

Contemporary Studies

&

LAW



of

Journal

INTERNATIONAL

2007

NUMBER 1 & 2

VOLUME 2

ISSN: 1597-7560

**INTERNATIONAL JOURNAL**  
**OF**  
**LAW**  
**AND**  
**CONTEMPORARY STUDIES**

**VOLUME 2**  
**NUMBER 1 & 2**  
**2007**

**ISSN: 1597 - 7560**

**INTERNATIONAL JOURNAL OF  
LAW AND CONTEMPORARY STUDIES**

VOLUME 2

NUMBER 1 & 2

2007

**CONTENTS**

Back to 1999: The 2007 General Elections and Nigeria's Image Crisis <b>Victor Egwemi</b> <b>Usman, A. Tom</b>	1
Contemporary Legal Development in Pre-incorporation Contracts in Nigeria <b>Aniedi J. Ikpang</b>	17
Law as a Catalyst for Economic Development- A Reflection on Nigerian Investment Promotion Commission Act <b>Ike Odume</b>	26
<i>Stare Decisis</i> in Nigeria and the Refusal of Inferior Courts to follow Precedent <b>Imo J. Udofa</b>	33
De-emphasizing Violence Against Women in Nigeri <b>Osakinle, E. O.</b> Nigeria <b>Tayo-Olajubutu, O.</b>	48
Military, Political and Social Challenges to African Security <b>Edeko, S. E.</b>	55
Exploring the Marketing Mix Elements in Nigerian Politics <b>Worlu Rowland, E. K.</b>	66
Incongruity of Claim for Special and General Damages in Contract <b>Odigie, D. U.</b> <b>Omoregie, E. B.</b>	85
Issues of Criminality, Statute and Administrative Adjudication in Nigeria <b>Akpan, S. I.</b>	92
Due Process and Financial Management in Nigerian Government <b>Ademola Adebisi</b>	100

Due Process in Public Building Delivery <b>Simon Eigbe</b>	112
Registration of Instruments and the Doctrine of Notice in Nigeria <b>Mohammed Sani</b>	123
Kidnapping/Hostage Taking in Nigeria's Oil Rich Niger Delta Region: The Way Out <b>Edem U. U. Ekanem</b>	134
Opportunism and Expediency: Interrogating the Basis and Logic of Electoral Violence in Nigeria <b>Okoli, Al Chukwuma</b>	146
Local Governments as Third Tier of Governance in Nigeria's Emergent Democratic Dispensation <b>Shehu Dalhatu</b>	152
A Legal Framework for Environmenal Protection in Nigeria <b>Mohammed Sani</b>	157
Optimizing University Finance in 21st Century Nigeria <b>Fubara, B. A.</b> <b>Agundu, P. U. C.</b>	164
The Rights of the Persons of Unsound Mind under the Nigerian Legal Systems: Myth Or Reality? <b>Segun Onakoya</b>	172
Resolving Inter-governmental Pressure on Local Government Authorities for Efficient Governance in Nigeria <b>Abonyi N. Nnaemeka</b>	183
Mental Defectiveness and Criminal Responsibility Under the Criminal Law: Status Appraisal <b>Ngozi Stewart</b>	205
Governance and Politics of Administering Universities in Uganda <b>Kakuba S. Juma</b>	224

# **THE RIGHTS OF THE PERSONS OF UNSOUND MIND UNDER THE NIGERIAN LEGAL SYSTEMS: MYTH OR REALITY?**

SEGUN ONAKOYA

## **INTRODUCTION**

Under the Nigerian Legal System, '*Persons of Unsound Mind*' have been variously described as Lunatics, Persons suffering from insanity and other forms of mental disability. Insanity is defined as any mental disorder characterized by temporary or permanent irrational or violent deviations from normal thinking, feeling and behaviour<sup>1</sup>. It is equally described as any degree of mental unsoundness resulting in inability to distinguish between right and wrong, while in a loose sense, all morbid conditions of mind due to diseased action of the brain or nervous system<sup>2</sup>.

Historically, the law and the society over the years regarded only mentally-ill persons who are prone to violence as the only category of people whose behaviour and activities should be regulated by the relevant enactments. However, in the recent times, emphasis have shifted from '*violence-prone persons*' to the '*persons lacking mental capacity*' to act. The legal system exercises significant influence over the mental health system in every ramification. Laws have been designed to protect people who display abnormal behaviour and society.

