

BIBLIOGRAPHY OF THE PUBLISHED WRITINGS OF ARTHUR LINTON CORBIN*

The writings of Arthur Linton Corbin represent one of the truly significant contributions in the history of Anglo-American legal scholarship. During his long and productive career, Professor Corbin, in addition to his great treatise *Corbin on Contracts*, has contributed numerous articles and reviews to many publications. Many of his writings appear in the pages of the *Yale Law Journal*.

The *Journal* is pleased to publish a Bibliography of Professor Corbin's published writings and certain other materials in the collections of the Yale Law Library.

BOOKS

1. *Written by Professor Corbin*

CASES ON THE LAW OF CONTRACTS SELECTED FROM THE DECISIONS OF ENGLISH AND AMERICAN COURTS. St. Paul: West Publishing Co., 1921. xxiv, 1514 pp. (American Casebook Series).

CASES ON THE LAW OF CONTRACTS SELECTED FROM DECISIONS OF ENGLISH AND AMERICAN COURTS. Second edition. St. Paul: West Publishing Co., 1933. xix, 1304 pp. (American Casebook Series).

CASES ON THE LAW OF CONTRACTS SELECTED FROM DECISIONS OF ENGLISH AND AMERICAN COURTS (with extensive critical notes). Third edition. St. Paul: West Publishing Co., 1947. xxvi, 1381 pp. (American Casebook Series).

CORBIN ON CONTRACTS, A COMPREHENSIVE TREATISE ON THE WORKING RULES OF CONTRACT LAW. St. Paul: West Publishing Co., 1950. 8 vols.¹

*This Bibliography was prepared by the *Yale Law Journal* and contains entries for all known writings of Professor Corbin. The *Journal* is grateful to Professor Friedrich Kessler, Sterling Professor of Law at the Yale Law School and to Mr. Solomon C. Smith, Legal Reference Librarian at the Yale Law Library for their generous assistance in the preparation of this bibliography.

1. Professor Corbin was shown galleys of this Bibliography in which the title of his treatise was shown as CORBIN ON CONTRACTS, A COMPREHENSIVE TREATISE ON THE RULES OF CONTRACT LAW. In a letter dated October 3, 1964 to the Editor of the *Journal* who prepared this Bibliography, Professor Corbin wrote:

... [P]lease insert the word "Working" before *Rules of Contract Law*. It was on the Title Page of my original manuscript, but was deleted without my consent by the Publisher. No doubt, he thought that a Rule is a Rule is a Rule. Later, the Publisher added the word "Working" to the Title Page at my request; and now the Company calls special attention in its advertising to the fact that my Rules are "Working Rules." The truth is that *all* rules of law and human society are no more than tentative working rules, based on human experience, necessarily changing in form and substance as human experience varies in the evolutionary process of life.

Part of this letter is reproduced on the following page.

This treatise was published in 1950 in eight volumes. Since that time several supplementary and replacement volumes have been written by Professor Corbin. In addition, he has prepared cumulative pocket supplements to keep the entire treatise up-to-date.

In 1951 in his Annual Bibliographic Report to the Secretary of Yale University, Professor Corbin wrote:

21 Robinwood Road
Hamden 17, Conn.
October 3, 1964

Mr. Michael A. Varet,
Yale Law Journal.

Dear Mr. Varet: Thank you for sending me the galley proofs of my "Bibliography." It is surprisingly long. But my life span covers just one half of the history of the U.S.A. as a nation; and my law career covers 67 years.

I have no memory of many of the smaller listed items in the Bibliography. I have a few suggestions.

On galley 1, please insert the word "Working" before Rules of Contract Law. It was on the Title Page of my original manuscript, but was deleted without my consent by the Publisher. No doubt, he thought that a Rule is a Rule is a Rule. Later, the Publisher added the word "Working" to the Title Page at my request; and now the Company calls special attention in its advertising to the fact that my Rules are "Working Rules." The truth is that all rules of law and human society are no more than tentative working rules, based on human experience, necessarily changing in form and substance as human experience varies in the evolutionary process of life.

CORBIN ON CONTRACTS. One volume edition. St. Paul: West Publishing Co., 1952. 1224 pp.

2. *Edited by Professor Corbin*

SIR WILLIAM R. ANSON, PRINCIPLES OF THE LAW OF CONTRACTS (with a chapter on the Law of Agency). Third American copyright edition, edited with American notes by Arthur L. Corbin. New York: Banks Law Publishing Co., 1919. Ivii, 568 pp.

SIR WILLIAM R. ANSON, PRINCIPLES OF THE LAW OF CONTRACTS (with a chapter on the Law of Agency). Fourth American Copyright edition, edited with American notes by Arthur L. Corbin. New York: Oxford University Press, 1924. lx, 592 pp.

