

ASLH NEWSLETTER

AMERICAN SOCIETY FOR LEGAL HISTORY

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NEWS OF THE SOCIETY

1976 Annual Meeting

The annual meeting, to be headquartered at the Barclay Hotel in Philadelphia, will be preceded by a special needs and opportunities conference entitled "The Legal History of the American Revolutionary Era, 1763-1790." Co-sponsored with the ASLH by the Institute of Early American History and Culture, the sessions will begin at 10 a.m. in the Mirage Room of the Barclay Hotel on Thursday, October 21. The sessions are:

"The Revolutionary Conception of History--Its Utility for Legal Historians Today," by William E. Nelson. Comments will be made by David H. Flaherty, Morton J. Horowitz, and Joseph H. Smith, and George L. Haskins will serve as chairman.

"Legal History of the American Revolution: A Historical and Bibliographical Survey," by Hugh F. Bell. This afternoon session will be chaired by John D. Cushing, and formal comments will be offered by Stanley N. Katz and Milton M. Klein.

For additional information contact Herbert A. Johnson, P. O. Box 220, Williamsburg, Va. 23185.

Regular sessions of the annual meeting will be held on Friday and Saturday, October 22 and 23. Sessions will be held on Roman Law and its Impact, Assessing the American Constitutional Experience, English Constitutional and Legal History, Legal Problems in Revolutionary America, Aspects of Medieval Law, The Impact of Revolution on Law, Developing Legal Careers in the Nineteenth Century United States, Continental Legal History, and Race Relations and the Law in the Post-Bellum United States. A session devoted to "brief communications" is also planned, and a round table discussion on new directions in legal research will end the conference Saturday afternoon.

Members will receive hotel reservation information as well as the program of the meeting. Persons with questions about hotel reservations should contact the hotel directly. The program has been planned by a committee composed of Paul L. Murphy, chairman; Jerold S. Auerback, Mary F. Berry, George Dargo, Gerard W. Gawalt, Kermit L. Hall, Albert F. Hess, M. Paul Holsinger, Stanley N. Katz, Stefan A. Riesenfeld, Vernon F. Snow, and William S. Thurman.

1977 Annual Meeting

The Society's seventh annual meeting will be held at the Sheraton-Boston Hotel on November 4 and 5, 1977. The program committee for that meeting is chaired by Charles Donahue, Jr., University of Michigan Law School.

1976 Sustaining Members

The Society needs sustaining members in order to avoid increasing dues. The following people answered the call in 1976 and their generosity is greatly appreciated:

Prof. Morris S. Arnold	Prof. Wythe W. Holt, Jr.
William K. Bachelder, Esq.	Samuel F. Howard, Jr., Esq.
Charles A. Bane, Esq.	Prof. Robert M. Ireland
John C. Baumgartner, Esq.	Raymond A. Jensen, Esq.
Prof. Hugh F. Bell	Dr. Herbert A. Johnson
Stephen F. Black, Esq.	Prof. Milton M. Klein
Prof. Maxwell Bloomfield	Ms. Mary McReynolds
Prof. John S. Bradway	Prof. Paul L. Murphy
Prof. Robert R. Bridwell	Robert B. Murphy, Esq.
Prof. Terry Calvani	Austin B. Noble, Esq.
Prof. George C. Christie	Prof. John W. Pratt
William F. Coale, Esq.	Prof. Kathryn T. Preyer
Dr. H. Bartholomew Cox	Prof. Joel Samaha
Prof. George Dargo	Prof. William F. Schulz, Jr.
Prof. Charles Donahue, Jr.	Whitney North Seymour, Esq.
Hon. Edward Dumbauld	Mr. John J. Short
Henry N. Ess, III, Esq.	Richard R. Sigmon
Alan M. Fortunoff, Esq.	Herbert T. Silsby, II, Esq.
Ms. Lenore Glanz	Prof. Joseph H. Smith
Ms. Sarah Gottsman	Prof. Jon N. Sutherland
Prof. Kenneth W. Graham, Jr.	John H. Tucker, Jr., Esq.
Prof. Charles M. Gray	Arnold W. Umbach, Jr., Esq.
Max E. Grefig, Esq.	Prof. Sue Sheridan Walker
Prof. William G. Guernsey	Nicholas Donnell Ward, Esq.
Steven F. Helfer, Esq.	Dr. Frank L. Wiswall, Jr.
Prof. Arthur R. Hogue	David P. Wood, Esq.

Acting Secretary Appointed

Milton M. Klein has asked to be relieved of his duties as secretary from September 1976 to June 1977 while he serves as visiting professor at New York University Law School. Joseph H. Smith, president of the Society, has named Professor Carl Pierce of the University of Tennessee Law School, Knoxville, Tennessee 37916, acting secretary for the 1976-77 academic year. All business requiring the secretary's attention should be addressed to him there.

