

THE CUSTOMARY LAW
MANUAL

A MANUAL OF CUSTOMARY LAW
OBTAINING IN THE
ANAMBRA AND IMO STATES
OF NIGERIA





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A MANUAL OF CUSTOMARY LAWS OBTAINING IN THE
ANAMBRA AND IMO STATES OF NIGERIA

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PREFACE

This work was produced by the Law Revision, Research and Reporting Division of the Ministry of Justice, Enugu. It was prepared under a directive given by Government that the customary laws currently obtaining in all the communities in what are now Anambra and Imo States should be ascertained, recorded and published in the form of a handbook.

The laws set out here are current, well-established customary laws ascertained in the course of field research carried out over a period of five years by the Commissioner for Law Revision and a team of eight Law Officers. For the purposes of the field research, thirty-nine Divisional Law Panels were set up, one for each of the thirty-nine Administrative Divisions in what used to be the East-Central State. The Law Panels had a total membership of 364. These Divisional Law Panels were made up of natural rulers, former presidents and members of County Courts of Appeal, former Presidents and members of Customary Courts of first instance, former Registrars of County Courts of Appeal and of Customary Courts of first instance, Barristers practising in their divisions of origin, retired Administrative Officers, Community Councilors, Community Leaders and other persons (whether literate or not) selected for their outstanding knowledge of their local customary laws. Their names are set out in Schedule I, pages 374-385.

Questionnaires calling for information on hundreds of points of law relating to the subjects covered by this Manual were prepared and distributed among members of the Divisional Law Panels who studied them over periods ranging from two to six months; they consulted members of their various communities and got their answers ready. Most of them submitted written answers. Recording sessions, which included mock trials and lasted from four to eight days in respect of each subject, were then held by each Divisional Law Panel under the chairmanship and guidance of the Commissioner for Law Revision and his Law Officers. During these sessions, the questionnaires were gone through item by item and the laws that emerged were recorded. As a precaution, the questionnaires had an in-built system of checks, in that questions calling for the same answer were asked in different words in two or more different contexts scattered over a wide area. Where divergent answers were given to two such questions dealing with the

same point of law, this was taken as evidence that the Panel members were uncertain as to the correct law on that point; they were therefore required to re-examine their sources and ascertain the true position of the law.

The laws that emerged from this exercise are here laid down in numbered paragraphs containing rules of general application followed by "local variations" wherever there are communities in which the general rules do not apply.

In a number of cases, there are no rules of general application. In such cases, there are two or more sub-paragraphs (with "local variations" in appropriate cases) each laying down one rule of law and naming the communities in which that rule applies.

DR S. N. C. OBI

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NOTES ON HOW TO USE THIS MANUAL

1. The Layout

The customary laws obtaining in Anambra and Imo States are set out in numbered paragraphs in this Manual. Some paragraphs contain statements of laws which apply in all communities. Some contain general statements of laws which apply in most but not all communities, followed by "local variations". "Local variations" show places where the laws given in the general statements do not apply; they also show what laws apply in such places. Some paragraphs contain two or more sub-paragraphs each of which states a rule of law and the places where it applies. In some cases, these rules apply in a modified form in a number of places. In such cases, the modified rules as well as the places where they apply are given under "Local variations."

2. How to find the Law applicable in a given place

To find the rule of law that applies in a given division, clan or community on any given point:

- (a) Look up the relevant paragraph, using the Table of Contents where necessary;
- (b) Read the general rule of law stated in the main paragraph as well as the "Local variations" under it. Where there are two or more sub-paragraphs, read them as well as the "Local variations" under them;
- (c) If the division, clan or community concerned is named in one of the sub-paragraphs, the law which applies there is of course the law stated in that sub-paragraph;
- (d) If the division, clan or community concerned is named in one of the "Local variations", then again the law which applies there is the law stated in that "Local variation";
- (e) If the division, clan or community is not named in any of the sub-paragraphs or "Local variations", the law which applies there is the general rule of law stated in the main paragraph.

3. Communities in each Division

The communities that made up the Administrative Divisions referred to in the Manual are set out in Schedule II, pages 386-393.

4. Uzo-Uwani Division

Uzo-Uwani Division consists of communities excised from Anambra and Nsukka Divisions, and was created after work had been

completed on Parts I and II of this book. Therefore, in Part I (Land Laws) and Part II (Succession)—

- (1) a statement which is true of Anambra Division is also true of the following communities in Uzo-Uwani Division: Anaku, Ifite-Ogwari, Igbakwu, Omase, Umueje, Umerum, Omor and Umumbo;
- (2) a statement which is true of Nsukka Division is also true of the following communities in Uzo-Uwani Division: Adaba, Nkume, Adani, Igga, Asaba, Ogurugu, Ojo, Ukpata and Umulokpa.

5. Relationship of Divisions to Local Government Areas

The territory covered by this book was formerly known as the East-Central State of Nigeria. For administrative purposes, the State was divided first into thirty-five and later into thirty-nine administrative divisions. The divisions were, in the main, coterminous with areas having similarity of laws and customs. The laws stated in the pages that follow are laws obtaining in the communities that made up the various divisions.

The names of the communities that made up the 39 Administrative Divisions in East-Central State are set out in Schedule II, pages 386-393.

East-Central State was later split into two States, namely—Anambra with twenty-one administrative divisions and Imo with eighteen divisions. Anambra State was later still reorganized into twenty-three Local Government areas. Imo State was similarly reorganized into twenty-one Local Government areas. The result was that some of the old administrative divisions were split into two or more Local Government areas, some divisions were merged but the bulk of the old divisions remain intact. These changes took place after the book had gone to print, and so are not reflected in the text.

The two tables that follow show the relationship between the old administrative divisions mentioned in this book and the new Local Government areas that replaced them. The communities that made up the divisions shown in the first column are the same as the communities that make up the Local Government areas shown opposite them in the second column. Therefore, what are stated to be the laws obtaining in the communities that made up the divisions shown in the first column are the laws obtaining in the communities that make up the Local Government areas shown opposite them in the second column.

ANAMBRA STATE

Administrative Divisions

Local Government Areas

| | | | |
|-----------|-----|-----|---|
| Abakaliki | ... | ... | Abakaliki (excluding Izzi area) |
| Aguata | ... | ... | Aguata |
| Anambra | ... | ... | Anambra (But <i>see</i> Note 4) |
| Awgu | ... | ... | Awgu <i>and</i> the following communities in Oji River: Achi Uno, Awgu Nta, Awlaw, Ini and Nkwumi |
| Enugu | ... | ... | Enugu Urban in Enugu Local Government Area |
| Ezeagu | ... | ... | Ezeagu |
| Ezzikwo | ... | ... | Ezza <i>and</i> Ikwo |
| Idemili | ... | ... | Idemili |
| Igbo-Eze | ... | ... | Igbo-Eze |
| Ihiala | ... | ... | Ihiala |
| Ishielu | ... | ... | Ishielu |
| Isi-Uzo | ... | ... | Isi-Uzo |
| Izzi | ... | ... | Izzi area of Abakaliki Local Government Area |
| Njikoka | ... | ... | Awka <i>and</i> Njikoka <i>and</i> Ugwuoba community in Oji River Local Government Area |
| Nkanu | ... | ... | Nkanu <i>and</i> the following communities in Enugu Local Government Area: Amechi Awkunanaw, Obeagu Awkunanaw, Ugwuaji Awkunanaw, Akwuke and Nike |
| Nnewi | ... | ... | Nnewi |
| Nsukka | ... | ... | Nsukka <i>and</i> Igbo-Etiti (<i>See</i> also Note 4) |
| Ogbaru | ... | ... | Ogbaru District in Onitsha Local Government Area |
| Onitsha | ... | ... | Onitsha Urban in Onitsha Local Government Area |
| Udi | ... | ... | Udi <i>and</i> Oji River Township |
| Uzo-Uwani | ... | ... | Uzo-Uwani |

IMO STATE

| <i>Administrative Divisions</i> | <i>Local Government Areas</i> |
|---------------------------------|--|
| Aba | Aba and Obioma Ngwa |
| Afikpo | Afikpo and Ohaozara |
| Arochukwu | Arochukwu area of Arochukwu/Ohafia Local Government Area |
| Bende | Bende |
| Etiti | Etiti |
| Mbaise | Ahiara/Ekwereazu and Umunneato |
| Mbaitoli/Ikeduru | Mbaitoli/Ikeduru |
| Mbano | Mbano |
| Nkwerre | Nkwerre/Isu |
| Northern Ngwa | Isiala Ngwa |
| Oguta | Ohaji/Egbema/Oguta |
| Ohafia | Ohafia area of Arochukwu/Ohafia Local Government Area |
| Okigwe | Onicha/Okigwe/Isuikwuato |
| Orlu | Orlu and Ide-Eto |
| Oru | Oru |
| Owerri | Owerri |
| Ukwa | Ukwa |
| Umuahia | Umuahia/Ikwuano |

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 October 21, 1976.*

FOREWORD

Customary Court judges in Nigeria are usually familiar with the native law and custom of their various areas of jurisdiction so that in adjudicating upon matters before them they look upon such native law and custom as *law and not as questions of fact* to be proved by evidence.

Under section 58 of the Evidence Law, however, questions of native law and custom are treated as questions of fact and in deciding such questions the opinions of Chiefs and other persons having special knowledge of the local law, or any book or manuscript recognized by the people as legal authority, are relevant. The result is that in the Magistrate Courts and in the Superior Courts of Record, as Taylor, F.J. affirmed in *Giwa v. Erinmiloku* (1961) 1 A.N.L.R. at page 296, it has become:

“a well-established principle of law that native law and custom is a matter of evidence to be decided on the facts presented before the court in each particular case, unless it is of such notoriety and has been so frequently followed by the courts that judicial notice would be taken of it without evidence required in proof.”

Experience has shown that this necessity for proof of customary law by evidence usually gives rise to litigants ranging respectable witnesses on their side to put forward a version of the customary law on the subject-matter in issue to bolster up their claims or defences. The Magistrate or the Judge on the bench therefore, has the unpleasant task of choosing one or the other of the contradictory versions of the customary law.

Furthermore, many scholars, administrative officers and even some ordinary people who would be delighted to know the customary laws prevailing in various parts of the country can feel happy only if they are satisfied that what is being handed out to them is not coloured in any way. That was why the Government of the East-Central State of Nigeria decided that the time has now come for the customary laws of the State to be ascertained and recorded. It is not in doubt that in a calm atmosphere, devoid of any litigation—pending or anticipated—the “experts” on customary law will state that law precisely as it exists, without any colouring to suit a particular purpose. That was why Customary Law Panels were set up in each of the thirty-nine Administrative Divisions of the State, to help ascertain and record the customary laws prevalent in each area.

The Customary Law Panels were guided in this exercise by the Commissioner for Law Revision and other law officers in the State Ministry of Justice. One aspect of customary law is treated at a time and the present handbook is a product of this joint effort between the Ministry and the experts in customary law. It is an authentic statement of the customary laws of the East-Central State of Nigeria* and I am confident that the handbook will be of great assistance not only to the legal profession but also to everyone interested in the society in which we live. I warmly commend it to the public.

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*Attorney-General's Chambers,
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25th April, 1975*

**Now Anambra and Imo States.*

PART I
CUSTOMARY LAND LAWS



CHAPTER I

NATURE OF AND INTERESTS IN LAND

1. *Meaning of land.*—“Land” means the earth from the top soil down. It does not necessarily include trees or buildings that stand on it. It also means the right of user, alone or in common with others, over a given area of the earth’s surface.

2. *Land may be owned.*—Land may be owned by individuals, families or communities.

3. *Meaning of ownership.*—By ownership of land is meant entitlement to the maximum bundle of rights and interests that can exist in or be exercised over an area of the earth’s surface in a given society.

4. *Need to agree on ownership of economic trees when land is sold.*—

- (a) Where one person negotiates to buy land from another person, it is necessary to agree on which of them will be entitled to economic plants and trees standing on such land in Aba, Abakaliki, Anambra, Bende, Enugu, Etiti, Ezzikwo and Idemili Divisions, Enugu-Ezike and Eketekelu clans of Igbo-Eze Division, Ihiala, Ishielu, Isi-Uzo, Mbaitoli/Ikeduru, Mbano, Njikoka, Nnewi and Nsukka Divisions, Ogbaru Division (in respect of residential land), Oguta, Okigwe, Onitsha, Orlu, Oru, Owerri and Ukwa Divisions.
- (b) In Afikpo, Aguata, Arochukwu, Awgu and Ezeagu Divisions, Igbo-Eze Division (excluding Enugu-Ezike and Eketekelu clans), Mbaise, Nkanu, Nkwerre and Northern Ngwa Divisions, Ogbaru Division (in respect of non-residential land), Ohafia, Udi and Umuhia Divisions, there is no such necessity.

5. *Ownership of economic trees in the absence of agreement.*—If during negotiations for sale of land nothing is said by the parties as to who will own the economic plants and trees on the land—

- (a) such trees (with the exception of iroko trees) will go with the land to the purchaser in Aba, Afikpo, Aguata, Anambra, Arochukwu, Awgu, Bende and Ezeagu Divisions, Idemili Division (excluding Abacha, Eziowele, Nnobi, Nnokwa, Nkpor, Uke and Umudioka communities), Igbo-Eze Division

(excluding Enugu-Ezike and Eketek Ekelu clans), Ihiala, Ishielu, Isi-Uzo, Mbaise, Mbaitoli/Ikeduru, Mbano, Nkanu, Nkwerre, Nnewi, Northern Ngwa, Nsukka, Oguta, Ohafia, Onitsha, Orlu, Oru, Owerri, Udi, Ukwa and Umuahia Divisions.

Iroko trees remain property of the seller unless they are expressly included in the sale.

- (b) In Abakaliki, Enugu, Etiti and Ezzikwo Divisions, Abacha, Eziowelle, Nnobi, Nnokwa, Nkpor, Uke and Umudioka communities in Idemili Division, Njikoka, Ogbaru and Okigwe Divisions, such plants and trees will remain property of the seller.

6. *Owner may sell economic trees and retain land, and vice versa.*—

- (a) Economic plants and trees may be sold apart from the land on which they grow so that while the land remains with the owner, economic plants and trees on it belong to the purchaser.
- (b) Land may be sold apart from economic plants and trees growing on it, so that while such plants and trees remain property of the owner, the land itself belongs to the purchaser.

Local variations.—In Aguata Division, Ikwuano area of Umuahia Division (as regards non-timber trees), Igbo-Eze Division (excluding Enugu-Ezike and Eketek Ekelu), Mbaise Division, Akpugo, Idodo and Agbani communities in Nkanu Division and Anaedo clan of Nnewi Division (as regards outright sale) economic trees cannot be sold apart from the land in this way, and *vice versa*.

7. *Owner may sell land to one person and economic trees to another.*—An owner may sell the bare land to one person and sell the economic plants and trees on it to another person.

Local variations.—In Arochukwu and Mbaise Divisions, Akpugo, Idodo, Agbani and Ugboka communities in Nkanu Division, Nkwerre Division, Anaedo clan of Nnewi Division (as regards outright sale), Northern Ngwa, Ohafia and Onitsha Divisions, Oratta clan of Owerri Division and Ikwuano area of Umuahia Division, it is not permissible to sell the bare land to one person and economic plants and trees on it to another person.

8. *Owner of trees has right of entry.*—Where land and economic plants and trees growing on it belong to two separate parties, the owner

of the economic plants and trees has a right to enter the land so as to reap their fruits or to fell them for timber.

9. Lands are named according to where they are situated or who owned them initially.

10. *Ownership of rivers, streams, etc.*—

(a) Rivers, streams and lakes are owned by the community.

Local variations.—In Ishielu Division, Ogboli clan of Nsukka Division and Ogbaru Division they are owned by the owner or owners of the land on which they are situated.

(b) Ponds are owned by the community.

Local variations.—In Abakaliki Division, Itumbuzo community in Bende Division, Ezzikwo, Igbo-Eze, Ishielu, Isi-Uzo, Mbaitoli/Ikeduru, Mbano and Njikoka Divisions, Ogboli clan of Nsukka Division, Ogbaru, Oguta and Orlu Divisions, they are owned by the owners of the land on which they are situated or by the people who built them.

(c) Swampy banks (*ude*) are owned by individuals or families who own the land on which they are situated.

Local variations.—In Aba, Arochukwu, Awgu, Northern Ngwa, Onitsha, Oru and Ukwa Divisions, they are owned by the community.

(d) Dried-up water beds are owned by individuals or families.

Local variations.—In Aba, Arochukwu, Awgu, Mbaise, Northern Ngwa, Onitsha, Oru, Owerri and Ukwa Divisions, they are owned by the community.

11. *Rights and Interests in Land:*—The following rights and interests exist in land—

- (1) Freehold, in which a person or group owns land outright, and may sell, let, pledge, give away or lend its use to others without let or hindrance.
- (2) Tenancy (other than customary tenancy), in which one person obtains land from another for use over an agreed or indefinite period of time in return for one or more payments in money with or without payment of tribute in kind.
- (3) Traditional (customary tenancy), in which a tenant obtains land from a landowner by making to him one token payment or even no payment at all other than kola-nuts and palm-

wine and thereafter goes into possession of the land for an indefinite period.

- (4) Pledge, in which a landowner gives possession of his land to another person as security for a loan, the lender (pledgee) remaining in possession until the loan is repaid.
- (5) Mortgage, in which a landowner borrows money on the security of his land but retains possession of it on the understanding that if he fails to repay the loan at the agreed time, the creditor will take possession of the land and can sell it to recover his money. This exists in Anambra, Awgu, Enugu, Ezeagu, Ezzikwo, Igbo-Eze, Ihiala, Ishielu, Isi-Uzo, Mbaitoli/Ikeduru, Nkanu, Nkwerre, Nnewi, Northern Ngwa, Nsukka, Ogbaru, Oguta, Okigwe, Onitsha and Udi Divisions.

(6) Easements—

- (a) A landowner has a right to walk over his neighbour's land, in order to reach his own land, where this is necessary.
- (b) In Aba, Abakaliki, Bende, Ezeagu and Idemili Divisions, Igbo-Eze Division (excluding Unadu community), Isi-Uzo Division (excluding Imiriki community), Mbaise, Nkanu, Oguta, Onitsha, Orlu, Udi and Ukwa Divisions, a landowner has a right to prevent a neighbouring landowner from building so close to his own house as to deprive his house of natural light. In other places no such right exists.
- (c) In Abakaliki, Awgu, Enugu, Ezeagu, Idemili, Ihiala, Isi-Uzo, Oguta, Onitsha, Orlu, Oru and Udi Divisions, a landowner has a right to prevent a neighbouring landowner from planting trees so close to the common boundary as to deprive his own land or crops of sunlight. This right does not exist in other places.
- (d) In Edda clan of Afikpo Division, Anambra, Awgu, Enugu, Etti, Ezeagu, Idemili, Igbo-Eze, Mbaise, Njikoka, Nnewi, Northern Ngwa, Oguta, Ohafia, Orlu, Oru, Owerri, Udi and Umuahia Divisions, a landowner has a right to enter a neighbouring land in order to cut off branches of the neighbour's trees which deprive his own land or crops of sunlight. There is no such right in Aba and Abakaliki Divisions,

Afikpo Division (excluding Edda clan), Aguata, Arochukwu, Bende, Ezzikwo, Ihiala, Ishielu, Isi-Uzo, Mbaitoli/Ikeduru, Mbano, Nkanu, Nkwerre, Nsukka, Ogbaru, Okigwe, Onitsha and Ukwa Divisions.

- (e) A landowner has a right to prevent a neighbouring landowner from digging up or otherwise disturbing his (the neighbour's land) in such a manner as to make his own land erode or his house to fall for want of support.

Local variations.—There is no such right in Aba, Afikpo, Aguata, Arochukwu, Ezeagu, Mbaise, Mbaitoli/Ikeduru, Nnewi, Northern Ngwa, Nsukka, Ogbaru, Udi and Umuahia Divisions.

- (f) A landowner has a right to prevent a neighbouring landowner from diverting flood water from the neighbour's land to his own, or building a pit latrine close to his house.
- (7) Right of entry.—A landowner has a right to enter his land which is occupied by a tenant, in order to inspect the state of the land, to make necessary fences and repairs or to stop nuisance being committed there.
- (8) Right of re-entry—A landowner has a right to re-enter his land which is in possession of a tenant, where the tenant breaks the tenancy agreement (for example by not paying rents or tribute when due), claims the land as his own, sells or attempts to sell the land, misuses or neglects the land.
- (9) (a) Licence—A landowner has a right to grant to another person authority to enter his land in order to take gravel, sand or firewood, to remove crops purchased by such person, to make bricks or blocks, to make mortars or hoe handles or to set up a shed for trading purposes.
- (b) Revocation of licence and remedies for it—A landowner who grants a licence over his land has a right to revoke it. He may do so without notice where the licensee does something wrong on the land in question, where the licensee abuses the licence or breaks its terms, or claims the land as his. In other cases, the landowner must give reasonable notice.

12. *The right to own freehold land.*—

- (1) Any adult male has a right to own freehold land.

Local variations.—In Abakaliki and Izzi Divisions, individuals do not own freehold land.

- (2) Married women (whether living with their husbands or separated from them) and widows do not own freehold land.

Local variations.—Such women may own freehold land in Aba, Afikpo, Arochukwu, Bende, Idemili, Njikoka, Nkwerre, Nnewi and Northern Ngwa Divisions, Nsukka Division (excluding Nsukka Town where the general rule applies), Ohafia, Onitsha, Orlu, Oru and Owerri Divisions.

- (3) An infant male has a right to own freehold land in Afikpo, Aguata, Awgu, Bende, Enugu, Ezeagu, Idemili, Ihiala, Ishielu, Isi-Uzo, Mbaitoli/Ikeduru, Nkanu, Nnewi, Nsukka, Ogbaru, Okigwe, Onitsha, Owerri, Udi and Umuahia Divisions. He has no such right in other Divisions.

- (4) An infant female has no right to own freehold land.

Local variations.—She has such a right in Afikpo and Edda clans of Afikpo Division, Onitsha and Owerri Divisions.

- (5) An adult unmarried woman has no right to own freehold land in Abakaliki, Afikpo, Anambra, Awgu, Enugu, Ezeagu, Ezzikwo, Igbo-Eze, Ihiala, Ishielu, Isi-Uzo, Izzi, Mbaise, Mbaitoli/Ikeduru, Mbano, Nkanu, Oguta, Okigwe, Udi and Umuahia Divisions. She has such a right in other Divisions.

- (6) A resident stranger has a right to own freehold land in the place where he resides.

Local variations.—He has no such right in Aba, Abakaliki, Anambra, Arochukwu, Ezeagu, Ezzikwo, Ishielu, Izzi, Mbaise, Mbaitoli/Ikeduru and Mbano Divisions, Nume community in Nkanu Division, Aguata, Okigwe, Onitsha, Udi and Umuahia Divisions.

- (7) A non-resident stranger has a right to own freehold land.

Local variations.—He has no such right in Aba, Abakaliki, Anambra, Arochukwu, Enugu, Etiti, Ezeagu, Ezzikwo, Ishielu, Izzi, Mbaise, Mbaitoli/Ikeduru and Mbano Divisions, Nkanu Division (excluding Idodo community), Nkwerre, Oguta, Okigwe, Onitsha, Udi, Ukwu and Umuahia Divisions.

- (8) A family or village as a body has a right to own freehold land.
- (9) A town as a body has a right to own freehold land.

Local variations.—There are no such holdings in Mbaitoli/Ikeduru, Njikoka and Nkwerre Divisions.

- (10) A deity has a right to own freehold land.

Local variations.—There are no such holdings in Awgu, Etiti, Ezeagu, Ezzikwo, Ihiala, Mbaitoli/Ikeduru, Mbano, Nkwerre, Nnewi, Ogbaru, Oguta, Ohafia, Okigwe, Orlu and Udi Divisions.

13. *Rights of community members over individual freeholds.*—Where a member of a community has a freehold land, the position of other members of the community with regard to such land is as follows:—

- (1) Other members of the community have a right to fetch fire, wood from it.

Local variations.—In Oha-Ozara clan of Afikpo Division, Ezzikwo, Ihiala and Nsukka Divisions, and Oguta and Ohaji communities in Oguta Division, members of the community have no such right.

- (2) They have no right to collect building materials from it.

Local variations.—In Afikpo Division (excluding Oha-Ozara where the general rule applies), Anambra, Arochukwu, Awgu, Bende, Etiti, Idemili, Ishielu, Isi-Uzo, Mbaitoli/Ikeduru, Mbano, Okigwe, Onitsha, Owerri and Umuahia Divisions, they have a right to collect from such land building materials of small value for the construction of thatch buildings.

- (3) they have a right to graze their cattle, goats or sheep on such land.

Local variations.—In Aguata and Nsukka Divisions, Oguta and Ohaji communities in Oguta Division, there is no such right.

- (4) They have a right to hunt for game on such land.

Local variations.—In Oguta and Ohaji communities in Oguta Division, there is no such right.

- (5) They have a right to catch fish in streams passing through it.

Local variations.—In Itumbuzo clan of Bende Division, Ogbaru Division, Oguta and Ohaji communities in Oguta Division and Uzo-Uwani Division there is no such right.

- (6) They have no right to dig or carry away laterite or sand from such land.

Local variations.—In Isi-Uzo, Ogbaru and Umuahia Divisions, such a right exists.

- (7) They have no right to remove stones or gravel from such land.

Local variations.—In Afikpo Division (excluding Oha-Ozara where the general rule applies), Arochukwu, Isi-Uzo, Ogbaru and Umuahia Divisions, such a right exists.

- (8) (a) Owners of adjoining lands have a right to pass through it in order to get to their own lands except in Afikpo and Isi-Uzo Divisions.

(b) Other persons than adjoining land owners also have a right to pass through it where necessary except in Aba, Abakaliki, Afikpo, Enugu, Isi-Uzo, Izzi and Onitsha Divisions.

14 *Right to sell freehold land.*—The owner of freehold land has a right to sell it to any person of his choice without the consent of any other person.

Local variations.—

- (a) In Aguata and Nkanu Divisions, such an owner requires the consent of members of his family before he can sell it to a stranger, whether resident or not.
- (b) In Enugu Division, such an owner requires the consent of members of his family before he can sell it to a non-resident stranger.

15. *Common rights over communal land.*—Where a family or other group is in possession of a piece of land as the owner, each of its members has a right to graze his sheep, goats or cattle on such land; to collect firewood from it; to collect from it such building materials of small value as ropes, sticks and straws; to collect from it stones, sand or laterite which he requires for his own use in erecting non-commercial buildings locally; to cut and carry away timber (other than iroko timber) which he requires for his own use in erecting non-commercial buildings locally; to collect wild fruits from it; to collect palm nuts and other fruits of economic value from trees growing wild on it; to hunt game on it; and to fetch water from ponds or streams situated on it.

Local variations.—

- (a) In Abakaliki, Izzi and Owerri Divisions, no member has a right to collect building materials from such land except with the express consent of the land-owning group.
- (b) In Nnewi and Orlu Divisions and in Edda clan of Afikpo Division, a member has no right to collect stones, sand or laterite from such land.
- (c) In Aguata Division (excluding Orumba clan where the general rule applies), Awgu, Igbo-Eze and Nnewi Divisions and Okigwe Division (excluding Nneato, Isuikwuato and Umuchieze communities where the general rule applies), a member has no right to collect palm nuts or other fruits of economic value from such land.
- (d) In Abakaliki, Afikpo, Izzi and Mbaitoli/Ikeduru Divisions, members may collect palm nuts and other fruits of economic value from such land only on days set aside or agreed upon by the group, while in Ohafia Division, the exercise of this right is subject to the over-all control of the head of the group.
- (e) In Abakaliki and Izzi Divisions, members can hunt on such land only on days agreed upon by the group.

16. *Limitations on common rights over communal land.—*

- (1) The head of a family or other land-owning group has no right to prohibit the use of such land by members of the group.

*Local variations.—*He has this right in Abakaliki and Igbo-Eze Divisions, Eha-Alumona and Leke communities in Isi-Uzo Division, Izzi, Mbaise, Mbano, Oru, Owerri and Umuahia Divisions.

- (2) A meeting of members of the land-owning group may prohibit the use of such land by members.
- (3) While any portion of family or other communal land is allocated to a member of the land-owning group for a time, the right of other members to use that portion is suspended.

*Local variations.—*This rule does not apply in Aba, Abakaliki, Izzi, Njikoka and Ukwa Divisions.

- (4) No member has a right to farm on any portion of family or other communal land during the usual fallow period. In Nsukka Division (excluding Ogboli), women are forbidden to work on communal land during the *udo* and *omaba* seasons.

In Abakaliki and Izzi Divisions, a member may be forbidden the use of communal land if he fails to play his due part in community development.

- (5) No member has a right to farm on family or other communal land in respect of any season unless the land-owning group takes a decision to that effect.

Local variations.—This rule does not apply in Bende, Enugu, Nkanu (excluding Idodo), Okigwe and Onitsha Divisions.

- (6) No member has a right to grow economic plants or trees on communal land and no member has a right to erect any building on such land without the express consent of the land-owning group.

17. *Strangers and Communal Land.*—

- (1) Resident strangers exercise the same acts of common user and are subject to the same restrictions over communal land as members of the land-owning group unless expressly prohibited to do so.
- (2) Non-resident strangers have no right to use communal land.

Local variations.—They have this right in Afikpo, Ezeagu, Igbo-Eze, Mbaise, Owerri and Udi Divisions.

18. *Damage to property on communal land.*—Where a member exercising his right of common user over communal land causes damage to the property of another member on that land, he is liable to compensate the owner of property so damaged.

19. *Interests of special persons in land.*—

- (1) Gods and goddesses (deity) may own interests in land and enjoy them through their priests or priestesses.
- (2) Priests and other office holders do not own land or any interests in land by virtue of their office or function in society.

Local variations.—They do in Aba Division, Osu Owerre clan in Mbano Division, Ihite Owerre community in Orlu Division, Omuma and Awomama communities in Oru Division and Umuhia Division where they have a right of user over a specified portion of land.

- (3) Where a priest enjoys rights or interests in land on behalf of the god he worships, or otherwise by virtue of his office, such rights and interests pass at his death to his successor in office, and not to the heirs of his estate.
- (4) Chiefs and heads of communities do not own land by virtue of their chieftaincy or headship.
- (5) Strangers who have been assimilated into the community in which they reside have a right to own land or interests in land in such community.

Local variations.—They have no such right in Etteh clan of Igbo-Eze Division and Okigwe Division.

- (6) Non-resident strangers may own land or interest in land unless expressly prohibited.

Local variations.—In Abakaliki, Ezzikwo, Ishielu and Izzi Divisions, Ugiri clan in Mbano Division, Nkwerre and Okigwe Divisions and Onitsha inland town, a non-resident stranger cannot own land or interest in land.

20. *Interests in land of persons with limited capacity.*—

- (1) An infant male child, a married woman, a widow or an unmarried woman (including a divorced woman and a widow whose bride-price has been repaid to the late husband's family) may hold land on lease, pledge, customary farming or residential tenancy or on licence. They may also have an easement over land.
- (2) For freeholds, *see* paragraph 12.

CHAPTER 2

CONTROL OF LAND

21. *Sale of communal land by chief or headman.*—

- (1) A chief or headman has no right to sell communal land without the consent of the community.

In Bende and Idemili Divisions, chiefs as such are not concerned with the sale or control of land.

- (2) A sale of communal land by the chief or headman without the consent of the community will be void if it is made for the benefit of the chief or headman himself. If the sale is made by him on behalf and for the benefit of the community, it is voidable at the instance of members of the community.
- (3) *Nature of consent.*—The consent required for sale of communal land is that of a majority of representatives of the various units that make up the community, or where there is no such representation, the consent of a majority of adult male members of the community.
- (4) A chief or headman has no exclusive right to the proceeds of sale of communal land. His interest in the proceeds is the same as that of other members of the land-owning community.
- (5) Members of a land-owning community have no right to sell communal land without the consent of their chief or headman.

Local variations.—They have this right in Njikoka Division, and Ezinifite community in Aguata Division.

- (6) A sale of communal land by any one or more members of the community without the consent of the chief or headman is void.

Local variations.—This is not so in Edda clan of Afikpo Division. In Njikoka Division, sale by a majority of members without such consent is valid.

22. *Allocation of communal land by chief or headman.*—A chief or headman has no right to allocate communal land either to members or to strangers for any purposes whatever without the consent of the majority or representatives of the community.

Local variations.—

- (a) A chief or headman has such a right in Aba, Enugu, Ezeagu, Mbaise, Northern Ngwa, Ohafia, Udi and Ukwa Divisions.
- (b) He has such a right in Igbo-Eze Division, except that he cannot allocate land for residential purposes to a stranger without such consent.
- (c) In Ibagwa-Ani community in Nsukka Division, he has a right to allocate land for farming or residential purposes to members of the community only. In Nimbo community in the same Division, he has a right to allocate land to any person for any purpose.
- (d) In Orlu and Umuahia Divisions (excluding Ikwuano area), he has a right to allocate to members for both farming and residential purposes but not to strangers.

23. *Ejectment and revocation of allocation.—*

- (1) A chief or headman has no right to eject any person from communal land without the consent of the majority of representatives of the kindred units of the land-owning community.

Local variations.—

- (a) He has such a right in Aba, Arochukwu, Ezeagu, Igbo-Eze, Ihiala, Mbaise, Mbaitoli/Ikeduru, Northern Ngwa, Ohafia, Udi and Ukwa Divisions.
- (b) In Enugu Division, he has such a right against strangers only.
- (c) In Ibagwa-Ani community in Nsukka Division, he has such a right against all persons, but in Nimbo community in the same Division, his powers are limited to strangers.
- (d) In Owerri and Umuahia Divisions, he has such a right against strangers only.
- (2) A chief or headman has no right to revoke an allocation of land made to any person except with the consent of a majority of representatives of the kindred units in the community.

Local variations.—

- (a) He has such a right in Aba, Ezeagu, Igbo-Eze, Mbaise, Nkwerre, Northern Ngwa, Ohafia, Udi and Ukwa Divisions.
- (b) In Enugu Division, he has a right to revoke an allocation made for farming purposes.
- (c) In Ibagwa-Ani community in Nsukka Division, he has a right of revocation against all persons; while in Nimbo

community in the same Division, his rights are limited to strangers.

24. *Dedication of communal land by chief or headman.*—A chief or headman has no right to dedicate land for public use without the necessary consent.

Local variations.—He has such a right in Aba and Mbaise Divisions and Nimbo community in Nsukka Division.

25. *Acceptance of surrender of communal land.*—A chief or headman can accept surrender of communal land from an occupier but only on behalf of the land-owning community.

26. *Appropriation of communal land by chief or headman.*—A chief or headman has no right to appropriate any portion of communal land to his own use.

Local variations.—He has this right in Igbo-Eze Division and Ibagwa-Ani and Nimbo communities in Nsukka Division.

27. *Imposition of restrictions on use of communal land.*—A chief or headman has no right to impose any restrictions on the use of communal land as against members of the community.

Local variations.—He has this right in Ezeagu, Igbo-Eze and Northern Ngwa Divisions, Nimbo community in Nsukka Division, Udi and Ukwa Divisions.

28. *Right to receive tributes.*—

- (1) A chief or headman has no right to receive tributes for himself in respect of grants of communal land in Abakaliki, Afikpo, Aguata, Anambra, Awgu, Bende, Ezzikwo, Idemili, Ishielu, Izzi, Mbaitoli/Ikeduru, Njikoka, Nkanu, Nnewi, Nsukka (excluding Nimbo community), Ogbaru, Okigwe, Onitsha, Owerri and Uzo-Uwani Divisions.
- (2) A chief has a right to receive such tributes from both member and stranger grantees in Aba, Arochukwu, Igbo-Eze, Ihiala, Mbano, Nkwerre and Northern Ngwa Divisions, Nimbo community in Nsukka Division and Umuahia Division.
- (3) In Enugu, Etiti, Ezeagu, Isi-Uzo, Mbaise, Oguta, Ohafia, Orlu, Oru, Udi and Ukwa Divisions, he has a right to such tributes from strangers only.

29. *Imposition of settlement.*—A chief or headman has no right to impose settlement of land disputes on members of his community; but he may arbitrate.

Local variations.—He has such a right in Aba, Arochukwu, Etiti, Igbo-Eze, Ishielu, Isi-Uzo, Mbaise, Mbaitoli/Ikeduru, Nkanu and Northern Ngwa Divisions, Nimbo community in Nsukka Division, Ohafia, Owerri, Ukwa and Umuahia Divisions (excluding Ikwuano area).

30. *Re-allocation of communal land.*—A chief or headman has no right to re-allocate communal land in actual possession of any person.

Local variations.—

- (a) He has such a right in Aba and Mbaise Divisions.
- (b) In Igbo-Eze and Northern Ngwa Divisions, he has such a right in respect of farm land only.
- (c) In Ihiala and Ukwa Divisions, he has such a right but only as against strangers.
- (d) In Ezeagu, Owerri and Udi Divisions, he has such a right where there is just cause; even so, his right is limited to only strangers in Owerri Division.

31. *Suits in respect of communal land.*—A chief or headman may not sue or be sued for title in respect of land of his community except as a representative of the community.

Family Heads and Family land

32. *Sale of family land by family head.*—

- (1) *No right to sell without consent.*—A family head has no right to sell family land or any part of it without the consent of the family.

Local variations.—He has this right in Edda clan of Afikpo Division.

- (2) No member or group of members of the family has a right to sell family land or any part of it without the consent of the family, as well as the consent of the family head.
- (3) *Nature of consent.*—The consent required by the family head or any other member or members for sale of family land is that of a majority of representatives of the various sub-units

that make up the family, or where there is no such representation, the consent of a majority of adult male members of the family.

Local variations.—In Arochukwu, Igbo-Eze, Nsukka, Onitsha and Umuahia Divisions, unanimous consent is required.

- (4) Where a family head sells family land without the necessary consent, the sale is void.

Local variations.—In Edda clan of Afikpo Division, Aguata, Anambra, Awgu, Bende, Ezeagu, Mbaitoli/Ikeduru, Njikoka, Ogbaru, Onitsha and Udi Divisions, such a sale is voidable at the instance of the family (i.e. such a sale may be repudiated or adopted by the family by such majority as is required for a valid sale).

- (5) Proceeds of sale.—A family head has no right to appropriate the proceeds of sale of family land.

Local variation.—He has this right in Edda clan of Afikpo Division.

- (6) Sale by other members.—A purported sale of family land by any other member or members of the family without the necessary consents is void.

Local variations.—

- (a) In Edda clan of Afikpo Division, Mbaitoli/Ikeduru and Njikoka Divisions, such a sale is valid if made by a majority of adult members of the family or a majority of their representatives.

- (b) In Anambra, Awgu, Bende, Ezeagu, Ogbaru, Onitsha and Udi Divisions, such a sale is voidable at the instance of the family.

33. Allocation by family head.—

- (1) A family head has no right to allocate family land to members of the family for any purpose except with the consent of the family as in paragraph 32 (3).

Local variations.—

- (a) In Edda clan of Afikpo Division, Mbaloye, Awgbu and Nanka communities in Aguata Division, Enugu, Ezeagu, Igbo-Eze, Nkanu, Ogbaru and Udi Divisions, and Ibagwa-Ani community in Nsukka Division, he

has a right to allocate land for farming purposes to members of the family as he wishes.

- (b) In Edda clan of Afikpo Division, Nkanu and Ogburu Divisions and Ndoki community in Ukwa Division, he has a right to allocate family land to family members for residence as he wishes.
 - (c) In Edda clan of Afikpo Division, Mbaloye, Awgbu and Nanka communities in Aguata Division and Nkanu Division, he has a right to allocate family land to family members for commercial farming as he wishes.
- (2) A family head has no right to allocate family land to a stranger for any purpose except with family consent as in paragraph 32 (3).

Local variation.—In Igbo-Eze Division, a family head has a right to allocate family land to a stranger for non-commercial farming without the consent of the family.

34. *Ejection and revocation of allocation.*—

- (1) A family head has no right to eject an occupier of family land except on behalf of the family and by their authority.

Local variations.—In Afikpo and Edda clans of Afikpo Division, Ezeagu, Igbo-Eze, Isi-Uzo and Nkanu Divisions, Ibagwa-Ani clan and Nimbo community in Nsukka Division and Udi Division, a family head has a right to eject an occupier of family land where necessary without reference to the rest of the family.

- (2) A family head has no right to revoke allocation of family land made to a member of the family or a stranger except on behalf of the family and with their authority.

Local variations.—

- (a) In Afikpo clan of Afikpo Division, Mbaloye, Awgbu and Nanka communities in Aguata Division, Igbo-Eze and Owerri Divisions, he has a right to revoke any such allocation for just cause without reference to the family.
- (b) In Northern Ngwa Division and Ibagwa-Ani clan in Nsukka Division, he has a right to revoke allocation of only farm land without reference to the family.

35. *Acceptance of surrender of land.*—A family head has a right to accept surrender of holdings of family land without reference to the family provided he does so on behalf of the family.

36. *Dedication of family land.*—A family head has no right to dedicate family land to public use except on behalf of the family and by their authority.

Local variation.—He has a right to do this in Nimbo community in Nsukka Division.

37. *Imposition of restrictions on user.*—A family head has no right to impose restrictions on use of family land except with the consent of the family.

Local variations.—In Mbaloye, Awgbu and Nanka communities in Aguata Division, Ezeagu, Igbo-Eze, Ihiala, Mbaise, Nkanu, Northern Ngwa, Ohafia, Orlu, Udi and Ukwa Divisions, he has a right to impose such restrictions without reference to the family.

38. *Appropriation for own use.*—A family head has no right to appropriate family land or any part of it to his own use.

Local variations.—In Igbo-Eze and Isi-Uzo Divisions, Ibagwa-Ani clan in Nsukka Division and Owerri Division, he has such a right.

39. *Tributes.*—

- (1) A family head is not entitled to any tributes from family members in respect of any allocation of family land made to them.

Local variations.—In Aba, Afikpo, Igbo-Eze, Ihiala, Mbano, Nkwerre, Northern Ngwa and Ogbaru Divisions, he is entitled to such tributes.

- (2) A family head has no right to receive tributes from strangers to whom family land is allocated except on behalf of the family.

Local variations.—In Aba, Afikpo, Igbo-Eze, Ihiala, Mbano, Nkwerre, Northern Ngwa and Ogbaru Divisions, he has a right to receive such tributes for his own use.

40. *Suits in respect of family land.*—

- (1) A family head may sue or be sued for title in respect of family land and may sue for trespass in respect of such land.
- (2) A family head is not liable for trespass committed by a family member on the land of another person or family.

41. *Imposition of settlement.*—A family head has no right to impose settlement of land disputes on members of the family.

Local variations.—He has such a right in Aba, Afikpo, Arochukwu, Etiti, Igbo-Eze, Ishielu, Isi-Uzo, Mbaise, Mbaitoli/Ikeduru, Nkanu, Northern Ngwa, Ohafia, Owerri, Ukwa and Umuahia Divisions (excluding Ikwuano area).

42. *Re-allocation of family land.*—A family head has no right to re-allocate family land allocated to and in actual occupation of any person except with the consent or authority of the family.

Local variations.—

- (a) In Edda and Oha-Ozara clans of Afikpo Division, Ohafia and Owerri Divisions, he has a right to do so for just cause.
- (b) In Igbo-Eze Division, he has a right to do so for just cause in respect of farm land only.
- (c) In Ezeagu, Isi-Uzo, Udi and Ukwa Divisions, he has a right to do so for just cause, but in respect of strangers only.

43. *Control of land by husband.*—

- (1) Nuclear family land.—As head of the nuclear family, a husband controls all lands belonging to that family including the family share of ancestral land and any land acquired by him.
- (2) Land acquired by wife before marriage.—A husband has no control over land acquired by his wife before he married her.

Local variations.—In Afikpo clan of Afikpo Division and Ohafia Division, he has control over such land.

(3) Land donated to wife by maiden family.—

- (a) In Aba, Abakaliki, Afikpo, Aguata, Anambra, Arochukwu, Awgu, Etiti, Ezeagu, Igbo-Eze, Ihiala, Izzi, Mbaitoli/Ikeduru, Mbano, Nkanu, Nkwerre, Northern Ngwa, Nsukka, Ogbaru, Oguta, Ohafia, Okigwe, Orlu, Oru, Owerri, Udi, Ukwa and Umuahia Divisions, a husband has full control over any land donated to his wife on marriage by her maiden family.
- (b) In Bende, Idemili, Njikoka, Nnewi and Onitsha Divisions, a husband's control over such land is limited. The wife can make use of such land as she pleases, but she can not sell, pledge or otherwise dispose of it without the consent of the husband.

- (c) In Enugu, Isi-Uzo and Mbaise Divisions, the husband has no control over such land.
- (4) Land acquired by wife during marriage.—
- (a) In Abakaliki, Afikpo, Anambra, Enugu, Etiti, Ezeagu, Ezzikwo, Igbo-Eze, Ihiala, Ishielu, Isi-Uzo, Izzi, Mbaise, Mbaitoli/Ikeduru, Mbano, Nkanu, Ogbaru, Oguta, Okigwe, Udi, Ukwa and Umuahia Divisions, a husband has full control over land acquired by his wife during marriage.
- (b) In Aba, Aguata, Arochukwu, Awgu, Bende, Idemili, Nkwerre, Nnewi, Northern Ngwa, Nsukka, Ohafia, Onitsha, Orlu, Oru and Owerri Divisions, the husband has limited control over such land, as in 3 (b).

44. *Control of land by wife—*

- (1) In Abakaliki, Afikpo, Anambra, Etiti, Ezeagu, Ezzikwo, Igbo-Eze, Ihiala, Ishielu, Izzi, Mbaise, Mbaitoli/Ikeduru, Mbano, Nkanu, Ogbaru, Oguta, Okigwe, Udi, Ukwa and Umuahia Divisions, a wife has no control over any land during the lifetime of her husband.
- (2) In Enugu, Isi-Uzo and Mbaise Divisions, a wife controls land donated by her maiden family to her on marriage, but does not control any other land.
- (3) In Aba, Aguata, Arochukwu, Awgu, Bende, Idemili, Njikoka, Nkwerre, Nnewi and Northern Ngwa Divisions, Nsukka Division (excluding Nsukka Town), Ohafia, Onitsha, Orlu, Oru and Owerri Divisions, a wife has control over land acquired by her during marriage, except that she can not sell or otherwise dispose of it without the consent of the husband.

CHAPTER 3
ALLOCATION OF LAND

45. *Who allocates.*—

- (1) Communal land (land belonging to a group larger than the extended family):

Communal land is allocated both to members and to strangers by the chief or headman of the community in co-operation with the elders or representatives of the community.

Local variations.—

- (a) In Aba, Arochukwu, Igbo-Eze, Nnewi and Northern Ngwa Divisions, Ibagwa-Ani clan and Nimbo community in Nsukka Division, Ohafia, Ukwa and Umuahia Divisions (excluding Ikwuano area), allocation is done by the chief or headman of the community.
- (b) In Abakaliki and Izzi divisions, allocation is done by *uke* and *isiokoro* of the land-owning community who together make up the land authority for that community.
- (c) In Oha-Ozara clan of Afikpo Division, allocation is done by the *uke* (elders).
- (d) In Anambra Division, allocation is done by the *Oji-ani* (land authority).
- (2) Family land—Allocation of family land is done by the family head in co-operation with or with the consent of the elders and representatives of the sub-units within the family.

Local variations.—

- (a) In Aba, Igbo-Eze, Nkanu, Nnewi and Northern Ngwa Divisions, Ibagwa-Ani clan of Nsukka Division, Ohafia, Ukwa and Umuahia Divisions (excluding Ikwuano area), allocation is done by the family head.
- (b) In Abakaliki and Izzi Divisions, allocation is done by the adult males in the family.
- (c) In Oha-Ozara clan of Afikpo Division, it is done by the *uke* (elders).

(d) In Anambra Division, it is done by the *Oji-ani* (land authority) within the family.

46. *Persons entitled to allocation of communal land in general:—*

- (1) Adult males have a right to allocation of communal land whenever such allocation is decided upon or their special needs warrant it.
- (2) Infant males have no right to allocation of communal land.

Local variations.—

(a) In Abakaliki, Awgu, Isi-Uzo, Izzi, Mbaise, Mbaitoli/Ikeduru and Okigwe Divisions, infant males have a right to allocation of communal land.

(b) In Ezeagu, Nnewi, Udi and Umuahia Divisions, infant males have a right to allocation of communal land, if their fathers are dead and communal contributions are paid by them or on their behalf.

- (3) Married women are not entitled to allocation of communal land.

*Local variations.—*In Awgu and Okigwe Divisions, they have a right to such allocation for farming purposes only.

- (4) Infant females have no right to allocation of communal land.
- (5) Widows have no right to allocation of communal land.

Local variations.—

(a) In Aba Division, they have such a right, if they have no male children.

(b) In Arochukwu, Awgu, Bende, Mbaitoli/Ikeduru, Ogbaru and Ukwa Divisions, they are entitled to allocation for farming purposes only.

- (6) Adult single women (that is unmarried and divorced women as well as widows whose bride-price has been repaid) are not entitled to allocation of communal land.

*Local variations.—*In Arochukwu, Awgu, Ogbaru and Ukwa Divisions, they are entitled to allocation for farming purposes only.

- (7) Lunatics are not entitled to allocation of communal land.

Local variations.—In Aguata, Awgu, Ezeagu, Ihiala, Nkwerre, Nnewi, Ogbaru, Onitsha and Udi Divisions, lunatics are entitled to allocation of communal land, if they are adult males and have dependants.

- (8) Strangers.— Only resident strangers who have been absorbed into the community are entitled to allocation of communal land.

47. *Persons entitled to allocation of family farm land.*—

- (1) Adult males are entitled to allocation of family farm land.
 (2) Infant males are not entitled to such allocation.

Local variations.—In Abakaliki, Isi-Uzo, Izzi, Mbaise, Nnewi, Nsukka, Okigwe, Oru and Umuahia Divisions, they are entitled to allocation if their fathers are dead and local contributions are paid by them or on their behalf.

- (3) Married women are not entitled to allocation of such land.

Local variations.—They are entitled to allocation in Awgu, Ezeagu, Mbaitoli/Ikeduru, Ogbaru, Ohafia, Oru, Owerri, Udi and Ukwa Divisions.

- (4) Infant females are not entitled to allocation of such land.
 (5) Widows who have grown-up sons are not entitled to allocation.
 (6) Widows whose sons are all infants are entitled to allocation.

Local variations.—They are not entitled to allocation in Abakaliki, Afikpo, Anambra, Etiti, Igbo-Eze, Ihiala, Ishielu, Nsukka and Umuahia Divisions.

- (7) Widows without children and widows who have only daughters are not entitled to allocation of such land.

Local variations.—They are entitled to allocation in Aba, Aguata, Arochukwu, Awgu, Bende, Ezeagu, Ezzikwo, Mbaitoli/Ikeduru, Nkwerre, Ogbaru, Ohafia, Oru, Owerri, Udi and Ukwa Divisions.

- (8) In Aba, Aguata, Arochukwu, Awgu, Bende, Ezeagu, Idemili, Mbaitoli/Ikeduru, Njikoka, Nkanu, Nkwerre, Ogbaru, Ohafia Oru, Owerri, Udi and Ukwa Divisions, a widow who has no son, but has a grandson (son of a deceased son) living with her, is entitled to allocation of such land. She is not entitled in the other divisions.

- (9) In Aba, Aguata, Arochukwu, Awgu, Bende, Ezeagu, Ezzikwo, Mbaitoli/Ikeduru, Nkwerre, Ogbaru, Ohafia, Oru, Owerri, Udi and Ukwa Divisions, a widow with only grand daughters (daughters of a deceased son) living with her is entitled to allocation of such land. She is not entitled in other places.
- (10) In Arochukwu, Awgu, Ezeagu, Ezzikwo, Mbaitoli/Ikeduru, Ogbaru, Ohafia, Owerri, Udi and Ukwa Divisions, an adult single woman (that is an unmarried or divorced woman or widow whose bride-price has been refunded) is entitled to allocation of such land. She is not entitled in other places.
- (11) Lunatics are not entitled to allocation of such land.
- Local variations.*—In Awgu, Ezeagu, Ihiala, Nnewi, Ogbaru, Onitsha and Udi Divisions, they are so entitled, if they are male and have dependants.
- (12) Strangers.—Only resident strangers who have been absorbed into the family are entitled to allocation of such land.

48. *Persons entitled to allocation of family land for residential purposes.*—

- (1) An adult male is entitled to allocation of family land for residential purposes.
- (2) An infant male, a married woman, a childless widow, a widow with only daughters surviving, a woman who was never married, a divorced woman or a widow whose bride-price has been repaid, is not entitled to allocation of family land for residential purposes. This is also true of a resident stranger, with the exception of an adult male stranger who has been absorbed into the family.

Local variations.—

- (a) In Abakaliki, Awgu, Ezeagu, Ihiala, Izzi, Mbaise, Njikoka, Nnewi, Okigwe and Udi Divisions, infant males are entitled to such allocation in case of need.
- (b) In Aba Division, Afikpo clan in Afikpo Division, Arochukwu, Ohafia, Owerri and Ukwa Divisions, a childless widow or a widow with only daughters surviving, is entitled to such allocation in case of need.
- (c) In Aba, Arochukwu, Ohafia and Ukwa Divisions, an unmarried woman, a divorced woman or a widow whose bride-price has been refunded is entitled to such allocation in case of need.

- (d) In Arochukwu and Ohafia Divisions, a woman separated from her husband and living in her maiden family is entitled to such allocation in case of need.

49. *What lands may and what lands may not be allocated.*—Lands belonging to a deity or dedicated for a public or communal purpose or reserved as forest and also bad bush (*ajo ofia*), *ala isi* (land attached to a chieftaincy or headship) cannot be allocated to individuals for any purpose. All other lands, both communal and family, may be allocated.

50. *Procedure on allocation.*—

- (1) Time to apply—Application for allocation of family land or communal land is made at the commencement of the farming season in the case of land required for farming purposes; and whenever the need arises in the case of land required for building or other purposes.
- (2) Who may apply—Members of the land-owning family or group as well as strangers may apply for allocation of land if and as the need arises.
- (3) To whom application is made—Application is made to the chief or head of the land-owning community or to the head of the land-owning family, as the case may be. Where there is a special land authority, application is made to it. Application is oral.
- (4) Payment for allocation—No payment is required from the applicant but he often presents kola-nuts and palm-wine when he makes his application. Members of the land-owning group do not make payments in respect of any allocation made to them, but strangers make payment in money or in kind for such allocation.
- (5) Where application by persons who are otherwise entitled may be refused.—
 - (a) Application for farm land—Application for allocation of farm land by a member of the land-owning group who is otherwise entitled to allocation, may be refused if it is made out of season; if he demands a portion of land which the group is unable or unwilling to give out to any one for farming purposes; if he refuses to pay his local dues to the land-owning group or if he has

been guilty of some abomination. Application by a stranger for farm land may be refused with or without reason given.

- (b) Application for residential site—Application by a member of the land-owning group for a residential site may be refused, if the applicant is a person of undesirable character or has persistently defaulted with payment of his development dues to the land-owning group or does not otherwise play his due part towards the progress of the land-owning group. A stranger's application for a residential site may be refused with or without reason given.

(6) Procedure for taking decision.—

- (a) General allocation for farming purposes—Where allocation is to be made to members of the land-owning group generally for farming purposes, the chief or head of the land-owning group, as the case may be, summons a meeting of the elders and other adult members of the group who decide with him what area of land is to be allocated and when the allocation is to be done. They also determine the number of persons eligible for allocation. The area to be allocated is then measured out and apportioned among the eligible persons.

- (b) Specific allocations; farming or residential—Where land is to be allocated to one or more persons on their application, the chief or head, elders and other adult members of the land-owning group or their representatives meet and consider each application on its merit, decide whether or not to allocate, and act accordingly. If they decide to allocate, the area allocated to each applicant is clearly marked out and the applicant is put into possession in the presence of the chief or head and elders of the land-owning group.

51. *Interests conferred on allocation.*—

- (1) Allocation for farming—Where land is allocated to a person for farming purposes, he acquires a right to exclusive use of it from the time he commences farming operation until he has harvested all his crops.

- (2) Licence for grazing—Where a person is allowed to graze cattle on communal land, he has to share this right with other members of the land-owning group who wish to graze their cattle on the same land.
- (3) Allocation for residence—Where land is allocated to a person for building purposes, he acquires a right to exclusive use and occupation of it from the time he goes into possession. If he is a member of the land-owning group, this right continues indefinitely (unless it is abandoned) and passes to his heir at his death. If he is a stranger, his right of exclusive use and occupation continues for as long as he or his heirs are in actual occupation of the land and ceases when he or they cease to live in or otherwise make use of the buildings on the land.

52. *Right of other members in allocated land.*—

- (1) Farm land—Where a portion of land belonging to a community or a family is allocated to a person for farming purposes, members of the land-owning group retain their right to walk across it where necessary; to cut and remove sticks, leaves, grass or twine for domestic use; to harvest fruits from trees growing wild on it; and to draw water from wells situated on it. They are, however, liable to pay him compensation for any damage they do to his crops on the land.
- (2) Residential land—Where a portion of land belonging to a community or a family is allocated to a person for residential purposes, other members of the land-owning group lose their right of common user over such land and economic trees on it.

Local variations.—

- (a) They retain their right to reap the fruits of wild economic trees which were on the land at the time of the allocation in Anambra, Bende, Idemili and Nsukka Divisions.
 - (b) In Umuchieze community in Okigwe Division, they also retain their right to existing hard-wood trees like iroko and *akpalata*.
- (3) Where land is allocated to one person and later re-allocated to another person, the second allottee has no right over any economic trees planted on the land by the first allottee. Such trees remain property of the first allottee.

Local variations.—In Aguata, Bende, Ishielu and Nnewi Divisions, Otanzu/Otanchara West clan in Okigwe Division and Onitsha Division, such trees go to the new allottee.

53. *Effect of allocation on economic trees and buildings.*—Where a portion of communal or family land is allocated to any person for farming purposes, he does not thereby become entitled to reap the fruit from any economic plants and trees growing on such land at the time the allocation is made, nor does he have a right to make use of any building standing on such land.

The same rule applies where allocation of such land is made for residential purposes, except that in this case the allottee becomes entitled to trees (excluding iroko) growing wild on the land.

54. *Movable property found on allocated land.*—

- (1) In Afikpo, Aguata, Etiti, Ezzikwo, Idemili, Igbo-Eze, Ihiala, Ishielu, Isi-Uzo, Mbaise, Mbano, Njikoka, Nkanu, Nkwerre, Nsukka, Ogbaru, Oguta, Okigwe and Orlu Divisions, any valuable movable property found on communal or family land allocated to any person belongs to the original owner of such property. If the original owner cannot be found, it goes to the person to whom the land is allocated.

In other Divisions, property so found belongs to the person to whom the land is allocated whether or not the original owner is found.

- (2) Any disused movable property may be used or removed by the person to whom the land is allocated.

55. *Duration of allocation of farm land.*—Allocation of farm land out of communal or family land is for the duration of one farming season only. During subsequent allocations in the same area, people do not get the same portion that they farmed on a previous allocation.

Local variations.—In Afikpo and Oha-Ozara clans of Afikpo Division, Enugu, Etiti and Ezeagu Divisions, Isi-Uzo Division (excluding Ikem community), Mbaise, Nkanu and Nkwerre Divisions, Ogboli community in Nsukka Division, and Udi Division, allocation of farm land is for an indefinite period. Whenever it is time for the community to cultivate a given area in accordance with the traditional method of shifting cultivation, members farm the same portions that were allotted to them on a previous occasion. The land as a whole remains communal or family land nevertheless.

56. *Re-allocation of residential sites.*—

- (1) Developed site—Where a residential site is allocated by the land-owning community or family to one of its members, that site cannot be taken away from him or re-allocated to any one else after he has developed it for residential purposes.

Local variations.—In Abakaliki and Izzi Divisions, such a site can be re-allocated even after it has been developed, where the allottee fails to live there for an unduly long time and without good reason.

- (2) Partially developed site—A residential site allocated by the land-owning group to one of its members cannot be taken away from him or re-allocated to someone else after he has commenced to erect a residential building on it.

Local variations.—In Abakaliki and Izzi Divisions, a partially developed residential site can be re-allocated if the allottee delays unduly in completing its development.

- (3) Undeveloped site—

- (a) In Edda clan of Afikpo Division, Aguata, Bende, Enugu and Etiti Divisions, Idemili Division (excluding Umunachi and Umudioka communities), Ihiala, Ishielu, Isi-Uzo, Mbano, Njikoka, Nkanu, Nkwerre, Northern Ngwa, Ogbaru, Onitsha, Orlu, Oru, Owerri, Ukwa and Umuahia Divisions, land allocated by the land-owning group or family to one of its members for residential purposes cannot be taken away from such a member or re-allocated to someone else, even if he has not commenced to develop it for residential purposes.
- (b) In Aba and Abakaliki Divisions, Afikpo Division (excluding Edda clan), Anambra, Arochukwu, Awgu, Ezeagu and Ezzikwo Divisions, Umudioka and Umunachi communities in Idemili Division, Igbo-Eze, Izzi, Mbaise, Mbaitoli/Ikeduru, Nnewi, Nsukka, Oguta, Ohafia, Okigwe and Udi Divisions, re-allocation can be done if the allottee fails to develop the land within a reasonable time after allocation.

CHAPTER 4

PLEDGE, GIFT AND EXCHANGE OF LAND

57. *Introductory.*—

- (1) Who may transfer land—An individual owner may himself transfer his land; and a land-owning group may transfer its land through its chief, head or representatives.
- (2) Types of transfer—Land may be transferred by way of sale, gift, exchange, pledge or letting. It may also be mortgaged in some places.
- (3) To whom transfer may be made—A landowner (whether an individual or a group) can transfer his land to anybody at all in any of the ways listed under (2).

Local variations.—

- (a) In Abakaliki and Izzi Divisions, land is not transferred for residential purposes to any person who is not a member of the landowner's extended family.
- (b) In Edda clan of Afikpo Division, land is not given to a stranger from another town for residential purposes unless he has been assimilated into the local community.
- (c) In Arochukwu Division, land may not be transferred to a stranger of questionable character for residential purposes.
- (d) In Igbo-Eze Division, land is not transferred outright to strangers, women or lunatics.
- (e) In Ihiala Division, land is not transferred outright to women.
- (f) In Njikoka Division, land is not transferred outright to infants.
- (g) In Nkanu, Nsukka and Ohafia Divisions, land is not transferred outright to infants, women, lunatics or non-resident strangers.
- (h) In Enugu, Ukwu and Umuahia Divisions, land is not transferred outright to strangers.

- (4) Consents—A landowner is not obliged to obtain the consent of anybody where he wants to transfer his land in one of the ways listed in (2).

Local variations.—

- (a) In Abakaliki and Izzi Divisions, where land is to be transferred by the owner to a member of his extended family for residential purposes, other members of the family must be consulted in advance. In these two divisions also, if land is to be let to a person who is not a member of the extended family for farming purposes, consent of the family must first be obtained.
- (b) In Abakaliki, Aguata and Anambra Divisions, Mgbo community and Igbo-Ano clan in Ishielu Division, Izzi, Nnewi and Ogbaru Divisions, a person must obtain the consent of his family before he transfers his land outright to a stranger from another town.
- (c) In Etteh clan of Igbo-Eze Division, the consent required is that of the landowner's eldest son.
- (d) In Owerri Division, the landowner has to consult his sons.
- (5) Absence of consent—In Abakaliki, Ishielu and Izzi Divisions, transfer of land without consent, where consent is required, is void. In the other places where consent is required, failure to obtain it makes the transfer voidable at the instance of the persons whose consent is required.

I.—Pledge

58. *Pledge in general.*—

- (1) Freedom to pledge—A landowner may pledge his land to anybody of his choice.
- (2) Consents—A landowner does not need anybody's consent to pledge his land; but if a married woman, she must consult her husband.

Local variations.—In Abakaliki, Anambra and Izzi Divisions, Enugu-Ezike community in Igbo-Eze Division, Nomeh and Amagu-Nze communities in Nkanu Division and Umuahia Division (excluding Ikwuano area), a landowner must consult members of his family before he can pledge his land to a non-member of the family.

- (3) Witnesses—There must be two or more witnesses to a pledge of land and these must include at least one member of the family of each party to the transaction.

59. *Pledge of family or group land.*—

- (1) Right to pledge—A family or other land-owning group can pledge its land to anybody of its choice; and the consent of any person who is not a member of the group is not required.
- (2) Redemption by member of family or group—Any member of the family or other group whose land is on pledge may redeem such land in the name of the family. He has a right to retain possession of such land and to make use of it until he is reimbursed by the family or group.

Local variations.—In Edda clan of Afikpo Division, where a member of the family or group whose land is on pledge redeems it from the pledgee, he has a right to farm it for one farming season after which it reverts to the family or group without refund of the redemption price.

60. *Re-pledge.*—

- (1) Right to re-pledge—A person who holds land on pledge has a right to re-pledge it to another person.

Local variations.—There is no right to re-pledge in Abakaliki Division, Oha-Ozara clan of Afikpo Division (excluding Onicha community where the general rule applies), Aguata Division, Itchi community in Igbo-Eze Division, Izzi Division and Idodo clan of Nkanu Division.

- (2) Notification—In those places where re-pledge of land by the pledgee is permissible, the pledgee must inform the original landowner (pledgor) if he wants to re-pledge, so that the pledgor may redeem the land if he is able and willing to do so. If the pledgor is duly informed but is unable or unwilling to redeem, the pledgee has a right to re-pledge. But where a time for redemption is fixed, the pledgee cannot re-pledge before that time expires unless the pledgor gives his consent.

Local variations.—In Afikpo, Etiti, Ihiala, Mbaise, Nkwere, Northern Ngwa, Nsukka, Okigwe and Ukwu Divisions, the pledgee need not inform the pledgor before

he re-pledges, and absence of such information does not affect the validity of a re-pledge.

- (3) Failure to inform pledgor—Where a pledgee re-pledges without first informing the pledgor and giving him the chance to redeem, such re-pledge is voidable at the instance of the pledgor or his successor in title.

Local variations.—In Arochukwu and Ezzikwo Divisions, Itchi community in Igbo-Eze Division, Ishielu and Nkanu Divisions, failure by the pledgee to inform the pledgor in advance of a re-pledge renders such re-pledge void. (*See also* "Local variations" under (2)).

61. *Redemption of pledge.*—

- (1) Right to redeem—The right to redeem pledged land is perpetual and no amount of delay affects the right of the pledgor to redeem.

Local variations.—In Idodo clan, Akpugo and Nومه communities in Nkanu Division, a time limit is always fixed within which pledged land is to be redeemed. The pledgor loses his right to redeem after the expiration of the time so fixed.

- (2) Who may redeem—Pledged land may be redeemed by the pledgor, his father, mother, son, daughter, brother, sister or successor in title.

Local variations.—

- (a) In Igbo-Eze Division, the pledgor's mother has no right to redeem pledged land.
- (b) In Oha-Ozara clan of Afikpo Division, Igbo-Eze and Okigwe Divisions, a daughter has no right to redeem land pledged by her father, and a sister has no right to redeem land pledged by her brother.
- (c) In Aba Division, a daughter may redeem if she is unmarried but not otherwise; while in Aba and Nkanu Divisions, a sister can redeem if she is unmarried.
- (3) Consent to redemption—Consent of the original owner (pledgor), if alive, is required before land which he pledged can be redeemed by anyone else.

Local variations.—In Ezeagu, Etiti, Ohafia, Orlu, Oru and Udi Divisions, no such consent is required where

the person wishing to redeem is a member of the pledgor's family.

In Aba, Enugu and Nkwerre Divisions, the pledgor is merely informed of the intention to redeem, provided the person who intends to redeem is a member of his family.

- (4) Where pledged land is redeemed by another person—Where land is pledged by one person and redeemed by another, the person who redeems has a right to possess and use the land until he is reimbursed by the pledgor, his family or his successor in title. A person who redeems land pledged by another has no right to refuse to let the pledgor, his family or successor in title to reimburse him and regain possession of the land.

Local variations.—In Mbano Division and Ezinifite community in Aguata Division, if a grandson (son of a son) redeems land pledged by his grandfather, he becomes absolute owner of such land.

- (5) Right to refuse redemption—A person holding land on pledge has no right to refuse to let the original owner, his family or his successor in title redeem it; neither can the pledgee's successor in title refuse.

Local variations.—

- (a) In Idodo clan, Akpugo and Nomeh communities in Nkanu Division, a pledgee may refuse to let the pledgor or his successor in title redeem after the time fixed for redemption has expired.
- (b) In Awgu Division, if a person pledges land to a member of another family and the pledgee later re-pledges that land to a member of the pledgor's family, the person who re-pledged it cannot redeem it and the original pledgor loses his title to the member of his family to whom the land was re-pledged.
- (c) In Bende Division and Ikwuano area of Umuahia Division, a pledgee has a right to refuse to allow redemption until he has had an opportunity to farm on the pledged land for at least one season.
- (d) In Enugu Division, if time for redemption is fixed, the pledgee may refuse to allow redemption after the expiration of such time, but in Ogui community, the

- pledgor has a right to redeem after the expiration of redemption time on payment of an agreed extra charge.
- (e) In Aku community in Nsukka Division, if the pledgor steals yams or other farm produce from the pledged land while it is in the pledgee's possession, the pledgee becomes entitled to the land absolutely.
 - (f) In Ezeagu and Udi Divisions, land transferred in olden days in lieu of monetary compensation for homicide committed by the transferor against the family of the victim cannot be redeemed.
- (6) Whether redemption is with interest—Redemption of pledged land is done with the same amount of money for which the land was originally pledged without any interest.

II.—Gift of Land

62. *Right to make a gift of land.*—

- (1) A landowner has a right to give his land outright to any person of his choice.

Local variations.—

- (a) A landowner has no right to give land outright to his daughter in Aba, Abakaliki, Aguata (excluding Ezinifite community), Anambra (excluding Aguleri and Anam communities where the general rule applies), Etiti, Ezzikwo, Igbo-Eze, Isi-Uzo, Izzi, Nkanu, Northern Ngwa, Nsukka, Ogbaru and Okigwe Divisions.
- (b) A landowner has no right to give land outright to his wife in Aba, Abakaliki, Anambra (excluding Aguleri and Anam communities, where the general rule applies), Awgu, Bende, Ezzikwo, Idemili, Igbo-Eze, Isi-Uzo, Izzi, Nkanu, Northern-Ngwa, Nsukka, Ogbaru and Oru Divisions.
- (c) A landowner has no right to give his land outright to a person who is not his relation even if such person is of the same village or town as himself, in Aba, Etiti, Northern Ngwa and Okigwe Divisions.†
- (d) A landowner has no right to give his land outright to a resident stranger from another town in Aba, Etiti

Igbo-Eze and Isi-Uzo Divisions, Nومه and Amagu-Nze communities in Nkanu Division and Northern Ngwa Division.

- (e) A landowner has no right to give his land outright to a non-resident stranger from a different town in Aba, Aguata (excluding Orumba clan where the general rule applies), Awgu, Bende, Etiti, Idemili, Igbo-Eze, and Isi-Uzo Divisions, Nومه and Amagu-Nze communities in Nkanu Division, Northern Ngwa, Oguta, Okigwe and Umuahia Divisions.
- (2) Consents—A landowner does not require the consent of any other person before he can make a gift of his land to another person.

Local variations.—

- (a) In Abakaliki and Izzi Divisions, the landowner requires the consent of the community in which the land is situated.
- (b) In Afikpo and Awgu Divisions, the landowner requires the consent of his extended family where the gift is to a stranger from another town or village.
- (c) In Igbo-Eze and Isi-Uzo Divisions, the landowner requires the consent of his eldest son.
- (d) In Nnewi Division, members of the extended family are consulted and their opinion sought where the gift is to a stranger from another village or town.

62A. *Formalities for gift of immovables.*—

- (1) No formalities are required for a valid gift of immovable property in Abakaliki Division, Mbanasa clan in Aguata Division, Enugu, Isi-Uzo, Izzi, Mbaitoli/Ikeduru, Njikoka, Nkanu, Nsukka, Ogbaru, Oru and Owerri Divisions. But witnesses are required.
- (2) Some formality is necessary for a valid gift of immovable property in Aba, Afikpo, Aguata (excluding Mbanasa clan), Anambra, Arochuku, Awgu, Bende, Etiti, Ezeagu, Ezzikwo, Idemili, Igbo-Eze, Ihiala, Ishielu, Mbaise, Mbano, Nkwerre, Nnewi, Northern Ngwa, Oguta, Ohafia, Okigwe, Onitsha, Orlu, Udi, Ukwa, Umuahia and Uzo-Uwani Divisions. Witnesses are also required.

- (3) The formalities for a valid gift of immovable property are as follows:—
- (a) Aba Division—A ceremony known as *Ikeaha ala okpi* is performed. This consists of an exchange of oaths, pouring of libation, offering of kola-nuts and slaughter of a goat, a fowl and a she-tortoise.
 - (b) Afikpo Division—The donor takes the donee with the witnesses to the transaction to the land in question and shows him the boundaries; thereafter the donee presents to the donor and the witnesses kola-nuts, palm-wine and food.
 - (c) Aguata Division—In Enugwu-uno clan, the donee presents kola-nuts and fowl; the fowl is slaughtered to seal the gift. In other places in the Division (excluding Mbanasa clan where there are no formalities), the donee presents kola-nuts and a goat; the goat is slaughtered to seal the gift.
 - (d) Anambra Division—The ceremony of *mkpoba-ani* is performed.
 - (e) Arochukwu Division—The donee provides palm-wine, kola-nuts, hot drinks and some meat which are taken by the parties and their witnesses. The donor then offers prayers for the donee.
 - (f) Awgu Division—The donor takes the donee and the witnesses to the land in question and shows them the boundaries. The donee provides kola-nuts, palm-wine and food which are consumed by all present to seal the gift.
 - (g) Bende Division—The donee presents kola-nuts, palm-wine and some meat which are consumed by the parties and their witnesses.
 - (h) Etiti Division—The donee presents kola-nuts and palm-wine to the donor in the presence of witnesses. These items are consumed by all present to seal the gift.
 - (i) Ezeagu Division—The donor takes the donee and the witnesses to the land in question and shows them the boundaries. The donee provides kola-nut, food and palm-wine which are taken by all present.
 - (j) Ezzikwo Division—The donor takes the donee and the witnesses to the land in question and shows them the boundaries.

- (k) Idemili Division—The donee provides a goat, kola-nuts, a fowl, yams and palm-wine for the *Ikpoba-ani* ceremony which is performed in the presence of witnesses.
- (l) Igbo-Eze Division—The donor offers prayers (*igo ofo*) with a kola-nut in the presence of the donee and the witnesses.
- (m) Ihiala Division—The donee provides a goat, kola-nuts and alligator pepper. The goat is slaughtered and used with the other items to perform a ceremony of *Inye ala* in the presence of the parties and their witnesses.
- (n) Ishielu Division—The donor takes the donee and the witnesses to the land in question and shows them the boundaries. The donee provides palm-wine, food, kola-nuts as well as a goat which is slaughtered to seal the gift.
- (o) Mbaise Division—The donor takes the donee and the witnesses to the land concerned and demarcates the boundaries before them. The donee provides kola-nuts and palm-wine which are consumed by all present.
- (p) Mbano Division—The donee provides kola-nuts, palm-wine and a cock. The donor pours libation in the presence of the donee and the witnesses to seal the gift.
- (q) Nkwerre Division—The donee provides kola-nuts and palm-wine. The donor pours libation before the donee and the witnesses to seal the gift.
- (r) Nnewi Division—The donee provides a goat, kola-nuts and palm-wine which are used for the handing over ceremony. In the case of residential land, the donee provides a fowl in addition.
- (s) NorthernNgwa Division—The donor takes the donee and the witnesses to the land concerned. There he collects sand, grass and sticks from the land and hands them over to the donee as a symbol of the gift. He then pours a libation.
- (t) Oguta Division—The donee provides kola-nuts and palm-wine and the donor pours libation in the presence of the donee and the witnesses.
- (u) Ohafia Division—The donee provides a goat, one yam, kola-nuts and palm-wine for the handing-over ceremony. The goat is slaughtered. The yam is cut into two, the donor takes one part and the donee takes the other part.

- (v) Okigwe Division—The donee provides a goat, kola-nuts and palm-wine. The goat is slaughtered on the land in the presence of witnesses. An *odu* tree is planted on the land in the presence of the witnesses.
- (w) Orlu Division—The donee presents kola-nuts and palm-wine to the donor in the presence of witnesses in acknowledgement of the gift.
- (x) Udi Division—The donor takes the donee and the witnesses to the land in question and physically puts him in possession of it. In Nsude town, the donee provides a fowl which is slaughtered on the land to seal the gift.
- (y) Ukwá Division—The donee provides kola-nuts and palm-wine. The palm-wine is used by the donor to pour a libation in the presence of the donee and the witnesses.
- (z) Umuahia Division—The donee provides a he-goat, a tortoise, some salt, kola-nuts and palm-wine which are used to perform the ceremony of *Inyefe ala*.
- (ai) Uzo-Uwani Division—The donee provides some food, kola-nuts and palm-wine which are consumed by the parties and their witnesses to seal the gift.

62B. *When gift of landed property becomes effective and complete.*—

- (1) In those places where formalities are required for a valid gift of immovable property, the gift becomes complete and effective on the completion of such formalities.
- (2) In those places where formalities are not required, as soon as the donor takes the donee to the land concerned and shows him the boundaries, the gift becomes complete and effective.

62C. *Promise to give land.*—Where one person promises to give his landed property to another person gratis, the person to whom the promise is made has no right to compel the person who made the promise to fulfil it.

62D. *Revocation of gift after donee has gone into possession.*—Where a person makes an outright gift of his landed property to another person, he has no right to demand later on that the donee shall surrender such property to him.

Local variations.—

- (a) A donor has a right to revoke an outright gift of land and retake the land if it has not yet been developed by the donee. in Aba, Afikpo, Anambra (excluding Aguleri where the

general rule applies), Awgu (excluding Nenwe where the general rule applies), Etitì, Ezeagu, Ezzikwo, Idemili (excluding Akwu-Ukwu, Oba and Ojoto) and Ishielu Divisions, Ugbollo in Isi-Uzo Division, Mbaise, Njikoka, Nnewi, Okigwe, Oru and Udi Divisions.

- (b) In Ojoto and Akwu-Ukwu towns in Idemili Division, a donor has a right to revoke an outright gift of landed property for any reason and at any time. In Oba town in the same division, a donor can revoke a gift of farm land only.
- (c) In Ihiala Division, a donor has a right to revoke a gift of landed property before the necessary ceremonies have been performed, but not after.
- (d) In Oguta Division, a donor can revoke an outright gift of landed property where a dispute develops between the parties; also where a person gives land to his son-in-law as a marriage gift, he has a right to revoke the gift and retake his land if the marriage breaks down.
- (e) In Owerri Division, a donor has a right to revoke an outright gift of land where enmity develops between the parties.
- (f) In Ogbaru and Ukwa Divisions, a donor can revoke an outright gift of landed property where the donee becomes guilty of serious misbehaviour towards the donor or commits a breach of local custom concerning land use.
- (g) In Ihechiowa clan of Arochukwu Division, a donor can revoke an outright gift of residential land if the donee leaves that land and goes to reside in another town or village.

62E. *Rejected offer of landed property.*—Where an owner of landed property offers it to another person and the person to whom the offer is made rejects it, the land remains property of the person who made the offer. It is immaterial that he does not take steps to assert his right of ownership over the property after he made the offer.

63. *Revocation of gift before the donee goes into possession.*—Where a landowner makes an outright gift of land to another person, he has a right to revoke such gift before the donee goes into possession of the land.

Local variations.—The donor has no such right in Arochukwu Division, Nenwe community in Awgu Division, Northern Ngwa, Nsukka, Ohafia, and Umuahia Divisions (excluding Ikwuano area).

64. *Reversion of land when donee leaves the community.*—Where land is given outright to a resident stranger from another town or village and

he later leaves the town or village permanently, such land will go back to the donor or his heirs; the donee loses all rights and interests in it even if he desires to continue the use of the land.

Local variations.—

- (a) Such land will remain the property of the donee in Mbano, Onitsha, Ukwa and Umuahia Divisions (excluding Ikwuano area).
- (b) In Nsukka Division, the land will remain property of the donee if the donee has erected a permanent building on it, otherwise it will go back to the donor.

65. *Reversion of land when donee abandons it.*—Where land is given outright to a person (whether a stranger or not) and he later abandons it by making it clear that he no longer intends to make use of the land any more, the land will go back to the donor or his heirs.

Local variations.—

- (a) In Aba, Arochukwu, Igbo-Eze, Isi-Uzo, Mbano, Northern Ngwa, Nsukka and Umuahia Divisions (excluding Ikwuano area) such land will remain property of the donee and will pass to his heirs after his death. If the donee has no heirs, the land will go back to the donor or his heirs.
- (b) In Ukwa Division, such land will remain property of the donee if he is a native of the town or village in which the land is situated but not otherwise.

66. *Witnesses.*—Witnesses (at least one on either side) must be present during a gift of land.

III.—Exchange of Land

67. *Exchange of land.*—

- (1) Whether permissible—A landowner has a right to give his land to another landowner in exchange for that other person's land.

Local variations.—

- (a) Exchange of land is not done in Afikpo clan of Afikpo Division, and Ogbaru Division.
- (b) In Abakaliki and Izzi Divisions, only farmland may be exchanged.

(2) *Permissible exchange of land.*—

- (a) There can be a valid exchange of lands situated within the same village.
- (b) There can be a valid exchange of lands situated in two different villages within the same town.

Local variations.—Such exchange is not permissible in Afikpo and Edda clans of Afikpo Division, Ezzikwo, Igbo-Eze, Isi-Uzo and Okigwe Divisions.

- (c) An exchange of lands situated in two different towns is permissible in Anambra, Arochukwu, Awgu, Etiti, Ihiala, Mbaitoli/Ikeduru, Njikoka, Nkanu, Nkwerre, Nnewi, Northern Ngwa, Oguta, Ohafia, Onitsha, Orlu, Oru, Owerri, Udi and Umuahia Divisions. Such an exchange is not permissible in the other Divisions.

- (3) Ceremonies—No special ceremonies are required to effect an exchange of land but at least two witnesses, one for each side, must be present during the transaction.

Local variations.—In Isi-Uzo and Onitsha Divisions, there is an exchange of oaths by the parties to the transaction.

In Nkwere Division, the ceremony of *iwa ala nnu* (*ikpoba ala*) is performed as part of the exchange transaction.

- (4) Revocation of exchange.—Once an exchange of lands has been effected and both parties have gone into possession of each other's land, it is no longer open to either party to demand to take back his original land and surrender the one he got in exchange.

Local variations.—

- (a) Such revocation may be done by either party or his heir at any time before buildings are erected on the land by the other party in Anambra Division, Awgu and Awlaw communities in Awgu Division, Etiti, Idemili and Mbaitoli/Ikeduru Divisions, Ehimeh, Ugiri and Mbama communities in Mbano Division, Northern Ngwa, Oguta and Okigwe Divisions.
- (b) In Abakaliki and Izzi Divisions, revocation may be done by either party or his heir at any time, but where crops have been planted by either party, he must be given enough time to harvest them before he gives up possession.

CHAPTER 5

SALE OF LAND

I.—Introduction

68. *Kinds of sale.*—

- (1) Sale of land is of two types—outright and redeemable. Land sold outright cannot be redeemed (*but see paragraph 86*). In a redeemable sale, the land can be redeemed by the purchaser or his successor in title at any time he pleases.
- (2) Difference between pledge and redeemable sale.—The main difference between a redeemable sale and a pledge is that in a redeemable sale the market value of the land concerned is paid and is fixed by the normal process of bargaining, having regard to similar transactions in the area, whereas in a pledge the landowner states how much money he intends to raise on the land and this amount may have no relevance to its market value.
- (3) Outright sale: where found.—Land may be sold outright by the owner in all places.
Local variations.—In Abakaliki Division, Afikpo Division (excluding Oha-Ozara clan where the general rule applies), Nkwelle Ezunaka town in Anambra Division, Awgu town in Awgu Division, Etiti, Ezzikwo and Izzi Divisions, Ikeduru clan, Mbieri, Orodo and Ogbaku communities in Mbaitoli clan of Mbaitoli/Ikeduru Division, Northern Ngwa Division, Izombe, Ohaji and Ava communities in Oguta Division and Okigwe Division, outright sale of land is not known to the law.
- (4) Redeemable sale: where found.—Redeemable sale obtains in Aguata Division, Nkwelle Ezunaka community in Anambra Division, Awgu, Bende, Enugu, Ezeagu, Idemili, Mbaitoli/Ikeduru, Mbano, Njikoka, Nnewi, Ogbaru, Oru and Udi Divisions only.
- (5) Places where land cannot be sold.—Land is not sold in any form in Abakaliki Division, Afikpo Division (except that Oha-Ozara clan has outright sale); Etiti, Ezzikwo, Izzi, Northern Ngwa and Okigwe Divisions.

