The Committee to whom was referred a Resolve of the House of Representatives, proposing an Amendment of the Constitution, relative to the mode of electing the Members of the House of Representatives, have considered the same, and beg leave respectfully to

REPORT:

That the proposed amendment is obnoxious to several weighty objections respecting both the general principle on which it is based, and the particular form in which it would bring this principle into operation. The most important of these objections are the following:

1. The proposed amendment does not furnish a complete and effectual remedy for the evils attending the existing system, and which are now so generally felt and acknowledged by the people of the Commonwealth. These evils, the principal of which are the cumbrousness, the fluctuating character, and the expense of the House of Representatives as now constituted, are all the immediate results of the large number of its members, and no adequate remedy for them can be obtained by any amendment which does not materially reduce this number. The amendment proposes to limit the number of Representatives to 350, and the plan contemplated in it would give, according to the present population of the State, 312. But the average number of the Members of the House of Representatives for the last six years, is only 347, and it is during this period that the evils now
complained of have been most sensibly felt. The amendment, therefore, instead of reducing the number of the Representatives, fixes a maximum which is actually higher than the present average, and gives for the present population a number not materially below it. It would therefore afford no remedy for the inconveniences attending the existing system, and would be wholly ineffectual for the purposes it professes to have in view.

This objection might be obviated by such alteration in the details of the amendment as would fix the maximum of the House of Representatives at a lower number: but the plan contemplated in the amendment is also liable to other objections, which render it in the opinion of the Committee entirely inadmissible.

2. The fundamental principle of the political institutions of this Commonwealth, as well as of the other States and of the General Government, is the political equality of all our citizens. This equality has always been regarded as the peculiar excellence and distinguishing characteristic of our republican system, while the opposite principle, which pervades those of most other countries, is generally deemed in this as impolitic and unjust. This equality is not only the leading principle and basis of our whole Constitution, but is formally provided for in two or three distinct passages of that instrument. The 9th Article of the Bill of Rights declares that all the citizens shall possess an equal right to elect and be elected to office. The third Amendment to the Constitution declares, that every citizen having certain specified personal qualifications, shall have a right to vote in every election of the great Officers of State; and in determining the manner of choosing Representatives, the Constitution declares, that the Representation shall be founded on the principle of equality. The Committee believe that these
parts of the Constitution are the very last which the people of the Commonwealth are, or should be, desirous to alter.

Now the Amendment proposed by the House of Representatives violates the principle of equality in several ways. It contemplates as a result which is to happen under certain contingencies that the inhabitants of towns containing less than 1200 should enjoy the right of electing members of the House of Representatives only once in two years. This provision is directly at variance with the third Amendment, which declares that the citizens shall possess the right of voting at every election. It further provides that twice the number of inhabitants shall be necessary to entitle a town to a second Representative which is required to entitle it to one; whereas the principle of equality demands that a given number of the inhabitants shall be entitled to the same number of Representatives, whether they form several towns or only one. And thirdly, it operates unequally on the towns, considered as corporate bodies, inasmuch as it gives to some of them the privilege of being separately represented, in the General Court, while others are deprived of this privilege, either totally, by being classed for the choice of Representatives, or partially, by being allowed to exercise it only every alternate year. The principle of equality obviously requires that whatever political privileges are enjoyed by any of the towns should be enjoyed by all, and that if any distinction were created in this respect, the one on all accounts least desirable and least consistent with the spirit of our government and the letter of our Constitution would be a distinction in favor of the large towns and against the small ones. Yet such is precisely the character of the distinction contemplated in the amendment.
In stating that the amendment is at variance with several clauses of the constitution which provide for the political equality of all the citizens, the Committee are aware, that if it were adopted in its present form, the concluding clause, which annuls all the provisions of the Constitution inconsistent with it, would prevent any formal opposition between the different sections of that instrument. But this mode of removing the inconsistency appears to the Committee to be in itself decidedly objectionable. They deem it inexpedient that it should be left to the discretion of Courts and Juries to decide that sections of the Constitution are or are not consistent with each other. No such clause has ever before been contemplated or proposed as a part of the Constitution of any of the States or of the General Government. It is obviously due to the solemnity and great importance of these fundamental laws, that the powers which frame them should themselves examine them, and take care that the several parts are all consistent with each other. It would be necessary, therefore, on bringing the amendment into the form in which it can go into effect, to specify particularly all the alterations in the letter of the Constitution which it would render necessary. Among these would be the repeal of the several passages above alluded to, providing for the political equality of the citizens:—and such is the confidence felt by the Committee in the attachment of the people to this feature in our institutions that they can never believe that a proposal to alter it would be supported by any considerable number of votes. It is certainly one which the Committee do not feel themselves at liberty to recommend for the adoption of the Senate
3. A third objection to the proposed amendment is, that it has already, within a recent period of time, been submitted to the people, and by them, with a near approach to unanimity, rejected. The Committee can hardly consider it respectful to the people to send out to them again, after so short an interval, a proposition of which they have already expressed their disapprobation; and independently of the indecorum of such a course, they deem it altogether probable that the people would express upon the same proposition, presented to them within so short a time, and under the same circumstances, the same opinion which they expressed before; and consequently that the labor, time and money employed upon the preliminary steps would be a total loss to the Commonwealth, besides occasioning a delay of several years in the adoption of some other more practicable and more acceptable plan for reforming the evils that are now so generally felt.

