

PROCEEDINGS

OF THE

SENATE OF MINNESOTA,

SITTING AS A

High Court of Impeachment,

FOR THE TRIAL OF

William Seeger, ^{Assistant} Treasurer of State,

FOR

CORRUPT CONDUCT AND MISDEMEANORS IN OFFICE.

*published in accordance with a Resolution of the Senate, of date
March 7th, A. D. 1873.*

MINNEAPOLIS:
JOHNSON & SMITH, STEAM PRINTERS.
1873.

PREFATORY STATEMENT.

Impeachment proceedings were inaugurated in the Senate on the 5th day of March, 1873, and were continued in that body at intervals, with the transaction of other business, until the afternoon of March 7th, 1873, when the Senate, sitting as a HIGH COURT OF IMPEACHMENT, adjourned to meet in its chamber in the Capitol, on the 20th day of May, A.D. 1873, at 2½ o'clock P.M. For perspicuity and convenience, therefore, all the proceedings had prior to such adjournment are recorded continuously, and no designation is here made of the particular day, or portion thereof, on which a particular act took place; all having been noted chronologically, and published in their proper order, in the Journal of the Senate.

A. A. HARWOOD,
Clerk of Court of Impeachment.

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SENATE CHAMBER,

ST. PAUL, WEDNESDAY, March 5th, 1873.

SPECIAL PROCEEDINGS.

The Sergeant-at-Arms announced a select committee from the House of Representatives, and there appeared at the bar of the Senate, Representatives Messrs. Child H. A., Child S. P., Baasen, Reed, and Ryder, and through their chairman addressed MR. PRESIDENT, announcing that they were bearers of a special message from the House of Representatives.

The President inquired the pleasure of the Senate.

Mr. MacDonald moved that the committee from the House of Representatives present to the Senate any communication with the transmission of which they were charged, which motion prevailed; whereupon Mr. Child H. A. presented the following, namely:

“Mr. President:

“In obedience to the order of the House of Representatives, we appear before you, and in the name of the House of Representatives and of the whole people of the State of Minnesota, we do impeach William Seeger, Treasurer of the State of Minnesota, of corrupt conduct in office, and of crimes and misdemeanors in office; and we further inform the Senate that the House of Representatives will in due time exhibit particular articles of impeachment against him, and make good the same; and in their name we demand that the Senate take order for the appearance of the said William Seeger to answer said impeachment:” and thereupon the special committee from the House of Representatives withdrew.

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

Resolved, That a committee of three Senators be appointed by the President to wait upon the Governor, and inform him that the House of Representatives, by a committee of that body, has appeared at the bar of the Senate and impeached

William Seeger, Treasurer of the State of Minnesota, for corrupt conduct in office, and for crimes and misdemeanors in office, to the end that such action may be taken by the Executive as is required by the Constitution of the State and the exigencies of this occasion.

Messrs. Graves, Langdon, and McDonald were appointed as such committee.

Mr. Cogswell offered the following resolution, which was adopted.

Resolved, That the message from the House of Representatives relating to the impeachment of William Seeger, Treasurer of the State of Minnesota, be referred to a select committee of five to be appointed by the President, to consider and report thereon at their earliest convenience.

Whereupon Messrs. Cogswell, Graves, Hubbard, Rice Edmund, and Talbot were appointed as such committee.

Mr. Bachelder offered the following, which was adopted:

Resolved, That the Attorney General be, and he is hereby requested to give to this Senate, at as early a moment as possible, his opinion in writing, upon the question of the right of this Senate to sit, and continue in session, as a Court of Impeachment, beyond the sixty days limiting the session, as provided in the Constitution, for the purpose of trying William Seeger upon the Articles of Impeachment presented to the Senate by the Honorable Managers on the part of the House of Representatives.

By Mr. MacDonald:

Resolved, That the Secretary deliver immediately to the Attorney General a copy of the resolution just adopted.

Carried.

The committee of five appointed to take into consideration the Impeachment at the bar of the Senate by the House of Representatives, of William Seeger, State Treasurer, have considered the subject, and report the following resolutions, which they recommend to be adopted, and that the Secretary of the Senate be directed to notify the House of Representatives of the same:

WHEREAS, The House of Representatives on the fifth day of the present month, by five of their members, at the bar of the Senate, impeached William Seeger, Treasurer of the State of Minnesota, of corrupt conduct in office, and of crimes and misdemeanors in office, and informed the Senate that the House of Representatives will in due time exhibit particular articles of impeachment against him, and make good the same, and likewise demanded that the Senate take order for the appearance of said William Seeger to answer said impeachment; Therefore,

Resolved, That the Senate will take proper order thereon, of which due notice shall be given to the House of Representatives.

The committee also report the following rules, which they recommend to be adopted :

RULES OF PROCEDURE AND PRACTICE IN THE SENATE, PRELIMINARY TO SITTING AS A COURT OF IMPEACHMENT.

Rule 1. Whensoever the Senate shall receive notice from the House of Representatives that managers are appointed on their part to conduct an impeachment against any person, and are directed to carry articles of impeachment to the Senate, the Secretary of the Senate shall immediately inform the House of Representatives that the Senate is ready to receive the managers for the purpose of exhibiting such articles of impeachment agreeably to said notice.

2. When the Managers of an Impeachment shall be introduced at the bar of the Senate, and shall signify that they are ready to exhibit articles of impeachment against any person, the presiding officer of the Senate shall direct the Sergeant-at-arms to make proclamation, who shall, after making proclamation, repeat the following words, to wit: All persons are commanded to keep silence on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the State of Minnesota articles of impeachment against ————. After which the articles shall be exhibited and read, and then the presiding officer of the Senate shall inform the managers that the Senate will take proper order on the subject of the impeachment, of which due notice shall be given to the House of Representatives.

3. Upon such articles being presented to the Senate, the Senate shall, at the day and hour ordered by the Senate, proceed to the consideration of said articles, as a High Court of Impeachment, and shall as such Court, continue in session from day to day, Sundays excepted, (unless otherwise ordered by the Senate,) until final judgment is rendered, and so much longer as may in its judgment be needful.

4. Upon the presentation of articles of impeachment, a writ of summons shall issue to the accused, reciting said articles, and notifying him to appear before the Senate at a day and place to be fixed by the Senate, which writ shall be substantially in the following form :

STATE OF MINNESOTA, ss.

The Senate of Minnesota to ———, Greeting:

WHEREAS, The House of Representatives of the State of Minnesota, did on the ——— day of ———, exhibit to the Senate

articles of impeachment against you, the said — —, in the words following, to wit:

[Here insert the articles.]

and did demand that you, the said — —, should be put to answer the accusation as set forth in said articles, and that such proceedings, examinations, trials and judgments might be thereupon had as agreeable to law and justice. You, the said — —, are therefore hereby summoned to be and appear before the Senate of the State of Minnesota, at their chamber in St. Paul, on the — day of —, then and there to answer to the said articles of impeachment, and then and there to abide by, obey and perform such orders and judgments as the Senate of the State of Minnesota shall make in the premises according to the constitution and laws of the State of Minnesota.

Hereof fail not.

Witness: _____,

*Lieutenant Governor of the State of Minnesota,
and President of the Senate thereof.*

At St. Paul, this — day of —, in the year of our Lord _____.

Which summons shall be signed by the Secretary of the Senate, and shall be served by the Seargent-at-Arms, to the Senate, or by such other person as the Senate may specially appoint for that purpose, who shall serve the same pursuant to the directions given in the form next following.

5. A precept shall be endorsed on said writ of summons substantially in the form following:

STATE OF MINNESOTA, ss.

The Senate of the State of Minnesota to — — Greeting:

You are hereby commanded to deliver and leave with _____, if to be found, a true and attested copy of the within writ of summons, together with a copy of this precept, showing him both, or in case he cannot with convenience be found, you are to leave true and attested copies of the said summons and precept at his usual place of residence; and whichsoever way you perform the service, let it be done, at least —, before the appearance day mentioned in said writ of summons.

Fail not, and make return of this writ of summons and precept, with your proceedings thereon endorsed, on or before the appearance day mentioned in said writ of summons.

Witness _____,

*Lieutenant Governor of the State of Minnesota,
and President of the Senate thereof.*

At St. Paul, this — day of —, in the year of our Lord _____.

Which precept shall be signed by the Secretary of the Senate.

6. Subpœnas shall be issued by the Secretary of the Senate upon the application of the managers of impeachment, or of the party impeached, or of his counsel, returnable on the return day of the said writ of summons.

Such subpœna shall be substantially in the following form :

STATE OF MINNESOTA, ss.

The Senate of Minnesota to ———, Greeting :

You, and each of you, are hereby commanded to appear before the Senate of the State of Minnesota, on the ——— day of ———, at the Senate Chamber in St. Paul, then and there to testify your knowledge in the cause which is before the Senate, in which the House of Representatives have impeached ———. Fail not.

Witness.

—————,
*Lieutenant Governor of the State of Minnesota,
and President of the Senate thereof.*

At St. Paul, this ——— day of ———, in the year of our Lord ———; which shall be signed by the Secretary of the Senate.

Such subpœnas shall be directed in every case to ——— to serve and return.

The form of direction to the ——— for the service of a subpœna shall be as follows :

STATE OF MINNESOTA, ss.

To the Sergeant-at-Arms of the Senate, or ——— :

You are hereby commanded to serve and return the within subpœna according to law.

Dated at St. Paul, this ——— day of ———, in the year of our Lord ———.

—————,
Secretary of the Senate.

The committee further recommend that the above rules, if adopted, be ordered printed, and a copy furnished to each member of the Senate and of the House of Representatives.

AMOS COGGSWELL,
CHAS. H. GRAVES.
L. F. HUBBARD,
EDMUND RICE,
FREEMAN TALBOT,
Committee.

