



OSUN STATE UNIVERSITY, OSOGBO
P. M. B. 4494, OSOGBO
COLLEGE OF LAW, IFETEDO CAMPUS
BACHELOR OF LAWS (LL.B.) – PART III

RAIN SEMESTER EXAMINATION, 2017/2018 ACADEMIC
SESSION

PUL 404- LAW AND MEDICINE II

INSTRUCTIONS: ANSWER ANY FOUR QUESTIONS

**LEGIBLE HANDWRITING AND LOGICAL EXPRESSION OF ANSWERS ARE
IMPORTANT. SUPPORT YOUR ANSWERS WITH STATUTORY AND JUDICIAL
AUTHORITIES.**

TIME ALLOWED: THREE (3) HOURS

1. Analyse the legal, social, ethical and human right issues in abortion under the law in Nigeria, paying attention in your response to current global developments in this area.
2. Where there is a right to life there should be a right to die. The merciful termination of life should be morally and legally permissible and elevated to the status of a fundamental human right, particularly if certain conditions are met.

Critically evaluate this view and suggest a direction for healthcare ethics, policy and law for Nigeria.

3. The legal loophole created by the failure to have definite legal regime governing IVF in Nigeria may, among other flips, result in foreign biotech companies shifting their laboratories to the country to carry out activities that are legally prohibited in their home countries.

Carefully discuss this position and other basis to regulate IVF in Nigeria.

4. Human Cloning and Stem-cell research offer tremendous promise for biomedicine. They also raise vexing ethical, social and policy challenges that can only be properly addressed by creating, not only national legislative response but also, mandatory global standards.

Critically examine this statement.

5. Surrogacy arrangements is as bad a scam as baby farms/factories which exploit couples desperate for a baby without regard to complex social, ethical and legal problems involved. In Nigeria, a society where corruption is endemic, healthcare and childcare systems are prone to questionable schemes to which the law, law makers and the society in general seem oblivious to or unconcerned about.

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OSUN STATE UNIVERSITY, OSOGBO
COLLEGE OF LAW, IFETEDO CAMPUS
BACHELOR OF LAWS (LLB) – PART IV
RAIN SEMESTER EXAMINATION, 2020/2021 ACADEMIC SESSION
INL 402 – PUBLIC INTERNATIONAL LAW II
TIME ALLOWED: 3 HOURS

- INSTRUCTIONS:**
1. Answer any four questions.
 2. Make your handwriting legible.
 3. Credit will be given for logical and clear presentation of materials.
 4. Support your answers with statutory and judicial authorities.

1. State A and State B have always had boundary disputes. Five years ago, when the situation degenerated up to the mobilization of each country's troops, State C intervened to broker a truce and resolve the disputes. This led to a series of meetings, issuance of communiqués and exchange of notes on the issues agreed upon by State A and State B. Principal among their agreements is that where peaceful negotiation between them fails, either State may apply to the International Court of Justice for settlement. State B has now taken advantage of this provision but State A is objecting on the basis that the so-called agreements contained in the communiqués and notes do not amount to treaty obligations and that the ICJ may not thereon exercise jurisdiction. Advise the parties. (17.5 marks)

2. Examine the legality of the use of force under international law in the following instances:

(a) State A massed its troops, armoured tanks and weaponry along its north east border with State B near the mineral rich peninsula, source of a long standing between the two countries. In response, State B mobilised its air force which subsequently effected substantial damage on the said State A's military arsenal though with minimal human casualty. (10 marks)

(b) State E is a much-troubled country; the hotspot of different terrorist activities carried out by different groups in its eastern region. The outlawed groups have for some ten years been involved in secessionist campaigns to which State E has usually responded with the use of maximum military force in an attempt to quash the agitation. The situation in the eastern region is, to say the least, now a huge humanitarian crisis. State F citing the humanitarian crisis, resulting influx of undesirable refugees into its territory, and intermittent activities of some of the terrorist groups in its territory has now invaded State E. It has also obtained the support of ten other countries with whom it has a collective security arrangement to "normalise the grievous situation" in State E. (7.5 marks)

3. Answer either 3(a) or 3(b)

(a). "The United Nations (UN) is, perhaps, the only truly public international organisation set up to among others, 'maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace...' It no doubt has over the years justified its establishment and its relevance continues to rise even in the modern world of the 21st Century."

Comprehensively examine the extent to which the UN has been positioned to attain its lofty objectives through its membership and the composition, functions and powers of the United Nations Security Council (UNSC). (17.5 marks)

Or

(b). Evaluate the appropriateness of the law and institutional framework of the African Union. (17.5 marks)

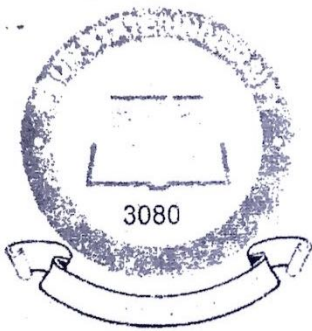
4. The government of an Asian country recently nationalised two foreign countries without offering any compensation to the owners. Company A is principally owned by Mr Eze, a Nigerian by birth who also holds the nationality of that Asian country. The majority shareholders of Company B are Nigerians though the company itself has its principal headquarters in Canada where it was incorporated in 1972. Eze and the owners of Company B intend to seek remedy in the courts of the Asian country but they are required to first obtain the consent of the Head of State. The Nigerian Government has taken interest in the case and wishes to intervene.

As a legal officer in the Ministry of Foreign Affairs, write a legal opinion advising the government. (17.5 marks)

5. Assess the usefulness of the non-obligatory pacific methods for the settlement of international disputes. (17.5 marks)

6. In the *Land and Maritime Boundary between Cameroon and Nigeria Case* (2002) ICJ Rep 331, the dispute between the two nations was over ownership of title to the Bakassi Peninsula, an oil-rich peninsula located in the hollow of the Gulf of Guinea. The ICJ had to determine the effect of an 1884 treaty by which Britain undertook to protect Nigeria. Nigeria had argued that in light of Britain's obligation under this treaty to protect Nigeria, Britain had no other powers and could not have ceded the disputed territory to Germany, through which Cameroon now claimed as successor.

Critically evaluate the validity of the above argument of Nigeria in relation to the rules of international law which an international tribunal would normally apply in deciding an international dispute over territory. (17.5 marks)



OSUN STATE UNIVERSITY, OSOYBO
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BACHELOR OF LAWS (LL.B) – PART IV

SECOND SEMESTER EXAMINATION
2018/2019 ACADEMIC SESSION

INL 402: PUBLIC INTERNATIONAL LAW II

TIME ALLOWED: 3 HOURS

INSTRUCTIONS: ANSWER ANY FOUR QUESTIONS.

