Big Legal History and the Hundred Year Test

DAVID J. SEIPP

The generation of legal historians working in the opening decades of the twenty-first century have an opportunity to use digital technology to bring the sources of legal history to a wider audience of scholars and to facilitate the research of future scholars for many generations to come. I say this because, commencing in 1999, I compiled a searchable database of identifying information about and content of the 22,318 reports in the Year Books, cases decided in England's courts of common law between 1268 and 1535. With the generous support and sponsorship of the Ames Foundation, my database has become an online scholarly resource used frequently by researchers and students of English legal history and other disciplines. This has been the most rewarding experience of my scholarly career. Projects such as the one I undertook, and which I call "big legal history," can require a number of years to complete, as in my case, or else a team of scholars whose contributions all need to be closely coordinated. Because the compilation of large digital resources does not fit the typical career path of most legal historians, I offer here an account of the origins of my project, some of the choices that I had to make at its outset, the progress that I made, and the rewards that I have received along the way.

The "hundred year test" is my prediction, based on the type of legal history scholarship that I use most often from 50 or 100 years ago—scholarly editions of primary sources—that new scholarly resources and finding aids of this type, which now can be made widely available by digital means,

will prove steadily useful for decades into the future and will "migrate" onto different platforms as newer technologies develop. I conclude by mentioning the opportunities still available for future scholars to join in the enterprise of big legal history at this formative time of new digital capabilities. I predict that big legal history projects such as these, if they are done well enough, will become valuable research aids for a very long time to come.

Origins

I remember reading in 1985 that the entire known corpus of ancient Greek literature, *Thesaurus Linguae Graecae*, had been typed into a single concordance in a computer file, and was being made available on a CD-Rom. Textual searches that had once taken classics Ph.D. candidates years of skimming the Loeb Classics volume by volume in library carrels could now be done in a matter of seconds. I found this news very striking, and I remember thinking how satisfying it would be to have an effect like this on a scholarly field. I had lived through the change that full-text searching by means of Lexis and Westlaw had made in legal research on modern American and English cases. Like other lawyers, I recognized potential disadvantages along with advantages, but on balance, I saw huge benefits if historical research could be speeded up to an equally great extent and hampered as little as possible by the limitations of an indexer.

I suppose that I first wished for such full-text searching of early English legal materials in 1977. Just after I finished an undergraduate degree, I traveled to London with a small research fellowship and set out, in the Reading Room of the British Library, to trace early uses of the legal maxim "a man's house is his castle." Dictionaries of proverbs and cross-references in Edward Coke's reports eventually led me back to a late Year Book report apparently dated Michaelmas 1505 but likely better dated to 1499, in which Chief Justice John Fyneux said in law French, *la maison d' un est a luy son castel & sa defence.*[1] But had the chief justice been repeating a common saying or invoking an earlier source? And if so, could I find it in one of the thousands of Year Book reports that preceded this one?

I felt much more keenly the need for full-text searching early in my teaching career, in the years from 1986 to 1995. That was when I skimmed the eleven tall, fat volumes of the vulgate Year Books and the sixty-seven volumes of scholarly editions of Year Book reports several times over,

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1. Anon., Mich. 21 Hen. 7, pl. 50, fol. 39a (King's Bench, 1499 or 1505) (now 1505.050 in my database).

looking first for every mention of the word "property,"[2] then for every criminal case,[3] and after that for every reference to Roman or canon law.[4] Each of these made for a satisfying article, but it took me several years to complete each one of these passes through the Year Books; longer if I tried to look also for later cases in the early nominate reports of Plowden, Dyer, Coke and the rest. The effort was enough to make me wish that I had taken up an academic specialty for which all I needed to write articles and books was a hammock, a laptop, and a copy of the United States Constitution. I remember that when I had found 800 cases on criminal law and procedure from the Year Books, the next obvious question was, "Out of how many?"[5] But the total number of Year Book reports of individual cases had never been counted. Therefore, it was difficult to say how much of lawyers' attention criminal matters occupied in their main repository of collective memory.

