

REAPPORTIONMENT UNDER THE THIRTEENTH CENSUS

(Act of August 8, 1911 - - 37 U.S. Stat. Pt.1, p. 13)

Chap. 5. — An Act for the apportionment of Representatives in Congress among the several States under the Thirteenth Census.

Be it enacted, etc., That after the third day of March, nineteen hundred and thirteen, the House of Representatives shall be composed of four hundred and thirty-three Members, to be apportioned among the several States as follows:

Alabama 10	New Jersey 12
Arkansas 7	New York 43
California 11	North Carolina 10
Colorado 4	North Dakota 3
Connecticut 5	Ohio 22
Delaware 1	Oklahoma 8
Florida 4	Oregon 3
Georgia 12	Pennsylvania 36
Idaho 2	Rhode Island 3
Illinois 27	South Carolina 7
Indiana 13	South Dakota 3
Iowa 11	Tennessee 10
Kansas 8	Texas 18
Louisiana 8	Utah 2
Maine 4	Vermont 2
Maryland 6	Virginia 10
Massachusetts 16	Washington 5
Michigan 13	West Virginia 6
Minnesota 10	Wisconsin 11
Mississippi 8	Wyoming
Missouri 16	
Montana 2	
Nebraska 6	
Nevada 1	
New Hampshire 2	

Sec. 2. That if territories of Arizona and New Mexico shall become States in the Union before the apportionment of Representatives under the next decennial census they shall have one Representative each, and if one of such Territories shall so become a State, such state shall have one Representative, which Representative or Representatives shall be in addition to the number four hundred and thirty three, as provided for in section one of this act, and all laws and parts of laws in conflict with this section are to that extent hereby repealed.

Sec. 3. That in each state entitled under this apportionment to more than one Representative, the Representatives to the Sixty-third and each subsequent Congress shall be elected by districts composed of a contiguous and compact territory, and containing as nearly as practicable an equal number of inhabitants. The said districts shall be equal ~~to~~ to the number of Representatives to which such State may be entitled in Congress, no district electing more than one Representative.

Sec. 4. That in case of an increase in the number of Representatives in any State under this apportionment such additional Representative or Representatives shall be elected by the State at large and the other Representatives by the districts now prescribed by law until such State shall be redistricted in the manner provided by the laws thereof and in accordance with the rules enumerated in section three of this Act; and if there be no change in the number of Representatives from a State, the Representatives thereof shall be elected from the districts now prescribed by law until such State shall be redistricted as herein prescribed.

Sec. 5. That candidates for Representative or Representatives to be elected at large in any State shall be nominated in the same manner as candidates for governor, unless otherwise provided by the laws of such State.

(H. R. 2983 \* \* 62nd Cong. 1st Sess.)

Approved, August 8, 1911

# Calendar No. 79.

62D CONGRESS, }  
1st Session. }

SENATE.

REPORT  
No. 94.

## APPORTIONMENT OF REPRESENTATIVES.

July 6, 1911.—Ordered to be printed.

Mr. SHIVELY, from the Committee on the Census, submitted the following

### REPORT.

[To accompany H. R. 2983.]

The Committee on the Census, to whom was referred the bill (H. R. 2983) for the apportionment of Representatives in Congress among the several States under the Thirteenth Census, respectfully report that they have considered the same and herewith return said bill to the Senate with the recommendation that it do pass.

The bill provides that after the 3d day of March, 1913, the House of Representatives shall consist of 433 members, to be apportioned among the several States as follows:

Alabama.....	10	Nebraska.....	6
Arkansas.....	7	Nevada.....	1
California.....	11	New Hampshire.....	2
Colorado.....	4	New Jersey.....	12
Connecticut.....	5	New York.....	43
Delaware.....	1	North Carolina.....	10
Florida.....	4	North Dakota.....	3
Georgia.....	12	Ohio.....	22
Idaho.....	2	Oklahoma.....	8
Illinois.....	27	Oregon.....	3
Indiana.....	13	Pennsylvania.....	36
Iowa.....	11	Rhode Island.....	3
Kansas.....	8	South Carolina.....	7
Kentucky.....	11	South Dakota.....	3
Louisiana.....	8	Tennessee.....	10
Maine.....	4	Texas.....	18
Maryland.....	6	Utah.....	2
Massachusetts.....	16	Vermont.....	2
Michigan.....	13	Virginia.....	10
Minnesota.....	10	Washington.....	5
Mississippi.....	8	West Virginia.....	6
Missouri.....	16	Wisconsin.....	11
Montana.....	2	Wyoming.....	1

The bill further provides that in the event that both the Territories of Arizona and New Mexico shall become States before apportionment is made under the next census they shall each have one Representative, and if either become a State before such apportionment it shall have one Representative, which Representatives or Representative shall be in addition to the number 433.

