

The Oldham Catalogue of Dampier Manuscripts

A Word about the Spreadsheet

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The Dampier Manuscripts (MSS) at Lincoln's Inn Library comprise an extraordinary trove of original legal documents, almost all from cases heard during term time by the Courts of King's Bench and Common Pleas during the late eighteenth and early nineteenth centuries. A useful description of the MSS by Edmund Heward, then Chief Master, Chancery Division of the High Court, can be found in the December 1988 issue of the *Journal of Legal History* (Volume 9, pp. 357-364). As Master Heward explained, the collection contains almost 100 bundles of Paper Books that were the personal copies delivered individually to four common law judges – William Ashhurst, Francis Buller, Soulden Lawrence, and Henry Dampier. There are 100 Ashhurst paper books covering the years 1771-1785; 842 numbered Buller paper books from 1778-1794; and 889 numbered Lawrence paper books from 1794-1811.¹ Lawrence in April 1808 transferred from King's Bench to Common Pleas, so his paper books from April 1808 until mid-1811 are from Common Pleas cases. Henry Dampier served only a short time on King's Bench, from June 1813 until his death in early February 1816. There are 171 Dampier paper books.²

¹ The number totals for Buller and Lawrence are inaccurate. Both judges (especially Lawrence) slotted in additional paper books, numbering them with added lower case letters – e.g. 80a, 80b, 80c, etc. Among the paper books covered by the spreadsheet, there are 10 such additional Buller paper books and 45 additional Lawrence paper books. Also, three of Lawrence's paper books are missing (#'s 140, 245, & 273).

² The collection of paper books expanded in stages as each judge's paper books were passed on to the next holder. Thus, when the collection reached Henry Dampier, he inherited approximately 2,000 paper books (the cumulative

Each bundle in the Dampier MSS contains 15-25 paper books that were the judges' personal copies of pleadings and related documents, delivered in preparation for, and for use during, arguments of counsel before the four-judge court during term time. The nature of the pleadings in a given paper book would depend upon the status of the case as it came before the court – argument on demurrer, on a motion in arrest of judgment, on a motion for a new trial, on a writ of error, etc.

Most of the paper books contain notes taken “live” by the sitting judge during arguments of counsel. Typically notes would be taken on the backsides of the relevant pleadings, and in addition to arguments of counsel, colloquies between judges and counsel were often recorded, as were opinions given by the sitting judges. Depending upon the complexity of the case and the personal habits of the judges, many paper books include pre-hearing research notes. These might be sketchy (e.g., those by Dampier) or exhaustive (as by Buller). Occasional rough drafts of opinions that were expected to be delivered can be found. Also, copies of documents relevant to the proceedings are often stuffed inside the paper books, such as printed statutes, insurance policies, charter parties, or treaties (to name but a few examples).

A majority of the cases in the Dampier MSS also appear in the printed reports, but many of the cases were wholly unreported. Even when reported, the added notes and documents in the paper books often substantially enhance the printed reports.

My own research in the Dampier MSS began in the 1980s in the preparatory years that led to the publication in 1992 of my two-volume work on Lord Mansfield (*The Mansfield Manuscripts and the Growth of English Law in the Eighteenth Century*, University of North

sum of Ashhurst's, Buller's and Lawrence's), and when Dampier's paper books were added after his death, the total collection grew to almost 2,200 (including 15 House of Lords cases and 34 briefs).