The following communication was received from the Attorney General.

STATE OF MINNESOTA,
 ATTORNEY GENERAL'S OFFICE,
 SAINT PAUL, March 7th, 1873. }

HON. WM. H. YALE,

President of the Senate :

SIR—In answer to the resolution of the Honorable, the Senate of the State of Minnesota, this day received, requesting an opinion upon the question of the right of the Senate to sit, and continue in session as a Court of Impeachment, beyond the sixty days limiting the session provided in the Constitution, for the purpose of trying William Seeger upon the articles of impeachment presented to the Senate, &c., I have the honor to state, that in order to comply with your request for an immediate answer, I have not had that opportunity to examine the law and precedents relating to the subject as I would have desired before giving an opinion upon so grave a question, and can only give the conclusions at which I have arrived after a necessarily hasty consideration, without any reference to authorities or precedents to support the same.

The resolution assumes that the Senate is already organized as a court of impeachment, and the question is: Does its existence as such an organized body necessarily cease with the termination of the session of the Legislature in being at the time of its organization? It seems to me that the termination of the legislative session does not necessarily affect the powers of the Senate thus organized as a court of impeachment, nor its rights to sit and continue in session as such court, for the purpose of trying an impeachment.

Under our Constitution the limit to each session of the Legislature is sixty days, and the legislative power of the Senate, which constitutes one branch of the Legislature, of course ceases with the expiration of that period.

The Senate, however, when sitting for the purpose of trying an impeachment, under section 14, article 4, is not acting as a part of the Legislature. Its members, although the same, are acting under the obligations of an entirely different oath, and the body itself, as such, is engaged in the discharge of powers, duties, and functions of a judicial and not legislative character. In fact, it is the Senate organized and acting, not as one branch of the Legislative Department, but as an independent and separate body, clothed with such jurisdiction and powers of a judicial character as pertain to a court of impeachment charged with the trial of impeachment offences.

Save as limited and prohibited by the Constitution, the Senate sitting as a court of impeachment, necessarily possesses all the rights and powers of a court of that character at com

mon law. It must, as incidental to its existence, have the power to adjourn from time to time, and to adopt all such necessary rules and regulations for the proper conduct of its proceedings as in its judgment may seem best.

The constitutional prohibition as to the limit of a legislative session does not, in my judgment, apply to the Senate when organized and sitting as a court of impeachment, neither would the fact that the House of Representatives was not in session at the time when the Senate may be engaged in the trial of an impeachment necessarily interfere with the right of the Senate to proceed with such trial.

Both these questions were fully and ably discussed in the proceedings connected with the impeachment and trial of John C. Mather in the State of New York, in 1853, and the foregoing views are regarded as in harmony with the practice and doctrines as settled in that case.

Respectfully, your obedient servant,

F. R. E. CORNELL,

Attorney General.

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

Resolved, 1. That the Senate, sitting for the trial of a party impeached, sits as a court with the necessary powers to properly perform and complete its duties.

2. That for such purpose, it can meet and adjourn at its pleasure, regulate its own manner of procedure, whether the same be in conformity with precedents, or otherwise.

3. That this court, once organized within the sixty days limited by the Constitution, can proceed as such court until its duties are completed, regardless of the expiration or non-expiration of said sixty days to which the Legislature is limited for the purposes of legislation.

4. That no extra session of the Legislature is requisite in order to enable the said court to proceed as such with the trial of articles of impeachment.

5. That the House of Representatives can clothe the managers with ample powers to meet all emergencies in matters of practice; and even if they are not thus clothed, and they should assume such powers, the court could or could not allow the said managers to exercise them, as they might determine; and from their decision there would be no appeal.

6. That in all the proceedings of said court, however, it should follow the precedents of like cases in other States and countries.

On motion of Mr. Cogswell, the Secretary of the Senate was requested to notify the House of the adoption of the report offered by the Senate special committee on rules for the government of the Senate sitting as a court of impeachment.

The following message was received from the House of Representatives :

MR. PRESIDENT: I am directed to announce that the House of Representatives has adopted articles of impeachment against William Seeger, State Treasurer, and have appointed as a Board of Managers, to appear at the bar of the Senate and conduct said impeachment, Messrs. Wilson, Williston, Barto, Howe, Child of McLeod, Hawks, and VanDyke.

SAM. H. NICHOLS,
Chief Clerk

Mr. Graves offered the following, which was adopted :

Resolved, That the Clerk of the Senate sitting as a Court of Impeachment, be directed to keep, prepare and publish a journal of the proceedings of the court of impeachment.

Mr. Graves also offered the following resolution, which was adopted :

Resolved, That the rules of the Senate, so far as the same may be applicable and not inconsistent with other rules already adopted by the Senate, shall govern in the proceedings upon the trial of this impeachment.

The following communication was received from the Managers of Impeachment :

MR. PRESIDENT: The Managers of the House of Representatives, by order of the House, are ready at the bar of the Senate, whenever it may please the Senate to hear them, to present articles of Impeachment in maintenance of the impeachment preferred against William Seeger, Treasurer of the State of Minnesota, by the House of Representatives.

On motion of Mr. Cogswell, the Secretary was instructed to notify the House of Representatives that the Senate is in readiness to hear any communication which the Managers of Impeachment may desire to make.

Whereupon, the Honorable Managers appointed by the House of Representatives, appeared at the bar of the Senate to present articles of impeachment against William Seeger, Treasurer of State; when the Sergeant-at-Arms made the following proclamation, viz:

All persons are commanded to keep silence on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the State of Minnesota, articles of impeachment against William Seeger.

Articles of Impeachment presented on behalf of the House of Representatives of the State of Minnesota and of the people of said State, to and before the Senate of said State, against William Seeger, the State Treasurer of said State :

CHARGE ONE.

That he, the said William Seeger, being the State Treasurer of said State, and having as said State Treasurer, received, and as such State Treasurer having in his custody, keeping and control, large sums of money, the money and funds of said State, did, at divers dates between the first day of January, 1872, and the third day of February, 1873, wilfully, corruptly and feloniously embezzle the same.

Specification One—In this, that he, the said William Seeger, being State Treasurer as aforesaid, and having in his custody and possession, as such State Treasurer, the different sums of money in this specification set forth, at the different dates herein set forth, the saids sums of money being money and funds of and belonging to said State, did wilfully, corruptly and feloniously loan to the First National Bank of St. Paul, a banking corporation existing and doing business in the city of St. Paul, in said State, at the dates following, the respective sums of such money belonging to said State set opposite to such dates respectively, to wit :

		1872				
Item No. 1,	March 2,	-	-	-	-	\$13,800 00
do 2,	do 5,	-	-	-	-	12,987 06
do 3,	do 19,	-	-	-	-	9,712 88
do 4,	do 20,	-	-	-	-	3,148 05
do 5,	do 31,	-	-	-	-	3,000 00
do 6,	do 22,	-	-	-	-	1,849 31
do 7,	do 26,	-	-	-	-	8,011 40
do 8,	do 28,	-	-	-	-	2,094 47
do 9,	do 30,	-	-	-	-	2,561 01
do 10,	April 8,	-	-	-	-	5,452 95
do 11,	do 12,	-	-	-	-	7,081 26
do 12,	do 16,	-	-	-	-	2,405 27
do 13,	do 18,	-	-	-	-	2,500 00
do 14,	do 19,	-	-	-	-	3,477 54
do 15,	do 26,	-	-	-	-	6,812 97
do 16,	do 27,	-	-	-	-	909 12
do 17,	May 1,	-	-	-	-	2,158 05
do 18,	do 9,	-	-	-	-	2,134 45
do 19,	do 29,	-	-	-	-	979 26
do 20,	June 5,	-	-	-	-	3,100 00
do 21,	do 17,	-	-	-	-	2,468 83
do 22,	do 17,	-	-	-	-	3,250 00
do 23,	do 21,	-	-	-	-	3,675 21
do 24,	do 25,	-	-	-	-	16,149 16

Item No. 25,	June 29,	-	-	-	-	2,517	43
do 26,	July 3,	-	-	-	-	3,000	00
do 27,	do 9,	-	-	-	-	10,000	00
do 28,	do 10,	-	-	-	-	18,138	39
do 29,	do 12,	-	-	-	-	3,628	41
do 30,	do 13,	-	-	-	-	2,031	95
do 31,	do 15,	-	-	-	-	11,000	00
do 32,	do 16,	-	-	-	-	7,200	00
do 33,	do 19,	-	-	-	-	8,415	13
do 34,	do 26,	-	-	-	-	10,506	97
do 35,	do 27,	-	-	-	-	8,546	03
do 36,	Aug. 12,	-	-	-	-	6,176	30
do 37,	do 15,	-	-	-	-	3,515	52
do 38,	do 16,	-	-	-	-	3,550	28
do 39,	do 22,	-	-	-	-	2,433	09
do 40,	Oct. 14,	-	-	-	-	6,979	02
do 41,	do 31,	-	-	-	-	1,536	39
do 42,	Nov. 1,	-	-	-	-	5,100	00
do 43,	do 6,	-	-	-	-	1,829	34
do 44,	do 11,	-	-	-	-	308	92
do 45,	do 14,	-	-	-	-	2,000	00
do 46,	do 18,	-	-	-	-	1,669	87
do 47,	do 25,	-	-	-	-	386	87
do 48,	do 29,	-	-	-	-	775	39
do 49,	do 30,	-	-	-	-	1,303	88
do 50,	Dec. 2,	-	-	-	-	7,985	12
do 51,	do 5,	-	-	-	-	4,394	75
do 52,	do 7,	-	-	-	-	2,317	54
do 53,	do 10,	-	-	-	-	2,817	16
do 54,	do 12,	-	-	-	-	4,097	06
do 55,	do 13,	-	-	-	-	4,000	00
do 56,	do 18,	-	-	-	-	3,316	50
do 57,	Jan. 6,	-	-	-	-	2,155	75
do 58,	do 28,	-	-	-	-	9,817	88

contrary to the Constitution and statutes of said State in such case made and provided.

