

JOSEPH AYO BABALOLA UNIVERSITY
IKEJI-ARAKEJI, OSUN STATE
COLLEGE OF LAW

FIRST SEMESTER EXAMINATION, 2023/2024 ACADEMIC SESSION
COURSE CODE: JIL 511

COURSE TITLE: JURISPRUDENCE AND LEGAL THEORY I
TIME: THREE (3) HOURS

INSTRUCTION: ANSWER FOUR QUESTIONS AND NOT MORE THAN
TWO FROM EACH SECTION

SECTION A – ANSWER TWO QUESTIONS FROM THIS SECTION

1. Chicken Ventures is an unregistered enterprise doing business at No 4, Imo Street, Ilesa, Osun State. She entered into an agreement with Madam Cecelia at No 10 Ilepa Street, Owena, Ijesha to deliver One Hundred bags of rice to Madam Cecelia within four weeks of the agreement. Chicken Ventures has breached the agreement and Madam Cecelia has instituted an action against her before an Ilesa High Court. Chicken Ventures is contesting the action as being incompetent and that it should be dismissed as there are no proper persons before the court. Rule 8, Sub Rule 4 of the High Court of Osun State (Civil Procedure) Rules provides that a cause of action arises as between parties where there are civil rights and liabilities.

Required:

- (a) Advise the parties on the chances of the action by identifying and discussing the legal issues, supported by relevant case law (5 marks)
 - (b) Mention and explain the determinants of legal personality in Nigeria (8 marks)
 - (c) What order should the Court make in the likelihood of Madam Cecelia not succeeding (2^{1/2} marks)
 - (d) How is Corporation sole different from Corporation Aggregate? (2 marks)
- Total = 17 ½ marks**

2. (a) "The term Legal Personality has attracted an assortment of theories perhaps second to none in legal theory". Identify and discuss at least five (5) of the theories of legal personality of artificial persons. (10 marks)
- (b) Identify and discuss the various theories of rights known to you? (5 marks)

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COURSE CODE: JIL 511 COURSE TITLE: JURISPRUDENCE AND LEGAL THEORY I

INSTRUCTION: ANSWER FOUR QUESTIONS ONLY AND NOT MORE THAN TWO FROM EACH SECTION

TIME: 3 HOURS

SECTION A: ANSWER ANY TWO QUESTIONS FROM THIS SECTION

1. Many questions come to mind when it comes to Law and Justice. Are they synonymous to one another? Is Justice to be achieved through law or some other extra-legal considerations, and should law be according to Justice or Justice according to Law? Discuss **17 ½ marks**
2. What is Access to Court? Discuss the ways through which Nigerians can have easy access to Court in order to express their grievances. **17 ½ marks**
3. The relations amongst law, religion and morality have adopted an almost infinite variety of forms through the long history of these three forms of human activities. Do you agree? Discuss. **17 ½ marks**

SECTION B: ANSWER ANY TWO QUESTIONS FROM THIS SECTION

4. Momoh Ventures is an unregistered enterprise doing business at No 5, Ibrahim Street, Ilesa, Osun State. She entered into an agreement with Mr Olowu at No 10 Olowu Street, Owena, Ijesha to deliver One Hundred bags of Gari to Mr Olowu within four weeks of the agreement. Momoh Ventures has breached the agreement and Mr Olowu has instituted an action against her before an Owena High Court. Momoh Ventures is contesting the action

as being incompetent and that it should be dismissed as there are no proper persons before the court. Rule 8, Sub Rule 4 of the High Court of Osun State(Civil Procedure) Rules provides that a cause of action arises as between parties where there are civil rights and liabilities.

Required:

- (a) Advise the parties on the chances of the action by identifying and discussing the legal issues supported by relevant case law(8 marks)
 - (b) Explain the determinants of legal personality in Nigeria(7 marks)
 - (c) What order should the Court make in the likelihood of Mr Olowu not succeeding(2^{1/2} marks) Total = 17 ½ marks
5. (a) "A right exists only when others are bound or obliged by law to behave in a particular way towards another." Do you agree? Discuss in the light of the various characteristics of rights known to you.(5 marks)
- (b) Critically examine the major theories of rights. (6^{1/2} marks)
- (c) Identify and briefly explain three (3) major categories of rights known to you. (6 marks) Total=17 ½ marks
6. (i)Identify and critically discuss the theories of legal personality of artificial persons(10 marks)
- (ii) Explain, with the aid of decided cases, how a Corporation sole is different from a corporation aggregate.(4 marks)
- (iii) What is the relationship between legal personality and access to justice provisions of the 1999 Nigerian constitution.(3 ½ marks) Total= 17 ½ marks

