

STATE OF MINNESOTA:

SEVENTH JUDICIAL DISTRICT

COUNTY OF COOKE

SEVENTH JUDICIAL DISTRICT

IN COMPLIANCE OF THE PROVISIONS OF THE
ELECTION LAWS OF MINNESOTA, 1924, AS
AMENDED BY THE LAWS OF MINNESOTA, 1925,
AND THE ELECTION LAWS OF THE
STATE OF MINNESOTA.

P. W. Morrison,

Contestant.

-12-

Al E. Support,

Contestee.

ORDER OF COURT

TO THE CLERK OF THE DISTRICT COURT OF THE SEVENTH JUDICIAL
DISTRICT, COOKE COUNTY, MINNESOTA;
TO THOMAS H. BAKER, CLERK JUDICIAL OF COOKE COUNTY;
TO WILLIAM SCHUMBERGER, CLERK JUDICIAL OF CARVER COUNTY;
TO HENRY HALL, SECRETARY OF THE STATE OF MINNESOTA; and
TO AL H. HARRIS, CLERK:

YOU ARE HEREBY ADVISED that P. W. Morrison will con-
test the election of Al E. Support to the office of state senator
from the First Senatorial District in the state of Minnesota, at
the general election held in said district, on the 6th day of
November, 1924.

YOU ARE FURTHER ADVISED that the grounds for said contest
will be that the County Canvassing Board of the County of Cook
and Carver, and the State Canvassing Board of the state of Minnesota,
have declared the said Al E. Support to be elected to the above
described office of state senator at said election.

That the contestant, P. W. Morrison, in and for more than
one year prior to the 6th of November, 1924, was a qualified voter
of the state of Minnesota, and does now and has continuously
for more than one year, resided in said district, in the village

7213

Forward, County of Farver, Minnesota, and within the said 1st Congressional District of the State of Minnesota, and was a candidate for election to the office of state senator from the said 1st Congressional District in the State of Minnesota at the general election held in said district on the 6th day of November, 1904, having been duly nominated at the primary election in said district in June, 1904.

That in truth and in fact, there were cast for the contestant herein more of the legal votes cast at said general election held in said 1st District for the office of state senator than were cast for the contestant herein.

That there were cast for the contestant herein at said general election in said 1st District more votes for the said office of state senator than were canvassed, counted and declared to have been cast for him by said county canvassing boards of said counties and states.

That there were cast for the contestant herein at said general election in said 1st District for the said office of state senator a less number of legal votes than were canvassed, counted and declared to have been cast for him by said county canvassing boards of said counties and states.

That by reason of the above recited errors that the county canvassing boards of said counties and states did declare the said contestant to be elected to said office of said state senator but that, in fact, had the legal votes duly cast for the contestant and the contestant respectively, been properly and truly canvassed, counted and returned that it would appear and the county canvassing board of Scott and Farver Counties, and the state canvassing board, would have declared the contestant, the said P. W. Harrison, to have been elected to said office of state senator from said 1st District at said general election.

That the judges and clerks at said general election in the various election districts in said 1st district, in counting

and canvassing the votes cast at said general election for the office of State Senator of said 21st District, committed errors and mistakes to the prejudice of the contestant, and that the said county canvassing boards and the state canvassing board, in counting and canvassing the returns of votes cast at said general election for the said office of State Senator of said 21st District, committed errors and mistakes to the prejudice of the contestant by reason of all of which the contestant was declared elected as aforesaid, when in truth and in fact the contestant did receive the greatest number of legal votes cast by the qualified voters of said 21st District for said office of State Senator at said election.

That at said general election in the said 21st District and in the several election districts in which said 21st District is divided there were cast for the contestant herein a large number of legal votes which the judges and clerks of the said several election districts failed to count and return for the said contestant.

That the judges and clerks at said general election in the several election districts of the said 21st District, in counting, canvassing and returning the number of votes for the contestant herein, did count, canvass and return a large number of votes which were not duly and legally cast for said contestant for the said office of State Senator.

That the contestant herein did receive, at said general election, for said office of State Senator, in said 21st District, more legal votes than were cast for the contestant.

That there were one or more legal votes duly cast in each election district of the said 21st District for the contestant for the office of said State Senator which were not tallied, counted, returned or canvassed for and in behalf of said contestant by the judges and clerks in each of the several election districts of the said 21st District, and the county canvassing boards of each and every County and the state canvassing board, did erroneously and

improperly tally, count, return and canvass for the contestee one or more votes in each election district in excess of those in fact duly and legally cast for said contestee for said office of state senator at said general election. That the effect of these errors and improper tallying, counting, returning and canvassing was to cause it to appear, upon the canvass by the said county canvassing boards and the state canvassing board, that there were forty-eight (48) more votes cast at said general election in the said 1st district for the contestee herein, than for the contestant.