Specification Two—In this, that he, the said William Seeger, being State Treasurer as aforesaid, and having in his custody and possession as such State Treasurer, the different sums of money in this specification set forth, at the different dates herein set forth, the said sums of money being the money and funds of and belonging to said State, did wilfully, corruptly and feloniously loan to the Second National Bank of St. Paul, a banking corporation existing and doing business at said Saint Paul, at the dates following, the respective sums of such money belonging to said State, set opposite such dates respectively, to wit:

1872

Item No. 1, Feb. 24, Stillwater cks,	-	-	-	\$4,767 50
" " 2, " 29,	-	-	-	3,000 00
" " 3 March 3, Stillwater cks,	-	-	-	4,760 00

contrary to the Constitution and Statutes of said State in such cases made and provided.

Specification Three—In this, that he, the said William Seeger, being State Treasurer as aforesaid, and having in his custody and possession as such State Treasurer, the different sums of money in this specification set forth, at the different dates herein set forth, the said sums of money, being the money and funds of and belonging to said State, did wilfully, corruptly and feloniously loan to Willius Bros. & Dunbar, a firm engaged in the business of banking in said city of Saint Paul, at the dates following the respective sums of money belonging to said State set opposite such dates respectively, to wit:

1872.

Item No. 1, Jan. 15, By Cash,	-	-	-	\$2,345 08
do do 2, do 20, do	-	-	-	4,000 00
do do 3, do 29, do	-	-	-	10,000 00
do do 4, March 8, do	-	-	-	10,000 00
do do 5, April 16, do	-	-	-	2,444 46
do do 6, do 17, do	-	-	-	2,349 59
do do 7, do 19, do	-	-	-	2,000 00
do do 8, do 26, do	-	-	-	1,600 00
do do 9, do 29, do	-	-	-	443 28
do do 10, July 8, do	-	-	-	7,000 00
do do 11, do 9, do	-	-	-	3,000 00
do do 12, do 13, do	-	-	-	4,737 85
do do 13, do 15, do	-	-	-	4,000 00
do do 14, do 27, do	-	-	-	5,887 50
do do 15, Aug. 16, do	-	-	-	2,000 00
do do 16, Sept. 12, do	-	-	-	2,140 36

contrary to the Constitution and to the Statutes of said State, in such cases made and provided.

Specification Four—In this, that he, the said William Seeger, being State Treasurer as aforesaid, and having in his custody and possession as such State Treasurer the different sums of money in this specification set forth, at the different dates herein set forth, the said sums of money being the money and funds of and belonging to said State, did wilfully, corruptly and feloniously loan to the Merchants' National Bank, a banking corporation existing and doing business at said city of Saint Paul, at the dates following, the respective sums of money belonging to said State, set opposite such dates respectively, to wit:

Item No.	1872.		
		1, Aug. 8,	\$16,000 00
do		2, do 12,	3,265 00
do		3, do 12,	6,785 74
do		4, do 26,	5,000 00
do		5, Sept. 12,	1,500 00
do		6, do 20,	956 60
do		7, do 26,	4,000 00
do		8, do 26,	12,000 00
do		9, do 26,	3,831 99
do		10, do 27,	5,211 74
do		11, Oct. 1,	3,912 48
do		12, do 1,	1,172 50
do		13, do 3,	1,550 00
do		14, do 14,	4,306 93
do		15, do 15,	2,574 46
do		16, do 15,	95 31
do		17, do 19,	5,087 00
do		18, do 24,	5,000 00
do		19, do 28,	7,220 23
do		20, do 31,	5,000 00
do		21, Nov. 4,	599 18
do		22, do 11,	2,000 00
do		23, do 11,	2,000 00
do		24, do 13,	2,000 00
do		25, do 20,	2,065 89
do		26, do 21,	6,969 67
do		27, do 22,	1,720 68
do		28, do 27,	2,522 41
do		29, do 29,	1,537 14
do		30, Dec. 2,	3,423 16
do		31, do 5,	4,078 14
do		32, do 10,	8,782 83
do		33, do 18,	2,118 50
do		34, do 23,	1,363 82
		1873.	
do		35, Jan. 3,	498 75
do		36, do 13,	2,815 50
do		37, do 17,	4,975 00
do		38, do 20,	231 50
do		39, do 23,	4,068 02
do		40, Feb. 1,	394 50
do		41, do 1,	5,880 52

contrary to the Constitution and the Statutes of said State in such cases made and provided.

Specification Five—In this, that he, the said William Seeger, being State Treasurer, as aforesaid, and having in his custody and possession as such State Treasurer the different sums of

money in this specification set forth, at the different dates herein set forth, the said sums of money being the money and funds of and belonging to said State, did wilfully, corruptly and feloniously loan to the First National Bank of Stillwater, a banking corporation existing and doing business at the city of Stillwater in said State, at the dates following, the respective sums of money belonging to said State, set opposite such dates respectively, to wit:

1872.

Item No. 1, March 5,	\$5,000 00
do 2, July 31,	5,000 00
do 3, Sept. 3,	5,000 00

contrary to the constitution and the Statutes of said State in such cases made and provided.

Specification Six—In this, that he the said William Seeger being State Treasurer, as aforesaid, and having in his custody and possession as such State Treasurer, the different sums of money in this specification set forth, at the different dates herein set forth, the said sums of money being the money and funds of and belonging to said State, did wilfully, corruptly and feloniously loan to Auerbach, Finch and Scheffer, a firm of merchants doing business at said Saint Paul, at the dates following, the respective sums of money belonging to said State, set opposite such dates respectively, to wit:

1872.

Item No. 1, March 6, By Cash,	\$ 5,000 00
do 2, do 7, do	2,000 00
do 3, Aug. 16, do	6,000 00
do 4, do 22, do	10,000 00
do 5, Sept. 10, do	10,000 00
do 6, Dec. 26, do	5,000 00

1873.

do 7, Jan. 8, do	3,000 00
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contrary to the Constitution and the Statutes of said State, in such cases made and provided.

Specification Seven—In this, that he the said William Seeger being State Treasurer, as aforesaid, and having in his custody and under his control, as such State Treasurer, the moneys and funds of said State, did, on or about the first day of January, 1872, at Saint Paul, in said State, wilfully, corruptly and feloniously loan to one Emil Munch, the sum of one hundred and twelve thousand dollars of said money and funds of said State, contrary to the Constitution and to the Statutes of said State, in such cases made and provided.

Specification Eight—In this, that he the said William Seeger being State Treasurer, as aforesaid, and having in his custody

and possession, and under his control as such Treasurer, the money and funds of said State, did at divers times between the first day of January, 1872, and the third day of February, 1873, corruptly and feloniously loan to the firm of Munch Bros. & Co., a mercantile firm doing business at said city of St. Paul, divers sums of said money belonging to said State, amounting in all to fifty-eight thousand dollars, contrary to the Constitution and to the Statutes of said State in such cases made and provided.

CHARGE TWO.

That he, the said William Seeger, State Treasurer, as aforesaid, became and was an accessory to an embezzlement of the moneys and funds of this State, committed by Emil Munch, his immediate predecessor in his said office.

Specification One—In this, that the said Emil Munch, State Treasurer of said State to the first day of January, 1872, did, just before the expiration of his term of office, feloniously embezzle and convert to his own use, a large sum of money, to wit: the sum of one hundred and twelve thousand dollars belonging to said State, and which had been received by him as such Treasurer; and the said William Seeger, after entering upon the duties of said office, to wit: on or about the first day of January, 1872, endeavored to obtain, and demanded the said money from said Emil Munch, but was unable to obtain the same or any part thereof, by reason of the whole thereof having been embezzled by said Emil Munch as aforesaid; and thereupon he, the said William Seeger, did wilfully, corruptly and feloniously neglect and refuse for more than thirty days, after demanding said money, to make complaint against said Emil Munch for such embezzlement.

CHARGE THREE.

That he, the said William Seeger, being State Treasurer, as aforesaid, was guilty of corrupt misconduct in his said office.

Specification One—In this, that when the said Emil Munch, the immediate predecessor in said office of him, the said William Seeger, turned over the said office to him, upon his, said William Seeger's assuming the duties thereof, to wit, on the first day of January, 1872, the said Emil Munch, with the knowledge and consent of him, the said William Seeger, retained, and kept, and withheld out of the treasury of said State, and from him, the said William Seeger, a large sum of money, to wit, one hundred and twelve thousand dollars, the money of and belonging to said State, and which he, the said Emil Munch, had, as State Treasurer, received, and which had not been by him disbursed; and upon assuming the duties of

his said office, and for several months thereafter, the said William Seeger corruptly omitted and neglected to demand and require of said Emil Munch to return said money into the Treasury of said State; and, on the contrary thereof, did corruptly consent and agree with said Emil Munch, that he, said Munch, should retain and use said money for his own purposes.

Specification Two—In this, that upon the expiration of the term of office of Emil Munch, the immediate predecessor in said office of him, the said William Seeger, the said Emil Munch was delinquent in his accounts as State Treasurer, and a defaulter to said State in a large sum, to wit, the sum of one hundred and twelve thousand dollars, and remained so delinquent and such defaulter for a long space of time, to wit, for several months from and after the first day of January, 1872, the day on which he, the said William Seeger, entered upon the duties of his said office, and which delinquency and defaulting was, during all such time, well known to him, the said William Seeger; yet he, the said William Seeger, being State Treasurer, as aforesaid, did, during such time, corruptly conceal the fact of such delinquency and defaulting, and corruptly omitted and neglected to disclose the same to any officer or person.