II.—Redeemable Sale

69. *Places where it obtains: As in paragraph 68 (4).*

70 (a) *Essential requirements.*—The essential requirements for a valid redeemable sale are that—

- (i) it must be made in the presence of at least two witnesses;
- (ii) the boundaries of the land concerned must be shown to the purchaser; and
- (iii) the purchaser must be put in possession of the land.

(b) *Ceremonies*—No ceremonies are required for this type of sale.

Local variations.—In Aguata Division, Nkwelle Ezunaka town in Anambra Division, Awgu town in Awgu Division, Enugu and Nnewi Divisions, some ceremony is performed as part of a redeemable sale, but such a ceremony does not alter the nature of the sale and does not make the sale non-redeemable.

71. *Express agreement not necessary.*—A sale of land may or may not be expressed as redeemable; but if a sale is not expressed to be redeemable and no special ceremony is performed to transfer the land concerned outright to the purchaser, the sale is redeemable.

72. *Redemption.*—The seller, his family or his successor in title has a right to redeem land sold under a redeemable sale. This right is not affected by lapse of time.

73. *Redemption price.*—Land sold under a redeemable sale is redeemed for the same amount as the purchase price without interest.

74. *Development by purchaser.*—

(a) A purchaser has no right to erect durable buildings or to plant economic trees on the land which he holds on a redeemable sale.

Local variations.—Such a right exists in Aguata, Mbano and Nnewi Divisions.

(b) The seller's right of redemption is not affected by the fact that the purchaser may have developed the land as a plantation or residential site while it is in his possession. The land can still be redeemed, and no account is taken of such development.

Local variations.—In Enugu Division, Mbanesi clan and Ozubulu community in Nnewi Division and Oru Division, if land sold in this way has been developed by the purchaser and the seller did not object, the sale becomes non-redeemable.

- (c) Any buildings erected or economic trees planted on such land by the purchaser become property of the original landowner or his successor in title when he redeems the land.

Local variations.—In Oru Division, the purchaser has a right to reap the fruit of economic plants and trees he planted on the land for a period of one year after redemption.

75. *Re-sale:*

- (a) A person who holds land on redeemable sale has no right to sell it to a third party.

Local variations.—Such a right exists in Awgu, Bende, Enugu, Idemili, Mbatoli/Ikeduru, Mbano and Nnewi Divisions.

- (b) Where a purchaser wants his money back and so informs the seller but the seller is unable to refund the purchase price to him, the purchaser has a right to sell the land to a third party even if the seller objects to such re-sale.

Local variations.—This right does not exist in Anambra and Ogbaru Divisions.

76. *Redemption of re-sold land:*

- (a) Where a purchaser re-sells land he holds on redeemable sale to a third party and the seller later wants to redeem, the seller must redeem through the original purchaser and not direct from the third party.

Local variations.—In Enugu Division and Anaedo clan of Nnewi Division, the seller redeems direct from the third party.

- (b) Where a purchaser re-sells land which he holds on redeemable sale to a third party for a higher price than he paid originally and the seller later wants to redeem, the difference in price must be made up by the original purchaser.

Local variations.—In Enugu Division, such difference is made up by the original seller.

In Ogbaru Division, the difference is made up by the original seller if he consented to the re-sale, but not otherwise.

77. *Who may redeem during seller's lifetime.*—Where land is sold on a redeemable sale, the seller's father, son, brother, mother, sister or daughter, or the person who will inherit the land when the seller dies, has a right to redeem the land during the lifetime of the seller, but the seller's consent must first be obtained before such redemption.

Local variations.—

- (a) In Mbaitoli/Ikeduru Division, the seller's mother, sister or daughter has no right to redeem.
- (b) In Ezeagu and Udi Divisions, the seller's consent is not required; he is merely informed of the intention to redeem.

78. *No right to compel purchaser to release.*—Where a person who otherwise has a right to redeem land sold on a redeemable sale by his relation wishes to redeem such land but the purchaser refuses to let him redeem and the seller refuses to co-operate with him, such a person has no right to compel the purchaser to let him redeem.

Local variations.—Such a right exists in Bende, Enugu, Mbaitoli/Ikeduru, Njikoka and Oru Divisions.

79. *Redemption after seller's death*—Where a person sells land on redeemable sale and later dies, his son or other successor in title has a right to redeem it.

80. (1) *Redeemable Sale to non-resident strangers.*—

- (a) Sale is permissible—In Aguata, Anambra, Awgu, Bende, Enugu, Ezeagu, Idemili, Mbaitoli/Ikeduru, Njikoka, Nkwerre, Nnewi, Oguta, Oru and Udi Divisions, land can be sold on a redeemable basis to a non-resident stranger.
- (b) Abandonment.—Where a non-resident stranger buys land on a redeemable basis and later abandons it, it reverts to the original owner.

Local variations.—In Bende and Njikoka Divisions, such land remains property of the purchaser but if, at his death, he has no heir, it reverts to the original owner.

(2) *Redeemable sale to resident strangers.*—

- (a) Where such sale is permissible.—In Aguata, Anambra, Awgu, Bende, Enugu, Ezeagu, Idemili, Mbaitoli/Ikeduru, Mbano, Njikoka, Nnewi, Ogbaru, Oru and Udi Divisions, land may be sold on a redeemable basis to a resident stranger.
- (b) Abandonment.—Where a resident stranger purchases land on a redeemable basis in the community in which he resides and later leaves that community finally—
 - (i) such land will remain his property in Awgu, Bende, Enugu, Idemili, Mbano, Ogbaru and Oru Divisions, but if at his death he has no heir, it will pass to the family who were his hosts in that community;
 - (ii) it will revert to the vendor in Aguata, Anambra, Ezeagu, Mbaitoli/Ikeduru, Njikoka, Nnewi and Udi Divisions.
- (c) Redemption.—Where a resident stranger buys land on a redeemable basis, later leaves the community permanently and the land passes to his host family, the original owner or his successor in title has a right to redeem it from that family.

III.—Outright Sale

81. *Outright sale in general.*—

- (1) Whether it is permissible.—Land may be sold outright so that the vendor no longer has a right to redeem it. There is no restriction as to the type of land that may be sold outright.

Local variations.—

- (a) There is no outright sale of land in Abakaliki Division, Afikpo clan of Afikpo Division, Awgu town in Awgu Division, Etiti, Ezzikwo and Izzi Divisions, Ogurugu community in Uzo-Uwani Division and Okigwe Division (excluding Umuchi-eze community.)
- (b) In Northern Ngwa Division, communal land cannot be sold outright; individually owned land can.
- (c) In Edda clan of Afikpo Division, land may be sold outright for residential purposes only.

(2) Whether express agreement is necessary—

(a) In Aguata, Awgu, Bende, Enugu, Ezeagu, Idemili, Mbitoli/lkeduru, Mbanu, Njikoka, Nkwere, Nnewi, Onitsha and Udi Divisions, where one party sells land to another and nothing is said as to whether the sale is outright or redeemable, and the special ceremony that accompanies an outright sale is not performed, the sale is redeemable.

(b) In Aba Division, Oha-Ozara clan of Afikpo Division, Aguata, Arochukwu, Igbo-Eze, Ihiala, Ishielu, Isi-Uzo, Nkanu, Ogbaru, Ohafia, Orlu, Oru, Owerri and Umuahia Divisions, where one party sells land to another party and nothing is said as to whether the sale is outright or redeemable, the sale is outright.

(3) Whether special ceremony is necessary—A special ceremony is a necessary part of an outright sale transaction.

Local variations.—No special ceremony is required for such a sale in Ogbaru and Oguta Divisions.

82. *Description of the ceremony.*—The ceremony that accompanies an outright sale of land is known respectively by the names given in brackets, and consists of the acts set out, opposite the names of the various divisions, as follows:—

- (1) Aba Division—(*Inyefe ala n'aka; ikigha okpi*): the purchaser provides a goat, kola-nuts and palm-wine. The goat is slaughtered before the witnesses to the sale transaction.
- (2) Afikpo Division—(*Isieku asa* in Edda clan; *iwusi miri* or *igbo udo* in Oha-Ozara clan): in Onisha community of Oha-Ozara clan, the purchaser provides four yams and kola-nuts; in Okposi community, the purchaser provides twenty kobo to fifty kobo and palm-wine; in Uburu community in the same clan, the purchaser provides a goat; in Edda clan, the purchaser provides a goat, a fowl, palm-wine, two coconuts, one brass rod, one kola-nut, a knife, a hoe, and a tortoise. The last six items are buried in the land concerned.
- (3) Aguata Division—(*Igbukpo ana ewu*): the purchaser provides a goat, kola-nuts and palm-wine, the goat being slaughtered on the land in the presence of witnesses to the sale transaction.
- (4) Anambra Division—(*Ile ana*): the purchaser provides a goat, kola-nuts and palm-wine, the goat being slaughtered on the land in the presence of witnesses to the sale transaction.

- (5) Arochukwu Division—(*Igbupe ezi*): the purchaser provides a goat, palm-wine and yams; the goat being slaughtered on the land in the presence of witnesses to the sale transaction and used with the yams to prepare a meal for the parties and witnesses.
- (6) Awgu Division—(*Okuku nni ani*): the purchaser provides a fowl and foodstuff for a meal, the fowl being slaughtered in the presence of the parties and witnesses to the sale transaction.
- (7) Bende Division—(*Igbu uba*): the purchaser provides a goat, kola-nuts, *abi-yam* and palm-wine, the goat being slaughtered on the land in the presence of witnesses to the sale transaction. In the absence of a goat, the purchaser provides one naira twenty kobo.
- (8) Enugu Division—(*Ihu okuku*): the purchaser provides a fowl which is slaughtered on the land in the presence of witnesses to the sale transaction. There is also an exchange of oaths (*igba ndu*) by the parties to the sale.
- (9) Idemili Division—(*Ikpoba ana* or *igobi isi*): the purchaser provides a goat, a fowl, kola-nuts, yams and palm-wine; the goat and the fowl being slaughtered on the land in the presence of witnesses to the sale transaction. Money may be provided in place of a goat if the seller so desires.
- (10) Igbo-Eze Division—(*Ikpụ ukpachi*): in Itchi clan, the purchaser provides a goat, kola-nuts, palm-wine and food; the goat is slaughtered on the land in the presence of witnesses to the sale transaction. In Enugu-Ezike community, the purchaser provides a tortoise, a black hen, palm-wine and kola-nuts. In Eketekelu clan, the purchaser provides a hen, food, palm-wine and kola-nuts, the *onyishi* (family head) taking the hen.
- (11) Ihiala Division—(*Inye ala*): the purchaser provides a goat, yams and palm-wine, the goat being slaughtered on the land in the presence of witnesses to the sale transaction.
- (12) Ishielu Division—(*Iwusa miri ani* in Ezza; *ilo banye kilose etammwe* in Orri): in Ezza, the purchaser provides a goat, fowl and a rod, the goat and fowl being slaughtered on the land in the presence of witnesses to the sale transaction. The vendor pours water over the rod to indicate that he has parted with the land. In Orri, the purchaser provides two yams, food and palm-wine, the vendor blessing the land with water.

In Igbo Ato, the purchaser provides a meal for the vendor and the witnesses to the sale transaction. The vendor digs up some earth from the land concerned and hands it over to the purchaser to indicate transfer of ownership.

- (13) Isi-Uzo Division—(*Nri ala*): the purchaser provides a goat which is slaughtered on the land in the presence of witnesses to the sale transaction.
- (14) Mbaise Division—(*Igba ala obi* or *ido ala obi*): the purchaser provides a sheep, a fowl, kola-nuts, palm-wine and food. The sheep and fowl are slaughtered on the land in the presence of witnesses to the sale transaction.
- (15) Mbaitoli/Ikedururu Division—(*Igbudo ewu*): the purchaser provides a goat, kola-nuts and palm-wine, the goat being slaughtered on the land in the presence of witnesses to the sale transaction.
- (16) Mbano Division—(*Iwa nmu* or *igba egbe*): the purchaser provides a goat, a cock, a hen, palm-wine, four kola-nuts and alligator pepper. The goat and the fowls are slaughtered on the land in the presence of witnesses to the sale transaction.
- (17) Njikoka Division—(*Ikpoba ani*/*igbubu chi*): the purchaser provides a goat, kola-nuts and palm-wine, the goat being slaughtered on the land in the presence of witnesses to the sale transaction.
- (18) Nkanu Division—(*Ito okuku ani*/*ita oji ani*): in Akpugo, the purchaser provides a fowl; in Idodo, Awkunanaw and Ugboka communities, the purchaser provides kola-nuts, palm-wine and food. In Nomeh and Amagu Nze, the purchaser provides a fowl, kola-nuts, palm-wine and food.
- (19) Nkwerre Division—(*Iwa nmu*): the purchaser provides a goat, palm-wine and kola-nuts, the goat being slaughtered on the land in the presence of witnesses to the sale transaction.
- (20) Nnewi Division—(*Ilebi ani isi*): the purchaser provides a goat, kola-nuts and palm-wine, the goat being slaughtered on the land in the presence of witnesses to the sale transaction.
- (21) Northern Ngwa Division—(*Inyefe ala n'aka*): the purchaser provides a goat, kola-nuts, palm-wine and some wearing apparel, the goat being slaughtered on the land in the presence of witnesses to the sale transaction. The vendor digs up some quantity of earth from the land concerned and hands this over to the purchaser to indicate transfer of ownership.

- (22) Nsukka Division—(In Opi and Igbo communities, *iku odo*; in other places, *oji okwu-ani*); In Ibagwa-Ani the purchaser provides a fowl, kola-nuts and palm-wine, the fowl being slaughtered on the land in the presence of witnesses to the sale transaction. In Alor community, the purchaser provides a tortoise which is killed on the land in the presence of witnesses to the sale transaction. In other places (excluding Ogurugu community where there is no outright sale of land) the purchaser provides a goat, palm-wine and kola-nuts, the goat being slaughtered on the land in the presence of witnesses to the sale transaction.
- (23) Ohafia Division—(*Iwa ji*): the purchaser provides a yam. The vendor cuts this into two portions, retains one and gives the other to the purchaser. This ceremony applies to outright sale of farm land. For residential sites, the purchaser provides a goat, a piece of cloth, a head-gear and other wearing apparel, palm-wine and gin. The goat is slaughtered on the land in the presence of witnesses to the sale transaction. The vendor takes the articles of dress exclusively.
- (24) Onitsha Division—(*Oji ani*): the purchaser provides drinks, kola-nuts and a meal which are taken by the parties and witnesses to the transaction.
- (25) Orlu Division—(*Iwa ala nnu*, or *irebi ala isi*): the purchaser provides a goat, yams, kola-nuts, palm-wine and salt. The goat is slaughtered; a trench is made in the earth on the land concerned and some salt is sprinkled in the trench and the earth is covered up again.
- (26) Oru Division—(*Irebi ala isi*): the purchaser provides a goat, yams, palm-wine and *ose oji*. The goat is slaughtered on the land in the presence of witnesses to the sale transaction.
- (27) Owerri Division—The purchaser provides kola-nuts and palm-wine; there is exchange of promises by the parties to keep faith.
- (28) Ezeagu and Udi Divisions—(*Ilebupu ana isi*): the purchaser provides a goat or fowl and palm-wine, the goat being slaughtered on the land in the presence of witnesses to the sale transaction.
- (29) Ukwu Division—(*Ifoku ala*): the purchaser provides a goat which is used for making a meal for the parties and their

witnesses. Both parties provide palm-wine for the occasion. In Ndoki community, the purchaser presents to the vendor a shirt, a hat and a walking stick.

- (30) Umuahia Division—(*Igba ndu or inyefe ala*): the purchaser provides palm-wine and kola-nuts; he also provides meat or stockfish which is used in preparing a meal for the parties and their witnesses.

83. *Failure to perform necessary ceremony*.—Failure to perform the necessary ceremony that accompanies an outright sale renders the sale voidable so that the vendor may, at any time, refund the purchase price to the purchaser and recover the land even if the parties agreed initially that the sale would be outright.

Local variations.—In Anambra, Arochukwu, Awgu, Ezeagu, Isi-Uzo, Mbaise, Mbaitoli/Ikeduru and Udi Divisions, and Ikwuano area in Umuahia Division, once the parties agree on an outright sale, failure to perform such a ceremony does not affect the validity of the sale as an outright sale.

84. *Symbolic transfer of ownership*.—Other acts are necessary to symbolic transfer of ownership from the vendor to the purchaser, as follows:—

- (1) *Marking of boundaries*—The marking of boundaries by the vendor in the presence of the purchaser and witnesses is an essential part of a sale transaction of this type. This action indicates that the purchaser has been put into physical possession of the land concerned.
- (2) *Exchange of oaths*.—
 - (a) An exchange of oaths between the vendor and the purchaser in the presence of witnesses to the effect that the sale is an outright sale and that the parties will not thereafter do anything that will injure the interests of each other, is an essential part of the sale transaction in Arochukwu, Ezeagu, Isi-Uzo, Mbaitoli/Ikeduru, Mbano, Oguta, Onitsha, Orlu, Oru, Udi and Ukwa Divisions. It is also usually done in Idemili, Ihiala and Owerri Divisions.
 - (b) *Effect of absence of oath*—Failure on the part of the parties to a sale transaction of this type to perform the oath-taking rite does not affect the validity of the sale transaction.

Local variations.—In Isi-Uzo, Oguta and Onitsha Divisions, failure by the parties to perform the oath-taking rite renders the sale void as an outright sale and turns it into a redeemable sale.

(3) *Other rites.*—

(a) In Oha-Ozara clan of Afikpo Division, the vendor and the purchaser hold on to two ends of a blade of grass and break it between them.

In Edda clan of the same division, the parties plant an economic tree on the land concerned.

(b) In Bende Division, live-sticks are planted along the boundaries of the land.

85. *Witnesses.*—

(1) *Witnesses essential.*—The presence of witnesses is a necessary part of an outright sale transaction, and a sale in the absence of witnesses is void.

Local variations.—In Anambra, Arochukwu, Awgu, Ezeagu, Mbaitoli/Ikeduru, Nnewi, Ogbaru, Oguta and Udi Divisions, a valid sale can take place in the absence of witnesses.

(2) *Number of witnesses.*—

(a) In Aba Division, Edda clan of Afikpo Division Bende, Igbo-Eze, Ihiala, Ishielu, Isi-Uzo, Mbaise, Northern Ngwa, Onitsha, Orlu, Ukwa and Umuahia Divisions, the minimum number of witnesses required for an outright sale transaction is two for each side.

(b) In Oha-Ozara clan of Afikpo Division, Aguata, Anambra, Arochukwu, Awgu, Enugu, Idemili, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkanu, Nkwerre, Nnewi, Nsukka, Ogbaru, Oguta, Ohafia, Oru, Owerri and Udi Divisions, the minimum number of witnesses is one for each side. *But see Local variations under (1) above.*

(3) *Women as witnesses.*—

(a) In Aba, Aguata, Anambra, Enugu, Ihiala, Mbaitoli/Ikeduru, Njikoka, Nkanu, Nkwerre, Northern Ngwa, Nsukka, Oguta, Onitsha and Orlu Divisions, women are not competent witnesses to an outright sale transaction.

(b) In Afikpo, Arochukwu, Awgu, Bende, Ezeagu, Idemili, Igbo-Eze, Ishielu, Isi-Uzo, Mbaise, Mbano, Nnewi, Ogaru, Ohafia, Oru, Owerri, Udi, Ukwa and Umuhia Divisions, women are competent witnesses.

(4) Infant males as witnesses—Boys below the age of puberty are competent witnesses to an outright sale transaction.

Local variations.—Such boys are not competent witnesses in Afikpo, Arochukwu, Awgu, Bende, Ezeagu, Ishielu, Mbaitoli/Ikeduru, Mbano, Nnewi, Nsukka, Ogaru, Owerri and Udi Divisions.

86. *Redemption right.*—Where land is sold outright and the necessary rites are performed, neither the vendor nor his successor in title has a right to redeem it thereafter.

Local variations.—In Awgu town in Awgu Division, Mbaitoli/Ikeduru Division (excluding Umunoha community), Mbanesi clan in Nnewi Division and Umuchieze community in Okigwe Division, land may be redeemed even if it was sold outright and the necessary rites were performed, the redemption rate being double the purchase price.

87. *Abandonment.*—

(1) In Anambra, Mbaitoli/Ikeduru, Onitsha, Owerri and Udi Divisions, where a stranger purchases land outright and later abandons it, it reverts to the vendor or his successor in title.

(2) In other places, it remains property of the purchaser and at his death will pass to his heirs.

88. *Consent.*—

(1) Communal land—A land-owning community does not require the consent of any person outside itself to an outright sale of its land.

(2) Individual land—An individual landowner does not require the consent of any person to an outright sale of his land.

Local variations.—

(a) In Igbo-Ukwu and Ezira communities in Aguata Division, he requires the consent of his extended family.

(b) In Igbo-Eze Division and in Opi and Igbodo communities in Nsukka Division, he requires the consent of his eldest son.

(3) Absence of consent—In Opi and Igbodo communities in Nsukka Division, a sale made without the necessary consent

is void. in Igbo-Ukwu and Ezira communities in Aguata Division and in Igbo-Eze Division, such a sale is voidable at the instance of the persons whose consents are necessary.

IV.—Sale of Land to Strangers

89. *Outright sale to non-resident strangers.*—

- (1) Land may be sold outright to a non-resident stranger who has no intention to reside within the village or town where the land concerned is situated.

Local variations.—

- (a) Land may not be sold outright to such a stranger in Edda clan of Afikpo Division, Anambra, Awgu, Ishielu, Mbaitoli/Ikeduru and Nkanu Divisions and Ogurugu community in Uzo-Uwani Division.
- (b) In Onitsha Division, land is no longer sold outright to strangers.
- (2) In Anambra, Enugu, Ezeagu, Idemili, Nnewi, Ogbaru, Onitsha, Owerri and Udi Divisions, if a stranger purchases land outright and later abandons it, it reverts to the original owner. In other places, such land remains property of the purchaser; but if at his death he has no heirs, the land will revert to the original owner.

90. *Outright sale to resident strangers.*—

- (1) Land may be sold outright to a stranger who is resident in the town or village where the land is situated.

Local variations.—Land may not be sold outright to such a stranger in Afikpo clan of Afikpo Division, Anambra, Etiti, Ishielu and Mbaitoli/Ikeduru Divisions, Nومه community in Nkanu Division, Onitsha Division and Ogurugu community in Uzo-Uwani Division.

- (2) Abandonment—Where a resident stranger buys land outright and later abandons it.—
 - (a) it will revert to the vendor or his successor in title in Ezeagu, Nnewi, Nsukka, Udi and Umuahia Divisions.

- (b) In Awgu, Enugu, Nkwerre, Northern Ngwa, Orlu, Oru and Owerri Divisions, it will pass to the family which were his host during his residence in that community.
- (c) In other places, it will remain the property of the purchaser; but if at his death he has no heirs, it will revert to the vendor.
- (3) Right to re-sell—Where a resident stranger buys land outright, he has a right to re-sell it to a third party, and he may do so without the consent of any person.

Local variations.—In Nnewi Division, he requires the consent of the original owner.

V.—Sale of Land for Commercial Use

91. (1) *Sale to non-strangers.*—A landowner may sell his land to a non-stranger (a person of the same village or town as himself) for commercial use—for example, for development as a plantation or a commercial residential site.

Local variations.—Land is not sold for commercial purposes in Abakaliki Division, Afikpo and Edda clans of Afikpo Division, Anambra, Enugu, Ètiti, Ezzikwo, Ishielu and Izzi Divisions, Ogurugu community in Uzo-Uwani Division, Oguta and Okigwe Divisions.

- (2) *Whether outright or redeemable.*—

- (a) In Aba Division, Oha-Ozara clan of Afikpo Division, Aguata, Arochukwu, Awgu, Bende, Ezeagu, Idemili, Igbo-Eze, Ihiala, Isi-Uzo, Mbaise, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkanu, Nkwerre, Nnewi, Northern Ngwa, Nsukka, Ogbaru, Ohafia, Onitsha, Orlu, Oru, Owerri, Udi, Ukwa and Umuahia Divisions and Uzo-Uwani Division (excluding Ogurugu community), land may be sold outright to a non-stranger for commercial purposes.
- (b) In Aguata Division, Awgu Division (excluding Awgu town where such sale can be only redeemable sale),

Ezeagu, Njikoka, Nnewi, Ogbaru, Oru and Udi Divisions, such sale may be either outright or redeemable.

(c) In Mbaitoli/Ikeduru Division, it can be only redeemable sale.

(d) In Enugu Division, only a tenancy may be given for such a purpose.

(3) *Compensation for development*—Where land is sold for commercial purposes on redeemable basis, the parties have to agree on redemption terms, including what compensation, if any, is to be paid by the landowner to the purchaser for any development carried out on the land. If nothing is said about compensation, none is payable.

92. *Sale to resident strangers.*—

(1) Land may be sold for commercial purposes to a resident stranger in Aba Division, Oha-Ozara clan of Afikpo Division, Aguata Division, Otuocha community in Anambra Division, Arochukwu, Awgu, Bende, Ezeagu, Idemili, Igbo-Eze, Ihiala, Isi-Uzo, Mbaise, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkanu, Nkwerre, Nnewi, Northern Ngwa, Nsukka, Ogbaru, Ohafia, Orlu, Oru, Owerri, Udi, Ukwa, Umuahia and Uzo-Uwani Divisions (excluding Ogurugu community in Uzo-Uwani).

(2) *Whether outright or redeemable.*—

(a) Such a sale may be outright or redeemable sale in Aba and Aguata Divisions, Awgu Division (excluding Awgu town), Ezeagu, Idemili, Njikoka, Nkanu, Nnewi, Ogbaru, Oru and Udi Divisions.

(b) It can be only a redeemable sale in Awgu town and Mbaitoli/Ikeduru Division.

(c) In the other Divisions, it can be only an outright sale, except that in Enugu Division, only a tenancy can be given.

(3) *Redemption*—Where such sale is redeemable, the parties agree on redemption terms, including what compensation, if any, is to be paid for development carried out on the land by the purchaser. Where no agreement is reached as to compensation, none is payable.

(4) *Abandonment.*—

(a) Where a resident stranger buys land on a redeemable

basis in the community where he resides and later leaves the community and abandons the land, such land and any developments on it will revert to the vendor in Aguata Division, Otuocha community in Anambra Division, Arochukwu, Ezeagu, Idemili, Mbaitoli/Ikeduru, Njikoka, Nkanu, Nkwerre, Nnewi, Ogbaru, Oru, Udi and Umuahia Divisions.

- (b) In Awgu, Bende, Ohafia, Orlu and Owerri Divisions, such land will pass to the family that was host to the purchaser during his residence in the community pending redemption by the vendor or his successor in title. The vendor or his successor in title has a right to redeem such land from the host family at any time.

93. *Sale to non-resident strangers.*—

- (1) Land may be sold to a non-resident stranger for commercial use in Aba Division, Oha-Ozara clan of Afikpo Division, Aguata Division, Otuocha community in Anambra Division, Arochukwu, Awgu, Bende, Ezeagu, Idemili, Igbo-Eze, Ihiala, Isi-Uzo, Mbaise, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkanu, Nkwerre, Nnewi, Northern Ngwa, Nsukka, Ogbaru, Ohafia, Orlu, Oru, Owerri, Udi, Ukwá, Umuahia and Uzo-Uwani Divisions.
- (2) *Whether outright or redeemable.*—
- (a) Such sale may be outright or redeemable in Aba, Aguata, Awgu (excluding Awgu town), Ezeagu, Idemili, Njikoka, Nkanu, Nnewi, Oru and Udi Divisions.
- (b) In Oha-Ozara clan of Afikpo Division, Arochukwu, Bende, Igbo-Eze, Ihiala, Isi-Uzo, Mbaise, Mbano, Nkwerre, Northern Ngwa, Nsukka, Ohafia, Orlu, Owerri, Ukwá and Umuahia Divisions, such sale can only be outright sale.
- (c) In Otuocha community in Anambra Division, Awgu town in Awgu Division, Mbaitoli/Ikeduru and Ogbaru Divisions, such sale can only be redeemable sale.
- (3) *Redemption*—Where land is sold on redeemable basis for commercial use, the parties agree on redemption terms, including what compensation, if any, is payable for any development effected on the land by the purchaser. In the absence of such agreement, no compensation is payable for development.

(4) *Abandonment.*—

- (a) If the land is sold on redeemable basis and the stranger-purchaser abandons both the land itself and any development on it, they will revert to the vendor.
- (b) If the sale is outright and the stranger-purchaser abandons it, the vendor will take care of both the land and developments on it, but if the purchaser dies without an heir, the vendor will become absolute owner.

94. *Re-sale of land by stranger-purchaser.*—Where a stranger buys land for commercial use, he has a right to sell it to a non-stranger or to any stranger provided that the re-sale is not of a higher type than the original sale to him (that is, if he bought outright, he may sell outright or on redeemable basis; if he bought on redeemable basis, he can only sell on redeemable basis).

Local variation.—In Onitsha Division, the stranger-purchaser can only re-sell to a non-stranger.

VI.—Sale of Individual Land

95. *Sale of individual land.*—

- (1) Freedom to sell—An individual landowner may sell his land to anybody of his choice.

Local variations.—

- (a) In Abakaliki Division, Afikpo Division (excluding Oha-Ozara clan), Ezeagu, Ezzikwo Divisions, Mgbu community and Igbo-Ano clan in Ishielu Division, Izzi, Okigwe and Udi Divisions, there is no outright sale of such land.
 - (b) In Nومه community in Nkanu Division and Onitsha Division, such land is not sold outright to strangers from other towns.
- (2) Consents—A landowner does not require the consent of anybody to sell his individual land.

Local variations.—

- (a) In Aguata Division, such an owner requires the consent of his extended family before he can make a valid sale to a non-resident stranger.

- (b) In Igbo-Eze Division, such an owner requires the consent of his eldest son.
- (c) In Oguta and Owerri Divisions, such an owner must consult his sons or his relations if there are no sons.

VII.—Sale of Family Land

96. *Family land: parting with possession generally.*—A family which owns land may give such land or part of it to any person of its choice for farming or residential purposes, and the consent of anybody outside the family is not required.

Local variations.—In Abakaliki and Izzi Divisions, family land cannot be given to any person who is not a member of that family for residential purposes.

97. *Sale of family land.*—

- (1) Right to sell—A family that owns land may sell such land or part of it to anybody of its choice for farming, residential or other purposes. Such sale may be outright, and the consent of any person outside the family is not required.

Local variations.—

- (a) There is no sale of land in Abakaliki Division, Afikpo and Edda clans of Afikpo Division, Etiti, Ezzikwo, Izzi, Northern Ngwa and Okigwe Divisions.
 - (b) In Awgu Division, Ikeduru clan, Mbieri, Orodo and Ogbaku communities in Mbaitoli clan, there is no outright sale of land.
 - (c) In Anambra Division (excluding Nkwelle Ezunaka where the general rule applies), Ishielu Division (excluding Igbo Ato clan where the general rule applies), Nomeh community in Nkanu Division and Onitsha Division, land is not sold to a stranger from another town.
- (2) External consent—Consent of anybody outside the land-owning family is not required for sale of family land.
 - (3) Who may sell family land—Family land may be sold by the family acting as a body or through its representatives approved for that purpose or by the family head acting on the authority of the family.

- (4) Sale by family head—A family head has no right to sell family land without the consent of other members of the family. The consent required is that of a majority of adult members of the family or a majority of representatives of the various sub-units in the family where the family normally transacts its affairs by representation.
- (5) Sale by other members—No member or members of the family can sell family land without the consent of the family head.

Local variations.—

- (a) In Idemili and Njikoka Divisions, the family head has no more say in family land than any other adult male member.
 - (b) In those communities in Mbaitoli clan of Mbaitoli/Ikeduru Division where sale of land is lawful, the family can sell its land without the consent of the family head, if such consent is withheld unreasonably.
- (6) Effect of sale by members only—Sale of family land by members of the family without the consent of the family head is void.

Local variations.—

- (a) Such a sale is voidable in Aguata, Anambra, Awgu, Bende, Ezeagu, Nnewi, Onitsha and Udi Divisions.
 - (b) In Idemili and Njikoka Divisions, such a sale is valid if done by, or with the consent of, a majority of adult male members of the family.
 - (c) In Mbaitoli/Ikeduru Division, such a sale is valid if the family head withholds his consent unreasonably.
- (7) Effect of sale by family head alone—Sale of family land by the family head without the consent of the other members of the family is void, if it is made for the benefit of the head himself. If made on behalf of and for the benefit of the family, it is voidable at the instance of members of the family.

CHAPTER 6

TRADITIONAL FARMING TENANCIES

1.—Tenancy for a single season

98. *To whom tenancy may be given.*—A landowner may give his land rent-free to any person for farming purposes for one farming season.

99. *Tribute.*—

- (1) Tribute is payable—Where land is let rent-free for farming purposes for one farming season, tribute is payable by the tenant at the end of the season.
- (2) Whether tribute is express or implied—Duty to pay tribute as well as what is to be paid is implied by law.

Local variations.—Rent must be agreed upon expressly, and if not agreed upon, is not payable in Edda clan of Afikpo Division, Aguata and Anambra Divisions, Itumbuzo community in Bende Division, Ezeagu, Idemili, Igbo-Eze, Ihiala, Ishielu, Isi-Uzo, Mbaitoli/Ikeduru, Njikoka, Nnewi, Northern Ngwa, Ogbaru, Ohafia, Owerri and Udi Divisions and in Ikwuano area of Umuahia Division.

(3) *Failure to pay tribute.*—

- (a) If a tenant fails to pay his tribute, the landowner has a right to recover payment in Aba Division, Edda clan of Afikpo Division, Awgu, Nkwerre, Oguta, Okigwe, Onitsha, Orlu, Oru and Ukwa Divisions.
- (b) In Aguata, Anambra, Ezeagu, Idemili, Igbo-Eze, Ihiala, Ishielu, Mbaitoli/Ikeduru, Njikoka and Udi Divisions, a landowner has a right to enforce payment of tribute if there is an express agreement that tribute is payable, but not otherwise.
- (c) A landowner has no right to recover payment of tribute in Abakaliki Division, Afikpo Division (excluding Edda clan), Arochukwu, Bende, Enugu, Etiti, Ezzikwo, Izzi, Mbaise, Mbano, Nkanu, Nsukka, Ohafia and Umuahia Divisions. He has a right, however, to eject the tenant for failure to pay.

- (4) Tributes implied by law and payable for tenancies of this type are the same as those set out in paragraph 101(3) below.

II.—Tenancy for an indefinite period

100. *Whether permissible.*—A landowner may let his land rent-free to another person for farming purposes for an indefinite period of time.

101. *Tribute.*—

(1) *Whether tribute is payable.*—

(a) Duty to pay tribute as well as what is payable for a tenancy of this type is implied by law in Aba, Abakaliki, Awgu, Bende, Enugu, Etiti, Ezzikwo, Ishielu, Isi-Uzo, Izzi, Mbaise, Mbano, Nkanu, Nkwerre, Northern Ngwa, Nsukka, Oguta, Ohafia, Onitsha, Orlu, Oru, Owerri, Ukwa and Umuahia Divisions.

(b) There is now no obligation to pay tribute unless there is an express agreement to that effect in Aguata, Anambra, Awgu, Ezeagu, Idemili, Igbo-Eze, Ihiala, Ishielu, Isi-Uzo, Mbaitoli/Ikeduru, Njikoka, Nnewi, Ogbaru, Oguta, Okigwe, Orlu and Udi Divisions, and Ikwuano area of Umuahia Division.

(2) *Recovery of tribute.*—

(a) Where payment is expressed—Tribute is recoverable wherever there is an express agreement that tribute is payable and what is payable is stipulated.

(b) Where payment is implied—

(i) Tribute is both implied by law and recoverable in Aba, Awgu, Isi-Uzo, Nkwerre, Northern Ngwa, Oguta, Ohafia, Onitsha, Orlu, Oru and Ukwa Divisions.

(ii) In Abakaliki, Bende, Enugu, Etiti, Ezzikwo, Izzi, Mbaise, Mbano, Nkanu, Nsukka and Owerri Divisions, though tribute is implied by law, it cannot be recovered by the landowner; but the landowner can eject the tenant for non-payment.

(3) *What tribute is implied by law.*—

The following tributes are implied by law in the Divisions mentioned below:—

- (a) Aba: twenty yams and thirty-four kobo.
- (b) Abakaliki: Some yams, money and tobacco or palm-wine.
- (c) Aguata: four yams, four coco-yams, one hen, palm-wine and eight kola-nuts.
- (d) Awgu: yams and palm-wine.
- (e) Bende: a goat.
- (f) Enugu: farm produce, kola-nuts and palm-wine.
- (g) Etiti: farm produce, palm-wine and kola-nuts.
- (h) Ezzikwo: tobacco or yams, and palm-wine.
- (i) Ishielu: yams or a goat, money and palm-wine.
- (j) Isi-Uzo: farm produce.
- (k) Izzi: some yams, money and tobacco or palm-wine.
- (l) Mbaise: kola-nuts, palm-wine, food and meat.
- (m) Mbano: food and palm-wine.
- (n) Nkanu: yams and kola-nuts (food if a woman tenant).
- (o) Nkwerre: farm produce, palm-wine and a fowl.
- (p) Northern Ngwa: yams and palm-wine.
- (q) Nsukka: farm produce.
- (r) Oguta: farm produce; also money if expressed.
- (s) Ohafia: kola-nuts and palm-wine.
- (t) Onitsha: farm produce; also money if agreed upon.
- (u) Orlu: farm produce; also any other items agreed upon.
- (v) Oru: farm produce, palm-wine and kola-nuts.
- (w) Umuahia: yams and palm-wine.
- (x) Ukwa: yams and kola-nuts.

102. *Subletting:*

- (1) Whether Permissible—Land held on farming tenancy for an indefinite period may be sublet in whole or in part by the tenant to a third party (sub-tenant).
- (2) Consent—A tenant of this type must obtain the consent of the landowner before he can sublet.

Local variations.—

- (a) In Etiti, Mbaitoli/Ikeduru, Nsukka (excluding Ibagwa-Ani where the general rule applies), Onitsha

and Owerri Divisions, such a tenant has a right to sublet without the consent of the landowner.

- (b) In Ogbaru Division, a tenant does not require permission to sublet where he intends to sublet only a part of the land.

103. *Tribute paid by sub-tenant:*

- (1) Where tribute is payable by a sub-tenant, the person entitled to it is the original tenant.

Local variations.—

- (a) In Abakaliki, Aguata, Igbo-Eze, Ihiala, Ishielu, Isi-Uzo, Izzi, Mbaise, Mbaitoli/Ikeduru and Oguta Divisions, the person entitled to such tribute is the landowner.

- (b) In Aba, Bende and Northern Ngwa Divisions, the original tenant has to collect such tribute from the sub-tenant and pay it over to the landowner.

(2) *Recovery of tribute from sub-tenant:*

- (a) Where the original tenant is entitled to tribute payable by a sub-tenant, he (the original tenant) has a right to recover it from the sub-tenant.

*Local variations.—*In Enugu, Etiti, Mbaise, Mbaitoli/Ikeduru, Nsukka and Umuahia Divisions, a tenant has no right to recover such tribute from a sub-tenant, but he has a right to terminate the sub-tenancy for non-payment of tribute due from such sub-tenant.

- (b) In Igbo-Eze, Ishielu, Isi-Uzo and Northern Ngwa Divisions where it is the landowner that is entitled to any tribute payable by the sub-tenant, he it is who has a right to recover such tribute from the sub-tenant.

*Local variation.—*In Northern Ngwa Division, the landlord can recover only through the original tenant.

104. *Planting of economic trees by tenant:*

- (1) A tenant who holds land for farming purposes for an indefinite period has no right to plant economic trees on such land.

*Local variations.—*Such a tenant has a right to plant economic trees in Aba, Anambra, Enugu, Ezeagu, Ihiala,

Mbano, Njikoka, Nkwerre, Nnewi, Ogbaru, Onitsha, Owerri and Udi Divisions.

- (2) Where land is let to a tenant for traditional subsistence farming for an indefinite period, he has no right to develop it into a plantation without the consent of the landowner.

Local variations.—He has such right in Ezeagu, Nnewi, Owerri and Udi Divisions.

- (3) Where a person who holds land for traditional subsistence farming for an indefinite period develops it into a plantation without the consent of the landowner, the landowner has a right either to demand economic rent or to terminate the tenancy and eject the tenant.

Local variations.—

(a) In Ezzikwo, Igbo-Eze, and Mbaitoli/Ikeduru Divisions, the landowner has no right to demand economic rent in such circumstances, but he can terminate the tenancy and eject the tenant.

(b) In Okigwe Division the landowner has no right to terminate the tenancy and eject the tenant in such circumstances, but he can demand economic rent.

- (4) Ownership of trees at the end of tenancy—At the end of such tenancy, any economic trees planted on the land by the tenant with or without the consent of the landowner will become the property of the landowner.

Local variations.—

(a) In Isi-Uzo, Mbaitoli/Ikeduru, Ohafia and Okigwe Divisions, economic trees planted by the tenant with the consent of the landowner will remain the property of the tenant.

(b) In Mbano Division, coconut, kola and raffia palm trees planted by a tenant with the consent of the landowner will remain the property of the tenant; other economic trees pass to the landowner.

105. *Termination of tenancy.*—A landowner has a right to terminate a tenancy of this type for any of the following reasons—

- (1) because he wants to make use of the land himself and has no other suitable land;
- (2) because his children are grown up and want land for farming, and he has none (or not enough) for them;

- (3) because the tenant sublet part of the land without his consent;
- (4) because the tenant sold or attempted to sell a part of the land without his consent;
- (5) because the tenant is claiming title to the land;
- (6) because there is a quarrel between the landowner and the tenant over a matter connected with the land;
- (7) because the original tenant is dead, leaving no sons to succeed him;
- (8) because the tenant has abandoned the land;
- (9) because the tenant has not paid the usual tribute despite demands;
- (10) because the landowner wants to dedicate it to public use (e.g., as a school, town hall or hospital site); and
- (11) because the tenant erected a permanent building or planted economic trees on the land without the consent of the landowner.

Local variations.—

- (a) In Onitsha and Owerri Divisions, a landowner has no right to terminate a tenancy of this nature.
- (b) In Igbo-Eze Division, a landowner has no right to terminate such a tenancy merely because the tenant sublet part of the land concerned without his consent.
- (c) In Ohafia Division, the landowner has no right to terminate such a tenancy either because he wants to make use of the land himself or because his children are grown up and want to use the land for farming.
- (d) In Ikem community in Isi-Uzo Division, a landowner has no right to terminate such a tenancy merely because his children are grown up and want to use the land concerned for farming.

106. *Enjoyment of fruit of economic trees*—During the currency of a farming tenancy of this type, the person entitled to reap fruits of economic trees planted by the landowner or his predecessor in title or growing wild on such land is the landowner.

Local variations.—

- (a) In Njikoka, Nnewi and Onitsha Divisions, the person entitled to reap the fruits of such trees is the tenant.
- (b) In Owerri Division, the tenant is the person entitled to reap the fruits of trees that grow wild (that is

not planted by man) on the land, while the landowner reaps the fruits of trees planted by him or his predecessors in title.

107. *Transmission of tenancy at death.*—

- (1) Where land is let to a person rent-free for farming purposes for an indefinite period, such tenancy will pass automatically to his sons when he dies in Bende, Enugu, Ezeagu, Idemili, Ishielu, Mbaitoli/Ikeduru, Mbano, Northern Ngwa, Nsukka, Ohafia, Okigwe (excluding Uturu community), Onitsha, Oru, Owerri and Udi Divisions.

In other divisions, the tenancy terminates with the death of the tenant and his sons or other heirs may apply for renewal of the tenancy in their favour if they so desire.

- (2) Where sons automatically succeed their father as tenants of this type, they have to pay the same tribute, if any, as their father used to pay, and they are subject to the same conditions of tenancy as their father was in his lifetime.
- (3) Where sons have to apply to the landowner for renewal in their favour of such tenancy, the renewed tenancy is subject to the same tribute and other conditions as the original tenancy.
Local variations.—In Abakaliki, Aguata, Anambra, Etiti, Izzi and Nnewi Divisions, the landowner has a right to alter the conditions of the tenancy where the original tenant dies and his sons succeed to the tenancy. Unless he exercises this right, however, the original conditions will continue.
- (4) Where a tenant of this type is not survived by a son but is survived by daughters and widow only, the tenancy terminates on the death of the tenant, and the daughters or the widow have no right to ask for renewal.

CHAPTER 7

TRADITIONAL RESIDENTIAL TENANCIES

108. *Tenancies are still given.*—A landowner may let his land rent-free to another person for an indefinite period for the purpose of building a dwelling house on it.

Local variations.—Land is no longer let in this way in Aba Division, Onicha community in Oha-Ozara clan of Afikpo Division, Etiti and Idemili Divisions, Arondizuogu community in Orlu Division, Ikwuano area and Olokoro community in Umuahia Division. But old tenancies still exist.

109. *Tributes.*—

- (1) Tributes are payable for tenancies of this type in Aba and Abakaliki Divisions, Nanka, Ezira, Awgbu and Ekwulobia communities in Aguata Division, Awgu, Bende, Ezeagu, Ezzikwo (for strangers only), Idemili, Igbo-Eze, Ihiala, Ishielu, Isi-Uzo, Izzi, Mbaise, Njikoka, Nkanu, Nnewi and Northern Ngwa Divisions, Ibagwa-Ani community in Nsukka Division (for strangers only), Ogbaru, Oguta, Okigwe, Orlu, Oru, Udi, Ukwa and Umuahia Divisions and Ogurugu community in Uzo-Uwani Division.
- (2) Tributes are no longer payable for such lettings in Afikpo Division, Aguata Division (except Nanka, Ezira, Awgbu and Ekwulobia communities), Anambra, Arochukwu, Enugu, Mbaitoli/Ikeduru, Mbano, Nkwerre, Ohafia, Onitsha and Owerri Divisions.
- (3) In those places where tribute is payable, it is paid in kind unless the parties otherwise agree or the community otherwise expressly stipulates.

Local variations.—

- (a) In Ogbaru Division and Ikwuano area of Umuahia Division, tribute is paid only in money.
 - (b) In Bende and Ishielu Divisions, Ibagwa-Ani community in Nsukka Division, Umuahia Division and Ogurugu community in Uzo-Uwani Division, tribute is paid only in kind.
- (4) Recovery—In Aba and Aguata Divisions, Olu-Mbanasa clan in Anambra Division, Awgu, Bende, Etiti, Ezzikwo, Ezeagu,

Idemili, Igbo-Eze, Ihiala, Ishielu, Isi-Uzo, Njikoka, Nkanu, Nnewi and Northern Ngwa Divisions, Ibagwa-Ani community in Nsukka Division, Ogbaru, Oguta, Okigwe, Orlu, Oru, Udi, Ukwa and Umuahia Divisions, and Ogurugu community in Uzo-Uwani Division, if a tenant of this type fails to pay his annual tribute, the landowner has a right to recover it from him. He also has a right to terminate the tenancy and eject the tenant from the land.

109A. *Right to plant economic trees.*—A person who holds land on tenancy of this type has a right to plant economic trees on it.

110. *Ownership of buildings and trees on land occupied by tenant.*—

- (1) During the tenancy—Where land is let rent-free for residential purposes for an indefinite period, trees standing on it are dealt with during the period of the tenancy as follows:—
 - (a) trees which were planted by the landowner or his predecessor in title as well as trees growing wild (that is, not planted by man) on the land, are property of the landowner and are enjoyed by him;
 - (b) trees planted on the land by the tenant during the tenancy are property of the tenant and are enjoyed by him.

Local variations.—

- (i) In Oha-Ozara clan of Afikpo Division and Bende Division, economic trees growing wild on such land are enjoyed by the tenant so long as the tenancy lasts.
- (ii) In Ohafia Division, the landowner and the tenant share wild trees equally between them, with the exception of iroko trees which belong exclusively to the landowner.
- (iii) In Igbo-Eze and Udi Divisions, the landowner is entitled to any trees standing on such land even if they were planted by the tenant.
- (iv) In Mbaitoli/Ikeduru Division, the landowner is entitled to all trees with the exception of raffia, kola-nut, plantain, coconut and bread-fruit trees, where these are planted by the tenant,

(v) In Afikpo and Edda clans of Afikpo Division, palm trees growing wild belong to the community.

(2) On cessation of tenancy—

(a) Trees—Where a tenant of this type leaves the land concerned of his own volition, all economic trees standing on such land become property of the landowner. If the tenant, through no fault of his, is compelled by the landowner to leave the land, economic trees planted by the tenant remain his property unless the landowner pays him adequate compensation for them.

Local variations.—

- (i) In Enugu and Nsukka Divisions, economic trees planted by the tenant remain his own in every case unless he is a stranger from another town, in which case they will belong to the landowner.
 - (ii) In Mbaitoli/Ikeduru Division, raffia palm, kola-nut, plantain, coconut and breadfruit trees planted by the tenant are retained by him in every case.
 - (iii) In Mbano Division, coconut, kola-nut and raffia palm trees planted by the tenant remain his own in every case.
 - (iv) In Ukehe community in Nsukka Division, the landowner and the tenant share equally the economic trees planted by the tenant during his tenancy, where the tenant is not a native of Ukehe.
- (b) Buildings—A tenant of this type has a right, while vacating the land, to dismantle any building he erected on it and remove the materials unless the landowner pays him adequate compensation for it. But a tenant who vacates the land on his own volition has no right to demand compensation for any building he leaves on the land. Where he was compelled by the landowner to vacate the land through no fault of his, he has a right to demand adequate compensation.

111. *Subletting.*—

- (1) Power to sublet—A person to whom land is let rent-free for residential purposes for an indefinite period has no right to sublet it or any part of it to another person without the consent of the landowner.

Local variation.—He has such a right in Nsukka Division.

- (2) Penalty for subletting without consent—Where such a tenant sublets the land or part of it without consent, the landowner has a right to terminate the tenancy and eject him together with his sub-tenant, or to recover from the sub-tenant the part that was sublet to him.

Local variation.—In Arochukwu Division, the landowner can recover only that part of the land which is sublet to a third party.

- (3) Giving part of land to tenant's son—A tenant of this type has a right to give a portion of the land to his son for residential purposes.

Local variations.—A tenant has no such right and so must first obtain the consent of the landowner in Abakaliki, Anambra, Arochukwu, Isi-Uzo, Izzi, Mbaise, Orlu, Oru, Ukwa and Umuahia Divisions (excluding Ikwuano area where the general rule applies).

- (4) Subletting with consent—Where the tenant sublets part of the land he holds under this type of tenancy with the consent of the landowner, tribute, premium or rent payable by the sub-tenant is dealt with as follows, in the absence of any agreement to the contrary—

(a) *Tribute.*—

- (i) In Oha-Ozara clan of Afikpo Division, Bende, Igbo-Eze, Ihiala, Ishielu, Mbaise, Mbano and Oru Divisions, the landlord is entitled to any tribute paid by the sub-tenant.

- (ii) In Aba Division, Afikpo Division (excluding Oha-Ozara clan), Aguata, Anambra, Arochukwu, Awgu, Enugu, Etiti, Ezeagu, Ezzikwo, Idemili, Mbaitoli/Ikeduru, Nkanu, Nnewi, Ogbaru, Oguta, Okigwe, Orlu, Udi and Ukwa Divisions, it is the tenant who is entitled to such tribute.

(b) *Premium.*—

- (i) In Oha-Ozara clan of Afikpo Division, Bende, Igbo-Eze, Ihiala, Ishielu, Mbaitoli/Ikeduru,

Mbano, Njikoka, Ogbaru and Oru Divisions, the landowner is entitled to any premium paid by the sub-tenant.

- (ii) It is the tenant who is entitled to such premium in Aba Division, Afikpo Division (excluding Oha-Ozara clan), Aguata, Anambra, Arochukwu, Awgu, Enugu, Etiti, Ezeagu, Idemili, Mbaise, Nkanu, Nnewi, Oguta, Okigwe, Orlu, Udi and Ukwa Divisions.

(c) *Rent.*—

- (i) In Oha-Ozara clan of Afikpo Division, Bende, Ezzikwo, Igbo-Eze, Ihiala, Ishielu, Isi-Uzo, Mbaise, Mbano, Oru and Umuahia Divisions, the landowner is entitled to any rent payable by the sub-tenant.

- (ii) It is the tenant who is entitled to such rent in Aba Division, Afikpo Division (excluding Oha-Ozara clan), Aguata, Anambra, Arochukwu, Awgu, Enugu, Etiti, Ezeagu, Idemili, Mbaitoli/Ikeduru, Nkanu, Nnewi, Ogbaru, Oguta, Okigwe, Orlu, Udi and Ukwa Divisions.

(d) *Local variations to (a), (b) and (c).*—

- (i) In Bende Division, the tenant collects any tribute, premium or rent payable by the sub-tenant and transmits it to the landowner.

- (ii) In Isi-Uzo, Nkwerre, Northern Ngwa, Ohafia, Onitsha, Owerri and Umuahia Divisions, the Landowner and the tenant share any tribute, premium or rent payable by the sub-tenant equally.

112. *Termination of tenancy.*—

- (1) A landowner has a right to terminate a tenancy of this type for any of the following reasons—

- (a) If the tenant sublets all or part of the land without his consent;

Local variations.—This rule does not apply in Enugu and Nsukka Divisions.

- (b) If the tenant sells or attempts to sell the land or any part of it to another person;

Local variation.—This rule does not apply in Owerri Division.

(c) If the tenant claims the land as his own;

Local variation.—This rule does not apply in Owerri Division.

(d) If the tenant no longer resides on the land, and no longer uses it for any other purpose;

Local variation.—This rule does not apply in Onitsha Division.

(e) If the tenant ceases to reside on the land even if he still makes use of it for farming purposes;

Local variations.—This rule does not apply in Nkanu and Nsukka Divisions.

(f) If the tenant dies leaving no children;

Local variations.—This rule does not apply in Enugu, Nsukka, Ohafia and Owerri Divisions.

(g) If the tenant fails to pay his tribute after demand;

Local variations.—This rule does not apply in Afikpo, Arochukwu, Awgu, Bende, Enugu, Nsukka, Onitsha and Owerri Divisions.

(h) If the tenant dies leaving no son or son's son, whether or not he leaves daughters.

Local variations.—This rule does not apply in Aguata, Arochukwu, Bende, Enugu, Ezeagu, Idemili, Ishielu, Mbaitoli/Ikeduru, Nsukka, Ohafia, Onitsha, Oru and Udi Divisions.

- (2) In Abakaliki, Isi-Uzo, Izzi, Orlu, Oru and Ukwa Divisions, the landowner may terminate a tenancy of this type and recover his land if the tenant gives part of such land to his son for residential purposes without his consent. He has no such right in other Divisions.
- (3) In Abakaliki, Afikpo, Arochukwu, Ishielu, Isi-Uzo, Izzi, Nkanu, Nkwerre, Oguta, Orlu, Umuahia and Uzo-Uwani Divisions, the landowner may terminate such a tenancy and recover his land if there is a serious quarrel between him and the tenant on a matter not connected with the land. He has no such right in the other Divisions.

- (4) In Aba, Abakaliki, Afikpo, Anambra, Arochukwu, Etiti, Ishielu, Isi-Uzo, Izzi, Mbaise, Mbano, Nkwerre, Northern Ngwa, Ogbaru, Oguta, Ohafia, Orlu, Oru, Ukwa, Umuahia and Uzo-Uwani Divisions, a landowner may terminate the tenancy and recover his land if he genuinely needs it for his own use. He has no such right in the other Divisions.
- (5) In Aba, Afikpo, Anambra, Arochukwu, Etiti, Ishielu, Isi-Uzo (excluding Ikem community), Mbano, Northern Ngwa, Oguta, Ohafia, Orlu, Oru, Ukwa, Umuahia and Uzo-Uwani Divisions, such a landowner may terminate the tenancy and recover his land if he genuinely wants it for the use of his own sons. He has no such right in the other Divisions.
- (6) In Aba, Abakaliki, Afikpo, Anambra, Arochukwu, Etiti, Ishielu, Isi-Uzo, Izzi, Mbano, Nkwerre, Northern Ngwa, Oguta, Ohafia, Orlu, Oru, Ukwa, Umuahia and Uzo-Uwani Divisions, the landowner can terminate such tenancy and recover his land if he wants to dedicate it to public use e.g., as a school, hospital or town hall site.

113. *Transmission at death:*

- (1) Succession to tenancy—Where a person is given land rent-free for residential purposes for an indefinite period, his sons will at his death succeed to such tenancy automatically.

Local variations—The sons do not succeed automatically but must seek and obtain the landowner's permission to remain on the land in Abakaliki, Anambra, Etiti, Isi-Uzo, Izzi, Nkanu, Ogbaru, Oguta, Okigwe, Orlu and Ukwa Divisions. If the sons fail to apply, or the landowner refuses to renew the tenancy in their favour, they must quit the land.

- (2) Payment on Succession.—
 - (a) In Anambra, Nkanu, Ogbaru and Ukwa Divisions, some payment is made by the sons of a tenant of this type before they succeed to their father's interest in the land.
 - (b) In Abakaliki, Etiti, Isi-Uzo, Izzi, Okigwe and Orlu Divisions, no payment is due from the deceased tenant's sons unless the landowner makes a demand for it.
 - (c) In Ogbaru Division, no payment is due from the sons, and the landowner has no right to demand one.

- (3) Payment of tribute by sons—Where sons succeed to their father's tenancy automatically, they do not pay tribute to the landowner unless their father used to do so in his lifetime, in which case, they pay the same tribute as their father did.

Local variations.—

In Abakaliki, Afikpo, Anambra, Awgu, Etiti, Isi-Uzo, Njikoka, Nkanu, Ogbaru, Okigwe, Orlu, Ukwu and Umuahia Divisions, the landowner has a right to take tribute from the sons of a deceased tenant even if their father paid none in his lifetime.

- (4) Other conditions of tenancy—Where the sons of a deceased tenant of this type succeed to the tenancy automatically on the death of their father, they are subject to the same conditions of tenancy (other than payment of tributes) as their father was in his lifetime.

Local variation.—In Anambra, Awgu, Etiti, Isi-Uzo, Nsukka, Ogbaru and Umuahia Divisions, the landowner may demand a revision of the tenancy conditions, in which case the conditions will have to be re-negotiated.

- (5) Right of widows and daughters—

- (a) Where a tenant of this type is not survived by a son but is survived by a widow or a daughter, the widow or daughter as the case may be has a right to live on the land until she marries/remarries or dies.

Local variations.—Neither a widow nor a daughter has such a right in Abakaliki, Anambra, Etiti, Isi-Uzo and Izzi Divisions. They must first obtain the landowner's permission to remain on the land.

- (b) Where a tenant of this type is not survived by a son but is survived by a widow or a daughter, and she continues to live on the land concerned, she has a right to use and enjoy the deceased tenant's economic trees and plants on the land.

Local variations.—

- (i) A widow or daughter has no such right in Abakaliki, Anambra, Etiti, Isi-Uzo and Izzi Divisions.

- (ii) In Igbo-Eze Division (excluding Itchi clan where the general rule applies), a daughter has a right to her deceased father's economic plants and trees until she marries or dies, but a widow has no such right.

(6) Where tenant ceases to live on the land—

- (a) Landlord's right to recover possession—Where a tenant of this type ceases to live on the land, the landowner may terminate the tenancy and take back his land even if the tenant still wishes to use it for farming or other purposes.

Local variations.—

- (i) The landowner has no such right in Oguta Division.
 - (ii) In Idemili Division, this right can be exercised only after the expiration of two farming seasons, since the tenant has a right to farm on the land for two seasons after he ceases to live there.
 - (iii) In Nsukka Division, this right can be exercised only if the tenant is a stranger from another town.
- (b) Cesser of right to economic trees—A tenant of this type who ceases to live on the land has no right to continue reaping the produce of any trees on the land.

Local variations.—

- (i) In Abakaliki, Afikpo, Izzi, Mbaitoli/Ikeduru, Nnewi, Owerri and Ukwu Divisions, the tenant retains his right to any economic trees he planted on the land while he was residing there.
- (ii) In Enugu and Nsukka Divisions, the tenant retains his right to any trees he planted on the land while residing there if he is a native of the town or village in which the land is situated, but not otherwise.
- (iii) In Mbaise Division, the tenant retains his right to any raffia palm, plantain, coconut and orange trees he planted on the land while residing there.

- (c) Right to plant new trees—A tenant who ceases to live on the land has no right to plant any more economic trees on such land.

Local variation.—In Nsukka and Ukwa Divisions, such right continues after the tenant ceases to live on the land but only if the tenant is not a stranger.

- (d) Landowner's right to cut down tenant's trees—In Abakaliki, Izzi, Mbaise, Mbaitoli/Ikeduru, Nnewi, Owerri and Ukwa Divisions, though an ex-tenant retains his right over the produce of economic trees he planted on the land (*see (b)* above), the landowner has a right to cut such trees down where they interfere with his farming or building activities.

Local variation.—The landowner has no such right in Afikpo, Enugu and Nsukka Divisions.

CHAPTER 8

COMMERCIAL TENANCIES

I.—Commercial Farming Tenancies

114. *Commercial farming tenancies: whether given.*—Land may be let by the landowner to another person of his choice for commercial farming purposes, for example, for development as palm, cocoa, pineapple or citrus plantation or for livestock farming on a commercial scale.

Local Variations.—

- (a) Such tenancies are not given in Aguata, Bende, Eiti, Idemili, Mbaise, Mbano, Njikoka, Nkwerre, Ogbaru, Oguta and Orlu Divisions.
- (b) In Onitsha Division, such tenancies are not given to strangers from other towns whether they are resident in the Division or not.

115. *Duration of tenancy.*—

- (1) A tenancy of this type may be for a specified period of time or for an indefinite period in Anambra, Awgu, Ezeagu, Igbo-Eze (excluding Enugu-Ezike community), Isi-Uzo, Nsukka, Owerri, Udi and Ukwu Divisions.
- (2) In Abakaliki, Afikpo, Enugu, Ezzikwo, Igbo-Eze, Ihiala, Ishielu, Izzi, Mbaitoli/Ikeduru, Nkanu, Nnewi, Northern Ngwa, Ohafia, Okigwe, Onitsha, Oru and Umuahia Divisions, such a tenancy can be given for only a specified period of time.
- (3) In Aba Division and Enugu-Ezike community in Igbo-Eze Division, it can only be given for an indefinite period.

116. *Consideration for tenancy.*—

- (1) A cash payment to be made once and for all is normally agreed upon by the parties to such a tenancy in Awgu and Enugu Divisions, Ezeagu Division, Enugu-Ezike community in Igbo-Eze Division, Ihiala, Mbaitoli/Ikeduru, Nkanu, Nnewi, Onitsha, Oru, Owerri, Udi and Ukwu Divisions. Such a payment is not known in the other Divisions.
- (2) An annual cash payment is normally agreed upon in all other places.

- (3) In Abakaliki, Afikpo, Anambra, Awgu, Ezeagu, Igbo-Eze, Isi-Uzo, Izzi, Nnewi, Nsukka, Oru and Udi Divisions, in addition to any agreed cash payment, an annual tribute in kind is due and payable by the tenant.
- (4) In Ihiala, Mbaitoli/Ikeduru, Nkanu and Okigwe Divisions, tribute in kind is payable by the tenant if there is an agreement to that effect, but not otherwise.

117. *Right to economic trees where tenant terminates tenancy.*—Where the tenant terminates a tenancy of this type through no fault of the landowner and there is no express agreement as to who will own economic trees planted by the tenant on the land at the end of the tenancy, such trees belong to the landowner and the tenant has no right to be paid any compensation in respect of them.

Local variation.—In Leke community in Isi-Uzo Division, the tenant retains his right to any economic trees he planted on the land during his tenancy, where there is no express agreement to the contrary.

118. *Termination after tenant has commenced to use the land.*—

- (1) The landowner has no right to terminate a tenancy of this type once the tenant has gone into possession and has commenced to use the land for the purpose for which it is let, except in the circumstances set out in paragraph 124.

Local variation.—The right to terminate in such circumstances exists in Ezeagu, Northern Ngwa and Udi Divisions.

- (2) A landowner who terminates a tenancy of this nature after the tenant has commenced to use the land for the purpose for which it is let has to pay compensation to the tenant for any loss he incurs as a result of such termination. This rule does not apply where the termination is done in the circumstances set out in paragraph 124.

Local variations.—In Ezeagu, Northern Ngwa and Udi Divisions, the landowner does not have to pay compensation in any circumstances.

119. *Right to economic trees after termination by landowner.*—

- (1) Where the landowner terminates a tenancy of this nature, the tenant has a right to remove any economic plants or trees which he planted on such land, unless the landowner pays adequate or agreed compensation for them.

Local variations.—This right does not exist in Ezeagu and Udi Divisions.

- (2) Where the landowner terminates a tenancy of this type and offers to pay adequate compensation for the tenant's losses, the tenant has a right to refuse such offer of compensation and insist on removing his economic trees from the land concerned if, but only if the termination was not due to any fault of his.

Local variations.—

- (a) In Aba, Anambra, Enugu, Ezeagu, Ihiala, Mbaitoli/Ikeduru, Ohafia, Oru, Udi and Ukwa Divisions, a tenant has no right to remove economic trees where the landowner offers adequate compensation.
 - (b) In Owerri Division, the tenant has a right to refuse compensation and remove his economic plants and trees only where such plants or trees are still young enough to be transplanted.
- (3) Where the tenant has a right to remove his economic plants and trees, he has a right to enter the land concerned after his tenancy has been terminated so as to remove them.

120. *Right to buildings after termination by landowner.*—Where the landowner terminates a tenancy of this type, the tenant has a right to demand adequate compensation for any buildings he erected on the land while he was in possession, or to dismantle and remove them if the landowner refuses to pay. This rule is subject to paragraph 124.

Local variations.—In Abakaliki, Igbo-Eze and Izzi Divisions, the tenant has no right to demand compensation for such buildings.

121. *Termination by tenant:*

- (1) Where the tenant himself terminates a tenancy of this type for just cause, he has a right to dismantle any buildings he erected on the land and to remove the materials.

Local variations.—A tenant has no such right in Aba, Ezeagu, Nnewi, Ohafia, Onitsha, Oru, Udi and Ukwa Divisions.

- (2) Where the tenant terminates a tenancy of this type, the landowner has a right to demand that he should remove any buildings he erected on the land.

Local variations.—In Aba, Abakaliki, Arochukwu and Izzi Divisions, a landowner has no such right.

- (3) Where the tenant terminates a tenancy of this type, and cuts down the trees he planted on the land, the landowner has a right to demand that he should remove the trunks, stumps and underground roots of such trees.

Local variations.—

- (a) In Abakaliki and Izzi Divisions, the landowner has no such right.
- (b) In Oru and Owerri Divisions, the landowner has no such right in respect of tree stumps and underground roots.
- (c) In Anambra, Igbo-Eze, Ihiala and Mbaitoli/Ikeduru Divisions, the landowner has no such right in respect of underground roots.

122. *Subletting:*

- (1) A tenant of this type has no right to sublet all or any part of the land he occupies as tenant except with the consent of the landowner.

Local variations.—

- (a) He has this right in Afikpo, Ezzikwo, Nsukka and Okigwe Divisions.
- (b) In Abakaliki, Arochukwu and Izzi Divisions, the tenant has to inform the landowner but does not require consent.
- (2) The landowner has a right to refuse his consent where the tenant wants to sublet part of the land to another person, but he must have a good reason for refusing consent.

Local variations.—In Abakaliki, Arochukwu, Izzi, Nsukka, Ohafia and Okigwe Divisions, the landowner has no right to refuse his consent.

123. *Rent from subletting.*—Where a tenant of this type sublets all or part of the land concerned to another person (with the landowner's consent where this is necessary), any rent payable by the subtenant belongs to the tenant. The landowner has no right to any part of it.

Local variations.—In Igbo-Eze and Ihiala Divisions, the person entitled to such rent is the landowner.

124. *Why landowner may terminate.*—A landowner may terminate a tenancy of this type for any of the following reasons:—

- (a) because the tenant does not pay his rents as agreed;

Local variation—This rule does not apply in Enugu Division.

- (b) because the tenant sublets the land or part of it without his consent.

Local variations.—This rule does not apply in Afikpo, Arochukwu, Enugu, Ezzikwo, Nsukka and Okigwe Divisions.

- (c) because the tenant pledges the land or part of it without his consent;

Local variations.—This rule does not apply in Arochukwu, Enugu, Ezzikwo, Nsukka and Okigwe Divisions;

- (d) because the tenant sells or purports to sell the land or part of it;

- (e) because the tenant claims the land or part of it as his own;

- (f) In Ishielu and Oru Divisions only, because the tenant does not make adequate use of the land even if he pays his rents as agreed.

125. *Abandonment*.—Where a tenant abandons a farm let to him for an indefinite period for commercial farming and none of his relations comes forward to maintain the farm, the landowner has the right to retake possession of the land and remove the tenant's economic trees, buildings and livestock on the farm or work the farm for his own benefit.

Local variations.—In Abakaliki, Isi-Uzo, Izzi, Nsukka and Ohafia Divisions, the landowner has no right to remove the tenant's trees, buildings or livestock from the land, but he can work the farm for his own benefit.

126. *Succession at tenant's death*.—Where a tenancy of this type is given for a specified period, and the tenant dies before that period expires, or where the tenancy is for an indefinite period and the tenant dies while still in occupation, such tenancy will pass to the tenant's heir.

Local variation.—In Ukwu Division, where the tenancy is for an indefinite period, the tenant's heir has no right to succeed to the tenancy.

II.—Commercial Building Tenancies

A.—BUILDING TENANCIES FOR FIXED PERIODS

127. *Places where such tenancies exist*.—

- (1) A landowner may let his land to another person for a specified period of time for use as a residential site in Aba,

Abakaliki, Arochukwu, Enugu, Ezeagu, Igbo-Eze, Ishielu, Isi-Uzo, Izzi, Nkanu, Nnewi, Northern Ngwa, Nsukka, Ohafia, Okigwe, Onitsha, Oru, Owerri, Udi, Ukwa and Umuahia Divisions.

- (2) The letting of land for residential purposes for a specific period is not known in Afikpo, Aguata, Anambra, Awgu, Bende, Etiti, Ezzikwo, Idemili, Ihiala, Mbaise, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkwerre, Ogbaru, Oguta and Orlu Divisions.

128. *To whom such tenancies are given.*—In Aba, Abakaliki, Izzi and Nsukka Divisions, tenancies of this nature are given only to strangers from other towns. In the other places, named in paragraph 127 (1), they may be granted to strangers as well as to non-strangers.

129. *Rents.*—

- (1) Rents are fixed and paid in money for tenancies of this type.
- (2) Failure to pay rents—The landowner has a right—
- (a) to sue the tenant for arrears of rent due; or
 - (b) to eject the tenant for non-payment of rent (except in Enugu Division); or
 - (c) in Ishielu and Okigwe Divisions only, to enter the land concerned and harvest the tenant's economic trees and crops to the value of the rent due.

130. *Tributes.*—

- (1) Tributes are paid for such tenancies in Aba, Abakaliki, Ezeagu, Igbo-Eze, Isi-Uzo, Izzi, Nkanu, Nnewi, Nsukka, Onitsha and Udi Divisions, such tributes being implied by law.
- (2) In Arochukwu, Enugu, Ishielu, Ohafia, Okigwe, Owerri, Ukwa and Umuahia Divisions, tributes are not payable for tenancies of this type. In Northern Ngwa and Oru Divisions, tribute may be agreed upon, and become payable if so agreed, but not otherwise.

131. *Economic trees and buildings.*—

- (1) Right to plant economic trees—A person who is given a tenancy of this type has a right to plant economic trees on the land concerned during the period of his tenancy.
- Local variations.*—He has no such right in Okigwe and Ukwa Divisions.

(2) Right to trees and buildings at the end of tenancy—

- (a) At the end of a tenancy of this type, any economic trees planted on the land by the tenant will become property of the landowner.

Local variation.—In Owerri Division, if the tenant is a non-stranger, that is a native of the same village or town as the landowner, he retains the economic trees; but if he is a stranger, such trees will go to the landowner.

- (b) At the end of a tenancy of this type, any buildings erected on the land by the tenant will become property of the landowner.

Local variations.—

- (i) In Igbo-Eze and Ishielu Divisions, the tenant has a right to dismantle and remove materials used in erecting such buildings either before he vacates the land or soon after.
- (ii) In Abakaliki, Izzi and Owerri Divisions, the tenant retains his right to such buildings, but he can only dismantle and remove them. He can no longer make use of them either by himself or through anybody else.

132. *Subletting:*

- (1) In Aba, Arochukwu, Enugu, Ishielu, Isi-Uzo, Nsukka, Ohafia, Okigwe, Ukwa and Umuahia Divisions, a tenant of this type has a right to sublet part of the land concerned to somebody else.
- (2) There is no right to sublet in Abakaliki, Ezeagu, Igbo-Eze, Izzi, Nkanu, Nnewi, Northern Ngwa, Onitsha, Oru, Owerri and Udi Divisions except with the consent of the landowner.

133. *Where tenant fails to vacate land.*—Where at the expiration of the tenancy or after its due termination, the tenant fails to vacate the land:

- (a) the landowner has a right to eject him by court action;
- (b) In Aba, Arochukwu, Igbo-Eze, Nkanu, Nnewi, Northern Ngwa, Ohafia, Okigwe, Onitsha, Ukwa and Umuahia Divisions, the landowner has a right to re-enter the land and make use of it without recourse to the court. This right does not exist in other places.

134. *Renewal of tenancy.*—At the expiration of a tenancy of this nature, if the tenant asks for renewal of the tenancy, the landowner may refuse to renew.

Local variations.—In Enugu and Owerri Divisions, the landowner has no right to refuse renewal if the land has been developed by the tenant.

135. *Termination of tenancy by landowner.*—A landowner may terminate a tenancy of this type and recover possession of his land only in the following circumstances:

- (1) Where the tenant fails to pay his rent when it is due.
Local variation.—This does not apply in Enugu Division.
- (2) Where the tenant instead of building on the land as agreed continues for a lengthy time to use the land as farmland.
Local variations.—A tenancy of this type cannot be terminated by the landowner for this reason in Abakaliki, Enugu, Igbo-Eze, Ishielu, Izzi, Nsukka, Okigwe and Owerri Divisions.
- (3) Where the tenant sublets the land or part of it to another person without the landlord's consent.
Local variations.—This rule does not apply in Arochukwu, Enugu, Ishielu, Nsukka, Okigwe and Ukwu Divisions.
- (4) Where the tenant sells or tries to sell all or any part of the land to another person.
- (5) Where the tenant claims the land or part of it as his own.
- (6) In Ohafia, Oru, Ukwu and Umuahia Divisions, a landowner may terminate a tenancy of this type merely on the ground that he requires it for his own use.

B.—COMMERCIAL BUILDING FOR TENANCIES INDEFINITE PERIODS

136. *Places where such tenancies exist:*

- (1) Tenancies are currently given for building purposes for commercial use for indefinite periods of time in Aba, Abakaliki, Afikpo (excluding Edda clan), Arochukwu, Ezeagu, Ezzikwo, Ishielu, Izzi, Njikoka, Nnewi, Northern Ngwa, Nsukka, Okigwe, Owerri and Udi Divisions.
- (2) No such tenancies are given today but similar tenancies given in the past still exist in Igbo-Eze, Isi-Uzo, Nkanu, Ohafia, Onitsha, Ukwu and Umuahia Divisions.

137. *Persons to whom they are given:*

- (1) In Aba, Ezeagu, Northern Ngwa, Okigwe and Udi Divisions, such tenancies are given to kinsmen only.
- (2) In Abakaliki, Arochukwu, Ishielu and Izzi Divisions, such tenancies are given only to natives of the Division where the land is situated.

- (3) In Afikpo and Oha-Ozara clans of Afikpo Division, such tenancies are given in urban areas only.
- (4) In Ezzikwo Division, such tenancies are given to natives of the Division or to strangers who have become assimilated into the local community.

138. *Rents*.—In Afikpo, Ezeagu, Ezzikwo, Igbo-Eze, Ishielu, Isi-Uzo, Njikoka, Nkanu, Nnewi, Nsukka, Ohafia, Okigwe, Onitsha, Owerri and Udi Divisions, rent is payable for tenancies of this type, and is always agreed upon.

139. *Tributes*.—In Aba, Abakaliki, Arochukwu, Enugu, Ezzikwo, Igbo-Eze, Isi-Uzo, Izzi, Njikoka, Nkanu, Nnewi, Nsukka, Ohafia, Okigwe, Onitsha, Owerri, Udi and Ukwa Divisions, annual tributes are payable for tenancies of this type.

Local variations.—

- (1) In Abakaliki and Izzi Divisions, tributes are paid once and for all.
- (2) In Ezeagu, Ezzikwo, Igbo-Eze, Isi-Uzo, Njikoka, Nkanu, Ohafia, Onitsha and Udi Divisions, both tributes and rents are payable in respect of the same tenancy.
- (3) In Aba Division, tributes are paid by stranger-tenants only.

140. *Right to plant economic trees*.—In all places where tenancies of this type exist, the tenant has a right to plant economic trees on the land concerned during the tenancy.

141. *Restriction in use*.—A tenant of this type is free to use the land for any purpose he likes.

Local variations.—

- (1) In Mgboko clan of Aba Division, a tenant is not free to plant *ono* (three-leaved yam) on land held on this type of tenancy.
- (2) In Ishielu and Nkanu Divisions, a tenant must use the land for the purpose for which it was originally let to him and for no other purpose.

142. *Subletting*.—

- (1) Right to sublet—A tenant of this type has no right to sublet all or any part of the land except with the consent of the landowner.

Local variations.—

- (a) In Afikpo, Nsukka, Ohafia and Umuahia Divisions, the tenant has a right to sublet all or part of such land without the consent of the landowner.
 - (b) In Arochukwu Division, he has a right to sublet only a part of the land, and he needs no consent to do this.
 - (c) In Abakaliki and Izzi Divisions, he may sublet all or a part of such land, and he needs no consent to do so, but the sub-tenant must be a member of the Division in which the land is situated.
- (2) Subletting without consent—Where the consent of the landowner is required for subletting and the tenant sublets without such consent, the landowner has a right to terminate the tenancy and recover possession of his land.

Local variations.—

- (a) In Enugu Division, the landowner has no right to terminate the tenancy for this reason, but he may prevent the sub-tenant from going into possession or making use of the land.
 - (b) In Onitsha Division, the landowner has no right to terminate the tenancy for this reason unless there is an express agreement to that effect.
- (3) Rents and tributes for subletting—Where a tenant sublets all or part of the land he holds on tenancy of this type (with consent where necessary), the landowner has no right to any rent or tribute paid for such sub-tenancy.

Local variations.—

- (a) The landowner has a right to any rent or tribute paid for such sub-tenancy in Igbo-Eze and Owerri Divisions.
- (b) In Umuahia Division, the landowner is entitled to any rent paid for such sub-tenancy, but he is not entitled to any tribute payable.

143. *Termination of tenancy:*

- (1) A landowner may terminate a tenancy of this type and recover possession of his land where the tenant fails to pay the rent due from him.

*Local variations.—*The landowner has no such right in Arochukwu and Enugu Divisions.

- (2) A landowner has a right to terminate a tenancy of this type and recover possession of his land where the tenant fails to pay any tribute due from him.

Local variations.—A landowner has no such right in Abakaliki, Enugu, Ezzikwo, Izzi and Owerri Divisions.

- (3) In Aba, Abakaliki, Izzi, Njikoka, Ukwa and Umuahia Divisions, a landowner may terminate a tenancy of this type and recover possession of his land if he genuinely requires the land for his own use.

Local variation.—In Njikoka Division, this right can be exercised only if there are no buildings on the land.

- (4) In Aba, Abakaliki, Izzi, Ukwa and Umuahia Divisions, a landowner has a right to terminate a tenancy of this type and recover possession of his land if he genuinely requires it for the use of his own sons.
- (5) In Aba, Abakaliki, Izzi, Ohafia, Ukwa and Umuahia Divisions, a landowner has a right to terminate a tenancy of this type and recover possession of his land if he wants to dedicate it to public use, e.g., as a school or hospital site.
- (6) In Aba, Ishielu, Njikoka, Nkanu, Northern Ngwa, Ukwa and Umuahia Divisions, a landowner has a right to terminate a tenancy of this type and recover possession of his land if he has a serious quarrel with the tenant over the correct boundaries of the portion let to the tenant.
- (7) In Aba, Arochukwu and Umuahia Divisions, a landowner has a right to terminate a tenancy of this type and recover possession of his land if the tenant commits a breach of some important local custom and thereby becomes generally unacceptable to the local community.
- (8) A landowner has a right to terminate a tenancy of this type and recover possession of his land if the tenant claims the land as his own or sells or attempts to sell it.

144. *Rents and tributes for subletting.*—Where a tenant takes in sub-tenants and the landowner does not object:

- (1) The landowner has no right to demand direct payment of rents or tribute by the sub-tenants to himself.
- (2) The landowner has no right to demand increased tributes from the original tenant.

Local variations.—He has such a right in Ezeagu, Igbo-Eze, Njikoka, Okigwe, Owerri and Udi Divisions.

- (3) The landowner has no right to demand increased rent from the original tenant.

Local variations.—He has such a right in Ezeagu, Igbo-Eze, Njikoka, Nnewi, Northern Ngwa, Okigwe, Owerri, Udi and Umuahia Divisions.

- (4) The landowner has no right to demand a share of rents received by the tenant from the sub-tenants.

Local variation.—He has this right in Owerri Division.

145. *Right to buildings and economic trees at the end of tenancy.*—

- (1) On voluntary vacation by the tenant—Where a tenant of this type voluntarily vacates the land—

(a) The landowner is entitled to any buildings and economic trees the tenant leaves on the land in Aba, Arochukwu, Enugu, Ezeagu, Ezzikwo, Igbo-Eze, Njikoka, Nkanu, Nnewi, Ohafia, Onitsha, Udi, Ukwa and Umuahia Divisions only.

(b) The tenant has a right to continue reaping the fruit of any economic trees he planted on the land in Abakaliki, Afikpo, Ishielu, Isi-Uzo, Izzi, Nsukka and Owerri Divisions only. In the case of Owerri Division, this right exists only where the tenant is not a stranger in the community where the land is situated.

- (2) On ejection—Where the landowner terminates a tenancy of this type and ejects the tenant for no just cause, the tenant has a right to remove from the land any buildings he erected and any economic trees he planted during the tenancy, or to claim adequate compensation for them.

Local variations.—

(a) He has no right to remove buildings or economic trees in Aba, Nnewi, Ohafia and Ukwa Divisions.

(b) In Ezzikwo and Owerri Divisions, the tenant may remove his buildings but not economic trees.

CHAPTER 9

MISCELLANEOUS

I.—Acquisition of Land or Interest therein

146. *Methods of acquiring freehold interest.*—Freehold interest in land is acquired in the following ways:—

1. by purchase of freehold land;
2. by exchange of freehold land;
3. by inheritance where the person concerned is a sole heir;
4. by permanent apportionment among several heirs of freehold land inherited by them from an ancestor or other relation;
5. by permanent apportionment of family or communal land among members of the family or community;
6. by gift *inter vivos* of freehold land;
7. by gift under a will of freehold land;
8. by clearing and cultivation of forest land which according to local belief has never been cleared by anyone else, even if such land is situated within the confines of a village community (but this rule does not apply to land of a deity, and the person concerned must be a member of the community in which the land is situated nor does the rule apply in Onitsha);
9. by effective occupation of land adjoining two or more communities but not claimed by any of them;
10. by effective occupation of land which has been abandoned by its owner and his heirs, and is not claimed by any other person, the occupier being a member of the community in which the land is situated.

147. *Methods of acquiring other interests in land.*—Other interests in land are acquired in the following ways—

1. by tenancy, with or without obligation to pay rent or tribute;
2. by pledge;
3. by one person redeeming and occupying land which the owner gave on pledge to another person;
4. by mortgage;

5. by mere occupancy (without a right to transmit *inter vivos* or at death) in cases where—
- (a) a widow who has no son occupies or uses her deceased husband's land; or
 - (b) an unmarried daughter occupies or uses her deceased father's land; or
 - (c) where a child who was brought young by his mother into her matrimonial home remains there after the death of the mother's husband and makes use of the deceased man's land.

II.—Emigration and Land Interest

148. *Effect of emigration on interests in land.*—

- (1) Where a person leaves his own village or town and goes to live permanently in another village or town, he retains—
 - (a) his rights in the communal lands of his community of origin;
 - (b) his rights over his individually acquired lands;
 - (c) his rights over lands inherited from his ancestors or relations;
 - (d) his rights over his economic trees situated in his village or town of origin.

