



**NATIONAL OPEN UNIVERSITY OF NIGERIA**  
**14/16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS**  
**SCHOOL OF LAW**  
**MARCH/APRIL 2014 EXAMINATION**

**Course Code: LAW42I**

**Course Title: LAND LAW I**

**Time Allowed: 3 Hours**

**Instruction: Answer QUESTION 1 and any other 3 questions.**

1. a) At Common Law the basic rule is that all things attached to land forms part of the land and entitled to the same rights of property as the soil itself. Examine this rule and its application under customary law.  
  
b) Analyze the following:-
  - i) Akin claims that he acquired his land through settlement, does he have defective title? Give reasons for your reasons.
  - ii) Adegbola claims he bought his land from Elemosho under customary law. The possession of the land in question was transferred to Elemosho in consideration of the N30, 000 loan he gave to Haruna.
  - iii) Obi was told that a land under customary law a title could be derivative. He is confused and wants you as Land law student to explain how land under customary law could be alienated by Gift and by borrowing.
  
2. a. To what extent is this statement correct “ the powers of the Chief under trust is a qualified one”  
b. Eze is the Community Head of Nkisi village. He allotted a portion of the land to Nduka’s family. Nduka and his family has been in possession and been exercising all occupational rights on the Land. Eze and Nduka fell out, following Nduka’s refusals to allow Eze marry his last daughter. Eze decided to allot the same parcel of land to chukka who has agreed to give his beautiful daughter to Eze. What is

the right of Nduka under native law and custom. Would your answer be different if Nduka was a stranger in the community?

3. "Asiyanbi", is a customary tenant to Alarape a native of "Iju". Asiyanbi resides in the next compound to Alarape with his wives and children. He has the habit of coming home late from his farm. Every day, he gets to his house at 11:00pm and insists that his wives must prepare pounded yam for his supper and this they must make at his arrival when almost everyone is asleep or about to go to bed. Alarape had warned Asiyanbi to consider coming to the house early and this does not go down well with Asiyanbi, who started screaming and shouting that as a Tenant he knows his rights and duties, no matter how awkward the time he can come in at any time!
  - i) Advise Asiyanbi on the rights and duties of a customary tenant.
  - ii) What are the circumstances that can necessitate the determination of a Customary tenancy?
4. "The individual right of members in family land does not extend to the right of been consulted whenever the family land is to be dealt with". Do you agree with this statement? Give relevant judicial authorities to buttress your answer.
5. The coming into force of the Land Use Act 1978 brought about a major change to the customary law concept of ownership of land. Discuss.
- 6 Compare and contrast the Ibo rules of inheritance with Yoruba rules of inheritance with regards to land.