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ANALYSIS OF CONSTITUTIONAL PROVISIONS
AFFECTING PUBLIC WELFARE IN THE STATE OF
MASSACHUSETTS

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Preface

This bulletin is one of a series presenting State constitutional provisions affecting public welfare, prepared to supplement the State by State digests of public welfare laws so as to provide in abstract form the basis for the public welfare services of the several States.

The provisions quoted are those concerned directly with public welfare administration and such others as may substantially affect a public welfare program, even though only indirectly related. It would be impossible to consider within the limits of this study every remotely connected constitutional provision. The indirectly related provisions included, therefore, have been restricted to those concerning finance, legislation, and the methods of constitutional amendment.

An attempt has been made, by a careful selection of the most recent cases decided by the highest courts of the States, to indicate wherever possible how these provisions have been construed. These cases are included in footnotes appended to the constitutional provisions shown.

It is hoped that these abstracts will be useful to those interested in public welfare questions in indicating how State and local public welfare administration may be affected by constitutional powers and limitations.

Massachusetts

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ANALYSIS OF CONSTITUTIONAL PROVISIONS AFFECTING

PUBLIC WELFARE IN MASSACHUSETTS 1/

I. Incidence of Responsibility for Welfare Program

A. And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions, either with penalties or without; so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; . . . 2/

1. Constitution (1780), with all amendments to November 15, 1936. All citations to paragraphs are to Michie's Annotated Laws of Massachusetts (1933).

2. Constitution, Par. 36; Pt. II, Ch. I, Sec. I, Art. IV.

The General Court of Massachusetts is the legislative body consisting of the Senate and House of Representatives. Constitution, Par. 33; Pt. II, Ch. I, Sec. I, Art. XI.

"Paupers" are not eligible to vote. Constitution, Par. 105; Amendments, Art. III (1821).

The power granted by this article is frequently referred to as the police power of the Legislature. "The nature of the police power and its extent, as applied to conceivable cases, cannot easily be stated with exactness. It includes the right to legislate in the interest of the public health, the public safety, and the public morals. If the power is to be held within the limits of the field thus defined, the words should be interpreted broadly and liberally. If we are to include in the definition, as many judges have done, the right to legislate for the public welfare, this term should be defined with some strictness, so as not to include everything that might be enacted on grounds of mere expediency." Commonwealth vs. Strauss, 191 Mass. 545, 78 N. E. 136 (1906).

In a recent case the Massachusetts court said: "This court has never undertaken to define that (the police) power. It may be put forth in aid of the public health, the public safety, the public morals and the public welfare. It covers a vast field". General Outdoor Advertising Company vs. Department of Public Works, - Mass. -, 193 N. E. 799, 813 (1935).

2. Massachusetts

I. Incidence of Responsibility for Welfare Program (Cont'd)

B. The maintenance and distribution at reasonable rates, during time of war, public exigency, emergency or distress, of a sufficient supply of food and other common necessities of life and the providing of shelter, are public functions, and the commonwealth and the cities and towns therein may take and may provide the same for their inhabitants in such manner as the general court shall determine. 3/

II. Financial Powers and Limitations

A. Taxation and Assessments

(1) State

(a) And further, full power and authority are hereby given and granted to the said general court . . . to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said commonwealth; and also to impose and levy, reasonable duties and excises, upon any produce, goods, wares, merchandise, and commodities, whatsoever, brought into, produced, manufactured, or being within the same 4/; to be issued and disposed of by warrant, under the hand of the

3. Constitution, Par. 149; Amendments, Art. 47 (1917).

4. Under this section there are two separate forms of taxation, property and excise. Property taxes must be "proportional" which in the case of general taxes means that the proportion paid by each taxpayer shall bear the same ratio to the amount to be raised that the value of his property bears to the total taxable value, and in case of a tax for local improvement means that it must be apportioned according to the benefits received. Excise taxes need only be "reasonable". In re Opinion of the Justices, In re Taxation, 220 Mass. 613, 108 N. E. 570 (1915).

