

THE SHAPING OF
NINETEENTH-CENTURY
LAW

John Appleton
and Responsible Individualism

DAVID M. GOLD

Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism

C. J. W. Allen



Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism:

The Shaping of Nineteenth-Century Law David M. Gold, 1990-06-27 John Appleton was a prominent American lawyer who practiced in and around Bangor Maine beginning in the early 1820s and earned a national reputation as Chief Justice of Maine's supreme court Through a study of Appleton's life and thought Gold shows how the commitment to individual liberty and personal responsibility helped shape nineteenth century American law By tracing Appleton's life and law practice the book addresses an aspect of early American culture that has received little attention the nature of American individualism as embodied in the law The book contributes to American legal historiography in other ways It is one of just a handful of serious studies of state judges It adds to the current revisionist interpretation of laissez faire constitutionalism Finally it sheds light on some little studied areas of legal history in particular the history of the law of evidence Recently some historians have recognized that law in the nineteenth century incorporated broadly held social values or world views and a few have written on the relationship between law and individualism Gold contends these scholars have associated American individualism with self reliance in the nineteenth century and nonconformity in the twentieth Gold shows there is another side to individualism with self reliance in the nineteenth century and nonconformity in the twentieth Americans lived in society therefore their relations with one another had to be ordered While they believed in freedom of action they also believed that individuals had to be responsible for the effects of their actions on others The book is ideal reading for all students of American legal history in particular and American history in general

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An Exemplary Whig David

M. Gold,2012-07-06 Historians have paid surprisingly little attention to state level political leaders and judges Edward Kent 1802 77 was both He served three terms as a state legislator two as mayor of Bangor two as governor and two as a judge of the state supreme court He represented Maine in the negotiations that resolved the long running northeastern border dispute between the United States and Great Britain and served for four years as the American consul in Rio de Janeiro The foremost Whig in Maine state politics and later a Republican judge Kent articulated classic Whig political views and carried them forward into his Whig Republican jurisprudence In examining Kent s career as Maine s quintessential Whig An Exemplary Whig reveals his characteristically conservative Whig outlook including an aversion toward disorder and a deep respect for law for existing institutions and for the wisdom of experience Kent brought his conservative disposition into the Republican Party He had no use for radical abolitionism preferring moderation and compromise to measures that endangered social order or the integrity of the Union Kent saw the slave power not abolitionism as the disrupter of the Union and he urged the fusion of all antislavery elements into a new Republican party In 1859 Maine s Republican governor appointed Kent to the state supreme court During his fourteen year tenure Kent adopted a Whiggish jurisprudence pragmatic and commonsensical and displayed a reverence for the common law and a distrust of theoretic speculation After his retirement he chaired a constitutional revision commission admonishing his fellow commissioners to bear in mind the practical wisdom that kept dangerous innovation in check As a politician during the Jacksonian era Kent exemplified Whig leadership at the local and state levels In his jurisprudence he carried the Whig persuasion into the Republican ascendancy and the beginnings of the Gilded Age

The Law of Evidence in Victorian England C. J. W. Allen,1997-09-04 In The Law of Evidence in Victorian England which was originally published in 1997 Christopher Allen provides a fascinating account of the political social and intellectual influences on the development of evidence law during the Victorian period His book sets out to challenge the traditional view of the significance of Jeremy Bentham s critique of the state of contemporary evidence law and shows how statutory reforms were achieved for reasons that had little to do with Bentham s radical programme and how evidence law was developed by common law judges in a way diametrically opposed to that advocated by Bentham Dr Allen s meticulous account provides a wealth of detail into the functioning of courts in Victorian England and will appeal to everyone interested in the English legal system during this period

Women, Money, and the Law Joyce W. Warren,2009-09 Did 19th century American women have money of their own To answer this question Women Money and the Law looks at the public and private stories of individual women within the context of American culture assessing how legal and cultural traditions affected women s lives particularly with respect to class and racial differences and analyzing the ways in which women were involved in economic matters Joyce Warren has uncovered a vast untapped archive of legal documents from the New York Supreme Court that had been expunged from the official record By exploring hundreds of court cases involving women litigants between 1845 and 1875 women whose stories had in effect been erased from history and by studying the

lives and works of a wide selection of 19th century women writers Warren has found convincing evidence of women's involvement with money The court cases show that in spite of the most egregious gender restrictions of law and custom many 19th century women lived independently coping with the legal and economic restraints of their culture while making money for themselves and often for their families as well They managed their lives and their money with courage and tenacity and fractured constructed gender identities by their lived experience Many women writers even when they did not publicly advocate economic independence for women supported themselves and their families throughout their writing careers and in their fiction portrayed the importance of money in women's lives Women from all backgrounds some defeated through ignorance and placidity others as ruthless and callous as the most hardened businessmen were in fact very much a part of the money economy Together the evidence of the court cases and the writers runs counter to the official narrative which scripted women as economically dependent and financially uninvolved Warren provides an illuminating counternarrative that significantly questions contemporary assumptions about the lives of 19th century women Women Money and the Law is an important corrective to the traditional view and will fascinate scholars and students in women's studies literary studies and legal history as well as the general reader *The Great South Carolina Ku Klux Klan Trials, 1871-1872* Lou Falkner Williams, 2004 It is remarkable that the most serious intervention by the federal government to protect the rights of its new African American citizens during Reconstruction and well beyond has not until now received systematic scholarly study In *The Great South Carolina Ku Klux Klan Trials* Lou Falkner Williams presents a comprehensive account of the events following the Klan uprising in the South Carolina piedmont in the Reconstruction era It is a gripping story one that helps us better understand the limits of constitutional change in post Civil War America and the failure of Reconstruction The South Carolina Klan trials represent the culmination of the federal government's most substantial effort during Reconstruction to stop white violence and provide personal security for African Americans Federal interventions suspension of habeas corpus in nine counties widespread undercover investigations and highly publicized trials resulting in the conviction of several Klansmen are all detailed in Williams's study When the trials began the Supreme Court had yet to interpret the Fourteenth Amendment and the Enforcement Acts Thus the fourth federal circuit court became a forum for constitutional experimentation as the prosecution and defense squared off to present their opposing views The fate of the individual Klansmen was almost incidental to the larger constitutional issues in these celebrated trials It was the federal judge's devotion to state centered federalism not a lack of concern for the Klan's victims that kept them from embracing constitutional doctrine that would have fundamentally altered the nature of the Union Placing the Klan trials in the context of postemancipation race relations Williams shows that the Klan's campaign of terror in the upcountry reflected white determination to preserve prewar racial and social standards Her analysis of Klan violence against women breaks new ground revealing that white women were attacked to preserve traditional southern sexual mores while crimes against black women were designed primarily to