SIR WILLIAM R. ANSON, PRINCIPLES OF THE LAW OF CONTRACT (with a chapter on the Law of Agency). Fifth American copyright edition, edited with American notes by Arthur L. Corbin. New York: Oxford University Press, 1930. lxii, 617 pp.^{1a}

STEPHEN, EVIDENCE FOR NEW JERSEY, PENNSYLVANIA AND MARYLAND. Edited by George E. Beers and Arthur L. Corbin. Hartford: Dissell Publishing Co., 1904.²

WILLIAM WILLS, AN ESSAY ON THE PRINCIPLES OF CIRCUMSTANTIAL EVIDENCE, ILLUSTRATED BY NUMEROUS CASES. Edited by Sir Alfred Wills. Fifth English edition (1902) with American notes by George E. Beers and Arthur L. Corbin. Boston: The Boston Book Co., 1905. xiii, 448 pp.

3. *In Preparation*

The Yale University Press will publish a volume of Selected Essays by Professor Corbin in the near future. The volume will be one of the series of the Yale Law Library Publications.

During the past year I have published a major treatise on the law of Contracts, in 8 vols., 6 vols. of text filling 5,566 pages, 1 vol. of tables, 1 vol. index. . . . This was begun in 1927

Annual Report for the Bibliography of Officers, Yale University by Arthur L. Corbin to the Secretary of the University — 1950-51. (The original report in Professor Corbin's hand is in the archives of the Yale Room, Sterling Memorial Library, Yale University.)

For this Treatise Professor Corbin was the recipient of the Ames Prize, awarded infrequently by the Harvard Law School to honor "a meritorious essay or book on some legal subject." See 58 OFFICIAL REGISTER OF HARVARD UNIVERSITY (The Law School Catalogue 1961-62) 136-37 (No. 6, April 4, 1961).

1a. The Fifth American edition was published in a Braille edition of ten volumes for the Library of Congress by Howe Memorial Press, Perkins Institution and Massachusetts School for the Blind. 1989 pp., embossed (Braille Grade 2) in 1937. A copy of that edition is in the Braille collection of the Yale Law Library.

2. The Yale Law Library does not contain a copy of this treatise. A biographical sketch published in 1911 indicates that Professor Corbin was one of its editors. BIOGRAPHIES OF GRADUATES OF THE YALE LAW SCHOOL 1824-1899, 963 (1911).

PERIODICALS: ARTICLES

- Assignment of Contract Rights. *University of Pennsylvania Law Review*, 74: 207-34, January, 1926.^{2a}
- The "Authority" of an Agent — Definition. *Yale Law Journal*, 34:788-94, May, 1925. [Signed A.L.C.]
- Simeon E. Baldwin. *Yale Law Journal*, 36:680-82, March, 1927.³
- Beit v. Beit*. On the doctrine of *Beit v. Beit*. *Connecticut Bar Journal*, 23: 40, 43-51, March, 1949.^{3a}
- Builders' Bonds and Materialmen. *Yale Law Journal*, 28: 798-802, June, 1919. [Signed A.L.C.]⁴
- Collection of Royalties from the Sub-Assignee of a Copyright. *Yale Law Journal*, 28:259-64, 284, January, 1919. [Signed A.L.C.]
- The Common Law of the United States. *Yale Law Journal*, 47: 1351-53, June, 1938. [Signed A.L.C.]

2a. This article "was a first draft of the chapter on that topic [Assignment of Contract Rights] in the Contracts Restatement I, written by me at the express request of [the Reporter] Samuel Williston and used by him in preparing the chapter as finally published.

Letter to *Yale Law Journal* dated October 3, 1964 from Professor Arthur L. Corbin.

3. At times the *Yale Law Journal* published extremely short commentaries on recently decided cases. Some of these items — which seldom ran more than a page — were written by members of the Law School faculty and were unsigned. On occasion the *Journal* also published unsigned memorial tributes.

The Yale Law Library owns a set of the *Yale Law Journal* which belonged to Professor Corbin, and is now housed in the Faculty Lounge of the Sterling Law Buildings. In his set of the *Journal* Professor Corbin frequently wrote comments about articles and comments which were published — most frequently these comments were made about his own writings. In several places Professor Corbin has written the familiar initials "A.L.C." in ink at the end of an unsigned item indicating that he was the author. See note 4 *supra*.

This piece was an unsigned Memorial for Simeon E. Baldwin, which Professor Corbin's notation indicates that he wrote. His copy bears the signature "Arthur L. Corbin" at the end of the Memorial.

3a. On February 8, 1949 Professor Corbin wrote Judge David H. Jacobs, then editor of the *Connecticut Bar Journal*:

I shall be glad to send you a comment on *Beit v. Beit*, provided that it is published in the same number that contains [Professor Samuel] Williston's comment. He is now 87 and is like an elder brother to me; and I wish not to appear to be "answering" or criticising him.

