
ASLH NEWSLETTER

AMERICAN SOCIETY FOR LEGAL HISTORY

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NEWS OF THE SOCIETY

Editorship Change

The present editor of this newsletter has served since April, 1974, and thinks it is time to pass the job on to others in the Society. Accordingly, subject to the approval of the Board of Directors at their October meeting, Robert J. Haws and Michael deL. Landon will assume responsibility for editing the Newsletter beginning with the next issue (April). All notices and inquiries should be addressed to one or both of them at the Department of History, University of Mississippi, University, Mississippi 38677.

Eight Annual Meeting

The annual meeting of the Society is being held at the University of Chicago on October 20 and 21. Sue Sheridan Walker, Northwestern Illinois University, is chairman of the local arrangements committee and she should be contacted for information concerning facilities. Jonathan Lurie of Rutgers University, Newark, New Jersey, is chairman of the program committee.

Ninth Annual Meeting

The 1979 meeting of the Society will be held in Williamsburg, Virginia, on October 26 and 27. Inasmuch as the program committee hopes to complete work on the program for that session as soon as possible, proposals for papers or sessions should be submitted to John S. Beckerman, Haverford College, Haverford, Pa., promptly.

Committee Memberships

The following committees have been appointed by the Society's president, Stanley N. Katz:

1979 Program Committee

John S. Beckerman, Haverford College, Chairman; Barbara A. Black, Yale Law School; Stanley Chodorow, University of California, San Diego; Robert W. Gordon, University of Wisconsin Law School; Alfred S. Konefsky, State University of New York at Buffalo School of Law.

Standing Committee on Conferences and
the Annual Meeting

Charles M. Gray, University of Chicago, Chairman; Lawrence M. Friedman, Stanford Law School; Stanley I. Kutler, University of Wisconsin; Sue Sheridan Walker, Northeastern Illinois University; L. Kinvin Wroth, University of Maine School of Law.

Committee on Membership

Wythe W. Holt, Jr., University of Alabama School of Law, Chairman; Raoul Berger, Concord, Mass.; R. Randall Bridwell, University of South Carolina Law Center; Jack Etheridge, School of Criminal Justice, University of South Carolina; Janet S. Loengard, Moravian College; Richard C. Maxwell, University of California School of Law, Los Angeles; Jerome L. Merin, Securities and Exchange Commission; Jon Sutherland, California State University, San Diego; James F. Traer, Hamilton College.

Publications Committee

Thomas A. Green, University of Michigan Law School, Chairman; John S. Beckerman, Haverford College; Alfred S. Konefsky, State University of New York at Buffalo School of Law.

Nominating Committee

Harold M. Hyman, Rice University, Chairman; Barbara A. Black, Yale Law School; Tony Freyer, University of Arkansas; Joseph W. McKnight, Southern Methodist University Law School; Roy Mersky, University of Texas School of Law; Paul L. Murphy, University of Minnesota; Harry Scheiber, University of California, San Diego; Joseph H. Smith, Columbia University School of Law; William M. Wiecek, University of Missouri, Columbia.

Committee on Honors

Joseph W. McKnight, Southern Methodist University Law School, Chairman; Charles Donahue, Jr., University of Michigan Law School; Richard H. Helmholz, Washington University School of Law.

Committee on Documentary Preservation

David Grayson Allen, Massachusetts Historical Society; Susan Grigg, Yale University Library; Rayman L. Soloman, Clerk for Judge of U.S. Court of Appeals for the Sixth Circuit.

Society Delegate to the American Council of
Learned Societies

Herbert A. Johnson, University of South Carolina Law Center.

Society Appointees on the Committee on the
Littleton-Griswold Fund of the American Historical Association

John D. Cushing, Massachusetts Historical Society; Robert M. Ireland, University of Kentucky; Joseph H. Smith, Columbia University School of Law.

