



**NATIONAL OPEN UNIVERSITY OF NIGERIA
14-16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS
SCHOOL OF LAW
JANUARY/FEBRUARY 2013 EXAMINATION**

LAW 445: LAW OF EVIDENCE 1
Time allowed: 3 Hours

Attempt any five questions. All questions carry equal marks.

1. Evaluate the categorization of the Evidence into direct, circumstantial, primary, secondary and real evidence indicating what should fall under the different categories.
2. Documentary evidence constitutes a central part of our law of Evidence. Discuss.
3. Johnstone Corporation engages in development and manufacturing of electronic devices. The Corporation discovered recently that another corporation named Easton Advanced Manufacturing Systems is selling an electronic gear that copied an electronic gear patented by it in a manner that violated the Patent Law. Johnstone Corporation has commenced an action at the Federal High Court and to prove its case Johnstone Corporation has sought to introduce a testimony which shows that Easton Advanced Manufacturing Systems has moved its head office complex from one Central Business District located in town to another. Easton Advanced Manufacturing Systems has opposed Johnstone Corporation's attempt to introduce this testimony. Discuss the legal issues raised in this matter.
4. 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.
5. The burden of proof placed on a litigant in civil proceedings is based on balance of probabilities while in a criminal proceedings the requirement is that of proof beyond reasonable doubt.
6. 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.
7. Mary Rose took a life insurance cover with an insurance company. Nine years ago she left home and told the husband, David Livingstone, that she would return. However, David Livingstone has not heard from Mary Rose ever since. David Livingstone has brought an action in court against the insurance company and claiming the insurance entitlements. David Livingstone case is predicated on the fact that Mary Rose has been absent from home without any explanation whatsoever for nine years and therefore is dead. Highlight and discuss the legal issues raised in this question.
8. PKZ Corporation manufactures household items. The Corporation is facing several actions in court brought by consumers who alleged negligence on the part of the Corporation. Benita Bush has brought action against the Corporation for negligence alleging that the Corporation was on notice that its products caused injury to other consumers since the issue has been a subject of several litigations involving the Corporation. Benita Bush urges the court to take

judicial notice of the judgments in those cases while PKZ Corporation opposes that contention. Discuss the legal issues raised.

9. A fact which is admitted need no further proof. Discuss this statement in view of statutory and decided authorities.

13021401
R