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CHAPTER 21  
LEGAL HISTORY OF NEW JERSEY:  
A SELECTIVE BIBLIOGRAPHY OF SECONDARY SOURCES

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A. Pre-statehood and early statehood

1. Pre-statehood

(Here are listed works discussing both the proprietary and the colonial periods. See next two sections for works specific to those two periods.)

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[2] Brendan McConville, *These Daring Disturbers of the Public Peace: the Struggle for Property and Power in Early New Jersey* (Cornell University Press, 1999).

[3] George J. Miller, *Ye Olde Middlesex Courts: the establishment of an early court system in one of the original counties of New Jersey* (Perth Amboy: H.E. Pickersgill, 1932).

[4] *The Minutes of the Board of Proprietors of the Eastern Division of New Jersey* (v.1-3 published 1949-1960; v.4 edited by Maxine N. Lurie & Joanne R. Walroth, published by N.J. Historical Society 1985). Introductory essays by George J. Miller, v.1 p.1-42 & v.2 p.xv-1. Introduction to v. 4, p.xiii-xlii.

[5] William M. Offutt, Jr. *Of "Good Laws" and "Good Men": Law and Society in the Delaware Valley, 1680-1710* (University of Illinois Press, 1995) This was a revision of the author's 1987 dissertation at Johns Hopkins University, entitled *Law and Social Cohesion in a Plural Society: The Delaware Valley, 1680-1710*. Sources utilized include the Burlington Court Book and Gloucester County court records.

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[12] George J. Miller, *The Courts of Chancery in New Jersey, 1684-1696* (Perth Amboy: H.E. Pickersgill, 1934).

[13] John Edwin Pomfret, *The Province of East New Jersey, 1609-1702: The Rebellious Proprietary* (Princeton University Press, 1962). See especially ch. 5, "Philip Cartaret's Laws," p. 82-101; p. 155-181 on courts and laws; p. 301-303 on Noews v. Ball.

[14] John Edwin Pomfret, *The Province of West New Jersey, 1609-1702* (Princeton University Press, 1956). See especially p. 86-101 on "Concessions & Agreements," p. 128-139 on laws; index references under "assembly, laws of," "Burlington court," "courts."

[15] *The West Jersey Concessions and Agreements of 1676/77: A Round Table of Historians* (New Jersey Historical Commission, 1979, 50 p.).

[16] William A. Whitehead, *East Jersey under the Proprietary Governments* (New Jersey Historical Society, 1846) (Collections of the New Jersey Historical Society, Volume I); Second edition revised and enlarged (Newark: Martin R. Dennis, 1875).

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[19] William J. Eisenring, "Monmouth & Essex Counties' 1769-70 Riots Against Lawyers: Predecessors of Revolutionary Social Conflict," *New Jersey History* 112(1-2):1-20 (Spring/Summer 1994).

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[21] Gary S. Horowitz, *New Jersey Land Riots, 1745-1755* (Ph.D. dissertation, Ohio State University, 1966).

[22] Donald L. Kemmerer, *Path to Freedom: The Struggle for Self-Government in Colonial New Jersey 1703-1776* (Princeton University Press, 1940).

[23] Donald L. Kemmerer, "Judges' Good Behavior Tenure in Colonial New Jersey," *Proceedings of the New Jersey Historical Society*, n.s., 56:18-30 (1938).

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[25] Henry Noble MacCracken, *Prologue to Independence: The Trials of James Alexander, American, 1715-1756* (Heineman, 1964). See especially chapter XI, "Saving a Small Province," p. 89-102.

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[27] Austin Scott, "The Ordinance for Establishing Courts in New Jersey," *New Jersey Law Journal*, 35:164-170 (1912).

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[29] Joseph Henry Smith, *Appeals to the Privy Council from the American Plantations* (Columbia University Press, 1950), p. 366-369 on Elizabeth Purchase controversy, p. 453-463 on New York-New Jersey border dispute.

[30] George C. Thomas III, "Colonial Criminal Law and Procedure: The Royal Colony of New Jersey 1749-57," *NYU Journal of Law & Liberty*, 1:671-711 (2005).

[31] Carl Raymond Woodward, *Ploughs and Politicks: Charles Read of New Jersey and His Notes on Agriculture, 1715-1774* (Rutgers University Press, 1941). Chapter 13, "Jurist," p. 195-211, discusses Read's service as justice of the New Jersey Supreme Court.

#### 4. Early statehood

[32] John R. Anderson, "Militia Law in Revolutionary Jersey," *Proceedings of the New Jersey Historical Society*, 77(1):9-21 (Jan. 1959).

