EDO UNIVERSITY IYAMHO

Faculty of Law

Legal Methods II (PUL 121)

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Description: This course discusses the primary sources of law i.e. statutory materials and judicial materials, the secondary sources of law i.e. books, pamphlets, letters, speeches, interviews, periodicals and newspapers, foreign materials. It also introduces students to the use of source materials i.e. the law library and legal research, indexing and identification of library materials, how to brief a case, judicial precedents and obiter dictum in Nigerian case law legislation. Students are also exposed to legal writing methods and approaches in essay writing as well as research methods. Other areas in the course include preliminary procedure in legal research, law reports, law journals and law review.

Prerequisites: At the completion of this course, students should know the primary and secondary source materials, the essence of legal research, what a library is, who a librarian is and the different resources found in a library. They should understand the importance of cataloguing and classification schemes. Furthermore, they should be able to list and explain the different types of legal writing methods and approaches in essay writing.

Assessments: Any Student who submits assignment late, fails to do or misses any test without a cogent reason shall be scored zero. Seventy-five percent (75%) class attendance is a precondition to write the exam at the end of the semester. Note: A list of students' class attendance will be published not later than two weeks to the end of the semester examinations.

Grading:

• Continuous Assessment:	30%
• Examination:	70%
• Total:	100%

Recommended Textbooks:

• Introduction to Nigerian Legal Method
Abiola Sanni
2nd Edition, 2006
ISBN: 9781361547

• The Nigerian Legal Method
Ese Malami,
2nd Edition, 2012.
ISBN: 9789789060467

• Introduction to Legal Methods
C.A. Agbebaku, E.E. Obarisiagbon, E.E. Akhigbe & A.A. Tijani
Revised Edition, 2016
ISBN: 978298342X

SOURCES OF LAW IN NIGERIA

INTRODUCTION

The essence of this chapter is to assist the budding law student and lawyer to identify how and where to locate information on which law applies or what the position of the law is in relation to any legal problem that may confront him. In other words, the expression "sources of Nigerian law" refers to the materials through which a legal practitioner or a court or judge would find reliable authorities for a particular legal question.

We can classify the sources of Nigerian law into two aspects namely, primary sources and secondary sources. The primary sources include English Law (consisting of the received English law as well the extended English law), Nigerian legislation and subsidiary enactments, Nigerian case law or judicial precedent and customary law rules, including the Islamic law where applicable. The secondary sources of Nigerian law comprise of law reports, textbooks, legal periodicals, law digests, legal dictionaries and newspapers, among others. We must quickly point out here that only the primary sources could have binding force on a court of law in Nigeria whereas the mentioned secondary sources can merely serve persuasive purposes, and are usually relied upon where no primary source is available or applicable. We shall attempt a detailed discussion of each of these sources one after the other.

PRIMARY SOURCES

The English-Law

Any study of the Nigerian legal system will be incomplete without a consideration of the impact of English law. The received English law remains a veritable source of Nigerian law. This is understandably so because of Nigeria's colonial heritage as English law was introduced into different parts of this country following the establishment of British colonial administration in the nineteenth century. The various legislatures in Nigeria have thereafter made enactments which received English law directly into their jurisdictions or extended the force of English statutes into Nigeria. The relevant provisions in such statutes were usually written in general terms without specifying the particular topics on which English statutes are received. As an illustration, the Interpretation Act was one of such enactments. Section 45(1) of the Act provided as follows:

"Subject to the provisions of this section and in so far as other provision is made by any federal law, the common law of England and the doctrines of equity, together with the statutes of general application that were in force in England on the 1st of January, 1900, shall be in force in Lagos and, in so far as they relate to any matter within the exclusive legislative competence of the Federal legislature, shall be in force elsewhere in the Federation."

The "statutes of general application (commonly referred to by law students as SOGA) which were in force in England on the 1st day of January 1900" have been received into all the jurisdictions in Nigeria with the exception of Edo, Delta, Ekiti, Osun, Ondo and Ogun States of Nigeria where these statutes have not been received in so far as such statutes deal with matters within the legislative competence of those States.

Similarly, Section 14(1) of the Supreme Court Ordinance, 1914, provides that: "Subject to the terms of this or any other Ordinance, the common law, the doctrines of equity and statutes of general application which were in force in England on the 1st of January 1900, shall be in force within the jurisdiction of this court."

Such statutes of general application are still in force in Nigeria even if they have been repealed in England. Since the phrase 'statutes of general application' is so pivotal in this discussion, it is appropriate here to elaborate on it. What is a 'statute of general application'? It is important to note that no problem is usually associated with the question of the applicability of common law and doctrines of equity in Nigeria since Nigerian courts have continued to recognize and apply common law principles and rules of equity to cases coming before them for adjudication as such principles and rules stand in England on the day of their application in Nigeria. What we are saying here is that the application of English common law and principles of equity are not barred or limited by time in Nigeria. The Supreme Court Ordinance, the Interpretation Act and other enactments on the subject of the statutes of general application do not define what constitutes a statute of general application. We are therefore compelled to rely on case law, that is, what the courts have declared in their judgments, to determine what is meant by 'statute of general application'.

In Dede v African Association Ltd, the court held that although Section 14 of the Supreme Court Ordinance speaks of statutes of general application which were in force in England, nevertheless, in all such statutes must be taken to apply to the United Kingdom. Weber, J, ruled that 'statutes of general application' must mean those statutes applicable throughout the United Kingdom and not those in force in England only. This would have been an unfortunate decision had the judge not said that the Supreme Court Ordinance expressly mentioned "the statutes of general application that were in force in England" and not the United Kingdom.