I am not the only one to have felt the need for a better finding aid to access the learning of the Year Books. The Master of the Library of Lincoln's Inn wrote the following in 1800 in his report to the Select Committee upon Public Records:

> There is yet another great Desideratum in regard to the Year Books, viz. a full and well-digested General Index to the whole. At present, such Indexes as there are in the printed Books are so dispersed in the different volumes, are of such unequal merit, and, in general, so scanty and imperfect, that they are of very little use; and the Lawyer generally finds it best to neglect them, and to resort to the different Abridgments of the Law, in order to discover what cases and passages in the Year Books may be applicable to the point he has occasion to examine.[6]

The Abridgements, however, as I knew, lumped the Year Book cases they excerpted under a few hundred general headings, and omitted any mention of many Year Book cases. In 1928, Percy H. Winfield summed up the difficulty of finding anything in the Year Books:

2. David J. Seipp, "The Concept of Property in the Early Common Law," *Law and History Review* 12 (1994): 29–92.

3. David J. Seipp, "Crime in the Year Books," in *Law Reporting in Britain: Proceedings of the Eleventh British Legal History Conference,* ed. Chantal Stebbings (London: Hambledon Press, 1995), 15–34.

4. David J. Seipp, "The Reception of Canon Law and Civil Law in the Common Law Courts before 1600," *Oxford Journal of Legal Studies* 13 (1993): 388–420.

5. Seipp, "Crime in the Year Books," 16–17.

6. Appendix to the First Report from the Select Committee of the House of Commons on the Public Records (1800), 383, quoted in Charles Purton Cooper, *An Account of the Most Important Public Records of Great Britain* (London: Baldwin and Cradock, 1832), 2:397.

What this means in the case of the modern editions of the Year Books is that one has to look through the indexes of some thirty-five [now sixty-seven] volumes in order to find what one wants, or, more frequently, to discover that they contain nothing that one does want. As to the old black letter editions of the Year Books, the Selden Society (though I fear that this exceeds the scope of their activities) would do an infinite service to researchers if they would substitute for their next edition of a single Year Book an index to the whole of the matter in [the vulgate] edition. Never mind correction of the text. Later hands can see to that. After all, even where the text is corrupt, it was in the main accepted as correct by every lawyer till 1863, and as such it was worked into the texture of our law for over 300 years.[7]

When I wrote my articles in the 1990s based on searches through all the printed Year Books, however, there was still no such general index.[8]

Why had no useable general index and finding aid for Year Book reports been created before? One reason is that such an enterprise was difficult to conceive as a series of printed books. Cheap and quick searching of large quantities of texts or lists by digital technology has now made such an index much easier to conceive and to compile. Another reason this had not been done before is that compilation of large indexes and finding aids still does not fit the expectations of appointment, tenure, and promotion committees in law schools or history departments, and does not fit the career patterns of most academics. One would also need access to the texts themselves, many of which had not been reprinted since 1680. Then there is the matter of personal taste. Selden Society Editor William Craddock

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7. Percy H. Winfield, "Law Reform," *Law Quarterly Review* 44 (1928): 298.

8. After I began my database, I discovered that someone had indexed the Year Books 400 years ago. In July 2001, I described my project to another former teacher, David Yale of Cambridge University, and he said, "Oh, you're doing another Ashe's *Promptuarie*." I had never heard of Ashe's *Promptuarie*. But indeed, Thomas Ashe of Gray's Inn had published in 1614 a work entitled *Promptuarie, ou Repertory Generall de les Annales, et Plusors Auters Livres del Common Ley d' Engleterre* in which he gave citations to Year Books, to more recent reports of Edmund Plowden, James Dyer, and Edward Coke, and to treatises, under 759 alphabetical headings and within these headings under 22,527 analytical subheadings. Ashe included citations to Year Book reports that had never been excerpted in an abridgement. His analytical subheadings were a great improvement on previous abridgements. Subheadings would also prove to be popular in Henry Rolle's *Abridgement*, the last reference work of common law to survey the Year Books, published in 1668. Rolle's *Abridgement* remained in frequent use by lawyers, but Ashe's *Promptuarie* did not. It was never reprinted, and Gray's Inn had to support Thomas Ashe as a charity case after its publication. Copies of the work today are very rare. Unlike the abridgements and my database, Ashe's work stopped short of conveying to users the content of the Year Book cases it was indexing. Unlike my database, it did not index the names of parties or geographical place names. Nevertheless, it was a noble effort and deserved to be better known. I am preparing an introduction for a reprinted edition.