I do not entirely agree with the reasoning of either set of judges in this case; nor do I agree with the second half of Restatement, Contracts, sec. 518. The fact that I bear part responsibility for the Restatement makes the process of correcting or improving it all the more pleasant.

4. For many years the *Yale Law Journal* published several short Comments in each issue which were written by members of the Law School faculty. It was the custom that the author's initials would appear at the end of the Comment. The signature "A.L.C." was a common occurrence on the *Journal's* pages for many years. The Comments which Professor Corbin wrote are listed in this section of the Bibliography. It is indicated in brackets wherever the Comment was signed "A.L.C."

- Conditional Delivery of Written Contracts. *Yale Law Journal*, 36: 443-63, February, 1927.
- Conditional Rights and the Functions of an Arbitrator. *Law Quarterly Review*, 44:24-34, January, 1928.
- Conditions in the Law of Contract. *Yale Law Journal*, 28:739-68, June, 1919.
- Consideration for Promises by a Gratuitous Bailee. *Yale Law Journal*, 32: 609-11, April, 1923. [Signed A.L.C.]
- Contracts for Benefit of Third Persons. *Yale Law Journal*, 27:1008-29, June, 1918.
- Contracts for the Benefit of Third Persons. *Law Quarterly Review*, 46:12-45, January, 1930.
- Contracts for the Benefit of Third Persons in Connecticut. *Yale Law Journal*, 31:489-504, March, 1922.
- Contracts for the Benefit of Third Persons in the Federal Courts. *Yale Law Journal*, 39:601-16, March, 1930.
- Contracts of Indemnity and the Statute of Frauds. *Harvard Law Review*, 41: 689-708, April, 1928; *Law Times*, 166:472-74, December, 1928.
- A Creative Process. *Yale Law Report*, 6:2-3, 14-17, Fall, 1959.
- Damages Upon Repudiation of A Contract. *Yale Law Journal*, 17: 611-14, June, 1908, [Signed A.L.C.]
- The Dead Hand of the Common Law. *Yale Law Journal*, 27:668-73, March, 1918. [Signed A.L.C.]
- Democracy and Education for the Bar. *American Law School Review*, 4:725-33, March, 1922.⁵
- "Developing Ethics" and the "Right to Strike." *Yale Law Journal*, 32: 157-65, December, 1922. [Signed A.L.C.]
- Discharge of Contracts. *Yale Law Journal*, 22:513-30, May, 1913.
- Does a Pre-Existing Duty Defeat Consideration? *Yale Law Journal*, 27:362-81, January, 1918.
- Effect of Options on Consideration. *Yale Law Journal*, 34:571-90, April, 1925.
- Effect on Contracts of War Orders or Other Acts of State. *Yale Law Journal*, 28:399-402, 407, February, 1919. [Signed A.L.C.]
- The Elevated Railway Condemnation Case — Another Analysis of the Property Interests Involved. *Yale Law Journal*, 40:1309-15, June, 1931. [Signed A.L.C.]
- The First Half-Century. *Yale Law Journal*, 50: 740-42, March, 1941.⁶
- The Formation of a Unilateral Contract. *Yale Law Journal*, 27:382-86, January, 1918. [Signed A.L.C.]
- Frustration of Contract in the United States of America. *Journal of Comparative Legislation*, 3d ser., 29:1-8, November, 1947.

5. This was the Annual Address of the President of the Association of American Law Schools in 1921. Professor Corbin served as President of the Association that year.

6. This essay was written on the occasion of the fiftieth anniversary of the *Yale Law Journal*. Professor Corbin was the guest of honor at the *Journal's* Anniversary Banquet that year.

- Hard Cases Make Good Law. *Yale Law Journal*, 33:78-82, November, 1923.
[Signed A.L.C.]
- Comment on *Hoare & Co. v. McAlpine & Sons*. *Yale Law Journal*, 32:498,
March, 1923.⁷
- Important Gift Tax Decisions Rendered. *New Jersey Law Journal*, 69:179,
June 6, 1946.
- Judicial Process. *Connecticut Bar Journal*, 33:281-90, September, 1959.
- The Judicial Process Revisited: A Symposium — Introduction. *Yale Law
Journal*, 71:195-201, December, 1961.⁸
- Jural Relations and Their Classification. *Yale Law Journal*, 30:226-38, Janu-
ary, 1921.⁹
- Mr. Justice Cardozo and the Law of Contracts. *Yale Law Journal*, 48:426-457;
Columbia Law Review, 39: 56-87; *Harvard Law Review*, 52: 408-39;
January, 1939.¹⁰
- The Law and The Judges. *Yale Review* (new series), 3:234-50, January, 1914.
- Lawmakers. *Connecticut Bar Journal*, 8:27-48, July, 1934.
- The Law of Third Party Beneficiaries in Pennsylvania. *University of Pennsyl-
vania Law Review*, 77: 1-22, November, 1928.
- The [Yale] Law School under Ten Deans and Five Presidents. *Yale Law Re-
port*, 1: No. 4, 2-12, Fall, 1954.
- The Laws of the Several States. *Yale Law Journal*, 50: 762-77, March, 1941.
- Legal Analysis and Terminology. *Yale Law Journal*, 29:163-73, December,
1919.

