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COMMENTS

REVOCATION OF AGENCY BY DEATH OF PRINCIPAL

The 1941 Florida statute, which validates the acts of an agent done after the death of the principal in the absence of knowledge of the death by the third party,¹ abolishes a rule of common law long established and confirmed by judicial decision in this and the great majority of other jurisdictions. Under the common law rule, the death of a

¹ Sec. 709.01, Fla. Stat. 1941 "Power of Atty; If any agent, constituted by power of attorney or other authority, shall do any act for his principal which would be lawful if such principal were living, the same shall be valid and binding on the estate of said principal, although he or she may have died before such act was done; provided, the party treating with such agent dealt bona fide, not knowing at the time of the doing of such act that such principal was dead. An affidavit, executed by the attorney in fact or agent setting forth that he has not or had not,