Specification Three—In this, that he, the said William Seeger, State Treasurer, as aforesaid, did, while such State Treasurer, to wit, on divers days between the first day of January, 1872, and the third day of February, 1873, corruptly loan to or deposit with divers banks and banking and mercantile firms, divers sums of money belonging to said State, and in his custody and possession as State Treasurer, upon the corrupt expectation that such banks and banking and mercantile firms would pay him a reward or compensation for such loans or deposits, by way of interest thereon, a more particular statement of which sums of money, with the dates when loaned or deposited, and the names of such banks and banking and mercantile firms, are contained in the specifications to charge one of these charges; and to which specifications, for a specific statement of such sums, dates and banks and banking and mercantile firms, reference is hereby made.

Specification Four—In this, by not keeping accurate accounts of the receipts and disbursements at the treasury, in books provided for that purpose, specifying the names of persons from whom received, to whom paid, on what account the same was received or paid out, and the time of such receipt or payment: in this, that about two months after the said William Seeger assumed the duties of his said office, he received from one Emil Munch, his predecessor in office, the sum of one hundred and twelve thousand dollars, belonging to said treasury,

which said sum was not entered upon the official books of said Treasurer; nor does any book kept by the said William Seeger, as such Treasurer, or otherwise, show the time or times when said money was so received by him. And in this, that on the third day of February, 1873, one Calvin S. Uline, County Treasurer of Ramsey County, in this State, paid to the said William Seeger, as such Treasurer, the sum of ten thousand dollars, which said amount the said William Seeger did not enter upon his said books when the same was so paid, nor keep a proper account of, as required by the statute in such case provided.

Specification Five—In this, that a committee having been appointed by the Senate of said State to investigate and ascertain whether the surplus funds reported in the Governor's Message to the Legislature in January, 1873, were in the vaults of the State Treasury at the Capitol, or loaned to banks or individuals, he the said William Seeger being State Treasurer, did corruptly and in order to mislead and deceive said committee, and to induce it falsely to believe that the whole of such surplus funds were in the vaults of such treasury, receive from the County Treasurer of the County of Ramsey, in said State, to wit, on or about the third day of February, 1873, the sum of ten thousand dollars, and did corruptly, and with intent to mislead and deceive said committee, omit to enter or have entered in the books of his said office, any part of said sum.

Specification Six—In this, that with intent to mislead and deceive said committee as aforesaid, he, the said William Seeger, as such State Treasurer, did, on or about the first day of February, 1873, receive from the County Treasurers of other counties divers large sums of money, and did corruptly, and with intent to mislead and deceive said committee, as aforesaid, omit to have entered or to enter in the books of said office, any part of said sums.

Specification Seven—In this, that he, the said William Seeger, State Treasurer, as aforesaid, in order to mislead and deceive said committee, as aforesaid, did borrow from divers persons, large sums of money so as to have the same in his possession to exhibit to said committee, and more particularly did borrow from one Maurice Auerbach, thirty-nine thousand dollars, on or about the first day of February, 1873, and did corruptly have the same on hand and exhibit the same to said committee, with the intent aforesaid.

CHARGE FOUR.

That said William Seeger, being such State Treasurer, on or about the fifth day of February, 1873, and at divers times thereafter, was called as a witness to testify before a certain committee of the Legislature of this State, appointed to inves-

tigate and inquire into the condition of the treasury of this State, under certain resolutions passed by the Senate of said State, in words and figures following, viz :

“*Resolved*, That a committee of three be appointed to investigate and ascertain whether the surplus funds reported in the Governor’s Message, are in the vaults of the State Treasury at the Capitol; or loaned to banks or individuals; and if so loaned, at what rate of interest, and whether said interest is paid into the State Treasury, and if not into the State Treasury, to whom paid, and what disposition has been made of the funds during the last fiscal year; and report the result of said investigation to the Senate at an early day.”

Second resolution—

“*Resolved*, That the committee appointed by the Senate to investigate and ascertain whether State funds during the last fiscal year and the fractional part of the present fiscal year, were kept in the vaults of the State Treasury or loaned to banks or individuals, and if so loaned, at what rate of interest, and whether such interest has been paid into the State Treasury, and if not, to whom paid, be, and are hereby authorized and empowered to send for witnesses, books and papers; to examine said witnesses under oath, and compel the attendance of witnesses; and that two more members be appointed.”

—And being duly sworn and examined as such witness, by said committee, as to matters within his knowledge, and material to the said investigation, did wilfully and corruptly refuse to testify to the whole truth, as to said matters, but on the contrary did wilfully and corruptly give evasive and untruthful answers to the said committee, as to said matters, with the intent to conceal the truth, as to said matters, from said committee, and to mislead them, as to material facts, in their said investigation.

Specification One—By testifying that he put into the safe belonging to his office, all the moneys that came to his hands since he came into his said office, and kept said moneys in said safe until the same was needed for State purposes; whereas, in truth and fact, the said statement was false and untrue, and the said William Seeger well knew the same to be false and untrue.

Specification Two—By testifying that he did not loan or deposit any of the money in his hands, meaning money held by him as such Treasurer, with any individual or corporation other than banks, during his term of office, whereas, in truth and fact, the said statement was untrue and false, as the said William Seeger then well knew. That the said William Seeger did loan to the co-partnership firm of Auerbach, Finch & Scheffer, not a bank, the money so in his hands, at sundry times, and in divers amounts, as follows :

		1872.	
Item No. 1,	March 6,		\$ 5,000 00
do 2,	do 7,		2,000 00
do 3,	Aug. 16,		6,000 00
do 4,	do 22,		10,000 00
do 5,	Sept. 16,		10,000 00

—All of which the said William Seeger well knew at the time he so testified.

Specification Three—By testifying concerning a certain one hundred and twelve thousand dollars, which one Emil Munch, the predecessor in office of the said William Seeger, had retained in his hands after the said William Seeger had assumed the duties of said office, as follows, viz: That he, the said William Seeger, had no knowledge of his own as to where this one hundred and twelve thousand dollars was before he afterwards received the same, and that he believed the said money was in the banks; whereas, in truth and fact, the said statements, and each of them, was false and untrue, as the said William Seeger then well knew; that the said Emil Munch had in fact appropriated the said sum of one hundred and twelve thousand dollars to his own use, while he so held said office, and did not have the said money in the banks before the said William Seeger received the same, as he, the said William Seeger, then well knew.

Each and every of which several acts was done and committed by the said William Seeger contrary to the Constitution and to the Statutes of this State, and to his oath of office as such Treasurer aforesaid.

ALBERT R. HALL,

Speaker of the House of Representatives.

Attest;

SAM. H. NICHOLS,

Chief Clerk House of Representatives.

Mr. Haven offered the following resolution, which was laid on the table:

WHEREAS, William Seeger, Treasurer of the State of Minnesota, has been impeached by the House of Representatives of said State, for corrupt conduct in office, and crimes and misdemeanors in office, and

WHEREAS, Articles of Impeachment have been exhibited at the bar of the Senate, against said William Seeger, by the Managers of said Impeachment appointed by the House of Representatives; now,

Be it Resolved, by the Senate of Minnesota sitting as a High Court of Impeachment, That a writ of summons issue to William Seeger, reciting said articles, and notifying him to appear before the Senate at a time and place to be set forth in said summons.

Mr. MacDonald offered the following resolution :

Resolved, That the Senate will forthwith proceed to consider the impeachment of William Seeger, State Treasurer of Minnesota, at which time the oath or affirmation required by the Constitution for the trial of an impeachment, be administered to the President of the Senate, as the presiding officer thereof, sitting as a Court of Impeachment, and to each member of the Senate ; and that the Senate, sitting as aforesaid, will, at the time aforesaid, receive the Managers of the House of Representatives.

Ordered, That the Secretary lay this resolution before the House of Representatives.

Ordered, That the Articles of Impeachment against William Seeger, State Treasurer, be printed.

Ordered, That a copy of such rules as the Senate, sitting as aforesaid, may adopt, as rules of practice and procedure on the trial of said impeachment, be communicated to the House of Representatives in sufficient number that a copy thereof may be delivered to each member of the House.

The question being upon the adoption of the resolution, Mr. Graves moved to amend by striking out the word "forthwith," and inserting in place thereof the words, "ten o'clock to-morrow," which motion prevailed, and the resolution as amended was adopted.

On motion of Mr. Batchelder, Hon. S. J. R. McMillan one of the Justices of the Supreme Court of the State of Minnesota, was requested to appear and administer to the President of the Senate, as presiding officer of the High Court of Impeachment, the oath of office ; which he did, in manner and form following, to wit :

You do solemnly swear that as President of the Senate, sitting as a High Court of Impeachment for the trial of William Seeger, State Treasurer, for corrupt conduct in office, and for crimes and misdemeanors in office, you will do justice according to the best of your judgment and ability. So help you God.

Mr. Rice, moved that the oath required by the Constitution, be administered to the Senators collectively.

Mr. Graves moved to amend, that the oath be administered to the Senators individually, which motion prevailed.

Mr. Mighen moved that the oath to be administered to Senators be written and subscribed by each ; which motion did not prevail.

The following oath was then administered by the President, to wit :

You do solemnly swear that in the trial of William Seeger, Treasurer of the State of Minnesota, impeached by the House

of Representatives for corrupt conduct in office, and crimes and misdemeanors in office, you will do justice, according to law and evidence, to the best of your ability. So help you God.

Which oath was taken by each and every Senator separately, except Mr. Baxter, who was absent on account of sickness, and Messrs. Porter, Stevens, and Chewning, absent on leave.

Mr. MacDonald moved that a committee of five be appointed to report rules for the government of the court, which motion prevailed.

