

BRITISH AND COMMONWEALTH LEGAL MATERIALS.

TEACHING STUDENTS HOW TO LOCATE AND FURTHER RESEARCH PRIMARY LEGAL SOURCES FROM JURISDICTIONS WITHIN THE UNITED KINGDOM AND THE COMMONWEALTH OF NATIONS.

Howard S. Carrier, LL.M., M.S.L.S.,

Reference Librarian, Odum Library, Valdosta State University.

13th December 2012.

Abstract:

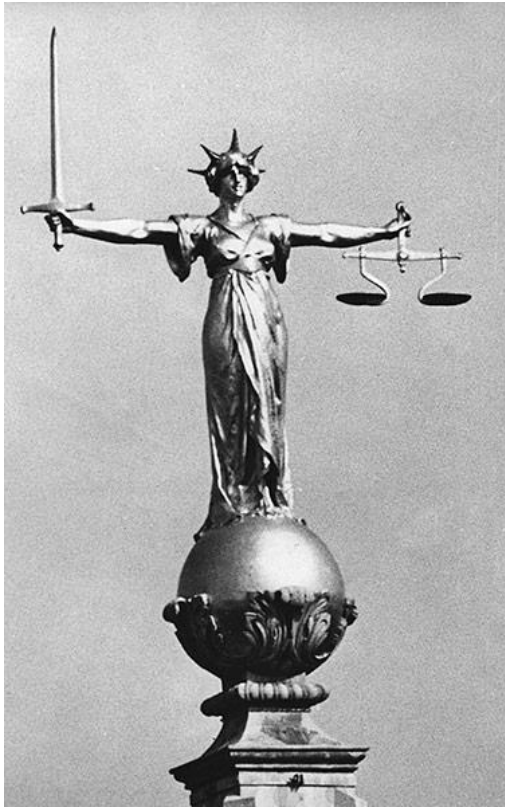
Working with legal materials can be daunting for undergraduate students. Working with legal materials from a foreign jurisdiction adds an additional level of complexity and unfamiliarity. However, interdisciplinary approaches within advanced undergraduate classes may require students to find and evaluate sources of law from outside of U.S. jurisdictions.

This webinar considers two such examples drawn from upperclassmen level classes recently taught at Valdosta State University: a history class requiring the use of historical English capital statutes, and a communications class focusing upon comparative media law. The webinar will discuss sources of law for the purposes of these classes, in addition to strategies for effective information literacy instruction that were attempted.

*Go through
your wardrobe*



Image source: Imperial War Museum, London.



Historical Legal Research



Contemporary Legal Research



HIST 3000

- Students required to write a “biography” of an English capital statute, which could form the basis of a Wikipedia article.
- Paper should include the legislative history of the statute; a consideration of cases decided under the statute; any subsequent repeal or amendment of the statute.



The statutes at large from the Magna Charta, to the end of the eleventh Parliament of Great Britain, anno 1761 [continued to 1806]. By Danby Pickering.



HIST 3000:

Library Instruction.

Finding a comparable example for the class that the students would (hopefully) find interesting, in order to demonstrate the research process.



ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

C A P. XCVI.

An Act to amend the Law respecting defamatory
Words and Libel. [24th August 1843.]

FOR the better Protection of private Character, and for more effectually securing the Liberty of the Press, and for better preventing Abuses in exercising the said Liberty. be it enacted



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Senate House, London 27-28 June 2013

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Today at the Institute (13 Dec)

17:15, Room 102 (Senate House, first floor)

[Deconstructing the Indian Family: The Politics of Lapse and Co...](#)
Margot Finn (UCL)

17:30, Room STB6

[Boys Should Be Boys and Girls Should Be Wives: The Constructio...](#)
Alison Enever (Southampton)

17:30, Room G34 (Ground Floor)

[Chroniding the Lutheran Reformation: history and memory in th...](#)
Kat Hill (Oriel)

18:00, Room 104 (Senate House, first floor)

[Liberating the Self: Epiphanies, conflict and coherence in the...](#)
Lynn Abrams (University of Glasgow)