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FIRST SEMESTER EXAMINATION, 2020/2021 ACADEMIC SESSION

COURSE CODE: JIL 511

COURSE TITLE: JURISPRUDENCE AND LEGAL THEORY I

TIME: 3 HOURS

INSTRUCTION: ANSWER FOUR QUESTIONS AND NOT MORE THAN
TWO FROM EACH SECTION

SECTION A

1. "A right exists only when others are bound or obliged by law to behave in a particular way towards another."

(a) Critically examine the above statement in the light of the characteristics of rights known to you. (6 ½ marks)

(b) Mention and explain the major theories of rights (6marks)

(c) Identify and briefly explain any three (3) types of rights known to you. (5marks)

Total= 17½ marks

2. Lilak ventures is an unregistered enterprise doing business at No 13, Owena Road, Ilesa. She entered into an agreement to deliver ten(10) tons of cement to Alhaji Gafaru at No 8, Ajilosun Street, Ilesa within three weeks of the agreement. Rule 8, sub-rule 2 of the Osun State High Court (civil procedure) Rules provides that a cause of action arises as between parties to an action where there are civil rights and liabilities. Lilak ventures has breached the agreement and Alhaji Gafaru has instituted an action before an Ilesa High Court with Lilak ventures arguing that the action should be struck off for lack of personality.

Required

(i) Advise the parties on the chances of the success of the action, with relevant decided cases (10marks)

(ii) What order should the court make and why in the likelihood of the Alhaji Gafaru not succeeding (2 marks)

(iii) Explain the determinants of legal personality in Nigeria in your opinion (5 ½ marks)

Total= 17½ marks

3. (a) The legal personality of artificial persons has perhaps attracted an assortment of theories that are probably second to none in legal theory. With the aid of decided cases and practical examples drawn from Nigerian jurisprudence, examine at least five (5) of these theories and provide a rationalization of one that best presents an acceptable picture of the nature of artificial persons. (12marks)

(b) Briefly discuss the relationship between legal personality and the constitutional provisions relating to access to the courts in Nigeria, citing relevant statutory and case-law authorities. (5½ marks)

Total= 17½ marks

SECTION B

1. The Republic of Tonto by the premise of her constitution is a secular state. However, the newly elected President of the Republic has sent a Bill to the National Assembly for the purpose of making Republic of Tonto a Christian Nation. If the Bill is passed by the National Assembly, would the law be justiciable. Discuss. 17 ½ marks

2. (a) What is Justice? 2 ½ marks
(b) Concisely distinguish restorative justice from retributive justice. 5 marks
(c) In your opinion, is restorative justice available in Nigeria? Discuss this with regards to the conditions of inmates in Nigerian Correctional Service Centres. 10 marks

3. Jeremy Bentham defined law as the command of a sovereign while Austin went further to define law as the command of a sovereign backed by sanction. Discuss the relevance of these two definitions of law with regards to the following issues:
(a) In whom does sovereignty of Nigeria reside? 10 marks
(b) What is the relevance of sanction to law? 7 ½ marks

- (b) Adebayo, Tosan, Betty and Precious were the promoters of Alubarika Nigeria Limited which was incorporated on the 15th day of June, 2019. They held series of meetings at Dayspring Hotel, Owena, Osun State in April, 2018 during which they agreed on the name, share capital e.t.c of the new company. They engaged Messrs Akintola Julius & Co and Clarkson Solicitors, firms of Chartered Accountants and Legal Practitioners respectively to take part in the promotional activities. The firms submitted bills of N2 million each for their roles which the promoters are resting. Adebayo, Tosan, Betty and Precious are also asking Alubarika Limited to pay them for their services.
- (i) Identify the sundry legal issues(3 marks)
- (ii) Advise the parties, citing relevant cases and statutory provisions on the legal issues identified in (i) above. (7 marks) Total=(17^{1/2} marks)