

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Five.

PETITION OF CHARLES C. WARREN THAT HE
BE DECLARED THE DULY ELECTED SEN-
ATOR FROM THE SIXTH MIDDLESEX
SENATORIAL DISTRICT INSTEAD OF THE
PRESENT SITTING MEMBER.

*To the Honorable Senate of the Commonwealth of Massachusetts in
General Court assembled.*

Respectfully represents your petitioner, as follows:

1. That he is a resident of Arlington in the County of Middlesex and said Commonwealth and a registered voter therein.

2. That he has for several years last past represented the Sixth Middlesex Senatorial District in your Honorable Body.

3. That said Senatorial District is composed of the towns of Arlington and Winchester and the cities of Medford and Woburn.

4. That your petitioner is a Republican and was a candidate for re-election on Nov. 6, 1934; and, upon information and belief, he alleges that he was duly re-elected.

5. That Charles T. Daly of said Medford was a candidate for Senator from said District at said election, as a Democrat.

6. That within the time and in the manner prescribed by General Laws (Ter. Ed., Chapter 54, Section 135), and amendments thereto, petitions for a recount of the ballots cast in said election for Senator as aforesaid were

duly filed in behalf of your petitioner and allowed in all parts of the District.

7. That at the recount, in said Medford, as far as it was a recount, it appeared that there were at, during and after the election fraudulent acts and practices by a person or persons unknown to your petitioner, some of which are as follows, to wit:

(a) Ballot boxes opened after they had been sealed by precinct officers.

(b) At the so-called recount in said Medford a large number of identified ballots and other ballots all appearing to be in the same handwriting were counted for the opposing candidate.

(c) Ballots cast in said Medford left for a long period of time out of custody of the City Clerk.

(d) Custody of a ballot box or boxes and keys thereto left in the hands of unauthorized persons.

(e) After such illegal custody had existed, the count of the ballots in said boxes varied from 75 to 100 from the original count of supposedly the same ballots.

(f) In Ward 2, Precinct 2, the election officers found and reported 28 blanks. At the so-called recount the Registrars found 84 blanks which had never been voted for any person. Your petitioner lost 56 votes which had been found by the election officers and credited to your petitioner.

8. That on account of the irregularities which occurred during said election in said Medford, neither the original returns of the election nor those of the pretended recount showed the true result of the votes cast for the candidates for Senator as aforesaid; on the contrary, a true result would have shown that your petitioner was elected as aforesaid.

9. Upon information and belief your petitioner further alleges that there were certain irregularities in other parts of the District in regard to the manner of counting said ballots, etc., which will be referred to in the evidence produced hereunder.

10. The election officials in said Medford failed to keep, make or use block tally sheets, or, when kept in many cases, destroyed them before the so-called recount.

11. That in one precinct in said Medford the total tally

sheet was entirely lost, and if any such tally sheets existed in the hands of the Board of Registrars said Board refused upon request to allow them to be seen by your petitioner.

12. That in spite of the allegations in paragraphs 10 and 11, the Registrars of Voters in said Medford refused to grant a motion made in writing by your petitioner requesting data within the said Registrars' control with which to verify the ballots in this important particular.

13. That as a result of the so-called recount in said Medford, when some 20,000 ballots were examined, the opposing candidate gained 63 votes, whereas your petitioner still retained precisely the same number of votes as were credited to him in the original count. This is true notwithstanding the fact that your petitioner in the course of the pretended recount discovered one block of ballots containing 32 votes for him which were not originally credited to him.

14. And your petitioner further alleges that, by reason of these fraudulent practices, your petitioner lost upwards of 300 votes over and above the number now shown on the certificate of election as having been received by said Daly, so that your petitioner was elected by that number in excess of the sitting candidate.

Therefore, Your petitioner alleges that by reason of the foregoing circumstances and allegations and by reason of the refusal to give other information to which your petitioner is lawfully entitled, it is uncertain how many valid votes the alleged sitting member has received in the District; that your petitioner has more unimpeached votes in the District than the alleged member.

Wherefore, Your petitioner prays —

1. That after a due hearing of the parties hereto and their witnesses the Honorable Senate will determine that your petitioner has been elected Senator from said District and will order him to be seated therein.

2. That the Honorable Senate will order that the said Charles T. Daly vacate his seat therein.

CHARLES C. WARREN.

