

MAIN FEATURES

Ancient and Modern: Digitising Manuscripts and Archives at Lincoln's Inn

Abstract: In this article **Dunstan Speight**, Librarian of Lincoln's Inn, and **Carolyn Rampling**, Assistant Librarian, discuss the Inn's project to digitise Library manuscripts and documents from the Archives, explaining how the project has evolved over time and offering guidance based on their experience. Although not the bread and butter of law librarianship, digitisation projects are a feature of life for law librarians working with historic collections. The website and the documents digitised so far can be viewed at <https://archives.lincolnsinn.org.uk/>

Keywords: manuscripts; digitisation; Inns of Court libraries; Lincoln's Inn

Lincoln's Inn Library and Archives hold a considerable collection of documents of legal, historical and literary interest. The Library's holdings include over 1000 manuscripts, the majority being legal documents but there are also medieval Bibles, scientific treatises and works of literature. The Archives contain documents relating to the Inn's own history – from the deed of Henry III granting the site of today's Gatehouse Court to Ralph Neville, Bishop of Chichester in 1228 (approximately two centuries before the lawyers arrived) to today's administrative and membership records. The Archive also contains a large collection of images and architectural drawings.

Many of these documents are well-known to scholars and a number have been transcribed and published, notably by the Selden Society. A number of manuscripts have also been microfilmed, including a selection of case reports, moots and readings included in the *English Legal Manuscripts* project. With the exception of some visiting scholars photographing items for their own research, however, there has been no programme of digitisation.

Given the scope and quality of the Inn's collections, a programme of digitisation was desirable but the Library budget has many demands made on it in supporting its primary role as a resource for today's barristers and students. Making treasures from the Inn's collections freely available on the internet would clearly benefit scholars worldwide but would it be of much benefit to our members?

Happily, in addition to the desire to increase access to our holdings there was a very powerful argument for creating digital copies of some archives: there were no satisfactory surrogate copies, should anything happen to the originals. This was at the heart of our business case for the items in our pilot project in 2017: the Inn's Black Books. The members of the Library Committee and the

wider Inn were also extremely supportive of a project which would widen access to the Inn's treasures.

THE BLACK BOOKS

The Black Books are the official minutes of Council, the Inn's governing body. They exist in an unbroken sequence from 1422, with a fragment from 1419. As such they are of interest to legal historians, social historians and legal biographers. Despite three projects to microfilm them and published printed versions, there is no satisfactory full text copy of the first nine volumes, spanning the period 1422–1691.

The first project to microfilm the Black Books took place in 1943 but as the film type used (cellulose nitrate film) is prone to deterioration and constituted a health and safety hazard the films were destroyed in 2005. A second project to film the Black Books took place during the 1960s or 1970s. The Inn does not possess a copy of this film, but a copy is available in the National Archives. There are, however, problems with this version. The quality of the filming is poor and does not print out in a fully legible form. In addition, the first nine volumes had been re-bound in the 1960s. Although aesthetically pleasing, the binding was very tight, causing the text in many places to disappear into the gutter margin, making it difficult to read and impossible to film. This 1960s/70s print therefore misses a quantity of the text on many pages. The final microfilming project took place in the 1990s, but began filming from vol. 10 because of the difficulties in photographing the text in the margins of the early volumes.

The text of the early Black Books was included in the printed version (1897), but this did not produce a full

transcript. Some items were omitted on the grounds that they were not of historical interest. The focus of scholars' interests has expanded greatly in the past 120 years so that items which were disregarded in the 1890s could be of great interest today.

In addition to the risk of relying on one complete original copy, the absence of a satisfactory surrogate copy of these first nine volumes meant that researchers needed to use the original versions more often than was desirable for their long-term preservation.

THE PILOT PROJECT

We were fortunate in receiving unanimous support and funding for our pilot project to digitise the first nine volumes of the Black Books (1422–1691). In retrospect, the Black Books were a useful choice for the pilot project as, in addition to mitigating the risk of having only one satisfactory version of the manuscripts, the experience demonstrated many of the issues which can complicate the process of obtaining digital images and displaying these online.