demonstrate white male supremacy Well written cogently argued and clearly presented this comprehensive account of the Klan uprising in the South Carolina piedmont in the late 1860s and early 1870s makes a significant contribution to the history of Reconstruction and race relations in the United States Great American Judges John R. Vile,2003-06-23

Inspiring and instructive biographies of the 100 most influential judges from state and federal courts in one easy to access volume Great American Judges profiles 100 outstanding judges and justices in a full sweep of U S history Chosen by lawyers historians and political scientists these men and women laid the foundation of U S law A complement to Great American Lawyers together these two volumes create a complete picture of our nation s top legal minds from colonial times to today Following an introduction on the role of judges in American history are A Z biographical entries portraying this diverse group from extraordinarily different backgrounds Students and history enthusiasts will appreciate the accomplishments of these role models and the connections between their inspiring lives and their far reaching legal decisions William Rehnquist Oliver Wendell Holmes Jr and 12 other Supreme Court justices are found alongside federal judges like Skelly Wright who ordered school desegregation in 1960 Influential state judges such as Rose Elizabeth Bird California s first woman Supreme Court Chief Justice are also featured **The Republic according to John Marshall Harlan** Linda Przybyszewski,2018-07-25

Supreme Court Justice John Marshall Harlan 1833 1911 is best known for condemning racial segregation in his dissent from Plessy v Ferguson in 1896 when he declared Our Constitution is color blind But in other judicial decisions as well as in some areas of his life Harlan s actions directly contradicted the essence of his famous statement Similarly Harlan was called the people s judge for favoring income tax and antitrust laws yet he also upheld doctrines that benefited large corporations Examining these and other puzzles in Harlan s judicial career Linda Przybyszewski draws on a rich array of previously neglected sources including the verbatim transcripts of his 1897 98 lectures on constitutional law his wife s 1915 memoirs and a compilation of opinions drawn up by Harlan himself that he wanted republished Her thoughtful examination demonstrates how Harlan inherited the traditions of paternalism nationalism and religious faith how he reshaped these traditions in light of his experiences as a lawyer political candidate and judge and how he justified the vision of the law he wrote An innovative combination of personal and judicial biography this book makes an insightful contribution to American constitutional and intellectual history *Understanding State Constitutions* G. Alan Tarr,2018-06-05 For many Americans the word constitution means just one thing the national Constitution According to a recent survey almost half do not know that individual states also have constitutions Scholars have also paid little attention to state constitutions favoring the apparently more dynamic and significant federal scene G Alan Tarr seeks to change that in this landmark book A leading authority on state legal issues he combines history law and political science to present a thorough and long needed account of the distinct and important role of state constitutions in American life Tarr shows that state constitutional politics are dominated by three crucial issues with little salience at the national level the distribution of power among groups and regions

within states the scope of state and local governmental authority and the relation of the state to economic activity He explains how state constitutions differ from the national Constitution in treating not only matters of high principle but also such mundane subjects as ski trails and motor vehicle revenues He also explores why state constitutions unlike their federal counterpart have been so frequently amended and replaced Tarr concludes that the United States not only has a system of dual constitutionalism but also has dual constitutional cultures Powerfully argued and meticulously researched the book fills an important gap in political and legal studies and finally gives state constitutions the scholarly attention they richly deserve

The History of Ohio Law Michael Les Benedict, John F. Winkler, 2004 In The Two Volume The History of Ohio Law distinguished legal historians practicing Ohio attorneys and judges present the history of Ohio law and the interaction between law and society in the state The first history of Ohio law in nearly seventy years and the most comprehensive compilation of essays on any state s law its twenty two topics range from the history of Ohio s constitutional conventions and legal institutions to the history of civil procedure evidence land use civil liberties and utility regulation The essays describe Ohio s legal institutions legal procedures and the substance of Ohio law as it has changed over time institutions have affected Ohio law and how the law has affected them The essays provide important information to practitioners and offer attorneys legal scholars historians and the public a broad understanding of the relationship between law and society in Ohio intersections between law and race gender and labor Insightful essays also discuss the development of Ohio s legal literature the impact of federal courts and Ohio s most important contributions to American constitutional development Written by twenty two leading lawyers and historians The History of Ohio Law will be the indispensable reference and invaluable first source for learning about law and society in Ohio

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