

AMERICAN SOCIETY  
FOR  
LEGAL HISTORY



*Historia Omnium Legum*

*Eighth Annual Meeting*  
at  
*Center for Continuing Education*  
*University of Chicago*  
on  
*October 20-21, 1978*

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## Program

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### *Registration*

Beginning at 8:30 a.m., October 20, 1978

Second Floor Lobby

Friday, October 20

## Historical Aspects of Family Law

9:45 a.m., Room 2 BC

Presiding: Stanley N. Katz  
Princeton University

~~Family and Law in Three Cultures: A Research  
Prospectus~~  
*Adoption in Massachusetts  
in the Nineteenth Century  
& its relation to  
Apprenticeship & Controlling Cases*  
Jamil S. Zainaldin  
Case Western Reserve University

*The American Law of Husband and Wife in the  
19th Century (Mass., Va. & S.C. Divorced  
Alimony)*  
Michael Hindus  
Harvard Law School

Comment: Elizabeth Pleck  
University of Michigan

*Lynn Mitche  
Jonna Kist Dyck*

## The "Democratization" of American Law in the Nineteenth Century

9:45 a.m., Room 2 EF

Presiding: Kathryn Preyer  
Wellesley College

*"You Will Discover how Loosely Business is Trans-  
acted in the Courts of this State": The Legal  
Practice of Andrew Jackson*

James W. Ely, Jr.  
Vanderbilt University School of Law

*The Jury Selection Act of 1879: Theory and Practice  
of Citizen Participation in the Judicial System*

Drew L. Kershen  
University of Oklahoma College of Law

Comment: Andrew J. King  
Editor, Papers of Daniel Webster

Friday, October 20

## Law and Abortion

1:45 p.m., Room 2 BC

Presiding: Linda Grant DePauw  
George Washington University

*Abortion and the Law in England and her Colonies,  
1558-1800*

Peter C. Hoffer  
University of Georgia, Athens

N.E.H. Hull  
Columbia University

*Anti Abortion Law in Nineteenth Century America*

James C. Mohr  
University of Maryland  
Baltimore County

Comments: Angus McLaren  
University of Victoria

## Medieval Legal History

1:45 p.m., Room 2 EF

Presiding: Frederick H. Russell  
Rutgers University, Newark

*Legal Education and <sup>Political</sup> Legal Imagination: The  
Medieval Papal Experience*

James Muldoon  
Rutgers University, Camden

*Legislation of Boniface VIII on the Disposal of the  
Body*

Elizabeth A.R. Brown  
Brooklyn College

Comments: Thomas Morrissey  
State University of New York, Fredonia

Friday, October 20

## **Round Table Discussion: Legal History, Historians, and Lawyers' Papers**

4:00 p.m., Room 2 BC

Presiding: Joseph H. Smith  
Columbia University Law School

### **Participants**

Susan Grigg  
Department of Manuscripts and Archives,  
Yale University Library

William Harbaugh  
University of Virginia

Robert D. Williams, Esq.  
Warner & Stackpole,  
Boston, Massachusetts

Comments and Questions: The Audience

## **Reception**

5:00 p.m., Dining Room B

Friday, October 20

## **Brief Communications — Research in Progress**

8:30 p.m.

1. Presiding: John S. Beckerman  
Haverford College

*Comparative Perspectives on the Canadian Law  
of Nuisance and Negligence*

Room 2 B

Jennifer Nedelsky  
Dalhousie University

2. Presiding: Sue Sheridan Walker  
Northeastern Illinois University

*Origins of the Elizabethan Perjury Statute of  
1563*

Room 2 C

Michael D. Gordon  
Denison University

3. Presiding: Gerald Fetner  
American Bar Association

*Judge and Jury in Antebellum Criminal Law*

Room 2 E

David J. Bodenhamer, Jr.  
University of Southern Mississippi

4. Presiding: Jonathan Lurie  
Rutgers University, Newark

*The Relationship between the Justice Depart-  
ment and the Texas Bar during the late  
19th Century*