A tax on incomes derived from intangible personal property is a "property tax" not an "excise tax", since a tax on the income from property is a tax on the property itself. A statute which assesses such a tax on a basis other than the value of the property is contrary to this section because the tax is not proportional. Ibid, see page 4, footnote 6.

A tax on the net incomes of domestic corporations is an excise tax, not a property tax, because it is a tax on the privilege of doing business by the corporation. Macallen Company vs. Commonwealth, 264 Mass. 396, 163 N. E. 75 (1928).

On appeal to the Supreme Court of the United States, this tax was held unconstitutional *insofar* as it levied on the net income received from tax exempt securities. Macallen Company vs. Commonwealth of Massachusetts, 279 U. S. 620, 49 Supreme Court Reporter, 432 (1929).

(Footnote forwarded)

II. Financial Powers and Limitations (Cont'd)

A. Taxation and Assessments (Cont'd)

(1) State (Cont'd)

governor of this commonwealth for the time being, with the advice and consent of the council, for the public service in the necessary defence and support of the government of the said commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same. 5/

(Footnote #4 - Continued)

A statute, taxing sales of tangible personal property or commodities based upon a percentage of the sale price, is an excise tax, not a property tax, and valid. It makes no difference whether the tax finally rests upon the buyer or the seller. In re Opinion of the Justices, 282 Mass. 619, 186 N. E. 490 (1933).

A license tax on motor vehicles is an excise tax and valid under this section. Opinion of the Justices, 250 Mass. 591, 148 N. E. 889 (1925).

An inheritance tax statute which imposes a tax on property passing as a legacy, inheritance or by other succession, is not a tax on property but is an excise tax. The privilege of transmitting and receiving property on the owners' death is a "commodity" within the meaning of this section, and an excise tax may be laid upon this privilege. *Minot vs. Winthrop*, 162 Mass. 113, 38 N. E. 512 (1894).

Inheritance tax statute held valid. *Boston Safe Deposit and Trust Company vs. Commissioner of Corporations and Taxations*, 267 Mass. 240, 166 N. E. 729 (1929).

5. Constitution, Par. 36; Pt. II, Ch. I, Art. IV.

Money raised by taxation can be used only for public purposes and not for the advantage of private individuals. In re Opinion of the Justices, 231 Mass. 603, 122 N. E. 763 (1919).

The establishment and maintenance of public parks, reservations, and bathing beaches are "public purposes". *Salisbury Land and Improvement Company vs. Commonwealth*, 215 Mass. 371, 102 N. E. 619 (1913)

Public education is clearly a public purpose. *Knights vs. Treasurer and Receiver General*, 237 Mass. 493, 130 N. E. 60 (1921).

The building of a city subway is a public purpose. *Prince vs. Crocker*, 166 Mass. 347, 44 N. E. 446 (1896).

A statute, granting a gratuity to veterans of the Civil War, is within the taxing power of the General Court because it is an appropriation for a public purpose. In re Opinion of the Justices, 211 Mass. 608, 98 N. E. 338 (1912).

4. Massachusetts

II. Financial Powers and Limitations (Cont'd)

A. Taxation and Assessments (Cont'd)

(1) State (Cont'd)

(b) Full power and authority are hereby given and granted to the general court to impose and levy a tax on income in the manner hereinafter provided. Such tax may be at different rates upon income derived from different classes of property, but shall be levied at a uniform rate throughout the commonwealth upon incomes derived from the same class of property. The general court may tax income not derived from property at a lower rate than income derived from property, and may grant reasonable exemptions and abatements. Any class of property the income of which is taxed under the provisions of this article may be exempted from the imposition and levying of proportional and reasonable assessments, rates and taxes as at present authorized by the constitution. This article shall not be construed to limit the power of the general court to impose and levy reasonable duties and excises. 6/

(c) Full power and authority are hereby given and granted to the general court to prescribe for wild or forest lands such methods of taxation as will develop and conserve the forest resources of the commonwealth. 7/

(2) Counties and Other Local Units

No provisions. 8/

6. Constitution, Par. 146; Amendments, Art. 44 (1915).

A tax on incomes graduated as to rate according to the amount of income received by the taxpayer cannot be laid under this section. Property may be classified for the purpose of establishing different rates, but the owners of the property cannot be classified for the same purpose. Nor can a graduated income tax be levied under the general taxing power conferred by paragraph 36, because an income tax is a tax on property, and under that provision property taxes must be proportional and reasonable. In re Opinion of the Justices, 266 Mass. 583, 165 N. E. 900 (1929), see page 2, Sec. II, par. A, (1), (a), and footnote 4.

