

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

Report adopted.

Mr. Starks, from the Committee on Markets and Marketing, to which was referred—

S. F. No. 96: A bill for an act relating to the Minnesota Railroad and Warehouse Commission and its powers and duties in connection with the buying, selling or trading of livestock, cattle, hogs, sheep, draft horses and mules from producers for resale; providing the penalties for violation of the provisions thereof, and repealing Mason's Supplement 1940, Sections 5285-18, 5285-19, 5285-22 and 5285-23.

Reports the same back with the recommendation that the bill be indefinitely postponed.

Report adopted.

S. F. No. 96 was indefinitely postponed.

State of Minnesota

In the Senate of Minnesota

In the Matter of the Contested Election of Fred Newton to a Seat in the Minnesota State Senate.

Mr. Richardson, from the Committee on Elections, to which was referred the matter of the Contest of Kenneth W. Angstman against Fred Newton, contesting the election of the said Fred Newton to the Minnesota State Senate from the Fifty-fifth Legislative District, reports the same back with the recommendation that the proceedings be dismissed, and that the within Findings of Fact, Conclusions, and Conclusions of Law be made a part of said Committee report.

State of Minnesota

District Court

County of Mille Lacs

Seventh Judicial District

In the Matter of the Contest of the Election held November 3, 1942, to the Office of the State Senator from the Fifty-fifth Legislative District of the State of Minnesota.

Kenneth W. Angstman,

Contestant,

-vs-

Fred Newton,

Contestee.

Mr. Richardson, from the Committee on Elections, to which was referred all of the files, records and proceedings had in the above entitled matter, reports the same back as follows:

That upon all of said files, records and proceedings, and upon all the evidence adduced at a hearing before your committee held on the 28th day of January, 1943, at 1:00 o'clock P. M., at which time Contestant, Kenneth W. Angstman, appeared in person and by his attorneys R. C. Angstman and George L. Angstman, and Contestee, Fred Newton, appeared in person and by his attorneys Clarence C. Mitchell and Walter P. Wolfe, your committee, after due consideration thereof

and arguments of counsel, makes the following findings of fact, conclusions, conclusions of law and recommendation:

F A C T S

1. That at the General Election held on the 3d day of November, 1942, Contestant, Kenneth W. Angstman, and Contestee, Fred Newton, were candidates for election to the office of State Senator from the Fifty-fifth Legislative District of Minnesota; that the Canvassing Board of the State of Minnesota declared that Contestee, Fred Newton, was elected to said office at said General Election; that pursuant thereto the Secretary of State of Minnesota issued and delivered to Contestee, Fred Newton, a certificate of his election to said office; that thereafter Contestee, Fred Newton, filed said certificate of election in the office of said Secretary of State and subscribed to the oath of office required of a State Senator; that he is now the duly authorized, qualified and acting State Senator for the Fifty-fifth Legislative District of Minnesota for the term ending January 1, 1947.

2. That Contestant, Kenneth W. Angstman, instituted the above entitled proceedings for a recount of all the ballots cast at the General Election held on the 3d day of November, 1942, for the candidates for the office of State Senator, Fifty-fifth Legislative District of Minnesota; that pursuant thereto the Honorable D. M. Cameron, Judge of the District Court, made and filed findings of fact and conclusions of law in the above entitled matter, in part, as follows:

That Contestant, Kenneth W. Angstman, received the highest number of votes legally cast at said election for said office, namely: a majority of seventy-one votes, and that he is entitled to receive the certificate of election to said office accordingly.

3. That there was no determination or adjudication by the court of any of the issues involving alleged violations of the Corrupt Practices Act of Minnesota on the part of either of the parties to this proceeding; that upon these issues your committee further finds as follows:

That Contestant, Kenneth W. Angstman, admitted that he knowingly caused to be published, issued and circulated among the voters in said Fifty-fifth Legislative District the following circular:

“Iron Range Solon Condemns Senator Newton as Tool
of U. S. Steel Corporation.

The following letter has been received from State Representative J. W. Huhtala of Virginia, now a candidate for the Senate seat left vacant by the death of Senator Lommen:

Virginia, Minnesota, October 14, 1942.

*Honorable Kenneth W. Angstman,
State Representative,
Big Lake, Minnesota.*

Dear Kenneth:

I understand you are a candidate for the office of State Senator and have as your opponent Senator Newton. If the people of your district could visualize the sad and drastic results the Range towns

are suffering as a result of the vicious anti-range mining bills passed during the last session by Senator Newton and others who voted with the United States Steel Corporation on those laws, I am sure they would not return a man of that type to the Minnesota Legislature. I personally condemn, and all the people of the State of Minnesota should do their utmost to reject the men who worked so diligently with the big interests, causing a loss of millions of dollars in revenue to the State of Minnesota. The losses suffered by the entire State because of per capita limitation bills will be irreparable and those who, in ignorance or otherwise, voted in favor of these bills, most certainly should not be returned to the Legislature of the State of Minnesota.