Local variations.—

- (a) Such an emigrant loses his interests in the communal lands of his community of origin in Abakaliki, Afikpo Arochukwu, Enugu, Etiti, Ihiala, Izzi, Northern Ngwa, Oguta, Ohafia, Orlu, Owerri, Ukwu and Umuahia Divisions.
 - (b) In Afikpo clan of Afikpo Division and Ihiala Division, such an emigrant also loses his rights in any land he inherited from his ancestors or relations.
 - (c) In Bende Division, a person who emigrates from one town to another loses his rights in the communal lands of his community of origin, but a person who emigrates from one village to another village within the same town does not.
- (2) Any rights in land retained by an emigrant will at his death pass to his heirs.

149. *Resumption of lost rights by emigrant or his heirs.*—

- (1) In those places where an emigrant loses his interests in lands or economic trees situated in his native community (that is in Abakaliki, Afikpo, Arochukwu, Enugu, Etiti, Ihiala, Izzi, Northern Ngwa, Oguta, Ohafia, Orlu, Owerri, Ukwu and Umuahia Divisions), he automatically regains such rights whenever he returns and settles down in his town or village of origin.
- (2) If the emigrant fails to return to his community of origin in his life-time, his sons will, if they return after his death, automatically regain those interests in lands and economic trees which their father lost by emigration.

The first part of the document discusses the importance of maintaining accurate records. It emphasizes that proper record-keeping is essential for ensuring the integrity and reliability of the data collected. This section also outlines the various methods used to collect and analyze the data, highlighting the challenges faced during the process.

The second part of the document provides a detailed description of the experimental setup. It includes information about the equipment used, the procedures followed, and the conditions under which the data was collected. This section is crucial for understanding the context and limitations of the study.

The final part of the document presents the results of the study. It includes a summary of the findings, a discussion of their implications, and conclusions drawn from the data. The authors also acknowledge the limitations of the study and suggest areas for future research.

PART II

CUSTOMARY LAWS OF SUCCESSION

A—MAN'S ESTATE

1961

CUSTOMARY LAW OF SUCCESSION

A—Mata's Estate

CHAPTER 10

LANDS AND HOUSES

150. In this part of this work, the following expressions are used with the meaning assigned to them below:

“customary tenancy”: a right to the use and occupation of any land which is enjoyed by a person by virtue of a kola or other token payment made by him or his predecessor in title or by virtue of a grant for which no payment in money or in kind was made initially but for which an annual tribute in money or in kind is payable by the tenant.

“kola tenancy”: a right to the use and occupation of any land which is enjoyed by any person in virtue of a kola or other token payment made by such person or any predecessor in title or in virtue of a grant for which no payment in money or in kind was exacted.

“maternal brother”: one’s brother by the same mother, whether or not by the same father. “Maternal sister” has a corresponding meaning.

“Maternal relations”: in Ohafia Division, a person’s “maternal relations” consist of his maternal brothers and sisters, mother, mother’s brothers and sisters, mother’s nephews and nieces.

“nrachi”: the practice whereby a daughter whose father has no male children is retained unmarried in the father’s compound with a view to her having a male child in the father’s name. Any children she has are children of her father whether the father is dead or alive. “Ihaha” has the same meaning.

“Division”: an administrative Division established under the Divisional Administration Edict, 1971 (No. 18 of 1971) and its various amendments.

“Usekwu”: where a man has children by two or more women, the children born by each of those women together make up one usekwu. “Mkpuke” has the same meaning.

“priority”: the order in which different persons or classes inherit a deceased person’s estate to the exclusion of others according to the degrees of their respective relationships with the deceased.

Man's Lands and Houses

151. *Inheritance of a man's compound.*—

(1) Where a man is survived by sons, his compound is inherited as follows:—

- (a) In Aguata (excluding Ezira community), Bende, Enugu, Ezeagu, Idemili (excluding Oba community), Igbo-Eze and Ihiala Divisions, Ezilo and Umuhu-Ani areas in Ishielu Division, Isi-Uzo Division (excluding Leke and Ikem communities), Mbaitoli/Ikeduru, Mbano, Nkanu, Nkwere, Nnewi, Nsukka, Ogbaru, Oguta, Okigwe, Orlu, Owerri and Udi Divisions, a man's compound is inherited by his eldest surviving son exclusively. In practice, however, the eldest son gives part of it to other sons at their request for building purposes.
- (b) In Aba, Abakaliki and Afikpo Divisions, Ezira community in Aguata Division, Anambra, Arochuku, Awgu (excluding Nenwe community where the rule in (a) applies), Etiti and Ezzikwo Divisions, Oba community in Idemili Division, Effium, Ngbo and Orri-Ntezi areas in Ishielu Division, Leke and Ikem communities in Isi-Uzo Division, Mbaise, Njikoka, Northern Ngwa, Onitsha, Oru, Ukwa and Umuahia Divisions, a man's compound is inherited by all his sons as a body with the eldest son acting as a caretaker.

Local variation.—In Ohafia Division, a man's compound is inherited by his sons and daughters as a body.

(2) Where a man is not survived by sons, his compound is inherited by his eldest surviving brother of the full blood; failing a full brother, the compound is inherited by the man's father.

Local variations.—In Anambra, Ezzikwo and Mbaitoli/Ikeduru Divisions, where a man is not survived by sons, his compound is inherited by his father; failing father, it is inherited by the deceased person's eldest surviving brother of the full blood.

152. *Inheritance of a man's other lands and houses.*—A man's lands and houses other than his compound are inherited by his sons as a body; failing sons, they are inherited by his eldest full brother; failing full brothers, they are inherited by his father.

Local variations.—

- (a) In Enugu-Ezike and Etteh clans of Igbo-Eze Division, Nnewi town in Nnewi Division and Owerri Division, such lands and houses are inherited by the eldest son exclusively; but he has a duty to give some of them to the other sons for their residential and farming needs (except in Nnewi town).
- (b) In Afikpo and Edda (excluding Nguzu) clans of Afikpo Division, a man's lands and houses other than his compound are inherited by his brothers of the full blood. It is immaterial whether he is survived by sons. In Nguzu community in Edda clan, such lands and houses are inherited by the deceased's sons, daughters and maternal brothers as a body.
- (c) In Ohafia Division, such lands and houses are inherited by the deceased owner's sons, daughters and maternal relations as a body.
- (d) In Abakaliki and Ukwa Divisions, any piece of land or house which a man acquired by inheritance passes at his death to his brothers.
- (e) In Afikpo clan of Afikpo Division, any piece of land or house which a man acquired by inheritance, passes at his death to his sons and maternal brothers as a body. In Ekoli area of Edda clan of the same Division, such land or house is inherited by the maternal brothers, maternal sisters and the mother of the deceased. In Nguzu area in Edda clan of the same Division, a piece of land or house which a man inherited from his paternal relations passes at his death to his sons, while a piece of land or house which he inherited from a maternal relation passes to his sons, maternal brothers, maternal sisters and the mother.

153. *Inheritance of Kola and other Customary Tenancies.—*

- (1) Kola tenancy—In those places where land may be held on kola tenancy (i.e., everywhere except Aba, Arochukwu, Awgu, Ezeagu, Nnewi and Udi Divisions), when the tenant dies, land held on such tenancy is inherited by his sons or other heirs if there are no sons.

Local variations.—

- (a) In Ohafia Division, land held on such tenancy is inherited by the sons and daughters of the tenant as a body.
- (b) In Etiti, Igbo-Eze, Nkanu, Nkwerre and Ukwa Divisions, land held on such tenancy reverts to the original owner on the death of the tenant.

(2) *Customary farming tenancy.*—

- (a) In Aba, Abakaliki, Aguata, Anambra, Arochukwu, Awgu, Etiti, Ezzikwo, Igbo-Eze, Ihiala, Isi-Uzo, Mbaise, Njikoka, Nkanu, Nkwerre, Nnewi, Ogbaru and Oguta Divisions, Uturu community in Okigwe Division, Orlu, Ukwa and Umuahia Divisions, where land is held on customary tenancy by a person and he later dies, neither his children nor his other heirs inherit such tenancy, as it terminates on his death.
- (b) In Bende, Enugu, Ezeagu, Idemili, Ishielu, Mbaitoli/Ikeduru, Mbano, Northern Ngwa, Nsukka, Ohafia, Okigwe (excluding Uturu community), Onitsha, Oru, Owerri and Udi Divisions, the sons of such a tenant inherit the tenancy; both sons and daughters inheriting as a body in Ohafia Division.

(3) *Customary residential tenancy.*—

- (a) In Aba, Afikpo, Aguata, Arochukwu, Awgu, Bende, Enugu, Ezeagu, Ezzikwo, Idemili, Igbo-Eze, Ihiala, Ishielu, Mbaise, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkwerre, Nnewi, Northern Ngwa, Nsukka and Ohafia Divisions, Umuchieze community in Okigwe Division, Onitsha, Oru, Owerri, Udi and Umuahia Divisions, where land is held on customary residential tenancy by a person and he later dies while living on the land, his sons inherit such tenancy.
- (b) In Abakaliki, Anambra, Etiti, Isi-Uzo, Nkanu, Ogbaru, Oguta, Okigwe (excluding Umuchieze community), Orlu and Ukwa Divisions, such tenancy terminates at the death of the tenant, and his heirs have no right to inherit it.

154. *Whether land or house is inherited by both paternal and maternal relations.*—A man's lands and houses are inherited by his paternal relations (in the absence of sons).

Local variations.—

- (a) In Afikpo clan of Afikpo Division and Nguzu community in Edda clan of the same Division, *ala umunadi* (paternal land) goes to relations on the father's side and *ala ikwu* (maternal land) goes to relations on the mother's side. In Ekoli community in Edda clan of the same Division, all lands go to relations on the mother's side.

- (b) In Ohafia Division, a man's lands go, at his death, to his relations on the mother's side who share with his sons and daughters.

155. *Inheritance rights of a man's son born of a relations's widow he took over as wife.*—In all places where it is lawful for a widow to be taken over as wife by a member of her husband's family, a son born to a man by a widow he has so taken over has the same right of inheritance to the man's lands and houses as a son born to him by a wife in respect of whom he paid bride price.

156. *Daughter's right to inherit father's landed property.*—Where a man is survived by daughters but is not survived by sons, the daughters have no right to inherit his compound or any of his other lands or houses.

Local variations.—

- (a) In Ohafia Division, the daughters in such a case will inherit both the compound and the other lands and houses of the deceased, with the eldest full brother of the deceased in control.
- (b) In Oraukwu town in Idemili Division, a daughter in respect of whom the *nrachi* ceremony has been performed inherits her father's compound and other lands and houses.

157. *Inheritance right of full brother as against that of father.*—

- (1) Where a man is survived by his father as well as a brother of the full blood, but is not survived by a son, his lands and houses will be inherited by his full brother.
- (2) Where a man is survived by more full brothers than one, his lands and houses are inherited by all such brothers as a body.

Local variations.—

- (a) In Anambra Division (excluding Anyamelum clan), Awgu town in Awgu Division, Ezeagu, Ezzikwo, Ihiala, Isi-Uzo, Mbaitoli/Ikeduru, Oguta and Udi Divisions, the father inherits such a man's lands and houses; failing father, all the brothers of the full blood will inherit as a body.
- (b) In Oha-Ozara clan of Afikpo Division, Aguata and Bende Divisions, Etteh and Enugu-Ezike clans of Igbo-Eze Division, Ishielu Division, Idodo, Ugboka and Amagu-Nze clans of Nkanu Division, Northern

Ngwa, Onitsha, Orlu and Owerri Divisions, though brothers of the full blood inherit as against fathers, the eldest brother of the full blood inherits exclusively.

- (c) In Okigwe town in Okigwe Division, such a deceased man's lands and houses are inherited by the full brother who is next above him in age.

158. *Inheritance right of father as against that of half-brother.*—Where a man is survived by his father and a half-brother, but is not survived by a son or a full brother, his lands and houses are inherited by the father exclusively.

Local variations.—

- (a) In Oha-Ozara clan of Afikpo Division (excluding Uburu community), Agueke clan of Aguata Division, Anyamelum clan of Anambra Division, Idemili, Northern Ngwa, Nsukka, Onitsha and Owerri Divisions, the lands and houses of such a man are inherited by his half-brother to the exclusion of the father. If there are more half-brothers than one, they inherit as a body, except in Agueke clan of Aguata Division, Northern Ngwa, Onitsha and Owerri Divisions where the eldest half-brother takes exclusively.
- (b) In Afikpo and Edda clans of Afikpo Division, neither a man's father nor his half-brother will inherit his lands or houses in such circumstances. The rightful heirs are the man's maternal relations.
- (c) In Ohafia Division, the rightful heirs of such a man are his father, daughters and maternal relations who take as a body.

159. *Inheritance rights of full brothers as against those of half-brothers.*—Where a man is survived by full brothers as well as half-brothers, but is not survived by sons or a father, his lands and houses are inherited by his full brothers who take as a body to the exclusion of half-brothers.

Local variations.—

- (a) In Mbaitoli/Ikeduru Division, the lands and houses of such a man are inherited by all his brothers of the full as well as brothers of the half blood, his full brothers taking larger shares than the half-brothers during distribution.

- (b) In Oha-Ozara clan of Afikpo Division, Aguata, Bende Ishielu, Northern Ngwa, Onitsha and Owerri Divisions, the eldest full brother of the deceased inherits exclusively.

160. *Whether brothers can inherit where there is a son living.*—Where a man dies, his brother has no right to inherit his lands or houses if he (the deceased man) is survived by a son.

Local variations.—

- (a) In Afikpo and Edda clans of Afikpo Division, maternal brothers inherit to the exclusion of the deceased man's sons.
- (b) In Ohafia Division, maternal brothers share with sons, daughters and other maternal relations of the deceased.

161. *Whether father can inherit where there is a son living.*—When a man dies, his father has no right to inherit his lands or houses if the deceased is survived by a son.

Local variations.—In Afikpo and Edda clans of Afikpo Division, where a man dies and is survived by his sons and his father, but is not survived by a maternal brother, the father inherits his lands and houses to the exclusion of the sons.

162. *Whether inherited land may be apportioned by co-heirs.*—Where two or more persons inherit a deceased man's lands or houses, such heirs may apportion them permanently among themselves if they so desire.

Local variations.—Inherited land is not permanently apportioned in Ishielu Division and in Nnewi town of Nnewi Division.

163. *Methods of permanent apportionment among co-heirs.*—

- (1) Polygamous households—Where a man is survived by heirs born of two or more wives, permanent apportionment of his lands and houses among his heirs is done *per stirpes* and thereafter *per capita*, that is, first into as many shares as there are *usekwu* or *mkpuke* having heirs in them; and then the share that goes to a given *usekwu* is sub-divided into as many shares as there are heirs in that *usekwu*.

- (2) Monogamous households—Where a man is survived by heirs born of one wife only, permanent apportionment of his lands and houses among his heirs is done *per capita*.

Local variations.—In Ezi-Ukwu community in Aba Division, Abakaliki Division, Afikpo and Edda clans of Afikpo Division, Agudo and Agueke clans of Aguata Division, Anambra, Arochukwu, Ezeagu and Ezzikwo Divisions, Nnokwa, Umunachi, Ezi-Owelle, Alor, Nnobi and Awka Etiti towns in Idemili Division, Igbo-Eze (excluding Itchi clan where the general rules (1) and (2) apply), Ishielu and Mbaise Divisions, Awka and Ukpo towns in Njikoka Division, Ogbaru and Oguta Divisions, Ihitte Owerri community in Orlu Division, Awo-Omama community in Oru Division, Ojebe Ogene, Umueke and Oghe clans of Udi Division and Umuahia Division (excluding Ikwuano area where the general rules (1) and (2) apply), permanent apportionment is done *per capita* among all the persons entitled to inherit (i.e. into as many shares as there are co-heirs, whether born by the same or different mothers).

164. *Order of seniority among co-heirs.*—Where a man leaves sons by different wives and his lands and houses are shared *per stirpes* (i.e., according to the number of *usekwu* having heirs in them), the various *usekwu* take in order of seniority, by age, of their respective eldest sons. This rule also applies to co-heirs who are brothers born of different mothers.

165. *Eldest son's right to extra piece or share of land.*—

- (1) The eldest son of a deceased man is entitled, in addition to what is shown in paragraph 204, to one distinct piece of the father's land by virtue of his position as the eldest son in the following Divisions, the piece of land being known by the names given in brackets against the various Divisions—Aguata (*ana mbubo* or *ana okukokpa*), Awgu (*ani njoku*), Ezeagu (*mkpa ezi*), Ezzikwo (*ani agalanya*), Idemili (*iru mbubo* or *isi mbubo*), Ihiala (*use*), Ekete-Ekelu and Itchi areas in Igbo-Eze (*ani mwaokpara*), Mbaitoli/Ikeduru (*isi ala*), Mbano (*ala amaraka* or *ala diopara*), Njikoka (*mbubo iru ezi*), Nkanu (*ani otutu aka*), Nsukka (*ana onu oku* or *ana onye isi*), Okigwe (*ala isi obi* or *ala ewa*), Orlu (*use*), and Udi (*mkpa ezi* or *onu nkolo*).
- (2) The eldest son of a deceased man is entitled, in addition to what is shown in paragraph 204, to one extra share (as opposed

to a distinct piece) of land by virtue of his position as the eldest son in the following Divisions—Enugu, Etiti, Igbo-Eze, Orri-Ntezi area in Ishielu, Mbaise, Nnewi (excluding Nnewi town) Northern Ngwa, Ogbaru and Oguta.

- (3) Except as is shown in paragraph 204, the eldest son has no right to any special piece or share of his deceased father's land in the following Divisions:—Aba, Abakaliki, Afikpo, Anambra, Arochukwu, Bende, Igbo-Eze (excluding Ekeke-Ekclu and Itchi areas), Ishielu (excluding Orri-Ntezi), Isi-Uzo, Nkwerre, Ohafia, Onitsha, Orlu, Owerri, Ukwa and Umuahia.

166. *Whether other heirs take in equal shares.*—

- (1) In Aguata, Arochukwu, Awgu, Bende, Enugu, Etiti, Ezeagu, Idemili, Igbo-Eze, Ihiala, Isi-Uzo, Mbaise, Mbaitoli/Ikeduru, Njikoka, Nkanu, Nsukka, Ogbaru, Onitsha, Owerri and Udi Divisions, the heirs to a man's lands and houses take in equal shares.

(But see *paragraph 165*).

- (2) In Aba, Abakaliki, Afikpo (excluding Ekoli in Edda clan), Anambra, Ezzikwo, Ishielu, Mbano, Nkwerre, Nnewi, Northern Ngwa, Oguta, Ohafia, Okigwe, Orlu, Oru, Ukwa and Umuahia Divisions, when a man's lands and houses are shared out among the heirs, the shares are made progressively smaller so that the oldest co-heir takes the largest share, the next oldest gets the next largest share and so on.

167. *Relative status of surviving second son and surviving son of a deceased first son.*—Where a man dies and is survived by his second son as well as a son of his deceased eldest son, his compound passes to his second son and not to the son of his deceased eldest son. Similarly, headship of his family passes to the second son and not to the son of the deceased eldest son.

Local variations.—

- (a) In Nguzu community in Edda clan of Afikpo Division, Idodo clan of Nkanu Division, Umuchieze and Otanzu/Otanchara West communities in Okigwe Division and Oshie, Owa, Oghe and Ugwunye clans of Udi Division, the surviving son of the deceased eldest son will inherit the compound and become the new head of the family.

- (b) In Enugu Division, the surviving son of the deceased eldest son will inherit the compound but will not become the new head of the family.

168. *Effect of failure by elder son to perform father's burial ceremonies.*—Where a man is survived by two sons born of different wives and the elder son dies without performing the second burial rites of the father, but is survived by his own son, the person entitled to the man's compound is the second son (provided he performs those rites) and not the surviving son of the deceased elder son. Similarly, the person entitled to the headship of the man's family is the second son and not the surviving son of the deceased elder son.

Local variations.—

- (a) In Nguzu community in Edda clan of Afikpo Division, Nkanu Division, Nnewi Division (excluding Ezinihitte and Nkwa communities), Okigwe Division (excluding Nneato clan), Orlu Division (excluding Arondizuogu), Owa and Oghe clans of Ezeagu Division, Oshie and Ugwunye clans of Udi Division, the person entitled to inherit the man's compound and to become the new head of his family is the surviving son of the deceased elder son.
- (b) In Enugu Division, while the deceased man's second son becomes the new head of the family, the compound passes to the deceased elder son's surviving son.

169. *Disposition by a man of his lands and houses by will.*—

- (1) A man has a right to make a will giving his disposable lands or houses to any of his children. Certain lands and houses are however not disposable by will. These include: the *obi*, the compound and the *okpu-ulo*.

Local variation.—In Orri clan of Ishielu Division, land cannot be disposed of by will.

- (2) A man has no right to dispose of his lands and houses by will to the extent that adequate provision is not made for his sons.
- (3) A man is free to dispose of all his lands and houses by will without giving any of them to his wives, but he cannot give away by will a house built for and occupied by any of the wives.
- (4) Where a man makes a will disposing of his lands or houses, the members of his extended family have power, after his

death, to alter the gifts contained in such will where the will does not make adequate provision of lands and houses for the deceased man's sons, or where the deceased attempted to dispose of lands or houses which are not disposable by will (*see* (1) *above*).

Local variations.—

- (a) In Afikpo, Igbo-Eze, Ishielu, Nkanu, Nsukka and Ogbaru Divisions, a man's extended family members have power, after his death, to alter provisions contained in his will if, but only if they objected to such provisions at the time the will was made.
- (b) In Nkwerre and Onitsha Divisions, a man's relations have no right to alter his will after his death.

CHAPTER 11

ECONOMIC PLANTS AND TREES

170. *Economic plants and trees inherited together with land.*—

- (1) Customary Law permits separate ownership of land on the one hand and economic plants and trees growing on such land on the other hand, so that while the land itself is the property of one person, economic plants and trees growing on it are the property of another person or the community at large and *vice versa*. This is so whether or not the relationship of landlord and tenant exists between the owner of the land and the owner of the economic trees on it.
- (2) Where the land itself and the economic plants and trees growing on it belong to different persons, they are inherited by the heirs of their respective owners.

Local variations.—

- (a) In Aba Division, Afikpo and Edda clans of Afikpo Division, palm-trees growing wild on any piece of land other than a man's compound, are the property of the community, not of the landowner. Such palm-trees are not subject to inheritance.
- (b) In Uturu clan of Okigwe Division, economic plants and trees are not inherited by individuals, but are retained as communal property.

171. *Economic plants and trees inherited by sons.*—Economic plants and trees of a deceased person are inherited by his sons as a body.

Local variations.—

- (a) In Afikpo and Edda clans of Afikpo Division, a man's economic plants and trees are inherited jointly by the full brothers, maternal uncles, maternal sisters, maternal half-sisters, maternal half-brothers, maternal aunts and the mother of the deceased.
- (b) In Enugu-Ezike, Itchi and Etteh clans of Igbo-Eze Division, the eldest son inherits all economic plants and trees exclusively, but he cannot sell them to outsiders without family consent.

In Unnadu and Ibagwa communities in Itchi clan, the eldest sons of a deceased person by different wives in a polygamous family inherit and share the economic plants and trees among themselves to the exclusion of other sons. In a monogamous family, the eldest son inherits exclusively. In Ibagwa, the eldest son also takes the *nkwu oha* and all kola-nut trees exclusively.

In Ekete-Ekelu clan of the same Division, the eldest son of a deceased person takes all his economic plants and trees exclusively in a monogamous family. In a polygamous family, all the sons share the economic plants and trees equally, except that the eldest son takes the *nkwu oha* and his wife takes one *nkwu akwu* exclusively.

- (c) In Nnewi, Northern Ngwa and Ogbaru Divisions, a man's economic plants and trees are inherited by his eldest son exclusively.
- (d) In Ohafia Division, economic plants and trees are inherited by the children of a deceased man together with the man's full brothers, maternal half-brothers, maternal uncles, the mother, full sisters, maternal half-sisters, maternal aunts, and widow if from outside the Division. In the case of economic plants and trees growing within the man's compound, the man's children take precedence over the other joint heirs. In the case of economic plants and trees growing outside the compound, the man's maternal relations take precedence over his children.
- (e) In Owerri Division, economic plants and trees growing on *uhu* or *okpulo* land are inherited by the head of the deceased person's family exclusively. The land itself is inherited by the sons or other heirs of the deceased person as a body. Economic plants and trees growing on his other lands are inherited by the eldest son exclusively.

172. *Order of priority of inheritance.*—A man's economic plants and trees are inherited by his sons; failing sons, brothers of the full blood; failing them, the father; failing him, brothers of the half blood; failing them, the eldest nearest paternal male relation.

Local variations.—

- (a) In Enugu, Ezeagu, Ezzikwo, Nkwerre, Okigwe and Udi Divisions and in Ndeni and Agudo clans of Aguata

Division, in the absence of sons, the father inherits; failing father, full brothers, half-brothers and nearest paternal male relations take in that order.

- (b) In Aguata Division (excluding Ndeni and Agudo clans) and Owerri Division, in the absence of sons and full brothers, half-brothers take; failing them, the father takes; failing father, the nearest paternal male relation takes.
- (c) In Arochukwu and Eme clans of Arochukwu Division and Mbano Division, a widow whose husband is not survived by a son inherits her husband's economic plants and trees and ranks before the other relations of the husband.
- (d) In Anedo clan of Nnewi Division, the eldest son of a deceased man inherits all his economic plants and trees. In Mbanesi clan of the same Division, a deceased man's economic plants and trees are inherited by all his sons, but the eldest son takes two shares on distribution.
- (e) In Afikpo and Edda clans of Afikpo Division, a man's economic plants and trees are inherited by his maternal brothers, maternal sisters, mother, maternal uncles and maternal aunts as a body.
- (f) In Ohafia Division, a man's economic plants and trees are inherited by his sons, daughters, maternal brothers, maternal uncles, mother, maternal sisters, maternal aunts, widow (if married from outside the Division) and father as a body. During distribution, sons and daughters take precedence over the other co-heirs in respect of economic plants and trees situated within the deceased man's compound; but in the case of economic plants and trees situated outside the man's compound, maternal relations take precedence over the other co-heirs.

173. *Widow's inheritance right.*—

- (1) Widow does not inherit—A widow does not inherit her husband's economic plants or trees, and has no right to any share of these.
- (2) Whether childless or not—It makes no difference whether a widow has children or not; she does not inherit. Where a

widow has sons, it is the sons who inherit, not herself, though she may act as caretaker for them if they are too young to take care of such property themselves.

Local variations.—

- (a) A widow inherits her husband's economic plants and trees in Arochukwu and Eme clans of Arochukwu Division.
- (b) In Etiti Division, a widow inherits her husband's economic plants and trees if, but only if the deceased husband is not survived by any sons.
- (c) A widow whose husband is not survived by a son inherits the husband's economic trees and plants in Mbanjo Division, subject to over-all control of herself and her property by the eldest nearest paternal male relation of her husband.
- (d) In Ohafia Division, a widow who is married from a community outside the Division is deemed to be a member of the deceased husband's maternal family and accordingly she inherits the deceased man's economic plants and trees along with the other maternal relations of the husband.

174. *Widow's right to reap fruits of husband's trees.*—A widow has no right to reap the fruits of her husband's economic plants or trees even where she used to do so in the husband's lifetime. However, she is allowed to reap such fruits except where she is of persistent bad behaviour.

Local variations.—

- (a) In Anambra Division, with the exception of Ifite Ogwari and Omor towns, a widow has a right to reap the fruit of her husband's economic trees and plants for the duration of her mourning period or until after the husband's second burial ceremonies, whichever comes later. Ifite Ogwari and Omor conform to the general rule.
- (b) In Arochukwu community in Arochukwu Division, Etiti, Mbaise, Mbaitoli/Ikeduru and Nkwerre Divisions, and Oru Division excluding Owuwa Anyanwu and Mbanato

clans, a widow has a right to reap the fruits of her husband's economic plants and trees until she remarries or dies. Owuwa Anyanwu and Mbanato clans conform to the general rule.

- (c) In Itchi clan of Igbo-Eze Division, a widow has a right to reap the fruits of palm-trees during the period of her mourning only.
- (d) In Mbanato Division, a widow has a right to reap the fruit of her husband's economic plants and trees with the exception of kola-nuts, iroko and raffia palm-trees. Moreover, her right is subject to over-all control by the person who would otherwise inherit her husband's economic trees and plants.
- (e) In Udoka and Agulu areas of Njikoka Division, a widow has a right to reap the fruits of her husband's economic plants and trees till she dies or remarries. But this does not apply to kola-nuts.
- (f) In Nkanu Division, she has a right to reap the fruit of any of her husband's plants or trees for one year from the husband's death.
- (g) In Owerri Division, where a wife was expressly given the use of one or more economic trees by her husband in his lifetime she as a widow has a right to continue such use after the husband's death.

175. *Daughter's right to inherit.*—A daughter has no right to inherit her father's economic plants or trees, whether or not the deceased is survived by sons.

Local variations.—

- (a) In Mbamisi, Enugu-Uno and Ndeni clans of Aguata Division, Awgu Division, Agulu in Njikoka Division and Nkwerre Division, the ceremony of *nrachi* (or *ihaha*) may be performed where a man is survived by daughters and no son. After that ceremony, the daughter in respect of whom it is performed is treated as a son and will inherit her father's estate, including economic plants and trees.
- (b) In Arochukwu and Eme communities in Arochukwu Division, a daughter inherits her father's economic plants and trees if the deceased is not survived by a son.
- (c) In Ohafia Division, if a man leaves a daughter but does not leave a son, economic plants and trees growing within his compound are inherited by the daughter exclusively;

economic plants and trees growing outside the compound are inherited by the daughter in common with the maternal relations of the deceased (including the widow if married from outside), the daughter taking after them during distribution. If the deceased leaves a daughter as well as a son, economic plants and trees growing within his compound are inherited in common by the daughter and the son; economic plants and trees growing outside the compound are inherited by the daughter, the son and the maternal relations of the deceased (including the widow if married from outside), the maternal relations taking precedence over the deceased's children during distribution. A married daughter ranks below other children of the deceased; and unmarried daughter takes on equal basis with other children according to seniority of age.

176. *Daughter's right to reap fruits.*—A daughter has no right to reap the fruit of her deceased father's economic plants or trees without the consent of her father's heir.

Local variations.—

- (a) In Mbaise Division, a daughter has a right to reap the fruit of her deceased father's economic plants and trees until she marries or dies, if the father is not survived by a son.
- (b) In Ngor Okpala and Obube clans (including Emekuku) in Owerri Division, a daughter has a right in common with her father's heirs to reap the fruit of her father's economic trees and plants till she marries or dies.
- (c) In Ezeagu and Udi Divisions, a daughter is by custom entitled to one palm-tree (*nkwu ana*) on her father's land. She has a right to reap the fruit of this tree till she dies. This right may be terminated by the heirs of the deceased father at Ngwo and Umuneke clans but not in other places.
- (d) In Agulu town in Njikoka Division, and Awgu Division, a daughter in respect of whom the *nrachi* ceremony has been performed has a right to reap the fruit of her deceased father's economic plants and trees as if she were a son, for it is she who inherits them.

Farm Produce

177. *Sons inherit farm produce.*—The sons of a deceased man inherit his farm produce, but the eldest son has a right to administer such property for the benefit of himself and the other sons, pending distribution.

Local variations.—

- (a) In Aba Division, the eldest daughter of a deceased man as well as all the male relations who made financial contributions towards the man's funeral ceremonies have a right to a share in his yams.
- (b) In Afikpo and Edda clans of Afikpo Division, the eldest maternal brother of a deceased man takes part of the yams. In a polygamous family, the remaining yams are shared among the male children of the deceased; in a monogamous family, the remaining yams go to the eldest son exclusively. Other farm produce go to the eldest maternal sister.
- (c) In Bende, Ishielu, Northern Ngwa and Ogbaru Divisions, the eldest surviving son of a deceased man inherits his farm produce exclusively.
- (d) In Enugu-Ezike and Etteh clans of Igbo-Eze Division, the eldest son of the deceased takes all the farm produce exclusively, whether the family is monogamous or polygamous. In Itchi clan of the same Division, the eldest son takes the farm produce alone in a monogamous family, while in a polygamous family, the farm produce is shared among the eldest sons of the respective *usekwu* equally. In Ekete-Ekelu clan of the same Division, the eldest son in a polygamous family takes part of the yams; the remaining yams and the other farm produce are shared equally among all the sons of the deceased. The eldest son alone takes the entire farm produce in a monogamous family.
- (e) In Anaedo clan of Nnewi Division—
 - (i) yams are inherited by sons, the eldest son taking one-half of the lot;
 - (ii) farm produce other than yams are inherited by daughters as a body, the eldest daughter taking half the coco-yams;

In Mbanesi clan of the same Division—

- (i) farm produce other than cassava are inherited by sons as a body;
 - (ii) cassava is inherited by all children as a body, except in Oraifite community where cassava is inherited by the eldest son.
- (f) In Ohafia Division, the widow (if married from outside the Division), children and maternal relations of a deceased man together inherit his yams. The sons take the species of yams called *akuru*; the daughters inherit another species of yams called *mbila* (i.e., water yam). The deceased man's cassava and rice are inherited by his children and maternal relations.
- (g) In Oru Division, yams and rice are inherited by sons as a body. Coco-yams and tree-leaved yams (yampide) are inherited by daughters as a body. Cassava is inherited by the widow or widows.
- (h) In Owerri Division, the daughters of a deceased man have a right to a gift out of their deceased father's yams.
- (i) In Umuahia Division, the sons of a deceased man inherit his yams as a body. A widow inherits her husband's cassava if any, subject to over-all control by the husband's principal heir.

178. *Produce in the farm inherited in the same way as harvested produce.*—Farm produce already harvested are inherited in the same manner as produce still in the farm. But distribution of farm produce among heirs is never done until after harvest.

179. *Order of priority.*—Subject to paragraph 177, the order of priority of inheritance to farm produce as between relations is as follows—

- (1) In Bende, Idemili, Igbo-Eze, Ihiala, Ishielu, Nkanu, Onitsha, Oru, Ukwu and Umuahia Divisions, sons inherit; failing sons, brothers of the full blood inherit; failing them, the father inherits; failing father, paternal half-brothers (i.e., brothers by the same father but different mothers as the deceased) inherit; failing them, the eldest nearest male paternal relation inherits.
- (2) In Agudo, Enugu-Uno and Ndeni clans of Aguata Division, Anambra, Awgu, Enugu, Ezeagu, Ezzikwo, Isi-Uzo, Mbano,

Nkwerre, Nnewi, Ogbaru, Oguta, Okigwe and Udi Divisions, sons inherit; failing sons, the father inherits; failing father, brothers of the full blood inherit; failing them, paternal half-brothers inherit; failing them, the eldest nearest male paternal relation inherits.

- (3) In Aba, Abakaliki, Aguata (excluding Agudo, Enugu-Uno and Ndeni clans), Arochukwu, Mbaise, Mbaitoli/Ikeduru, Njikoka, Northern Ngwa, Nsukka and Owerri Divisions, sons inherit; failing sons, brothers of the full blood inherit; failing them, the father inherits; failing father, the eldest nearest male paternal relation inherits.
- (4) *Further local variations.*—
- (a) In Afikpo and Edda clans of Afikpo Division, the male children in a polygamous family or the eldest male child in a monogamous family share the yams with the maternal brothers of the deceased. Other farm produce are inherited by the nearest maternal sisters, e.g., sisters of the same mother, daughters of the sister, etc.
- (b) In Etiti Division, the order of priority is as follows— Sons inherit; failing sons, widows inherit; failing widows, brothers of the full blood; failing them, paternal half-brothers; failing them, the father; failing him, the eldest nearest male paternal relation inherits.
- (c) In Northern Ngwa Division, the eldest son inherits the father's farm produce to the exclusion of other sons in a monogamous family; in a polygamous family, the eldest sons by different mothers inherit and share the farm produce among them. Subject to this, priority is as in (3).
- (d) In Ogbaru and Onitsha Divisions, the eldest son takes charge of the father's estate (including farm produce) and acts as caretaker for himself and the other sons. Subject to this, priority in Ogbaru Division is as in (2) and priority in Onitsha Division is as in (1).
- (e) In Ohafia Division, farm produce is shared by all the maternal relations (including widow if married from outside) and children of the deceased, the children taking precedence during distribution.

180. *Widow's right to inherit.*—A widow does not inherit her husband's farm produce or any part of it, whether the husband has surviving children or not.

Local variations.—

- (a) A widow whose husband has no surviving sons inherits the husband's farm produce in Etiti Division and Umunumu and Akanu Ezeala communities in Mbano Division.
- (b) In Oru Division, a widow inherits her husband's cassava and vegetables.
- (c) In Ohafia Division, where a widow is married from outside the Division, she is entitled to inherit the deceased husband's farm produce along with the deceased's children and maternal relations.

181. *Daughter's right to inherit.*—A daughter does not inherit her father's farm produce or any part of it.

Local variations.—

- (a) In Aba and Mbaitoli/Ikeduru Divisions, the eldest daughter has a right to a reasonable number of her father's yams.
- (b) In Neke clan of Isi-Uzo Division, the eldest daughter is entitled to twenty seed yams or its value in money out of her father's estate.
- (c) In Mbamisi, Enugu-Uno and Ndeni clans of Aguata Division, Awgu Division, Agulu in Njikoka Division and Nkwerre Division, a daughter in respect of whom the *nrachi* (*thaha*) ceremony has been performed has a right to inherit her father's farm produce.
- (d) In Oguta Division, a daughter is invariably given a reasonable number of her father's yams.
- (e) In Ohafia Division, a deceased man's daughter, whether married or not, is entitled to inherit and have a share in her deceased father's farm produce.
- (f) In Oru Division, daughters inherit their father's coco-yams and three-leaved yams (yampide) only.
- (g) In Owerri Division, a daughter is invariably given a reasonable portion of her father's farm produce.

FARM IMPLEMENTS, ETC.

182. *Sons inherit farm implements and tools.*—

- (1) The eldest son inherits the father's farm implements and tools of trade in Aba, Abakaliki, Aguata, Bende, Enugu, Ezzikwo, Igbo-Eze, Ihiala, Ishielu, Mbano, Njikoka, Nkwerre, Nnewi, Northern Ngwa, Nsukka, Ogbaru, Oguta, Okigwe, Orlu, Owerri and Ukwu Divisions.
- (2) All the sons inherit the father's farm implements and tool of trade in Anambra, Arochukwu, Awgu, Etiti, Ezeagu, Idemili, Isi-Uzo, Mbaise, Mbaitoli/Ikeduru, Nkanu, Onitsha, Oru, Udi and Umuahia Divisions.

Local variations.—

- (a) In Aba Division, though tools of trade are inherited by the eldest son exclusively, such tools are invariably turned over to any other son who learnt the father's trade where the eldest son did not do so.
- (b) In Afikpo Division, farm implements are inherited by the eldest son in Afikpo and Oha-Ozara clans, and by the eldest maternal brother in Edda clan.

Tools of trade are inherited by the sons in Oha-Ozara clan and by the eldest maternal brother in Afikpo and Edda clans. But in Edda clan if a son of the deceased has learnt the father's trade, he becomes entitled to the father's tools of trade.

- (c) In Ohafia Division, the eldest son inherits the father's yam knife (*mmaji*) and digger (*obi*). The cutlass and digging hoe (*inkoromi ugu apa*) are inherited by sons as a body. The wooden hoe (*mmumo/wwele*) is inherited by daughters.

Tools of trade are inherited by the children as a body; failing them, maternal relations take. Blacksmithing tools are inherited by paternal relations.

183. *Widow's right to keep farm implements and tools.*—

- (1) A widow has no right to keep in her possession her husband's farm implements or tools of trade. She must surrender them to the rightful heir if he so demands.

Local variations.—A widow has a right to keep her husband's farm implements or tools of trade in Igbo-Ukwu town and Ndeni clan of Aguata Division, Awgu, Etiti, Idemili, Isi-Uzo (except Obolo), Mbaitoli/Ikeduru, Njikoka, Nkwerre, Northern Ngwa and Oguta Divisions.

(2) *Widow has no right of sale.*—A widow has no right to sell her husband's farm implements or tools of trade even in those places where she has a right to keep them in her possession.

184. *Sons inherit hunting weapons.*—

(1) The eldest surviving son inherits the father's hunting weapons in Aba, Afikpo, Aguata, Bende, Enugu, Etiti, Ezzikwo, Idemili, Igbo-Eze, Ihiala, Ishielu, Mbaise, Mbano, Njikoka, Nkwerre, Nnewi, Northern Ngwa, Nsukka, Ogbaru Oguta, Ohafia, Okigwe, Owerri and Ukwu Divisions.

(2) Such weapons are inherited by all sons as a body in Abakaliki, Anambra, Arochukwu, Awgu, Ezeagu, Isi-Uzo, Mbaitoli/Ikeduru, Nkanu, Onitsha, Oru, Umuahia and Udi Divisions.

185. *Sons inherit fishing nets, etc.*—

(1) The eldest son inherits the father's fishing nets, hooks and canoes in Aba, Aguata, Bende, Enugu, Ezzikwo, Idemili, Igbo-Eze, Ihiala, Ishielu, Mbano, Njikoka, Nkanu, Northern Ngwa, Nsukka, Ogbaru, Okigwe and Ukwu Divisions.

(2) All the sons inherit the father's fishing nets, hooks and canoe in Abakaliki, Oha-Ozara clan of Afikpo, Anambra, Arochukwu, Awgu, Etiti, Ezeagu, Isi-Uzo, Mbaitoli/Ikeduru, Nkwerre, Oguta, Onitsha, Oru, Udi and Umuahia Divisions.

Local variations.—

(a) In Afikpo and Edda clans of Afikpo Division a man's eldest maternal brother inherits his fishing nets, hooks and canoes.

(b) In Ohafia Division, the children (sons and daughters) of a deceased man inherit his fishing nets, hooks and canoes.

CHAPTER 14

LIVESTOCK

186. *Sons inherit livestock generally.*—Sons as a body inherit the father's livestock.

Local variations.—

- (a) In Bende Division, Enugu-Ezike and Etteh clans of Igbo-Eze Division, Nkanu Division, Anedo clan of Nnewi Division, Northern Ngwa and Ogbaru Divisions and in the Mbaloye clan of Aguata Division, the eldest surviving son inherits the father's livestock.
- (b) In Afikpo and Edda clans of Afikpo Division, a man's livestock are inherited by his nearest maternal male relations.
- (c) In Itchi clan of Igbo-Eze Division, the eldest son in a monogamous family inherits, while the eldest sons in the respective *usekwu* in a polygamous family inherit as a body.
- (d) In Ohafia Division, a man's livestock are inherited by his maternal relations. In the absence of maternal relations, livestock are inherited by the deceased man's children (sons and daughters).

187. *Widow does not inherit livestock.*—A widow does not inherit her husband's livestock.

Local variations.—

- (a) In Etiti and Mbanu Divisions, and in Ndeni clan and Igbo-Ukwu town in Aguata Division, a widow who has no surviving son inherits her husband's livestock.
- (b) In Ohafia Division, a widow who is married from outside the Division has a right to inherit her husband's livestock in common with the husband's maternal relations or children.

188. *Daughter does not inherit livestock.*—A daughter does not inherit her father's livestock.

Local variations.—

- (a) In Mbamisi, Enugu-Uno and Ndeni clans of Aguata Division, Awgu Division, Agulu in Njikoka Division and Nkwerre Division, a daughter who has no brothers inherits her father's livestock if the ceremony of *irachi (ihaha)* has been performed in respect of her.
- (b) In Arochukwu and Owerri Divisions, the eldest daughter has a right to a reasonable share of her father's livestock.

MONEY

189. *Money inherited by all sons generally.*—All sons as a body inherit the father's money.

Local variations.—

- (a) In Afikpo and Edda clans of Afikpo Division, a man's money is inherited by his eldest maternal brother.
- (b) In Mbaloye clan of Aguata Division, Enugu-Ezike and Etteh clans of Igbo-Eze Division, Anaedo clan of Nnewi Division, Northern Ngwa Division, Ogbaru Division and Oguta town in Oguta Division, the eldest son inherits the father's money exclusively.
- (c) In Itchi clan of Igbo-Eze Division, Nkanu Division and Oha-Ozara clan of Afikpo Division, the eldest son inherits the father's money exclusively in a monogamous family; in a polygamous family, the eldest sons in the various *usekwu* inherit in equal shares.
- (d) In Ohafia Division, a man's money is inherited by his maternal relations (including widow if married from outside) and his children as a body.

190. *Order of priority.*—The order of priority of inheritance to money as between relations is as follows:—

- (1) In Bende, Idemili, Igbo-Eze, Ihiala, Ishielu, Mbaize, Nkanu, Onitsha, Orlu, Oru, Ukwa and Umuahia Divisions, sons inherit the father's money: failing sons, full brothers inherit; failing them, the father inherits; failing father, paternal half-brothers inherit; failing them, the eldest nearest male paternal relation inherits.
- (2) In Anambra, Enugu-Uno clan of Aguata, Awgu, Enugu, Ezeagu, Ezzikwo, Isi-Uzo, Mbano, Nkwerre, Nnewi, Nsukka, Ogbaru, Oguta, Okigwe, and Udi Divisions, sons inherit the father's money; failing sons, the deceased man's father inherits; failing father, the deceased man's full brothers inherit; failing brothers, paternal half-brothers inherit; failing them, the eldest nearest male paternal relation inherits.

- (3) In Aba and Abakaliki Divisions, Oha-Ozara clan of Afikpo Division, Mbaloye and Agueke clans of Aguata Division, Arochukwu, Mbaitoli/Ikeduru, Njikoka, Northern Ngwa and Owerri Divisions, sons inherit their father's money; failing sons, full brothers inherit; failing them, paternal half-brothers inherit; failing them, the deceased man's father inherits; failing him, the eldest nearest male paternal relation inherits.

Local variations.—

- (a) In Ndeni and Agudo clans of Aguata Division and in Etiti Division, sons inherit the father's money; failing sons, the widow inherits; failing her, the father of the deceased man inherits; failing him, the eldest full brother inherits; failing him, paternal half-brothers inherit; failing them, the eldest male paternal relation inherits.
- (b) In Afikpo and Edda clans of Afikpo Division, maternal brothers, maternal sisters, sisters' sons and sisters' daughters inherit as a body, and take in that order during distribution.
- (c) In Ohafia Division, a man's money is inherited by all his maternal relations (including the widow if married from outside) as well as his sons and daughters as a body. The order in which the heirs take their respective shares when the money is distributed is: full brothers, maternal uncles, maternal aunts, maternal nephews and nieces and deceased person's widow. Where there are more persons than one in a class, they take according to their seniority of age.

191. *Daughters do not inherit money.*—Daughters do not inherit their father's money.

Local variations.—

- (a) In Arochukwu Division and Mbanesi clan of Nnewi Division, daughters inherit the father's money along with sons.
- (b) In Ohafia Division, a man's daughters inherit his money in common with his sons and maternal relations (including the widow if married from outside). In the absence of maternal relations, daughters share such money with the sons (according to seniority of age) and the mother (if married from outside the Division).

192. *Duty on sole heir to maintain dependants.*—Where the eldest son inherits the father's money exclusively, he has a duty to maintain and advance the younger sons and other dependants of the deceased father.

193. *Widow does not inherit husband's money.*—A widow does not inherit the husband's money or any part of it.

Local variations.—

- (a) In Agudo and Ndeni clans of Aguata Division and in Etiti and Mbano Divisions, a widow whose husband has no surviving son inherits her husband's money.
- (b) In Ohafia Division, a widow who is married from outside the Division inherits her husband's money in common with the husband's maternal relations and children. A widow married from within the Division has no such right.

194. *Control of husband's money by wife.*—

- (1) Money given by husband to wife for business—

Where a husband gave a loan to his wife for use in business or trade, the wife has no right to retain such money after the husband's death.

- (2) Mother as administratrix—

Where sons inherit the father's money but are too young to manage it, their mother has no right to administer it for them. This right belongs to their eldest nearest paternal male relation.

Local variations.—

- (a) In Aguata, Enugu, Etiti, Isi-Uzo, and Nkwerre Divisions, Ibagwa in Igbo-Eze Division, Njikoka and Nkanu Divisions, Anaedo clan of Nnewi Division and Oru Division (excepting Nnenas and Odida Anyanwu clans), a widow has a right to administer such money for her young sons. The widow is, however, subject to the over-all control and supervision of the children's eldest nearest male paternal relation. Further, the rule has no application where the widow is not the mother of the sons entitled to inherit the money.

FURNITURE AND WEARING APPAREL

195. *Sons inherit furniture.*—The eldest son inherits his father's furniture.

Local variations.—

- (a) In Aba, Abakaliki, Anambra, Arochukwu, Awgu, Ezeagu, Etiti, Isi-Uzo, Mbaise, Mbaitoli/Ikeduru, Oru, Udi, and Umuahia Divisions, a man's furniture are inherited by all his sons as a body.
- (b) In Afikpo clan of Afikpo Division, the eldest maternal brother of the deceased man inherits his furniture.
- (c) In Edda clan and Uwana community of Afikpo Division, the eldest son inherits a man's furniture with the exception of any items inherited by the deceased from a maternal relation.
- (d) In Ohafia Division, a man's children together inherit his furniture.

196. *Widow's right to retain furniture.*—

- (1) A widow has no right to retain her husband's furniture. She must surrender them to the rightful heir on demand. Normally, however, the heir does not demand them and the widow keeps them with his tacit consent for as long as she occupies the deceased's house or compound.

Local variations.—

- (a) In Aguata (excepting Ndeni clan and Igbo-Ukwu town), Anambra, Bende, Etiti, Isi-Uzo (except at Obolo where she does so only with the rightful heir's permission), Mbaitoli/Ikeduru, Mbano, Njikoka, Nkwerre, Northern Ngwa and Oguta Divisions, a widow who lives in the husband's house has a right to retain the husband's furniture until she remarries or dies.
- (2) Widow has no right to sell furniture.—A widow has no right to sell her husband's furniture, even in those places where she has a right to keep them till she remarries or dies, except with the consent of the rightful heir.

197. *Sons inherit father's clothes.*—

- (1) In Abakaliki, Aguata, Bende, Ezzikwo, Idemili, Etteh clan of Igbo-Eze, Ihiala, Njikoka, Nkanu, Nkwerre, Nnewi, Northern Ngwa, Nsukka, Ogbaru, Okigwe and Owerri, Divisions, the eldest son inherits a man's clothes and other articles of dressing.
- (2) In Aba, Oha-Ozara clan of Afikpo, Anambra, Arochukwu, Awgu, Enugu, Etiti, Ezeagu, Ishielu, Isi-Uzo, Mbaise, Mbaitoli/Ikedururu, Mbano, Oguta, Onitsha, Oru, Udi, Ukwa and Umuahia Divisions, sons as a body inherit a man's clothes and other articles of dressing.

Local variations.—

- (a) In Edda and Afikpo clans of Afikpo Division, clothes and other articles of dressing are inherited by the deceased man's children and his eldest maternal brother as a body.
- (b) In Igbo-Eze Division (excepting Etteh clan), the eldest son takes the father's clothes and other articles of dressing, but he has no right to sell them without the consent of the other sons.
- (c) In Nkwerre Division, the eldest son takes exclusively only those clothes and other articles of dressing which the father had actually used on his person. Unused items are inherited by all the sons.

INSIGNIA OF OFFICE

198. *Eldest son inherits insignia of office.*—

- (1) *Where office is not hereditary.*—Where a traditional office is not hereditary but goes from family to family within the kindred group, the eldest son has the right to retain any insignia of office bought by his father with his own money while holding that office. But he has no right to use them in public unless he eventually succeeds to the office.

Local variations.—

- (a) In Abakaliki and Bende Divisions, such insignia pass to the next holder of the office concerned. It is immaterial that they were bought by the deceased office holder with his own money.
- (b) In Onitsha Division, the eldest son has a right to retain such insignia but holds them in trust for himself and his brothers.
- (2) *Where office is hereditary.*—Where the office is hereditary, the holder's son who succeeds to the office inherits such insignia, but he has no right to sell them.

OFO AND FAMILY HEADSHIP

199. *Eldest son inherits father's ofo.*—The eldest son inherits the father's personal *ofo*. He also inherits the father's ancestral representations in wood and other objects of worship.

Local variations.—In Abam and Ariba clans of Ohafia Division, a man's ancestral representations in wood (*ikenga*) called *ududu* are inherited by the oldest maternal relation of the deceased; the other *ikenga* known as *nja* is inherited by the oldest man among the paternal relations.

In Nkporo clan of the same Division, one *ikenga* is known as *erim* and is inherited by the oldest female maternal relation of the deceased; another *ikenga* is known as *nja* and is inherited by the oldest man among the paternal relations.

In all three clans (Ariba, Abam and Nkporo), there is another type of *ikenga* known as *njija-oku* which is inherited by the oldest man amongst the maternal relations.

200. *Family headship and succession to it.*—

- (1) Nuclear Family—A nuclear family comprises a founder, his wife or wives and all his children whether adult or minor. On the death of the founder of a nuclear family, his eldest son succeeds him as head of that family. On the death of the eldest son, headship of the family goes to the next eldest surviving son of the founder.

Local variations.—

- (a) In Abatete, Nkpor, Oba, Obosi, Ogidi, Ojoto, Uke and Umuoji towns in Idemili Division, when the eldest son of the founder dies, headship of the founder's family goes to the next oldest surviving son of the founder by a different wife in a polygamous family; but if a monogamous family, headship of the founder's family will go to the next surviving oldest son of the founder.
- (b) In Aguata Division (excluding Ndeni clan which follows the general rule), Mbano Division, Nri clan of Njikoka Division, Okigwe Division (excluding Nneato clan which follows the general rule) and Orlu Division (excluding Arondizuogu which follows

the general rule), on the death of the founder, his eldest son succeeds him as family head. On the death of the eldest son himself, his own eldest son will succeed him as head of the founder's family and so on down the same line.

(2) Extended Family.—

- (a) Meaning—"Extended Family" means any family other than a nuclear family. Headship of an extended family has two meanings, namely—headship in the sense of being entitled to occupy the family *obi*, and headship in the sense of being the holder of the family *ofo*.
- (b) Succession—Headship in the sense of being entitled to occupy the family *obi* passes from the present holder to his eldest son and thence to the eldest son's eldest son and so on down the same line. Headship in the sense of being the holder of the family *ofo* passes from the oldest man in the family to the next surviving oldest man in the family.

Local variations.—

In Aguata Division (excluding Ndeni clan), Mbano Division, Nri clan of Njikoka Division, Okigwe Division (excluding Nneato clan which follows the general rule) and Orlu Division (excluding Arondizuogu which follows the general rule), the principle of dual headship does not apply. The same person is both the holder of the family *ofo* and the occupier of the family *obi*. In these places, headship of an extended family runs along one and the same line of descent, i.e. from the present holder to his eldest son and from his eldest son to the eldest son's eldest son and so on.

201. *Competence to be family head.*—Only a man has competence to be the head of a family—nuclear or extended.

CHAPTER 19

TITLES

202. *Succession to surviving title.*—The eldest son inherits the father's title where such title survives the holder.

203. *Where heir holds similar title.*—

(1) Where a title survives the holder and the person who should inherit it holds a similar title himself:—

- (i) Such title passes to the rightful heir all the same in Abakaliki, Aguata, Awgu, Ezzikwo, Ishielu and Mbase Divisions, Enugu-Ezike and Ekete-Ekelu clans of Igbo-Eze Division, Njikoka Division (excluding Ukpo where titles do not survive their holders) and Edem in Nsukka Division;
- (ii) In other places, it passes to the next eligible heir.

Local variations.—

- (a) In Nri clan of Njikoka Division, the title goes to the rightful heir for a period of two years after which its life expires.
- (b) In Enugu-Ezike and Ekete-Ekelu clans of Igbo-Eze Division, such title passes to the rightful heir who retains it until the second burial ceremonies of the deceased holder are completed, after which its life expires.
- (c) In Nومه community in Nkanu Division, such title passes to the eldest son of the holder who retains it until he takes his own title or dies, whichever first happens.
- (d) In Aba, Afikpo, Arochukwu, Bende, Enugu, Igbo-Eze (excluding Enugu-Ezike and Ekete-Ekelu clans), Ihiala, Nkanu (excluding Nومه), Nkwerre, Nnewi, Northern Ngwa, Ogbaru, Onitsha, Owerri, Ukwa and Umuahia Divisions, there is no title that survives the holder.

SPECIAL SHARES AND RESPONSIBILITIES

204. (a) *Persons entitled to special shares or items out of estate.*—Persons entitled to special shares or items of property out of a deceased man's estate and what they are entitled to are as follows:—

- (1) **Aba Division:** The eldest son is entitled to the father's main house, the *ovu* (*obi*), land adjoining the back of the father's compound which is usually a raffia palm grove, the father's gun, horn, wine jars, official regalia, sword, cutlasses and other farming implements, tools of trade and the barn. The eldest daughter is entitled to the father's iron pot used for washing the father's dead body. She is also entitled to a share of the father's yams.
- (2) **Abakaliki and Izzi Divisions:** The eldest son is entitled to the father's *ukpara*, *ogu*, wearing apparel, hoes, cutlasses, spears and guns.
- (3) **Aguata Division:** The eldest son is entitled to the father's gun, *ofo*, regalia and other insignia of office, *obi* and the compound. In Awgbu clan of the same Division, the eldest son is in addition entitled to *nkwu* and *ukwa okwukwo-aka*. In Igbo-Ukwu community in the same Division, the eldest son is entitled to half of the father's estate. (He also pays half the cost of the burial ceremonies). In Enugu-Uno and Mbaloye clans the eldest son is also entitled to *anamgbufu* land, *nkwu mmanya* and kola-nut trees.
- (4) **Afikpo Division:** Oha-Ozara clan—The eldest son is entitled to the deceased father's hoe, *ogudu-inyinya*, his compound which is called *umuhu* and the land surrounding it.
Afikpo clan—The eldest son is entitled to a share of the father's yams, his farming implements, arms and main house. The eldest maternal brother is entitled to the refunded dowry of the deceased person's widow if she remarries.
Edda clan—The eldest son is entitled to the main house and arms.
- (5) **Anambra Division:** The eldest son is entitled to the *obi*, the *ofo*, the regalia and other insignia of office.

- (6) Arochukwu Division: The eldest son is entitled to the father's gun, matchets and hoes.
- (7) Awgu Division: The eldest son is entitled to *ani njoku* and the largest share of the remaining estate.
- (8) Bende Division: The eldest son is entitled to the father's *obi*, *okwa-oji* and *okwa-nzu*.
- (9) Enugu Division: The eldest son is entitled to the father's compound with all the plants and trees on it as well as *ani ihu ezi* (land immediately outside the gate) with all plants and trees on it.
- (10) Etiti Division: The eldest son is entitled to any one piece of land of his choice, his father's regalia and other insignia of office, his father's title (where this survives the father), and the bride price paid on the first daughter of the father to be married after the father's death.
- (10A) Ezeagu Division: *See* Udi Division.
- (11) Ezzikwo Division: The eldest son is entitled to the *obi*, insignia of office, and *ife ogaranya*.
- (12) Idemili Division: The eldest son is entitled to the *obi*, *ofo*, official regalia, elephant tusk (*okike*) and *ikenga*. In Ojoto town, the daughter is entitled to *ede* (coco-yam) and fowls. In Ojoto and Oba towns, brothers as a body are entitled to two sticks of stacked yams.
- (13) Igbo-Eze Division: In Enugu-Ezike community, the eldest daughter has a right to a maximum of seven fowls, one pot of palm-oil and one pot of kola-nuts out of the father's estate. In Itchi clan, the eldest son has a right to the *obi* and one piece of land of his choice. In Eketekelu clan, the eldest son has a right to the *obi* and two palm-trees (*nkwu-akwu* and *nkwu-nkwu*).
- (14) Ihiala Division: The eldest son is entitled to the *obi* and compound, kola-nut trees, guns, cutlasses, spears, *ofo*, elephant tusk, insignia of office and also one piece of land of his choice.
- (15) Ishielu Division: The eldest son is entitled to *ulo nna* or *dion* (*obi*), cutlasses, guns and *ofo* of the deceased.
- (16) Isi-Uzo Division: The eldest son is entitled to the *obi*, *ofo* and insignia of office.
- (17) Mbaise Division: The eldest son is entitled to the father's principal house, one piece of land of his choice, guns, matchets, chairs, regalia and other insignia of office.

- (18) Mbaitoli/Ikeduru: The eldest son is entitled to the *obi*, *ala isi obi*, *ofo*, regalia and insignia of office. The eldest daughter has a right to a reasonable number of yams.
- (19) Mbano Division: The eldest son is entitled to guns, spears, *mbata-ozo*, *ofo*, *mpi-okpo*, *ikenga*, regalia and insignia of office.
- (20) Njikoka Division: The eldest son has a right to the *obi* and compound, elephant tusks, metal staff (*alo* or *ngwu-agiliga*), *oche-ekwu*, *oche-ozo*, *mkpa-abo* and guns. In Nri and Awka communities, he is also entitled to one piece of land called *ani iruezi*.
- (21) Nkanu Division: The eldest son has a right to the *obi* and the compound, guns, *nkwu ohika*, one piece of land (*ani otutu aka*) and *Igede* (*ozo* drum).
- (22) Nkwerre Division: The eldest son is entitled to the *obi*, *ala isi obi* and one piece of land of his choice (*use-oke*).
- (23) Nnewi Division: The eldest son is entitled to farm implements, weapons, *ofo*, insignia of office, fishing nets and canoes. The eldest daughter is entitled to coco-yams.
- (24) Northern Ngwa Division: The eldest son is entitled to *ovu* (*obi*) and the father's principal dwelling house.
- (25) Nsukka Division: The eldest son has a right to the *obi*, kola-nut trees, *nkwu oha*, and elephant tusks.
- (26) Ogbaru Division: The eldest son is entitled to the father's canoe.
The eldest daughter has a right to the cloth in which the father lay in state.
- (27) Oguta Division: The eldest son is entitled to the father's dwelling house with furniture and a larger share of the farmland than other sons. The eldest daughter is entitled to a reasonable number of yams.
- (28) Ohafia Division: The eldest son is entitled to the big iron pot for cooking, *okwa-nzu*, *okwa-oji*, grinding stone for tobacco and the staff. The eldest daughter is entitled to a wooden hoe (*Omumo* as it is called in Nkporo clan of the Division) and the yam knife (*mmaji*.)
- (29) Okigwe Division: The eldest son is entitled to the father's dwelling house with furniture.
- (30) Orlu Division: The eldest son is entitled to the *obi*, *ala isi obi*, one piece of land of his choice called *use*, and wearing apparel actually used by the deceased.

- (31) Oru Division: The eldest son is entitled to *obi*, *isi obi* and elephant tusks.
- (32) Owerri Division: The eldest son is entitled to the compound, but in a polygamous family, the eldest son of each wife has a right to his own mother's house and house-garden. The eldest son is also entitled to one piece of land attached to *isi obi* (*obuzu ukwu*). The eldest daughter is entitled to a reasonable number of yams and livestock.
- (33) Udi Division: The eldest son is entitled to the *obi*, one piece of land, one palm-tree and one kola-nut tree.
- (34) Ukwa Division: The eldest son is entitled to the *okpu ulo* (old residential site, if any) and *obu* (*obi*).
- (35) Umuahia Division: The eldest son is entitled to the *obu* (*obi*).

(b) Special responsibilities—The eldest son who is entitled to special shares out of the estate has a duty to play a special part in the father's burial ceremonies in that such ceremonies are performed in his name, and he provides most of the money and other property required for the ceremonies. Even if he is not financially able to do so, burial expenses are borne by others in his name.

Where the eldest son is unable to pay for the special part expected of him in the father's burial ceremonies and another person provides the necessary funds, the eldest son does not thereby lose his right to a special share of the estate, and the other person who provides the funds does not thereby become entitled to any special share or interest in the estate.

205. *Inheritance of the obi.*—

- (1) The *obi* (*ovu*) is inherited by the eldest son.

Local variations.—

- (a) In Abakaliki Division, Enugu area of Awgu Division, Ishielu and Onitsha Divisions, the *obi* is the joint property of the deceased owner's sons as a body.
- (b) In Nenwe community in Egbo-Etiti clan, Ogugu community in Mbanabo clan and Ugwunye community in Mbanano clan of Awgu Division, the youngest son of the deceased inherits his *obi*.
- (2) Even where the eldest son to whom the *obi* passes at the father's death builds his own house elsewhere and ceases to reside in the *obi*, he retains his title to it.

Local variations.—In Nkwerre and Northern Ngwa Divisions, the *obi* becomes joint property of the deceased owner's sons if the eldest son builds his own house elsewhere and ceases to reside in the *obi*.

- (3) Members of the family actually living in the *obi* cannot be ejected by the person who inherits it unless suitable alternative accommodation is available to them.

ADMINISTRATION AND DISTRIBUTION OF ESTATE

206. *Administration of Estate pending distribution.*—

- (1) When a man dies, his estate passes into the hands of his heir who performs his burial ceremonies and appropriates the net estate.
- (2) Where there are two or more co-heirs, the estate passes into the hands of the oldest co-heir who takes control of it and administers it for the benefit of himself and the other co-heirs pending distribution among them.

Local variation.—In Ifite-Ogwari community in Uzo-Uwani Division, the elders of the deceased person's extended family may appoint any fit member of the family to take control and administer the estate pending distribution where in their opinion the oldest co-heir is not fit to do so.

- (3) Where all the co-heirs are too young to look after the estate, their oldest nearest paternal male relation does so for their benefit.

Local variations.—In Afikpo and Edda clans of Afikpo Division and Ohafia Division, this function is performed by the oldest nearest maternal relation of the infant co-heirs.

- (4) Where all the co-heirs are born of the same mother but are too young to take care of the estate, their mother has a right to do so for their benefit, but she does so under the general supervision of the nearest oldest paternal male relation.

Local variations.—In Afikpo and Edda clans of Afikpo Division, the work of supervision is done by the oldest nearest maternal relation of the infant heirs.

- (5) A person administering a deceased person's estate whether for the benefit of himself and others or only for the benefit of others has a right to dispose of such items of property as are necessary:
 - (a) to perform the burial ceremonies of the deceased;
 - (b) to pay the debts of the deceased; and
 - (c) to provide maintenance and advancement for the deceased's dependants.

207. *Methods of distribution.*—

- (1) In Aba, Abakaliki, Afikpo, Aguata, Anambra, Arochukwu, Awgu, Bende, Enugu, Etiti and Ezeagu Divisions, Abacha, Abatete, Nkpor, Oba, Obosi, Ogidi, Ojoto, Oraukwu, Uke, Umudioka and Umuoji towns in Idemili Division, Itchi clan of Igbo-Eze Division, Mgbo, Igbo Ano, Igbo Ato and Orri clans of Ishielu Division, Isi-Uzo, Mbaitoli/Ikeduru and Mbano Divisions, Nri clan and Abagana town in Njikoka Division, Nkanu, Nkwerre, Nnewi (excluding Anaedo clan), Northern Ngwa, Nsukka (excluding Nsukka and Ogurugu towns), Oguta, Ohafia, Okigwe and Onitsha Divisions, Ezimba, Alamiri and Mbanano clans of Oru Division, Owerri, Udi (excluding Umuneke and Ojebe-Ogene clans) and Umuahia Divisions, distribution wherever more persons than one inherit the estate is done *per stirpes* in polygamous families (i.e., into as many shares as there are *usekwu* that have sons in them) and then *per capita* among the individual sons in each *usekwu*. Distribution *per capita* does not necessarily mean distribution in equal shares.
- (2) In the same places as in (1), distribution among heirs is done *per capita* in monogamous families.
- (3) In Ezzikwo Division, Akwa-ukwu, Alor, Awka Etiti, Ezioweke, Nnobi, Nnokwa and Umunachi towns in Idemili Division, Ekeke-Ekelu clan of Igbo-Eze Division, Ihiala Division, Effum, Ezzagu and Agba clans of Ishielu Division, Mbaise Division, Njikoka Division (excepting Nri and Abagana), Nsukka town in Nsukka Division, Nnenasa, Orsu-Mbanato and Odida-Anyanwu clans of Oru Division, Umuneke and Ojebe-Ogene clans of Udi Division, Ukwa Division and Ogurugu town in Uzo-Uwani Division, distribution wherever the estate is inherited by more than one person is done *per capita* among the heirs, whether the family is monogamous or polygamous. But this does not necessarily mean distribution in equal shares.
- (4) *Further variations:*
 - (a) In Onitsha Division, distribution of landed property is done *per stirpes*; distribution of movable property is done *per capita*.
 - (b) In Anaedo clan of Nnewi Division, the eldest son inherits the entire estate and the question of distribution

does not arise; but in a polygamous family, he normally distributes the estate *per stirpes* at his discretion.

- (c) In Enugu-Ezike and Etteh clans of Igbo-Eze Division, the eldest son is the sole heir. The question of distribution does not arise.
- (d) In Ogbaru Division, the eldest son inherits the estate exclusively. In practice, however, he sometimes shares this out with his other brothers.

208. *Order in which shares are taken.*—

- (1) Where inheritance is shared *per capita*, the heirs take their respective shares in the order in which they were born, the oldest heir taking first and so on.
- (2) Where inheritance is shared *per stirpes*, the respective *usekwu* take their shares in the order in which the oldest sons in them were born, the *usekwu* with the oldest son of all taking first and so on.

Local variations.—In Nnewi and Ogbaru Divisions, where inheritance is shared *per stirpes*, the various *usekwu* with sons in them take in the order in which their respective mothers were married into the family, the *usekwu* of the first wife to be married into the family taking first and so on.

209. *Where estate is retained by the oldest heir.*—

- (1) An estate which is inherited by two or more heirs as a group is retained by the oldest heir—
 - (a) during the period from the death of the deceased to completion of the burial ceremonies, including second burial ceremonies where applicable;
 - (b) where one or more of the heirs are minors or are away from home—until they grow up or return as the case may be;
 - (c) until all debts and other questions concerning the estate have been settled;
 - (d) where the other heirs are unable to make their due contributions to the deceased person's burial ceremonies and the oldest heir alone pays for such ceremonies—until they make their due contributions;
 - (e) where the heirs so agree among themselves;
 - (f) where for any other reason permanent apportionment has not been done.

Local variation.—In Bende Division, a man's estate is not shared but is retained and administered by the eldest son where the man is survived by sons born of one wife only. This is so despite the fact that the estate is inherited by all the sons as a body.

- (2) When one heir retains an estate which is inherited by two or more persons, he has a duty to maintain the deceased person's dependants out of that estate.

210. *When estate is inherited by one person.*—

- (1) The only circumstances in which a man's estate is inherited by one person are—
- (a) where the man is survived by only one member of the class of persons entitled to inherit his estate (e.g., where he is survived by only one son; where he is not survived by a son but is survived by only one full brother and so on);
 - (b) where the man is survived by his father but is not survived by a son or a brother.
 - (c) where the estate passes to *oriekpe*, that is the deceased person's eldest nearest paternal male relation, there being no sons or brothers or father to inherit.

Local variations.—

- (a) In Enugu-Ezike and Etteh clans of Igbo-Eze Division, Anaedo clan of Nnewi Division and Ogbaru Division, the eldest son of a deceased man inherits the estate exclusively, whether the household is monogamous or polygamous.
 - (b) In Oha-Ozara clan of Afikpo Division and Itchi clan of Igbo-Eze Division, the eldest son of a deceased man inherits the estate exclusively where the household is monogamous, but shares with the eldest sons in the other branches of the household where the household is polygamous.
- (2) Where only one person inherits a deceased man's estate, he has a duty to maintain the man's dependants until they grow up.

Local variation.—In Oha-Ozara clan of Afikpo Division, such a duty does not exist.

211. *Right of one co-heir to demand sharing of estate*—Where an estate or part of it is inherited by two or more persons as a body, any

one of such persons has a right to demand that the estate or property be shared out among the heirs, but this can only be done after the deceased person's second burial ceremonies have been completed.

212. *Where one of several heirs dies before distribution —*

- (1) Where deceased heir is deceased's son—Where a man dies, leaving two or more sons who have a right to inherit his estate as a body, and one of the sons dies before the estate is shared out, the expected share of that son who died will not lapse if he is survived by a son but will pass to that son by representation.

Local variations.—

- (a) In Abakaliki and Bende Divisions, Afikpo and Edda clans of Afikpo Division, Agba and Ngbo clans of Ishielu Division, Northern Ngwa, Ohafia and Umuahia Divisions, the expected share of a son who dies after his father but before distribution of the father's estate will lapse.
- (b) In Igbo Ato and Igbo Ano clans of Ishielu Division, the expected share of the deceased son will pass to his own son if, but only if, the estate is distributed within seven days of his death.
- (c) In Oha-Ozara clan of Afikpo Division and Ibagwa community in Igbo-Eze Division, the expected share of a son who dies after the father and is himself survived by a son will not lapse if, but only if, before he died he had paid his due contributions towards the father's second burial expenses.

(2) Where deceased heir is not deceased's son—Where a man dies, leaving no sons, but leaving two or more relations who have a right to inherit his estate as a body, and one of them dies before the estate is shared out—

- (a) if the relation who dies has a son living at the time of distribution, his expected share will not lapse but will pass to that son by representation;
- (b) if he has no son living at the time of distribution but has a full brother living, his expected share will not lapse but will pass to that brother by representation if, but only if, the burial ceremonies of the man who died first were completed before the second man died and that second man paid his due contributions towards those ceremonies;

- (c) if he has no son and no full brother living at the time of distribution, his expected share will lapse, even if he paid all dues for burial ceremonies.

Local variations.—In Aba, Enugu, Ezeagu, Ezzikwo, Idemili, Ishielu, Isi-Uzo, Mbaise, Nkwere, Nnewi, Onitsha, Owerri and Udi Divisions (excluding Ngwo community where the position is as in (2)(b) above), if the relation concerned has no son living at distribution time, his expected share will lapse even if he has a surviving full brother.

213. *Heir may dispose of his share of estate.*—When a man's estate is shared out among the persons who inherit it, each of them is entitled to dispose of his own share as he pleases.

214. *Burial expenses borne by heirs jointly*—The burial (including second burial) expenses of a man are borne by all his heirs as a body.

Local variation.—In Igbo-Eze Division, burial expenses are borne by the eldest son in a monogamous family and by the various eldest sons as a body in a polygamous family.

215. *Effect of non-contribution on inheritance right.*—

- (1) Where a co-heir is unable to pay his due contribution towards the burial expenses of the deceased, he does not lose his share of the estate because of this. Another heir or heirs will pay such contribution on his behalf and will keep his share of the estate until reimbursed by him.
- (2) Where a co-heir is able, but refuses to pay his due contribution towards the burial expenses of the deceased, he will not lose his share of the estate if one of the other heirs pays on his behalf. In that case he will be treated as in (1) above. If no one pays for him, he will lose his share.

Local variations.—

- (a) In Aba Division, where a co-heir refuses to pay his due contributions towards the burial expenses of the deceased, his expected share will go to the *Amala*.
- (b) In Ukwa Division, a co-heir who refuses to pay his dues towards the deceased's burial ceremonies will lose his expected share of the estate.

216. *Transfer by joint heir of expected share.*—A co-heir has no right to dispose of his expected share in the estate before such estate is

shared out among the heirs; nor has he a right to borrow money on the security of such expected share.

Local variations.—

- (a) Such rights exist in Anambra Division.
- (b) In Nnewi Division, a co-heir has a right to dispose of his expected share or borrow money on the security of it only where such transaction is with another co-heir.
- (c) In Mbaise Division, a co-heir can borrow money on the security of his expected share but cannot dispose of such share.
- (d) In Nkanu Division, there is a right to borrow money on the security of an expected share only with the consent of the other co-heirs.

CHAPTER 22

DISPOSITION BY WILL

217. *Definition, etc.*—

- (1) **Definition**—A customary (*nuncupative*) will is an oral declaration by the owner of property of who are to have specified items of such property at his death.
- (2) **Right to make a will**—A man has a right to dispose of specified items of his property by will.
- (3) **General restrictions on right to make a will**—No person has a right to dispose of his entire estate by will, and certain items of property are not disposable by will.
- (4) **Essential requirements for valid will**—The essential requirements for a valid will are that the maker (*testator*) must be an adult, that he must know what he is doing and its effects, and that he must make the will in the presence of one or more adult witnesses who must include at least one member of his extended family.

218. *Property not disposable by will.*—There are items of property which a man has no power to dispose of by will. These are his interest in any family or communal property, his compound including the *obi*, his *ofo* and those items of property to which his eldest son or eldest daughter is entitled as special shares on his intestacy.

219. *Gift by will to stranger.*—A man has power to make gifts by will to strangers.

Local variations.—

- (a) In Abakaliki, Aguata (excluding Igbo-Ukwu and Awgbu), Ezzikwo, Igbo-Eze, Ihiala, Ishielu and Udi Divisions, Owa and Ohaji in Oguta Division, and Okam Ohafia clan of Ohafia Division, a man has no power to make a gift by will to a person who is not a member of his family, nuclear or extended.
- (b) In Ukwa Division and Igbo-Ukwu town in Aguata Division, a man must confine his gift of land by will to members of his family; he is free to give movable property to anyone of his choice. In Awgbu clan of Aguata Division, there is no restriction.

- (c) In Nkanu Division, no man has power to make a gift by will to a stranger except with the consent of members of his family.
- (d) In Mbaise and Okigwe Divisions, no man has power to give land by will to a non-resident stranger.

220. *Disinheritance of heir by will.*—No man has power to dispose of his estate so as to deprive his heirs of their entire expectation; but there is power to dispose of part of the estate by will and thus reduce the actual amount of property going to the heirs.

221. *Modification of will after the maker's death.*—

- (1) Where a man so disposes of his property by will that he fails to make reasonable provision for his family, his will may be varied after his death.
- (2) The power to vary a will where the maker does not make reasonable provision for his family vests in his extended family.

Local variations.—

- (a) In Aba, Anambra, Mbaitoli/Ikeduru and Mbano Divisions, power to vary such a will vests in the extended family and the elders of the kindred.
- (b) In Afikpo, Ihiala, Ishielu, Nkanu and Nkwerre Divisions, the proper time for the family to vary an objectionable will (or an objectionable gift in an otherwise acceptable will) is the time the will is being made. If no objection is raised at that stage, it cannot be raised thereafter. But where a will is made in the absence of the members of the family or is made in spite of their objection, they still have power to vary it after the maker's death.

222. *Right of child to retain gift made inter vivos by father.*—Where a father makes an outright gift in his lifetime to one of his children or other heir, such a child or heir has a right to retain that gift and in addition take his full share of inheritance in the father's estate.

Local variations.—

- (a) In Igbo-Ukwu town in Aguata Division and in Ishielu Division, such property is taken into account during the sharing of the estate if it is land, but not otherwise.
- (b) In Agueke clan of Aguata Division, such property is taken into consideration during the sharing of the estate, whether it is land or movable property.

223. *Right of child to retain gift made by will by father.*—Where a father makes a gift by will to one of his children or other heir, that child or heir has a right to retain the gift and in addition take his full share of inheritance in the father's estate not covered by will.

Local variations.—

- (a) In Agueke clan of Aguata Division, such gift is taken into account in sharing the rest of the father's estate whether it is landed property or movable property.
- (b) In Igbo-Ukwu town in Aguata Division and in Ishielu Division, such gift is taken into account if it is landed property and not if it is movable property.

MAINTENANCE OF WIDOWS AND DAUGHTERS

224. *Widow's right to maintenance.*—A widow while living in the husband's family has a right to be maintained by the person who inherits her husband's estate, as she does not inherit the estate herself; but a widow who has a grown-up son is to be maintained by him.

Local variations.—

- (a) In Awgu Division, the husband's heir has no legal duty to maintain the widow. In actual practice, a widow who has no son invariably enjoys her husband's estate, and the husband's heir has a moral duty to let her do so.
- (b) In Nkanu Division, a widow has a legal right to be maintained by her husband's heir for the duration of her one-year mourning period. Thereafter, the heir's obligation ceases to be a legal one and depends on the relationship between him and the widow.
- (c) In Onitsha Division, a man's heir has no duty to maintain his widow. However, a widow of good behaviour is invariably looked after in practice by the heir.

225. *Rights of a widow in husband's family.*—

- (1) Right to live in husband's compound—A widow, even if she has no son, has a right to live as a member of the family in her late husband's compound till she remarries or dies. But the family has power to remove her for persistent bad conduct.

Local variations.—

- (a) In Awgu, Ezzikwo, Nnewi and Ogbaru Divisions, a widow who has no son, and no son of a deceased son, has no right to live in the compound, but she is usually allowed to do so.
- (b) In Ohafia Division, a widow with no son has no right to live in the compound if she is married from within the division. Widows married from outside the division have the same right as members of the family.
- (c) In Abakaliki Division, a widow with no son has no right to live in the compound and is usually not allowed to do so.

(2) *Right to enjoy the husband's economic trees and plants.*—

A widow who has no son and no son of a deceased son, has no right to enjoy the deceased husband's lands or economic plants or trees unless she is allowed to do so by the person who inherits them.

Local variations.—

- (a) In Anambra and Nkanu Divisions, such a widow has a right to enjoy such plants and trees for the duration of her customary mourning period.
 - (b) In Mbano Division, such a widow has a right to enjoy such plants and trees subject only to the over-all control of her husband's chief heir or new family head.
 - (c) In Arochukwu, Ezeagu and Etiti Divisions, Igbo-Ukwu town and Ndeni clan of Aguata Division, Isi-Uzo, Mbaise, Njikoka, Northern Ngwa, Nsukka and Udi Divisions, a widow even if she has no son has a right to enjoy her deceased husband's lands and economic plants and trees till she remarries or dies.
- (3) Right to retain *inter vivos* gift of landed property—Where a woman who has no son is given a piece of land or an economic tree by her husband in his life time for her exclusive use, she has a right to continue to enjoy such land or tree till she remarries or dies. But she has no right to sell or make an outright gift of any of them.
- (4) Other rights in general—Where a widow has a right to remain a member of the deceased husband's family and also where, though she has no such right, she is allowed by the family to remain a member of the family, she has the same rights and privileges as wives of the family whose husbands are living; but in Afikpo clan of Afikpo Division, such a widow has no right to bear children.

226. *Widows without rights.*—Where a widow without a son has no right to remain a member of the family and is not otherwise allowed by the family to remain a member, her husband's heir has power to expel her from the husband's compound and other lands.

227. *Right of widow in husband's land.*—A widow who has a right or is allowed to remain a member of the husband's family though she has no child or has daughters only, has a right to be given portions of her

deceased husband's land annually for farming purposes according to her farming needs. The right continues till she remarries or dies.

Local variations.—

- (a) In Abakaliki and Onitsha Divisions, a widow has no such right.
- (b) In Enugu, Ezeagu, Isi-Uzo, Nkanu, Nnewi, Ogbaru, Okigwe and Udi Divisions, a widow has no such right, but she is invariably given land (where available) for her farming needs by the person who inherits her husband's land.
- (c) In Awgu Division, if the husband in his lifetime had given such a woman land for her farming needs, she retains that land and has no right to any more land.

228. *Right of widow in land of husband's family-group.*—

- (a) In Afikpo Division, Anam, Ifite Omo and Orumbansa clans of Anambra Division, Arochukwu, Bende, Ezzikwo, Idemili, Ihiala, Ishielu, Mbaise, Mbaitoli/Ikeduru, Njikoka and Nkwerre Divisions, Mbanesi clan of Nnewi Division, Ohafia and Owerri Divisions, a widow who has a right or is allowed to remain a member of the husband's family, though she has no child or has daughters only, has a right to be given a portion of land of the deceased husband's family-group annually for farming purposes according to her farming needs.
- (b) In Aba, Abakaliki, Aguata (excluding Igbo-Ukwu town), Awgu, Enugu, Etiti, Ezeagu, Igbo-Eze, Isi-Uzo, Mbano and Nkanu Divisions, Anedo clan of Nnewi Division, Northern Ngwa, Nsukka, Ogbaru, Okigwe, Onitsha and Udi Divisions, such a widow has no right to any portion of land of the family-group, her remaining a member of the family notwithstanding.

229. *Daughter's right to maintenance.*—A daughter has a right to be maintained by the person who inherits her father's estate until she marries or becomes financially independent or dies.

Local variation.—This rule does not apply in Onitsha.

230. *Daughter's right in family-group land.*—

- (1) In Aguata, Anambra (excluding Aguleri and Nteje), Arochukwu, Bende, Ishielu, Mbaise, Mbaitoli/Ikeduru, Njikoka, Nkanu, Nsukka, Oguta and Ohafia Divisions, where

a man is survived by daughters only, such daughters have a right to be given portions of land for their annual farming needs out of farmland of the family-group to which their father belonged in his lifetime. This right continues till these daughters marry or leave the family group or die.

- (2) A daughter has no such right in Aba, Abakaliki and Afikpo Divisions, Aguleri and Nteje towns in Anambra Division, Awgu, Enugu, Etiti, Ezzikwo, Idemili, Igbo-Eze, Ihiala, Isi-Uzo, Mbano, Nkwerre, Nnewi, Northern Ngwa, Ogbaru, Okigwe, Onitsha, Oru, Owerri, Ukwa and Umuahia Divisions.

WIDOW INHERITANCE

231. *Widow may be taken over as wife by family member.*—A widow may be taken over as wife by a member of her deceased husband's family.

