

HOUSE....No. 195.

[Introduced on leave, by Mr. Parker, of Shirley.]

Commonwealth of Massachusetts.

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

RESOLVE

Providing for Amendments of the Constitution.

Resolved, (by both houses, the same being agreed to by a majority of the senators, and two-thirds 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 articles of amendment; and 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, said articles of amendment may be submitted to the people for their ratification, in order that the same may become a part of the Constitution of this Commonwealth.

FIRST ARTICLE OF AMENDMENT.

The members of the House of Representatives shall be elected in the following manner :—

The several towns and cities in this Commonwealth shall be formed into representative districts, in such manner that no town, or ward of a city, having a population less than twelve thousand, shall be divided; that no district shall be so large as to elect more than two representatives, except when composed of a single town, or city ward; and that each county in the Commonwealth shall have at least one representative; and in forming such representative districts, regard shall be had to the number of qualified voters in the towns and city wards composing such districts, so that, as nearly as may be, the same proportion may be maintained, in all the districts, between the number of representatives and the number of qualified voters in such representative district. And the whole number of representatives to be elected, shall not be less than two hundred, nor more than two hundred and fifty; and it being determined what number of qualified voters shall be assumed as the number to give one representative, such districts shall be formed of single towns or city wards, or of two or more adjoining towns or city wards, containing, as nearly as may be, such assumed number of qualified voters, which may elect each one representative; or containing twice such number of qualified voters, to elect each two representatives; and so proceeding, in that ratio, for every additional representative. But no town or city shall ever be entitled to more than one-tenth part of the whole number; and in all cases, single districts shall be preferred, when they can be formed without too great a departure from the principle of equality.

It shall be the duty of the General Court, at their first session after the ratification of this amendment, by a law made for that purpose, to divide the Commonwealth into representative districts upon the foregoing principles, regard being had for the number

of qualified voters in each town and city ward, to the duly authenticated list of voters for the election of State officers next preceding the time of forming such districts. And such districts shall by law be formed anew, conformably to the rules above mentioned, every tenth year thereafter.

And when any representative district shall consist of two or more towns or city wards, the qualified voters shall meet in their respective towns and city wards, and give in their votes for one or more persons as representatives, according to the number to be chosen in such district, under the supervision of their respective selectmen and warden and inspectors, whose duty it shall be to receive, sort and count such votes, and declare in town and ward meeting the name of each person voted for, and the number of votes given for each; and it shall be the duty of the clerk of such town and city ward, to enter at large, on the records of such town and ward, the name of each person voted for, and the number of votes given for each person. And it shall be the duty of such selectmen and town clerk, and warden and inspectors and clerk of such city ward, forthwith to make out and duly certify, under their respective hands, a true transcript of the records of such votes, and to deliver the same to such clerk. And it shall be the duty of the several clerks of the towns and city wards composing such representative district, within three days after such election, to meet together at some convenient place within such district, such time and place to be fixed by law, and there to produce and compare the several transcripts aforesaid, and thereupon to ascertain the person or persons, to the number of representatives required for such district, who received the highest number of votes given in at such election, which person or persons shall be deemed to be elected; and such clerks shall make out a certificate thereof, under their hands, or the hands of a majority of them, and cause the same seasonably to be delivered to the person so elected by the highest number of votes, and if more than one be required for such district, then a like certificate shall be delivered to each person in succession, to the number required, who received the next highest number of votes; which certificates shall be prima facie evidence of the title of such persons to the office of representative. It shall also be the duty of such clerks, at such meetings, to make out, in like manner, as many such

certificates as there are towns or city wards composing such districts, one of which shall be delivered to each of said clerks, whose duty it shall be without delay to cause the same to be recorded at length among the records of the town or city ward of which he is clerk. But in case two or more persons, at the election in any such district, shall receive the highest and equal number of votes, whereby the choice of one or more representatives is prevented, such fact, with the names of such persons and the number of votes given for each, shall be certified by the clerks of such district, in like manner as the certificates delivered to persons deemed to be elected are certified, who shall cause the same to be laid before the House of Representatives on the first day of its session, and the House shall elect one or more, to the number required, from the persons thus having an equal number of votes. And one such certificate shall also be delivered to each clerk of such district, to be recorded as herein before directed in regard to certificates delivered to persons deemed to be elected.

And whenever a representative district is composed of a single town, or ward of a city, the selectmen and town clerk of such town, and the warden, inspectors, and clerk of such city ward, shall receive, sort, count and record all the votes given in, and shall ascertain the person or persons, to the number of representatives required for such district, who received the highest number of votes, which person or persons shall be deemed to be elected; and in case of failure to elect the whole number required, on the first trial, by reason that two or more persons received the highest and equal number of votes, then such district shall proceed to further trials until a choice shall be made of the number required, in manner as aforesaid. And declaration shall be made of the persons so elected, who shall be notified of such election, and furnished with a certificate thereof, by the selectmen and town clerk of the town, and by the warden, inspectors, and clerk of the city ward, composing such respective districts.

SECOND ARTICLE OF AMENDMENT.

In the year one thousand eight hundred and fifty-three, and every tenth year thereafter, the General Court shall divide the Commonwealth, according to qualified voters, into forty senatorial districts, as nearly equal as may be, and each district shall be composed of contiguous and convenient territory, and shall be entitled to one senator; provided, that whenever any county, by its whole number of qualified voters, would be entitled to more than six senators, such county shall be divided into six districts, as nearly equal as may be, and each district shall be entitled to one senator, and no more.

And in all elections of senators, the person who shall receive the highest number of votes, in each of the said districts, shall be deemed to be elected, and shall be notified accordingly; and in case of failure to elect in any district, by reason that two or more persons received the highest and equal number of votes, then the two houses of the General Court, assembled in one room, shall elect one of the said persons to be the senator for such district.

All provisions of the existing Constitution of this Commonwealth, inconsistent with the provisions contained in the foregoing articles of amendment, are hereby wholly annulled.

