

4010 AGENCY: IMPLIED AUTHORITY

Beyond the express authority conferred on an agent by his or her principal, an agent has the implied authority to do such acts and employ such means as are usual, appropriate, necessary, or proper to accomplish the purposes and objects of the agency.

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.

It is recognized that a principal, in creating an agency, cannot outline in detail all of the authority necessary and proper for his or her agent to have to accomplish the end result of the agency. It is assumed that the authority is given in broad general terms, and it is recognized that the agent has broader authority and powers than those specifically enumerated to him or her by his or her principal. The law does recognize this delegation of implied authority, and this instruction attempts to state, in instructional form, the principle of law involved. Medley v. Trenton Investment Co., 205 Wis. 30, 34, 236 N.W. 713, 714 (1931); U.S.F. & G. Co. v. Forest County State Bank, 199 Wis. 560, 565, 227 N.W. 27, 29 (1929); Voell v. Klein, 184 Wis. 620, 623, 200 N.W. 364, 366 (1924); Restatement, second, Agency § 35 (1958); Callaghan's Wis. Digest Principal and Agent § 121 (1950).