Osborne, CJ, defined the phrase by applying "a rough but not infallible test". In Attorney General v John Holt & Co Limited where His Lordship stated as follows: "...two preliminary questions, can however be put by way of a rough but not infallible test, viz: (l) by what courts is the statute applied in England? And (2) to what classes of community in England does it apply? If on the 1st January, 1900, an Act of Parliament were applied by all civil and criminal courts, as the case may be, to all classes of the community, there is a strong likelihood that it is in force within the jurisdiction. If on the other hand, it was applied only by certain courts (e.g a Statute regulating procedure), or only to certain classes of the community (e.g an Act regulating a particular trade), the probability is that it would not be held to be locally applicable.''

Perhaps following the propositions of Osborne, CJ, in the foregoing case, the then Federal Supreme Court, in Lawal v Younan, held that the Fatal Accidents Act, 1846 and the Fatal Accidents Act, 1864, both of which applied to all classes of the community in England, were statutes of general application. Similarly, in Braithwaite v Folarin, the West African Court of Appeal, in holding that the Fraudulent Conveyances Act, 1571, was a statute of general application said inter alia (among other things) that the statute of general application, applying as it does quite generally to ordinary affairs and dealings of man without any qualification or speciality restricting its application. In the same vein, the West African Court of Appeal in Young v Abina asserted in respect of the Land Transfer Act, 1897 as follows. "The Land Transfer Act of 1897 applied quite generally to all establishments in: England of persons dying after 1st January 1898. It is difficult to see how a statute could be of more 'general application' in England than that, and it was in force in England on 1st January 1900. The following English statutes have been held to be statutes of general application with reference to Nigeria:

(i) Infant Relief Act, 1874, in Labinjoh v Abake;
(ii) Trustees Act, 1888, in Taylor v Taylor;
(iii) Limitations Act (Real Property), 1874, in Thomas De Souza;
(iv) Statute of Frauds 1677, in Maloma v Olusola

From all that we have discussed, it is obvious that the English law remains a very important source of Nigerian law. We must however quickly add that by virtue of Nigeria being an independent and sovereign nation, foreign laws, including the English law, do not have any binding force on our courts but may only serve as persuasive authorities.

Nigerian Legislation

Nigerian legislation consists of statutes and subsidiary legislation. Statutes are laws enacted by the legislative arm of government. These are variously called Ordinances, Acts, Decrees, Laws or Edicts depending on when and by who or under which form of government they were made. Subsidiary legislation is law enacted, under the powers conferred by a statute. Another name for subsidiary legislation is delegated legislation. Examples of these are the bye-laws of local governments, regulations of public corporations, statutory instruments by ministers and so on. A statute under which a subsidiary legislation is made is known as an enabling statute.

Ordinances are laws passed by the Nigerian central legislature before 15th October 1954 when federalism became a constitutional phenomenon in Nigeria. Any statute enacted by the elected federal legislature, in a civilian regime, otherwise known as the National Assembly, comprising of both the Senate and the House of Representatives is known as an Act. An enactment made by the elected state legislature, in a civilian regime, otherwise known as House of Assembly is known as Law. However, in a military regime, an enactment made by the Federal Military Government is known as a Decree, while an enactment made by the Military Governor/Administrator of a State during a military regime is known as an Edict. It is important to note that all federal statutes in Nigeria up to 31st January 1990 were revised and consolidated in what is now known as Laws of the Federation of Nigeria (LFN) 1990. The Laws of the Federation of Nigeria (LFN) 1990 has been revised up till 2002 and now published as Laws of Federation of Nigeria in June 2004. The revised Laws of Federation of Nigeria is printed in loose-leaf format ostensibly to ensure easy incorporation of future published amendments or revision of the present laws. Without doubt, legislation is the most important source of law in any nation of the modern world. It has an overwhelming influence on all other sources of law and can indeed be referred to as the measuring scale for the efficacy of any other legal source and can indeed alter their content. In Nigeria today, the Constitution of the Federal Republic of Nigeria which came into force on 29th May 1999 is the highest law of the land and from which all other laws derive their validity. This document is also a form of statute.

Delegated or Subsidiary Legislation

Closely related to the above are delegated or subsidiary legislation. These are the enactments made by persons or bodies other than the legislature pursuant to express powers conferred on such persons or bodies by the competent legislature. The use of these species of legislation has become inevitable as a result of the dynamics involved in modem day governance. It is practically impossible for the legislature to make laws for every aspect of human life, more so as there can be unforeseeable variations in patterns of events and human conducts. It must also be recognized that there are numerous areas of public affairs that would require technical expertise with which the legislature may not be able to cope. It thus becomes reasonable and necessary that the legislature should merely provide the general framework of principles that would regulate human conducts and administration of public affairs, leaving specialists, technocrats and those who are involved in specific activities to deal with particular and subjective cases. This is why the various professional bodies or institutions in Nigeria have statutes which empowers them to provide for the regulation of the day to day activities of their members or staff as the case may be.

Any legislation made pursuant to a delegated power must not exceed the limits of the power so granted otherwise the wrongful exercise of power may render it ultra vires (beyond its power), null and void. It must also be noted that any legislation made pursuant to delegated power is also an integral part of sources of law. Intact, all the delegated legislation made pursuant to federal statutes were also consolidated with their principal statutes under the LPN 1990.

Nigerian Customary Law

Another important source of law in Nigeria is customary law. Customary law consists of the customs accepted by members of a community as binding among them. Nigerian customary law is usually classified into ethnic/non-Muslim customary law and Muslim (Islamic) law. Ethnic customary law is indigenous, unwritten and diverse from one ethnic group to the other. The diversity of customary law systems is a major obstacle to uniformity of customary law systems in each State. Moslem law is however in largely written form. The sources of Moslem law are the Holy Quran, the practice of the prophet (the suna), the consensus of Islamic scholars and analogical deductions from the Holy Quran. This is also known as the Sharia i.e the sacred law of Islam. The predominant version of Islamic law in Nigeria is that of the Maliki School.

