presumed to ratify the terms of the legislative call, which thereby becomes the basis of the authority delegated to the convention."

To the same effect is *Re Perez,* 146 La. 373, 83 So. 657 (1920), involving a provision in the new Constitution purporting to confer upon the Supreme Court the authority, not existing under the former Constitution, to fill a vacancy in the office of district judge, caused by death or resignation or otherwise.

Also to the same effect is *Wunderlich v. New Orleans R. & Light Co.,* 145 La. 21, 81 So. 741 (1919), involving a provision in the new Constitution purporting to change the jurisdiction of the courts of appeal.

See State ex rel. Fortier v. Capdevielle, 104 La. 561, 29 So. 215 (1901), where the court observed that "the people when they voted for the holding of the convention, voted for it to be held 'in accordance with Act No. 52 of 1896,' thus instructing their delegates, elected at the same time, to observe the limitations placed upon the power of the convention by the act of the legislature."

See also *State v. Jones,* 151 La. 714, 92 So. 310 (1922), where the court said that "with the exception of certain limitations and prohibitions relative to the indebtedness of the state and its political subdivisions, the tenure and salaries of officers, and the removal of the state capital, the power of the convention to frame and adopt a new Constitution was as full as could be conveyed by the legislature and the people of the state."

For cases recognizing the enabling statute as the source of the powers of the convention, *see Louisiana R. & Nav. Co. v. Madere,* 124 La. 635, 50 So. 609 (1909); *Pender v. Gray,* 149 La. 184, 88 So. 786 (1921), *supra,* footnote 6; *Lobrano v. Plaquemines Parish,* 150 La. 14, 90 So. 423 (1921).

CASES DENYING POWER

Assuming that the legislature was authorized to call and called a constitutional convention without an affirmative vote by the people, its power to limit the powers of such convention in the law calling it was denied in *Re Opinion to Governor,* 55 R.I. 56, 178 A. 433 (1935), *supra,* II.

In at least one case, *Carton v. Secretary of State,* 151 Mich. 337, 115 N.W. 429 (1908), the power of a legislature to limit the powers of a constitutional convention, as regards the date of the election on which its work was to be submitted to popular vote, was denied, where it appears from the facts that the law containing the limitation, though apparently passed before the people elected the candidates to the constitutional convention, was not enacted until after the people had voted to require the legislature to provide for such an election. Under a Constitution which required that the question of a general revision be submitted to the electors and if the electors voted for such revision, the legislature at its next session should provide by law for the election of delegates to the convention, the legislature passed a law calling such convention, and provided therein that the proposed Constitution be submitted to a vote of the people at the April election of 1908, but the convention, not having completed its work until February 21, 1908, provided that the instrument should be submitted at the general election in November, 1908. As against his contention that the convention had no power to fix a date other than that provided by the legislature, the secretary of state was directed by mandamus to take the