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STATE OF MINNESOTA,
COUNTY OF CARLTON,

DISTRICT COURT,
ELEVENTH JUDICIAL DISTRICT.

IN THE MATTER OF THE APPEAL OF F. A. WATKINS FROM THE ACTION
AND DECISION OF THE STATE CANVASSING BOARD OF THE STATE OF MINNESOTA
DECLARING THE "AMENDMENT TO SECTION SIXTEEN (16) OF ARTICLE NINE
(IX) OF THE CONSTITUTION ESTABLISHING THE ROAD AND BRIDGE FUND AND
AUTHORIZING THE LEGISLATURE TO LEVY AN ANNUAL TAX FOR THE PURPOSE
OF CONSTRUCTING AND IMPROVING ROADS AND BRIDGES WITHIN THIS STATE"
2 TO HAVE BEEN REJECTED AND NOT ADOPTED BY THE VOTE OF THE PEOPLE.

NOTICE OF APPEAL

and

POINTS OF CONTEST.

TO ALL WHOM IT MAY CONCERN AND PARTICULARLY P. E. HANSON
SECRETARY OF STATE OF THE STATE OF MINNESOTA.

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Whereas at the last general election held in the State of
Minnesota on the 6th day of November A.D. 1906, the said
constitutional amendment was duly submitted to the people of the
State of Minnesota for their approval or rejection, to-wit:
"Amendment to Section sixteen (16) of article Nine (IX) of the
Constitution, establishing the road and bridge fund and authorizing
the legislature to levy an annual tax for the purpose of constructing
and improving roads and bridges within this state" which said
constitutional amendment was by the Legislature of said State
proposed by an act of said Legislature duly approved April 17th, 1905.

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And whereas, the said canvassing board of the State of
Minnesota did thereafter and heretofore on, to-wit: the 18th day of
December A.D. 1906, that day being the third Tuesday in December
following the said general election, duly meet and proceed, after
taking the usual oath of office to openly and publicly canvass the
returns and statements of said election, which had theretofore been
made by the County auditors of the respective counties of the State
of Minnesota and duly forwarded to, and filed in the office of the
Secretary of State of Minnesota as provided by law.

5 And whereas, said State Canvassing Board did complete said canvass and thereafter did file its statement and report of said canvass with the secretary of State of the State of Minnesota on the 21st day of December A.D. 1906 and in and by said statement and report did certify and declare that the said constitutional amendment so submitted to the voters of said state and voted upon as aforesaid had been rejected by the voters of said state and had not been adopted by said voters.

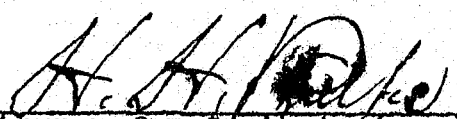
6 And whereas, the said F. A. Watkins who is now, and for more than one year last past has been a citizen of the United States and a citizen and a duly qualified elector of the County of Carlton and State of Minnesota and who was duly registered as such as required by law, prior to said November 1906 general election, ~~about~~ claims and has good reason to believe that in and to the polling, counting, canvassing and returning of said votes by the judges of election the county canvassing boards in the various counties of said state, the county auditors in the various counties of said state and the said State Canvassing Board of said state, numerous mistakes, errors, miscounts, wrongs and omissions occurred, and that in truth and in fact the said proposed amendment to Section Sixteen
7 (16) of article Nine (IX) of the Constitution of the State of Minnesota, relating to the road and bridge fund was passed and approved and adopted by the people of the State of Minnesota and the qualified electors thereof, as will more fully appear from the points of contest attached hereto, incorporated herein and made a part hereof, and that by reason only of said miscounts, mistakes, errors, omissions and wrongs the said constitutional amendment, to-wit the said proposed amendment to Section Sixteen (16) of article
8 Nine (IX) of the Constitution of the State of Minnesota, relating to the road and bridge fund was declared to have been rejected and not adopted and passed.

NOW THEREFORE, Be it known that, to the end said mistakes, miscounts, errors, wrongs and omissions may be corrected and

justice and right done in the premises, the said F. A. Watkins,
pursuant to the statute in such case made and provided, hereby ap-
peals to the aforesaid District Court of the State of Minnesota
in and for the Eleventh Judicial District and County of Carlton
from the action and decision of the State Canvassing Board of the
said State of Minnesota declaring that said proposed amendment to
Section Sixteen (16) of article Nine (IX) of the Constitution
of the State of Minnesota, relating to the road and bridge fund
was rejected by the people of the State of Minnesota or by a majority
of the voters present and voting at said election.

