

AMERICAN SOCIETY
FOR
LEGAL HISTORY



Historia Omnium Legum

1984

Fourteenth Annual Meeting
at
Hilton Gateway Hotel
Newark, New Jersey
on
October 19-20, 1984

Program

Registration

From 3:00 - 5:00 p.m., October 18, 1984
and
beginning at 8:30 a.m., October 19, 1984
Lower Lobby Level

Thursday, October 18

Reception

4:30-6:30 p.m., The Provost's Conference Room

Rutgers,
The State University of New Jersey

S. I. Newhouse Center for Law and Justice
15 Washington Street
Newark

Friday, October 19

Colonial Legal History

9:15 a.m., Session A, Parlor One

Chair: Conrad Wright
New York Historical Society

*Social Status and Legal Powers:
Law and the Establishment of the Gentry in
Seventeenth Century Virginia*

Libby Haight
New York University

Civil Practice in Colonial New York

Deborah Rosen
New York University

Commentator: David Konig
Washington University

Friday, October 19

American Legal History Books

9:15 a.m., Session B, Parlor Two

Chair: Morris Cohen
Yale Law School

*Developing a Strategy for Acquiring Rare Books,
Facsimile Reprints and Microstored Materials?*

Robert L. Oakley
Georgetown University Law Center

History of Law Books in the United States and Their Uses

Erwin Surrency
University of Georgia School of Law

Commentator: Morris Cohen
Yale Law School

Medieval Lawyers and Society: Challenge and Response

11:15 a.m., Session A, Parlor One

Chair: Ute-Renate Blumenthal
The Catholic University of America

Servile Status in Catalan Law

Paul Freedman
Vanderbilt University

*The Law of Marriage and the
Romano-Canonical Tradition*

Phillip Stump
Lynchburg College

The Absolute Power of God, the Pope and the King

Kenneth Pennington
Syracuse University

Commentator: Ute-Renate Blumenthal
The Catholic University of America

Friday, October 19

An Open Discussion on Women's Legal History, 1730-1830

11:15 a.m., Session B, Parlor Two

Marylynn Salmon
University of Maryland-Baltimore County

Norman Basch
Rutgers University-Newark

Michael Grossberg
Case Western Reserve University

Cornelia Hughes Dayton
Princeton University

Suzanne Lebsock
Rutgers University-New Brunswick

Criminal Law and History

11:15 a.m., Session C, Parlor Three

Chair: James Oldham
Georgetown University Law Center

The Pitlock of the Old Fen Project

Clive Holmes
Cornell University

*The Penitentiary and Slavery in the Eighteenth and
Nineteenth Century*

Adam Hirsch
Florida State University College of Law

Commentator: James Oldham
Georgetown University Law Center

Friday, October 19

Court Records and Medieval Society in England

2:30 p.m., Session A, Parlor One

Chair: Richard Helmholz
University of Chicago

*Social Groupings and Legal Participation in Medieval
English Urban Government*

Maryanne Kawaleski
Fordham University

*Legal and Social Aspects of Guardianship in Medieval
English Rural Populations*

Elaine Clark
University of Michigan (Dearborn)

Commentator: Larry Poos
The Catholic University of America

Using Computers for Legal Historical Work: Informal Remarks on Mainframe and Personal Computers

2:30 p.m., Session B, Parlor Two

*Possible Bibliographic Applications and Use in
Production of a Volume of Original Materials*

Charles Donahue
Harvard Law School

*Creating a Data Base of Property Exchange Documents
for Medieval England*

Michael Jervers
University of Toronto

Using a Mainframe in Research

Bruce Mann
Washington University School of Law, St. Louis

Friday, October 19

Modern Supreme Court History

2:30 p.m., Session C, Parlor Three

Chair: William E. Nelson
New York University School of Law

Robert H. Jackson and the Substance of Style

Dennis Hutchinson
University of Chicago Law School

Commentators: Robert Cover
Yale Law School
Paul Murphy
University of Minnesota

Friday, October 19

Reception

5:30-7:30 p.m., Greenberg Lounge

New York University
School of Law

40 Washington Square South
New York City

How To Get From The Gateway Hilton, Newark, N.J., To New York University School of Law

The easiest way to get from the Gateway Hilton to downtown or midtown Manhattan is the PATH (Port Authority Trans-Hudson) tubes. The tubes run from Penn Station, Newark, directly across the street from the hotel. Take the train marked "World Trade Center" and get off at Journal Square. Change to the train marked "33rd Street" and get off at Ninth Street. (The trip takes about twenty minutes.)