Make your handwriting legible. Credit will be given for logical and clear presentation of materials. Support your answers with legal and statutory authorities.

1. State A and State B have always had boundary disputes. Five years ago, when the situation degenerated up to the mobilization of each country's troops, State C intervened to broker a truce and resolve the disputes. This led to a series of meetings, issuance of communiqués and exchange of notes on the issues agreed upon by State A and State B. Principal among their agreements is that where peaceful negotiation between them fails, either State may apply to the International Court of Justice for settlement. State B has now taken advantage of this provision but State A is objecting on the basis that the so-called agreements contained in the communiqués and notes do not amount to treaty obligations and that the ICJ may not thereon exercise jurisdiction.

Advise the parties. (17.5 marks)

2. With the aid of decided cases, determine whether or not the Federal Republic of Nigeria could be held responsible for any internationally wrongful act in the following instances:
 - (a) A group of armed men suspected to be members of a militant group in July kidnapped two French nationals in Chibok, Borno State. One of the kidnapped men however died while being rescued by a team of Nigerian security personnel. It has been established that he died from an "accidental discharge" from the gun of a policeman on the team. (5.5 marks)
 - (b) A team of Nigerian soldiers, part of a United Nations peace-keeping mission in a foreign country captured a person thought at the time to be the rebel leader and immediately executed him. The person executed later turned out to be a national of another country in lawful employment in that foreign country. (4 marks)
 - (c) Jones, a constable in the Nigerian Police Force, while returning from a drinking spree late at night, spotted Mr. Forte, an Italian expatriate staff of a telecoms company. Jones who had been nursing a grudge against Mr. Forte immediately moved near him, slapped him, brandished a gun at him, dragged him to a nearby

police station, got him locked up there and went away with Forte's \$12,500. (4 marks)

- (d) Members of a network of vigilance groups which has the tacit support of a state government recently unlawfully killed a German. The German had failed to heed their "order" to stop for checking after a robbery incident at a neighbourhood near the governor's house. (4 marks)

3. The Democratic Republic of Danatua (DRD) has for some time been the victim of various armed skirmishes orchestrated by its neighbour, the Socialist Republic of Conatua (SRC). The skirmishes usually occur near the Bansul Island which is very rich in mineral resources. The DRD with a resolve to put a final stop to the barbaric behaviour of its neighbours mobilized its troops and occupied about 10 square kilometres of the territory of the SRC in a bid to protect its interest in the island. The Government of SRC which has a collective security treaty with 10 other countries subsequently mobilized all of them to come to its rescue. The DRD realizing the danger, now wishes to apply to the ICJ to obtain an order restraining the SRC from embarking on its "illegal course of action".

Advise the DRD. (17.5 marks)

4. Exhaustively examine issues concerning any of:

(a) membership of the United Nations including composition, functions and powers of the United Nations Security Council. (17.5 marks) Or

(b) the law and institutional framework of the African Union. (17.5 marks) Or

(c) the appropriateness of the structural mechanisms adopted by the Economic Community for West Africa (ECOWAS) in its efforts to realise its lofty objectives. (17.5 marks)

5. The Department of State Security (DSS) has obtained credible intelligence that the premises of a certain embassy in Abuja is providing support for a terrorist group. Intelligence has already fingered two diplomatic agents and two non-Nigerian administrative staff as the principal culprits. Intelligence also indicates that certain sophisticated weapons (for onward transfer to terrorists) with other incriminating evidence are currently inside the basement of the residence of one of the diplomatic agents. Meanwhile, a routine, though mistaken, security check was this morning performed on a particularly massive diplomatic bag of the embassy at an offside airport in one of the states. To the horror of DSS officials, a man, national of the sending State but regarded as a dissident was found inside. Upon the discovery, embassy officials present, were said to have taken to their heels. The DSS is presently brainstorming on the next line of action.

As a legal officer in the Ministry of Foreign Affairs, you have been asked to advise the department. Write out your advice. (17.5 marks)

6. Assess the usefulness of the non-obligatory pacific methods for the settlement of international disputes. (17.5 marks)



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BACHELOR OF LAWS (LL.B.) – PART IV

RAIN SEMESTER EXAMINATION, 2017/2018 ACADEMIC
SESSION

INL 402- PUBLIC INTERNATIONAL LAW II

INSTRUCTIONS: ANSWER ANY FOUR QUESTIONS

LEGIBLE HANDWRITING AND LOGICAL EXPRESSION OF ANSWERS ARE IMPORTANT. SUPPORT YOUR ANSWERS WITH STATUTORY AND JUDICIAL AUTHORITIES.

TIME ALLOWED: THREE (3) HOURS

1. Examine the legality of the use of force under international law in the following instances:
 - (a) State A massed troops, armoured tanks and weaponry along its north east border with State B, near the mineral rich peninsula that had been the source of a long standing dispute between the two countries. In response, State B mobilised its air force which subsequently effected substantial damage on State A's military arsenal though with minimal human casualty.
 - (b) State E is a much troubled country; the hotspot of different terrorist activities carried out by different groups in its eastern region. The outlawed groups have for the past ten years been involved in secessionist campaigns to which State E has usually responded to with maximum military force to quash the agitation. The situation in the eastern region is, to say the least, a huge humanitarian crisis. State F citing the humanitarian crisis, resulting in the influx of undesirable refugees into its territory, and intermittent activities of some of the terrorist groups in its territory has now invaded State E. It has also obtained the support of ten other countries with whom it has a collective security arrangement to "normalise the grievous situation" in State E.
2. Exhaustively examine the issues concerning:
 - (a) Membership of the United Nations and
 - (b) Composition, functions and powers of the United Nations Security Council.
3. The Department of State Security (DSS) has credible intelligence that the premises of a certain Asian embassy in Abuja is providing support to the *Boko Haram* group. The Intelligence report identified two diplomatic agents and two non-Nigerian administrative

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staff as the principal culprits. Intelligence also indicates that sophisticated weapons (for onward transfer to *Boko Haram* leaders) with other incriminating evidence are in the basement of the residence of one of the diplomatic agents. The DSS is brainstorming on the next line of action.

As a legal officer in the Ministry of Foreign Affairs, you have been asked to advise the DSS.

Write out your advice.

