

Mr. Hill offered the following resolution, which was adopted:

Resolved, By the House of Representatives (the Senate concurring), That the Judiciary committees of the House and Senate, acting jointly, be instructed to examine and consider whether it is necessary and expedient for the welfare of the people of the State to make a general revision of the Constitution. And if so, to also consider the propriety and manner of constituting a commission for that purpose; and report their opinion and conclusions, together with a bill or otherwise, at an early day.

Mr. Benz offered the following resolution:

Resolved, By the House of Representatives, (the Senate concurring,) That the Secretary of State be and he is hereby directed to purchase, for the use of the present Legislature, one copy of the General Statutes of Minnesota for each and every standing committee in the Legislature, for the use of such committees during the present session. The chairman of each committee shall be responsible for such statutes.

Mr. Fletcher gave notice of debate, and the resolution went over under the rules.

INTRODUCTION OF BILLS.

By Mr. Adley—

H. F. No. 12, A bill to authorize the board of county commissioners of Douglas county to issue the bonds of said county to fund its floating debt,

Which was read the first time.

On motion of Mr. Child—

The bill was referred to the committee on Towns and Counties, when appointed.

By Mr. Mason—

H. F. No. 13, A bill to authorize the commissioners of Otter Tail county to issue bonds to fund its floating debt,

Which was read the first time and referred to the committee on Towns and Counties when appointed.

By Mr. Hill—

H. F. No. 14, A joint resolution to the Congress of the United States, asking a survey to be made of the water routes between the navigable waters of the Minnesota river and the Red river of the North, to ascertain the feasibility of connecting the two by canal,

Which was read the first time and referred to the committee on Federal Relations when appointed.

By Mr. Taylor D.—

H. F. No. 15, A bill to compel all railway companies operating a line or lines of railways in the State of Minnesota to elect on the day designated in their charters for election of company officers and directors of the company a majority of directors of the company men who are citizens of and residents of the State of Minnesota,

Which was read the first time and referred to the committee on railroads when appointed.

By Mr. Barnes—

H. F. No. 16, A bill to allow married women to act as Administrators and Executors,

Which was read the first time and referred to the committee on Judiciary when appointed.

Also,

H. F. No. 17, A bill to amend the city charter of the City of St. Cloud, in relation to immunities of firemen,

Which was read the first time and referred to the committee on Incorporations, when appointed.

By Mr. Smith J. K.—

H. F. No. 18, A bill to prevent the running at large of cattle and other domestic animals in the county of Wabasha,

Which was read the first time, and referred to the committee on Agriculture, when appointed.

By Mr. Lafond—

H. F. No. 19, A bill to provide for a bounty on wolves,

Which was read the first time, and referred to the committee on Agriculture, when appointed.

By Mr. Clarke—

H. F. No. 20, A bill to appropriate money to build a bridge across the Lac Qui Parle river, in Lac Qui Parle county,

Which was read the first time and referred to the committee on Ways and Means, when appointed.

By Mr. Pettit, of which previous notice had not been given—

H. F. No. 21, A bill to amend section 6, title 3, chap. 32, of the General Statutes, relating to the office of Surveyor General,

Which was read the first time.

On motion of Mr. Pettit, the bill was referred to a special committee of three.

The Speaker appointed as such committee Messrs. Pettit, Loomis and Barnes.

SECOND READING OF HOUSE BILLS.

H. F. No. 2 was read the second time and ordered to be engrossed for a third reading.

The hour of 11 o'clock a. m., having arrived, the Speaker stated that the special order for this hour was the Contested Election Case from the 24th Legislative District wherein H. J. Brainard is contestant and Lorenzo Hoyt respondent.

The parties to the contest were then called by the Clerk.

H. J. Brainard appeared by his counsel, S. L. Pierce, Esq., and Lorenzo Hoyt appeared by his counsel, J. Ham Davidson, Esq.

The counsel for the contestant and respondent were invited to take seats within the bar of the House.

Mr. Davidson, counsel for the respondent appeared before the House, and interposed objections as to the validity of the proceedings of the contest heretofore had—and filed the objections with the Chief Clerk of the House—and proceeded to argue his points before the house—in favor of having the contest quashed.

Mr. Taylor D., moved that the House do now adjourn.

Which motion did not prevail.

Mr. Pierce, counsel for the contestant, appeared before the House

and proceeded to argue his points before the House in favor of sustaining the conflict.

Mr. Davidson, counsel for the respondent, again addressed the House in support of having the contest quashed.