Bolland, in his 1921 lectures on the Year Books, quoted what Sir Frederick Pollock had written many years before: "'To read straight through the Year Books in their present condition is a task that no man living can be expected to undertake.'"[9] In 1889, the great Frederic William Maitland himself repeated the warning of a distinguished English lawyer that the important work of English legal history would more likely be done by "some of the . . . scholars of Germany or America" because "it seems hardly likely that anyone in this country will have the patience and learning to attempt it."[10] Lawyers had long realized that a better aid for finding one's way into and out of these basic sources of the early common law was needed, but still it did not materialize.

Late in the year 1999, circumstances required me to come up with a scholarly project that was easily portable to Washington, DC, where I could work with just a laptop computer and one book at a time. I knew that I wanted to save myself and save anyone else from ever again having to skim every line of every page of the corpus of printed Year Book reports. I had no idea whether I could finish such a project, or how long it might take, but that did not stop me.

When my faculty colleagues learned what I was doing, one of them presented me with a copy of a book by Simon Winchester with the title *The Professor and the Madman*. It was about Sir James Murray, the chief editor of the 71-year-long project to produce the Oxford English Dictionary, and about an American, Dr. W.C. Minor, who contributed early citations of English words from the criminal lunatic asylum in which he was confined.[11] My colleague did not tell me which of the two title characters I most resembled.

Choices

I set out to make, for every printed Year Book case, a computer record in which all the information that could be found about that case would be searchable. I took advice from my former teacher, Charles Donahue of

9. William Craddock Bolland, *The Year Books* (Cambridge: University Press, 1921), 45 (perhaps from an unpublished letter of Pollock's).

10. Frederic William Maitland, "The Materials for English Legal History," *Political Science Quarterly* 4 (1889): 496, quoting a book review by Charles Elton in *English Historical Review* 4 (1889): 155. By some scholar of Germany or America, or, I might add, by some American with a German surname. Mine is, for some reason, a surname so invariably mispronounced, especially in the British Isles, that I supply a couplet to my introducers: "Every Year Book set in type, indexed by a guy named Seipp."

11. Simon Winchester, *The Professor and the Madman: A Tale of Murder, Insanity, and the Making of the Oxford English Dictionary* (New York: Harper, 1998).

Harvard Law School, and asked the Ames Foundation to sponsor my project. Charlie helped me decide which database software I would use to compile my set of records, and which fields of information I would include in all records. I had a sabbatical leave in 2000–2001 to initiate the project. I started in the middle of the Year Books, with the first year of the reign of Henry IV in 1399, the first reign for which there were no modern scholarly editions of Year Books. And I began typing.

I have referred to "printed" Year Book cases. That was one of my choices. My database does not include the very small proportion of Year Book material that still remains only in manuscript. I have spoken and written elsewhere about the long tradition in our field of neglecting the old printed sources, of regarded anything printed before 1850 or thereabouts as probably being wrong, and anything discovered in an unprinted manuscript as probably being true.[12] I remember that one of the first suggestions I received from a fellow legal historian, a dear friend I have known for 36 years, was that it was a pity that I had not started with manuscript sources. The reason I did not was that the printed editions circulated widely and were more influential in the later law. Also, if I had started from manuscripts in 1999, I imagine that I would still be working on the Year Books of the reign of Henry IV now in 2016, instead of having indexed, between 2000 and 2009, all 22,318 cases in the printed chronological series from Henry III in 1268 to Henry VIII in 1535.