One of the main features of customary law is its acceptance as an obligation by the community. Another striking feature is its flexibility and adaptability to changing social trends. According to Osborne, CJ in Lewis v Bankole. "One of the most striking features of West African native custom is its flexibility; it appears to have been always subject to motives of expediency and it shows unquestionable adaptability to altered circumstances without entirely losing its character."

It must be noted that rules of customary law are subject to tests of validity prescribed by statute. Before a customary law rule is applied by Nigerian courts, it must have passed the three prescribed tests of validity. The various High Court Laws of all the 36 States of Nigeria as well as the Federal Capital Territory direct the observance and enforcement of a customary law by the courts if such law is not:

(i) repugnant to natural justice, equity and good conscience;
(ii) contrary to public policy; and
(iii) incompatible directly or by implication with any law for the time being in force.

The meaning of the repugnancy clause has not received a detailed and settled explanation by Nigerian courts. However, some notable judicial decisions may shed some light on its meaning and purpose. In Esugbayi Eleko v Officer Administering the Government of Nigeria, Lord Atkin held that a barbarous custom must be rejected on the ground of repugnancy to natural justice, equity and good conscience. It must however be borne in mind that the fact that a rule of customary law is inconsistent with the principles of English law does not render it invalid. Thus, in Dawodu v Danmole, the Judicial Committee of the Privy Council (the highest appellate court for Nigeria at that time) rejected the view of Jibowu, J," that the idi-igi custom on succession was repugnant to natural justice, equity and good conscience. The learned judge was of the opinion that the custom, by stating that the property of the deceased was to be distributed among his children per stirpes ("idi-igi") rather than per capita ("ori-ojori") was inconsistent with the modern idea of equality among the children of the deceased. The Privy Council stated, inter alia, that the principles of natural justice, equity and good conscience applicable in a country where polygamy is generally accepted should not be readily equated with those applicable to a community governed by the rule of monogamy.

At various times, Nigerian courts have had cause to invalidate certain rules of customary law on the ground of repugnancy. In Re Effiong Okon Atta, the court held that a custom whereby the former owner of a slave was entitled to administer the personal estate of the slave after the death of the slave was repugnant. Similarly, in Guri v Hadeija Native Authority, the court rejected a rule of customary law as repugnant on the ground that it denies a person accused of highway robbery (hiraba) the right to defend himself at trial. Apart from the above test, a rule of customary law can be declared invalid if it is incompatible, either directly or by necessary implication, with any law in force in Nigeria. Furthermore, a customary law rule can be invalidated if it is contrary to public policy. Thus, in Cole v Akinyele, the Federal Supreme Court, Per Brett, FJ, held that a rule of customary law which provides that if the paternity of a child born out of wedlock is accepted by the biological father, the child becomes legitimate and shares equally with the children born of a marriage contracted under the Marriage Ordinance, was invalid on the ground of public policy. It follows from all the above that customary law, as far as it passes the validity tests, is a veritable source of Nigerian law.

Case Law or Judicial Precedent

One of the most striking characteristics of the common law which Nigeria has imbibed is the doctrine of judicial precedent. By this, we mean the practice whereby the earlier decision of a court is followed in subsequent similar cases. When a judge makes a decision in a case before him, he disposes of the immediate problem and also lays down a legal principle which other judges may have to consider. In the event of the later courts or judges being lower in status to the status of the earlier court, the lower courts must follow that earlier decision given by a higher court. The principle explained here is known as the doctrine of judicial precedent. Although judges are said not to make laws but to interpret the law, the principles of interpretation that a court brings to bear in deciding a case at hand can become a focal point of reference in determining future cases. What the judges and the courts make therefore is what we call case law, i.e, legal principles developed through the cases. The rule that makes it obligatory for a lower court to follow the earlier decision of a higher court is expressed in the Latin maxim *stare decisis* (let the decision stand). Case law or judicial precedent is a cardinal source of law in Nigeria. Its continued relevance lies in its provision of ready solutions to legal problems at hand. It makes for substantial uniformity, consistency and certainty in the law because it enables lawyers, litigants and members of the public to anticipate and predict the outcome of disputes involving the law. The use of judicial precedent and case law ensures that settled expectations are not unduly disrupted through default, mischief, or ignorance.

International Law

The history of mankind shows that no nation can exist in isolation from others. This is the basis of the branch of law known as *jus gentium* (the law of nations). Because of the growing interactions among States of the modern world, various instruments have been put in place to regulate the inter-relationships and activities of states among themselves. Beyond this, certain agreements also exist which create obligations for states which are parties to such agreements to do or refrain from doing certain acts. Such agreements are variously known as conventions, covenants, treaties, standards, declaration etc. It must however be noted that by virtue of the constitutional system in Nigeria, Nigeria is one of the nations where a treaty does not become operative until the National Assembly has enacted it into law. An illustration that readily comes to mind here is the African Charter on Human and People's Rights, 1981, which has been incorporated into the laws of Nigeria. By the Supreme Court decision in Sani Abacha v Gani Fawehinmi, that African treaty is to all intent and purposes enforceable in Nigerian courts.

SECONDARY SOURCES

Apart from the various primary sources already discussed, there exists a plethora of other sources of Nigerian law. These are mainly in documentary form. 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. We shall attempt to discuss these in turn.

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 (1282-1537). 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.

(i) Nigerian Weekly Law Reports (NWLR) published since 1985;
(ii) Supreme Court of Nigeria Judgments (SCNJ);
(iii) Law Reports of the Courts of Nigeria (LRCN);
(iv) All Nigerian Law Reports (All NLR); and
(v) Federation Weekly Law Report (FWRL)

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 Phillips; 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 many 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.

LEGAL RESEARCH AND THE USE OF SOURCE MATERIALS

INTRODUCTION

When a lawyer is confronted with a legal problem, it may be difficult if not impossible for him to fully analyse the facts and determine all the applicable laws immediately. He has to undertake a careful study of the facts and law in order to decide the course of action to take and verify his conclusion through a process called research. The word 'research' is used in this context to mean the use of library materials to seek recorded information on a particular legal problem in order to authoritatively determine the rights duties and liabilities of the parties. King George III is reputed to have said that lawyers do not know much more law than other people, but they know better where to find it.

