of its own.[14] An injunction restraining, *inter alia,* the election commissioners appointed by the convention from directing the elections was granted. The court pointed out that, the constitutional convention not being provided for in the existing Constitution as a mode for revising or amending its provision, the Act of 1872 "necessarily became the channel of their authority," and that the power of the legislature to pass that law "carries with it of necessity that to frame and declare the terms of the law." The court said: "When the people voted under this law, did they not vote for delegates upon the express terms that they should submit their work to the people for approval? Did not every man who went to the polls do so with the belief in his heart that, by the express condition on which his vote was given, the delegates could not bind him without his subsequent assent to what the delegates had done? On what principle of interpretation of human action can the servant now set himself up against the condition of his master and say the condition is void? Who made it void? Not the electors; they voted upon it. The people required the law, as the act of the existing government, to which they had appealed under the Bill of Rights, to furnish them legal process to raise a convention for revision of their fundamental compact, and without which legal process the act of no one man could bind another. This law, being unrepealed, and being acted upon by the people, became their own delegation of authority—the chart of the delegates to guide and control them in the duties they were elected to perform as the servants of the people. Without this legislation the convention had not existed; and to exist on terms not found in or contrary to the law is to seek for a grant of powers to be found nowhere else, except in a state of revolution." The claim was also made that the convention refused to submit the judiciary article of the new Constitution separately to a vote of the people, although one-third of its members required such submission. The court held that if the convention "did this wrong, no appeal is given to the judiciary, and the error can be corrected only by the people themselves, by rejecting the work of the convention" (p 56).

To the same effect, though without a decision on the merits, is *Woods's Appeal,* 75 Pa. 59 (1874).

See the dissenting opinion of Bennett, J., in *Miller v. Johnson,* 92 Ky. 589, 18 S.W. 522, 15 L.R.A. 524 (1892), holding invalid changes in the Constitution made by a constitutional convention after its work had been approved by the people, where these changes, in disregard of the requirements of the statute providing for the calling of the convention, were never submitted to or voted upon by the people.

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In *Bass v. Albright,* (1933; Tex. Civ. App.) 59 S.W.(2d) 891, the court discussed the question whether an ordinance, dealing with the terms of the district courts of Texas and adopted by the constitutional convention of 1875, would be valid, if it had not been submitted to the people for ratification, although the question seems purely academic, since in fact, the ordinance had been so submitted, together with the new Constitution. The court said:

[14] In W. DODD, REVISION AND AMENDMENT OF STATE CONSTITUTIONS 83 n. 20 (1910), the author suggests that the action described in the text was taken "because the regular election machinery of Philadelphia was admittedly corrupt, and there was strong reason to suspect that it would be employed fraudulently to defeat the proposed new constitution."