4. Assess the usefulness of the non-obligatory pacific methods for the settlement of international disputes.
5. The government of an Asian country recently nationalised two foreign companies without offering any compensation to the owners. Company A is principally owned by Mr Eze, a Nigerian by birth who also holds the nationality of that Asian country. The majority shareholders of Company B are Nigerians though the company itself has its principal headquarters in Canada where it was incorporated in 1972. Eze and the owners of Company B intend to seek remedy in the courts of the Asian country but they are required to first obtain the consent of the Head of State. The Nigerian Government has taken interest in the case and wishes to intervene.

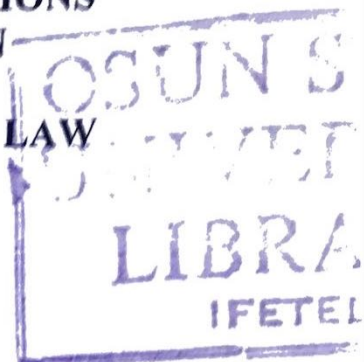
As a legal officer in the Ministry of Foreign Affairs, write a legal opinion advising the government.

6. Critically evaluate the composition, jurisdiction and powers of ONE of the following:
 - (a) International Court of Justice.
 - or
 - (b) African Court on Human and Peoples' Rights.
 - or
 - (c) ECOWAS Community Court of Justice.



OSUN STATE UNIVERSITY, OSOGBO
COLLEGE OF LAW, IFETEDO CAMPUS
RAIN SEMESTER LL.B EXAMINATIONS
2019/2020 ACADEMIC SESSION

INL 401- PUBLIC INTERNATIONAL LAW
TIME: 3 HOURS



- INSTRUCTIONS:**
1. Answer any four questions.
 2. Make your handwriting legible.
 3. Credit will be given for logical and clear presentation of materials.
 4. Support your answers with judicial and statutory authorities.

1. "The Nazi period was notorious for massive violations of human rights. The next sixty years were marked by the development of sophisticated international human rights treaties. Although influenced by domestic principles, such as those in the US Bill of Rights, the French Declaration of the Rights of Man or the English common law, human rights are no longer regarded as a purely domestic matter ... although the actual promotion and protection of human rights within a State must necessarily be primarily the responsibility of its government ... The number of treaties and other instruments on human rights is now so great that it is possible only to describe the main principles and the basic international and regional enforcement mechanisms." [Aust, *Handbook of International Law* (Cambridge University Press, 2010) 216]

Examine the principal civil and political rights recognised under the major international and regional human rights instruments.

- 2(a). Mr X as President of the Democratic Republic of Kolinga (DRK) was four months ago declared winner of the presidential elections of that country. The elections, despite widespread state sponsored violence and electoral malpractices, was widely believed to have been won by Dr R, the presidential candidate of a coalition of opposition parties. Most western countries have as a result rejected Mr X as the authentic President of DRK demanding that he either organises fresh elections or hand over to an interim government under the leadership of Mr M, the Speaker of the national legislative assembly. Mr X however refused to do either and his government went ahead to organise his swearing-in ceremony last month for another five-year term. All of the western countries then decided not only to deny recognition to his government, but also went ahead to recognise Mr M as the country's authentic head of state.

The Nigerian government is currently contemplating its best course of action and the matter has been referred to the legal department of the Ministry of foreign affairs. As a legal officer in the department, prepare a legal opinion, advising the government.

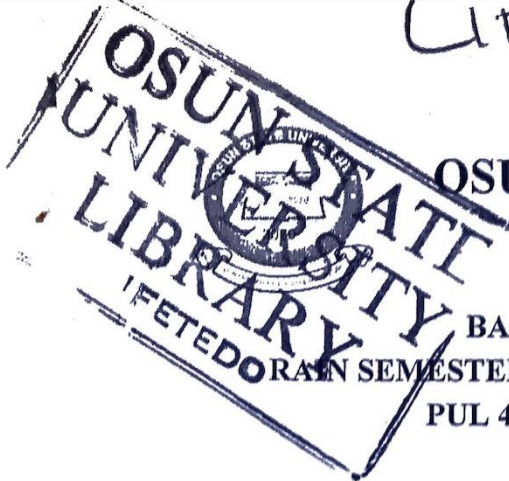
- (b). "The main contention in recognition of States is on whether recognition is a mere political act or a legal requirement so that legal consequences arise from non-recognition."

How has international law attempted to resolve this contention?

3. There was a failed attempt to overthrow the Government of State A through a coup d'état. The coup leader, Mr T was thereafter granted refuge in the embassy of State B located in the capital city of State A. State B then attempted to fly the rebel out of the capital city but the Government of State A refused to grant him passage. State B has brought the case before the International Court of Justice claiming that as the asylum-granting nation, it is entitled under a regional custom to qualify the offence for the purpose of the asylum.
- (a) Write out a legal opinion on how the Court will likely go about the task of ascertaining the validity of the said custom.
- (b). What impact will the insistence of State B that the Court must in the absence of the said regional custom decide the case *ex aequo et bono* have? Clearly explain your position.
4. The Democratic Republic of Danatua (DRD) is a war-ravaged country, having experienced an internecine civil war for some five years now. The once united country is now highly fragmented with different war lords or militias in or claiming control of various parts of the country. A recent survey puts the number of the war lords or militias at 25. The People's Revolutionary Force Front (PRF) is the most prominent group (out of five) in control of a substantial part of the North Eastern region of DRD. The region which constitutes some 10% of total land mass area of the DRD is home to about 21% of the country's total population (about 15 million people). Dr U, head of the PRF recently announced the results of a self-organised referendum which shows that the people in the area has voted overwhelmingly in support of secession and proclamation of a new State to be known as the Socialist Republic of Conatua (SRC).

Supposing DRD is an African State, write out a legal opinion on the extent to which the SRC may be regarded as having met the criteria for statehood.

- 5(a). To what extent is the assertion that international law is not law a true reflection of international law?

**OSUN STATE UNIVERSITY, OSOGBO****COLLEGE OF LAW, IFETEDO CAMPUS****BACHELOR OF LAWS (LLB) – PART IV****SECOND SEMESTER EXAMINATION, 2019/2020 ACADEMIC SESSION****PUL 402 – PUBLIC INTERNATIONAL LAW II****TIME ALLOWED: 3 HOURS**

- INSTRUCTIONS:**
1. Answer any four questions.
 2. Make your handwriting legible.
 3. Credit will be given for logical and clear presentation of materials.
 4. Support your answers with statutory and judicial authorities.