PREPARING THE MANUSCRIPTS

The problem of the tight bindings encountered by those microfilming the manuscripts would be an equal problem for digitisation so we took the decision to take the bindings apart. This allowed the pages to be entirely flat when scanned so that all the text could be captured. We were fortunate that the volumes had been rebound in the 1960s. Had the volumes had historic bindings this would have created a real quandary – should one retain the original binding and fail to capture all the text or sacrifice the binding in the interests of capturing all the intellectual content of the manuscript? This is an issue that will be faced when considering how to treat other manuscripts in historic bindings.

The disadvantage of sacrificing the bindings is that this meant that the process of digitising these manuscripts was much more expensive and time-consuming than would otherwise be the case.

Of the items we have digitised since the Black Books some have been suitable for photographing without the need for any such treatment, whilst others, notably the collection of architectural drawings, have required extensive conservation treatment as the paper was damaged and very fragile.

When assessing items for digitisation the amount of preparation which the document will require will be the biggest factor in determining the cost and time involved in the project. These considerations are also likely to influence who will carry out the work on your project. In our case we have used National Conservation Services (NCS), who have both the facilities and expertise to carry out conservation work as well as the digitisation.

PREPARING THE IMAGES

The pilot project was also a useful introduction to the complexities of displaying images in a logical and attractive way on a website. Our requirements for the website fell into two categories: how we wanted the documents to appear on the screen and how we wanted the website to look.

Our vision for how the documents should display was reminiscent of the early days of legal databases and software like 'Books on Screen' – i.e. we wanted the documents to retain the look and feel of the original. Back in the 1990s this was seen as a key way of persuading lawyers to embrace new technology. In our case, the importance of retaining the look and feel of the original was to try and convey as much as possible of the incidental pieces of information which researchers can deduce from a manuscript. Recent decades have seen increasing attention paid to books and manuscripts as physical items: how material is organised in a document, how a manuscript has been put together and the evidence it might reveal about how previous owners and readers read and used the text. We looked at a range of existing digitised documents on the websites of other libraries and the exemplar we chose was the digitised copy of Shakespeare's First Folio on the Bodleian Library's website.¹ The online First Folio offers not only the option to turn the pages on screen but the ability to jump to a particular play or an act or scene thereof via a table of contents. A table of contents (not available in the original manuscripts) would be invaluable to researchers wanting to go directly to a particular year, as each volume covers many decades and the obscure late medieval / early modern handwriting hampers a quick scroll through the document.

Our existing website did not have the capability to display the material in the way we wanted so we had to create a separate website for this. As we wanted the website displaying our digitised material to follow the design layout of our main website and link seamlessly with it, this was an additional complicating factor in its design. This aspect of the work was undertaken by Paul Appleton of Appleton Design Associates who readily appreciated how we wanted the documents to display and produced solutions tailor-made to the wide range of documents we now display on the website.

The website is constructed using Wordpress which interacts with the Bookreader software, where the metadata is added, to display the digitised images in the way we want.

Bookreader requires the images to be similarly sized, around 300KB, and the file names to be uniform, e.g. all numbered sequentially with a hyphen. A further piece of software, PowerToys, is used to resize and rename images in bulk. Before re-numbering the images, it is important to ensure that the pages are in the correct recto / verso configuration, so that the 'spine' of the book appears in the centre of the two pages displayed on screen.

In addition to the metadata which dictates the sequence of images, Bookreader offers the ability to



Hale MS 194 – a manuscript on fine vellum of the statutes from Magna Carta to 1451. This photograph demonstrates both the riches of the collection and the problems of tight rebinding, which makes it difficult to capture the full manuscript image

group images together and create a tree structure of folders behind the scenes. This is a time-consuming process but offers the user of the online manuscripts a benefit missing from most of the actual manuscripts – the ability to go directly to an individual decade, year or folio.

LAUNCH OF THE WEBSITE

Our funding for the project was agreed to start in January 2018. Had we been told that we would not have the website ready for launch until March 2022 we would doubtless have been rather disheartened. In the event, the combined effects of Covid delays and the fact that the process of obtaining the images and having them displayed to our satisfaction meant that we could launch the website as part of the Inn's 600th anniversary celebrations in April 2022. As the anniversary date was chosen because the continuous sequence of the Black Books begins in 1422 it was singularly appropriate that the website should be launched then. A series of anniversary events throughout the year helped maintain interest in the manuscripts and the online version. We also included a digitised version of the souvenir menu booklet which accompanied the Inn's celebratory banquet for the 500th anniversary in 1922 (a publication worth looking at, not least for the unintentionally comic speech by the Spanish Ambassador).

