

January 5<sup>th</sup>

JOURNAL OF THE SENATE.

Akin, Daniel

1887

House this day, at 2:30 o'clock, for the purpose of receiving the message of the Governor.

Mr. Goodrich introduced the following resolution:

*Resolved*, That a committee of five members of the Senate be appointed by the President, to which all bills relating to the sale or restraining the sale of intoxicating liquors be referred.

The resolution was lost.

A communication was received containing testimony and depositions taken by Daniel O'Brien and W. H. De Kay, Justices of the Peace, in the Senatorial contest case of Truax vs. Akin.

Read and ordered referred to Committee on Elections.

The following message was received from the House:

MR. PRESIDENT: I am directed to inform the Senate that the House concurs in the resolution of the Senate appointing a joint convention at 2:30 P. M. this day for the purpose of receiving the message of His Excellency the Governor.

J. R. HOWARD,  
Chief Clerk House of Rep.

Senator Goodrich introduced

S. F. No. 1, Amending sections 1, 2, 3 and 5, chapter 16, General Laws of 1878, relating to the sale of intoxicating liquors,

Which was read the first time.

On motion the Senate took a recess until 3:30 P. M. for the purpose of meeting the House in joint convention.

Upon reassembling Senator Goodrich introduced

S. F. No. 2, An act amending 491 of the Criminal Code relating to injury to real or personal property,

Which was read the first time.

Senator Goodrich introduced

S. F. No. 3, Amending section 236 of the Penal Code relating to carnal knowledge of children.

Which was read the first time.

Mr. Whiteman moved that the Senate do now adjourn.

Which motion prevailed.

Adjourned.

Attest:

O. L. CUTTER,  
Secretary of the Senate.

### THIRD DAY.

ST. PAUL, MINN., Jan. 6, 1887.

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 members answered to their names:

Messrs. Akin, Anderson, Bowen, Brown, Buckman, Burkhardt, Chapman, Child, Clark, Clough, Compton, Comstock, Crandall, Daniels, Day, Dodge, Durant, Eaton, Edwards, Finseth, Gibson, Goodrich, Hall,

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S. F. No. 109,

Was read the first time.

Referred to Finance Committee.

Mr. Buckman, from the Committee on Finance, to whom was re-

ferred

S. F. No. 66, A bill to appropriate money for State Public Schools,

Reports the same back with the recommendation that the bill do

pass.

The report was adopted.

Mr. Buckman, from the Committee on Finance, to whom was re-

ferred

S. F. No. 124. A bill to appropriate money to reimburse the independent school district of Sauk Rapids, in Fenton county, and to reimburse said Benton county for rebuilding public buildings destroyed,

Reports the same back with the recommendation that it be referred to the Committee of the Whole.

The report was adopted.

→ Mr. Wallmark, from the Committee on Election to whom was referred

The evidence in the contested election, Truax vs Akin, in the Twenty-fifth senatorial district. Your committee would beg to report, That we find from the evidence that A. H. Traux was elected and should have had the certificate on a majority of one vote, had there been a proper return made in the town of Vermillion, one of the voting precincts in said county. On a recount of the votes, however, a combination of several disputed claims taken in the aggregate might leave the whole vote in the county a tie. No evidence is adduced that would in the judgment of the committee displace Mr. Truax from the position he should have had providing said return had been made, the evidence is conclusive that as a matter of fact the position of the contestant and contestee be reversed which would leave Mr. Akin in reality the contestant instead of Mr. Truax.

Mr. Edwards moved that the Truax-Akin contest case be made the special order for Tuesday, January, 25, at 2 P. M.

Which motion prevailed.

Mr. Edwards moved that a synopsis of the testimony taken in the Truax-Akin contested election case be ordered printed.

Which motion prevailed.

Mr. Johnson, T. from the Committee on Corporations, to whom was referred

H. F. No. 83, A bill to amend chapter thirty-one, Special Laws one thousand eight hundred and eighty-five,

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

The report was adopted.

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

S. F. No. 81, A bill to legalize the acts of certain officers,

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

The report was adopted.

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

S. F. No. 52, A bill to declare and protect the legal personal identity of married women,

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Messrs. Akin, Anderson, Brown, Buckman, Chapman, Clark, Compton, Comstock, Crandall, Durant, Eaton, Edwards, Finseth, Gibson, Goodrich, Hall, Halvorson, Hixon, Hoard, Johnson T., Keller, Lende, Nachbar, Nelson, Shields, Swenson, Thacker, Wallmark, Ward, Welch, Whiteman and Wood.

So the bill passed and its title was agreed to.

The hour of 10:30 o'clock having arrived, the time for which the Traux-Akin senatorial contest case was made a special order, the Senate proceeded to consider the same.

Mr. Edwards moved a call of the Senate.

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

Messrs. Akin, Anderson, Brown, Buckman, Burkhardt, Chapman, Child, Clark, Clough, Compton, Comstock, Crandall, Daniels, Day, Dodge, Durant, Eaton, Edwards, Finseth, Gibson, Goodrich, Hall, Halvorson, Hayden, Hixon, Hoard, Johnson M., Johnson T., Keller, Lende, Nachbar, Nelson, Pope, Scheffer, Schields, Smith, Swenson, Thacker, Wallmark, Ward, Welch, Whiteman and Wood.

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

Mr. Day offered the following resolution :

*Resolved*, That the report of the Committee on Elections declaring that the Hon. A. H. Truax is entitled to a seat in this Senate as Senator from the Twenty-fifth Senatorial District, is hereby adopted.

Messrs. Durant and Finseth were excused from voting.

And the roll being called there were yeas 22 and nays 16, as follows:

Those who voted in the affirmative were—

Messrs. Brown, Buckman, Chapman, Clough, Compton, Comstock, Day, Eaton, Edwards, Goodrich, Hall, Halvorson, Hixon, Hoard, Johnson, M., Johnson, T., Keller, Lende, Swenson, Wallmark, Ward and Wood.

Those who voted in the negative were—

Messrs. Anderson, Burkhardt, Clark, Dodge, Gibson, Hayden, Nachbar, Nelson, Oswald, Pope, Scheffer, Shields, Smith, Thacker, Welch and Whiteman.

So the resolution was adopted.

Mr. Edwards moved that—

Hon. A. H. Truax be now sworn in as member of the Senate from the Twenty-fifth district,

Which motion prevailed.

Mr. Truax took the oath of office.

Mr. Goodrich introduced—

S. F. No. 169, A joint resolution urging and requesting the Senate of the United States to ratify and approve a treaty with the Red Lake Indians of Minnesota,

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

Mr. Comstock introduced—

S. F. No. 170, An act amending chapter fifty-three General Statutes, one thousand eight hundred and seventy-eight,

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