

Digitising Australasian legal history

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The Australasian Legal History Library project

- ARC LIEF project 2012-13 (\$750,000)
- Aims to build a 'comprehensive' searchable collection of Australasian legal history
- Key legal documents from all 7 colonies, from formation to 1950 (approx)
- Colonial Law Library is a sub-part

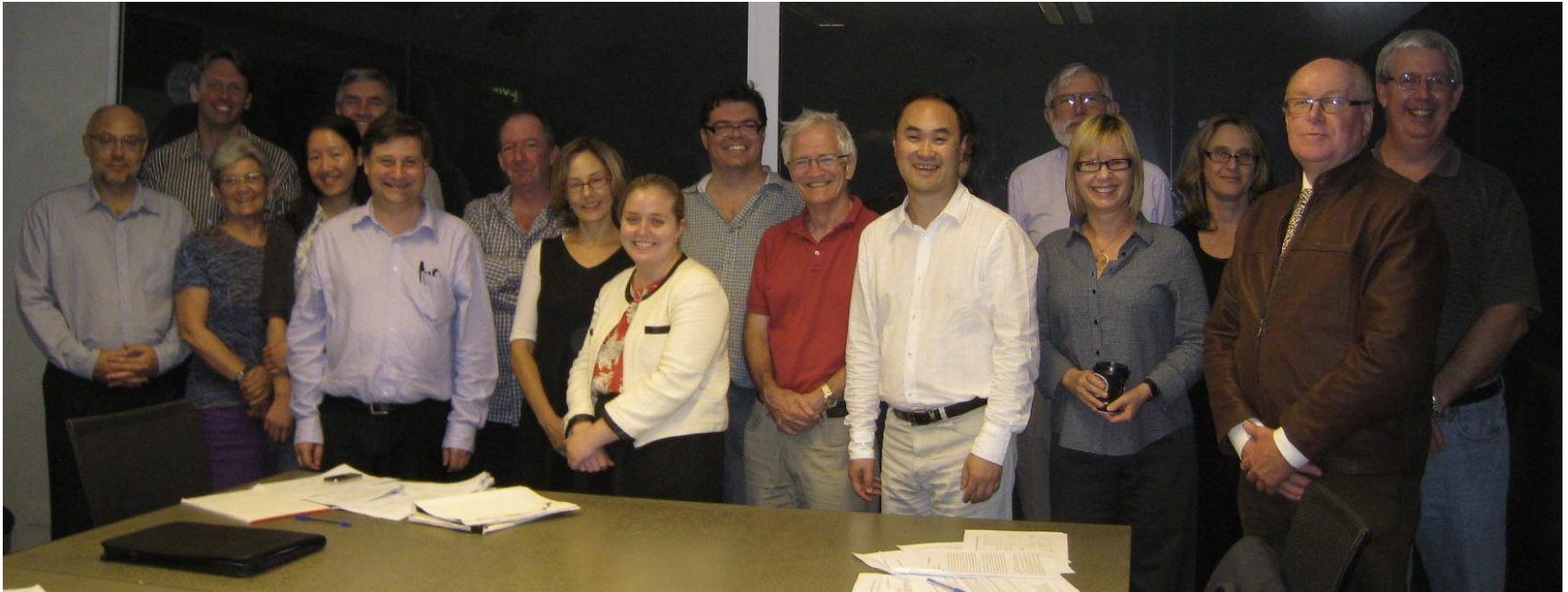
Cooperation is a key aim

- Existing pioneering digitisation projects include
 - digitisation of state legislation by the legislation offices of Victoria, NSW, WA and New Zealand
 - projects on digitisation of legislation at QUT and Flinders
 - State Library of Victoria's digitisation of the Victorian Government Gazette
 - 'recovery' into online databases of cases by the Kercher (NSW) and Kercher/Petrow (Tas) projects, and by the New Zealand 'Lost Cases' project
 - Supreme Court of Queensland Library
- If possible, duplicate digitisation is to be avoided

The AustLII context

- Australasian Legal Information Institute (AustLII)
<<http://www.austlii.edu.au>>
- Free access since 1995, operated by UNSW and UTS Law Faculties, plus supporting Foundation
- Over 700,000 page accesses per day
- Over 500 databases, a new one every two weeks
- Colonial Library requires ‘virtual’ databases, extracting out only the colonial period content

