

AMERICAN SOCIETY
FOR
LEGAL HISTORY



Historia Omnium Legum

*Ninth Annual Meeting
at
Hospitality House
Williamsburg, Virginia
on
October 26-27, 1979*

Program

Reception

Members are invited to a reception for Sir Rupert Cross, Vinerian Professor of Law, All Souls College, Oxford: Botetourt Gallery, Earl Gregg Swem Library, 3-5 p.m., October 25.

Exhibits

American legal education and its colonial antecedents: Edward M. Zollinger Museum of Earl Gregg Swem Library, College of William and Mary, daily 8 a.m. - 5 p.m.

The Vinerian Professorship of English Law, 1758-1979, in foyer of old Law School Building, daily 8 a.m. - 5 p.m.

Registration

Beginning at 8:30 a.m., October 26, 1979

Hospitality House Lobby

Friday, October 26

Medieval English Law

9:30 a.m., Williamsburg Room

Presiding: Charles M. Gray
University of Chicago

*The Emergence of a National Legal System in
Medieval England*

Robert C. Palmer
University of Michigan

*Writs of Prohibition: Trials and Decisions in the
English Royal Courts*

Richard H. Helmholz
Washington University School of Law

Commenting: Morris S. Arnold
University of Pennsylvania
Law School

Legal Records and the Nature of the Community in Eighteenth-Century New England

9:30 a.m., Empire Room, Parlor A

Presiding: Neal W. Allen, Jr.
Union College

*Order and Obligation in the Prerevolutionary
Economic Community*

David Konig
Washington University

*Dispute and Conflict Resolutions in Plymouth
County, Massachusetts, 1725-1825*

William E. Nelson
New York University School of Law

Commenting: Robert A. Gross
Amherst College

Friday, October 26

Brief Communications

11:45 a.m.

1. Williamsburg Room
Presiding: Jennifer Nedelsky
Princeton University

*In Defense of Torture: Paradoxes of Criminal Law
Reform in Eighteenth-century France*

Joanne S. Kaufmann
University of Texas at San Antonio

*The Purposes of Criminal Punishment in
Colonial New England*

Gail Sussman Marcus
New York, New York

2. Empire Room, Parlor A
Presiding: Sue Sheridan Walker
Northeastern Illinois University

*Serjeant Maynard: a Case Study of a Seventeenth-
century English Lawyer-politician*

Michael de L. Landon
University of Mississippi

*Profile of the Massachusetts Legal Profession,
1870-1890*

Gerard W. Gawalt
Library of Congress

3. Warwick Room
Presiding: Janet S. Loengard
Moravian College

The Legal Thought of Mr. Justice Douglas

Sarah Gottsman
United States Department of Labor

4. Jamestown Room
Presiding: Jonathan Lurie
Rutgers University

*The Judiciary on Trial: Courts, Politics, and
Constitutional Change, 1846-1860*

Kermit L. Hall
Wayne State University

*The Compromise of 1877 and the
Eleventh Amendment*

John V. Orth
University of North Carolina School of Law

Friday, October 26

The History of Trusts

2:00 p.m., Williamsburg Room

Presiding: Nancy Arnson
University of Maryland

*The Islamic Waqf and the Origins of the
Charitable Trust in Medieval Europe*

George Makdisi
University of Pennsylvania

*Provisions for Younger Sons and Daughters by
Marriage Settlement: the Rise of the Trust*

Lloyd Bonfield
Trinity College, Cambridge

Commenting: Edith G. Henderson
Harvard University Law School

The American Legal Profession

2:00 p.m., Empire Room, Parlor A

Presiding: Robert W. Gordon
University of Wisconsin Law School

*Judicial Recall, Court-Packing, and the Growth
of the American Bar Association*

Stephen Botein
Michigan State University

*The Legal Profession Among the Others at the
End of the Nineteenth Century*

Samuel Haber
University of California, Berkeley

Commenting: Magali Sarfatti Larson
Temple University

Friday, October 26

Reception

5:00 p.m., Courtyard

Welcome

Dean William B. Spong, Jr.
Marshall-Wythe School of Law
The College of William and Mary

General Address

8:00 p.m., at The College of William and Mary
(site to be announced)

Annual George Wythe Lecture,
Marshall-Wythe School of Law

*The First Two Vinerian Professors:
Blackstone and Chambers*

Professor Sir Rupert Cross
Oxford University

Saturday, October 27

Canon Law

9:00 a.m., Williamsburg Room

Presiding: Stanley Chodorow
University of California, San Diego

*Proof by Witnesses in the Church Courts of
Medieval England: an Imperfect Reception
of Learned Law*

Charles Donahue, Jr.
University of Michigan Law School

*Learned Law and Practical Legal Practice:
Legislators, Law Schools, and the Courts
in the Thirteenth Century*

