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MATRIC NUMBER: 19/LAW01/036

DEPARTMENT: LAW

COURSE: LEGAL METHOD

 Sources of law may sometimes refer to the sovereign or to the seat of power from which the law derives its validity. Sources of law are the origins of law, the binding rules that enable any state to govern its territory. Apart from the various primary sources of law, there exists a plethora of other sources of Nigerian law. They are mainly in documentary form. Secondary sources of law are background resources. They explain, interpret and analyze. Secondary sources of law are a good way to start research and often have citations to primary sources of law. They are important because it is in book form that written laws are stated. Some of these sources are law reports, textbooks, periodicals, journals, law digests and law dictionaries.

Law Reports

Law reports as well as an efficient law reporting system are essential for a smooth system of judicial administration. This is because in any nation where the principle of judicial precedent is operational, like Nigeria, it is only by reference to reported cases that courts and lawyers would be able to ascertain the position of law in their areas of jurisdiction. The oldest species of law reports are the Year Books. They are regarded as the most comprehensive reports but are criticized to have been mere notes taken by students and practitioners of law for educational or professional purposes. The first form of law reports in Nigeria was the Nigerian Law Reports which emerged in 1916 but today they have become extinct. One regrettable trend in the law reporting system in Nigeria is the lack of sustainability. This has been the experience with most government and private initiatives in this regard. In Nigeria today, we have quite a number of law reports in circulation, among which are the following

1. Nigerian Weekly Law Reports (NWLR) published since 1985
2. Supreme Court of Nigeria Judgments (SCNJ)
3. Law Reports of the Courts of Nigeria (LRCN)
4. All Nigerian Law Report (All NLR)
5. Federation Weekly Law Report (FWLR)

These and many others, are also serving as sources of Nigerian law.

Law Textbooks and Treatises

A textbook or treatise written by learned scholars and jurists, constitute a very important source of Nigerian law. It is the same experience in virtually all legal systems. Classical authors of outstanding textbooks on the English law include Braxton, Coke and Blackstone. Others like Dicey, Cheshire, Hood Philips, Wade have continued to emerge over the years. In Nigeria, legal textbooks of reputable standards have been written by Obilade, Nwogwugwu, Okonkwo, Kodilinye, Aguda among others. Professor Sagay has written extensively on international law. All these present a potent source of Nigerian law and can be authority where there is scanty or absence of judicial decisions, in which situation they could be of persuasive authorities. Where such works are cited, the weight to be attached to them will depend on the personality of the author and the Significance of the subject Covered.

Periodicals, Journals and Legal Digest

These are produced in various forms and colours in Nigeria. Some are professional while some are academic, and yet some are a mixture of both. For instance, in Nigeria, there exist learned journals published by different law faculties as well as private law publishers. Digests are equally available for example, the Digest of Supreme Court Cases. Digests are abridgements of cases, that is, they are useful summaries of the facts, issues, arguments and decisions in judicial proceedings. Some foreign legal dictionaries are also available in Nigeria. Some of these are Jowitt’s Dictionary of English Law, Stroud’s Judicial Dictionary, etc. All the above provide helpful guidance in interpreting Nigerian law.