Legal History Library investigators meeting



From Partner Universities: Rob Foster, John Williams, Wilfrid Prest, Amanda Nettlebeck (all U.Adelaide), Mark Finnane (GriffithU), Lisa Ford, Catherine Bond (both UNSW), Anne Twomey (USyd), Bruce Kercher (Macquarie U), Ross Grantham (UQ), Mark Lunney (ANU College of Law), Marisa Bendeich (Australian Law Librarians Association (ALLA)), Shaunnagh Dorsett (UTS), Barbara Thorsen (UQ), Andrew McLeod (USyd – by invitation) **From AustLII:** Graham Greenleaf, Andrew Mowbray, Philip Chung, Brent Salter, Carol Wong, Trevor Roydhouse, Jill Matthews;

Destructive digitisation



- (i) Guillotine removes spines of law reports or legislation*
 - (ii) resulting loose pages fed through 96ppm duplex scanner*
- Australian libraries have donated sacrifices to public access

Non-destructive digitisation



- Expensive
- Pages turned by suction
- Under consideration
- Broadens potential scope of project
- **Both** involve OCR processing, extraction of metadata, and then database creation



Australasian Colonial Legal History Library



Library Interface

You are here: [AustLII](#) >> [Resources](#) >> Australasian Colonial Legal History Library

On this page: [About this Library](#) | [Databases](#) | [Catalog & Websearch](#) | [Acknowledgements](#)

[\[Search Help\]](#) [\[Advanced Search\]](#)
Search: Databases Catalog & Websearch Law on Google

Last updated: 9 July 2012

Databases

New South Wales

- [New South Wales Acts As Made 1824-1900](#) (AustLII)
- [Superior Courts of New South Wales 1788-1899](#) (AustLII)

Queensland

- [Superior Courts of New South Wales - Moreton Bay 1851-1859](#) (AustLII)
- Queensland Acts 1860-1900 (permission sought)

South Australia

- South Australian Acts 1837-1900 (permission sought)
- South Australian Law Reports 1865-1900 (being digitised)
- [Superior Courts of South Australia 1837-1864](#) (AustLII)

Tasmania

- Tasmanian Acts 1826-1900 (being digitised)
- [Superior Courts of Tasmania 1824-1843](#) (AustLII)
- [Tasmanian Law Reports 1897-1900](#) (AustLII)

Victoria

- [Victorian Historical Acts 1851-1900](#) (AustLII)
- [Victorian Law Reports 1874-1900](#) (AustLII)
- [Victorian Government Gazettes 1851-1900](#) (AustLII)

Western Australia

- Western Australian Acts 1832-1900 (being processed)
- [Superior Courts of Western Australia 1833-1898](#) (AustLII)
- Western Australian Law Reports 1899-1900 (being digitised)

New Zealand

- [New Zealand Acts As Enacted 1841-1907](#) (NZLII)
- New Zealand Lost Cases Project 1841-1869 (being processed)

Law Journals and Legal Scholarship

- [Law Journals and Legal Scholarship Concerning the Colonial Period](#)

- 7 colonies
- 12 databases
- 20,000 cases, Acts & articles
- 200,000 Vic Gazettes
- Interface supports searching, not browsing

Search: *debt* near (prison or imprisonment)*



[\[Home\]](#) [\[Databases\]](#) [\[Search\]](#) [\[WorldLII\]](#) [\[Feedback\]](#) [\[Help\]](#)

debt* near (prison or imprisonment)

Search

[\[Advanced Search\]](#) [\[Search Help\]](#) [\[Results Interface Help\]](#)

Repeat search over:

[All AustLII Databases](#)

[Legal Publishers](#)

[Catalog & Websearch](#)

[WorldLII Databases](#)

[Law on Google](#)

AustLII Databases - Documents found: 1301 for (debt* /-50,50/ (prison or imprisonment))

[By Citation Frequency](#)

[By Database](#)

[By Date](#)

[By Relevance](#)

[By Title](#)

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Results per page: [10](#) [20](#) [50](#) [100](#)

