

Appeals to the Privy Council from the American Colonies: Parts 1 & 2

Ames Foundation Publications Series

Published Under the Literary Directorship of Mary Sarah Bilder

Appeals to the Privy Council from the American Colonies: An Annotated Digital Catalogue: Part 1 & Part 2

This two-part print catalogue lists all currently known colonial cases appealed to the Privy Council from the 13 colonies that became the United States, and from the British Caribbean and Canadian colonies to 1783, with links to related documents. The accompanying digital catalogue provides links to the source material. Because reports of these appeals have not been easily accessible, the substance and practice of these appeals have been little studied. For the first time, the catalogue provides access to the source material. An introduction offers reflections gleaned from this fifteen-year project.

The predecessor of the Judicial Committee of the Privy Council (JCPC) fashioned English rule in the empire, influencing social, economic and legal matters in the American colonies before the Revolution, while the sugar trade flourished, and as Canada entered the British empire. Modern appellate courts in many countries trace their roots to these appeals and aspects of this jurisdiction were absorbed into the early United States Supreme Court.

The two-part print catalogue describes more than 800 appeals between 1674 and 1783. Part 1 contains 257 reports (13 colonies); Part 2 contains 519 reports (British Caribbean and Canada). Importantly, 284 extant briefs are identified in repositories in the US and UK.

Each report gives

- The colony from which the case was appealed
- Full and short name of the appeal as compiled from the entries in the 'Acts of the Privy Council, Colonial Series' (APC)
- The names and dates of lower court actions
- The names of participants
- The subject matter and disposition of the case
- Location of any extant briefs and names of counsel

The annotated digital version facilitates research from any location by providing access to primary documents online: images of the extant briefs plus links to related documents in The National Archives. Useful lists include counsel on the briefs, named enslaved persons, privateering or trading vessels, and named Caribbean plantations with property in dispute.

The annotated digital catalogue can be accessed freely at <https://amesfoundation.law.harvard.edu/ColonialAppeals/index.php>. The print volumes, each available separately from William S. Hein and Co., Inc., contain the online material without the digital images.





Gathering scattered sources and making them widely available for the first time, this extraordinary collection transforms our ability to trace the course of justice across the British Atlantic world. An invaluable resource for colonial legal historians and scholars of the early British empire.

Lauren Benton | Barton M. Biggs Professor of History and Professor of Law, Yale University

The importance of the Privy Council as the supreme appellate tribunal in the British Empire and its role in the transmission of law has long been recognised. The Ames Foundation has now made a unique and invaluable contribution extending our knowledge of this tribunal and its jurisprudence. Their comprehensive, and knowledgeably annotated, online digital catalogue systematically covers all appeals to the Privy Council from the 13 colonies which became the United States of America (in Part 1) and also the Caribbean and Canadian colonies up to 1783 (in Part 2). Each part of the catalogue incorporates four sets of materials: a list of appeals; links to discussion of the appeals in the Privy Council's registers; digital images of the extant printed cases (briefs); and images of related documents held at The National Archives. One finds here not only the history of an imperial tribunal but also the very basis of the modern law in the nations of North America and the Caribbean. The result is a superb gift to researchers worldwide.



Catharine MacMillan | Professor, The Dickson Poon School of Law, King's College London, President of the Society of Legal Scholars, and Treasurer of the Selden Society



Appeals to the Privy Council are crucial sources for the early legal history of what later became the United States, Canada, and Caribbean jurisdictions. These appeals also shed much light on social and economic history, and they influenced the formation of the United States Supreme Court and appellate courts in many other countries. Sharon Hamby O'Connor and Mary Sarah Bilder, with assistance from Charles Donahue, Jr. and Devon Coleman, have created an annotated catalogue in digital and print formats that is a masterpiece of bibliographic scholarship and a convenient online source for the primary documents themselves.

Fred Shapiro | Associate Director for Collections and Special Projects, Yale Law Library

Appeals to the Privy Council from the American Colonies is a game-changer for scholars of early America. Covering more than a century of appeals to the Privy Council, this annotated digital catalogue provides unparalleled access to documents that touch on a wide variety of topics, from race and slavery to the mechanics of imperial governance. The geographic breadth of the catalogue is also noteworthy. Including materials from the Caribbean colonies, This work makes it easier for scholars around the globe to examine documents from this crucial yet understudied region.



Lee Wilson | Professor of History, Clemson University

About Ames Foundation

The Ames Foundation was founded in 1910 with contributions from the friends of the late James Barr Ames of Harvard Law School “for the purpose of continuing the advancement of legal knowledge and aiding the improvement of the law.” The Foundation was organized as a charitable corporation under the laws of Massachusetts, and the directors of the Foundation determined to devote the efforts of the Foundation to publications in legal history.

Highlights of the Series

The tenth volume, which was the seventh volume in the series of Year Books of Richard II, was published in 1996. A few years later in 1998 the eleventh volume in the series was published. It was an edition of the thirteenth-century treatise ***Lex mercatoria***, with an elaborate introduction and commentary.

In addition to the ***Year Books of Richard II*** and ***Lex mercatoria***, the Foundation has also published Joseph Henry Beale’s Bibliography of Early English Law Books, Robert Bowie Anderson’s Supplement to Beale, and Bertha Haven Putnam’s Proceedings Before the Justices of the Peace in the Fourteenth and Fifteenth Centuries.

The Year Books are the most important source for the history of English law from the late thirteenth century to the beginning of the sixteenth. Written in the curious dialect of Norman French known as “Law French,” they give, in dialogue form, the arguments of counsel and the questions asked by the judges in the most important cases that were pleaded before the central royal courts in this formative period of English law. Most of the Year Books were printed in the sixteenth century, but the Year Books of the reign of Richard II (1377-1399) were, for some reason, never printed, though a number of them survive in manuscript.

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About Selden Society Publications and the History of Early English Law

HeinOnline has partnered with the Selden Society and the Ames Foundation to bring early English manuscripts, yearbooks, and more to the forefront, providing access to English and American legal history in an online searchable format that has never been available before! In addition to primary publications, researchers will also find some of the most influential digests, abridgments, and modern encyclopedias that formed the foundation of English law, and had enduring effects on the development of law in America. From Nicholas Statham's Abridgment of Cases to the End of Henry VI, published in 1490, and Fitzherbert's Abridgment in 1577, to Coke's Institutes in 1797 and 1809 and Coke's Reports in 1826, this collection gives researchers a penetrating insight into the works of some of the most widely known authors of treatises, as well as the most important works of authority.

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