

of the electors voting thereon shall be sufficient for ratification and adoption, our opinion, in view of the legislative precedents in this state, is that it has that power. Whether the exercise of it is subject to a power in the convention to require a larger majority is one which is not asked and which in the present state of the authorities we prefer not to answer. Of course if this question of the necessary majority is submitted to the people, their decision is final."

CASES SUSTAINING POWER

The courts seem to agree that the powers of a constitutional convention may be effectively limited by the terms of a statute calling the convention into existence which has been approved by the people at an election held for that purpose, *State v. American Sugar Ref. Co.*, 137 La. 407, 68 So. 742 (1915); *Foley v. Democratic Parish Committee*, 138 La. 220, 70 So. 104 (1915); *Hayne v. Assessor*, 143 La. 697, 79 So. 280 (1918) (recognizing rule); *Wunderlich v. New Orleans R. & Light Co.*, 145 La. 21, 81 So. 741 (1919); *Sheridan v. Washington Parish*, 145 La. 403, 82 So. 386 (1919); *Re Perez*, 146 La. 373, 83 So. 657 (1920); *Opinion of Justices*, 6 Cush. (Mass.) 573 (1833); *Loring v. Young*, 239 Mass. 349, 132 N.E. 65 (1921); *Erwin v. Nolan*, 280 Mo. 401, 217 S.W. 837 (1920); *Re Opinion to Governor*, 55 R.I. 56, 178 A. 433 (1935), *supra*, II; *State ex rel. M'Cready v. Hunt*, 20 S.C.L. (2 Hill) 1 (1834); *Staples v. Gilmer*, 183 Va. 613, 33 S.E. (2d) 45 (1945).

Where under a Constitution which vested no authority in the legislature, in its ordinary action, to provide by law for submitting to the people the expediency of calling a convention of delegates, for the purpose of revising or was submitted by the house of represent-

altering the Constitution, a question arises to the Supreme Judicial Court of Massachusetts as to whether, if the legislature should submit such a law for the purpose of revising or altering the Constitution in any specified parts of the same, and a majority of the people should decide in favor thereof, such convention could propose to the people amendments in other parts of the Constitution not so specified, the justices answered in *Opinion of Justices*, 6 Cush. (Mass.) 573 (1833), that the delegates would derive their whole authority and commission from the vote of the people, and that "upon the general principles governing the delegation of power and authority, they would have no right, under such vote, to act upon and propose amendments in other parts of the Constitution not so specified." At the same time the justices called attention to the fact that, in view of the lack of constitutional authority in the legislature to pass such a law, it was difficult to give an opinion upon the question what would be the power of the convention if called. To the same effect is *Loring v. Young*, 239 Mass. 349, 132 N.E. 65 (1921).

Where, under a Constitution which conferred no express authority upon the legislature to call a constitutional convention, the legislature passed a law calling such a convention, the defined province of which was to "consider" amendments to the existing Constitution, and requiring the people to vote upon the selection of delegates to the convention, it was held in *Erwin v. Nolan*, 280 Mo. 401, 217 S.W. 837 (1920), that the constitutional convention thus assembled had the power only to "consider," but not to pass, constitutional amendments, these amendments not to become effective until adopted by the people. Rejecting the contention