What Is Legal Research?

Research is a careful and detailed study of a subject in order to know all about it. In other words, it is a careful and detailed study of a subject in order to discover all the information about it. Thus legal research is the careful and detailed study of facts and law in order to achieve a desired legal result. For instance, in order to find applicable laws, principles, rules, case law, facts, arguments, ideas, the writings of other jurists or persons or to discover any useful information that will help to achieve a desired legal point or purpose.

Why Research?

Law is not static. Rather, it is dynamic and developing. It is a lawyer's task to determine through the proper use of source materials in the library, what the current rules are on a given subject. When a lawyer is researching, he is certainly looking for something that will throw more light on a certain legal problem in order to enable him determine the position of his client vis-a-vis the law. Based on his research findings, a lawyer may persuade the court to adopt his own reasoning or interpretation. If our laws were perfect, there may probably be no need for research. Research is essential for the continuous development of the law towards the achievement of its objectives. A lawyer through a diligent research and advocacy can persuade the court to adopt a new position and even reverse its prior decision(s). This is why continuous study is necessity for all the members of the legal profession. Research also takes us to the primary source of legal materials. A law student who wants to become a lawyer and not merely pass law examinations (which is not the same thing) must learn to use the primary source of legal materials.

Research is an important part of legal education. It is the lifeline of legal education and practice. The reasons why any person or a lawyer needs to carry out research, examine, or investigate anything or laws are numerous. These include the need:

1. To refresh memory and remain sound in knowledge of the law, or legal issue
2. To know all the facts, and information about a thing, law, subject or situation
3. To keep pace with the speed and growth of law in a dynamic world that is ever changing and advancing in terms of new innovations, developments, relationships, activities, facts and law
4. To find applicable statutes or laws
5. To discover applicable case law or judicial precedents
6. To know and rightly or legally decide the rights and duties of parties in a dispute
7. To know the rights and duties, strengths and weaknesses of a case of a client
8. To discover the works, writings, propositions and opinion of other jurist and persons
9. To discover or test new ideas
10. To improve one's argument and advocacy

11. To identify gaps and push for reform
12. To have legal materials and authorities to persuade court to agree with one's reasoning, interpretation and prayers
13. To have materials to continually reform and develop the law
14. To pass professional examinations, interviews, and meet the needs of clients and the challenges in the legal profession
15. To develop and improve legal capacity
16. To render better services in legal practice and profession in whatever capacity a lawyer is serving
17. To develop and improve his legal skills and capacity generally
18. To improve on existing knowledge.

The Library

When most people think of a library, they think of books alone; but a Library contains much more than books. A library is a storehouse of information. It is a room or building where books and other records and information are kept for reading and borrowing. There are basically two types of libraries; the physical library and the E-library. Just as the items in a store come in various forms, so does the information in a library. It can be in printed forms as in books, or periodicals or other printed materials, but it can also be in electronic form, in the form of films, recordings, video and sound tapes or almost any format. Our discussion here will however be limited to printed materials. Since law is multidisciplinary in nature, our discussion of printed materials will however not be limited to legal materials.

The library is to a lawyer what the laboratory is to a scientist. A law student should therefore supplement his lecture notes with textbooks of local and foreign authors, statutes, case law materials, journals, articles and other relevant materials. Glanville emphasis the crucial role of law reports and statutes in his advice to all students of law as follows:

"The great disadvantage of confining oneself to textbooks and lecture notes is that it means taking all one's law at second hand. The law is contained in statutes and judicial decisions what the text writer thinks is not, in itself, law. He may have misinterpreted the authorities and the reader who goes to them goes to the fountain head. Besides familiarising himself with the law reports and statute books, the lawyer-to-be should get to know his way about the library as a whole together with its apparatus of catalogues and books of reference."

The Role of the Librarian

A good legal practitioner spends a surprising amount of time in a law library looking up the law on a particular point. Here, the importance of the librarian as a very important research source can never be over-emphasis. The librarian is an official who works in a library. He takes care of the books and other resources in the library for public use. He supervises the library activities, ensuring that relevant books and information are stocked. He ensures proper shelving of library books and materials and their safety. He assists users with information on how to use the library by answering their quick reference questions. The law librarian is constantly looked upon as a specialist in giving information on what sources are relevant on specific subjects. It is an added advantage if a law librarian is legally trained. Once a researcher has a competent law librarian as aid, his work of researching is simplified in that once the subject area of his research has been identified, he can wait for the librarian to assemble both primary and secondary sources of law materials for his use. Unfortunately, librarians of the type described above are not common in many of our libraries in the country. The researcher, apart from the assistance from a good librarian must himself have a good knowledge of how to use the library effectively.

Identification of books

Most books are identified by at least six elements viz:

(i) the cover;
(ii) the author's name;
(iii) the publisher;
(iv) the title;
(v) the place of publication; and
(vi) the date of publication.

Apart from (i) information about all the other elements are written on the title page, which is the first important printed page of the book. When a researcher is looking for relevant books in the Library, there are many ways he can go about it. One way is to browse around the shelf with the hope of getting some relevant books. This may take him a great deal of time if ever he is able to find any. Books are not arranged by the colours of their covers or sizes. Rather, they are arranged in a logical way, which enables a researcher to locate relevant books with minimum problem in good time. Most of the books have at least one thing in common. They do have a subject. That is, they are written to explain or illustrate something. In libraries, books are arranged according to a classification system. In a classification system, all books on the same subject are placed together in the same shelf, section or reading room. The two commonest classification systems are the Library of Congress classification and the Dewey Decimal Classification. A. quick way to find out which of the classification a library uses is to pull any of the books from the shelf and check how the call mark (the identification number) on the book is written. If the call mark begins with a letter such as K108.7 it is the library of congress classification. If the call mark begins with numbers such as 642.13 it is the Dewey Decimal System. The basic difference between the two is that one uses letters to classify books into major subject classes (the Library of Congress) while the other uses number (the Dewey Decimal). Most libraries in Nigeria are using the Library of Congress Classification hence our discussion will be limited to this classification.