A classification by statute of income according to the sources from which it is derived, for purposes of an income tax, is valid. In re Opinion of the Justices, 270 Mass. 593, 170 N. E. 800 (1930).

7. Constitution, Par. 143; Amendments, Art. 41 (1912).

8. "The cities and towns of this Commonwealth have no inherent but only a delegated power to raise and expend money. Their rights in this particular rest upon legislative grant; if the authority is not found in express terms or by necessary implication in some act of the General Court, it does not exist. The numerous authorities to this effect need not be collected. It is the doctrine of the early, the late, and many intervening decisions." Whiting vs. Mayor of Holyoke, 272 Mass. 116, 172 N. E. 338, 339 (1930).

II. Financial Powers and Limitations (Cont'd)B. Exemptions

No general provisions. 9/

C. Borrowing and Use of Credit(1) State

(a) The commonwealth may borrow money to repel invasion, suppress insurrection, defend the commonwealth, or to assist the United States in case of war, and may also borrow money in anticipation of receipts from taxes or other sources, such loan to be paid out of the revenue of the year in which it is created. 10/

9. See page 4, Section II, par. A, (1), (b), for exemptions from income tax.

The Constitution recognizes the importance of religion and morality. The Constitution also requires the encouragement of literature and science, the diffusion of education among the people, and the promotion of general benevolence and public and private charity. As taxation of the people may be imposed for these objects, property used for literary, educational, benevolent, charitable or scientific purposes may be exempted from taxation by the Legislature. Such exemptions do not prevent taxation from being proportional and equal. In re Opinion of the Justices, 195 Mass. 607, 84 N. E. 499 (1908).

The power of the Legislature is broad to grant exemption from taxation for proper purposes. All manner of reasonable classifications to that end may be made. Bonds issued by a public board and guaranteed by the State were properly exempted from taxation. In re Opinion of the Justices, 261 Mass. 523, 159 N. E. 55 (1927).

Exemption from taxation of land set apart for burial purposes, or of property of literary, benevolent, and charitable institutions is not in conflict with the Constitution. Town of Milford vs. Commissioners of Worcester County, 213 Mass. 162, 100 N. E. 60 (1912).

A statute exempting from taxation wearing apparel, farming utensils and household furniture not exceeding \$1,000 in value, and tools of mechanics not exceeding \$300 in value, is constitutional. Day vs. City of Lawrence, 167 Mass. 371, 45 N. E. 751 (1897).

Exemption of property used for insane asylums, where one-fourth of the property owned is used for the treatment without charge of indigent insane persons, is valid. Massachusetts General Hospital vs. Inhabitants of Belmont, 233 Mass. 190, 124 N. E. 21 (1919).

A Y.M.C.A. was held to be within the statute exempting personal property of "literary, benevolent, (and) charitable institutions" from taxation. Springfield Y.M.C.A. vs. Board of Assessors of City of Springfield, 284 Mass. 1, 187 N. E. 104 (1933).

10. Constitution, Par. 193; Amendments, Art. 62, Sec. 2 (1918), see page 6, Sec. II, par. C, (1), (c).

II. Financial Powers and Limitations (Cont'd)

C. Borrowing and Use of Credit (Cont'd)

(1) State (Cont'd)

(b) In addition to the loans which may be contracted as before provided, the commonwealth may borrow money only by a vote, taken by the yeas and nays, of two-thirds of each house of the general court present and voting thereon. The governor shall recommend to the general court the term for which any loan shall be contracted. 11/

(c) Borrowed money shall not be expended for any other purpose than that for which it was borrowed or for the reduction or discharge of the principal of the loan. 12/

(d) The credit of the commonwealth shall not in any manner be given or loaned to or in aid of any individual, or of any private association, or of any corporation which is privately owned and managed. 13/

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11. Constitution, Par. 194; Amendments, Art. 62, Sec. 3 (1918).
 12. Constitution, Par. 195; Amendments, Art. 62, Sec. 4 (1918).
 13. Constitution, Par. 192; Amendments, Art. 62, Sec. 1 (1918).

