

AMERICAN SOCIETY  
FOR  
LEGAL HISTORY



*Historia Omnium Legum*

1986

Sixteenth Annual Meeting  
at  
The Park Plaza Hotel  
Toronto, Ontario  
October 24-25, 1986

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## Program

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### *Registration*

From 3:00 - 5:00 p.m., October 23  
Beginning at 8:30 a.m., October 24

Park Plaza Hotel



Thursday, October 23

## Reception

5:30-7:30 p.m., The Solarium

Falconer Hall, 84 Queen's Park

University of Toronto

Sponsored by the University of Toronto Faculty of Law

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**Directions:** The Park Plaza Hotel is at the corner of Bloor and Avenue Road. Falconer Hall is two hundred years south of the hotel along Avenue Road, which becomes Queen's Park.

Friday, October 24

## *The Free Women of Petersburg and Governing the Hearth: Social Histories of Women and the Family in Nineteenth-Century America*

8:30 a.m.-10:20 a.m., Gold Room

Carl E. Schneider, Chair  
University of Michigan Law School

Discussants: Michael Grossberg  
Case Western Reserve University

Suzanne Lebsock  
Rutgers University, New Brunswick

Norma Basch  
Rutgers University, Newark

Paula Petrik  
Montana State University

Lee E. Teitelbaum  
University of New Mexico School of Law

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## **Punishing Wrongdoing in Late Medieval and Early Modern England**

8:30 a.m.-10:20 a.m., University Room

Michael M. Sheehan, Chair  
Center for Medieval Studies  
University of Toronto

*Convicted Ravishers: Statutory Strictures and Actual  
Practice in Thirteenth and Fourteenth Century England*  
Sue Sheridan Walker  
Northeastern Illinois University

*Corruptible Jurors, 1485-1509:  
What Price? What Punishment?*

DeLloyd Guth  
University of British Columbia  
Faculty of Law

*Judicial Process in Early Seventeenth-Century England*  
Louis A. Knafla  
University of Calgary

Comments: The Audience

Friday, October 24

## Gender and Defamation in Colonial America

10:30 a.m.-12:20 p.m., Gold Room

David Thomas Konig, Chair  
Washington University, St. Louis  
Colonial Williamsburg

*'The Death of Her [or His] Good Name': Gender and  
Defamation in Seventeenth-Century Maryland*

Mary Beth Norton  
Cornell University

*Slandorous Speech in Eighteenth-Century Connecticut:  
Gender and the Fall from Social Grace*

Cornelia Hughes Dayton  
Institute of Early American  
History and Culture

Comments: Robert St. George  
Boston University

David Thomas Konig

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## Legal Thought and Education in Nineteenth and Early Twentieth Century Canada

10:30 p.m.-12:20 p.m., University Room

Harry Arthurs, Chair  
York University

*Common Law Thought in Canada during the 1930s*

Richard Risk  
University of Toronto Faculty of Law

*A Love of Order: Upper Canada's Family Compact versus  
The Rule of Law*

G. Blaine Baker  
McGill University Faculty of Law

Comments: Curtis Cole  
Huron College

Harry Arthurs

Friday, October 24

## Inheritance in America

1:45 p.m.-3:30 p.m., Gold Room

Toby Ditz, Chair  
The John Hopkins University

*English Inheritance Law and Its Transfer to the Colonies*

Carole Shammas  
University of Wisconsin, Milwaukee

*Changing Property Values and Women's Inheritance Rights  
in Nineteenth-Century America*

Marylynn Salmon  
University of Maryland, Baltimore County

*Inheritance and the Elderly in Twentieth-Century America*

Michel Dahlin  
University of Colorado, Colorado Springs

Comments: Toby Ditz

Friday, October 24

## Property, Ecology, and Nuisance

1:45 p.m.-3:30 p.m., University Room

Carol M. Rose, Chair  
Northwestern University School of Law

*Nuisance Law and the Regulation of Pollution in America,  
1870-1914*

Christine M. Rosen  
University of California, Berkeley  
School of Business Administration

