

The State of Minnesota ex rel.
Mike Holm and George J. Ries,

Relators,

--VS.--

The District Court of the State
of Minnesota in and for the County
of Ramsey in the Second Judicial
District, and Olin B. Lewis, Grier
M. Orr, John W. Boerner, Hugo O.
Hanft, James C. Michael, John E.
Sanborn, Charles Bechhoefer and
Richard D. O'Brien, as judges of
said court,

Respondents.

On petition of Mike Holm Secretary of State of the State
of Minnesota and George J. Ries County Auditor of the county
of Ramsey, setting forth that the district Court in and for the
county of Ramsey had issued an order requiring them to show cause
why they should not be enjoined from carrying out the provisions
of a writ of election issued by the Governor of this State on
May 17, 1923, to nominate candidates and elect a United States
Senator to fill the unexpired term of the late Senator Knute
Nelson, an alternative writ of prohibition was issued by this
court requiring the district court of the county of Ramsey and
the Judges thereof to show cause before this court on June 5,
1923, at ten o'clock in the forenoon, why they should not be
absolutely restrained and prohibited from taking any further
action in such injunction proceeding. The matter was submitted
to this court on a motion to quash the alternative writ of
prohibition. As the proceedings to carry the writ of the
Governor into effect are now under way, and the primary election
for the nomination of candidates is directed to be held on June
18, 1923, it is important that the questions presented be decided
at once. We have reached the conclusion that the district court
has no power to interfere with the election called by the

2960

Governor nor with the agencies designated by him to carry out the provisions of the writ calling it. The reasons for our conclusion will be stated in an opinion to be filed later. It is Ordered that an absolute writ of prohibition issue prohibiting the district court of Ramsey county and the judges thereof from taking any further action in the injunction proceeding brought in that court to enjoin carrying out the provisions of the writ issued by the Governor.

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN - 8 1923

Wm. H. Johnson
Secretary of State