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NEWS OF THE SOCIETYAnnual Meeting, November 9-10, 1973

The 1973 annual meeting of the Society was held at the Center for Continuing Education, University of Chicago. About 75 members from outside the Chicago area attended the meeting. The program, arranged by Arthur R. Hogue (Indiana University), was extremely well-received. The highlight of the luncheon session was the presentation of a certificate of appreciation to our President, George L. Haskins, from the other officers of the Society. Next year's meeting will be held in Washington, D.C. The program for the meeting is now being planned by Dean Joseph W. McKnight (Southern Methodist University School of Law, Dallas, Texas 75222). Dean McKnight is eager to hear from those with suggestions for sessions and papers.

Annual Election Results

Secretary William Schulz reports that Nominating Committee Chairman Bart Cox has now certified the results of the annual election of the Society as follows:

President Dr. Herbert A. Johnson, Editor, The Papers of John Marshall, Williamsburg, Virginia 23185.

Vice President Joseph H. Smith, Columbia University School of Law.

Secretary William F. Schulz, Jr., University of Pittsburgh School of Law.

Treasurer Robert M. Ireland, Department of History, University of Kentucky.

Directors for a term of three years commencing January 1, 1974:

Hugh F. Bell, Department of History, University of Massachusetts, Amherst, Massachusetts 01002.

Charles M. Gray, Department of History, University of Chicago.

Arthur R. Hogue, Department of History, Indiana University, Bloomington, Indiana 47401.

Milton M. Klein, Department of History, University of Tennessee, Knoxville, Tennessee 37916.

Sue Sheridan Walker, Department of History, Northeastern Illinois University, Chicago, Illinois 60625.

Necrology

I regret to report the deaths of two members of the Society: James H. Epps, Jr., Esq. (Epps, Powell, Weller, Miller & Epps,

Johnson City, Tennessee) and Julius Goebel, Jr., an honorary Fellow. Herbert Johnson has contributed the following notice:

Julius Goebel, Jr., professor emeritus of legal history at Columbia University School of Law, died at New York City on August 4, 1973 after a long illness. Widely known for his studies in the legal history of early America, he was among the first group of honorary Fellows elected by the American Society for Legal History in 1971. The author of three major books on legal history, Professor Goebel had completed editing two of the three volumes of *The Law Practice of Alexander Hamilton* when he suffered a stroke in November 1972. Trained at the University of Illinois (A.B., 1912, M.A., 1913) and Columbia University (Ph.D., 1915, LL.B., 1923), he had served with distinction upon the Columbia Law School faculty from 1921 until his retirement in 1961. His scholarship was recognized by the award of honorary LL.D. degrees from Trinity College in 1954 and Columbia University in 1966, and by the award of the *Roden de Mayo al Merito* of the Republic of Argentina in 1970.

During his teaching career Professor Goebel perfected a course in the development of legal institutions which has served as a basis for numerous similar academic offerings at other law schools. His demands for excellence in classroom recitation left many a student with a lasting respect for the complexity of legal history materials, as well as an enduring interest in the subject. At the same time his humor and quick wit made the class a popular one with his students. On Saturday mornings before Columbia football games Professor Goebel held "ladies day" for the dates and wives of first year law students who flocked to the lecture hall to sample the legendary wit and wisdom of Julius Goebel.

Few men have had the opportunity to influence the development of their scholarly discipline as did Julius Goebel, and fewer have made such a contribution for excellence of scholarship in their fields. Through a steadfast dedication to the use of manuscript original materials, he compelled legal historians to turn with increasing vigor to the examination of court records and lawyers' papers. At the same time his work involved familiarity with other legal systems and a comparison between Old World laws and customs and those which prevailed in colonial America. While Julius Goebel's books provided a new standard for scholarly work in early American legal history, they also stimulated other legal historians to work in areas suggested by their contents, and few scholars in the field of early American legal history are not indebted to Professor Goebel.

The Society notes with regret and a profound sense of loss, the passing of Julius Goebel, Jr.

Members may also want to consult the November, 1973 issue of the Columbia Law Review, which contains a number of tributes to Professor Goebel, including one by Joseph H. Smith.

STUDIES IN LEGAL HISTORY

Joseph Smith has arranged for an extension of the special offer of the Danelski and Tulchin volume, The Autobiographical Notes of Charles Evans Hughes to members of the Society. The members' price is \$10.50, and checks for that amount must reach Professor Smith by January 15 (c/o Columbia University School of Law, 435 West 116th Street, New York, New York 10027).

