

CIVIL SOCIETY: LEGAL and GOVERNMENTAL RESOURCES

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and Indigenous History:
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Old Courthouse in Aguadilla, in the
National Register of Historic Places,
Puerto Rico.

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In This Issue

Civil society and its institutions are topics of growing interest to researchers in a wide range of fields. Documents produced by, and in connection with, early governments, courts, and legislatures provide valuable and often unique perspectives on the life, politics, and culture of their eras.

Unfortunately, at a time when historians, jurists, and social scientists are beginning to mine primary legal texts for myriad purposes, many law libraries are retiring their holdings of those materials and public archives in many developed and developing countries are in danger of failing. For years the [Area Microform Projects](#) at CRL have aided and preserved public archives in many world regions. And recently CRL formed a [partnership with the Law Library Microform Consortium](#), to expand its preservation of historically important legal publications. CRL and LLMC are now pooling resources to digitize important published materials, particularly from world regions including Africa and the Caribbean (see pages 9 and 12). CRL's recent acquisition of the Central American Archive (page 2) and LAMP's digitization of cases from 19th-century Puerto Rican courts (page 7)—two vast troves of unpublished archival materials on Spanish colonial governments—further enlarge this wealth of documentation. We hope that CRL's efforts can help ensure that the memory of civil societies is preserved for the benefit of future researchers—and tomorrow's citizens.

—Bernard F. Reilly, Jr.
President

Documenting Colonial and Indigenous History: the Central American Archives, 1544–1821



James T. Simon

Director of International Resources
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Historical map of the Yucatan and Guatemala published in Amsterdam by Arnold Montanus, 1671. Legend of map reads “Yucatan Conventus luridici Hispaniae Novae Pars Occidentalis, et Guatimala Conventus luridicus”.

In 2012, CRL libraries voted to acquire the complete set of the Archivo General de Centroamérica, 1544–1821 (also known as the “Central American Archives”). This acquisition, approved through CRL’s Purchase Proposal Program, makes accessible more than six million pages of original primary source documents chronicling Spanish rule in Central America and parts of Mexico. The Central American Archives collection represents a vast and unique resource for scholars of colonial and post-colonial history in Central America.

The collection originates from the Archivo General de Centro América (AGCA), located in Guatemala City, Guatemala. As the designated repository for colonial, municipal, provincial, and other records for the Captaincy General of Guatemala (*Capitanía General de Guatemala*) and related bodies, the AGCA holds the most comprehensive record on colonial affairs of the region now encompassed by Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, and the Yucatan and Chiapas regions of Mexico.

The Indigenous Conquistadores

“The Archivo General de Centroamérica is the richest collection we have for Guatemalan colonial history,” notes **Dr. Laura Matthew**, colonial historian in the Department of History at Marquette University. Her recently published book, *Memories of Conquest: Becoming Mexicano in Colonial Guatemala* (The University of North Carolina Press, 2012) relies heavily on records found in the AGCA and other collections to demonstrate how indigenous allies helped the Spanish gain a foothold in the Americas.

Dr. Matthew’s work explores the colonial past of Mesoamerica, tracing the relationship between the Spanish conquistadores and the Nahuatl, Zapotec, Mixtec, and other groups that made European conquest possible. From 1524 to 1528, thousands of indigenous allies from central Mexico and Oaxaca invaded Central America alongside a few hundred Spaniards, planning conquests, raising troops and supplies, and instigating alliances. Matthew sheds light on the motivations of the “yndios conquistadores” by exploring the broader context of history of warfare and imperialism in Mesoamerica that extends well before the narrative of European expansion.

These warriors often remained behind as colonists, enjoying privileges due to their identity as conquistadores. In Ciudad Vieja, where Matthew bases her research, the descendants of the indigenous colonists became known as “Mexicanos,” subject to the colonial dictates of Spain but distinct from the conquered Mayan population by language (Nahuatl) and societal position. Matthew characterizes this group as an “in

between” population, both indigenous and foreign, Indians and conquistadors. The Mexicanos were able to carve out a distinctive place within Guatemalan society by embracing the colonial order, where many Mesoamericans resisted integration into the Spanish Empire.

