The Court of Appeals, 1951 Term Table of Contents

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THE COURT OF APPEALS, 1951-52 TERM

I. ADMINISTRATIVE LAW

In its 1951-52 term, the Court of Appeals dealt with several phases of the administrative process, including the role played by the courts. At the outset, it was faced with a basic problem of this branch of law, the proscription against statutory delegation of legislative power to an administrative body.\(^1\) The next step, \(i.e.,\) the actual administration of the statute by the tribunal or officer, is guided by the requirements of due process.\(^2\) Decisions of the Court in the past term accentuate the fact that procedure must be proper and in precise compliance with the statutory scheme.\(^3\) On appeal, although the litigant has properly proceeded before the agency, he may nevertheless experience great difficulty in invoking the jurisdiction of a court to review the administrative action.\(^4\) If jurisdiction is granted, the courts of this state find statutory as well as decisional rules governing the scope of review.\(^5\)

Delegation

Delegation of power to an administrative agency must not be delegation of legislative power.\(^6\) The function of the agency must be restricted to ascertaining facts and conditions to which the statute will apply.\(^7\) The policy of the law must be set by the legislature,\(^8\) and the statute must supply the methods to be used in carrying out such policy and the objectives which are to be attained; such standards are to guide the agency in administering the statute.\(^9\) In the now famous Miracle case,\(^10\) Education Law § 122 was involved. It provides that a license should be issued for the exhibition of any submitted film "unless such film or a part thereof is obscene, indecent, immoral, inhuman, sacrilegious, or is of such a character that its exhibition would tend to corrupt

10. *Supra n. 1.*