Mr. Graling moved that the House take a recess until 3 o'clock p. m. Which motion prevailed.

AFTERNOON SESSION.

The House met at 3 o'clock p. m. and was called to order by the Speaker.

Quorum present.

The House resumed the consideration of the contested election case of H. J. Brainard vs. Lorenzo Hoyt.

Mr. Pierce, counsel for the contestant, resumed his argument against the objections to quash the contested election case.

Mr. Mason moved that the House now proceed to hear the testimony in the contested case between Brainard vs. Hoyt.

Mr. Metcalf offered the following resolution as a substitute:

Whereas, The sitting member was decisively elected at the special election, and

Whereas, It is not the province of this House to overrule the will of the people, and

Whereas, The contestant failed to avail himself of his statutory rights to contest. Therefore,

Resolved, That the House will not further consider this case.

Mr. Morse moved to amend the substitute by striking out the preamble.

Which motion prevailed.

The question recurring upon the adoption of the substitute as amended.

Mr. Fletcher called for the ayes and nays.

And the yeas and nays being ordered, there were yeas 30 and nays 70, as follows:

Those who voted in the affirmative were—

Messrs. Barron, Becker, Brown L. M., Davidson, Delaney, Dossdall, Drury, Eppel, Fleming, Graling, Hechtman, Hughes, Kenworthy, Kletchka, Martin H. B., Martin J., McCloskey, McDermid, Meyerding, Melrose, Metcalf, Olds, Passon, Rahilly, Shellman, Smith Isaac, Tirrell, Truwe, Walker and Wells.

Those who voted in the negative were—

Messrs. Adams, Adley, Auge, Babcock, Barnes, Beard, Benz, Benson, Berry, Beals, Brown L., Buell, Burlison, Child, Clarke, Crandall, Daniels, Denny, Dilley, Dickerson, Eckdahl, Ficker, Fletcher, Foss, Gilmore, Gillick, Greer, Groetsch, Halvorson, Hanson J. N., Hansing, Harrison, Healey, Hill, Hyslop, James, Jones, Lawrence, Langley, Lafond, Lord, Manning, Mason, McDonnell, Morgan, Morse, Nelson, Norton, Ottun, Palmerlee, Pease, Peck, Pond, Pratt, Rice, Rieland, Sloan, Smith L. D., Smith J. K., Stanton, Swanstrom, Taylor D., Trask, Treadwell, Ulverstad, West, White, Williston, Woodbury and Mr. Speaker.

It did not prevail.

The question recurring upon the original motion.

Pending which,

Mr. Metcalf moved that the case be committed to the committee on elections when appointed,

Which motion prevailed.

Mr. Treadwell moved to reconsider the vote whereby the case was committed to the committee on elections,

Which motion prevailed.

Mr. Trask moved the previous question.

The question recurring upon the original motion.

It prevailed.

Mr. Pierce, counsel for Mr. Brainard, addressed the House, and stated that he was ready to commence with the reading of the testimony; whereupon Mr. Davidson, counsel for Mr. Hoyt, interposed the following objections to the reading of the testimony:

In the matter of the Contested Election Case of H. J. Brainard, contestant, against Lorenzo Hoyt, respondent.

The respondent objects to the reading of the pretended depositions of the contestant on the following grounds:

FIRST, Because the certificate of the parties before whom the same were taken is not in the form required by the Statutes and does not show that any of the witnesses were ever sworn.

SECOND, That writings brought here and claimed to be the depositions of various witnesses were never read to any of said witnesses and were never signed by any of them, and that the manner in which they have been taken and returned and certified does not conform to the Statute in such case made and provided.

THIRD, That one of the parties named by the contestant as justice of the peace; namely, T. Jennings King, and before whom and by whom the pretended depositions were reduced to writing, was not in fact a justice of the peace; his term of office having expired by law January 1st, 1874.

J. HAM DAVIDSON,

Attorney for Respondent,

Mr. Pratt offered the following resolution, which was adopted:

Resolved, That the objection raised by counsel for sitting member be overruled; and that counsel for contestant be permitted to offer the depositions as testimony in the case now under consideration.

The reading of the testimony was then proceeded with by the Clerk, and after some time spent therein,

Mr. Trask moved that the House do now adjourn.

Which motion prevailed.

SAM. H. NICHOLS,

Chief Clerk House of Representatives.

SEVENTH DAY.

THURSDAY, January 15th, 1874.

The House met at the usual hour and was called to order by the Speaker.