DEVELOPMENT OF THE WEBSITE 2022–23

Since the launch of the website, we have added quite a diversity of sources, which give a sense of the breadth of our collections. Items include a number of 18th Century manuscript law reports and a large number of the architectural drawings for the Library and Great Hall (1843–5). The motive for digitising these was, like the Black Books, linked with preserving the originals. A number of manuscript law reports were sent to NCS for conservation work and we decided that it would be sensible to have them digitised at the same time. The architectural drawings were also sent for conservation because of their fragile state. They have often been consulted by surveyors and engineers since 1845 and continue to be used. These were digitised while they were being treated. As such, anyone referring to the drawings for information can use a printout of the original drawing rather than risking further damage to the original. As a by-product of this, we are creating an impressive resource for architectural historians by displaying a remarkably full set of drawings illustrating the architect's developing design for a major 19th Century building.

Although linking conservation work with digitisation makes sense from a practical standpoint, we are aware that this means that the digital collections were developing in a rather haphazard way. Since then, we have developed more of a strategy for digitising content.

We will focus on material which matches one or more of the following criteria:

- Is important for today's practising lawyers and / or legal historians. This consideration will be the main focus of future digitisation.
- Is an item (whether legal or non-legal) which is often consulted – this reduces handling risk for the originals and makes the manuscript available to everyone.
- Helps the Inn achieve its objective of celebrating its heritage and making this more accessible.
- Can tie in with other projects / campaigns.

Items which have been digitised since we formulated this strategy have included:

MATERIAL RELATING TO SOMERSET'S CASE (1772)

Last year, 2022, was the 250th anniversary of Somerset's case, a landmark case in the gradual abolition of the slave trade and slavery. Lincoln's Inn has lots of connections with this case. Lord Mansfield, the judge who ruled that the slave, James Somerset, could not be taken out of the country back to the plantations was a member of the Inn, as were Francis Hargrave, counsel for Somerset, and Capel Lofft, a campaigner for the abolition of the slave trade whose report of the case was important in publicising the decision. In addition, the Library has a number of manuscripts reports of the decision, including the notes of Sir William Ashurst, a judge who sat alongside Mansfield on the Bench and recorded the judgment. Another manuscript report, that of Serjeant Hill, is also in the Library's collection and is generally considered to be the most accurate report of what Lord Mansfield actually said. Both of these documents differ markedly from the published law reports – revealing that 18th Century lawyers were not above embellishing their law reports in the pursuit of their own agendas. In this case, Capel Lofft was a strong supporter of the abolition of slavery and the slave trade and was keen that the case should be seen as having a wider application than Lord Mansfield seems to have intended.

The anniversary of the case was the perfect opportunity to digitise these documents and make them available. We combined the publication of these documents online with a series of blog posts for Black History Month. The culmination of these posts was the release of the image of one of the most touching documents in our collection, a letter dictated by Lord Mansfield to Dido Belle, the mixed-race daughter of his nephew, whom Mansfield adopted and brought up with his other niece, Elizabeth Murray, at Kenwood House.

ENTICK V CARRINGTON (1765)

Entick v Carrington is another landmark 18th Century case. It continues to be cited regularly in cases in England and other Common Law jurisdictions.² The decision, limiting the Government's rights of searches and seizures, was a key influence on the Fourth Amendment to the US



The east elevation of the Great Hall (1845) designed by Philip Hardwick – one of 800 architectural drawings for the Great Hall, Library and Bench Rooms

Constitution. Lord Camden's statement on the limits of executive power is frequently quoted: "If it is law, it will be found in our books. If it is not to be found there, it is not law". The case is also seen as key articulation of the 18th Century view that the protection of property was the fundamental purpose of the common law.