Often, achieving this protection is a delicate balancing act, with the scales sometimes thought to be tipped in favour of the rights of individuals and at other times in favour of society as a whole since the essence of law in every society is to regulate human behaviours and activities. The Nigerian Legal System regulates different aspects of human endeavours which make it multidimensional. All these aspects clearly spell out the rights, privileges and obligations of individuals and group of persons. It is in view of the aforesaid that the rights and obligations of persons of unsound mind shall be critically-examined.

## **RIGHTS OF PERSONS OF UNSOUND MIND UNDER CRIMINAL LAW**

The purpose of our criminal justice system is to protect our lives, our liberty, and our pursuit of happiness, but not all people are punished for criminal behaviour. The law recognizes that, under certain circumstances, people are not responsible for their behaviour and it would be unfair and perhaps ineffective to punish them<sup>3</sup>. The question

---

**Segun Onakoya** is a Lecturer in the Department of Private and Business Law, University of Ibadan, Nigeria.

International Journal of Law and Contemporary Studies, Vol. 2, No. 1 & 2  
© 2007 by The Development Universal Consortia. All Rights Reserved

as to the criminal responsibility of persons of unsound mind has created a meeting point for medicine and the law which in common parlance is referred to as "*Forensic Psychiatry*". Forensic Psychiatry is the branch of medicine that deals with disorders of the mind and their relation to legal principles. It is specifically concerned with: (a) the legal provisions for the restraint and formal confinement of the mentally-ill for treatment; (b) the rights and responsibilities of the mentally-ill in civil law; and (c) the fitness or otherwise of the mentally-ill person charged with a crime, to plead his case in court and his responsibility for his acts in Criminal Law.

Under the Criminal Justice in Nigeria, every person who is charged with a Criminal Offence shall be presumed to be innocent until he is proved guilty<sup>4</sup>, whilst by the same token section 36(6) of the constitution of the Federal Republic of Nigeria 1999 provides every person who is charged with a criminal offence shall be entitled to:

- (a) Be informed promptly in the language that he understands and in detail of the nature of the offence.
- (b) Be given adequate time and facilities for the preparation of his defence.
- (c) Defend himself in person or by, legal practitioners of his own choice.
- (d) Examine, in person or by his legal practitioners, the witnesses called by the prosecution before any court or tribunal and obtain the attendance and carry out the examination of witnesses to testify on his behalf before the court or tribunal on the same conditions as those applying to the witnesses called by the prosecution.
- (e) Have, without payment, the assistance of an interpreter if he cannot understand the language used at the trial of the offence. It is against the backdrop of the aforestated constitutional provisions that we shall examine the position of the mentally-ill people.

### ***FITNESS TO PLEAD IN COURT***

The purpose of our Criminal Justice System is to protect our lives, our liberty, and our pursuit of happiness, but not all people are punished for criminal behaviour. The law recognizes that under certain circumstances, people are not responsible for their behaviour and it would be unfair and perhaps ineffective to punish them. It has long been accepted as inhuman to subject a person to trial when that person is incapable of offering any defence. An accused person is therefore deemed incompetent to stand trial if because of mental illness. Such an accused person is unable to understand the charge or participate meaningfully in own defence. The question of an accused person's competence to stand trial may be raised by either the defence or the prosecution. When this happens, the court orders the detention of the accused for psychiatric examination and determination of competence to plead<sup>5</sup>.

Fitness to plead requires that: (a) the accused be able to understand the charge, (b) the accused be able to follow the evidence and (c) the accused be able to consult with Counsel in own defence.

Where the accused is found to be unfit to stand trial, he is deemed to be “*insane on arraignment*” and in such cases the Court will order that he be detained in custody for psychiatric treatment until such a time as he is certified fit to plead. Such an order in practice “*during the pleasure of the governor*” that without limit of time<sup>6</sup>. Section 230 of the Criminal Procedure Act provides inter-alia that; “*whenever the finding states that the accused person committed the act alleged, the court before which the trial has been held shall, if such act would but for incapacity found have constituted an offence, order such person to be kept in safe custody in such place and manner as the court thinks fit shall report the case for the order of the Governor*”. Sub-section (2) further states- “The Governor may order such person to be confined in a lunatic asylum, prison or other suitable place of safe custody during the pleasure of the Governor”.

