

THE TWENTY-FIRST BRITISH LEGAL HISTORY CONFERENCE, UNIVERSITY OF GLASGOW, 2013

LAW AND AUTHORITY

PROGRAMME

- All breaks for coffee/tea, and lunches, are in the Atrium of the Wolfson Medical Building, where publishers' stands will also be located.
- Conference sessions are held either in the Boyd Orr Building, or the Wolfson Medical Building. These buildings face one another across University Avenue, not far from the junction with Byres Road, and the conference lecture theatres are on the ground floors of each building.
- Please consult the Delegate List at the end of this booklet to check that you are correctly registered for the first-night dinner and the conference dinner.

Wednesday 10 July 2013

Delegates should confirm their arrival and collect their conference programme, and related materials, from the Atrium of the Wolfson Medical Building, University Avenue (150 metres for the junction with Byres Road), **from 2.30pm** onwards.

From 3pm **Tea/coffee** Atrium

4.00 – 5.00 pm **Plenary session I** Boyd Orr Building Lecture Theatre 1 (CHAIR: Professor Mark Godfrey):

Dr John Ford, Gonville and Caius College, Cambridge, 'Conciliar Authority and Equitable Jurisdiction in Early Modern Scotland'

5.10 – 6.20 pm **Parallel sessions I:**

| | | |
|---|--|---|
| A: Boyd Orr Building Lecture Theatre 1 CHAIR: Prof Hector MacQueen | B: Boyd Orr Building Lecture Theatre 2 CHAIR: Prof Chantal Stebbings | C: Wolfson Medical Building Yudowitz Seminar Room 1 CHAIR: Prof Aniceto Masferrer |
| Prof Paul Brand , All Souls College, Oxford, 'The judicial interpretation of legislation in later thirteenth and early fourteenth century England' | Prof Joshua Getzler , University of Oxford, 'Authority of secular courts over established and non-established faiths - Lord Eldon and the Scottish dissent cases' | Dr Agustín Parise , University of Maastricht, 'Forging Authority through Legal Transplantation: Looking at European Private Laws and the Evolution of Ownership in American Civil Law Jurisdictions' |
| Dr Thomas J McSweeney , Cornell Law School, 'A Decretal Collection for English Law: Bracton's Note Book Reconsidered' | Dr Adam Hofri-Winogradow , Hebrew University of Jerusalem, 'Colonial Subversion: the Subversive Uses of Trust-forms in the Late British Empire' | Dr Seán Patrick Donlan , University of Limerick, 'Law and authority in the American Orleans: Territory and Spanish West Florida, c.1803-1810' |

6.30 – 7.30 pm: The *Journal of Legal History* Drinks Reception, Atrium of the Wolfson Medical Building

7.30 pm: Dinner, The Ubiquitous Chip, Ashton Lane (reached from University Avenue by the lane on the left-hand side of the Boyd Orr Building)

Thursday 11 July 2013

9.00-10.45 Parallel sessions II:

| | | |
|--|---|--|
| A: Boyd Orr Building Lecture Theatre 1 CHAIR: Dr Neil Jones | B: Boyd Orr Building Lecture Theatre 2 CHAIR: Catharine MacMillan | C: Wolfson Medical Building Yudowitz Seminar Room 1 CHAIR: Prof Ernest Metzger |
| Dr Andrew Simpson , University of Aberdeen, 'Legislation and Authority in Early Modern Scotland' | Dr Matt Dyson , Trinity College, Cambridge, 'Why English civil law has not developed to return specific property' | Andrea Dolcetti , St. Hilda's College, Oxford, 'Imperial sovereignty and jurisdiction in Dante's <i>Monarchia</i> ' |
| Prof David Ibbetson , University of Cambridge, 'Case Law and Authority in Early Modern England' | Dr Sean Thomas , University of Leicester, 'The Mishandled Development of the Implied Terms on Quantity in the Law of Sale of Goods' | Dr Carolyn Sale , University of Alberta, 'St. German's Literary Common Law: <i>Salem and Bizance</i> (1533) and <i>The Addicions of Salem and Bizance</i> (1534)' |
| Prof Dr Peter Oestmann , Westfälische Wilhelms-Universität Münster, 'The Authority of the Spoken and Written Word in Early Modern Courts' | Dr Janwillem Oosterhuis , University of Maastricht, 'Goal-oriented Formalism: A Comparison between Dutch, French and German Judicial Decisions about Betrothal, Marriage and Parental Authority in the 19 th Century' | Prof Yasunori Kasai , University of Tokyo, 'The authority of law in the Greek forensic oratory – the law as evidence and the lawgiver' |

