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NEWSLETTER of the American Society for Legal History

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Vol. 2, no. 1
November 1971

NEWS OF THE SOCIETY

Annual Meeting

The first annual meeting of the Society attracted nearly 200 persons, a number that is approximately two thirds of the Society's membership.

President Haskins delivered a succinct but informative report to those at the Saturday luncheon. He expressed his belief that the Society's first meeting had been highly successful and "substantially bridged the gulf which allegedly divides lawyers and historians and brought them onto the common terrain of legal history." Emphasizing the international character of the meeting and the Society, he noted that "ours is not a Society for American Legal History but an American Society for Legal History generally."

Delivering a brief accounting of the progress of the Society since January of 1970, Haskins pointed to the nearly threefold increase in membership, the implementation of two publications series, the expansion of the Journal's editorial board and book review section, and the revival of the Society's Newsletter. He also announced the names of the two recently-elected honorary Fellows and the five Corresponding Fellows of the Society.

In conclusion, Haskins thanked the officers of the Society and the Meeting for their services and acknowledged the presence of Professor S.E. Thorne, an honorary Fellow, Captain MacGlinchey, Director of the Irish University Press and host of the evening's cocktail party, and Mark Carroll, Director of the Harvard Press.

Those mentioned by President Haskins were:

Fellows: Professor Julius Goebel, Columbia Law School.

Professor S.E. Thorne, Harvard Law School.

Corresponding Fellows:

Professor S.F.C. Milsom, London School of Economics.

Dr. G.O. Sayles, formerly of the University of
Aberdeen.

H.G. Richardson, Esq., Fellow of the British Academy

Professor T.B. Smith, of the University of Edinburgh

Professor André Tunc, of the Law Faculty of the
University of Paris.

The 1972 annual meeting of the American Society for Legal History will be held at Williamsburg, Virginia on November 17-19, 1972. Professor Charles M. Gray, a member of the department

of history at the University of Chicago, has been appointed chairman of the program committee. Society members and others interested in submitting paper topics should send their suggestions to Professor Gray by February 1, 1972.

Conference in Buffalo

On April 21 and 22, 1972, the Society will sponsor a legal history conference in Buffalo, New York. It will treat early 19th century legal history, focusing upon various aspects of the work of Story and Kent. The program will also deal with Federal-State Relations, Federal Jurisdiction, Corporations.

Although not all details are complete, the conference will include three sessions. There will be an afternoon registration from 1:00-2:00 April 21, followed by a session at the Buffalo Historical Society on Elmwood Avenue. There will also be a dinner meeting the evening of the 21st at the Plaza Suit Skyline Restaurant. The final session will be in the morning of the 22nd, also at the Buffalo Historical Society. A complete program will be forthcoming.

Reservations:

Request room reservations at the Hotel Statler-Hilton, Niagara Square Buffalo, N.Y. 14202. Rates: single \$17-24; double \$23-30. Be sure to identify yourself as one attending the conference of American Society for Legal History to receive the special group rates. Reservations must be received by the Hotel by April 11, 1972. Reservations for the dinner meeting of the 21st at the Plaza Suit Skyline Restaurant must be received by April 14. Cost of the dinner is \$12.00 including gratuities.

Please return your name and check to:

Dr. Henry J. Lange
219 Summer Street
Buffalo, N.Y. 14222

For further information write:

Program Chairman: Dean Morgan Dowd
State University College
Fredonia, New York 14063

Local Arrangements: Dr. John Aiken
170 Broadmoor Dr.
Tonawanda, N.Y. 14150

Brockport History of Crime Meeting

On February 17-19, 1972 a conference on Present-Day Implications of the History of Violence and Other Crime will be held at the State University of New York at Brockport. It

is jointly sponsored by the Society, the American Society of Criminology, and the university.

This conference will be addressed to scholars and practitioners from the fields of criminology, corrections, history, education, law, law enforcement, psychiatry, psychology, social work, sociology and administration of justice. In assessing present-day implications of violence, crime, and delinquency, the conference will focus on historical aspects in the light of present-day theory, methodology and interdisciplinary cooperation.

Registration information may be obtained from Continuing Education, State University, College at Brockport, Brockport, New York 14420.