7. This is an unsigned and untitled piece. A notation in his copy of the *Journal* by Professor Corbin indicates that he was the author. See notes 3 and 4 *supra*.

8. On the Fortieth Anniversary of Mr. Justice Cardozo's great Storrs Lectures — *The Nature of the Judicial Process* — which had been given at the Yale Law School in 1921, the *Journal* published a symposium for which Professor Corbin wrote this Introduction.

9. A copy of a short essay, "Developing Ethics" and the "Right to Strike," 32 YALE L.J. 157 (1922) [Signed A.L.C.] (see note 3 *supra*) which is in the Law Faculty Publications Collection of the Yale Law Library, bears a notation in Professor Corbin's hand concerning *Jural Relations and Their Classification* which he had cited at 32 YALE L.J. 157 n.2. It reads:

[*Jural Relations and their Classification*] . . . was read at the Ass'n of Amer. Law Schools, Chi., Dec. 1920, as the leading paper of a "Symposium" [on the contributions of Wesley Newcomb Hohfeld], Hohfeld had died in 1918; and his work was a subject of general discussion, much of it critical and *dumb*. Wm. H. Page (Wis.) [University of Wisconsin Law School] and Albert Kocourek (N.W.) [Northwestern University Law School] followed my paper with discussion. I departed for New Haven that night. The following day, the Ass'n elected me president.

The paper was published under a slightly different title in the *American Law School Review*. *Terminology and Classification in Fundamental Jural Relations*, 4 AM. LAW SCHOOL REV. 607 (1921). See note 13 *infra* and accompanying entry.

For further details of the circumstances of the delivery of this paper, see, Corbin, *An Account of [Wesley N.] Hohfeld and the Yale Law School*. (Unpublished and undated manuscript in the Yale Law Library)

10. See note 19 *infra* and accompanying entry.

- Letter [on the Supreme Court Issue] to Volunteer Citizens' Committee of Boston. *American Bar Association Journal*, 23: 411-12, June, 1937.
- Liability of Water Companies for Losses by Fire. *Yale Law Journal*, 19: 425-40, April, 1910.
- A Tribute to Karl Llewellyn. *Yale Law Journal*, 71: 805-12, April, 1962.
- Ernest Gustav Lorenzen. *Yale Law Journal*, 60:579-80, April, 1951.
- New Contract By A Debtor to Pay His Pre-existing Debt. *Yale Law Journal*, 27:535-39, February, 1918. [Signed A.L.C.]
- Non-Binding Promises as Consideration. *Columbia Law Review*, 26:550-58, May, 1926.
- Offer and Acceptance, and Some of the Resulting Legal Relations. *Yale Law Journal*, 26: 169-206, January, 1917.
- The Offer of an Act For a Promise. *Yale Law Journal*, 29: 767-72, May, 1920. [Signed A.L.C.]
- Option Contracts. *Yale Law Journal*, 23: 641-63, June, 1914.
- The Parol Evidence Rule. *Yale Law Journal*, 53:603-63, September, 1944.
- Part Payment of a Debt as Consideration for a Promise. *Yale Law Journal*, 17: 470-73, April, 1908. [Signed A.L.C.]
- Comment on *People v. Gitlow*. *Yale Law Journal*, 32:178-79, December, 1922.¹¹
- Principles of Law and Their Evolution. *Yale Law Journal*, 64:161-63, December, 1954; reprinted in *Lawyers' Journal*, 25:130, 160, May, 1960.
- Privilege of a Labor Union to Induce a Breach of Contract. *Yale Law Journal*, 32: 171-78, December, 1922. [Signed A.L.C.]
- Problems in Restatement of Law of Contracts. *American Bar Association Journal*, 14:652-54, December, 1928.
- A Promise With "Option to Cancel" as Valuable Consideration. *Yale Law Journal*, 32: 496-97, March, 1923. [Signed A.L.C.]
- Quasi-Contractual Obligations. *Yale Law Journal*, 21:533-54, May, 1912.
- Quasi-Contractual Remedy in Cases of Express Contract Induced by Fraud. *Yale Law Journal*, 28: 255-59, January, 1919. [Signed A.L.C.]
- Ratification in Agency Without Knowledge of Material Fact. *Yale Law Journal*, 15:331-40, May, 1906.
- Recent Developments in the Law of Contracts. *Harvard Law Review*, 50: 449-75, January, 1937.
- The Restatement of the Common Law by the American Law Institute. *Iowa Law Review*, 15: 19-41, December, 1929.
- Restatement of the Law of Contracts. *American Bar Association Journal*, 14: 602-05, November, 1928.
- The Right of a Defaulting Vendee to the Restitution of Instalments Paid. *Yale Law Journal*, 40:1013-33, May, 1931.
- Rights and Duties. *Yale Law Journal*, 33:501-27, March, 1924.

