

Second Restatement of the Law Records

ALI.04.002

Finding aid prepared by Jordon Steele.

Last updated on April 28, 2011.

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

2008

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Summary Information

| | |
|-------------------------|---|
| Repository | University of Pennsylvania: Biddle Law Library: American Law Institute Archives |
| Creator | American Law Institute |
| Title | Second Restatement of the Law Records |
| Call number | ALI.04.002 |
| Date [inclusive] | 1947-1990 |
| Extent | 30 linear feet |
| 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 Second Restatement of the Law was an update to the American Law Institute's initial project, the First Restatement of the Law. The project secured initial funding through a Mellon grant in 1952 and was completed in 1988. The Second Restatement of the Law attempted to refine the clarification of nine broad subject areas of law: Agency, Conflict of Laws, Contracts, Foreign Relations Law, Judgments, Property, Restitution, Torts, and Trusts. The ALI added two principal areas to the Second Restatement projects:</p> |

Foreign Relations Law, and Landlord and Tenant Relations. The collection, 1947-1990 and undated, includes drafts, comments, correspondence, meeting minutes, state annotations, and other materials related to the Second Restatement of the Law, which sought to improve upon the codification project first established in the First Restatement of the Law. Nine broad subject areas include: Agency, Conflict of Laws, Contracts, Foreign Relations Law, Judgments, Property, Restitution, 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 to and from reporters about the restatements, comments from ALI members and outside experts, and related material.

Cite as:

[Identification of item], in the Second Restatement of the Law Records, American Law Institute Archives, ALI.04.002, Biddle Law Library, University of Pennsylvania Law School, Philadelphia, PA.

Biography/History

The Second Restatement of the Law was an update to the American Law Institute's initial project, the First Restatement of the Law. The project secured initial funding through a Mellon grant in 1952 and was completed in 1988. The Second Restatement of the Law attempted to refine the clarification of nine broad subject areas of law: Agency, Conflict of Laws, Contracts, Foreign Relations Law, Judgments, Property, Restitution, Torts, and Trusts. The ALI added two principal areas to the Second Restatement projects: Foreign Relations Law, and Landlord and Tenant Relations.

Scope and Contents

The Second Restatement of Law Records, 1947-1990 and undated, include drafts, comments, correspondence, meeting minutes, state annotations, and other materials related to the Second Restatement of the Law, which sought to improve upon the codification project first established in the

First Restatement of the Law. Nine broad subject areas include: Agency, Conflict of Laws, Contracts, Foreign Relations Law, Judgments, Property (also known as Landlord and Tenant Law), Restitution, 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 to and from reporters about the restatements, comments from ALI members and outside experts, and related material.

Arrangement note

1. Agency
 2. Conflict of Laws
 3. Contracts
 4. Foreign Relations
 5. Judgments
 6. Property
 7. Restitution
 8. Torts
 9. Trusts
-

Administrative Information

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

2008

Finding aid prepared by Jordon Steele.

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 Ryan Gebhardt, April-May 2007.

Encoded by Jordon Steele, May 2008.

Controlled Access Headings

SUBJECT(S)

- Agency (Law)
- Conflict of laws
- Contracts
- Judgments
- Property
- Restitution
- Torts
- Trusts and trustees
- United States--Foreign relations--Law and legislation

Other Finding Aids note

Collection Inventory

| | Box | Folder |
|--------------------------------|-----|--------|
| AGENCY, 1952-1974. | 1 | 1-24 |
| Scope and Contents note | 2 | 1-18 |
| | 30 | 13-20 |

Meeting minutes, drafts, state annotations, student editions, correspondence, publications, and other material related to topics including creation of relation, creation and interpretation of authority and apparent authority, ratification, termination of agency powers, liability of principal to third persons regarding contracts and conveyances and torts, admissibility of evidence of statements of agents, liability of third person to principal, 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 Warren A. Seavey. The final version of this restatement was adopted on May 23, 1957.

| | Box | Folder |
|--|-----|--------|
| CONFLICT OF LAWS, 1952-1988. | 2 | 19-42 |
| Scope and Contents note | 3 | 1-23 |
| | 4 | 1-27 |
| Meeting minutes, drafts, comments, student editions, correspondence, and other material related to topics including domicil, judicial jurisdictions, limitations on the exercise of judicial jurisdiction, judgments, procedure, wrongs, contracts, property, trusts, status, agency and partnerships, business corporations, and administration of estates. Reporters who worked on this subject included Willis L.M. Reese and Austin W. Scott. The final version of this restatement was adopted on May 23, 1969. | 5 | 1-19 |
| | 6 | 1-27 |
| | 7 | 1-10 |

