite, Culkin, Currier, Dunham, Dunn, French, Fuller, Greer, Hanson, Howard, Jones, Johnson A. G., Johnson W. E., Larson, Lloyd, Miller, Morgan, McArthur, McHale, Ozmun, Peterson, Potter, Pottgieser, Reishus, Ringdal, Roverud, Schaller, Sheehan, Smith, Spencer, Sperry, Stebbins, Stevens, Stockton, Theden, Thompson, Thorpe, Whitney, Wing, Wyman, Young.

Quorum present.

Messrs. Knatvold, Iltis, Masterman, Hanna, Yale excused.

On motion, the reading of the Journal was dispensed with, and the Journal as printed and corrected was approved.

Mr. H. H. Dunn then appeared and took the oath of office as Senator from the Sixth Senatorial District.

The President announced that he had appointed Mr. Dunn to all the places on committees made vacant by the unseating of Mr. Day.

Mr. Sheehan resigned as chairman of the Committee to Investigate the Labor Bureau.

The President appointed Mr. Dunn as chairman of said committee in place of Mr. Sheehan.

The President appointed Mr. Fuller as an additional member of the Committee on Municipal Corporations.

## PETITIONS AND OTHER COMMUNICATIONS.

Mr. Wyman presented

A communication from the Board of Locomotive Engineers.

Which was referred to the committee to investigate the Labor Bureau.

Mr. Spencer presented

Resolutions from Co.'s A, C, H and G, Third Regiment Infantry, N. G. S. M.

Which were referred to the Committee on Military Affairs.

## INTRODUCTION OF BILLS.

Mr. Thompson introduced—

S. F. No. 96, A bill for an act to encourage a better condition of rural schools and to appropriate money therefor.

Which was read the first time and referred to the Committee on Education.

Mr. Smith introduced—

S. F. No. 97, A bill for an act to appropriate money to aid in building a bridge in Becker county, Minnesota.

Which was read the first time and referred to the Committee on Roads and Bridges.

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