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Book Reviews

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BOOK REVIEWS

CASES ON THE LAW OF AGENCY. By Edwin R. Keedy and A. Arthur Schiller. Indianapolis: The Bobbs-Merrill Company, 1948. Pp. x, 650.

The selection and arrangement of cases for the presentation of any branch of the law in casebook form represents the resolving by the author of many fundamental problems concerning his subject matter and the methods by which he believes it should be taught. This casebook is a revision of Keedy's *Cases on Agency*, originally published in 1924. It is the result of what must be excellent law school courses in Agency by distinguished Professors who not only speak with authority on Agency but who are also good teachers.

Most practicing attorneys, though continuing to be "students" of the law, are inclined to leave thought of such problems as how to teach Agency to the Deans of the law schools and their teachers. The make-up of this casebook, however, illustrates a law teaching problem concerning which everyone connected with the law will have an idea.

The course in Agency to be taught from this casebook is the kind of orthodox treatment of the subject which most of those now in active practice remember as a part of their own legal education. Agency is presented as a separate and complete division of the law. The student is very logically led through the subject from the opening chapter on the "Nature and Kinds of Agency" to the last chapter on the "Termination of Agency". As to the cases printed for study, the accent is on the beginnings and development through the years of the various principles of Agency—the many recent opinions added in this revision bringing the development of those principles to date.

This "normal" treatment of Agency as a subject for study is interesting, of course, only because there are many today who believe that these principles could more readily be fitted into the so-called modern courses on Business Associations. The attempt to isolate a "pure" agency as the relationship between a Principal, an Agent and a Third Party is more doomed today, it is held, than at any time during the development of the law. The corporation is such a universal business form, and the tempo of present day industry and finance is so accelerated that almost everyone is now acting in a representative capacity at sometime during his regular activity as a breadwinner.

Should the young man being prepared to practice law in North Dakota today be given a "classical" treatment of the

subject of Agency? Should Agency as such be removed from the Bar Examination list, and the principles governing the representative relationship be "realistically" included in a more extensive treatment of business forms? Or should Agency be "a relatively brief and compact course, preferably given in the first year, on the fundamental aspects of the representative relation?"* Professors Keedy and Schiller would continue Agency as it has been known in our best law schools for many years.

Robert B. Griffith†

CONFLICT OF LAWS, CASES AND MATERIALS. By Fowler V. Harper, Charles W. Taintor II, Charles Wendell Carnahan, and Ralph S. Brown, Jr. Indianapolis: Bobbs-Merrill Company, 1950. Pp. xxxix, 1090. \$7.50.

It is a relief to the legal student, suffering from the usual limitations of case collections to discover the present work. Although the authors have followed the ordinary arrangement of most texts covering this field of law, their selection of cases and manner of presentment is outstanding.

The student is introduced into the difficult field of Conflict of Laws by an explanation of the field and how it differs from other branches of law. Each chapter of the text is preceded by introductory text material which adequately explains the cases which are to follow, and the special field covered by that section of the book. This introductory text material is partially the work of the authors but also includes selected articles of outstanding nature taken from other publications and legal periodicals. In addition to this introductory material short notes have been included to further supplement the cases.

The reader is especially appreciative of the excellent footnotes which adequately lead the more serious student to broad research in any of the narrowed fields. Included within the footnotes are short briefs of other outstanding cases, which as a matter of necessity, have not been included within the text.

In a text as long as the present work, it might well be wished that the authors had devoted more space to their Chapter 13, "The Supreme Court's Control Over The Conflict of Laws", a highly important section in present day law.

* Mechem, Philip, Preface to the Third Edition, Selected Cases On The Law Of Agency, Callaghan and Company, 1942. This compromise solution is the one presently adopted at the Law School of the University of North Dakota.

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However, as the authors state, the text is of greater length than they had hoped it to be, and in future revisions this section may be given greater emphasis while other less important chapters are shortened.

The text is well suited to a sixty-hour course and the authors have made suggested omissions for those who prefer to move at a slower pace. Student and instructor together will find the text enjoyable and an outstanding work in this difficult field.

Myron Atkinson, Jr.†

BOOKS RECEIVED

1. SOCIAL MEANING OF LEGAL CONCEPTS, NO. 3. Edited by Edmund N. Cahn, New York University School of Law, 1950. Pp. iii, 188-289. \$1.50.
2. MANUAL FOR THE USE OF LAW BOOKS, By George B. Weisiger and Bernita Long Davies. Indianapolis: Bobbs-Merrill Company, 1951. Pp. ix, 142. \$3.50.
3. ESTATE AND GIFT TAXATION, CASES AND MATERIALS. By Boris I. Bittker. New York: Prentice-Hall, Inc., 1951. Pp. xviii, 494. \$7.00.
4. DESTINATION UNKNOWN: FIFTY YEARS OF LABOR RELATIONS. By Walter Gordon Merritt. New York: Prentice-Hall, Inc., 1951. Pp. x, 454. \$5.65.

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