



NATIONAL OPEN UNIVERSITY OF NIGERIA
FACULTY OF LAW, DEPARTMENT OF COMMERCIAL LAW
Plot 91, Cadastral Zone, Nnamdi Azikiwe Express Way, Jabi – Abuja

2023_1 POP EXAMINATION

COURSE CODE: CLL307

COURSE TITLE COMMERCIAL LAW

CREDIT UNITS: 4

- INSTRUCTIONS:**
- (a) Indicate your Matriculation Number clearly
 - (b) Attempt Question one (1) and any other three (3) questions
 - (c) Question one (1) is compulsory and carries 25 marks; while the other questions carry 15 marks each.
 - (d) Using appropriate statutory and judicial authorities, present all your points in a straightforward, coherent and orderly manner.
 - (e) **Total available score is 100%** of which: TMA carries **30%**; Exam carries **70%**

TIME ALLOWED: 3 Hours

QUESTION 1

By a letter posted on 18 March 2022, Babajide offered to sell his Huawei Nova 9 handset to Inalegwu, Umar, and Emike at a highly discount amount of N220,000.00. He said that he desired one his friends to have a feel of the good life of Huawei products offer its users. This informed why he chose to make the offer to them at a rock bottom price. Consequently, the offer would remain open till 22/3/2022, failing which he would be at liberty to trade it in with Huawei Mate 9. He stated in the letter that anyone interested should send his/her acceptance by email to his nephew (jidenefew@lawclass2022.ng) before the date.

Your advice has been sought to the following legal situations thrown up by the above facts:

- (a) Inalegwu did not receive Babajide’s letter. Without any knowledge of the letter, he initiated a letter to his childhood friend, Babajide on 18/3/2022, enquiring and offering to buy buy Huawei Nova 9 for N220,000.00. (5 marks)
- (b) Umar replied through Babajide’s nephew on 20/3/2022 offering to pay N195,000.00, because the phone is neither an Android operating system nor an iOS operating system. On a second thought, he changed his mind and on 25/3/2022 he wrote another letter offering to pay the N220,000.00 asked for by Babajide. Both letters were received at the same time. (10 marks)
- (c) Emike wrote to Babajide requesting further information about the general condition of the phone, standard features and serviceability. Failing to hear any response from Babajide, Emike posted a letter on 19/3/2022 accepting the offer. She addressed the letter to Babajide. (5 marks).
- (d) State the principle of law laid down in Carlill v Carbolic Smoke Ball Co (1893). (5 marks)

QUESTION 2

- (a) Due to the free fall of the exchange rate and the influence of information technology, there is a school of thought that strongly advocate the abolishment of the hire purchase system as a form of commercial arrangement. The second school of thought upholds the adoption of the hire purchase system as a justifiable mechanism in the present economic realities in Nigeria. What is your position? (9 marks)
- (b) Differentiate between the doctrine of “undisclosed principle” and “disclosed principal” (6 marks)

QUESTION 3

Write short note on the following:

- (a) The elements of trade libel (5 marks)
- (b) The importance of taxation in a troubled economy (10 marks)

QUESTION 4

Although the bill of exchange is divested from negotiability as a feature, because the bona fide holder of a bill of lading and for value cannot acquire a better title than the transferor possesses, it nevertheless fulfils critical roles with reference to the contract of carriage of goods by sea. Discuss. (15 marks)

QUESTION 5

Using the case of Curie v Misa (1875) LR 10 Exch 153 at page 162, discuss the following:

- (a) Consideration must move from the promise (5 marks)
- (b) Types of consideration (5 marks)
- (c) Zelensky offered to sell his Toyota Venza 2022 Model to Davido at a discounted price of Nigeria Naira twenty-five million (NGN25 million). He would use the proceed to finance “the war of choice” the Russian Federation waged against Ukraine. On conclusion of the contract, Davido made the payment according to the contract, but he could not take delivery of the vehicle. Worried by the failure of Zelensky to deliver the vehicle, Ibn Murtala, Davido’s friend, decided to sue Zelensky to protect the interest of his friend. Do you think he will succeed?

QUESTION 6

The disturbing situation where minors are implicated in cases of occultic activities leaves much to be desired. It is an indictment of all stakeholders – parents, school, government and society. All hands must be on deck to find a lasting solution to this menace. In this direction, you have been invited to give a talk on the role and activities of Juvenile Courts as a mechanism for combating child offences. (15 marks)