



NATIONAL OPEN UNIVERSITY OF NIGERIA
14/16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS
SCHOOL OF LAW
JUNE/JULY 2013 EXAMINATIONS

COURSE CODE: LAW 445

COURSE TITLE: LAW OF EVIDENCE I

TIME ALLOWED: 3 Hours

INSTRUCTION: Answer any 5 questions. All questions carry equal marks

1. Evidence is "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". Taylor on Evidence. Discuss.
2. The principles relating to Documentary evidence are essential to the fair and just adjudication in our courts. Discuss.
3. Presumptions are inferences which the court ought to draw from given set of facts. Discuss.
4. Microchip is a world class software company. The company is the owner of a parcel of land at the Central Business District located at the capital city of the country by virtue of a certificate of occupancy issues by the Governor of the State. Toprank Insurance Plc is also a blue chip company and is desirous of building a befitting head office at the Central Business District. Toprank Insurance Plc has bought the same piece of land belonging to Microchip from Mr. Sonofthesoil who posed to be the owner of the land. Toprank Insurance Plc has commenced construction work on the land upon which Microchip instituted an action at the High Court for declaration of title. During trial Microchip sought to tender evidence that Toprank Insurance Plc is an insurance company in the habit of not paying claims of its customers. Toprank Insurance Plc has taking objection to the tendering of the said piece of evidence. Discuss the legal issues raised.
5. Another way by which a court can take cognizance of a fact otherwise than by evidence is called Judicial Notice. Discuss with the help of relevant case law.
6. Admission made by a party to a civil proceeding relieves the opposing part the burden and necessity of proving the fact which is admitted. Discuss and cite relevant authorities.

7. Burden of proof is an essential part of judicial proceeding and a party that fails to discharge the burden of proof on him faces a certainty of failure. Discuss.
8. The standard of proof in civil proceedings is based on preponderance of evidence while standard of proof in criminal cases is based on proof beyond reasonable doubt. Evaluate this statement and illustrate your answer with decided cases.
9. Analyse the principle of *res gestae* and cite relevant judicial authorities.