

May, 16, 1916.

To Julius A. Schmahl,
Sec't of State,
St. Paul, Minn.

DEMAND AND PETITION

Dear Sir:

PERLSE TAKE NOTICE, that the undersigned Fred. D. McMillan is now and for more than one year last past, has been an resident of the City of Minneapolis, Hennepin County, Minnesota and a citizen of this State and of the United States and is an elector, voter, and a tax-payer therein. That the undersigned Fred D. McMillan does hereby demand and request of you as Secretary of State of Minnesota to desist and refrain from causing the name of Thomas D. Schall to be placed upon the official primary ballot of the several Counties of this State as an elector seeking the nomination for representative in Congress from this State and from making a certificate of such fact and from notifying the County Auditor of the several Counties of this State of the fact of the filing of the said Thos. D. Schall and from directing the said County Auditor to place upon the official primary election ballot of their respective Counties the name of said Thomas D. Schall as an elector and candidate seeking the nomination of Representative in Congress from this State and from taking any further steps whatsoever that may be based upon the assumption that the said Thomas D. Schall is entitled to appear as a candidate at the primary election for the nomination for Representative in Congress from this State upon the following facts hereinafter in full explained and set forth.

That the said Thomas D. Schall during the year of 1916 did affiliate with the Progressive party which said party was a duly organized and existing party under and by virtue of the Laws of the State of Minnesota as a political party called the Progressive party. That his name did appear upon the official ballot in the primaries of said year and was duly nominated by said party. That during the general election of said year the same Thomas D. Schall's name was placed upon the official ballot in the general election thereof and was duly elect.

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ed by said political party and subsequently thereto did qualify as a member of the House of Representative and is now acting as a member of the House of Representative from the 10th Congressional District in Congress. The undersigned further explains and calls your attention to Thomas D. Schall's Affidavit duly made and executed on the 8th day of May A.D. 1916 signed before a Notary Public of Hennepin County and State of Minnesota which said affidavit was filed in your office on the 9th day of May A.D. 1916. Said affidavit was filed for the nomination for the office of a Representative in Congress from the 10th Congressional District by the Progressive Party at the primary election to be held on the 19th day of June A.D. 1916.

Now the same person Thomas D. Schall on the 5th day of May A.D. 1916 did make, execute and file his affidavit before a Notary Public of the District of Columbia which said affidavit is now on file in your office and filed on the 8th day of May A.D. 1916 bearing #166 wherein said affidavit he swears that the name of the party to which I belong is Republican. That I affiliated with said party at the last general election and voted for a majority of candidates of said party at such election. The statement therein in whole and in part is in conflict with the aforementioned affidavit. That the said Thomas D. Schall is not a proper person and eligible to become a member to the office of a Representative in Congress from the 10th Congressional District from the state of Minnesota. That the last mentioned affidavit is a mis-statement of fact and not founded upon the truth.

Respectfully submitted,

Jud D. McMiller
Undersigned.
924 Andrus Building,
Minneapolis, Minnesota.

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STATE OF MINNESOTA
COUNTY OF HENNEPIN)

ss

Fred D. McMillen being first duly sworn upon oath deposes and says: That he is now a resident, citizen, elector, voter and tax-payer of the state of Minnesota, residing at the city of Minneapolis, Hennepin County, Minnesota; that he is now and has been for a long time acquainted with one Thomas D. Schall who has filed as a candidate for the nomination at the primary election for Representative in Congress from the State of Minnesota; that he knows that such Thomas D. Schall who has so filed as such candidate is the same Thomas D. Schall who was nominated on the 19th day of June 1916 on the Progressive party ticket in the primary election held on the day aforesaid for the office of a member of the House of Representatives of Congress of the United States from the 10th Congressional District of the state of Minnesota; and that the said Schall was duly elected in the general election in November 1916 for the Progressive party for the office of a member of the House of Representatives of the United States from the 10th Congressional District of the State of Minnesota and is such a member and acting as such a member in Congress of the United States of America.

Affiant further states that Thomas D. Schall is the same person who made and executed his affidavit on the 3rd day of May 1918 before a Notary Public of the District of Columbia which said Affidavit is now on file and of record in the office of the Secretary of State, Julius A. Schmahl, in the City of St. Paul, County of Ramsey, State of Minnesota who now seeks to have his name placed on the official primary ballot to be voted on for the nomination of the office of Representative in Congress from the 10th Congressional District in the State of Minnesota on the Republican party ballot.

That the last mentioned affidavit wherein Thomas D. Schall states, that the name of the party to which I belong is Republican; that I affiliated with said party at the last general election

and voted for a majority of candidates of said party at such election is misleading, wholly untrue and false.

The affiant further states that during the year of 1918 there did exist a political party known and styled as the Progressive party, which party was duly organized and existing, and in accordance with the law of the State of Minnesota; That Thomas D. Schall is not the proper person nor eligible to have his name appear on the official ballot to be voted on the 17th day of June, 1918, on the grounds that he is not a Republican or a member of the Republican party and did not affiliate with the said party at the last general election and did not vote for the majority at such election; and therefore, Julius A. Schmahl, Secretary of State should be restrained and not be allowed to place the name of Thomas D. Schall upon the official ballot to be voted on for the office of representative in Congress for the 10th Congressional District in the State of Minnesota.

Affiant further states that he protests against allowing the name of the said Thomas D. Schall to appear on the official primary ballot as such candidate and against any steps being taken leading toward such end.

Fred D. McMillen

Subscribed and sworn to before me
this 16th day of May A.D. 1918

Wm. H. Anderson
Notary Public, Hennepin County, Minnesota
My commission expires Sept 25 1920

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