

# HOUSE . . . . No. 1105

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Accompanying the petition of Frank E. Lyman for a legislative amendment of the Constitution abolishing the decennial census and giving the General Court authority to provide a basis for the apportionment of councillors, senators and representatives. Constitutional Law. January 20.

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## The Commonwealth of Massachusetts.

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In the Year One Thousand Nine Hundred and Twenty-Two.

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### PROPOSAL

For a Legislative Amendment of the Constitution Abolishing the Decennial Census and giving the General Court Certain Powers.

1 A joint session of the senate and house of representa-  
2 tives hereby declares it to be expedient to alter the con-  
3 stitution by the adoption of the following article of  
4 amendment, to the end that it may become a part of  
5 the constitution, if similarly agreed to in a joint session  
6 of the next General Court and approved by the people  
7 at the state election next following:

#### ARTICLE OF AMENDMENT.

1 SECTION 1. The house of representatives shall consist  
2 of two hundred and forty members, which shall be ap-  
3 portioned by the General Court, in the year nineteen  
4 hundred and twenty-five and in every tenth year there-

5 after, to the several counties of the commonwealth equally  
6 as nearly as may be, according to their relative numbers  
7 of legal voters, which numbers shall be ascertained prior  
8 to said apportionment, in such manner as shall be pre-  
9 scribed by law for ascertaining the numbers of legal voters  
10 in representative districts; and the town of Cohasset, in  
11 the county of Norfolk, shall, for this purpose, as well as  
12 in the formation of districts, as hereinafter provided, be  
13 considered a part of the county of Plymouth; and it  
14 shall be the duty of the secretary of the commonwealth  
15 to certify, as soon as may be after it is determined by  
16 the legislature, the number of representatives to which  
17 each county shall be entitled, to the board authorized to  
18 divide each county into representative districts. The  
19 mayor and aldermen of the city of Boston, the county  
20 commissioners of other counties than Suffolk, — or in lieu  
21 of the mayor and aldermen of the city of Boston, or of  
22 the county commissioners in each county other than Suf-  
23 folk, such board of special commissioners in each county,  
24 to be elected by the people of the county, or of the towns  
25 therein, as may for that purpose be provided by law, —  
26 shall, on the first Tuesday of August next after each  
27 assignment of representatives to each county, assemble  
28 at a shire town of their respective counties, and proceed,  
29 as soon as may be, to divide the same into representative  
30 districts of contiguous territory, so as to apportion the  
31 representation assigned to each county equally, as nearly  
32 as may be, according to the relative number of legal  
33 voters in the several districts of each county, which num-  
34 bers shall be ascertained prior to said apportionment,  
35 in such manner as shall be prescribed by law; and such  
36 districts shall be so formed that no town or ward of a  
37 city shall be divided therefor, nor shall any district be  
38 made which shall be entitled to elect more than three

39 representatives. Every representative, for one year at  
40 least next preceding his election, shall have been an in-  
41 habitant of the district for which he is chosen, and shall  
42 cease to represent such district when he shall cease to be  
43 an inhabitant of the commonwealth. The districts in  
44 each county shall be numbered by the board creating the  
45 same, and a description of each, with the numbers thereof  
46 and the number of legal voters therein, shall be returned  
47 by the board to the secretary of the commonwealth, the  
48 county treasurer of each county, and to the clerk of every  
49 town in each district, to be filed and kept in their respec-  
50 tive offices. The manner of calling and conducting the  
51 meetings for the choice of representatives, and of ascer-  
52 taining their election, shall be prescribed by law.

1 SECTION 2. The senate shall consist of forty members.  
2 In the year nineteen hundred and twenty-five and in  
3 every tenth year thereafter the General Court shall divide  
4 the commonwealth into forty districts of contiguous ter-  
5 ritory, each containing, as nearly as may be, an equal  
6 number of legal voters, which numbers shall be ascer-  
7 tained prior to said division in the manner prescribed by  
8 law for ascertaining the numbers of legal voters in repre-  
9 sentative districts; but no town or ward of a city shall  
10 be divided in forming such districts, and such districts  
11 shall be formed, as nearly as may be, without uniting  
12 two counties, or parts of two or more counties, into one  
13 district. Each district shall elect one senator, who shall  
14 have been an inhabitant of this commonwealth five years  
15 at least immediately preceding his election, and at the  
16 time of his election shall be an inhabitant of the district  
17 for which he is chosen; and he shall cease to represent  
18 such senatorial district when he shall cease to be an in-  
19 habitant of the commonwealth.

1 SECTION 3. Eight councillors shall be biennially chosen  
2 by the inhabitants of the commonwealth qualified to  
3 vote for governor. The election of councillors shall be  
4 determined by the same rule that is required in the elec-  
5 tion of governor. In the year nineteen hundred and  
6 twenty-five and in every tenth year thereafter, the gen-  
7 eral court shall divide the commonwealth into eight dis-  
8 tricts of contiguous territory, each containing, as nearly  
9 as may be, an equal number of legal voters, which num-  
10 bers shall be ascertained prior to said division, in the  
11 manner prescribed by law for ascertaining the numbers  
12 of legal voters in representative districts; but no town  
13 or ward of a city shall be divided in forming such districts  
14 and so long as the constitution provides for the division  
15 of the commonwealth into forty senatorial districts, each of  
16 said eight districts shall be made to consist of five contigu-  
17 ous senatorial districts, as they shall be established by the  
18 General Court. Each of said eight districts shall elect  
19 one councillor, who shall have been an inhabitant of this  
20 commonwealth five years at least immediately preceding  
21 his election. The day and manner of the election, the  
22 return of the votes, and the declaration of the said elec-  
23 tions, shall be the same as are required in the election  
24 of governor. And that there may be no delay in the  
25 organization of the government on the first Wednesday  
26 of January following each biennial state election, the  
27 governor, with at least five councillors for the time being,  
28 shall, as soon as may be, examine the returned copies of  
29 the records for the election of governor, lieutenant-gov-  
30 ernor, and councillors; and ten days before the said first  
31 Wednesday in January he shall issue his summons to  
32 such persons as appear to be chosen, to attend on that  
33 day to be qualified accordingly; and the secretary shall  
34 lay the returns before the senate and house of represen-

35 tatives on the said first Wednesday in January, to be by  
36 them examined; and in case of the election of either of  
37 said officers, the choice shall be by them declared and  
38 published; but in case there shall be no election of either  
39 of said officers, the legislature shall proceed to fill such  
40 vacancies in the manner provided in the constitution for  
41 the choice of such officers.

1 SECTION 4. The sixteenth, twenty-first and twenty-  
2 second articles of amendment to the constitution of the  
3 commonwealth, and all parts of said constitution incon-  
4 sistent with this article, are hereby annulled.

