http://pryan2.kingsfaculty.ca/course-sites/history-ac-3851f-g/

HIS 3851F – Capitalism & the Law
Fall 2018
Wednesdays 6:30-9:30 PM
W 176

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Office - DL 127 –
Tues 12:30-2p; Th 11:30-1p

Academic Program Advisor
Simone Shepherd - 519-433-0041 x4457

COURSE DESCRIPTION:

An exploration of legal culture and institutions that structured the rise of capitalism. Students will examine the fundamentals of law that arose within market society.

Prerequisite(s): 1.0 course at 2200 level or above.

Unless you have either the requisites for this course or written permission from your Dean to enroll in it, you may be removed from this course and it will be deleted from your record. This decision may not be appealed. You will receive no adjustment to your fees in the event that you are dropped from a course for failing to have the necessary prerequisites.

READINGS: (available at The Bookstore at Western, through other book sellers, and or in the library)

1) Tamar Herzog, A Short History of European Law - the last two and a half millennia (Cambridge, MA: Harvard University Press, 2018).

2) One of these three books available in the library or through online book dealers; see critical review instructions:

<table>
<thead>
<tr>
<th>Option</th>
<th>Title</th>
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<tbody>
<tr>
<td>Option B</td>
<td>Geoffrey Samuel, A Short Introduction to the Common Law (Edward Elgar, 2013).</td>
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3) Eight other article length works and a number of primary sources; see the course schedule and the case analysis paper instructions.
MARKING SYSTEM:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Discussion Participation</td>
<td>15% weekly</td>
</tr>
<tr>
<td>Very Short Paper (300-400 words)</td>
<td>15% October 3</td>
</tr>
<tr>
<td>Critical Review Paper (1,000-1,200 words)</td>
<td>30% November 7</td>
</tr>
<tr>
<td>Case Analysis Paper (1,200-1,500 words)</td>
<td>40% December 12</td>
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ABSENCE, ACCOMMODATION, & PENALTIES:

Students are expected to schedule appointments and other responsibilities around class time. To be excused from discussion participation due to temporary illness or one-time unavoidable scheduling conflict, contact me directly via email.

Please do not use email to engage me in substantive conversation, to review course material, or to pose open-ended questions. I am happy to speak with students face-to-face or immediately after class.

If health issues are prolonged, or to request more extensive academic accommodation, you must meet with me in person and provide documentation to the Dean's Office. If you seek more extensive forms of accommodation, I ask that you deal directly with me in-person as is appropriate. I am available almost every working day on campus and will make an appointment to meet with you.

Penalties for late papers may be avoided if extensions are requested in advance. Otherwise, a two-mark deduction will be taken for each of the first three days late, and a 5-mark deduction for each day thereafter. One-month after the due date a zero will be assigned for the paper.
COURSE CALENDAR

SEPT. 12 - INTRODUCTION: CAPITALISM & THE LAW

SEPT. 19 - LAW & GRAND HISTORICAL NARRATIVES

Reading: Herzog, chapters 1-4, pages 1-72.

Key Statutes, Cases, and Resources: 15C Lecture on Wager of Law; L12/E13C Cases of Assize Courts reviewing Manorial Courts; The Earl of Oxford's Case (1615)

SEPT. 26 - MEDIEVAL ENGLAND & MASTER-SERVANT RELATIONS

Reading: Herzog, chapters 5-6, pages 75-115;

Key Statutes, Cases, and Resources: Case of Prohibitions (1607)

OCT. 3 - FEUDALISM & REAL PROPERTY


Key Statutes, Cases, and Resources: Statute Quia Emptores (1290); Manor Size and Tenurial Relationships (1279); Banks v. Whetston (1596); Land Registration

Very Short Paper Due by the end of the week

THANKSGIVING BREAK
OCT. 17 - SERVITUDE, SLAVERY & THE ATLANTIC WORLD


Key Statutes, Cases, and Resources: Statute of Artificers (1563); Elizabethan Poor Law (1601); African Slavery figures; Atlantic Trade Routes; Video of centuries of transatlantic African slave passage; Barbados Slave Code (1688*); Butts v. Penny (UK 1677); Chamberlaine v. Harvey (UK, 1696); The Somerset Case (UK, 1772); U.S. v. The Amistad (US, 1841)