Matthew began her work in the archives, as most scholars do, by consulting the old-fashioned card catalog that takes up a large section of the second floor. The “Catálogo Pardo”—named for the former director that undertook the organization of the archive—consists of 23 cabinets, organized roughly by theme and subtheme. Scholars pull file drawers one by one to peruse the million-plus card files, each containing some basic classification and content description. Documents are identified by the number of the bundle—or *legajo*—then by *expediente*, or individual document number.

In her documentary research, Matthew relied principally on judicial and notarial records found in the archive, in addition to land surveys and government census reports. She discovered that the Mexicanos left behind an extensive “paper trail,” including *probanzas de meritos y servicios*, the standard form used by the Spanish conquistadores to request compensation for their services. As Matthew relates, “the Mexicanos considered themselves conquistadors, and expected to be treated as such.”

Much of the contents of the AGCA is unique, Matthew finds, particularly for indigenous affairs. During the early stages of colonial formation, “a lot of paper flowed across the Atlantic,” she relates. Copies of such documentation may be found in the Archivo General de Indias (AGI) in Sevilla, Spain. However, as the processes of governance were more firmly established, regional affairs were increasingly resolved at the local level, with records remaining in the region. “Much of the documentation on indigenous affairs in the 17th and 18th century are found only in the AGCA, unless cases were passed on to a higher court, or where colonists of European descent went ‘straight to the top.’”

The six million pages of documentation include a wide range of content, from official dispatches, confidential letters, and edicts of the central government to petitions, personal information, probate records, and court records documenting the small details of everyday life.

Collection Highlights

The six million pages of documentation include a wide range of content, from official dispatches, confidential letters, and edicts of the central government to petitions, personal information, probate records, and court records documenting the small details of everyday life.

A significant portion of the collection traces economic affairs of the region, spanning the years 1519 to 1854. Records include information on excise taxes collected, land records, rents and property taxes, revenue accounts, agricultural and commercial affairs, and more. One large segment of the collection covers legal affairs, judicial writs, civil and criminal proceedings, hearings and trials, and civil and criminal sentences.

Some notable highlights include:

- Notarial records, a fundamental source for social history (marriage, death, wealth)
- *Causas mortuales* and *bienes de difuntos*, documenting possessions of deceased persons
- *Registros de barcos* (ship manifests)
- Population records of indigenous and colonial towns and villages
- Municipal government records, minute books, and financial records
- Proceedings of the Audiencia de los Confines (the high and appellate court of the kingdom)
- Ecclesiastical, hospital, and university records

Preserving the Collection

Dr. John Browning, now Professor Emeritus of Spanish at McMaster University, also used the AGCA collection during his doctoral research on the late colonial period of Central America. Following a summer of research in Guatemala in 1968, Dr. Browning brought his experience with the impressive but endangered collection to the attention of William Ready, University Librarian at McMaster. To Brown's delight, Ready suggested they approach the Archivo with a proposal for cooperative preservation of the collection.

After obtaining funding from the Donner Canadian Foundation, McMaster and the AGCA (under the auspices of the Ministry of Culture of Guatemala) began the preservation effort that would ultimately encompass more than 144,000 documents on nearly 4,000 reels of 16mm microfilm. The task took nearly a decade to complete, under challenging conditions and with fragile and faded originals. The microfilm was transferred to McMaster, with the original documents and copies of the film remaining in Guatemala.

For nearly 30 years, the microfilms were only available on site at McMaster's Mills Memorial Library. In 2005, McMaster entered a collaborative agreement with ProQuest and the AGCA to distribute the film to other libraries. Given the variable quality of some of the film, ProQuest took pains to remaster the microfilm to improve the images and produce high-quality reproductions on 35mm microfilm. Only a limited number of institutions acquired copies due to the high price of purchasing the microfilm archives. Eventually, in 2011, rights for distribution of the collection passed to Norman Ross (Ross Publishing) in 2011.

