

**4001 GENERAL AGENT: DEFINITION**

A "general agent" is an agent authorized to conduct a series of transactions involving a continuity of service. In determining whether \_\_\_\_\_ was a general agent, you may take into consideration the number of acts he or she was to perform in accomplishing the result he or she was authorized to obtain, the number of people the general agent had to deal with, and the length of time needed to accomplish the results of his or her agency.

A general agent may also be defined as one who is so situated with respect to his or her principal that he or she does not require separate authorization for each transaction he or she performs for that principal.

**COMMENT**

This instruction and comment were originally published in their present form in 1962. Editorial changes were made in 1994 to address gender references in the instruction. No substantive changes were made to the instruction.

This instruction is drafted from the definition of a general agent and the comments thereto set forth in Restatement, second, Agency § 3 (1958).

Comment (d) of § 3 points out the importance of the distinction between a general and a special agent as follows:

The distinction between a special and a general agent has several important consequences. Thus, the general agent may have a power to bind his principal in excess of his authority or apparent authority in many situations in which the special agent may not have such power.

See Restatement, second, Agency §§ 161, 161A and 194 (1958). Again, the continuity of the employment of the general agent may result in the continuance of apparent authority after the termination of his or her authority when this would not result in the case of a special agent. See §§ 127-132. Furthermore, manifestations of the principal to a general agent in connection with his or her authority may be interpreted as merely advice or as instructions not intended to affect the rights of third persons, when similar manifestations made to a special agent would be interpreted as limiting his or her authority or power to bind the principal. See Comment b of § 34.

Meyers v. Matthews, 270 Wis. 453, 71 N.W.2d 368 (1955), discusses the "soliciting agent."