American Society for Legal History

Thirteenth Annual Meeting
at
Hilton Hotel
Baltimore, Maryland
on
October 21-22, 1983
Program

Registration

Beginning at 8:30 a.m., October 21, 1983
Adams Room
Friday, October 21

Law and Society in Yorkshire
9:00 a.m., Calhoun Room

Chair: Michael de L. Landon
University of Mississippi

Wakefield: The Fourteenth-Century Manor Court and Other Jurisdictions
Sue Sheridan Walker
Northeastern Illinois University

The Eighteenth-Century Poor Laws in the West Riding of Yorkshire
James W. Ely, Jr.
Vanderbilt University School of Law

Comment: Michael de L. Landon
University of Mississippi

Public and Private Law in Early Twentieth-Century America
9:00 a.m., H.L. Mencken Room

Chair: William F. Duker
Cravath, Swaine & Moore

American Contract Law at the Turn of the Century
Walter F. Pratt, Jr.
Duke University School of Law

Corporate Reconstruction and the Law: The Sherman Antitrust Act and Its Judicial Construal, 1890-1914
Martin J. Sklar
Bucknell University

Comment: William F. Duker
Cravath, Swaine & Moore

Friday, October 21

Dimensions of Judicial Biography
9:00 a.m., Edgar Allan Poe Room

Chair: Mary K. Bonsteel Tachau
University of Louisville

Dimensions of Judicial Biography
Donald M. Roper
State University of New York at New Paltz

Comment: J. Woodford Howard
Johns Hopkins University
R. Kent Newmyer
University of Connecticut
Gerald Gunther
Stanford Law School
Friday, October 21

**The Criminal Trial Jury in Early Modern England**
11:15 a.m., Calhoun Room

Chair: Thomas A. Green
University of Michigan Law School and History Department

*The Elizabethan and Early-Stuart Jury*
J.S. Cockburn
University of Maryland

*The Eighteenth-Century Jury*
John Beattie
University of Toronto

Comment: Thomas A. Green
University of Michigan Law School and History Department

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**The Fourteenth Amendment: Ratification and Early Interpretation**
11:15 a.m., Edgar Allan Poe Room

Chair: Donald G. Nieman
University of Kansas

*The Fourteenth Amendment: Enactment and Intent, 1865-1868*

William E. Nelson
New York University School of Law

*The Fourteenth Amendment: Use and Application in Civil Liberties Cases, 1868-1900*

Jonathan Lurie
Rutgers University

Comment: Robert J. Kaczorowski
Law Clerk, Hon. A. Leon Higginbotham, U.S. Court of Appeals (3d Cir.)

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Friday, October 21

**Panel Discussion**
*The Course in American Legal History: Materials and Approaches*
11:15 a.m., H.L. Mencken Room

Chair: Stanley N. Katz
Princeton University

Panelists: Dennis R. Nolan
University of South Carolina School of Law
Stephen B. Presser
Northwestern University School of Law
Harry N. Scheiber
University of California at Berkeley School of Law
Jamil S. Zainaldin
American Historical Association
Friday, October 21

The Intellectual Context of Criminal Justice Reform in Nineteenth-Century England
2:30 p.m., Edgar Allan Poe Room

Chair: Andrew J. King
University of Maryland School of Law

The Language of Sympathy: Humanitarianism and Criminal Law Reform in Early Nineteenth-Century England

Randall McGowen
University of Oregon

Medicalization and Its Discontents in English Criminal Justice, 1850-1914

Martin J. Wiener
Rice University

Comment: Andrew J. King
University of Maryland School of Law

Brief Communications I
2:30 p.m., Calhoun Room

Chair: Catherine Hancock
Tulane University School of Law

Usury Cases and the Medieval English Church Courts

R.H. Helmholz
University of Chicago Law School

John Lilburne: A Revolutionary Interprets Statute Law

Diane Parkin-Speer
Southwest Texas State University

Law and the Theory of the Affective Family

Eileen Spring
Johns Hopkins University

Friday, October 21

Brief Communications II
2:30 p.m., H.L. Mencken Room

Chair: John R. Wunder
Texas Tech University

Towards “A History of Southern Law, 1800-1915”: Necessary Components of an Adequate Exploration

A.E. Keir Nash
University of California at Santa Barbara

State Violations of the Obligation of Contracts Clause, 1789-1815: Some Preliminary Hypotheses

Steven R. Boyd
University of Texas at San Antonio

The Boston Massacre Trials

Christopher N. Fritsch
Millersville State College

The American Law of Apprenticeship, 1800-1900

Brendan Stocklin-Enright
Willamette University College of Law
Friday, October 21

Reception
5:00 p.m.

