# In This Issue

This issue of *Law and History Review* begins with Madeleine Zelin's reinterpretation of the history of shareholding in China. She studies indigenous practices that provided investors with diverse sources of shareholding. By the late imperial period, these shares were well established as productive, fungible assets that made possible long-distance partnerships. For Zelin, the existence of these practices explain why China's first legal transplant, the 1904 Company Law, did not stimulate broad public investments in large-scale industrial projects.

We then feature two articles about medieval and early modern England by Sara Butler and David Kearns. Butler focuses on the one major exception to the all-male common law system in medieval England: juries of matrons. If a woman convicted of a felony requested a reprieve from execution because she was pregnant, the court turned to twelve women known as matrons to confirm the veracity of the pregnancy. Butler argues that these matrons had great authority, because quickening did not become the formal medical basis of confirming a pregnancy until 1348. Before that point, courts were, therefore, deeply dependent on the matrons' medical judgment. Butler's article concludes with an appendix that is a transcription of the list of matrons housed at the National Archives in England. Kearns argues that the 1675 conviction of John Taylor by the Court of King's Bench for slandering God illustrates how Chief Justice Matthew Hale implemented a model of joint lawmaking among courts, Parliament, and the crown. This system gave power to common lawyers while granting none to the Church of England. This interpretation flouts prevailing interpretations of Restoration English law that typically see a hierarchical legal system with common law being subordinate to the sovereign.

Next, we have articles by Jud Campbell and Matthew Steilen on late eighteenth-century America. Steilen seeks to understand how the law functioned as Virginian planters during the American Revolution feared that the British military would encourage enslaved persons to flee or attack.

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He uses the case of Josiah Phillips, who led maroons in the Great Dismal Swamp against patriot planters. He finds that the gentry's distrust of landless whites and their persistent fears about maroons and runaways became the foundation of extraordinary legal regimes such as the attainder, but by the end of the War of Independence the attainder had become understood by elite jurists to be a controversial interference in the ordinary course of justice. The attainder would then be reclassified as an arbitrary exercise of lawmaking power. Campbell's article examines the reform of evidence rules in the early United States that supplanted early American legal standards that had treated oath-taking as an invocation of divine vengeance for sworn falsehoods. In early America, witnesses who did not believe in God or hell were not permitted to testify. By the mid-nineteenth century, however, evidence rules no longer required witnesses to believe in hell, and many states allowed atheists to testify. According to Campbell, this shift helps account for the American legal system's increased dependence on juries for credibility assessments and fact-finding.

Andrew Walker's article, "Illegal under the Laws of All Nations? The Courts of Haiti and the Suppression of the Atlantic Trade in African Captives," studies an 1816 prize case before the Haitian admiralty court in Port-au-Prince. At issue was the legal status of the international slave trade. Haitian prosecutors invoked elements of the agreements of the Congress of Vienna to argue that the trade was illegal under the law of nations. The records of the adjudication of the case show how Haitian officials developed their own legal strategies for the suppression of the trade, laying the foundations for an escalating campaign to police slaving traffic off of their shores.

Next, Justin Simard turns our attention to the legal profession in the antebellum United States. He studies the career of a Georgia lawyer, Eugenius Aristides Nisbet, who sat on the Georgia Supreme Court before having a career as a private lawyer. Nisbet, argues Simard, exemplified a class of elite Southern lawyers who shared a vision of legal practice and decision making with their counterparts in the North, even as ideological conflicts over slavery and secession played out in national politics. Nisbet's commitment to a technical, national legal culture would both legitimize his view and practice while also providing him with a resource through which to support slavery in subtle but important ways.

Finally, Kaius Tuori studies the emergence of a new form of Europeanism in legal history that gained momentum after World War II. Tuori argues that this Europeanism unfolded against the backdrop of the process of exiling totalitarianism and the re-establishment of intellectual and political order after the war. He focuses on the writings of Paul Koschaker, Franz Wieacker, and Helmut Coing, to demonstrate how

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they helped construct a foundation for an integrated European legal heritage of human rights that would be the basis for postwar legal legitimacy.

We are pleased to announce that Adriana Chira's article, "Affective Debts: Manumission by Grace and the Making of Gradual Emancipation Laws in Cuba, 1817–69," which appeared in volume 36, number 1 of *Law and History Review* (2018) received the Best Article prize from the Nineteenth-Century Section of the Latin American Studies Association. Congratulations Dr. Chira!

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**Gautham Rao**

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