Local variations.—

- (a) In Afikpo Division, Arochukwu Division (excluding Iwele clan), Nenwe and Mgbogho communities in Awgu Division, Ezza clan of Ezzikwo Division, Enugu-Ezike clan of Igbo-Eze Division, Ishielu Division (excluding Igbo-ano clan, Nkalagu and Iyi-onu communities in Igbo-Ato clan) and Uturu clan in Okigwe Division, take-over of a widow as wife by a member of her deceased husband's family is not done.
- (b) In Alayi, Igbere and Item communities in Bende Division, no woman who has ever lived with her husband as man and wife is taken over as wife by a member of the husband's family.
- (c) In Isi-Uzo Division and Idodo, Akpugo and Agbani communities in Nkanu Division, no widow who has a surviving son is taken over as wife by a member of the husband's family.
- (d) In Ohafia Division (excluding Abam and Nkporo communities, where the general rule applies), no widow who is married from within the division is taken over as wife by a member of her husband's family, but a widow married from outside the division may be so taken over.

232. *Who takes widow over as wife.*—

- (a) Subject to what is contained in paragraphs 233 and 234, the person who has the right to take over a widow as wife is the deceased man's eldest son, except that a son cannot take his mother over as wife.

Local variation.—In Ibagwa-Ani community in Nsukka Division, a son does not take over his father's widow.

- (b) Where there are two or more widows and two or more sons, the widows are taken over by the sons according to the latter's seniority of age. Where the sons are born of different mothers, the eldest sons by the various mothers rank according to their seniority of age, and before other sons. Failing sons,

brothers of the full blood take over; failing them, brothers of the half-blood; failing them, the eldest nearest paternal male relation will do so.

- (c) A widow can be taken over as wife only by a member of her husband's family. A suitor who is not a member of that family must go through the normal process of a marriage transaction with the woman's family.

232A. *Ceremony essential for take-over.*—Some ceremony is essential for the taking over of a widow as wife by a member of the deceased husband's family.

232B. *Taking-over procedure.*—The procedure adopted by the prospective husband in taking-over a widow as wife is as follows:—

- (1) In *Aba Division*, he announces his intention to the widow's family and gives them the current equivalent of forty manillas plus four jars of palm-wine and four bottles of hot drinks.
- (2) *Abakaliki Division*—After the second burial ceremonies of the deceased husband and the new yam festival (*otutara*) following that, the prospective husband presents two iron bars to the parents or family of the widow. Thereafter he presents a goat to his own family (i.e. the family of the deceased person).
- (3) *Aguata Division*—The prospective husband presents one bag of cowries (now about ₦2) and two gallons of palm-wine to the family of the widow. In *Igbo-Ukwu* the prospective husband also presents palm-wine to members of his own family.
- (4) *Anambra Division*—The prospective husband performs the ceremony of "*itupu-naejadu*" and presents to the maiden family of the widow transfer money called *ego nchegharigo*.
- (5) *Arochukwu Division*—The prospective husband pays some money (now ₦5) plus gin and palm-wine to the family of the widow.
- (6) *Awgu Division*—(Excluding *Olo* community where no ceremony is performed) the widow returns to her maiden family and stays there for a minimum of four days. While she is there, the prospective husband offers to remarry her. On her consenting, the man pays some money (now ₦2)

and palm-wine to the woman's family and takes her back to the late husband's family. There he presents to the eldest member of that family one goat, twelve yams and one egg for sacrificial purposes. If the prospective husband is not a son or a full brother of the deceased, he is to refund to the husband's heir the dowry paid on the widow by the husband.

- (7) Bende Division—In Bende, Ozuitem and Itum-Buzo, the prospective husband presents two bottles of palm-wine, two bottles of gin and two pieces of meat to each of the families of himself and the widow. This is followed by a formal handing over of the widow to the new husband. In Umuimevi and Uzoakoli, the prospective husband presents one goat, one bottle of gin, and two jars of palm-wine to each of the families of himself and the widow. This is followed by formal handing over of the widow to the new husband.
- (8) Enugu Division—The ceremony consists of three parts—
- (a) the prospective husband provides food and other entertainment on the occasion when the widow has the hair of her head shaved for the first time for the late husband;
 - (b) he provides a fowl and a goat (sometimes a fowl only) for the “*usele*” ceremony;
 - (c) if the widow has a male child living, the prospective husband will give him a piece of cloth, a cutlass and some yams for the “*nmibe*” ceremony.
- (9) Etiti Division—The prospective husband performs the “*igo-ohoro-ego*” ceremony which involves his presenting palm-wine, kola-nuts and money to the widow's family. He also performs the “*igba-ulo-hari*” ceremony which consists in presenting articles of clothing to the widow and formally taking-over responsibility for her.
- (9A) Ezeagu Division—*See* Udi Division.
- (10) Ezzikwo Division: The prospective husband presents to the widow's family one bar of iron (present cost ₦1), palm-wine and tobacco while the widow is with her family. Thereafter the widow returns to the late husband's family and presents a fowl to the prospective husband for slaughtering over the husband's grave. The widow's family may also demand payment of token bride-price.

- (11) Igbo-Eze Division: In Itchi clan, the prospective husband slaughters a goat and makes a feast for the children of the deceased person if any. In Ekete-Kelu, the prospective husband makes a feast for his family after which he formally takes over the widow in the presence of members of his family and the members of the widow's family.
- (12) Ihiala Division—During a widow's hair shaving ceremony, a goat is provided by her family and is slaughtered. The widow offers a portion of the goat meat to the person she wishes to take her over as his wife. The man provides her with mourning clothes and maintains her during her mourning period. Thereafter she becomes his wife.
- (13) Ishielu Division—The ceremony consists in the prospective husband taking the widow to her family and announcing to them his intention to take the widow over as wife. If they consent, he takes her back as his wife.
- (14) Isi-Uzo Division—The ceremony known as "*ikuchi nwanyi*" consists in the prospective husband providing a feast for members of the widow's family and another feast for members of his own family. The second feasting is accompanied by a formal announcement that the couple intend henceforth to be husband and wife.
- (15) Mbaitoli/Ikeduru Division—The ceremony consists of two parts—
 - (a) The first part consists in the prospective husband taking palm-wine, kola-nuts, meat, snuff and money (about ₦10.00) to the family of the widow and there announcing his intention to take over the widow as wife.
 - (b) The second part consists in the prospective husband presenting palm-wine to members of his family and formally notifying them of the take over.
- (16) Mbaise Division—The prospective husband provides new clothing for the widow at the end of her mourning period. He also takes palm-wine to the widow's family and formally announces to them his intention to take her over as wife.
- (17) Mbano Division—The prospective husband gives the widow a change of clothes at the end of her mourning period. He takes her to her family where he presents palm-wine to them and informs them of his intention to take the widow over as wife. He also pays them a token bride-price.

- (18) Njikoka Division—The prospective husband gives to the widow eight cowries (now 1 kobo) for the ceremony of cutting off the mourner's thread on her neck. He goes to the *Ajani* (god of earth) for a purification. He and members of his family take the widow to her family and formally notify them of his intention to take her over as wife. In Abba town, the prospective husband presents to the widow's family one she-goat, one hen, eight yams, four kola-nuts, eight kobo and some palm-wine on the occasion when he notifies them of his intention.
- (19) Nkanu Division—The prospective husband buys new clothes for the widow at the end of her mourning period, presents palm-wine to her family and formally notifies them of his intention to take over the widow as wife. In Idodo, the prospective husband will, in addition, make a feast for members of his and the widow's families at the grave side of the deceased husband.
- (20) Nkwerre Division—After her mourning period, the widow returns to her family. The prospective husband takes palm-wine to her family and informs them of his intention to take her over as wife. He brings her back to the husband's place. Thereafter he agrees with the widow's family on and pays a token bride-price (₦4-₦16). If the widow has a grown up son, it is the son that brings home the widow from her family and not the prospective husband.
- (21) Nnewi Division—After the widow's shaving ceremony, the prospective husband presents her with "*mma*" (knife or cutlass). On her acceptance, the man takes her to her family where he presents palm-wine to the family and formally informs them of his intention. Generally, a token bride-price is paid but this is not necessary.
- (22) Northern Ngwa Division—The prospective husband takes the widow to her family and there presents to members of the family some palm-wine, meat and other gifts and informs them of his intention.
- (23) Nsukka Division—In Nsukka, Ibagwa-ani and Umulokpa communities, the consents of the widow and her family are obtained. The prospective husband offers a hen for the ancestors (*ndishi*) in the presence of elders and titled men. In Ogurugu and Ogboni communities, after the

Ikocha-isi ceremony the widow approves of her prospective husband who then slaughters a goat for the ancestors (Ibegwu) and provides food and palm-wine for members of his family, elders and titled men. In Aku community, after the consents of the widow and her family have been obtained, the prospective husband transfers her *chi* (personal god) from her former husband's place to his own place. He then kills one fowl for the formal taking-over ceremony.

- (24) Ogbaru Division—The prospective husband provides the widow with mourning clothes. After this, he performs the *itugha-nkwu* ceremony.
- (25) Oguta Division—In Ohaji, after the mourning period and the hair-shaving ceremony, the widow returns to her family. The prospective husband presents money and palm-wine to the family and takes the widow home as his wife. In Ngbele-Oru, Izombe and Awa clans the prospective husband, in addition to the above, also provides a cock, a bottle of gin, two gallons of palm-wine and kola-nuts, and with these things, the spirit of the deceased husband is appeased in the presence of *ndichie* (elders). In Oguta town, the prospective husband provides a bottle of gin, two gallons of palm-wine and kola-nuts and with these the spirit of the deceased husband is appeased in the presence of the *okpala* of the village. Members of the prospective husband's age-grade tie a string necklace around the widow's neck and declare her the wife of the prospective husband. The widow's two legs are stretched out and the new husband crosses her.
- (25A) In Ohafia Division, in the case of a locally married wife, where formal take-over does not strictly apply or where a widow is free to remarry, the intending new husband has to bring wine to the family of the deceased husband. The refund of dowry is then settled and reduction thereof made in proportion to the number of children the woman has already had at the rate of ₦2.00 per male child and ₦1.00 per female child; the new husband then pays the balance. No further ceremony is required. In the case of a widow who was married from outside the division, only palm-wine and some meat need be given to the family of deceased husband. No refund of dowry is demanded.

- (26) Okigwe Division—The prospective husband presents palm-wine, kola-nuts and some money to the family of the widow and announces to them his intention to take over the widow as his wife.
- (27) Onitsha Division—The prospective husband takes the widow to her family and informs them of his intention to take her over as his wife. He gives them kola-nuts and palm-wine and they formally hand the woman over to him in the presence of members of his own family. This is the *ibeye-uzo* ceremony.
- (28) Oru Division—The prospective husband performs *nkpo-hogo-ogu* or *igo-horo-ogo* ceremony whereby he announces his intention to the widow's family and presents them with money, palm-wine and kola-nuts. He also provides new clothing for the ceremony of changing from mourning to ordinary clothing which is performed in the deceased husband's family.
- (29) Owerri Division—At the end of her mourning period, the widow returns to her family. The prospective husband takes a pot of palm-wine to that family and formally tells them of his intention. A change-over ceremony is then performed and he takes the widow to his own family.
- (30) Udi Division—The prospective husband provides a goat, kola-nuts and palm-wine for a change-over ceremony which is performed in the presence of members of the family of the deceased. Thereafter he takes palm-wine to the widow's family and informs them of the change-over.
- (31) Ukwá Division—The prospective husband presents a piece of cloth to the widow. After this, he takes some drinks and kola-nuts to the widow's family and formally tells them of his intention. In parts of Asa clan, the prospective husband also pays some money to the widow's family.
- (32) Umuahia Division—The prospective husband takes a jar of palm-wine, kola-nuts and some money (*ohu-ikpehe*, now ₦2.00) to the widow's family and formally tells them of his intention to take her over as his wife.

233. *Freedom of widow to choose person to take her over.*—A widow has a right to choose from her husband's family the man she wants to take her over as wife.

Local variations.—

- (a) In Aba, Northern Ngwa, Otanchara/Otanzu West clan of Okigwe, Ukwa and Umuahia Divisions, a widow has no right to choose the man she wants to take her over as wife in her husband's family.
- (b) In Abakaliki Division, the widow has a limited choice. The family makes the choice in the first place but the widow has a right to reject the person chosen by the family. In that case, the family will offer her an alternative choice and so on until a man acceptable to both the family and the widow is found.
- (c) In Mbano Division, the first and the last wives of a deceased person have no right to choose which of the members of the husband's family should take them over. These are taken over by the eldest son of the deceased person except that no son will take over his own mother.

234. *Freedom of widow to choose whether to remain single.*—A widow has the right to choose whether she will remain single in her late husband's house or be taken over as wife by a member of the husband's family.

Local variations.—

- (a) In Umuahia Division and Iwelle in Arochukwu Division, a widow has no such choice.
- (b) In Abakaliki Division, a choice is open to a widow only where she has a male child living or her husband is survived by a son by another wife.
- (c) In Oha-Ozara and Edda clans of Afikpo Division, a widow has a right to remain single in the family of her deceased husband. In Afikpo clan of the same Division, only a widow who is old can choose to remain single in the late husband's family. A widow of child bearing age has to leave the family and remarry elsewhere.

235. *Pregnancy before take-over ceremony: effect of.*—

- (1) It is not a bar to eventual take-over that the person who has the right to take a widow over as wife makes her pregnant before the take-over ceremony is performed.

Local variations.—Such an event is a bar to any future take-over in Abakaliki and Ezzikwo Divisions, Itchi and Eketekelu clans of Igbo-Eze Division, Ndiényi clan of Aguata Division and Ogidi town in Idemili Division.

- (2) *Paternity of child conceived before take-over.*—Where the person who should take a widow over as wife makes her pregnant before the take-over ceremony is performed, the resulting child will belong to the deceased husband of the widow.

Local variations.—

- (a) In Arochukwu and Enugu Divisions, Ihiala town in Ihiala Division, Mbaitoli/Ikeduru, Mbano, Nkwerre, Ohafia and Owerri Divisions, such a child will belong to its natural (biological) father.
- (b) In Etiti, Mbaise, Nkanu and Onitsha Divisions, the child will belong to the natural father, if he took over the widow as wife before the child was born; otherwise the child will belong to the deceased husband.
- (c) In Etteh clan of Igbo-Eze Division, such a child will belong to its natural father in any case if he is a male child. If she is a female child, she will belong to the natural father, if he performs the necessary take-over ceremony before the child is born; otherwise the child will belong to the deceased husband.

236. *Child born after take-over.*—

- (1) Where a man performs the take-over ceremony of a widow and duly takes her over as wife, all children born of her thereafter belong to him.

Local variations.—

- (a) In Ukwa Division, such children belong to the deceased husband.
- (b) In Owa, Ojebe-Ogene and Obinofia Ugwuwaraba clans of Udi Division, bride-price payable on daughters born of a widow after a take-over belongs to the deceased husband's sons, if any.
- (2) Where a man duly takes a widow over as wife, she has no right to withdraw from him any children born of her after the take-over.
- (3) Where a man duly takes over a widow as wife, and children are thereafter born to them, such children have no right to reject him as their legal father or to claim that they are children of the deceased husband of their mother.

B—WOMAN'S ESTATE

CHAPTER 25

WOMAN'S LANDS AND HOUSES

I.—Married Woman

237. *Inheritance of a married woman's houses and surrounding gardens (house-gardens).*—

(1) Houses—

- (a) In Aba, Abakaliki, Aguata, Arochukwu, Bende, Etiti, and Ishielu Divisions, Obolo, Eha-Alumona and Leke clans of Isi-Uzo Division, Itchi and Ekete-Ekelu clans of Igbo-Eze Division, Mbaise and Njikoka Divisions, Awkunanaw community in Nkanu Division, Nnewi, Northern Ngwa, Nsukka, Ogbaru, Orlu, Oru and Ukwa Divisions, a married woman's house is inherited by her sons as a body. Failing sons, it is inherited by the husband.
- (b) In Afikpo clan of Afikpo Division, Anambra, Enugu, Ezeagu, Ezzikwo and Ihiala Divisions, Ikem, Eha-Amufu and Imilike clans of Isi-Uzo Division, Mbaitoli/Ikeduru, Mbano, Nkwerre, Oguta, Onitsha and Udi Divisions, the house of a married woman is inherited by her husband exclusively.
- (c) In Awgu Division, such a house is inherited by the woman's husband in a monogamous family, and by her sons in a polygamous family.
- (d) In Idemili Division (excluding Awka-Etiti and Nnobi communities), Oha-Ozara clan of Afikpo Division and Okigwe Division (excluding Uturu and Isuikwuato clans), such a house is inherited by the woman's youngest son exclusively.
- (e) In Awka-Etiti and Nnobi communities in Idemili Division, Ekoli community in Edda clan of Afikpo Division, Enugu-Ezike and Etteh clans of Igbo-Eze Division, Nkanu Division (excluding Awkunanaw community), Isuikwuato and Uturu clans of Okigwe

Division and Owerri Division, such a house is inherited by the woman's eldest son exclusively.

- (f) In Ohafia Division, such a house is inherited by the woman's sons, daughters and maternal relations as a body.
- (g) In Umuahia Division, such a house is inherited by the woman's sons and unmarried daughters as a body.
- (h) In Nguzu community in Edda clan of Afikpo Division, such a house is inherited by the woman's maternal brothers; failing maternal brothers, it is inherited by maternal sisters.

(2) House gardens (*obubo uno*)—

- (a) In Aba, Abakaliki, Aguata, Arochukwu, Bende and Etiti Divisions, Itchi and Ekete-Ekelu clans of Igbo-Eze Division, Ihiala, Ishielu, Mbaise, Mbano, Njikoka, Northern Ngwa, Nsukka, Ogbaru, Orlu and Ukwa Divisions, a woman's house-gardens (*obubo-uno*) are inherited by her sons as a body.
- (b) In Anambra, Enugu, Ezzikwo, Mbaitoli/Ikeduru, Nkwerre, Oguta, Onitsha and Udi Divisions, such gardens are inherited by the deceased woman's husband.
- (c) In Afikpo clan of Afikpo Division, the gardens of a married woman are inherited by her eldest daughter. In Oha-Ozara clan of the same Division, such gardens are inherited by the woman's youngest son. In Ekoli community of Edda clan of the same Division, such gardens are inherited by the children, the maternal brothers and maternal sisters of the deceased woman as a body. In Nguzu community of the same Edda clan, such gardens are inherited by the maternal brothers and sisters of the deceased woman as a body.
- (d) In Awgu Division, a married woman's gardens are inherited by the woman's daughters as a body.
- (e) In Idemili Division (excluding Awka-Etiti and Nnobi communities), such gardens are inherited by the deceased woman's youngest son. In Awka-Etiti and Nnobi communities, they are inherited by the woman's eldest son.
- (f) In Obolo, Eha-Alumona and Leke clans of Isi-Uzo Division, such gardens are inherited by the sons as a body. In Ikem, Eha-Amufu and Imilike clans of the

same Division, such gardens are inherited by the husband exclusively.

- (g) In Enugu-Ezike and Etteh clans of Igbo-Eze Division, Nkanu and Owerri Divisions, such gardens are inherited by the woman's eldest son exclusively. In Owerri Division, if the eldest son is already dead, his wife if any, inherits.
- (h) In Nnewi, Ohafia, Oru and Umuahia Divisions, such gardens are inherited by the woman's sons and daughters as a body, except that in Umuahia Division, only unmarried daughters can take.

238. *Inheritance of a married woman's lands.*—

- (1) Purchased land—In Aba Division, Afikpo clan of Afikpo Division, Aguata, Arochukwu, Bende, Etiti, Ihiala, Ishielu, Mbaise, Mbano, Njikoka, Nnewi, Northern Ngwa, Nsukka, Ogbaru, Orlu, Oru, Ukwa and Umuahia Divisions, farmlands or any other lands bought by a married woman in her life time are inherited by her sons as a body.

Local variations.—

- (a) In Anambra, Ezzikwo, Mbaitoli/Ikeduru, Nkwerre Oguta, Onitsha and Udi Divisions, such lands are inherited by the deceased woman's husband.
- (b) In Oha-Ozara clan of Afikpo Division, such lands are inherited by the woman's youngest son. In Ekoli community in Edda clan of the same Division, such lands are inherited by the children and the maternal brothers and sisters of the deceased woman as a body. In Nguzu community in Edda clan of the same Division, such lands are inherited by the woman's maternal brothers and sisters as a body.
- (c) In Awgu Division, such lands are inherited by the woman's husband in a monogamous family, and by the sons of the deceased woman in a polygamous family.
- (d) In Enugu and Owerri Divisions, such lands are inherited by the deceased woman's eldest son.
- (e) In Idemili Division (excluding Awka-Etiti and Nnobi communities), such lands are inherited by the deceased woman's youngest son. In Awka-Etiti and Nnobi communities, such lands are inherited by the eldest son.

- (f) In Itchi and Eketek-Ekelu clans of Igbo-Eze Division, the sons inherit such lands as a body. In Enugu-Ezike and Etteh clans of the same Division, such lands are inherited by the eldest son alone.
 - (g) In Ikem, Eha-Amufu and Imilike clans of Isi-Uzo Division, such lands are inherited by the husband. In Obolo, Eha-Alumona and Leke clans of the same Division, such lands are inherited by the woman's sons as a body.
 - (h) In Idodo clan of Nkanu Division, the woman's eldest son inherits such lands exclusively. In other places in the same Division, all the sons inherit as a body.
 - (i) In Nnewi and Ohafia Divisions, such lands are inherited by the woman's sons and daughters as a body.
 - (j) In Isuikwuato, Uturu and Otanchara/Otanzu West clans of Okigwe Division, such lands are inherited by all the sons of the deceased woman. In other parts of the same Division, such lands are inherited by the youngest son of the deceased woman exclusively.
- (2) Land inherited or got from maiden family—In Aba Division, Afikpo clan of Afikpo Division, Aguata, Arochukwu, Etiti, Ishielu, Mbaise, Mbano, Njikoka, Northern Ngwa, Ogbaru, Orlu, Oru, Ukwia and Umuahia Divisions, any lands which a married woman inherited or got from her maiden family are inherited by her sons as a body.

Local variations.—

- (a) In Oha-Ozara clan of Afikpo Division, such lands are inherited by the youngest son exclusively. In Ekoli community in Edda clan of the same Division, such lands are inherited by the maternal brothers and sisters of the deceased. In Nguzu community of the same clan, such lands are inherited by the deceased woman's children, maternal brothers and sisters as a body.
- (b) In Anambra, Ihiala, Mbaitoli/Ikeduru, Nkwerre, Oguta, Onitsha, and Udi Divisions, such lands are inherited by the deceased woman's husband.

- (c) In Awgu Division, such lands are inherited by the husband in a monogamous family, and by the sons of the deceased woman in a polygamous family.
 - (d) In Itchi and Ekeke-Ekelu clans of Igbo-Eze Division, such lands are inherited by the sons as a body. In Enugu-Ezike and Etteh clans of the same Division, such lands are inherited by the eldest son alone.
 - (e) In Idodo clan of Nkanu Division, such lands are inherited by the eldest son of the deceased woman. In other communities of the same Division, they are inherited by the sons as a body.
 - (f) In Ohafia Division, such lands are inherited by the sons and daughters of the deceased woman as a body.
 - (g) In Okigwe town and Otanchara/Otanzu East clans of Okigwe Division, such lands are inherited by the youngest son of the deceased woman. Elsewhere in the Division, they are inherited by all the sons as a body.
 - (h) In Owerri Division, where a married woman's maiden family is in the same village as, or in a neighbouring village to that of her husband, any lands which she received from her maiden family will be inherited at her death by her eldest son; failing sons, such lands will be inherited by her husband. In other cases, such lands will, at the death of the woman revert to the donor.
- (3) Land acquired before marriage—Where a woman acquires land while unmarried and later gets married, such land will be inherited within her maiden family as if she were never married. It makes no difference whether she continued to make use of the land after marriage or allowed it to be used by her maiden family.

Local variations.—

- (a) In Aba Division, if such land is situated in the woman's maiden village, it will be inherited within her maiden family. If it is situated outside her maiden village, it will be inherited by her sons.
- (b) In Abakaliki Division, Oha-Ozara clan of Afikpo Division, Igbo-Ato, Igbo-Ano, Agba and Ezzamgbo

- communities in Ishielu Division and Onitsha Division, such land will be inherited by the woman's sons.
- (c) In Afikpo and Edda clans of Afikpo Division, such land will be inherited by the woman's sons and daughters as a body.
 - (d) In Anambra Division, such land will be inherited by the husband if the woman continued to use it after she got married; otherwise, it will be inherited within her maiden family as if she were never married.
 - (e) In Ezzikwo and Nkanu Divisions, such land will be inherited by the woman's sons if she continued to use it after her marriage; otherwise it will be inherited within her maiden family as if she were never married.
 - (f) In Ohafia Division, such land is inherited by the woman's parents and children as a body.

239. *Relative claims of husband, sons and daughters.*—

- (1) Where a woman is survived by her husband and her son, her lands and houses are inherited by the son exclusively.

Local variation.—In Anambra, Ezeagu, Ezzikwo and Ihiala Divisions, Ikem, Eha-Amufu and Imilike clans of Isi-Uzo Division, Mbaitoli/Ikeduru, Mbano, Oguta, Onitsha and Udi Divisions, such lands are inherited by the woman's husband even if she is survived by a son.

- (2) Where a married woman is survived by a son and a daughter, her lands are inherited by the son to the exclusion of the daughter.

Local variations.—

- (a) In Anambra, Ezzikwo and Ihiala Divisions, Ikem, Eha-Amufu and Imilike clans of Isi-Uzo Division, Mbaitoli/Ikeduru, Mbano, Oguta, Onitsha and Udi Divisions, the son will inherit if, but only if the husband is already dead.
- (b) In Ohafia Division, both the son and the daughter will inherit along with the deceased woman's maternal relations and father.

240. *Same inheritance rules apply to married woman's rural and urban lands and houses.*—The same rules of inheritance apply to lands and houses left by a married woman in rural areas and those left by her in urban areas.

Local variation.—In Afikpo clan of Afikpo Division, the landed property of a woman situated in a rural area is inherited by the husband while her landed property situated in an urban area is inherited by her children and maternal relations.

II.—Divorced Woman

241. *Inheritance of divorced woman's lands and houses acquired before divorce.*—

(1) Property in husband's place—

- (a) Property in husband's place, woman from different place—Where a woman who is married from a different village from that of her husband acquires lands and houses in her husband's village during the subsistence of her marriage and later divorces the husband and her bride-price is repaid, but she does not remarry, such property will at her death be inherited as follows—

Where the woman is survived by sons born of that marriage, those sons will inherit. Where the woman is not survived by sons born of that marriage, her husband will inherit. If the husband is already dead, the property will be inherited by the person who would inherit it if it were the property of the husband.

- (b) Property in husband's village, woman from the same village—Where a woman who is married from the same village as her husband acquires lands and houses in that village during the subsistence of her marriage and later divorces the husband (her bride-price being repaid) but she does not remarry, such property will at her death be inherited as follows—

Where the woman is survived by sons born of that marriage, those sons will inherit. Where the woman is not survived by sons born of that marriage, such property will be inherited within the woman's maiden family as if she were never married.

Local variations.—

- (i) In Oha-Ozara clan of Afikpo Division, lands and houses acquired by a woman before divorce will be inherited by the youngest surviving son she had for the divorced husband.

- (ii) In Afikpo and Edda clans of Afikpo Division, such property will be inherited by the woman's sons who take in order of seniority of age during distribution. If there are no sons, the maternal brother of the divorced woman will inherit.
 - (iii) In Ohafia Division, if the woman was married from within the Division, such property will be inherited by her children and her maternal relations, her children ranking first during distribution. If she is married from outside the division, such property will be inherited at her death by her children, her husband and the husband's maternal relations, the children ranking first during distribution.
- (2) Property outside husband's village—Where a woman acquires lands and houses outside her husband's village during the subsistence of her marriage and later divorces the husband (her bride-price being repaid) but she does not remarry, such property will at her death be inherited as follows:—

Where the woman is survived by sons of that marriage, those sons will inherit. Where the woman is not survived by sons born of that marriage, such property will be inherited within the woman's maiden family as if she were never married.

Local variations.—

- (a) In Oha-Ozara clan of Afikpo Division, such property will be inherited by the youngest surviving son she had for the divorced husband; failing such son, the property will be inherited within the woman's maiden family.
- (b) In Afikpo and Edda clans of Afikpo Division, such property will be inherited by the woman's sons and her eldest maternal brother. If there are no sons, such property will be inherited by the woman's eldest maternal brother only.
- (c) In Ohafia Division, if the woman was married from outside the division, such property will be inherited by the woman's children, her husband and her husband's maternal relations, the children ranking first during distribution. If she was married from within the division, the property will be inherited by the woman's children and her maternal relations, the children ranking first during distribution.

- (3) In (1) and (2), it is presumed that the woman retains her title to the lands or houses concerned after divorce. Where she has no such right to retain her title, the lands and houses concerned will, on her divorce, pass to the person or persons who would have inherited them at the woman's death if she had retained her title to them until her death.

242. *Inheritance of woman's property acquired after divorce.*—Where a married woman divorces her husband (bride-price being repaid), but does not marry another man, property which she acquires after divorce will be inherited as follows:—

- (a) Any lands and houses she acquires in her place of origin will be inherited within her maiden family as if she were never married;
- (b) Lands and houses acquired by her outside her place of origin is inherited by her sons. Failing sons, such property is inherited within her maiden family as if she were never married.

Local variations.—

- (a) In Oha-Ozara clan of Afikpo Division, such property will be inherited by the woman's youngest son wherever she was at the time of her death.
- (b) In Afikpo and Edda clans of the same division, all the sons of the woman will inherit, taking in order of seniority of age during distribution; failing sons, the woman's eldest maternal brother will inherit.
- (c) In Etiti, Idemili, Ishielu, Njikoka and Nkwerre Divisions, Nsukka Division (excluding Ogurugu community), Ogbaru, Owerri and Ukwu Divisions, such property is inherited within the deceased woman's maiden family as if she were never married and had no children. In Ogurugu community, such property is inherited by the woman's sons.
- (d) In Ohafia Division, if the woman was married from within the division, such property will be inherited at her death by her children and her maternal relations, her children taking first during distribution. If she was married from outside the division, such property will be inherited by her children, her husband and her husband's maternal relations, her children taking first during distribution.

243. *Inheritance of property of a divorced woman who dies after remarriage.*—Where a woman has children for one husband, later divorces him (bride-price being repaid), then remarries and has children for the second husband, her property will be inherited as follows—

- (1) Lands and houses acquired by her during the first marriage will be inherited by her sons by that marriage; failing sons, by the first husband; failing husband, by the person who would inherit such property if it were property of the first husband.
- (2) Lands and houses acquired by her after dissolution of the first marriage and before the second marriage will be inherited as in paragraph 242.
- (3) Lands and houses acquired during the second marriage will be inherited by her sons by that marriage; failing them, by the second husband or his heir, if he is already dead.

Local variations.—

- (a) In Oha-Ozara clan of Afikpo Division, lands and houses which she acquired during the first marriage, will be inherited by the youngest son of that marriage. If there are no sons, the husband of the first marriage will inherit them. Those acquired during the second marriage are inherited by the youngest son of the second marriage; failing such issue, by the husband of the second marriage.
- (b) In Afikpo and Edda clans of Afikpo Division, movable property of such a woman, whether acquired during the subsistence of the first marriage or during the subsistence of the second marriage, will be inherited by all the children of the woman. Lands and houses will be inherited by the sons and the eldest maternal brother of the woman; if there are no children, they will be inherited by the eldest maternal brother of the deceased woman.
- (c) In Ohafia Division, if the woman was married from within the Division, the property she acquired during the first marriage will be inherited at her death by her children born for the first husband and her maternal relations, her children taking first during distribution. If she was married from outside the

Division, her property acquired during the first marriage will be inherited by her children born for the first husband, the first husband and the first husband's maternal relations, the children taking first during distribution. If such a woman had children during the second marriage and was married from within the Division, her property acquired during the second marriage will be inherited by such children and her maternal relations, the children ranking first. If she was married from outside the Division, the children of the second marriage are regarded as members of the first husband's maternal family and are entitled to inherit as such. Distribution of such property by those entitled to it is done *per capita*.

244. *Inheritance rights of children born during marriage and those born after divorce.*—Where a woman has one set of children born in marriage and later another set of children born after her divorce (and repayment of bride-price) without remarriage, the inheritance rights of the two sets of children over her property are as follows—

- (1) Lands and houses acquired during her marriage will be inherited as in paragraphs 237-240.
- (2) Lands and houses acquired after divorce will be inherited as in paragraph 242.

III.—Widows

245. *Inheritance of widow's lands and houses.*—

- (1) In General—A widow's lands and houses are inherited by her sons as a body; failing sons, by the person who would inherit them if they were property of the woman's husband. It makes no difference that she is also survived by her father, brothers, sisters and daughters.

Local variations.—

- (a) In Afikpo and Edda clans of Afikpo Division, such lands and houses will be inherited by the woman's sons, maternal brothers, maternal sisters as well as her daughters as a body.

- (b) In Ohafia Division, such lands and houses are inherited by the sons, daughters, maternal brothers, maternal sisters and father of the deceased as a body.
 - (c) In Enugu Division, if the lands and houses concerned are situated in the widow's place of origin, they will be inherited within her maiden family as if she were not married.
 - (d) In Idemili Division (excluding Awka-Etiti and Nnobi communities), Oha-Ozara clan of Afikpo Division and Okigwe Division (excluding Uturu and Isuikwuato clans), such houses and lands are inherited by the woman's youngest son exclusively.
 - (e) In Awka-Etiti and Nnobi communities in Idemili Division, Ekoli community in Edda clan of Afikpo Division, Enugu-Ezike and Etteh clans of Igbo-Eze Division, Nkanu (excluding Awkunanaw clan), Isuikwuato and Uturu clans of Okigwe Division and Owerri Division, such houses and lands are inherited by the woman's eldest son exclusively.
 - (f) In Umuahia Division, such lands and houses are inherited by the woman's sons and unmarried daughters as a body.
 - (g) In Nguzu community in Edda clan of Afikpo Division, such lands and houses are inherited by the woman's maternal brothers; failing maternal brothers, they are inherited by maternal sisters.
- (2) Comparative rights of husband's brother and widow's brother—Where a widow is survived by her husband's brother and her own brother but is not survived by a son, her lands and houses will be inherited by her husband's brother.

Local variations.—

- (a) In Afikpo and Edda clans of Afikpo Division, such lands and houses will be inherited by the woman's own brother and other maternal relations.
- (b) In Enugu Division, if the lands and houses concerned are situated in the widow's place of origin, they will be

inherited by her own brother. If they are situated in any other place, they will be inherited by the deceased husband's brother.

- (c) In Ohafia Division, such lands and houses will be inherited by the deceased widow's maternal relations.

IV.—Unmarried Woman

246. *Inheritance of unmarried woman's lands and houses.*—

- (1) In Aba Division, Oha-Ozara clan of Afikpo Division, Aguata, Anambra, Ezeagu, Ezzikwo, Ihiala, Isi-Uzo, Mbaitoli/Ikeduru, Mbanjo, Njikoka, Nkanu, Nkwerre, Nnewi, Ogbaru and Oguta Divisions, Isu-amawo, Isuochi, Otanchara/Otanzu West, Umuchieze and Uturu communities in Okigwe Division, Udi, Ukwa and Umuahia Divisions, the lands and houses of an unmarried woman are inherited by her father.
- (2) In Abakaliki, Bende, Enugu, Etiti and Idemili Divisions, Itchi and Ekeke-Ekelu clans of Igbo-Eze Division, Mbaise Division, Akpugo, Nومه and Awkunanaw clans of Nkanu Division, Nsukka Division, Nneato, Okigwe, Otanchara/Otanzu North, Otanchara/Otanzu East and Imenyi clans of Okigwe Division, Orlu and Oru Divisions, the lands and houses of an unmarried woman are inherited by her brothers of the full blood as a body.
- (3) *Local variations.*—
 - (a) In Afikpo and Edda clans of Afikpo Division, such lands and houses are inherited by the deceased woman's mother, maternal brothers and sisters as a body.
 - (b) In Arochukwu Division, such lands and houses are inherited by the father and full brothers of the deceased woman as a body.
 - (c) In Awgu Division, such lands and houses are inherited by the woman's father in a monogamous family, and by the woman's full brothers in a polygamous family.
 - (d) In Enugu-Ezike and Etteh clans of Igbo-Eze Division, Ishielu, Northern Ngwa and Onitsha Divisions, such lands and houses are inherited by the woman's eldest brother exclusively.
 - (e) In Ohafia Division, such lands and houses are inherited by the woman's father, maternal brothers, maternal

sisters, mother, maternal uncles and maternal aunts as a body.

- (f) In Owerri Division, if the deceased woman is the eldest daughter of her father, her lands and houses are inherited by the father; but if the father is already dead, such lands and houses are inherited by the woman's eldest brother. If the deceased woman is not the eldest daughter of her father, her lands and houses are inherited by her eldest brother; and if she is not survived by a brother, her father will inherit.
- (4) Where an unmarried woman is survived by a son, her lands and houses are inherited by the son exclusively whether or not she is also survived by her father, full brothers and a daughter.

Local variations.—

- (a) In Afikpo and Edda clans of Afikpo Division, such son will share the mother's lands and houses with the mother's maternal brothers and sisters and other maternal relations.
- (b) In Anambra, Ezeagu, Ezzikwo, Ihiala, Nnewi, Ogbaru and Udi Divisions, such a son will not inherit any of his mother's lands or houses, if he is illegitimate. The rightful heir in such a case is the woman's father.
- (c) In Mbano Division, the son of an unmarried woman inherits the woman's lands and houses, but only if the woman's father is already dead.
- (d) In Ohafia Division, the son of such a woman will inherit the woman's lands and houses with the woman's father, mother, maternal brothers and maternal sisters.
- (5) Where an unmarried woman is survived by a daughter but is not survived by a son, the daughter does not inherit any lands or houses left by the woman.

Local variations.—

- (a) In Edda clan of Afikpo Division, such a daughter inherits the deceased mother's lands and houses along with the mother's other maternal relations.
- (b) In Nnewi and Onitsha Divisions, such a daughter inherits the deceased mother's lands and houses exclusively.

- (c) In Ohafia Division, such a daughter inherits the deceased mother's lands and houses along with the mother's parents and maternal relations.

V.—Women and Disposition by Will

247. *Disposition by a woman of her lands and houses by will.*—

- (1) Married woman—A married woman has no right to dispose of her lands or houses by will.

Local variations.—

In Oha-Ozara clan of Afikpo Division, Arochukwu, Bende, Ezeagu, Idemili, Njikoka, Nkanu and Udi Divisions, a married woman may dispose of her lands or houses by will, but she must do so in favour of her children or husband or, if she has no children, in favour of other persons within the husband's family.

- (2) Unmarried woman—

- (a) In Aba, Abakaliki, Afikpo, Arochukwu, Awgu, Bende, Ezeagu, Idemili, Isi-Uzo, Mbaise, Mbaitoli/Ikeduru, Northern Ngwa, Njikoka, Nnewi, Ogbaru, Ohafia, Onitsha, Owerri, Udi and Ukwa Divisions, an unmarried woman has a right to dispose of her lands or houses by will; but she must do so in favour of members of her family only.
- (b) In Aguata, Anambra, Enugu, Etiti, Ezzikwo, Igbo-Eze, Ihiala, Ishielu, Mbano, Nkanu, Nkwerre, Nsukka, Oguta, Okigwe, Orlu, Oru and Umuahia Divisions, an unmarried woman has no right at all to dispose of her lands or houses by will.

**PROPERTY (OTHER THAN LAND) ACQUIRED BEFORE
MARRIAGE**

248. *Inheritance of unmarried woman's economic trees and plants.*—

- (1) In Aba and Abakaliki Divisions, Oha-Ozara clan of Afikpo Division, Chiowa clan of Arochukwu Division, Bende, Enugu, Idemili, Igbo-Eze and Mbaise Divisions, Idodo community in Nkanu Division, Northern Ngwa, Nsukka, Owerri and Ukwa Divisions, the economic trees and plants of a woman who dies without being married are inherited by her brothers of the full blood. Failing brothers of the full blood, the father inherits; failing father, half-brothers inherit; failing them, the eldest nearest paternal male relation inherits.
- (2) In Anambra Division, Aguata Division (excluding Igbo-Ukwu, Ndienyi, Enugu-Uno and Agueke clans), Arochukwu Division (excluding Chiowa clan), Awgu, Ezeagu, Ezzikwo, Ishielu, Isi-Uzo, Mbanjo and Njikoka Divisions, Nومه in Nkanu Division, Nkwere, Ogburu, Okigwe, Onitsha, Orlu, Oru, Udi and Umuahia Divisions, the economic trees and plants of such a woman are inherited by her father. Failing father, brothers of the full blood inherit; failing them, half-brothers inherit; failing them, the eldest nearest paternal male relation inherits. But in Nومه, the mother takes before the eldest nearest paternal male relation.

Local variations.—

- (a) In Igbo-Ukwu, Ndienyi, Enugu-Uno and Agueke communities in Aguata Division, Ihiala and Mbaitoli/Ikeduru Divisions, the mother inherits and she ranks immediately after the father and before brothers.
- (b) In Etiti and Oguta Divisions, parents inherit jointly and come before brothers.
- (c) In Nkanu Division (excluding Idodo and Nومه communities), full brothers, mother, father and half-brothers inherit in that order.
- (d) In Nnewi and Owerri Divisions, mothers inherit, and they rank after father and full brothers.

- (e) In Afikpo and Edda clans of Afikpo Division, the maternal brothers and sisters inherit as a body.
- (f) In Ohafia Division, where such trees and plants are situated within the parents' compound, the father and mother inherit jointly; failing them, the immediate paternal male relations inherit as a body. Where the trees and plants are situated outside the parents' compound, they will be inherited by the mother, brothers of the full blood, sisters of the full blood, mother's brothers and mother's sisters as a body. Where the father, however, is alive and brothers and sisters are still young, the father holds the plants and trees as a caretaker for the brothers and sisters of the deceased sister.

249. *Inheritance of unmarried woman's farm produce.—*

- (1) In Aba and Abakaliki Divisions, Oha-Ozara clan of Afikpo Division, Chiowa clan of Arochukwu Division, Idemili and Igbo-Eze Divisions, Idodo in Nkanu Division, Northern Ngwa, Nsukka and Ukwa Divisions, the farm produce of a woman who died without being married is inherited by her brothers of the full blood. Failing such brothers, the father inherits; failing father, half-brothers inherit; failing them, the eldest nearest paternal male relation inherits.
- (2) In Anambra, Aguata (excluding Igbo-Ukwu, Ndienyi, Enugu-Uno and Ageuke communities), Arochukwu Division (excluding Chiowa clan), Awgu, Ezeagu, Ezzikwo, Ishielu, Isi-Uzo, Mbano and Njikoka Divisions, Nومه in Nkanu Division, Nkwerre, Nnewi, Ogbaru, Okigwe, Onitsha, Udi and Umuahia Divisions, the farm produce of an unmarried woman is inherited by the father; failing father, brothers of the full blood inherit; failing them, half-brothers inherit; failing them, the eldest nearest paternal male relation inherits. But in Nnewi and Nومه, the mother takes and ranks before the eldest paternal male relation.
- (3) *Local variations.—*
 - (a) In Afikpo and Edda clans of Afikpo Division, the farm produce is inherited by the maternal brothers and sisters as a body.
 - (b) In Igbo-Ukwu, Ndienyi, Enugu-Uno and Ageuke communities in Aguata Division, Ihiala and Mbaitoli/

- Ikeduru Divisions, the father inherits; failing father, the mother inherits; failing mother, brothers inherit.
- (c) In Bende Division, an unmarried woman's farm produce is inherited by the woman's mother; failing her, the eldest sister inherits; failing sisters, brothers inherit; failing them, the father inherits; failing him, the eldest nearest female paternal relation takes.
- (d) In Enugu Division, the farm produce of such a woman is inherited by her mother; failing mother, sisters inherit; failing them, brothers inherit; failing them, the father inherits; failing him, the eldest nearest paternal male relation inherits.
- (e) In Etití and Oguta Divisions, parents inherit jointly and take before brothers.
- (f) In Mbaise Division, brothers inherit farm produce other than cassava and coco-yams which are inherited by sisters.
- (g) In Nkanu Division (excluding Idodo and Nومه communities), full brothers, mother, father and half-brothers inherit, in that order.
- (h) In Ohafia Division, the farm produce of a deceased unmarried woman is inherited by the mother, maternal brothers, maternal sisters, father, mother's brothers and mother's sisters as a body.
- (i) In Oru Division, farm produce of such a woman is inherited by the mother. Failing mother, the eldest full sister inherits.
- (j) In Owerri Division, farm produce of such a woman is inherited by the mother. Failing mother, inheritance is as in (1) above.

250. *Inheritance of unmarried woman's trinkets, etc.—*

- (1) In Aba, Idemili, Isi-Uzo, Mbaise, Mbano, Oru and Owerri Divisions, trinkets and other wearing apparel of an unmarried woman are inherited by the woman's sisters of the full blood. Failing them, the mother inherits; failing mother, full brothers inherit; failing them, the father inherits; failing father, half-brothers inherit; failing them, the eldest nearest paternal male relation inherits.

- (2) In Bende, Enugu, Etiti and Mbaitoli/Ikeduru Divisions and Nومه in Nkanu Division, trinkets and other wearing apparel of such a woman are inherited by the woman's mother. Failing mother, the full sisters inherit; failing them, full brothers inherit; failing them, the father inherits; failing him, half-sisters inherit; failing them, half-brothers inherit; failing them, the eldest nearest paternal male relation inherits.
- (3) In Abakaliki Division, Oha-Ozara clan of Afikpo Division, Chiowa community in Arochukwu Division, Igbo-Eze Division, Idodo community in Nkanu Division, Northern Ngwa, Nsukka and Ukwa Divisions, such articles are inherited by the woman's full brothers. Failing full brothers, the father inherits; failing him, half-brothers inherit; failing them, the eldest nearest paternal male relation inherits.
- (4) In Aguata (excluding Igbo-Ukwu, Ndiényi, Enugu-Uno and Ageke clans), Anambra, Arochukwu (excluding Chiowa community), Awgu, Ezeagu, Ezzikwo, Ihiala, Ishielu, Njikoka, Nkwerre, Nnewi, Ogbaru, Oguta, Okigwe, Onitsha, Udi and Umuahia Divisions, such articles are inherited by the father. Failing father, full brothers inherit; failing them, half-brothers inherit; failing them, the eldest nearest paternal male relation inherits. But in Nnewi, mother takes and ranks immediately after brothers.
- (5) In Afikpo and Edda clans of Afikpo Division, trinkets and other articles of dress of a deceased unmarried woman are inherited by the maternal brothers and sisters of the deceased.
- (6) In Ohafia Division, the mother, brothers and sisters of the full blood, father, mother's brothers and mother's sisters inherit as a body.
- (7) In Nkanu Division (excluding Idodo and Nومه communities), such articles are inherited by full brothers; failing them, the mother inherits; failing her, the father inherits; failing him, half-brothers inherit; failing them, the eldest nearest paternal male relation inherits.

251. *Inheritance of unmarried woman's furniture.*—

- (1) In Aba, Abakaliki, Oha-Ozara clan of Afikpo, Bende, Idemili, Igbo-Eze, Mbaise, Nkanu (excluding Nومه), Northern Ngwa, Nsukka, Owerri and Ukwa Divisions, full brothers inherit an unmarried woman's furniture. Failing full brothers,

the father inherits; failing him, half-brothers inherit; failing them, the eldest nearest paternal male relation inherits.

- (2) In Anambra, Mbaloye clan of Aguata, Awgu, Enugu, Ezeagu, Ezzikwo, Ishielu, Isi-Uzo, Mbano, Njikoka, Nkwerre, Nnewi, Ogbaru, Okigwe, Onitsha, Orlu, Oru, Udi and Umuahia Divisions, the father inherits such furniture. Failing father, full brothers inherit; failing them, half-brothers inherit; failing them, the eldest nearest paternal male relation inherits. But in Nnewi, mother takes and ranks immediately after brothers.
- (3) In Aguata (excluding Mbaloye clan), Arochukwu, Etti, Ihiala, Mbaitoli/Ikeduru and Oguta Divisions, both parents inherit such furniture. Failing parents, the furniture is inherited as in (2) above.
- (4) In Afikpo and Edda clans of Afikpo Division, the maternal brothers and sisters inherit as a body.
- (5) In Ohafia Division, the mother, maternal brothers, maternal sisters, father, mother's brothers and mother's sisters inherit as a body.
- (6) In Nومه community in Nkanu Division, mother, sisters, brothers, daughters, father or eldest nearest paternal female relation inherit in that order.

252. *Inheritance of unmarried woman's farm implements, etc.—*

- (1) In Aba, Abakaliki, Oha-Ozara clan of Afikpo, Bende, Idemili, Igbo-Eze, Mbaise, Nkanu (excluding Nومه), Northern Ngwa, Nsukka and Ukwa Divisions, the farm implements and tools of trade of an unmarried woman are inherited by her full brothers; failing full brothers, the father inherits; failing him, half-brothers inherit; failing them, the eldest nearest paternal male relation inherits.
- (2) In Aguata Division (excluding Mbaloye clan), Anambra, Awgu, Enugu, Ezeagu, Ezzikwo, Ishielu, Isi-Uzo and Njikoka Divisions, Nومه community in Nkanu Division, Nkwerre, Nnewi, Ogbaru, Okigwe, Onitsha, Udi and Umuahia Divisions, the father inherits such farm implements and tools of trade. Failing father, full brothers inherit; failing them, half-brothers inherit; failing them, the eldest nearest paternal male relation inherits. But in Nnewi and Nومه mother takes and ranks immediately after brothers.

- (3) In Arochukwu, Ihiala, Mbaitoli/Ikeduru and Oguta Divisions, both parents inherit such farm implements and tools of trade. Failing them the full brothers inherit; failing them, half-brothers inherit; failing them the eldest nearest paternal male relation inherits.
- (4) In Etiti, Mbano, Oru and Owerri Divisions, the mother inherits such farm implements and tools of trade (with sisters sharing with mothers in Mbano). Failing mother, full brothers inherit; failing them, the father inherits; failing him, half-brothers inherit, failing them, the eldest nearest paternal male relation inherits.
- (5) In Afikpo and Edda clans of Afikpo Division, the farm implements and other tools of trade such as sewing machines are inherited by maternal brothers and sisters.
- (6) In Ohafia Division, the mother, maternal brothers and sisters, mother's brothers and mother's sisters inherit as a body.

253. *Inheritance of unmarried woman's livestock.*—

- (1) In Aba and Abakaliki Divisions, Oha-Ozara clan of Afikpo Division, Idemili, Igbo-Eze, Mbaise, Nkanu (excluding Nومه), Northern Ngwa, Nsukka and Ukwa Divisions, an unmarried woman's livestock is inherited by the full brothers. Failing full brothers, the father inherits, failing him, half-brothers inherit; failing them, the eldest nearest paternal male relation inherits.
- (2) In Afikpo and Edda clans of Afikpo Division, such livestock is inherited by the maternal brothers and sisters as a body.
- (3) In Aguata Division (excluding Igbo-Ukwu, Ndiényi, Enugu-Uno and Agueke clans), Anambra, Ezeagu, Ezzikwo, Ishielu, Isi-Uzo and Njikoka Divisions, Nومه community in Nkanu Division, Nkwerre, Nnewi, Ogbaru, Okigwe, Onitsha, Orlu, Oru, Udi and Umuahia Divisions, such livestock is inherited by the father. Failing father full brothers inherit; failing them, half-brothers inherit; failing them, the eldest nearest paternal male relation inherits. But in Nnewi and Nومه, mother takes and ranks immediately after brothers.
- (4) In Igbo-Ukwu, Ndiényi, Enugu-Uno, and Agueke communities in Aguata Division, Enugu and Mbaitoli/Ikeduru Divisions, the father, mother, brothers, sisters and eldest nearest paternal male relation inherit in that order.

- (5) In Arochukwu, Bende, Etiti, Ihiala, Mbaitoli/Ikeduru, Mbano and Oguta Divisions, both parents inherit such livestock. Failing parents, full brothers, half-brothers, eldest nearest paternal male relation inherit in that order.
- (6) In Ohafia Division, the mother, maternal brothers and sisters, father, mother's brothers and mother's sisters inherit as a body.
- (7) In Owerri, such livestock is inherited by the mother. Failing mother, full brothers inherit. Failing them, the father inherits; failing him, half-brothers inherit. Failing them, the eldest nearest paternal male relation inherits.

254. *Inheritance of unmarried woman's money.—*

- (1) In Aba, Abakaliki, Oha-Ozara clan of Afikpo, Chiowa clan of Arochukwu, Idemili, Igbo-Eze, Mbaise, Nkanu (except Nomeh), Northern Ngwa, Nsukka, Owerri and Ukwa Divisions, an unmarried woman's money is inherited by her full brothers. Failing full brothers, the father inherits; failing him, half-brothers inherit; failing them, the eldest nearest paternal male relation inherits. But in Owerri Division, mother takes and ranks immediately after father.
- (2) In Afikpo and Edda clans of Afikpo Division, such money is inherited by the maternal brothers and sisters of the deceased as a body.
- (3) In Aguata (excluding Igbo-Ukwu, Ndienyi, Enugu-Uno and Agueke communities), Anambra, Awgu, Ezeagu, Ezzikwo, Ishielu, Isi-Uzo, Njikoka, Nkwerre, Nnewi, Okigwe, Onitsha, Oru, Udi and Umuahia Divisions, the father inherits such money. Failing father, full brothers inherit; failing them, half-brothers inherit; failing them, the nearest eldest paternal male relation inherits. But in Nnewi, mother takes and ranks immediately after brothers.
- (4) In Igbo-Ukwu, Ndienyi, Enugu-Uno and Agueke communities in Aguata Division, and in Enugu Division, father, mother, brothers, sisters and eldest nearest paternal male relation inherit in that order.
- (5) In Arochukwu (excluding Chiowa clan), Etiti, Ihiala, Mbaitoli/Ikeduru, Mbano, Ogbaru and Oguta Divisions, such money is inherited by both parents. Failing parents, full brothers inherit; failing them, half-brothers inherit;

failing them, the eldest nearest paternal male relation inherits. But in Ogbaru, mother takes precedence over father.

- (6) In Bende Division, the eldest brother inherits exclusively. Failing brothers, the father, mother and eldest nearest paternal male relation inherit in that order.
- (7) In Nkanu Division (excluding Nومه and Idodo communities), full brothers, mother, father, half-brothers and eldest nearest paternal male relation inherit in that order. In Nومه, the order of priority is father, full brothers, half-brothers, mother and eldest nearest paternal male relation. In Idodo, the order is full brothers, father, half-brothers, nearest eldest paternal male relation.
- (8) In Ohafia Division, such money is inherited by the mother, maternal brothers and sisters, father, mother's brothers and mother's sisters as a body.

255. *Inheritance right of unmarried woman's male child to her estate.*—A male child born of an unmarried woman has a right to inherit such woman's estate. The claim of such a child supersedes that of the woman's parents, brothers, sisters or any other relations.

Local variations.—In Ezzikwo Division, Etteh clan of Igbo-Eze Division, Ihiala Division and Effium community in Ishielu Division, such a child has no right to inherit his mother's estate.

256. *Inheritance right of unmarried woman's female child.*—

- (1) In Abakaliki, Oha-Ozara clan of Afikpo, Agudo and Mbaloye clans of Aguata, Anambra, Awgu, Bende, Etiti, Ezeagu, Ezzikwo, Igbo-Eze and Ihiala Divisions, Effium community in Ishielu Division, Mbano, Nkwerre, Nnewi, Nsukka, Ogbaru, Oguta, Okigwe, Udi, Ukwa and Umuahia Divisions, a female child of an unmarried woman has no right to inherit any part of her mother's estate. It is immaterial whether or not the woman is survived by a male child.
- (2) (a) In Aba, Afikpo and Edda clans of Afikpo, Agueke, Ndienyi and Enugu-Uno clans of Aguata, Arochukwu, Enugu, Idemili, Ishielu (excluding Effium community), Isi-Uzo, Mbaise, Mbaitoli/Ikeduru, Njikoka, Nkanu, Northern Ngwa, Ohafia, Oru and Owerri Divisions, a female child of an unmarried woman has a right to inherit some items of property out of her mother's

estate. This is so even where the woman is survived by a male child in addition to the female child.

- (b) In these Divisions (the Divisions mentioned in (a)), if an unmarried woman is survived by a female child but not by a male child, such female child inherits the mother's trinkets, clothes and other articles of personal adornment, farm implements and tools of trade, cooking utensils, farm produce and furniture.
- (c) In the same Divisions, if an unmarried woman is survived by a male child in addition to a female child, the male child inherits the mother's estate less the items enumerated in (b) above which go to the female child.
- (d) In Onitsha Division, if an unmarried woman is survived by a male child as well as a female child, the male child inherits the estate exclusively. If she is survived by a female child but not by a male child, the female child inherits the estate exclusively.

CHAPTER 27

PROPERTY (OTHER THAN LAND AND HOUSES) ACQUIRED DURING MARRIAGE

257. *Inheritance of a married woman's estate other than land and houses.*—

- (1) Whether estate is inherited by one or more persons—
 - (a) Inheritance by one person—In Anambra, Awgu, Ezeagu, Ogbaru, Oguta, Onitsha, Udi and Umuahia Divisions, the estate of a married woman is inherited by her husband exclusively. In Enugu-Ezike clan of Igbo-Eze Division and Ukwa Division, such estate is inherited by the eldest son exclusively. In Oha-Ozara clan of Afikpo Division, such estate is inherited by the youngest son exclusively.
 - (b) Inheritance by one class—In Abakaliki Division, Igbo-Eze Division (excluding Enugu-Ezike clan), Awka, Nri and Nibo communities in Njikoka Division and Nsukka Division, such estate is inherited by one class of persons namely, sons. In Ohafia Division, such estate is shared by the children, mother, maternal brothers and sisters, father, mother's brothers and mother's sisters and the husband as a body.
 - (c) Inheritance of different items by different persons—In Aba Division, Afikpo and Edda clans of Afikpo Division, Aguata Division (excluding Agudo and Ndiennyi), Arochukwu, Enugu, Etiti, Idemili, Ihiala, Ishielu and Mbaise Divisions, Njikoka Division (excluding Awka, Nri and Nibo communities), Nkanu, Nkwerre, Nnewi and Northern Ngwa Divisions, Okigwe (excluding Otanzu/Otanchara West, Isuochi and Amawu-Isuikwuato), Orlu, Oru and Owerri Divisions, a married woman's estate is inherited by her sons and daughters; sons inheriting some specific items and daughters inheriting other specific items. In Agudo and Ndiennyi clans of Aguata Division, Isi-Uzo, Mbaitoli/Ikeduru and Mbano Divisions, Otanzu/Otanchara West, Isuochi and Amawu-Isuikwuato communities in Okigwe Divisions, such

estate is inherited by husband and daughters, the husband inheriting some specific items and daughters inheriting other specific items. In Bende Division, such estate is inherited by husband, eldest son and eldest daughter, each of them inheriting specific items. In Ezzikwo Division, such estate is inherited by sons, daughters and wife of the eldest son, each class inheriting specific items.

(2) Who inherit what under (1) (c)—

- (a) In Aba Division, the male children inherit economic trees and plants, livestock, money and furniture. The female children inherit trinkets and other articles of dress, farm implements and tools of trade, kitchen furniture and utensils.
- (b) In Afikpo and Edda clans of Afikpo Division, the female children inherit cooking utensils, trinkets, dresses, sewing machine, farm produce except yams, livestock and tools of trade of their deceased mother. The rest of the property goes to the eldest son.
- (c) In Aguata Division (excluding Agudo and Ndienyi clans), daughters inherit trinkets and wearing apparel. Sons inherit the rest of the estate. In Mbaloye clan of the same Division, the eldest daughter inherits trinkets and wearing apparel exclusively. Sons inherit the rest of the estate. In Agudo and Ndienyi clans of the same Division, daughters inherit trinkets and wearing apparel. The husband inherits the rest of the estate.
- (d) In Arochukwu Division, the estate is shared out by the husband among the children according to need.
- (e) In Bende Division, the husband inherits all the male livestock and one traditional heap of coco-yams. The eldest daughter inherits trinkets including coral beads, cooking utensils and the rest of the coco-yams. The eldest son takes the rest of the estate.
- (f) In Enugu Division, the male children inherit economic plants and trees and coral beads. The female children inherit trinkets other than coral beads, clothes and other wearing apparel, cooking utensils and kitchen furniture.

- (g) In Etiti Division, daughters inherit trinkets, wearing apparel and cooking utensils. Sons inherit the rest of the estate.
- (h) In Ezza clan of Ezzikwo Division, the eldest son's wife inherits cooking utensils and one fathom of cloth (*akwa ite ufie*). Sons inherit the rest of the estate.
In Ikwo clan of the same Division, the eldest daughter inherits cooking utensils and one fathom of cloth (*akwa ite ufie*). Sons inherit the rest of the estate.
- (i) In Idemili Division, daughters take wearing apparel and ornaments, cooking utensils and furniture, while the sons take the rest of the estate.
- (j) In Ihiala Division, daughters inherit trinkets and wearing apparel. Sons inherit the rest of the estate.
- (k) In Ishielu Division, daughters inherit cooking utensils, trinkets, farm produce and articles of dress. Sons inherit the rest of the estate.
- (l) In Isi-Uzo Division, daughters inherit trinkets, wearing apparel and cooking utensils, the eldest daughter taking the mother's water pot as a special share. The husband inherits the rest of the estate.
- (m) In Mbaise Division, the male children inherit economic plants and trees, money, livestock, furniture and farm implements. The female children inherit cocoyams, cooking utensils and kitchen furniture, trinkets and wearing apparel.
- (n) In Mbaitoli/Ikeduru Division, daughters inherit trinkets, wearing apparel, cooking utensils and tools of trade. The eldest daughter inherits *isi abo* (long basket) filled with cocoyams, and a hoe. She also reaps plantains and bananas for one year. The husband inherits the rest of the estate.
- (o) In Mbano Division, daughters inherit trinkets, wearing apparel and tools of trade. The eldest daughter and the youngest daughter inherit farm produce, the eldest daughter taking the greater share. The husband inherits the rest of the estate.
- (p) In Njikoka Division (excluding Awka, Nri and Nibo communities), daughters inherit trinkets and wearing

apparel. Sons inherit the rest of the estate except for the *mkpuke* (living house) which is inherited by the youngest son.

In Awka, Nri and Nibo communities, sons inherit the entire estate.

- (q) In Nkanu Division, the male children as a body inherit economic plants and trees, livestock, farm produce, furniture and tools of trade. The female children inherit coco-yams, cooking utensils and kitchen furniture, trinkets, clothes and other wearing apparel.
- (r) In Nkwerre Division, daughters inherit coco-yams and used articles of dress. Sons inherit the rest of the estate.
- (s) In Nnewi Division, the estate is shared out among the children. The eldest daughter takes the best dress, the coco-yams and some cooking utensils. The youngest male child takes the rest of the estate except cooking utensils, wearing apparel and trinkets which go to the daughters. The youngest daughter takes any one item as *aka oke*.
- (t) In Northern Ngwa Division, daughters inherit trinkets, wearing apparel, cooking utensils and tools of trade. The eldest daughter takes one iron-pot, a tripod (cooking stand), mirror and some coco-yams. Sons inherit the rest of the estate.
- (u) In Okigwe Division (excluding Otanzu/Otanchara West, Isuochi and Amawo Isuikwuato clans), daughters inherit trinkets, wearing apparel, cooking utensils and tools of trade. Sons inherit the rest of the estate.

In Otanzu/Otanchara West, Isuochi and Amawo Isuikwuato clans, daughters inherit trinkets, wearing apparel, cooking utensils and tools of trade. The husband inherits the rest of the estate.
- (v) In Orlu and Oru Divisions, daughters inherit trinkets, wearing apparel, cooking utensils, coco-yams and farming implements. Sons inherit the rest of the estate.
- (w) In Owerri Division, male children inherit economic plants and trees, livestock, part of the farm produce

and part of the money. Female children inherit trinkets, clothes and other articles of dress, cooking utensils and some farm produce. The husband inherits a share of the money and anything else that is left.

258. *Order of priority of claim to the estate of married woman.*—

- (a) Husband as heir—In those places where a married woman's estate is inherited by the husband, if the husband dies before the wife, the wife's estate will be inherited by her sons; failing sons, the estate will be inherited by the person or persons who would inherit it if it were the husband's estate.
- (b) Sons as heirs—In those places where the estate of a married woman is inherited by her eldest son, youngest son or sons as a body, as the case may be, if the woman is not survived by any son, her estate will be inherited by the husband; if the husband is already dead, the estate will be inherited by the person or persons who would inherit it if it were the estate of the husband.
- (c) Sons and daughters as heirs—In those places where daughters inherit specific items and sons inherit the rest of their mother's estate—
 - (i) if there are sons but no daughters, sons will inherit the entire estate;
 - (ii) if there are daughters but no sons, daughters will inherit those specific items that are inherited by daughters. The rest of the estate will go to the husband; if the husband is already dead, it will be inherited by the person or persons who would inherit it if it were the husband's estate.
- (d) Husband and daughters as heirs—In those places where daughters inherit specific items out of their mother's estate and the husband inherits the rest of the estate, if the deceased is survived by a husband but no daughters, the husband will inherit the entire estate. If the husband is already dead, the estate will be inherited by the deceased woman's sons. If there are no sons, the estate will be inherited by the person or persons who would inherit it if it were the husband's estate.

259. *Right of child born before marriage to inherit mother's property.*—

- (1) Property acquired before marriage—Where a woman has a child while unmarried and later marries, such a child has inheritance right to property acquired by her before marriage and left in the maiden family. (But *see* paragraphs 255 and 256).
- (2) Property acquired during marriage—Where a woman has a child while unmarried and later marries, such a child has no right to inherit any property acquired by the woman during marriage.

Local variations.—

- (a) In Abakaliki, Anambra and Arochukwu Divisions, Ishielu Division (excluding Effium community where the general rule applies) and Mbaise Division, such a child has to be taken by the mother to the matrimonial family; he becomes a child of that family and therefore has a right to inherit such property subject, as regards female children, to the rules in paragraph 256.
 - (b) In Oha-Ozara clan of Afikpo Division, Ezzikwo, Nnewi and Owerri Divisions, such a child need not be taken by the mother to the matrimonial family, but if it is so taken and if it is a male child and is accepted as a child of that family, he has a right to inherit such property.
 - (c) In Afikpo and Edda clans of Afikpo Division, such a child whether taken to the matrimonial family or not, and whether male or female, has a right to inherit such property.
- (3) Priority of claims as between husband and child—In the places mentioned in (2) (a), (b) and (c) above, the priority of claims as between a husband and a child born by his wife before the marriage in respect of property acquired by the wife during marriage is as follows—
- (a) In Abakaliki, Ezzikwo, Ishielu and Mbaise Divisions and Oha-Ozara clan of Afikpo Division, the inheritance right of the child, if male, supersedes that of the husband.
 - (b) In Anambra, Arochukwu and Nnewi Divisions, the inheritance right of the husband supersedes that of the child.

- (c) In Owerri Division, sons and the husband inherit different items of property (*see* paragraph 257 (2) (w)).
- (d) In Afikpo and Edda clans of Afikpo Division, husbands do not inherit from wives.

260. *Inheritance right of married woman's daughter.—*

(1) Daughters inherit specific items—

- (a) In Aba Division, Afikpo and Edda clans of Afikpo Division, Aguata, Arochukwu, Awgu, Bende, Enugu and Etiti Divisions, Ikwo clan of Ezzikwo Division, Idemili, Ihiala, Ishielu, Isi-Uzo, Mbaise, Mbaitoli/Ikeduru and Mbano Divisions, Njikoka Division (excluding Awka, Nri and Nibo communities), Mbano, Nkwerre, Nnewi, Northern Ngwa, Ogbaru, Okigwe, Oru and Owerri Divisions, a female child has a right to inherit some items of property out of her mother's estate.
- (b) In Abakaliki Division, Oha-Ozara clan of Afikpo Division, Ezeagu and Anambra Divisions, Ezza clan of Ezzikwo Division, Nsukka, Oguta, Onitsha, Udi, Ukwa and Umuahia Divisions, a female child has no such inheritance right.
- (c) In Ohafia Division, daughters inherit their mothers estate jointly with the sons and maternal relations of the mother.

(2) Special shares or items for eldest daughter—

- (a) In Aba Division, the eldest daughter is entitled to her mother's coral bead, ivory wear and the greater share of other trinkets, coco-yams and the iron pot used in washing the deceased mother's body.
- (b) In Mbaloye clan of Aguata Division, the eldest daughter inherits trinkets and wearing apparel. In other places within the Division, the eldest daughter takes a greater share of the trinkets and wearing apparel.
- (c) In Bende Division, the eldest daughter is entitled to ivory wear, necklace, coral beads and one-half of the other items inherited by daughters.
- (d) In Idemili Division, the eldest daughter is entitled to ivory wear, *odu*, *aka*, coral beads and *oché agbala*.

- (e) In Isi-Uzo Division, the eldest daughter is entitled to her mother's water pot.
- (f) In Mbaise Division, the eldest daughter inherits the mother's trinkets, pots and a portion of her mother's coco-yams.
- (g) In Mbaitoli/Ikeduru Division, the eldest daughter inherits *isi abo* (one basketful of coco-yams) and hoes; and she reaps for her benefit the mother's plaintains and bananas for one year after the mother's death.
- (h) In Mbano Division, the eldest daughter is entitled to her mother's farm produce. (The youngest daughter is entitled to trinkets, dresses and some farm produce).
- (i) In Nnewi Division, the eldest daughter is entitled to the best dress of the deceased mother and some of the cooking utensils. (The youngest daughter takes one of the items extra as *aka oke*).
- (j) In Northern Ngwa Division, the eldest daughter is entitled to the deceased mother's mirror, iron pots, cooking stand (tripod) and some coco-yams.
- (k) In Ogbaru Division, the eldest daughter is entitled to trinkets, ivory wear, coral beads, wearing apparel and cooking pots. (She usually allows the younger daughter to have some of these items).
- (l) In Owerri Division, the eldest daughter is entitled to a selection of clothes, trinkets, other articles of dress, cooking utensils and farm produce.

WIDOW'S ESTATE (OTHER THAN LAND AND HOUSES)

261. *Inheritance of widow's estate other than land.*—

- (1) Where a widow lives among her late husband's people but is not taken over as wife by any member of the husband's family, or, having left the husband's family has not remarried and has not repaid her bride-price, her estate is inherited as follows—
- (a) In Abakaliki Division, Oha-Ozara clan of Afikpo Division, Aguata Division (excluding Agueke, Ndienyi and Enugu-Uno clans), Anambra, Ezeagu, Ezzikwo, Igbo-Eze, Ishielu, Mbano, Njikoka, Nsukka, Okigwe, Onitsha, Udi and Ukwa Divisions, the estate is inherited by sons as a body.
- (b) In Aba Division, Afikpo and Edda clans of Afikpo Division, Agueke, Ndienyi and Enugu-Uno clans of Aguata Division, Arochukwu, Awgu, Bende, Enugu, Etiti, Idemili, Ihiala, Isi-Uzo, Mbaise, Mbaitoli/Ikederu, Nkanu, Nkwerre, Nnewi, Northern Ngwa, Ogbaru, Oguta, Orlu, Oru, Owerri and Umuahia Divisions, the estate is inherited by all the children. Male children inherit those items of property that are inherited by sons and female children inherit those items of property that are inherited by daughters. (*see* paragraph 257 (2)). Where there are sons but no daughters, the sons inherit the whole estate. Where there are daughters but no sons, the daughters inherit only those items of property that are inherited by daughters, the rest of the estate being inherited by the person who would do so if it were the husband's estate. Failing children, the estate (or that part of it which is not inherited by daughters where there are daughters only) is inherited by the person who would inherit it if it were the estate of the woman's husband.
- (c) In Ohafia Division, if the widow is married from within the division, the estate is inherited by her children, mother, maternal brothers and sisters, maternal uncles and aunts and father as a body. If the

widow is married from outside the Division, the estate is inherited by the children and the husband's maternal relations.

- (2) Where, before her death, a widow left her husband's family and repaid to them the bride-price that was paid on her, property she left in her late husband's place is inherited by her sons; failing sons, by the person who would have inherited it if it were property of the late husband. Property acquired by the woman after refund of her bride-price is inherited within her maiden family as if she were unmarried

Local variations.—

- (a) In Aba, Arochukwu, Bende, Enugu, Ezzikwo, Mbaise, Nkanu and Okigwe Divisions, movable property acquired by such a woman after her bride-price has been repaid is inherited by her children (sons taking items that are inherited by sons, daughters taking items that are inherited by daughters). Failing children, the estate is inherited within the woman's maiden family as if she were unmarried. Immovable property is inherited within the woman's maiden family as if she were unmarried.
- (b) In Afikpo and Edda clans of Afikpo Division, the children of the deceased widow will inherit her property; but if there are no such children to inherit, then her full brothers and sisters will inherit.
- (c) In Ohafia Division, where the widow was married from outside the Division, her estate will be inherited in accordance with the custom of her local village. But any property she left in the husband's place will be inherited by her children. Where the widow was married from within the Division, her estate will be inherited by her children and her maternal relations, her children ranking first during the distribution. (*See* paragraphs 261 (1) (c)).

**DIVORCED WOMAN'S ESTATE (OTHER THAN LAND
AND HOUSES)**

262. *Inheritance of divorced woman's economic plants and trees acquired before divorce.*—

(1) Property in husband's place—

- (a) Property in husband's place: Woman from different place—Where a Woman who is married from a different village acquires economic plants and trees in her husband's village during the subsistence of her marriage and later divorces the husband and her bride-price is repaid, but she does not remarry, such property will be inherited as follows—

Where the woman is survived by sons born of that marriage, those sons will inherit. Where the woman is not survived by sons born of that marriage, her husband will inherit. If the husband is already dead, the property will be inherited by the person who would inherit it if it were the property of the husband.

- (b) Property in husband's place: Woman from the same place—Where a Woman who is married from the same village as her husband acquires economic plants and trees in that village during the subsistence of her marriage and later divorces the husband (her bride-price being repaid) but she does not remarry, such property will be inherited as follows—

Where the woman is survived by sons born of that marriage, those sons will inherit. Where the woman is not survived by sons born of that marriage, such property will be inherited within the woman's maiden family as if she were never married.

Local variations.—

- (i) In Oha-Ozara clan of Afikpo Division, economic plants and trees acquired by a woman before divorce will be inherited by the youngest surviving son she had for the divorced husband.

- ii*) In Afikpo and Edda clans of Afikpo Division, such property will be inherited by the woman's sons who take in order of seniority of age during distribution. If there are no sons, the maternal brother of the divorced woman will inherit.
 - iii*) In Ohafia Division, if the woman was married from within the division, such property will be inherited by her children and her maternal relations, her children ranking first during distribution. If she is married from outside the division, such property will be inherited at her death by her children, her husband and the husband's maternal relations, the children ranking first during distribution.
 - iv*) In Ikwuano area of Umuahia Division, such a woman's economic plants and trees are inherited as in *(a)* irrespective of their location.
- (2) Property outside husband's place—Where a woman acquires economic plants and trees outside her husband's village during the subsistence of her marriage and later divorces the husband (her bride-price being repaid) but she does not remarry, such property will be inherited as follows—

Where the woman is survived by sons born of that marriage, those sons will inherit. Where the woman is not survived by sons born of that marriage, such property will be inherited within the woman's maiden family as if she were never married.

Local variations.—

- (a)* In Oha-Ozara clan of Afikpo Division, such property will be inherited by the youngest surviving son she had for the divorced husband; failing such son, the property will be inherited within the woman's maiden family.
- (b)* In Afikpo and Edda clans of Afikpo Division, such property will be inherited by the woman's sons and her eldest maternal brother. If there are no sons, such property will be inherited by the woman's eldest maternal brother only.
- (c)* In Ohafia Division, if the woman was married from outside the division, such property will be inherited

by the woman's children, her husband and her husband's maternal relations, the children ranking first during distribution. If she was married from within the Division, the property will be inherited by the woman's children and her maternal relations, the children ranking first during distribution.

263. *Inheritance of woman's property acquired after divorce.*—

- (1) Where a married woman has children for her husband, later divorces him (bride-price being repaid), but does not marry another man, property which she acquires after divorce will be inherited as follows—
 - (a) Any economic plants and trees she acquires in her place of birth will be inherited within her maiden family as if she were never married.
 - (b) Economic plants and trees acquired by her outside her place of birth is inherited by her sons. Failing sons, such property is inherited within her maiden family as if she were never married.
 - (c) Movable property is inherited by her children, sons taking items of property inherited by sons, and daughters taking items of property inherited by daughters (But *see* paragraph 257). Failing children, such property is inherited within the woman's maiden family as if she were never married.

Local variations.—

- (a) In Oha-Ozara clan of Afikpo Division, such property will be inherited by the woman's youngest son wherever she was at the time of her death.

In Afikpo and Edda clans of the same division, all the sons of the woman will inherit, taking in order of seniority of age during distribution; failing sons, the woman's eldest maternal brother will inherit.

- (b) In Etiti, Idemili, Ishielu, Njikoka and Nkwerre Divisions, Nsukka Division (excluding Ogurugu community), Ogbaru, Owerri and Ukwa Divisions, such property is inherited within the deceased woman's maiden family as if she were never married and had no children. In Ogurugu community, such property is inherited by the woman's sons.

- (c) In Ohaia Division, if the woman was married from within the Division, such property will be inherited at her death by her children and her maternal relations, her children taking first during distribution. If she was married from outside the Division, such property will be inherited by her children, her husband and her husband's maternal relations, her children taking first during distribution.

264. Inheritance of property of a divorced woman who dies after remarriage.—Where a woman has children for one husband, later divorces him (bride-price being repaid): then remarries and has children for the second husband, her property will be inherited as follows—

- (1) Economic plants and trees acquired by her during the first marriage will be inherited by her sons by that marriage; failing sons, by the first husband; failing husband, by the person who would inherit such property if it were property of the first husband.
- (2) Economic plants and trees acquired by her after dissolution of the first marriage and before the second marriage will be inherited as in paragraph 263.
- (3) Economic plants and trees and movable property acquired during the second marriage as well as movable property acquired during the first marriage and taken over to the second matrimonial home will be inherited as in paragraphs 256 and 257.

Local variations.—

- (a) In Oha-Ozara clan of Afikpo Division, economic plants and trees and movable property which she acquired during the first marriage, will be inherited by the youngest son of that marriage. If there are no sons, the husband of the first marriage will inherit them. Those acquired during the second marriage are inherited by the issue of the second marriage; failing such issue, by the husband of the second marriage.
- (b) In Afikpo and Edda clans of Afikpo Division, movable property of such a woman, whether acquired during the subsistence of the first marriage or during the subsistence of the second marriage, will be inherited by all

the children of the woman. Economic plants and trees will be inherited by the sons and the eldest maternal brother of the woman; if there are no children, they will be inherited by the eldest maternal brother of the deceased woman.

- (c) In Ohafia Division, if the woman was married from within the Division, the property she acquired during the first marriage will be inherited at her death by her children born for the first husband and her maternal relations, her children taking first during distribution. If she was married from outside the Division, her property acquired during the first marriage will be inherited by her children born for the first husband, the first husband and the first husband's maternal relations, the children taking first during distribution. If such a woman had children during the second marriage and was married from within the Division, her property acquired during the second marriage will be inherited by such children and her maternal relations, the children ranking first. If she was married from outside the Division, the children of the second marriage are regarded as members of the first husband's maternal family and are entitled to inherit as such. Distribution of such property by those entitled to it is done *per capita*.

265. *Inheritance rights of children born during marriage and those born after divorce.*—Where a woman has one set of children born in marriage and later another set of children born after her divorce (and repayment of bride-price) without remarriage, the inheritance rights of the two sets of children over her property are as follows—

- (1) Economic plants and trees acquired during her marriage will be inherited as in paragraphs 256 and 257.
- (2) Economic plants and trees acquired after divorce will be inherited as in paragraph 263 (1) (a) and (b).
- (3) Movable property acquired after divorce will be inherited as follows:—
 - (a) In Abakaliki, Anambra and Arochukwu Divisions, Udoma and Ogugu communities in Awgu Division, Bende, Enugu, Ezzikwo, Mbaise, Mbaitoli/Ikeduru,

Oguta and Onitsha Divisions, both sets of children will inherit as a body.

- (b) In Aba and Aguata Divisions, Awgu Division (excluding Udoma and Ogugu communities), Etiti, Ezeagu, Idemili, Igbo-Eze, Ihiala, Ishielu, Isi-Uzo, Mbano, Njikoka, Nkanu, Nkwerre, Nnewi, Northern Ngwa, Nsukka, Ogbaru, Okigwe, Orlu, Oru, Owerri, Udi, Ukwa and Umuahia Divisions, such property will be inherited as in paragraph 263 (1) (c).
- (c) In Oha-Ozara clan of Afikpo Division, such property will be inherited by the youngest or only son of the woman born while she was unmarried. Failing such son, the woman's brother will inherit.

In Afikpo and Edda clans of the same Division, all the children of the woman will share the property according to seniority of age and in particular, the children she had for her one-time husband will be entitled to share in the property.

- (d) In Ohafia Division, such property will be inherited by all her children, whether born during the subsistence of her marriage or after her divorce; in such a case, the property will be shared *per capita* among the children so entitled.

TESTAMENTARY DISPOSITION BY WOMEN

266. *Gift of movable property by will.*—The right of a female owner of movable property to make a gift of it by will varies as follows:

(1) Married women—

(a) A married woman has a right to make a gift of her movable property by will in the following divisions: Aba and Abakaliki Divisions, Edda clan and Afikpo town in Afikpo Division, Anambra (in respect of items of small value only), Arochukwu, Enugu, Etiti, Idemili, Igbo-Eze, Ihiala, Izzi, Mbaise, Mbaitoli/Ikeduru, Njikoka (items of small value only), Nkanu (items of small value only), Nkwerre, Ohafia, Udi (excluding Nsude and Eke towns) and Ukwa (items of small value only). Such gifts must, however be confined to their own children or if they have no children, members of their husbands' families. The only places where married women may by will give their movable property to anybody they like are Aba Division, Edda clan and Afikpo town in Afikpo Division, Anambra, Enugu, Etiti, Mbaitoli/Ikeduru, Njikoka, Nkanu, Nkwerre, Orlu, Owerri, Udi and Ukwa Divisions.

In Anambra, Njikoka, Nkanu and Ukwa Divisions, however, this freedom is subject to the restriction (already stated) that only items of small value may be given away by will.

(b) A married woman has no right to make a gift of her movable property by will without the consent of her husband in Afikpo Division (excluding Edda clan and Afikpo town), Awgu, Bende, Ezeagu, Ezzikwo, Ishielu, Isi-Uzo, Mbano, Nnewi, Northern Ngwa, Nsukka, Ogbaru, Oguta, Okigwe, Orlu, Oru, and Owerri Divisions, Nsude and Eke towns in Udi Division, Umuahia and Uzo-Uwani Divisions.

(2) Divorced women—

(a) Divorced women are free to make a gift of their movable property by will as they please in Aba,

Abakaliki, Afikpo, Aguata, Anambra, Arochukwu, Awgu, Bende, Enugu, Etiti, Ezeagu, Ezzikwo, Idemili, Igbo-Eze, Ihiala, Isi-Usu, Izzi, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkanu, Nkwerre, Ogbaru, Ohafia, Udi and Ukwa Divisions. This freedom is restricted to items of small value in Nkanu and Ukwa Divisions. In Igbo-Eze Division, a divorced woman is free to give an article of small value to anybody at all, but in the case of other articles (that is articles of considerable value), she must confine her gift to her children and members of her maiden family.

- (b) A divorced woman has no right to give away her movable property by will in Ishielu, Mbaise, Nnewi, Nsukka, Oguta, Okigwe, Orlu, Oru, Owerri, Umuahia and Uzo-Uwani Divisions.

(3) Widows:—

- (a) Widows who have not remarried and have not repaid the bride-price paid on them, have no right to make a gift of their movable property by will in Afikpo Division (excluding Edda clan and Afikpo town), Aguata, Bende, Ezeagu, Ishielu, Isi-Uzo, Mbaise, Nnewi, Northern Ngwa, Nsukka, Ogbaru, Oguta, Okigwe, Orlu, Oru and Owerri Divisions, Nsude and Eke towns in Udi Division, Umuahia and Uzo-Uwani Divisions.
- (b) Such widows have a right to make a gift of their movable property by will in Aba and Abakaliki Divisions, Edda clan and Afikpo town in Afikpo Division, Anambra (as regards items of small value), Arochukwu, Awgu, Enugu, Etiti, Ezzikwo, Idemili, Igbo-Eze (as regards items of small value), Ihiala, Ishielu, Izzi, Mbaise, Mbaitoli/Ikeduru, Mbano, Njikoka (as regards items of small value), Nkanu (as regards items of small value), Nnewi, Nkwerre, Ogbaru, Oguta, Ohafia and Okigwe Divisions, Udi Division (excluding Nsude and Eke towns) and Ukwa Division (as regards items of small value).

