

BOWEN UNIVERSITY, IWO, OSUN STATE
COLLEGE OF LAW
2023/2024 SESSION
FIRST SEMESTER EXAMINATION
COURSE TITLE: NIGERIAN LEGAL METHOD I COURSE CODE: PUL 101
ATTEMPT TWO (2) QUESTIONS FROM EACH SESSION
TIME ALLOWED: TWO AND HALF HOURS

SECTION A

1. Before a society can be said to be sane, there have to be means by which that society regulates the conducts of its members. If everyone in a society is left to do as he wishes, there might end up being no society. This is due to the fact that the absence of regulation would breed anarchy, making life “nasty, brutish and short”. It is because of this that every society has means by which it regulates the conduct of its members. **Discuss.**

2. Legal method is made up of two words: “legal” and “method”. The word 'legal', according to the Merriam Webster's Dictionary, is something relating to law. It is also described as conforming to rules or law. On the other hand, the word 'Method', according to the Cambridge Dictionary, is a particular way of doing things. **Discuss with respect to the meaning, nature, concerns and importance of Legal Method.**

3. In order to understand law, it is necessary to examine jurisprudence, also known as philosophy of law, or legal theory, that is, the total study of law, theories of law, or what eminent jurists, thinkers and philosophers have said about law, over the centuries. The views of these eminent jurists, thinkers and philosophers about law have been classified into groups according to what they said. **Discuss.**

SECTION B

4. (a) Law has been described as a “*command of the sovereign*”. *Identify* the relevant bodies and examine the processes which such sovereign power is exercised in Nigeria.
(b) Highlight the pitfalls which a diligent legal draftsman should be weary of.

5. (a.) Solototo is a shop owner in Kolobi Market where he sells electronic products. Murutunkpafu came into his shop one sunny afternoon to purchase a DVD Player. After paying the sum of 200,000 naira for the DVD Player, he took it home only to find out that the electronic was not in good working condition. He took the DVD Player back to Solototo to get a refund. Solototo insisted that he was not going to make a refund, as the product was in good condition before it was taken away from shop. Besides he has a business policy of non-refund of money after payment. Murutunkpafu is aggrieved and has decided to commence a legal action against Solototo.

(b.) Meanwhile, Sukudai, a 100-level law student of Debased University, had just left campus to spend Christmas holiday with his parents in Ibadan. His father requested that Sukudai accompany him to the market to do some Christmas shopping. They stopped at Solototo's shop to buy some fancy lights for Christmas tree decorate. Sukudai excused himself from his dad, saying he just wanted to do some window shopping around the shop. While at it, Sukudai saw the latest model of Samsung MP4 player. He looked around to notice that Solototo was engrossed in his argument with Murutunkpafu. He quickly picked the MP4 player and slipped it into his pocket. Sukudai later joined his dad and they made payment for only the fancy light and went to their car outside the shop. Unbeknownst to Sukudai, the security officer had spotted him

from the CCTV monitoring room. As they were about to enter their car, the security officer accosted them and demanded to search Sukudai. He found the Samsung MP4 player in Sukudai's pocket.

Both cases have been assigned to the court of Justice Nemo Judex, under whose tutelage you are currently undertaking legal internship. Justice Nemo Judex has instructed you to undertake a legal research and offer legal opinion on the evidential burden required for the proof of both cases; instances when it may shift and possible exceptions thereto.

6. On the 31st day of December 2023, the president of Bambiala Federation visited his physician in London for his routine annual medical checkup. His doctor detected an abnormal growth around his lungs. He informed the President that an emergency surgery must be performed immediately otherwise the president would not survive the next 24 hours. A surgical procedure was quickly performed on the president. Some medical complications ensued in the course of the surgery, causing the president to be in the state of coma and has been surviving with the help of life support machines.

Section 145 of the Constitution of Bambiala Federation (as amended) provides thus:

“Whenever the President transmits to the President of the Senate and the Speaker of the House of Representatives a written declaration that he is proceeding on vacation or that he is otherwise unable to discharge the functions of his office, until he transmits to them a written declaration to the contrary such functions shall be discharged by the Vice-President as Acting President”.

The president failed to transmit the written declaration to the National Assembly before he left to enable the Vice-President to be sworn in as the Acting President of Bambiala Federation. This has left Bambiala Federation in serious constitutional crisis and administrative hiatus, as certain state functions which can only be performed by the president cannot be done. Efforts to get the president sign the written declaration has proved abortive, as the president has been unconscious ever since. There were suggestions that the First Lady should sign the written declarations on behalf of the president, as they are husband and wife and both of them are one flesh.

The matter has given rise to serious debate amongst different public commentator. Bambiala TV has invited four legal experts to a press conference to give legal opinion on the proper interpretation to be given to Section 145 of the Constitution of the Bambiala Federation.

In the opinion of Mr. Samanja, (Senior Advocate of Bambiala), the President has to transmit the written Declaration according to Section 145 of the Constitution, before any other action can be taken on the matter.

Hon. Ndoli-Ndoli stated that since the Constitution conferred the duty on the president, his wife cannot act in his stead.

In making his submission, Chief Sopritali asked rhetorically: “assuming the president stays in coma for the next three years, will our country continue to be on a standstill”? Prof. Gbogbonise, quickly went down memory lane of constitutional history. According to him, the current provision of Section 145 of the Constitution of Bambiala Federation was not contained in the previous version of the Constitution. That the section was inserted due to a similar incidence which occurred in the past and the need to avoid a reoccurrence.

- i. Identify and explain the canon of statutory interpretation employed by Mr. Samanja, (Senior Advocate of Bambiala), Hon. Ndoli-Ndoli, Chief Sopritali and Prof. Gbogbonise in their interpretation of Section 145 of the Constitution of Bambiala Federation.
- ii. In your opinion, which of the rules of interpretation is most suitable for addressing the constitutional imbroglio. Justify your answer with reasons.