

29 NOVEMBER 1944

MR. JOHN S. NYQUIST
ATTORNEY AT LAW,
MILACA MINN

DEAR MR. NYQUIST:

WE HAVE YOURS OF THE TWENTY-EIGHTH INSTANT
WITH NOTICE OF CONTEST OF THE ELECTION HELD
NOVEMBER 7, 1944, TO THE OFFICE OF REPRESENTATIVE
IN THE LEGISLATURE FROM THE 55TH LEGISLATIVE
DISTRICT, THEODORE C. (TED) SWANSON, CONTESTANT,
VS. HENRY RINES, CONTESTEE.

I SHALL WITH-HOLD ISSUING A CERTIFICATE OF
ELECTION UNTIL DIRECTED BY THE COURT IN ITS
FINDINGS.

VERY TRULY YOURS,

SECRETARY OF STATE.
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LAW OFFICE OF
JOHN S. NYQUIST
ATTORNEY AT LAW
MILACA, MINN.

PHONE 42

COUNTY ATTORNEY
MILLE LACS COUNTY

November 28, 1944

Honorable Mike Holm,
Secretary of State,
State Capitol,
St. Paul, Minnesota

Dear Mr. Holm:

As one of the attorneys for Theodore G. (Ted) Swanson, I am herewith enclosing a Notice of Contest which has been filed in the office of the Clerk of District Court of Mille Lacs County, Minnesota. Mr. Swanson was a candidate for the office of State Representative from the 55th District at the November 7th, 1944 election, and was defeated. He is now contesting the election of Henry Rines who was a candidate for the same office and who was declared elected.

Will you kindly acknowledge receipt?

Yours truly,

John S. Nyquist

STATE OF MINNESOTA))
COUNTY OF MILLE LACS) SS

D I S T R I C T C O U R T
SEVENTH JUDICIAL DISTRICT

In the Matter of the Contest of the
Election held November 7th, 1944, to
the Office of the State Representative
from the Fifty-fifth Legislative Dis-
trict of the State of Minnesota.

Theodore C. "Ted" Swanson, Contestant,

vs.

NOTICE OF CONTEST

Henry Rines, Contestee.

To the HONORABLE MIKE HOLM, Secretary of State, State of Minnesota;

To the HONORABLE CARL ECKDALL, Clerk of District Court of Mille Lacs County,
Minnesota;

To MARIE SALMONSON, County Auditor of Kanabec County, Minnesota;

To EARL M. DARROW, County Auditor of Sherburne County, Minnesota;

To ALBERT SUNDBERG, County Auditor of Mille Lacs County, Minnesota; and

To HENRY RINES, Contestee:

You are hereby notified that Theodore C. "Ted" Swanson will contest
the election of Henry Rines, of Mora, Kanabec County, Minnesota, to the
office of State Representative from the Fifty-fifth Legislative District
in the State of Minnesota, at the general election held in said District
on the seventh day of November, 1944.

You are further notified that the grounds of said contest will be that
the County Canvassing Board of the County of Kanabec, County of Mille Lacs
and County of Sherburne, and the State Canvassing Board of the State of
Minnesota, have declared the said Henry Rines to be elected to the above
described office of State Representative at said election.

That the Contestant, Theodore C. "Ted" Swanson, is, and for more than
one year prior to the Seventh day of November, 1944, was a qualified voter
of the State of Minnesota, and does now and for more than one year has re-
sided in said district, in the Village of Milaca, Mille Lacs County, Minn-
esota, and within the said Legislative District in the said State of Minn-
esota, and was a candidate for election to the office of State Representative
from the Fifty-fifth Legislative District in the State of Minnesota, at the

general election in said district on the seventh day of November, 1944, having been nominated in the primary election in said district in September, 1944.

That in truth and in fact, there were cast for the contestant herein more of the legal votes cast in said general election held in said Fifty-fifth Legislative District for the office of said State Representative than were cast for the contestee herein.