You can be proud of your liberal voting record in the sessions in which we served together, and I personally wish to thank you for all the times you aided me.

Yours sincerely,

J. WILLIAM HUHTALA

Fay Cravens, editor of the Mille Lacs County Times, refused to print this as a paid advertisement. In view of the attacks he has made on me, I am forced to use this means of getting the truth to the people.

KENNETH W. ANGSTMAN.

Prepared and circulated by Kenneth W. Angstman, Big Lake, Minnesota, in his own behalf."

That said circular was transmitted to the voters by United States mail, in many instances being delivered to the voters on General Election Day; that said Contestant further admitted that the original letter set forth in the foregoing circular was not solicited from the author, J. William Huhtala; that Contestant made no effort to ascertain the truth or falsity of the statements contained in said letter or circular.

That Contestant, Kenneth W. Angstman, offered no evidence in support of any of the claims made against the Contestee, Fred Newton, as contained in the foregoing circular, and more particularly offered no evidence to prove that Contestee, Fred Newton, was a tool of the United States Steel Corporation or that by his vote as a Senator he caused the State of Minnesota to lose millions of dollars in revenue.

That Contestant, Kenneth W. Angstman, admitted that he knowingly caused to be published, issued and circulated in the said Fifty-fifth Legislative District a postal card which was transmitted to the voters by United States mail, of which the following is a true and exact copy thereof:

"Keep Kenneth W. Angstman in the Legislature
Elect Him State Senator November 3rd.

This card is being sent to all my Volunteer Workers who have been so kind as to give me their support during this campaign. I want to take this means of thanking you for what you have done and I hope that you will continue your efforts during the closing hours of the campaign.

Be sure our friends get out and vote. Don't let them forget that my opponent sponsored a bill in the 1939 session which would prac-

tically have killed the REA, also he was a member of the Public Highways Committee which passed the vicious gas transport bill out of the committee without even giving the opposition a chance to be heard. The opposition was composed of the Grange, Farm Bureau and every other farm organization.

Again I thank you for your support and will be glad to hear from you after the election, regarding anything in which you are interested.

KENNETH W. ANGSTMAN."

That said Contestant admitted that he made no effort to ascertain the truth or falsity of the statements set forth in the foregoing postal card; that he offered no evidence in support of any of the claims made against Contestee, Fred Newton, as contained in the foregoing postal card, and more particularly offered no evidence to prove that Contestee, Fred Newton, sponsored a bill during the 1939 Legislative Session which would practically have killed the REA or that he, as a member of the Public Highways Committee, assisted in passing a vicious gas transport bill out of the committee without giving the opposition an opportunity to be heard; that said gas transport bill was given a full and complete hearing by all interested persons for and in opposition thereto.

That Contestee, Fred Newton, visited several voting precincts in the Fifty-fifth Legislative District on Primary Election Day held on the 8th day of September, 1942, and shook hands with some of the election judges and friends; that he did not distribute any campaign literature or solicit any votes during said visits; that he did not permit his automobile to be used for the transportation of voters to the polls on General Election Day held on the 3rd day of November, 1942.

As Conclusions:

1. That the statements contained in the foregoing circular and postal card are false and defamatory, and were derogatory to the candidacy of Fred Newton; that said statements were intended to and did affect a large number of votes legally cast at the General Election held on the 3rd day of November, 1942, for the office of State Senator for the Fifty-fifth Legislative District.

2. That alleged acts of violation of the Corrupt Practices Act of Minnesota on the part of Contestee, Fred Newton, on Primary Election Day are not material to any issue in this proceeding; that other alleged acts of such violations were trivial, unimportant and in all respects free from all offensive or illegal acts, and did not arise from any want of good faith.

As Conclusions of Law the Committee finds:

1. That the Contestant, Kenneth W. Angstman, is guilty of serious, flagrant and material violations of the Corrupt Practices Act of Minnesota; that by reason thereof he has disqualified himself as a State Senator for the Fifty-fifth Legislative District.

2. That the Contestee, Fred Newton, is not guilty of violations of the Corrupt Practices Act of Minnesota.

3. That the Contestee, Fred Newton, is the duly authorized, qualified and acting State Senator for the Fifty-fifth Legislative District

of Minnesota, and as such is entitled to retain his office as such State Senator for the term ending January 1, 1947.

