

NOTE

FOR THE COMMISSION OF CODIFICATION

RE:

Article 897 (Agency)

of the Civil and Commercial Code.

(see comments on Article 897)

The Drafting Committee have examined the question concerning factors or other Commission-agents of this kind in the foreign legislations, in order to see if present section 897 of the draft is satisfactory.

In ~~the French~~ Japanese and Swiss Codes, the system is practically similar, and also (though a little more explanatory) in the German Code, the English Law also follows similar rules.

It comes to this:

if a commercial agent (generally named a commission-agent or otherwise) makes some commercial business in his own (or his own firm's) name, he is personally liable; if he makes the same in the name of a principal then the Codes refer to the matter of Agency, the consequence being that the principal is liable and the agent is no longer personally liable.

Present section 897 of our draft has been made purposely a little different: the idea has