

# INTRODUCTION

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Dr. William Draper Lewis, former Director of The American Law Institute, wrote the Introduction for the first volume for the Trusts Restatement, First Edition, in June 13, 1935. The two volumes were brought out that year. In 1948 there was a small revision which appeared in a 1948 Supplement to all the subjects of the Restatement. Fortunately, so far as Trusts was concerned, this did not carry any fundamental changes. The 1948 Supplement was carefully done but the method of bringing the changes to the attention of users was not all that could have been hoped for.

In 1952 the Institute announced the receipt of a grant from The A. W. Mellon Educational and Charitable Trust of Pittsburgh, Pennsylvania, to continue work on the Restatement with emphasis on the desirability of keeping the statements of law current with the growth of decisions in each subject. The Institute designated this grant as "The Judge Thomas Mellon Endowment" for work on the Restatement of the Law, Second.

In preparing Restatement, Second, the Institute started with the subjects of Agency and Trusts. Agency was brought out in the fall of 1958; Trusts is appearing in the spring of 1959. We have been very fortunate to have Professor Scott as the Reporter for Trusts, Second. He was a learned scholar in this field at the time the first edition was prepared. His scholarship has broadened and deepened since, for he has been continuously at work in Trusts throughout the whole period between First and Second Editions of the Restatement.

There will not be very much here which is contrary to what was said in the First Edition. But there is much more said here than was said in the First Edition. Trusts is a growing subject. There have been applications of established principles to new situations and those have been covered. The effort in Trusts, Second, as in other subjects being dealt with in the new Restatement, is to provide fuller explanations for conclusions reached. We are endeavoring to state not only the rule but wherever helpful the reasons back of the rule. The end being sought is to give all possible aid to the practitioner, the judge and the law student.

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As in Agency, the new edition provides a set of Reporter's Notes. These cite a great deal of case law and whatever discussion the Reporter has felt moved to give. They are not part of the Restatement in the sense that they have been gone over by Advisers and considered by Council and Membership of the Institute. But that they will be helpful there is no doubt. Included also in the Appendix are the citations to the Restatement which courts have made since the first work in the subject of Trusts was published. It is hoped that these citations, and the cross-references in the Appendix to the key numbers of the West Publishing Company's Digest System and the A.L.R. annotations of Lawyers Co-operative Publishing Company, will help the lawyer in making use of the Restatement as an authority.

This has been no cursory examination of what was earlier written. The material has been thoroughly considered by Advisers, Council and Institute Membership. The group of Advisers is both learned and interested. They have helped the Reporter a great deal. They are: Professors Ralph J. Baker and A. James Casner of the Harvard Law School; Bernard Helring of the New Jersey Bar; Dean Russell Denison Niles of New York University School of Law; Justice John V. Spalding of the Supreme Judicial Court of Massachusetts; Daniel G. Tenney, Jr., of the New York Bar; Professor Warren A. Seavey of the Harvard Law School at the time; and Chief Justice Raymond S. Wilkins of the Supreme Judicial Court of Massachusetts.

The Institute feels certain that this edition of Trusts will be even more useful to readers than the First Edition.

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Director,  
The American Law Institute.

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