The above provisions appear to be rooted in the provision of Chapter IV of the constitution of the Federal Republic of Nigeria<sup>7</sup> which states that every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in certain cases and in accordance with a procedure permitted by law, which instances include the case of persons suffering from infectious or contagious disease, *Persons Ersons of Unsound mind*<sup>8</sup>, persons addicted to drugs or alcohol or vagrants, for the purpose of their care or treatment or the protection of the community.

It is important to note that notwithstanding the fact that the plea of “*insanity*” in our criminal justice system appears to provide a solid defence for an accused person, the task of proving same is nonetheless daunting. The defence must establish the following: (a) that at the time of committing the crime, the accused was in a state either of mental disease or of natural mental infirmity and (b) it must be shown that the disease or infirmity was such as to have deprived him, either: (i) of his capacity to understand what he was doing; or (ii) of his capacity to know that he ought not to do the act or made the omission; or (iii) of his capacity to control his actions<sup>9</sup>.

One of the primary issues here bothers on ‘responsibility’ which dictates that by all means, full evidence should be given as to the mental state of the accused person at the time he committed the unlawful act, and the psychiatrist should go behind such labels as “*mental disease*”, “*psychosis*”, “*schizophrenia*”, “*sociopath*”, and describe the mental state in terms of everyday decisions and conduct. It is noteworthy that a test for determining the degree of mental disorder requisite for relieving an accused person of criminal responsibility was first seriously propounded in England in the famous and so-called M’Naghten Rules, formulated in 1843 by the judges as advice given to the House of Lords after M’Naghten’s case<sup>10</sup>. These rules were: (a) that everyone is

presumed sane until the contrary is proved, (b) that it is a defence for the defect of reason, due to disease of the mind as either not to know the nature and quality of his act, OR if he did not know this, not to know that he was doing wrong, (c) that if a man commits a criminal act under an insane delusion; he is under the same degree of responsibility as he would have been on the facts as he imagined them to be.

In the Nigerian case of *Loke v. The State*<sup>11</sup> the accused was charged with the murder of the deceased, whom he beheaded. At the trial, he entered a plea of not guilty by reason of insanity. Evidence of insanity of the accused was adduced at the trial. The trial court rejected the plea of not guilty by reason of insanity on the ground that there was nothing to suggest that the accused was insane at the time of the commission of the offence.

On appeal against conviction, the appellate court held that evidence adduced at the trial was enough to establish that the appellant was suffering from mental disease which prevented him from understanding what he was doing and prevented him from knowing that he ought not to do the act constituting the offence. Therefore, it held that the plea of not guilty by reason of insanity entered by the appellant ought to have been accepted. It allowed the appeal and substituted a verdict of not guilty by reason of insanity.

Also, in *Kayode Adams v. Director of Public Prosecutions*<sup>12</sup>, the trial court found that the accused committed the offence of wounding with intent to kill as a result of insanity. There was evidence that he committed the offence because he was enabling to control his action. Therefore, that accused was found not guilty by reason of insanity and ordered to be kept in safe custody pending the pleasure of the Governor. The accused appealed against the custodial order of the trial court, contending that having been found not guilty by reason of insanity, he ought to have been discharged and acquitted.

The appellate court held that in accordance with sections 229 and 230 of the CPA, if an accused person committed an offence, but is found not guilty by reason of insanity, the trial court is enjoined to order that the accused be detained in safe-custody pending the Governor's pleasure. It is immaterial whether the insanity suffered by the accused is due to his inability to control his action or inability to appreciate that what he did was wrong or inability to know that he ought not to do the act or make the omission constituting the offence. Once it is established that he committed the offence as a result of insanity, a custodial order must be made against him.