That there were cast for the contestant herein, ⁱⁿ said general election in said Fifty-fifth Legislative District more votes for the said office of State Representative than were canvassed, counted and declared to have been cast for him by said County Canvassing Boards of said counties and by the State Canvassing Board.

That there were cast for the contestee herein in said general election in said Fifty-fifth district for the said office of State Representative a less number of legal votes than were canvassed, counted and declared to have been cast for him by said County Canvassing Boards and the said State Canvassing Board.

That by reason of the above recited errors, the County Canvassing Boards of said Kanabec, Mille Lacs and Sherburne Counties, and the State Canvassing Board of the State of Minnesota, did declare the said Contestee to be elected to said office of State Representative, but that in fact, had the legal votes duly cast for the Contestee and the Contestant respectively been properly and truly canvassed, counted and returned, that it would appear and the said County Canvassing Boards and the said State Canvassing Board, would have been declared the Contestant, the said Theodore C. "Ted" Swanson, to have been elected to said office of State Representative from said Fifty-fifth Legislative District at said general election.

That the judges and clerks at said general election in the various election districts in said Fifty-fifth Legislative district, in counting and canvassing the votes cast at said general election for the office of State Representative of said Fifty-fifth Legislative district, committed errors and mistakes to the prejudice of the Contestant, and that the said County Canvassing Boards and the said State Canvassing Board in counting and canvassing the return of the votes cast at said general election for said office of State Representative of said Fifty-fifth Legislative district,

committed errors and mistakes to the prejudice of the contestant by reason of which the contestee was declared elected as aforesaid, when in truth and fact the contestant did receive the greatest number of legal votes cast by the qualified votes of said Fifty-fifth Legislative district for said office of State Representative in said election.

That at said general election in the said Fifty-fifth Legislative district and in the several election districts of said Fifty-fifth Legislative district 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 said contestant.

That the judges and clerks at said general elections in the several election districts of said Fifty-fifth Legislative district, in counting, canvassing and returning the number of votes for the contestee herein, did count, canvass and return a large number of votes which were not duly and legally cast for said contestee for the said office of State Representative.

That the contestant herein did receive, at said general election, for said office of State Representative in said Fifty-fifth Legislative district more legal votes than were cast for the contestee.

That there were one or more legal votes duly cast in each election district of said Fifty-fifth Legislative district for the contestant for the office of State Representative 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 Fifty-fifth Legislative district, and the State Canvassing Board did erroneously and improperly tally, count, return and canvass for the contestee, one or more votes in each of said election districts in excess of those in fact duly and legally cast for said contestee for said office of State Representative in said general election.

That the effect of these errors and the improper tallying, counting, returning and canvassing was to cause it to appear upon the canvass by the said Canvassing Boards, that there were 115 more votes cast at said general election in said Fifty-fifth Legislative district for the contestee herein

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 29 1944

Walter A. ...
Secretary of State

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Phones } Office 165
 } Residence 235

Office at
Court House

GEO. L. ANGSTMAN
COUNTY ATTORNEY
KANABEC COUNTY
MORA, MINN.

December 19, 1944

Hon. Mike Holm
Secretary of State
St. Paul, Minnesota

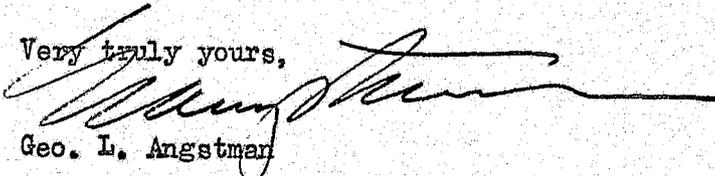
Dear Mr. Holm:

A short time ago you were served with a notice of election contest of Theodore G. "Ted" Swanson vs. Henry Rines.

On the recount that was held Henry Rines who was elected at the returns of the canvass board, gained some votes, so the attorneys have stipulated for a dismissal of the case and a court order has been obtained dismissing said action, a certified copy of which is enclosed herein.

Will you kindly issue the usual election certificate to Henry Rines?