The President appointed as such committee Messrs. MacDonald, Coggsell, Graves, Batchelder, and Beeman.

Mr. Haven called up his resolution relating to the issue of summons to William Seeger; when Mr. Coggsell offered the following substitute, which was adopted, viz :

Resolved, That a writ of summons issue to William Seeger, the party accused by the Articles of Impeachment, reciting said articles, and notifying him to appear before the Senate at three o'clock P. M., March 7, 1873.

Whereupon the following writ of summons, including the Articles of Impeachment, was issued to the defendant, William Seeger, viz :

STATE OF MINNESOTA—SS.

The Senate of the State of Minnesota, to William Seeger—
Greeting :

WHEREAS, The House of Representatives of the State of Minnesota did, on the 6th day of March, 1873, exhibit to the Senate Articles of Impeachment against you, the said William Seeger, in the words following, to wit :

[Here were included the Articles of Impeachment.]

And did demand that you, the said William Seeger, should be put to answer the accusation as set forth in said articles, and that such proceedings, examinations, trials and judgment might be thereupon had as agreeable to law and justice.

You, the said William Seeger, are therefore hereby summoned to be and appear before the Senate of the State of Minnesota, at their chamber in St. Paul, on the 7th day of March, 1873, then and there to answer the said Articles of Impeachment, and then and there to abide by, obey, and perform such orders

and judgments as the Senate of the State of Minnesota shall make in the premises according to the Constitution and laws of the State of Minnesota.

Hereof fail not.

Witness: WM. H. YALE,
Lieutenant Governor of the State of Minnesota, and President
of the Senate thereof.

At St. Paul, this 7th day of March, A.D. 1873.

Attest: A. A. HARWOOD,
Secretary of the Senate,
and Clerk of the High Court of Impeachment.

STATE OF MINNESOTA—

To Edwin Dunn, Sergeant at Arms of the Senate, sitting as a
High Court of Impeachment:

You are hereby commanded to deliver to and leave with William Seeger, if he be found, a true and attested copy of the within writ of summons, together with a copy of this precept, showing him both; or, in case he cannot with convenience be found, you are to leave true and attested copies of the said summons and precept at his usual place of residence; and whichsoever way you may perform the service, let it be at—before the appearance day mentioned in said writ of summons.

Fail not; and make return of this writ of summons and precept, with your proceedings thereon endorsed, on or before the appearance day mentioned in said writ of summons.

Witness: WM. H. YALE,
Lieutenant Governor of the State of Minnesota, and President
of the Senate thereof.

At St. Paul, this 7th day of March, A.D. 1873.

Attest: A. A. HARWOOD,
Secretary of the Senate,
and Clerk of the High Court of Impeachment.

STATE OF MINNESOTA—SS.

I hereby certify that the within is a true copy of the original summons, including Articles of Impeachment and endorsement thereon, in the matter of the impeachment of William Seeger, Treasurer of the State of Minnesota.

Attest: EDWIN DUNN,
Sergeant at Arms of the Senate,
Sitting as a High Court of Impeachment.

STATE OF MINNESOTA—SS.

The Senate of said State sitting as a Court of Impeachment:

I hereby certify and return, that at St. Paul in said State of Minnesota, and on the seventh day of March, A.D. 1873, I did

deliver to and leave with William Seeger, the person within accused, a true and attested copy of the within summons, together with a copy of the precept endorsed thereon, showing him both.

Dated at St. Paul, March 7, 1873.

EDWIN DUNN,

Sergeant at Arms of the Court of Impeachment.

The foregoing is a copy of the attestation served with the copy of the original summons, articles, and endorsements thereon

EDWIN DUNN,

Sergeant at Arms of the Senate,

Sitting as a High Court of Impeachment.

After service thereof, on motion of Mr. Coggsell, the return of the Sergeant at Arms of his proceedings upon the writ of summons was read to the Senate.

Mr. MacDonald, from the special committee appointed to report rules for the government of the Court, made the following report, which was adopted :

The presiding officer shall have power to issue, by himself, or by the Secretary, all orders, mandates, writs and precepts authorized by the rules of the Senate sitting as a Court of Impeachment, and to make and enforce such other regulations and orders in the premises, as the Senate may authorize or provide.

The Senate, sitting as aforesaid, shall have power to compel the attendance of witnesses, to enforce obedience to its orders, mandates, writs, precepts and judgments; to preserve order, and to punish in a summary way, contempts of, and disobedience to, its authority, orders, mandates, writs, precepts or judgments, and to make all lawful orders, rules and regulations which it may deem essential or conducive to the ends of justice. And the Sergeant at Arms, under the direction of the Senate, may employ such aid and assistance as may be necessary to enforce, execute and carry into effect the lawful orders, mandates, writs and precepts of the Senate.

Counsel for the parties shall be admitted to appear and be heard upon impeachment.

All motions made by the parties or their counsel, shall be addressed to the presiding officer, and if he or any Senator shall require it, they shall be committed to writing, and read at the Secretary's desk.

On motion of Mr. Coggsell, the return of the summons by the Sergeant at Arms, issued to and by him served upon William Seeger, was read.

Mr. Graves offered the following, which was adopted :

Ordered, That the Clerk inform the House of Representatives that the Senate is in its chamber and ready to proceed on the

trial of William Seeger, Treasurer of the State of Minnesota, and that seats are provided for the accommodation of the Honorable Managers of the Impeachment; which information was given, and the managers appeared in the Senate.

The following communication was received from the defendant, William Seeger:

ST. PAUL, March 7th, 1873.

To the Honorable, the Senate of the State of Minnesota:

GENTLEMEN—Having this day been summoned to appear before your honorable body to answer Articles of Impeachment preferred against me by the Honorable House of Representatives, I have the honor to do so by the following named gentlemen, to wit: John M. Gilman, Greenleaf Clark, Gordon E. Cole, and C. K. Davis, Esqrs., who are fully authorized, as my counsel, to make answer for me.

With great respect, I remain
Your obedient servant,

WILLIAM SEEGER.

On motion the Secretary was requested to notify the counsel named in defendant's letter, of the readiness of the Senate to proceed with the trial of the impeachment, and request them to inform the Senate of their wishes in relation thereto.

The counsel of the defendant then appeared, and were shown to seats within the bar of the Senate.

Mr. Coggswell moved that the Court now proceed to consider the Articles of Impeachment against William Seeger; which was adopted.

Mr. MacDonald moved that the defendant's counsel have leave to make any communication they may desire; which motion prevailed.

Pending a consultation of the counsel, Manager Williston addressed the Senate, reading certain letters and authentications, and in conclusion requested a decision as to whether the Senate had further jurisdiction of defendant, he having tendered his resignation of the office of State Treasurer, and the same having been accepted by the Governor.

The question being stated by the President, the Senate held that it had jurisdiction notwithstanding the letter of resignation and the Governor's acceptance thereof.

Defendant's counsel then asked twenty days in which to file an answer.

Mr. Batchelder moved that the counsel for the defendant be allowed ten days to file their answer with the Clerk, and that the Managers be allowed ten days to file with the Clerk their replication; which motion prevailed.

On motion the oath was administered to Messrs. Stevens and Chewning, who were not present to receive it when the other Senators were sworn.

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

Resolved, That the Senate, sitting as a Court of Impeachment, elect A. A. Harwood as Clerk, Charles W. Johnson as Assistant Clerk, Edwin Dunn as Sergeant at Arms, and John Johanson as fireman, and no other officers, unless otherwise ordered, and that they be sworn, and that the President be and he is hereby authorized to appoint two messengers.

The President then administered the oath of office to Mr. Harwood, Mr. Johnson, Mr. Dunn, and Mr. Johanson. He also appointed Willie Thurston and Eugene Johnson as messengers.

Mr. Coggswell moved that when the Court adjourn it adjourn to meet at the Capitol, on the 20th day of May, A.D. 1873, at 2½ o'clock P.M.; which motion prevailed.

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

Resolved, That the Clerk be authorized to have printed, and to furnish the managers, the counsel for the accused, and each member and officer of the court, respectively, with copies of the Articles of Impeachment, answer and replication, together with the rules of the court; also, that the Clerk prepare and publish a record of the proceedings of the Court of Impeachment.

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

Resolved, That the Secretary be and he is hereby directed to inform the House that the Senate, sitting as a Court of Impeachment, is now ready to adjourn such court until the 20th day of May, A.D. 1873, and that it is ready to hear any communication which the House may have to make in relation thereto, prior to so adjourning.

The House sending no communication, the Senate, on motion of Mr. Rice (Edmund), adjourned to meet May 20th, 1873, at 2½ o'clock, P.M.

Attest:

A. A. HARWOOD, Clerk.

FIRST DAY OF ADJOURNED SESSION.

ST. PAUL, TUESDAY, May 20th, 1873.

The Senate sitting as a Court of Impeachment, met, pursuant to adjournment, at 2½ o'clock, P. M., and was called to order by Lieutenant Governor William H. Yale.

Prayer by Rev. J. Marvin.

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

Messrs. Atherton, Baxter, Burbank, Butler, Chewning, Cogswell, Cutts, Everts, Haven, Honner, Hubbard, Hutchins, Jonsrud, Langdon, MacDonald, Meagher, Meighen, Noble, Peterson, Pillsbury, Poehler, Porter, Railson, Rice Edmund, Rice W. D., Ruckholdt, Sabin, Stevens, Stone, Talbot, Thompson, Ward, Waste, White, and Whittemore.

The President announced from the desk, the death of Senator Jonas Lindall, whereupon Mr. Sabin arose in his seat, and delivered an eulogy on the life and character of the deceased, and offered the following resolutions ;

WHEREAS, It has pleased the Almighty Ruler of the Universe to remove from this life our brother Senator, Hon. Jonas Lindall ; therefore, be it

Resolved, by the members of the Senate, that in the death of Mr. Lindall we recognize the loss of an able and incorruptible legislator, a true gentleman, and a faithful friend.

