

PROGRAM OF THE FIFTY-SECOND ANNUAL MEETING, HELD IN  
PHILADELPHIA, PA., DECEMBER 29-31, 1937

*THE CONSTITUTION OF THE UNITED STATES*

*Its Background, its Content, its Repercussions in Europe and  
Elsewhere*

WEDNESDAY, DECEMBER 29

MORNING SESSIONS

I

*The Background of the Idea of Representative Government*

NORTH GARDEN, 10:00 A. M.

Chairman, Nellie Neilson, Mount Holyoke College

Max Radin, University of California, "Delegation and Representation in Ancient Communities."

Carl Stephenson, Cornell University, "The Original Nature of the English Representative System."<sup>1</sup>

Louise Fargo Brown, Vassar College, "Ideas of Representation from Elizabeth to Charles II."<sup>2</sup>

II

*The Southern Confederacy and the Constitution*

JOINT SESSION OF THE AMERICAN HISTORICAL ASSOCIATION AND THE  
SOUTHERN HISTORICAL ASSOCIATION

PLANET ROOM, 10:00 A. M.

Chairman, Thomas P. Abernethy, University of Virginia

J. G. de Roulhac Hamilton, University of North Carolina, "State Courts and the Confederate Constitution."<sup>3</sup>

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<sup>1</sup> Published in Conyers Read, ed., *The Constitution Reconsidered* (Columbia University Press, 1938). The titles of most of these collected papers were somewhat altered upon their publication in that volume.

<sup>2</sup> To be published in *The Journal of Modern History*.

<sup>3</sup> To be published in *The Journal of Southern History*.

William M. Robinson, Jr., Department of Natural Resources, Georgia, "A New Deal in Constitutions."

### III

#### *Agriculture and the Government*

JOINT SESSION OF THE AMERICAN HISTORICAL ASSOCIATION AND THE  
AGRICULTURAL HISTORY SOCIETY

ROSE GARDEN, 10:00 A. M.

Chairman, Robert E. Riegel, Dartmouth College

Albert V. House, Jr., Wilson Teachers College, "Proposals of Government Aid to Agricultural Settlement During the Depression of 1873-1879."<sup>4</sup>

Everett E. Edwards, United States Bureau of Agricultural Economics, "The Father of Co-operative Creameries in the Northwest."<sup>5</sup>

Paul H. Johnstone, Agricultural Adjustment Administration, "Turnips and Romanticism."

### LUNCHEON CONFERENCES

#### I

#### *Luncheon Conference of the Society of American Archivists*

RED ROOM, 12:30 P. M.

Chairman, A. R. Newsome, University of North Carolina

Herbert W. K. Fitzroy, Princeton University, "The Importance of Legal Records."<sup>6</sup>

#### II

#### *Luncheon Conference on Hispanic America*

JUNIOR ROOM, 12:30 P. M.

Chairman, Mary W. Williams, Goucher College

<sup>4</sup> Published in *Agricultural History*, January 1938.

<sup>5</sup> Published in *Minnesota History*, June 1938.

<sup>6</sup> Published in *The American Archivist*, July 1938, as "The Part of the Archivist in the Writing of American Legal History."

## III

*Luncheon Conference on Modern European History*

ROSE GARDEN, 12:30 P. M.

Chairman, George M. Dutcher, Wesleyan University

Carl L. Becker, Cornell University, "Some Rambling Remarks about Constitutions."<sup>7</sup>

## AFTERNOON SESSIONS

## I

*The Historical Aspects of the Constitution*JOINT SESSION OF THE AMERICAN HISTORICAL ASSOCIATION AND THE  
AMERICAN PHILOSOPHICAL SOCIETY

INDEPENDENCE HALL, FIFTH AND CHESTNUT STREETS, 2:30 P. M.

Chairman, Frederic L. Paxson, University of California

Roland S. Morris, President, American Philosophical Society,  
"Welcome."Charles A. Beard, "Historiography and the Constitution."<sup>8</sup>Max Farrand, The Henry E. Huntington Library, "If James Madison Had Had a Sense of Humor."<sup>9</sup>William W. Crosskey, University of Chicago, in collaboration with  
Leonard Bloomfield, University of Chicago, "The Language of the  
Fathers."

