# English Legal History

## I. INTRODUCTION

This research guide is an introduction to the basic legal materials, in print and electronic formats, for historical research of English law. If you are researching modern English law, see the English Law Research Guide (https://law.duke.edu/lib/researchguides/english/).

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Many of the printed collections listed below may be referred to by several titles. Where that is the case, the catalog will list those other titles in the “Details” section.

II. RESEARCH AIDS

A. Research Guides

*Guide to Law Reports and Statutes*, 4th ed. (Ref. KD54 .S98 1962) includes tables of regnal years, lists of law reports (alphabetical & chronological), abbreviations, etc.


B. Reference Works

*The Cardiff Index to Legal Abbreviations* (http://www.legalabbrevs.cardiff.ac.uk/).

French, Derek, *How to Cite Legal Authorities* (Superseded Ref. KD400 .F73 1996) includes lists of regnal years and abbreviations of law reports.


*Stroud's Judicial Dictionary of Words and Phrases*, 9th ed. (KD313 .S925 2016; earlier editions in Superseded Ref.) and *Jowitt's Dictionary of English Law*, 3d ed. (Ref. KD313 .J69 2010) are two of the leading modern English legal dictionaries. The library owns many older dictionaries as well (such as John Rastell’s *An Exposition of Certaine Difficult and Obscure Wordes and Termes of the Lawes of this Realme* (2003 reprint of the 1579 ed.) (KD313 .R37 2003); to find them in the online catalog, search under *law england dictionaries* as a subject.


C. Languages of the Law


D. Bibliographies


The electronic version of the *Short-Title Catalogue (ESTC)* (http://estc.bl.uk) covers monographs printed between 1475 and 1800. Facsimiles of many titles listed in the *STC* (1475-1700) are available electronically as well in the *Early English Books Online* collection (https://find.library.duke.edu/catalog/DUKE002785879); all titles listed in the *STC* (1475-1640) are available in *Early English Books, 1475-1640* (Perkins Microforms).

III. STATUTES

A. Collections of Statutes


*The Statutes of the Realm* (1810-1828) (KD130 .S77 & online in HeinOnline, linked under *English Reports Full Reprint*). This 11 volume set covering the period from 1235 to 1713 also includes the Magna Carta and other important early documents.

The library has two editions of *Statutes at Large* (KD125 .S72 and KD125 .S73), covering the period from the Magna Carta until 1868. Several editions are also in Eighteenth Century Collections Online (https://find.library.duke.edu/catalog/DUKE003265267).

*Acts and Ordinances of the Interregnum, 1642-1660*, reprint of the 1911 ed. (KD130 .S75) contains statutes passed during the Interregnum (the rule of Oliver Cromwell).


Since 1831, Her Majesty's Stationery Office (H.M.S.O.) has published the official version of the statutes as *Public General Acts and General Synod Measures* (known as *The Public General Statutes*, 1831-1870) (KD124 .P83). The law library’s collection contains volumes issued since 1952. These are the equivalent of U.S. session laws. They are compiled every year; before that they are available in slip law form. Access is through the Index to the Statutes in Force. *The Public General Statutes* and *The Public General Acts* (KD124 .P82), published by the Incorporated Council of Law Reporting, contain acts passed between 1866 and 1951 (both sets are marked Law Reports: Statutes on the spine).

The official publication *Statutes in Force* (1972–) (KD132.S72 and in Microform) contains all acts from 1235 to the 1990's still in force in subject order along with their amendments. There is an index for each subject as well as a general index. It supersedes *Statutes Revised*, three editions of which were published between 1870 and 1950, containing statutes in force through 1948; the Library has the third edition of *Statutes Revised* (KD130 .S72).

*Chitty's Statutes of Practical Utility* (also known as *Chitty's Annual Statutes*), 6th ed. (KD129 .C44 1911) contains selected statutes from 1235 to 1948 for the use of the practicing lawyer; it includes a table of short and popular titles.
Butterworth's *Twentieth Century Statutes [Annotated]* (KD129 .C45), which absorbed *Chitty's Annual Statutes*, includes statutes from 1900-1956; until 1909 they are arranged by subject.