A proposed statute, which would have set up a public corporation to insure mortgages made on homes by private banking corporations, and in certain cases lend money directly on homes on security of mortgages, was held invalid under this section. The court said that this proposed statute contemplated the loaning of the credit of the State to individuals and private corporations and so was unconstitutional under this section. In re Opinion of the Justices, - Mass. -, 195 N. E. 897 (1935).

A statute, which would have created a corporation to construct bridges and tunnels, to be owned and controlled by private persons until the work was completed, and providing that its bonds should be guaranteed by the State, was held invalid under this section, because this would be the loaning of the credit of the Commonwealth to a private corporation. In re Opinion of the Justices, 276 Mass. 617, 176 N. E. 607 (1931).

The Boston Elevated Railway Company, a privately owned corporation, was leased to trustees for ten years who acted on behalf of the Commonwealth. Provision was made for public operation during the duration of the lease. It was held that the guarantee of payment of the principal and interest of any securities issued by the trustees would not be a violation of this section even though some of the securities might not mature during the period of the lease. In re Opinion of the Justices, 261 Mass. 523, 159 N. E. 55 (1927).

II. Financial Powers and Limitations (Cont'd)

C. Borrowing and Use of Credit (Cont'd)

(1) State (Cont'd)

(e) . . . and no grant, appropriation or use of public money or property or loan of public credit shall be made or authorized by the commonwealth or any political division thereof for the purpose of founding, maintaining or aiding any . . . infirmary, hospital, institution, or educational, charitable or religious undertaking which is not publicly owned and under the exclusive control, order and superintendence of public officers or public agents authorized by the commonwealth or federal authority or both, except that appropriations may be made for the maintenance and support of the Soldiers' Home in Massachusetts and . . . to carry out legal obligations, if any, already entered into; and no such grant, appropriation or use of public money or property or loan of public credit shall be made or authorized for the purpose of founding, maintaining or aiding any church, religious denomination or society.

Nothing herein contained shall be construed to prevent the commonwealth, or any political division thereof, from paying to privately controlled hospitals, infirmaries, or institutions for the deaf, dumb or blind not more than the ordinary and reasonable compensation for care or support actually rendered or furnished by such hospitals, infirmaries or institutions to such persons as may be in whole or in part unable to support or care for themselves. . . 14/

(2) Counties and Other Local Units

See Sec. II, par. C, (1), (e), above. See page 4, footnote 8.

D. Other Income

No provisions.

14. Constitution, Par. 148; Amendments, Art. 46 (1917).

A hospital, which was a gift to a town, to be maintained by the town, and managed by a board of trustees selected by the town officials with the approval of the donors, was held to be a "publicly owned" hospital so that appropriations for operating expenses by the town were proper under this section. *Adams vs. Plunkett*, 274 Mass. 453, 175 N. E. 60 (1931).

8. Massachusetts

II. Financial Powers and Limitations (Cont'd)

E. Appropriations and Expenditures

(1) State

No moneys shall be issued out of the treasury of this commonwealth, and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the commonwealth; and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court. 15/

(2) Counties and Other Local Units

No provisions.

III. Provisions Affecting Legislation

A. Regular Sessions of Legislature

The political year shall begin on the first Wednesday of January instead of the last Wednesday of May, and the general court shall assemble every year on the said first Wednesday of January, . . . And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor . . . 16/

B. Special Sessions of Legislature

. . . But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. . . 17/

15. Constitution, Par. 67; Pt. II, Ch. II, Sec. 1, Art. XI.

Money raised by taxation can be used only for public purposes. In re Opinion of the Justices, 231 Mass. 603, 122 N. E. 763 (1919), see page 2, footnote 4.