### **THE EXECUTION OF THE PERSONS OF UNSOUND-MIND**

This is a new dimension to the rights of the persons of unsound mind which appears not to have been given any serious thought by the principles enunciated in the famous case of Daniel M' Naghten. One of the new areas of competence to emerge in



the interface between psychiatry and the law is the question of the condemned criminal who became mentally-ill while awaiting the execution of death sentence passed on him. That requirement for competence is thought to rest on three general principles:

First, the patient's/condemned person's awareness of what is happening is supposed to heighten the retributive element of the punishment. Punishment is held as meaningless unless the patient is aware of what it is and to what it is a response. The second element is more of religious than legal; that is competent persons about to be executed preserve until the end the possibility (admittedly slight) of recalling some forgotten detail of the events or the crime that may prove exonerating<sup>13</sup>.

It is to be noted at this juncture that under our legal system, a person condemned to execution of court in respect of criminal offence of which he has been found guilty in Nigeria shall be deprived of his fundamental right to life as provided for by the law<sup>14</sup>. However, the question which arises from the foregoing is whether it is desirable to apply the aforesaid constitutional provision to a person discovered to have developed features of mental illness while awaiting execution resulting from a conviction and sentence by a court of competent jurisdiction.

It is not widely realized, even amongst Legal Practitioners, law teachers and students that a prisoner condemned to death may not be executed if while awaiting execution the prisoner became mentally-ill. The position of the law in this regard states quite clearly that where a prisoner under sentence of death is the subject of an "*enquiry into his insanity*", the Governor shall direct the suspension of sentence until a medical report is received. When such a person is "*certified to be insane*" then the Governor shall order a stay of sentence of death while the condemned prisoner is removed to "*... a fit place for the custody and treatment of lunatics*", otherwise designated an "*Asylum*".

When such a prisoner has been successfully treated and has recovered from the features of a mental illness, then having received a report to this effect, the Governor may order that he be "*remitted to prison to be dealt with according to Law*"<sup>15</sup>. A critical examination of the provision of the law referred to above reveals two obvious implications, both of them undesirable. First, a condemned prisoner can by the exhibition of mental symptoms that resist treatment, post-pone execution indefinitely. Second, the object of treatment in such cases is to make the prisoner "*well enough to be executed*". This is likely to appreciably undermine the entire therapeutic relationship between the doctor (psychiatrist) and the patient (Condemned Prisoner) and to jeopardize the prospects of successful treatment<sup>16</sup>.

However, the position of law in our jurisdiction with respect to a person of unsound mind awaiting execution of the court's sentence is yet to be tested in our courts, yet it is desirable that the rights of a person of unsound mind and public be balanced to avoid miscarriage of justice while giving effect to the relevant enactments on this matter.

## **RIGHTS OF PERSONS OF UNSOUND MINDS UNDER THE CIVIL LAW**

The rights or deprivations thereof, of a person of unsound mind viz mentally-ill will be examined under the civil law. For the purpose of our discourse, different aspects of the Nigerian Legal System save the Criminal law will be considered. These areas of our legal system include: (i) matrimonial causes law (family law) (ii) law of contract (iii) company law and (iv) law of torts.

**Matrimonial Causes (Family Law):** Marriage has been described as a voluntary union by two consenting adults of opposite sex to the exclusion of others<sup>17</sup>. The aforesaid clearly reveals that as in the law guiding contract, there must be *consensus ad idem* between the parties to a contract of marriage. It is against this backdrop and mental capacity of the parties that we shall now examine the rights of persons of unsound mind from two vantage positions; namely (i) insanity at the time of marriage and (ii) insanity/Mental-illness which developed after marriage.

Firstly, it is apparent that a mentally-ill person may not be able to contract a marriage as such a person lacks mental capacity to consent to the union and or adhere to the rules guiding such a delicate union which our legal system sets out to protect its sanctity. Secondly, mental illness and mental deficiency may act as grounds for annulment of a previously contracted marriage and may constitute grounds for a divorce. Section 3(1) (d) (iii) of the Matrimonial Causes Act, 1970 makes it abundantly clear that it is necessary that parties to a statutory marriage are sane. If one of the parties is insane and therefore mentally incapable of understanding the nature of the marriage contract, the marriage will be void abinitio. *Singleton, L. J. In the Estate of Park*<sup>18</sup> formulated the test applicable in such cases as follows:

*Was the (party) ... capable of understanding the nature of the contract into which he was entering, or was his mental condition such that he was incapable of understanding it? To ascertain the nature of the contract of marriage a man must be mentally capable of appreciating that it involves the responsibilities normally attaching to marriage. Without that degree of mentality, it cannot be said that he understands the nature of the contract.*

A 'mental defective' is defined in the Matrimonial Causes Act 1970<sup>19</sup>.