Our copy of the manuscript, never before published, is one of two manuscript reports which predate the main printed report of the case by 15 years. Both reports fail to include the two most frequently quoted statements in the printed report – suggesting that, as with Somerset's case, the reporter 'improved' the judgment. The digitised version of our manuscript was recently added to the website and, in view of its link with the Fourth Amendment, publicised on social media on the Fourth of July this year.

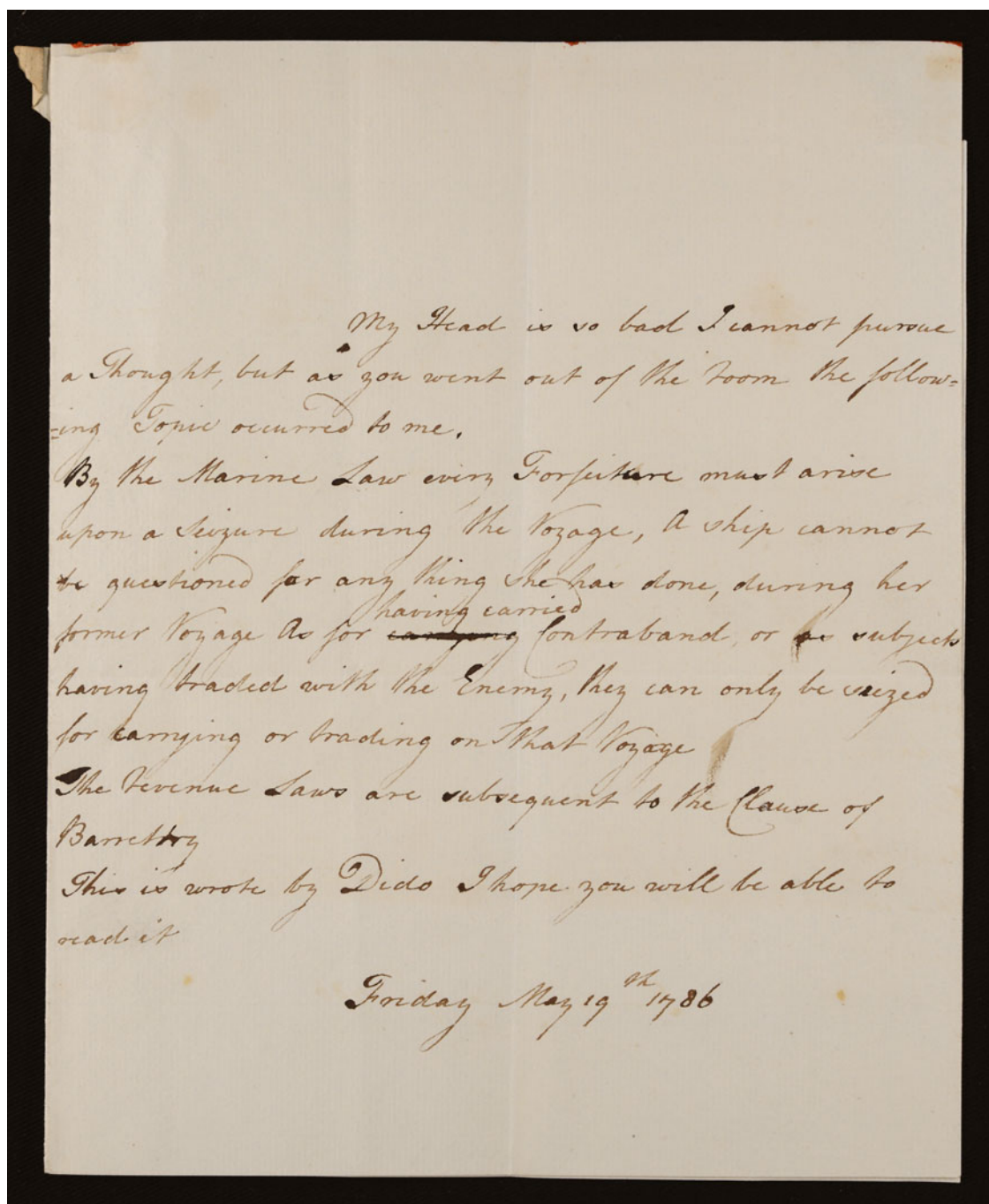
PIERS PLOWMAN

For most of its existence Lincoln's Inn Library was more than a law library. Until the foundation of the University of London in the 19th Century, the Inns of Court were the nearest London had to a university – hence their sobriquet of "the third university". As a result, for centuries the libraries' collections resembled the college libraries of