<http://www.history.ac.uk/>



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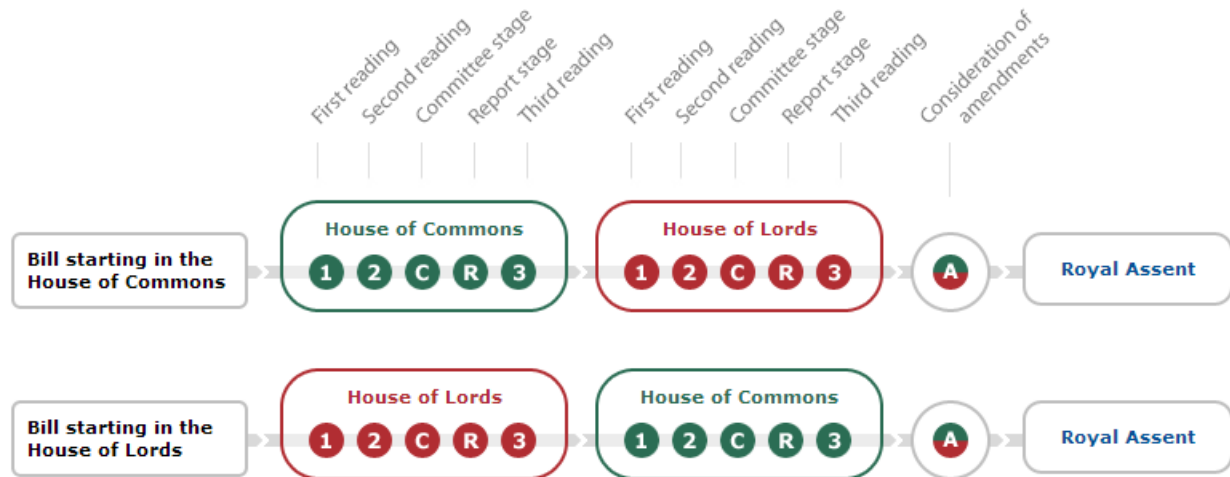
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- Committees**
- Select Committees
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- General Committees (including Public Bill Committees)
- Grand Committees

Committees



Much of the work of the House of Commons and the House of Lords takes place in committees, made up of around 10 to 50 MPs or Lords. These committees examine issues in detail, from government policy and proposed new laws, to wider topics like the economy.

Lords committee calendar

Find out when House of Lords Committees are next meeting.

[Lords committee calendar](#)

Commons committee calendar

Advance information about all public committee meetings, publication dates of reports and debates.

[Commons committee calendar](#)

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[THE LAW OF LIBEL. \(Hansard, 13 February 1843\)](#)

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Lord Campbell. I rise, in pursuance of the notice I have given, to move for a Select Committee of your Lordships to consider the law of **defamation** and **libel**.

[DEFAMATION AND LIBEL. \(Hansard, 31 July 1843\)](#)

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THE LAW OF LIBEL.

HL Deb 13 February 1843 vol 66 cc395-409

395

Lord Campbell I rise, in pursuance of the notice I have given, to move for a Select Committee of your Lordships to consider the law of defamation and libel. I know how difficult it is to obtain attention to such a subject. Absorbed by disputes between this country and foreign states, and questions on which the fate of rival parties at home may depend, Parliament and the public are generally rather indifferent respecting any defects in our jurisprudence. Yet upon the frame of our laws the permanent credit, glory, and happiness of the country must mainly depend; and a duty is cast upon those intrusted with the power of legislating, of considering the state of the law from time to time, and adapting it to the varying circumstances of the age. One of the most important branches of the law is that which respects defamation and libel. There must necessarily be legislation on this subject. The boundary must be defined between permitted discussion and words and writings injurious to individuals and dangerous to the state. Remedies must be provided for an attack on private character, and punishments must be enacted against incitements to crime. You can as little licence as you can forbid all speaking or all written publications. In every country, therefore, the law must attempt to distinguish what is permitted from what is forbidden, and by civil and criminal sanctions guard the line which it lays down. I am sorry to say that on this important subject the law of England is more



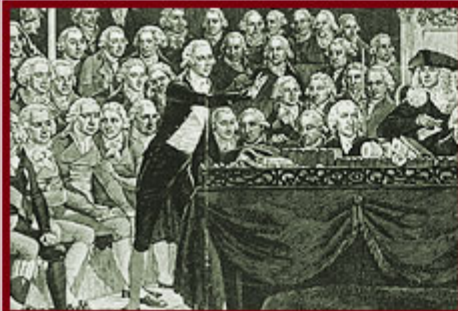
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5th May **1843**: 126 MINUTES OF EVIDENCE TAKEN ON THE SECOND READING
In the Consistory Court of London. ... Answers to the **Libel**, \ The personal Answers
of the R' Honble George Ferrars filed 27 April 1809. j Townshend, Esq., ...

[Defamation, libel and slander - Page 84](#)



Legislative History

[« Exit](#) THE SESSIONAL PAPERS OF THE HOUSE OF LORDS, PRESENTED BY ROYAL COMMAND, OF THE Session

THE REPORT.

