

AMERICAN SOCIETY
FOR
LEGAL HISTORY



1985

Fifteenth Annual Meeting
at
The Hotel Monteleone
New Orleans, Louisiana
October 18-19, 1985

Program

Registration

From 3:00 - 5:00 p.m., October 17, 1985
beginning at 8:30 a.m., October 18, 1985

The Hotel Monteleone

Thursday, October 17

Reception

5:30-7:30 p.m., Moot Court Room

Loyola University School of Law New Orleans

Hosted by Loyola University School of Law

How To Get From The Hotel Monteleone To The Loyola University School Of Law

The easiest way to get from the Hotel Monteleone in the French Quarter to the Loyola University School of Law is to take the streetcar from Canal Street up St. Charles Street to Loyola University. Walk north two blocks to the School of Law. The Moot Court Room is near the entrance.

Friday, October 18

Paternalism in American Legal Society

8:45 a.m.-noon, Session A, La Nouvelle Orleans East

*Take Us By the Hand: Paternalism and Policy
in American Indian Relations*

Rennard J. Strickland
Southern Illinois University School of Law

*Law and Race in Urban America:
Directions for Future Exploration*

Robert J. Cottrol
Boston College Law School

Codifying Caste: Racial Classification Laws in America

Raymond T. Diamond
Louisiana State University Law Center
& Robert J. Cottrol
Boston College Law School

Comments: Paul Finkelman, Chair
State University of New York at Binghamton

Jennifer Parrish
University of Pittsburgh School of Law

Charles F. Wilkinson
University of Oregon School of Law

Martha L. Minow
Harvard University Law School

Aviam Soifer
Boston University School of Law

Friday, October 18

Comparative Perspectives on Legal History and Historiography

8:45 a.m.-noon, Session B, La Nouvelle Orleans West

State and Federal Bills of Rights: The Disjunction

Robert Palmer
William & Mary School of Law

The Profits of the Law

James Brundage
University of Wisconsin, Milwaukee

*Durantis, Gandinus, and H.L.A. Hart: Toward a
Reinterpretation of the Medieval Inquisitorial Process*

Richard Fraher
Harvard Law School

*Aspects of American Legal Historiography:
The Dragon is Out of the Cave*

Isabel Levinson
University of Minnesota

Comments: Kjell A. Mod  er
Lund University Law School

Charles Donahue
Harvard Law School

R.H. Helmholz
University of Chicago Law School

Samuel Astorino
Duquesne Law School

Peter C. Hoffer, Chair
University of Georgia

Break for all sessions

10:15 a.m. - 10:30 a.m.
Complimentary Refreshments

Friday, October 18

The Intellectual Context of American Legal History

1:30 p.m.-3:30 p.m., Session A, La Nouvelle Orleans East

The Dialectic of Federalist Jurisprudence

Stephen Presser
Northwestern University School of Law

The New Jurisconsults: The Intellectual & Social Background of the Founding of the American Law Institute

N.E.H. Hull
University of Georgia School of Law

Law & Geometry: Legal Science from Leibniz to Langdell

M.H. Hoeflich
University of Illinois College of Law

Comments: Steven Conrad
Indiana University School of Law, Bloomington

John V. Orth, Chairman
University of North Carolina School of Law

Robert Gordon
Stanford Law School

Kent Newmyer
University of Connecticut

Friday, October 18

Native American Legal History

1:30 p.m.-3:30 p.m., Session B, La Nouvelle Orleans West

John P. Reid, Chair

The Huntington Library and New York University School of Law

Discovering Old Treaties; Making New Law:

The U.S.-Micmac Treaty of 1776

Robert D. Webb
Goldstein & Manello, Boston, MA

The 'Treason' of William McIntosh: Creek Law and Politics in the Removal Crisis of the 1820's

Michael Green
Dartmouth College

Comment: Theda Perdue
Clemson University

Of Time and the Law: Nineteenth Century Indian Rights in the Supreme Court during the Modern Era

Charles F. Wilkinson
University of Oregon College of Law

Behind American Indian Citizenship

Russell Lawrence Barsh
Flores, Luna & Barrios, Seattle, WA

Comment: John Echohawk
Native American Rights Fund
Boulder, CO

Sources and Native American Legal History

John R. Wunder, Chair
Clemson University

'Traditional' Sources for the Writing of North American Indian Legal History

Paul Williams
Barrister and Solicitor, Toronto, Ontario

'Non-Traditional' Sources for the Writing of North American Indian Legal History

Frederick E. Hoxie
D'Arcy McNickle Center for the History of the American Indian
The Newberry Library

Panelists:

E. Adamson Hoebel
University of Minnesota

Rennard J. Strickland
Southern Illinois University College of Law

Willard Rollings
Southwest Missouri State University

Robert Clinton
University of Iowa College of Law

Al Ziontz
Ziontz, Pirtle, Morisset, Ernstroff & Chestnut
Seattle, WA

Friday, October 18

Teaching Medieval Legal History

3:30 p.m.-5:30 p.m., Session A, La Nouvelle Orleans East

Discussants: Edward Peters, Chair
University of Pennsylvania

James Brundage
University of Wisconsin, Milwaukee

James Ross Sweeney
Penn State University

J.M. Muldoon
Rutgers University, Camden

General Address

5:00 p.m.-6:00 p.m., La Nouvelle Orleans East and West

Recomparing Jewish and Roman Law

David Daube
University of California, Berkeley

Friday, October 18

Reception

6:30-8:00 p.m.

