

AMERICAN SOCIETY  
FOR  
LEGAL HISTORY



*Historia Omnium Legum*

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

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## Program

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### *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

Hospitality House Lobby

Friday, October 26

## 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

Friday, October 26

## 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

Saturday, October 27

## 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. Giesey  
University of Iowa

## **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

## **American Society for Legal History**

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

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

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### *American Journal of Legal History*

Published by Temple University School of Law  
for the American Society for Legal History  
Erwin C. Surrency, *Editor*  
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William E. Nelson and Michael E. Libonati,  
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### *Editors of the ASLH Newsletter*

Robert J. Haws, University of Mississippi  
Michael de L. Landon, University of Mississippi



- 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*. 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*. (forthcoming, 1979)
- Richard A. Cosgrove, *The Rule of Law: Albert Venn Dicey, Victorian Jurist*. (forthcoming 1980)
- Michael S. Hindus, *Prison and Plantation: Criminal Justice in 19th Century Massachusetts and South Carolina*. (forthcoming 1980)
- Paul Finkelman, *An Imperfect Union: Slavery, Federalism, and Comity*. (forthcoming 1980)
- Robert C. Means, *Underdevelopment and the Development of Law: Corporations and Corporate Law in 19th Century Colombia*. (forthcoming 1980)
- On the Laws and Customs of England: Essays in Honor of S.E. Thorne*, edited by Arnold, Green, Scully, and White, (forthcoming 1980 or 1981)

## Notes

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.

