

THE SHAPING OF
NINETEENTH-CENTURY
LAW

John Appleton
and Responsible Individualism

DAVID M. GOLD

Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism

Australia. High Court



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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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

Fundamentals of Neuroscience and the Law Erica Beecher-Monas, 2019-11-25 What does neuroscience tell us about voluntary movement Why is the definition of volition so different from that of the legal definition of intent Why are courts dismissing medically accepted mental health diagnoses How can we draft better laws that are more scientifically based What can recent advances in neuroscience tell us about the way we apply the law This volume provides groundbreaking insights into the areas of scientific evidence and the intersection of neuroscience and law and is the product of a collaboration by two experts in their respective fields It is a primer for all those interested in neurolaw

The Gilded Age Charles W. Calhoun, 2006-09-11 The United States that entered the twentieth century was vastly different from the nation that emerged from the Civil War Industrialization mass immigration the growing presence of women in the work force and the rapid advance of the cities had transformed American society Broad in scope *The Gilded Age* brings together sixteen original essays that offer lively syntheses of modern scholarship while making their own interpretive arguments These engaging pieces allow students to consider the various societal cultural and political factors that make studying the Gilded Age crucial to our understanding of America today Charles W Calhoun connects all of these essays with a comprehensive introduction that places each article in an understandable historical context For the second edition of this successful book each essay was revised and three new pieces have been added that explore technology consumerism intellectual life and race in late nineteenth century America

Legal Science in the Early Republic , Steven J. Macias, 2016-05-31 This work examines the intellectual motivations behind the concept of legal science the first coherent American jurisprudential movement after Independence Drawing mainly upon public but also private sources this book considers the goals of the bar s professional leaders who were most adamant and deliberate in setting out their visions of legal science It argues that these legal scientists viewed the realm of law as the means through which they could express their hopes and fears associated with the social and cultural promises and perils of the early republic Law perhaps more so than literature or even the natural sciences provided the surest path to both national stability and international acclaim While legal science yielded the methodological tools needed to achieve these lofty goals its naturalistic foundations more importantly were at least partly responsible for the grand impulses in the first place This book first considers the content of legal science and then explores its application by

several of the most articulate legal scientists working and writing in the early republic **Lochner V. New York** Paul Kens,1998 On the case of Joseph Lochner a baker in Utica N Y charged in 1901 with violating the New York Bakeshop Act of 1895 by requiring an employee to work more than 60 hours in one week **The Reconstruction Justice of Salmon P. Chase** Harold Melvin Hyman,1997 The demise of the Confederacy left a legacy of legal arrangements that raised fundamental and vexing questions regarding the legal rights and status of former slaves and the status of former Confederate states As Harold Hyman shows few individuals had greater impact on resolving these difficult questions than Salmon P Chase chief justice of the United States Supreme Court from 1865 to 1873 Hyman argues that in two cases In Re Turner 1867 and Texas v White 1869 Chase combined his abolitionist philosophy with an activist jurisprudence to help dismantle once and for all the deposed machineries of slavery and the Confederacy In these cases Chase sought to consolidate the gains of the Civil War era while demonstrating that the war had both preserved the precious core characteristics of the federal union of states and fundamentally improved the nature of both private and public law In Re Turner was a private law case decided at the federal circuit level It involved a black woman s claim that she a recent slave was being held in involuntary servitude Elizabeth Turner s mother had apprenticed Elizabeth to their former master who had not abided by his contractual obligations to provide Elizabeth with training and compensation substantively keeping her in slavery Chase s decision which relied upon due process and equal protection implications in the thirteenth amendment and 1866 Civil Rights Act confirmed the rights of emancipated slaves to bargain and contract with employers on a parity with white workers Texas v White was a public law case decided in the Supreme Court It revolved around the issue of whether the holders of U S bonds seized and sold by the Confederate state of Texas could demand payment after the war from that state s newly reconstructed government In effect Chase and his associate justices were asked to determine the legality of actions committed by all former Confederate states and thus to define what constituted a state Chase s opinion reaffirmed the Union s permanence and that of the constituent states in the federal union and the states duty to respect the legal rights and obligations of all citizens because states were people as well as acreages and institutions Hyman s exemplary analysis of these cases reveals how their political legal and constitutional aspects were so inextricably interwoven They secured for Chase a rostrum for both moral and legal reform from which he asserted his strong views on the fundamental rights of individuals and states in an era of sporadically increasing federal power Hyman s study provides a much needed reevaluation of those cases both in the context of Chase s life and in terms of their mark on history Maine Historical Society Quarterly ,1991 *The Yale Biographical Dictionary of American Law* Roger K. Newman,2009-01-01 This book is the first to gather in a single volume concise biographies of the most eminent men and women in the history of American law Encompassing a wide range of individuals who have devised replenished expounded and explained law The Yale Biographical Dictionary of American Law presents succinct and lively entries devoted to more than 700 subjects selected for their significant and lasting influence on American

law Casting a wide net editor Roger K Newman includes individuals from around the country from colonial times to the present encompassing the spectrum of ideologies from left wing to right and including a diversity of racial ethnic and religious groups Entries are devoted to the living and dead the famous and infamous many who upheld the law and some who broke it Supreme Court justices private practice lawyers presidents professors journalists philosophers novelists prosecutors and others the individuals in the volume are as diverse as the nation itself Entries written by close to 600 expert contributors outline basic biographical facts on their subjects offer well chosen anecdotes and incidents to reveal accomplishments and include brief bibliographies Readers will turn to this dictionary as an authoritative and useful resource but they will also discover a volume that delights and entertains Listed in The Yale Biographical Dictionary of American Law John Ashcroft Robert H Bork Bill Clinton Ruth Bader Ginsburg Patrick Henry J Edgar Hoover James Madison Thurgood Marshall Sandra Day O Connor Janet Reno Franklin D Roosevelt Julius and Ethel Rosenberg John T Scopes O J Simpson Alexis de Tocqueville Scott Turow And more than 700 others