Sustaining Memberships Increase

The Society thanks the following who have become sustaining members for 1978:

Charles A. Bane, Esq.	Henry N. Ess, III, Esq.
Prof. Thomas G. Barnes	Prof. Harold D. Evjen
Mr. John C. Baumgartner	Mr. Ronald Edward Fisher
Prof. Hugh F. Bell	Prof. David H. Flaherty
Prof. Randall T. Bell	Prof. Lawrence M. Friedman
Prof. Loren P. Beth	John Pryor Furman, Esq.
Prof. Barbara A. Black	Mr. Paul Gay
Stephen F. Black, Esq.	Ms. Lenore Glanz
Prof. Maxwell Bloomfield	George E. Goldberg, Esq.
Prof. Henry J. Bourguignon	Ms. Susan M. Goldman
Prof. John S. Bradway	Prof. Robert W. Gordon
Prof. Robert Randall Bridwell	Ms. Sarah Gottsman
Prof. Elizabeth A. R. Brown	Prof. Kenneth W. Graham, Jr.
Prof. Stanley Chodorow	Prof. Charles M. Gray
Prof. George C. Christie	Prof. Thomas A. Green
William F. Coale, Esq.	Max E. Grefig
Prof. J. S. Cockburn	Newton Gresham, Esq.
Prof. Morris L. Cohen	L. Robert Griffin, Esq.
Prof. David F. Condon	Prof. William G. Guernsey
Prof. Richard E. Coulson	Jacob D. Guice, Esq.
Dr. H. Bart Cox	John C. Hamilton, Esq.
Prof. Harold D. Cunningham, Jr.	Prof. William H. Harbaugh
Prof. Charles Donahue, Jr.	Joel B. Harris, Esq.
Hon. Edward Dumbauld	Prof. Francis H. Heller
Ralph P. Dupont, Esq.	Prof. R. H. Helmholtz
Prof. Dorsey D. Ellis, Jr.	Prof. Wythe W. Holt, Jr.

Sustaining Memberships, Cont'd.

Charles A. Horsky, Esq.	Prof. John W. Pratt
Samuel F. Howard, Jr., Esq.	Prof. Kathryn T. Preyer
Mrs. Jean M. Humphrey	B. G. Ramsey, Esq.
Prof. Willard Hurst	Prof. Joel Samaha
Prof. Harold M. Hyman	Prof. William F. Schulz, Jr.
Prof. Robert M. Ireland	Prof. John Scurlock
Edward M. Jacobs, Esq.	Arthur N. Seiff, Esq.
Raymond A. Jensen, Esq.	Whitney North Seymour, Esq.
Dr. Herbert A. Johnson	Mr. E. Lee Shepard
Prof. Stanley N. Katz	George E. Shertzer, Esq.
Prof. Yasuhide Kawashima	Mr. John J. Short
Ms. Anne E. W. Kinter	Herbert T. Silsby, II, Esq.
Prof. Milton M. Klein	Stuart L. Simon, Esq.
Prof. Alfred S. Konefsky	Prof. Joseph H. Smith
Mr. George W. Kuehn	Prof. Vernon F. Snow
Prof. Paul M. Kurtz	Howard T. Sprow, Esq.
Prof. Michael deL. Landon	W. K. Stewart, Esq.
Eric Lane, Esq.	Mrs. Caroline Phillips
Prof. Janet S. Loengard	Prof. Thomas Stone
Russell W. McDonald, Esq.	George B. T. Sturr
Prof. Joseph W. McKnight	Prof. Jon C. Teaford
Ms. Mary McReynolds	John H. Tucker, Jr., Esq.
Ms. Maeva Marcus	Mark Tushnet, Esq.
James A. Markle, Esq.	Prof. Sue Sheridan Walker
Mr. John S. Marsh	Nicholas Donnell Ward, Esq.
Prof. Paul L. Murphy	Hon. Sterry R. Waterman
Robert B. Murphy, Esq.	Michael O. Wise, Esq.
Mrs. Beatrice Naftalin	Dr. Frank L. Wiswall, Jr.
Prof. Howard A. Nenner	David P. Wood, Esq.
Austin B. Noble, Esq.	Stephen C. Yeazell, Esq.
Prof. Convey T. Oliver	Dr. Martha A. Ziskind

Jack Etheridge Enshrined in Georgia

Jack P. Etheridge, former senior judge of Fulton County, Ga. Superior Court and University of South Carolina professor of law and criminal justice, has been honored with the hanging of his portrait in the Fulton County Courthouse.