Building a Better Finding Aid

The microform collection is organized largely along the lines of the original archive, grouped first by major section (corresponding to chronological and political division of the colony), then by *legajo* and *expediente* number. The major sections of the collection include:

- A1: documents of the Superior Gobierno (legislation, edicts etc., originating from the Central Government)
- A2: documents of the Capitanía General de Guatemala (judicial, military and economic matters)
- A3: Real Hacienda (exchequer documents, fiscal matters, currency, taxation and court and criminal records)
- A4: Asuntos Religiosos (including heresy trials), and
- B1: documents of the National Period.

The former director of the AGCA, Joaquín Pardo, undertook the systematic organization of the colonial material as part of his life's work. The organization of the collection is idiosyncratic, with a unique classification system that orders the collection both by type of governmental document as well as by distinct themes, geographic location, chronology, and proper name.

The existing finding aids to the collection (linked to CRL's [catalog record](#)) provide pathways into the collection by geographic location, dates, and subject categories both in Spanish and English. However, the subject terminology employed is quite broad in many cases, classified at the *legajo* level and excluding the detailed descriptions of *expedientes* found in the original card catalog.

This challenge drew the interest of **Russell Sheptak**, Research Associate at the

Image courtesy of the Archivo General de Centroamerica.



University of California, Berkeley. Sheptak, also a doctoral candidate at the Universitet Leiden, is a historical anthropologist interested in the colonial archaeology and history of Honduras. His initial research focused on pre-colonial populations in Honduras. Through examining early historical texts, he was able to establish place names of pre-Hispanic settlements, and conducted extensive archaeological research to identify evidence and characteristics of established societies.

Sheptak became interested in the co-construction of colonial society in Spanish colonial Honduras. He was intrigued by how Indians and Spaniards, Afro-descendants, French, and Americans living abroad negotiated their place in colonial society. As time went on, the documentation of the AGCA factored increasingly into his research.

In 2006, Berkeley acquired a complete set of the AGCA microfilm from ProQuest through a favorable pricing arrangement CRL organized for its members. Sheptak, then a visiting scholar at Berkeley, was among the first to use the collection and began sifting through the reels related to Honduras. As described above, he found that the finding aid created from the microfilm log lacked specificity. He also discovered that the guide contained errors in date transcription and, surprisingly, was missing more than 100 reels of content. Drawing from his extensive experience in the computer industry, he began creating a database that would fill in the gaps and enhance the basic records with additional information.

Sheptak's work on the database grew into a formal program at Berkeley under the auspices of the [Undergraduate Research Apprentice Program](#), an opportunity for students to work with faculty on cutting-edge research. In collaboration with Rosemary Joyce, a professor in the Anthropology Department, Sheptak introduces students to the nature of archival research, the types of documentation available, and the processes for reading colonial handwriting. Students then begin collecting information from the documents on microfilm, recording title information, a brief description of the document, and names of people and places mentioned in the document.

Of course, indexing a collection of 150,000 documents is painstakingly slow. Sheptak and colleagues began their work on the Honduran section of some 10,000 *expedientes* as a pilot, which, if successful, could be expanded to the entire collection. The objective is to create a searchable online database that can be used to pinpoint documents in the microfilm collection as well as the original document repository in Guatemala City. Sheptak hopes to start by mounting the basic information from the existing finding aid, and expand information as it becomes available.

Placing the Collection at CRL

"It is very important to have a set of these records available to scholars in the United States," says **Philip MacLeod**, librarian for Spanish, Portuguese, Latin American & Caribbean Studies at Emory University. MacLeod performed research

in the AGCA archives for his master's and Ph.D. degrees from Tulane University. His study "*On the Edge of Empire: Costa Rica in the Colonial Era (1561–1800)*" relied upon notarial records and estate inventories found in probate records in the archive. He was one of the strongest proponents of acquiring the collection for CRL, as "Many scholars may not have the ability to travel to Central America to view the originals."

David Block, associate director of the Nettie Lee Benson Latin American Collection, University of Texas at Austin, agrees. "What CRL did in acquiring this was to make it accessible to a wide range of scholars. At the price it was offered, none of us could spring for it. We knew it was available, but could not really get at it."