I worked from the text that I had at hand, a reprint by Professional Books in 1981 of the 1678–80 printing of the entire run of Year Books commonly called the "vulgate" edition, the last printing of all Year Books except those that have received modern scholarly editions. A poster on the "Humber Ferry Case (1348)" made for the Selden Society in 1985 to illustrate its editing methods (and recently reprinted) said of the edition that I have used: "It has become the standard ('Vulgate') text, but is in fact the worst." It is true that in that 1348 case, the earliest printed edition of 1514 had the word *que* ("rather than"), whereas the edition that I used has the word *ou* ("or"), "so reversing the sense of an important passage."[13] My view of the vulgate edition as a whole is different. It incorporated many more cross-references, especially to Fitzherbert's and Brooke's Abridgements, than earlier printings contained, and this added information makes it more valuable than

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12. David J. Seipp, "The Law's Many Bodies and the Manuscript Tradition in English Legal History," *Journal of Legal History* 25 (2004): 73, 77–83.

13. Selden Society, *The Humber Ferry Case* (London, 1985), no. 3 ("The latest printed text"). See also J.H. Baker, *An Introduction to English Legal History,* 4th ed. (London: Butterworths, 2002), 181 n.19, ("It has been the standard text ever since, though it is the least accurate."). The case is 1348.249ass in my database.

previous editions. More to the point, I had purchased a personal copy of this reprint in 1984.

If I had been limited to the locations and opening times of major research library rare book rooms in which the earliest printed editions of each Year Book were found, I would still be toiling through this project. Now many of these earlier printed editions can be consulted on Early English Books Online. The edition that I used is linked to each database record and can be compared with the earlier editions, but I have found that some first editions of Year Book reports—for example, the 1509 Rastell printing of the first year of Richard III—are not found in Early English Books Online.[14]

Each record in my database has thirty-nine fields of information. The first field contains the record number that I assigned to each Year Book case; on the web site it is a "Seipp number." I wanted something like Paul Brand's numbering system in his Selden volumes of *Earliest English Law Reports*.[15] I decided on a four digit year followed by a three digit number; therefore, the first case I indexed was 1399.001.[16] I chose to use the "historical year" beginning January 1, not the year beginning March 25. Some record numbers end with two or three letters, signaling that they are drawn from scholarly editions published by the Selden Society, Ames Foundation, or Rolls Series, or are printed solely in abridgements under alphabetical topic headings. The next fields in my database records give the traditional form of citation: court term, regnal year, king, plea number, and folio number in the standard printed edition. Every record also includes the "incipit," that is, the opening line of the case, and the number of lines in the printed case. I also have fields for the name of the court, the writ, the names of the parties—if disclosed in the report—and other persons and places named. I list in other fields the

14. I thank Mary Sarah Bilder for drawing this to my attention.

15. Paul A. Brand, ed. *Earliest English Law Reports*, Selden Society, vols. 111, 112, 122, 123 (London: Selden Society, 1995-2006).

16. The first case that I indexed in my database had an interesting story behind it. "1399.001" reports the trial of an earl for attempting to assassinate Henry IV shortly after he usurped the throne. But the earl in question was never put on trial and was instead beheaded extrajudicially. The Year Book report was denounced in 1907 as a forgery inserted a century after its purported date, "quite the most interesting fraud in the whole legal history of England." L.W. Vernon Harcourt, *His Grace the Steward and Trial of Peers* (London: Longmans, Green & Co., 1907), 399. My own view is that the report was fabricated by lawyers of 1399 as a way to influence how state trials would take place thereafter. David J. Seipp, "When Lawyers Lie: Forging an English Constitution in 1399," the Oxford Youard Lecture in Legal History for 2015 and, forthcoming, in *Texts and Contexts in Legal History: Essays in Honor of Charles Donahue*, ed. John Witte, Sara McDougall, and Anna di Robilant (Berkeley: Robbins Collection, 2016).

full names and abbreviated titles of all judges and lawyers quoted or mentioned every time they appear, statutes mentioned or hinted at, marginal headings, references to abridgements, and cross-references to and from other Year Book cases and treatises. For any undated manuscript Year Book report, it should be possible to determine quickly from my database whether any version of that report had ever been printed.

