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OSUN STATE UNIVERSITY, OSOGBO

COLLEGE OF LAW, IFETEDO CAMPUS

P.M.B. 003, IFETEDO

BACHELOR OF LAWS (LL.B.) – PART II
HARMATTAN SEMESTER EXAMINATIONS, 2013/2014 ACADEMIC SESSION
COURSE TITLE: NIGERIA LEGAL SYSTEM 1
COURSE CODE: PUL 201

INSTRUCTIONS: ANSWER ANY FOUR QUESTIONS
LEGIBLE HANDWRITING AND LOGICAL EXPRESSION OF ANSWERS ARE IMPORTANT
TIME ALLOWED: 2 HOURS, 30 MINUTES

1. The Family Head of Ayanlowo's family died intestate. Before his death, he married two wives. His first wife had eight children while the second wife had one child. The family has decided to share the property of the Head of the family in two equal parts to each of the wives and their respective children or child as the case may be. The eldest child, Adekanbi, felt the children of her mother would be cheated and advocated for "Ori Ojori" method of distribution, but Segilola, the only daughter of the second wife, insisted that the sharing formula should be the Yoruba custom of "Idi Igi", and she has decided to appoint you as her counsel.

(a) As a counsel to Miss Segilola, what are the options left to you to prove your case with regard to the existence of that custom?

(b) Critically examine the custom relied upon by Miss Segilola in line with the principles of validity test.

2. On the 25th day of February 1999, Barrister Emmanuel Johnson, counsel to the Plaintiff in a case before the High Court I, addressed the Judge on a preliminary objection raised by the counsel to the defendant. In his address, Barrister Johnson made references to the cases of *Otti* v. *Inspector General of Police and John* v. *John*, the latter being an English decided by the House of Lords in England before January 1, 1900.

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The judge rejected the Supreme Court decision which he believes was erroneously given. However, he accepted as binding on the court the judgement in *John* v. *John* which is contradictory to the Nigerian Supreme Court decision in *Otti* v. *Inspector General of Police*.

Give your legal opinion on this matter as legal practitioner who is grounded in the Nigerian legal system and its jurisprudence.

3. The Nigeria Legal System is an amalgam of various laws, which are statutorily recognized. With the aid of statutory and judicial authorities, state clearly the position of Islamic Law within the Nigeria Legal System.

4. "Distinguishing in practice between one classification may not be as clear-cut as it may appear in theory. Hence, the various classifications of law should be the lawyer's servants and not his masters". Appraise.

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5. Briefly compare and contrast the following:
   (a) Substantive and Procedural Law;
   (b) Civil and Criminal law; and
   (c) Common law and Equity.

6. " Judges, in the exercise of their interpretative jurisdiction, must only interpret the words of a statute or constitutional provision, where they are as clear as crystal, according to their ordinary and grammatical meanings without any colouration. It is true that Courts are always enjoined, in the course of interpreting the provisions, to find out the intention of the legislature, but there is no magical wand in this counseling. The intention of the legislature, or put bluntly, the intention of the National Assembly at the Federal level or the State House of Assembly at the same level, is not to be judged by what is in its mind but by its expression of that mind couched in the words of the statute."

   Discuss the diction of this postulation with regards to cannons of interpretation.

7. The issue of whether an English statute is one of general application to be applied in Nigeria is uncertain and controversial. Examine this statement.

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OSUN STATE UNIVERSITY
COLLEGE OF LAW
HARMATTAN SEMESTER EXAMINATION 2011/2012 ACADEMIC SESSION

PUL 203 - NIGERIAN LEGAL SYSTEM 1

TIME: 2 hours 30 minutes

Make your handwriting legible. Credit will be given for logical and clear presentation of arguments.

INSTRUCTIONS: ANSWER 2 questions from Section A and 2 questions from Section B.

SECTION A

1. The Olori-ebi of Fagbemi died interstate. He married two (2) wives. The first wife had eight (8) children while the second wife had one (1) child. The family has decided to share the properties of Olori-ebi into two equal parts for each of the wives and their respective children or child as the case may be. The eldest child of Olori-ebi - Adekanbi felt it was cheating on their part and advocate for "Ori-ojori" method of inheritance but Segilola, the only daughter of the second wife insisted that the sharing formula conform with the renowned Yoruba custom of inheritance and she has decided to appoint you as her counsel.

