



**NATIONAL OPEN UNIVERSITY OF NIGERIA
14-16 AHMADU BELLO WAY, VICTORIA ISLAND LAGOS
SEPTEMBER/OCTOBER 2015 EXAMINATION**

SCHOOL OF LAW

COURSE CODE: LAW 331

COURSE TITLE: COMMERCIAL TRANSACTION I

TIME ALLOWED: 2 ½ HOURS

INSTRUCTIONS: ANSWER QUESTION ONE AND ANY OTHER THREE

1. Abeke a yam merchant situated at Ede in Osun State is usually on travel tour to different part of the country in search of farmers who can be her suppliers and she has been in the business for a period not less than 15 years. On one of her journey to Kano State she met MallamMadugu a yam farmer who had a discussion with her as to his capability to supplier 20 trailers of yam on demand. After a fruitful discussion Abeke took sample of the yam and proceeded to Sokoto where she met AlhajiKankanda from whom Abeke accepted to purchase 10 trailer loads of yam upon which payment was agreed for at the end of the month of August and immediate loading and movement of same commenced. On hearing of this transaction between Abeke and Alhajikankanda, MallamMadugu instituted an action against Abeke for breach of Contract on the refusal of Abeke to return and pick the trailer loads of yam which he discussed with Abeke. Furthermore, at the end of the month of August, Abeke had not yet paid Alhajikankanda the sum agreed on the trailer loads of yam she already received on the claim that since business is not doing fairly she may not be able to pay for the yams and therefore will want to return the goods to AlhajiKankada. Identify the prominent issues in this case and advice the parties as to the propriety of their claims.
2. [a]. There is no limit to the number of people to whom an offer can be made. Discuss

[b]. For a proposition to amount to an offer capable of acceptance, it must satisfy certain conditions. Discuss

3. Agency relationship is one which can be deemed to be resolved as regards bringing it to an end in different ways among which is the resolution of the parties therein. With the aid of judicial decisions examine the varieties of giving effect to such resolution.
4. Apart from what the parties agreed as regards the determination of the Principal and agent relationship, such can also be brought to an end by the law. Vividly examine under the circumstances in which this can be adopted in the light of available legal authorities.

5. [A]. WITH CLARITY OF EXPRESSION, WHAT CAN YOU DEFINE AN OFFER TO BE?

[B.] Highlight the various ways by which an offer can be made.

- ii. OFFER AND INVITATION TO TREAT; TWO FACES OF THE SAME COIN BY THEIR RELEVANCY AND APPLICABILITY TO CONTRACTUAL RELATIONS, YET ARE TWO DISTINCTIVE CONCEPTS. DISCUSS
6. Mallam Martins is a shoe dealer at Oritamefa shoe market in Ibadan, while on his way to the market with a lorry full of shoes, one of his loads of bags containing shoes fell off and this was unknown to him and the driver. When they reached the market they discovered the missing bag and in the attempt to recover same, Mallam martins instructed AlhajiBeshi the driver of the bus to paste posters announcing the missing bag and a reward of Two Hundred Thousand Naira [N200,000.00] for whosoever can recover the load and this posters were pasted all around Oritamefa Shoe Market. On the day thereafter, Baba Ijebu a garri dealer, unaware of the loss and the placement of reward by Mallam Martins came to Oritamefa shoe market with the missing bag of load belonging to Mallam Martins having found same along the road while going on a business trip and was able to locate the owner by the office stamp of Mallam Martins on the bag of shoes. Baba Ijebu delivered the bag to Mallam Martins who graciously appreciated him and entertained him with a

bottle of Star and Baba Ijebu left thereafter. While Baba Ijebu was on his way, AlhajiBeshi, the driver to Mallam Martins accosted him and informed him of the reward which he demanded a ten percent of after claiming same. Baba Ijebu has now come to make a demand from Mallam Martins and this led to a scuffle between duo and you have now been called to mediate.