Room 2 F

Maxwell H. Bloomfield  
Catholic University

*Saturday, October 21*

## **American War Crimes and the Role of Law**

9:00 a.m., Room 2 BC

Presiding: Richard H. Kohn  
Rutgers University

*On the Causes of War Crimes and on Their  
Prevention*

Peter Karsten  
University of Pittsburgh

*Enforcement of Laws of War in the American  
Military from the War of 1812 to the Civil War*

Edward F. Sherman  
University of Texas School of Law

Comments: Charles F. Bunnell, Jr.  
United States Marine Corps (ret.)

## **Medieval Law and Marriage**

9:00 a.m., Room 2 EF

Presiding: Richard H. Helmholz  
Washington University School of Law

*Women, Marriage, and Patria Potestas in Late  
Medieval Florence*

Thomas Kuehn  
Reed College

*Seignorial Control of Marriage in Medieval England*

Eleanor Searle  
University of California at Los Angeles

*Maritagia and the Alienability of Property in 13th  
Century England*

William M. McGovern  
University of California School of Law,  
Los Angeles

Comments: The Audience

*Saturday, October 21*

## **General Address**

11:00 a.m., Room 2 BC

Presiding: Jonathan Lurie  
Rutgers University, Newark

*New and Old Dimensions of Legal History*

Willard Hurst  
University of Wisconsin Law School

## **Luncheon**

12:00 p.m., Main Dining Room

Presiding

Stanley N. Katz, Princeton University  
*President*  
American Society for Legal History

Saturday, October 21

## **Nineteenth Century American Judicial Conservatism**

1:45 p.m., Room 2 BC

Presiding: Henry J. Bourguignon  
University of Toledo College of Law

*Law versus Politics: Mr. Justice Story as a Legal  
Conservative*

R. Kent Newmyer  
University of Connecticut

*Law over Politics: Mr. Justice Field and the Judicial  
Function*

Charles W. McCurdy  
University of Virginia

Comments: G. Edward White  
University of Virginia Law School

## **English Legal Theory**

1:45 p.m., Room 2 EF

Presiding: W. Hamilton Bryson  
University of Richmond School of Law

*Adam Smith's Theories of Law and Society*

Peter Stein  
Cambridge University, England

*The Panoptic Vision of Jeremy Bentham*

Calvin Woodward  
University of Virginia Law School

Comments: Charles M. Gray  
University of Chicago

## **American Society for Legal History**

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1978

*President:* Stanley N. Katz, Princeton University

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Susan Grigg, Department of Manuscripts and  
Archives, Yale University Library  
Rayman L. Solomon, Clerk for Judge of U.S. Court  
of Appeals for the Sixth Circuit

### *Society Delegate to the American Council of Learned Societies*

Herbert A. Johnson, University of South Carolina  
Law Center

### *Society Appointees on the Committee on the Littleton-Griswold Fund of the American Historical Association*

John D. Cushing, Massachusetts Historical Society  
Robert M. Ireland, University of Kentucky  
Joseph H. Smith, Columbia University School of  
Law



### *Studies in Legal History*

- Morris S. Arnold, University of Pennsylvania Law School, *Editor*  
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*. (forthcoming, 1978)  
Stephen D. White, *Sir Edward Coke and the Grievances of the Commonwealth*. (forthcoming, 1979)  
David Konig, *Law and Society in Puritan Massachusetts, Essex County, 1629-1692*. (forthcoming, 1979)

### *American Journal of Legal History*

- Published by Temple University School of Law for the American Society for Legal History  
Erwin C. Surrency, *Editor*  
Frederick G. Kempin, Jr., *Associate Editor*  
William E. Nelson and Michael E. Libonati, *Assistant Editors*  
Sue Sheridan Walker, Northeastern Illinois University, *Book Review Editor*

### *ASLH Newsletter*

- Charles T. Cullen, *Papers of John Marshall, Williamsburg, Editor*

## Notes

## Notes