
ASLH NEWSLETTER

AMERICAN SOCIETY FOR LEGAL HISTORY

Robert J. Haws
 Michael de L. Landon, Editors
 Department of History
 University, MS 38677

Vol. 14, no. 2
 April 1984

SERIALS

JUN 27 1984

Univ. of Washington
 Gallagher Law Library

NEWS OF THE SOCIETY

Officers

President	Morris S. Arnold (Penn.)
Vice President	Charles Donahue, Jr. (Harvard)
Secretary	L. Lynn Hogue (Georgia State)
Treasurer	James W. Ely, Jr. (Vanderbilt)
Directors	Stephen F. Black, Wilmer, Cutler & Pickering Lawrence Friedman, University of Chicago Robert W. Gordon, Stanford Law School Thomas A. Green, University of Michigan Kermit L. Hall, University of Florida Robert M. Ireland, University of Kentucky Milton M. Klein, University of Tennessee David Konig, Washington University Michael de L. Landon, University of Mississippi Jennifer Nedelsky, Princeton University William E. Nelson, N.Y.U. School of Law John V. Orth, University of N.C. (Chapel Hill) Kathryn T. Preyer, Wellesley College Harry N. Scheiber, U. of C. Berkeley Mary K. Bonsteel Tachau, University of Louisville

Annual Meeting

The 1984 annual meeting will be held 19-21 October at the Gateway Hilton Hotel in Newark, New Jersey. Frequent and rapid transportation to downtown Manhattan is available from the hotel. Costs will be \$62 single and \$77 double occupancy.

Ad Hoc Planning Committee

As you know, at the annual meeting on October the Society's board of directors requested President Arnold to appoint an ad hoc planning committee to investigate various financial matters.

The committee's charge falls into two broad categories: 1) the Society's relationship with Law and History Review, and 2) proposals to streamline the administrative operations of the Society. In particular, Russell Osgood has suggested that the Society assume part of the financial responsibility for his editorial assistant at Cornell. Hank Bourguignon has suggested that the offices of Secretary and Treasurer be combined, or that the Society hire an Executive Director. Both of these matters raise the possibility of a dues increase. The committee's report will be submitted to the board at its annual meeting next October. Committee members are: James W. Ely, Jr., Chairman, Henry J. Bourguignon, L. Lynn Hogue, Thomas A. Green, Milton M. Klein, John S. Beckerman, Charles Donahue, Jr., Stanley N. Katz, Alfred S. Konefsky.

NEWS NOTESNational Humanities Center Fellowships

The National Humanities Center, located in the Research Triangle Park of North Carolina close to the Duke University campus and Chapel Hill, supports advanced study in history, philosophy, literature, and other fields of the humanities. Its Fellows, including both senior scholars and young scholars several years beyond the doctorate, pursue research and writing in residence at the Center. Fellows have come from all regions of the United States and from 17 other nations. In addition to scholars from fields normally associated with the humanities, representatives of the natural and social sciences, the arts, the professions, and public life are welcome to apply for fellowships.

While pursuing their individual projects, Fellows may take part in various other activities at the Center. They are invited to organize interdisciplinary seminars on areas of mutual concern. Though most seminars emerge from the shared concerns of Fellows in residence, the Center has received support for 3 to 5 scholars to form a seminar in 1985-86 on historical, philosophical, or cultural contexts of the American Constitution on the occasion of its bicentennial. Lectures by Fellows and visitors also provide opportunities for collegial discourse, and the Center occasionally organizes conferences on topics in the humanities. The Center's radio program, "Soundings," featuring

conversations with scholars, is broadcast weekly on 250 public and commercial stations.

The Center admits 35 to 40 Fellows annually. Most fellowships are for the academic year, September to May, though a few are available for the fall or spring semester.

The amount of fellowship stipend is based on a scholar's usual academic salary. Many Fellows have partial funding in the form of sabbatical salaries or grants from other sources and receive from the Center the difference between that funding and their usual salaries. All Fellows are given travel expenses to and from the Center for themselves and their families.