University of Baltimore
School of Law
Charles at Mount Royal Streets
(Bus transportation to be provided)

Brandy Sip and Tour of the Catacombs
10:00 p.m.

University of Maryland
School of Law
Westminster Church
Fayette and Greene Streets
Saturday, October 22

The Legal Profession in Thirteenth-Century England
9:00 a.m., Edgar Allan Poe Room

Chair: Frank Pegues
Ohio State University

Legal Education in Thirteenth-Century England

Ralph Turner
Florida State University

The Legal Careers of Gilbert of Thornton and Thomas de Weyland

Anne L. Spitzer
University of Florida
College of Law

Comment: Robert C. Palmer
William and Mary School of Law

Women and Work
9:00 a.m., H.L. Mencken Room
Joint session with the Society for the Study of Women in Legal History

Chair: Wendy Williams
Georgetown University Law Center

Muller v. Oregon Reconsidered

Nancy S. Erickson
Ohio State University
College of Law

The 1932 Economy Act: Government Policy, Working Women, and Feminism

Joy A. Scime
State University of New York at Buffalo

Comment: Priscilla Ruth MacDougall
Staff Counsel, Wisconsin Education Association Council
Jane De Hart Mathews
University of North Carolina at Chapel Hill

Scandinavian Legal History
9:00 a.m., Calhoun Room

Chair: Keith Olson
University of Maryland

An Early European Code: The Danish Code of 1683 in an International Context

Ditlev Tamm
University of Copenhagen, Faculty of Law

The Lawyer in a New Society: The Legal Profession in Sweden During the Second Half of the Nineteenth Century

Kjell A. Modeer
Lund University, Faculty of Law

Comment: Claes Peterson
University of Stockholm, Faculty of Law
Saturday, October 22

General Address
11:15 a.m., Carroll Room

Chair: Morris S. Arnold
University of Arkansas at Little Rock School of Law
President
American Society for Legal History

The War Powers at the Bicentennial:
Still 'Our Main Reliance'?

Harold M. Hyman
Rice University

Luncheon
12:30 p.m., Francis Scott Key Ballroom

Presiding: Morris S. Arnold
University of Arkansas at Little Rock School of Law
President
American Society for Legal History

Address: The State of the Society
American Federalism
2:30 p.m., Edgar Allan Poe Room

Chair: John V. Orth
University of North Carolina School of Law

Federal Law in State Courts in the Antebellum Period

Hon. John J. Gibbons
U.S. Court of Appeals (3d Cir.)

Comment: Robert M. Cover
Yale University Law School

Canadian Legal History
2:30 p.m., H.L. Mencken Room

Chair: John McLaren
University of Calgary, Faculty of Law

Is There a Distinctively Canadian Legal Culture?

Graham Parker
York University, Osgoode Hall Law School

Involuntary Motherhood: Abortion, Birth Control, and Infanticide in Nineteenth-Century Canada

Constance B. Backhouse
University of Western Ontario, Faculty of Law

Law and Order in Nineteenth-Century British Columbia

Hamar R.K. Foster
University of Victoria, Faculty of Law

Comment: Louis A. Knafla
University of Calgary

Inheritance Patterns in Medieval and Early Modern England
2:30 p.m., Carroll Room

Chair: Michael M. Sheehan
Pontifical Institute of Medieval Studies

Demography, the Manor Court, and the Will in Later Medieval England: Some Problems in Recent Work

& Richard Smith
SSRC Cambridge Group for the History of Population and Social Structure

Contrasting Sources: Court Rolls and Settlements as Evidence of Hereditary Transmission of Land Among Small Landowners in Early Modern England

Lloyd Bonfield
Tulane University School of Law

Comment: Richard Vann
Wesleyan University
American Society for Legal History

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Studies in Legal History

G. Edward White, University of Virginia School
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Studies in Legal History

C.H.S. Fifoot, Frederick William Maitland: A Life. 1971
The Autobiographical Notes of Charles Evans Hughes, edited by David J. Danielski and Joseph S. Tulchin. 1973
Raoul Berger, Executive Privilege: A Constitutional Myth. 1974
George Dargo, Jefferson's Louisiana: Politics and the Clash of Legal Traditions. 1975
Maxwell H. Bloomfield, American Lawyers in a Changing Society, 1776-1876. 1976
Stephen D. White, Sir Edward Coke and the Grievances of the Commonwealth. 1979
David Konig, Law and Society in Puritan Massachusetts, Essex County, 1629-1692. 1979

James Oldham, Unpublished Legal Papers of Lord Mansfield. (forthcoming 1984)
John Henry Schlegel, American Legal Realism and Empirical Social Science. (forthcoming 1984 or 1985)