11. This is an unsigned piece. Professor Corbin's copy of the *Journal* bears a notation in his hand which indicates that he is the author. See notes 3 and 4 *supra*.

- Henry Wade Rogers. *Yale Law Journal*, 36:112-14, November, 1926.¹²
- Some Problems in the Restatement of the Law of Contracts. *American Bar Association Journal*, 14:652-55, December, 1928.
- Supervening Impossibility of Performing Conditions Precedent. *Columbia Law Review*, 22:421-29, May, 1922.
- Taxation of Seats on the Stock Exchange. *Yale Law Journal*, 31: 429-31, February, 1922. [Signed A.L.C.]
- Terminology and Classification in Fundamental Jural Relations. With critical comments by A. Kocourek and W. H. Page. *American Law School Review*, 4:607-14, 614-23, 1921.¹³
- Third Parties as Beneficiaries of Contractors' Surety Bonds. *Yale Law Journal*, 38:1-25, November, 1928.
- To Professor George Jarvis Thompson. *Cornell Law Quarterly*, 41:3, Fall, 1955.
- Uniform Commercial Code-Sales; Should it be Enacted? *Yale Law Journal*, 59:821-36, April, 1950.
- William Reynolds Vance. *Yale Law Journal*, 50:195-97, December, 1940.
- Waiver of Tort and Suit in Assumpsit. *Yale Law Journal*, 19:221-46, February, 1910.
- Comment on *Ward & Co. v. Commissioner of Taxes*. *Yale Law Journal*, 32: 399, February, 1923.¹⁴
- What is a Legal Relation? *Illinois Law Quarterly*, 5:50-52, December, 1922.
- What is the Common Law? *American Law School Review*, 3:73-75, February 1912; *Student Law Helper*, 20:79-81, March, 1912.
- Samuel Williston. *Harvard Law Review*, 76:1327-29, May, 1963.
- Yale and the New Science of Jurisprudence. *Case and Comment*, 21:953-56, May, 1915.
- The Yale Law School and Tom Swan. *Yale Law Report*, 4:2-4, Spring, 1958.

PERIODICALS: BOOK REVIEWS

- THE BRAMBLE BUSH — SOME LECTURES ON LAW AND ITS STUDY. 1930. By K. N. Llewellyn. *Columbia Law Review*, 31: 515-16, March, 1931.
- CASES AND MATERIALS ON CONTRACTS. 1953. By Friedrich Kessler and Malcolm P. Sharp. *Law Library Journal*, 47: 60-62, February, 1954.
- CASES ILLUSTRATING GENERAL PRINCIPLES OF THE LAW OF CONTRACT. 1923. By John C. Miles and J. L. Brierly. *Yale Law Journal*, 33:228, December, 1923.

12. This is an unsigned Memorial written to Dean Henry Wade Rogers. Professor Corbin's copy of the *Journal* bears a notation in his hand which indicates that he is the author. See notes 3 and 4 *supra*.

13. *See note 9 *supra*.

14. This is a very brief unsigned comment. Professor Corbin's own copy of the *Journal* bears a notation in his hand which indicates that he is the author. See notes 3 and 4 *supra*.

