
ASLH NEWSLETTER

AMERICAN SOCIETY FOR LEGAL HISTORY

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Department of History
University, MS 38677

Vol. 11, n. 2
April, 1981

NEWS OF THE SOCIETY

Annual Meeting

The 1981 Annual Meeting will be held October 23-23 at the Shoreham Hotel in Washington, D.C. The Chief Justice of the United States will hold a reception in connection with the meeting.

The 1982 Program Committee Invites Proposals

The Program Committee for the 1982 meeting of the Society invites the submission of proposals for that meeting. Proposals for individual papers or for full sessions will be considered, but fully organized sessions with a clearly stated rationale and an abstract of each paper have the best prospect for acceptance. The Committee also invites suggestions for appropriate commentators and for chairpersons for the sessions. The Society regrets that it is unable to defray expenses of participants. Please send proposals to the Chair of the Committee, Professor Donald M. Roper, Department of History, State University of New York, College at New Paltz, New Paltz, N.Y. 12561.

Inform the Secretary of Any Change of Address

Each time a mailing goes to all the members, a few items are returned as undeliverable. Please let the Secretary know if there is any mistake to be corrected or change to be noted in your address.

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Annual Meeting Survey

L. Lynn Hogue (Arkansas-Little Rock) presented a written report to the Board in Philadelphia on the survey conducted last year by the Standing Committee on Conferences and the Annual Meeting: of the various meeting sites Atlanta (1975) received the least popular rating from both attendees and non-attendees; and Williamsburg received the largest percentage of both pro and con votes. Of the specific items influencing desirability of meeting sites, "travel convenience" was rated most important (86%) closely followed by cost (83%). Dining (44%) was rated third in importance. Entertainment (5%), shopping (4%), and recreation (1%) were rated as least important. Other considerations that members suggested ought to be important included the quality of the program, the calibre of conference facilities, and whether or not the host city was located in a state that had ratified the E.R.A.

Twenty-one new sites were suggested by respondents, of which fifteen were located south of the Mason-Dixon line and all but one (Hot Springs, AR) east of the Mississippi River. Only New Orleans and Charleston, with two mentions each, were suggested by more than one person. The following list shows 1. the number of members per state, 2. the number attending the last three meetings, and 3. the number who responded to the committee's questionnaire.

	1	2	3		1	2	3
Alabama	3	0	0	Montana	0	0	0
Alaska	0	0	0	Nebraska	1	0	0
Arizona	0	0	0	Nevada	1	0	0
Arkansas	3	0	0	New Hampshire	4	0	0
California	58	5	5	New Jersey	19	10	4
Colorado	6	0	0	New Mexico	1	0	0
Connecticut	22	7	4	New York	79	1	1
Delaware	1	0	1	North Carolina	10	0	1
Dist. of Col.	25	10	8	North Dakota	0	0	0
Florida	8	0	0	Ohio	14	1	1
Georgia	8	0	1	Oklahoma	5	0	0
Hawaii	0	0	0	Oregon	4	0	0
Idaho	0	0	0	Pennsylvania	28	11	8
Illinois	40	9	7	Rhode Island	3	0	0
Indiana	7	4	2	South Carolina	10	1	1
Iowa	11	2	1	South Dakota	0	0	0
Kansas	5	0	1	Tennessee	10	6	3
Kentucky	11	0	0	Texas	25	8	8
Louisiana	7	0	1	Utah	2	0	0
Maine	5	0	0	Vermont	5	0	0
Maryland	27	1	1	Virginia	36	10	6
Massachusetts	33	6	5	Washington	7	0	1
Michigan	22	5	3	West Virginia	1	0	0
Minnesota	10	3	2	Wisconsin	14	6	5
Mississippi	5	3	1	Wyoming	0	0	0
Missouri	10	2	3	Canada	16	2	1

Newly Elected Board Members

Elected to the Board last autumn were:

Barbara A. Black (Yale-Law)
 W. Hamilton Bryson (Richmond-Law)
 James S. Cockburn (Maryland)
 Edith G. Henderson (Harvard-Law)
 Paul L. Murphy (Minnesota)

Congratulations to those who were elected. The time-consuming responsibilities they have agreed to assume will make possible the continued sound development of the ASLH and its various programs. The Society owes a special debt of gratitude to the other members who agreed to run for the Board and to the five members of the Board who have completed their term. Our organization relies completely for its existence on such active members.