1. [Imprisonment for Debt, Rules \[1834\] NSWSupC 16 \(1 March 1834\)](#) [100%]
(From [Superior Courts of New South Wales](#); 1 March 1834; 13 KB) LawCite
2. [Imprisonment for Debt Limitation Amendment Act 1903 \(3 EDW VII 1903 No 64\)](#) [77%]
(From [New Zealand Acts As Enacted](#); 1 KB)
3. [Imprisonment for Debt Act 1844 \(7 Victoriae 1844 No 7\)](#) [77%]
(From [New Zealand Acts As Enacted](#); 11 KB)
4. [Imprisonment for Debt Abolition Act 1874 \(38 Victoriae 1874 No 14\)](#) [75%]
(From [New Zealand Acts As Enacted](#); 16 KB)
5. [Imprisonment for Debt Limitation Act 1900 \(64 VICT 1900 No 36\)](#) [69%]
(From [New Zealand Acts As Enacted](#); 2 KB)
6. [PDF] [Imprisonment for Debt Abolition Act 1846 No 11a](#) [61%]
(From [New South Wales Acts As Made](#); 2 KB)
7. [Opinion on Imprisonment for Debt \[1831\] TASSupC 7 \(3 May 1831\)](#) [56%]
(From [Superior Courts of Tasmania \(pre-1900\) Case Notes](#); 3 May 1831; 28 KB) LawCite
8. [PDF] [Imprisonment of Fraudulent Debtors Act 1890](#) [54%]
(From [Victorian Historical Acts](#); 1 KB)
9. [The Imprisonment for Debt Abolition Act Amendment Act 1875 \(39 Victoriae 1875 No 39\)](#) [46%]
(From [New Zealand Acts As Enacted](#); 1 KB)
10. [The Imprisonment for Debt Ordinance Amendment Act 1861 \(24 and 25 Victoriae 1861 No 8\)](#) [44%]
(From [New Zealand Acts As Enacted](#); 1 KB)

Databases selected:

Click on link to limit search to a specific database

- [New South Wales Acts As Made](#)
- [Superior Courts of New South Wales](#)
- [Superior Courts of New South Wales - Moreton Bay](#)
- [Superior Courts of South Australia](#)
- [Superior Courts of Tasmania \(pre-1900\) Case Notes](#)
- [Tasmanian Law Reports](#)
- [Victorian Historical Acts](#)
- [Victorian Law Reports](#)
- [Victorian Government Gazettes](#)
- [Superior Courts of Western Australia](#)
- [New Zealand Acts As Enacted](#)
- [Australian Law Journals](#)
- [New Zealand Journals](#)

Advantages of the search

- Search options are sophisticated boolean
- 1301 results are from 5 colonies
 - Comparative searches not otherwise possible
- Results include all content types
 - cases (law reports and ‘recovered’ cases), gazettes and scholarship
- Display by date ‘Earliest first’ - 1796 case
- Display by Citation Frequency - an 1878 case, cited 5 times, most recently in 2008

Initial legislation and case report digitisation priorities

■ Legislation

- NSW, Vic, NSW held
- Processing WA
- Digitising Tas
- Negotiating SA & Qld
- Non-colonial Cth, Tas, NT will come later

■ Case reports

- Vic LR 1874-1900 held
- Digitising
 - Legge Reports (NSW) from 1825 -1862;
 - SCt Tasmania 1897-1900;
 - Pelham's Reports - SCt SA - and Vice Admiralty Court, 1865-1866
- Seeking other reports from WA, NSW, Qld, SA, NZ for destructive digitisation

'Recovered' cases pre-reports

- Migration of existing recovery projects
 - Kercher's [Superior Courts of New South Wales 1788-99](#) now complete (2294 cases)
 - Kercher/Petrow [Superior Courts of Tasmania 1824-43](#) now on AustLII, and continuing
 - Dorset et al New Zealand Lost Cases 1841-69 being processed
- New Trove databases of recovered cases
 - [Superior Courts of Western Australia 1840-49](#) so far
 - [Superior Courts of South Australia 1837-1851](#) so far
 - Investigators have recovered over 2,300 cases in the first few months, now searchable, with citations

A virtual database of 'colonial' scholarship

1. Broad 'colonial' search over AustLII's Legal Scholarship Library (> 50K items)
2. Decide what percentage of results are sufficiently relevant to keep (5% here)
3. Rebuild database periodically (monthly here) with same search and % retained
4. [Result](#) is a virtual database of 382 items at present - but it will grow along with the Legal Scholarship Library
5. ADD digitised key colonial monographs

LawCite citator - the link



[LawCite Search](#) | [LawCite Markup Tool](#) | [Help](#) | [Feedback](#)

LawCite ALPHA

[Cases matching this search](#) | [Law Reform Reports matching this search](#) | [Law Journal Articles matching this search](#)

[Help](#)
[Show all results](#)

