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## Book Reviews

Thomas Gately

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will not do to say that the jury might accept the declarations for any light that they might cast upon the existence of a vital urge, and reject them to the extent that they charged the death to some one else. Discrimination so subtle is a feat beyond the compass of ordinary minds. The reverberating clang of those accusatory words would drown all weaker sounds."

Donald F. Wise.

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## BOOK REVIEWS

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RESTATEMENT OF THE LAW OF AGENCY. Two Volumes. St. Paul: American Law Institute. 1933.

The American Law Institute announces the completion of the second step in a proposed Restatement of the principal subjects of the common law, by offering to the legal world two volumes on the law of Agency. Thus in direct contrast to the publication of the Restatement of Contracts, which was brought forth to the accompaniment of profuse superlatives, we were introduced to this new and important work.

Lacking the necessary astuteness for a personal criticism of the result of many conferences in which were represented the foremost legal minds of the country we turn to the *norms* by which a book is evaluated. These include the purpose, the author, its scope and applicability, finally the cost.

The accepted definition of purpose is that which one sets before him to accomplish. As a purpose is formed by the mind there must be an individual or group of individuals responsible for this common aim. Hence we find the American Law Institute, including such pre-eminent names as Benjamin N. Cardozo, Learned Hand, Atlee Pomerene, Owen J. Roberts and Elihu Root, fostering a clear and precise statement, in the light of the decisions, of the principles and rules of the law of Agency.

The late Floyd R. Mechem, professor of law in the University of Chicago, was appointed as Reporter for Agency in May, 1923, and began work the following fall. During the first part of the work, besides Mr. Seavey who was appointed Reporter after the death of Mr. Mechem, Edwin R. Keedy, University of Pennsylvania, Richard R. Powell, Columbia University and Harry S. Richards, University of Wisconsin, were Mr. Mechem's chief advisers. Two of these men, Mr. Keedy and Mr. Powell, later withdrew from the board, and "Mr. Richards' death in 1929 deprived the group of his pre-eminently practical mind," an essential element in conferences attempting to formulate theories. The tentative drafts were benefited by criticisms of the bench and bar during the progress of the work and in May, 1933, the final draft was adopted and promulgated by the Institute.

The Restatement of this subject deals with the relations between principal and agent, principal and third person and agent and third person. It also includes the cognate situations which have legal consequences similar to those characteristic of the agency relationship. The principles of torts, contracts, quasi-contracts and procedure are not stated except in so far as they are affected by the peculiarities of the law of Agency. Attention is called to legislation only when common to many states such as the Negotiable Instruments Act and the Statute of Frauds. This method of treatment gives rise to the opinion of the average law student that the Restatement cannot be relied upon when preparing for the all influencing *bar examination*. This is true when one depends solely on the

Restatement, but supplementing this with state annotations adds the authority of judicial precedent in one's own state.

At first blush the outlay of fifteen dollars for the Restatement plus your own state annotations strikes one as being rather excessive. The terms "limited purse" and "law student" persist in being synonymous and careful deliberation will naturally precede such an investment. Taking into consideration the aforementioned factors should convince the purchaser that he is not adding to his library just another textbook but a work which expresses the result of long and careful study and analysis by a group which includes many of America's leading students of the law—jurists, teachers and practitioners. It is the type of work to be placed within arm's reach for you will then have at your elbow the authority of the American Law Institute and a book which will be reached for with alacrity when pertinent problems confront one.

*Thomas Gately.*

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CASES ON THE LEGAL PROFESSION AND ITS ETHICS. Second Edition. By George P. Costigan, Jr. St. Paul: West Publishing Company. 1933.

The new edition of this pioneer book of source materials on the history, etiquette and ethical standards of the Legal Profession in England and in the United States is a thorough revision of the earlier edition with the aim of making it a more effective aid to classroom presentation of the subject with which it deals. As the subject of Legal Ethics is one which can most effectively be taught by the discussion method, a text on this subject must necessarily include copious materials on the problems confronting the lawyer of today.

Mr. Costigan gives the reader an interesting and authoritative history of the Legal Profession. Starting in the reign of Edward I, when a professional class of English temporal lawyers was just beginning to form itself, the growth of both the standards and ceremony of the profession are briefly sketched by means of passages gathered from texts on English history.

The main part of the book is a symposium on the subject punctuated by adjudicated cases both by the courts' and lawyers' committees. Illegality of conduct has been subordinated to the moral problems no doubt to assuage the ever present radicals whose main forte is destructive criticism.

The author believes that a treatment of court organization and of bar organization may appropriately be dealt with in a course in bibliography or be covered by the instructor with local materials supplied by himself. This book contains, in general, only such references to courts and to bar organizations as are pertinent to the problems of the admission of members of the bar and of the discipline of lawyers for violations of professional ethics. Because they furnish such an interesting experiment in bar integration and supply such possibilities of future good as well, the state bar acts, however, receive special attention in the present volume.

From the point of view of making the book more effective for present day class presentation, it is a task well done. However with such a wealth of materials to choose from and the ability of the professor the determining element as to whether the course will be helpful or cursory, the value of the book depends on the attitude of the reader and the quality of class discussion.

*Thomas Gately.*

