American Society for Legal History

Seventh Annual Meeting
at
The Sheraton-Boston Hotel
Boston, Massachusetts
on
November 4-5, 1977
Program

Registration
Beginning at 8:45 a.m., November 4
Third Floor Foyer
Friday, November 4

American Lawyers and Judges
10:00 a.m., Gardner Room

Chairman: Maxwell H. Bloomfield, Catholic University of America

"Fortify me against temptations": The Legal Education and Early Legal Practice of Daniel Webster

Alfred S. Konetski
State University of New York (Buffalo) School of Law

Federalist Jurisprudence in the Pennsylvania Federal Courts, 1789-1801

Stephen B. Presser
Northwestern University School of Law

Commentator
Maxwell H. Bloomfield

Medieval English Law
10:00 a.m., Hampton Room

Chairman: Samuel E. Thorne, Harvard University Law School

Adding Insult to Inuria: Affronts to Honor and the Origins of Trespass

John S. Beckerman
Haverford College

Patterns of Lawyers' Reasoning in the Fourteenth Century

Donald W. Sutherland
University of Iowa

Commentator
Samuel E. Thorne

Friday, November 4

Colonial American Law
2:30 p.m., Gardner Room

Chairman: L. Kinvin Wroth, University of Maine Law School

Local Law, Institutions and Custom in Old and New England During the Seventeenth Century

David Grayson Allen
The Adams Papers Massachusetts Historical Society

Judicial Independence in Colonial Massachusetts

Barbara A. Black
Yale University

Commentator
L. Kinvin Wroth

Medieval Canon Law
2:30 p.m., Hampton Room

Chairman: James A. Brundage, University of Wisconsin (Milwaukee)

Papal Decretal Letters as a Source of Law

Stanley Chodorow
University of California (San Diego)

Reflections on Gratian and His Commentators

John T. Noonan, Jr.
University of California School of Law (Berkeley)

Commentator
James A. Brundage
Friday, November 4

Reception
5:00 p.m., Fairfax Room

Brief Communications
8:30 p.m.
General Chairman: G. Edward White, University of Virginia School of Law

Panel on Status and Kinship in European Family Law:
Exeter A Room
Chairman: Paul Lucas, Clark University
Lenard R. Berlanstein, University of Virginia, “Juvenile Delinquency in Nineteenth-Century France”
Howard Nenner, Smith College, “Private Property Law and the Seventeenth-Century Monarchical Succession”

Panel on The Military Profession and Nineteenth-Century American Law:
Exeter B Room
Chairman: Joseph W. Bishop, Jr., Yale Law School
Edward Sherman, Indiana University School of Law (Bloomington), “American Military Justice and Nineteenth-Century Egalitarianism”
Philip S. Paludan, University of Kansas, “The Civil War and the Rule of Law: A Confederate Officer’s Indictment for Murder”

Panel on The American Legal Profession and the Sociology of Knowledge:
Exeter A Room
Chairman: Gerard W. Gawalt, Library of Congress
Stephen Botein, Michigan State University, “Cicero as Role Model for Early American Lawyers”
Burton J. Bledstein, University of Illinois (Chicago Circle), “Power, Ceremony and the Uses of Knowledge in the Nineteenth-Century Legal Profession”

Panel on Joint Law and History Programs:
Dalton B Room
Chairman: Charles McCurdy, University of Virginia
Harold M. Hyman, Rice University, “Some Pedagogical Problems in Joint Law and History Programs”
Jonathan Lurie, Rutgers University (Newark), “A Response to Professor Hyman”

Saturday, November 5

Family Property and the Continental Legal Tradition
9:00 a.m., Jefferson Room
Chairman: Elizabeth A.R. Brown, Brooklyn College, City University of New York

The English Testament in the Late Middle Ages: A Preliminary Report
Michael M. Sheehan
Pontifical Institute of Medieval Studies (Toronto)

Notaries, Seisin and “Family Secrets” in Modern France
Ralph E. Giesey
University of Iowa

Commentators
Philip Dawson, Brooklyn College, City University of New York, and Elizabeth A.R. Brown

Legal History, Urban History, and the City of New York
9:00 a.m., Hampton Room
Chairman: Jon C. Teaford, Purdue University

The Corporation of the City of New York Before the Civil War
Hendrick Hartog
Brandeis University

Law, Lawyers and the Merchants of New York City in the First Decades After the Revolution
Robert W. Gordon
University of Wisconsin Law School

Commentator
Jon C. Teaford
Saturday, November 5

General Address
11:00 a.m., Hampton Room
Chairman: Joseph H. Smith, Columbia University School of Law

Accommodating the Grasp of the Dead Hand: Land, Liberty and Perpetuities
George L. Haskins
University of Pennsylvania Law School

Luncheon
12:00 p.m., Fairfax A Room*
Presiding
Joseph H. Smith, Columbia University School of Law
President
American Society for Legal History

Saturday, November 5

Problems in American Law and Policy around the Turn of the Century
1:45 p.m., Jefferson Room
Chairman: Morton Keller, Brandeis University

Distributive Justice and Immigration Policy (1865-1924)
Robert M. Cover
Yale Law School

Comment: Morton Keller

The Legal Origins of the Philanthropic Foundation in the United States
Stanley N. Katz
University of Chicago School of Law

(Presentation of a research project undertaken jointly by Professor Katz and Barry Sullivan of the Illinois Bar, Chicago)

Comment: Marion R. Fremont-Smith of the Massachusetts Bar, Boston

Tudor-Stuart Legal History
1:45 p.m., Hampton Room
Chairman: J. Swanston Cockburn, University of Maryland

Some Aspects of Star Chamber Jurisdiction in the Seventeenth Century
Thomas G. Barnes
University of California (Berkeley)

Legal Aspects of Anglo-Scottish Union (1603-1707)
Brian P. Levack
University of Texas

Commentator
J. Swanston Cockburn

*A cash bar will open in the Fairfax A Room before the lunch.
Saturday, November 5

Round Table Discussion:
Unpublished Case Records as a Source of Legal and Social History

3:45 p.m., Hampton Room

Chairman: William E. Nelson
Yale Law School
DeLloyd J. Guth, University of Lancaster, English Pleas in the Later Middle Ages

David Konig, Washington University, St. Louis, The Judicial Records of Colonial Massachusetts

Richard Cole, Western New England College School of Law, The Records of Jurisdiction of the Mid-Western Frontier

American Society for Legal History

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Joseph H. Smith, Columbia University School of Law

*Deceased, July 10, 1977
Studies in Legal History

Morris S. Arnold, University of Pennsylvania Law School, Editor
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

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ASLH Newsletter

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