10.45-11.15 Coffee/Tea Atrium

11.15-1.00 Parallel sessions III:

| | | |
|---|--|--|
| A: Boyd Orr Building Lecture Theatre 1 CHAIR: Prof Michael Lobban | B: Boyd Orr Building Lecture Theatre 2 CHAIR: Dr Phil Handler | C: Wolfson Medical Building Yudowitz Seminar Room 1 CHAIR: Prof Anthony Musson |
| Prof Paul D Halliday , University of Virginia, 'Voice, Manuscript, Print: Early Modern Technologies of Authority' | Dr Thomas Krause , Christian-Albrechts-Universität, Kiel, 'The Exercise of the Royal Prerogative of Mercy in the Reigns of George I and George II' | Tom Johnson , Birkbeck College, University of London, 'Authority and authoritativeness: jurisdictions and defamation in late-medieval London' |
| Dr Kent Lerch , Goethe University, Frankfurt am Main, 'Mapping the Law: Systematics in Eighteenth-Century Jurisprudence' | Dr David Plater , University of South Australia, 'Petit Treason, the Female Offender and the exercise of the Death Penalty and Prerogative of Mercy in 19 th century Britain and colonial Australia' | Sarah Crawford , University of Sydney, 'Contesting Authority: Legal Manoeuvring by Spouses in late medieval England' |
| Prof Simon Stern , University of Toronto, 'The Authority of Method: The Rise of Legal Analysis' | Dr Conor Hanly , National University of Ireland Galway, 'Criminal Prosecution in Victorian England' | Paul Barber , University of Leuven, 'By Authority': the legal basis of Parker's Table of Kindred and Affinity' |

1.00 – 2.00 Lunch Atrium

Thursday 11 July continued

2.00-3.45 Parallel sessions IV:

| | | |
|---|--|--|
| A: Boyd Orr Building Lecture Theatre 1 CHAIR: Prof W R Cornish | B: Boyd Orr Building Lecture Theatre 2 CHAIR: Dr John Ford | C: Wolfson Medical Building Yudowitz Seminar Room 1 CHAIR: Dr Andrea Jarman |
| Prof Stephen Waddams , University of Toronto, 'The Authority of Treatises in Nineteenth-Century English Law' | Prof Dr Andreas Thier , University of Zürich, 'History and the Justification of Governmental Authority and Individual Rights in the Age of John Locke and Samuel Pufendorf' | Prof Thomas Glyn Watkin , Bangor University & Cardiff Law School, 'Jurisdiction and Judicial Authority: the View from Wales' |
| Dr Elena Cooper , Trinity Hall, Cambridge, 'The Authority of "Authorship": Copyright and the <i>Oxford English Dictionary</i> in the Nineteenth Century' | Dr Clare Jackson , Trinity Hall, Cambridge, 'Secular theology, religious latitude and the authority of the civil magistrate in George Mackenzie's <i>Religio Stoici</i> (1663)' | Dr Laura Cahillane , University College, Cork, 'British and Irish negotiations on the Irish Free State Constitution – Authority and Legitimacy' |
| Dr Barbara Lauriat , King's College, London, 'Classical Credentials for Copyright: Uses of Roman Authority in Copyright Law and Legal Writing' | Prof Ernest Metzger , University of Glasgow, 'Adam Smith's Glasgow Lectures: 250 years on' | Scott Styles , University of Aberdeen, 'Law, Authority, Legitimacy and National Identity: England, Scotland and Ireland 1500-2012' |