Membership

The Society is interested in adding to its present membership of 318 and requests the assistance of present members in doing so. If you know of persons who might be interested, will you please send their names and addresses to the chairman of the Membership Committee, Professor Milton M. Klein, Department of History, University of Tennessee, who will send them appropriate literature.

Official Actions

On August 3, 1971 Secretary William F. Schulz, Jr. reported that the two amendments to the Society's by-laws which had been recommended by the Board of Directors had been overwhelmingly approved by the members of the Society. The Honors Program amendment was adopted by a vote of 96 to 8, and the student membership amendment by a vote of 102 to 3.

Professor Robert M. Ireland, a member of the department of history at the University of Kentucky and a member of the Oregon bar, has succeeded Herbert A. Johnson in the post of executive assistant to the president of the American Society for Legal History. Dr. Johnson's resignation, submitted August 1, 1971 for the purpose of permitting him to conduct research abroad, was accepted with regrets by the president, George L. Haskins.

The American Society for Legal History and the Irish University Press have jointly announced the establishment of a series of reprints of out-of-print sources of legal history. The new program is entitled Sources of Legal History, and is designed to republish printed primary sources that will be useful to scholars working in the fields of legal, political, and social history. It will include many books that have long been out of print as well as rare books and pamphlets that seldom appear on the antiquarian book market. In order to

enhance the scholarly value of the new editions, the editors plan to supply new introductions, bibliographical prefaces, and indexes wherever such material may be required. The first offering of this extensive series will consist of the sources relating to the early American colonies and states, beginning with Massachusetts. The Massachusetts series will comprise 100 volumes, and contain all of the leading judicial and legislative materials for the years 1648-1838. Scholars have long recognized the need for such a project, with its systematic and comprehensive approach to the publication of sources; thus the American Society for Legal History and the Irish University Press believe that the program will fill the lacuna. Editorial work will be carried out under the direction of the Society's Publications Committee, consisting of John D. Cushing, Librarian of the Massachusetts Historical Society, Chairman; Lawrence A. Harper, Professor of History at the University of California, Berkeley; Kathryn T. Preyer, Professor of History at Wellesley College; and Hiller B. Zobel, Professor of Law at Boston College. A detailed prospectus of the Massachusetts Series of SOURCES OF LEGAL HISTORY is currently available from the publisher. ASLH members are entitled to purchase sets or individual volumes at a discount. Also bear in mind that the Society receives a direct financial benefit from all sales.

At its May 1971 meeting the board of directors of the American Society for Legal History passed a resolution commending the Jefferson County Archives and Records Service for its efforts to preserve the early court records maintained by the local authorities at Louisville, Kentucky. Acting upon the recommendation of the Society's Committee for the Preservation of Court Records, the board resolution specifically commends the work of Dr. Samuel W. Thomas, director of the archival program.

Members are requested to submit nominations of candidates for Fellows of the Society, to be selected in 1972. The deadline is February 15, 1972, and nominations should be sent to Herbert A. Johnson, 610 Pollard Park, Williamsburg, Virginia 23185.

Fellowships and Awards

Herbert A. Johnson, editor of the Papers of John Marshall, has received a grant from the American Philosophical Society for the purpose of surveying collections at the British Museum and the Public Record Office for John Marshall materials.

Charles T. Cullen, formerly a Fellow of the National Historical Publications Commission assigned to the Papers of John Marshall, has been appointed associate editor of the Papers of John Marshall effective September 1, 1971. Dr. Cullen is

a recent graduate of the University of Virginia.

David H. Flaherty, assistant professor of History at the University of Virginia, and Yasu Kawashima, assistant professor of history at the University of Texas (El Paso), have been appointed Charles Warren Fellows at Harvard University for the 1971-72 academic year. Professor Flaherty has received a Study Fellowship from the American Council of Learned Societies and has a joint appointment at the Harvard Center for Criminal Justice.

Professor David W. Sutherland of the Department of History, University of Iowa has received several grants in support of research in legal history. He has a Senior Fellowship from the National Endowment for the Humanities, supplemented with a one-semester Research Professorship from the University of Iowa, and a travel grant from the American Philosophical Society. The combination of awards will enable him to devote a full fifteen months to research, devoted to finishing a book on the assize of novel disseisin, and to editing (for the Selden Society) the law reports from the eyre held in Northamptonshire in 1329-1330.