Volume four in the series, Prosecuting Crime in the Renaissance: England, Germany, France by John H. Langbein, will be published shortly after the new year. Volume five, Raoul Berger's new book on Executive Privilege, will be published at the beginning of April. Members will soon be receiving announcements of the special price offerings on each book.

The Syndics of Harvard University Press have recently endorsed publication of a volume by George Dargo (C.C.N.Y.), Politics and Legal Conflict in Jefferson's Louisiana. Professor Dargo is now completing his revisions on the manuscript, which will be published in 1975.

The Editorial Advisory Board of the series currently has several manuscripts under consideration, so that we shall probably be publishing two or three books in 1975. At the moment, in fact, our problem is a surfeit of publishable material--a problem only in the current economic crisis of the academic publishing industry.

Reviews of the Fifoot biography of Maitland continue to appear, and they are gratifyingly favorable. Writing in the Cambridge Law Journal, Gareth Jones notes that "Mr. Fifoot writes with the authority of a Cambridge man born and bred--perhaps his years at Oxford were a prolonged youthful indiscretion? His knowledge of the Cambridge intelligentsia rivals that of Lord Annan. . . . Mr. Fifoot has produced a Life of Maitland which we should all read and which we will all admire." In the Law Quarterly Review, P. V. Baker describes the book as "sympathetic but not adulatory," and expresses his doubt that "any further contributions [on the life of Maitland] will be necessary to supplement or supersede this excellent biography." It seems that the series is off to a good start in the land of the Selden Society.

ANNOUNCEMENTS

ABA Prize

I have received notice that member Paul L. Murphy's recent The Meaning of Freedom of Speech: First Amendment Freedoms from Wilson to F.D.R. (Greenwood Press) has received a Certificate of Merit from the A.B.A.'s Gavel Awards Committee. The certificate reads: "In recognition of a distinguished contribution to public understanding of the American system of law and justice. In the national program of Gavel Awards to the media of public informa-

tion and entertainment your entry was chosen by the Awards judges as a noteworthy example of public service enterprise." Professor Murphy is a member of the History Department at the University of Minnesota.

Civil Law Manuscripts

Professor W. Hamilton Bryson (T.C. Williams School of Law, University of Richmond) writes: "I have recently received word from Dr. Dolezalek of Frankfurt that his Repertorium of Civil Law manuscripts will be published in the very near future. It will consist of four volumes including 2,380 pages and will cost 78 DM and can be ordered from Herrn, Dr. Gero Dolezalek, Kanneckerstrasse 43, D - 6 Frankfurt, GERMANY. I have seen the typescript of the book, and it is extremely valuable in identifying works, authorship, etc., because of the excellent index which was made possible for the first time by having put all of the entries into a computer."

Chinese Legal History Research Project

We have received a description of a major, long-term project in Chinese Legal History from Wejen Chang, Associate Research Fellow of the Institute of History and Philology, Academia Sinica, Nankan, Taipei, Taiwan. Chang is currently in residence at the Harvard Law School (421 Pound Building), and I believe he would be interested in hearing from any of our members who have an interest in Chinese history.

Directory of American Scholars

The Jaques Cattell Press (P.O. Box 26979, Tempe, Arizona 85282) has announced that plans for the 6th edition of the Directory call for the final submission of nominations for inclusion by January 15, 1974. Volume I is again devoted to History, and Volume IV to Philosophy, Religion, and Law. Members desiring to make nominations should send them to the Editors of the Directory.

Law and Society Association

We have received word from James E. Wallace, Executive Officer of the Law and Society Association, suggesting that the ASLH and the LASA memberships be kept aware of activities of mutual interest. LASA publishes the Law and Society Review, which I hope is known to our members. The address of the Association is c/o Mr. Wallace, University of Denver College of Law, 200 West 14th Avenue, Denver, Colorado 80204.

