

BERT O. LOE
ATTORNEY AT LAW
GRANITE FALLS, MINN.

October 2nd, 1920.

Honorable Julius A. Schmahl,
Secretary of State,
St. Paul, Minnesota.

Dear Sir:-

I enclose herewith papers in connection with the filing of Andrew J. Volstead for representative in congress from the seventh congressional district. These papers consist of affidavits of Henry Rines and Mr. Volstead showing that prior to September 29th, 1920, there was no legal congressional committee for this district; also certified copy of judgment of the District Court of Swift County declaring the nomination of O. J. Kvale to be void for violation the corrupt practice under the provisions of Section 395, General Statutes of 1913. Mr. Volstead is entitled to be declared the nominee as in case of a vacancy. He having received the next highest number of votes as to those received by Mr. Kvale. The decision of the Supreme Court in case of Flaten v. Kvale just announced indicates this.

The papers also include an affidavit by Henry Rines, showing that on September 29th, a legal congressional committee was named and a certificate of nomination by this committee.

Pursuant to the direction of the Attorney-General's office, we have filed with each County Auditor in the District, a duplicate set of the enclosed papers and have paid to each of them an one-fourteenth of the \$20.00, filing fee. It was suggested by the Attorney-General's office that one set of the papers be filed in your office.

Kindly acknowledge receipt.

Very truly yours,

Bert O. Loe
2195

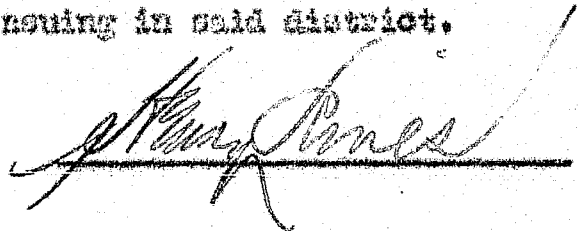
In the Matter of the Vacancy in the
Republican Nomination of a Candidate
for Congress in the Seventh Congressional
District of the State of Minnesota.

STATE OF MINNESOTA }
COUNTY OF RAMSEY } ss.

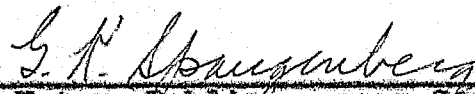
Henry Hines, being duly sworn, deposes and says
that he now is and during all the times hereinafter referred
to has been a citizen of the United States and a resident of
and voter in the state of Minnesota; that in the year 1918
affiant was a candidate at the primary election held in said
state on the 27th day of June, 1918, for the nomination, by
the Republican party, for the office of state treasurer of the
state of Minnesota; that affiant was by the state canvassing
board, which canvassed the election returns of said primary
election, duly declared the successful candidate of the Repub-
lican party for said nomination for the office of state treas-
urer of said state; that thereafter and on or about the 27th
day of June, 1918, affiant attended the meeting of the several
Republican candidates nominated at said primary election, and
held pursuant to the provisions of Section 18 of Chapter 2
Laws (Special Session) 1918, as amended by Section 7, Chapter
380, Laws 1918; that affiant was elected secretary of said
meeting of said Republican nominees and attended all of the
meetings thereof; that the Republican nominees present at
said meeting did not elect a congressional committee for the
seventh congressional district of the state of Minnesota.

Affiant further states that he was a candidate
for the Republican nomination for the office of state treasur-
er at the primary election held in Minnesota on the 21st day

of June, 1920, and was thereafter by the said canvassing board, which canvassed the returns of said primary election, duly declared the nominee of the Republican party for said office; that affiant thereafter attended the meeting of the several nominees of the Republican party held pursuant to the provisions of the statute above referred to; that affiant was present at said meeting; that no congressional committee for the seventh congressional district of the state of Minnesota was elected by said several nominees of the Republican party at said meeting. Affiant further states that to the best of his knowledge, information and belief there is no congressional committee in existence at the present time for the said seventh congressional district and that there is no proper committee to fill the vacancy in the nomination of a candidate of the Republican party to be voted for at the general election next hereafter ensuing in said district.



