

THE MAKING OF MODERN LAW

ORIENTATION RESOURCES

Various source media. *The Making of Modern Law*



The aim of this guide is to give you a better understanding of how to use the digital archives that comprise *The Making of Modern Law* (“MML”) series of primary resources. This guide covers how to find what you need from among the millions of pages of content within the series. It outlines the scope and contents of the individual collections within the series and explores key topics that look to legal historical materials to support classroom instruction, the writing of term papers, the crafting of theses and dissertations, and the production of publishable research.

HOW TO USE THIS GUIDE

This guide supports the work of students and scholars who may be using Gale Primary Source Archives for the first time. It explores how to optimize use of this series of digital archives for research and teaching, so if you are unfamiliar with how to conduct research in Gale’s digital archives, please read through this guide. We promise it will have been worth the effort!

If you already have experience working with digital archives in general, or specifically from Gale, and wish to get right to those key topics, just head straight to the SOME RESEARCH OPPORTUNITIES section below. In addition to information on potential research topics, you’ll also find critical thinking questions and search terms to get your research started.

If you want to see what an even deeper dive into this digital archive can generate, look at the CASE STUDY section below. That section offers an example of how you can use digital primary sources in your research, teaching, conference presentation and writing for class or publication.

Searching

Advance Searching

The Making of Modern Law is a series of databases with many kinds of materials, some quite radically different from one another. This means that searchable field terms and search limiters can differ from database to database. At the same time, many of the databases also share field terms and limiters. The diagrams below indicate which field terms and limiters the databases share and don’t share.

Field Terms

Here is what the searchable field term part of the ‘Advanced Search’ page looks like, with some of the fields below pre-selected to illustrate the kinds of information that can appear in *The Making of Modern Law* series. This example comes from *U.S. Supreme Court Records and Briefs, 1823–1978*.

Search Terms

	Terms	Field	Finds results that...
Search for	<input type="text"/>	in <input type="text" value="Case Name"/>	are associated with this case
And	<input type="text"/>	in <input type="text" value="Supreme Court Reporter Citation"/>	are associated with this case citation
And	<input type="text"/>	in <input type="text" value="Docket Number"/>	are associated with this court docket

Diagrammed below are all field terms available to users. The “x” marks the presence of that field term. The few that are universally shared by all databases in *The Making of Modern Law* are shaded in gray.

	Legal Treatises	Supreme Court Records	Trials	Primary Sources	Foreign, Comparative...Law	Foreign Primary Sources	ACLU Papers	U.S. Courts of Appeals
Keyword	x	x	x	x	x	x	x	x
Entire Document	x	x	x	x	x	x	x	x
Subject	x	x	x	x	x	x	x	x
Author/Creator	x	x	x	x	x	x		x
Document Title	x	x	x	x	x	x	x	x
Front Matter	x		x	x	x	x		
Publisher Name	x		x	x	x	x		
Place of Publication	x		x	x	x	x		
Gale Document Number	x	x	x	x	x	x	x	x
Case Name		x						x
U.S. Reports Citation		x						
Supreme Court Reporter Citation		x						
Lawyers' Edition Citation		x						
Docket Number		x						x
Manuscript Number							x	
Brief Name								x
Reporter Citation								x

Search Limiters

by publication date(s): [?](#)

All Dates Before On After Between

Include documents with no known publication date.

by jurisdiction: [?](#)

by language: [?](#)

by illustrated works: [?](#)

by source library: [?](#)

Search Limiters

Search limiters differ from field terms. In brief, field terms represent those parts of a document (e.g., title, author name, keyword, or entire work) that can be searched for a specific term, phrase, or word combination. A search limiter, on the other hand, is a specific category of information that has been assigned to the work. It can be a date, subject category, country of publication, and so forth—a “label,” if you will. One way to think about the difference is that field terms can include an infinite number of possible names, words, or combinations of these. A search limiter represents a finite set of terms. (Yes, even a date is a finite term!)

On the left is what the search limiter section of the ‘Advanced Search’ page looks like. This one comes from *Foreign, Comparative and International Law, 1600–1926*.

In the chart below is a list of all of the search limiters to be found in the databases that make up *The Making of Modern Law*.