(i). As a counsel to Miss Segilola, what are the options left to you to prove your case with regard to the validity and due recognition of that custom under the Yoruba customary law of inheritance.

(ii) Critically examine the custom relied upon by Miss Segilola in line with the principle of validity test.

2. The Nigeria Legal System is an amalgam of various laws, which are statutorily recognized. With the aid of statutory and judicial authorities, state clearly the position of Islamic Law within the Nigeria Legal System.

3. Briefly compare and contrast the following

(i). Substantive and procedural Law
(ii). Civil and criminal law
(iii). Common law and equity.

SECTION B

1. Nikita is an ancient and well developed Republic that traces its origin to the time civilization first began. It is made up of people of all the ethnic groups found on the face of the earth with many diverse cultures. However, due to internal civil wars, they became disunited and were

easily captured by the Bimbina Kingdom through a system of 'divide and rule'. The Bambinas ruled the Nikitas for over 100 years and imposed on them their own mode of governance, laws, language and adjudication of justice system. Eventually, the Nikita people united and fought the Bimbina Kingdom, gained their independence and have decided to live together as a Federated Republic. Shortly after, the Military came and forcefully took over power from the rulers of Nikita and again forcefully ruled them through decrees. Through concerted and united efforts of the Nikitas, the Military were also removed and a democratically elected government was put in place having a Central Government and State Governments. This singular effort made Nikita eligible to be a prominent member of the United Nations.

They have come to you as a renowned Constitutional lawyer with a detailed knowledge of different legal systems across the world to fashion for them an appropriate Constitution taking account of their unique history, culture and diversity of the peoples in Nikita.
Give an outline of the type of constitutions you would recommend for the Republic of Nikita and why.?

2. Edosa is the last child out of the 22 (twenty-two) children of Mr Osagie in Benin, South South geo-political zone of Nigeria. After the demise of Mr Osagie, Edosa subsequently performed the necessary rituals and ''stepped into his father's shoes'' by inheriting all the properties, being the only son. This is in accordance with Benin custom, which expects the first son to hold the properties of his parents in trust for the other children. This act of Edosa was challenged by Osareme, the eldest child of Mr Osagie in the law court.

   As a counsel to Edosa, what are the options left to you to prove your case with regard to the existence of that custom?

3. 'Every nation is a product of its history. The guiding principles which guide the interconnectivity of the different arms of Nigeria's legal system arose over a period of years which culminated in the laws of the country' T. Aderibigbe (NLS Lecture notes 2011)

   Discuss six (6) different attributes of law that are reflected in the contemporary Nigerian Legal System?

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BACHELOR OF LAWS (LL.B) – PART II

HARMATTAN SEMESTER EXAMINATIONS, 2016/2017 ACADEMIC SESSION

COURSE TITLE – NIGERIAN LEGAL SYSTEM I

COURSE CODE : PUL 203

INSTRUCTION: ANSWER ANY FOUR QUESTIONS. CREDIT WILL BE GIVEN FOR LOGICAL PRESRENTATION OF MATERIALS..

TIME ALLOWED: 3 HOURS

1. "There is no distinction between the manner in which a rule of customary law can be established in a Customary Court and in a State High Court". Discuss, with the aid of relevant statutory provisions and cases.

2. "Nigerian legislation always overrides the other type of law". Is this true? What is the true position?

3. "The ideal is for a State to have its own homegrown legal system. But the organic development of any such system is a slow and gradual process, and when a society chooses or is forced by circumstances to undergo radical change, it is most likely that its domestic law will be able to adapt itself rapidly enough to fit the altered situation. One solution to this problem is for the society to take over and apply for its own purposes in legal system of another country which has already developed to the stage to which it is itself hurrying", A.W.E. Park Sources of Nigeria Law.

What is the impact of English law on Nigerian law? Discuss in detail three main features of the Nigerian Legal System.

4. Critically examine the characteristics feature which gives Customary Law its uniqueness as a source of Nigerian Law.

5. (a) The law has been said to mean different things to different people. 'Law is a command by the sovereign to his subjects... the flouting of which attracts sanctions" Identify and analyse critically this school of thought.

(b) Common law and Equity are received laws traceable to Nigeria's colonial experience. Discuss the evolution of common law and how it gave birth to the doctrine of Equity.