Professor Haskins, President of the Society, has recently been elected a "Membre Titulaire" by the Council of the Société Internationale pour l'Étude de la Philosophie Médiévale, whose headquarters are at Louvain, Belgium. He also delivered one of the addresses before the Anglo-American Historical Conference at the 50th Anniversary of the Institute of Historical Research, University of London, on July 9, 1971. The title of the paper was "Representative Government and the 'Bible Commonwealth' in Early Massachusetts". Drawing in part on comparisons with Islamic law, the paper dealt with factors in the colonists' English background which prevented the colony from becoming a theocracy or a government based upon biblical laws and precepts.

Members are reminded that the American Bar Foundation will offer fellowships in legal history for the year 1972-73. The grants are designed to assist scholars to bring to fruition and publication original research in Anglo-American legal history, particularly in the period 1500-1800 in English legal history and in American legal history to 1900. Eligible applicants should hold the LL.B. or J.D. in law, the Ph.D. in history or a related subject, or have passed the qualifying examinations for such Ph.D. and have begun research for the dissertation. A Legal History Merit Research Fellowship, tenable for nine to eleven months, with a maximum stipend of \$11,000 is available to established scholars in the field; Legal History Research Grants, for three to nine months, with a maximum stipend of \$4,500, are also available. Applications should be filed no later than February 1 of the year in which the fellowship begins. For further information and application forms write to: Project in Legal History, American Bar Foundation, 1155 East 60th Street, Chicago, Illinois 60637.

ARCHIVAL NOTES

Frank B. Evans, *The National Archives and Records Service and Its Research Resources - A Select Bibliography*, in *Prologue*, *The Journal of the National Archives*, vol. 3, pp. 88-112 (1971) presents much information useful to legal historians, including especially, bibliographic sources relating to the federal courts and the Department of Justice.

Available from the Publications-Sales Branch (NATS), National Archives (GSA), Washington, D.C. 20408:

The Minutes, Trial Notes, and Rolls of Attorneys of the U.S. Circuit Court for the Southern District of New York, 1790-1841 (M854) and Appellate Case Files of the U.S. Circuit Court for the Southern District of New York, 1793-1845 (M855). These have been issued as part of a project to reproduce existing federal court records from the early national period in the custody of the National Archives and Records Service. The appellate case files pertain to the maintenance of American neutrality during foreign wars, the quasi war with France during the administration of John Adams, the embargo of the Jefferson administration, smuggling, privateering, mutiny, bankruptcy, the slave trade, patent disputes, and tenant evictions. The files are arranged by name of appellant or by name of ship. The three series of M854, arranged chronologically, are closely related to the appellate case files. The minutes record circuit court proceedings for the period 1790 to 1841, indicating dates of sessions, names of presiding judges, and notations of judgments and decrees. Orders of the court arising from original and appellate litigation are also included. The trial notes consist of brief statements by the judges about trial proceedings. The third series consists of the names of attorneys admitted to practice before the court from 1790 to 1834.

The National Archives also reports that the records of the U.S. Nuernberg War Crimes Trials: NOKW Series (T1119) are now available on micro-film. Assembled for use in war crimes trials conducted by the U.S. government from 1947 to 1949, subsequent to the trial of major war criminals before the International Military Tribunal at Nuernberg, the records consist mainly of reproductions obtained from documents selected from among the seized German records. They include interrogation transcripts, summaries or reports, and affidavits from individual witnesses made in lieu of court appearances.

The record items are filmed in numerical sequence and consist of a register card, a mimeographed Staff Evidence Analysis (SEA) form, the original or a reproduction of the document, and an English translation if available. There are English translations for about half of the documents in the NOKW series.

The records of district and circuit courts for Massachusetts, Connecticut, and Vermont were recently accessioned by the Archives Branch, FRC, Waltham, Massachusetts. More than seven thousand cubic feet, the records date from the establishment of the federal judicial system in 1789 to 1945. Included are dockets, "old" case files, final records, minutes, term papers, bankruptcy records, naturalization records, prize records, the office files of several U.S. commissioners, and criminal, admiralty, equity, law, and civil case files. In the Connecticut district are the records of U.S. v. Schooner Amistad (1839-40) and Loewe v. Lawlor (1903-08), better known as the Danbury hatters' case, while in the Massachusetts district are the records of Fletcher v. Peck (1810), Sturges v. Crowninshield (1819), and Collector v. Day (1870).

