

necessary steps to submit to the electors at the next November election the Constitution framed by the constitutional convention. Three of the justices dissented. Even the majority of the court did not agree among themselves as to the reasons in support of the decision. The position of the relator is most clearly described in the dissenting opinion of Hooker, J. (151 Mich. 373, 115 N.W. 442) as follows: "The contention of the relator is, in substance, that the legislature has attempted an act not within its power, viz., to fix the time of the submission of the proposed Constitution to vote by the people, and he asserts that such is one of the subjects within the power of the convention. This assertion we understand does not rest upon any express declaration, either constitutional or legislative, that such power be conferred upon the convention, but upon the proposition that the convention, when organized, becomes a body strictly representative of the sovereign—i.e., the electors in the aggregate—that it acts for the sovereign, and in its name, and has become possessed by its (the sovereign's) authority of all the powers inherent in the sovereign, which the sovereign could have exercised had it—the people—been assembled en masse." Several justices took the position that the existing Constitution fixed the date for the submission to the people of a revision proposed by the constitutional convention and that consequently the fixing of a different date in the law calling the convention was invalid as in violation of the constitutional command. However, Grant, Ch. J., with whom Blair, J., concurred, took the broader ground that under the existing Constitution the legislature had no power to limit the powers of the constitutional convention. He said (151 Mich. 340, 115 N.W. 430): "The sole power conferred upon the

legislature in regard to changes in the Constitution is confined to three things: (1) To submit to the people single amendments. Section 1, art. 20. (2) To submit to the electors the question whether they desire a general revision of the Constitution. Section 2, art. 20. (3) If the electors so desire, 'to provide by law for the election of delegates to such convention.' Section 2, art. 20. By necessary implication the legislature is prohibited from any control over the method of revising the Constitution. The convention is an independent and sovereign body whose sole power and duty are to prepare and submit to the people a revision of the Constitution, or a new Constitution to take the place of the old one. It is elected by the people, answerable to the people, and its work must be submitted to the people through their electors for approval or disapproval." In his dissenting opinion, Hooker, J., took the view that the fixing by the legislature of the time when the proposed Constitution was to be submitted to the vote by the people was valid and binding, but added (151 Mich. 379, 115 N.W. 444): "In what has been and is to be said there is no intention to dispute the fact that the convention has a sphere in which the legislature cannot intrude, a discretion which it cannot control, but that discretion has its clear limitations."

The power of the legislature to limit the powers of a constitutional convention with respect to the procedure to be adopted by the convention was denied in *Goodrich v. Moore*, 2 Minn. 61, Gil 49, 72 Am. Dec. 784 (1858). The plaintiff, as state printer, relying upon a legislative appropriation, claimed the right to print the journals and proceedings of the constitutional convention, while the defendant claimed the right to do the printing under a contract with the presi-