Etheridge served on the Superior Court for 11 years, retiring in Jan. 1977. The portrait will be hung next to one of his father, A. L. Etheridge, who served as a Superior Court judge from 1937 until his death 10 years later.

publications of Members

Robert J. Brink, "The Use of Court Records in Biographical Research: A Descriptive Look at the Suffolk Files," Biography 1 (Winter 1978), 78-89.

W. Hamilton Bryson, Census of Law Books in Colonial Virginia (Charlottesville, Va., 1978).

_____, Virginia Law Reporters Before 1880 (Charlottesville, Va., 1977).

John A. Conley, "Criminal Justice History as a Field of Research: A Review of the Literature," Journal of Criminal Justice, V (Spring 1977), 13-28.

Charles T. Cullen, "St. George Tucker," in W. Hamilton Bryson, Virginia Law Reporters Before 1880 (Charlottesville, Va., 1977).

George M. Curtis, III, "Thomas Jefferson," in W. Hamilton Bryson, Virginia Law Reporters Before 1880 (Charlottesville, Va., 1977).

James W. Ely, Jr., review of James Willard Hurst, Law and Social Order in the United States, Vanderbilt Law Review, XXXI (Jan. 1978), 227-235.

_____, review of R. Bridwell and R. Whitten, The Constitution and the Common Law in Indiana, Indiana Law Journal, LIII (1977-78), 277-284.

Michael S. Hindus, The Records of the Massachusetts Superior Court and Its Predecessors: An Inventory and Guide (Boston, 1977).

Theodore John Rivers, "Pre-Carolingian Seigniorial Obligations in 'Lex Alamannorum' XXI-XXII, 1 and Their Relationship to the St. Gall Charters (754-770)," Mediaeval Studies, XL (1978), 374-386.

Harold C. Streibich, "The Moral Right of Ownership to Intellectual Property: Part II—From the Age of Printing to the Future," Memphis State University Law Review, VII (Fall 1976), 45-84.

Paul L. Ward, ed., William Lambarde's Notes on the Procedures and Privileges of the House of Commons (1584) (London, 1977).

Conference of Secretaries of the ACLS

Professor Henry J. Bourguignon, secretary of the Society, attended

Conference of Secretaries, Cont'd.

the annual meeting of secretaries of the American Council of Learned Societies and filed the following report:

The Conference of Secretaries was held in Washington, D.C. on April 19 and 20, 1978 in conjunction with the Annual Meeting of the Council. As usual the discussion was dominated by the concerns of the secretaries of the very large societies. The initial discussion, however, was of broad interest to all the societies. It concerned the consequences of the new copyright law for scholarly publications. The main point around which the discussion centered was that under the new law the copyright belongs to the author. If the journal wants to hold the copyright, it must obtain an explicit assignment of copyright from the author. Some learned societies have required this assignment agreement from any contributors to their journal. They have apparently received very favorable response with few complaints. The discussion made it very clear, however, that each scholarly journal must have a well-defined policy which includes a clear understanding with the individual authors as to who will hold the copyright. If nothing is done, the author retains this right. The further question of permission to reproduce articles is, therefore, subordinate to a clear understanding of the agreement between the author and the journal. The journal, that is, cannot give permission to have articles reproduced if it does not have an assignment of the copyright.

Other topics which were discussed at considerable length included the sophisticated computer services available by the MLS's computer. There was also discussion of the possibility of some learned societies losing their IRS tax exempt status. Finally, there was discussion of the efforts by various learned societies to advance the ratification of the Equal Rights Amendment. Some large societies have exposed themselves to considerable legal liability by cancelling convention sites as a way of expressing their views that the states should ratify the ERA.

