

and allowing reasonable space for parking to the general public having business at the Capitol, and for the purpose of assisting the custodian of the Capitol in this matter, the Committee on Rules of the Senate and House are authorized to designate one person each for the purpose of carrying out this resolution.

Mr. Miller moved that the foregoing resolution be adopted.

Which motion prevailed.

Which resolution was adopted.

PETITIONS, LETTERS AND REMONSTRANCES.

OFFICE OF

CLERK OF THE DISTRICT COURT

POLK COUNTY

RAYMOND H. ESPE, Clerk

HULDA NYVALL, Deputy

CROOKSTON, MINNESOTA,

December 29, 1950

Presiding Officer
State Senate
State Capitol
St. Paul, Minnesota

Dear Sir:

Re: Julius Spokely vs Louis A. Murray

Polk County File No. 19709

Pursuant to Order filed in this office December 21, 1950 relative to the above election contest, and signed by the Honorable J. H. Sylvestre, one of the judges of this District, this office is transferring all papers and documents filed herein to the Honorable Presiding Officer of the State Senate of the State Capitol, St. Paul, Minnesota for further action.

Sincerely yours,

RAYMOND H. ESPE,
Clerk of District Court

By Doris Morberg
Deputy

Which files containing the election contest of Julius Spokely vs Louis A. Murray, of Polk County, were referred to the Committee on Elections.

ELECTION OF PRESIDENT PRO TEM

Mr. Sullivan nominated Mr. A. O. Sletvold as President pro tem of the Senate.

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

Mr. Sinclair introduced—

S. F. No. 188: A bill for an act to appropriate money to Laurence Lindberg as reimbursement of the amount paid for a State Timber Permit which has expired and the timber not cut or removed.

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

Mr. Sinclair introduced—

S. F. No. 189: A bill for an act making an appropriation of \$529.50 to pay a special assessment for local improvements made by the Village of Warroad against State property benefited by the improvement.

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

REPORTS OF COMMITTEES.

Mr. Mitchell, from the Committee on Elections, to which was referred the matter of the contest of the election of Louis A. Murray to the office of Senator from the Sixty-sixth Legislative District of the State of Minnesota, and the matter of the petition of Julius Spokely to the Senate of Minnesota to be seated as Senator from that District, having considered those related matters reports the same back with the recommendation that (a) with respect to the contest of Louis A. Murray that the said Louis A. Murray was elected to said office, and is entitled to be seated as Senator from said district and (b) with respect to the petition of Julius Spokely that said petition be denied.

The matter of the contest was heard by the Committee on January 16, 1951, after due notice, and upon stipulation of the interested parties. The Contestant, Julius Spokely, was represented by his counsel, Mr. Robert A. Peterson, of Crookston, Minnesota, and the Contestee, Louis A. Murray, was represented by his counsel, Mr. John R. Kelly of Crookston, Minnesota. Witnesses were sworn and testified relative to said matter, and each party offered documentary evidence which was received by the Committee. The court files were offered and received by agreement of the parties. Counsel from both sides argued their cases.

In the matter of the Spokely petition, the petitioner, Julius Spokely, appeared in person and was represented by his counsel, Mr. Robert A. Peterson; he relied on the evidence submitted in connection with the contest.

The committee heard and considered the two matters together as interrelated and indivisible concerning the office in question. A full record of the proceedings of the Committee was made and it with all evidence offered and received is preserved.

The contest of the election of Louis A. Murray was instituted pursuant to statute by Julius Spokely in the District Court of Minnesota for Polk County, which county comprises the Sixty-sixth Legislative District. The petition of Julius Spokely to be seated as Senator from said District was filed in the Senate. Both matters were referred to the Committee on Elections.

The contest was on the ground of certain alleged deliberate, serious, and material violations of the election laws of this state. It was heard by Honorable J. H. Sylvestre, Judge of the District Court of Minnesota, and resulted in findings to the effect that Louis A. Murray received the highest number of votes legally cast at the general election held on the 7th day of November, 1950 for the office of Senator for the Sixty-sixth Legislative District of Minnesota. That at said election Mr. Louis A. Murray received 6,603 votes and Mr. Julius Spokely received 6,136 votes, and that Louis A. Murray is entitled to receive the certificate of election to said office. The court made no findings relative to any violations of the election laws, but took testimony and evidence with respect thereto which was preserved in the form of a transcript of said proceedings together with all exhibits introduced at said hearing which were ordered to be referred to the Senate in said matter. The files and records of the court proceedings, with all the evidence were transmitted to the presiding officer of the Senate in accordance with the law in such cases made and provided.