1. The Democratic Republic of Danatua (DRD) has for some time been the victim of various armed skirmishes orchestrated by its neighbour, the Socialist Republic of Conatua (SRC). The skirmishes usually occur near the Bansul Island which is very rich in mineral resources. The DRD with a resolve to put a final stop to the barbaric behaviour of its neighbour mobilized its troops and occupied about 10 square kilometres of the territory of the SRC in a bid to protect its interest in the island. The Government of SRC which has a collective security treaty with 10 other countries subsequently mobilized all of them to come to its rescue. The DRD realizing the danger, now wishes to apply to the ICJ to obtain an order restraining the SRC from embarking on its "illegal course of action".

(a). Advise the DRD. (12.5 marks)

(b) Would your answer be different had the armed skirmishes been the handiwork of a terrorist group located in SRC? (5 marks)

2. "The United Nations (UN) is, perhaps, the only truly public international organisation set up to among others, 'maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace...' It no doubt has over the years justified its establishment and its relevance continues to rise even in the modern world of the 21st Century."

Comprehensively examine the extent to which the UN has been positioned to attain its lofty objectives through its membership and the composition, functions and powers of the United Nations Security Council (UNSC). (17.5 marks)

3. Evaluate the appropriateness of the law and institutional framework of either:

(a). The African Union

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Or

(b). The Economic Community for West Africa (ECOWAS). (17.5 marks)

4. Assess the usefulness of the non-obligatory pacific methods for the settlement of international disputes. (17.5 marks)

5. Critically evaluate the law, composition, jurisdiction and powers of any of the:

(a) International Court of Justice.

or

(b) African Court on Human and Peoples' Rights.

or

(c) ECOWAS Community Court of Justice. (17.5 marks)

6. Answer either:

(a). Critically examine issues relating to airspace, airports, nationality of aircraft, jurisdiction over acts and occurrences on board aircraft, and the International Civil Aviation Organization under international civil aviation law.

Or

(b). Clearly explain the elements of war crimes under international law and evaluate the prosecution regime under the ad-hoc and permanent tribunals.

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BACHELOR OF LAWS (LL.B.) – PART IV

RAIN SEMESTER EXAMINATIONS, 2015/2016 ACADEMIC SESSION

INL 402 - PUBLIC INTERNATIONAL LAW II

INSTRUCTIONS: ANSWER ANY FOUR QUESTIONS

LEGIBLE HANDWRITING AND LOGICAL EXPRESSION OF ANSWERS ARE IMPORTANT.

SUPPORT YOUR ANSWERS WITH STATUTORY AND JUDICIAL AUTHORITIES

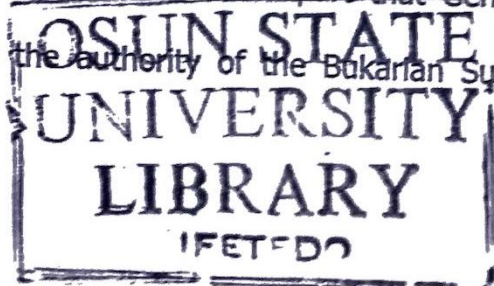
TIME ALLOWED : 2 HOURS 30 MINUTES

1. International case law does little to clarify the rules of treaty interpretation.

Discuss

2. General Tunde is the current Head of State of Bukar. At a State banquet recently held in honour of the outgoing Fijarian ambassador to Bukar, the Fijarian Foreign Affairs Minister presented General Tunde with a document, neatly bound in a folder, saying to him: 'Your Excellency, this is the text of the treaty negotiated by your country with mine in respect of the disputed peninsular. Would your Excellency wish to append your signature so that the treaty will enter into force immediately, as agreed by your Foreign Minister and myself without any further delay?'

General Tunde, a well-known alcoholic and philanderer, signed the treaty while distracted by two young women, one of whom held a large bottle of vodka and the other of whom held a glass – apparently for the General. A couple of days after the party, the Bukarian Foreign Affairs Minister complained to his Fijarian counterpart that General Tunde had signed the treaty without the authority of the Bukarian Supreme Military Council, the



highest governing body of the country, and that the General was both drunk and distracted when he signed. He also complained that, in fact, the text of the treaty that the General signed that day differed slightly from what was previously agreed. The Minister argued that therefore Bukar was not bound by the act of signing.

Advise the parties.

3. Explain the role of the following UN bodies in relation to the maintenance of international peace and security:
 - a. The Security Council; and
 - b. The General Assembly
4. Examine the several conventions regarding war rules and rules governing the treatment of civilians during war periods.
5. What is "good offices" and who may use this method of dispute resolution?
6. Explain the several stages of endeavour that distinguish negotiations and conciliation methods of diplomatic resolution of international disputes.
7. A reservation to a treaty provision does not affect the remaining obligations of the treaty.' Critically examine this statement.



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COLLEGE OF LAW, IFETEDO CAMPUS

BACHELOR OF LAWS (LL.B) – PART IV

SECOND SEMESTER EXAMINATION, 2018/2019 ACADEMIC SESSION

JPL 404 – EQUITY AND TRUSTS II

CHOICE OF QUESTIONS: ANSWER ANY FOUR QUESTIONS

TIME ALLOWED: 3 HOURS

1. "All that can be said of a trust therefore, is that it is the relationship which arises whenever a person called the trustee is compelled in equity to hold property, whether real or personal, and whether by legal or equitable title, for the benefit of some persons (of whom he may be one and who are termed as *cestui que trust*) or for some object permitted by law, in such a way that the real benefit of the property accrues, not to the trustee, but to the beneficiaries or other objects of the trust"- Keeton, The Law of Trusts, Eight Edition, p. 3 cited in Jegede, M.I. (1999). Law of Trusts, Bankruptcy and Administration of Estate. Lagos: MIJ Professional Publishers Limited, p. 11. **Discuss**
17.5 marks

2. Classifying trusts is a bit an uneasy task and classification varies according to the classifiers. A distinctive feature of classification of trusts is according to use or object. Hence, most names of trusts are reflective of their purposes or objects **Discuss**.
17.5 marks

3. With the aid of statutory and judicial authorities discuss any three of the classifications of charitable trusts according to Lord MacNaughten in *Commissioners of Income Tax v. Pemsel* (1891) A.C. 531 at 583- **17.5 marks**

4. Kike, a professor, bought a building of four flats of three bedroom each with the money she realised from her sabbatical. Kike's husband - Bayo, (an Engineer) expended his personal money generously to renovate and put the house in good shape after which it was let out to tenants. Kike, also bought a Mitsubishi Lancer car in her own name and subsequently presented same to her husband on the occasion of his 50th birthday. Three years after the purchase, Bayo fell in love with a young lady – Omoge, who got pregnant for him. On hearing the news about the amorous affairs of her husband and the consequent pregnancy, Kike moved out of their matrimonial home and filed for a divorce. In court, Bayo claimed that the house bought by Kike is jointly owned by them owing to the money he spent on improving the house. Bayo then requested that the building be sold and his own share of the proceeds of the sale be given to him. Kike however disputes Bayo's claim and contends that the money expended on the house by Bayo was advancement to her. Meanwhile, Kike has also demanded that the Mitsubishi Lancer car which she presented to her husband – Bayo as gift on his 50th Birthday be returned to her.

