Law and History Review

Articles by
Lawrence M. Friedman
Ralph E. Giesey, Lanny Haldy
& James Millhorn
David M. Gold
David J. Ibbetson
Peter Lawson
Walter F. Pratt, Jr.

Review Essays by Janet Senderowitz Loengard Wilfred J. Ritz

Book Reviews

Volume 4

Spring 1986

Number 1

Law and History Review

Volume 4

Spring 1986

Number 1

Editor Russell K. Osgood Cornell Law School

Associate Editor Clive Holmes Cornell University Book Review Editor Adam Hirsch Florida State University College of Law

Barbara A. Black Columbia University School of Law

C. W. Brooks University of Durham

John W. Cairns University of Edinburgh

Paul Finkelman State University of New York at Binghamton

Robert W. Gordon Stanford Law School Douglas Hay Osgoode Hall Law School, York University

Editorial Board

R. H. Helmholz University of Chicago Law School

Michael Hoeflich University of Illinois College of Law

William E. Nelson New York University School of Law

L. R. Poos The Catholic University of America Stephen Presser Northwestern University School of Law

Marylynn Salmon University of Maryland Baltimore County

Richard Smith All Souls College Oxford

William M. Wiecek Syracuse University College of Law

Keith Wrightson Jesus College Cambridge

Kathleen E. Rourke, Managing Editor

Law and History Review is a semi-annual publication of Cornell Law School and the American Society for Legal History. The purpose of the *Review* is to further research and writing in the fields of the social history of law and the history of legal ideas and institutions. Publication of the *Review* is made possible in part by financial assistance provided by the Law-Milton and Eleanor Gould Fund.

The Editors welcome unsolicited manuscripts, books for review and suggestions concerning the *Review*. Manuscripts should be submitted to the editorial office at Cornell. The text should be typed, double-spaced, on $8\frac{1}{2}^{"} \times 11^{"}$ paper with ample margins on all sides. Footnotes should be typed, double-spaced, separate from the text. Footnotes should conform to the *Law and History Review* style sheet, a copy of which is available on request. Authors of accepted manuscripts should contact the editorial office regarding computer compatibility.

Editorial and business communications should be directed to Editor, *Law and History Review*, Cornell Law School, Myron Taylor Hall, Ithaca, NY 14853-4901 (telephone: 607/255-7477). ISSN 0738-2480

Subscription information can be found on the rear cover.

© 1986 Cornell University.

Table of Contents

Articles	
A Search For Seizure: Pennsylvania Coal Co. v. Mahon	1
in Context by Lawrence M. Friedman	1
Cardin Le Bret and Lese Majesty by Ralph E. Giesey, Lanny Haldy & James Millhorn	23
John Appleton of Maine and Commercial Law: Freedom, Responsibility, and Law in the Nineteenth Century Marketplace by David M. Gold	55
Words and Deeds: The Action of Covenant in the Reign of Edward Iby David J. Ibbetson	71
Property Crime and Hard Times in England, 1559–1624 by Peter Lawson	95
The Struggle for Judicial Independence in Antebellum North Carolina: The Story of Two Judges by Walter F. Pratt, Jr.	129
Review Essays	
Legal History and the Medieval Englishwoman: A Fragmented View by Janet Senderowitz Loengard	161
The Authentication of the Engrossed Declaration of Independence on July 4, 1776by Wilfred J. Ritz	179
Book Reviews	
Law School: Legal Education in America from the 1850's to the 1980's—Robert Stevens reviewed by Robert J. Cottrol	205
The Supreme Court and Constitutional Democracy— John Agresto reviewed by Paul L. Murphy	206
Law and Order in the New Guinea Highlands— Robert J. Gorden and Mervyn J. Meggitt reviewed by Dale A. Oesterle	209
Law, Economy and Society, 1750–1914: Essays in the History of English Law— G.R. Rubin and David Sugarman, eds. reviewed by John V. Orth	210

Crime in Seventeenth-Century England: A County Study— J.A. Sharpe	
Crime in Early Modern England 1550–1750–J.A. Sharpe reviewed by L.R. Poos	212
Criminal Proceedings in Colonial Virginia— Peter Charles Hoffer and William B. Scott, eds reviewed by H. Jefferson Powell	214
Justice Oliver Wendell Holmes & Utilitarian Jurisprudence— H. L. Pohlmanreviewed by Jeremy Rabkin	216
The New High Priests: Lawyers in Post-Civil War America— Gerald W. Gawalt, edreviewed by Mary K. Bonsteel Tachau	217

The Editor notes that this issue marks the departure of Professor Lloyd Bonfield of Tulane University School of Law, a founding editor of the *Review*.