

Customary law in Igbo land is a set of unwritten rules and traditions that have been passed down from generation to generation. These laws govern the behavior of individuals and communities, and they are enforced by community leaders and elders. Customary law covers a wide range of issues, including marriage property rights,

THE IGBO AND MBIASE COMMUNITY TRADITION SYSTEM INHERITANCE

igbo tribe is one of the three major tribes in Nigeria and like the other two tribes has its own distinctive culture. The Igbo People can be found in the South-eastern part of Nigeria and are spread states such as, Imo state This paper aims at examining the System of intestate succession under the general Igbo System and will also be considering the

practices of specific communities and ethnic groups. The general system of inheritance under the Igbo culture is the primogenitor (where the eldest son inherits to the exclusion of the other children but for the benefit of other children. We will examine the nature of the position of the eldest son as it relates to inheritance. This paper will also examine certain myths and misconceptions as relating the Igbo cultural system of intestate succession. This paper will also examine the

position of some other classes such as adopted children, illegitimate children, Outcasts ('Osu') and other male children. The different types of property capable of being inherited and by whom will also be highlighted by the paper. This paper will offer recommendations to the different stake holders such as the Village Kings and Chiefs, law makers and Judges in ensuring that the efficacy of the Igbo cultural system of inheritance is more suitable to a twenty-first century and developing Nigeria.

INTRODUCTION T SUCCESSION AND INHERITANCE IN IGBO LAND;The law of succession is all about the transfer or devolution of property on the death of the owner. It is the manner or form by which property devolves. Though there may not have been any law or statute enacted by a legislature for this purpose, yet each community have had their own beliefs and practices regulating same. Thus, it was held that it is the assent of the natives of a particular community to practices and customs in that community that makes such practices and customs valid. Customary law embodies customs as practiced by the people which they regard as binding on them. Customary succession therefore, is concerned with

the way and manner recognized and accepted by the people in which properties are transferred locally according to the customs, traditions and practices of the people.

Inheritance succession is the distribution of property after the death of a person. An inheritance is same as the succession to rights and property of the deceased.

People usually want their estate to be distributed in a specific manner upon their death. Most of the people leave their property to their family, relatives, and friends. Succession in Igbo land is governed by customary law. When a man dies, his property is typically passed down to his sons. If he has no sons, the property may be passed down to his brothers or other male relatives. In some cases, the property may be inherited by a daughter or other female relative. The specific rules for succession can vary depending on the community and the circumstances of the individual

case. Some of the cases under succession in Igbo land include:

1. Intestate succession : This is when a person dies without leaving a will. In such cases, the property of the deceased is distributed according to customary law.
2. Testate succession : This is when a person dies leaving a will. The will is used to distribute the property of the deceased

according to their wishes.

The rules of succession in Imo State are similar to those in other parts of Igbo land. Succession is typically governed by customary law, and the specific rules can vary depending on the community and the circumstances of the individual case. In Imo State, as in other parts of Igbo land, succession may be intestate or testate, and disputes over inheritance may be resolved through traditional dispute resolution or the court. This part of the article seeks to address the general and entire regime of succession of the Igbo tribe of Nigeria. The Igbo tribe can be mainly found in South-East Nigeria and is the dominant tribe such as Imo state. Noteworthy is the fact that there are many other different tribes among the general Igbo communities, which then means that it is not impossible to have variations on certain general matters particularly as it relates to succession or inheritance in Igbo Land. Succession can be defined to mean the acquisition of rights or property by inheritance under the laws of descent and distribution [1]. From this definition it is evident that succession is usually guided by certain laws of distribution. The law of succession therefore involves the transmission of the right and obligation of the deceased person. In general Igbo law

customary laws does not allow women to inherit anything it is only limited to the male child in **Ugboma V Ibeneme [7]** the court held that in accordance with the general Igbo custom women are not entitled to inherit their father's property

First male child

The role of the first son is very important in any discussion of the Igbo customary law of succession as the cardinal principle of succession under Igbo customary law is the primogeniture system, where the first son inherits to the exclusion of other children. The first son is known as the 'Okpala' and he plays a very important role in the administration of his father's property

The importance of the first son's position under the Igbo

Customary law of succession was confirmed by the court in

Ejimaike v Ejimaike [10] the court held that the right of the eldest surviving son succeeding the headship of his father is automatic and only his father who is the owner and the creator of the family property can deprive the eldest son of this right by a valid direction. In the absence of any direction by the father the right of the eldest son cannot be taken away. Many Igbo women are still unaware of their right to inherit their father's properties, nor are they aware that their daughters can inherit properties

and that relatives are not allowed by law to seize their late husband's properties because they do not have male children. Although Igbo women are by and large excluded from inheritance, some localities permit female children to inherit their father's compound in joint tenancy with their brothers; however, in these instances, the eldest brother remains in control of the property. Then in Mbaise a man who dies without a will, all his properties will be handed over to his first son all his only son but if he dies with a will all his properties will be shared equally but it is a must that the first son must take his house. But now Females in Mbaise in particular and other parts of Igbo land can now partake in the inheritance of their father's property, whether married or not, the court has ruled against in Imo State High Court sitting in Aboh Mbaise has ruled while adjudicating in a matter involving a female whose deceased father's relatives denied access to his estate . The lady had approached the court in 2017 for judiciary interpretation of the decision of her father's relatives, particularly after the death of her only surviving brother. Delivering a judgment recently on the case before her, Justice Ijeoma Agugua, declared that Mrs. Regina

Ihemadu (Nee Nwimo) who is the only surviving child of her late father, Imo Ebiringa of Amaokpu Umuopara Umuelagwa Onitcha Ezinihitte Mbaise L. G. A. of Imo State is entitled by law to exclusively inherit the estate of her late father.

Conclusion

In conclusion, succession and inheritance applies to anything that can be passed from one person to the other including corporeal and incorporeal things like crafts, trade and even titles. The procedures that guide succession and inheritance are simply regulated by the extant laws enacted by the various states.