At the annual banquet of the American Council of Learned Societies, Congressman John Brademas of Indiana spoke. He discussed recently passed legislation setting up a White House Conference on the Humanities. At that time he thought that there would be meetings on the humanities to be scheduled in each of the 50 states with the major conference in Washington to follow. He expressed the hope that all of the learned societies represented in the Council would make themselves heard as part of this White House Conference.

NEWS NOTESA New Legal History Series

The Boston Bar Association wishes to solicit articles for a new legal history series to be published monthly in the Boston Bar Journal.

Preference will be given to articles dealing with the legal history of Massachusetts. The Journal is widely read and well received by the Massachusetts bar, members of the judiciary, state legislators and professors of the local law schools. Send inquiries and/or manuscripts to Robert J. Brink, c/o Social Law Library, 1200 Court House, Boston, MA 02108.

Canadian Society for Legal History

In 1976 the Canadian Society decided to change its status from an active to an inactive organization. In order to close out its active status in good style, the executive decided to use funds which it had accumulated to publish a volume of essays on Canadian legal history. The volume, edited by Louis Knafla, was recently published by the York University Law Library, Toronto, and contains the following articles: "An Historical Perspective on Organized Crime," by Carol Wilton-Siegel; "Police Brutality and Social Response in Modern America: A Case Study of a California City," by Henry Cohen; "The Ebb and Flow of Punitiveness in Canadian Society," by Loren Tepperman; "Drug Usage and the Victoria Daily Colonist: the Opium Smokers of Western Canada," by Terry L. Chapman; and "Sources for Legal History in the Archives of Saskatchewan and Alberta," by Thomas Thorner. Inquiries about the society should be directed to Dr. Michael Sheehan, Pontifical Institute of Medieval Studies, Queen's Park, Toronto.

Columbia University Society of Fellows

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 1979-1980. Fellows newly appointed for 1979-1980 must have received the Ph.D. between 1 January 1977 and 1 July 1979. Stipend \$14,000.- one half for independent research and one half for interdepartmental teaching, probably with modest additional grants. Application forms can be obtained by writing to the Director, Room 1509, International Affairs Building, Columbia University, New York, New York 10027. Deadline for receipt of completed application forms is November 1, 1978.

American Bar Foundation Awards

The American Bar Foundation announces seven scholars who have received fellowships to conduct research in 1978-79. These awards are made annually through the Foundation's Legal History Fellowship Program, which was established to encourage original research in English and American legal history.

Thomas Michael Curley, associate professor of English at Bridgewater State College, Bridgewater, Massachusetts, received a fellowship

American Bar Foundation Awards, Cont'd.

to prepare for publication this fall an edition of recently discovered eighteenth-century law lectures. This two-volume work is The Second Court of Vinerian Lectures Delivered at the University of Oxford, by Sir Robert Chambers with the collaboration of Samuel Johnson. The Vinerian professors are a distinguished line of legal scholars going back to Blackstone. The forthcoming work will fill a significant gap in the history of English law and legal institutions and will also interest students of Dr. Johnson and historians of the American Revolution. Professor Curley has already published one book on Johnson. He will go to England to conduct archival research and to attempt to reach a living descendant of Chambers.

Tony Allan Freyer, assistant professor of history at the University of Arkansas, Little Rock, will conduct manuscript and oral research for his study, Harmony and Dissonance: the Swift and Erie Cases in American Federalism, which will be published by KTO Press in 1979. Professor Freyer, who is both a lawyer and an historian, will trace doctrine from 1842 to 1938, growing out of the controversial Supreme Court cases in commercial law. The author of Forums of Order: Federal Courts and Business in American History, currently in press with JAI press, Professor Freyer is particularly interested in how social, economic, and intellectual elements of law have interacted in the judicial process throughout American history. He will examine the Holmes, Brandeis, and Frankfurter correspondence at Harvard and will interview individuals closely associated with the litigation over the landmark decisions.