*As person who, owing to an arrested or incomplete development of mind, whether arising from inherent causes or induced by disease or injury requires oversight, care or control for his own protection or for the protection of others and is by reason of that fact, unfitted for the responsibilities of marriage.*

Thus, a spouse who is of unsound mind or a mental defective is regarded by the law as being incapable of carrying on a normal married life. The other part to the marriage is, therefore allowed to petition for the nullity of the marriage.

In *Hunponu – Wusu v. Huponu – Wusu*<sup>20</sup> the Court held that while, therefore, the marriage may in fact take place during a lucid interval, it is mandatory in order to come within this provision that the spouse must at that time be subject to further insanity. It has, however been held in *Durham v. Durham*<sup>21</sup> that the burden of proving that a party was insane at the time of the marriage lies on the party asserting it. Generally, in any proceeding before any court in which the custody or upbringing of a child is in question, the court in deciding that question shall regard the welfare of the child as the first and paramount consideration, and shall not take into consideration whether from any other point of view the claim of the father, or any right at common law possessed by the father, in respect of such custody, is superior to that of the mother, or the claim of the mother is superior to that of the father.

**Custody:** In *Afonja v. Afonja*<sup>22</sup> the court held that it was in the best interests of the infant to be given to the custody of the mother, who was anxious to live with her all the time, than to be left in the custody of the father who had arranged for the child to live with his sister-in-law during school term and to reside with him only during the holidays. Taking cue from the above judicial decision, it is obvious that no court will order that a parent who is mentally-ill takes the custody of his child since he lacks mental capacity to take care of the child, and neither has he control over his actions.

**Testamentary and Contractual Capacity:** An important requirement of the law relating to Wills is that a testator must have executed his Will with the intention that it is his last will and testament. Such a will will be lacking where, for instance, the testator is insane or was compelled to execute the Will. This requirement does not, however, apply in the case of privileged Will of soldiers, airmen and sailors<sup>23</sup>. Every person has the capacity to make a Will irrespective of whether or not such a person is subject to customary law<sup>24</sup>. There are, however, a number of exceptions to this general rule, which include: (a) persons of unsound mind – a testator must of necessity possess a sound mind and memory so as to enable him understand the nature of the act in which he is involved. If a testator is of unsound mind, that will invalidate his Will.

The Court in the case of *Federal Administrator – General v. Johnson*<sup>25</sup> held that the relevant time for determining the testator's mental capacity is the time the Will is made. If, for instance, the Will was executed during a lucid interval it remains valid even though the testator subsequently becomes of unsound mind. There is, however, a presumption in favour of the testator's capacity. But if evidence of his unsoundness of mind is adduced, the burden of establishing his capacity falls on the party who sets up the Will. It should thus be noted evidence of clarity of mind requires that the testator:

- (i) Understands the nature and effect of making a will.
- (ii) Has reasonable knowledge of the extent of his property.

- (iii) Knows and appreciates the claims to which the testator should give effect, that is, the testator must know who the beneficiaries are;
- (iv) Is not influenced in making the disposition by any abnormal emotional state or delusions<sup>26</sup>.

**Contract and Company Law:** The most basic rule of contracts is that they are binding on the parties to them. Indeed, the most common definition of a contract is that, the courts will enforce, that is an agreement binding at law. It should be noted that there is no specific domestic Law that governs contract in Nigeria; however most of the principles of the law of contract follows the position under the English law by virtue of the statute of General Application (SOGA). Contracts concluded by a lunatic or a mentally disordered person can be classified into two categories, contract for necessities and contracts for other things. In the case of contracts for necessities, the mentally disordered person is bound like everybody else<sup>27</sup>.

Section 2 of the Sale of Goods Act 1893 provides that where necessities are sold and delivered to a person “*who by reason of mental incapacity or drunkenness is incompetent to contract, he must pay a reasonable price therefore*”. Necessaries mean goods suitable to the condition in life of the person concerned and his usual requirement at the time of sale and delivery. The mentally disordered person’s liability therefore arises *quasi-ex contractu*, but the obligation does not arise unless it was the intention of the person supplying the necessary goods the he should be repaid.

