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Civil Procedure—Per Curiam

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script.[45] In reply to the due process argument, the Court treated the remedial statute in question by stating that some type of notice, although not expressly stated in the statute, was given to the county in the form of a hearing when it moved to vacate that part of the order directing it to pay the costs of the minutes.

Upon the facts of the instant case, the Court could reasonably conclude that there had been no deprivation of due process, but intimated that, had there been no hearing as was accorded the county in its motion to vacate, or no notice given, a county could effectively challenge the constitutionality of the section. Even then, there would arise no substantial question until there had been a taking of property in the form of a payment by the county of public moneys.[46] In the case at hand, the action of the county could properly be viewed as an acknowledgment that it had notice of the claims of defendant-appellant and challenged the claim before making any payment.

Per Curiam

Summary Judgment—The Court, in *Friedman v. Marco*,[47] found enough questions of fact in the question of whether an agreement of sale violated the Insurance Law, as to preclude granting summary judgment.

Administrative Review—In *Drew v. State Liquor Authority*,[48] the Court refused to consider the effect of a Liquor Authority decision until another hearing, ordered by the Appellate Division,[49] had been held, in order to make further findings in regard to the rescission of a grant of a liquor license.

Injunction—The Court sustained the reversal of Special Term, and grant of a new trial, by the Appellate Division[50] in *Kraus & Bros. v. Bergman*,[51] where the trial judge had granted an injunction in a labor dispute without proof or findings of fact in regard to damage.

Statute of Limitations—The Court determined, in *McDermott v. Johnson*,[52] that section 1286 of the Civil Practice Act, which imposes a four month limitation period on commencing actions against governmental officers upon refusal to perform a duty, became effective upon the refusal of a superintendent of the Department of Public Works to allow certain seasonal barge employees to return to work.

45. *Id.* at 122, 157 N.Y.S.2d at 548.
46. *Id.* at 124, 157 N.Y.S.2d at 549.
47. 2 N.Y.2d 593, 161 N.Y.S.2d 882 (1957).
48. 2 N.Y.2d 624, 162 N.Y.S.2d 23 (1957).
49. 2 A.D.2d 75, 153 N.Y.S.2d 444 (1st Dep't 1956).
50. 285 App. Div. 611, 139 N.Y.S.2d 624 (1st Dep't 1956).
51. 2 N.Y.2d 155, 157 N.Y.S.2d 947 (1956).
52. 2 N.Y.2d 608, 162 N.Y.S.2d 9 (1957).

Grounds of Reversal—In *In re Kassebohm's Estate*,[53] the Appellate Division[54] had reversed the Surrogate's Court's finding, in relation to an inter vivos gift, with the statement that the lower court's finding "staggers credulity."[55] However since the opinion did not state whether the reversal was on the facts or on the law, the Court of Appeals was bound, under section 602 of the Civil Practice Act to consider it as being on a question of law. Holding that there was some basis of fact for the Surrogate's conclusion, thus precluding a reversal on the law, the Court[56] returned the case to the Appellate Division pursuant to section 606 of the Civil Practice Act to allow it to make a determination of fact.

Representation by Attorney—In less than eighty words, the Court, in *Oliner v. Mid-Town Promoters*,[57] held section 236 of the Civil Practice Act, in so far as it relates to the necessity of corporations appearing by attorney in litigation, not violative of any constitutional mandate. This provision, when added to the statute in 1939,[58] did not effect a change in New York law,[59] nor did it effect a departure from the majority rule throughout the country.[60] While the law gives to a corporation an entity capable of suing and being sued,[61] the entity is artificial and therefore cannot appear for itself.[62] Since it is unlawful for any person other than an attorney to appear for another person in legal proceedings,[63] requiring the same qualification in regard to an agent of a corporation is no more burdensome.

53. 2 N.Y.2d 153, 157 N.Y.S.2d 945 (1956).
54. 286 App.Div. 932, 142 N.Y.S.2d 877 (3rd Dep't 1955).
55. *Id.* at 933, 142 N.Y.S.2d at 877.
56. See note 53 *supra*.
57. 2 N.Y.2d 63, 156 N.Y.S.2d 833 (1956).
58. N.Y. Sess. Laws 1937, c. 694.
59. Aberdeen Bindery, Inc. v. Eastern States Printing & Publishing Co., 166 Misc. 904, 3 N.Y.S.2d 419 (Sup. Ct. 1938); Mortgage Commission v. Great Neck Improvement Co., 162 Misc. 416, 295 N.Y.Supp. 107 (Sup. Ct. 1937).
60. Bank of Bristol v. Ashworth, 122 Va. 170, 94 S.E. 469 (1917); Cobb v. Judge of Superior Court, 43 Mich. 289, 5 N.W. 309 (1880).
61. N.Y. CONST. art. 10 §4.
62. The Case of Sutton's Hospital, 10 Coke 32b, 77 Eng. Rep. 960, 973 (1613).
63. N.Y. PENAL LAW §270.