I chose at the outset to avoid abbreviations except for the most obvious and conventional ones: Mich., Hil., Pasch., and Trin. for the terms of court; Hen., Edw. and Ric. for kings; and JCP, JKB, BEx, and Sjt for judges' and lawyers' titles. As for names, standardization of spellings would be essential for any index or search mechanism for the Year Books. Year Books often spell the same name or word two or more different ways even on the same page. One early lawyer's surname appears variously as de Insula, Ille, Ylle, and Lisle. Chief Justice Babington was identified as "Danby" in a dozen cases from 1432. I chose to standardize the names of all judges and lawyers who spoke or were mentioned in the Year Books according to the spelling given in Sir John Baker's *The Order of Serjeants at Law*. Baker adopted the spelling found in the oldest manuscripts or in documents written by the judge or lawyer himself. This often differed from a modern-looking version of the same name: for example, Warrewik instead of Warwick, Kebell instead of Keble. I did not want to modernize names of lawyers, judges, parties and other persons because I wanted to keep the sense of distance between the twenty-first century and the fourteenth and fifteenth centuries. Place names, on the other hand, I standardized according to the modern spelling: London not Londres, York not Everwike, Lincoln not Nichol. In all cases, the variant found in the report is also given in the database record as an alternative.

In the context field, I give historical information, such as identification of dukes, earls, sheriffs, bishops, abbeys, priories, and the sort of people who show up in Cokayne's *Peerage*. In language notes, I transcribe passages in law French that seem distinctive. In a commentary field I include my summaries and rough translations, often quite lengthy. Other fields are for citation to manuscripts, if I know about them, in which the report can also be found, citation to plea rolls for the case, modern translations and editions of the same report, a field of keywords that lists every legal term in the report (in noun form), and a field that I call "process," in which I include legal steps of pleading and procedure.

Carol Lee, my wife and partner in all things, has given me enormous help in bringing this database to life. She had to interrupt her legal career for medical reasons, and as soon as she could in the course of her recovery, I asked her to compile two types of research aids. One I call "Dugdale," a listing of all the judges and lawyers in England's four principal law courts

for the four terms of every year from 1273 to 1547. It is a huge help. The other research aid she compiled lists in chronological order all the tens of thousands of Year Book excerpts that had been put under alphabetical headings in the three great abridgements, Statham, Fitzherbert, and Brooke. Carol then created records for cases in Rolls Series, Selden Society, and Ames Foundation volumes. After that, she did her own translations of the last years of the reign of Edward II and the bulk of Edward III, more than 6,400 fourteenth century cases for which there are no modern scholarly editions. Together, we learned that translating Year Books can have remarkable therapeutic value.

Users of the database will probably have noticed that Carol's fourteenth century records and my fifteenth century records differ in several respects. No two people will translate or index in exactly the same way, no matter how closely they coordinate with each other, although we both tried to do very literal translations. Once you have translated a few thousand cases in your particular way, you realize that you cannot give up and let someone else finish the century. I have never asked research assistants or volunteers to index any of the cases for this database. Instead, I have asked research assistants to compile other parts of my web site: a bibliography, a list of the 209 known Year Book manuscripts, and a list of the 505 early printed editions.