Under the Library of Congress Classification, all the books on the same subject are placed together. Under letters of the alphabets, 21 are used to indicate broad subject areas of classes viz:

(1)	General works	A
(2)	Philosophy	B
(3)	History (General)	C
(4)	History (Old World)	D
(5)	American History (General)	E
(6)	American History (Local)	F
(7)	Geography	G
(8)	Social Science	H
(9)	Political Science	J
(10)	Law	K
(11)	Education	L
(12)	Music	M
(13)	Fine art	N
(14)	Language and Literature	P
(15)	Science	Q
(16)	Medicine	R
(17)	Agriculture	S

(18)	Technology	T
(19)	Military Science	U
(20)	Naval Science	V
(21)	Bibliography	Z

Tracing a Particular Book

Each book on the shelf is given a call number. The call number identifies a book the same way a fingerprint identifies a person. No two books in a library have the same call number. The call number of a book consists of the letter(s) representing the broad subject area (or sub-topic) of the book and a series of numbers and letters that further identify the book. Let us assume that a book written by John Cyprian has as the call number, B358C57. B tells us that the book is on the subject of philosophy of religion, is the unique book number, which identifies that particular book. B Identifies the broad subject area in this case Philosophy. 358 further identifies the subject e.g. meta-physics or ethics. C is the first letter of the author's last name. 57 is a number which further identifies the author. After a book has been given a call number, it is placed on the shelf first alphabetically by the broad subject area letter and numerically by the subject's numbers, then alphabetically and numerically again by the author's letter and number. A book with the call No. B200A18 would be shelved before B200C57. In looking up a particular book on the shelf, one has to use common sense. If you are looking for a book with call No. K 146 or 62, after locating the K shelf where books written by authors whose last name begin with K are shelved, if you have seen a book with K146 or 62 you do not have to check the book one by one again. It should now be apparent that to find any book in the library, you need only know its call number. You then trace it on the shelves alphabetically by the first letter in the call number and numerically by the remaining numbers and letters.

How to Find Library Materials Using the Catalogue

We have said that one of the ways a researcher can go about his research is to browse around the shelves looking for the books he needs. May be he will find them and maybe he will not. This may take a great deal of time and very often he may not have a great deal of time to spare. Here is where the library catalogue helps him. The catalogue tells a researcher about all the books in the library. The catalogue becomes even more important with libraries that have closed stacks (i.e. where students are not allowed to go directly to the catalogue books). Even where the stacks are open and may be used by anyone, the library catalogue offers the best approach. While it is true that a browse sees all the books on the shelf, he may miss those that have been borrowed, those waiting to be reserved or perhaps those on the reserve. The catalogue is usually located near the entrance to the library or any other conspicuous place where it may be freely accessed.

Library catalogues come in several forms. There are book catalogues produced from computer printout. The catalogues may be in micro-film or microfiche. The most common form, though, is the card catalogue. The information is printed or typed on 3"x5" card which are filed alphabetically in trays in a central cabinet. Regardless of its form, all library catalogues have one thing in common in the sense that materials may be located in them by knowing the author, the title or the subject. In a card catalogue, there will be one card for the author (the author's entry), one card for the title entry and at least one card for the subject (subject entry) - all for the same book. Literary works are often an exception. They are not entered in the library catalogue under their subjects. If you know the author of the book you want but you are not sure of the title, you should check the author's entry. Subject entries on its part tell what books a library has on a subject. The author's entry is however the main entry. It has all the information found on the title page such as the author's complete name and the full title, the

publisher's name and address, place and year of publication. You can see that finding the author's entry is really like seeing the title page of the book. But that is not all that the author's entry does for you. It is called the main entry because it describes the other elements of the book such as how many pages it has and whether it is part of a series of books. Finally, it tells you that the book has subject entry, a joint-author entry and title entry in the library catalogue. For the above reasons, the author's main entry is to be preferred where the researcher knows the author's name it is therefore advisable for a student to familiarize himself with the various academic writers on different subjects.

Kinds of Books in a Law Library

There are many kinds of materials or books or information that are available in an ideal law library. They include the following.

Statutes

Nigeria is a Federation presently consisting of a Federal Capital Territory and thirty-six states. Each of the States has its own separate system of law and court. The Federal Capital Territory and the Federal Government also have their own separate systems. Hence we have the Laws of Kano State; Laws of Lagos State; Laws of the Federal Capital Territory; and Laws of the Federation. Before the further fragmentation of Nigeria into splinter States, there were laws of the Western Nigeria, Northern Nigeria; Eastern Nigeria etc. If for instance, a lawyer is applying for the bail of an accused in a State High Court, the application will be brought pursuant to the provisions of the law of that state. Also, if a motorist commits a traffic offence on a federal high way, he will be prosecuted under the law of the state. The fact that each state has its own law makes it possible for there to be some differences between the states laws. For instance, the limit of the jurisdiction of the Chief Magistrate Court in Osun State has been recently increased to N30,000.00, while it is N 7,000.00 or 945,000.00 in some other States. This is why it is advisable for a lawyer to consult the relevant laws of other states outside the jurisdiction of his state anytime the need arises and check whether there is any dichotomy in the applicable laws.

The Federal Government and the State Governments usually publish copies of each of their own Acts or Laws respectively. Sometimes, the Ministry of Justice may co-ordinate a comprehensive review and publication of all the existing Acts or Laws. One of such compilation was done in 1990 at the federal level when the 1990 Laws of the Federation were compiled. All the existing Federal statutes and the delegated legislation with amendments in Nigeria up till 1990 have now been consolidated in the Laws of the Federation of Nigeria, 1990.