The following members will continue as members of the Board:

Thomas Barnes, University of California at Berkeley,
 School of Law (1981)
 David H. Flaherty, University of Western Ontario (1981)
 R.H. Helmholtz, Washington University School of Law (1982)
 Harold M. Hyman, Rice University (1982)
 Stephen B. Presser, Northwestern University Law
 School (1982)
 John P. Reid, New York University School of Law (1981)
 Joseph H. Smith, Columbia University School of Law (1981)
 Donald W. Sutherland, University of Iowa (1982)
 Mary K. Bonsteel Tachau, University of Louisville (1982)
 G. Edward White, University of Virginia Law School (1981)

New Honorary Fellow

At its meeting in Philadelphia last October 23 the Board of Directors elected Joseph Smith of the Columbia University School of Law as an Honorary Fellow in the Society.

New Sustaining Members

The following have been added to the list of sustaining members since July 8, 1980:

Mr. Gary Jan Aichele	Lawrence A. Darby, III
William K. Bachelder	Professor Katherine Fischer Drew
Professor Hugh F. Bell	Martin Gallin
Professor Randall T. Bell	Professor Charles M. Gray
Professor Harold J. Berman	Hon. A. Leon Higginbottom, Jr.
Professor Randall Bridwell	Professor Paul M. Kurtz
Professor Albie Burke	Eric Lane
Professor Richard P. Cole	Professor Sue Sheridan Walker

4.

Estimated Budget for 1981

At the Board Meeting in Philadelphia Treasurer James W. Ely (Vanderbilt-Law) reported a balance on-hand, as of 10/23/80, of \$26,750.10. His estimated budget for 1980-81:

Estimated Receipts to December 31

Annual Meeting	\$1,200.00	
Dues	150.00	
Interest	750.00	
		<u>2,100.00</u>
		\$28,250.10

Estimated Expenditures

Annual Meeting	\$1,200.00	
Dues	465.00	
Journal	80.00	
Secretarial	200.00	
		<u>1,945.00</u>

Estimated Balance December 31, 1980 \$26,905.10

BUDGET 1981

Estimated Receipts

Interest	\$1,700.00	
Sales of Membership Lists	100.00	
UNC Press Payment	500.00	
Dues (640 members)	9,150.00	
		<u>11,450.00</u>
		\$38,355.10

Estimated Expenditures

Journal (at current rate)	\$4,160.00	
Secretarial	1,200.00	
Printing	400.00	
Annual Meeting	600.00	
Newsletter	900.00	
Travel	300.00	
Series Editor	500.00	
Professional Dues	475.00	
		<u>8,535.00</u>
		\$29,820.10

NEWS NOTES

The Osgoode Society

The Osgoode Society is ready now to invite applications for membership.

The Society's purpose is the study of and promotion of public interest in the history of the law, the legal profession and the judiciary in Ontario and in Canada, and the stimulation of historical

research and publication on these subjects. The Society takes its name from William Osgoode, the first Chief Justice of Upper Canada. Its symbol is taken from the coat of arms of Sir John Beverley Robinson from whom the land on which Osgoode Hall is built was purchased by the Law Society of Upper Canada in 1829.

The Osgoode Society was formed in 1979 because of a striking lack of scholarly research and writing on the legal elements in the Canadian past. At that time a group of university scholars and members of the legal profession was brought together by the Hon. R. Roy McMurtry, Attorney General of Ontario, and officers of the Law Society of Upper Canada, to consider what might be done to help remedy this situation. The result was the establishment of the Osgoode Society as a body corporate registered as a charity and authorized to carry out a broad research and educational programme.

During the first year of its existence, the Directors of the Society decided to embark on a wide-ranging and comprehensive programme to stimulate the field. The Directors took the view that Canadian legal history has been retarded by major intellectual and structural problems, which include difficulties in the preservation and use of legal records, the uncertain place of history in law school curricula, and the special demands placed on scholars doing work in the two fields of law and history. An ordinary membership costs \$25 per year and an individual sustaining membership \$100. More information and membership application forms may be obtained from: The Osgoode Society, Osgoode Hall, 130 Queen Street West, Toronto, Canada, M5H 2N6.

