

HOUSE . . . . . No. 1109.

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**Commonwealth of Massachusetts.**

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HOUSE OF REPRESENTATIVES, April 3, 1895.

The joint committee on the Judiciary, to whom was referred the report of the Attorney-General, report, in part, the accompanying Bill.

For the Committee,

J. J. MYERS.

## Commonwealth of Massachusetts.

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

### AN ACT

#### Concerning Inquests in Election Cases.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Upon a complaint subscribed and sworn  
2 to by any person before a municipal, police or district  
3 court, or a trial justice alleging that reasonable grounds  
4 exist for believing that any law relating to the registra-  
5 tion, qualification or assessment of voters, or to voting  
6 lists or ballots, or to caucuses, conventions and elections,  
7 or any matters or things pertaining thereto, has been vio-  
8 lated, such court or justice may at once hold an inquest  
9 to inquire into such alleged violation of the law.

1 SECT. 2. If the court or trial justice deems proper,  
2 such inquest may be private, in which case any or all per-  
3 sons other than those whom the court or justice shall  
4 deem necessary to be present, may be excluded from the  
5 place where such inquest is held; and said court or trial  
6 justice may also direct the witnesses to be kept separate  
7 so that they cannot converse with each other until they

8 have been examined. The district attorney or some per-  
9 son designated by him, or the attorney general, in such  
10 cases as he thinks advisable, shall attend the inquest and  
11 examine all witnesses.

1 SECT. 3. Said court, or justice, or district attorney  
2 may issue subpoenas for witnesses returnable before said  
3 court or trial justice. The person served with such  
4 process shall be allowed the same fees, their attendance  
5 may be enforced in the same manner, and they shall be  
6 subject to the same penalties, as if served with a sub-  
7 poena in behalf of the Commonwealth in a criminal pros-  
8 ecution pending before said court or trial justice.

1 SECT. 4. The presiding justice, or trial justice shall,  
2 if he deems it necessary, employ a stenographer, and  
3 have all or any part of the proceedings reduced to writ-  
4 ing; and after hearing the testimony, he shall draw up  
5 and sign a report in which he shall state all the material  
6 circumstances relating to the violation of the law, if he  
7 shall find that the law has been violated, and shall further  
8 state the name, or names of any persons who may have  
9 been guilty of any such violation; and he shall file said  
10 report with the records of the superior court in the county  
11 where the inquest is held.

1 SECT. 5. If the justice finds that any law has been  
2 violated he may bind over, as in criminal prosecutions,  
3 such witnesses as he deems necessary, or as the district  
4 attorney may designate, to appear and testify at the court  
5 in which the indictment for such offence may be found or  
6 presented.

1 SECT. 6. If a person charged by the report with the  
2 commission of an offence is not in custody, the justice

3 shall forthwith issue process for his apprehension, and  
4 such process shall be made returnable before any court  
5 or magistrate having jurisdiction in the premises, who  
6 shall proceed therein in the manner required by law ;  
7 but nothing herein shall prevent any justice from issuing  
8 such process before the finding of said report if it is  
9 otherwise lawful to issue the same.

1     SECT. 7. No person who is called as a witness before  
2 said court or justice at said inquest, or in any court,  
3 shall be excused from answering any question, or from  
4 producing any paper relating to any alleged violation of  
5 the law which is the subject of inquiry before said court,  
6 or justice in said inquest, or before any court upon a  
7 criminal prosecution for said alleged violation of law, on  
8 the ground that the answer to such question, or the pro-  
9 duction of such paper, may criminate or tend to criminate  
10 himself, or disgrace him, or otherwise render him in-  
11 famous ; but the testimony of any witness examined at  
12 said inquest, or before any court, upon the subject afore-  
13 said, or any statement made or any paper produced by  
14 him on such examination, shall not be used as evidence  
15 against such witness in any civil or criminal proceeding  
16 in any court of justice ; and he shall not be prosecuted  
17 or held to answer in any civil or criminal proceeding be-  
18 cause of any such testimony, statement or production of  
19 any paper as aforesaid ; nor for any matters or causes in  
20 respect of which he was examined at said inquest or in  
21 said court, or to which his testimony or any papers pro-  
22 duced relate.