

"If such proposition for annexation is rejected at any election, it shall not be renewed for a period of one year thereafter".

And when so amended, that the bill do pass.

Amendment adopted.

Report adopted.

Mr. Todd, from the Committee on Municipal Affairs, to which was referred—

S. F. No. 104, A bill for an act to amend Section 1865, Mason's Minnesota Statutes of 1927, relating to leasing, selling or abandoning of water works and lighting plants.

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

By striking out the words "or city" after the word "village" in line 18 of Section 1, and

By striking out the word "city" after the word "such" in line 19 of said section.

And when so amended, that the bill do pass.

Amendments adopted.

Report adopted.

Mr. Todd, from the Committee on Municipal Affairs, to which was referred—

S. F. No. 302, A bill for an act to amend Laws 1923, Chapter 211, Section 1, the same being "An Act to authorize any city, village or borough of this state, whether organized under the General Laws, or special or Home Rule Charter, to appropriate money to pay dues in the League of Minnesota Municipalities, and the expenses of representatives attending the meetings of such league."

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

Report adopted.

Mr. Todd, from the Committee on Municipal Affairs, to which was referred—

S. F. No. 431, A bill for an act to amend Section 18 and Section 19 of Chapter 57, Laws of 1929, being an act providing that a firemen's civil service commission may be created in cities not of the first class and in villages having a population of 2,000 inhabitants or more and having a regularly employed and paid municipal fire department and defining the powers and duties of such commission.

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

Report adopted.

STATE OF MINNESOTA
IN THE SENATE OF MINNESOTA
IN THE MATTER OF THE CONTESTED ELECTION OF
ARCHIE H. MILLER 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 George A. Turnham against Archie H. Miller, contesting the election of the said Archie H. Miller

to the Minnesota State Senate from the Thirty-sixth Legislative District, reports the same back with the recommendation that the proceedings be dismissed.

Mr. Richardson moved that the reading of the committee report be dispensed with and that it be printed in the Journal and lie over one day.

Which motion prevailed.

IN THE MATTER OF THE CONTEST OF

GEORGE A. TURNHAM - - - - - Contestant

vs.

ARCHIE H. MILLER - - - - - Contestee

The above named contestant having instituted a Contest in the District Court of Hennepin County, wherein certain proceedings were had, and hearings held, and all of the files thereof having been transmitted to the Senate and referred by said Senate to your Committee on Elections, and said Contest having come on for hearing before your committee on February 10th, 1931, the contestant appearing in person and by his attorneys, A. W. Bohan and Donald Wright, and the contestee appearing in person and by his attorney, Morris Hession, and the committee having heard and considered all the evidence and the arguments of counsel, finds

AS FACTS

That at the General Election held on November 4th, 1930, Contestant, George A. Turnham and Contestee Archie H. Miller, were candidates for the office of State Senator from the Thirty-sixth Legislative District of the State of Minnesota. That at such election, according to the report of the Canvassing Board 5864 votes were cast, counted, and returned as votes for the Contestant, George A. Turnham, and 6432 votes were cast, counted and returned as votes for the Contestee, Archie H. Miller. That a Certificate of Election was thereafter duly issued and delivered to the Contestee, and said Contestee was on the sixth day of January, 1931, duly sworn and seated as a member of the State Senate and ever since has been and now is serving as a State Senator from the Thirty-sixth Legislative District.

That the Contestee published and circulated a certain letter, marked "Exhibit A," as set forth in the Notice of Contest; that the statements in said letter were not such statements as to be untruthful or reflect in any way upon the Contestant, or upon any issue in the campaign between the parties to these proceedings.

AS CONCLUSIONS OF LAW

That Section 544 of Mason's Minnesota Statutes for 1927 does not apply to the facts in this case, and said Statute was not violated in any manner.

AS CONCLUSIONS

Your committee finds that the said Contest, brought by said George H. Turnham is unwarranted and unfounded, and that the said Archie H. Miller was on November 4th, 1930, legally and properly elected to the office of State Senator for the Thirty-sixth Legislative District; and that the above entitled Contest should be, and is, hereby in all things dismissed.

Starks, Serline, Smullen, Widell, Finstad, Larson, A. S., Regnier, Roepke, Richardson, Gardner, Sprung, Bridgeman, McCubrey, Rosenmeier, Hanson, Pederson, Mrs. Naplin, Messrs. Romberg, Morrison, Schmechel and Spindler.

Which motion prevailed.

Mr. Richardson moved that the report from the Committee on Elections, relating to the contest of George A. Turnham against Archie H. Miller as found recorded on pages 390 and 391 of the Journal of the thirty-sixth day, be now adopted.

The question being taken on the adoption of the committee report.

And the roll being called, there were yeas 57 and nays none, as follows:

Those who voted in the affirmative were:

Adams, C. E.,	Fisk,	Lommen,	Putzier,	Smith,
Adams, E. E.,	Gardner,	McCornack,	Regnier,	Smullen,
Anderson,	Hanson,	McCubrey,	Richardson,	Spindler,
Bonniwell,	Hausler,	Marshall,	Rockne,	Sprung,
Bridgeman,	Jacobs,	Morin,	Roepke,	Starks,
Buckler,	Larson, A. S.,	Morrison,	Rollins,	Todd,
Child,	Larson, H. A.,	Naplin,	Romberg,	Weber,
Crowley,	Lennon,	Nordlin,	Rosenmeier,	Widell,
Duemke,	Lewer,	Orr,	Schmechel,	Wolfe,
Farnand,	Lightner,	Pattison,	Sell,	
Fearing,	Lodin,	Peck,	Serline,	
Finstad,	Loftsgaarden,	Petersen, W. L.,	Siegel,	

So the report was adopted.

Mr. Richardson moved that the report from the Committee on Elections, relating to the contest of Charles L. Grover against A. J. Rockne as found recorded on pages 392 and 393 of the Journal of the thirty-sixth day, be now adopted.

The question being taken on the adoption of the committee report.

And the roll being called, there were yeas 56 and nays none, as follows:

Those who voted in the affirmative were:

Adams, C. E.,	Fisk,	McCornack,	Regnier,	Spindler,
Adams, E. E.,	Gardner,	McCubrey,	Ribenack,	Sprung,
Anderson,	Hanson,	Marshall,	Richardson,	Starks,
Bonniwell,	Hausler,	Miller,	Rollins,	Sullivan,
Bridgeman,	Jacobs,	Morrison,	Romberg,	Todd,
Buckler,	Larson, A. S.,	Naplin,	Rosenmeier,	Weber,
Child,	Larson, H. A.,	Nordlin,	Schmechel,	Widell,
Crowley,	Lennon,	Orr,	Sell,	Wolfe,
Duemke,	Lewer,	Pattison,	Serline,	
Farnand,	Lightner,	Peck,	Siegel,	
Fearing,	Lodin,	Petersen, W. L.,	Smith,	
Finstad,	Loftsgaarden,	Putzier,	Smullen,	

So the report was adopted.

Mr. Richardson moved that the Secretary of the Senate be instructed to send to the Secretary of State all the proceedings in the two foregoing contests, together with the roll calls on the final action by the Senate.

Which motion prevailed.

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