Discuss the legal issues involved and advice the parties- **17.5 marks**

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5. "The rule that equity will not perfect an imperfect obligation/gift" and "Equity will not assist a volunteer admits of no exception." **Discuss- 17.5 marks**

6. John and Akin are the Trustees of the sum of N1,500,000,000.00 (One Billion, Five Hundred Million Naira Only) for the benefit of Sola. In 2001, the Trustees invested N200,000, 000.00 on the mortgage of a house after a professional valuation had been done. In 2005, the Trustees learnt of a likely default and they moved quickly to realize the security. Upon the exercise of their power of sale, they realized the sum N400,000,000.00. In 2004, the Trustees bought N230,000,000.00 worth of shares in Towo Enterprises Ltd, which had paid a yearly dividend of 25% to its shareholders between 1999-2003. In 2008 Towo Enterprises Ltd. went into liquidation because of the economic situation of the country, and all the investment of the Trust in the company was lost. The Trustees also invested N500,000,000.00 in a public company that was manufacturing textile products. In 2007, the investment adviser/expert to the Trust advised the Trustees to withdraw its investment in the public company. The trustees decided to hold on for some time, and when they sold them, they realized N300,000,000.00. If the investment had been sold in consonance with the investment adviser/expert the Trustees would have realized the sum of N500,000,000.00. The N400,000,000.00 realized from the mortgage transaction was paid into the account of Akin, one of the Trustees. Akin spent N290,000,000.00 to purchase a duplex in Asokoro Area of Abuja for his personal use and expended the remainder in buying a parcel of land in the name of his brother (Falana).

Advice Sola on the liabilities, if any, of John, Akin and Falana in relation to the Trust, and the remedies available to him if any- 17.5 marks



OSUN STATE UNIVERSITY, OSOGBO

COLLEGE OF LAW, IFETEDO CAMPUS

BACHELOR OF LAWS (LLB) – PART IV

RAIN SEMESTER EXAMINATION, 2020/2021 ACADEMIC SESSION

JPL 404 – EQUITY AND TRUSTS II

TIME ALLOWED: 3 HOURS

- INSTRUCTIONS:**
1. Answer any four questions.
 2. Make your handwriting legible.
 3. Credit will be given for logical and clear presentation of materials.
 4. Support your answers with statutory and judicial authorities.

1. "The essential feature of constructive trusts is that fiduciary relationship must exist between the constructive trustee and the claimant, and that the relationship has been breached by the constructive trustee withholding property from the claimant in an unconscionable way. Thus, a constructive trust is imposed by law whenever justice and good conscience requires it." (*Hussay v Palmer* [1972] 1 W.L.R. 1286 at 1290 per Lord Denning).

In the light of the above, discuss the practical situations of imposition of constructive trusts. (17.5marks)

2. Kunle and Jimoh are the Trustees of the sum of N2b (Two Billion Naira Only) for the benefit of Kemi and Grace. In 2001, the Trustees invested N10m on the purchase of a house after a professional valuation had been done. In 2005, the Trustees learnt that the value of the property has appreciated, they sold the said land and realised the sum N15m. The N15m realized from the sale was paid into the account of Kunle, one of the Trustees. Kunle spent N11m to purchase a bed room flat in Victoria Island, Lagos for his personal use and expended the remainder in buying a parcel of land in the name of his brother, Gbade. In 2006, the Trustees bought N5m worth of shares in Ajenifuja Ltd, which had paid a yearly dividend of 20% to its shareholders between 2000 and 2005. In 2009, the investment adviser/expert to the Trust advised the Trustees to withdraw its investment in the company because of the noticeable economy downturn in the country. The trustees decided to hold on for some time, and in 2010 when they sold the shares, they realized N3m.

The beneficiaries were aggrieved; they argued that if the investment had been sold on time in consonance with the investment adviser/expert, the Trustees would have realised the amount invested. The beneficiaries also contended that the trustees should account for the sum of N15m paid into Kunle's account.

(a). In line with the rights and duties of Trustees, discuss the issues in contention in the above factual situation. (12.5 marks).



BACHELOR OF LAWS (LL.B.) – PART IV
RAIN SEMESTER EXAMINATIONS, 2015/2016 ACADEMIC SESSION

- (b). Would your answer be different if the trustees had paid the sum of N10m originally invested on the land back into the trust's account and only shared the profit of N5m? (5 marks)
3. Critically discuss the requirements for the validity of express private trust. (17.5 marks)
4. According to Lord MacNaughten in *Commissioners of Income Tax v. Pemsel* (1891) A.C. 531 at 583, charitable trusts can be categorised into four major classifications. **With the aid of statutory and judicial authorities discuss any three of the classifications.** (17.5 marks)
5. "The rules that 'equity will not perfect an imperfect obligation/gift' and 'equity will not assist a volunteer' admit of no exception."
Discuss. (17.5 marks)
6. "It has been contended that no formal requirement is compulsory for the creation of trusts as a result of the equitable nature of trusts."
Is this argument sacrosanct? Give reasons for your answer. (17.5 marks)



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BACHELOR OF LAWS (LL.B.) – PART IV
RAIN SEMESTER EXAMINATIONS, 2015/2016 ACADEMIC SESSION
JPL 404 : LAW OF TRUSTS
INSTRUCTIONS: ANSWER ANY TWO QUESTIONS FROM SECTION A
AND ANY TWO QUESTIONS FROM SECTION B
USE SEPARATE ANSWER BOOKLET FOR EACH SECTION
TIME ALLOWED: 2HOURS 30 MINUTES
LEGIBLE HANDWRITING AND LOGICAL EXPRESSION OF ANSWERS
ARE IMPORTANT

