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STUDENT NOTE

APPLICABILITY TO STATES OF FEDERAL LEGISLATION SPEAKING IN GENERAL TERMS

Washington State offered to sell timber from state school lands to the highest bidder. The congressional enabling act and the state constitution provided that these lands be sold at "public sale" and "not be sold except to the highest bidder." The state commissioner of public lands at a public action received a bid of \$86,335.39 from a pulp lumber company for timber. The price administrator, relying on the Emergency Price Control Act of 1942 informed the company that its bid exceeded the ceiling price and if it paid such price it would be prosecuted. In another suit the state supreme court held that the Emergency Price Control Act did not apply to state sale of timber from school lands. The price administrator sued in the federal court to enjoin the state commission of public lands and the highest bidder from completing the sale at a price above the ceiling. The district court held for defendant. The circuit court of appeals reversed and the supreme court granted certiorari. *Held*, that the Emergency Price