American Society for Legal History

Eleventh Annual Meeting
at
The Shoreham
Washington, D.C.
on
October 23-24, 1981
Program

Registration
Beginning at 8:30 a.m., October 23, 1981
Club Room Foyer
Friday, October 23

Criminal Procedure in Late Medieval and Early Modern England
9:00 a.m., Club Room A

Chair: Stephen D. White
Wesleyan University

Registers of English Medieval Outlaws
Ralph B. Pugh
Emeritus Professor of English History, University of London

Weeders of the Commonwealth: Grand Juries in Seventeenth Century East Sussex
Cynthia B. Herrup
University of Michigan

Comment: James S. Cockburn
University of Maryland

The Law and the Law Enforcers
9:00 a.m., Club Room B

Chair: Kermit L. Hall
University of Florida

Civil Rights and U.S. v. Guest
Michal R. Belknap
University of Georgia

A Generation of English and American Experiences
Richard J. Terrill
Wayne State University

Comment: Dorothy Landsberg
Shea and Gardner, Washington
Comment: Eugene J. Watts
Ohio State University

Friday, October 23

Brief Communications
11:15 a.m.

1. Caucus Room
New Directions in English Legal History in the Early Modern Period
Chair: Edith G. Henderson
Treasure Room, Harvard Law School

The Archdeacon's Court of Canterbury, 1547-1610
Victoria List
Ann Arbor, Michigan

Legal Qualifications for Public Office in England, 1640-1660
Jean Mather
University of South Florida, Sarasota

Seventeenth Century Evidentiary Concerns and the Statute of Frauds
Kevin M. Teeven
Bradley University

And all other interested persons.

2. Council Room
New Directions in American Legal History
Chair: Barbara A. Black
Yale University Law School

Doing it by the Book: The Legal Manuals of English and American Justices of the Peace
John A. Conley
University of Wisconsin, Milwaukee

The Jurisprudence of Southern Anti-Slavery Judges
Linda O. Smiddy
New Haven, Connecticut

And all other interested persons.
Friday, October 23

Judges, Lawyers, and Legal Scholars: the Use and Abuse of Power
2:30 p.m., Club Room A

Chair: Virginia V. Hamilton
University of Alabama, Birmingham

The Politics of Impeachment, 1912-1915
Barbara C. Steidle
Michigan State University

Alien Rights: The Lawyers' Lobby, 1921
W. Anthony Gengarelly
North Adams State College

The "Trial" at the Harvard Club Revisited
Fred D. Ragan
East Carolina University

Comment: Alexis J. Anderson
Duane, Morris, and Heckscher
Philadelphia, Pennsylvania

Clio, Crime, and Albion
2:30 p.m., Club Room B

Chair: John M. Beattie
University of Toronto

Albion’s Fatal Flaw: A Critique of
Albion’s Fatal Tree, by C. Douglas Hay
John H. Langbein
University of Chicago Law School

Response: C. Douglas Hay
Memorial University of Newfoundland

Friday, October 23

Reception
6:30 p.m.

Supreme Court of the United States
West Conference Room

Sponsored by
The Supreme Court Historical Society

Buses will leave the Shoreham at 6:00 p.m.
Royal Prerogative and Political Ideology in the Late Medieval and Early Modern Period
9:00 a.m., Club Room A

Chair: Michael de L. Landon
University of Mississippi

Inalienability and the Royal Prerogative: The Crown Lands in Western Europe, 1350-1650

Michael D. Gordon
Denison University

Kingship, Legal Sovereignty, and Ideology in Early Stuart England

Janelle Greenberg
University of Pittsburgh

Kingship, Legal Sovereignty, and Ideology in Late Stuart England

Corinne Comstock Weston
Herbert H. Lehman College, City University of New York

Comment: Howard A. Nenner
Smith College

Legal Records: Sine Qua Non
Preservation, Access, and Confidentiality
9:00 a.m., Club Room B

Chair: Warren M. Billings
University of New Orleans

Private Records
Phyllis Barr
Office of Parish Archives, Trinity Church, New York

Federal Public Records
R. Michael McReynolds
Judicial and Fiscal Branch, National Archives and Records Service

State Public Records
Thomas G. Dibble
National Center for State Courts

Documentary Preservation
Susan Crigg
Immigration History Research Center, University of Minnesota
Saturday, October 24

General Session

Holmes' Common Law: A Centennial View
11:15 a.m., Club Room A

Chair: Aviam Soifer
Boston University School of Law

Panel: Robert W. Gordon
University of Wisconsin Law School
Saul Touster
Brandeis University
Robert Cover
Yale Law School

Luncheon
12:30 p.m., Forum Room

Presiding: Milton M. Klein
University of Tennessee
President
American Society for Legal History

Address: A Twenty-five Year Retrospect
of American Legal History

Saturday, October 24

Nuclear Energy and
American Legal History
2:30 p.m., Club Room A

Chair: Tony Freyer
Charles Warren Center, Harvard

The Army Corps of Engineers and its Nuclear
Reactors on Foreign Soil: The Legal Dimensions
Lawrence Suid
Research Historian, Army Corps of Engineers, Washington, D.C.

Insuring Against Nuclear Accidents:
Judicial Rulings and Unresolved Questions
John W. Johnson
Clemson University

Comment: George T. Mazuzan
Chief Historian, Nuclear Regulatory Commission,
Washington, D.C.

Child Custody and Adoption
in Early America
2:30 p.m., Club Room B

Chair: Jamil S. Zainaldin
National Senior Citizens Education and Research Center,
Washington, D.C.