The Committee in considering this contest deemed the following propositions proper rules to govern its deliberations and conclusions:

1. A statement uttered or printed by a candidate for the office of State Senator which is willful, and knowingly false, or calculatedly misleading, and which imports the lack on integrity of an opponent, or his disregard of the public welfare, or untruthfully describes any act or vote attributed to an opponent while holding public office, and which is made for the purpose of furthering the candidacy of the one making the statement, is sufficient ground for his disqualification as a Senator or for voiding his election.

2. Such a statement made by another or others than the candidate in a planned organized effort to further his candidacy, or to defeat his opponent, will be attributed to the candidate if he knows thereof, or reasonably should have known thereof, unless he publicly disavows the statement before election.

3. If such statements are made by or in behalf of the candidate who receives the most votes in an election, or against his opponent, and are found to have influenced the result of the

election to the extent that the opponent would have prevailed if the statements had not been made, the Senate is justified in seating the opponent on the supposition that were the statements not made that would have been the expressed will of the electorate.

After full consideration the Committee finds these facts :

1. Nominees for the office of Senator from the Sixty-sixth Legislative District were Louis A. Murray and Julius Spokely, and they were candidates at the general election on November 7th, 1950.

2. The vote at the 1950 general election for said office as declared by the canvassing board was 6,603 votes for Louis A. Murray, 6,136 votes for Julius Spokely, and the former was declared as the person receiving the highest number of votes and elected.

3. That Louis A. Murray received a certificate of election to said office on the 29th day of December, 1950.

4. That during the campaign a "Murray for Senator Volunteer Committee" was organized in his behalf. That certain placards or posters were prepared and printed, which failed to bear on their face the name of the person or organization and address of the author thereof, and that same were posted and circulated throughout Polk County. That the weight of the evidence tends to show that said volunteer committee was responsible for said violation in not having said placards or posters in form as provided by law. That the connection of said Louis A. Murray with said violation was at most slight and indirect.

5. That certain advertisements appeared in two issues of the East Grand Forks Record, which failed to have the legal requirement showing the notation that it was a paid advertisement, the amount paid for same, and the person authorizing its insertion. The publisher of said paper assumed the blame for said omission but the said Louis A. Murray had the opportunity to note said omission, and call the same to the attention of the publisher before the issuance of the second publication thereof.

6. That the evidence shows that the statement of disbursements and receipts as filed by the said Louis A. Murray, and as filed by the Murray for Senator Volunteer Committee were incorrect in form in that certain items contained in the statement of disbursements and receipts filed by the Murray for Senator Volunteer Committee were paid for by Louis A. Murray, and that he subsequently was reimbursed for same by said committee. That the statement of disbursements and receipts as filed by said Louis A. Murray fails to show that these reimbursements were receipts or donations to him, and as such should have been so listed in his return. That certain traveling expenses expended

and incurred by Mr. Murray, and for which he claims reimbursement to him by the Murray for Senator Volnuteer Committee would, if added to his statement of disbursements and receipts, exceed the legal limit that a candidate may expend for election to said office.

7. That the said violations on the part of said Louis A. Murray were not of such material character that if they had not occurred would have changed the result of the election.

8. The Committee takes notice of the fact that no criminal proceeding was started for the alleged violations of the Corrupt Practice Act.

9. The Committee does not, nor does it suggest the Senate should, condone violations of the Corrupt Practice Act, however slight, but the violations asserted in this contest, to the extent proved, did not substantially affect the outcome of the election.

From these facts the Committee concludes:

1. That Louis A. Murray was elected to the office of Senator from the Sixty-sixth Legislative District, and is entitled to be seated as Senator from said district.

2. That the petition of Julius Spokely be denied.

Mr. Mitchell moved that the foregoing report be printed in the Journal and lie over one day.

Which motion prevailed.

Mr. Baughman, from the Committee on Civil Administration, to which was referred—

S. F. No. 31: A bill for an act relating to public employees retirement; amending Minnesota Statutes 1949, Sections 353.03, 353.04, 353.07, 353.11, 353.12, 353.13, 353.17, 353.20, Section 353.01, Subdivisions 2, 6, 7, 8, 9, 11, 12 and 13, Section 353.02, Subdivisions 1, 2, 3, 4, 5, 6 and 7 and Section 353.09, Subdivisions 1, 2, 2 and 4; and repealing Minnesota Statutes 1949, Section 353.02, Subdivisions 8 and 9, and Section 353.14.