The right of widows to make a gift of their movable property by will is limited to gifts to their children or members of their husbands' families in Abakaliki,

Arochukwu, Awgu, Idemili, Igbo-Eze, Ihiala, Ishielu, Izzi, Mbaise, Njikoka, Nkanu, Nnewi, Ogbaru, Oguta, Ohafia and Okigwe Divisions.

Widows are not limited in their gift of movable property by will in Aba Division, Edda clan and Afikpo town in Afikpo Division, Anambra, Enugu, Etiti, Ezzikwo, Mbaitoli/Ikeduru, Mbano, Nkwerre, Orlu, Udi and Ukwa Divisions.

(4) Adult unmarried women—

- (a) Adult but unmarried women have a right to make a gift of their movable property by will in Aba, Afikpo, Anambra, Arochukwu, Awgu, Bende, Enugu, Etiti, Idemili, Igbo-Eze (in respect of items of small value), Ihiala, Isi-Uzo, Mbaitoli/Ikeduru, Mbaise, Mbano, Nkwerre, Nnewi, Ogbaru, Oguta, Ohafia and Okigwe Divisions, Udi Division (excluding Nsude and Eke towns) and Ukwa Division (in respect of items of small value).

The freedom of adult but unmarried women to make a gift of their movable property by will is confined to gifts to members of their family in Arochukwu, Idemili, Igbo-Eze, Ihiala, Mbaise, Oguta, Ohafia and Okigwe Divisions.

This freedom is not restricted in Aba, Afikpo, Anambra, Awgu, Bende, Enugu, Etiti, Isi-Uzo, Mbaitoli/Ikeduru, Mbano, Nkwerre, Nnewi, Ogbaru, Orlu, Udi and Ukwa Divisions.

- (b) Adult but unmarried women have no right to make a gift of their movable property by will in Abakaliki, Aguata, Ezeagu, Ezzikwo, Ishielu, Izzi, Mbaise, Njikoka, Nkanu, Northern Ngwa, Nsukka, Oguta, Ohafia, Okigwe, Orlu, Oru and Owerri Divisions, Nsude and Eke towns in Udi Division, Umuahia and Uzo-Uwani Divisions.

267. *Gift of landed property by will.*—

- (1) Married women—A married woman has no right to dispose of her land, house or economic tree by will.

Local variations.—A married woman has this right in Edda clan and Afikpo town in Afikpo Division, Idemili and Mbaise Divisions. In these places, however, the woman has to confine her gift to her own children or, if she has no children, to members of her husband's family.

- (2) Divorced women—A divorced woman has no right to dispose of her land, house or economic tree by will.

Local variations.—She has this right in Edda clan and Afikpo town in Afikpo Division, Aguata, Anambra, Arochukwu, Bende, Idemili, Isi-Uzo, Mbano and Ogbaru Divisions. A divorced woman has to confine her gift of landed property by will to her children or, in the absence of children, members of the husband's family in Aguata and Idemili Divisions. She does not have to confine her gift by will to any class of people in Edda clan and Afikpo town in Afikpo Division, Anambra, Arochukwu, Bende, Isi-Uzo, Mbano and Ogbaru Divisions.

- (3) Widows in husband's families—A widow living in her husband's family has no right to dispose of her land, house or economic tree by will.

Local variations.—Such a woman has a right to do so in Edda clan and Afikpo town in Afikpo Division, Idemili and Mbaise Divisions. In Idemili and Mbaise Divisions, the woman must confine her gift by will to her own children or, if she has no children, to members of her husband's family. She is not so restricted in Edda clan and Afikpo town in Afikpo Division.

- (4) Widows outside husbands' families—A widow who has left her husband's family but has not repaid bride-price paid on her and has not remarried has no right to dispose of her land, house or economic tree by will.

Local variations.—Such a woman has this right in Edda clan and Afikpo town in Afikpo Division and Idemili Division. In Idemili Division, she must confine her gift to her children or, if she has no children to members of her husband's family. She is not restricted in Edda clan and Afikpo town in Afikpo Division.

- (5) Adult, unmarried women—An adult unmarried woman has no right to dispose of her land, house or economic tree by will.

Local variations.—She has this right in Edda clan and Afikpotown in Afikpo Division, Anambra, Arochukwu, Bende, Idemili, Isi-Uzo, Ogbaru, and Ohafia Divisions. She has to confine her gift to members of her family in Idemili and Ohafia Divisions. She does not have to confine her gift to any class of people in Edda clan and Afikpo town in Afikpo Division, Anambra, Arochukwu, Bende, Isi-Uzo and Ogbaru Divisions.

(2) *Adult unmarried woman*—An adult unmarried woman has the right to dispose of her land, house or movable property as she wishes.

Local custom—In this clan in Edda clan and in the town of Aftape Division, Meech and Meech Division, the right to dispose of her land, house or movable property is given to the woman. In Meech and Meech Division, she has to inform her husband's family in Meech and Meech Division before she can dispose of her property. In Edda clan and Aftape town in Aftape Division, she has to inform her husband's family in Edda clan and Aftape town in Aftape Division before she can dispose of her property.

Division—In Edda clan and Aftape town in Aftape Division, the right to dispose of her land, house or movable property is given to the woman. In Meech and Meech Division, she has to inform her husband's family in Meech and Meech Division before she can dispose of her property. In Edda clan and Aftape town in Aftape Division, she has to inform her husband's family in Edda clan and Aftape town in Aftape Division before she can dispose of her property.

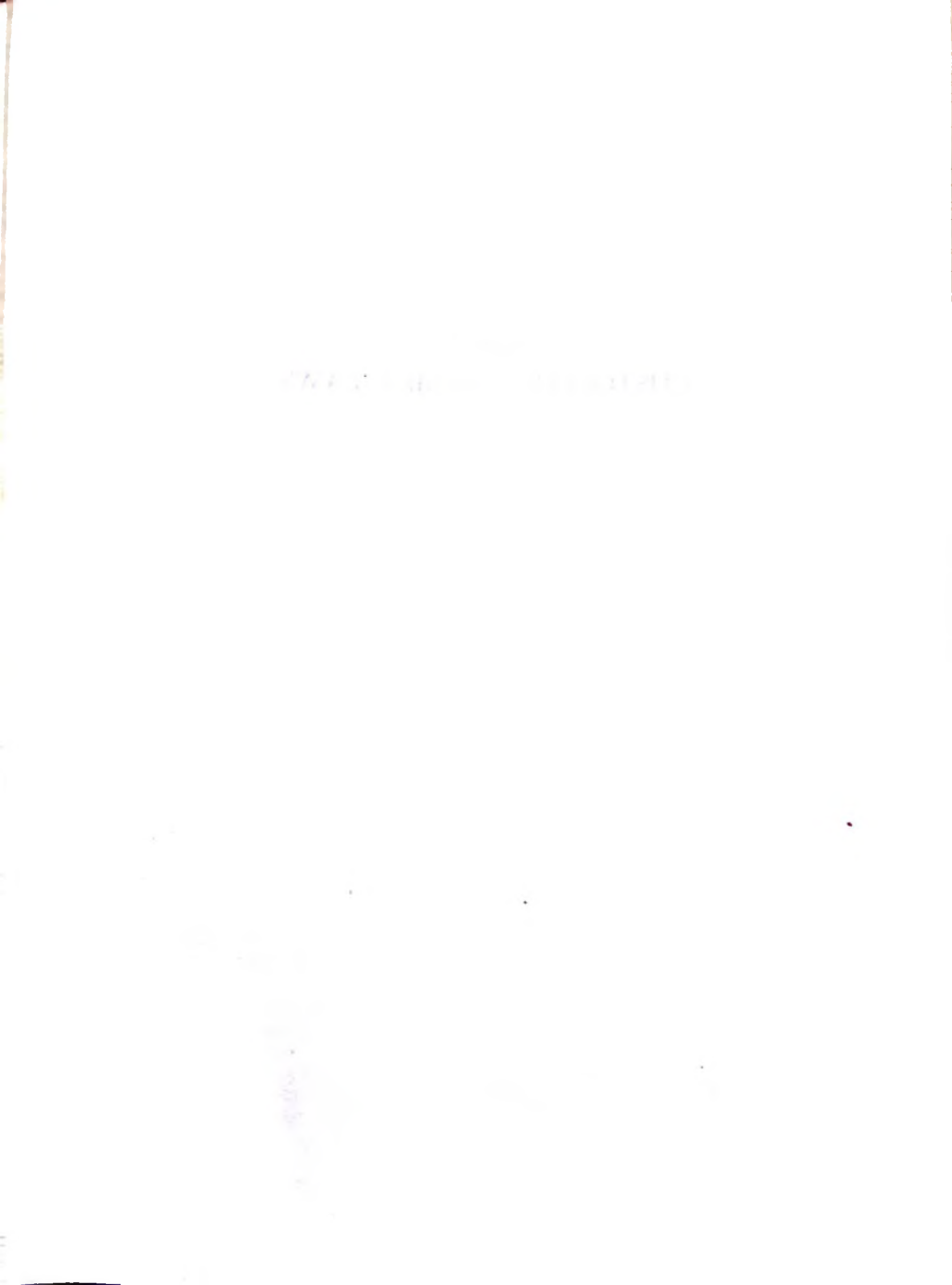
(3) *Widow in husband's household*—A widow living in her husband's household has no right to dispose of her land, house or movable property.

Local custom—In Edda clan and Aftape town in Aftape Division, Meech and Meech Division, the widow has no right to dispose of her land, house or movable property. In Edda clan and Aftape town in Aftape Division, she has to inform her husband's family in Edda clan and Aftape town in Aftape Division before she can dispose of her property.

(4) *Widow outside husband's household*—A widow who has left her husband's family has no right to dispose of her land, house or movable property.

Local custom—In Edda clan and Aftape town in Aftape Division, Meech and Meech Division, the widow has no right to dispose of her land, house or movable property. In Edda clan and Aftape town in Aftape Division, she has to inform her husband's family in Edda clan and Aftape town in Aftape Division before she can dispose of her property.

PART III
CUSTOMARY FAMILY LAWS



CHAPTER 31

A. MARRIAGE

268. *Definitions.*—

“Boy” as used in this Part of this Manual means a young man who has reached the age of puberty but is not yet an adult as understood locally.

“Girl” means a young woman who has reached the age of puberty but is not yet an adult woman as understood locally.

“Customary gift” means a compulsory gift made in money or in kind by a bridegroom to the bride, her parents or relations before, during or after a marriage but on account of it.

“Infant” means a young person (of either sex) who has not reached the age of puberty.

“Man” and “Woman” are used to include adults as well as boys and girls.

“Puberty” means the stage in life when male and female persons respectively are capable of procreating children.

269. *Nature of marriage.*—

(a) Marriage is potentially polygamous for men. That means that a man is free to have as many wives at a time as he pleases. There are no circumstances under which a man is forbidden by customary law to have more than one wife at a time.

(b) Marriage is monogamous for a woman. That means that a woman is allowed by customary law to have only one husband at a time. There are no circumstances under which a woman is allowed by customary law to have more than one husband at a time.

270. *Marriage creates bond between families.*—Marriage creates a bond between two families, the family of the husband and the maiden family of the wife. Marriage also creates a union between a wife and the family of her husband so that she is a member and wife of that family.

Accordingly.—

(a) the death of a husband does not necessarily bring to an end his marriage to his wife. A widow does not cease to be

a member of her husband's family merely because her husband is dead. Children born of a widow are members of the late husband's family and legitimate children of the late husband whether or not such children were conceived or born in the life time of the husband;

- (b) the death of a wife does not necessarily dissolve the bond between her maiden family and her husband's family. The husband continues to owe obligations as a husband to the deceased wife's maiden family if there are issue of the marriage. These obligations continue until his children attain the age of puberty, when they take them over. Where there are no issue, the man's obligations cease on the wife's death.

Local variations.—

- (i) Afikpo Division: In Afikpo, Amasiri, Akpoha and Uwanna communities of Afikpo Division, where a wife is still of child-bearing age, she ceases to be a member of her husband's family on the death of the husband. She has to leave the family and go back to her maiden family. Any children born of her after the death of her husband will not be members of her late husband's family whether or not bride-price paid on her has been refunded to the family of the late husband. In those same communities also, where a wife has passed child-bearing age, she may, if she so desires, remain in the family of the late husband. If by any chance she bears a child, such child will not be a member of the late husband's family.
- (ii) Ohafia Division: In Ohafia Division, where a woman is married from a community within the division, she automatically ceases to be a member of her husband's family on the death of the husband. She must leave the husband's family and go back to her maiden family. If on the other hand the woman was married from a community outside the division, the death of her husband does not terminate her marriage to the deceased husband or her membership of the deceased husband's family.
- (iii) In Abakaliki, Ezzikwo, Ihiala and Izzi Divisions, the death of a woman's husband automatically terminates the woman's marriage to her husband and the husband's family, so that the woman ceases to be a member of that family.

271. *Parties to marriage.*—Marriage between the following persons is recognized by customary law:

- (1) Marriage between a man and a woman;
- (2) Marriage between a man and an infant girl.

Local variations.—

- (a) Such marriage is not recognized in Afikpo and Edda clans of Afikpo Division, Etiti, Mbano, Nkanu and Oguta Divisions.
- (b) In Ohafia Division, marriage between a man and an infant girl is not permitted where the girl is a native of the division. Such a marriage is however permitted if the girl comes from outside the division.

- (3) Marriage between an infant boy and a woman;

Local variations.—

- (a) Such marriage is not recognized in Afikpo, Ezzikwo, Ihiala, Mbaise, Oguta and Ukwu Divisions.
- (b) In Ohafia Division, such a marriage is not permitted if the woman is from outside the division.
- (c) In Oru Division, such a marriage is not permitted in Eastern Oru.
- (d) In Udi Division, such a marriage is not permitted in Ngwo community.
- (e) In Uzo-Uwani Division, such a marriage is not permitted in Ogboli clan.

- (4) Marriage between an infant boy and an infant girl;

Local variations.—

- (a) Such a marriage is not permitted in Afikpo and Edda clans of Afikpo Division, Etiti, Mbano and Nkanu Divisions, and Oguta town in Oguta Division.
 - (b) In Ohafia Division, such a marriage is not permitted where the girl is a native of the division. It is however permitted if the girl is from outside the division.
- (5) (a) Marriage between a woman and a woman is permitted in Aba, Aguata (excluding Agueke clan), Awgu, Bende, Enugu, Ezeagu, Idemili, Ebonesi clan in Ihiala Division (excluding Lilo town), Mbaise, Mbaitoli/Ikedur, Nkanu, Nnewi, Ogbaru (except Ossomari community), Oguta (excluding Oguta, Ohaji and Egbema towns), Orlu, Oru, Ukwu and Umuahia Divisions. Such a marriage is always done in the name of a man.

- (b) Such marriage is forbidden in Abakaliki and Afikpo Divisions, Agueke clan in Aguata Division, Ihiala Division (including Lilu town but excluding the rest of Ebonesi), Ezeagu, Ishielu, Isi-Uzo, Izzi, Mbano, Njikoka, Nkwerre, Northern Ngwa and Nsukka Divisions, Oguta, Ohaji and Egbema towns in Oguta Division, Ohafia, Okigwe, Onitsha, Owerri, Udi and Uzo-Uwani Divisions.
- (6) (a) It is permissible for a woman to be married into a family in the name of a deceased member of that family in Aguata, Awgu, Bende, Enugu, Etiti and Idemili Divisions, Ebonesi clan of Ihiala Division (excluding Lilu town), Mbaitoli/Ikeduru, Mbano, Njikoka and Nsukka Divisions, Oru clan of Oguta Division, Okigwe Division (excluding Okigwe town and Imenyi community) and Ukwa Division.
- (b) Such marriage is not permitted in Aba, Abakaliki, Afikpo Anambra, Arochukwu, Ezeagu, Ezzikwo and Igbo-Eze Divisions, Ihiala Division (including Lilu town but excluding the rest of Egbonesi clan), Ishielu, Isi-Uzo, Izzi, Mbaise, Nkanu, Nkwerre, Nnewi, Northern Ngwa and Ogharu Divisions, Oguta Division (excluding Oru clan), Ohafia Division, Okigwe town and Imenyi community in Okigwe Division, Onitsha, Orlu, Oru, Owerri, Udi, Umuahia and Uzo-Uwani Divisions.

Capacity to marry

272. *Age*.—Neither infancy nor old age is a bar to marriage. (But see “Local variations” under paragraph 271 (2), (3) and (4) above).

273. *Mental condition*.—

- (1) It is permissible for a mad man during a lucid (sane) interval to marry a woman who is sane.

Local variations.—Such marriage is not permissible in Mbaise, Mbano, Ogharu, Oguta, Ohafia, Okigwe and Umuahia Divisions.

- (2) It is not permissible to marry a woman who is sane on behalf or in the name of a person who is mad.

Local variations.—Such marriage is permissible in Abakaliki Division, Aguata Division (excluding Enugu-Ulor and Ndienu clans), Idemili, Ishielu, Izzi, Njikoka, Nnewi, Nsukka, Onitsha and Oru Divisions.

- (3) It is not permissible for a woman who is insane to be given in marriage to a man who is sane.

Local variations.—Such marriage is permissible in Abaliki, Ishielu, Izzi, Nnewi, Nsukka and Onitsha Divisions.

274. *Physical condition.*—Physical deformity (e.g., being a cripple, deaf and dumb or blind) is not a bar to marriage either for a man or for a woman.

275. *Initiation into adulthood.*—There is no requirement that a person, male or female, is to be initiated into manhood or womanhood as the case may be before he or she is free to marry.

Local variations.—Such initiation is necessary in Oha-Ozara clan of Afikpo Division and in Nkanu Division.

276. *Existing marriage.*—

- (1) The subsistence of a marriage does not affect the capacity of a man to contract another marriage.
- (2) The subsistence of a marriage totally disqualifies a woman from contracting another marriage.

277. *Circumcision.*—

- (1) It is an invariable practice for male children to be circumcised within fourteen days of their birth, the most usual time being the eighth day of the child's birth. However, customary law does not require that a male child must be circumcised before he is free to marry.
- (2) It is not usual to circumcise a female child, and the customary law does not require circumcision as a condition for her marriage.

Local variations.—In Oguta town in Oguta Division, a woman is required to be circumcised before she bears her first child.

278. *Strangers.*—

- (1) A man is free to marry a woman from outside his clan.
- (2) A woman is free to marry a man who is not a native of her clan, town or village, whether or not the man lives within the clan, town or village.

279. *Consents.*—

- (1) A boy is free to marry a woman of his choice without the consent of his parents or guardian, if he is financially in a

position to do so by himself. Where, however, he requires financial assistance from his parents or guardian, he is under obligation to obtain their consent before he can marry.

Local variations.—A boy has no such freedom in Awkunanaw and Amagunze communities in Nkanu Division, and in Onitsha Division.

- (2) A girl has no right to marry without first obtaining the consent of her parents or guardian to such marriage.

Local variations.—A girl has a right to marry without first obtaining the consent of her parents or guardian in Afikpo, Ishielu and Mbanu Divisions, Mburubu and Ugboka communities in Nkanu Division, Oguta, Okigwe and Owerri Divisions. In Okigwe and Owerri Divisions, the parents must be informed nevertheless.

- (3) An adult man is free to marry without first obtaining the consent of his parents or family head to such marriage.

Local variations.—No such right exists in Awkunanaw and Amagunze communities in Nkanu Division, Onitsha and Udi Divisions, Umuoha, Ngwa-ukwu, Ovu-ngwa, Ntigha and Nsulu communities in Northern Ngwa Division.

- (4) An adult woman has no right to marry without first obtaining the consent of her parents or guardian to such marriage.

Local variations.—Such a right exists in Afikpo, Aguata, Enugu, Etiti, Ishielu, Mbanu, Oguta, Okigwe, Orlu, Oru and Owerri Divisions, Mburubu and Ugboka communities in Nkanu Division and Northern Ngwa Division (excluding Umuoha, Ngwa-ukwu, Ovu-ngwa, Ntigha, Nsulu and Nvosi communities).

- (5) (a) A widowed woman has no right to remarry without first obtaining consent of her parents or guardian to such remarriage in Abakaliki, Anambra, Awgu, Bende, Ezeagu, Ezzikwo, Idemili, Igbo-Eze, Ihiala, Isi-Uzo, Izzi, Mbaise, Mbaitoli/Ikeduru, Njikoka and Nnewi Divisions, Awkunanaw and Amagunze communities in Nkanu Division, Umuoha, Ngwa-ukwu, Ovu-ngwa, Ntigha, Nvosi and Nsulu communities in Northern Ngwa Division, Nsukka, Ohafia, Onitsha, Udi and Uzo-Uwani Divisions.

Local variation.—In Nenwe community in Awgu Division, the necessary consent to remarry by a widowed woman is given by the family of her late husband, not by her parents or guardian.

- (b) A widowed woman is free to remarry without first obtaining the consent of her parents or guardian to such remarriage in Aba, Afikpo, Aguata, Arochukwu, Enugu, Etiti, Ishielu and Mbano Divisions, Mburubu and Ugboka communities in Nkanu Division, Nkwerre Division, Northern Ngwa Division (excluding Umuoha, Ngwa-ukwu, Ovu-ngwa, Ntigha, Nvosi and Nsulu communities), Ogbaru, Oguta, Okigwe, Orlu, Oru, Owerri, Ukwa and Umuahia Divisions.

Local variations.—In Aba and Ukwa Divisions, such a right exists only where the widow concerned is able on her own to refund the bride-price paid on her by the late husband. In Owerri Division, the parents or guardian of the woman must be informed of the proposed remarriage.

- (6) (a) A divorced woman has no right to remarry without first obtaining the consent of her parents or guardian to such remarriage in Abakaliki, Anambra, Arochukwu, Awgu, Bende, Ezzikwo, Idemili, Igbo-Eze, Ihiala, Isi-Uzo, Izzi, Mbaise, Mbaitoli/Ikedurdu and Njikoka Divisions, Awkunanaw and Amagunze communities in Nkanu Division, Nkwerre and Nnewi Divisions, Umuoha Ngwa-ukwu, Ovu-ngwa, Ntigha, Nvosi and Nsulu communities in Northern Ngwa Division, Nsukka, Ohafia, Onitsha, Udi and Uzo-Uwani Divisions.
- (b) This right exists in Aba, Afikpo, Aguata, Enugu, Etiti, Ishielu and Mbano Divisions, Mburubu and Ugboka communities in Nkanu Division, Northern Ngwa Division (excluding Umuoha, Ngwa-ukwu, Ovu-ngwa, Ntigha and Nsulu communities), Ogbaru, Oguta, Okigwe, Orlu, Oru, Owerri, Ukwa and Umuahia Divisions.

Local variations.—In Owerri Division, the parents or guardian must be informed of the proposed remarriage.

- (7) A man does not require the consent of his most senior wife or any other wife before he can marry a new wife. In practice,

however, he invariably informs his wives of the proposed marriage.

Local variations.—In Okigwe and Ukwa Divisions, he must inform his most senior wife of the proposed marriage.

Bars to Marriage

280. *Consanguinity (blood relationship).*—

- (1) Marriage is forbidden between persons who are known to be related by blood.

Local variations.—

- (a) In Abakaliki, Ezzikwo, Izzi, and Ogbaru Divisions, Mburubu, Ugboka and Amagunze communities in Nkanu Division, this prohibition is limited to parents and their children and to brothers and sisters of the full blood.
- (b) In Afikpo Division and Effium community in Ishielu Division, this prohibition is limited to matrilineal relations only.

- (2) Persons are said to be within the prohibited degree of relationship so long as it is possible to trace blood relationship between them through known persons.

281. *Whether blood relationship can be severed.*—

- (1) Where a man and a woman are within the prohibited degree of blood relationship, nothing can be done to make them free to marry each other in Aba, Abakaliki and Afikpo Divisions, Ogwugwu-agu, Enugu-uno and Nkwo-agu clans of Aguata Division, Anam community in Anambra Division, Arochuku, Enugu, Ezzikwo, Ihiala, Ishielu, Izzi, Mbaise, Mbaitoli/Ikeduru, Mbano, Nkanu, Northern Ngwa, Oguta, Ohafia and Okigwe Divisions, Eastern Oru, Owerri and Udi Divisions, Ukwa (excluding Asa clan) and Umuahia Divisions.
- (2) Where a man and a woman are within the prohibited degree of blood relationship, and provided they are not within the first four degrees of blood relationship, it is possible to sever their relationship by performing some sacrifice or other ceremony and thus enable them to marry each other in Aguata Division (excluding Ogwugwu-agu, Enugu-uno and Nkwo-agu clans), Anambra Division (excluding Anam

community) Awgu, Bende, Ezeagu, Idemili, Igbo-Eze, Isi-Uzo, Njikoka, Nkwerre, Nnewi, Nsukka, Ogbaru, Onitsha, Orlu and Western Oru Divisions, Asa clan of Ukwa Division and Uzo-Uwani Division.

- (3) The sacrifices or ceremonies performance of which will sever the blood relationship between a man and a woman and thus make it possible for them to marry each other are as follows—

- (a) Aguata Division: *Udu Omaite* sacrifice.
- (b) Anambra Division: *Ita Nzu* in Nteje community and *Ini Ona* in Aguleri community.
- (c) Awgu Division: *Omaite* ceremony.
- (d) Bende Division: *Aja erim* sacrifice.
- (dd) Ezeagu Division: *Omaite* ceremony.
- (e) Idemili Division: *Iro Ibene| Igbuwa Ibene| Igubibi Ibene| Ima Udu Oma or Ita Nzu* ceremony.
- (f) Igbo-Eze Division: *Ndagilidu* ceremony.
- (g) Isi-Uzo Division: *Ewu busi or Nno bu ewu* ceremony.
- (h) Njikoka Division: *Iro Ibene* or *Ita nzu* ceremony.
- (i) Nkwerre Division: *Ibu Okpo:i* ceremony.
- (j) Nnewi Division: *Ibe Nne* ceremony (This is effective only where the couple concerned are already living as husband and wife).
- (k) Nsukka Division: *Igbu Ewu Otibo* in Nsukka clan or *Igbu Ewu Dudu* in Ogboli clan.
- (l) Ogbaru: *Ibeto Nwanne* (sacrifice of white goat and white fowl on *Ofo Ukwu*).
- (m) Onitsha Division: *Igbu Ewu Oma Nne* ceremony.
- (n) Orlu Division: *Ido Umunne* in Ndizogu or *Igba Oriko* in other places.
- (o) Oru Division: *Igbube ara n'umu* in Western Oru.
- (p) Ukwa Division: *Ikwa ala* in Asa community.
- (q) Uzo-Uwani Division: *Omuite* or *Mona* or *Iga aka* ceremony.

282. *Marriage in ignorance of relationship.*—

- (1) Where a man and a woman who are within the prohibited degree of blood relationship marry each other in ignorance

of such relationship, their marriage is void in Aba and Abakaliki Divisions, Afikpo Division (excluding Uburu community) Awgu, Enugu, Ezzikwo, Ishielu, Izzi, Mbaise, Mbaitoli/Ikeduru, Nkanu, Northern Ngwa, Oguta, Ohafia, Okigwe, Ukwa and Umuahia Divisions.

- (2) In all other places, provided the couple are not within the fourth degree of blood relationship, such a marriage would be valid but undesirable. If they are within the fourth degree, the marriage is void.
- (3) Where a man and a woman who are within the prohibited degree of relationship marry each other, whether knowingly or in ignorance of such relationship, nothing can be done to remedy the situation or to validate the marriage in Aba, Abakaliki, Afikpo, Arochukwu, Enugu, Ezzikwo, Ishielu, Izzi, Mbaitoli/Ikeduru, Nkanu, Nkwerre, Northern Ngwa, Ogbaru, Oguta, Ohafia, Okigwe, Onitsha, Eastern Oru, Owerri and Umuahia Divisions.
- (4) In the following places, if persons within the prohibited degree of relationship marry in ignorance of such relationship, the following rites must be performed (their effects being as indicated):—
 - (a) Aguata Division—*Udu Omaite* sacrifice, or *Omeria* ceremony can be performed to validate the marriage.
 - (b) Anambra Division—*Ita-Nzu* ceremony in Nteje or *Ini-Ona* ceremony in Aguleri will validate the marriage.
 - (c) Awgu Division—*Omaite* ceremony will validate the marriage.
 - (d) Bende Division—*Aja erim* sacrifice will validate the marriage.
 - (e) Etiti Division—*Ikwa ala* ceremony will validate the marriage if it was contracted in ignorance of the relationship. Where the marriage was contracted with knowledge of the relationship, nothing can be done to validate it.
 - (f) Ezeagu Division—*Omaite* ceremony will validate the marriage.
 - (g) Idemili Division—*Iro Ibene*, *Igbuwa Ibene*, *Igbubi Ibene*, *Ima Uduoma* or *Ita Nzu* ceremony will validate the marriage.

- (h) Igbo-Eze Division—*Ndagilidu* ceremony will validate the marriage.
- (i) Ihiala Division—*Igbu Ibene* or *Ora naoma* ceremony will validate the marriage.
- (j) Isi-Uzo Division—*Ewu busi* or *Nnobu ewu* ceremony will validate the marriage.
- (k) Mbaise Division—A sacrifice has to be performed to remove the abomination resulting from such marriage. After the sacrifice, the man and woman must part and cease to live as husband and wife.
- (l) Mbano Division—*Igba Orikota* ceremony will validate the marriage.
- (m) Njikoka Division—*Iro Ibene* or *Ita Nzu* ceremony will validate the marriage.
- (n) Nnewi Division—If the couple are already living as husband and wife, *Ibene* sacrifice will validate the marriage. If they have not been living as husband and wife, nothing can be done to validate the marriage.
- (o) Northern Ngwa Division—*Ikwa ala* ceremony will remove the abomination but will not validate the marriage.
- (p) Nsukka Division—*Igbu Ewu Otibo* or *Igbu Ewu Udu* will validate the marriage.
- (q) Oguta Division—Nothing can be done to validate the marriage, but some sacrifice must be performed to remove the abomination resulting from such marriage.
- (r) Orlu Division—*Ido Umume* ceremony in Ndizuogu community or *Igba Oriko* ceremony in other communities, will validate the marriage.
- (s) Oru Division—In Western Oru, *Igbube ara n'umu* will validate the marriage. Nothing can be done to validate the marriage in Eastern Oru.
- (t) Udi Division—*Igo Nwanne* or *Omaite* ceremony will validate the marriage.
- (u) Ukwu Division—*Ikwa ala* ceremony will validate the marriage in Asa clan. Nothing can be done to validate the marriage in any of the other communities in the Division.
- (v) Uzo-Uwani Division—*Onuite* or *mona* or *Iga aka* ceremony will validate the marriage.

283. *Persons related through adulterous unions.*—

- (1) A man has no capacity to marry a woman who is his natural daughter born as a result of a love affair between him and a woman who is not his wife.
- (2) Where a boy and a girl are born as a result of illicit love affairs between one man and two women, the boy and the girl have no capacity to marry each other.

Local variations.—Such a boy and a girl are free to marry each other in Abakaliki Division, Oha-Ozara clan of Afikpo Division, Aguata, Ezzikwo, Idemili, Ishielu, Izzi and Northern Ngwa Divisions, Onitsha Division (if the natural father is dead), Orlu and Western Oru Divisions.

- (3) A son born to a man by his wife has no capacity to marry a daughter born of the same man as a result of a love affair between him and a woman who is not his wife.

Local variations.—This capacity exists in Aba and Abakaliki Divisions, Oha-Ozara clan of Afikpo Division, Aguata Division (if the natural father is already dead), Ezzikwo, Idemili, Ishielu, Isi-Uzo, Izzi, Northern Ngwa and Orlu Divisions.

284. *Affinity (relationship by marriage).*—

- (1) A man has capacity to marry his wife's sister while his wife is alive in Aba, Aguata, Ètiti, Idemili, Igbo-Eze, Ihiala, Mbaise, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkwerre, Nnewi, Northern Ngwa, Ogbaru (excluding Atani and Ossomari) and Oguta Divisions, Okigwe Division (excluding Uturu and Imenyi communities and Isuikwuato clan), Orlu, Oru and Owerri Divisions, Ipu group in Ukwa Division and Umuahia Division.
- (2) A man has no such capacity in Abakaliki, Afikpo, Awgu, Bende, Enugu, Ezeagu, Ezzikwo, Ishielu, Isi-Uzo, Izzi, Nkanu, Nsukka and Ohafia Divisions, Atani and Ossomari in Ogbaru Division, Uturu and Imenyi communities in Okigwe Division, Onitsha and Udi Divisions, Ukwa Division (excluding Ipu group of communities) and Uzo-Uwani Division.
- (3) A man has capacity to marry his wife's half-sister (same father, different mothers) while his wife is alive in Aba,

Afikpo, Aguata, Etiti, Ezeagu, Ezzikwo (if the wife is dead, but not otherwise), Idemili, Igbo-Eze, Ihiala, Mbaise, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkwerre, Nnewi, Northern Ngwa, Ogbaru (excluding Atani and Ossomari) and Oguta Divisions, Okigwe Division (excluding Uturu community), Orlu, Oru, Owerri, Ukwa and Umuahia Divisions.

- (4) A man has no such capacity in Abakaliki, Anambra, Arochukwu, Awgu, Bende and Enugu Divisions, Ezeagu, Ezzikwo Division (while the wife is alive), Ishielu, Isi-Uzo, Izzi, Nkanu, Nsukka and Ohafia Divisions, Atani and Ossomari in Ogbaru Division, Uturu community in Okigwe Division, Onitsha, Udi and Uzo-Uwani Divisions.
- (5) A man has capacity to marry his wife's half-sister (same mother, different fathers) in Aba, Aguata, Etiti, Ezeagu, Idemili, Igbo-Eze, Ihiala, Mbaise, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkwerre, Nnewi, Northern Ngwa, Ogbaru, Oguta, Okigwe (excluding Uturu community), Orlu, Oru, Owerri and Umuahia Divisions.
- (6) He has no such capacity in Abakaliki, Afikpo, Anambra, Arochukwu, Awgu, Bende, Enugu, Ezeagu, Ezzikwo, Ishielu, Isi-Uzo, Izzi, Nkanu, Nsukka, and Ohafia Divisions, Uturu community in Okigwe Division, Onitsha, Udi, Ukwa and Uzo-Uwani Divisions.
- (7) A woman has capacity to marry the brother of her sister's husband while the sister is alive and the marriage subsists in Aba, Afikpo, Aguata and Anambra Divisions, Arochukwu Division (excluding Ihechiowa clan), Awgu Division except Awgu town, Etiti, Idemili, Igbo-Eze, Ihiala, Isi-Uzo, Mbaise, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkwerre, Nnewi, Northern Ngwa, Nsukka, Ogbaru and Oguta Divisions, Okigwe Division (excluding Uturu community), Onitsha, Orlu, Oru, Owerri, Umuahia and Uzo-Uwani Divisions.
- (8) She has no such capacity in Abakaliki Division, Ihechiowa clan of Arochukwu Division, Awgu town in Awgu Division, Bende, Enugu, Ezeagu, Ezzikwo, Ishielu, Izzi, Nkanu and Ohafia Divisions, Uturu community in Okigwe Division, Udi and Ukwa Divisions.

- (9) A woman has capacity to marry the half-brother of her sister's husband while the husband is alive and the marriage subsists in Aba, Abakaliki, Afikpo, Aguata, Anambra and Arochukwu Divisions, Awgu Division excluding Awgu town, Enugu, Ezeagu and Etiti Divisions, Ezzikwo Division (if the two women are of different mothers, but not if they are of the same mother), Idemili, Igbo-Eze, Ihiala, Isi-Uzo, Izzi, Mbaise, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkwerre, Nnewi, Northern Ngwa, Nsukka, Ogbaru and Oguta Divisions, Okigwe Division excluding Uturu community, Onitsha, Orlu, Oru, Owerri, Ukwa, Umuahia and Uzo-Uwani Divisions.
- (10) A man has no such capacity in Awgu town in Awgu Division, Bende, Ezeagu, Ishielu, Nkanu and Ohafia Divisions, Uturu community in Okigwe Division and Udi Division.
- (11) A man has no capacity to marry his wife's mother either during the subsistence of his marriage to that wife or after the marriage has been dissolved by divorce or by the death of the wife.
- (12) A man has no capacity to marry the mother of his son's wife.

Local variation.—A man has such capacity in Unnadu community in Itchi clan of Igbo-Eze Division.

- (13) A man has no capacity to marry his wife's daughter born elsewhere to another man.

Local variations.—A man has such capacity in Aguata and Etiti Divisions, Igbo-Eze Division (excluding Etteh clan), Ihiala Division (excluding Okija community), Mbano Division and Western Oru Division.

- (14) A man is free to marry from the maiden household of a woman he divorced (or who divorced him) where he is considered by such household as a good son-in-law.

Local variations.—A man has no such freedom in Abakaliki, Afikpo and Arochukwu Divisions, Awgu town in Awgu Division, Ishielu Division (excluding Orri clan), Izzi Division, Nkanu Division (excluding Akpugo and Ugboka clans), Ohaji community in Oguta Division, Ohafia Division and Uturu community in Okigwe Division.

- (15) A man is free to marry a sister of his deceased wife.

Local variations.—

(a) He has no such capacity in Abakaliki and Afikpo Divisions, Anam and Olu-Mbanasa clans of Anambra Division, Arochukwu Division, Awgu town in Awgu Division, Enugu, Ishielu, Izzi and Ohafia Divisions, Uturu and Imenyi communities in Okigwe Division, Onitsha and Uzo-Uwani Divisions.

(b) In Ezzikwo Division, such a marriage is permitted with half-sisters only, while in Nkanu Division, it is permitted only where the deceased wife is not survived by any children.

285. *Other bars to marriage.*—

- (1) Being an *osu* or an *oru* carries with it a legal disability with regard to marriage. An *osu* or an *oru* has no capacity to inter-marry with a free-born and vice versa.

Local variations.—

(a) There is no such legal disability in Aba Division, Afikpo Division excluding Oha-Ozara clan, Arochukwu, Awgu, Ezeagu and Idemili Divisions, Igbo-Eze Division excluding Unnadu community, Ishielu and Isi-Uzo Divisions, Njikoka Division excluding Agulu community, Nvosi in Northern Ngwa Division, Ohafia Division, Okigwe Division excluding Uturu community, Udi, Ukwa, Umuahia and Uzo-Uwani Divisions.

(b) This disability affects only *osu* (and does not affect *oru*) in Mbaise, Mbaitoli/Ikeduru, Mbano and Owerri Divisions.

(c) In Mbaitoli/Ikeduru and Mbano Divisions, Orlu Division (excluding Ndizuogu), this disability also affects *ume*. In Ndizuogu, the disability affects *ihu* only.

- (2) Differences in wealth as between families or differences in religious beliefs or in occupation as between persons do not constitute a bar to marriage.
- (3) The existence of enmity between two families resulting from the murder of a member of one family by a member of the other family is a bar to intermarriage between members of those families.

Local variations.—

(a) There is no such bar in Abakaliki Division, Oha-Ozara clan of Afikpo Division, Arochukwu, Ezeagu, Igbo-Eze, Ihiala, Isi-Uzo, Izzi, Mbaitoli/Ikeduru, Nsukka and Ogbaru Divisions, Okigwe Division excluding Otanzu/Otanchara North and Otanzu/Otanchara East, Oru, Owerri, Udi and Uzo-Uwani Divisions.

- (4) Neither barrenness on the part of a woman nor sterility or impotence on the part of a man is a bar to marriage.

Local variation.—A man who is known to be sterile or impotent is not free to marry a woman of child-bearing age in Awgu town in Awgu Division and in Oghe town in Ezeagu Division.

- (5) (a) A leper has no capacity to marry a healthy person in Aba and Awgu Divisions, Igbere, Item and Alai communities in Bende Division, Enugu, Etiti, Ezeagu, Isi-Uzo, Mbaise, Mbaitoli/Ikeduru and Mbano Divisions, Njikoka Division (excluding Agulu town), Nkwerre, Nnewi and Northern Ngwa Divisions, Ohaji and Izombe communities in Oguta Division, Ohafia, Orlu, Owerri, Udi, Ukwa, Umuahia and Uzo-Uwani Divisions.
- (b) Leprosy is not a bar to marriage in Abakaliki, Afikpo, Aguata, Anambra and Arochukwu Divisions, Bende Division (excluding Igbere, Item and Alai communities), Ezzikwo, Idemili, Igbo-Eze, Ihiala, Ishielu and Izzi Divisions, Agulu town in Njikoka Division, Nkanu, Nsukka and Ogbaru Divisions, Oguta Division (excluding Ohaji and Izombe communities), Okigwe, Onitsha and Orlu Divisions.
- (c) Epilepsy and similar afflictions are not bars to marriage by persons so afflicted.

Local variations.—Such an affliction is a bar to marriage in Aba and Afikpo Divisions, Igbere, Item and Ozuitem communities in Bende Division, Etiti, Isi-Uzo, Mbaise, Mbano, Nkwerre, Ukwa and Umuahia Divisions.

- (6) Chronic illness of any other type is not a bar to marriage.

Local variations.—Chronic illness of any other type is a bar to marriage in Awgu, Enugu, Ezeagu, Ihiala, Isi-Uzo,

Mbaise, Mbano, Ohafia, Okigwe, Ukwa and Umuahia Divisions.

- (7) Being a habitual thief is not a bar to marriage.

Local variations.—

- (a) Being a habitual thief is a bar to marriage in Aba, Mbaise, Nkwere, Okigwe and Ukwa Divisions.

- (8) Addiction to any other crime is not a bar to marriage.

Local variations.—

- (a) Addiction to any serious crime is a bar to marriage in Aba, Arochukwu, Igbo-Eze, Ihiala, Mbaise and Okigwe Divisions.
- (b) In Nkanu Division, the crimes addiction to which constitutes a bar to marriage are yam stealing, fowl stealing and stealing of palm-wine from palm-trees (*ikwo nkwu*).
- (c) In Ukwa Division, the crimes addiction to which is a bar to marriage are witch-craft and the making of poisonous medicines.

Formation of Marriage: Betrothal

286. Procedure for betrothal.—

- (1) A woman is invariably betrothed (formally engaged) to a man before she is married to him.
- (2) Betrothal is often a long process consisting of the following ingredients—
- (a) agreement to marry between the prospective spouses;
 - (b) gifts in money and in kind by the man to the woman and sometimes gifts in kind by the woman to the man;
 - (c) the giving of consent by the parents or guardians of the prospective spouses;
 - (d) the giving of formal consents by the families of the prospective spouses;
 - (e) a formal visit by the woman to the man's family, the object of which is to expose the woman to critical observation by members of the man's family and to give the woman an opportunity to appraise the man's family and its members;

- (f) selection of a marriage middle-man; and
- (g) fixing of the bride-price to be paid on the woman.

Local variations.—

- (a) Betrothal is unknown in Ogbaru Division.
- (b) There is no exchange of gifts between prospective spouses in Anambra, Njikoka and Onitsha Divisions, and in Ossomari community in Ogbaru Division.
- (c) Formal consent by the families of the prospective spouses is not required in Aguata.
- (d) Formal visit by the prospective wife to the family of the prospective husband is not required in Aba, Abakaliki, Anambra, Bende and Izzi Divisions, Nvosi community in Northern Ngwa and Odida Anyanwu area in Umuahia Division.
- (e) A middle-man is not required in Abakaliki Division, Anambra Division (excluding Nteje community), Izzi Division and Nvosi community in Northern Ngwa Division.

Local additional ingredients.—

- (a) In Afikpo Division, drinks, tobacco, kola-nuts and yams are also presented by the prospective husband to the parents of the prospective wife as part of the betrothal process.
- (b) In Arochukwu Division, the prospective husband has to perform such personal services as are demanded of him by the parents of the prospective wife.
- (c) In Bende Division, the prospective husband has to present kegs of palm-wine to the maiden family of the prospective wife and the maiden family of the prospective wife's mother.
- (d) In Etiti Division, the prospective husband performs the ceremony of *ihe nchedo uzo* which consists in his presenting palm-wine to the family of the prospective wife on four consecutive *Orie* days and making sundry cash presents in addition.
- (e) In Ezzikwo Division, the prospective husband presents palm-wine, tobacco, kola-nuts, bush meat, a goat and *afia mmanya* consisting of cash payment of ₦20.00 to ₦40.00.

- (f) In Ogidi, Umudioka, Umunachi, Eziowelle, Abacha, Abatete and Nnokwa communities in Idemili Division, a sum of money is presented by the prospective husband to the people taking part in the fixing of the bride-price. This sum is shared by such persons.
- (g) In Enugu-Ezike community in Igbo-Eze Division, the prospective husband presents a keg of palm-wine to the family of the prospective wife for *oju ase* (formal inquiry).
- (h) In Ishielu Division, the prospective husband presents palm-wine, yams, chewing sticks, kola-nuts, tobacco, soap, etc., to the family of the prospective wife.
- (i) In Isi-Uzo Division, the prospective husband presents kola-nuts, palm-wine, and other items of entertainment to the family of the prospective wife.
- (j) In Nkanu Division, the prospective husband presents to the family of the prospective wife kola-nuts, palm-wine, yams, fowls, goats, etc.
- (k) In Nkwerre Division, the prospective husband makes ceremonial gifts in money and in kind to the male and female members of the prospective wife's family group.
- (f) In Nsukka Division, the prospective husband meets members of the family group of the prospective wife and makes presents in money and in kind to them.
- (m) In Ukwa Division, the prospective husband makes gifts of palm-wine at various intervals in the proceedings to members of the prospective wife's family group. There is also a formal breaking of kola-nuts.

287. *Legal effects of betrothal.*—When a woman is betrothed to a man, the legal effects are as follows—

- (1) The man is free to live with the woman as husband and wife in Afikpo Division, Mbaloye and Mbanasa clans of Aguata Division, Arochukwu Division excluding Ihechiowa clan, Etiti, Ezeagu, Ezzikwo, Igbo-Eze, Ihiala, Mbano, Nnewi, Ossomari in Ogbaru, Oguta, Okigwe, Onitsha, Oru, Owerri, Udi and Uzo-Uwani Divisions.

He has no such freedom in other places.

- (2) The man is entitled to any child born of the woman (whether or not he is the child's natural father) in Afikpo Division, Mbaloye and Mbanasa clans of Aguata Division, Anambra, Arochukwu, Bende, Etiti, Ezzikwo, Igbo-Eze, Ihiala, Ishielu, Mbaise, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkanu, Nnewi, Nsukka, Oguta, Okigwe, Onitsha, Orlu, Oru, Owerri and Udi Divisions, Asa area in Ukwa Division, Umuahia and Uzo-Uwani Divisions.

He has no such right in the other places.

- (3) The man has a right to sue any other man who has sexual intercourse with the woman or who makes the woman pregnant in Afikpo Division, Mbaloye and Mbanasa clans of Aguata Division, Arochukwu, Bende, Enugu, Etiti, Ezeagu, Ezzikwo, Igbo-Eze, Ihiala, Ishielu, Mbaise, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkanu, Nnewi, Oguta, Ossomari in Ogbaru, Oguta, Okigwe, Onitsha, Orlu, Oru, Owerri, Udi, Ukwa, Umuahia and Uzo-Uwani Divisions.

He has no such right in the other places.

- (4) A woman who is betrothed to one man has no right to accept any other man as husband during the subsistence of such betrothal in Mbaloye and Mbanasa clans of Aguata Division, Enugu, Etiti, Ezeagu, Ezzikwo, Igbo-Eze, Ihiala, Mbaise, Mbano, Njikoka, Nkanu, Nnewi, Ossomari in Ogbaru, Oguta, Ohafia, Okigwe, Onitsha, Orlu, Oru, Owerri, Udi and Ukwa Divisions.

She has a right to accept another suitor in the other societies.

- (5) A man to whom a woman is betrothed is under obligation to pay the agreed bride-price to the woman's family.
- (6) If a betrothed woman dies before the actual marriage, the man to whom she is betrothed has a duty to bury her and bear her burial expenses in Ohafia Division, Mbaloye and Mbanasa clans of Aguata Division, Etiti, Ezeagu, Ezzikwo, Igbo-Eze, Ihiala, Ishielu, Mbaise, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkanu, Nnewi, Ossomari in Ogbaru, Oguta, Okigwe, Onitsha, Orlu, Oru, Owerri, Udi, Ukwa, Umuahia and Uzo-Uwani Divisions.

He has no such duty in the other places.

Termination of Betrothal

288. *Termination by party or by death.*—

- (1) Where a man and a woman are betrothed to each other, both the man and the woman's family are free to terminate the betrothal at any time.

They need not give any reason for the termination.

- (2) Where a man and a woman are betrothed to each other, the death of either of them will automatically terminate their betrothal.

Local variations.—

- (a) The death of the man does not automatically terminate his betrothal to a woman in Anambra community in Anambra Division; Ezilo community in Igbo-asa clan of Ishielu Division and in Nkanu Division.
- (b) In Afikpo Division, if the woman dies, the betrothal terminates automatically. If it is the man that dies, the betrothal does not necessarily terminate, and the woman has a right to move into or remain in the man's family if she so desires.

289. *Bride-price lost if woman dies.*—Where a betrothed woman dies before the actual marriage, the man to whom she is betrothed loses any money which he may have paid on the woman as bride-price or incidental marriage expenses.

Local variations.—

- (a) In Aba Division, where a person to whom a woman is betrothed has paid the agreed bride-price in part or in full and has made a request to the woman's father that the actual marriage should be done and the woman's father refuses to grant his request, then if the woman dies in the meantime, her father is under obligation to refund to the man any bride-price he may have paid on the woman.
- (b) In Ugwueme community in Awgu Division, a man to whom a woman is betrothed has a right to recover from the woman's father any bride-price he may have paid on the woman if the woman dies before the actual marriage is performed.

290. *Bride-price recoverable if man dies.*—Where a man and a woman are betrothed to each other and the man dies before the marriage takes

place, the man's family has a right to recover from the woman's family any bride-price so far paid on the woman.

Local variations.—

- (a) In Afikpo Division, where a woman who is betrothed has an issue and the man to whom she is betrothed dies before the marriage takes place, then if the woman decides to terminate the betrothal, any bride-price on her will be refunded in full in Oha-Ozara clan; one-half of the bride-price will be refunded in Afikpo clan; and one-third of the bride-price will be refunded in Edda clan. Betrothal expenses are not refunded at all in such circumstances.

291. *Return of Gifts.*—Termination by mutual consent—Where a betrothal is terminated by mutual agreement, the parties and their respective families have a right to recover from the other party or family valuable gifts (e.g. money or trinkets) made by them during the betrothal period.

Local variations.—

- (a) In Aba Division, the families apart from the prospective spouses themselves, have no right to recover any such gifts.
- (b) In Awgu and Mbaitoli/Ikeduru Divisions, if the prospective spouses have had sex with each other, the man loses his right to recover any gifts he may have made to the woman.
- (c) Neither the prospective spouses nor their respective families have any right to recover gifts made during the betrothal period in Idemili, Ihiala, Mbaise, Northern Ngwa, Nsukka, Onitsha and Umuahia Divisions.

292. *Termination because of fault.*—

- (1) Where a man and a woman are betrothed to each other and one of them terminates the betrothal because of the fault of the other party, the innocent party who terminates the betrothal retains the right to recover valuable gifts made to the other party during the period of betrothal.

Local variations.—No such right exists in Idemili, Ihiala, Northern Ngwa, Nsukka and Onitsha Divisions.

- (2) Where a betrothal is terminated by one party as a result of the fault of the other party, the party at fault retains the right to recover valuable gifts made to the other party during the period of betrothal, such fault notwithstanding.

Local variations.—

- (a) No such right exists in Enugu, Idemili, Ihiala, Mbaise, Northern Ngwa, Nsukka, Onitsha, Ukwa and Umuahia Divisions.
 - (b) In Umunoha community in Northern Ngwa Division, a man can recover such gifts only if he has not had sex with the woman concerned.
- (3) (a) Where a betrothal is terminated by one party as a result of the fault of the other party, the family of the party at fault retains the right to recover valuable gifts they made to the other party or family in Afikpo, Aguata, Anambra, Arochukwu, Awgu, Bende, Etiti, Ezeagu, Ezzikwo, Igbo-Eze, Ishielu, Isi-Uzo, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkanu, Nkwerre, Nnewi, Oguta, Ohafia, Okigwe, Orlu, Oru, Owerri, Udi and Uzo-Uwani Divisions.
- (b) No such right exists in Aba, Abakaliki, Enugu, Idemili, Ihiala, Izzi, Mbaise, Northern Ngwa, Nsukka, Onitsha, Ukwa and Umuahia Divisions.

293. *Termination in the absence of fault.*—Where a man and a woman are betrothed to each other and one of them terminates the betrothal through no fault of the other party.

- (1) The party who terminated the betrothal retains the right to recover from the other party any valuable gifts he or she made to the other party or family.

Local variations.—There is no such right in Aba, Idemili, Ihiala, Mbaise, Northern Ngwa, Nsukka, Onitsha, Ukwa and Umuahia Divisions.

- (2) The other party retains the right to recover from the party who terminates the betrothal any valuable gifts he or she made to the other party or family.

Local variations.—There is no such right in Aba, Idemili, Mbaise, Northern Ngwa, Nsukka and Onitsha Divisions.

- (3) The respective families of the parties to a betrothal retain the right to recover from the other party any valuable gifts they made to that other party or family.

Local variations.—There is no such right in Aba, Abakaliki, Idemili, Izzi, Mbaise, Northern Ngwa, Nsukka and Onitsha Divisions.

294. *Food items, etc. not returnable.*—No claims are made by either of the parties to a betrothal or their families in respect of food items, drinks or tobacco expended by them as part of betrothal ceremonies.

Local variations.—

- (a) In Oha-Ozara clan of Afikpo Division, the cost of all such items is recoverable.
- (b) In Aro clan of Arochukwu Division, one half of the cost of hot drinks is recoverable. In Ihechiowa clan of the same division, the cost of meat only is recoverable.
- (c) In Enugu Division, the cost of palm-wine and kola-nuts is recoverable.
- (d) In Ezeagu Division, palm-wine, kola-nuts and tobacco are recoverable less one-third.
- (e) In Ikwo clan of Ezzikwo Division, one-half of the cost of palm-wine is recoverable, where the termination of the betrothal is not by the girl.
- (f) In Owerri Division, the woman is entitled to retain any clothes she received from the man during betrothal.
- (g) In Udi Division, worn-out clothes are not recoverable but new ones are.

295. *No remedy for wrongful termination of betrothal.*—No party to a betrothal has a right to claim compensation for termination of the betrothal, however wrongful the termination may be.

296. *Where pregnancy precedes termination.*—

- (1) (a) Where a man who is betrothed to a woman makes her pregnant and then terminates the betrothal through no fault of the woman, she has a right to claim maintenance against him during the pregnancy in Afikpo Division, Ogwugwu-agu clan of Aguata Division, Arochukwu, Enugu, Etiti, Ezeagu, Ihiala, Ishielu, Isi-Uzo, Mbaise, Mbano, Ikeduru area, Njikoka, Nkanu, Nkwerre, Nnewi, Northern Ngwa, Ossomari in Ogbaru, Okigwe, Orlu, Eastern Oru, Owerri, Udi and Uzo-Uwani Divisions.
- (b) She has no such right in Aba and Abakaliki Divisions, Aguata excluding Ogwugwu-agu clan, Anambra, Awgu, Bende, Ezzikwo, Idemili, Igbo-Eze, Izzi, Mbaitoli area, Nsukka, Oguta, Ohafia, Onitsha, Western Oru, Ukwa and Unuahia Divisions.

- (2) (a) Where a man who is betrothed to a woman makes her pregnant and then terminates the betrothal through no fault of the woman, the woman's parents have a right to claim compensation against the man in Aba and Afikpo Divisions, Ogwugwu-agu clan of Aguata Division, Arochukwu, Awgu, Enugu, Etiti, Ezeagu, Idemili, Ihiala, Ikeduru area, Ishielu, Isi-Uzo, Mbaise, Northern Ngwa, Ohafia, Okigwe, Orlu, Oru, Owerri, Udi, Ukwa, Umuahia and Uzo-Uwani Divisions.
- (b) They have no such right in Abakaliki Division, Aguata Division excluding Ogwugwu-agu clan, Anambra, Bende, Ezzikwo, Igbo-Eze, Izzi, Nsukka, Ossomari in Ogbaru, Oguta and Onitsha Divisions.

297. *Money spent on training betrothed woman.*—

- (1) Where a man spends money in training a girl who is betrothed to him, he has a right to claim a refund of such money if the girl or her family terminates the betrothal for no just cause.

Local variations.—He has no such right in Bende and Idemili Divisions.

- (2) Where a man spends money in training a girl who is betrothed to him, he has a right to claim a refund of such money even where the girl or her family terminates the betrothal for just cause.

Local variations.—He has no such right in Bende, Idemili, Northern Ngwa and Nsukka Divisions.

- (3) Where a man spends money in training a girl who is betrothed to him, he has a right to claim refund of such money if he or his family terminates the betrothal for just cause.

Local variations.—He has no such right in Idemili, Nkwerre and Nsukka Divisions.

- (4) Where a man spends money in training a girl who is betrothed to him, he has a right to claim refund of such money if he terminates the betrothal even for no just cause.

Local variations.—He has not such right in Afikpo and Edda clans of Afikpo Division, Arochukwu, Bende, Idemili, Ihiala, Northern Ngwa, Nsukka, Ossomari in Ogbaru, Onitsha, Umuahia and Uzo-Uwani Divisions.

The Marriage Itself

298. *Requirements for valid marriage.*—The principal requirements for a valid marriage regarding mental condition, physical condition, initiation, existing marriages, circumcision, consents and absence of bars resulting from consanguinity and affinity are dealt with in paragraphs 272 to 286. Bride-price and other marriage payments are dealt with in paragraphs 305 to 311.

299. *Additional requirements for valid marriage.*—The following additional requirements for a valid marriage are necessary in the places indicated—

- (1) Mother's consent to a man's marriage—The consent of a man's mother to his proposed marriage is an essential requirement in Ezeagu, Ezzikwo, Ihiala and Isi-Uzo Divisions, Awkunanaw and Amagu-nze communities in Nkanu Division, Northern Ngwa, Onitsha, Oru and Udi Divisions.
- (2) Consent of the woman's mother—The consent of a woman's mother to her proposed marriage is an essential requirement in Aba, Abakaliki, Anambra, Enugu, Ezeagu, Ezzikwo, Igbo-Eze, Ihiala, Isi-Uzo, Izzi and Mbaise Divisions, Awkunanaw and Amagu-nze communities in Nkanu Division, Northern Ngwa, Nsukka, Onitsha, Oru, Udi and Umuahia Divisions.
- (3) Fattening—A woman about to marry has to be kept in a fattening room and the necessary ceremonies performed before she marries in Abakaliki, Arochukwu and Izzi Divisions.
- (4) Circumcision of the woman—A woman has to be circumcised before she marries in Abakaliki, Ezeagu, Izzi, Mbaise and Nkwerre Divisions, Ohaji town in Oguta Division, Orlu, Udi and Uzo-Uwani Divisions.
- (5) Circumcision of the man—A man is invariably circumcised before he marries in Abakaliki, Aguata, Awgu, Ezeagu, Idemili, Igbo-Eze, Ihiala, Isi-Uzo, Izzi, Mbaise, Mbanu, Nkanu, Nkwerre and Nsukka Divisions, Ohaji town in Oguta Division, Okigwe, Onitsha, Orlu, Udi and Uzo-Uwani Divisions.
- (6) In Aba Division and Nvosi clan in Northern Ngwa Division, the following things must also be done—
 - (a) where the woman answers *Akuehi*, the prospective husband must present an ox to the woman's father, and this is sacrificed at the *Ihuchukwu* and shared

among the *amala* and matrimonial relations of the woman. (A girl answers *akuehi* if she is the first daughter born after her father has offered an ox to the *Ihuchukwu*);

- (b) Where the woman answers *Mmaji*, the prospective husband has to present a goat, a fowl, palm-wine and some money to the woman's father who shares them with the *amala* and the juju priest of the same kindred;
 - (c) Where a girl answers *Nwanyagwu*, the prospective husband has to make a sacrifice to the *Agwu* with articles prescribed by the woman's father.
- (7) In Abakaliki and Izzi Divisions, the prospective husband must perform the *ikpo ekwu* or *akpo efu* ceremony.
 - (8) In Arochukwu and Owerri Divisions, presentation of *manyi ukwu* (six big jars of palm-wine or more) by the prospective husband is essential.
 - (9) In Igbo-Eze Division, the ceremony of *ibe-ekwu* must be performed. This consists of provision of a fire place for the bride.
 - (10) In Mbaise Division, *Ivu onu* rite (blessing) must be done.
 - (11) In Njikoka Division, ceremony of slaughtering *okuko onye uwa* must be performed.
 - (12) In Nkanu Division, an agreed number of goats, kola-nuts, yams and tobacco must be presented to the woman's parents.
 - (13) In Umuahia Division, the man has to present *ewu umuma*, palm-wine, eight to fourteen kola-nuts, twenty three kobo (*ego oji na ose*) and tobacco to the extended family of the woman.

Usually *mkpuru oku nri* (full woman's dress) is also presented to the mother.

300. *Failure to consult where consent essential to valid marriage.*—

- (1) Where consent is required for a valid marriage and the person whose consent is required is not at all consulted before the marriage ceremonies are performed, the legal result will be as follows—
 - (a) Such marriage will be void in Aba, Aguata, Anambra, Arochukwu, Awgu, Bende, Enugu, Ezeagu, Ezzikwo,

Idemili, Igbo-Eze, Ihiala, Ishielu, Isi-Uzo, Mbaise and Mbaitoli/Ikeduru Divisions, Awkunanaw, Akpugo and Amagu-nze communities in Nkanu Division, Nnewi, Northern Ngwa, Nsukka, Ogbaru, Ohafia, Okigwe, Orlu, Oru, Udi, Ukwa, Umuahia and Uzo-Uwani Divisions.

- (b) Such marriage will be void if, but only if the person whose consent is required positively objects to it (i.e. the marriage is voidable) in Abakaliki, Etiti, Izzi, Mbano, Njikoka, Nkwerre and Onitsha Divisions.

301. *Refusal to give consent when asked.*—Where a person's consent is required to a valid marriage and that person is asked to give the necessary consent but refuses to do so, then if the prospective spouses proceed nevertheless with the marriage ceremonies, the legal effect of their so doing will be as follows—

- (a) the marriage will be void in Aba, Abakaliki, Aguata, Anambra, Arochukwu, Awgu, Bende, Enugu, Ezeagu, Idemili, Igbo-Eze, Ihiala, Isi-Uzo, Izzi, Mbaise, Mbaitoli/Ikeduru, Njikoka, Nkanu, Nkwerre and Nnewi Divisions, Umunoha, Ngwa-ukwu, Ovu-ngwa, Ntigha and Nsulu communities in Northern Ngwa Division, Nsukka, Ogbaru, Ohafia, Orlu, Oru, Udi, Ukwa, Umuahia and Uzo-Uwani Divisions.
- (b) The marriage will be valid once concluded in Afikpo, Etiti, Ishielu and Mbano Divisions, Northern Ngwa Division excluding Umunoha, Ngwa-ukwu, Ovu-ngwa, Ntigha and Nsulu communities, Oguta, Okigwe and Owerri Divisions.
- (c) The marriage will be void if, but only if the person whose consent is required takes steps to nullify it (i.e. the marriage will be voidable) in Ezzikwo Division, Awkunanaw, Akpugo and Amagu-nze communities in Nkanu Division and Onitsha Division.

302. *Marriage celebrated without consent: Children born.*—Where consent is required for a valid marriage but such consent is not obtained and marriage ceremonies are performed without it—

- (1) children born of such a union are regarded as children born in mere friendship in Aba and Abakaliki Divisions, Ogwugwu-agu, Agueke, Mbanasa, Nkwo-agu and Enugu-uno clans of Aguata Division, Anambra, Arochukwu, Awgu,

Bende, Enugu, Ezzikwo, Idemili, Igbo-Eze, Ihiala, Izzi, Mbaise, Mbaitoli/Ikeduru, Njikoka, Nkwerre and Nnewi Divisions, Umunoha, Ngwa-ukwu, Ovu-ngwa, Ntigha and Nsulu communities in Northern Ngwa Division, Nsukka Division (excluding Ogboli clan), Ogbaru, Ohafia, Orlu, Oru, Ukwa, Umuahia and Uzo-Uwani Divisions.

- (2) children born of such a union are regarded as children born in marriage in Afikpo Division, Aguata Division (excluding the clans named under (1)), Etiti, Ezeagu, Ishielu, Isi-Uzo, Mbano and Nkanu Divisions, Northern Ngwa (excluding Umunoha, Ngwa-ukwu, Ovu-ngwa, Ntigha and Nsulu communities), Ogboli clan of Nsukka Division, Oguta, Okigwe, Onitsha, Owerri and Udi Divisions.

303. *Consent given after marriage ceremony.*—Where a person's consent is necessary for a valid marriage and he refuses at first to give his consent to the marriage but later changes his mind and gives his consent after the marriage ceremonies have been performed, the legal effects will be as follows—

- (1) Such marriage will be lawful from the beginning in Abakaliki, Afikpo, Anambra, Arochukwu, Bende, Enugu, Etiti, Ezzikwo, Idemili, Igbo-Eze, Ihiala, Ishielu, Izzi, Mbano, Njikoka, Nkanu, Nnewi, Northern Ngwa, Nsukka, Ogbaru, Oguta, Okigwe, Onitsha, Oru and Owerri Divisions.
- (2) Such marriage will be lawful from the day the necessary consent is given in Aba, Aguata, Awgu, Isi-Uzo, Mbaise, Mbaitoli/Ikeduru, Nkwerre, Ohafia, Orlu, Ukwa, Umuahia, and Uzo-Uwani Divisions.

304. *Where consent is refused and child is born.*—

- (1) Where a father's consent is required for the valid marriage of his daughter and he refuses to give his consent to a proposed marriage between his daughter and a certain man but his daughter insists of marrying that man and goes to live with him as husband and wife, then if the daughter bears a child by that man—
- (a) such child will be a legitimate child of that man in Afikpo Division, Mbaloye and Ndienu clans of Aguata Division, Etiti, Ezeagu, Mbano, Njikoka and Nkanu Divisions, Ogboli clan of Nsukka Division, Ossomari in Ogbaru, Oguta, Ohafia, Okigwe and Owerri

Divisions, Ngwo and Ugwunye clans of Udi Division and Uzo-Uwani Division.

- (b) In other places the child will be regarded as illegitimate and will not belong to its natural father, but will belong to its mother's maiden family.
- (2) In the above case, if the father changes his mind and consents to the proposed marriage after a child has been born of his daughter, his subsequent consent will affect the legal status of the child in those places where the child would otherwise be illegitimate. The child will become a legitimate child of its mother's husband in such places, that is in Aba and Abakaliki Divisions, Aguata Division (excluding Mbaloye and Ndienu clans), Anambra, Arochukwu, Bende, Enugu, Ezeagu, Ezzikwo, Idemili, Igbo-Eze, Ihiala, Isi-Uzo, Izzi, Mbaise, Mbaitoli/Ikeduru, Nkwerre, Nnewi and Northern Ngwa Divisions, Nsukka Division (excluding Ogboli clan), Ogbaru, Onitsha, Orlu, Oru, and Udi Divisions (excluding Ngwo and Ugwunye clans).

Bride-price and other Marriage Payments

305. *Bride-price essential.*—

- (1) Bride-price is an essential requirement for marriage. Agreement on it is a condition precedent for contracting a valid marriage; and so, no marriage can take place unless and until bride-price is fixed and agreed upon.
- (2) It is not essential that the agreed bride-price shall be paid in full, but at least part-payment of the bride-price must be made before a valid marriage can be performed.
- (3) Unless the two families involved in a marriage transaction otherwise agree, bride-price is payable in money. This, however, does not affect other incidental payments many of which are made in kind.
- (4) The right persons to agree on the bride-price payable for a bride are the bride's father (or the guardian if the father is dead) on one hand and the bridegroom or his representative on the other hand.

306. *Bride-price paid to one person.*—

- (1) All the bride-price payable on a woman is paid to one and the same person and belongs to him in Oha-Ozara clan of

Afikpo Division, Aguata, Awgu, Idemili, Ihiala, Mbano, Njikoka, Nkwerre, Nnewi and Ogbaru Divisions, Isuikwuato, Otanzu-Otanchara West and Umuchieze communities in Okigwe Division, Orlu and Owerri Divisions. In these places, the bride-price goes to the father of the bride (or his successor in title if he is deceased), but the mother is also entitled to some payment in money and in kind for having brought up the child.

- (2) In those communities not mentioned in sub-paragraph (1) above, bride-price due on a bride is paid to the father of the bride in the first place, but does not belong to him exclusively. Bride-price paid in those places is dealt with as follows:—
- (a) Aba—The bride-price is shared between the parents of the bride in any proportion mutually agreed upon.
- (b) Abakaliki—The bride-price which is payable in money or in kind or in a combination of the two, is distributed as follows:—The bride's father is entitled to any cows that are paid as part of the bride-price; the bride's mother is entitled to three goats. The bride's *ogbo* (customary friend) is entitled to one goat. All the other goats are shared between the bride's father, brothers and paternal uncles in mutually agreed proportions. Iron bars paid as part of the bride-price, or their equivalent in money where no iron bars are paid, are shared between the father, the mother, brothers and the paternal uncles of the bride in mutually agreed proportions.
- (c) Afikpo—In Afikpo clan of Afikpo Division, the bride's father is entitled to ₦5.80 (five naira, eighty kobo) out of the bride-price. The bride's mother is entitled to ₦2.90 (two naira, ninety kobo). The bride's *umunna* are between them entitled to 30k (thirty kobo). In Edda clan of the same Division, the father is entitled to ₦20.00 (twenty naira) and the mother is entitled to ₦10.50 (ten naira, fifty kobo).
- (d) Anambra—The bride's mother is entitled to *ego-nne*, the amount of which is agreed in each case having regard to the amount of bride-price payable. The

balance of the bride-price goes to the bride's father. In Aguleri community, all the bride price-paid on a man's eldest daughter goes to him exclusively.

- (e) Arochukwu—In Ihechiowa clan where the maximum bride-price payable is ₦60.00, the father of the bride is entitled to ₦24.00. The balance goes to the bride's mother and her relations and is shared by them in mutually agreed proportions. Elsewhere in the Division, the bride's father is entitled to two-thirds of the bride-price while the balance goes to the bride's mother.
- (f) Bende—The bride's father is entitled to the major part of the bride-price; the balance goes to the bride's mother. The actual proportions are mutually agreed or, failing agreement, fixed by the elders of the family.
- (g) Enugu—The bride's father and mother share the bride-price in the ratio of three to one.
- (h) Etiti—The bride's father, mother and brothers as well as the middleman of the marriage share the bride-price in mutually agreed proportions.
- (hh) Ezeagu—As in Udi Division.
- (i) Ezzikwo—In Ezza clan, the father is entitled to two cows and one goat, the mother of the girl takes one goat, the eldest son of the bride's father takes one goat, the mother of the bride's father takes one goat, the father of the bride's father takes one goat, the maternal grandmother of the bride takes one goat, the bride's namesake (*ogbo*) takes one goat called *ewu ogbo*; the bride's *umunna* take one iron bar of twelve feet called *igwe umunnaji*.
- In Ikwo clan, the bride's father takes all the cows, red cap, one fathom of cloth, iron bar called *igwe ochiazu*, the mother of the bride takes a goat called *ewu mne*; the bride's namesake takes one goat called *ewu ogbo*, the bride's *umunna* take one goat called *ewu umunna* and one hind leg of bush meat.
- (j) Igbo-Eze—In Etteh clan, all the bride-price goes to the bride's father. In Enugu-Ezike, the bride's

father takes three-quarters of the bride-price and the balance goes to the mother. In Eketekelu, the father takes two-thirds of the bride-price and the balance goes to the mother. In Itchi clan, the bride's father and mother share the bride-price in mutually agreed proportions.

- (k) Ishielu—The bride-price is shared between the bride's father, mother, namesake (*ogbo*) and maternal and paternal relations in mutually agreed proportions.
- (l) Isi-Uzo—The bride's father and mother share the bride-price in the ratio of two to one.
- (m) Izzi—The bride-price which is payable in money or in kind or in a combination of the two, is distributed as follows:—

The bride's father is entitled to any cows that are paid as part of the bride-price; the bride's mother is entitled to three goats. The bride's *ogbo* (customary friend) is entitled to one goat. All the other goats are shared between the bride's father, brothers and paternal uncles in mutually agreed proportions. Iron bars paid as part of the bride-price or their equivalent in money, where no iron bars are paid, are shared between the father, the mother, brothers and paternal uncles of the bride in mutually agreed proportions.

- (n) Mbaise, Mbaitoli/Ikeduru, Oguta, Ukwa and Umuahia Divisions—The bride's father and mother share the bride-price in mutually agreed proportions.
- (o) Nkanu—The bride-price is shared by the bride's father, uncles and other paternal relations in mutually agreed proportions.
- (p) Northern Ngwa—The bride's father and mother share the bride-price in the ratio of four to one.
- (q) Nsukka—The bride's father, mother and senior paternal relations share the bride-price in mutually agreed proportions; the father taking the greatest share; followed by the mother.

- (r) Ohafia—Where the bride's mother is not a native of Ohafia Division, the bride's father is entitled to all the bride-price. Where the bride's mother is a native of the division, the bride-price is shared by the bride's father, mother, paternal and maternal relations in agreed proportions.

In Abriba community, the bride's father takes one-half while the paternal and maternal relations share the other half among them.

- (s) Okigwe—In Isuikwuato and Otanzu/Otanchara West communities, the bride's father is entitled to all the bride-price. In Umuchieze community, the bride's mother is entitled to one goat (*ewu nne*). In the other communities, the bride's father takes the bulk of the bride-price and gives the balance (fixed by him at his own discretion) to the bride's mother.
- (t) Onitsha—The bride-price is shared by the father, the mother, the bride and members of the bride's paternal and maternal families in proportions prescribed by local customs.
- (u) Oru—The bride's father and mother share the bride-price in the ratio of three to one.
- (v) Udi—The bride-price is shared by the bride's father, mother, paternal male relations and maternal grandfather in mutually agreed proportions.
- (w) Uzo-Uwani—The bride-price is shared between the bride's father and mother in the ratio of two to one.

307. *Incidental payments and where they are made.*—Incidental payments are due and payable in the following places:—

- (a) Aba Division—*Mmanya amala* (palm-wine due to the *amala* or elders).
- (b) Afikpo Division—In Oha-Ozara clan, incidental payments are made as mutually agreed but in the following range:—The eldest son is paid ₦4.00 to ₦10.00; the *umunna* are paid ₦4.00 to ₦10.00; the oldest member of the extended family who blesses the marriage is paid ₦2.00 to ₦4.15 and the eldest paternal uncle of the bride is paid ₦4.00 to ₦10.00. Each of these payments is accompanied by some tobacco, kola-nuts, palm-wine and meat.

- (c) Anambra Division—Two incidental payments are made to the bride's parents. These are *ibu akwari* and *ite onwasa*.
- (d) Bende Division—In Itu-mbuzo community, an incidental payment called *ndiong ufok* is made to the bride on the occasion of her first formal visit to the family of the bridegroom.
- (e) Etiti Division—The following incidental payments are made:
(1) *Ihe ihu onu nwanyi* (2) *Ihe umunna*, (3) *Ihe onye akaebe* and (4) *Ihe umunwanyi*.
- (ee) Ezeagu Division—As in Udi Division.
- (f) Ezzikwo Division—In Ezza clan, compulsory gifts of meat or fish, tobacco, kola-nuts, palm-wine and yams are due to the bride's parents on the occasion of *onwa eke* and new yam festivals. In Ikwo clan, *mmanya umu ikwo*, which is a cash payment of ₦20.00 to ₦40.00 plus yams, kola-nuts, tobacco, palm-wine, meat or fish is payable to the bride's parents on the occasion of every feast.
- (g) Idemili Division—The following incidental payments are due:
- (i) *Ego umunna* (except in Ogidi and Umuoji communities)
 - (ii) *Ewu umunna* (except in Umuoji, Uke, Oba, Nkpo, Nnobi and Awka Etiti communities).
 - (iii) *Ego ibi okwu* in Abatete only.
 - (iv) *Ego ukwu nato* in Ogidi only.

These payments are made to the *umunna*.

- (h) Ihiala Division—An agreed sum of money is given by the bridegroom to the bride's father for the purchase of palm-wine, goat, hot drinks, tobacco, eight yam tubers, snuff and potash. Cash payment is also made. These payments are paid over to the extended family of the bride's father.
- (i) Mbaise Division—Incidental payments due are *aku nna nwa*, *aku nne nwa* and *aku amala*. These are payments made to the bride's father, mother and village elders respectively.
- (j) Mbaitoli/Ikeduru Division—*Ihe nkughe onu* (also called *ihe idumba n'afọ*) and *Ihe Umunna*. These consist of money, trinkets and tobacco given by the bridegroom to the bride's father and mother.

- (k) Mbano Division—
- (a) a payment of up to ₦20.00 made to the bride to test her consent to the proposed marriage;
 - (b) a payment of ₦12.00 to the *isi obi*. This payment is made to the elders of the extended family who bless the marriage.
- (l) Njikoka Division—
- (a) *Ego nne* (payment to the bride's mother by the bridegroom).
 - (b) *Ego umunna* (payment made by the bridegroom to the members of the bride's *umunna*).
 - (c) *Ego ahum onu* (payment made to the people who fixed the bride-price).
- (m) Nkwerre Division—*Ego ikwu onu aku* (i.e., money paid by the bridegroom to those who settle the bride-price payable) and payments made to the women of the bride's family.
- (n) Nkanu Division—A payment of goats, fowl, yams, kola-nuts, tobacco and similar articles made by the bridegroom to the bride's parents and other relations.
- (o) Northern Ngwa Division—Payments of mutually agreed amounts to the head of the bride's family, brother of the bride, senior sister and grandmother of the bride and to members of the bride's extended family.
- (p) Ogbaru Division—
- (i) *Ego nne* (mutually agreed amount for the mother).
 - (ii) ₦10.00 *ego agwu* for the bride.
 - (iii) *Ego mmanya umunna* (mutually agreed amount for members of the bride's extended family).
- (q) Oguta Division—*Mesimesi*—a small sum paid by the bridegroom to the relations of both spouses.
- (r) Ohafia Division—Payment in lieu of labour services and payments made in lieu of livestock and other food items due on the occasion of annual feasts. These payments are made by the bridegroom to the bride's parents.
- (s) Okigwe Division—
- (i) *Ego nkabi uka nwanyi* (fee payable on settlement of bride-price).
 - (ii) *Ego nna nwe ezi*

- (iii) *Ego umunna*
- (iv) *Ego umunwanyi*
- (v) palm-wine, cigarretes, snuff, two heads of tobacco and potash.
- (vi) Oaths-taking money.

These payments are made to the family of the bride. In Uturu community, in addition to the above, the bridegroom also pays a goat, ten coconuts and some *uhie* (camwood).

In Imenyi community of Isuikwuato clan, the bridegroom pays for the ceremonies of *mma ato* and *mma isi*. In Amawo community, also in Isuikwuato clan, the bridegroom performs the *iku uhie* with four coconuts, four wrapped and cooked oil bean slicings (*ugba*), four pieces of *uhie*, some fresh meat and the sum of ₦1.30.

- (t) Orlu Division—(a) *Ego okwu (ego nkabi uka)*; and (b) *ego umunna*.

Ego okwu is paid to those who settle the bride-price payable and *Ego umunna* is paid to the members of the bride's extended family.

- (u) Oru Division—

- (a) *Ego ahuhu onu*
- (b) *Ego nkwa arusi*
- (c) *Ego umunnadi*
- (d) *Ego umuada*
- (e) *Ego ngugo ofo*

Ego ahuhu onu and *ego nkwa arusi* are paid to the people who settle the bride-price payable. *Ego umunnadi* is paid to the male relations of the bride. *Ego umuada* is paid to the female relations of the bride. *Ego ngugo ofo* is paid to the oldest member of the bride's family for blessing the marriage.

- (v) Owerri Division—

- (a) *Ahu ahia nne*
- (b) *Ihe amala*

These are paid to the bride's mother and the *Amala* of the bride's extended family.

(w) Udi Division—

(a) *Obiri ihe nna*(b) *Obiri ihe nne*(c) *Ikwunnenne*

These are paid to the father, the mother and maternal grandparents of the bride respectively.

(x) Ukwa Division—

(a) *Ikepeghe nkweredi*(b) *Ikepeghe mgbuko ulo*(c) *Ngwa mgbede*(d) *Ikepeghe mmarulo*

The first three items are paid by the bridegroom to the bride. The fourth consists of money for sundry ceremonies performed by the bridegroom for the maiden family of the bride.

(y) Umuahia Division—

(a) Money, soap, powder and similar articles paid by the bridegroom to the female members of the bride's age grade.

(b) *Ego umunna* is paid by the bridegroom to the *umunna* of the bride.

(z) Uzo-Uwani Division—In Anyamelum clan only, payments for *ochucho oku*. This is made to the bride's parents.

308. *Payments due after marriage*.—After a marriage has taken place, the following payments in money or in kind are due from a husband to his parents-in-law or their family:—

(a) Aba Division—Customary gifts made to the bride's parents on the occasion of every annual festival.

(b) Aguata Division—*Mmanyà umunna*, *ego umuada* plus palm-wine, and *ego nne*. These are given to the members of the bride's extended family, daughters of the bride's extended family and the bride's mother respectively.

(c) Anambra Division (excluding Anam and Aguleri communities) — *ofufe nru*, i.e., annual customary gift made to the parents of the bride.

- (d) Awgu Division—In Awgu town, the annual *igba-oso oriri* (customary gift consisting of a fowl, *ukpaka*, yams and similar articles):

In Agbogugu community, there is the annual customary gift of eight yams, palm-wine and a cock. In both places these customary gifts are made to the parents of the bride.

- (e) Bende Division—In Igbera community, a piece of textile known locally as “George” is given to the mother of the bride.
- (f) Etti Division—Customary gifts known as “*ihe nkita oku akirika*” and *okuko ntumuka* as well as palm-wine are given on the occasion of local festivals. These are made to the parents of the bride.
- (ff) Ezeagu Division—As in Udi Division.
- (g) Ezzikwo Division—Customary gift on the occasion of payment of a second bride-price called *afia nkwalabo*. This consists of one cow and kegs of palm-wine. In Okpuitumo community in Ikwo clan, there is also a customary gift of one flat iron bar. These gifts are made to the parents of the bride.
- (h) Idemili Division—These are customary gifts known respectively as—
- (a) *Ibuchi*;
 - (b) *Ibu alomuo*;
 - (c) *Ogo malube (ina nni)*
- Ibuchi* and *ibu alomuo* are done annually on the occasion of *ilochi* and *ilomuo* festivals respectively. *Ogo malube* is a ceremony involving gifts of money and a fowl as well as feasting on the occasion of the parents-in-laws’ first visit to the home of the bridegroom. *Ibuchi* is made annually to the bride’s mother. *Ibu alomuo* is made annually to the bride’s father.
- (i) Isi-Uzo Division—Customary gifts on the occasion of important feasts, second burials or title-taking. Such gifts are made to the bride’s parents or other members of the bride’s family as the case may be.
- (j) Mbaise Division—Customary gifts in money or in kind to the boys and girls and married women within the bride’s maiden extended family.

- (k) Mbaitoli/Ikeduru Division—Yams, fowls and palm-wine on the occasion of annual festivals. These are given to the parents of the bride.
- (l) Mbano Division—These are traditional gifts of money given to female members of the bride's age grade. The amount varies from age grade to age grade.
- (m) Nkanu Division—A customary gift of a horse or a cow on the occasion of the death of the bride's father or mother. In Mburubu and Mgboka communities, if a horse or cow is not available, a goat is paid instead. This gift is made to the family of the bride.
- (n) Nkwerre Division—*Ego eghu obi* and *aku uno* given to the eldest male member of the bride's family and the bride's mother respectively.
- (o) Northern Ngwa Division—Customary gifts of clothes and other wearing apparel and also some rice. This gift is made to both parents of the bride.
- (p) Nsukka Division—Customary gifts in money on the occasion of the death of the bride's father. Also on the occasion of traditional ceremonies performed by the bride's father.
- (q) Ogbaru Division—Customary gifts called *ego nne*, *ego agwu* (₦10.00) and *ego mmanya umunna*. These payments are made to the bride's grandmother, the bride herself and the bride's *umunna* respectively.
- (r) Okigwe Division—Customary gifts in money or in kind on the occasion of *iri ji* (Annual Yam Festival). In Isuikwuato clan, a customary gift is made on the occasion of *igbu ichi* to the parents of the bride. In Nneato and Isuochi communities, the bridegroom also performs the ceremony called *erimeri unuagbogh*. The first two payments (i.e. in respect of *iri ji* and in respect of *igbu ichi*) are to the parents of the bride. The *erimeri unuagbogh* ceremony is for the female members of the bride's age grade.
- (s) Orlu Division—Customary gift called *ego ihe aku*. This payment is made to the paternal male relations of the bride.
- (t) Oru Division—Payments in money or provision of necessary foodstuffs and other articles when the bride's father performs a customary sacrifice or takes a title. Such payment is made to the bride's father.