Law Reports

A modern law report gives the name of the case, its date, the court and the judges who sat in it, a headnote, an outline of the facts, the name of counsel, sometimes a summary of their argument and always a verbatim copy of the judgement. A case is usually cited by mentioning the names of the parties, the year or month of the case, the volume and the name of the law report and the page where the case is reported. Before we consider the list of law reports in Nigeria, it may be useful to know a little of the history of some foreign law reports. The history of the law reports falls into three main periods: the period of the 'Yearbooks', the period of private reporting and the modern period. The Year Books were originally written in Anglo-French (the court language of the middle ages) and they cover the period from 1283-1535. In the real sense of the word, law reporting commenced with 'Private' reporting with individuals like Sir James Dyer who started his reports in 1537. He was a Chief Justice of the Court of

Common Pleas. By the end of the eighteenth century, this mode of law reporting almost approximated the relevancy and accuracy of reports of the modern era. The most outstanding of them were the ones authored by Sir Edward Coke between 1572-1616 and are to this day accorded the distinction of being referred to as the "The Reports" by reason of their author's unrivalled eminence. Sir George Burrow's Reports (1756-1772) are also held in high esteem. The present reports in the United Kingdom include:

(i) Appeal cases covering the House of Lords and Judicial Committee of the Privy Council cited as A.C,;
(ii) Reports of the Divisions: Queen's Bench Division(Q.B.);
(iii) Chancery Division cited as (Ch) and formerly the Probate, Divorce and Admiralty Division cited as (Fain);
(iv) Court of Appeal cases are not reported in Appeal cases but in the reports of the Division from which the case came;
(v) Weekly Law Reports cited as W.L.R. This started as Counsel published Weekly Notes (W.N.) in 1866 which contained summary reports of recent cases before it was elevated to a law report in 1953;
(vi) The All England Law Reports which commenced in (1936) and cited mostly as All ER. or. A.E.R.
(vii) The Times Law Reports (1884-1952).

In addition, there are specialist reports such as the Industrial Court Reports (I.C.R), Tax Cases (T.C) and Reports of Restrictive Practices Cases (R.P.). Commercial firms also produce specialist reports such as Lloyd's List Law Reports now cited as Lloyd's Rep; and Criminal Appeal Reports cited as Cr. App. R.

The history of law reporting in Nigeria has been highlighted by Popoola in his review of the Nigerian Revenue Law Reports (N.R.L.R) thus:
"Law reporting started in Nigeria around 1874 with the publication of a series called the Renners Series which is a mere collection of private reports containing decisions of the Supreme Court of the Gold Coast Colony given during the period 1874 to 1885 When Lagos was administered as part of their debut on the Nigerian landscape. Of the lot, mention must be made of:

(i) Selected Judgments of the West African Court of Appeal (1930-1955);
(ii) Selected Judgments of the Federal Supreme Courts of Nigeria (1956-1961);
(iii) All Nigerian Law Reports (from 1961);
(iv) Law Reports of High Court of the Federal Territory of Lagos (1955-1966);
(v) Law Reports of the High Court of Lagos State (from 1967);
(vi) Western Region of 'Nigerian Law Reports from (1960);
(vii) Law Report of Eastern Region of Nigeria (1956-1958);
(viii) Law Report of the Eastern Nigeria (1959 -1967);
(ix) Law Report of the East Central State (from1970);
(x) Law Reports of the Northern Region of the Federation of Nigeria (1956-1961);
(xi) Law Reports of the Northern Nigeria (from 1962);
(xii) Mid-Western Nigeria Law Reports (from 1963-1966);
(xiii) Mid-Western State of Nigeria Law Reports (from 1967);
(xiv) Judgments of the High Court of Mid-Western State;
(xv) Annual Law Reports (from 1970);
(xvi) Law Report of Rivers State of Nigeria (from 1970);

(xvii) Judgments of the Supreme Court of Nigeria (from 1972);
(xviii) Selected Judgments of the High Court of Lagos State (from 1972);
(xix) Judgments of the Court of Appeal Western State (19783-1975); and
(xx) Loose-leaf cyclostyled Reports, published in some States of the Federation.

Apart from the above official law reports, virtually all of which have died a natural death, there are also, the Nigerian Monthly Law Reports (N.M.L.R.), which started in 1964, the University of Ife Law Reports which started in 1971, the Nigerian Weekly Law Reports (N.W.L.R), which emerged on October 1st 1985, the Supreme Court of Nigerian Judgment (S.C.N.J), the Nigerian Supreme Court Cases, the Supreme Court Digest of Cases and the Federation Weekly Law Reports which started in 2000. There are also specialised law reports, some of which include the African Law Reports (Commercial) (ALR), the Nigerian Constitutional Law Reports (N.C.L.R), the Nigerian Commercial Law Reports (N.C.L.R.) and the Nigerian Revenue Law Reports (N.R.L.R.). There are also casebooks which extract and comment on salient points and issues of law involved in selected cases in book form for easy reference. For example, Itse Sagay's Casebook on Contract, Kiser Barne's Cases and Materials on Company Law, Tony Weir's Cases and Materials on Torts and Professor Lens Sealy's Cases and Materials on Company Law, among others.

Locating a Case Law

The pertinent question now is how can a researcher locate a particular case? There are several possibilities. The first possibility is whether he has the citation. The citation usually serves as a clue to how to locate a particular reported case. Where the researcher already has the Citation, all he needs to do is to find out the shelf where the volume of the particular-report is shelved and trace it by either the year or volume plus the part in case of the Nigerian Law Reports. The other possibility is where the researcher knows the title of the case but does not know the citation. In such a case, he might flip through any standard book on the subject and check the list of cases referred to in the book on the preliminary pages or check through the index and note the citation. In addition, cases decided in England from 1947 onwards would have their citations stated in the Current Law Case Citators and older English cases would have their citation in the English Digest.

