

AMERICAN SOCIETY
FOR
LEGAL HISTORY



*Fourth Annual Meeting
at the
Shoreham-Americana Hotel
Washington, D. C.
on
November 1-2, 1974*

Program

Registration

9:00 A.M. — 2:00 P.M., November 1st

Main Lobby

Friday, November 1

Customary Law in
Commercial Transactions
and
Dispute Settlements

10:00 A.M., Clubroom A

Morton Keller, Brandeis University
Chairman

*The Law Merchant as a System of Group Self-
Regulation Prior to the Nineteenth Century*

Harold J. Berman
Harvard Law School

*Voluntary Associations (Commodity Exchanges) as
Self-Regulating Organizations in Late Nineteenth
Century Legal History*

Jonathan Lurie
Rutgers University (Newark)

Comments

Stanley N. Katz, University of Chicago Law School

Friday, November 1

Criminal Law:
English Medieval and
Renaissance Doctrine

10:00 A.M., Clubroom B

John H. Langbein, University of Chicago Law School
Chairman and Commentator

Bail in the Eleventh and Twelfth Centuries

Edward J. Shaughnessy
City University of New York

The Origin of the Plea of Nolo Contendere

Neil H. Cogan
Southern Methodist University
School of Law

Friday, November 1

Law and Economic
Development:
Nineteenth Century

2:30 P. M., Heritage Room

Spencer L. Kimball, American Bar Foundation
Chairman

*Hadley v. Baxendale: A Study in the Industrialization
of the Law*

Richard J. Danzig
Stanford Law School

*The Economic Impact on Canadian Legal
Development, 1840-1870*

R.C.B. Risk
University of Toronto
School of Law

Friday, November 1

Expanding the Reach
of the Common Law:
Seventeenth Century

2:30 P.M., Tudor Room

David S. Berkowitz, Brandeis University
Chairman

*The Use of Legal Thought in the Resolution of
Constitutional and Legal Problems After the
Restoration, 1660-1690*

Howard A. Nenner
Smith College

*The Expansion of the Exchequer Jurisdiction,
1550-1650*

W. Hamilton Bryson
T. C. Williams School of Law
University of Richmond

Friday, November 1

Reception

5:30 P.M., Heritage Room

Friday, November 1

Brief Communications

8:30 P.M., Tudor Room

Charles Donahue, Jr., University of
Michigan School of Law
General Chairman

The communications will be delivered in panels of from four to five speakers, and will be grouped according to topic with an individual chairman. A syllabus of communications will be available at the registration desk.

Saturday, November 2

**Eighteenth Century
Maritime Law**

9:30 A.M., Heritage Room

Frank L. Wiswall, Jr., Attorney, New York City
Chairman

The Writ of Assistance

Maurice H. Smith
Her Majesty's Civil Service

The South Carolina Vice-Admiralty Court

Randall Bridwell
University of South Carolina
School of Law

Saturday, November 2

Roman Law

9:30 A.M., Tudor Room

Charles Donahue, Jr., University of Michigan
School of Law
Chairman

The Twelve Tables: The Nature of an Early Code

Alan Watson
University of Edinburgh
Faculty of Law

Problems of Public Law in the Tabula Banasitana

A. Arthur Schiller
Columbia University School
of Law

Saturday, November 2

Luncheon

12:30 P.M., Forum Room

Presiding

Herbert A. Johnson, Institute of Early American
History and Culture

President
American Society for Legal History

Saturday, November 2

Justice in the Chancery 1545-1610

2:30 P.M., Heritage Room

John P. Dawson, Harvard Law School
Chairman-Commentator

*Mid-Sixteenth Century Chancery Fact-Finding,
Mediation and Doctrine*

Edith G. Henderson
Harvard Law School

The Boundaries of the Equitable Function, ca. 1600

Charles M. Gray
Yale University

Saturday, November 2

Courts in
Times of Revolt

2:30 P.M., Tudor Room

Covey T. Oliver, University of Pennsylvania
Law School
Chairman-Commentator

English Courts During the Commonwealth

Stephen F. Black, Attorney
Washington, D. C.

French Courts During the Revolution

James F. Traer
Hamilton College

Saturday, November 2

The Last Shall Be First:
Problems in Teaching
Legal History

5:00 P.M., Forum Room

Wythe W. Holt, University of Alabama Law School
Chairman

Panel: Kathryn T. Preyer, Wellesley College
Stanley N. Katz, University of Chicago
Law School

David H. Flaherty, University of
Western Ontario

Morton J. Horwitz, Harvard
Law School

AMERICAN SOCIETY FOR LEGAL HISTORY

Officers, 1974-1975

Herbert A. Johnson, Institute of Early American
History and Culture, *President*
Joseph H. Smith, Columbia University School of Law,
Vice President
William F. Schulz, Jr., University of Pittsburgh
Law School, *Secretary*
Robert M. Ireland, University of Kentucky,
Treasurer

Directors, 1974

Brendan F. Brown, Loyola University School of Law
(New Orleans)
Morris D. Forkosch, University of the San Fernando
Valley School of Law
Daniel J. Meador, University of Virginia School of
Law
H. Bartholomew Cox, The National Archives
Peter J. Liacouras, Temple University School of Law
John D. Cushing, Massachusetts Historical Society
Joseph W. McKnight, Southern Methodist University
School of Law
Covey T. Oliver, University of Pennsylvania School
of Law
Kathryn T. Preyer, Wellesley College
Milton M. Klein, University of Tennessee (Knoxville)
Arthur R. Hogue, Indiana University
Sue Sheridan Walker, Northeastern Illinois State
University
Charles M. Gray, Yale University
Hugh F. Bell, University of Massachusetts