Resolved, That we extend to the family and relatives of the deceased our heartfelt sympathy in this their great affliction.

Resolved, That the Secretary of this body be instructed to forward a copy of these resolutions to the family of the deceased.

Brief eulogies were also pronounced by Senators MacDonald W. D. Rice, Baxter, Edmund Rice, Burler, Talbot, Chaplain Marvin, and Lieut. Governor Yale.

The resolutions were then unanimously adopted by a rising vote.

Senators Baxter and Porter not having taken the oath administered to the other Senators when sitting as a Court of Impeachment, were then sworn in, as follows :

You do solemnly swear that in the trial of William Seeger, Treasurer of State, impeached by the House of Representatives for corrupt conduct in office and misdemeanors in office, you will do justice according to law and the evidence, to the best of your judgment and ability. So help you God.

On motion of Mr. Ward, the Senate then adjourned until to-morrow morning at ten o'clock.

Attest :

A. A. HARWOOD,

Clerk.

SECOND DAY.

ST. PAUL, May 21st, 1873.

The Senate met, pursuant to adjournment, at 10 o'clock A.M.
Prayer by Rev. J. Marvin.

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

Messrs. Atherton, Baxter, Beman, Burbank, Butler, Chewning, Coggs well, Cutts, Everts, Haven, Honner, Hubbard, Hutchins, Jonsrud, Langdon, MacDonald, Meagher, Meighen, Noble, Peterson, Pillsbury, Poehler, Porter, Railson, Rice Edmund, Rice W. D., Ruckholdt, Sabin, Stevens, Talbot, Thompson, Ward, Waste, White, and Whittemore.

The following communication was read by the President:

ST. PAUL, MINN., May 20th, 1873.

HON. W. H. YALE,

President of the Senate:

DEAR SIR—Having formally appeared as counsel for William Seeger in the matter of impeachment against him, we now have to inform you and the Senate that we no longer sustain that relation in the case, having been discharged by Mr. Seeger prior to the time when his answer was to have been filed. He informed us that he had determined to resign his office of State Treasurer, and as his removal from that office was the main object sought, he presumed the Senate would deem it unnecessary and useless to proceed further with the impeachment after his resignation.

Respectfully yours, &c.,

J. M. GILMAN,
G. E. COLE,
C. K. DAVIS,
GREENLEAF CLARK.

Mr. Beeman moved that the communication be laid upon the table, which motion prevailed.

Mr. MacDonald moved that the Sergeant at Arms be instructed to report to the Board of Managers that the Senate is now ready to proceed with the consideration of the Articles of Impeachment.

Mr. MacDonald, from the Committee on Rules, reported the following additional rules for the government of the Senate while sitting as a Court of Impeachment:

RULES ADOPTED MAY 21, 1873.

I. The hour at which the Senate shall meet upon the trial of an impeachment shall be (unless otherwise ordered) ten o'clock A. M.; and when the hour for such sitting shall arrive, the presiding officer of the Senate shall so announce, and there-

upon the presiding officer on such trial shall cause proclamation to be made, and the business of the trial shall proceed.

2. The Secretary shall record the proceedings in the case of impeachment as in the case of legislative proceedings.

3. Witnesses shall be examined by one person on behalf of the party producing them, and then cross-examined by one person on the other side.

4. If a Senator is called as a witness, he shall be sworn and give his testimony standing in his place.

5. If a Senator wishes a question to be put to a witness, or to offer a motion or order (except a motion to adjourn) it shall be reduced to writing, and put by the presiding officer.

6. At all times, while the Senate is sitting upon the trial of impeachment, the doors of the Senate shall be kept open, unless the Senate shall direct the doors to be closed while deliberating upon its decisions; but all votes shall be taken while the Senate sits with open doors.

7. All preliminary or interlocutory questions, and all motions, shall be argued not exceeding one hour on each side, unless the Senate shall by order extend the time.

8. The case on each side shall be opened by one person. The final argument on the merits may be made by two persons on each side (unless otherwise ordered by the Senate, upon application, for that purpose) and the argument shall be opened and closed on the part of the Managers of the House of Representatives.

9. In case the officer or person impeached fails to answer the Articles of Impeachment, the plea of "not guilty" shall be entered as to each of said Articles of Impeachment, and the Senate, as a Court of Impeachment, shall proceed to hear testimony and determine upon the same, unless otherwise ordered.

10. All orders and decisions shall be made and had by yeas and nays, which shall be entered on the record, and without debate, except when the doors shall be closed for deliberation, and in that case no member shall speak more than once on one question, and for not more than fifteen minutes on the final question, unless by consent of the Senate, to be had without debate; but a motion to adjourn shall be decided without the yeas and nays, unless they are demanded by one-fifth of the members present.

11. Witnesses shall be sworn in the following form, viz :

You _____ do solemnly swear (or affirm, as the case may be) that the evidence you shall give in the case now pending between the State of Minnesota and William Seeger, Treasurer of the State of Minnesota, shall be the truth, the whole truth, and nothing but the truth; so help you God.

Which oath shall be administered by the presiding officer.

12. The presiding officer may, in the first instance submit to

the Senate without a division, all questions of evidence and incidental questions; but the same shall, on the demand of one-fifth of the members present, be decided by yeas and nays.

13. On the final question whether the impeachment is sustained, the yeas and nays shall be taken on each Article of Impeachment separately; and if the impeachment shall not, upon any of the articles presented, be sustained by the votes of two-thirds of the members present, a judgment of acquittal shall be entered; but if the person accused in such Articles of holding and enjoying any office of honor, profit or trust within Impeachment shall be convicted upon any of said articles by the votes of two-thirds of the members present, the Senate shall proceed to pronounce judgment; *first*, upon his removal from office, and *second*, whether he shall be disqualified from this State; which judgment of disqualification shall be decided by a separate vote, and shall not be pronounced against him unless two-thirds of the members voting shall vote in favor of the same.

On motion of Mr. MacDonald the Board of Managers were given opportunity to be heard upon Rule No. 9.

Mr. Baxter moved to reconsider the vote whereby the Managers were given opportunity to be heard upon rule No. 9, which motion prevailed.

The motion to give the Board of Managers opportunity to be heard was then withdrawn.

Mr. Meighen moved to amend the Rule No. 9, by adding the words "unless otherwise ordered."

Mr. MacDonald moved that the Managers may be heard upon the question after the adoption of the rule, which was subsequently withdrawn.

On motion of Mr. Rice, E., the Sergeant at Arms was instructed to light the gas, that the dampness might be removed from the Senate chamber.

The question being upon the adoption of Rule No. 9 as amended, the same was adopted.

The report of the committee was then adopted.

Mr. Baxter moved that the Senate do now proceed to the trial of the impeachment of William Seeger, which motion prevailed.

The Managers being present, were given permission to make any communication which they might desire to make.

Mr. Williston, chairman of the Board of Managers, made a few remarks, and offered the following documents as evidence that the court had no jurisdiction,* to the introduction of which Senator Beman objected, by the following resolution:

Resolved, That this court will receive no evidence concerning the resignation of William Seeger.

The roll being called there were yeas 24, and nays 10, as follows:

YEAS—Messrs. Atherton, Baxter, Beman, Burbank, Butler, Chewning, Cogswell, Cutts, Evarts, Honner, Hutchins, Jonsrud, MacDonald, Meagher, Meighen, Poehler, Railson, Rice, Edmund, Rice W. D., Ruckholdt, Stone, Talbot, Thompson, Ward.

NAYS—Messrs. Haven, Hubbard, Langdon, Noble, Peterson, Pillsbury, Porter, Sabin, Stevens, Waste, White.

So the resolution was adopted.

*STATE OF MINNESOTA,
TREASURER'S OFFICE,
St. Paul, March 10th, 1873. }

His Excellency, Horace Austin, Governor of Minnesota:

DEAR SIR—I hereby tender my resignation of the office of Treasurer of the State of Minnesota, to take effect from the first day of April next.

In taking this step, I feel it to be due to the public, to myself, and especially to those who have confided in the integrity of my conduct, to refer to recent events and state the reasons which influence my action.

While my management of affairs involving so much discretionary power, may not have been in all respects above criticism, my conscience wholly acquits me of any intention to do wrong.

A large deficit confronting me upon my first induction into office, one of two courses seemed open to me; either to disclose the fact at once, which would have led to an attempted recovery of the funds by summary prosecution of my predecessor, or to pursue such a course, as while protecting the State from loss would avert from him immediate exposure and ruin.

I chose the course which I deemed would have been the dictate of common prudence in a private transaction under similar circumstances.

My predecessor, it is well known, is my son-in-law, and if obeying a father's instinct, I fell short of the sternest duty in my treatment of him, my offence may not be deemed unpardonable. Nor, perhaps, will the public severely judge me, because yielding to the same feeling, I subsequently gave reluctant and evasive testimony before a committee, who sought to confuse me in every manner, denied me counsel, and seemed more determined to accomplish my downfall than subserve any public interest. With reference to the charge of loaning the public funds to banks, instead of keeping them in the Capitol vault, it is sufficient to say, that in the absence of directory legislation I chose a course, sanctioned not only by uniform custom, but by subsequent legislation, which now requires as a duty, an act, for which I am arraigned as a criminal.

No pretense is made, that by any act or omission of mine, the State has suffered the loss of a dollar. Nor is it true that a farthing of the public money has been converted to my own use, or that I have directly or indirectly profited by any management of the State funds. I retire from the office a poorer man than when I entered upon its duties.

