

HOUSE.....

.....No. 4.

R E P O R T S

ON THE

AMENDMENT OF THE CONSTITUTION

RESPECTING THE

APPORTIONMENT OF THE SENATE.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, Jan. 12, 1839.

Ordered, That a Committee of one from each county be appointed to inquire into the expediency of so amending the Constitution as to provide for the apportionment of the Senate on the basis of population, and the following gentlemen were appointed, namely:

Messrs. HINCKLEY, of *Barnstable*,
RICHARDSON, of *Boston*,
ATKINSON, of *Newbury*,
WHIPPLE, of *Lowell*,
YOUNG, of *Athol*,
AYRES, of *Granby*,
WRIGHT, of *Westfield*,
BARTON, of *Greenfield*,
HADSELL, of *Hancock*,
METCALF, of *Medway*,
TRIPP, of *Fairhaven*,
HOLMES, of *Kingston*,
BRADLEY, of *Tisbury*,
BRIGGS, of *Nantucket*.

L. S. CUSHING, *Clerk*.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, Jan. 18, 1839.

The Special Committee of this House, appointed pursuant to the order of the 12th instant, "to inquire into the expediency of so amending the Constitution, as to provide for apportionment of the Senate on the basis of population," have instructed me to report that it is inexpedient to legislate thereon.

Respectfully submitted,

NATH'L HINCKLEY, *Chairman.*

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, Jan. 18, 1839.

The undersigned, a *minority* of the Committee appointed under an Order of the 12th inst. "to inquire into the expediency of so amending the Constitution as to provide for the apportionment of the Senate on the basis of population," respectfully ask leave to submit the following

R E P O R T :

By the Constitution it is made the duty of the General Court, "in assigning the numbers to be elected by the representative districts, to govern themselves by the proportion of the public taxes, paid by the said districts." The Constitution also contemplates the occasional alteration of the districts in conformity to that basis, in providing, that "when the General Court shall determine it necessary to alter the said districts," they shall "timely make known to the inhabitants of the Commonwealth the limits of each district and the number of Counsellors and Senators to be chosen therein."

By the constitutional provision establishing the basis of the Senate, the district of Suffolk was entitled by the

last State valuation, to a fraction more than thirteen, or about one-third of the Counsellors and Senators of the whole Commonwealth, and the probability is, that at the time of the next valuation that district will be entitled to the election of nearly one-half of the whole Senate Board.

It is no part of the duty of the undersigned to inquire into, nor are they prepared to answer, the question why the General Court have not heretofore, altered "the districts for the choice of Counsellors and Senators," in conformity with the constitutional basis. It is, however, plain and certain that such an alteration may take place, and if the principle upon which the Senate is based, be a *just* one, then it *ought* to take place forthwith. If a proposition were before the Legislature for apportioning the Senate anew, for altering the senatorial districts, and dividing the district of Suffolk so as to enable the inhabitants thereof to elect such number as they are entitled to by the Constitutional basis, it is difficult to perceive how any member, having sworn to support the Constitution, could fail to support such a measure, as it would be the only means of carrying out its provisions, on that point.

As the Senate is now apportioned among the several districts, the district of Suffolk is represented by one Senator for every thirteen thousand inhabitants, while other portions of the Commonwealth have but one Senator to a considerably more than twice that number. If the principles upon which the Senators are constitutionally apportioned were strictly adhered to, the district of Suffolk would be entitled to a division which would give her one Senator for *less than six thousand inhabitants*, while the district of Barnstable with a population of *more than thirty thousand inhabitants, would not be entitled to one!!*

The propriety of a provision of the Constitution, so much at variance with the principles of an equality of representation according to population, is considered highly questionable. Indeed the opinion seems to be quite prevalent that such a provision is unnecessary to the welfare of the public, and directly in conflict with the prevailing idea, that man is capable of self-government. Those portions of the Commonwealth which have the least representation at the Senate board, according to population, it is to be expected will feel most aggrieved by the existing provisions of the Constitution, but it is a question for every member of the Legislature to decide for himself, whether, even if a great portion of the State are satisfied with the present apportionment, they should not extend a greater equality of representation to those of the portion who feel so strongly the inequality.

With these prominent views of the case, and without going into the details as to the effect of the proposed amendment, or into an argument to prove the expediency or necessity thereof, the undersigned ask leave of the House to introduce the accompanying Resolve, for an amendment of the Constitution, with a view, that by the action of the Legislature, the people may have an opportunity to express their views on the subject, and thus, for a time at least, set the matter at rest.

NATH'L HINCKLEY,
LUCIUS WRIGHT,
SAMUEL AYRES,
ISAAC BARTON, Jr.

Commonwealth of Massachusetts.

In the Year of Our Lord One Thousand Eight Hundred
and Thirty-Nine.

In General Court, January Session.

Resolved, By both Houses, the same being agreed to by a majority of the Senators, and two-thirds of the members of the House of Representatives, present, and voting thereon, that it is proper and 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 the 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.

The General Court, in altering the Districts for the choice of Counsellors and Senators, and in assigning the number to be chosen in each, shall hereafter be governed by the population of said Districts, and not by the proportion of the public taxes paid by each, as heretofore.

All provisions of the existing Constitution inconsistent with the provisions herein contained are hereby wholly annulled.