

Part 1

Digitising and searching Australasian colonial legal history

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Abstract

Australasia has a rich and complex legal history since the first European settlement, and our knowledge of legal practice and precedent in the colonies of Australasia is still developing. *The Australasian Colonial Legal History Library* project is an ARC-funded project being carried out by the Australasian Legal Information Institute (AustLII) <<http://www.austlii.edu.au>> since January 2012 with input from 18 legal historians from Universities across Australia. Cooperation with other parties who have already built invaluable and pioneering online resources for Australasian colonial law is an essential part of the project.

AustLII is a free access online service which has operated since 1995 as a joint facility provided by UNSW and UTS Law Faculties, and now provides over 500 databases, with usage of over 700,000 page accesses per day. The *Colonial Legal History Library* project is therefore being built within a large and mature research infrastructure, and this presents challenges as well as advantages. In particular, many of the AustLII databases cover

the whole period from the formation of a colony to the present, so the databases for this Library have to be 'virtual' databases extracted from this larger corpus.

The paper explains the construction, content and features of the first version of the Library, which as of July 2012 contains 12 databases including one case law database from each of the seven colonies (including New Zealand), some of which are 'recovered' cases from newspaper reports, the complete annual legislation to 1900 from three of the colonies, plus legal scholarship concerning the colonial era. These databases provide over 20,000 documents so far, and the Victorian Government Gazette 1851-1900 another 200,000. The Library also includes the LawCite citator, which allows the subsequent citation history of any colonial case to be tracked, including if cited by courts outside Australasia.

The medium term aim of this part of the ARC project (which extends to 1950 in its full scope) is to include all legislation, reported cases, and cases which can be 'recovered', from the inception of each colony to 1900. Scholarship (old and new) and key source materials are also being added, as budgets permit. We hope that the Library will be a leader in the creation of legal history resources from the colonial era.

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** Other AustLII staff and Chief Investigators have made and are making considerable contributions to this paper and to the system development that it describes. The project's Chief Investigators are mentioned later. AustLII staff including Carol Wong, Nina Wu, Jill Matthews and Armanda Scorrano have contributed to particular resources in the Library.

Complexity and colonial legal histories

Australasia has a rich and complex legal history since the first European settlement, and our knowledge of legal practice and precedent in the colonies of Australasia is still developing. Historians cannot understand the transition to federation without understanding its legal context. Since the common law is made largely through the iterative interaction of legislation and precedent cases, the recovery of early case law and legislation is extremely important. An understanding of history is equally important to lawyers. It is anachronistic to apply modern understandings of law to the past. Lawyers sometimes apply present day legal standards to legal history. Their training sometimes emphasises the universality of legal principles, potentially driving a wedge between them and historians who look for the contingency and context of law. To understand legal history it is more valuable to see the past in its own terms, to rely on the 'is' or 'was' of historians rather than the 'ought' of lawyers (Salter, 2010).

Despite a short 200 years of legal history (excluding the last quarter century as 'the present'), complexities arise from law coming from ten jurisdictions to an extent greater than in unitary states. The Australian colonies (New South Wales, Tasmania, Victoria, Queensland, Western Australia, South Australia) that became part of the Commonwealth of Australia upon federation in 1901¹ brought with them six separate (but sometimes overlapping) bodies of legislation, and separate histories of courts and cases reported in many and various ways. New Zealand, with its own interconnected Trans-Tasman legal history,

adds to this complexity. Historical research involving the law in Australia's colonial period, particularly if it aims to state general propositions concerning the whole of Australia or Australasia, is therefore a difficult task. There are six (or seven) jurisdictions with separate bodies of texts (at least by the end of the nineteenth century) and they are scattered physically across a continent. While Australia is well-served by libraries and archives, in comparison with many places, access to, and comparison of, source materials remain major challenges for a historian, and sometimes for a lawyer. This paper is about an attempt to systematically address these problems, and to do so across all the Australasian colonial jurisdictions.