ACJS Annual Meeting - Call for Papers

The Academy of Criminal Justice Sciences is soliciting abstracts for persons interested in participating in the 1982 Annual Meeting, March 23-23, Louisville, KY. The Meeting Theme is: "Interdisciplinary Contributions to Criminal Justice." For an abstract format contact: Robert G. Culbertson, President, ACJS, 401 SH, Illinois State University, Normal, IL 61761.

Charles Evans Hughes Exhibit

On October 3, 1980, a new exhibit opened on the ground floor of the Supreme Court Building in Washington, D.C. "Charles Evans Hughes - the Eleventh Chief Justice" is the most comprehensive exhibit ever mounted at the Court, the product of months of planning and hard work by the Curator's office, headed by Curator Gail Galloway and Assistant Curator Susanne Owens, the fine craftsmanship of cabinetmaker Ed Douglas and his staff, and the technical assistance of the Smithsonian Institution. The exhibit reflects also the generosity of the Hughes family in sharing with the public an extremely rich and important legacy.

6.

Consisting of over one hundred individual items, the exhibit traces Charles Evans Hughes' career from schoolboy to Chief Justice, and includes the Phi Beta Kappa key earned by Hughes in his junior year at Brown University in 1880, an inscribed gold pocket watch presented by his law students at Columbia Law School in 1888, and his Appointment as an Associate Justice of the Court, signed by President William Howard Taft on May 2, 1910.

Fifth British Legal History Conference

The Faculty of Law and the Department of History of the University of Bristol invite you to attend the Fifth British Legal History Conference, to be held at the University of Bristol from 14 July to 17 July, 1981. It is hoped to provide accommodation in a University Hall of Residence in Clifton and to hold meetings in the nearby Student Union.

Federal Court Records Disposition

Susan Grigg (Yale) reports from the Committee on Documentary Preservation that the Subcommittee on Judicial Improvements met on January 5-6 and decided to recommend to the Judicial Conference that it re-establish the Ad Hoc Committee on Records Disposition. Its mission would be to recommend changes in the schedule adopted last spring and, working with the National Archives and Records Service, to resolve questions about the possible destruction of historically valuable records. This is the body that played whatever role the judiciary did play in developing the current schedule. I will try to see to it that we offer our services as soon as the committee is re-established.

W. Hamilton Bryson of the University of Richmond School of Law has been appointed to the Fourth Circuit Archives-History Committee. We have tried and failed to place our members in the second and sixth circuits.

Massachusetts Conference

The Colonial Society of Massachusetts is sponsoring a conference on "The Legal Profession in Massachusetts, 1639-1775" in Boston on November 6-7, 1981. For further information, contact Daniel R. Coquillette, Palmer & Dodge, One Beacon Street, Boston, Mass. 03108.

Hurst Prize in American Legal History

The Law & Society Association has established a prize fund in honor of James Willard Hurst. The James Willard Hurst Prize will be awarded annually by the Trustees of the Association for the best work in American legal history published in the previous year.

By-Laws of the American Society for Legal History

Approved by mail ballot of the membership and confirmed at the meeting of the Board of Directors, Atlanta, Georgia, November 7, 1975, to become effective that date, as amended by approval by mail ballot of the membership, effective October 23, 1980.

Article I

Members

1. Upon application and payment of annual dues any individual or institution interested in legal history may be a member.
2. A member is entitled to vote for the election of directors and officers and for other purposes herein provided, receive all publications as provided by the directors and officers and attend any general meetings. For purposes of voting and attendance at general meetings institutional members may cast one vote and send one delegate to meetings. An individual member is entitled to serve in any elected or appointed capacity.
3. The directors and officers may create categories of members (including students and emeritus members) upon terms that it deems appropriate, elect fellows from among distinguished legal historians of the United States and define the terms of their fellowships and elect corresponding fellows from among distinguished legal historians of other nations and define the terms of their fellowships. Not more than one fellow and not more than one corresponding fellow may be elected in any calendar year. The number of fellows at one time shall not exceed ten and the number of corresponding fellows at one time shall not exceed ten. Fellows and corresponding fellows are members for life and are entitled to all privileges and rights of membership without payment of dues.
4. The dues of all categories of dues-paying members shall be fixed by the directors and officers. All annual dues are payable on the first day of the calendar year. Only those members who have paid their dues are entitled to rights and privileges.