SECTION A

1. Ola and Dele are the trustees of the sum of #100,000,000.00 for the benefit of Joseph. In 2001, the trustee invested the sum of #200,000.00 on a mortgage of a house. This was after a proper valuation had been carried out by an Estate Valuer. In 2005, the trustee heard a rumor that the mortgagor was going to default, and they decided to realize the security. Upon the exercise of their power of sale, they realized the sum #400,000.00. In 2004, the trustees had brought #230,000 worth of shares in a private company called Oluwaloni Enterprises Ltd, which had paid a yearly dividend of 25 percent to its shareholders between 1999 and 2008. The latter company went into liquidation because of the economic situation of the country, and all of the trust investments in the company were lost. The trustees also invested the sum of #500,000.00 in a public company that was manufacturing textile products. In 2007, the investment adviser to the trust advised the trustees to withdraw the investment in the public company. However, the trustees decided to hold onto the shares for some time, and when they sold them, all they realized was #300,000.00. If the shares have been sold in 2012, the trustees would have realized the sum of #500,000.00 (Five Hundred Thousand Naira) When the trustees realized the sum of #400,000.00 from the mortgage, they paid it into the account of Dele, one of the trustees who spent the sum of #290,000.00 of the money in purchase of a fairly used Kombi Bus for his personal use. Dele expended the remaining money in buying a parcel of land in the name of his brother (Jejelaye).

Advise Joseph on the liabilities, if any, of Ola Dele and Jejelaye in relation to the trust and the remedies he may seek from the court against them

2. Discuss with the aid of legal authorities the legality or otherwise of the maxim, *equity knows of no sleeping trustee*



3. "To add hazard or risk to that of trouble and to subject a trustee to losses which he cannot foresee or consequently prevent will be a manifest hardship and will be deterring everyone from accepting so necessary an office."...Jessel M.R in *Speight v Gannet* (1883) 22 Ch.D 727 at 739-740. How correct is the above statement with respect to the status of trusteeship.
4. Mr. Olododo, in 2013 appointed Mr. Innocent and Mr. Jesuseun as trustees of his estate at Plot 525 Iberekodo Estate, Iludun, Osun State, Olode Dairy farm estate and Oloruntele canteen ventures. In January 2014, there was an inferno which consumed part of the canteen ventures of Mr. Olododo at Oloruntele which rendered the operation of the venture inactive. Mr. Innocent discussed with his co-trustee Mr. Jesuseun the possibility of selling off the property as it was no longer economically viable, and use the proceeds, therefrom to establish cassava plantation which was the rave of the moment, Mr. Jesuseun disagreed, on the ground that the profit expectations from such business will be poor. As the elder trustee, Mr. Innocent went ahead to sell off the Oloreuntele canteen ventures for #10,500,000.00 (Ten Million Five hundred Thousand Naira) only. Both trustees went to divide the trust properties keeping half each. Mr. Jesuseun disposed his own and absconded. Mr. Innocent produced his own and accounted to Bimpe, Teju and Demola the beneficiaries of Mr. Olododo estate. Demola has now expressed his intention to apply to court for the removal of Mr. Jesuseun as one of the trustees to the estate. Discuss the legal rights and liabilities of the parties in this case.

SECTION B

5. A constructive trust is imposed by law whenever justice and good conscience require it - Per Lord Denning in *Hussey v Palmer* [1992] 1 WLR 1286 at 1290. With the aid of judicial authorities, discuss the circumstances that the law will recognize that there is constructive trust.
6. Resulting trust is a creation of equity and one regarded as based on the presumed intention of the settlor/testator or any other party and which is imposed from the circumstances of each case and not a trust expressly declared. In view of the difficulty in defining a resulting trusts, with the aid of judicial authorities, discuss the above proposition on the circumstances where a resulting trust will be presumed.
7. Baba Olowo has substantial amounts of money which he intends to use to set up a trust for certain beneficial purposes for the public or a section thereof. He has approached you as a solicitor on the appropriate trust to set up. Write a legal opinion to assist him in realizing his intention.

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BACHELOR OF LAWS (LLB) – PART IV

RAIN SEMESTER EXAMINATION, 2020/2021 ACADEMIC SESSION

JPL 404 – EQUITY AND TRUSTS II

TIME ALLOWED: 3 HOURS

- INSTRUCTIONS:**
1. Answer any four questions.
 2. Make your handwriting legible.
 3. Credit will be given for logical and clear presentation of materials.
 4. Support your answers with statutory and judicial authorities.

1. "The essential feature of constructive trusts is that fiduciary relationship must exist between the constructive trustee and the claimant, and that the relationship has been breached by the constructive trustee withholding property from the claimant in an unconscionable way. Thus, a constructive trust is imposed by law whenever justice and good conscience requires it." (*Hussay v Palmer* [1972] 1 W.L.R. 1286 at 1290 per Lord Denning).

In the light of the above, discuss the practical situations of imposition of constructive trusts. (17.5marks)

2. Kunle and Jimoh are the Trustees of the sum of N2b (Two Billion Naira Only) for the benefit of Kemi and Grace. In 2001, the Trustees invested N10m on the purchase of a house after a professional valuation had been done. In 2005, the Trustees learnt that the value of the property has appreciated, they sold the said land and realised the sum N15m. The N15m realized from the sale was paid into the account of Kunle, one of the Trustees. Kunle spent N11m to purchase a bed room flat in Victoria Island, Lagos for his personal use and expended the remainder in buying a parcel of land in the name of his brother, Gbade. In 2006, the Trustees bought N5m worth of shares in Ajenifuja Ltd, which had paid a yearly dividend of 20% to its shareholders between 2000 and 2005. In 2009, the investment adviser/expert to the Trust advised the Trustees to withdraw its investment in the company because of the noticeable economy downturn in the country. The trustees decided to hold on for some time, and in 2010 when they sold the shares, they realized N3m.

The beneficiaries were aggrieved; they argued that if the investment had been sold on time in consonance with the investment adviser/expert, the Trustees would have realised the amount invested. The beneficiaries also contended that the trustees should account for the sum of N15m paid into Kunle's account.

(a). In line with the rights and duties of Trustees, discuss the issues in contention in the above factual situation. (12.5 marks).

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(b). Would your answer be different if the trustees had paid the sum of N10m originally invested on the land back into the trust's account and only shared the profit of N5m? (5 marks)

3. Critically discuss the requirements for the validity of express private trust. (17.5 marks)

4. According to Lord MacNaughten in *Commissioners of Income Tax v. Pemsel* (1891) A.C. 531 at 583, charitable trusts can be categorised into four major classifications. **With the aid of statutory and judicial authorities discuss any three of the classifications.** (17.5 marks)

5. "The rules that 'equity will not perfect an imperfect obligation/gift' and 'equity will not assist a volunteer' admit of no exception."