The deadline is 15 October 1984. (PLEASE NOTE CHANGE OF APPLICATION DEADLINE FROM PREVIOUS YEARS.) For information and application material write Kent Mullikin, Assistant Director, National Humanities Center, 7 Alexander Drive, Research Triangle Park, North Carolina 27709.

American Journal of Legal History

The Journal announces new subscription rates effective 1 January 1984, of \$12.00 for domestic and \$14.00 for foreign subscribers. Subscriptions and requests for information on the purchase of back issues, advertising rates, etc., should be sent to John M. Lindsey, Business Editor, American Journal of Legal History, Temple University School of Law, 1719 North Broad Street, Philadelphia, Pennsylvania 19122.

Atlanta Symposium

A symposium entitled Researching the Federal Courts in the South, 1789 - Present, will be held in Atlanta 17-18 May 1984.

The symposium, sponsored by the Atlanta Regional Archives Branch of the National Archives in conjunction with Emory University School of Law and the Eleventh Circuit Historical Society, will focus on recent research involving political, constitutional, and socio-economic currents found in the litigation records of Southern Federal Courts.

For further information contact Gayle Peters, Regional Archives Branch of General Services Administration, at 1557 St. Joseph Avenue, East Point, Georgia 30344, telephone (404) 763-7477.

SAWH Prize Funds

The Southern Association of Women Historians announces the decision of its members to establish two prizes for publication and to solicit contributions to an endowment to support these prizes. Each prize will be awarded every two years and will consist of \$500 and a plaque. The Julia Cherry Spruill Publication Prize in Southern Women's History will be for the best published work (book or article) in the history of Southern women. The Willie Lee Rose Publication Prize in Southern History will be for the best book in Southern history authored by a woman.

The Southern Association of Women Historians is a tax exempt

organization and all contributions are tax deductible. Contributors may specify to which fund they are contributing, but a general contribution to the Prize Endowment will allow flexibility. Checks should be made out to the Southern Association of Women Historians and sent to Professor Judith F. Gentry, Department of History, University of Southwestern Louisiana, Lafayette, Louisiana 70504.

University of Western Ontario Seminar

Following upon the highly-successful seminar in June 1983, the Faculty of Law at the University of Western Ontario is pleased to announce that a second seminar in modern legal history will be held from Sunday, 3 June, to Friday, 8 June 1984.

The purpose of this seminar is to introduce members of Canadian and American law faculties and social scientists to the study and use of legal history. Attention will be paid to selected aspects of Canadian, United States, and English legal history. The intention is not to present a specialist conference for legal historians but to educate law professors and historians about legal history in a preliminary way.

The faculty for 1984 will include the following: David H. Flaherty, Professor of History and Law, The University of Western Ontario; Robert W. Gordon, Professor of Law, Stanford Law School; R.C.B. Risk, Professor of Law, Faculty of Law, University of Toronto; and David Sugarman, Reader-in-law, School of Law, Middlesex Polytechnic, London, UK. Sugarman is also research director, British Institute of Securities Laws, Jesus College, Cambridge.

The cost per participant, inclusive of tuition, accommodation, and meals will be \$400 Canadian. A detailed brochure will be available in the late fall of 1983. Applications for participation should be sent to the seminar director, David H. Flaherty, Seminar Director, Department of History, University of Western Ontario, London, Ontario, N6A 5C2, Canada, telephone (519) 679-2800.

N-Y. H.S. Seminar Seeks Papers

The New-York Historical Society is organizing a conference on the subject, "The Law in America, 1607-1861." The Program Committee welcomes proposals dealing with any aspect of American legal history and historiography before the Civil War. The conference, which is being organized to commemorate the 250th anniversary of the trial of John Peter Zenger, will take place 17 and 18 May 1985. Anyone who would like to present a paper should submit a proposal by 15 September to the Program Committee, c/o Conrad E. Wright, New-York Historical Society, 170 Central Park West, New York, New York 10024. Submissions should be sufficiently detailed to enable the committee to make informed choices and to arrange sessions that include compatible papers. The committee will notify all applicants of its decisions by 15 October. Those whose proposals are approved must submit their papers in final form no later than 15 March 1985.

