

SENATE....No. 138.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Fifty-Four.

RESOLVE

Providing for an Amendment to the Constitution in relation to districting the State, for the choice of Senators and Representatives.

Resolved, by both Houses, (the same being agreed to by a majority of senators, and two-thirds of the members of the House of Representatives present and voting thereon,)

That it is expedient to alter the Constitution of this Commonwealth, by adopting the subjoined Article of Amendment; and that the same, as thus agreed to, be entered on the Journals of the two Houses, with the yeas and nays taken thereon, and referred to the general court next to be chosen, and that the same be published, to the end, that, if agreed to by the general court next to be chosen, in manner provided by the constitution, it may be submitted to the people for their ratification, in order that it may become part of the Constitution of this Commonwealth.

ARTICLE OF AMENDMENT.

1 A census of the inhabitants of each city and town,
2 on the first day of May, shall be taken and returned
3 into the office of the secretary of the Commonwealth,
4 on or before the last day of June, in the year one
5 thousand eight hundred and fifty-five, and of every
6 tenth year thereafter. In the census aforesaid, a
7 special enumeration shall be made of the legal voters,
8 and in each city said enumeration shall specify the
9 number of such legal voters aforesaid, residing in each
10 street, court, avenue, and ward of such city. The
11 enumeration aforesaid shall determine the apportion-
12 ment of Senators and Representatives for the term of
13 ten years.

14 The Senate shall consist of forty members. The
15 general court shall, at its first session after each next
16 preceding special enumeration, divide the Common-
17 wealth into forty districts, of contiguous territory, each
18 district to contain, as nearly as may be, an equal number
19 of legal voters, according to the enumeration aforesaid :
20 *provided, however*, that no town, or ward of a city shall
21 be divided therefor ; and such districts shall be formed,
22 as nearly as may be, without uniting two counties, or
23 parts of two or more counties, into one district. Each
24 district shall elect one Senator, who shall have been
25 an inhabitant of this Commonwealth five years at
26 least immediately preceding his election, and, at the
27 time of his election, shall be an inhabitant of the dis-
28 trict for which he is chosen, and he shall cease to repre-
29 sent such senatorial district when he shall cease to be
30 an inhabitant of the Commonwealth.

31 Not less than sixteen senators shall constitute a

32 quorum for doing business, but a less number may
33 organize temporarily, adjourn from day to day, and
34 compel the attendance of absent members.

35 The House of Representatives shall consist of three
36 hundred members, which shall be apportioned by the
37 legislature at its first session after the return of each
38 enumeration, as aforesaid, to the several counties of
39 the Commonwealth equally, as nearly as may be, ac-
40 cording to their relative numbers of legal voters, as
41 ascertained by the next preceding special enumera-
42 tion; and the town of Cohasset, in the county of
43 Norfolk, shall, for this purpose, as well as in the
44 formation of districts, as hereinafter provided, be con-
45 sidered a part of the county of Plymouth; and it
46 shall be the duty of the secretary of the Common-
47 wealth to certify, as soon as may be after it is deter-
48 mined by the legislature the number of representatives
49 to which each county shall be entitled, to the board
50 authorized to divide each county into representative
51 districts.

52 The mayor and aldermen of the city of Boston, the
53 county commissioners of other counties than Suffolk,
54 or in lieu of the county commissioners in each county
55 other than Suffolk, such board of special commission-
56 ers in each county, to be elected by the people of the
57 county, or of the towns therein, as may for that pur-
58 pose be provided by law, shall, on the first Tuesday
59 of August next after each assignment of representa-
60 tives to each county, assemble at a shire town of their
61 respective counties, and proceed, as soon as may be, to
62 divide the same into representative districts of contig-
63 uous territory, so as to apportion the representation
64 assigned to each county equally, as nearly as may be,
65 according to the relative number of legal voters in the

66 several districts of each county; and such districts
67 shall be so formed that no town, or ward of a city,
68 shall be divided therefor, nor shall any district be
69 made which shall be entitled to elect more than three
70 representatives. Every representative, for one year at
71 least next preceding his election, shall have been an
72 inhabitant of the district for which he is chosen, and
73 shall cease to represent such district when he shall
74 cease to be an inhabitant of the Commonwealth.

75 The districts in each county shall be numbered by
76 the board creating the same, and a description of each,
77 with the numbers thereof, and the number of legal
78 voters therein, shall be returned by the board to the
79 secretary of the Commonwealth, to the county treas-
80 urer of each county, and to the clerk of every town in
81 each district, to be filed and kept in their respective
82 offices.

83 The manner of calling and conducting the meetings
84 for the choice of representatives, and of ascertaining
85 their election, shall be prescribed by law.

86 Not less than one hundred members of the house
87 of representatives shall constitute a quorum for doing
88 business, but a less number may organize, temporarily
89 adjourn from day to day, and compel the attendance
90 of absent members.

HOUSE OF REPRESENTATIVES, April 18, 1854.

The foregoing Resolve and Article of Amendment, are agreed to by the House of Representatives, two-thirds of the members present and voting thereon, having voted in the affirmative; and the same are referred to the General Court next to be chosen.

Sent up for concurrence,

OTIS P. LORD, *Speaker.*

Attest,

WILLIAM STOWE, *Clerk.*