The AustLII context: Scope but limited historical depth

The Australasian Legal Information Institute (AustLII) <<http://www.austlii.edu.au>> is a free access 'LII' which has operated since 1995, and the second to be established globally. It has played a leading role in the development of the international Free Access to Law Movement (Greenleaf, 2011). After seventeen years development, AustLII now provides over 500 databases of Australasian legal materials, including case law, legislation, treaties, law reform and legal scholarship from all Australasian jurisdictions. The New Zealand content in AustLII comes from the New Zealand Legal Information Institute (NZLII) <<http://www.nzlii.org>>, operated jointly by AustLII and Otago Law School. At mid-2012 AustLII holds the full texts of 500,000 case decisions, 1.3 million legislation items, 10,000 treaties, over 50,000 legal scholarship items, and

¹ Ignoring for the moment the subsequently separate jurisdictions of the Commonwealth, Northern Territory and Australian Capital Territory, since this paper is about colonial legal history.

some thousands of law reform reports. The system receives approximately 700,000 page accesses per day, about 20% of all law-related Internet traffic in Australia (HitWise estimate). The Sino search engine used by AustLII, and other software developed for large-scale legal information systems, such as hypertext mark-up software and the LawCite citator software, have been developed by AustLII's Directors and technical staff in stages since the early 1990s. (for details of all the above, see Greenleaf, Mowbray and Chung, 2011, 2010).

AustLII is a large and mature legal information system. However, most of the content found on AustLII goes back only around 20 years to when AustLII was formed. It has relatively little historical depth as yet. There are some notable exceptions: all High Court decisions and Australian treaties back to federation in 1901, all NSW, Victorian and New Zealand annual Acts back to the start of those colonies, all reported Victorian Supreme Court cases since 1876, all Australian treaties since Federation, and the complete collections of most academic laws journals that started in the 50s and 60s back to their first issues. These are some useful foundations for a legal history

collection, but obviously only a small portion of what is desirable, for AustLII and its users.²

The legal history project that we will now describe is therefore being established within existing large scale research infrastructure, of which it is not the dominant part, even though it is a substantial project in itself. AustLII's existing structure and technologies will determine, to some extent, the way in which the legal history resources are developed.

The Australasian Legal History Library LIEF project

In 2012 AustLII embarked on a program of comprehensive digitisation of the key sources of Australasian legal history back to the inception of each colony and territory, with two years initial funding. Eighteen leading legal historians³ from eleven Australian Universities have collaborated with AustLII and NZLII researchers⁴ to obtain an Australian Research Council LIEF (Linkage, Infrastructure, Equipment and Facilities) grant to build *The Australasian Legal History Library*. The ARC has provided \$330,000, with the partner Universities providing the balance of the total project budget of A\$750,000. The Australian Law

² AustLII's 2010 user survey showed high demand for greater historical depth of content, stemming from a variety of factors: higher user expectations due to increasing ease of digitisation; currently inadequate access tools; increasing storage problems, resulting in library disposal of historical collections; and the limitations of commercial and government systems.

³ A/Prof Shaunnagh Dorsett (University of Technology, Sydney); Dr Lisa Ford, Dr Catherine Bond (The University of New South Wales); Prof Amanda Nettelbeck, Prof John Williams, A/Prof Robert Foster, Em/Prof Wilfrid Prest (The University of Adelaide); Prof Andrew Buck (Australian Catholic University), Prof Bruce Kercher (Macquarie University); Prof Ross Grantham, A/Prof Peter McDermott (The University of Queensland); Prof Mark Finnane (Griffith University); Prof Mark Lunney, Ms Judith Jones (The Australian National University); Prof Helen Irving, A/Prof Anne Twomey (The University of Sydney); Prof Margaret Orlowski, A/Prof Stefan Petrow (University of Tasmania); and Prof Michael Adams (University of Western Sydney). See the Appendix for details of the research focus of the project's Chief Investigators.

⁴ Prof Andrew Mowbray (UTS) and Prof Graham Greenleaf (UNSW). A/Prof Donna Buckingham of Otago University participated via NZLII.

