

application was denied, and thus terminates an episode in American state university development which is of the greatest significance for all such institutions in every part of the country.

**Massachusetts Constitutional Convention.** For the first time in sixty-four years, Massachusetts is submitting its constitution to the scrutiny of a constitutional convention. The last body of this kind which met in this state was in 1853. All of the amendments which it submitted were rejected at the polls, but several of them were afterward proposed by the legislature and ratified by the people. Fortunately the constitution of 1780, which is now the oldest written instrument of government in force anywhere in the world, deals with general principles rather than with details, and the enormous social, political, and economic changes which have taken place since its adoption have not necessitated a corresponding change in its terms. There were a few questions of state policy, however, which it seemed could be best dealt with through the instrumentality of a constitutional convention; and Governor McCall's recommendation that such a body be summoned in 1917 was accepted by the legislature and adopted by the people.

The convention is a body of 320 members. It is much larger than similar bodies which have recently assembled in other states, as the Michigan convention of 96 members, the Ohio convention of 119 members, and the New York convention of 168 members. The Massachusetts convention is composed of sixteen delegates elected by the voters of the state at large, four delegates elected by each congressional district, and two hundred and forty delegates chosen by the legislative representative districts. The candidates were nominated and elected without party designations. The convention met on June 6 and chose ex-Governor John L. Bates to be its president.

Three months before the assembling of the convention the governor appointed a commission to compile information and data for the use of the constitutional convention. This commission, which consists of Professor William B. Munro of Harvard University, Roger Sherman Hoar, and the undersigned, prepared a series of bulletins dealing with those topics which seemed likely to be of most interest to the convention and also compiled such data as was called for from time to time by the delegates. Later, when the proposals before the convention began to take shape, the undersigned was appointed technical adviser to committees; and in that capacity has had much to do with the

redrafting of proposed amendments before they were passed to be engrossed. These phases of the convention's work are entitled to considerable emphasis since it is believed that no other similar body which has ever assembled in this country has relied so much upon expert assistance.

The question which has been uppermost in the public mind since the holding of a convention first came forward for discussion is whether Massachusetts should adopt some form of initiative and referendum. A measure covering this subject which was reported to the convention occupied the center of the stage throughout the session, but was put aside from time to time to permit the consideration of other questions which it was deemed necessary to submit to the people at the November election. Three such measures were agreed upon by the convention and adopted by the people. Each of the fourteen counties returned a majority in favor of each amendment.

The first of these empowers the legislature to provide for voting by voters who are absent from home on election day. Absent voting is not unknown in America, but it has usually been thought of as a war measure enacted in order to prevent the disfranchisement of soldiers and sailors. Aside from this class, however, it has been estimated that more than 20,000 voters in Massachusetts—locomotive engineers, brakemen, traveling salesmen, chauffeurs, fishermen, and students—lose their votes every year through absence. These men, rather than the soldiers and sailors, were uppermost in the mind of the convention when it passed this amendment with practically no opposition. It was ratified by the people by a vote of 231,905 to 76,709.

Another amendment authorizes the legislature to make provision for public trading in the necessaries of life and for shelter in time of public exigency. This state has been visited several times in recent years by such calamities as the great fires at Chelsea and Salem; and the rule laid down in *Lowell v. Boston* (1873), 111 Mass. 454, seemed to make it impossible for the public to extend adequate relief. These events, but especially the present conditions of living which bear with particular hardship upon the poor, were responsible for a strong sentiment in favor of enlarging the power of the legislature in this direction. This amendment also received popular ratification by a vote of 261,119 to 51,826.

The third amendment adopted by the people in November was the "anti-aid amendment," which prohibits any appropriations of public money to institutions not under public control. From 1860 to

the end of 1916 Massachusetts had appropriated nearly \$19,000,000 for institutions of this kind. In recent years the attempts of various churches to obtain public funds for their schools and hospitals were dividing the people of the state into hostile groups and creating an atmosphere of suspicion and antagonism. Several times amendments have been introduced into the legislature forbidding appropriations for institutions under the control of any church; but the convention went further, and by a vote of 275 to 25 adopted as drastic a provision as possible. Except as provided in existing contracts, there is henceforth to be no appropriation of public money for any private institution. In the weeks preceding the election this amendment was sharply debated. The Catholic hierarchy, led by Cardinal O'Connell, strongly opposed its adoption, on the ground that it was an attack on the Catholic Church, and was unjust to that body in that it shut off the possibility of aid to the parochial schools. One of the most gratifying features of the vote on the amendment both in the convention and at the polls is the fact that it did not divide on religious lines. There are about one hundred Catholic delegates in the convention, only nine of whom voted against the amendment, while at the polls both priests and laity showed marked independence. The amendment was ratified by a vote of 206,329 to 130,357. By this action it is hoped that a most troublesome question has been permanently removed from political discussion.

For the purpose of comparison it may be well to state that the total vote for all candidates for governor at the November election was 387,927.

When these three amendments had been submitted to the people, the convention resumed its discussion of the initiative and referendum and finally adopted a measure which provides for the initiation by the people of both constitutional amendments and of laws and also for a compulsory referendum on enactments of the legislature. The measure is too long for detailed description, but its distinguishing features as compared with similar measures in other states may be said to be its exemptions. Neither the judiciary, nor judicial decisions, nor the anti-aid amendment, nor any of the great safeguards of liberty set forth in the bill of rights may be made the subject of an initiative petition. Having adopted this amendment by a vote of 163 to 125, and having provided that it should be submitted to the people at the state election of November, 1918, the convention adjourned until next June, at which time it will take up the considera-

tion of various subjects as interesting as any which it has thus far discussed.

The convention is fortunate in the representative character of its delegates. Although it is a large body, it has not proved unwieldy, and its size has made it possible for every important economic and social element in the state to be represented. Three of its members have held the office of governor, one has been a justice of the supreme court, four have served as attorney-general, and many have held less prominent public positions. The labor element is not only represented, but several of the labor members are skillful and forcible speakers who can obtain a hearing from their colleagues. As a whole the convention of 1917-18 will not suffer in comparison with those held in Massachusetts in 1779-80, 1820 and 1853.

LAWRENCE B. EVANS.