Dated at Carlton, Minnesota, December 27th, 1906.


Contestant and Appellant.


Attorney for Contestant and
Appellant.

10 STATE OF MINNESOTA,
COUNTY OF CARLTON,

DISTRICT COURT,
ELEVENTH JUDICIAL DISTRICT.

IN THE MATTER OF THE APPEAL OF F. A. WATKINS FROM THE ACTION
AND DECISION OF THE STATE CANVASSING BOARD OF THE STATE OF MINNESOTA
DECLARING THE "AMENDMENT TO SECTION SIXTEEN (16) OF ARTICLE NINE
(IX) OF THE CONSTITUTION ESTABLISHING THE ROAD AND BRIDGE FUND AND
AUTHORIZING THE LEGISLATURE TO LEVY AN ANNUAL TAX FOR THE PURPOSE
OF CONSTRUCTING AND IMPROVING ROADS AND BRIDGES WITHIN THIS STATE"
// TO HAVE BEEN REJECTED AND NOT ADOPTED BY THE VOTE OF THE PEOPLE.

NOTICE OF POINTS OF CONTEST.

TO ALL WHOM IT MAY CONCERN AND PARTICULARLY TO P. H.
HANSON SECRETARY OF STATE OF THE STATE OF MINNESOTA:

The above named Contestant and Appellant who is and for
more than one year last past has been a duly qualified elector and
voter of the State of Minnesota, duly registered as such as required
by law prior to voting at the general election held on the 6th day
12 of November 1906 having appealed to the District Court of said County
of Carlton from that certain action, decision, return and certificate
of the State Canvassing Board of the State of Minnesota whereby
said State Canvassing Board certified and declared that the "amendment
to Section Sixteen (16) of article Nine (IX) of the constitution,
establishing the road and bridge fund and authorizing the legislature
to levy an annual tax for the purpose of constructing and improving
roads and bridges within this state" had been defeated and rejected
13 and had not been adopted by a majority of the voters present and
voting at the last general election held in said State on the 6th
day of November A.D. 1906.

YOU ARE HEREBY NOTIFIED, That the said action, decision,
return and certificate of said State Canvassing Board will be
contested by the said F. A. Watkins on the following grounds, to-wit:

FIRST: That the tally books and tally sheets duly furnished
to and used by the judges and clerks of the several election

14 districts of the several counties of the State of Minnesota at the general election held on the 6th day of November A.D. 1906, had printed thereon the said amendment to Section Sixteen (16) of article Nine (IX) of the Constitution, relating to the road and bridge fund as second in order and an amendment of article Nine (IX) of the Constitution relating to taxation as first in order, whereas upon the official ballots used at said election the said constitutional amendment relating to the road and bridge fund appeared as the first in order and the said constitutional amendment relating to taxation appeared as the second in order as more fully appears from the copy of the official ballot so used at said election which is hereto attached and marked Exhibit A and from the copy of the official tally sheet used in counting the votes at said election which is hereto attached and marked Exhibit B; both of which exhibits are hereby incorporated herein and made a part hereof.

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SECOND: That the tally books and tally sheets duly furnished to the judges and clerks of the several election districts of the several counties of the State of Minnesota and used by said judges and clerks in counting and canvassing the votes on said constitutional amendments at the said general election held on the 6th day of November A.D. 1906, had printed thereon the said amendment to Section Sixteen (16) of article Nine (IX) relating to the road and bridge fund as second in order and the said amendment to section Sixteen (16) of article Nine (IX) of the Constitution relating to taxation as first in order, whereas upon the official ballot used at said election the said constitutional amendment relating to the road and bridge fund appeared as the first in order and the said constitutional amendment relating to taxation appeared as the second in order and that upon the official return sheets of the several election districts of said state the said constitutional amendments were printed in the same order as that in which they were printed upon the said tally sheets.

That said constitutional amendments were printed upon said official tally sheets in very small type and by reason of the

transposition of the two proposed amendments to said State Constitution many ballots cast and votes for the said constitutional amendment relating to roads and bridges were wrongfully and erroneously counted and returned by the clerks and judges of the several precincts of the several counties of the state aforesaid as having been cast in favor of the said amendment relating to taxation and were so canvassed by the county canvassing board and so returned to the county auditors of the several counties of the State of Minnesota by whom they were likewise erroneously returned to the Secretary of State and that thereafter said votes were likewise erroneously counted and returned by the State Canvassing Board as being in favor of the said constitutional amendment relating to taxation and said State Canvassing Board certified and declared that said amendment relating to the road and bridge fund had not received a majority of the votes cast at said election and that said road and bridge amendment was rejected and not approved or adopted at said election, whereas in truth and in fact a large portion of the votes cast at said election and counted for said taxation amendment were votes in favor of said road and bridge amendment and should have been counted, returned and canvassed in favor of the said constitutional amendment relating to the road and bridge fund.