Librarians Association and three law firms are partners in the digitisation of legislative materials, including Bills and Explanatory Memoranda as well as Acts. The project is also assisted by a Government Advisory Committee of distinguished court librarians and representatives of government legal publishers.⁵

Although the colonial period is the focus of this paper, it must be stressed that the LIEF project has a broader ambit, intending to cover legal materials up to 1950. The quantity of such materials from the first half of the twentieth century is far larger than that from the Colonial period (pre-1901 for Australia, pre-1908 for New Zealand). We have to maintain a balance between these two periods, particularly in resource allocation. Much of AustLII's user-base is probably more interested in the twentieth century materials.

One initial question posed by this project is 'can you really create a comprehensive and consistent digital collection of the legal history of ten jurisdictions for about \$75,000 per jurisdiction?' If the answer is yes, it will be because of a combination of technological innovation, successful negotiations with data sources including other publishers,⁶ and the expertise of the eighteen legal historians involved in the project.

Sustainability also has to be considered. AustLII Foundation Ltd, a non-profit company limited by guarantee owned by UTS and UNSW, with charitable status as an online public library, raises donation funding (approximately A\$1M per year for the past five years: see AustLII *Annual Review* 2011) to sustain resources built on AustLII, such as those built under this project. Although sustainability of historical databases (often 'one off' static creations) is less of a problem than for ongoing legal databases, the ongoing maintenance of the whole AustLII infrastructure is necessary to make the databases accessible is an important and contribution by the Foundation to this project.

There are already numerous important and successful digitisation projects in Australasia concerning aspects of legal history, other than those involving AustLII. These include the digitisation of state legislation by the legislation offices of Victoria, NSW, WA and New Zealand (discussed later); the State Library of Victoria's digitisation of the Victorian Government Gazette;⁷ the 'recovery' into online databases of cases by the Kercher and Kercher/Petrow projects, and by the New Zealand 'Lost Cases' project (discussed later); the University-based projects on digitisation of legislation in Queensland⁸ and South Australia;⁹ and the extensive digitisation

⁵ The membership of the project's Courts and Government Advisory Committee is at present being finalised.

⁶ This project exemplifies a free access legal information institute (LII) treating content it has created as assets which can be leveraged to obtain other assets for free access and illustrates, incidentally, how 'free access' is a different goal from 'open content'.

⁷ Involving contributions from the State Library of Victoria, Land Victoria, the Office of the Chief Parliamentary Counsel Victoria and the State Library of New South Wales – see <http://www.austlii.edu.au/au/other/vic_gazette/>

⁸ The OzCase Project 'Queensland Historical Legal Collection' <<http://ozcase.library.qut.edu.au/qlhc/>> is an initiative led by the Queensland University of Technology Law Library, in conjunction with other Queensland Universities, government agencies and law firms. It hosts numerous primarily legislation-related historical resources for Queensland.

⁹ Flinders University Academic Commons has digitised and developed a database of 'Acts of the Parliament of South Australia 1837 – 2002' <<http://dspace.flinders.edu.au/jspui/handle/2328/1894>> with funding assistance from the Law Foundation of South Australia.

project being undertaken by the Supreme Court of Queensland Library.¹⁰ AustLII's Australasian Legal History Library project is already receiving invaluable cooperation from these existing projects.

The Legal History Library is intended to benefit the research of specialist legal historians (in Australasia and overseas), particularly those engaged in comparative legal history; researchers in all aspects of the humanities because of the extent to which law and legal institutions permeate their work; family and local history researchers; and all practising lawyers because of the long 'half life' of legal information and the continuing relevance of old case law and legislation to current legal problems. The principal group of users will however be Australian academic legal researchers, in law and social sciences as well as other users across the sciences and humanities. Law permeates all aspects of history, political science and sociology to some degree. Copyright and patent law, public health regimes, and environmental regulatory systems illustrate how law affects other disciplines, and why this resource

will enable Australian researchers to enrich their scholarship. There are numerous specific projects being carried out by the Investigators of this project which will benefit from the Library,¹¹ and we expect many others will also benefit. We hope this project will also expand international interest in Australian legal history. Overseas scholars of comparative legal history will be very likely to use these materials because of their accessibility, adding to our own understanding of our past. We are not aware of similar projects aiming at such comprehensive coverage, at least not in multi-jurisdictional federations. We therefore hope the Library will become a leader in the digitisation of national legal histories.