- (u) Udi Division—Customary gifts in respect of *olili ihenna*, *olili ihenne* and *ikwu nnenne*. These payments are made to the bride's father, mother and maternal grandparents respectively.
- (v) Ukwá Division—Customary gifts called *onu nwa*, *ikpeghe olu ogo* (payment in lieu of personal services), *uli ogo* (payment for burial expenses) and *ikpeghe mmeme* (also called *ikpeghe omehe*) or *iju-ugba*. These payments are made to the bride's parents.

309. *Failure to pay or complete-bride price, remedies for.*—Where a husband fails to pay the bride-price of his wife in full or to make the other payments when they are due—

- (1) The family of the wife have a right to recall the wife and keep her with them until those payments are made or completed as the case may be;

Local variations.—This right of detention does not exist in Arochukwu, Bende, Ohafia and Onitsha Divisions;

- (2) The family of the wife have a right to sue the husband to recover such payments;

Local variations.—They have no such right in Awgu Division, Igbo-Eze (excluding Ichi clan) and Nkanu Division (excluding Awkunanaw, Akpugo and Amagunze communities).

- (3) (a) These two rights co-exist and actions on them may be taken together or in the alternative in Aba, Abakaliki, Afikpo, Aguata, Etiti, Ezzikwo, Idemili, Izzi, Northern Ngwa, Mbano, Nnewi, Ogbaru, Oguta, Okigwe, Owerri, Ukwá and Umuahia Divisions.
- (b) The two rights are alternative rights in Anambra, Enugu, Ezeagu, Igbo-Eze, Ihiala, Ishielu, Isi-Uzo, Mbaise, Njikoka, Nkanu, Nkwerre, Northern Ngwa, Nsukka, Orlu, Oru, Udi and Uzo-Uwani Divisions.

310. *Bride-price and ownership of children.*—

- (1) Non-payment of the agreed bride-price will not affect a bridegroom's right to a child born of his wife, provided the necessary marriage ceremonies are performed with the parents' consent before the child is born. Thus, where bride-price payable is agreed upon, the husband promises to pay it after the marriage shall have taken place, the marriage takes place, the wife becomes pregnant and has a child but the bride-price is still not paid, the child will, nevertheless, belong to the husband.

Local variations.—In such a case the child belongs to the maiden family of the wife in Awgu, Northern Ngwa and Ukwa Divisions.

- (2) Where the bride-price agreed upon is paid in part, the marriage takes place, and a child is born, without payment being completed, such child belongs to the husband.

311. *No duty to pay if wife dies.*—Where a wife dies before her bride-price is paid in full, neither the husband nor his family has any obligation to pay up the balance.

Local variations.—Obligation to pay up such balance exists in Ezzikwo and Ishielu Divisions if the woman is survived by an issue, but not otherwise.

312. *Induction (handing over of the bride):*

- (1) A formal handing-over of the bride to the bridegroom or his family is necessary for a valid marriage.

Local variations.—This is neither necessary nor usually done in Afikpo clan of Afikpo Division, Etiti, Ishielu, Mbano and Ogbaru Divisions.

- (2) This formal handing-over takes place in the maiden home of the bride.

Local variations.—

(a) The formal handing-over is done in the family of the bridegroom in Oha-Ozara clan of Afikpo Division, Bende, Onitsha and Ukwa Divisions.

(b) A formal handing-over is done both in the maiden home of the bride and in the home of the bridegroom in Aba and Oguta Divisions.

(c) In Anam and Aguleri communities and in Olumbanasa clan of Anambra Division, the formal handing-over is done in the maiden home of the bride in the case of re-marriages (i.e. where a divorcee or widow re-marries). In the case of a first marriage, the formal handing-over is done in the home of the bridegroom.

313. *Handing-over procedure.*—The formal handing-over procedure is as follows—

- (1) Aba Division—The bridegroom and his friends and relations go to the maiden home of the bride and take her away after being entertained by her family.

- (2) Abakaliki and Izzi Divisions—The ceremony consists essentially in *itugba nri* in which the couple eat together of the yam *fufu* specially prepared for the occasion. After this, the bridegroom and his friends and relations take away the bride.
- (3) Afikpo Division—In Afikpo clan of Afikpo Division, the bride's mother and members of her (mother's) age grade together with relations and friends take the bride with her trousseau to the home of the bridegroom where they hand the bride over to the bridegroom's family. They are then entertained and, in addition, the mother of the bride is given some clothing material by the bridegroom.

In Edda clan of the same division, four young female relations of the bride and female members of the bride's age grade take her to the home of the bridegroom. They bring with them a bucket and a sleeping mat. They all spend the night in the bridegroom's home and are entertained by him and his family. The bride is then left with the bridegroom while her escorts return home taking with them a gift of a bar soap, coconut for planting and a stockfish from the bridegroom to the bride's mother.

In Oha-Ozara clan of the same division, the bridegroom and his relations and friends go to the maiden home of the bride to fetch her. The bride's father (or guardian if the father is dead) blesses the couple and hands the bride over to the bridegroom and his people. The bridegroom and his people take the bride away after being entertained by her family.

- (4) Aguata Division—The father of the bride takes the bride by the hand and literally hands her over to the bridegroom. This is done in the bride's maiden home after the bridegroom and his friends and relations have been entertained by the bride's family.
- (5) Anambra Division—In Aguleri, Anam and Olu-mbanasa communities, if the bride is being married for the first time, she is taken to the bridegroom's home by members of her family and relations. There they hand over the bride to the bridegroom and his family after they have been entertained. In the case of second or subsequent marriages in these three communities as well as in all marriages in the rest of the

division, the bridegroom and his friends and relations go to the bride's maiden home to fetch her. There the bride is handed over to them by her father after they have been entertained.

- (6) Arochukwu Division—In Aro, Ewe and Isu communities, the bride's father performs the *ibi uro* ceremony. For this ceremony, the bridegroom provides up-wine and palm-wine (*ngwo*). With these wines, the father of the bride touches her navel and joints. He then blesses her and hands her over to the bridegroom and his people who thereafter take her home.

In Ihechiowa clan of the same division, the bridegroom and his friends and relations go to the maiden home of the bride. After they have been entertained, the bride's father takes the hand of the bride, spits on it, blesses the bride and hands her over to the bridegroom and his people who take her away.

In Otutu clan of the same division, the handing over ceremony is the same as in Ihechiowa clan. But here, the bridegroom stays at home while the bride is handed over to his representatives who then take her to the bridegroom in his home.

- (7) Awgu Division—Members of both spouses' families and their friends take the bride from her home to the home of the bridegroom. There the bride is handed over by her people to the bridegroom and his people.
- (8) Bende Division—In Igbera clan, young men and women from the bride's community take her at night to the home of the bridegroom. The bridegroom gives them twenty kobo after entertaining them. They then go home and leave the bride with the bridegroom.

In Bende town of the same division, the bride is taken from her maiden home to the bridegroom's home by some adult and young female members of the bride's family, the young ones carrying the trousseau. At the bridegroom's home, the bridegroom makes a gift of twenty kobo to the older women and another gift of forty kobo to the younger ones. After they have been entertained, the women hand over the bride to the bridegroom.

In Ozuitem community of the same division, the bride is taken from her home to the bridegroom's home by the married women of the bride's family and members of the bride's age grade, both male and female. They hand the bride over to the bridegroom after they have been entertained by the bridegroom's family. If there is a female member of the bride's family who is married into the bridegroom's community, the bride is handed to such woman who then hands her over to the bridegroom. The bridegroom gives to the escorts three gifts called *okpogho imanye aka na njo* (ten kobo) *ihe ura* (twenty kobo) and *ihe iwa ukwu* (twenty kobo).

In Item community of the same division, members of the bride's family take her to the bridegroom's home. There they are entertained (*igbonja*) and presented with twenty kobo and one naira at various stages. Poorer bridegrooms send their relations to the bride's home to fetch her and in such a case the handing over is done in the bride's maiden home.

In Itumbuzo community of the same division, the handing over is done in two stages. The first stage is called *ilu kwa (otutu)*. The bride's parents and members of their family take the bride to the bridegroom's home where they are entertained. They leave the bride behind. Four native weeks later, the bride is taken back to her maiden home by female members of the bridegroom's family. Finally the bride's parents and other members of their family, including an old woman, take the bride to the bridegroom's home. There the bride is handed over to the bridegroom. This final process is called *ndung ufok*.

In Umuimenyi community in the same division, the bridegroom and members of his family go to the bride's maiden home to fetch her. There they present palm-wine to the bride's father, the marriage middleman and the bride's relations respectively. The bridegroom gives forty kobo to the bride's *ikwunna*. The oldest man in the bride's family pours a libation, blesses the couple and hands the bride to marriage middleman who in turn hands her over to the bridegroom.

- (9) Enugu Division—The bridegroom and members of his family go to the maiden home of the bride. The bridegroom presents goat meat to the bride's parents. Then they take her home

passing first through the house of one of her relations whom she has chosen as marriage guardian and who gives her a present of a goat or other livestock.

- (9A) Ezeagu Division—As in Udi Division.
- (10) Ezzikwo Division—In Ikwo clan, the bride and bridegroom perform the ceremony of *ituko nri*. This consists in the couple exchanging balls of pounded yam which they then swallow. Before this, the bridegroom goes to the bride's father with one flat iron bar (*igwe okuta nwanyi*), two leaves of tobacco and two gallons of palm-wine.

In Izza clan of the same division the bride and bridegroom share a piece of kola-nut. The bride bites off a portion which she eats and hands the rest to the bridegroom who eats it. The bridegroom gives to the bride's parents two yams, one head of tobacco and six gallons of palm-wine. The following morning, the bride is taken by the bridegroom and his relations to his home.

- (11) Idemili Division—The bridegroom and members of his family or friend take pots of palm-wine to the bride's maiden family. After they are entertained, the bride's father or an elder member of his family pours libation to the family gods and ancestors, blessing the couple in the process. The bridegroom and his people then take the bride home.
- (12) Igbo-Eze Division—The bridegroom presents palm-wine to the bride's family who in turn entertain him and his friends and relations in the bride's maiden home. The bride is then handed over by her father to the marriage middleman who in turn hands her over to the bridegroom and his family. This is the ceremony of *nchoje nwanyi*.
- (13) Ihiala Division—The bridegroom presents palm-wine to the bride's family in the bride's maiden home. After entertainments, the bride is given a cup of this wine, takes a sip and hands the rest to the bridegroom. After that, she is taken home by the bridegroom and his people.
- (14) Isi-Uzo Division—The bridegroom and his relations and friends go to the bride's maiden home to fetch her. There the bride's father hands her to the marriage middleman who in turn hands her to the bridegroom who then takes her home.

- (15) Mbaise Division—The bridegroom and his friends and relations go to the maiden home of the bride. There they are entertained by the bride's family. After the couple are given special blessing the bride is handed over by her father to the bridegroom and his people who take her home.
- (16) Mbaitoli/Ikeduru Division—The bridegroom and his friends and relations go to the maiden home of the bride. There they are entertained. The bride is given a blessing by her father who then hands her over to the bridegroom. The bridegroom and his people take the bride home accompanied by friends of the bride.
- (17) Njikoka Division—In the bride's maiden home, the bride is taken by hand and handed over to the bridegroom and his people who take her home. The handing over is done by the bride's father.
- (18) Nkanu Division—The bridegroom sends one or two people with palm-wine to the maiden home of the bride. The father of the bride hands over the bride to them and they take her back to the bridegroom.

In Idodo, these escorts are entertained by the bride's maiden family.

- (19) Nkwerre Division—The father of the bride takes her by the hand and hands her over to the bridegroom who thereupon takes her home.
- (20) Nnewi Division—The bridegroom and his friends and relations present palm-wine to the father of the bride in his house. The father of the bride gives a cup of this wine to the bride who drinks a part of it and hands the rest to the bridegroom who drinks it. The bride is then handed over by her father to the bridegroom and his people who take her home.
- (21) Northern Ngwa Division—At the maiden home of the bride, the bridegroom presents to the bride's father a bottle of hot drinks, with which he pours libation. The bride's father then takes the bride by the right hand and hands her to the oldest married member of the bridegroom's family present who in turn hands her over to the bridegroom. After this, the bridegroom and his people take home the bride.

- (22) Nsukka Division—At the maiden home of the bride, the bride's father takes the bride by the right hand, hands her to the marriage middleman who in turn hands her to the bridegroom, in the presence of friends and relations of both families. After this, the bride is taken home by the bridegroom and his people.
- (23) Oguta Division—In the maiden home of the bride, an older member of the bride's family takes a cup of wine in one hand and money in the other and pronounces benediction on the bride and bridegroom. He then hands over the bride to the bridegroom and his people who take her home.
- (24) Ohafia Division—The bride is handed over by her family to a senior member of the bridegroom's family, as representing the bridegroom in the presence of members of both families. The bride is thereafter taken home by the bridegroom's people.
- (25) In Okigwe—In Uturu, Otanzu/Otanchara East and North, and Isuikwuato (excluding Imenyi), the bride in her maiden home is handed over by her father to the marriage middleman who in turn hands her over to the bridegroom in the presence of members of both families. The bride is then taken home by the bridegroom's people.

In Umuchieze, Otanzu/Otanchara West, Isuochi and Nneato communities in the same division, the handing over is by the father to the bridegroom in the maiden home of the bride and in the presence of members of both families. The bridegroom and his people are then entertained after which they take the bride home accompanied by female friends of the bride.

- (26) Onitsha Division—The bride is taken by members of her family to the bridegroom's home. There, the bridegroom presents kola-nuts, drinks and food items to them, and they hand over the bride to him and his family.
- (27) Orlu Division—In Ndizogu community, the father of the bride takes her by the hand and hands her over to the bridegroom in her maiden home and in the presence of members of both families. In other communities in the division, the father of the bride merely asks her to go home with the bridegroom, in which case, the bridegroom and his people take the bride home with them.

- (28) Oru and Owerri Divisions—In the maiden home of the bride, the eldest male member of the bride's family pours libation and pronounces blessings on the marriage. He hands the wine to the bride who takes a sip and hands the rest to the bridegroom who drinks it. Thereafter, the bridegroom and his people in the presence of members of the bride's family take away the bride.
- (29) Udi Division—First the *osologo* ceremony is performed. Next the bride's father takes her by the hand and in the presence of members of both families and their friends hands her over to the bridegroom. Thereafter, the bride is taken home by the bridegroom and his people. This is done in the bride's maiden home.
- (30) Ukwá Division—The bride is brought by her relations and friends to the home of the bridegroom, taking the bride's trousseau with them. The bridegroom and his family entertain them after which they leave the bride with the bridegroom and depart.
- (31) Umuahia Division—The bridegroom and his friends and relations go to the maiden home of the bride. There, in the presence of both families, the bridegroom presents *ewu umunna*, palm-wine, eight to fourteen kola-nuts, twenty-three kobo (*ego oji na ose*) and tobacco. Usually he also presents *nkpuru oku nri* (full lady's three-piece dress) to the bride's mother. After this, the father of the bride formally hands her to the marriage middleman who in turn hands her over to the bridegroom.
- (32) Uzo-Uwani Division—In the maiden home of the bride and in the presence of members of both families, the father of the bride takes the bride by the hand and hands her over to the marriage middleman who in turn hands her over to the bridegroom.

314. *Co-habitation.*—

- (1) It is not necessary for a man and a woman to live together as husband and wife before a valid marriage can exist between them. A man and a woman can validly marry each other even if they have never met, and their marriage may subsist even if they never consummate it.

- (2) A man has a right to cohabit with his new wife as soon as the handing over ceremony has been performed. No further ceremonies or payments are necessary to confer on a man the right to cohabit with his wife.

Special Types of and Procedures for Marriage

315. *Sororate marriage*.—Where a man's wife dies, there is no obligation on the part of the deceased wife's sister to go and live with the deceased sister's husband in place of the deceased sister. Similarly, a husband has no right to demand that the sister or other relation of his deceased wife should be given him as a substitute wife. Again a husband whose wife has died has no right to be given preference if he desires to marry a sister or other relation of his deceased wife.

316. *Levirate Marriage*.—

- (1) Where a man dies, his widow is under obligation to agree to be taken over by the deceased husband's brother or other close relation, and such brother or other relation has a right to demand that he will take over the widow as wife, in Aba and Abakaliki Divisions, Bende Division (excluding Igbere, Item and Alai communities), Ihiala, Izzi, Mbaise, Mbaitoli/Ikeduru, Northern Ngwa, Oguta and Onitsha Divisions, Oru Division (excluding Amiri and Awomama communities), Owerri, Umuahia and Uzo-Uwani Divisions.
- (2) A widow is under no obligation to agree to be taken over as wife by her late husband's brother or other relation and such brother or relation has no right to demand that he will take over the widow as wife in Afikpo, Aguata, Anambra, Arochukwu and Awgu Divisions, Igbere, Item and Alai communities in Bende Division, Enugu, Etiti, Ezeagu, Ezzikwo, Idemili, Igbo-Eze, Ishielu, Isi-Uzo, Mbano, Njikoka, Nkanu, Nkwerre, Nnewi, Nsukka, Ogbaru, Ohafia, Okigwe and Orlu Divisions, Amiri and Awomama communities in Oru Division, Udi and Ukwa Divisions.

317. *Marriage of friends*.—

- (1) A man who makes a woman pregnant is under no obligation to marry her.

Local variations.—Such obligation exists in Ezeagu, Njikoka, Nkanu, Nkwerre, Ohafia, Okigwe and Udi Divisions.

- (2) In those places where a man is under obligation to marry a woman he makes pregnant, this obligation does not arise if the man and the woman are within the prohibited degree of relationship or if the woman refuses to marry the man.
- (3) Where a woman becomes pregnant before the bride-price payable on her is fixed, both the fixing and payment of bride-price have to be suspended until the child is born in Abakaliki Division, Afikpo and Edda clans of Afikpo Division, Aguata Division, Olu-mbanasa clan of Anambra Division, Arochuku, Awgu, Bende, Enugu, Etiti, Ezeagu and Igbo-Eze Divisions, Igboano community in Igboasa clan of Ishielu Division, Isi-Uzo, Izzi, Mbaise, Mbaitoli/Ikeduru, Mbano, Nkanu, Nkwerre, Nnewi, Northern Ngwa, Ogbaru, Oguta, Okigwe, Orlu, Owerri, Udi, Ukwa and Umuahia Divisions.

Local variations.—

- (a) In Aba, Nnewi, Northern Ngwa, Nsukka, Orlu, Ukwa and Umuahia Divisions, only actual payment of bride-price is postponed until after child's birth; the fixing is not suspended.
- (b) Neither the fixing nor the payment of bride-price is postponed in Oha-Ozara clan of Afikpo Division, Anambra Division (excluding Olu-mbanasa clan), Ezzikwo, Idemili and Ihiala Divisions, Ishielu (excluding Igboano community in Igboasa clan), Njikoka, Ohafia, Onitsha, Oru and Uzo-Uwani Divisions.
- (4) A woman who is pregnant is free to go through the formalities of marriage (subject to what is said in sub-paragraph (3) about the bride-price) in Aba and Abakaliki Divisions, Afikpo and Edda clans of Afikpo Division, Anambra, Bende, Enugu, Ezzikwo, Idemili, Ihiala, Ishielu (excluding Igboano community in Igboasa clan), Izzi, Mbaise, Mbaitoli/Ikeduru, Njikoka, Oguta, Ohafia, Onitsha, Oru, Ukwa, Umuahia and Uzo-Uwani Divisions.
- (5) A man who makes an unmarried woman pregnant is under obligation to pay compensation to the parents or family of such woman.

Local variations.—A man who makes an unmarried woman pregnant is under no obligation to pay any compensation to the woman's parents or family in Abakaliki, Anambra,

Bende, Ezzikwo, Igbo-Eze, Ihiala and Izzi Divisions, Idodo community in Nkanu Division and Nsukka Division.

318. *Marriage of a divorced woman.*—

- (1) Where a divorced woman (including a widowed woman whose bride-price has been refunded) is about to re-marry, some modifications are made to the normal marriage procedure. The betrothal steps as well as the period of betrothal itself are reduced to the minimum. Expenses on entertainment, dances and merry making generally are also reduced to the barest minimum.
- (2) Bride-price is paid on a divorced woman (including a widowed woman whose bride-price has been refunded) when she re-marries.

319. *Take-over of a widow by husband's son or relation.*—The procedure adopted by the prospective husband in taking over a widow as wife is as follows—

- (1) In Aba Division, he announces his intention to the widow's family and gives them the current equivalent of forty manillas plus four jars of palm-wine and four bottles of hot drinks.
- (2) Abakaliki Division—After the second burial ceremonies of the deceased husband and the new yam festival (*otutara*) following that, the prospective husband presents two iron bars to the parents or family of the widow. Thereafter he presents a goat to his own family (i.e., the family of the deceased person).
- (3) Aguata Division—The prospective husband presents one bag of cowries (now about ₦2) and two gallons of palm-wine to the family of the widow.
In Igbo-Ukwu, the prospective husband also presents palm-wine to members of his own family.
- (4) Anambra Division—The prospective husband performs the ceremony of *itupu n'ajadu* and presents to the maiden family of the widow transfer money called *ego nchehali ogo*.
- (5) Arochukwu Division—The prospective husband presents some money (now ₦5) plus gin and palm-wine to the family of the widow.

- (6) Awgu Division—(Excluding Ollo community where no ceremony is performed), the widow returns to her maiden family and stays there for a minimum of 4 days. While she is there, the prospective husband offers to re-marry her. On her consenting, the man gives some money (now ₦2) and palm-wine to the woman's family and takes the woman back to the late husband's family. There he presents to the eldest member of that family one goat, twelve yams and one egg for sacrificial purposes. If the prospective husband is not a son or a full brother of the deceased, he is to refund to the husband's heir the dowry paid on the widow by the husband.
- (7) Bende Division—In Bende, Ozuitem and Itumbuzo, the prospective husband presents two pots of palm-wine, two bottles of gin and two pieces of meat to each of the families of himself and the widow. This is followed by a formal handing over of the widow to the new husband. In Umuimenyi and Uzuakoli, the prospective husband presents one goat, one bottle of gin, and two jars of palm-wine to each of the families of himself and the widow. This is followed by formal handing over of the widow to the new husband.
- (8) Enugu Division—The ceremony consists of three parts—
- (a) the prospective husband provides food and other entertainment on the occasion when the widow has the hair of her head shaved for the first time for the late husband.
 - (b) he provides a fowl and a goat (sometimes a fowl only) for the *uselo* ceremony;
 - (c) if the widow has a male child living, the prospective husband will give him a piece of cloth, a cutlass and some yams for the *nmibe* ceremony.
- (9) Etti Division—The prospective husband performs the *igo-ohoro-ogo* ceremony which involves his presenting palm-wine, kola-nuts and money to the widow's family. He also performs the *igba-ulo-hari* ceremony which consists in presenting articles of clothing to the widow and formally taking over responsibility for her.
- (9A) Ezeagu Division—As in Udi Division.

- (10) Ezzikwo Division—The prospective husband presents to the widows' family one bar of iron (present cost ₦1.00), palm-wine and tobacco while the widow is with her family. Thereafter the widow returns to the late husband's family and presents a fowl to them for slaughtering over the husband's grave. The widow's family may also demand payment of token bride-price.
- (11) Igbo-Eze Division—In Itchi clan the prospective husband slaughters a goat and he makes a feast for the children of the deceased person if any. In Eketé-Kelu the prospective husband makes a feast for his family after which he formally takes over the widow in the presence of members of his family and members of the widow's family.
- (12) Ihiala Division—During a widow's hair shaving ceremony, a goat is provided by her family and is slaughtered. The widow offers a portion of the goat meat to the person she wishes to take her over as his wife. The man provides her mourning clothes and maintains her during her mourning period. Thereafter she becomes his wife.
- (13) Ishielu Division—The ceremony consists in the prospective husband taking the widow to her family and announcing to them his intention to take the widow over as wife. If they consent, he takes her back as his wife.
- (14) Isi-Uzo Division—The ceremony known as *ikuchi nwanyi* consists in the prospective husband providing a feast for members of the widow's family and another feast for members of his own family. The second feasting is accompanied by a formal announcement that the couple intend henceforth to be husband and wife.
- (15) Mbaitoli/Ikeduru Division—The ceremony consists of two parts—
 - (a) The first part consists in the prospective husband taking palm-wine, kola-nuts, meat, snuff and money (about ₦10.00) to the family of the widow and there announcing his intention to take over the widow as wife.
 - (b) The second part consists in the prospective husband presenting palm-wine to members of his family and formally notifying them of the take over.

- (16) Mbaise Division—The prospective husband provides new clothing for the widow at the end of her mourning period. He also takes palm-wine to the widow's family and formally announces to them his intention to take her over as wife.
- (17) Mbano Division—The prospective husband gives the widow a change of clothes at the end of her mourning period. He takes her to her family where he presents palm-wine to them and informs them of his intention to take the widow over as wife. He also pays them such token bride-price as is agreed by the parties.
- (18) Njikoka Division—The prospective husband gives to the widow eight cowries (now one kobo) for the ceremony of cutting off the mourner's thread on her neck. He goes to the *Ajani* (god of earth) for a purification. He and members of his family take the widow to her family and formally notify them of his intention to take her over as wife. In Abaa town, the prospective husband presents to the widow's family one she-goat, one hen, eight yams, four kola-nuts, eight kobo and some palm-wine on the occasion when he notifies them of his intention.
- (19) Nkanu Division—The prospective husband buys new clothes for the widow at the end of her mourning period, presents palm-wine to her family and formally notifies them of his intention to take over the widow as wife. In Idodo the prospective husband will, in addition, make a feast for members of his and the widow's families at the grave side of the deceased husband.
- (20) Nkwerre Division—After her mourning period, the widow returns to her family. The prospective husband takes palm-wine to her family and informs them of his intention to take her over as wife. He brings her back to the husband's place. Thereafter he agrees with the widow's family on and pays a token bride-price (₦4.00 to ₦16.00). If the widow has a grown up son it is the son that brings home the widow from her family and not the prospective husband.
- (21) Nnewi Division—After the widow's shaving ceremony, the prospective husband presents her with *mma* (knife or cutlass). On her acceptance, the man takes her to her family where he presents palm-wine to the family and formally informs them of his intention. Generally, a token bride-price is paid; but it is not necessary.

- (22) Northern Ngwa Division—The prospective husband takes the widow to her family and there presents to members of the family some palm-wine, meat and other gifts and informs them of his intention.
- (23) Nsukka Division—In Nsukka, Ibagwa-ani and Umulokpa communities, the consents of the widow and her family are obtained. The prospective husband offers a hen for the ancestors (*ndishi*) in the presence of elders and titled men. In Ogurugu and Ogboni communities, after the *ikocha-isi* ceremony, the widow approves of her prospective husband who then slaughters a goat for the ancestors (*ibegwu*) and provides food and palm-wine for members of his family, elders and titled men. In Aku community, after the consents of the widow and her family have been obtained, the prospective husband transfers her *chi* (personal god) from her former husband's place to his own place, he then kills one fowl for the formal taking over ceremony.
- (24) Ogbaru Division—The prospective husband provides the widow with mourning clothes. After this, he performs the *itugha-nkwu* ceremony.
- (25) Oguta Division—In Ohaji, after the mourning period and the hair shaving ceremony, the widow returns to her family. The prospective husband presents money and palm-wine to the family and takes the widow home as his wife. In Ngbele-Oru, Izombe and Awa clans, the prospective husband, in addition to the above, also provides a cock, a bottle of gin, two gallons of palm-wine and kola-nuts, and with these things, the spirit of the deceased husband is appeased in the presence of *ndiche* (elders). In Oguta town, the prospective husband provides a bottle of gin, two gallons of palm-wine and kola-nuts and with these the spirit of the deceased husband is appeased in the presence of the *okpala* of the village. Members of the prospective husband's age grade tie a string necklace around the widow's neck and declare her the wife of the prospective husband. The widow's two legs are stretched out and the new husband crosses her.
- (26) In Ohafia Division, in the case of a locally married wife, where formal take over does not strictly apply, or where a widow is free to remarry, the intending new husband has to bring wine to the family of the deceased husband. The refund of dowry is then settled and reduction thereof made in proportion to the number of children the woman has already had

at the rate of ₦2.00 per male child and ₦1.00 per female child; the new husband then pays the balance. No further ceremony is required. In the case of a widow who was married from outside the division, only palm-wine and some meat need be given to the family of the deceased husband. No refund of dowry is demanded.

- (27) Okigwe Division—The prospective husband presents palm-wine, kola-nuts and some money to the family of the widow and announces to them his intention to take over the widow as his wife.
- (28) Onitsha Division—The prospective husband takes the widow to her family and informs them of his intention to take her over as his wife. He gives them kola-nuts and palm-wine and they formally hand the woman over to him in the presence of members of his own family. This is the *ibeye-ozo* ceremony.
- (29) Oru Division—The prospective husband performs *nkpo-hogo-ogu* or *igo-horo-ogo* ceremony whereby he announces his intention to the widow's family and presents them with money, palm-wine and kola-nuts. He also provides new clothing for the ceremony of changing from mourning to ordinary clothing which is performed in the deceased husband's family.
- (30) Owerri Division—At the end of her mourning period, the widow returns to her family. The prospective husband takes a pot of palm-wine to that family and formally tells them of his intention. A change over ceremony is then performed and he takes the widow to his own family.
- (31) Udi Division—The prospective husband provides a goat, kola-nuts and palm-wine for a change over ceremony which is performed in the presence of members of the family of the deceased. Thereafter he takes palm-wine to the widow's family and informs them of the change over.
- (32) Ukwia Division—The prospective husband presents a piece of cloth to the widow. After this, he takes some drinks and kola-nuts to the widow's family and formally tells them of his intention. In parts of Asa clan, the prospective husband also pays some money to the widow's family.
- (33) Umuahia Division—The prospective husband takes a jar of palm-wine, kola-nuts and some money (*ohu-ikpehe* now ₦2) to the widow's family and formally tells them of his intention to take her over as his wife.

Effects of Valid Marriage

320. *On capacity to enter into further marriages.*—

- (1) The fact that a man is already married to one wife and that the marriage is subsisting does not debar him from validly marrying other wives.
- (2) The fact that a woman is already married and that her marriage is subsisting is a complete bar to her further marriage.

321. *On property rights.*—

- (1) If a woman had some movable property before she married and brought such property with her to her husband's place, such property belongs to her exclusively but, like herself, they are subject to the overall control of her husband.
- (2) Where a woman had land, economic trees or buildings before she married and did not dispose of them before she got married, then subject to the rights of her father or brothers, such property belong to her exclusively and are not subject to her husband's control.
- (3) (a) A married woman during the subsistence of her marriage may acquire both landed property (land itself, buildings and economic trees) and movable property.
(b) A married woman has no right to personally acquire landed property. She must acquire such property through her husband.
- (4) A married woman who acquires movable property while she is married has no right to dispose of such property without the knowledge of her husband. Where she has genuine need for money and wishes to dispose of her movable property to raise such money, she must first inform her husband and seek his opinion. The husband may decide to give her the money she requires. If, however, the husband is unwilling or unable to provide the necessary money, the wife has a right to dispose of the property in question.

Local variations.—A wife has a right to dispose of movable property she acquires while she is married in Afikpo and Edda clans of Afikpo Division, Bende, Ihiala and Ukwá Divisions. She does not need her husband's consent for this.

- (5) Where a wife acquires landed property (land, buildings, or economic trees) while she is married, she has no right to dispose of such property without the consent of her husband.

Local variation.—She has such a right in Afikpo and Edda clans of Afikpo Division.

322. *Property of married woman belongs to her.*—

- (1) Where a woman acquires movable property while she is married, such property belongs to her exclusively, but like her own person, is subject to the over-all control of her husband.

Her power of disposition over such property is as in 321 (4).

- (2) Where a woman acquires immovable property, (land, buildings and economic trees) while she is married, such property belong to her exclusively but, once again are subject to the overall control of her husband. Moreover, the wife has no right to dispose of such property in any way whatever without the prior consent of the husband.
- (3) A married woman must first obtain her husband's consent before she can give away any property she acquired during marriage (movable or immovable) to any person other than her child either in her lifetime or by will.

323. *Property of husband belongs to him.*—Property, whether movable or immovable, acquired by a married man does not become the common property of himself and his wife or wives. A married man does not require the consent of his wife or wives before he can dispose of any property, movable or immovable, which he acquired while married. It makes no difference that he acquired such property with the help of his wife or wives.

324. *Woman's right to farm on husband's land.*—

- (1) A wife has a right to farm on her husband's land while she and her husband are living together and also after the death of the husband if the wife continues to live in the husband's place.
- (2) A wife has no right to farm on her husband's land after she has left the husband or has been driven out by him even if the bride-price has not been refunded to the husband.

Local variations.—

- (a) In Ogbaru Division, a woman who has left her husband or has been driven out by him retains her right to farm on the husband's land where she has issue for the husband provided there is no refund of bride-price.
- (b) In Onitsha Division, a wife retains the right to farm on her husband's land as long as her bride-price has not been refunded.

325. *Wife's farm land.—*

- (1) Where a wife who is living with her husband has farm land in her maiden home—
 - (a) her husband has no right to farm on such land in Aba, Arochukwu, Awgu, Bende, Enugu, Etiti, Ezzikwo, Idemili, Igbo-Eze, Ihiala, Ishielu, Nkanu, Nkwerre, Nnewi, Nsukka, Ogbaru, Oguta, Okigwe, Onitsha, Oru, Owerri and Umuahia Divisions.
 - (b) the husband has a right to farm on such land in Afikpo, Aguata, Anambra, Ezeagu, Isi-Uzo, Mbaise, Mbano, Njikoka, Northern Ngwa, Ohafia, Orlu, Udi, Ukwa and Uzo-Uwani Divisions.
- (2) Where a wife has farm land in her maiden home, her husband has no right to farm on such land while they are separated even if the bride-price has not been refunded; nor does the husband have a right to farm on such land after the wife's death.
- (3) Where a wife has a house in her maiden home, her husband has no right to live in such house or otherwise make use of it either while he and the wife are living together or while they are separated but not divorced or after the wife's death.
- (4) Where a woman is given landed property (land, buildings or trees) by her parents or family on getting married, her husband has a right to make reasonable use of such land, with the knowledge of the wife, during the subsistence of the marriage.

326. *On ownership of children, etc.—*

- (1) Children born of a married woman belong to the woman's husband and his family.

Local variations.—

- (a) Such children belong to the woman's maiden family in Afikpo and Edda clans of Afikpo Division.

- (b) In Ohafia Division, such children belong to the wife's maiden family if the wife is married from within the Division. If the wife is married from outside the Division the children belong to the husband and his family.
- (2) A man is entitled to a child born of his wife even in the following circumstances:—
- (a) where the child was conceived as a result of adulterous sexual connection between the wife and another man;
 - (b) where the child was conceived while the husband and wife were separated but not divorced;
 - (c) where the child was conceived after the mother had left one husband and married another man but before the bride-price was repaid to the first husband.

Local variations.—

- (i) As in paragraph 326 (1) (a).
 - (ii) As in paragraph 326 (1) (b).
 - (iii) In Ossomari community in Ogbaru Division, such child belongs to the natural father, not to the mother's husband.
- (3) The right to decide the nature and extent of the education of children belongs primarily to the husband who has the last word. Usually, however, the wife is consulted and her opinion sought.

327. *On matrimonial Home.*—

- (1) A woman is under obligation to live with her husband if he so desires. She has no choice in the matter.
- (2) A man is never bound to live in his wife's maiden family.
- (3) A woman is entitled to live in her matrimonial home:—
 - (a) whether her husband likes it or not;
 - (b) in the husband's lifetime, whether her husband's family like it or not;
 - (c) after the husband's death, whether the husband's family like it or not.
- (4) Where a wife or a widow is of persistent bad behaviour, she may be driven out of the matrimonial home by her husband

or his family, as the case may be, by a special process which varies from place to place. A woman so expelled has no right to return to the matrimonial home except on the invitation of the husband or his family and after necessary sacrifices and rituals have been performed.

- (5) The fact that a woman has or has no issue surviving does not affect her right to live in her matrimonial home either in the lifetime of her husband or after her husband's death.

Local variations.—

- (a) A wife who has no surviving child has no right to remain in her matrimonial home after the death of her husband in Awgu town in Awgu Division, Mbano, Nkanu, Ogbaru, Oru (except Ozara community) and Uzo-Uwani Divisions.
- (b) In Isi-Uzo Division, a wife who has no surviving male child has no right to remain in her matrimonial home after the death of her husband.
- (c) In Okigwe town, Otanzu/Otanchara West and Uturu communities in Okigwe Division, a woman who has no surviving child has no right to remain in her matrimonial home either in the lifetime of her husband or after the death of her husband. She remains there at the pleasure of the husband or of the husband's family after his death.
- (6) Where the husband lives in a house belonging to his wife, the wife has a right to turn him out of that house, but no member of her maiden family has such a right.

Local variations.—The wife has no such right in Aba, Arochukwu, Ezzikwo, Ihiala, Mbaise, Northern Ngwa, Owerri, Umuahia and Uzo-Uwani Divisions.

- (7) Where a husband lives in a house which belongs to the maiden family of his wife, the members of that family have a right to turn him out of the house even against the will of the wife.

Local variations.—They have no right to turn him out of the house against the will of his wife in Ezzikwo, Ihiala, Owerri, Ukwa, Umuahia and Uzo-Uwani Divisions.

328. *On spouses' membership of their families of origin.*—

(1) Marriage does not terminate a woman's membership of her maiden family. She retains such rights as the right to inherit her mother's or sister's property at death, the right to visit her maiden family at any time she so desires, the right to attend meetings of daughters of the family and take part in their discussions, the right to settle disputes between members of the family both male and female, the right to share any money or food items due to daughters of the family and the right to return permanently to the family on being separated or divorced from her husband.

(2) Marriage makes a woman a full member of her husband's family.

Local variation.—This does not apply in Edda clan of Afikpo Division.

(3) Marriage does not affect a man's membership of his family.

(4) Marriage does not make a man a member of his wife's maiden family; nor does it give him any legal right or interest in that family.

329. *On freedom to have sex as between spouses' relations.*—Marriage does not affect the freedom of blood relations of a husband to have sexual connection with the blood relations of his wife.*Local variations.*—

(a) In Abakaliki and Izzi Divisions, and Awgu town in Awgu Division, sexual connection between brothers and sisters of the husband and brothers and sisters of his wife is forbidden, whether such brothers and sisters are of the full blood or of the half blood.

(b) In Oha-Ozara clan of Afikpo Division, sexual connection is forbidden between maternal relations of a husband and maternal relations of his wife.

(c) In Arochukwu, Ezzikwo and Ishielu Divisions and Uturu community in Okigwe Division, sexual connection is forbidden between blood relations of a husband and blood relations of his wife.

(d) In Enugu and Nkanu Divisions, sexual connection is forbidden between full brothers and sisters of a husband and full brothers and sisters of his wife.

- (f) In Ohafia Division, sexual connection is forbidden between those relations of a husband and those relations of the wife who are not free to inter-marry.
- (g) In Ukwa Division, sexual connection is forbidden between close blood relations of a husband and close blood relations of his wife.

Matrimonial Rights and Duties

330. *Husband's Matrimonial Rights.*—

- (1) A man has an exclusive right to have sex with his wife, and also a right to have his wife's matrimonial duties towards him performed.
- (2) It is nevertheless lawful for a married woman to be assigned to another man for the purpose of making her pregnant in the following circumstances—
 - (a) Where the husband is impotent or sterile or is suspected to be so;

Local variations.—Such assignment is not lawful in Aba Division, Afikpo and Edda clans of Afikpo Division, Awgu town in Awgu Division, Enugu Division, Igbo-Eze Division (excluding Eketekelu and Itchi clans), Ihiala Division, Isielu clan of Isi-Uzo Division, Oguta and Ohafia Divisions, and Ogboli clan of Uzo-Uwani Division;

- (b) Where the husband suffers from a long standing disease such as leprosy or epilepsy;

Local variations.—This does not apply in Aba and Abakaliki Divisions, Afikpo and Edda clans of Afikpo Division, Awgu town in Awgu Division, Enugu, Igbo-Eze and Ihiala Divisions, Isielu clan of Isi-Uzo Division, Izzi, Oguta and Ohafia Divisions and Ogboli clan of Uzo-Uwani Division;

- (c) In Abakaliki, Anambra and Izzi Divisions, where the husband is absent from home for a protracted period and the wife has no access to him.
 - (d) In Idemili, Okigwe and Ukwa Divisions, when the husband is either too young or too old to procreate.
- (3) Where it becomes necessary to assign another man to a man's wife for the purpose of procreation—

- (a) the consent of the husband is required for the arrangement in Abakaliki Division, Oha-Ozara clan of Afikpo Division, Aguata Division, Aguleri and Anam communities in Anambra Division, Etiti, Ezeagu, Ezzikwo, Igbo-Eze, Ishielu, Isi-Uzo, Izzi, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkwerre, Nnewi, Ogbaru, Okigwe, Orlu, Owerri, Udi and Uzo-Uwani Divisions.
- (b) The husband's consent is not required in Arochukwu, Awgu, Bende, Idemili, Mbaise, Nkanu, Northern Ngwa, Nsukka, Oru, Ukwa and Umuahia Divisions.
- (c) The consent of the wife herself is required.
- (d) The arrangement is kept secret especially in those communities where the consent of the woman's husband is not required.
- (e) The right to make such an arrangement belongs to the family of the husband.

Local variations.—

- (i) In Abakaliki, Izzi and Nkanu Divisions, this right belongs to the families of the husband and the wife jointly.
 - (ii) In Arochukwu, Bende and Ishielu Divisions, the family of the husband has a right to make the arrangement either alone or jointly with the family of the wife.
 - (iii) In Nnewi Division and Igbo-Eze Division (excluding Itchi and Eketekelu communities where only the consent of the husband is required), such arrangement is made by the husband and wife themselves. But in Nnewi Division, if the two cannot agree, both families are called in.
- (4) No payments are made by or to the man to whom another man's wife is assigned in the circumstances enumerated in paragraph (2) above, and no ceremonies accompany the assignment.

Local variations.—

- (a) In Ula Ekwulobia in Agueke clan of Aguata Division, the ceremony of *Igbu chi nso* is performed as part of the assignment.
- (b) In Anambra Division (excluding Anam community), the prospective assignee swears an oath of secrecy and

goodwill while the woman is ritually absolved from her obligation to be faithful to her husband (*isu nso* and *ita oji*).

- (c) In Awgu Division, there is a ceremony in which the land deity (*ana*) is implored to overlook the wife's apparent infidelity.
 - (d) In Idemili Division, the prospective assignee sometimes swears an oath of secrecy and goodwill.
 - (e) In Udemendeme clan of Isi-Uzo Division, a sacrifice of appeasement is performed at a shrine of the husband's ancestors.
 - (f) In Mbaise and Mbaitoli/Ikeduru Divisions, the prospective assignee presents to the woman's husband palm-wine, kola-nuts and a cock.
 - (g) In Mbano Division, the prospective assignee swears an oath of secrecy.
 - (h) In Ogbaru Division, a ceremony is performed whereby the woman is absolved from all consequences of her apparent infidelity vis-a-vis the family *ofo*.
 - (i) In Owerri Division, the prospective assignee presents palm-wine to the family of the husband and formally introduces himself to them whereupon they give their blessing to the arrangement.
- (5) In Etiti, Ezeagu, Ezzikwo, Igbo-Eze, Isi-Uzo, Mbaitoli/Ikeduru, Mbano, Nkwerre, Nnewi, Okigwe, Orlu, Udi, and Uzo-Uwani Divisions, if the husband's consent is not obtained for assignment of his wife to another man, he (husband) is entitled to demand compensation from that other man for adultery.
- (6) In Owerri Division, though the husband's consent is required, the husband is not entitled to any compensation if his consent is not obtained, but the assignee must give him palm-wine to appease him.

331. *Husband's matrimonial duties.*—The following are the matrimonial duties of a husband:—

- (1) A duty to provide living accommodation for his wife or wives. In a rural community, a man who has more than one wife has a duty to provide each of them with a separate house of her own. This duty does not exist where a man has only

one wife, in which a case, he may share the same house with her; neither does that duty exist in an urban area, in which case, a man's duty is only to provide each of his wives with a separate room of her own if he has more than one wife;

- (2) A duty to assist his wife with labour or money in cultivating her farm;
- (3) A duty to provide his wife with implements necessary for her farming;
- (4) A duty to provide his wife with trading capital if she is found to be proficient at trading activities;
- (5) A duty to give his wife necessary clothing and ornaments;
- (6) A duty to provide his wife with food stuffs in appropriate seasons and with necessary condiments;
- (7) A duty to satisfy his wife's sexual needs within reason;
- (8) A duty to pay compensation to other persons for wrongs committed against them by his wife, even where such wrongs are committed in his absence and without his knowledge or instruction;
- (9) A duty to feed, clothe, maintain, educate and advance the children of his marriage;
- (10) A duty to pay compensation to other persons for wrongs committed against them by his children even where such wrongs are committed in his absence without his knowledge or instruction;
- (11) A duty to provide medical care and treatment for his wife and children wherever necessary, to protect his wife and her interests against outsiders, to represent his wife wherever necessary such as during settlement of disputes, to bury his wife and perform her second burial ceremonies;
- (12) A duty to provide such items as cows, rams, goats, fowls, clothes and money for the burial ceremonies of his parents-in-law as are prescribed by the tradition of the community of his parents-in-law.

332. (1) *Wife's Matrimonial Rights*.—The matrimonial rights of a wife include:—

- (a) a right to farm on her husband's land or to be provided by her husband with necessary farm land if he does not have enough;

- (b) a right to live in her matrimonial home so long as she is a wife or a widow and provided that such right has not been ritually removed by the husband or his family;
 - (c) a right to be consulted on matters pertaining to the education and advancement of her children;
 - (d) a right to have her husband's duties towards her performed. (See the last paragraph above).
- (2) *Wife's matrimonial duties.*—The wife's matrimonial duties to her husband are:—
- (a) to cook his food;
 - (b) to help him with his farm work;
 - (c) to provide water for his use;
 - (d) to keep his premises clean and tidy;
 - (e) to look after his children;
 - (f) to give him money on demand where he has reasonable need and she has the means;
 - (g) to buy him clothing if she has the means and he has none by reason of illness or misfortune;
 - (h) to satisfy his reasonable sexual need on demand;
 - (i) to entertain his friends and guests;
 - (j) to run errands for him where necessary;
 - (k) to take care of him in illness and old age;
 - (l) to do the necessary mourning for him when he dies.

333. *Enforcement of marital rights by spouses.*—

- (1) A husband has a right to compel his wife to perform her duties towards him. He may exact a fine from her for failure without good reason to perform any of such duties. He may also send her away from the matrimonial home for refusing or failing without good reason to perform such duties.
- (2) A wife can compel performance by her husband of his duties towards her only by the indirect method of—
 - (a) leaving him and refusing to return to the matrimonial home until he undertakes to perform his matrimonial duties towards her in future and has adequately appeased her for past acts of omission;
 - (b) making a complaint against him to senior members of his family who will in appropriate cases enforce performance of such duties; or

- (c) reporting him to her parents who will, after investigation, compel performance of such duties by withdrawing her from the matrimonial home until the husband gives an undertaking to perform his duties in future and appeases his wife for past omissions.

334. *Wife's duty regarding sex.*—

- (1) A wife is under a duty to reserve her sex exclusively for her husband (but *see* paragraph 330 (2)).
- (2) A wife has a right to refuse to have sexual connection with her husband:—
 - (a) during pregnancy, when experience or medical opinion indicates that sexual connection is unsafe;
 - (b) during the first few months of child birth;
 - (c) during menstruation;
 - (d) during lactation (i.e., breast feeding of child) where experience or medical opinion indicates that sexual connection is unsafe;
 - (e) when the wife is unhappy such as when she is ill or has recently lost a child or a close relation;
 - (f) when the husband has venereal disease or a serious communicable disease such as leprosy, epilepsy or tuberculosis.

Matrimonial Offences

335. *Adultery by a man, whether an offence.*—

- (1) Adultery by a married man is not an offence by him against his wife in Aba, Abakaliki, Afikpo, Aguata, Anambra, Arochukwu, Awgu, Bende, Enugu, Etiti, Igbo-Eze, Ishielu, Isi-Uzo, Izzi, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkwerre, Nnewi, Nsukka, Ogbaru, Oguta, Ohafia, Okigwe, Onitsha, Owerri, Ukwa, Umuahia and Uzo-Uwani Divisions.
- (2) Adultery by a married man is an offence by him against his wife in Ezeagu, Ezzikwo, Idemili, Ihiala, Mbaise, Nkanu, Northern Ngwa, Orlu, Oru and Udi Divisions.
- (3) Adultery by a man is an offence by him against the husband of the woman with whom the adultery is committed.

336. *Adultery by married woman, whether an offence.*—

- (1) Adultery by a married woman is an offence by her against her husband.
- (2) Adultery by a woman with a married man is not an offence by her against the wife of the man with whom the adultery is committed in Aba, Abakaliki, Afikpo, Aguata, Anambra, Arochukwu, Bende, Ishielu, Izzi, Mbaise, Mbaitoli/Ikeduru, Mbano, Njikoka, Nsukka, Ogbaru, Oguta, Ohafia, Onitsha, Owerri, and Ukwa Divisions.
- (3) Adultery by a woman with a married man is an offence by her against the wife of the man with whom the adultery is committed in Awgu, Enugu, Etiti, Ezeagu, Ezzikwo, Idemili, Igbo-Eze, Ihiala, Isi-Uzo, Nkanu, Nkwerre, Nnewi, Northern Ngwa, Okigwe, Orlu, Oru, Udi, Umuahia and Uzo-Uwani Divisions.

The remedy for these offences, however, is usually self-help—the offended wife beating up the other woman.

337. *Adultery by married woman, remedies for.*—The remedies for adultery when committed by a married woman are as follows—

- (1) Aba Division—*Icho ikpere*—i.e. offering by the wife of food and palm-wine to her husband in the presence of senior members of his family by way of appeasement.
- (2) Abakaliki and Izzi Divisions—Corporal punishment by her maiden family followed by *ikpofu ekwu* ceremony by which the husband's ancestors are appeased.
- (3) Afikpo Division—A sacrifice of appeasement to the *Obi Juju* in Afikpo and Edda clans. Expulsion from the matrimonial home in Oha-Ozara clan.
- (4) Aguata Division—*Ikudi* (appeasement of the husband) or *igwa ekwu* ceremony (appeasement of the husband's ancestors).
- (5) Anambra Division—Confession of the adultery by the wife who then appeases her husband with a gift of a fowl and kola-nuts.
- (6) Arochukwu Division—*Igwa ekwu* sacrifice in Aro, Ewe, Isu and Ututu clans. Here the man with whom the wife committed adultery provides a goat, hot drinks, palm-wine, a stick of fish, a hen and an agreed sum of money (usually ten to twenty-four naira) for the *igwa ekwu* sacrifice.

In Ihechiowa clan, the wife has to confess the name of the man with whom she committed adultery. Thereafter she provides one goat and seven naira for the sacrifice of appeasement to the husband's ancestors. The man with whom she committed the adultery provides one goat and seven naira for the same sacrifice. If the wife does not confess the man's name, she provides two goats for the sacrifice.

- (7) Awgu Division—The wife is made to pay a fine to her husband; her hair is shaved and she provides material for *igwa ekwu* (ceremony of appeasement). She may also be given corporal punishment by the husband.
- (8) Bende Division—Sacrifice of appeasement to *ekwu* and *ndichie*.
- (9) Enugu Division—The wife is made to pay a fine to the husband. She also provides a fowl and if he so demands, a goat, kola-nuts and palm-wine for a sacrifice of purification which is performed by the elders of the husband's family.
- (10) Etiti Division—The husband may give her corporal punishment. She pays a fine of one fowl to him in addition.
- (10A) Ezeagu Division—As in Udi Division.
- (11) Ezzikwo Division—In Okputuno community in Ikwo clan, the wife pays an adultery fine of one dog and a sum of money fixed by her husband. This fine is paid to the members of the husband's age grade.

In other parts of Ikwo clan, the wife makes a gift of one fowl, one to two naira in money and four yams to the husband and the elders of the family by way of atonement.

In Ezza clan, the wife gives one fowl, four yams and one naira in money to the elders of the family to appease them.

- (12) Idemili Division—The man with whom the adultery is committed provides a goat, a fowl, drinks, and kola-nuts with which a sacrifice of appeasement is made to the ancestors of the man with whose wife he committed adultery.
- (13) Igbo-Eze Division—In Eketekelu clan, the wife does *ika oyi* (confession) and the sacrifice of *igbugbe mma* for purification. The man who committed adultery with her provides a goat, as many fowls as there are heads of sub-families, kola-nuts, up-wine and yams with which the sacrifice is performed. The husband's eldest sister to whom the adultery is confessed

takes away from the wife the cloth she wore during the adultery.

In Eketekelu clan, the man with whom the adultery is committed provides two fowls for the *igbugbe mma* sacrifice.

- (14) Ihiala Division—The wife pays such fine in money as is imposed by members of her society. The man with whom she committed the adultery provides a goat, a fowl, yams, palm-wine, kola-nuts, aligator pepper, and an agreed amount of money for a sacrifice of purification.
- (15) Ishielu Division—The wife pays to the elders of her husband's family a penalty of one goat or dog, one fowl and eleven naira.
- (16) Isi-Uzo Division—The wife provides all necessary materials for a sacrifice of purification.
- (17) Mbaise Division—The wife provides such materials as are demanded by the husband and his family for a ceremony of appeasement.
- (18) Mbaitoli/Ikeduru Division—The wife presents a cock to the husband and prepares a special meal for him, including *ugba* and beans, with the object of appeasing him.
- (19) Mbano Division—The wife pays to her husband a penalty of one cock, and prepares a plate of *ugba* with the object of appeasing him.
- (20) Njikoka Division—The wife does *isa ifi* (confession of adultery). She also provides materials required by the husband for a sacrifice of purification.
- (21) Nkanu Division—In Idodo community, the wife provides all the necessary materials for a sacrifice of appeasement to the ancestral god of her husband known as *ani obi*.
In other places the wife is made to pay such fine to her husband as is fixed by him.
- (22) Nkwerre Division—The wife pays such penalty as the husband imposes on her.
- (23) Nnewi Division—The wife provides the necessary materials for the ceremony of *aku mmo ndichie*. The materials consist of fowls, a he-goat and kola-nuts or as prescribed by the elders or by the husband.
- (24) Northern Ngwa Division—The man with whom the adultery is committed pays an agreed compensation to the husband.

This compensation consists of a dog but is paid only by a younger man to an elder man (i.e., where the adulterer is younger than the husband of the woman with whom he committed the adultery).

- (25) Nsukka Division—The man with whom the wife committed adultery pays an agreed compensation to the woman's husband. He also provides money for the purchase of clothes for the woman with whom he committed adultery (*iwe akwa*). He also provides a hen, some yams, palm-wine and kola-nuts for a sacrifice of purification.
- (26) Ogbaru Division—Where the woman's husband is a man of title (*ozo* title holder) the adulterer has to pay such fine as is imposed upon him by members of the *ozo* title. In other cases, the adulterer presents to the woman's husband kola-nuts and palm-wine for his *ofo* by way of appeasement.
- (27) Oguta Division—The wife goes through the *ikwo oriko* or *igwa egwu* ceremony which is a ceremony of reconciliation with her husband and his ancestors. She also swears an oath not to commit adultery again.
- (28) Ohafia Division—The woman provides necessary materials for a sacrifice of appeasement to the gods of the husband.
- (29) Okigwe Division—The wife pays a penalty of a fowl, yams and palm-wine to her husband.
- (30) Onitsha Division—The wife confesses to the adultery, naming the other party to it. She also presents a goat or a fowl as demanded by the *umuada*. The animal is slaughtered by *umuada* for purification purposes.
- (31) Orlu Division—The wife provides necessary materials for *igwa ekwu* or *igba oriko* ceremony which is for purification.
- (32) Oru Division—The wife performs *ikwa nso* ceremony of purification with materials provided through her by the man with whom she committed adultery. The things provided are a goat, a fowl, palm-wine, kola-nuts, aligator pepper and a chick. These things are presented to the husband in the presence of elders of his family who make the sacrifice.
- (33) Owerri Division—The wife appeases her husband with a gift of a fowl and similar items.
- (34) Udi Division—The wife gives her husband a ram, a cock, nine yams, a jar of palm-wine and kola-nuts.

- (35) Ukwa Division—The wife pays such fine as is imposed upon her by her husband. If the adultery is by a widow during her mourning period, she pays such fine in kind as is imposed on her by the elders of the husband's family. The fine is used for a sacrifice of appeasement to the gods.
- (36) Umuahia Division—The wife pays such fine as is imposed upon her by her husband. The husband may also give her corporal punishment. In addition, the wife provides necessary materials for a sacrifice of appeasement to the gods of the husband.
- (37) Uzo-Uwani Division—The wife gives her husband a cock by way of appeasement.

338. *Adultery by man, remedies for.*—The remedies for adultery if committed by a man are as follows—

- (1) Aba Division—*Icho ekpere.* The man who commits adultery with another man's wife presents to that other man a dog, a bottle of gin, thirty-four kobo and two jars of palm-wine in the presence of the elders of his family.
- (2) Abakaliki and Izzi Divisions—The man is chastised by members of his family who also seize his yams, He is also fined a goat by members of his family.
- (3) Afikpo Division—In Oha-Ozara clan of Afikpo Division (excluding Oshiri community), the adulterer is expelled from his family.

In Afikpo clan, if the woman with whom the adultery was committed is the wife of a member of the adulterer's age grade, the adulterer is ostracised by his age grade until he has appeased the husband by presenting to him a pot of palm-wine and ten kobo.

In Edda clan, if the husband of the woman with whom the adultery was committed is a chief, the adulterer pays him seven naira compensation and one goat. In all other cases, the adulterer pays the husband three naira and a bottle of gin as compensation.

- (4) Aguata Division—The adulterer pays an agreed compensation to the husband of the woman with whom he committed adultery.
- (5) Anambra Division—The adulterer presents to the husband of the woman with whom he committed the adultery a fowl

for making a sacrifice to his ancestors. The adulterer also pays an agreed compensation in money, if demanded.

In Anam community, the adulterer pays ten naira compensation to the husband of the woman with whom the adultery is committed. He also pays ten naira fine to the titled men of the husband's community.

- (6) Arochukwu Division—In Aro, Ewe and Isu clans, the adulterer provides a goat, yams, hot drinks, palm-wine, a stick of fish, a hen and twenty-four naira (or as is agreed) for use by the husband in making a sacrifice to his ancestors and gods.

In Ihechiowa clan, the adulterer provides seven naira which is used by the family of the husband of the woman with whom the adultery is committed to make a sacrifice.

In Ututu clan, the adulterer provides for a sacrifice the same items as in Aro, Ewe and Isu clans except that the sum payable is never fixed but agreed upon in each case.
- (7) Awgu Division—The adulterer pays an agreed compensation to the husband of the woman with whom he committed adultery.
- (8) Bende Division—The adulterer provides a goat, a fowl, palm-wine, and kola-nuts for use in making a sacrifice to *ekwu* and *ndichie* by the husband of the woman with whom the adultery is committed. The adulterer pays an agreed compensation in money to the husband.
- (9) Enugu Division—The adulterer either pays an agreed compensation to the husband of the woman with whom he committed the adultery or, at the option of the husband, he is asked to provide a fowl, kola-nuts and palm-wine and sometimes a goat as well for a sacrifice of purification which is made by the elders of the husband's family.
- (10) Etiti Division—The adulterer pays an agreed compensation to the husband of the woman with whom he committed the adultery.
- (10A) Ezeagu Division—As in Udi Division.
- (11) Ezzikwo Division—The adulterer apologises to the family of the husband of the woman with whom the adultery was committed. He also pays them two goats, four gallons of palm-wine, one head of tobacco and kola-nuts. If the

adulterer and the husband of the woman with whom the adultery was committed are members of the same age grade, the adulterer will pay to the age grade two goats and twenty naira worth of yams. If the husband of the woman with whom the adultery was committed is a blacksmith, the adulterer pays to the blacksmith's guild two goats and twenty naira worth of yams.

- (12) Idemili Division—The adulterer provides a fowl, palm-wine and kola-nuts with which the husband of the woman with whom the adultery was committed makes a sacrifice to his ancestors and gods. Where the husband of the woman concerned is an *oso* title holder, the adulterer will on demand present a goat and a hen to him for sacrifice.
- (13) Igbo-Eze Division—In Itchi, Enugu-Ezike and Etteh clans, the adulterer provides all the necessary items required for a purification ceremony (see paragraph 337 (13) above). He also pays an agreed compensation to the husband of the woman concerned.

In Etteh, the adulterer will in addition pay ten naira to the husband of the woman concerned.

In Enugu-Ezike and Eketekelu clans, the adulterer pays an agreed compensation to the husband of the woman concerned, in addition to providing all the necessary items for the purification ceremony described in paragraph 337 (13).

- (14) Ihiala Division—The adulterer provides a goat, a fowl, yams, palm-wine, kola-nuts and aligator pepper to be used by the husband of the woman concerned in making a sacrifice of purification. In addition, he pays an agreed compensation to the husband of the woman concerned.
- (15) Ishielu Division—The adulterer pays to the elders of the family of the man with whose wife the adultery was committed, a goat or a dog and a fowl in addition to twenty-one naira and fifty kobo.
- (16) Isi-Uzo Division—The adulterer pays to the husband of the woman with whom he committed the adultery an agreed compensation.
- (17) Mbaise and Mbaitoli/Ikeduru Divisions—The adulterer pays an agreed compensation to the husband of the woman with whom he committed the adultery.

- (18) Mbano Division—The adulterer pays to the husband of the woman with whom the adultery was committed an agreed compensation in cash or in kind.
- (19) Njikoka Division—The adulterer provides the husband of the woman concerned with all articles and money required for the ceremony of *iva okuku* which is a ceremony of appeasement to the husband's gods and ancestors.
- (20) Nkanu Division—There is no remedy against such man.
- (21) Nkwerre Division—The adulterer pays to the husband of the woman with whom he committed the adultery an agreed compensation.
- (22) Nnewi Division—The adulterer provides a he-goat, fowls and kola-nuts or other items prescribed by the husband of the woman concerned or the elders of his family. These items are used by the husband for the ceremony of *iku mmuo ndichie*.
- (23) Northern Ngwa Division—The adulterer pays compensation to the husband of the woman with whom the adultery was committed if the adulterer is younger than the husband. This compensation which is for mutual purification consists of a male dog.
- (24) Nsukka Division—The adulterer pays to the husband of the woman with whom the adultery was committed an agreed compensation. He also provides necessary articles for a sacrifice of purification. These are a hen, yams, palm-wine and kola-nuts. In addition, he provides money for the purchase of new clothing for the woman concerned for the ceremony of *inwe akwa*.
- (25) Ogbaru Division—Where the husband of the woman with whom the adultery was committed is an *ozo* titled man, the adulterer is made to pay a fine as fixed by members of the *ozo* title society. In other cases, the adulterer presents palm-wine, kola-nuts of three lobes and one kobo to the husband of the woman concerned by way of appeasement.
- (26) Oguta Division—Where the man and woman who committed the adultery belong to the same family, the adulterer provides the necessary articles for the ceremony of *ikwo oriko* or *ikwa ekwu*. If the two persons who committed adultery do not belong to the same family, the adulterer pays to the husband of the woman concerned an agreed compensation.

- (27) Ohafia Division—The adulterer pays an agreed compensation to the husband of the woman with whom he committed the adultery, and also provides him with a goat and a fowl with which he makes a sacrifice to his gods and ancestors.
- (28) Okigwe Division—The adulterer pays an agreed compensation to the husband of the woman with whom he committed the adultery.
- (29) Onitsha Division—The adulterer provides the articles necessary for a purification ceremony which is performed by the husband of the woman with whom he committed the adultery.
- (30) Orlu Division—The adulterer pays to the husband of the woman with whom he committed the adultery an agreed compensation.
- (31) Oru Division—The adulterer provides the woman with whom he committed the adultery with a goat, a fowl, palm-wine, kola-nuts, aligator pepper and a chick which she presents to her husband in the presence of the elders of his family. The elders then perform the ceremony of purification known as *ikwa nso*.
- (32) Owerri Division—The adulterer pays to the husband of the woman with whom he committed the adultery an agreed compensation, if any is demanded.
- (33) Udi Division—The adulterer provides money, on demand by the husband of the woman with whom he committed adultery, for the sacrifice known as *ichu aja oso uga* or *ichu aja nsuga*.
- (34) Umuahia Division—The adulterer pays an agreed compensation to the husband of the woman with whom he committed the adultery. He also provides, on demand by the husband, money and other items required for a sacrifice by the husband to his gods and ancestors.
- (35) Uzo-Uwani Division—The adulterer pays an agreed compensation to the husband of the woman with whom he committed the adultery.

339. *Cruelty*.—

- (1) Cruelty by a husband to his wife consists in—
 - (a) persistent refusal to do his matrimonial duties towards her even though he is able to do so;

- (b) chastising her for no just cause, or chastising her excessively even where there is just cause.
- (2) Cruelty by a wife to her husband consists in—
 - (a) persistent refusal to do her matrimonial duties towards her husband even though she is able to do them;
 - (b) nagging at him or constantly provoking him to anger;
 - (c) being unfaithful to him in circumstances that expose him to public ridicule or contempt.
- (3) A man has to pay compensation or make amends to his wife for his cruelty to her where he is asked to do so by the *amala*, the elders of his family, members of his age grade or the maiden family of his wife.
- (4) A woman has to pay compensation to her husband for her cruelty to him where she is ordered to do so by the husband, as a condition for reconciliation, by the *amala*, by elders of the husband's family, by the *unuada* (married daughters of the husband's family) or by the wife's maiden family. Where the guilty spouse fails to reform, the ultimate remedy may be separation and divorce.
- (5) Cruelty by a parent to his or her child consists in—
 - (a) frequent chastisement for no just cause;
 - (b) excessive chastisement, even for just cause;
 - (c) failure to feed, clothe, educate or advance the child where the parent is able to do so.
- (6) A parent has to make amends to his or her child for his or her cruelty to the child if asked to do so by the *amala*, the elders or the family of the father.

340. *Desertion*.—

- (1) A married woman has no right to leave the matrimonial home or stay away from it for any length of time without the consent of the husband. A wife may, however, be justified in leaving the matrimonial home or staying away from it if she feels compelled to do so by reason of the husband's cruelty to her or where the husband brings another woman into the house in circumstances which make it difficult for the wife to stay there, provided that in the latter case, all reasonable attempts to bring the husband to reason by members of his family have failed. Where a woman

married a habitual thief in ignorance of such habit, or where the husband becomes a habitual thief after the marriage, the wife is justified to leave him.

- (2) A man has no right to send away his wife from the matrimonial home against her will when she has not given cause for such action.

Where attempts to reconcile the spouses fail, the ultimate remedy for desertion may be divorce.

341. *Laziness.*—

- (1) Failure by a spouse to do such work as is necessary for the proper maintenance of the family constitutes laziness on the part of that spouse, provided that he or she is fit enough to work.
- (2) Habitual laziness on the part of one spouse is a matrimonial offence against the other spouse.
- (3) The remedies of laziness are as follows—If the guilty spouse is the wife, she may be given reasonable chastisement by the husband and asked to make amends. Where the guilty spouse is the husband, he may at the instance of the wife be advised or reprimanded by the elders of his family and asked to make amends. If all attempts to reform the guilty spouse fail, the remedy may be separation and eventual divorce.

342. *Wastefulness and Destructiveness.*—

- (1) The following acts constitute wastefulness—
 - (a) a wife repeatedly cooking more food than is necessary for the family and having to throw away or give away the surplus;
 - (b) a wife spending large sums of money or limited sums on numerous occasions on wearing apparel for herself;
 - (c) a wife giving away unreasonable portions of her foodstuffs or money to others;
 - (d) a husband giving away unreasonable portions of his farm produce or money to others;
 - (e) a husband giving farm produce or money or other presents to lovers;
 - (f) a wife or husband failing to take proper care of his or her crops, livestock or other assets.
- (2) Habitual wastefulness on the part of one spouse is a matrimonial offence against the other spouse.

(3) The remedy for wastefulness, if habitual or frequent, is as follows:—

- (a) where the guilty spouse is the wife, she may be chastised by the husband and asked to make amends;
- (b) where the guilty spouse is the husband, he may at the instance of the wife be advised or reprimanded by the elders of his family and asked to make amends;
- (c) in either case, if the guilty party fails to improve his or her ways, the final remedy may be separation and eventual divorce.

(4) A spouse who wilfully destroys property of the other spouse thereby commits a matrimonial offence. The remedy for such offence is as follows:—

- (a) where the guilty party is the wife, she may be given reasonable chastisement by the husband. If she is financially able to replace the property destroyed, she may be asked to do so;
- (b) where the guilty party is the husband, he may at the instance of the wife be reprimanded by the elders of his family and asked to make amend to his wife. Such amends may include having to replace the property destroyed;
- (c) where destructiveness on the part of a spouse is persistent, the remedy may be separation and eventual divorce.

343. *Neglect of marital duties.*—The remedies for neglect of matrimonial duties are as follows—

If the guilty spouse is the wife, she may be given reasonable chastisement by the husband and asked to make amends. Where the guilty spouse is the husband, he may at the instance of the wife be advised or reprimanded by the elders of his family and asked to make amends. If all attempts to reform the guilty spouse fail, the remedy may be separation and eventual divorce.

344. *Wife's duty to maintain husband and children.*—There is a duty on a wife to maintain her husband where the husband is unable to do so through no fault of his and the wife has the means to do so. There is a duty on a wife to maintain her children where the husband is unable or unwilling to do so and she has the means to do so.

TERMINATION OF MARRIAGE

345. *Methods of termination of marriage.*—A marriage is terminated in one of two ways, namely:—

- (a) by divorce which consists in the wife leaving the husband or being driven away by him and bride-price being refunded; or in bride-price being paid into court and a divorce being pronounced by the court;
- (b) by the death of the wife.

1.—Divorce

346. *Who may initiate divorce proceedings.*—The right to initiate divorce proceedings attaches as follows:—

- (1) a husband has a right to initiate divorce proceedings;
- (2) a wife has a right to initiate divorce proceedings.

Local variations.—A wife has no such right in Anambra Division.

- (3) (a) The maiden family of a wife has a right to initiate divorce proceedings on her behalf in Abakaliki Division, Oha-Ozara clan of Afikpo Division, Anambra, Bende, Enugu, Ezeagu, Ezzikwo, Idemili, Igbo-Eze, Izzi, Nkanu, Ossomari community in Ogbaru, Oguta, Ohafia, Onitsha, and Ukwa Divisions.
- (b) A wife's family has no such right in Aba Division, Afikpo and Edda clans of Afikpo Division. Aguata, Arochukwu, Awgu, Etiti, Ezeagu, Ihiala, Ishielu, Isi-Uzo, Mbaise, Mbaitoli/Ikedur, Mbano, Njikoka, Nkwerre, Nnewi, Northern Ngwa, Nsukka, Ogbaru except Ossomari, Okigwe, Orlu, Oru, Owerri, Udi, Umuahia and Uzo-Uwani Divisions.
- (4) A husband's family has no right to initiate divorce proceedings.

Local variations.—The husband's family has such right in Abakaliki, Afikpo, Enugu, Ezzikwo, Idemili (but only with the husband's consent), Igbo-Eze, Izzi, Nkanu (excluding Mburu and Ugboka communities), Oguta and Onitsha Divisions.

347. *No reason for divorce need be given.*—A husband is free to divorce his wife by reason only that he does not want to marry her any more. Similarly, a wife is free to divorce her husband by reason only that she no longer wants to marry him. In either case, it makes no difference that the other spouse has not committed any serious matrimonial offences against the spouse who wants divorce.

348. *Usual reasons for divorce.*—The following are the usual reasons for one spouse seeking a divorce against the other spouse:—

(a) adultery by the wife;

Local variation.—This does not apply in Ukwa Division.

(b) cruelty by the husband;

(c) cruelty by the wife;

(d) desertion by the husband;

(e) desertion by the wife;

(f) laziness by the husband;

Local variations.—This does not apply in Aguata, Ishielu, Mbano, Nnewi, Ogbaru and Okigwe Divisions.

(g) laziness by the wife;

Local variations.—This does not apply in Aguata, Mbano, Njikoka, Nnewi and Ogbaru Divisions.

(h) failure by the husband to provide necessary maintenance for his wife and children;

Local variations.—This does not apply in Aguata, Ishielu, Ogbaru and Ukwa Divisions.

(i) failure by the husband to provide the wife with necessary clothing;

Local variations.—This does not apply in Aguata, Enugu, Igbo-Eze, Ishielu, Mbano, Nsukka, Ogbaru, Okigwe and Ukwa Divisions.

(j) failure by the wife to cook meals regularly for the husband;

Local variations.—This does not apply in Enugu, Ishielu and Mbano Divisions.

(k) failure by the wife to look after the children properly;

Local variations.—This does not apply in Aguata, Ezzikwo, Ishielu, Njikoka, Ogbaru and Ukwa Divisions.

(l) failure by the wife to give due respect to her husband;

(m) failure by the wife to give due respect to senior members of the husband's family;

Local variations.—This does not apply in Aba, Abakaliki, Aguata, Bende, Ishielu, Isi-Uzo, Izzi, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkanu, Nkwerre, Nsukka, Ogbaru, Onitsha and Uzo-Uwani Divisions.

- (n) refusal by the wife to have sexual connections with the husband at reasonable intervals and times;

Local variations.—This does not apply in Ishielu and Onitsha Divisions.

- (o) the husband infecting his wife with venereal disease;

Local variations.—This does not apply in Abakaliki, Anambra, Arochukwu, Ezeagu, Ihiala, Ishielu, Isi-Uzo, Izzi, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkwerre, Northern Ngwa, Ogbaru, Oguta, Okigwe, Onitsha, Oru, Owerri, Udi and Ukwa Divisions.

- (p) a wife infecting her husband with venereal disease;

Local variations.—This does not apply in Anambra, Arochukwu, Ihiala, Isi-Uzo, Mbaitoli/Ikeduru, Onitsha, Oru and Ukwa Divisions.

- (q) habitual stealing on the part of the husband;

Local variations.—This does not apply in Ishielu, Ogbaru and Owerri Divisions.

- (r) habitual stealing by the wife;

- (s) a wife practising witchcraft, making poisonous medicines or making any medicines without the knowledge of her husband.

349. *Concurrence not necessary.*—One spouse may obtain divorce even though the other spouse opposes it.

350. *Procedure for Extra-judicial divorce.*—

- (1) Marriage may be dissolved by mutual agreement between the husband (or his parents where he is young) and the parents of the wife in the presence of the marriage middleman and one or more elders from each of the two families. Spouses who want divorce do not have to go to court to obtain it.
- (2) The procedures for extra-judicial divorce are as follows—
 - (a) The parties in the presence and, where necessary, active participation of the persons mentioned above decide how much of the bride-price and other marriage

expenses paid on the woman concerned should be refunded to the husband. In coming to this decision, factors like the duration of the marriage and whether or not there are children of the marriage are taken into consideration. The bride-price and other marriage expenses which are refundable are then paid over to the husband (usually item by item) through the hands of the marriage middleman. This being done, the marriage is declared dissolved. This is the procedure adopted in Aba, Abakaliki, Aguata, Enugu, Igbo-Eze, Ihiala, Ishielu, Isi-Uzo, Izzi, Mbaise, Nnewi, Nkanu, Northern Ngwa, Oguta, Onitsha, Orlu, Oru, Owerri and Ukwa Divisions.

- (b) The amount of bride-price and other marriage expenses repayable is determined and paid as in (1). The husband and the wife's father each swears an oath to the effect that neither he nor his family will ever do anything that will harm or bring misfortune to the other or his family. The husband in particular swears not to do anything that will cause barrenness on the part of the wife. The elders present then declare the marriage dissolved. This is the procedure in Anambra, Arochukwu, Etiti, Ezeagu, Ezzikwo, Idemili, Njikoka, Nsukka, Ogbaru, Ohafia, Udi and Uzo-Uwani Divisions.
- (c) The amount of bride-price repayable is determined and paid as in (1). There is a symbolic cutting of the marriage bond (e.g., the parties hold on to two ends of a string which is then cut). There is then an exchange of oaths as in (2). After this, the marriage is declared dissolved. This is the procedure in Afikpo, Mbaitoli/Ikeduru, Mbano, Nkwerre and Okigwe Divisions.
- (d) In Awgu Division, the amount of bride-price and other marriage repayments repayable is determined and paid as in (1). There is also a ceremony of cutting of the marriage bond as in (2). There is an exchange of oaths as in (2). There is then a commensal meal after which the marriage is declared dissolved.
- (e) In Bende Division, there is determination and refund of bride-price and other marriage payments; an exchange of oaths and a commensal meal after which

the marriage comes to an end. But in Igbere and Ozuitem communities, there is no exchange of oaths.

- (f) In Umuahia Division, there is refund of bride-price and other marriage payments and a ceremony of cutting of the marriage bond, after which the marriage comes to an end.

351. *Compensation and divorce.*—

- (1) Where a marriage is dissolved by divorce at the instance of a party, the party at fault is not made to pay compensation to the innocent party.
- (2) Where a party to a marriage wants divorce on account of misconduct on the part of the other party, the party desiring divorce is not made to accept compensation instead of divorce.

352. *Refund of bride-price and other marriage payments on divorce.*—
For divorce to take place, the bride-price and other essential marriage payments made on the woman concerned must be repaid to the husband or his family. It is immaterial that the husband is the party at fault or that the marriage is dissolved at the instance of the wife or her maiden family. Husband and wife cannot rightly be said to be divorced unless and until the bride-price paid on the wife has been refunded to the husband or, if he is dead, to his family; or is paid into court and divorce is pronounced by the court.

Local variations.—

- (a) Divorce without refund of bride-price is possible in Afikpo clan of Afikpo Division and Awkunanaw community in Nkanu Division if *ido mwanji* (ritual expulsion of a wife) is performed.
- (b) Only bride-price is refunded in Aba, Enugu, Etiti, Njikoka, Ohafia, Onitsha and Uzo-Uwani Divisions. Other marriage payments are not refunded in these places.
- (c) In Abakaliki and Izzi Divisions, refund of bride-price is made if, but only if, the wife has no surviving issue for the husband.

353. *What payments are refundable.*—Marriage payments which in addition to bride-price, are refundable on divorce are as follows:—

- (1) Abakaliki and Izzi Divisions—Labour costs and the value of meat, coconuts, yams, tobacco and groundnuts as well as incidental payments made in cash.

- (2) Afikpo Division—In Afikpo clan, all the marriage expenses are refundable if the spouses have not lived together as man and wife. If they have lived as man and wife, only the bride-price is repayable.

In Edda clan, all marriage payments are refundable whether or not the spouses have lived together as man and wife.

In Oha-Ozara clan, all marriage payments are repayable.

- (3) Aguata Division—Unused clothes or their value in money are returned to the husband where the wife has had no issue for the husband. Where the wife has had issue for the husband, only the bride-price is refundable.
- (4) Anambra Division—All marriage payments made in money and in kind including gifts are repayable. The only exceptions are food items which the husband took part in eating.
- (5) Arochukwu Division—The amount of incidental marriage payments which is refundable is determined by the elders present at the time of divorce. Where the marriage has lasted three years or over, no incidental marriage payments are repayable.
- (6) Awgu Division—All payments and gifts in cash as well as the value of all payments or gifts in kind are refundable.
- (7) Bende Division—All payments and gifts in money as well as the values of payments and gifts in kind are repayable. These include gifts made to the wife's parents. In particular, the cost of *ndiong ufok* in Itu-Mbuzo community and any 'george' material given to the wife or her parents are repayable.
- (7A) Ezeagu Division—As in Udi Division.
- (8) Ezzikwo Division—The cost of labour performed by the husband, both during betrothal period and after marriage, for the wife's maiden family is repayable in Ikwo clan only.
- (9) Idemili Division—*Ego mbuzo* is repayable in Abacha, Eziowelle and Umunachi communities.

Ego ukwunato as well as all incidental marriage payments are refundable in Ogidi.

Ego ochiche is refundable in Nkpor, Uke, Umudioka and Umuoji communities.

Ife ntutu (incidental marriage payments) are repayable in Abatete, Awka-Etiti, Nnobi and Oraukwu communities.

Ife okpukpa is repayable in Akwu-ukwu, Oba and Ojoto communities.

In addition, other incidental marriage payments in money or in kind as well as gifts in money or in kind made by the husband or his family to the wife or her maiden family are repayable.

- (10) Igbo-Eze Division—In Enugu-Ezike clan, the cost incurred by the husband on the occasion of the *mbuba* ceremony and feast is refundable, but if the wife was given trousseau by her family, such refund is not made.

In Eketekelu clan, all incidental marriage payments as well as cost of clothes bought for the wife are refundable. The cost of food items is not refundable.

In Itchi and Etteh clans, all incidental marriage payments except *echebu* are refundable.

- (11) Ihiala Division—All items of property given to the wife by her family as trousseau (*ife idu uno*) are recoverable by her in cash or in kind.
- (12) Ishielu Division—The items of property given to the wife by her family or their value in money are recoverable by her.
- (13) Isi-Uzo Division—*Echi ogbasa* payments are refundable.
- (14) Mbaise Division—Incidental marriage payments in money and in kind are refundable.
- (15) Mbaitoli/Ikeduru Division—Incidental marriage payments in money and in kind are refundable.
- (16) Mbano Division—Money paid for *aja nna*, for parental consent and for *aja isiobi* are refundable.
- (17) Nkanu Division—Incidental marriage payments and gifts in money or in kind are refundable.
- (18) Nkwerre Division—Incidental marriage payments in money or in kind are refundable.
- (19) Nnewi Division—Incidental marriage payments in money or in kind as well as gifts in money and in kind are refundable. This repayment is called *ife otutu*, *ilighili ihe* or *tutu ntu*.

- (20) Northern Ngwa Division—Incidental marriage payments made in cash or in kind are refundable.
- (21) Nsukka Division—Incidental marriage payments as well as presents in money or in kind made to the wife or to members of her maiden family (including payments towards funeral expenses) are refundable.
- (22) Ogbaru Division—Incidental marriage payments in money and in kind as well as gifts in money or in kind to the wife or members of her maiden family are refundable.
- (23) Oguta Division—Incidental marriage payments in money and in kind are refundable.
- (24) Okigwe Division—Incidental marriage payments in money or in kind are refundable.
- (25) Orlu Division—In Osu-Alamiri and Osu-Ezimba, *ego nka-bi aku* and *ego umuada* are refundable.

In Ndizuogu, *ego umuada*, *ego mbata* and *ego nna nwe ezi* are repayable. Also valuable gifts made by the husband to the members of the wife's maiden family are refundable.

On the other hand, items of property given to the wife by her family as trousseau are recoverable by her.

In Isu clan, *ego nkuta nwanyi* and *okuko mgbu onweno* are refundable.

In Mbanasa clan, clothes bought by the husband for the wife and unused by her while living in the husband's house are returned to the husband or paid for in cash.

- (26) Oru Division—The fee paid on settlement of bride-price (*ego ohuhu omu*), the fee paid on the occasion of the exchange of oaths by the two families (*ego nkwa alusi*), payment made to male members of the wife's maiden family (*ego umunadi*), payment to the oldest man in the wife's maiden family (*ego ngugo ofo*) are all refundable.
- (27) Owerri Division—*Ego mmanyi ukwu*, *Ego ofo*, *ola nncuyi akpa* and *aku ahia nne* and similar marriage payments are refundable.
- (28) Udi Division—*Ego ihe oha* is refundable.
- (29) Ukwu Division—All incidental marriage payments made in money are refundable.

- (30) Umuahia Division—Three naira for *ewu umunna* as well as twenty-three kobo for *ego oji na ose* are refundable. In Ikwuano clan, however, nothing other than the bride-price is refundable.

354. *Amount refundable independent of duration of marriage.*—The amount of bride-price and incidental marriage payments repayable has nothing to do with the duration of the marriage concerned or whether the wife has had children for the husband or not.

Local variations.—

- (a) The amount of bride-price and other marriage payments repayable is determined with reference to the duration of the marriage about to be dissolved in Afikpo clan of Afikpo Division, Arochukwu Division, Awgu Division (in respect of gifts only), Etititi and Nkanu Divisions.
- (b) The amount of bride-price and incidental marriage payments refundable is determined with reference to the fact that the wife has or has no children for the husband, in Abakaliki Division, Oha-Ozara clan of Afikpo Division, Arochukwu, Etititi, Ezzikwo, Idemili, Izzi, Mbaitoli/Ikeduru, Njikoka and Ohafia Divisions, Nneato Uturu and Umuchieze communities in Okigwe Division, and Isu and Ogu communities in Orlu Division. In Abiriba community, ₦2.00 is deducted for each surviving male child and ₦1.00 for each surviving female child. The amount to be deducted is not fixed in the other communities in the Division but is determined by mutual agreement.

