NAME: ALFA PECULIAR ELEOJO

MATRIC NO: 19/LAW01/031

COLLEGE/DEPARTMENT: LAW

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SECONDARY SOURCES OF LAW

These are guides or helps in the interpretation of statutes which are outside the statute itself. Courts usually refer to them as external aids where the occasion arises to do so. Secondary sources are books and other sources that assist the researcher in first, explaining and understanding the law and second, locating the law. Secondary sources are scholarly materials written by legal experts. They provide a good overview of the law and the text and footnotes can refer to relevant legislation or case law. Though not binding, some materials found in secondary sources can have persuasive value in court. Secondary sources are useful for putting the law into context, and often will lead a researcher to relevant legislation and cases. Secondary sources come in print and electronic format. The best place to start legal research is with legal encyclopedia or textbook, then move to journal articles. Ten secondary sources of law will be discussed below. They include: 1. Law reports 2. Periodicals 3. Newspapers and magazines 4. Dictionary 5. Textbooks 6. Reference books 7. Journals 8. Acronyms and Abbreviation guides 9. Restatements 10. Treatises

* Law reports: law reports are the decisions of the courts published in volumes periodically, at such intervals as the publishers may determine. Law reports include the reports of the decisions of the: i) Supreme Court of Nigeria b) court of appeal iii) high courts or iv) any tribunal or court howsoever designated, and whether existing or abolished such as the west African court of appeal ( WACA), that has been abolished and whether it is a Nigerian law report or foreign law report. Examples of Nigerian law reports are All Nigerian Law reports (All NLR), Nigerian Weekly Law reports (NWLR), Supreme Court Reports (SC) and so on. Other examples of foreign law reports are Chancery Reports (Ch), King’s Bench Report (KB), Ghana Law Reports (GLR) and so forth.
* Periodical

A publication which appears regularly but less often than daily.A periodical is a magazine, journal, brochure, newsletter, catalogue, or other book, or information published at fixed intervals of time, such, as once a month, bi-annually, that is, twice a year, once a year and so forth, whatever its name or field of specialization. A periodical may be Nigerian, or foreign.

* Newspapers and magazines

Legal newspapers/magazines are a valuable source of both background information and recent developments. It helps identify current legal issues and trends. It include information about the legal community and recent cases. There are many newspapers, whatever their name and interval of publication. A newspaper may be Nigerian or foreign. Examples of legal newsapers include

* Lawyer’s weekly K12.A9692 LAW Bora Laskin Law Periodical Stacks (last 6 months in print). Also available on Lexis/Nexis/Quickslaw (1990-)
* Law times K12.A9946 Bora Laskin Law Periodical Stacks (last 6 months in print)
* Dictionary

Legal dictionaries define common legal words and terms. These are similar to other dictionaries; the entries are alphabetical and they are commonly found in the reference section of a law library. A dictionary is a book where words are listed in alphabetical order and their meanings and other information about them are given, either in the same language and or in another language. There are ordinary English dictionaries, which mainly define the ordinary, natural and common or popular meanings of words and give examples of their use. There are also legal or judicial dictionaries. Courts refer to these dictionaries as the need arise. However, as a general rule, dictionaries are not regarded as authoritative definitions of the meaning of words as used in statutes. Some examples of dictionaries are:

* Oxford English dictionary
* Black’s law dictionary
* Stroud’s judicial dictionary
* Jowitt’s dictionary of English law
* The oxford companion to law, by David Walter and so on.
* Yogis, John A. Canadian Law Dictionary. 5th ed. Happauge, NY: Barrons, 2003.
* Textbooks

Textbooks are strictly not a source of law and by extension are not authorities on the interpretation of words or terms. However, textbooks may elaborate, expose, or otherwise explain a law, or show whether or not a principle or interpretation is generally accepted or not, adequate, or unjust, too wide, narrow and need reform and so on. On the other hand, as a general rule, textbooks by reputable writers are a persuasive authorities, which court may refer to as occasion necessitates. Therefore books by reputable dead and living authors which have done a good exposition of the law are referred to as persuasive authorities by the court. Examples of some of these texts which have been consulted by the court include:

1. Clerk and Lindsell: Torts
2. Chesire and Fitfoot, Law of Contract
3. Gatley on Libel and Slander
4. John Salmond: Tort
5. Winfield and Jolowicz: Tort
6. Archbold, criminal pleadings, Evidence and Practice and so on

* Reference books

These are citations or mention of the source of information; a book or other document used as a source of information . These books contain facts and information, about various subjects, such as, a dictionary, encyclopedia, catalogue, brochure, telephone directory, list of statutes and so on, which is checked to find information on a particular subject. A reference book may be foreign or local, examples

* Journals

Law journals of various names and fields of specialization are published by law faculties, bodies and persons across the world. A journal may be Nigerian: in Nigeria law Journals are published across law faculties and colleges of Nigerian universities, and also by private bodies and persons around the country. They are so numerous. Example include

1. LASU Law Journal – Lagos State University
2. Ambrose Alli University Law Journal – AAU, Ekpoma
3. Ahmadu Bello University Law Journal – ABU, Zaria
4. Igbinedion University Law Journal – IU, Okada
5. Nigerian Law and Practice Journal – Nigerian Law School
6. University of Calabar Law Journal – UNICAL

Foreign journals of various denominations are published at differeni intervals by law faculties of universities, institute, public and private bodies, foundations and persons across the world. Foreign journals are so numerous. A few examples include:

1. Harvard Law Review
2. Yale Law Journal
3. Michigan Law Review
4. Boston University Law Review
5. University of Chicago Law Review
6. American Bar Association Journal
7. Australian Law Journal
8. Cambridge Law Journal

* Acronyms and Abbreviations Guides

While doing a legal research you will find some abbreviations and acronyms which you will need to decipher in order to get a full meaning. There are a number of places to look up meanings of standardized legal abbreviation and acronyms. Example is the Cardiff index to legal abbreviations created by Cardiff university law library, this site is a searchable database that contains legal abbreviations from the British Isles, Commonwealth and the United States and is updated twice a year.

* Restatements: the restatements were developed by legal scholars initially to restate the law, and currently to describe what the law should be. In either case, restatements are very persuasive although they are not very good at describing the law.
* Treatises: legal treatises are single or multi-volume works dedicated to the examination of an area of law. Treatises tend to be very good at describing, they are good finders and many of the classic treatises are persuasive.

References

* The Nigerian Legal method by Ese Malemi
* Bora Laskin Law Library
* Yale law school : Lilian Goldman Law Library
* <https://saylordotorg.github,io>