Components of the broader LIEF project

The six key elements in the creation of the Library (both in its Colonial and post-Colonial aspects), as set out in the project's funding application, are as follows:

- (i) *Creating a comprehensive collection of free access court decisions:* The largest task in the project, now feasible, is to scan all decisions

¹⁰ The Queensland Supreme Court Library's 'Historical Document Digitisation Program' <<http://www.sclqld.org.au/schp/digitisation.php>> is facilitated by a legislative amendment 'which allows the Library to receive and preserve historic documents without affecting any legal professional privilege attached to documents. Access to such material is restricted to items required for educational or historical purposes and that are older than 100 years'. The Library 'is producing high resolution images of documents using an archival-quality digital scanner, which are preserved together with full text transcripts to facilitate convenient full-text searching and retrieval. Material will be published online in the future, as permissible under the amended Act'. Materials to be digitised include early Queensland cases and legislation.

¹¹ 'The Rule of Law in History and Memory: Australian and Canadian Settler Frontiers' (Nettelbeck, Foster, and others); 'Convicts, Empire and Order, 1783-1857' (Ford); 'Understanding forms of violence and their regulation in Australian history' (Finnane); 'Balancing Security Priorities with the Rule of Law and Democratic Values' (Finnane); 'New Zealand's Lost Cases' (Dorsett); 'Australian Colonial Copyright' (Bond); 'Colonial Criminal Law' (Finnane); 'A Comparative Constitutional History of Citizenship Law and Gender' (Irving); 'The History of Equity in Australasia' (Dorsett); 'An Australian Law of Tort? The History of Tort Law in Australia 1900-1945' (Lunney); 'Comparative Legal History of Laws and Cases Relating to the Protection of Animals in Australia 1870 to 1914' (Petrow); 'Rediscovering South Australia's Lost Cases' (Williams) and 'A Comparative Study of the Prerogative and Reserve Powers in Commonwealth Nations' (Twomey).

in the main law report series (unless already digitised collections can be obtained), extract searchable text using optical character recognition (OCR), and make them searchable in a consistent fashion using Sino. We intend to do so from inception of each series up to 1950 (where copyright problems commence), for all jurisdictions (estimated 25-30,000 decisions). After 1950, negotiations and data swaps will sometimes be necessary. Other available case law outside the report series will also be included, including unreported decisions from some jurisdictions, and cases extracted from newspaper reports. The reported series comprise the bulk, but these additional sources of cases law provide much of the interest for legal historians.

- (ii) *Creating a comprehensive historical collection of legislation:* Victorian, NSW and New Zealand historic legislation databases are already completed and on AustLII or NZLII. Annual legislation will be scanned for the remaining seven jurisdictions, or by negotiating cooperative arrangements to access existing digital collections. Scanning of Bills and Explanatory Memoranda is being undertaken with ALLA and law firm assistance. This project does not attempt to create 'point-in-time' or consolidated legislation databases, only to include all legislation as it was enacted.
- (iii) *Digitising key historical sources and scholarship:* The earliest Australasian law journals and treatises, and key documents now only available from archives and libraries, will be digitised and made far more conveniently available to all researchers. Articles on legal history from over 80 law journals already on AustLII, and scholarship repositories, will be included in the Library through creation of virtual databases (discussed later). Handwritten sources will be digitised, and searchable abstracts created and uploaded by project investigators.
- (iv) *Tracking cases, legislation, scholarship and treaties:* AustLII's LawCite <<http://www.lawcite.org>> will track how the newly-added historical cases cite other cases, or are themselves cited by later cases or scholarship. Similarly, legislation cited or discussed can be tracked. LawCite (developed by AustLII from another ARC grant), is the only free access legal citator providing international coverage of cases and scholarship. It will show the extent to which Australasia's historic legal cases continue to be sources of authority both within Australia and in the rest of the world, to an extent never before possible.
- (v) *Expanding research Internet-wide:* We will add to the Library a catalog of web sites relating to Australasian legal history, and a 'Law on Google' search that automatically converts an 'AustLII syntax' search of the Library into a properly formatted Google search, and automatically limits it to Australasian legal history. The purpose of these tools is to make it easy for Library users to expand their research to materials not found in the Library itself.
- (vi) *Specialised interface(s) for legal history researchers:* Although all of the materials aggregated for this project will be searchable from the normal AustLII interface, along with all other non-historical materials on AustLII,

