
By Mr. Rawson of Newton, petition of Nathan Rosenfeld for a recount of votes cast for Representative in the Tenth Worcester District and that he be declared one of the duly elected Representatives from said district (House, No. 232). Elections (House).

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Seven.

To the Honorable House of Representatives of the Commonwealth of Massachusetts in General Court Assembled.

Respectfully represents your Petitioner as follows:

1. That he is a resident of and a registered voter in the town of Milford, County of Worcester and Commonwealth of Massachusetts.

2. That previous to service in the Armed Forces of the United States, he represented the 10th Worcester Representative District in the House of Representatives of Massachusetts.

3. That the 10th Worcester Representative District is composed of the towns of Milford, Grafton, Southborough, Westborough, Shrewsbury and Upton; and that the 10th Worcester Representative District elects two Representatives to your Honorable House.

4. That he is enrolled as a member of the Republican Party and was one of its candidates for election to the office of Representative of the 10th Worcester Representative District at the last State election held on November 5, 1946, and that Maurice E. Fitzgerald of Milford was a Democratic nominee for said office of Representative, and was declared elected thereto.

5. That the returns made by the election officials of the towns of the 10th Worcester Representative District as

announced after the election and re-counts following said election gave the said Maurice E. Fitzgerald a plurality of six votes.

6. That at the various re-counts held in the towns of the 10th Worcester Representative District the petitioner protested 53 ballots, which were counted as votes for the said Maurice E. Fitzgerald when they should have been counted as blanks, or counted as blanks when they should have been counted as votes for the petitioner, Nathan Rosenfeld.

7. That the re-count of ballots in the town of Milford was conducted by a Board of Registrars which was unfair, prejudiced and biased in favor of the said Maurice E. Fitzgerald.

8. That one W. Emile Moore, a Democratic Registrar of voters of the town of Milford was permitted to sit and to act in his official capacity at the re-count of votes in the town of Milford held on December 7, 1946, after a protest had been duly made and filed by the petitioner setting forth the fact that the said W. Emile Moore had acted as an agent for the said Maurice E. Fitzgerald on November 29, 1946 at a re-count held in the town of Southborough in the same contest between your petitioner and Maurice E. Fitzgerald.

9. That the Registrars of Voters in the town of Milford, at the re-count held December 7, 1946, refused the petitioner and his agents adequate opportunity to examine the ballots being re-counted and said Registrars conducted said re-count at such speed as precluded the said Nathan Rosenfeld and his Agents from making and recording proper protests to the decisions of the Registrars of Voters respecting the ballots.

10. That the entire conduct of said re-count in the town of Milford was arbitrary and biased in violation of the right of the said Nathan Rosenfeld as a candidate under the statutes of this Commonwealth, and that another re-count of the votes cast for Representatives in said town of Milford should be made in order that it may be definitely determined which of the four candidates for the

office of Representative from the 10th Worcester Representative District actually received the two highest number of votes.

11. That your petitioner is informed and believes and therefore alleges that said Maurice E. Fitzgerald was not, for one year at least next preceding his alleged election, an inhabitant of the 10th Worcester Representative District as provided by the Constitution of the Commonwealth of Massachusetts, Chapter 1, Section 3, Article III and Articles XXI and LXXI of Amendments to the Constitution.

Wherefore the petitioner prays:

1. That your Honorable Body order an investigation of the election of Maurice E. Fitzgerald, Democratic Nominee for the office of Representative from the 10th Worcester Representative District and that the same be referred to a Committee of the House of Representatives for an inspection of the protested ballots in the towns of Upton, Grafton, Shrewsbury, Westborough, and Southborough and that a complete inspection and re-count of the votes in the town of Milford be made and that after due hearing of the parties and their witnesses, the Honorable House determine that the said Nathan Rosenfeld has been elected a Representative from the said District and order him to be seated therein.

NATHAN ROSENFELD.

THE COMMONWEALTH OF MASSACHUSETTS

SUFFOLK: SS

BOSTON, December 16, 1947.

Then personally appeared the above-named Nathan Rosenfeld and made oath that the statement contained in the foregoing petition by him subscribed is true and as to those statements contained in the petition not of his personal knowledge he believes them to be true, before me

WILLIAM C. MAIERS, 3RD,

Notary Public.

My Commission Expires April 17, 1947.