By the LORDS COMMITTEES appointed a SELECT COMMITTEE to consider the LAW OF DEFAMATION, AND LIBEL, and to report to the House; and to whom was referred the PETITION of JAMES BIRCH of the City of Dublin, Newspaper Proprietor, praying their Lordships to make certain Alterations in the Law of Libel:

ORDERED TO REPORT,

THAT the Committee have met, and considered the Subject Matter of the said Reference, and the Petition referred to them; and have examined many Witnesses: and have come to certain Resolutions. which they her



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1.  [JOHN SHOLTO DOUGLAS, Breaking Peace > libel, 25th March 1895.](#)

... scandalous and malicious libel of and concerning **Oscar Wilde**. To this the defendant pleaded NOT GUILTY, and put in a plea of justification, stating the contents of the alleged libel to be true in substance and ...

2.  [JOHN SHEPHERD, Theft > extortion; GEORGE MOODY, Theft > extortion; GEORGE WILTON, Theft > extortion; JOHN SHEPHERD, Sexual Offences > indecent assault, 17th June 1895.](#)

... t all about; what for?"—they said it was an **Oscar Wilde** business; that they were detectives, and I had to go to the police station—Shepherd caught hold of Mooney's arm, and was talking to him, and he ...

3.  [ROBERT ALFRED ...](#)



Student example



Image source: Wikimedia Commons.



Student example



The statutes at large from the Magna Charta, to the end of the eleventh Parliament of Great Britain, anno 1761 [continued to 1806]. By Danby Pickering.



Student example

1038

C. 143.

52^o GEORGE II III.

A.D. 1812.

C A P. CXLIII.

An Act for amending and reducing into One Act, the Provisions contained in any Laws now in force imposing the Penalty of Death for any Act done in Breach of or in Resistance to any Part of the Laws for collecting His Majesty's Revenue in *Great Britain*. [23d July 1812.]

Offences against
Revenue Laws.

‘ WHEREAS it is expedient, that the Provisions contained in any Laws now in force, for collecting His Majesty's Revenue in *Great Britain*, whereby the Penalty of Death is imposed for any Act done in Breach of or in Resistance to the said Laws, or any of them, should be amended and reduced into one Act;’ May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all cases where any Act to be done or committed after the passing of this Act, in Breach of or in Resistance to any Part of the Laws for collecting His Majesty's Revenue in *Great Britain*, would by the Laws now in force subject the Offender to suffer Death, as guilty of Felony, without Benefit of Clergy, by virtue of the said Laws, or any of them, such Act, so to be done or committed, shall be deemed and taken to be Felony with Benefit of Clergy, and punishable only as such, unless the same shall also be declared to be Felony without Benefit of Clergy by this Act.

Offences of Persons employed by
the Post Office.

II. And be it declared and enacted by the Authority aforesaid, That if any Deputy, Clerk, Agent, Letter Carrier, Post Boy or Rider, or any other Officer or Person whatsoever employed by or under the Post Office of *Great Britain*, in receiving, stamping, sorting, charging, carrying, conveying or delivering Letters or Packets, or in any other Business relating to the said Office, shall, after the passing of this Act, secrete, embezzle or destroy any Letter or Packet, or Bag or Mail of Letters with which he or she shall have been entrusted in consequence of such Employment, or which shall in any other manner have come to his or her



Student example

Session and Chapter.	Title.	Short Title.
50 Geo. 3. c. 112. -	An Act for abridging the form of extracting Decrees of the Court of Session in Scotland, and for the Regulation of certain Parts of the Proceedings of that Court.	The Court of Session Act, 1810.
51 Geo. 3. c. 37. -	An Act further to prevent the Marriage of Lunatics.	The Marriage of Lunatics Act, 1811.
52 Geo. 3. c. 38. -	An Act for amending the Laws relating to the Local Militia in England.	The Militia (England) Act, 1812.
52 Geo. 3. c. 68. -	An Act for amending the Laws relating to the Local Militia in Scotland.	The Militia (Scotland) Act, 1812.
52 Geo. 3. c. 102. -	An Act for the registering and securing of Charitable Donations.	The Charitable Donations Registration Act, 1812.
52 Geo. 3. c. 104. -	An Act to render more effectual an Act passed in the thirty-seventh year of His present Majesty for preventing the administering or taking of unlawful oaths.	The Unlawful Oaths Act, 1812.
52 Geo. 3. c. 150. -	An Act to amend an Act passed in the Forty-fourth Year of His Majesty's Reign for granting Stamp Duties in Great Britain so	The Medicines Stamp Act, 1812.