I chose the word "paraphrases" because the rapid and literal translations that I put in the database are not meant to be final, polished, literary productions. First, Year Books do not deserve to sound beautiful. Judges and lawyers in these centuries seemed to prefer clumsy, repetitive, run-on sentences, or at least seemed to do their reporting in this form. I want this database to lead users to the cases they want to study in depth, and to the original text that I have indexed, so that they can produce for themselves more elegant, final translations for their uses. As I often say, I am translating bad French into bad English, and doing it as faithfully as I can. In particular, I tried not to be more precise than the sources that I was paraphrasing. I already knew from previous research on these sources to avoid translating the law French of the Year Books into words such as "property," "person," "contract," or "crime" when the original wording in law French was not an exact cognate of such modern terms. I also chose to translate the law French *home* or *homme* as "one" rather than "man" to avoid an exclusively masculine connotation unless I was satisfied from the context that this was meant. In a few instances, I could not avoid being more precise than the Year Book reporters were. We differentiate the words "counsel" and "council," but the law French did not, for the most part; therefore, I chose the English spelling that best fit the context. I wish that I had been more careful to note where Year Book reporters

used English words instead of law French in their reports, such as "cloth" instead of *drap*. I was so concerned with getting the exact sense of these sources into searchable English that I gratefully accepted the reporters' gradual introduction of English words scattered among the law French. Therefore, the database is not a perfect tool to study the slow transition from the purer French of the late thirteenth century down to the report about a prisoner in 1631 who *jecte un graund brickbat que narrowly mist*.[17]

Careful as I am—and my first job after high school was as a proofreader—I am sure that I have made many mistakes, but I have been inspired by the timeless truth that the perfect is the enemy of the good. I could not let perfectionist tendencies get in the way of getting this work done. On the other hand, as a colleague said to me, no one is ever going to do all this again. With that realization comes great responsibility. I will keep working to make it better.

Progress

I started creating these records in 2000, for the cases from 1399 onward. In the first year, I created mostly blank records for all the cases from 1399 to the end of Year Book reporting in 1535, and then started my long march to fill in these records with full indexing of the fifteenth and early sixteenth century cases. Whenever I finished a reign, I added to the database the cases that are printed only in abridgements. I have thirty-eight files listing these 6,901 cases, and it has taken me 8 years to complete these records. I finished the last of them, those for 1535, on June 29, 2009, and it felt very good. Over the years, I have been including more detail, and longer and more complete translations in my records. Meanwhile, largely between 2001 and 2003, Carol and I created initial records for the 15,417 Year Book cases between 1268 and 1399 in 113 smaller files. The comprehensive database now checks in at 160 megabytes. It is built up from these 151 component files, and currently includes 22,318 cases.

Another measure of progress is that I have worn the letters off the keyboards of two laptop computers, and they are starting to disappear from a third laptop. (The E and the N keys always vanish first.) For safety's sake, every 3 weeks I updated component files and the full database on four computers in three cities, only two of which ever connect to the internet.

17. Henry Gillingham's Case, marginal note by Chief Justice George Treby to Davis's Case, Dyer's *Reports* (1631) 2:188b, *English Reports* 73:416 n.(10); and J.H. Baker, "*Le Brickbat Que Narrowly Mist,*" *Law Quarterly Review* 100 (1984): 544.

In the spring of 2003, with indispensable help from the Boston University Office of Information Technology, I was able to put my database on the Boston University law school web site as a work in progress and to maintain and update it ever since as a free, publicly available, searchable web site. I initially thought that the number of searches my database received every month was impressively, improbably high. Since then, I have learned that automatic web crawling accounts for many of these, and I am assured that searches by genuine human beings in recent years number between 2,000 and 13,000 per month.

In the summer of 2007, thanks to the generosity of The Lawbook Exchange, and with more help from a research assistant and from my university's Information Technology professionals, I was able to link most of the records in the database with the images of the vulgate edition text that I am indexing and paraphrasing, so that users can go immediately from my records to the text.

Without the encouragement that I have received from the many users of the database as a work in progress, I do not think I could have got the database to this stage of completion. I have updated the database with additional cases I have indexed (and corrections of records already indexed) at first every 6 months or thereabouts, but now not as often as I should. I have also written introductions to reprints of the vulgate Year Books in eleven volumes and of Statham's, Fitzherbert's, and Brooke's abridgements, and I plan to add reprints of Rolle's abridgement and Ashe's *Promptuarie*.

