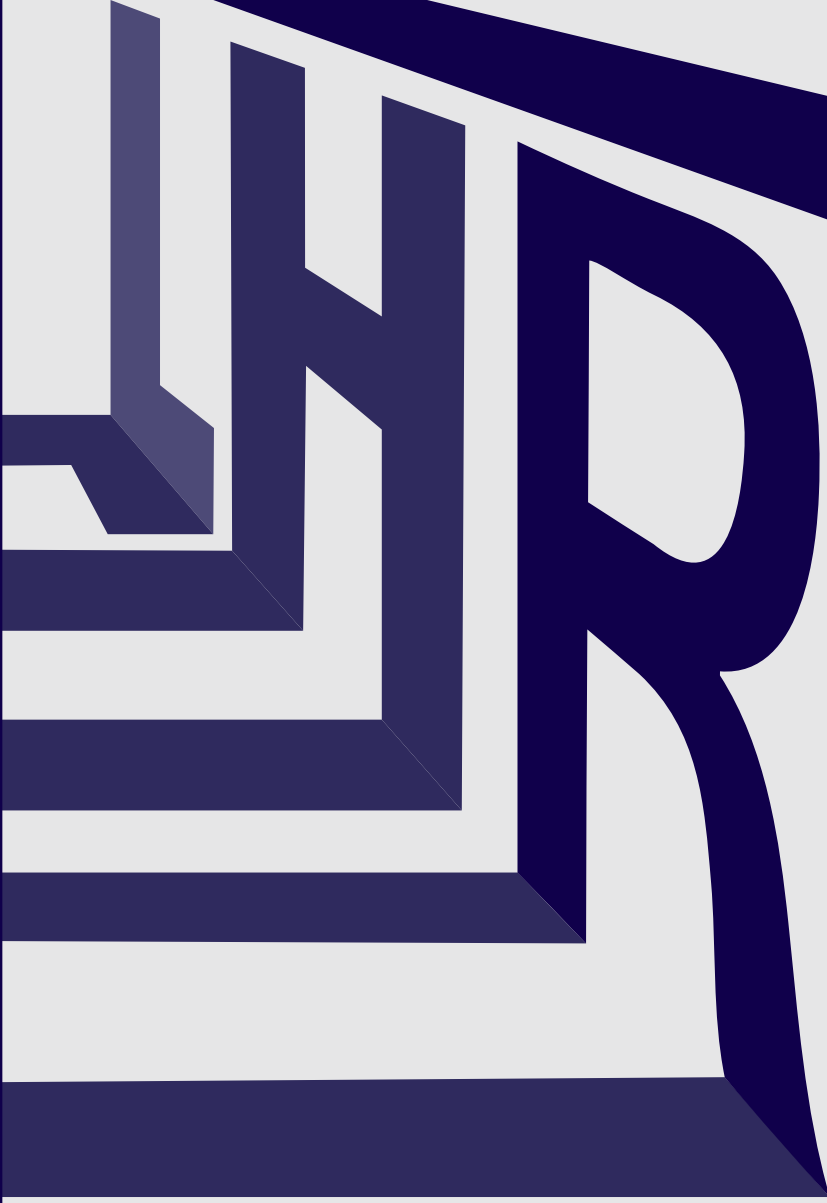


# LAW and HISTORY REVIEW



**ASLH**  
AMERICAN SOCIETY  
FOR LEGAL HISTORY

VOLUME 42, NUMBER 3 ■ AUGUST 2024



**CAMBRIDGE**  
UNIVERSITY PRESS

# 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., One Liberty Plaza, New York, NY 10006-4020, USA.

**Editorial Office:** Department of History, American University, 4400 Massachusetts Avenue, NW, Washington, DC 20016, USA. Gautham Rao, Editor; telephone: 202-885-6745; e-mail: gauth.rao@gmail.com

Address all general editorial correspondence to Gautham Rao, Editor, *Law and History Review*, American University, 4400 Massachusetts Avenue, NW, Washington, DC 20016, USA (tel: 202-885-6745; e-mail: gauth.rao@gmail.com). Address correspondence regarding book reviews and reviewing on the Americas to Nate Holdren, Associate Editor, Drake University (email: nate.holdren@drake.edu). Address correspondence regarding book reviews and reviewing on Europe to Elizabeth Papp Kamali, Associate Editor, Harvard Law School (email: ekamali@law.harvard.edu). Address correspondence regarding book reviews and reviewing on Asia, Africa, and the Pacific to Alastair McClure, University of Hong Kong Faculty of Law (email: amcclure@hku.hk).

**Publishing, Advertising, and Subscription Offices:** Cambridge University Press, One Liberty Plaza, New York, NY 10006-4020, 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, One Liberty Plaza, New York, NY 10006-4020, USA / Cambridge University Press, University Printing House, Shaftesbury Road, Cambridge, CB2 8BS, England for the American Society of Legal History. Annual institutional subscription rates for Volume 42 (2024) USA, Canada, and Mexico / Elsewhere are \$396 / £235 for print and electronic subscriptions. 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. 2024. 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>.

Printed by Sheridan, a CJK Group Company.