3.45-4.15 Tea/coffee Atrium

4.15-6.00 Parallel sessions V:

| | | |
|---|---|--|
| A: Boyd Orr Building Lecture Theatre 1 CHAIR: Prof Ray Cocks | B: Boyd Orr Building Lecture Theatre 2 CHAIR: Dr Ian Williams | C: Wolfson Medical Building Yudowitz Seminar Room 1 CHAIR: Prof Jonathan Rose |
| Prof Chantal Stebbings , University of Exeter, 'The Authority of Law in a Bureaucratic Framework: the Nineteenth-century Medicine Stamp Duty' | Dr Adolfo Giuliani , Facoltà di Giurisprudenza, Università di Perugia, 'Judicial authority and judicial facts in the Senate of Milan' | Dr des. Carsten Fischer , University of Zürich, 'Changing patterns of authority: Disputes over fiefs and vassals in 12th-century Germany' |
| Dr John Avery Jones , Pump Court Tax Chambers/University of Leiden, 'Legislation and the Authority over Income Tax: a Century of Following the Letter (but not the Spirit) of the Legislation' | Dr Kelly De Luca , Algoma University, 'The Conception of Sovereign Immunity in Alberico Gentili's <i>De Legationibus</i> ' | Sandro Wiggerich , Westfälische Wilhelms-Universität Münster, 'Soldiers in Court: "Forum militare" and Jurisdictional Conflicts in Early Modern Germany' |
| Dr Kevin Costello , School of Law, University College Dublin, '"Fortunately there remains a remedy": Judicial review of justices' liquor licensing decisions 1820- 1920' | Dr Raymond Kubben , University of Tilburg, 'Between authority and justice: the rise of the state, rebels, and <i>auctoritas</i> as just war condition' | Prof Emi Matsumoto , Aoyama Gakuin University, Japan, 'Conflicts of jurisdictions seen from the viewpoint of authority – French commercial courts and the ordinary courts under the Old Regime' |

6.30-7.30 pm Civic Reception, Glasgow City Chambers, George Square (city centre – transport by private coach will be provided from outside the conference venues on University Avenue, and the coaches will return delegates who so wish to the university afterwards; note that delegates are responsible for making their own arrangements for dinner, and will receive separate guidance on restaurants in the city centre and in the West End near the university)

Friday 12 July 2013

9.00-10.45

Parallel sessions VI:

| | | |
|--|---|--|
| A: Boyd Orr Building Lecture Theatre 1 CHAIR: Prof Dirk Heirbaut | B: Boyd Orr Building Lecture Theatre 2 CHAIR: Dr Mike Macnair | C: Wolfson Medical Building Yudowitz Seminar Room 1 CHAIR: Prof John Finlay |
| Prof Dr Albrecht Cordes , Goethe University, Frankfurt am Main, 'Feuds among friends. Conflict resolution within the Hanseatic staples' | Prof Sara M. Butler , Loyola University, New Orleans, 'Professional Jurors, Crown Officials and Medical Men: Who were Coroners' Jurors in Medieval England?' | Dr Andrea Jarman University of Bournemouth, 'Law and Authority: Custom, Riot and Recreation in Nineteenth-century Scotland' |
| Dr Guido Rossi , University of Edinburgh, 'Custom and authority: London insurance in the late sixteenth century' | Prof Krista J. Kesselring , Dalhousie University, "'In Corona Populi": Early Modern Coroners and their Inquests' | Prof Michael Stuckey , University of New England, Australia, 'The study of English national history by Sir Francis Palgrave: the original use of the national records in an imaginative historical narrative' |
| Prof Heikki Pihlajamäki , University of Helsinki, 'Conceptions of authority in commercial law: a view from the seventeenth-century Swedish sources' | Dr Katherine D. Watson , Oxford Brookes University, 'Prosecuting Homicide on the Coroner's Inquisition during the Long Eighteenth Century' | Kenneth Campbell QC , Faculty of Advocates, "'Takin' doon ma very words": the trials of early Scots law reporters' |

