

BOWEN UNIVERSITY
IWO, OSUN STATE
(OF THE NIGERIAN BAPTIST CONVENTION)
SECOND SEMESTER EXAMINATION, 2024/2025 ACADEMIC SESSION
COLLEGE OF LAW
COURSE CODE: PCL 308 COURSE TITLE: FAMILY LAW II

INSTRUCTIONS: ANSWER TWO QUESTIONS FROM EACH SECTION
EACH QUESTION CARRIES 17^{1/2} MARKS
TIME ALLOWED: 3 HOURS

SECTION A

1. Mr. Abodunde, a middle-aged man, discussed with you recently his intention to adopt a child. He further disclosed to you in confidence that he plans to groom the adopted child as his son's future wife. **With your understanding of the concept and nature of adoption, and with the aid of judicial authorities, advise him on the requirements he needs to meet to adopt a child, the effects of adopting a child as well as the propriety of his future plans for the child he plans to adopt in Nigeria.**
2. In *Ayeni v. Owolabi* (1980) 2 W.L.R.N 241, Agbaje Williams, C.J. explained that what Bowen L. J. meant by his statement about a petitioner not coming to court with clean hands occurred, for instance, when the petitioner had at a former period acquiesced in the representation of the respondent that she was his wife.

Discuss the preceding as it applies to jactitation of marriage.

3. a) Apart from the interest of children being of paramount consideration in determining questions of custody, the court also takes other factors into consideration so as to arrive at the best possible decisions that would support the interests of the children.
With the aid of judicial authorities discuss five of the factors that the court would put into consideration in awarding the custody of a child. (10 marks)
(b) Discuss succinctly five effects of a decree of judicial separation (7 ½ Marks)

SECTION B

4. Chief Adewale, a well-known Iwo-based businessman, died early this year, leaving a valid Will, which was drafted by Akoni, Esq. In his Will, he devised his family house along Bowen University Road to his third wife, Aisha, whom he married under Islamic law. He also bequeathed substantial monetary gifts to two of his five children, Kolawole and Teniola, excluding the others without giving any explanation. His eldest son, Adekunle, who he did not provide for in the Will, claims that the Will is invalid on the

grounds that it contradicts Iwo Yoruba Customary Law, under which a family house is considered an ancestral property that must not be devised by Will. Chief Adewale had a mental illness, characterized by moments of delusions. He had a really severe bout of the illness shortly before executing his Will. His second wife, Nkechi, contends that at the time of making the Will, Chief Adewale lacked testamentary capacity, and that Aisha, being the only one living with him in the period immediately before his death, exerted significant undue influence on him. This, she did, as the final step in her long-term plan of sending all the other wives packing. Chief Adewale's Will was lodged at the Osun State Probate Registry, but Adekunle has filed a caveat on it, putting the administration of Chief Adewale's estate in contention. **Advise all the parties.**

5. 'It is trite law that the basic rule of succession upon intestacy where the deceased is subject to customary law is that his self-acquired property devolves upon his/her children as family property. On intestacy devolution follows the blood, and a widow not being of the blood has no claim to any share of the inheritance...' *Per Bada*, JCA in *Idehen & Ors v. Adesanya*. (2020) LPELR -51331(CA).

Comment on the unique features of the customary law of succession of the Yorubas, Igbos and Hausas in Nigeria.

Attempt a brief discussion of the rights of widows under the customs earlier highlighted.

6. John Ade, a male Nigerian artist, contracted a same-sex marriage in Belgium with Tata, a male South African hair stylist. They recently relocated to Nigeria and are both facing various forms of stigma and discrimination from neighbours, friends, and colleagues. In the heat of that, John Ade had a fatal accident. Tata, who claims to be 'the widow', is asking you for your legal opinion because John Ade's blood brother, Stephen, has vowed to send Tata out of the house 'she' currently occupies on the ground that there existed no marriage between 'her' and the deceased. According to Tata, 'her' lawyer told 'her' that Lord Penzance's definition of marriage is out of date, making 'her' marriage recognized globally. She wants a second opinion.
- a) Advise Tata. (10 marks)
- b) Apart from same-sex marriage, espouse any other **one** contemporary issue on marriage and family structure *vis-a-vis* Lord Penzance's definition of marriage in *Hyde v. Hyde*. (7^{1/2} marks)