The Archives Branch, FRC, Chicago, has accessioned district court records from Indiana, Wisconsin, and Illinois. Files from courts in Hammond, Fort Wayne, and South Bend date from 1879 through 1946 and contain data about bankruptcy, criminal, and civil actions. The series from Milwaukee covers the period 1839 to 1946 and also includes files relating to the Confiscation Act of 1862 and several admiralty cases of the late nineteenth century. Records of the courts in East St. Louis and Danville date from 1905 through 1946. Also included are files of the circuit court, 1905-12.

The Ninth Archival Symposium was held at the University of Chicago Law School on November 15, 1971. The topic of discussion was "Research Use of Federal Court Records; What, Where, and How?" For information concerning the papers and the meeting, contact Chief, Archives Branch, Federal Records Center, GSA-NARS, 7201 S. Leamington Ave., Chicago, Illinois 60638.

Columbia University Library has received the publishing archives of Random House. Included is material relating to the 1933 obscenity Trial of James Joyce's Ulysses.

PUBLICATIONS

The AMS Press, Inc. of 56 East 13th Street, New York, N.Y. 10003 and 17 Conduit Street, London W.1, England has announced the appearance of a new reprint series entitled Foundations of Criminal Justice. The series is of particular interest to historians of criminology.

ASLH members may also be interested in the following recent publications:

Hamlin, P. M., Legal education in colonial New York.
New York, Da Capo Press.

Hecker, E. A., A short history of women's rights from the days of Augustus to the present time. With special reference to England and the United States. 2d ed. rev., with additions. Westport, Conn., Greenwood Press, 1971. Reprint of the 1914 ed.

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- Fryde, E. B., and Miller, Edward, eds., Historical studies of the English Parliament. New York, Cambridge University Press.
- Peters, Edward M., The shadow king: Rex inutilis in medieval law and literature, 751-1327. New Haven, Yale University Press.
- Hume, Joan, Maryland, index to the wills of: Howard County, 1840-1950; Kent County, 1642-1960. Baltimore, Magna Carta Book Co.
- Hume, Joan, Maryland, index to the wills of: St. Mary's County, 1662-1960; Somerset County, 1664-1955. Baltimore, Md., Magna Carta Book Co.
- Hume, Joan, Index to the wills of: Alleghany County, 1784-1960. Baltimore, Magna Carta Book Co.
- Wharton, Francis, State trials of the United States during the administrations of Washington and Adams. B. Franklin.
- Rutland, Robert A., The Papers of George Mason, 1725-1792. University of North Carolina Press.
- Phillips, Anthony, Ancient Israel's criminal law. Schocken Books.
- Bellamy, J. G., The law of treason in England in the later middle ages. Mass., Cambridge University Press.
- Bennett, John M., ed. A history of the New South Wales Bar. Sydney, Law Book.
- Pole, Jack Richon, The 17th century; the sources of legislative power. Charlottesville, published for the Jamestown Foundation of the Commonwealth of Virginia by University Press of Virginia.
- Watson, Alan, The law of the ancient Romans. Dallas. Southern Methodist University Press.
- Rose, Michael E., The English Poor Law 1780-1930. New York, Barnes & Noble.

EDITORIAL PAGE

Having decided that there is no point in being an Editor without taking the opportunity once in a while to editorialize, I herewith convey an enthusiastic endorsement for the American Journal for Legal History's (vol. XV, no. 3, pp. 222-223) recent solicitation on behalf of The Stair Society, devoted to the history of Scots law. Several weeks in Scotland this past summer, devoted to study of their new system of Children's Panels, has provided convincing evidence that associations with Scottish law people are rewarding exposures to a generous intelligence. There is every reason to expect that legal history collaborations would be the same.

Second, why does one hear so little of work in legal history being done for the American bicentennial? Hopefully, the answer is that I am simply not au courant of the legal history projects being sponsored by the United States American Revolution Bicentennial Commission. It would be appropriate to record in this Newsletter any research of this sort, at least to satisfy what I suspect is a broad curiosity.

An invitation is extended to ASLH members to air their own views in this corner of the Newsletter. The next issue is planned for April 1972, and all communications should be received by the end of March.