separate interfaces will also be built to assist historical researchers. An 'Australasian Colonial Legal History Library' interface, from which only all pre-1900 materials can be searched, will be the first created. Other history-focused interfaces, including one for Australian Federation materials, and one for New Zealand legal history, are likely to follow. This first interface and its content is the focus of the rest of this paper.

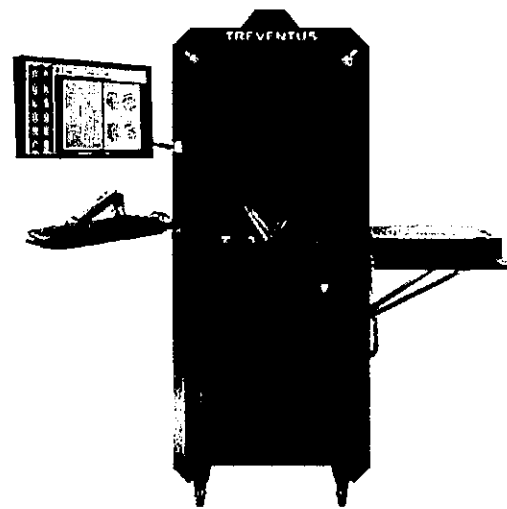
Technologies to be used

AustLII's existing technical platform provides most of the hardware and software needed to create the Library. AustLII's main server is an Oracle Sun Fire X4470 server with 32 cores and 128GB of RAM. It is attached to an Oracle 7420 ZFS NAS storage system with a raw capacity of 60TB. This will shortly be upgraded to an Oracle Sun Fire X4800 server with 128 cores and 512GB of RAM.

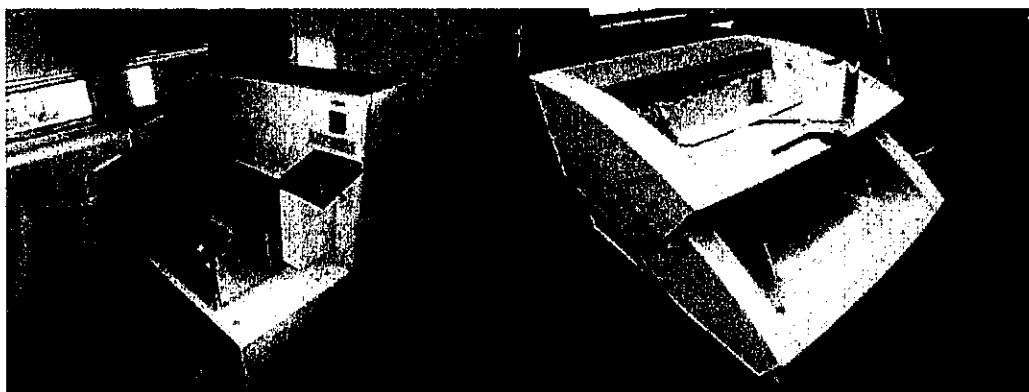
At present, AustLII has high quality equipment for high throughput destructive scanning, but not for non-destructive scanning of rare items.

The new equipment required for the project is primarily an Automated Book Scanning Digitisation System to handle large quantities of historical documents that require non-destructive scanning. One potential scanner is shown below.

