

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

2ND JUDICIAL DISTRICT

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In the matter of the contest of Roy C. }  
Smelker, against Grace Kaercher Davis, }  
declared to be elected to the office }  
of Clerk of the Supreme Court of Minn- }  
nesota. }  
- - - - -

ORDER FOR SERVICE

Upon the notice of Contest and Appeal herein, a copy of the original now on file in this Court, is hereto attached, and upon all the files and proceedings herein, now on motion of the Contestant, Roy C. Smelker;

ORDERED: Notice of Contest and Appeal shall be served upon the Contestee, Grace Kaercher Davis, within 10 days from the date of this order, in the manner provided by law for the service of a Summons in Civil Actions in this Court.

Dated at St. Paul this 26th day of November, 1930.

*Kenneth G. Brill*  
District Judge

4973

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

2ND JUDICIAL DISTRICT

In the matter of the contest of Roy C. Smelker, against Grace Kaercher Davis, declared to be elected to the office of Clerk of the Supreme Court of Minnesota. ) Notice of contest and appeal to the District Court above named from the Declaration of Election made by the State Canvassing Board declaring Grace Kaercher Davis to be elected to the office of Clerk of the Supreme Court of said State.

TO WHOM IT MAY CONCERN:

Notice is hereby given that the above named Roy C. Smelker has appealed, and does appeal, to said Court from the Declaration made by the State Canvassing Board declaring Grace Kaercher Davis to be elected to the office of Clerk of the Supreme Court of said State.

Thereupon, the said Roy C. Smelker, contestant, specified the following points upon which contest will be made, to wit;

1. That the said Roy C. Smelker is now, and for many years has been, a citizen and resident of the City of St. Paul, Ramsey County, Minnesota, and that as such he had, and has, the right to vote for or against state officers of said State, including candidates for the office of Clerk of the Supreme Court thereof.
2. That he was a candidate for election to said office at the recent state election held on the 4th day of November, 1930.
3. That the said Grace Kaercher Davis was also a candidate for said office at said election, and that upon canvassing the votes subsequent to said election, the said State Canvassing Board has found and declared Grace Kaercher Davis was, and is, elected to said office by a majority of 997 votes over and above the total vote received by said Roy C. Smelker.
4. That said Declaration and details of result are wrong and unlawful, and that in fact and in law the said Roy C. Smelker was duly elected by the votes of a majority of qualified voters of Minnesota who voted in said election for said office.

5. That said Declaration was, and is, erroneous and unlawful for the following reasons among others, to wit;

(a) That in the 9th election district of the 10th ward of the city of Minneapolis, Hennepin County in said State, the said Roy C. Smelker received at least 100 more votes at said election than have been returned to said State Canvassing Board, or counted by them in their total result; that contestant is informed and believes that in many other precincts of the State, like errors have been made, such that not less than 1000 votes cast for contestant in said election have not been counted for him in the ascertainment of said election.

(b) That in the 33rd election District of the 8th ward of the said city of Minneapolis, at least 50 votes cast for this contestant were counted for Grace Kaercher Davis, making a wrongful difference of 100 votes in the totals as ascertained by the State Canvassing Board; and contestant is informed and believes that in many other election districts similar and greater errors were made, with the result that at least 1000 votes cast for this contestant in said election were counted for Grace Kaercher Davis in the results of The State Canvassing Board.

(c) That the Contestant is informed and believes, that in every election district in the state, at least one more vote than has been included in the totals ascertained has been cast for him; and that in every election district contestant is also informed and believes that said Grace Kaercher Davis received at least one less vote than was included in the totals ascertained by the State Canvassing Board.

(d) That by reason of these and other manifest errors, it has been made to appear that said Grace Kaercher Davis is elected to said office and in fact the said Roy C. Smelker was duly elected

to said office, is qualified to assume said office, and has the right to be declared elected thereto.

Roy C. Smelker

Contestant

Roy C. Smelker

F. A. Pike

Attorney for said Contestant

406 Globe Building

St. Paul, Minn.

STATE OF MINNESOTA )  
COUNTY OF RAMSEY } ss

Roy C. Smelker, being first duly sworn, on his oath says, that he is the person named as contestant in the foregoing notice of Contest, and that the allegations contained therein are true, except those stated on information and belief, and as to those he believes it to be true.

Roy C. Smelker

Subscribed and sworn to before me this 26th day of November 1930.  
Roy C. Smelker

John J. McDonough

John J. McDonough

Representative 38th District So.  
My term expires in January 1931

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*Secy of State  
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State*  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

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*Minn. Tolson*  
Secretary of State