## II

*The Church and Constitutionalism*JOINT SESSION OF THE AMERICAN HISTORICAL ASSOCIATION AND THE  
AMERICAN SOCIETY OF CHURCH HISTORYROOMS OF THE PRESBYTERIAN HISTORICAL SOCIETY  
520 WITHERSPOON BUILDING, WALNUT AND JUNIPER STREETS, 2:30 P. M.

Chairman, H. W. Schneider, Columbia University

Irwin R. Goodenough, Yale University, "Philo's Political Theory  
and Practice."<sup>10</sup><sup>7</sup> Published in *The Constitution Reconsidered* (see note 1) and in *The Yale Review*, March 1938.<sup>8</sup> Published in *The Constitution Reconsidered* (see note 1).<sup>9</sup> Published in *The Pennsylvania Magazine of History and Biography*, April 1938.<sup>10</sup> A condensation of one chapter of his *The Politics of Philo Judaeus* (Yale University Press, 1938).

Francis W. Buckler, Oberlin School of Theology, "The Establishment of the Church of England: Its Constitutional and Legal Significance."

Ray H. Abrams, University of Pennsylvania, "Suppression of Minority Opinion in Times of Crisis in America."<sup>11</sup>

Arthur C. Bining, University of Pennsylvania, "History and the Changing World."<sup>12</sup>

### III

*Reception Tendered by The American Philosophical Society to Members of The American Historical Association and Societies Meeting Concurrently*

AMERICAN PHILOSOPHICAL SOCIETY, FIFTH BELOW CHESTNUT, 4:30 P. M.

### IV

*Historical Vesper Service at Christ Church*

SECOND ABOVE MARKET, 5:30 P. M.

EXHIBIT OF HISTORICAL BOOKS AND MANUSCRIPTS IN THE MUNIMENT ROOM

### EVENING SESSIONS

#### I

*Dinner of The Mississippi Valley Historical Association*

PLANET ROOM, 6:15 P. M.

Chairman, Clarence E. Carter, Department of State,  
Washington, D. C.

Guy Stanton Ford, President, American Historical Association,  
"Greetings."

Theodore C. Pease, University of Illinois, "The Ordinance of 1787."

#### II

*Dinner of The Mediaeval Academy of America*

BALL ROOM, 6:15 P. M.

Chairman, William E. Lunt, Haverford College

Howard L. Gray, Bryn Mawr College, "The Commons and the Council in Fifteenth-Century England."

<sup>11</sup> Published in *The Crozer Quarterly*, April 1938.

<sup>12</sup> To be published in *The Crozer Quarterly*.

## III

*Reason and Tradition in the Political Thought of the Founding Fathers*

BALL ROOM, 8:30 P. M.

Chairman, Louis R. Gottschalk, University of Chicago

Charles H. McIlwain, Harvard University, "The Fundamental Law Behind the Constitution of the United States."<sup>13</sup>Roland H. Bainton, Yale University, "The Appeal to Reason."<sup>14</sup>Robert H. MacIver, Columbia University, "European Doctrines of Sovereignty Bearing on the Constitution."<sup>15</sup>Morris R. Cohen, College of the City of New York, "Constitutional and Natural Rights in 1787 and Since."<sup>16</sup>

THURSDAY, DECEMBER 30

MORNING SESSIONS

## I

*Varying American Attitudes Regarding Constitutionalism*

PLANET ROOM, 10:00 A. M.

Chairman, Homer C. Hockett, Ohio State University

Curtis P. Nettels, University of Wisconsin, "The American Merchants and the Constitution."

Max Lerner, Editor, *The Nation*, "Minority Rule and the Constitutional Tradition."<sup>17</sup>William Y. Elliott, Harvard University, "The Constitution as America's Social Myth."<sup>18</sup>

## II

*The Background of Political and Social Thinking Behind the Constitution*

NORTH GARDEN, 10:00 A. M.