10.45-11.15

Coffee/Tea Atrium

11.15-1.00

Parallel sessions VII:

| | | |
|---|---|---|
| A: Boyd Orr Building Lecture Theatre 1 CHAIR: Prof David Ibbetson | B: Boyd Orr Building Lecture Theatre 2 CHAIR: Richard Ireland | C: Wolfson Medical Building Yudowitz Seminar Room 1 CHAIR: Dr Guido Rossi |
| Dr Neil Jones , Magdalene College, Cambridge, 'The Authority of Parliament and the Scope of the Statute of Uses 1536' | Prof Raymond Cocks , University of Keele, 'The Creation of the Indian High Court in the 1860s' | Prof Aniceto Masferrer , University of Valencia, 'Law as Command in the 18th-century Jurisprudence: Rousseau and the Death of Natural Rights' |
| Dr Ian Williams , University College, London, 'Developing a Prerogative Theory for the Authority of the Chancery: the French Connection' | Mieke van der Linden , Tilburg University, 'The Authority of Treaties between Europeans and Africans in the Age of New Imperialism (1870-1914): "ein Stück Papier mit Negerkreuzen darunter"?' | Prof Dr Marcel Senn , University of Zürich, "'Law and Authority" – A political paradigm by Thomas Hobbes, and the reasons for the different reception in the USA, England and Germany' |
| David P. Waddilove , St John's College, Cambridge, 'Emmanuel College v Evans, the Equity of Redemption, and Early-Modern Litigation' | Prof David V. Williams , University of Auckland, 'Law and Authority in colonial Tanganyika' | Prof Dr Ulrike Müßig , University of Passau, 'The constitution makers after 1830/1831: European Constitutionalism between monarchical and popular sovereignty' |

1.00-2.00

Lunch Atrium

Friday 12 July continued

2.00-3.45 Parallel sessions VIII:

| | | |
|--|---|---|
| A: Boyd Orr Building Lecture Theatre 1 CHAIR: Dr Andrew Simpson | B: Boyd Orr Building Lecture Theatre 2 CHAIR: Dr Charlotte Smith | C: Wolfson Medical Building Yudowitz Seminar Room 1 CHAIR: Prof Paul Brand |
| Dr Thomas Green , University of Edinburgh, 'The Authority of the Sources of early Scots Consistorial Law, 1564 to 1573' | Dr Phil Handler , University of Manchester, 'The authority of early nineteenth-century English criminal law' | Prof Anthony Musson , University of Exeter, "'Worthy to be written in letters of gold": image and law's authority' |
| Prof John Finlay , University of Glasgow, "'Union issues" in eighteenth-century Scotland' | Cerian Griffiths , Birkbeck College, University of London, 'To what extent did the attitude and behaviour of Grand Jurors undermine the authority of the Grand Jury itself in the Nineteenth Century?' | Dean Rowland , Institute of Historical Research, London, 'Machlinia and Lettou's <i>Nova Statuta</i> and its aftermath: editing and translating an early English printed law book' |
| Lukasz Jan Korporowicz , University of Lodz, 'The Authority of Civil Law in the Judgements of the House of Lords before 1800' | Dr Sally Hadden , Western Michigan University, 'Instruction, Suggestion, and Evolution: The Changing Character of Grand Jury Charges, 1783-1840' | Dr Gwen Seabourne , University of Bristol, 'Humour and authority in the medieval common law' |