Permission to copy (for users in the USA) is available from the Copyright Clearance Center (CCC), <http://www.copyright.com>, email: [info@copyright.com](mailto: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., One Liberty Plaza, New York, NY 10006-4020, USA. Send address changes elsewhere to *Law and History Review*, Cambridge University Press, University Printing House, Shaftesbury Road, Cambridge, CB2 8BS, 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 42, Number 3

August 2024

---

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

**Editor**

Gautham Rao  
*American University*  
 Department of History  
 4400 Massachusetts Avenue, NW  
 Washington, DC 20016  
 202.885.6745  
 FAX: 202.885.6166  
 EMAIL: gauth.rao@gmail.com

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

Nate Holdren  
*Drake University*  
 EMAIL: nate.holdren@drake.edu

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

Elizabeth Papp Kamali  
*Harvard Law School*  
 EMAIL: ekamali@law.harvard.edu

**Associate Editor****(Book Reviews, Asia, Africa, Pacific)**

Alastair McClure  
*University of Hong Kong Faculty of Law*  
 EMAIL: amcclure@hku.hk

**Editorial Board**

David Anderson  
*University of Warwick*

Constance Backhouse  
*University of Ottawa*

Edward J. Balleisen  
*Duke University*

Nicholas Barreyre  
*L'ecole des Hautes Etudes en Sciences Sociales*

Felice Batlan  
*ITT Chicago-Kent College of Law*

Fahad Bishara  
*University of Maryland*

Holly Brewer  
*University of Maryland*

Thomas Buoye  
*University of Tulsa*

Christopher Capozzola  
*Massachusetts Institute of Technology*

David Chan Smith  
*Wilfrid Laurier University*

Amy Chazkel  
*Queens College, CUNY*

Li Chen  
*University of Toronto-Scarborough*

Andrew Wender Cohen  
*Syracuse University*

Rohit De  
*Yale University*

Alejandro de la Fuente  
*Harvard University*

Laura F. Edwards  
*Duke University*

Carole Emberton  
*University at Buffalo*

Lisa Ford  
*University of New South Wales*

Sally E. Hadden  
*Western Michigan University*

Amalia Kessler  
*Stanford University*

Daniel M. Klerman  
*University of Southern California*

Elizabeth Kolsky  
*Villanova University*

Adriaan Lanni  
*Harvard University*

Kenneth F. Ledford  
*Case Western Reserve University*

Assaf Likhovski  
*Tel Aviv University*

Rebecca McLennan  
*University of California, Berkeley*

Ajay Mehrota  
*American Bar Foundation*

M. C. Mirow  
*Florida International University*

Devin Pendas  
*Boston College*

Intisar Rabb  
*Harvard University*

Stephen Robertson  
*Roy Rosenzweig Center for History and New Media*

Lena Salaymeh  
*Tel Aviv University*

Reuel Schiller  
*Hastings College of Law*

Karl Shoemaker  
*University of Wisconsin*

Karen Tani  
*University of California, Berkeley*

Heather Ann Thompson  
*University of Michigan*

Stefan Vogenauer  
*Max Planck Institute*

James Q. Whitman  
*Yale University*

Anders Winroth  
*Yale University*

Will Hanley  
*Florida State University*

# Contents

Law and History Review

Vol. 42, No. 3, August 2024

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

## Original Articles

- Inventing Birthright: The Nineteenth-Century Fabrication of *jus soli* and *jus sanguinis*  
Nathan Perl-Rosenthal and Sam Erman 421
- The Law of Nations in the Diplomacy of the American Revolution  
Benjamin C. Lyons 449
- The Cartojuridism of the British East India Company  
Sabarish Suresh 469
- Between Empire and State: Haudenosaunee Sovereignty at the League of Nations  
Kate Alba Reeve 499
- What Happened to Nancy Jackson? A Riddle of Race and Resistance on the Southern Frontier  
Anders Walker 521
- A Christmas Eve Murder and the Notorious Georges: Community Identity in Northern British Columbia, 1913/14  
Jonathan Swainger 539
- Pathologization, Law, and Gender in Cases of Infanticide in Spain and the Netherlands in the Mid-Twentieth Century: A Comparative Perspective  
Willemijn Ruberg and Sara Serrano Martínez 561
- Witnesses for the State: Children and the Making of Modern Evidence Law  
Laura Savarese 585
- A Grand Jury Exhortation  
Benjamin Keener 615
- Anglo-Romano Common Law on Natural Subjecthood, Lansdowne MS 486 ff. 142–143  
N. R. W. Dudani 623

Sources and U. S. Citizenship in the Antebellum United States: A View from Abroad M. Scott Heerman	649
<b>Book Reviews</b>	
<i>The King's Felons: Church, State and Criminal Confinement in Early Tudor England</i> —Margaret McGlynn reviewed by Paul Cavill	659
<i>Royal Justice and the Making of the Tudor Commonwealth, 1485– 1547</i> —Laura Flannigan reviewed by Daniel F. Gosling	661
<b>Corrigendum</b>	
“Let the Commander Respond”: The Paradox of Obedience in the Imperial Japanese Armed Forces – CORRIGENDUM Danny Orbach and Ziv Bohrer	663