

Ollscoil na hÉireann, Gallimh
National University of Ireland, Galway

SEMESTER 1 Examinations, 2004/2005

Exam Code(s)	2BL1, 2BL2, 3BL1, 3BL2 3CW1, 4BL2, 1OA1, IEM1, 1OL1.
Exams(s)	2 nd 3 rd & 4 th LL.B 3 rd Bachelor of Civil Law Erasmus & Occasional
Module Codes(s)	LW225
Module(s)	Land Law I
Paper No.	1
Repeat Paper	No
External Examiner(s)	Dr. Alan Dowling
Internal Examiner(s)	Dr. Padraic Kenna
Instructions	Answer THREE questions All questions carry equal marks. Questions in two or more parts have an equal allocation of marks for each part, except where otherwise stated.
Duration	TWO Hours
Department	Law
Requirements:	
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	

PTO

1. Describe and discuss **any two** of the following:
 - (a) The Statute *Quia Emptores* 1290.
 - (b) Renewable Leasehold Conversion Act 1849.
 - (c) The Rule in *Shelley's case*.
 - (d) The Statute of Uses (Ireland) Act 1634.

2. The alienability of the fee simple estate and the efforts of families to retain ownership of land have been assisted by many conveyancing devices and conditions, but public policy considerations have encouraged the courts and the legislature to overcome these. Discuss.

3. Answer (a) **AND** (b).
 - (a) Outline and discuss the powers of the tenant for life under the Settled Land Acts, 1882-1890.

 - (b) Jim has been left with a life estate in the family farm through his father's will. His mother passed away some years ago. He is short of money and begins to cut down the woods, and has recently been approached by a Canadian mining company who would like to sign up a mining lease for 100 years. He also wants to open a Theme Park on the land with the mansion house as a museum, and is borrowing €2m. to invest in this venture. Jim has two sisters in England who have been granted fee simple remainder interests in the property under the father's will. But recently, Jim has recently met Linda and now wants to move to the Caribbean with her on a permanent basis as he is completely fed up with the Irish climate. Advise Jim.

4. In 1985, the University of West Galway purchased 50 acres of open fields along the Corrib river for the express purpose of building 20 lecture theatres and an international standard swimming pool. The swimming pool and 10 lecture theatres were built, but now there is little demand for further lecture theatres, since e-learning has grown dramatically. In 1988, the University granted a lease of 20 years to a local engineer, Brown, for some of the lands. Brown was posted overseas by his company soon afterwards. However, a local farmer, Murphy, began to graze cows in these lands and the others, which were not yet used by the University. He also fenced off an area comprising fields from the leased area (Brown's) and the non-leased area. Last week, the Minister instructed the University to sell off all its unused land immediately and invest the income in computers. Brown has visited the University recently and asked to surrender the lease, as he will not be coming back to Ireland. Advise the University.

5. Tommy was asked by his uncle Jim to come and work on his small farm, since his son had emigrated to Australia and his wife had died some years ago. After a few years Jim wrote a note to Tommy one evening purporting to grant him a valuable site overlooking the bay, since Tommy had planned to build a house. Tommy did build the house, which cost him more than he had expected. Later that year, Jim told Tommy at a Christmas dinner, - "*a Thomaisín, this place is yours*". Tommy worked at the farm for fifteen years and received only €25 per week from the uncle, and sometimes drew on his own savings to pay for fencing posts and wire. Last month, uncle Jim passed away without making a will. His son arrived from Australia, and immediately ordered Tommy off the land and out of the house as he was advertising the sale in the papers with vacant possession. Tommy also discovers that the site has not been transferred into his name. Advise Tommy.

6. Describe and discuss the criteria used by the courts in granting applications under Section 117 of the Succession Act 1965. What reforms if any would you propose to this legislation?

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