Chairman, Frederick L. Nussbaum, University of Wyoming

S. E. Thorne, Northwestern University, "English Private Law Background of Constitutional Ideas."<sup>19</sup><sup>13</sup> Published in *The Constitution Reconsidered* (see note 1).<sup>14</sup> Published in *The Constitution Reconsidered* (see note 1).<sup>15</sup> Published in *The Constitution Reconsidered* (see note 1) and in *The Journal of Social Philosophy*, April 1938, under the title "The Philosophical Background of the Constitution."<sup>16</sup> Published in *The National Lawyers' Guild Quarterly*, February-March 1938.<sup>17</sup> Published in *The Constitution Reconsidered* (see note 1) and in *The University of Pennsylvania Law Review*, March 1938.<sup>18</sup> Published in *The Constitution Reconsidered* (see note 1).<sup>19</sup> Published in *The Constitution Reconsidered* (see note 1).

Stanley Pargellis, Yale University, "The Theory of Balanced Government." <sup>20</sup>

Conyers Read, University of Pennsylvania, "Mercantilism: The Old English Pattern of a Controlled Economy." <sup>21</sup>

### III

#### *The Background of the Bill of Rights*

JUNIOR ROOM, 10:00 A. M.

Chairman, C. Mildred Thompson, Vassar College

Gaetano Salvemini, Harvard University, "The Concepts of Democracy and Liberty in Eighteenth-century Europe." <sup>22</sup>

William Haller, Columbia University, "Liberty, Religion, and Union." <sup>23</sup>

Herbert W. Schneider, Columbia University, "Philosophical Differences Between the Constitution and the Bill of Rights." <sup>24</sup>

### IV

#### *Appalachia, 1750-1800*

JOINT SESSION OF THE AMERICAN HISTORICAL ASSOCIATION AND THE  
MISSISSIPPI VALLEY HISTORICAL ASSOCIATION

ROSE GARDEN, 10:00 A. M.

Chairman, Charles H. Ambler, West Virginia University

E. Douglas Branch, University of Pittsburgh, "Henry Louis Bouquet, Professional Soldier." <sup>25</sup>

Randolph C. Downes, Hartwick College, "Appalachia in Transition: Indian *versus* White Man."

Richard H. Shryock, Duke University, "English Farmer *versus* German: the Hypothesis of Cultural Origins in the Old South." <sup>26</sup>

<sup>20</sup> Published in *The Constitution Reconsidered* (see note 1).

<sup>21</sup> Published in *The Constitution Reconsidered* (see note 1).

<sup>22</sup> Published in *The Constitution Reconsidered* (see note 1).

<sup>23</sup> Published in *The Constitution Reconsidered* (see note 1).

<sup>24</sup> Published in *The Constitution Reconsidered* (see note 1).

<sup>25</sup> Published in *The Pennsylvania Magazine of History and Biography*, January 1938.

<sup>26</sup> To be published in *The Mississippi Valley Historical Review*.

## V

*Joint Session of The American Historical Association and The  
Bibliographical Society of America*

THE HISTORICAL SOCIETY OF PENNSYLVANIA, 1300 LOCUST STREET,

10:00 A. M.

Chairman, Earl G. Swem, College of William and Mary

Oliver Strunk, Princeton University, "Early Music Publishing in the United States."

E. H. O'Neill, University of Pennsylvania, "The Development of Biographical Writing in the United States."

Austin K. Gray, The Library Company of Philadelphia, "Peter Collinson: Agent of The Library Company of Philadelphia in London."

Samuel M. Wilson, Lexington, Ky., "*The Kentucky Gazette*."<sup>27</sup>Martin A. Roberts, Library of Congress, "Records of the United States District Courts, 1790-1870, Deposited in the Copyright Office of the Library of Congress."<sup>28</sup>

## LUNCHEON CONFERENCE

*Complimentary Luncheon Tendered by the University of Pennsylvania to Members of The American Historical Association and Societies Meeting Concurrently*

BALL ROOM, 12:30 P. M.

Chairman, Dixon Ryan Fox, Union College

Thomas S. Gates, President of the University of Pennsylvania, "The Possibilities of Philadelphia as a Center for Historical Research."<sup>29</sup>

## AFTERNOON SESSIONS

## I

*Judicial Interpretation of the Constitution*

BALL ROOM, 2:30 P. M.