A server/storage system to provide the necessary processing power for scanning and OCR conversion of the large collections of legal materials,



Non-destructive scanning:
Dalek-like scanner under consideration



Destructive scanning: (i) Guillotine removes spines of law reports or legislation;
(ii) resulting loose pages fed through duplex scanner

subsequent processing, and consequent storage needs (up to 60TB), plus portable digitisation equipment, is also being purchased.

Building a searchable Library for colonial legal history

The AustLII context of a Colonial Legal History Library means that many of the databases in which legal materials from the colonial period appear are databases which also cover a longer, post-colonial, time span (for example *Victorian Law Reports 1874-1956* and *New South Wales Acts As Made 1824-* to the present), or are scholarship concerning legal history which appear in law journals, academic repositories or judicial scholarship databases dealing with many other legal issues. In both these circumstances the solution is to construct for the Library 'virtual' databases which are automatically constructed sub-sets of the broader 'real' databases (see Greenleaf 2009). For the case and legislation databases the building of the virtual databases is relatively straightforward, as they only need to be delimited by the data of an Act or of the publication of a case being prior to 1901. However, for legal scholarship the process is more complex, as described below under 'A virtual database of scholarship'.

The first version of the interface for the Colonial Legal History Library (now accessible at <<http://www.austlii.edu.au/au/special/legalhistory/>>) is set out below, and shows both currently existing databases and those in the course of being developed. There are 12 databases so far, including at least one case law database for each colony.

The Victorian databases are by far the most comprehensively developed, because of a previously funded project.¹² Inclusion of the *Victorian Government Gazettes 1851-1900*, in cooperation with the State Library of Victoria, deserves mention both for its size (over 200,000 searchable items), and because it is not yet duplicated for other colonies.

All available databases can be searched together, or one or more can be selected. The AustLII User Guide¹³ is also the user guide for this Library, and should be read before searching the Library, if only to see that the search engine is not the same as Google, and that quite sophisticated searches are possible.

The first page of results of an example search for *debt* near (prison or imprisonment)* are shown above, listing 20 or 1301 found items in likely order of relevance. They show legislation from three colonies (New Zealand, New South Wales, Victoria), cases from three colonies (NSW, Tasmania, and Victoria) and one journal article. These jurisdictions reflect the limited range of databases yet available, but make the point of how easy it is to do cross-jurisdictional searches. Use of the By Database display option shows that on later pages of results there are results from South Australian and Queensland case law databases, and articles from a variety of other law journals.

The results can also be displayed By Date, which by default shows the most recent first, but the 'Earliest First' option can be chosen, which in

¹² Victorian Legal Services Board project, 2009-11 'Making Victoria a model jurisdiction for free access to law', details at <<http://www.austlii.edu.au/austlii/research/2009/vlsb/>>.

¹³ Available at <<http://www.austlii.edu.au/austlii/guide/user/>> in HTML, RTF or PDF versions.

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

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](#)

The Colonial Law Library prototype as at 9 July 2012

this case shows that the first case concerning imprisonment for debt in the colonies is in *Palmer v Jones* [1796] NSWSupC 4; [1796] NSWKR 4 (27 August 1796), where imprisonment was avoided by the assignment of labour. Another

display option is By Citation Frequency, which shows that *In Re Sandilands, Ex Parte Browne* [1878] VicLawRp 152; (1878) 4 VLR (L) 318 has been cited by five other cases, the most recent being in 2008.



[Home](#) | [Databases](#) | [Search](#) | [WorldLII](#) | [Feedback](#) | [Help](#)
 debt* near (prison or imprisonment)
[Advanced Search](#) | [Search Help](#) | [Results Interface Help](#)

Keyword Selects direct

All AustLII Databases

Legal Publishers

Catalogue & 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

[Collapse Multi-sections](#) [Show All Sections](#)