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That if the votes cast in favor of said road and bridge amendment had been correctly counted, returned, and canvassed said last mentioned amendment would have been by said State Canvassing Board returned and declared to have been adopted and approved by a majority of the voters present and voting at said election.

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This contestant is informed and verily believes and therefore alleges that in the County of St. Louis in said State, the votes so erroneously counted and returned and canvassed as in favor of said amendment relating to taxation and which were in fact cast in favor of said road and bridge fund amendment amounted in number to 2500; and that in the County of Ramsey in said state, the votes so erroneously counted and returned and canvassed in favor of said taxation amendment and which should have been counted and returned

and canvassed in favor of said road and bridge amendment amounted to 4054; and that in the County of Hennepin in said State the votes so erroneously counted and returned and canvassed as in favor of said taxation amendment and which were in fact cast for and should have been counted in favor of said road and bridge amendment amounted to 3993; and in the other several counties of said state

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the votes so erroneously counted and returned and canvassed in favor of said taxation amendment and which in truth and in fact were cast in favor of said road and bridge amendment and should have been counted and returned and canvassed in favor of said road and bridge amendment amounted in ^{the} aggregate to more than 15,000 and if said errors and mistakes in the counting, returns, ^{and} canvassing of said votes were duly corrected it would appear that said constitutional amendment relating to the establishing of a road and bridge fund was adopted and approved by a majority of the voters of the State of Minnesota present and voting at said election.

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~~THIRD: That in each one of the election districts of the several counties of the State of Minnesota there were cast at said general election held on November 6th, 1906 many votes and ballots in favor of the said constitutional amendment relating to the road and bridge fund and all of which votes and ballots were by the judges of election of their respective election districts not counted or returned as votes and ballots cast for the said constitutional amendment relating to the road and bridge fund and which by said judges of election were all wrongfully and by mistake and inadvertance counted and returned as votes and ballots cast for the said constitutional amendment relating to taxation and that said votes and ballots were so canvassed by the County canvassing boards of the~~

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respective counties of Minnesota and said State Canvassing Board of the State of Minnesota as votes and ballots cast for said constitutional amendment relating to taxation when in truth and by right none of said votes and ballots should have been counted, returned or canvassed for said constitutional amendment relating to taxation

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and all of said votes should have been counted, returned and canvassed for said constitutional amendment relating to the road and bridge fund and this contestant alleges upon information and belief that when said errors and mistakes are ascertained and corrected it will appear that said constitutional amendment relating to the road and bridge fund ^{was} adopted by a majority of the voters present and voting at said general election.

FOURTH: That said contestant alleges upon information and belief that the total number of male voters present and voting at said general election held on said 6th day of November 1906 was 284,366. And said contestant further alleges that said State Canvassing Board of the State of Minnesota canvassed and returned as having been cast for said constitutional amendment relating to the road and bridge fund at said general election only 141,870 votes when in truth and in fact there was cast at said election in favor of said last mentioned amendment 167,417 votes.

FIFTH: And said Appellant and Contestant believes and so alleges that if said errors and mistakes are duly corrected it will appear that said constitutional amendment relating to the road and bridge fund was adopted and approved by a majority of the voters present and voting at the general election held on the 6th day of November A.D. 1906 all of which the above and foregoing facts will more fully appear upon an examination and inspection of the ballots cast at said election.

WHEREFORE, On account of the foregoing and such other good and sufficient reasons as shall appear upon the hearing, and upon the examination and inspection of the ballots cast at said election this contestant prays the judgment and decree of the District Court aforesaid, adjudging and decreeing that said constitutional amendment relating to the road and bridge fund was adopted by a majority of the voters of the State of Minnesota present and voting at said general election and for the costs and disbursements in this

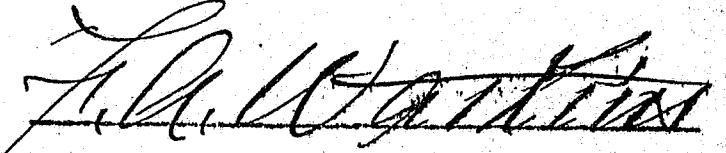
proceeding.

F. A. Watkins
Contestant and Appellant.

H. H. Parks
Attorney for Contestant and
Appellant.

STATE OF MINNESOTA,)
COUNTY OF ST. LOUIS,) SS.