Charles Carnahan Goetsch, recently graduated from the law schools of the University of Connecticut and of Harvard University, will collect, study, and edit the notebooks, letters, and journals of students at the Litchfield Law School, which operated in Connecticut from 1774 to 1833. He plans to develop a portrait of the Litchfield Law School, the only flourishing law school in America in its time. Currently preparing for the Connecticut bar exam, Mr. Goetsch has already begun an academic career with various research, editing, and writing activities. His LL.M. thesis (Harvard) on the journals and controversies of Simeon E. Baldwin, who founded the American Bar Association, is currently being considered for publication.

David Lieberman, a graduate research student at University College, London, will conduct research in England and Scotland to prepare his dissertation, The Province of Legislation Determined: Legal Theory and Law Reform in Eighteenth-Century England, for future publication. Mr. Lieberman's work, which focuses on the judiciary of the period, rather than on parliament and statute as in most literature on the subject, is expected to lead to a rethinking of the origins of eighteenth century legal reform and will provide a new perspective on Jeremy Bentham. Mr. Lieberman has served on the Jeremy Bentham Research Project at University College, London, and has been teaching courses on English Utilitarianism and the philosophy of the Enlightenment.

Janet S. Lindgren, associate professor of law at the State University of New York at Buffalo, will examine primary source materials in New York City to develop her study, The Role of Law in the Relation of Union and Manufacturer: Uses of Law by the Cigar Makers Union and the Cigar Manufacturers in Their Relations with Each Other in New York During the Late 1800s. In focusing on the legislative and economic-political-social context of constitutional litigation, Professor Lindgren's work is expected to contribute to new perspectives emerging on the relation of law to social change and to serve as a model for the study of judicial review at the state court level. Having already taught the legal history of the field for four years, Professor Lindgren plans to teach a seminar in conjunction with her research. An earlier work in the Wisconsin Law Review, "Liability Without Fault: The Logic and Potential of a Developing Concept," is under consideration for publication as a monograph.

Howard Allen Nenner, associate professor of history at Smith College, Northampton, Massachusetts, will conduct manuscript research in England for his study, Property and the Succession in Seventeenth-Century England. Professor Nenner is exploring the hypothesis that private rules of property and inheritance had a considerable impact on the law of monarchical succession, even when those rules were not technically applicable to the crown. Professor Nenner's dissertation, By Colour of Law: Legal Culture and Constitutional Politics in England 1660-89, was published by the University of Chicago Press in 1977, and he is currently working on a second book, on the image of monarchy in seventeenth-century England.

Stephen Daniel White, assistant professor of history at Wesleyan University, Middletown, Connecticut, will collect and examine English case materials bearing on methods of settling disputes in England between 1000 and 1150, and he will relate his findings to conclusions emerging from his ongoing study of Northern French cases from the same period. Ultimately, Professor White hopes to develop new ways of describing, analyzing, and explaining those fundamental changes in judicial organization and legal ideas that can be associated with the appearance of more centralized and bureaucratized legal procedure in both England and Northern France. His dissertation, Sir Edward Coke in Parliament 1621 to 1628, is appearing in 1978 in the monograph series, Studies in Legal History, published under the auspices of The American Society for Legal History by the University of North Carolina Press. Professor White has been teaching medieval history, Tudor-Stuart history, and the history of English law.

Among recently published works, for which research has been partly funded by American Bar Foundation Legal History Fellowships, are Professor Maxwell Bloomfield's American Lawyers in a Changing Society (Harvard University Press, 1976), Professor Henry J. Bourguignon's The First Federal Court (American Philosophical Society, 1977), and Professor James W. Ely, Jr.'s "'That no office whatever be held during life or good behavior': Judicial Impeachments and the Struggle for Democracy in South Carolina" in the Vanderbilt Law Review (March 1977).

