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**MATRIC NO: 16/LAW01/087**

**COURSE TITLE: LAND LAW**

**COURSE CODE: LPB 402**

**QUESTION**

Prepare a brief paper(not more thaan 3 pages, 12pt, Times New Roman, 1.5 line spacing) on the customary land tenure system as practiced in your 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. Note that the examiner expects you to write based on your research or knowledge acquired with respect to customary land tenure in your locality.

The concept of land tenure is one of the most salient and indispensable fragments of our society. Land tenure which is a system of holding land in any society, is a concept which dates back to pre-colonial times. Customary law on the other hand can be seen as “custom and usages traditionally observed among the indigenous African peoples and which form part of the culture of those people”[[1]](#footnote-1). In the case of Owonyin v Omotosho[[2]](#footnote-2) , customary law was described as “a mirror of accepted usage”. Customary land tenure can summarily be described as a system of holding land governed by customary law. Customary laws may differ from place to place as the locale may prescribe, I’ll be discussing the concept of creating, ownership and management of communal and family land in Sagamu local government in Ogun State.

Originally, all in this locale was held by certain founding families. Four separate families named Ogijo, Shotubo, Gbara and Likosi all settled here as far back as the history books go and have held land ever since. They met the lad uninhabited and by virtue of “first settlement” became owners. Note that all this was before the realization of what is now known as states and local governments. It was claimed that they came together and founded the name Sagamu, deciding to pick a king from every family, one after the other, while still holding their separate portions of land to each family. Early on, as others came and settled, the family which owned the land that was to be settled on would lease out the land under a tenancy agreement were the tenant must give to said family a quarter of all returns made from the farming that went on on said land. Only when this agreement was struck would the founding family now give land for dwelling to the settling family in addition to land for farming. There was also an agreement that tenants cannot sublet their land to others so as not to take business away from the founding families. To those families that were not farmers by occupation delivered the equivalent of their earnings to said family. As time went on, land was given to some families as gifts and this led to friction between the families that were paying tributes and the founding families. Upon taking their grievances to the king, the king declared that tribute paying families were allowed to get total ownership as long as they could pay whatever amount was stipulated by the families whether in cash or in goods. This created other forms of family land asides the original founding family land. In the 1990’s as well as early 2000’s, due to the proximity of the area to lagos being on the border and basically being all but in Lagos, land in the area was in relatively high demand from both private individuals and companies alike. This led to the major determination of most family owned land, as non-founding families transferred ownership by sale to private individuals, while the companies who were looking for larger portions of land that only the founding families could give, purchased theirs from them. Now most land is owned by either private individuals or corporations, while some land is still owned by the founding families. Some key sites within the community is still owned by the “community” with the King being the headman (in loose terms the trustee). Places like the community school, the king’s palace, the family house of the king, community markets, as well as the king’s farm are all owned communally.

Family land owned by the founding families was managed by the first born legitimate son of every family. There was no instance where there was no son due to the proclivity to polygamy, however where the son was not of age, the mother acted on his behalf until he became of age. The first born was in charge of expansion of houses on the land to accommodate the expanding family. Even when a member chose to not live in the communal house, any land where he settled was seen as family land. He was also in charge of rents and collection of tribute as well. While the other families passed the land down according to custom, with land being passed according to will or where he dies intestate to the children.

This basically shows that land dating back to time immemorial has been held either communally or by a family, however, with the advent of technology as well as globalization, amongst others land is now majorly individually owned.

1. Mqeke RB Customary Law and the New Millennium(Lovedale Press: Alice, 2003) [↑](#footnote-ref-1)
2. (1961) All NLR 304 at 309 [↑](#footnote-ref-2)