

AMERICAN SOCIETY
FOR
LEGAL HISTORY



Historia Omnium Legum

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

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.)

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

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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. Scimé
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

Saturday, October 22

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*

Saturday, October 22

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

Saturday, October 22

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*

Larry Poon
& 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

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Robert J. Haws, University of Mississippi
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Studies in Legal History

G. Edward White, University of Virginia School
of Law, *Editor*

Studies in Legal History

- C.H.S. Fifoot, *Frederick William Maitland: A Life*. 1971
- Raoul Berger, *Impeachment: The Constitutional Problems*. 1973
- The Autobiographical Notes of Charles Evans Hughes, edited by David J. Danielski and Joseph S. Tulchin. 1973
- John H. Langbein, *Prosecuting Crime in the Renaissance: England, Germany, and France*. 1974
- Raoul Berger, *Executive Privilege: A Constitutional Myth*. 1974
- George Dargo, *Jefferson's Louisiana: Politics and the Clash of Legal Traditions*. 1975
- William E. Nelson, *Americanization of the Common Law: The Impact of Legal Change on Massachusetts Society, 1760-1830*. 1975
- Maxwell H. Bloomfield, *American Lawyers in a Changing Society, 1776-1876*. 1976
- Morton J. Horwitz, *The Transformation of American Law, 1780-1860*. 1977
- Robert Stevens, *Law and Politics: The House of Lords as a Judicial Body, 1800-1976*. 1978
- 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
- Richard A. Cosgrove, *The Rule of Law: Albert Venn Dicey, Victorian Jurist*. (1980)
- Michael S. Hindus, *Prison and Plantation: Criminal Justice in 19th Century Massachusetts and South Carolina*. (1980)
- Paul Finkelman, *An Imperfect Union: Slavery, Federalism, and Comity*. (1981)
- Robert C. Means, *Underdevelopment and the Development of Law: Corporations and Corporate Law in 19th Century Colombia*. (1981)
- On the Laws and Customs of England: Essays in Honor of S.E. Thorne, edited by Morris S. Arnold, Thomas A. Green, Sally A. Scully, and Stephen D. White. (1981)
- John Philip Reid, *In Defiance of the Law: The Standing-Army Controversy, The Two Constitutions, and the Coming of the American Revolution*. (1981)
- A.G. Roeber, *Faithful Magistrates and Republican Lawyers: Creators of Virginia Legal Culture, 1680-1810*. (1981)

- William E. Nelson, *Dispute and Conflict Resolution in Plymouth County, Massachusetts, 1725-1825*. (1981)
- Lawrence M. Friedman and Robert V. Percival, *The Roots of Justice: Crime and Punishment in Alameda County, California, 1870-1910*. (1981)
- Robert Stevens, *The Law School: Legal Education In America*. (1983)
- Hendrik Hartog, *The Properties of the Corporation: New York City and its Law, 1730-1870*. (forthcoming 1983)
- Michael Grossberg, *Law and the Family in Nineteenth Century America*. (forthcoming 1984)
- James Oldham, *Unpublished Legal Papers of Lord Mansfield*. (forthcoming 1984)
- John Henry Schlegel, *American Legal Realism and Empirical Social Science*. (forthcoming 1984 or 1985)