Subscribed and sworn to before me
this 16th day of September, 1920.


Notary Public, Ramsey County, Minnesota.

My Commission expires March 11, 1922.

In the Matter of the Vacancy in the
Republican Nomination of a Candidate
for Congress in the Seventh Congressional
District of the State of Minnesota.

STATE OF MINNESOTA,)
)SS.
County of Yellow Medicine.)

Andrew J. Volstead, being duly sworn, deposes and says that he is, and during more than ten years last past has been, a citizen of the United States and a resident of and voter in the Seventh congressional district of the state of Minnesota; that affiant was a candidate for the Republican nomination for the office of Representative in Congress from said Seventh congressional district at the primary election held in said district on the 21st day of June, 1920; that one O. J. Kvale and this affiant were the only candidates for said nomination voted for at said primary election; that the state canvassing board of said state canvassing election returns of said primary election declared the said O. J. Kvale the duly elected nominee of the Republican party for the office of Representative in Congress from said congressional district; that said board in accordance with the facts found and declared that said O. J. Kvale had received 17,369 votes and that affiant had received 15,059 votes at said primary election and no votes were cast for any other person for said nomination. That subsequent to said primary election and within ten days thereafter, a proceeding was duly instituted in the District Court of Swift County, Minnesota, the county where the said O. J. Kvale then resided, by forty-nine voters of said congressional district who were members of the Republican party and entitled to vote at said primary election for the nomination of a Republican candidate for said office, to contest the said nomination of the said O. J. Kvale; that

such proceedings were had that a judgment was duly rendered and entered therein adjudging and determining that the said O. J. Kvale had violated the Corrupt Practices Act and for that reason had forfeited his nomination as a candidate of the Republican party for the office of Representative in Congress from said congressional district, all of which will more fully appear from a copy of the judgment as modified by the judgment of the Supreme Court of said state, a certified copy of which judgments are hereto attached and made a part hereof. That after Section 537, General Statutes 1913 had been passed a new Seventh congressional district of the state was created, under the provisions of Chapter 513 of the Laws of 1913, by detaching from the district as it existed prior thereto two counties, namely Redwood and Lincoln, and by attaching to the district the counties of Meeker and Douglas; that the Republican congressional committee of said district existing when such change of said district was made consisted of fourteen persons, one of which resided in each of said counties of Redwood and Lincoln; that after said new district had been so formed, to-wit after 1913, and prior to the year of 1918, Republican congressional committees were from time to time elected for said new district pursuant to the provisions of Section 537, General Statutes 1913; but each and all of said committees had ceased to exist prior to the date fixed for appointing a new Republican congressional committee for said district in the year of 1918 as required by said Section 537, General Statutes 1913; that no such committee was elected or otherwise created in the year of 1918 or at any time since that year.

A Affiant further states that there is a vacancy in the nomination of a Republican candidate for the office of Representative in Congress from the Seventh congressional district aforesaid and there is no Republican congressional committee lawfully elected or authorized to function in the Seventh congressional

district of said state and no proper committee to fill the vacancy in the nomination of a Republican candidate for the office of Representative in Congress from said Seventh congressional district; that affiant makes this affidavit for the purpose of having his name placed upon the general election ballot to be voted upon at the general election next hereafter ensuing, pursuant to the provisions of Section 217, Revised Laws 1905, as amended by Section 8, Chapter 389, Laws 1913, on the ground and for the reason that at said primary election so held on June 21st, 1920, affiant, next to O. J. Kvale, received the highest number of votes cast at said primary election for nomination as a candidate of the Republican party for the office of Representative in Congress from said Seventh congressional district.

Andrew J. Volstead

Subscribed and sworn to before me
this 27 day of September, 1920.