Discuss. (17.5 marks)

6. "It has been contended that no formal requirement is compulsory for the creation of trusts as a result of the equitable nature of trusts."

Is this argument sacrosanct? Give reasons for your answer. (17.5 marks)



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BACHELOR OF LAWS (LLB) – PART IV

RAIN SEMESTER EXAMINATION, 2020/2021 ACADEMIC SESSION

PUL 402 – LAW OF EVIDENCE II

TIME ALLOWED: 3 HOURS

- INSTRUCTIONS:**
1. Answer two questions each from section A and section B making four questions in all.
 2. Make your handwriting legible.
 3. Credit will be given for logical and clear presentation of materials.
 4. Support your answers with statutory and judicial authorities.

SECTION A (Answer any two questions in this section)

1(a). "In common law jurisdictions, the general rule is that a witness is supposed to testify as to what was observed and not to give an opinion on what was observed. However, there are exceptions to this rule." **Discuss the exceptions.**

(b). Explain the main rationale for the general rule that opinion evidence is inadmissible.

2. Xylon Computers Ltd delivered 10 sets of computers for the total sum of one million, two hundred thousand naira to Tolu Business Centre in January 2015. Tolu Business Centre after its part payment of the sum of one million naira neglected or refused to pay the balance of two hundred thousand citing economic downturn. Xylon Computers Ltd sued for breach of contract in the High Court of Justice No. 4, Osogbo. After undue delays and frequent adjournments occasioned by counsel to Tolu Business centre in order to frustrate the case, the court finally delivered judgment in June 2018 and awarded the sum of two hundred thousand Naira and general damages of fifty thousand Naira in favour of Xylon Computers Ltd.

Xylon Computers Ltd recovered only the sum of one hundred thousand naira out of the judgment sum due to challenges experienced in the execution of the judgment. Upon the hints that the Judge who delivered the judgment has been transferred to Ife Judicial Division, counsel to Xylon Computers abandoned the execution of the outstanding sum and sued afresh in July 2021 with a revised claim of the sum of three hundred thousand Naira being the current value of the outstanding judgment debts. **As counsel to Tolu Business Centre, advise the firm on the success or otherwise of the new suit citing relevant judicial and statutory authorities.**

3(a). "The general rule is that evidence of the fact that a defendant is of bad character is inadmissible in criminal proceedings." **Discuss the circumstances under which bad character of a defendant becomes admissible.**

(b) Henry, a mechanic was accused of stealing four tyres belonging to John, his customer who brought his car for repairs in his workshop at Olode on March 23, 2020. The Police charged the case to Olode Magistrate Court and called three witnesses including the Investigating Police Officer. After the close of prosecution, Henry entered the witness box and gave evidence that on a previous occasion, he had found and returned the John's Wheel Spanners to him when he forgot it in his workshop. The Investigating Police Officer in his cross examination took John up that another customer, Ayeni, had in the past lodged a complaint of stealing a Jack Spanner against Henry, that Henry was released only upon the withdrawal of Ayeni's complaint. Counsel to Henry vehemently opposed this line of cross examination. Advise the Magistrate with an articulate legal opinion to guide his ruling to this objection.

SECTION A (Answer any two questions in this section)

4(a). "The burden of proof is always on the party against whom the judgement of the court would be given if no evidence is produced." **Against this background, discuss the nature of burden of proof under the Evidence Act, 2011.**

(b). Discuss the incidence of and exceptions to burden of proof in criminal cases.

5(a). Define competence and compellability of witness.

(b). Discuss four instances where a person may be competent as a witness but cannot be compelled and why.

6(a) Mr Ajagbe, a motor driver had problems with his mechanic, Mr Ola. There was a serious altercation between the two. Angered by the insulting words used by Mr Ola, Mr Ajagbe, the driver picked a motor shaft on the ground and hit Mr Ola with it resulting in the death of Mr Ola. The only witness at the scene of the incident is Olatunde, a nine years old pupil of Egbejoda Primary School, Ifetedo. The matter has been brought before your court for trial.

i) Examine the conditions for the admissibility of the evidence of Olatunde.

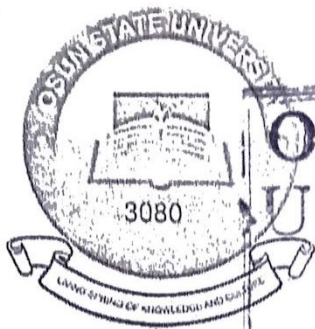
ii) Discuss two other circumstances where corroboration is needed before the evidence of a witness is admissible in our courts.

(b). With the aid of statutory authorities and decided cases, write explanatory notes on the following:

(i) Primary Evidence

(ii) Secondary Evidence

(iii) Proof of execution of document



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PART FOUR LL.B EXAMINATIONS

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JPL 402 – LAND LAW II

TIME ALLOWED: 3 HOURS

- INSTRUCTIONS:
1. Answer two questions each from section A and section B making four questions in all.
 2. Make your handwriting legible.
 3. Credit will be given for logical and clear presentation of materials.
 4. Support your answers with judicial and statutory authorities.

SECTION A (Answer any two questions in this section)

1. Comprehensively appraise the three estates of freehold, clearly explaining the peculiarities of each. Also give attention to the appropriate words of limitation of these interests.

2. Adebayo used his 10 plots of land as security for the grant of N10,000 000. 00 (10million naira) loan from Barclays Bank. The loan was to be repaid in 5 years' time. It's 5 years now and Adebayo has refused to pay the loan. Meanwhile, Adebayo had two years ago sold the same 10 plots of land to John without notice of the previous transaction.

Advise the parties.

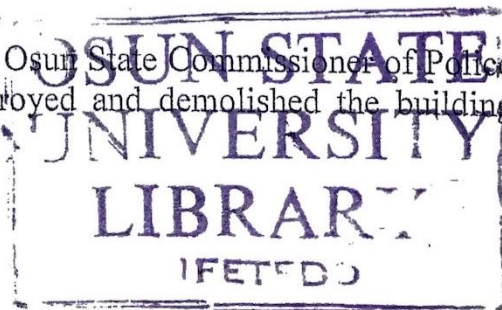
3. Write comprehensive notes on the types and essence of land registration in Nigeria.