Conscious of my own rectitude of purpose, it was nevertheless my wish to resign as soon as I learned of the dissatisfaction existing with my management of the office, and my resignation was promptly prepared for presentation. From this step I was earnestly dissuaded by near and trusted friends, having no pecuniary interest in the matter, who insisted that such a course would be construed as an acknowledgment of offenses of which I had not been guilty. The resolutions of censure which followed exonerated me from criminal intentions and ascribed a share of blame for existing evils to legislative omissions to make adequate provision for the disposition and care of the public funds.

While I declined to accede to the request of the House of Representatives for my resignation, because I deemed it a request they had no right to make in view of their own self-confessed delinquencies, I yet felt strongly impelled to present my resignation with a view to restoration both of party harmony and public confidence, but I again yielded to the advice of friends and withheld it. But when, by the resentful and precipitate action of that body, I was arraigned for high crimes and misdemeanors, and for willful, corrupt and felonious misuse of the public funds, I looked confidently forward to a speedy trial and an honorable acquittal.

In my sanguine anticipation of that event, however, being inexperienced in legal proceedings, I overlooked both the time required and the pecuniary sacrifice involved.

I am assured that the trial may continue for weeks, possibly for months, and I discover to my dismay that counsel fees and other expenses will require an expenditure by me of \$5,000 or \$6,000, a sum far beyond any means I possess or can raise.

Much as I prize the right to a thorough vindication of my good name, I can not feel it my duty to persist in a formal exoneration at a cost which will reduce my family to penury. I repeat that I am a poor man. A life of varied fortune but stained, thank God, with no dishonor, leaves me in my declining years with but slender means of support. It was my earnest desire to so conduct the affairs of my office during the remainder of my term as to challenge the severest criticism and evoke the practical vindication I crave by a full restoration of public confidence.

But if the exigencies of party and the suspicious temper of the public mind, demand a sacrifice, not so much to appease a

passionate clamor for vengeance, but to atone for the widespread evils of a loose financial system, I am content to be the single victim.

The sands of my life have nearly run out and this fate had better, perhaps, be mine than that of a younger man.

Believing myself already acquitted in the minds of all fairly disposed men, I rest my full vindication upon that dispassionate judgment and sense of evenhanded justice to which I confidently look for the final verdict of my fellow-citizens.

Thanking you, Governor, for the unshaken confidence you have reposed in me, and for the many acts of kindness experienced at your hands, I have the honor to subscribe myself,

Your obedient servant,

WILLIAM SEEGER.

STATE OF MINNESOTA,
EXECUTIVE DEPARTMENT,
St. Paul, March 26th, 1873. }

Hon. William Seeger, State Treasurer :

DEAR SIR—Your letter of the 18th instant, by which you resign the office of State Treasurer, and in which you give your reasons therefor, was filed in this office on the day of its date.

I regret for your sake that you should find it necessary to take this step, but it is evidently your privilege to resign the office, whenever and under whatever circumstances that course in your opinion, seems the proper one for you to adopt.

Section 2 of Chapter 9 of the General Statutes provides that every office shall become vacant on the happening of either of the following events before the expiration of the term of such office: first, the death of the incumbent; second, his resignation; third, his removal.

It appears to me that under our statutes the right of resignation, and of thus determining one's official character, is a positive and unqualified right—a prerogative of the office—in the civil service, and is predicated upon the theory that no one should be an office holder by compulsion.

If I am correct in my understanding of the law, I have no legal right or authority to refuse or reject your resignation, nor would it be necessary that I should accept it; but as there seems to be an opinion prevailing to some extent to the contrary, a neglect on my part to take official action upon the resignation might encumber with troublesome uncertainty the legal status of the Treasury after the time stated for your resignation to take effect, the acting Treasurer having only received an appointment "*ad interim*," having qualified to act only during your suspension, the liability of his bondsmen being conditional upon his faithful discharge of duty only for the time being. The doubt springing from my non-action in the

premises, might also involve the question of the propriety, necessity, or legal authority on the part of the Managers or of the Senate, of the further prosecution of the impeachment proceedings against you.

The question then arises, What official action should be taken to leave the matter free from doubt? To decline the resignation would, in my opinion, be of no legal effect, while it would still leave the question an open one, whether it had not gone into force in spite of nonacceptance.

To accept the resignation may be superfluous, yet it relieves the matter of all possible complications or unprofitable contingencies to the public interests. I therefore accept the resignation. The effect of the resignation upon the impending impeachment is not for me to determine. However, I fail to see how it can prejudice the public interests in any event.

Should the legal effect be to oust the Senate of jurisdiction, and bar further proceedings, the question may then arise whether the object and interest of the House of Representatives in the premises have been answered or defeated.

The original motion for impeachment was voted down in the House by a decided majority, with all the facts and charges before them which they had during the subsequent proceedings, and you were acquitted of any criminal intent to defraud the State.

Subsequently the House requested you to resign. Declining to vacate your office, the House partially accomplished its object through the legal effect of an impeachment, which worked a suspension of your official character, and resulted in placing another in charge of the Treasury.

Considering the various steps taken in the premises by the House of Representatives, one is compelled to the inevitable conclusion that the sole object of their efforts was to accomplish a change of officers.

By your resignation you forward their purpose and perfect what they had but partially accomplished.

On the other hand, if your resignation should not constitute a bar, those who contend that the public welfare requires that the trial should be pushed to its final results, cannot complain. If its effect is not to conclude further proceedings it will be at the option of the managers of the case on the part of the people, and for the Senate, after weighing the cost and the object to be attained, to determine whether the proceedings shall proceed. For these reasons, I should feel myself justified in accepting your resignation, were such acceptance essential to its validity.

Wishing you more peace and prosperity in the declining years of your life than you have found in your official station, I am

Respectfully and sincerely yours,

HORACE AUSTIN, *Governor.*

The defendant not having appeared, and a plea of not guilty having been ordered to be entered according to rule 8th of the Court, Mr. Williston, in behalf of the Board of Managers moved that a plea of guilty be entered against the defendant.

Mr. Rice, W. D., moved to adjourn, and the yeas and nays being called for and ordered, the roll being called there were yeas 23 and nays 13, as follows :

YEAS—Messrs. Atherton, Baxter, Beman, Burbank, Butler, Chewning, Coggsell, Cutts, Everts, Honner, Hutchins, MacDonald, Meagher, Noble, Poehler, Porter, Rice Edmund, Rice W. D., Ruckholdt, Stone, Talbot, Ward, Whittimore.

NAYS—Messrs. Haven, Hubbard, Jonsrud, Langdon, Meighen, Peterson, Pillsbury, Railson, Sabin, Stevens, Thompson, Waste, White.

So the Senate adjourned.

Attest :

A. A. HARWOOD,
Secretary to the Senate.

THIRD DAY.

ST. PAUL, Wednesday, May 22, 1873.

The Senate met at the usual hour, and was called to order by the President.

Prayer by Rev. J. Marvin.

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

Messrs. Atherton, Batchelder, Baxter, Beman, Burbank, Butler, Chewning, Coggswell, Cutts, Everts, Haven, Honner, Hubbard, Hutchins, Jonsrud, Langdon, MacDonald, Meagher, Meighen, Noble, Peterson, Pillsbury, Poehler, Porter, Railson, Rice Edmund, Rice W. D., Ruckoldt, Sabin, Stone, Ward, Waste, White.

The following motion was submitted to Court by the Board of Managers:

In the matter of the
Impeachment of
William Seeger, State Treasurer. }

And now on this 21st day of May, 1873, appear in the Court of Impeachment the Managers appointed by the House of Representatives of the State of Minnesota, to prosecute before the bar of the Senate the Articles of Impeachment, heretofore presented by the said House of Representatives, against the said State Treasurer, and the said William Seeger being duly called by the Sergeant at Arms, of the Senate, came not, but made default, and no plea, answer or demurrer to the said Articles of impeachment having been made or filed by the said Seeger—therefore, the said Managers move the honorable Court, that under the 9th rule adopted by this Court, a plea of guilty be entered for the said Seeger, upon the several charges and specifications in said articles contained—which motion is made and based upon the fact that said Seeger is in contempt of this Court, in that he has not pled or answered to said articles—and upon the letters of said Seeger resigning his said office of State Treasurer, and upon his letter of May 22d, 1873, directed to this Court, which letters are duly exhibited to this Court in support of said motion, and upon the admission in said letters contained, of the truth of the matters in said articles charged.

Mr. Coggswell offered the following resolution:

Resolved, That the motion of the Managers, that the plea of guilty be entered herein against William Seeger, be denied.

Mr. Sabin offered the following amendment:

Amend, By striking out the word denied and insert allowed.

The roll being called there were yeas 14, and nays 23, as follows:

YEAS—Messrs. Atherton, Baxter, Butler, Honner, Hubbard, Hutchins, Jonsrud, Langdon Peterson, Porter, Sabin, Waste, White.

NAYS—Messrs. Batchelder, Beman, Burbank, Chewning, Coggsell, Cutts, Everts, Haven, MacDonald, Meagher, Meihen, Noble, Pillsbury, Poehler, Railson, Rice Edmund, Rice, W. D., Ruckholdt, Stone, Talbot, Thompson, Ward, Whittemore.

So the amendment was lost.

The question being upon the resolution of Senator Coggsell and the roll being called there were yeas 25, and nays 10, as follows:

YEAS—Messrs. Batchelder, Baxter, Beman, Burbank, Butler, Chewning, Coggsell, Cutts, Evarts, Haven, MacDonald, Meagher, Meihen, Noble, Pillsbury, Poehler, Railson, Rice Edmund, Rice W. D., Ruckholdt, Stone, Talbot, Thompson, Ward, Whittemore.

NAYS—Messrs. Atherton, Hubbard, Hutchins, Jonsrud, Langdon, Peterson, Porter, Sabin, Waste, White.

