



## Missouri Gubernatorial Election Papers (C1038)

**Collection Number:** C1038

**Collection Title:** Missouri Gubernatorial Election Papers

**Dates:** 1940-1941

**Creator:** unknown

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

**Collection Size:** 0.8 cubic feet  
(42 folders)

**Language:** Collection materials are in English.

**Repository:** The State Historical Society of Missouri

**Restrictions on Access:** Collection is open for research. This collection is available at [The State Historical Society of Missouri Research Center-Columbia](http://TheStateHistoricalSocietyofMissouriResearchCenter-Columbia). If you would like more information, please contact us at [columbia@shsmo.org](mailto:columbia@shsmo.org). Collections may be viewed at any research center.

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**Preferred Citation:** [Specific item; box number; folder number] *Missouri Gubernatorial Election Papers* (C1038); The State Historical Society of Missouri Research Center-Columbia [after first mention may be abbreviated to SHSMO-Columbia].

**Donor Information:** The papers were donated to the State Historical Society of Missouri by Mrs. Frank E. Atwood on January 1, 1955.

**Processed by:** Processed by the State Historical Society of Missouri Research Center- Columbia Staff, date unknown. Finding aid revised by Erin Kraus on May 12, 2020.

### Historical Note:

Forrest C. Donnell, Republican, barely beat Democrat Lawrence McDaniel for the governor's race in 1940 with a little over 4,000 votes after a recount.

## **Arrangement:**

The collection has been arranged into the following series:

Papers

## **Scope and Content Note:**

### **Papers**

The papers series have been arranged into the following seven categories: 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.

## **Container List:**

### **Vote Counts and Election News Coverage**

- 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**

- 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**

- f. 18-23      Contains affidavits excerpts from House Journals of the 45<sup>th</sup>, 46<sup>th</sup> and 49<sup>th</sup> 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**

- f. 24-29 Contains copies of “Suggestions for Attorneys Representing Governor Forrest C. Donnell in Recount,” “Respondent’s (Morris E. Osburn), 1<sup>st</sup> 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**

- 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**

- 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**

- f. 42 Consists of the 61<sup>st</sup> Missouri General Assembly Senate and House journals which include 1-7, 46, 51, and 62<sup>nd</sup> days of the House and 1-7, 40, and 57<sup>th</sup> 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:**

<b>Index Terms</b>	<b>Folders</b>
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
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