For no legislature in recent years has been so generally condemned.

The "roasts" have come from all quarters. They have been damned by the extreme reactionaries because they did not rip the primary to pieces and restore the party conventions; and on the other hand they have been damned because they wasted so much time trying to do it.

They have been damned because they tried to put over a program of extreme repression and militarism, and they have been damned because they did so little along that line.

Some have criticised because no important tax laws were passed, and others have lost sleep because some very good and correct tax laws came so near passing.

A careful study will show that about as much as usual was done along constructive lines; but not nearly so much as was expected. In fact, a vast amount was expected,—a moderate amount accomplished,—and most of the big things, good and bad, failed, largely because of the Senate.

If you read each chapter carefully it will help in placing responsibility.

At the close of the session all but two members united in presenting Mr. Nolan with a fine automobile as a mark of their appreciation and respect.

CHAPTER IV.

CONTESTED SEATS.

There were two contests—one in the house and one in the senate.

First—Lauderdale against Swenson.

In the 35th Dist. (3rd and 10th wards of Minneapolis) Henry W. Lauderdale and Erling Swenson were candidates. The official count showed that:

Swenson had 3226 votes

Lauderdale had 3160 votes.

Making a majority for Swenson of 66 votes.

After carefully examining the details of the vote Mr. Lauderdale believed that there must be errors in the count, especially in the 9th and 14th precincts of the 3rd ward, where he had expected to get large majorities but had failed.

He therefore started a contest and asked for a recount.

The recount showed errors in the original count, especially in the two precincts that had aroused Mr. Lauderdale's suspicion, and it was finally admitted that Lauderdale had really received a majority of 40 undisputed votes.

However, Swenson claimed that Lauderdale had violated the provisions of the corrupt practices act, in that he had paid five dollars to one man, and five to another with the promise of ten more if he were elected.

These men were to put up posters, distribute cards and urge their friends to support Lauderdale.

The House committee, after carefully examining the evidence and hearing the arguments, reported that in paying these men for their services, Mr. Lauderdale had not in any way violated the law, and was therefore entitled to the seat.

This report was signed by L .O. Teigen, J. O. Haugland, J. B. Pattison and N. T. Moen.

O. E. Hammer made a long minority report, claiming that Lauderdale HAD violated the corrupt practices act, and that there was reason to believe that the boxes had been opened and the ballots re-marked. He made a very passionate appeal that Lauderdale be denied his seat.

John B. Pattison of St. Cloud, one of the ablest lawyers in the House, briefly answered Hammer, and was followed by N. T. Moen of Fergus Falls and T. H. Girling of Hennepin, who showed that the seals were broken on many boxes from all parts of the city, due to the rain which easily tore apart the little paper seals. The boxes were guarded by two watchmen and two special detectives till after the recount; and the recount showed that both had made gains. Would that be possible if the boxes had been tampered with?

First Swenson was unseated 49 to 79, and then Lauderdale got 85 to 42 as follows:

Those who voted in the affirmative for Lauderdale were:

Adams,	Dorweiler,	Kingsley,	Rako,
Anderson,	Emmons,	Lagersen,	Ross,
Arens,	Erickson,	Lee,	Schaleben,
Baxter,	Fawcett,	Lennon, J. G.,	Serline,
Bendixen,	Gill,	Levin,	Shanks,
Bernard,	Girling,	McGivern,	Shirley,
Bouck,	Gislason, J. B.,	Moen,	Smith,
Boyd,	Goodspeed,	Murphy,	Solem,
Briggs,	Grant,	Nelson, C. N.,	Sortedahl,
Brophey,	Greene, T. J.,	Nett,	Sudheimer,
Burdorf,	Hale,	Neuman,	Swanson, J.,
Burrows,	Harrison,	Nimocks,	Swanson, S. J.,
Carlson,	Haugland,	Nordgren,	Swenson, O.A.,
Chirhart,	Herried,	Nordlin,	Teigen,
Christensen, A.,	Hinds,	Norton,	Trowbridge,
Christianson, T.,	Hitchcock,	Oren,	Warner,
Corning,	Holmquist,	Parker,	West,
Cullum,	Hompe,	Pattison,	Wilkinson,
Curtis,	Howard,	Pedersen,	Mr. Speaker.
Darby,	Hulbert,	Praxel,	
Day,	Jacobson,	Prince,	
DeLury,	Kelly,	Putnam,	

Those who voted in the negative against Lauderdale were:

Arneson,	Hammer,	Miner,	Sluke,
Berve,	Hodapp,	Nelson, J. M.,	Spelbrink,
Dilley,	Iverson,	Olson,	Stahlke,
Enger,	Johnson,	Perry,	Strand,
Enstrom,	Lennon, A. L.,	Pittenger,	Thorkelson,
Flahaven,	Leonard,	Rodenberg,	Urness,
Frisch,	Long,	Ryan,	Waters,
Galewski,	McGrath,	Scherf,	Welch,
Gislason, C.M.,	McLaughlin,	Siegel,	Wicklund,
Gleason,	McPartlin,	Skaiem,	
Green, H. M.,	Manske,	Sliter,	

Oberg and Wicker had been excused for the day; Lang

was excused from voting, as he was Swenson's colleague from the 35th District; and Swenson himself refrained from voting.