St. Ann Hotel, Patio
717 Conti Street
(in the French Quarter)

Hosted by Tulane University School of Law

Saturday, October 19

Regional Themes in the History of American Law

8:45 a.m.-noon, Session A, La Nouvelle Orleans East

Milton M. Klein, Chair
University of Tennessee

*Regionalism and American Legal History:
The Southern Experience*

David J. Bodenhamer
University of Southern Mississippi

*Regionalism and American Legal History:
The Southern Experience*

James W. Ely Jr.
Vanderbilt University School of Law

*Regionalism and American Legal History:
The Perspective from Other Areas*

Kermit L. Hall
University of Florida

Panelists: Tony A. Freyer
University of Alabama

R. Kent Newmeyer
University of Connecticut

John P. Reid
New York University Law School

William M. Wiecek
Syracuse University

Kermit L. Hall
University of Florida

Saturday, October 19

Crime in Late-Medieval and Early-Modern England

8:45 a.m.-noon, Session B, La Nouvelle Orleans West

*Some Possibilities and Limitations of Studying Crime
In Later Medieval England*

John Post
The Public Record Office

Property Crimes and Hard Times in England 1559-1624

Peter Lawson
McMaster University

Early Stuart Leet Courts: 'Needful and Useful'

Walter J. King
Harvard Law School

Panelists: John Beattie, Chair
University of Toronto

James S. Cockburn
University of Maryland

Barbara A. Hanawalt
University of Indiana

L.R. Poos
The Catholic University of America

Luncheon

12:15 p.m., Queen Anne Room

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

Address: The State of the Society

Saturday, October 19

Bribery

1:45 p.m.-3:30 p.m., Session A, La Nouvelle Orleans East

Proving Bribery: The Burden of the Historian

John Noonan
University of California, Berkeley
School of Law (Boalt Hall)

Bribery in Roman Law

Michael C. Alexander
University of Illinois, Chicago

Comments: Richard C. Mitchell, Chair
University of Illinois

Bruce H. Mann
Washington University, St. Louis
School of Law

Jan Deutsch
Yale Law School

African Legal History

1:45 p.m.-3:30 p.m., Session B, La Nouvelle Orleans West

Robert W. Harms, Chair
Yale University

The Defense of Patriarchy in a Tswana Chieftdom 1860-1950
Diana Wylie
Yale University

*Changing Concepts of Sovereignty and the Legal Struggle
for Control of Walvis Bay in Namibia*

Lynn Berat
Yale University

The Conflict of Legal Systems in the Transvaal, 1836-1899
Howard Venable
Yale University School of Law

Comments: Sally Falk-Moore
Harvard Law School

Robert Seidman
Boston University School of Law

Saturday, October 19
History of Water Law

3:30 p.m.-5:00 p.m., Session A, La Nouvelle Orleans East

Peter J. Coleman, Chair
University of Illinois, Chicago

*The Evolution of South Carolina Water Law:
A Study in Multicausation*

William Steirer
Clemson University

*Law and the Control of Water: Miller and Lux
and the California Experience*

M. Catherine Miller
Texas Tech University

Comments: Gordon Bakken
California State University, Fullerton

Eric T. Freyfogle
University of Illinois College of Law

Legal History in the Spanish Borderlands

3:30 p.m.-5:00 p.m., Session B, La Nouvelle Orleans West

Jane E. Dysart, Chair
University of West Florida

Hispanic Private Law on the Northern Spanish Frontier

Joseph W. McKnight
Southern Methodist University
School of Law

Criminal Litigation in Mexican California

David J. Langum
Samford University College of Law

*The Era of Spanish Criminal Law Codification
in Nineteenth-Century Puerto Rico*

Ida Cardona-Hernandez
Temple University

Comments: Francisco Balderrama
California State University, Los Angeles

Richard Kilbourne
Kilbourne Law Offices, Clinton, LA

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Franz Wieacker

Studies in Legal History

G. Edward White, University of Virginia
School of Law, Editor

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Thomas A. Green, Sally A. Scully, and
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Lawrence M. Friedman and Robert V. Percival,
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- Laura Kalman, *Legal Realism and Legal Education at Yale, 1927-1960*. (forthcoming 1986)

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