Teresa Chapa, librarian for Latin America, Iberia, Latina/o Studies at the University of North Carolina, also sees tremendous value in the archive. "There is a growing interest in Guatemala on campus. More and more, I am seeing requests from this kind of material from our students." Chapa notes that professors teaching colonial history such as Kathryn Burns (Department of History) encourage students to engage with archival sources. For these reasons, Chapa sought support from her colleagues to nominate the Central American Archives for CRL's Purchase Proposal Program.

Both Matthew and Sheptak concur that the ease of access will be a tremendous advantage to current and future scholars. Sheptak, for his part, says that while nothing bests the archival experience of using the originals, the microfilm set is effective for original research. "The microfilm collection is difficult to read in parts, particularly for the content in which the ink has faded to reddish-brown. However, nearly every document has a good degree of readability, and if one uses a digital reader/scanner, adjustments to the images help make difficult sections more legible."

Says Matthew, "For my own work, it will be great to be able to go back and check on specific references, rather than having to return to Guatemala for confirmation. This also will be good for scholars working on new projects, to be able to browse the materials in a way that duplicates the archival process." ❖



Historical Puerto Rican Court Documents

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Document from Puerto Rican Civil Court Documents Collection. Courtesy of University of Connecticut Libraries.

LAMP, formerly the Latin American Microform Project, has supported the digitization of approximately 5,000 documents dated between 1844 and 1900. These consist of legal court cases, mostly civil, from the *Corte de Primera Instancia* (Appellate Court) of the district of Arecibo, Puerto Rico. The University of Connecticut Thomas J. Dodd Research Center acquired these unique materials in 2000 about the Arecibo appellate court district, which includes the towns of Arecibo, Barceloneta, Camuy, Ciales, Hatillo, Manatí, Morovis, Quebradillas, and Utuado.

The cases cover the full range of civil litigation that might have been brought to court during that period. Cases about disputes over economic holdings such as land, slaves, and livestock hold special interest. The collection is also a treasure trove for genealogists, historians, legal researchers, and other social-sciences researchers interested in understanding Puerto Rico's social dynamic during the 19th century.

The documents contain cases that offer a look at the social and cultural issues of the era. For example, in one particular 1844 case, Don Jose Antonia Rubio sued his neighbors, Doña Maria Marrero and Don Blas Cedres in Hatillo, for breach of contract. He claimed he paid 400 pesos to Doña Maria for the possession of a slave named Marta, but never received title. In response to the lawsuit, Doña Maria's son sought dismissal of the case based on Law 55, which specified that a married woman could not engage in any transaction or testify in court without her husband's permission, which he argued that his father never gave.

In 2008, the University of Connecticut received an inquiry from the General Archives of Puerto Rico regarding this collection. The Archives believed that this collection belonged to one of two 19th-century archival *fonds*, from the Arecibo district under their custody. In addition, the General Archives believed that these records should be returned to Puerto Rico based upon Puerto Rican Law #5 of December 8, 1955, and its amendments, which established the General Archives and mandated that all Spanish colonial records be deposited at the General Archives. However, the Archives had neither the legal power nor proof to substantiate the claim that the records belonged to the Puerto Rican government. Therefore, they requested that the University of Connecticut photocopy the entire collection so that they could add it to their *fonds* to fill the gap in their incomplete Arecibo holdings.

The Connecticut archivists were initially inclined to return the collection to Puerto Rico; however, because the collection is the property of the University of Connecticut, the university required legal proof of prior ownership. As the Puerto Rican archives and government were unable to provide this proof, the Dodd Center could

not return the collection. The center also could not photocopy the collection, as the extremely fragile paper had acute bleed-through of the oak gall ink used in its double-sided composition. The production of simple photocopies would have created unreadable results and would have damaged the paper and accelerated its deterioration. The only other option was to digitize the collection, which at the time Connecticut was unable to do. It lacked funds for staff and equipment to undertake a project that would require many hours to carefully digitize the fragile documents, followed by developing custom post-processing methods to manipulate the resulting images so that researchers could read them.