Page 1 of: 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | >>>

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)
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. [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)
8. [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)
11. [IN RE OGLE \[1887\] VicLawRp 64; \(1887\) 13 VLR 330 \(1 July 1887\)](#) [22%]
(From [Victorian Law Reports](#): 31 KB)
12. [Moore and Keith v Macdonald \[1832\] NSWSupC 31 \(19 July 1832\)](#) [17%]
(From [Superior Courts of New South Wales](#): 19 July 1832; 16 KB)
13. [An Act to amend the Law for Imprisonment for Debt](#) [15%]
(From [Victorian Historical Acts](#): 1 KB)
14. [GILCHRIST v. GILCHRIST \[1893\] VicLawRp 108; \(1893\) 19 VLR 735 \(17 July 1893\)](#) [14%]
(From [Victorian Law Reports](#): 4 KB)
15. [Tucker v Lyons \[1836\] NSWSupC 63 \(10 October 1836\)](#) [14%]
(From [Superior Courts of New South Wales](#): 10 October 1836; 7 KB)
16. [Peters v. Nicholls \[1831\] TASSupC 2 \(3 January 1831\)](#) [13%]
(From [Superior Courts of Tasmania \(pre-1900\) Case Notes](#): 3 January 1831; 3 KB)
17. [Briggs v Humphrey \[1838\] NSWSupC 86 \(29 September 1838\)](#) [12%]
(From [Superior Courts of New South Wales](#): 29 September 1838; 7 KB)
18. [Ready v Macquoid \[1830\] NSWSupC 30 \(7 April 1830\)](#) [12%]
(From [Superior Courts of New South Wales](#): 7 April 1830; 7 KB)
19. [Low, Alex -- "The Adventures of Bentham in Van Diemen's Land; Sir Alfred Stephen and the Insolvency Act" \[2003\] UTasLJLRw 8; \(2003\) 22\(2\) University of Tasmania Law Review 164](#) [12%]
(From [University of Tasmania Law Review](#): 94 KB)
20. [Thompson v McCarthy \[1804\] NSWSupC 1; \[1804\] NSWKR 1 \(10 February 1804\)](#) [11%]

Database selected:
Click on the ID link search to a specific database

- New South Wales Acts As Made
- Superior Courts of New South Wales
- Superior Courts of New South Wales - Historical Act
- Superior Courts of South Australia
- Superior Courts of Tasmania (pre-1900) Case Notes
- Victorian Law Reports
- Victorian Historical Act
- Victorian Law Reports
- Victorian Government Gazette
- Superior Courts of Western Australia
- New Zealand Acts As Enacted
- Australian Law Journals
- New Zealand Journals

Example of first page of search results for search: debt* near (prison or imprisonment)

The size of the databases currently in the Library is shown below.

Superior Courts of New South Wales	2294
Superior Courts of New South Wales – Moreton Bay	258
Superior Courts of South Australia	1917
Superior Courts of Tasmania	563
Tasmanian Law Reports	62
Victorian Law Reports	4265
Superior Courts of Western Australia	332
NSW Acts As Made	2505
Victorian Historical Acts	1828
Victorian Gazettes	206615
NZ Acts As Enacted	4380
Journals and Scholarship	182
Total	225201

Searchable items in the Library (as at 9 July 2012)

The Library therefore has almost 20,000 hits of legislation, case law and scholarship, plus over 200,000 Victorian Gazette items. Aside from the gazettes, the 20,000 can be expected to at least triple over the next 18 months.

The second part of this paper, which will be presented in Volume 20 Part 4 of the ALL Journal, will give details of each of the components of the Library, and how they are being built.

Appendix: Details of project Chief Investigators

The eighteen Chief Investigators (other than the AustLII Co-Directors) are highly respected Australasian researchers in many aspects of the legal history of Australia, New Zealand and many other countries. They carry out ground-breaking