It must however be inferred that some element of consent on the part of the lunatic person or his agent is necessary for liability to arise “for a person can hardly force goods (*even necessary*) on a mentally disordered person and then claim payment<sup>28</sup>” Where the goods are not necessary goods, the mentally disordered person is also bound by his contracts, unless he can show the following: (a) that owing to his mental condition, he did not understand what he was doing, and (b) that the other party was aware of his incapacity<sup>29</sup>.

It is important to note that even where a person is suffering from a mental disorder, contracts made by him during lucid intervals are binding on him. Also, a person of unsound mind may ratify earlier contracts entered into by him during the lucid intervals. However, where it was in fact established that a person was of unsound mind when he concluded the contract, and the other party was aware of his condition, the effect is to make the contract voidable at his option and not void<sup>30</sup>. It is fundamental at this juncture to briefly examine the right of a person of unsound mind in relation to formation of Company or Business Associations.

Section 20(1)(b) of the Companies and Allied Matters Act, 2007 provides among other things that: *Subject to subsection (2) of this section, an individual shall not join in the formation of a company under this Act if . . . (b) he is of unsound*

*mind and has been so found by a court in Nigeria or elsewhere . . .* The above provision, it appears does not accommodate the 'lucid interval' of the person of unsound mind as this may be as a result of the pivotal role companies make in the economic development of a nation and the need to make day to-day decision in the management of the company at any level.

### **CONCLUDING REMARKS**

In conclusion, a cursory look at the legislations relating to persons of unsound mind in Nigeria reveals that not so much attention has been given to their plight by government and society at large. For instance, unlike what obtains in the developed world, there is no enactment stipulating right of persons of unsound mind to standard quality of care which is otherwise referred to in the United States as "right to treatment". The Constitution of the United States which is akin to the constitution of the Federal republic of Nigeria 1999 sets forth specific rights for all individuals in accordance with the ethical values held by the larger society; these rights are protected by civil law and are accepted and assumed as expected outcomes<sup>31</sup>.

The striking difference, however is that in the United States and other developed nations, the rights for all is generally assumed, much attention has recently been given to the protection and enforcement of rights of individuals seeking or requiring health care<sup>32</sup>. In other climes, it is mandatory that institution or agency and the health care providers share responsibility for explaining to individuals their rights as client's<sup>33</sup> in that facility. It is expected that clients' rights will be explained in a manner that clients can understand. In the explanation of rights, it is necessary to inform clients of the facility's rules or regulations that will have an impact on conduct and behaviour.

Clients should be assured of their right to impartial access to treatment and should receive care that respects personal dignity<sup>34</sup>. In view of the aforesaid, it is therefore recommended that such legislation that takes care of the Rights of Mental Health Clients or generally persons of unsound mind should be enacted to specifically guide and guard against cruelty and discrimination of persons of unsound mind particularly when such persons appears to have positive respond to treatment or when fully restored to normalcy.

### **REFERENCES**

- Barlow, D. H.** and **Durand, M. V.** (2002). *Abnormal Psychology 3rd*: Learning Inc. USA.
- Janosik, E. H.** and **Davies, J. L.** (1996). *Mental Health and Psychiatric Nursing (2nd ed)*. Little: Brown in Company (Inc.) USA.

- **Kaplan, H. I.; Badock, J.; Grebb, J. A.** (2002). *Kaplan and Sadock's Synopsis of Psychiatry, Behavioural Sciences, Clinical Psychiatry (9th edn.)* Williams and Wilkins.
- Nwogugu, E. I.** (1990). *Family Law in Nigeria (Revised Edition)*. Nigeria: Heinemann Educational Books Limited.
- Okonkwo, C. O.** (1990). *Okonkwo and Naish Criminal Law in Nigeria (2nd edn.)*. Nigeria: Spectrum Law Publishing.
- Sagay, I. E.** (1989). *Nigerian Law of Contract*. Nigeria: Spectrum Law Publishing.
- Umerah, B. C.** (1989). *Medical Practice and the Law in Nigeria*: Nigeria: Longman Nig. Lt.
- Mac Rae, A. K.** (1969). *Forensic Psychiatry in Companion to Psychiatric Studies, Vol II* Churchill Livingstone Edinburgh.
- Constitution of the Federal Republic of Nigeria 1999.**
- Criminal Procedure Act** Cap C41 LFN 2007.
- Matrimonial Causes Act** Cap M7 LFN 2007.
- The New International Webster's Comprehensive Dictionary of the English Language** (2004) Typhoon International Corp.

