

the question; otherwise the answer was in the negative. In support of this answer the judges pointed out a significant distinction according to whether the convention is called by the legislature alone or called by the legislature after an affirmative vote therefor on the part of the people. They said (55 R.I. 98, 178 A. 452): "In the first instance the legislature summons the convention without permitting the people to limit the power of their delegates or to prescribe the manner in which they shall proceed to perform the task intrusted to them. Under such circumstances, to permit the general assembly to set bounds to the authority of the convention is to exalt the legislature, the agent, above its principal, the people. This cannot be. In such a case the general assembly is held to have summoned the people to sit, by their delegates, in convention untrammelled by rules or restraints of any kind that will interfere with the performance of its proper functions. This is the prevailing view of the authority of such conventions and appears to be the logical view. In the second instance, the legislature summons the convention only after the people have expressed their will to this effect. If, at the time the question of calling the convention is submitted to them, the people are informed of the scope of the convention and the manner in which it is to conduct its deliberations and report its results by virtue of the act of the general assembly specifying such matters, then a convention called in this manner will be limited as therein set forth and the convention will then be bound to confine itself within the stated limits of the act of the assembly. The reason for this is that it is the people, under such circumstances, who prescribe the conditions in the legislative act by approving the call for the

convention in accordance with the provisions of such act. The legislature merely proposes the conditions. It is the vote of the people for the convention that ratifies them and makes them binding upon the delegates. 6 R.C.L. 27, § 18. For this reason, in order that the delegates be so bound, it is necessary for the general assembly to propose the conditions before the election is held, and to take all necessary steps to bring them to the attention of the people seasonably before the time of voting at the election." Similarly, as to question (2) it was stated (55 R.I. 99, 178 A. 452) that if the general assembly calls the convention, then the convention itself may disregard any legislative directions for ratification of its work by the people and prescribe a method of its own.

However, this question was also answered unconditionally in the affirmative, primarily on the ground that all the legislative precedents in the state were in support of the view that the legislature can provide that the work of the convention should be submitted to the people for ratification or rejection, and that whether prescribed by the general assembly or the convention, in either case a reference to the people for their approval is a necessary and final step without which the work of the convention is lacking legality. With respect to question (3) the opinion says (55 R.I. 100, 178 A. 453): "If this question refers only to the matter of making a final count of the votes and officially reporting the result so that it may be duly registered and recorded as an authentic act of the people, we think, for the reasons given in answer to question (e) [question 2, *supra*], that such act of the general assembly would be valid. If the question refers to the power of the general assembly to provide by law that the vote of a majority