

STATE OF MINNESOTA
IN THE SENATE OF MINNESOTA
IN THE MATTER OF THE CONTESTED ELECTION OF
A. J. ROCKNE TO A SEAT IN THE MINNESOTA
STATE SENATE.

Mr. Richardson, from the Committee on Elections, to which was referred the matter of the Contest of Charles L. Grover against A. J. Rockne, contesting the election of the said A. J. Rockne to the Minnesota State Senate from the Nineteenth Legislative District, reports the same back with the recommendation that the proceedings be dismissed.

Mr. Richardson moved that the reading of the committee report be dispensed with and that it be printed in the Journal and lie over one day.

Which motion prevailed.

IN THE MATTER OF THE CONTEST OF
CHARLES L. GROVER - - - - - *Contestant*
vs.
A J. ROCKNE - - - - - *Contestee*

The above named contestant having instituted a contest in the District Court of Goodhue County wherein certain proceedings were had, hearings held and findings made by said court, and all of the files thereof having been transmitted to the Senate and referred by said Senate to your Committee on Elections, and said contest having come on for hearing before your committee on February 17, 1931, the contestant appearing in person and by his attorney, Arthur L. Le Sueur, and the contestee appearing in person and by his attorneys, Senator J. D. Sullivan and Judge Albert Johnson, and the committee having heard and considered all the evidence and the arguments of counsel, finds

AS FACTS

1. That contestee A. J. Rockne was a candidate for State Senator in Goodhue County, comprising the Nineteenth Legislative District at the General Election held November 4th, 1930, and duly filed for such office at the preceding primary election. That no other person so filed at such primary and that on the official ballot at the General Election his name only appeared as a candidate for such office. That contestant, Charles L. Grover, was not a candidate at the primary, but that at the election, his name was written in or inserted by the attaching of stickers to a total of 2550 ballots and that 2550 votes were accordingly counted for him by the election judges and the canvassing board. That A. J. Rockne received 6537 votes at said election and was duly declared elected and a certificate of election was duly issued to him.

2. That there was a substantial compliance with the law in the preparation and use of the official ballot in said Nineteenth Legislative District. It is claimed by contestant that the space provided for writing in a name under the designation of such office was insufficient. Your committee finds that such space was sufficient, and further that no objection was made to the same in the manner provided by law when the sample ballot was printed, nor were any steps taken to have the same corrected or altered as provided by statute. That even if said

ballot were not in strict compliance with the statute contestant is estopped under the decisions of this state from raising the question now.

3. There was no violation of the corrupt practices act in the publication of any of the newspaper articles submitted as exhibits herein.

4. That the contestee made no public statements of facts which were misrepresentations of the reasons why contestant was a candidate and that no statements were made by contestee which in any way constituted a violation of the corrupt practices act.

AS CONCLUSIONS

Your committee finds that the said contest, brought by said Charles L. Grover, is unwarranted and unfounded and that the said A. J. Rockne was on November 4, 1930, legally and properly elected to the office of State Senator for the Nineteenth Legislative District; that the above entitled contest should be and is hereby in all things dismissed.

SECOND READING OF SENATE BILLS.

S. F. Nos. 61, 64, 562, 406, 674, 627, 109, 577, 160, 585, 526, 421, 104, 302 and 431 were read the second time.

S. F. Nos. 733, 734, 751 and 752 which were laid over one day, under the rules of the Senate, on Tuesday, March 3rd, were read the second time.

SECOND READING OF HOUSE BILLS.

H. F. Nos. 84, 59, 340, 113, 166 and 319 were read the second time.

MOTIONS AND RESOLUTIONS.

Mr. Orr moved that S. F. No. 681 be withdrawn from the Committee on Finance.

Which motion prevailed.

S. F. No. 681 was withdrawn from the Committee on Finance.

Mr. Orr then moved that S. F. No. 681 be re-referred to the Committee on Banks and Banking.

Which motion prevailed.

