



NATIONAL OPEN UNIVERSITY OF NIGERIA
14-16 AHMADU BELLO WAY, VICTORIA ISLAND LAGOS
SCHOOL OF LAW
MAY/JUNE 2012 EXAMINATION

LAW 212 – NIGERIAN LEGAL SYSTEM II
Time allowed: 3 Hours

INSTRUCTIONS: Attempt any five questions. All questions carry equal marks.

1. 'In the primitive state, men lived together in peace and happiness'. Discuss with reference to the various views as to the historical background of man in society.
2.
 - a. With relevant examples, differentiate between customs and customary law
 - b. State five fundamental features of customary law
 - c. With the aid of relevant authorities, explain the major problems of customary law
3.
 - a. Discuss the trial system in pre-colonial Nigeria and the effect of colonial imperialism on such system.
 - b. Adesuwa is the eldest daughter of Queen Oloi. Subsequent upon her mother's death, Adesuwa was denied inheritance. She however contends that pursuant to the customary law of Benin, where she is from, eldest daughters are entitled to inherit from their mothers. Advise her on 4 ways to prove the above custom
4.
 - a. List 4 sources of Islamic law, stating the two most authoritative of these sources
 - b. Differentiate between the Islamic view on intoxication and the treatment of intoxication under the criminal code.
 - c. Give 5 features of the Islamic legal system
5.
 - a. 'A person who commences an action in a court must be a person known to law'. Discuss with the aid of relevant authorities.
 - b. At what point will the following be said to possess legal personality?
 - i. An foetus at 40 weeks

- ii. A company
 - iii. A statutory corporation
 - c. Biola defamed Sanni's character in the presence of many witness and Sanni instituted a N22,000,00.00 suit against her. Before the originating processes could be served on her, Biola was involved in a fatal motor accident. Advise Sanni.
- 6. Iyabo is an unemployed housewife who has been accused of the murder of her husband, Bakare. Bakare is known to be a drunkard who beats Iyabo every night. However, his family contended upon his death he was a responsible husband and that Iyabo used the power of witchcraft to kill him. Iyabo has been in custody at the Ikeja Police Station for 2 months and has no financial means to defend herself against the charge of murder preferred against her. Advise her on the avenues provided by relevant statutes to enable her defend herself, and how she can access such assistance.
- 7. Jack, a school teacher and his friend, Sergeant Spitfire were caught stealing at the Tamado Barracks Mammy Market and remanded in the guardroom. Subsequently, they were charged with theft and brought before a court martial convened by Colonel Pepper. The Court martial was composed of Major Ashes (President), Captain Cruel and Captain No Mercy who both sat as members. Major Ashes was subsequently transferred to Jaji on official assignment and Captain Cruel took over as President of the court martial. Upon conclusion of proceedings, Jack and Sergeant Spitfire were both sentenced to 3 years imprisonment. They appealed to the Court of Appeal but before their appeal could be heard, the Forces Council reviewed the sentence. Advise the parties on the legal issues in the case.
- 8. A group of 3 male and 1 female homeless children, all aged between 12 and 14 years formed a gang which they called Another Bad Creation (ABC). To survive, they engaged in street begging and odd jobs. They were arrested by officers of the Groovy Beach Police Station and remanded in custody with other adult criminals. They were subsequently charged to the Juvenile Welfare Court for theft of a wallet and delinquency. On the date of their trial, their case was called immediately after a murder case and all parties present in court were allowed to attend the hearing. The case was later adjourned and the children detained in the same holding cell where they were formally remanded with adult criminals at Groovy Beach Police Station. Upon completion of trial, the Magistrate pronounced the children not guilty of theft of the wallet but the Magistrate found them guilty of delinquency and ordered that they should each be given 18 strokes of the cane. Advise the children.
- 9.
 - a. State the rules of precedence for the following courts:

- i. Supreme Court
- ii. High Court
- iii. Court of Appeal
- iv. Magistrates' Court
- v. District Court
- b. State, with reasons whether or not the following courts will be bound by the decisions of the Court of Appeal (Criminal Division).
 - i. Lagos State High Court
 - ii. Court of Appeal (Civil Division)
 - iii. Court of Appeal (Criminal Division)
- c. State, with reasons whether or not the following courts will be bound by the decisions of the Federal High Court, Abuja.
 - i. Ogun State High Court, Sagamu
 - ii. District Court, Gombe
 - iii. Federal High Court, Benin