*Normative Theory and Legal Doctrine in American  
Nuisance Law, 1850-1920*

Robert G. Bone  
University of Southern California Law Center

*The Fisherman's Problem: An Ecological and Critical  
History of Conservation*

Arthur F. McEvoy  
Northwestern University

Comments: Jennifer Nedelsky  
University of Toronto Faculty of Law

Carol M. Rose

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## Paternalism Revisited for Its Own Good

3:45 p.m.-5:30 p.m., Gold Room

Aviam Soifer, Moderator  
Boston University School of Law

Discussants: Norma Basch  
Rutgers University, Newark

Robert J. Cottrol  
Boston College Law School

Stephen Diamond  
Yeshiva University, Cardozo School of Law

H. C. Macgill  
University of Connecticut School of Law

Martha L. Minow  
Harvard University Law School

Friday, October 24

## The Regulation of Morality and Poverty in Canadian History

3:45 p.m.-5:30 p.m., University Room

Louis A. Knafla, Chair  
University of Calgary

*'White Slavers': The Reform of Canada's Prostitution Laws  
and Patterns of Enforcement, 1900-1920*

John P.S. McLaren  
University of Calgary Faculty of Law

*The Administration of the Vagrancy Laws in Late  
Nineteenth-Century Halifax*

Jim Phillips  
Dalhousie University

Comments: Hamar R.K. Foster  
University of Victoria Faculty of Law

Louis A. Knafla

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## Reception

6:00 p.m. -8:00 p.m.,

Barristers' Lounge  
Osgoode Hall

130 Queen Street West

Sponsored by the Law Society of Upper  
Canada, The Osgoode Society, and  
Osgoode Hall Law School

**Directions:** Take the subway from the Museum  
station, which is two hundred yards south of the  
Park Plaza Hotel on the Queen's Park  
continuation of Avenue Road, three stations  
south to the Osgoode station. Enter Osgoode  
Hall by the door on the east (City Hall Square)  
side.



Saturday, October 25

## ***The Ancient Constitution Revisited***

8:30 a.m.-11:15 a.m., French Room

Howard A. Nenner, Moderator  
Smith College

Discussants: J.G.A. Pocock  
The Johns Hopkins University

Paul Christianson  
Queen's University

William E. Nelson  
New York University School of Law

Corinne C. Weston  
Lehman College, City University of New York

Robert I. Willman  
Mississippi State University

Saturday, October 25

## ***The Transformation of Punishment in England and North America, 1750-1850***

8:30 a.m.-11:15 a.m., University Room

Peter N. Oliver, Chair  
York University

*Capital Punishment in England, 1750-1820*

Douglas Hay  
Osgoode Hall Law School

*The Problem of Capital Punishment in America, 1750-1850*  
Louis Masur  
University of California, Riverside

*The Role of Imprisonment in the Political Economy of  
Penal Reforms, 1770-1830: Reflections in the Light of the  
Quebec Case*

Jean-Marie Fecteau  
University of Quebec at Montreal

Comments: A Roger Ekirch  
Virginia Polytechnic Institute  
and State University

Adam J. Hirsch  
Florida State University College of Law

Peter N. Oliver

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## **General Address**

11:30 a.m.-12:30 p.m., Gold Room

*Legal Theory and Legal History*

Morton J. Horwitz  
Harvard University Law School

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## **Luncheon**

12:30 p.m., Plaza Room

Presiding: Barbara A. Black  
Columbia University School of Law  
President, American Society for Legal History

Address: The State of the Society

Saturday, October 25

## ***The State and the Unions: New Trends in Labor Historiography***

1:45 p.m.-3:20 p.m., French Room

Robert W. Gordon, Moderator  
Stanford Law School

Discussants: Christopher L. Tomlins  
La Trobe University

Melvyn Dubofsky  
State University of New York, Binghamton

William E. Forbath  
University of California at Los Angeles School of Law

Karl E. Klare  
Northeastern University School of Law

Joel Rogers  
University of Miami School of Law

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## **Debt and Debt Collection in England**

1:45 p.m.-3:20 p.m., University Room

James C. Oldham, Chair  
Georgetown University Law Center

*Debt Collection in Nineteenth-Century England*  
Clinton W. Francis  
Northwestern University School of Law