Papers: “Law of Adoption in Colonial America”
Yasuhide Kawashima
The University of Texas at El Paso

“Child Custody and Adoption in Antebellum America”
Michael Grossberg
Case Western Reserve University

Comments: Stephen B. Presser
Northwestern University School of Law
David H. Flaherty
University of Western Ontario
American Society for Legal History

Officers and Directors 1981

President: Milton M. Klein, University of Tennessee, Knoxville
Vice President: Morris S. Arnold, University of Arkansas at Little Rock School of Law
Secretary: Henry J. Bourguignon, The University of Toledo College of Law
Treasurer: James W. Ely, Jr., Vanderbilt University School of Law

Board of Directors

Thomas G. Barnes, University of California at Berkeley, School of Law (1981)
Barbara A. Black, Yale University Law School (1983)
W. Hamilton Bryson, University of Richmond Law School (1983)
James S. Cockburn, University of Maryland (1983)
David H. Flaherty, University of Western Ontario (1981)
Harold M. Hyman, Rice University (1982)
Paul L. Murphy, University of Minnesota (1983)
Stephen B. Presser, Northwestern University School of Law (1982)
John P. Reid, New York University School of Law (1981)
Donald W. Sutherland, University of Iowa (1982)
Mary K. Bonsteel Tachau, University of Louisville (1982)
G. Edward White, University of Virginia School of Law (1981)

Executive Committee

Milton M. Klein, University of Tennessee, Knoxville
Morris S. Arnold, University of Arkansas at Little Rock School of Law
Henry J. Bourguignon, The University of Toledo College of Law
James W. Ely, Jr., Vanderbilt University School of Law
David H. Flaherty, University of Western Ontario
John P. Reid, New York University School of Law
Mary K. Bonsteel Tachau, University of Louisville

1981 Program Committee

Mary K. Bonsteel Tachau, University of Louisville, Chair
Peter C. Hoffer, University of Georgia
Phyllis S. Lachs, Bryn Mawr College
Donald M. Roper, State University of New York, College at New Paltz
Emily Z. Tabuteau, Michigan State University
Peter R. Teachout, Vermont Law School

1981 Local Arrangements Committee

Stephen F. Black, Wilmer, Cutler & Pickering, Washington, D.C., Chairman
Maxwell H. Bloomfield, Catholic University of America
Gerard W. Gawalt, Library of Congress
Sarah Gottman, Office of Special Counsel, U.S. Department of Energy
James C. Oldham, Georgetown University Law Center

1982 Program Committee

Donald M. Roper, State University of New York at New Paltz, Chairman
Tony Freyer, Charles Warren Center, Harvard
Douglas Greenberg, Princeton University
Janet S. Loengard, Moravian College
John J. Orth, University of North Carolina School of Law
Kathryn L. Ryerson, University of Minnesota
1982 Local Arrangements Committee

Richard H. Helmholz, Washington University
School of Law, Co-Chairman
David Konig, Washington University, Co-Chairman

Membership Committee

Paul Finkelman, University of Texas at Austin, Chairman
Michal R. Belknap, University of Georgia
Larry M. Boyer, American British Law Division, Library of Congress
Susan R. Falb, National Archives and Records
Sarah Gottsmann, Office of Special Counsel, U.S. Department of Energy
Maurice J. Holland, Indiana University School of Law
John H. Langbein, University of Chicago Law School
Paul L. Murphy, University of Minnesota
A.E. Keir Nash, University of California at Santa Barbara
Kenneth J. Pennington, Syracuse University

Publications Committee

Thomas A. Green, University of Michigan, Chairman
John S. Beckerman, New Haven, Connecticut
Charles Donahue, Jr., Harvard Law School
Stanley N. Katz, Princeton University
Alfred S. Konefsky, State University of New York at Buffalo School of Law

1981 Nominating Committee

Charles T. Cullen, Princeton University, Chairman
Barbara A. Black, Yale University Law School
Thomas A. Green, University of Michigan Law School
Richard H. Helmholz, Washington University School of Law

Standing Committee on Conferences and the Annual Meeting

L. Lynn Hogue, University of Arkansas at Little Rock School of Law, Chairman
Gerard W. Gawalt, Library of Congress
George A. Billias, Clark University

Committee on Honors

Joseph W. McKnight, Southern Methodist University Law School, Chairman
Charles Donahue, Jr., Harvard Law School
Richard H. Helmholz, Washington University School of Law

Development Committee

Stephen F. Black, Wilmer, Cutler & Pickering, Washington, D.C., Chairman
Harold J. Berman, Harvard Law School
Owen M. Fiss, Yale Law School
Lawrence M. Friedman, Stanford University Law School
George L. Haskins, University of Pennsylvania Law School
J. Willard Hurst, University of Wisconsin Law School
Daniel J. Meador, University of Virginia Law School
Robert D. Williams, Warner & Stackpole, Boston

Committee on Documentary Preservation

Susan Grigg, Immigration History Research Center, University of Minnesota, Chair
David Grayson Allen, Harvard University
Phyllis Barr, Archivist, Trinity Church, New York
Michael J. Churgin, University of Texas School of Law
Michael S. Hindus, McCutchen, Doyle, Brown & Emerson, San Francisco
Rayman L. Solomon, American Bar Foundation
Robert D. Williams, Warner & Stackpole, Boston
Society Delegate to the American Council of Learned Societies

Stanley N. Katz, Princeton University

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

Robert M. Ireland, University of Kentucky (1983)
David Konig, Washington University (1985)

Editors of the ASLH Newsletter

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

Studies in Legal History

G. Edward White, University of Virginia School of Law, 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
Stephen D. White, Sir Edward Coke and the Grievances of the Commonwealth. 1979
David Konig, Law and Society in Purian Massachusetts, Essex County, 1629-1692. 1979