Very truly yours,


Geo. L. Angstman

GLA:MS
Enc

STATE OF MINNESOTA
COUNTY OF HENRI LASE

DISTRICT COURT
EASTERN JUDICIAL DISTRICT

In the Matter of the Contest of the
Election held November 7th, 1944, to
the office of the State Representative from
the fifty-fifth Legislative District of the
State of Minnesota.

Frederic C. "Red" Swanson,

Contestant,

-vs-

Henry Blum,

Contestee.

ORDER

Pursuant to the attached stipulation, IT IS HEREBY ORDERED
that the above proceedings be and the same be hereby dismissed and the
Secretary of State may forthwith issue an election certificate to the
within named contestant.

IT IS FURTHER ORDERED that the court costs and inspectors' fees
in the within matter shall be paid by the above named contestant and
upon the payment of said costs a cash bond filed herein by contestant
shall be returned to the contestant by the Clerk of the above named
Court.

Dated at St. Cloud, Minnesota, this 15th day of December, 1944.

J. B. Himes
District Judge

FILED IN CASE NO. 10000
A. D. 1944
CLERK

STATE OF MINNESOTA
COUNTY OF MILLE LACS

DISTRICT COURT
SEVENTH JUDICIAL DISTRICT

In the Matter of the Contest of the
Election held November 7th, 1944, to
the office of the State Representative from
the Fifty-fifth Legislative District of the
State of Minnesota.

Theodore C. "Ted" Swanson,

Contestant

-VS-

Henry Rines,

Contestee.

STIPULATION OF DISMISSAL

The referee inspectors duly appointed by the Court to re-count and inspect the ballots cast in said election for State Representative in the three counties comprising the Fifty-fifth Legislative District having completed their recount and inspection and filed their report to the Court herein, and which re-count, inspection and report makes no material change from the findings as returned by the Canvassing Board, Now, therefore, IT IS HEREBY STIPULATED AND AGREED by said parties and their respective attorneys, that the above proceedings may be and it is hereby dismissed with court costs to be paid by said Contestant.

IT IS FURTHER STIPULATED and agreed that upon payment of said court costs that the cash bond is to be released to said Contestant.

IT IS FURTHER STIPULATED and agreed that upon presentation of this stipulation to the above named Court, or the clerk thereof, that an order be entered so dismissing the said action as aforesaid.

Dated December 16, 1944.

Henry Rines

Geo. L. Angstman

Theodore C. "Ted" Swanson

C. C. Mitchell

John S. Nyquist

R. C. Angstman

Filed in the Office of District Court
Mille Lacs County, Minn.
Dec. 18, A. D., 1944.
Carl Eckdall Clerk

State of Minnesota,
County of Mille Lacs

} ss.

DISTRICT COURT,
Seventh Judicial District

In the Matter of the Contest of
the Election held November 7th,
1944, to the Office of the State
Representative from the Fifty-Fifth
Legislative District of the State
of Minnesota.

Plaintiff.....

vs.

Clerk's Certificate

Theodore C. "Ted" Swanson,

Contestant,

vs.

Henry Rines,

Contestee.

Defendant.....

I, Carl Ekdall

Clerk of the above named Court,

do hereby certify that I have compared the paper's writing, to which this certificate is attached, with the
original Stipulation and Court Order

as the same appears of record and on file in the said Clerk's office, at the Court House in said County,
in the above entitled cause, and that the same is a true and correct copy of the same and the whole
thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and
affixed the seal of said Court at Milaca, Minnesota, this

18th day of December, A. D. 1944.

Carl Ekdall Clerk

Deputy

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C.A.

STATE OF MINNESOTA
DISTRICT COURT,

County of Mille Lacs

Certificate of Transcript

In the Matter of the Contest
of the Election held Novem-
ber 7th, 1944, to the Office
of the State Representative
from the Fifty-fifth Legis-
lative District of the State
of Minnesota.

Plaintiff

~~vs.~~
Theodore C. "Ted" Swanson,
Contestant,

vs.

Henry Rines,
Contestee.

Defendant

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 21 1944

W. H. Holm
Secretary of State.