During the last three years, the University of Connecticut Libraries have developed an in-house digital conversion laboratory with new equipment and digital capture, and conversion workflows to handle a wide variety of materials. Confident in these new capabilities, the university sought funding from LAMP to digitize the collection of Puerto Rican court records. LAMP approved funding for this project at its meeting in Philadelphia in May 2011. With LAMP's funding assistance, the University of Connecticut has scanned the collection, which is now openly accessible at <http://archive.org/details/puertoricancivilcourtdocuments>. The university's finding aid for the collection is at <http://doddcenter.uconn.edu/asc/findaids/PRCourt/MSS20000130.html>. ❖

Primary Sources at a Distance: Researching Indian Colonial Law

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Old Court House and Writers Buildings in Calcutta by Thomas Daniell, 1786. © British Library Board.

In November 1745, Damuljee Undeker was charged with theft and came before an English criminal court in Bombay. When the time came to impanel a jury to try his case, the English sheriff called twelve men forward: six Englishmen and six “natives of the country.”

I came across this incident and a few more like it while doing archival research in India and Britain for my dissertation on legal culture in 18th-century British India. Back in the U.S., I struggled with what to say about it. I knew from secondary reading about the use of such “mixed” juries in early modern England and colonial America, but could find virtually no mention of their role in India. I needed to know more but constraints on time and money meant that I would have to investigate from afar. This article outlines the range and diversity of primary sources I could draw on from my home institution to help understand these mixed juries.

Researchers might think that legal records would be among the easiest of historical sources to access and search. After all, lawyers and legal researchers were some of the first to aggressively use electronic databases of sources. However, to research mixed-jury composition, I needed access to resources that the largely present-focused legal databases like LexisNexis couldn’t provide. While surveying all reported U.S. Supreme Court cases back to the founding might not be a problem in the major U.S. subscription legal databases, finding case law from colonial India poses a much bigger challenge. Relatively few published reports of cases from pre-1850 colonial India exist, and not many North American libraries have copies of the print volumes. Fortunately, I found that *LLMC-Digital* (from the Law Library Microform Consortium) has a strong interest in providing access to historical legal material from areas not traditionally covered by the large commercial providers. Between *LLMC-Digital* and the microform holdings from LLMC, researchers now have access to hundreds of volumes of reported cases from British India, including a complete reprint set of early Indian reports.

Full-text *LLMC-Digital* searches on variations of the word “jury” in early Indian reports turned up a manageable number of results. At least one case, reported from the manuscript notes of a Calcutta Supreme Court Justice in 1777, yielded significant information. This extraordinary case (*Rex v. Peggy*) involved a court debate over whether non-Christian women could serve on a jury of matrons (used in deciding whether a convicted woman was pregnant or not). The fact that the court ruled non-Christian women ineligible was even more fascinating, suggesting that the practice of using Hindu and Muslim women on juries of matrons had been an accepted practice earlier.

From "Decisions of the Supreme Court of Judicature at Fort William in Bengal" by T. C. Morton. (Calcutta: S. Smith and Co., 1841.) Courtesy of LLMC-Digital.

***The Court* had some discourse what sort of Women ought to be summoned on the Jury of matrons, and whether persons of other religions than Christian might not be sworn on this Jury.**

IMPEY C. J. was of opinion they might, and **CHAMBERS J.** inclined to the same opinion; but **HYDE J.** being strongly of opinion that none but Christians could be the jurors, the rest of the Court acceded to his opinion, and the sheriff was accordingly directed to return a Jury of Christian women. The Court agreed that the assertion of the prisoner that she was with child was not a plea but an application for a reprieve, and that the jury of matrons was an inquest to satisfy the conscience of the Court.

The Limitations of Court Reports

Traditionally the bulk of material in legal databases consists of the published reports of judicial decisions in matters before a particular court. While these published reports often do include copious details about the facts of a case, their overall purpose is to highlight legal arguments, judicial reasoning, and the final judgment in a dispute. For historians and others interested in using legal disputes to understand a particular historical moment, social dynamics, economic trends, or subtle changes in rhetoric, this organization, as well as the underlying logic of reported cases, can prove frustrating and less than illuminating. For instance, the set of reports of early Calcutta trials that yielded the 1777 case also included reports of several dozen other criminal trials but with no mention of the makeup of their juries. A researcher would require access to much rawer detail about cases themselves in order to develop consistent data about jury composition.