	<i>Legal Treatises</i>	<i>Supreme Court Records</i>	<i>Trials</i>	<i>Primary Sources</i>	<i>Foreign, Comparative...Law</i>	<i>Foreign Primary Sources</i>	<i>ACLU Papers</i>	<i>U.S. Courts of Appeals</i>
Body of Law	x							
Language	x			x	x	x		
Illustrated Works	x		x	x	x	x	x	
Source Library	x	x	x	x	x	x		x
Term Years		x						
Document Type		x	x	x			x	x
Publication Date(s)			x	x	x	x	x	
Archive				x		x	x	
Jurisdiction				x	x	x		
Content Type				x			x	
Collection Title							x	
Subcollection							x	
Circuit								x
File Date								x
Opinion Date								x
Case Heard		x						

Because each search limiter represents a limited category of terms, it is worth looking at many of them below. Note that when a search limiter with the same name appears in more than one product, *but the terms in that category differ*, the category is broken up by individual database.

Body of Law	American Law, British Law
Language (<i>Legal Treatises*</i> and <i>Primary Sources*</i>)	English ⁺ , French ⁺ , German ⁺ , Italian ⁺ , Portuguese ⁺ , Russian ⁺ , Spanish ⁺
Language (<i>Foreign, Comparative and International Law</i>)	Afrikaans, Arabic, Burmese, Danish, Dutch, English, French, German, Greek, Hungarian, Italian, Japanese, Kannada, Latin, Portuguese, Russian, Sanskrit, Spanish, Swedish, Urdu, and Welsh
Language (<i>Foreign Primary Sources</i>)	Danish, Dutch, English, French, German, Gothic, Greek, Hebrew, Hungarian, Irish, Italian, Latin, Norwegian, Portuguese, Russian, Serbian, Spanish, Swedish, and Welsh
Illustrated Works	Cartoon, Chart, Coat of Arms, Diagram, Drawing, Engraving, Genealogical table, Graph, Map, Musical work, Painting, Photograph, Plan, Portrait, Seal, Table
Document Type (<i>Foreign Primary Sources</i>)	Code, Journal, Monograph, Regulation, Session laws
Document Type (ACLU Papers)	See below.
Document Type (<i>Supreme Court Records</i>)	See below.
Jurisdiction (<i>Primary Sources</i>)	<i>This is a list of all states (and pre-state territories) in the United States.</i>
Jurisdiction (<i>Foreign, Comparative and International Law; Foreign Primary Sources; both</i>)	Afghanistan, Africa, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Canada, Canon Law, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Finland, France, Germany, Great Britain and Northern Ireland, Greece, Guatemala, Haiti, Honduras, Hungary, India, Ireland, Italy, Jamaica, Japan, Liberia, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Roman Law, Romania, Russia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Uruguay, Venezuela
Content Type (<i>Primary Sources</i>)	American colonial record, Code, Constitutional convention and compilation, Law dictionary
Content Type (ACLU Papers)	Manuscripts, maps
Collection Title (ACLU Papers)	The Roger Baldwin Years, 1912-1950; Southern Regional Office Files; Years of Expansion, 1950-1990
Subcollection (ACLU Papers)	3 series and 22 subseries [not listed here]
Circuit	1 st , 2 nd , 3 rd , 4 th , 5 th , 6 th , 7 th , 8 th , 9 th , 10 th , Federal
File Date	<i>This will be a date or date range.</i>
Opinion Date	<i>This will be a date or date range</i>
Case Heard (<i>Supreme Court only</i>)	<i>This is a Yes or No check-off</i>

Research Opportunity: Primary Sources and Legal History

The Making of Modern Law's *Primary Sources* and *Foreign Primary Sources* are much more like traditional legal history databases. For now, we'll consider only *Primary Sources*, which focuses exclusively on American law. This collection comprises compilations of acts, charters, laws, ordinances, and statutes, among other types of legal codes. These works are thus listings of the actual rules and regulation that guide and bind the members of a civil society. Around these fundamental resources there also appear law dictionaries, legal digests, minutes, and journals, which often heavily inform legal codes and their applications. For the legal historian, a collection of these kinds of works is a goldmine of primary source materials, especially if one's interest is in the rules and regulations governing behaviour at a particular place and point in time. The table below lists the number of volumes that compile these kinds of works. (Note that these are not necessarily mutually exclusive, as should be evident from, for example, Robert Stewart Morrison and Emilio D. DeSoto's, four-volume, *Colorado Statutes Annotated: With All Acts and Amendments up to and Including 1911 Session of the Legislature; with Complete Legislative History and Digest of Citations to Date. Containing Statute, Sections 4162 to 6451. Marriages to Surveys.* [underlines added].)

