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Course: Land law

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GUIDE

Ekiti State

Emure Local government

Emure community.

BACKGROUND ANALYSIS OF THE LAND TENURE SYSTEM OF EMURE, EMURE LOCAL GOVERNMENT AREA,. EKITI STATE.

Land is a very significant property and is one thing that man could not do without. It is the major determinant factor for the existence of man, plants and animals.

Land tenure system is the relationship, customarily defined among people as individual or group of people with respect to land ( land include other properties such as water and trees). Land tenure are rules that define how property rights area to be allocated within the society.In Emure as in many places in EKITI State, land determines the extent of wealth a man has, it is a sacred thing and is worshipped by many as a goddess. Land tenure or land ownership is derived mainly from customary pattern. It can be categories in three basic

- 1) Community land
- 2) Family land
- 3) Individual or personal land

OWNERSHIP

- 1) Community land:

The term community may refer to a family, clan or to a village consisting of a number of kindred or lineage group families. Looking at a community from a wider point of view, it could be taken to be a conglomeration of families.

With this, community land is regarded as the land jointly owned by a large group of people. Every member of this large group has equal right to the use of the land. There are other rights and interest widely enjoyed by communities in some activities associated with land. These include the right of hunting, the right of collection of wild forest products and firewood, and the right of fishing from the public water. All labour or manual works concerning such lands are done jointly by the community.

## 2) Family land:

The title to the family land is vested in members of the family *Ebi* as a corporate body. In Emure Community inheritance of land is by the Children of the deceased, in a family where there is more than one wife, the land are divided according to the numbers of wife and given to the wife for her own children. Out-right alienation of family land is rarely done without the consent of members of the family. Every member of the family is assigned a portion of the family land upon request and does not have the absolute right on such parcel of land. Ironically on the other hand, after the portion so assigned had been farmed by a member and his descendants for many farming rotations, he gradually establishes the primary right to the use of the particular portion before any member of the family. The family system of land ownership is a system whereby the whole family holds land jointly. They may use the land jointly or separately but the ultimate ownership of the land lies in the whole family. Thus, the holding of family land under customary law is joint and indivisible unless partition takes place.

## 3) Individual or Personal land

The method of individual ownership of land is alien to the customs of the society. Before the advent of the Europeans an individual could not hold an interest on land equivalent to that held by the community or the family. However since individual ownership of land has found its way into our society, it is regarded as land which an individual has inherited or acquired and which is at his disposal and not subject to the family sanction. The boundaries of land in each case are demarcated using different shrubs like 'peregun', 'Akoko' tree, foot paths, pineapples, kola nut trees and other notable and durable plants, some people adopted natural feature, like rivers and

ranges of hills.

#### CREATION OF FAMILY LAND

This is a land whose rights have passed by succession to the descendants of the original owner. Family land tenure is created in inheritance where the land are given to the children of the deceased or in case of polygamous marriage, land are divided between the number of wives. Sometimes an only child or sole surviving child constitutes an omoiya or obakan.

#### MANAGEMENT OF FAMILY LAND

The management of family land tenure in Emure is vested in the A head of the family is the person who manages family property for and on behalf of other family members. In fact the head of the family represents the family of any gathering or occasion He is the family voice at the village or community meeting. He is the trustee of the family property. family head is commonly called, 'Olori-ebi', 'Mogaji', 'Dawodu', 'Baale' or

#### Family Members (Ebi)

There is no subject in which the Ekiti people is more sensitive than that of land and real properties, this normally quiet and submissive people can be roused into violent action or desperation if they perceive any intention or attempt to deprive them of their land. It is against this backdrop that the native laws have evolved over the years in determining who could legitimately claim to be members of a particular family, for the purpose of family land and generally for all intent and purposes. This is one of the ways to protect and preserve family heritage, while at the same time, prevent avoidable conflicts.

The proper person to manage the family land is the oldest male member thereof whether he happens to be the first born or, if the first child be a female, he comes next and so is the oldest male child. If the first born female, however, happens to be a strong and influential character or if there are no other male members of the family, old or pushful enough to assert a claim to the headship, such a senior female may be elected family head.

#### DETERMINATION OF FAMILY PROPERTY

##### 1) Absolute transfer

Family land are usually transfer by gifting a land to the outsider or in the of collateral for loan

## 2) Partition

When a man dies the land are given to his children and in case of polygamous marriage the land is divided by the number of wives. But this differ from place to place