Napoleonic Code Students

Students of the Napoleonic Code of Laws are invited to join a new French organization, the Association for the Preservation of Napoleonic Monuments. Historians and those who love the richness of history, especially of this epoch, are cordially invited to assist the "Association" by becoming members and/or by actively joining the numerous efforts underway. At this time a Bulletin de Liaison is published every four months. There is also a yearly meeting in Paris, conveniently scheduled for 3 December, the day after the annual ceremonies commemorating the coronation of Napoleon I and of Josephine in 1804 and the Battle of Austerlitz in 1805.

The small committee of dedicated people who coordinate the activities of this non-profit and benevolent association will welcome inquiries from individuals and organizations. For information write to Dr. John B. Webster, 13 Avenue Boudon, 75016, Paris, France.

The Newberry Library

The Newberry Library in Chicago will be open for service only for library-funded fellows and participants in its academic programs from May through September 1984. Because of its complete renovation of the original 1893 Henry Ives Cobb building, it will be unable to serve the general public during the summer. Normal operations will be resumed in October with expanded facilities for readers, new offices and seminar rooms for research programs, and two new exhibit galleries.

Anyone planning work at the Newberry from now until October should call the Library for a report on the situation before coming. (312) 943-9125 will provide a regularly updated progress report as well as warning about service interruptions.

Western Canada Law Conference

The Humanities Institute of the University of Calgary hosted the first conference on the history of the law in Western Canada 25-27 April 1984. Entitled the "Western Canadian Legal History Conference," it was organized by Professors Louis Knafla of the Department of History and John McLaren of the Faculty of Law. The major topics of the conference included the history of the control of morality in the prairie provinces, of native rights in the west and north, of resource rights and development, and of frontier government and justice.

NEWS OF MEMBERS

FRANCIS STEPHEN RUDDY was nominated by the President last April to serve a two-year term as a member of the Board of Directors of the African Development Foundation. His appointment was confirmed by the Senate on 14 September.

SUSAN R. FALB has been appointed by FBI Director William H. Webster as the first Historian of the Federal Bureau of Investigation. She will provide assistance to those seeking historical or archival information about the FBI. She can be contacted at: Room 7883, J. Edgar Hoover Building, Federal Bureau of Investigation, Washington, D.C. 20535, telephone (202) 324-5385.

JAMES W. ELY, Jr., is the co-author, with Jon W. Bruce and C. Dent Bostick, of Cases and Materials on Modern Property Law published recently by West Publishing Company in their American Casebook series.

PROCEEDINGS OF THE 1983 ANNUAL MEETING

The thirteenth Annual Meeting of the Society was held 21-22 October 1983 in the Hilton Hotel, Baltimore, Maryland. The following sessions were included in the program:

Law and Society in Yorkshire

SUE SHERIDAN WALKER discussed the value to the legal historian of two volumes recently published by the Yorkshire Archeological Society of proceedings of the Wakefield Manor court in the fourteenth century. In her conclusion she stated that "The needs of specialisation may seem ill met by the suggestion that historians must read plea rolls in Chancery Lane, manorial records in some remote archive, and then travel to the ecclesiastical close to read church court records. Yet the handwriting on all the rolls is similar and by selecting years when the records are especially complete the task becomes more feasible. And even those of us with a strong aversion to 'sampling' may have to reconsider the advantages of reducing mountains of parchment to a more manageable proposition. Legal historians would, I think, reap not inconsiderable rewards for their pains."

JAMES W. ELY, Jr., discussing the working of the poor laws in the West Riding in the eighteenth century, observed that the parishes, on whom the main burden of poor relief fell, were usually willing to help their own unfortunates but went to great lengths to avoid becoming responsible for anyone perceived as an outsider or as having fallen into poverty through indolence or immorality. A great many removals of paupers from parishes occurred as a result, and a substantial majority of those removals were later quashed by quarter sessions, meanwhile providing much gainful employment for attorneys.

MICHAEL LANDON in his commentary observed that the study of local history sources could certainly contribute a great deal to our understanding of the broader historical picture in any given period. At the same time, however, local history must not be studied in isolation but rather in the context of such major events as the Black Death, the Hundred Years War, the Seven Years War, and the start of the Industrial Revolution.