*The Statutes: From the Twentieth Year of King Henry the Third to the Tenth Chapter of the Twelfth, Thirteenth, and Fourteenth Years of King George the Sixth A.D. 1235-1948* (Robert Drayton, ed.), 3rd rev. ed. (KD130 .S72 1950) contains statutes in force from 1235 to 1948. Each volume has a table of statutes and an index.


The National Archives maintains the official place of publication for newly enacted legislation (online at [http://www.legislation.gov.uk/](http://www.legislation.gov.uk/)). It contains all legislation from 1988 to the present day, but also most pre-1988 primary (i.e. statutory) legislation. The "Search All Legislation" section at the right of the screen allows searching by title, year, number, and type of legislation. For Public General Acts, choose "UK Public General Acts" from the "Type" drop-down menu.

**B. Indexes/Tables**

*Index to the Statutes* (KD142.4 .I52), which covered the period 1235-1990 (when publication ceased), and *Chronological Table of the Statutes* (KD142.3 .C47), which covers the years 1235-to the present, are meant to be used with *Public General Acts and General Synod Measures* and *Statutes in Force*. The *Chronological Table of the Statutes* indicates repeals and amendments.

**C. Guides to Statutes**

Volume 16 of *Chitty's Annual Statutes*, 6th ed., 1911-1948 (KD129 .C44 1911) includes a “Table of Short and Popular Titles” as well as a “Table of Regnal Years and Chapters.”

Appendix A of *Craies on Statute Law*, 7th ed. by S. G. G. Edgar (KD691 .C73 1971) is a list of popular names of statutes.

*Guide to Law Reports and Statutes*, 4th ed. (Ref.KD54 .S98 1962) includes tables of regnal years, lists of law reports (alphabetical & chronological), abbreviations, etc.


D. Lexis Advance/Westlaw

The text of all public general Acts that are currently in force are available on Lexis UK Parliament Acts, Welsh Assembly Acts, and Scottish Parliament Acts; statutes in force from 1267 to the present are in Westlaw United Kingdom Legislation: Statutes.

IV. CASES

A. The Earliest Cases

*Bracton's Note Book: A Collection of Cases Decided in the King's Courts During the Reign of Henry the Third* (F.W. Maitland, ed., 1983 reprint of 1887 ed.) (KD190 1217 .B72 and HeinOnline’s Legal Classics Library) includes about 2,000 cases from the years 1217-1240. These texts are almost exclusively in Latin.


B. Year Books

The Year Books contain reports of English cases from 1270 to 1535. They are mostly in French; modern reprint sets include English translations along with the original text.

*Older Editions*


*Modern Collections*


The Ames Foundation has been publishing Year Books since 1914 (KD194 & in HeinOnline’s Selden Society Library, available online through the library catalog at https://find.library.duke.edu/catalog/DUKE005066709). The most recent is *Year Books of Richard II: 13 Richard II, 1389-1390* (2000).
Rolls Series (part of Rerum Britannicarum Medii Aevi Scriptores, Or, Chronicles and Memorials of Great Britain and Ireland During the Middle Ages) (1858-1911) (Perkins DA25.B5) includes 20 volumes of Year Books from Edward I and Edward III published between 1863-1911.

Other collections of cases from the Year Books and early nominate reports include J.H. Baker & S.F.C. Milsom, Sources of English Legal History: Private Law to 1750, 2d ed. (KD720.S68 2010) and A.K.R. Kiralfy, A Source Book of English Law (KD532 .K47 1957). All the sources included are translated into modern English.

Seipp, David J., Year Books: Medieval English Legal History (or Seipp’s Abridgement) (http://www.bu.edu/law/seipp). This searchable database indexes and paraphrases Year Book reports from 1268 to 1535 and includes helpful information such as lists of manuscript and printed editions and a bibliography of works about the Year Books.

Statham, Nicholas, Statham’s Abridgement of the Law (reprint of 1917 ed., translated by Margaret Center Klingelsmith) (KD196 .S73 2007). First printed around 1490, this is the earliest abridgment of cases from manuscripts of the Yearbooks. English translation from the Law French.

