



NATIONAL OPEN UNIVERSITY OF NIGERIA
14/16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS
FACULTY OF LAW
20191_1 SEMESTER EXAMINATION

COURSE CODE: PPL 421

COURSE TITLE: LAND LAW I

CREDIT UNIT: 4

TIME ALLOED: 2 ½ HOURS

Instruction: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS)

1. Okpala's family has lived in Sokoto for over 70 years. During the civil war, Okpala sought refuge with his friend, Dawodu Agbalajobi in Lokoja. Having lost everything in the war, Dawodu's family head, Chief Agbalajobi had pity on him and granted him a portion of land in Ife in 1971 for cocoa farming. Every year, he offers drinks, kola and a portion of his harvest to thank Chief Agbalajobi. Upon his retirement, his son, Chukwudi continued farming on the land and also kept with the tradition of annual thanksgiving until Chief Agbalajobi's death. In 2017, Cadbury Plc. offered to buy the land and cocoa trees from Chukwudi. On the date fixed for the conclusion of the sale, Chukwudi called Tokunbo, Chief Agbalajobi's last wife to represent her family. Chukwudi and Tokunbo went to the Bank with officials of Cadbury where 50% of the sale price was paid to each of their accounts. Afterwards, Chukwudi told the officials to feel free to take over the land whenever they liked. However, he continued farming on it. Advise the parties.
 - b. Would your answer have been different if Chukwudi had executed a deed of conveyance and issued receipts to Cadbury for the payment made to Tokunbo and himself?
2. 'Government's power of compulsory acquisition of land for public purpose is one of the hallmarks of the Land Use Act. Never before in the history of the entity known as Nigeria had this been done. The Obasanjo military administration deserves accolades for this ingenious idea'. With the aid of relevant judicial, historical and legislative authorities discuss the validity of this statement.
3. Discuss the legal issues in the following scenarios

- a. In his will, Alade devised his dwelling house to his entire family including his children, siblings and their descendants stating categorically that he wanted the land and house thereon to constitute the ancestral home of the family, with his younger brother, Tunde as head of the family. Alade's eldest son, Dawodu contends that as eldest son, he should inherit the house.
 - b. The Government of Delta State compulsorily acquired land belonging to the Adjarho Family. The family purchased another plot of land in Lekki with the compensation paid to them. Ejiro, the family head has sold the land to Ferreira and used the money to send his son abroad.
 - c. Akpan has served Prof. Williams as houseboy since he was 15 years old. In his will, Prof. Williams instructed that Akpan is to enjoy equal share of his estate as his 6 surviving children.
 - d. Dr. Naboth is the orphaned grandson of Owie, head of the Owienagbon Family. Owie raised Dr. Naboth and is very proud of his accomplishments. Owie has offered Dr. Naboth a portion of land in the Owienagbon family estate to construct his hospital. Itohan, Owie's daughter is not happy because none of Dr. Naboth's other cousins have been allowed to take a portion of the family estate for their personal use.
4. In 1954 Mojekwu Family (represented by their family head, Mojekwu) gave a vast portion of their family land to Nwariaku indefinitely. It was agreed that the land will be used strictly for the cultivation of palm trees. Nwariaku offered the Mojekwu kolanuts before he took possession. In 1987, Mojekwu invested in Nwariaku's farming business. It was agreed that Mojekwu would be entitled to 20% of the annual palm harvest for 10 years. After Nwariaku's death in 1989, his son, Obi took over the farm and gave Mojekwu 20% of the annual harvest till 1998. In 1999, Mojekwu demanded unpaid rent from 1955 since Nwariaku only gave him kolanuts before taking possession. In 2002 Obi fell ill and had to travel abroad for treatment. He remained abroad for 3 years during which time, the farm fell into disrepair. In the meantime, Mojekwu started harvesting and selling the palm nuts. In 2004, he leased a portion of the land to Okon and cleared the palm trees in the leased portion to enable Okon build a factory. Upon Obi's return in 2005, he entered into an alliance with Okon to dispossess Mojekwu family of the land. Obi contended that he inherited the land from Nwariaku who had been in possession of the land since 1954. Okon also alleged that Mojekwu was a land speculator and thief. When Mojekwu heard, he said that Obi was a disgrace to his father's name. He instituted an action to

eject Okon from the land but left Obi on the land. In 2016, Obi cleared all the palm trees and set up a pure water factory on the land. Mojekwu accused him of breaching the agreement reached with his father in 1954 and hired thugs to eject Obi from the land. Advise the parties.

5. With the aid of relevant authorities, discuss
 - a. The legal implication of Section 36 of the Marriage Act.
 - b. The rights of female children and widows with respect to distribution of estates under Yoruba Customary Law
 - c. The modes of sharing of property under Yoruba Customary Law

6. Lamidi, the head of the Adedoyin Family has two sons – Dawodu and Afonja; and a daughter – Moremi. Dawodu, his eldest son has lived all his life in the UK but relocated to Nigeria after Lamidi's death. After Lamidi's burial, the family unanimously elected Afonja as family head. Dawodu contends that Afonja was not properly appointed as there was no public announcement of his appointment. When Afonja called a family meeting to discuss the family estate, Dawodu refused to attend. At the meeting, he gave each family member a crate of soft drinks as their share of the family's rents but did not give anything to Dawodu. Thereafter, he sold the family's rubber plantation without consulting anyone and used the proceeds to pay his children's school fees. Moremi died leaving one daughter – Princess Ibinabo. She had Ibinabo for an Ijaw prince but did not marry him. To raise money for Moremi's burial, the Adedoyin family agreed to sell a portion of the family's cocoa plantation. The sale was supervised by Afonja who executed the sale documents on behalf of the family. Afonja was paid N2,000,000.00. He deposited N1,800,000.00 into his savings account, and released N200,000.00 for Moremi's burial. Ibinabo is not happy that her mother was not given a befitting burial. She has sued Afonja to account for all payments collected in respect of the family's properties since he became family head. Afonja contends that Ibinabo has no right because she is Ijaw. Discuss the legal issues.