JUDICIAL REVIEW OF ADMINISTRATIVE DETERMINATIONS AND THE DOCTRINE OF SEPARATION OF POWERS

The statute creating the State Water Commission provided for a review by certiorari in the circuit court with an appeal to the Supreme Court of Appeals. It also authorized the circuit court to hear evidence and make such order as the whole matter demanded. The commission ordered the city of Princeton to install a certain sewage plant or stop dumping its sewage into Brush Creek. The Supreme Court of Appeals held the statute unconstitutional as an attempt to delegate legislative functions to the judiciary. Danielley v. City of Princeton.

The doctrine of separation of powers is merely a practical device for the division of labor. All governmental powers are

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1 W. Va. Rev. Code (1931) c. 38, art. 5.
2 167 S. E. 620 (W. Va., 1933).
3 Pound, Spurious Interpretation (1907) 7 Col. L. Rev. 379, 384. No one will assert at present that separation of powers is part of the legal