



ELIZADE UNIVERSITY, ILARA-MOKIN ONDO STATE
PROF YEMI OSINBAJO FACULTY OF LAW
FIRST SEMESTER 2018/2019 ACADEMIC SESSION
BACHELOR OF LAWS (LL.B) DEGREE EXAMINATION

LAW OF CONTRACT I (PPL 201/CIL 201)

TIME: 3 HOURS

INSTRUCTION: ATTEMPT FOUR QUESTIONS ONLY - ALL QUESTIONS
CARRY EQUAL MARKS

1. Limotson Pharmaceutical Company of Nigeria produces a drug called Aid-Limot for the cure of HIV and advertises that anyone who uses the drug in the prescribed manner would be cured within 2 weeks and anyone not cured by its use will be given the sum of Three Hundred Thousand Naira. Mr. Fineface used the drug in the prescribed manner and did not get cured instead the HIV Virus became full-blown AIDS. The company had earlier displayed its sincerity and devotion to the promise by depositing the sum of Three Million Naira in a bank account with Eliz Bank Plc. Mr. Fineface sued the company for the Three Hundred Thousand Naira but the company maintained that there was no intention to create legal relations and that the advert amounts to nothing more than an invitation to treat. Discuss extensively on the viability of the suit with any other types of contract.

2. In *Chanter v. Hopkins* (1838) 150 E.R. 1484, Lord Abinger stated: "If a man offers to buy peas of another, and he sends him beans, he does not perform his contract; that is not a warranty... if he sends him anything else in their stead, it is non-performance."

With the aid of decided cases, relate the above statement to fundamental terms, condition and warranties.

3. (a) Fulani Herdsmen raided a community in Kakuri Area of Katsina State; due to this many left the community and relocated. Kazeem remained in Kakuri despite the act of killings displayed by the Fulani Herdsmen. The Landlord of Kazeem's house Alhaji Jengbagbe who also relocated with his family agreed with Kazeem to pay five Thousand Naira monthly instead of the regular Twenty-Five Thousand Naira being paid for the monthly house rent due to the frequent killings in the area. A year after, the Nigerian Military took over the community from the herdsmen which made many people who initially vacated the community to return. Before the return of Kazeem's Landlord and his son Barau, Alhaji Jengbagbe died of Lassa fever. The son has demanded a total sum of One Hundred and Eighty Thousand Naira as arrears of rent. Kazeem has refused to pay and consulted you for legal advice as to the legality of Barau's claim.

Advise Kazeem with the aid of decided cases.