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ADMINISTRATIVE LAW — STATUTORY INTERPRETATION — CONCLUSIVE-
NESS OF DECISION — Pursuant to an order of the Interstate Commerce Com-
mission, the government had paid defendant $487,116.31 as the deficit incurred
during federal control and due defendant under section 204 of the Transpor-
tation Act of 1920. The Commission later reopened the proceeding and
annulled the order because it had erroneously interpreted the word “deficit”
in the statute to mean a decrease in net railroad operating income in the
federal control period as compared with the corresponding months of the test
period from July 1, 1914, to June 30, 1917, instead of a “red ink deficit.”
The government then sued to recover the money. Held, that the Commission
was acting within its jurisdiction in interpreting the statute, and no method of
review was available even though the Commission committed error. Butte,
L. ed. 103 (1933).

Interpretation of statutes by administrative tribunals is a matter of law
which is usually considered jurisdictional, hence subject to review by the courts,¹
as contrasted with determination of fact questions where the administrative
tribunal’s decision is conclusive if not arbitrary.² The scope of review differs
because in the former situation the court feels more competent to decide the
question than in the latter where the matters decided necessitate technical
knowledge. The principal case indicates that as tribunals become better estab-
lished and their personnel more reliable there is a tendency to treat them as
courts, leaving to their final determination questions of law hitherto deemed
jurisdictional.³ This is particularly true where the decision calls for a certain

385, 68 L. ed. 784 (1924); Gorham Mfg. Co. v. State Tax Commission, 266 U. S.
265, 45 Sup. Ct. 80, 69 L. ed. 279 (1924); De Pauw University v. Brunk, (D. C.
W. D. Mo. 1931) 53 F. (2d) 647, for an interesting commentary on the require-
ment that the legal remedy must be one in the federal courts; Central Railroad Co. of

49 L. ed. 449 (1905); Uphoff v. Industrial Board of Illinois, 271 Ill. 312, 111
N. E. 128 (1916); Packet v. Moretown Creamery Co., 91 Vt. 97, 99 Atl. 638
(1917); Oliphant v. Hawkinson, 192 Iowa 1259, 183 N. W. 805 (1921); Page v.
New York Realty Co., 59 Mont. 395, 196 Pac. 871 (1921). See discussion and
cases under Workmen’s Compensation Acts in L. R. A. 1916A 23 at 269.

³ For a similar development as to administrative officers see United States ex rel.
Riverside Oil Co. v. Hitchcock, 190 U. S. 316, 23 Sup. Ct. 698, 47 L. ed. 1074
amount of expert knowledge, and where testimony in court will not effectively illuminate the issue.\(^4\) It would seem that these considerations influenced the result in the instant case, since the meaning of “deficit” would be more easily determined by a commission of experts than by a court,\(^5\) and testimony would not readily aid in reaching a conclusion as to the legislative intent.

L. E. H.


\(^5\) 1 Geo. Wash. L. Rev. 278 (1933) criticizes the meaning attached to the word by the Commission.