Rewards

I have found this work on the Year Books database to be a source of tremendous satisfaction to me as a scholar. Each new case presents a puzzle for me to solve. It may take an hour or an entire day, and I may still be left with questions at the end, but each case indexed adds to the cumulative whole. I have come across a lawyer singing the first line of a Robin Hood ballad in the course of argument,[18] and the same lawyer replying to an opponent's argument by barking like a dog.[19] I used to think that

18. Anon., Pasch. 7 Hen. 6, pl. 45, fol. 37b (C.P.) (1429.051) (Sjt. Rolf: "Robin Hode en Barnesdale stode"). My Robin Hood find from 1429 is said to be the first line of a hitherto unknown Robin Hood ballad from which the earliest surviving Robin Hood poem was adapted. Emily Lyle, "'Robin Hood in Barnesdale Stood': A New Window on the 'Gest' and Its Precursors," in *Child's Children: Ballad Study and Its Legacies*, Joseph Harris, and Barbara Hillers, eds. (Trier: Wissenschaftlicher Verlag Trier, 2012), 71–86.

19. Prior of Lewes's Case, Hil. 8 Hen. 6, pl. 7, fol. 21b-23a (C.P.) (1430.007) (Sjt. Rolf: "Bawwaw for thy reason"). This barking, singing lawyer also told in court a "fable" about a

cross-references in the vulgate edition were unreliable and vague. Now, when I look for one case cross-referenced in another, I almost always find it, because I can search for terms that would be in the related case within the range of folios found in the different early printed editions.

It never occurred to me to keep this research tool for my own exclusive use, to hoard my "intellectual capital," as it were. I suppose that I could have gone forward to write scholarly articles and books for decades using my private database to find connections and correlations that no one else could find without putting in the same work that I had. That would not, I am sure, have been nearly as rewarding to me. My own future scholarship about the Year Books will be made all the more valuable if it is part of a conversation with other scholars also able to access these sources with the same facility that I can. I enjoy hearing from scholars about how they are using my database and what they have found. Making these sources better known and easier to use has been my overall goal. The Year Books were valued by the legal profession for centuries after the last of them were reported, as the 505 early printed editions prove. The cumulative value of my index will, I hope, open up these sources to much scholarship in the future by many new voices.

Midway through my work, a decade ago, I asked my faculty colleagues to think about how much of the scholarship done that year in our building would be read and used by anyone 100 years from now, or even 50 years from now? I asked this "Hundred Year Test" question because the works of legal history that I now use regularly from 50, 100, and even 150 years ago are the scholarly editions and translations of primary sources such as the Year Books, medieval treatises, and Statutes of the Realm. I would like to think that the work I have been doing might be useful for a bit longer than the lifespan of the typical article in a law review or history journal. My database is an electronic publication, not paper and ink; however, the steady use that it has received since it went online in 2003 suggests that the Year Book database will "migrate" from one electronic format to the next, for a good many years into the future, and that the Ames Foundation—itself more than a century old now—will be in business a century from now to guide users to this database or its successors.

I am by no means finished with this database. Plenty of work remains. I have not listed keywords for 15,417 cases before 1399. I have not matched entries in the abridgements for all of these same cases. There are cases to be added to my database that were printed only in the abridgements. One

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pope who, having no one else to judge him, ordered his own burning at the stake. Chancellor of Oxford's Case, Hil. 8 Hen. 6, pl. 6, fol. 18b–21b (C.P.) (1430.006) (Sjt. Rolf: *Judico me cremari*).

hundred ninety-nine cases from the reign of Henry III and the early years of Edward I, most of which are known from the manuscript we call "Bracton's Note Book," were excerpted in Fitzherbert's and Brooke's abridgements and, therefore, will be added to the database, taking its chronological coverage back to 1217. The largest single collection of Year Book material reported only in manuscripts and abridgements is for the years 31–37 Edward III (1357–63). I have assembled all the abridgement entries for these years, and I have begun slowly working through them to reconstruct these "missing" Year Books that were never printed in the chronological series. I know that I need to improve the web site. Certainly I need to provide more guidance on the web site about how the database can best be used, and I want to add a field of "users' notes" for others to add their information about these cases, and to correct my errors.