SECTION A (Answer any two questions in this section)

4. Discuss whether or not the Land Use Act has abolished the Customary Tenure System. Justify your position with both statutory and judicial authorities.

5. Discuss in detail the ratio adopted and expressed by the Supreme Court in the case of Abioye v Yakubu as against the court's position in the case of Onwuka v Idiala (1989) 1 NWLR (Pt. 96) at 182.

6. Mr. Dagboru, acting on the order of Osun State Commissioner of Police entered upon the land of Madam Olowolagba, destroyed and demolished the building on the land.

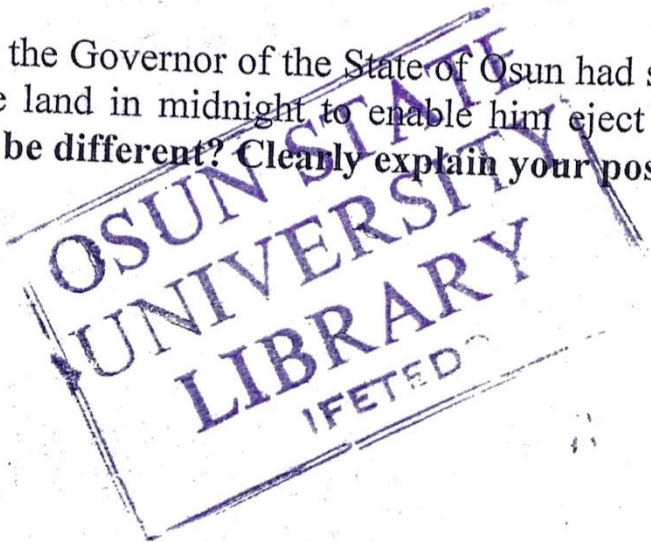


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Madam Olowolagba brought an action at the High Court of Osun State sitting at Ifetedo for trespass and damages against the Mr. Dagboru who pleaded that his entry was in pursuance of the Osun State Land Acquisition Law 2020 as assented to by the Governor.

- (a). Discuss the legal rights and liabilities of the parties.
- (b). Assuming the Governor of the State of Osun had sent his Commissioner for Lands to enter upon the land in midnight to enable him eject the occupiers of the land. **Would your position be different? Clearly explain your position.**



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COLLEGE OF LAW, IFETEDO CAMPUS

BACHELOR OF LAWS (LLB) – PART IV

HARMATTAN SEMESTER EXAMINATION, 2021/2022 ACADEMIC SESSION

JPL 401 – LAND LAW I

TIME ALLOWED: 3 HOURS

INSTRUCTIONS:

1. Answer any four questions.
2. Make your handwriting legible.
3. Credit will be given for logical and clear presentation of materials.
4. Support your answers with statutory and judicial authorities.
5. Each question carries 17½ Marks.

1. 'Where there has been a persistent refusal by the head of family or by some members of the family to enjoy their rights under native law in family land, the court has exercised, and will continue to exercise, its undoubted rights to make such order as will ensure that members of the family shall enjoy their rights and if such rights cannot be ensured without partitioning the land, to order same.' – [Per Combe C.J. in *Lopez v Lopez* (1724) 5 NLR 50 at 54].

Discuss the validity or otherwise of the preceding statement.

2. Discuss the relevance of the maxim *Quic quid plantatus solo solo cedit* under Islamic law and other relevant statutory provisions.
3. Pa Jagunmolu, the head of Jogunomi family, in 1977 effected the sale and conveyance of part of the family land in favour of Mr. Falana, a business man, in the sum of N500,000 (five hundred thousand naira) only. Lekan and Ibrahim, principal members of the family aged 14 and 15 years respectively at the time, were not consulted by reason of their ages before the conveyance of the land by Mr. Jagunmolu to Mr. Falana. The deed of conveyance in respect of the sale described Jagunmolu as the beneficial owner. In the year 2022, Lekan and Ibrahim who have come of age, approached Mr. Falana, threatening to re-enter the land and take possession of same. Meanwhile, Jagunmolu had expended part of the proceeds from the sale to build a family hall, and when the money was not sufficient, he took a loan of N200,000 from Mr. Olowolaiyemo who is now demanding for payment. Upon his default, Mr. Olowolaiyemo instituted a legal action against Mr. Jagunmolu who claimed that the Jogunomi family is the one responsible for the suit as the money was expended on the building of a family hall. In the same vein, Mr. Ashabi, another principal member of the family, who has left the Jogunomi village since 1985 just returned from Cotonou. Upon getting to the family land, he found that the portion allotted to him had been utilised to build a family hall. Furious, he currently intends to sue the family for alienating his interest in the land.

Discuss the status of each party with reference to their respective rights and liabilities.





4. Mrs. Omisore a staff of Osun State University, was ejected unlawfully from her premises at No 15, Ajeniya Street, Amukoko, Lagos State. She did not have money to contest her unlawful ejection. She thus decided in 2003 to expend her meagre savings to purchase half a plot of land at Oke-Igbala Area of Ifetedo in Osun State for the price of N200,000. Out of this, she managed to pay N150,000 (one hundred and fifty thousand naira) only, promising to pay the balance in December 2004. A receipt in her name was issued by Mr. Ajagbe, the head of the Afariogun family, Ifetedo, owners of the land. Mr Ajagbe took Mrs. Omisore to the land and showed her the exact portion sold to her. Six months later, Mrs. Omisore retired from the service of Osun State University; and had since travelled with her son-in-law to the United Kingdom. She came back in December 2016, by which time the Afariogun family, through their accredited representatives, have sold the land to Mr. Innocent, who upon full payment for same, has built a six-bedroom bungalow on the land. Mrs. Omisore has now approached you for legal advice on the steps to take, being the first purchaser of the land.

Advise Mrs. Omisore on the validity of her purchase under customary law.

5. "If a stranger begins to build on my land supposing it to be his own, and I, perceiving his mistake, abstain from setting him right, and leave him to persevere in his error, a court of equity will not allow me afterwards to assert my title to the land on which he had expended money on the supposition that the land was his own. But it will be observed that to raise such an equity two things are required. First, that the person expending money suppose himself to be building on his own land and secondly, that the real owner at the time of expenditure knows that the land belongs to him and not to the person expending money in the belief that he is the owner.' [Bairaman F.J. in *Nwakobi v Nzekwu* (1961) All NLR at 450].

Discuss the implication of the preceding statement with reference to the customary law on prescription.

6. With the aid of legal authorities, discuss the view that possession is 9/10 of ownership.

