



ELIZADE UNIVERSITY  
YEMI OSIBANJO FACULTY OF LAW  
2017/2018 FIRST SEMESTER PART II LL.B EXAMINATION

LEGAL METHODS (LAW 101)

INSTRUCTION: ANSWER TWO (2) QUESTIONS FROM EACH SECTION.  
QUESTION ONE (1) AND FOUR (4) ARE COMPULSORY.  
ALL QUESTIONS CARRY EQUAL MARKS

Time Allowed: 2.5 Hours  
SECTION A

1. A suit has recently been filed before Hon. Justice Haruna, the parties to the suit includes a lawyer as the defendant. The lawyer is been accused of breach of public peace by spearheading a protest against a government policy which in his view is being calculated to deprive citizens of some basic rights as guaranteed under the Nigerian Constitution. Also, being the convener of the protest, he is of the view that the policy if implemented will not be in accordance with the norms and values of the citizens. Meanwhile, there is also a law in place which precludes anyone from engaging in any public protest without obtaining requisite permission from appropriate quarters. **Discuss the various theories of law that could be deduced from the foregoing facts.**
2. Compare and Contrast the various classifications of law.
3. "...in the modern world, law has become the paramount agent of social control" **Roscoe Pound in his book Social Control through Law.** Critically examine the veracity of the above statement.

SECTION B

4. Write short notes on the following:
  - (a) Judicial precedent.
  - (b) *Ratio decidendi*.
  - (c) *Obiter dictum*.
5.
  - (a) Explain what is meant by "distinguishing a case".
  - (b) List out the factors affecting the weight of a precedent.
  - (c) With the aid of decided cases, state the conditions in which the Supreme Court will depart from its previous decision.
6. Explain the meanings of and state the significance of the following Latin Maxims as they relate to shifting of fact and law in legal reasoning in judicial process:
  - (a) *Affirmati non neganti incumbit probatio*.
  - (b) *Juria novit curia*.
  - (c) *Ignorantia judicis est calamitas innocentis*