OCT. 24 - EARLY-MODERN TRANSFORMATIONS: PROPERTY, DEBT, AND LAW


Key Statutes, Cases, and Resources: Excellent Guide to Deeds and Property Law; Statute de Donis Conditionalibus (1285); Statutes of Use, Wills, and Enrolments (1536); Armory v. Delamirie (1722) and the case report; Debt Recovery Act (1732); Millar v. Taylor (1769); Munn v. Illinois (1877)

OCT. 31 - DISCUSSION SESSIONS ON BAUCOM, (OR) SAMUEL, (OR) SCHMIDT

Reading: Baucom, Samuel, or Schmidt (depending on the review option you selected; see critical review instructions).

Baucom Group will meet 6:30-7:30 pm.

Samuel Group will meet 7:30-8:30 pm.

Schmidt Group will meet 8:30-9:30 pm.

NOV. 7 - CONTRACTS, LIABILITY, & LIBERAL REVOLUTIONS

Reading: Baucom, Samuel, or Schmidt (depending on the review option you selected; see critical review instructions).

Critical Review Paper Due

No preparatory homework beyond the papers; I will lecture on contracts, liability, and introduce the case analysis paper.
Key Statutes, Cases, and Resources: Da Costa v. Jones (1788); Seixas v. Woods (1804); Printing and Numerical Registering Co. v. Sampson (1875); Slade v. Morley (1602); Pillans v. Van Mierop (1765); Fletcher v. Peck (1810); Laidlaw v. Organ (1817); Foakes v. Beer (1844); Carllill v. Carbolic Smoke Ball Co. (1892); Tuberville v. Stampe (1697); Jones v. Hart (1698); Coggs v. Bernard (1703); Carter v. Boehm (1766); Hochster v. De La Tour (1853); Taylor v. Caldwell (1863);

NOV. 14 - MONOPOLIES, PATENTS, & ECONOMIC DEVELOPMENT


Key Statutes, Cases, and Resources: Tyler v. Tuel (1810); Wheaton v. Peters (1834); Statute of Monopolies (1624); Patent Law (US, 1836); The Case of Monopolies (Darcy v. Allein, 1599); Liardet v. Johnson (1778); Lowell v. Lewis (1817); Charles River Bridge Co (1837); Hotchkiss v. Greenwood (1850); Slaughterhouse Cases (1873).

NOV. 21 - INDIVIDUAL MEETINGS ON FINAL PAPER November 19 and 20 - NO CLASS on Wednesday night

Reading: Prepare for the meeting by completing first three steps of final paper: 1 - choose a case; 2 - obtain and read the primary documents associated with it; 3 - construct a 3-source bibliography, and read as much of it as you can.

Instructions for the case analysis paper.

NOV. 28 - TRUSTS & CORPORATIONS


Key Statutes, Cases, and Resources: Case of Sutton's Hospital (1612); Salmon v. The Hamborough Company (1671); Bubble Act (UK, 1720); Sherman Anti-Trust Act (1890); Trustees of Dartmouth College v Woodward (1819); Limited Liability Act (UK, 1855); Paul v. Virginia (1869); Santa Clara County v. So. Pacific Railroad Company (1889); Salomon v A Salomon & Co. Ltd (1896).
DEC. 5 - INDUSTRIALISM & CLASS POLITICS


Key Statutes, Cases, and Resources: Hobbes v. Young (1689); decline in productive householding (1790-1990); Factory Acts (UK, 1833); Fair Labor Standards Act (1938); The Combination Acts (1799, 1800)*; Trades Disputes Act (1906); Trade Union and Criminal Law Amendment Act (1875); Taff Vale (1901); The Combination Acts (1799, 1800); Commonwealth v. Pullis (1806); Commonwealth v. Hunt (MA, 1842); Vegelahn v. Guntner (1896); Lochner v. New York (1902); Trades Disputes Act (1906); Loewe v. Lawlor (1908).