Early English Books, 1475-1640 (Perkins Microforms) and Early English Books Online (https://find.library.duke.edu/catalog/DUKE002785879) include many printed Year Book editions before 1700 as well as Ashe’s Promptuarie (1614), an index to the Year Books and early nominate reports (Short-Title Catalogue numbers for early Year Books are 9551 through 9967, and for the Vulgate are R1088A through R1088F).

If a case from the Year Books has been re-published, you should provide a parallel cite to the modern reprint series if possible (Bluebook, T.2). Butterworths Legal Research Guide (Ref. KD392 .H64 2001) has a good explanation of citations to Year Book cases.

C. Nominate (or Nominative) Reports

The Goodson Law Library has a large collection of nominate reports (KD187 - KD247 and Great Britain Law Reports, pre-1865 (Microforms); Guide to Law Reports and Statutes (Ref. KD54 .S98 1962) provides a complete list. Among the series held by the Library are:

Edmund Plowden, Commentaries [Les commentaires, ou les reports de dyuers cases...] (KD200 .P56 1816) covers cases from 1548-1579. Also available in 75 English Reports [Full Reprint] (see next section).


Sir Edward Coke published a series of reports between 1600 and 1615 (posthumous volumes came out in 1655 and 1658) which included cases from 1572-1617 (KD200.C64). Also available in 76-77 English Reports [Full Reprint] (see next section).
Sir James Burrow put out several series of reports; among the most important is *Reports of Cases Argued and Adjudged in the Court of King's Bench: During the Time Lord Mansfield Presided in That Court; from Michaelmas Term, 30 Geo. II. 1756, to Easter Term, 12 Geo. III. 1772*. Available in 97-98 *English Reports [Full Reprint]* (see next section).

Charles Durnford and Sir Edward Hyde East published *Term Reports* of King’s Bench cases for the period 1785-1800 (KD200.D87 1817).

To find other reports of cases in the online catalog, use the subject search *law reports, digests, etc. – great britain*, or try keyword searches; for example, *reports and cases and exchequer* will find works such as *Reports of Cases in the Court of Exchequer in the Time of King Charles I (1625 to 1648)* (KD208 1625 .R47 A225).

**D. Retrospective Sets**

The *English Reports [Full Reprint]* (1900-1930) (KD270 1220 .E53 & online in HeinOnline, https://find.library.duke.edu/catalog/DUKE003131760; and CommonLII, http://www.commonlii.org/uk/cases/EngR/) reprints many of the nominate reports published between 1220 and 1865, and is considered the main source for early English cases. The Index will lead you to the case in the *English Reports* if you have a nominate report citation. The *Index Chart Issued for the English Reports* (KD270 1220 .E531 & online in HeinOnline) lists each nominate report (along with its abbreviation) reprinted in the *English Reports* and indicates the volume where it appears.

The *Revised Reports* (Frederick Pollock, ed., 1891-1917) (KD270 1785 .R45 & online in HeinOnline, https://find.library.duke.edu/catalog/DUKE003131760) covers 1785-1866. Rather than reprinting the best version of a case, Pollock sometimes combined versions and edited them to get what he thought was the true opinion. While generally duplicative of the *English Reports*, *Revised Reports* does include some additional cases. You should cite cases to *English Reports* or *Revised Reports*, with a parallel cite to the nominate reporter (*Bluebook*, T.2).

The *All England Law Reports Reprints* (1957-1968) (KD288 .A6) contains approximately 5,000 cases decided from 1558-1935, chosen for their importance. The set includes a table of cases and a subject index.

*HeinOnline’s World Trial Library* includes trial transcripts and court documents (https://find.library.duke.edu/catalog/DUKE003131760, click on “World Trials” to see the list).

