

BOWEN UNIVERSITY, IWO, OSUN STATE
COLLEGE OF LAW
FIRST SEMESTER EXAMINATION, 2023/2024 SESSION
COURSE CODE: PCL 401 **COURSE TITLE: LAND LAW I**

INSTRUCTIONS

ATTEMPT TWO QUESTIONS FROM EACH SECTION, MAKING FOUR QUESTIONS IN ALL
EACH QUESTION CARRIES 17 ½ MARKS TIME ALLOWED: 3 HOURS

SECTION A

1. Fiyin and Dolapo are both of the opinion that acquisition of title to land may either be **original** or **derivative** under the Nigerian customary land law.
Discuss.

2. The basic rule at common law is that 'something that is affixed to the soil belongs to the soil' - '*Quicquid plantatur solo, solo cedit*'.
Discuss the application of the maxim to land in Nigeria.

3. Land rights can be said literally to exist in different degrees all denoted by the word 'title'. Legally, title could be referred to as an existence of facts from which the right of ownership and possession could be adduced. *Ogunleye v. Oni* [1990] 2 NWLR 9Pt. 135) at 784. The use and control of whatever title a person may possess in land are protected by law.
Discuss the rights protected by law extensively.

SECTION B

4. (a) In 2001, Adejoro's father pledged his two plots of land at Aroromakinde to Elder Abraham for the sum of ₦600,000.00. The father, upon his death in 2005, was not able to redeem the pledge. Unfortunately, Michael, who was aware of the transaction, predeceased his father as he died in 2003. Recently, his twin brother Felix, who travelled to Brazil in the early 2000s, and whom everybody presumed to be dead, returned to Aroromakinde. He was surprised to see that Elder Abraham had erected permanent structures on the said plots of land for his poultry business. Knowing that the land belongs to his family, he sought clarification from his uncle who informed him of the pledge transaction. He is desirous of redeeming the pledge and has approached Elder Abraham for that purpose. However, Elder Abraham is not interested in the offer to redeem the pledge. He argued that the redemption period had elapsed as the agreed repayment period was 10 years.

Advise Felix. (10 marks)

(b) With the aid of decided cases, discuss briefly three modes of acquiring title to land under customary law. (7 ½ marks)

5. Tade graduated recently from the prestigious Leiden University, Netherlands. Being the first lawyer from his hometown, the family head decided to honour him by a gift of two plots of land within the family land situated at Ilesha. However, the family head did not obtain the consent of the principal members of the family in making the gift. Tade is interested in erecting a bungalow in the said plots of land. On hearing this, the principal members of his extended family opposed him as their consent was not sought in making the disposition.

Advise Tade on the validity of the gift by the family head.

6. (a) Write short notes on **any three** of the following:

- i. Determination of family land
- ii. Conditional gift and Absolute gift
- iii. Testate Succession
- iv. Principle of Primogeniture. (9½marks)

(b) With the aid of decided cases, examine briefly four ways by which family real property could be created. (8 Marks)