

1871

## FOURTH DAY.

FRIDAY, January 6, 1871.

The Senate met pursuant to adjournment, and was called to order by the President.

Prayer by the Chaplain.

The roll being called the following Senators answered to their names : Messrs. Baxter, Becker, Bonniwell, Buell, Case, Chewning, Doran, Farmer, Hill, Hodges, Lord, Macdonald, Pettit, Pfaender, Pillsbury, Sabin, Smith, Teft, Wait, Whallon and Young.

Journal of yesterday read and approved.

Mr. Baxter's resolution of yesterday concerning railroads was taken up.

Mr. Farmer moved that the resolution be printed.

Which motion prevailed.

The House resolution received yesterday, relative to committee on apportionment, was taken up.

Mr. Farmer moved to amend the same by striking out the words, "and judicial."

Which motion prevailed.

Mr. Lord moved to strike out the word "congressional."

Mr. Buell moved to lay the resolution and amendments upon the table.

Which motion was lost.

The question recurring on Mr. Lord's motion to strike out.

The motion prevailed.

The resolution as amended was adopted.

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

Resolved, That the Attorneys for the respective parties in the contested election case of Thompson vs. Whallon be admitted to the floor of the Senate for the purposes of the trial of said case.

→ The hour of eleven o'clock having arrived, the President announced the special order being the contested election case in the Twentieth Senatorial District between Clark W. Thompson and George W. Whallon.

The Secretary called the parties.

Clark W. Thompson, the contestant, appeared by his counsel, John M. Gilman, Esq.

Mr. Whallon, the respondent, appeared in person, and announced C. K. Davis, Esq., and M. J. Severance, Esq., as his counsel.

Mr. Pettit moved that the special order of to-day be made the special order for Tuesday next at three o'clock P. M.

Mr. Baxter requested permission to record his vote upon the election of Senators in Congress from this State.

Mr. Lord moved that the Secretary call the names of those Senators who were absent at the time the vote was taken upon the election of United States Senators.

Which motion prevailed.

The names of the absentees were called, and the following Senators cast their votes for Hon. R. A. Jones for the full term, and Hon. Eugene M. Wilson to fill the vacancy, viz: Messrs. Baxter, Becker, Bonniwell, Buck, Buell, Chewning, Doran, Hodges and Macdonald—9.

On motion of Mr. Lord messages from the house were taken up.

Mr. Macdonald moved that the Senate grant a committee of conference on the House resolution relating to apportionment.

Which motion prevailed.

The President appointed as such committee on the part of the Senate, Messrs. Sabin, Lord and Bonniwell.

On motion of Mr. Baxter the Senate took a recess until three o'clock this afternoon.

#### AFTERNOON SESSION.

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

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

Messrs. Baxter, Becker, Bonniwell, Buck, Buell, Case, Chewning, Doran, Hill, Hodges, Lord, Macdonald, Pfaender, Sabin, Smith, Tefft, Whallon and Young.

→ The President announced the special order at this hour, to be the further consideration of the contested election case in the 20th Senatorial district.

The parties answered to their names.

Mr. Gilman proceeded to argue the case on the part of the contestant.

After he had concluded his opening argument, Mr. Baxter moved that the Senate adjourn.

Which motion was lost.

Mr. Farmer moved that when the Senate adjourns it be until tomorrow morning at 9 o'clock,

Which motion prevailed.

On motion of Mr. Baxter, the Senate adjourned.

Attest:

F. E. SNOW,  
Secretary of the Senate.

Mr. Sabin made the following report :

The conference committee, on the part of the Senate, appointed to confer with a similar committee on the part of the House, on apportionment, have agreed and do report, that the committee be raised to seven in the Senate and thirteen in the House, and that they be confined to Legislative apportionment.

Which was adopted.

On motion of Mr. Farmer the Senate took a recess until 7 o'clock this evening.

EVENING SESSION.

