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Editorial Notes

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RALPH F. FUCHS, A.B., Washington University, 1922; LL.B., 1922; Ph.D., Robert Brookings Graduate School, 1925, contributes *Judicial Method and the Constitutionality of the N. I. R. A.* Mr. Fuchs has been a frequent contributor to the St. Louis Law Review of articles concerned with legal problems of social and political import. *His Collective Labor Agreements Under Administrative Regulation of Employment* appears in the current issue of the Columbia Law Review.

EDWARD S. STIMSON, A.M., Ohio State University, 1922; S.J.D., University of Michigan, 1930, submits *Conflict of Workmen's Compensation Laws*. Mr. Stimson is the author of *Jurisdiction and the Power of Taxation*, and of numerous Law Review articles concerned with jurisdictional questions.

Notes

A PROBLEM IN THE PERSONNEL OF THE FEDERAL CORPORATION

I.

The processes of government at times seem recurrent and cyclical rather than evolutionary. In the early nineteenth century the lack of a mature and adequate doctrine of the police power was supplied in this country by a resort to the governmentally owned and operated corporation as a means of controlling through monopoly or competition certain forms of economic activity.¹ Soon, however, this form of horizontal control began to give place to an ever increasing imposition of administrative regulations from above. At the time of the World War the government had almost completely evacuated the field of business enterprise and had retired into a regulatory Olympus from whence it ruled the scene through legislative enactment and administrative orders.² With the War came a temporary reflowering of the government corporation;³ but peace brought speedy

¹ Notable examples are: the Bank of the United States, 1 Stat. 191 (1791); 3 Stat. 266 (1816); and see *McCulloch v. Maryland* (1819) 4 Wheaton 316; the various state banks, see *Bank of the United States v. Planters Bank of Georgia* (1824) 9 Wheaton 904; *Bank of Kentucky v. Wister* (1829) 2 Peters 318; *Briscoe v. Bank of Kentucky* (1837) 11 Peters 257; *Darrington v. Bank of Alabama* (1851) 13 Howard 12; states frequently owned stock in railroad companies, see *Western and Atlantic Railroad Company v. Carlton* (1859) 28 Ga. 180; *State ex rel. Clark v. Stanley* (1872) 66 N. C. 59. For a case in which the United States subscribed for stock in a state chartered canal company see 12 Ops. Atty. Gen. 350 (1868). Refer to Field, *Government Corporations, a Proposal* (1935) 48 Harv. L. Rev. 775.

² Exceptions to this general tendency existed in the colonial possessions of the United States. In the Canal Zone the government purchased and operated the Panama Railroad Company; see 30 Ops. Atty. Gen. 508 (1915); *Panama Ry. Co. v. Curran* (C. C. A. 5, 1919) 256 Fed. 768; *Salas v. United States* (C. C. A. 2, 1916) 234 Fed. 842; *Jacobson v. Panama Ry. Co.* (C. C. A. 2, 1920) 266 Fed. 344; 27 Ops. Atty. Gen. 19 (1908). In Alaska the Alaska Northern Railway, *Ballaine v. Alaska Northern Ry* (C. C. A. 9, 1919) 259 Fed. 183.

³ The most familiar of the War corporations are: The United States Shipping Board Emergency Fleet Corporation 39 Stat. 731 (1916); The