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Constitutional Law--Separation of Powers--Judicial Review of Administrative Discretion

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same detriment by promising to pay and by paying a third party. The New York Supreme Court recently held an agreement similar to that in the principal case binding, and allowed the sole beneficiary to recover. *Harbeck v. Harbeck*, 87 Misc. Rep. 420, 149 N. Y. Supp. 791, affirmed in 170 App. Div. 910, 154 N. Y. Supp. 1125. There is a *dictum* to the same effect in an early Virginia case. *Price v. Winston*, 4 Munf. 63 (Va.). It is true a promise to make a gift is not binding. *Presbyterian Church of Albany v. Cooper*, 112 N. Y. 517, 20 N. E. 352. See WALD'S POLLOCK, CONTRACTS, 3 ed., 186. But if the promisee incurs a detriment in reliance upon the promise, it becomes enforceable. *Devecmon v. Shaw*, 69 Md. 199, 14 Atl. 464. See WALD'S POLLOCK, CONTRACTS, 3 ed., 186. B, in the principal case, in reliance upon A's promise, incurred a detriment both by giving his counter promise and by performing it. Moreover, in cases where several individuals promise some third party, not each other, as in this case, to contribute money to some charitable purpose, it is held, on one theory or another, that these promises are enforceable. See WALD'S POLLOCK, CONTRACTS, 3 ed., 186 n. 3. The principal case should be an *a fortiori* one. On principle and authority, therefore, the conclusion reached by the court in the principal cases seems open to doubt.

—W. F. K.

CONSTITUTIONAL LAW—SEPARATION OF POWERS—JUDICIAL REVIEW OF ADMINISTRATIVE DISCRETION.—A West Virginia act (1917 ACTS, WEST VIRGINIA, c. 57) provided that before any municipality might issue bonds payable by taxation, the validity of the bond issue should first be approved by the Attorney General. His approval was to render the validity of the indebtedness forever incontestible in any court, unless, within ten days, a taxpayer filed a petition in the Supreme Court of Appeals, asking that the Attorney General's action be reversed or modified. The Court was then to proceed as in cases of original jurisdiction, and to decide the matter, on the merits, as it saw fit. *Held*, the statute does not violate the separation of powers. *State ex. rel. Allen v. England*, 103 S. E. 400 (W. Va. 1920).

For a discussion of this case, see NOTES, p. 84