Oxford and Cambridge. This explains why, even today, the Inns have some remarkable treasures of no obvious value to those studying the law. At Lincoln's Inn we are fortunate in possessing one of the earliest manuscripts of *Piers Plowman*, one of the greatest pieces of literature from the English Middle Ages. This is the most frequently consulted manuscript in our collection. It was therefore an obvious candidate for digitisation so that scholars around the world could study it. Digitisation also provides something above and beyond the experience of consulting the original: at the request of an academic expert on the manuscript we arranged for it to undergo multi-spectral imaging in the British Library's digital laboratory, to see if this might reveal some of the text lost beneath layers of dirt and wear on the final pages of the manuscript. Although the results were not dramatic some additional text was revealed and the images are also available on our website.

USAGE OF THE DIGITISED MATERIAL

Usage of our online manuscripts has been modest but steady. From 1 April 2022 to 25 June 2023 the total figures are:



The letter dictated by Lord Mansfield to Dido Belle

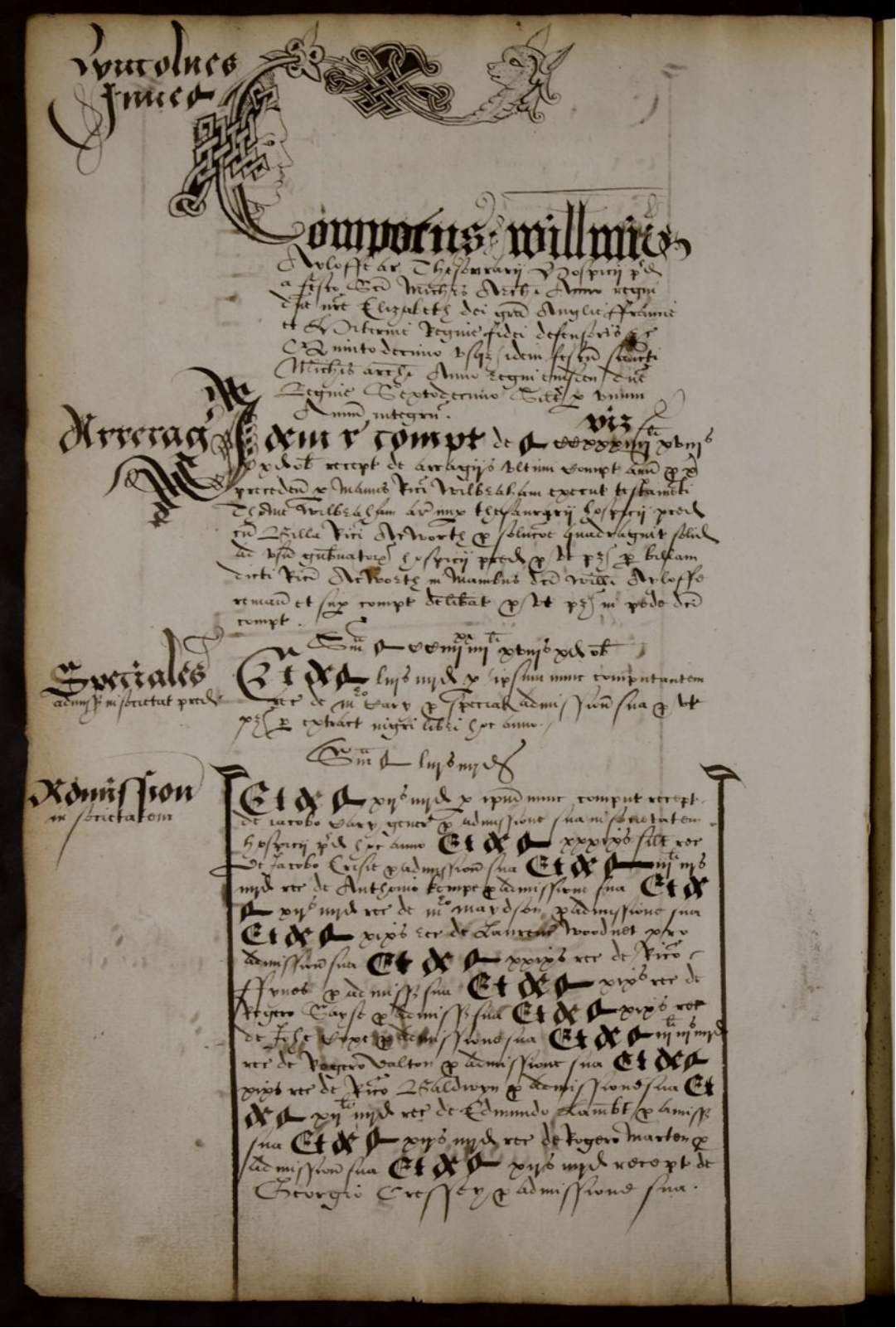
- 1.7k users (1.6k new users)
- 2.6k sessions (visits to site)
- 7.9k page views