16. Constitution, Par. 112; Amendments, Art. X (1831).

17. Constitution, Par. 112; Amendments, Art. X (1831).

"The governor, with advice of council, shall have full power and authority . . . to call it (the general court) together sooner than the time to which it may be adjourned or prorogued, if the welfare of the commonwealth shall require the same . . ." Constitution, Par. 61; Pt. II, Ch. II, Sec. I, Art. V.

The General Court while in regular session may designate some later time, within the terms of its members, to meet in special session. The court said that the terms of this section are clear, and that undoubtedly the General Court by its own action may call a special session. In re Opinion of the Justices, - Mass. -, 3 N. E. (2d) 218 (1936).

III. Provisions Affecting Legislation (Cont'd)

C. Powers of Initiative and Referendum

Legislative power shall continue to be vested in the general court; but the people reserve to themselves the popular initiative, which is the power of a specified number of voters to submit constitutional amendments and laws to the people for approval or rejection; and the popular referendum, which is the power of a specified number of voters to submit laws, enacted by the general court, to the people for their ratification or rejection. 18/

D. Legislative Enactment

(1) No law passed by the general court shall take effect earlier than ninety days after it has become a law, excepting laws declared to be emergency laws and laws which may not be made the subject of a referendum petition, as herein provided. 19/

(2) A law declared to be an emergency law shall contain a preamble setting forth the facts constituting the emergency, and shall contain a statement that such law is necessary for the immediate preservation of the public peace, health, safety or convenience . . . 20/

18. Constitution, Par. 150; Amendments, Art. 48, Sec. 1 (1918).

There are some twenty-eight sections in the Constitution providing in great detail for the initiative and referendum.

These sections include (1) the procedure relative to the presenting of initiative petitions and an enumeration of the subjects excluded from the initiative privilege, which includes local or special laws. Constitution, Par. 151-156; Amendments, Art. 48, Part II and Part III (1918); (2) the procedure relating to the exercise of the referendum, and the subjects therefrom excluded. Constitution, Par. 169-173; Amendments, Art. 48, Referendum III, Sec. 3, 4; General Provisions, Sec. 1, 2, 3 (1918).

A referendum petition may ask for the repeal of an emergency law. Ibid.

The provisions of these sections in regard to the initiative and referendum are mandatory. When minute and clear directions are given in the Constitution as to the performance of a specified duty, it must be performed in that way alone. In re Opinion of the Justices, *Mass. -*, 3 N. E. (2d) 12 (1936).

19. Constitution, Par. 165; Amendments, Art. 48, Referendum I (1918).

For (1) provisions relating to the enactment of legislation under a declaration of emergency, which acts may be subjected to a referendum, and for (2) legislation specifically excepted from the exercise of the referendum, see paragraphs 2 and 3 in the text immediately following.

20. Constitution, Par. 166; Amendments, Art. 48, Referendum II (1918).
(Footnote forwarded)

III. Provisions Affecting Legislation (Cont'd)

D. Legislative Enactment (Cont'd)

(3) No law that relates to religion, religious practices or religious institutions; or to the appointment, qualification, tenure, removal or compensation of judges; or to the powers, creation or abolition of courts; or the operation of which is restricted to a particular town, city or other political division or to particular districts or localities of the commonwealth; or that appropriates money for the current or ordinary expenses of the commonwealth or for any of its departments, boards, commissioners or institutions shall be the subject of a referendum petition. 21/

(4) Within three weeks after the convening of the general court the governor shall recommend to the general court a budget which shall contain a statement of all proposed expenditures of the commonwealth for the fiscal year, including those already authorized by law, and of all taxes, revenues, loans and other means by which such expenditures shall be defrayed. . . 22/

(5) All appropriations based upon the budget to be paid from taxes or revenues shall be incorporated in a single bill which shall be called the general appropriation bill. The general court may increase, decrease, add or omit items in the budget. . . 23/

(6) After final action on the general appropriation bill or on recommendation of the governor, special appropriation bills may be enacted. Such bills shall provide the specific means for defraying the appropriations therein contained. 24/

(Footnote #20 - Continued)

Another section provides that the preamble of a bill, stating it to be an emergency measure, shall be voted upon separately, and unless the preamble is adopted by two-thirds of the members of each House voting thereon, the measure shall not be an emergency law. Constitution, Par. 207; Amendments, Art. 67 (1922).

