Assignment

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**Matric number: 16/law01/122**

**Course: land law**

**Level: 400**

**Locality: Lagos Island, Lagos.**

ASSIGNMENT

PREPARE A BRIEF PAPER ON THE CUSTOMARY LAND TENURE SYSTEM AS PRACTICED IN YOUR LOCALITY (STATE, LOCAL GOVERNMENT OR COMMUNITY).

       INTRODUCTION

   Land tenure is the system of holding land in a given society. According to Prof. Mqeke, customary law is defined as the “custom and usages traditionally observed among the indigenous African peoples and which form part of the culture of those peoples.’ It is the law that was handed down from time immemorial from ancestors and as such, it represents a collection of precedents and decisions of the by-gone chiefs

SOME CUSTOMARY LAW CONCEPTS

Though the Nigerian customary law differs from one locality to the other and from one tribal group to the other, nevertheless, customary law shared common broad principles or features some of which are examined below.

Ownership

• There are contentions as to whether or not the concept of ownership is known to African customary law.

• One view is that the concept of ownership is unknown to customary ideas.

• The other view is to the contrary, and it contends that the concept of ownership has long been part of Nigerian customary law and that the concept is not strange to customary law. Though, sometimes the term has been used to denote “absolute ownership” while at times, it is used to refer to “rights of occupation.”

• However, the term “ownership” signifies the largest claim to land under customary law and it is, therefore, a recognised concept of customary law.

• Under the Nigerian customary law, ownership may be held by (a) the community; (b) family and (c) the individuals. Each of these concepts is now discussed.

I’m from Lagos state. And my local government deals with family land tenure system.

 Family Land Tenure

• Woodman defines family as “a group of persons lineally descended from a common ancestor exclusively through males (in communities called patrilineal for the reason) or exclusively through females starting from the mother of such ancestor (in communities called matrilineal for this reason) and which group succession to office and property is based on this relationship.”

Ownership : In my locality in Lagos State, it is mostly the male children that inherit the land when the father dies but the daughters can lay claim or inherit the land if all the male children have passed or if there is no son to inherit. A member of the family can sue to protect or defend the interest of the family in respect of any family property.

 If an oba or a king dies the son is always the heir to the throne.

Partition

Partition may be voluntary if it is as a resulting from mutual agreement amongst members of the family to partition the family property. Partition may also be ordered by the court where interest of justice and peace demands it. For instance, where there has been a persistent refusal by the head of family or by some members of the family to allow others to enjoy their rights under native law and custom in family land.

 In conclusion, my locality is in involved in the family land tenure system. Each family has to have a son to inherit the land if the father dies but if there are no sons the daughters can take over. Inheritance is shared equally.