6. The Supreme court of Nigeria is the apex court of the land and its decisions are binding on every other court on the judicial hierarchy. Discuss in detail the operation of *stare desicis* in Nigeria with particular reference to the operation of the Supreme Court and other courts.

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COLLEGE OF LAW, IFETEDO CAMPUS

BACHELOR OF LAWS (LLB) – PART II

HARMATTAN SEMESTER EXAMINATION, 2021/2022 ACADEMIC SESSION

PUL 203 –NIGERIAN LEGAL SYSTEM I

TIME ALLOWED: 3 HOURS

INSTRUCTIONS:

1. **Answer two questions from each section in a separate booklet, totalling four questions in all.**
2. **Make your handwriting legible.**
3. **Credit will be given for logical and clear presentation of materials.**
4. **Support your answers with judicial and statutory** authorities.

SECTION A: ANSWER TWO QUESTIONS ONLY

1 (a) Osun state University, Osogbo student's handbook declares its supremacy under Section 1 (1). Sub-Section (2) nullifies and renders invalid the provisions of any other law, handbook or manual that is inconsistence with any of its provisions to the extent of its inconsistency. Section 15(1) of the same handbook provides that no court established by the institution through any of its handbooks shall entertain any matter as to the validity or otherwise of the provisions of the handbook or any other law being in force in Osun state University. The provision of Section 20 (5) of college of law handbook contravenes the provision of Section 11 (1) of the institution handbook. The law students' society through its relevant body has filed action in court for the appropriate interpretations of the provisions. The defense counsel however filed a preliminary objection challenging the jurisdiction of the court to entertain the matter. The matter has been assigned to you as one of the Judges in the institution, decide the case citing relevant statutory and judicial authorities to support your decision(s).

(b) Apart from the method adopted in the above scenario, what other method(s) in your opinion can be applied to solve the problem

2. (a) In a broad term, discuss the phrase "Nigerian Legislation" distinguishing it from other sources of law in Nigeria.

(b) Enumerate and explain the impacts of Nigerian legislation over other sources of law citing relevant statutory and judicial authorities to support your answers where necessary.

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OSUN STATE UNIVERSITY, OSOGBO

COLLEGE OF LAW, IFETEDO CAMPUS

P.M.B. 003, IFETEDO

BACHELOR OF LAWS (LL.B.) – PART II
HARMATTAN SEMESTER EXAMINATIONS, 2015/2016 ACADEMIC SESSION
COURSE TITLE – NIGERIAN LEGAL SYSTEM 1
COURSE CODE : PUL 203
INSTRUCTIONS: ANSWER ANY FOUR QUESTIONS
Legible handwriting and logical expression of answers are important. Credit will be given for logical and clear presentation of materials. Support your answers with statutory and judicial authorities

TIME ALLOWED : $2^{1/2}$ HOURS

1(a) The law has been said to mean different things to different people. 'Law is a command by the sovereign to his subjects…the flouting of which attract sanctions.' Identify and analyse critically this school of thought.

(b) Common law and Equity are received laws traceable to Nigeria's colonial experience. Discuss the evolution of common law and how it gave birth to the doctrine of Equity.

2 (a) The Supreme Court of Nigeria is the apex court of the land and its decisions are binding on every other court on the judicial hierarchy, however, the court may depart from its own decisions in certain circumstances. Discuss the Supreme Court in relation to the doctrine of *stare decisis.*

(b) Counsel to the Plaintiff in the case of *Jimoh Oloyin v. Satide Miliki*:

> *My Lord, I urge the case of Brook vs. Sheffield in this honourable court. It is a 1955 Q.B decision tested and trusted over the years as the true position of the law in this matter. The case of Amugbo v Jaguda decided by the Supreme Court is not relevant because it is not on all fours with the matter on hand.*

Examine the relevant principles of *stare decisis* in this scenario.

3. Critically examine the characteristic features which gives Customary Law and its uniqueness as a source of Nigerian Law.

4. Evaluate the different ways of establishing rules of Customary Law in the higher Courts in Nigeria.

5. *The ideal is for a State to have its own homegrown legal system. But the organic development of any such system is a slow and gradual process, and when a society chooses or is forced by circumstances to undergo a radical change, it is most unlikely that its domestic Law will be able to adapt itself rapidly enough to fit the altered situation. One solution to this problem is for the society to take over and apply for its own*

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purposes in legal system of another country which has already developed to the stage to which it is itself hurrying. A.E.W. Park, "Sources of Nigerian Law"

(a) What is the impact of English Law on Nigerian law?