Fortunately, interest in digitizing historical legal material has moved well beyond canonical works such as published court reports. *LLMC-Digital* and other providers like Gale's *Eighteenth Century Collections Online (ECCO)* and *Making of Modern Law* offer ancillary legal treatises, printed trial accounts, and other related contemporary documents. In this case, the near-comprehensive nature of *ECCO* for 18th-century printed material made it quite useful. Searching for mentions of jury proceedings turned up a fascinating narrative extant only at the British Library, which provided details of a 1792 Madras trial. This contemporary description mentioned that the Hindu defendants in the case asked for a mixed jury and were denied one, again suggesting both a change in legal attitudes and the prior presence of a mixed-jury culture. Unfortunately the databases of early print sources yielded few other detailed trial descriptions. Printing arrived in British India only in the 1760s and (with some notable exceptions) few Indian trials received print attention in London during the period.

Uncovering Manuscripts

Beyond searching early printed sources, researching most topics in legal history requires consulting manuscript sources. Fortunately, in addition to the original manuscripts themselves, antiquarians, governments, and historical societies produced a glut

of local histories and documentary compilations that reprint or incorporate manuscript material. On paper, these volumes have always been useful to historians for their detailed recounting of local events and transcription of important documents. However, finding something like jury composition by skimming or using print indexes in dozens of volumes would be tedious work, if not nearly impossible. The reprinted proceedings of the Madras Mayor's Court, for example, take up numerous volumes and are obviously not indexed by jury format.

With more libraries moving these bulky sets off-site, digital surrogates can be easier to access and search, thanks to mass-digitization projects through the Internet Archive, HathiTrust, and Google Books. Collections like HathiTrust go far toward facilitating access by representing series as a set of consecutive browseable volumes rather than as individual books. Even then, a researcher must produce significant work to curate and organize subsets of relevant material. Nonetheless, searching a set of these digitized printed primary sources in HathiTrust yielded numerous page images containing accounts of early juries and jury proceedings, providing more examples of mixed juries prior to the 1750s. Some of these accounts, including one from an early history of Bombay, included transcripts of records no longer extant in present-day archives.

In addition to these published volumes, a significant variety of manuscript material can be consulted in facsimile in the U.S. CRL has one of the best collections of manuscripts in surrogate form, including an impressive set of foreign archival documents in microform. Their holdings of 700-plus volumes of the India Office's "Miscellaneous Series" of manuscript volumes are indexed in the UK's Access to Archives platform (which includes the British Library's India manuscript holdings). A search turned up several transcripts of criminal trials and legal opinions on juries within the microfilmed series. These in turn yielded several examples of mixed juries, including an explicit direction from the Crown Attorney General to impanel such a jury at an early trial in Madras, filling in more details on how these panels may have worked. By the end of this foray-from-afar into the evidence on mixed juries, I was able to make a series of arguments about the changing nature of legal culture in early colonial India: pointing to the decline in incorporating local elites into English legal mechanisms like the trial jury.

This brief research story helps stress the importance of academic primary source consortia, including CRL and LLMC, in providing scholars with resources formerly available only in far-flung libraries and archives. I hope it also highlights the crucial role of printed primary source collections in historical research and the need to make these ever more accessible. ❖

Using Legislative Journals to Explore Lawmaking

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Texas State Capitol, Austin, Travis County, Texas, 1881. E. E. Myers, Architect, Detroit. Lawrence T. Jones III Texas photography collection. Courtesy of Southern Methodist University, Central University Libraries, DeGolyer Library.

There is an old German expression, often misattributed to Otto von Bismarck: *Je weniger die Leute darüber wissen, wie Würste und Gesetze gemacht werden, desto besser schlafen sie nachts*: The less the people know about how sausages and laws are made, the better they sleep at night.

Although the wisdom of that saying should warn off most sober-minded folk, some people still need to track legislation.¹ Of course, lawyers study legal literature. But historians, political scientists, social scientists, and other scholars often need to research the same materials for similar purposes. In democratic societies, major policies are shaped in legislature, and policy implementation, through monetary appropriations or their denial, begins there. It's hard to imagine any interaction between citizens and their governments that does not involve some legislative influence.

