

First Restatement of the Law Records

ALI.04.001

Finding aid prepared by Jordon Steele.

Last updated on April 28, 2011.

University of Pennsylvania, Biddle Law Library, American Law Institute Archives

2008

Table of Contents

Summary Information.....	3
Biography/History.....	4
Scope and Contents.....	4
Arrangement note.....	4
Administrative Information.....	5
Controlled Access Headings.....	6
Collection Inventory.....	7
Agency.....	7
Business Associations.....	7
Conflict of Laws.....	8
Contracts.....	8
Judgments.....	9
Property.....	9
Restitution.....	9
Sales of Land.....	10
Security.....	10
Torts.....	10
Trusts.....	11

Summary Information

Repository	University of Pennsylvania: Biddle Law Library: American Law Institute Archives
Creator	American Law Institute
Title	First Restatement of the Law Records
Call number	ALI.04.001
Date [inclusive]	1923-1965
Extent	41.5 linear feet (about 1500 items)
Language	English
Abstract	<p>The American Law Institute (ALI) was founded in 1923 in response to a perceived uncertainty and complexity in American law. Former Penn Law Dean William Draper Lewis was the Institute's first director, running the organization's operations out of his campus office. The ALI was conceived as a representative gathering of the American Bar (including Judges, Lawyers, and Law Professors) for the stated mission "to promote the clarification and simplification of the law and its better adaptation to social needs, to secure the better administration of justice and to encourage and carry on scholarly and scientific legal work." The ALI worked on the First Restatement of the Law from 1923-1944. The project attempted to clarify nine broad subject areas of law: Agency, Conflict of Laws, Contracts, Judgments, Property, Restitution, Security, Torts, and Trusts. Two other subject areas, Business Associations and Sales of Land, were explored but never officially adopted by the ALI. The final draft of the restatement was approved at the ALI Annual meeting in May 1942. The collection, 1923-1959 and undated, includes drafts, comments,</p>

correspondence, meeting minutes, state annotations, and other materials related to the First Restatement of the Law, which sought to codify and simplify the law. Nine broad subject areas include: Agency, Conflict of Laws, Contracts, Judgments, Property, Restitution, Security, Torts, and Trusts. Official Institute drafts make up the bulk of the collection. State annotations constitute the second largest portion, while the remainder of the collection consists of correspondence from and to reporters about the restatements.

Cite as:

[Identification of item], in the First Restatement of the Law Records, ALI.04.001, Biddle Law Library, University of Pennsylvania Law School, Philadelphia, PA.

Biography/History

The First Restatement of the Law was the first project of the American Law Institute (ALI). The ALI worked on the first restatement from 1923 to 1944. The project attempted to clarify nine broad subject areas of law: Agency, Conflict of Laws, Contracts, Judgments, Property, Restitution, Security, Torts, and Trusts. Two other subject areas, Business Associations and Sales of Land, were explored but never officially adopted by the ALI. The final draft of the restatement was approved at the ALI Annual meeting in May 1942.

Scope and Contents

Arrangement note

Arrangement

1. Agency
2. Business Associations
3. Conflict of Laws
4. Contracts
5. Judgments
6. Property
7. Restitution
8. Sales of Land
9. Security
10. Torts
11. Trusts

Administrative Information

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Access Restrictions

None.

Use Restrictions

The archives reserves the right to restrict access to materials of sensitive nature. Please contact the department for further information.

Immediate Source of Acquisition note

First shipment received from the American Law Institute in 1995.

Processing Information note

Processed by Melissa Backes, 1995-2005.

Reprocessed by Jordon Steele, with assistance from Naureen Hoque and Ryan Gebhardt, December 2006-April 2007.

Encoded by Jordon Steele, May 2008.

Controlled Access Headings

SUBJECT(S)

- Agency (Law)
- Conflict of laws
- Contracts
- Contracts for deeds
- Judgments
- Property
- Restitution
- Torts
- Trade associations
- Trusts and trustees

Collection Inventory

	Box	Folder
AGENCY, 1926-1941.	1	1-25
Scope and Contents note	2	1-20
	3	1-4

Drafts, state annotations, publications, and other materials related to topics including creation of relationship, creation and interpretation of authority and apparent authority, interpretation of particular authorization, ratification, termination, liability of principal to third persons, contracts and conveyances, liability of principal to third person regarding torts and notice through agent, liability of agent to third person, liability of third person to agent, duties and liabilities of agent to principal, and duties and liabilities of principal to agent. Reporters who worked on this subject included Floyd Mecham, and William Draper Lewis. Herbert Goodrich served as adviser to the committee.

	Box	Folder
BUSINESS ASSOCIATIONS, 1924-1953.	3	5-63
Scope and Contents note	4	1-28

Drafts, research questions, correspondence, publications, and other records related to this project, which began as a codification effort but was discontinued by the project's reporter, William Draper Lewis, due to Lewis' workload involving other projects. The ALI returned to the subject of business associations in the 1980s with the Principles Corporate Governance project.

