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ASSIGNMENT TITLE:

Prepare a brief paper (not more than 3 pages, 12pt, Times New Roman, 1.5 line spacing) on the customary land tenure system as practiced in your locality (state the locality, state, local government or community you are writing about) this should briefly cover the creation, ownership, management and determination of family or communal land in your locality.

CUSTOMARY LAND TENURE SYSTEM ASAMU TOWN, OSUN STATE

The purpose of this paper is to describe and discuss the customary land tenure system in my locality which is Asamu situated in Osun state in Ola Oluwa Local Government.

This paper will address in particular my research as to the creation, ownership, management and determination as practiced in my locality in Osun State.

Creation of customary land tenure

Generally in most Yoruba communities, the creation of family land or system of land holding arises by various ways, for instance, by conquest or gift and so on. It is not so different from that of my locality.

In doing my research, I found out that in Asamu town where I come from, land was firstly acquired by the first settlers in the land; this can be referred to as **first settlement.**

First settlement occurs where a family were the first to settle on a virgin land and they have exercised acts of ownership over sufficient length of time or they have done positive acts which are enough to warrant inference of exclusive ownership. The first settlers in my locality were the family of Akintolu and Oludumoye.

I also found out that the first settlers had dominion over the lands in my locality simply because they were the first settlers and there is power of ownership in the first settlers which consequently led to them winning cases concerning land disputes.

Another way land can be acquired in my locality was through **conquest.** This is where a family conquers another and thereby appropriate the land of the conquered. In the earlier days, it was legitimate for a family to base its ownership of land to act of conquest. However nowadays, conquest can no longer be a legitimate mode of acquiring land in modern times. An example of Conquering of land in my locality is the case of **Alasamu v. Egbedara**, which happened in the early sixties (this case will be discussed below).

Also, Land could also be acquired by **gift,** gift is when the family is the donee of the unconditional gift of land. During my research, I found out that my family had long possession of the one of the land in my locality, without any consideration which later turned out to be gift.

Also land can be acquired through **inheritance.** Where a land owner whose estate is governed by customary law dies intestate, such land devolves on his heirs in perpetuity as family land. That is, if the land owner subject to customary law dies without a will, his acquired property devolves on his children as family property in accordance with the applicable customary law rules. It is a common tradition in my locality that land which belonged to my ancestors were to be passed down to their male descendant (where it is more than one, it is to be passed down to the first male child)

Land can also be acquired by sale. Although my research did not bring much on land sale in my locality. However sale occurs when one sells land in exchange for consideration.

Ownership

The concept of ownership in this context of customary land tenure system means ‘a right of occupation’ or ‘absolute ownership.’ The term also signifies the largest claim to land under customary law.

In locality, customary law ownership may be held according to or by family.

Family in this sense means extended family. In my locality, my extended family was known as the OOSA house. The ‘Oosa family’ comprised of three main families, who were related by blood, affinity, a common ancestor, lineage and so on.

Management of land

In Asamu land, which is the subject of discussion, the management of family land is vested in the head of the family head on behalf of the family. The family head also known as ‘Baale’ who is the oldest male in the family in the Oosa family, the management of the land was held by the eldest of the three families. The family head takes charge and control of the land. He is referred to as the trustee of the land. It is the responsibility of the family head to preserve the property from unlawful interference and to keep it safe for the members of the family

Also in regards to the management of the family land, it is also being vested in the king who holds it as trust for the people especially from threats from external coercion and interference as it was in the case of **Alasamu v Egbedara**

However nowadays, the Governor of the state of Osun State holds the land in trust for the people of Osun in which my locality is a part of

Determination of family land

This was mostly through partition. Partition is the act of sharing family property among the members of the family. Partition is the permanent division of land for purpose, not of user but of ownership as well.

**The case of Alasamu v Egbedara (unreported)**

In this case, the Egbedara people wanted to claim the land of the Alasamu as part of their land, this led to the fight on the land which claimed lives of a lot of people.

The court held that the land was for the Alasamu people because of the witnesses and the adjoining property of both the witnesses and the Alasamu people.

The expenses of this case was covered by the head of the Oosa house then

This case led to the imprisonment of the king then and some other people for 3 years.

As a show of gratitude to the Oosa family, they were given a portion of land which was later partitioned. That is divided between the three families.