

JOSEPH AYO BABALOLA UNIVERSITY, IKEJI-ARAKEJI, OSUN STATE, NIGERIA
COLLEGE OF LAW

FIRST SEMESTER EXAMINATION, 2020 – 2021 SESSION

COURSE: LAND LAW I

COURSE CODE: PPL 411

INSTRUCTION: ANSWER ANY FOUR QUESTIONS

TIME ALLOWED: THREE HOURS

1. "One may ... ask the question: what is land? We should note, however, that the term 'land', as conceived by Law, is fraught with controversies. As such, the definition of 'land' has long troubled lawyers and other academic writers." Taiwo, A., *The Nigerian Land Law* (Princeton & Associates Publishing Co. Ltd, Ikeja, Lagos, 1974) p. 12. – Critically appraise the submission of the learned author as it relates to the legal concept of land.
2. Chief Obasooto was, in his lifetime, the legal and beneficial owner of a large expanse of land situate, lying and being at Ikeji-Arakeji his home town until he died intestate in 2017. Chief Obasooto, who had five wives in his life time, was survived by several children from the wives and other blood relatives and they include but not limited to: Mr. Kunle Obasooto (Head of the Family), Mr. Soji Obasooto, Mr. Ayo Obasooto, Mrs. Sade Adeolu nee Obasooto, Mr. Benjamin Obasooto and Miss Mercy Obasooto who are the principal members of each branch of the family respectively. Sometimes in the month of May, 2020, Chief Olowoaye approached one Mr. John Obasooto, an ordinary member of the family of Chief Obasooto for the purpose of purchasing part of the large expanse of land hitherto owned by Chief Obasooto in his life time. Mr. John Obasooto and Chief Olowoaye had agreed on the terms and conditions for the alienation of the land to Chief Obasooto and he was at the verge of paying the purchase price to Mr. John Obasooto when the latter retained your services as a lawyer for the purpose of purchasing the said land from Chief Obasooto's family through Mr. John Obasooto. Advise Chief Olowoaye as his lawyer in respect of valid alienation of family land.
3. The customary law position in respect of sale of land under customary law is the same as that of gift of land under customary law except for the payment of purchase price. Discuss with relevant judicial authority the requisite conditions to be met for an alienation of land under customary law to be valid.
4. Write short notes on the followings:
 - a. Fee Simple
 - b. Fee tail/Estate Tail
 - c. Life Estate
 - d. Pawn of Land under Customary Mortgage
 - e. Pledge of Land under Customary Mortgage
5. "Any member of the family whose interest is threatened by the wrongful alienation or wrongful interference with the family property, can sue to protect his interest, whether with or without the consent of the other members of the family, for if he does not, he may be accused of standing by". – Per Beigore J.S.C. (as he then was) in the case of BABAYEJU V ASHANU (1998) 9 NWLR (Pt. 567) Pg.

