## CONTENTS

List of figures  page vii  
List of tables  viii  
List of abbreviations  ix

1 Introduction  1  
   ANTHONY MUSSON AND CHANTAL STEBBINGS

2 Reflections on 'doing' legal history  7  
   SIR JOHN BAKER

3 Editing law reports and doing legal history: compatible or incompatible projects?  18  
   PAUL BRAND

4 The indispensability of manuscript case notes to eighteenth-century barristers and judges  30  
   JAMES OLDHAM

5 Judging judges: the reputations of nineteenth-century judges and their sources  53  
   PATRICK POLDEN

6 Benefits and barriers: the making of Victorian legal history  72  
   CHANTAL STEBBINGS

7 Methodology in legal history: from the history of free speech to the role of history in transatlantic legal thought  88  
   DAVID M. RABBAN

8 The methodological debates in German-speaking Europe (1960–1990)  108  
   MARCEL SENN
9 Exploring the law in medieval minds: the duty of the legal historian to write the books of non-written law 118
DIRK HEIRBAUT

10 Comparative legal history: a methodology 131
DAVID IBBETSON

11 ‘They put to the torture all the ancient monuments’: reflections on making eighteenth-century Irish legal history 146
SEÁN PATRICK DONLAN

12 The politics of historiography and the taxonomies of the colonial past: law, history and the tribes 164
PAUL MCHUGH

13 Lay legal history 196
WILFRID PREST

14 Antiquarianism and legal history 215
MICHAEL STUCKEY

15 Re-examining King John and Magna Carta: reflections on reasons, methodology and methods 244
JANE FRECKNALL-HUGHES

16 Visual sources: mirror of justice or ‘through a glass darkly’? 264
ANTHONY MUSSON

17 Sanctity, superstition and the death of Sarah Jacob 284
RICHARD W. IRELAND

Index 303
15.1 The research process 'onion' (adapted from Saunders, Lewis and Thornhill, 2009, p. 108)  page 255
15.2 Path through the research 'onion', demonstrating the inductive/deductive process adopted  257
16.1 Oakham Castle  267
16.2 Judge in session (detail of illuminated initial in British Library, MS Harley 947 fol. 107r) (Copyright British Library Board)  275
16.3 Window commemorating medieval lawyers (Pygot, Haugh and Howard) in Long Melford, Suffolk  276
16.4 Brass of Sir William Yelverton (Justice of King's Bench) in Rougham, Norfolk  281
17.1 A representation of the 'Fasting Girl' in the press (detail from The Illustrated Police News 1 January 1870) (Copyright British Library Board)  286
TABLES

4.1 Reports, 1730s and 1740s, with eighteenth-century King’s Bench cases  page 33
4.2 King’s Bench reports published 1750–66 (before Burrow)  34
15.1 Rates and frequency of scutage and TOM levies  253
15.2 Comparison of scutage levies – Henry II, Richard I and John  254
15.3 The surety barons  260