Article II

Directors and Officers

1. The Society is governed and administered by its directors and officers.

2. There are fifteen directors elected for terms of three years each by a majority vote of the members voting, with one-third of the directors elected each year. The five nominees receiving the highest number of votes shall be elected. In case of a tie which would cause more than five nominees to be selected, the officers and directors at the first annual meeting following the election shall, by a majority vote, determine the choices so that only five directors are elected. The terms of office of the directors shall be the three-year period commencing with the first day of the calendar year following the election. If any director dies, resigns, or ceases to be a member, leaving an unexpired term, the officers and directors by a majority vote at the next annual meeting shall elect a successor for the unexpired part of the term. The number of directors shall remain at fifteen unless a change is proposed by the officers and directors and approved by a majority vote of the members voting in a referendum on that subject.

3. If an increase in the number of directors is voted by the members, one third of the new directorships shall be for one, two, and three years each as the officers and directors shall determine.

4. The executive committee consists of the officers and three directors chosen by the directors and officers by majority vote. The executive committee may exercise the powers of the directors and officers at such times as it is not feasible to assemble a quorum of the directors and officers.

5. The officers are president, vice-president, secretary, and treasurer, elected biennially by a majority vote of the members voting. In case of a tie, the officers and directors at the first annual meeting following the election shall by majority vote determine the choice. The terms of office for these officers are for two years commencing with the first day of the calendar year following their election. The powers and duties of these officers are those usually held by officers of like organizations and those assigned by the directors or members. If the office of president becomes vacant, the vice-president shall immediately become president for the unexpired term. If any other office becomes vacant, the president shall fill the office by appointment with the approval of the executive committee. The terms of such office shall be for the unexpired period, commencing with their approval by the executive committee.

6. No salaries may be paid to any member, director or officer. The directors and officers may authorize the treasurer to make disbursements of funds for clerical assistance, travel expense of directors and officers and such other purposes as may be proper. The president may authorize the treasurer to expend funds for other routine expenses of the Society up to \$200.

7. The directors and officers may appoint persons to assist any of the officers in performing his or her duties. All committees are appointed by the president with the approval of the executive committee.

8. Reports on the affairs of the Society will be submitted by the secretary and treasurer in writing at the annual meeting.

9. All records and papers of the Society other than those in current use by the directors and officers shall be kept at the office of the secretary. All financial records shall be kept at the office of the treasurer.

Article III

Elections

1. Elections for directors and officers shall be held in the autumn of the year in which terms of office expire. The president appoints a nominating committee of at least three members to make nominations for directors and officers as required. The members will be informed of the appointment of the nominating committee so that they can suggest persons to be nominated. The nominating committee will make its report to the secretary who will mail ballots to the members prior to September 15 of the year an election is required. The ballot will allow members to vote for others than those nominated.

2. All ballots will be returned to the secretary in order to be counted thirty days before the annual meeting, unless some later date is designated by the officers and directors. The results of the election shall be announced by the president at the annual meeting following the election and to the membership by mail at the earliest practical date thereafter.

Article IV

Meetings

1. For the purpose of conducting business, a quorum of the directors and officers is one-half of the number of directors and officers, and a quorum of the executive committee is four. Presence for the purpose of a quorum may consist of a written proxy of an absent member of either body to another member of that body.

2. Whenever possible the Society will hold an annual meeting at a place and time set by the directors and officers in the autumn of each year. Other meetings may be held as determined by the directors and officers.

3. The directors and officers meet during the annual meeting of the Society and at such other times as they may be called by the president or one-third of the directors and officers.

Article V

General Provisions

1. The Society maintains an official journal. This journal is the American Journal of Legal History unless otherwise provided by the directors and officers.
2. The directors and officers act for the Society in receiving and administering all gifts and grants to the Society.
3. An annual report on the condition of the Society will be made to the members by the directors and officers through the president.
4. All papers and records kept for the Society by any director or officer shall be turned over to the Society at the end of the term of the director or officer.
5. Unless otherwise specified, all votes and action referred to herein shall be by a majority of those present in person or by proxy at a meeting when a vote is taken or those participating in an election.
6. The directors and officers may authorize transfer of the general funds of the Society to the Publications Fund in such amounts and on such terms as deemed appropriate.
7. The directors and officers may authorize creation of a branch of the Society on such terms as deemed appropriate.
8. Amendments to these by-laws shall be upon recommendation of the directors and officers and a two-thirds vote of those members voting.