Chairman, Laurence M. Larson, University of Illinois

Edward S. Corwin, Princeton University, "What Kind of Judicial Review Did the Framers Have in Mind?"<sup>30</sup><sup>27</sup> To be published by the Bibliographical Society of America.<sup>28</sup> Published in this volume, pp. 93 ff.<sup>29</sup> Published in *The Pennsylvania Magazine of History and Biography*, April 1938.<sup>30</sup> Excerpted from his *Court, Congress, Constitution* (Princeton University Press, 1938).

Walton H. Hamilton, Yale University, "The Path of Due Process of Law."<sup>31</sup>

## II

*Joint session of The American Historical Association and The Bibliographical Society of America*

LIBRARY COMPANY OF PHILADELPHIA, JUNIPER AND LOCUST STREETS

Chairman, Robert W. G. Vail, American Antiquarian Society

Mrs. George Butler, Edgefield, S. C., "Early Books Relating to Trees of America."<sup>32</sup>

James Mulhern, University of Pennsylvania, "Manuscript School Books."<sup>33</sup>

Chester T. Hallenbeck, Brooklyn College, "Book-trade Publicity Before 1800."

Mrs. Roswell Skeel, Jr., Northport, N. Y., "Noah Webster."

## III

*Business Session of The American Historical Association*

BALL ROOM, 4:00 P. M.

EVENING SESSIONS

## I

*Dinner of The American Historical Association*

BALL ROOM, 7:00 P. M.

Toastmaster, Roland S. Morris, American Philosophical Society

Announcement of prizes. Award of the Jusserand Medal.

Guy Stanton Ford, University of Minnesota, "Presidential Address."<sup>34</sup>

<sup>31</sup> Published in *The Constitution Reconsidered* (see note 1) and in *The International Journal of Ethics*, April 1938.

<sup>32</sup> Excerpted from her *Floralia: Garden Paths and By-paths of the Eighteenth Century* (University of North Carolina Press, 1938).

<sup>33</sup> To be published in *The Journal of Educational Research*.

<sup>34</sup> "Some Suggestions to American Historians," in *The American Historical Review*, January 1938.

## II

*Reception Tendered by The Historical Society of Pennsylvania to the Members of The American Historical Association and Societies Meeting Concurrently*

1300 LOCUST STREET, 9:30 P. M.

FRIDAY, DECEMBER 31

MORNING SESSIONS

## I

*Intellectual Aspects of the Constitution*

PLANET ROOM, 10:00 A. M.

Chairman, W. T. Root, University of Iowa

Merle E. Curti, Columbia University, "Reformers Consider the Constitution."

Ralph H. Gabriel, Yale University, "Constitutional Democracy: A Nineteenth-century Faith."<sup>35</sup>

Henry S. Commager, New York University, "Constitutional History and the Higher Law."<sup>36</sup>

## II

*The Background of the Concept of Property in the Constitution*

NORTH GARDEN, 10:00 A. M.

Chairman, Caroline F. Ware, American University

Francis S. Philbrick, University of Pennsylvania, "Changing Conceptions of Property in Law."<sup>37</sup>

Richard P. McKeon, University of Chicago, "The Development of the Concept of Property in Political Philosophy."<sup>38</sup>

John U. Nef, University of Chicago, "English and French Industrial History After the Reformation in its Relation to the Constitution."<sup>39</sup>

<sup>35</sup> Published in *The Constitution Reconsidered* (see note 1).

<sup>36</sup> Published in *The Constitution Reconsidered* (see note 1) and in *The Pennsylvania Magazine of History and Biography*, January 1938.

<sup>37</sup> Published in *The University of Pennsylvania Law Review*, May 1938.

<sup>38</sup> Published in *The International Journal of Ethics*, April 1938.

<sup>39</sup> Published in *The Constitution Reconsidered* (see note 1).

## III

*Repercussions of the Constitution on Modern Europe*

ROSE GARDEN, 10:00 A. M.