(b) Discuss in details three main features of the Nigerian Legal System.

6. Write brief notes on the following:

i. Private Law and Public Law
ii. Civil law and Municipal Law
iii. Municipal Law and International Law
iv. Substantive Law and Procedural Law
v. Customary Law and Non-Customary Law.

7. Examine the relationship and effects of Legislation on other sources of Nigerian Law.

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2018/2019 HARMATTAN SEMESTER EXAMINATION

NIGERIA LEGAL SYSTEM 1

INSTRUCTION: ANSWER ANY 4 QUESTIONS TIME 2 ½ Hours

1. The Oloriebi of Fagbemi died intestate he married two (2) wives and the first wife had eight (8) children while the second wife had one (1) child. The family has decided to share the property of Oloriebi into two equal parts for each of the wives and their respective children or child as the case may be. The eldest child of Oloriebi Adekanbi felt it was cheating on their part and advocate for "Oriojori" method of inheritance but Segilola the only daughter of the second wife insisted that the sharing formula conform with a renown Yoruba custom of inheritance and she has decided to appoint you as her counsel.

(i). As a counsel to Miss Segilola, what are the options left to you to proof your case with regard to the existence of that custom.

(ii) Critically examined the custom relied upon by Miss Segilola in line with the principle of validity test.

2. The Nigeria Legal System is a complicated mixture of laws, which are statutorily recognized. With the aid of statutory and judicial authorities, clearly examined the above statement.

3. The distinction between the English law and that of its Nigeria counterpart is very thin and difficult to identify. This is probably because of colonization that had led to a substantial legal transplantation. Identify and explain the distinct features that characterized the Nigerian Legal System.

4. Briefly explain the following:

i. Substantive and procedural Law

ii. Civil and criminal law

iii. Common law and equity

iv. International law and Municipal law

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5a. In Nigeria the rule of judicial precedent operates *strcito sensu* only from high court upwards in the judicial hierarchy. Examine the extent of boundness of court's decision on one another in Nigeria.

b. Write short notes on the following

i. Per incuriam

ii. Obiter dictum

iii. Noscitur a sociis

6. Briefly explain the following:

i. Case Law

ii. Delegated Legislation

iii. Customary Law

iv. International Law

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COLLEGE OF LAW, IFETEDO CAMPUS

HARMATTAN SEMESTER, 2019/2020 ACADEMIC SESSION

PART TWO LLB EXAMINATIONS

PUL 203- NIGERIAN LEGAL SYSTEM 1

TIME ALLOWED: 3 HOURS

INSTRUCTIONS:

1. Answer four questions in all.
2. Make your handwriting legible.
3. Credit will be given for logical and clear presentation of materials.
4. Support your answers with judicial and statutory authorities.

1. Oloriebi of Tokode died intestate he married two (2) wives and the first wife had eight (8) children while the second wife had one (1) child. The family has decided to share the property of Oloriebi into two equal parts for each of the wives and their respective children or child. The eldest child of Oloriebi, Adekanbi felt it was cheating on their part and advocated for "Oriojori" method of inheritance, but Ganiyat, the only daughter of the second wife insisted on the use on the adopted sharing formula since it conforms with a reknown Yoruba custom of inheritance and she has decided to appoint you as her counsel.

a. As her counsel, what are the options left to you to prove your case with regard to the existence of that custom.

b. Critically examine the custom relied upon by Miss Ganiyat in line with the principle of validity test.

2. "In a country like Nigeria, where we have multi-cultural, multi lingual and multi-ethnic settings, and particularly with each of these groups having its own custom not exactly the same with another group, of course, it will be inevitable not to have conflicts in their respective customary laws." Critically examine circumstance of applying the following law when the issue of conflict of laws arises:

a. English law

b. Customary law

c. Islamic Law

3. What are the main domestic sources of law and to what extent do international sources of law apply?

4(a). Critically examine the Court structure (hierarchically) in Nigeria.

(b). With the aid of constitutional and judicial authorities, briefly explain at least 5 jurisdictions of the Federal High Court in Nigeria.

