

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 B.  
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

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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