*Imprisonment for Debt: Process of Legal Change*  
Paul H. Haagen  
Duke University School of Law

Comments: James W. Ely, Jr.  
Vanderbilt University School of Law

John V. Orth  
University of North Carolina School of Law

Saturday, October 25

## **The Business Law of Slavery**

3:30 p.m.-5:00 p.m., French Room

Robert J. Cottrol, Chair  
Boston College Law School

*Consumer Protection and the Law of Slave States in the  
Nineteenth Century: A Caveat Concerning Caveat Emptor*  
Andrew Fede  
Bogota, New Jersey

*'Guaranteed against the Vices and Maladies Prescribed by  
Law': Consumer Protection, the Law of Slave Sales, and the  
Supreme Court in Antebellum Louisiana, 1809-1862*  
Judith Schafer  
Murphy Institute of Political Economy  
Tulane University

*Can a Slave Be a 'Fellow Servant'? Industrial Accidents,  
Slavery, and Southern Courts*  
Paul Finkelman  
State University of New York, Binghamton

Comments: Raymond T. Diamond  
Louisiana State University Law Center

Robert J. Cottrol

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## **Medieval Dispute Settlement**

3:30 p.m.-5:00 p.m., University Room

Geoffrey Koziol, Chair  
Harvard University

*Early Medieval Southern France*  
Patrick Geary  
University of Florida

*England*  
Paul Hyams  
Pembroke College, Oxford

*Iceland*  
William I. Miller  
University of Michigan Law School

Comments: Geoffrey Koziol



# American Society for Legal History

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Thomas B. Smith  
Andre Tunc  
Franz Wieacker

### *Studies in Legal History*

G. Edward White, University of Virginia  
School of Law

## Schedule of Forthcoming Meetings of the Society

October 23-24, 1987  
Sheraton Society Hill Hotel  
Philadelphia, Pennsylvania

October 21-22, 1988  
Charleston, South Carolina

October 20-21, 1989  
San Francisco, California

## 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 a Judicial Body, 1800-1976*. (1978)  
Stephen D. White, *Sir Edward Coke and "The Grievances of the Commonwealth," 1621-1628*. (1979)  
David Thomas Konig, *Law and Society in Puritan Massachusetts, Essex County, 1629-1692*. (1979)  
Richard A. Cosgrove, *The Rule of Law: Albert Venn Dicey, Victorian Jurist*. (1980)  
Michael S. Hindus, *Prison and Plantation: Crime, Justice, and Authority in Massachusetts and South Carolina, 1767-1878*. (1980)  
Paul Finkelman, *An Imperfect Union: Slavery, Federalism, and Comity*. (1981)  
Robert C. Means, *Underdevelopment and the Development of Law: Corporations and Corporation Law in Nineteenth Century Colombia*. (1980)  
On the Law and Customs of England: *Essays in Honor of S.E. Thorne*, edited by Morris S. Arnold, Thomas A. Green, Sally A. Scully, and Stephen D. White. (1981)  
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 from the 1850s to the 1980s*. (1983)
- Hendrik Hartog, *Public Property and Private Power: The Corporation of the City of New York in American Law, 1730-1870*. (1983)
- R. Kent Newmyer, *Supreme Court Justice Joseph Story: Statesman of the Old Republic*. (1985)
- Norman Rosenberg, *Protecting the Best Men: An Interpretive History of the Law of Libel*. (1986)
- Michael Grossberg, *Governing the Hearth: Law and the Family in Nineteenth Century America*. (1985)
- Marylynn Salmon, *Women and the Law of Property in Early America*. (1986)
- Laura Kalman, *Legal Realism at Yale, 1927-1960*. (1986)
- Stephen D. White, *Custom, Kinship, and Gifts to Saints*. (forthcoming)
- James Oldham, *Unpublished Legal Papers of Lord Mansfield*. (forthcoming)
- John Henry Schlegel, *American Legal Realism and Empirical Social Science*. (forthcoming)

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 \$10.00 for student members, \$18.00 for regular members, \$35.00 for sustaining members, \$30.00 for institutional members, \$100.00 for sponsoring members, and \$400.00 for life 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 30303-3092.