### **NOTES**

- <sup>1</sup>The New International Webster's Comprehensive Dictionary of the English Language. 655pp.
- <sup>2</sup>The New International Webster's Comprehensive Dictionary of the English Language. 655pp.
- <sup>3</sup>Barlow, David H. Mark Durand, V. (Eds.) (2002). *Abnormal Psychology (3rd Edn)*. Thomas Learning Inc. USA, 515pp.
- <sup>4</sup>Section 36(5) of the Constitution of the Federal Republic of Nigeria, 1999.
- <sup>5</sup>Umerah B.C. (Ed) (1989) – *Medical Practice and the Law in Nigeria*. Pg. 163
- <sup>6</sup>Sections 225; 230(1) and (2) Criminal Procedure Act Cap. C 41 L.F.N 2004.
- <sup>7</sup>Section 35(1) (e)
- <sup>8</sup>Emphasis Mine.
- <sup>9</sup>Okonkwo C.O.(1990). *Okonkwo and Nash – Criminal Law in Nigeria (2nd Edn.)*. At 133pp.
- <sup>10</sup>(1843) 10 Cl. & F. 200
- <sup>11</sup>(1985) 1 All Nigeria Law Report 1.

<sup>12</sup>(1966) 1 All NLR 12.

<sup>13</sup>Kaplan, Harold I. Sadock, Benjamin J. Grebb, Jack A. (2002) – “Kaplan and Sadocks Synopsis of Psychiatry. Behavioural Sciencis, Clinical Psychiatry 9th Edition. Williams and Wilkins. 1180pp

<sup>14</sup>Section 33(1) of the Constitution of the Federal Republic of Nigeria.

<sup>15</sup>Section 232 of the Criminal Procedure Act Cap 41 LFN 2007.

<sup>16</sup>Umerah, B.C. (Editor); Medical Practice and the Law in Nigeria. 166pp.

<sup>17</sup>Per Lord Penzance in Hyde V. Hyde (1886) LR 1 P & D 130 at 133

<sup>18</sup>(1953) 2 All ER 1411, 1430

<sup>19</sup>Section 5 (2)

<sup>20</sup>(1969) 1 All NLR 62

<sup>21</sup>(1885) 10 PD 80, 1 TLR 338

<sup>22</sup>(1971) 1 UILR 105

<sup>23</sup>Nwogugu, E.I.: Family Law In Nigeria (Revised Ed.) P. 373

<sup>24</sup>Adesunbokan V. Yinusa (1977) NNLR 77; Section 67(i) of Succession Law Edict, 1987.

<sup>25</sup>(1960) LLR. 290

<sup>26</sup>Mac Rae, A.K. (1969): Forensic Psychiatry. In Companion to Psychiatric Studies, Vol. II (Ed. Alastair Forrest), pp. 488-510, Churchill Livingstone, Edinburgh

<sup>27</sup>Sagay, I.E. (1989): Nigerian Law of Contract– P. 411.

<sup>28</sup>Chitty On Contracts (25th Ed.) Vol. 1. P. 599. n. 76.

<sup>29</sup>*Melton v. Camrout* (1847) 4 Exch. 17.

<sup>30</sup>I. E. Sagay: Nigeria Law of Contract P. 411.

<sup>31</sup>See Chapter IV CFRN 1999.

<sup>3</sup>Janosik, Ellen H. Davies, Janet L. (1996): Mental Health and Psychiatric Nursing (2nd Edn.) Little, Brown and Company (Inc.) U. S. A. P. 508.

<sup>33</sup>Clients here refers to mentally-ill person.

<sup>34</sup>Janosik, Ellen H. Davies, Janet L. (1996): Mental Health and Psychiatric Nursing (2nd Edn.). Little, Brown and Company (Inc.) USA, 508pp.