When you come above ground, you will be close to the corner of Ninth Street and Sixth Avenue. Cross Ninth Street and walk South on Sixth Avenue (you will be moving against traffic; Sixth Avenue is one-way North). Walk one block to Eighth Street; cross Eighth Street and turn left, walking up Eighth Street. The first corner will be Macdougall Street. Turn right and walk down - South - on Macdougall Street. (You will see NYU Law School ahead of you, if enough leaves are off the trees.) When you come to the intersection, you will be at the Northwest corner of Washington Square. Continue walking down Macdougall Street until you reach the Southwest corner of the Square. Vanderbilt Hall, the law school building, is the large brick building catercorner from you, on the Southeast corner of Macdougall Street and Washington Square South. The entrance is through the courtyard on Washington Square South.

Saturday, October 20

Law as an Ideology

9:15 a.m., Session A, Parlor One

Chair: Russell K. Osgood
Cornell Law School

*Ideology and Incorporation III: The 'Restoration' Civilians
and their Influence on Commercial Law, 1653-1695*

Daniel R. Coquillette, Esq.
Palmer & Dodge (Boston)

*The Choice of Constitutional Principles:
A Social Science of Jurisprudence that is Neither
Scientism nor Dymystification*

Robert Kahn
Oberlin College

Commentator: Russell K. Osgood
Cornell Law School

Federal Jurisdiction in the Eighteenth and Nineteenth Century

9:15 a.m., Session B, Monmouth Room

Chair: Jennifer Nedelsky
Princeton University

*The Right to be in Federal Court:
Federalism in the Legislative History of Federal
Jurisdictional Grants*

Wythe Holt
University of Alabama School of Law

Commentators: Mark Tushnet
Georgetown University Law Center

Jennifer Nedelsky
Princeton University

Saturday, October 20

11:15 a.m., General Address, Parlors Two and Three

Chair: Morris S. Arnold
University of Pennsylvania Law School
President, American Society for Legal History

The Reach of Legal History

John Phillip Reid
New York University School of Law

Luncheon

12:30 p.m., Essex Room

Presiding: Morris S. Arnold
University of Pennsylvania Law School
President, American Society for Legal History

Address: *The State of the Society*

Inheritance Law, Testamentary Practice and Family Structure in France and England

2:30 p.m., Session A, Monmouth Room

Chair: Lloyd Bonfield
Tulane University School of Law

*Inheritance Laws and Family Structure in
France Since the Revolution*

Ralph Giesey
University of Iowa

*Testamentary Practice and the Last Phases of the
Custom of London: 1660-1725*

Henry Horwitz
University of Iowa

Commentators: Lloyd Bonfield
Tulane University School of Law
Stephen White
Wesleyan

Brief Communications

2:30 p.m., Session B, Parlor One

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Studies in Legal History

G. Edward White, University of Virginia
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Studies in Legal History

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
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Stephen D. White, *Sir Edward Coke and the Grievances
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Justice in 19th Century Massachusetts and
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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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Thomas A. Green, Sally A. Scully, and
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John Philip Reid, *In Defiance of the Law: The
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)
William E. Nelson, *Dispute and Conflict Resolution in
Plymouth County, Massachusetts, 1725-1825*. (1981)

- Lawrence M. Friedman and Robert V. Percival,
*The Roots of Justice: Crime and Punishment in
 Alameda County, California, 1870-1910.* (1981)
- Robert Stevens, *The Law School: Legal Education
 In America.* (1983)
- Hendrik Hartog, *The Properties of the Corporation:
 New York City and its Law, 1730-1870.* (1983)
- R. Kent Newmyer, *Supreme Court Justice Joseph Story:
 Statesman of the Old Republic.* (forthcoming 1984)
- Norman Rosenberg, *Protecting the "Best Men": A Social
 History of the Law of Libel.* (forthcoming 1985)
- Michael Grossberg, *Law and the Family in Nineteenth
 Century America.* (forthcoming 1985)
- Stephen D. White, *Custom, Kinship, and Gifts to Saints.*
 ~ (forthcoming 1985)
- James Oldham, *Unpublished Legal Papers of
 Lord Mansfield.* (forthcoming 1985 or 1986)
- John Henry Schlegel, *American Legal Realism and
 Empirical Social Science.* (forthcoming 1985 or 1986)

Membership in the American Society for Legal History is available to all persons interested in the general history of law, its origins, and its institutional growth. The annual dues are \$7.00 for student members, \$13.00 for regular members, \$25.00 for sustaining members, and \$30.00 for institutional members. Dues include the cost of a subscription to the *Law and History Review* which is published twice a year, and to the *Newsletter*, which also appears twice a year, and the right to receive all publications of the Society upon terms set for each type of volume published. Communications concerning the Society may be addressed to Professor L. Lynn Hogue, Georgia State University College of Law, University Plaza, Atlanta, Georgia 30303 and requests for membership applications to Professor Craig Joyce, Vanderbilt University School of Law, Nashville, Tennessee 37240.

Marian C. McKenna

Professor of History

at

The University of Calgary

will give a talk on

the anniversary of the

Litchfield School of Law

entitled

"The Law at Litchfield"

The talk which includes a short, colour

videotape on Litchfield will take place at

2:30 p.m. in Parlor One

Saturday, October 20