

Principles of the Law of Agency (6th Ed.); and Cases on Law of Agency (2nd Ed.) (Book Reviews)

Leo C. Kelly

Follow this and additional works at: <https://scholarship.law.stjohns.edu/lawreview>

Recommended Citation

Kelly, Leo C. (1935) "Principles of the Law of Agency (6th Ed.); and Cases on Law of Agency (2nd Ed.) (Book Reviews)," *St. John's Law Review*: Vol. 9 : No. 2 , Article 33.

Available at: <https://scholarship.law.stjohns.edu/lawreview/vol9/iss2/33>

This Book Review is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in St. John's Law Review by an authorized editor of St. John's Law Scholarship Repository. For more information, please contact lasalar@stjohns.edu.

As Mr. Cohen aptly says,⁷ there are cases where although evidence actually has been given to support a finding, it has been held that it would be error of law to make a finding on such evidence, as, for example, in *Bank of United States v. Manheim*,⁸ where O'Brien, J. referred to the fact that there was "no credible evidence,"⁹ even though technically there may have been a scintilla of evidence. Says Mr. Cohen, "The court is not required to find that the moon is made of green cheese because a witness says that this is so. Where the line is to be drawn * * * is obviously a matter of degree,—but it does not follow that no line exists."¹⁰

Here and there are statements with which I do not agree. That fact is quite natural because the topic is one which permits of many differences of opinion. And here and there I find statements which I regard as too broad or wide. But, on the whole, this is an excellent piece of work and I can recommend it without hesitation, for it refers in a practical way to all of the recent authorities, both those rendered with opinion and without opinion.

It is not a mere practice Horn-book. It is a distinctly thought-stimulating piece of work and exhibits industry, scholarship and knowledge of the law, and merits commendation.

I. MAURICE WORMSER.

New York City.

PRINCIPLES OF THE LAW OF AGENCY. Sixth edition. By George W. Matheson. Brooklyn: St. John's University School of Law, 1934, pp. x, 138.

CASES ON LAW OF AGENCY. Second edition. By George W. Matheson. Brooklyn: St. John's University School of Law, 1934, pp. 321.

"A Concise Statement of the Most Important Principles of the Law of Agency"¹ is the characteristically modest fashion with which Dean George W. Matheson of St. John's University prefaces his new edition of "Principles of the Law of Agency."

The text, "Principles of the Law of Agency," just issued, is a real pedagogical contribution. To have fashioned an outline on an important legal topic, such as Agency, in such simple, clear, orderly, lawyer-like manner, is a distinct accomplishment; a treat for teacher and student alike. The wealth of carefully culled material in the "Outline" is sufficiently varied to illustrate broadly the underlying principles, and the cases have been selected with such judicious restraint as to illuminate, yet not encumber essentials. The achievement is singularly a double one, for with the text appears a companion volume,

⁷ P. 312, footnote.

⁸ 264 N. Y. 45, 189 N. E. 776 (1934).

⁹ *Id.* at 51, 189 N. E. at 778.

¹⁰ P. 313.

¹ P. iii.

"Cases on Law of Agency," by the same author. Both volumes are old and tested works which the author over a period of years has supplemented, rearranged and strengthened in a manner that has proven most effective in presenting the important principles of Agency.

Naturally, in the "Principles of the Law of Agency" and "Cases on Law of Agency," we find the old guideposts and landmarks in the New York law of agency. Shadings and modifications of old principles that come with the progress of the law have not escaped the careful, painstaking research. Skilled and experienced craftsmanship is shown throughout. Freshness and modernity is added by including illustrative and erudite opinions of Judge Pound and Judge Cardozo as they appear in more recent New York cases.

The instructor as well as the student will find a succinctness, yet sufficient material for independent research. The snug dovetailing of these two volumes enables the instructor to lay out a course of study either brief or elaborate to suit the given requirements and needs. Prepared primarily with a view to their use in the classroom, eminent success has already been had in the practical use of these books for many years. They have been found valuable in bringing out the principles of law of agency clearly and concisely and placing them within the easier grasp of the student of the law.

So thorough and comprehensive has been the groundwork through the several additions that this new edition required little by way of supplement or addition. What has been added, has been accomplished through the experienced hand of Professor Frederick A. Whitney in incorporating some recent decisions and statutory changes.

These companion volumes are most welcome.

LEO C. KELLY.

St. John's University School of Law.

THE RIGHTS AND PRIVILEGES OF THE PRESS. By Frederick Seaton Siebert. New York: D. Appleton-Century Co., Inc., 1934, pp. xvii, 429.

Although this book is entitled "The Rights and Privileges of the Press," and is dedicated to a "Freedom of the Press Committee," it is not a free press manifesto. It is, simply, a text-book, concise, interesting and well organized. It states, as accurately as is possible in a field of constantly shifting judicial standards, the law appertaining to the right of the Press to gather, publish and comment on the news.

In connection with the gathering of news, the book deals in detail with the right (a) to inspect public records, including those of the federal, state, county and municipal governments; (b) to report judicial, legislative and administrative proceedings; and (c) to make use of written or printed matter (covering the outlines of the law of copyright). This portion of the book includes further a discussion of the obligations of the Press with respect to statements "off the record," and news releases which specify the date and time of publication. It concludes with a consideration of the right of the Press to refuse to