Cases index provides the best option where a researcher wants to check all the case authorities on a particular subject or issues. Indexes are produced periodically to provide a highlight of all the reported cases on different subjects or issues. Each law report usually has its own index. An Index is arranged alphabetically. For instance, cases relating to Administrative Law or Agency will be listed first under A before cases relating to Company Law under C. If a researcher is interested in cases on locus standi all he has to do is flip to the L column. Where he wants to check the judicial interpretation of certain words, phrases or expression such as "reasonable cause", "beyond reasonable doubt" among others, he should flip to the column "Words and phrases". Where the index is in arrears, it is important to keep abreast with new developments through new cases. The Nigerian Weekly Law Report as the name suggests comes out every week and report cases of the Court of Appeal and Supreme Court, while the Nigerian Supreme Court Judgment which reports only Superior Court case comes out usually every month or two. If a case is recent and has not been included in the index, the researcher that look at the list of cases printed at either the front page or back page of each issue and note if the case has been reported in that particular issue.

Periodicals

Apart from textbooks, another secondary source of material is the periodical, perhaps better known as the journal. One good reason why one needs a periodical is that there may not be any book on the area that one is researching into. A topic or aspect of knowledge can be so recent that no book has been written on it. Even where there are books, periodicals differ from books in the following ways:

(i) It usually appears at intervals: weekly, monthly, bi-monthly, quarterly, bi-annual etc. Whereas the author of a book discusses his subject in one complete issue or edition.
(ii) Its articles are briefer than books and one can get to the essential facts quicker.
(iii) It contains articles written by different writers.

There are two basic types of law journals. The first is the general law journal, with articles on different fields of law. The second type is the specialized journal that is devoted to a particular aspect of law such as business law, property law, taxation, banking etc.

Examples of Nigerian Law Journals are:

(i) Nigerian Current Law Review;
(ii) Nigerian Law Journal;
(iii) Journal of Islamic and Comparative Law;
(iv) Nigerian Journal of Private and Property Law;
(v) Gravitas Review of Business and Property;
(vi) Justice; and
(vii) Modern Practice Journal of Finance and Investment Law.

Most Faculties of Law in the country also have journals, which may be general or specialized. It is also useful to mention a few foreign journals such as the:

(i) Cambridge Law Journal
(ii) Harvard Law Review
(iii) Oxford Journal of Legal Studies
(iv) Yale Law Journal
(v) British Tax Review
(vi) American Bar Journal
(vii) Michigan Law Review

The pertinent question now is how can a researcher locate a particular periodical. The first thing is to locate and get to the journal section of the law library. One of the Options is to start picking the journal one by one with the hope of finding something "on your subject. This takes a lot of time and may prove futile. Another option is by using the citation. Journals are normally cited using abbreviations and are arranged according to the year and volume. Where the citation of a particular article contained in a journal is not known or one is even ignorant of the existence of such an article and other articles on the subject, the best approach in such a situation is to use a periodical index. The periodical index performs much the same functions for periodical articles as the library catalogue does for books. The index gives a list of all existing published articles in various Journals containing the subject of his interest and trace the different authors in alphabetical order. All you have to do is flip to the page containing the subject of your interest and trace the particular article and note the citation.

Reference Books

There are times when a researcher requires brief and concise information such as meaning of a word, date of events, quotation, location of places etc. Such information can be quickly looked

up in a reference book without reading a book from cover to cover. Reference books differ from regular books.

LEGAL WRITING

Legal practice involves a lot of writing. Whether a lawyer is practicing as an advocate, a solicitor or both, he needs to have a good grasp of legal writing. Whether a lawyer's goal is to advice a client or convince a court, his research is usually reduced to written form like letters, court processes and agreements. A good legal writing should be accurate, brief, clear, orderly and original.

Accuracy
A good legal writing should be accurate. Facts and information should be written correctly.

Brevity
Brevity in legal writing saves both the writer and reader's time. The meaning of brief sentences is easy to grasp. On the other hand, long and unwieldy sentences are difficult to understand.

Clarity
Legal language should be clear. Lawyers should use simple and unambiguous words and sentences that readers can easily understand.

Orderliness
A good legal writing should be orderly. To achieve this, a writer should first outline what he intends to write on before putting pen to paper. Outlining helps the writer cover all he intends to write on in a logical order.

Originality
Originality is one of the features of good legal writing. Lawyers should write down their ideas without copying from other writers verbatim. Where they use the ideas of other writers, they should not fail to acknowledge them.

ESSAY WRITING

An essay is a piece of writing or a literary composition. A composition is the art of composing or putting words together. Thus, essay writing is the art of creating a text on a subject-matter. There are different opinions on the classification of research essays. However, argumentative, descriptive, exploratory, persuasive and historical essays will be considered here.

1. Argumentative Essay
It is also called opinion essay. It entails writing for or against a viewpoint backed by evidence or proof. The proof in support of an argumentative essay should be verifiable like personal experiences or data collected by a notable body.

2. Descriptive Essay
Descriptive essays are concerned with conditions or relationships that exist, opinions that are held, processes that are ongoing, effects that are evident or developing trends. These essays use words to paint pictures of things or situations so that readers can appreciate them as if they had seen or experienced them. The aim of a descriptive essay is for the writer to clearly describe what he has seen, felt or experienced. With regards to a crime scene, for example, a writer

should be able to describe both the physical and abstract state of the scene in a way that readers can draw a mental picture of it as if they were there.

3. Exploratory Essay

They are pioneering research essays into areas hitherto unexplored. The result of such research provides a basis for further investigation into the area.