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COURSE CODE: PPL 411

INSTRUCTION: ANSWER ANY FOUR QUESTIONS

TIME ALLOWED: THREE HOURS

1. "Land has been identified as the major source of all material wealth in the universe."⁴¹ Barnsley, D.G. (1988). *Conveyancing Law and Practice*, 3rd ed. London: Butterworths at p. 3. Critically evaluate the above statement by the learned author in relation to the importance of land to the existence of man. (17 ½ marks.)
2. One may ask the question: what is land? We should note, however, that the term land, as conceived by Law, is fraught with controversies. As such, the definition of land has long troubled lawyers and other academic writers. Taiwo, A., *The Nigerian Land Law* (Princeton & Associates Publishing Co. Ltd, Ikeja, Lagos, 1974) p. 12. Critically appraise the submission of the learned author as it relates to various scholarly definition of land. (17 ½ marks.)
3. Chief Akin Abulesowo was, in his lifetime, the legal and beneficial owner of a large expanse of land situate, lying and being at Ikeji-Arakeji his home town until he died intestate in 2020. Chief Abulesowo, who had five wives in his life time, was survived by several children from the wives and other blood relatives and they include but not limited to: Mr. Sunday Abulesowo (Head of the Family), Mr. Olapade Abulesowo, Mr. Smart Abulesowo, Mrs. Florence Akinola nee Abulesowo, Mr. John Abulesowo and Miss Paulina Abulesowo who are the principal members of each branch of the family respectively. Sometimes in the month of October, 2021, Chief Olowolayemo approached one Mr. Kola Abulesowo, an ordinary member of the family of Chief Akin Abulesowo for the purpose of purchasing part of the large expanse of land hitherto owned by Chief Akin Abulesowo in his life time. Mr. Kola Abulesowo and Chief Olowolayemo had agreed on the terms and conditions for the alienation of the land to Chief Olowolayemo and he was at the verge of paying the purchase price to Mr. Kola Abulesowo when he (Chief Olowolayemo) retained your services as a lawyer for the purpose of purchasing the said land from Chief Abulesowo's family through Mr. Kola Abulesowo. Advise Chief Olowolayemo as his lawyer in respect of valid alienation of family land. (17 ½ marks.)
4. Write short notes on the followings:
 - a. Fee Simple
 - b. Fee tail/Estate Tail
 - c. Life Estate
 - d. Pawn of Land under Customary Mortgage
 - e. Pledge of Land under Customary Mortgage(17 ½ marks)
5. The position of law in respect of sale of land under Customary Law is not the same as that of English Law. Critically discuss, with relevant judicial authorities, the requisite conditions to be met for an alienation of land under customary law to be valid. (17 ½ marks)
6. The Land Use Act, 1978 (formerly known as Land Use Decree, 1978) is the most important legislation contributed to the development of Land Law in Nigeria by the Military Government. It is also referred to as an extra-ordinary statute. Critically discuss the radical impacts of Land Use Act, 1978 on Land Tenure System in Nigeria. (17 ½ marks)

JOSEPH AYO BABALOLA UNIVERSITY, IKEJI-ARAKEJI, OSUN STATE, NIGERIA
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FIRST SEMESTER EXAMINATION, 2022/2023 SESSION

COURSE: LAND LAW I

COURSE CODE: PPL 411

INSTRUCTION: ANSWER ANY FOUR QUESTIONS

TIME ALLOWED: THREE HOURS

1. Land Use Act, 1978 (formerly known as Land Use Decree, 1978) is the most important legislation contributed to the development of Land Law in Nigeria by the Military Government. It is also referred to as an extra-ordinary statute. Critically discuss the radical impacts of Land Use Act, 1978 on Land Tenure Systems in Nigeria. (17 ½ marks.)
2. a. With relevant statutory and judicial authorities, enumerate and critically discuss various sources of Land Law in Nigeria (7 ½ marks.)

b. Family land could be created in so many ways. Mention and discuss various ways by which family land could be created. (10 marks)
3. Late Pa. Ade Olomola died intestate and left behind a large expanse of land situate at Owena, Osun State. After 5 years of his demise, members of his family met and resolved to sell the large expanse of land. Mr. Richmond Alowonle is interested in buying the land pursuant to which he retained your legal services. Advise Mr. Richmond Alowonle on what to do to ensure valid transfer of the land to him by the family of Late Pa. Ade Olomola. (17 ½ marks.)
4. Write short notes on the followings:
 - a. Fee Simple
 - b. Fee tail/Estate Tail
 - c. Life Estate
 - d. The legal maxim of "*quic quid platantur solo, solo credit*"
 - e. Benin customary inheritance system(17 ½ marks)
5. a. With relevant judicial authorities critically discuss the position of law in respect of sale of land under Customary Law *viz-a-viz* sale of land under English Law land. (7 ½ marks)

b. Babalola Adekolurejo was the owner of a large expanse of oil palm tree plantation at Ikeji-Arakeji in his life time. Babalola Adekolurejo in his life time gave the plantation to his younger brother, Tunde Adekolurejo as gift *inter vivos* by inviting him (i.e. his younger brother) to his house where he informed him of his decision to give him the plantation as gift *inter vivos*. Tunde Adekolurejo