→ The Senate re-assembled at 7 o'clock P. M.

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

Messrs. Baxter, Becker, Bonniwell, Buck, Buell, Case, Chewning, Doran, Farmer, Hodges, Lord, Pettit, Pfaender, Pillsbury, Sabin, Smith, Tefft, Whallon and Young.

Whereupon C. K. Davis, Esq., of counsel for the respondent, proceeded with the argument in the contested election case.

And after concluding the same upon the part of the respondent,

On motion of Mr. Macdonald, the Senate adjourned.

Attest :

F. E. SNOW,  
 Secretary of the Senate.

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THIRTEENTH DAY.

THURSDAY, January 19, 1871.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Chaplain.

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

Messrs. Baxter, Becker, Bonniwell, Buck, Buell, Case, Chewning, Doran, Farmer, Hill, Hodges, Lord, Macdonald, Pettit, Pfaender, Pillsbury, Sabin, Smith, Tefft, Wait, Whallon and Young.

The journal of yesterday was read and approved.

The President announced the following as members of the joint committee on Legislative apportionment :

Messrs. Whallon, Lord, Pillsbury, Young, Bonniwell, Buck and Chewning.

Mr. Baxter on leave, introduced  
S. F. No. 16; A bill for an act to prescribe the times of holding  
general terms of the district court in the several counties constituting  
the 8th judicial district,

Which was read the first time and on motion of Mr. Baxter was referred to the Senators from said judicial district.

Mr. Sabin, from the committee on towns and counties, to whom was referred

S. F. No. 7, A bill for an act to vacate a portion of the town site of East St. Cloud, in Sherburne county,

Reported the same back, recommending its passage.

Which was adopted.

Mr. Wait, to whom was referred

S. F. No. 10, a bill for an act to legalize the tax levied in the towns of West Union and Kandota in Todd county,

Would respectfully report the same back with the recommendation that it pass.

Which report was adopted.

S. F. No. 7, A bill for an act to vacate a portion of the town site of East St. Cloud, in Sherburne county,

And

S. F. No. 10, A bill for an act to legalize the tax levied in the towns of West Union and Kandota, in Todd county,

Were read a second time.

→ On motion of Mr. Tefft, the Senate proceeded to a further consideration of contested election case in the 20th Senatorial District.

The parties answered to their names.

Mr. Gilman proceeded with the closing argument on the part of the contestant.

After the conclusion of Mr. Gilman's argument, on motion of Mr. Wait, the Senate took a recess until 3 o'clock this afternoon.

#### AFTERNOON SESSION.

The Senate re-assembled at 3 o'clock P. M.

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

Messrs. Becker, Bonniwell, Buck, Buell, Case, Doran Hill, Hodges, Lord, Macdonald, Pettit, Pfaender, Pillsbury, Sabin, Smith, Tefft, Wait, Whallon and Young.

The President announced as the special order for the present hour, the consideration of Mr. Becker's resolution pertaining to the internal improvement lands.

Mr. Farmer offered the following amendment: Insert after the word "devoted" the following, "to the purpose of making internal improvements, in accordance with said grant."

Mr. Lord moved to refer the resolution and amendment to the committee on public lands.

On motion of Mr. Baxter, Mr. Farmer was excused from present attendance.

The President announced that he had received a communication from the Governor requiring an executive session.

On motion of Mr. Baxter, the Senate resolved itself into executive session.

After sometime spent therein the executive session arose, and the Senate resumed business in open session.

Mr. Baxter moved to adjourn.

Which motion was lost.

Mr. Macdonald offered the following resolution :

Resolved, That in the opinion of the Senate Clark W. Thompson received the highest number of legal votes for State Senator of the 20th district, for the year 1871.

Mr. Pettit gave notice of debate.

Mr. Macdonald moved to suspend the rules in order to debate the resolution at this time.

Which motion was lost.

