

HOUSE...No. 114.

Commonwealth of Massachusetts.

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

RESOLVES

Relating to the proposed Amendments of the Constitution.

Resolved, That the following Articles of Amendment of the Constitution, having been agreed to by the last and present general courts, and published in the manner required by the Constitution, be submitted to the people for their ratification and adoption.

FIRST ARTICLE OF AMENDMENT.

No person shall have the right to vote, or be eligible to office under the Constitution of this Commonwealth, who shall not be able to read the Constitution in the English language, and write his name :

Provided, however, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

SECOND ARTICLE OF AMENDMENT.

A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature at its first session after the return of each enumeration as aforesaid, to the several counties of the Commonwealth equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts as hereinafter provided, be considered a part of the county of Plymouth; and it shall be the duty of the secretary of the Commonwealth to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county to be elected by the people of the county, or of the

towns therein, as may for that purpose be provided by law, shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed, as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the Commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof, and the number of legal voters therein, shall be returned by the board to the secretary of the Commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. Not less than one hundred members of the house of representatives shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

THIRD ARTICLE OF AMENDMENT.

A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city, said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration

aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the Commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town, or ward of a city, shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this Commonwealth five years at least, immediately preceding his election, and at the time of his election, shall be an inhabitant of the district for which he is chosen, and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the Commonwealth.

Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Resolved, That the people shall be assembled for the purpose aforesaid, in their respective cities and towns, in meetings to be legally warned, and held on the first day of May next, at which meetings all the inhabitants qualified to vote for senators and representatives in the general court, may give in their votes, by ballot, for or against each of the said articles of amendment; and the same officers shall preside in the said meetings as in the meetings for the choice of senators and representatives, and shall, in open meeting, receive, sort, count and declare the votes of the inhabitants for and against the same; and the said votes shall be recorded by the clerks of said cities and towns, and true returns thereof shall be made out, under the hands of the mayors and aldermen of the several cities, and of the selectmen or a major part of them, and of the clerks of the said cities and towns, respectively, and sealed up and delivered to the sheriff of the county within three days after the said meeting, to be by him transmitted to the office of the secretary of the Commonwealth within seven days after receiving the same, or

the said mayors and aldermen, and selectmen, respectively, shall themselves transmit the same to the said office within ten days after the said meetings : *provided*, that in the several cities the meetings held under this resolve, shall be conducted according to the provisions of the acts establishing the same, and of the several acts in addition thereto. The said meetings shall be deemed to be legally warned or notified, if due notice thereof be given on or before the twenty-fourth day of April next previous thereto.

Resolved, That each of the said articles shall be considered as a distinct amendment, to be adopted in the whole, or rejected in the whole, as the people shall think proper. And every person, qualified to vote as aforesaid, may express his opinion on each article as designated by its appropriate number, without specifying in his ballot the contents of the article, and by annexing to each number the word Yes, or No, or any other words of the same import ; but the whole shall be written or printed on one ballot, in substance as follows, to wit :—Amendments,—article first, yes or no ; article second, yes or no ; article third, yes or no. And every article that shall appear to be approved by a majority of the persons voting thereon, shall be deemed and taken to be ratified and adopted by the people.

Resolved, That his excellency the governor, and the council, shall, forthwith, open and examine the votes returned as aforesaid ; and if it shall appear that said articles of amendment, or either of them, have been approved by a majority of the persons voting thereon, according to the votes returned and certified as aforesaid, the same shall be enrolled on parchment and deposited in the secretary's office as a part of the constitution of this Commonwealth, and shall be published in immediate connection therewith, numbered according to their numerical position, with the articles of amendment of the constitution heretofore adopted, in all future editions of the laws of this Commonwealth, printed by public authority.

Resolved, That his excellency the governor be, and he hereby is, authorized and requested to issue his proclamation forthwith, after examination of the votes returned as aforesaid, reciting

the said articles of amendment, or either of them, and announcing that said articles of amendment, or either of them, have been duly adopted and ratified by the people of this Commonwealth, and have become a part of the constitution thereof, and requiring all magistrates and officers, and all citizens of the said Commonwealth, to take notice thereof, and govern themselves accordingly; or that the said articles of amendment, or either of them, have been rejected, as the case may be.

Resolved, That a printed copy of these resolves, including the said articles of amendment, and blank forms of the returns of votes on each of said articles, shall be transmitted, as soon as may be, by the secretary of the Commonwealth, to the mayors and aldermen of the several cities, and to the selectmen of the several towns, of this Commonwealth.