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QUESTION: Write on the land tenure system practiced in your locality.

ANSWER;

This assignment is based on the land tenure system practiced in my state of origin Ondo state which is located in the south west region home to the Yorubas, hence this paper work will look at the land tenure system of the Yoruba land. In Yoruba land, it is not surprising to note that land is hardly owned by the individual but, rather it is often held corporately by the family or the community. For Africans believe that land belongs to a large family of whom, many are dead, a few are living and countless hosts are still unborn. Thus, it can be seen that land can be owned by an individual based the modernization however the nature of this system land is usually owned as family or community note that one the family is not limited to the “father, mother and children” ideal of the Western World. Rather, the Yoruba family unit extends to various relatives like uncles, aunts, nephews, nieces and even cousins of various grades.

**The ownership and management of the land**

It is important to noted that the ownership of land can be through the king who seen as the custodian of the land, the person who settles on the property first, by inheritance.

**The king is the custodian: Oba lo nile that is, “ Land belongs to the King”or “the King owns all land”** : This particular maxim postulates that all land in every community belongs to the King. In practical terms, however, the King represented by the chief sand various family heads, is the trustee and custodian of all land within any given community .Ordinarily, under Yoruba Judicial System, the member of each family usually table their complaints before their family heads for settlement but if he could not settled them he, in turn, relates such complaints to the Chief who heads that particular areas of the town. If the chief fails to effect settlement of the matter too he will eventually present such complaint to[[1]](#endnote-1) the Igbimo Ilu or “Town Council of Elders” where the King or Oba  presides over the meeting of his Council of his elders and chief. Where any issue concerns alienation of land, therefore, the head of the land owing family, as a representative of the King, must give his consent to the alienation before any person could own or hold any part of the family land.

**The person who settles on the land first : Eni A Ba Laba Ni Baba** postulates that the first person to get a place is the father ’. The maxim confirms the right of a person that first The maxim confirms the right of a person that first occupies a piece of land as the overlord or landlord of all other people who later join him on the land. This maxim is used by the Yoruba to explain the reason why tenants should respect their landlord from whom they (the tenants) got land for farming and other purposes. It helps to understand why tenants honor their overlords by the payment of “ Ishakole or annual tribute.

**Inheritance** :[[2]](#endnote-2)The Yoruba customary law allows only the children to inherit the father’s property exclusively, relatives and other collaterals are therefore excluded. Male and female children share equally. A widow does not have a right of succession under customary law. In the case of Lewis v Bankole (1909) 1 NLR 18. The court laid down the following rules in respect of succession among the Yorubas.;

1. When the founder of a family dies, the eldest surviving son called “Dawodu” succeeds to the headship of the family with all that implies, including residence and the giving orders in his father’s house or compound.

2. On the death of the eldest surviving son, the next eldest child of the founder, whether male or female, is the proper person to succeed as head of family.

3. The division into equal shares between the respective branches, regard being had to any property already received by any of the founder’s children during his life-time.

4. The founders grand children only succeeded to such rights as their immediate parents had in the family property. When it comes to the sharing proper, When it comes to the sharing proper, the Yoruba custom recognize two modes of sharing,[[3]](#endnote-3) Idi igi or ori Ojori. Ojori”. “Idi Igi” is the Yoruba Native Law and custom whereby the estate of an intestate whose wives have pre- deceased him, is distributed according to the number of the mother’s (wives of intestate) of the children of such intestate while“Ori -Ojori a Yoruba Native Law and Custom, whereby the estate of such an intestate is distributed according to the number of his children.

**The determination of the land**

Partition; this is when the land is divided among the members of the family or the members of the community ,it then ceases to be a family land

Abandonment ; the occupant of the land leaves the said land without the intention of returning to the land.

Absolute transfer; in this case the family transfers the total rights of the land to another person.

1. Titus .K. Adekunle, customary land law under a government controlled land tenure system among the Yoruba of south western Nigeria. [↑](#endnote-ref-1)
2. Lloyd 1965 , yoruba inheritance and succession in Nigeria. [↑](#endnote-ref-2)
3. Coker ,family property among the Yoruba. [↑](#endnote-ref-3)