YOU ARE FURTHER ADVISED that said P. S. Harrison will contest the election of Al H. Support for the office of state senator from the 1st Senatorial District in the State of Minnesota at the general election held in said district on the 6th day of November, 1934, on the grounds and on account of the matters and things hereinafter set forth, showing that the said Al H. Support was disqualified from being elected to the office of senator from the 1st Senatorial District at said election, and was disqualified from being declared elected at said election to said office, and was and is disqualified from receiving the certificate of election to said office of state senator in said District and was and is disqualified from holding said office of senator from said 1st Senatorial District by reason of the matters and things hereinafter set forth.

1. That the said Al H. Support, contrary to the provisions of the statutes of the State of Minnesota, in each case made and provided, did, while a candidate for said office of state senator for the 1st district, subsequent to his being examined as a candidate for said office, and before the general election of November 6, 1934, collaborately, purposely and intentionally violate and cause to be violated, the statutes of the State of Minnesota, governing the conduct of elections and the conduct of candidates for election in the manner and respects hereinafter set forth.

2. That said Al H. Suggart, did, subsequent to his nomination for Senator from the 1st Senatorial District, and prior to said general election, cause to be written, prepared, published and generally circulated in and among the voters and residents of said 1st Senatorial District, comprising the counties of Carver and Scott, a newspaper article, a copy of which is hereto attached, marked Exhibit "A" and made a part hereof. That this particular exhibit was published in the Decatur Times, Decatur, Carver County, Minnesota in their issue of November 5, 1936, and was generally distributed by mail and otherwise to the voters of said 1st Senatorial District.

That he did cause to be written, prepared, circulated and generally distributed in a like manner, among voters of said District, a like, similar and/or identical publication in the following newspapers, all situated within said District, namely: Osceola Patriot, Osceola, Carver County, Minnesota; Young America Eagle, Young America, Carver County, Minnesota; Watertown News, Watertown, Carver County, Minnesota; Chucka Herald, Chucka, Carver County, Minnesota; Belle Plaine Herald, Belle Plaine, Scott County, Minnesota; Jordan Independent, Jordan, Scott County, Minnesota; New Prague Times, New Prague, Scott County, Minnesota; and the Argus Tribune, Shakopee, Scott County, Minnesota.

That the article and/or publications, marked Exhibit "A" was so prepared, printed, published and circulated for the purpose of inducing and influencing the voters in said 1st Senatorial District, to vote in favor of said Al H. Suggart, and to influence said voters in said District to refrain from voting for the said Senator P. C. Morrison for the office of State Senator in said District, and was so intended, and did tend to influence the voters in said District to vote in favor of said Al H. Suggart and to refrain from voting for said P. C. Morrison, for the office of said State Senator in said 1st Senatorial District.

3. That said publications, marked Exhibit "A", and the like, clippings and/or identical articles published in all of the newspapers heretofore enumerated, were generally circulated throughout the district among the residents and voters thereof by mail or otherwise on and after November 1st, 1934, and prior to November 6th, 1934, and appeared in the last edition of all of said newspapers published prior to said general election on November 6th, 1934, and were deliberately, seriously and intentionally written, prepared, published and generally circulated among the voters and residents of said district in such issue of said papers, and at such a late date, and withheld until such time, for the express purpose of reaching the voters in said last elections, before election day, for the purpose of depriving the said W. S. Morrison from having an opportunity to answer the matters contained in said publications.

4. That the defendant herein, W. S. Morrison, now resides in the Village of Foxwood, Sarver County, Hancock, and has so resided and has been a resident and voter in said Village of Foxwood, for the past forty-three years, and for eight years of said time, was County Attorney of Sarver County, and for twelve years, Judge of the District Court of the Eighth Judicial District, and was, at the general election held on the 6th day of November, 1930, elected to the office of state senator from the 61st Senatorial District, comprising the Counties of Sarver and Scott, and was at the general election held November 6, 1934, a candidate for reelection to said office. That at each of the sessions of the Hancock Legislature held in 1931 and 1933, he was the author of a bill for the purpose of repealing the Game Act, otherwise known as the Habitual Criminal Act, because of the injustices made necessary under said act, because of its mandatory provisions.

That during said sessions of 1931 and 1933, Senator W. S. Morrison was widely quoted, and his acts in attempting to repeal the Game Act commented upon by the newspapers in said district heretofore enumerated, that the words used in said publications,

to-wit: "Instead of trying to repeal them" (see exhibit "A") were used by said Al H. Suggert in preparing and publishing said article for the purpose of conveying the meaning to the voters of the district that Senator W. E. Harrison was in favor of repealing generally the criminal laws of the State of Minnesota; and again getting from said exhibit "A", the following: "If I cannot go to the Senate without having strings tied to me and without being dishonest".... "I don't want the job. But such statement was prepared, published and distributed by said Al H. Suggert for the purpose of conveying to the voters of the district, a willfully false, malicious and libelous meaning, to-wit: that his one and only opponent, Senator W. E. Harrison had strings tied to him, and would not go to the Senate and represent the people of the district but to represent a select few, and that he was dishonest.