research on almost all aspects of Australasian legal history. Em/Prof Bruce Kercher is principal author of *The Kercher Reports: Decisions of the New South Wales Superior Courts, 1788-1827* (Kercher and Salter, 2010) and associated books (Kercher, 2006) and articles, has pioneered the recreation and analysis of historical case law from contemporaneous records, and is intensely involved in the online publication of colonial case law. Dr Lisa Ford is author of the award-winning *Settler Sovereignty* (Ford, 2010), and researches the comparative roles of law in colonial settlement in the British Empire and North America. A/Prof Anne Twomey researches the constitutional aspects of Australian legal history, has published books on the Crown in Australia (Twomey, 2006) and on the Australia Acts (Twomey, 2010). Prof Mark Finnane researches the histories of crime, legal regulation, policing and criminology in Australia and Ireland, contributing to his current research on policing, security, and responses to violence for the ARC Centre of Excellence in Policing and Security. Prof Amanda Nettelbeck and A/Prof Robert Foster research the role of law in Australian and comparative colonial settlement history. They are co-authors of two books on the history of policing of colonial frontiers in South and central Australia (Foster and Nettelbeck 2011, Nettelbeck and Foster 2007), a third book on the history and historical memory of the South Australian frontier (2001), and are engaged on an international collaborative project on the legal subjugation of indigenous peoples in Australia and Canada. A/Prof Stefan Petrow is author of numerous articles on diverse aspects of Tasmania's colonial legal history, and principal editor of the database of Tasmanian colonial case notes developed with Prof Kercher. He co-edited the pioneering *Lawless Harvests, or God Save the*

Judges: Van Diemen's Land 1803-55, a legal history by Alex Castles, posthumously published in 2007 by Australian Scholarly Publishing. Dr Catherine Bond researches colonial copyright law, with a particular interest in the public domain aspects. A/Prof Shaunnagh Dorsett's research is interdisciplinary across legal history, native title and legal theory, resulting in publications on equity, comparative native title, foreshore and seabed, the jurisprudence of jurisdiction and colonial legal history of New Zealand and Australia. She is a grant-holder and director of the New Zealand 'Lost Case' project. A/Prof Peter McDermott has contributed chapters on the history of equity in Queensland, and on the contributions of various judges and Ministers, in the legal history programme of the Supreme Court of Queensland Library. He is currently assisting the Supreme Court of Queensland Library in a project on the history of the Court. Em/Prof Wilfrid Prest has a current grant to edit Blackstone's *Commentaries*, a seminal work for all common law jurisdictions, has published on Blackstone's influence in Australia, and edited *The Wakefield Companion to South Australian History* (Prest et al, 2001). Prof Mark Lunney has published a number of articles in leading journals in both Australia and England on the history of tort law and is currently working on the history of tort law in Australia in the post-Federation period. Prof Michael Adams leads a team examining how the history of corporate law influences the regulator through the history of case law (Adams, 2010) and contributed to an ARC Linkage project on how changes to misleading conduct provisions over recent history affected regulation of small business (in Armstrong et al, 2011). Prof Helen Irving has a long involvement in legal-historical research, including as the editor of the *Centenary*

Companion to Australian Federation (Cambridge UP 1999), and as NSW Historical Consultant for the National Archives of Australia website 'Documenting a Democracy' <<http://www.foundingdocs.gov.au/>>, and current member of the Advisory Council of the National Archives of Australia. Prof John Williams has been the recipient of an ARC Discovery and Linkage grants dealing with the history of the High Court of Australia and is a former editor of *Legal History*, the leading Australian Journal in the field. Prof Andrew Buck researches and publishes widely across the field of legal history, on topics as diverse as legal culture in British settler societies, the histories of Australian property laws, citizenship tests, dower, and rhetoric in Australian politics, and state socialism in the early twentieth century. Ms Judith Jones researches the development of regulation to manage natural resources in the Australian colonies. Professors Adams, Grantham, Williams and Otlowski, as Law School Deans, bring to the project very considerable experience in management of complex projects in the legal academic environment, including for Adams and Grantham previous LIEF projects. The past and current Presidents of ALLA (Naish Peterson and Marisa Bendeich) and the law librarians of the law firms collaborating through ALLA, are all highly experienced in the management of complex legal research infrastructure, particularly the sourcing and management of resources for digitisation. All Investigators will constitute the project's Advisory Committee, which will have two face-to-face meetings during the project, and advise through an email list between meetings.

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