355. *Divorce where husband refuses refund of bride-price.*—Where a wife wants divorce, but the husband opposes divorce and refuses to accept a refund of his bride-price, it is possible to get the marriage dissolved:—

- (1) by paying the bride-price into court and getting the court to declare the marriage dissolved; or
- (2) by giving the bride-price to the marriage middleman for onward transmission to the husband. In this case, however, the marriage is not dissolved unless and until the husband or his family, if he is dead, accept the bride-price from the marriage middleman.

Local variations.—

- (a) In Aguleri community in Anambra Division, a marriage

will be dissolved in such a case if the bride-price is paid to and accepted by the husband's *umunna*.

- (b) In Etteh clan of Igbo-Eze Division, Ihiala, Ishielu, Mbaise, Mbano, Northern Ngwa and Oru Divisions, the marriage will be dissolved if the bride-price is paid to and accepted by the local chief for onward transmission to the husband. In Ishielu and Mbano Divisions, refund of bride-price may be made through the elders of the extended family of the husband as well as through the local chief.
- (c) In Anyamelum clan of Uzo-Uwani Division, the marriage will be dissolved if the bride-price is paid to and accepted by the *ndichie* of the husband's community for onward transmission to the husband.

356. *Renunciation of marriage by husband.*—It is not enough to dissolve a marriage if a husband announces that he is abandoning all claims to his bride-price and that as far as he is concerned the marriage has come to an end, unless in addition to such an announcement—

- (a) divorce is pronounced by a court of law; or
- (b) the husband makes a ritual renunciation of the marriage as well as the bride-price in the presence of responsible witnesses.

357. *Agreement reached on divorce but bride-price not refunded.*—

- (5) It is not enough to dissolve a marriage if a body brought together by the families of a husband and a wife determines the amount of bride-price and other marriage payments to be repaid to the husband and pronounces the marriage dissolved unless and until the amount so determined has been refunded to the husband.

Local variations.—

The marriage will come to an end in such circumstances (i.e. even if the amount determined has not been refunded) in Afikpo Division, Igbere and Ozuitem communities in Bende Division, Ezzikwo, Nkwerre, Ohafia and Owerri Divisions.

358. *Purported dissolution by parent.*—Where a parent who wishes to withdraw his or her daughter from her husband pays the bride-price received on his or her daughter into court or into the hands of the marriage middleman or into the hands of a chief and pronounces the marriage dissolved, such action will have no effect on the marriage if the daughter concerned refuses to leave the husband.

359. *Where parties marry under two systems of law.*—Where a couple marry under customary law and later marry again under the Marriage Act and finally one of them obtains a decree of divorce in the High Court—

- (a) the bride-price paid on the wife must still be repaid to the husband;
- (b) if the bride-price is not repaid, the woman is regarded by customary law as the wife of the “divorced” husband.

360. *Fault and refund of bride-price.*—Bride-price must be refunded whenever a marriage is dissolved, whether the dissolution is due to the husband’s fault, the wife’s fault, the in-laws’ fault or the death of the husband. The only exception is where a marriage is dissolved by the death of the wife.

361. *Who repays bride-price, etc.*—

- (1) It is the primary duty of a woman’s father to repay any bride-price paid by the husband on the woman.

Where refund of bride-price becomes due before the woman remarries, the father has to provide the funds for this. Where, however, refund of bride-price does not become due until the woman remarries, the money for such refund is provided by the new husband. Sometimes also, the woman herself provides the necessary money for refund of her bride-price out of her own resources.

- (2) Even in those communities where bride-price is shared among two or more members of the bride’s family, it is still the primary duty of the bride’s father to refund the bride-price.

Local variations.—Contributions equal to the amounts or articles received by them are made by members of the bride’s family in the following Divisions, being places where the bride-price is shared among several members of the family: Aba, Abakaliki, Etiti, Isi-Uzo, Izzi, Nkanu, Oguta and Owerri Divisions.

- (3) A wife has no right to refund out of her own pocket, or with borrowed money, bride-price paid upon her.

Local variations.—She has a right to do this in Aba Division, Edda clan of Afikpo Division, Etiti, Ogbaru and Ukwa Divisions.

- (4) Where a wife wishes to have her marriage dissolved and has the money to refund the bride-price paid upon her:

(a) she must make such refund through her parents or guardian.

Local variations.—

- (i) She need not go through the parents, but may refund direct in Aba, Etiti and Ogbaru Divisions.
- (ii) In Afikpo clan of Afikpo Division, she may refund the bride-price through her new husband; while in Edda clan, she may do so through her maternal uncle.
- (b) she has no right to pay such money into court and to ask the court to dissolve her marriage.

Local variations.—A woman has a right to pay such money into court and ask the court to dissolve her marriage in Aba Division, Edda clan of Afikpo Division, Etiti, Mbaise, Ogbaru, Ukwu and Umuahia Divisions.

362. *At what time refund is due.*—

- (1) Where a woman leaves her husband through no fault on his part, and goes to live elsewhere but does not remarry—

(a) The husband is entitled to immediate refund of any bride-price he paid on the wife in Aba, Arochuku, Awgu, Bende, Ezzikwo, Ihiala, Isi-Uzo, Nkwere, Northern Ngwa, Ohafia, Oru, Owerri and Ukwu Divisions.

(b) No refund is due until the woman remarries in Abakaliki, Afikpo, Aguata, Anambra, Enugu, Etiti, Ezeagu, Idemili, Igbo-Eze, Ishielu, Izzi, Mbaise, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkanu, Nnevi, Nsukka, Ogbaru, Oguta, Okigwe, Onitsha, Orlu, Udi, Umuahia and Uzo-Uwani Divisions.

- (2) Where a woman is forced to leave her husband through his fault, and goes to live elsewhere but does not remarry, no refund of bride-price is due to the husband until the woman remarries.

Local variations.—

- (a) The husband becomes entitled to immediate refund of the bride-price in Ezzikwo, Ihiala, Oru and Owerri Divisions.

- (3) Where a man dies and his wife remarries into another family, bride-price paid on her becomes immediately refundable to the family of the deceased husband.

Local variations.—

In Ezzikwo Division, Orri, Effium and Eziagu clans and in Ezilo community in Igbo-Ato clan of Ishielu Division, refund of bride-price is not made at all in such circumstances.

- (4) Where a husband dies and his wife leaves his family but does not remarry, refund of bride-price does not become due. It only becomes due when she remarries.

Local variations.—

(a) In Abakaliki and Izzi Divisions refund of bride-price becomes due as soon as the woman leaves her late husband's family. If, however, she has a surviving issue for the husband, no refund is due at all.

(b) In Oru and Owerri Divisions, refund of bride-price becomes due as soon as the woman leaves the late husband's family.

- (5) When a wife dies, no refund of bride-price paid on her is due from her parents or family.

2.—Death

363. *Effect of death on marriage and bride-price.*—

- (1) The death of a husband does not necessarily bring to an end his marriage to his wife. A widow does not cease to be a member of her husband's family merely because her husband is dead. Some step or ceremony is required to bring about a dissolution of the marriage where this is desired.
- (2) The step or ceremony required to terminate a woman's marriage to her deceased husband and his family is either refund of the bride-price and other refundable marriage payments; or take-over of the widow by the son, brother or other relation of the deceased husband after the necessary ceremonies have been performed.

Local variations.—

- (i) Afikpo Division—In Afikpo Division (excluding Oha-Ozara clan), if a wife is still of child-bearing age when

her husband dies, she automatically ceases to be a member or wife of her husband's family. She must leave the husband's family and go back to her maiden family. Any children born of her after the death of the husband will not be members of her late husband's family, whether or not the bride-price paid on her has been refunded to the family of the late husband. Such children will belong to her new husband or, if she has not re-married, to her maiden family. A wife who has passed child-bearing age may, if she so desires, remain in the family of the late husband. But if by any chance she bears a child, such child will not be a member of the late husband's family.

- (ii) Ohafia Division—In Ohafia Division, if a woman is married from a community within the division, she automatically ceases to be a member of her husband's family on the death of the husband. She must leave the husband's family and go back to her maiden family. Children born of her from that time on will not be members of the late husband's family, but members of her maiden family. On the other hand, if the woman was married from a community outside the division, the death of her husband does not necessarily terminate her marriage to the deceased husband or her membership of the deceased husband's family.
- (iii) In Abakaliki, Ezzikwo, Ihiala and Izzi Divisions, the death of woman's husband automatically terminates the woman's marriage to her husband and her membership of the husband's family.
- (3) When a wife dies, no repayment is due from her family to the husband or his family in respect of any bride-price or other marriage payments made on her.
- (4) Where a husband dies without completing payment of bride-price in respect of his wife—
- (a) There is no obligation on any one to complete such payment in Afikpo, Aguata and Arochukwu Divisions, Awgu town in Awgu Division, Bende, Ezeagu and Idemili Divisions (excluding Eziowelle, Nkpor and Umudioka communities), Isi-Uzo, Mbaitoli/Ikeduru, Njikoka,

Nkwerre, Ogbaru, Ohafia, Orlu, Owerri, Udi, Umuahia and Uzo-Uwani Divisions.

- (b) Obligation to complete payment of the bride-price continues despite the death of the husband in Aba, Abakaliki, Anambra, Awgu (excluding Awgu town), Enugu, Etiti and Ezzikwo Divisions, Eziwele, Nkpor and Umudioka communities in Idemili Division, Igbo-Eze, Ihiala, Ishielu, Izzi, Mbaise, Mbano, Nkanu, Nnewi, Northern Ngwa, Nsukka and Oguta Divisions Otanzu/Otanchara North, East and West, Okigwe town and Isuikwuato clan (excluding Imenyi community) in Okigwe Division, Onitsha, Oru and Ukwa Divisions.
- (5) The person under obligation to complete payment of bride-price on a widow after the death of her husband is the person who takes the widow over as wife.

Local variations.—

- (a) In Abakaliki and Izzi Divisions, Etteh clan of Igbo-Eze Division, Ikem and Udunedem clans of Isi-Uzo Division, this obligation is on the deceased person's sons.
- (b) In Ishielu Division, the obligation is on the deceased person's son or next of kin.
- (c) In Etiti, Mbano and Nkanu Divisions, the obligation is on the deceased person's next of kin.
- (d) In Awgu town in Awgu Division, the obligation is on the deceased person's sons if land was pledged by their father as security for completion of the bride-price. Where land is not pledged as security, the obligation is on the person who takes the widow over as wife.
- (e) In Ezzikwo Division, the obligation is on the deceased person's sons. In the absence of sons, the obligation is on the deceased person's next of kin.

364. *Widow's right to choose whether to remain single.*—

- (1) A widow who has a surviving male child has a right to decide whether she is to be taken over as wife by a son or relation of her late husband or to remain the wife of the late husband.

Local variations.—A widow has no such right in Aba and Afikpo Divisions, Arochukwu Division (excluding Iweri clan),

Ishielu Division (except in Igbo-Ano community in Igbo-Asa clan) and Umuahia Division.

- (2) A widow who has only female children surviving has a right to decide whether she is to be taken over as wife by a son or relation of her late husband or to remain the wife of the husband.

Local variations.—She has no such right in Aba, Afikpo, Arochukwu (excluding Iweri clan where she has the right), Ezilo community in Igbo-Asa clan of Ishielu Division, Northern Ngwa, Oru and Umuahia Divisions.

- (3) A widow who has no surviving child at the time of her husband's death has a right to decide whether to be taken over as wife by a relation of her late husband or to remain wife of the late husband.

Local variations.—She has no such right in Aba, Afikpo and Arochukwu Divisions (excluding Iweri clan of Arochukwu Division where she has the right), Nnewi, Ozubulu, Ukpok, Oraifite and Ichi communities in Nnewi Division, Northern Ngwa, Oru and Umuahia Divisions.

- (4) Where the family of a deceased man decides that the man's widow shall be taken over as wife by a member of the family and the wife refuses to be taken over, the family has no right to expel her from the matrimonial home.

Local variations.—

- (a) In Aba, Northern Ngwa and Ukwa Divisions, the family have no right to expel the widow; but as long as she remains unmarried, she belongs to the person to whom she was assigned by the late husband's family whether or not they go to bed.
- (b) The family has this right of expulsion in respect of a widow who has no surviving son in Awgu and Isi-Uzo Divisions.
- (c) The family has this right of expulsion in respect of a widow who has no surviving child, male or female, in Enugu, Mbaise and Ogbaru Divisions.
- (d) The family has this right of expulsion whether the widow has a child or not in Otanzu/Otanchara East and Otanzu/Otanchara West communities in Okigwe Division, Western Oru and Umuahia Divisions.

Effect of Termination of Marriage

365. *Effect of termination of marriage by divorce.*—

- (1) A divorced woman has no right to answer the name of a husband from whom she has been divorced.
- (2) A divorced woman has no right to remain in the matrimonial home. It makes no difference whether the house was built by the husband alone or by the husband and wife jointly or by the wife alone.

Local variation.—In Oguta Division, a divorced woman has a right to remain in the matrimonial home irrespective of who built the house.

366. *When divorced woman may return to husband's house.*—A divorced woman who has surviving male children has a right to return to the house of her former husband if such children grow up and want her to return.

Local variations.—

- (a) In Aba and Ukwa Divisions, and Nvosi in Northern Ngwa Division, the bride-price which must have been repaid to the husband during divorce must be paid once more to the maiden family of the wife before she is free to return to the former husband's house. Such payment is done by her sons who want her to return.
- (b) A divorced woman has a right to return to the house of the former husband if requested to do so by her children when they grow up, whether such children are male or female, in Aba and Bende Divisions, Ezzikwo Division (excluding Okpuitumo community in Ikwo clan), Ihiala Division, Ishielu Division (excluding Ezilo community in Igbo-Asa clan), Owerri and Ukwa Divisions.

367. *Divorced couple may re-marry.*—

- (1) A man and a woman whose marriage was dissolved by divorce are free to marry each other again if they so desire.
- (2) (a) No special procedure, ceremony or sacrifice is required for a valid marriage between such persons in Aba, Aguata, Anambra, Arochukwu, Bende, Etiti, Idemili, Igbo-Eze, Ishielu, Isi-Uzo, Mbatoli/Ikederu, Northern Ngwa, Nsukka, Ogbaru, Oguta and Ohafia Divisions, Isuochi community in Okigwe Division, Onitsha and Umuahia Divisions.

- (b) Some ceremony or sacrifice is required before a valid marriage can be concluded between such persons in Abakaliki (*iwasi mmiri* ceremony), Afikpo, Awgu (*igwa ekwu* ceremony), Enugu (sacrifice of a fowl to the family god by the husband), Ezzikwo (*ala obu* juju informed with kola-nuts), Ihiala (*igba oriko* ceremony), Izzi (*iwasi mmiri* ceremony), Mbaise (exchange of oaths by husband and wife), Mbano (exchange of oaths), Njikoka, Nkanu, Nkwerre, Nnewi, Okigwe, Orlu, Oru (*ikwa nso* ceremony), Owerri, Ezeagu, Udi, Ukwa (exchange of oaths by husband and wife) and Uzo-Uwani Divisions.
- (3) (a) A divorced woman has no capacity to marry a brother or close relation of her former husband in Aba, Abakaliki, Afikpo Anambra, Arochukwu and Awgu Divisions, Bende Division (excluding Itu Mbuzo and Umuimenyi communities), Enugu, Ezeagu, Ezzikwo, Igbo-Eze, Ishielu, Isi-Uzo, Izzi, Mbaise, Mbaitoli/Ikeduru, Mbano, Nkanu, Northern Ngwa (excluding Nvosi), Nsukka, Oguta and Ohafia Divisions, Uturu and Umuchieze communities in Okigwe Division, Onitsha Division, Amiri and Awo-Omama communities in Oru Division, Owerri, Udi, Ukwa and Umuahia Divisions.
- (b) She has this capacity in Aguata Division, Itu-Mbuzo and Umuimenyi communities in Bende Division, Uturu and Umuchieze communities in Okigwe Division, Oru Division (excluding Amiri and Awo-Omama communities) and Uzo-Uwani Division.
- (4) (a) A man is free to marry a sister or other close relation of his divorced wife in Aba and Abakaliki Divisions, Oha-Ozara and Edda clans of Afikpo Division (in respect of paternal relations only), Aguata and Anambra Divisions, Awgu Division (excluding Awgu town), Itu-Mbuzo community in Bende Division, Etiti, Ezeagu, Idemili, Igbo-Eze, Ihiala, Isi-Uzo, Izzi, Mbaise, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkanu (excluding Idodo community), Nkwerre, Nnewi, Nvosi in Northern Ngwa Division, Nsukka, Ogbaru, Okigwe (excluding Uturu community), Onitsha, Orlu, Oru, Owerri, Udi, Umuahia (if the wife was at fault), and Uzo-Uwani Divisions.

(b) A man has no such freedom in Afikpo clan of Afikpo Division, Arochukwu Division, Awgu town in Awgu Division, Bende Division (excluding Itu Mbuzo community), Enugu, Ezzikwo, Ishielu, Nkanu, (excluding Idodo community), Northern Ngwa, Oguta and Ogbaru Divisions, Uturu community in Okigwe Division and Ukwu Division.

368. *No limit to number of permissible divorces.*—

- (1) There is no limit to the number of divorces a man or a woman may have.
- (2) There is no requirement that after a person has had a certain number of divorces he or she must perform some sacrifice or ceremony before he or she can marry again.

Local variation.—In Idemili Division, after a person has had seven divorces, he or she has to perform the ceremony of *ikpu alu* (purification ceremony) or *afia agiliga nkita*.

369. *Ownership and custody of children after divorce.*—

- (1) On divorce, a husband is entitled as against the wife to the children of the marriage. It is immaterial whether the husband is poor and the wife comparatively rich and so better able to maintain the children.
- (2) In respect of children of tender age (i.e., children under five years of age), the wife is normally given custody until such children attain the age of five years when the husband has a right to remove them from her.
- (3) Where on divorce a wife retains custody of children of tender age—
 - (a) the husband has a duty to provide maintenance for such child for so long as the child remains with her;
 - (b) the husband has no obligation to provide maintenance for the divorced wife.

Local variations.—An obligation to maintain the woman exists in Ihiala, Nkanu and Nnewi Divisions.

370. *Right of woman to remove her property on divorce.*—

- (1) When a marriage is dissolved by divorce, the items of property which a wife has a right to take away with her from the matrimonial home are as follows:—

- (1) Aba Division—
 - (a) All her movable property (i.e., movable property acquired by her with her money or energy) where the divorce is brought about by the fault of the husband;
 - (b) Nothing at all where the divorce is brought by her own fault.
- (2) Abakaliki and Izzi Divisions—All her clothes and ornaments as well as all items of property she brought to the matrimonial home from her maiden family.
- (3) Afikpo Division—
 - (a) In Afikpo and Edda clans, all her movable properties.
 - (b) In Oha-Ozara clan, nothing at all except the clothes she has on her person.
- (4) Aguata Division—All items of property she brought to the matrimonial home from her maiden family.
- (5) Anambra Division—All items of movable property she brought to the matrimonial home from her maiden family as well as those she acquired during marriage with her own money or energy. Her farm produce is divided equally between her husband and herself. These rules do not apply to Oru Mbanasa where a divorced wife takes nothing away with her.
- (6) Arochukwu Division—All items of property she brought to the matrimonial home on marriage as well as those she acquired during marriage with her money or energy.
- (7) Awgu Division—All items of movable property she brought to the matrimonial home from her maiden family as well as her clothes and cooking utensils.
- (8) Bende Division—All items of movable property acquired by her before marriage or given to her as trousseau and brought by her to the matrimonial home, as well as items of movable property acquired by her during marriage with her own money or energy. In Itu Mbuzo community, property acquired by her during marriage is divided equally between her husband and herself.
- (9) Enugu Division—Her clothes, ornaments and cooking utensils.
- (10) Etiti Division—Nothing.

- (10A) Ezeagu Division—Property brought with her to the matrimonial home on marriage.
- (11) Ezzikwo Division—All items of movable property she brought to the matrimonial home on marriage as well as her clothes and ornaments.
- (12) Idemili Division—All items of movable property brought by her to the matrimonial home on marriage or acquired during marriage with her own money or energy.
- (13) Igbo-Eze Division—All items of movable property she brought to the matrimonial home on marriage.
- (14) Ihiala Division—Her wearing apparel and trinkets.
- (15) Ishielu Division—All items of movable property she brought to the matrimonial home on marriage.
- (16) Isi-Uzo Division—All items of movable property she brought to the matrimonial home on marriage.
- (17) Mbaise Division—All items of movable property she brought to the matrimonial home on marriage.
- (18) Mbaitoli/Ikeduru Division—All items of movable property she brought to the matrimonial home on marriage and part of movable property acquired during marriage with her own money or energy. The amount of the latter property which she takes away depends on the number of her surviving children and the duration of the marriage. This is determined during repayment of bride-price.
- (19) Mbano Division—All items of movable property she brought to the matrimonial home on marriage.
- (20) Njikoka Division—All items of movable property she brought to the matrimonial home on marriage as well as those acquired during marriage with her own money or energy.
- (21) Nkanu Division—She has no right to remove any property; but in Awkunanaw community, she takes her personal belongings where she is rejected together with her bride-price by the husband by *ido nwanyi* rite. In Idodo community she has a right to remove her personal belongings where the divorce is brought about by the fault of the husband, but not otherwise.

- (22) Nkwerre Division—All items of property brought by her to the matrimonial home on marriage as well as her wearing apparel and ornaments.
- (23) Nnewi Division—All items of property brought by her to the matrimonial home on marriage.
- (24) Northern Ngwa Division—Only wearing apparel she has on her body at the time of divorce.
- (25) Nsukka Division—Only wearing apparel she has on her body at the time of divorce.
- (26) Ogbaru Division—Movable property she brought to the matrimonial home on marriage.
- (27) Oguta Division—Items of property she brought to the matrimonial home on marriage. But in Oguta town and Egbu-Egwe, she has no right to remove anything other than the clothes she has on her body at the time of divorce.
- (28) Ohafia Division—Items of property she brought to the matrimonial home on marriage and those she acquired during marriage with her own money or energy.
- (29) Okigwe Division—Wearing apparel and ornaments only.
- (30) Onitsha Division—Nothing.
- (31) Orlu Division—Only property she brought to the matrimonial home on marriage.
- (32) Oru Division—Only property she brought to the matrimonial home on marriage.
- (33) Owerri Division—Property brought by her to the matrimonial home on marriage as well as property acquired by her during marriage with her own money or energy. But her yams are divided between her husband and herself in the ratio of two to the husband and one to herself. Livestock is also divided between her husband and herself.
- (34) Udi Division—Property brought by her to the matrimonial home on marriage.
- (35) Ukwá Division—Nothing.
- (36) Umuahia Division—Property she brought to the matrimonial home on marriage as well as those she acquired with her own money or energy during marriage. But in Ikwuano clan, only articles of dress of little value are removable by her.

(37) Uzo-Uwani Division—Property she brought to the matrimonial home on marriage.

371. *Right to remove property independent of existence of issue.*—Neither the right of a woman to take away her property on divorce nor the quantity she has a right to take away depends on whether she has surviving children or not, except as stated in paragraph 370.

372. *Right to remove property independent of fault.*—A woman's right to take away on divorce items of property she acquired during marriage does not depend on whether the divorce was due to her fault or to the fault of her husband.

Local variations.—In Aba Division, a woman is entitled to remove all her property on divorce where the divorce is brought about by the fault of the husband. If the divorce is brought about by her own fault, she has no right to remove any property at all. This rule also applies in Idodo community in Nkanu Division and in Ikwuano clan of Umuahia Division.

373. *Wife not entitled to maintenance on divorce.*—A wife has no right to be maintained in whole or in part by her husband once their marriage is dissolved. It is immaterial whose fault brought about the dissolution. If she is allowed to retain a child of tender age, she is entitled to maintenance for the child, but not for herself.

374. *Husband entitled to child conceived before divorce.*—

- (1) Where a woman is pregnant at the time her marriage is dissolved by divorce, her husband is entitled to the child when it is born.
- (2) Where a woman is pregnant at the time her marriage is dissolved by divorce and becomes married to another man while she is still pregnant, her first husband is entitled to the child whenever and wherever it is born.
- (3) Once a woman's marriage is dissolved by divorce and her bride-price is refunded or effectively renounced by the husband, the husband has no right to claim any child conceived of that woman thereafter.

375. *Effect of termination of marriage by death of a spouse.*—Where a woman's husband dies, she has a right to re-marry if she so desires.

Local variations.—In Abakaliki and Izzi Divisions, where a woman deliberately pours water on the grave of her husband, she thereafter loses her right to re-marry.

376. *Widow's right to live in her matrimonial home.*—

- (1) A widow retains her right to live in her matrimonial home despite the death of her husband.
- (2) The only places in which and circumstances under which a widow can be compelled to vacate her matrimonial home are as follows:—
 - (a) In Aba Division, Afikpo clan of Afikpo Division, Awgu, Mbano and Nsukka Divisions, if she is of persistent bad behaviour, the husband's family has a right to expel her.
 - (b) In Enugu and Ogburu Divisions, if she has no surviving child and refuses to be taken over as wife by a member of the husband's family, she may be expelled by the husband's family.
 - (c) In Ishielu, Nnewi and Okigwe Divisions, if she is of general bad behaviour and commits an abomination in addition, she may be expelled by the husband's family.
 - (d) In Mbaitoli/Ikeduru Division, if she is reputed to be a witch or a habitual thief, she may be expelled by the husband's family.
 - (e) In Northern Ngwa Division, if she has no son and is of persistent bad behaviour, she may be expelled by the husband's family.

377. *Death and ownership of children.*—

- (1) On the death of a husband, his family is entitled to all his children as against the wife and her maiden family.
- (2) On the death of a wife, her husband is entitled to all her children as against her maiden family.

378. *Widow's right to property of deceased husband.*—A widow has no right of ownership over any property of her deceased husband. It is immaterial whether she has surviving sons or not. The only property of her husband which she has a right to keep after the husband's death are out-right gifts made by the husband in his lifetime.

379. *Post-humous children.*—

- (1) Where a widow continues to live in her deceased husband's place and bears a child there, such child belongs to the deceased husband's family as against the widow's maiden

family. It makes no difference that before the child was conceived, the widow had left the husband's place permanently if bride-price paid on her has not been refunded to the late husband's family.

Legitimacy and Acknowledgement of Children

380. *When a child is or is not born legitimate.*—

- (1) A child is born illegitimate if it is born of a woman who is not married at the time of the child's conception or birth; and
- (a) who is not a widow that has a right to choose and has chosen to remain married to the name of her deceased husband and his family; and
 - (b) who is not left on purpose in her father's compound to bear children in the name of her father for the family.

There are no other circumstances under which a child is born illegitimate.

- (2) (a) A child born of a woman who is married to another woman is the legitimate child of the man in whose name the marriage was contracted.
- (b) A child born of a woman who is left single in her father's compound so that she may bear children for the family is a legitimate child of the father.
- (c) A child born of a widow living in her late husband's family is a legitimate child of the late husband.
- (d) A child born of a widow who has permanently left the late husband's family but has not refunded the bride-price paid on her is a legitimate child of the late husband.
- (e) A child born of a married woman as a result of an adulterous intercourse between the woman and a man who is not her husband is a legitimate child of the woman's husband.

381. *Child born in adultery has no legal disability for that reason.*—
Where a married woman bears a child as a result of an intercourse with a man who is not her husband, whether or not he has been duly assigned to her, a child so born is not subject to any legal disability. In particular,

such a child has the right to be the head of his father's family if he happens to be the eldest son of his father.

(*Note*: "father" here means the mother's husband).

Local variations.—

- (a) In Mbaloye clan of Aguata Division and Enugu-Ezike community of Igbo-Eze Division, such a child cannot be the head of his father's family even if he is the father's eldest son.
- (b) In Ohafia Division, such a child is a legitimate child of the man with whom its mother committed adultery. The child however does not suffer any legal disability in that other man's family.

382. *Adulterer has no claim to his natural child.*—

- (1) Where a man has sexual connection with a married woman who is not his wife and makes her pregnant, he has no right to claim as his any child born of such connection. It makes no difference whether the man in question is or is not himself married.

Local variations.—

- (a) Such a man has a right to claim the child in such circumstances in Afikpo and Edda clans of Afikpo Division, Enugu-Ezike and Etteh clans of Igbo-Eze Division, and Ohafia Division.
 - (b) In Abakaliki, Ezeagu, Izzi, Njikoka, Ogburu, Oguta, Onitsha, Udi and Uzo-Uwani Divisions, such a man may accept as his own a child born to him under such circumstances if the child expresses a wish to be so accepted.
- (2) In those communities where a man has a right to claim as his own a child born to him as a result of adulterous intercourse between him and another man's wife, a son obtained in this manner has a right to be the head of his natural father's family. This rule also applies in those communities where the natural father is free to accept his natural child as his own: a child so accepted has a right to be the head of his natural father's family. (But see "*Local variations*" (a) in the last paragraph above.)

383. *Lover has no claim to his natural child by a spinster.*—

- (1) Where a man has sexual connection with an unmarried

woman and a child is born as a result of this affair, the man has no right to claim the child as his own.

Local variations.—A man has such a right in Afikpo Division Enugu-Ezike and Etteh clans of Igbo-Eze Division, Nkanu, Ogbaru and Ohafia Divisions.

- (2) In Aba, Abakaliki and Aguata Divisions, Nenwe and Uduma communities in Awgu Division (provided he does *ife miri ala* rite involving a payment of five naira), Enugu, Etiti and Ezeagu Divisions, Enugu-Ezike and Etteh clans of Igbo-Eze Division, Isi-Uzo, Izzi, Mbaise, Nkanu, Nkwerre, Northern Ngwa, Ogbaru, Oguta and Onitsha Divisions, Ubulu-Ihejiofo community in Oru Division, Owerri, Udi and Uzo-Uwani Divisions, though such a man cannot claim the child born in these circumstances as of right, he can make the child his own, if the woman's family consent, usually by marrying the child's mother.

384. *Child born outside marriage has no claim on natural father.*—Where a man has sexual connection with an unmarried woman and a child is born as a result, that child has no right when he grows up to move into the man's house or to demand that he be recognized as the man's lawful child.

Local variations.—Such a child has this right in Afikpo and Edda clans of Afikpo Division, Bende Division (excluding Itu-Mbuzo and Umuimenyi communities), Enugu-Ezike and Etteh clans of Igbo-Eze Division, Ishielu, Isi-Uzo, Nkanu, Ogbaru, Oguta town in Oguta Division, Ohafia Division, and Ubulu-Ihejiofo community in Oru Division.

385. *Legitimation by acknowledgement, how done.*—

- (1) In those communities where customary law allows a man to have as his own a child born of an affair between himself and a woman who is not his wife, it is not enough that the man should merely acknowledge that he is the biological father of the child, takes the child under his custody and treats him as he would treat a child born to him by his own wife. It is necessary that he does something publicly either during the pregnancy or soon after the child is born to establish his claim to the child.

Local variations.—In Oguta town in Oguta Division, Ubulu-Ihejiofo community in Oru Division and Uzo-Uwani Division, the man is not required to do anything beyond

acknowledging the child as his own, taking him into custody and treating him as he would treat a child born to him by his own wife.

- (2) The things which a man has to do to establish his claim to a child in these circumstances are as follows—

In Afikpo Division, he performs certain customary rites at the birth of the child.

In Nenwe and Uduma communities in Awgu Division, he performs *ife mili ala* rite by paying five naira.

In Enugu-Ezike community in Igbo-Eze Division, the man pays fourteen naira fifty kobo plus palm-wine and kola-nuts for a ceremony called *ntukpo anya*.

In Etteh community in the same Division, he pays twenty naira plus palm-wine and kola-nuts for a ceremony called *ono iriam*.

In Isi-Uzo Division, the man sends a goat's skin, yams, meat and palm-oil to the child's mother to show that he is the natural father of the child.

In Ohafia Division, the man has to name the child in the presence of members of his and of the woman's families (*ituji isi*) and he buys yams, fish, clothes and other necessities for the mother and child (*ntu ndi isi*).

- (3) In those places where a man may take as his own a child born to him by a woman who is not his wife if the parents of the woman concerned so consent, the man has to agree with the woman's parents or family on what he is to do to claim the child. Normally this involves payment of bride-price on the woman concerned and maintenance of the child and its mother.
- (4) In those communities where a man has a right to claim as his own a child born to him by a woman who is not his wife, or where a man may take as his own a child born to him in such circumstances if the family of the child's mother so consent, a child so obtained has a right to be the head of the man's family if he is the man's eldest son.

Local variations.—A child obtained in these circumstances has no such right in Nnewi, Oguta and Onitsha Divisions.

386. *Legitimation by acknowledgement, effects of.*—Where a child is duly acknowledged or otherwise treated as his child by a man who is not the husband of the child's mother but is the child's natural father.—

- (1) Such a child has a right to inherit the property of the man who thus becomes his father as if he were the man's legitimate child born to him by his own wife in Afikpo and Edda clans of Afikpo Division, Nenwe and Uduma communities in Awgu Division, Ezeagu Division, Enugu-Ezike and Etteh communities in Igbo-Eze Division, Isi-Uzo Division, Nkanu Division excluding Uburubu and Nike communities, Nkwerre, Northern Ngwa, Ogbaru and Ohafia Divisions, Ubulu-Ihejiofo community in Oru Division, Owerri, Udi and Uzo-Uwani Divisions.
- (2) Such a child has no inheritance right over the property of the man who thus becomes his father in all the other communities.

387. *Legitimation of child does not affect status of its mother.*—Where a man acknowledges his biological child as his own, the mother of that child does not for that reason become entitled to be treated either as a wife of the man in his lifetime or as a widow of the man when he dies unless, of course, he eventually married her.

388. *Child born where marriage is within prohibited degree.*—Where a man and a woman who are related to each other within the prohibited degree by blood or by marriage happen to marry each other in ignorance of such relationship, the child will belong to its natural father and his family.

Local variations.—

- (a) In Awgu Division, the child will belong to the woman's maiden family unless and until *Omaite* ceremony is performed. If this ceremony is performed, the marriage is validated and the child belongs to the woman's husband and his family.
- (b) In Ezzikwo, Ishielu and Ukwa Divisions, the child belongs to the woman's maiden family.

Adoption of Children

389. *Whether adoption is permissible.*—Adoption of children is permissible but rare.

390. *Who may adopt.*—Any adult person, male or female, has power to adopt a child.

391. *Who may be adopted.*—Any child, that is a person below the age of puberty, may be adopted. Usually, however, children who are adopted are related by blood to the persons who wish to adopt them.

392. *Methods of adoption.*—Adoption may be formal or informal. In the former case, there is usually a meeting of representatives of the two families involved, viz., those of the prospective adoptive parent and child. Parental rights and responsibilities are there transferred and accepted, and the proceedings generally end with a commensal meal. As a variant of this, there is a meeting of members of the adoptive parent's family and perhaps also a number of his friends invited for the occasion. The adoptive parent presents the child to this meeting and informs them of his intention thereafter to regard him as his own child.

In an informal adoption, there are no meetings and no public declarations. The adoptive parent receives the child (usually an orphan or the child of a near kinsman) into his home and treats him as he would his own child, and the child for his part regards and treats him as his father or mother as the case may be. The great weakness of this mode of adoption is that it is sometimes impossible to tell whether a given relationship is one of guardian and ward or of (adoptive) parent and child. One may have to wait for many years to discover what the true position is: if the child stays on in the adoptive family as a member thereof after he has come of age, the relationship is deemed to have matured into adoption. (This situation is most frequently encountered in cases where a woman has an illegitimate child with one man (or a legitimate child with a former husband) and later brings the child with her to the matrimonial home on being married to another man. The child is then brought up by his mother's husband and treated in all respects as if he were a member of the latter's family.)

393. *Legal incidents of adoption.*—Adoption confers the same rights and imposes the same duties upon a child, *vis-a-vis* his adoptive parent or parents and his or their family, as attach to a child who was born outside wedlock and subsequently legitimated in one of the ways already described. In other words, from the date of the adoption, the child

concerned becomes the lawful child of his adoptive parent and a member of his family for all practical purposes. But the child's link with his family of birth survives to the extent that he cannot lawfully marry any member thereof with whom he could not lawfully have married had the adoption not taken place.

Guardianship of Children

394. *Whether guardianship is recognized.*—Guardianship of children is recognized by customary law. So also is guardianship of persons who are mentally defective.

395. *Who may appoint a guardian.*—The parents of a child or a surviving parent may appoint a guardian for the child. Where the parents are both dead or unable to act, the child's eldest nearest paternal relation has a right to appoint a guardian for him. A child's sister or other female relation (except the mother) has no right to appoint a guardian for the child except with the consent of the child's eldest nearest paternal male relation.

Local variation.—In Ohafia Division, the person who has the best right (apart from parents) to appoint a guardian for a child is the child's eldest maternal male relation.

396. *Who may be appointed guardian.*—Any person of full age and mental capacity may be appointed a guardian for a child. A married couple may also be appointed as joint guardians.

397. *Method of appointment.*—Guardians are appointed by word of mouth accompanied by physical transfer of the child concerned to the custody of the appointee.

398. *Legal effects of guardianship.*—

- (1) A guardian stands in the same relationship to his ward as a parent does to his child except that a child has no right of inheritance to the property of his guardian and the guardian has no right of inheritance to the property of his ward. So—
 - (a) A guardian has a duty to feed, clothe, train and protect his ward to the best of his ability;
 - (b) He has a right of reasonable chastisement over his ward;
 - (c) He has a right to prevent any person from taking custody of the ward without his consent (except of course, the person who appointed him guardian);

(d) A ward on the other hand, has a duty of obedience and domestic service to his guardian.

- (2) The relationship of guardian and ward does not effect the capacity of the one to marry members of the family of the other. So where a guardian and his ward are not otherwise within the prohibited degree of relationship, they and members of their families can inter-marry.

399. *Rights and duties of guardian over property of his ward.*—

- (1) A guardian has a duty to take adequate care of any property to which his ward may be entitled. He is accountable for waste, misappropriation or neglect of such property.
- (2) A guardian has a right to make use of the property of his ward in maintaining or training him. As long as he takes adequate care of the ward, he need not keep his property and the property of his ward in separate compartments.
- (3) Any substantial amount of money coming to the ward or derived from a sale of his property (e.g., bride-price of his sister or money derived from sale of his economic trees) must be used exclusively for the maintenance or advancement of the ward, including procurement of a wife for him.

400. *Termination of guardianship.*—Guardianship comes to an end in one of the following ways:

- (1) In the case of a child, when he is old enough to look after himself; and in the case of a person who is mentally handicapped, when his handicap ceases.
- (2) When the ward marries. A female ward becomes the responsibility of her husband on marriage. A male ward may however continue to be under the general control and guidance of his old guardian, despite his being married, in cases where the ward is too young to look after himself and his family.
- (3) An appointment may be revoked by the person who made it or, if that person is dead, by the next person who is entitled to appoint a guardian for the child concerned.
- (4) Guardianship may be brought to an end at the instance of the ward himself—
- (a) if the child wants to terminate the guardianship and leaves the guardian with the consent of the person who

- appointed the guardian, the guardianship comes to an end in law;
- (b) if the child leaves the guardian without the consent of the person who appointed the guardian and refuses to return to the guardian and is effectively taken into custody by another person to the knowledge of the person entitled to appoint a guardian for the child, the guardianship comes to an end as a matter of fact.

PART IV

CUSTOMARY LAWS RELATING TO

Acquisition of Property

Transfer of Property

Civil Wrongs

REPORT OF THE COMMISSIONERS OF THE LAND OFFICE

IN RESPONSE TO A RESOLUTION
PASSED BY THE HOUSE OF COMMONS
ON 17TH MARCH 1903

ACQUISITION OF PROPERTY

401. *Methods of Acquisition of movable property.*—The following methods of acquiring movable property for oneself are recognized by customary law:—

- (a) acquisition out of communal property,
- (b) gifts *inter vivos*,
- (c) gifts by oral will,
- (d) acquisition by finding,
- (e) acquisition by natural increase.

402. *Acquisition of movable property out of communal property.*—

- (1) It is open to individuals to detach or extract from communal land such items as they require for their domestic use. These include items like fire-wood, grass for roofing, clay for pot making, fish from streams and game. This freedom does not, however, extend to items of considerable value such as iroko or other large timber.

Local variations.—

- (a) In Afikpo town and Okposi both in Afikpo Division, the permission of the elders of the land-owning community is required before any item of property can be removed from communal land.
- (b) In Arochukwu Division, individuals have no right to remove or extract any items of property from communal land.
- (c) In Igbo-Eze Division, where the item intended to be severed from communal land is *Izi*-grass, permission of the land-owning community is required.

403. *Who has a right to acquire out of communal property.*—Any indigenous member of the land-owning community (whether male or female) and any resident stranger has a right to acquire out of communal land, items of property of the type described above. Non-resident strangers have no such right.

Local variations.—

- (a) Resident strangers have no such right in Abakaliki, Aguata and Izzi Divisions, Mburubu clan in Nkanu Division, Nkwerre, Northern Ngwa, Onitsha and Orlu Divisions, Ngor-Okpala in Owerri Division and Uzo-Uwani Division.
- (b) Even non-resident strangers are free to acquire from communal land, items of property of the type described above in Ezeagu, Igbo-Eze, Ihiala and Ohafia Divisions.

404. *How to secure separate ownership.*—

- (1) No person can lay claim to separate ownership of any item of property which is attached to communal land until he has severed it from the land.
- (2) A person who severs an item of property from communal land and who wishes to leave it on such land until he returns later to collect it, has to give a clear indication of his intention. Such indication is given by the person concerned placing or tying around the severed object a bunch of green leaves, knotted grass or new yellow palm leaves (*omu*). A piece of stone, a piece of ant-hill or a piece of old cloth may also be used.

Transfer of movable property as gift *inter vivos*405. *Capacity to make free gift inter vivos.*—

- (1) Adult males—Adult males have a right to make a free gift of any movable property which they own as individuals to any one of their choice.
- (2) Infant males and females—Infants have no capacity to make a free gift of their movable property except in respect of trivial items of property. But infant males have capacity in Onitsha.
- (3) Married women—The right of married women to make a free gift of their movable property varies from place to place as follows—
 - (a) Married women are free to make a gift of any items of their movable property as they like in Aba Division, Afikpo Division excluding Oha-Ozara clan, Etiti, Ihiala, Mbaitoli/Ikeduru, Nkwerre and Oguta Divisions and in Ifite-Ogwari clan and Umumbo, community in Anyamelum clan in Uzo-Uwani Division.

In Oguta Division, however, such women have to confine their gifts to their own children or to members of their family by marriage or by birth.

- (b) Married women are free to make a gift of items of their movable property of small value in Aguata, Anambra, Arochukwu, Awgu, Bende, Enugu, Idemili, Isi-Uzo, Mbano, Njikoka, Nkanu, Northern Ngwa, Nsukka, Ohafia, Okigwe, Orlu, Udi, Ukwa and Umuahia Divisions.

They may make such small gifts to any person of their choice, except in Ohafia Division where they have to confine such gifts to their own children or members of their family by marriage or by birth.

As for items of movable property other than those of small value, married women in these places are free to give these to any of their own children but not to anyone else unless their husbands consent.

- (c) Married women have no right to make a gift of any items of their movable property to any one (other than their own children) in Abakaliki Division, Oha-Ozara clan of Afikpo Division, Ezeagu, Ezzikwo, Igbo-Eze, Ishielu, Izzi, Mbaise, Nnewi, Ogbaru, Oru and Owerri Divisions and in Uzo-Uwani Division excluding Ifite-Ogwari clan and Umumbo community in Anyamelum clan. They need their husbands' consent.
- (4) Widows living in their husbands' families—The right of these women to make gifts of their movable property varies as follows—
- (a) They have no right to make gifts of any item of their movable property in Abakaliki Division, Oha-Ozara clan of Afikpo Division, Ezeagu, Igbo-Eze, Ishielu, Izzi, Nnewi, Ogbaru, Onitsha, Oru and Owerri Divisions and in Uzo-Uwani Division excluding Ifite-Ogwari clan.
- (b) Such women have a right to make a gift of only items of movable property of small value in Aguata, Anambra, Arochukwu, Bende, Isi-Uzo, Njikoka, Nkanu, Northern Ngwa, Nsukka, Ohafia, Okigwe, Orlu, Udi, Ukwa and Umuahia Divisions. But they may give items of any value to their own children.

- (c) Such women are free to make a gift of any items of their movable property as they like in Aba Division, Afikpo Division excluding Oha-Ozara clan, Awgu, Enugu, Etiti, Ezzikwo, Idemili, Ihiala, Mbaise, Mbaitoli/Ikeduru, Mbano, Nkwerre and Oguta Divisions and in Ifite-Ogwari clan in Uzo-Uwani Division.

In Oguta Division, however, they have to confine their gifts to their own children or to members of their family by marriage or by birth.

- (5) Widows who have left the husbands' families but have not repaid the bride-price and have not remarried—The rights of these women also vary from place to place as follows—

(a) They have no right to make a gift of any item of their movable property in Oha-Ozara clan of Afikpo Division, Arochukwu and Iwele towns in Arochukwu Division, Ezeagu, Igbo-Eze, Mbaise, Nkwerre, Nnewi, Ogbaru and Oru Divisions.

(b) They have a right to make a gift of only items of small value to persons other than their own children in Anambra, Bende, Isi-Uzo, Njikoka, Nkanu, Nsukka, Ohafia, Okigwe, Orlu, Udi, Ukwa, Umuahia and Uzo-Uwani Divisions. They may, however, give items of any value to their own children.

(c) They are free to make a gift of any items of their movable property as they like in Aba and Abakaliki Divisions, Afikpo Division excluding Oha-Ozara clan, Aguta Division, Arochukwu excluding Arochukwu and Iwele towns, Awgu, Enugu, Etiti, Ezzikwo, Idemili, Ihiala, Ishielu, Isi-Uzo, Izzi, Mbaitoli/Ikeduru, Mbano, Northern Ngwa excluding Nvosi clan, Oguta, Onitsha and Owerri Divisions.

But again, in Oguta Division, such women have to confine their gifts to their own children or to members of their family by marriage or by birth.

- (6) Adult unmarried women and divorced women—These have a right to make a gift of any item of their movable property as they wish.

Local variations.—

- (a) They have no such right in Oha-Ozara clan of Afikpo Division, Ishielu, Orlu and Oru Divisions.
- (b) In Ezeagu and Ezzikwo Divisions adult married women have no such right whereas divorced women have it.
- (c) In Oguta Division, such gifts must be confined to the woman's children (if any) or members of her family.

406. *Evidence and formalities.*—

- (1) The presence of witnesses is not necessary for a valid gift of movable property. For purposes of proof, however, it is usually necessary to have one or more witnesses present.
- (2) No ceremonies or other formalities are required for a valid gift of movable property.

407. *When gift becomes effective.*—A gift of movable property becomes effective and complete when the property concerned is delivered by the owner to the recipient with an expressed intent to make a gift of it.

408. *Effect of promise.*—Where one person promises to give his movable property *gratis* to another person but fails to do so, the person to whom the promise is made has no right to compel the person who makes the promise to fulfil it.

409. *Revocation of gift of movable property.*—A gift of movable property, once made and accepted, cannot be revoked.

Local variations.—Such a gift may be revoked where relations between the parties become strained, provided the gift is still available in its original form in the hands of the recipient, in Aba, Anambra, Ihiala and Nnewi Divisions, and in Umugwunye clan of Udi Division.

Acquisition by Natural Increase or by Manufacture411. *Where one person rears another's domestic animal.*—

- (1) Where the owner of a young domestic animal gives it to another person to rear it for their common benefit, it is not necessary for the parties to spell out how the offspring, the meat or proceeds of sale of the animal concerned will be shared between them. The ratio in which such sharing is done is regulated by customary law.

Local variations.—It is necessary for the parties to spell out how the offspring, the meat or proceeds of sale of the animal concerned will be shared between the parties in Abakaliki, Ezeagu, Igbo-Eze (excluding Etteh clan), Ishielu, Izzi, and Mbaise Divisions, Nsukka clan in Nsukka Division, Owerri, Udi and Uzo-Uwani Divisions.

(2) *Distribution formula.*—The ratio in which the offspring, meat or money realized from sale of the animal given out for rearing varies from place to place as follows—

| <i>Division</i> | <i>Offspring</i> | <i>Meat</i> | <i>Money</i> |
|-------------------------|---|---|---|
| Aba | 2:1 in favour of owner. | Rearer takes one leg, waist and entrails. The owner takes the rest. | 2:1 in favour of owner. |
| Abakaliki | As Agreed. | As Agreed. | As Agreed. |
| Afikpo | Owner takes all issue by first birth. Rearer takes one issue by second birth, owner takes the rest if any. Subsequent births are shared in this sequence. | Equally. | Equally. |
| Aguata | 50:50 | Owner takes all but if rearer never received offspring, the meat is shared 50:50. | Owner takes all, but if rearer has not received offspring, they share money 2:1 in favour of owner. |
| Anambra | 50:50. | Owner takes all. | Owner takes all. |
| Arochukwu | 2:1 in favour of owner. | 2:1 in favour of owner. | 2:1 in favour of owner. |
| Awgu | Parties take issue by alternate births. | In Mbanabo area, rearer takes hand and tail, owner takes the rest. Elsewhere, the rearer takes neck and tail; owner takes the rest. | As Agreed. |
| Bende (except Igberere) | Equally. | Owner takes all. | Owner takes all. |
| Enugu | 2:1 in favour of owner, but if dog 50:50. | Rearer takes <i>ose</i> , <i>ukwu</i> and bowels; owner takes the rest. | Equivalent money of each party's share of the meat. |
| Etiti | Equally. | Equally. | Equally. |

| <i>Division</i> | <i>Offspring</i> | <i>Meat</i> | <i>Money</i> |
|----------------------|---|--|---|
| Ezeagu | As Agreed. | As Agreed. | As Agreed. |
| Ezziikwo | Owner takes all issue by first birth. Rearer takes one issue of each subsequent birth; owner takes the rest. | Owner takes all. | Owner takes all. |
| Idemili | 50:50. | In Oba, Akwu-Ukwu and Ojoto, owner takes all. In other places, owner takes all if rearer has received some issues. Otherwise they share 50:50. | In Oba, Akwu-Ukwu and Ojoto, owner takes all. In Nnokwa, Ogidi and Umuoji 2:1. In Nkpor Umudioka, Abacha, Eziowelle, Abatete and other places 50:50, but owner takes value of head and liver. |
| Igbo-Eze | In Etteh clan 3:1 in favour of owner for chicken. Owner takes the whole of first offspring. Rearer takes one only in respect of other animals. In other parts of the Division, as agreed. | In Etteh, rearer takes head, neck and feet. Owner takes the rest. In other parts of the Division, as agreed. | Owner takes all. |
| Ihiala | Owner takes offspring by first and second births. Rearer takes offspring by third birth. Thereafter, parties takes alternately. | Owner takes all. | Owner takes all. |
| Ishielu | As Agreed. | As Agreed. | As Agreed. |
| Isi-Uzo | 2:1 in favour of owner. | Fore-leg to rearer. The rest to owner. | Value of fore-leg to rearer. The rest to owner. |
| Izzi | As agreed. | As agreed. | As agreed. |
| Mbaise | 50:50, but alternate issues to the parties in the case of cows. | As agreed. | As agreed. |
| Mbaitoli/ Ikeduru | 50:50 | 50:50 | 50:50 |
| Mbano | 50:50 | Rearer takes one leg and neck; owner takes the rest. | Parties take the money value of their restive shares of meat. |
| Njikoka | 50:50 | 50:50 if rearer has not received any offspring. Otherwise, owner takes all. | 50:50 if rearer has not received any offspring otherwise, owner takes all. |

| <i>Division</i> | <i>Offspring</i> | <i>Meat</i> | <i>Money</i> |
|--|---|--|---|
| Nkanu | 50:50 in Awkunanaw and Akpugo clans. 2:1 in other areas. | In Idodo and Mburubu clans rearer takes one fore-leg. In other places, rearer takes one hind leg, waist and entrails. Owner takes the rest in each case. | Idodo, rearer takes 50k for goat; ₦2.00 for cow. In other places, rearer takes 1/4 of the price. Owner takes the rest in each case. |
| Nkwerre .. | Equally | 2:1 in favour of owner | 2:1 in favour of owner. |
| Nnewi | In Nnewi, Ichi, Utuh, Osumenyi, Orifite, 50:50. In Ukpor, Ezinifite and Ozubulu; first and second sets of offspring to owner. Third set to rearer. Thereafter parties take alternately. | If rearer has not received any offspring, parties share 2:1 in favour of owner, otherwise owner takes all. | If rearer has not received any offspring, parties share 2:1 in favour of owner; otherwise owner takes all. |
| Northern Ngwa | 2:1 in favour of owner. | One fore-leg to rearer. The rest to owner. | Value of one fore-leg to rearer; the rest to owner. |
| Naukka .. | As agreed in Naukka clan. In Opi and Igbo Odo clans 2:1 in favour of owner. | If male animal, rearer takes one fore-leg. Owner takes the rest. If female animal, 2:1 in favour of owner. | 2:1 in favour of owner. |
| Ogbaru .. | Owner takes first two sets of offspring. Rearer takes third set. Thereafter parties take alternately. | 2:1 in favour of owner. | 2:1 in favour of owner. |
| Oguta | Issue of first birth to owner. Thereafter parties take alternately. | Rearer takes one fore-leg. Owner takes the rest. | 4:1 in favour of owner. |
| Ohafia (also Igberere in Bende) | Owner takes issue of first birth. Rearer takes one out of each if subsequent set more than one; owner takes the rest, if subsequent issues are singles, parties take alternately. | Rearer takes one fore-leg. Owner takes the rest. | If rearer has received any offspring, owner takes all. Otherwise, rearer gets value of one fore-leg and owner takes the rest. |
| Okigwe .. | 50:50 | Owner takes all. | Owner takes all. |
| Orlu | Equally | Owner takes all. | Owner takes all. |
| Oru | If cows, goats and sheep owner takes first two sets. Rearer takes the third set. Thereafter they take alternately. If dogs and pigs, parties share equally. | In Awo and Ozara, owner takes all. In Ubulu, Akata and other places 2:1 in favour of owner. | Value of share as in case of meat. |
| Onitsha .. | Owner takes first 2, rearer takes 1; thereafter, they take alternate births. | Rearer takes one arm; owner takes the rest. | 2:1 in favour of owner. |

| <i>Division</i> | <i>Offspring</i> | <i>Meat</i> | <i>Money</i> |
|-----------------|---|---|--|
| Owerri | If cows, goats and sheep owner takes first set; thereafter parties take alternately in Ngor Okpala and Obube. Elsewhere, owner takes first and second sets; thereafter parties take alternately. But if set has more than one offspring, parties share. | Rearer takes one leg; owner takes the rest. | Owner takes all. |
| Udi | As agreed. | As agreed. | As agreed. |
| Ukwa | 2:1 in favour of owner. | Rearer takes one leg. Owner takes the rest. | If rearer has not received any offspring, parties share 2:1 in favour of owner. Otherwise owner takes all. |
| Umuahia | 50:50 | Owner takes all | Owner takes all. |
| Uzo-Uwani | In other places: if goat, owner takes first and second sets; third goes to rearer (if only one offspring; but if more, rearer takes one, the rest goes to the owner). In Ogurugu clan, first set to owner; second set shared equally. For chicken: first hatch to owner; second hatch shared equally. In Umerum in Anyamelum clan, first and second sets of births by goat to owner; third set shared equally either in money or in kind. In case of chicken, offspring, shared equally from first hatch. In Omor and Umumbo in Anyamelum clan, rearer takes one out of each hatch in case of chicken; the rest is taken by owner. In Ifite Ogwari and Mbano clans, chicken hatch is shared equally between owner and rearer but in case of goat, owner takes first two sets of births while third set is shared equally. | In Ogurugu 50:50 Elsewhere rearer takes one leg; owner takes the rest. | In Ogurugu 50:50. Elsewhere rearer takes value of one leg; owner takes the rest. |

412. *Stray Animals.*—

- (1) Where a domestic animal leaves its owner's premises and goes to stay in another person's premises and breeds offspring while there, the owner is entitled to such offspring.

Local variations:—

- (a) In Awgu Division and Nsulu community in Northern Ngwa, if the animal concerned is a hen, the owner of the premises where the hen stays is entitled to the last chick to be hatched. The owner of the hen takes the rest.
- (b) In Mbaise Division, the parties share the offspring unequally, the owner of the hen taking the greater share.
- (c) In Njikoka Division, the parties share the offspring equally if, but only if, the person in whose premises the animal stays declares publicly that the animal is staying in his premises. Otherwise the owner takes all the offspring.
- (d) In Ohafia Division, the owner is entitled to the first set of offspring. If the animal stays long enough to have subsequent offspring, the rearer takes one out of each set if more than one, while the owner takes the rest. If not more than one, the parties take alternately.
- (e) In Oru Division, the owner is entitled to all the offspring in the case of hens. In the case of goats, sheep or dogs, the parties share equally.
- (f) In Anyamelum clan in Uzo-Uwani Division, the owner of the premises in which the animal stays is entitled to one chick out of every hatch in case of hens. In all other cases and places, the owner is entitled to all the offspring.

413. *Where one farmer cultivates another's seeds for mutual benefit.*— Places where one farmer obtains seeds from another farmer and cultivate them for their mutual benefit, and the proportion in which they share the harvest are as follows:—

| <i>Division</i> | <i>Proportion</i> |
|------------------|-------------------|
| ABA | Not applicable |
| ABAKALIKI | As agreed |
| AFIKPO | Equally |

| <i>Division</i> | | | <i>Proportion</i> |
|----------------------|-----|-----|---|
| AGUATA ... | ... | ... | Equally. Not applicable in Mbaloye clan. |
| ANAMBRA ... | ... | ... | Equally. |
| AROCHUKWU ... | ... | ... | Planter takes all. |
| AWGU ... | ... | ... | 2:1 in favour of owner of seed yams in Achi, Inyi and Awlaw. This applies to seed yams only and not to other crops. Does not apply elsewhere. |
| BENDE ... | ... | ... | Planter takes all. |
| ENUGU ... | ... | ... | Owner of seeds takes all but pays all cultivation expenses. |
| ETITI ... | ... | ... | Equally. |
| EZEAGU ... | ... | ... | Equally in case of seed yams; in case of rice, planter returns double the quantity of paddy supplied to him. |
| EZZIKWO ... | ... | ... | Equally. Does not apply to seed yams. |
| IDEMILI ... | ... | ... | Equally. |
| IGBO-EZE ... | ... | ... | Equally; but in Etteh clan, owner takes all and gives any quantity he likes to planter. |
| IHIALA ... | ... | ... | Equally in the case of seed yams. Does not apply to other crops which are not subject of this kind of transaction. |
| ISHIELU ... | ... | ... | As agreed. |
| ISI-UZO ... | ... | ... | Equally. |
| IZZI ... | ... | ... | As agreed. |
| MBAISE ... | ... | ... | Not applicable. |
| MBAITOLI/IKEDURU ... | ... | ... | Equally. |
| MBANO ... | ... | ... | 2:1 in favour of planter. |
| NJIKOKA ... | ... | ... | Equally. |
| NKANU ... | ... | ... | As agreed. |
| NKWERRER ... | ... | ... | Equally. |

| <i>Division</i> | | | <i>Proportion</i> |
|-----------------|-----|-----|---|
| NNEWI | ... | ... | Equally. |
| NORTHERN NGWA | ... | ... | 2:1 in favour of owner of seed yams. Applies to <i>nwanyi-eri</i> yams only, except in Nvosi community where it applies to all types. |
| NSUKKA | ... | ... | As agreed. |
| OGBARU | ... | ... | Equally. |
| OGUTA | ... | ... | Equally in case of seed yams. Does not apply to other crops which are not subject to this kind of transaction. |
| OHAFA | ... | ... | Farmer takes all in case of seed yams. Does not apply to any other crops. |
| OKIGWE | ... | ... | Equally. |
| ONITSHA | ... | ... | Equally. |
| ORLU | ... | ... | Equally. |
| ORU | ... | ... | Equally. |
| OWERRI | ... | ... | Does not apply. |
| UDI | ... | ... | Equally in case of seed yams. Does not apply to any other crops. |
| UKWA | ... | ... | Does not apply. |
| UMUAHIA | ... | ... | Equally. |
| UZO-UWANI | ... | ... | Equally as regards seed yams. Does not apply to any other crops. |

414. *Crops raised/products made out of stolen seeds/materials.*—

Where one person steals another's seeds or seedlings and plants them on his own land and also where one person steals another person's raw materials and makes a finished product out of them, the position of the new crops or finished product, as the case may be, is as follows:—

- (1) The owner of the seeds/seedlings or raw materials is entitled to the new crops or finished product, as the case may be, in Aba, Abakaliki, Afikpo, Anambra, Awgu, Enugu, Ezeagu, Ezzikwo, Idemili, Ishielu, Izzi, Mbaise, Mбайtoli/Ikeduru, Njikoka and Nkwerré Divisions, Nvosi and Umuoha communities in Northern Ngwa Division, Nsukka, Ogbaru, Okigwe, Orlu, Udi and Ukwa Divisions.

- (2) The person who stole and made use of the seeds or raw materials is entitled to the new crops or finished product as the case may be in Aguata, Arochukwu, Bende, Etiti, Igbo-Eze, Isi-Uzo, Mbano, Nkanu and Nnewi Divisions, Northern Ngwa Division (excluding Nvosi and Umuoha communities), Oguta, Ohafia, Oru, Owerri (subject to final decision by the *amala*), Umuahia and Uzo-Uwani Divisions.

Acquisition by Finding

415. *Finding Generally.*—Where a person finds property in any of the following circumstances, he has a right to appropriate it as his own:—

- (1) Where the object has never belonged to anyone, e.g., the body of a dead wild animal;
- (2) Where the property is abandoned intentionally by the owner;
- (3) Where the property is left on the road as a sacrifice to the gods; or
- (4) Where the property is lost by the owner and the owner is not known or cannot be found.

Local variations.—

- (a) A finder has no right to appropriate lost property until after he has announced publicly that he found it, and the owner fails to come forward to claim it in Abakaliki, Afikpo, (excluding Okposi community), Ezeagu, Izzi, Mbaise, Njikoka, Nsukka, Orlu, Oru, Owerri, Umuahia and Uzo-Uwani Divisions.
- (b) A finder of lost article has no right to appropriate it at all (even where the owner is unknown) in Okposi community in Afikpo Division, Etiti, Mbaise, Ohafia, and Umuahia Divisions.

416. *What a finder of lost article should do.*—

- (1) Where the finder of lost article knows the owner of the article or knows how to trace him, he has a duty to inform him of the find.

- (2) Where the owner of lost article is not known, the duty of the finder in those places where he has no right to appropriate the article found is to hand it over—
- (a) to the head of his family or the local natural ruler in Etiti, Mbaise, Oru and Umuhia Divisions;
 - (b) to the local natural ruler in Ohafia Division;
 - (c) to the elders of the community in Okposi in Afikpo Division.

417. *How to acquire abandoned/no man's property.*—Where a person finds property which belongs to no one or has been intentionally abandoned by the owner, he does not become the owner of it until he has taken effective possession of it.

418. *Duty of owner of lost property.*—Where lost property is returned to the owner, the owner owes no duty to the finder except the moral duty of thanks.

419. *Finding by one person in presence of another.*—Where one person finds property which belongs to no one or has been intentionally abandoned by the owner or is lost and the owner is unknown and such finding is done in the presence of another person, such property will be disposed of as follows:—

- (1) It will go to the finder in Aba and Abakaliki Divisions, Onicha community in Ohaozara clan of Afikpo Division, Aguata, Awgu, Enugu, Ezzikwo, Igbo-Eze, Ihiala, Izzi, Mbano, Njikoka, Nnewi, Northern Ngwa, Nsukka, Ogbaru and Owerri Divisions and also in Uzo-Uwani Division excluding Ogurugu community.
- (2) The property will be shared between the finder and the person present when the find is made in Edda clan and Afikpo town in Afikpo Division, Anambra, Arochukwu, Bende, Etiti, Ezeagu, Idemili, Ishielu, Isi-Uzo, Mbaise, Mbaitoli/Ikeduru, Nkanu, Nkwerre, Ohafia, Okigwe, Orlu, Oru, Udi, Ukwa and Umuhia Divisions, and also in Ogurugu community in Uzo-Uwani Division.

In these places, the sharing is done as follows:—

- (a) In Edda clan and Afikpo town in Afikpo Division and in Ukwa Division, the sharing is done in ratio of 2:1 in favour of the finder.

- (b) In Anambra, Isi-Uzo, Mbaise, and Orlu Divisions, the property is shared equally.
- (c) In Ezeagu and Mbaitoli/Ikeduru Divisions, the sharing is done as agreed by the parties.
- (d) In Nkanu Division, the sharing is done in the ratio of 3:1 in favour of the finder.
- (e) In Arochukwu, Bende, Etiti, Idemili, Ishielu, Oguta, Ohafia, Okigwe, Oru, Udi, and Umuahia Divisions and also in Ogurugu community in Uzo-Uwani Division, the sharing is not done in any fixed proportion but the shares are unequal, and the finder takes the larger share.

420. *Joint finders*.—Where one person points out and another picks up property which belongs to no one or is intentionally abandoned by the owner or is lost and the owner cannot be found, the position is as follows:—

- (1) The person who first sees and points out the object is regarded as the finder in Aba Division, Aguata (excluding Ogwugwu-Agu and Mbanasa clans), Anambra, Arochukwu, Awgu, Bende, Etiti, Idemili and Ihiala Divisions, Ori community in Ishielu Division, Mbaise, Mbaitoli/Ikeduru, Mbano, Nkwerre, Nnewi, and Northern Ngwa Divisions, Nsukka Division (excluding Nsukka clan), Oguta, Ohafia, Okigwe, Orlu, Oru, Owerri, Ukwa, Umuahia and Uzo-Uwani Divisions.
- (2) The person who first picks up the object is regarded as the finder in Abakaliki and Afikpo Division, Ogwugwu-Agu and Mbanasa clans in Aguata Division, Enugu, Ezeagu, Ezzikwo and Igbo-Eze Divisions, Ori Community in Ishielu Division, Isi-Uzo, Izzi and Nkanu Divisions, Nsukka clan in Nsukka Division, Ogbaru, Onitsha and Udi Divisions.
- (3) In Njikoka Division, neither of the two parties is regarded as the finder. Instead they are regarded as joint finders.

421. *Finding in different localities*.—

- (1) Where one person finds, in another person's compound or house, an object which belongs to no one or has been intentionally abandoned by the owner or is lost and the owner

cannot be found, the person who has a right to appropriate such object (where appropriation is lawful) is the owner of the compound or house in which it is found.

Local variations.—

- (a) The person entitled to appropriate the object concerned is the finder in Mbaloye and Mbanasa clans in Aguata Division, Arochukwu, Idemili, Mbanjo, Northern Ngwa, Udi, Ukwa and Umuahia Divisions.
- (b) In Ohafia Division, the owner of the compound or house and the finder are jointly entitled to the object found.
- (3) In all other cases, that is, where the object is found on an access road leading to another person's compound or on another person's land situate away from his compound or on communal land or in the road way, the person entitled to appropriate the object found is the finder.

TRANSFER OF PROPERTY

Bailment

Definitions.—"Bailment" occurs where one person delivers movable property to another person on the understanding that the receiver will take proper care of such property and will later deliver it back to the owner or to someone else indicated by the owner either in its original state or in an altered state mutually agreed upon by the parties.

422. *Parties to a Bailment.*—

- (1) Any person (including an infant but excluding insane persons) may be a bailor. Where, however, bailment involves obligation on the part of the bailor to pay the bailee for his services, an infant bailor's obligation may be limited to paying a reasonable charge and not necessarily the agreed charge.
- (2) Any adult person (excluding insane persons) may be a bailee. A child has no legal capacity to be a bailee.

Local variations.—In Mbaloye clan of Aguata Division, a married woman living with her husband cannot be made liable as a bailee. If her husband does not consent to the bailment, neither the woman nor the husband can be held liable. If the husband consents to the bailment, only he, can be held liable.

423. *Formalities and Witnesses.*—

- (1) No formalities or witnesses are required for a valid bailment.
- (2) In exceptional circumstances, however, where one person entrusts an article of exceptionally high value to another for safe keeping or for transmission to a third party, two or more persons (one on either side) may be called in to witness the transaction.

424. *Liability for loss or damage.*—

- (1) A bailee is under obligation to pay for or replace property bailed to him if such property is lost or damaged due to his unlawful act (such as where he intentionally leaves it within easy reach of thieves or where he recklessly keeps it in a place

that is not safe, not caring whether or not it is stolen or damaged).

- (2) A bailee is under obligation to pay for or replace property bailed to him if he fails to take such care of such property as a reasonable person would take of his own property and it gets lost or damaged as a result.

Local variations.—

- (a) A bailee is not liable in such circumstances in Abakaliki, Izzi and Owerri Divisions.
- (b) A bailee is liable to pay for or replace property bailed to him whenever such property is lost or damaged and whether or not he is at fault in Bende, Mbaise, Northern Ngwa, Oguta, Orlu, Onitsha and Oru Divisions.

425. *Where property damaged by third party.*—Where property which is entrusted by a bailor to a bailee is damaged by somebody else, the person who has a right to recover compensation for or replacement of such property from the person who damages it is the bailee.

Local variation.—In Etiti Division, either the bailor or the bailee may claim compensation or replacement.

426. *Termination of Bailment.*—A bailor has a right to terminate a bailment and take his property back any time he likes.

Where, however, the parties agree that the bailee will do some work on the property concerned and has done the work, the bailor has no right to take back his property until he has paid the agreed charge.

427. *Right of Bailee to sell.*—A bailee has no right to sell property bailed to him without the consent of the bailor.

Local variations.—In Anambra and Ukwa Divisions, the bailee has a right to sell property bailed to him where such property is perishable and is about to perish.

428. *Right of Bailee to buy property bailed.*—A bailee has no right to keep property bailed to him and to offer to the bailor either some other property or the price of such property in place of the property itself, where the bailor wants it back.

429. *Bailor taking property back without knowledge of bailee.*—A bailor has no right to take his property back from the custody of the bailee without the knowledge of the bailee.

Local variations.—

- (a) In Anambra Division, a bailor has this right in case of an emergency.

- (b) In Oguta Division, the bailor may recover property bailed, when it is exposed to danger due to carelessness on the part of the bailee.
- (c) In Mbaise, Oru and Owerri Divisions, a bailor can recover property bailed any time he requires it back.

430. *Payment for raw material not satisfactorily used.*—Where a person delivers raw materials to a craftsman, who agreed to use them in making a finished product for him, if after the work is finished, the owner of the raw materials is not satisfied with the finished product, he has a right to demand from the craftsman return of his raw materials or other raw materials of the same quality and quantity or payment of the cost price of such raw materials.

However, he has no right to demand compensation for the time he wasted while waiting for the craftsman to do the work.

Local variations.—In Oguta and Onitsha Divisions, the owner of the raw material has a right to demand compensation for time wasted.

431. *Bailor failing to take his property back.*—Where a bailor is asked by the bailee to take his property back and he fails to do so—

- (1) The bailee has a duty to return it himself to the bailor.

Local variation.—The bailee has no such duty in Afikpo Division;

- (2) The bailee has no right to sell the property concerned, however long it may remain with him;
- (3) The bailee has no right to use the property concerned for his own benefit;
- (4) The bailee has no right to give the property concerned away to a third party;
- (5) The bailee has no right to charge the bailor money for continuing to keep the property;

Local variations.—A right to charge for keeping the property after the bailee has demanded that the bailor should remove the property exists in Anambra, Isi-Uzo, Nkanu, Nsukka, Ohafia, Oru and Umuahia Divisions;

- (6) The bailee ceases to have any obligation to pay for the property if it is lost or damaged in Aba, Abakaliki, Aguata, Awgu, Etiti, Ihiala, Izzi, Mbaitoli/Ikeduru, Nnewi, Nsukka, Ogbaru, Okigwe, Orlu, Owerri, Udi, Ukwa and Umuahia Divisions.

- (7) The bailee remains under obligation to pay for the property concerned if it is lost or damaged in Afikpo, Anambra, Arochukwu, Bende, Enugu, Ezeagu, Ezzikwo, Idemili, Igbo-Eze, Ishielu, Isi-Uzo, Mbaise, Mbano, Njikoka, Nkanu, Nkwerre, Northern Ngwa, Oguta, Ohafia, Onitsha, Oru and Uzo-Uwani Divisions.

Pledge

Definition.—"Pledge" is used here to mean any property given by one person to another person as security for payment of a debt or performance of a promise.

432. *Subject-matter and capacity.*—

- (1) With the exception of items of property that have a ritual connection or are deemed to belong to ancestors, any type of property may be used as a pledge.
- (2) (a) Any adult person (including married women but excluding insane persons) is free to give his property on pledge in Aba, Anambra, Awgu, Idemili, Ihiala, Mbano, Nkwerre, Nnewi, Ogbaru, Ohafia, Onitsha, Oru and Uzo-Uwani Divisions. Infants have no such right. Before a married woman who is living with her husband can pledge her property, however, she has to obtain her husband's consent if the property concerned is of considerable value.
- (b) Only adult males (excluding persons who are insane) have a right to give their property on pledge: in Abakaliki, Afikpo, Aguata, Arochukwu, Bende, Enugu, Etiti, Ezeagu, Ezzikwo, Igbo-Eze, Ishielu, Isi-Uzo, Izzi, Mbaise, Mbaitoli/Ikeduru, Njikoka, Nkanu, Northern Ngwa, Nsukka, Oguta, Okigwe, Orlu, Owerri, Udi, Ukwa and Umuahia Divisions, neither infants nor married women have this right.

433. *Formalities.*—No formalities are required for a valid pledge.

Local variations.—

- (a) In Igbo-Eze, Oguta and Oru Divisions, there is an exchange of oaths of fidelity between the parties in the presence of witnesses where the property concerned is land.

434. *Duties and liabilities of pledge.*—

- (1) The duties of a pledgee in respect of property pledged are to take proper care of the property, to deliver it to the pledgor

when the debt is repaid or to deliver it to another person if the pledgor so demands.

Local variations.—A pledgee has no obligation to deliver pledged property to a third party (even if the pledgor so demands) in Abakaliki, Awgu, Ezeagu, Ezzikwo, Ishielu, Izzi, Nkwerre, Orlu and Udi Divisions.

- (2) The liability of a pledgee is as follows—
 - (a) He is to pay for loss of or damage to the property pledged where, but only where, such loss or damage is due to his fault or the fault of any person under his control in Aba, Afikpo, Aguata, Anambra, Arochukwu, Awgu, Bende (in respect of loss only), Etiti, Idemili, Isi-Uzo, Mbaise, Mbano, Njikoka, Nkanu, Nkwerre, Nnewi, Northern Ngwa, Nsukka, Ogbaru, Ohafia, Owerri, Ukwa and Umuahia Divisions.
 - (b) The pledgee has to pay for any loss or damage to the pledged property whether or not the loss or damage occurs through his fault or the fault of a person under his control in Abakaliki, Enugu, Ezeagu, Ezzikwo, Igbo-Eze, Ihiala, Ishielu, Izzi, Mbaitoli/Ikeduru, Nkanu, Oguta, Okigwe, Onitsha, Orlu, Oru, Udi and Uzo-Uwani Divisions.
 - (c) A pledgee does not have to account to the pledgor for any income or natural increase he obtains from the pledged property while it is in his possession or under his control.
- (3) *Right to sue.*—Where property held on pledge is damaged or destroyed by a third party, the person who has a right to sue such third party for replacement of or compensation for the property concerned is the pledgee. Also where pledged property wrongfully gets into the hands of a third party, the right person to claim recovery of it from such third party is the pledgee. If the pledgee refuses to take the necessary action, however, the pledgor may take action against both himself and the third party.

435. *Right to repledge.*—

- (1) Where property is given to a person on pledge, he has a right to repledge it to a third party without the consent of the pledgor in Aba, Afikpo, Anambra, Bende, Etiti, Idemili, Igbo-Eze and Ihiala Divisions, Eha-Alumona, Ikem and Eha-Amufu areas of Isi-Uzo Division, Mbaitoli/Ikeduru, Njikoka, Nnewi, Northern Ngwa, Nsukka, Ogbaru, Ohafia, Okigwe, Orlu, Owerri and Ukwa Divisions.

- (2) A pledgee has no right to repledge property given to him on pledge without the consent of the pledgor in Abakaliki, Aguata, Arochukwu, Awgu, Enugu, Ezeagu, Ezzikwo, and Ishielu Divisions, Obolo-Afor and Leke areas in Isi-Uzo Divisions, Izzi, Mbaise, Mbano, Nkanu, Nkwerre, Oguta, Onitsha, Oru, Udi, Umuahia and Uzo-Uwani Divisions.

436. *Redemption from third party.*—Where a pledgee repledges the property concerned to a third party, the pledgor has no right to redeem it direct from such third party. He must fall back on the person to whom he pledged the property in the first place. This is so even where the repledge was done without the consent of the pledgor. The right person to redeem from the third party is the person who pledged the property to him.

437. *Redemption after repledge for higher sum.*—Where a person pledges his property to another person for a sum of money and that other person repledges the same property to a third party for a higher sum of money, the original pledgor, if he now wants to redeem the property, has to pay only the amount for which he pledged it in the first place. He pays this sum to the person to whom he himself pledged the property. That person then has a duty to redeem the property concerned from the third party.

438. *Interest on loan covered by pledge.*—Where a loan is secured by means of a pledge, interest is not payable by the pledgor.

439. *Time limit for redemption.*—

- (1) It is permissible and normal for a time limit to be fixed within which a pledge must be redeemed in Abakaliki, Afikpo, Arochukwu, Awgu, Enugu, Ezeagu, Ezzikwo, Igbo-Eze, Ishielu, Isi-Uzo, Izzi, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkanu, Nkwerre, Northern Ngwa, Nsukka, Oguta, Okigwe, Onitsha, Orlu, Oru, Owerri (except in respect of farm land), Udi and Uzo-Uwani Divisions.
- (2) No time limit is ever fixed for redemption in Aba, Aguata, Anambra, Bende, Etiti, Idemili, Ihiala, Mbaise, Nnewi, Ogbaru, Ohafia, Ukwa and Umuahia Divisions.

440. *Where redemption time not fixed.*—Where time for redeeming a pledge is not fixed in those places where the fixing of time is allowed, and also in every case in those places where the fixing of time is not allowed, passage of time does not have any effect on the right of the pledgor to redeem his property.

441. *Where redemption time expires.*—

- (1) Where a time limit is fixed for redeeming a pledge and the owner fails to redeem within that time, the position is as follows:—
 - (a) The pledgor loses his right to redeem the property concerned in Abakaliki, Afikpo, Awgu, Enugu, Ezeagu, Ezzikwo, Ishielu, Isi-Uzo, Izzi, Nkanu, Nkwerre, Nsukka, Oguta, Oru, Udi and Uzo-Uwani Divisions.
 - (b) In those places where a pledgor's right to redeem is lost when the time fixed for redemption expires, (*see (a)* above), the pledgee has a right to sell the property pledged once the time limit has expired.
 - (c) The pledgor does not lose his right to redeem the property concerned and so is free to redeem at any time he pleases in Arochukwu, Igbo-Eze, Mbaitoli/Ikeduru, Mbanu, Njikoka, Northern Ngwa, Okigwe, Onitsha, Orlu and Owerri Divisions. But the pledgee may sell after giving notice.

Local variations.—

- (i) In Mbanu Division, though the right to redeem is not lost by expiration of the time limit, yet the pledgee has a right to sell the property concerned once the time fixed for redemption has expired.
- (ii) In Njikoka Division, a pledgee is free to sell the property pledged after the time limit has expired if, but only if there is an express agreement to that effect. But this rule applies to movable property only, and does not apply to land the right to redeem which is not lost by lapse of agreed time for redemption, any agreement to the contrary notwithstanding.

442. *Pledging another person's property.*—Where one person pledges property of another person as security for his own debt or obligation without the consent of the owner of such property, the pledge will be null and void.

Local variations.—

- (a) In Idemili and Onitsha Divisions, such a pledge will be voidable: that is, it will stand if the owner of the property knows of it and does not object.
- (b) Also in Idemili Division, where one person pledges the property of another person for his own debt or obligation without the consent of the owner of such property, the

owner has a right to claim it back from the pledgee. He can also take action against the pledgor and compel him to redeem the property from the pledgee and surrender it to him (the owner).

Sale of Movables

443. *Object that cannot be bought or sold.*—

- (1) Insignia and Regalia of office as well as objects associated with ancestors, family gods and ritual cannot be sold. Also objects pertaining to family headship cannot be bought or sold.
- (2) In addition to the objects mentioned in paragraph (1), a man's used hoe cannot be sold in Abakaliki, Izzi and Nkanu Divisions. *Mpi-okpu* cannot be sold in Etiti, Northern Ngwa and Umuahia Divisions; and *agbudu* cannot be sold in Uzo-Uwani Division.

444. *Where owner requires consent before sale.*—

- (1) A wife living with her husband, even though she is the owner of movable property, requires the consent of her husband before she can sell it except if the property in question is of very small value.

Local variations.—No such consent is required in Aguata, Arochukwu and Mbano Divisions.

- (2) An infant requires the consent of his father or guardian before he can sell any movable property other than something of trivial value.
- (3) Where consent is required before a sale but is not obtained, the person whose consent is required has a right to revoke the sale and recover the goods sold from the purchaser.

Local variations.—

- (a) In Afikpo, Enugu, and Igbo-Eze Divisions, there is no remedy open to the person whose consent is required against the purchaser. His remedy is against the seller.

445. *Sale by young person below reasonable price.*—Where a young person sells his own goods to an adult for a price which is considerably lower than the market price, the position is as follows—

- (1) The sale will be void in Aba, Abakaliki, Arochukwu, Awgu, Ezeagu, Ezzikwo, Ishielu, Izzi, Njikoka, Udi and Ukwa Divisions.

- (2) The sale will be voidable (that is invalid if the seller changes his mind or the seller's parent or guardian repudiates the sale) in Anambra, Etiti, Idemili, Ihiala, Mbaise, Mbaitoli/ Ikeduru, Mbano, Nkanu, Nkwerre, Nnewi, Northern Ngwa, Nsukka, Oguta, Ohafia, Okigwe, Onitsha, Orlu, Oru, Owerri, and Umuahia Divisions.
- (3) The sale will be valid in Afikpo, Aguata, Bende, Enugu, Igbo-Eze, Isi-Uzo, Ogbaru and Uzo-Uwani Divisions.
- (4) Where a sale is void, and also where a sale is voidable and the seller or his parent or guardian repudiates it, the seller, his parent or guardian, as the case may be, has a right to demand the return of the property sold if he offers to refund the purchase price. If the property sold is no longer available in the hands of the purchaser, he has to return property of the same quality and quantity to the seller or to pay a reasonable price.

446. *Right to sell to third party.*—Where a person agrees to sell his movable property to another person at a named price but the purchaser does not pay any part of the price, the seller is free to sell the property to any other person any time he pleases.

Local variations.—In Nkwerre and Oru Divisions, the seller must wait for a reasonable time and if the purchaser does not pay the agreed price, the seller will be free to sell the property to another person.

In Nkwerre Division, if the seller sells the property to another person without waiting for a reasonable time, the first person has a right to upset the sale to the second person.

447. *No right to sell after payment.*—

- (1) Where a person sells his movable property to a buyer and receives full payment, then whether or not a time is fixed for the buyer to take delivery, the seller has no right to sell the same property to anybody else.

Local variations.—In Anambra, Idemili, Isi-Uzo and Nnewi Divisions, the seller is free to sell such property to a third party where the property is perishable and is actually perishing and the purchaser cannot be contacted.

- (2) Where only part payment is made by the purchaser and a time is fixed for completion of payment, the seller is free to

sell the property to a third party if the time fixed elapses and payment is not completed, but not otherwise.

- (3) Where only part payment is made by the purchaser and a time is fixed for completion of payment, then if the property concerned is of a perishable nature and is actually perishing and the purchaser cannot be contacted, the seller may sell the property to a third party; but in doing so, he will be acting for the purchaser. This rule qualifies the rule in (2) above.

448. *Where market price rises.*—If an owner sells his movable property to a buyer for an agreed price, the buyer pays the price in full and the seller retains the property pending taking of delivery by the buyer, then even if the price of such property rises in the mean time, the seller has no right to retain the property and refund to the buyer the amount he paid.

It makes no difference that only part payment was made by the buyer unless a time is fixed for completion of payment and the buyer fails to complete payment within the time limit, in which case the seller is free to refuse the balance and insist on the current market price.

449. *Sale complete on delivery.*—

- (1) Where a person agrees with the owner of movable property to buy it for a stated price and takes delivery without making any payment, the sale is complete and the buyer has no right to return the property to the seller on the ground that he no longer wishes to buy it.