Legal history -- in the spirit of Willard Hurst's own work -- is broadly defined to include the history of relationships between legal and social, economic and political change; the history of the functions and impact of legal agencies -- legislative and administrative as well as judicial; and the history of the legal profession.

Although the prize is for American legal history, significant comparative work that sheds light on American history will also be considered. The submission of purely doctrinal studies of the evolution of appellate case law is, however, discouraged.

Preference will normally be given to books; but articles and monographs of exceptional quality will also be considered. Submission should normally be made through publishers or editors before February 15 of each year.

AALS Legal History Section

The AALS Legal History Section has elected the following officers for 1981: Catherine M.A. McCauliff (Washington and Lee) as chairperson, James M. O'Fallon (Detroit) as chairperson-elect, L. Lynn Hogue (Arkansas at Little Rock) as vice-chairperson, James W. Ely, Jr. (Vanderbilt) as secretary-treasurer.

The officers are planning a Section program for 1982 dealing with pre-trial, evidentiary, and plea beginning devices, including English and European background, through the 19th century. Persons interested in participating should contact Professor McCauliff, School of Law, Washington and Lee University, Lexington, Virginia.

Visiting Faculty

L. Lynn Hogue (Ark./Little Rock) is visiting on the faculty at Emory University School of Law this spring.

RESEARCH NEWS

Brooklyn Manuscripts

Brooklyn Rediscovery, a program of the Brooklyn Educational and Cultural Alliance, is pleased to announce the publication of A Guide to Brooklyn Manuscripts in The Long Island Historical Society. The publication of the Guide makes readily accessible nearly 600 manuscript collections at the Long Island Historical Society, the primary repository of historical material on Brooklyn. The scope and content of each collection is given as is information on the people and institutions that figure prominently. Also included is a thorough subject index and an appendix of visual resources.

Robert Sink, B. R.'s Senior Archivist, reports that the Guide describes twelve collections that are pertinent to legal historians. These include three manuscript volumes of court records, four small collections of lawyer's papers (including a brief by Aaron Burr on a local fishing dispute), and two short biographies on local lawyers.

Copies of the Guide and general program information may be obtained from Brooklyn Rediscovery, 57 Willoughby Street, Brooklyn, N.Y. 11201. The cost of the Guide is \$5.00 plus \$.60 postage and handling.

Tom C. Clarke Papers

The University of Texas School of Law has become recipient of the U.S. Supreme Court papers of the late Tom C. Clark, who served as an Associate Justice on the Court from 1949 to 1967. His papers dealing with his Supreme Court years will be housed in the Tom Clark Manuscript Reading Room of the Tarlton Law Library, which has just moved into a \$12-million addition to Townes Hall (the law building).

Filling about 375 boxes, the thousands of Clark papers consist of drafts of his Court opinions, bench memos made during hearings, conference notes of Court deliberations, various briefs and speech texts, as well as correspondence and other items.

Wisconsin Summer Workshops

The University of Wisconsin, supported by a matching grant from the National Endowment for the Humanities, announces a research program to encourage and support research in American legal history of the period 1870-1980. The program will bring legal historians to Wisconsin to work with a resident core group and to utilize the rich resources of several research collections on the Madison campus. There will be three summer workshops in 1981, 1982, and 1983. Fellows will work with the core group on major topical themes and concrete research topics. The principal goal will be the production of working papers, articles, and monographs on the central legal ideas and institutions of the period under study. Each year the workshop will revolve around a different theme. Tentative topics for 1982 are The Legal History of Regulation: Ideology and Practice in the Administrative Process; and for 1983, The Legal Profession.

Fellows will be awarded grants up to \$7,000 depending on salary and qualifications. Applications for the 1982 Workshop will be due in January, 1982. For further information contact: Professor Stanley I. Kutler, Director Legal History Program, Department of History, University of Wisconsin, Madison, WI 53706.

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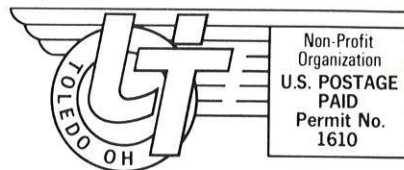
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Prof. Henry J. Bourguignon
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ADDRESS CORRECTION REQUESTED

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