Prayer by the Chaplain.

The roll being called the following members were found to be absent.

Messrs. Clarke, Loomis and McCloskey.

On motion of Mr. Beals leave of absence was granted to Mr. McCloskey.

On motion of Mr. Pratt the reading of the journal of yesterday was dispensed with.

On motion of Mr. Pettit the contested case of Brainard vs. Hoyt was proceeded with.

Mr. Morse offered the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to procure the attendance of persons making depositions in the Contested Election Case of Brainard vs. Hoyt, that their evidence may be taken direct by a committee of this House as may be ordered, which,

On motion of Mr. Pettit the resolution was laid on the table.

The Clerk then proceeded with the reading of the testimony.

Pending which

Mr. Davidson offered the following resolution,

Which was adopted:

Resolved, That the contested case of Howe vs. Ulverstad, of Watonwan county, be set for Tuesday next, 20th, at 11 o'clock a. m., and that the attorneys for the defendant be authorized to examine evidence now on file with the Clerk of this House relating to the same.

The Clerk then resumed the reading of the balance of the testimony in the case of Brainard vs. Hoyt.

Mr. Mason offered the following resolution,

Which was not adopted:

Resolved, That a special committee be appointed to take testimony in the contested case of Brainard vs. Hoyt on part of respondent and report such testimony to the House.

Mr. Graling offered the following resolution:

Resolved, That the case of Brainard vs. Hoyt be and is hereby indefinitely postponed.

Mr. Child raised a point of order,

And stated that the law requires that the House shall take final action in the case.

Mr. Pratt moved that the resolution be laid on the table,

Which motion prevailed.

Mr. Williston offered the following resolution, and moved its adoption:

Resolved, That the testimony offered by the contestant, H. J. Brainard, is not in the judgment of this House sufficient to entitle him to a seat in this body.

Pending which

Mr. Pettit moved that counsel be heard at this time, and that they be allowed one hour each to make their arguments,

Which motion prevailed.

Mr. Mason moved that the counsel for the contestant have the closing argument,

Which motion prevailed.

Mr. Ficker moved that the House take a recess until 2 o'clock p. m.

Which motion did not prevail.

Mr. Davidson, counsel for respondent, proceeded with his argument.

Mr. Sloan moved that the House take a recess until 3 o'clock p. m.

Which motion did not prevail.

Mr. Ficker moved a call of the House,

Which was not ordered.

Mr. Barnes moved that the House take a recess until 2½ o'clock

p. m.,

Which motion did not prevail.

Mr. Pierce, counsel for contestant, proceeded with his argument.

Mr. Olds moved that the House do now adjourn until 3½ o'clock

p. m.,

Which motion did not prevail.

Mr. Barnes moved the previous question.

Mr. Davidson moved a call of the House,

Which was ordered.

The roll being called, the following members were found to be absent:

Messrs. Clarke, Hanson A. K., Hansing, Loomis, McCloskey, Morgan, Morse, Rahilly and Taylor J.

Mr. Child moved that further proceedings under the call be dispensed with.

Which motion prevailed.

The previous question was then ordered.

The question was then taken upon the main question, which was the adoption of the resolution offered by Mr. Williston.

Mr. Fletcher called for the yeas and nays.

Which was ordered.

And the yeas and nays being ordered, there were yeas 67, and nays 30, as follows:

Those who voted in the affirmative were—

Messrs. Adley, Auge, Barron, Barnes, Beard, Benz, Berry, Beals, Becker, Brown L. M., Buell, Burlison, Crandall, Daniels, Davidson, Delaney, Dickerson, Drury, Eppel, Ficker, Fleming, Gilmore, Gillick, Graling, Greer, Halvorson, Harrison, Hechtman, Healey, Hill, Hughes, Hyslop, James, Jones, Jordon, Kenworthy, Kletchka, Lawrence, Langley, Lafond, Lord, Martin H. B., Martin J., Manning, McDermid, McDonnell, Meyerdine, Melrose, Metcalf, Nelson, Norton, Olds, Palmerlee, Passon, Peck, Rieland, Shellman, Smith Isaac,

Smith J. K., Stanton, Taylor D., Truwe, Ulverstad, Walker, Wells, Williston and Mr. Speaker.

Those who voted in the negative were—

Messrs. Adams, Babcock, Benson, Brown L., Child, Denny, Dilley, Dosdall, Eckdahl, Fletcher, Foss, Groetsch, Hanson J. N., Hansing, Mason, Ottun, Pease, Pettit, Pond, Pratt, Rice, Sloan, Smith L. D., Swanstrom, Tirrell, Trask, Treadwell, West, White and Woodbury.