There are other objections of less importance to the proposed amendment, which, if its general principles should be adopted, would require to be modified in several points in order to be brought into operation with facility and effect. But as the objections previously stated go to the general principles, and, if sanctioned by the concurrence of the Senate, would lead to the rejection of the entire plan, the Committee deem it unnecessary to enlarge on matters of mere detail.

They conclude by expressing the opinion that for the reasons above stated the Resolve of the House of Representatives, which has been committed to them ought not to pass. All which is respectfully submitted,

By order of the Committee.

A. H. Everett.
RESOLVED, by both Houses, the same being agreed to by a majority of the Senators and by two thirds of the Members of the House of Representatives present and voting thereon, that it is proper and expedient to alter and amend 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 a part of the constitution of this Commonwealth.

"ARTICLE OF AMENDMENT."

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

"Each city, town or district, containing twelve hundred inhabitants may elect one representative, and two thousand four hundred inhabitants shall be the
mean increasing number which shall entitle any city, town or district to an additional representative; and the number of inhabitants in each city, town or district, shall always be ascertained and determined by the next preceding census taken under the authority of the United States.

"In every case where any town is now united to any other town or district for the purpose of electing a representative, such towns and districts, so united, are, and shall be considered, respectively, as one town in all things respecting the election of representatives, as provided for in this article.

"Any two adjacent towns of that class which, separately, would not be entitled to elect a representative, shall be united together and form a district for that purpose, and where any such town is so situated, that it cannot be united to an adjacent town of the same class, it shall be united to an adjacent town which is entitled by itself to elect a representative, to form a representative district. In which case such district shall be entitled to elect an additional representative every other year, and if any town not entitled to elect a representative every year, shall, by a majority of votes, at a legal town meeting for that purpose called, decide against being united with any other town to form a representative district, the Legislature shall, upon the application of such town, authorize it to elect a representative every other year, commencing to elect on such a year, as that the House of representatives shall always be of as equal a number as may be. The Legislature which shall be elected under the existing provisions of the constitution, in the year of our Lord one thousand eight hundred and thirty two, shall form
the representative districts as herein specified, and shall by law prescribe the mode in which they shall hold and make return of their representative elections, and the right of representation so established shall not be altered by any future Legislature, till the year of our Lord one thousand eight hundred and forty two, and every tenth year thereafter.

"And to prevent the House of Representatives from becoming too numerous, the number of inhabitants which shall entitle any city, town or district to elect one representative, and the mean increasing number which shall entitle it to elect more than one, shall be proportionally increased, if found necessary, in the year of our Lord one thousand, eight hundred and forty two, and every tenth year thereafter, so that the House of Representatives shall never consist of more than three hundred and fifty members; and the members of the Senate and House of Representatives shall be paid for their travel and attendance from the public treasury.

"Not less than seventy five members of the House of Representatives shall constitute a quorum for doing business; and all the provisions of the Constitution inconsistent with the provisions herein contained are hereby wholly annulled."

In House of Representatives,
June 14, 1831.

The foregoing Resolution and Article of Amendment to the Constitution, having been passed and adopted in this House, two thirds of the Members present, and voting thereon, having voted in the affirmative, the same are accordingly sent to the Senate.

W. B. CALHOUN, Speaker.