Paul D. Peterson
Notary Public, Yellow Medicine County,
Minnesota.
My commission expires Nov. 12, 1924

STATE MINNESOTA, } ss.
County of Swift

I, W. A. Foland, Clerk of the District Court, in and for said

County, hereby certify that I have compared the foregoing copy of judgment in the Matter of the Contest by I. P. Flaten and others of the nomination of O. J. Kvale, as the Republican Candidate for the office of Representative in Congress from the Seventh Congressional district of Minnesota with the original remaining on file in this office, that the same is a correct transcript from and of the whole of such original judgment.

Witness my hand and seal of said District Court, at Benson, in said County, this --23th-- day of September, A. D. 1912.

W. A. Foland Clerk

By

In the matter of the Contest by
L. P. Flaten and others of the
nomination of O. J. Kvale as the
Republican Candidate for the office
of Representative in Congress of the
United States from the Seventh Con-
gressional district of Minnesota.

L. P. Flaten, et al.

Contestants.

-VS-

O. J. Kvale,

Contestee.

From the judgment entered in this court in the above en-
titled proceeding on the 6th day of August, 1920, the Contestee ap-
pealed to the Supreme Court of this state, and thereafter, upon
consideration of said appeal, said Supreme Court duly modified, and
as modified affirmed said judgment of this court.

Now therefore, pursuant to the mandate and a duly certi-
fied copy of the judgment of said Supreme Court filed and entered
herein, it is adjudged and decreed as follows:-

1. That the Contestee, O. J. Kvale, is guilty of violating
the laws of this State in relation to nominations.

2. That because of having so violated said laws the Contestee
was not duly or legally nominated at the primary election held on
June 21st, 1920, as the Republican Candidate for the office of
Representative in Congress of the United States from the Seventh
Congressional District of Minnesota.

3. That said Contestee is not entitled to have his name
placed or printed upon the official ballot as a candidate for said
office at the next General Election.

4. That Andrew J. Volstead and the Contestee were the only
candidates for said nomination at said primary election and said
Andrew J. Volstead received the next highest number of votes to those
received by the Contestee.

5. That the Contestants are entitled to and judgment is hereby
rendered in their favor against the Contestee for the disbursements
heretofore taxed and allowed herein at the sum of thirty-three and
54/100 dollars.

Dated Sept 28th, 1920.

BY THE COURT

B. C. DeLoach
Clerk.

STATE OF MINNESOTA,)
) SS.
County of Ramsey.)

Henry Rines, being duly sworn, deposes and says that he is a candidate of the Republican party for Treasurer of said state; that he was nominated as such at the primary election held on the 21st day of June, 1920; that on the second Tuesday after said primary election a meeting was held at the state capitol by the Republican nominees of said primary election pursuant to the provisions of Section 537, General Statutes 1913, for the election of a Republican State Central Committee and a Republican Congressional Committee for each congressional district of said state; that this meeting has been adjourned from time to time to enable it to complete its work and has not at any time been adjourned without date; that at one of its adjourned meetings held at the Auditor's office in the state capitol on the ²⁹~~28~~th day of September, A. D. 1920, the following named persons were elected a Congressional Committee of the Republican party for the Seventh congressional district of said state:

J. F. Jacobson, chairman, T. A. Veldey, secretary, John G. Schutz, Sr., treasurer, J. L. Erickson, Miss Grace Kaercher, C. A. Fosnes, Constant Larson, Harold H. Barker, C. R. C. Baker, Miss Lilly Noren, Luke K. Sexton, Mrs. C. H. March, T. T. Ofsthun, J. L. Jacobs, J. C. Morrison, H. C. Rustad, Van Gordon.

That affiant as a nominee of said party has participated in said meeting and knows the foregoing facts of his own knowledge.

Subscribed and sworn to before me
this 29 day of September, A.D. 1920.

W. C. Martin
Notary Public, Ramsey County, Minnesota.
My commission expires 12-27-23

CERTIFICATE OF NOMINATION.