The Politics of Obscenity Joseph Kobylka, 1991-03-21 This study is an empirical analysis of how the fluctuating legal environment in the courts surrounding obscenity litigation over a thirty year period is an appropriate vehicle with which to demonstrate the dynamics of widespread group involvement in the judicial process Joseph F Kobylka traces how the development of the obscenity law from the 1957 Roth v United States decision which established the proscription of obscenity through its libertarian interpretation by the Warren court and its reaffirmation by the 1973 Miller v California decision necessitated changes in both the behaviors and strategies of libertarian and conservative groups in the active pursuit of their particular goals After a review of the shifts in the Supreme Court s doctrines concerning obscenity Kobylka identifies the various political interest groups and examines their motives goals and the factors both internal and external that determined their responses to Miller He concludes with a summary of findings confirming that the study s empirical approach yields a comprehensive understanding of the fluidity of group politics Specific group involvement is documented in the appendices and bibliographies furnish lists of books articles and a table of cases The Politics of Obscenity will be a useful authoritative volume for advanced courses in the judicial process and group politics and will also be invaluable to academic libraries political scientists and other scholars

The Commonwealth Law Reports Australia. High Court, 2007

The Iron Horse and the Constitution Richard C. Cortner, 1993-04-30 This is the first in depth analysis of American railroad litigation from the 1880s to 1910 that led to landmark decisions by the Supreme Court fundamentally altering the meaning of due process in American constitutional law and establishing a basic power of the federal courts to restrict state regulation over railroad rates This is the first book length study systematically to explore the impact of American railroads on the courts and the U S Constitution Historians political scientists and legal scholars interested in decisions that profoundly affected contemporary views on the Constitution and the political strategy and tactics used by the railroads to affect the judicial process will gain new insights from this study The introduction covers the disastrous defeat

that the railroads suffered at the hands of the Supreme Court in the 1877 Granger Cases when the roads first challenged governmental regulation of railroad rates Chapters 1 through 5 analyze their victories in the 1880s and 1890s as they sought to establish substantive due process as a valid doctrine Chapters 6 through 9 describe the subsequent litigation to circumvent the Eleventh Amendment's apparent bar to injunction suits against state officers in the federal courts culminating in a Supreme Court landmark decision of 1908 The epilogue shows how these decisions had a lasting impact on constitutional development in the United States in relation to civil liberties and contemporary constitutional law

Federal Bar News & Journal, 1990 **NYU Journal of Law & Liberty**, 2005 **Australian Journal of Legal History**, 2003 *Book Review Digest*, 1992 **Mental Disorder in the Criminal Process** Grant Morris, Allen C. Snyder, 1993-02-28 With its short and lively case history basic documents and expert commentary this text is an ideal teaching tool for all who want to evaluate for themselves how society deals with the mentally disordered in the criminal justice process A chronological account of Stan Stress's case and his obsessive belief in a Vietnam sports conspiracy is interlaced with evaluations by lawyers psychologists and psychiatrists and with the authors critiques and questions about key issues in the interface between law and psychiatry This multi purpose book offers invaluable background for students and teachers lawyers and mental health professionals to consider Stan Stress's case is an important one which raises major questions in the treatment of mentally disordered individuals who are involved in the criminal justice process The text consists of a brief introduction and six chapters which present the various stages of Stan's involvement in the criminal justice process between 1983 and 1989 The documents included at each stage are presented as they were made available at the time and commentary and questions connected with each period help the reader become actively involved in interpreting the case and the justice process as it unfolded Extensive end notes and a bibliography provide background and sources for further reading on the subject

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U.C. Davis Law Review University of California, Davis. School of Law, 2013

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Table of Contents Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism

1. Understanding the eBook Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism
 - The Rise of Digital Reading Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism
 - Advantages of eBooks Over Traditional Books
2. Identifying Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism
 - User-Friendly Interface
4. Exploring eBook Recommendations from Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism
 - Personalized Recommendations
 - Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism User Reviews and Ratings
 - Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism Bestseller Lists
5. Accessing Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism Free and Paid eBooks
 - Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism Public Domain eBooks
 - Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism eBook Subscription Services

- Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism Budget-Friendly Options
- 6. Navigating Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism eBook Formats
 - ePub, PDF, MOBI, and More
 - Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism Compatibility with Devices
 - Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism
 - Highlighting and Note-Taking Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism
 - Interactive Elements Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism
- 8. Staying Engaged with Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism
- 9. Balancing eBooks and Physical Books Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism
 - Setting Reading Goals Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism
 - Fact-Checking eBook Content of Shaping Of Nineteenth Century Law John Appleton And Responsible Individualism

- Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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