So the resolution was adopted.

The Speaker announced the following standing committees.

Ways and Means—Messrs. Barron, Pettit, Swanstrom, Jordan, Benz, Olds and Eppel.

Judiciary—Messrs. Brown L. M., Williston, Mason, Walker, White, West and Morse.

Railroads—Messrs. Child, Dickerson, Fletcher, Metcalf, Crandall, Pratt, Adley, Jordan, Williston, Olds, Pond, Langley, Graling, Gillick and McDermid.

Public Accounts and Expenditures—Messrs. Woodbury, Loomis, Gilmore, Davidson, Rahilly, Taylor D. and Morse.

Public Lands—Messrs. Hill, Brown L., Sloan, Manning, Babcock, Lawrence, Nelson, Martin J., Peck, Shellman, Hughes, Martin H. B., Beals, Hansing and Ficker.

Federal Relations—Messrs. Denny, White, Brown L. M., Babcock, Beals, Beard and Halvorson.

Education—Messrs. Pettit, Trask, Dickerson, Hill, Barnes, Meyerding and Lord.

Towns and Counties—Messrs. Tirrell, Mason, Buell, Martin H. B., Lord, McDonnell and Rieland.

Military Affairs—Messrs. Pratt, Denney, Child, Adams, Taylor, J., Gillick and Auge.

Incorporations—Messrs. James, Morgan, Foss, Graling, Dosdall, Becker and Wells.

Indian Affairs—Messrs. Adley, Groetsch, Burlison, Hansing, Fleming, Shellman and Lafond.

Agriculture and Manufactures—Messrs. Stanton, Rice, Ulverstad, Harrison and Smith I.

State Prison.—Loomis, Hanson, A. K., Trask, Tirrell, Davidson, Dilley and Truwe.

Claims.—Buell, Kenworthy, Nelson, Martin J., Wells, Beard and Hechtman.

Insurance.—Williston, Fletcher, Treadwell, Davidson, Clarke, Norton and Rahilly.

Immigration—Messrs. Benson, Groetsch, Gilmore, Eckdahl, Melrose, McCloskey and Auge.

Hospital for the Insane—Messrs. Treadwell, Smith L. D., Healey, Meyerding and Norton.

Deaf, Dumb and Blind Institute—Messrs. Rice, Barron, Greer, Halvorson and Delaney.

State Reform School—Messrs. Greer, Daniels, Brown L., Hoyt and Jones.

Soldiers' Orphans—Messrs. Dickerson, Passon, Sloan, Berry and Hyslop.

Roads, Bridges and Navigable Streams—Messrs. Clarke, Kenworthy, Morgan, Palmerlee, Becker, Hoyt and Melrose.

Banks—Messrs. Manning, Foss, Jones, Smith I. and Kletschka.

Printing—Messrs. Crandall, Child, Swanstrom, Eppel and Lafond.

Elections—Messrs. Daniels, Healey, Hanson J. N., Pease and Hyslop.

Commerce—Messrs. Lawrence, Hughes, Kletschka, Drury and Delaney.

Public Buildings—Messrs. Benz, Palmerlee, Adams, Denny and Dosdall.

Rules and Joint Rules—Messrs. White, Passon, Stanton, Pond and Truw.

State Library—Messrs. Walker, Ottun, McCloskey, Taylor D. and McDermid.

Mines and Minerals—Messrs. Swanstrom, Eckdahl, Ficker, Burlison and Smith J. K.

Engrossment—Messrs. Hanson A. K., Manning, James, Berry and Smith J. K.

Enrollment—Messrs. Clarke, Ottun, Harrison, Dilley and McDonnell.

Tree Culture and Fuel—Messrs. Hill, Daniels, Smith L. D., Barnes and Pease.

JOINT COMMITTEES.

Taxes and Tax Laws—Messrs. Metcalf, Crandall and Langley.

University and University Lands—Messrs. West, Ulverstad, Woodbury, Peck and Fleming.

Printing—Messrs. Hanson J. N., Taylor J. and Hechtman.

Mr. Barnes moved that the House do now adjourn,
Which motion prevailed.

SAM. H. NICHOLS,
Chief Clerk House of Representatives.

EIGHTH DAY.

FRIDAY, January 16, 1874.

The House met at the usual hour and was called to order by the Speaker.

Prayer by the Chaplain.

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