Brief Communications

I. EILEEN SPRING questioned Lawrence Stone's seminal theory of family development which depends heavily upon a use of law. It portrays the family changing as facilities for entailing estates change, its essential point being that the decline of patriarchy is indicated by the development of the strict settlement. By looking at the movement of jointures and portions she found that the strict settlement represents, on the contrary, a strengthening of the aristocratic and patriarchal family. Moreover, by taking note of an earlier and quite different theory of family development that was also drawn out of the strict settlement, she suggested that historians have become predisposed to find change in the family too much and too early.

II. A.E. KEIR NASH presented an ambitious prospectus outlining his most recent project, "A History of Southern Law, 1800-1915." He discussed a variety of components he foresaw as essential to this seminal work, particularly the legal history of slavery.

STEVEN R. BOYD discussed the attempts of states during the era of the Early Republic to circumvent the obligation of contracts clause. These attempts met a modest degree of success and proved to be legally innovative, according to Boyd.

CHRISTOPHER N. FRITSCH spoke generally about his master's thesis project which centers around the legal practice of John Adams.

This session once again proved the value of the Brief Communications concept with numerous questions and lively comments addressed to the speakers.

Scandinavian Legal History

DITLEV TAMM of the Faculty of Law at the University of Copenhagen presented the first paper, titled "An Early European Code: The Danish Code of 1683 in an International Context." He described the code, the first in a new epoch of European law, and then traced its later influence in other European countries.

KJELL A. MODEER of the Faculty of Law at Lund University discussed "The Lawyer in a New Society: The Legal Profession in Sweden during the Second Half of the Nineteenth Century." He concluded that during this period the Swedish legal profession increased in importance and in numbers of lawyers and also established the first national bar association.

CLAES PETERSON of the Faculty of Law at the University of Stockholm, while praising both papers, offered suggestions to supplement the research already completed. Because the papers stressed the importance of ideas in law, he believed that they would benefit from broader perspectives: Peterson's in the context of time, and Modeer's in the context of the "total social system."

Women and Work

In her paper entitled "Muller v. Oregon Reconsidered: The Origins of a Sex-Based Doctrine of Liberty of Contract," NANCY ERICKSON

demonstrated, through exploration of contemporary treatises and state and Supreme Court cases, that traditional gender ideology limited the concept of liberty of contract from its outset, and concluded that those influences, rather than the Brandeis brief submitted in Muller v. Oregon, probably account for the sex-based exception to liberty of contract used by the Court in that case to uphold "protective" maximum hours legislation for women.

JOY SCIME demonstrated, in 'Section 213 of the 1932 Economy Act: Government Policy, Working Women and Feminism,' that a "neutral" anti-nepotism law passed by Congress during the depression was intended to and did exclude married women from federal employment and led to termination of women, many of whom were long-time government employees. She delineated the sexist ideology that led to the law's passage and disparate enforcement as well as divergent arguments in opposition to Section 213 offered by pro-ERA and anti-ERA feminists.

JANE DEHART MATTHEWS, commenting on the papers, noted that while sex-role ideology underlay both "protective" legislation and Section 213, the motive behind the former was protection of women from exploitation while the latter self-consciously sacrificed the interests of working women. Ultimately, however, she concluded that there was no contradiction between the stance taken by the Court in Muller and the Economy Act provision because both underscore the weakness of women's position in the labor market, how fundamentally at odds the interest of women and family have been and how far we have to go in restructuring work and family in ways that will benefit women, children, and men.

PRISCILLA RUTH MACDOUGALL, in her comments, asserted that the Brandeis brief was probably influential in the Muller case, but agreed with Nancy Erickson that it was not necessary to the decision given the overwhelming authority existing at the time. She pointed out that Section 213, although barely mentioned in history books, reflected the phenomenon existing across the country in the 1930s, of school boards and public and private employers firing or refusing to hire married women. The attitudes expressed by the Court in Muller and its predecessors, and the discrimination against married women evidenced by Section 213, are still with us, she concluded, and are being fought pursuant to Title VII of the 1964 Civil Rights Act and other laws prohibiting discrimination on the basis of sex and marital status.

