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Book Notes

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BOOK NOTES

RESTATEMENT OF THE LAW OF AGENCY. Adopted and promulgated by The American Law Institute at Washington, D. C., May 4, 1933. St. Paul, Minnesota: American Law Institute Publishers, 1933. Vol. I, pp. xxxiv, 636; Vol. II, pp. xxviii, 637-1390.

Work on the Restatement of the Law of Agency began in the fall of 1923 under direction of the late Floyd R. Mechem, professor of law in the University of Chicago, considered the leading living authority on the subject. Mr. Mechem was actively engaged in the work until his death in December, 1928, and three tentative drafts dealing with matters contained in the first five chapters of the present volumes were prepared under his direction. Warren A. Seavey, Mr. Mechem's principal adviser, was then selected as Reporter and the work continued to completion under his guidance.

The position taken by the Restatement seems to represent in several instances a compromise between widely differing points of view. Generally, the compromise seems satisfactory. It might have been expected from the tentative drafts that the Restatement would adopt the minority rule that an agent's authority is not terminated by death of the principal until notice of the death has been received. However, the majority rule has prevailed in spite of objections which may be made to it.

Differences in terminology can be noted which indicate that the reporter and his advisers have not hesitated to depart from beaten paths where improvement was necessary. In general, the Restatement of the Law of Agency seems to present a sound approach to the solution of the difficult and perplexing problems of the subject. Proper respect is accorded both theory and weight of authority.

CASES ON BUSINESS ORGANIZATION. Roswell Magill and Robert P. Hamilton. Vol. I. St. Paul, Minnesota: West Publishing Company, 1933. Pp. xv, 533.

Many law schools have replaced the standard courses in partnership and corporation law with courses on business organiza-

tion. In many of these courses the principles of the law of agency form the basic outline—agency in its relation to modern business units, with the emphasis upon the corporation aspect.

This casebook is the first volume of a two-volume series designed for use in such a course. This first volume deals entirely with the agency principles. In outline it follows closely the conventional topics and divisions of the subject, but an examination of the cases and materials indicates a successful attempt to present the fundamental agency concepts in a closer relation to the business problems of today. The book seems to be fully annotated with references to other cases and suggested problems. Many references are to be found to the American Law Institute's Restatement of the Law of Agency.

The series when complete will present a comparison of the various forms of business organization. However, volume one will be found suitable for use as an agency casebook where courses in agency, partnerships, and corporations are given separately.

CASES ON THE LAW OF SALES. Frederic Campbell Woodward.
(Third Edition by Lawrence Vold.) St. Paul, Minnesota:
West Publishing Company, 1933. Pp. xxxi, 988.

This new edition of Professor Woodward's well known collection of cases on the law of sales, revised by Professor Lawrence Vold, has been prepared with the idea of retaining the leading American and English cases in the earlier editions in order to illustrate the growth of the law of sales. At the same time, many recent decisions have been added involving interpretations of the Uniform Sales Act and illustrating modern business methods.

The author does not follow the order of the Uniform Sales Act, but very properly starts out the book with the subject of the transfer of title, which is the essence of every contract of sale and should be the first subject treated in any book on sales. Many of the cases in the first and second edition of Woodward have been reduced to footnotes or problem cases. A new section has been added dealing exclusively with open price sales contracts, and the chapter dealing with transfer of property and title has been rearranged so that cases dealing with intention to

transfer title, credit transactions, trust agreements, and transfer of undivided interests are grouped together. The author has also apparently intentionally omitted much of the material available in other text and case books on the assumption that such material would be at the disposal of the student in the school library.

The author is to be particularly congratulated upon the assembling of many typical documents involving financing contracts, sales forms, bills-of-lading, leases, and consignment memorandum forms in the appendix.

ILLINOIS CIVIL PRACTICE ACT ANNOTATED. Edited by O. L. McCaskill under direction of Illinois State Bar Association. Chicago: The Foundation Press, Inc., 1933. Pp. xv, 458; appendices pp. 206.

Revolutionary changes of necessity work much uncertainty and confusion regardless of their justification. Much criticism has been directed at the new Illinois Civil Practice Act because the certainty of established rules of practice has been shaken. Until the act has been interpreted by judicial decision the new procedure will remain uncertain. This annotated work will not remove all doubt, but it will assist lawyers and judges in interpreting the act.

Changes effected on present practice, with the purpose of the change, the source of the text, and the construction which has been placed on similar provisions in the jurisdiction from which the text was borrowed are included in the annotations. Annotations are given to the schedule of rules of court and in the back of the book are to be found forms for trial and appellate practice. These forms are exemplary—they are not meant to be a compendium.

It is to be hoped that this work may be kept up to date with annotations and with amplifications on such branches as probate—nothing definite in the book answers possible queries as to the effect of the act on probate practice and procedure. However, the timely appearance of the work is a spark of cheer in the darkness of doubt and the hapless practitioner will be only too glad to have a volume on his shelves.