- CHITTY ON CONTRACTS. 17th ed. 1921. By W. Wyatt-Paine. *Yale Law Journal*, 31 : 452-53, February, 1922.¹⁵
- CONTRACTS IN ENGINEERING. 2d ed. 1920. By James Irwin Tucker. *Yale Law Journal*, 31 : 452-53, February 1922.¹⁶
- CONTRACTS PAR CORRESPONDENCE. 1921. By Albert Cohen. *Yale Law Journal*, 31 : 452-53, February 1922.¹⁷
- EARLY RECORDS OF GILPIN COUNTY, COLORADO. 1920. Edited by Thomas M. Marshall. *Yale Law Journal*, 30 : 313, January, 1921. [Signed A.L.C.]
- THE EFFECT OF WAR ON CONTRACTS. 1946. By George J. Webber. *Yale Law Journal*, 55 : 848-52, June, 1946.
- FOUNDATIONS OF LEGAL LIABILITY. 3 vols., 1906. By Thomas Atkins Street. *Yale Law Journal*, 16 : 217-20, January, 1907. [Signed A.L.C.]
- AN INTRODUCTION TO THE PHILOSOPHY OF LAW. 1922. By Roscoe Pound. *Yale Law Journal*, 32 : 515-17, March, 1923.
- LAW IN THE MAKING. 1927. By Carlton Kemp Allen. *Yale Law Journal*, 38 : 270-75, December, 1928.
- THE LAW OF CONTRACT. Second American copyright edition 1906. By William R. Anson. Edited by Ernest W. Huffcut. *Yale Law Journal*, 16 : 155, December, 1906. [Signed A.L.C.]
- POLITICS AND THE CONSTITUTION IN THE HISTORY OF THE UNITED STATES. 2 vols., 1953. By William W. Crosskey. *Yale Law Journal*, 62 : 1137-54, June, 1953.
- POLITICS AND THE CONSTITUTION IN THE HISTORY OF THE UNITED STATES. 2 vols., 1953. By William W. Crosskey. *University of Chicago Law School Record*, 2, No. 3 : 14, 19, 1953.
- PRINCIPLES OF CONTRACT. 9th ed. 1921. By Sir Frederick Pollock. *Yale Law Journal* 31 : 452-53, February, 1922.¹⁸
- SELECTED CASES ILLUSTRATING THE LAW OF CONTRACTS. Fourth edition. 1925. By A. Cecil and Francis M. Caporn. *Yale Law Journal*, 35 : 391, January, 1926.
- SIMEON EBEN BALDWIN — LAWYER, SOCIAL SCIENTIST, STATESMAN. 1955. By Frederick H. Jackson. *Yale Law Journal*, 65 : 274-76. December, 1955.

MISCELLANEOUS WRITINGS, ESSAYS AND MATERIALS

An Account of [Wesley N.] Hohfeld and the Yale Law School. An unpublished and undated manuscript in the Yale Law Library. 22 pp. typewritten.

15. This book was reviewed along with three other books: POLLOCK, PRINCIPLES OF CONTRACT (9th ed. 1921); COHEN, CONTRACTS PAR CORRESPONDENCE (1921) and TUCKER, CONTRACTS IN ENGINEERING (2d ed. 1920). A separate entry appears for each in this bibliography.

16. See note 15 *supra*.

17. See note 15 *supra*.

18. See note 15 *supra*.

- Corbin on Hohfeld.* Tape recorded conversations with Professor Corbin. The tapes which run about eight hours were made at Mr. Corbin's home during 1960. They are on deposit in the Yale Law Library.
- Foreword to FUNDAMENTAL LEGAL CONCEPTIONS AS APPLIED IN JUDICIAL REASONING.* By Wesley Newcomb Hohfeld. Edited by Walter Wheeler Cook. With a new foreword by Arthur L. Corbin. New Haven: Yale University Press, third printing, January, 1964. 114 pp. [The foreword is dated at West Boothbay Harbor, Maine, August, 1963.]
- Foreword to THE GROWTH OF THE LAW.* By Benjamin N. Cardozo. New Haven: Yale University Press, 12th printing, June, 1963. [The foreword is dated at New Haven, Connecticut, September, 1962.]
- Frauds, Statute of.* In *ENCYCLOPAEDIA OF THE SOCIAL SCIENCES*, 6:429-30 (1931).
- Injunctions.* In *CYCLOPEDIA OF LAW AND PROCEDURE.* By John W. Edgerton and Arthur L. Corbin. Edited by Dean Harry Wade Rogers. New York: American Law Book Co., 1906.
- Letters to the editor of the Connecticut Bar Journal* in *LETTERS TO THE EDITOR*, a compilation of letters received and collected by Judge D. H. Jacobs, editor of the Journal, 1947-53. The Corbin letters are in volume one, no. 217 of the collection, which is in the Manuscript Collection of the Yale Law Library.
- Mr. Justice Cardozo and the Law of Contracts* in *ESSAYS DEDICATED TO MR. JUSTICE CARDOZO.* New York: Columbia Law Review, Harvard Law Review and Yale Law Journal, 1939. 137 pp. [Unpaged.]¹⁹
- Offer and Acceptance, and Some of the Resulting Legal Relations.* New Haven, 1917. 39 pp.²⁰

THE RESTATEMENTS OF THE LAW

1. *Restatement of the Law, Contracts*
 - (a) *Introduction*

Arthur Linton Corbin served as Special Adviser to the American Law Institute project for the *Restatement of the Law, Contracts*. The Reporter was Professor Samuel Williston of the Harvard Law School. Professor Corbin had the primary responsibility for the preparation of the Chapters on Remedies. However, as an adviser to the whole project his influence permeates all of its work — the memoranda, the preliminary and final drafts. Since the preparation of each *Restatement* is essentially a cooperative venture conducted by

19. This essay also appeared in the memorial issues of the *Columbia* and *Harvard Law Reviews* and the *Yale Law Journal* in January, 1939, which were dedicated to Mr. Justice Cardozo. The essays were later published in bound form with the addition of a Foreword by James M. Landis. See note 10 *supra*.

