

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

FIRST SEMESTER EXAMINATION, 2020/2021 SESSION

COURSE TITLE: EQUITY AND TRUSTS 1

COURSE CODE: PPL 412

INSTRUCTIONS: ANSWER FOUR QUESTIONS IN ALL

TIME ALLOWED: THREE HOURS

1. (a) *"It is not the duty of the judge in equity to vary rules or to say that rules are not to be considered as fully settled here as in the court of law"* per **Lord Eldon** in **Davis v. Duke of Malborough**. Discuss with reference to the systemization of equity before the Judicature Acts 1873
(b) Examine the basis of the opposition to the jurisdiction of the chancery courts (5 marks)
(c) Analyse how the conflict between equity and common law was resolved (5 marks).
2. (a) Explain the doctrine of priority (7 marks)
(b) Discuss the forms of notice that will defeat the plea of bona fide purchaser of legal estate for value without notice (10 ½ marks)
3. Write explanatory notes on the following maxims:
(a) Equity follows the law (6 marks)
(b) He who seeks equity must do equity (6 marks)
(c) He who comes to equity must come with clean hands (5 ½ marks)
4. (a) Discuss the nature of equitable remedies (7 ½ marks)
(b) *"It is interlocutory, not final. It is ancillary to a substantive pecuniary claim for debt or damages: it is designed to prevent the judgment against a foreign defendant or a sum of money being a mere brutum fulmen"* Per **Lord Diplock** in **The Siskina** (1979) A.C. 210. Identify the relief in question and state the basic guidelines for the grant of the relief (10 marks).
5. (a) Analyse the essence of and conditions for the validity of an equitable assignment (7 ½ marks)
(b) In an equitable assignment, notice is not essential but it is desirable. Discuss the advantages of notice in an assignment of chose in action. (10 marks)
6. (a) Explain the basis of proprietary estoppels and compare it with promissory estoppels (10 ½ marks)
(b) Discuss the operation of the doctrine of laches (7 marks)

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FIRST SEMESTER EXAMINATION, 2021/2022 ACADEMIC SESSION

COURSE TITLE: EQUITY & TRUST 1

COURSE CODE: PPL 412

INSTRUCTION: ANSWER 4 QUESTIONS IN ALL

1 (a) Account for the history of evolution of Equity and the inter-relationship with Common Law in England prior to the coming in force of the Supreme Court of Judicature Act (1873-1875)

(b) Explain the different jurisdictions of Equity and what difference the Supreme Court of Judicature Act (1873 – 1875) brought to the administration of the system of equity in both its formulation and application

2 (a) "Equity is a roguish thing. For law we have a measure. Equity is according to the conscience of him that is Chancellor as that is longer or narrower, so is equity" John Seldon, Table Talk of John Seldon, 1927, edited by Pollock, p.23

Explain the meaning of the above statement with reference to the nature of equity as a system of the administration of justice.

(b) In what sense did the above statement justify the assertion that the jurisdiction of equity is flexible, both in substance and in procedure?

3 (a) Discuss how the following cases have shaped the relations between Common Law and Equity:

- (i) Neath v. Rydley (1614) Cro Jac 335
- (ii) Earl of Oxford's case (1615) 1 Ch R 1
- (iii) Courtney v. Glanvil (1615) Cro Jac 343

(b) Chief Okogbona saw a plot of land with a foundation on it. He contacted Barrister Oboyano to assist him in conducting a search on the validity of the title. In the course of conducting the search, Barrister Oboyano demanded from the vendor, Mrs Ididowo, the original deed or the Certificate of Occupancy. The vendor replied that the Certificate got burnt in a fire disaster that ravaged her house 3 months earlier. Advise Chief Okogbona on what he should go ahead to purchase the property. Give reasons for your advice.

4. (a) There seems to be no much difference between the two equitable maxims: - "he who comes to equity must come with clean hands" and "he who seeks equity must do equity".

How far do you agree with the above statement? Discuss

(b) What are those interests which had no equivalent at common law but which are invented independently by equity?

Explain at least 3 of those interests

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FIRST SEMESTER EXAMINATION, 2022/2023 ACADEMIC SESSION.

COURSE TITLE: **EQUITY AND TRUSTS 1**

COURSE CODE: **PPL 412**

INSTRUCTION: **ANSWER ANY 4 (FOUR) QUESTIONS**

TIME ALLOWED: **THREE HOURS**

1.
 - (a) Trace the history of Equity from its inception to the Earl of Oxford's case.
 - (b) Examine the basis of the opposition to the jurisdiction of the Chancery Court.
2. "It is not enough to plead long possession, the time when the possession commences must be strictly proved" critically comment on this statement with relevant Decided Cases.
3. An Injunction may be defined broadly as "an Order of the Court by which a person is required to do or (more usually) to refrain from doing a particular thing".
Distinguished between interlocutory and perpetual injunctions.
4. Explain the following Maxims:
 - (a) Where Equities are equal, the law shall prevail.
 - (b) Equity looks to the intent rather than to the form.
 - (c) Who he comes to equity must come with clean hands.
 - (d) Equity follows the Law.
5.
 - (a) Discuss the circumstances in which specific performance will be granted or refused by the court.
 - (b) Write short notes on:
 - (i) The essence of rescission
 - (ii) The essence of rectification
 - (iii) Ex parte Injunction.
6. Explain the repugnancy doctrine and examine its effect on the Nigerian Customary Law.

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FIRST SEMESTER EXAMINATION, 2023/2024 ACADEMIC SESSION

COURSE TITLE: EQUITY AND TRUSTS 1

COURSE CODE: PPL 412

INSTRUCTION: ANSWER ANY FOUR QUESTIONS

TIME ALLOWED: THREE (3) HOURS

1. Explain the repugnancy doctrine and examine its effect on the Nigerian Customary Law.
2. "It is not enough to plead long possession, the time when the possession commences must be strictly proved." Critically comment on this statement with relevant decided cases.
3. (a) Discuss the circumstances in which specific performance may be granted or refused by the court.

(b) Write short notes on:
 - (i) The essence of rescission
 - (ii) The essence of rectification
 - (iii) Ex parte Injunction
4. Distinguish between interlocutory and perpetual injunctions
5. Explain the following maxims:
 - (a) Where equities are equal, the law shall prevail.
 - (b) Equity looks to the intent rather than to the form.
 - (c) He who comes to equity must come with clean hands.
 - (d) Equity follows the Law
6. (a) Trace the history of equity from its inception to the Earl of Oxford's case.
(b) Examine the basis of the opposition to the jurisdiction of the chancery court.