

C Missouri, Gubernatorial Election Papers, 1940-1941
1038 .8 linear feet

This collection is available at The State Historical Society of Missouri. If you would like more information, please contact us at shsresearch@umsystem.edu.

INTRODUCTION

Correspondence and miscellaneous papers concerning the contested gubernatorial election of 1940. Candidates were Lawrence McDaniel and Forrest C. Donnell.

DONOR INFORMATION

The papers were donated to the State Historical Society of Missouri by Mrs. Frank E. Atwood in 1955.

SCOPE AND CONTENT NOTE

The papers have been arranged into the following seven series: **Vote Counts and Election News Coverage; Legal Procedure; Miscellaneous Contest Material; Pleadings; Correspondence and Miscellaneous Material; Miscellaneous Legal Material; and Printed Material.**

More complete descriptions are located in the folder list.

FOLDER LIST

Vote Counts and Election News Coverage Series

- f. 1-8 Contains election returns, voting abstracts, legal notes, the published "Answer" of Forrest C. Donnell and newspaper clippings regarding the 1940 presidential and Missouri gubernatorial elections and the calling of the Democratic committee to discuss challenging Donnell's election. Includes a list of Missouri attorneys who were enlisted to gather evidence for Donnell and to be in charge of county vote recounts. Contains correspondence between Judge Frank E. Atwood and other attorneys relating to cases pertinent to Donnell's case.

Legal Procedure Series

- f. 9-17 Contains a copy of the petition for an injunction against action of the Joint Committee of the Missouri General Assembly and a memorandum of authorities and procedures set forth by constitutional provisions. Includes legal authorities on mandamus, election contests and processes and the duties of the Speaker of the House of the Missouri General Assembly and the canvassing board.

Miscellaneous Contest Material Series

- f. 18-23 Contains affidavits excerpts from House Journals of the 45th, 46th and 49th Missouri General Assemblies, the Attorney General's opinion, a

list of Missouri Republican Representatives and Senators in the General Assembly, election returns, statements and Donnell's attorneys' brief.

- f. 21 Governor Stark vetoes Joint Resolution No. 3.
- f. 22 Donnell's counsel protests McDaniel's counsel's offer to furnish the county clerks with help without additional expense in the recount.

Pleadings Series

- f. 24-29 Contains copies of "Suggestions for Attorneys Representing Governor Forrest C. Donnell in Recount," "Respondent's (Morris E. Osburn), 1st Amended Answer and Return," and other pleadings. There are notes on mandamus and correspondence between Frank E. Atwood and Richmond C. Coburn regarding the preparation for the prohibition case for Donnell. Contains a copy of the Writ of Prohibition and suggestions in support of it.
- f. 28 Republican members of the Investigating Committee refuse to open ballots before guidelines for a "legal" ballot are established.

Correspondence and Miscellaneous Material Series

- f. 30-35 Contains correspondence between Atwood and his colleagues regarding compensation for legal services and recounting, a news clipping, the minutes of the Joint Committee meeting, and an "Information in Nature of Quo Warranto." Includes suggestions in support of this "Information," and instructions for the attorneys and representatives who will be present at the recounting of the ballots.
- f. 35 Notes, changes to the Answer, Counter Petition and Counter Petition.

Miscellaneous Legal Material Series

- f. 36-41 Contains rough drafts of pleadings, notices, forms, notes on election contests and pertinent cases and a list stating those who cannot and those who are disqualified from voting; also a list of irregularities; correspondence between Frank E. Atwood and the stenographer-reporters he employed to take notes of House proceedings.
- f. 37 Rough copy of petition to strike certain portions of the Petition of Contestant Lawrence McDaniel.
- f. 38 Contains stipulations in the contest.

Printed Material Series

f. 42	Consists of the 61 st Missouri General Assembly Senate and House journals which include 1-7, 46, 51, and 62 nd days of the House and 1-7,
-------	---

	40, and 57 th of the Senate. Contains a roster of state, district and county officers of Missouri, a Realtor's Abstract of Record and Brief in Missouri vs. Andrew J. Murphy, et al. There are also printed copies of the Writ for Recount of Ballots and Return to Writ for Recount of Ballots.
--	---

INDEX TERMS

Subject	Folders
Andrae, Henry P. (1914-2008)	24
Atwood, Frank Ely (1878-1943)	1-3,17,22,24-28,30,32,38,41
Blair, James T., Jr. (1902-1962)	8,9,23,24,27,30,34
Bradley, Bert (1890-)	9,28,31
Coburn, Richmond Cash (1902-)	3,4,9,26,27,30,32,33,38
Crist, H. C.	9,24,28-31,34
Donnell, Forrest C. (1884-1980)	1-42
Donnelly, Phil M. (1891-1961)	34
Elliott, Howard (1904-)	3, 32
Ferguson, Charles	3, 8, 22, 24, 29, 32, 34, 38, 41
Finch, James A. (1910-)	22, 26, 27, 30, 32, 38
Flanigan, John	3
Garstang, Marion R.	30, 31
Gibbons, Paul K. (1869-1941)	9, 28-31, 34
Goff v. Wilson, Petition for Mandamus	4
Greenlee, Dorothy	41
Hall, Homer	3
Hamlin, Roy (1890-1960)	9, 24, 28-31, 34
Hulen, C. Marion (1895-)	8, 18, 24
Junge, C. P.	9, 24, 27-32, 34
Kitt, Randall R.	9, 24, 27-32, 34
Mabee, Ray (1901-1964)	9, 24, 27-32, 34
McDaniel, Lawrence (1884-1948)	1-42
McKittrick, Roy (1888-1961)	17, 19, 24, 30
Missouri, Bismarck	9, 11, 15
Osburn, Morris E.	24, 28
Phillips, Alroy S. (1879-1954)	3, 22, 24, 37
Quimby, Curtis	24
Rendlen, Charles E. (1878-)	24-27, 30, 32, 38
Ripley, Elsa A.	41
Rozier, George A. (1902-1984)	9, 26-32, 34

Subject	Folders
Searcy, Lemuel Newland (1882-1944)	3, 9, 28-31, 34
Seddon, Alfred M.	3
Sexton, Jess D.	9, 28-31, 34
Stark, Lloyd Crow (1886-1972)	21, 27, 30
Writ of Mandamus	16, 17, 26