

**BOWEN UNIVERSITY, IWO, OSUN STATE
COLLEGE OF LAW**

**SECOND SEMESTER EXAMINATION
COURSE CODE: PCL 308
COURSE TITLE: FAMILY LAW II
ANSWER TWO QUESTIONS FROM EACH SECTION**

SECTION A

- 1) Miss Kiepie has been parading herself as Mr Jackson's wife to his chagrin. Mr Jackson put out a disclaimer of the claim of a phony marriage between him, and Miss Kiepie and has planned to institute an action against Miss Kiepie on the ground that she has falsely boasted and persistently asserted that a marriage has taken place between both of them. **With the aid of judicial authorities, identify the issues in the above and advise Mr Jackson on what he must prove to show that he was never married to Miss Kiepie and he did not promise her marriage. (17 ½ Marks)**

- 2) (a) Miss Aketti recently discussed with you her intention to adopt a child. With your understanding of the concept and nature of adoption, advise her, with the aid of judicial authorities, on the requirements she needs to meet to adopt a child.
(b) Write **Short Notes** on:
 - (i) Maintenance *per se* as a form of maintenance, being an ancillary relief in matrimonial suit;
 - (ii) Maintenance pending disposal of proceedings; and
 - (iii) Legitimation **(17 ½ Marks)**

- 3)a) A decree of judicial separation has been made against Mr James Colly and Mrs Santra Colly. With the aid of judicial authorities, advise on the effects of a decree of judicial separation.
(b) List and explain five forms of custody orders a court could make discretionarily in awarding the custody of a child to a parent(s). **(17 ½ Marks)**

SECTION B

4. Under the Wills Act of 1837, a testator is said to possess requisite capacity to make a valid Will. Outline and discuss briefly five (5) of the requirements with the aid of statutory provisions and case law. **(17 ½ Marks)**

5. In the Administration of Estates Law of 1959, which applies in cases of death intestate in situation where the estate of the deceased is subject neither to the authority of a customary Court nor to the rules of distribution of the estate of an intestate, there are

notable conditions that the law provides as fundamental. **Discuss THREE of the essential conditions; supporting each with statutory provisions. (17 ½ Marks)**

6. In the rule in *Cole v. Cole*, the Court holds that the very act of contracting a statutory marriage outside Nigeria removes the parties to the marriage from within the ambit of customary law in succession matters. With relevant statutory provisions and judicial authorities, identify five situations in which the Administration of Estates Law applies to non-Nigerians with respect to distribution of estate. **(17 ½ Marks)**