Dimensions of Judicial Biography

Professor DONALD M. ROPER offered a series of questions that readers may properly expect to find answered in judicial biographies, and that biographers should seek to discover about their subjects. Among the areas touched upon were the origins of judges' convictions about public policies and how they themselves viewed the judicial function, how they used precedents, and what were their concepts of justice. Professor Roper noted that biographers frequently ignore the private lives of the judges about whom they write, sometimes do not address the nuances of the political, social, and economic climates that affect a judge's jurisprudence, and often too scrupulously avoid making moral judgments. He illustrated his talk by referring to dozens of biographies and autobiographies, ranging from little-known state court judges to Justices of the United States Supreme Court who have been written about more,

perhaps, than is necessary.

The commentators were all scholars who have written and are writing judicial biographies. In addition to responding to Professor Roper's paper, they described their current work. KENT NEWMYER talked about Joseph Story, whose biography he has recently completed. GERALD GUNTHER told how he dealt with questions about Learned Hand and his court. J. WOODFORD HOWARD described the challenges he is encountering in his study of Harold Medina, a living judge. Many in the audience of more than forty people joined in a lively discussion after the formal presentations of the papers.

J.S. COCKBURN set forth a central theme of his forthcoming book on Home Circuit criminal assizes, 1558-1625. He argued that the bench was so much in control of criminal trials that the jury was almost reduced to a nullity. Cockburn marshalled evidence regarding many aspects of criminal procedure. Trials moved quickly; each jury was left to resolve a large number of cases without opportunity to review the evidence; judges made their opinions known and reserved the right to sentence defendants (to being whipped) whom juries had acquitted. After 1575 the bench did not bind over juries to appear in Star Chamber, evidence, Cockburn argued, that juries nearly always did what the bench wanted them to do. By allowing "plea bargains," the bench avoided trial in many cases that might have provoked juries to exercise discretion. In sum, the Elizabethan and Jacobean institution of trial by jury was a far cry from the independent judgment by peers that it later came to be.

JOHN BEATTIE portrayed the eighteenth century jury as an important and at least quasi-independent institution. He drew upon several of the findings related in great detail in his forthcoming book on crime, courts, and penology in England, 1660-1800. Beattie suggested that the jury underwent important changes in the early eighteenth century: authorities devised means to secure more experienced jurors; changes in penology -- in the direction of greater flexibility and a more severe lesser sanction (transportation as opposed to whipping or branding) -- made jury-based mitigation of capital sanctions tolerable. Beattie argued that despite the speed of eighteenth-century trials and the brevity of the jury's huddle to reach a verdict, juries were not simply following judicial orders. Rather, judge and jury shared the same perspective and they typically agreed on the appropriate outcome. Sentence, not guilt, was mainly at issue, and the cases fit fairly simple patterns that the experienced jurors, led by their foreman, could resolve almost immediately.

THOMAS A. GREEN suggested that Cockburn's depiction of the late-sixteenth and early-seventeenth-century jury is overdrawn. He agreed that the bench exercised considerable control, but he argued that judicial "control" was in part the result of judicial acceptance of longstanding patterns of jury behavior. In this sense, the jury exercised a silent power that judges could not ignore without risking a challenge to their control. Moreover, Cockburn's evidence that the bench sentenced defendants whom juries acquitted is, itself, evidence of jury independence, and recourse to plea bargains suggests judicial doubts about securing convictions at the capital level. Jury "inexperience" is difficult to assess: those serving at assizes for the first time might have sat previously at quarter sessions or on any of many other

kinds of juries.

Green agreed with Beattie on most points. He suggested, however, that jurors may have thought themselves even more independent than they in fact were. Judicial influence was subtle, but important. Green pointed to contemporary tracts by observers who were clearly misled into thinking that jurors exercised very great independence, and he suggested that judge and jury operated in a culture where mutual expectations constrained them both. On the other hand, Green argued, while judge and jury shared the same perspective in the common-run felonies that Beattie examined, they did not do so in political cases. Judicial acquiescence in jury-based mitigation in homicides and theft came back to haunt the bench; in e.g., seditious libel prosecutions.

