Commissions

W. F. Kuzenski

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COMMISSIONS

In this issue of the MARQUETTE LAW REVIEW is contained an article by a member of the Wisconsin Tax Commission, ably setting forth the Commission idea. The author is satisfied that administration by a commission is the most efficient method of procedure; and because of that efficiency, the work of the commissions should, to a large extent, supersede the work of the courts in working out ministerial details. He would remedy the classical delay of justice by having a technical commission, not bound by antiquated rules of law and procedure, ferret out the facts.

The conservative lawyer has two primary objections to commissions. He alleges, first, that the idea underlying such agencies is foreign to that prevailing when the constitution was adopted, namely necessary separation of governmental functions into separate legislative, executive and judicial powers. Daily, he contends, commissions are encroaching more and more on the distinct powers of each of the separate branches of government, being the more efficient in proportion as they assume more of the powers of each. He asserts that by means of these boards we are securing efficiency but are promoting that centralization so feared by the founders of our government.
His second objection is that the procedure before commissions, so flagrantly violative of adjective law built on the judicial wisdom of centuries, is not conducive of that high standard of justice which is so distinctive a feature of the Common Law.

The Common Law has always been pointed to with pride because of its ability to adapt itself to the progress through the ages. Is the Commission the pre-eminent contribution of our Industrial Age to its unrivalled system of jurisprudence? Does substantial justice require a curtailment or extension, or only a modification of the modern powers of commissions?

W. F. KUZENSKI, Editor.