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Land tenure system which is the system of landholding in a given society which is practice in various geographical location acknowledges or recognizes communal land tenure system in the eastern part of Nigeria. It would establishes FAMILY LAND. This is land vested upon a family as a corporate entity. This provides that member has a separate claim of ownership to any part or whole of it. Its property could be created either by operation of law or by Acts of the parties. It is only the family that can transfer its title to any person. A purported transfer of family land by a member of the family is void and of no effect. Thus, in Solomon & Ors v Mogaji where a family head sold family land as his personal property, the Supreme Court held that the purported sale was void ab initio because he had no separate individual interest to transfer to the appellants. It should be noted that it is the consent of a majority of principal members of the family that is required and not that of every member for the alienation of partitioned family land. It is however notable that if a land owner under customary law, show pass away or die without a will, his land is passed to his offspring due to the fact that family land in accordance with the applicable customary law.

OWNERSHIP AND MANAGEMENT

I am from IMO STATE which is one the south east states in Nigeria. In IMO state which makes use of INHERITANCE as its method of land management and also

Ownership. In Ehime Mbano local area, inheritance of land is one of the major means of land ownership. In which through the Traditional history of a particular land which would be traced to a particular family, the land ownership would be shared among the sons of the person who died. In this case, the first son takin the UKWU OJI which in English can be said to be the most preferred of best part of the land. But in as much as this is stated, through an established WILL which is written and signed by the deceased owner, the deceased would have the power to distribute or share part of the land to whomever he pleases. According to decided case in IDUNDUN V OKUMAGBA (1976) 9 & 10 S.C 227 pg198 which also establishes that in IMO STATE the general rule for ownership of land are ;

1. By Traditional history
2. By Purchase.
3. Long Possession of land by an adjacent owner.
4. By Gift which must be witness by a person.
5. Conquest
6. By Deforestation which implies that who first deforested the land.

However, in my area, EZEOKE NSU, in EHIME MBANO LOCAL GOVERNMENT AREA IN IMO STATE, the popular land tenure system are ;

* INDIVIUAL LAND TENURE SYSTEM, in my place individuals can acquire land through traditional history. He can also buy it or by purchase. In eastern Nigeria, private individuals as well as institutions exercise ownership rights according to customary and statutory land tenure. Individuals become entitled to parts of family land by virtue of birth into a family or clan. They can also enjoy absolute rights of ownership on the basis of being the first to clear and occupy a plot of land. Under statutory law, any individual or registered group can own land. Bishop and Toussaint (1958) identify the following categories of land users: owner-occupiers, share tenants, cash tenants, mortgage owners and part owners. Timmons (1943) highlighted the following social relations in the study area: customary landlords/customary tenants, pledgers/pledgees and landowners/farm labourers. In my place Women normally cannot own or inherit land under customary law, although they retain use rights during their lifetime as long as they remain in the husband’s household (Arua, 1978). When a man dies, his farmland is shared out according to the laws and customs of the community. Clans are permitted to administer, supervise, protect and finally partition the landed property among the heirs of the deceased (Nzimiro, 1973), even though that the supreme court had recently ruled against the practice for being repugnant. Other means of acquiring land include pledging, sharecropping and borrowing. Pledging is a sort of indigenous mortgage through which an owner-occupier gives possession and use of his land to a pledge creditor (pledgee) in return for a cash need
* FAMILY LAND TENURE SYSTEM; during the time of planting season, land is being appointed by the family to individuals to family and in polygamous marriage the land is also appointed to mothers and not individual.
  + - * + CREATION

Creation of Family Land ;

* (a) Creation by Operation of Law ; If a landowner who is subject to customary law dies without a Will, his acquired property, devolves on his children as family property in accordance with the applicable customary law rules. This is the way family property is commonly created. Family property may also arise from a declaration under a Will as where a testator devised a property to his heirs jointly to hold as family property.

* (b) Creation by acts of the Parties ; Parties may by their own acts create family property, by way of first settlement, purchase, conquest or absolute gift of land. Each of these methods of creation of family property by the acts of the parties will now be considered. i) First Settlement ;Family property may arise where a family, through their own ancestors were the first to settle on a virgin land and exercised acts of ownership over sufficient length of time, numerous and positive enough to warrant inference of exclusive ownership. In Ajala v Awodele & Ors, The Supreme Court held that settlement is one of the traditional modes of acquisition and that where the plaintiff‟s case is that the land was acquired by settlement, it should not be open to question as to who made the grant.

However, certain factors can affect the performance of this land tenure system in my locality, which are;

1. Cultural factors
2. Socio-economical factor
3. Increasing urbanization

**Conclusion**

This pattern is observable in eastern Nigeria in spite of cultural homogenization by the mass media. The major feature of modern pluralistic societies is the very freedom granted to individuals and the difficulty so many people have in coping with this freedom. In many quarters, opinions are being expressed about the need to re-establish the close-knit community relationships that had characterized traditional society in eastern Nigeria. Communal land tenure has a greater tendency to contribute meaningfully to agricultural and agro-industrial development in those areas where the patrimonial authority still holds influence. Communal land tenure systems are predominant in many areas, but the transition in rights-holding from the extended to the conjugal family is well under way, thereby increasing the possibilities of geographical mobility and the eventual emergence of completely individualized property rights in some areas.

REFERENCE ;

CASES AND MATERIALS ON NIGRIAN LAND LAW BY NIKI TOBI

HOW TO HANDLE LAND CASES IN PRACTICE BY EMMANUEL EGBURUONU