3.45-4.15 Tea/coffee Atrium

4.15-5.25 Parallel sessions IX:

| | | |
|---|---|---|
| A: Boyd Orr Building Lecture Theatre 1 CHAIR: Prof Joshua Getzler | B: Boyd Orr Building Lecture Theatre 2 CHAIR: Dr Adelyn Wilson | C: Wolfson Medical Building Yudowitz Seminar Room 1 CHAIR: Dr Mia Korpiola |
| Prof David M. Rabban , University of Texas at Austin, 'The Antiformalist Challenge to Authority in American Legal Thought' | Dr Jennifer Wells , Brown University, 'Quelling the State: Imposition and Resistance to Law in Post-Conquest Cromwellian Ireland and Scotland' | Prof Jonathan Rose , Arizona State University, 'Understanding the Law of Maintenance' |
| Prof Dr Hans-Peter Haferkamp , University of Cologne, 'Formalism and Antiformalism in alliance with and against Authority' | Dr Aaron Graham , Jesus College, Oxford, 'Corruption, Law and Authority in Eighteenth Century England' | Dr Elizabeth Papp Kamali , University of Michigan, 'The Authority to Bind and Loose: Guilt Assessment in Medieval England' |

5.30 – 6.30 Plenary session II Boyd Orr Building Lecture Theatre 1 (CHAIR: Professor Mark Godfrey):

Professor Dr Alain Wijffels, Catholic University of Louvain-la-Neuve, University of Leiden & Centre National de la Recherche Scientifique of France, 'Legal Arguments in the English-Hanseatic Commercial Controversies, 1400-1700'

6.30-7.30 pm: Glasgow University Regius Chair of Law Tercentenary Drinks Reception, West Quadrangle, Gilbert Scott Building, Main Campus (adjacent to entrance to the Bute Hall from the Undercroft/Cloisters – all delegates are invited whether or not they have also booked for the subsequent conference dinner)

7.30 pm: Conference Dinner, Bute Hall, Gilbert Scott Building, Main Campus (only for those who booked specifically to attend the conference dinner)

Saturday 13 July 2013

9.00-10.45 Parallel sessions X:

| | | |
|---|---|--|
| A: Boyd Orr Building Lecture Theatre 1 CHAIR: Dr des. Carsten Fischer | B: Boyd Orr Building Lecture Theatre 2 CHAIR: Prof David Williams | C: Wolfson Medical Building Yudowitz Seminar Room 1 CHAIR: Dr Kent Lerch |
| Dr Mia Korpiola , University of Helsinki, “Not without the Assent and Consent of the Common People:” The Community as a Legal Authority in Medieval Sweden’ | Prof Dana Rabin , University of Illinois, Urbana-Champaign, ‘Empire on Trial: Slavery, Villeinage and Law in Imperial Britain’ | Prof Michael Lobban , Queen Mary, London, ‘The Commissioners for Claims on France and the case of the Baron de Bode, 1815-1861’ |
| Prof Dirk Heirbaut , University of Ghent, ‘The 1128 Ghent revolt: the earliest successful experiment in parliamentarism, democracy and popular sovereignty in Western Europe?’ | Sarah Levine-Gronningsater , University of Chicago, “‘The Birthright of Every American’”: British Common Law and American Antislavery’ | Dr Benjamin Lahusen , University of Rostock, ‘The Administration of Normality: German Law and German Society 1944-1952’ |
| Jaqueline Bemmer , Jesus College, Oxford, ‘The Authority of Early Medieval Irish Law’ | Prof Patricia Hagler Minter , Western Kentucky University, “‘The State of Slavery’”: <i>Somerset, The Slave Grace</i> , and the Rise of Pro-Slavery and Anti-Slavery Constitutionalism in the Nineteenth-Century Atlantic World’ | Prof Dolores Freda , Università degli Studi di Napoli Federico II, ‘The Italian migration laws between 19 th and 20 th centuries and their enforcement by the criminal courts of justice’ |

10.45-11.15 Coffee/Tea Atrium

11.15-12.45 Plenary session III Boyd Orr Building Lecture Theatre 1 (CHAIR: Professor Thomas Watkin):

Professor Sir John Baker, University of Cambridge, ‘Dafydd Jenkins and the British Legal History Conference’**Professor John Hudson**, University of St Andrews, ‘Maitland and Austin: Legal History and Legal Thought in the Late Nineteenth Century’**Closing remarks:** Professor Mark Godfrey, University of Glasgow

12.45-2pm Lunch Atrium