Publications of Members

David Sandler Berkowitz, "Reason of State in England and the Petition of Right, 1603-1629," in Staatsrason. Studien zur Geschichte eines politischen Begriffs, edited by Roman Schnur (Berlin, 1975).

George M. Curtis III, "The Goodrich Family and the Revolution in Virginia, 1774-1776," Virginia Magazine of History and Biography, LXXXIV (Jan. 1976).

_____, "The Role of the Courts in the Making of the Revolution in Virginia," in The Human Dimensions of Nation Building, edited by J. K. Martin.

John P. Reid, "'In Our Contracted Sphere': The Constitutional Contract, The Stamp Act Crisis, and the Coming of the American Revolution," Columbia Law Review, LXXVI (Jan. 1976), 21-47.

Robert M. Spector, "Woman Against the Law: Myra Bradwell's Struggle for Admission to the Illinois Bar," Illinois State Historical Society, Journal (June 1975).

Roy G. Weatherup, "Standing Armies and Armed Citizens: An Historical Analysis of the Second Amendment," Hastings Constitutional Law Quarterly, II (Fall 1975), 961-1001.

Wunder, John R., "American Law and Order Comes to Mississippi Territory: The Making of Sargent's Code, 1798-1800," Journal of Mississippi History, XXXVIII (May 1976), 131-155.

_____, "Freedom from Government: the Mormon Frontier Experience," in Values of the American Heritage, edited by Carl Ubbelhode and Jack R. Fraenkel (46th Yearbook of the National Council for the Social Studies, 1976), 74-108.

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Professor Spector's article received the Harry E. Pratt Memorial Award for 1975. Conferred upon Professor Spector by the Illinois State Historical Society at a dinner on May 14, the award is conferred on the "person who, in the judgment of the Journal's editorial staff, made the best single contribution to the Journal from the standpoint of writing style, research, and original contribution to Illinois' history," according to William K. Alderfer, executive director.

ASECS Article Prize

The annual prize for the best article appearing in a journal or other serial publication during the academic year 1974-75 was awarded to Milton M. Klein by the American Society for Eighteenth Century Studies for his essay, "New York Lawyers and the Coming of the American Revolution," which originally appeared in New York History (Oct. 1974). The essay will now be reprinted in volume 7 of Studies in Eighteenth-Century Culture.

Professor Klein will be Walter Meyer Visiting Professor at the New York University Law School this year.

NEWS NOTES

Conferences

The American Association of Law Librarians 1976 Institute on American Legal History was held at the Harvard Law School June 25-27. Over 100 persons heard the 32 papers presented; the papers will be published in forthcoming issues of the Law Library Journal. Among those delivering papers were L. Kinvin Wroth, Morton J. Horwitz, George Cunha, Erwin C. Surrency, Patricia Evans, R. Michael McReynolds, Hiller B. Zobel, Alfred Konefsky, Jerold S. Auerbach, Myrtle A. Moody, Margaret Moody, Erika Chadbourn, Harold M. Hyman, Robert Gordon, David H. Flaherty, Allen Weinstein, Balfour J. Halevy, and Morris Cohen. An excellent summary of the sessions appeared in Library of Congress Information Bulletin, XXXV (August 27, 1976), 511-514.

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The Annual meeting of the National Association of State Archives and Records Administrators met in St. Louis July 22-23. One session was a panel discussion on "What Should We Do About Our Courthouse Records?" Joe Smith was a member of the panel.

The Joint Meeting of the Canadian Society for Legal History and the Canadian Historical Association was held June 1, 1976, to discuss the topic "Crime, Police and Punishment in North America in the Twentieth Century." Papers were presented by Carol Siegel and Lorne Tepperman of the University of Toronto, and by Henry Cohen of Loyola University of Chicago.

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The Eighteenth Annual Meeting of the American Academy of Political and Social Sciences was held in Philadelphia April 9-10. The theme of the meeting was "Bicentennial Conference on the Constitution: A Report to the Academy." The topics discussed were "Maintenance of Revolutionary Values," "Effectiveness of Governmental Operations," "Shaping of Public Policy," and "The United States and the World." The July 1976 issue of the Academy's Annals contains the papers presented at the meeting and is available for sale from the Academy, 3937 Chestnut Street, Philadelphia, Pa. 19104.

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Appalachian State University sponsored a Symposium on British Studies, October 2-3, 1976, at which a session entitled "Politics and the Law in Tudor-Stuart Britain" was held. Papers and authors were: Jon G. Crawford, "Judicial Reform in Elizabethan Ireland to 1578;" Barry Clendenin, "Parliamentary Lawyers in Early Stuart England;" and H. Tyler Blenthen, "The Office of the Lord Chancellor After the Impeachment of Bacon."