COMMUNICATIONS

Holton

I have received two letters from James T. Holton, Esq. (111 West Washington Street, Chicago, Illinois 60602). He reports, in the first, on his project to publish a volume entitled

"Finding the Rule of Law":

"My project has been to finish a manuscript (slowly nearing completion) to prepare for republication those works of Sir Edward Coke that would appeal to and interest readers concerned with the origins and maintenance of the rule of law. From Coke's numerous writings, I have selected and prepared three parts: First, the Prefaces to Coke's Reports, Parts I through XI (published 1600 to 1616); Second, edited selections from the only preserved public address given by Coke to a special audience, on the occasion of his first circuit ride to the Assize held at Norwich, England, shortly after his appointment by James I as Chief Justice of the Court of Common Pleas on 4 August 1606; Third, the Petition of Right drafted by Coke, passed by Parliament and approved by Charles in June 1628. None of these works and words are in print at this time. Granted, Coke did not intend his works to be published in this organization, one of the works was disavowed by him, and the modern interest may be my own projected. Nevertheless, I think that there is merit in the work.

The Prefaces as published by Coke are solid works of advocacy, exposition and historical argument. Unedited, however, they are a cold shower for the modern reader. Coke displayed his scholarship with frequent quotations in Latin, Greek, and a "Court French." If he spoke as he wrote, he apparently never stopped for breath. His Prefaces present also the usual problems of Elizabethan spelling, word forms, punctuation, and word order, and his penchant for archaic legal terms. I took these problems and others upon myself as editor (without plea or price)--I was called by my interest. My basic approach was that Coke primarily intended to be clear, and to be understood. The translations are freewheeling, but accurate, I hope; I've had help with them.

Coke's writings, and his words (as edited) speak for themselves. His style is vigorous and personal. The surprising thing about his writings, as Holdsworth noted, is not that they are not literature, but that they have so many literary qualities about them. With these qualities in mind, I have edited the Prefaces numbered I through XI (The Preface to Part XI was apparently written in haste, is a list of cases reported, and has only a few bright sentences; Coke knew at the time of publication that his judgeship held at the pleasure of James I was in imminent jeopardy; he was in fact relieved of judicial duties within the year) and the Speech and Charge. The Petition of Right stands on its own.

I propose in my Editor's Introduction to deal with the unifying themes at reasonable length, to deal as well with my editing, and with the Petition Right as one of the foundations of the Declaration of Independence and the Bill of Rights. Further, I intend in my introduction to deal with some later commentators on Coke's writings, which range from some gratuitous comments by Hobbes, the later libels committed by Macaulay and Johnson and also some unkind remarks by Charles

Gray. That argument is somewhat tenuous, based in part on newly published evidence discovered in the twentieth century on Coke's sources and his library, and my inferences drawn from that evidence."

In a subsequent letter, Mr. Holton reports the discovery of a recent four reel microfilm edition of the Holkam Hall papers of Coke (1552-1634) produced by the EP Group, Bradford Road, East Ardsley, Wakefield, Yorkshire, WF3 2JN, England. Members may be interested to write for the EP catalogue, which indicates considerable material for historians of English law. The Company has informed Mr. Holton that they intend to microfilm the complete Records of the Court of Arches, which are located presently in the Lambeth Palace Library.

Rea

I have recently received the following letter:

Dear Prof. Katz:

My associate and I have written and privately published a limited edition of CIRCA INSTANS, a survey and history of drug plant gardens. We thought that you as editor of the STUDIES IN LEGAL HISTORY might be interested in buying a copy, since we show that the history of law and the history of drug plant gardens are inseparable, the Malt Hills or Areopagus being both a drug plant gardens and a law court. The highest position in law, "the woolpack" we show to have been originally a sack of malt. If you wish a copy, we are selling the 400-page book for \$10 plus 35 cents postage.

Yours truly,

Prof. J. Rea (retired)
810 East 30th
Bryan, Texas 77801

APPOINTMENT OF NEW EDITOR

The happy circumstance of the award of a research grant for 1974-1975 has led your Newsletter editor to tender his resignation to President Haskins, who has accepted it "with great regret."

Professor Haskins has announced the appointment of Charles T. Cullen as the new editor of the Newsletter, effective immediately. Dr. Cullen is the Associate Editor of the Papers of John Marshall at the Institute of Early American History and Culture in Williamsburg.

Items for inclusion in the spring, 1974 issue should be sent directly to Dr. Cullen, Box 220, Williamsburg, Virginia 23185. Let me conclude with another appeal to members for communications such as those from James Holton in this issue. Reports on your research, on manuscript or printed sources, or on activities of interest to legal historians would make the Editor's life easier and the Newsletter livelier.