Type of Compilation	No. of Volumes
Acts	693
Charters	783
Dictionaries	43
Digests	292
Histories	253
Journals	225
Laws	1,534
Minutes	28
Ordinances	1,294
Records	165
Statutes	1,316

Type of Compilation	No. of Volumes
Laws	1,534
Minutes	28
Ordinances	1,294
Records	165
Statutes	1,316

Every work also has a state and territory assignment:


State	Vols.
New York	535
California	506
Massachusetts	340
Pennsylvania	246
Illinois	205
Connecticut	180
Wisconsin	153
Missouri	150
Minnesota	139
Ohio	131
Michigan	124
Virginia	123
Indiana	122
New Jersey	122
Maryland	119
Iowa	110
Texas	102
Georgia	95

New Hampshire	95
Rhode Island	95
Louisiana	94
Maine	88
Nebraska	88
North Carolina	84
Kentucky	73
Kansas	70
United States	70
South Carolina	65
Florida	64
Washington	64
Vermont	63
Colorado	56
Oregon	55
Tennessee	52
Alabama	43
Mississippi	42

Hawaii	41
Dist. of Columbia	36
South Dakota	35
Utah	34
Arkansas	33
Oklahoma	31
West Virginia	30
Delaware	28
Montana	23
Idaho	21
North Dakota	21
Guam	17
New Mexico	15
Wyoming	15

Picking a Topic and How to Narrow Your Search

Any aspect of society affected by law will deliver results for *The Making of Modern Law: Primary Sources*. In the area of crime and punishment, you could look up any number of possible criminal acts as a searchable term to survey its treatment by various states over time: abuse, arson, assassination, assault, battery, bribery, burglary, coercion, conspiracy, contempt, counterfeiting, embezzlement, extortion, fencing (sale of stolen property), forgery, fraud, fugitive (harboring), gambling, homicide, intoxication, kidnapping, larceny, loitering, manslaughter, murder, obstruction, peonage, perjury, piracy, possession, prostitution, racketeering, rape, rebellion, riot, robbery, sabotage, smuggling, solicitation, theft, torture, treason, trespass, or vandalism.

3.  **City of Buffalo First Supplement to the Ordinances with Cross Indices of all Ordinances Enacted, Amended, Supplement or Repealed. From January 1st to December 31st 1920**
Authors: Daniel J. Sweeney and F. W. Tyler
Publisher: n.p. ([Buffalo?])
 [1921-1923?] Volume 2 104 pages
 Found in Part I: 1620-1970

A public laundry within the meaning of this chapter is a building used for the purpose of washing, cleaning and **laundering** articles of clothing or other goods for hire or profit.
 A block or square within the meaning of this chapter

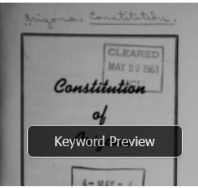
Remember however, that whatever kind of search you need to conduct, you need to be sensitive to legal terminology—what terms are used and how they change over time. For example, if you were doing research on money laundering and conducted a search on the word “laundering,” you probably should not be surprised that most of your top results will

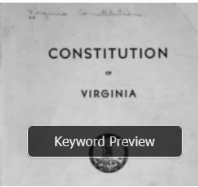
look like this item since money laundering doesn’t enter our legal lexicon till much later in the 20th century, but laws and regulations on public health and laundry businesses were very much present at the turn of the 19th and into the early 20th century.

The strength of *Primary Sources* especially draws on the ability to *compare* all sorts of legal codes. Case in point: state constitutions. Consider this first result from a search through the advanced search on the word “constitution” in the Document Title, which is then to be filtered down to just the 31 Maryland-specific volumes with the word constitution in their title. (Remember that several of these works will be multivolume!)

636 RESULTS Sort by: Relevance

Search Terms: Document Title: constitution Revise Search

- 

Constitution of Arizona
Author: Arizona. Constitution
 1961 52 pages
 Found in Part II: 1764-1970
- 

Constitution of Virginia
Author: Virginia. Constitutional Convention
Publisher: Commonwealth of Virginia (Richmond)
 1953 114 pages
 Found in Part II: 1764-1970

FILTER YOUR RESULTS

Archives	Source Library	Document Type
Publication Date	Jurisdiction	Languages

Search Jurisdiction...