Matching Cases: 6758

Case Name	Citation(s)	Court	Jurisdiction	Date	Full Text	Citation Index †
Re Hicks' Trade Mark	[1897] VicLawRp 118; (1897) 22 VLR 636; 3 ALR 75; 18 ALT 229		Australia - Victoria	16 Mar 1897	AustLII	291
R v Symonds	[1847] NZPCC 387	Privy Council	New Zealand	circa 1847		50
Attorney-General v Brown	(1847) 1 Legge 312	Supreme Court of New South Wales	Australia - New South Wales	circa 1847		42
White v Johnston	(1886) 8 ALT 53		Australia	circa 1886		40
Re Aldridge	(1893) 15 NZLR 361		New Zealand	circa 1893	LexisNexis	34
In the Will of Wilson	(1897) 23 VLR 197		Australia - Victoria	circa 1897		30
R v Murrell	(1836) 1 Legge 72	Supreme Court of New South Wales	Australia - New South Wales	circa 1836		24
Morris, Re	[1897] VicLawRp 117; (1897) 22 VLR 629; 3 ALR 75; 18 ALT 229		Australia - Victoria	17 Mar 1897	AustLII	23

LawCite's colonial content

- [LawCite](#) is an automatically constructed free access international citator
- Current citation data includes 6758 Australasian cases 1788-1900 - far more than texts in Library.
- 'Top ten' cases most frequently cited by subsequent courts include two from NZ
- Most frequently cited case [Re Hicks' Trade Mark](#) (1897, has since been cited 291 times.
- Next two cases, both 1847, are cited 50 and 42 times - *A-G v Brown* (1847) is a good illustration
 - Cited by 14 cases and 28 journal articles

[Castles, Alex C --- "The Reception and Status of English Law in ...](#)

www.austlii.edu.au/au/journals/AdelLawRw/1963/1.html.sino_text

THE RECEPTION AND STATUS OF ENGLISH LAW IN AUSTRALIA Constitutional principles, which began to evolve in the earliest years of Britain's colonial ...

[Law of Australia - Wikipedia, the free encyclopedia](#)

en.wikipedia.org/wiki/Law_of_Australia

Jump to [Reception of English law](#): See also: **Reception** statute. The **legal** institutions and traditions of **Australian law** are monocultural in character ...

[Alex Castles on the Reception of English Law - Macquarie University](#)

mq.academia.edu/.../Alex_Castles_on_the_Reception_of_English_La...

Australian Journal of Legal History (2003) Vol 7 37 ALEX CASTLES ON THE RECEPTION OF ENGLISH LAW BRUCE KERCHER* In 1963, when he was ...

[Australian Courts Act 1828 \(UK\) - Documenting Democracy](#)

foundingdocs.gov.au/item-did-39.html

This document enacted **legislation** of the British Parliament which ensured that the **laws** of England would be applied in the two existing **Australian colonies**, ... 24 of the Act set the date of this invisible transfer as 25 July 1828, '**Reception Day**'.

[The reception of land law into the Australian colonies Post-Mabo ...](#)

eprints.jcu.edu.au/911/

by U Secher - 2004 - [Related articles](#)

14 Feb 2011 – Secher, Ulla (2004) The **reception** of land **law** into the Australian **colonies** Post-Mabo: the continuity and recognition doctrines revisited and the ...

[Bledisloe Reception | The Governor-General of New Zealand Te ...](#)

gg.govt.nz/content/bledisloe-reception-0

5 Feb 2012 – The Bledisloe gift of the **Treaty** House and the 506 hectares of land ... of the most significant philanthropic gestures in **New Zealand's history**.

[The settlement of NSW and the reception of English law - Uni Study ...](#)

unistudyguides.com/index.php?title=The...of...reception...law

29 Feb 2012 – As the **colony** grows, those principles of English **law** which were ... Prue Vines, **Law** and Justice in **Australia**: Foundations of the **Legal** System, ...

[The Francis Forbes Society for Australian Legal History](#)

www.forbessociety.org.au/

The set questions respectively address: (1) The **Reception** of English **Law** in **Australia**; (2) Patterns in the **Legal Histories** of **Australia** and other British **Colonies**; ...

[\[PDF\] Unfinished business. Bruce Kercher, An unruly child: a history of law ...](#)

ro.uow.edu.au/cgi/viewcontent.cgi?article=1204&context=ltc

File Format: PDF/Adobe Acrobat

by A Frazer - 1997

Until quite recently **legal history**, as practised and taught in **Australian law** schools has ... legislatures, or on the **reception** of English **legal** doctrines in **Australia**.

Colonial law on Google

- [Library: Select 'Law on Google'](#)
 - Enter search terms
 - Result is limited to Australasian colonial law
 - Example search: 'reception'

Acknowledgments

- Australian Research Council, partner Universities, and ALLA for funding
- Philip Chung - construction of the Library
- All investigators working on Trove 'recovery'
- Bruce Kercher, Stephan Petrow and Shaunnagh Dorsett – migration of databases
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