5. Write short notes on the following:

a. Accusatorial/Adversarial system

b. Inquisitorial/non adversarial system

c. Pleadings

d. Arraignment and Plea

6. The alumni body of your secondary school has invited you to address current students of the school on the concept and main classifications of law. Write out your speech.

OSUN STATE UNIVERSITY,

BACHELOR OF LAWS (LL.B) – PART II

HARMATTAN SEMESTER EXAMINATIONS, 2016/2017 ACADEMIC SESSION

COURSE TITLE – NIGERIAN LEGAL SYSTEM I

COURSE CODE : PUL 203

INSTRUCTION: ANSWER ANY FOUR QUESTIONS. CREDIT WILL BE GIVEN FOR LOGICAL PRESRENTATION OF MATERIALS..

TIME ALLOWED: 3 HOURS

1. "There is no distinction between the manner in which a rule of customary law can be established in a Customary Court and in a State High Court". Discuss, with the aid of relevant statutory provisions and cases.

2. "Nigerian legislation always overrides the other type of law". Is this true? What is the true position?

3. "The ideal is for a State to have its own homegrown legal system. But the organic development of any such system is a slow and gradual process, and when a society chooses or is forced by circumstances to undergo radical change, it is most likely that its domestic law will be able to adapt itself rapidly enough to fit the altered situation. One solution to this problem is for the society to take over and apply for its own purposes in legal system of another country which has already developed to the stage to which it is itself hurrying", A.W.E. Park Sources of Nigeria Law.

What is the impact of English law on Nigerian law? Discuss in detail three main features of the Nigerian Legal System.

4. Critically examine the characteristics feature which gives Customary Law its uniqueness as a source of Nigerian Law.

OSUN STATE UNIVERSITY, OSOGBO

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BACHELOR OF LAWS (LLB) – PART II

HARMATTAN SEMESTER EXAMINATION, 2022/2023 ACADEMIC SESSION

PUL 203 – NIGERIA LEGAL SYSTEM I

TIME ALLOWED: 3 HOURS

INSTRUCTIONS:
1. **Answer any four questions.**
2. **Make your handwriting legible.**
3. **Credit will be given for logical and clear presentation of materials.**
4. **Support your answers with statutory and judicial authorities.**

1. Osun State University, Osogbo Student's Handbook declares its supremacy under Section 1(1). Sub-Section (2) nullifies and renders invalid the provisions of any other law, handbook or manual that is inconsistence with any of its provisions to the extent of its inconsistency. Section 15(1) of the same handbook provides that no court established by the institution through any of its handbooks shall entertain any matter as to the validity or otherwise of the provisions of the handbook or any other law being in force in Osun State University. The provision of Section 20(5) of the College of Law handbook contravenes the provision of Section 11(1) of the institution handbook. The Law Students' Society, through its relevant body, has filed an action in court for the appropriate interpretations of the provisions. The defence counsel, however, filed a preliminary objection challenging the jurisdiction of the court to entertain the matter. The matter has been assigned to you as one of the Judges in the institution, decide the case citing relevant statutory and judicial authorities to support your decision(s).

   b) Apart from the method adopted in the above scenario, what other method(s), in your opinion, can be applied to solve the problem?

2. (a) In a broad term, discuss the phrase "Nigerian Legislation", distinguishing it from other sources of law in Nigeria.

   (b) Enumerate and explain the impacts of Nigerian legislation over other sources of law, citing relevant statutory and judicial authorities to support your answers where necessary.

3. The Nigeria Legal System is a complicated mixture of laws which are statutorily recognised. With the aid of statutory and judicial authorities, critically examine the position of Islamic Law within the Nigeria Legal System.

4. The distinction between English law and that of its Nigerian counterpart is very thin and difficult to identify. This is probably because of colonisation that had led to substantial legal transplantation. Identify and explain the distinct features that characterised the Nigerian Legal System.

5. (a) The doctrine of Judicial Precedent imposes an obligation on the lower courts to follow the decisions of the superior courts and, at the same time, imposes an obligation on the superior courts to follow its own decisions. To what extent are the Nigerian courts bound to observe this doctrine?

   (b) Discuss the Pure Theory of Law with reference to the Nigerian Legal system.

6. Briefly explain the following:

   i. Case Law

   ii. Delegated Legislation

   iii. Customary Law

   iv. International Law

   v. The inquisitorial methods of adjudication.