Land tenure is the system of landholding in a given society. It entails the customs and usages traditionally observed among the indigenous people that formed part of their culture and religions. According to the Nigeria Customary law, ownership may be held by community, family or individual.

Land Tenure system differs in the different part of Nigeria, Amongst the Igbo indigenous people of Anambra State but in Abatete, Idemili North Local Government land holding can be classified into **family** owned by the entire family of a particular person. In Abatete, family connotes the statement made by Carey j in Coker v Coker in which he referred to family as children in relation to a group of persons who are entitled to succeed to the property of a deceased father of a family. Such persons are usually the children of the deceased founder of the family. The word “children” should refer to both sexes of the offspring but Abatete, female children are unable to inherit the property of their late father because they believe that female leave the family when they get married, but a female child who is deserted by her husband or deserts her husband still has a home in her father land but will not enjoy a right over till unless otherwise stipulated in a testators will. It is imperative to note that brothers, sisters, cousins or uncles of the deceased founder of a family do not come within the meaning of the term “members of the family.” The term family is strictly recognized in a nuclear manner that is children of a customary recognized marriage.

In Abatete, family land is owned in a certain prescribed manner by the head of the family which is usually the oldest member of the family is recognized as the holder or custodian .He holds the same in trust for the rest members of the family. Despite the fact that the eldest possesses the right to family land, he must seek the opinion of the principal members of the family before taking decision on land and the same goes for the principal members of the family. This connotes that it is only with the consent of all those entitled (children of a founder) to part of the family land that it can be sold. The individual member of the family, therefore, has no separate claim of ownership to any part or whole of it. However, a member of a family can sue to protect an interest of the family in respect of any family land. A single member of the family has no expendable interest in family property. It is only the family that can transfer its title to any person.

The family land in the Abetete community is created by first settlement in which their own forefathers were the first to settle on a piece of land thereby claiming ownership after a lengthy period of time. As first settlers, no stipulated will is written for the dissemination of the family land upon the death of a founder. It is generally believed that the land should exist to provide for the children and children's children to come, but in recent times family land can be acquired by the use of family money to purchase a land, although members of the family can lay claim to a fraction of the money brought forth for the purchase of the land, which has resulted to a lot of dispute, The land will still under customs be viewed as one entity with equal right to be enjoyed in regards to partition. The purchase of a family land is a respected process and according to the customs after the purchase of a land a tradition known as (EWU ANI) must ensue , this under the customary law provides that rights to a land has changed hands. The king is the only person who can gift a land to a family as a rare occurrence to a family of a trusted advisor.

It is also important to note that under a will, a family land can be created in the instance that a testators request that all his children jointly own a piece of land with or without words of partition , it is a common occurrence that words of partition be stipulated to avoid future disagreement with the (OBI) elders house going to the eldest son, (ULO NRI) open kitchen going to the younger son, middle children have the share of the remaining piece of land.

The management of a family land is according to the male born with age as reference, this refers to the oldest male of the family (DI OPARA) in which right and ownership is vested. Usually referred to as the owner of the land .As such, the powers and rights of ownership of family land are vested in, and are exercisable by him on behalf of the family. The oldest child takes charge of the management and control of the land. His job is to preserve family property from any unlawful acquisition and to keep it in a good state of repair amongst other things. The family head cannot use the land for personal reason and can only transfer his right upon partition. This implies, that the family head cannot sale, alienate, and transfer the family land to another person without the consent of all the family member who have a stake in the land.

The determination of a family land can be done in several ways but the most common to the Abetete community is by partition (OKE ANI) is the act of sharing of family property among the members of the family. It is the permanent sharing of a family land and this convey rights and ownership of that land .Where there is partition of family property, each person becomes an owner of a part allocated. Partition should result from a mutual agreement amongst members of the family to partition the family property. That is not to say that it cannot be a result from a dispute but for the preservation of family relationship sharing of land should be done amicably. The occurrence of any of the following events determines family property. In the Abetete community, it is frowned upon that a family land be transferred to another person because they believe that a land should remain in the family as the forefathers the first settler intended it to be, In recent times, Some family transfers the all of its interest in the family land to another person. This is usually by way of sale. After following the stipulated customs guiding the sales of a family land, custom such as (IGBU EWU ANI) the purchaser becomes the new owner of that given. A sale and transfer of family land is valid where the transfer is agree upon by the all principal members of the family. Although the oldest male is viewed as the owner of the land, he alone cannot transfer the interest in the family land.