Short Titles Act, 1892 (also see subsequent 1896 legislation)



Student example

Legislative history: as per Oscar Wilde example



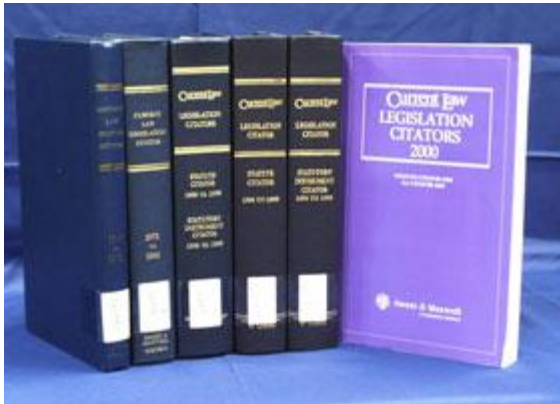
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Case Law

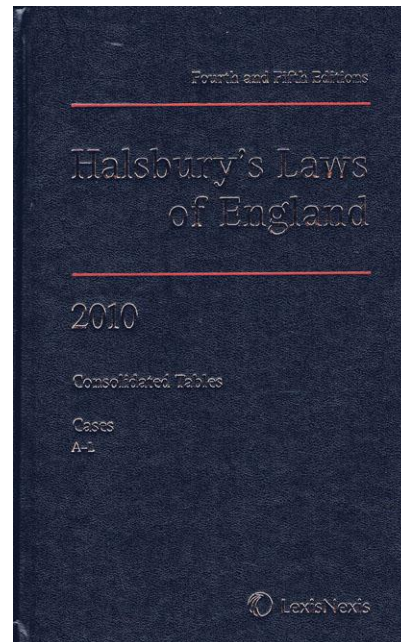


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Case Law



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Halsbury's



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18th century.

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Being hanged at Tyburn	Executions at the Tower of London
Overview of executions at Tyburn	The female executed 1735 - 1799
Burning at the stake	Sarah Malcolm - triple murder
Catherine Hayes - burnt for Petty Treason	Jenny Diver - highway robbery
Ann Bedingfield & Richard Ringe - Petty Treason	Elizabeth Jeffries - murder of her uncle
Phoebe Harris - burnt for coining	Mary Blandy - patricide
Hanged at Execution Dock	Elizabeth Brownrig - horrible murder of her servant
Newgate executions 1783 – 1799	Earl of Ferrers - first use of "New Drop" gallows
Introduction to the Bloody Code	Elizabeth Taylor - hanged for burglary
Charlotte Gardiner & Mary Jones - rioters	Mary Jones - hanged for shoplifting
Sarah Lloyd - hanged for robbery	Elizabeth Sedgwick – hanged for arson

19th century.

Newgate prison history	English & Welsh executions 1800 – 1827
Newgate executions 1800 - 1836	English & Welsh executions 1828 – 1836
Newgate executions 1837 - 1902	English & Welsh executions 1837 – 1868

Student example – Case Law



THE
HISTORY AND RESULTS
OF
THE PRESENT
CAPITAL PUNISHMENTS
IN
ENGLAND;
TO WHICH ARE ADDED,
FULL TABLES
OF

Woolrych, H. (1832) The history and results of the present capital punishments in England: to which are added, full tables of convictions, executions, &c

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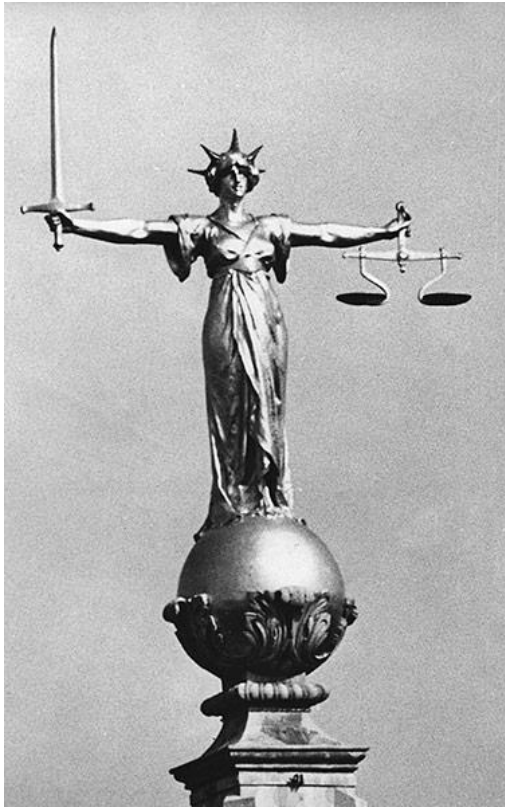
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Historical Legal Research



Contemporary Legal Research



COMM 7000 (Media Law)

- Students tasked with researching a media law topic, determining how this issue is dealt with in a U.S. jurisdiction and comparing this with a jurisdiction from outside of the United States.