Reports the same back with the recommendation that the bill be amended as follows:

Section 10, Subd. 2, line 20 on page 5 of the typewritten bill, after the word "years" strike out the word "or" and on line 23 strike out the period after the word "subdivision" and add the following language: ", or (4) any employee of a governmental subdivision not heretofore affected by the provisions of this chapter, unless the governing body thereof shall adopt the resolution provided for in section 353.20."

SECOND READING OF SENATE BILLS.

S. F. Nos. 15, 20, 106, 62, 60, 70 and 156 were read the second time.

MOTIONS AND RESOLUTIONS.

Mr. Mitchell moved that the report of the Committee on Elections, relating to the matter of the contest of the election of Louis A. Murray to the office of Senator from the Sixty-sixth District and the matter of the petition of Julius Spokely to the Senate of Minnesota, as found recorded on pages 128 to 131, inclusive, in the Senate Journal for the fifteenth day, be now adopted, and that Mr. Louis A. Murray be seated as Senator from the Sixty-sixth District.

CALL OF THE SENATE.

Mr. Mitchell moved a call of the Senate.

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

| | | | | |
|----------------|------------|---------------|------------|------------|
| Andersen, E.L. | Covert | Johanson | Mattson | Schultz |
| Anderson, A.A. | Dahlquist | Johnson, C.E. | Mayhood | Sinclair |
| Anderson, E.P. | Daun | Johnson, J.A. | Miller | Sullivan |
| Anderson, M.H. | Dickinson | Julkowski | Mitchell | Vukelich |
| Baughman | Duemke | Keller | Mullin | Wagener |
| Bonniwell | Duff | Larson | Novak | Wahlstrand |
| Burdick | Engbritson | Lauerman | O'Brien | Wrabek |
| Butler | Erickson | Ledin | Palm | Wright |
| Carey | Feidt | Lemm | Peterson | Zwach |
| Carley | Gillen | Lightner | Root | |
| Carr | Grottum | Lofvegren | Rosenmeier | |
| Child | Imm | Masek | Salmore | |

CALL LIFTED.

Mr. Mitchell moved to dispense with further proceedings under the Call of the Senate and that the Sergeant-at-Arms be instructed to bring in the absent members.

Which motion prevailed.

MOTIONS AND RESOLUTIONS—CONTINUED.

The question then recurred on the adoption of the motion as made by Mr. Mitchell.

And the roll being called, there were yeas 62, and nays none, as follows:

Those who voted in the affirmative were :

| | | | | |
|---------------|------------|--------------|------------|------------|
| Almen | Covert | Johnson,C.E. | Miller | Schultz |
| Andersen,E.L. | Dahlquist | Johnson,J.A. | Mitchell | Sinclair |
| Anderson,A.A. | Daun | Julkowski | Mullin | Sullivan |
| Anderson,E.P. | Dickinson | Keller | Novak | Vukelich |
| Anderson,M.H. | Duemke | Larson | O'Brien | Wagener |
| Baughman | Duff | Lauerman | Palm | Wahlstrand |
| Bonniwell | Engbritson | Ledin | Pedersen | Welch |
| Burdick | Erickson | Lemm | Peterson | Wrabek |
| Butler | Feidt | Lightner | Rogers | Wright |
| Carey | Gillen | Lofvegren | Root | Zwach |
| Carley | Grottum | Masek | Rosenmeier | |
| Carr | Imm | Mattson | Sageng | |
| Child | Johanson | Mayhood | Salmore | |

So the committee report was adopted.

OATH OF OFFICE

Mr. Murray, escorted by Mr. Child and Mr. Mattson advanced to the bar of the Senate where he subscribed to the oath of office as administered by the President of the Senate.

MOTIONS AND RESOLUTIONS—CONTINUED.

Mr. Mullin moved that Senate Concurrent Resolution No. 3 be withdrawn from the Committee on Civil Administration.

Which motion prevailed.

Senate Concurrent Resolution No. 3 was withdrawn from the Committee on Civil Administration.

Mr. Mullin then moved that Senate Concurrent Resolution No. 3 be re-referred to the Committee on University.

Which motion prevailed.

Senate Concurrent Resolution No. 3 was re-referred to the Committee on University.

GENERAL ORDERS.

The Senate resolved itself into a committee of the whole, with Mr. Lofvegren in the chair.

After some time spent therein, the committee arose and the President having resumed the chair, Mr. Lofvegren reported that the committee had considered S. F. No. 8.

Which the Committee recommends to pass.

S. F. No. 31.

Which the Committee reports progress.

JOURNAL
OF THE
SENATE
OF THE
FIFTY-SEVENTH SESSION
OF THE
LEGISLATURE
OF THE
STATE OF MINNESOTA

1951

SAINT PAUL:
PERKINS-TRACY, STATE PRINTERS