Mr. Becker offered the following resolution :

Resolved, By the Senate, (the House of Representatives concurring) that the Secretary of State be requested to include in his annual report the accurate result of the census of this State for 1870, so far as relates to the population of the several counties, together with such detailed results pertaining to the number of the deaf and dumb, blind, insane, &c., as may be practicable, and that for such purpose, he be authorized to employ such extra assistance as shall be requisite to promptly accomplish the same.

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

Mr. Pettit offered the following resolution :

Resolved, That it is the sense of this Senate that Clark W. Thompson not having resided in this State one year, and in the Twentieth Senatorial District of this State six months immediately preceding the election held on the 8th day of November in said District, is ineligible as Senator of said district.

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

On motion of Mr. Baxter, the Senate adjourned.

Attest :

F. E. SNOW,  
Secretary of the Senate.

Those who voted in the affirmative were—

Messrs. Becker, Bonniwell, Buck, Buell, Case, Chewning, Doran, Hodges, Lord, Macdonald, Pettit, Pfaender, Pillsbury, Sabin, Smith, Tefft, Wait and Young.

So the resolution passed and its title was agreed to.

Mr. Becker called up his resolution of yesterday relating to the census.

Which was adopted.

Mr. Macdonald called up his resolution offered yesterday relating to the contested election case in the 20th Senatorial District.

Mr. Becker offered the following as a substitute :

\* Mr. Macdonald accepted the substitute as his resolution.

Resolved, That in the contested case of Thompson against Whallon now pending—

1st. Clark W. Thompson received a majority of the legal votes for Senator in the 20th Senatorial District, and that, therefore, George W. Whallon is not entitled to a seat in this Senate.

2d. That Clark W. Thompson be admitted to his seat as Senator from the 20th Senatorial District.

Mr. Doran moved a call of the Senate.

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

Messrs. Becker, Bonniwell, Buck, Buell, Case, Chewning, Doran, Hill, Hodges, Lord, Macdonald, Pettit, Pfaender, Pillsbury, Sabin, Smith, Tefft, Wait and Young.

On motion, Senators Farmer and Whallon were excused.

The Sergeant-at-Arms reported Senator Baxter in his seat.

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

The question being upon Mr. Becker's resolutions, Mr. Baxter called for a division of the question,

Upon the first resolution,

The roll being called, there were yeas 13, and nays 7, as follows :

Those who voted in the affirmative were—

Messrs. Becker, Buck, Buell, Chewning, Doran, Hill, Hodges, Macdonald Pfaender, Pillsbury, Sabin, Smith and Wait.

Those who voted in the negative were—

Messrs. Baxter, Bonniwell, Case, Lord, Pettit, Tefft and Young.

So the resolution was adopted.

The question being upon the adoption of the second resolution.

The roll being called, there were yeas 10, and nays 10, as follows

Those who voted in the affirmative were—

Messrs. Baxter, Becker, Bonniwell, Buck, Chewning, Hill, Hodges Macdonald, Tefft and Wait.

Those who voted in the negative were—

Messrs. Buell, Case, Doran, Lord, Pettit, Pfaender, Pillsbury, Sabin Smith and Young.

\* See proceedings of January 28th.

Messrs. Baxter, Bonniwell, Buck, Case, Chewing, Farmer, Hill, Hodges, Lord, Macdonald, Pettit, Pfaender, Tefft and Wait.

So the bill passed and its title was agreed to.

S. F. No. 20, A bill for an act to amend chapter twenty-three, section three of the general statutes,

Was read the third time and put upon its passage.

The roll being called, there were yeas 15 and nays 1 as follows:

Those who voted in the affirmative were

Messrs. Baxter, Bonniwell, Buck, Buell, Case, Farmer, Hill, Hodges, Lord, Macdonald, Pfaender, Smith, Tefft, Wait and Young.