Bigger and better-funded projects than mine have joined the enterprise of big legal history. In my field of English legal history, Bob Palmer's Anglo-American Legal Tradition (9,300,000 images of plea rolls and other official court records, with finding aids and indices), Paul Brand's Parliamentary Records of Medieval England, Old Bailey Proceedings, the searchable English Reports from Juta and HeinOnline, Bruce O'Brien's Early English Laws, and Sharon O'Connor and Mary Bilder's Appeals to the Privy Council come readily to mind. Doubtless there are other projects and resources of which I am unaware.[20] Do not let this long, seemingly complete list of projects give the impression that everything that can be done in this direction has been done. I see the Year Books database and these others as first-generation demonstration projects of the usefulness of big legal history.

Such projects as these offer more than long-lasting usefulness in the field of legal history. They also broaden the opportunities for conducting research in legal history. Prior to projects such as mine and those I listed previously, research into the primary sources of early English legal history required access to rare book libraries and manuscript collections of major research universities. Such access was only available to those with elite academic credentials and with the financial resources to travel to such institutions for as long as they needed to complete their research. Now anyone can access, free of charge, my database of the Year Books and Bob Palmer's images of the plea rolls, the primary sources of medieval English legal history, and for those resources that are licensed to

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20. Palmer's AALT web site, <http://aalt.law.uh.edu/> also includes a page of "Links" to more such projects, as does Duke University's Legal History Portal.

educational institutions, temporary access can often be arranged for independent scholars.

I invite scholars to learn from these digital resources and to undertake new ones. There are many large-scale projects that would be very useful to future scholars. The English statutes need a new, complete, searchable version. Bracton is online, but Glanvill, Britton, Fleta, and the Mirror of Justices need to be made searchable in their best editions and translations. A whole wealth of thirteenth century law tracts need translations, and most of them, such as Gilbert de Thornton's Summa, need modern editions. The English Reports Full Reprint has been scanned, more or less, but a better database is needed of cases in the many nominate manuscript reports of the sixteenth through the nineteenth centuries. Scholarly work on such future projects has been made considerably easier by a wide variety of digital resources now available. HeinOnline has been especially generous in providing Selden Society, Ames Foundation, and a vast library of other legal history texts in searchable form. I could not now do nearly as much research nearly as quickly without HeinOnline, Making of Modern Law, JSTOR, Early English Books Online, Eighteenth Century Collection Online, British History Online, the Avalon Project, HathiTrust Digital Library, and Google Books. More opportunities for big legal history, with other scholarly resources, can be found in American, Continental, and other legal traditions.

If I were to generalize based on my own project, I would advise as follows: Begin with the source text that you want to represent on a digital platform. Sample enough of the different varieties of this source text to know the different features of the text that could be separated into their own database fields. Familiarize yourself with different ways that scholars would want to use the source text, and all the ways in which it has been or could be cited. Compile a list of questions that scholars of various disciplines would want to answer by using the source text. Construct a series of database fields that enable searches of all the various aspects of the source text that you can imagine. Add a few extra fields for which you do not have a present use but will find later that you need, plus a field that automatically shows the last time you updated each of your records. Now take advice from your university's information technology experts, particularly the database specialists, about what database software you should use for compiling your records. It may not be necessary to line up a scholarly society or research foundation to sponsor your project, but this helps, especially if you will need or want a great deal of space on a server to link your database records to images of your source texts. Research assistants can enter data about the source text in those fields as to which there is no discretion or doubt, but the guiding hand of you, the principal compiler, will be necessary whenever consistency is necessary or there are puzzles to be solved. And solving these

daily puzzles, I have found, is immensely satisfying. Take satisfaction in the accurate depiction of each leaf, even though this means that much of the time you will not have a view of the whole tree, let alone the whole forest. As the compiler, you will be able to use your creation more effectively than any other user. You can do it, and the rewards are worth the effort. Now go and do better than I have.