**E. Law Reports**

*Law Reports* (1865-) began with 11 series of reports (for a list see *Learning the Law* (13th ed., KD442 .W54 2006)). Currently, there are four: *Appeal Cases* (KD275.4 .L38), *Queen's Bench Division* (KD277.7 .L38), *Chancery Division* (KD276.3 .L38) and *Family Division* (KD279.3 .L38). If a case is included in the *Law Reports*, it should be cited there in preference to other sources (*Bluebook*, T.2). Citations to these series refer only to the series abbreviation, and do not indicate that they are part of the *Law Reports* (e.g., Harbottle v. Terry, 1882 Q.B.D. 131 is a citation to the *Queen’s Bench Division* series of the *Law Reports*).
Other historical reporters can be found in the print collection:

- **Law Journal Reports** (1822-1949; the 1822-1831 volumes are known as the Old Series (L.J.O.S.) (KD288 .A22).


**F. State Trials**

*A Complete Collection of State Trials and Proceedings for High Treason and Other Crimes and Misdemeanors from the Earliest Period to the Year 1783* (Thomas Bayly Howell (vol. 1-21) & Thomas Jones Howell (vol. 22-33), eds.) (KD370 .H69 2000 (reprint of the 1816-1828 ed. & HeinOnline)). Also known as *Howell's State Trials*, this collection of important criminal and constitutional cases begins with an account of the treason proceedings against Thomas Becket in 1163. The son of the original editor continued the series through 1820.


*State Trials: Or, A Collection of the Most Interesting Trials, Prior to the Revolution of 1688* (Samuel March Phillipps, ed.) (KD370 .P55 S7) covers the years 1554 to 1688.


*Reports of State Trials. New Series... 1820 to [1858]... Published under the Direction of the State Trials Committee* (KD370 .R46).

**G. Indexes/Digests**

*British Trials 1660-1900: The Guide to the Microfiche Edition* (Perkins KD370 .B758 1990) indexes a microfiche set that republishes non-official accounts, the majority are verbatim transcripts, of civil and criminal trials (microfiche not held at Duke, but may be borrowed).

*The Digest* (1971- ) (formerly called *The English and Empire Digest*, 1919-1970) (KD296 .E52 1971) provides access to cases from the Year Books to the present by name and subject.

*Law Reports: Digests* (KD284.D4 1952) contain summaries of cases in the *Law Reports* in a subject arrangement with lists of cases by name; the Law Library has volumes for the years 1931-1950.


**H. Guides to Cases**


*Guide to Law Reports and Statutes*, 4th ed. (Ref. KD54 .S98 1962) includes tables of regnal years, lists of law reports (alphabetical & chronological), abbreviations, etc.


**V. LEGAL HISTORY TREATISES & PERIODICALS**


*The Oxford History of the Laws of England* (John Baker, ed.) (2003-) (KD532.O94). The law library has volumes 1, 2, 6, and 11-13; the volumes are not published in consecutive order.


The *Journal of Legal History* (Library Service Center & Periodicals), a British publication, and *Law and History Review* (Library Service Center & Periodicals), the journal of the American Society for Legal History, are two of the leading journals that publish articles on English legal history topics.

The *19th Century Masterfile* ([https://find.library.duke.edu/catalog/DUKE002645648](https://find.library.duke.edu/catalog/DUKE002645648)) includes the *Index to Legal Periodical Literature* (1786-1922) and *Poole's Index to Periodical Literature*, 1802-1907 which provide access to articles in Anglo-American periodicals. Coverage throughout the years may not be complete.

### VI. CLASSIC TREATISES

Many classic legal treatises are now available in online databases such as *Early English Books Online* ([https://find.library.duke.edu/catalog/DUKE002785879](https://find.library.duke.edu/catalog/DUKE002785879)), *Eighteenth Century Collections Online* ([https://find.library.duke.edu/catalog/DUKE003265267](https://find.library.duke.edu/catalog/DUKE003265267)), and *HeinOnline’s Legal Classics Library* ([https://find.library.duke.edu/catalog/DUKE003902157](https://find.library.duke.edu/catalog/DUKE003902157)).

