

voters sign a petition, asking for the enactment of a statute embodying a certain principle, the legislature shall at once submit a statute to the people at a special election, and also that, on the petition of the same number of voters, any law which the legislature may already have enacted must be submitted to the people, such law to become inoperative if a majority cast their votes against it. The simultaneous adoption both of the initiative and of the referendum in regard to ordinary legislation, is certainly a very drastic innovation. There are, however, some considerations which seem to justify the anticipation that the practical effects of the new provision may be less serious than might, at first sight, be supposed. In the first place, it would seem that the machinery thus provided for legislating directly by the people is not likely to be put into operation except where the principle which it is proposed to embody in a law is susceptible of being expressed in very simple terms, and is a fit subject-matter for acceptance or rejection by a plain affirmative or negative. Any kind of legislation which must necessarily be shaped by mutual compromise following upon discussion between persons who have an opportunity for a free interchange of views, will, we fancy, continue to be recognized as the appropriate domain of a representative body. Then, again, it should be remembered that the American commonwealth have long been familiar with the operation of the referendum in ascertaining the wishes of the people in cases where changes of their organic laws are in question. As Professor Bryce pithily puts it: "A State constitution is really nothing but a law made directly by the people voting at the polls upon a draft submitted to them." *Am. Comm.*, vol. 2, p. 33. Another important fact should also be noted, viz., that these organic laws, to use the words of the same author, "deal with a variety of topics which in Europe would be left to the ordinary action of the legislature or of administrative authorities; and it pursues these topics into a minute detail hardly to be looked for in a fundamental instrument" (*Am. Comm.*, vol. 2, p. 34). Manifestly, therefore, the effect of such a constitutional provision as that which has just been adopted in South Dakota has been largely discounted in advance.

An American writer of repute, Mr. Russell Lowell, has argued strenuously against the expediency of the referendum, taking the position that it must tend to obliterate that distinction between organic and ordinary statutes which is considered to be the