So the resolution was adopted:

The roll of witnesses was called, and Messrs. J.A. Comerford, Horace Austin, O. P. Whitcomb, J. R. Lucas, O. P. Hawkins, F. R. E. Cornell, Horace Thompson, S. P. Jennison and Cal. Uline, answered to their names.

On motion of Mr. Poehler, Mr. Charles Scheffer was excused.

The President then made order that the plea of "not guilty" be entered, under Rule 9.

And the plea was entered accordingly, "Not guilty."

Mr. Batchelder offered the following motion, which was adopted:

Ordered, That the Secretary be authorized and instructed to employ a phonographer to take down the evidence and proceedings of the trial, and to cause the evidence and proceedings of each day to be printed, and laid upon the desks of the Senators on the morning following.

On motion of Mr. MacDonald, the Senate adjourned until 2 o'clock P. M. to-day.

AFTERNOON SESSION.

The Senate met pursuant to adjournment, at 2 o'clock P. M.

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

Messrs. Atherton, Batchelder, Baxter, Beman, Burbank, But-

Mr. Hubbard offered the following resolution—

Resolved, That the plea of "Guilty" offered by the counsel for the defendant in this case, William Seeger, be received and entered upon the records of the court, and that the plea of "Not Guilty" already entered under rule nine of the court be withdrawn.

On motion Senator Nelson was excused from voting.

The roll being called there were yeas thirty-three and nays four, as follows :

YEAS—Messrs. Atherton, Batchelder, Baxter, Burbank, Butler, Chewning, Cutts, Everts, Haven, Honner, Hubbard, Hutchins, Jonsrud, Langdon, MacDonald, Noble, Peterson, Pillsbury, Poehler, Porter, Railson Rice Edmund, Rice W. D., Ruckoldt, Sabin, Stevens, Stone, Talbot, Thompson, Ward, Waste, White, and Whittemore.

NAYS—Messrs. Beman, Coggsell, Meagher, and Meighen.

So the plea was ordered entered, and the plea of "Not Guilty" withdrawn.

The case was then submitted on the pleadings as filed.

Mr. Batchelder moved to adjourn.

The roll being called there were yeas seventeen, and nays nineteen, as follows :

YEAS—Messrs. Batchelder, Baxter, Beman, Burbank, Butler, Chewning, Langdon, MacDonald Noble, Poehler, Porter, Railson, Rice Edmund, Rice W. D., Ruckoldt, Talbot, and Whittemore.

NAYS—Messrs. Atherton, Coggsell, Cutts, Everts, Haven, Honner, Hubbard, Hutchins, Jonsrud, Meagher, Meighen, Peterson, Pillsbury, Sabin, Stevens, Stone, Thompson, Ward, Waste, and White.

So the motion to adjourn was lost.

The question being upon declaring William Seeger guilty of the crimes specified in Charge One of the Articles of Impeachment, Senators Baxter, Poehler, Nelson and Chewning, on motion were excused from voting.

The roll being called there were yeas twenty-six, nays seven, as follows :

YEAS—Messrs. Atherton, Batchelder Burbank, Butler, Cutts, Everts, Haven, Honner, Hubbard, Hutchins, Jonsrud, Langdon, MacDonald, Noble, Peterson, Pillsbury, Porter, Railson, Rice Edmund, Sabin, Stevens, Stone, Talbot, Thompson, Waste, and Whittemore.

NAYS—Messrs. Coggsell, Meagher, Meighen, Rice W. D., Ruckoldt, Ward, and White.

Senator Beman offered the following vote and asked to have it recorded in the minutes, and it was so ordered by the Court, viz :

Mr. Beman votes that William Seeger is guilty of the acts charged, but that from the only evidence before the Court, he did them without any corrupt motive, and without any intention to commit any crime or misdemeanor.

The President declared William Seeger guilty of the specifications of charge one.

Mr. Chewning moved to adjourn.

The roll being called there were yeas 10, and nays 27, as follows :

YEAS—Messrs. Batchelder, Baxter, Beman, Burbank, Chewning, Cutts, Noble, Rice Edmund, Rice W. D., Whittemore.

NAYS—Messrs. Atherton, Butler, Coggsell, Everts, Haven, Honner, Hubbard, Hutchins, Jonsrud, Langdon, MacDonald, Meagher, Meighen, Nelson, Peterson, Pillsbury, Poehler, Porter, Railson, Ruckoldt, Sabin, Stevens, Stone, Talbot, Thompson, Ward, Waste, White.

So the motion to adjourn was lost.

The question being upon declaring William Seeger guilty of the specifications in charge two,

Senators Baxter, Chewning and Poehler, were, on motion, excused.

The roll being called there were yeas 26, nays 6, (excused 4,) as follows :

YEAS—Messrs. Atherton, Batchelder, Burbank, Butler, Cutts, Everts, Haven, Honner, Hubbard, Hutchins, Jonsrud, Langdon, MacDonald, Noble, Peterson, Pillsbury, Porter, Railson, Rice Edmund, Sabin, Stevens, Stone, Talbot, Thompson, Waste, Whittemore.

NAYS—Messrs. Coggsell, Meighen, Rice W. D., Ruckoldt, Ward, White.

The President declared William Seeger guilty of the specifications of charge two.

Mr. Beman's vote was recorded as on charge one.

The question being upon declaring William Seeger guilty of the specifications of charge three,

Senators Baxter, Chewning and Poehler were excused, and Messrs. MacDonald, and Ward declined to vote.

The roll being called there were yeas 25, and nays 6, as follows :

YEAS—Messrs. Atherton, Batchelder, Burbank, Butler, Cutts, Everts, Haven, Honner, Hubbard, Hutchins, Jonsrud, Langdon, Noble, Peterson, Pillsbury, Porter, Railson, Rice Edmund, Sabin, Stevens, Stone, Talbot, Thompson, Waste, Whittemore.

NAYS—Messrs. Coggsell, Meagher, Meighen, Rice W. D., Ruckoldt, White.

Mr. Beman's vote was recorded as on charge one.

The President declared William Seeger guilty of the specifications of charge three.

The question being upon declaring William Seeger guilty of the specifications of charge four.

Senators Baxter, Chewning, Poehler, Ward, and MacDonald were excused.

The roll being called there were yeas twenty-five, and nays six, as follows:

YEAS—Messrs. Atherton, Batchelder, Burbank, Butler, Chewning, Cutts, Everts, Haven, Honner, Hubbard, Hutchins, Jonsrud, Langdon, Noble, Peterson, Pillsbury, Porter, Railson, Rice Edmund, Sabin, Stevens, Stone, Talbot, Thompson, Waste, and Whittemore.

NAYS—Messrs. Coggsell, Meagher, Meighen, Rice W. D., Ruckholdt, and White.

Mr. Beman's vote was recorded as on Charge One.

The President declared William Seeger guilty of the specifications of Charge Four.

Mr. Edmund Rice offered the following resolution.

Ordered. As the judgment of this Court, that William Seeger be and he is hereby removed from the office of State Treasurer.

Mr. Coggsell moved that the resolution be indefinitely postponed, which was lost.

The question being upon the adoption of the resolution, and the roll being called, there were yeas thirty-seven and nays one, as follows:

YEAS—Messrs. Atherton, Batchelder, Baxter, Beman, Burbank, Butler, Chewning, Coggsell, Cutts, Everts, Haven, Honner, Hubbard, Hutchins, Jonsrud, Langdon, MacDonald, Meagher, Nelson, Noble, Peterson, Pillsbury, Poehler, Porter, Railson, Rice Edmund, Rice W. D., Ruckholdt, Sabin, Stevens, Stone, Talbot, Thompson, Ward, Waste, White, and Whittemore.

NAYS—Mr. Meighen.

So the resolution was adopted.

Mr. Rice (E.) offered the following resolution:

Ordered. As the judgment of this Court, that William Seeger be and he is hereby disqualified to hold and enjoy any office of honor, trust or profit in this State.

The roll being called there were yeas 38, and nays none, as follows:

YEAS—Messrs. Atherton, Batchelder, Baxter, Beman, Burbank, Butler, Chewning, Coggsell, Cutts, Everts, Haven, Honner, Hubbard, Hutchins, Jonsrud, Langdon, MacDonald, Meagher, Meighen, Nelson, Noble, Peterson, Pillsbury, Poehler, Porter, Railson, Rice Edmund, Rice W. D., Ruckholdt, Sabin, Stevens, Stone, Talbot, Thompson, Ward, Waste, White, Whittemore.

So the resolution was ~~voted down~~ unanimously.

Adopted.

On motion of Mr. MacDonald the Secretary was authorized to prepare and cause to be printed 500 copies of the record of the proceedings of the Senate, sitting as a Court of Impeachment, to be distributed among the members of the Senate, which motion prevailed.

Mr. Haven offered the following resolution:

Resolved, That the Secretary of the Senate be authorized to issue certificates of mileage, going to and returning from the Capitol, at ten cents a mile, and \$2 per day for each day of actual attendance to witnesses who have appeared before this Court of Impeachment in answer to summons:

The roll being called there were yeas twenty-eight, nays none, as follows:

YEAS—Messrs. Atherton, Batchelder, Baxter, Beman, Burbank, Butler, Chewning, Coggsell, Cutts, Everts, Haven, Honner, Hubbard, Hutchins, Jonsrud, Langdon, MacDonald, Meagher, Meighen, Nelson, Noble, Peterson, Pillsbury, Poehler, Porter, Railson, Rice Edmund, Rice W. D., Ruckoldt, Sabin, Stevens, Stone, Talbot, Thompson, Ward, Waste, White, and Whittemore.

So the resolution was adopted.

On motion of Mr. Rice (Edmund,) the Court of Impeachment adjourned *sine die*.

A. A. HARWOOD,
Sec'y to the Senate.