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**Course: Land Law**

**Case Study:**

**Oshimili North Local Government, Ugbolu Community in Delta State, Asaba.**

**INTRODUCTION**

The concept of land tenure system has been a concept of great importance in Nigeria legal jurisprudence due to the overwhelming importance of landholding in our society. Under Nigeria land law, there are two type of land tenure system namely; Customary Law Tenure and Statutory Law Tenure System. According to Pro. Mqeke, “Customary Law is defined as the custom and usages traditionally observed among the indigenous Africa people and which form part of the culture of those people.” It is the law that passes down from time immemorial from the ancestors and as such, it represents a collection of precedents and decisions of the chiefs. In the case of Owoniyin v Omotosho, customary law was described as a mirror of accepted usage and common law of Nigeria people. This paper seeks to espouse the accepted usage and the common law of the Ugbolu Community in Oshimili North Local Government Area of Delta State as it relates to their land tenure system. Though, it has been established that the Customary land tenure system in Nigeria is not the same or has a universal practice due to obvious and diverse nature of the tribes, customs and culture in Nigeria but it should be noted that Customary land tenure of the Ugbolu Community just like other tribes or culture in Nigeria is subject to the Land Use Act, 1978 which has to a large extent unified the land tenure system in Nigeria. At the end of this discussion, the paper shall highlight the creation, ownership, management and determination of our Ugbolu Communal land tenure system.

**CREATION**

History has it that landholding of the Ugbolu Community was established by Olu of Ugbolu who was the founder of the Community. The story was that Olu who migrated from the Benin Kingdom finally settled in a place now known as Ugbolu Community due to the fertile land and abundant resource. The descendants of the Olu inherited the vast land acquired by the Olu and practiced communal landholding where the land belong to the community as whole and not individual members of the community. The Landholding from inception in Ugbolu from my finding has been communal ownership and control of the Diakpo (Eldest Man in the community) and Chiefs which are simply described as the Elders of the Community holding the land in trust for the community.

**OWNERSHIP**

According the native law and customs of Ugbolu, the land is vested on the community as a corporate whole and in which no individual, member of the community could claim exclusive ownership to any portion of such land. The Land is known to belong to both the living and dead including the unborn male children of the community. The male member of the community who attained the age of adulthood which is usually 18years and above are entitled to a portion of land allotted to such member of the community to live. It must be noted that any member of the community whether male or female is free to farm on any part of the land. But no member has the right to sell or rent or plague with the land. This exclusively within the purview of the Elders.

**MANAGEMENT**

The elders are entrusted with management and control of the community land. The elders which consist of the Diokpa and Chief personating the community. It is the responsibility of the elder to preserve the land from any unlawful interference by trespassers, to allocate portion to the needing members, where rent out of the property to stranger (customary tenants), to collect rent and royalties from them and to take part in the transfer or alienation of communal property to give a valid tithe to the buyer.

At the end of every farming year, the customary tenants of the community collectively pay their rent on a selected date with tubes of yams and drinks which is brought to the Diakpo Palace in the presence of the Elders and adult members of the community. Upon the receipt of these tubes of yams, the Elders shall ensure that all adult male members of the community share from the yam brought as rent by the customary tenant.

**DETERMINATION**

The Landholding of the Ugbolu community has been partially determined as some portion of the land has been compulsorily acquired by Government for public use, this part of land acquired by government, is not subject to communal land tenure but rather the Land Use Act of 1978.

Also, the members of the community who are of adult age have been vested with equal portion of land by virtue of partition and allotted according to the Native law and custom of the Ugbolu community, in this regards the individual member allotees have exclusive ownership of the land divested on them.

From my research, I observed that the elders of the community have vest tithes of some portion of the communal land to no members by alright purchase of land.