

## THE LAW OF EVIDENCE

Evidence is a branch of procedural law that enables parties to a case to establish, build up or simply prove their cases. Several scholars have defined what the law of evidence means;

- a) Taylor defines evidence as: "All legal means, exclusive of mere argument, which tend to prove or disprove any matter of fact; the truth of which is submitted to judicial investigation"
- b) Nokes' definition is that Evidence means: "Judicial evidence consisting of
  1. Facts which are legally admissible, and
  2. The legal means of attempting to prove such facts.
- c) Philpson states that evidence means "the testimony, whether oral, documentary or real, which may be legally received in order to prove or disprove some facts, in dispute".
- d) According to Cross, evidence is "the testimony, hearsay, documents, things, and facts, which a court will accept as evidence of the facts in issue in a given case".
- e) To Best, evidence is "any matter of fact, the effect, tendency or design of which is, to produce in the mind, a persuasion, affirmative or disaffirmative, of the existence, of some other matter of facts"
- f) Aguda adds that Evidence is "The means by which facts are proved but excluding inferences and arguments".
- g) According to Stephen the term evidence means "The words uttered and things exhibited by witnesses before a court of law."
- h) Blackstone states that "Evidence signifies that which demonstrates, makes clear or ascertains the truth of the facts in issue."

However, the **Evidence Act, Cap.6** under **Section 2** defines evidence to mean the means by which any alleged matter of fact, the truth of which is submitted to investigation is proved or disproved and includes statements by accused persons, admissions, judicial notice, presumptions of law and ocular observation by the court

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