PACIFIC COAST BRANCH

Officers, 1974

Morris D. Forkosch, University of the San Fernando
Valley School of Law, *President*
John L. Roche, University of San Diego Law School,
Secretary-Treasurer

Fellows

John P. Dawson, Harvard Law School
Charles Fairman, Harvard Law School
Gaines Post, Princeton University
A. Arthur Schiller, Columbia University School of Law
Samuel E. Thorne, Harvard Law School

Corresponding Fellows

Francois Dumont, University of Paris
Alfonso Garcia Gallo, University of Madrid
Emile Lousse, University of Louvain
Stroud F. C. Milsom, University of London
Henry G. Richardson, Goudhurst, Kent
George O. Sayles, University of Aberdeen
Thomas B. Smith, University of Edinburgh
Andre Tunc, University of Paris
Raoul C. van Caenegem, University of Ghent

1974 Program Committee

Joseph W. McKnight, Southern Methodist University
School of Law, *Chairman*
Arthur R. Hogue, Indiana University
Sue Sheridan Walker, Northeastern Illinois State
University
Charles Donahue, Jr., University of Michigan School
of Law
Kathryn T. Preyer, Wellesley College

1974 Local Arrangements Committee

Maxwell H. Bloomfield, Catholic University,
Chairman
Mary F. Berry, University of Maryland
Gerard W. Gawalt, Library of Congress
Harold D. Langley, Smithsonian Institution

1975 Program Committee

Hugh F. Bell, University of Massachusetts (Amherst),
Chairman

Standing Committee on Conferences and the Annual Meeting

Charles M. Gray, Yale University, *Chairman*
Sue Sheridan Walker, Northeastern Illinois State
University
L. Kinvin Wroth, University of Maine Law School
Lawrence M. Friedman, Stanford Law School
Stanley I. Kutler, University of Wisconsin
John S. Scarborough, University of Kentucky

1974 Nominating Committee

Daniel J. Meador, University of Virginia Law School,
Chairman
Henry N. Ess, 3rd, Sullivan and Cromwell (New
York City)
Morton J. Horwitz, Harvard Law School
Vernon F. Snow, University of Nebraska (Lincoln)
L. Lynn Hogue, University of North Carolina (Chapel
Hill)
Edward Dumbauld, Judge of the U. S. District Court,
Western District, Pennsylvania

Publications Committee

Arthur R. Hogue, Indiana University, *Chairman*
Lawrence A. Harper, University of California
(Berkeley)
Kathryn T. Preyer, Wellesley College
A. Arthur Schiller, Columbia University School of Law

Committee on Membership

Milton M. Klein, University of Tennessee
(Knoxville), *Chairman*
James W. Ely, Vanderbilt University School of Law
R. Randall Bridwell, University of South Carolina
School of Law
John W. Pratt, State University of New York at
Stony Brook
Dorsey D. Ellis, University of Iowa College of Law
Richard J. Schoeck, Folger Shakespeare Library
Janet S. Loengard, Moravian College
Jon Sutherland, California State University (San
Diego)

Committee on Honors

John D. Cushing, Massachusetts Historical Society,
Chairman
Paul A. Freund, Harvard Law School
Joseph W. McKnight, Southern Methodist University
School of Law

Committee on Documentary Preservation

Leo Hershkowitz, Queens College, City University of
New York, *Chairman*
H. Bartholomew Cox, National Archives
Herbert T. Silsby, II, Silsby and Silsby
Richard B. Morris, Columbia University

Planning Committee on the American Revolution Bicentennial

Harold M. Hyman, Rice University, *Chairman*
Catherine M. Tarrant, Houston, Texas, *Reporter*
Henry J. Bourguignon, Department of Justice
George M. Curtis, III, Colonial Williamsburg
Foundation
Gerard Gawalt, Library of Congress
Stanley N. Katz, University of Chicago Law School
Richard B. Morris, Columbia University
Robert J. Taylor, Tufts University
Thad W. Tate, Institute of Early American History
and Culture

Studies in Legal History

Published by Harvard University Press in Association
with the American Society for Legal History

C. H. S. Fifoot, *Frederic 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 Renais-
sance: England, Germany, France*. 1974

Raoul Berger, *Executive Privilege: A Constitutional
Myth*. 1974

American Journal of Legal History

Published by the Temple University School of Law
for the American Society of Legal History

ERWIN C. SURRENCY, *Editor*

Frederick G. Kempin, Jr., *Associate Editor*

William E. Nelson and Michael E. Libonati,
Assistant Editors

Alfred F. Konefsky, *Book Review Editor*

S U P P L E M E N T

Brief Communications

Please note that the sessions of brief communications are concurrent not consecutive -- all begin at 8:30 p.m. on Friday. Further, the sessions will all meet in one large room, the Tudor Room, so that members may sample the different sessions if they so choose.

Please note also the following additional session:

Session 4. Problems in Ancient Law

Chairman -- David J. Sharpe, George Washington University
Law School

Sylvia Scholnick, Brandeis University Biblical Studies
Department; "The Book of Job: A Lawsuit
Drama"

Jonathan A. Ziskind, University of Louisville History
Department; "Some Aspects of Ancient Near Eastern
Maritime Law"

Charles Donahue, Jr.
Univ. of Mich. Law School
General Chairman