The University of Baltimore School of Law hosted a reception for members of the Society in their Library at 5:00 p.m. on the 21st.

Later that same evening the University of Maryland School of Law were the hosts for a "Brandy Sip" and a tour of the catacombs of the old Westminster Church, burial place of Edgar Allan Poe.

The General Address was given on the 22nd. by Professor Harold W. Hyman of Rice University who spoke on "The War Powers at the Bicentennial: Still 'Our Main Reliance'?"

It is hoped that reports on the other sessions will be available for the autumn issue of the NEWSLETTER.

RECENT PUBLICATIONS OF INTEREST

Armao, Agnes Orsatti, "In Search of a New God: Law in Nineteenth-Century America," 4 Journal of Legal History (September 1983), 38-55.

Baker, J.H., "Migrations of Manuscripts," 4 Journal of Legal History (September 1983), 72-74.

Banerjee, A.C., The English Law in India. Atlantic Highlands, NJ: Humanities Press, 1983.

Barnes, Catherine. Journey from Jim Crow: The Desegregation of Southern Transit. New York: Columbia Univ. Press, 1983.

Bartrip, P.W.J. and S.B. Burman. The Wounded Soldiers of Industry: Industrial Compensation Policy, 1833-1897. Oxford: Oxford Univ. Press, 1984.

Becker, Craig, "Property in the Workplace: Labor, Capital, and Crime in the Eighteenth-Century Woolen and Worsted Industry," 69 Virginia Law Review (November 1983), 1487-1516.

Belknap, Michael R., "The New Deal and the Emergency Powers Doctrine," 62 Texas Law Review (August 1983), 67-110.

- Bogen, David S., "The Free Speech Metamorphosis of Mr. Justice Holmes," 11 Hofstra Law Review (Fall 1982), 97-189.
- Bradley, Martha Strong, "Reclamation of Young Citizens: Reform of Utah's Juvenile Legal System, 1888-1910," 51 Utah Historical Quarterly (Fall 1983), 328-345.
- Bryson, W. Hamilton, "The Abolition of the Forms of Action in Virginia," 17 University of Richmond Law Review (Winter 1983), 273-284.
- Cairns, John W., "Institutional Writings in Scotland Reconsidered," 4 Journal of Legal History (December 1983), 76-117.
- Cannon, Kenneth L., "'Mountain Common Law': The Extralegal Punishment of Seducers in Early Utah," 51 Utah Historical Quarterly (Fall 1983), 308-327.
- Castagnera, James, "The Doctrines of Civil and Criminal Conspiracy as 'Union Busting' Techniques in Labor Law Past and Present," 8 Thurgood Marshall Law Review (Fall 1982), 1-64.
- Chapman, Terry L., "'An Oscar Wilde Type': 'The Abominable Crime of Buggery' in Western Canada, 1890-1920," Criminal Justice History (1983), 97-118.
- Chused, Richard, "Married Women's Property Law: 1800-1850," 71 Georgetown Law Journal (June 1983), 1359-1426.
- Clark, Elaine, "Medieval Labor Law and English Local Courts," 27 American Journal of Legal History (October 1983), 330-353.
- Csizmadia, Andor, "Hungarian Customary Law before the Bourgeois Rebellion of 1848," 4 Journal of Legal History (September 1983), 3-37.
- Currie, David P., "The Constitution in the Supreme Court: Article LV and Federal Powers, 1836-1864," 1983 Duke Law Journal (September 1983), 695-747.
- Dam, Kenneth, "From the Gold Clause Cases to the Gold Commission: A Half Century of American Monetary Law," 50 University of Chicago Law Review (Spring 1983), 504-532.
- Elliott, E. Donald, "Holmes and Evolution: Legal Process as Artificial Intelligence," 13 Journal of Legal Studies (January 1984), 113-146.
- Emsley, Clive. Policing and Its Context, 1750-1870. New York: Schocken Books, 1984.
- Flaherty, David (ed.). Essays in the History of Canadian Law, Vol. II. Toronto: University of Toronto Press, 1983.
- Friedlander, Robert A., "Who Put Out the Lamps?: Thoughts on International Law and the Coming of World War I," 20 Duquesne Law Review (Summer 1982), 569-584.