5. a. With relevant judicial authorities critically discuss the position of law in respect of sale of land under Customary Law *viz-a-viz* sale of land under English Law land. (7 ½ marks)

b. Babalola Adekolurejo was the owner of a large expanse of oil palm tree plantation at Ikeji-Arakeji in his life time. Babalola Adekolurejo in his life time gave the plantation to his younger brother, Tunde Adekolurejo as gift *inter vivos* by inviting him (i.e. his younger brother) to his house where he informed him of his decision to give him the plantation as gift *inter vivos*. Tunde Adekolurejo

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Mr. Tunde Adekolurejo

then requested for a written document from his brother, Babalola Adekolurejo evidencing the transfer of the land as gift *inter vivos* to him which he did as both of them signed the document. After the death of Babalola Adekolurejo, his children challenged the gift of the plantation in the High Court of Osun State, Ikeji Judicial Division claiming that the gift was invalid when it was purportedly granted. As a lawyer to Mr. Tunde Adekolurejo, critically review the facts leading to the case and advise him as to the propriety or otherwise of the gift *inter vivos*. (10 marks)

6. A Pawnor of land under customary tenure grants its possession and use to the Pawnee who invariably occupies the land. The essence of pawning system is that the income or the usufructs of the property should constitute the interest on the loan and be regularly collected by the Pawnee until the debt is paid. Critically discuss pawning system as a form of customary mortgage in Nigeria. (17 ½ marks)

**JOSEPH AYO BABALOLA UNIVERSITY, IKEJI-ARAKEJI, OSUN STATE,
NIGERIA**

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FIRST SEMESTER EXAMINATION, 2023 – 2024 SESSION

COURSE: LAND LAW I

COURSE CODE: PPL 411

INSTRUCTION: ANSWER ANY FOUR (4) QUESTIONS; TWO (2) FROM EACH PART

TIME ALLOWED: THREE HOURS

PART A

ANSWER TWO (2) QUESTIONS ONLY FROM THIS PART

1. "...The notion of individual ownership is quite foreign to native ideas, land belongs to the community, the village or the family never to the individual. This is a popular native custom along the whole length of this coast, and whenever we find, as in Lagos, individual owners; this is again due to introduction of English ideas..." – Lord Haldane in the case of *Amodu Tijani v Secretary of Southern Nigeria (1921) AC 399*. In line with the above, critically examine the concept of ownership as it relates to land tenure in Nigeria. (17 ½ marks.)
2. Land Use Act, 1978 (formerly known as Land Use Decree, 1978) is the most important legislation contributed to the development of Land Law in Nigeria by the Military Government. It is also referred to as an extra-ordinary statute. Critically discuss the radical impacts of Land Use Act, 1978 on Land Tenure Systems in Nigeria. (17 ½ marks.)
3. Write short notes on the followings:
 - a. Fee Simple
 - b. Fee tail/Estate Tail
 - c. Life Estate
 - d. The legal maxim of "*quic quid platantur solo, solo credit*"
 - e. Benin customary inheritance system(17 ½ marks)

SECTION B

Answer only **TWO** questions

4. *It is an elementary principle of law and has been held in a plethora of authorities that sale, transfer, grant or gift of land under native customary law is constituted by the handing over of the land so transferred in the presence of witnesses. The presence of witnesses is not only merely of evidential value, it is also a necessary part of the transaction. This is so because writing is foreign to native law and custom. The presence of witnesses gives the transaction not only solemnity but also validity. Per DENTON-WEST, JCA in AKINYELE v. ADEBAYO (2015) LPELR 24304 (CA) at page 9 of the E-Report.*
Critically discuss this statement with regard to individual gift and sale of land under customary law.
5. (i.) Explain the distinctions between void and voidable disposition of family land.
(ii.) With the aid of some decided cases, what are the legal intricacies of void and voidable dispositions.