4. Persuasive Essay

This essay seeks to influence readers into believing or accepting the writer's view. The writer achieves this by presenting, explaining, clarifying and illustrating his proposal to spur the readers to believe and accept what he believes. To effectively do this, the writer needs to know his subject. He also needs to use logic of argument or emotional appeal or both styles of persuasion.

5. Historical Essay

Historical essays investigate records of past events and happenings and relate them with current happenings. These essays help to understand the present and predict the future. Generalizations could also be drawn from them.

Methods and Approaches in Essay Writing

To write a good essay, a writer needs to adopt certain basic guidelines. They are as follows.

1. Choosing a Topic

Choosing a topic can be challenging. A writer needs to choose a topic he genuinely desires to know more about. Otherwise, he will not enjoy researching into it and he will have difficulties writing about it. The result is that he is not likely to learn something new and add to knowledge. Other factors that may guide a writer in choosing a topic include choosing a topic that is important enough to make useful contribution to knowledge. One of the aims of writing research essays is to reach conclusions that will lead to new information and help solve problems, make predictions and understand the environment. Secondly, a research topic should be sufficiently original. Replication is not good for scholarly writing. However, an essay which throws more light on issues already raised in earlier essays, is original in its own right. Thirdly, a writer needs to choose a topic that is researchable. Useful information and data should be available to aid a writer's research. No research effort will succeed if data is not available on a chosen topic. Data may be collected by questionnaires, interviews and observation. Fourthly, a chosen topic should be manageable. A writer should be able to easily adjust the scope of a topic when the need arises. It is thus important that topics are not chosen only out of emotions. They should also be chosen on realistic appraisal.

2. Preliminary Reading

After choosing a topic, a writer should do expository reading. This will give him an overview of the subject-matter. Further useful information concerning the topic will come to fore. This may prompt the writer to even rethink the chosen title.

3. Formulating the Research Problem or Question

Formulating a research problem is easy after a writer has done expository reading of literature on the topic under investigation. Formulating a research question helps the writer mark out where he is going before he sets out.

4. Testing the Idea

After formulating the research problem, the problem needs to be tested. This can be done by subjecting the research problem to one or more of the following test.

a. Writing test
b. Credibility test
c. Friendly test
d. Possibility test
e. Statistical test

5. Getting the Needed Materials

To get the appropriate materials for a quick research, a writer needs to be guided by the following factors.

a. Get only materials on the subject-matter of the research
b. Get recently published materials
c. Get materials that are classic and of high standard

6. Preparing the Outline

After getting enough materials, it is necessary to outline the essay into chapters. The purpose of an outline is to show the main areas the essay will cover. It can also help in determining what part of the essay needs to be shortened and what part needs to be expanded.

7. Organising the Reading

Here, the writer needs to organise his reading time using the following guidelines.

a. Doing selective reading
b. Doing responsible reading
c. Doing critical reading

8. Writing the Essay

There are no fast or hard rules to the number of stages in drafting an essay. However, four stages will be adopted hereunder in line with the opinion of Sanni.

a. First Draft

This is usually drawn from the outline earlier made. The first draft is usually sketchy, disjointed and unimpressive. However, without a skeletal draft to build on, a writer may be unable to compose an essay.

b. Second Draft

Here, the writer edits the first draft by removing what ought not to be added, amending improperly couched sentences and adding new information to the first draft. At the end of this stage, the writer would have a larger and coherent summary of the essay.

c. Third Draft

The writer fleshing's up the draft essay with more relevant information. Unnecessary information, repetitions and ambiguous language which were not identified at the second stage are removed. At the end of the stage the writer will have a complete draft essay.

d. Fourth Draft

At this stage, the writer examines the structure of the essay. He may shift sentences and paragraphs from one position to another to ensure the logical flow of information. Thereafter, the writer should painstakingly read the essay line by line to correct any remaining error(s). The essay is ready for typing at this stage.

9. Typing the Essay

Technology has greatly impacted on the use of typist for the purpose of typing the final draft of essays. Nowadays, writers most often than not type directly on their computers. They usually resort to external help only for editing and publishing. This is however not the case for a number of Nigerian students. They still use the business centres for the purposes of typing, printing and binding their final year long essays. Students are usually dissatisfied with the typed final draft of their essays. It is therefore pertinent to state that while it is the typist' duty to the student to ensure that the typed essay is the exact copy of the draft given to him, it is the student's duty to present a correct essay to the university. To aid the smooth and quick typing of the essay, students should enter an agreement with the typist as to the quality of paper and ink, cost, time schedule and other incidental matters.

10. Proof Reading and Binding

After the typing and printing of the first draft of the essay, the writer should carefully read it at least once. Last amendments and typographical errors should be corrected at this stage. If the writer is satisfied with the final draft and the corrections made (if any), the essay will be taken for editing and publishing according to his specification. However, a student must abide by the number, size and colour prescribed by the university otherwise the essay will be rejected. Unless he corrects the wrong, he will not graduate.

Writing requires some special skills. These skills can be acquired by reading and studying the rudiments of writing. The mood, tune and diction of writing depends on what is being written. For legal writing, these variables are often formal and substantiated with legal rhetoric.

STUDY QUESTIONS

1. Briefly describe the Nigerian sources of law you know.
2. What is legal research and why do law students need knowledge of legal research?
3. "A good lawyer is the one who knows the law, a better lawyer is the one who knows where to find the law while the best lawyer is the one who knows the law and where and how to find the law". Discuss.

   Hints

   The above statement is a modification of the statement credited to king George III that lawyers do not know much law than other people. But they know where to find it. The statement underscores the essence of research and the effective use of sources materials to a lawyer. Explain the meaning of the word "research" and why it is necessary to research. The help of a law librarian may make research very easy. However, the fact is that a good law librarian is not easy to find.
4. "A good legal writing should be accurate, brief, clear, orderly and original." Discuss.
5. List and briefly explain the different stages in essay writing.
6. What factors should a writer consider in choosing a research topic?