Scholars in many disciplines need to monitor legislative processes relevant to their field. A healthcare reformer wanting to learn how and why the Massachusetts Health Care system attained its final form will need to follow the legislative path of that groundbreaking legislation. A social scientist seeking to understand how the drug policy of a state came to be lax or punitive must explore the skein of pressures and compromises influencing the state's penal legislation. An economist studying the amazing growth of the Alaska Permanent Fund from \$734,000 in 1976 to today's \$34 billion will need to factor in the biannual arm-twisting between the Alaska Legislature and the independent Alaska Permanent Fund Corporation over how much should be paid out to "qualified Alaska citizens" in their annual "dividend."

Legislative journals provide essential maps to explore the murky turf of lawmaking for that jurisdiction. The word "maps" fits, since only occasionally do the journals themselves provide the material that the researcher is ultimately looking for: texts of bills, amendments, and write-ups; expert, commission, and committee reports; records of hearings; governors' veto messages; and the like. Direct hits are relatively rare. More often the journals only provide signposts through the trail of complicated political processes. Nevertheless, the journals are often the only source for the essential identifying data that will enable a researcher to seek elsewhere, with sufficient specificity, for the ultimately desired document.

Although journals exist for all legislatures in the U.S. and Canada, inclusion of legislative proceedings documentation in online databases has been "spotty and difficult to locate."² With CRL's collections as its source, the Law Library Microform Consortium (LLMC) has already scanned a significant portion of this material: the journals for Canada's federal legislatures past and present, for all of the

¹ Lawyers use legislative materials to establish "legislative intent." As described by former Supreme Court Justice Jackson, "The lawyer must consult all the committee reports on (a) bill, and on all of its antecedents, and all that its supporters and opponents said in debate, and then predict what part of the conflicting views will likely appeal to a majority of the court": quoted in Price & Bitner, *Effective Legal Research*, 3d ed., Boston, Little, Brown, 1969, p. 56. Other commonly available legal research manuals that teach research methods for establishing legislative intent are: Cohen, *How to Find the Law*, any ed., Chap. 6; and Mersky & Jacobstein, *Fundamentals of Legal Research*, any ed., Chap. 10.

² Mitch Fraas, "Legal Databases: Comparative Analysis," Center for Research Libraries, accessed September 11, 2012, www.crl.edu/collections/topics/legal-databases-comparative-analysis.

³ Digitized content from the following states is now available in LLMC-Digital: AK, AZ, CO, HI, ID, MT, ND, NM, NV, OH, OR, TX, UT, WA, WY.

It should be noted that the level of completeness for each jurisdiction in the CRL collections is uneven depending upon how complete a collection was maintained by the original holding library. Once the CRL holdings for a jurisdiction are scanned, LLMC posts a detailed record. This lets other paper-holding libraries consider weeding their entire runs, while helping to fill gaps in the common online collection.

Canadian provinces, and for fifteen U.S. states beginning with the western region.³ As part of [CRL's partnership with LLMC](#), digitization will continue for other regions of the U.S.

Using the legislative journals can be intimidating. Formats differ among jurisdictions, so that skills learned perusing journals of one jurisdiction do not always readily transfer to those of another. However, once scholars become familiar with the organization for a given jurisdiction, use among the volumes generally improves. Annual indexing, although sometimes skimpy, is usually provided. And where the indexing does limp, users of the online versions can resort to full-text searching, a luxury not offered in the paper versions.

Learning how to search for nuggets via legislative journals can be as valuable a skill for historians and other “lay” researchers as it is for lawyers. Although tracking is sometimes difficult, and usually only an essential first step in a longer pursuit, an instinct for subtlety and an eye for small clues will aid the successful search. In that regard, another quote, one definitely by Bismarck, may meet the case. “*Die Politik ist keine exakte Wissenschaft, wie viele der Herren Proffessoren sich einbilden, sondern eine Kunst*”: Politics is not a science, as the professors are apt to suppose. It is an art. ❖

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Meeting/Schedules
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Loans/Photocopies/Demand
Purchases
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Purchase Proposals
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Collection Deposits
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