That all of such statements contained in said published article, marked Exhibit "A" was prepared and published by said Al H. Suggert for the purpose of deliberately, knowingly, materially, and willfully violating the Statutes of the State of Minnesota in such a as made and provided, especially known as the Corrupt Practices Act, and were deliberately, seriously and materially made to violate such Statutes by using said false and misleading statements through innuendo suggestions and insinuations, and that the same were prepared, written, issued, published and circulated knowingly in violation of the Statutes of the State of Minnesota, in each case made and provided, and were made deliberately by said Al H. Suggert for the purpose of influencing the voters of said district to vote for said Al H. Suggert and against Senator W. E. Harrison, and did tend to so influence the voters of said district.

6. Your petitioner further states that the said Al H. Suggert went about said dist Senatorial district, subsequent to being admitted and prior to said general election, and by word of mouth stated generally to the voters of the district, and in substance as following: "My opponent, Senator Harrison, is sick and in the hospital and will not recover. If you elect him, he

he will not be able to serve in the Senate and it will throw upon the voters of the district the expense of a special election.

That said statements published and spoken as aforesaid, were untrue and that the said A. H. Support knew at the time of making them, that they were untrue, and/or if he did not know that they were untrue, he made them without knowing that they were true. That they were made by said A. H. Support for the purpose of influencing, and they did ^{tend to} influence, the voters of the district to vote against said Senator P. C. Morrison and for said A. H. Support; that a great number of the voters of said district, believing such statements to be true, went to the polls on November 6, 1934, and voted in favor of said A. H. Support and against said Senator P. C. Morrison. That all of such statements were made by word of mouth, and otherwise, by said A. H. Support, were deliberately, knowingly, maliciously and willfully made in violation of the Statutes of the State of Minnesota, in such case made and provided, commonly known as the Corrupt Practices Act, and were deliberately, and intentionally made in violation of such Statutes.

WHEREFORE, your petitioner, the Contestant, contests the election of said A. H. Support to the office of State Senator from the First Senatorial District of the State of Minnesota, and appeals to said Court from the action of said canvassing boards in declaring said A. H. Support elected to the office of State Senator, and asks that the said Court declare and judicially determine that the said A. H. Support, on account of the matters and things hereinbefore set forth, was not elected to the office of State Senator from the First Senatorial District and was not eligible to be elected to said office; and was not elected to the general election held November 6, 1934; and that the said A. H. Support is and was disqualified from being elected; that the Court annul and declare void the declaration of such canvassing boards, declaring said A. H. Support to be elected and that it be declared, decreed and adjudged that the said P. C. Morrison is the duly elected Senator from the First Senatorial District of the State of Minnesota, and that he

was elected to said office at the general election held on the 6th day of November, 1934 for the term of four years from and after the 1st day of January, 1935, and that the Court fix a time for the hearing of this petition and the trial thereof, as provided by law, and that your petitioners have each other and further relief as to the Court may seem just.

P. W. Morrison
P. W. Morrison, Contestant

L. E. Brophy
L. E. Brophy
Attorney for Contestant
918 Marshall Building
Minneapolis, Minnesota

Dated, November 20, 1934.

COUNTY OF MINNESOTA)
(ss
County of Hennepin)

P. W. Morrison, being first duly sworn on oath states that he is the contestant named in the foregoing attached Notice of Contest, and that he has read the foregoing attached Notice of Contest, and that the facts therein stated are true of his own knowledge, except as to those matters therein stated on information and belief, and as to those matters he believes it to be true.

P. W. Morrison

Subscribed and sworn to before me
this 21st day of November, 1934.

A. S. Anderson
A. S. ANDERSON
Notary Public, Hennepin County, Minn.
My Commission Expires July 4th, 1939.

PLATE "A"

(Plate)

PLATE

A. H.

SUPPORT

A native farmer who knows the real needs of agricultural Scott and Garver counties.

If elected, he pledges his support to tax reduction, commonsense, reasonable laws that the people will obey, protection of private property, and an effort to see that the strictest laws for punishment of criminals are made instead of trying to repeal them.

"If I can't go to the senate without having strings tied to me and without being dishonest, if I can't see that the best interests of Scott and Garver county are protected, if I can't be free to use commonsense as my guide, I can't want the job."

-- A. H. Support.

Prepared for and inserted by A. H. Support, Sand Creek, for which \$2.00 has been paid.

7213

7214
Election Contest
21st District

P. W. Morrison
vs

~~John W. Cook~~
~~John H. Ruppert~~
Notice of Contest

STATE OF MINNESOTA
DEPARTMENT OF STATE

NOV 20 1934

W. W. ...
Secretary of State

1040 A.M.