



NATIONAL OPEN UNIVERSITY OF NIGERIA
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKWE EXPRESS
WAY, JABI - ABUJA
FACULTY OF LAW
DEPARTMENT OF PUBLIC LAW (JIL)
OCTOBER/NOVEMBER EXAMINATION 2016

COURSE CODE: LAW 445(PUL 445)
COURSE TITLE: LAW OF EVIDENCE I
CREDIT UNIT: 4
TIME ALLOWED: 2 ½ HOURS
INSTRUCTIONS: ANSWER FOUR QUESTIONS ONLY.
QUESTION ONE IS COMPULSORY

QUESTIONS

- 1a. Chief Hilary owns a piece of land at Blue Diamonds Estate. He acquired the piece of land from Chief Bernard by purchase. Chief Hilary duly paid the purchase price to Chief Bernard in consideration for the transfer of the land to him. Chief Bernard became owner of the property by inheritance from his father, who inherited it from his forefathers. Chief Kenneth, a Lagos based businessman and socialite subsequently purchased the same land belonging to Chief Hilary at Blue Diamonds Estate from Mr. Alaye. Chief Kenneth, by virtue of his considerable wealth has begun to develop the piece of land at Blue Diamonds Estate. Chief Hilary, through his lawyer has commenced a suit in court against Chief Kenneth and Mr Alay. In the suit chief Hilary narrated how he acquired the land. In his defence, Chief Kenneth stated that he purchased the land from Mr. Alaye, who purchased from Chief Bernard. Both in his defence and in his oral evidence in court, Mr. Alaye stated that the land belonged to Chief Hilary and that he sold the land to Chief Kenneth when he needed money to complete his two houses at Jibiti and Egunje Estates. In his judgment at the end of the case, the judge decided in favour of Chief Hilary. Chief Kenneth has challenged the court judgment on the ground that Chief Hilary has not proved that he is the owner of the land and that the court was wrong in relying on the statement of Mr. Alaye that Chief Hilary is the owner of the land. Advice Chief Kenneth. 12.5 marks

- 1b. Relevancy and Admissibility are fundamental in the law of Evidence and indeed determine what should be admitted and what should not. It is a basic rule that evidence can only be given of relevant facts. Accordingly, it is only those facts that the court can legitimately admit that a party can offer in a judicial proceedings. However, it is not all relevant facts that are admissible in court. Discuss. 12.5 marks
2. Evidence as an aspect of procedural law, is primarily concerned with the way and manner of making facts known to the courts. Discuss. 15 marks
3. The general rule is that similar facts evidence is generally prohibited, however, the law made provision for exceptions. Discuss. 15 marks
4. Discuss the evidential problems that may arise in the following cases:
 - (a) At the trial of Ayo for forgery of British pounds sterling notes, Ayo's counsel, Mr. Ebute wants the court to take judicial notice of the fact that pounds sterling is the official British currency.
 - (b) In a matrimonial proceeding, Mr. Banjo claims custody of Biodun, a 6 year old boy born during wedlock. Mrs Banjo contests custody on the ground that Mr. Banjo is not Biodun's father.
 - (c) Mrs. Chikaodi wrote the University of Ojuelegba to claim the entitlement of her husband Chikaodi who had worked in the University for about twenty years but has not been seen for about nine years. When the University refused to pay the entitlement she instituted an action at the Lagos High Court. 15 marks.
5. Judicial notice means the acceptance by a court of the truth of a fact without proof. This is based on the ground that such a fact is within the court's own knowledge. Discuss. 15 marks.
6. Although the phrase Res Gestae does not appear in the Evidence Act, Nigerian courts recognize and apply its principle. Since it is a Common Law principle, the admissibility of a fact which constitutes Res Gestae can be justified by virtue of the Evidence Act. Do you agree? Give reasons for your answer. 15 marks.