S. F. No. 681 was re-referred to the Committee on Banks and Banking.

Mr. Weber moved that S. F. No. 562, now on General Orders, be re-referred to the Committee on Finance, retaining its place on General Orders.

Which motion prevailed.

S. F. No. 562 was re-referred to the Committee on Finance, retaining its place on General Orders.

SUSPENSION OF RULES.

Mr. Adams, C. E., moved that the rules be suspended, that H. F. No. 84, now on General Orders, be substituted for S. F. No. 117, No. 1 on the Calendar, and that S. F. No. 117 be indefinitely postponed.

Which motion prevailed.

H. F. No. 84 was substituted for S. F. No. 117.

S. F. No. 117 was indefinitely postponed.

Starks, Serline, Smullen, Widell, Finstad, Larson, A. S., Regnier, Roepke, Richardson, Gardner, Sprung, Bridgeman, McCubrey, Rosenmeier, Hanson, Pederson, Mrs. Naplin, Messrs. Romberg, Morrison, Schmechel and Spindler.

Which motion prevailed.

Mr. Richardson moved that the report from the Committee on Elections, relating to the contest of George A. Turnham against Archie H. Miller as found recorded on pages 390 and 391 of the Journal of the thirty-sixth day, be now adopted.

The question being taken on the adoption of the committee report.

And the roll being called, there were yeas 57 and nays none, as follows:

Those who voted in the affirmative were:

Adams, C. E.,	Fisk,	Lommen,	Putzier,	Smith,
Adams, E. E.,	Gardner,	McCornack,	Regnier,	Smullen,
Anderson,	Hanson,	McCubrey,	Richardson,	Spindler,
Bonniwell,	Hausler,	Marshall,	Rockne,	Sprung,
Bridgeman,	Jacobs,	Morin,	Roepke,	Starks,
Buckler,	Larson, A. S.,	Morrison,	Rollins,	Todd,
Child,	Larson, H. A.,	Naplin,	Romberg,	Weber,
Crowley,	Lennon,	Nordlin,	Rosenmeier,	Widell,
Duemke,	Lewer,	Orr,	Schmechel,	Wolfe,
Farnand,	Lightner,	Pattison,	Sell,	
Fearing,	Lodin,	Peck,	Serline,	
Finstad,	Loftsgaarden,	Petersen, W. L.,	Siegel,	

So the report was adopted.

Mr. Richardson moved that the report from the Committee on Elections, relating to the contest of Charles L. Grover against A. J. Rockne as found recorded on pages 392 and 393 of the Journal of the thirty-sixth day, be now adopted.

The question being taken on the adoption of the committee report.

And the roll being called, there were yeas 56 and nays none, as follows:

Those who voted in the affirmative were:

Adams, C. E.,	Fisk,	McCornack,	Regnier,	Spindler,
Adams, E. E.,	Gardner,	McCubrey,	Ribenack,	Sprung,
Anderson,	Hanson,	Marshall,	Richardson,	Starks,
Bonniwell,	Hausler,	Miller,	Rollins,	Sullivan,
Bridgeman,	Jacobs,	Morrison,	Romberg,	Todd,
Buckler,	Larson, A. S.,	Naplin,	Rosenmeier,	Weber,
Child,	Larson, H. A.,	Nordlin,	Schmechel,	Widell,
Crowley,	Lennon,	Orr,	Sell,	Wolfe,
Duemke,	Lewer,	Pattison,	Serline,	
Farnand,	Lightner,	Peck,	Siegel,	
Fearing,	Lodin,	Petersen, W. L.,	Smith,	
Finstad,	Loftsgaarden,	Putzier,	Smullen,	

So the report was adopted.

Mr. Richardson moved that the Secretary of the Senate be instructed to send to the Secretary of State all the proceedings in the two foregoing contests, together with the roll calls on the final action by the Senate.

Which motion prevailed.

JOURNAL

OF THE

SENATE

OF THE

FORTY-SEVENTH SESSION

OF THE

LEGISLATURE

OF THE

STATE OF MINNESOTA

SAINT PAUL:

McGILL-WARNER Co., STATE PRINTERS

1931