

1M
LAW LIBRARY
JAN 15 1973

UNIVERSITY OF
WASHINGTON

NEWSLETTER of the American Society for Legal History

Editor: Stanley N. Katz
University of Chicago Law School
1111 East 60th Street
Chicago, Illinois 60637

Vol. 3, no. 1
January, 1973

NEWS OF THE SOCIETY

Apology

The Editor regrets the delay in bringing out this issue, but hopes to resume the normal fall-spring schedule with the late May or June issue this spring.

Annual Meeting

The second annual meeting of the Society took place at the Williamsburg Lodge and Conference Center in Williamsburg, Virginia on November 3 and 4. The program, conceived by Charles M. Gray (University of Chicago) drew a registered audience of over 100. The local arrangements were splendidly provided for by Charles T. Cullen (Institute of Early American History and Culture).

The President of the Society, George L. Haskins (University of Pennsylvania Law School), addressed the luncheon meeting, stressing the progress made by the Society in the past year. He pointed out that an important indication of the strength of the Society is the increase in our membership (October, 1971 to November, 1972) from 347 to 459. Professor Haskins noted that the new SOURCES OF LEGAL HISTORY series, under the direction of John D. Cushing and the Publications Committee, is soon to begin. The new reprint series, published by the Irish University Press, will issue a prospectus listing the first 100 volumes this month, and the initial group of books will appear later this year.

Professor Haskins also announced the reorganization of editorial arrangements for the AMERICAN JOURNAL OF LEGAL HISTORY, which continues under the general supervision of Editor Erwin C. Surrency. Effective last November, two new articles editors have been appointed: William E. Nelson (University of Pennsylvania Law School) and Michael E. Libonati (Temple University Law School). Articles may be submitted to the new editors at the traditional Temple University address, or to Professor Nelson at Pennsylvania (3400 Chestnut Street, Philadelphia, Pennsylvania 19104).

Letter to the Editor - The Society's Finances

To the Editor, ASLH Newsletter:

The publication of the Society's financial condition in the last ASLH Newsletter is to be regretted because of the misconceptions which might arise from this extracted version of the report.

During 1971 the Society contributed \$3,000 toward the Studies in Legal History series, published by Harvard University Press in association with the Society. This was not an operating expense, but clearly intended as a capital expenditure that was not to be of a recurring basis. When this disbursement is deducted from the "deficit" of \$4914.49, the operating deficit is actually \$1914.49.

The years 1970 and 1971 have been periods of expenditures from capital funds in the treasury to cover operating expenses. A careful review of the financial records of the Society will reflect that the disbursements have been to construct an active Society with a program designed to advance the interests of the membership. During these two years the Society membership has grown from less than 100 to over 400 members; we have launched a new monograph series and a new series for the publication of reprinted source materials. The Society's first annual meeting was held in October 1971, and the ASLH Newsletter commenced publication in 1970.

Our largest "deficits" to date have been in terms of men's time, for our officers, directors and committeemen serve without compensation, and frequently they have persuaded their institutions to help the Society through partially financing their out-of-pocket disbursements on behalf of the Society.

I have heard no suggestion that the Society should increase its dues to maintain its services to the membership, and as the Society continues to increase in membership the income from dues will continue to support its present activities and perhaps permit modest expansion in the future.

Herbert A. Johnson
Vice President
American Society for Legal History

Forthcoming Annual Meeting

The 1973 (third) annual meeting of the Society will take place at the Center for Continuing Education of the University of Chicago, at the invitation of the University of Chicago Law School. The Chairman of the Program Committee is Neal Allen (Department of History, Union College, Schenectady, New York 12308) and your Editor is in charge of local arrangements. Professor Allen will be grateful for suggestions as to paper and session topics, and members should correspond with him directly. The meeting will be held on Friday and Saturday, November 9 and 10, 1973, and we hope that the location will make it possible for mid- and far western members to attend.

Legal History Research Bibliography

The AMERICAN JOURNAL OF LEGAL HISTORY will be publishing an occasional listing of legal history research in progress under the editorship of Professor Hugh F. Bell. Members are urged to send Professor Bell news of their own current and intended research, as well as news of work being done by their students (or others who may not be members of the Society). Professor Bell may be contacted c/o Department of History, Herter Hall, University of Massachusetts, Amherst, Massachusetts 01002.

STUDIES IN LEGAL HISTORY

The second volume of the series has just been published by Harvard University Press: Raoul Berger, IMPEACHMENT: THE CONSTITUTIONAL PROBLEMS. As the flyer distributed by Professor Schulz announced, the book was made available to members at a one-third discount. The third volume will appear later this spring: Tulchin and Danelski, eds., THE AUTOBIOGRAPHICAL NOTES OF CHARLES EVANS HUGHES.

The Editorial Advisory Board of the series hopes that both volumes will be of immediate interest to the membership. The Berger book is an important new examination of the constitutional aspects of impeachment, especially as impeachment relates to the control of judges. The HUGHES volume consists of the notes which Mr. Justice Hughes dictated at the end of his life, and it sheds a good deal of new light on his career. Members will be particularly intrigued by Hughes' discussion of his Wall Street practice.

Our first volume, Fifoot's biography of F. W. Maitland, has been enthusiastically greeted by reviewers. Our own Fellow, Samuel Thorne of Harvard, commented in the (28 November 1971) Boston Herald-Traveler that "Mr. Fifoot is to be congratulated on giving us the fullest and most sympathetic account yet . . . We are indebted to him for much new matter, drawn from hitherto unexamined sources, and a delightfully written book."