Chairman, Eber Malcolm Carroll, Duke University

A. Geoffrey Bruun, New York University, "The Constitutional Cult in the Early Nineteenth Century."<sup>40</sup>

Robert C. Binkley, Western Reserve University, "The Holy Roman Empire *versus* the United States: Patterns for Constitution-making in Central Europe."<sup>41</sup>

Hajo Holborn, Yale University, "The Influence of the American Constitution on the German Constitution of 1919."<sup>42</sup>

## IV

*Repercussions of the Constitution in the British Empire*

PINK ROOM, 10:00 A. M.

Chairman, Reginald G. Trotter, Queen's University, Canada

W. Menzies Whitelaw, The Public Archives of Canada, Ottawa, "American Influence on British Federal Systems."<sup>43</sup>

C. P. Wright, Wolfville, Nova Scotia, "Judicial Interpretation of the Canadian Constitution."<sup>44</sup>

Cornelis W. de Kiewiet, University of Iowa, "Frontier and Constitution in South Africa."<sup>45</sup>

## V

*The Development of Federalism in Hispanic America*

JUNIOR ROOM, 10:00 A. M.

Chairman, Arthur P. Whitaker, University of Pennsylvania

J. Lloyd Mecham, University of Texas, "Federalism in Mexico."<sup>46</sup>

Percy Alvin Martin, Stanford University, "Federalism in Brazil."<sup>47</sup>

Charles Lyon Chandler, Philadelphia, "Federalism in Argentina."  
Discussion led by C. H. Haring, Harvard University.<sup>48</sup>

<sup>40</sup> Published in *The Constitution Reconsidered* (see note 1).

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<sup>46</sup> Published in *The Constitution Reconsidered* (see note 1) and to be published in *The Hispanic American Historical Review*.

<sup>47</sup> Published in *The Constitution Reconsidered* (see note 1) and in *The Hispanic American Historical Review*, May 1938.

<sup>48</sup> Published in *The Constitution Reconsidered* (see note 1) under the title "Federalism in Latin America."

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<sup>46</sup> Published in *The Constitution Reconsidered* (see note 1) and to be published in *The Hispanic American Historical Review*.

<sup>47</sup> Published in *The Constitution Reconsidered* (see note 1) and in *The Hispanic American Historical Review*, May 1938.

<sup>48</sup> Published in *The Constitution Reconsidered* (see note 1) under the title "Federalism in Latin America."

## LUNCHEON CONFERENCES

## I

*Luncheon Conference of the Agricultural History Society*

CLOVER ROOM, 12:30 P. M.

Chairman, Herbert A. Kellar, McCormick Historical Association

## II

*Luncheon Conference of Editors of Historical Publications*

JUNIOR ROOM, 12:30 P. M.

Chairman, Robert L. Schuyler, Columbia University

## III

*Luncheon Conference of the National Council for the Social Studies*

PLANET ROOM, 12:30 P. M.

Chairman, Elmer Ellis, University of Missouri

Carl Wittke, Oberlin College, "Freedom of Teaching in a Democracy."<sup>49</sup>

Ruth Wanger, South Philadelphia High School for Girls, "How Can the Academic Freedom of High School Teachers be Defended?"

## AFTERNOON SESSION

*Joint Session of The American Historical Association and The Conference of State and Local Historical Societies*THE HISTORICAL SOCIETY OF PENNSYLVANIA, 1300 LOCUST STREET,  
2:30 P. M.

Chairman, Edward P. Alexander, New York State Historical Association

Mrs. Elinor Schafer Barnes, Philadelphia. "Philadelphia, Convention City of 1787."<sup>50</sup>Douglas C. McMurtrie, Chicago, "The Record of American Imprints."<sup>51</sup>Alexander J. Wall, New York Historical Society, "The Place of the Historical Society and Museum in the United States and Elsewhere."<sup>52</sup><sup>49</sup> Published in *Social Education*, February 1938.<sup>50</sup> A condensation of her "A 'Faire Greene Country Towne' Plays Host: Philadelphia, 1787," in *The Social Studies*, November 1937.<sup>51</sup> Published in this volume, pp. 107 ff.<sup>52</sup> Published in *The Quarterly Bulletin of the New York Historical Society*, April 1938.