Carolina Press³). Lord Mansfield was chief justice of King's Bench from 1756 until 1788 (but effectively only until mid-1786, when infirmities caused Mansfield to be largely inactive). Thus, in working exclusively on Lord Mansfield, my first excursion in the Dampier MSS was limited to the Ashhurst and Buller paper books, and during that phase I did not prepare a systematic catalogue of the contents of the paper books that I examined. Subsequently, in ongoing work toward a volume in the *Oxford History of the Laws of England*, and with excellent help from two research assistants, I traversed the remainder of the Buller paper books, plus all of the Lawrence and Dampier paper books. In the process, I was more systematic and developed the spreadsheet that ultimately became the present catalogue. I relied on my two research assistants for initial assessments of Buller paper books 510-841 and Lawrence paper books 1-330. The spreadsheet contains entries for each of the paper books within that large batch. I instructed my research assistants to describe the contents of each paper book, with particular attention to what personal notes the judges took, both in preparation for the hearing and of arguments of counsel and judicial opinions or commentary by brother judges at the hearing itself. If a given case was reported, I also asked my research assistants for a brief sketch of how the judges' personal notes compared to the reported version of the case.

From Lawrence paper book 331 onward, the entries and notes are my own. At the time, I had no thought of making the spreadsheet available to others; thus, most of the entries in the notes reflect my individual research interests. I decided, also, to be selective and to omit paper books that, for my purposes, offered nothing of interest. The total number of paper books and briefs covered by the entries in the spreadsheet is approximately 1,500.

³ The work was republished in paperback in 2012 as part of the UNC Press's *Enduring Editions* collection.

Finally, a brief explanation should be given about the small set of paper books and briefs that belonged to the fourth of the judges, Henry Dampier. Justice Dampier took office as a King's Bench junior judge on 23 June 1813. Justice Lawrence surrendered his Common Pleas judgeship in late May 1812, and since only 20 of his 900-plus paper books were from Common Pleas, he undoubtedly arranged to have the full collections transferred to a then-serving King's Bench judge. Dampier would not be appointed until thirteen months later, and puisne judge Nash Grose appears to have become the custodian. Thus, the first seven Dampier paper books from Easter and Trinity Terms 1812 were first delivered to puisne Justice Nash Grose, as indicated on the folded captions, and in the spreadsheet notes; so, also, were several paper books from 1811 and 1813 that were later slotted into the numerical sequence (#'s 43, 44, 46, & 47). Guy Holborn checked Brown's Law List and confirmed that Grose's clerks carried over to Dampier, so the clerks probably were the keepers of the paper books and passed them on to succeeding judges. Perhaps maintaining the pile of paper books was not to Justice Grose's taste, but for whatever reason, no paper books were added for Michaelmas term 1812 or for Hilary term 1813. Lawrence was appointed a puisne justice of King's Bench on June 23, 1813, and his first paper book (#8) was for the case of *Rex v Inhabitants of Framsdon*, heard on June 26, 1813.

The two final boxes in the Dampier MSS are unique. The first contains 15 paper books for House of Lords cases (scattered dates from 1785 to 1799). The final box is designated "Dampier Briefs," though the label is misleading since most of the 34 briefs within were briefs sent to Mr Serjeant Lawrence during the 1770's, 1780's, and early 1790's.

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In July 2016, I had an opportunity to show sample pages from the spreadsheet to Lincoln's Inn Librarian Guy Holborn and to his soon-to-be successor, Dunstan Speight. Both Librarians were of the view that the spreadsheet, even though not designed as a library resource, could be extremely useful to future researchers who are interested in what the paper books contain.⁴ I am thus pleased to present this catalogue to the Library, not only for the benefit of future researchers, but also as a small measure of appreciation to the Masters of the Bench of Lincoln's Inn, and especially to Librarian Guy Holborn, Deputy Librarian Catherine McArdle, and other staff members at the Library whose assistance has been unfailingly generous and invaluable across the years.⁵

A handwritten signature in black ink that reads "James Oldham". The signature is written in a cursive, flowing style.

⁴ The day may come when the Dampier MSS will be digitized, but at present there is no electronic access. And even if the manuscripts become accessible electronically, the spreadsheet should continue to serve as a helpful guide to the contents of the paper books and additional documents for the cases covered.

⁵ I am acutely aware that the spreadsheet will be found by future users to contain occasional errors. In view of the nature of this catalogue as a working guide, I trust that these will be forgiven.