*Will presentation of Method of alternate Ratios, First appearance of geometric mean in apportionment literature. However, its use was limited to acceptance of fractions not to calculation of priorities. Will made test that of ratio of difference, not amount, (1910)*

Apportionment of representation.—Table 6 gives for 1910 the population of each state, exclusive of Indians not taxed, who, according to the Constitution, are not to be included in the population forming the basis of the apportionment of representatives among the several states. The population of Arizona and New Mexico is not included in the main table but is added as an appendix. These territories had not yet become states when the apportionment act of 1911 was passed, though provision for their representation was made in the act. Now that they have been admitted as states the total apportionment population of the states, exclusive of Indians not taxed, and not counting the District of Columbia, is 91,569,325.

As the count of population is made primarily for the purpose of fixing the membership of the House of Representatives, under the provisions of section 2 of Article I of the Constitution, as modified by section 2 of Article XIV of the Amendments, a statement is given in Table 7 of the number of Representatives assigned to each of the states by the Constitution in 1789 and by the several apportionment acts from the formation of the Government to the present time. The dates of the apportionment acts and the ratio of

population to each representative under said acts are also given on page 27.

The membership of the House of Representatives was originally fixed at 65, under the provisions of section 2 of Article I of the Constitution.

The apportionments of Representatives in Congress, under the first six censuses—1790 to 1840, inclusive—were made by Congress, each by a separate act.

The law for taking the census of 1850 (act of May 23, 1850, 9 Stat. L., 428), which was intended to be permanent, presented a rule of apportionment, fixed the number of members of the House at 233, and directed the Secretary of the Interior thereafter to make the apportionment. The apportionment under the census of 1860 was also made under this law, but Congress, on March 4, 1862, fixed the total number of members at 241, and the Secretary of the Interior apportioned the new quotas to the states.

The apportionments from and after the census of 1870 were made by Congress, each by a separate act; hence it may be assumed that the power conferred on the Secretary of the Interior by the act of May 23, 1850, was repealed by implication.

## POPULATION FOR APPORTIONMENT PURPOSES: 1910.

STATE.	Total population: 1910	Indians not taxed: 1910	Population basis of apportionment.	STATE.	Total population: 1910	Indians not taxed: 1910	Population basis of apportionment.
Alabama.....	2,138,093	.....	2,138,093	New York.....	9,113,614	4,690	9,108,934
Arkansas.....	1,574,449	.....	1,574,449	North Carolina.....	2,206,287	.....	2,206,287
California.....	2,377,549	988	2,376,561	North Dakota.....	577,056	2,653	574,403
Colorado.....	799,024	452	798,572	Ohio.....	4,767,121	.....	4,767,121
Connecticut.....	1,114,756	.....	1,114,756	Oklahoma.....	1,657,155	.....	1,657,155
Delaware.....	202,322	.....	202,322	Oregon.....	672,765	.....	672,765
Florida.....	752,619	.....	752,619	Pennsylvania.....	7,665,111	.....	7,665,111
Georgia.....	2,609,121	.....	2,609,121	Rhode Island.....	542,610	.....	542,610
Idaho.....	325,594	2,154	323,440	South Carolina.....	1,515,400	.....	1,515,400
Illinois.....	5,638,591	.....	5,638,591	South Dakota.....	583,888	8,212	575,676
Indiana.....	2,700,876	.....	2,700,876	Tennessee.....	2,184,789	.....	2,184,789
Iowa.....	2,224,771	.....	2,224,771	Texas.....	3,896,542	.....	3,896,542
Kansas.....	1,690,949	.....	1,690,949	Utah.....	373,351	1,487	371,864
Kentucky.....	2,289,905	.....	2,289,905	Vermont.....	355,956	.....	355,956
Louisiana.....	1,656,388	.....	1,656,388	Virginia.....	2,061,612	.....	2,061,612
Maine.....	742,371	.....	742,371	Washington.....	1,141,990	1,856	1,140,134
Maryland.....	1,295,346	.....	1,295,346	West Virginia.....	1,221,119	.....	1,221,119
Massachusetts.....	3,366,416	.....	3,366,416	Wisconsin.....	2,333,850	1,007	2,332,853
Michigan.....	2,810,173	.....	2,810,173	Wyoming.....	145,965	1,307	144,658
Minnesota.....	2,075,708	1,332	2,074,376	Total for 46 states.....	91,109,542	37,425	91,072,117
Mississippi.....	1,797,114	.....	1,797,114	Arizona.....	204,354	24,129	180,225
Missouri.....	3,293,335	.....	3,293,335	New Mexico.....	337,301	10,318	316,983
Montana.....	376,053	9,715	366,338	Total, including Arizona and New Mexico.....	91,641,197	71,872	91,569,325
Nebraska.....	1,192,214	.....	1,192,214	District of Columbia.....	331,069	.....	.....
Nevada.....	81,875	1,582	80,293	Total for the United States.....	91,972,266	.....	.....
New Hampshire.....	430,572	.....	430,572				
New Jersey.....	2,537,167	.....	2,537,167				