Upon the foregoing findings of fact, conclusions and conclusions of law, the Committee recommends that the above entitled election contest proceedings be dismissed.

Mr. Richardson moved that the foregoing report be printed in the Journal and lie over.

Which motion prevailed.

SECOND READING OF SENATE BILLS.

S. F. Nos. 405, 431, 208, 315, 360, 369, 423, 273, 400, 65, 167, 401, 277, 443, 204, 356, 390 and 372 were read the second time.

S. F. Nos. 456, 457, 458, 460, 462 and 463, which, under the rules of the Senate, were laid over one day, were read the second time.

SECOND READING OF HOUSE BILLS.

H. F. Nos. 186, 64, 101, 103, 211 and 183 were read the second time.

MOTIONS AND RESOLUTIONS—CONTINUED.

Mr. Butler introduced—

Senate Resolution No. 9:

A Resolution relating to the American's war creed:

Whereas, This nation is engaged in the greatest war of all time, and

Whereas, We approach the birthday of that great American, Abraham Lincoln, and

Whereas, We are now in session as a war legislature,

Now, Therefore, Be It Resolved, That we, the Senate of Minnesota, re-affirm our loyalty, our patriotism, and pledge ourselves anew to the following statement as "The American's War Creed".

What are we fighting for? For America and Americanism. For the American way of life—for life, liberty and the pursuit of happiness. For the Constitution and the Bill of Rights—for freedom of religion, freedom of the press, freedom of speech and the right to vote—for government of the people, by the people and for the people.

We are fighting for the land we love—for treasures more precious than silver or gold: for Plymouth Rock and Mount Vernon, for Niagara Falls and the Grand Canyon, for the glories of the Yellowstone and the mighty Father of Waters. For these and the Statue of Liberty we stand ready to defend our country to the death against European aggressors. For these and the Golden Gate our armies and our navies challenge the treacherous hosts of Japan.

We are fighting for the flag unfurled and flying high with thirteen stripes and forty-eight stars, for the indestructible United States of America, a nation united, independent, unshackled and free.

We are fighting for the future—for a world in which all men may have work, food and happiness—for children whose hopes and opportunities will be secure—for happy homes in every nation—for in-

Mr. Finstad, from the Committee on Liquor Control, to which was referred—

S. F. No. 464: A bill for an act relating to non-intoxicating malt liquors and licenses and permits for the sale thereof, and repealing inconsistent acts.

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

That there be added at the end of paragraph 1 of Section 1 the following language: "No such permit shall be refused unless the applicant shall have been convicted of the violation of any liquor laws within two years immediately preceding such application."

And when so amended, that the bill do pass.

Amendments adopted.

Report adopted.

SECOND READING OF SENATE BILLS.

S. F. Nos. 195, 265, 286, 415, 519, 518, 512, 434, 116, 378, 270, 211, 252, 302, 46, 196, 89, 338, 2, 468, 146, 379, 184, 147, 117, 425, 386, 42 and 464 were read the second time.

SECOND READING OF HOUSE BILLS.

H. F. Nos. 302, 428 and 141 were read the second time.

CALL LIFTED.

Mr. Lightner 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.

CONSIDERATION OF S. F. NO. 214—CONTINUED.

The question then recurred on the adoption of the motion, as made by Mr. Lightner, that the vote whereby S. F. No. 214 failed to pass, be now reconsidered,

And the roll being called, there were yeas 24, and nays 36, as follows:

Those who voted in the affirmative were:

Baughman	Dennison	Larson, H. A.	Novak	Solstad
Berglund	Gage	Lightner	Orr	Starks
Carley	Galvin	Miller	Richardson	Sullivan
Cole	Goodhue	Mullin	Rosenmeier	Young
Dahle	Johanson	Neumeier	Sletvold	

Those who voted in the negative were:

Bridgeman	Friberg	Kingsley	Newton	Simonson
Butler	Gardner	Larson, N. J.	O'Brien	Stiening
Carr	Hagen	Ledin	Ranum	Swenson
Dahlquist	Huhtala	Masek	Rockne	Wagener
Dietz	Imm	Mayhood	Rogers	Wahlstrand
Dougherty	Johnson, C. E.	Murphy	Seifert	Welch
Engbretson	Julkowski	Nelsen	Siegel	Welle
Finstad				

So the motion was not adopted.

MOTIONS AND RESOLUTIONS—CONTINUED.