20. This is a reprint, with revisions, of an article of the same title which was published in 26 *YALE L.J.* 169 (1917). A copy of the reprint is in the Pamphlet Collection (Volume 30, Item No. 19) of the Yale Law Library.

a group of scholars working together, it is generally impossible to single out particular fragments as being the work of one man. The Bibliography that follows can only begin to indicate Professor Corbin's immensely important role in the preparation of the *Restatement*.

(b) *Bibliography of special materials in the Yale Law Library collection*

The library collection contains copies of various preliminary drafts, memoranda and correspondence written during the years 1923-32, which were "used by Professor Arthur L. Corbin in the preparation of the final draft."

Remarks and discussions of Professor Corbin, as well as those of others involved in the drafting of the Restatement can be found among the materials which are catalogued under the title *Typed Minutes of the Conferences of the Reporters and Advisers on Contracts, June 1923 - January 1932*.

(c) *Selected Bibliography*

AMERICAN LAW INSTITUTE, RESTATEMENT OF THE LAW, CONTRACTS. Confidential preliminary drafts, memoranda and correspondence, 1923-32, used by Professor Arthur L. Corbin in the preparation of the final draft. This material consisting of seven bound and one boxed volume of letters, notes and correspondence, a gift of Professor Arthur Linton Corbin is in the Yale Law Library.

These volumes contain the Confidential Preliminary Drafts of the *Restatement, Contracts* with extensive marginal notes by Professor Corbin. Many of the Drafts were prepared by Professor Corbin in his capacity as Reporter for the Chapter (12) on Remedies.²¹

21. The Drafts which were prepared by Professor Corbin are:

Confidential Preliminary Draft No. 29. Remedies: Damages: Contract Debts, Restitution of Value Received. October 1, 1928.

Confidential Preliminary Draft No. 31. Judicial Remedies: Damages. December 3, 1928.

Confidential Preliminary Draft No. 34. Judicial Remedies and Damages. Typewritten revision to be read with Confidential Preliminary Draft No. 29. February 25, 1929.

Confidential Preliminary Draft No. 36. Judicial Remedies for Breach of Contract: Damages. April 15, 1929.

Confidential Preliminary Draft No. 39. Judicial Remedies for Breach of Contract: Damages. August 26, 1929.

Confidential Preliminary Draft No. 44. Judicial Remedies for Breach of Contract: Topic C. Restitution. February 17, 1930.

Confidential Preliminary Draft No. 47. Continuation of Chapter 12, Judicial Remedies on Breach of Contract: Topic C. Restitution. April 28, 1930.

Confidential Preliminary Draft No. 49. Continuation of Chapter 12, Judicial Remedies on Breach of Contract: Topic C. Restitution. June 26, 1930.

Confidential Preliminary Draft No. 50. Chapter 12, Judicial Remedies on Breach of Contract: Topic D. Specific Performance. July 11, 1930.

Confidential Preliminary Draft No. 52. Continuation Chapter 12, Judicial Remedies on Breach of Contract: Topic C. Restitution. October 15, 1930.

Confidential Preliminary Draft No. 54. Judicial Remedies on Breach of Contract: Topic D. Specific Performance. October 17, 1930.

Volume 8, which consists of various loose, unbound papers, includes, *inter alia*, numerous letters and memoranda written by and to Professor Corbin. Many of these are in his hand, and many are letters to Mr. Corbin from Professor Samuel Williston, the Reporter for the *Restatement*.

Judicial Remedies for Breach of Contract: Damages, in AMERICAN LAW INSTITUTE, RESTATEMENT OF THE LAW, CONTRACTS. 1930. 83 pp.

Judicial Remedies for Breach of Contract, Chap. 12, Topic C, Restitution, in AMERICAN LAW INSTITUTE, RESTATEMENT OF THE LAW, CONTRACTS, TENTATIVE DRAFT No. 10. Philadelphia: American Law Institute 1931. 74 pp.

Judicial Remedies for Breach of Contract: Topic D. Specific Performance; Topic E. Election of Remedies, in AMERICAN LAW INSTITUTE, RESTATEMENT OF THE LAW, CONTRACTS, PROPOSED FINAL DRAFT No. 12. Philadelphia: American Law Institute, 1932. 127 pp.

AMERICAN LAW INSTITUTE, RESTATEMENT OF THE LAW, CONTRACTS. St. Paul: American Law Institute Publishers, 1932. [Samuel Williston, Reporter. Arthur L. Corbin, Special Adviser.]

