

BOWEN UNIVERSITY, IWO
COLLEGE OF LAW
FIRST SEMESTER EXAMINATION 2021/2022 SESSION
PIL 205 – NIGERIAN LEGAL SYSTEM 1

Each question carries 17 ½ marks

TIME ALLOWED: 3 HOURS

**LOGICAL AND GRAMMATICALLY CORRECT PRESENTATION OF ANSWERS
ARE IMPORTANT**

SECTION A

1. Simply put, Equity means the rule of fairness formed and administered by the Court of Chancery to supplement Common law in order to do justice and equitable maxims are the basic principles developed by Equity and by which it intervenes to do justice. Based on the above statement, briefly examine **two** of the following cases vis a vis the appropriate equitable maxim(s) through which justice was served:

- (a) *Ipaye v Aribisala* (1930) 10 NLR.10.
- (b) *Udolis v Nwanosike* (1973) E.C.S.L.R. 653
- (c) *Obodo v Ogba* (1987) 2 NWLR Pt 54, p.1 SC. (17 ½ marks)

2. It is trite that Equity as principles of fairness and natural justice was developed and brought in to right the wrongs of the Common law. It grew as a reaction and in response to remedy the inadequacies of the Common law.

In view of the above statement, **briefly highlight the major inadequacies of Common law citing relevant and judicial authorities.** (17 ½ marks)

3. **With the aid of appropriate authorities, examine the validity or otherwise of the following statements.**

- (a) The first Common Law judge was the Lord Chancellor of England.
- (b) The case that brought Common Law and Equity into open conflict in 1615 is the case of *King of England vs Lord Bishop*.
- (c) The decision which sort of made Equity superior to Common law was codified by the *English Judicature Acts of 1873 – 1875*.
- (d) The case of *Adebanjo v Brown* (1990) 3 NWLR.Pt 141 P.611 SC. is a common example of the expression of the Principles of Equity that ‘*Delay defeats Equity*’
- (e) A statute may be of general application, but the courts will not apply it in Nigeria. (17 ½ marks)

SECTION B

4. **According to Lord Denning:**

“The freedom of the just man is worth little to him if he could be preyed upon by the murderers or thief. Every society must have the means to protect itself from marauders. it must have powers to arrest, search, and to imprison those who break the long, so long as those powers are properly exercised, they are themselves the safeguards of freedom.”

From the above view, define the word ‘law’ and discuss the functions of law in modern society. (17 ½ marks)

5. Discuss the nature of law according to various jurisprudential theories.
(17 ½ marks)

SECTION C

6. The Nigerian Legal System is dual in nature and this is because at every given time, we have at least two legal systems operating in Nigeria. As such, notwithstanding the English influence on the legal system, it recognizes traditional practices and gives enforceability to them. However, to ensure they are not barbaric the law has devised mechanisms to check their excesses, as a condition for their acceptability.
- a) What are these laws and what features are peculiar to them?
 - b) **With the aid of relevant judicial and statutory authorities**, discuss the legal tests for the validity for these laws.
(17 ½ marks)
7. **Using judicial and statutory authorities**, write short notes on any two of the following:
- a) Proof of Customary Laws
 - b) Characteristics of the Nigerian Legal System
 - c) Components of the Nigerian Legal system
(17 ½ marks)