More gratifying have been the emails from students and academics thanking us for making the material available and explaining how this is supporting their research. The digital material also improves the response which we give to archive queries where we can now link to relevant digital images.

LESSONS LEARNT

This project has been a new departure for the Library and Archives team and we have refined our approach over time. We would offer the following advice to any collection embarking on such a project:

- Start with some easy wins: documents which can be digitised without conservation or other work, such as removal from bindings, being done in advance.
- Don't underestimate the amount of time and money which might be involved in the software and design



This doodle from a record of a Council meeting in 1574 comes in very handy as an image for publicising the digital manuscripts on social media

so that the material displays in the way you would like.

- Don't underestimate the amount of time it takes to add the metadata. This is particularly true for manuscripts which are difficult to read.
- Liaise with your IT team and whoever is responsible for your website rather than 'going it alone'.
- When putting together a business case tie the project into as many of your organisation's objectives as possible.
- Publicise the content as much as possible.
- Tie in the publishing of content online with events / anniversaries. In our case, the 600th anniversary of the Black Books provided the perfect occasion to launch the digital version of our Black Books.
- Think about the most compelling images for social media. You may decide to use a different image rather

than one of the images for the document. When we publicised the Black Books we used a quirky, doodled 16th Century initial letter as the main image which was more memorable than a selection of 15th Century script which is practically illegible to 21st Century eyes. When we publicised the *Entick v Carrington* manuscript on the Fourth of July we created a composite image of the American eagle and the case name, which was more attention-grabbing than the document itself. A document can be very important in terms of its intellectual content and historical significance but not necessarily visually compelling.

- Think about copyright of the images. Do you want the material to be as widely used as possible or do you run the risk of giving up a possible revenue stream in licensing reproductions of the images?

To view the online collection of manuscripts, drawings and ephemera go to <https://archives.lincolnsinn.org.uk/>

Footnotes

¹ <<https://firstfolio.bodleian.ox.ac.uk/>>

² It was cited in at least two reported High Court cases and one Court of Appeal case in 2022

Biographies

Dunstan Speight, Librarian of Lincoln's Inn, has spent 27 years working as a law librarian in a number of different libraries. After a trainee post at Nuffield College, Oxford and the MSc in Library and Information Studies at the University of Wales, Aberystwyth, he moved to London and the Middle Temple (as post-graduate trainee and then Assistant Librarian). This was followed by two and a half years as an Assistant Librarian at the Law Society, before spending 16 years in City law firms. He joined Baker & McKenzie LLP as a Research Librarian in 2000, later becoming a Library Manager there, before joining Berwin Leighton Paisner LLP as Library Manager in 2006. He has been Librarian of Lincoln's Inn since July 2016. He was President of BIALL in 2019 and is currently Honorary Secretary.

A native of Pasadena (where grass is greener), **Carolyn Rampling** worked with such Hollywood greats as Walt Disney before relocating to London. Her career saw a number of glass ceilings smashed, before she was prohibited from practising tennis serves in the Palm House of Kew Gardens. A new door opened and Carolyn joined Lincoln's Inn as Assistant Librarian and part-time Ambassador for California. Outside the workplace Carolyn's interests include collecting shoes and campaigning for California's secession from the United States and for better weather in London.