- Pennsylvania (55)
- New York (54)
- Missouri (49)
- California (34)
- Maryland (31)
- Louisiana (26)
- Virginia (24)
- Connecticut (22)
- Kansas (22)
- Kentucky (20)

Cancel Apply

Subjects	Author - Items By	Person - About
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Search Within

When I apply the filter, receive my list of 31 volumes, then sort these by date, I end up with a list that include such titles as ...

- *The Laws Of Maryland, With The Charter, The Bill Of Rights, The Constitution Of The State, And Its Alterations, The Declaration Of Independence, And The Constitution Of The United States, And Its Amendments* (1811)
- *The Constitution of the State of Maryland Reported and Adopted by the Convention of Delegates Assembled at the City of Annapolis, November 4th, 1850, and Submitted to and Ratified by the People on the First Wednesday of June, 1851, with Marginal Notes and Reference* (1855)
- *The Debates of the Constitutional Convention of the State of Maryland, Assembled at the City of Annapolis, Wednesday, April 27, 1864: Being a Full and Complete Report of the Debates and Proceedings of the Convention, Together With the Old Constitution, the Law under Which the Convention Assembled, and the New constitution* (1864)
- *The Constitution of the State of Maryland Formed and Adopted by the Convention Which Assembled at the City of Annapolis, May 8, 1867, and Submitted to and Ratified by the People on the 18th Day of September 1867. With Marginal Notes and References, to Acts of the General Assembly and Decisions of the Court of Appeals, and an Appendix and Index* (1867)
- *The Maryland Code. Public General Laws, Prefaced by the Constitution of the United States, the Charter of Maryland and the Constitution of Maryland, with an Appendix Giving References to Public Local Laws Enacted since 1888, Relating to Subjects Covered by the Code* (1904)

For the legal and political historian, the many changes that the Maryland constitution underwent—it was one of the most frequently revised state constitutions—offer an ideal opportunity to grasp the ebb, flow, and intersection of state and federal history. Here, for example, are some questions that one might ask:

Some Questions to Consider

Maryland was originally a slave state. How is its status as a slave state reflected in its pre-Civil War constitution? After the Civil War, Maryland was one of the states occupied by Union forces and had its constitution completely reworked in 1864. In what ways does the 1864 constitution differ from and resemble its predecessor? In 1867, Maryland decided to hold a constitutional convention that replaced the Union-imposed constitution with one adopted by the post-Civil War citizenry (notably only male and white). How does that constitution differ from its predecessors?

Research Opportunity:

Foreign, Comparative and International Law, 1600-1926 and Postcolonial Studies

Foreign, Comparative and International Law, 1600-1926 makes available critical works about the law in four areas. The first is that of published legal treatises on jurisdictions *outside* the Anglo-American tradition (that tradition is already effectively represented in Gale's *Legal Treatises, 1800-1926*). The second covers published assessments of the ancient and medieval—specifically the Roman and “canonical”—legal systems, which heavily influenced modern Western legal thought and codes. The third gathers examinations of various religious legal traditions, notably the Jewish and Islamic legal systems. The fourth compiles the many published works in the field of comparative law, featuring titles that expressly compare legal systems to one another.

Category	Vols.	Topical Approach or Focus	Sample Title
International Law	2129	Works often focused on the laws of multiple nations without necessarily a comparative approach	Jean Jacques Burlamaqui's <i>Principes du Droit Naturel</i> . 2 vols. Geneva, 1747
Foreign Law	830	Works, often treatises, on laws of specific national jurisdictions	<i>A Digest of Hindu Law, on Contracts and Successions</i> . 3 vols. Calcutta; London, 1801.
Roman Law	242	Works specifically on Roman law.	<i>System des Heutigen Römischen Rechts</i> . 8 vols. Berlin, 1840-49
Comparative Law	115	Works that specifically compare legal systems.	Emma Brooke's <i>A Tabulation of the Factory Laws of European Countries in so Far as They Relate to the Hours of Labour, and to Special Legislation for Women, Young Persons, and Children</i> . London, 1898
Jewish Law	53	Works specifically on the Jewish legal tradition or system	William Jay's <i>An Examination of the Mosaic Laws of Servitude</i> . New York, 1854
Ancient Law	42	Works specifically on ancient law and legal systems.	Claude H.W. Johns and Agnes S.G. Johns' <i>Assyrian Deeds and Documents Recording the Transfer of Property...</i> 4 vols. Cambridge, 1901
Islamic Law	34	Works specifically on the Islamic legal tradition or systems	Syed Ameer Ali's <i>Student's Hand-Book of Mahommedan Law</i> . Calcutta, 1903