- Galloway, Russell W., "The Roosevelt Court: The Liberals Conquer (1937-1941) and Divide (1941-1946)," 23 Santa Clara Law Review (1983), 491.
- Garrison, George R., "Historical Traditions in Civil Dissent and Their Corresponding Conceptions of Law," 8 Black Law Journal (1983), 198-219.
- Glenn, Myra C. Campaigns Against Corporal Punishment: Prisoners, Sailors, Women, and Children in Antebellum America. Albany: State University of New York Press, 1983.
- Grossberg, Michael, "Who Gets the Child? Custody, Guardianship, and the Rise of Judicial Patriarchy in Nineteenth-Century America," 9 Feminist Studies (Summer 1983).
- Hamburger, Philip, "The Conveyancing Purposes of the Statute of Frauds," 27 American Journal of Legal History (October 1983), 354-385.
- Hay, Douglas, "The Criminal Prosecution in England and its Historians," 47 Modern Law Review (January 1984), 1-29.
- Helmholz, Richard H., "The Early History of the Grand Jury and the Canon Law," 50 University of Chicago Law Review (Spring 1983), 613-627.
- Hendrick, Irving G., "Stare Decisis, Federalism, and Judicial Self-Restraint: Concepts Perpetuating the Separate But Equal Doctrine in Public Education, 1849-1954," 12 Journal of Law and Education (October 1983), 561-586.
- Hicks, M.A., "Restraint, Mediation, and Private Justice: George, Duke of Clarence as 'Good Lord'," 4 Journal of Legal History (September 1983), 56-71.
- Hopkins, Hon. James D., "The Development of Realism in Law and Literature during the Period 1883-1933: The Cultural Resemblance," 4 Pace Law Review (Fall 1983), 29-60.
- Ireland, Robert M., "Homicide in Nineteenth-Century Kentucky," 81 Register of the Kentucky Historical Society, (Spring 1983), 134-153.
- _____. "The Nineteenth-Century Criminal Jury: Kentucky in the Context of the American Experience," 4 Kentucky Review (Spring 1983), 39-51.
- James, Joseph B. The Ratification of the Fourteenth Amendment. Macon, GA: Mercer Univ. Press, 1984.
- Kates, Don B., "Handgun Prohibition and the Original Meaning of the Second Amendment," 82 Michigan Law Review (November 1983), 204-273.
- Kawashima, Yasuhide and Ruth Tone, "Environmental Policy in Early America: A Survey of Colonial Statutes," 27 Journal of Forest History (October 1983), 168-179.
- _____. "Americanization of Japanese Family Law, 1945-1975," 16 Law in Japan: An Annual (1983).

- Kelly, Keith A., "The Basis of Mining Property Rights in Nineteenth-Century Utah: The Case of the Rush Valley District," 51 Utah Historical Quarterly (Fall 1983), 346-357.
- Kretzmer, Dvaid, "The Transformation of Tort Liability in the Nineteenth Century: The Visible Hand," 4 Oxford Journal of Legal Studies (Spring 1984), 46-87.
- Lowe, W.J., "The Lancashire Constabulary, 1845-1870; The Social and Occupational Function of a Victorian Police Force," Criminal Justice History (1983), 41-62.
- Loyn, H.R. The Governance of Anglo-Saxon England, 500-1087. Stanford: Stanford Univ. Press, 1984.
- MacLean, A.J., "The 1707 Union: Scots Law and the House of Lords," 4 Journal of Legal History (December 1983), 50-75.
- MacQueen, J.L., "Dissasine and Mortancestor in Scots Law," 4 Journal of Legal History (December 1983), 21-49.
- McEvoy, Arthur F., "Law, Public Policy, and Industrialization in the California Fisheries, 1900-1925," 57 Business History Review (Winter 1983), 494-521.
- McGowen, Randall, "The Image of Justice and Reform of the Criminal Law in Nineteenth-Century England," 32 Buffalo Law Review (Winter 1983), 89-126.
- Martin, Benjamin F. The Hypocrisy of Justice in the Belle Epoque. Baton Rouge: LSU Press, 1984.
- Mensch, Elizabeth, "The Colonial Origins of Liberal Property Rights," 31 Buffalo Law Review (Fall 1982), 635-736.
- Meyer, Michael C. Water in the Hispanic Southwest: A Social and Legal History, 1550-1850. Tuscon: Univ. of Arizona Press, 1984.
- Moglen, Eben, "Commercial Arbitration in the Eighteenth Century: Searching for the Transformation of American Law," 93 Yale Law Journal (November 1983), 135-152.
- Moore, William Howard, "The Ordeal of a 'Liberal' Policy: Fuller Warren and the Gambline Controversy in Florida, 1949-1953," Criminal Justice History (1983), 63-96.
- Nash, A.E. Keir, "In re Radical Interpretations of American Law: The Relation of Law and History," 82 Michigan Law Review (November 1983), 274-346.
- Orth, John V., "The Interpretation of the Eleventh Amendment, 1798-1908; A Case Study of Judicial Power," 1983 University of Illinois Law Review (1983), 423-456.
- Paterson, Alan, The Law Lords. Toronto: University of Toronto Press, 1983.