American Bar Foundation Awards, Cont'd.

The fellowships are available to those who as of the effective date of the Fellowship hold the LL.B. or J.D. in law or the Ph.D. in history or a related subject, or who have passed the qualifying examinations for the Ph.D. in history or a related subject and have begun research for the doctoral dissertation.

The American Bar Foundation Legal History Fellowship Program is under the direction of Stanley N. Katz, professor of history at Princeton University. Other members of the Advisory Committee are Neill H. Alford, Jr., professor of law at the University of Virginia; John P. Frank of the law firm of Lewis & Roca in Phoenix; George L. Haskins, professor of law at the University of Pennsylvania; Morton J. Horwitz, professor of law at Harvard Law School; and William J. Jones, professor of history at the University of Alberta.

Seventeenth-Century American Legal History

Anyone who wishes to be included on a revised mailing list of people interested in this field please send your name, address, and major interests to Professor Susan Rosenfeld Falb, Department of History, Virginia Commonwealth University, Richmond, Virginia 23284. To receive a copy of the list, enclose a stamped self-addressed envelope. Suggestions about an informal organization are welcome.

Early American Indian Legal Documents

University Publications of America, Inc., 5630 Connecticut Avenue, Washington, D.C. 20015, announces publication of Early American Indian Documents: Treaties and Laws, 1607-1789. The 20-volume set is to be available between June 1978 and February 1979 and sells for \$1,100 (prepayment price, \$990). General editor of the series is Alden T. Vaughan and individual editors of segments of the series are: Donald H. Kent, Pennsylvania volumes; W. Stitt Robinson, Virginia and Maryland volumes; John T. Juricek, Carolinas and Georgia volumes; Barbara Graymont, New York and New Jersey volumes; Yasuhide Kawashima, New England volumes; and Bernard W. Sheehan, Confederation volumes.

Litchfield Law School History

Charles C. Goetsch, 485 George Street, New Haven, Ct. 06511, is writing a history of the Litchfield Law School (located in Litchfield, Connecticut, between 1774-1833) and would appreciate hearing from anyone concerning the location (other than at Yale, Litchfield, or Harvard) of any notebooks, letters, or journals of Judge Tapping Reeve, Judge James Gould, or the graduates of the school.

Leeds Castle Foundation

The Leeds Castle Foundation is an Anglo-American organization which has been involved in the restoration of the ancient and picturesque castle that bears its name. Leeds Castle is now available for small conferences of either American or English organizations, preferably those with an Anglo-American membership. The refurbished facilities can house between 40 and 50 persons on an overnight basis. Also, they are equipped to feed about 150 people with advance notice. For additional information, contact Mrs. Alice Fordyce, Leeds Castle Foundation, 870 United Nations Plaza, New York, N.Y. 10017.

Newberry Library Awards

The Newberry-British Academy Fellowship has been awarded to Ralph Bernard Pugh, Professor of English History, University of London, to work on "Outlawry in England from its pre-Conquest beginnings to its formal abolition in the 20th century." Short-term resident fellowships have been given to Joanne Kaufmann, Department of History, University of Texas—San Antonio, "18th century travel literature on non-European areas as sources of criticism of European criminal justice," and Raymond A. Mentzer, Department of History, Montana State University, "Heresy proceedings in Languedoc, 1500-60."

ACLS Awards

The American Council of Learned Societies announced the following grants and fellowships recently: Sarah R. Blanshei, Associate Professor of History, University of Tennessee, Knoxville: Crime and law enforcement in Medieval Bologna; Richard E. Ellis, Professor of History, State University of New York, Buffalo: The development of the States' Rights argument; Hyman Gross, Professor of Legal Science, Cambridge University, England: Criminal justice and the social contract; Richard B. Jacobson, Assistant Professor of Comparative Literature, University of Wisconsin: Study of law; and Lynn B. Squires, no academic affiliation, Ph.D. in English, Seattle, Washington: The role of law in the Coventry Cycle plays.