[33] Larry Bowman, "The Court-Martial of Captain Richard Lippincott," *New Jersey History*, 89:23-36 (1971).

[34] Ruth M. Keeseey, "New Jersey Legislation Concerning Loyalists," *Proceedings of the New Jersey Historical Society*, 79(2):75-94 (Apr. 1961).

[34.5] Richard P. McCormick, "The West Jersey Estate of Sir Robert Barker," *Proceedings of the New Jersey Historical Society*, 64(3):119-155 (1946).

[35] John E. O'Connor, "Legal Reform in the Early Republic: the New Jersey Experience," *American Journal of Legal History*, 22:95-117 (1978).

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[42] Stanley H. Friedelbaum, "Apportionment Legislation in New Jersey," *Proceedings of the New Jersey Historical Society*, 70:262-277 (1952).

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### CIVIL RIGHTS

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[51] Voorhees E. Dunn, Jr. "The Road to the 1947 New Jersey Constitution: Arthur T. Vanderbilt's Influence on Court Reform, 1930-47," *New Jersey History*, 104(3-4):23-41 (Fall/Winter 1986).

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[54] Irwin N. Gertzog, "The Author of New Jersey's 1776 Constitution," *New Jersey History*, 110(3-4):1-20 (Fall/Winter 1992). Includes text of first draft.

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[56] Maxine N. Lurie, "Envisioning a Republic: New Jersey's 1776 Constitution and Oath of Office," *New Jersey History*, 119(3-4):3-21 (Fall/Winter 2001).

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[65] Charles M. Yablon, "The Historical Race: Competition for Corporate Charters and the Rise and Decline of New Jersey: 1880-1910," *Journal of Corporation Law*, 32:323-380 (2007).

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[72] Charles H. Hartshorne, *Courts and Procedure in England and in New Jersey* (Soney & Sage, 1905).

[73] Joseph T. Karcher, "Opening of the 'Terms' Prior to 1948 revisions," *New Jersey Lawyer*, 111:67-68 (Spring 1985). About the Perth Amboy District Court.

[74] Mark Edward Lender, *"This Honorable Court": The United States District Court for the District of New Jersey, 1789-2000* (Rutgers University Press, 2006).

[74.5] Daniel J. O'Hern, *What Makes a Court Supreme* (NJLJ Books, 2010; originally published in nine installments in *New Jersey Law Journal*, May 11-July 6,2009)

[75] Kermit W. Smith, *The Politics of Judicial Reform in New Jersey* (Ph. D. Thesis, Princeton, 1965).

[76] G.Alan Tarr & Mary C.A.Porter, *State Supreme Courts in State and Nation* (Yale Univ.Press, 1988): "New Jersey: The Legacy of Reform," p. 184-236.

[77] Arthur T. Vanderbilt, "The First Five Years of the New Jersey Courts under the Constitution of 1947," *Rutgers Law Review*, 8:289-315 (1954).

[78] John B. Wefing, "The New Jersey Supreme Court 1948-1998: Fifty Years of Independence and Activism," *Rutgers Law Journal*, 29:701-730 (1998).

[78.5] Adam G. Yoffie, "From Poritz to Rabner: The New Jersey Supreme Court's Statutory Jurisprudence, 2000-2009," *35 Seton Hall Legislative Journal* 302-409 (2011)

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[111] Ralph Eisenberg, *Local Legislation and the Legislative Process in New Jersey* (Ph.D. dissertation, Princeton Univ., 1960).

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## PROPRIETORS

[114] John Mackay Metzger, "The General Board of Proprietors of the Eastern Division of New Jersey, 1684-1998: Survey of a Land Company," *New Jersey History*, 118(1-2):3-33 (Spring/Summer 2000).

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[117] Maurice Cleveland Waltersdorf, *Regulation of Public Utilities in New Jersey* (Baltimore: Waverly Press, 1936).

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[119] Alexandra Greif, "Politics, Practicalities, and Priorities: New Jersey's Experience Implementing the Abbott V Mandate," *Yale Law & Policy Review*, 22:615-658 (2004).

[120] P. E. Grimm, *Legal Trends in the Administrative Disciplining of Tenured Public School Teaching Staff Members in New Jersey* (Ed.D. dissertation, Lehigh University, 1978).

[121] Richard Lehne, *The Quest for Justice: The Politics of School Finance Reform* (Longman, 1978).

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### C. Collective biographies

Note: For references to biographies of particular persons in some of the works below, as well as in other sources, see Donald A. Sinclair's *New Jersey Biographical Index* (Genealogical Publishing Company, 1993).

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