

COURSE CODE: PPL421  
COURSE TITLE: LAND LAW I  
TIME ALLOWED: 3 HOURS

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

a. In 1834, Prince Chinedu migrated from his ancestral home in Mbaise and settled with his family on an unoccupied portion of land close to Akure. After they had lived there for over 1 year without any disturbance from anyone, a delegation of chiefs from Okitikpukpa community informed him that the land was sacred land reserved for Okitikpukpa coronation activities only. Tracing their title to the 16<sup>th</sup> century, they described themselves as descendants of a warlike migrant-turned-indigene tribe who beat the fear of God into Akure community and their ancestor. They also explained that since their king was still in good health, the land was left unoccupied until the next coronation but that anyone who tried to occupy it adversely usually dies within 7 days after settling on the land. Confirming Okitikpukpa's claim to the use of the land for coronation activities, Akure Community also claimed superior title to the land on the basis of long lost historical records that show that their ancestor, Akanni once lived there with his family before a warring tribe drove them out in 1543 AD, lived on the land for 2 years then migrated north – Akanni then settling in Akure. Chinedu contends that since he did not meet anyone on the land and has lived there with his family for over a year without dying, neither Akure nor Okija communities can claim ownership. Marcus, a descendant of Akanni has also sent a letter to Chinedu claiming that Okitikpukpa community sold a portion of the land to him before he left the country seven years prior. In support of his claim, he attached copies of the deed of assignment between himself and elders of Okitikpukpa community and pointed Chinedu to a mound of sand and some bricks which he said he deposited on the land with the intention of fencing it. With reference to relevant authorities, advise the parties on the nature and validity of their claims.

With reference to relevant authorities, describe 3 ways in which family property may be created.

The notion of tenancy is unknown to customary law. Accordingly, if there is no tenancy at customary law, there can be no rights or duties. Discuss.

a. In 1948, Aka – Chief of Akaba community approached Queen Victoria Bank (QVB) for a loan to develop the community market to be called Chief Aka Market. When QVB insisted that the community must provide title documents as collateral, Aka executed a deed of assignment over Akaba community land in English form with Aka named as Assignor and Okogba (next in line to be Chief) named as Assignee in fee simple. Following Aka's death, Okogba assumed headship as chief of Akaba community and continued to manage Chief Aka market. Okogba died in 2007 and his children claim that Okogba was the owner of the market since Aka assigned the land to Okogba in fee simple.

b. Would your answer be different if Okogba had changed the name of the market to Okogba Family Market?

a. Discuss the contributions of the case of *Adedoyin v Simeon* (1928) 9 NLR 76 to rules of succession pointing out the form of succession and customary law to which it applies.

b. Naturalisation is unknown to any custom in Nigeria. Discuss the validity of this statement in the light of *Olowu v. Olowu*.