- Post, L.B., "Local Jurisdictions and Judgment of Death in Later Medieval England," Criminal Justice History (1983), 1-22.
- Pugh, Ralph, "Early Registers of English Outlaws," 27 American Journal of Legal History (October 1983), 319-329.
- Schmidhauser, John R., "The Convergence of Law and Politics Revisited: The Law Firm as a Case Study," 1 Journal of Law and Politics (Fall, 1983), 133-165.
- Schmidt, Benno, Jr., "Juries, Jurisdiction, and Race Discrimination: The Lost Promise of *Strauder v. West Virginia*," 61 Texas Law Review (May 1983), 1401-1500.
- Sindall, Rob, "Middle-Class Crime in Nineteenth Century England," Criminal Justice History (1983), 23-40.
- Smith, J. Clay, "The Marion County Lawyer's Club: 1932 and the Black Lawyer," 8 Black Law Journal (1983), 170-176.
- Steedman, Carolyn. Policing the Victorian Community: The Formation of English Provincial Police Forces, 1856-1880. Boston: Routledge & Kegan Paul, 1984.
- Toole, Dana George, "The Star Chamber and the Origins of the Modern Administrative Agency," 13 Stetson Law Review (Fall 1983), 59-82.
- Walters, Ronald W., "Federalism, 'Civil Rights' and Black Progress," 8 Black Law Journal (1983), 220-234.
- Williams, Robert A., "The Medieval and Renaissance Origins of the Status of the American Indian in Western Legal Thought," 57 Southern California Law Review (November 1983), 1-100.
- Windram, W.J. and H.L. MacQueen, "The Sources and Literature of Scots Law: A Select Critical Bibliography, 1936-1982," 4 Journal of Legal History (December 1983), 1-20.
- Woods, J.G., "Criminal Justice History in Canada: A Brief Survey of Work in Progress," Criminal Justice History (1983), 119-130.

ANNOUNCEMENT

University of Wisconsin-Madison
Legal History Program

1984 Summer Seminar

The Legal History of the American Family

July 23-August 3, 1984

The Legal History Program announces its 1984 summer program. The National Endowment for the Humanities has renewed funding for the Legal History Program for three years (1984-1986). The program's research topic will be the legal history of the American family. A two-week seminar will be held in Madison from July 23 -August 3, 1984, at which distinguished lawyers, historians and social scientists will gather to construct a common framework and agenda for further work in the legal history of the American family. The focus will be on the changing pictures of family life presented by American legal institutions. Specific papers will be prepared by invited speakers, and a volume of these papers will be published.

Seminar Directors for 1984 are Martha Fineman (Law), Dirk Hartog (Law) and Stanley I. Kutler (History). They will be assisted by the core group consisting of Joe Handler, Willard Hurst, Margo Melli, David Trubek, and Mark Tushnet.

Program events are open to the public. For further information contact:

Stanley Kutler, Director
Legal History Program
Department of History
4243 Humanities
University of Wisconsin-Madison
Madison, WI 53706
Phone (608) 263-1835