Anderson, Arens, Bouck, Day, McGivern, Neuman and West had just voted to let Swenson hold the seat; but having lost, now voted to seat Lauderdale.

Of the 42 who voted against Lauderdale on the final ballot 19 were Non-partisan League men, 8, like Swenson, had been elected by organized labor, 6 might be called advocates of strict construction of the corrupt practices act and the other nine were some of them just plain wets and some stood by Swenson out of personal friendship.

Of course any member had an undoubted constitutional right to vote either way for any reason or no reason.

The Sullivan-Wilcox Contest.

W. W. Wilcox was elected Senator from Washington county over Geo. H. Sullivan by a majority of 43 votes.

Sullivan contested and asked a recount.

The recount showed that Wilcox had a majority of 35 votes.

But Wilcox had charged Sullivan with being attorney for the Street Railway Co. and "accredited agent and attorney" for some 60 foreign corporations doing business in Minnesota.

Sullivan claimed that this statement was "false and defamatory," but he admitted on the witness stand, under cross examination, that he was "Attorney at law" for the Street Railway Co., and that he was "accredited agent and attorney-in-fact" for all the 60 other corporations. He denied ever having been "attorney-at-law" for any of the 60.

This looks to the layman very much like a quibble in words, and how it can be "false and defamatory" it would seem hard for the ordinary man to understand; and yet five grave senators, apparently eager for Sullivan's company for the rest of the term, found that Sullivan's charge was true.

But worse than all and more of it, some of Wilcox's circulars (which by the way did not contain the "false and defamatory" statement complained of) were found on election day in one of the polling places, on a chair 50 feet or such a matter from the booths, maybe less, but anyway they were there.

Of course it was contrary to law to have them there. Everybody admits that; but who put them there? Wilcox did not. No one knows. Perhaps no one will ever know. Affidavits were offered to show that Wilcox had directed that all circulars should be destroyed on the night before election so that none could get into the polling places the next day to violate the law. But they were there and the law was violated. So the five Senators solemnly assert that this precinct must be thrown out. This would elect Sullivan.

There was nothing in the evidence to show that any voter had been influenced by those circulars, and they admittedly contained no false statements.

This precinct of Woodbury had always been strongly against Sullivan.

In 1914 it gave him 12 votes and his opponent 126.

In 1918 it gave him 26 votes and Wilcox 149.

In the special election of Feb. 20th, 1919, Sullivan got 14 votes, Wilcox, 212.

It seems plain that this precinct did not want Sullivan.

And Yet?

Five members of the Senate committee on elections voted to deprive Wilcox of his seat and give it to Sullivan.

The five were Frank E. Putnam, Wm. F. Brooks, A. J. Rockne, John D. Sullivan and T. C. Blomgren.

The Opposing Report.

A minority report, declaring that Wilcox was entitled to retain his seat, was signed by Ole O. Sageng, P. A. Gandrud, Iver J. Lee and Adolph S. Larson.

The battle over these reports was waged Friday afternoon, Jan. 31st, and lasted six hours.

Putnam, John D. Sullivan, Rockne and Fowler argued long and zealously for seating Sullivan, laying special stress on the "false and defamatory" campaign literature of Wilcox that had charged Sullivan with being "the accredited agent and attorney" for 60 or more foreign corporations, instead of saying that he was "the accredited agent and attorney-in-fact" for them.

They all admitted that the latter statement would not have been "false and defamatory"; and they all knew that the circulars in the town hall at Woodbury did not contain the word "attorney" at all, but merely said that Sullivan was the "accredited agent."

The Defense of Wilcox.

Senators Sageng, Johnson, Gandrud, Lee, Gillam and Peterson supported the right of Wilcox to retain his seat.

Gandrud called attention to a very misleading circular issued by Sullivan, denying that he was "counsellor at law, lawyer, or attorney at law" for a single one of the 60 corporations; but not saying a word about being their "accredited agent." It was in reply to this deceiving circular of Sullivan's that Wilcox issued his final reply that had caused the trouble.

Senator Lee showed that Sullivan had voted on all questions just as Wilcox had charged. He quoted the bills and senate journals to prove his case. Lee also offered affidavits to prove that Wilcox had directed that all left-over circulars should be destroyed Monday night, so that none could possibly get into the polling places.

Senator Johnson declared that if Woodbury were thrown out because the Wilcox circulars were in the hall during the election, it would offer a premium to any scoundrel to plant his opponent's literature in polling places, and then contest the election.

Senator Peterson read from the Corrupt Practices act itself, Sec. 600, where it specifically provides that unintentional and immaterial violations shall not be construed to void an election. The legislature and the courts have invariably so held.

The Minnesota Legislature of 1919

BY

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Author of
"The Minnesota Legislature of 1913"
"The Minnesota Legislature of 1915"
"The Minnesota Legislature of 1917"
"The Currency Question"
"Industrial Depressions, Their Cause and Cure"
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