

HOUSE No. 870.

[Mr. BAILEY of Arlington gives notice that he will move to substitute this Resolution for the report of the committee on Elections, leave to withdraw.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-four.

RESOLUTION

Declaring Vacant the Seats now occupied by James H. Doyle and Richard J. Hayes.

1 *Whereas*, Upon due investigation, it is proven
2 conclusively that there was "a concerted action
3 to corrupt the election" held on November seven,
4 eighteen hundred and ninety-three, in the seven-
5 teenth Suffolk representative district; that there
6 was a "systematic attempt to register minors and
7 to have them vote, and that minors voted in the
8 election without the shadow of a right; that there
9 was a concerted action to secure votes of non-res-
10 idents, and of those who were not citizens;"
11 that votes were cast by "non-residents" and per-
12 sons who "were not citizens;" that voters were
13 "registered by other parties;" that votes were

14 cast by persons who "could not read or write,"
15 and who were not within the statutory exemptions;
16 that there were "instances of personation of voters
17 who were either absent from the city or who were
18 denied the right to vote because that prerogative
19 had been exercised for them before they claimed
20 it;" that there was "personation of those who could
21 not vote because of prior engagements in penal
22 institutions of the Commonwealth;" that "a num-
23 ber of those claiming residence in the stables at
24 the rear of number four hundred and ninety-two
25 Harrison avenue" were not entitled to vote, and
26 therefore "their votes were illegal;" that the
27 "illegal votes" above classified were "not a spon-
28 taneous product," but were "the result of careful
29 cultivation;" that the sitting members were guilty
30 of issuing, in the course of their campaign, a cir-
31 cular misrepresenting the petitioner Hutchinson,
32 as to his record upon certain public questions, as
33 a member of a previous legislature, a statement
34 proven to be false, upon a matter vitally affecting
35 the campaign, — an act which admits neither pal-
36 liation nor excuse;" that there was gross fraud in
37 the acts or negligence of the election officers of
38 precinct five in the mutilation of ballots with re-
39 spect to representatives;" that a large number of
40 ballots "were so mutilated — marked in the com-
41 partment designated for representatives with extra
42 marks, tending to render void the expression of the
43 voter in that one respect — the grossest outrage
44 that could be committed upon the elective fran-
45 chise;" and

46 *Whereas*, It is impossible to eliminate the
47 fraud and to determine whether any persons were
48 lawfully elected to the House in said district; and
49 the title of the sitting members to seats in the
50 House is impeached by proof of gross and varied
51 fraud committed by them and in their behalf in
52 said election, —

53 *Resolved*, That the seats now occupied by James
54 H. Doyle and Richard J. Hayes, as representa-
55 tives from the seventeenth Suffolk representative
56 district, are hereby declared vacant.

