NAME: ADIKWU OGBENE MARYFAITH

MATRIC NUMBER: 16/LAW01/013

COURSE: LAND LAW II

LECTURER: PROFESSOR A.E. TAIWO

ASSIGNMENT: BRIEFLY DISCUSS THE CUSTOMARY LAND TENURE SYSTEM PRACTISED IN YOUR LOCALITY WITH THE AID OF THE NOTE ON LAND TENURE SYSTEM BY PROF. ADEWOLE TAIWO

**THE CUSTOMARY LAND TENURE SYSTEM IN OTUKPA, OGBADIBO LOCAL GOVERNMENT AREA OF BENUE STATE.**

Land tenure is the system of land holding in a given society. Customary law was defined by OWONYIN V. OMOTOSHO as a mirror of accepted usage and common law of Nigeria people. Customs vary from place to place.

I am Adikwu Ogbene Maryfaith; the locality I will be focusing on my hometown I am from Otukpa, Ogbadibo local government area of Benue state. The form of customary land tenure system as practised by my people is the Family Land System. Family as defined by WOODMAN connotes a group of persons lineally descended from a common ancestor exclusively through males (in communities called patrilineal for the reason) or exclusively via females starting from the mother of such ancestor. Family in relation to a family property means a group of persons who are entitled to succeed to the property of a deceased founder of a family such persons are usually the children of the founder family.

As earlier stated that the customary land tenure system in my locality using Ogbadigbo local government as a point of discussion. Lands in that area are being held by the family, the males are the ones who are entitled to land holdings as the women can only farm on the lands and get their produces from it. Land is being transferred from generations to generations amongst family members. Here it is believed that land is an ancestral heritage from forefathers to their younger generations and generations yet unborn. Land in this locality is held in the custody of the eldest man in each family who in turn gives land to the first male child of every household in his family that is to say if a man has five sons and upon his death the land passes to his first male son who then becomes in charge of the land however, the remaining four sons will have to seek permission from the eldest son before they can build on any of the lands or farm on any as the custody of the family land rest on the eldest son. Family land here can also not just be sold for personal interest without the permission of the elders of each family, the people who comprises of the decision makers of land holding in my community are for example let’s take the family of ADIKWU IGOCHE for instance the decision makers will comprise of all the first male child of that family with the eldest man as the main holder who in times makes decision as benefiting the whole family. Land holding keeps moving from the eldest man in the family to the next upon death and it continues like that. It is wise to note that widows do not hold lands in this community; she can be permitted to farm on the land and get its produce for the sake of the survival of her kids but cannot own the land. However, in the case of strangers when a visitor or a stranger comes to the community they are being directed to a family head and when they come to any family head they ought to give them land not as dash neither for gift but he/she could farm on the land and sometimes monetary reward or farm produce is being given to the family by the visitor that is if the visitor desires to live in that community. A family house is meant for the man, his children and wife to live in and most times their daughters who desert or was deserted by her husband can come back and reside in her family house just as seen in the case of FRANK COKER V. GEORGE COKER. Every entitled member of the family must agree before a family land can be sold. A family land is being vested as a corporate entity therefore an individual has no separate claim of ownership to any part or whole of it however, he can sue to protect or defend the interest of the family in respect of any family property but the has to be with the authority of the family hence they will not be bound by result/outcome.

Furthermore, it should be noted that family land can be expanded this in my community is mostly achieved in situations where another family gifts another family land it could be as a sign of peace, marriage, friendship, loyalty or long built trust. When a land is being gifted to a family it becomes a family land too but most times just to farm on it and not own it, also land is being expanded when a family conquers another family’s land, family land can also be created or expanded where one uses family money to purchase a land, family land can also be created by means of will, by operation of law when a land owner dies without a will, by first settlement when parties where the first to settle on such land. The management and control of the family lands is with the eldest male of the family who in turns operate in such a way that benefits all members of the family. Family land ceases to be family land when it is being absolutely transferred to another person either by sale or as a gift but this has to be with the permission of all decision making members of the family and not just the eldest man in the family in order not to make the sale or gift voidable or void, also by partition that is sharing of family property amongst family members this should be distinguished from allocation.

In conclusion, this writer has been able to explain the form of customary land tenure system in her locality using her hometown Ogbadibo as a point of reference and stating necessary details. It should be noted that family land is highly respected and important in this locality as upon death of any member of their family they are brought home to be buried on their family land even married daughters who die are brought back to their family land to be buried. The relevance of family land goes as far as being a means of provision of a portion for members to reside, means of income and feeding by farming and selling of its products.