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Courts Note Value Of The Dollar

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COURTS NOTE VALUE OF THE DOLLAR

In discussing the subject of excessive verdicts, some of our courts have recently given expression to statements that indicate that they are no longer following legal precedents blindly. Members of the profession should take note of this trend.

1. "At a period when the purchasing power of the dollar has, in language of the day, been 'cut in half,' the value of the sum awarded here is not to be estimated in the numerical quantum of the recompense, but in its comparative ability to furnish the necessities of life."—*Bowes vs. Public Service Ry. Co.*

2. "In recent years there has been a noticeable increase in the size of verdicts in personal injury cases. The courts approve of verdicts today which would have been unhesitatingly set aside as excessive ten or fifteen years ago. Measured in money, the earning capacity of most men has increased; measured by its purchasing power, the value of a dollar has decreased. No immediate change in the situation is in sight. It is only right that these well known facts should be taken into consideration."—*Quinn vs. C. M. & St. P. Ry. Co.*, 202 *N. W.* 275.

3. "We must, as courts in other jurisdictions have done in passing upon similar questions as that involved herein, take judicial notice of the fact that the value of the dollar has materially changed from what it was some ten or fifteen years ago. Whether it is 'cut in half' as intimated by the excerpt from *Bowes vs. Public Service Co.*, or not, it is universally admitted that it has materially decreased in value from what it was a few years ago. There has been a corresponding increase in wages and salaries as well as in the cost of living in all walks of life. The sum of ten thousand dollars when measured by its present purchasing power is far less than what it formerly was. A verdict, therefore, in this amount ($10,000) for personal injuries may well be sustained by the courts of today, when formerly it would have been the duty to set it aside as excessive."—*O'Meara vs. Hayden and Henderson*, 75 *Cal.* 801 (1928).

SO WE HAVE ARGUED

Professor John Dickinson of Princeton, dealing with the subject of Administrative Law and the Fear of Bureaucracy, has this to say in the October issue of the American Bar Association Journal:

"The most direct and simple method of court review of administrative determinations is by use of the writ of certiorari, in some jurisdictions called the writ of review. This is obviously applicable only where the administrative action is of a definitely 'quasi-judicial' nature so that there is a record upon which the writ can operate. Its use amounts *pro tanto* to an implied abandonment of the separation of powers doctrine, since certiorari proceedings are substantially in the nature of an appeal from the administrative agency to the courts. The use of the writ has accordingly met with opposition, and in the Federal jurisdiction remains narrowly restricted (*Degge vs. Hitchcock*, 229 *U. S.* 162). On the other hand, the writ is increasingly employed in