

Law and History Review

Law and History Review

The purpose of *Law and History Review* is to further research and writing in the fields of the social history of law and the history of legal ideas and institutions. The Review is sent to all members of the American Society for Legal History.

Back issues of *Law and History Review* may be ordered directly from *Law and History Review*, Cambridge University Press, Journals Fulfillment Dept., 100 Brook Hill Drive, West Nyack, NY 10994-2133, USA.

Editorial Office: Department of History, University of Florida, Keene Flint Hall, Gainesville, FL 32611, USA. Elizabeth R. Dale, Editor; telephone: 352-273-3387; e-mail: edale@ufl.edu

Address all general editorial correspondence to Elizabeth R. Dale, Editor, *Law and History Review*, University of Florida, Keene Flint Hall, P.O. Box 117320, Gainesville, FL 32611, USA (tel: 352-273-3387; e-mail: edale@ufl.edu). Address books for review and correspondence regarding book reviews and reviewing on the Americas to Felice Batlan, Associate Editor, *Law and History Review*, IIT Chicago-Kent College of Law, 555 W. Adams, Room 765, Chicago, IL 60607, USA (tel.: 312-906-5341; fax: 312.906.580; email: fbaltan@kentlaw.edu). Address books for review and correspondence regarding book reviews and reviewing on the non-Americas to Will Hanley, Associate Editor, *Law and History Review*, Florida State University, Department of History, P.O. Box 3052200, Tallahassee, FL 32306, USA (tel.: 850-912-9143; fax: 850-644-6402; email: whanley@fsu.edu).

Publishing, Advertising, and Subscription Offices: Cambridge University Press, 32 Avenue of the Americas, New York, NY 10013-2473, USA. (for USA, Canada, and Mexico); or Cambridge University Press, The Edinburgh Building, Shaftesbury Road, Cambridge CB2 8RU, UK (for UK and elsewhere).

Law and History Review (ISSN 0738-2480) is published four times a year, in February, May, August, and November by Cambridge University Press, 32 Avenue of the Americas, New York, NY 10013-2473, USA / Cambridge University Press, The Edinburgh Building, Shaftesbury Road, Cambridge CB2 8RU, England for the American Society of Legal History. Annual institutional subscription rates for Volume 33 (2015) USA, Canada, and Mexico / Elsewhere are \$254 / £146 for print and electronic subscriptions. Single part: \$70 / £39. Prices include postage and insurance. *Law and History Review* and all other Cambridge journals can be found at <http://journals.cambridge.org/>.

© The American Society for Legal History, Inc. 2015. All rights reserved. No part of this publication may be reproduced in any form or by any means, photocopying, electronic, or otherwise, without permission in writing from Cambridge University Press. Policies, request forms, and contacts are available at: <http://www.cambridge.org/rights/permissions/permission.htm>.

Permission to copy (for users in the USA) is available from the Copyright Clearance Center (CCC), <http://www.copyright.com>, email: info@copyright.com.

Forwarding and return postage guaranteed, address correction requested. Postmaster: Send address changes in the USA and Canada to *Law and History Review*, Cambridge University Press, Journals Fulfillment Dept., 100 Brook Hill Drive, West Nyack, NY 10994-2133, USA. Send address changes elsewhere to *Law and History Review*, Cambridge University Press, The Edinburgh Building, Shaftesbury Road, Cambridge CB2 8RU, England.

Abstracting and Indexing Information: America: History and Life; CSA Worldwide Political Science Abstracts; Current Law Index; Current Abstracts; SocIndex; SocIndex with Full Text; TOC Premier; Scopus; Family Index; Academic OneFile; General OneFile; InfoTrac Custom; LegalTrac; Biography Index; Index to Legal Periodicals & Books; Historical Abstracts.

Law and History Review

Volume 33, Number 2

May 2015

*Published four times a year by Cambridge University Press for the
American Society for Legal History*

Editor

Elizabeth R. Dale
University of Florida
 Department of History, Levin
 College of Law
 P.O. Box 117320
 Gainesville, FL 32611
 352.273.3387
 FAX: 352.392.6927
 EMAIL: edale@ufl.edu

**Associate Editor
(Book Reviews, Americas)**

Felice Batlan
IIT Chicago-Kent College of Law
 555 W. Adams, Room 765
 Chicago, IL 50561
 312.906.5341
 FAX: 312.906.580
 EMAIL: fbaltan@kentlaw.edu

**Associate Editor
(Book Reviews, Non-Americans)**

Will Hanley
Florida State University
 Department of History
 P.O. Box 3062200
 Tallahassee, FL 32306
 850.912.9143
 FAX: 850.644.6402
 EMAIL: whanley@fsu.edu

