

AMERICAN SOCIETY
FOR
LEGAL HISTORY



Historia Omnium Legum

Eleventh Annual Meeting
at
The Shoreham
Washington, D.C.
on
October 23-24, 1981

Program

Registration

Beginning at 8:30 a.m., October 23, 1981

Club Room Foyer

Friday, October 23

Criminal Procedure in Late Medieval and Early Modern England

9:00 a.m., Club Room A

Chair: Stephen D. White
Wesleyan University

Registers of English Medieval Outlaws

Ralph B. Pugh
Emeritus Professor of English History, University of London

*Weeders of the Commonwealth: Grand Juries in
Seventeenth Century East Sussex*

Cynthia B. Herrup
University of Michigan

Comment: James S. Cockburn
University of Maryland

The Law and the Law Enforcers

9:00 a.m., Club Room B

Chair: Kermit L. Hall
University of Florida

Civil Rights and U.S. v. Guest

Michal R. Belknap
University of Georgia

A Generation of English and American Experiences

Richard J. Terrill
Wayne State University

Comment: Dorothy Landsberg
Shea and Gardner, Washington

Comment: Eugene J. Watts
Ohio State University

Friday, October 23

Brief Communications

11:15 a.m.

1. Caucus Room

*New Directions in English Legal History
in the Early Modern Period*

Chair: Edith G. Henderson
Treasure Room, Harvard Law School

The Archdeacon's Court of Canterbury, 1547-1610
Victoria List
Ann Arbor, Michigan

*Legal Qualifications for Public Office
in England, 1640-1660*

Jean Mather
University of South Florida, Sarasota

*Seventeenth Century Evidentiary Concerns
and the Statute of Frauds*

Kevin M. Teeven
Bradley University

And all other interested persons.

2. Council Room

New Directions in American Legal History

Chair: Barbara A. Black
Yale University Law School

*Doing it by the Book: The Legal Manuals of English
and American Justices of the Peace*

John A. Conley
University of Wisconsin, Milwaukee

The Jurisprudence of Southern Anti-Slavery Judges

Linda O. Smiddy
New Haven, Connecticut

And all other interested persons.

Friday, October 23

**Judges, Lawyers, and Legal Scholars:
the Use and Abuse of Power**

2:30 p.m., Club Room A

Chair: Virginia V. Hamilton
University of Alabama, Birmingham

The Politics of Impeachment, 1912-1915

Barbara C. Steidle
Michigan State University

Alien Rights: The Lawyers' Lobby, 1921

W. Anthony Gengarely
North Adams State College

The "Trial" at the Harvard Club Revisited

Fred D. Ragan
East Carolina University

Comment: Alexis J. Anderson
Duane, Morris, and Heckscher
Philadelphia, Pennsylvania

Clio, Crime, and Albion

2:30 p.m., Club Room B

Chair: John M. Beattie
University of Toronto

*Albion's Fatal Flaw: A Critique of
Albion's Fatal Tree, by C. Douglas Hay*

John H. Langbein
University of Chicago Law School

Response: C. Douglas Hay
Memorial University of Newfoundland

Friday, October 23

Reception

6:30 p.m.

Supreme Court of the United States

West Conference Room

Sponsored by

**The Supreme Court
Historical Society**

Buses will leave the Shoreham at 6:00 p.m.

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Saturday, October 24

**Royal Prerogative and Political
Ideology in the Late Medieval and
Early Modern Period**

9:00 a.m., Club Room A

Chair: Michael de L. Landon
University of Mississippi

*Inalienability and the Royal Prerogative: The Crown
Lands in Western Europe, 1350-1650*

Michael D. Gordon
Denison University

*Kingship, Legal Sovereignty, and Ideology
in Early Stuart England*

Janelle Greenberg
University of Pittsburgh

*Kingship, Legal Sovereignty, and Ideology
in Late Stuart England*

Corinne Comstock Weston
Herbert H. Lehman College, City University of New York

Comment: Howard A. Nenner
Smith College

Saturday, October 24

**Legal Records: *Sine Qua Non*
Preservation, Access, and
Confidentiality**

9:00 a.m., Club Room B

Chair: Warren M. Billings
University of New Orleans

Private Records

Phyllis Barr
Office of Parish Archives, Trinity Church, New York

Federal Public Records

R. Michael McReynolds
Judicial and Fiscal Branch, National Archives and Records Service

State Public Records

Thomas G. Dibble
National Center for State Courts

Documentary Preservation

Susan Grigg
Immigration History Research Center, University of Minnesota

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Saturday, October 24

General Session

Holmes' *Common Law: A Centennial View*

11:15 a.m., Club Room A

Chair: Aviam Soifer
Boston University School of Law

Panel: Robert W. Gordon
University of Wisconsin Law School

Saul Touster
Brandeis University

Robert Cover
Yale Law School

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Luncheon

12:30 p.m., Forum Room

Presiding: Milton M. Klein
University of Tennessee
President
American Society for Legal History

Address: *A Twenty-five Year Retrospect
of American Legal History*

Saturday, October 24

Nuclear Energy and American Legal History

2:30 p.m., Club Room A

Chair: Tony Freyer
Charles Warren Center, Harvard

*The Army Corps of Engineers and its Nuclear
Reactors on Foreign Soil: The Legal Dimensions*

Lawrence Suid
Research Historian, Army Corps of Engineers, Washington, D.C.

*Insuring Against Nuclear Accidents:
Judicial Rulings and Unresolved Questions*

John W. Johnson
Clemson University

Comment: George T. Mazuzan
Chief Historian, Nuclear Regulatory Commission,
Washington, D.C.

Child Custody and Adoption in Early America

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2:30 p.m., Club Room B

Chair: Jamil S. Zainaldin
National Senior Citizens Education and Research Center,
Washington, D.C.

Papers: *"Law of Adoption in Colonial America"*

Yasuhide Kawashima
The University of Texas at El Paso

*"Child Custody and Adoption
in Antebellum America"*

Michael Grossberg
Case Western Reserve University

Comments: Stephen B. Presser
Northwestern University School of Law

David H. Flaherty
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Studies in Legal History

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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
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Raoul Berger, *Executive Privilege: A Constitutional
Myth*. 1974

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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
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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

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Massachusetts, Essex County, 1629-1692*. 1979

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Dicey, Victorian Jurist*. (1980)

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Justice in 19th Century Massachusetts and
South Carolina*. (1980)

Paul Finkelman, *An Imperfect Union: Slavery,
Federalism, and Comity*. (1981)

Robert C. Means, *Underdevelopment and the
Development of Law: Corporations and
Corporate Law in 19th Century Colombia*.
(1981)

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Honor of S.E. Thorne*, edited by Morris S.
Arnold, Thomas A. Green, Sally A. Scully, and
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Standing-Army Controversy, The Two
Constitutions, and the Coming of the American
Revolution*. (1981)

A.G. Roeber, *Faithful Magistrates and Republican
Lawyers: Creators of Virginia Legal Culture,
1680-1810.* (1981)

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