Grants Available

The Columbia Society of Fellows in the Humanities, with grants from the Andrew W. Mellon Foundation and the William R. Kenan Trust, will appoint a number of post-doctoral fellows in the humanities for the academic year 1977-1978. Fellows newly appointed for 1977-1978 must have received the Ph.D. between Jan. 1, 1975 and July 1, 1977. Stipend \$12,500 - one half for independent research and one half for interdepartmental teaching, with modest additional grants. Apply to Director, Room 803, International Affairs Building, Columbia University, New York, N.Y. 10027.

ACLS Travel Grants

As a constituent society of the American Council of Learned Societies, the American Society for Legal History participates in

the ACLS Travel Grant Program. These grants are designed to enable American scholars in the humanities to participate in international meetings abroad. Social scientists and legal scholars are eligible only if they specialize in the history or philosophy of their discipline and the meeting they wish to attend is so oriented. Conferences devoted to contemporary social problems and the establishment of legislation or policy are not eligible for support under this program.

Applicants in legal history must apply through ASLH, which in turn makes recommendations to ACLS. (ACLS cannot entertain any direct requests.) Financial assistance under this program is limited to air fare and at the lowest excursion rate. Payment is made only after the travel is completed and upon receipt of appropriate ticket stubs and a substantive report of the grantee's participation in the conference. Participants are expected to take active roles in the conference, as session chairpersons or readers of major papers.

Deadlines for receipt of completed application forms by ASLH are: for attendance at meetings to be held between March and June, November 1; for those between July and October, March 1; and for those between November and February, July 1. The deadlines are strict. Requests for application forms should be addressed to the secretary of ASLH, and requests should include the name, place, and dates of the meeting to be attended.

ACLS Awards

The American Council of Learned Societies has awarded 97 fellowships for periods of six months to one year. Eighty-three of these were awarded for post-doctoral research in the humanities and related social sciences. In addition, fourteen post-doctoral fellowships were awarded to assist young scholars to enlarge their range of knowledge by study in fields outside their present areas of specialization. Among those receiving grant awards were George Dargo, City University of New York, to study law; Owen Fiss, Yale University, "A history of the Supreme Court at the turn of the century;" George P. Fletcher, University of California, Los Angeles, "Philosophical foundations of the criminal law;" and Laurence D. Houlgate, George Mason University, to study law.

The ACLS also awarded a number of grants-in-aid. Among the recipients: Edwin B. DeWindt, University of Detroit, "The Assize rolls of the county of Huntingdon, 1279-1307;" and Paul L. Rosen, Carleton University, "A political and legal theory of civil disobedience."

National Enquiry

As we reported in the last issue of the Newsletter, the ACLS is sponsoring a national enquiry into the production and dissemination of scholarly knowledge. The director of the enquiry, Edward E. Booher, addressed the annual meeting of the AAUP in New Haven, Connecticut, in June. Speaking from a text entitled "It Will Take More Than Money," Booher outlined the scope and purpose of the National Enquiry and then admonished the presses "to put their own houses in order." He urged interpress cooperation, the development of professionalism, and more aggressive pursuit of funding and businesslike procedures. Stating that "common sense dictates that we are beyond the point in time and money where petty fiefdoms can be tolerated," the Director of the National Enquiry urged the presses to reexamine their roles and to push for ever higher standards. He concluded his remarks by listing specific areas of research being undertaken by the Enquiry and requested the cooperation of the presses in pursuing these studies.

Copies of Mr. Booher's speech may be obtained by writing to the National Enquiry Into Scholarly Communication, P. O. Box 2067, Princeton, New Jersey 08540.

Case Western Reserve Begins Legal History Program

The Franklin Thomas Backus School of Law and the Department of History at Case Western Reserve University have adopted a joint J.D./M.A. program. Students will be admitted to both the history graduate and law schools, and they can achieve their degrees in three and one-half (or three years and two summers) of study.

The Department of History also has a program of legal history emphasis for undergraduate pre-law majors. Courses include surveys in United States constitutional history and American legal history; studies emphasizing English constitutional history, crime and punishment in historical perspective, and great American trials; and seminars in American family law and history and twentieth-century American civil liberties.

For further information concerning either program, contact Professor John R. Wunder, Department of History, Case Western Reserve University, Cleveland, Ohio 44106.

AHA Job Hunting Kit Available

In order to ease the strains of job hunting, the American

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Historical Association is offering a kit for job hunters. The kit consists of three AHA publications which contain information designed to assist in the "search." THE GUIDE TO DEPARTMENTS OF HISTORY contains listings for over 200 history departments, both four-year and two-year programs, and research institutes in the U.S. and Canada. The listings include information about course offerings, faculty, and graduate students. THE DIRECTORY OF HISTORY DEPARTMENT CHAIRMEN lists entries for more than 1800 departments in the U.S., Canada, Mexico, and Australia. A SURVIVAL MANUAL FOR WOMEN (AND OTHER) HISTORIANS is a publication designed to assist all historians with interviews, program presentations, contracts, and publications. These three publications provide the job hunter with some necessary tools, and will be excellent reference materials after the contract is signed.