Mr. Richardson moved that the report from the Committee on

Elections, relating to the contest of Kenneth W. Angstman against Fred Newton as found recorded on pages 295, 296, 297, 298 and 299 of the Senate Journal of the 26th day, be now adopted.

CALL OF THE SENATE.

Mr. Orr moved a Call of the Senate.

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

Baughman	Finstad	Kingsley	Novak	Solstad
Berglund	Friberg	Larson, H. A.	O'Brien	Starks
Bridgeman	Gage	Larson, N. J.	Orr	Stiening
Butler	Galvin	Ledin	Ranum	Sullivan
Carley	Gardner	Lightner	Richardson	Swenson
Carr	Goodhue	Masek	Rockne	Wagener
Cole	Hagen	Mayhood	Rogers	Wahlstrand
Dahle	Harrison	Miller	Rosenmeier	Weber
Dahlquist	Huhtala	Mullin	Seifert	Welch
Dennison	Imm	Murphy	Siegel	Welle
Dietz	Johanson	Nelsen	Simonson	Wright
Dougherty	Johnson, C. E.	Neumeier	Sletvold	Young
Engebretson	Julkowski	Newton		

CALL LIFTED.

Mr. Orr 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.

CONSIDERATION OF THE REPORT FROM THE COMMITTEE ON ELECTIONS—
CONTINUED.

Mr. Young moved to amend the Election Committee Report made on the contested election of Fred Newton for a seat in the Minnesota State Senate as follows:

Strike all of paragraph 3 and paragraph thereafter in the second Conclusions of Law found by the Committee, and substitute in place thereof the following:

3. That contestee, Fred Newton, not having received the majority of the votes, is not entitled to said seat of State Senator from the said 55th Legislative District of Minnesota;

That the seat of State Senator from the 55th Legislative District is hereby declared vacant and that the vacancy thereby created be filled by calling a special election forthwith in accordance with the Statutes of Minnesota governing special elections filling vacancies;

That a copy of this resolution be transmitted to the Governor and that he is hereby requested to call such special election in the usual manner in accordance with the Statutes of the State of Minnesota.

The question being taken on the adoption of the amendment,

And the roll being called, there were yeas 6, and nays 52, as follows:

Those who voted in the affirmative were:

Baughman	Carr	Hagen	Huhtala	Young
Carley				

Those who voted in the negative were:

Berglund	Gardner	Masek	Ranum	Starks
Bridgeman	Goodhue	Mayhood	Richardson	Stiening
Cole	Harrison	Miller	Rockne	Sullivan
Dahle	Imm	Mullin	Rogers	Swenson
Dahlquist	Johanson	Murphy	Rosenmeier	Wagener
Dennison	Johnson, C. E.	Nelsen	Seifert	Wahlstrand
Dietz	Julkowski	Neumeier	Siegel	Weber
Finstad	Kingsley	Novak	Simonson	Welch
Friberg	Larson, H. A.	O'Brien	Sletvold	Welle
Gage	Larson, N. J.	Orr	Solstad	Wright
Galvin	Lightner			

So the amendment was not adopted.

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

And the roll being called, there were yeas 55, and nays 3, as follows:

Those who voted in the affirmative were:

Baughman	Finstad	Kingsley	O'Brien	Solstad
Berglund	Friberg	Larson, H. A.	Orr	Starks
Bridgeman	Gage	Lightner	Ranum	Stiening
Butler	Galvin	Masek	Richardson	Sullivan
Cole	Gardner	Mayhood	Rockne	Swenson
Dahle	Goodhue	Miller	Rogers	Wagener
Dahlquist	Harrison	Mullin	Rosenmeier	Wahlstrand
Dennison	Imm	Murphy	Seifert	Weber
Dietz	Johanson	Nelsen	Siegel	Welch
Dougherty	Johnson, C. E.	Neumeier	Simonson	Welle
Engbretson	Julkowski	Novak	Sletvold	Wright

Messrs. Carr, Hagen and Huhtala voted in the negative.

So the Committee report was adopted.

MOTIONS AND RESOLUTIONS—CONTINUED.

In the Matter of the Contest of the Election held November 3, 1942, to the Office of the State Senator from the Fifty - fifth Legislative District of the State of Minnesota.

Kenneth W. Angstman,

Contestant

-vs-

Fred Newton

Contestee

Mr. Richardson moved that the Secretary of the Senate be instructed to send to the Secretary of State, all of the files, records, and proceedings in the foregoing contest, together with a roll call on the final action by the Senate.

Which motion prevailed.

Mr. Orr moved that the Senate do now adjourn.

Which motion prevailed.

H. Y. TORREY,
Secretary of the Senate.

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