Editorial Board

David Anderson
University of Warwick
 Constance Backhouse
University of Ottawa
 Edward J. Balleisen
Duke University
 Stuart Banner
*University of California,
 Los Angeles*
 Lauren Benton
New York University
 David Bernstein
George Mason University
 Elizabeth Borgwardt
*Washington University
 in St. Louis*
 Holly Brewer
University of Maryland
 Thomas Buoye
University of Tulsa
 Christopher Capozzola
*Massachusetts Institute
 of Technology*
 Amy Chazkel
Queens College, CUNY
 Li Chen
*University of Toronto-
 Scarborough*
 Andrew Wender Cohen
Syracuse University
 Simon Cole
University of California, Irvine

Jane Dailey
University of Chicago
 Simon Devereaux
University of Victoria
 Laura F. Edwards
Duke University
 Thomas Ginsburg
University of Chicago
 Ariela J. Gross
University of Southern California
 Sally E. Hadden
Western Michigan University
 Amalia Kessler
Stanford University
 Daniel M. Klerman
*University of Southern
 California*
 Elizabeth Kolsky
Villanova University
 Carl Landauer
General Counsel of LOYAL3
 Adriaan Lanni
Harvard University
 Kenneth F. Ledford
Case Western Reserve University
 Kenneth W. Mack
Harvard University
 Rebecca McLennan
University of California, Berkeley

Ajay Mehrota
Indiana University
 M. C. Mirow
Florida International University
 Devin Pendas
Boston College
 Linda Przybyszewski
Notre Dame
 Gautham Rao
American University
 Stephen Robertson
*Roy Rosenzweig Center for
 History and New Media*
 Richard J. Ross
*University of Illinois, Campaign-
 Urbana*
 Ruell Schiller
*University of California,
 Hastings College of Law*
 Trevor Stack
Hastings College of Law
 Kristin A. Stilt
Northwestern University
 Alexander Tsesis
Loyola University
 John Wertheimer
Davidson College
 James Q. Whitman
Yale University

Contents

Law and History Review

Vol. 33, No. 2, May 2015

Full text available at <http://journals.cambridge.org/lhr>

In This Issue

v

Articles

- The End of Entail: Information, Institutions, and Slavery in the American Revolutionary Period
Claire Priest 277
- The Origins of Indirect Rule in India: Hyderabad and the British Imperial Order
Kavita Saraswathi Datla 321
- Property Law as Labor Control in the Postbellum South
Brian Sawers 351
- Prohibition Plebiscites on the Prairies: (Not-So) Direct Legislation and Liquor Control in Alberta, 1915–1932
Sarah E. Hamill 377
- Rechtsstaat* and *Recht* in West Germany's Nuclear Power Debate, 1975–1983
Michael L. Hughes 411
- Murder Appeals, Delayed Executions, and the Origins of Jamaican Death Penalty Jurisprudence
James Campbell 435
- ### Book Reviews
- The Jurists: A Critical History*—James Gordley
reviewed by Katharina Isabel Schmidt 467
- Lords' Rights and Peasant Stories. Writing and the Formation of Tradition in the Later Middle Ages*—Simon Teuscher, trans. Philip Grace
reviewed by Phillipp Schofield 469
- A Punishment for Each Criminal: Gender and Crime in Swedish Medieval Law*—Christine Ekholst
reviewed by Sara M. Butler 471

<i>Taming Lust: Crimes Against Nature in the Early Republic</i> — Doron S. Ben-Atar and Richard D. Brown reviewed by M. Michelle Jarrett Morris	473
<i>The Fallacies of States' Rights</i> —Sotirios A. Barber reviewed by Aaron T. Knapp	475
<i>Pen & Ink Witchcraft: Treaties and Treaty Making in American Indian History</i> —Colin G. Calloway reviewed by Bethany R. Berger	478
<i>Sustaining the Law: Joseph Smith's Legal Encounters</i> —Gordon A. Madsen, Jeffrey N. Walker, and John W. Welch reviewed by Nathan B. Oman	480
<i>American Tax Resister</i> —Roman Huret reviewed by Charlotte Crane	482
<i>The Great Dissent: How Oliver Wendell Holmes Changed His Mind – and Changed the History of Free Speech in America</i> — Thomas Healy reviewed by Steven J. Heyman	484
<i>Tocqueville's Nightmare: The Administrative State Emerges in America, 1900–1940</i> —Daniel R. Ernst reviewed by Joseph Postell	486