The kit is available to AHA members for \$5.50 and to non-members for \$10.50. If purchased individually, the publications would cost the AHA member \$8.00 and the non-member \$13.00. The kit may be ordered from AHA Publications, 400 A Street, S.E., Washington, D.C. 20003. Please specify "The Job Hunters Kit" to obtain this special reduced price. All orders must be prepaid.

APA Establishes Committee on Philosophy and Law

The rapid growth of interest in problems concerning philosophy and law as evidenced partially by the increasing size and number of college courses in the philosophy of law has prompted the American Philosophical Association Board of Directors to establish a Committee on Philosophy and Law, modeled after their Committee on Philosophy and Medicine, to coordinate and further encourage contacts between the philosophical profession and the law schools. The committee will have responsibility for the following tasks:

1. The committee will conduct a survey to identify the individual philosophers who are strongly interested in philosophical questions in and about law. These philosophers will then be put on a mailing list, and receive Newsletters and other communications from the committee, the costs of which could be covered by small contributions from the recipients.

2. The committee will survey American Law Schools to determine which of them already have courses or programs with substantial philosophical content and/or professional philosophers on their staffs or otherwise connected with them.

3. Another survey will be aimed at determining whether law

schools are at all interested in furthering the development of "humanistic studies" (including philosophy) in their curricula, and if so, whether they are also interested in hiring qualified philosophers to organize and conduct such studies.

4. Possible sources of funding will be sought to support faculty, students, and programs in law school contexts.

5. The committee will also contact philosophy departments, especially graduate departments, to determine the extent of their interests in the study of philosophy and law.

6. The committee will attempt to determine which undergraduate studies in philosophy and law (e.g. legal reasoning, professional ethics, criminal responsibility, the limits of law) could reasonably be developed, especially but not only in connection with existing "pre-law" degree programs.

7. The committee will explore the possibility of developing and furthering centers for the study of philosophy and law, or other inter-disciplinary Centers at which philosophers could play a role.

8. The committee will undertake a study of the range of issues plausibly included in the overlap of philosophy and law for the guidance of law schools, philosophy departments, inter-disciplinary centers, and individual instructors.

New Publication of Interest

"Essays in Honor of J. Willard Hurst," Law and Society Review, X (nos. 1 & 2, Fall-Winter 1975-1976), \$10. Order from The Law and Society Association, The Law Center, 200 West Fourteenth Avenue, Denver, Colorado 80204.

J. H. Baker, comp., English Legal Manuscripts, I, Catalogue of the manuscript year books, readings, and law reports in the library of the Harvard Law School. Order from Inter Documentation Company of the Netherlands, International Micro-Publishers, Uiterstegracht 45, Leiden, The Netherlands.

Legal History (a quarterly journal, official organ of the Indian Institute of Legal History), cost \$30 U.S. per year. Order from K. K. Roy (Private) Limited, 55 Gariahat Road, P. O. Box 10210, Calcutta-700019, India.

A. Stephen Boyan, Jr., ed., Constitutional Aspects of Watergate, Documents and Materials, 4 vols, \$40 each. Order from Oceana Publications Inc., Dobbs Ferry, New York 10522.

J. A. C. Thomas, The Institutes of Justinian, Text, Translation and Commentary (Amsterdam, 1975), \$54.25 U.S.; paperback, \$22.95 U.S. Order from American Elsevier Publishing Co., Inc., 52 Vanderbilt Ave., New York, N.Y. 10017.

_____, Textbook of Roman Law (expected publ. 1976). Inquire at American Elsevier Publishing Co., Inc., 52 Vanderbilt Ave., New York, N.Y. 10017.

R. Feenstra and C. J. C. Waal, Seventeenth-Century Leyden Law Professors and their Influence on the Development of the Civil Law (Amsterdam, 1975), \$22.95 U.S. Order from American Elsevier Publishing Co., 52 Vanderbilt Ave., New York, N.Y. 10017.

Supreme Court First Decade Project

The National Historical Publications and Records Commission has approved an application for matching funds from the Supreme Court Historical Society to launch a five-year project to collect and edit documents relating to the first decade of the Court. The project, which will formally begin on January 1, 1977, will be directed by Dr. Maeva Marcus. Anyone interested in working as an assistant editor with this project should contact her at Supreme Court Building, Room 39 C, Washington, D.C. 20543 (telephone 202 393-1640, ext. 378).