F. A. Watkins states upon oath that he is the Appellant and Contestant in the above and foregoing proceeding. That he has read the foregoing notice of appeal and points of contest and knows the contents thereof and that the averments thereof are true of his own knowledge save as to such of them as are stated on information and belief and as to those matters he believes it to be true.



Subscribed and sworn to before me
this 28th day of December A.D. 1906.



NOTARY PUBLIC, St. Louis County, Minn.
My Commission Expires April 23, 1912.

STATE OF MINNESOTA,)
COUNTY OF RAMSEY,) SS.

_____ being duly sworn deposes and says that at the City of St. Paul, in the County of Ramsey, and State of Minnesota, on the _____ day of December 1906, he served the annexed and foregoing notice of appeal and contest and points of contest upon P. E. Hansen as Secretary of State of the State of Minnesota by then and there handing to and leaving with the said P. E. Hansen a true and correct copy of said notice of appeal and said points of contest and of the whole thereof.

Subscribed and sworn to before me
this _____ day of December A.D. 1906.

Notary Public, Ramsey County, Minnesota.

Put a cross mark (X) opposite the constitutional amendments you wish to vote for in the squares indicated by the arrow.



STATE BALLOT.

Constitutional Amendments to be voted on by the people.



Exhibit A

FIRST.—Amendment to section sixteen (16) of article nine (IX) of the Constitution establishing the road and bridge fund, and authorizing the Legislature to levy an annual tax for the purpose of constructing and improving roads, and bridges within this state.

—YES

—NO

SECOND.—Amendment of article nine of the Constitution, relating to taxation, to take the place of sections one, two, three, four, and the amendment added at the end of said article adopted in 1896.

—YES

—NO

THIRD.—Amendment to article one (1) of the Constitution: Any person may sell or peddle the products of the farm or garden occupied and cultivated by him without obtaining a license therefor.

—YES

—NO

VOTE ON THREE

OFFICIAL BALLOT,

November 6, 1906.

P. C. Hanson

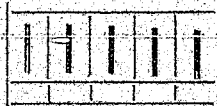
Secretary of State.

Judge.

Judge.

Attach this Tally Sheet to the PINK BALLOTS voted and put in PINK BOX.

EXPLANATION:—THE tally is made by a straight line between the unit lines, running down to the red lines, as follows:



Tally Sheet for PINK Ballots

of

CONSTITUTIONAL AMENDMENTS

Brought Forward

No.

5

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"Amendment of Article nine of the Constitution, relating to taxation, to take the place of sections one, two, three, four and the amendment added at the end of said article adopted in 1896."

YES—

2

NO—

3

4

5

"Amendment to Section sixteen (16) of article nine (IX) of the Constitution, establishing the road and bridge fund, and authorizing the Legislature to levy an annual tax for the purpose of constructing and improving roads and bridges within this state."

YES—

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NO—

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"Amendment to Article one (I) of the Constitution, Any person may sell or peddle the products of the farm or garden occupied and cultivated by him without obtaining a license therefor."

YES—

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NO—

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nd put in PINK BOX.

Tally Sheet for PINK Ballots

of

County, Mi

5	10	15	20	25	30	35	40	45	50	No.	55	60	65	70	75	80	85
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										2							
										3							
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Exhibit B.

of

County, Minnesota, General Election, November

45	50	No.	55	60	65	70	75	80	85	90	95	100	No.	105	110	115	120
		1											1				
		2											2				
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		4											4				
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STATE OF MINNESOTA
COUNTY OF CARLTON
DISTRICT COURT
ELEVENTH JUDICIAL DISTRICT.

IN THE MATTER OF THE APPEAL OF F.A. WATKINS FROM THE ACTION AND DECISION OF THE STATE CANVASSING BOARD OF THE STATE OF MINNESOTA DECLARING THE "AMENDMENT TO SECTION SIXTEEN (16) OF ARTICLE NINE (IX) OF THE CONSTITUTION ESTABLISHING THE ROAD AND BRIDGE FUND AND AUTHORIZING THE LEGISLATURE TO LEVY AN ANNUAL TAX FOR THE PURPOSE OF CONSTRUCTING AND IMPROVING ROADS AND BRIDGES WITHIN THIS STATE" TO HAVE BEEN REJECTED AND NOT ADOPTED BY THE VOTE OF THE PEOPLE.

NOTICE OF APPEAL
AND
POINTS OF CONTEST.

Filed Dec, 31, 1906.
P. E. Hanson
Secy. of State

H. H. Phelps,
Attorney for Contestant and
Appellant,
#403 Palladio Bldg.,
Duluth, Minnesota.