Related Archival Materials note

See Principals of Corporate Governance Records, ALI.024.

	Box	Folder
CONFLICT OF LAWS, 1924-1947.	4	29-43
Scope and Contents note	5	1-36
	6	1-34
Drafts, state annotations, and publications, and other materials related to topics including domicile, jurisdiction in general, jurisdiction of courts, status, corporations, property, contracts, wrongs, obligation of judgment and other imposed duties, administration of estates, and procedure. Reporters and other participants for this subject included Joseph Beale, Herbert Goodrich, and Fowler Harper. Victor Morawetz and Goodrich drafted material related to Chapter 11 Administration. Beale and James Byrne provided revisions and explanatory notes to the subject.	7	1-23
	8	1-8

	Box	Folder
CONTRACTS, 1924-1947.	8	13-44
Scope and Contents note	9	1-25
	10	1-26
Drafts, state annotations, student editions, and publications related to topics including formation of contracts, formation of informal contracts, informal contracts without assent or consideration, contracts under seal, duties and rights where more persons than one are promisers or promisees of the same performance, contractual rights of persons not parties to the contract, assignment of rights and delegation of duties or conditions, the statute of frauds, breach of promise as an excuse for failure to perform a return promise, breach of contract, judicial remedies for breach of contract, discharge of contracts, impossibility, fraud and misrepresentation, duress and undue influence, mistake, and illegal bargains. Reporters and other participants for this subject include Samuel Williston, Herman Oliphant, Victor Morawetz, and Arthur Corbin.	11	1-19

	Box	Folder
JUDGMENTS, 1940-1957.	11	20-23
Scope and Contents note	12	1-19
	13	1-26
Conference meeting minutes, drafts, state annotations, student editions, annotators' editions, and correspondence related to topics including validity of judgment, former adjudication, effect of judgment with reference to persons, and equitable relief. Reporters for this subject include Austin W. Scott, Warren A. Seavey.	14	1-2

	Box	Folder
PROPERTY, 1926-1958.	14	3-26
Scope and Contents note	15	1-33
	16	1-27
Meeting minutes, drafts, memoranda, state annotations, annotators' editions, correspondence, publications, and other material related to topics including freehold estates, future interests, and servitudes. Reporters and other participants for this subject include Harry A. Bigelow, Richard R. Powell, W. Barton Leach, A. James Casner, Oliver S. Rundell, Henry Upson Sims, Julian S. Bush, Everett Fraser, Sam Miller, Mary Eschweiler, David K. Kadane, Donald L. McCaskey, Joseph B. Robinson, Sylvia Livingston, Helen S. Chait, Charles E. Clark, Ralph W. Aigler, and Roland R. Foulke.	17	1-31
	18	1-34
	19	1-37
	20	1-33
	21-25	14
	42	

	Box	Folder
RESTITUTION, 1933-1953.	25	28-35
Scope and Contents note	26	1-23
	27	1-24
Meeting minutes, drafts, state annotations, annotators' editions, and publications related to topics including quasi contractual and kindred equitable relief, and constructive trusts and analogous equitable remedies.		

Reporters for this subject include Warren A. Seavey, William E. McCurdy, and Austin W. Scott.

	Box	Folder
SALES OF LAND, 1935.	27	25

Scope and Contents note

Tentative Draft for this short-lived Restatement project, which considered topics including requirements for an enforceable contract for the sale of land and contractual obligations of vendor and purchaser under a land contract. The reporter for the project was Samuel Williston. The project was discontinued in 1936, partly over a lack of funding due to the Depression.

	Box	Folder
SECURITY, 1936-1965.	28	1-29

Scope and Contents note

Meeting minutes, drafts, comments, state annotations, annotators' editions, correspondence, and publications related to topics including personal property as security, liens, suretyship, and courtesyship. Reporters and other participants for this subject include John Hanna, Louis B. Ewbank, Rollin M. Perkins, and Gerhart Husserl.

	Box	Folder
TORTS, 1923-1959.	30	21-49

Scope and Contents note

Meeting minutes, drafts, state annotations, annotators' editions, student editions, and related records regarding topics including intentional harms to

	31	1-28
	32	1-36
	33	1-36
	34	1-32
	35	1-7

persons, land, and chattels; negligence; absolute liability; deceit;	36	1-24
defamation; disparagement; unjustifiable litigation; interference in domestic	37	1-32
relations; interference with business relations; invasions of interests in land	38	1-2
other than by trespass; miscellaneous rules; defenses applicable to all tort		
claims; and remedies. Reporters and other participants for this subject include		
Francis H. Bohlen, Edward S. Thurston, Oliver W. Branch, Fowler V.		
Harper, Harry Shulman, Everett Fraser, Edgar N. Durfee, Warren A.		
Seavey, Lawrence H. Eldredge, and Maurice T. Van Hecke.		

	Box	Folder
TRUSTS, 1928-1953.	38	3-36
	39	1-27
	40	1-22
	41	1-24
	42	1-12