AMERICAN LAW INSTITUTE, RESTATEMENT OF THE LAW, CONTRACTS (containing Connecticut annotations). By Arthur L. Corbin and Philip R. Schiff, prepared under the auspices of the Connecticut State Bar Association. St. Paul: American Law Institute Publishers, 1933. vi, 389 pp.

(d) *Restatement of the Law, Contracts (Second)*

About five years ago at the request of the Council of The American Law Institute, Professor Corbin prepared a draft revision of the *Restatement, Contracts*.²²

Confidential Preliminary Draft No. 57. Judicial Remedies on Breach of Contract: Topic D. Specific Performance. January 2, 1931.

Confidential Preliminary Draft No. 63. Chapter 12, Judicial Remedies on Breach of Contract: Topic D. Specific Performance; Topic E. Election of Remedies. June 30, 1931.

Confidential Preliminary Draft No. 64. Chapter 12, Judicial Remedies on Breach of Contract: Topic D. Specific Performance; Topic E. Election of Remedies. October 20, 1931.

22. The first galleys of this Bibliography did not contain any mention of this draft which Professor Corbin had prepared. In a letter dated October 3, 1964 to the Editor of the *Journal* who prepared this Bibliography, Professor Corbin wrote:

Is it possible at this point to include a statement as to [the] Revision of the Contracts Restatement, now being prepared . . . by Professor Robert Braucher as Reporter and a Committee of Advisers? I was asked by the Council of the A.L. Institute, through its Director [the late] Judge Herbert Goodrich, to go through the Restatement I and indicate the sections in need of revision. This was about 5 years ago. I agreed to do as requested. I immediately observed that practically *all* of the Sections needed revision. This was proved by the results of my 30 years of research and publications, including my 8-volume treatise. Instead of merely indicating the Sections in need of revision (including *all* of them), I at once proceeded to prepare a "one-man revision" of the entire Restatement (excluding only the Chapters on Remedies, which had been drafted by myself as Associate Reporter). I worked steadily on this for about 18 months, covering the black letter sections,

2. Restatement of the Law, Vendor and Purchaser

During the years 1934-36 a group appointed by the American Law Institute met to prepare a Restatement of the Law of Vendor and Purchaser and of Sales of Land. Again Professor Williston was the Reporter for the group. Professors Arthur L. Corbin and Harry Shulman, both of the Yale Law School were among the advisers. The Institute abandoned its plans for this *Restatement*.

The collection of the Yale Law Library contains various materials, both printed and mimeographed, which were prepared by the group. Included in these materials are confidential preliminary drafts, tentative drafts and the minutes of the group.

3. The Uniform Revised Sales Act Project

In 1942 the American Law Institute created a committee to draft a revision to the Uniform Sales Act. Professor Karl N. Llewellyn was the Reporter and Professor Corbin was an Adviser. The project eventually resulted in the promulgation of the Uniform Commercial Code. In 1944 a draft of the "Uniform Revised Sales Act" was published. Professor Corbin had been active in the work leading to the preparation of this draft. The Yale Law Library collection contains various materials relating to the participation of Mr. Corbin in the Project.

the comment[s] and illustrations. Many sections I rewrote entirely, especially Chapter 9 on Interpretation and the Parol Evidence Rule. As I completed my revision of each Chapter, I sent it in handwritten form to Judge Goodrich He had each such instalment typewritten and multigraphed for use by the Revision Reporter and his Committee and perhaps by others. Thus far, the Reporter has made steady use of my revision, although [he is] in no respect bound to follow it . . .

THE YALE LAW JOURNAL

VOLUME 74

DECEMBER 1964

NUMBER 2

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CONTRIBUTORS TO THIS ISSUE

- THOMAS W. SWAN. A.B. 1900, Yale University; LL.B. 1903, Harvard University.
EUGENE V. ROSTOW. B.A. 1933; LL.B. 1937; A.M. 1944, Yale University.
DOUGLAS ARANT. B.S. 1920, University of Virginia; LL.B. 1923, Yale University.
ROGER M. BLOUGH. B.A. 1925, Susquehanna University; LL.B. 1931, Yale University.
GRANT GILMORE. B.A. 1931; Ph.D. 1936; LL.B. 1942, Yale University.
FRIEDRICH KESSLER. Dr. Jur. 1928, University of Berlin.
ARTHUR L. GOODHART. B.A. 1912, Yale University; LL.B. 1914; LL.D. 1931, Cambridge University.
ROBERT BRAUCHER. A.B. 1936, Haverford College; LL.B. 1939, Harvard University.
BAILEY BROWN. A.B. 1939, University of Michigan; LL.B. 1942, Harvard University.
DAVID STAFFORD-CLARK. M.B., B.S. 1939; M.D. 1947; D.P.M. 1948, London University.
DAVID ROTHMAN. B.A. 1958, Columbia University; M.A. 1959; Ph.D. 1964, Harvard University.