Local variations.—The purchaser is free to return the property to the seller provided it is intact in Aba, Arochukwu, Awgu, Bende, Mbaitoli/Ikeduru, Ohafia, Onitsha, Orlu, Ukwa and Umuahia Divisions.

- (2) Even in those places where the purchaser is free to return the property to the seller, this freedom is lost if the price of such property has fallen in the meantime. In such a case, the seller has a right to insist that the buyer shall pay the agreed price and keep the property.

450. *Right to repudiate sale.*—Where a person sells movable property to a buyer and the buyer pays the agreed price and takes delivery (both parties being adults) the circumstances in which such sale can be repudiated are as follows:—

- (1) Where the buyer discovers that the property concerned is stolen property, he has a right to repudiate the transaction, return the property to the seller and recover his money.

- (2) Where the property concerned has a serious defect and the defect is such that it cannot be discovered by reasonable examination, and the owner knows or ought to know of it, the buyer has a right to repudiate the sale, return the property and recover his money. (The rule does not apply in Onitsha.)

Agency

451. *Whether agency is recognized.*—

- (1) The owner of goods may authorize another person to sell them on his behalf.
- (2) Where the owner gives his goods to another person to sell on his behalf and does not fix any price for them, he is to accept any price for which the agent sells them. It makes no difference that the price for which the goods are sold is unreasonably low.

Local variations.—Where the price obtained is unreasonably low, the owner of the goods has a right to recover from the agent a reasonable price for the goods in Aguata, Enugu, Igbo-Eze, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkanu, Nkwerre, Oru and Ukwia Divisions.

- (3) Where the owner of goods gives them to another person to sell for him and tells him what price he wants for them, the agent is bound to obtain at least the price fixed for them by the owner or else return them unsold. If the agent sells the goods for a price that is less than that fixed by the owner, the owner has a right to recover the difference from him.
- (4) Where the owner of goods gives them to another person to sell for him and tells him what price he wants for them, if the agent sells the goods for a price above that fixed by the owner:—
- (a) He is free to appropriate the difference for his own use in Afikpo, Arochukwu, Awgu, Bende, Enugu, Etiti, Ezeagu, Ezzikwo, Igbo-Eze, Ishielu, Isi-Uzo, Mbaise, Mbaitoli/Ikeduru, Mbano, Nkanu, Nkwerre, Nnewi, Northern Ngwa, Oguta, Ohafia, Okigwe, Oru, Udi and Umuahia Divisions.
- (b) He must hand over the entire proceeds of the sale to the owner in Aba, Abakaliki, Aguata, Anambra, Idemili, Ihiala, Izzi, Njikoka, Nsukka, Ogbaru, Onitsha, Orlu, Owerri, Ukwia and Uzo-Uwani Divisions.

Local variation.—In Owerri Division, the owner has a duty to give part of the additional sum so obtained to the agent for his extra effort in obtaining a higher price.

452. *Whether goods may be sold without owner's consent.*—

- (1) No person has a right to sell another person's goods without the knowledge and consent of that owner.
- (2) Where, however, the goods concerned are perishable and are actually perishing and the owner cannot be contacted within a reasonable time, any person acting in good faith may, in order to avoid further deterioration, sell the goods for the best price obtainable in the circumstances.

453. *Where goods are sold without owner's consent.*—Where a person sells goods of another person without the owner's consent and without lawful justification (as indicated in the last paragraph above):—

- (1) The owner of such goods has a right to insist that the person who sold them must return them to him. If the self-appointed agent fails to return the goods on demand, he may be sued for the price of the goods sold and for compensation for his wrong doing;
- (2) The owner of the goods also has a right to recover the goods concerned from the person who buys them.

Local variations.—The owner has no right to recover the goods direct from the person who buys them in Abakaliki, Arochukwu, Izzi and Mbano Divisions, Nvosi Amaise and Amaise-Ahaba clans in Northern Ngwa Division, and Udi Division.

454. *Sale after notice not to sell.*—

- (1) Where an owner gives his goods to another person to sell for him and later tells such person not to sell the goods, then, if the agent nevertheless sells them after receiving the counter-instruction, the owner has a right to insist that the agent must return the goods to him. If the agent fails to return the goods on demand, the owner has a right to recover from him the price of the goods sold plus compensation for his wrongdoing.
- (2) In a case such as this—
 - (a) The owner also has a right to recover the goods concerned from the buyer in Aba, Afikpo, Aguata, Anambra, Awgu,

Etiti, Ezeagu, Ezzikwo, Idemili, Ihiala, Mbaitoli/Ikeduru Nnewi, Ogbaru, Ohafia, Owerri, Ukwa and Umuahia Divisions.

- (b) The owner has no right to recover the goods direct from the buyer in Abakaliki, Arochukwu, Bende, Enugu, Igbo-Eze, Ishielu, Isi-Uzo, Izzi, Mbaise, Mbano, Njikoka, Nkanu, Nkwerre, Northern Ngwa, Nsukka, Oguta, Okigwe, Onitsha, Orlu, Oru, Udi and Uzo-Uwani Divisions.
- (c) In (a) and (b), it does not make any difference whether the buyer does or does not know before he buys the goods that the agent has been told by the owner not to sell them. (It makes all the difference in Onitsha.)

455. *Whether remuneration payable to agent.*—Where a person gives his goods to another person to sell for him and nothing is said by the parties about commission or remuneration to be paid to the agent, the agent's services are presumed to be gratuitous and the agent is not entitled to any payment for his services.

Local variations.—Some remuneration is payable to the agent whether or not expressly agreed in Enugu, Isi-Uzo, Mbaise, Nkwerre, Nsukka, Orlu and Oru Divisions.

Exchange

456. *Whether exchange recognized.*—Any movable property which can be bought or sold may be given in exchange for some other property.

457. *Formalities and witnesses.*—

- (1) No formalities are required for a valid exchange of movable property.
- (2) No witnesses are required for a valid exchange of movable property.

458. *Whether exchange can be revoked.*—

- (1) Where two persons exchange their respective movable properties, it is no longer open to either of them to revoke the transaction or to demand that his original property be returned to him.

Local variations.—Where both properties are still under the control of the parties to the transaction and are still both intact, either party may revoke the exchange transaction and

- demand his own property back in Aba, Anambra, Idemili, Mbaitoli/Ikeduru, Mbanjo, Ogburu and Umuaibia Divisions.
- (2) In those places and circumstances where a party is free to revoke an exchange transaction, the party who revokes has a right to compel the other party to surrender the property he received in exchange. Lapse of time has no effect on this right.

Lending

459. *Who may lend.*—An adult male, a married woman, a widow or an adult unmarried woman is free to lend his or her movable property to another person. Infants, whether male or female, have no such capacity except for items of trivial value.

Local variations.—

- (a) Married women have no right to lend their movable property (except those of a trivial nature) without the consent of their husbands in Afikpo, Bende, Ezeagu, Ishielu, Njikoka, Orlu, Oru, and Umuaibia Divisions, and in Nvosi community in Northern Ngwa Division.
- (b) Widows have no right to lend their movable property without the consent of the head of the husband's family or, where the bride-price paid on them has been refunded, from their parents or guardian in Mbaise, Njikoka, Nsukka and Umuaibia Divisions, and in Nvosi community in Northern Ngwa Division. Articles of a trivial nature are excluded from this rule.
- (c) Adult unmarried women have no right to lend their movable property without the consent of their parents or guardian (except in the case of articles of a trivial nature) in Ezzikwo, Ishielu, Mbaise and Njikoka Divisions and in Nvosi community.

460. *Formalities and Witnesses.*—No formalities or witnesses are required for valid lending of movable property. In exceptional circumstances, where the article concerned is one of exceptionally high value, one or two witnesses may be called in to witness the transaction for evidential purposes.

461. *Whether interest charged for loan.*—

- (1) Where one person lends money or other movable property to another:—
- (a) It is usual for the lender to charge interest for the loan in Afikpo, Aguata, Arochukwu, Bende, Enugu, Igbo-Eze,

Isi-Uzo, Mbaise, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkanu, Nkwerre, Northern Ngwa, Nsukka, Oguta, Ohafia, Okigwe, Onitsha, Orlu and Oru Divisions.

- (b) No interest is charged for a loan of money or other movable property in normal circumstances in Aba, Abakaliki, Anambra, Awgu, Etiti, Ezeagu, Ezzikwo, Idemili, Ihiala, Ishielu, Izzi, Ogbaru, Ukwa and Uzo-Uwani Divisions.
- (c) It is usual to charge interest for a loan of money but not for a loan of any other movable property in Nnewi, Owerri, Udi and Umuahia Divisions.
- (2) In all cases where interest is charged, the fact that interest is payable as well as the amount and time of payment are expressly agreed by the parties at the time the loan is given.

462. *Duties of a borrower towards thing borrowed.*—The duties of a borrower are to take proper care of the thing borrowed, to protect it from damage or loss, to recover it or its value from anyone who takes or damages it, and to repair it if it is damaged.

463. *Borrower's liability to pay for loss or damage.*—

- (1) A borrower is under obligation to pay for the thing borrowed where it is lost or damaged, if, but only if the loss or damage is due to his fault, or the fault of people under his control.

Local variations.—

- (a) A borrower is under obligation to pay for the thing borrowed if it is lost or damaged, whether the loss or damage is due to his fault or not in Awgu, Enugu, Ezzikwo, Igbo-Eze, Ishielu, Mbaise, Mbano, Njikoka, Nkanu, Onitsha, Owerri and Udi Divisions.
- (b) A borrower is not under any obligation to pay for the thing borrowed if it is lost or damaged in Abakaliki and Izzi Divisions. It makes no difference whether the loss or damage is or is not due to his fault in these two places.
- (2) Where the thing borrowed goes bad by natural process, the borrower is not under obligation to pay for it.

Local variations.—A borrower is under obligation to pay in such circumstances in Afikpo and Udi Divisions.

464. *Damage of borrowed article by third party.*—Where an article held by a person on loan is damaged by a third party:—

- (1) The borrower is under obligation to pay for it.

- (2) The borrower has a right to recover its value from the third party who damaged it.
- (3) The owner has no right to recover the value of it direct from the third party who damaged it.
- (4) If, however, a borrower fails to take the necessary action against the third party, the owner may sue him together with the third party to recover the value of the damaged article.

465. *Appropriation of borrowed article by a third party.*—Where property held on loan is unlawfully appropriated by a third party, the person who has the right to recover it or the value of it is the borrower.

Local variations.—

- (a) In Aba Division, the person who has this right is the owner of the article in question.
- (b) Either or both the borrower and the owner may take action against the third party in Mbano Division and in Northern Ngwa Division (excluding Nvosi, Ama-Ise, Amaise-Ahaba and Usulu clans).

466. *Where borrower sells borrowed article.*—Where a borrower sells an article which he borrowed:—

- (a) The owner of the article has a right to compel the borrower to recover and restore it to him or pay the value of it, plus compensation for his wrongdoing;
- (b) The owner also has a right to recover the article direct from the third party who bought it in Aba, Anambra, Idemili, Ihiala, Mbaitoli/Ikeduru, Nnewi, Ogbaru, Orlu and Ukwa Divisions. He does not have this right in any of the other Divisions. Whether the buyer knew or did not know that the person who sold the article to him was not the owner but only a borrower is immaterial, except in Onitsha where it matters.

467. *Repayment of loan.*—

- (1) A person has a duty to repay a loan made to him at the time agreed by the parties; and where no time is agreed, then on demand. This is so whether the loan is of money or of any other form of property.
- (2) Lapse of time does not affect a lender's right to demand and receive the return/repayment of the thing lent. This right passes to the lender's successors at his death and may be exercised by them at any time. The duty to pay also passes to the borrower's successors and is perpetual.

CIVIL WRONGS

Definition: "A civil wrong" means any wrong which is not a criminal offence and is not a matrimonial offence between husband and wife.

468. *Elements of liability.*—Factors taken into consideration in determining whether a person has committed a civil wrong or not are:—

- (a) the age of the alleged wrongdoer;
- (b) the mental condition of the alleged wrongdoer;
- (c) the physical condition of the alleged wrongdoer in Aba, Abakaliki, Anambra, Bende, Etiti, Idemili, Isi-Uzo, Izzi, Mbaise, Mbanu, Northern Ngwa, Nsukka, Ogbaru, Onitsha, Oru, Owerri, Ukwu and Uzo-Uwani Divisions. In these places, what should amount to civil wrongs are readily overlooked where the offender has a physical handicap.
- (d) whether the wrongdoer is a traditional ruler in Nsukka and Uzo-Uwani Divisions. A traditional ruler here cannot be liable for certain wrongs against his subjects, for example, insulting behaviour.
- (e) whether the wrongdoer is alleged to be of slave or free origin. In Nsukka and Uzo-Uwani Divisions a wrong committed by a person of slave origin against a free-born is aggravated.

469. *Liability for wrongs of others.*—

- (1) A person is liable to pay compensation for a wrong committed by his child, his wife, his servant or maid, another person's child living with him or under his control and a hired labourer doing a job for him under his control.

Local variations.—

A person is not liable for a wrong committed by a hired labourer doing a job for him in Abakaliki, Arochuku, Ezeagu, Ishielu, Izzi, Mbaitoli/Ikeduru, Njikoka, Nkwerre, Northern Ngwa, Okigwe, Orlu and Udi Divisions.

- (2) A person is liable for another person's wrong in paragraph (1) if the wrong is such that he would be liable if he had committed it himself, for example, when it is wilful.
- (3) Liability for one's child ceases when the child becomes an adult or is in the custody of another person.

470. *Liability for animals and inanimate objects.*—

- (1) A person is liable to pay compensation for damage done by his animals to other people's property (except in Onitsha).
- (2) Liability of an owner for damage done to others by his animal:—
 - (a) depends on whether the owner of the animal is at fault in the way he handles such animals in Abakaliki, Aguata, Arochukwu, Enugu, Igbo-Eze, Isi-Uzo, Izzi, Mbaise, Njikoka, Nkanu, Nkwerre, Northern Ngwa, Nsukka, Oguta, Ohafia, Oru and Uzo-Uwani Divisions.
 - (b) does not depend on any fault on the part of the owner in Aba, Afikpo, Anambra, Awgu, Bende, Etiti, Ezeagu, Ezzikwo, Idemili, Ihiala, Ishielu, Mbaitoli/Ikedurur, Mbano, Nnewi, Ogbaru, Okigwe, Orlu, Owerri, Udi, Ukwa and Umuahia Divisions.
- (3) The owner of an animal is liable to pay compensation for personal injury done by such animal to another person.

Local variations.—There is no such liability in Abakaliki and Izzi Divisions.

- (4) A person's liability for personal injury done to another person by his animal does not depend on the owner's prior knowledge of a dangerous tendency on the part of the animal.

Local variations.—An owner's liability depends on whether he knew or did not know before the incident that the animal concerned was inclined to be dangerous in Aguata, Enugu, Isi-Uzo, Njikoka, Nsukka, Oru and Uzo-Uwani Divisions.

- (5) Where a person wilfully provokes an animal and the animal injures him or some other person, the owner of the animal is not liable for such injury.
- (6) A person is not liable for injury caused to another person by a piece of inanimate object which belongs to him but is not under his control at the time the injury complained of occurs. He will, of course, be liable if he instigates the injury or the thing causing the injury is under his control.

471. *Liability for injury suffered on premises.*—

- (1) The owner or occupier of premises is not liable to pay compensation for injury caused to a visitor to such premises as a result of the condition of the premises, if he does nothing to bring about such injury. It will be different, of course, if he does an act or makes an omission as a result of which the injury occurs, e.g., if he places thorns in parts of the premises which people normally use, or if he knows of hidden danger which exists in parts of the premises usually used by visitors and fails to warn visitors of such danger.
- (2) A person is liable for damage done to his neighbour's property by the dangerous nature of his own property if, but only if, he knows or has been warned of such danger and fails without sufficient reason to remove the danger. For example, where a person knows or has been warned that his wall is about to collapse and he fails to repair the wall or to pull it down, he will be liable if the wall collapses and knocks down his neighbour's house or kills his neighbour's crops or animals on the neighbour's property. (Such liability does not exist in Onitsha).

472. *Liability for animal in another's possession.*—

- (1) Where the owner of an animal places it in the custody of another person and the animal causes damage or injury to a third person, the person liable for such damage or injury is not the owner of the animal but the person in whose custody the animal is at the time the damage or injury is done.

Local variations.—The person liable in such circumstances is the owner of the animal in Aba, Anambra, Idemili, Ihiala, Nnewi, Ogbaru, Ohafia, and Owerri Divisions.

- (2) Where the child of one person lives with another person and causes damage or injury to a third person, the person who is liable for such damage or injury is the one who has custody of the child at the time the damage or injury is done.

473. *Helping wrongdoer.*—Where one person, with full knowledge of what is intended, in some way helps another person to cause damage or injury to a third person but does not personally take part in causing the damage or injury:—

- (1) He too, is liable to the person injured in Afikpo, Aguata, Anambra, Arochukwu, Awgu, Bende, Enugu, Eiti, Idemili,

Ihiala, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkanu, Nkwercrre, Northern Ngwa, Oguta, Ohafia, Okigwe, Onitsha, Orlu, Oru, Udi, Ukwa and Umuahia Divisions.

- (2) Such a person is not liable in Aba, Abakaliki, Ezeagu, Ezzikwo, Igbo-Eze, Ishielu, Isi-Uzo, Izzi, Mbaise, Nnewi, Nsukka, Ogaru, Owerri and Uzo-Uwani Divisions.

474. *Remedy of person paying for another's wrong.*—Where one person is held liable to pay compensation for a wrong done by another person to a third party, the person so held liable has a right to recover from the person who committed the wrong for which he paid, the amount of compensation which he paid to the third party.

Local variations.—There is no such remedy in Abakaliki, Awgu, Etiti, Ishielu, Izzi and Nsukka Divisions.

475. *Defences to claim for injury or damage.*—The following are good defences to a claim for compensation for injury or damage inflicted by one person on another:—

- (1) That the act which caused the damage or injury was done involuntarily; that is, that the person who did the act complained of did not know what he was doing at the time he did it.

Local variations.—It is no defence that the act complained of was involuntary in Northern Ngwa (except in Nvosi), Oguta and Owerri Divisions.

- (2) That the injury or damage resulted from an accident; that is, that the person who did the act complained of did not intend it, did not expect it and could not prevent it.

Local variations.—Accident is not a defence in Northern Ngwa (except in Nvosi) and Oguta Divisions.

- (3) That the act complained of was an act of God; that is, an event which was not brought about by human act but resulted from violent and sudden natural process.

- 4) (a) That the person who caused the damage or injury did the act complained of with a good motive (that is, that he meant well) is a good defence in Aba, Abakaliki, Anambra, Enugu, Idemili, Ihiala, Izzi, Mbano, Nnewi, Nsukka, Ogaru, Onitsha, Ukwa and Umuahia Divisions.

- (b) A good motive is not a defence in Afikpo, Aguata, Arochukwu, Awgu, Bende, Etiti, Ezeagu, Ezzikwo,

Igbo-Eze, Ishielu, Isi-Uzo, Mbaise, Mbaitoli/Ikeduru, Njikoka, Nkanu, Nkwerre, Northern Ngwa, Oguta, Ohafia, Okigwe, Orlu, Oru, Owerri, Udi and Uzo-Uwani Divisions.

- (5) (a) That the person who did the act complained of could not have foreseen that his act would result in any damage or injury to another person is a good defence in Aba, Abakaliki, Aguata, Anambra, Arochukwu, Bende, Etiti, Idemili, Ihiala, Izzi, Mbaise, Nnewi, Nsukka, Ogbaru, Onitsha, Owerri, Ukwa, Umuahia and Uzo-Uwani Divisions.
- (b) This is no defence in Afikpo, Awgu, Enugu, Ezeagu, Ezzikwo, Igbo-Eze, Ishielu, Isi-Uzo, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkanu, Nkwerre, Northern Ngwa (except Nvosi), Oguta, Ohafia, Okigwe, Orlu, Oru and Udi Divisions.
- (6) That the person who did the act complained of was drunk at the time he did it is not a defence.

Local variations.—Drunkenness is a good defence in Aba, Abakaliki, Izzi, Nsukka, Onitsha, Udi and Uzo-Uwani Divisions.

- (7) That the person who did the act complained of was insane at the time he did the act is a good defence.
- (8) That the person who did the act complained of was a juvenal delinquent (that is a thick-headed youngster) is not a defence.

Local variations.—This is a good defence in Abakaliki, Izzi and Nsukka Divisions.

- (9) That the person who did the act complained of was induced by another person's threats to do the act complained of is a good defence in Awgu Division but nowhere else.
- (10) It is not a defence that the person who did the act complained of was a close relation of the person against whom the act was done (whether the relationship was by blood or marriage), nor is it a defence that the person who did the act complained of was told by another person to do it.

476. *Damaging statement affecting proposed marriage.*—Where a man tells a person that he intends to marry a named girl and that other person makes a damaging statement about the girl, as a result of which the

prospective husband changes his mind about the marriage, the position is as follows:—

- (1) If the statement complained of is false, the girl concerned as well as her parents has a right to claim compensation against the person who made the damaging statement.

Local variation.—

- (a) Neither the girl nor her parents has a right of action in such a case in Abakaliki, Awgu, Ishielu, Izzi and Udi Divisions.
 - (b) In Mbaise Division, the girl has a right of action, but her parents have none in such a case.
- (2) If the statement complained of is true, neither the girl concerned nor her parents has a right of action.

Local variations.—Even where the statement complained of is true, the girl concerned as well as her parents has a right to claim compensation against the person who made the statement in Nkwerre and Nnewi Divisions.

477. *Damaging a person's good name.*—Where one person makes a false statement about another person to the hearing of a third party, and that statement has an adverse effect on the good name of the person about whom it is made, that person has a right to claim compensation from the person who makes the statement.

478. *Repeating damaging statement.*—Where one person makes a false damaging statement against another person and a third person repeats the statement to the hearing of others, the position is as follows:—

- (1) (a) The person who made the statement complained of originally is liable to pay compensation to the person against whom he made it in Aguata, Anambra, Arochukwu, Enugu, Etiti, Idemili, Igbo-Eze, Ihiala, Isi-Uzo, Mbaitoli/Ikeduru, Njikoka, Nkanu, Nsukka, Ohafia, Okigwe, Orlu, Oru and Owerri Divisions.

This is so, even where the person against whom the statement was made was not aware of it until it was repeated by the second person; and also where the person against whom the statement was made could not have succeeded for some reason, if he relied on the occasion when the statement was made originally.

- (b) There is no such liability in Aba, Abakaliki, Afikpo, Awgu, Bende, Ezeagu, Ezzikwo, Ishielu, Izzi, Mbaise, Mbano, Nkwerre, Nnewi, Northern Ngwa, Ogbaru, Oguta, Onitsha, Udi, Ukwa, Umuahia and Uzo-Uwani Divisions.
- (2) (a) The person about whom the statement was made has a right to claim compensation against the person who merely repeated it in Aba, Afikpo, Aguata, Arochukwu, Bende, Enugu, Ezeagu, Ezzikwo, Igbo-Eze, Ihiala, Ishielu, Isi-Uzo, Mbaise, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkanu, Nkwerre, Nnewi, Northern Ngwa, Nsukka, Ogbaru, Oguta, Ohafia, Okigwe, Onitsha, Ukwa, Umuahia and Uzo-Uwani Divisions.
- (b) There is no such right of action in Abakaliki, Anambra, Awgu, Etiti, Idemili, Izzi, Orlu, Oru, Owerri and Udi Divisions.
- (3) The person against whom such statement was made has a right to claim compensation from both the person who made it originally and the person who merely repeated it in Aguata, Arochukwu, Enugu, Igbo-Eze, Isi-Uzo, Mbaitoli/Ikeduru, Njikoka, Nkanu, Nsukka, Ohafia and Okigwe Divisions.
- (4) In the places named in (3), the person against whom the statement was made may claim compensation from both the person who made the statement originally and the person who merely repeated it; this he may do one after the other or at the same time. In all the other places named in (1) and (2), the right to compensations is in the alternative: the person against whom the statement was made may claim compensation from either the person who made the statement originally or the person who repeated it, but not against both of them.

479. *Remedy for damaging a person's good name.*—The remedy for damaging a person's good name is payment of compensation. The amount of compensation payable varies with the status or social standing of the person whose name is damaged. For example, more will be paid to a chief or a title holder than to an ordinary citizen.

Local variations.—

- (1) (a) No compensation is payable and no other remedy is available to a person whose good name is damaged in Abakaliki and Izzi Divisions.

- (b) Not only compensation but also an apology is due from the wrongdoer in Njikoka, Oguta and Oru Divisions.
- (c) The wrongdoer has not only to pay compensation but also to ring a bell throughout the community announcing to the people that the statement he made against the complainant is false in Arochukwu and Ohafia Divisions.
- (d) The wrongdoer has in addition to pay a goat, palm-wine and kola-nuts to the *Oha* in Owerri Division.

480. *Defences to claim for damaging statement.*—Where a person claims that another person made a damaging statement against him, the position as to defence is as follows:—

- (1) That the statement complained of is true is a good defence.
Local variations.—This is not so in Nkwerre Division.
- (2) It is not a defence that the statement complained of was made as a joke.
- (3) That the statement was made during a hot exchange of words by the two people concerned is a good defence.
Local variations.—This is not a defence in Arochukwu, Bende, Etiti, Isi-Uzo, Mbaise, Mbaitoli/Ikeduru, Mbano, Ogbaru, Oguta, Ohafia, Onitsha, Owerri and Umuahia Divisions.
- (4) That the statement complained of was made in return for a previous false statement made by the complainant about the person he is now complaining against is not a defence.
Local variations.—This is a good defence in Abakaliki, Arochukwu, Awgu, Izzi and Nsukka Divisions.
- (5) That the statement complained of was made in an answer to a question which the maker was asked by a third party is not a defence.

Local variations.—This is a good defence in Aba, Abakaliki, Afikpo, Izzi, Ogbaru and Orlu Divisions.

481. *Sexual intercourse with unmarried woman.*—Having sexual intercourse with an unmarried female person where no pregnancy results does not constitute a wrong for which any remedy can be claimed. It is immaterial whether the female person's parents or guardian consented to the intercourse. Similarly, it is immaterial whether the man who did the act and the female person concerned are engaged or not.

Local variation.—Sexual intercourse with an unmarried female person without the parents' consent is a wrong against the parents or guardian of such female person in Arochukwu and Bende Divisions and in Idodo clan of Nkanu Division.

For such a wrong the parents or guardian have a right to claim compensation.

482. *Making unmarried female pregnant.*—

- (1) Where a man makes an unmarried female person pregnant, the two not being betrothed to each other, the man commits an offence against the parents of the female person concerned for which they may claim remedies against him.

The position is the same where a man to whom a female person is betrothed makes her pregnant and later refuses to marry her through no fault of hers or of her parents.

Local variations.—Whether the man and the female person concerned are betrothed to each other or not, no such wrong is committed against the parents in Abakaliki, Izzi, Nsukka and Orlu Divisions.

- (2) (a) Where a man makes a female person pregnant, the two not being betrothed to each other, the man commits a civil wrong against the female concerned for which wrong she can claim remedies against him in Aba, Afikpo, Aguata, Anambra, Awgu, Enugu, Ezeagu, Ezzikwo, Idemili, Igbo-Eze, Ihiala, Mbaise, Mbaitoli/Ikeduru, Njikoka, Nnewi, Ogbaru, Oguta, Okigwe, Ukwa and Uzo-Uwani Divisions.

The position is the same in these places if a man to whom a female person is betrothed makes her pregnant and later refuses to marry her through no fault of hers or of her parents.

- (b) No wrong is committed against the female person herself and no remedies are open to her, whether she is engaged to the man concerned or not, in Abakaliki, Arochukwu, Bende, Etiti, Ishielu, Isi-Uzo, Izzi, Mbano, Nkanu, Nkwerre, Northern Ngwa, Nsukka, Ohafia, Onitsha, Orlu, Oru, Owerri, Udi and Umuahia Divisions.

483. *Remedies for seduction, etc.*—

- (a) Where a man has sexual intercourse with an unmarried female person and such an act constitutes a wrong against

the parents of such female person, the parents' remedy against the man concerned is a claim for compensation.

Similarly, where having sexual intercourse with an unmarried female person constitutes a wrong against herself, her remedy is a claim for compensation against the man concerned.

- (b) Where a man makes an unmarried female person pregnant and this constitutes a wrong against the parents of such female person, the parents' remedy against the man concerned is a claim that the man will either marry the daughter in question or pay compensation to the parents.
- (c) The rules in (a) and (b) apply both in cases where the man and the female person concerned are not betrothed to each other and in cases where they are betrothed to each other but the man, after making her pregnant, refuses to marry her through no fault of herself or of her parents.

484. *Abduction*.—Where a person takes an unmarried girl out of the custody of her parents without the parents' consent, such person commits a wrong against the parents in question.

Local variation.—No claim may be made by any one in Ihiala Division where a man takes a female away from her parents without their consent or even against their will if he is an indigene and his object is to marry her.

485. *Usual remedies for abduction*.—

- (1) The usual remedy for taking an unmarried girl out of her parent's custody without the parent's consent is recovery of the girl concerned and payment of compensation for the wrong committed against the parent. Where for any reason it is not possible or desirable for the parent to recover the girl concerned, the remedy is recovery of bride-price from the wrongdoer.
- (2) The person entitled to a remedy in such cases is the father of the girl concerned. If the father is dead, the person entitled to a remedy is as follows:—
 - (a) the mother (or if she is also dead, the brother) in Aba, Afikpo, Aguata, Anambra, Arochukwu, Awgu, Enugu, Etiti, Idemili, Igbo-Eze, Isi-Uzo, Mbaise, Mbano, Njikoka, Nkanu, Northern Ngwa, Nsukka, Ogbaru, Oguta, Ohafia, Owerri, Udi, Ukwa, Umuahia and Uzo-Uwani Divisions.

- (b) the guardian in Abakaliki, Bende, Ezeagu, Ezzikwo, Ishielu, Izzi, Mbaitoli/Ikeduru, Nkwerre, Nnewi, Okigwe, Onitsha, Orlu and Oru Divisions.

486. *Defences to claim for adultery with married woman.*—The only defences open to a man against whom a claim is made for having had sexual intercourse with a married woman and the places where they are open are as follows:—

- (1) That the husband's family or the head of the husband's family approved of the relationship between the woman and the alleged adulterer is a good defence in Abakaliki, Aguata, Anambra, (excluding Anam where husband must also consent), Arochukwu, Awgu, Enugu, Ezeagu, Ezzikwo, Idemili, Ishielu, Isi-Uzo (excluding Eha-Alumona where only consent of the family is a defence), Izzi, Njikoka, Nkwerre (consent of family only), Nnewi, Nsukka, Ogbaru, Onitsha, Oru, Owerri, Udi and Uzo-Uwani Divisions.
- (2) That the husband has an incurable communicable disease or one that is locally dreaded such as leprosy is a good defence (even if the husband's family does not consent) in Arochukwu, Bende, Mbano, Nkwerre, Nsukka and Umuahia Divisions.
- (3) That the husband is impotent or known to be sterile is a good defence, even if the husband's family does not consent, in Arochukwu, Bende, Isi-Uzo (excluding Eha-Alumona clan) and Umuahia Divisions.

Note.—It is no defence to a claim for adultery with a married woman that the woman herself freely consented, or that the woman has had no pregnancies and considers it necessary to try another man,* or that the woman has only female children by her husband and considers it necessary to try another man for a male child,* or that the husband is very diminutive or ugly and the wife considers it necessary to improve the family stock, or that the husband is a man of bad character and the woman considers that such character should not be reproduced in the family, or that for any other reason the adultery was committed at the instance of the wife herself, or that the adultery is in retaliation for a previous adultery committed by the husband with the present adulterer's own wife or relation, or that the intercourse took place on a day of festivity and general merry-making.

487. *Enticing or taking wife away from husband.*—It is a wrong for any one (including parents) to entice a married woman away from her

*This is a good defence in Onitsha.

husband. It is also a wrong for anyone to take a married woman away from her husband against his will or without his consent. Again, it is a wrong to harbour a run-away wife.

488. *Remedies for enticing or taking wife away from husband.*—The remedy which a husband has against a person who entices or takes his wife away from him are:—

- (1) Recovery of the wife and compensation for the wrong done to him.
- (2) Where, however, it is for any reason impossible or undesirable for the husband to recover the wife, his remedy is to recover from the wrongdoer the bride-price he paid on the wife.

489. *Defences to claim for taking away or harbouring wife.*—The only defences open to a person against whom a claim is made for having taken a wife away from her husband or harbouring her are as follows:—

- (a) That the husband has not paid the bride-price on the wife in full and the woman is therefore taken away from him by her parents is a good defence in Abakaliki, Afikpo, Aguata, Awgu, Enugu, Etiti, Ezeagu, Ezzikwo, Igbo-Eze, Ishielu, Isi-Uzo, Izzi, Mbaitoli/Ikeduru, Mbano, Njikoka, Nkanu, Nkwerre, Northern Ngwa, Nsukka, Okigwe, Onitsha, Oru, Udi, Umuahia and Uzo-Uwani Divisions.
- (b) That a husband ill-treats his wife and the wife's parents have tried without success to get the husband to change his attitude towards his wife is a good defence for such parents if they take their daughter away from the husband.
- (c) That the husband is impotent or known to be sterile and yet blocks every attempt, however tactfully made, by his family to arrange a suitable man for the wife with a view to procreation is sufficient reason for the wife's parents to take her away from the husband.
- (d) It is a good defence that the man against whom the claim is made did not induce the woman concerned to leave her husband but merely harbours her now that she has left her matrimonial home in Aba, Anambra, Idemili, Nsukka and Ukwa Divisions. For this defence to be valid, however, the man against whom the claim is made must have informed the woman's husband of her presence in his house at the earliest opportunity.

- (e) It is a good defence that it was the woman concerned who ran to the man and that the man did nothing to attract or encourage her in Aba and Nsukka Divisions. Here again, the man must inform the woman's husband of her presence in his house at the earliest opportunity.
- (f) That the wife's parents approved her leaving her husband for another man is a good defence in Uzo-Uwani Division.
- (g) That the bride-price agreed upon and paid was too small and that the woman's family therefore took her away in order to induce the husband to pay more bride-price or to secure another husband for the woman is a good defence in Oru and Umuahia Divisions.

(2) *Defences to enticing wife away from husband.*—There are no defences to a claim for enticing a wife away from the husband.

490. *Sheltering run-away wife.*—It is a wrong for any person to shelter a run-away wife unless:—

- (a) such a person is a relation of the wife or of her husband or a friend of the husband; and
- (b) the person receives the woman concerned in good faith and with a view to giving her shelter until she can go back to the husband; and
- (c) the person informs the husband of the wife's presence in his or her house at the earliest opportunity.

491. *Remedies for harbouring wife wrongfully.*—A husband has a right to claim from any person who wrongfully harbours his wife:—

- (a) return of the wife, or if this is not possible;
- (b) refund of the bride-price.

Local variations.—A husband is entitled to claim for both return of his wife and compensation for being deprived of her in Aguata, Arochukwu, Enugu, Etiti, Igbo-Eze, Isi-Uzo, Mbaise, Mbano, Njikoka, Nkanu, Northern Ngwa, Nsukka, Ogbaru, Oguta, Ohafia, Okigwe, Onitsha, Oru, Owerri, Udi and Uzo-Uwani Divisions.

492. *Defences.*—The same defences which are open to a person alleged to have taken away another person's wife are open to a person alleged to have wrongfully sheltered a run-away wife. (*See* paragraph 489).

493. *Insulting words or conduct as wrongs.*—

- (1) Words or conduct constitute insult when they are such as will humiliate or hurt the feelings of the person against whom they are directed.
- (2) Insult by words or by conduct is a wrong for which the person insulted may claim compensation against the wrongdoer when it is not provoked and is done in public and is by a person of lower against a person of higher status.

Local variations.—

- (a) Insult by words does not constitute a wrong for which any claim may be made in Abakaliki and Izzi Divisions.
- (b) Insult by conduct does not constitute a wrong for which any claim can be made in Abakaliki, Afikpo, Awgu, Bende, Ezeagu, Ishielu, Izzi, Ohafia, Orlu and Udi Divisions.

494. *Indirect insult on third party.*—Where insult offered to one person is necessarily insult to a third party, not only the person directly insulted, but also the third party indirectly insulted has a remedy against the person offering the insult. This happens in the following circumstances:—

- (a) where a wife insults her husband before a gathering of members of the husband's family;
- (b) where a wife insults her husband before a gathering of members of the husband's age-grade;
- (c) where a wife insults her husband before a gathering of the elders (*amala* or *oha*);
- (d) when a woman or a non-titled man insults a titled man before a gathering of other titled men;
- (e) where one married daughter (*nwada*) insults another married daughter at a gathering of married daughters (*umuada*) of a given community. This also applies where the wife of a member of a given community insults a married daughter of that community before a gathering of married daughters of the community;
- (f) when the words or conduct complained of constitute an insult to womanhood in addition to being an insult to the person addressed;

- (g) where the insult involves an abomination against the community or a breach of local taboo;
- (h) in Awgu, Bende and Northern Ngwa Divisions, when the *amala* (council of elders) decide that the words or conduct complained of also constitute an insult to the community.

495. *Making a person break taboo.*—It is a wrong for a person wilfully to make another person break a taboo without knowing it (for example, where a host who knows that his guest does not eat coco-yams or the flesh of a dog deliberately uses dog meat or coco-yams in preparing food for such a guest). In such a case, the person who is thus made to break the taboo has a right to claim against the person who makes him break the taboo, the cost of effecting purification or propitiation.

496. *Damaging statement about property.*—Where one person makes a damaging statement against another person's property and such statement is false, the person making the statement commits a wrong against the owner of the property and is liable to pay him compensation for such wrong.

Local variation.—In Mbaise, Nkwerre and Ukwu Divisions, it is immaterial whether the damaging statement complained of is true or false. Once the owner suffers damage, the person making the statement is liable to pay him compensation.

497. *Statement by humans about non-humans.*—Statements made by human beings about non-human beings such as local gods, masquerades or deceased ancestors may constitute civil wrongs. Thus:—

- (1) (a) Statements about local gods constitute civil wrongs when they are such that they are derogatory and abusive of the gods and would constitute an insult if made about human beings.
- (b) Statements of this kind constitute a wrong against the community whose god is involved.
- (c) Such a community has a right to claim from the person making the statement complained about, reimbursement for any sum or items of property used by the community in placating the god concerned.
- (2) (a) Statements about masquerades constitute a wrong if they are disrespectful or abusive or such as to reveal the mystery of masquerades.

- (b) Such statements constitute a wrong against all the masquerades within the community as well as the community itself. It is immaterial whether the masquerade principally involved belongs to the entire community or to only a section or certain members of it.
 - (c) The remedy for this wrong is claim for compensation for the affront offered to such community and its masquerades. Also, where it is necessary to placate the gods as a result of the incident, the community has a right to claim from the wrongdoer the cost of such propitiation.
- (3) (a) Statements about deceased ancestors constitute a wrong where they are such as to bring shame or humiliation on the descendants of such ancestors and hurt their feelings.
- (b) Such statements constitute a wrong against the living descendants of the ancestors concerned.
 - (c) The remedy for this wrong is compensation for the injured feelings of such descendants and reimbursement of whatever they may have spent in appeasing the spirits of the maligned ancestors.

498. *Other wrongs.*—

- (1) In Northern Ngwa, the following constitute wrongs for which redress may be claimed by the person wronged:—
- (a) Incest: This is an abomination. The person guilty of it is liable for all expenses incurred in purifying the persons involved as well as the house-hold or the community in which it took place.
 - (b) Having sex in the bush—This also constitutes an abomination for which a sacrifice of propitiation and purification has to be made. The wrongdoers are liable to pay the expenses of the necessary sacrifice.
 - (c) Sitting down in anger on the bare ground in the premises of one's maternal grandmother—This also is an abomination calling for a sacrifice of purification. The wrongdoer is liable to pay for the cost of the necessary sacrifice.
 - (d) Any person who makes another person drop blood on the premises of that other person's maternal grandmother

is guilty of a wrong against the family into which the grandmother is married. He is liable to reimburse the family for any expenses incurred by them in appeasing the family gods since this too is an abomination.

- (2) In Oru Division, it is a wrong for any person to exhume a corpse without the consent of the relations of the deceased person whose corpse is exhumed. The remedy for this is payment of damages by the wrongdoer to the family concerned.
- (3) In Owerri Division, it is a wrong for any person to have sex with a member of any community where sex is forbidden by custom. It is a wrong also for a member of one community to have sex with a member of the same community where sex is forbidden as between members of that community. This act which is known as *nkpo ngboto* is an abomination for which a sacrifice of purification has to be made. It is also a wrong against the wrongdoer's community.

The wrongdoer is liable to bear the cost of the necessary sacrifice.

SCHEDULE I

Members of Divisional Law Panels and recording sessions held

| <i>Divisions</i> | <i>Members</i> | <i>*Sessions held with the Ministry</i> |
|------------------|--------------------------------|--|
| ABA ... | 1. Chief William Azu | <i>Succession:</i> September 11, 12, 13 and 14, 1973. |
| | 2. Chief Emejiaka Egbu | |
| | 3. Chief J. W. Wamuo, M.F.R. | |
| | 4. Chief Paul O. Egbulefu | <i>Land:</i> January 14, 15 and 16, 1974. |
| | 5. Chief Thompson W. Dike | |
| | 6. Chief Friday F. Ugwuzor | <i>Family Law :</i> October 14, 15 and 16, 1974. |
| | 7. Chief Paul Nkoro | |
| | 8. Chief Douglas Wogu | |
| | 9. Chief J. W. Evoh, M.B.E. | <i>Civil Wrongs, etc:</i> August 25, 26 and 27, 1975. |
| | 10. Mrs E. C. Nwankwo | |
| ABAKALIKI | 11. Chief Echeagu Ogalagu | <i>Succession:</i> September 4, 5, 6 and 7, 1973. |
| | 12. Chief Nwojiji Okenya | |
| | 13. Chief Nwodo Oku | |
| | 14. Chief Idika Igboji | <i>Land:</i> January 21, 22 and 23, 1974. |
| | 15. Chief Nwogbaga Nwangwu | |
| | 16. Mr Ogbaga Mbe | <i>Family Law:</i> November 18,19, and 20, 1974. |
| | 17. Chief Iteshi Nwonu | |
| | 18. Chief Dominic Alieze | <i>Civil Wrongs, etc:</i> August 11, 12 and 13, 1975. |
| | 19. Chief S. N. Alo | |
| | 20. Mrs. Mary Anigwe | |
| AFIKPO ... | 21. Chief S. C. Nkwo | <i>Succession:</i> November 22, 23, 24 and 25, 1972. |
| | 22. Chief E. U. Uka | |
| | 23. Chief A. Nwugballa | |
| | 24. Chief E. U. Oji | <i>Land:</i> February 7, 8 and 9, 1974. |
| | 25. Chief Ama Oti Oji | |
| | 26. Mr Aja Ani | <i>Family Law:</i> November 11, 12 and 13, 1974. |
| | 27. Chief Lawrence Ewa | |
| | 28. Chief Onyiba Aja Nwachukwu | <i>Civil Wrongs, etc.:</i> October 9, 10 and 11, 1975. |
| | 29. Chief Mbrey | |
| | 30. Chief A. E. Nkama | |

*These do not include private consultations had by individual members of the Law Panels with knowledgeable members of their communities. Nor do they include sessions held by panel members in the absence of the Commissioner for Law Revision or his Law Officers. Nor again do they include informal interviews and discussions held by the Commissioner for Law Revision with Panel members and other knowledgeable persons during and outside office hours.

| <i>Divisions</i> | <i>Members</i> | <i>*Sessions held with the Ministry</i> |
|------------------|---|--|
| AGUATA ... | 31. Chief M. Z. C. Okpala 32. Chief N. N. Anyika 33. Chief S. I. Onyido 34. Chief Major Jerome Azike 35. Barrister H. N. Ezeoka 36. Mr. Francis I. Onyeneke 37. Chief G. K. Nwafor 38. Chief John Anozic 39. Chief Fidelis Obikeze 40. Chief Betran Madichic | <i>Succession:</i> September 4, 5, 6, and 7, 1973. <i>Land:</i> January 31, 1974, February 1 and 2, 1974. <i>Family Law:</i> October 7, 8 and 9, 1974. <i>Civil wrongs, etc:</i> October 20, 21 and 22, 1975. |
| ANAMBRA ... | 41. Chief A. E. Idigo III 42. Chief G. E. Madubuonwu 43. Chief J. O. Ezeolisa 44. Chief John Obidike 45. Chief Aniode 46. Igwe Ajulu I 47. Barrister G. E. N. Onyekwulujie 48. Mr Peter Ekwunife 49. Mr Peter Udemezue 50. Mr J. C. U. Obi | <i>Succession:</i> October 2, 3, 4 and 5, 1973. <i>Land:</i> January 21, 22 and 23, 1974. <i>Family Law:</i> November 7, 8 and 9, 1974. <i>Civil Wrongs, etc:</i> August 15, 16 and 17, 1975. |
| AROCHUKWU | 51. Chief Kanu Oji (The Eze Aro) 52. Chief S. N. Okore 53. Chief Ulu Oji II 54. Chief Otusi Otegbu 55. Chief Ntori Okiko 56. Chief Kalu Nwa Kalu 57. Mr P. O. Kalu 58. Chief C. K. U. Eni | <i>Succession:</i> September 25, 26, 27 and 28, 1973. <i>Land:</i> February 4, 5 and 6, 1974. <i>Family Law:</i> November 28, 29 and 30, 1974. <i>Civil Wrongs, etc:</i> August 28, 29 and 30, 1975. |
| AWGU ... | 59. Chief B. C. Okwu 60. Chief S. N. Umebuani 61. Chief S. O. Oluah 62. Chief A. O. Eze 63. Chief G. U. Ochi | <i>Succession:</i> July 23, 24, 25 and 26, 1973. <i>Land:</i> March 6, 7, 8 and 9, 1973. |

| <i>Divisions</i> | <i>Members</i> | <i>*Sessions held with the Ministry</i> |
|------------------|-------------------------------|---|
| | 64. Chief E. U. Chukwu | <i>Family Law</i> : October 10, 11 and 12, 1974. |
| | 65. Chief D. O. Ude | |
| | 66. Chief J. Chukwuanyim | <i>Civil Wrongs, etc.</i> : August 25, 26 and 27, 1975. |
| BENDE ... | 67. Chief A. O. Uche | <i>Succession</i> : November 22, 23, 24 and 25, 1972. |
| | 68. Chief M. N. Mecha | |
| | 69. Chief Okori Emeri | |
| | 70. Mr J. U. Agwu | <i>Land</i> : January 28, 29 and 30, 1974. |
| | 71. Chief Joseph Okezie | |
| | 72. Chief G. U. Ukegbu | <i>Family Law</i> : November 11, 12 and 13, 1974. |
| | 73. Chief Christopher Ise | |
| | 74. Chief George Agwu | <i>Civil Wrongs, etc.</i> : August 14, 15 and 16, 1975. |
| ENUGU ... | 75. Chief Edward Nnaji | <i>Succession</i> : February 26, 27 and 28, 1973 and March 1, 1973. |
| | 76. Chief G. N. Agbo | |
| | 77. Chief Nwafor Chukwuani | |
| | 78. Mr C. C. Onoh | |
| | 79. Chief Patrick Nnam | <i>Land</i> : July 23, 24, 25 and 26, 1973. |
| | 80. Chief C. O. Ugwu | |
| | 81. Mr Byron Onyeama | <i>Family Law</i> : November 25, 26, 27, 1974. <i>Civil Wrongs, etc.</i> : November 24, 25 and 26, 1975. |
| ETITI ... | 82. Chief R. J. Onyeneho | <i>Succession</i> : September 4, 5, 6, and 7, 1973. |
| | 83. Chief Matthias IHEME | |
| | 84. Chief Matthew Chukwu | |
| | 85. Chief Matthew Edom | <i>Land</i> : January 31, 1974 February 1 and 29, 1974. |
| | 86. Chief James Onwunali | |
| | 87. Mr E. O. Ogwuegbu | <i>Family Law</i> : October 31, November 1 and 2, 1974. <i>Civil Wrongs, etc.</i> : October 23, 24 and 25, 1975. |
| EZEAGU ... | 88. Mr Clement I. Omeile | <i>Succession</i> : Same as for Udi. |
| | 89. Mr Ozo Nnebedum Ode-nigbo | <i>Land</i> : Same as for Udi. |
| | 90. Mr Edward Kanife | <i>Family Law</i> : Same as for Udi. |

| <i>Divisions</i> | <i>Members</i> | <i>*Sessions held with the Ministry</i> |
|-----------------------|--|---|
| EZEAGU — continued | 91. Mr Richard Ike 92. Mr J. N. Ejike 93. Chief Aniekwe Ekwem 94. Mr Christopher Nnachetam 95. Mr Matthias Mallo 96. Mr Francis Okonkwo 97. Mr Thomas Ozobu | <i>Civil Wrongs etc.</i> : October 22, 23 and 24, 1975. |
| EZZIKWO ... | 98. Chief Alom Njoku 99. Chief Ezeaka Odabc 100. Chief Nwanewo Nweke 101. Mr Odeta Awo 102. Chief S. U. Alega 103. Chief David Elom 104. Chief Oke Nwafor 105. Chief Enyita Mgbada 106. Chief Michael Onwe | <i>Succession</i> : September 25, 26, 27 and 28, 1973. <i>Land</i> : January 24, 25, and 26, 1974. <i>Family Law</i> : October 7, 8 and 9, 1974. <i>Civil Wrongs, etc.</i> : October 13, 14 and 15, 1975. |
| IDEMILI† ... | 107. Chief B. I. Ochili 108. Chief H. M. Obienu 109. Chief N. Olikaeze 110. Chief Ezeokoli II 111. Chief Isaac Ichu 112. Chief D. A. Ogbunude 113. Chief Ben Anyachebelu 114. Mr Robert O. Melue 115. Chief Lazarus Nwosu 116. Chief Ephraim Onwughalu 117. Chief A. A. Osefo 118. Chief P. S. O. Enedo 119. Chief N. O. Iloabachie 120. Chief F. Nwokedi 121. Chief O. N. Mesigo 122. Chief Lazarus O. Anyichie 123. Chief Matthias Enemo 124. Chief Michael Anierobi 125. Chief F. M. Obiany | <i>Succession</i> : February 4, 5, 6 and 7, 1974. 3 sessions by the first panel: January 17, 18, and 19, 1973 <i>Land</i> : January 24, 25 and 26, 1974. <i>Family Law</i> : November 4, and 6, 1974. <i>Civil Wrongs, etc.</i> : August 11, 12 and 13, 1975. |

†Answers obtained from a previous Panel of ten showed extraordinary diversity of laws as between towns. Hence this enlarged Panel representing the nineteen towns in the Division.

| <i>Divisions</i> | <i>Members</i> | <i>*Sessions held with the Ministry</i> | |
|--------------------------------|-----------------------------|---|---|
| IGBO-EZE ... | 126. Chief R. U. Iyida | <i>Succession:</i> July 23, 24, 25 and 26, 1973. | |
| | 127. Chief Onoja Ugwu | | |
| | 128. Chief Odo Nwarau | | |
| | 129. Chief Haruna Agbedo | <i>Land:</i> January 16, 17, 18 and 19, 1973. | |
| | 130. Chief J. A. C. Ugwu | | |
| | 131. Mr John Agha | | |
| | 132. Chief Mohamadu Agbaji | <i>Family Law:</i> November 7, 8 and 9, 1974. | |
| | 133. Chief Ezekiel Eze | <i>Civil Wrongs, etc.:</i> October 23, 24 and 25, 1975. | |
| | IHIALA ... | 134. Chief J. M. Udoji | <i>Succession:</i> August 28, 29, 30 and 31, 1973. |
| | | 135. Chief G. N. Agbasiere | |
| 136. Chief S. N. Muoghalu | | | |
| 137. Chief F. O. C. Olikagu | | <i>Land:</i> January 21, 22 and 23, 1974. | |
| 138. Chief R. O. Oraelosi | | | |
| 139. Barrister J. B. C. Mmegwa | | | |
| 140. Chief A. A. Ezenobi | | <i>Family Law:</i> October 14, 15 and 16, 1974. | |
| 141. Chief B. N. Erinne | | | |
| 142. Mr Charles Nwabueze | | <i>Civil Wrongs, etc.:</i> October 9, 10 and 11, 1975. | |
| ISHIELU ... | | 143. Chief Ogba Ekirigwe | <i>Succession:</i> August 7, 8, 9 and 10, 1973. |
| | 144. Chief Ukpa Arisi | | |
| | 145. Chief Chukwu Nwachukwu | | |
| | 146. Councillor Nwankwo Awa | <i>Land:</i> January 17, 18 and 19, 1974. | |
| | 147. Chief Peter Ugadu | | |
| | 148. Mr Ezeoha Nwoga | <i>Family Law:</i> October 10, 11 and 12, 1974. | |
| | 149. Chief Umoke Onwe | | |
| | 150. Chief Stephen Nweke | <i>Civil Wrongs, etc.:</i> November 6, 7 and 8, 1975. | |
| | Ist-Uzo ... | 151. Chief S. C. Ogbodo | <i>Succession:</i> October 23, 24, 25 and 26, 1973. |
| | | 152. Chief Michael Aguigbo | |
| 153. Chief M. N. Onugu | | | |
| 154. Mr J. C. Ngwu | | <i>Land:</i> January 14, 15 and 16, 1974. | |
| 155. Chief R. Abangwu | | <i>Family Law:</i> November 11, 12 and 13, 1974. | |
| 156. Chief S. A. N. Nwaro | | <i>Civil Wrongs, etc.:</i> October 9, 10 and 11, 1975. | |

| <i>Divisions</i> | <i>Members</i> | <i>*Sessions held with the Ministry</i> |
|------------------|--|---|
| Izzi ... | 157. Chief Echiegu Ogalegu 158. Chief Nwojiji Okenya 159. Chief Idika Igboji 160. Chief Nwodom Nwofoke Akara 161. Chief Iteshi Nwenu 162. Chief Oyo Agashi 163. Chief Nweme Uhopu 164. Chief Ekpe Nwiga 165. Chief Nwamini Alade 166. Chief John Igboji | <i>Succession:</i> September 4, 5, 6 and 7, 1973. <i>Land:</i> January 21, 22 and 23, 1974. <i>Family Law:</i> November 18, 19 and 20, 1974. <i>Civil Wrongs, etc.:</i> August 14, 15 and 16, 1975. |
| MBAISE ... | 167. Chief B. N. Nwokelem 168. Chief C. A. Unanka 169. Chief J. A. Maduneme 170. Chief Simeon Nwohu 171. Chief Ugwuojor 172. Chief V. M. Uzoma 173. Chief F. U. Ibe 174. Chief James Nwagwu 175. Chief F. C. Erege 176. Chief Alaoma 177. Chief Lawrence Iroegbule 178. Chief Andrew Onyekwele-ariri 179. Chief B. A. Atughara 180. Chief Joseph N. Obinna 181. Chief Matthias M. Olorondu | <i>Succession:</i> August 7, 8, 9 and 10, 1973. <i>Land:</i> February 4, 5 and 6, 1974. <i>Family Law:</i> November 25, 26 and 27, 1974. <i>Civil Wrongs, etc.:</i> October 8, 9 and 10, 1975. |
| MBAITOLI/IKEDURU | 182. Chief Egbuchulam 183. Chief Ngumezi 184. Chief E. U. Durueke 185. Chief M. O. Nwokororie 186. Chief Emmanuel Nwozuzu 187. Chief L. O. Nnogu 188. Chief G. O. Ihenacho 189. Chief N. Dabirinze 190. Chief S. N. Okoroji 191. Barrister Ononuju | <i>Succession:</i> September 25, 26, 27 and 28, 1973. <i>Land:</i> January 14, 15 and 16, 1974. <i>Family Law:</i> November 28, 29 and 30, 1974. <i>Civil Wrong, etc.:</i> November 17, 18 and 19, 1975. |

| <i>Divisions</i> | <i>Members</i> | <i>*Sessions held with the Ministry</i> |
|--------------------------------|--------------------------------|--|
| MBANO ... | 192. Chief S. A. Ike | <i>Succession:</i> September 18, 19, 20 and 21, 1973. |
| | 193. Chief D. O. Orjiako | |
| | 194. Chief L. I. Anyiam | |
| | 195. Chief N. Ekejuba | <i>Land:</i> January 28, 29 and 30 1974. |
| | 196. Chief I. E. Mbamara | |
| | 197. Chief S. A. Ogugua | |
| | 198. Mr A. O. Ebizie | <i>Family Law:</i> October 28, 29 and 30, 1974. |
| | 199. Chief T. E. Achonu | |
| | 200. Chief M. Nnorom | |
| | 201. Prince Bob Nwukwa | <i>Civil Wrong, etc.:</i> October 9, 10 and 11, 1975. |
| | NJIKOKA ... | 202. Chief M. A. Eze |
| 203. Chief S. Maduebo | | |
| 204. Chief P. Okeke | | <i>Land:</i> January 28, 29 and 30, 1974. |
| 205. Chief R. Obiekzie | | <i>Family Law:</i> October 10, 11 and 12, 1974. |
| 206. Chief J. N. Nwokedi | | |
| 207. Chief Akpuaka (Onowu) | | <i>Civil Wrongs, etc.:</i> November 3, 4 and 5, 1975. |
| 208. Barrister J. N. I. Ezekwe | | |
| 209. Barrister Amanke Okafor | | |
| 210. Mr Isaac Igirigi | | |
| NKANU ... | | 211. Chief D. O. Nnamani |
| | 212. Chief Edward Nnaji | |
| | 213. Chief Ede Nwonovo | |
| | 214. Chief Charles Nnaji Eze | <i>Land:</i> June 27, 28, 29 and 30, 1973. |
| | 215. Mr Israel Mba | <i>Family Law:</i> October 7, 8 and 9 1974. |
| | 216. Mr John E. Igwesi | |
| | 217. Mr Aaron Nwonuma | |
| | 218. Mr E. M. O. Eze | <i>Civil Wrongs, etc.:</i> November 17, 18 and 19, 1975. |
| | 219. Mr Edward Agbo | |
| | 220. Mr Michael Ede Nwoko | |
| NKWERRE ... | 221. Chief J. C. Ugochukwu | <i>Succession:</i> September 18, 19, 20 and 21, 1973. |
| | 222. Chief J. A. Nwosu, M.B.E. | |
| | 223. Chief Raymond Ojinnaka | <i>Land:</i> January 24, 25 and 26, 1974. |

| <i>Divisions</i> | <i>Members</i> | <i>*Sessions held with the Ministry</i> |
|--------------------------|------------------------------------|---|
| NKWERRE — continued | 224. Chief Fred U. Anyiam | <i>Family Law:</i> October 31, November 1 and 2, 1974. |
| | 225. Mr G. G. Ojiako | <i>Civil Wrongs, etc.:</i> November 6, 7, and 8, 1975. |
| | 226. Mr F. A. Ilobi | |
| | 227. Mr Afam Agams | |
| NNEWI ... | 228. Chief B. C. Nwosu | <i>Succession:</i> July 9, 10, 11 and 12, 1973. |
| | 229. Chief C. A. Oruche | <i>Land:</i> January 17, and 19, 1973. |
| | 230. Chief S. U. Anoliefo | |
| | 231. Chief A. M. Okeke | <i>Family Law:</i> October, 10, 11 and 12, 1974. |
| | 232. Chief Ume Ojiego | <i>Civil Wrongs, etc.:</i> October 23, 24 and 25 1975. |
| | 233. Chief J. I. Onuchukwu | |
| | 234. Chief C. Ezenwenyi | |
| | 235. Mr D. N. Okoli | |
| 236. Mr Fidelis Nnoku | | |
| 237. Mr Sylvester Ugokwe | | |
| NORTHERN NGWA | 238. Chief M. E. Asuoha | <i>Succession:</i> September 11, 12, 13 and 14, 1973. |
| | 239. Chief M. O. Onuoha | <i>Land:</i> January 21, 22 and 23, 1974. |
| | 240. Chief B. U. Asuoha | |
| | 241. Chief A. Irobi | |
| | 242. Chief E. Okezie | <i>Family Law:</i> October 28, 29 and 30, 1974. |
| | 243. Chief I. S. Ananaba | |
| | 244. Chief M. A. Nwulu | <i>Civil Wrongs, etc.:</i> November 6, 7 and 8, 1975. |
| | 245. Chief S. I. N. Orji | |
| 246. Mr Alfred Onwuala | | |
| NSUKKA ... | 247. Chief Okechukwu C. Manu | <i>Succession:</i> July 9, 10, 11 and 12, 1974. |
| | 248. Chief Stephen Ucheonwu | <i>Land:</i> January 23, 24, 25 and 26, 1973. |
| | 249. Chief John Ugwu Nwodo | |
| | 250. Chief Samuel Ngwu C. Oloto | <i>Family Law:</i> November 4, 5 and 6, 1974. |
| | 251. Chief M. U. Obayi | <i>Civil Wrongs, etc.:</i> August 25, 26 and 27, 1975. |
| | 252. Barrister A. I. Ekwueme | |

| <i>Divisions</i> | <i>Members</i> | <i>*Sessions held with the Ministry</i> |
|--------------------|------------------------------------|---|
| OGBARU ... | 253. His Highness R. R. Olisa | <i>Succession</i> : January 22, 23, 24 and 25, 1973. |
| | 254. Chief Nwedi Ijoma | |
| | 255. Chief John Oduah | |
| | 256. Barrister F. O. Oputa | <i>Land</i> : January 17, 18 and 19, 1974. |
| | 257. Chief L. O. N. Onumonu | |
| | 258. Councillor P. O. Ogini | <i>Family Law</i> : November 27, 28 and 29, 1974. |
| | 259. Councillor Benegnus Ikebunnam | <i>Civil Wrongs, etc.</i> : October 20, 21 and 22, 1975. |
| OGUTA ... | 260. Chief F. N. N. Obua | <i>Succession</i> : August 28, 29, 30 and 31, 1973. |
| | 261. Chief Matthew Nnanna | |
| | 262. Chief Okorie Ogbuehi | <i>Land</i> : January 17, 1974, February 19, 20 and 21, 1974. |
| | 263. Chief K. O. Ekwueme | |
| | 264. Chief A. N. Ohagwam | |
| | 265. Chief R. A. Ndumerekeya | <i>Family Law</i> : October 28, 29 and 30, 1974. |
| | 266. Chief Alexander U. Assor | <i>Civil Wrongs, etc.</i> : October 20, 21 and 22, 1975. |
| | 267. Chief S. K. Ozor | |
| | 268. Mr Josiah Kalu Elekwa | |
| 269. Mr P. E. Ali | | |
| OHAFIA ... | 270. Chief O. A. Olugu | <i>Succession</i> : November 22, 23, 24 and 28, 1972. |
| | 271. Chief Okeke Agwu | |
| | 272. Chief I. Okoroafor | |
| | 273. Chief L. E. Kalu | |
| | 274. Barrister A. K. Uche | <i>Land</i> : January 31, February 1 and 2, 1974. |
| | 275. Barrister K. Ifegwu | <i>Family Law</i> : November 14, 15 and 16, 1974. |
| | 276. Mr Uche Ikenga | |
| | 277. Mr U. Agwu | <i>Civil Wrongs, etc.</i> : August 25, 26 and 27, 1975. |
| 278. Mr D. E. Mang | | |
| ORIGWE ... | 279. Chief M. O. Kanu | <i>Succession</i> : August 7, 8, 9 and 10, 1973. |
| | 280. Chief Benson Chukwu | |
| | 281. Chief A. N. Okereke | |
| | 282. Chief Abel Agiriga | |
| | 283. Chief E. O. Alisi | |
| | 284. Chief J. O. Nwokorogu | <i>Land</i> : January 28, 29 and 30, 1974. |
| | 285. Chief A. Ekwebelem | <i>Family Law</i> : November 14, 15 and 16, 1974. |

| <i>Divisions</i> | <i>Members</i> | <i>*Sessions held with the Ministry</i> |
|------------------|--|--|
| | 286. Chief G. E. Nwautirikpo | |
| | 287. Mr F. I. Uwakwe | <i>Civil Wrongs etc.</i> : November 20 21 and 22, 1975. |
| | 288. Mr M. I. Iroh | |
| ONITSHA .. | ... 289. H. R. H. The Obi of Onitsha Ofala Okechukwu Okagbue I. | <i>Succession</i> : March 6, 7, and 9, 1973. |
| | 290. Chief P. O. Anatogu, Onowu | |
| | 291. Chief J. A. Ukpabi, Ajic | |
| | 292. Mr I. A. Mbanefo, Odu | <i>Land</i> : June 27, 28, 29 and 30, 1973. |
| | 293. Chief E. O. Nwokedi, Ogene | |
| | 294. Chief The Rt. Hon. Dr Nnamdi Azikiwe, P.C., Owelle. | <i>Family Law</i> : September 9, 10, 18, 21 and 24; November 4, 5 and 6, 1974. |
| | 295. Chief L. O. V. Enwonwu, Adazie | |
| | 296. Chief F. A. Iwenofu, Omodi | |
| | 297. Chief J. U. Etukokwu, Odua | |
| | 298. Chief A. O. Abadom, Akpe | <i>Civil Wrongs etc.</i> : June 8, 9, 10 and 11, 1977. |
| | 299. Chief N. N. Araka, Ojiudo | |
| | 300. Chief T. O. Bosa, Ike | |
| | 301. Chief C. E. Okolonji, Ojiba | |
| | 302. Chief I. A. Omekam, Agba | |
| | 303. Chief M. O. Ibeziako, Onoli | |
| | 304. Chief J. E. Agbakoba, Asagwali | |
| | 305. Mr L. S. O. Okobi, B.E.M., Akunne | |
| | 306. Mr J. I. Nwora, Akunne | |
| | 307. Mr C. I. Egbuji, Ezenwa | |
| | 308. Mr F. A. N. Tagbo | |
| | 309. Mr J. O. Mba, M.F.R., M.B.E. | |
| ORLU ... | 400. Chief P. I. Acholonu, M.P.E. | <i>Succession</i> : As for Nkwerre and Oru. |
| | 401. Chief E. O. Imo II, M.F.R. | |
| | 402. Chief Basil Okeke | |
| | 403. Chief C. F. N. Ezerioha | |
| | 404. Chief J. E. Odinkemelu | <i>Land</i> : February 25, 26 and 27, 1974. |
| | 405. Chief Michael Okoronkwo | |
| | 406. Chief F. A. Oguike ... | <i>Family Law</i> : October 28, 29 and 30, 1974. |
| | 407. Ven. Arch. S. N. Okoli, M.B.E. | <i>Civil Wrongs etc.</i> : November 3, 4 and 5, 1975. |
| | 408. Mr Albert Oyiogu | |
| | 409. Mr F. A. Ilobi | |

| <i>Divisions</i> | <i>Members</i> | <i>*Sessions held with the Ministry</i> |
|------------------|--|---|
| ORU ... | 410. Chief F. A. Mgbenwelu 411. Chief M. M. Amamfo 412. Chief A. E. Ukachukwu 413. Chief Ben Onojuju 414. Chief Luke Anuka | <i>Succession:</i> August 28, 29, 30 and 31, 1973. <i>Land:</i> January 14, 15 and 16, 1974. <i>Family Law:</i> October 17, 18 and 19, 1974. <i>Civil Wrongs, etc.:</i> October 20, 21 and 22, 1975. |
| OWERRI ... | 415. Chief D. O. Uju 416. Chief K. G. Amadi-Obi 417. Chief Aguocha 418. Chief S. E. Onukogu 419. Chief J. K. Osuji 420. Chief J. K. Nzerem 421. Mr J. O. Mere 422. Mr F. U. Ejimofor 423. Chief P. J. Anokwu 424. Mr L. N. Ebere | <i>Succession:</i> July 9, 10, 11 and 12, 1973. <i>Land:</i> January 23, 24 and 25, 1973. <i>Family Law:</i> October, 31 November, 1 and 2, 1974. <i>Civil Wrongs, etc.:</i> October 23 24 and 25, 1975. |
| UDI ... | 425. Chief Ene Nwali ... 426. Chief Donald Oji 427. Chief Matthias Agu 428. Mr Michael Onyeama 429. Mr Jacob Ekwueme 430. Mr Christopher Nnachetam 431. Matthias Mallo 432. Mr Thomas Ozobu 433. Mr Francis Okonkwo 434. Mr Patrick Onyia ... | <i>Succession:</i> June 27, 28, 29 and 30, 1973. <i>Land:</i> February 26 and 27, 1973. November 27, 28 and 29, 1974. <i>Family Law:</i> November 27, 28 and 29, 1974. <i>Civil Wrongs, etc.:</i> August 28 29 and 30, 1975. |
| UKWA ... | 435. Chief I. N. Tetenta 436. Chief C. O. Akawo ... 437. Chief E. Nworgu 438. Chief Adiele Nwoba 439. Chief M. O. Eke ... 440. Chief Frank Enyioko 441. Chief A. A. Tetenta | <i>Succession:</i> September 17, 18, 19 and 20, 1973. <i>Land:</i> January 17, 28 and 19, 1974. <i>Family Law:</i> October 18, 23, 24 and 25, 1974. |

| <i>Divisions</i> | <i>Members</i> | <i>*Sessions held with the Ministry</i> |
|------------------|-----------------------------------|---|
| | 442. Chief Igoni Nwagbara | |
| | 443. Chief Chioma MacEgbuh | <i>Civil Wrongs, etc:</i> August 28, 29 and 30, 1975. |
| | 444. Mr J. N. Adindu | |
| UMUAHIA ... | 445. Chief Izundu Ogbuebule | <i>Succession:</i> October 9, 10, 11 and 12, 1973. |
| | 446. Chief Onwukamuiche Okwuta | |
| | 447. Chief Ezekiel Madumere | |
| | 448. Chief Michael Nweze | |
| | 449. Chief R. Onyema ... | <i>Land:</i> January 24, 25, and 26, 1974. |
| | 450. Chief S. I. Pipi | |
| | 451. Barrister S. W. Chianakwalam | <i>Family Law:</i> October 30, 31 and November 1, 1974. |
| | 452. Barrister F. I. E. Ukatta | <i>Civil Wrongs, etc:</i> August 11, 12 and 13, 1975. |
| | 453. Barrister A. U. Onukwue | |
| UZO-UWANI | 454. Chief Stephen Ucheonwu | <i>Succession:</i> As for Anambra and Nsukka. |
| | 455. Chief Thomas Chike | |
| | 456. Chief James Ekwedigwe | |
| | 457. Chief P. U. Obodoeze | <i>Land:</i> As for Anambra and Nsukka. |
| | 458. Chief Madumelu Unamah | |
| | 459. Chief A. C. Nweke | <i>Family Law:</i> November 14, 15 and 16, 1974. |
| | 460. Mr Michael Ezeugwu | |
| | 461. Mr John Dieke | <i>Civil Wrongs, etc:</i> October 28, 29 and 30, 1975. |
| | 462. Mr Daniel Mgbako | |
| | 463. Mr Alex Nonyelu | |

SCHEDULE II

Administrative Divisions

The Administrative Divisions of East-Central State mentioned in this Manual were made up of the following communities:—

| <i>Divisions</i> | <i>Communities</i> | <i>Divisions</i> | <i>Communities</i> |
|------------------|---|------------------|---|
| ABA URBAN | Area of Aba Urban Council Mgboko-Amairi Mgboko-Itungwa Mgboko-Umuanunu Ohanze Ndiakata Amairinabua Akuma-Imo Ibeme Ntigha-Uzo/Amairi Okpu-Umuobo Ahiaba Abayi Ugwanagbo Aba-na-Ohazu Uratta Amator Mbutu-Umuojima Amaitoli Amavor Amasa Aro-Ngwa Osokwa | | Nguzu Oso Owutu Ukawu Isu Okposi Onicha Oshiri Uburu Ugulangu Aba-Omege |
| | | AGUATA | ... Uga Awgbu Amaetiti Isuofia Ikenga Umuona Ekwulobia Ezinifite Nkpologwu Agulu-Ezechukwu Igbo-Ukwu Enugu-Umuonyai Oneh Agbudu Amaesi Ogboji Oreri Nanka Akpo Umuomaku Oko Umuchu Achina Ndikelionwu/ Omoghoh Amaokpala Awa Ndiukwuenu Okpeze Akpu Ajalli Isulo Eziagu |
| ABAKALIKI URBAN | Area of Abakaliki Urban Council Izzi Unuhu Nkaliki Achara Unuhu | | |
| AFIKPO | ... Afikpo Ibii Ozizza Agbo Aka-Eze Amangwu Amasiri Ishiagu Akpoha Unwana Erei Ebunwana Ekoli | | |

| <i>Divisions</i> | <i>Communities</i> | <i>Divisions</i> | <i>Communities</i> |
|---------------------------|--|------------------|---|
| AGUATA — <i>continued</i> | Akpugo Ezira Ndiowu Ogbunka Umunze Ihite Ndiokolo Ndiokpaleke Ndiokpalaceze Ufuma Owerre-Ezukala Nkerefi Nawfija | | Inyi Isu Agbudu Ituku Nenwe Maku Mgbowo Mpu Obeagu Ogbaku Ogugu Okpanku Owelli Uduma Ugbo Ugwueme Achi Uno Achi Agu Awlaw |
| ANAMBRA ... | Aguleri Enugu-Otu Mkpunando Aguleri Eziagulu-Otu Aguleri Umueze Anam Ifite Anam Umuenwelum Anam Oroma-Etiti Anam Ezi Anam Olumbanasa Otuocha Igbariam Nsugbe Nteje Nzam Nando Awkuzu Umuleri Umunya Ogbunike Nkwelle-Ezunaka | BENDE ... | Item Akolinfu Amankalu Igbere Umuimenyi Ugwueke Ezeukwu Uzuakoli Bende Itumbuzo Umuhu Ozuitem |
| AROCHUKWU ... | Arochukwu Ututu Isu Ihe Ukwa Ewe Iwerri | ENUGU ... | Enugu Urban |
| AWGU ... | Ndeaboh Agbogugu Amoli Anikenano Awgu Nwe Mgbidi Ihe | ETITI ... | Umuezegwu Atonaerim Amakohia Umuihi Amainyi Dinneze Awuchinumo Ukata Ikperejere Abueke Ikenanzizi Ikwuato Umuarima-na-Achara Okenalogho Ehume-na-Umunachi Ayutu Umungwa-na-Amanze |

| <i>Divisions</i> | <i>Communities</i> | <i>Divisions</i> | <i>Communities</i> |
|------------------|---|------------------|---|
| EZEAGU | ... Aguobu-Owa Akama Oghe Amankwo Oghe Amansiodo Awha Ndiagu Awha Ndiuno Imezi-Owa Iwollo Mgbagbu-Owa Neke Oghe Obeleagu-Umana Obinofia Ndiagu Obinofia Ndiuno Okpogho Olo Amagu Umulokpa Oyofe Oghe Umana Agba Umana Ndiagu Umana Isigwu Umumba (Ndiuno, Aguobu, Okpoeze) Umumba Aguobu Umumba Ndiagu | | Ideani Nnobi Norkwa Oraukwu |
| | | IGBO-EZE | ... Essodo Ezzedo Umu Itodo Umu Ozzi Error Agu Ibagwa-Aka Ihaka Iheakpu Itchi Eteh Obukpa Ovoko Nkalagu Obukpa Uhunowerre Unadu |
| | | IHALA | ... Ihiala Okija Lilu Isseke Osumoghu Mbosi Ubuluisiuzor Azia Uli Amorka Ihembosi |
| EZZIKWO | ... Alike Mgbabu Umuaka Izo-Imoha Imoha Izikworo Kpakpaji Okpuitumo Echara | | |
| IDEMILI | ... Abacha Eziowelle Ogidi Umudioka Umunachi Akwu-Ukwu Oba Obosi Ojoto Abatete Nkpor Uke Umuoji Alor Awka-Etiti | | ISHIELU ... Effium Orri Agba Ngbo Ezeagu Ezzamgbo Igboato Igboano |
| | | ISI-UZO | ... Amala Eha Alumona Eha Ndiagu Ezimo Ikem Imilike Neke Mbu |

| <i>Divisions</i> | <i>Communities</i> | <i>Divisions</i> | <i>Communities</i> |
|---------------------------|---|------------------|---|
| Isi-Uzo— <i>continued</i> | Obollo Afor Obollo Eke/Oye Ogbodu-Aba Orba Udunedem Umualor Eha Amufu | | Umunoha Eziama-Obiato Ogwa-Anunu- Umungbe Mbieri Amakohia |
| Izzi | Ishieke Nkaliki/Achara Agbaja Ezza Inyimagu Mgbalukwu Inyimagu Ndieze Inyimagu Igbeagu Amachi Edda Okpoitumo Amagu | MBANO ... | Mbama Ugiri Ogbor Obollo Osu-Ama Osu-Owerre Osu-Achara Nneato-Ogumeze Nsu Ehime Akanu-Ezeala Umuakabia-Agbaja |
| MBAlSE | Ezinihitte East Ezinihitte West Ezinihitte Central Nguru Okwuato Enyiegugu Ekwerazu Oke Ovoro Ahiara | NKANU ... | Agbani Town Agbani Station Akpugo Ogonogo- Eji Ndiagu Akpugo Ogonogo- Eji Ndiuno Akpugo-Uwani- Ndiuno Akpugo Obinagu Uwani Akpugo Obuno Amaechi Awkunanaw Obcagu Awkunanaw Akgabe Ugwu Awkunanaw Obuofa Awkunanaw Amodu Umueze Ugwuaji Awkunanaw Akwuke Ozalla Obe Amafor Ugbawka Obinagu Ugbawka Amurri Amechi Idodo Amagunze Ohuani Amagunze Isienu Amagunze Onichagu Akpawfu Ihuokpara |
| MBAlTOLI/ IKEDURU | Amaimo Ugirike Okwu Avuvu Eziama Inyishi Ikembara Ngugo Umudim Atta Iho Akabo Amatta Uzoagba Orodo Ubomiri Ifakala Ogbaku Afara | | |

| <i>Divisions</i> | <i>Communities</i> | <i>Divisions</i> | <i>Communities</i> |
|----------------------------|--|------------------|---|
| NKANU— <i>continued</i> | Mburubu Owo Amankanu Oruku Ogbaho Nike Nara Nomeh Nkerefi | NKWERRE ... | Amaokpara Eziama Isu Njaba Amucha Atta Nkume Umutanze Okwudor Amandugba Amurie Ekwe Umuaka Abba Abajah Amaigbo Isu Nkwerre Owerre-Nkworji Umudi |
| NJKOKA ... | Nri Nawgu Ichida Amansea Nimo Achalla Adazi-Nnukwu Adazi-Enu Enugu-Agidi Isiagu Nibo Agulu Okpuno Ifite-Ukpo Nise Awba Isu Aniocha Enugwu-Ukwu Akwaeze Nwafia Ebenebe Umuawulu Amanuke Agulu-Uzoigbo Neni Mbaukwu Urum Ukwulu Obeledu Ukpo Abba Amawbia Ugwuoba Ugbene Mgbakwu Adazi-Ani Abagana Ugbenu Awka | NNEWI ... | Nnewi Amichi Azigbo Unubi Ekwulumili Utuh Akwa-Ihedi Ebenator Ezinifite Osumenyi Ukpor Ozubulu Ichi Oraifite |
| | | NORTHERN NGWA | Nsulu Ntigha Ngwaukwu Nvosi Mbutu Ngwaobi Amaise Ovukwu Umuoha Okporo-Ahaba Omoba Ovungwu |

| <i>Divisions</i> | <i>Communities</i> | <i>Divisions</i> | <i>Communities</i> |
|------------------|---|------------------|---|
| NSUKKA URBAN | Area of Nsukka Urban Council Abbi Aku Ekwegbe Akpugo Udueme Ede Oballa Edem Alor-Uno Ibagwani Okpaligbo Ikolo Ochima Onyohor Lejja Ngalakpu Umunna Umunko Nimbo Nkpologu Obimo-Ikwooka Ibagwa Agu Ohodo Okpuje Okutu Nrobo Ozalla Ugbene Ukehe-Idoha Uvuru Ohebe Opi | OGUTA ... | Oguta Awa Izombe Oru Egwe Egbu Northern Egbema Ohoba Awara Mgbirichi Umuapu |
| | | OHAFAIA ... | Ania Isiama Ohafor (Abam) Ohaeke (Abam) Ovukwu (Abam) Ohafor (Ohafia) Okamu Abiriba Mkporo |
| | | OKIGWE ... | Otanchara-Otanzu North Otanchara-Otanzu West Otanchara-Otanzu East Isuochi Okigwe Town Uturu Umuchieze Nneato Imenyi Isu Amawa Oguduasa |
| | | ONITSHA ... | Onitsha Urban |
| OGBARU ... | Atani Umuzu Odekpe Akili-Ozizor Ohita Ossomari Amiyi Mputu Ochuche-Umuodu Ogbakuba Umunankwo Obeagwe Akili-Ogidi Ogwu-Ikpele Ogwu-Aniocha | ORLU ... | Amanator Dikenafai Isiekeneisi Ntueke Obiohia Ogboko Ugbelle Umuago Umuakam Umuchima Umueshi Omuma-Ishiaku Umuobom Akokwa |

| <i>Divisions</i> | <i>Communities</i> | <i>Divisions</i> | <i>Communities</i> |
|------------------|--------------------|------------------|----------------------|
| | Akpulu | OWERRI UBARN | Area of Owerri Urban |
| | Obodoukwu | | Council |
| | Osina | | Elelem |
| | Umualaoma | | Obike |
| | Urualla | | Obiangwu |
| | Uzii | | Logara |
| | Arondizuogu | | Umuohiagu |
| | Amike | | Nguru |
| | Eziachi | | Umuowa |
| | Mgbei | | Imerienwe |
| | Orlu | | Eziama |
| | Umudioka | | Ntu |
| | Umuzike | | Amala |
| | Umuna | | Alulu |
| | Umuowa | | Uburu |
| | Owerre-Ebeiri | | Obokwe |
| | Orlu Government | | Ngor |
| | Station | | Ihite |
| | Ihioma | | Umukabia |
| | Ogberuru | | Ohekelem |
| | Okporo | | Nnorie |
| | Amaifeke | | Umuhu |
| | Umuhu-Okabia | | Ihitaoha |
| | Eziawa | | Umuorii |
| | Awo-Idemili | | Umuoba |
| | Ebenator | | Umunahu |
| | Orsu-Ihiteukwa | | Umualum |
| | Ihitenansa | | Okwu |
| | Amaruru | | Agbala |
| | Ihiteowerre | | Obube |
| | Obibi | | Obibi |
| | | | Emii |
| | | | Emekuku |
| | | | Ala-Enyi |
| | | | Umunwoha |
| ORU | Amiri | | Ara |
| | Awomama | | Nekede |
| | Otulu | | Obinze |
| | Mgbidi | | Emeabiam |
| | Aji | | Ihiagwa |
| | Ibiasogbe | | Eziobo |
| | Ozara | | Okolochi |
| | Ohakpu | | Uwaorie |
| | Ubulu-Ihejiofor | | Obudi |
| | Amaofuo | | Ubah |
| | Amagu | | Aro |
| | Akuma | | Agwa |
| | Nempi | | Mgbala |
| | Omuma | | |
| | Eleh | UDI | Eke |
| | Akatta | | Nsude |

| <i>Divisions</i> | <i>Communities</i> | <i>Divisions</i> | <i>Communities</i> |
|------------------------|--|------------------|---|
| UDI — <i>continued</i> | Obioma Nze Akpakume Affa Oghu Egede Nachi Umuaga Umuabi Udi Agbudu Amokwe Awha Abia Obinagu Ohum Abor Ebe Umuoka Okpatu Umulumgbe Ukana Ngwo Asa Ngwo Uno Olo-na-Amagu- Umulokpa Imezi Owa Aguobu Owa Mgbagbu Owa Umana Obeleagu Umana Umuawo (Ndi-Uno, Aguobu, Agba) Umumba (Aguobu, Ndiagu, Ndi-Uno) Obinofia (Ndi-Uno, Ndiagu) Akama Oghe Neke Oghe Oyofa Amansiodo Oghe Amankwo Oghe Iwollo Okpogho | | Ozar Western Ohuru-Mkparobo Ipu Eastern Ipu Western Ipu Southern Ikwuriorator Ikwueke Ikwuorie Obohia Umuigube-Achara Umuihueze I Umuihueze II Umuokobo |
| | | UMUAHIA URBAN | Area of Umuahia-Ibeku Urban Council Ariam-Usaka Oboro Ibere Oloko Nkwo-Achara Umuagu Nkwo-Egwu Ibeku East Ibeku West Umuopara Ahiakwu Aziuyi Epe Ubakala |
| | | UZO-UWANI | Omase Umueje Anaku Umumbo Igbakwu Ifite-Ogwari Umerum Omor Adani Adaba-Nkume Igga Asaba Ogurugu Ojo Ukpata Umulokpa |
| UKWA | Asa Southern Asa Northern Ozar Eastern | | |