Kenneth Pennington
Syracuse University

Commenting: Richard Fraher
Harvard University

Legal Education in America

9:00 a.m., Empire Room, Parlor A

Presiding: Henry J. Bourguignon
University of Toledo College of Law

*The Litchfield Law School, 1774-1833:
a Modern View*

Charles C. Goetsch
New York, New York

*Between the Harvard Founders and the
American Legal Realists*

John Henry Schlegel
State University of New York
at Buffalo School of Law

Commenting: Thomas L. Haskell
Rice University

Saturday, October 27

Round Table Discussion Advocacy in Legal History: Working Toward the Decision in *Brown v. Board of Education*

11:00 a.m., Empire Room, Parlor A

Presiding: Stanley N. Katz
Princeton University

Participants

Charles L. Black, Jr.
Yale Law School

Jack Greenberg
NAACP Legal Defense and Education Fund

James Nabrit, Jr.
Washington, D.C.

Louis H. Pollak
United States District Court for the Eastern
District of Pennsylvania

Comments and Questions: the Audience

Luncheon

12:45 p.m., Colony Room

Presiding: Stanley N. Katz
Princeton University
President,
American Society for Legal History

Saturday, October 27

What Was Property? The Legal and Social Question In France, 1789-1848

2:15 p.m., Williamsburg Room

Presiding: James F. Traer
Adrian College

Possession and Prescription

Donald R. Kelley
University of Rochester

Property

Bonnie Smith
University of Wisconsin, Parkside

Commenting: Ralph E. Giesey
University of Iowa

Slavery and the Law

2:15 p.m., Empire Room, Parlor A

Presiding: Bruce H. Mann
University of Connecticut
School of Law

The Relevance of Slavery

A. Leon Higginbotham, Jr.
United States Court of Appeals
for the Third Circuit

*Social Control of the Master's Will: Some
Aspects of the Law of Manumission,
1830-1860*

Mark V. Tushnet
University of Wisconsin Law School

Commenting: Robert M. Cover
Yale Law School

American Society for Legal History

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Studies in Legal History

Notes

- Morris S. Arnold, University of Pennsylvania Law School, *Editor*
- C.H.S. Fifoot, *Frederick William Maitland: A Life*. 1971
- Raoul Berger, *Impeachment: The Constitutional Problems*. 1973
- The Autobiographical Notes of Charles Evans Hughes*, edited by David J. Danielski and Joseph S. Tulchin, 1973
- John H. Langbein, *Prosecuting Crime in the Renaissance: England, Germany, and France*. 1974
- Raoul Berger, *Executive Privilege: A Constitutional Myth*. 1974
- George Dargo, *Jefferson's Louisiana: Politics and the Clash of Legal Traditions*. 1975
- William E. Nelson, *Americanization of the Common Law: The Impact of Legal Change on Massachusetts Society, 1760-1830*. 1975
- Maxwell H. Bloomfield, *American Lawyers in a Changing Society, 1776-1876*. 1976
- Morton J. Horwitz, *The Transformation of American Law, 1780-1860*. 1977
- Robert Stevens, *Law and Politics: The House of Lords as a Judicial Body, 1800-1976*. 1978
- Stephen D. White, *Sir Edward Coke and the Grievances of the Commonwealth*. 1979
- David Konig, *Law and Society in Puritan Massachusetts, Essex County, 1629-1692*. (forthcoming, 1979)
- Richard A. Cosgrove, *The Rule of Law: Albert Venn Dicey, Victorian Jurist*. (forthcoming 1980)
- Michael S. Hindus, *Prison and Plantation: Criminal Justice in 19th Century Massachusetts and South Carolina*. (forthcoming 1980)
- Paul Finkelman, *An Imperfect Union: Slavery, Federalism, and Comity*. (forthcoming 1980)
- Robert C. Means, *Underdevelopment and the Development of Law: Corporations and Corporate Law in 19th Century Colombia*. (forthcoming 1980)
- On the Laws and Customs of England: Essays in Honor of S.E. Thorne*, edited by Arnold, Green, Scully, and White, (forthcoming 1980 or 1981)

Notes

American Society for Legal History

ADDITIONAL PROGRAM NOTES

1. General Address Location:

The George Wythe Lecture by Professor Sir Rupert Cross, "The First Two Vinerian Professors: Blackstone and Chambers," will be held in Millington Hall on the William and Mary Campus. For those dining away from the Hospitality House, it is approachable off the Jamestown Road. For a map, see overleaf.

2. Session on Slavery and the Law, Change of Program:

On September 17, Judge Leon Higginbotham, who was scheduled to speak on "The Relevance of Slavery," withdrew from the program.

Aviam Soifer, Visiting Professor of Law at Boston University, will speak instead on "Slavery and Abolitionism, Protection and Individualism."

The Program Committee apologizes for this late change, and is grateful to Professor Soifer for his willingness to join the program at such short notice.

TO GET TO MILLINGTON HALL,
WALK FROM HOSPITALITY HOUSE BY THE FOOTBALL FIELD,
THEN OVER TO MILLINGTON HALL, KEEPING
THE DELL ON YOUR LEFT.

