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BOOK REVIEWS

Cases on Agency, Roscoe T. Steffen, West Publishing Company.

Cases on Business Organization, Roswell Magill and Robert P.

Hamilton, West Publishing Company.

The appearance of these books at about the same time that the American Law Institute's Restatement of the Law of Agency appeared and the contrast they disclose in the matter of their contents furnish a striking illustration of the changes now in process in the order of presentation of materials for law study.

Huffcut stressed the difference between the relationship of principal and agent and that of master and servant and in the principles that controlled liability in each relationship. Book I in his case book is devoted exclusively to agency material and Book II to cases involving the acts of servants.

The Restatement treats both relationships as one and applies many principles associated with agency proper to cases of pure service. Chapter 7 discusses the tort liability of "principals" to third persons for torts, first, when the representative is a servant and second, "of agents who are not servants." See also sections 25, 283, 291, 317, 429 and 461. Innumerable sections declaring rules applicable to "agents" are illustrated by examples in which the "agent" was merely a servant. The fellow servant rule is fully discussed, as are the non-delegable duties of masters, the servant's assumption of risk, etc. (See Sections 473 to 528).

Professor Steffen was an adviser of the Reporter of the Restatement from 1929 until its completion and Professor Magill advised the committee at several of its conferences. The former has been teaching at Yale and the latter at Columbia during this period. The Table of Contents in each of their books impresses one with its brevity.

Professor Steffen thinks that "intensive study of fewer trees gives a much better view and understanding of the forest than is otherwise possible." His first object was to give "a realistic approach to the subject." and as "the center of gravity in the Agency field has long since shifted to the problems of business organization," he has decided to "conserve important teaching and ideological values" by "integrating with the Agency course the corporation and partnership applications of agency principles." Students are to get "a fairly clear picture of the whole sweep of modern business and personnel organization." He notes that the law school curriculum is coming to be subject to "almost daily reorganization" but he thinks his material should be studied by students in their first year. "The briefed case was conscripted in considerable numbers, principally for its disquieting effect." Some section titles are:

"Tenure-Officers and Directors, Management Responsibility for Losses, The Risk of Business Failure, Ultra Vires Corporate Transactions, Joint Stock Associations and Business Trusts," etc. Of course, the old outline is completely lost but by use of the index one will find that the matter usually featured in reported cases is tucked away somewhere in a foot note or in the head notes which precede each section.

Professors Magill and Hamilton have likewise sought "to coordinate, for teaching purposes, materials relating to all the principal forms of business organization." Their dominant purpose was to enable a student to give intelligent advice to a client as to the form of business association best suited to his needs, pointing out the relative advantages and disadvantages of the various forms, and as to just how the gentlemen who organize and manage business enterprises may best attain their "intensely practical objectives." For several years they sought to attain this result by collecting material on devices available for financing business, devices relating to control of it and those by means of which profits and losses can be placed where the client may desire.

But they are now convinced at Columbia that Agency should be studied "in advance of a consideration of the various aspects of the law of Partnership and Corporations." Accordingly Volume 1 of their collection of materials is devoted exclusively to Agency and the arrangement does not differ greatly from that contained in the collections of Goddard, Keedy, Mechem and Huffcut. The notes frequently refer to the Tentative Drafts of the Restatement of the Law of Agency. Unfortunately the Final Draft made radical changes in the drafts prepared by Professor Mechem in the five years he was the Reporter. He prepared 368 sections. These have been reduced to 139 and much material therein contained is now to be found in the "Comment." The publishers have inserted a table to enable the student to find cited material in the final draft. This is the only book as yet available which ties in the wealth of suggestive material contained in the Restatement.

J. P. McKeehan.