WHEREAS the nomination of O. J. Kvale as the candidate of the Republican party for Representative in Congress from the Seventh congressional district of the state of Minnesota has by the judgment of a competent court been annulled and a vacancy in such nomination now exists, and

WHEREAS the congressional committee of the Republican party for said district has duly selected and nominated Andrew J. Volstead as the candidate of the Republican party to fill such vacancy and has directed the undersigned, as chairman and secretary of said committee, to execute a nominating certificate for his nomination pursuant to Section 395, General Statutes 1913,

NOW THEREFORE, under direction of said congressional committee, the undersigned, J. F. Jacobson, acting in his capacity as chairman of said committee, and T. A. Veldey, acting in his capacity as secretary of said committee, do hereby

CERTIFY, That the congressional committee of the Republican party of the Seventh congressional district of the state of Minnesota has and does hereby nominate as the candidate of the Republican party for the office of Representative in Congress from said congressional district at the general election to be held in November, 1920, Andrew J. Volstead, whose residence and post office address is the city of Granite Falls, in the county of Yellow Medicine, and state of Minnesota, and do hereby request that his name be printed on the official ballot to be used at said election as the Republican candidate for said office.

Done at the city of Willmar, in the county of Kandiyohi, state of Minnesota, this 29th day of September, A.D. 1920.

T. A. Veldey
Secretary.

J. F. Jacobson
Chairman.

STATE OF MINNESOTA,)
) SS.
County of Kandiyohi.)

J. F. Jacobson and T. A. Veldey, being duly sworn, say each for himself, that Andrew J. Volstead, a resident of the city of Granite Falls, Yellow Medicine County, Minnesota, has been duly selected by the congressional committee of the Republican party of the Seventh congressional district of the state of Minnesota as the candidate of the Republican party for Representative in Congress from said congressional district at the general election to be held in November, A.D. 1920, and that J. F. Jacobson is the duly authorized chairman, and T. A. Veldey is the duly authorized secretary of said congressional committee, and as such chairman and secretary signed the foregoing certificate and make this affidavit.

T. A. Veldey
J. F. Jacobson

Subscribed and sworn to before me
this 29 day of September, A.D. 1920.

A. LeRoy Christian
Notary public, Kandiyohi county, Minnesota. My commission expires Sept-2-1925

CERTIFICATE OF NOMINATION

WE, THE UNDERSIGNED, hereby certify that at the Democratic National Convention of the organized Delegates of the Democratic Party of the United States, duly called and held at San Francisco, in the State of California, on the 6th day of July, 1920, the following nominations were made for the election of President and Vice-president of the United States to be held in 1920:

For President of the United States James M. Cox, residence Dayton, Ohio, business Editor and Publisher.

For Vice-president of the United States Franklin D. Roosevelt, residence Hyde Park, New York, business lawyer.

Joe T. Robinson
Chairman of Convention,
Residence Little Rock, Arkansas

E. G. Hoffman
Secretary of Convention,
Residence Fort Wayne, Indiana.

STATE OF OHIO: :
COUNTY OF _____ :SS

At Springfield in the State of Ohio, this 30th day of September, 1920, personally appeared the above named Joe T. Robinson, Chairman, and made oath to the truth of the foregoing certificate and by him subscribed in due form of law.

Subscribed and sworn to before me, this 30th day of September, 1920.

My commission expires Feb 10 1921

Carl A. Osterman
Notary Public.

STATE OF INDIANA:
ALLEN COUNTY :SS

At Fort Wayne, in the State of Indiana, this 30th day of September, 1920, personally appeared the above named E. G. Hoffman, Secretary, and made oath to the truth of the foregoing certificate and by him subscribed in due form of law.

Subscribed and sworn to before me, this 30th day of September, 1920.

My commission expires October 17-1921

Samuel L. Morris
Notary Public.

2195

2195.

STATE OF
DEPARTMENT OF STATE
Filed in the office of Secretary of State

OCT 2 1920

Julius A. Smith
Secretary of State