

State of Minnesota)
County of Fillmore) SS

District Court
Tenth Judicial District

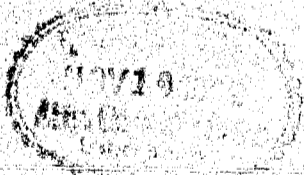
William F. Kolch
Plaintiff
vs.

Ralph Parker
Hilo Holt, Secretary of State; The Auditor of Hancock County;
The Auditor of Houston County; The Auditor of Proboscis County;
The Auditor of Fillmore County.
Defendants

NOTICE OF MOTION

To the above named defendants and each of them:-

Take notice that on the pleadings, files, records and proceedings herein, copies of which are herewith served upon you, the plaintiff will move the court, at a time and place to be fixed by an order to show cause, for an order striking the name of Ralph Parker from the list of eligible candidates for the position of District Judge of the Tenth Judicial District of the State of Minnesota and declaring any votes cast at the General Election of Tuesday November 7, 1922 for said Ralph Parker for said office of Judge of District Court, void, on the ground that said Ralph Parker is ineligible to accept said office of Judge of District Court as provided and set forth in Section Nine of Chapter Four of the Constitution of the State of Minnesota and for such other relief as may be just, with costs.



John Lind
New York Life Bldg. Dept. Minn.
George S. Johnson
Security Bldg. Dept. Minn.
William F. Kolch
Attorneys for Plaintiff

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State of Minnesota)
County of Fillmore) SS.

District Court
Tenth Judicial District

William T. Kelsh
Plaintiff

vs.

Ralph Parker
Mike Holm, Secretary of State; The Auditor of Nowar County;
The Auditor of Houston County; The Auditor of Freeborn County;
The Auditor of Fillmore County.
Defendants

ORDER TO SHOW CAUSE

It having been made to appear to the court by the affidavit of William T. Kelsh, plaintiff above named, that an order to show cause should be allowed in the above matter. It is ordered that the defendants and each of them should show cause on the 13th day of November 1922 at ~~10:00 A.M.~~ ^{at 10:00 A.M. at the Court House} or at other such time as counsel can be heard, why an order should not be made for the relief specified in said order.

It is further ordered that service of this order be made by serving the defendants personally or by registered mail immediately after allowance of this said order.

John F. D. Deighen
Judge

State of Minnesota)
County of Fillmore) ss.

District Court
Tenth Judicial District

William F. Kolsh
Plaintiff

vs.

Ralph Parker
State Auditor, Secretary of State; The Auditor of Deuel County;
The Auditor of Houston County; The Auditor of Park County;
The Auditor of Fillmore County.
Defendants

AFFIDAVIT OF MERIT

William F. Kolsh, being duly sworn according to law, says he is the plaintiff in the foregoing matter and that he has faithfully and fully stated the case and facts to his counsel, John Lind, Esq., George Simpson, Esq., of Minneapolis, Minnesota, and has a good and substantial cause of action on the merits as he is advised by his counsel after such statement and verily believes same.

Plaintiff herein sets forth and states that defendant, Ralph Parker, is not and for a number of years (since 1912) has been a member of the State Legislature of Minnesota and that the Legislature of Minnesota during the year of 1912 and during the year of 1922 passed a certain Act increasing the selection of Judges of the District Court of Minnesota, that the defendant, Ralph Parker, is now a candidate for the position of Judge of District Court of Minnesota in the Tenth Judicial District to take office on the first Monday of January, 1923, and that one year has not and will not elapse since the said Ralph Parker has served his term of office in said Legislature as required by Chapter Four, Section Five, of the Constitution of Minnesota, and that, therefore, the said Ralph Parker is not eligible to election on Tuesday November 7, 1922, to the position of Judge of the District Court of the Tenth Judicial District and any votes cast on said date for said Ralph Parker for Judge of District Court should be declared void.

State of Minnesota)
County of Deuel) ss.

William F. Kolsh, the plaintiff above named, being first duly sworn, on oath, says that he has read the foregoing affidavit and that same is true of his own knowledge except as to matters therein stated on information and belief and as to each matter he believes it to be true.

William F. Kolsh

Subscribed and sworn to before me this 3rd day of November, 1922.

Marya Wiseman
County Clerk of Court
County of Deuel, Deuel County, Minn.
My Commission Expires _____

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV - 8 1922

W. H. Johnson
Secretary of State