Student example:

Mr. Howard,

I spoke with Dr. XXXX and she said that my two Media and the Justice System topics need to deal with media access to any judicial proceedings and a case in which the judge closed the courtroom to all reporters because opening the courtroom would not guarantee a fair trial. Is there anyway you could help me with this or point me in the right direction of where to look? I'm sorry I keep asking for your help, and I really really appreciate it...I am so lost!



Student example:

The screenshot shows the homepage of the European Court of Human Rights (ECHR). The header features the ECHR logo on the left, the text "EUROPEAN COURT OF HUMAN RIGHTS" and "COUR EUROPEENNE DES DROITS DE L'HOMME" in the center, and a search bar with "HUDOC CASE-LAW" on the right. Below the header is a navigation menu with links for "Site map", "A-Z", "Contact", "Disclaimer", and "Privacy". A search bar is also present. The main content area is titled "News" and features a prominent article titled "Judgment against 'the former Yugoslav Republic of Macedonia'" dated 13/12/2012. The article includes a photograph of the ECHR building and a summary of the case. To the left of the main content is a sidebar menu with categories like "The Court", "Basic Texts", "Case-Law", "Reports", "Pending Cases", "Press", "Applicants", and "Visitors". At the bottom, there are two buttons: "Grand Chamber" and "Chamber judgments".

SEARCH
HUDOC
CASE-LAW

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPEENNE DES DROITS DE L'HOMME

Français

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Recent press releases

News

Judgment against "the former Yugoslav Republic of Macedonia"
13/12/2012

The Court found several violations of the Convention in the case of **El-Masri v. "the former Yugoslav Republic of Macedonia"**. The applicant, a German national of Lebanese origin, complained that he was arrested and tortured in Skopje, because he was suspected of belonging to a terrorist organisation, and that he was handed over to the CIA which then kept him in a secret detention centre in Afghanistan. The Court held that "the former Yugoslav Republic of Macedonia" had been responsible for his torture and ill-treatment both in the country itself and after his transfer to the US authorities in the context of an extra-judicial "rendition".

Press Release, Macedonian version, German version
Hearing of 16.05.2012
"The former Yugoslav Republic of Macedonia"

Grand Chamber **Chamber judgments**

http://www.echr.coe.int/ECHR/Homepage_EN



Student example:



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Application Number ?	<input type="text"/>	Date	<input type="text" value="dd/mm/yyyy"/> to <input type="text" value="dd/mm/yyyy"/>
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27034/05 | Decision | Court (Fourth Section) | 28/02/2006

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Student example:



The screenshot shows the homepage of the Commonwealth of Nations website. At the top, there is a blue header with the Commonwealth of Nations logo (a globe with radiating lines) and the text "Commonwealth of Nations". To the right of the logo is a search bar with a dropdown menu labeled "Select a country" and a "Search" button. Below the header is a navigation menu with a home icon and the following links: "The Commonwealth", "Commonwealth in Action", "Facts and Figures", "Commonwealth Publications", and "Commonwealth Directory".

Welcome to the Commonwealth of Nations 2 billion citizens...20% of global trade... 54 countries... one website!



A large group photograph of the Commonwealth Heads of Government Meeting (CHOGM) 2011. The participants, including heads of state and government, are posed on a stage in front of a backdrop that reads "CHOGM 2011 PERTH, AUSTRALIA".

GOVERNMENTS: The Commonwealth Heads of Government Meeting (CHOGM) which takes place every two years, allows Commonwealth leaders to meet and discuss global and Commonwealth issues, and to agree on collective policies and initiatives.

At the bottom of the page, there are four buttons: "Governments", "Business", "Civil Society", and "Browse by section and country".

<http://www.commonwealthofnations.org/>



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v.

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Student example:

Luther R. CAMPBELL aka Luke Skyywalker, et al.,
Petitioners, v. ACUFF-ROSE MUSIC, INC. No. 92-1292.
Argued Nov. 9, 1993. Decided March 7, 1994.

<http://supreme.justia.com/us/510/569/case.html>

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Questions?

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