| | Box | Folder |
|--|-----|--------|
| CONTRACTS, 1959-1981. | 7 | 11-28 |
| Scope and Contents note | 8 | 1-22 |
| | 9 | 1-20 |
| Meeting minutes, drafts, comments, correspondence, and other material related to topics including formation of contracts (parties and capacity), formation of contracts (mutual assent); formation of contracts (consideration); the statute of frauds; mistake, misrepresentation, duress, and undue influence; unenforceability on grounds of public policy; the scope of contractual obligations; performance and non-performance; impracticability of performance and frustration of purpose; joint and several promisors and promisees; contract beneficiaries, assignment and delegation; and remedies. Reporters and other participants who worked on this subject included Herbert F. Goodrich, Robert Braucher, Paul A. Wolkin, E. Allan Farnsworth, and Arthur Corbin. The final version of this restatement was adopted on May 17, 1979. | 10 | 1-12 |

| | Box | Folder |
|--|-----|--------|
| FOREIGN RELATIONS, 1947-1969. | 10 | 13-27 |
| Scope and Contents note | 11 | 1-26 |
| | 12 | 1-16 |
| Meeting records, drafts, subject files, correspondence, publications, and other records related to topics including jurisdiction, recognition, international agreements, and responsibilities of states for injuries to aliens. Reporters and other participants who worked on this subject included I.N.P. Stokes, Arnold D. McNair, Benjamin Kaplan, and David J. Shapiro, Covey T. Oliver, and Adrian S. Fisher. The final version of this restatement was adopted on May 26, 1962, with revisions accepted in 1964 and 1965. | 13 | 1-27 |
| | 14 | 1-27 |
| | 15 | 1-26 |
| | 16 | 1-20 |
| | 17 | 1-26 |
| | 18 | 1-17 |

| | Box | Folder |
|--|-----|--------|
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| | | |
|--------------------------------|----|-------|
| JUDGMENTS, 1968-1980. | 18 | 18-28 |
| Scope and Contents note | 19 | 1-25 |

Meeting records, drafts, correspondence, and other records related to topics including validity of judgments, former adjudication, the effects of a judicial judgment, parties and other persons affected by judgments, relief from a judgment, and special problems deriving from nature of forum rendering judgment. Reporters and other participants who worked on this subject included Geoffrey C. Hazard, Benjamin Kaplan, and David L. Shapiro. The final version of this restatement was adopted on June 12, 1980.

| | Box | Folder |
|--|-----|--------|
| PROPERTY, 1969-1990. | 20 | 1-17 |
| Scope and Contents note | 21 | 1-17 |
| | 22 | 1-18 |
| Drafts, commentaries, student editions, and other records related to topics including social restrictions of donative transfers, direct restraints on alienation in donative transfers, provisions in restraint of personal conduct, restraints on interference with transferor's dispositive plan, and landlord and tenant relations. Participants who worked on this subject included Richard V. Wellman. The final version of this restatement was adopted on May 19, 1981. | 23 | 1-18 |
| | 24 | 1-14 |
| | 30 | 26-27 |

| | Box | Folder |
|--------------------------------|-----|--------|
| RESTITUTION, 1981-1987. | 24 | 15-31 |
| Scope and Contents note | | |

Drafts, commentaries, and other records related to topics including remedies, constructive trust, and equitable liens, subrogation. The reporter for this project was William F. Young.

| | Box | Folder |
|---|-----|--------|
| TORTS, 1955-1978. | 25 | 1-15 |
| Scope and Contents note | 26 | 1-26 |
| | 27 | 1-32 |
| Meeting records, drafts, student editions, correspondence, and other records | 28 | 1-30 |
| related to topics including intentional harms to persons, land, and chattels; | 29 | 1-7 |
| negligence; strict liability; misrepresentation; defamation; injurious | 30 | 24-25 |
| falsehood; privacy; unjustifiable litigation; interference in domestic | | |
| relations; interference with advantageous economic relations; invasions of | | |
| interests in land other than by trespass; defenses applicable to all tort claims; | | |
| and remedies. Reporters and participants who worked on this subject included | | |
| William L. Prosser, John W. Wade, and Michael I. Sovern. | | |

| | Box | Folder |
|---|-----|--------|
| TRUSTS, 1953-1971. | 29 | 8-28 |
| Scope and Contents note | 30 | 1-12 |
| Meeting records, drafts, state annotations, correspondence, and other | | |
| material related to topics including the creation of a trust, the trust property, | | |
| the trustee, the beneficiary, transfer of interest of the beneficiary, | | |
| administration of the trust, liabilities to third persons, liabilities of third | | |
| persons, termination and modification of the trust, charitable trusts, and | | |
| resulting trusts. Reporters and participants who worked on this subject | | |
| included Austin W. Scott and Herbert F. Goodrich. The final version of this | | |
| restatement was adopted on May 23, 1957. | | |