



ALBERTA LAW SOCIETY

LIBRARIES

RESEARCH GUIDE

english law : an annotated guide to resources available in ALSL

secondary sources

Halsbury's laws of England. 4th ed. Butterworths, 1973-

Halsbury's is the major English encyclopaedia. While it is comprehensive, cases which may have been overruled in England, but not necessarily in Canada, may be omitted from the most recent edition so earlier editions may have to be consulted.

The Digest: annotated British, Commonwealth and European Cases. Butterworths, 1981-

The Digest is the equivalent to the *Canadian Abridgment* digest volumes: digests of cases are placed in a classification scheme. Access is available via a subject index and a table of cases. It is the most useful source for noting up older cases: citing cases follow the digest entry for convenient reference.

English textbooks, particularly the series known as "The Common Law Library", often provide greater historical treatment of a subject area than Canadian texts as well as providing an overview of the current law of England. There are also texts on minor topics not treated by Canadian authors.

Current Law Index indexes the major journals, and some long runs of journals are self-indexed.

primary sources

Legislation

Because the law of Alberta is the law received from England in 1870 as modified by Canadian case law and legislation, researchers more often look for pre-1870 English statutes than for current ones. ALSL has copies of English statutes going back to Magna Carta and as currently as the statutes have been published in print. These may be found using the *Index to the Statutes* or *Chronological Table of the Statutes*: the latter also gives dates of repeal and amendment in England.

Halsbury statutes of England and Wales. 4th ed. Butterworths, 1985-

Arranges statutes by subject matter and is fully indexed. Some judicial consideration may be found in the footnotes.

For current consolidations and further research tools use the *UK Statute Law Database*

<http://www.statutelaw.gov.uk/>.

For recent judicial consideration of statutes in England, use the *Current Law : Statute Citator*. Canadian judicial consideration of English legislation may be found in the *Canadian Abridgment's Canadian Statute Citations* volume dealing with International legislation under "United Kingdom".

For a fairly recent discussion of the application of English legislation in the West (which updates J.E. Côté's articles in the *Alberta law review*) see:

The status of English statute law in Saskatchewan. The Law Reform Commission of Saskatchewan, 1990.

KF 425 S72

For further assistance, call 403.297.6148 (Calgary) or 780.422.2342 (Edmonton) or contact your local ALSL branch.

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2009

Case law

English case law was not only important in Alberta through 1870 but until close to 1980; there were comparatively few reporters of Canadian judgments so English cases were often the only ones available on point. For a comprehensive citation guide use the *Cardiff Index to Legal Abbreviations* <http://www.legalabbrevs.cardiff.ac.uk/>.

The following are useful ways of finding case law:

The *All England reports*, including the Reprint series, report many of the most important English cases and are fully indexed. If any relevant English case is located which is included in the *All England Law Reports*, check whether that case has been considered in Canada by using the accompanying *Canadian annotations to the Consolidated tables and index*.

The official *Law Reports*, which have been published since various dates in the second half of the 19th century, are fully indexed.

Prior to the establishment of the Incorporated Council of Law Reporting for England and Wales, which selects cases for inclusion in the *Law Reports*, most law reporting was done by private law reporters. Their reports are known collectively as nominate reports. The most important of these reports are reprinted in the *English Reports* which has a Table of Cases listing both the original citation and the reprint citation.

The E.R.s are available on HeinOnline <http://www.heinonline.org> which is available free in ALSL (see under E-RESOURCES tab) <http://www.lawlibrary.ab.ca/eresources/heinonline.php> and at <http://www.commonlii.org/int/cases/EngR/> which is free anywhere.

LexisNexis www.lexis.com provides fee-based access to both the *All E.R.* and the *Law Reports* as well as other topical reporters, the major journals, and legislation.

To locate recent British case law use BAILII <http://www.bailii.org/>.

The "White Book", first called *Annual Practice* and now called *Civil Procedure*, is an annotation to the English rules of court which were the original source for the Alberta rules, and is an excellent source for English case law on practice points.

To note up cases since 1947 use the *Current Law Case Citor* to supplement the annotations in *The Digest* and references in the indexes to law reports.

English cases considered by Canadian courts are included in the *Canadian Case Citations*, a component of the *Canadian abridgment*.

Judicial consideration of words and phrases may be found in:

Greenberg, Daniel and Millbrook, Alexandra. *Stroud's judicial dictionary of words and phrases*. 7th ed. Sweet & Maxwell, 2006.
KF 156 S77 2006

Hay, David ed. *Words and phrases legally defined*. 4th ed. LexisNexis, 2007-
KF 156 W67 2007

Detailed discussion of legal concepts and other historical material founded on case law may be found using:

Burke, John. *Jowitt's dictionary of English law*. 2nd ed. Sweet & Maxwell, 1977.
KF 156 J68

Further reading

Thomas, Philip A. *Dane & Thomas : how to use a law library : an introduction to legal skills*. 4th ed. Sweet & Maxwell, 2001.
KF 240 D36 2001

A comprehensive guide to English legal research.

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Walker, Ronald Jack et al. *Walker & Walker's English legal system*. 6th ed. Butterworths, 1998.
KF 385 ZC2 W35 1998

The standard work on the subject

For an electronic guide which provides links to the major sources of English law use the University of Kent at Canterbury website <http://www.kent.ac.uk/lawlinks/>.

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