Picking a Topic and How to Narrow Your Search

This collection is first and foremost a collection that largely documents the *Western* legal tradition. Roughly a quarter of these volumes [835] received a jurisdictional assignment, the vast majority either works on European or Latin American countries or, for those works on Asia (for example, India with 108 volumes assigned) and Africa (South Africa with 52 volumes assigned), accounts were by authors representing the colonial powers that ruled them. But even these legal reviews through Western eyes can provide valuable information both about non-Western legal systems and how these system were viewed by colonists and colonizers. Consider for example this aggregation of English-language titles on Islamic law, nearly all compiled as part of British colonial rule in such territories as British India (which then encompassed the modern nations of India, Pakistan, Bangladesh and parts of Myanmar).

Principles and Precedents of Moohummudan Law, Being a Compilation of Primary Rules Relative to the Doctrine of Inheritance (Including the Tenets of the Schia Sectaries.... (1825).

A Digest of Moohummudan Law on the Subjects to Which It is Usually Applied by British Courts of Justice in India. (1865).

The Hedaya, or Guide: A Commentary on the Mussulman Laws. (1870).

A Manual of Mahamadan Civil Law. (1872).

The Land Tax of India, According to the Moohummudan Law: Translated from the Futawa Alumgeeree, with Explanatory Notes. (1873).

The Muhammadan Law: Being a Digest of the Law Applicable Especially to the Sunnis of India. (1873).

The Muhammadan Law: Being a Digest of the Sunni Code in Part and of the Imámíyah Code. (1875).

The Law Relating to Gifts, Trusts, and Testamentary Dispositions among the Mahommedans. (According to the Hanafi, Maliki, Shâfeî, and Shiah Schools.) Compiled from Authorities in the Original Arabic with Explanatory Notes and References to Decided Cases, and an Introduction on the Growth and Development of Mahommedan Jurisprudence. (1885).

Mahommedan Law Compiled from Authorities in the Original Arabic. (1894).

Mahomedan Law Relating to Marriage, Dower, Divorce, Legitimacy and Guardianship of Minors, According to the Soonnees. (1895).

Anglo-Muhammadan Law a Digest Preceded by a Historical and Descriptive Introduction of the Special Rules Now Applicable to Muhammadans as Such by the Civil Courts of British India, with Full References to Modern and Ancient Authorities. (1903).

Principles of Mahomedan Law. (1905).

First Steps in Muslim Jurisprudence Consisting of Excerpts from Bākūrat-al-Sa'd of Ibn Abū Zayd with Arabic Text, English Translation, Notes, and a Short Historical and Biographical Introduction. (1906).

Institutes of Mussalman Law a Treatise on Personal Law According to the Hanafite School with References to Original Arabic Sources and Decided Cases from 1795 to 1906. (1907).

The Principles of Muhammadan Jurisprudence According to the Hanafi, Maliki, Shafi'i and Hanbali Schools. (1911).

Code of Mohammedan Personal Law According to the Hanafite School. (1914).

Mohammedan Theories of Finance with an Introduction to Mohammedan Law and a Bibliography. (1916).

An Historical Introduction to the Law of Inheritance. (1925).

The Social Laws of the Qorân Considered, and Compared with Those of the Hebrew and Other Ancient Codes. (1925).

Questions to Consider

Skim a handful of these works and pick a topic from within the Islamic tradition. (Some are even suggested in the titles: marriage, divorce, inheritance, taxes, etc.). How do each of these works treat that topic? In what ways does the work try to explain the legal approach to the topic within the context of the time when the work was written? Does the work compare Islamic legal approaches to other traditions (e.g., Western, Jewish, ancient, etc.)? Summarize key elements of that comparison. Take a look at the introduction to the work and explain the orientation of the author and if there are any notable biases that readers should note.

CITATION

CITATION GOES HERE