21. Constitution, Par. 168; Amendments, Art. 48, Referendum 3, Sec. 2 (1918).

22. Constitution, Par. 197; Amendments, Art. 63, Sec. 2 (1918).

Supplementary budgets may be recommended at any time by the Governor. Constitution, Par. 198; Amendments, Art. 63, Sec. 3 (1918).

23. Constitution, Par. 198; Amendments, Art. 63, Sec. 3 (1918).

24. Constitution, Par. 199; Amendments, Art. 63, Sec. 4 (1918).

III. Provisions Affecting Legislation (Cont'd)

D. Legislative Enactment (Cont'd)

(7) No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, . . . 25/

(8) The veto power of the governor shall not extend to measures approved by the people, 26/

(9) There shall be a council for advising the governor in the executive part of the government, to consist of (eight) persons besides the lieutenant governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together. . . 27/

25. Constitution, Par. 34; Pt. II, Ch. I, Sec. I, Art. II.

A bill may be passed over the Governor's veto by a two-thirds vote of both houses. If the Governor does not return a bill within five days, it automatically becomes a law, unless the General Court adjourns within the five day period. Ibid and Constitution, Par. 103; Amendments, Art. I (1821).

26. Constitution, Par. 175; Amendments, Art. 48, General Provisions V (1918).

27. Constitution, Par. 73; Pt. II, Ch. II, Sec. III, Art. I.

"The Constitution recognizes two kinds of executive business which may come before the Council: one, that which is to be done by the Governor and council acting together as an executive board, and the other, business to be done by the Governor, acting under the responsibility of his office as supreme executive magistrate, by and with the advice and consent of the council. In the transaction of other kinds of executive business, doubtless the Governor may take the advice of the council or not, as he chooses." In re Opinion of the Justices, 190 Mass. 616, 78 N. E. 311 (1906).

A statute authorized the trustees of any public hospital to determine the salaries of its officers, subject to the approval of the Governor and Council. The court held that this meant that such salary charges must be approved separately by the Governor and also by the Council. In re Opinion of the Justices, 211 Mass. 632, 99 N. E. 287 (1912).

12. Massachusetts

IV. Constitutional Amendment or Revision

A. By Proposal of Legislature or People

A proposal for amendment to the constitution introduced into the general court by initiative petition shall be designated an initiative amendment, and an amendment introduced by a member of either house shall be designated a legislative substitute or a legislative amendment. 28/

B. By Constitutional Convention

No provisions. 29/

28. Constitution, Par. 157; Amendments, Art. 48, Part IV, Sec. 1 (1918).

Other sections provide the procedure of submitting amendments by initiative petition or by action of either house of the General Court. If an initiative proposal is approved by one-fourth of all the members elected, or a legislative proposal by a majority of all the members elected, then it shall be referred to the next General Court. If the next General Court shall approve the amendment by the same percentages as above, then the amendment shall be submitted to the people at the next State election. Such amendment shall become a part of the Constitution if approved, in the case of a legislative amendment, by a majority of the members voting thereon, or in the case of an initiative amendment, by voters equal in number to at least thirty per cent of the total number of ballots cast at such State election, and also by a majority of the voters voting on such amendment. Constitution, Par. 158-161; Amendments, Art. 48, Part 4, Sec. 2-5 (1918).

"This article of amendment to the constitution is self-executing but legislation not inconsistent with anything herein contained may be enacted to facilitate the operation of its provisions. Constitution, Par. 177; Amendments, Art. 48, Referendum VII (1918).

The question of whether or not a constitutional convention should be called was submitted to a vote of the people in 1916. The convention was approved by the people and delegates elected. A number of important amendments, now a part of the Constitution, were proposed by the convention and later approved by a vote of the people. Editorial Comment, Michie's Annotated Laws of Massachusetts (1933), Vol. 10, page 131.