NOTICES OF MEETINGS

Plea Roll Conference

Professor Sue Sheridan Walker, the organizer, announces a conference sponsored jointly by the Society and the Department of History, Northeastern Illinois University, on "The English Plea Rolls." The conference will be held in Chicago on April 13 and 14, 1973. The principal speaker will be Professor S.F.C. Milsom, F.B.A. of the London School of Economics. Participants from England and Scotland, as well as from around the United States, will be in attendance. Members desiring further information may write to Professor Walker c/o Department of History, Northeastern Illinois University, Bryn Mawr at St. Louis Avenue, Chicago, Illinois 60675.

The Meeting in Wales

Last July the first Legal History Conference in Britain for very many years was held at Aberystwyth at the invitation of the University College of Wales. The attendance of seventy comprised scholars from England, Scotland, Wales, Ireland, Canada, the United States, and Australia. The main papers were delivered by J. H. Baker (Cambridge), J. L. Barton (Oxford), W. H. Dunham (Yale), Alan Harding (Edinburgh) and D.E.C. Yale (Cambridge). A working group was set up to plan further short residential conferences, and Dr. John S. Beckerman of the Yale History Department has been appointed United States correspondent.

AHA-Session

At the 1972 annual meeting of the American Historical Association (New Orleans, December 30), Cecil Morgan (Tulane University Law School) chaired a panel discussion: "Teaching and Writing Legal History: What Can Historians and Lawyers Learn from each Other?" Participants were David H. Flaherty (University of Western Ontario), Stanley N. Katz, Lester Jay Mazor (University of Utah Law School-Hampshire College) and Robin C. Maw (Herbert Lehman College, CUNY).

Tudor Legal History Conference

The Folger Library sponsored a conference on "Law and Order in Tudor England" in Washington on November 24 and 25. The meeting was highlighted by Samuel Thorne's address on "Renaissance Legal History." Other speakers included David S. Berkowitz (Brandeis University), J. S. Cockburn (University of Maryland), R. J. Schoeck (Folger Library), Thomas G. Barnes (University of California, Berkeley), Guy Lytle (Catholic University) and Louis Knafla (University of Calgary).

OTHER NOTICES

New Center

Milton Klein reports that a Center for the Study of Constitutional Government has been established at Worcester State College with Robert Spector as Director. It is a New England-wide operation which will sponsor conferences, lectures, courses and research. The first conference, dealing with the correctional system in Massachusetts, will take place this February. The general purpose of the Center is to study constitutional processes with a view toward practical implementation.

New Program

Harvard Law School has just announced a program of "Harvard Fellowships in Law and the Humanities" for current and prospective law teachers supported by a grant from the National Endowment for the Humanities. Up to twelve fellowships are available for the academic year 1973-1974 for lawyers who are committed to a career of law teaching and who have an interest in enriching their teaching with insights and perspectives derived from a study of the humanities. The fellowships are for nine months, fellows may be candidates for the LL.M. degree, and the stipend will be up to \$13,500. Applicants must be lawyers under the age of 45. Information is available from the Committee on Harvard Fellowships in Law and the Humanities, Harvard Law School, Cambridge, Massachusetts 02138.

Max Planck Institute and Handbook

The Max Planck Institute for European Legal History in Frankfurt has published the first volume of its projected multi-volume handbook of European legal history (Handbuch der Quellen und Literatur der neueren europaeischen Privatrechtsgeschichte). The series, written in German under the general editorship of Professor Helmut Coing, spans the history of European private law from the high middle ages to the beginning of the twentieth century. Volume One, just released, covers the medieval period, and Volume Two, forthcoming in two books this year, treats early modern history. The third volume, which will complete the work, is presently in preparation, and will review the legal history of the nineteenth century. *already submitted 10/17 SL.*

The Handbuch is designed to provide sound bibliographic coverage of the sources of European private law and a scholarly introduction to the principal features of its development. The emphasis has been where possible to account for Continental legal history on a European-wide basis, to escape the nationalistic tradition of legal historiography which has obscured the deep interconnection which in fact characterized the growth of the civil law systems. Another dominant concern of the project which will be of particular comparative interest to Anglo-American legal historians has been the attempt to bring case law (Rechtsprechung) into proper perspective as a component of European legal development. The scholars of the Institute have made an exhaustive attempt to identify and analyze the published "law reports" of all the civil law countries of Western Europe, including Scotland. (English law receives incidental treatment in the early volumes of the Handbuch, to the extent that it came into contact in medieval and early modern times with the main developments of European legal history.) Other sections of the Handbuch deal with the history of legislation, of legal writing and legal education, of constitutional development, and of the courts and civil procedure.

The Handbuch collects the work of more than twenty authors, mostly present or former members of the staff of the Institute. It has taken nearly a decade to research and write. The Institute itself was founded

in 1964 to promote the study of comparative legal history. An impressive library of Continental (and English) works has been built up to serve a staff of more than a dozen full-time researchers as well as visiting scholars. The Institute publishes a periodical, Ius Comune, and it holds an annual conference of its assembly of distinguished corresponding scholars from around the world. The Institute has become, therefore, the focal point for the substantial modern renaissance of comparative legal history.

Bibliography of American Legal History

The Université Libre de Bruxelles has recently (1971) published a bibliography of the legal history of the United States edited by William Jeffrey, Jr. (University of Cincinnati Law School). The small paperbound constitutes Volume "F" of THE BIBLIOGRAPHICAL INTRODUCTION TO LEGAL HISTORY AND ETHNOLOGY edited by John Gilissen.

FROM THE EDITOR

I would like to reiterate Professor Fox's appeal to the membership for communications to the NEWSLETTER. Letters on topics of common concern are always welcome, but I could also use news of fellowships received for the study of legal history, new or revised legal history courses, conferences, major research projects, and institutional news of various kinds. Short reports of the proceedings of legal history conferences would be especially welcome.