Mr. Chewing voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 23, A bill for an act to legalize the first charter election of the village of Kasson, in the county of Dodge, and the acts and proceedings of the officers of said village,

Was read the third time and put upon its passage.

The roll being called there were yeas 14, and nays none, as follows:

Those who voted in the affirmative were—

Messrs. Baxter, Bonniwell, Buck, Buell, Case, Farmer, Hill, Hodges, Lord, Macdonald, Pfaender, Smith, Wait and Young.

So the bill passed and its title was agreed to.

H. F. No. 11, A bill for an act to authorize the borough of St. Peter to aid in the construction of the Winona and St. Peter Railway,

Was read the third time and put upon its passage.

The roll being called, there were yeas 13, and nays 6, as follows:

Those who voted in the affirmative were—

Messrs. Baxter, Buck, Buell, Hodges, Lord, Macdonald, Pettit, Pfaender, Pillsbury, Smith, Tefft, Wait and Young.

Those who voted in the negative were—

Messrs. Becker, Bonniwell, Case, Chewing, Farmer and Hill.

So the bill passed and its title was agreed to.

H. F. No. 24, A bill for an act to change the time of holding the district court in the county of Mille Lac,

Was read the third time and put upon its passage.

The roll being called, there were yeas 16 and nays none, as follows:

Those who voted in the affirmative were—

Messrs. Bonniwell, Buck, Buell, Case, Chewing, Farmer, Hill, Hodges, Lord, Macdonald, Pfaender, Pillsbury, Smith, Tefft, Wait and Young.

So the bill passed and its title was agreed to.

Mr. Farmer requested permission to record his vote upon the motion of Mr. Doran, made January 25th, to reconsider the vote whereby the following resolution was declared to be lost, to-wit:

“That Clark W. Thompson be admitted to his seat as Senator from the 20th Senatorial District.”

On motion of Mr. Wait, Mr. Farmer was allowed to cast his vote as requested.

Mr. Farmer's name being called, he cast his vote in the affirmative. The President announced that the motion to reconsider was carried.

The resolution being before the Senate, Mr. Macdonald offered the following amendment:

Insert after the word "seat," the words "and sworn in."

Mr. Pettit moved a call of the Senate.

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

Messrs. Baxter, Becker, Bonniwell, Buck, Buell, Case, Chewning, Farmer, Hill, Hodges, Lord, Macdonald, Pettit, Pfaender, Pillsbury, Smith, Tefft, Wait and Young.

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

The question being upon the amendment offered by Mr. Macdonald, it was adopted.

The question was then taken upon the adoption of the resolution as amended.

And the yeas and nays being called for and ordered, there were yeas 14, nays 5, as follows:

Those who voted in the affirmative were—

Messrs. Baxter, Becker, Bonniwell, Buck, Chewning, Farmer, Hill, Hodges, Macdonald, Pfaender, Smith, Tefft, Wait and Young.

Those who voted in the negative were—

Messrs. Buell, Case, Lord, Pettit and Pillsbury.

So the resolution was adopted.

Mr. Tefft moved to reconsider the vote last taken.

And the yeas and nays being called for and ordered, there were yeas none, nays 13, as follows:

Those who voted in the negative were—

Messrs. Baxter, Becker, Bonniwell, Buck, Chewning, Farmer, Hill, Hodges, Macdonald, Pfaender, Pillsbury, Tefft and Wait.

So the motion to reconsider was lost.

Mr. Thompson then came forward and took and subscribed the following oath:

"I do solmenly swear that I will support the Constitution of the United States, the Constitution of the State of Minnesota, and faithfully discharge the duties of my office to the best of my judgment and ability. So help me God."

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

Resolved, That the use of this hall be tendered to the State Agricultural Society, for the purpose of holding its annual meeting, tomorrow, at 2 o'clock P. M.

On motion, leave of absence was granted to Senator Smith, after to-morrow, until Monday next.

On motion of Mr. Becker the Senate took a recess until half-past two this afternoon.