Blackstone, William, *Commentaries on the Laws of England* (facsimile of the 1st ed., 1765-1769) (KD353 .B5 2002). Blackstone was the first to lecture on English law at a university; the *Commentaries* are based on his lectures. Electronic versions are available on the *Avalon Project* website ([http://avalon.law.yale.edu/default.asp](http://avalon.law.yale.edu/default.asp)) and *HeinOnline’s Legal Classics Library* ([https://find.library.duke.edu/catalog/DUKE003902157](https://find.library.duke.edu/catalog/DUKE003902157)).


*Tractatus de legibus et consuetudinibus regni Anglie (Treatise of the Laws and Customs of England)*. This 12th century treatise on writs and the common law was traditionally attributed to Ranulf de Glanville (modern scholars suggest other authors such as Glanville’s nephew Hubert Walter). A good modern version is G.D.G. Hall’s translation, *The Treatise of the Laws and Customs of the Realm of England Commonly Called Glanvill* (1965) (KD660 .G43 H3 1993).

Littleton’s *Tenures* (1481). This treatise on English land law is said to be the first printed English law book. *Littleton's Tenures in English*, edited by Eugene Wambaugh (Washington, D.C., J. Byrne, 1903) is a well-known modern edition (KD833 .L57 1903).

**VII. LEGAL HISTORY ON THE WEB**


*The Avalon Project at the Yale Law School: Documents in Law, History and Diplomacy* (http://avalon.law.yale.edu/default.asp) includes texts of classics such as Blackstone’s *Commentaries*.

*The Court of Chivalry* (http://www.court-of-chivalry.bham.ac.uk/index.htm) contains records of cases from 1634-1640 relating to social, political and cultural issues.

*Early English Books Online* (https://find.library.duke.edu/catalog/DUKE002785879) includes many titles listed in bibliographies such as the *Short Title Catalogue* (1475-1700).

*Eighteenth Century Collections Online* (https://find.library.duke.edu/catalog/DUKE003265267) includes treatises, trial records, broadsides, and other legal writings.

*English Medieval Legal Documents Ad 600 - Ad 1535: A Compilation of Published Sources* (http://emld.usc.edu/tiki-index.php?page=HomePage) lists published sources of English medieval legal documents, and provides links to online sources.

*English Short-Title Catalogue (ESTC)* (http://estc.bl.uk) covers monographs printed between 1473 and 1800.
**HeinOnline** ([https://find.library.duke.edu/catalog/DUKE003131760](https://find.library.duke.edu/catalog/DUKE003131760)) includes reprints of classic treatises, case reporters and other documents in PDF format.

**House of Commons Parliamentary Papers** ([https://find.library.duke.edu/catalog/DUKE003500392](https://find.library.duke.edu/catalog/DUKE003500392)) contains digital versions of the 18th, 19th, and 20th century House of Commons Sessional Papers, with supplemental material dating back to 1688. **British Parliamentary Papers: Getting Started** ([http://guides.library.duke.edu/parliamentary](http://guides.library.duke.edu/parliamentary)) provides detailed information about accessing UK government documents from the 13th century to the present.

**Legal History Blog** ([http://legalhistoryblog.blogspot.com/](http://legalhistoryblog.blogspot.com/)) hosts discussions on a variety of topics, including English legal history.

**Legal History on the Web** ([http://www.law.duke.edu/legal_history/portal/index.html](http://www.law.duke.edu/legal_history/portal/index.html)) provides an annotated overview of online legal history resources.


**Medieval Legal History** ([http://www.fordham.edu/halsall/sbook-law.html](http://www.fordham.edu/halsall/sbook-law.html)) is part of the Internet History Source Book Project ([http://www.fordham.edu/halsall](http://www.fordham.edu/halsall)).

**Parliament Rolls of Medieval England** contains the texts (with English translation) of the rolls of parliament sessions from 1272-1509 ([https://find.library.duke.edu/catalog/DUKE003560741](https://find.library.duke.edu/catalog/DUKE003560741)).

**The Proceedings of the Old Bailey** ([http://www.oldbaileyonline.org](http://www.oldbaileyonline.org)) contains accounts of over 100,000 criminal trials held at London's central criminal court from 1674 to 1834.

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