American Society for Legal History

Ninth Annual Meeting
at
Hospitality House
Williamsburg, Virginia
on
October 26-27, 1979
Program

Reception
Members are invited to a reception for Sir Rupert Cross, Vinerian Professor of Law, All Souls College, Oxford: Botetourt Gallery, Earl Gregg Swem Library, 3-5 p.m., October 25.

Exhibits
American legal education and its colonial antecedents: Edward M. Zollinger Museum of Earl Gregg Swem Library, College of William and Mary, daily 8 a.m. - 5 p.m.

The Vinerian Professorship of English Law, 1758-1979, in foyer of old Law School Building, daily 8 a.m. - 5 p.m.

Registration
Beginning at 8:30 a.m., October 26, 1979
Hospitability House Lobby
Saturday, October 27

Medieval English Law
9:30 a.m., Williamsburg Room

Presiding: Charles M. Gray
University of Chicago

The Emergence of a National Legal System in Medieval England

Robert C. Palmer
University of Michigan

Writs of Prohibition: Trials and Decisions in the English Royal Courts

Richard H. Helmholz
Washington University School of Law

Commenting: Morris S. Arnold
University of Pennsylvania Law School

Legal Records and the Nature of the Community in Eighteenth-Century New England
9:30 a.m., Empire Room, Parlor A

Presiding: Neal W. Allen, Jr.
Union College

Order and Obligation in the Prerevolutionary Economic Community

David Konig
Washington University

Dispute and Conflict Resolutions in Plymouth County, Massachusetts, 1725-1825

William E. Nelson
New York University School of Law

Commenting: Robert A. Gross
Amherst College

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Brief Communications
11:45 a.m.

1. Williamsburg Room
Presiding: Jennifer Nedelsky
Princeton University

In Defense of Torture: Paradoxes of Criminal Law Reform in Eighteenth-century France

Joanne S. Kaufmann
University of Texas at San Antonio

The Purposes of Criminal Punishment in Colonial New England

Gail Sussman Marcus
New York, New York

2. Empire Room, Parlor A
Presiding: Sue Sheridan Walker
Northeastern Illinois University

Serjeant Maynard: a Case Study of a Seventeenth-century English Lawyer-politician

Michael de L. Landon
University of Mississippi

Profile of the Massachusetts Legal Profession, 1870-1890

Gerard W. Gawalt
Library of Congress

3. Warwick Room
Presiding: Janet S. Loengard
Moravian College

The Legal Thought of Mr. Justice Douglas

Sarah Gottsman
United States Department of Labor

4. Jamestown Room
Presiding: Jonathan Lurie
Rutgers University

The Judiciary on Trial: Courts, Politics, and Constitutional Change, 1846-1860

Kermit L. Hall
Wayne State University

The Compromise of 1877 and the Eleventh Amendment

John V. Orth
University of North Carolina School of Law
Friday, October 26

The History of Trusts
2:00 p.m., Williamsburg Room

Presiding: Nancy Arnson
University of Maryland

The Islamic Waqf and the Origins of the
Charitable Trust in Medieval Europe

George Makdisi
University of Pennsylvania

Provisions for Younger Sons and Daughters by
Marriage Settlement: the Rise of the Trust

Lloyd Bonfield
Trinity College, Cambridge

Commenting: Edith G. Henderson
Harvard University Law School

The American Legal Profession
2:00 p.m., Empire Room, Parlor A

Presiding: Robert W. Gordon
University of Wisconsin Law School

Judicial Recall, Court-Packing, and the Growth of the American Bar Association

Stephen Botein
Michigan State University

The Legal Profession Among the Others at the End of the Nineteenth Century

Samuel Haber
University of California, Berkeley

Commenting: Magali Sarfatti Larson
Temple University

Friday, October 26

Reception
5:00 p.m., Courtyard

Welcome
Dean William B. Spong, Jr.
Marshall-Wythe School of Law
The College of William and Mary

General Address
8:00 p.m., at The College of William and Mary (site to be announced)

Annual George Wythe Lecture,
Marshall-Wythe School of Law

The First Two Vinerian Professors:
Blackstone and Chambers

Professor Sir Rupert Cross
Oxford University
Saturday, October 27

Canon Law
9:00 a.m., Williamsburg Room

Presiding: Stanley Chodorow
University of California, San Diego

Proof by Witnesses in the Church Courts of
Medieval England: an Imperfect Reception
of Learned Law

Charles Donahue, Jr.
University of Michigan Law School

Learned Law and Practical Legal Practice:
Legislators, Law Schools, and the Courts
in the Thirteenth Century

Kenneth Pennington
Syracuse University

Commenting: Richard Fraher
Harvard University

Legal Education in America
9:00 a.m., Empire Room, Parlor A

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

The Litchfield Law School, 1774-1833:
a Modern View

Charles C. Goetsch
New York, New York

Between the Harvard Founders and the
American Legal Realists

John Henry Schlegel
State University of New York
at Buffalo School of Law

Commenting: Thomas L. Haskell
Rice University

Round Table Discussion
Advocacy in Legal History:
Working Toward the Decision
in Brown v. Board of Education
11:00 a.m., Empire Room, Parlor A

Presiding: Stanley N. Katz
Princeton University

Participants

Charles L. Black, Jr.
Yale Law School

Jack Greenberg
NAACP Legal Defense and Education Fund

James Nabrit, Jr.
Washington, D.C.

Louis H. Pollak
United States District Court for the Eastern
District of Pennsylvania

Comments and Questions: the Audience

Luncheon
12:45 p.m., Colony Room

Presiding: Stanley N. Katz
Princeton University
President,
American Society for Legal History
**Saturday, October 27**

**What Was Property?**

*The Legal and Social Question in France, 1789-1848*
2:15 p.m., Williamsburg Room

Presiding: James F. Traer
Adrian College

*Possession and Prescription*

Donald R. Kelley
University of Rochester

**Property**

Bonnie Smith
University of Wisconsin, Parkside

Commenting: Ralph E. Ciesey
University of Iowa

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**Slavery and the Law**

2:15 p.m., Empire Room, Parlor A

Presiding: Bruce H. Mann
University of Connecticut
School of Law

*The Relevance of Slavery*

A. Leon Higginbotham, Jr.
United States Court of Appeals
for the Third Circuit

*Social Control of the Master's Will: Some Aspects of the Law of Manumission, 1830-1860*

Mark V. Tushnet
University of Wisconsin Law School

Commenting: Robert M. Cover
Yale Law School

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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. (forthcoming, 1979)
American Society for Legal History

ADDITIONAL PROGRAM NOTES

1. General Address Location:

The George Wythe Lecture by Professor Sir Rupert Cross, "The First Two Vinerian Professors: Blackstone and Chambers," will be held in Millington Hall on the William and Mary Campus. For those dining away from the Hospitality House, it is approachable off the Jamestown Road. For a map, see overleaf.

2. Session on Slavery and the Law, Change of Program:

On September 17, Judge Leon Higginbotham, who was scheduled to speak on "The Relevance of Slavery," withdrew from the program.

Aviam Soifer, Visiting Professor of Law at Boston University, will speak instead on "Slavery and Abolitionism, Protection and Individualism."

The Program Committee apologizes for this late change, and is grateful to Professor Soifer for his willingness to join the program at such short notice.
To get to Millington Hall, walk from Hospitality House by the football field, then over to Millington Hall, keeping the dell on your left.